

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, December 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 6:40p.m.

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

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

Commissioners present: Jeff Docken.

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

B. Motion by Garrett Johnson, seconded by Michael Streiff, Reading of the Notice.

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

C. Motion by None, seconded by None, Approval of the Agenda

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

D. Motion by Michael Streiff, seconded by Julia Hogan, to approve the minutes of November 2, 2023.

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

II. New Business

1. Conditional Use Permit/Koziolk – Section 1, Cannon City Township

Benjamin Koziolk has requested a Conditional Use Permit for a contractor's office and yard for a fence construction business. The property is described as: Part of the NW1/4 of the NW1/4, Section 1, Cannon City Township, Rice County, Minnesota. PID#: 11.01.2.25.001 & 11.02.1.00.001. The property address is: 15105 Falk Ave, Northfield, MN 55057. 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 Benjamin Koziolk. The property is located in Section 1 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Koziolk – 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 fencing 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 within the existing gravel area located near the business building.
4. The submitted site plan shall be followed.
5. A septic system compliance inspection shall be completed by no later than June 1, 2024. If the system is found to be non-compliant, a compliant system shall be in place by not later than December 1, 2024.
6. Restroom facilities shall be provided onsite. This requirement may be met by having a portable toilet onsite.

7. All vehicles and trailers stored/parked outside shall be operable and have a current license.
8. Only business equipment owned or leased by the onsite business shall be stored on the site.
9. All buildings shall meet building code for the intended use.
10. 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, Benjamin Koziolk (BK), to come forward to add comments or answer questions regarding the request.

BK - I have nothing else to add.

CP - Are you aware of the 10 conditions?

BK - 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 - It's a pretty large parcel with a fair amount of screening around it with tree coverage. I know the shed is more out in the open than the home, but it is still pretty well screened.

CP - Down the road to the east is an old gravel pit, I believe.

TM - It is a wetland complex to the east and a manure pit on the neighboring property. I'm not aware of any gravel pits in the area.

MS - I will motion to approve with the 10 conditions.

MP - I will second.

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

2. **Interim Use Permit/Nick Hubers – Section 5, Northfield Township**

Nick Hubers has requested an Interim Use Permit to modify the parcel boundaries containing an existing 1-MW Solar Energy Production facility. The property is described as: Part of the E1/2 of the NE1/4, Section 5, Northfield Township, Rice County, Minnesota. PID#: 08.05.1.00.003. The property address is: 8867 90th St E, Northfield, MN 55057. The property is Zoned UR, Urban Reserve.

Motion by Garrett Johnson, seconded by Michael Streiff, to recommend approval of the Interim Use Permit with the following conditions and findings for Nick Hubers. The property is located in Section 5 of Northfield Township.

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

CONDITIONS OF APPROVAL – Hubers – 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 setbacks and access requirements.
3. Security fence shall consist of fencing meeting state and federal electrical code requirements shall be maintained.
4. This IUP shall replace the Conditional Use Permit issued to the site in 2019.
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 and to ensure road repair or other 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. If not already completed, the proposed parcel boundaries for the solar site shall be monumented by a licensed surveyor.
11. 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, Nick Hubers (NH), to come forward to add comments or answer questions regarding the request.

NH - With the permit change, we are only doing a lot split. I have 72 acres under contractor to be sold to a local farmer. I intend to keep the 10-acre solar parcel with the operations as they currently are.

CP - You are aware of the 11 conditions?

NH - Yes, and it is my understanding that all are in compliance other than #10, getting the 4 corner markers put in to match the survey.

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 pretty straight forward, just splitting out the solar field.

GJ - I move to approve.

MS - I will second.

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

3. **Final Plat/David Hubers – Section 18, Northfield Township**

David and Jacquelyn Hubers have applied for a final 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, & 08.18.1.25.004. The property is Zoned A, Agricultural.

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

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

CONDITIONS OF APPROVAL – Hubers – Final Plat

1. The final plat shall be recorded with the Rice County Recorder's office within 90-day of the County Board of Commissioners' approval.
2. Lots shall not be further subdivided, modified or added to 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 \$3000 shall be paid to Rice County 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. Improvements to be included in the development agreement are, sewer and water systems, public roadway construction, roadway signage, stormwater controls, final seeding including implementation of the "revegetation and management plan" created in conjunction with the MNDNR.
7. Homeowner covenants shall be recorded to address the management of the combined water and sewer systems, stormwater controls and roadway maintenance.
8. Conservation easements for all TDR sending areas and the modification to the existing conservation easement shall be recorded prior to recording of the plat.
9. All lots must be connected to the centralized water and sewer systems.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
JH - The staff report states the construction plans were sent out for engineering review but no comments had been received at the time the report was written. Any updates on that?
TM - We have not heard anything back at this time.

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

JaH & DH - Just here for the final plat for the 6 lots we would like to do. I believe we have done all the replanting of the trees that was required by Rice County and the DNR Forestry department.

CP - Are you aware of the 9 conditions?

DH - 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 - It is pretty straight forward.

JH - I think the 9 conditions will help make sure everything is completed before any permits are issued.

CP - A lot of work has been done out there.

GJ - I will move to approve.

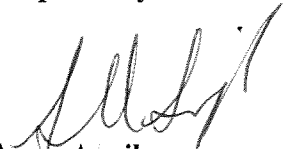
MP - I will second.

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

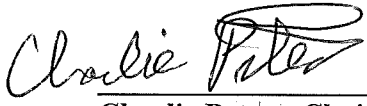
III. Adjournment

Hearing no other items before the PC, a motion was made by Purfeerst, second by Johnson, to adjourn the meeting at 6:56 pm. Motion carried 5-0.

Respectfully Submitted


Anna Aguilar
Administrative Coordinator

Planning Commission


Charlie Peters, Chair