

**Minutes of the Dodge County
PLANNING COMMISSION MEETING
July 11, 2007**

The regular meeting of the Planning Commission was called to order by Galen Johnson at 7:00 PM on Wednesday, July 11, 2007. Present were Planning Commission members Galen Johnson, Jon Balzum, Larry Schmeling, Harlan Buck, John Allen, and Richard Wolf. Also present were County Commissioner Dave Hanson, Don Gray, Dave Erickson, Lyle Tjosaas and Planning Director Duane Johnson.

Motion by Harlan Buck, seconded by Jon Balzum, to approve the agenda and the June 2007 minutes. Motion passed unanimously.

Sherman Stoflet – CUP #07-15 (tabled)

Discussion continued from the June meeting to allow for township input and decision on this request 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.

Duane Johnson explained the history on this proposal and stated that he was at the Canisteo Townships last meeting. At the township meeting no decision was made so Sherman Stoflet withdrew his application for a non-farm dwelling and requested a variance for a farm dwelling instead. The application doesn't meet the township criteria for a non-farm dwelling but does meet the county's criteria. Duane explained that a Township variance on the size of a farm would mean that Sherman could have 40 acres instead of 80 acres as the Canisteo Township ordinance requires. Duane explained that the county density requirement for the quarter section would be taken if a C.U.P. for a non-farm dwelling is granted. In this case even though the Township grants a variance for a farm dwelling the County recognizes it as a non-farm dwelling.

Tom Kunz, Canisteo Township supervisor stated that a special committee meeting will be held to address the variance issue. The meeting will be held 10 days after the public hearing notice is published.

Galen Johnson had concerns about approving this request with out the township acting on it first. Also some concern about the wildlife reserve next to proposed site.

Motion by Harlan Buck, 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 Ag Covenant shall be signed and recorded.
2. The septic system must meet the Dodge County's septic ordinance.
3. Driveway access and permits be obtained from the Dodge County Highway Dept.
4. Home is built 500' or more from wildlife management area.
5. The township grants a variance to the definition of a farm.

A vote of 3 – 3 was taken. Ayes, Harlan Buck, Jon Balzum, Larry Schmeling. Nays, John Allen, Richard Wolf, Galen Johnson.

Rodney Johnson – CUP #07-17

The first public hearing is to consider an application for a Conditional Use Permit to establish an agricultural business in an accessory building in the Agricultural District. The property is 35.61 acres located in the NE ¼ of SW ¼, of Section 9, Milton Township. Rodney A Johnson is the applicant and the property owner.

Rodney Johnson was present to explain his proposed plans. It will be a restoration business for tractors and cars.

Walt Wyttenback, Milton Township has no objection to the proposed site.

Jay Harris had concerns on the amount of tractors that will be store on site. Will they be allowed to accumulate on the property or will there be a limit to the number of tractors.

Duane Johnson stated the Home Occupation Section 16.1610 e. Storage. There will be no outdoor storage of equipment, material or stock. The applicant has agreed to that.

Rodney Johnson stated that his own personal equipment will be outside only.

Duane Johnson stated that with a Home Occupation being issued if the owner has a complaint the permit may be revoked.

Duane Johnson addressed the concerns that Mark Gamm had. The County Ordinance has nuisance standards and the County can enforce any noise complaint issues.

Larry Schmeling had concerns about the sandblasting silica sand disposal.

The applicant stated it will be done in a storage shed. Duane stated that will be requirement of the permit.

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

1. The Home Occupation Agreement is signed and recorded with the CUP.
2. The permit will be reviewed by the Planning Commission before any expansion of outside activity area or any new accessory buildings outside.
3. Ag Covenant be signed and recorded.
4. Business operation conform to all State and Federal Rules including sandblasting and sandblast material after use; use of solvents, paints or other fabricating materials stored, used or disposed of.
5. Nuisance coming from business practices must comply with standards set forth in Section 16, 1611 Nuisance Standards 1-6

The motion was passed unanimously

Al-Corn Clean Fuel / Randall Doyal – ZA #07-02

The second public hearing is to consider a Zoning Amendment to rezone Urban Expansion to Industrial on 74.9 acres located in the NW ¼ of the NW ¼ of Section 29, Claremont Township. The second part of this request is a zoning change from Agricultural to Industrial on 114.35 acres located in the NE ¼ in Section 30, Claremont Township. The two parcels total 189.25 acres being considered for rezoning to Industrial. Randall J Doyal is the applicant and Al-Corn Clean Fuel is the property owner.

Randy Doyal was present to explain the plans for the proposed site. With the increase of production of ethanol the rail line will not be able to handle the additional cars. For the future ethanol production additional rail storage is needed.

Kent Schmidt, Claremont Township has no objection of this proposal.

Donald Kubat has the dairy farm across the road from the proposed site and has concerns about the closing of 110th Ave. They haul four loads of manure daily and the road closure would be an in convince for them and add a lot of hauling distance to get to their other property. Mr. Kubat also had concerns about the odor from the existing ethanol plant. He has concerns about the water level being drawn down; what will happen with this new project and will they compensate us for the loss of water? Will there be an EAW done on this project?. Can they expand the feedlot if they wish to in the future? Will there be enough fire protection in case of a fire emergency? Can the town handle a large fire? But there biggest concern is the road closing.

Duane Johnson explained the history of the Al-Corn plant. About 4-5 years ago a request to rezone the west 20 acres to industrial was granted. One of the conditions was that if another request for rezoning came in they would have to do a General Development plan for the proposal. An EIS of the Hwy 14 project is being

conducted and a decision on the alignment of the Hwy should be known by the end of the year. A study will also need to be done with the increase of truck traffic.

Galen Johnson questioned if the feedlot was out side of the project. What happens if he wishes to expand his feedlot? What impact would be put on the feedlot?

Duane Johnson stated that Donald Kubat's feedlot is outside of the Urban Expansion District and would not be prohibited to expand his feedlot.

John Allen had concerns about the closing of the road and was wondering if something can be worked out.

Randy Doyal stated that there is a cartway on the west side of the property that could be used for access by Kubat.

Duane Johnson advised the committee that the road would probably be closed with the Hwy 14 project.

Harlan Buck pointed out that it important to keep the railroad open for other business too. The improvement need to be made to continue growth in the business sector.

Galen Johnson questioned that if this proposal is approved it will come before the Planning Commission again.

Duane Johnson explained that they will have to come back with the General Development plan and an EAW; it will take some time to get that completed. The township will have to come to some agreement on 110th Ave. and between all parties.

John Allen inquired that if the approval is granted will the road have to close right a way or will it stay open though the process.

Randy Doyal stated that the road will stay open. They have to apply for MPCA permits and this will take a year to complete. So there is time to work out something in regards to the road closure.

Jon Balzum inquired if there are other homes along 110th Ave.

Randy Doyal stated that there are and one already belongs to Al-Corn another is a rental unit and one home will have to find an alternative route to use.

Duane Johnson pointed out the letter from MnDot pertaining to the Hwy 14 issues.

Motion by Harlan Buck, seconded by Larry Schmeling, 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. Prior to construction, All Federal, State and Local environmental review be completed (EAW).
2. Upon Completion of the EAW a General Development Plan be submitted and the Plat process begin.
3. Work with the neighbor on the issue of 110th Ave.

The motion was passed unanimously

Michael Asche – CUP #07-18

The third public hearing is to consider an application for a Conditional Use Permit to establish a second non farm dwelling in the Agricultural District. The property is 6.36 acres located in the NW ¼ of SE ¼, of Section 19, Mantorville Township. Michael Asche is the applicant and the property owner.

Michael Asche was present to explain his plans for the proposed site. They are buying an acre of land from the neighbor. The additional acre is needed for the driveway access. The pole shed will be a wood shop for their hobby with living quarters for his parents to live in.

Galen Johnson had a concern about the proposal of the 2nd non-farm dwelling and if this has a sunset clause.

Duane Johnson stated that this does have a sunset clause and after the parents no longer live there the permit is null and void.

Galen Johnson inquired if Michael Asche understood this.

Michael Asche indicated that he did.

Lawren Castner, Mantorville Township has no objection with this proposal.

Duane Johnson met with Michael and his father and they indicated that the building will only be used as an area for their hobby and living quarters for father.

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

1. The Ag Covenant shall be signed and recorded.
2. The septic system must meet the County's septic ordinance.
3. A driveway access permit and address be obtained from the Dodge County Highway dept

4. The sunset clause applies. When the home is no longer used by the father it is to be vacated.

The motion was passed unanimously

David M Holey – CUP #07-19

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 4.13 acres located in the NE ¼ of SE ¼, of Section 26, Mantorville Township. David M Holey is the applicant and Milton and Arleen Holey are the property owners.

David Holey was present to explain his plans for the proposed site. David wants to build a home on the property that will be separated from his parent property. This will keep him close to his parents to help take care of them.

Lawren Castner, Mantorville Township has no objection with this proposal. Lawren asked David Holey to clarify the driveway issue with commission.

David Holey stated that after visiting with Guy Kohlhofer, County Engineer that the field driveway will be moved from Co Rd 15 to the north along 625th St.

Galen Johnson inquired about the well.

David Holey stated that he will be sharing the well with his parents.

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

1. The Ag Covenant shall be signed and recorded.
2. The septic system must meet the County's septic ordinance.
3. A driveway access permit and address be obtained from the Dodge County Highway dept.

The motion was passed unanimously.

Jay Harris – Preliminary Plat # 07-01

The fifth public hearing is to consider a Preliminary Plat for a subdivision. 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 and Kyle Skov, Massey Engineering were present to explain the plans for the proposed subdivision. There has been an endangered plant species found on the property. Until this problem is resolved they can not go forward with this proposal.

Lawren Castner, Mantorville Township will wait until the endangered plant issue is resolved before they comment.

Duane Johnson stated that they just received the report from the DNR. Since we don't have a 60 day rule on subdivision we have no time frame to worry about.

The applicant request and Planning Commission concurred to continue the Public Hearing to the August meeting.

Thiemann Addition – FP #07-01

Brian Weber representative for the Thiemann Addition explained the proposal. In June of 2003 the Planning Commission approved the Preliminary Plat. Up to now the County has never approved a final plat. Currently the Thiemann Addition is in the process of being annex into the city of Dodge Center. The city wants the County to sign off on the plat. This means that it have to go in front of the Planning Commission for the approval before the County Board can sign off.

Duane Johnson stated that he has meet with the township and the city about this proposal. A memo was sent to the County Commission that the city will be annexing this addition into the city shortly.

Motion by Jon Balzum, seconded by Richard Wolf, to recommend approval of the Thiemann Final Plat and the following waivers:

1. Granting the waiver of the Section 2009 Subdivision Platting, item 5 Development Agreement.
2. Granting the waiver of the Section 2011 Preliminary Plat Procedures, item 6 Preliminary Plat Approval Duration.
3. Granting the waiver of street name "Thiemann Drive" be changed to 199th Ave.

Other Business

Duane Johnson advised the Planning Commission that the County Board will be meeting with the townships.

Adjourn

Motion by Jon Balzum, seconded by John Allen, to adjourn. Motion passed unanimously. The meeting was adjourned at 8:45 PM.