

BROWN COUNTY PLANNING & ZONING COMMISSION
April 9th 2019

The Brown County Planning & Zoning Commission held their regularly scheduled public meeting on April 9th 2019 at 9:00 am in the Law Enforcement Center, Room 105. Commission members present: John Rolloff, Brian Braun, Anita Mohr, and Commissioner Anton Berg. Also present: Charles Enter. County Administrator; Laine Sletta, Zoning Administrator; Robert Santaella, Assistant Zoning Administrator; and Chuck Hanson, County Attorney. Members of the public present include Nate Gieseke, Char Bast, Bradley Berkner, Jason VerSteeg, Wayne Stevens, Ron Groebner, Rich Groebner, and Rachelle Halverson.

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

A motion was made by Berg and seconded by Mohr to approve the minutes of the March 12th, 2019 meeting.

The motion passed unanimously 4-0.

The First item of business was a Conditional Use Permit Application APP-C-0075

Application filed by Jason Ver Steeg of Duinick, Inc. to renew an existing CUP on the property owned by L & S Construction described as a 40 acre parcel located in the Southern 40 acres of the Southwest ¼, of Section 29 Twp. 109N, Range 35W, North Star Township, Brown County, Minnesota to continue to allow for a gravel mine operation to include extraction and processing (Crushing) equipment and portable hot mix asphalt plant on a temporary basis. All located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. VerSteeg of Duinick Inc. stated they obtained a contract for a hot mix operation earlier this year, they knew the North property had a permit and this property did not. Braun stated he spoke with Potter about this permit and they both noted the hot mix plant would be in a safer location on the South property. Halverson stated she lives on the exit road and the speed and dust are a constant issue. Braun noted the speed limit set to 35 MPH and language about dust control, along with the \$0.10/ CU Yard of gravel going out. Ron Groebner (North Star Township) stated the \$0.10 was for gravel going out and they were concerned with the extra material being brought in for the hot mix plant, it might not be enough to cover the road maintenance. Ron Groebner stated last year was a bad year and their costs were not covered. Braun asked who gets the Money for road maintenance, Ron Groebner stated the township receives money from the mine owner. Berg asked if there is more material going in to the site or leaving the site, VerSteeg stated more material is coming in to the site. VerSteeg stated they would help maintain the road as they use it. Ron Groebner stated the township is concerned with all of the trucks from the hot mix plant. Berg asked if Duinick had notified the township about the hot mix plant, Ron Groebner stated they knew from L & S. Discussion was had about different conditions to be applied to the permit. Enter stated board could place a 1 year term on the permit to see how this year goes and adjust as needed in future applications. Ron Groebner stated they would like to see a condition about the township signing off on the road after the hot mix plant is completed.

Finding of Fact Sheet was completed

Motion: was made by Rolloff and seconded by Mohr to recommend approval with the following conditions.

1. Owner is responsible for following all conditions placed on the other gravel operation(s) located in North Star Township Sections 29 & 32 Groebner and Scheffler sites.
2. Owner will not conduct mining operations on the property without first procuring and maintaining the applicable NPDES Storm water permit(s) through the MPCA. The owner shall provide a copy of the permit issued by the MPCA to Brown County Planning and Zoning Office.

3. Speed limit of no more than 35 MPH for all gravel trucks.
4. Magnesium Chloride will be applied on the roads that gravel trucks use, minimum 700ft X 20ft per building site. Full rate application, twice a year in North Star Township. Second Application to be determined by North Star Township.
5. Ten Cents (\$0.10) per cubic yard for all the gravel that is hauled out of the Groebner and Scheffler Gravel Mines goes to North Star Township as a donation for maintenance & dust control.
6. Gravel Hauling Hours are 7am to 7pm, Monday through Friday & 7am to noon on Saturday, No Sunday Hauling. That means gravel trucks will not be out of the pit before 7am & they will be back parked by 7pm Monday through Friday and Noon on Saturday.
7. Entering- the only roads gravel trucks may use to enter gravel pits include 110th street in Redwood County and 170th Street & 460th Ave in North Star Township in Brown County.
8. Exiting- the only roads gravel trucks may use to exit the gravel pits include 440th Ave to access State Highway 14 and 170th Street in North Star Township in Brown County and 110th street in Redwood County to access State Highway 71.
9. Supplying gravel to customers in North Star Township, Haulers may use any roads as they see fit for the efficiency of the project.
10. Maintenance of the roads will be done at the North Star Township Supervisors discretion.
11. Early season or prolonged wet weather, hauling of any gravel is at the discretion of the North Star Township Board.
12. Owner will submit and follow a reclamation plan/map.
13. The CUP is effective for a period of one (1) year from the date of issuance. If there is a change of ownership of this site at any time, the new owner must contact the planning and zoning office within 30 days and update the CUP file.
14. Previous CUP C-0065 is null and void on this property.
15. Road is left in good operating condition as approved by the Township.

The **second item of business** was a **Conditional Use Permit Application APP-C-0076**

Application filed by Andrew Lang to renew an existing CUP on the property owned by Brown County Highway Department described as 18.42 acre parcel located in Lot M of the Northwest ¼ of the Northeast ¼, Section 3 Twp. 109N, Range 32W, Stark Township, Brown County, Minnesota to continue to allow use of existing gravel mine to include gravel screening, processing, and hot mix plant all located in the A-1 Agriculture Protection Zoning District.

Discussion: Sletta provided background on the application. Stevens stated they continue to use gravel for County gravel roads and shoulders. Braun asked about hot mix plant, Stevens stated they haven't had one in a while but it was on the original permit. Braun stated he spoke with the township and they have had no complaints or issues. Braun asked about including the standard dust control language for mining operations.

Finding of Fact sheet completed.

Motion: by Rolloff and seconded by Braun to recommend approval to the County Board with the Following Conditions:

1. Owner/ operator will follow rules & regulations of all regulatory agencies.
2. For Asphalt operations the hours of operation will be limited from 6AM to 9PM, Monday-Friday and 6AM to 3PM Saturdays. Heating for hot mix plant shall begin earlier than 5:30 AM. No operations will take place on Sundays or Holidays.
3. Speed limit of no more than 35 MPH for all gravel trucks.
4. Mining operations shall take place between the hours of 7AM and 7PM.

5. The CUP is effective for a period of three (3) years from the date of issuance. If there is a change in 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.
6. The operator is responsible for maintaining adequate dust control
7. CUP # C-0011 is Null & void.

The **third item of business** was a **Re-Zoning Application App-RZ-0004**

Application filed by Bradley Berkner on the property owned by Carole Berkner & Bryan & Belinda Berkner described as (See Exhibit A) and Lots 6, B-3-A, 2-A-2-B,3A-2, and balance of Lots 7 & 9B of the Southwest ¼, of Section 31, TWP 110N, Range 32W, Home Township, Brown County, Minnesota for the purpose of rezoning approximately Twenty (20) acres of land from the I-1/Industrial Zoning District to A-1/Agriculture to allow construction of ag residence

Discussion: Sletta provided background on the application. Berkner stated he is rezoning from the I-1 to the A-1 District to allow for construction of a new home on an existing farm site.

Motion: by Berg and Seconded by Mohr to recommend approval to the County Board.

The **fourth item of business** was a **Final Plat Application APP-P-0044**

Application filed by Dennis Potter on the property owned by Potter Enterprises Inc. known as Potter Second Subdivision (Acres 2.50) described as part of the Southeast Quarter of Section 14, Township 109 North, Range 35 West, North Star Township, Brown County, Minnesota. All located in the A-1 Agriculture Protection Zoning District Parcel being platted is to split house from remaining farmstead.

Discussion: Sletta provided background on the application. Braun stated no changes from the last time, asked about access on the site, Sletta stated they have two easements for access.

Motion: by Mohr and Seconded by Rolloff to recommend approval to the County Board.

The **final item of business** was a **Final Plat Application APP-P-0045**

Application filed by Nathan Gieseke of Central Region Coop on property owned by Central Region Coop know as Central Region Essig Addition (Lot 1 2.37 Acres, Lot 2 0.90 Acres, Lot 3 0.75 Acres) on property described as Lots 8A, 9, 10 and 11, of warehouse Lots, Lots A And B of Government Lot 1, Lots a And B of Government Lot 2, and Lot 2, Block 1, Carl's Corner First Subdivision, Township 110N, Range 31W, Milford Township, Brown County, Minnesota. All located in the I-1 Limited Industry Zoning District .Parcels being platted are a reorganization of the existing platted lots to facilitate an impending sale.

Discussion: Sletta provided background on the application, stated no changes from prior hearing.

Motion: by Berg and Seconded by Mohr to recommend approval to the County Board.

There being no further business, a motion was made by Berg and seconded by Mohr to adjourn the meeting. Motion passed unanimously.

Respectfully submitted,
Robert Santaella, Assistant Zoning Administrator