

**Minutes of the Dodge County  
PLANNING COMMISSION MEETING  
December 1, 2010**

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The regular meeting of the Planning Commission was called to order by Richard Wolf at 1:00 PM on Wednesday, December 1, 2010. Present were Planning Commission members Galen Johnson, Harlan Buck, Walter Wyttenbach, Jon Balzum, Richard Wolf and Gene Hallaway. Also present were County Commissioner, Dave Erickson, Dave Hanson, Klaus Alberts, County Attorney, Paul Kiltinen, County Administrator, Jim Elmquist, and Zoning Administrator, Melissa DeVetter.

Motion by Harlan Buck, seconded by Jon Balzum, to approve the agenda and the September 2010 minutes. Motion passed unanimously.

**Jess Harris – CUP #10-08**

The public hearing is to consider an application for a Conditional Use Permit to allow an Ag Related Business in the Agricultural District. The property is 5 acres located in the NW 1/4 of the NE 1/4 of Section 9, Mantorville Township. Jess Harris is the applicants and property owners.

Jess Harris and Brad Smith were present. The proposed building would be located to the north of Mr. Harris place. Their business is growing and they need more space. The building might have to be move a little depending on the septic location. They are still waiting on the test result.

Motion by Harlan Buck, seconded by Walter Wyttenbach, to close the public hearing. Motion passed unanimously.

Richard Wolf inquired on the building size.

Jess Harris stated it will be 80' x 120'.

Richard Wolf inquired if it was a steel building.

Jess Harris indicated yes. The dimension might have to change do to the septic but not by much. They may rotate the building to run north and south instead of the east and west as the drawing shows.

Walter Wyttenbach inquired if Mr. Harris has talked to the neighbors.

Jess Harris stated he has talked to Wayne and Don Alberts and Mr. Naatz.

Harlan Buck inquired if Mr. Harris has spoken to the Mantorville Township.

Jess Harris indicated yes.

Lawren Castner, Mantorville Township stated the only concern that the Township had was the location of the driveway.

Walter Wytttenbach inquired if the driveway access was on County Rd 11 or County Rd 18.

Jess Harris stated that the driveway will be a shared driveway with Mr. Durst's property off of County Rd 18.

Lawren Castner, Mantorville Township stated other than the driveway they had no objection to the proposal.

Galen Johnson had a concern with listing the hours. Do we require that they are listed? Would this be too restrictive for farmers in need of repairs during harvest season?

Melissa DeVetter stated that we do ask for the hours to be listed as part of the application.

Galen Johnson inquired if Mr. Harris was working with grain dryers.

Jess Harris stated yes he does and one of the conditions states that they are allowed extended hours in the fall season.

Walter Wytttenbach inquired if the well will be shared.

Jess Harris indicated yes.

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. Operation will comply with all local, state, and federal regulation regarding the use and activities performed on site.
2. Any sign shall meet the performance standards of Section 1601 of the Dodge County Zoning Ordinance. A sign advertising the business shall not exceed sixteen (16) square feet and shall be set back a minimum of ten (10) feet from the right-of-way.
3. Any change involving the addition of new business related structures or employees beyond that specified in the agreement/application 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.
4. The business shall comply with the conditions of this permit and the Business Plan, which shall be recorded with the CUP.
5. A Zoning Permit shall be obtained prior to any construction.

6. Discharges from the floor drain shall be appropriately collected, treated and discharged as determined by the EPA.
7. The access drive shall conform to the Dodge County Zoning Ordinance requirements.
8. Parking shall comply with the design requirements of Section 1602.2.
9. Stormwater runoff quality and quantity due to the impervious surface from the building and parking area shall be adequately addressed on site. Complaints involving stormwater shall result in review of the CUP by the Planning Commission.
10. The business shall comply with Section 1611 (Nuisance Standards). Nuisance complaints shall result in review of the CUP by the Planning Commission.
11. Hours of operation shall be 7:00 a.m. to 8:00 p.m., Monday through Saturday, with some Sundays during the months of September through December.

Motion passed unanimously.

### **Other Business**

#### **Zoning Amendment – ZA #10-03 (continued)**

The third public hearing is to consider an amendment to the Dodge County Zoning Ordinance. The existing language pertaining to Chapter 6 Nonconformities, Chapter 7 General Zoning District Rules of Application and Chapter 15 Floodplain Overlay District "FP" would be repealed and replaced with the new proposed language. Also part of Chapter 4 (Rules and Definitions), Chapter 14 (Shoreland Overlay District) and Chapter 18 (Administration) will be amended.

Melissa DeVetter gave a brief summary of what was discussed at their last meeting. Chapter 6 Non-conforming Uses the existing language was out of compliance with the State Statutes. The purposed changes will bring the County ordinance in compliance with the Statutes.

In the nonconformity section there is an issue that will need to be address. When the feedlot setback was adopted, does this make the existing dwellings nonconformity? Can they expand with a variance? Does the nonconformity statute apply to a performance standard for a use?

Paul Kiltinen, County Attorney stated he will have to look into the statute before he could answer this.

After further discussion it was decided to wait for clarification on nonconformities from the County Attorney.

Ms. DeVetter gave a brief review of Chapter 7.

Ms. DeVetter reviewed Chapter 15 Floodplain Overlay District; we had to rewrite the section pertaining to the non-conformities in the floodplain in addition a new

more restrictive Ordinance was proposed that would prohibit new structure in the Floodplain.

Ms. DeVetter reviewed Chapters 4, Rules and Definition; Chapter 14, Shoreland Overlay District "SH" and Chapter 18, Administration portions of these chapters pertaining to non-conformity language also had to be amended.

After a lengthy discussion the following motion were made.

Motion by Galen Johnson, seconded by Walter Wytttenbach, to recommend not approving Chapter 15 Floodplain Overlay District "FP" for the following reasons; 1. Language is too prohibited. 2. Not having seen the new Floodplain Maps. 3 Not convinced that FEMA recommendations are not adequate. Motion passed unanimously.

Motion by Galen Johnson, seconded by Harlan Buck, to tabled Chapter 6, Nonconformities until the County Attorney has answered a question. Motion passed unanimously.

Motion by Galen Johnson, seconded by Walter Wytttenbach, to recommend approval of Chapter 7 General Zoning District Rules of Application, Chapter 4 Rules and Definitions, Chapter 14 Shoreland Overlay District "SH" and Chapter 18 Administration as presented. Motion passed unanimously.

Richard Wolf inquired on the status of Mr. Skjeveland CUP.

Melissa DeVetter stated the County Board did recognize that Mr. Skjeveland site had shown some improvement but was still out of compliance with his CUP. The County Board instructed the County Attorney to draft a letter informing Mr. Skjeveland that he had 90 days to come into compliance.

Richard Wolf inquired on the status of the bio-filter violations.

Melissa DeVetter stated the County Board has advised the County Attorney to draft a letter requesting a meeting with the feedlot owner who is in violation. At this time Ms. DeVetter is not sure on the time line for this meeting.

### **Adjourn**

Motion by Jon Balzum, seconded by Walter Wytttenbach, to adjourn. Motion passed unanimously. The meeting was adjourned at 2:50 P.M.