

BROWN COUNTY PLANNING & ZONING COMMISSION - NOTES
April 11th 2017

The Brown County Planning & Zoning Commission held their regularly scheduled public meeting on April 11th 2017 at 9:00 am in the Commissioners Room 204 of the Brown County Courthouse. Commission members present: Anita Mohr, Brian Tohal, Brian Braun, John Rolloff, and Commissioner Dennis Potter. Also present: Charles Enter, County Administrator; Charles Hanson, County Attorney; Laine Sletta, Zoning Administrator; John Knisley, Water Planner/Recycling Coordinator. Members of the public present were Jason Krenz, Orin Schultz, Jon Beckius, Zach Beckius, Rick Orban, Brian Christensen, Holly Christensen, Myron Windschitl, Jill Kerkhoff, Gerard Landkammer, Marvin Windschitl, Leonard Berberich, Tom Berberich, Gary Rathman, Peter Vachuska, Colleen Vachuska, Glen Schuster, Lisa Schuster, Ryan Mathiowetz, Richard Trebesch, Jessica Nachreiner, Brad Nachreiner, Jeff Zajac (MN DNR), and Jeff Windschitl.

The meeting was called to order by Chairman Tohal at 9:00 am.

A motion was made by Braun and seconded by Mohr to approve the minutes of the March 14th 2016 meeting as submitted. The motion passed unanimously 5-0.

The **first item of business** was a Conditional Use Permit Application APP-C-0046 by Brian Christensen on the property described as Lot 23 of the SE ¼, Section 12w, Township 111N, Range 33W, Eden Township, Brown County, MN to allow a new chicken broiler operation with a maximum of 490 AU (98,000 head) through the construction of two (2) 66'x 596' total confinement barns, all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Sletta noted that the parcel lines seen in the attachments show that the barns cross property lines, but that this is in the process of being changed to have the buildings entirely on one (1) parcel. Mr. Christensen provided the Commission a map showing where the new property lines are to be located and stated that these changes should now be recorded. Tohal asked how the manure will be handled. Mr. Christensen noted that the manure will be dry manure and will be handled by himself on his fields and with other area farmers. Mohr asked how the dead animals will be handled. Mr. Christensen noted that the animals will be composted on-site. Sletta stated the Planning and Zoning Office has not received concerns about this site.

Motion was made by Braun and seconded by Potter **to recommend approval** to the County Board.

The motion passed unanimously on a 5-0 vote.

The **second item of business** was a Conditional Use Permit Application APP-C-0047 by Glen & Lisa Schuster on the property described as that part of the N ½, of the SE ¼, Section 15, Township 110N, Range 32W, Home Township, Brown County, MN to continue to allow an existing operation to be used as a contractors yard for railroad construction; and repair, maintenance, and sales of railroad construction equipment and parts, all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Sletta stated that he did receive a phone call this morning regarding the CUP from a resident who was concerned about the lack of vegetation established and "junk" around the site. When Sletta and Santaella did the site inspection in early April, they noted that there were junk cars on site; Sletta asked the applicants that these cars be removed immediately. Mr. Schuster stated that he was not aware that the cars needed to be removed as he did not read this as part of his conditional use permit. County Attorney Hanson noted that the Brown County Zoning Ordinance does not allow "junk cars" to be stored on any site, and they must be removed within 30 days according to the ordinance. Braun asked how

the 30% reduction in inventory, as noted in Condition #4 is to be monitored. Sletta stated that the Schusters submitted an inventory in 2010, and then again today. He will be comparing the two inventories to see that at 30% reduction was met. Sletta noted that the site has had trees and shrubs planted around it previously. Mr. Schuster stated that he has planted trees four times around the site and the neighbor has sprayed their fields on windy days, causing the trees to die. Sletta noted that administratively through site checks they will be making sure the vegetation is established around the site.

Motion: was made by Potter and seconded by Braun **to recommend approval** to the County Board

The Motion passed unanimously on a 5-0 vote.

The **third item of business** was a Conditional Use Permit Application APP-C-0048 by Zach Beckius on the property described as the NE ¼, Section 29, Township 108N, Range 33W, Brown County, Minnesota. To allow a new hog finishing operation with a maximum capacity of 720 AU (2400 Head) through construction of a 102' X 192' Total confinement barn with a 102' X 192' X 8' Deep concrete pig, all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application, stated we had multiple concerns come in about the proposed site, including one letter, which was provided to the Commission. An e-mail from the Jeff Zajac, MN DNR was also presented to the Commission. Brad and Jessica Nachreiner, neighbor directly to the east of the proposed site, voiced concerns about the odor that will be emitted and safety of their children being this close to a hog feedlot. They noted they live only 120' from the township road, and the increased traffic from hauling feed, pigs, and manure will cause a traffic concern. Mrs. Nachreiner noted that her son has asthma and dust and odor from the barn could cause him to have a reaction. Lastly, the Nachreiners noted that this site would affect 5 people directly in this area. Myron Windschitl, Sec.27 of Mulligan Township, stated that this property was in CRP before the Beckius' purchased it. He noted that this was very sandy and gravelly ground and should not have manure applied to it because it will easily transmit water from the surface to the water table, and could do the same with manure. Mr. Windschitl noted that this parcel of land is subject to flooding, backing up from Wood Lake and that manure could easily leach through the ground into the tile lines. Mr. Windschitl stated that the roads in this area are soft and the extra traffic will damage them. He also noted that if the Beckius' wanted to build another barn, they should build it where they live. Mr. Windschitl stated that the elevation of Wood Lake is 1063' and the Beckius property is 1050-1060'. Jon Beckius noted that the low side of the farm is on the north line, opposite side of where the barn would be. Mohr asked if the Township had concerns for the road. Marvin Windschitl, Township Board Member, stated that this section of road that the barn would be built on sometimes floods, has soft boils, and has many issues just maintaining it. Mr. Windschitl noted that this road had to be closed last year due to flooding. Zach Beckius asked where the 5 people that would be affected live, because they are not all along the road where the barn was proposed. Mike Mathiowetz, area resident, stated that it does not matter how many people this barn being built would affect; if it affects 1 or 10 people there is no difference. Jon Beckius stated that they do have barns on their own site and that the reason they chose this site is because they would not have to haul manure as far and not trying to shove this in their neighbors face. Tohal noted that the Commission has never required that a barn be built on the site where the proposers live. Mr. Nachreiner noted that it is likely that his property value would decrease being right across the road from this barn, and that who would even consider buying his house if he were to move. Jon Beckius noted he built his first barn in 2001, and his property values have only gone up. Jeff Windschitl, directly south of proposed barn, noted that he agreed with the other residents' concerns, and that the roads in this area already take a beating. Gary Rathman, neighbor to the SE of proposed barn noted that he recently had health issues, and with the extra dust and odor from the proposed site, he may be at a health risk. Ryan Mathiowetz, on behalf of Bernard Berberich noted Bernard's opposition to the site. He noted that property value does not mean anything if you cannot sell your property. Jessica Nachreiner noted that the

Beckius' only talked to them and not the other neighbors in the area. Jon Beckius stated he talked with the Nachreiners because they were the closest to the site. He noted that in Brown County there are not many areas to build a barn far away from neighbors. Mr. Beckius noted that initially Mr. Nachreiner wanted the manure. Mohr noted that we need more information on the soils and water movement in this area. Jon Beckius stated that the plans for the barn were done by I & S Engineers and is designed not to leak. It was noted by a resident that there is floodplain on the north side of the property. Discussion was held on where the roads of concerns were, with Marvin Windschitl noting that it is 320th St and 112th Ave that are the concern. It was noted by Potter that it's the Township's responsibility to enforce the weight restrictions on the road. Leonard Berberich noted that he has lived in the area for 77 years and would be opposed to this project. Braun asked if an air quality study had been done by the MPCA.

Potter stated that because of the concerns of high water in the area he can't support the application. Mohr stated that the township official knows the roads in his township and her concern about the water. Rolloff stated as these reasons as well the environment, the road conditions and truck traffic as to why he could not support it. Braun agreed with all of these as well.

Motion was made by Potter and seconded by Mohr **to recommend denial** to the County Board

The motion passed unanimously on a 5-0 vote.

The **fourth item of business** was a Conditional Use Permit Application APP-C-0049 by Richard & Connie Trebesch on the property described as the W ½ of the NW ¼ excepting a 5 acre tract and part of the NW ¼ of the NW ¼ and a 5.7 acre tract in the NE ¼ of the NW ¼, Section 10, Township 109N, Range 33W, Brown County, MN, to continue to allow an existing feedlot consisting of 2052 AU (6840 Head) of Finishing Swine and 40 AU (40 Head) of Slaughter Steer for a total maximum capacity of 2092 AU, all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Braun noted that he lives near this site and notes it a clean site.

Motion: was made by Mohr and seconded by Rolloff **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 APP-P-0018 Multi-lots (9) split by Lorin Helget known as North Shore Seventh Subdivision on the property described as part of the SE ¼ of the NE ¼, & Government Lots 3 and 4, Section 14, Township 108 N, Range 32 W, Albin Township, Brown County, Minnesota. Parcels being platted are a realignment of existing platted lots known as North Shore Sixth Subdivision to create a 9 lot residential development, all located in the A-1 Agricultural / Shoreland Protection Zoning District.

Discussion: Sletta provided background on the application and that the reasoning behind the change in the plat is to reduce the amount of tillable acreage being taken out of production. Lorin Helget noted they will be the same lots but smaller in size. Wellman asked if since the road is all on the south lots currently, would the lots to the north have access. It was discussed that the lots to the north but up to the township road and would have access.

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

The Motion passed unanimously on a 5-0 vote.

The **sixth item of business** is a single lot combine by Jason Krenz known as Krenz Subdivision on the property described as NE ¼ of the SW ¼, Section 10, Township 109 N, Range 30 W, Cottonwood Township, Brown County, Minnesota. Parcel being platted is an existing platted lot known as Hoffmann's 6th Subdivision that is being resized.

Discussion: Sletta provided background on the application. The addition to the plat will contain no tillable ground.

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

The Motion passed unanimously on a 5-0 vote.

The **seventh item of business** A Single lot split by Tom Haala known as Haala Acreage on the property described as Part of the NW 1/4, Section 27, Township 110 N, Range 31 W, Milford Township, Brown County, Minnesota. Parcel being platted is an existing platted lot known as Goltz Fourth Subdivision that is being resized.

Discussion: Sletta provided background on the application. The change in the plat will remove tillable ground.

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

The Motion passed unanimously on a 5-0 vote.

There being no further business, a motion was made and seconded to adjourn the meeting.

Respectfully submitted

John Knisley – Brown County Planning & Zoning