

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, January 7, 2021 at 6:30 PM**

I. Call to Order

A. Roll Call

The meeting was called to order electronically by Chair Preston Bauer at 8:28p.m.

Members present were: Preston Bauer, Michael Streiff, Charlie Peters, Jill Ellingson; John McCarthy.

Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Planning Technician Julia Hogan, Administrative Coordinator Anna Aguilar.

Commissioners present: Jeff Docken.

Others present: see Registrant List.

B. Motion by Charlie Peters, seconded by Jill Ellingson, Reading of the Notice.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

C. Motion by John McCarthy, seconded by Jill Ellingson, Approval of the Agenda.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

AA - Item #1 under New Business - Zoning Map Amendment to Rezone Property was withdrawn by the applicant.

JM - I motion to approve the agenda with the withdrawn item.

JE - I will second.

D. Motion by Charlie Peters, seconded by Jill Ellingson, to approve the minutes of December 10, 2020.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

II. House Keeping Items

A. Election of 2021 Planning Commission Chair

Motion by Jill Ellingson, seconded by Charlie Peters, to approve the election of Preston Bauer as the Chair of the Planning Commission for 2021.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

JE - I nominate PB to maintain as Chair.

CP - I second that nomination.

PB - I accept.

B. Election of 2021 Planning Commission Vice Chair

Motion by Preston Bauer, seconded by Jill Ellingson, to approve the election of Charlie Peters as the Vice Chair of the Planning Commission for 2021.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

PB - I would like to nominate CP as Vice Chair.

JE - I second that.

CP - I accept.

C. Appointment of 2021 Planning Commission Secretary

In the past, Environmental Services Staff have been delegated to perform the secretarial duties for the Planning Commission.

Motion by Charlie Peters, seconded by John McCarthy, to delegate the Planning Commission secretary duties to Environmental Services Staff for 2021.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

CP - I motion Staff continues as secretary.

JM - Second.

D. 2021 Meeting Schedule

Motion by Jill Ellingson, seconded by Charlie Peters, to approve the 2021 Meeting Schedule as presented by staff.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

AA - The schedule is the same as that presented for the Board of Adjustment.

E. Public Comment Time Limit

The public comment time limit for the 2020 Rice County Planning Commission meetings per individual was 3 minutes.

Motion by Charlie Peters, seconded by John McCarthy, to approve a 3 minute time limit per person for individual public comment at the 2021 Rice County Planning Commission meetings.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

III. Public Hearing

1. 7:15 p.m. - Public Hearing of Resolution #21-003/Amendment to the Rice County Zoning Ordinance Chapter 507 and 508

The Rice County Planning Commission shall conduct a public hearing on proposed amendments to Chapters 507 and 508 of the Rice County Zoning Ordinance to add "Agricultural Tourism Business" as Conditional use in the GDS, RDS and NES Shoreland Zoning Districts on property that has an agricultural property tax classification. Standards for the Agricultural Tourism business are added to, include craft/vintage/secondhand sales and specify building code compliance.

Motion by Jill Ellingson, seconded by Charlie Peters, to recommend the adoption of amendments to Chapters 507 and 508 of the Rice County Zoning Ordinance to add "Agricultural Tourism Business" as a Conditional Use in the GDS, RDS and NES Shoreland Zoning Districts on property that has an agricultural property tax classification.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

**Resolution #21-003 - Amendment to the Rice County Zoning Ordinance Chapter 507 & 508
Public Hearing**

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

Chair Bauer opened the public testimony portion of the item to the public and no one spoke.

Chair Bauer closed the public testimony portion of the item to the public.

Discussion:

PB - It looks like it has been drawn out well from the original application and addresses a gap that was not covered under our ordinance.

JE - I appreciate the efforts to go back and clean this up. I motion to refer this to the commissioners.

CP - I second that.

Motion to recommend for adoption was made by Ellingson, seconded by Peters, and approved unanimously.

IV. New Business

1. **Zoning Map Amendment to Rezone property from Urban Reserve to Agricultural/Kes - Section 31, Webster Township**

Timothy & Kimberly Kes have applied for a Zoning Map Amendment to change the zoning of land for three parcels from the UR, Urban Reserve District to the A, Agricultural District. The properties are described as: Part of the E1/2 of the NW1/4 of Section 31, Webster Township, Rice County, Minnesota. PID#s: 02.31.2.00.002, 02.31.2.75.001, 02.31.2.75.002.

Motion by John McCarthy, seconded by Jill Ellingson, to approve the withdrawal of the Zoning Map Amendment for Timothy & Kimberly Kes. The properties are located in Section 31 of Webster Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

Kes – Property Rezone

Applicant withdrew request.

Motion to approve the withdrawal was made by McCarthy, seconded by Ellingson, and approved unanimously.

2. **Waiver of Plat/Gillen - Section 21, Webster Township**

Tonya & Eddie Gillen have applied for a Waiver of Plat to create a 2.5-acre building parcel through the use of a Transfer Development Right (TDR). The property is described as: Part of the S1/2 of the NW1/4 of Section 21, Webster Township, Rice County, Minnesota. PID#: 02.21.2.50.002. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by John McCarthy, to recommend approval for the Waiver of Plat request with the following conditions and findings for Tonya & Eddie Gillen. The property is located in Section 21 of Webster Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

CONDITIONS OF APPROVAL – Gillen – Waiver of Plat

1. The new 2.5-acre Transfer Development Rights (TDR) receiving parcel shall contain one single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The remaining parcel(s) shall not be further subdivided unless approved under the Rice County subdivision regulations.
4. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcels are recorded.
5. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcels.
6. Recording of the new parcel(s) shall be done within one year of the approval.

Hearing Minutes:

Planning Technician Julia Hogan (JH) presented the request to the Planning Commission (PC).

CP - The TDR is coming off the part to the West.

JH - Yes. The building right is on the back, or West, quarter-quarter of the property and they are requesting to move it to the front, or East, quarter-quarter to make it easier for road frontage and building purposes.

CP - The landowner owns the whole area?

JH - Yes.

The PC asked the applicant, Tonya & Eddie Gillen (TG & EG), to come forward to add comments or answer questions regarding the request.

TG - The aerial shows that the majority of the back part of the property is tree vegetation, a pond, and one field. That field is the only tillable acreage on the property, so we are requesting to move the TDR to the front so we can preserve the farm land. It is currently in CRP. At the proposed location we are at a higher elevation, closer to the road, and have better drainage.

PB - You are aware of the 6 conditions?

TG - Yes.

Chair Bauer opened the public testimony portion of the item to the public and no one spoke.

Chair Bauer closed the public testimony portion of the item to the public.

Discussion:

CP - It is straight forward. They are trying to move the building to a better location to stay out of the wetland. I will make a motion to refer with the 6 conditions.

JM - I second.

Motion to recommend approval with stated conditions and findings made by Peters, seconded by McCarthy, and approved unanimously.

3. **Waiver of Plat/Burkart (Kopisca) - Section 3, Warsaw Township**

Brian Burkart, on behalf of landowner Linda Kopisca, has applied for a Waiver of Plat to create a 1.7-acre parcel, containing an existing home, and a 21-acre parcel. The property is described as: Part of Government lots 4 and 5 in Section 3, Warsaw Township, Rice County, Minnesota. The property address is: 21750 Morristown Blvd, Faribault, MN 55021. PID#: 14.03.3.50.003. The property is Zoned GDS, General Development Shoreland.

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend approval for the Waiver of Plat request with the following conditions and findings for Brian Burkart, on behalf of landowner Linda Kopisca. The property is located in Section 3 of Warsaw Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

CONDITIONS OF APPROVAL – Burkart (Kopisca) – Waiver of Plat

1. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
2. The remaining parcel(s) shall not be further subdivided unless approved under the Rice County subdivision regulations.
3. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcels.
4. Recording of the new parcel(s) shall be done within one year of the approval.

Hearing Minutes:

Planning Technician Julia Hogan (JH) presented the request to the Planning Commission (PC).

The PC asked the applicant, Brian Burkart (BB), to come forward to add comments or answer questions regarding the request.

Emily Shaw (ES) - on behalf of Brian Burkart - This is a standard lot split to remove the buildable lot from the agricultural portion so that can be sold.

PB - You are aware of the 4 conditions?

ES - Yes.

Chair Bauer opened the public testimony portion of the item to the public and no one spoke.

Chair Bauer closed the public testimony portion of the item to the public.

Discussion:

CP - I remember this from before and this seems like a good idea to split off the house, then they can sell off the rest of the property. The developer can hopefully come up with a plan. I will make a motion to

refer this with the 4 conditions.

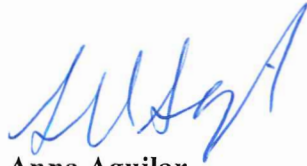
JE - I agree. We have looked at this before. I will second.

Motion to recommend approval with stated conditions and findings made by Peters, seconded by Ellingson, and approved unanimously.

V. Adjournment

Hearing no other items before the PC, a motion was made by McCarthy, second by Peters, to adjourn the meeting at 8:54 pm. Motion carried 5-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Planning Commission



Preston Bauer, Chair