

Minutes of the Dodge County
PLANNING COMMISSION MEETING
September 1, 2010

The regular meeting of the Planning Commission was called to order by John Allen at 7:00 PM on Wednesday, September 1, 2010. Present were Planning Commission members Galen Johnson, John Allen, Harlan Buck, Richard Wolf and Gene Hallaway. Also present were County Commissioner, Dave Hanson, Lyle Tjosaas, Don Gray, Zoning Administrator, Melissa DeVetter and Environmental Services Director, Mark Gamm.

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

Bryon Wolf – IUP #10-01

The first public hearing is to consider an application for an Interim Use Permit to establish a non-farm dwelling in the Agricultural District. The proposed property will be 11 acres split from 240 acres located in the NW 1/4 of the NE 1/4 of the SW 1/4 of Section 14, Claremont Township. Bryon Wolf is the applicant and Robert Myers is the property owner.

Bryon Wolf was present to explain his proposal. The plan is to split 11 acres from the 240 acres and build a house.

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

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

Melissa DeVetter stated this is a pretty standard request but did want to note condition # 6 of the Findings of the Fact; this pertains to the sensitivity to the aquifer for contaminations since the depth to bedrock is shallow. If a home business was planned the applicant would need to visit with the Environmental Services Department before hand.

Galen Johnson inquired what the distance to the nearest feedlot is.

Melissa DeVetter stated it's over a 1000'.

Motion by Galen Johnson, seconded by Gene Hallaway, 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. 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 IUP.
3. The septic system must meet the requirements of Dodge County's Subsurface Sewage Treatment Ordinance No. 4.
4. Address shall be obtained from Dodge County Highway Dept.
5. Driveway access shall be obtained from the Township.
6. Any other use proposed for this property, whether listed as permitted, conditional or interim, shall require review and approval by the Dodge County Environmental Services Department and shall only be approved if it is determined that the use does not pose a threat to the underlying aquifer and the wells which utilize it.

Motion passed unanimously. (Richard Wolf abstained from voting)

Chris Skjeveland – CUP #08-25 review

The second public hearing is to review a Conditional Use Permit for a Home Occupation with exterior storage. The property is 3 acres located in the NW 1/4 of the SW 1/4 of Section 34, Claremont Township. Chris Skjeveland is the property owner.

Chris Skjeveland was present.

Melissa DeVetter explained the history and the reason for this public hearing. The site started off as a junkyard violation. Though the process it was found out he was operating a hauling business, which required a County permit. Since the permit has been issued it hasn't been in compliance. There was provision on the permit that a fence was to be installed for screening. The home occupation business is to maintain the appearance of a home. The terms of the permit have not been met.

Chris Skjeveland stated that the truck in the yard was picking up a dumpster and the truck by the garage was his secretary and the other truck was a friend of his. The permit doesn't say anything about having truck parked up front. Otherwise it looks like a house. Semi trailer by the shop is mobile storage. Mr. Skjeveland stated he doesn't have a problem getting into compliance and he agreed that there are pallet up front and carts that need to be washed. Mr. Skjeveland indicated he felt he was being unfairly harassed.

Melissa DeVetter stated her job is to enforce the permit provisions. These provisions are what the Planning Commission and County Board have approved.

Chris Skjeveland stated that he had an issue that the pictures were taken during the day and the truck probably wasn't there an hour later. Mr. Skjeveland stated that when he did get his CUP he did only have one truck and now he has five. They do bail card board in the shed. He also had 11 loads of rock hauled in two weeks

ago to try to get the dumpster moved. He has looked at other locations to move his business but the asking price is too much.

John Allen stated that if he is reading this correctly there are nine conditions to be met to be in compliance.

Melissa DeVetter indicated yes. It's to be maintained as a Home Occupation. Home occupations are allowed in the Ag district. The homeowner signed the agreement and it was recorded with the CUP. If things change, the applicant has to have the CUP amended. The agreement stated there will be a maximum of 2 employees and now there are five employees.

Chris Skjeveland stated he has 2 full-time and 1 part-time employees, but does have 5 trucks.

John Allen inquired of the nine items which ones are not in compliance now.

Melissa DeVetter stated the nine conditions are applied to the Home Occupation agreement so there are nine conditions plus section 1610 of the Ordinance. Section 1610 are the requirements for a Home Occupation; appearance, activity area, exterior storage, etc. Condition # 5 has never been brought into compliance as far as the salvage, #6 the vehicles and equipment are clearly not stored in the rear of the property or pole shed and #8 talks about any vehicle or equipment that cannot be stored within the shed shall meet exterior storage regulations. There was also talk at the time about a screening fence to be installed along the east side of the building; that has not been done. The Floodplain issue is okay. In the two years the property is still not in compliance and it does not meet the criteria of a Home Occupation, as required.

Mark Gamm stated he also agrees that by the provision set by the County Board the site wasn't in compliance at the time it was reviewed. Mr. Skjeveland has a growing business but it doesn't give the staff a break to say, "oh well it's a growing business lets let him grow". He is clearly in violation. This history of the site is correct, but as for the solid waste he is in compliance with the license and as part of the license he has to offer recycling services. He has an option to sort and bring it to market or to bring it to a recycling center. He has chosen to sort it in his shed and that is fine. Mr. Gamm didn't see that as a violation.

Melissa DeVetter stated, it is technically, because at the time that his CUP was approved Mr. Skjeveland did not include sorting of recyclable material in his shed as part of his Home Occupation agreement. This doesn't say that it couldn't be amended.

Motion by Galen Johnson, seconded by Richard Wolf, to close the public hearing. Motion passed unanimously.

John Allen stated it sounds like they need to do house cleaning at this site and Mr. Skjeveland has had a couple of years to do this and it's not done. Mr. Skjeveland hasn't put up the fencing and screen that he agreed to.

Chris Skjeveland stated that the semi trailer is there because he wasn't allowed to put up a 6' fence and a 3' fence wouldn't do any good.

John Allen stated one condition is to park the truck behind the build; it hasn't been done.

Chris Skjeveland stated he has hauled in 11 loaded of crushed blacktop. He has a 40 x 80 pole shed and there is no way that everything can be parked inside.

John Allen stated that at the time this was agreed to Mr. Skjeveland didn't say anything about having an issue with the fence or parking vehicles behind the shed and it's been a couple of years.

Chris Skjeveland stated he didn't know that it was an issue until he got a notice.

Gene Hallaway stated that the site was messy but it does look better than what it did. He hasn't heard any complaints.

Galen Johnson inquired about the truck that is off of the shed.

Melissa DeVetter stated that they can't have a 6' fence in the front yard so it was talked about putting a fence along the back of shed so it would screen the stuff.

Gene Hallaway inquired where the rear property line was.

Chris Skjeveland indicated on a map the location of the rear property line, his house and septic system. Also showed the location of the crushed rock he hauled in.

Galen Johnson inquired if the rocked area was usable now.

Chris Skjeveland stated it's mostly useable but it's a work in progress.

Galen Johnson inquired if there was any concern about hazardous waste.

Melissa DeVetter indicated no.

John Allen stated a Home Occupation needs to look nice and it's not the County's purpose to run an individual out of business. Another parking lot is needed in the rear of the property and have the trucks park there at night.

Melissa DeVetter stated the storage of the roll-offs, pallets and the regular trash bins that are out front is not permitted.

Galen Johnson inquired if the semi trailer needed to be there for storage. A fence would look better.

Chris Skjeveland stated the trailer is full of residential carts. Originally the plan was to place a 3' fence with some shrubby in front of it to block the view of the trailer wheels.

Motion by Galen Johnson, seconded by Richard Wolf, to recommend the following condition be **completed by Nov 1, 2010**

1. Additional crushed rock shall be placed to complete and extend the existing parking lot on the northeast corner of the property for the purpose of truck and equipment parking.
2. The permittee shall remove of all vehicles and other business related equipment from the front yard to be stored in the rear yard of the property.

Also to amendment condition #5 of CUP #08-25 with the exception as written below:

5. At no time shall the property meet the definition of a junk yard or salvage yard. Waste or discarded or salvaged materials shall not be brought, sold, exchanged, stored, cleaned, packed, disassembled or handled on the property or within the on-site building. Materials shall be hauled directly to their final legal destination at a transfer facility and/or landfill. (An exception is granted for sorting "recyclable material" as defined in County Solid Waste Ordinance No. 4 provided that the sorting and storage takes place entirely within the buildings on-site and the materials are collected as a part of Skjeveland Enterprises services defined by County license. Recyclable materials mean materials generated and collected at residences and businesses including newspaper, office paper, paper junk mail, boxboard, glass containers, aluminum containers, plastic bottles, tin/steel cans, corrugated cardboard, and other materials designated for separate collection by the County Board of Commissioners.)

Motion passed unanimously.

Zoning Amendment – ZA #10-03

The third public hearing is to consider an amendment to the Dodge County Zoning Ordinance. The existing language pertaining to Chapter 6 Nonconformities, Chapter 7 General Zoning District Rules of Application and Chapter 15 Floodplain Overlay District "FP" would be repealed and replaced with the new proposed language. Also part of Chapter 4 (Rules and Definitions), Chapter 14 (Shoreland Overlay District) and Chapter 18 (Administration) will be amended.

Melissa DeVetter explained the proposed chapter changes. Chapter 6 Non-conforming Uses the existing language was out of compliance with the State Statutes. The purposed changes will bring the County ordinance in compliance with the Statutes. Ms. DeVetter addressed each section of the chapters and how the

changes would pertain to areas in the county. Chapter 7 was reorganizing the chapter with existing language. Chapter 15 Floodplain Overlay District we had to rewrite the section pertaining to the non-conformities in the floodplain in addition a new more restrictive Ordinance was proposed that would prohibit new structure in the Floodplain. The following Chapters 4, Rules and Definition; Chapter 14, Shoreland Overlay District "SH" and Chapter 18, Administration portions of these chapters pertaining to non-conformity language also had to be amended.

Motion by Galen Johnson, seconded by Richard Wolf, to close the public hearing. Motion passed unanimously.

Motion by Harlan Buck, seconded by Galen Johnson, to recommend tabling the amendment until the next meeting. Motion passed unanimously.

Other Business

First item on other business is CUP – Review Bio-filters and other potential issues.

Melissa DeVetter stated that she needs guidance from the Planning Commission on how to handle producers that have bio-filter that are not kept up.

Ken Folie presented a slide show of pictures of bio-filter in different stages of disrepair.

Melissa DeVetter stated the county could issue a violation letter to the producers and take legal action or the CUP could be brought to the Planning Commission as a review of their CUP.

The Planning Commission felt they needed time to talk to the producers and see what the situation is.

Annual Feedlot Fee

Mark Gamm, Environmental Director was present to a proposed annual fee for all registered feedlot in the county.

The Planning Commission felt that no fee is welcome and it's frustrating that counties are forced to apply "fees" for services that are mandated (i.e. registration). That being said, they understand the value of having the county involved in feedlot assistance and regulation. Therefore, it is somewhat palatable to pay a fee for administrative services required to perform some of the duties. The direct benefit of having an up to date registration and regular newsletter did not seem to be enough value alone to justify a fee.

It was decided to let the County Commissioners handle the request as they see fit.

Adjourn

Motion by Galen Johnson, seconded by Richard Wolf, to adjourn. Motion passed unanimously. The meeting was adjourned at 10:45 P.M.