

**Minutes of the Dodge County
PLANNING COMMISSION MEETING
April 2, 2014**

The regular meeting of the Planning Commission was called to order by Richard Wolf at 1:00 PM on Wednesday, April 2, 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, Environmental Service Director, Mark Gamm, County Feedlot Officer, Ryan Thesing, and Zoning Administrator, Melissa DeVetter.

Motion by Harlan Buck, seconded by Darren Durst, to approve the agenda and the March 5, 2014 minutes. Motion passed unanimously.

Kody Kramer – CUP#14-03

The first public hearing is to consider an application for a Conditional Use Permit to establish a new feedlot of 2400 head of finishing hogs or 720 animal units. The parcel will be approximately 6 acres split from a 160 acres parcel located in the SW ¼ of the SE 1/4 of Section 8, Hayfield Township. Kody Kramer is the applicant and Ted Kramer is the property owner.

Kody Kramer was present to explain this proposal. The plan is to construct a curtain-sided barn that will contain 2400 head of hogs. The barn will be approximately 51' x 392' with an 8' pit below.

Harold Buck, Hayfield Township had no objections to this proposal.

Melissa DeVetter stated that the location of the proposed barn is in a good area. There is a concern that was brought up by the DNR that there could be a possibility of an endangered plant species in the north ditch. With this concern, Condition #5 was added to allow the evaluation of the road right of way for this endangered species.

Rick Erpelding, DNR stated that in 2003 a road side survey was done for native plants. The survey shows that a rare prairie remnant plant was present in the north and south ditch. The object is to protect these plants from extinction.

Richard Wolf inquired if he knew for sure that these plants are there.

Rick Erpelding stated that the report states that they are, but he does not know if the species is there or what kind of condition they are in. Mr. Erpelding stated that he doesn't want the ditch mowed until it's be evaluated.

Motion by Galen Johnson, seconded by Harlan Buck, to close the public hearing with the stipulation that it would be allowed to ask the DNR further questions. Motion passed unanimously.

Galen Johnson requested that Rick Erpelding come back to the podium. Mr. Johnson questioned how these areas were determined.

Rick Erpelding stated that it is graded by the number of species that are found and the grade could range from a high, good, fair or poor in quality. The north side was identified as "fair" quality and the south side of 720th St was identified as "very good".

Galen Johnson inquired if the survey identifies these areas with signs that say "Do Not Mow".

Rick Erpelding stated that there are a few signs around the county, but on occasion the farmers wish to have a signs along their property to protect the ditch from mowing or spraying.

Galen Johnson inquired if there are signs up along these ditches.

Kody Kramer stated there might have been, but they might be gone now.

Rick Erpelding stated that he was by the site, but he was not looking for a sign so he does not know if there is any there.

Galen Johnson inquired if the condition #5 was enforceable if the Endangered Species Act was not followed. Is this the County's recommendation and the County's enforcement?

Rick Erpelding stated that he could not speak for the County, but this a requirement of MN Statutes 84.0895 (Endanger Species). This act refers to the taking of State listed plant or animal species and this case its plant species. There are exemptions to this law and one is Agricultural and the other one is within the road way. The department position is it interprets the road way as the travel surface, but when is gets into the road right of way that could be a taking of plant species. Not knowing the condition of the road right of way it should be examined before any disturbance is done. It may be necessary to obtain a permit from the Commissioner prior to any future disturbance.

Richard Wolf inquired if the same would hold true if it was a house being built. You would ask them to follow this Endanger Species Act?

Melissa DeVetter stated yes, no matter what project it would come up.

Darren Durst inquired if it will be clearly marked and a representative will be there at preconstruction.

Melissa DeVetter stated if they find it, yes. There is an existing field drive that will have to be widened.

Harlan Buck stated that he visited the site and it's an isolated site and there are no houses for a mile around.

Richard Wolf inquired if they will have a compost building.

Kody Kramer stated that they are not sure they will have a building the first year or if they will just render the first year or two and then build a compost shed. But they plan to compost.

Ryan Thesing, County Feedlot Officer stated he has reviewed this site. The floodplain does play a factor in this site. When working with the applicant they look at the site to make sure that it meets all the setbacks that are required from private ditches, floodplains and road right of ways. There will not be an issue with this site for that. Since there is a concern about the endanger species, Mr. Thesing will like to be present when the site is reviewed.

Galen Johnson stated that the Feedlot Advisory Board made a recommendation that no bio-filters are required or needed. The Feedlot Advisory Board realizes that they are not a governing board or a policy making committee and the final decision should be made by the Planning Commission or County Board. If the County Board does decide that bio-filters are required than the Feedlot Advisory Board felt that the applicant should have the right to choose whether they use commercially manufactured or University of Minnesota bio-filters.

Melissa DeVetter stated that Ryan Thesing did run an OFFSET on this site and it was 98% odor annoyance free and the closest dwelling owner also is a swine feedlot site.

Motion by Harlan Buck, seconded by Jon Balzum, 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 CUP may result in termination of the permit.

1. A Dodge County Zoning Permit shall be obtained before construction of the building.
2. The Dodge County animal feedlot registration shall be updated prior to occupation of the barn.
3. All recommendations of the Feedlot Advisory Report dated 3/04/14 completed.
4. A copy of the appropriation permit from Minnesota DNR (when required) shall be submitted to Department for feedlot file and to include with a copy of the CUP.

5. The area where the driveway is proposed and the area in the road right of way will need to be evaluated by a county designated botanist or other plant professional for the presence of endangered species and the applicant will be required to fully comply with the Endangered Species Act, when applicable. The area should be clearly marked and the designated person(s) shall be on site during the preconstruction meeting to assist in avoiding and minimizing impacts. No mowing shall occur until after the site is evaluated.

Motion passed unanimously.

Nick Masching – CUP#14-04

The second public hearing is to consider an application for a Conditional Use Permit to establish a new feedlot of 2400 head of finishing hogs or 720 animal units. The parcel will be approximately 6 acres split from an 80 acre parcel located in the NE ¼ of the NW ¼ of the NE ¼ of Section 5, Westfield Township. Nick Masching is the applicant and Roger Toquam is the property owner.

Nick Masching was present to explain his proposal. The plan is to construct a 2400 head tunnel ventilated barn. The barn will have an 8' beneath barn pit. The barn will sit north and south.

Connie Trom, a neighbor to this site was present; she indicated that she did not wish to speak.

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

Melissa DeVetter stated that the closest person is 3850' away which equates to a 98% OFFSET value similar to the previous barn. The barn will be mechanically ventilated with an 8' beneath barn pit.

Harlan Buck stated that the Masching family have raised hogs for a long time and know how to handle hogs.

Mark Moenning, Feedlot Advisory Committee, stated that the site was reviewed for a building that will sit north and south. The distance that any prevailing winds that could affect anyone is over a mile away. The same issues for bio-filters from the previous feedlot applicant would be the same for this one. This is a good site for a barn.

Richard Wolf inquired if there were any plant concerns on this proposal.

Melissa DeVetter stated no.

Motion by Harlan Buck, seconded by Darren Durst, 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 CUP may result in termination of the permit.

1. A Dodge County Zoning Permit shall be obtained before construction of the building.
2. The Dodge County animal feedlot registration shall be updated prior to occupation of the barn.
3. All recommendations of the Feedlot Advisory Report dated 3/04/14 completed.
4. A copy of the appropriation permit from Minnesota DNR (when required) shall be submitted to Department for feedlot file and to include with a copy of the CUP.

Motion passed unanimously.

H4 Enterprises LLC / Creative Modular Concepts – CUP#14-05

The third public hearing is to consider an application for a Conditional Use Permit to allow a business under Section 12.3.11 of Chapter 12; Commercial District of the Dodge County Zoning Ordinance. The parcel is located in the SE ¼ of the SE ¼ of the NE ¼ of Section 35, Mantorville Township. H4 Enterprises LLC / Creative Modular Concepts are the applicants and H4 Enterprises, LLC is the property owner.

Chris Hallstrom owner of H4 Enterprises, LLC and Dale Jech owner of Creative Modular Concepts were present to explain this proposal. Mr. Hallstrom stated that back in December of 2013 the property was approved to be rezoned from Agricultural to a Commercial District to prepare it for a Conditional Use Permit to allow the business to carry on.

Andy Buckwalter, Mantorville Township had no objection of issuing the permit, however, in the packet are a list of conditions that they requested to be included into the permit. Mr. Buckwalter stated that they have 3 conditions and they are;

1. CUP shall be reviewed every 3 years.
2. Maintain the “curb appeal” of the site, keep site neat.
3. Correspondence with the City of Kasson fire department so in case of emergency there is a plan.

Richard Wolf stated that a letter was submitted by Wesley & Ramona Finley.

Motion by Galen Johnson that the letter submitted dated March 27, 2014 by Mr. & Mrs. Finley is entered into the minutes, seconded by Harlan Buck. Motion passed unanimously.

Motion by Darren Durst, seconded by Walter Wyttenbach, to close the public hearing. Motion passed unanimously.

Melissa DeVetter stated that the first thing that has to be determined is; if this use would be allowed in the Commercial District. The use that is listed on the application request is allowed in the Industrial District. The Dodge County Zoning Ordinance states that if the use is not listed in the district then it is prohibited. However, in the Commercial District under section 12.3.11 it states "Other business activity of the same general character as determined" could be allowed under a CUP. The applicant is pursuing a Conditional Use Permit under that section; however, it requires that a determination is done by the Planning Commission and the County Board that it is the "same general character". If it is decided that the business that is currently operating there is under the same general character than there are also State, Local and Federal regulations that apply to the site and the activities that are taking place there. There are conditions that have been added to try to mitigate some of the potential nuisances.

The information that has been received from the applicant is a list the uses that he thinks would be similar to the use that is operating on site. The department believes that some of the uses that have been submitted would be and some would not be. The most similar would be a carpenter or cabinet shop since they do active construction.

Walter Wyttenbach had a concern of that what they have seen there so far this winter; if this was going to be common and an ongoing occurrence or was this just because of the winter we have had?

Dale Jech stated that it is; the winter came on earlier than normal in North Dakota. They did not get their excavation done and there was no place to put them on site.

Walter Wyttenbach stated that early on you would see empty trailers going in and two going out.

Dale Jech stated that is typical of what they will be doing. Buyers generally don't want to tie up their money for that length of time.

Walter Wyttenbach stated then what we are seeing there will not happen again.

Dale Jech indicated no, you will not.

Melissa DeVetter stated that currently there are 30 units on site. One of the conditions that we thought that we should recommend is that it should have a cap on the number of units out there. The number that we listed was 10 units at any one time. It could be higher or lower. We were trying to figure out how much space they would take up based on how long and wide the units are.

Chris Hallstrom stated that the additional storage area to the north is an exception to their lease agreement. They weighed the pros and cons of having the guys work through Christmas so the employee could have money. This will also allow product to be ready for the spring.

Walter Wyttenbach inquired if they were working on weekends.

Dale Jech stated very seldom, maybe on Sunday doing mowing. Generally they don't work on weekends, but there might be a half of a shift on Saturday.

Walter Wyttenbach inquired if that was the same for transporting too.

Dale Jech stated generally they don't transport on weekends.

Walter Wyttenbach stated he felt that they should be aware of their neighbors for noise and the diesel fuel smell with truck going in and out of the site.

Dale Jech stated that he felt that the letter was referring to all of the fill that was trucked in.

Walter Wyttenbach inquired if more fill was going to be brought in.

Dale Jech stated that it's pretty close. There is a truck load that needs to be spread out yet, but the weather stopped them last fall.

Walter Wyttenbach inquired about the parking, what are the plans?

Dale Jech stated that he would like to have the employee parking to the right hand side of the building as you pull in. The staff will park by the office with a spot for the state inspector and some deliveries.

Walter Wyttenbach inquired if the parking will be on the east side of the building.

Dale Jech stated yes, to the east side. Once the dirt piles are leveled out then the employees can park there and enter in the east door.

Melissa DeVetter stated that staff has recommended condition #5 "one main designated employee parking area located towards the north end and west side of the existing building" however, if the Planning Commission agree to move the parking to the east side the recommendations could be changed.

Walter Wyttenbach stated that they are using the north side.

Melissa DeVetter clarified that it means the northwest area of the building.

Chris Hallstrom indicated on the map the areas that they would designate for employee parking.

Galen Johnson inquired what the number of units they would manufacture per week.

Dale Jech stated that it would depend on the type of unit they were doing. It could be a completely finished product which is a lot of work and that unit size is 76' x 15'. They are licensed to do stackable unit now too.

Galen Johnson inquired of the 76' x 15' how many would be built per week?

Dale Jech stated that for that size they could do just over one building per day.

Galen Johnson clarified then it would be 5+ per week.

Dale Jech indicated that is correct.

Galen Johnson was concern that the storage of more units could be an issue. As far as a traffic issue goes, there will be deliveries brought in, but if they build more like 1 to 3 a day they couldn't ship out that many in one day.

Walter Wytttenbach asked for clarification of the section that is being considered. Is it section 12.2.7?

Melissa DeVetter stated that it is section 12.3.11 "Other business activity of the same general character as determined by the Planning Commission and the County Board".

Walter Wytttenbach had a concern about the 3 year review if that was adequate.

Melissa DeVetter stated that the county has had different number of years for reviewing on CUP's.

Walter Wytttenbach inquired if Mantorville Township was okay with the 3 years.

Andy Buckwalter indicated yes.

Galen Johnson inquired about the hours of operation. Condition #4 lists the number of hours 7am to 5 pm. Mr. Johnson felt that it could be until 7 am to 6 pm.

Melissa DeVetter stated that after contacting the other local businesses that the applicant indicated were similar to their use the hours of 7am to 5 pm were common.

Walter Wytttenbach inquired if the applicant was okay with these hours.

Dale Jech stated that generally their hours run from 6:30 am to 6:30 / 7 pm.

Walter Wytttenbach stated that is way too early and too late. He felt it should be 7am to 6 pm.

Melissa DeVetter inquired if that would be Monday through Friday or Monday through Saturday.

Galen Johnson stated that wasn't addressed with the township, but in the letter from the close neighbor did address it. Mr. Johnson felt there should be some flexibility in the wording maybe Monday through Friday and maybe no more than two Saturday's a month.

Walter Wyttenbach stated that in the letter they would like to see no more then Monday to Friday 6 am to 6 pm.

Chris Hallstrom stated that they would like to see 6 am to 7 pm based on that any complaints outside of the stated hours then that would be a higher problem then if it was during listed hours. They would like to see set hours and if there was a job that needed to be finished then they would do it inside the building. The building has been sprayed foamed and that should keep everything much quieter then it was last summer and last fall.

Dale Jech stated that according to the State of Minnesota they are not licensed to build outside. All of their product must be protected from the weather and that is the way this site has been designed.

Galen Johnson inquired if they have any way to know if the noise is less now or do the Finley's still hear banging?

Dale Jech stated that the framing end is the farthest away from the Finley's. Generally, that is started early in the morning like 7 to 8. The finish work is done later in the day. It would be very unusual to have the framers working late in the day.

Melissa DeVetter stated that the frames come in through the north end of the building and progress through different stations within the building and exits out of the south end.

Darren Durst inquired if the framing was done in the hoop building.

Dale Jech stated yes

Darren Durst stated then there is no insulation in the hoop building and that would be the noisiest part of the building.

Dale Jech stated that is correct, but a lot of the sheeting is applied in the next stage which would be in the insulated area.

Richard Wolf inquired if everyone works on one structure at a time or do they move.

Dale Jech stated that they move. The way it is set up one building moves every day.

Walter Wytttenbach stated that they could have three buildings going on at once.

Chris Hallstrom stated that the nailing is done in sections of four modular and that is done inside of the steel building. All of the walls and floor sections are built inside the building then moved out and assembled.

Richard Wolf inquired which building site was the Finley's.

Melissa DeVetter indicated on the map the parcel that she believed was theirs.

Galen Johnson stated that if this is reviewed in 3 years they could change any mistake that was created.

Walter Wytttenbach stated that he felt that 3 years is too long before it is review. He felt that it should be reviewed in 1 or 2 years at the very longest. Mr. Wytttenbach inquired if there have been any complaints so far.

Melissa DeVetter stated that there have been inquires about what is going on at the site. The inquiry's where questions on why they were parking all over the place.

Darren Durst stated that it's pretty easy for the applicant to tell us that they are going to do this or that. Then you'll get busy and don't do what you will say you will do. You have to act neighborly and he agrees that 3 years is too long.

Chris Hallstrom stated he agrees with that and with him being the landlord he can go to Dale and tell him that things need to change.

Galen Johnson stated that there will be another review, but he feels that there should be some flexibility on Saturday. If after the review they find that there are some issues with this permit then it could be changed at that time.

Melissa DeVetter stated that there has to be a clear line and if we get a noise complaint that is outside of the set times then we can deal with it.

Walter Wytttenbach stated he agrees with Ms. DeVetter that we need to set some parameters.

Chris Hallstrom stated that they are trying to do a nice job too. Earlier this summer they had the road dust treated when it got too dusty. They want to be good neighbors

Walter Wytttenbach stated that this needs to come back in one years' time and then again in three years.

Galen Johnson stated that the hours for Saturday should be 7 to 2 or 8 to 2, maximum two Saturday's a month.

Darren Durst inquired what hours Mr. Jech would like to see.

Dale Jech stated that he would like to have Saturday hours because if they are falling behind then they could use that day to catch up.

Chris Hallstrom stated the reason they asked for longer hours is because they don't want to be put into a situation where they would have to break a rule to get a job finished on time. This is a pretty heavily traveled road with trucks already.

Galen Johnson had a concern with the parking. There seems to be a gray area on where the designated parking will be. Mr. Johnson inquired if the county wanted one designated area for parking. Right now it would be split 20 and 10.

Melissa DeVetter stated that it would be nice if they had one main area where traffic is directed, but if they don't have the space then it should be identified on where it should be.

Chris Hallstrom stated he felt they should have the office staff park next to the building and to keep a spot open for the state inspector.

Galen Johnson inquired if it was gravel now.

Chris Hallstrom stated it was crushed rock.

Walter Wyttenbach stated he felt that they have to maintain the west area by the building for parking, but other than those there should be one main area for parking.

Melissa DeVetter clarified that condition #5 will read "one main designated employee parking area, located to the southeast end of the existing building shall be utilized to maintain the appearance of the site". And add "An additional existing parking area for office staff, inspectors and deliveries will be located adjacent to, and on the southwest end of the existing building".

Walter Wyttenbach inquired where they received materials on the north end.

Dale Jech indicated on the site picture the location the loading docks door number 1, 6 and the north end of the hoop structure is where they receive materials.

Darren Durst inquired what the semi was used for.

Dale Jech stated that the semi is used for plumbing parts.

Galen Johnson inquired on what they would see for their outside storage needs.

Dale Jech stated that most companies do not want to pay for any product until they are ready for it. The weather will play into how many will be on site, but they could have up to 10 units ready for shipping.

Galen Johnson inquired if there were any hedges for screening there now.

Chris Hallstrom stated that there has been no screen for over 45 years. The west side they would like to ask for relief from planting tree because of snow removal.

Dale Jech stated that on the west side the nearest house is Chris Hallstrom.

Walter Wyttenbach stated that it's the north and east that is being addressed the west side is wide open. Mr. Wyttenbach clarified that he meant the south and east.

Chris Hallstrom stated that they were thinking that on the east side the trees would be planted on the commercial side of the property, but on the property line. If that is not an issue then they would like to start with trees that are around the 3 feet tall range, because trees that are 6 feet tall are terrifically expensive. It has not been screened for 45 years so they would like a little time to go into it.

Melissa DeVetter stated that the screening requirements come from Section 17.13.3, for Commercial and Industrial Uses. The requirement call for fencing that is at least 80% opaque that is 6 feet in height, unless otherwise directed by the Planning Commission or County Board. Staff recommended trees because of the nature of the site and also recommends them to be 6 feet tall. If they do have to put up a fence the fence would have to be that tall anyway.

Galen Johnson stated he would rather look at a tree than a fence.

Darren Durst stated he agreed, they will not maintain a fence and it will become an eye sore.

Galen Johnson inquired on what type of tree they would be looking at.

Chris Hallstrom stated he is particular to black hill spruce, but an evergreen of some type will do.

Galen Johnson inquired if he will be working with a nursery to make sure they are spaced correctly so once they grow it would be a pretty solid screening.

Chris Hallstrom stated yes. It would become a wind break and a habitat.

Darren Durst inquired if this will be two rows of trees.

Chris Hallstrom stated just one row, but would like to put in a second row. He will put in one for sure this year, but if he gets a good or reasonable deal he will put in a second row.

Galen Johnson inquired on what the plans are for along the south.

Chris Hallstrom stated that the south will be a challenge. The area along the front of the building is raised by approximately 4 feet and there are utility lines that run through there. The road right of way is 60 feet from the center of the road.

Galen Johnson inquired what the reason was that the row of trees could not be planted there.

Dale Jech stated that it is right under a power line.

Darren Durst stated unless they do some shrubs.

There was a brief discussion on where to locate the tree for screening along the south side.

Richard Wolf inquired about the hours that were listed in the letter from the Finley; they had from 6 – 6 and he wanted to know if that was just for the trucks that come in.

Melissa DeVetter stated she believes it for the hours of operation.

Richard Wolf stated that he was thinking of the hours for Saturday and if they went to 6 to 6 and eliminate Saturday they would have another couple of hours during the week.

Dale Jech stated that it comes down to deliveries. He would rather have the Saturday.

Melissa DeVetter stated that when she talked to a similar business in Kasson they said that if they had to work Saturday then they only worked a half day.

Walter Wyttenbach stated that they could do 8 to 12 on Saturday. He would be in favor of that.

Dale Jech inquired if they would consider 8 to 2 on Saturday and since they are going to review this again in a year they could see how it is working.

Walter Wyttenbach stated that the Planning Commission is already giving them a lot.

Darren Durst inquired if 8 was too early, instead having it from 9 to 1.

Walter Wyttenbach stated no, he would rather see them done by noon.

Galen Johnson stated that 8 to 12 every Saturday is allowing them more hours.

Galen Johnson wanted to talk about the trees again, stating that there was no issue with the east side, but along the south could there be a fence.

Dale Jech stated that by moving the dumpster and having them park to the east then they could screen back farther. If they have to maybe they could plant shrubs under the power line. Mr. Jech indicated on the map different areas that the trees could be planted.

Walter Wyttenbach stated that he felt that the applicant should work with County staff on the screening and also come back in a year for review.

Motion by Walter Wyttenbach, seconded by Darren Durst, that sections 12.2.3 and 12.2.7 are similar in use, and to recommend approval of the Findings of Facts and Recommendations of the agenda report and the following conditions with modification to condition # 4, 5, 9 and addition of # 16 as presented:

(The permittee is put on notice that the violation of any of the conditions of the CUP may result in termination of the permit.

1. Operation will comply with all local, state, and federal regulation regarding the use and activities performed on site.
2. One sign that does not exceed 160 square feet may allowed on site. Due to the Agricultural and Rural Residential character of the surrounding area, no illumination of the sign shall be permitted.
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 hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 12:00 p.m. on Saturday to reflect the hours of operation of those uses listed in Kasson's commercial district that are of the same general character of the applicant's use. This condition is added to limit impacts to adjacent properties.
5. One main designated employee parking area, located towards the southeast end of the existing building shall be utilized to maintain the appearance of the site. An additional existing parking area for office staff, inspectors and deliveries will be located adjacent to, and on the southwest end of the existing building.
6. If nuisance dust from the parking and loading areas becomes an issue, the owner will be required to improve to a durable, dustless surface meeting the requirements for Parking under the Dodge County Zoning Ordinance.
7. Off-street parking areas shall be graded to direct and treat all surface water accumulation within the parking area in accordance with an approved stormwater management plan. The quality and quantity of stormwater should be adequately addressed to prevent impacts to the adjacent farmland.

8. The applicant shall obtain MPCA's Industrial Stormwater Permit, or provide proof that they are exempt from such requirement for file with the CUP.
9. The parking and exterior storage areas shall be appropriately screened in accordance with Planning Commission recommendations. The applicant is directed to work with Department staff on the screening of the exterior storage and employee parking area.
10. Exterior Storage shall not be allowed within the front yard area or within 25 feet of any property line. The maximum number of units stored on site shall not exceed 10.
11. All waste generated on site shall be properly disposed of in accordance with the Dodge County Solid Waste Ordinance and MPCA rules.
12. SSTS Requirements:
 - A. Obtain an Operating Permit for the system with a licensed service provider. The contract limit shall be no longer than 2 years and shall terminate on March 1st of the expiration year.
 - B. Take water meter readings on the schedule provided by the SSTS Coordinator and submit readings to Dodge County on a quarterly basis.
 - C. Submit a copy of your Class V permit with EPA to Environmental Services to be on file with a copy of the Sewage Treatment Permit and CUP.
 - D. Ensure the septic system is not accepting anything except sewage from the bathrooms. No other waste is allowed.
13. Submit documentation of compliance with Minnesota Rules 4720 from the Minnesota Department of Health for the Public Water System located on site, to be retained with a copy of the CUP.
14. Mantorville Township Requirements:
 - A. CUP shall be reviewed every 3 years.
 - B. Maintain the "curb appeal" of the site, keep site neat.
 - C. Correspondence with the City of Kasson fire department so in case of emergency there is a plan.
15. The business shall comply with Section 17.19 (Nuisance Standards). Nuisance complaints shall result in review of the CUP by the Planning Commission.
16. The CUP shall be reviewed one year from the date issued by the County Board.

Motion passed unanimously.

Other Business

GM, LLC – ZA#14-01 (tabled item continued)

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.

Clinton Horseman was present to answer question on this proposal.

Melissa DeVetter gave a brief explanation of this proposal. The public hearing was closed and this proposal was tabled at the last meeting to allow the applicant to be present. There was a brief discussion.

Motion by Walter Wyttenbach, seconded by Harlan Buck, to recommend approval of rezoning approximately 29.94 acres of the property after hearing testimony at the hearing and recognizing all of the staff findings, including both facts supporting approval and facts supporting denial of the rezoning request, which are included below:

FINDINGS SUPPORTING APPROVAL OF THE REZONING OF THE PROPERTY

1. The Industrial Zone has already been established. The applicant's current request is an expansion of an existing property that was zoned Industrial in 1999.
2. An Industrial use is already present upon the property.
3. The Highway Engineer and MnDOT have indicated that the rezoning from Agricultural to Industrial is not anticipated to cause impacts to public roads if traffic is handled appropriately.
4. Based upon information from the Assessor's office, the business currently operating on site and the proposed expansion of the Industrial Zoning District is not anticipated to have a detrimental impact on adjacent property values.
5. The proposed expansion of the Industrial District is consistent with the City of Dodge Center's long term plans for Commercial and Industrial Zoning south of U.S. Hwy 14.
6. The use is able to be adequately served by water and sewage treatment and there is adequate land for an expansion of the system if needed.
7. There is a relatively low density of dwellings located in this area. The Department has not received any complaints regarding the operation of this property.

FINDINGS SUPPORTING DENIAL OF THE REZONING OF THE PROPERTY

1. The rezoning request is not consistent with the Dodge County Comprehensive Plan, as updated and amended.
 - A. The 1993 comprehensive plan does not identify this area for future industrial growth.

- B. The update completed in 2001, which included urban expansion areas for the cities within Dodge County, does not include this area as identified as a future industrial growth area.
2. The site lacks existing infrastructure. There is currently no public water or sewer serving the site. The sewage treatment system operating on site is only designed for a maximum usage of 75 employees. Currently there are 105 employees on site.
 3. The adjacent and surrounding area is zoned Urban Expansion and Agricultural. In addition, the Dodge Center Airport Zone is located northeast of the property. Some other permitted and conditional uses that are allowed within the Industrial Zoning District would not be compatible with the existing surrounding land uses, which are primarily residential and agricultural in nature.
 4. The adjacent and surrounding area is zoned Urban Expansion and Agricultural. Some of the other uses that may be allowed within the Industrial Zoning District may have a detrimental effect on the property values.
 5. The adjacent and surrounding area has primarily Agricultural uses. Some of the other uses that may be allowed within the Industrial Zoning District may affect the enjoyment of the surrounding properties and/or increase nuisance complaints.

Motion passed unanimously.

Zoning Amendment – ZA#14-02 (tabled item continued)

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 gave a brief history of this proposal. Mark Gamm was present to explain the Closed Landfill relationship with the Minnesota Pollution Control Agency (MPCA).

The county operated the landfill (garbage) operation from 1973 to 1991 and then closed it. The Pollution Control Agency said they would take over the control and the liability for any long term care and any correction that would be needed including ground water mitigation and gas migration issues. The County said yes, and signed the agreement in 1997 with PCA. This agreement states that the State has the responsibility for the landfill and specifically identifies by legal description that responsibility. Therefore the County cannot do some things on that property. In order to pay for that the State bonded. When they bonded they said that the local

government should help them by restricting the use of the property. So the County came together with the State and came up with a zoning district as an option to restrict the use around the landfill. They extended the boundary to include all of the county property in that area because they would have the same kind of land use restriction that we would want to apply. So the State has jurisdiction over the majority of the closed landfill district, however there are portions that they do not that is still in the Closed Landfill District. This would protect the county from other use that might be proposed in the area. There was a concern brought up about allowing the PCA to have control over the County's land. There will be language added that will keep that part exempt from the PCA's jurisdiction.

Melissa DeVetter stated that the legal description needs to be fixed and would like to see this tabled at this time.

Motion by Galen Johnson, second by Darren Durst to table Chapters 9 and 7 until the next meeting to address concerns with legal description clarification. Motion passed unanimously.

Melissa DeVetter stated that included in last month's packet was the feedlot section that needs to be updated. This is only for discussion at this time. After a brief discussion at that meeting it was decided to keep it moving forward.

No meeting is scheduled for the month of May, which would have been our first night meeting. If we have a June meeting is will be held at 7:00pm.

Adjourn

Motion by Darren Durst, seconded by Galen Johnson, to adjourn. Motion passed unanimously. The meeting was adjourned at 3:30 P.M.