

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, June 29, 2023 at 6:30 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Chair Charlie Peters at 8:02p.m.

Members present were: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst.
Members absent were: Michael Streiff

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

Commissioners present: Jeff Docken.

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

B. Motion by Garrett Johnson, seconded by Julia Hogan, Reading of the Notice

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, NAYS: None

C. Motion by Matt Purfeerst, seconded by Garrett Johnson, Approval of the Agenda

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, NAYS: None

D. Motion by Garrett Johnson, seconded by Julia Hogan, to approve the minutes of May 25, 2023.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, NAYS: None

II. Old Business

1. Final Plat/Johnson – Section 8, Wells Township

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

Motion by Matt Purfeerst, seconded by Garrett Johnson, to recommend approval of the Final 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, Julia Hogan, Garrett Johnson, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – Johnson – 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. The lots shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
3. Road numbering/naming is to follow all Rice County naming requirements.
4. An in-lieu park dedication fee of \$1500 shall be paid prior to recording of the plat.
5. 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.
6. All construction is to adhere to all Rice County codes and ordinances.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
CP - All of the wetland concerns have been taken care of?

TM - Both the Soil & Water District and the DNR commented that the new layout avoids the wetlands. It is tight and they do have erosion concerns during construction, but it avoids the wetlands.

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

CJ - We went with the narrow roadway because these lots were all planted with Black Walnut, except for the wetlands, back in the early 70's. Those trees have matured, and the people lined up to buy these lots want the least amount of trees taken down as possible. Also, to avoid the wetlands, it is easier with the road being 16ft instead of 24ft.

CP - I saw the township minutes that they agreed on the cart way width. Are you aware of the 6 conditions?

CJ - Yes.

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:

JH - Sounds like they have the wetland issue figured out.

CP - That was the biggest concern.

MP - I will move to approve.

GJ - I'll Second.

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

III. New Business

1. Interim Use Permit/Shافر (Witte) – Section 34, Wells Township

Shافر Contracting Co., Inc, on behalf of landowner Harold D. Witte Trust, has applied for an amendment to the existing Interim Use excavation permit to allow for the temporary placement and operation of a Concrete Plant for a 2023-2024 I-35 construction project. The property is described as: Part of the SE1/4, Section 34, Wells Township, Rice County, Minnesota. PID#: 10.34.4.25.002. The property address is: 3151 Wells Lake Dr, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

Motion by Garrett Johnson, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Shafer Contracting Co., Inc, on behalf of land owner Harold D. Witte. The property is located in Section 34 of Wells Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – Shafer (Witte) – 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, concrete batch plant, and an aggregate crushing operation.
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 for the mining operation and a \$50,000 bond or other financial surety to cover road repair and site restoration for the times the concrete plant is onsite. All financial sureties 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 for mining and for up to eight (8) months between August 2023 and September 2024 for the concrete plant. Permit must be renewed prior to those times or the site completely restored. Failure to renew the permit or to restore the site shall result in the county exercising the bond(s) and using the proceeds to restore and properly close the site.

5. The mineral extraction mining operation, crushing, concrete plant and stockpiling shall be restricted to the area on the applicant's submitted site plan, subject to compliance with minimum setback requirements of 100-ft to State Road Right of Way (ROW), 70-ft to City/Township Road ROW, 20-ft to other property lines and 300-ft from Wells Lake/Cannon River. Existing mined areas within setbacks may be restored but not mined. Deviation from these boundaries will require application for a new Interim Use Permit.
6. Materials and equipment shall not be stored or stockpiled within the mapped 1% annual chance floodplain areas unless those areas are presently above an elevation of 981.8-ft.
7. Mining boundaries and required setbacks shall be marked onsite prior to mining and markings shall be maintained throughout the operation.
8. The hours of operation shall be limited to between the hours of 6:00 a.m. and 7:00 p.m. Monday through Friday and 6:00 a.m. to 3 p.m. on Saturdays.
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 to a condition suitable for wildlife habitat or farmland upon completion of permit. Restoration shall include final seeding/cover of the area.
12. The applicant is to be responsible for repair of county, state, city 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 and the gravel haul road to Highway 60 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 and haul road, from leaving the property during times of mining or processing activities on the property.
14. All road access to and from the operation shall be off of Wells Lake Dr.
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).
 TM - There was an amendment from the original staff report. I neglected to put the concrete batch plant into Condition #2. It was in later conditions, but unclear in #2.

JH - Did we receive anything from the City of Faribault?

TM - No, no comments from the City.

CP - Any complaints with the current mining operation?

TM - Not with the mining, but I have had conversations with at least one person with concerns with the concrete plant and the dust or emissions from that. Most of that is regulated by the MPCA, so we directed them that way for that information. With the plants, my understanding is that they are permitted directly by the MPCA.

The PC asked the applicant, Shafer Contracting Co., Inc. (SC), to come forward to add comments or answer questions regarding the request.

Troy Vrieze (TV) - *representing Shafer Contracting* - Shafer was the successful bidder with MnDOT for a project on Highway 35. Part of that project is concrete paving and to facilitate that we would like to set up our portable concrete plant on the Witte's property. We have a lease agreement with them to do that. Permitting is the next step. We are permitted by the MPCA for projects such as this. It is called an MNG49 permit which is multi-sector. I can take sites on and off as needed. The actual site where we would erect our plant is right where they put their crushing spread. If you look at the photo, right where that aggregate stock pile is, just to the south of the man-made pond, is where we would be. The operation for this year, we would produce for about a week and then next year, on and off for about a month.

CP - You are aware of the 18 conditions?

TV - Yes, we have reviewed them and we are agreeable.

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

1. Matt Drenth - *Wells Lake Drive* - I am one of the 8 houses at the end of that road. I like the idea of a batch plant and the I35 project being done as quickly as possible. My concern is the extra traffic in and out. There is a service road, but it is one lane in and out. It is not wide. I assume empty trucks will use our road to access the pit. My concern is the dust that will create for our neighborhood. Most winds coming from the south or west blow it right into our neighborhood.
2. Andrew Ardolf - *Wells Lake Drive* - I second the concern about the dust and that road is always a concern for us there. I'm not familiar with the concrete plant. How much dust is created when they are mixing? It doesn't sound like they will be there long, which is great, but we do have concerns about that. I have some younger kids driving, so the additional traffic is also a concern.
3. Fred Bettner - *Wells Lake Drive* - I agree with what has been said so far. In addition, many of us have kids that walk down to the bike trail that is there. It is a concern having heavy trucks and equipment coming down that road. Again, with the dust, you may hear it in my voice from the air quality this week, but it bothers me and having extra dust will not be welcomed. I am also a little concerned about where they have already started to dig and pull sand. It is closer to the waterway. I'm not sure of any regulations related to that, but it is concerning that they are getting closer and closer and making that pond bigger and bigger towards the lake.
4. Richard Giles - *Wells Lake Drive* - I have a number of questions. One concern is dust control in the working area itself. Not the roads, they have been dusted already and taken care of. Is it cement dust? Calcium? What kind of dust is it that will be flying around out there? The traffic concern has already been raised. With the teenage drivers, I am the oldest one out there. I have the same concerns. I don't always see or hear everything, and now we are going to increase the traffic. It was already pointed out that the roads are not wide enough for 2 vehicles to pass on the Witte driveway, so they will have to use ours. The bike trail is out there and that could create a problem. Bikers will have to watch real close. One of our neighbors is not here but is worried about property values going down. Two years is what they are asking for, but with weather and budgets or unforeseen conditions, will it end up being more? What, if any, chemicals are going into the ponds and end up in the channel there which would eventually end up in the river? And what is the end result? Maybe not with these guys, but with the Witte crew, are they making a bigger and deeper pond?

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

Discussion:

CP - Please put the conditions on the screen. A lot of the questions can be answered by some of the conditions.

JH - Also, the applicant can probably speak more to the dust control with the MPCA.

CP called the applicant forward.

CP - Is the plan to use both of the roads?

TV - We would run loaded on the Witte driveway and empty on the City road. The City road would have to be dedicated to MnDOT as a haul road and there are clauses within the contract for any damage to that roadway to where it would be repaired.

CP - Dust control?

TV - Dust control as well. We run a dust collection system on our plant which basically actively

vacuums up the cement dust that is emitted inside the drum when the drum is charged, We also run water trucks daily. I think that was in the narrative I provided to TM. If needed, we will do calcium chloride as well.

CP - When you have trucks hauling and entering, will you have safety signs?

TV - Yes, one of the conditions covers truck hauling and signage.

JH - Collectively, around a week this year and about a month next year?

TV - Of production, yes. We will setup about 2 weeks prior to using it, it will run wide open and produce as much as we can. Then it will come down and go to another job site. I believe next year there are 3 phases of the project. So it would happen 3 times like that again next year.. It should not extend past 2 years. The project has a completion date in 2024.

GJ - They are doing what they can to mitigate the risk and unpleasanties.

JH - They are required to follow these 18 conditions in addition to any State regulations.

MP - I am in favor of it. It is a good location with it being so close to I-35 and the pit has its own driveway.

JH - I understand the concern with dust and traffic, but they seem well-equipped and know what needs to be done.

GJ - I move to approve.

MP - I second.

TM - There will need to be a slight change to condition #13. The original mining operation on this site uses just their driveway and not the City gravel road. I would propose that you add in - *and the gravel haul road to Highway 60* - after "Within the pit property all access drives..." for the dust control requirement. Also, in the next to last sentence, where it says "pit access drives" add - *and haul road* - after that. I would propose adding those 2 to require dust control along that roadway if they are using that road as well as the driveway.

GJ - I move to approve with the addition of "gravel haul road" to condition #13.

MP - I second.

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

2. **Interim Use Permit/Carlson (Bo Hu) – Section 18, Northfield Township**

Evan Carlson, of EESolar23 LLC, on behalf of landowners Bo Hu and Wei Cao, has applied for an Interim Use Permit to allow for a 1-MW solar energy production facility. The property is described as: Part of the SW1/4 of the SE1/4, Section 18, Northfield Township, Rice County, Minnesota. PID#: 08.18.4.50.002. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Evan Carlson on behalf of landowners Bo Hu and Wei Cao. The property is located in Section 18 of Northfield Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – Carlson (Bo Hu) – Interim Use Permit

1. The landowner and operators shall comply with all rules, regulations, requirements, or standards of the Minnesota Public Utilities Commission, 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 1-MW solar energy production site as shown on the approved site plan, subject to meeting all setback and access requirements.
3. Security fence shall consist of fencing meeting state and federal electrical code requirements.
4. All required permits shall be obtained prior to onsite construction.
5. As soon as onsite construction is completed all areas of the site, excluding the access roads and electrical equipment pads, are to be established and maintained in Agricultural crop production or a pollinator friendly perennial vegetative cover.
6. All electrical lines internal to the site and to the location of the interconnection point with the power utility shall be buried underground.
7. A stormwater plan and proof of compliance with state/federal stormwater regulations shall be

submitted to Rice County Environmental Services with the application for building permits.

8. The applicant or operator shall furnish Rice County with a \$50,000 bond or other approved financial surety to ensure proper site decommissioning/restoration and to ensure road repair or repair for other off-site damages caused by construction or operation of the facility. Financial surety shall be reviewed and approved by the Rice County Attorney's office prior to any work on-site.
9. The entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
10. Failure to comply with conditions may result in revocation of the Interim Use Permit.
11. This Interim Use Permit shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.

Hearing Minutes:

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

The PC asked the applicant, Evan Carlson (EC), to come forward to add comments or answer questions regarding the request.

EC - *Enterprise Energy - on behalf of the LLC* - This is not my first project. I worked for another developer in town for a number of years, but left and started my own company. This is my project. I am doing it on my own. This is a good piece of land for solar. It satisfies the ordinance and there is room in the line for another site. I am open to suggestions regarding screening even though there is some existing screening. I have reviewed the conditions. Is it possible to get more than a year for building? That would be preferred.

JH - We have had a number of solar CUPs that have had to come back and be renewed because of not building within the year.

EC - I think a year is possible, it's just hard to say.

CP - This is a separate solar project, not related to the other 2 on site.

EC - It will be co-located but I am not affiliated with the other two developers.

JH - What type of panels are you planning on installing?

EC - Probably a Trina 550. That's what we modeled on, but it is polysilicon. The same type of solar panels you see on most of these. It is recyclable. You sometimes see the thinner panels that are a little cooler looking but they are more expensive and not as recyclable. They are thinner and lighter. This will be a tracker system. I believe the 1st solar on this site is a fixed system organized in rows from east to west that faces south and don't move. Mine will be on a tracker that goes north to south which works well here because we have a west to east slope. By using a tracker, it can be on a hill and track along it with no problems. I will try to use the same access road and interconnect with Xcel.

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:

TM - With the change over from conditional to interim, condition #10 needs to be updated to interim.

MP - Its right next to other solar farms. The locality makes sense and the neighbors don't seem to have an issue. It sounds like a seamless transition.

CP - They have a network already existing for power lines and connections.

MP - I motion to approve.

JH - I will second.

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

3. Conditional Use Permit/Terrones – Section 33, Cannon City Township

Reymundo Terrones has applied for a Conditional Use Permit to allow for a contractor's office and yard with outdoor storage for a property improvement business. The property is described as: Part of the

NE1/4 of the SE1/4, Section 33, Cannon City Township, Rice County, Minnesota. PID#: 11.33.4.00.002. The property address is: 3819 Daly Ave, Faribault, MN 55021. The property is Zoned UR, Urban Reserve.

Motion by Garrett Johnson, seconded by Matt Purfeerst, to recommend approval of the Conditional Use Permit with the following conditions and findings for Reymundo Terrones. The property is located in Section 33 of Cannon City Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – Terrones – Conditional Use Permit

1. The Conditional Use Permit is for an office and yard for a property maintenance/improvement business. Changes to the business are not permitted without approval of a new/amended permit.
2. The submitted site plan shall be followed.
3. All vehicles and trailers stored/parked outside shall be operable and have a current license.
4. To provide screening, all business equipment and materials shall be stored on the north side of the proposed building.
5. Only business equipment owned or leased by the onsite business shall be stored on the site.
6. If any employees come to the site a portable toilet or bathroom facility shall be provided at the business building.
7. All buildings shall meet building code for the intended use.
8. The applicant is to follow all Federal, State, County and Local rules and regulations.
9. Failure to comply with conditions may result in revocation of the Conditional Use Permit.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
CP - The home and this site are on one parcel?
TM - Yes.

The PC asked the applicant, Reymundo Terrones (RT), to come forward to add comments or answer questions regarding the request.

RT - Looking for a CUP to build a pole shed for a contractors' yard for storing construction equipment and personal vehicles and equipment. There are a couple of buildings that are in rough shape. I am looking to build a new one and tear the others down.

CP - You live onsite?

RT - Yes.

JH - What type of outdoor storage are you looking at?

RT - A driveway to the northside of the building with the skid-steer outside. A trailer, plow truck, things like that

MP - You mentioned personal vehicles. How many are you thinking?

RT - My kid's vehicle when she goes off to college, family vehicles.

CP - You are aware of the 9 conditions?

RT - Yes.

JH - Are you planning on having employees park there or come in and out?

RT - No, I work construction fulltime. This is more for side jobs, so I don't plan on having employees.

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:

JH - Looks like condition #4 is up for discussion on what we want to see or limit for outdoor storage. Sounds like it is mainly himself.

CP - He said a dump trailer, a plow truck and a skid-steer.

JH - The CUP stays with the land even if it is sold down the road.

CP - Do we think 6 vehicles?

TM - An option you have instead of a number, would be to say - *To provide screening, all business equipment and material shall be stored on the north side of the proposed building.* That specifies the area and the north side would provide screening to the south roadway where the most visibility would be.

CP had the applicant come forward.

CP - We are proposing that you park any equipment to the north of the proposed shed towards your residence which would screen it from Highway 60.

RT - That was my plan to park on the north side of the building.

MP - That is a good idea. It's a great location, close to Faribault. Keeping the equipment on the north side, keeps it out of view.

GJ - There is also an established tree line to the west. I motion to approve with the amendment to condition #4 that all materials and vehicles be placed on the north side of the building for outdoor storage.

MP - Second.

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

4. **Waiver of Plat/LeBrun – Section 32, Shieldsville Township**

John and Kimberly LeBrun have applied for a Waiver of Plat to create a building lot through the use of a Transfer Development Right. The property is described as: Part of the NW1/4 of the NW1/4, Section 32, Shieldsville Township, Rice County, Minnesota. PID#: 09.32.2.25.003. The property address is: 11948 200th St W, Waterville, MN 56096. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Julia Hogan, to recommend approval of the Waiver of Plat with the following conditions and findings for John and Kimberly LeBrun. The property is located in Section 32 of Shieldsville Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – LeBrun – Waiver of Plat

1. The new 2.4-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, containing just the TDR receiving parcel, at the Rice County Recorder's Office.
6. Prior to recording the new parcel, the existing home shall verify septic compliance and identification of a suitable alternate site. If the existing system is not in compliance, it shall be brought into compliance by not later than August 1, 2024.
7. Prior to recording of the new parcel, the property shall be brought into compliance with unlicensed/inoperable vehicle zoning regulations.
8. 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).

TM - Condition #7 is a little different than you would normally see, just making sure they bring the site into compliance with the unlicensed/inoperable vehicles onsite. They are limited to two and they appear to be over that.

CP - The access would be a shared driveway?

TM - Yes, the property line would split down the driveway.

The PC asked the applicant, John & Kimberly LeBrun (JL & KL), to come forward to add comments or answer questions regarding the request.

JL - We have nothing to add.

GJ - Is the lot you are creating big enough? You won't need any setback variances or anything?

JL - No, will not need variances.

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:

CP - It's a straight forward TDR.

JH - You normally see the narrow portion at the road.

MP - I move to approve.

JH - I'll second.

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

5. **Preliminary Plat/Hubers – Section 18, Northfield Township**

David and Jacquelyn Hubers have applied for a preliminary plat to create six building lots through the use of Transfer Development Rights. The property is described as: Part of the NE1/4, Section 18, Northfield Township, Rice County, Minnesota. PID#s: 08.18.1.50.004 & 08.18.1.75.001. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to recommend approval of the Preliminary Plat with the following conditions and findings for Hubers. The property is located in Section 18 of Northfield Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – Hubers – Preliminary Plat

1. A final plat shall be submitted within six (6) months of the preliminary approval and shall closely follow the approved preliminary plat.
2. Signed conservation easements for the Transfer Development Rights (TDRs) sending sites and replacement of the conservation easement on parcel 0818150004 are required to be submitted with the final plat.
3. Applicant shall immediately implement the submitted 2/23/2023 “Revegetation and Management Plan” developed in conjunction with the MN DNR.
4. Final plat submittal shall include signed engineered road construction plans.
5. Proposed homeowner covenants that include operation and maintenance of the water, septic and roadway shall be provided with the final plat.
6. Final provisions for timing, phasing and final engineered cost estimates, of all improvements, shall be submitted with the final plat.
7. The preliminary plat shall be null and void if the final plat is not submitted within six (6) months of this approval.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC). TM - The original approval in 2022 had the requirement for a turn lane along the County road for this roadway intersection. The applicant worked with the County Highway department and at this point, the proposal is to require dedication of a right-of-way sufficient enough for the turn lane, but not to actually construct the turn lane at this time.

CP - One big community septic?

TM - Yes, they are required to have a combined septic for this.

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

DH - We started this plat process a year ago and stalled out because of the turn lane which has been resolved. With the trees, the tornado from 2018 took out a lot of trees. The reason the trees got removed was because of storm damage. I have worked with the NRCS and Rice County Soil & Water, been farming for 43 years and we have always worked with them on tree removal. Their big concern is that you don't take trees out of wetlands. You can take trees out but not the root systems. After that storm came through, we had the verbal agreement to take out any storm damaged trees. We took out hundreds of trees, but ran out of time in 2019, so we didn't get these trees cleaned up. We hired Castle Rock Tree Service to come clear them out last winter to get it all cleaned up. We had a verbal from NRCS, so we went ahead and did it, but we did not know that we had to get permission from the County. We have it cleaned up with it all seeded down with alfalfa, prairie grass and two types of clover. We are trying to create a nice, clean environment. Looking at the pictures, we have a really nice view. I have no problem planting the trees on the hillside, but I do struggle with the hardwood broadcasting all these seed trees down below the hill. That will be more work down the road. Mowing it and keeping the weeds down is going to create a nicer environment in my opinion. That is the only thing I am struggling with is the hardwood trees on the very lower edge. We do have a plan with the DNR to do this, but I am in the tree moving business. We do mitigation trees with Cities, so I know what it's all about. Broadcasting these seeds on the lower bottom, I have a hard time with. I will do it if I have to, to keep the process moving. This has been drug on quite a bit, but in my eyes, maintenance costs down the road would be less to mow and also create a nicer environment.

CP - I have seen a number of broadcasting processes work.

DH - I get that, but there is maintenance. 15 years down the road, they recommend that you pick out the best tree and you cut 15-20 feet all the way around it in a circle to create a wooded environment. I am going to be 77 years old. I'm not going to do that. Then you have someone who wants to put up a nice house. I can go through all this work, but they will just saw everything down in the long run. Selling these lots is all about line-of-sight and view. You can see in the pictures that it is all nicely seeded and green. I am OK with planting the bigger trees on the hillside and creating an oak savanna prairie-type environment. We have bought almost 200 trees for this development and have about half of them planted right now. if you look down below, we have a nursery. There are several hundred trees down there that will eventually stay there. I think it will be a nicer environment than it was before. I got advice from an Arborist and he agreed with me and Castle Rock Tree Service based on the pictures they took when they took the trees down. Any uprooted, damaged trees creates an environment for disease. That's why we took all the trees out and if we would have had them all out in 2019, I don't know if this would be a topic of discussion.

CP - I agree that you had to take them out, but if the DNR wants that, then it is a condition. It does look nice now.

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:

JH - It seems like the plan is more complete this time around, so some of the conditions could actually be removed.

CP - And the construction of a turn lane was removed.

JH - The vegetation plan condition will need to be followed.

CP - That was per the DNR TM?

TM - The applicant worked with the DNR to come up with the revegetation plan but the ordinance spells out with any kind of development and tree removal. It can be up to one-for-one per size. It could have been a 6" healthy tree was removed, a 6" healthy tree needs to be replanted. This seemed to be a better, longer term alternative to create a wooded condition on some of it. With the oak savanna area on the top portion of the hill, it allows some view while trying to recreate a forest situation there.

MP - I will motion to approve.

GJ - I will second.

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

6. **Preliminary Plat & Final Development Plan/Bloch (Winjum) – Section 21, Wells Township**
Krystle Bloch, on behalf of landowners Roy and Myrna Winjum, has applied for a preliminary plat and final development plan to create eight building lots. The property is described as: Part of the NW1/4 in Government Lot 004, Section 21, Wells Township, Rice County, Minnesota. PID#: 10.21.2.26.016. The property is Zoned GDS, General Development Shoreland.

Motion by Garrett Johnson, seconded by Matt Purfeerst, to recommend approval of the Preliminary Plat & Final Development Plan with the following conditions and findings for Krystal Bloch on behalf of land owner Roy and Myrna Winjum. The property is located in Section 21 of Wells Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – Bloch (Winjum) – Preliminary Plat

1. A final plat shall be submitted within six (6) months of the preliminary approval and shall closely follow the approved preliminary plat.
2. Final provisions for open space protections, sewer and water provisions, timing and phasing of improvements, and revision of road extension location to avoid wetland impacts shall be submitted with the final plat.
3. A final engineered cost estimate report, for all improvements, shall be submitted with the final plat.
4. The preliminary plat shall be null and void if the final plat is not submitted within six (6) months of this approval.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
TM - We received the open area exhibit today, so it is not in the packet, as well as some additional public comment information submitted to our office today. All of which you have in front of you. Other than erosion concerns, two other concerns were brought to me today. One with a potential old farm dumpsite on the property. I am not aware of the details as this was not brought up previously. The other concern was about tile in the western wetland area. Wetland regulations are dealt with by our Soil & Water District. The site did have an updated wetland delineation done this spring which went through the process with Soil & Water.

JH - Would the sewer connection paperwork be required with the Final Plat?

TM - Yes, the Final Plat will need that formalized before as that will affect the Developers Agreement, costs, and infrastructure improvements.

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

KB - *Engineer with Bloch Engineering* - I don't have much to add. I think it was explained well. Regarding the erosion control concerns, just like any other project, we will follow MPCA requirements. Run-off should not be a concern. We will have silt fence around everything. Whenever a house is built, they will have to have silt fence up while building. Regarding the drain tile, I spoke with the landowner today and it sounds like there is drain tile in or near the wetland area. He believes it is on record with the Soil & Water District. The so-called dumpsite, it sounds like there used to be some junk out there that has been cleaned up. To our knowledge, there is no dumping area or pile, just a pile of field rock.

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

1. Tim Audette - *180th Ct W.* - I recently purchased a house at the end of the cul-da-sac where this development is coming across. When we purchased the house, we were not aware of this development happening, but I'm fine with the development of it. Our biggest concern is that some of the people here lived through the first phase for about 4 years. When we bought this house, we were under the understanding that there was going to be a black-topped road put in in

June. We went to the Township. They said it is on the County to fix it. They said we can't do the road because there is a lawsuit between Winjum and Ackerman. So we are sitting with a gravel road that you drive a pickup or a car down and it makes a dust storm. If we go through this development without a road, at least the first lift of a black-topped road, they are going to start rolling equipment in and we will all be dusted out. John Winjum lives out there but he is the first house and he doesn't mind the dust as he is profiting from it. The rest of us are not.

2. Colin Johnson (CJ) - I am a supervisor on the Wells Township board and one of the reasons the road has not been black-topped is because we are trying to set up the subordinate service district, but we knew this development was coming and we did not want to have to amend it. It is harder to add properties in once established than just doing it at the onset.

CP - The Township is managing the black topping of the roadway?

CJ - Yes, but we were waiting on the approval of this phase of the plat to add into our subordinate service district.

3. Barbara Ackerman - *Echo Ave* - I created a handout that you have in front of you (*refer to Public Comment #3 attachment*). We are not currently in a lawsuit, in the past but that was settled 3 years ago. Our biggest concern is the runoff and the hill is right behind us and it is a 40ft drop. Right now, with the field there, we are already doing all we can. Our driveway runs along the south and east sides of this development and is the only access we have into our property. We do not want runoff to ruin our driveway and devalue our property. The pictures in the packet do not accurately show the slope on that hill. There are no holding ponds planned for the south and east sides of those slopes.

4. Jon Winjum (JW) - The erosion control she has will actually go down once it is developed. It will be prairie grass or trees, and no longer be farm land and tilled. We will have it in our covenants that homeowners have to plant a certain amount of trees and build a certain type of house.

CP - For the house sites look like little knolls already established. It looks like the ponds on site are already established?

JW - Yes. We won't be touching our existing pond and we have proposed 2 more before it hits the lake. I have lived on that lake for 38 years and it has been cleaned up tremendously. The run-off goes through 3 ponds before it hits the lake.

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

Discussion:

CP - I understand the road issue. As being on a Township board myself, I realize it takes time. As far as black topping the road, that has to be worked through the Township.

JD - Wouldn't you want the subordinate service district in place before all of these lots are sold? Also, doesn't development, or home sites, increase impervious surface? I'm not following his thoughts on that. Those concerns need to be addressed as well. We also need to make sure the sewer connection documents are in place.

JH - Maybe add a condition?

CP - I agree with JD that the subordinate service district should be established.

JD - I understand the Township's concern.

JR - It was not in the previous plat conditions for the road to be paved. The road was designed as gravel and built to standards that were reviewed and inspected by a 3rd party engineer for the County/Township. This phase of development will need to have a full stormwater, erosion control, road and sewer plans designed for the final plat. These will then be reviewed by a 3rd party engineer again. If you want a paved road than that would need to be an added condition. The new road is dedicated to the public and is it up to the Township to decide if they will take it over and manage the road.

JD - That makes some sense. I am not aware of the agreement with the Township and those existing lots having an agreement for it to be paved. Yes, it may have been a requirement of the original plat but where that agreement comes in, I don't know.

CP - We could have a condition where the agreement is in place for the original plat with the Township.

JH - This is a whole different plat. This is not a part of that first development, it is separate. But ultimately, that main road leads to this new road. It's a different plat, it needs to be separate.

CP - If we put a condition in that the new plat be asphalted.

JH - It would be at the cost of the developer.

TM - If you add it in as a condition, it would have to be rolled into the full design and financial surety that it be done. It would be a different process than the existing roadway and a subordinate service district being created between the Township and those homeowners.

CP - They would still have to work out the original?

TM - It's a separate thing. You could require additional action be taken beyond the proposed roadway, but that is unusual with plats. In the past, the County has required either paved or gravel roadways. Recently it has been gravel for most things.

JD - How many lots will there be in total, with the first development and this?

JR - It will be a total of 20 lots.

JD - If the Township forms this subordinate service district, are all the lot owners paying for the road?

CJ - *Wells Township Supervisor* - No, the original road with the first plat has been dedicated and taken over as a Township road and is maintained by the Township. Putting stipulations on that overrides the township's authority.

CP - You do have a subordinate district in place?

CJ - Not yet. The original lots applied for it so the road could be paved, but we tabled it knowing this development was coming and we want to be able to add those lots to the subordinate service district before we set it up.

CP - What if the new lots vote to not be added into the service district?

CJ - They only need 50% of the lot owners and they have 11 with the original already.

JD - Is the new proposed road being dedicated to the Township?

CJ - That is the intent. The Township requires a 30ft top, 3ft ditches, concrete culverts through the centerline and 9-inches of class V gravel. It is setup for a 9-ton road and future blacktop. That is what the proposed roadway is being built to.

JD - The original plat had no requirements for paving and what has been done since is between township and lot owners, not this board's decision. If that is the plan that it will be tarred, great, but I don't think we can put that stipulation as a condition on this. This is a completely different development and if the original gets tarred, they would have to have some sort of service district to tar the rest of it too. That is between them and the Township.

CJ - The Township has gone through 4 of these in the last four years. Amending the subordinate service districts gets to be a complicated deal.

CP - Then it is up to the Township. *The board went through the conditions as drafted.* It is a lot better than many we have seen.

GJ - I move to approve with the 4 conditions.

MP - I will second.

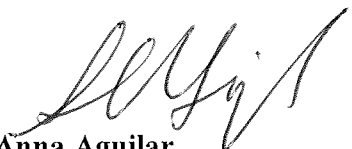
Motion to recommend approval with stated conditions and findings made by Johnson, seconded by Purfeerst, and approved unanimously.

IV. Adjournment

Hearing no other items before the PC, a motion was made by Johnson, seconded by Hogan, to adjourn the meeting at 9:36 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission


Anna Aguilar
Administrative Coordinator


Charlie Peters, Chair