

Minutes of the Dodge County
PLANNING COMMISSION MEETING
May 7, 2008

The regular meeting of the Planning Commission was called to order by Galen Johnson at 7:00 PM on Wednesday, May 7, 2008. Present were Planning Commission members Galen Johnson, Jon Balzum, John Allen, Rhonda Toquam, Larry Schmeling, Harlan Buck, and Richard Wolf. Also present were County Commissioner Dave Erickson, Dave Hanson, Klaus Alberts, and Compliance Officer Melissa DeVetter.

Motion by Harlan Buck, seconded by Jon Balzum, to approve the agenda and the April 2008 minutes with the one correction to Luke Scherger hearing. Luke Scherger indicated that the results of the odor modeling were predicted with assuming bio-filter were not installed. Motion passed unanimously.

Neal Knutson – CUP #08-11

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 49.69 acres located in the NE 1/4 of the SW 1/4 of Section 2, Milton Township. Neal Knutson is the applicant and property owner.

Neal Knutson was present to explain his proposal. He wants to split off 4 acres from the 49 acres for a building site.

Melissa DeVetter stated the proposed site meets the County criteria for a non-farm dwelling and the quarter section is available.

Dave Kennedy, Milton Township Clerk, stated the township has reviewed the proposed site and driveway. The driveway will front onto 265th Ave and this is the best location the driveway. The township has no objection to this proposal.

Easter Anderson, neighboring landowner, had approached Mr. Knutson about this proposal. Ms. Anderson was originally told by Mr. Knutson that he was going to have cattle on this ground after it came out of CRP. Mr. Knutson stated he was proposing to sell land for a building site but it was to be to the south of this new site. He needed to fence this ground for the cattle and with the fencing law the neighbors are responsible for half of the cost of the fence that runs along their property. Now he is proposing this new location as a building site and Ms. Anderson feel she should be reimbursed for the fence. She has no objections to the house being built.

Galen Johnson questioned Melissa DeVetter if she was aware of this law.

Melissa DeVetter indicated she is; it's a statute that states if the fence is located on the property lines the property owners must share the cost. This is a state statute and it's something that the county does not regulate, and would not prohibit issuing the CUP.

Galen Johnson had a concern on the distance of the nearest feedlot.

Neal Knutson stated it over a 1/4 mile away.

Galen Johnson inquired if he knew who it was.

Neal Knutson indicated that he did not know.

John Allen questioned if this proposed site was for sale or was Mr. Knutson going to live there.

Neal Knutson stated it's for sale. Last fall he turned over the soil and it was determined at that time to be too rocky and poor soil for farming.

Galen Johnson questioned the size of this parcel and if he lived on it.

Neal Knutson stated its 49 acres and he does not reside on it.

John Allen questioned if he fenced all of it.

Neal Knutson state he did and the cost was shared with the neighbors. At the time it was fenced he did not realize that the quarter section was open for a non-farm dwelling. After talking to Duane Johnson last fall he found out the quarter was open and decide to apply for a Conditional Use Permit for a non-farm dwelling.

Galen Johnson questioned if there will still be cattle on this property.

Neal Knutson indicated he still plans on having cattle there. When the land came out of CRP last fall he could not renew the CRP contract. It had too many box elder trees on it so now the ground will be turned into pasture.

Jon Balzum had a concern about the steep slopes on the site.

Melissa DeVetter stated there are 12% to 18% slopes on the site. Dwelling can be constructed on the 12% slope with engineered plans, but you can not disturb and ground with 18% slope.

Galen Johnson questioned how long CUP's are good for.

Melissa DeVetter state one year and they must have started constructing the home before the permit expires.

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

1. Dodge County Zoning Permit be obtained before construction.
2. Dwelling shall not be built on 12% slope or greater unless accompanied by an engineer's plans.
3. The Agricultural Covenant shall be signed and recorded.
4. The septic system must meet the Dodge County's septic ordinance.
5. Driveway access and permits be obtained from the Township.
6. No development on land which has a slope of 18% or greater.
7. Address be obtained from Dodge County Highway Dept.

The motion was passed unanimously.

Blaine Delzer – CUP #08-12

The second 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 10 acres located in the SW 1/4 of the NE 1/4 of Section 24, Wasioja Township. Blaine Delzer is the applicant and David Delzer is the property owner.

Blaine Delzer was present to explain the proposal. His plan is to place the dwelling by the wood on the property that is presently owned by his parents. The driveway will front onto 220th Ave.

Galen Johnson questioned if the residence was for Blaine.

Blaine Delzer indicated yes.

Larry Scherger, Wasioja Township Chair, stated Blaine came before the township last month; the township has a process that requires the application to be acted upon at the second township meeting. Their next meeting will be next Monday night so they can not give a recommendation yet, but did not see problems with the proposal.

Melissa DeVetter stated this proposed site does meet the County criteria for a non-farm dwelling and the quarter section is available.

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

1. Dodge County Zoning Permit be obtained before construction.
2. The Agricultural Covenant shall be signed and recorded.
3. The septic system must meet the Dodge County's septic ordinance.

4. Driveway access and permits be obtained from the Township.
5. Address be obtained from Dodge County Highway Dept.

The motion was passed unanimously.

Horizon Wind Energy – CUP #08-14

The third public hearing is to consider an application for a Conditional Use Permit to establish a meteorological tower in the Agricultural District. The property is 53.05 acres located in the NW 1/4 of the NW 1/4 of Section 7, Concord Township. Horizon Wind Energy is the applicant and R Darwin Knott is the property owner.

Brenna Gunderson, representative for Horizon Wind Energy was present to explain the plans for the meteorological tower. The plan that was submitted has three possible sites. The first site is the location the land owner would prefer. The second site location is what Horizon would prefer.

Harlan Buck questioned the number of years the tower would be in use.

Brenna Gunderson indicated it could be from five to seven years.

Melissa DeVetter had a concern about the site locations. When the application came, Horizon was contacted and asked which site the proposal was for. They indicated site #1. The staff report information reflects site conditions and information for site #1 only. The county did not evaluate the other two sites.

Galen Johnson stated that if the land owner preferred site #1; he should be the one determining where the tower is located.

Brenna Gunderson indicated site #1 was what was chosen at first too, but site #2 was chosen later. Horizon did not think the change in location would matter to the county.

Galen Johnson questioned the height restrictions for the tower.

Melissa DeVetter stated the height restriction for non agricultural structures is 35 feet. For every ten feet in excess of double the height restriction in the district, an additional five feet of setback shall be applied to the required setback.

Galen Johnson questioned why the second site is preferred.

Brenna Gunderson indicated the elevation was better on site #2.

Jon Balzum questioned how much more in elevation is site #2.

Brenna Gunderson was not sure just knew that site #2 was the better of the two. The land owner wanted site #1 because it would be out of the field.

Galen Johnson questioned the access location for site #1; if they were to enter from 530th St.

Brenna Gunderson indicated yes.

Jon Balzum stated that would make a long driveway to site #2.

Brenna Gunderson indicated yes.

Galen Johnson question if the land was all tillable.

Brenna Gunderson indicated yes.

Richard Wolf stated the property owner should have first choice in location.

Jon Balzum had a concern on the placement of the guy wires.

Brenna Gunderson indicated they are 167 feet from the base. On site #1 the wires will cross the waterway.

Galen Johnson questioned how many guy wires are on the tower.

Brenna Gunderson indicated there are three per side.

John Allen stated that the site location of the met tower would be up to the property owner.

Harlan Buck stated could see why the property owner would want site #1.

Melissa DeVetter stated the guy wire must stay out of the waterway and the ROW.

Rhonda Toquam questioned if the ordinance has decommissioning regulations for meteorological tower. There are no decommissioning provisions in the ordinance for met towers.

Galen Johnson indicated the LUTF is looking at regulations on towers in the near future, but was not sure if decommissioning was part of it.

Motion by Larry Schmeling, seconded by Jon Balzum, to close the public hearing. Motion passed unanimously. Motion by John Allen, seconded by Harlan Buck, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions: Motion by Richard Wolf to amend the motion, second by Jon Balzum to include additional condition number 4 and 5. Motion passed unanimously.

1. Dodge County Zoning Permit be obtained before building.

2. Driveway access and permits be obtained from the Dodge County Highway Dept.
3. Address be obtained from Dodge County Highway Dept.
4. Guy wires shall be located outside the ROW.
5. Waterway setback shall meet any SWCD requirements, if applicable

The motion was passed unanimously.

Other Business

Rhonda Toquam recommended the county looks into decommissioning requirement on meteorological towers and other transmission tower's.

John Allen recommended a time frame of 60 to 90 day on removing the tower once they are no longer needed and indicating who would be responsible on removing them.

Adjourn

Motion by Jon Balzum, seconded by Rhonda Toquam, to adjourn. Motion passed unanimously. The meeting was adjourned at 7:50 PM.