

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, August 8, 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 6:41 p.m.

Members present were: Charlie Peters, Garrett Johnson, Kenneth Engen.

Members absent were: Julia Hogan, Matt Purfeerst

Staff present were: Zoning Administrator Trent McCorkell, Senior Planner Jeremy Edwards, Clerk Laurie Johnson, Clerk MacKenzie Klett.

Commissioners present: Jeff Docken.

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

B. Motion by Ken Engen, seconded by Garrett Johnson, Reading of the Notice

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Ken Engen, NAYS: None

C. Motion by Garrett Johnson, seconded by Ken Engen, Approval of the Agenda

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Ken Engen, NAYS: None

D. Motion by Ken Engen, seconded by Garrett Johnson, to approve the minutes of July 11, 2024

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Ken Engen, NAYS: None

II. New Business

1. Interim Use Permit/Martin - Section 13 & 24, Webster Township

Clifford Martin, on behalf of landowner Harold Martin, has applied for an Interim Use Permit (IUP) for a private compost facility. The property is described as: Part of the SW1/4 of the SE1/4, Section 13 and Part of the NW1/4 of the NE1/4, Section 24, Webster Township, Rice County, Minnesota. PID#s 02.13.4.50.001 & 02.24.1.25.001. Property address is: 6001 Hazelwood Ave, Northfield, MN 55057. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Ken Engen, to recommend approval of the Interim Use Permit with the following conditions and findings for Clifford Martin, on behalf of landowner Harold Martin. The property is located in Section 13 & 24 of Webster Township.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Martin – 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, and other applicable federal, state or local agencies.
2. This Interim Use Permit (IUP) is for a privately operated compost facility. Approved site plan is to be followed. Changes to the business are not permitted without approval of a new/amended permit.
3. A change of use driveway permit shall be obtained for the proposed access. Any roadway improvements required by the Rice County Highway Department shall be the financial responsibility of the permittee.
4. Business traffic going in and out of the facility shall be limited to between the hours of 7:00 a.m. to 7:00 p.m.
5. A single sign meeting Rice County zoning requirements may be permitted.
6. 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.
7. Only compostable waste collected by the operation shall be brought onto the site.

8. No more than 4,000 cubic yards of compostable materials and 1,000 cubic yards of in process active compost may be stored on site at any one time.
9. All on site in process active compost and compostable materials, except yard wastes, shall be contained within an enclosed structure with a concrete floor.
10. Site is to be maintained free of unlicensed or inoperable vehicles.
11. Unauthorized compostable materials or other solid wastes shall not be brought onto the site. Only authorized compostable materials shall be stored or processed on site.
12. Unless specifically prohibited by the State, allowed compostable material shall be limited to food scraps, yard wastes, non-recyclable paper, compostable materials that meet the standards in ASTM D6400 or ASTM D6868, and vegetative wastes generated from industrial or manufacturing processes that prepare food for human consumption.
13. Tree screening shall be maintained to roadways and neighboring properties. Onsite tree removal shall be done to the minimum amount necessary for the operation.
14. Applicants shall follow best management practices for stormwater control, materials processing, and odor management.
15. All required county, state, and federal permits shall be obtained prior to operation.
16. Failure to comply with conditions may result in revocation of the Interim Use Permit (IUP).

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
CP - Leave the site plan up please.

The PC asked the applicant, Cliff Martin (CM) & Grace Brosnan (GB), to come forward to add comments or answer questions regarding the request.

GB - I am another worker/owner for Curbside Compost Co-op, the business that intends to run this site, and I am a little more familiar with the composting side of things. We intend to construct and operate a 5 bay, enclosed, aerated, static pile composting system. It is pretty small scale in the scheme of things. It is the same technology that is being used by the Shakopee Mdewakanton Sioux Community (SMSC) for their new multi-million dollar site except on a substantially smaller level. The way it is going to be operated is very intentionally meant to minimize the biggest issues that composting sites have of contact water, leachate, and odors. We are trying to build a compost site that is not going to negatively impact anyone in the surrounding area and is also going to increase the composting capacity in Rice County. It will be exclusively materials that we as a business collect.

CP - How many pick-up sized, or 2-ton truck-sized vehicles will come and go?

GB - It will mostly be pick-up trucks. I know we are trying to get a dump truck, but I don't know what size that would be. It's like a big pick-up.

CM - Not a garbage truck.

GB - I think we put in the application that we anticipate maybe once a year we would have a semi-truck full of yard waste coming onto the property. Certainly during construction we will have larger vehicles on the property, but other than that, it will be smaller vehicles.

CP - Are you going to allow people to deliver?

GB - No, it will be exclusively what we collect. We are also not going to allow anyone to come purchase compost onsite. We do not intend to do that.

GJ - For hours of operation, what are you guys thinking for times?

GB - Probably normal business hours. We don't intend to be there in the dark. We collect food waste in Northfield from 8:00 a.m. to 7:00 p.m., but we can make sure, if it is a requirement of this operation, that we are not out there at 8:00 p.m. with lights on delivering food waste. We currently, and will continue to have, food waste dumpsters that 50% of what we collect will go into. Since this is a smaller capacity, we will not be bringing everything we collect to this site. Only up to 7 cubic yards, so that limits the number of times we will go out to this site during the week.

GJ - So like 7:00 a.m to 7:00 p.m.?

GB - Yes, that sounds good.

CP - You've read all 16 conditions?

GB - Yes, from what we can tell, they are pretty standard or things we saw in the ordinance. I think there was one single sign condition, I wasn't sure what that meant?

CP - I believe it has to do with the number and size of business signs that is allowed onsite.

TM - That condition just means that you would need to follow ordinance requirements for signage. They have not proposed any, but we would allow for them to have a sign out there if it meets ordinance specifications.

KE - That is condition #5.

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:

GJ - I am alright with the 7:00 a.m. to 7:00 p.m.

KE - It's a growing thing. I have family members that compost with Curbside Compost.

GJ - Do you see any problems with this JD?

JD - No.

CP - I think the site is on a good road. It's not a rural residential type road, it's a busier road.

GJ - I move to approve with the 16 conditions and condition #4 listing the hours of operation as 7:00 a.m. to 7:00 p.m.

KE - I second that.

TM - I have a little different wording suggestion with that because the hours of operation would be tied to traffic coming and going to the site. We certainly can't stop the composting outside of those times, so I would like to make that clear. Maybe something along the lines of - *Business traffic going in and out of the facility shall be limited to between the hours of 7:00 a.m. and 7:00 p.m.*

GJ - I amend my motion to include that wording for condition #4.

KE - I will second that.

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

2. **Wavier of Plat/Koktavy - Section 28, Forest Township**

Edward Koktavy has applied for a Waiver of Plat to create a 5-acre single family dwelling building site through the use of a Transfer Development Right (TDR). The site will contain an existing home. The property is described as: Part of the NW1/4 of the NE1/4, Section 28, Forest Township, Rice County, Minnesota. The property address is: 13168 Dawson Ave, Faribault, MN 55021. PID# 06.28.1.25.001. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Ken Engen, to recommend approval of the Wavier of Plat with the following conditions and findings for Edward Koktavy. The property is located in Section 28 of Forest Township.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Koktavy – Wavier of Plat

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. Within one year of this approval, the applicant shall record a new deed at the Rice County Recorders Office separating the TDR receiving parcel.
4. 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.
5. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcel is recorded.
6. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

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

The PC asked the applicant, Edward Koltavy (EK), to come forward to add comments or answer questions regarding the request.

EK - We are just basically doing that, we have 35.5 acres and want to split off the house with 5 acres and retain the 30.5 acres as far as ownership. We are just going through the steps of doing that.

CP - Are you aware of the 6 conditions?

EK - Yes.

Chair Peters opened the public testimony portion of the item to the public and no one spoke.

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

Discussion:

CP - It's a TDR and is in Forest Township. I am familiar with the site and it's a good site.

GJ - Very easy. I motion to approve with the 6 conditions.

KE - I'll second.

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

3. **Zoning Map Amendment/Thompson - Section 21, Bridgewater Township**

Mark Thompson has applied for a Zoning Map Amendment to change the zoning of two parcels from A, Agricultural to RR, Rural Residential. The property is described as: Lots 1 and 2 of Thompson Second Addition, Section 21, Bridgewater Township, Rice County, Minnesota. PID#s 07.21.2.26.001 & 07.21.2.26.002. The property is currently Zoned A, Agricultural.

Motion by Ken Engen, seconded by Garrett Johnson, to recommend modified approval of the Zoning Map Amendment with the inclusion of all of the Thompson First and Second Additions, except Outlot A of the First Addition, and the following conditions and findings for Mark Thompson. The property is located in Section 21 of Bridgewater Township.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Ken Engen, NAYS: None

Hearing Minutes:

Senior Planner Jeremy Edwards (JE) presented the request to the Planning Commission (PC).

GJ - For the 1st addition, is there existing outbuildings or anything there? I ask because whenever we talk about Rural Residential (RR), we always end up giving variances for building height. Are there any existing buildings that would be affected?

JE - There are some accessory buildings on the two existing home-sites that may be impacted, but none on either of the outlots.

GJ - Would they have to come back for an after-the-fact variance, or how does that work?

JE - No, they would be considered to be existing non-conformities, but if they decided to do an addition or remodel, then they would have to get a variance, but that variance request would go through Bridgewater Township, not the County.

KE - This is just to make them buildable in the County's eyes.

JE - This would make them buildable in the Township's eyes, because if these were under the County jurisdiction, we would recognize them as TDR sites and they would be buildable in the Ag district, whereas there is a difference with Bridgewater's regulations.

The PC asked the applicant, Mark Thompson (MT), to come forward to add comments or answer questions regarding the request.

MT - Basically, this is the process that Bridgewater wants me to go through to make them buildable. They have been buildable forever. The previous person that was the head of Planning & Zoning (Jim Braun) was fine with this. I had talked to him multiple times, but the new one doesn't want to acknowledge it. I planned on selling them, but the market wasn't good. She had the option to grandfather it in, but she wants me to go through the long process.

CP - As mentioned by JE, should we consider the whole 1st and 2nd additions for this request to change

to RR?

MT - That is what he suggests. At first, I wasn't sure if I should do that or not, but as we talked more about it, we started thinking we maybe should do all three of them since they are in line.

CP - I think it makes sense, so it doesn't look like we are spot zoning.

GJ - I'm not sure how those meetings go in Bridgewater, but if we were to change all of it to RR, if anything were to change on the two lots, you would have to get a variance for the existing outbuildings that are there if they are over the height limit. I just want to make sure you are aware of that. With the 2nd addition, those lots would have to conform to the lower building height.

MT - Can you explain the lower building height?

GJ - It's not for the house, but for the accessory buildings.

CP - 16ft is the height limit on those.

MT - My plan is to sell the two lots if this goes through, and I can make sure I have all the stipulations in the contract.

CP - They can always ask for a variance through Bridgewater if they want a taller building. Is that favorable to you if we consider the whole area?

MT - Yes, I think so.

JE - I just want to clarify that would exclude the Ag parcel to the south.

TM - It would include everything north of the road.

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:

KE - I think it makes sense to do the whole 1st and 2nd addition.

GJ - I agree.

CP - So the 6 lots north of the road.

JE - I just want to mention that the road setback from that Township road would drastically reduce from 70ft to 20ft with the change to RR, and when I say Township road, I mean it is dedicated for public use but is still privately maintained.

CP - That would help them.

KE - I motion to approve including all the 1st and 2nd Thompson Additions, excluding the farming operation to the south of the road (Outlot A, 1st Thompson Addition).

GJ - I second.

Motion to recommend modified approval with the inclusion of all of the Thompson First and Second Additions, except Outlot A of the First Addition, and the stated conditions and findings made by KE, seconded by GJ, and approved unanimously.

4. **Interim Use Permit/Mariska - Section 21, Morristown Township**

Thomas Mariska has applied for an Interim Use Permit (IUP) to allow for a temporary equipment placement aggregate crushing and washing operation. The operation is proposing to operate in September, October and November of 2024; June, July and August 2025; and July and August 2026. The property is described as: Part of the SE1/4, Section 21, Morristown Township, Rice County, Minnesota. The property address is: 10355 Morristown Blvd, Morristown, MN 55052. PID# 13.21.4.25.004. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Ken Engen, to recommend approval of the Interim Use Permit with the following conditions and findings for Thomas Mariska. The property is located in Section 21 of Morristown Township.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Mariska – 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 applicant or operator shall furnish a one-year \$50,000 bond or other financial surety for haul road and site restoration.

3. All financial surety shall be reviewed and approved by the Rice County Attorney's office.
4. This Interim Use Permit is to allow for an aggregate washing and crushing operation and shall be valid during September, October and November 2024; June, July and August 2025; and July and August 2026.
5. The hours of operation shall be limited to between the hours of 6 a.m. and 7 p.m., Monday through Friday, and 6 a.m. to 3 p.m. on Saturdays.
6. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the aggregate crushing operation ceases.
7. All access drives within the pit and to the paved area of State Highway 60 shall be treated with a dust control product (such as calcium chloride), or shall have water applied for dust control. The treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drives, from leaving the property during times of processing or hauling activities on the property.
8. Applicant to strictly adhere to all Rice County codes and ordinances.
9. "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.

Hearing Minutes:

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

The PC asked the applicant, Thomas Mariska (TomM), to come forward to add comments or answer questions regarding the request.

TomM - I own and operate the pit. It's a very small operation. We had an outside contractor who was supposed to come in around June 1st to do some crushing for us under an old permit, but it rained the whole month and half of the next, and the permit expired. So I am here to get a new one. Hopefully we will get it finished in September/October or this fall.

CP - Are you aware of the 9 conditions?

TomM - Yes, I read through them. They all look very familiar to last year's and they are all fine. Operating hours and everything is ok.

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:

KE - I drive past here a couple of times a week. It's been active, and I have not seen a problem with it.

CP - Nobody is complaining.

GJ - I move to approve with 9 conditions.

KE - I'll second.

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

5. Interim Use Permit/Mathy Construction - Section 9, Forest Township

Crane Creek Asphalt, on behalf of landowner Mathy Construction, has applied for an Interim Use Permit (IUP) to allow for a temporary equipment placement for an asphalt plant. The operation is proposing to operate approval through December 2024. The property is described as: Part of the NW1/4, Section 9, Forest Township, Rice County, Minnesota. The property address is: 4995 Millersburg Blvd W, Lonsdale, MN 55046. PID# 06.09.2.25.001. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Ken Engen, to recommend approval of the Interim Use Permit with the following conditions and findings for Crane Creek Asphalt, on behalf of landowner Mathy Construction. The property is located in Section 9 of Forest Township.

CONDITIONS OF APPROVAL – Crane Creek Asphalt – 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 applicant or operator shall furnish a one-year \$50,000 bond or other financial surety for haul road and site restoration.
3. All financial surety shall be reviewed and approved by the Rice County Attorney's office.
4. This Interim Use Permit is to allow for a portable asphalt operation and shall be valid from approval until December 31, 2024.
5. The hours of operation shall be limited to between the hours of 5:30 a.m. and 7 p.m., Monday through Friday, and 5:30 a.m. to 3 p.m. on Saturdays.
6. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the asphalt operation ceases.
7. All access drives within the pit and to the paved area of Millersburg Blvd. 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 drives, from leaving the property during asphalt plant operation or hauling activities on the property.
8. Applicant to strictly adhere to all Rice County codes and ordinances.
9. "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.

Hearing Minutes:

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

The PC asked the applicant, Wayne Gieseke (WG), to come forward to add comments or answer questions regarding the request.

WG - As TM mentioned, we had an asphalt plant at this location back in 2021. We actually did some crushing and screening as well, and washing at that time. It was for some local Rice County projects. This year, we intend to try and utilize this site for the Rice County 4 project which goes from Highway 21 to the south end of Lonsdale. At this time, we are out there milling and reclaiming, and constructing a new turn lane going into County Road 1 to Montgomery. Our intended schedule is to put the plant on wheels, which is currently located in Winona, MN, and try to have it up here on Tuesday August 27th, if the Board approves, that way we can continue to meet the timeline for the project. The project has an October 4th completion. With the rain in June and the first half of July, it would take some pressure off our commercial facility in Faribault. As far as the 9 conditions, we are aware of them but would like to request a change to condition #5. In 2021, we had a 5:30 a.m. to 7 p.m. timeframe. The 5:30 a.m. to 6 a.m. is strictly for generator warm-up. The generator is inside an enclosed trailer. Operations, back-up alarms, truck traffic would not start until 6 a.m.

CP - I can comment on the site. He is quite a ways back and a ways from any neighbors.

KE - It looks like it.

CP - You can't even tell there are trucks back there, and I live really close. I don't have a problem with that change.

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 - We had our Town Board meeting last night. It was brought before the board, and the board is happy with it, and we have no issues with this pit. The road has always been well-kept, and the gate is always closed. You can see from the pictures that there is no garbage or trash. It looks neat. From the Township aspect, there is no issues.

JD - Can we get clarification on the approval date for this item?

TM - The Board of Commissioner's meeting is August 27th.

GJ - I move to recommend approval with a modification to condition #5 to 5:30 a.m. for the hours of operation.

KE - I'll second.

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

III. Adjournment

Hearing no other items before the PC, a motion was made by KE, second by GJ, to adjourn the meeting at 7:22 pm. Motion carried 3-0.

Respectfully Submitted

Planning Commission



Anna Aguilar
Administrative Coordinator



Charlie Peters, Chair