

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, October 10, 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 7:06p.m.

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

Members absent were: Garrett Johnson

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

Commissioners present: Jeff Docken.

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

B. Motion by Ken Engen, seconded by Matt Purfeerst, Reading of the Notice

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

C. Old Business Item #1 Conditional Use Permit for Miller has been withdrawn.

Motion by Julia Hogan, seconded by Ken Engen, Approval of the Agenda

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

D. Motion by Matt Purfeerst, seconded by Julia Hogan, to approve the minutes of September 5, 2024

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

II. Old Business

1. Conditional Use Permit/Miller - Section 14, Webster Township - WITHDRAWN

Charles Miller has applied for a Conditional Use Permit for a commercial dog training and breeding kennel. The property is described as: Part of the SW1/4 of the SW1/4, Section 14, Webster Township, Rice County, Minnesota. PID#s 02.14.3.50.005 & 02.14.3.50.004. Property address is 5982 Bixby Ave, Northfield, MN 55057. The property is Zoned A, Agricultural.

III. 7:00 p.m. Public Hearing

1. Zoning Map Amendment Hearing - Section 21, Bridgewater Township

The Rice County Planning Commission shall conduct a public hearing on a proposed amendment to the Rice County Zoning Map, changing the zoning classification from the A, Agricultural to RR, Rural Residential District for Lot 1, Lot 2, and Outlot A of the Thompson Second Addition and also Lot 1, Block 1, Outlot C, and Lot 1, Block 2 of the Thompson Addition in section 21, Bridgewater Township, Rice County, Minnesota. PID#'s 07.21.2.26.001, 07.21.2.26.002, 07.21.2.26.003, 07.21.2.01.001, 07.21.2.01.005, and 07.21.2.01.002.

Motion by Matt Purfeerst, seconded by Ken Engen, to recommend adoption of the Zoning Ordinance Map Amendment to change the zoning classification from the A, Agricultural to RR, Rural Residential District for Lot 1, Lot 2, and Outlot A of the Thompson Second Addition and also Lot 1, Block 1, Outlot C, and Lot 1, Block 2 of the Thompson Addition in section 21, Bridgewater Township, Rice County, Minnesota.

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

Hearing Minutes:

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

MP - Are the other blue spots on the map ones that have been previously converted over?

JE - Yes, those blue areas have also been zoned Rural Residential.

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 went through it and it makes sense.

KE - We already expanded it that one time.

CP - Bridgewater Township obviously moved it this way too. I am sure they went through their boards.

MP - I motion to approve.

KE - I second.

Motion to recommend adoption of the Zoning Ordinance Map Amendment made by MP, seconded by KE, and approved unanimously.

IV. New Business

1. Interim Use Permit/Slinger - Section 18, Walcott Township

Michael Braun, on behalf of Seabury Park LLC and landowners Joseph and Donna Slinger, has applied for an Interim Use Permit (IUP) for a 5MW solar energy production facility. The property is described as: Part of the NW1/4, Section 18, Walcott Township, Rice County, Minnesota. PID# 15.18.2.25.001. The property currently has addresses of 23128 & 23450 Albers Ave, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Michael Braun, on behalf of Seabury Park LLC and landowners Joseph and Donna Slinger. The property is located in Section 18 of Walcott Township.

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

CONDITIONS OF APPROVAL – Slinger (Braun) – 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 5-MW solar energy production site as shown on the approved 2024 application site plan, subject to meeting all setback and access requirements.
3. Solar panels must be at least 100-ft from County Road Right of Way, and 20-ft from other property lines.
4. Security fence shall consist of fencing meeting state and federal electrical code requirements.
5. The site access driveway must be combined with the existing solar driveway access from County Road 45.
6. All required permits shall be obtained prior to onsite construction.
7. 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.
8. All electrical lines internal to the site and to the location of the interconnection point with the power utility shall be buried underground, except those lines within the fenced area may be above ground as long as they are lower than the panel heights and meeting electrical codes.
9. 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.
10. The applicant or operator shall furnish Rice County with a \$100,000 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.
11. This Interim Use Permit (IUP) shall expire and the entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical

production.

12. Failure to comply with conditions may result in revocation of the conditional use permit.
13. This Interim Use Permit (IUP) 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).

JH - We have only had 1 other 5 megawatt (MW) site, I believe in Northfield right?

TM - I believe the biggest one we have had is a 3MW as a single. We have several that are next to each other as projects adding up to that.

The PC asked the authorized agent, Michael Braun (MB), to come forward to add comments or answer questions regarding the request.

MB - Thanks for your time tonight. I am here presenting the 5MW project tucked behind the 1MW project there. Proposing screening along the north side of the full project and on a portion of the east side outside of the fence line of the existing facility, it would be tough to put trees there. So that is our proposal right now. We would be using the same access road, what you are seeing on the drawing is coming off that access going north. We are required to put in a hammer head turn or some roadway for Xcel to place their poles and that's what you are seeing there. So we can back that off of the property line if that is preferred, that's not an issue. That is where their poles would be approximately. We get final word on that as we go through the Xcel Energy connection process and we meet with designers. Right now that is where our designers have placed it. This site we are currently developing, it is currently in the interconnection process right now, beginning stages, and looking to build probably Fall 2026 but hopefully sooner. That would be our preference but we are at the scheduling constraints of Xcel as it goes through the process and not only that but also ordering equipment. The lead times on equipment can take up to a year.

JH - You are aware that this IUP will expire if construction hasn't started within a year?

MB - Yes, I am aware. That was one item I wanted to bring up just to gauge temperature. Would you ever be open to longer? And if not that is fine. It is something that we put an application and just wanted to have an open conversation to understand. And the reason we are looking at that is the size of the community solar program has increased from 1 to 5, anywhere in that range is considered community solar garden. What happens is the scheduling of these is pushed out with Xcel and construction lead times and one thing we think about is coming to you and being transparent about what our plans are and then looking at your side and having us come back multiple times. That's the only reason I wanted to bring that up, I don't have any expectations that it will change but I did want to talk about it. Thank you.

JH - I know we have had that in the past but I don't believe we have changed that as a condition though. We have had multiple ones come back year after year but I don't believe we have changed that condition. Right TM?

TM - I believe that is an ordinance requirement. There have been several projects that get close to that and have had to come back through.

JH - And we have been pretty stringent on that timeline. I understand that it is not most ideal for the applicant.

MB - That's okay. We appreciate it.

CP - We haven't approved the first time and denied the second time as far as I can remember.

MB - Understood, thank you.

CP - The road situation seems to be clarified. I realize you have got to have a hammer head for probably fire too.

JH - I guess a question for the applicant on condition #10 regarding the bond. Have you seen for larger megawatts elsewhere (other cities, counties, states) the bonds being larger or being pretty on par for bonds of \$50,000?

MB - We have seen \$50,000 and \$100,000. Typically we develop 1MW facilities. This program is brand new, we have seen counties up it, I will be transparent there. It's a range and I don't really know how they are calculating it. We calculate it, we can run it through a whole decommissioning plan and show salvage

value vs the actual cost of decommissioning it and what that difference is. So there is that that we can put together but you know as far as what counties are doing to come up with it, I am not quite certain but we have seen a range.

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 - You are absolutely right about the bond. I think we need to find a figure for the size of them.

KE - Based on size.

CP - Yes, if a tornado comes through, and we are stuck, or the landowner is stuck.

JH - I guess I would defer to staff. Would we want to raise this to \$100,000 for this application? Or are we just looking for future, wanting to change this for larger megawatts?

TM - I think that it is certainly a good discussion to have. A recent training we were just at was citing numbers all over the board. Some based mainly on the cost of panel recycling. What was presented to us, not from this company but other organizations, was some of the recycling cost was at \$10-20 per panel range. It was also noting European recycling was like \$0.80 per panel. So just a different kind of system and different things involved in that. It is certainly something trying to look out 20-25 years what is going to be in place and what's not going to be. There are counties out there that do not do any upfront bonding requirements. The most expensive one I talked to they were doing around \$200,000 per megawatt. Which is certainly more than what we are at. I think that while it may not be best just to multiply that per megawatt but at least changing that to \$100,000 for something that is 5x the size what you've been doing. I don't feel that would be out of line, especially hearing those different numbers per panel at this point. Hopefully the industry gets to a point where that's not necessary. Because this is an IUP, if something would come up in the industry changing that significantly the applicant could come back later and say these are not realistic numbers anymore, we would like to lower that. But at this point, based on the numbers, going to \$100,000 is probably at least appropriate I would say.

JH - I have seen similar to \$100,000 in other cities and counties for similar. I don't see \$100,000 for a bond being outrageous.

CP - What I am hearing is changing condition #10 to \$100,000 bond?

JH - 5MW is a lot larger than 1MW, you can even see from their site plan compared to the 1MW that's on site already. I am not opposed to changing that to a \$100,000 bond and it seems like the applicant understood that change as well.

MP - I think \$100,000 would be adequate. That might even be too low, but for now it is what it is. I think it's close to where it needs to be.

CP - I think we should bring that up at some of our planning work sessions.

KE - Yes, we should for the future.

CP - For now let's put it at \$100,000.

JH - Like staff said, the numbers are all over the board, and it is a newer thing for a lot of different counties to deal with and how you adjust that number to make it adequate.

MP - Other than the bond, that \$100,000 sounds great to me. I think it's a great spot, there is already solar on the site and a lot of solar in the area. We just approved one to the east 2 months ago. And they are putting up a lot of screening, so I am all for it.

JH - It looks like the buffer blocks it from the road which helps.

MP - I motion to approve the 13 conditions with condition #10 changing to a \$100,000 bond.

JH - I second.

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

2. **Interim Use Permit/Gehrke - Section 12, Walcott Township**

Patrick Heselton, on behalf of Bituminous Materials LLC and landowners Robert and Amy Gehrke, has requested an Interim Use Permit (IUP) for an aggregate mining operation. The property is described as: Part of the N1/2 of the SE1/4, Section 12, Walcott Township, Rice County, Minnesota. PID# 15.12.4.25.001. 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 Patrick Heselton, on behalf of Bituminous

Materials LLC and landowners Robert and Amy Gehrke. The property is located in Section 12 of Walcott Township.

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

CONDITIONS OF APPROVAL – Gehrke (Heselton) – Interim Use Permit (IUP)

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 an aggregate mining and crushing operation.
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 depths 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. Mining boundaries and required setbacks shall be marked onsite prior to mining and markings shall be maintained throughout the operation. No more than 10-acres of the proposed mining area shall be open to mining at any one time unless a variance has been granted to exceed the 10-acre limitation.
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 4 p.m. on Saturdays.
7. A 20-foot setback shall be maintained between the mining operation and all property lines except the common mining boundary to the south. A 100-foot setback shall be maintained from County road right-of-way.
8. The banks shall be sloped at a minimum 4:1 and the operator shall be required to keep the pit or excavation in such conditions as not to be in danger of caving or sliding banks, to ensure stability.
9. Topsoil from the excavation site is to be stockpiled on the premises for use in restoration of the site. No topsoil is to be removed from the site.
10. The applicant is to follow the approved reclamation plan. Reclamation shall be ongoing so that previously mined land is reclaimed as new areas are opened to mineral extraction. The site is to be completely restored to a condition suitable for wildlife habitat or farmland upon completion of permit. Restoration shall include final seeding/cover of the area.
11. The applicant is to be responsible for repair of county, state and township roads adjacent to the site due to damage 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 county 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 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. Failure to comply with the 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 - Who runs the south side? Was that Kielmeyer?

TM - That was Kielmeyer before. I believe it still is.

The PC asked the authorized agent, Patrick Heselton (PH), to come forward to add comments or answer questions regarding the request.

PH - This is a site we have had open since 2008. We have used it to screen sand to supply the local asphalt plant. Kielmeyer, on the Donkers side, was making class 5 for Walcott Township for many years. And that's what we are hoping to do. And then maybe sell some sand to the asphalt plant too. With mixed designs like that, it has been pretty stagnant the past few years. We are coming into an agreement soon, hopefully, to move some sand for the asphalt plant to make use of that local resource on projects in the Rice County area.

CP - Are you aware of the 17 conditions for this?

PH - I see the conditions and I don't think it's that different from the last CUP we had. And most of these don't really affect our operation. It's not constant trucking going in and out of there and the accesses we have, we share. We made a deal with the Donkers farm, so we continue to go through his property at this time.

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 - Pretty straight forward, it's been there.

MP - It has been in the area for as long as I can remember and there haven't been any issues. It's a great spot to have a gravel pit, on a tar road in the middle of Ag country, it doesn't affect anybody.

JH - Obviously, we don't have any public comments complaining about it.

MP - I motion to approve with the 17 conditions.

KE - I second.

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

3. **Interim Use Permit/Timm - Section 7, Warsaw Township**

Randy Timm, on behalf landowner Timms Trucking Inc., has requested an Interim Use Permit (IUP) for an aggregate mining operation. The property is described as: Part of the W1/2 of the SW1/4, Section 7, Warsaw Township, Rice County, Minnesota. PID# 14.07.3.25.001. Property address is 6775 230th St W, Morristown, MN 55052. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Randy Timm, on behalf landowner Timms Trucking Inc. The property is located in Section 7 of Warsaw Township.

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

CONDITIONS OF APPROVAL – Timm – Interim Use Permit (IUP)

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 an aggregate mining and crushing operation.
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 depths 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. Mining boundaries and required setbacks shall be marked onsite prior to mining and markings shall be maintained throughout the operation. No more than 10-acres of the proposed mining area shall be open to mining at any one time unless a variance has been granted to exceed the 10-acre limitation.
6. The hours of operation shall be limited to between the hours of 6:00 a.m. and 7:00 p.m. Monday through Friday and 6:00 a.m. to 3 p.m. on Saturdays.
7. A 20-foot setback shall be maintained between the mining operation and all property lines. A 100-foot setback shall be maintained from County road right-of-way and 70-ft setback to Township Road Right of Ways.
8. The banks shall be sloped at a minimum 4:1 and the operator shall be required to keep the pit or excavation in such conditions as not to be in danger of caving or sliding banks, to ensure stability.
9. Topsoil from the excavation site is to be stockpiled on the premises for use in restoration of the site. No topsoil is to be removed from the site.
10. The applicant is to follow the approved reclamation plan. Reclamation shall be ongoing so that previously mined land is reclaimed as new areas are opened to mineral extraction. The site is to be completely restored to a condition suitable for wildlife habitat or farmland upon completion of permit. Restoration shall include final seeding/cover of the area.
11. The applicant is to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. The roads are to be restored to their original condition after the gravel mining operation ceases.
12. All access drives within the site shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drive from leaving the property during mining or hauling activities on the property.
13. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.
14. The site is to be cleaned of all debris and equipment after closure of the pit.
15. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.
16. The site shall be secured at access points.
17. Failure to comply with the 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).

The PC asked the applicant, Randy Timm (RT), to come forward to add comments or answer questions regarding the request.

RT - We would like to continue mining in this pit location to keep providing products for municipal and public use. And we are staying in that footprint as TM said, staying under that 40 acres. At some point we

will expand but right now we are fine with what we have.

CP - Are you aware of the conditions?

RT - 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:

KE - It's a standing mine already.

CP - Moving the access road to the county road was great. I remember that last time and I think there was another mining operation to the east that we've had some complaints about.

KE - I motion to approve with the 17 conditions.

JH - I second.

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

4. **Interim Use Permit/Winjum - Section 11, Wells Township**

Roy Winjum has requested an amendment to an existing Interim Use Permit (IUP) for an aggregate mining operation. The proposed amendment is to include adding a concrete batch plant to the property. The property is described as: Part of the NE1/4 of the SE1/4, Section 11, Wells Township, Rice County, Minnesota. PID# 10.11.4.00.001. The property address is 2150 165th St W, Faribault, MN 55021. The property is Zoned URI, Urban Reserve Industrial.

Motion by Ken Engen, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Roy Winjum. The property is located in Section 11 of Wells Township.

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

CONDITIONS OF APPROVAL – Winjum – Interim Use Permit (IUP)

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 sand and gravel mining including an aggregate material crushing operation and a concrete batch plant.
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 and crushing operation shall be restricted to the area and depths shown on the applicant's approved site plan, subject to compliance with the minimum 100-ft County Right of Way, 70-ft Township Right of Way and 20-ft property line boundaries. Deviation from these boundaries will require application for a new interim use permit.
6. Mining boundaries shall be marked onsite prior to mining and markings shall be maintained throughout the operation. No more than 10-acres of the proposed mining area shall be open to mining at any time.
7. 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.
8. The banks shall be sloped at a minimum 4:1 and the operator shall be required to keep the pit or excavation in such conditions as not to be in danger of caving or sliding banks, to ensure stability.
9. Topsoil from the excavation site is to be stockpiled on the premises for use in restoration of the

site. No topsoil is to be removed from the site.

10. The applicant is to follow the approved reclamation plan. Reclamation shall be ongoing so that previously mined land is reclaimed as new areas are opened to mineral extraction. The site is to be completely restored to a condition suitable for wildlife habitat or farmland upon completion of permit. Restoration shall include final seeding/cover of the area.
11. The applicant is to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. The roads are to be restored to their original condition after the gravel mining operation ceases.
12. Within the pit property all access drives 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 times of mining or processing activities on the property. The applicant shall follow the same dust control requirements on the section of 165th St W. from the driveway to Bagley Ave.
13. Unless separately approved by the Rice County Highway Department all site access shall be from the existing driveway off of 165th St W.
14. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.
15. The site is to be cleaned of all debris and equipment after closure of the pit.
16. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.
17. The site shall be secured at access points.
18. Applicant must verify wetland regulation compliance with the Rice SWCD prior to any onsite mining.

Hearing Minutes:

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

JH - Though it is existing and that's why it can remain, it can be expanded?

TM - It can be modified, that's how it's treated. With gravel mining they are treated for the property. So it's a little bit different than businesses when you are dealing with expansions. I do think that might be an item through our discussions on zoning with the board. We'll probably want to have that discussion about the Urban Reserve Industrial district. That is a pretty new district and I think there might be some needed discussion on a few items within that one. Gravel mining being one of those.

JH - I know the highway department noted that Highway 46 currently has 1500 vehicles per day. This might be more of a question for the applicant but, do you know what the projected traffic counts are?

TM - I do not. The access itself is on to the township roadway which then goes immediately onto the county road.

The PC asked the applicant, Roy Winjum (RW), to come forward to add comments or answer questions regarding the request.

Jon Winjum (~~authorized~~ agent) - We've had a concrete batch patch in here prior, didn't realize some of this wasn't in with this. This would be a little bit more of a permanent structure to sell to the residents of Rice County. We believe that this is a great location for this. I think the county kind of built the road for something like this. We have plans for a shop later down the road. Traffic count, as you asked before, would be probably 20 trucks a day probably about 200 yards of concrete a day to start.

MP - And for traffic, are you planning to still go through the township road?

JW - Yes, it would still go through the township road.

CP - Are you aware of the 18 conditions?

JW - Yes.

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

Chris Hanke - *Legacy Dr* - I am in support of the batching plant. Right now, Rice County desperately needs another option. The citizens really only have one choice for concrete and we're paying way more than we need to. So we really need another player which should keep the other guys honest and benefit the people of the county.

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

Discussion:

CP - I know in the past we have had some dust issues on the township road but I think that has been rectified and especially with the conditions now.

JH - Has staff received any public comment regarding this item?

TM - No, nothing recently. I think as CP mentioned there have been concerns in the past with dust and the capacity of that roadway. It is a dead end road, there is 1 or 2 homes back there, I think it goes to a farm or a wetland back in there. Pretty limited traffic on that road besides this operation.

MP - Wasn't it a result of the Aldi factory out there? Something about the trucks coming out from Aldi parking on that road?

TM - Different road, this would be north from that location

JD - The only other thing is the township road itself. And that section that the trucks are going on to access the highway, I see the dust control. Am I missing something about them maintaining the portion of the township road that they will be traveling out on? I have had complaints about the road.

JH - Wasn't that on 166th St W?

CP - Dust control requirements or maintenance of the road itself?

JD - The maintenance of the road.

JH - So should that be added in?

CP - Probably yes.

JD - I know it's a short distance But they have equipment there. They should be able to maintain that portion. I would think the township would've wanted something in there to take care of that.

JH - So you want it to be more like "the applicant shall follow dust control requirements and maintenance", including maintenance on that portion of the road?

CP - Well condition #11 kind of covers that.

MP - It gets sticky to add "and maintenance of the road" because where does that end, if there is a complaint on the road.

CP - Are we happy with condition #11 covering that?

ALL - Yes.

JH - I agree with staff. I definitely think that should be a topic of discussion between the Board of Commissioners and Planning Commission regarding the new URI district for mining and everything. Obviously, this is modifying an existing one, but I think that should be discussed at some point.

KE - I motion to approve with the 18 conditions.

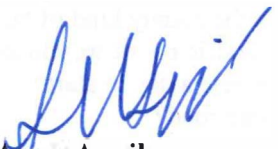
MP - I second.

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

V. Adjournment

Hearing no other items before the PC, a motion was made by MP, second by JH, to adjourn the meeting at 7:47 pm. Motion carried 4-0.

Respectfully Submitted


Anna Aguilar
Administrative Coordinator

Planning Commission


Charlie Peters, Chair