

Minutes of the Dodge County
PLANNING COMMISSION MEETING
September 05, 2007

The regular meeting of the Planning Commission was called to order by Galen Johnson at 7:00 PM on Wednesday, September 5, 2007. Present were Planning Commission members Galen Johnson, Jon Balzum, Rhonda Toquam, Larry Schmeling, and Harlan Buck. Also present were County Commissioners Don Gray, Klaus Alberts, Lyle Tjosaas, Dave Erickson, Dave Hanson and Planning Director Duane Johnson.

Motion by Harlan Buck, seconded by Larry Schmeling, to approve the agenda and the August 2007 minutes. Motion passed unanimously.

Verizon Wireless / Kunz – CUP #07- 23

The first public hearing is to consider an application for a Conditional Use Permit to establish a transmission tower in the Agricultural District. The property is 155 acres located in the NE 1/4, of Section 8, Milton Township. Verizon Wireless is the applicant and Leslie Kunz is the property owner.

Matthew Kundert, Verizon Towers was present to explain their plans for the proposed tower. They propose a 300' tall self supporting tower. It will be 300' from the road right-away and will be used for Verizon cell phones.

Ron Durst, Milton Township stated at their township meeting a few question were brought up. Are there any health issues with the tower frequency waves? Will the property values be affected? Are there any requirements for setback for additional buildings? What is the depth of the cable that is buried? Will this be an issue for farming practices? Will the land under the tower need to be rezoned as commercial? If these concerns can be addressed the township has no objection with this proposal.

Duane Johnson stated that stray volts are not a problem with these towers. The county has criteria to be met with all application and the property value is a hard one to deal with and that is why the county has these public hearings. As far as zoning the county doesn't like to do spot zoning. There are no setbacks for towers to structures but there are to the road right-a-ways and property lines.

Galen Johnson inquired about burying the cable.

Matt Kundert stated that it is buried to the standards of buried cable. Which he believes is 2 or 4 feet depending on location.

Galen Johnson inquired who does the burying.

Matt Kundert stated that he was not sure who in the county will be burying the cable, but that will be worked out when they get the zoning permit.

Ron Durst inquired if the transformer will be along the road right-a-way or on the site.

Matt Kundert stated that it will be along the road right-a-way.

Jon Balzum inquired if the cable will be along the driveway to the tower.

Matt Kundert stated that he is not sure on location of where the cable will be buried but, it will be properly buried to insure that the farmer has no accidents by not raising his equipment soon enough. He should not hit the cable.

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

1. Zoning Permit for Construction of tower
2. Driveway permit and address be obtained from the County Highway Dept.

The motion was passed unanimously

Verizon Wireless / Fitzgerald – CUP #07- 24

The second public hearing is to consider an application for a Conditional Use Permit to establish a transmission tower in the Agricultural District. The property is 90 acres located in the SW 1/4 of SW 1/4, of Section 18, Concord Township. Verizon Wireless is the applicant and Bob Fitzgerald is the property owner.

Matthew Kundert, Verizon Towers was present to explain the plans for the proposed tower. They propose a 250' tall self supporting tower. It will be 250' from the road right-away and will be used for Verizon cell phones. This tower is different in that the property owner requested it to be placed next to his building site instead of the middle of the field.

Tom Turner, Concord treasurer stated that the township has no objection for this proposal.

Duane Johnson stated the difference in this proposal was that the tower will be located at the building site. A driveway will have to be improved for this tower site. This tower will serve the West Concord area. Duane Johnson inquired about the logic to tower placements

Matt Kundert stated that placement of towers is a balancing act for the most coverage for cell phones.

Duane Johnson inquired if this was a good location for the tower.

Matt Kundert stated that the engineer for Verizon has study the area for the best location and coverage this placement meets the requirement.

Duane Johnson inquired about the number of tower in the future that is required for coverage if they have looked at co-locating.

Matt Kundert stated they have looked into co-locating and have some tower as co-locations. But what will be needed in the future he doesn't know.

Duane Johnson stated that people don't mind towers because they want the cell phone coverage. This tower meets the county ordinance.

Harlan Buck inquired if the company prefers open field or building site.

Matt Kundert stated that it's based on cost but, mostly location as to where they construct a tower.

Galen Johnson stated that he knows the home owner and he don't mind the tower by his building site. It will not interfere with his farming practices.

Motion by Jon Balzum, 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 Findings of Facts and Recommendations of the agenda report with the following conditions:

1. Zoning permit for construction of tower
2. Driveway permits and address be obtained from County Hwy Dept.

The motion was passed unanimously

Craig & Caryl Benedix – CUP #07- 25

The third public hearing is to consider an application for a Conditional Use Permit to expand an existing feedlot to capacity of 4000 head finishing hogs or 1600 animal units. The expansion will include a new confinement building approximately 41 x 208 feet with a beneath barn 8 foot concrete pit for manure storage for 1000 head of hogs. The property is 90 acres located in the W 1/2 of SW 1/4, of Section 10, Mantorville Township. Craig and Caryl Benedix are the applicants and the property owners.

Craig Benedix was present to explain his plans for the expansion of his feedlot. He is requesting a finishing barn but plans on using it as a nursery at this time. This

request will be less in animal units but it gives him the option to chance the site to finishing hogs.

Lawren Castner, Mantorville has no objection to this proposal. Was concerned about how many animal units can be on this site.

Galen Johnson stated this site will be only 1600 animal units but the county limit is for 3000 animal units.

Lawren Castner inquired if they plan on expanding this site.

Craig Benedix indicated that he has no future plans to expand.

Galen Johnson stated that the manure management plan will determine any expansion on this site.

Craig Benedix indicated that he don't have plans for more barns and would not have added this barn if he didn't need the room for nursery pigs.

Myron Reber, neighbor to the southeast of site, also on the Feedlot Advisory Board had a couple of things he wanted addressed. Because of the open meeting law he was not on the site. The existing site is a clean site and with the first Conditional Use Permit he was wondering if all the conditions have been met. In 2004 the CUP listed tree to be planted, bio-filter be installed and have a dead animal compost area. If this meets the county approval then he is okay with this proposal.

Craig Benedix stated that the bio-filter have settled and need more materials which he will be added in the near future. Composting is done on site.

Duane Johnson stated that Craig tries to do his best and he is permitted for 1600 animal units for this site. This site has not had any problems. With the current barns being curtain side they need air so there are no trees at the site now.

Craig Benedix stated that Melissa DeVetter, Dodge County Compliance Officer was out to visit the site. Her report stated that she was impressed with the site.

Galen Johnson inquired about the CUP for 2004.

Duane Johnson stated that at the time the CUP was issued Craig Benedix had 3 sites on the agenda. The home site is the one requiring trees not this present site. Soil borings have been done and they meet the MPCA 7020 requirements.

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

1. The Feedlot Advisory Report dated August 2007.

The motion was passed unanimously

Jay Harris / Northview – PP #07- 01

The fourth public hearing is to consider a Preliminary Plat for a subdivision (Northview) in an Urban Expansion Residential district. 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.

Kyle Skov was present to explain the plans for the preliminary plat for Jay Harris. Jay Harris was unable to attend the meeting. This proposal was in front of the Planning Commission in July, due to an endanger plant species (golden seal) they had to wait for a response about the plant from the DNR. To satisfy the requirements from DNR the road was moved to the north leaving a 75' perimeter around the plant. By doing this they gained more area for the common area drain field for the septic. Each home will have there own tank and will drain to the common drain field. They are requesting variance's on the lot size, front yard setback and one side yard setback. A covenant was submitted for the endangered plant species. A request from the township for 18" covert be used in the road. If they can't find an 18" covert they will use 2 - 15" coverts instead.

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

Myron Reber inquired what are the outlets used for.

Kyle Skov stated that the association owns the outlet.

Myron Reber had concerns about the wetland and the drainage from the home running into the wetlands.

Kyle Skov stated that it will be depend on the style of homes and they were not grading the lots.

Galen Johnson inquired if the Planning Commission rules on variances.

Duane Johnson state that the variances for subdivision come from the Planning Commission for front and side setback and lot size.

Duane Johnson read the email that was received from Lisa Joyal (exhibit 8) her respond to the endangered plant species. The email indicating that she was fine with the 75' buffer.

Kyle Skov read section 18 of the covenant for the term on the conditions for the protection of the plant.

Galen Johnson inquired about the elevation of the land being low if that was Mark Gamm jurisdiction.

Duane Johnson stated Lot A .3 acres are wetlands and the first rule for wetlands is to a void it and stay away from it. The lots are as is and that is what the county likes to see and not clear cutting the land.

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

1. Preliminary Plat as presented.
2. A variance on the minimum lot size for the development.
3. A variance on the front yard setback for all lots from 50' to 25'.
4. A variance to the side yard setback on one side of each lot to 15' from the standard 25'.

The motion was passed unanimously

Other Business

Sherman Stoflet – CUP #07- 21(tabled from August meeting)

Duane Johnson gave a brief history to this proposal.

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

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 County's septic ordinance.
3. Driveway access and permits be obtained from the Milton Township.
4. Submit an Erosion Control Plan per Dodge County Ordinance Section 1617

The motion was passed unanimously

Duane Johnson inquired if the Planning Commission and County Board would like to inspect the Indoor Minuteman Handgun Range owned by Terry Campbell. The member indicated that they would. An inspection will be set up for next Wednesday, Sept 12th at 6:00pm if Terry Campbell is available.

Adjourn

Motion by Larry Schmeling, seconded by Jon Balzum, to adjourn. Motion passed unanimously. The meeting was adjourned at 8:40PM.