

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION**
*Commissioner's Room / Government Services Building
Thursday, August 3, 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 7:01 p.m.

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

Members absent were: Garrett Johnson

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

Commissioners present: Steve Underdahl.

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

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

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Matt Purfeerst, NAYS: None

C. Motion by Matt Purfeerst, seconded by Michael Streiff, Approval of the Agenda

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Matt Purfeerst, NAYS: None

D. Motion by Julia Hogan, seconded by Matt Purfeerst, to approve the minutes of June 29, 2023.

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Matt Purfeerst, NAYS: None

II. New Business

1. Conditional Use Permit/Tatge - Section 17, Richland Township

Nicholas Tatge, on behalf of NLT Land LLC, has requested approval of a Conditional Use Permit to allow for the addition of an earthen manure storage basin for a dairy operation. The property is described as: Part of the S1/2 of the SE1/4, Section 17, Richland Township, Rice County, Minnesota. PID#: 16.17.4.75.001. The property address is: 8714 240th St E, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Michael Streiff, seconded by Matt Purfeerst, to recommend approval of the Conditional Use Permit with the following conditions and findings for Nicholas Tatge. The property is located in Section 17 of Richland Township.

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – Tatge – Conditional Use Permit

1. Earthen-basin and site must follow all local and State feedlot requirements.
2. A fence must be maintained around the entire manure storage area.
3. 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).
MS - The basin is being enhanced? Not separate?

TM - It will be a new basin. It is hard to add to an existing basin. The applicant can probably speak to that better than I can.

The PC asked the applicant, Nicholas Tatge (NT), to come forward to add comments or answer questions regarding the request.

NT - It will be a new facility. With the addition, it would give me 14 months of storage. With the old lagoon, it's tough to get by every 5 months. This summer has been fine, it has been dry. In 2018, when we had 52 inches of rain, we made it about 4 months. This would get us to pumping once a year with more room.

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 - He has a sound plan. I can't believe you are expanding at this moment in time, but I don't have issues with it.

MP - It makes sense trying to pump once a year.

MS - It is nice to see a plan like this compared to what we normally get. I will motion to approve with 3 conditions.

MP - I will second.

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

2. **Conditional Use Permit/Musta - Section 14, Forest Township**

Joel Musta has applied for an amendment to a Conditional Use Permit for a contractor's office and yard. The amendment is to allow for the addition of a 10 space parking lot. The property is described as: Part of the NE1/4 of the NE1/4, Section 14, Forest Township, Rice County, Minnesota. PID#: 06.14.1.00.002. The property address is: 2068 Millersburg Blvd W, Dundas, MN 55019. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Michael Streiff, to recommend approval of the Conditional Use Permit with the following conditions and findings for Joel Musta. The property is located in Section 14 of Forest Township.

RESULT: Approved, AYES: Charlie Peters, Michael Streiff, Julia Hogan, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – Musta – Conditional Use Permit

1. The Conditional Use Permit is for an office and yard for an exterior construction company. Changes to the business are not permitted without approval of a new/amended permit.
2. The submitted site plan shall be followed, subject to all work and parking being located outside of the Road Right of Way of County Road 1.
3. The parking area shall meet the parking standards of Chapter 505 of the Rice County Zoning Ordinance.
4. All vehicles and trailers stored/parked outside shall be operable and have a current license.
5. There shall be no outdoor storage of business materials or supplies.
6. Only business equipment owned or leased by the onsite business shall be stored on the site.
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).

The PC asked the applicant, Joel Musta (JM), to come forward to add comments or answer questions regarding the request.

JM (*viaZoom*) - No further additions, TM covered it pretty well.

JH - Are you aware of the 9 conditions?

JM - Yes, we have a current CUP, parking on the dirt, want to clean it up and make it look better from the curb.

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 - I'm aware of the site, it will be much better for parking if he puts a lot in there.

JH - As long as he meets the setback from the road. No concerns from the Highway dept.

MP - I will move to approve with the 9 conditions.

MS - I will second.

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

3. **Planning Commission Discussion on Transfer Development Rights (TDRs)**

Hearing Minutes:

Environmental Planner Jeremy Edwards (JE) presented the possible changes for implementation of the TDR Program Transfer Development Rights.

Discussion:

TM - The program was created to make more ideal building options instead of limiting the right to stay within a quarter (such as with all wetlands or having to build a ½ mile off the road). Currently you can move a right within the Township, 1-2.5 acre lot. If moving multiple they have to have shared systems (well & Septic). Moving 4 gives you an extra right.

JH - We discussed at prior meeting increasing lot size. I can understand needing or wanting more than 2.5 acres.

CP - I agree. Everything I have heard is for larger lots because everyone wants a shed, but it kind of goes against preserving Ag lands.

MP - Previous discussion was on expanding from the Villages.

TM - Went away from requiring TDRs and just being able to expand Villages. There is another TDRs with gulf course clusters.

CP - Shoreland TDRs?

TM - That is a different topic that we aren't really addressing right now, but will need to discuss that going forward.

JE - Talking about moving smaller 1-2 TDRs, what are thoughts?

JH - I feel like we haven't had many cluster developments lately.

TM - Most have been 1-2. We have had a couple clusters. I think the problem Staff are running into with the smaller 2-3, it is hard for the group systems.

JH - Why was that required?

TM - I think to force the lots to be closer and preserve Ag land.

JH - If Staff are seeing that as an issue, maybe it needs to change.

SU - It seems like the single TDRs we have had are family, just carving out a piece of a larger acreage for family.

MS - I think the other options is ADUs.

TM - The ones we have approved thus far, they're only other option was to find a TDR but did not always really work.

JE - Currently, if someone has a 12 acre lot, but because of our 2.5 acre max, we end up with a random 9.5 acre piece. For these single transfers, Staff have discussed about not necessarily placing a max lot size, but capping the size based on the size of the parcel the right is coming from. For example, if the right comes off a 20-acre piece, then it would need to be transferred to a piece that is 20-acres or less.

MP - Why does the size of the sending site matter? They have the TDR and can send it anywhere.

JE - This scenario would ensure a net positive of land is preserved and avoid splitting odd sized bare lots.

TM - It could be a one-for-one. Which may not make it better. We do see a lot of these smaller acre pieces (5-acres) that want to move a right on, then they split it to 2.5 with a 3-acre bare land.

JH - I feel like when someone wants to transfer, they aren't looking for 30-acres. They are looking more for residential.

TM - People will ask for the max they can get. The max is 2.5, we see 2.5. If the max was 5, the requests will be 5.

MP - Can we do it where they don't need to split a lot to transfer?

MS - I think we should increase it, but it needs to be simple so people can understand.

JH - Something that can come up with a more straightforward program that is easier for the public to understand. What are the commissioners leaning towards?

SU - That we increase the size of the lots?

JE - Another thing that was raised was the minimum lot with. If you increase that, it may make it less likely or desirable to have the flag shaped lots.

TM - I have heard 3-5 acres is common for residential, but maybe to lessen the random small lots is to let them keep the parcel the current size if the sending is larger. The old idea is that the 2.5 becomes a home site and the 7 goes to a neighboring farm, but that doesn't happen.

SU - Have we seen a lot of variances because the lot size is too small?

TM - Not really. 2.5 isn't that small.

JH - And the Ag setbacks are not really big.

MS - It does seem like a lot of the transfers are for family.

TM - It is the Ag district. If we want a residential area, we can do that, but to keep Ag we need to have some restrictions.

MS - Do we get many calls for large developments?

TM - No. They come up occasionally, but not for strictly housing.

JE - That ties into Max cluster size. Current is 10 within a cluster

TM - We have had a couple that requested variances to go above 10 and they were approved. We have had a request for 20 and 16 in the past.

JE - Should there be an upper limit? 20? Or no limit?

CP & MS - There should be a limit.

JH - Or not have a limit but have requirements?

JE - If you have combined septic systems, getting into more than two dozen starts into State permits or utilities... so that provides a natural cap

JH - I wouldn't be opposed to upping it a little.

MS - I think 10 is good, especially with ADUs.

TM - We have talked about doing a tour with the PC and BOC in the past.

MS - Charles Ridge is like their own community up on the hill. I think if you open it up, it can potentially change the character of the County.

SU - I think you are right. If you look at Southern Scott County, they have larger pockets of developments.

TM - Medium size parcels create issues for Cities (Elko & Lakeville). They are too small to develop but too big to run utilities too or go around.

MP - In my mind, the more restrictions you put on the TDRs it will preserve Ag land more and push them towards developing around the Villages.

JE - We have a requirement that if 2 TDRs go in next to each other, they have to have a shared driveway.

JH - What was the point behind that?

TM - Fewer accesses on main roads and to consolidate locations of TDRs.

JH - Are we wanting to stick with 10?

CP - As far as septic, I think that makes sense. Originally, I was thinking going up to 5-acres for a single transfer, but now I'm thinking maybe 3 or 4.

JE - Some jurisdictions do put a type of easement over the alternate septic location to prevent it being built on. An easement is kind of extreme but there may be other options or requirements.

JH - Keeping the survey on file to ensure they don't build on their secondary site.

TM - Shoreland districts trigger showing the septic is compliant but not in the Ag district unless they are adding a bedroom. But we could add in the ordinance that they show a secondary site on proposed site plans.

SU - Easements come with lots of legalities

JE - Currently we don't have any restrictions on receiving areas as far as where they go. Do we tie

them to low CPI areas or keep as is to where you can transfer wherever?

MP - I think if someone is going through the process to move a right, I don't think we should limit it to low CPI areas.

CP - I agree because it doesn't mean low CPI areas are not optimal hunting areas.

SU - Is there any way to incentivize transferring to a less desirable area?

TM - You can create incentives but it can get complicated quickly. You could have a bonus system for lower CPIs, etc. With the shared water and sewer, is that something we keep in with the bonus, but not with the smaller ones. I like keeping the shared driveways.

CP & SU - I agree, it is more about the access than the driveways.

TM - We do have standards that limit 3 driveway accesses before having to build a road. Larger developments?

JH - I don't see the problem with increasing it up to 15 or 16.

MP - Are the developments limited to staying within a Township?

TM - Yes

CP - I would like to promote cluster systems if you are getting up to the 15 lots.

SU - If the site is appropriate and they are asking for more, it might make sense for some.

MS - When you make it a lot bigger, you are drawing more attention to it. Whereas with 10, that doesn't get you much.

TM - My worry is if we get too restrictive on the medium or larger clusters, then all we will get is 1-2 transfers.

CP - I think the group septic systems should be up around 10, but I can see where it isn't viable with 2-3.

JE - Could use the group system with bonus rights.

CP - Did we come up with a size limit?

JH - I think it has been in the 3-5 range.

MS - I think we could do 3 as the standard but possibly tie a bonus into it to get it up to 5-acres.

MP - such as the lower CPI.

JH - Next steps?

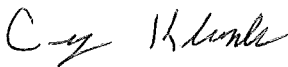
JE - Take this feedback and come up with ideas on what it will look like and bring it back to a future meeting. We are hoping to do public engagement later this fall.

III. Adjournment

Hearing no other items before the PC, a motion was made by Strieff, second by Purfeerst, to adjourn the meeting at 8:28 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission



**Cassy Klumb
Office Support Specialist**



Charlie Peters, Chair

