

Minutes of the Dodge County
PLANNING COMMISSION MEETING
May 2, 2007

The regular meeting of the Planning Commission was called to order by Galen Johnson at 7:00 PM on Wednesday, May 2, 2007. Present were Planning Commission members Galen Johnson, Jon Balzum, Harlan Buck, John Allen, and Richard Wolf. Also present were County Commissioner Dave Erickson, Dave Hanson and Planning Director Duane Johnson.

Motion by Harlan Buck, seconded by Jon Balzum, to approve the agenda and the April 2007 minutes. Motion passed unanimously.

Rochester Sand & Gravel – CUP #07-10

The first public hearing is to consider an application for a Conditional Use Permit to establish a temporary hot mix asphalt plant and extraction of sand materials for screening operations on 15 acres in the Ag District. The property is 1.71 acres located in the NE ¼ of NE ¼ of Section 17, and 13.29 acres located in the NW ¼ of NW ¼ of Section 16, Milton Township. Rochester Sand and Gravel is the applicant and Leslie Kunz is the property owner.

Brian Schumacher, Rochester Sand and Gravel was present to explain the companies plans for the proposed site. They plan to set a temporary hot asphalt mixing plant and extract sand for the three highway projects. Highway 57, Highway 34 between Kasson and Highway 56 and Goodhue County 11. The asphalt plant will be temporary, but they plan on using the sand as projects come up in the future. After attending the Milton Township meeting concerns were brought up that Brian felt needed to be addressed. An Amendment to the Permit Application for the Extraction of Minerals and Sand was submitted to the Planning Commission from Milestone Materials. Since submitting the request for the Conditional Use Permit they have received their MPCA permit.

Ron Durst, Milton Township is in support of the project any concerns that they did have were addressed at their township meeting.

Mike Shelton had concerns about the protection from storm water run off into the adjacent Zumbro River. How will the land look once Rochester Sand and Gravel leave? Who will inspect the site to make sure that conditions have been met?

Brian Schumacher addressed these issues by stating that they will use silt fencing around the whole site and that the MPCA has rules and regulations that must be met.

Mike Shelton stated that silt fencing doesn't do a good job of keeping the run off out of the river and a good example is the Granger Pit. It was a viable river until the over flow turned the river white.

Lori Mensink, a neighbor, was concerned about truck traffic on Hwy 24 and how the road would hold up with all the trucks hauling.

Guy Kohlnhofer, County Engineer stated that it's an older road but it is designed to carry this kind of traffic. This should not affect the road. Guy addressed the bridge on 237th Ave stating that it's a wide bridge and was built to handle heavy loads.

Duane Johnson asked the Township if they would like to see the \$25,000 bond be added as part of the conditions on the 5 years length of the sand extraction.

Ron Durst, Milton Township indicated that they would like to add that to the conditions of the CUP.

Duane Johnson addressed the concerns about the Granger Pit being there for many years and that there is not an active permit. This leaves the County with limited jurisdiction of land use practices and reclamation of the Quarry. At this time we are not aware of any complaints or if the MPCA has checked out the stream conditions.

Duane Johnson noted that the plan have changed from the original direction of which they will be mining the sand. The sand will be extracted from along 237th Ave going east in a circular direction.

John Allen stated that Mathy is very conscious of their site and that they never started the Granger Pit and would never run a site like that.

Brian Schumacher stated that at the end of the season they will knock down the active face (vertical side) to prevent anyone from getting injured after they close the site. Brian addressed the concerns on the hours of the pit. There will be a mechanic going around servicing the equipment at 5:00 am. But the trucks don't start running until around 7:00 am. There will be approximately 15 trucks per hour or 1 every 4 minutes.

Motion by Jon Balzum, seconded by Harlan Buck, to close the public hearing. Motion passed unanimously. Motion by John Allen, seconded by Jon Balzum, to recommend approval of the Findings of Facts and Recommendations of the agenda report, and Amendment to Permit Application for the Extraction of Mineral and Sand with the following conditions:

1. Permit is issued for one year for the batching plant
2. Permit is issued for five years and renewed at that time for the sand pit operation.

3. A road bond in the amount of \$25,000 would be posted for 237th Avenue for the length of the term of the sand operation with the township.

The motion was passed unanimously

Daniel Ebling – CUP #07-12

The second public hearing is to consider an application for a Conditional Use Permit for a mobile home as a second non-farm dwelling. The property is 9.29 acres located in the SW ¼ of SE ¼, of Section 13, Vernon Township. Daniel Ebling is the applicant and Darrell Ebling is the property owner.

Daniel Ebling was present to explain his plans for the proposed site. He would like to move a mobile home onto his parent's property for a temporary length of time to be there when they are traveling. Daniel indicated the time frame to be for no more than 5 years.

Stephen Becvar, Vernon Township has no objection to the proposed site.

Duane Johnson stated that the driveway easement is not in compliance with the Dodge County Ordinance 804.8 Performance Standards. Access drives, serving two or three residences shall be 66' in width. The copy of the Abstract of Title shows only a 33' easement for the driveway. In the case that an emergency vehicle is needed two trucks could not be able to meet on the driveway.

Daniel can't understand why he would need a wider easement since his driveway will hold two vehicles and that the neighbors who has the land around their driveway and have two homes don't need a wider drive too.

Duane Johnson stated that several years' back a CUP was issued for a mobile home and that since has been removed and that mobile home request came for the owner of the adjacent land. The mobile home has since been removed and that opens up the density for that quarter of the section.

John Allen asked if the mobile home shared the easement driveway then.

Daniel Ebling indicated that they did.

Galen Johnson has a couple concerns with the easement not meeting the county criteria and the as needed non-farm dwelling. This usually means that an elderly relative needs to be looked after for care giving reasons.

Duane Johnson stated that he talked to the adjacent property owner and they are not in favor of this proposal and are not giving Mr. Ebling additional land for an easement.

Motion by Harlan Buck, seconded by Jon Balzum, to close the public hearing. Motion passed unanimously. Motion by Harlan Buck, seconded by Jon Balzum, to recommend tabling the request to allow Ebling and the adjacent property owner to work out an agreement on the driveway agreement.

The motion was passed unanimously

Jeffrey Berge – CUP #07-13

The third public hearing is to consider an application for a Conditional Use Permit to establish a feedlot of 2000 head of hogs or 800 animal units. The proposal includes a confinement building approximately 51 x 340 feet with a beneath barn 8 foot deep concrete pit for manure storage for 2000 head of finishing hogs. The property is 10.01 acres located in the NW ¼ of SW ¼ in Section 11 of Vernon Township. Jeffrey Berge is the applicant and Kendall Boyum is the property owner.

Jeffrey Berge was present to explain his proposed site. He wants to put up a 2000 head finishing barn on his property in Vernon Township just northeast of his home site. Jeffrey stated that he has a manure management plan with Kendall Boyum to apply manure on 400 acres of land.

Stephan Becvar, Vernon Township stated that at the April Township meeting some citizen of Vernon Township had concerns about the proposed site. The township asked the citizens to come to the public hearing meeting to have them addressed. Stephan stated that the township has no objection to the proposed site as long as it meeting the county criteria.

Tom Canan, Attorney for Jason and April Wilson read a statement and presented a written copy of the statement dated May 2, 2007 to Duane Johnson for the file.

Wes Alrick, property owner to the north of Berge had a concern about the manure application. If he was to sell his land in the future would that be problem.

April Christopherson-Wilson, neighbor presented her concerns about the environmental quality of living within this area of the proposed feedlot. A written copy was provided for the file.

Jason Wilson had concerns about how the manure will be handled in the winter months. If there is contaminates found in their well water or in their wetland who will be held responsible for it.

Galen Johnson addressed this concern by stating that the MPCA has rules on the handling of winter applications. The applicant is to notify the county feedlot officer. The land owner from where contaminates come from will be liable.

Jason Wilson has concerns about if there should be a limitation of hogs in the county. How many hog building can be built in an area and how much manure can be spread on the land? How often are the building inspected?

Duane Johnson stated that the county now has hired a compliance officer for inspections of hog site.

Joel Johannningmeier, Agronomist was asked to speak about soil management in sensitive areas. Applying the manure is done based on the condition of the ground with the rotation of the crops. This is overseen by the NRCS for the amounts to be applied.

Craig Benedix stated that is will make an excellent site and is in support of the applicant.

Larry Wilson neighbor to the south built his home 5 years ago and is concerned about the value of his home. He will have his property appraised now for value and if the value shows a loss at the time of the sell where is he to go.

Gene Trygstad lives 1 ½ miles to the north stated that the proposed hog building is too close to West St Olaf Church. Boyum's was spreading manure on a day that there was a funeral and the smell was so bad that the people had to leave. How many more building are going to be allowed to be put up and where will all the manure be spread?

Matt Kaehler, neighbor to the west of Jeff has concerns about the wells with contaminates coming from the drain tile. The odor at the church is a concern also. He has two boys and they like to go fishing and playing in the dirt and are afraid of contaminates possibly harming them. Matt is against this proposal.

Joel Wipperfurth, Agronomy Production Specialist from Greenway Co-op stated fact about swine manure verses synthetic and commercial fertilizer application. That hog manure replaces the nutrient in the soil after the crops have depleted it. Manure is a valuable resource for a fertilizer.

Wayne Nielsen, neighbor to the south had concerns on the setback for a feedlot being 500 feet to a home, but a ¼ of mile for a home to a feedlot. Wayne stated that he is not in favor of being between two barns. The Bio-filter doesn't work now on the barns and he smells them more then not. His taxes went up when the Tiegen Valley subdivision went in will his taxes go down with another barn in the area. When will the build be inspected and would like to see the county more involve with the neighbors.

Duane Johnson address the set back issue by stating that in 1995 the county adopted to the ordinance; that all new dwelling shall have a setback at least ¼ mile from a feedlot and 500 feet for non-farm dwellings.

Ken Folie addressed the manure management plan for Kendall Boyum land. The requirement of the Feedlot Application short form needed before the barn can be built. Ken also addressed the requirement for winter manure application.

Chuck Petersen, MPCA stated that records are kept for all manure applications by the producer to which field it was applied to. Any issue about Karsts is usually handled by the county not the MPCA.

Duane Johnson addressed what the county looks for on the CUP application. The feedlot permit is issued after the Conditional Use Permit is obtained.

Galen Johnson inquired if Jeff Berge was familiar with the maps for the tile line in the field to the north.

Jeff Berge indicated that he has not seen them before today.

Galen Johnson inquired on how far the nearest feedlot was away.

Jeff Berger responded that the nearest feedlot is $\frac{3}{4}$ mile from site.

Ken Folie addressed the odor issue at the church stating that there are no rules about being a good neighbor. Kjetil Aasen has since brought an incorporator to apply the manure. Kjetil Aasen did notify the county about the winter application being done. Some of the older sites have smaller pits and need to be hauled out in the winter time. The drain tile that runs along the building to the east and south into the tile line has inspection tee for inspecting.

Jon Balzum inquired about the Bio-filters.

Ken Folie stated that Kendall Boyum doesn't have Bio-filters but Kjetil Aasen does and Dave Gosch will have Bio-filters installed on this new barn.

Richard Wolf inquired about the handling of the dead animal carcass.

Jeff Berge stated that they will be composting.

Duane Johnson addressed the Karsts issue. The county will need more information on the area to decide if a Karst assessment is needed.

Mark Gamm stated that he has Karsts survey if more information was needed.

Galen Johnson inquired if there are sinkholes reported in the area. Chuck Peterson responded that he is not aware of them.

Ken Folie indicated that a Karsts Survey was done by Ralph Bartz on Kjetil Aasen barn 2 years ago and it came up negative. Ralph is on site when they do

the digging for the pit. So they can take the necessary steps to handle any Karst issues.

Harlan Buck indicated that someone should notify the church if they are planning to spread manure.

Motion by Harlan Buck, seconded by Richard Wolf, to close the public hearing. Motion passed unanimously. Motion by Harlan Buck seconded by John Allen, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. The Feedlot Advisory Report dated April 18, 2007.
2. If soil test profiles from the site indicate sand in the profile the County may require a line of tile with an inspection tee under the barn to monitor for leakage. The tile would be installed per the engineer's approval.

The motion was passed unanimously

Other Business

Duane Johnson advised the Planning Commission that Harlan Buck has agreed to be on the Board of Adjustment as an alternate. The ordinance states that one Planning Commission member must serve on the Board of Adjustment. He will bring this to the Board of Commissioner at their next meeting on Tues, May 8th.

Duane Johnson also passed on an invitation from the Land Use Task Force to their next meeting held on May 17, 2007 at 7:30pm.

Adjourn

Motion by Harlan Buck, seconded by Richard Wolf, to adjourn. Motion passed unanimously. The meeting was adjourned at 9:40PM.