

**OFFICIAL PROCEEDINGS OF THE  
RICE COUNTY PLANNING COMMISSION  
Commissioner's Room / Government Services Building  
Thursday, October 6, 2022 at 6:30 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 7:02p.m.

Members present were: Charlie Peters, Jill Ellingson, Julia Hogan.

Members absent were: Preston Bauer, Michael Streiff

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

Commissioners absent: 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 Jill Ellingson, seconded by Julia Hogan, Approval of the Agenda.**

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

**D. Motion by Julia Hogan, seconded by Jill Ellingson, to approve the minutes of September 1, 2022.**

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

**II. Public Hearing**

**1. 7:00 pm - Zoning Map Amendment to Rezone property/Bridgewater (Conrad) - Section 29, Bridgewater Township**

Bridgewater Township, on behalf of Larry Conrad, has applied for rezoning of a 43-acre parcel from A, Agricultural to RI, Rural Industrial. The property is described as: Part of the SE1/4 of Section 29, Bridgewater Township, Rice County, Minnesota. PID#: 07.29.4.50.001. The property is currently Zoned A, Agricultural.

**Motion by Jill Ellingson, seconded by Julia Hogan, to recommend adoption of the Zoning Map Amendment to Rezone property from Agricultural to Rural Industrial for Bridgewater Township, on behalf of Larry Conrad. The property is located in Section 29 of Bridgewater Township.**

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

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**Hearing Minutes:**

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

The PC asked the applicant, Bridgewater Township, to come forward to add comments or answer questions regarding the request.

Glen Castor - *Bridgewater Supervisor* - We were appointed to act on behalf of the landowners for this application. The area around this property was rezoned to Rural Industrial (RI) fairly recently. Larry & Dawn have been thinking about this for a while now and have had some interest from trucking companies. The Township's interest in this is due to the old Rice County dump that is immediately to the north of this property. It is an MPCA cleanup site and by adding this lot, it will hopefully increase our chances to get Brown Field Cleanup funds from the Department of Employment and Economic Development to work on that site. It makes the area more usable for industrial uses.

TM - Just to clarify, the landfill in that area was privately owned and operated. It was located in Rice County but not owned or operated by any of the government entities in the County.

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:

JH - Like we said last time, it was not a surprise that this property would want to rezone. Three sides of it boarder the RI zone. It makes sense why they would want to rezone.

JE - I agree and we have looked at this several times with rezoning the area around it recently.

CP - I agree.

JE - I motion to refer this item for approval.

JH - I will second.

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

### III. New Business

#### 1. Waiver of Plat/Divine– Section 11, Webster Township

Mike Divine has applied for approval of a Waiver of Plat to create one new building site though the use of a Transfer Development Right (TDR). The property is described as: Part of the SW1/4 of Section 11, Webster Township, Rice County, Minnesota. PID#: 02.11.3.25.001. 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 Mike Divine. The property is located in Section 11 of Webster Township.**

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

#### CONDITIONS OF APPROVAL – Divine – 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 parcels being created 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 and prior to issuance of a building permit 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 parcel.

#### ----- Hearing Minutes:

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

The PC asked the applicant, Mike Divine (MD), to come forward to add comments or answer questions regarding the request.

Bryan Wolfe (BW) - contractor - The 2.5-acre parcel site is drafted on a survey that we previously submitted for a building permit which is contingent on the approval of this process. I did see that there is a 70-ft setback compared to the normal 60-ft setback that we have seen with other counties. We have already shifted the house back the 10-ft on paper. I emailed a copy to MD but I know he cannot pull it up there. We have already adjusted based on the staff recommendation and relocated the house and that will be verified with the building permit. MD has the rest of the documents with him to include the agreed upon Conservation Easement (CE) that is notarized and ready to record.

CP - Are you aware of the 6 conditions?

MD - Yes.

CP - Do you own the entire 20-acre piece?

MD - Yes, and we do not intend to ever separate or sell any part of it.

BW - I do have a question with recording the CE. Our assumption is that we would move forward with that immediately if we get approval on this. I heard earlier that the final approval comes on October 25th. If you think it looks good, are we able to record the CE before that October 25th approval? And pay the Park Dedication Fee.

AA - No. the County Commissioners have to approve the Waiver of Plat and then they will sign the CE and I will record it.

BW - So we should not record anything until after final approval?

CP - On October 25th, after approval, the Chair of the Board of Commissioners will sign the CE and then the County Administrator. Once staff have all the signatures, they will record it.

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

JH - The only issue was the setback and they are aware of it. It can be confusing with every county and zoning district having different setbacks, but they said they made that change.

JE - I agree. I will motion to refer this item for approval.

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/MCJK Holdings (Seal King) – Section 26, Wells Township**

Jared Breitenfeldt, on behalf of landowner MCJK Holdings LLC, has applied for an amendment to an existing Conditional Use Permit (CUP) to expand the fenced yard area for a contractor's office and yard for a sealcoating business. The property is described as: Lot 2, Block 1, Caron Addition in Section 26, Wells Township, Rice County, Minnesota. The property address is: 2663 Cedar Lake Blvd, Faribault, MN 55021. PID#: 10.26.3.76.002. The property is Zoned VMU, Village Mixed Use.

**Motion by Jill Ellingson, seconded by Julia Hogan, to recommend approval of the Conditional Use Permit with the following conditions and findings for Jared Breitenfeldt, on behalf of landowner MCJK Holdings LLC. The property is located in Section 26 of Wells Township.**

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

#### **CONDITIONS OF APPROVAL – MCJK Holdings (Seal King) – Conditional Use Permit**

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit is for a contractors office and yard for a sealcoating business as shown and detailed in the submitted application. Changes to the business are not permitted without approval of a new/amended permit.
3. The submitted site plan shall be followed.
4. All outdoor storage shall be screened to homes and roadways with a 6-ft high solid fence.
5. Storage fencing and parking shall maintain a 10-ft setback from all property lines and Road Right of Ways.
6. All vehicles and trailers stored/parked outside shall be operable and have a current license.
7. Only business equipment owned or leased by the onsite business shall be stored on the site.
8. All buildings shall meet building code for the intended use.
9. Failure to comply with conditions may result in revocation of the conditional use permit.
10. Onsite operation of the business shall be limited to being within the hours of 9 a.m. and 7 p.m. on Sundays and 7 a.m. and 7 p.m. Monday through Saturday
11. Onsite parking, driveway and storage areas, outside of the fenced enclosure, shall be paved or shall have dust controls applied and maintained to prevent dust from leaving the property.

12. Outdoor storage use shall not exceed 5,000-sqft unless a variance has been first obtained.

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**Hearing Minutes:**

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

JH - The fenced area would be where those cars are parked in the picture?

TM - It would not extend out that far, but it does extend out that direction.

JH - They would gravel that extended area? If we allow it.

TM - I believe that is their plan, to have it as gravel if the County Board exempts it again like they did with the previous CUP.

CP - That is up to the County Board?

TM - The ordinance spells out that it is required unless exempted by the County Board. As with the previous one, I would ask that you make a recommendation, one way or the other, on that. They are still planning on screening within the fence. They are planning on putting in the slatted screening but they are holding off pending the outcome of the fence expansion.

The PC asked the applicant, Jared Breitenfeldt (JB), to come forward to add comments or answer questions regarding the request.

Carmen Halverson (*via Zoom*) - We are asking to expand the fence so we can get the trucks in and out safely. Right now it is tight for them to turn around. If we are able to expand the fence, we can get our trucks turned around and park them without having to risk anything to the trucks or any workers.

CP - For condition #12, the area will be under 5,000 sqft with the expansion?

CH - No, with the expansion it would be over 5,000 sqft.

TM - To clarify, the 5,000 sqft is for outdoor storage. Some of this area is parking. There is a split between the two. What they utilize for storage has to stay under 5,000 sqft.

CP - Are you aware of the 12 conditions?

CH - Yes we are.

JE - Condition #4 relates to the screened fence. Do you have an idea of what the final fence screening will look like?

CH - It will be a privacy screening fence done by Caron Fencing. They have the plans all drawn up. It would have privacy screening with Seal Kings name and phone number on it. It will look blacked out from the outside with our name and everything on it. We are just waiting on approval of this so Caron Fencing can move forward.

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 - I know we had a couple people speak last time regarding the screening, but they are not here tonight. As long as the screening gets done.

TM - This is the first I have heard of putting identification on the fence screening. Whatever they put there will need to comply with the sign standards in the ordinance.

CH - We can do without the identification or logos. We can just go with all black and will update that with Caron Fencing.

TM - It's just something we would want to go over before having the screening ordered. There are size and location limits.

CH - We can discuss that but we don't have to have it on their either and are fine with going with all black.

JH - They did look like they asphalted the area where they park that is not within the enclosed area.

CP - It is not a high speed traffic area, so I don't think they need it.

JH - None of the neighbors had comments and they were notified.

CP - I don't see an issue with it. We have not received any complaints.

JE - I motion to refer this item to the Commissioners for approval with the added comment that anything outside the storage area would be paved but otherwise a hard surface of gravel would be acceptable.

JH - I'll second.

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

3. **Conditional Use Permit/Bongers – Section 5, Cannon City Township**

William Bongers has applied for a Conditional Use Permit (CUP) for an aggregate mining and crushing operation. The property is described as: Part of the SW1/4 of the SE1/4 of Section 5, Cannon City Township, Rice County, Minnesota. PID#: 11.05.4.50.001. The property is Zoned A, Agricultural.

**Motion by Julia Hogan, seconded by Jill Ellingson, to recommend approval of the Conditional Use Permit with the following conditions and findings for William Bongers. The property is located in Section 5 of Cannon City Township.**

RESULT: Approved, AYES: Charlie Peters, 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 Interim Use Permit (IUP) is for a sand and gravel mining operation including aggregate crushing and washing operations.
3. The applicant or operator shall furnish a six (6) 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 interim 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 submitted site plan, subject to compliance with minimum setback requirements. 100-ft to County Road Right of Way (ROW) and 20-ft to other property lines. If mining is allowed on the neighboring property to the east and south mining may be allowed to connect to the neighboring mining operation if an agreement between landowners is submitted to the Rice County Environmental Services department. Any other 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. No more than 10-acres of the proposed mining area shall be open to mining at any one time.
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. 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 wildlife habitat or farmland upon completion of permit. Restoration shall include final seeding/cover of the area.
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. 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.
13. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.
  14. The site is to be cleaned of all debris and equipment after closure of the pit.
  15. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.
  16. The site shall be secured at access points.

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).  
*TM explained zoning ordinance change from CUP to IUP.*

JH - Highway had no issues related to truck traffic?

TM - We did not receive comments from them but this site has been in operation. It is a renewal.

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

WB - We are planning to continue moving west from where we are.

CP - You are aware of the 16 conditions?

WB - Yes, we grow better rocks than corn.

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:

JH - This is an established gravel pit.

JE - There are no neighbors here to say it is disruptive.

JH - We have not received any negative feedback from outside entities or the public. I will motion to refer this item for approval.

JE - I will second that.

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

4. **Conditional Use Permit/Al Rahawi (M&L Investment Properties) – Section 36, Webster Township**  
Mahmood Al Rahawi, on behalf of landowner M&L Investment Properties LLC, has applied for a Conditional Use Permit (CUP) for a Truck Repair business. The property is described as: Part of Government Lot 2 in the NW1/4 of Section 36, Webster Township, Rice County, Minnesota. PID#: 02.36.2.75.001. The property is Zoned HC, Highway Commercial.

**Motion by Jill Ellingson, seconded by Julia Hogan, to recommend approval of the Conditional Use Permit with the following conditions and findings for Mahmood Al Rahawi, on behalf of landowner M&L Investment Properties LLC. The property is located in Section 36 of Webster Township.**

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

**CONDITIONS OF APPROVAL – Al Rahawi (M&L Investment Properties) –  
Conditional Use Permit**

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit is for a truck repair office, shop and parking areas as shown and detailed in the submitted application. Changes to the business are not permitted without approval of a new/amended permit.
3. The submitted site plan shall be followed.

4. Only trucks onsite for repair shall be kept on the property and must be within the approved truck parking areas. Employee and vendor parking shall be within the identified car parking area.
5. All parking areas shall be surfaced in concrete or asphalt and shall have snow and water runoff controlled within the property with curbing to prevent off parking access.
6. All vehicles and trailers parked outside shall have a current valid license.
7. There shall be no storage of vehicles, trailers or materials not on the site for repair.
8. The applicant shall obtain a driveway permit from Rice County for road access and shall be required to pay for any required improvements to the roadway deemed necessary by the Rice County Highway department to safely accommodate the proposed access and use
9. All buildings shall meet building codes and zoning standards for the intended use.
10. Failure to comply with conditions may result in revocation of the conditional use permit.

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC). TM - I did speak with the County Engineer today and did point out that we have a condition making sure that the applicant obtains a change-in-use access permit from them and that the condition includes the requirement that the applicant provide for any needed improvements at that access point if there is a need for additional shouldering or a bypass or right-turn lane. That will be handled as part of the driveway permit.

CP - That is already a condition?

TM - Yes, #8.

JH - Soil & Water (SWCD) had potential issues because of the wetland areas onsite. Should we add in a condition that they need to provide a wetland delineation or can that be done separately?

TM - It could be done as part of a grading or building permit or it could be added as a condition. The SWCD comments weren't necessarily pointing out an issue, more so stating there are wetlands and they would like to take a look at it.

JH - There are quite a bit of wetlands on the site.

The PC asked the applicant, Mahmood Al Rahawi (MAR), to come forward to add comments or answer questions regarding the request.

MAR - I would like a CUP to have a truck repair stop on that parcel.

CP - You have seen the 10 conditions?

MAR - Yes.

CP - There are wetlands out there. Did you see the letter from SWCD?

MAR - Yes.

JH - Do you plan on doing a wetland delineation?

MAR - We could do that. It does take time to have the area surveyed, about 6-8 weeks. I am not the current owner. I am interested in buying the parcel.

JH - But you would be willing to do a wetland delineation?

MAR - 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 - I did see the comments from SWCD too and am not sure we need a condition.

JH - Their site plan shows everything on the northern side and out of the wetland area that are along the south side. Maybe that can be integrated later on with the building permit.

CP - SWCD is aware of it.

JH - It looks like they are planning to have the truck parking and the office space to the north of the property. Maybe TM could speak to that a little more?

TM - Definitely with a building permit, that is something we would look at with the grading. At this

point, we advise the applicant to meet with SWCD even before final approval. At least they can have that discussion to see if there are going to be more concerns once the building is applied for.

JH - It is zoned Highway Commercial (HC) and this kind of business is meant for HC. It is close to the Flying J. It makes sense why they would want this business in this area.

JE - I agree.

CP - I agree.

JE - I will motion to refer this item for approval.

JH - I will second.

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

5. **Preliminary Plat/Johnson – Section 8, Wells Township**

Colin Johnson has applied for approval of a preliminary plat to create three building lots. The property is described as: Part of Government Lot 3 in the NE1/4 of Section 8, Wells Township, Rice County, Minnesota. PID#: 10.08.1.50.002. The property is Zoned RDS, Recreational Development Shoreland.

**Motion by Jill Ellingson, seconded by Julia Hogan, to recommend approval of the Preliminary Plat with the following conditions and findings for Colin Johnson. The property is located in Section 8 of Wells Township.**

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

**CONDITIONS OF APPROVAL – Johnson – Preliminary Plat**

1. Final plat shall be submitted for approval within six months of preliminary plat approval.
2. All three lots will need to show locations for a principal use, outside of the wetland and septic locations.

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**Hearing Minutes:**

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

JH - There were no comments received from SWCD?

TM - I do not believe we received any but there was the full wetland delineation done that was sent to them with the application for review.

CP - This is a 4-step process?

TM - No, since this is 3 lots, it only goes through the platting process. The first step is where we are at today with the preliminary plat. If everything moves forward, it will come back in front of you as a final plat. If it had been 4 lots, then it would be a planned unit development and would be a more lengthy process. Being this is 3 lots, it does not trigger that requirement or the combined water and sewer system requirement that comes with 4 lots or more.

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

CJ - I was approached by two of my neighbors. One is interested in putting a septic on the smaller lot. In order to do that, she plans on combining that lot with her front lot. That way she can put a shed up too. The other two lots would be residential lots.

TM - The septic is not a problem having it on that lot without combining, but if she wants to add a shed, it will have to be platted together as one. The lot by itself would qualify as a home site.

CJ - She is aware of that.

CP - To do that, she would have to buy it and combine the two PIDs?

TM - She would actually have to go through the process to replat it if she wants to build anything on the lot other than a new home. Similar to this process.

CJ - This is just the first step!

CP - Are you aware of the 2 conditions?

CJ - Yes. The Final Plat will be coming soon. The wetlands are all delineated so it is pretty obvious what we can do and the builder that is interested in buying the lots is aware too and has the full report.

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:

JH - It sounds like they are aware of what they need to do if the neighbor does what to combine the lots and the remaining two sites will be able to be built on.

CP - It is a nice area out there.

JE - There are a number of neighbors out there that were notified and none are here.

JH - It looks like the Township is aware of the driveway access permits for each of those lots.

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

JH - I will second

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

#### **IV. Adjournment**

Hearing no other items before the PC, a motion was made by Hogan, second by Ellingson, to adjourn the meeting at 7:49 pm. Motion carried 3-0.

**Respectfully Submitted**



**Anna Aguilar**  
**Administrative Coordinator**

**Planning Commission**



**Charile Peters, Vice Chair**