

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

I. Call to Order

A. Roll Call

The meeting was called to order electronically by Chair Preston Bauer at 7:55p.m.

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

Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Planning Technician Julia Hogan, Clerk Pam Carty.

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, Jill Ellingson, John McCarthy, NAYS: None

C. Motion by Jill Ellingson, seconded by Charlie Peters, Approval of the Agenda.

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

D. Motion by Charlie Peters, seconded by Jill Ellingson, to approve the minutes of April 1, 2021.

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

II. Old Business

1. Conditional Use Permit/Almen (Hohrman) - Section 9, Northfield Township

Colleen Almen, on behalf of landowner DuWayne Hohrman, has applied for a Conditional Use Permit (CUP) for an agricultural tourism business to provide public education about agriculture. The property is described as: Part of the SE1/4 of Section 9, Northfield Township, Rice County, Minnesota. The property address is: 9748 110th St E, Northfield, MN 55057. PID#: 08.09.4.50.001. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend approval for the Conditional Use Permit request with the following conditions and findings for Colleen Almen, on behalf of landowner DuWayne Hohrman. The property is located in Section 9 of Northfield Township.

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

APPROVAL – Almen (Hohrman) – Conditional Use Permit

1. The conditional use permit is for an Agricultural Tourism Business providing public education on agriculture. Changes or additions to the business are not permitted without approval of a new/amended permit.
2. The Agricultural Tourism Business may be open to the public for up to 20 larger events per year with up to 300 people onsite, the event may last up to 3 consecutive days and open only within the hours of 9:00 am and 6:00 pm. In addition the Agricultural Tourism Business may

also be open to the public for up to 40 smaller events per year with up to 50 persons onsite, the events limited to one day each, and open only within the hours of 9:00 am to 8:00 pm.

3. At no time shall there be more than 300 persons and/or 110 cars on the site.
4. Parking shall be contained in the proposed gravel areas and overflow grass area shown on the revised parking site plan, subject to meeting right of way setback requirements. No parking shall be allowed along roadways or other locations.
5. A stormwater runoff plan shall be created and implemented to address runoff water from the parking areas.
6. Proof of compliance with state health regulations shall be submitted to Rice County prior to any onsite food service.
7. Existing trees or suitable replacements shall be maintained to provide screening of the parking area.
8. Any onsite alcohol use shall comply with a consumption and display permit.
9. All buildings shall meet building code for the intended use.
10. Adequate/compliant restroom facilities shall be provided onsite. Water and wastewater use shall comply with all regulations.
11. The applicant is to follow all Federal, State, County and Local rules and regulations.
12. Failure to comply with conditions may result in revocation of the conditional use permit.
13. The access driveway shall run at a 90 degree angle to 110th St E for at least 100-ft as measured from the road centerline.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
PB - Anything from Highway recommendations as this accesses County Road.

TM - Yes they sent a previous email out on March 11th and their comments were that the owner needs to confirm the ROW width to ensure any improvements and that the gravel parking be outside of the County right of way.

PB - No concerns from them though?

TM - Not at this time.

The PC asked the applicant, Colleen Almen (CA), to come forward to add comments or answer questions regarding the request.

CA - We did make the parking area larger and I have talked to my excavator about the runoff water and doing culverts and tiling and MN doesn't have a good number yet but best guess is 200-300 persons per day. On my numbers for classes I have about 10 classes a year I plan on doing and about 20 weekends out of the year and they would be 3 day weekends (Friday, Saturday and Sunday).

PB - You said 20 weekends of Friday, Saturday and Sunday?

CA - Yes.

PB - Condition 2 - 20 weekends, 60 days.

CA - Plus the 10 classes per year.

PB - The 10 classes consist of?

CA - barn quilt painting and canning so I would hold these in the pole barn, so it would be about 20 attendees. Two in February, two in March, two in November, two in May that I would do for the classes.

PB - What days do those run?

CA - Friday or Saturday 1-2 hours max, off-season for Ag Tourism.

PB - So would not coincide with weekend larger events?

CA - No

PB - So would we need to add additional to the 20 weekend events?

CP - Could we just go days per week instead of number of events per year. Just say 3 days per week, right now we are talking 30 weekends minus some holiday weeks.

PB - If we are talking size and scale too with up to 300 persons at one point that would be a bit much maybe.

TM - At this point based on the proposed use its different than previous ones where we did days of the week, it might just be best to allow a certain number of days per year within the operation and leave a bit of flexibility with those days and if it comes to the point where the applicant needs to expand they can come back and amend those too.

PB - So days per year so not just being exclusive to Friday, Saturday, and Sunday.

TM - I think that would be a simpler situation for everybody.

CA - I did want to do day camps 3 weeks of the year on a Tuesday, Wednesday, and Thursday in June, so another 9 days.

PB - So roughly 100 days, a little less than a 1/3 of the year.

JE - Applicant is that enough? 100 days?

CA - I believe so at this time.

JE - I think days per year seem like a simpler way of doing it.

PB - How do we state this in the conditions?

TM - Just stating that not more than 100 days per year and also address the hours with the applicant.

PB - Days of week or?

TM - Could look at that as an option but it's a little different than some of the other Ag Tourism businesses which had more regular large events and we wanted more days in between them.

PB - Applicant do you have an idea of maximum days per week you'd be open?

CA - Would normally be 3 except for the June event would have 3 days during the week for camp than the weekend event, so in that month we would have more consecutive days.

PB - Hours of operation?

CA - 10am-6pm would be the weekend open to the public hours, classes I was thinking 6-8pm for evening ones and 9am-2pm for day camps.

JE - Makes sense to do the 9am to 8pm.

CP - If I understand what you're saying cut it down to 60 events from 9am to 6pm and then another 30 events that would go 9am to 8pm?

CA - Yes those are my plans whatever verbiage you want to use.

JM - I have a couple of comments/questions on conditions 4 and 10. One of the concerns I have with the site plan I believe that we should add some requirement to the condition 4 regarding access off of 110th and how that's constructed, it could be difficult as to how traffic gets in and out. Access should be required to be perpendicular to the county road for a distance back from the center of the county road so that vehicles can enter and exist in a perpendicular manner. Access road should be constructed perpendicular from 110th St to a distance of 100-ft from center of road or 50-ft of Road Right of Way (ROW).

CA - We did plan on having it perpendicular for 80-ft at least off of the ROW.

JM - Ok I think that should be a part of our conditions because it's not showing that. I have no problem with 80-ft off of the ROW.

CA - We also were going to do no left hand turns when exiting.

JM - That's going to be hard to control, parking will also be difficult to control.

CA - We may do post and rope type parking for now.

PB - I've seen the post and rope work, so 80-ft perpendicular and right hand only exit?

TM - I have some wording for the driveway access, and the left turn out that can be something you can decide you want to do or you could leave that as an encouragement for the applicant. I do assume most of the traffic leaving would be turning right, going to the west. Could say for the condition the access driveway shall run at a right angle to 110th St for at least 80-ft from either the road surface or the ROW.

JM - Looks like the ROW is quite a distance from the surface so I would say 80-ft or 100-ft from the center line.

PB - So we are looking at an 80-ft wide driveway.

JM - 80-ft perpendicular not 80-ft wide, a 90 degree angle.

PB - At larger events you don't anticipate everyone leaving all at once I'm assuming so my guess is on the driver to if they want to go left to mind traffic when leaving. Trent if you want to include that verbiage to the conditions.

CP - I agree with JM, from the center line to the road go like 100-ft from the center line. John were you thinking 80-ft from the edge of the ROW?

JM - I was thinking 50-ft from the edge of the ROW and 100-ft from the center line, but I think 100-ft from the center line would be more than adequate.

PB - Any other questions or comments from the applicant or board members?

CA - No, I'm good.

JM - I have one more, condition 10, and I just wanted to check with TM what adequate and compliant mean?

TM - I don't really have a set item I can tell you at this point, some of those depend on the number of people on the site and length of time on site and some of the different activities that may trigger different type of permitting and requirements whether it be food service there things would certainly be different so that can vary. This condition is just saying whatever would be adequate for the proposed use and compliant with what may exist with those.

JM - So events up to 300 people, the county is going to be responsible for saying that the septic system or however it is handled has to be established for 300 people because we don't know how many people are going to show up for the event. You're not going to change from the day camps to a weekend assuming that the porta potties are permissible for this type of operation. There was a mention that they will be doing for the first year porta potties and wash stations and will be adding a bath house in the coming year. Now are we going to require that addition by a certain time?

PB - It depends on if its local or state in regards to sewage management. I suppose it could be anything from a large storage tank to something else. They will have to be compliant, sounds like it's a work in progress and have a plan initially. I think condition 10 is adequate for verbiage, it will just be something that needs to be addressed when they start their business.

JR - On condition 10 perhaps saying "adequate and compliant restroom facilities shall be provided for onsite visitors, and water/waste water must meet state and local regulations."

PB - That sounds good, and staff if you could change the condition with what JR stated for condition 10. JM how does that sound?

JM - Sounds great.

JR - I did have some thoughts on your events and people on a particularly large CUP that we have that they wanted various events, some large some small. To be able to give them some flexibility just saying number of days per year you could break it down and say 20 larger events up to 300 people, each event can be up to 3 consecutive days between the hours of 9am and 6pm. Then how many number of smaller events up to 40 people these are 1 day events between the hours of 9am and 8pm and that gives some flexibility to them to do some larger and smaller events, but also contains some limits in there.

PB - Can you change condition 2 to read the way you stated? Applicant any input to the way condition two was stated?

CA - That sounds good to me.

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

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

Discussion:

PB - Staff did you have enough time to get the conditions changed?

JM - PB can I make a suggestion, JR mentioned 40 persons for special events I believe a standard tour bus is 49 people and I'm thinking 50 might be a number to fit a standard tour bus. Even though we are talking about school events, but if this is successful and someone organizes a special tour this could be a part of it.

PB - Good point on that.

TM - We do have a couple of breakdowns on these. The one condition would be "up to 20 larger events per year with up to 300 people onsite, the event may last up to 3 consecutive days open only within the hours of 9:00 am and 6:00 pm and 30 smaller events up to 40 people each being one day events between the hours of 9am-8pm."

PB - JM had commented that change from 40 to 50 people with the tour bus capacity.

TM - You can certainly make that 50 people.

PB - Applicant if you could come forward and comment on the condition change.

CA - I think that's fine. I had noted that we had said 40 of the smaller events and now you said 30.

CP - She did say that, we could do 20 of the large events and 40 of the smaller with up to 50 people.

PB - I concur with CP and the applicant on that with 40 smaller events with up to 50 people. Staff if you could state the change in condition 4.

TM - I would suggest not adding that to condition 4 but to add a new condition and that condition would

say "access driveway shall run at a 90 degree angle and go 100-ft from the road center line."

PB - Ok so that would make for 13 conditions.

JE - I'm on board with all of the new conditions and modifications.

PB - Applicant any final comments?

CA - No, but thank you all for your work on this.

CP - I'll make a motion to send this to the Board of Commissioners with the 13 conditions and with condition 2 being *up to 20 larger events per year with up to 300 people onsite, the event may last up to 3 consecutive days and open only within the hours of 9:00 am and 6:00 pm and up to 40 smaller events per year with up to 50 persons onsite, the events limited to one day each, and open only within the hours of 9:00 am to 8:00 pm.* Condition 10 would be?

TM - Would be replace septic with restroom and then the second sentence I did not have written down, JR can chime in with that wording.

JR - *Adequate/compliant restroom facilities shall be provided onsite. Water and wastewater use shall comply with all regulations.*

CP - Condition 13 would be *the access driveway shall run at a 90 degree angle to 110th St E for at least 100-ft as measured from the road centerline.*

JE - I will second that as amended and added to.

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

III. New Business

1. Conditional Use Permit/County Line Aggregate - Section 1, Webster Township

County Line Aggregate, on behalf of landowner Janet M Tornell Trust, has applied for a Conditional Use Permit (CUP) for an aggregate mining operation. The property is described as: Part of the SE1/4 of the NW1/4 of Section 1, Webster Township, Rice County, Minnesota. The property address is: 3240 Hazelwood Ave, Webster, MN 55088. PID#: 02.01.2.75.001. The property is Zoned A, Agricultural.

Motion by Jill Ellingson, seconded by Charlie Peters, to recommend approval for the Conditional Use Permit request with the following conditions and findings for County Line Aggregate, on behalf of landowner Janet M Tornell. The property is located in Section 1 of Webster Township.

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

CONDITIONS OF APPROVAL – County Line Aggregate – Conditional Use Permit

1. The landowner and operator(s) 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 Conditional Use Permit (CUP) is for a sand and gravel mining operation.
3. The applicant or operator shall furnish a six (6) year \$100,000 bond for haul road repair and for site restoration. All bonds shall be reviewed and approved by the Rice County Attorney's office prior to any work on site.
4. 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 completely restored. Failure to renew the permit or to restore the site shall result in the County exercising the bond and using the proceeds to restore and properly close the site.
5. The mineral extraction mining operation shall be restricted to the area and depth shown on the applicant's approved site plan. Deviation from the approved plan boundaries, other than as required to comply with setback requirements, will require application for a new conditional use permit.
6. The hours of operation shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 7:00 a.m. to 3 p.m. on Saturdays. Preparation of equipment

allowed starting at 6:00 am Monday through Saturdays.

7. A 70-foot setback shall be maintained between the operation and the north and east property lines, a 20-ft setback shall be maintained between the operation and the south and west property line. A 300-ft setback shall be maintained to the protected watercourse near the north and east sides of the property. All setbacks shall be marked prior to mining and markings shall be maintained until the site is restored. No equipment or materials shall be stored within the setback area.
8. The banks shall be sloped at a minimum 4:1 (Horizontal: Vertical) and the operator shall be required to keep the pit or excavation in such conditions as not to be in danger of caving or sliding banks, to ensure stability.
9. Topsoil from the excavation site is to be stockpiled on the premises for use in restoration of the site. No topsoil is to be removed from the site.
10. The applicant is to follow the approved reclamation plan. Reclamation shall be ongoing so that previously mined land is reclaimed as new areas are opened to mineral extraction, at no time shall more than 10-acres be open to mining use. The site is to be completely restored upon completion of permit.
11. The applicant is to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. The roads are to be restored to their original condition after the gravel mining operation ceases.
12. All access drives within the site and to the paved county road 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 drive from leaving the property during mining or hauling activities on the property.
13. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.
14. The site is to be cleaned of all debris and equipment after closure of the pit.
15. "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.
16. The site shall be secured at access points.
17. Failure to comply with conditions may result in revocation of the conditional use permit.

Hearing Minutes:

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

PB - Any issues with non-compliance?

TM - No they have not had any issues.

The PC asked the applicant, John Larson (JL), to come forward to add comments or answer questions regarding the request.

JL- We are looking for renewal of existing permit we have had in place for 15 years. Do not do a lot of work out of this pit, it depends on jobs in the area. As we have mined we have reclaimed to the plan and we are now on somewhat final phase of this pit and there is not much material left.

PB - Are you familiar with the conditions?

JL - Yes.

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

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

Discussion:

JE - It's a long standing and compliant site, I'll motion to approve.

CP - Agree, site looked clean with not a lot of junk, I'll second.

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

2. **Conditional Use Permit/Hintz - Section 5, Erin Township**

Stacy Hintz has applied for a Conditional Use Permit (CUP) for an agricultural tourism business proposing to provide farmstay vacation lodging. The property is described as: The SE1/4 of the SE1/4 of Section 5, Erin Township, Rice County, Minnesota. The property address is: 11172 100th St W, Montgomery, MN 56069 PID#: 05.05.4.75.001. The property is Zoned A, Agricultural.

Motion by Preston Bauer, seconded by Jill Ellingson, to table the Conditional Use Permit for Stacy Hintz until June 3, 2021 Planning Commission meeting. The property is located in Section 5 of Erin Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Jill Ellingson, John McCarthy,

NAYS: None

Hintz – Conditional Use Permit

Hearing Minutes:

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

PB - Campsites are allowed in the Agricultural District, but not the hotel motel concept?

TM - They are an allowed use in the Agricultural District, but only in areas of low CER rating. I had that discussion with the applicant on that their parcel is high CER.

CP - We need to talk amongst ourselves, I don't believe it is an Ag Tourism business, not sure what everyone else feels.

JE - I was contemplating why it was under the Ag Tourism since camping is more recreation.

JM - I have concerns with it being Ag Tourism when there is no underlying agricultural use. The concept of these items being built and occupied in a remote location with very little control. I don't see people wanting to run to the porta potties and it seems like it would have some serious potential problems.

PB - Placing a camper on agricultural property?

TM - Not certain of your question, but certainly landowner could place their own camper there. To operate as a camping operation that requires a Conditional Use Permit.

PB - How about someone helping with farm work?

TM - If your bringing someone in temporarily for a farming operation and they are residing on the property that requires a Conditional Use Permit for the temporary farm dwelling and it would have to meet residence requirements.

JE - I look forward to hearing about intent and scope from applicant.

The PC asked the applicant, Stacy Hintz (SH), to come forward to add comments or answer questions regarding the request.

SH - I'm here with my daughter Callista (CM) who would be the primary manager of our farm stay and I apologize for the confusion when my daughter talked to me about this business I got all excited and I said let me call the zoning coordinator for the County and see if we can do this. I did not explain to Trent what our actual intention was. Then Callista and I did some research and under the Ag Tourism business ordinance for Rice County does not specifically say farmstay, but under the State of Minnesota Statutes they list farmstay as being a valid Ag Tourism business. According to the University of Minnesota on how to run an Ag Tourism business they say that a farmstay should include not only to accommodate people within an existing farm house, but renovating existing buildings on the property for lodging or building a new facility on the property for lodging with the intent that the people staying there would see how a farm is operated. This particular piece of property that I have is 40-acres, on the left hand side there's 15-acres in CRP with a wetland. It was set up for game birds specifically and 18 years ago the County put in a drain so there would be water on the property, but it would never flood and turn into a

lake. The area that we are talking about setting up the lodging site is 20-acres of hay and it has been used for nothing but hay for decades. Going all the way back to the 1940s the owners did run sheep in there, but it's been nothing but hay since. The other 5-acres is around the house and buildings and those are enclosed pastures that green space that you see and for 10 years I kept llama on this property and that was my main business. We renewed the contract for conservation because my husband and I feel like that is an important contribution since our neighbor to the west pulled their property out of CRP and we get birds you can't image on this property. In keeping with what we are doing right now with the property, which is mainly taking up hay and maintaining the farmstead. If people come to stay on the farm what they would see is us taking care of our horses, we have a few dozen laying chickens we take care of and we also do many different farm crafts and have a large garden and orchard. It would be a way for people to get back to nature and see different opportunities for agriculture.

PB - Proximity of the camping domes being off and away from the farmstead?

SH - We are trying to have as low of impact as possible on the farm itself because even though we don't farm this property in the future someone else might want to. So we don't want to build structures that are permanent, which is why when I talked to Callista about this business I said you know they may want us to put in a septic system and a well which is why we included that in our proposition just in case that was a necessary thing but we would rather not do that because those are more permanent structures. Instead the porta potties and we are looking at different ways to bring electricity in because we would like people to be able to come in the winter as well.

CM - The reason why I picked that area of the land is because it's up on a hill and overlooks the whole property. It gives a good view of the CRP, so for people that are coming in who want to bird watch or to hike around the CRP. That location also is shielded from the road way and neighbors.

PB - Is hunting allowed?

CM -No

SH - These domes can be constructed right on the ground. We are proposing to construct them on platforms and that way they'll be maintained better out of the grass. From the property up at the top of the hill you cannot see the road. The property really rolls, lots of clay with low areas that are wet. It's not a very useful piece of property really for anything other than hay and maybe small amounts of animals.

PB - Any ideas of numbers?

CM - I was proposing 5 of these structures, but actually thinking of only doing 3. I wanted some wiggle room just in case I wanted to do 5. I'm thinking 2 people per dome so total would be 6 visitors on the property at a time.

SH - No one would drive up to these sites, we have parking right on the farm lot. If somebody needed access to the hay and couldn't walk out there we have a utility vehicle we could use. We will not have people driving back and forth, we will not be serving any food or beverages on the property and there won't be any exterior lighting except maybe little solar lanterns so people can sit out on the decks at night. The use of this property right now is hay and conservation and that's not going to change, we can still take up 15 of the 20 acres of hay without disturbing the farmstay sites. People will be invited to come down to the farm participate in the activities of the farm. It won't be distributing to anybody, and don't anticipate any security issues. Callista will be living in the farmhouse so if there is any problems they will have her phone number. There might be the occasional family with small children which would increase the number of people but the number of cars will likely only be 3.

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

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

Discussion:

JE - Can we go back to the conditions page?

TM showed conditions on screen.

PB - I personally think we need to table this application, needs to be time to review things further and to see if allowable.

JE - I concur, with the conditions a clearer understanding of number of days and persons onsite. If we could have proposal from the applicant in there to start with so we have some more information.

JM - Not sure I even want to table at this time, basically denying it would be my preference. It appears to me that this got clouded by the state law and the Planning Commission is designed to enforce county rules and regulations. I think if the person wants to talk about state law they should come back and ask

for an amendment to the zoning code that would allow the use.

PB - Possibly to argue, but we don't know how long the applicant has taken to put this together and then the applicant could decide if they want to provide more information or withdraw.

CP - I kind of agree with JM, having a hard time seeing where this falls into the Ag Tourism category, can come back with amendment to allow the camping.

JD - I'm feeling it is a stretch with the way the ordinance is written. Don't know if you really want to go down that road of granting it, but don't think it would be out of order to table it. Still can deny it when it comes back, but not sure it meets intent right now. County can be more restrictive than the state law.

PB - I'll make a motion to table.

JE - Second.

Motion to table with stated conditions and findings made by Bauer, seconded by Ellingson, and approved unanimously.

3. **Conditional Use Permit/Speckmann - Section 4, Webster Township**

Charlie Speckmann, on behalf of landowner Inez Esther Horejsi Trust, has applied for a Conditional Use Permit (CUP) for a contractor's office and yard for an excavation company also to include the grading and filling of 3,000-cubic yards of material for the installation of a new building and outside storage area. The property is described as: The N1/2 of the NE1/4 of Section 4, Webster Township, Rice County, Minnesota. The property address is: 4480 30th St W, Webster, MN 55088. PID#: 02.04.1.00.001. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend approval for the Conditional Use Permit request with the following conditions and findings for Charlie Speckmann, on behalf of landowner Inez Esther Horejsi Trust. The property is located in Section 4 of Webster Township.

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

CONDITIONS OF APPROVAL – Speckmann – Conditional Use Permit

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit (CUP) is for an office/shop building and outdoor storage area for an excavation company. Changes to the business are not permitted without approval of a new/amended permit.
3. The submitted site plan shall be followed.
4. Outdoor storage of business equipment, vehicles, and supplies shall be in the area south of the current crop field area and shall be screened to neighboring properties by maintaining tree screening similar to the existing tree screening on the east, west and south property lines and on the north side of the storage area by creating an earthen berm and tree combination to equal 8-ft above the storage area. Trees used for or part of the required 8-ft high screening on the north side of the storage area must be of an evergreen species, have an initial planting height of at least 3-ft and be placed in two offset rows with a tree spacing not exceeding 20-ft in each row.
5. Only business equipment owned or leased by the onsite business shall be stored on the site.
6. Site shall have no unlicensed or inoperable equipment or vehicles stored or parked outside.
7. Prior to any onsite grading or filling applicant shall verify compliance with all wetland regulations.
8. All buildings shall meet building code for the intended use.
9. Failure to comply with conditions may result in revocation of the conditional use permit.
10. The existing manure storage basin located on the property shall be properly abandoned.

Hearing Minutes:

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

JM - Area shows on County map as a wetland, has it been located?

TM - Yes that is the area to be filled, the open water is a man-made pond. I was concerned with a few other areas so added the condition to verify.

PB - Was that man-made pond a manure pit?

TM - It could have been, they haven't had livestock on the property in many years.

JD - I'm pretty sure it is. I know it did have a pit many years ago.

The PC asked the applicant, Charlie Speckmann (CS), to come forward to add comments or answer questions regarding the request.

CS - Just to follow up on a couple of things that is a manure pit and we do not plan on filling that in we are going to leave it as an existing pond. As you can see from the pictures before this place was a mess. We plan to put a building up in either August or September right where the old barn is we do not intend to go any further north. The area Trent was discussing about filling in was on the north side of the pond and there is a tree line north of that we plan on using for screening and we plan to use that space in the future for outdoor storage for my excavating company and that would consist of water main and sewer pipes and stuff left over from projects. We are quite a bit away from the existing wetlands on the property.

PB - How many employees do you have?

CS - We have 20 employees. We only have two dump trucks and they come back at night. We try to keep equipment on job sites as long as we can, granted in the winter there will be some equipment on the property, but our intention as of now in that there is quite of bit of space to leave stuff on site where the new shed location would be.

PB - Employee vehicles?

CS - Not everyone comes to the property the only people that would be on site is to pickup trucks, which would be myself and a project manager. If you have 4 to a half dozen vehicles there at one time I would be surprised.

PB - You've seen the conditions and any questions?

CS - I have and no I do not.

PB- Staff or Board Members any comments?

TM - We do have a grading plan, and it did show the area north of the shed being graded in the contours, but maybe I made the assumption that it was graded all the way from the building to there. With the pond if that was an old manure basin they will have to actually abandon that. Which would mean discolored soils would have to be removed and at that point they could let it fill back up with water but they would have to make sure that all manure was cleaned out of it.

PB - Does that need to be a condition?

TM - No, that's actually within the feedlot regulation.

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

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

Discussion:

CP -I think he has a good plan with cleaning it up. I do think we should add a 10th condition to follow the feedlot regulation in abandonment of the lagoon. Just to make sure it is in there so it doesn't get overlooked in the future.

PB - It's in the feedlot regulations?

TM - Yes, anytime there is a previously used manure basin and its unused over a period of time it does require actual abandonment which does involve set procedures that the state has. You could certainly add that into the conditions.

CS - This is the first I've heard about this, my only concern or question is it's delineated as a wetland on the beacon map so does that mean it can be filled in as it is not a wetland?

TM - The wetlands that are shown on the county beacon website are a part of the national wetland inventory, which is really broad scale mapping done based on air photos. It's not supposed to be used for onsite determination of whether something is or isn't a wetland. That would be done in coordination with our Soil and Water district.

JM - What would trigger the manure pit remediation?

TM - Normally, that would come up when a livestock operation ceases to have animals on it anymore. I don't know the history on how long this one hasn't been used, I think it's quite a bit of time.

JM - I'm in favor of adding CP 10th condition.

PB - Staff if you want to come up with wording for the 10th condition.

TM - *The existing manure storage basin located on the property shall be properly abandoned.*

PB - Does a sale of a property trigger pit to be addressed before hand?

TM - Not necessarily the sale of a property, feedlot could be transferred to a new owner.

CP - I'll motion with the 10 conditions.

JE - I'll second.

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

4. **Waiver of Plat/VanErp - Section 9, Walcott Township**

Arthur VanErp has applied for a Waiver of Plat to create a 1.32-acre building parcel with the use of a Transfer Development Right (TDR). The property is described as: Part of the SE1/4 of the SW1/4 of Section 9, Walcott Township, Rice County, Minnesota. PID#: 15.09.3.75.003. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend approval for the Conditional Use Permit request with the following conditions and findings for Arthur Van Erp. The property is located in Section 9 of Walcott Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Jill Ellingson, John McCarthy,

NAYS: None

CONDITIONS OF APPROVAL – VanErp – Wavier of Plat

1. The new 1.32-acre Transfer Development Right (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 1.32-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, Arthur VanErp (AV), to come forward to add comments or answer questions regarding the request.

AV - Land's been in the family since 1970. We want to put a single family dwelling up to be closer to a bigger town and medical care.

PB - Have you seen the 6 conditions?

AV - Yes.

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

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

Discussion:

CP - Exactly what we set it up for, straight forward. I just hope it makes all setbacks when built. I'll

motion to approve.
JE- Second.

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

IV. Adjournment

Hearing no other items before the PC, a motion was made by McCarthy, second by Ellingson, to adjourn the meeting at 9:40 pm. Motion carried 5-0.

Respectfully Submitted

Planning Commission

**Julia Hogan
Planning Technician**



Preston Bauer, Chair