

**Minutes of the Dodge County
PLANNING COMMISSION MEETING
July 11, 2012**

The regular meeting of the Planning Commission was called to order by John Allen at 7:00 PM on Wednesday, July 11, 2012. Present were Planning Commission members Harlan Buck, Jon Balzum, John Allen, Galen Johnson, Walter Wytttenbach, Gene Hallaway and Richard Wolf. Also present were County Commissioner Don Gray, Dave Erickson, Jane Olive, Dave Hanson, Lyle Tjosaas, County Administrator, Jim Elmquist and Zoning Administrator, Melissa DeVetter.

Motion by Harlan Buck, seconded by Walter Wytttenbach, to approve the agenda and the June 2012 minutes. Motion passed unanimously.

Other Business

Julianna Merten was present to request an extension on her IUP#11-04. Ms. Merten stated that she has received an offer on the property with the understanding that an extension will be obtained.

Ron Durst, Milton Township has no objection to this proposal.

Motion by Galen Johnson, seconded by Walter Wytttenbach, approve an extension of IUP #11-04 for 1 (one) year. I.U.P. #11-04 would be extended from August 9, 2012 to August 9, 2013 with the following conditions:

1. The Ag Covenant shall be signed and recorded prior to issuance of zoning permit.
2. Dodge County Zoning Permit shall be obtained before construction. If the dwelling is proposed in areas where the slopes are 12% or greater based upon Exhibit 7, the zoning permit application is required to be accompanied by an engineer's report showing that adequate footings can be construction, drainage plans address the prevention of erosion during and after the construction, and grading plans have been prepared for the site. The dwelling shall not be construction on slopes identified as areas of slope of 18% or more as identified in Exhibit 7.
3. The septic system must meet the County's septic ordinance.
4. Address shall be obtained from Dodge County Hwy Department.
5. Driveway access permits shall be obtained from Milton Township. Access shall comply with Section 1604 of the Dodge County Zoning Ordinance. If the proposed driveway will disturb one (1) acre or more, a Construction Stormwater Permit from the MPCA will be required prior to construction.
6. If any construction disturbs more than 10,000 square feet, and an Erosion Control Plan is required per Section 1617 of the Dodge County Zoning Ordinance.

7. The well shall be located no less than 50' from the property line.

Motion passed unanimously.

Brian & Cassi Garness – IUP# 12-04

The 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 property will be a split of 4.8 acres from 21 acres. The property is located in the W 1/2 of the NE 1/4 of Section 21, Wasioja Township. Brian and Cassi Garness are the applicants and Steve and Shari Garness are the property owners.

Cassi Garness was present to explain this proposal. Ms. Garness stated that they need to renew this IUP for one year.

Quentin Kleinwort, Wasioja Township has no objections to this proposal.

Motion by Richard Wolf, seconded by Gene Hallaway, to close the public hearing. Motion passed unanimously.

Melissa DeVetter stated that this is a new permit but it is the same request as previously.

Galen Johnson inquired if the minutes from the previous meeting were in the packet.

Melissa DeVetter indicated no.

Galen Johnson inquired if the conditions were the same that was put on the previous IUP.

Melissa DeVetter stated that they are the same with the exception of the address. The applicant has obtained an address for the site.

Galen Johnson had a concern with the possible location of the well. He was wondered if the well was address on the previous permit in regards to the location to the nearest feedlot. His concern is that If the well location was not setback 50' from the property line than the farmer who applies the organic fertilizer would have to swing out that 50'. That makes it difficult for the farmer. In this case it looks like it a non-factor.

Melissa DeVetter stated that the nearest feedlot is across the road.

Motion by Galen Johnson, seconded by Richard Wolf, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. A Dodge County Zoning Permit shall be obtained before construction.
2. The Agricultural 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 Service Department to file with the IUP.
3. The sewage treatment system must meet the requirements of the Dodge County's Subsurface Sewage Treatment Ordinance No 4.

Motion passed unanimously.

Prairie Ridge Hogs LLC – CUP# 06-17 (amend)

The second public hearing is to consider a request to amend Conditional Use Permit #06-17 to allow an expansion of an existing hog feedlot currently permitted for 960 animal units or 2400 head of hogs to 999 animal units for a total of 2450 sows and 380 nursery pigs. The property is 6.42 acres located in the NE 1/4 of the NW 1/4 of Section 5, Mantorville Township. Prairie Ridge Hogs LLC is the applicant and Cal Benedix is the property owner.

Cal and Craig Benedix were present to explain their proposal. Craig Benedix stated that when they were first permitted the permit was for 960 animal units. That was a mistake it should have been 999 animal units to keep every one the same. They want to make a couple of changes and to stay in compliance they need to add these 39 animal units. The farrowing rooms have 48 farrowing crates in them and the initial plan was they would wean two of the room on different days. Things have changes and what they would like to do now is to wean 20 sows five days a week. They don't want to haul baby pigs 5 days a week so they would like to put in a small holding area in the build that now houses the bus. They are not adding any more space for sows, but if they wean 48 sows out of a room then they have to have 48 empty stall in the gestation barn. If they only do 20 sows at a time then they would only need 20 empty stalls. They could have 28 more sows then what they have now.

Lawren Castner, Mantorville Township had no objection with this proposal as long as Prairie Ridge is in compliance with all other permits and ordinance regulations. However they are some concerns about manure management, but the township does not regulate it.

Russell Weir was representing Lyla Wilcox; his mother in law had a concern and wanted to know if Mr. Benedix was adding onto the building.

Cal Benedix stated that he will only be increasing the animals.

Russell Weir stated that his concern was that Mr. Benedix was going to be adding onto the building and it was going to be closer to his mother-in-laws property. Mr. Weir also wanted to know if the setback was a 1000 foot from the property line.

Galen Johnson stated it's a 1000' to a residence.

Russell Weir clarified; to the farmland.

John Allen stated; no to another residence.

Mr. Weir inquired then what about the setback to the property line.

Melissa DeVetter stated that there is a setback of 25' from the property line for any structure.

Brian Carstensen inquired on what is the plan for the extra manure. There seems to be shortage of manure storage now and you are adding more animal units. Is there going to be more manure storage added?

John Allen stated that he did not believe so but will address that.

Barb Threinen stated that they were told originally that the manure would be spread in the spring and fall. It was just done a week or two ago and when it was done last fall they went across her property and no one asked. There are certain rules that need to be followed. Ms. Threinen stated that last night the smell was so bad that she had to get up and turn the air on. Ms. Threinen inquired if this increase was for Holden Farms or Cal Benedix.

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

John Allen asked Mr. Benedix to address these concerns.

Craig Benedix stated that the manure storage for the little nursery building will be moved into the pit of the gustation building. The first 4 years there was not a problem handling the storage, but last year was pretty tight. They had to take some out this spring and again last week. Mr. Benedix found out that the nipple waterers in the farrowing barn are wearing out and there are a number of them and this caused the water to run. These will be replaced next week. What was pumped out of that building was mostly water and very little nutrient value in it.

John Allen stated that driving on Tom and Barb Thrienen's land is an issue between the two of you and you need to communicate. Mr. Allen stated that he has to turn his air on to because he also has hog building around his place.

Galen Johnson inquired what was the nutrient value coming out of that barn.

Craig Benedix stated that it runs about 6 pound of nitrogen per 1000 gallons and 3 pounds of phosphorous.

Galen Johnson inquired if this is a transfer of manure.

Craig Benedix stated yes; it is a transfer from Cal's to his crop operation.

Ken Folie stated that at the time they built most of the lending institutions wanted land attached to the building. Cal did not own acreage, but Craig Benedix pledged acres for that building. There will be a new Construction Short Form done. Mr. Folie feels that a complete transfer of ownership for manure would be the way to go for Cal Benedix.

Craig Benedix stated that a year ago they sold the sow herd to Holden Farms. It is still Mr. Benedix employees and barns.

Galen Johnson stated that he is on the Feedlot Advisory Board and this application that is before them it is a very small change. It is a change for modern animal raising practices within the industries by trying to increase weaning age and one way to do that is to wean more days with the same number of sows. Mr. Johnson stated that he understands Mr. Benedix would want to exit the pigs twice a week instead of having trucks coming in and out every day. Mr. Johnson stated he is aware that there are upset feelings about this sow unit, but looking at this permit application for what it is it's quite an understandable purpose for it.

Walter Wytttenbach inquired if everything was in compliance now as far as bio-filters?

Craig Benedix indicated yes.

Walter Wytttenbach stated that this has been a rough summer for odors, but last night was pretty unbelievable.

Richard Wolf inquired if there is a windbreak of trees.

Craig Benedix indicated yes, along the west end.

Galen Johnson inquired what method are used for dead pig disposal.

Craig Benedix stated that they incinerate them.

Walter Wytttenbach inquired were the load out will go now.

Craig Benedix stated that there will be a shoot coming out in the same area and the truck will back up to the building.

Walter Wytttenbach inquired if this location was what they call the bus barn.

Craig Benedix indicated yes.

Galen Johnson inquired about condition number 2; Application for Certificate of No Loss or Exemption stating he was not familiar with that.

Melissa DeVetter stated that condition was part of the original permit and since this is an amendment to that permit it is still part of the CUP. That condition had to do with a wetland that they thought previously existed and BWRS was out to the site.

Galen Johnson inquired then as the County's staff point of view there are no other recommendations then what's stated forth by the two Feedlot Advisory Reports 2006 and 2012.

Melissa DeVetter stated that is pretty typical for feedlot permits. The Feedlot Advisory Report June 4, 2012 was just added.

Galen Johnson inquired if Mr. Benedix was hosing the manure out.

Craig Benedix indicated no.

Galen Johnson inquired about crossing the neighbors land.

Craig Benedix stated it was a hose that crossed .

Motion by Galen Johnson, seconded by Harlan Buck, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. Recommendation from Feedlot Advisory Report dated April 04, 2006.
2. Application for Certificate of No Loss or Exemption.
3. Recommendation from Feedlot Advisory Report dated June 4th, 2012.

Motion passed unanimously.

Melissa DeVetter informed the Planning Commission that there will not be an August meeting. We will be holding a September meeting.

Adjourn

Motion by Harlan Buck, seconded by Jon Balzum, to adjourn. Motion passed unanimously. The meeting was adjourned at 7:35P.M.