

Polk County
Planning Commission
February 22, 2013

Call to Order: 9:00 A.M.

Members in Attendance: Kerry Winkelmann, Donovan Wright, Wayne Melbye, Osmund Moe, Courtney Pulkrabek , Craig Bunes, Dennis Yell, Delores Myerchin, Robert Franks and Mike Powers

Members Absent: Rolland Gagner, Courtney Pulkrabek

Also Present: Polk County Environmental Services' staff: Jacob Snyder, Jon Steiner & Michelle Erdmann

Minutes: A motion was made to approve the minutes from September 28, 2012 by Wright. Second by Moe. All in favor.

Snyder asked all members to introduce themselves to our two new members. Robert Franks is replacing Barb Hangsleben and Mike Powers is replacing Wayne Gregoire. Snyder also thanked Barb Hangsleben for her 30 years of service to the Planning Commission and Polk County.

Public Hearing: Conditional Use Permit Donna Malarkey Parcel #62.00016.00

Winkelmann read the notice and turned the hearing over to Snyder.

Snyder stated that the applicant is requesting to seek a Conditional Use Permit (CUP) to operate a dog boarding kennel in the agricultural district. The applicant wishes to convert an existing storage building that is 30 x 46 and will also have outdoor fencing adjacent to the existing storage building.

The applicant owns 82 acres in Section 4 of Russia Township. The proposed kennel would be located at least 2800 feet from any residence other than the applicants home on this site. The proposal calls for a 6 dog unit with plans of having an 18 dog maximum boarding business. The plan is to use an existing 30 x 46 building that will have steel wire crate style housing for the dogs. The applicant will fence an area adjacent to the building to provide outdoor exercise areas. Also there are plans to have a portable kennel mounted on skids to lessen waste contamination issues.

The applicant plans to construct a sign, no larger than 32 sq. ft. in area, to indicate where the kennel is located and the sign will be located within her yard, off the township road 100 plus feet.

There are currently no plans of having a grooming operation at the facility that would require high water usage and disposal of water. Minimal brushing and bucket washing as necessary.

No comments were received. Snyder showed the group location, property and structure photos.

Staff is recommending approval of the CUP with the following conditions:

- 1.) An operational plan be submitted and kept on file with Polk County. The operational plan should include the activities and type of business to be conducted, hours of operation, contact information for the business, and contact information for the owner/manager.
- 2.) A sign shall be located in front of the kennel no larger than 32 square feet in area identifying the kennel location.
- 3.) The total number of dogs combined shall not exceed 18 dogs for the boarding operations at any one time.
- 4.) If the applicant plan is to exceed 18 total dogs they will have to expand their facilities in a similar manner as a phase 2 project and new operational plan developed.
- 5.) Any designated inspection officer or law enforcement officer of the county shall have the right to enter, inspect, and search the entire premises during business hours to ensure compliance with the provisions of any county ordinance or condition placed upon the permit, as well as state and federal laws and regulations. Failure to comply with any request to enter, inspect, or search the entire premises shall be grounds for permit revocation.
- 6.) Any change in ownership shall require the conditional use permit to be reviewed by the Planning Commission and Polk County Board of Commissioners.
- 7.) The Zoning Administrator shall have the discretion to have the conditional use permit reviewed, modified, or revoked by the Planning Commission and Polk County Board of Commissioners should the kennel fail to follow conditions of the permit, the guidelines in their approved Operational Plan, any county ordinances, or failure to maintain safe and sanitary conditions on the premise.
- 8.) The Zoning Administrator may, within their discretion, reduce the number of animals that may be sheltered at the kennel or otherwise modify the kennel operations pending the conclusion of any permit review process that may be initiated. Any such Zoning Administrator modification shall be effective immediately upon delivery of written order from the Zoning Administrator.

Yell asked if the outdoor area will be cemented? Malarkey said it would be a grassy area. They plan to have 4 – 6 x 12 paneled areas with possible tie outs. Plus there is a run area inside the shed that is cement.

Powers asked if there were any similar operations in the area? Snyder stated that there is one that was permitted several years ago. Powers ask how often something like this is checked on? Snyder said when we receive complaints, checks are made.

A motion was made by Moe to recommend approval, with staff conditions, to the County Board. Motion was seconded by Myerchin. All in favor.

This will go before the County Board of Commissioners on Tuesday, February 26, 2013 for final approval.

Public Hearing: Conditional Use Permit Dwight Peterson Parcel #08.00037.00

Winkelmann read the notice, waiving the reading of the full legal description and turned the hearing over to Snyder.

Snyder stated that the applicant is asking for a Conditional Use Permit to exceed the maximum height allowance for the construction of a grain leg and tower.

The applicant owns all of the surrounding land near the site which is located in Section 19 of Brislet Township in the agricultural district. This parcel contains 311.08 acres. The proposed grain leg and tower would be construct to a maximum height of 131 feet, the PCZO call for a CUP for anything over 100' in height. The 131' is below FAA height restrictions. The proposed grain leg and tower would be constructed for personal farm use. Said grain leg and tower would be located approximately 1280 feet from US Hwy 75 and approximately 1252 feet from the nearest property line, to the South.

No comments have been received. Snyder then showed slide of the property location, property and existing structures.

Franks asked if it is below FAA restrictions, are lights required? Snyder said no, none are required if the structure is below FAA restrictions.

Snyder stated that the staff recommends approval of the CUP with the following condition:
1.) The structure must be built 141 feet away from all property lines and public roads.

A motion was made by Moe to recommend approval, with staff conditions, to the County Board. The motion was seconded by Wright. All in favor.

This will go before the County Board of Commissioners on Tuesday, February 26, 2013 for final approval.

Steiner updated the group on office employees, septic rule changes/update which we will need to look at doing in the fall before the 2014 building season. Also updates on a septic loan program through our office and possible shore land rule changes for next year or later.

Winkelmann adjourned the meeting. Next meeting is March 22, 2013.