

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, September 7, 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 6:55p.m.

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

Staff present were: Director Julie Runkel (*via Zoom*), Zoning Administrator Trent McCorkell, Planner Jeremy Edwards (*via Zoom*), Administrative Coordinator Anna Aguilar.

Commissioners present: Jeff Docken.

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

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

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

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

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

D. Motion by Matt Purfeerst, seconded by Garrett Johnson, to approve the minutes of August 3, 2023.

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

II. New Business

1. Interim Use Permit/Uittenbogaard - Section 19, Walcott Township

Dennis Uittenbogaard has requested approval of an Interim Use Permit to allow for changes to the parcel boundaries of an existing 4-MW solar energy production facility. The property is described as: Part of the NW1/4, Section 19, Walcott Township, Rice County, Minnesota. Current PID#: 15.19.2.00.001. The current property addresses are: 24230 & 24296 Albers Ave, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Michael Streiff, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Dennis Uittenbogaard. The property is located in Section 19 of Walcott Township.

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

CONDITIONS OF APPROVAL – Uittenbogaard – Interim Use Permit (IUP)

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 4-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. All areas of the solar site, excluding the access roads and electrical equipment pads, are to be maintained in Agricultural crop production or a perennial vegetative cover.
6. All electrical lines internal to the site shall be buried underground.

7. A stormwater plan compliant with state/federal stormwater regulations shall be implemented and maintained.
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 or off-site damages caused by 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.

Hearing Minutes:

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

The PC asked the applicant, Dennis Uittenbogaard (DU), to come forward to add comments or answer questions regarding the request.

DU - TM explained it. The solar site is staying the same, the permit just needs to be adjusted because of the split.

CP - You are aware of the 10 conditions?

DU - 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:

MS - Straight forward. I will motion to approve if there is no further discussion.

MP - I will second.

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

2. Waiver of Plat/Quinlan - Section 27, Walcott Township

Derrick Quinlan, on behalf of landowner Mark Quinlan, has applied for a Waiver of Plat to create a 2.5-acre building parcel through the use of a Transfer Development Right. The property is described as: Part of the S1/2 of the SE1/4 of the SE1/4, Section 27, Walcott Township, Rice County, Minnesota. PID#: 15.27.4.75.005. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Julia Hogan, to table the Waiver of Plat until October 5, 2023 for Derrick Quinlan. The property is located in Section 27 of Walcott Township.

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

Hearing Minutes:

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

TM - At this time it is requested that the Planning Commission table the item. This is based on the applicant having requested that the application be tabled to allow them to explore options of relocating the site or applying for a variance. During the County Staff review process, it was determined that, as proposed, the site would not be able to meet a 500-ft feedlot setback to allow for a new home. The 500-ft setback is required due to an 11-animal unit registered feedlot to the south of the site. In 2022, the feedlot added an animal shed that resulted in the 500-ft setback moving north from the pre-2022 setback location that would not have covered the building site. Applicant may possibly be withdrawing this application, but that has not been confirmed at this time.

Discussion:

GJ - I move to table this item until the October 5th meeting.

JH - I will second.

Motion to table until the October 5, 2023 meeting was made by Johnson, seconded by Hogan, and approved unanimously.

3. **Waiver of Plat/Haugh - Section 32, Walcott Township**

Teri Haugh has applied for a Waiver of Plat to create two building parcels through the use of Transfer Development Rights. The property is described as: Part of the SE1/4 of the NE1/4 of the NE1/4, Section 32, Walcott Township, Rice County, Minnesota. PID#: 15.32.1.00.002. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Julia Hogan, to recommend approval of the Waiver of Plat with the following conditions and findings for Teri Ann Haugh. The property is located in Section 32 of Walcott Township.

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

CONDITIONS OF APPROVAL – Haugh – Waiver of Plat (WOP)

1. The two Transfer Development Right (TDR) receiving parcels 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 TDR receiving parcels 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. The two parcels shall utilize a shared driveway and a combined water and sewer system. Easements for the shared/combined systems shall be created and recorded.
6. Within one year of this approval the applicant shall record new deeds, with each separately containing each TDR receiving parcel, at the Rice County Recorder's Office.
7. An in-lieu park dedication fee of \$1000 shall be paid prior to recording of the new parcels.

Hearing Minutes:

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

The PC asked the applicant, Teri Haugh (TH), to come forward to add comments or answer questions regarding the request.

TH - I have nothing further to add.

CP - Are you aware of the 7 conditions?

TH - 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:

CP - It looks pretty straight forward. It's a nice location.

JH - Especially with the two transfers.

GJ - I will move to approve this item.

JH - I will second.

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

4. **Interim Use Permit/Steeves (McDonough) - Section 6, Cannon City Township**

Zach Steeves, on behalf of landowner Thomas McDonough, has requested approval of an Interim Use

Permit to allow for continuation of an existing sand and gravel mining operation. The property is described as: Part of the W1/2 of the NE1/4 and Part of the E1/2 of the NW1/4, Section 6, Cannon City Township, Rice County, Minnesota. Current PID#s: 11.06.1.25.001 & 11.06.1.75.001. The property address is: 1503 150th St E, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Michael Streiff, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Zach Steeves (McDonough). The property is located in Section 6 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Steeves (McDonough) – Interim Use Permit (IUP)

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.
3. The applicant or operator shall furnish a six (6) year \$100,000 bond for haul road repair and for site restoration. All bonds shall be reviewed and approved by the Rice County Attorney's office prior to any work on site.
4. This Interim Use Permit (IUP) 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.
5. The mineral extraction mining operation shall be restricted to the area on the applicant's submitted site plan, subject to compliance with setback requirements. Any other deviation from these boundaries will require application for a new Interim Use Permit. 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.
6. 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.
7. A 20-foot setback shall be maintained between the mining operation and all property lines . A 100-foot setback shall be maintained from County road right-of-way.
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 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. All access drives within the site 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 drive from leaving the property during mining or hauling activities on the property.
13. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.
14. The site is to be cleaned of all debris and equipment after closure of the pit.

15. "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.
16. The site shall be secured at access points.
17. The current two parcels shall be combined onto a single deeded parcel by not later than 1-1-24. This shall be done by recording a new deed that includes both current parcels.
18. Prior to additional mining the applicant must consult with the Rice SWCD to verify onsite wetland compliance.

Hearing Minutes:

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

TM - Condition #2 needs to be updated to say Interim Use, not Conditional Use.

MS - It states in your report, that what was approved in 2018 and what was mined was different?

TM - Correct.

MS - Do we have a better handle on this?

TM - We have a plan. Based on the conditions, they are supposed to be marking the mining boundaries, but that would be better to address with the applicant to make sure the company stays within the boundaries.

MS - And they have to combine the two parcels?

TM - Yes, one of the conditions is that they have combine those parcels into a single piece.

MS - That has to be done before mining?

TM - We gave them a deadline of January 1st.

JH - Have there been any complaints?

TM - Not that I am aware of and that is generally how we review sites; when permits expire or on a complaint basis. That's why things can progress beyond what it's supposed to such as in this case.

The PC asked the applicant, Zach Steeves (ZS), to come forward to add comments or answer questions regarding the request.

ZS - As you saw in the previous plan. Our initial plan was to start on the downslope side and work around counter-clockwise, but as we got to the site in 2022. We were approved in 2018, but didn't start mining here until 2022 after we finished with our Highway 3 pit. This is now our main site as we move forward and restore Highway 3. As we dug test holes, we found that the better material was towards the bottom of the hill. It was my inadvertent mistake that I thought the south tree line was the property line, but it is not. I didn't realize that until this past spring when I had some surveying done, and now we are here trying to renew the permit. We will adjust and come up counter-clockwise to the north and use the fill from the hill to fill in behind us. It is shielded on all sides. We have two houses across Country Road 9, and we have another Met-Con property to the west. I have no issues with any of the conditions and are in the process of combining the two properties.

MS - Do you understand the importance of mining where you have proposed and coming to the County if things change?

ZS - Absolutely.

MS - Combining the sites makes sense?

ZS - Yes.

CP - There is a wetland?

ZS - I see that and will follow the condition and have that checked. I will verify with Rice Soil & Water.

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 - I found another copy & paste error - #5 needs to say Interim Use as well instead of Conditional.

MS - I will motion to approve the 18 conditions with the amended wording by TM.

MP - I will second.

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

III. Adjournment

Hearing no other items before the PC, a motion was made by Johnson, second by Streiff, to adjourn the meeting at 7:19 pm. Motion carried 5-0.

Respectfully Submitted



**Anna Aguilar
Administrative Coordinator**

Planning Commission



Charlie Peters, Chair