

Minutes of the Dodge County  
**PLANNING COMMISSION MEETING**  
**June 4, 2008**

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The regular meeting of the Planning Commission was called to order by Galen Johnson at 7:00 PM on Wednesday, June 4, 2008. Present were Planning Commission members Galen Johnson, Jon Balzum, Rhonda Toquam, Larry Schmeling, Harlan Buck, and Richard Wolf. Also present were County Commissioners Dave Erickson, Don Gray and Lyle Tjosaas and Compliance Officer Melissa DeVetter.

Motion by Harlan Buck, seconded by Larry Schmeling, to approve the agenda and the May 2008 minutes. Motion passed unanimously.

**Eric Frederickson – CUP #08-13**

The first public hearing is to consider an application for a Conditional Use Permit to establish a home occupation in an accessory building. The property is 39.7 acres located in the SW 1/4 of the SE 1/4 of Section 16, Westfield Township. Eric Frederickson is the applicant and James Frederickson is the property owner.

Eric Frederickson was present to explain this proposal. He owns and operates a business in a large outbuilding on the proposed property. The business consists of adding customized living quarters to horse trailers.

There was not a representative present from Westfield Township.

Melissa DeVetter informed the planning commission members of a non-permitted addition to another outbuilding on the property that does not meet shoreland setback and suggested a deadline for getting a permit. Applicant is aware that he is to remove part of the building to meet the setback requirements. Harlan Buck commented that he and Duane Johnson visited the site.

Galen Johnson inquired about feedlots in the area. It was determined that no problems existed with them as they were further away than the setback required.

Melissa DeVetter recommended adding a condition to the permit that the outbuilding that is currently not in compliance be brought into compliance within 1 month. Harlan Buck motioned to add the condition and was seconded by Jon Balzum.

Motion by Rhonda Toquam, seconded by Harlan Buck, 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 Home Occupation Agreement is signed and recorded with the CUP permitting will comply with Home Occupation agreement.
2. The permit will be reviewed by the Planning Commission before any expansion of outside activity area or any new accessory buildings are proposed.
3. Agricultural Covenant be signed and recorded.
4. Business operation conforms to all State and Federal Rules.
5. Nuisance coming from business practices must comply with standards set forth in Section 16, 1611 Nuisance Standards 1-6.
6. Conform to the Dodge County Sewage and Wastewater requirements, if applicable.
7. The outbuilding that is currently not in compliance be brought into compliance within 1 month.

The motion was passed unanimously.

#### **Cassoundra Roe – CUP #08-15**

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 22.06 acres located in the NE 1/4 of the SE 1/4 of Section 2, Vernon Township. Cassoundra Roe is the applicant and Darrel Roe is the property owner.

Jared Peterson was present to explain their proposal. Cassoundra Roe, Darrel Roe, and Deb Roe were also present. Jared and Cassoundra are purchasing 3 acres from Darrel Roe and would like to bring in a 28 x 68 modular home and build a garage on the property. He explained they will be putting in a septic within Dodge County regulations. The property will share a well and driveway with the other home on the property.

Glen Hahn from Vernon Township was present and explained they see no problems. He did question the definition of mobile home versus modular versus trailer house.

Melissa DeVetter said that the proposed home meets the definition of a dwelling. No dwelling less than 14' wide could be allowed without a CUP in the Ag district. No specific issues with what type of home it is.

Melissa DeVetter also addressed the number of homes on the property. She mentioned that it was brought to the department's attention that there is another building on the property that meets the classification of a dwelling other than the original home. Mr. Roe converted an existing 12 x 12 shed into living quarters about 7 years ago. Conversion would have required a CUP for an additional non-

farm dwelling and would have closed the quarter section. This building is being used on occasion by Darrel Roe when he is working out there. Deb Roe stated she does not believe it is a dwelling due to its small size. Darrel stated that he has disconnected the water from this building to ensure that it does not meet the definition of a dwelling.

Motion by Harlan Buck, seconded by Rhonda Toquam, to close the public hearing. Motion passed unanimously. Motion by John Balzum seconded by Harlan Buck, 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. The Agricultural Covenant shall be signed and recorded.
3. The septic system must meet the Dodge County's septic ordinance.
4. Address be obtained from Dodge County Highway Dept.
5. Access easement be recorded.

The motion was passed unanimously.

#### **High Country Energy – CUP #08-17**

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 80 acres located in the S 1/2 of the SE 1/4 of Section 35, Ashland Township. High Country Energy, LLC is the applicant and Wayne Diekrager is the property owner.

Missy Kelley, representative for High Country Energy was present to explain this proposal. Ms. Kelley stated the tower is used for testing wind strength and that it is a temporary structure with use up to 3 years. She advised the board that the tower will be less than 200 feet tall.

There was not a representative from Ashland Township present.

Melissa DeVetter stated that she has had correspondence with National Wind and stated that they wish to increase the height of the tower to 266 feet. Therefore they would need FAA approval.

Faye Thompson Sparks, previous landowner and current owner of the farmstead located directly next to the proposed tower, distributed a handout to the board regarding her concerns. She does not feel that the surrounding landowners were notified or contacted regarding the proposal. She is requesting postponement of this request asking High Country to discuss plans with all neighbors.

The board discussed the location of the proposed tower.

Harlan Buck questioned Missy Kelley from High Country on what steps are taken to get to the point of coming before the county.

Missy stated that they contact the landowners by sending letters regarding meetings that they have. They talk to some landowners in person and also send out a newsletter keeping people up to date on their operation. They speak with the landowner and get a signature from them before proposing the tower to the Planning Commission.

Melissa DeVetter stated that notification was sent from Dodge County Planning Department to 14 neighboring landowners within a ¼ of a mile from the site and a public notice was printed in the newspaper regarding notification of the public hearing as required by Minnesota statute.

Harlan Buck commented on many concerns and problems that have risen from local landowners regarding the wind companies.

Jon Balzum asked if there would be wind turbines put up there when the met tower was decommissioned.

Rhonda Toquam inquired about the removal of the tower when done using it and also about the noise from it. She also asked if they could put the tower on the furthest portion of land from the farmstead.

Missy Kelley's response was that the met tower would come down and that wind turbines would then be put up. She stated there could be 4-5 per section. Missy also stated there is basically no noise from the met tower.

Melissa DeVetter stated that a condition to decommission the tower can be added to the CUP and that it is in the recommendations listed by the planning staff.

Setbacks for the tower were discussed. The proposed location for the tower does meet setback requirements. Melissa gave the formula for calculating the setbacks and said that the setback requirements are for the tower and not for the guy wires. The only requirement for guy wires is that they cannot be in the right of way.

Galen Johnson suggested that we require getting the height of the tower on permit applications and for that information to be on the public notice.

Harlan Buck stated that High Country should look at the other end of the quarter to keep away from any buildings.

Galen Johnson stated he would request the company to choose a different location.

Harlan Buck motioned to deny the request with a second from Jon Balzum with the reason being the setbacks from the farmstead. Motion did not pass 2 - 4.

Richard Wolf stated that the proposal did meet the ordinance requirements for a CUP.

Galen Johnson recommended making an amendment to the conditions stating that High Country should look into moving the location of the tower further to the west.

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

Motion by Richard Wolf, and seconded by Larry Schmeling to accept amendment. Motion was passed unanimously.

1. Dodge County Zoning Permit be obtained before construction.
2. Driveway access and permits be obtained from the Township.
3. Meteorological Tower be decommissioned within 60 days following the discontinuing of use.
4. Proof of FAA approval before zoning permit is issued.
5. High Country Energy look into moving the tower location further to the west, away from the farmstead

The motion was passed 5-1. (5 ayes; Galen Johnson, Jon Balzum, Rhonda Toquam, Larry Schmeling, Richard Wolf and 1 nay; Harlan Buck)

### **Chris Ebnet – CUP #08-18**

The fourth 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 39.02 acres located in the SE 1/4 of the NE 1/4 of Section 20, Milton Township. Chris Ebnet is the applicant and property owner.

Chris Ebnet was present to explain his proposal. Chris is wanting to build a home on the proposed property.

Ron Durst, Milton Township stated that since the variance was passed, the township did not see any problems with the proposal.

Melissa DeVetter reported that the proposed non-farm dwelling did not meet the setback requirements from a feedlot, therefore Mr. Ebnet had to obtain a variance from the Board of Adjustment.

Rhonda Toquam asked if applicant would be living in the home.

Chris Ebnet gave a response that he will be living in the home. He will have his own well and septic. There is currently no well site set but sees no problems with the required setbacks.

Ken Folie stated the well setback is 50 feet for manure application and 100 feet for pesticides, herbicides and insecticides.

Melissa DeVetter advised the Planning Commission that per the MN Department of Health, we have no jurisdiction on where someone can put a well.

Board requested to add condition #6 that the well setback be placed 50' from the property line.

Motion by Richard Wolf, seconded by Rhonda Toquam, 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. 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. A driveway access and permits be obtained from the Township.
5. Address be obtained from Dodge County Highway Dept
6. The well setback be no less than 50 feet from property line.

The motion was passed unanimously.

#### **Daley Farms – CUP #08-19**

The fifth public hearing is to consider an application for a Conditional Use Permit to establish a manure digester to existing dairy operation with no animal units increase. The property is located in the W 3/4 of the NW 1/4 of Section 36, Milton Township. Daley Farms in the applicants and property owners.

Jim Daley was present to explain this proposal. Jim stated that he went through this process 2 years ago to establish a manure digester for his dairy operation but the company pulled out. He is currently re-applying for the same concept but he is working with a different company. GHD out of Clinton, Wisconsin is the producer of this current proposed manure digester. It is a plug flow in ground system that works with gravity. The digester includes a concrete vat where the manure is digested over a 22 day process.

Ron Durst, Milton Township stated that the township did not take a position on this proposal. He mentioned that there were many concerns from neighbors brought up at their township meeting including dust control and noise from generators. Mr. Durst stated that the township has applied a substance to the road to help control the dust and that it has been an ongoing issue.

Debbie Cooper, 270<sup>th</sup> Ave, Mantorville left a voicemail message with her concerns. She strongly opposes the approval of the manure digester. She has very small children and is concerned about the water, the smell and the flies and other things the digester would attract. She was unable to attend the meeting.

Carl Weis, neighbor from ¼ mile to the north, stated he attended the township meeting and that his concern was the noise from the generators going 24/7 and that it can be heard from their property.

Rhonda Weis, also stated a concern for the noise and risk of explosion regarding the methane gas and questioned if the local fire departments would be able to handle it if something should happen. Rhonda also had a question regarding the amount of odor that is in the liquid from the manure when that is pumped back into the digester.

Roland Weis was also present to voice his concerns of odor and water.

Jim Daley responded to the odor concern and said that the odor is highly reduced by 90%.

Joan Nelson, 270<sup>th</sup> Ave, Mantorville expressed concerns if there were any chemicals used in this process. She also had concerns regarding traffic, noise, water, seepage and if the digester will be inspected on a regular basis. She also requested information on how the digester works.

Ken Folie discussed the process of how the digester works. He stated that chemicals are not used. It is strictly manure. There is a concrete vat that measures 76 x 100 x 16 feet deep that is also covered with concrete. There is a 22 day retention period at 100 degree temperatures. The digester breaks down the manure and methane is collected and run through engines that consume the gases. After the retention period the moisture is removed from the solids and the solids can go back to the barn for bedding.

Ken Folie also stated that the MPCA has ongoing inspections of these sites and it also requires a NPDS permit.

Ken Folie addressed the noise issue. He stated that there are mufflers that can be put on the fans and the generators are inside so an option to help that would be to insulate the room it is in. The decibels are around 60 outside the building that the generator is in. Ken will follow up with GHD to get more input regarding the noise.

Melissa DeVetter informed the Planning Commission of the county's nuisance standard and the MN rules regarding noise.

Melissa DeVetter stated she is not sure how to address the issue of risk of explosion. She stated that there are only a few digesters permitted in Minnesota and the MPCA was contacted on this issue. There are no specific state rules regarding digesters.

Harlan Buck recommended that an additional condition be added to continue to address the noise issue.

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

1. The Feedlot Advisory Report dated May 21, 2008.
2. Dodge County Zoning Permit obtained before construction.
3. The noise from the proposed generator be addressed

The motion was passed unanimously.

### **Other Business**

None

### **Adjourn**

Motion by Larry Schmeling, seconded by Richard Wolf, to adjourn. Motion passed unanimously. The meeting was adjourned at 9:32 PM.