

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION**
Commissioner's Room / Government Services Building
Thursday, January 5, 2023 at 6:00 PM

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by 2022 Vice Chair Charlie Peters at 6:11 p.m.

Members present were: Michael Streiff, Charlie Peters, Julia Hogan, Garrett Johnson

Members absent were: Matt Purfeerst

Staff present were: Zoning Administrator Trent McCorkell, Planner Jeremy Edwards, Administrative Coordinator Anna Aguilar, Clerk Laurie Johnson.

Commissioners present: Jeff Docken.

Others present: see Sign-in Sheet.

B. Motion by Michael Streiff, seconded by Julia Hogan, Reading of Notice.

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Garrett Johnson, NAYS: None

C. Motion by Michael Streiff, seconded by Garrett Johnson, Approval of Agenda.

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Garrett Johnson, NAYS: None

TM - At the end of the meeting, we would like to have a quick discussion about the upcoming legal training schedules for next Thursday at 6p.m.

MS - I will motion to approve the modified agenda with the additional discussion item.

GJ - I'll second.

D. Motion by Julia Hogan, seconded by Garrett Johnson, to approve the minutes of December 1, 2022.

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Garrett Johnson, NAYS: None

II. House Keeping Items

1. Motion by Julia Hogan, seconded by Michael Streiff, to approve the election of Charlie Peters as the Chair of the Planning Commission for 2023.

RESULT: Approved, AYES: None, NAYS: None

JH - I motion to appoint CP as the Planning Commission Chair.

MS - I will second.

Motion made, seconded, and approved unanimously.

2. Motion by Julia Hogan, seconded by Michael Streiff, to approve the election of Garrett Johnson as the Vice Chair of the Planning Commission for 2023.

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Garrett Johnson, NAYS: None

JH - I motion to appoint GJ as the Planning Commission Vice Chair.

MS - I will second.

Motion made, seconded, and approved unanimously.

3. Motion by Michael Streiff, seconded by Julia Hogan, to delegate the Planning Commission secretarial duties to Environmental Services Staff for 2023.

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Garrett Johnson, NAYS:

None

MS - I will motion to have County Staff remain as secretary.

JH - I will second.

Motion made, seconded, and approved unanimously.

4. **Motion by Garrett Johnson, seconded by Michael Streiff, to approve the 2023 meeting schedule as drafted by Environmental Services Staff.**

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Garrett Johnson, NAYS:

None

GJ - I motion to keep the meeting dates the same as those approved for the Board of Adjustment.

MS - I will second those meeting dates as presented.

Motion made, seconded, and approved unanimously.

5. **Motion by Julia Hogan, seconded by Garrett Johnson, to approve a 3 minute time limit per person for individual public comment at the 2023 Rice County Planning Commission meetings.**

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Garrett Johnson, NAYS:

None

JH - I motion to keep the public comment time limit at 3 minutes.

GJ - I'll second.

Motion made, seconded, and approved unanimously.

III. New Business

1. **Interim Use Permit/James - Section 7, Warsaw Township**

Wayne and Steve James have applied for an Interim Use Permit (IUP) for continuation of an aggregate mining and crushing operation. The property is described as: Part of the NE1/4 of the SW1/4 of Section 7, Warsaw Township, Rice County, Minnesota. PID#: 14.07.3.00.001. The property is Zoned A, Agricultural.

Motion by Michael Streiff, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Wayne and Steve James. The property is located in Section 7 of Warsaw Township.

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Garrett Johnson, NAYS:

None

CONDITIONS OF APPROVAL – James – Interim 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 operations.
3. 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.
4. 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.
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, 70-ft to Township Road Right of Way (ROW) and 20-ft to other property lines.
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 the 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. Farwell Avenue between the pit access drive and Cannon Lake Trail shall be treated with calcium chloride or another similar performing dust control product. Application shall be done a minimum of two times per year, once before May 31st and again in August. In addition to the placement of the dust control materials, water will be applied to dampen the surface of the access drive in times of high truck traffic or when deemed necessary by a Township or County representative.
14. All traffic to and from the gravel pit shall be done along Farwell Avenue between the pit entrance and Cannon Lake Trail.
15. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.
16. The site is to be cleaned of all debris and equipment after closure of the pit.
17. "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.
18. The site shall be secured at access points.

Hearing Minutes:

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

MS - Any complaints with this pit?

TM - We did get some calls regarding the dust control timing. The applicants get it done when they can. There were some delays this past year with the contractor and the timing, but overall we have not received a lot of calls.

The PC asked the applicant, Wayne & Steve James (WJ & SJ), to come forward to add comments or answer questions regarding the request.

SJ - *James Brothers Construction* - I think everything has been going well so far. We are not looking for any changes.

CP - You are aware of the 18 conditions?

SJ - Yes. Most of them are pretty normal besides the two regarding dust control. Going to the south is really the only way to go from there and that has been working fine.

MS - I think it is a testament that there are no public present.

SJ - The first time there were a few more people.

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

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

Discussion:

MS - There is no one here to speak against it and it seems they have done a pretty good job of following all the conditions. I motion to approve this with the 18 conditions.

JH - I will second.

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

2. January 12th - Legal Training Discussion

TM - Next week we have legal staff coming to conduct training. We wanted to get a list of questions or topics that we can give them ahead of time so they have a heads up on what you would like to hear about. Anything related to zoning or processes that you want to make sure they cover.

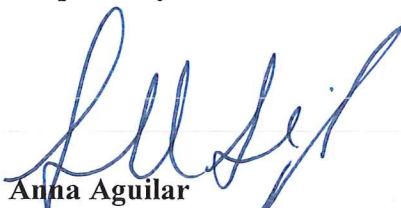
- What if we advertised the option of a Zoom meeting, but then have technical issues the night of?
- Explain how to present Findings of Facts to support denials or some helpful hints or tips related to findings.
- Weigh in on how our meetings are run. Is there anything we should do differently? Or anything that has changed related to the law? Like do we set the County up for risk based on how the meeting is conducted? We have had some complicated/controversial items in the past where there have been some tense moments. Any best practices for managing that?
- The option for tabling complicated items. It feels like there is pressure to decide one way or the other. Or adjourn briefly and come back?
- Ag tourism items – it often feels like we coach them on what should happen or how things should run (i.e. parking). I'm not really comfortable with that, but the application doesn't really have all the details. It would nice to get feedback on how to handle items like that.
- How should we handle After-the-fact items?

TM - The training is next Thursday, January 12th at 6 p.m.

IV. Adjournment

Hearing no other items before the PC, a motion was made by Johnson, second by Streiff, to adjourn the meeting at 6:33 pm. Motion carried 4-0.

Respectfully Submitted


Anna Aguilar
Administrative Coordinator

Planning Commission


Charlie Peters, Chair