

Minutes of the Dodge County
PLANNING COMMISSION MEETING
September 3, 2008

The regular meeting of the Planning Commission was called to order by Galen Johnson at 7:00 PM on Wednesday, September 3, 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, Don Gray, Klaus Alberts, Lyle Tjosaas and Compliance Officer Melissa DeVetter.

Motion by Richard Wolf, seconded by Jon Balzum, to approve the agenda and the August 2008 minutes. Motion passed unanimously.

Jim Buck –CUP #02-13 (Amend)

The first public hearing is to consider amending Conditional Use Permit # 02-13 to remove condition #3; a windbreak should be started that meets NRCS/SWCD approval from the Feedlot Advisory Report dated 3-22-02. The property is 40 acres located in the SW 1/4 of the SW 1/4, of Section 11, Concord Township. James Buck is the applicant and the property owner.

Motion by Harlan Buck, seconded by Larry Schmeling, to included the handout as part of the minutes. Motion passed unanimously. (See file for copy of handout)

Jim Buck was present to explain the proposal. He is asking to have the condition for tree planting along the north side of his building to be removed from his permit.

Scott Anderson, closest neighbor to the southeast, is in favor of this proposal. This barn is a low to no odor barn. He has a hog barn himself and is very impressed with Mr. Buck site. If a wind break was required Mr. Buck would have to take cropland out of production and he doesn't see that it would help with odor control.

Corky Buckingham, closest neighbor to the southwest, had a concern with this permit. When this permit was issued in 2002 trees were required as part of his permit along with bio-filter for odor reduction. Bio-filters are the problem and he doesn't know if trees would help with the odor.

Melissa DeVetter gave a history of this site. The bio-filters were inspected at the time they were built. Life expectancy is 3-5 years and they will be test on a 4 year rotation. Mr. Buck's bio-filters will be tested on October 6th of this year.

Galen Johnson inquired if they have been tested.

Melissa DeVetter indicated yes they were inspected in 2002.

Galen Johnson inquired what type of bio-filter is the barn.

James Buck indicated Hog Slats put them on.

Melissa DeVetter stated she was out there and they do need some media added and there were some weeds on them.

Galen Johnson inquired when the fans run on the bio-filters.

James Buck indicated they run two pit fans run all the time.

Motion by Rhonda Toquam, seconded by Harlan Buck, to close the public hearing. Motion passed unanimously.

Melissa DeVetter addressed the reason for this request. The site is in violation because on the trees were not planted. It was referred to the NRCS /SWCD to be determined if trees could be planted. In this case they determined that trees could be planted. He was given two choices; to have his permit amended to remove the condition for tree planting or to plant the trees to come into compliance.

Harlan Buck inquired why the trees weren't planted.

James Buck stated the neighbors didn't want the trees there because the trees would keep the odors and he originally planned to put up another building to the north.

Jon Balzum inquired if the bio-filters are still working.

James Buck indicated they are working.

Melissa DeVetter commented that will be determined when the bio-filter are tested.

Galen Johnson commented about lazy air conditions and the placement of trees.

Jon Balzum commented he would like to see the tree issue worked out between the neighbor and Mr. Buck.

Rhonda Toquam inquired if Mr. Buck owned the land to the west.

James Buck indicated he did not.

Motion by Richard Wolf, seconded by Harlan Buck, to recommend denial of the request for the following reasons:

1. The Feedlot Advisory Committee recommended the trees; the Planning Commission and County Board approved the trees.
2. There is adequate room for the trees to be established to NRCS / SWCD specs.
3. By constructing the barn Mr. Buck accepted the terms and conditions of the CUP.
4. Approval of amendment request could set precedent for future tree removal requests.
5. Township opposes the amendment request.

The motion was passed unanimously.

High Country Energy – CUP #08-024

The second public hearing is to consider an application for a Conditional Use Permit to establish a Meteorological Tower 60 meters in height in the Agricultural District. The property is 160 acres located in the SW 1/4 of Section 33, Ashland Township. High Country Energy, LLC is the applicant and Rother Farms Inc is the property owner.

Tiffany Thompson representing High Country Energy was present to explain the proposal. The plan is to construct a 60 meter meteorological tower on the Rother Farms within a month. This tower is to collect wind data.

Motion by Harlan Buck, seconded by Larry Schmeling, to close the public hearing. Motion passed unanimously.

Melissa DeVetter stated this site meets the criteria for a Conditional Use Permit for this type of tower.

Galen Johnson commented the location to the neighbor was not an issue.

Richard Wolf inquired how far the distance from the tower to the road was.

Tiffany Thompson indicated it is 990 feet from the road.

Galen Johnson inquired if this was because of the elevation.

Tiffany Thompson indicated yes and setback requirements.

Melissa DeVetter addressed the setback requirement and explained the formula to determine the setback.

Rhonda Toquam had a concern with the land owner living in Apple Valley.

Motion by John Allen, 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. Driveway access and permits be obtained from the Township.
3. Meteorological Tower be decommissioned within 60 days following the discontinuing of use.

The motion was passed unanimously.

Chris Skjeveland – CUP #08-025

The third public hearing is to consider an application for a Conditional Use Permit to establish a needed exterior storage for a Home Occupation Business in the Agricultural District. The property is 3 acres located in the NW 1/4 of the SW 1/4 of Section 34, Claremont Township. Chris Skjeveland is the applicant and the property owner.

Chris Skjeveland was not present to explain his proposal.

Richard Wolf, Claremont Township had no objection. Mr. Skjeveland did meet with the township

Melissa DeVetter gave the history of this site. This was brought to the county attention because of a complaint about a junk yard site. Mr. Skjeveland has cleaned up the vehicles; however he is still separating scrap metal. What we found out going through this process was he is hauling garbage for Steele County and Dodge County. He is out of compliance doing this because he has no license for hauling; has since received his haulers license. What he is still doing out there is not permissible. The county is going to continue its effort to get this site cleaned up. This application is just for exterior storage for his trucks and roll-offs. No sorting is allowed on site.

Rhonda Toquam had a concern about a permit being needed for a home occupation business.

Melissa DeVetter addressed this concern that a home occupation is a permitted use but he needs a conditional use permit for exterior storage for a home occupation. The county is trying to work with him to bring this site into compliance. If this is approved we would like to put a deadline for this site to be brought into compliance.

Don Gray, County Commissioner was by this site and has talked to a couple of neighbor and they are quite concerned.

Rhonda Toquam had a concern about the property line.

Melissa DeVetter showed pictures of the site that she took this morning.

Galen Johnson inquired how many vehicles and roll-off he was going to park there.

Melissa DeVetter stated Mr. Skjeveland has a couple of trucks and two very large roll-offs and about nine smaller roll-off containers.

John Allen had a concern about parking vehicle on his own property.

Richard Wolf had a concern about the vehicles behind the house.

Melissa DeVetter stated that most of the vehicles are gone; it's just the salvage items there now.

Richard Wolf stated at the township meeting Mr. Skjeveland indicate he was not collecting any thing any more it was just storage.

Melissa DeVetter addressed the definition of a savage yard and went though the eight conditions recommended by staff.

John Allen had a concern about the time line of what would be stored on site. If Mr. Skjeveland could still store loads over night until he could take it to a land fill or transfer station.

Melissa DeVetter indicated yes but he can not sort the stuff.

Harlan Buck inquired if this was his main business.

Melissa DeVetter indicated it is his main business.

Galen Johnson inquired from the township if there was any indication of the number of vehicles that would be stored on site.

Richard Wolf indicated there was not.

Galen Johnson clarified what the request is.

Motion by Rhonda Toquam, seconded by Larry Schmeling, to close the public hearing. Motion passed unanimously.

Rhonda Toquam indicated she would like to see before this request is approved that some clean up be done before a shed is built to put more stuff into it.

Melissa DeVetter addressed this concern that this is for exterior storage only. No shed is being proposed. She would like to see a 30 day time line to be added to the conditions to give him a chance to clean up the site and bring it into compliance.

Motion by Harlan Buck, seconded by Larry Schmeling, to recommend approval of the Findings of Facts and Recommendations of the agenda report with one addition to 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. Nuisance coming from business practices must comply with standards set forth in Section 16, 1611 Nuisance Standards 1-6.
5. At no time shall the property meet the definition of a junk yard or salvage yard. Waste or discarded or salvaged materials shall not be brought, sold, exchanged, stored, cleaned, packed, disassembled or handled on the property or within the on-site building. Materials shall be hauled directly to their final legal destination at a transfer facility and/or landfill.
6. Vehicles and equipment shall be stored in the rear yard or within the on-site pole shed. Any vehicles or equipment that cannot be stored within the shed shall meet Section 1608 (Exterior Storage Regulations) of the Dodge County Zoning Ordinance.
7. Fences and screening, which conform to Sections 1609 (Fences and Screening) and the performance standards in Section 804 of the Dodge County Ordinance shall be constructed to adequately screen the vehicles, equipment, roll-offs, and other containers from view from adjacent properties and roads.
8. Vehicles and equipment shall not be stored within the Floodplain.
9. Site shall be inspected by the County within 30 days of approval to verify the site is in compliance of the Dodge County Zoning Ordinance

The motion was passed unanimously.

Other Business

Betty Stoflet was present for question on the need for an extension on CUP #07-27.

Melissa DeVetter explained that this CUP will be expires in October 9th, 2008 and the applicant is asking for a year extension.

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

The motion was passed unanimously.

Jay Anderson CUP #06-24 (review)

Melissa DeVetter gave a brief history of the Cup #06-24. Mr. Anderson has a home occupation to conduct golf cart and lawn mowers sales and services. He had one

condition that needed to be met. They had a floor drain in the shop and he need to install a holding tank or seal the floor drain because he is a commercial business. He has sealed the floor drain.

Jay Anderson was present to explain that he wants to sell mopeds and needs the county signature on a DSB or DLR license to do so.

Motion by Harlan Buck, seconded by Jon Balzum, to recommend approval to allow expanding the CUP to included the sale of mopeds.

The motion was passed unanimously.

Galen Johnson commented that he received a call from Bob Snaza about his race track. Mr. Snaza was under the impression that the Planning Commission requested the county to give him a recommendation of what he could do to operate his race track. The request had been denied a few months back. It was not a request to allow him to run his track but an amendment to the ordinance. After further discussion it was decide that staff didn't promise him this.

John Allen inquired if the hog farmers were getting their mulch.

Melissa DeVetter indicated yes they are.

Richard Wolf stated no they are not; they are still waiting for it to be ground.

Melissa DeVetter will check into this.

Adjourn

Motion by Richard Wolf, seconded by Jon Balzum, to adjourn. Motion passed unanimously. The meeting was adjourned at 8:30 P.M.