

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, December 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 7:06p.m.

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

Members absent were: Jill Ellingson

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

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

PB - revised Agenda with item #3 withdrawn.

MS - I will motion with the revised Agenda.

JH - I will second.

D. Motion by Charlie Peters, seconded by Julia Hogan, to approve the minutes of November 3, 2022.

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

II. New Business

1. Preliminary Development Plan/Winjum - Section 21, Wells Township

Krystle Bloch, on behalf of landowners Roy and Myrna Winjum, has applied for approval of a Preliminary Development Plan for a Nine (9) lot Planned Unit Development. The property is described as: Part of the NW1/4 and Government Lot 004 of Section 21, Wells Township and Lot 7, Block 2 of Winjum's West Shore Addition in Sections 16 and 21 of Wells Township, all in Rice County, Minnesota. PID#s: 10.21.2.26.008 & 10.21.2.26.016. The properties are Zoned GDS, General Development Shoreland.

Motion by Michael Streiff, seconded by Julia Hogan, to recommend approval of the Preliminary Development Plan with the following conditions and findings for Krystle Bloch, on behalf of landowners Roy and Myrna Winjum. The property is located in Section 21 of Wells Township.

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

CONDITIONS OF APPROVAL – Winjum – Preliminary Planned Unit Development

1. The final development plan closely follow the approved preliminary plan.
2. In addition to all the required final plan/preliminary submittals the final development plan application is to specifically include full details on septic, water supply, wetland delineation/preservation, proposed stormwater controls, and provisions for compliance with required open space.
3. Final development plan and preliminary plat must be applied for within one-year of preliminary plan approval.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC). TM - We received comments from Soil & Water (SWCD) noting that the wetland delineation that was done for the first phase of the development has expired. So when they come back with the preliminary plat and final development plan, that will have to be updated. There are a couple of areas that SWCD noted that were not shown on the plan that was submitted. That does not affect the density calculations because they are in the third tier which only requires 10% be suitable.

PB - Lot 7 from the previous development, was that lot required by the County or did the applicant choose Lot 7 to be non-riparian lake access?

TM - At the time, it was proposed by the applicant. Since 2004, we have not required a lake access lot with non-riparian development. Prior to 2004 we did.

MS - The drive is a private drive? As proposed?

TM - That would be platted and dedicated as a public road. The Township is not required to take it over for maintenance. Usually, the homeowners need to petition the Township and the Township decide if they want to take it over. The right of way (ROW) is dedicated as public and through this process it is required that the road be built to Township standard.

MS - Will there be an association for maintenance?

TM - It is being proposed that it will be an association, yes. They are also requesting to connect to the Roberd's Lake Sewer District (RLSSD). At this point, that has not been approved. Should this move forward, the next step would be asking for that. They would have to go through the process of requesting that and bring that information back with the preliminary plat/final development plan stage.

JH - Who maintains the road for the previous development?

TM - I am not sure if the Township has taken it over or not. We require it be built and dedicated, but after that we are not involved.

MS - Is there a chance it could be rejected to connect to the sewer district?

TM - That is not a known factor at this point. The proposal, at this stage, is that they would connect to that. If that gets denied, they will have to step back and adjust their plan. With a Planned Unit Development (PUD), they are required to have a centralized system. So if they cannot connect, they will have to propose a group system for water and sewer.

CP - Does the City have to approve that?

TM - Yes, the City is involved in that approval.

The PC asked the applicant, Krystle Bloch (KB), to come forward to add comments or answer questions regarding the request.

KB - I am the engineer for this project.

PB - Can you enlighten us further on this proposal?

KB - I think TM covered it pretty well. We have the stormwater plan shown in tentative areas. They are not set in stone but the proposed locations are the lower points and the best locations for them.

Currently, we have the ROW stub shown to the South as requested.

PB - Are you familiar with the 3 conditions?

KB - Yes.

CP - The road from the first development, is that Township or private?

KB - I am not sure.

Jon Winjum (JW) - *owner* - That is a Township road. It has already been dedicated to them and they are aware of this project. If we build this road in the same manner we built the first one, we are building it to Township specs and will be requesting they take this one over too. They are well aware of our plan. I have talked with the Faribault City Administrator. That does not guarantee it will get approved, but it gets our foot in the door. The lots are good sizes, so if we cannot hook up to the sewer, we should have room for a community system.

JH - What is the reason for getting rid of the lake access lot?

JW - Everyone wanted to buy it when we were selling the other lots and it was advised by other developers to get rid of the lot. It is nothing but a headache. Nobody takes care of it and you get problems with people who are not supposed to be out there. Plus, another million dollar home can go on that lot. Usually, the 2nd tier owners buddy up with a 1st tier home for access.

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

Barbara Ackerman - *Echo Ave* - I am directly East of lots 2 & 3. Our big concern is runoff/water problems for our private drive that runs through there. We do not want any excess runoff on to our property. Looking at the wetlands they designated, hopefully they are going years back because we have

been in a drought the past couple of years, so we have not had the water buildup in the wetlands that are there. We are very concerned about the runoff. Hopefully, they are not basing it off the past two drought years to determine the holding ponds. Second, we cannot tell where utilities are being brought in. I am not sure if you have an answer on that yet. Third, it was mentioned back when they put in the first development, that the intent was to connect all of the roads going around the development. We have not heard anything from Winjum's as to whether there is an intent to add on to our private drive instead of through the middle of their development. It is something that should be considered. I am not sure if the Township has approved this road through the center yet or not. Does the Township need to approve it before they move forward? Drainage, holding ponds, electric lines, and this road are of concern to us. Right now, that field is tiled with 4 culverts on the East side for drainage. They are fine. There is not an excessive amount, but on a wet year, sometimes the water goes over the road. I am concerned that if all these become sodded and paved, I am not sure what will happen with the tiling during construction. I don't want our property flooded because of water coming off of this development.

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

Discussion:

JH - This is the first step of multiple steps. With the next step, we will see more detail civil plans with the updated wetland delineation and more in-depth construction plans. This is the first look at the layout. When they came forward for the first development, they were already planning on developing this land, so this is not a surprise development.

CP - I agree. With SWCD's comment, they will have to redo the wetland delineation.

JH - It is in the conditions as well for the next step.

MS - I will make a motion with the 3 conditions.

JH - I will second.

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

2. **Waiver of Plat/Schmidt - Section 30, Northfield Township**

Mark Schmidt has applied for approval of a Waiver of Plat to create one new building site through the use of a Transfer Development Right (TDR). The property is described as: Part of the SW1/4 of the SW1/4 of Section 30, Northfield Township, Rice County, Minnesota. PID#: 08.30.3.50.002. 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 Mark Schmidt. The property is located in Section 30 of Northfield Township.

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

CONDITIONS OF APPROVAL – Schmidt – Waiver of Plat

1. The new 1.95-acre Transfer Development Right (TDR) receiving parcel shall contain one primary single-family dwelling.
2. Any new construction on the parcels are 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).

PB - Will the landowner own the whole piece?

TM - They do currently own the whole piece. I do not know if they plan on selling this piece. They have the jog in the proposed parcel to give them distance from an Ag structure that is currently there.

The PC asked the applicant, Mark Schmidt (MaS), to come forward to add comments or answer questions regarding the request.

MaS - *Dodge County* - We bought this property in the fall of 2017 with the intention of using it for recreation and that is how we have used it. We knew when we bought it that it did not have a building right. At that time, no one in my family was interested in living here. We just wanted to have a recreational parcel to hunt. After we bought it, we had a DNR Conservation Plan approved and we have been working to clean up the lot by removing buckthorn and canary grass, and planting things that are better for the environment and we built some trails there. We do have a shed there that stores all the tools for trail maintenance and food plot items. Since, we have decided that we would like a building site out there. The cut out in the northeast corner is just in case we do sell this smaller piece, we will retain ownership of the rest of the land and we want to make sure we have room to work with our Ag building if we wish. We will do an easement back to the back property off of Gates Ave.

PB - Are you familiar with the 6 conditions?

MaS - Yes.

JH - There is currently a shed on the site?

MaS- Yes, a 28'x32'.

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 - Regarding the Ag building, is it within the red proposed area?

CP - No, it is on the larger piece. He is giving himself options for the future. It looks like the sending site is just as productive as this area. I will motion to refer this item for approval.

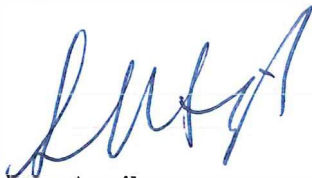
JH - I will second.

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 Bauer, second by Streiff, to adjourn the meeting at 7:38 pm. Motion carried 4-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Planning Commission



Charlie Peters, Vice Chair