

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, September 1, 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 7:39p.m.

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

Staff present were: Director Julie Runkel (*via Zoom*), 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 Charlie Peters, seconded by Jill Ellingson, Reading of the Notice.

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

C. Motion by Michael Streiff, seconded by Julia Hogan, Approval of the Agenda.

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

AA - There is a change to the agenda from the notice. There were 5 items on the notice, but a preliminary plat was removed due to needing more information, so there are only 4 items on the agenda.

D. Motion by Charlie Peters, seconded by Jill Ellingson, to approve the minutes of July 28, 2022.

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

II.

New Business

1. Waiver of Plat/Homburg - Section 35, Wheatland Township

Karl Friedrichs, on behalf of the Otto and Darlene Homburg Trust, has applied for approval of a Waiver of Plat to reduce the size of an existing parcel containing an existing home to 9-acres. The property is described as: the NE1/4 of the NW1/4 and Part of the NW1/4 of the NE1/4 of Section 35, Wheatland Township, Rice County, Minnesota. PID#: 01.35.2.00.003. The property is Zoned UR, Urban Reserve.

Motion by Charlie Peters, seconded by Julia Hogan, to recommend approval of the Waiver of Plat with the following conditions and findings for Karl Friedrichs, on behalf of the Otto and Darlene Homburg Trust. The property is located in Section 35 of Wheatland Township.

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

CONDITIONS OF APPROVAL – Friedrichs (Homburg) – Waiver of Plat

1. The new 9.37-acre parcel shall only contain one single family dwelling and accessory structures.
2. The conservation easement shall be recorded on the portion of the land remaining outside of the 9.37-acre house parcel.
3. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
4. All parcels and easements shall be recorded within one year of the approval.

Hearing Minutes:

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

TM - There is a typo in condition #4, the word prior needs to be removed.

PB - If the zoning changes on that parcel, what happens to the Conservation Easement?

TM - If there is a zoning change, it would have to be discussed at that time. It is not currently written in the rules to accommodate that, other than with removal of the easement, it does specify changes in zoning affecting that. How it affects it will depend on what the change is at that time.

The PC asked the applicant, Karl Friedrichs (KF), to come forward to add comments or answer questions regarding the request.

KF - *via Zoom* - Friedrichs' Law Office, Mankato - I am representing Otto and Darlene Homburg. Otto has passed away. He agreed to splitting off the building site prior to his death so they could sell the farmland off around the building site to help generate income. It is a 9.73-acre lot and has sufficient space to allow for setbacks for livestock use in some of the buildings that are on the site.

PB - Are you familiar with the 4 conditions if approved?

KF - Yes we are. We also understand that if the remaining piece was annexed into the City of Lonsdale, the zoning requirements would apply, but we do not anticipate that anyone who buys that land would spend the money to annex into the City of Lonsdale. We assume they would intend to use it as farmland as long as they could.

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 am really familiar with this site. It is a smart move on their behalf. It will probably be the next part to get annexed into the City of Lonsdale. Services are right there. I will motion to approve this and move it on to the Board of Commissioners.

JH - I will second.

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

2. **Waiver of Plat/McDonough - Section 6, Wells Township**

John E McDonough, on behalf of John F McDonough, 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 SE1/4 of the SE1/4 of Section 6, Wells Township, Rice County, Minnesota. PID#: 10.06.4.75.002. The property is Zoned A, Agricultural.

Motion by Jill Ellingson, seconded by Charlie Peters, to recommend approval of the Waiver of Plat with the following conditions and findings for John E McDonough, on behalf of John F McDonough. The property is located in Section 6 of Wells Township.

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

CONDITIONS OF APPROVAL – McDonough – Waiver of Plat

1. The new 2.5-acre Transfer Development Right (TDR) receiving parcel shall contain one single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The remaining parcel and TDR receiving parcel shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
4. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcel is recorded.
5. Within one year of this approval the applicant shall record a new deed, at the Rice County Records Office, containing just the TDR receiving parcel.

6. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

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

The PC asked the applicant, John E McDonough (JEM), to come forward to add comments or answer questions regarding the request.

JEM - French Lake Trail - We are just trying to move a house in. After looking around and at the market, there is not a lot out there. The land has been in our family for 106 years and I just moved back to the area after being gone for 16 years. My dad's house is just to the south and I am currently living in the basement. So we are looking to move a building right so we can put up a house.

PB - Are you familiar with the 6 conditions?

JEM - 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 - It is straight forward. It looks like a good parcel. They are moving a TDR from the same parcel. I have no objections.

JE - I agree, they are moving the TDR from the wooded area up to the roadside open area. I will motion to approve this item.

CP - I will second.

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

3. **Waiver of Plat/Gillen - Section 16, Walcott Township**

Aaron Gillen 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 Government Lot 10 in the SW1/4 of the SE1/4 of Section 16, Walcott Township, Rice County, Minnesota. PID#: 15.16.1.25.001. The property is Zoned A, Agricultural.

Motion by Michael Streiff, seconded by Jill Ellingson, to recommend approval of the Waiver of Plat with the following conditions and findings for Aaron Gillen. The property is located in Section 16 of Walcott Township.

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

CONDITIONS OF APPROVAL – Gillen – Waiver of Plat

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

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
PB - How do you get half of a TDR?
TM - There is a fairly detailed section in the ordinance that explains how TDRs are assigned and half transfer rights. Usually, the half rights come about when there are two landowners in a quarter-quarter section that has a single right, so the right gets split between the two landowners.
JH - The golf course didn't have an issue with this?
TM - They were notified, but we did not receive any comments.

The PC asked the applicant, Aaron Gillen (AG), to come forward to add comments or answer questions regarding the request.

AG - It has been an issue since purchasing this property with the two 1/2 building rights. Lots of questions on how to go about this. We are hoping to build next year and this is the first step in the process.

PB - Are you aware of the 6 conditions?

AG - Yes, but when is the \$500 park dedication fee due?

TM - Prior to recording the deed for the new parcel and within one year.

JE - Are you familiar with the traffic caused by the golf course? Or golf balls flying across the road?

AG - Yes. Luckily, most of the driving ranges go in the opposite directions, but we are planning to build a ways off the road.

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

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

Discussion:

MS - It is straight forward. I will make a motion to approve with the 6 conditions.

JE - I will second.

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

4. **Rezone/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 Charlie Peters, seconded by Julia Hogan, to recommend approval to Rezone Property with the following conditions and findings for Bridgewater Township, on behalf of Larry Conrad. The property is located in Section 29 of Bridgewater Township.

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

Hearing Minutes:

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

JH - Why are they choosing not to rezone the piece across Highway 3?

TM - The current RI boundary does not cross Highway 3, so I think they are trying to keep a clear boundary. It is also a fairly small piece that would probably be impractical to do anything with that piece.

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

Applicant or landowner 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:

JH - Was this parcel not originally planned to be rezoned? I know, originally, there were a couple of parcels that backed out initially. Was this one of them?

TM - I believe so but I am not sure.

PB - I don't think Mr. Conrad was originally part of the group to rezone but I remember he being at the meeting. I can see the potential and to me, if I were a property owner, it makes sense.

CP - I spoke with Bridgewater Township the other day and he said he was going to be here. It sounds like Mr. and Mrs. Conrad approached them about rezoning. They were one of the first ones that backed out of it initially. They are one of the missing parcels to help pull it all together.

JH - It makes sense to rezone this parcel. It won't be an island.

CP - It makes sense and the more landowners that are open to it, the better for that district. I motion to approve this on to the County Commissioners.

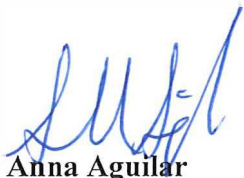
JH - I will second.

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

III. Adjournment

Hearing no other items before the PC, a motion was made by Ellingson, second by Streiff, to adjourn the meeting at 8:05 pm. Motion carried 5-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Planning Commission



Charlie Peters, Vice Chair