

Minutes of the Dodge County  
**PLANNING COMMISSION MEETING**  
**June 2, 2010**

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The Chair and Vice Chair were absent a motion by Harlan Buck and seconded by Walter Wytttenbach to appoint Galen Johnson as a temporary Chair. Motion passed unanimously.

The regular meeting of the Planning Commission was called to order by Galen Johnson at 7:05 PM on Wednesday, June 2, 2010. Present were Planning Commission members Galen Johnson, Harlan Buck, Walter Wytttenbach, and Gene Hallaway. Also present were County Commissioner, Don Gray, Klaus Alberts, Dave Hanson, County Attorney, Paul Kiltinen and Zoning Administrator, Melissa DeVetter.

Motion by Harlan Buck, seconded by Gene Hallaway, to approve the agenda and the May 2010 minutes. Motion passed unanimously.

**Aileen King – CUP #10-05**

The first public hearing is to consider an application for a Conditional Use Permit to allow a Home Occupation Business in an accessory building in the Agricultural District. The property is 21.69 acres located in the NW 1/4 of the SW 1/4 of Section 36, Mantorville Township. Eileen King is the applicant and the property owner.

Eileen King was present to explain her proposal. Ms. King stated that 2 years ago she went back to school for wood finishing. Her intent was to work at home and take care of her mother who had a heart attack a year ago. Over the course of the year she had done approximately 50 different pieces that she bought at garage sales. She is a very small operation and will not have a large quantity of any disposable waste. Most of the liquids that she uses will evaporate. The water will be filtered off and what is left would be gunk. The gunk will go to Olmsted County for disposal. Ms King also plans to have several open houses over the year. These would probably happen for a couple of years.

Kevin Dohrmann, Mantorville Township has no objection.

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

Melissa DeVetter stated this is a low impact site with no other employees. When a site visit was done by staff it was determined that there would be hazardous materials. Ms DeVetter asked Mark Gamm, Environmental Services Director to

visit the site and talk to Ms. King about handling the hazardous material. Mr. Gamm did visit the site and made recommendation for the CUP.

Galen Johnson noted that the signage was address.

Eileen King inquired if she would sell the property to a family member would she be able to continue to work out of the building.

Paul Kiltinen, County Attorney stated the CUP would have to be amended.

Galen Johnson stated the site is already set up from a previous business, but had a concern about public restrooms. Will there be portable outhouses?

Eileen King stated she doesn't plan on have portable outhouse, but if a customer needs to they could use her bathroom in the house. Generally the public isn't there very long.

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. Operation will comply with all local, state, and federal regulation regarding the storage and use of hazardous products and the treatment and disposal of hazardous waste.
2. Operation must obtain state registration as a Very Small Quantity Generator
3. Discharge of wash water into the existing septic system cannot occur.
4. Existing floor drains will be sealed at all times to contain spills and prevent product, hazardous waste, and wash water from discharging to the ground surface or underground unless contained and treated.
5. The owner will provide the county a plan for how water from the rinse tub will be treated and disposed. All wash water shall be properly disposed of in accordance with applicable federal and/or state regulations.
6. The home occupation sign advertising the business shall not exceed nine (9) square feet and shall be set back a minimum of ten (10) feet from the right-of-way.
7. Any change involving the addition of new business related structures, enlargement, intensification of the use or similar changes not specifically permitted by the CUP shall require an amended CUP to be issued.

8. The business shall comply with the conditions of this permit and the Home Occupation Agreement, which shall be recorded with the CUP

Motion passed unanimously.

**Zoning Amendment – ZA #10-02 Chapter 1 Purpose Authority and Jurisdiction, Chapter 2 General Provisions, and Chapter 18 Administration, Section 8 “A” Agricultural District, Section 10 ”X” Urban Expansion District, Section 11 “R” Rural Residential District, Section 13 ”I” Industrial District, Section 14 “SH” Shoreland Overlay District, Section 15 “FP” Flood Plain District, Section 16.1610 Home Occupations and Section 16.1618 Extraction of Minerals and Materials, Open Pits and the Impounding of Waters**

The second public hearing is to consider an amendment to the Dodge County Zoning Ordinance. The existing language pertaining to Chapter 1 Purpose Authority and Jurisdiction, Chapter 2 General Provisions and Chapter 18 Administration would be repealed and replaced with the new proposed language. Also as part of Chapter 18 Administration; Section 8 “A” Agricultural District, Section 10 ”X” Urban Expansion District, Section 11 “R” Rural Residential District, Section 13 ”I” Industrial District, Section 14 “SH” Shoreland Overlay District, Section 15 “FP” Flood Plain District, Section 16.1610 Home Occupations and Section 16.1618 Extraction of Minerals and Materials, Open Pits and the Impounding of Waters will need to be amended to address Interim Uses.

Melissa DeVetter explained the proposed Chapter changes of the Dodge County Zoning Ordinance. Chapters 1, 2 and Chapter 18 will be repealed and replaced with the new language. We are correcting administration and reference errors, organizing of the functions of the Ordinance. Chapter 18 is the biggest change. It lays out the functions of what all the Boards and Commission do. What they are responsible for and is in line with the State Statues and any State Statute changes. An Interim Use Permit has been added and this would be used for any permit that has an end date; such as a sunset clause or a short term project like mining operations.

Galen Johnson inquired how the wordage was developed.

Melissa DeVetter stated it comes from many different ordinances and from MN State Statutes.

Galen Johnson inquired if the Board of Adjustment duties were staying the same.

Melissa DeVetter stated yes, their powers and duties come in State Statutes. But there were some things that the Board of Adjustment should have been doing but it was listed as duties for the Planning Commission and that had to be fixed; like appeals.

Galen Johnson inquired if the Planning Commission language was part of the Statute.

Melissa DeVetter stated yes part of it does.

Galen Johnson inquired about the EAW.

Melissa DeVetter stated it follows MN State Statues and Rules. Ms. DeVetter explained how an EAW process works.

Galen Johnson inquired about the strike outs and replacing it with Interim Use Permits.

Melissa DeVetter explained how Interim Use Permits work. These are for anything that you would want a time frame on. It would be some sort of event that would trigger the end date.

Galen Johnson stated the applicant use to come in for a CUP but now instead they would come in for an Interim Use Permit.

Melissa DeVetter stated yes, when it is listed as an Interim use it's the same process as a CUP but Interim Uses have a different time frame.

Harlan Buck stated a lot of hours have been put into this.

Galen Johnson inquired if there were other areas or other larger implications that they should be made aware of.

Melissa DeVetter stated yes; this gives the County Board the option to form other board without specifically listing them. The Board can create them as we need them. There is a fill permit that we need to use under shoreland that we currently don't use. The appeals process had to be corrected. The process to amend Flood Plain Maps is supposed to be done by FEMA.

Walter Wyttenbach inquired about Section 15 page 51; sections have been taken out.

Melissa DeVetter stated yes these have been taken out because these are duplication and they are placed under the Variance section of Chapter 18. The different variances and procedures were explained and the changes the Supreme Court has made regarding "area" vs. "use" variances.

Melissa DeVetter addressed zoning permits and a size of a structure. After talking to the Assessor's office and Septic Coordinator it was determined that a structure that is 120 sq ft or less would not require a zoning permit provided it met all the

other criteria. The size of the structure could be different for agricultural use then residential use.

A CUP is issued for the land and stays with the land unless the conditions have not been met. The process for revocation of a CUP is different. It goes through the Planning Commission and a recommendation for specific action has to be made to the County Board. The Board would have to revoke it, or make a finding that a violation does not exist or modify the conditions to make it comply and record it.

If you are in the Shoreland or Flood Plain District additional criteria for CUP's have to be looked at. This may change once the Flood Plain and Shoreland revisions are done.

Steve Gray, Wasioja Township stated that he wanted to thank the commission and staff for the proposal looks well written. It's consistent with the State Statutes and Laws and it promotes a clear and common understanding of the law in the county for everyone.

Mike Roeder had a concern about the width for a driveway access. You must have a 66 foot for two or three lots. This could be very expensive for the individuals.

Melissa DeVetter stated that the 66 foot access is the standards in the current ordinance and is not part of these proposed changes.

Mike Roeder inquired if he could get a Variance. He did talk to the Highway Dept about this

Melissa DeVetter inquired if Mr. Roeder would stop by the office for further discussion.

Melissa DeVetter addressed the grading and filling permit required in the Shoreland, which Dodge County calls a Shoreland Alteration permit. Also in each of the last section where a CUP was required with an end date the language has been removed and/or replaced with the Interim Use Permit language. Also affected sections are being renumbered.

Galen Johnson inquired that if this is approved, could they still amend a section if they find that it does not work?

Melissa DeVetter stated yes and we plan to bring more changes back for a public hearing in September.

Motion by Harlan Buck, seconded by Gene Hallaway, to close the public hearing. Motion passed unanimously.

Melissa DeVetter inquired if the Planning Commission would want to change the structure size in the Ag District to a larger size versus 120 square feet.

Galen Johnson stated he felt it should be left as is.

Motion by Harlan Buck, seconded by Gene Hallaway, to recommend approval of the amendment as presented.

Motion passed unanimously.

**Other Business**

Melissa DeVetter gave an update on the Wind Moratorium. The moratorium will be expiring on August 25, 2010. We were waiting on a decision from the PUC on the health study for setback from non-participating dwellings. It was indicated to us that they will make their decision case by case. Also no action has been taken on the HF 2019 bill.

**Adjourn**

Motion by Walter Wyttenbach, seconded by Gene Hallaway, to adjourn. Motion passed unanimously. The meeting was adjourned at 8:30 P.M.