

TUESDAY, JANUARY 28, 2014

**APPROVED MINUTES OF THE
COMMITTEE OF THE WHOLE MEETING HELD**

**STATE OF MINNESOTA)
DODGE COUNTY)**

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2014-02 C.O.W.

The Dodge County Commissioners met in Committee of the Whole January 28, 2014, in the Commissioner's Room at the Dodge County Courthouse Annex, Mantorville, MN, at 9:00 a.m. CST. Chair Rodney Peterson opened the meeting at 9:02 a.m. CST.

Meeting Convened

The Chair acknowledged those present:

Those Present

Members present:	John Allen	District #1
	Vacant	District #2
	Rodney Peterson	District #3
	David Erickson	District #4
	Steven Gray	District #5
Members absent:	None	
Also present:	Jim Elmquist	County Administrator
	Becky Lubahn	Deputy County Clerk
	Melissa DeVetter	Zoning Administrator
	Mary Greening	Assistant Zoning Administrator/Administrative Assistant
	Dan Rabe	Concord Township Chair

Zoning Administrator Melissa DeVetter met with the Board to discuss Concord Township zoning.

Concord Township
Zoning Discussion

Ms. DeVetter informed the Board that Dodge County currently has an agreement with Canisteo Township to implement zoning, including a couple of more restrictive zoning standards, within their township. The Zoning Administrator noted that so far, this agreement between the county and the township appears to be working well.

Ms. DeVetter reported that Environmental Services staff has had past discussions with Concord Township about the same type of agreement and at this time, Concord Township is interested in moving forward if a couple of issues are able to be addressed.

Included in the Board packet was an e-mail and a rough draft of the ordinance and agreement (Memorandum of Understanding) from Concord Township's Attorney Troy Gilchrist identifying the main issues that need to be discussed today in order to move this process forward.

It was noted that Concord Township's current zoning ordinance has not been update for a number of years and as part of discussing how to address the changes the county has made to its ordinance over the years; the idea of following a path similar to the one taken by Canisteo Township was proposed.

That path involves repealing the township's current ordinance, adopting the county's ordinance with one or more minor changes that impose stricter standards, and to enter into an agreement with the county to have it administer the ordinance on the township's behalf.

The first issue raised by Concord Township that they would like to see implemented as parts of the new ordinance is: (1) a stricter setback (1,320') for new feedlots that require a CUP from existing homes; and (2) a reduction in setbacks (from 25' to 10') for a portion of the old village area that has small lots. State law requires a reciprocal setback from feedlots so a 1,320' setback for a new feedlot from an existing home would also require a 1,320' setback for a new home from an existing feedlot.

The second issue is that because the township must be at least as strict as the county in its regulations, the township would not be able to just adopt the shorter setback for the portion of the village in question. The county has acknowledged the setback issue is a concern and is one that exists in other towns that also have these village areas. Concord Township's Attorney has suggested that the best way for addressing this issue is to see if the county would be willing to amend its ordinance to create a new zoning district for these unique village areas. The restrictions for this new district could then reflect the lesser setback for those portions of the village areas within the new district. Also, because the township's new ordinance would automatically incorporate any changes the county made to its ordinance, once the county amended its ordinance the lesser setbacks would automatically apply to the village area without requiring further action by the township. The township's Attorney felt that because the township desires a less strict standard in particular limited areas; having the county amend its ordinance is really the only way to achieve that outcome.

Mr. Gilchrist also recommended that in order to move forward, the township contact the zoning office to confirm it is still willing to administer the township's stricter provision (which would just be the stricter reciprocal setback for feedlots/homes), how much they would likely charge for that, and whether the county would be interested in exploring an amendment to its ordinance to create the new village district previously mentioned. To help facilitate this process, Concord Township's Attorney put together a rough draft of the ordinance and agreement (Memorandum of Understanding) based on what he had prepared in the past so the township had something it could start looking at. This information was included in the Board packet for review.

It was clarified that the proposed front yard setback for village areas in Concord Township would be 25' and that the side and back setbacks would be 10'.

Ms. DeVetter questioned whether or not the county needed to look at the setbacks for the rural districts and noted that two areas of concern were Wasioja Township and Concord Township which were platted in the 1800's.

It was also pointed out that the county would have to go through the process of a public hearing to address the unincorporated areas in Wasioja Township and Concord Township if they wanted to rezone these two areas to create unincorporated village districts.

Commissioner Gray expressed concerns with septic issues in these unincorporated areas due to the size of the lots.

Commissioner Peterson was supportive of an agreement with Concord Township that incorporates Dodge County’s ordinance with a few adjustments.

A question was raised as to whether or not the amendments to the county’s ordinance should also take Wasioja Township’s situation into consideration.

It was Commissioner Allen’s opinion that the county should only deal with Concord Township’s request at this time since they were the ones before them.

It was suggested that the county include Wasioja Township along with Concord Township.

Commissioner Allen recommended that the county talk to the Wasioja Township Board before the county includes them in this process.

It was the consensus of the Board to have the Zoning Administrator proceed with drafting an agreement with Canisteo Township to implement zoning, including a couple of more restrictive zoning standards, within their township and adopt the county’s ordinance with one or more minor changes that impose stricter standards.

Ms. DeVetter reported that she will bring the necessary information back to the Board for action and then a public hearing will need to be held.

The Chair adjourned the meeting at 9:28 a.m. CST.

Meeting Adjourned

ATTEST:

RODNEY PETERSON
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: