

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, July 1, 2021 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order electronically by Chair Preston Bauer at 6:59p.m.

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

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 Sign-in Sheet & Registrant List.

B. Motion by John McCarthy, seconded by Michael Streiff, Reading of the Notice.

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

C. Motion by Michael Streiff, seconded by Charlie Peters, Approval of the Revised Agenda.

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

AA - The last item on tonight's agenda, Langdon, has requested to be tabled until the next Planning Commission meeting on July 29, 2021.

Streiff motioned to approve with the revision removing the Langdon request.

4. Motion by Charlie Peters, seconded by John McCarthy, to approve the minutes of June 3, 2021.

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

II. Old Business

1. Conditional Use Permit/Bertram - Section 17, Warsaw Township

Joshua Bertram has applied for a Conditional Use Permit (CUP) for an agricultural equipment repair business. The property is described as: Part of the SW1/4 of the SW1/4 of Section 17, Warsaw Township, Rice County, Minnesota. The property address is: 23790 Essig Ave, Morristown, MN 55052. PID#: 14.17.3.50.003. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Michael Streiff, to recommend approval of the Conditional Use Permit request with the following conditions and findings for Joshua Bertram. The property is located in Section 17 of Warsaw Township.

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

CONDITIONS OF APPROVAL – Bertram – Conditional Use Permit

1. The conditional use permit is for an Agriculturally Orientated equipment repair business to be operated from the existing onsite shop building. Changes to the business are not permitted without approval of a new/amended permit.
2. The submitted site plan shall be followed.
3. At least 50 percent annually of the onsite repair work shall consist of repair to agricultural equipment. The operation is to maintain records of all work completed and the type of equipment repaired. The site operator shall provide those records to Rice County upon request.
4. The applicant is to follow all Federal, State, County and Local rules and regulations.

5. All buildings shall meet building code for their intended use.
6. Restroom facilities shall be provided for the shop.
7. All vehicles and trailers stored/parked onsite shall have a current license.
8. Any outdoor storage of equipment or vehicles shall be screened by establishing and maintaining a vegetative screen along the north property line. The vegetative screen shall consist of arborvitae plants with an initial planting height of 4 feet and an 8-ft spacing.
9. All parking and storage shall be on a gravel surface with no parking on the roadway or within 30-ft of the Road Right of Way.
10. 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).
 TM - There is a need to discuss #8 for screening and you may want to add a 10th condition regarding the parking.

The PC asked the applicant, Joshua Bertram (JB), to come forward to add comments or answer questions regarding the request. *(JB attended electronically via Zoom)*

JB - I propose to stay back 60-ft from the center of the roadway, Essig Avenue, and I have widened the driveway 20-ft for parking to keep it clear towards the road. I also plan to plant arborvitae along the Northside of the property for screening.

PB - Staff do you have anything to add regarding the applicant's proposals?

TM - What is the size and spacing of the screening being proposed?

JB - For the arborvitae? The screening?

TM - Yes.

JB - They get 10-ft wide and about 20-ft tall. I would go to the back of the shop to cover the main area you would be able to see from the road with the proper recommended spacing. I don't have an exact amount of the number of trees I would need. I would need to talk to the landscaper.

PB - Do you have an idea of the length of the vegetative screening?

JB - The shop is approximately 56-ft and the driveway is about 100-ft, so roughly 150-ft. I don't think we need to screen the entire length of the property which is over 300-ft and there is nothing behind it. The conditions state the screening is to block the vehicles from the road or neighbors.

PB - You are proposing to go from the back of the shed to close to the roadway?

JB - Yes.

PB - I have arborvitae and we did 8-ft spacing which seems to be sufficient. You are proposing to widen the driveway?

JB - We actually already put a new culvert in. We added 20-ft to it. The driveway will be as wide as the shop which will be at least 56-ft. We will be able to park there now instead of it being a 40-ft driveway, it is now approximately 60-ft and will be tapered off for parking.

PB - You are proposing to keep everything back 60-ft from the road right-of-way?

JB - 60-ft from the center of Essig Avenue. I have tried to research what the actual setback in that area is but it is tough to have a semi with a full trailer on the back. They are only there for about 24 hours or over the weekend and then they are gone, but they take up the most space. I would like to see a limited number of vehicles I can have there to work on and if they do not need to be worked on, they won't be there. To make it cleaner.

PB - You are proposing to limit the parking to the impervious surface or the driveway?

JB - Yes, the driveway, not the yard. I also have parking on the Northside of the shed. There is potential for rear parking but I would like to keep that to a minimum.

JM - I thought there was talk about a parking plan? I don't remember seeing anything other than discussing widening the driveway. Where are you actually going to park the vehicles?

JB - On the Northside of the shed to keep things away from the roadway. It was not finalized but it was discussed at the last meeting.

JM - How far from the Northside of the shed do you plan to park vehicles?

JB - The plan is to park right next to the shed because we have about 15-ft and then it drops down 8-ft. There is a limited amount of area there. If there is a larger trailer there for a DOT inspection, we could

park one or two trailers on the Northside to allow more parking up front instead of taking up space in the driveway.

JM - You said 15-ft?

JB - Approximately. You can pull a semi back there. I didn't measure it, but there is not much more space than that or you will fall down 8-ft.

PB - As far as the screening, it looks like there was fill brought in and that the shed is elevated. Where are you proposing the screening?

JB - On the property line otherwise there is a slant that goes down from the shop and I can't guarantee the trees would grow there because of the soil content. It is a mix of class 5 and clay.

PB - If the arborvitae are on the property line, will they be tall enough or sufficient to screen the elevated shed and parking area?

JB - The height change is about 6-ft potentially.

PB - Just trying to decide if the proposed screening will be sufficient to block the site and parked equipment with the raised building.

Chair Bauer opened the public testimony portion of the item to the public and the following spoke:

Carin Draper (CD) - I am the neighbor directly to the north. I want to address a couple of things. One is the line where the screening is proposed. I am assuming he is proposing to start the screening at the western end of the shop going to the east towards the road. That length is not sufficient to cover the view of the trucks from my property. I have pictures that I took today from inside my house in the rooms that face south and from my backyard (*handed copies of photos to board*). You can see that on the western side of the shop some fill has already been brought in and there is a trailer parked there. Behind the trailer, you can't see them, but there are 3 semis parked there. If the proposed screening started at the western end of that shop, it will not block that view. The front of my yard is more wooded but the south and western side of my yard, there is nothing to block my view of the site. I request that the tree line be extended farther to the west than what he is proposing. I do not know how far his property line goes to the west but maybe he needs to go the entire length.

PB - How long have you lived there?

CD - Since 1989, 32 years.

PB - When the corn is tasseled, How does that impact the view?

CD - It starts to block it but does not get high enough to completely block it and corn is only planted every other year. It blocks it 4 months out of 24 at most.

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

Discussion:

CP - Can you put the conditions back up please? I agree with the public comment. I think there should be screening the whole length of the property line from west to east.

MS - I agree.

CP - Just in case he does park behind the shed and to stay 60-ft back from the road. For condition #8, from the total north line from west to east with arborvitae at 8-ft spacing. I am ok with the 60-ft from the center of the road.

PB - Maybe wording to maintain the vegetative line? I have had to maintain mine, but the trees do grow pretty extensively.

CP - I make a motion to move this on to the Commissioners with the updated conditions?

TM - I have two conditions worded, but I have a question as far as the initial height of the arborvitae?

PB - I have gotten them around 4-ft. It does take a little while for them to get started.

TM - So 4-ft initial height?

CP - Yes.

TM - Condition #8 will read as *any outdoor storage of equipment or vehicles shall be screened by establishing and maintaining a vegetative screen along the north property line. The vegetative screen shall consist of arborvitae plants with an initial planting height of 4 feet and an 8-ft spacing.* Condition #10 will read as *all parking and storage shall be on a gravel surface with no parking on the roadway or within 30-ft of the Road Right of Way.* 30-ft is 3-ft more than what the applicant was asking, but it is cleaner to go from the right-of-way.

JM - Would it be cleaner to have the screening start at the proposed 60-ft parking line? To keep it a little bit farther back from the road.

CP - I don't see an issue going up to the road right-of-way. It is only another 30-ft or 6 plants.

JB - The only reason those vehicles are parked behind the shed right now is because we are widening the driveway. My property line goes 325-ft, my driveway is a minimum of 120-ft with 56-ft for the shed. That is about 170-ft from the road. Doing 325-ft of trees seems excessive since the only reason the trucks are currently back there is because the driveway is being widened. They were not there before up until last week.

PB - Are you proposing to park vehicles behind the shed?

JB - I mentioned it but would prefer not to park them behind the shed because I have a patio back there and I don't want to be looking at semis either. They are only back there because the driveway is being widened and there is nowhere to park. I would like to stop the screening at the shed. I can see extending it a little past the back of the shed just in case they are in their backyard, but I don't think the whole distance is needed.

CP - I think 20-ft past the west boundary of the shed would be sufficient, so roughly 190-ft?

MS - I would do more than 20-ft. That is kind of tight.

JM - I would do more than that. In the email that was submitted by the applicant, it states "we can also use the Northside and back of the shop if there are vehicles that will be awaiting parts if needed".

MS - We did ask for a parking plan when we tabled this. We did not receive a true parking plan for this second review so it makes it hard not to do the whole length.

CP - We could have #10 state no parking behind the shed. Either that or extend the screening the length of the property line.

MS - I think we should leave the conditions as written with the full length of the property line.

CP - I motion with the 10 conditions as documented.

MS - I'll second.

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

III. New Business

1. Conditional Use Permit/Simms (Prieve) - Section 23, Wells Township

Michelle Simms of US Solar, on behalf of landowners Mark & Susan Prieve, has applied for a Conditional Use Permit (CUP) for a 1MW solar energy production facility. The property is described as: Part of the SE1/4 of the NW1/4 of Section 23, Wells Township, Rice County, Minnesota. The property address is: 18425 Belview Trail, Faribault, MN 55021. PID#: 10.23.2.50.001. The property is Zoned UR, Urban Reserve.

Motion by Michael Streiff, seconded by Preston Bauer, to recommend approval for the Conditional Use Permit request with the following conditions and findings for Michelle Simms, on behalf of landowners Mark & Susan Prieve. The property is located in Section 23 of Wells Township.

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

CONDITIONS OF APPROVAL – Simms (Prieve) – Conditional Use Permit

1. The landowner and operators shall comply with all rules, regulations, requirements, or standards of the Minnesota Public Utilities Commission, 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 1-MW solar energy production site as shown on the approved site plan, subject to meeting all setback and access requirements.
3. Security fence shall consist of fencing meeting state and federal electrical code requirements.
4. All required permits shall be obtained prior to onsite construction.
5. As soon as onsite construction is completed all areas of the site, excluding the access roads and electrical equipment pads, are to be established and maintained in Agricultural crop production or a perennial vegetative cover.
6. All electrical lines internal to the site until the interconnection point near the southeastern corner of the parcel shall be buried underground.

7. A stormwater plan and proof of compliance with state/federal stormwater regulations shall be submitted to Rice County Environmental Services with the application for building permits.
8. The applicant or operator shall furnish Rice County with a \$50,000 bond or other approved financial surety to ensure proper site decommissioning/restoration and to ensure road repair or other off-site damages caused by construction or operation of the facility. Financial surety shall be reviewed and approved by the Rice County Attorney's office prior to any work on-site.
9. The entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
10. Failure to comply with conditions may result in revocation of the conditional use permit.
11. Project is to follow the details laid out in the glare model submitted to Rice County as part of the application.
12. Site is not to create or maintain any condition that causes interference with the operation of radio or electronic facilities at the Faribault Municipal Airport (airport) or with radio or electronic communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off or maneuvering of aircraft.
13. This Conditional Use Permit shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
TM - There is an added condition, #12, regarding glare and the airport. The applicant did submit a glare study that stated there was no impact to the runways at the airport there.

PB - From what I have seen personally, I am surprised by the amount of erosion. What do they typically do to prevent that during construction?

TM - Some do silt fence or mulching and then a final seeding. Usually they use native vegetation or hay and some do temporary seeding with the natives to try to help get things going faster. This is a fairly level and flat site, so I wouldn't expect many erosion issues.

The PC asked the applicant, Michelle Simms (MSimms), to come forward to add comments or answer questions regarding the request. *(MSimms attended electronically via Zoom)*

MSimms - I am representing US Solar and the landowner. US Solar is a Minnesota based company that develops and operates community solar gardens. We seek to develop projects that seamlessly integrate into the community, increase the tax base, support owner rights, enhance nearby crop yields, and strengthen the local environment and wildlife. This project will be called US Fair Park Solar. It will be located in the southeast corner of the Prieve parcel, meeting all setbacks and it will be 400-ft away from Bellevue Trail. Quite a bit of setback compared to the main road. The parcel is adjacent to the City of Faribault. The project setback do allow for ample room for utilities to be constructed in case the City decides to expand in this direction in the future. The project will be interconnecting directly into Xcel's existing distribution system which runs along Parkland Drive and will generate enough clean energy to power approximately 225 homes annually. This energy will be consumed by the residents, businesses, and public entities here in Rice County who are also eligible to receive a direct financial benefit through a solar subscription. Construction of this type of a facility is straight forward. Galvanized steel I-beams are driven into the ground. Racking then sits on top of the I-beams and solar panels clip into the racks. There are no concrete footings or permit structures or buildings. The most noticeable phase of construction would be that pile driving. It takes about a day and a half. The rest of construction activities generally complete in about 7 weeks. After construction, one pickup will visit the site quarterly so there is no impact to traffic in the area. Typically what US solar does during construction, we will plant a cover crop like alfalfa or oats to keep erosion down during construction and then after construction we go in a plant the native vegetation that creates the pollinator-friendly habitat covering that is maintained throughout the life of the project. Visual impact is different with our projects. We use single access trackers which track the sun from east to west as it rises and sets. The panel height is 6-8-ft for normal

operation which is shorter than traditional fixed-tilt systems that are closer to 15-ft. This will create less visual impact. We use a farm field style fence with wooden posts and page-wire fencing around the perimeter of the site. It will be 8-ft tall with no barbed wire. There is existing screening to the north, south, and east of the project which screens the array from existing neighboring residences. The landowners live in the house to the west of the project, on the other side of Bellevue Trail. Their property extends 2100-ft west and 500-ft north of the project. We have an agreement with the landowner to plant a row of dogwood along the western boundary of the fence to provide further screening of the project from Bellevue Trail. Another key factor is that this project is located within the boundaries of the Faribault/Rice joint airport zoning regulation. We have reviewed and met the standards with this application. We worked with Westwood Professional Services to put together a glare model and report for this project which was a comprehensive study to ensure that there will be no risk of glare to the airport. With the project specifications, the model reported no glare from the project for all four flight paths at the Faribault airport. The assessment pass is the 2013 FAA policy criteria for glare which is the most recent policy laid out for projects. Solar panels are made out of the same material as cellphone: silicon, glass, silver and copper. There is no hazardous material. Once a project is operational there will be no noticeable noise, traffic, odor, glare, or vibration. (*Played Solar video*) Our lease requires us to decommission the site. Resale and recycle value of equipment is expected to significantly exceed the cost of removal and the system is straight forward to remove because there is no concrete. After decommissioning, the site can be converted to other uses based on the current land use regulations. We have agreed to provide Rice County with a \$50,000 bond or other financial surety to ensure proper decommissioning and restoration, road repair, other offsite damages caused by construction or operation of the facility. We are agreeable to that condition. Lastly, besides the direct financial benefits to Rice County residents and businesses, the community will benefit from our private investment pollinator-friendly habitat. This type of habitat actually increases nearby crop yields; improves soil, water and air quality; and decreases storm water runoff by 23% when compared to rural crops. We will also be paying for upgrades to the local distribution structure that brings power to Rice County. The application is compliant with chapter 508 of the Rice County ordinance and the airport requirements.

PB - Are you familiar with the 13 conditions.

MSimms - Yes, and we are agreeable to all 13.

JD - That is definitely one of the best and most thorough solar presentation we have had. You did a great job of informing us of your plan.

PB - You said you are using tracker style panels?

MSimms - Yes, they will follow the sun as it rises and sets throughout the day.

JM - I appreciate the thoroughness of the presentation. Has the airport engineer had the opportunity to comment on the glare study?

MSimms - I have not spoken directly to the airport engineer but I did talk to the City of Faribault Public Works Director who was involved in the review and they said everything looked good from their end. The airport has a copy of the glare study via TM.

Chair Bauer opened the public testimony portion of the item to the public and the following spoke:

Mark Prieve - *property owner* - I encourage you to approve this project. US Solar has been great to work with. As the property owners, we did our due diligence and are happy with the way this project is working out. One of the benefits as the property owner and the neighbor being the City, development to the east has put more water down that way and the Township has not maintained drainage at all and it is overgrown. This use of those acres will help mitigate some of my concerns with drainage issues.

Josh Bauernfeind - My property is to the east of this. I am curious how close it will be to our property line? Where exactly is the project going?

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

Discussion:

MS - It is pretty straight forward. I would motion to approve this with the 13 conditions.

CP - The only concern I have is with the glare there at the airport. I know they did the study but I would like to see more with it. Especially with runway 3-0, you are down wind and go right over the top of the project. Other than that the site and presentation is good.

PB - I wonder if there is any interference possible with reflectivity or anything. They are using tracker panels, so they are not at a fixed position.

MS - The airport review the study though and they did not have a problem?

JR - The City is responsible for the airport and they have conferred with the airport. If they had any issues, the City would have brought them forward.

MS - So the airport has had a chance to weigh-in to some degree.

PB - I will second.

Motion to recommend approval with stated conditions and findings made by Streiff, seconded by Bauer, and approved unanimously via roll call.

2. **Conditional Use Permit/Johnson - Section 29, Forest Township**

Gary Johnson, on behalf of landowner Max Johnson Trucking Inc., has applied for a Conditional Use Permit (CUP) for a gravel mining and crushing operation. The property is described as: Part of the E1/2 of the NW1/4 of Section 29, Forest Township, Rice County, Minnesota. PID#: 06.29.2.75.001. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Michael Streiff, to recommend approval for the Conditional Use Permit request with the following conditions and findings for Gary Johnson, on behalf of landowner Max Johnson Trucking Inc. The property is located in Section 29 of Forest Township.

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

CONDITIONS OF APPROVAL – Johnson Trucking Inc – Conditional Use 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 Conditional Use Permit (CUP) is for a sand and gravel mining operation including gravel/aggregate material crushing.
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. Any work beyond the approved plan boundaries 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 5:00 p.m. on Saturdays.
7. A 20-foot setback shall be maintained between the operation and all property lines. A 70-ft setback shall be maintained from Township road right of way. No mining or grading shall occur within these setback areas. All setbacks shall be marked prior to any additional work occurring on the site.
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. 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 gravel roadways to the nearest paved 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 or gravel roadway from reaching nearby homes during mining or hauling activities on or from 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).

TM - Condition #12 was updated from last CUP regarding dust control.

PB - Where is the main road there?

CP - County Road 9.

TM - To the East.

PB - Any issues with noncompliance in the past?

TM - Not that I am aware of.

MS - The only change was to condition #12.

TM - Yes, our previous one was vague.

The PC asked the applicant, Gary Johnson (GJ), to come forward to add comments or answer questions regarding the request.

GJ - We have a large 2 year project which is why we have not been in the area. We did some extensive drilling a couple of weeks ago and the deposit is not as large as we anticipated. We are plan on cleaning up the stockpile and starting in the back. I believe that within the 5 years of this permit, the site will be completely restored.

PB - Are you aware of the 17 conditions?

GJ - 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 - When they were in the pit, we had no issues at the Township with them. They maintained the road. I will motion to refer this item to the Commissioners with the 17 conditions.

MS - I will second.

JD - It is always nice when you have an operator where you don't have issues and complaints.

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

3. **Waiver of Plat/Anderson - Section 5, Wheatland Township**

Conrad Anderson, on behalf of landowners Cecil & Virgilene Anderson, has applied for a Waiver of Plat to create a 2.5-acre building parcel with the use of a Transfer Development Right (TDR) and to modify an existing home parcel. The property is described as: Part of the N1/2 of the NW1/4 of Section 5, Wheatland Township, Rice County, Minnesota. PID#: 01.05.2.75.001. The property is Zoned A, Agricultural.

CONDITIONS OF APPROVAL – Anderson – Waiver of Plat

1. The new 2.5-acre Transfer Development Right (TDR) receiving parcels shall each only 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 regulation.
4. A shared driveway agreement shall be recorded for the driveway.
5. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcels are recorded.
6. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcels.
7. Recording of the new parcel(s) shall be done within one year of the approval.

----- Hearing Minutes:

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

PB - The driveway will be shared at the beginning portion?

TM - Yes, the existing driveway will be a shared driveway access to the two properties.

PB - Is there a limit on length of driveway?

TM - No, but if they exceed 200-ft in length there needs to be a turnaround up by the house to accommodate a fire truck.

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

CA - I have nothing to add, just looking to move to New Prague.

PB - Are you familiar with the 7 conditions?

CA - 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 - It is straight forward.

CP - They are doing what they need to do.

MS - I will motion.

CP - I will second.

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

4. **Waiver of Plat/Tutewohl (Nielsen) - Section 9, Forest Township**

Corey Tutewohl, on behalf of landowners Richard Nielsen, Kyle Tuma, and Mary Cristofaro, has applied for a Waiver of Plat to create a 1.82-acre building parcel with the use of a Transfer Development Right (TDR) and also to combine property with neighboring parcels. The property is described as: Part of the N1/2 of the SE1/4 of Section 9, Forest Township, Rice County, Minnesota. PID#: 06.09.4.00.006. The property is 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 Corey Tutewohl, on behalf of landowners Richard Nielsen, Kyle Tuma, and Mary Cristofaro. The properties are located in Section 9 of Forest Township.

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

CONDITIONS OF APPROVAL – Tutewohl (Nielsen) – Waiver of Plat

1. The new 1.82-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 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. New deeds shall be recorded for the resulting parcels within one year of the approval.

----- Hearing Minutes:

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

CP - Can you go back to the photo with the 3 parcels?

JH - You can see that Combined Parcel A is taking some of the land where that existing road is and that the parcel to the west is taking that remaining land portion to the south.

PB - The tip of the peninsula there, what is going on with that?

TM - The triangle by the roadway is owned by the County.

CP - Another item was right across the road from this?

JH - Correct, the Preston item.

The PC asked the applicant, Corey Tutewohl (CT), to come forward to add comments or answer questions regarding the request.

CT - *representing the landowners Richard & Jane Nielsen* - All the landowners are here this evening. We have worked extensively with Staff and the other homeowners to figure this out. We did get the driveway permit and got that put in. Richard was just waiting to hear back that it meets County specifications before he does the final seeding.

PB - Are you familiar with the 6 conditions?

CT - We are.

Chair Bauer opened the public testimony portion of the item to the public and the following spoke:
Mary Jo Cristofaro - my land is to the west of this parcel. It is my intent to take Parcel B and include it into my current parcel. The building part would be in front in Parcel C. We have spent a lot of time trying to figure this out. All of the surveys have been done and we have done our due diligent, so I hope you are in support of this.

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

Discussion:

JD - Where is the quarter-quarter lines with this? How deep is the whole area?

TM - It is roughly a quarter mile north to south and about 1,000-ft east to west. The building right is being transferred in from the northwest, so the number of buildings in the quarter-quarter is correct with the transfer.

CP - I will motion to refer this to the Commissioners.

MS - I will second.

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

5. **Waiver of Plat/Jacobson - Section 20, Wells Township**

Kari Jacobson has applied for a Waiver of Plat to create a 2.5-acre building parcel with the use of a Transfer Development Right (TDR). The property is described as: Part of the NE1/4 of the NE1/4 of Section 20, Wells Township, Rice County, Minnesota. PID#: 10.20.1.00.003. The property is 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 Kari Jacobson. The property is located in Section 20 of Wells Township.

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

CONDITIONS OF APPROVAL – Jacobson – 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).

The PC asked the applicant, Kari Jacobson (KJ), to come forward to add comments or answer questions regarding the request.

KJ - We have nothing else to add.

PB - Are you familiar with the 6 conditions?

KJ - 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 - This is a simple one. I will motion.

MS - I will second.

PB - Looks like a great place to build a house based on the topography.

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

IV. Adjournment

Hearing no other items before the PC, a motion was made by Streiff, second by Peters, to adjourn the meeting at 8:16 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission



**Anna Aguilar
Administrative Coordinator**



Preston Bauer, Chair