

Minutes of the Dodge County  
**PLANNING COMMISSION MEETING**  
**February 6, 2008**

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The regular meeting of the Planning Commission was called to order by Galen Johnson at 1:00 PM on Wednesday, February 6, 2008. Present were Planning Commission members Galen Johnson, Jon Balzum, John Allen, Larry Schmeling, Harlan Buck, and Richard Wolf. Also present were County Commissioner Dave Erickson, Dave Hanson, Don Gray, Lyle Tjosaas, County Administrator, David McKnight and Planning Director Duane Johnson.

Motion by Harlan Buck, seconded by Jon Balzum, to approve the agenda and the January 2008 minutes. Motion passed unanimously.

**Erik & Jennifer Hess – CUP #08-04**

The first public hearing is to consider an application for a Conditional Use Permit to establish a non-farm dwelling in the Agricultural District. The property is 45.5 acres located in the SE 1/4 of the NW 1/4 of Section 6, Milton Township. Erik and Jennifer Hess are the applicants and property owners.

Erik Hess was present to explain his proposal for this site. The plans are for a single family home on this property.

Dave Kennedy, Milton Township has no objections with this proposal.

Duane Johnson gave a brief history of this proposal. A variance has been granted for the steep slope of 18 % or greater on the easement for the driveway by the Board of Adjustment.

Galen Johnson inquired if is a new proposal.

Duane Johnson stated this proposal is a new proposal because the original Conditional Use Permit, which has been extended for one year already, will expire February 13<sup>th</sup>, 2008.

Galen Johnson had a concern if any conditions will need to be added to this Conditional Use Permit in regards to the Variance that was granted for the driveway.

Duane Johnson answered no; the Variance has issued conditions for the driveway. This Variance will be recorded with the Recorder Office.

Motion by Jon Balzum, seconded by Larry Schmeling, 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 with the following conditions:

1. The Agricultural Covenant shall be signed and recorded.
2. The septic system must meet the Dodge County's septic ordinance.
3. The home shall not be built on slopes 12% or greater.
4. The driveway shall not be built on slopes 18%.

The motion was passed unanimously.

**Steve & Caroline Farrell – CUP #08-05**

The second public hearing is to consider an application for a Conditional Use Permit to establish a non-farm dwelling in the Urban Expansion District. The property is 46.81 acres located in the NW 1/4 of the NE 1/4, of Section 1, Milton Township. Steve and Caroline Farrell are the applicants and property owners.

Steve Farrell was present to explain the proposal for this site. The plan is for a single family home on this site.

David Kennedy, Milton Township has no objections with this proposal.

Duane Johnson gave a brief history on this site. It's located in the Urban Expansion District just outside of Pine Island. The Urban Expansion District requires a minimum lot size of 35 acres this proposal meet this requirement. They do need a Conditional Use Permit to build one home.

Galen Johnson was concerned about this area being a growth area for the future.

Duane Johnson addressed this concern. This parcel will have to go through a public hearing to be rezoned to Urban Expansion Residential and present a ghost plat showing future development.

Richard Wolf has a concern about the length of the driveway. Will they need an NPDES permit for the driveway?

Duane Johnson stated they may; we won't know until they come in for a zoning permit for the house.

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

1. The Agricultural Covenant shall be signed and recorded.
2. The septic system must meet the Dodge County's septic ordinance.
3. The home shall not be built on slopes 12% or greater.
4. Driveway and access permits be obtained from the Goodhue County Highway Dept.

The motion was passed unanimously.

### **Chad Otis – CUP #08-06**

The third public hearing is to consider an application for a Conditional Use Permit to establish a Home Occupation in the Agricultural District. The property is 10.31 acres located in the NE 1/4 of SE 1/4, of Section 8, Concord Township. Chad Otis is the applicant and property owner.

Chad Otis was present to explain the proposal. Chad has a small iron shop to make railings, gates, and does sell some steel. Due to the business growing he needs to hire a couple part-time employees. With possible having full time employees in the future as his company's name gets around more and the business growing.

Duane Johnson stated that Mr. Otis came to us inquiring about a home occupation business. After discussing his business needs it was determined that a Conditional Use Permit was needed. He has signed a Home Occupation agreement. Has agreed with the terms and does know that if the County receives a compliant his Conditional Use Permit could be reviewed and possibly voided.

Galen Johnson stated Exhibit 4 Home Occupation Agreement was very helpful for the commission to know the materials will be stored indoor all the time.

Chad Otis addresses any concerns about sandblasting stating some is done at his site. He does a small amount of sandblasted and if he was to do larger amounts of sandblasting he would contact the county for a shelter for a larger sandblaster. He only uses wet paint but most of his product is powder coated.

Galen Johnson has a concern about Federal Rules on disposal was being followed.

Chad Otis stated that he is disposing the paint cans by the proper methods that are required. Once the spray cans are empty they may be thrown into the garbage.

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

1. The Home Occupation Agreement is signed and recorded with the CUP.
2. The permit will be reviewed by the Planning Commission before any expansion of outside activity area or any new accessory buildings outside.
3. Agricultural Covenant be signed and recorded.
4. Business operation conform to all State and Federal Rules including sandblasting and sandblast material after use; use of solvents, paints or other fabricating materials stored, used or disposed of.
5. Nuisances coming from business practices must comply with standards set forth in Section 16, 1611 Nuisance Standards.

The motion was passed unanimously.

#### **Troy Arnold – CUP #08-07**

The fourth public hearing is to consider an application for a Conditional Use Permit to establish an additional farm dwelling in the Agricultural District. The property is 24.87 acres located in the S 1/2 of the SE 1/4, of Section 33, Vernon Township. Troy Arnold is the applicant and property owner.

Troy Arnold was present to explain the proposal. Wants to build a new house for himself and still allow his parents to live in the existing older home. Then at sometime after his parents leave the farm he would tear it down or move it off.

Vernon Township had submitted a comment on the land use proposal sheet stating a concern about adding a sunset clause to the Conditional Use Permit.

Glen Hahn, neighbor to the west of proposed site, felt that if this was not approved it would be a problem for Troy's parents. He would also like to see a sunset clause so down the road this could not be split off and sold as two building sites.

Lawrence Schwauke had a concern about the new home being in the flood plain and it would be reasonable to allow Chad's mother to live there, but want a sunset clause added to the Conditional Use Permit.

Melissa DeVetter has a concern on what the flood plain elevation was and how it was determined.

Duane Johnson commented that Troy Arnold came to the county inquiring about either doing a replacement home or building a new home under the farm definition. With this discussion with Troy it was determined that there could be a flood plain issue. This must be determined before he could build a home. The zoning

ordinance addresses this in Section 15, Flood Plan District. The county will not issue a zoning permit if the house is in the flood plain.

Harlan Buck inquired where the existing home was located on the farm.

Galen Johnson inquired if there is a sunset clause on a farm.

Duane Johnson addressed this by reading the criteria for a second dwelling with a sunset clause in the zoning ordinance.

Galen Johnson had a concern that the second dwelling be only kept for immediate family member.

Motion by Jon Balzum, and seconded by Larry Schmeling, to include the sunset clause as part of the conditions.

The motion was passed unanimously.

Motion by Harlan Buck, seconded by Larry Schmeling, to close the public hearing. Motion passed unanimously. Motion by Harlan Buck, seconded by Jon Balzum, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. The Agricultural Covenant shall be signed and recorded.
2. The septic system must meet the Dodge County's septic ordinance.
3. Address be obtained from the Dodge County Highway Dept.
4. Need to meet Flood Plain regulations in Section 15 of Dodge County Zoning Ordinance.
5. The sunset provision in the Zoning Ordinance 803.2a shall apply. When the home is no longer used by the immediate family the home shall be removed.

The motion was passed unanimously.

### **David Riess – CUP #08-08**

The fifth public hearing is to consider an application for a Conditional Use Permit to establish a Home Occupation in the Agricultural District. The property is 5 acres located in the S 1/2 of SW 1/4, of Section 31, Westfield Township. David Riess is the applicant and property owner.

David Riess was present to explain his plans for the proposal. Riess business is raising wax worms for fishing bait.

Duane Johnson stated the wax worm farm is already in operation. Everything meets the criteria for the home occupation business. There will not be any outside storage or activity.

David Riess addressed any traffic concerns by stating Spee-dee van comes everyday for pick-up. David has his own van for deliveries, a feed truck comes once a month. The feed is comprised of floor sweepings from the Northfield cereal plant. The liquid feed is fructose. They mix these ingredients along with other nutrition's to make a granola looking mixture to feed the wax worm. David works with Oswald fisheries in Ellendale. If he does decide to expand he would probably move to that site. David gave a brief description of the life of the wax worm.

Galen Johnson inquired if they advertise wax worms for sale and if they have customer traffic.

David Riess addressed that they don't have customers coming to their site. They ship to wholesaler and the wholesaler ships to bait stores.

Motion by Richard Wolf, seconded by Harlan Buck, 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 Home Occupation Agreement is signed and recorded with the CUP.
2. The permit will be reviewed by the Planning Commission before any expansion of outside activity area or any new accessory buildings outside.
3. Agricultural Covenant be signed and recorded.
4. Nuisance coming from business practices must comply with standards set forth in Section 16, 1611 Nuisance Standards 1-6

The motion was passed unanimously.

**Robert Snaza – ZA #07-03 (continued from January)**

The third public hearing is to consider a request by Robert Snaza for a text amendment to the Dodge County Zoning Ordinance which currently prohibits commercial go-cart tracks. A text amendment would allow commercial go-cart tracks County wide. The County is studying whether this type of business should be considered as (1.) a conditional use in the Agricultural District (2.) allowed only in a Commercial District. Robert Snaza owns 37.5 acres located in the NE 1/4 of NE 1/4, Section 1, Ripley Township and is proposing to operate an outdoor commercial go-cart track on this property.

The planning commission postponed a decision on this request last month to allow Robert Snaza to be present to address any questions on this proposal.

Robert Snaza was present along with Jim Zahradnik for questions.

Galen Johnson inquired what was really in front of the Planning Commission now.

Duane Johnson gave a brief history of this proposal and reviewed the staffs recommendations and summary of the findings and facts. Duane reviewed the four options with this request. 1 Allow go-cart tracks as a conditional use in the Agricultural District. 2 Require go-cart tracks only in commercial or industrial zones. 3 Defer to the townships that have their own ordinance adopted. 4 Make no ordinance change. Melissa DeVetter has done quite a bit of research on go-cart tracks in the state. The setback is a big issue that needs to be looked at to set standard for go-cart tracks.

Mr. Snaza has done a lot of work by going to the all Township board meeting. Most have responded that they are in favor of handling go-cart tracks as a Conditional Use Permit in the agricultural district.

Galen Johnson stated the zoning ordinance prohibits commercial race tracks. The bigger question is do we want to amend the zoning ordinance to allow commercial go-cart tracks.

Duane Johnson commented if we do rezone what would the standards be and would this be allowed in agricultural or commercial and industrial districts. Preferably in commercial district as far away from any residential district. There will be issues to deal with such as noise, dust, access for public use and nuisance standards.

Galen Johnson inquired could we grant a conditional use permit in the agricultural district now or would the ordinance have to change first.

Duane Johnson addressed this by stating the county would have to change the ordinance first. But setback for the existing track would not meet the county criteria as it is.

John Allen inquired if Bob Snaza has read the finding of facts report.

Mr. Snaza indicated that he has read the report. Since his car accident he has had Jim Zahradnik handling any paperwork that has been sent to him. But Mr. Snaza feels that the county is making this a bigger issue then he is looking at. Numbers of cars are very limited and they only have races every other Saturday though the summer months.

John Allen had a concern if the track would have to be moved would Mr. Snaza be willing to do that.

Mr. Snaza indicated that he would like to leave it as it is. He just wants to have a place for the kids to race their go-carts. He just needs to get the track zoned commercial so he can get insurance for liability.

Galen Johnson inquired are there tracks in the surrounding county.

Jim Zahradnik indicated that Mower County, Freeborn County and one by Hayfield. They have a waiver signed by everyone coming in. Everyone has fun for the day and then helps in the clean-up.

Galen Johnson inquired if there are commercial tracks other than the fair grounds.

Jim Zahradnik indicated no they just sign a waiver and give a donation.

Richard Wolf inquired if that would work for Mr. Snaza's track.

Bob Snaza indicated that any good lawyer would blow the waiver out of the water in a law suit.

Jon Balzum inquired if Mr. Snaza has talked to the fair board about go-cart races.

Bob Snaza indicated it's very expensive and they don't have that kind of money.

Jim Zahradnik inquired if this could be called anything besides a commercial zone.

Duane Johnson addressed this with other counties. Some class it as outside recreational and issue permit for go-cart tracks under a conditional use permit. Not sure what Mr. Snaza's needed are; it's one thing to build a private track for racing, but totally different to have an organized racing events at the track.

John Allen inquired if this is just basically needed to get insurance.

Bob Snaza indicated that if he collects any money he needs his property to be a commercial site to get insurance.

Duane Johnson commented that if he operates as a business then he had to be permitted.

Bob Snaza indicated if only his family runs go-carts then his home owners insurance will cover them.

Galen Johnson inquired if Mr. Snaza limit the amount of races then could the county permit him for each race or gets a temporary permit for the summer.

Duane Johnson addressed this by stating the county would need to know the number of races, what time these races would be held. So when the county gets any calls this could be addressed.

John Allen indicated he wants to see this work for Mr. Snaza.

Duane Johnson explained the time line for this request is running out. A decision needs to be made on this request. This location will have issues no matter what. It's

not that the county is opposed to what Mr. Snaza is doing but this decision will affect the whole county.

Jon Balzum inquired if this is denied could Mr. Snaza come back with this proposal again.

Duane Johnson stated that if no changes are made Mr. Snaza must wait 6 months before reapplying. A Zoning Amendment can be initiated by the property owner, Planning Commission, and the County Board

Motion by Jon Balzum, seconded by Richard Wolf, to recommends denial of the Snaza's current request to amend the zoning ordinance to allow a go-cart racetrack enterprise on his property in Ripley Township.

The motion was a tired vote. 3 ayes, (Larry Schmeling, Jon Balzum, Richard Wolf) 3 nays, (John Allen, Harlan Buck, Galen Johnson). The motion dies.

After further discussion and clarifying that they are voting on a zoning amendment not on a Conditional Use Permit a motion was called for.

Motion by Jon Balzum, seconded by John Allen, to recommend denial of the Snaza's current request to amend the zoning ordinance to allow a go-cart racetrack enterprise on his property in Ripley Township. We make this recommendation primarily based on two findings:

1. The racetrack, in its current location, will not meet typical setback standards or performance standards.
2. The proposed racing activity, in its current location, will not likely meet the county's current nuisance standards which apply in all zoning districts. The motion was passed unanimously

The motion was passed unanimously.

A 2<sup>nd</sup> motion by Harlan Buck, seconded by Larry Schmeling, to recommend staff to continue working with the applicant.

The motion was passed unanimously

### **Other Business**

No March meeting.

Duane Johnson informed the Planning Commission of a request for a Wind Energy forum that will be in front of the County Commissioner next week. If approved by the County Board, a forum will be put together for February 28, 2008, from 1-4 pm at the Hayfield Oaks County Club.

**Adjourn**

Motion by Harlan Buck, seconded by Jon Balzum, to adjourn. Motion passed unanimously. The meeting was adjourned at 3:20 PM.