

Minutes of the Dodge County
PLANNING COMMISSION MEETING
May 5, 2010

The regular meeting of the Planning Commission was called to order by John Allen at 7:00 PM on Wednesday, May 5, 2010. Present were Planning Commission members Galen Johnson, Harlan Buck, John Allen, Walter Wyttenbach, Jon Balzum, Richard Wolf and Gene Hallaway. Also present were County Commissioner, Dave Erickson, Klaus Alberts, Dave Hanson, Don Gray, Lyle Tjosaas, County Attorney, Paul Kiltinen and Zoning Administrator, Melissa DeVetter.

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

Zoning Amendment – ZA #10-01 Essential Services

The public hearing is to consider an amendment to the Dodge County Zoning Ordinance. The existing language of Chapter 17 pertaining to Essential Service would be repealed and replaced with the new proposed language.

Melissa DeVetter was present to explain the proposed Zoning Ordinance Amendment for Chapter 17 Essential Services. The existing language in Chapter 17 will be repealed and replaced with the proposed new language. The new language defines Major and Minor Essential Services. Major Essential Services are permitted by a CUP and Minor Essential Services depending upon where they are place would or would not require a permit or they would be permitted by the Road Authority. The development standards will be in compliance with Pipeline Statues and in conformance with our Wind Ordinance Energy Conversion Systems. We added setback for occupied structures and facilities that require evacuation assistance from Natural Gas Pipelines and Hazardous Liquids Pipelines. These setbacks came from the result of a meeting that Matt Maas, Emergency Management Director and Melissa DeVetter went to from the Office of Pipeline Safety. They encouraged that the county zoning keeps people away from pipelines. The setback of 500 foot is primarily for mass evacuations of large daycares, nursing homes and other large occupied buildings. If the structure is structurally designed the setback could be reduced to 200 feet.

Galen Johnson inquired if this setback is reciprocal.

Melissa DeVetter indicated yes, but the reciprocal setback only applies to Natural Gas and Hazardous liquids.

Galen Johnson inquired if section 1702 is new.

Melissa DeVetter stated that this proposal is repealing the existing Chapter 17 and replacing it with all new language.

Galen Johnson inquired if there were any criteria for Environmental Reviews.

Melissa DeVetter stated yes under Minnesota Rules 4410 it has mandatory and discretionary language. With discretionary language a review maybe be required by the Commission if they think there will be impacts that needs to be evaluated.

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

Galen Johnson inquired if the previous proposal from Jaguar Communications was consider as essential services.

Melissa DeVetter stated yes; its communication and therefore it's considered essential service.

Galen Johnson inquired if there was a different procedure for a major versus a minor.

Melissa DeVetter stated yes; a major requires a CUP and a minor is permitted by the Road Authority if it's in the right a way. There was never a clear definition for major or minor before.

Galen Johnson inquired if the inspector fee schedule has been determined and what would it be.

Melissa DeVetter stated the inspector would come into play more when we have the major essential service lines with the Wind Energy Conversion System. This just says that we could set a fee and have an inspector if we have any concerns. As for pipelines it is required that we have an inspector.

Galen Johnson inquired on who was sent this proposal.

Mary Greening addressed this; The proposal was sent to all the Township Clerks, County Commissioners, all the Cities, County Attorney, County Hwy Dept, Emergency Management and the State Fire Marshall.

Walter Wyttenbach inquired if the county picks up the fee for the inspector. It's an outside inspector correct?

John Allen stated it would be assessed to whomever they are working for.

Harlan Buck clarified it would be assessed to the contactors.

Galen Johnson inquired if the other sections in this packet were just showing the changes from amending Chapter 17.

Melissa DeVetter indicated yes.

Motion by Harlan Buck, seconded by Jon Balzum, to recommend approval of the amendment as presented.

Motion passed unanimously.

Other Business

Julianna Burzynski was present to request for an extension of her CUP #09-06. She submitted a letter requesting this on March 3, 2010. The project is taking longer than it was expected.

Motion by Galen Johnson, seconded by Richard Wolf, to approval for an extension of CUP #09-06 for 1 (one) year based on reasons stated in the letter from owner, Julianna Burzynski dated March 3, 2010. C.U.P. #09-06 would be extended from May 12, 2010 to May 12, 2011 with the following conditions:

1. The Ag Covenant shall be signed and recorded prior to issuance of zoning permit.
2. Dodge County Zoning Permit shall be obtained before construction.
3. The septic system must meet the County's septic ordinance.
4. Driveway access permits shall be obtained. Access shall comply with Section 1604 of the Dodge County Zoning Ordinance
5. Submit an Erosion Control Plan per Dodge County Ordinance Section 1617, prior to driveway and dwelling construction.
6. The well must be 50 feet from property line.

The motion was passed unanimously

Jim Daley was present to request for an extension to CUP #08-18. A letter was submitted on March 19, 2010 asking for an extension. This project has been going on for about 4 years. The digester being proposed has a 50% chance of getting built this year, but the separator portion will definitely be built this year.

Ken Folie presented a drawing of where the separator and digesters will be location and gave an update on Mr. Daley NPDS permit.

Galen Johnson inquired with the manure goes though the separator will there be an issue with flies.

Ken Folie stated no; the solids are separated out and it's put back into the barn within a few hours.

Galen Johnson inquired if the permit was going to be okay with some of the solid being composted.

Ken Folie stated the permit will have to be modified by the MPCA.

Motion by Harlan Buck, seconded by Walter Wyttenbach, to approval for an extension of CUP #08-18 for 1 (one) year based on reasons stated in the letter from owner, Jim Daley dated March 19, 2010. C.U.P. #08-18 would be extended from June 10, 2010 to June 10, 2011 with the following conditions:

1. The Feedlot Advisory Report dated May 21, 2008.
2. Dodge County Zoning Permit obtained before construction.
3. The noise from the proposed generator be addressed.
4. Dust control be addressed on gravel roads.

The motion was passed unanimously.

Adjourn

Motion by Richard Wolf, seconded by Galen Johnson, to adjourn. Motion passed unanimously. The meeting was adjourned at 7:35 P.M.