

Minutes of the Dodge County  
**PLANNING COMMISSION MEETING**  
**June 6, 2007**

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The regular meeting of the Planning Commission was called to order by Galen Johnson at 7:00 PM on Wednesday, June 6, 2007. Present were Planning Commission members Galen Johnson, Jon Balzum, Rhonda Toquam, Larry Schmeling, Harlan Buck, and John Allen. Also present were County Commissioners, Dave Erickson, Lyle Tjosaas, Don Gray, Dave Hanson and Planning Director Duane Johnson.

Motion by Harlan Buck, seconded by John Allen, to approve the agenda and the May 2007 minutes. Motion passed unanimously.

**Anthony Brossard – CUP #07-14**

The first public hearing is to consider an application for a Conditional Use Permit to establish a second farm dwelling in the Agricultural District. The property is 40 acres located in the NE ¼ of NE ¼, of Section 10, Milton Township. Anthony Brossard is the applicant and the property owner

Monica Brossard was present to explain their plans for the proposed site. They will move a home onto the site for their son to live in. He is helping with the farming.

Ron Durst, Milton Township has no objection with this proposal.

Galen Johnson inquired about the well.

Monica stated that they would like to share the well but at this time they are not sure if they can do that.

John Allen inquired about the driveway access.

Monica stated that the adjacent neighbor will not allow them to use his driveway to access their land. They will use their existing driveway.

Duane Johnson stated that the Brossards have property fronting on to Hwy 24, and that an easement is not an issue. If they plan on creating a new driveway they must contact the Dodge County Highway department for the permit.

Motion by Rhonda Toquam, seconded by Harlan Buck, to close the public hearing. Motion passed unanimously. Motion by John Allen, seconded by Harlan Buck, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. The Agricultural Covenant shall be signed and recorded.
2. The septic system must meet the County's septic ordinance.
3. Driveway access and permits be obtained from the County Hwy Dept.

The motion was passed unanimously

### **Sherman Stoflet – CUP #07-15**

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 40 acres located in the SW ¼ of SW ¼, of Section 25, Canisteo Township. Sherman Stoflet is the applicant and the property owner.

Sherman Stoflet was present to explain his plans for the proposed site. There is a sand ridge on the 40 acres that they plan to put the house on. That would give them a good view from the house. The ground is not very good for farming due to the poor soil condition. Sherman handed out soil ratings done by the Greenway Co-op to show the condition of the soil. They have started to plant trees along the property line. Sherman does not plan to farm this land any longer. The DNR has the property to the east of this site for hunting.

Tom Kunz, Canisteo Township stated that this property does not meet the Canisteo Ordinance criteria; as in their definition for a non-farm dwelling. The township board has not voted on this proposal. The Canisteo Zoning board has voted against this proposal. This site did have crops on in 2006.

Jackie Torrens, treasurer of Canisteo Township has concerns about the land next to this proposal in regard to the hunting. There is a home already in close proximity of the DNR land. Also has a concern with trees being planted as if this proposal has already gone though.

Alpha Jensen, neighbor to the south has concerns about how much of the land will be the new owner or if Sherman plans on split it for another home.

Richard Jensen stated that the land conditions have been that way all along. Also has a concern about the planting of trees with out approval. How many time can this property be divided and a new home be built?

Galen Johnson explained the density rule in the ordinance of only one non-farm dwelling per quarter section. This quarter would be taken if this proposal was approved.

John Maas owns the home to the east of the DNR land and has had problems with hunters shooting in their direction. It's not a good place for another home being so close the DNR land.

Loren Torrens inquired about soil rating of the nine acres within these 40 acres.

Galen Johnson wanted a clarification about the ruling of the township.

Tom Kunz, Canisteo Township stated that the zoning board has meet and has voted against this proposal, but the Canisteo Township board has not formally voted on it yet.

Duane Johnson stated that the current application process starts with the County Planning Office; then a staff report is generated and sent to the township. A year ago the process started with the township but was changed to provide the same information from the staff report for township review. The county can not take any action until the township has made their decision.

Motion by Harlan Buck, seconded by Jon Balzum, to close the public hearing. Motion passed unanimously. Motion by Harlan Buck, seconded by Larry Schmeling, to recommend tabling this request to allow Canisteo Township to make their final decision.

The motion was passed unanimously

#### **Jay Harris – ZA #07-01**

The third public hearing is to consider a Zoning Amendment to rezone Urban Expansion to Urban Expansion Residential. The property is 10 acres located in the NE ¼ of NW ¼ of SW ¼ of section 15, Mantorville Township. Jay Harris is the applicant and property owner.

Jay Harris applicant and Kyle Skov, Massey Land Survey, were present to explain his plans for the proposed site. The proposed site is just west of Edgewood 2<sup>nd</sup> and north of Swiss Valley Estates. It will have 6 residential lots with a community well and septic system. After meeting with the Mantorville Township they have made changes to the street plans to include a cul-de-sac for a turn around and mailboxes to meet the county requirements.

Andy Buckwalter, Mantorville Township has no objection with this proposed site.

Motion by Harlan Buck, seconded by Rhonda Toquam, to close the public hearing. Motion passed unanimously. Motion by Harlan Buck seconded by Larry

Schmeling, to recommend approval of the Zoning Amendment to Urban Expansion Residential and the General Development Concept Plan as presented.

The motion was passed unanimously

**Matthew Schmitz – CUP #07-16**

The fourth 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 38.17 acres located in the NE ¼ of NW ¼, of section 32 Canisteo Township. Matthew Schmitz is the applicant and Lester Tucker is the property owner.

Matthew and Danielle Schmitz were present to explain their plans for the proposed site. They are in the process of buying the land from Tom Tucker. They will have the land surveyed upon the sale by Massey to determine where the well can be located.

Tom Kunz, Canisteo Township has no objection with this proposal. It meets the township criteria.

Motion by Rhonda Toquam, seconded by Larry Schmeling, to close the public hearing. Motion passed unanimously. Motion by Harlan Buck, seconded by Jon Balzum, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. The Agricultural Covenant shall be signed and recorded.
2. The septic system must meet the County's septic ordinance.
3. Driveway access and permits be obtained from the Township.

The motion was passed unanimously

**Luke Elias – CUP #07-11**

The fifth public hearing is to consider an application for a Conditional Use Permit to establish a new feedlot of 2000 head of hogs or 800 animal units. The expansion includes a confinement building approximately 51 x 320 feet with a beneath barn 8 foot deep concrete pit for manure storage for 2000 head of finishing hogs. The property is 10.01 acres located in the SE ¼ of SW ¼ in Section 29 of Milton Township. Luke Elias is the applicant and Lois Elias is the property owner.

Luke Elias was present to explain his plans for the proposed site. The building will be curtain sided with Bio-filters. This proposal will allow him to diversify and generate income for his family.

Walter Wyttenbach, Milton Township has no objection with the proposed site. Mr. Elias was at their May meeting and had a detailed report on the project. There are some concerns about the manure hauling on the roads.

Ron Durst, neighbor is in favor of this proposed site. It will provide a living for his family. Luke keeps his property in good order.

Craig Benedix stated that Luke will be raising his hogs on this site. Luke grew up on a farm and wanted to raise his kids on a farm. Luke has a good site and is a good manager.

Galen Johnson inquired about the manure management plan.

Luke Elias stated that most of the manure will be applied to the adjacent land that very little will be hauled on the roads.

Larry Schmeling inquired on where Luke lives now.

Galen Johnson inquired on why this building was not on his home site. How will the dead animals be handled?

Luke Elias stated that he rents the building site from his mom where he now lives and it is not an option to buy. The proposed site is available to buy. Dead animals will be hauled to his home and composted there. This will keep the proposed site a clean site.

Motion by Harlan Buck, seconded by Jon Balzum, to close the public hearing. Motion passed unanimously. Motion by John Allen, seconded by Larry Schmeling, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. The Feedlot Advisory Report dated April 18, 2007.

The motion was passed unanimously

### **Other Business**

Dan Ebling - CUP#07-12 tabled at the May meeting.

Mary Greening explained that she contacted Dan requesting him to come into the Planning Office to advice us on driveway issue. Dan stated that he would, but never showed up.

Duane Johnson explained that the 120 days will expire on July 6, 2007 and the next planning meeting will be held July 11, 2007. So the Planning Commission must act on this request.

Motion by Rhonda Toquam, seconded by Larry Schmeling, to recommend denial of this request for the following reason:

1. Based on not meeting the Dodge County Ordinance criteria; Section 804.8 Access Drive Regulations

The motion was passed unanimously

Duane Johnson explained about Thiemann preliminary plat was in front of the board in 2003 and now the final plat needs to be review.

Lee Mattison, Dodge Center City Administrator was present to explain the city view point on this plat. The city will be annexing this subdivision into the city in the near future.

The Planning Commission agrees to place the Theimann final plat on the July 2007 agenda.

**Adjourn**

Motion by Jon Balzum, seconded by Harlan Buck, to adjourn. Motion passed unanimously. The meeting was adjourned at 8:50 PM.