

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, November 2, 2023 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Chair Charlie Peters at 7:28p.m.

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

Members absent were: Matt Purfeerst.

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

Commissioners present: Jeff Docken.

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

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

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

D. Motion by Garrett Johnson, seconded by Julia Hogan, to approve the minutes of October 5, 2023.

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

II.

Old Business

1. Zoning Amendment Application/Marvets

Julie Marvets has requested an amendment to Table 508-1 of the Rice County Zoning Ordinance to add "Short Term Rental" as a Permitted Use in the UR, Urban Reserve Zoning District.

Motion by Michael Streiff, seconded by Julia Hogan, to table the Zoning Ordinance Amendment requested by Julie Marvets indefinitely.

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

Hearing Minutes:

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

CP - The proposal right now is only for Urban Reserve (UR)?

TM - Correct, it is just as highlighted on the screen. It is proposing to add short-term rental as a permitted use in the UR.

CP - What is the definition of short-term rental?

TM - The applicant has not proposed a definition, but if you would like to move forward, staff has some suggestions both for the definition and some use standards.

The PC asked the applicant, Brett Johnson & Tony Marvets (BJ & TM), to come forward to add comments or answer questions regarding the request.

BJ - *speaking on behalf of the applicant* - The reason for the requested change is to allow short-term rentals such as AirBnB style in Rice County. Julie and her husband operate a cat sanctuary called Furball Farms. It is about a 5-acre property and has gathered quite a social media presence. With the short-term rental, they would like to provide a place where people could come visit the cats and stay overnight. Revenue from this would help to offset some of the costs of running the sanctuary. We would also like to point out some compatibility uses with Rice County's Comprehensive Land Use Plan. This would support and encourage a short-term rental economy in rural Rice County, allowing home and

property owners to share their residents with visitors to the county. It would also allow home and property owners in rural Rice County to compete with home and property owners in the Cities such as Faribault, where short-term rentals are currently allowed. The portion of the existing ordinance to be amended would add a line to include short-term rental for the UR zoning district as a permitted use or add short-term rental/AirBnB to the Bed & Breakfast Facility line, changing it to a permitted use under the UR zoning district. *Reference attached notes.*

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 - This was tabled last month to allow input from the applicant. We did have some discussion about the other zoning districts and I know we have talked about it with the Comprehensive Plan. It's not allowed anywhere and we know its going on within the county. We are having issues with some of them. We didn't come up with anything decisive about them but we talked about holding off and discussing it as a larger group with the zoning ordinance revisions steering committee and open it up that way.

JH - Short-term rentals have been a topic of discussion within the County for years. We know they are around even though they are not allowed by the zoning ordinance. I think AirBnB's/short-term rentals are inevitable. I have seen some cities and other counties restrict them because they have a significant amount of Bed & Breakfasts that they want business going to instead of to short-term rentals like AirBnB's, but in Rice County I don't think we see as much use of Bed & Breakfasts. It won't hinder the economic development from them. I am not opposed to short-term rentals. I think the drafted standards/language, implementing it within that and having it permitted throughout the districts is reasonable.

CP - I agree. It's going to happen. Do we move forward with this one in the UR or do we talk about it with the larger group as the zoning ordinance steering committee?

JD - We briefly discussed this last time, I don't object to it either, but I think we can do a better job of including it in other districts. It would also bring in other commissioner's viewpoints. We can start talking about it at the meeting coming up on November 13th. My opinion is let's address it, all of it, and in what districts we might want it in and with what standards or restrictions we might want, as a larger group verses just putting it in the UR for now. Staff has drafted good recommendations but I think we can make it better.

MS - I think some of the County or Municipalities that are struggling with these kind of put it in with a knee jerk reaction and there is confusion. I think it needs to be addressed and we should do this right as a whole.

JH - So you are thinking we hold-off on this and wait until we discuss it with the Zoning Ordinance updates?

MS - Yes.

JH - I find that reasonable. I understand the timing might be a little off for the applicant, but I think we might as well do it right the first time and avoid coming back for multiple amendments.

JD - We really aren't that far off from discussing this. We are not years away.

JH - I just meant it would not be passed as soon as the applicant probably wants.

JD - I'll make the assumption that Staff have looked at some other counties and what they have done. I think it would be appropriate to do that. It is time to address it, but let's do it right.

CP - Does the applicant understand where we are going with this? We want to look at it on a broader scale that would involve more districts.

BJ - Yes.

JD - We are going through the Zoning Ordinance piece-by-piece right now to update it to match with the Comprehensive plan.

BJ - So what is the timeline we are looking at, within the year?

JH - We are actively working through the Zoning Ordinance and have actually approved updates already.

CP - This was brought up previously, so it is on our radar and we know we need to address it. How do we handle this then?

JH - Could the applicant withdraw?

JR - You could table for an undetermined amount of time, but if you deny, the applicant would not be

able to come back and request an amendment if need be.

MS - We could table it and the applicant could withdraw later if they wanted.

JR - Yes.

CP - Or if the applicant does not like the zoning changes, they could bring it back forward at that time since it would be tabled.

MS - I motion to table this item indefinitely.

JH - I second.

Motion to table this item indefinitely was made by Streiff, seconded by Hogan, and approved unanimously.

III.

New Business

1. Conditional Use Permit/Stapf- Section 20, Webster Township

David Stapf has requested a Conditional Use Permit for a contractor's office and yard for a concrete construction business. The property is described as: Part of the NE1/4 of the SW1/4, Section 20, Webster Township, Rice County, Minnesota. PID#: 02.20.3.00.002. The property address is: 6716 Elmore Ave, Webster, MN 55088. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Michael Streiff, to recommend approval of the Conditional Use Permit with the following conditions and findings for David Stapf. The property is located in Section 20 of Webster Township.

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

CONDITIONS OF APPROVAL – Stapf – Conditional Use Permit

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit is for a contractor's office and yard for a concrete contractor business. Changes to the business are not permitted without approval of a new/amended permit.
3. Outside storage or parking of business-related equipment or materials shall be screened to neighboring properties and roadways. Screening shall be provided by storing materials and equipment behind or in the existing building or in an area with an earthen berm and fence or tree combination equaling a solid 6-ft high fence or 2 offset rows of 6-ft high evergreen trees with the trees being no more than 20-ft apart in each row. Screening shall be in place at all times of outdoor storage.
4. The submitted site plan shall be followed.
5. Restroom facilities shall be provided onsite. This requirement may be met by having a portable toilet onsite.
6. All vehicles and trailers stored/parked outside shall be operable and have a current license.
7. Only business equipment owned or leased by the onsite business shall be stored on the site.
8. All buildings shall meet building code for the intended use.
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 - What's the mound off to the left in the picture?

TM - I believe that is the proposed building pad. The applicant plans on going forward with the building either way. It depends on this for the use, business or personal storage.

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

DS - I am amending this so I can store my business equipment in there during the winter.

MS - Cold storage basically?

DS - 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 - Has there been any complaints with the original CUP?

TM - No.

CP - It looks pretty shielded and it is off the beaten path.

MS - When I see concrete, I think of crushing facilities. That would not be permitted under this correct?

It's just contractor's storage?

TM - This wording just clarifies what type of contractor he is, not what is allowed for activity on the site.

CP - I don't see any issues with this.

GJ - I will motion with the 9 conditions.

MS - I second.

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

2. **Waiver of Plat/McNearney- Section 12, Webster Township**

Timothy Mcneamey has requested a Waiver of Plat to create a 2.5-acre building site through the use of Transfer Development Right (TDR). The property is described as: Part of the NW1/4 of the SE1/4, Section 12, Webster Township, Rice County, Minnesota. PID#: 02.12.4.25.004 & 02.12.4.25.006. The property is Zoned A, Agricultural.

Motion by Michael Streiff, seconded by Julia Hogan, to recommend approval of the Waiver of Plat with the following conditions and findings for Timothy McNearney. The property is located in Section 12 of Webster Township.

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

CONDITIONS OF APPROVAL – McNearney – Waiver of Plat

1. The new 2.5-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. 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).

The PC asked the applicant, Timothy McNearney (TiM), to come forward to add comments or answer questions regarding the request.

TiM - TM explained it. It's a 50-acre field and we just want to shift the site 800ft, from the south end of the field to the other.

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 - Straight Forward.
MS - I motion to approve with the 6 conditions.
JH - I will second.

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

3. **Interim Use Permit/Steeves (Cagger Trail LLC) - Section 21, Cannon City Township**

Zach Steeves, on behalf of landowner Cagger Trail LLC, has requested a Interim Use Permit to continue operation of a demolition landfill. The property is described as: Part of the NW1/4 of the NE1/4, Section 21, Cannon City Township, Rice County, Minnesota. PID#: 11.21.1.25.002. The property address is: 18081 Cagger Trail, Faribault, MN 55021. The property is Zoned UR, Urban Reserve.

Motion by Michael Streiff, seconded by Garrett Johnson, to recommend approval of the Interim Use Permit with the following conditions and findings for Zach Steeves, on behalf of landowner Cagger Trail LLC. The property is located in Section 21 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Steeves (Cagger Trail LLC) – Interim Use Permit

1. Only non-hazardous material authorized for disposal in a demolition landfill by the State of Minnesota, Minnesota Pollution Control Agency shall be allowed to be stored or buried on the site.
2. The landfill shall not be open to the general public. Only demolition landfill debris generated from the permittee company projects will be allowed to be deposited on the site.
3. Entrance to the landfill shall remain gated and the gate must remain closed during non-operating hours or when the landfill is closed.
4. The demolition landfill shall operate only between the hours of 7:00am and 7:00pm, Monday through Friday and Saturday 7am-3pm. A demolition landfill operator must be on the site during those periods when the demolition landfill is open. Met-Con is to submit to staff an updated list of the certified landfill operators that will be present on the site when it is open.
5. All illegal dumping on the site shall be removed and properly disposed of at the applicant's expense.
6. Dust abatement methods shall be required and enforced when hauling material to the site or when trucks leave the site.
7. The applicant or operator shall furnish a \$100,000 financial surety in a form acceptable by the County Attorney to cover six years.
8. Permit is to allow for the temporary placement of equipment to be used in the demolition landfill operation.
9. The site shall be reclaimed and the site cleaned of all debris and closed in accordance with the State of Minnesota, Minnesota Pollution Control Agency regulations.
10. 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 also the Interim use permit shall only remain valid as long as a valid Minnesota Pollution Control Agency permit for the operation is held by the applicant for this site. Failure to renew the permit, restore the site or maintain State permits shall result in the County exercising the surety and using the proceeds to restore and properly close the site.
11. The demolition landfill operation shall be restricted to the area on the applicants site plan any deviation from these boundaries will require application for a new conditional use permit. Site to be completely restored upon completion of permit.
12. Stormwater runoff shall be controlled onsite to prevent offsite impacts.
13. A 20-foot setback shall be maintained between the landfill operation and all property lines, a 100-foot setback shall be maintained from any road right-of-way.
14. Applicant to submit a copy of all approved MPCA permits and plans for the site to Rice County.

15. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling to or from the site. Roads to be restored to their original condition after the operation ceases.
16. Mining of sand and gravel or recycling of materials shall not be permitted onsite unless a separate conditional use permit is granted approving such activities.
17. No work to begin until all permits are secured and an approved bond submitted by the applicant.
18. 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.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
MS - No complaints on the site?

TM - Not recently. In the past, there have been some discussion regarding dust from the road, but the complaints have not always been related to the use on this site.

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

ZS - This request is to continue our Interim Use Permit to clear out the demo landfill which we have started. We intend to finish the dirt work still in 2023.

CP - There are some MPCA requirements?

ZS - Yes, we have been in contact with the MPCA regarding how to move forward and what they need. We have a consultant that works closely with them to help us all be on the same page. We will have a final closer plan submitted by spring.

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 looks like they are working with the MPCA and it is going towards closure. I don't see any issues.

MS - I motion to approve with the 18 conditions.

GJ - I second.

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

IV. Adjournment

Hearing no other items before the PC, a motion was made by Hogan, second by Johnson, to adjourn the meeting at 7:59pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission



Anna Aguilar
Administrative Coordinator



Charlie Peters, Chair