

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

The regular meeting of the Planning Commission was called to order by John Allen at 7:00 PM on Wednesday, July 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, Lyle Tjosaas, Don Gray, Planning Administrator Melissa DeVetter and County Feedlot Officer, Ken Folie.

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

Brian Herbst – CUP #09-07

The first public hearing is to consider an application for a Conditional Use Permit to allow an expansion of an existing feedlot by 3000 head of finishing hogs or 1200 animal units in the Agricultural District. The applicant is proposing a tunnel ventilated barn approximately 102 x 240 feet in size with a beneath barn 8 foot concrete pit for manure storage. The property is located in the SW 1/4 of the NE 1/4 of Section 2, Canisteo Township. Brian Herbst is the applicant and the property owner.

Brian Herbst was present to explain his proposal. There are three points on why he is here today. The first point is that he has three sons and the oldest son is interested in agriculture and this will give him an opportunity. The second point is risk management. The ability of an expansion of this site will allow the manure to be used as fertilizer on his 300 acres that are close by. He has also been doing manure management plan for the last several years. The third point is responsibility to support his family which now includes his mother and he also has two full time employees.

The Feedlot Advisory Board came out in March to review his site. They reviewed different barns and locations. Originally the barn was going to be a curtain-sided barn, but with the recent change in the setback requirements he is now going to build a tunnel ventilated barn. The barn will now be tucked into his building site. This will utilize the existing wind break and will not be as noticeable. Going with the proposed tunnel ventilated barn the exhaust can be monitored more closely. The average time the air is in the barn is 32 seconds. This doesn't give the air molecule much time to attach to the odor. He hopes this will give the neighbors an assurance that he is doing everything he could for them.

Brian Herbst presented hand outs about Pit Additives and Purdue Agricultural Air Quality Laboratory and reviewed them with the Commission (see file). He would like to use pit additives and box type bio-filters.

Canisteo Township was not present, but John Allen read the statement that was sent in by them; Canisteo Township Board of Supervisor has no objections to this proposal.

John Allen stated the commission did receive two statements from the public.

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

Galen Johnson inquired how far apart the two feedlots are.

Brian Herbst stated his two feedlots are about a ½ mile apart.

Melissa DeVetter stated there were no comments received from the City of Kasson. As for using the box type bio-filters; they have been used at a couple of sites in the county. But with that type of bio-filter they are accompanied by a CALLPUFF air quality model. If he can meet the air quality standards at the property line with no easement and no bio-filter on the barn then the box-type bio-filters have been allowed.

Walter Wyttenbach inquired if they were different then Mr. Finstuen bio-filters that they made him take off.

Melissa DeVetter indicated yes, these are manufactured and have a source of water and as to Marks; they were home made.

Walter Wyttenbach inquired if they are University approved.

Melissa DeVetter indicated no they are not.

Walter Wyttenbach inquired then why are they allowed.

Melissa DeVetter stated because the purpose of bio-filters are to insure that the standards of air quality are meet and the odor is reduced. If we have modeling results that shows that air quality standards are meet from a barn at the property line without bio-filter at all; then your are already meeting the air quality standards so the box type filters are allowed.

Walter Wyttenbach inquired why Mark Finstuen's weren't allowed.

Melissa DeVetter stated Mr. Finstuen didn't do the modeling.

Ken Folie stated that Mr. Finstuen's weren't manufactured and had no water added and used normal wood shaving not tree bark. This created a lot of back pressure and the air had a hard time flowing though. The manufactured box filter uses a very course bark with water added by misting.

Galen Johnson stated it's the watering that is the key. If you don't have water you don't have the bacteria and you need that.

Brian Herbst inquired on condition #6 in the Feedlot Advisory Report if the language could be expanded to include some flexibility in the future.

Galen Johnson inquired in that same paragraph it reads June 30th, 2010 and wanted to know if the barn will be built this year.

Brain Herbst indicated no; not this year.

Galen Johnson inquired if there was any sample language that if between now and when the building is built and bio-filter are needed that other technologies could be used.

Melissa DeVetter stated why the other sites used those types of bio-filters, but we have no proactive language to allow them.

Ken Folie stated with bio-filters you need a good quality fan no matter whose filters you put on. The wording on Scherger permit is; if they could use another manufacture technology and maintain it to the manufacture specifications and make sure everything is operating and if it still fails then the University of Minnesota bio-filters must be used. They also needed to have enough physical space set aside for the University of Minnesota bio-filters.

Brian Herbst stated that the area where the road comes in on the north side he would like to use a center load out. He has some concern about getting to the center of that barn using the larger foot print of the University of Minnesota Bio-filters.

Walter Wytttenbach had a concern with the City of Kasson being so close. Is there bio-filters on his existing barn?

Brian Herbst indicated no; there are not.

Walter Wytttenbach inquired if he has plans to put bio-filters on.

Brian Herbst stated he has considered it, but doesn't have a plan at this time.

Walter Wytttenbach inquired as to why Brian wanted to build on the proposed site.

Brian Herbst stated because he owns the building site and he lives the closest to it and also has an employee living there.

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. A Dodge County Zoning Permit shall be obtained before construction of the building.
2. The Dodge County animal feedlot registration shall be updated prior to occupation of the barn.
3. Feedlot Advisory Report dated March 27th, 2009 with an additional change to condition # 6.
4. Additional property shall be surveyed and recorded prior to issuance of Dodge County Zoning Permit.

The motion was passed unanimously.

Nature Energies Inc – CUP #09-08

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 160 acres located in the NW 1/4 of Section 16, Ripley Township. Nature Energies, Inc is the applicant and Darrel Trom is the property owner.

Wade DeMond was present from Nature Energies. Both towers will be on Darrel Trom properties. They have met with both townships.

Harlan Buck inquired if these towers will be the same as what is up on Bowman's property.

Wade DeMond indicated yes; exactly the same.

Galen Johnson inquired whose residence is by the tower site.

Wade DeMond stated it is Thomas Berg.

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

Richard Wolf inquired how far apart the two towers are.

Wade DeMond stated the towers are three to four miles apart.

Harlan Buck inquired on how close the two towers can be to each other.

Wade DeMond stated that you want some spacing, but it depends on the elevation and what the wind is doing.

Motion by Galen Johnson, 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.

Natures Energies Inc – CUP #09-09

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 W 1/2 of NW 1/4 of Section 4, Westfield Township. Nature Energies, Inc is the applicant and Darrel Trom is the property owner.

Wade DeMond was present from Nature Energies.

Larry Schmeling commented Nature Energies did meet with Westfield Township. Westfield Township had no objection with this proposal.

Motion by Harlan Buck, seconded by Larry Schmeling, 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. 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.

Other Business

Melissa DeVetter stated there is one item of business to take care of. David Riess has requested an addition to an existing building. He has a Conditional Use Permit for a home occupation business and one of the conditions states; the permit will be reviewed by the Planning Commission before any expansion of outside activity area or any new accessory buildings outside. The CUP was issued in 2008 and the addition is for storage only. The question that is before the Planning Commission is does his CUP need to be amended by the Planning Commission before a zoning permit could be issued for the addition.

John Allen inquired if they have been any complaints.

Melissa DeVetter stated the county has not received any.

David Riess was present and stated it's just basically for storage. When he buys his supplies he gets a better price if he buys in a larger quantity.

Motion by Galen Johnson, seconded by Larry Schmeling, to recommend approval to allow 24 x 30 foot addition to an existing structure.

Motion passed unanimously.

Adjourn

Motion by Harlan Buck, seconded by Jon Balzum, to adjourn. Motion passed unanimously. The meeting was adjourned at 8:06P.M.