

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, March 3, 2022 at 6:30 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Chair Preston Bauer at 6:57 p.m.

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

Members absent were: Julia Hogan

Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Administrative Coordinator Anna Aguilar, and Planner Jeremy Edwards.

No Commissioners present.

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

B. Motion by Charlie Peters, seconded by Jill Ellingson, to approve the Reading of the Notice for March 3, 2022.

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

C. Motion by Michael Streiff, seconded by Jill Ellingson, to approve the Agenda for March 3, 2022.

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

D. Motion by Charlie Peters, seconded by Michael Streiff, to approve the minutes of February 3, 2022.

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

II. New Business

1. Notice of Intention to Enact-Floodplain Ordinance Amendments

The Rice County Planning Commission shall conduct a public hearing on proposed amendments to the Rice County Floodplain Ordinance. The proposed amendments will update Chapter 526.2 to reference updated Floodplain Zoning Map, Flood Insurance Study and Flood Insurance Rate Maps with an effective date of April 6, 2022. Additional amendments are to renumber the existing ordinance chapters and references for consistency. The authority for the proposed ordinance amendment is Minn. Stat. §§394.25 and 375.51. The Intent to Enact was published February 19th with public hearing held March 3rd.

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend approval of the Floodplain Ordinance Amendments.

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

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
TM - The effective date of these changes would be April 6th even though the BOC will hear this item on March 22nd.

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 - It is something we were told to do to conform with the State and DNR. I will motion we move this

item on to the Commissioners for approval.
JE - I will second.

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

2. **Conditional Use Permit/Rudiger - Section 12, Webster Township**

Daniel Rudiger has applied for a Conditional Use Permit (CUP) for a Temporary Farm Dwelling. The property is described as: Part of the NE1/4 of the SW1/4 of Section 12, Webster Township, Rice County, Minnesota. The property address is 1558 45th St W., Webster, MN 55088. PID#s: 02.12.3.00.001. The property is Zoned A, Agricultural.

Motion by Michael Streiff, seconded by Charlie Peters, to recommend approval of the conditional use permit with the following conditions and findings for Daniel Rudiger. This property is located in Section 12 of Webster Township.

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

CONDITIONS OF APPROVAL – Rudiger – Conditional Use Permit

1. The conditional use permit is for a temporary farm dwelling. The temporary dwelling is to be removed if it no longer used for medical care.
2. A septic system compliance inspection for the existing onsite system shall be completed prior to issuance of a building permit for the temp dwelling. If the existing system is non-compliant it shall be brought into compliance by not later than April 1, 2023.
3. Applicant to follow all Federal, State, County and Local rules and regulations.
4. A statement meeting the requirements of the County Zoning regulations shall be submitted at least once every three years to the County Planning and Zoning Department. Statement shall include a signed doctor's statement verifying the need for medical care.

Hearing Minutes:

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

PB - Is that part of the adjoining county?

TM - No, this is in section 12 so there is 2 miles until we reach the county line.

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

DR - The reason we are looking at doing this is for my mother-in-law. My father-in-law recently passed away and my mother-in-law is not able to live on her own. We supplied the doctor's note and are doing what we need to in order to make this happen.

PB - You are aware of the 4 conditions?

DR - 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 - This is pretty straight forward as well.

CP - I agree. I have no issues with it.

PB - The zoning works for a situation like this.

MS - I will make a motion to refer this for approval with the 4 conditions.

CP - I will second.

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

3. **Waiver of Plat/Kuball - Section 6, Morristown Township**

Nathan Kuball has applied for approval of a Waiver of Plat to create a 1.2-acre parcel through the use of a Transfer Development Right (TDR). The property is described as: Part of the NE1/4 of the SW1/4 Section 6 Morristown Township, Rice County, Minnesota. PID#: 13.06.3.00.001. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend approval of the conditional use permits with the following conditions and findings for Nathan Kuball. This property is located in Section 6 of Morristown Township.

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

CONDITIONS OF APPROVAL – Kuball – Waiver of Plat

1. The new 1.2-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 parcel and TDR receiving parcel shall not be further subdivided or combined with other land(s) 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 parcel is recorded.
5. Within one year of this approval the applicant shall record a new deed, at the Rice County Records Office, containing just the TDR receiving parcel.
6. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcels.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
TM - This is right on the edge of Le Sueur County. This road is mislabeled in the County system but we confirmed this is on Lind Avenue.

CP - Are they leaving a little sliver to the south?

TM - That is a part of a small plat that was previously platted. I do believe the same owners will be acquiring that too, but they will need to leave it separate.

The PC asked the applicant, Nathan Kuball (NK), to come forward to add comments or answer questions regarding the request.

NK - TM covered it pretty well. We are just trying to create a buildable site by transferring a right in. The person acquiring both this and that sliver will be able to access everything in the Horseshoe Hills plat as well.

PB - Are you aware of the 6 conditions?

NK - 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 what it is intended for and it looks like they are trying to clean it up. I will motion to refer this for approval with the 6 conditions.

JE - I agree. It is straight forward. I will second.

PB - I would like to add that it cleans up the building site and puts it in a more attractive location.

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

4. **Final Plat/Phillips, LLC - Section 33, Wells Township**

Ron Phillips, on behalf of Phillips LLC, has applied for approval of a final plat to replat two existing lots into a single lot. The property is described as: Lots 8 and 9, Block 1 Wells Lake Preserve in Section 33,

Wells Township, Rice County, Minnesota. PID#: 10.33.1.02.008 and 10.33.1.02.009. The properties are Zoned GDS, General Development Shoreland.

Motion by Jill Ellingson, seconded by Michael Streiff, to recommend approval of the Final Plat with the following conditions and findings for Phillips, LLC. This property is located in Section 33 of Wells Township.

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

CONDITIONS OF APPROVAL – Phillips, LLC – Final Plat

1. Final Plat shall be recorded with the Rice County Recorder within 90-days from approval.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
CP - By doing this, do they get rid of a number of variances?

TM - This removes the allowance of a twin home and makes it a one home site.

The PC asked the applicant, Ron Phillips (RP), to come forward to add comments or answer questions regarding the request.

Brad Lechtenberg - *neighbor/representing RP* - TM summed it up pretty well. RP platted it awhile back and tried to sell it that way but they didn't have any offers and now they have found someone wanting to buy both if it is one lot.

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

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

Discussion:

JE - I have nothing to add. It is straight forward and they are combining so it will only allow for one home. I will motion to refer this item for approval.

MS - I will second.

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

5. Preliminary Plat/Caron - Section 23, Cannon City Township

Raymond Caron has applied for approval of a preliminary plat for two building lots. One lot contains and existing home and the other is being created through the use of a Transfer Development Right (TDR). The property is described as: Part of the S1/2 of the NE1/4 of Section 23, Cannon City Township, Rice County, Minnesota. PID#. 11.23.1.75.005. The property address is 18368 Falk Ave., Faribault, MN 55021. This property is located in Section 23 of Cannon City Township.

Motion by Michael Streiff, seconded by Charlie Peters, to recommend approval of the Preliminary Plat with the following conditions and findings for Raymond Caron. This property is located in Section 23 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Caron – Preliminary Plat

1. Final plat shall be submitted for approval within six months of preliminary plat approval.
2. Proposed lot three will be labeled as an outlot and will be modified to include the entire TDR sending area.

Hearing Minutes:

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

PB - To clean that TDR area up, do we need to add a condition?

TM - No, it is stated in condition #2.

The PC asked the applicant, Raymond Caron (RC), to come forward to add comments or answer questions regarding the request.

RC - I have nothing to add.

PB - Are you aware of the 2 conditions?

RC - Yes.

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

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

Discussion:

PB - I am familiar with this township and neighborhood. I think it is a good use of the TDR process to move it out of the woods and up next to the road.

MS - I agree and will motion with the 2 conditions.

CP - I will second.

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

III. Adjournment

Hearing no other items before the PC, a motion was made by Ellingson, second by Peters, to adjourn the meeting at 7:23 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission



Anna Aguilar
Administrative Coordinator



Preston Bauer, Chair