

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, June 30, 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 6:56p.m.

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

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

Commissioners present: Jeff Docken.

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

B. Motion by Michael Streiff, seconded by Charlie Peters, Reading of the Notice.

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

C. Motion by Jill Ellingson, seconded by Julia Hogan, Approval of the Agenda.

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

D. Motion by Michael Streiff, seconded by Jill Ellingson, to approve the minutes of June 2, 2022.

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

II. New Business

1. Final Plat/Clarkson (Petelinsek) - Section 21, Forest Township

Craig Clarkson, of ISG Inc on behalf of landowner Dale Petelinsek, has applied for approval of a final plat to create three building lots and one outlot. The property is described as: Part of Government Lot 5 in the SE1/4 of Section 21, Forest Township, Rice County, Minnesota. PID#: 06.21.4.00.001. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Charlie Peters, seconded by Michael Streiff, to recommend approval of the Final Plat with the following conditions and findings for Craig Clarkson, of ISG Inc on behalf of landowner Dale Petelinsek. The property is located in Section 21 of Forest Township.

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

CONDITIONS OF APPROVAL – Clarkson (Petelinsek) – Final Plat

1. Final plat shall be recorded with the Rice County Recorder's office within 90-days of the County Board of Commissioners approval. .
2. All construction is to adhere to all Rice County codes and ordinances.
3. The lots and outlot shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
4. The new roadway shall intersect Cyrus Trail at a right angle to Cyrus trail.
5. Road numbering/naming is to follow all Rice County naming requirements.
6. An in-lieu park dedication fee of \$1500 shall be paid prior to recording of the plat.
7. A final signed development agreement between the developer and Rice County shall be completed prior to recording of the plat. The development agreement is to include provisions for financial surety of 1.25 times the estimated cost of the improvements, guarantee completion of improvements within two years, and warranty the construction.

8. Final construction plans must be reviewed and approved by a third party engineer, retained by the County, prior to recording of the Final Plat.

Hearing Minutes:

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

TM - We received concerns from the public today. They are not a part of the packet, but they are in front of you and have been provided to the applicant.

CP - The two houses off the cul-da-sac, will they be in the bluff area and need variances?

TM - There is buildable area outside of the bluff setback, but if they apply for that, then they will have to come before the Board of Adjustment for consideration.

CP - There is enough area there to build out of the bluff area though?

TM - There is space to build on the lots that would meet all of the setback requirements.

PB - I see there is a Developers Agreement. How is the progress with that?

TM - That is a draft agreement. I do not have an update as to where that is in the process. JR works more directly with those and the county Attorney's office.

JR - We use a county template and that gets signed prior to recording.

The PC asked the applicant, Dale Petelinsek (DP), to come forward to add comments or answer questions regarding the request.

DP - I have lived in the area for 25 years in 5 different houses, but we are in-between houses right now. If this goes through, we plan to build here and moving back to the area. We have been working on this for about 18 months now. When we bought this, we went through the ordinance, 517C related to the Residential Development Shoreland (RDS) district. That ordinance was written to develop the shoreland in a certain way to include high density and allowed for resorts. We initially thought it would be cool to have a resort on Circle lake and had the thought of putting 11 houses here on the 11 acres, but decided to scale it down because the road would not be able to support that and it would impact the peace and tranquility of the lake. So we significantly paired our plan back from a Planned Unit Development (PUD) into a simple land split which put us into a different ordinance. Our intention is to minimize the impact to the lake, the environment, and the roadway. We hired ISG for our engineering firm. Craig is on the phone. There were a lot of concerns raised that we have mitigated. Two more concerns were raised today, hopefully we can get those figured out. With living here for 25 years, I have been in front of you about every 2-3 years during that 25 years. I was concerned when other farms in the area were sold and developed. The common concern is that people do not want more development on the lake but the lake is better for it. The homes were built in the right way and the community around the lake is fantastic. I believe there has been a precedent set. The land right next to us was split and sold. We are asking for the same type of simple land split.

CP - I don't think the questions are about density with the 3 houses. It's more related to the landscape since it is a highly erodible area, which is why it is the last to be developed. If we can address those concerns, I don't think there will be an issue. It is a beautiful area. It just needs to be done right.

JD - Did the public concerns get sent to ISG as well?

AA - Yes, I sent them to Craig this afternoon.

DP - There are two ways to address erosion, but I have been highly involved in trying to protect the lake from erosion. That is why we hired ISG so it is engineered and done properly. The developers agreement holds me accountable to that.

CP - I think it is just some of the engineering design with some of the culverts that are raising concerns that need to be addressed. We, as the Township, will have to look closer at the developers' agreement.

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

Denise Klowkow - *Cyrus Trail* - I raised my concerns at the Preliminary Plat hearing but I feel 2 of them still need to be addressed. First being the amount of water that will be going into the ditch along Cyrus Trail and the second being the deeper ditch that is needed to accommodate the large culverts that will be going in along Cyrus Trail. *Read from public comment submitted on 6/30/22.*

Commission recessed for a brief time due to power outage.

JD - One of things is whether or not the recommendations from Soil & Water (SWCD) were actually looked at. I have also been out to look at the site, but not with SWCD. Maybe going forward we require review of Plats by an outside 3rd party engineer. I know we do that with the bigger developments, but

we don't have a protocol in place for these smaller projects. That can get costly, so I don't know. Something to consider in the future. We don't have an engineer on staff to review plans. If we do revise this, that would be the opportunity to have public comment again to make sure we get it right.

Bryce Waldemar - *Cyrus Trail* - I'm the last house on Cyrus Trail. I will be just adjacent to the new development. I am mostly concerned about the water. The ditch along Cyrus Trail is on the back side of my house. That's an east-west ditch that flows into a large ravine that flows north-south. That flows entirely through my property into the lake. It's already eroding as is with the natural water flow. I am concerned that adding more water will erode that further on my property. I think Denise has covered the Cyrus Trail ditch concerns pretty well but I am also concerned about the water coming off of Lot 2 and Lot 3 into the north-south ravine. As we add more development, there is going to be more water flowing there. That ravine is so unstable. I see that coming through my property and silting it in and silting in the lake potentially. I'm hoping there is some mitigation put in place to help with the water damage.

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

Discussion:

Craig Clarkson (CC) - *ISG Engineer* - It might be easier if I go through Denise's concerns and respond. With the 520% increase in water runoff, that number was a conservative number to size the culvert appropriately. That increase is specific to that one point because the entrance drive to the property was redirecting some flow towards that particular point under the road to where more area was going underneath that culvert in that specific location than otherwise. The total drainage area of the property that flows to the ravine, and ultimately the lake, is still the same. There is not more water, it just happens to be that point in the road was receiving slightly more area. That has been addressed in the plans. We heard that comment so we graded the road back towards the curve or what is being called the middle culvert. We did that because of the concern about flow along Cyrus Trail. We pitched the driveway back onto the property and discharged that flow further downstream in the ravine to where it will be further away from the road. The overall flows from the property are still less than existing. In fact, historically, a lot of this drainage area has been agricultural or had poor cover which, according to the Curve Number Method, has higher runoff potential than if it was just grass and turf like it is planned to be, other than where the buildings will be. The Curve Number Method would suggest that the lots will actually produce less runoff after being developed than what has historically been the case with this property. Even if this property was a meadow, the relative increase that would be caused by the change in use would be very small. In the locations where there are pipes, we are installing erosion control stone that dissipates the energy on the downside of those culverts and slows it down before it moves on. From the preliminary plat meeting, we took the primary concern as the ditch along Cyrus Trail. We did meet with Rice SWCD and they suggested a grade control structure if we were going to continue to send more area towards the road or we redirect flows away from the road, so we decided to direct flows away from the road by regrading it back onto the property and discharging it further downstream. We discussed the ditch improvements with Mrs. Sheffler (*district technician with Rice SWCD*) and she said that it would not be the responsibility of the development and if ditch improvements were to occur, that responsibility should be split by all property owners along the road. The ditch along Cyrus Trail is not going to be 3' deeper. Our current construction plans have the flow lines set at the flow lines of the existing culverts. We are pulling back the slopes and doing some minor improvements to the ditch up and downstream, approximately 20-30ft both down and upstream, to soften the current slopes along there, which should actually make those slopes safer.

JD - A couple of things that I am looking at and not understanding. You have two 15" culverts up on Cyrus Trail and two 12" culverts down below. Am I understanding this right, that you are redirecting the majority of that water, that would normally go towards the road, back towards the two middle culverts?

CC - Yes. It does seem like you would need a larger culvert there. However, if you look at the table, directly below that gives the slope of that pipe. The slope of the middle culvert is at a 2% slope where the slope of the road culvert is much flatter. Slope is a primary driver for a conveyance in pipes, so that's why it appears there is less capacity. However, that double 12"s, the way it's configured, has a larger capacity than the double 15"s at the road.

JD - Does that increase the volume of water that goes there which still goes into the ravine?

CC - There is no increase in the volume of water runoff.

JD - You are putting it in two different spots but you are still congregating more volume to the one spot. You are taking it away from one and putting it in the other. Is that correct?

CC - Yes, the intent of that is to discharge it further downstream away from the road.

JD - I understand that, but I think that would create an issue downstream too. It is a huge ravine. I do believe there have been some grants given in the past for ravine reconstruction and trying to mitigate some of those problems. We certainly want to avoid that here too. What's your basis for saying there will be less water runoff with the development of homes and driveways than with farmland? I don't understand that.

CC - When we are doing pre- versus post-runoff, we look at land cover and runoff potential. A straight row crop farm ground has a higher runoff potential than turf grass. These are large, low-density lots. While there is some impervious surface being built with the houses, which are modest houses, the lots are quite large and are assumed to be covered in good turf. The two combat one another and the result is no change. The composite curve numbers are actually slightly less when you pull the land uses of this property from what the previous and historical land uses have been.

JD - Historically it has been row cropped? I don't think it is now.

DP - I took the corn out and put it CRP fielding in.

PB - You said it was row crop previously and you enrolled it in CRP. How long has it been in CRP?

DP - It's not enrolled in CRP. I contacted the County and got CRP #2 seed and seeded it with that.

PB - How long has it been grassland?

DP - I think this is the second spring/summer. The first year it was corn.

MS - Did we get copies of the updated plans after the discussions with SWCD?

CC - Yes. We talked with SWCD and have email documentation back and forth with them of their requirements and their approval. That happened between the Preliminary Plat meeting and submittal of the Final Plat. We took their comments and adjusted our site plans. We sent SWCD the updated site plans and worked with them.

MS - Those plans are in our packet? The plans that include input from SWCD?

CC - Yes, what I see on the screen are the latest plans.

JE - Just to clarify, on page 8 of the public concern, where it says SWCD visited the site, drainage plans do not incorporate that. You are saying the plans do incorporate that?

CC - In my discussion with SWCD, they suggested two things. They suggested a hickenbottom structure, which is what the engineering grade stabilization structure is and its primarily used in agricultural use such as tile drainage. Or they suggested to redirect or not increase flows to that roadside ditch along Cyrus Trail. We looked at, if the main concern is flows in the ditch adjacent to Cyrus Trail and possibly impacting the road, so we move those flows a little bit back to where they are currently. What we are doing by this is mimicking the current runoff more now than what it would have been if we would have taken the flow from that first lot and taken it all the way directly to the road.

CP - 95% of the time, SWCD usually work with Ag/farm ground. I understand the hickenbottom and retention structure. Basically, what they are trying to do is to hold the water back during a high rain event so the flows are not so high going down the ditch and ravine. You redirected it but there is still the potential of high flows.

CC - Our discussions were specifically towards the Cyrus Trail roadside ditch. We were originally sending more area to that, so to compensate for that additional area being sent towards that specific point, SWCD suggested the grade control structure or redirecting flows away from the road which would have the same effect of the ditch directly adjacent to Cyrus Trail. That is the direction we went with.

JD - Are you redirecting the water away or no? On the map, it looks like it still goes to the road.

CC - The new road that come in off Cyrus Trail, right after you would come in the entrance and turn right, it is actually pitched back towards that curve whereas before it was all pitched toward the road and everything from Lot 1 was flowing directly to that dual culvert next to the road. Now Lot 1 all drains in and avoids that section of ditch that is directly adjacent to the road.

JD - Will there be less water to the road now than before?

CC - We are estimating about the same.

PB - The erosion has been a problem for a while. You are looking at the idea of the extra water flows from the impervious surface that the development could create with the goal of improving it,

MS - In your professional opinion, you think the plans that are in front of us, which include the feedback from SWCD, address the concerns that have been raised?

CC - This plan is designed to not make any of the conditions worse. The majority of the tributary area of the overall ravine is not part of this property. It's actually part of the property to the south. This is a very small portion of the overall tributary area and because of the way we are managing the stormwater, I do believe that the post-condition potential erosion of that ditch will be no worse than it currently is. I would argue that removing a large portion of this that was, historically, Ag use, is reducing a lot of the nutrient and sediment load not only to the ditch but also to the lake, which I know is a huge concern.

You can see some portions of the lake where agricultural drainage enters and you can see algae issues in those areas. Converting this out of Ag use where pesticides, chemicals, and fertilizers are being applied, I think is an overall win for the community.

DP - It was mentioned that people have applied for grants to fix ditches like this. There is about a dozen of them going into Circle Lake. I was one of those people. Personally, with your help and the DNR's help, we put in 23 retention ponds around the lake. With that being said, I told the Circle Lake board that I was open to putting riprap or do whatever I can to help fix this problem. The problems that have been brought up about Cyrus Trail are genuine. That road was platted in 1964 and is a public roadway that the Township will not take over. That being said, I have offered to help improve or repair some of the damage that has been going on since 1964 but was kind of shot down. Craig is the professional, so it is best to let him answer this. We have had surveyors out there and changed plans multiple times.

CP - It is his engineer. I think we need a 3rd party engineer to look at this. We need to slow the water down. It is being redirected but SWCD wanted the water retained first and then discharged. Another one of my concerns is that we finalize the developers agreement before we finalize this plat with County.

MS - I agree. There were valid concerns raised by the public. I think it would be nice to have an independent engineer that the County chooses, to review the plans and provide comments. I think an unbiased opinion is needed.

PB - This area has been a problem and the goal is to mitigate any impact this small development might have regarding water flow. I think we need to play devil's advocate and if this development wasn't suggested, nothing would change with it and it would continue to have issues. The development could help mitigate some of the issues.

JD - The developers agreement has to be relatively detailed. The letter of credit is supposed to be 125% of the construction costs, but I think there are some construction costs that need to be added in.

JR - We have the updated construction costs.

JD - The plat cannot be filed until the developers agreement is agreed upon with the Township. We are not trying to question ISG's integrity. They are a big firm and a professional plan, but another set of eyes wouldn't hurt. Maybe SWCD could further comment on these final plans.

JR - To clarify, all of the information has been provided to SWCD and they have not provided comment. If they had concerns, they should have sent those to us prior to this meeting. We also don't typically include the Developers Agreement in the Planning Commission meeting packet. That is signed by the County Board with the Developer and we do that when we record the Final Plat when the mylars and sureties are in place.

CC - We work in a lot of different communities and design according to the code. This development is below the threshold of requiring rate control or water quality components. That's part of the reason we went down this route is because we are following County code. If you were to make the requirement that any change in land use to building would require retention, then the four sheds that went in earlier today, technically increase runoff and may have downstream effects. You open up a lot of opportunities for discussion about rate control. We tried to accommodate the comments from the Preliminary Plat meeting by adjusting the impact to the roadside ditch. A third party engineer is probably going to review your codes and tell you it's not required at all. It just depends on which rules we are going by and it seems like there are new ones that are coming up at each of these meetings.

JH - I think the plans look pretty sufficient. They took the concerns from the first meeting and have worked with SWCD. SWCD received the final plat submittal and provided no comments. Looking through the plans submitted by ISG, it looks pretty thorough to me.

CP - I would still like another company to review the plans and further communication with SWCD. I would like to add a condition that requires a third party engineer review it. Will the Township have a chance to review the Developers Agreement before final approval?

JR - Yes. It is the standard Developer's Agreement with minor tweaks such as they don't have a community septic, so those portions were removed.

CP - Then I have no issues with the Developers Agreement.

JH - Who pays for the Third party review? The applicant?

CP - Yes, the Developer.

MS - Are you looking for an engineer or confirmation from SWCD?

CP - I talked to the District DNR Engineer and he said it was above his level. I am open to suggestions for that. I think the overall plan and engineering is good but the water that runs between Cyrus Trail and the first curve in the road. Basically the water is going down the road to that first curve and the rest going into the top of the ravine. We got it out of the road ditch but it is still a concern with the ravine.

JD - I agree. It's adding more water, so deciding where you put it and what you are going to do with it.
 CP - It is a hard site, otherwise it would have been developed before this.
 MS - If we require a third party review, we need to be specific on what we want, otherwise it could get costly. Not just a generic opinion.
 CP - I think if it was reviewed and commented on whether or not the water flow from the top of Cyrus Trail to the midpoint is not increasing or at higher velocities.
 PB - You want that added as condition #8?
 CP - Yes.
 JH - This item is scheduled to be heard by the Commissioners on July 12th which does not give enough time for a third party review with the holiday week. Something that needs to be considered.
 CP - If the Township has to sign off on the Developers Agreement, that won't happen by the 12th.
 PB - All we can do is state the conditions and the applicant has to try to meet them.
 CP - The 8th condition would be to have another firm's engineer look at the amount of water volume in the ditch along Cyrus. If this will substantially change the flows higher or lower, just to make sure it is no more from the driveway to the midpoint of that ravine.
JR read to confirm what was being requested.
 CP - We want to see if it is going to cause more erosion or stay as is.
 PB - Basically a peer review of potential impacts of added impervious surface with this project.
 JH - Say we add that as a condition and this item goes before the Commissioners on the 12th, will that sway the approval or not if the applicant does not have that information because it will need to be recorded 90-days after the approval by the Commissioners.
 MS - We are just making a recommendation. The Board of Commissioners has to accept our recommendation and approve that condition.
 JH - I'm just saying they may not have that information before the meeting.
 PB - All we can do is lay out the conditions and the rest is up to the applicant.
 JR suggested wording - Final Construction plans must be reviewed and approved prior to recording of the Final Plat.
 PB - I think that covers it.
 CP - By a third party engineer?
 MS - I would add by third party engineer approval to make that clear.
Proposed wording for condition #8 - Final construction plans must be reviewed and approved by a third party engineer, retained by the County, prior to recording of the Final Plat.
 CP - I would say by Staff because that could be SWCD our outside party.
 JR - SWCD Staff are not engineers and cannot review an engineer's work. It would have to be done by another licensed engineer.
 CP - Ok, I am good with the wording of condition #8. I will motion to refer this for approval to the Commissioners.
 MS - I will second.

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

2. Final Plat/Caron - Section 23, Cannon City Township

Raymond Caron has applied for approval of a final plat for two building lots and one outlot. One lot is containing an existing home and the other lot 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. The property is zoned A, Agricultural.

Motion by Preston Bauer, seconded by Charlie Peters, to recommend approval of the Final Plat with the following conditions and findings for Raymond Caron. The property is located in Section 23 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Caron – Final Plat

1. Signed final Plat shall be recorded with the Rice County Recorder's office within 90-days of the Rice County Board of Commissioners approval.

2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The lots and outlot 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 Plat is recorded.
5. 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, Raymond Caron (RC), to come forward to add comments or answer questions regarding the request.

Applicant not present

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 site and they are just trying to finish it so they can progress to building. I will motion to refer this for approval with the 5 conditions as documented.

CP - We typically require representation. Hopefully, he is at the Board meeting for the final approval. I will second.

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

3. **Preliminary Plat/Hubers - Section 18, Northfield Township**

David Hubers has applied for approval of a preliminary plat to create a cluster of six building lots and three outlots. The building lots are being created through the use of Transfer Development Rights (TDRs). The property is described as: Part of the NE1/4 of Section 18, Northfield Township, Rice County, Minnesota. PID#s: 08.18.1.50.004, 08.18.1.25.004, & 08.18.1.75.001. The property is zoned A, Agricultural.

Motion by Michael Streiff, seconded by Jill Ellingson, to recommend approval of the Preliminary Plat with the following conditions and findings for David Hubers. The property is located in Section 18 of Northfield Township.

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

CONDITIONS OF APPROVAL – Hubers – Preliminary Plat

1. Final plat shall be submitted for approval within six months of preliminary plat approval.
2. Signed conservation easements for the Transfer Development Rights (TDRs) sending sites and replacement of the conservation easement on parcel 0818150004 shall be submitted with the final plat.
3. Final plat submittal is to include a signed engineered road construction plans and engineers cost estimate.
4. A draft development agreement addressing the road construction, septic construction and well construction shall be submitted with the final plat.
5. Road naming must comply with County requirements.
6. Proposed home owners covenants that include operation and maintenance of the water, septic and roadway shall be submitted.

7. A right turn lane off County Road 81 into the development shall be constructed per standards set by the County Highway Engineer. Design information must be submitted and reviewed by the Rice County Highway Department prior to final plat submission.

Hearing Minutes:

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

JH - Who will maintain that road?

TM - The roadway will be platted as a public roadway. With the plat, it does not require the Township to take it over for maintenance unless they choose to, but the plat will require that it is built to roadway standards.

PB - Are there any permits or approval for starting to build the road?

TM - Not on the roadway itself. The site has previous grading permits for bringing material in and making changes to the driveway. It does look like they have done some work extending it and in the cul-de-sac area. That will require engineered design and verification that it meets engineered requirements. If they do work ahead of time, that could make the verification process more difficult.

PB - This parcel is a total of 70-acres?

TM - There are 3 parcels that are a part of this request. One is 70-acres, one is 63-acres, and there is a small 1-acre parcel.

PB - So that makes 6 building sites on 134-acres.

TM - The actual plat does not extend south of the line shown on the aerial photo, as far as the building lots. The rest will be an outlot.

JH - I see the Highway Department is requesting a turn lane off County Road 81. Will that be required? Does that need to be added as a condition with the Final Plat?

TM - It should be added at this point.

JH - Then we should add that in.

The PC asked the applicant, David Hubers (DH), to come forward to add comments or answer questions regarding the request.

DH - We are trying to do a little cluster development. The reason is to take building rights that I have off really good farmland and cluster them in an area on another farm that I took out of Urban Reserve and has a lower soil rating. I am trying to create housing on less desirable farmland.

PB - Are you aware of the conditions with the addition of a turn lane?

DH - You are requiring a turn lane off County Road 81?

JH - That is a requirement from the Highway Department, so we need to add it in as a condition; yes.

DH - I was not aware of that but it is what it is.

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 - I make a motion to refer this for approval with the now 7 conditions.

JE - I will second that with the addition of the 7th condition as required by the Highway Department.

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

4. **Conditional Use Permit/Bongers - Section 4, Cannon City Township**

Troy Bongers, on behalf of Anthony and Carole Bongers Trust, has applied for a Conditional Use Permit (CUP) for an aggregate mining operation. The property is described as: Part of the NW1/4 of Section 4, Cannon City Township, Rice County, Minnesota. PID#: 11.04.2.75.002. The property is Zoned WS, Wild and Scenic.

Motion by Charlie Peters, seconded by Jill Ellingson, to recommend approval of the Conditional Use Permit with the following conditions and findings for Troy Bongers, on behalf of Anthony and Carole Bongers Trust. The property is located in Section 4 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Bongers – Conditional Use Permit

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps of Engineers and other applicable federal, state or local agencies.
2. The Conditional Use Permit (CUP) is for a sand and gravel mining operation including gravel washing.
3. The applicant or operator shall furnish a six (6) year \$100,000 bond for haul road repair and for site restoration. All bonds shall be reviewed and approved by the Rice County Attorney's office prior to any work on site.
4. This conditional use permit shall be valid for a period of five (5) years from its issuance and must be renewed prior to that time or the site completely restored. Failure to renew the permit or to restore the site shall result in the County exercising the bond and using the proceeds to restore and properly close the site.
5. The mineral extraction mining operation shall be restricted to the area on the applicant's approved site plan. Any deviation from these boundaries will require application for a new conditional use permit. No more than 10-acres of the proposed mining area shall be open to mining at any time. Prior to additional areas being opened to mining all previous mined areas outside of the current mining plan, excluding internal access roadways, shall be restored.
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 7:00 a.m. and 7:00 p.m. Monday through Friday and 7:00 a.m. to 3 p.m. on Saturdays.
8. A 20-foot setback shall be maintained between the mining operation and all property lines. A 70-foot setback shall be maintained from any township road right-of-way.
9. 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.
10. 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.
11. The applicant is to follow the approved reclamation plan. Reclamation shall be ongoing so that previously mined land is reclaimed as new areas are opened to mineral extraction. The site is to be completely restored upon completion of permit.
12. 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.
13. Within the pit property 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 processing activities on the property.
14. Solid waste shall not be placed in the gravel pit; 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.
18. There shall be no more than two unlicensed or inoperable vehicles on the parcel at any time.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
CP - These are all standard conditions?

TM - The conditions are fairly standard. They do vary a little. This one has an added #18 condition to make sure there are not too many unlicensed vehicles on the property. Otherwise, the rest are standard for mining operations.

The PC asked the applicant, Troy Bongers (TB), to come forward to add comments or answer questions regarding the request.

TB - Just here to reapply for our Conditional Use Permit.

PB - Do you have any plans for the pit with the renewal?

TB - We are trying to clean up the southeast corner and working on reclamation to get to a 4:1 grade. Then we have black dirt to smooth over the hill sides and turn it back into useable land.

PB - You are aware of the 18 conditions?

TB - Yes we are.

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 pit has been there for quite a while. I will motion to refer this for approval.

JE - I will second.

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

III. Adjournment

Hearing no other items before the PC, a motion was made by Streiff, second by Ellingson, to adjourn the meeting at 8:42 pm. Motion carried 5-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Planning Commission



Preston Bauer, Chair