

Minutes of the Dodge County
PLANNING COMMISSION MEETING
August 6, 2008

The regular meeting of the Planning Commission was called to order by Richard Wolf at 7:00 PM on Wednesday, August 6, 2008. Present were Planning Commission members Jon Balzum, John Allen, Harlan Buck, and Richard Wolf. Also present were County Commissioner Dave Erickson, Don Gray, Lyle Tjosaas, Klaus Alberts, Dave Hanson, Planning Director Duane Johnson and Compliance Officer Melissa DeVetter.

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

Tom Watson – CUP #08-22

The first public hearing is to consider an application for a Conditional Use Permit to establish one additional non-farm dwelling with a sunset clause in the Agricultural District. The property is 10.06 acres located in the NE 1/4 of the NE 1/4 of Section 21, Westfield Township. Tom Watson is the applicant and the property owner.

Tom Watson was present to explain the proposal. He has owned the property for 5 years. The current building that was used for storage and arts and craft will be converted into a living space for his wife's parents who are 76 and 85 years young. It has a septic system and running water to it already. Once the in-laws pass away it will be vacated.

Melissa DeVetter stated it meets the county's criteria for conditional use permit. The township wants to make sure the sunset clause has been applied.

Motion by John Allen, seconded by Harlan Buck, to close the public hearing. Motion passed unanimously.

Richard Wolf inquired from Mr. Watson, if the township was alright with the sunset clause.

Tom Watson indicated the township was okay with it and he understood once his in-laws pass away the building would be vacated

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:

1. The Agricultural Covenant shall be signed and recorded.
2. Address be obtained from Dodge County Highway Dept.

3. The sunset clause applies. When the home is no longer used by the parents it is to be vacated.

The motion was passed unanimously.

Derek Finstuen – CUP #08-23

The second public hearing is to consider an application for a Conditional Use Permit to establish a feedlot of 2400 head of hogs or 960 animal units. The proposal includes a curtain sided confinement building approximately 51 x 380 feet with a beneath barn 8 foot deep concrete pit for manure storage. The property is 3 acres located in the SE ¼ of SW ¼ in Section 6 of Milton Township. Derek Finstuen is the applicant the property owner.

Derek Finstuen was present to explain the proposal. The barn will have an 8 foot deep pit with bio-filters on the pit fans. The location of the barn is approximately 642 feet north of 530th St.; it will be a curtain sided barn. The two older barns have been cleaned up and the silo has been removed. The existing driveway will be used with an easement to the new barn.

Melissa DeVetter stated that the proposal meets the criteria for a CUP. There is nothing in the county ordinance or state rules that would prohibit construction in karst area.

Ron Durst, Milton Township had their meeting last night and after a lengthy discussion the board did not take an official position. No one endorsed it or opposed it.

Beth Glarner had concerns about health issue she and her son are having. She states her asthma has worsened since Mark Finstuen's barns were put up.

Richard Wolf inquired where Ms. Glarner's home is located.

Beth Glarner pointed out her home's location in relationship to the proposed feedlot.

Scott Glarner had a concern that this proposal will be detrimental to people health. He also had a concern about the increase of nitrate found in the wells.

Angela Organ had a concern about the water contamination, the nitrate levels, and the run off of the slopes, karst features and radon levels in the homes. She questions the karst survey being done with corn being 8 feet tall. Also had a concern about the ordinance being out of compliance with the State of Minnesota Statutes for the reciprocal setbacks.

Gregg Gustine, Agronomist for Farm County Coop Pine Island, addressed the nitrate and manure issues. He believes that the hog manure doesn't cause the nitrate problems.

Dan Geisler lives 1 mile to the east of Mr. Finstuen and is in favor of the proposed barn. He feels we need younger farmers in the area.

Chris Stucky just bought a home in Milton Township; before he bought the home he lived in town. He knew the county was designed for one thing and that's farming. He is in favor of the operation.

Erick Organ wanted to know if there are setbacks from feedlot to feedlot.

Duane Johnson indicated no.

Pat Derby had a concern about the nitrate leaching into the water and the anti bodies, virus and bacteria from the manure. This is a very serious situation and the county needs to look at this very closely.

Scott Glarner had a concern about Mr. Gustine credentials.

Motion by Harlan Buck, seconded by John Allen, to close the public hearing. Motion passed unanimously.

Motion by Harlan Buck, seconded by Jon Balzum, to included the handout as part of the minutes. Motion passed unanimously. (See file for copies of the handouts)

Melissa DeVetter addressed the reciprocal setback issue. The county is aware of it and because one part of the ordinance is out of compliance doesn't mean the whole ordinance is nullified. In this case the closest neighbor is a quarter of a mile away which would be the reciprocal setback of what a non-farm dwelling is to an existing feedlot.

Ken Folie addressed the 7020 rules; it's a stand alone feedlot. Derek Finstuen owns the land and the application is in his name. He is farming over 800 acres and has been doing this for several years. Mr. Folie addressed the manure management plans, bio-filters and pit fans for this proposal.

Jon Balzum inquired if soil borings were done where the feedlot would be located.

Ken Folie indicated yes; Chosen Valley did them.

Guy Kohlnhofer addressed the driveway and road issues.

Melissa DeVetter addressed the issue with the karst survey; under the EQB rules a walk over survey needs to be done within a 1000 feet of the barn and if a karst feature is found within a 1000', a mandatory EAW is required. The karst survey was done and determined that there wasn't any karst features present. At this time a mandatory EAW is not required. As this proposal is under 1000 animal units and not in a sensitive area, it's exempt unless there is some other issue that would trigger an EAW.

Harlan Buck inquired how far Derek's home from this proposed site is.

Derek Finstuen indicated it is approximately 500 feet.

Harlan Buck inquired if this was a building site with old barns and silo that has been removed.

Derek Finstuen indicated yes.

Motion by John Allen, to recommend approval with a 4th condition added; to include a row of trees to the north of the barn designed by NCRS/SWCD, the motion was seconded by Harlan Buck to 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 Feedlot Advisory Report dated July 29, 2008.
3. Driveway Easement shall be recorded.
4. Trees shall be planted to the north side of the building with NRCS/SWCD technical assistance.

Richard Wolf clarified about the wind break; this is a curtain sided barn.

Derek Finstuen indicated yes.

Richard Wolf had a concern about the windbreak; the trees would have to be so far away from the build to operate correctly.

Ken Folie addressed trees and windbreak; for curtain sided buildings the trees would have to be 100' or more.

Melissa DeVetter addressed this issue; NCRS does require a minimum of 100 feet setback from the barn however; this would create dead air and may not be suitable for curtain sided barns. The requirements from NRCS for a windbreak are at least 100' or more, 25 feet from the property line, two rows of trees, there are no sizing requirements on these trees.

Ken Folie commented there could be a snow issue with trees.

The motion was passed unanimously.

Other Business

Connie Schroeder was present to explain the need for an extension on Betty Rothen CUP #07-26. Ms. Schroeder bought the property last November with the intent to build a home once their existing home sold. Soil sample have been taken and the driveway has been put it.

Harlan Buck inquired on how long they would need an extension for.

Connie Schroeder would like a year extension.

Motion by John Allen seconded by Harlan Buck, to recommend approval of one year extension.

The motion was passed unanimously.

Jay & Mary Anderson request for their CUP review was postponed.

Melissa DeVetter informed the Planning Commission about the low supply of wood chips at the Dodge County Transfer Station. There are a number of producer that are required to have their bio-filter done by July 1st however; they have not been able to get media because the Transfer Station has run out. There is estimated approximately 1000 cubic yards that is needed to complete the remaining bio-filters. The Transfer Station will have it in by September 1st. The department is asking the Planning Commission and the County Board if they would approve to allow the producer to wait to have their bio-filter put on. The producers will have to call the Transfer Station to reserve the media. Melissa asked the Planning Commission if they should extend the date or should the department put the producer in violation.

Jon Balzum inquired on how long they would have to wait.

Melissa DeVetter indicated they would have to wait until September 1st before the media would be ready. The county could give them a deadline, for testing and construction, of October 1st.

Richard Wolf knows because he is one of them and he can not find the media anywhere. He has even stopped along the road were someone was cutting down trees to ask them for it and it was already spoken for.

Motion by Harlan Buck seconded by Jon Balzum, to recommend approval to extend the deadline for bio-filter to be completed by October 1, 2008.

The motion was passed 3-1. (With Richard Wolf abstaining)

Richard Wolf received a call from Galen Johnson with an inquiry from Bob Snaza on his race track. Bob was wondering if the county has looked into his track issue some more.

Melissa DeVetter commented that the race track was denied for that kind of use, but not from private use.

Melissa was instructed to call Galen Johnson about this.

Adjourn

Motion by Jon Balzum, seconded by Harlan Buck, to adjourn. Motion passed unanimously. The meeting was adjourned at 8:15PM.