

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, January 4, 2024 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 6:30 p.m.

Members present were: Charlie Peters, Julia Hogan, Matt Purfeerst, Kenneth Engen.

Members absent were: Garrett Johnson

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

Commissioner present: Jeff Docken.

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

B. Motion by Julia Hogan, seconded by Matt Purfeerst, Reading of the Notice

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

C. Motion by Matt Purfeerst, seconded by Ken Engen, Approval of the Agenda

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

D. Motion by Julia Hogan, seconded by Ken Engen, to approve the minutes of December 7, 2023

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

II. House Keeping Items

1. Motion by Julia Hogan, seconded by Matt Purfeerst, to approve the election of Charlie Peters as the Chair of the Planning Commission for 2024.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

2. Motion by Matt Purfeerst, seconded by Julia Hogan, to approve the election of Garrett Johnson as the Vice Chair of the Planning Commission for 2024.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

3. Motion by Ken Engen, seconded by Matt Purfeerst, to delegate the Planning Commission secretarial duties to Environmental Services Staff for 2024.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

4. Motion by Julia Hogan, seconded by Ken Engen, to approve the 2024 meeting schedule as drafted by Environmental Services Staff.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

5. Motion by Matt Purfeerst, seconded by Ken Engen, to approve a 3 minute time limit per person for individual public comment at the 2024 Rice County Planning Commission meetings.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

III. New Business

1. Preliminary Plat/Thom – Section 15, Warsaw Township

Dave Thom, on behalf of landowners, has requested approval of a preliminary plat to create three building lots and one outlot. The property is described as: the SW1/4, Section 15, Warsaw Township, Rice County, Minnesota. PID#14.15.3.00.001. The existing home, on the current parcel, address is: 23775 Dalton Ave, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Ken Engen, to recommend approval of the Preliminary Plat with the following conditions and findings for Dave Thom. The property is located in Section 15 of Warsaw Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Thom – Preliminary Plat

1. Final plat shall be submitted for approval within six months of preliminary plat approval.
2. Final approved wetland determination shall be completed prior to submittal of the final plat.

Hearing Minutes:

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

The PC asked the applicant, Sean Thom (ST), to come forward to add comments or answer questions regarding the request.

ST - I am one of the executors, basically trying to split it up because I don't have enough money to buy 160 acres.

CP - You would like to split this land and sell off parcels as building sites?

ST - No, I want 40 acres. That's why it is being split. My brother is going to take the 18 acres, my cousin is buying the building site, and the 100 acres will probably be sold.

CP - Are you aware of the 2 conditions? They are shown on the screen.

ST - I think they have already been done.

TM - The Soil & Water Conservation District did say they have approved the wetland determination, but did not have the actual signatures on the document at the time the report was written. Condition #11 states that the final plat will be followed through; that the surveyor's revised final drawing will come back for the final approval.

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 - Looks pretty straight forward.

MP - They have a plan for it.

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

2. **Final Plat/Kluzak – Section 22, Forest Township**

Keith Kluzak has applied for approval of a Final Plat for three building lots. The property is described as: Part of Government Lot 3, Section 22, Forest Township, Rice County, Minnesota.

PID#06.22.1.75.002. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Matt Purfeerst, seconded by Julia Hogan, to recommend approval of the Final Plat with the following conditions and findings for Keith Kluzak. The property is located in Section 22 of Forest Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Kluzak – Final Plat

1. The applicant shall record the Final plat with the Rice County Recorder's office within 90-days of the County Board of Commissioners' approval of the final plat.
2. Lots shall not be further subdivided, modified or added to unless approved under the Rice County subdivision regulations.
3. An in-lieu park dedication fee of \$1500 shall be paid to Rice County prior to recording of the plat.

Hearing Minutes:

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

JH - Will all the accesses to the lots be off the main road?

TM - Yes, I believe they are all off that road.

The PC asked the applicant, Keith Kluzak (KK), to come forward to add comments or answer questions regarding the request.

KK - There's not much to add. As TM mentioned, from the preliminary plat to the final plat, just that little jog on the north line instead of a straight line. After we did the survey work, we adjusted and carved out 1400 square feet. It's the only adjustment from the preliminary plat.

CP - All wetland issues look like they were done?

KK - Yes, all delineations are done and building sites will be well away from any wetland.

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 - The final plat looks consistent with the preliminary plat.

CP - Wetland was delineated, and the plat looks good to go.

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

3. **Interim Use Permit/Steeves – Section 18, Cannon City Township**

Zach Steeves, on behalf of landowners, has applied for approval of an Interim Use Permit to allow for continuation of an aggregate mining operation. The property is described as: Part of the E1/2 of the SW1/4 and Part of the W1/2 of the SE1/4, Section 18, Cannon City Township, Rice County, Minnesota. PID#11.18.3.00.001. The property address is: 17613 Alvey Trail, Faribault, MN 55021, The property is Zoned UR, Urban Reserve.

Motion by Matt Purfeerst, seconded by Ken Engen, to recommend approval of the Interim Use Permit with the following conditions and findings for Zach Steeves. The property is located in Section 18 of Cannon City Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Steeves (McDonough) – 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.
3. 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.
4. 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.
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

70-foot setback shall be maintained from Township 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 caused by hauling from the site. The roads are to be restored to their original condition after the gravel mining operation ceases.
12. Prior to removal of aggregate materials from the site a road maintenance agreement shall be developed with Cannon City Township. The approved road agreement shall be followed by the mining operation.
13. The gravel areas of Alvey Trail used for material hauling and 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/from the property.
14. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.
15. The site is to be cleaned of all debris and equipment after closure of the pit.
16. "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.
17. The site shall be secured at access points.
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).

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

ZS - This is a request to continue the Interim Use Permit that we previously had. During the time of the last permit, there was no mining done. At this time, we are mining under our other interim use permit that was discussed earlier and will be discussed after this. We don't have any plans to mine at this time, but it was up for renewal.

CP - Are you aware of the 18 conditions?

ZS - Yes.

CP - I think Soil & Water had a letter in there to be aware of the wetlands.

ZS - Yes.

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

Bill Spike - *Alvey Trail* - My property adjoins/abuts this property, and it was mined because we had problems with the dust issues and the noise, and I guess I'm here to make sure they abide by the rules. When they pull out, they are supposed to go to the north and not to the south on the road, causing extra

traffic in the residential area. The banging of the tailgates on the dump trucks was pretty annoying. I think they had set hours when they could work, so they didn't work late or on the weekends. Just as long as they abide by the initial rules that were in the conditions.

CP - I believe the 18 conditions address hours of operation and dust control.

JH - Yes, they do.

Don Benson - *Alexander Avenue* - I am in the neighborhood, also. Just an awareness that many of us use that road recreationally. There are several runners, dog walkers, bikers. Last time it was used, the large rock that was put down to maybe keep the weight of the trucks made it very difficult to even walk on. I was just hoping that if it is going to be used by trucks, we could avoid that if possible.

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

Discussion:

CP - All other concerns except aggregate size are addressed in the conditions. He says it has not been used in a while, and if they finish up in the other quarries, they would probably open up this one.

KE - Is it more of a contingency, that they are continuing their permit just in case they need to use it?

CP - Keep it up to date, yes.

MP - Are the 7 conditions shown on the screen part of the 18 conditions?

JE - Yes.

MP - The 18 conditions should hopefully satisfy the complaints that we heard.

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

4. **Interim Use Permit #1/Steeves – Section 6, Cannon City Township**

Zach Steeves, on behalf of landowners, has applied for approval of an Interim Use Permit to allow for continuation of an aggregate mining operation. The property is described as: Part of the N1/2 of the NE1/4 and Part of the E1/2 of the NW1/4, Section 6, Cannon City Township, Rice County, Minnesota. The property address is: 1503 150th St E, Faribault, MN 55021. PID#11.06.1.25.001. 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 Zach Steeves. The property is located in Section 6 of Cannon City Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Steeves (McDonough) – 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.
3. 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.
4. 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.
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 unless a variance has been granted to the south property line setback. 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 caused by 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. 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).
JH - The applicant had said that after things are figured out, they could combine the parcels. Could we incorporate the combination of parcels into the conditions?

TM - They would probably have to come back for an amended combined permit if they want to at that point. It is something that would probably come up at the renewal.

JH - In five years?

TM - Five years, yes.

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

ZS - I have nothing further to add. It is just the same permit and conditions as the previous one, except for condition #7 related to the need for a variance.

CP - You are aware of the 17 conditions that go along with both of these?

ZS - Yes.

CP - The Board strongly suggests that you keep working on trying to combine these parcels.

ZS - If we can resolve things and combine the parcels, does one of the IUPs disappear?

TM - No.

ZS - Okay

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 - Seems pretty straight forward, they have been mining these two areas, and there are 17 conditions.

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

5. **Interim Use Permit #2/Steeves – Section 6, Cannon City Township**

Zach Steeves, on behalf of landowners, has applied for approval of an Interim Use Permit to allow for continuation of an aggregate mining operation. The property is described as: Part of the S1/2 of the NE1/4, Section 6, Cannon City Township, Rice County, Minnesota. PID#11.06.1.75.001. The property is accessed from an address of: 1503 150th St E, Faribault, MN 55021. The property is Zoned A, Agricultural.

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

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Steeves (McDonough) – 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.
3. 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.
4. 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.
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 unless a variance has been granted to the north property line setback. 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 caused by 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. 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).

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

CP - Do you understand the 17 conditions?

ZS - Yes, I understand them.

JH - You have seen the SWCD's potential issues with the wetland area?

ZS - Yes, and I have made everyone aware.

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 - Same issue, opposite side of the line, combined pit, two parcels.

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

IV. 7 p.m. - Public Hearing

1. Rice County Zoning Ordinance Amendments

After numerous work sessions and public informational meetings, the County Board of Commissioners and Planning Commission have come to consensus on numerous proposed amendments to the Rice County Zoning Ordinance to better align with the updated 2040 Rice County Comprehensive Plan. The proposed amendments contain the following revisions:

- Modification of standards for Transfer of Development Rights, Cluster Developments, the RR, Rural Residential District and the VMU, Village Mixed-Use Districts;
- Changes to utilizing Crop Productivity Index, instead of the outdated Crop Equivalency Rating, to determine density in the A, Agricultural District;
- Revisions to the boundaries of the UR, Urban Reserve and URI, Urban Reserve Industrial Districts as shown in the 2040 Rice County Comprehensive Plan and to better align with city expansion areas as defined in the various city comprehensive plans;
- Establishment of a Village Planned Unit Development Overlay District and deletion of the Village Mixed Use Extension provisions; and

- Other technical and administrative clarifications and corrections.

The proposed amendments are attached for your reference.

The Planning Commission will hold a public hearing on January 4, 2024 at 7:00 pm, regarding the proposed amendments to the Rice County Zoning Ordinance and Zoning Districts Map. After the public hearing, the Planning Commission would make a recommendation on the proposed amendments to the County Board for a final vote.

Motion by Charlie Peters, seconded by Matt Purfeerst, to recommend adoption of the proposed 2023 Zoning Ordinance Text Amendments.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

Hearing Minutes:

Environmental Planner Jeremy Edwards (JE) presented the proposed Zoning Ordinance amendments to the Planning Commission (PC).

CP - With the CER/CPI and building rights, there is a 3-year grace period?

JE - Yes. It is proposed that the grace period would go until January 1, 2027. During that period you could either use the building right in place by building on site or by using a transfer of development right (TDR) to move the right to another property within the township.

CP - Say the end of the 3 years is approaching. Could they section off a 5-acre lot?

JE - Yes, if they went through the TDR process, once a lot is created with a TDR, then that site becomes a grandfathered site.

JD - Just to clarify, that would make sure that building right stays in place?

JE - If they went through the TDR process, yes.

JD - It would make it permanent.

JE - Yes.

JD - To clarify, 90% of the property has to be within the same quarter-quarter?

JE - For any cluster where there are 3 or more TDRs moved together, those developments would be required to be on quarter-quarter section with a low soil rating under the CPI system. However, there is an allowance that up to 10% of the development could deviate out of the quarter-quarter in order to allow for design flexibility in the event there is a hill or something that would prevent following the quarter-quarter section lines.

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

1. Jim Cihak - 100th Street W - Representing myself and the Erin Township board - When this was initially proposed, I believe Erin Township was going to be affected negatively on 40 plus quarter-quarters. I was aware of the 1-year grace period. Having 3 years helps, but I still think at that time frame you would be forcing property owners and taxpayers to do something they don't want to do and in doing that, you would be taking value away from them. Our hope is that you will come up with something where the end result is no current property owner/taxpayer would lose a development right over this proposed change. We do understand the reasoning for the change. It is important, but I don't want to see any property owners/taxpayers basically penalized because it doesn't fit the time frame for them and their lives to do to something with that development right. Please try to find a way for the rights to remain and nobody will lose a building right or have it taken away from them.
2. Marty Hennen - Jennings Avenue - I want to talk about the same thing as the previous person. I don't think it's fair to be losing building rights. Erin Township is losing 39 or 40 building rights. As a county, they told us to start with that it is to preserve farmland. They are giving away more than what they are taking. Every other township, besides Erin and Shieldsville, is gaining. Those are the only two townships that are losing more than what they are gaining. I think they are taking the rights away from us landowners without properly compensating us. It really isn't worth much to transfer when you have 39 rights up for grabs. I don't know how many Erin Township used this past year, but in 3 years, I bet there won't be 6 built. Taking 39 away, the value is worth zero. By the time you survey it off and get it taxed with a building right, I think we are losing money as a landowner. I don't understand what soil ratings have to do with

building rights. The soil hasn't changed. You want to change to CPI from CER, I don't understand why that should affect building rights. That's my opinion.

3. Andrew Sammon - 230th Street W - The urban reserve industrial (URI) on the southwest side of Faribault, that puts me in it. I have an active farm with 2500 head of hogs and 60 head of cattle on site and grain bins. I have been told verbally that I will be able to maintain Ag, but I see nothing in the writing proposed. I have in my hand the ordinance that defines URI and it states, "No corrugated steel can be used on a road facing structure. No height over 45ft. That's grain bins. That's shops and machine sheds. I would propose backing it up half a mile and leaving game out of it. That being said, that also brings us back to TDRs. I lose my development rights. I can move them onto family land, but not my own. Please take that into consideration.

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

Discussion:

CP - The urban reserve (UR) areas, were those drawn by us or the cities? Those were what the cities predetermined?

JE - In each of the city's comprehensive plans, they identified a growth area. Then in 2021, the county adopted its comprehensive plan which was also publicly work-shopped. The proposed urban reserve boundaries match both the county's and each city's comprehensive plans.

CP - I kind of agree. I don't know when the City of Faribault plans on growing out into the UR. They had the UR to the North and leap-frogged up there, and now they are filling-in up there. I don't see it moving to the Southwest so much at the moment.

JH - The City of Faribault recently updated their comprehensive plan and this proposed zoning map reflects what was recently done by the city.

JE - I would like to note that throughout this process we did consult with staff from the City of Faribault, and they indicated that they are developing plans for that Southwest area currently.

CP - Who supersedes in this situation? Can the county move the mapping on some of the UR?

JE - The overall idea of the UR boundaries is to set aside areas for the cities to grow into. It is hard to predict if and when the cities will decide to act in that area. But that is the purpose of the UR, is to reserve land for city growth.

CP - The only other comment I have is on CPI. I thought going to 3 years and being able to dedicate that building right would work, but I can see the two townships with the largest number of losses having an issue.

JD - We had the discussion at that level. I understand completely, as one of the public comments pointed out, if you are all of a sudden going to try and transfer 40 building rights and find homes for them, that takes away the value. I don't think that is a real option for many people. Maybe a few would go through the process. Then going through the process to dedicate it or make a building lot, that's a process they have to go through with the county. Would it have to have a legal survey done too before going through the process?

TM - Yes.

JD - There are costs incurred just to speculate where you may want to put the building right. I understand that too. We started with a 1-year grace period and moved it to 3-years. There is some reluctance from others to move it out longer than that. I don't know how to resolve that to be honest. It is a valid point. You do lose value when it happens this way. Going to another point raised during public comment. JE, if he was to change his feedlot, or wanted to do something different with a feedlot in the URI, he would be restricted correct?

JE - As an existing use it would be grandfathered in for continued operation. If they were to make significant changes, he might run into issues, but as far as continued operations for the existing use, it would continue as is.

JD - He couldn't add 2500 more hogs?

JE - Likely not.

JD - Can he build a grain leg and bins?

JE - Yes, there is already existing agricultural structures there, so he could continue to build similar structures.

MP - There are no sorts of Ag exemptions we could do or put in place in the UR? Such as for building structures or adding on to a feedlot, is there any sort of blanket Ag exemption we could do in this district?

JE - Short of changing the Use Table to allow for agricultural uses as a fully permitted use in the UR.

That would be the option there.

CP - Regarding the building rights, we had a couple hours worth of conversations at a few of our work sessions for going away from CER to CPI because everybody else uses CPI and there is no new data to support CER. There were some of us that wanted a 5-year grace period or longer, and originally we had 1-year, but decided to extend that to 3-years as a middle ground. The urban reserve districts are the result of the cities working hand-in-hand with the county. I guess I'd like to know more specifics on Ag uses in the UR.

JD - We can certainly take these notes back to the County Commissioners at the final approval, but we seem to have some real reluctant people to go beyond the 3-years. I'm fine with it, but I am also adamant about changing from CER to CPI. No one is paying attest to CER anymore. There's no follow-up. The University of Minnesota established that back in the early 70's. We updated our ordinance in '74 if I recall right, and they adopted using CER at that time, because I remember my dad arguing that he had 40-acres and was losing a development right. It happened back then too. I don't have a good answer. I did advocate for a longer grace period.

JH - There are pluses and minuses with going to short or too long. Ultimately, there isn't a perfect time frame.

CP - I have no issue moving it to a 5-year grace period since it seems to be the biggest concern being raised. I would like to know more specifics on the UR. The TDR lot size was 2.5-acres and we heard the concern that you can't do much on 2.5-acres, so we pushed it to 5-acres. The village PUD overlays, I think it's a really good idea to encourage development around our villages.

CP - I will make a motion to recommend the proposed amendments to the Commissioners with the change of moving it to a 5-year grace period.

KE - That seems to be the biggest topic from the public.

JH - I'm still in favor of 3-year grace period, but if the majority wants to change it to 5-years, I will go with it.

JD - Let's go back to when we discussed the grace period. What is the disadvantage of extending the grace period?

JR - Well to go back, you all discussed it for hours, going around and around. You need to remember that CPI is not the only way to determine if someone has a second building right. Some of the ways to determine change over the course of time. People need to realize that even with the grace period in the ordinance, it doesn't mean they won't lose a building right in that quarter-quarter, depending on other scenarios. Not every quarter-quarter is owned by only one property owner. That was part of the discussion that people start to feel like they are grandfathered in and automatically have a building right, but then their neighbor builds in that quarter-quarter or the quarter gets split up among multiple property owners, and they end up feeling like they lost a right anyway. We don't want to falsely give people the perception that they have a building right and will have that building right for an extended number of years.

JD - I understand that too, but I'm trying to figure out some kind of resolution to what seems to be the most contentious issue based on feedback from the public. The UR/URI boundaries are an issue too, but I think we are going to follow what the city is requesting as far as changing the zoning district lines. That's the problem. When you change anything, you end up restricting property owners. I don't have an answer. I don't believe that we don't want to change to CPI. I think JE did extensive research to try and get the rating system as close as possible to what we are at now. It has to come back to the Commissioners.

CP - I understand what JR said. I, too, lost a building right because I didn't build. I hope everyone realizes that is a possibility, but I think we should move it out. Especially right now, since we are kind of in a building slump. A few years ago, that's all we had on the Planning Commission agendas was TDR transfers.

JD - I think we made some good progress with the TDRs and I like the Village Mixed-Use overlay to encourage development around the villages. We have had this overlay for years and years and years with it not being taken advantage of, but maybe now we will see some growth there too.

CP - I still stand by my recommendation. Everything goes as proposed except we change the 3-years grace period to 5-years. We need a full board recommendation tonight, correct?

JR - Yes.

JH - I get the 5-year grace period, but we talked a lot about it and went back and forth on what would be a good time frame. We can recommend 5-years but in our discussions, we settled on 3-years.

MP - I'm conflicted. 3-years seems like enough time but if I was the landowner in that situation, I would want more time. It is a significant value if you can find a buyer. Like one person mentioned, if there are

39 of them, it lowers the value significantly, but hopefully 5-years will help them recoup that value. If an extra 2 years can be a bridge to some of the concerns we've heard, I'm ok with it. I'm not saying it's perfect.

CP - I motion we approved all of the proposed amendments, except extending the TDR grace period to 5-years.

MP - I will second that.

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

V.

Adjournment

Hearing no other items before the PC, a motion was made by JH, second by MP, to adjourn the meeting at 7:37 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission



Anna Aguilar
Administrative Coordinator



Charlie Peters, Chair