

BROWN COUNTY PLANNING & ZONING COMMISSION
June 13th 2017

The Brown County Planning & Zoning Commission held their regularly scheduled public meeting on June 13th 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; Robert Santaella, Assistant Zoning Administrator. Members of the public present were Adam Barka, Mike Walker, Nancy Arndt, Mike Altermatt, Ryan Braulick, Myron Windschitl, Gary Rathman, Peter Vachuska, Colleen Vachuska, and Tom Byro.

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

A motion was made by Mohr and seconded by Rolloff to approve the minutes of the May 9th 2017 meeting. The motion passed unanimously 5-0.

The **first item of business** was a **Conditional Use Permit Application APP-C-0053** by Christensen Farms Midwest LLC (On property owned by Gary & Lauren Tauer) on the property described as the North 450' of the South 690' of the SE ¼ of the SE ¼ of Section 17, Township 108N, Range 33 W, Mulligan Township, Brown County, Minnesota. To allow a new swine finishing operation with a maximum capacity of 2,800 head (840 AU) through construction of a 41' 2" X 539' 8" Total Confinement Barn with an 8' deep concrete pit, all located in the A-1 Agricultural Protection Zoning District

Discussion: Sletta provided background on the application. Tohal asked about the floodplain, Sletta stated the proposed location was not within the floodplain. Gary Rathman- SWCD Supervisor stated he used to farm that ground and it holds water on the surface, the water will flow in the ditch to the South and East to corner of County Road 20. Rathman stated how we check to see these barns are leaking to protect the water. Tohal stated one of the conditions on the permit is the site is to meet all state rules and requirements for construction and operation of feedlots. Myron Windschitl stated he has lived out there his whole life and this is not a good place for the barn, we'll never know when these barns are leaking, they could be leaking for years, there are better locations for these barns. Adam Barka- Christensen Farms stated they investigated the flood plain through the FEMA maps, with the Brown County Highway Department and what elevation the water is and gets to at the bridge to the North, there info shows the highest level at 1028' and the barn will sit at 1041' which is the same level as County Road 20 to the South of the barn, perimeter tile will lower the seasonal water table, trees at the north and west sides of the barn, A storm water permit was obtained from the MPCA, Tohal asked about the perimeter tile where it will empty into, Barka stated they will use a perimeter tile that goes to a lift station and then into a storm water collection pond onsite. Braun asked about concerns with MPCA regulations, ISG has done the engineered reports for the pit that it meets the guidelines, Barka stated ISG is a professionally licensed engineering firm, the MPCA will review it so it has to be compliant, ISG has many years' experience, they also do municipality work as well as feedlots. Braun asked about the MPCA guidelines for the construction of the pit, Barka stated perimeter tile can be used to lower the pit, pit will be constructed with rebar and water stops to ensure water tightness, the state will also come out and view the construction and the engineer will sign off on the pit being built to design. Hanson asked about how often the MPCA comes out to test, Barka stated they will make a visual inspection weekly and be able to see any leaking that would happen. Hanson asked if that is completed by you, Barka stated a third party does the testing such as MVTL. Tohal stated any leaking would be able to catch in a tile. Mohr asked if we are in the flood plain, Sletta stated he didn't check, Barka presented the FEMA Floodplain Map and pointed out where the flood plain is located. Rathman asked since you have pits all around can you see them from the inside they are not leaking, Barka stated if there was a suspected issue you would be able to empty the pit and visually check the pit and make repairs if necessary.

Vachuska asked if there is any limit to the density of hog barns in an area. Tohal stated there is no regulation on the density. Enter stated density would be affected by availability of acres for manure spreading. Potter stated there is also a biosecurity risk, they would not want to build there barn with in an area of other barns.

A Finding of Fact was then completed.

Motion was made by Braun 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 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 barn(s) 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 soil, or may be spread on fields with incorporation into the soil within 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, 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.
6. Manure Management Plan must be updated annually, be retained on file for a period of at least three (3) years & shall be available to the County Planning & Zoning Office upon request.
7. County Staff shall be provided access to the property to perform onsite inspections as needed to ensure compliance with all rules & regulations set forth for this operation.
8. If there is a change of ownership of this site, at any time, the new owner must contact the County Planning & Zoning Office and provide all necessary information to update CUP file. County contact must be made within 30 days of official property transfer.

The motion passed unanimously on a 5-0 vote.

The **second item of business** was a **Conditional Use Permit Application #APP-C-0055** by Thomas Byro on the property described as Outlot A, Halvorson's Second Subdivision, Section 14, Township 108 N, Range 30 W, Linden Township, Brown County, Minnesota. To renew an existing CUP to continue to allow a Maximum of 3,000 Finishing Swine (900 AU) and 400 Head of Dairy Calves (80 AU) for a site maximum of 980 AU all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application.

A Finding of fact was then completed.

Motion: was made by Potter 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 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 barn(s) in order to allow drawing a tile line water sample for analysis as may be desired in the future.
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6. Manure Management Plan must be updated annually, be retained on file for a period of at least three (3) years & shall be available to the County Planning & Zoning Office upon request.
7. County Staff shall be provided access to the property to perform onsite inspections as needed to ensure compliance with all rules & regulations set forth for this operation.
8. If there is a change of ownership of this site, at any time, the new owner must contact the County Planning & Zoning Office and provide all necessary information to update CUP file. County contact must be made within 30 days of official property transfer.

The Motion passed unanimously on a 5-0 vote.

The **third item of business** was a **Preliminary Plat Application APP-P-0020** a Single lot Split by Richard Bruns on the property described as Part of Government Lots 1 and 8, Section 19, Township 109 N, Range 31 W, Sigel Township, Brown County, Minnesota. Parcel being platted is an existing farm site being platted off from the tillable land

Discussion: Sletta provided background on the application.

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

The motion passed unanimously on a 5-0 vote.

The **fourth item of business** was **Preliminary Plat Application APP-P-0021** A Single lot split by Cathy Hauer on the property described as Part of the S ½ of the SE ¼, Section 30, Township 108N, Range 32W, Albin Township, Brown County, Minnesota. Parcel being platted is an existing farm site being platted off from the tillable land.

Discussion: Sletta provided background on the application.

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.

The **fifth item of business** was **Preliminary Plat Application APP-P-0022** a single lot split by Roger & Sharon Kral on the property described as the NW ¼ of the SW ¼, Section 26, Township 109N, Range 32W, Brown County, Minnesota. Parcel being platted is an existing farm site being platted off from the tillable land

Discussion: Sletta provided background on the application.

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

The Motion passed unanimously on a 5-0 vote.

The **final item of business** was **Preliminary Plat Application APP-P-0023** a single lot split by Dale Domeier on the property described as the SE ¼ of the SE ¼, Section 19, Township 109N, Range 32W, Brown County, Minnesota. Parcel being platted is an existing farm site being platted off from the tillable land

Discussion: Sletta provided background.

Motion: was made by Braun 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

Robert Santaella, Asst. Zoning Administrator