

**Minutes of the Dodge County
PLANNING COMMISSION MEETING
March 5, 2014**

The regular meeting of the Planning Commission was called to order by Richard Wolf at 1:00 PM on Wednesday, March 5, 2014. Present were Planning Commission members Harlan Buck, Richard Wolf, Jon Balzum, Galen Johnson, Walter Wyttenbach and Darren Durst. Also present were County Commissioner Dave Erickson, County Attorney, Paul Kiltinen, and Zoning Administrator, Melissa DeVetter.

The Planning Commission was informed by Mary Greening that Jessica Masching will not be on the Planning Commission. She is moving to Mower County.

Motion by Harlan Buck, seconded by Daren Durst, to approve the agenda and the January 8, 2014 minutes. Motion passed unanimously.

Barry Mosier – IUP#14-01

The first public hearing is to consider an application for an Interim Use Permit to establish a dwelling on less than 53 acres in the Agricultural District. The proposed parcel will be a split of 3 acres from a 25 acres parcel located in the SE ¼ of the SW ¼ of Section 14, Wasioja Township. Barry Mosier is the applicant and the property owner.

Barry Mosier stated that his son will be purchasing the 3 acres from him and will be building a home this summer, subject to approval.

Melissa DeVetter stated this is a standard requests for a dwelling on less than 3 acres. However, you will see as part of the conditions a well easement is being required to be recorded on the deed. This is because the applicant plans to share the well at this time with a possibility of a new well at a later date.

Larry Scherger, Wasioja Township has no objections to this proposal.

Motion by Walter Wyttenbach, seconded by Jon Balzum, to close the public hearing. Motion passed unanimously.

Galen Johnson inquired if we knew how far this was to the nearest feedlot.

Melissa DeVetter stated yes, the closet feedlot is 1640 ft. southeast, which is owned by Maureen Wulf.

Richard Wolf inquired if this fronted onto a county road or a township road.

Melissa DeVetter stated it's a township road.

Motion by Galen Johnson, seconded by Walter Wyttenbach, 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. The Ag Covenant shall be recorded prior to issuance of the Zoning Permit.
2. Dodge County Zoning Permit shall be obtained before construction.
3. The sewage treatment system must meet the requirements of Dodge County's Subsurface Sewage Treatment Ordinance No. 4. A Dodge County Sewage Treatment System shall be obtained prior to issuance of the Zoning Permit.
4. Driveway access permit/approval shall be obtained from Wasioja Township.
5. An address shall be obtained from the Dodge County Highway Department.
6. Shared well easement shall be identified on the survey and described in the deeds.

Motion passed unanimously.

Motion by Galen Johnson, seconded by Daren Durst to amend the agenda by moving the 3rd public hearing for HJA, Inc. up as the 2nd public hearing, due to the fact that GM, LLC was not present at the time. Motion passed unanimously.

HJA, Inc. – CUP#14-02

The third public hearing is to consider an application for a Conditional Use Permit to allow a Related Ag Business in the Agricultural District. The parcel is 3.18 acres located in the SE ¼ of the NE ¼ of the SE ¼ of Section 2, Canisteo Township. HJA, Inc. is the applicant and Troy Andrist is the property owner.

Troy Andrist was present to explain his proposal. The plan is to make bedding, mulch for bio-filter for hog operations, saw dust for cattle shows and mulch for landscaping. The other part of the business is seasonal sludge hauling.

Melissa DeVetter stated that as far as the sludge hauling goes, since this is done outside of the county and is just trucking it this not an issue and would not be consider as part of this Ag Related business request. Previously this site was permitted as a home occupation business for a transfer station and that part of the business has gone away. This proposal is viewed as less intensive. We also have a written statement from the county attorney that states this is an Ag type business. The conditions that are listed should adequately cover this proposal. The county has not received any comment against this proposal.

Ken Folie, Canisteo Township has no objection with this proposal.

Motion by Daren Durst, seconded by Jon Balzum, to close the public hearing. Motion passed unanimously.

Daren Durst inquired what happens to the nails.

Troy Andrist stated that it goes through a magnet a couple of times. The product is usually ground 2 - 3 times before it goes out. The nails go to McNeilus.

Daren Durst inquired where the pallets come from.

Troy Andrist stated that he knows a guy that makes pallets and he gets the scrap pallets from him. Mr. Andrist stated that he also gets some pallets from McNeilus as long as they are clean. The site will be reconfigured and the pallets will be moved to the southwest corner of his property. This will allow them to be out of sight.

Daren Durst stated that they are now currently north of the building.

Troy Andrist stated yes they are. These will be ground down and moved to bunkers that are inside the building. Part of the problem he had when the transfer station was operating was that they just didn't have the space, but now they will.

Richard Wolf inquired if it was a real fine grind.

Troy Andrist stated it depends. He had different screens that he uses to grind. When he talks about saw dust it's not like the dust from skill saws, its courser.

Richard Wolf stated that bio-filters material is courser yet.

Troy Andrist indicated yes that is correct.

Richard Wolf inquired if Mr. Andrist will have different sized product for bio-filters.

Troy Andrist stated that he will now that he has the space for it.

Galen Johnson stated that a couple of thing caught his attention and one has been addressed, the sludge. The other issue is about the landscaping process. Are you adding any color to the wood chips?

Troy Andrist indicated yes.

Galen Johnson inquired if the county was aware of that.

Melissa DeVetter stated yes, that was talked about with Mr. Andrist. This information is in the packet. It's a premixed mulch dye produced by Ameri-mulch. There are a couple of 55 gallon drums on site and it is sprayed during the grinding process. It is an on demand supply and there is not a lot of waste, its pet friendly and also bio-degradable

Galen Johnson requested a copy of the MSDS sheets be available for the County Board.

Motion by Walter Wyttenbach, seconded by Daren Durst, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions.

1. Operation will comply with all local, state, and federal regulation regarding the use and activities performed on site.
2. There shall be no sign advertising the sale of products on site. The purpose of this is to deter on site sales of product that would lead to a commercial business development on site.
3. Any change involving the addition of new business related structures or employees beyond that specified in the findings on file with the CUP, enlargement, intensification of the use or similar changes not specifically permitted by the CUP shall require an amended CUP to be issued by the County Board.
4. The height of the outdoor piles should be managed and located to provide the maximum amount of screening when viewed from 270th Avenue.
5. All waste generated on site shall be properly disposed of in accordance with the Dodge County Solid Waste Ordinance and MPCA rules.
6. The applicant shall obtain an air quality permit from MPCA if required. The applicant shall contact to the MPCA's Small Business Environmental Assistance Program for assistance in this determination.
7. The business shall comply with Section 17.19 (Nuisance Standards). Nuisance complaints shall result in review of the CUP by the Planning Commission.
8. Operation and sales shall be as indicated by the applicant in the Findings of Fact.

Motion passed unanimously.

GM, LLC – ZA#14-01

The second public hearing is to consider a Zoning Amendment to allow a property that is currently zoned Agricultural to be rezoned to Industrial. A 20 acres parcel located in the S ½ of the NW ¼ of the SW ¼ & 9.94 acres parcel located within the W ½ of the NE ¼ of the SW ¼ for a total of 29.94 acres in Section 10, Ashland Township GM LLC / Garwin McNeilus is the applicant and the property owner.

Garwin McNeilus was not present.

Melissa DeVetter gave a brief history of how this proposal was brought forth. Portions of two existing building have been built on land that Mr. McNeilus thought was part of the Industrial District of his property, but instead are located in the Ag District. Mr. McNeilus thought that 40 acres was Industrial, but after reviewing the history of the site only 20 acres was actually rezoned to Industrial. To make these buildings conforming, the land will have to be rezoned from Ag to Industrial.

Galen Johnson stated that he called an Ashland Township Supervisor and he indicated to him that the township had no objection to this proposal.

Motion by Walter Wytttenbach seconded by Jon Balzum, to close the public hearing. Motion passed unanimously.

Galen Johnson inquired if the 60 day rule applies.

Mary Greening stated yes, a letter requesting an addition 60 day has been sent which now gives the county 120 days to rule on this request. The 120 days expires on April 18, 2014.

Melissa DeVetter stated that there are applicants for the April Planning Commission meeting.

Galen Johnson inquired what day in April is the meeting.

Melissa DeVetter stated it will be Wednesday, April 2nd. Ms. DeVetter also pointed out that in the packet are findings supporting or denying this request.

Walter Wytttenbach inquired if this area was part of the Urban Expansion.

Melissa DeVetter stated no it is not; the Urban Expansion District is just north of this section.

Daren Durst stated that he felt that the applicant should be at this meeting so they could talk to him.

Harlan Buck stated he felt it should be table or denied until someone appear to speak for them.

Motion by Daren Durst, seconded by Harlan Buck, to table the rezoning request until the April meeting, as the applicant was not present at the meeting. Motion passed unanimously.

Zoning Amendment – ZA#14-02

The fourth public hearing is to consider a map and a text amendment to the Dodge County Zoning Ordinance. The proposal includes new language and a map amendment for Chapter 9 (Closed Landfill Restricted District), new language for Chapter 8 (Agricultural District) and Chapter 4 (Definition pertaining to Chapter 8).

Melissa DeVetter stated that the first item is Chapter 9; Closed Landfill Restricted District. Dodge County and the Minnesota Pollution Control Agency (MPCA) have an agreement on the County landfill. The MPCA has taken over the closed landfill portion. They put together a closed landfill plan which basically tells what type of

uses would be allowed to be used there. Currently the property is zoned Ag and under the Ag District there are uses that would not be appropriate. There was a negotiation between the County and MPCA on what type of uses that they would allow there. This proposed chapter will identify this land and the buffer area around it and what type of uses that would be allowed there. Ms. DeVetter reviewed the uses and conditional uses that would be allowed.

Chapter 7 will be amended if you approve Chapter 9 to add the map reflecting the Closed Landfill Restrictive District and language to Section 7.3 Primary Zoning Districts; CLR Closed Landfill Restricted

Motion by Harlan Buck, seconded by Daren Durst, to close the public hearing for Chapters 9, 7. Motion passed unanimously.

Galen Johnson had some question and concerns regarding Chapter 9 language. In the first sentence of Section 9.1 Purpose, talks about Close Landfill Program, What it this program.

Melissa DeVetter stated that from what she understands Pollution Control Agency (PCA) agreed to take over the closed landfill around the state. An agreement was developed between these counties and PCA of what the Closed Landfill could or could not be used for.

Galen Johnson inquired that they don't have possession, but it's a program that we could enter into.

Melissa DeVetter stated that we are already in this program.

Galen Johnson had a concern on how we already entered this program.

Melissa DeVetter stated that the Landfill has been closed for several years and we already have this agreement in place. The long term monitoring is to makes sure the integrity of the cap is holding. This zoning request is more of a formality and it is defining the uses that we already have out there.

Galen Johnson has a concern that the MPCA would have the ability to micro-manage land that the County owns. If any of the MPCA restrictions are violated then they would be an enforcement party.

Melissa DeVetter stated that currently there are rules in place such as monitoring that are required and this does not insure them any greater rights then they have already.

Galen Johnson had a concern that this could give the MPCA authority over our county lands. Mr. Johnson does not have an issue with taking it out of the Ag District, but does have a concern that if we are wording and formalizing it. That we are placing this district as it states in Section 9.4; "that any application for a

conditional use must be approved by the Commissioner of the MPCA and the Dodge County Board of Commissioners” that we are placing the management of this district under MPCA jurisdiction.

Walter Wytenbach stated that this Chapter could be tabled and have Mark Gamm address these concerns.

Melissa DeVetter restated Mr. Johnson concerns and indicated that, if there was language that did not extend beyond what is currently in the agreement it would be better.

Galen Johnson indicated yes.

Motion by Galen Johnson, second by Harlan Buck to table Chapters 9 and 7 until the April meeting to allow Mark Gamm to address these concerns. Motion passed unanimously.

Melissa DeVetter stated the next item on the Zoning Amendment request is the section line language. This is an issue for property owners that have existing building site that are divided by the section line that is not a public road. They are issued two property ID numbers. At the time the parcel was created no one knew where the section line was. In some cases the parcel is 5 acres, but with the section line running through the property it makes two parcels on less than 3 acres. This division makes the property a non-conforming parcel. Between the Assessor Office and the Zoning Office language was developed to relieve this issue. Under Section 8.6.1 of the Performance Standards in Chapter 8 is a statement that reads; **For the purposes of constructing or reconstructing existing structures located upon a Section Line Divided Building Site defined under Chapter 4, structures divided by, or nonconforming with, the section line may also be considered compliant with this section. If they meet this definition then we will also consider it buildable.

Galen Johnson inquired if this was the only change in Chapter 8 the double star.

Melissa DeVetter stated yes.

Motion by Harlan Buck, seconded by Daren Durst, to close the public hearing for Chapters 8 and 4. Motion passed unanimously.

Richard Wolf inquired if they are on the section would there be only one property number.

Melissa DeVetter stated, no there is still two, other wise we would have to change the whole system and we are not going to do that.

Walter Wytenbach inquired if they have to be existing building site.

Melissa DeVetter stated yes and there has to be a history of a building site.

Motion by Galen Johnson, seconded by Walter Wyttenbach, to recommend approval of the Zoning Amendment for Section 8.6.1 double stated language for the section line. Motion passed unanimously.

Other Business

Melissa DeVetter stated that included in the packet is the feedlot section that needs to be updated. This is only for discussion at this time. After a brief discussion it was decided to bring this back for more discussion at the next meeting with highlighted sections showing the changes.

Melissa DeVetter stated that a training session is being held by MCIT in St Cloud next month. This would be a good training to attend.

Melissa DeVetter informed the Planning Commission that Mr. Skjeveland is expanding his home occupation. After a brief discussion it was decided to send Mr. Skjeveland a letter stating that he needs to amend his CUP for his Home Occupation.

Melissa DeVetter stated that Concord Township is proposing to enter into an agreement that will allow the County to take over their ordinance like Canisteo Township has with us. That will be coming sometime this year.

Adjourn

Motion by Harlan Buck, seconded by Jon Balzum, to adjourn. Motion passed unanimously. The meeting was adjourned at 2:34P.M.