

BROWN COUNTY PLANNING & ZONING COMMISSION
April 11th, 2023

The Brown County Planning & Zoning Commission held a regularly scheduled public meeting at Brown County Commissioners Room on April 11th, 2023, at 9:00 am . Planning Commission members present: Joe Stadheim, Dennis Potter, Lisa Fischer, Dan Lendt, and Commissioner Tony Berg. Also present: Charles Hanson, County Attorney; Sam Hansen, Administrator; Laine Sletta, Zoning Administrator; and Robert Santaella, Assistant Zoning Administrator. Members of the public included: Char Bast, Dean Sellner, Mike Scheffler, Cooper Scheffler, Butch Hoffman, Dennis Hillesheim, Arland & Chery Roiger, Rich Groebner, and Ron Groebner.

The meeting was called to order by Chairman Stadheim at 9:00 AM.

The Minutes from March 14th, 2023 were reviewed. A motion to approve was made by Fischer and Seconded by Potter. Motion carried 5-0 on a unanimous vote.

The first item of business was an Interim Use Permit Application APP-I-0002

Application filed by Cooper Scheffler of L&S Construction on the property owned by L&S construction Corp described as the South 40 Acres of the SW1 ¼ of ,Section 29, Township 109 North, Range 35 West, North Star Township, Brown County, Minnesota and part of the SW ¼ of, Section 29, Township 109 North, Range 35 West,North Star Township, Brown County, Minnesota. Application is to continue to allow use of existing gravel mine operation to include extraction and processing (crushing) equipment, all located in the A-1 Agricultural Protection Zoning District.

Discussion: Background was provided by Sletta. Ron Groebner from North Star Township stated they recommended no changes to the application. They are happy with how things are going. Potter stated he has concerns with how these two mines are treated differently than others. Potter stated he was a County Commissioner the first time these were permitted. Potter questioned how involved the County should be in regulating Township Roads, stating someone else should be doing that. Sletta stated the speed is near impossible to regulate. Potter noted he had heard from contractors who were unhappy with the conditions and how they were handled for the mine. Potter stated we can't regulate who drives on the road. Potter asked who controls the speed, Sletta stated the sheriff would. Potter stated the speed is not enforceable, Sletta agreed that it is impossible to enforce. Stadheim agreed that it's mostly an ask and stated speed limits are set by state statute. Ron Groebner stated the individual who caused 95% of this problem no longer lives in the township. Stadheim stated looking at the recommended conditions that one is going away, Fischer noted she saw that too. Stadheim stated the past conditions were just listed for information. Potter asked about the recommended conditions and noted the past conditions are not part of this permit. Santaella clarified that this is a different permit, the Zoning Ordinance changed last year to these are Interim Use Permits instead of Conditional Use Permits. Santaella stated since this is a new permit the past conditions do not follow it and they are listed for reference; the Board can choose to approve either the listed recommended conditions or add or subtract whatever conditions they want to apply to the permit.

Finding of Fact Sheet was completed.

Motion was made by Potter and seconded by Lendt to recommend approval to the County Board with conditions in the packet. Motion was passed on a 5-0 unanimous vote.

The Second item of business was an Interim Use Permit Application APP-I-0003

Application filed by Cooper Scheffler of L&S Construction on the property owned by Joseph K Groebner and Sherry L Groebner described as Southeast $\frac{1}{4}$ of Section 29, Township 109 North, Range 35 West, North Star, Brown County, Minnesota and the Northeast $\frac{1}{4}$, Section 32, Township 109 North, Range 35 West North Star, Brown County, Minnesota. Application is to continue to allow use existing gravel mining operation to include extraction, processing, screening, and crushing, all located in the A-1 Agricultural Protection Zoning District.

Discussion: Background was provided by Sletta. No comment was received from the public.

Finding of Fact sheet was completed.

Motion was made by Berg and seconded by Potter to recommend approval to the County Board with the conditions from the packet. Motion was passed on a 5-0 unanimous vote.

The third item of business was an Interim Use Permit Application APP-I-0004

Application filed by Jeremy Seifert on the property owned by Jeremy R Seifert described as the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, Township 109 North, Range 31 West, Milford, 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 A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Berg stated that he is familiar with the operation and it's a small operation.

Finding of Fact Sheet was completed

Motion was made by Fischer and Seconded Berg to recommend approval to the County Board with conditions listed in the packet. Motion was passed 5-0 on a unanimous vote.

The fourth item of business was an Interim Use Permit Application APP-I-0005

Application filed by Arland Roiger on the property owned by Arland Roiger described as the NE $\frac{1}{4}$ EXC (2) tract in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ being .17 AC & 1.50 AC of Section 5, Township 108 North, Range 35 West, Stately, Brown County, Minnesota. Application is to continue to allow use of existing gravel mine to include gravel mining and extraction, crushing all located in A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Fischer asked about this application having a few less conditions than the others, Sletta stated this is a smaller mine, Santaella stated these are more our standard conditions for smaller operations.

Finding of Fact Sheet was completed

Motion was made by Potter and Seconded by Berg to recommend approval to the County Board with the conditions listed in the packet. Motion was passed 5-0 on a unanimous vote.

The fifth item of business was an Interim Use Permit Application APP-I-0006

Application filed by Leon Kral on the property owned by Leon And Renee Kral described as N ¼ of the SE ¼ of Section 17, Township 109 North, Range 32 West, Stark Township, Brown County, Minnesota. Application is to continue to allow use of existing gravel mine to include gravel mining and extraction, crushing, and hot-mix plant, all located in A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Tom Sellner stated that they are burning trees in the pit, Sletta stated that this is the first time we are hearing of it. There was some discussion on this that led to the conclusion that it didn't concern the IUP and Stadheim suggested contacting the DNR forestry local contact because they may need a permit for all the burning of tree debris.

Finding of Fact Sheet was completed

Motion was made by Berg and Seconded by Fischer to recommend approval to the County Board with the conditions listed in the packet. Motion was passed 5-0 on a unanimous vote.

The sixth item of business was an Interim Use Permit Application APP-I-0007

Application filed by Loren Hoffman of Hoffman Construction Company on the property owned by Home Farm Partnership and JMLP Inc. on property located in the NE ¼ of the SE ¼ and the S ½ of the SE ¼ of Section 34, Township 110 North, Range 32 West, Home Township, Brown County, Minnesota. Application is to continue to allow use of existing gravel mining operation and processing to include screening, crushing and a hot mix plant, all located in A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Dennis Hillesheim stated they are doing a good job with all the dust control they are applying, maintaining the road, and using a magnet for possible nails. Dean Sellner asked about JMLP name, Hoffman stated it's the name for the Demo operation. Berg stated this is an asset to the County.

Finding of Fact Sheet was completed

Motion was made by Berg and Seconded by Potter to recommend approval to the County Board with the conditions listed in the packet. Motion was passed 5-0 on a unanimous vote.

The seventh item of business was an Interim Use Permit Application APP-I-0008

Application filed by Holly Runnoe of Knife River on the property owned by L&S Construction Corp. described as the South 40 Acres of the SW 1/4, Section 29, Township 109 North, Range 35 West, North Star Township, Brown County, Minnesota and part of the SW ¼ of Section 29, Township 109 North, Range 35 West, North Star Township, Brown County,

Minnesota. Application is to allow use of a portable hot mix asphalt plant, all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Ron Groebner has request to discuss the road maintenance, Holly Runnoe stated she can get contact information and information to Ron about a pre-con meeting.

Finding of Fact Sheet was completed

Motion was made by Fischer and Seconded by Berg to recommend approval to the County Board with the conditions listed in the packet. Motion was passed 5-0 on a unanimous vote.

The Eighth item of business was a Final Plat Application APP-P-0128

Application filed by Alison Stadick on the property owned by Alison Stadick known as Alison Acres Subdivision Lot 1 (6.75 Acres) and Lot 2 (3.26 Acres) on the property described as part of the NW $\frac{1}{4}$ and part of the NE $\frac{1}{4}$, Section 11, Township 110 North, Range 31 West, Milford Township, Brown County, Minnesota. Application is to split into 2 parcels, all located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application.

Motion was made by Berg and Seconded by Potter to recommend approval to the County Board. Motion was passed 5-0 on a unanimous vote.

The Ninth item of business was a Preliminary Plat Application APP-P-0129

Application filed by Brenda Anderson on the property owned by Fay Williams and Warren B Lee known as F.D. Willimas Subdivisions Lot 1 (5.44 Acres) on the property described as the E $\frac{1}{2}$ of the SW $\frac{1}{4}$; SW $\frac{1}{4}$; & NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, Section 33, Township 108 North, Range 32 West, Albin Township, Brown County, Minnesota. Application is to split building site from tillable land, all located in the Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application. Stadheim stated he is ok with the East side but would like to see the other sides squared up a little.

Motion was made by Berg and Seconded by Fischer to recommend approval to the County Board with the condition that the Northeast, Northwest, and Southwest corners are squared up. Motion was passed 5-0 on a unanimous vote.

The Final item of business was a Preliminary Plat Application APP-P-0130

Application filed by Brad Nachreiner on the property owned by Leonard E Nachreiner known as Nachreiner Subdivision Lot 1 (24.45 Acres) on the property described as Lot A of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; Lot A of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; Lot A of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the West $\frac{1}{2}$ of the NW $\frac{1}{4}$, Section 8, Township 108 North, Range 33 West, Mulligan Brown County, Minnesota. Application is to split building site from tillable land, all located in the A-1 Agricultural Protection Zoning District

Discussion: Sletta provided background on the application.

Motion was made by Potter and Seconded by Fischer to recommend approval to the County Board.

Motion was passed 5-0 on a unanimous vote.

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

Motion passed unanimously.

Respectfully submitted,
Robert Santaella, Assistant Zoning Administrator