

**Minutes of the Dodge County
PLANNING COMMISSION MEETING
April 6, 2011**

The regular meeting of the Planning Commission was called to order by John Allen at 1:05 PM on Wednesday, April 6, 2011. Present were Planning Commission members Harlan Buck, Jon Balzum, John Allen, Galen Johnson, Walter Wyttenbach, Gene Hallaway and Richard Wolf. Also present were County Commissioner Dave Erickson, Lyle Tjosaas, Jane Olive, Don Gray, Dave Hanson, County Attorney, Paul Kiltinen, County Administrator, Jim Elmquist, and Zoning Administrator, Melissa DeVetter.

Motion by Harlan Buck, seconded by Jon Balzum, to approve the agenda and the March 2011 minutes. Motion passed unanimously.

Cal Benedix – CUP #06-17 amend

The public hearing is for a request to amend Conditional Use Permit #06-17 to remove Condition #8 from the Feedlot Advisory Report dated April 4th, 2006: which requires Odor reduction with the use of Bio-filters on pit fans built to University of Minnesota specifications. The existing hog confinement barns have a total capacity of 960 animal units or 2400 head of hogs. The property is 6.42 acres, zoned Agricultural, and located in the NW ¼ of the NE ¼ of the NW ¼ Section 5 of Mantorville Township. Cal Benedix is the applicant and the property owner.

Cal and Craig Benedix were present to explain their proposal. Craig Benedix stated that Cal does own the facility but he leases the facility and pays all the expenses for operating it. He is in charge of taking care of the bio-filters.

Craig Benedix stated that when the permit was issued in 2006 it listed the need for bio-filters on the buildings. They were told that everyone in the state was going to do bio-filters and they were cheap to do. There have been a lot of changes and the packet that was sent out has all kinds of data and is very detailed. Mr. Benedix finds it hard to believe that the only place that puts stock into bio-filters is Dodge County. It states that there are 36 barns with bio-filters in Dodge County. That's probably more than the whole State puts together. As far as being cheap they were cheap to do. The County provided the mulch for them and he only had to pay for the use of the loader. The County now has given the mulch away. They now have to pay \$1000 a semi load and the bio-filter requires a large volume of media.

Craig Benedix stated that Ken Folie came out to test them and Mr. Folie felt that the bio-filters were short on capacity. So he is not in compliance. To take these apart and to add on to them it would cost in the range of \$20,000.

Craig Benedix stated that after reading through the packet it say that he can't do things that would reduce property values. In the State of Minnesota there hasn't been any evidence that show property values have been reduces. He finds this conflicting. You would think that to reduce property values you would have show a loss of enjoyment on your own property. He feels property values are not reduce and doesn't reduce the enjoyment for people to live there.

Craig Benedix stated that in his application he asked to remove the bio-filter. Before he turned this application in he did sit down with Ms. DeVetter and at that time Ms DeVetter did not make him aware of the fact that there was a program called CALPUFF. Until two weeks ago he was not aware of a service that you could hire to come to run the program to see if it meets criteria for box filters.

Andy Buckwalter, Mantorville Township Supervisor, commented that when this facility was built the Township did support the barn on the fact that odor mitigation would be in place. Now they can not support the removal of bio-filters and going without. They are concerned about the affect to the surrounding area.

Dallas Ness read a statement. (See file)

Joann Zelinski, neighbor to the north in Milton Township, stated she get quite a bit of odor and wants to keep the bio-filters on.

Tom Threinen, neighbor to the south, stated the bio-filters need to stay in place. The last two years have not been too bad. As far as property value goes; he sold his dad place this last year and it sat on the market for a year. The complaint that the people had was the site of the hog setup. The filters need to be in place and if anything they need to be increased.

Lawren Castner, Mantorville Township officer and neighbor, stated that Mantorville Township did go to bat with the hog unit and was in support because it fit the area. But protection has to be in place because it's a very residential area. You have a high density of homes within the smelling distance of the site. The bio-filters are an item at that point. If there is different technology or different options that come forth for odor mitigation, then we should be open to it. To remove the bio-filter completely should not be an option. There has to be somewhere close by that has a pile of wood chips. Opinion or propaganda hand outs you can get anywhere for pro bio-filter or anti bio-filter, but as for the neighbor in the area have stated; the air quality has been better since 2009-2010. This is since the bio-filters were put on and operating, that should mean a lot. The neighbor view point should count as heavy weight and not so much on the economic value of cost of wood chips or electricity.

Mark Brannan stated he backs Craig Benedix and his philosophy. Mr. Brannan was aware of the box filters but they were not approved by the University of Minnesota at the time that he was building his barn.

Barb Threinen stated she lives just south of the hog setup. The wood chips are available from the any of the companies that chop trees lines on the State Hwy. She got two loads for free last year because they were in the area. As far as the electrical bill; it's either his bill or her bill. As far as education; Mr. Benedix knew what this was going to cost before he did it. Ms. Threinen stated she has talked to Larry Jacobson from the University of Minnesota and the studies started in Minnesota in the 1990. They did studies here and there is proof that they work.

Kevin Hoebring stated that he believes everyone understands how these bio-filters work but he had a concern on when these bio-filter were mandated to go on every barn that was permitted. They create a lot of unintended financial consequences in terms of barn design and ventilation problems. The material was inexpensive to get and he doesn't understand why the County took that away from them.

Mark Gamm stated it was an economic decision. The Transfer Station made it clear and open that if the farmers wanted to pre-order them they could. The problem was the ones that made a commitment to buy the chips never showed up. So there was an opportunity to have a company to do the chipping and hauled the wood chips away at no cost to the County.

Kevin Hoebring stated it's been 10 years and if there is new technology out there we should be moving in that direction.

Luke Elias stated he lives in Milton Township and has a barn with bio-filter on it. It's a touchy subject for the neighbors and the County Board. Some say that economic issues shouldn't dictate on whether or not we have bio-filter on the barns. Yet the County made an economic decision to make it more difficult then what they pledged to do as far as providing product to maintain what was mandated. Why aren't the surrounding counties supporting bio-filters?

Joshua Converse stated he just purchased the property across the road from the site. He has always been his dream to live in the country. Mr. Converse has concerns and would not have bought this home if they could not be out doors.

Mark Moenning gave a history of the how zoning came about for the County. Things have change over the years. In the early 90's there was a proposed change in Ordinance. There was a quarter to half mile setback being proposed from feedlots. If he remembers correctly it had to be half a mile for 500 AU or more. At the time there was a concern on these setbacks. So the county had taken them through the process by drawing circle around the feedlots and it was decide that it wasn't realistic. The criticism that the County received is that it hasn't kept up with changes. In all reality if the original setback had been put into place this barn would not have been built. Other counties have different setbacks and CUP levels. We owe it to everyone to look at all the research and science and try to maintain a level of trust for technology since the Commissioner have required some odor mitigation. Mr. Moenning has viewed the box filters out at Masching and he believes that they can work. Whether the University of Minnesota has to bless them

first before Dodge County can use them is the question. It doesn't matter until the applicant does the CALPUFF modeling. There has to be discussion along scientific aspect instead of personal.

Motion by Harlan Buck, seconded by Jon Balzum, to close the public hearing.
Motion passed unanimously.

John Allen acknowledges the letters that was sent in for the public hearing by individuals who couldn't be here. There names are; Randy & Barb Zelinske, Teryl Armstrong and Marina Castner.

Melissa DeVetter stated that when the Findings of Fact was done the criteria for granting a CUP was followed.

Walter Wyttenbach had a concern about the wood chips that if the County is mandating these then the County should have them available for any producer that has that condition on their CUP.

Mark Gamm stated that we could do that but there has to be an agreement upfront because there is a lot of cost in grinding them.

John Allen inquired who gets the wood chips now?

Mark Gamm stated we use to grind them and sell them to anyone that would show up. But the County had an opportunity to sell them to someone in the Cities. They use them to burn for steam. This outfit comes down from the cities and grinds them and hauls the wood chips away and it does cost the county anything. The bottom line is that it saves us a lot of money.

John Allen had a concern that the wood chips went to Olmsted.

Mark Gamm stated no they go to St Paul, but we would be happy to grind them if we have a market for them.

Galen Johnson inquired if Ken Folie would explain the odor modeling.

Ken Folie, retired feedlot officer, stated that the University of Minnesota had developed this tool called OFFSET for odor modeling. Many other counties use this tool and have the numbers in their ordinance. With OFFSET it doesn't take into account the number of animal units but it measures the manure surface and the type of manure. Mr. Folie ran thought the numbers for everyone to understand.

Galen Johnson inquired of this was run with bio-filters.

Ken Folie stated yes. If you bio-filter 75% of air it would be up to 91% odor rating. That would mean the pit fans and wall fans too.

Galen Johnson inquired if Mr. Benedix considered bio-filters when he matched up what pit fans he had. How do they stack up for static pressure?

Craig Benedix stated that the construction company knew that they were to do pit fans so he left it up to them.

Galen Johnson stated that commercial box fans are more expensive than building the pallet type one. Was Mr. Benedix interested in an option of having these?

Craig Benedix indicated yes

Walter Wyttenbach stated that the one that was built in Milton Township had to be removed.

Galen Johnson stated not every box filter is the same, but they all have to have water. It has to properly design and they are costly.

Melissa DeVetter stated that they are significantly more than the BEAU-18.

Walter Wyttenbach inquired if it was to operate or install.

Melissa DeVetter stated to install. They also use a different type of media.

John Allen stated he feels the County should have worked with Craig more. The County should step up and make wood chips available for the producers. We have better technology than we had 10 years ago.

Jon Balzum stated he has heard of CALPUFF and Luke Scherger went through that. He has box filter on one of his barns.

Ken Folie confirm that Mr. Scherger has box filters on both barn.

Melissa DeVetter stated that the request in front of us now is to remove the bio-filters. If they provide a CALPUFF modeling and they could meet the air quality standards at the property line then the box filter is an option. It's just that they are more costly. We don't have to change the permit in order to do something like that.

Craig Benedix commented that it's okay for the County to make economic decision but not for him to make one. If you have something you had to do every year and the cost went up a 1000% you would either stop doing it or find an alternative way very rapidly. That's what this wood chip issue is.

Walter Wyttenbach stated it is apparent that we need odor mitigation on any livestock building. We need to address this issue at the County level. The building is there and it's not going away. If we required bio-filters, then the County needs to step up.

John Allen stated he is having a hard time answering this as a yes or no.

Melissa DeVetter stated that if the CALPUFF does indicate that they met air quality standards at the property line there is still odor mitigation through some kind of bio-filter. We do not need to change the permit if they wish to go down that path. Right now the request is to remove that condition all together.

Motion by Galen Johnson, seconded by Harlan Buck, to recommend denial based upon the Findings of Fact and the recommendation from the Feedlot Advisory Report dated 3/4/11, of the applicant's amendment request. The motion was passed 6-1 vote. (6 Ayes, Walter Wyttenbach, Harlan Buck, Richard Wolf, Gene Hallaway, Jon Balzum, Galen Johnson – 1 nay John Allen).

Harlan Buck stated that he felt that the County needs to work with the producers and provide wood chips and stop sending them to St Paul.

Galen Johnson stated he did rent a wood chipper last year for 2 days and it's a lot of work. There isn't a good alternative for everyone.

Motion by Galen Johnson, seconded by Gene Hallaway to recommend the County Transfer State work with producers to supply wood chips for the bio-filters. The motion was passed 6-1 vote. (6 Ayes, Walter Wyttenbach, Harlan Buck, Richard Wolf, John Allen, Jon Balzum, Galen Johnson – 1 nay Gene Hallaway).

Gene Hallaway stated he felt that the County should not be in the wood chip business just for the hog producers. All parts of farming are expensive.

Other Business

Melissa DeVetter gave a brief update on Dean Schrom permit. He is in compliance at this time.

Melissa DeVetter noted that the May meeting will be a night meeting - 7pm.

Adjourn

Motion by Gene Hallaway, seconded by Galen Johnson, to adjourn. Motion passed unanimously. The meeting was adjourned at 2:25 P.M.