

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, June 2, 2022 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Vice Chair Charlie Peters at 6:11 p.m.

Members present were: Charlie Peters, Jill Ellingson, Julia Hogan.
Members absent were: Michael Streiff, Preston Bauer

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

Commissioners present: Jeff Docken.

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

- B. Motion by Jill Ellingson, seconded by Julia Hogan, Reading of the Notice.**
RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None
- C. Motion by Julia Hogan, seconded by Jill Ellingson, Approval of the Notice.**
RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None
- D. Motion by Jill Ellingson, seconded by Julia Hogan, to approve the minutes of May 5, 2022.**
RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

II. New Business

- 1. Temporary Equipment Placement Permit/Oconnor – Section 22, Warsaw Township**
Kevin Oconnor has applied for a Conditional Use Permit (CUP) for a temporary equipment placement aggregate crushing operation from July through August of 2022. The property is described as: Part of the SE1/4 of the SW1/4 of Section 22, Warsaw Township, Rice County, Minnesota. The property address is: 3637 250th St W, Faribault, MN 55021. PID#: 14.22.3.75.001. The property is Zoned A, Agricultural.
Motion by Jill Ellingson, seconded by Julia Hogan, to recommend approval of the Temporary Equipment Placement Permit with the following conditions and findings for Kevin Oconnor. The property is located in Section 22 of Warsaw Township.
RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Oconnor – Temporary Equipment Placement

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps. Of Engineers and other applicable federal, state or local agencies.
2. The applicant or operator shall furnish a one-year \$50,000 bond or other financial surety for haul road and site restoration. All financial surety shall be reviewed and approved by the Rice County Attorney's office.
3. This Conditional Use Permit is for a temporary equipment placement permit for an aggregate material storage and crushing operation and shall be valid from Approval until December 1, 2022. All aggregate material shall be removed before the permit expiration.
4. The hours of operation shall be limited to between the hours of 6 a.m. and 7 p.m., Monday through Friday, and 6 a.m. to 3 p.m. on Saturdays.
5. Applicant to be responsible for repair of roads adjacent to the site due to damage hauling material to and from the site. Roads to be restored to their original condition after the aggregate crushing and hauling operation ceases.

6. All access drives within the property and to the paved area of 250th St W 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 access drive, from leaving the property during times of hauling or processing activities on the property.
7. Applicant to strictly adhere to all Rice County codes and ordinances.
8. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

Hearing Minutes:

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

The PC asked the applicant, Kevin Oconnor (KO), to come forward to add comments or answer questions regarding the request.

KO - I think TM summed it up pretty well. The milling is coming off the road, crushed and put back on that road as shoulder material.

CP - Are you aware of the 8 conditions?

KO - Yes.

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 - Straight forward with standard conditions. I will motion to refer this to the Commissioners with the 8 conditions.

CP - I agree.

JH - I will second.

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

2. **Conditional Use Permit/Grazzini – Section 9, Shieldsville Township**

Frank Grazzini has applied for a Conditional Use Permit (CUP) for a grading and filling operation exceeding 400-cubic yards for construction of a residential driveway. The property is described as: Part of the W1/2 of the NE1/4 of Section 9, Shieldsville Township, Rice County, Minnesota. PID#: 09.09.1.50.001. The property is Zoned A, Agricultural.

Motion by Jill Ellingson, seconded by Charlie Peters, to recommend approval of the Conditional Use Permit with the following conditions and findings for Frank Grazzini. The property is located in Section 9 of Shieldsville Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Grazzini – Conditional Use Permit

1. Grading and Filling is limited to the amounts and in the areas described in the submitted site plans.
2. Prior to any grading or filling activities the applicant must verify wetland rule compliance with the Rice SWCD.
3. All land disturbance shall be the minimum time and area needed to complete the project. Alterations must be designed and conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
4. Appropriate erosion control structures (Silt fence or hay bale) shall be placed down gradient from disturbed areas to prevent sediment from reaching neighboring properties, wetlands,

streams and road ditches.

5. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as weather conditions allow. All exposed soil shall be restored by seeding and mulching within 72 hours of project completion.
6. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Natural Resources Conservation Service (NRCS).
7. Fill or excavated material must not be placed in a manner that creates an unstable slope.
8. Alterations of topography shall not adversely affect adjacent or nearby properties.
9. This grading and filling conditional use permit shall remain in effect for one (1) year from the date of approval, provided that all conditions of the permit are adhered to.
10. Failure to comply with these conditions may result in revocation of this permit.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
TM - The applicant has been working with our Soil & Water district to identify any concerns and needs related to the wetlands in the area.

JH - Are they building that far back because the building right is on the back quarter-quarter?

TM - There are a couple of quarter-quarters there, but I believe it is because the applicant wants to be back there further. They are not moving a building right, so they do have to build in the southern portion.

The PC asked the applicant, Frank Grazzini (FG), to come forward to add comments or answer questions regarding the request.

FG - TM summed it up well. We are trying to reduce the grade of the driveway from what you can see right now to make it a little easier to get out in the winter.

CP - Are you aware of the 10 conditions?

FG - Yes.

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 - That is a long driveway but is straight forward.

JH - How far from the property line will this driveway be? Is it right on the property line?

TM - It will be on their property. Originally, they planned to have it partially on the neighbors and we directed them to talk to the neighbor about it. They came back with an amended plan moving it over, so all of the work will take place on their property, but it is fairly close to the property line.

JH - Ok, I know that can be an issue down the road if property owners change.

JE - I will motion we refer this for approval to the Commissioners with the 10 conditions.

CP - I will second that motion.

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

3. **Conditional Use Permit/Im (DeGroot) – Section 24, Forest Township**

Doug Ims, on behalf of landowner Robert DeGroot, has applied for a Conditional Use Permit (CUP) for a sand mining operation. The property is described as: Part of the S1/2 of the NE1/4 and Part of the N1/2 of the SE1/4 of Section 24, Forest Township, Rice County, Minnesota. PID#: 06.24.4.00.002. The property is Zoned A, Agricultural.

Motion by Jill Ellingson, seconded by Julia Hogan, to recommend approval of the Conditional Use Permit with the following conditions and findings for Doug Ims, on behalf of landowner Robert DeGroot. The property is located in Section 24 of Forest Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Ims (DeGroot) – 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 an aggregate mining operation including fill placement.
3. The applicant or operator shall furnish a three (3) year \$100,000 bond or other financial surety for haul road repair and for site restoration. All financial surety 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 two (2) 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 and fill placement shall be restricted to the area on the applicant's submitted site plan. Any deviation from these boundaries will require application for a new conditional use permit.
6. Mining boundaries and required setbacks shall be marked onsite prior to mining and markings shall be maintained throughout the operation.
7. The hours of operation shall be limited to between the hours of 6:00 a.m. and 7:00 p.m. Monday through Friday and 6:00 a.m. to 3 p.m. on Saturdays.
8. The banks shall be sloped at a minimum 4:1 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 to a condition suitable for the growing of agricultural crops 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 shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drives, from leaving the property during times of mining or hauling activities on the property.
13. All road access to and from the operation shall be off of County Road 76.
14. Solid waste shall not be placed in the pit; any illegally dumped material shall be immediately removed by the applicant.
15. The site is to be cleaned of all debris and equipment after closure of the pit.
16. "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.
17. The site shall be secured at access points.

Hearing Minutes:

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

TM - We have some blanks in Conditions #3 and #4 that you will want to discuss with the applicant because this is a little different than our standard mining operations.

CP - For the blanks, Condition #3 is normally 6 years and #4 is normally 5 years?

TM - Yes.

The PC asked the applicant, Doug Ims (DI), to come forward to add comments or answer questions regarding the request.

DI - Everything is pretty much what TM said. It is for a Rice County project on Baseline Road. Bob approached me two or three years ago, when I originally bid. I drill the land he has. We are basically going to strip the soil, grab the sand and use it for the road project and then replace what we can. He has an area that really falls off to the north. We are going to try to blend that area in and make the hill a little more useable. As far as the conditions, the roadwork will be done this year, the mining operation. I would say the job has to be finished by July of 2023 so two years for #4 and the bond for the same for us to restore the site.

CP - So 2 years for both of them?

DI - Yes. It will be farmed next year, so it will be restored by then.

JD - Has Soil & Water been involved in how you are going to fill the site?

DI - Yes and we have pulled all the necessary engineer permits.

JD - So you are not filling in any wetlands.

DI - No. Most of the soil is actually on his property and just being taken slightly north or west.

JD - Your work is going to be confined to the area that is shown on the aerial?

DI - Yes. It will be taken from this area and dropped just slightly to the northwest. You won't see it from Baseline Road.

JD - You plan to use silt fence?

DI - Yes. With the mining, it will be berm lined. We are going to strip the top soil, seed it, and re-spread it.

CP - You are aware of the 17 conditions?

DI - Yes.

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 - It is for a County project. So 2 and 2 for conditions #3 and #4.

JR - The bond has to be longer than the permit, so you cannot do 2 and 2. They can come to us and ask for it to be released prior if they restore the site early. They have until the permit expiration to restore the site, so for the County to act on the bond if the site was not restored, it needs to extend a year past the activity onsite.

CP - So for Condition #3, it should be an extra year with 2 on #4.

JE - I will make a motion to refer this for approval with Condition #3 being a 3 year bond and Condition #4 being a period of 2 years.

JH - I will second.

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

4. **Conditional Use Permit/Ims (Artley) – Section 13, Forest Township**

Doug Ims, on behalf of landowners Andrew & Ann Artley, has applied for a Conditional Use Permit (CUP) for grading and filling exceeding 400-cubic yards. The property is described as: the NE1/4 of the NE1/4, Section 13, Forest Township, Rice County, Minnesota. The property address is: 11152 Base Line Rd, Dundas, MN 55019. PID#: 06.13.1.00.001. The property is Zoned HC, Highway Commercial.

Motion by Jill Ellingson, seconded by Charlie Peters, to recommend approval of the Conditional Use Permit with the following conditions and findings for Doug Ims, on behalf of landowners Andrew & Ann Artley. The property is located in Section 13 of Forest Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Ims (Artley) – Conditional Use Permit

1. Grading and Filling is limited to the amounts and in the areas described in the submitted site plans, except that grading/fill work shall be setback 100-ft from the Road Right of Way of Baseline Road.
2. Fill boundaries and required setbacks shall be marked onsite prior to filling/grading and markings shall be maintained throughout the operation.
3. Prior to any grading or filling activities the applicant must verify wetland rule compliance with the Rice SWCD.
4. All land disturbance shall be the minimum time and area needed to complete the project. Alterations must be designed and conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
5. Appropriate erosion control structures (Silt fence or hay bale) shall be placed down gradient from disturbed areas to prevent sediment from reaching neighboring properties, wetlands, streams and road ditches.
6. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a vegetation cover must be established as soon as weather conditions allow. All exposed soil shall be restored by seeding and mulching within 72 hours of project completion.
7. The site is to be completely restored to a condition suitable for the growing of agricultural crops upon completion of permit.
8. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Natural Resources Conservation Service (NRCS).
9. Fill or excavated material must not be placed in a manner that creates an unstable slope.
10. Alterations of topography shall not adversely affect adjacent or nearby properties.
11. This grading and filling conditional use permit shall remain in effect for one (1) year from the date of approval, provided that all conditions of the permit are adhered to.
12. Failure to comply with these conditions may result in revocation of this permit.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
TM - There is a condition that states they will get Soil & Water verification before doing the project.

The PC asked the applicant, Doug Ims (DI), to come forward to add comments or answer questions regarding the request.

DI - Its similar to the last one. The material is coming from the roadway. The job is kind of split up on a dirt perspective of the bridges. The north half of the project has about 10-12,000 excess and Andy approached me a couple years ago when I originally bid also. There is a little swale that runs to his wetland. We will stay out of the swale and head up straight towards his house. We are not going any higher than the 1024ft height and it will go straight to the north for a potential building site.

CP - You are aware of the 12 conditions?

DI - Yes. Does this have the same as the mining with the bond?

CP - No. It has more with erosion control and the wetland stuff.

DI - Ok. This project should not take more than 4 weeks from approval and then they can plant it.

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 - It seems straight forward.

JH - Soil & Water is aware and is working with the applicant. They plan to stay far enough away from the wetland.

JE - I will motion we refer this on to the Commissioners for approval.

CP - I will second that motion.

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

5. **Conditional Use Permit/US Solar (Prieve) –Section 23, Wells Township**

Luke Gildemeister, 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: the S1/2 of the NW1/4 of Section 23, Wells Township, Rice County, Minnesota. PID#: 10.23.2.50.001. The property is currently Zoned UR, Urban Reserve.

Motion by Jill Ellingson, seconded by Charlie Peters, to recommend approval of the Conditional Use Permit with the following conditions and findings for Luke Gildemeister, on behalf of landowners Mark & Susan Prieve. The property is located in Section 23 of Wells Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – US Solar (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 2021 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.

14. Two rows of Eastern Red Cedar shall be established and maintained on the south and east sides of the fenced area. Trees shall have an initial height of at least 3-4ft and shall not be more than 20ft apart in rows. The west side of the fenced area shall have a planting of Dogwood established and maintained.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC). TM - This is a renewal of a previously approved CUP. They are coming up on the 1 year construction window without the start of construction.

JH - The City of Faribault did not have any comments?

TM - Not for this project. With the previous one they had comments about making sure there was potential road access through the area for future. The project is not covering the entire property, so there would be options for future roadways to go through there. You also have a letter in front of you that was submitted to us yesterday.

CP - The Parkland Village one?

TM -Yes.

The PC asked the applicant, Luke Gildemeister (LG), to come forward to add comments or answer questions regarding the request.

LG - *US Solar project developer* - US Solar is a Minnesota-based company. We are back to request a renewal of the previously approved Conditional Use Permit (CUP) due to Condition #13, which states the permit shall be considered null and void if no construction has begun within one year from County Board approval, which would be July 13, 2022. We plan to start construction around November 2022. To address the neighboring property to the east, Parkland Village LLC's, concern related to the visual impact of the project. We take that concern very seriously, so US Solar is willing to screen both the eastern and southern sides of the project with two rows of Eastern Red Cedar. The Rice County Planning Commission could recommend that the Rice County Board add this requirement as a condition of any new CUP that they issue. Two rows of Eastern Red Cedar screening would be effective and would be maintained. The Planning Commission could recommend creating a condition to any newly issued CUP that states the screening will be reviewed on an annual basis and improved if necessary. It is worth noting that our current CUP does not have a condition requiring screening. We are willing to add the screening condition to any new CUP that is issued. At the time we signed the lease with the Prieve family, we also agreed to screen the western side of the project with at least one row of dogwood trees. Therefore, we are willing to screen the eastern, western, and southern sides of the project, so there will be no visual impact to any neighboring residences or public roadways. *Reference attached US Solar letter for full comments.*

CP - I think you covered it pretty well.

JE - Can you remind us on the length of the lease?

LG - The current lease with the Prieve family for the initial project term is for 25 years with one additional 5 year term, for a maximum length of 30 years.

JH - What is the main reason why construction did not start during the past year?

LG - That's a very long story, but to summarize, there is a Commerce Department investigation going on related to panels and it is resulting in supply chain issues.

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

Dave Polacek – *neighboring property* - I think the screening proposal to the south and east is sufficient and satisfies my concern about the visual aspect.

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

Discussion:

CP - I like that the applicant proposed to do two rows of screening, both to the south and east.

JH - They did their due-diligence just like they did last year and I get the supply chain issue.

JE - Agreed. It was previously approved and they have made it better. I would make a motion to refer this for approval with the addition of a Condition #14 that has the two rows of cedar screening on the eastern and southern sides and the dogwood screening on the west side.

TM read proposed wording for added condition: Two rows of Eastern Red Cedar shall be established and maintained on the south and east sides of the fenced area. Trees shall have an initial height of at least 3-4ft and shall not be more than 20ft apart in rows. The west side of the fenced area shall have a planting of Dogwood established and maintained.

JE - With that wording, I will motion we refer this to the Commissioners for approval.

CP - I will second that motion.

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

6. Waiver of Plat/Tussing (Snesrud) – Section 17, Northfield Township

Andrew Tussing, on behalf of landowners Lance & Laureen Snesrud and Petersons Brothers LLP, has applied for a Waiver of Plat to create a 2.5-acre building lot through the use of a Transfer Development Right and to reduce the size of an existing house parcel to 5-acres. The properties are described as: Part of the N1/4 of Section 17, Northfield Township, Rice County, Minnesota. The property address of the existing home is: 8615 110th St E, Northfield, MN 55057. PID#s: 08.17.1.25.001 & 08.17.1.50.001. The properties are Zoned A, Agricultural.

Motion by Julia Hogan, seconded by Jill Ellingson, to recommend approval of the Waiver of Plat with the following conditions and findings for Andrew Tussing, on behalf of landowners Lance & Laureen Snesrud and Petersons Brothers LLP. The property is located in Section 17 of Northfield Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Tussing (Snesrud) – Waiver of Plat

1. The new 2.5-acre Transfer Development Right (TDR) receiving parcel shall contain one primary single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The TDR receiving parcel shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
4. The remaining land being separated from the existing house parcel shall be recorded onto a single deed with the bare land property.
5. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcel is recorded.
6. Within 6-months of this approval the applicant shall record a new deed, at the Rice County Recorder's Office, containing just the TDR receiving parcel.
7. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

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

JH - Was this one of the parcels that was rezoned to Agricultural (AG) from Urban Reserve (UR)?

TM - No, those were further to the west. This one has been AG. Across the road is UR.

JD - So they are adding the 5-acres back in to get to 35-acres to get the building right to transfer it to the 2.5-acre piece?

TM - No. The building right is being transferred from another property. What they are doing is splitting the existing farm site, to add the back 5-acres into farmland and taking a 2.5-acre piece to the west out of farmland.

The PC asked the applicant, Andrew Tussing (AT), to come forward to add comments or answer questions regarding the request.

AT - Just trying to create a parcel for a single-family dwelling. 2.5-acres is the biggest we can go, so we figured that was better than a flag shaped parcel.

CP - Are you aware of the 7 conditions?

AT - Yes.

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 - It is straight forward and cleaning it up.

JE - I agree and have no additional comments.

JH - I will motion to refer this on for approval.

JE - I will second.

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

7. **Waiver of Plat/Schmidtke – Section 10, Morristown Township**

Ryan Schmidtke, on behalf of landowners Kenard & Jean Schmidtke, has applied for a Waiver of Plat to create one 2.39-acre building lot 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 10, Morristown Township, Rice County, Minnesota. The current property address is: 9678 220th St W, Morristown, MN 55052. PID#: 13.10.2.00.001. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend approval of the Waiver of Plat with the following conditions and findings for Ryan Schmidtke, on behalf of landowners Kenard & Jean Schmidtke. The property is located in Section 10 of Morristown Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Schmidtke – Waiver of Plat

1. The new 2.39-acre Transfer Development Right (TDR) receiving parcel shall contain one primary single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The TDR receiving parcel shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
4. The remaining land being separated from the TDR receiving parcel shall be recorded onto a single deed with the surrounding farmland property.
5. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcel is recorded.
6. Within 6-months of this approval the applicant shall record a new deed, at the Rice County Recorder's Office, containing just the TDR receiving parcel.
7. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

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

TM - There was a typo with the Zip code on this one that we have corrected.

JH - They plan on keeping the existing buildings onsite?

TM - Yes, and they appear to meet all setbacks.

JH - The plan is for the house to go behind the existing sheds? They have to have a 70ft setback from the rear property line.

TM - They have to be 70ft north of the rear property line and that is what was shown on their site plan.

The PC asked the applicant, Ryan & Tiffany Schmidtke (RS & TS), to come forward to add comments or answer questions regarding the request.

RS - TM summed it up, just trying to transfer a building right.

CP - Are you aware of the 7 conditions?

RS - Yes.

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 - It is straight forward. I will make a motion to refer this for approval.

JE - I will second that motion.

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

8. Waiver of Plat/Sanford – Section 23, Forest Township

Gene & Marcella Sanford have applied for a Waiver of Plat to create one 2.5-acre building lot through the use of a Transfer Development Right (TDR). The property is described as: Part of the SW1/4 of the NW1/4, Section 23, Forest Township, Rice County, Minnesota. PID#: 06.23.3.00.001. The property is Zoned A, Agricultural.

Motion by Julia Hogan, seconded by Jill Ellingson, to recommend approval of the Waiver of Plat with the following conditions and findings for Gene & Marcella Sanford. The property is located in Section 23 of Forest Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Sanford – Waiver of Plat

1. The new 2.5-acre Transfer Development Right (TDR) receiving parcel shall contain one primary single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The 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 6-months of this approval the applicant shall record a new deed, at the Rice County Recorder's Office, containing just the TDR receiving parcel.
6. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

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

The PC asked the applicant, Gene & Marcella Sanford (GS & MS), to come forward to add comments or answer questions regarding the request.

GS - It's straight forward.

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

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

Discussion:

CP - I am aware of the site. It does not cut into the middle of a field or anything. It looks like a pretty decent site.

JH - It is pretty standard. I will motion to refer this item for approval.

JE - I will second.

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

9. **Waiver of Plat/Fredrickson – Section 2, Webster Township**

Dan Fredrickson has applied for a Waiver of Plat to create one 2.5-acre building lot through the use of a Transfer Development Right (TDR). The property is described as: Part of the NE1/4 of the SW1/4 of Section 2, Webster Township, Rice County, Minnesota. PID#: 02.02.3.00.002. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Julia Hogan, to recommend approval of the Waiver of Plat with the following conditions and findings for Dan Fredrickson. The property is located in Section 2 of Webster Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Fredrickson – Waiver of Plat

1. The new 2.5-acre Transfer Development Right (TDR) receiving parcel shall contain one primary single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The TDR receiving parcel shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
4. The original conservation easement recorded in 2006 shall remain in place.
5. The current owners of the previous TDR receiving property (in section 22) will sign a document suitable for recording stating that the TDR is no longer on the property. This recording document must be approved by Rice County Environmental Services and recorded at the Rice County Recorder's office prior to recording of the new TDR parcel.
6. Within 6-months of this approval the applicant shall record a new deed, at the Rice County Recorder's Office, containing just the TDR receiving parcel.
7. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
JD - Is there a conservation easement on the property where the right is coming off?

TM - The conservation easement will stay on the original sending area. I tried to find a comparable example for one we have done previously but was unable to locate the document we have used in the past. For condition #5, it needs to be determined what that document is. It could be a conservation easement or another form. I left that open. We will have to work with the applicant and the attorney's office to figure out exactly what that recording will look like. It may be as simple as recording this transfer process on there or it may be a conservation easement. They do have the conservation easement document prepared if that is what we determine is needed.

The PC asked the applicant, Dan Fredrickson (DF), to come forward to add comments or answer questions regarding the request.

DF - I assume you will tell me what we need to have signed and recorded per that condition. Like TM said, we have the conservation easement signed and notarized. Whatever is determined is fine with me.

CP - Are you aware of the rest of the conditions?

DF - Yes.

JH - Do you know why it was never originally split off or built on?

DF - Based on hearsay, a relative was going to build there but it never happened.

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:

JH - I know this does not happen often but it has been sitting there for a while. Might as well utilize it.

CP - I agree. It will be put to good use. I will motion to refer this for approval.

JH - I will second.

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

10. **Waiver of Plat/Emery (Piepho) – Section 6, Richland Township**

Kurt Emery, on behalf of landowner Piepho Family Trust, has applied for a Waiver of Plat to split off a 2.5-acre existing home site through the use of a Transfer Development Right (TDR). The property is described as: Part of the NE1/4 of the NE1/4 of Section 6, Richland Township, Rice County, Minnesota. The property address is: 7997 Kenyon Blvd, Faribault, MN 55021. PID#: 16.06.1.00.001. The property is Zoned A, Agricultural.

Motion by Jill Ellingson, seconded by Julia Hogan, to recommend approval of the Waiver of Plat with the following conditions and findings for Kurt Emery, on behalf of landowner Piepho Family Trust. The property is located in Section 6 of Richland Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Emery (Piepho) – Waiver of Plat

1. The new 2.5-acre Transfer Development Right (TDR) receiving parcel shall contain one primary single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The 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 6-months of this approval the applicant shall record a new deed, at the Rice County Recorder's Office, containing just the TDR receiving parcel.
6. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
CP - How did this property originally get split?

TM - It was originally a single operation with the building you see pictured and the land on either side. Eventually, it was split with the home on the 40-acre piece and the livestock buildings being separated out, and a building right being transferred up by the road.

The PC asked the applicant, Kurt Emery (KE), to come forward to add comments or answer questions regarding the request.

KE - I have nothing to add. I would like to buy the land from Genean, split her house out and give her access to the road.

CP - Are you aware of the 6 conditions?

KE - Yes.

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 know where this property is at and it was split for operational reasons. I see the need for this and will make a motion to refer this for approval.

JH - I will second.

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

11. Preliminary Planned Unit Development/Dwyer (Carlson) – Section 16, Wells Township

RJ Dwyer, on behalf of landowner Suzanne Carlson, has applied for approval of a Preliminary Development Plan for a Planned Unit Development to contain the two existing homes and a cabin on a single parcel. The property is described as: Part of Government Lot 2 of Section 16, Wells Township, Rice County, Minnesota. The property address is: 4306 172nd St W, Faribault, MN 55021. PID#: 10.16.1.25.001. The property is Zoned GDS, General Development Shoreland.

Motion by Charlie Peters, seconded by Julia Hogan, to recommend approval of the Preliminary Planned Unit Development with the following conditions and findings for RJ Dwyer, on behalf of landowner Suzanne Carlson. The property is located in Section 16 of Wells Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Dwyer (Carlson) – Preliminary Planned Unit Development

1. The final development plan closely follow the approved preliminary plan.
2. Final development plan to include specific details on the driveway turnarounds, final proposed building usage, provisions for compliance with open space and shore impact zone requirements and information on the septic and well systems for all the buildings.
3. Final development plan and preliminary plat must be applied for within one-year of preliminary plan approval.
4. The approval allows for only two dwellings.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC). TM - They will also need a variance if they proceed with what they are proposing. There is a question as to the proposed use of Cabin #1.

JH - The PUD came forward because they wanted to make changes to the small cabins.

TM - Yes.

CP - How many sewer hooks up are there?

TM - I believe there are two for the site. We went through the various options with the applicant, which included splitting the parcel into legal, conforming pieces which is difficult with this piece due to road frontage. The Planned Unit Development (PUD) was really the only other alternative left.

The PC asked the applicant, RJ Dwyer (RD), to come forward to add comments or answer questions regarding the request.

RD - *contractor* - They came to us and asked us to remodel the existing cabin last Fall. We created a plan to add a garage and a second level to the existing cabin. We have been working with TM on what we need to do in order to do this legally. That is why we are here tonight. The site is a 53-acre site with one issue and that is it is difficult to access the site other than via the roadway that comes off 172nd Street. That seems to be the only route we are able to use to access the site.

JH - Do you know if the cabins were constructed prior to the house or at the same time? Or what was the original use of the two cabins that are onsite?

RD - The cabin, that we are working on, was built in 1946 by my company and the main house on the property was built in 1972, also by my company. The other accessory building, I am not sure what that is. It is more of an accessory building.

JH - Like a shed type more so?

RD - That's correct.

CP - At this time, there are no plans for that additional cabin?

RD - I am not aware of any.

TM - We just need to verify that it is not going to be used as sleeping quarters or if it will just be storage, we need to have that spelled out.

JH - So the main cabin you are working on will have sleeping quarters and everything, correct?

RD - Yes.

Suzanne Carlson (SC) - *landowner* - We have had this property since 1947, when my dad bought it after World War II. I grew up there, my kids grew up there, and my grandchildren are growing up there. The cabin has been there for years. We have used it as a summer place but we want to winterize it and make

it so my family can come and stay at Christmas time because we are filling up the house. My son lives with me now and his kids come home at times. We just need another place for kids to come and stay. We are not getting any closer to the lake and we never plan on selling the property. We do not plan on developing the property any differently than it already is. The other structure is used for storage. We keep our 6-wheeler, wood-splitter, and a snow-blower in there.

CP - You are familiar with the 3 conditions?

SC - Yes. We are just trying to get this approved because the cabin is currently torn apart so we can't use it this summer.

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:

JH - Like TM said, this is the first step and it is pretty straight forward.

CP - They are not trying to add more buildings.

JH - The road frontage is an issue. Otherwise, splitting the property would be the easier route but unfortunately it doesn't have the road frontage.

CP - I'll make a motion that we refer this PUD onto the Commissioners for approval.

JH - I will second.

JR - I would recommend adding a 4th condition that limits it to two dwellings.

CP - I will remove my previous motion and make a motion with the addition of a 4th condition that states the PUD is limited to 2 dwellings on it.

JH - I will second.

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

12. **7:00 PM – Public Hearing on Amending the Rice County Comprehensive Plan Future Land Use Map to add RI and to recommend adoption of a Zoning Map Amendment to Rezone approximately 311-acres in Section 29, 31, and 32 in Bridgewater Township from Agricultural to Rural Industrial.**

Motion by Charlie Peters, seconded by Julia Hogan, to recommend approval to amend the Rice County Comprehensive Plan.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend amending the zoning map to rezone approximately 311-acres in Section 29, 31, and 32 in Bridgewater Township from Agricultural to Rural Industrial.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

Hearing Minutes:

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

Vice Chair Peters opened the public testimony portion of the item to the public and the following spoke: Cindy Nash - *Bridgewater Township Planner* - We thank you for considering this. This is a unique opportunity to increase economic development opportunities along the railroad corridor. That is the reason we are looking at this particular location. This is a very important first of many steps for us in moving forward with any kind of project in this area.

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

Discussion:

CP - The first motion would be to amend the Comp Plan Future Land Use Map to add RI and the second for the rezone. I motion we approve the change to the comp plan.

JH - I will second.

CP - We heard this previously. It seems like a good idea. It has been a few years in the making and it sounds like they have a plan.

JH - They have been working with the County for quite a while on this so I think they have it pretty well thought out.

CP - I will motion to refer this rezone to the Commissioners for approval.

JE - I will second.

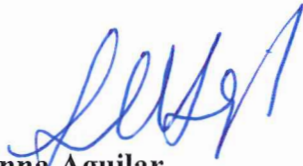
Motion to recommend approval was made, seconded, and approved unanimously.

III. Adjournment

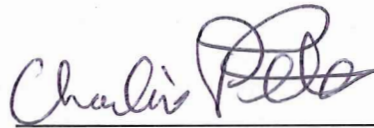
Hearing no other items before the PC, a motion was made by Ellingson, second by Hogan, to adjourn the meeting at 7:33 pm. Motion carried 3-0.

Respectfully Submitted

Planning Commission



Anna Aguilar
Administrative Coordinator



Charlie Peters, Vice Chair