

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, October 7, 2021 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order electronically by Vice Chair Charlie Peters at 7:00p.m.

Members present were: Charlie Peters, Jill Ellingson, John McCarthy.

Members absent were: Preston Bauer, Michael Strieff.

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

Commissioners present: Jeff Docken.

Others present: see Sign-in Sheet and Registrant List.

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

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

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

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

AA - The Peters (Sherwin) CUP has requested to table until the November meeting.

JM - I motion to approve the agenda with the change of item #2 being tabled until November.

JE - I will second that.

D. Motion by Jill Ellingson, seconded by Charlie Peters, to approve the minutes of September 2, 2021.

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

II. Public Hearing

1. 7:00 p.m. - Public Hearing of Resolution #21-039/Amendment to the Rice County Zoning Ordinance to create a new Zoning District titled Rural Industrial and to amend Chapter 508, table 508-1 to include uses for the new Rural Industrial Zoning District (Bridgewater Township)

The Rice County Planning Commission shall conduct a public hearing on proposed amendments to create a new Zoning District titled Rural Industrial and to amend Chapter 508, table 508-1 to include uses for the new Rural Industrial Zoning District.

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend adoption of the Zoning Ordinance Text Amendment to create a new Zoning District titled Rural Industrial and to amend Chapter 508, table 508-1 to include uses for the new Rural Industrial Zoning District.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, NAYS: John McCarthy

Hearing Minutes:

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

TM - This is for the Zoning Ordinance text. It does not rezone any properties.

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

Nancy Marth (Erin Township) - If this amendment passes, any property owner in Rice County can apply with the County to rezone a minimum of 2.5 acres of their land to Rural Industrial (RI) and begin the process for development if approved. And don't give me that "spot zoning is illegal" line because Rice County does not have a definition of "spot zoning" in their ordinance and any definition that does exist is from a court case. At least one of the County Commissioners and at least two of the Planning Commissioners have agreed that this amendment belongs in, at least the discussion of and/or after, the adoption of the comp plan. It has been mentioned several times in defense of this amendment that the

Townships have all been notified but none have responded. Like my Township, I suspect they have no idea that it applies to them. They were notified of the meeting but saw Bridgewater Township and it was not publicized as a county-wide issue. Maybe it won't affect them, until some landowner wants to rezone their property for one of the arguably undesirable uses still included in this draft. All of the proposed uses for RI are permitted in existing districts in Rice County, except for Limited Industrial Uses permitted and conditional. Those uses are restricted to only the now non-existent Urban Reserve Industrial district. These uses are arguably particularly out of sync with the comp plan, existing or future, and public comments concerning land use. I am sorry that Bridgewater Township has some offer that seems to need immediate attention, but one of the reasons that the near \$1,000 fee for this application was waived was that it wasn't just a Bridgewater issue, it affects the whole county. It's your job to look at the big picture and do what's best for the whole county. The current Highway Commercial district was ran through for one project that actually never happened and is still in limbo 20 years later. The draft for the comprehensive plan 2040 states "support redevelopment of existing vacant and underutilized industrial and commercial land rather than assigning additional lands for these purposes. We already have a Highway Commercial district that is definitely underutilized. Before we create a new district that could go in any Township, let's focus on the one we have. Please table this amendment and give it proper county-wide discussion with the comp plan in order and the ordinance to match. I would like to see the whole thing denied, but if you want to keep it going, at least wait until we get our ducks in a row. At the very least, eliminate those limited industrial uses permitted and conditional from the proposal and also consider eliminating the uses that are not currently allowed in the Agricultural district.

Sam Sunderlin (Forest Township) – *submitted/read a letter* - Please reference attached letter.

Ed Olson (Forest Township) – I agree with the two women who spoke before me. I would like to add that such changes would mean profiting at the expense of the rural residents who choose to reside away from industrial zones. The Minnesota statutes that are cited for the authority to make these changes; they contemplate the use of maps so people can understand if you want to move into an area, you look at the map and see where you could have an industrial purpose. My concern, as a private property owner in a rural setting, a map can never be complete. It is always going to be subject to change because we can have these "pop-up" industrial property activities 20-ft from my property line. That would threaten our property values across the county. I think this is an overreach of many small parcel owners that would like to make money while at the same time threatening our neighborhoods. It would be a stigma that cannot be communicated or understood by maps. Thank you for hearing my disagreement and I hope you can go back to the drawing board. *Also submitted an email in attached comments.*

Ron Keller (Faribault, MN) - I don't know a whole lot about this. I just became aware of this today, but I agree with the lady that spoke first. I am a Township supervisor and our township was not notified. We had no information on this coming up. In the past, industrial uses were limited to cities and areas where you have industrial setup with sewer and water. To place this, scattered throughout an Agricultural area doesn't make sense. You have been very restrictive on housing and developments for housing in the past. There is already ordinances and zoning if somebody wants to do something in a certain area, it's available to get conditional use permits and such. Along with housing, you have been restrictive with livestock and to just plunk industrial zones anywhere in the county does not seem to make much sense. The industrial itself just does not fit the rural atmosphere. That is all I have to say, but I really oppose this.

Cindy Nash (Bridgewater Township Planner & Zoning Administrator) - Bridgewater Township is in a long planning process to develop an industrial park within the Township for a variety of reasons. We do our own planning & zoning but we are under a requirement that we have to at least be as restrictive as the county. We really cannot be different than the county zoning. As we were looking at the industrial districts as is included in the county zoning to date, those districts do not fit the vision of what Bridgewater leadership is hoping to do. As some have mentioned, they have had some history in Bridgewater Township of some undesirable developments being proposed. That is not what they are seeking here. They are seeking to do limited industrial development which is currently limited to the Urban Reserve Industrial district. If you look at the text language in the limited industrial district, both the uses that are permitted and conditional as limited industrial, it specifically says that the limited industrial uses are low impact uses which produce little or no noise, odor, vibration, glare, or other objectionable influences and which given proper controls have little or no effect adverse effects on

surrounding properties. Those are the kinds of uses we are seeking to do in Bridgewater Township. That is why we are asking for this new zone district to be created, so that way we can limit and control, we believe in a better manner, than the existing industrial districts that would be possible for us to rezone this property to. I am happy to answer any questions you have and we appreciate your consideration.

John Klockeman (Bridgewater Township Planning Commission Chair) - I am here to speak in favor as well. One item that has not been mentioned by the public is that one of the reasons we are looking to create this new industrial area is that we are looking to diversify the tax base for our Township. The reason we want to do that is to ensure as we move forward, as costs increase for the maintenance of roads, etc. that we do not overburden our farmers and impact their farming businesses. In other words, they could be so heavily burdened with tax liability that they will not be able to be profitable. One of the main reasons we are looking for this industrial zone is so we can diversify our tax base and take some of that tax burden off our farmers. We are really grateful for your consideration and thank you for your time and efforts.

Chuck Von Ruden (Forest Township) – *submitted/read a letter* – Please reference attached letter.

Elizabeth Heigel (Forest Township) - This is really disturbing. It feels like we have constantly been in this battle and it has been really stressful if you own property in this area. I don't understand why they can't use a variance. I sent an email late, you probably didn't get to look at it. I spoke with Cindy Nash this afternoon about what they are doing there and she told me that Bridgewater wanted an industrial park. I asked her if she was aware of the failed racetrack project because of the no water and sewer and she said that she had not heard about that, but tonight she said she was the Planning and Zoning Director of Bridgewater Township. I guess she didn't hear about that. I asked if it could be handled by a variance and she said it could not. I asked if she understood that creating this new type of zoning is open to all of Rice County, anyone with 2.5 acres or more, and she said that could not happen. Both of the representatives from Bridgewater seem to think that it only applies to Bridgewater. If we could put some tag in there with the railroad spur or something like that, or grant them whatever they want to do over there, it doesn't matter to me, I just don't want it next door to me. I do not live close to the proposed project. It is on the other side of the interstate. Cindy told me that it couldn't happen in any other part of the county besides Bridgewater and that is not what I am hearing at all. That is the most important part. If Bridgewater wants to do its own special project, fine. It's only fair for everyone else in Rice County to have the same opportunity as them, and that is at the risk of losing our property values and who knows what coming in next to us, 20-ft away, are you kidding me. I ask that you please look at the setback requirements and make the lots bigger. 2.5 acres to do whatever. I think this is really sad and I am very tired of spending my time coming here and talking to you, begging you not to do this, that or whatever because I live in a rural area. When opinions were polled, everyone in this county wants it to remain rural. I wish you would put this on hold and let us have some time to get some more information.

Kathleen Doran-Norton (*via Zoom*) (resident of Bridgewater Township) - I want to thank County Staff, the Township Staff, and Planning Commission for all of the work that has been done in creating this district. This has been a vision of the Township for a very long time, at least 10 years. It has been a difficult path to create the foundation for the Township to be able to realize its vision of what uses should be within the Township. Thank you very much for all of the hard work and finding a way forward for Bridgewater Township to do this. I also hear the concerns of folks from other Townships and it strikes me that other counties in Minnesota have found ways of hearing the voices of various Townships for what their vision is for their own Township without having to go as far as Bridgewater has had to do and adopt its own Planning and Zoning. I would hope that there is some way moving forward that Rice County would find a way to listen to the concerns of different Townships who have different needs and different visions for what is best for their communities.

Vice Chair Peters closed the public testimony portion of the item to the public.

Discussion:

JD - I do understand the concerns but you have to remember that properties still need to come back to be rezoned. If it is 2.5 acres in a spot that might be surrounded by Agricultural does not necessarily have to be rezoned. That is up to the board to decide at that time if it is right for that property. Bridgewater has gone through a lot of discussion and work to get this to work for them. Yes, this is county-wide but it

does open up other opportunities for other Townships. You can't only look at it as a curse. There is the opportunity for possibly some of the unincorporated areas and villages in the county such as Webster or Cannon City, places like that, where there may be the opportunity to create jobs, etc. There is obviously more to come regarding Bridgewater, but certainly where they are at and where the proposal is, I think it is a great opportunity. Are some of those companies that may come in going to be Ag based? From what I hear, possibly. An opportunity was passed up there previously with the ethanol plant. I look at this as an opportunity. John made a very valid point, if you do not expand in some way, shape or form, the tax burden falls on the residents and Ag land. That is my opinion. I think it is unfair to say no one was notified. It has been published to the nth and this is not the first meeting. I am still in favor of this.

CP - We have had quite a few discussions at our Township meetings about it. The concerns I have taken from it are heavy industrial, minimum lot sizes, and property line setbacks. I hope when we move forward with updating our zoning, we can adjust the minimum lot sizes in some of those districts. I realize that the 2.5 acre size is across the board with many of our zones, but in these types of zoning districts we could do something bigger. That was the main concern I took away from the discussions. I do see it as a positive for some people who have the right amount of property that would want to do the less intrusive commercial-type business like fabricated walls, etc. I don't think we should have an acetone paint factory setup in an area like Circle Lake, but I am in favor of districts being able to take advantage of it. Plus, it has to come back to us to rezone and we can put conditions on that.

JM - I have some serious concerns about the project. This is for a specific project and I think it needs to be more clearly defined on what the project is and what it is going to be. If the rezoning goes through, this does open up the county to opportunity, but the project seems up in the wind. I think creating an area to allow the ancillary businesses that would be attracted by this should be reviewed more clearly. I think this is a little premature. I understand that there may be a need for it but it is project oriented and opens up a zoning area to the county and what businesses are attracted to it. A rail spur, as far as my understanding of property taxes, does not create much property taxes by itself. Property taxes come from buildings and until you start putting up buildings, that included water and sewage, you don't get much property taxes. If it is an industrial area, the industry is not going to need potable water. It will be competing directly with Ag for water. I think there needs to be more clarity to what is being proposed so that the residents of the county have a better understanding of what they are getting into. I believe this discussion is premature.

JE - I think there is definitely an opportunity and there is also a concern seeking desirable low-impact industrial which is very different than heavy industrial. Bridgewater has taken a lot of time towards this effort. In trying to move this forward, I do wonder about the setbacks. Those concerns are real for the county as a whole, and the potential to have the opportunity for it to be retooled a bit.

CP - I motion, with the concerns voiced, that we move this on to the Commissioners.

JE - I agree and second with an emphasis to the Commissioners about the concerns on the setbacks and lot sizes.

JD - Can you expand on the lot sizes?

CP - There is not much you can do with a 2.5 acre lot, especially with business applications. I can see with our TDR process how 2.5 acres is sufficient. It is something we need to consider while we look at our zoning in the future.

JD - I know 2.5 acres is small even for residential when you look at a primary and alternate septic site.

Motion to recommend approval of the Zoning Ordinance text amendment made by Peters, seconded by Ellingson, and approved 2-1.

2. **7:15 p.m. - Public Hearing of Resolution #21-040/Adoption of a Zoning Map Amendment to Rezone approximately 160-acres in Section 17 in Northfield Township from Urban Reserve to Agricultural.**

The Rice County Planning Commission shall conduct a Public Hearing on a proposed zoning map amendment to rezone approximately 160-acres in Section 17 in Northfield Township from Urban Reserve to Agricultural.

Motion by Jill Ellingson, seconded by John McCarthy, to recommend the adoption of a Zoning Map Amendment to Rezone approximately 160-acres in Section 17 in Northfield Township from Urban Reserve to Agricultural.

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

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
CP - Did we receive any comments from the City of Northfield?
AA - We did not receive any comments on this item.

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

Vice Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - I remember when we rezoned the piece to the West last year and it did kind of make an island. The only time I have a concern is if the City has a concern with future buildings out there.

JE - We have already rezoned the surrounding area in the past. It makes sense to rezone this.

JM - If Northfield has no objections, then I have no objections.

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

JM - I will second.

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

III. New Business

1. Conditional Use Permit/Ag Partners Coop - Section 30, Warsaw Township

Ag Partners Coop has applied for an amendment to a Conditional Use Permit (CUP) to add buildings to an existing agricultural orientated business. The property is described as: Part of the NE1/4 of the NW1/4 of Section 30, Warsaw Township, Rice County, Minnesota. The property address is: 6676 250th St W, Morristown, MN 55052. PID#: 14.30.2.00.001. 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 Ag Partners Coop. The property is located in Section 30 of Warsaw Township.

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

CONDITIONS OF APPROVAL – Ag Partners Coop – Conditional Use Permit (CUP)

1. The conditional use permit is for an Agriculturally Orientated service and supply business. Changes to the business are not permitted without approval of a new/amended permit.
2. The submitted site plan shall be followed.
3. The applicant is to follow all Federal, State, County and Local rules and regulations.
4. Site operation shall include maintaining and coordinating an emergency response plan with local fire, rescue and law enforcement departments.
5. Onsite lighting shall be down directed except for signage and flag lighting. All lighting shall be designed and operated to minimize glare on adjacent properties and roadways.
6. A septic compliance inspection shall be completed by the earlier of June 1st, 2022 or issuance of any building permits. If the system is non-compliant a compliant system shall be installed before December 2022. Identified alternative septic locations shall be protected from damage.
7. Non-paved driving areas within the site and road areas along Farwell Ave., between Highway 60 and 250th St shall treated to control dust. Dust control shall be completed as necessary to minimize dust impacts on the homes along Farwell Ave., caused by vehicles coming and going from the Ag business.
8. Measures shall be taken to prevent unlawful access to the site.
9. Existing onsite trees shall be maintained to provide for site screening.
10. To provide uniformity of appearance all exterior finishes of structures shall be of similar

materials and colors to existing structures.

11. Garbage dumpsters shall be screened to adjacent properties and roadways.
12. All buildings shall meet building code for their intended use.
13. All licensed vehicles and trailers stored/parked onsite shall have a current license.
14. 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).

The PC asked the applicant, Ag Partners Coop (APC), to come forward to add comments or answer questions regarding the request.

APC (Dale Johnson) - TM summed it up. The expansion of the office is to update the office. It has not been done since the early '90s. The office is turning into more of our technology center and the expansion is to allow for more staff to assist farmers with the technology side of things. The addition of adding on to the chemical warehouse is to simplify our loading and unloading procedures as far as liquid fertilizer and chemicals and trying to make it safer. Basically, we will load and unload most of the products inside the building so it is under more containment and on ground level with the added safety features, it will be drastically better than the way we are doing it now. We are looking to getting both of those additions started as soon as possible. The tower will not be done this year. It will be done in the future, but since we are adding onto the office, it seems like a good idea to add it to this CUP. The tower that is there today is probably one of the oldest towers that we have in our system, so it will need to be updated at some point.

CP - Is it a communication tower?

APC - The fertilizer tower.

CP - Are you aware of the 14 conditions with the revisions?

APC - I have read through them but am not aware of what the changes are from what it used to be. I didn't see anything that was out of the ordinary.

Vice Chair Peters opened the public testimony portion of the item to the public and the following spoke: Jeanne Michel (JeM) - Farwell Avenue - I am not saying anything against the business because they help farmers and are a wonderful business, but it is getting very dangerous, especially in the spring and fall with their big equipment. When they first started, it was in the CUP that they had to put dust control on our road. A few years later, it got changed to just in front of the homes on the road. I know we live on a gravel road and I am not saying anything about dust in the house, but it gets very dangerous when a semi comes by. You have to stop because there is so much dust. You don't know if anyone is coming behind them or not. I just want it understood that when there is a CUP for dust control that it is complied with. I think it needs to go back to the whole road because it is so dangerous. The road has worn so much that even when they do grade it, it doesn't help because the binder is gone. I am sure if they expand, there will be more semis and large equipment. They are a very good business, but we happen to be right in the center of their main access to Hwy 60.

CP - Your road is which road?

JeM - We are on Farwell Avenue the connecting road that is used a lot by big equipment.

CP - Condition #7 on the screen is specific to dust control and I am sure the gentleman would be willing to give you his card. That way if there is an issue, you can contact him.

JeM - It states only in front of the homes. That's not the issue. The issue is the whole road because there is a big stretch of the road that is between houses. The dust is just terrible and blows to our homes anyways.

CP - The way condition #7 reads is that dust control is to be applied as necessary to minimize impact on the homes. If the home is still impacted, it means more of the road it is on needs dust control. It does not specifically state only in front of the homes.

JeM - Originally it was supposed to be the whole road.

TM - A little background on the dust control, during the 2006 renewal there was a rather lengthy discussion regarding dust control. The original CUP did require dust control on the whole roadway and then they changed it to the home areas. It was a compromise that was came to based off the

conversations between the public and the applicant at that time. It is a different owner now.

CP - I know the staff down there and if we make it a condition, I am sure they would be more than willing to do dust control on the bad areas.

JeM - This is not a normal gravel road. Gravel roads do not normally have this much travel.

JD - That is the main complaint that I have received. I think it is something that should be discussed. The dust may be fine in front of the homes but if there is a slight change in wind direction, all the dust can go towards the homes. I don't know how long of a piece it is. On Chester Avenue, we get together and do the whole 1.25 miles and that is done by the residents. I think a business could handle it.

JeM - I know there is dust on gravel roads but this is not a normally traveled gravel road.

JD - I understand that and when it is traveled by trucks and large equipment, it does wear on the road and you lose the binder. When you put the dust control down, it helps hold the road together. It certainly does help.

Vice Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP called the applicant back up.

APC - I do not think this is an extraordinary situation. You claim that it is not a normal road, but I don't believe that we are the ones that created the entire issue. We do use it a lot but I don't know to what extent, because we just started hearing about it after we filed for this CUP amendment. I don't know if we should be burdened 100% with the problem with the road, because there are a substantial number of people who use that road. With that being said, I am most willing to contribute to try and reduce the dust on that road as long as it does not get excessive. When we have done this in the past at another location, we have gone out and put dust control down and then the grader comes or the Township comes and puts down new gravel, then it becomes our problem again. That is what I am cautious about, but I have no problem putting dust control down in a reasonable amount. I don't know how you establish that.

JD - How long of a stretch is it?

APC - I am not sure.

CP - 1.5 miles? A mile?

JeM - Not 1.5 miles, maybe about a mile.

CP - I can see in that neighborhood if you put dust control down, other businesses will probably use that road too. The neighbors and businesses down the road will probably use that road as a shortcut also with their trucks and semis. I understand what you mean by sharing the responsibility.

JD - Webster Township does 1.25 miles and we have never run into the issue of the Township putting new gravel down or grading it. We work with the Township and wait until they do the final spring grading and stretch it out until fall. They come back and grade it in the fall. I am not sure who you want to share the cost with, but we don't have a problem requiring this on haul roads for gravel CUPs. I don't think this is an out-of-line request. If it is 1.25 miles, it costs \$4,600-\$4,800 and that was hiring someone to do it. JeM made the point that it is a very important business to the community and I think this would be a good gesture to those that live on that road.

APC - I do not disagree if it is \$5,000, but if it is \$5,000 every other week or every month from March to November, that becomes a substantial cost. That is my only concern.

JD - When you do it every year, you eventually get ahead of it and it really helps.

CP - Can we reword condition #7 to state a mile and then to work with the Township as far as timing. I understand the applicant's concern. He does it once and then has to do it again a week later.

JeM - They used to do it twice a year, once in the Spring and once in the Fall, not monthly.

CP - Twice a year during the heavy seasons.

APC - I am ok with that.

JM - I think bi-annually is good. How they communicate with the Township would hopefully be the Township residents' responsibility.

TM - We can modify condition #7 to be closer to what gravel pit CUPs are required to do which is they are required to apply calcium chloride or other similar performing product, usually before June 30th and again after a specified date in August. This site is a little different because gravel pits are only required to put down dust control to the nearest paved road where this item is on a paved road. This is an offsite road impact. Looking at the map, the road seems to be roughly 1.25 - 1.5 miles.

CP - The whole road?

TM - That whole stretch of road to Highway 60. That was the previous requirement with the original CUP but there were concerns raised by the company because it is not their main road or their direct

access.

CP - I think the early spring date needs to be moved up. Hauling starts real early some years.

JR - It depends on the type of spring and when the Township normally grades the road.

TM - Condition #7 is a generic condition without specific dates, but it allows for some flexibility in the rare case of an impact happening, it can be required that something be done to correct it with the current wording. When you go with specific dates, in between that time it can be stated that they complied with the twice a year applications. That is why this wording was agreed upon previously when they changed the condition. That was when it was under different ownership as well.

JE proposed wording "*shall be completed as necessary, at maximum bi-annually, to minimize dust impact along Farwell Avenue*". Is that generic enough?

CP - I think so. To minimize dust impact on the homes, you pretty much have to do the whole road.

APC - How many houses are on that road?

CP - I do not know.

TM - Was that a change to the wording that was proposed? If so, I missed it.

JE - Yes, my recommendation to slightly change the wording is "*shall be completed as necessary, at maximum bi-annually, to minimize dust impact along Farwell Avenue*" so there is a limit to which the applicant is required then after that it to put some of the responsibility on the community in the area to share if there is additional impact.

TM - I think that contradicts itself with a max of bi-annual and as necessary. That will be difficult to enforce as to which one applies in a situation. Is it only the two times or as necessary beyond the two applications if the need arises?

APC - Is there another business on that road?

JeM - Greenhouse and they do their own dust control in front of their location.

CP - I am fine with the wording as it is, as long as if there are complaints, they need to be communicated either to the Co-op or the Township.

JD - I think everyone understands and agrees with the intent.

JE - I think everyone agrees with the intent.

CP - I agree.

JM - I think we need something added to ensure it is done more than once a year.

CP - I think if we leave condition #7 as it is currently worded, if there is a reason in the middle of summer, a complaint can be made to have a third application applied. Otherwise, spring and fall, high impact times, they should put down dust control.

JE - I motion to move this forward with condition #7 as is and the rest of the conditions as stated.

CP - I will second that motion.

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

2. Conditional Use Permit/Peters (Sherwin) - Section 26, Northfield Township

Andrew Peters, on behalf of landowner Kenneth Sherwin Trust, has applied for a Conditional Use Permit (CUP) to operate a sand and gravel mining and aggregate crushing operation. The property is described as: Part of the SW1/4 of the NW1/4 of Section 26, Northfield Township, Rice County, Minnesota. The property address is: 13265 Kane Ave, Dennison, MN 55018. PID#: 08.26.2.50.001. The property is Zoned A, Agricultural.

Motion by John McCarthy, seconded by Jill Ellingson, to table the Conditional Use Permit request for Andrew Peters, on behalf of landowner Kenneth Sherwin Trust, until the November 4, 2021 Planning Commission meeting. The property is located in Section 26 of Northfield Township.

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

3. Waiver of Plat/Reese - Section 26, Shieldsville Township

Daniel and Sandra Reese have applied for a Waiver of Plat to create a 2.5-acre building parcel through the use of a Transfer Development Right (TDR). The property is described as: Part of the NE1/4 of the NW1/4 of Section 26, Shieldsville Township, Rice County, Minnesota. PID#: 09.26.1.00.003. 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 Daniel and Sandra Reese. The property is located in Section 26 of Shieldsville Township.

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

CONDITIONS OF APPROVAL – Reese – 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 shall be done within one year of the approval.

Hearing Minutes:

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

The PC asked the applicant, Daniel & Sandra Reese (DR & SR), to come forward to add comments or answer questions regarding the request.

DR - We don't have anything to add. We would just like to get a permit to build.

CP - It looks straight forward.

JE - Was it already platted when you bought it?

DR - We thought it was and then it wasn't, so we withdrew our offer and then found out it was, so re-did our offer to find out that the Seller of the property had the development right we needed.

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

Vice Chair Peters closed the public testimony portion of the item to the public.

Discussion:

JE - I will motion to move this forward.

JM - I will second the motion.

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

4. Waiver of Plat/Strese - Section 12, Northfield Township

Michael Strese 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 S1/4 of Section 12, Northfield Township, Rice County, Minnesota. PID#s: 08.12.3.00.001 and 08.12.4.50.001. The properties are 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 Michael Strese. The property is located in Section 12 of Northfield Township.

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

CONDITIONS OF APPROVAL – Strese – Waiver of Plat (WOP)

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 shall be done within one year of the approval.

Hearing Minutes:

Environmental Planner Julia Hogan (JH) presented the request to the Planning Commission (PC).
JH - The applicant had a family emergency and is unable to make it but would prefer this move forward.
CP - Did the applicant say anything about the 6 conditions?
JH - He did not but he did receive a copy of the Staff report.
CP - When they split the driveway in half two or three years ago, was that so he could do this WOP?
TM - I think you are referring to the property to the east that is outlined in yellow. That was a larger parcel that had an old farmstead on it. That was split a year or two ago and Mr. Strese acquired it after that.

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

Vice Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - This is another straight forward 2.5 acres request.

JE - I motion to move this forward with the conditions as stated.

JM - I second.

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

5. **Waiver of Plat/Edel (Smisek) - Section 28, Wheatland Township**

Jake Edel, on behalf of landowner Edward Smisek, 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 NW1/4 of the NW1/4 of Section 28, Wheatland Township, Rice County, Minnesota. PID#: 01.28.2.25.001. The property is Zoned A, Agricultural.

Motion by Jill Ellingson, seconded by John McCarthy, to recommend approval for the Wavier of Plat request with the following conditions and findings for Jake Edel, on behalf of landowner Edward Smisek. The property is located in Section 28 of Wheatland Township.

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

CONDITIONS OF APPROVAL – Edel (Smisek) – 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 shall be done within one year of the approval.

Hearing Minutes:

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

The PC asked the applicant, Jake Edel (JE), to come forward to add comments or answer questions

regarding the request.

JE (*via Zoom*) - We have nothing to add and are aware of the 6 conditions.

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

Vice Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - This seems like another straight forward request. Looks like a nice building site.

JE - I motion to refer this to the Commissioners.

JM - I second.

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

6. **Waiver of Plat/Morris - Section 29, Morristown Township**

Debbie Korman, on behalf of landowner David Morris, has applied for a Waiver of Plat to separate a 34.07-acre parcel from the current property. The property is described as: Part of the S1/2 of the NW1/4 of Section 29, Morristown Township, Rice County, Minnesota. PID#: 13.29.1.75.002. The property is Zoned A, Agricultural and NES, Natural Environment Shoreland.

Motion by John McCarthy, seconded by Jill Ellingson, to recommend approval for the Waiver of Plat request with the following conditions and findings for Debbie Korman, on behalf of landowner David Morris. The property is located in Section 29 of Morristown Township.

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

CONDITIONS OF APPROVAL – Korman (Morris) – Waiver of Plat

1. The new 34-acre parcel shall be recorded onto a separate deed within one year of approval.
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. Prior to issuance of any permits for a home on either parcel an in-lieu park dedication fee of \$500 shall be paid for each parcel.

Hearing Minutes:

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

CP - With the 34 acre parcel, does that have a building site?

TM - Yes, it qualifies for that.

The PC asked the applicant, Debbie Korman & David Morris (DK & DM), to come forward to add comments or answer questions regarding the request.

DM - We bought this parcel previously and split off the building site as TM mentioned. We did that to capture what building rights were going for in a lousy market at that time. The 34 acres is on the north side of Highway 60 and is a triangle which is not very desirable to farm. We are farmers and are splitting the 34-acres off to sell and help pay for the rest of the farm. Looking at the conditions of approval, I am not sure what condition #3 means. And I am not sure on condition #4, is that because it is next to a State Park?

TM - Condition #4 is for all new lots created throughout the County, even if you do not plan to build on it. Condition #3 just states you will follow the County rules.

DM - This lot is being sold as Ag land, not a building site. There is a possible building right on the 34-acres but it is not being sold as a building site.

CP - Every new lot created in the County is required to pay the \$500 park dedication fee.

DM - We are just trying to sell the piece because it is non-desirable to us but the neighbor on the north side could probably get better use of that piece than we will.

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

Vice Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - I do not see any issues with it.

JM - I will motion to refer this to the Board of Commissioners for approval.

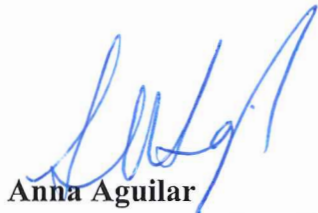
JE - I will second.

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

IV. Adjournment

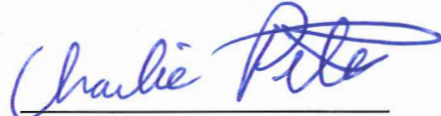
Hearing no other items before the PC, a motion was made by Ellingson, second by Peters, to adjourn the meeting at 8:34 pm. Motion carried 3-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Planning Commission



Charlie Peters, Vice Chair