

Minutes of the Dodge County
PLANNING COMMISSION MEETING
March 3, 2010

The regular meeting of the Planning Commission was called to order by John Allen at 1:00 PM on Wednesday, March 3, 2010. Present were Planning Commission members Galen Johnson, Harlan Buck, John Allen, Walter Wyttenbach, Richard Wolf and Gene Hallaway. Also present were County Commissioner, Don Gray, Dave Hanson, County Attorney, Paul Kiltinen, and Zoning Administrator, Melissa DeVetter.

Motion by Harlan Buck, seconded by Richard Wolf, to approve the agenda and the February 2010 minutes. Motion passed unanimously.

John Allen welcomed the new Planning Commission member; Gene Hallaway from Claremont.

Clay Bulow – CUP #10-02

The first public hearing is to consider an application for a Conditional Use Permit to allow a Home Occupation Business with exterior storage. The property is 17.47 acres located in the SW 1/4 of the NW 1/4 of Section 9, Claremont Township. Clay Bulow is the applicant and the property owner.

Clay Bulow was present to explain his proposal. His goal is not to have any trailer on this property, but the way the economy is his lot in town is full. This is an overflow lot for his trailers. He felt that he improved the lot since he bought it last year. He has cleaned up the brush up, trimmed the trees and also widen the driveway. He did talk to the township.

Richard Wolf, Claremont Township had no objections to this proposal.

John Allen acknowledged a letter was received in regards to this proposal, but it was not signed.

Motion by Harlan Buck, seconded by Galen Johnson, to close the public hearing. Motion passed unanimously.

Melissa DeVetter stated this was originally a result from a complaint. There were a couple of complaints on the property and a concern that it was a junk yard or some kind of storage. Ms DeVetter did a site visit and at that time there were 13 semi trailers and one tractor. A letter was sent to Mr. Bulow requesting information. Mr. Bulow contacted us and stated they use those semi trailers for off site storage. At that time, he could not qualify for a home occupation because it was a separate

parcel. He has since combined the two parcels. He is now applying for a Home Occupation.

Galen Johnson inquired if the applicant has read and understood the conditions that are recommended by the county.

Clay Bulow indicated he had a concern about # 7.

Melissa DeVetter stated the Minnesota Pollution Control Agency has a Stormwater Program and there are different practices that require you to go through for an Industrial type stormwater permit or get a certificate of "No Exposure". This type of storage falls into one of the MPCA's sic-codes and he will have to go online to certify that there is no exposure to contaminants or get a permit. That is a State permit not a County permit.

Galen Johnson inquired if that pertains to whether they are open or closed trailers.

Melissa DeVetter stated it needs to be determined whether or not he needs to do anything. That's a State issue. Also the parcel lines need to be determined and it appears that some of the trailers might be on the adjacent property owner's property. If indeed they are on the neighbor's property they will need to be moved.

Clay Bulow indicated he will make sure this is not happening.

John Allen inquired on what kind of trailer he rents.

Clay Bulow indicated he only rents just semi trailer. Mr. Bulow stated he has talked to Mr. Lewis and Mr. Ray and they don't have any problems with him storing trails there.

Galen Johnson inquired about the driveway; if it was off of the gravel road.

Clay Bulow stated yes; it is and he has widened the driveway from 15 feet to the maximum width of 30 feet.

Galen Johnson inquired if Mr. Bulow would have an issue with the request from the Highway Department to keep his trailers back from the intersection.

Clay Bulow stated it would not be an issue. He doesn't believe there is any in the setback now.

Galen Johnson inquired about one of the conditions that the trailers are all DOT.

Melissa DeVetter stated everything must be maintained and licensed. It can't meet the definition of a junk yard.

Clay Bulow stated he could back under all the trailers and drive them out.

Galen Johnson inquired if Mr. Bulow knows what is in all the trailers. Would there be any hazardous materials in them.

Clay Bulow stated they are all empty except for a few of his own items. They go out to a company that needs extra storage and come back empty. The economy has impacted his business. He also plans to get rid of the older ones and updating to newer ones.

Melissa DeVetter stated condition #8 reads; there shall be no storage allowed within any trailers/tractors located on site for any period of time.

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

1. The trailers and tractors shall be fully screened with evergreen vegetation in accordance with Section 1609 (Fences and Screening). The vegetation shall be of sufficient height to provide for immediate screening as viewed from adjacent properties and the public roads.
2. All semi tractors and trailers storage shall be located on the permittee's property. Storage on adjacent property is prohibited.
3. The Home Occupation Agreement shall be signed and recorded with the CUP. However, the operation shall conform to the conditions of the CUP where the terms may deviate from what was proposed in the Home Occupation Agreement.
4. The number of trailers on site shall not exceed fifteen (15). The number of tractors shall not exceed two (2).
5. The trailers, tractors and property shall be properly and neatly maintained at all times. All trailers and tractors shall be kept free of graffiti or other signs of vandalism. At no time will the property be allowed to meet the definition of a junk yard or allowed to become a public nuisance.
6. All trailers and tractors shall be legally and currently licensed, registered and insured at all times.
7. The permittee shall obtain a Stormwater Permit for Industrial Activities or a certificate of "No Exposure" from the MPCA.
8. There shall be no storage allowed within any trailers/tractors located on site for any period of time.
9. Any further expansion, outside storage or outside work (other than loading/unloading parts trucks) shall be prohibited on this site.
10. The site is not open to the general public.
11. Equipment shall not be moved on or off the site between the hours of 8:00 p.m. and 7:00 a.m.
12. Tractors and trailers shall be parked in an orderly manner. Tractors and trailers shall not be parked or stored in the area identified as "restricted" by the Highway Department defined as a line drawn diagonally between points

- 180 feet, along the centerlines, north and east of the middle of the CSAH 1 and CR G intersection.
13. The site shall conform to Section 1610 (Home Occupations) and the conditions of this permit.
 14. Nuisance complaints shall result in review of the permit by the Planning Commission.

The motion was passed unanimously.

Sherman Stoflet – CUP #10-03

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 6.5 acres located in the NW 1/4 of the NW 1/4 of Section 24, Milton Township. Sherman Stoflet is the applicant and the property owner.

Betty Stoflet was present to explain this proposal. They have a buyer that couldn't sell their house and the CUP expired. They would like to keep it on the market, but they need a CUP for the building site.

Ron Durst, Milton Township had a concern that if the old well was not going to be used that it is sealed.

Motion by Walter Wyttenbach, seconded by Harlan Buck, to close the public hearing. Motion passed unanimously.

Galen Johnson inquired if there were any specific conditions put on the first permit.

Melissa DeVetter stated they are the same.

Galen Johnson inquired if the new application listed what the distance is from a feedlot.

Melissa DeVetter stated the feedlot setback is reviewed before the county accepts the application and if it's not within the 1000 foot setback it's not considered an issue. If we have a feedlot within the 1000 foot setback then it would be required to go through the "OFFSET" process.

Galen Johnson clarified that staff is checking this out before the application is accepted.

Melissa DeVetter indicated yes, if we get an application to this point then all that process has been done.

Walter Wyttenbach inquired if the Ag Covenant has been signed.

Melissa DeVetter stated yes, but not the one for recording.

Galen Johnson inquired how close the nearest feedlot is to this site.

Betty Stoflet stated approximately a ½ of a mile and he only has 2 steers but that was a year ago. It's to the south and it's a small acreage.

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

1. Submit and Erosion Control Plan in accordance with Section 1617 prior to construction if proposed construction is on slopes 12% or greater.
2. A Dodge County Zoning Permit shall be obtained before construction.
3. The Agricultural Use Covenant shall be signed and recorded in the Dodge County Recorder's Office prior to construction. A copy of the recorded document is required to be submitted to the Dodge County Environmental Services Department to file with the CUP.
4. The septic system must meet the requirements of Dodge County's sewage and wastewater treatment ordinance.
5. An address shall be obtained from the Dodge County Highway Department.

The motion was passed unanimously.

William Schutz – CUP #10-04

The third public hearing is to consider an application for a Conditional Use Permit to establish a non farm dwelling in the Agricultural District. The proposed property is 3 acres located in the SE 1/4 of the NW 1/4 of Section 13, Milton Township. William Schutz is the applicant and the property owner.

John Buckingham was present to represent William Schutz and explain this proposal. The proposal is to split off 3 acres for a buildable site for a non-farm dwelling. They have been to the Milton Township and are on to the next step.

Ron Durst, Milton Township had a concern that about half of the site is in the shoreland buffer or a flood zone. Would they have enough room to build a home and lay out a septic? Just want to make sure what they have will work for them.

Denise White stated she and her husband (Mike) have a neighboring dairy farm and had a concern that the agricultural land should come 1st and want to see that this property stay in Ag. They are also concerned about the flood plain and were wondering about the rules being this is a new house.

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

Galen Johnson questioned if the property was in the SE ¼ instead of the SW ¼ of the NW ¼.

Melissa DeVetter explained that the description is for the whole property and once its split there will be a new description.

John Allen inquired on where Mr. Schutz's farm site is located.

Melissa DeVetter indicated on a map the property location.

Walter Wytttenbach inquired on the high lighted area on page 3 of the Findings of Fact; did that come from a concern from the Environmental Services staff.

Melissa DeVetter indicated yes, the Environmental Services staff had a concern about the area aquifer. Also Mark Gamm and Dean Schrandt are available to explain this further. They requested that some sort of covenant or restriction on any kind of accessory use to the property be placed on this permit. So if this gets approved for a non-farm dwelling and the owner want to open up a garage or shop for a business that the Environmental Services staff would review and approve this prior to establishment.

Walter Wytttenbach inquired if this is saying that they don't recommend putting a house on this property.

Melissa DeVetter stated no; it does not say that. It's a notification for the landowner who's purchasing this property that the property may not be suitable for other accessory uses.

John Allen stated that we will have to draft a document with some sort of language for this.

Melissa DeVetter stated that she has already drafted the language for their review.

Walter Wytttenbach inquired what happens to Mr. Schutz's other property once this is split off.

Melissa DeVetter stated this closes the quarter section for a new non-farm dwelling.

John Allen addressed Denise White's concerns stating; Mr. Schutz has a right to build another dwelling on his property. As John understands it this is for Mr. Schutz to build another house, but just at a different location.

John Buckingham stated no; this proposed house is for sale.

Melissa DeVetter stated if this is approved the acreage will be split off. The acreage has to be a sufficient size to be able to support two standard septic systems and the house and accessory building must meet all the required setbacks.

Walter Wytttenbach inquired if they could still put in a septic system.

Melissa DeVetter stated a properly designed septic system will treat the sewage.

Dean Schrandt, Water Program Manager addressed the issue on the aquifer. The area that is being look at is very unique area in the county. Over most of the county, the deeper aquifers are protected by a thick shale layer. In this area, however, that shale has worn away, leaving only a relatively thin layer of soil over the St. Peter Sandstone aquifer, from which many people obtain their drinking water. Once a pollutant gets into this aquifer it can move like dye across a wet sponge (if you drop something on it is seeps sideways). On this particular property, applied manure and fertilizer from normal farming practices may already be seeping into the aquifer. In this scenario, a non-farm dwelling, which may reduce the amount of applied fertilizer, would be beneficial to the aquifer, provided they don't have an operation that would threaten the ground water in some other manner.

Galen Johnson inquired how big of an area are we speaking of.

Dean Schrandt stated that we are looking at the bottom of the area (a map was shown). Most of this area is less than 50 feet to the surface and also this particular area is pretty close to a stream. This site probably ranges from 5 to 20 feet down to bedrock.

Galen Johnson inquired if it was 5 feet would that be an issue for a septic system.

Melissa DeVetter stated no; you need a separation of 3 feet for a mound system.

Walter Wyttenbach inquired if there was any feedlot issue with this. You have Mr. Schutz's place and Mr. Maxson's feedlot.

Melissa DeVetter stated the closest feedlot is Mr. Schutz and it's not register for more than 30 animal units.

John Allen requested to see the wording for the document for the restriction.

Melissa DeVetter presented the document and the language was reviewed.

Richard Wolf inquired if they approved this and it's determined that there is not enough acreage between the shoreland buffer and house what happens then?

Melissa DeVetter stated the acreage is not definite yet. They have to have a minimum of three acres and have enough room for two standard septic systems and also meet the setbacks for shoreland and flood plain. More acreage might be required to meet this.

Motion by Galen Johnson, seconded by Richard Wolf, 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.
2. The Agricultural Use Covenant shall be signed and recorded in the Dodge County Recorder's Office prior to construction. A copy of the recorded document is required to be submitted to the Dodge County Environmental Services Department to file with the CUP.
3. The septic system must meet the requirements of Dodge County's sewage and wastewater treatment ordinance.
4. The permittee shall obtain a driveway permit from Milton Township. A copy of the permit or approval shall be submitted to the Dodge County Environmental Services Department to file with the CUP.
5. An address shall be obtained from the Dodge County Highway Department.
6. A Restrictive Covenant shall be signed by the current property owner and recorded in the Dodge County Recorder's office prior to transfer of the property and be available for review at the time of property transfer.

The motion was passed unanimously.

Other Business

Melissa DeVetter informed the Planning Commission that the CUP #09-01 for People's Coop Service needs to be reviewed as one of the conditions of the permit. Ms. DeVetter did talk to Guy Kohlhofer from the Highway Department and he stated the poles have been removed from the ROW. He did not have any other concerns. The project is done.

John Allen has a concern about the easement for the old poles.

Tim Clawson People's Coop Service was present to give an update of the permit. The new transmission line along Co Rd K is completed. There was originally some discussion about the easement where the old poles were located. But that has nothing to do with this CUP. If they decide to re-establish a new transmission line in the future, they would most likely locate it next to the road. This would bring them back to the county for a CUP.

John Allen thanked Tim Clawson for the update.

The next item is from the Land Use Task Force continued from last months meeting.

Mark Gamm was present to review the work that the Land Use Task Force has done within the last couple of years. This last year they worked on recommendations for a 2nd Ag District in the County. A summary of the possibilities for a 2nd Ag Districts was presented. Dean Schrandt showed the different zones of what the 2nd Ag District would look like with computer generated maps. After a

lengthy discussion it was decide to move the 2nd Ag proposal to the County Board for guidance on how to proceed.

Adjourn

Motion by Galen Johnson, seconded by Richard Wolf, to adjourn. Motion passed unanimously. The meeting was adjourned at 3:00 P.M.