

**Minutes of the Dodge County
PLANNING COMMISSION MEETING
December 6th, 2017**

The regular meeting of the Planning Commission was called to order by Darren Durst at 1:00 PM on Wednesday, December 6th, 2017. Present were Planning Commission members Harlan Buck, Richard Wolf, Walter Wyttenbach, Joshua Toquam, Darren Durst, Minor Buckingham and Jim Checkel, County Commissioners, Rod Peterson, Rhonda Toquam, County Administrator, Jim Elmquist, Environmental Service Director, Mark Gamm and Zoning Administrator, Melissa DeVetter.

Motion by Harlan Buck, seconded by Jim Checkel, to approve the agenda and the minutes from November 1st, 2017. Motion passed unanimously.

Paul Allison – IUP#17-14

The first public hearing is to consider an application for an Interim Use Permit to allow material excavation activities which exceed 50 cubic yards in total in the Agricultural District. The parcel is 25.67 acres located in the SE ¼ of the NE ¼ of Section 32, Westfield Township. Paul Allison is the applicant and the property owner.

Paul Allison was present to explain this proposal. There is an existing pond that he is going to fill and digging a deeper pond. The plan is to farm the ground and put fish in the new pond.

Melissa DeVetter stated that the proposal is to excavate a one acre pond to a maximum depth of twelve feet. The old pond is the one that will be filled in and is in the shape of a bean on the map. This will be a private pond and will not be open to the public.

Paul Fiebiger, Westfield Township supervisor, stated that they have no objection to this proposal.

Motion by Harold Buck, seconded by Jim Checkel, to close the public hearing. Motion passed unanimously.

Darren Durst inquired how deep was Mr. Allison was going with this new pond.

Paul Allison stated that it will be twelve feet.

Darren Durst inquired how deep was the pond now.

Paul Allison stated that it is three feet.

Richard Wolf stated that on exhibit 2 it says that they may need a water pump. Are you putting a water pump in the pond?

Darren Durst stated that would be a screened aeration pump.

Paul Allison stated that they may be talking about pumping the water out to dig the pond.

Melissa DeVetter stated that if they are talking about a water pump or digging a channel than they need to talk to the Department of Natural Resources they may need a dewatering permit also.

Minor Buckingham inquired if they would be using an excavator to dig the pond.

Paul Allison stated that they will be using a large excavator.

Motion by Richard Wolf, seconded by Minor Buckingham, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions: (The permittee is put on notice that the violation of any of the conditions of the IUP may result in termination of the permit.

1. Excavated material shall not be placed in a manner that creates an unstable slope.
2. The applicant shall obtain all required permits from MNDNR for the activities on site.
3. Project shall comply with Minnesota WCA, when applicable.

Motion passed unanimously.

Zoning Amendment – ZA#17-06

The second public hearing is to consider an amendment to the Dodge County Zoning Ordinance. The proposal is to amend language to Chapter 18: Administration, Chapter 19: Enforcement and Chapter 21: Subsurface Sewage Treatment Systems.

Melissa DeVetter was present to explain this proposal for an amendment to the Dodge County Zoning Ordinance. Since this amendment involves three different Chapter we will address each chapter separately.

Ms. DeVetter stated that we have received a letter from a member of the Dodge County Concerned Citizens regarding concerns with the proposed amendments. The letter indicated their belief that the amendments were proposed specifically to benefit large feedlots and make it easier for them to get permits.

Ms. DeVetter indicated that the amendments were not proposed for this reason, but include minor amendments to the ordinance as well as language to address specific issues which have come up over the last year. The proposed amendments include

language in three chapters of the Dodge County Zoning Ordinance. Ms. DeVetter proceeded to explain each proposed change and the reason behind the change.

Sonja Trom Eayrs stated that she had submitted a packet to Ms. DeVetter and that now she has an appendix and would like to add that to the packet.

Motion by Jim Checkel, seconded by Walter Wyttenbach to add the submitted packet and appendix to the record. Motion passed unanimously.

Sonja Trom Eayrs stated that she a concern with the public meeting notice published the day before Thanksgiving and all of the ordinance changes made to benefit big factor farms. Ms. Eayrs stated that she has an issue with the changes to term limits.

Melissa DeVetter explained what the County procedures are for appointing the Planning Commission and the term limits with the difficulty of finding individuals to serve on the board.

Vicky Morris, Olmsted resident, stated that she has a concern about the things that happening in Dodge County. Of the 237 feedlot only 6 have a water appropriation permits. Life time tenure is unfair to the citizens and is anti-transparent.

Jim Checkel stated that he keeps hearing about 237 feedlots and only 6 have a water appropriation permits and 30 have manure management permits. He has a register feedlot for 20 sheep and that is two animal units. By the way the rules are set up, is he required to have a water appropriation permit?

Melissa DeVetter indicated no.

Jim Checkel inquired if he is required to have a manure management plan.

Melissa DeVetter indicated no.

Jim Checkel stated that not all feedlot that are in Dodge County required a manure management plan or a water appropriation permit. So out of the 237 feedlots in Dodge County you have to have 300 animal units or more to have a water appropriation permit, correct?

Melissa DeVetter stated that it is based on the number of animal that will trigger the 10,000 gallons of water a day or a million gallons a year. They have determined now that you have to get pretty high in the number of hogs to trigger it. The information that there are only 6, is false. That might have been 3 or 4 years ago. Also not all sites required a manure management plan, it is based on their animal numbers. The County has no more or no less than what it is required to have. We have the number of manure management plans that are required under the rules.

Darren Durst stated that he knows two feedlots that don't have any animals on site. They don't give up their feedlot permit it is easier to keep the permit than to get one.

Joshua Toquam stated that if you have 300 animal units or more you have to have a manure management plan. They are applying all that manure at ergonomic rates. If you are under the 300 animal unit you could apply all that manure that you want and anywhere you like. These so call "factory farms" that no one can define, they are the ones that are so heavily regulated. Small farms do not have the same regulations. No one is going after the farmers for their commercial chemical usage. That fertilizer can run off easier than manure, because manure is injected into the ground and the commercial fertilizer is applied on top.

Doug Eayrs stated that he has a concern with trust and with the removal of term limits, removing the language for variance and special meetings.

Brad Trom stated that he has concern with public health problems.

Herman Beede inquired if there was a certain amount of feedlots that are allowed in the county. He would like to see a cap on the number.

Ken Folie, Canisteo Township supervisor, stated that to get people to fill boards are hard to do. And as far as water appropriation permit goes, he has been working with producers and for a 2400 head of hog barn they put a water meters on. It comes out to be less than 800,000 gallons in usage. That is well under the million gallons. As far as manure management plans everyone has them. Ms. Eayrs refers to the Masching barn on Toquam, that's transfer of ownership. That is a manure plan. A custom hauler is in the middle of them and they have to apply at agronomic rates. Manure is a valuable commodity; it replaces commercial fertilizer.

Linda Walbruch stated that she is concern with term limits. She believes that times are changing and believes that you would be able to find people to serve on the boards.

Melissa DeVetter reviewed the changes that are being proposed in Chapter 19. There are only a couple of changes in this chapter. One is striking the word certified in section 19.6.5 A. because people will not sign for the mail and MCIT attorney stated that it is not necessary to send it certified. The other change is to section 19.7.1 adding the wording or special tax assessment. This is for issue with junk yard when the person will not clean up the site and the county has to do it. The cost can then be charged back to the property own on their property taxes.

Melissa DeVetter reviewed the changes to Chapter 21, section 21.8.4 this section talks about Type IV and section 21.10 adding language G. & H. because systems were having major repair on their system without permits. Section 21.12.2, all complaints are investigated. It doesn't need to be in writing.

Doug Eayrs stated that the septic systems are regulated however, feedlots are on honor system.

Darren Durst stated that is not true.

Brad Trom inquired if it was lawful that when they pump out the pit to allow the umbilical cord go through a body of water.

Melissa DeVetter stated that even though the question has nothing to do with Chapter 21 she will answer the question. Yes, it is legal.

Motion by Walter Wyttenbach, second by Joshua Toquam to add to the minutes the comments that was submitted by the Concord Township. Motion passed unanimously.

Motion by Walter Wyttenbach, seconded by Harlan Buck, to close the public hearing. Motion passed unanimously.

Jim Checkel stated that he felt that the term limits should stay at a maximum of 6 years, it the proper way to handle this.

Richard Wolf inquired about the special meeting.

Melissa DeVetter stated that it is a draft of a policy that would outline the special circumstance on holding a special meeting.

Motion by Minor Buckingham, seconded by Walter Wyttenbach to approve the amendment to Chapter 18 as presented. Motion passed unanimously.

Motion by Darren Durst, seconded by Jim Checkel to approve the amendment to Chapter 19 as presented. Motion passed unanimously.

Motion by Jim Checkel, seconded by Minor Buckingham to approve the amendment to Chapter 21 as presented. Motion passed unanimously.

Other Business

Melissa DeVetter stated that there will be a January meeting.

The County is going paperless, so at the January meeting we will go over the procedures and show you how the program will work.

Adjourn

Motion by Harlan Buck, seconded by Jim Checkel, to adjourn. Motion passed unanimously. The meeting was adjourned at 3:20 P.M.