

Minutes of the Dodge County
PLANNING COMMISSION MEETING
April 1, 2009

The regular meeting of the Planning Commission was called to order by John Allen at 1:00 PM on Wednesday, April 1, 2009. Present were Planning Commission members Galen Johnson, Harlan Buck, Jon Balzum, John Allen, Larry Schmeling, Walt Wyttenbach, and Richard Wolf. Also present were County Commissioner Dave Erickson, Dave Hanson, Don Gray, County Administrator David McKnight, Planning Director Duane Johnson and Compliance Officer Melissa DeVetter.

Motion by Harlan Buck, seconded by Galen Johnson, to approve the agenda and the March 2009 minutes. Motion passed unanimously.

Lowell Mollenhauer – CUP # 09-02

The first public hearing is to consider a request to establish a dog kennel in the Agricultural District. The applicant intends to have approximately 8 dogs for breeding purposes. The property is 8.17 acres located in the SE 1/4 of the NW 1/4 of the SE 1/4 of Section 22, Claremont Township. Lowell Mollenhauer is the applicant and the property owner.

Lowell Mollenhauer was present to explain his proposal. The kennel barn will be 18 x 56 feet in size. The building will be an insulated stick built building with an outside exercise area. There will be eight kennels with the front portion being used as storage and a shop area.

Duane Ringhofer, Ringhofer Construction stated the building will be built to code. This will be a two room structure. Since the kennel side of the building will have a floor drain down the center they will follow the county's recommendations for a holding tank for the pet waste and the water from cleaning of the floors and kennels.

Lowell Mollenhauer had a question if there was an alarm on the holding tank.

Gary Johnson, Claremont Township had no objection with this proposal.

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

Melissa DeVetter stated the holding tank system is considered an "other system" and is required to have an alarm on it. The alarm is a buzzer and a light. This can be mounted inside or outside the building.

Galen Johnson inquired if there are other options.

Melissa DeVetter stated the dog waste is not considered as animal manure and therefore it's not regulated by MN Rules 7020. Dog waste doesn't have nutrients and has pathogens similar to human waste. According to the Minnesota Department of Agriculture the waste can't be spread on crops for human consumption but can be spread on crops like corn or soybean as long as it has some sort of processing first. The dog waste can not be surface applied it must be injected in the soil, but also must have three feet of separation between depth of injection and soils indicates the evidence of groundwater. Since a treatment system will be needed to handle the wash water from cleaning and disinfecting the kennel; a holding tank will work. There is a possibility that the existing system could handle it, but without knowing the amount of water that will be used it's hard to tell. Some calculations will have to be done first. As long as the waste is treated it will be okay.

Larry Schmeling inquired if the tank was a single or double chamber.

Melissa DeVetter stated if it's a holding tank it's a single compartment tank with an alarm on it.

Lowell Mollenhauer inquired if there was a requirement for the size of the tank.

Melissa DeVetter stated it's typically it's a 500 gallon tank; that is the smallest you could have but you could go larger if you want.

Galen Johnson inquired if this was his home; and is the proposed building going across the driveway from the house.

Lowell Mollenhauer stated this is home and the building will be placed just south of the barn in the picture. The barn has since been removed.

Galen Johnson inquired if the closest neighbor was to the east.

Lowell Mollenhauer indicated yes; it's the turkey barns.

Galen Johnson inquired if Mr. Mollenhauer visited with any of his neighbors.

Lowell Mollenhauer indicated no; he just went to the township meeting.

Motion by Richard Wolf, seconded by Harlan Buck, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. The use shall comply with the Minnesota Department of Agriculture's "Best Management Standards for Care of Dogs and Cats by Dealers, Commercial Breeders and Brokers" (see attached). These practices address requirements found in Minnesota Statutes 346 and include the following:

- a. Food
 - b. Water
 - c. Shelter
 - d. Confinement Area (including surface area requirements, temperature, ventilation, lighting, fire safety, and sanitation)
 - e. Exercise
 - f. Group Housing and Breeding
 - g. Females and Litters
 - h. Transportation and Shipment, and
 - i. Disease and Parasite Control
2. All pet waste, wash water, and other contaminated fluids shall be properly contained and collected in an on-site holding tank permitted by the Dodge County Environmental Quality Department.
 3. An on-premise sign advertising the kennel shall not exceed a total of nine (9) square feet. The sign must meet the General Provisions of Section 1601 (Signs) and be properly permitted.
 4. Nuisance complaints shall result in review of the CUP by the Planning Commission and County Board.
 5. Every animal located on site shall be current on all vaccinations.
 6. The site shall be inspected on an annual basis by Department Planning Staff.
 7. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit to be issued.
 8. Dodge County Zoning Permit shall be obtained before construction.

The motion was passed unanimously.

Nature Energies Inc – CUP # 09-03 (Jerry Fiegel)

The second 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 W 1/2 of the SW 1/4 Section 5, Canisteo Township. Nature Energies, Inc is the applicant and Jerry Fiegel is the property owner.

Jeff Cook-Coyle was present from Nature Energies to present their plans. Nature Energies is a Rochester base wind developer. They are developing projects across Dodge County and one of the first steps is to put up tower to measure the wind. These are temporary towers with four sets of screw in anchors that sit on metal plates with heavy duty steal guy wires. There will not be any electricity going to the tower or have any lights on the tower because it is under 200 feet tall. The bottom 8 feet on the guy wires will be marked for snowmobile and other equipment.

Motion by Jon Balzum, seconded by Richard Wolf, to close the public hearing.
Motion passed unanimously.

Jon Balzum inquired how long the tower would be up.

Jeff Cook-Coyle stated on a previous CUP one of the conditions was for as long as 7 years and that is what they would expect for this one too. Three years is more in the time frame with one year being the minimum.

Richard Wolf inquired how large of the area does this tower measure the wind for.

Jeff Cook-Coyle it measures a 3 mile radius if the land is uniform and flat. There will be at least 5 of these towers for the Dodge County project. Those townships are Ashland, Ripley, Westfield, Hayfield and Canisteo.

Galen Johnson commented the placement of this tower is acceptable because of the lack of homes in the area.

Motion by Galen Johnson, seconded by Larry Schmeling, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. Dodge County Zoning Permit shall be obtained before construction.
2. Meteorological Tower shall be decommissioned by, and at the expense of the applicant within 60 days following the discontinuing of use.

The motion was passed unanimously.

Nature Energies Inc – CUP # 09-04 (Roger Chicos)

The third public hearing is to consider an application for a Conditional Use Permit to establish a Meteorological Tower in the Agricultural District. The tower will be located in the SW 1/4 of the SE 1/4 of the 210.25 acres in Section 18, Ashland Township. Nature Energies, Inc is the applicant and Roger Chicos is the property owner.

Jeff Cook-Coyle was present from Nature Energies to present their plans.

Dale Jensen, Ashland Township had no objection with this proposal. He did want to point out that this is a minimum maintenance road which means; it just a dirt road. If they have heavy trucks traffic they could damage the road. If they do any damage it is the applicant duty to repair it.

Jeff Cook-Coyle stated the only traffic will be a couple of pick trucks for two or three day during construction time.

Motion by Harlan Buck, seconded by Richard Wolf, to close the public hearing. Motion passed unanimously.

Galen Johnson commented it is quite a distance from any residents.

Harlan Buck inquired if the construction will be the same as the previous tower.

Jeff Cook-Coyle indicated yes.

Motion by Larry Schmeling, 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 shall be obtained before construction.
2. Meteorological Tower shall be decommissioned by, and at the expense of the applicant within 60 days following the discontinuing of use.

The motion was passed unanimously.

Milestone Materials – CUP #07-10 (Amend) Withdrawn by applicant

The fourth public hearing is to consider amending Conditional Use Permit #07-10 to allow individual hot mix asphalt plant on a temporary basis on 15 acres in the Agricultural District. The property is 1.71 acres located in the NE 1/4 of NE 1/4 of Section 17, and 13.29 acres located in the NW 1/4 of NW 1/4 of Section 16, Milton Township. Milestone Materials is the applicant and Leslie Kunz is the property owner.

Other Business

Melissa DeVetter reminded the commission that May meeting is a night meeting starting at 7:00 p.m.

Melissa DeVetter informed the commission on an enforcement action that is taking place. An individual came in for a variance; he was adding onto a non-conforming structure. This non-conforming structure required a variance for the amount of work being done and the side yard setback. As a condition of the Variance a survey was required to determine where the property line is prior to a zoning permit being issued. The applicant never turned in a survey and never obtained a zoning permit for the addition to the building and has since constructed the addition. A notice of violation has been issued and if he appeals, it will be coming in front of the Planning Commission.

Duane Johnson was present to ask the Planning Commission to consider holding a public hearing for an ordinance amendment to the feedlot section on reciprocal setbacks, to define the roll the Feedlot Advisory Board, to adopt MN Rules 7020 .0300 definitions for feedlot and to adopted the MN Rules 7020 standard for animal units.

Motion by Harlan Buck, seconded by Walter Wyttenbach, to hold a public hearing to amend the zoning ordinance. Motion passed unanimously.

Adjourn

Motion by Richard Wolf, seconded by Jon Balzum, to adjourn. Motion passed unanimously. The meeting was adjourned at 1:30 P.M.