

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, May 2, 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 7:07 p.m.

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

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

Commissioners present: Jeff Docken.

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

B. Motion by Garrett Johnson, seconded by Matt Purfeerst, Reading of the Notice

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

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

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

KE motioned to approve the agenda as published. It was noted that a Saemrow CUP was in the notice but had been removed from the agenda.

D. Motion by Garrett Johnson, seconded by Julia Hogan, to approve the minutes of April 4 2024.

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

II. New Business

1. Conditional Use Permit/Mullenberg - Section 19, Cannon City Township

Gene and Kristine Mullenberg, on behalf of landowner Willows Warehousing LLC, have requested approval of a Conditional Use Permit for a contractor's office and yard for a plumbing business. The property is described as: Part of the NE1/4 of the NE1/4, Section 19, Cannon City Township, Rice County, Minnesota. PID# 11.19.1.00.002. The property address is 18019 Ames Trail, Faribault, MN 55021. The property is Zoned LI, Limited Industrial.

Motion by Garrett Johnson, seconded by Matt Purfeerst, to recommend approval of the Conditional Use Permit with the following conditions, but recommending that condition #4 be removed by the Board, for Gene and Kristine Mullenberg, on behalf of landowner Willows Warehousing LLC. The property is located in Section 19 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Mullenberg – Conditional Use Permit (CUP)

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 plumbing business. Applicant is to follow the approved site plan. Changes to the business and site are not permitted without approval of a new/amended permit.
3. All outside storage and parking shall be screened to the south property line by establishing a wall, solid fence, earthen berm or densely planted compact vegetation at least six (6) feet in height within two (2) years of planting.

4. There shall be no parking or storage within the Road Right of Way.
5. All vehicles, equipment and trailers stored/parked outside shall be operable and have a current license if said license is required for use on a roadway.
6. There shall be no outside storage of inoperable equipment or waste materials.
7. Bathroom facilities shall be provided onsite for employees. A compliant septic system or portable bathroom facilities shall be in place before use of the building.
8. All buildings shall meet building code for the intended use.
9. The site is allowed to have one onsite sign meeting the county zoning requirements.
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).

JH - What is the reasoning behind that as a condition within the Limited Industrial?

TM - I am not sure the whole background of that. It has been that way for quite some time, I'm thinking these are typically in areas that may have a little more traffic and have more concern with dust control. You will see this later here tonight on another item. Part of both of those applicants pointed out this is off a gravel road.

MP - Can you describe the screening, why is it just on the south side?

TM - It has to do with where it borders along a residential area, actually there is a portion even though it's in the city, that is residential there. They have plans for homes there sometime. This is just north of the new jail site, I believe a couple rows of homes are planned along there in between. So it's not that you couldn't require additional screening in other locations, the ordinance just spells that one out specifically to residential areas because of this industrial district.

The PC asked the applicant, Gene Mullenberg (GM) and Kristine Mullenberg (KM), to come forward to add comments or answer questions regarding the request.

CP - Are you aware of the conditions?

GM - Yes.

CP - Condition 4, for the surfacing of parking and driving areas with either asphalt or concrete, do you have any comments on that?

GM - With the expenses we got just getting the well and septic redone, everything is gravel leading up to it so it would only be our spot.

CP - Yeah, it's a gravel road and everything, I agree.

JH - You are fine with the screening?

KM - Yes.

JH - That needs to be established.

GM - 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 - I am not opposed to it not having to be concrete or asphalt.

MP - Meaning you don't care?

JH - Yes, correct.

KE - I don't think it is necessary,

CP - I don't either.

GJ - I agree, I think the CUP, we granted the variance so I think everyone is on board with the CUP. Are we going to leave that condition in there and let the Commissioners decide?

JH - It is more of a recommendation, we recommend that they opt out of that requirement.

CP - Yes.

GJ - I motion to approve with the recommendation of removing condition 4.
MP - I second.

Motion to recommend approval with stated conditions but recommending that condition #4 be removed by the Board, made by GJ, seconded by MP, and approved unanimously.

2. **Conditional Use Permit/Bakken - Section 19, Cannon City Township**

Christopher Bakken, on behalf of landowner Extreme Unlimited LLC, has requested approval of a Conditional Use Permit for a contractor's office and yard for a construction business and for auto sales. The property is described as: Part of the NE1/4 of the NE1/4, Section 19, Cannon City Township, Rice County, Minnesota. PID#11.19.1.00.003. The property address is 18029 Ames Trail, Faribault, MN 55021. The property is Zoned LI, Limited Industrial.

Motion by Matt Purfeerst, seconded by Ken Engen, to recommend approval of the Conditional Use Permit with the following conditions, but recommending that condition #4 be removed by the Board, for Christopher Bakken, on behalf of landowner Extreme Unlimited LLC. The property is located in Section 19 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Bakken – Conditional Use Permit (CUP)

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 construction business, and for auto sales. Applicant is to follow the approved site plan. Changes to the business and site are not permitted without approval of a new/amended permit.
3. All outside storage and parking shall be screened to the south property line by establishing a wall, solid fence, earthen berm or densely planted compact vegetation at least six (6) feet in height within two (2) years of planting.
4. There shall be no parking or storage within the Road Right of Way.
5. All vehicles, equipment and trailers stored/parked outside shall be operable and have a current license if said license is required for use on a roadway.
6. There shall be no outside storage of inoperable equipment or waste materials.
7. Bathroom facilities shall be provided onsite for employees. A compliant septic system or portable bathroom facilities shall be in place.
8. All buildings shall meet building code for the intended use.
9. The site is allowed to have one onsite sign meeting the county zoning requirements.
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).

JH - What are the setback requirements for buildings in Limited Industrial? Do you know, or will the building just be required to meet setbacks?

TM - Any buildings are required to meet setbacks, the one I know right off of hand is 100ft back from the road right of way

JH - It just looks like the site plan is somewhat close to their rear property line and side.

TM - Yes, the side and rear property lines are less of a setback distance.

CP - Please leave the conditions up.

The PC asked the applicant, Christopher Bakken (CB), to come forward to add comments or answer questions regarding the request.

CB - Everything is fine as far as the conditions, it will just be moving my current dealers license from

another location in the township and then also adding on for my contractor business.

CP - You are aware of the 11 conditions?

CB - Yes, and as far as the screening goes TM and I talked about that, whether it's a berm and some trees or fencing. It is pretty screened from the road too, you can hardly see in there, and the West side has some screening as well.

CP - As far as condition 4 about the surfaced areas with asphalt or concrete, did you have any comment?

JH - You wanted to opt out?

CB - I would like to opt out if possible, I mean it is on gravel. It doesn't make a whole lot of sense.

CP - Okay, I just wanted to clarify that's what you want.

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

1. *Clayton Mechura* - I am on the Cannon City Township board. My concern is dust control. I didn't notice any requirement on there for either one of these two applicants that are right next to each other about applying dust control. And also we are concerned about increased traffic. How much of an increase in traffic could there be? There used to be two exits but they closed the one off by Highway 3 and it goes into the city limits. So we are just wondering how much more traffic and wondering if you can put on dust control requirements for both of these applicants.
2. *Megan Clapp* - I live in town, but we also own property out on Ames Trail. I would repeat all the concerns he had about traffic increase there. But also I will say we have had so many issues with theft, illegal dumping and trespassing on our property because we don't currently live up there and our concern is with the car dealership and all of that, how much increase in traffic and with the new design on the road, how much more we will have to deal with that. We have filed police reports, we have done all of that. We have had cameras stolen, we have had a lot of problems with that. Just increasing the number of people going through there, I am concerned that we would have more issues.

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

Discussion:

JH - There is not much we can do now after we approved the previous one, so let's focus on this item at least in regards to conditions.

CP - I think we can just recommend to the commissioner that when they see it in front of them that maybe if they need to do it with one and two here. Like JH said we can't bring it back in.

JH - TM, for CUPs like contractor's offices and like this, do you see conditions for dust control? Or have you typically?

TM - Typically not, but it is based on traffic and speed and different things for each case. So we could do that if you feel it's appropriate for it.

JH - I guess we see that more with pit areas and mines, but it does sound like it is getting more traffic on this road and dust does seem to be a concern from neighbors.

CP - Yes, I don't know how we approach that because they are both next to each other and like you said item one went by. I think we can recommend that.

JH - Let's see what the applicant says.

CP - Okay, if the applicant can come forward to the stand please.

CB - As far as the auto sales part it's not like I am going to have a big car lot out there or anything. I sell maybe 40 cars per year and it's pretty much all online, so it won't really generate much traffic. So that's not really going to be an issue as far as that goes, most of its online. There is more to my construction so it's not really going to generate a ton of traffic coming in there.

KE - So it's not really changing the traffic amount?

CB - Not really, no more than what I have now. There might be some people coming in to pick something up, but generally it'll just be more equipment stuff, not really auto sales, that is just to maintain my license.

CP - I guess I don't have any, he's been out there and he is getting the Conditional Use Permit for it.

MP - Yeah, hands are kind of tied with the first item going through. And with the comments about dust control, it is unfair to implement them on this item if we didn't on the first one. And both these properties are pretty close to Highway 3, I know there are residential areas there. And it is also repercussions of the Justice Center and the roads being changed and the roundabout. This is kind of a repercussion of that, the increased traffic flow.

CP - I agree, and condition 4, do we recommend to eliminate it?

KE - I don't see why we would impose it on one and not the other.

GJ - I think there is a little bit of a difference between a plumbing business and an auto sales. If there was something that you were worried about, obviously the auto sales is different..

JH - You are going to see more traffic at this auto business, not the plumbing business.

CP - I am open to adding a condition if you guys want that.

MP - I just don't think it would be fair to add a condition for dust if the plumbing business might have the same amount of traffic, if not more every day. I motion to approve with the recommendation condition 4 being excluded from this with the commissioners.

KE - I second.

Motion to recommend approval with stated conditions but recommending that condition #4 be removed by the Board, made by MP, seconded by KE, and approved unanimously.

3. **Conditional Use Permit/Schiffhauer - Section 36, Webster Township**

Kathleen Schiffhauer, on behalf of landowner Pilot Travel Centers LLC Store #576, has applied for an amendment to a Conditional Use Permit (CUP) for a Truck Stop to allow for the addition of 4 electric vehicle charging stations with a canopy. The property is described as: Part of the NE1/4 of the NW1/4, Section 36, Webster Township, Rice County, Minnesota. PID# 02.36.2.00.001. The property address is 8051 Bagley Ave, Northfield, MN 55057. The property is Zoned HC, Highway Commercial.

Motion by Ken Engen, seconded by Julia Hogan, to recommend approval of the Conditional Use Permit with the following conditions and findings for Kathleen Schiffhauer, on behalf of landowner Pilot Travel Centers LLC Store #576. The property is located in Section 36 of Webster Township.

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

CONDITIONS OF APPROVAL – Schiffhauer – Conditional Use Permit (CUP)

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The Conditional Use Permit (CUP) is for a truck stop. Onsite use includes truck and automotive fueling/charging stations, onsite sales of convenience foods and goods, rest facilities, restaurant/fast food and vehicle weighing. Changes to the business are not permitted without approval of a new/amended permit.
3. All parking areas shall be maintained in a paved condition.
4. Garbage dumpsters shall be screened from view from public roadways and adjacent properties.
5. Signage shall be maintained to minimize through traffic movement conflicts.
6. There shall be no storage of unlicensed or inoperable vehicles onsite.
7. A waste control plan shall be created and implemented by the permittee to reduce waste materials in the parking areas and from moving offsite.

Hearing Minutes:

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

JD - When was the aerial taken?

TM - 2023, last spring I believe.

MP - On safety and regulations with these EV chargers, I am very unfamiliar with them but that would be all handled through their permitting process with the state?

TM - They will have building permit actually associated with the canopy and charging station to be reviewed for building code. The electrical portion is definitely inspected through the electrical codes as well.

MP - Sounds great.

JD - I have another question, condition 7 "a waste control plan shall be created and implemented by the permittee to reduce waste materials in the parking areas and from moving off site", what does that mean?

TM - I think on that site, you've probably seen that there tends to be debris moving around the site from the vehicles and different things, so this is saying they need to create a plan to try and address that. Contain it, collect it, keep it from blowing off site. But it is not specifying exactly what needs to be done, but they do need to create a plan to try and work with that.

JD - And they should probably be reminded of that plan then.

TM - Yes, that is part of the purpose of having the condition, so it gets brought up as an issue.

The PC asked the applicant, Kathleen Schiffhauer (KS), to come forward to add comments or answer questions regarding the request.

Bruce Duhnm (BD) - I am the current project manager that will be assigned to this job. We are proposing to put two chargers in that service four spots. I would like to make a comment about the pictures, the area you pointed out as being the charging station is not what I see on the plans that were submitted. The area is up towards the North on the other side of that canopy that is currently there.

CP - So do we have an issue with that staff?

TM - We can pull up the aerial photo for that from the plans submitted. They had originally talked about a location on the North edge where I think he is talking about. That location does not meet setback requirements and they relocated it just to the East of the buildings in the areas that I had pointed out. But we will pull up the site plan and have that on here.

BD - TM it looks like you have updated plans from what they submitted to me and if that's the updated plans, that is good. I just want to make sure we are talking about the same area.

TM - Yes, the site plan you have in front of you now actually is North to the left in here, it is still just East of the buildings.

BD - I also have a current picture of one site we already did, showing what the canopy will look like if you need to see it.

CP - I think we are good with that, I think we have all seen them. You are clear that the site that TM presented are the updated plans? And are you aware of the 7 conditions?

BD - Yes sir, I am.

CP - And the 7th condition, maybe because you are just the contractor of the EV station it is not a concern of yours, but just so you know the waste control plan.

BD - When I check in with the store manager, I know they have a guy that drives around at all these Pilots in a golf cart picking up trash throughout the day. I will make sure they have that going and address it with them.

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 sounds like he is just the contractor to put them in.

JH - It looks like what was submitted with that site plan is accurate, And we are seeing them at a lot of truck stops and gas stations.

KE - It's the wave of the future.

CP - Yes, I have no issue just as long as the manager out there is aware of the 7 conditions for the future, I will entertain a motion for approval with the 7 conditions.

KE - I motion to approve with the 7 conditions.

JH - I second.

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

4. **Conditional Use Permit/Moore - Section 28, Walcott Township**

Joel Moore, on behalf of landowner Jerome Faribo Farms Inc, has applied for an amendment to a Conditional Use Permit (CUP) for an agricultural orientated feed manufacturing business to allow for site modifications including an expanded loadout structure, a new office and wash building, modified fueling and parking areas. The property is described as: Part of the SW1/4 of the NW1/4, Section 28, Walcott Township, Rice County, Minnesota. PID# 15.28.2.50.003. The property address is 25475 Cabot Ave, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to recommend approval of the Conditional Use Permit with the following conditions and findings for Joel Moore, on behalf of landowner Jerome Faribo Farms Inc. The property is located in Section 28 of Walcott Township.

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

CONDITIONS OF APPROVAL – Moore – Conditional Use Permit (CUP)

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The Conditional Use Permit is for an agriculturally orientated feed mill business. Changes to the business are not permitted without approval of a new/amended permit.
3. The operation shall follow the CUP application plans, subject to compliance with all setback requirements.
4. A dust, noise and water runoff control plan shall be created by the permittee. This plan will list the steps being taken to help keep dust, noise and water runoff from becoming a problem at this site.

Hearing Minutes:

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

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

JM - I work for Jennie-O Turkey Store as an engineer. We are planning to add on to that tower structure, with an addition that is not going to increase production. The intention of it is to give us more capacity for storing finished feeds, it gives us the ability to optimize the rations that we send out to the turkeys so that they get more steps in their feeding program. And we are also looking to add a truck wash building. Which is basically a building where the feed trucks would drive through after they fill up with a load of feed, they'd drive through the building and their tires get washed off before they head to the farm. The idea for that is to try and limit the spread of bird flu, which has obviously been a huge deal lately. So that is just a step we are trying to do to stop spreading bird flu by washing the feed trucks as they leave. There is also a small area in there that we are planning to add office space for 5 more people out there. We are tight in the building that we have and it is not a good building for people to work in as an office environment. Construction would start sometime this summer and end about a year from now, that is the goal. We are not planning to increase traffic or production, we are just improving the operation essentially. The last condition that is proposed - dust, noise and water runoff control. We don't see any changes in dust or noise and I'm not sure what exactly we would do about those things. We will definitely update our stormwater runoff plan, the permanent plan. I am just wondering what the timing of what we are looking for that plan and when it needs to be done.

CP - The original permit had that condition, so they are just I think restating that condition from the original CUP. Correct?

TM - Yes.

CP - So it is just restating what is going on now with the dust control and noise and water runoff.

JM - So does the plan need to be turned in before the next meeting? Or is that something that gets turned in if it gets approved?

CP - You should have had a plan in place, correct?

TM - The current CUP has those similar requirements to that, what we expect is that when a building permit comes in for the project that an updated plan would come in too. So it is not needed at this point but when you do submit the building permit it will be.

JM - Okay, thank you. That is all I had.

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 - Sounds pretty straight forward.

JH - Need to make adjustments to the site, it makes sense.

GJ - Becoming a bigger thing.

CP - Yes, exactly.

MP - And the way they are moving, I have been in on their lot the way they are moving that station back, it's tight in there now. This is going to be very nice for trucks coming in and out. I motion to approve.

GJ - I second.

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

5. **Conditional Use Permit/Buck - Section 2, Erin Township**

David Buck, on behalf of ABCD Dairy and landowners David A and Ann G Buck Trust, has applied for a Conditional Use Permit (CUP) for an expansion of a dairy feedlot over 750AU. The proposed site is to increase the total animal units (AU) on the site from the current 786AU to 893AU. The property is described as: Part of the NW1/4, Section 2, Erin Township, Rice County, Minnesota. The property address is 9380 Hennepin Ave, Lonsdale, MN 55046. PID# 05.02.2.75.001. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Matt Purfeerst, to recommend approval of the Conditional Use Permit with the following conditions and findings for David Buck, on behalf of ABCD Dairy and landowners David A and Ann G Buck Trust. The property is located in Section 2 of Erin Township.

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

CONDITIONS OF APPROVAL – Buck (ABCD Dairy) – Conditional Use Permit (CUP)

1. Site must follow all local and State feedlot requirements.
2. Failure to comply with conditions may result in revocation of the Conditional Use Permit.
3. The compliance inspection on the system shall be completed prior to issuance of building permits, and if the system is found to be noncompliant it shall be updated within a year.
4. Driveway location changes are allowed if approval is obtained by the road authority.

Hearing Minutes:

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

TM - I did have a request from our septic person to make sure that we add a condition for septic compliance on the site. There is a septic system on the property. We are going to add a 3rd condition saying "The compliance inspection on the system be completed prior to issuance of building permits, and if the system is found to be noncompliant it be updated within a year".

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

DB - We are looking to add some capacity to our feedlot to keep our heifers on site and also a silage pad. Currently we store silage at another site and overtime we will eliminate that site. And both the feed lot and silage pad runoff with drain into our existing, permitted manure storage. It is not required that we do that but it's the right thing to do. I guess that is it for me, unless you have question. My son might have some points he would like to make also.

DJ Buck - A couple things, we are working with Dennis Luebbe and the Rice County Highway Department. We are looking at getting a driveway put in off of County Road 4. The field he was taking pictures from, there will be a perfect shot. That township road is quite narrow, so that way we wouldn't really have to bring any feed on the township road, it can come in straight off the highway which would be really nice. And talking with Dennis it sounds like we should have no problem with all their rules.

We did put a new septic in 3 years ago, so we're not concerned about that at all. Also we are changing crop rotation too, in the past few years we have been doing more no-till and cover crops and most of the ground gets manure which we view as a good thing. It makes the soil healthier and all of that. With that I think it will make us a more modern farm and a little environmentally better with all the runoff controls we'll have in place.

CP - You are aware of the other 2 conditions, along with the 3rd one just stated?

DB - Yes.

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

1. *Daniel Dunphy* - Gonvick Ave - I own property directly adjacent to the Bucks. My concern is the ground runoff, the noise pollution, the truck traffic, all of it. I'd be curious to know how many times they've been granted a variance from this in the past or how many animals. They've been there approximately 8 years, I don't know exactly. Dave actually told me at one time they have 500 animals there, if they have gone from 500 to 900 in 6,7,8 years I am concerned with that. You know, from all aspects, do they have enough storage for their manure? What are they doing with the manure? There is a creek, and all his runoff I am certain, I am not a land expert, but the creek is 40 or 50 feet below the level of what the farm is, and I know it doesn't run uphill. He also owns some property directly to the North, I actually own two places there. I own a place directly North of them and I also own the place Northeast of them, so I am in the middle. He has one facility with the milking parlor setup and there is another facility just next door, do they plan to eliminate that facility then or what? He kind of gave me some information that he was going to modernize this one. What is the future plan? I mean is there any limits to how many animals per acre of land that you own? That's all, I am just concerned with the pollution of the creeks, if he can get a direct road to his place that is certainly going to help.

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

Discussion:

CP - Local and state feedlot requirements cover the waste issues. As future plans, it depends how the dairy goes. It could be shut down in 5 years, you never know.

MP - I am in support of it. Just seeing them update the facility, if their plan is truly to eliminate an older outdated facility, I think that's great. I am all for agriculture and expansion of agriculture and if they are willing to take on dairy expansion, I am more than willing to let them do it.

GJ - As far as expansion goes, even like the feedlot as they get bigger the requirements are a lot stronger from the state and our own feedlot requirements. Obviously they are going to fine-tooth comb everything runoff wise and everything else. They are going to have to have manure management plans and things like that.

CP - Correct.

JD - It would be nice if they could make the driveway go out to County Road 4. I can see that because the way the road winds in there to get in there to start with is kind of crazy. That'll be great if that happens. And the dairy has been there way longer than 8 years because it was put in there a long time before that by the Dubans. Like MP said, if you can update a facility and it sounds like that's what they are trying to do and trying to be better stewards, that is what we look for, and I like to drink milk.

CP - I agree, and we are losing a lot, we've lost two dairies this year in the county. I will entertain a motion for approval.

GJ - I move to approve with the 3 conditions including septic compliance inspection.

TM - One suggestion for a 4th condition dealing with that driveway so that they don't have to amend any permits. A 4th condition saying "driveway location changes are allowed if approval is obtained by the road authority".

GJ - I move to approve with 4 conditions, one being the septic compliance and one allowing a driveway as long as it is allowed by the road authority.

MP - I second.

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

6. **Interim Use Permit/Peters - Section 26, Northfield Township**

Andrew Peters of Milestone Materials, on behalf of landowner Christopher and Anne Donkers Trust, has applied for an Interim Use Permit for a sand and gravel mining operation with aggregate crushing. The property is described as: Part of the SW1/4 of the NW1/4, Section 26, Northfield Township, Rice County, Minnesota. PID# 08.26.2.50.001. The property is Zoned, A, Agricultural.

Motion by Charlie Peters, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Andrew Peters of Milestone Materials, on behalf of landowner Christopher and Anne Donkers Trust. The property is located in Section 26 of Northfield Township.

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

CONDITIONS OF APPROVAL – Peters – Interim (IUP)

(Highlighted areas of the conditions are those modified from the 2016 CUP)

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 including gravel/aggregate material crushing.
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 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 and depth shown on the applicant's approved site and mining plans. All county setback regulations must be complied with. Any deviation from these boundaries will require application for a new **interim** use permit. No more than 10-acres of the proposed mining area shall be open to mining at any time. Mining boundaries and required setbacks shall be marked onsite prior to mining and markings shall be maintained throughout the operation.
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. Preparation of equipment allowed starting at 6:00 am Monday through Saturdays.
7. A 20-foot setback shall be maintained between the operation and all property lines. A 100-foot setback shall be maintained from any road right-of-way. A 20-ft setback shall be maintained from wetlands and a 300-ft setback shall be maintained from the protected stream to the east of the proposed mining area. All setbacks shall be marked prior to mining and markings shall be maintained until the site is restored. No storage of equipment or materials shall be allowed within the setback areas.
8. The above water earthen banks shall be sloped at a minimum 4:1 (Horizontal: Vertical) 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 upon completion of permit.
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 and to the paved road 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 or MNDOT 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. Grading and restoration work may be permitted for previously mined areas within 300-ft of the protected stream only if such work has been approved by the Minnesota Department of Natural Resources (MNDNR) and Rice County Environmental Services Department.
18. The proposed driveway access must receive approval from the Minnesota Department of Transportation (MNDOT).

Hearing Minutes:

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

MP - So there is no mining proposed east of the creek?

TM - No, not at this point. That would require a different IUP and require them to stay 300ft away on the other side, but they would also have to deal with a crossing which would be fairly complicated there.

MP - Enforcement of the 300ft setback, is that done within your office or who enforces that?

TM - That would be our office and it comes about because our zoning ordinance does not allow interim use or conditional use activity within 300ft of protected water. It's not a setback, it's a restriction on the use within that distance.

MP - I saw there was a big article about truck traffic and the alternate route. What is the plan for traffic coming in and out?

TM - The applicant had a traffic study done based on the activity that would be related to an asphalt plant if they ever decided to go that route. The applicant can probably explain better than I can. An asphalt plant is not proposed at this point with this project, but the applicant stated that type of operation would have more intensive truck traffic, so they wanted to show that even at the higher levels, the road is suitable.

MP - If they wanted to do an asphalt plant, they would have to come before us again?

TM - Yes. That would be a different permit.

JD - Would you mind explaining the difference between IUP and CUP?

TM - There is little difference in how they function in Rice County. Gravel mining operations were changed to an IUP roughly a year ago. Previously they were CUPs that had time limits. There were state changes within some of the enabling legislations that counties have for zoning. Previously, you could have CUPs that had time limits, such as with mining we normally had 5 year limits. With the change in legislation, we had to adjust them to IUPs if we wanted to continue with the time periods. If they were to stay as a CUP, we would not have the same option to enforce a time limit like we do under an IUP. Does that make sense?

JD - Yes, they still have a time limit.

TM - They otherwise function the same. They have conditions, but a CUP typically runs with the land and goes forever essentially where an IUP has a set end date, which we usually do 5 years for mining.

JD - But an IUP does not carry with the land like a CUP does?

TM - It does for the length of the time limit.

The PC asked the applicant, Andrew Peters (AP), to come forward to add comments or answer questions regarding the request.

AP - *Milestone Materials* representing Chris & Ann Donkers (property owners) - The staff report and conditions are fine. The timeline is we have had this property since 2003. We got permits in 2004, 2011, and 2016 with the CUP/IUP terms. We came back in 2021 for a renewal and this board recommended

denial based on us not providing enough information as it pertained to waterway impacts and traffic. So we decided to withdraw the permit application to gather that information and this application contains that information. We have held this permit since 2003 and haven't changed any operations. The 2004 site plan is in the application materials. It's the exact same plan. We dialed it up a little bit, but all the same. To explain the two items. First - the waterway, we are just excavating and crushing sand and gravel onsite. There is no pumping involved. As TM pointed out, we have the 300ft setback from the waterway, so that is a protection. That is a local regulation. We also have intense state regulations with MPCA that require us to control all of our stormwater, where we can and cannot store our fuel - we have to keep that in double wall tanks and stored out of the floodway, other best management practices such as for erosion control, monthly/quarterly/annual inspections, and regulations of those waterways. We have to adhere to and comply with all of those to function. One thing for instance as an action we do plan to make a dike out there to separate ourselves from that 300ft setback. If you could bring up the aerial photo, I can show you. We plan to construct a north-south berm as the first phase right across the water in this area (*shown on map*) right outside of the 300ft setback. So anything we are mining to the west of that will be separated from the existing pond. That's not a zoning thing, but an MPCA type of effort to make sure our stuff is separate from the existing waterbody. Second - the traffic study and infrastructure request, I know it startled TM when I said an asphalt plant traffic analysis, but when I was talking to the traffic engineer I wanted her to max out at 400 trips per day because aggregate will never reach that. Let's do the study at a worst case scenario for every intersection north and south out of there onto State Highway 246 and max it out. I don't want to mess up her words so I will read them. In that scenario of 400 trips, "At high level PM, peak hour traffic with 40 truck trips per hour, all intersections will operate acceptably and no turn lanes will be required to accommodate the traffic". I thought that based on it being a state highway sizing and intersections, but that validated that for us. Lastly, to address the traffic, we also have a permit for MnDOT in hand to beef up the access. With the driveway permit we are going to widen it and straighten out the approach. One other thing I would like to mention is dust, it has come up in the past and a couple times tonight, there was an added condition, its highlighted I believe, where our access has to have dust control. We will be regulated both local and by the MPCA for that. We have a fleet of water trucks that go to all of our sites and keep them watered, but the MPCA stringently regulates our processing operations. The aggregates have to remain moist, there has to be spray bars on the equipment to make sure it is wet while it is being processed, the crusher is under that same permit and has to adhere to a certain dust-free limit. Any transfer points off of conveyors to stock piles or conveyor-to-conveyor, those areas are all regulated to be dust-free under that permit. And all the fugitive dust onsite, like loader traffic, are also regulated by that permit. There are a lot of things in place for waterway protection and dust control that we feel adequately address some of the concerns that were raised previously. Lastly, we have been at this for 20 years. Our business is typically based on months and year, a lot of the times it is years and decades. We have maintained this permit for 20 years, renegotiated leases, met inspections quarterly. We have done whatever we have had to because it is a huge resource for us. We feel like we have preserved it by keeping everything up-to-date and clean out there. It is a long-term resource with exceptional sand and gravel. It is only 12-acres which doesn't seem like much, but there is some really good road building materials there that we would really appreciate being able to get at. I have a team of people here if you have any questions that I cannot answer.

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

1. *Candy Taylor* - Kvanbeck Trail (NOTICED) - I want to first say thank you to you all. I did send other materials this morning. I'm not sure if you received them or had a chance to review them or not, but I do appreciate that the applicant did admit that a previous planning commission recommended to not approve back in 2021. We were hoping this would not come back. We live above this, up on the ridge and that neighborhood has been there since the 1990s. We moved there because it was beautiful and it was quiet and it was close to nature. Having this run from 6am to 7pm Monday-Friday with shorter hours on Saturday will dramatically change our quality of life. There are studies that show it will lower our property values. 246 and that drive from Northfield is the gateway to the Big Woods State Park. Having a gravel pit there is going to be a black eye on the beautiful pastoral surroundings. It doesn't fit with the surroundings. We still think there are unanswered questions. The traffic study only addressed whether or not they needed an additional driveway with the truck traffic, but it did not address the public safety issues we raised and it didn't address the potential damage to infrastructure that comes with

having a bunch of heavy gravel loaded trucks can cause. We are going to be different than a lot of these other proposals where there was minimal opposition to them, because there is significant opposition to this project. I hope you will represent us as well as the farmers and the applicants here.

2. *Kiara Jorgeson* - Karow Trl, Nerstrand (outside of notice range) - I am trained in environmental ethics and I teach at one of our regional colleges, so I would like to tailor my comments and concerns in that way. I live just about a mile up the hill from this site and have some real concerns despite what the applicant just said, 20 years in the making. You will hear from neighbors who have lived in this area for much longer than 20 years who have a lot of lived experience who aren't coming from Wisconsin to talk about how often this area floods or to talk about waste that was dumped illegally in this area years before that time. The main thing I want to note is we do not have, beyond what we just heard, which is frankly a bit heresay to get a proposal approved. We do not have any study that was brought to us today that talks about any of the concerns with natural habitat, wildlife, or with regard to watershed. It should be noted that this site that was previously mined, illegal waste was dumped in this area. No doubt that could be reintroduced, even with a berm, that is how watersheds work especially in times of flood. Previous mining did not adhere to requirements, topsoil was not replaced, debris spilt into the adjoining field, buffer areas weren't respected. We are unclear about the claim that there will be no pumping onsite considering how wet this land is. We drive by this piece of property all the time. You will hear from a neighbor who farms the land adjacent to it. This is wet land so it doesn't make a lot of sense to us. We did consult with the Rice County Soil & Water Conservation District. While they confirmed, because this is a manmade wetland area due to the previous mining, they would strongly suggest additional studies with regards to the soil erosion and indicated after looking at all the materials submitted that that has not been done yet. Not only will these proposed practices likely lead to soil erosion, even with that berm in place, they will ultimately impact the boggy land area where this is. We know, in basic environmental terms, when we mess with our wetlands, we mess around with one of the most effective carbon sinks and we mess with the sponge that filters all the nitrates from ag run-off and that is a concern in our immediate area. I would like to briefly note that the Bald and Golden Eagle Protection Act of course does require that roads and bridges be built back 660ft back from an active or inactive nest. Any tree clearing will be 660ft, but it isn't limited to those requirements. It also includes the harassment of such birds which includes noise and I cannot imagine any of this happening in a peaceful environment that doesn't affect the eagle population.
3. *Tad Anzion* - Kvanbeck Trl (NOTICED) - I have not been in the area very long. After retiring up in the Twin Cities, we moved down less than two years ago for the ambiance and nice quiet setting. Our property is the northernmost property on Kvanbeck Trail. A lot of the things mentioned by Candy also are the same for us. Our expectations were quiet, peace, and we are a half mile from the proposed site. Noise pollution, environment pollution associated with the dust is going to make our house almost uninhabitable. Six days a week, not sunrise to sunset, but in the neighborhood, shorter on Saturdays during the summer months. We have winter to look forward to. Down the back of our property is that stream, the same stream that runs along the proposed pit. Environment issues and that eagle. I ride my bike a lot in the area and I have seen that eagle. He patrols 246, keeps our roads clear of roadkill. He is a local product and he is popular and he adds to the ambiance. He will pull the roadkill and people will stop and take pictures of him. Safety issues as well. Precedence set - denial. I hope you will take this all into consideration.
4. *John Larson* - Kvanbeck Trl (outside of notice range) - I have lived here for 18 years now with my wife and son who is disabled, he is on the autism spectrum and lives at home with us. I mention this because I work in Northfield, my wife works in Northfield, my son receives services in Northfield - we are on this road every single day. I am very concerned about the safety issues. The size of the trucks mean you don't get into a little fender-bender, you get crushed and I fear someday there will be fatalities because of this pit and the number of trucks that could be there. I have heard others talk on other issues about precedence. With precedence, if you open it up, I worry about the asphalt plant getting approved next. I don't want to take this first step down that slippery slope. The environmental effects were talked about a little bit but I am going to add to them. Dust control is not dust elimination and if the wind blows west, its right towards that creek and right towards our neighborhood. There are health issues involved and sediment issues that will come about because of the dust. They cannot eliminate it, they can

try to control it. That from an environmental standpoint is a big thing. Personal cost, property values are a big thing. We are not a bunch of outside investors, we are your neighbors, we have families and our kids there. We want to make sure it's safe and the environment we invested our lives in. We have taken everything we have and put it into these properties. This is not something we are doing on a whim. They are not investment properties. Process and partnership - I don't think the way they have gone about this. Everything is as it should be in terms of the board notifications, but the notifications are very limited. I think that needs to change when there is something like this that affects so many people. I am very well connected with a lot of different people because of my job. I can tell you people that weren't notified – Big Woods State Park, the people there that manage that should know about this and should have a say in this. Not just two week's notice and a couple fliers going out. In addition to that, there are conservation groups in the area - the Clean Water Group in Northfield - they're going to want to have a say in this at some point. The population of Nerstrand, its outside of our little 2-mile bubble. So what, all of those people work in Northfield. They travel down that road. It's the same thing, there are a lot of different pieces to it, but they should have a say in this too. This should not get approved quickly and started moving forward. This needs to be slowed down and taken a look at a lot more seriously and get all the real constituents involved to learn about this. I can tell you the people I talked to before this meeting, there are at least 10 more people that live in 1.5-miles that aren't here tonight that want to be.

5. *Andrew Jorgenson* - Kvanbeck Trl (outside of notice range) - You heard from my wife earlier. We were just recently made aware of this. We didn't get a notice in the mail even though we live within a mile. I'm a licensed contractor/residential builder. Have been for 12 years in Minnesota. I just want to speak briefly to the impact to infrastructure from these heavy haulers. There is a lot of emotional things that could be said with respect to the environment, with respect to our families and our safety concerns, but I want to point out the obvious. A traffic study that considers traffic flow is not the same thing that examines the difference between 4,000 pound commuter car and a hauler that can reach the maximum limit allowed by federal law, which is 80,000 pounds. The impact on roads for one heavy hauler in a given year compared to one commuter car is a factor of 10,000 to 1. That requires a little bit of research to look in to the impact to the infrastructure. It will undoubtedly affect our taxes. None of us like how our taxes are going up as it is, but we will have to pay a lot more for the road damage this will bring if it is approved.
6. *Cliff Taylor* - Kvanbeck Trl (NOTICED) - I want to talk about the financial impact that a gravel pit brings to a community. There have been lots of studies that show what happens to property values in a radius around a gravel pit. Numbers as high as 30% if you are within a quarter mile. I went on Beacon Schneider today and drew out a 1-mile radius circle from the site and counted out all the homes and downloaded all the property valuations for each. There were 36 homes with a total taxable market value of \$20 million. If we estimate a 15% decrease across that whole area, some will be higher, some will be lower. You are talking a total loss of \$3 million in property value. That is not a small number. That's a really big number and that would be borne by people in the local area. This is not a county wide thing. This burden would be placed on us and on the county with the reduced tax base. It averages out to about \$80,000 per household for those 36 homes. Again some will be higher and some lower, but that's a lot of money.
7. *Caitlin Waterstraat* - Kvanbeck Trl (outside of notice range) - I agree with what has been said already and would like to note the environmental concern. I know we have talked about the eagle's nest and the eagle already. I have actually seen two out there in that nest, so I believe it is a pair. The woods and wetlands in that area are continuous with the Big Woods State Park. It is all part of an ecosystem and an ecosystem that is very unique. There are species there that are unique to only a few counties in Minnesota. I recently moved here within the last couple of years with the intention of it being peaceful and quiet. I have a young family that drives into Northfield on a regular basis, so I am also concerned with traffic and the impact it will have on the safety, dust control, and noise pollution. That noise pollution will not only affect our enjoyment of the area but the impact it will have on the wildlife as well.
8. *Gene Peterson* - Karow Trl (NOTICED) - My property butts up to this mining proposal. I have some photos here that I would like the board to look at (*handed photos to board but did not submit for record*). I only found out about this meeting 5 days ago. The pictures show how my property used to look before they started tinkering with the water levels out there. This IUP brought a lot of questions to mind for me because I am the only property owner that has Prairie

Creek run though it which is a protected waterway. My question is what can go wrong when you are mining in or near a flood zone. Some of the concerns and answers I would like to hear are 1) where the protective berm is going to be that runs from my property to Halverson's property and how high will it be? 2) There is a field access that crosses the creek there that has been lowered and lowered in order to get farm equipment to the back side. How will that be protected and how will they get to the other side of the creek? Open the flood gate and let them through? 3) In heavy flooding events or heavy rain, which have occurred several times there in the 30 years I have lived in this area, will the overburden trees, fuel and other mining contaminants end up in the creek? Will it be on Halverson's Property? On my property? Or will it end up downstream? 4) When they drained the existing wetlands that you have pictures of, I would be left with a mud flat that is only good for breeding mosquitoes and other insects we don't want. 5) How will my wetlands and the water levels of my field be protected? Will they build a berm on their property to protect my wetlands or not? If not, how long will it be until they restore the wetlands on my property and who will pay for it?

9. *Curtis Ingvaldstad* - 150th Street E (outside of notice range) - I found out about this last night through a text from my neighbor. I found it odd that I didn't hear anything about this. I am here to support my neighbors and my family with drivers that are about to be launched. I have a lot of reservations about the traffic, but the really things I am hearing are 1) there wasn't an environmental study done and 2) the traffic study is not complete. Those are the glaring things I hear. It was voted down two years ago, so I don't understand why it would be here today if those things were not done.
10. *Nick Koren* - Kvanbeck Trl (outside notice range) - I would like to start by thanking the committee. We have had a lot of voices tonight and you have been patient through all of them. I appreciate it. I live near the proposed excavation site. My wife and I purchased the land in 2017, a few years later we built our home and have welcomed two children into our family since. We are a young family living in that area. Our extended family moved into neighboring communities from out of state to be closer to us and join this community. I share this with you because we have set roots here. We are hoping to make this our forever home. We want this to be the place where we raise our kids and the area where they grow up and cherish. What wasn't in our plan was navigating the risks introduced by a mining facility nearby. My family, my friends, my neighbors - as you can hear, we travel Kane Avenue every day. It's a place we are going to be all the time. We are about to share that with an estimated 200 gravels trucks per day. I worry about the impact on my children's health. Dust and contaminants kicked up by the mining and crushing operations nearby are a big concern for me. A recent study in the International Journal of Environmental Research found an average 20% reduction in lung function among residents within nearby areas of a pit like this. I'm dismayed by these risks. I think this is a serious problem for my family. Prairie Creek and the connected wetlands downstream will certainly be impacted too. Years of improperly disposed waste will be reintroduced into the environment and mining below the water level means pumping into neighboring areas. Milestone Materials has promised to restore the site after they have dug a 30ft hole, but you will not be able to repair the damage to the wetlands. Tonight you have heard concerns from many of my neighbors. There were plenty more community members who could not make it on such short notice, but their opinions and ours are unanimous. We oppose this request. Your predecessors reviewed the same proposal in 2021 and it was voted down. At that time, Planning Commission member Michael Streiff initiated a motion against the permit based on "lack of information related to traffic studies, support of Rice County Planning Commission infrastructure, and understanding the impact to waterways". In this new application, the applicant has not addressed these concerns. No study has been conducted or reviewed to assess the health, safety, environmental, economic, and infrastructure costs this will impose to the local area. These studies are critical in making an informed decision and they are still missing. Further, it is clear that the intention is to follow this permit with a request for crushing and asphalt processing which is evident by the previous discussion we have had. We should consider today's request as though it is both parts because this would be the first step towards both. I ask you, how much are you willing to risk as a community in pursuit of convenient gravel? I hope you weigh the real costs appropriately and vote against this request.
11. *Ken Liebl* - Lamb Avenue (NOTICED) - My property is directly to the East of this property directly up the hill. Things that concern me are the noise. I can hear traffic on 246 from my place. I can't imagine hearing it all day long. The worst case scenario was 40 trucks per hour.

That's one truck every minute and a half. If it's 20 trucks an hour, that's every three minutes there would be a truck going through. If I read the actual permit, it says - in granting and reviewing conditional permit to and among other things, the following finding shall be made. We talked about values. One of them was the use shall be sufficiently compatible or separated by a distance or screening from adjacent agricultural residential zoned or used lands so existing homes will not depreciate in value and there is to be no deterrents to develop vacant land. And the other one was - the use will not cause traffic hazard or congestion. I don't think you can answer "yes" to either one of those.

12. *Dawn Christensen* - James Trl (outside of notice range) - I live directly across the street and I just found out about this yesterday. I am concerned about the traffic as I take 246 every day to work for the past 35 years. To the left of me, all the traffic. The trucks, there's a blind spot. There's going to be accidents. What about our wells? I live right next to it. I have been there since 1999. Please take consideration.
13. *Justin Zittel* - 230th Street E, Lakeville (outside of notice range) - I have a few questions for the Mathy group. I don't know if there has been anything spelled out for added turn lanes or bypass lanes for entrance in and out of the pit. I don't know the details of the traffic study but I would imagine 400 trucks a day and with asphalt production, you're going to need infrastructure improvements for the safety of the traveling public. Another one would be how deep are they going with this mine? Are there any parameters? That will control how long they are there. How much deposit they will pull out of the water. I think that is significant information to have. For the pit entrance, I would imagine there will be a lot of tracking in and out of there. Is there anything, if this were to pass, that stipulates how far into the mine would have to be paved? What are the production goals? What kind of volume do they plan to take out of there in a year? Do they have anything like that stated? Fourteen acres doesn't seem like a whole lot of area for a mine. I am in the mining industry and I would assume the goal here is an asphalt plant if I had to guess, which would be nice if they could be transparent about that. I can see why they are not.

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

Discussion:

The board asked the applicant to come forward.

CP - For the traffic study, the highway department said you did not need turn lanes?

AP - The traffic study was a traffic study as typical. The only thing that was reviewed by MnDOT was the driveway access and they approved that permit. As far as the comments we have heard, a personal one, someone said I am not transparent. I am hyper-transparent and maybe there will be an asphalt plant here, I never said there wouldn't be. Absolutely this is good aggregate for asphalt. It is not in our immediate plans. It is a very small site, but yes, I am being completely transparent about that.

CP - What kind of depths were you looking at when you bored?

AP - A general bottom elevation of 928, so 40ft. We usually pick 40ft because that's what a typical hydraulic dredge can reach. That would be the maximum. Depth is so narrow there, the angle to get to the sand and gravel underneath. I don't know if a hydraulic dredge will be the best action. We plan to start with phase one just using a backhoe and reaching as far into the water as we can. With a longer stick we can get maybe 15ft under the water, that would be the first step. We do not have immediate plans until we get in there to see what the sand and gravel is looking like.

CP - So you would basically dragline it through the water? Not pumping?

AP - No, there will be no pumping.

JH - How much traffic do you actually see happening for this site?

AP - That's tough because it is demand based. This is a sporadic operation, clearly it has been 20 years and we haven't even run it. When the demand is needed, it will be quick. There will be trucks onsite, people onsite, crushing onsite for three weeks to a month. Getting the crushing done, put up some stock piles, maybe do some hauling. The traffic counts, I don't want to speculate.

Casey Bauer - Milestone Materials - Typically a smaller site like this might see up to several thousand ton going out of the site in a day. Several thousand ton in a day divided by 20 tons per truck. That's a rough idea.

MP - One comment that stuck out to me was "convenient gravel". Where do you think this material will be going to? How far away will it be trucked if you had to predict? What's the plan for it?

AP - Commercial customers and a lot of the oversize crushing gravel will go into our asphalt plant in

Faribault. It's an exceptional resource for that.

JH - There were concerns from the neighbors directly adjacent to this property, specifically the property owner to the south, with concerns of runoff into his wetland area. Are there preventative actions planned to avoid that?

AP - We will certify this entire operation as internally drained once we get it going. I spoke of that dike, that will mean that every piece of the entire operations area that is shown on the plan will all internally drain. There will be no runoff outside of that. It will all infiltrate into groundwater.

Applicant returned to seat.

CP - A couple comments, you either mine it as close as you can or we put several hundred miles on our roads. We are running out of material around here. The availability is there. I am familiar with Milestone Materials/Prairie Creek. They are a good operation. They have mined about a mile and a half from my place for years and we have never had an issue to include them running an asphalt plant out of that location every once and awhile. It's not 7 days a week. It's when they need it, when they have a project in the area. That's when they haul. Then it might sit for a year. That's my feelings on it.

JH - I know for public notification it's required by our zoning code to notify everyone within a 1/4 mile and it's posted in the paper. That notification is out there. It's the same for all of our hearing items.

MP - It's great to see you all here to have this much public input. We haven't had a topic that has this much public input, so whether it goes in your favor or not, it is great to have you all here to voice your opinion. It's what we need. To piggyback on CP's comment, it is a convenient location. The contractor is willing to construct berms, they had a traffic study done whether it's complete or not - this is what is in front of us today. The pit has been there since 1980 with updated permits since 2003. It's been there for a long time. It's hard to find good gravel and we are running out of it in the area, so it is convenient. As far as the carbon footprint, if you are going to truck it in from 100 miles away is that better than taking it from 10 miles away? Looking at it from an environmental standpoint there is an argument to be made there too.

JD - I am going to agree with you. You are talking about the impact of hauling gravel further and further away. I lived 1/4 mile from a gravel pit for 15 years and I lived my entire life next to the Kielmeyer pit which is one mile from me. It can have some impact, but I think the impact of bringing it in from areas further away to haul gravel is a big deal. Usually the economics behind a pit is being able to haul it close. I will also agree and give Milestone Materials a second to none as far as being on the ball doing what they say they are going to do. And if there were a complaint, Wayne Gieseke and I have talked many times about what's going on in the pit, even if it was the neighboring pit, he was there within hours to make sure whatever was happening was stopped. They do take care of their pits. They are a very good operation. The volume isn't there for it to be a forever pit. To me, instead of hauling from a pit that's one mile from me all the way to the other side of the county or Faribault, it makes sense to get it from closer.

KE - As far as the comments about an asphalt plant. He said they would haul the gravel to the asphalt plant in Faribault. I live within a half mile of the large asphalt plant over on the end of Faribault and I never hear it.

GJ - I agree with MP, the input is super appreciated. I do see where all the concerns are coming from with noise and everything. The state, or MPCA, does regulate noise, dust and all of those things to what they require or feel is necessary to make sure everyone is safe. I do think to move into an ag district and not expect anything is different. There could be a feedlot that moves in right next to you and I don't think anyone would appreciate that if they weren't expecting it. All these things are permitted for these areas and if the aggregate is there, it's bound to happen eventually.

CP - I will make a motion to approve this with the 18 conditions.

MP - I will second.

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

7. **Interim Use Permit/Carlson - Section 18, Northfield Township**

Evan Carlson on behalf of EESolar23, LLC and landowners Bo Hu and Wei Cao, has applied for a modification to an existing Interim Use Permit to allow for a 1MW Solar Energy Production site. The property is described as: Part of the SW1/4 of the SE1/4, Section 18, Northfield Township, Rice County, Minnesota. The property address is 7597 Dennison Blvd, Northfield, MN 55057. PID# 08.18.4.50.002. The property is Zoned, A, Agricultural.

Motion by Garrett Johnson, seconded by Julia Hogan, to recommend approval of the Interim Use

Permit with the following conditions and findings for Evan Carlson on behalf of EESolar23, LLC and landowners Bo Hu and Wei Cao. The property is located in Section 18 of Northfield Township.

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

CONDITIONS OF APPROVAL – Carlson – 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 1-MW solar energy production site as shown on the approved 2024 application site plan, subject to meeting all setback and access requirements.
3. Tree removal on the east side of the property and site grading shall be done to the minimum amount necessary for solar production and safety of the site facilities.
4. Security fence shall consist of fencing meeting state and federal electrical code requirements.
5. All required permits shall be obtained prior to onsite construction.
6. As soon as onsite construction is completed all areas of the site, excluding the access roads and electrical equipment pads, are to be established and maintained in Agricultural crop production or a pollinator friendly perennial vegetative cover.
7. All electrical lines internal to the site and to the location of the interconnection point with the power utility shall be buried underground.
8. A stormwater plan and proof of compliance with state/federal stormwater regulations shall be submitted to Rice County Environmental Services with the application for building permits.
9. 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 repair for other off-site damages caused by construction or operation of the facility. Financial surety shall be reviewed and approved by the Rice County Attorney's office prior to any work on-site.
10. The entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
11. Failure to comply with conditions may result in revocation of the conditional use permit.
12. This Interim Use Permit shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.

Hearing Minutes:

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

CP - Still 12 conditions?

TM - Yes.

The PC asked the applicant, Evan Carlson (EC), to come forward to add comments or answer questions regarding the request.

EC - EESolar is the project entity. I was here before with the same project. We're trying to accommodate that access road. We are just shifting it over to the east. Other than that, it's more or less the same. We tried to fit it all in as compact an area as we can. It should be a pretty straightforward change. Everything else is the same. Same promises, all that. I don't know if you have any questions for me. We've also advanced in engineering. We are actually at the design/getting ready to build phase. Much more finalized, we're pretty certain.

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 was approved before.

JH - We have seen it before, seems like they're ready to start now.

GJ - I make a motion to approve with the 12 conditions.

JH - I second.

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

8. **Interim Use Permit/Herbs - Section 28, Cannon City Township**

Keith Herbs on behalf of Northern Sun LLC and landowner Poplar Grove Farms LLC, has applied for an Interim Use Permit to allow for a 1MW Solar Energy Production site. The property is described as: Part of the N1/2 of the NW1/4, Section 28, Cannon City Township, Rice County, Minnesota. PID#s 11.28.2.00.003 & 11.28.2.25.001. The properties are Zoned, A, Agricultural.

Motion by Ken Engen, seconded by Garrett Johnson, to recommend approval of the Interim Use Permit with the following conditions and findings for Keith Herbs on behalf of Northern Sun LLC and landowner Poplar Grove Farms LLC. The property is located in Section 28 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Herbs – 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 1-MW solar energy production site as shown on the approved 2024 application 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. *Screening is not required but if installed shall be maintained as shown on the applicant plans.*
6. As soon as onsite construction is completed all areas of the site, excluding the access roads and electrical equipment pads, are to be established and maintained in Agricultural crop production or a pollinator friendly perennial vegetative cover.
7. All electrical lines internal to the site and to the location of the interconnection point with the power utility shall be buried underground or mounted below panel height.
8. A stormwater plan and proof of compliance with state/federal stormwater regulations shall be submitted to Rice County Environmental Services with the application for building permits.
9. 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 repair for other off-site damages caused by construction or operation of the facility. Financial surety shall be reviewed and approved by the Rice County Attorney's office prior to any work on-site.
10. The entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
11. Failure to comply with conditions may result in revocation of the conditional use permit.
12. This Interim Use Permit shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.

Hearing Minutes:

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

CP – What is the CPI on that ground?

TM - While we are finding that answer, one thing I would bring out is that when I meet with applicants I say if they have a screening plan to propose that, that it's available to work with. I'm not sure if it's really necessary on this site. You may want to have that discussion whether they want to plant some trees or shrubs out there. I know they have that in their site plan. If you want to remove that and let them farm as close as they can that's certainly a possibility, or if you feel it's necessary, it's already in their design.

JD – I guess my only question is what would we be screening from?

TM – That's why I bring it up. I usually suggest that they have one available, to have thought that through in case it becomes necessary. It would certainly be an appropriate discussion to have for this site.

JE – To answer your question regarding CPI, the parcel on the easternmost side, closest to the road, has a CPI of 65 and the parcel on the west side of that property line is 91.

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

KH - I'm with United Renewable Energy 1880 Adair Drive, Clemens North Carolina, here on behalf of Northern Sun, LLC, which is the project entity. We've been constructing and developing projects in Minnesota for about eight years. The project we're proposing is 1MW A/C, about 1.6 D/C. The approximate footprint is nine acres. The project will utilize about 2800 solar panels, give or take, which will be mounted on single axis tracker so the rows will go north to south and rotate throughout the day to maximize solar production. The project is proposing an 8-ft tall fence, consistent with some of the photos we saw earlier on existing projects. We have included a vegetative screen as proposed, we would certainly be open to reducing that or eliminating it as you see fit, but we wanted to show that as an option. Currently we anticipate construction either later this year or in spring of 2025. The project will be participating as a community solar garden, so community members, residences and businesses would have an opportunity to subscribe to that and benefit from the energy generated. The project is located in the Ag zoning district and we feel that is consistent with the current use. Our interpretation is that this project meets all the IUP criteria, and specifically Chapter 7 of the County Plan which specifies the sustainability and Goal 2, which is to advocate and expand the use of energy efficient methods in renewable energy resources. We feel this is very much in line and consistent with that. One request or clarification that I have specific to Condition 7 - all electrical lines internal to the site and location with the inner connection point will be buried underground. One of the things that the industry is moving more and more to is for some of the low-voltage wiring to be in above-ground wire management, still compliant with National Electric Code as well as any local codes. It reduces the amount of trenching that is involved and disrupting the soil. Typically, that's mounted consistent with the same height of the panels so it doesn't impede visual impact or anything else. It would be one clarification that I would ask is if you would consider allowing us to do above-ground wire management. We are in agreement with all the other conditions.

MP – Can you describe the community solar garden?

KH – This is a program through Xcel Energy, so it's independent of our company – We're not Xcel. It's a program through the utility. It's a voluntary program for people to subscribe to a project and in turn benefit from energy that may be lower than their current retail rate, so it would provide them immediate savings while also supporting a local project.

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 – Shall we start with the wire management?

TM – Condition 7 is fairly consistent. Some wording you could add to the end might be “shall be buried

underground or mounted below panel height”. A lot of that has been treated as internal wiring within the panels. Sounds like this is a little more strung through the site. The goal was certainly to keep things below the panel heights and not be above.

JH – I understand not wanting to disrupt the ground as much, with less trenching.

CP – I have no issue with it. Any other discussion?

JH – Pretty straightforward, 1MW project.

CP – Did you have something else, TM?

TM – Regarding the screening, one of the things you could do is to modify condition 5 to “is not required but if installed shall be maintained as shown on the applicant plans.” It’s still leaving it there as an option if they want to but saying that it’s not actually required.

CP – I was waiting to see if there would be public comment mentioning that.

MP – At one of our work sessions there was discussion about native wildflowers planted underneath.

JD – They’ve got pollinators in one of the conditions.

TM – Yes, Condition 6.

JH – I think leaving screening up to the applicant as an either/or is fine.

JD – I think when it does not potentially affect anybody. I’m just not seeing the requirements for it.

CP – I will entertain a motion with 12 conditions, changing Condition 5 - that screening is not required but if installed, shall be maintained as shown, and with Condition 7, adding on that ground wire management be below panel height.

KE – Motion to motion to approve with the 12 conditions as stated.

GJ – I second.

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

9. **Waiver of Plat/Trnka - Section 20, Forest Township**

Cullen Trnka has applied for approval of a Waiver of Plat to create a 5.0-acre single family dwelling building site through the use of a Transfer Development Right (TDR). The property is described as: Part of the N1/2 of the SW1/4 of the NW1/4, Section 20, Forest Township, Rice County, Minnesota. PID# 06.20.2.50.001. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Matt Purfeerst, to recommend approval of the Waiver of Plat with the following conditions and findings for Cullen Trnka. The property is located in Section 20 of Forest Township.

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

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

1. The new 5.0-acre Transfer Development Right (TDR) receiving parcel shall contain one principle single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.\
3. Prior to recording a deed for splitting the property a residential driveway permit shall be obtained by the landowner.
4. Within one year of this approval and prior to any onsite construction the applicant(s) shall record a new deed at the Rice County Recorders Office separating the TDR receiving parcel.
5. 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.
6. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcel is recorded.
7. 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, Cullen Trnka (CT), to come forward to add comments or answer questions

regarding the request.

CT - The property in question actually does have half a development right tied to it but in order for me to build a home, I need a full development right moved over to that property. I was able to obtain one and I am here to get approval to move an additional full build right over to that property.

CP - Are you aware of the 7 conditions?

CT - 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 - One of my original concerns was the wetland area but it sounds like they've been working it out with SWCD.

GJ - Outside of that they're being used exactly what it is for.

MP - Looks like a beautiful building site.

GJ - I motion to approve with 7 conditions.

MP - I second.

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

10. Interim Use Permit/Miller - Section 4, Forest Township

Austin Miller has applied for an Interim Use Permit to allow for a Home Occupation maple syrup company. The property is described as: Part of the S1/4, Section 4, Forest Township, Rice County, Minnesota. The property address is 4566 Clearwater Trail, Lonsdale, MN 55046. PID# 06.04.3.75.001. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Ken Engen, to recommend approval of the Interim Use Permit with the following conditions and findings for Austin Miller. The property is located in Section 4 of Forest Township.

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

CONDITIONS OF APPROVAL – Miller – Interim Use Permits (IUP)

1. The Interim Use Permit (IUP) is for a home occupation maple syrup business consisting of a single commercial kitchen truck and existing 2000-sqft storage building.
2. There shall be no more than one employee of the business that does not reside in the onsite home.
3. All vehicles and trailers stored/parked onsite shall be operable and have a current license.
4. There shall be no outside storage of commercial materials, equipment on the property.
5. The applicant is to follow all Federal, State, County and Local rules and regulations.
6. Prior to any additional inputs being added to the onsite septic system a septic permit shall be obtained.
7. 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, Austin Miller (AM), to come forward to add comments or answer questions regarding the request.

AM - My wife and I purchased a maple syrup business last July. We are currently operating out of a commercial kitchen in downtown Lonsdale, looking to move it to this property that we purchased last

October. We are hoping to get a mobile food trailer that will be operable as our commercial kitchen. We would park in front of the structure but we would also need to license the existing shop as a storage facility so we can store the maple syrup there. Our process is not boiling the sap down into syrup. We actually get the syrup from a producer in Wisconsin. We have 14 different flavors of maple syrup so our process is more or less infusing it, adding natural ingredients to it to create the flavored maple syrup.
KE - Are you aware of the 7 conditions?
AM - 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:

MP - 14 flavors, that's cool. I see the neighbors are fine.

JH - There was no public comment, and no concerns that we've received.

MP - I motion to approve with the 7 conditions.

KE - I second.

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

III. Adjournment

Hearing no other items before the PC, a motion was made by JH, second by GJ, to adjourn the meeting at 9:18 pm. Motion carried 5-0.

Respectfully Submitted

Planning Commission



Anna Aguilar
Administrative Coordinator



Charlie Peters, Chair