

BROWN COUNTY PLANNING & ZONING COMMISSION
April 14th 2020

The Brown County Planning & Zoning Commission held a virtual conference call via WebEx platform at the regular scheduled public meeting date and time on April 14th 2020 at 9:00 am . Commission members present: John Rolloff, Brian Braun, Dennis Potter, Joseph Stadheim, and Commissioner Tony Berg. Also present: Laine Sletta, Zoning Administrator; Sam Hansen, Administrator; Charles Hanson, County Attorney; and Andy Meyer Environmental Specialist. Members of the public included: Rebecca Cselovszki (Sleepy Eye); David Vogel (Springfield); Richard Groebner, Ronald Groebner, and Charmin Bast (North Star Township); Rae Trapp (Springfield).

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

A motion was made by Rolloff and seconded by Stadheim to approve the minutes of the March 10th, 2020 meeting.

The motion passed unanimously 5-0.

The first item of business was a Preliminary Plat Application APP-P-0064

Application filed by Rebecca Cselovszki on the property owned by Janos & Rebecca Cselovszki known as Cselovszki Subdivision (6.62 Acres) on the property described as Lot B-2 of the SE ¼ of the SE ¼ and Lot C-1 & B-1 of the SE ¼ of the SE ¼, Section 18, Township 110 North, Range 32 West, all in Home Township, Brown County, Minnesota. Application is to redefining Lot lines, all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Braun asked as to why lot 2 was has the western divot, which Mrs. Cselovszki answered there is a horse corral that they want with lot 2.

A motion was made by Berg and seconded by Potter to recommend approval to the County Board
The motion passed unanimously 5-0.

The second item of business was a Conditional Use Permit Application APP-C-0090

Application filed by Jeremy Seifert on the property owned by Jeremy R Seifert described as NW ¼ of the NW ¼ and W ½ of the SW ¼ of the NW ¼ & Sublot E of the NE ¼ , Section 4, Township 109 North, Range 31 West, Milford Township, Brown County, Minnesota. Application is to continue to allow use of existing gravel mining to include gravel mining and extraction, crushing and hot-mix plant, all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Braun asked about any potential erosion concerns, Sletta answered with none were brought forward. Stadheim asked if the “Storm water will be metered” on Map C was a MPCA requirement, to which Sletta answered no. Potter asked if Map C was a current condition or future plan, to which Sletta answered with future plan.

Finding of Fact was completed.

A motion was made by Berg and seconded by Stadheim to recommend approval to the County Board with the following conditions:

1. The Owner/Operation must comply with all applicable state rules & regulations obtain & keep in good standing all required permits & shall submit copies of like to Brown County Planning & Zoning Office.
2. 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 apply for a new CUP.

3. CUP #C-2016-0031 is Null & Void.

The motion passed unanimously 5-0.

The third item of business was a Conditional Use Permit Application APP-C-0091

Application filed by Daniel Kuck on the property owned by Daniel Kuck described as S 16.50' & W 356' of the S 258' of the SE ¼ of the NE ¼ & N 16.50' & W 356' of the N 244.56' of the NE ¼ of SE ¼, Section 30, Township 109 North, Range 30 West, Cottonwood Township, Brown County, Minnesota. Application is to continue to allow the use of an existing feedlot with a maximum of 600 Animal Units (2,000 head) in a hog finishing operation all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application.

Finding of Fact was completed.

A motion was made by Berg and seconded by Potter to recommend approval to the County Board with the following conditions:

1. The feedlot 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 so not exceed the recommended crop nutrient requirements.
2. A perimeter tile line access port must be installed & maintained within twenty feet down-gradient of the 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 when feasible within twelve hours of spreading.
4. Fields application of liquid manure shall not exceed two (2) times per year. The County Planning & Zoning Office shall be informed prior to any field application of liquid manure in an emergency which would require application in excess of two (2) times a year.
5. Manure application records and soil or manure analysis records 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. If there is a change in ownership of this site, at any time, the new owner must contact the planning and zoning office within 30 days to update the file.
7. CUP C-00224 is null & void.

The motion passed unanimously 5-0.

The fourth item of business was a Conditional Use Permit Application APP-C-0092

Application filed by Doyle & Cassie Sandmann on the property owned by Doyle Sandmann described as part of the S ½ of the SE ¼ commencing at the SE corner of Out lot A of the SE ¼, Section 23, Township 110 North, Range 31 West, Milford Township, Brown County, Minnesota. Application is to continue to allow of an approximate 150 X 270 outdoor roping arena as commercial recreation area all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Braun asked how often this facility is used, Sletta stated 1-2 times per month. Berg commented that he believes it is used 4-5 times per summer.

A motion was made by Berg and seconded by Rolloff to recommend approval to the County Board with the following conditions:

1. The owner/operator must comply with the MN Board of Animal Health and the MN Pollution Control Agency standards and regulations for the facility.
2. 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 to update the file.
3. CUP #C-00229 is null & void.

Finding of Fact was completed.

The motion passed unanimously 5-0.

The fifth item of business was a Conditional Use Permit Application APP-C-0093

Application filed by Leon & Renee Kral on the property owned by Leon & Renee Kral described as part of the N ½ of the SE ¼, Section 17, Township 109 North, Range 32 West, Stark Township, Brown County, Minnesota.

Application is to continue to allow the use of an existing gravel mine to include gravel mining and extraction, crushing, and hot-mix plant all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Braun mentioned a conversation with Township Chair Mr. Sellner had no issues with this site. Potter asked how many trucks travel to this per day, no answer was provided. Braun provided comment that this most of Stark Township uses this site. Berg mentioned that he drives this road periodically and does not recall observing any issues.

Finding of Fact sheet was completed.

A motion was made by Stadheim and seconded by Rolloff to recommend approval to the County Board with the following conditions:

1. The owner/operator must comply with all applicable state rules and regulations, obtain & keep in good standing all required permits & shall submit copies of like to Brown County Planning & Zoning Office.
2. 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 apply for a new CUP.
3. CUP #C-2016-0032 is null & void

The motion passed unanimously 5-0.

The sixth item of business was a Conditional Use Permit Application APP-C-0096

Application filed by David Vogel on the property owned by David & Doreen Vogel described as the E ½ of the NE ¼, Section 9, Township 108 North, Range 35 West, Stately Township, Brown County, Minnesota. Application is to continue to allow the use of an existing feedlot with a maximum of 403 Animal Units (1500 hogs - 1000 head 55lbs-300lbs., 500 head under 55lbs) in a hog nursery to finishing operation, all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Braun asked if there are barns near the house, Mr. Vogel responded with one nursery barn south of house. Potter commented that this is a nice and clean site. Braun mentioned a conversation with Township Chair Mr. Thram commented he was in favor of the application.

Finding of Fact sheet was completed.

A motion was made by Potter and seconded by Berg to recommend approval to the County Board.

1. The feedlot operator must comply with MPCA standards and regulations regarding feedlot facility construction & 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 & maintained within twenty (20) feet down-gradient of the 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, when feasible, within twelve hours of spreading.
4. Field application of liquid manure from barns with 12 months storage capacity shall not exceed two (2) times per year. The County Planning & Zoning Office shall be informed prior to any field application of liquid manure in an emergency which would require application in excess of two times per year.
5. Manure application records, soil analysis and manure analysis 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. 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 to update the file.
7. CUP # C-00254 is null & void.

The motion passed unanimously 5-0.

The seventh item of business was a Conditional Use Permit Application APP-C-0094

Application filed by Rae Trapp on the property owned by L & S Construction described as the S 40 Acres of the SW ¼, Section 29, Township 109North, Range 35 West, North Star Township, Brown County, Minnesota.

Application is to continue to allow the use of an existing gravel mine operation to include extraction and processing (crushing) equipment all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Mr. Trapp (L&S) commented that Duininck is no longer part of this application and that the reason their name was on the prior application because of the hot mix plant that was on site before but is not part of this application. A letter from Michael and Teresa Schwartz addressed to Mr. Sletta was read and entered into record. Mr. Ron Groebner (North Star Township Supervisor) commented that not as many trucks travel on that road as the letter claims. Mr. Trapp added that sometimes driving route is not followed due to new drivers, self-haulers, weather conditions, or other reasons, but L&S does provide drivers with maps of the required routes, L&S also promotes the required routes to non-L&S drivers. Mr. Rich Groebner (North Star Township Chairman) mentioned how this road is referred to as the “back road” between Sanborn and Springfield and is one of the most travelled roads in the Township. Mr. Ron Groebner mentioned that the Township recently put ¾” crush red rock with fines on these townships roads which can be as dusty as typical gravel. Braun commented that it is good to have the Township and L&S promote the desired routes and should contact Mr. and Mrs. Schwartz to relay the information. Rolloff asked if this is a three year permit or one year, to which Mr. Trapp said that he paid the \$300 dollars and should be for three years, Sletta mentioned that it is \$300 regardless if it is one year or three. Braun asked if there is a way to control if trucks follow the required routes, to which both Berg and Potter said that the permit can be void if conditions are not followed. Mr. Ron Groebner requested to pull number fifteen from the list conditions since it is no longer applicable to this application. The Commission agreed to remove condition number fifteen.

A motion was made by Berg and seconded by Stadheim to recommend approval to the County Board.

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 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 contact the planning and zoning office within 30 days and update the CUP file.
14. Previous CUP C-2019-0003 is null and void on this property.
- ~~15. Road is left in good operating condition as approved by the Township.~~

The motion passed unanimously 5-0.

Other Business Items

The eighth item of business was a Final Plat Application APP-P-0061

Application filed by Bruce Pace on the property owned by Bruce D & Julie A Pace know as Bruce Pace Subdivision (6.32 acres) on the property described as N 408' of the W 675' of the NE ¼ of the SW ¼, Section 26, Township 108 North, Range 30 West, all in Linden Township, Brown County, Minnesota. Application is to do adjustment of the current building site, all located in the A-1 Agricultural Protection Zoning District.

A motion was made by Berg and seconded by Potter to recommend approval to the County Board
The motion passed unanimously 5-0.

The ninth item of business was a Final Plat Application APP-P-0062

Application filed by Charles Waibel on the property owned by Charles & Rita Waibel known as Waibel Subdivision (6.50 Acres) on the property described as Lot 1(E 1 AC) of the NE ¼ of the NE ¼, S ½ of the NE 14/ EXC W 1 RD; E 1 RD of the SW ¼, Section 33, Township 109 North, Range 31 West, all in Sigel Township, Brown County, Minnesota. Application is to separate the building site from the tillable acres, all located in the A-1 Agricultural Protection Zoning District.

A motion was made by Berg and seconded by Rolloff to recommend approval to the County Board
The motion passed unanimously 5-0.

The tenth item of business was a Final Plat Application APP-P-0063

Application filed by Sharon Stern on the property owned by Sharon Stern known as Stern Second Subdivision (2.74 Acres) on the property described as SE 780' X 740' of the SE ¼ of the SW ¼ , Section 24, Township 109 North, Range 35 West, all in North Star Township, Brown County, Minnesota. Application is to split existing building site off from the tillable, all located in the A-1 Agricultural Protection Zoning District.

A motion was made by Potter and seconded by Stadheim to recommend approval to the County Board
The motion passed unanimously 5-0.

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

Respectfully submitted,
Andy Meyer, Environmental Specialist