

**Minutes of the Dodge County
PLANNING COMMISSION MEETING
May 2, 2012**

The regular meeting of the Planning Commission was called to order by John Allen at 7:00 PM on Wednesday, May 2, 2012. Present were Planning Commission members Harlan Buck, Jon Balzum, John Allen, Galen Johnson, Walter Wyttenbach, Gene Hallaway and Richard Wolf. Also present were County Commissioner Don Gray, Dave Erickson, Dave Hanson, and Zoning Administrator, Melissa DeVetter.

Motion by Harlan Buck, seconded by Galen Johnson, to approve the agenda and the January 2012 minutes. Motion passed unanimously.

Community Celebration Church – CUP#04-07 amend

The first public hearing is to consider a request to amend Conditional Use Permit #04-07 to allow an expansion of a church. The property is 4.61 acres located in the NW ¼ of the NE 1/4 of the SW 1/4 of Section 36, Mantorville Township. Community Celebration Church is the applicant and Douglas and Debra Buck are the property owners.

Don Marti, spokesperson for the church was present to explain this proposal. The plan is to purchase the adjacent property from Doug Buck. After closing they would like to move the church offices into the existing home. The future plan is to expand the church, but at this time they do not know which direction the expansion will go. The expansion will not go to the south because of US Hwy 14.

Loren Castner, Mantorville Township has no objection to this proposal.

Guy Kohlhofer, County Engineer stated that he has been working with Mr. Marti about the driveway access. In the discussion they talked about the expansion and at what point the driveway would have to be relocated to the west. The driveway would be required to move when the two properties are connected and they can drive from one property to the other or when they increase the parking spaces by more than 25. The proposed west driveway would line up with the driveway across the road and a right turn lane would be installed. This is approximately a 1500 car per day road at a speed limit of 55 miles per hour.

Galen Johnson inquired if Mr. Kohlhofer was saying that when the west parking lot would exceed 25 parking spaces that is when the removing the existing driveway should be done.

Guy Kohlhofer stated yes; when there is significant traffic going into that driveway.

Galen Johnson inquired if the existing church driveway was the one that would get the right turn lane.

John Allen stated no; it would be the one to the west.

Don Marti stated that one driveway would be in and the other one would be out.

Guy Kohlhofer stated that the one going in would get the turn lane. The two driveways need to have a distance of 660 feet between them.

John Allen inquired that once the church purchases the property would they immediately connect the two driveways.

Don Marti stated no; he didn't see why they would. The house would be used for church offices only. There is only a limited amount of staff in the office at any one time.

After a lengthy discussion it was decided that the applicant will work with the County Highway department once they expand the church and parking spaces.

Motion by Harlan Buck, seconded by John Balzum, to close the public hearing. Motion passed unanimously.

Galen Johnson inquired about the septic system.

Melissa DeVetter stated that the applicant is working with Sandy Schaefer, Septic System Coordinator on the septic systems.

Galen Johnson inquired if there was any other concern that they needed to address.

Melissa DeVetter stated that once they purchase Mr. Buck's property it will have to be combined with the church property. The church offices can only be allowed as an accessory use when they are located on the same property.

Walter Wytttenbach stated that once the plans and the designs are done for the expansion that is when the driveway should be moved.

Guy Kohlhofer stated that he would review it then.

Galen Johnson inquired if they are looking at an amendment to allow an expansion to the existing church which would allow them to use the existing house as offices.

Melissa DeVetter indicated yes and the property on which the dwelling is located is also zoned rural residential.

Don Marti had a concern about condition #3.

Melissa DeVetter explained that condition #3 was added before discussions took place between Mr. Marti and the County Engineer and that condition #4 covers what the County Engineer is requiring. Condition #3 could be removed.

After further discussion between the Planning Commission it was decided to remove condition #3.

Motion by Walter Wyttenbach, seconded by Harlan Buck, to recommend approval of the Findings of Facts and Recommendations of the agenda report and the following conditions with removal of condition #3:

1. Dodge County Zoning Permit shall be obtained before construction.
2. The sewage treatment system(s) serving the church and offices must meet the requirements of Dodge County's Subsurface Sewage Treatment Ordinance No. 4, and Minnesota Rules Chapter 7080-7083, where applicable. A Dodge County Sewage Treatment System shall be obtained prior to issuance of the Zoning Permit.
3. ~~The applicant shall construct, to County Highway Department specifications, a right turn lane along CSAH34 leading to the main/east access to the church.~~
4. The applicant shall obtain a change of use permit for the access proposed to serve the church's office space. Should this access be connected to the main facility or other changes are proposed that may substantially increase its usage, relocation of the access further west and a turn lane may be required.
5. The applicant shall meet the MPCA's stormwater requirements. Prior to issuance of the Zoning Permit, the applicant shall provide the County with copies of any required MPCA permit and a copy of the Stormwater Pollution Prevention Plan, when applicable. Best Management Practices to control erosion and sedimentation from the site shall be installed prior to any land disturbing activities.

6. The applicant shall increase parking spaces for the church to a minimum of 250 spaces in accordance to current Zoning regulations addressing parking. Parking for the office shall comply with Planning Commission and County Board Recommendations.

7. Any lighting shall be directed away from adjacent residences.

Motion passed unanimously.

John Allen stated that due to the possible length of the next public hearing other business will be move up in the agenda

Other Business

Rochester Sand & Gravel – CUP #07-10 (review)

Chad Kelly and Chad Minnich, Milestone Materials were present to update the Planning Commission on the Kunz Pit. The original CUP was approved in 2007 with an amendment in 2009. One of the conditions was that the permit would be review in 5 years which is up this year.

Ron Durst, Milton Township held a public hearing on this permit. They had one individual present to express concerns about the truck noise and the road damage. Mr. Durst did receive one phone call in favor of the continuation of the pit. The township has had no issue with this applicant.

Claire Johnson had a concern about the truck noise and the drivers “jake braking” the trucks. He works from 6pm to 6am and sleeps during the day. Mr. Johnson was also concerned about the destruction of County Rd 24 and County Rd 11 with all the truck traffic.

Chad Kelly inquired if there would be any consideration for a longer period of time for permitting. They share plans of what the operation is doing yearly with the county staff. They did put a turn lane on the county road. The floodplain area is required to be marked, but the area is actively farmed and the markers have been removed. Also the 90 days notification requirement is sometime hard to abide by because of bidding for projects. They do notify the county and Ms. DeVetter does respond.

John Allen stated that he felt that the 90 days would be hard to meet.

Galen Johnson stated that this is a review and that they cannot amend the permit. Mr. Johnson inquired if the township has had to use any of the \$25,000 bond for 237th Ave.

Ron Durst stated no; Milestone has maintained the road and doesn't see a lot of damage done to the road.

Galen Johnson inquired how Co Rd 24 was doing.

Guy Kohlhofer stated that Co Rd 24 is beyond the time when they would do an overlay and they need to fit reconstruction of the highway into their schedule.

John Allen stated that staff should work with the applicant on the 90 day notification. Mr. Allen suggested that Milestone put up signs that states "jake braking" is not allowed.

Walter Wyttenbach stated that he felt that the permit should be reviewed again in 5 years.

Chad Kelly stated he felt that was a good idea too.

After considerable discuss the Planning Commission approves the continuation of the Extraction of Minerals and Sand and a review in 5 years (May 2017).

Sherman Stoflet – IUP# 11-03 (extension)

Betty Stoflet was not present. (It was noted that Sherman Stoflet passed away on the 20th of April)

Ron Durst, Milton Township stated that there has been no change to the property and see no reason not to extend this permit. The property is kept mowed and is in better shape than it originally was.

The Planning Commission recommends approving an extension of IUP #11-03 for 1 (one) year. I.U.P. #11-03 would be extended from June 14, 2012 to June 14, 2013 with the following conditions:

1. Submit and Erosion Control Plan in accordance with Section 1617 prior to construction if proposed construction is on slopes 12% or greater.
2. A Dodge County Zoning Permit shall be obtained before construction.
3. The Agricultural Use Covenant shall be signed and recorded in the Dodge County Recorder's Office prior to construction. A copy of the recorded document is required to be submitted to the Dodge County Environmental Services Department to file with the CUP.
4. The septic system must meet the requirements of Dodge County's sewage and wastewater treatment ordinance.
5. An address shall be obtained from the Dodge County Highway Department.

Zoning Amendment -ZA#12-01

The second public hearing is to consider an amendment to the Dodge County Zoning Ordinance. The proposal includes new language for Chapter 3 (Land Description and Survey) and Chapter 4 (Definitions).

Melissa DeVetter gave a brief review of what the previous version of Chapter 3 was and introduced Lisa Hanni, Goodhue / Dodge County Surveyor to facilitate the meeting.

Lisa Hanni stated that the biggest question last time is when we needed a survey. Under Section 3.3.2 are the guidelines of when a survey is required. A survey is need when a new parcel is created through a split of property or the split results in a remainder parcel that is less than 5 acres you need a survey. When you split your property you are making two new legal descriptions of the property and the county will need to review it.

John Allen clarified that if they sold the land and split off the building site a survey would be required but if they sold the farm then no survey is required.

Lisa Hanni indicated yes; you are just selling the exist description and no survey is needed.

John Allen stated that we are not going to require every piece of property to be surveyed.

Galen Johnson inquired if this is a new chapter.

Melissa DeVetter indicated yes; it's new language to the ordinance.

Dan Rabe stated he is happy to see the amended language from the previous proposal, but it will not take care of all issue, but it better.

Galen Johnson inquired about section 3.5 violations.

Melissa DeVetter stated that when surveys are required and the property owner goes against the rule then the County would have a way to deal with the violation. This is already part of the ordinance in Chapter 19.

Galen Johnson inquired if the County Attorney has seen this.

Melissa DeVetter stated that it was sent to the Attorney and we did not receive any comments back.

Motion by Galen Johnson, seconded by Jon Balzum, to close the public hearing. Motion passed unanimously.

Motion by Galen Johnson, seconded by Walter Wyttenbach, to recommend approving Chapter 3 Land Use Description and Survey and Chapter 4 Definitions pertaining to survey as presented. Motion passed unanimously.

Feedlot update

Melissa DeVetter gave a brief update on the meeting that was held at the Triton High School on odor mitigation. There is definitely more work needed on this issue before it goes to a public hearing.

Chapter 16 & Chapter 17 are almost done and Ms. DeVetter inquired how the Planning Commission would like to receive them since they are rather large; either paper or as a pdf.

Jon Balzum stated that he thought that sending it as a pdf would be fine.

Adjourn

Motion by Jon Balzum, seconded by Galen Johnson, to adjourn. Motion passed unanimously. The meeting was adjourned at 8:40P.M.