

**Minutes of the Dodge County  
PLANNING COMMISSION MEETING  
August 5, 2015**

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The regular meeting of the Planning Commission was called to order by Walter Wyttenbach at 7:00 PM on Wednesday, August 5, 2015. Present were Planning Commission members Harlan Buck, Ben Johnson, Walter Wyttenbach, Joshua Toquam, and Darren Durst. Also present were County Commissioner Dave Erickson, and Zoning Administrator, Melissa DeVetter.

Motion by Darren Durst, seconded by Harlan Buck, to approve the agenda. Motion passed unanimously.

**Randal Reese – I#15-02**

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 3.28 acres split from 11.4 acres located in the SE ¼ of the SE ¼ of the NE ¼ of Section 19, Hayfield Township. Randal W. Reese is the applicant and the property owner.

Randal Reese was present to explain this proposal. Mr. Reese stated that he has a gentleman that wishes to purchase this property. A survey was done 15 years ago to sale it at some day, however he never got permission to do that. So he is here now to ask for permission.

Melissa DeVetter stated that the property does have Shoreland and Floodplain Overlay District that extends on the south side of the parcel; however the house is outside of that. The area is pretty diverse; there are a couple of subdivisions, the Oaks Country Club and a few rural properties and farmland surrounding this parcel. The existing access drive already services two dwellings and the ordinance says that if it serves three, then it must meet the subdivision regulations. The drive portion must be 24 feet of surface for a public road.

Walter Wyttenbach inquired if there were recommendations for that.

Melissa DeVetter stated yes, condition number 4 address this. If the applicant does not wishes to do that they could have the driveway access off of the township road, they could share a driveway with the property to the north, or they could ask for a variance.

Harlan Buck stated that his brother Harold could not make the meeting. Harold indicated to Harlan that the Hayfield Township had no objections to this request.

Gary Imhoff stated that he is the individual that is going to buy the land from Mr. Reese. Mr. Imhoff stated that he had a few question as far as building. He plans on

building a shed/house and wanted to know how high the basement had to be vs. the road. How deep the basement had to be.

Walter Wyttenbach stated that he is not aware of any rules in Dodge County on how you build your dwelling if you are out of the floodplain. If you are within a certain distance from the Floodplain you could not have a basement.

Melissa DeVetter stated that if your house is not in the floodplain you will not have to worry about any restriction on basement. If you are within the Regulatory Floodplain Protection Elevation then your floor has to be one foot about that elevation. However, you are not allowed to build in the floodplain. We will tell you that you have to be out of the floodplain. There is no restriction on what you are proposing.

Gary Imhoff inquired if what he plans to do he is okay.

Walter Wyttenbach stated that if you are out of the Floodplain there are no restrictions in Dodge County.

Melissa DeVetter stated that the County does allow you to build a shed with living quarters in it. It does meet the requirements for a dwelling.

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

Mr. Imhoff stated that he had a picture of what he wanted to build and wanted to know if the Planning Commission member wanted to see it.

Melissa DeVetter stated that the picture will be needed for the zoning permit application. At this point we are only looking at this property to see if it is suitable to build a house.

Walter Wyttenbach inquired on Guy Kohlnhofer comments.

Melissa DeVetter read Mr. Kohlnhofer comments for this proposal.

Darren Durst inquired if they add the third house will they be able to use the driveway that is already there servicing the two houses or will have to do something different.

Melissa DeVetter stated that it will depend on where they place the access drive. If they choose to use the driveway that is already there, than they will have to meet the requirement for a public road access, if they choose to access off the township road or share a driveway with the neighbor to the north then that requirement would not be required.

Darren Durst stated that if he remembered correctly the property is really close to the bridge. Would the township have a problem with putting in another driveway?

Melissa DeVetter stated that is something that will have to be worked out with the Township.

Motion by Darren Durst, seconded by Harlan Buck, 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 Hayfield Township, when required. If access is shared through a common driveway, an access easement shall be established to maintain access to the property, when required.
5. An address shall be obtained from the Dodge County Highway Department.

Motion passed unanimously.

Walter Wyttenbach stated that the minutes from the last meeting were not included in the motion when the agenda was approved. Mr. Wyttenbach asked for a motion to approve the minutes.

Motion by Josh Toquam, seconded by Harlan Buck, to approve agenda and the minutes for the July 1, 2015 meeting. Motion passed unanimously.

### **Dallas Jensen – IUP#15-3**

The second 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 parcel is 9 acres located in the NE ¼ of the SE ¼ of the SW ¼ of Section 28, Wasioja Township. Dallas Jensen is the applicant and Lyndon & Ruth Johnson are the property owners.

Dallas Jensen was present to explain this proposal. The plan is to put up a dwelling at grade with no basement. There used to be a house.

Larry Scherger, Wasioja Township, stated that Mr. Jensen did meet with the Township two meetings ago, however they did not come to the last meeting. So in that case the Township did not form an opinion for or against this proposal.

Walter Wyttenbach inquired if Mr. Jensen wanted to speak to this.

Dallas Jensen stated that his dad had an unexpected operation that he went to.

Motion by Ben Johnson, seconded by Darren Durst, to close the public hearing. Motion passed unanimously.

Walter Wyttenbach inquired since the township is not giving a recommendation either way, does that affect their decision?

Melissa DeVetter stated that they could choose to table it. Wasioja Township has not adopted zoning so it would be more of a courtesy to them.

Melissa DeVetter gave a brief history of the site. In 2010, the flooding that we got substantially damaged the house. This property was owned the Head's and they were given the option to rebuild, however they chose not to. We applied to the Department of Natural Resources to get a grant to purchase it. This request was brought to the County Board, however since the DNR determined a base flood elevation on the parcel, it was determined that there was an area that would be a buildable area. The Board decided to keep it as a buildable lot. In this case the FEMA map is a bit off however; we do have a base flood elevation and the house will be above the base flood elevation. Mr. Jensen has indicated that he plans to build a slab on grade structure. Mr. Jensen talked about bring in fill because we all know that the 100 year elevation is not this magic number that the water stops at and in 2010 it was a lot higher than that. Ms. DeVetter showed a map that showed what the DNR determined to be for the elevation. (See Exhibit 3-E) Since there was a house there already there is access and an address. The sewage treatment could be place anywhere however; the preference would be to place it out of the floodplain. If it is placed in the floodplain there has to be measures taken to prevent flood water from getting into the system. There are regulations that address it. If there is any kind of financing the bank will look at the FEMA maps and say that this property is in the Floodplain. Because of that flood insurance will be very expensive so then we recommend that the applicant give FEMA the information that the DNR has developed. Then FEMA will do a "Letter of Map Amendment" (LOMA) for the applicant and they should get a better rate for insurance.

Walter Wyttenbach inquired if the Planning Commission had enough information that they could act on this request.

Melissa DeVetter indicated yes.

Walter Wyttenbach inquired what Mr. Jensen's time frame was for building.

Dallas Jensen stated that he will have to get everything in order first. He has not purchase the land yet.

Melissa DeVetter stated that the County would require that he does an Elevation Certificate to make sure that he is above the elevation.

Walter Wyttenbach inquired what kind of septic system will be used.

Melissa DeVetter stated that she assume that it will be an above ground system – a mound. It could even be a mound with 3 feet of sand.

Walter Wyttenbach inquired if the septic system will have to be out of the Floodplain.

Melissa DeVetter stated that the preference is that it is out of the Floodplain however, the system can be located in the Floodplain.

Walter Wyttenbach inquired if there was sufficient room.

Melissa DeVetter stated yes.

Walter Wyttenbach stated that it looks like it is such a small area to build there.

Melissa DeVetter stated that the house will be small and there will be a limit to accessory buildings. No structure can be built in the Floodplain.

Darren Durst stated that at this time we have not idea on how much fill will have to bring in yet.

Melissa DeVetter stated that he does not have to bring in any unless he chooses too.

Dallas Jensen stated that he will probably bring in a couple of feet. He would like to have it as high as the road.

Darren Durst stated that it looks like the house will be just off to the right when you pull in.

Dallas Jensen indicated yes.

Darren Durst inquired on the existing septic system from the other house. That gone I'm sure.

Melissa DeVetter stated yes it is gone.

Darren Durst inquired if that was an in-ground system.

Melissa DeVetter stated that she believes it was and it was old.

Darren Durst stated that he would like to see something from the Township.

Mary Greening stated that Mr. Jensen 120 days will be up on October 6<sup>th</sup> and there is no Planning Commission meeting until October 5<sup>th</sup> and we will not make that deadline.

Ben Johnson stated that he want clarification on the 120 day deadline.

Mary Greening stated that the 120 day will be up on October 6 and we do not have a meeting in September so our next meeting will be October 5<sup>th</sup>. The County Board does not meet until October 13<sup>th</sup> the following Tuesday to act on this request. If it goes past the October 6<sup>th</sup> with no decision from the County Board then the request is automatically approved.

Motion by Darren Durst, seconded by Ben Johnson, 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. The applicant shall provide a copy of FEMA's Elevation Certificate for the structure. A copy of the Elevation Certificate shall be provided to the Environmental Services Department to include with the IUP
5. The applicant shall apply to FEMA for a Letter of Map Amendment (LOMA) or the property. A copy of the LOMA shall be provided to Environmental Services to include with the IUP.

Motion passed unanimously.

**Kevin Binstock – IUP#15-04**

The third 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 parcel will be a split of 5 acres from 67 acres located in the SE ¼ of the NE ¼ of the SW ¼ of Section 15, Wasioja Township. Kevin Binstock is the applicant and Nancy Binstock is the property owner.

Kevin Binstock was present to explain this proposal. The plan is to get permission to build on a parcel that is less than 53 acres. The preferred chose it to build to the east side of the property. This will they can overlook the river valley. The County redid the curve in the road back in the early 90's. On the south side of the road are two

parcels. As part of the easement they are going to do a split / combine and split. The little triangle piece will be combined to the 67 acres piece and then they will split off 5 acres for their parcel. The well is already there and they will do a shared well agreement. Mr. Binstock stated that they did soil testing last week for the septic and was told the he could probably get by with a 1' mound system there. Mr. Binstock stated that he will have a surveyor out to locate the right of way for the road and to make sure that the septic system and the house will fit on his property and that they will meet the setback from the floodplain area.

Melissa DeVetter stated that were two different alternatives sites being proposed. The east site is the preferred site. A base line elevation was received from the DNR this afternoon. Ms. DeVetter pointed out the elevations on the map that was submitted from the DNR. Where they are proposing the house is well out of the Floodplain by several feet. Even though there is a FEMA Floodplain designated on it there is no protected waters so there is no setback from the top of the bank.

Walter Wyttenbach inquired if there was any feedlot close by.

Kevin Binstock stated that the closest one would be to the north and that would be Rex Quam.

Melissa DeVetter stated that they have sheep and goats.

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

Motion by Darren Durst, seconded by Joshua Toquam, to close the public hearing. Motion passed unanimously.

Walter Wyttenbach inquired about Guy Kohlnhofer commented about future road work.

Darren Durst stated that it was not in the immediate future.

Kevin Binstock stated that Mr. Kohlnhofer would prefer that they don't use the west driveway because it is in the middle of the curve.

Walter Wyttenbach inquired if that it was for the alternative site.

Kevin Binstock stated yes.

Ben Johnson inquired what would be the driving force to move it from the first site to the second site.

Kevin Binstock stated that it would be the size of the mound, setback for the road right of way and the setback from the water way. The plan is to build a rambler style house, however they could go with a two story if they have too.

Darren Durst inquired where the well was located.

Kevin Binstock stated that it is just right of the garage.

Motion by Darren Durst, seconded by Ben Johnson, 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. Based upon placement of the dwelling, a LOMA and Elevation Certificate may be required.
3. The sewage treatment system must meet the requirements of Dodge County's Subsurface Sewage Treatment Ordinance No. 4.
4. An address shall be obtained from the Dodge County Highway Department.
5. A shared well agreement/easement shall be provided to the Environmental Services Department to include with a copy of the IUP and the easement shall be identified and described on the property survey.

Motion passed unanimously.

**Countryside Builders of MN, LLC – IUP#15-05**

The fourth 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 property is 6.5 acres located in the NW 1/4 of the NW 1/4 of Section 24, Milton Township. Countryside Builders of MN, LLC is the applicant and Betty Stoflet is the property owner.

Cari Humphrey, who is Betty Stoflet daughter, was present to explain this proposal. The request is to have the ability to build a home. They have not sold the parcel yet.

Walter Wyttenbach inquired if this was a new application or an extension of an existing permit.

Cari Humphrey stated it's a new application.

Walter Wyttenbach stated that the Milton Township board has dealt with this several times and he would assume that since they are not here that they have no problem with it.

Melissa DeVetter stated that nothing has changed. The house is being proposed to be located on the north end of the property however we look at the whole property.

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

Walter Wytttenbach stated that this proposal has been in front of them several times.  
The only thing that has changed is the house location.

Cari Humphrey stated that they had a buyer that was interesting in this property.  
They want the house location on the north end.

Walter Wytttenbach stated that Guy Kohlhofer stated that it is a very rural township  
road and there is nothing from Mr. Kohlhofer that would recommend denying it.

Darren Durst inquired if any of the new members wanted to get up to speed on this  
proposal.

Ben Johnson stated that it sounds like it went through 4 times already.

Walter Wytttenbach stated yes with the extensions.

Ben Johnson stated that if there are no conditions that have changed then he trusts  
the opinion of his predecessors.

Motion by Ben Johnson, 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 IUP may result in termination of the permit.

1. Submit and Erosion Control Plan in accordance with Section 17.11 and 17.25  
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 issuance of the Zoning Permit.
4. The sewage treatment system must meet the requirements of Dodge  
County's Subsurface Sewage Treatment Ordinance No. 4.
5. Access drive shall meet the requirements of Milton Township.
6. An address shall be obtained from the Dodge County Highway Department.

Motion passed unanimously.

## **Other Business**

### **Rod Garness – IUP #14-04 extension**

Melissa DeVetter stated that Rod Garness has submitted a one year extension request for his IUP #14-04.

Walter Wyttenbach inquired if this was in Vernon Township.

Melissa DeVetter stated no; it's in Westfield Township.

Ben Johnson inquired if this was one of the conditions that they are to have hogs on the site. This isn't changing his CUP.

Walter Wyttenbach stated no; he was just asking for an extension.

Darren Durst stated that this is the guy that has a hog facility and wanted a house on it.

Joshua Toquam inquired if this was the one on Highway 30.

Melissa DeVetter stated yes.

Motion by Harlan Buck, seconded by Joshua Toquam, to recommend approval of one year extension. I.U.P. #14-04 would be extended from October 14, 2015 to October 14, 2016 with the following conditions:

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. When required, the applicant will provide a copy of any permit from the Cedar River Watershed District on file with a copy of the IUP.

Motion passed unanimously.

Melissa DeVetter informed Joshua Toquam that his term is up at the end of this year. If he wishes to stay on his term will run until 2018.

Melissa DeVetter informed the Planning Commission that there will not be a September meeting. No applications were submitted.

Melissa DeVetter gave an update on the issues and concern with the bio-filters. Inspections have started and the producers have had questions on what type of bio-filters that they could use. After a lengthy discussion it was decided that more discussions was needed.

**Adjourn**

Motion by Darren Durst, seconded by Harlan Buck, to adjourn. Motion passed unanimously. The meeting was adjourned at 8:45 P.M.