

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, March 4, 2021 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order electronically by Chair Preston Bauer at 6:40p.m.

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

Staff present were: 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 Michael Streiff, seconded by Charlie Peters, Approval of the Agenda.

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

D. Motion by John McCarthy, seconded by Jill Ellingson, to approve the minutes of February 4, 2021.

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

II. New Business

1. Conditional Use Permit/Drentlaw - Section 6, Wells Township

Dale Drentlaw has applied for a Conditional Use Permit (CUP) for a home occupation dock & lift business with onsite storage. The property is described as: Lot 2 and Outlots A and C, Block 1, in Southern Shores, Section 6, Wells Township, Rice County, Minnesota, The property address is: 15462 Shieldsville Blvd, Faribault, MN 55021. PID#: 10.06.1.51.002. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend approval for the Conditional Use Permit request with the following conditions and findings for Dale Drentlaw. The property is located in Section 6 of Wells Township.

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

CONDITIONS OF APPROVAL – Drentlaw – Conditional Use Permit

1. The Conditional Use Permit is for a home occupation dock and lift business operated out of an existing garage and a proposed 40-ft by 80-ft shed.
2. The submitted site plan shall be followed.
3. The onsite septic system shall be shown to be in compliance with County/State standards by the earlier of the, issuance of a building permit or before September 1, 2021.
4. Outside storage, including business related display units, shall be screened to neighboring properties by storing materials/equipment behind the existing garage/proposed shed or tree screening.
5. The applicant is to follow all Federal, State, County and Local rules and regulations.

6. Failure to comply with conditions may result in revocation of the Conditional Use Permit.

Hearing Minutes:

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

The PC asked the applicant, Dale Drentlaw (DD), to come forward to add comments or answer questions regarding the request.

DD - We are currently a registered business with the County. We started out as seasonal dock and lift removal and installation but have expanded into selling new docks and lifts. Presently we take orders and deliver, assemble and put them in the lakes. We have recently got busier, so would like to have the items delivered direct to us so we can assemble them here on the property and then install as soon as we are able. We normally take on 3 to 4 projects at one time. We would like to be able to store the products in the new shed. We care very much about the aesthetics of our home and do not want it to look like a used car lot. We don't want a bunch of docks and lifts sitting in our side yard. That is not our style. We would prefer to stay rather discreet with our business. We would like to have a couple 16-ft examples for customers to look at either between the garages or in the new shed.

PB - Do you have employees?

DD - My wife, my 2 daughters and my son. It is a small family operated business.

PB - Do you have typical business hours?

DD - Pretty much as called upon. Both myself and my wife have day jobs, so this is done in the evenings or on the weekends. Most of our business is done over the phone or email. People typically get referred to us by word of mouth or they look us up on the internet. A customer may come visit us to look at samples and the rest of the work is us delivering the product to their property. We do not have a high traffic customer volume during the day, maybe 25 customers a season will come to our property.

PB - For the deliveries, is your driveway sufficient enough to handle the deliveries?

DD - We will probably be receiving 4 deliveries a season. The trailers they use to deliver will be able to be easily backed into our driveway from Highway 21. We unload them with our skid loader, so they would not be here long. I do have a 35-ft 5th wheel camper and 28-ft gooseneck trailer that I operate and use in my driveway on a regular basis, so access shouldn't be an issue or holding up traffic.

PB - Currently, they have to back the trailer into your driveway from Highway 21?

DD - Correct, just like I do with my trailers and camper.

PB - Do you plan on having signage?

DD - I haven't really thought about it yet but I would possibly like a sign based on what is allowed by the County.

CP - The access to the new shed, will it go between the two garages or to the East of them?

DD - Between the garages, that is how we access the back of our property now.

CP - The speed limit in front of your house is 35 mph?

DD - It is a 45 mph zone.

MS - You said the most you would have onsite are a couple docks onsite for customers to look at?

DD - Yes, two 16-ft sections of the two different styles we offer, one example of each. We have our personal lift in the water that they can look at as well.

PB - Any comment from the County Highway Department?

TM - We did not receive comment from the County or State Highway Departments. Signage is limited to one 16-sqft sign for home occupation and there is a separate permit the applicant would need to apply for. As far as employees for home occupations, you are allowed 1 who does not live within the household.

PB - Is that a no passing zone there?

DD - Yes it is.

PB - When you back in, you typically use flashers and spotters?

DD - There is a decent size shoulder that we pull over on if there is traffic to wait for traffic to go by. I have not have an issue of holding up traffic in the past. Normal delivery times are around 9-10 in the morning, so not a high traffic time.

PB - Any you are estimating about 4 deliveries? As long as the driveway can sufficiently handle getting deliveries in and out of there.

DD - Yes, when Highway 21 was resurfaced a number of years ago, I did hire a private contractor to widen my driveway and we had some drainage issues in the ditch, so the State came in and put in a

wider culvert, so we have a wider radius to get in and out of our driveway.

JE - Have any of your neighbors brought any concerns to you?

DD - No, they have not.

PB - Are you aware of the 6 conditions?

DD - Yes we are.

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:

JM - I would think it would be appropriate to add a condition that states that no display or storage of product or equipment is to be between the front of the buildings and the roadway.

MS - I think condition #4 may cover that.

JM - My comment was more for display specifically and displaying product could be argued that it is not storage. I just want to make sure the front yard does not become a display area.

PB - We have to keep in mind that the conditional use permit runs with the property and that this is a residential area. I do agree that an additional condition could address that directly.

TM - We could add wording to condition #4. *TM revised condition #4 to read as "Outside storage, including business related display units, shall be screened to neighboring properties by storing materials/equipment behind the existing garage/proposed shed or tree screening."*

JM - That is acceptable.

JE & MS agreed.

PB - My concern is traffic being stopped or obstructed with trying to back trailers into the property but currently it doesn't seem to be an issue at this time.

CP - I motion we move this onto the Commissioners with the 6 conditions and the change to condition #4.

JE - I will second the motion with the amendment to condition #4.

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

2. **Conditional Use Permit/Morrison - Section 22, Forest Township**

Ross Morrison has applied for Conditional Use Permit (CUP) for an Agricultural Tourism business consisting of craft/vintage/second-hand items sales and events. The property is described as: Part of Government Lots 2 in the NE1/4 of Section 22, Forest Township, Rice County, Minnesota. The property address is: 3175 122nd St W, Faribault, MN 55021. PID#: 06.22.1.00.007. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Jill Ellingson, seconded by Charlie Peters, to recommend approval for the Conditional Use Permit request with the following conditions and findings for Ross Morrison. The property is located in Section 22 of Forest Township.

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

CONDITIONS OF APPROVAL – Morrison – Conditional Use Permit

1. The conditional use permit is for an Agricultural Tourism Business limited to craft/vintage/second-hand items sales and events. Changes to the business are not permitted without approval of a new/amended permit.
2. The Agricultural Tourism Business shall not have more than 8 onsite events per calendar year with events not exceeding 75 persons onsite and only within the hours of 9 a.m. and 6 p.m. on those day.
3. At no time shall there be more than 20 vehicles on-site.
4. No parking shall be allowed on public roadways. All visitor parking shall be within the approved parking area and all parking shall be setback 40-ft from property lines and shall be at least 300-ft from protected streams.

5. All onsite structures shall meet building and all other applicable codes for their intended uses.
6. Site owner shall maintain proof of compliance with all required Local, State and Federal regulations. Proof of compliance shall be submitted to Rice County Environmental Services upon request.
7. Adequate and compliant restroom facilities shall be provided for onsite visitors.
8. If alcohol is allowed onsite it shall be consistent with a consumption and display permit. All required permits shall be obtained prior to allowing onsite alcohol use.
9. Failure to comply with conditions may result in revocation of the conditional use permit.
10. There shall be no onsite camping use allowed.
11. Applicant shall obtain a change of use building permit prior to sales use.

Hearing Minutes:

Planning Technician Julia Hogan (JH) presented the request to the Planning Commission (PC). JH - The Rice County Building Inspector suggested that we add an 11th condition since they are changing the use of this building. We are recommending that the applicant obtain a Change of Use permit for the barn prior to sales. There are also a couple blanks within the condition that the board will need to discuss.

The PC asked the applicant, Susan and Ross Morrison (SM & RM), to come forward to add comments or answer questions regarding the request.

SM - This is a very low impact business. It will take place in our newly built barn. It is several hundred feet away from the lakeshore and from most of our neighbors. We intend to use our private driveway. There is no need for additional buildings, driveways, or lighting. It is more of a hobby business. We would like to sell vintage, repurposed goods such as refurbished furniture, household goods, seasonally grown produce like gourds and pumpkins. It is more of a low-key business that people from the cities or town to enjoy a country feel. It is something that is really needed right now and gives an option for a leisurely get away. My intent is to have 4-6 sales a year. It will not be a typical retail business where we are open 5-7 days a week. I definitely do not want that. I want it to be very low-key.

PB - Do you plan to have special event there like weddings?

SM - That is not my plan.

PB - It looks like you already have a plan for 35 parking spaces?

SM - Correct.

PB - That is with 250-sqft of parking space per vehicle. You anticipate 4-6 events?

SM - Correct.

PB - Typical sales would run Saturday-Sunday or Friday evening through Sunday afternoon?

SM - Yes.

PB - What kind of hours?

SM - My thoughts are 9a-6p.

PB - As far as number of people allowed, condition #2 as a blank for it.

CP - I think the number of people onsite could fall under condition #11 because the building will be permitted for a certain number of people. I am not sure of the number allowed.

JH - Just to point out, parking wise, our ordinance states a minimum of not less than 300-sqft. the applicant did have 200-sqft per vehicle in their proposal but it has to be 300-sqft, which calculates out to be 29-30 allowable vehicles onsite. The vehicle number would have to be adjusted from the requested 35 depending on what the board decides. The ordinance also lists out the minimum number of onsite parking for retail which is 12. So they need to have at least 12 parking spaces but no more than 29-30. That doesn't account for traffic and movement within the area, that needs to be considered too.

PB - Do we have a recommendation on number of people? per number of vehicles?

JH - Not as far as people, just the number of vehicles based on the lot size they have proposed cannot be more than 29-30 with the 150-ft by 70-ft area. Depending on how many people come in vehicles, that is hard to predict.

TM - With the Agricultural Tourism businesses we have had in the past, we have listed a maximum number of people.

PB - Does the applicant have an idea of the number of people that would attend a big event?

SM - Just for number of people, I was thinking it would be around 25 cars max. The barn is about 3,000-sqft, so I would say not more than 15-20 people in the lower level and 15-20 people on the upper level at any one time.

PB - Is there outside space?

SM - Yes. We display items outside as well.

CP - How about 6 onsite events per year with no more than 100 people onsite depending on building code, with the hours being 9a-6p, and the number of vehicles being no more than 25 vehicles onsite and we can discuss it more after the public comment?

PB - I was thinking of increasing it to 8-10 events per year and 30 vehicles.

CP - I am fine with increasing the events to 8. With 30 vehicles, it is a private road back there, we should see what we hear during the public comment.

JE - I think we will have more questions/discussion after the public comment period.

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:

JE - I would like to go back to the applicant. Have any of your neighbors, or anyone in the area, come to you directly with concerns?

SM - I have had no one approach me with negative comments. Everything has been positive and everyone has been very supportive.

PB - Have you hosted some events prior?

SM - I have.

JM - I don't have a problem with raising the number of onsite events per calendar year. I hope they are successful and that it is a draw for the area. As far as number of people onsite, which will be limited somewhat by parking requirements and building code. A concern I have is with parking. The area set aside for parking is much too small to provide safe parking. The maximum distance between the building and the West side of the property is 40-ft which is not adequate space to provide perpendicular parking stalls and to provide enough space for a driver to back up. There is no maneuver room. If there are outside displays, that would reduce the area available for parking. I think the parking area needs to be addressed. Condition #6 states that parking must take occur onsite even though it is a private road. If a bus came there, you would not be able to get a bus into the parking area and get it turned around and back out without it backing out onto the road. I think we need resolve the issue with the parking before anything can move forward. I would also like to suggest an addition to condition #1, that is read as "The conditional use permit is for an Agricultural Tourism Business limited to the display and sales of craft, vintage, secondhand items". That is what the applicant asked for and I think that is what the condition should be since it runs with the site. I would prefer that if someone decided to create a wedding barn there in the future that they have the opportunity to come back before the Planning Commission to request that.

PB - With the parking, the measurement of 300-sqft per vehicle calculates out to be 29-30 vehicles, correct?

TM - Our calculation was only for the gross parking area that they proposed but that did not include for ingress and egress to those spots. That calculation is if you packed the area full of cars, the limit would be 29-30. Realistically the allowable number should be about half of that to allow for movement in and out of the parking spaces.

PB - Do you have a picture that shows the outline of the parking area?

TM went back to aerial picture.

PB - It is private property and there is a driveway, I am not sure if customers are allowed to park along the side of the driveway.

TM - If the approval is up around the 30 vehicle limit, then I think we will need a more detailed parking plan. If the number of allowed vehicles is set at 15-20, I think that could work with the area they have proposed, but with 30 vehicles, I think the applicant will need to detail out the traffic flow, turn around area, and parking spaces.

PB - So as proposed, maybe 15 vehicles.

JM - You could probably fit 15 vehicles onsite, maybe some more, and still meet other parking requirements. I think 15 vehicles could easily fit and adequately handled in that area.

PB - Regarding the Agricultural Tourism Business being limited to events, can we have the applicant come back up and explain what their intention is again?

TM - In our Agricultural Tourism category, events are limited to 2-days per event, so if it is 8 events, that would be 16 days per calendar year.

PB - Or 8 weekends, but no more than 2 consecutive days. Can the applicant comment on the proposed change to condition #1?

SM - Are you meaning as to what type of business we are proposing?

PB - I will let JM further clarify as to the proposed wording amendment to condition #1.

JM - In your answers on the questionnaire, you identified in item e. and i., that this request is for the sale and display of craft, vintage, secondhand items. I proposed amending the wording in condition #1 to include that, limiting the conditional use permit to the display and sale of craft, vintage, and secondhand items.

SM - Yes.

PB - I don't want to limit the applicant too much like if they wanted to hold a small social event.

TM - With conditional use permits, we hold the applicant to what they request on the application. Even without the wording in condition #1, the applicant would be restricted to what they applied for. I think JM's proposed wording change helps spell it out for everyone.

PB - For condition #2, 8 onsite events per calendar year with the events not exceeding 100 persons onsite and only within the hours of 9a and 6p, and with condition #3, there should be no more than 15 vehicles onsite.

CP - I think we could go with 20 vehicles. For condition #1, I don't think we should limit them to craft items if they want to sell gourds and pumpkins in the fall, or maple syrup during their spring sale, or jams and jellies. I don't think we should be too restrictive. I agree with 8 events per year, but was thinking no more than 75 people, 20 vehicles and hours of 9a-6p.

JM - I think pumpkins and jams are normally considered craft type items. I am not sure what the County considers "craft".

TM - The County would consider those craft type items.

PB - I agree with the 75 persons in lieu of the 100, and 20 onsite vehicles. TM do you have wording for condition #1?

Other Board Members agreed.

TM read rewording of conditions #1, #2, #3 and the addition of #11.

- *Condition #1 - The conditional use permit is for an Agricultural Tourism Business limited to craft/vintage/second-hand items sales and events. Changes to the business are not permitted without approval of a new/amended permit.*
- *Condition #2 - The Agricultural Tourism Business shall not have more than 8 onsite events per calendar year with events not exceeding 75 persons onsite and only within the hours of 9 a.m. and 6 p.m. on those days.*
- *Condition #3 - At no time shall there be more than 20 vehicles on-site.*
- *Condition #11 - Applicant shall obtain a change of use building permit prior to sales use.*

PB - Does the applicant understand the new conditions?

SM - I understand them.

JE - With the conditions as amended and as discussed and now documented in the minutes, I motion to move this item onto the Commissioners.

CP - I will second that motion.

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

3. Conditional Use Permit/Timm - Section 23, Morristown Township

Randy Timm, on behalf landowner Timm's Trucking Inc., has applied for renewal of a Conditional Use Permit (CUP) to continue operation of a demolition landfill. The property is described as: Part of the W1/2 of the NW1/4 of Section 23, Morristown Township, Rice County, Minnesota. The property address is: 8784 240th St W, Morristown, MN 55052. PID#: 13.23.2.25.002. The property is Zoned UR, Urban Reserve.

Motion by Charlie Peters, seconded by Michael Streiff, to recommend approval for the Conditional Use Permit request with the following conditions and findings for Randy Timm, on

behalf of landowner Timm Trucking Inc. The property is located in Section 23 of Morristown Township.

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

CONDITIONS OF APPROVAL – Timm – Conditional Use Permit

1. The class one demolition landfill operation shall be restricted to the area and size shown on the approved 2011 site plan any deviation from these boundaries will require application for a new conditional use permit. Site to be completely restored upon completion of permit.
2. A 20-foot setback shall be maintained between the landfill operation and all property lines, a 70-foot setback shall be maintained from any Township or City road right-of-way and a 100-ft setback shall be maintained from any County or State road right-of-way
3. The demolition landfill shall operate only between the hours of 7:00 am and 5:00 pm, Monday through Friday and Saturday 7am-3pm. A certified demolition landfill operator must be onsite during all hours of operation.
4. Entrance to the landfill shall remain gated with the gate to remain closed during non-operating hours or when the landfill is closed.
5. Landfill operator is to submit to county staff a list of the certified landfill operators that will be present on the site when it is open.
6. Only non-hazardous material authorized for disposal in a class one demolition landfill by the State of Minnesota, Minnesota Pollution Control Agency shall be allowed to be stored or buried on the site.
7. Any illegal dumping on the site shall be removed and properly disposed of at the applicant's expense.
8. Dust abatement methods shall be required and enforced when hauling material to the site or when trucks leave the site.
9. The landowner or operator shall furnish Rice County a \$100,000 financial surety, in a form deemed acceptable by the County Attorney, to ensure proper operation and closure of the landfill.
10. This conditional use permit shall be valid for a period of five (5) years from its issuance and must be renewed prior to that time or the site closed and completely restored. The conditional use permit shall also only remain valid as long as a valid Minnesota Pollution Control Agency permit for the operation is held by the applicant for this site. Failure to renew the permit, restore the site or maintain State permits shall result in the County exercising the financial surety and using the proceeds to restore and properly close the site.
11. Recycling of materials shall not be permitted onsite unless a separate conditional use permit is granted approving such activities.
12. The site shall be reclaimed and closed in accordance with the State of Minnesota, Minnesota Pollution Control Agency regulations.
13. Stormwater runoff shall be controlled onsite to prevent offsite impacts.
14. Landowner to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling to or from the site.
15. Site access shall remain compliant with the City, Township and County regulations.
16. No work shall begin/continue until all permits, including the MPCA landfill permit, are secured and the approved surety is submitted to and approved by Rice County.
17. The landowner shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps of Engineers and other applicable federal, state or local agencies.

Hearing Minutes:

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

PB - Any issues with non-compliance?

TM - Not that I am aware of.

The PC asked the applicant, Randy Timm (RT), to come forward to add comments or answer questions regarding the request.

RT - I would just like to renew my permit so I can continue to operate the demo landfill.

PB - You are aware of the 17 conditions?

RT - I am.

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 - Timm's has been in operation for a long time. I am right next to the business headquarters and have no complaints. I motion to move this item forward with the 17 conditions.

MS - I second.

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

4. **Temporary Equipment Placement Permit/Mariska - Section 21, Morristown Township**

Mitch Froehlich of Ulland Brothers Inc., on behalf of landowner Thomas Mariska, has applied for a Conditional Use Permit (CUP) for a temporary equipment placement permit for an aggregate power screening operation during the 2021 construction season. The property is described as: Part of the SE1/4 of Section 21, Morristown Township, Rice County, Minnesota. The property address is: 10355 Morristown Township Blvd, Morristown, MN 55052. PID#: 13.21.4.25.004. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by John McCarthy, to recommend approval for the Temporary Equipment Placement Permit request with the following conditions and findings for Mitch Froehlich of Ulland Brothers Inc., on behalf of landowner Thomas Mariska. The property is located in Section 21 of Morristown Township.

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

CONDITIONS OF APPROVAL – Mariska – Temporary Equipment Placement Permit

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps. Of Engineers and other applicable federal, state or local agencies.
2. The applicant or operator shall furnish a one-year \$50,000 bond or other financial surety for haul road and site restoration. All financial surety shall be reviewed and approved by the Rice County Attorney's office.
3. This TEPP is to allow for an aggregate power screening operation and shall be valid from April 1, 2021 until November 1, 2021.
4. The hours of operation shall be limited to between the hours of 6 a.m. and 7 p.m., Monday through Friday, and 6 a.m. to 3 p.m. on Saturdays.
5. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the aggregate crushing operation ceases.
6. All access drives within the pit and to the paved area of State Highway 60 shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne

dust, originating from the pit access drives, from leaving the property during times of mining or processing activities on the property.

7. Applicant to strictly adhere to all Rice County codes and ordinances.
8. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

Hearing Minutes:

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

The PC asked the applicant, Mitch Froehlich (MF), to come forward to add comments or answer questions regarding the request.

MF - We are an employee owned, heavy highway contractor. We have been in business for 100 years. This request is directly related to a job we were awarded on Highway 60 from Trunk Highway 14 all the way to Waterville, so we will be using it just for this season. It is a short window that we will be using it.
PB - Are you familiar with the 8 conditions?
MF - Yes and we agree with them.

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 an existing pit and it looks like the request this year is specifically for a project near by which keeps bids lower on road projects. With no past complaints, I will motion with the 8 conditions.
JM - I will second the motion.

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

5. **Temporary Equipment Placement Permit/Crane Creek Asphalt - Section 9, Forest Township**
Crane Creek Asphalt, on behalf of landowner Mathy Construction Company, has applied for a Conditional Use Permit (CUP) for a temporary equipment placement permit for placement and operation of a temporary asphalt plant and aggregate crushing and washing during the 2021 construction season. The property is described as: Part of the NW1/4 of Section 9, Forest Township, Rice County, Minnesota. The property address is: 4995 Millersburg Blvd W, Lonsdale, MN 55046. PID#: 06.09.2.25.001. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend approval for the Temporary Equipment Placement Permit request with the following conditions and findings for Crane Creek Asphalt, on behalf of landowner Mathy Construction Company. The property is located in Section 9 of Forest Township.

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

**CONDITIONS OF APPROVAL – Crane Creek Asphalt –
Temporary Equipment Placement Permit**

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps. Of Engineers and other applicable federal, state or local agencies.
2. The applicant or operator shall furnish a one-year \$50,000 bond or other financial surety for haul road and site restoration. All financial surety shall be reviewed and approved by the Rice County Attorney's office.
3. This TEPP is to allow for a portable asphalt operation and aggregate screening, washing and

crushing operations and shall be valid from April 12, 2021 until December 12, 2021.

4. The hours of operation shall be limited to between the hours of 5:30 a.m. and 7 p.m., Monday through Friday, and 5:30 a.m. to 3 p.m. on Saturdays.
5. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the asphalt, crushing and washing operations cease.
6. All access drives within the pit and to the paved area of Millersburg Blvd. shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drives, from leaving the property during asphalt plant and crushing operations or hauling activities on the property.
7. Applicant to strictly adhere to all Rice County codes and ordinances.
8. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

Hearing Minutes:

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

The PC asked the applicant, Crane Creek Asphalt (CCA), to come forward to add comments or answer questions regarding the request.

CCA - *Wayne Gieseke* - We purchased the subject property in 2018. We have applied for and been approved for this permit since 2019. I have reviewed the 8 conditions and we request to amend condition #4. Historically our hours of operation have been approved as 5:30a to 7p Monday through Friday, and 5:30a to 3p on Saturday. We are good with all the other conditions.

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 - Can the 5:30a start time be considered?

TM - You can consider it, I believe we have had some 6a start times in the past. There is nothing that prohibits the board from approving a 5:30a start time if you feel it is appropriate.

PB - That is a fairly isolated pit, correct?

TM - Yes, the nearest homes are about a quarter mile to the East. You can see the pit from there but it is a fair distance away.

PB - And the easiest start time you remember was 6a?

TM - For what I remember. We have had some with an hour start up time prior to actually using the equipment but that gets hard to enforce. I would recommend going with straight hours.

CP - I live about a mile and a half from this pit. They have done a lot of work and we have received no complaints from the Township. I think the 5:30a is related to working with asphalt and to start the plant up. I doubt the trucks would haul earlier than 6a. The applicant also lives within the Township and keeps the Township Board informed. They have been really good with the entrance and exit of that pit, keep the road clean, and with signage. I motion to refer this for approval with the 5:30a start time.

JE - I second that.

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

6. Waiver of Plat/Blumhoefer (Reuvers) - Section 6, Richland Township

Ryan Blumhoefer, on behalf of landowner Gary Reuvers, has applied for a Waiver of Plat to create a 2.5-acre building parcel through the use of a Transfer Development Right (TDR) and to modify an existing home parcel. The properties are described as: Part of the NW1/4 of the SE1/4, Part of the NE1/4

of the SW1/4 and Part of the SE1/4 of the NW1/4 of Section 6, Richland Township, Rice County, Minnesota. PID#s: 16.06.3.00.002, 16.06.4.00.001, 16.06.4.25.001. The properties are Zoned A, Agricultural.

Motion by John McCarthy, seconded by Michael Streiff, to recommend approval for the Waiver of Plat request with the following conditions and findings for Ryan Blumhoefer, on behalf of landowner Gary Reuvers. The properties are located in Section 6 of Richland Township.

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

CONDITIONS OF APPROVAL – Blumhoefer (Reuvers) – 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/resulting 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 prior to recoding of the new parcel.
5. In-lieu park dedication fee of \$500 shall be paid prior to recoding of the new parcel.
6. New deeds shall be recorded for the resulting parcels within one year of the approval.

Hearing Minutes:

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

The PC asked the applicant, Ryan Blumhoefer (RB), to come forward to add comments or answer questions regarding the request.

RB - *attorney for land owners* - This is the reconfiguration of 3 existing parcels into roughly a 7-acre site with the existing homestead where Gary and Gloria currently live, a new 2.5-acre site where they intend to build a new house, and a remnant parcel with the remainder of the land.

PB - Are you familiar with the 6 conditions?

RB - Yes we are.

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:

JM - I motion we move this item to the Commissioners.

MS - I will second that motion.

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

7. Waiver of Plat/Marschall (Malay) - Section 27, Webster Township

Brett Marschall, on behalf of landowner Pat Malay, has 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 E1/2 of the NE1/4 of Section 27, Webster Township, Rice County, Minnesota. PID#: 02.27.1.75.001. The property is Zoned A, Agricultural.

Motion by Michael Streiff, seconded by Jill Ellingson, to recommend approval for the Waiver of Plat request with the following conditions and findings for Brett Marschall, on behalf of landowner Pat Malay. The property is located in Section 27 of Webster Township.

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

CONDITIONS OF APPROVAL – Marschall (Malay) – 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/resulting 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 prior to recording of the new parcel.
5. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.
6. A new deed for the 2.5-acre parcel shall be recorded prior to any construction and within one year of the approval.

----- Hearing Minutes:

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

The PC asked the applicant, Brett Marschall (BM), to come forward to add comments or answer questions regarding the request.

BM - Speaking on behalf of my father-in-law. My wife, my daughter, and I would like to build our forever home here. We are requesting to move a right down from the North to this location, so we can build our forever home.

PB - You are familiar with the 6 conditions?

BM - 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:

MS - I motion to refer this for approval.

JE - This is straight forward, I second the motion.

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

8. **Waiver of Plat/Schweisthal - Section 35, Cannon City Township**

Eric Schweisthal, on behalf of landowner Steven Schwiesthal, has 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 SW1/4 of the NE1/4 of Section 35, Cannon City Township, Rice County, Minnesota. PID#: 11.35.1.50.003. The property is Zoned A, Agricultural.

Motion by Jill Ellingson, seconded by John McCarthy, to recommend approval for the Waiver of Plat request with the following conditions and findings for Eric Schweisthal, on behalf of landowner Steven Schwiesthal. The property is located in Section 35 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Schweisthal – 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/resulting 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 prior to recording of the new parcel.
5. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.
6. A new deed for the 2.5-acre parcel shall be recorded prior to any construction and within one year of the approval.

Hearing Minutes:

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

The PC asked the applicant, Eric Schweisthal (ES), to come forward to add comments or answer questions regarding the request.

ES - It is a simple building site and we want to start with a house.

PB - You are familiar with the 6 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:

PB - This site is just South of me. It moves the building right up alongside the road and the back looks like wetland and cropland. It will make a good building site once it is established.

JE - I will motion to refer this with the 6 conditions as listed.

JM - I will second.

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

9. **Waiver of Plat/Thielbar - Section 26, Shieldsville Township**

Paul Thielbar has applied for a Waiver of Plat to create a 1.8-acre building parcel through the use of a Transfer Development Right (TDR). The properties are described as: Part of Government Lot 4 and Parts of the NE1/4 of the NW1/4 and, Parts of the W1/4 of the NE1/4 in Section 26, Shieldsville Township, Rice County, Minnesota. PID#s: 09.26.1.00.002 & 09.26.1.50.001. The properties are Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Michael Streiff, to recommend approval for the Waiver of Plat request with the following conditions and findings for Paul Thielbar. The properties are located in Section 26 of Shieldsville Township.

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

CONDITIONS OF APPROVAL – Thielbar – Waiver of Plat

1. The new 1.8-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/resulting 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 within 30-days of approval.
5. In-lieu park dedication fee of \$500 shall be paid within 30-days of the approval.
6. A new deed for the 1.8-acre parcel shall be recorded prior to any construction.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
PB - With the shared driveway, there will only be one access for two sites?
TM - Correct, the applicant got a driveway permit to shift the driveway and did the work last year.

The PC asked the applicant, Paul Thielbar (PT), to come forward to add comments or answer questions regarding the request.

PT - I am trying to move a building site out of a swamp area to a little more feasible building area on 1.8 acres.

PB - Are you familiar with the 6 conditions?

PT - 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 will motion to move this forward with the 6 conditions.

MS - I will second.

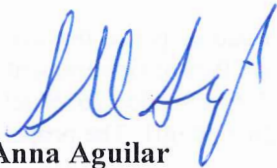
Motion to recommend approval with stated conditions and findings made by Peters, seconded by Streiff, and approved unanimously.

III. Adjournment

Hearing no other items before the PC, a motion was made by Ellingson, second by Peters, to adjourn the meeting at 8:09 pm. Motion carried 5-0.

Respectfully Submitted

Planning Commission



Anna Aguilar
Administrative Coordinator



Preston Bauer, Chair