

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, March 5, 2026 at 6:00 PM**

I. Call to Order

1. Roll Call

The meeting was called to order both in-person and electronically by Vice Chair Kenneth Engen at 6:56p.m.

Members present were: Kenneth Engen, Julia Hogan, Matt Purfeerst, Jim Cihak
Members absent were: Garrett Johnson

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

Commissioners present: Charlie Peters

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

2. Motion by Matt Purfeerst, seconded by Jim Cihak, Reading of the Notice

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

3. Motion by Jim Cihak, seconded by Julia Hogan, Approval of the Agenda

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

4. Motion by Matt Purfeerst, seconded by Jim Cihak, to approve the minutes of February 5, 2026.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

II. 7PM Public Adoption Hearings on proposed Rice County Ordinance Amendments

1. 7PM Public Hearing on proposed Rice County Subdivision Ordinance (#550)

After several work sessions with the County Board and Planning Commission in 2025, a revised Subdivision Ordinance has been developed to better align with the Rice County Comprehensive Plan. Changes to the approval process for subdivisions will provide clarity and efficiency for property owners seeking to subdivide land. This new Subdivision Ordinance, Ordinance #550, will repeal and replace the previous Chapter 523 and applies to subdivisions outside city limits. The Subdivision Ordinance prescribes the standards and procedures for the subdivision, splitting, and combination of land including; administrative subdivisions, minor boundary adjustments, preliminary and final plats, and waivers of plat.

The Planning Commission held a public hearing on February 5, 2026, regarding the proposed revised Subdivision Ordinance. After the public hearing, the Planning Commission voted to recommend adoption of the Subdivision Ordinance as written except for deleting Section 550.42 and modifying Section 550.43 Item A to read, "Certificate of Survey for the proposed and residual parcels." These changes would remove the exemptions for surveys on parcels 40 acres or larger.

Removing this exemption was considered a significant change from the proposed regulations that were available for the public to review. Therefore, after hearing this item on February 17, 2026, the Board of Commissioners decided to send it back to the Planning Commission for a new public hearing on March 5, 2026 at 7 p.m., to allow the public time to review and comment on the revised proposed ordinance.

Motion by Jim Cihak, seconded by Matt Purfeerst, to recommend adoption of the Rice County Subdivision Ordinance, Ordinance #550 and to repeal Chapter 523 Subdivision Regulations of the Rice County Zoning Ordinance.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

7PM Public Hearing on proposed Rice County Subdivision Ordinance (#550)

Hearing Minutes:

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

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

Vice Chair Engen closed the public testimony portion of the item to the public.

Discussion:

CP - The board was in favor of it. They just thought it was a big change, so they wanted to bring it back to the Planning Commission. But it sounded like everybody was in favor of what you guys decided.

JC - I motion to recommend approval.

MP - I second.

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

2. **7PM Public Hearing on proposed Rice County Zoning Ordinance text amendment**

Amending Chapters 502, 507, 508 and 514 to add "Contractors Office and Yard Complex" as a Conditional Use in the HC, Highway Commercial Zoning District.

Motion by Matt Purfeerst, seconded by Julia Hogan, to recommend adoption of the Zoning Ordinance Text Amendment to add "Contractors Office and Yard Complex" as a Conditional Use in the HC, Highway Commercial Zoning District

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

7PM Public Hearing on proposed Rice County Zoning Ordinance text amendment

Hearing Minutes:

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

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

Vice Chair Engen closed the public testimony portion of the item to the public.

Discussion:

JH - I think it is a good use to add to Highway Commercial (HC). You see these type of uses within different HC areas within state, so I don't see an issue with adding it to our ordinance.

MP - I motion to recommend approval.

JH - I second.

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

3. **7PM Public Hearing on proposed Rice County Zoning Map amendment**

Changing Zoning of land in Section 36 of Webster Township from A, Agricultural to HC, Highway Commercial. PID#s 02.36.1.25.002 & 02.36.1.25.003.

Motion by Jim Cihak, seconded by Matt Purfeerst, to recommend adoption of the Zoning Map Amendment to change the zoning of PIDs 02.36.1.25.002 & 02.36.1.25.003 from A, Agricultural to HC, Highway Commercial.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

7PM Public Hearing on proposed Rice County Zoning Map Amendment

Hearing Minutes:

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

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

Vice Chair Engen closed the public testimony portion of the item to the public.

Discussion:

JH - Doesn't seem like there was any concerns from the Commissioners.

CP - No, I know last time we had some neighbors talk about noise, but, historically we've had gas stations and everything look at this spot and that would be more noise, so I think this is a good use of this corner.

JH - The other 3 quadrants are HC, so it only makes sense at Interstate 35 and HWY 19 that it would be HC.

JC - I am very familiar with this property and it is getting rezoned properly. I motion to recommend approval.

MP - I second.

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

III. New Business

1. Interim Use Permit/Kielymeyer - Section 34, Webster Township

Corey Kielymeyer, on behalf of landowner Kielymeyer Construction Inc, has applied for an Interim Use Permit (IUP) to allow for temporary placement and operation of an aggregate crushing operation from April through November 2026. The property is described as: the NW1/4 of the NE1/4, Section 34, Webster Township, Rice County, Minnesota. The property address is: 8127 Chester Ave, Northfield, MN 55057. PID# 02.34.1.25.001. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Corey Kielymeyer, on behalf of landowner Kielymeyer Construction Inc. The property is located in Section 34 of Webster Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Kielymeyer – Interim Use Permit (TEPP)

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 prior to onsite operations.
4. This Interim Use Permit (IUP) is to allow for an aggregate crushing operation between April 1, 2026 and November 30, 2026. Permit shall expire on November 30, 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 7 a.m. to 5 p.m. on Saturdays.
6. Areas mined near the road right of way must be stabilized to prevent erosion of the road right of way. Applicant is to ensure that road right of way maintenance can be safely performed along the mining parcel boundaries and is to be responsible for repair to any road or right of way damage due to the mining/crushing operations.
7. 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.
8. All access drives within the pit and to the paved area of Chester Ave 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.

9. Applicant to strictly adhere to all Rice County codes and ordinances.
10. "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, Corey Kielmeyer (CK), to come forward to add comments or answer questions regarding the request.

CK - Getting our yearly permit so we can mine for local projects.

KE - You are aware of the 10 conditions?

CK - Correct.

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

Vice Chair Engen closed the public testimony portion of the item to the public.

Discussion:

MP - Like TM said, there has been work done to improve the location and there have been no complaints since.

JH - It has been an active site that has been compliant for the most part.

MP - I motion to recommend approval.

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/Kielmeyer (Donkers) - Section 12, Walcott Township

Corey Kielmeyer, on behalf of landowner Paul Donkers, has applied for an Interim Use Permit (IUP) to allow for temporary placement and operation of an aggregate crushing operation from April through November 2026. The property is described as: the S1/2 of the SE1/4, Section 12, Walcott Township, Rice County, Minnesota. The property address is: 22762 Gates Ave, Faribault, MN 55021. PID# 15.12.4.75.001. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Corey Kielmeyer, on behalf of landowner Paul Donkers. The property is located in Section 12 of Walcott Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Kielmeyer (Donkers) – Interim use Permit (TEPP)

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 prior to onsite operations.
4. This Interim Use Permit is to allow for an aggregate crushing operation between April 1, 2026 and November 30, 2026. Permit shall expire on November 30, 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 7 a.m. to 5 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 Gates Ave 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.
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).

KE - I noticed this one has 9 conditions, where the last one had 10 conditions. Is there a reason that this one only has 9 conditions?

TM - The Webster site has a condition dealing with the stability along the roadside there. That condition has been carried over even though the site has been improved quite a bit, it's still in there as a condition.

The PC asked the applicant, Corey Kielmeyer (CK), to come forward to add comments or answer questions regarding the request.

CK - Yearly permit for local projects.

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

Vice Chair Engen closed the public testimony portion of the item to the public.

Discussion:

JH - We have seen this site before, it's pretty standard.

CP - It is pretty isolated.

JH - It's back quite a bit from the main road, and not really any neighboring homes or anything like that.

JC - I motion to recommend approval.

MP - I second.

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

3. **Interim Use Permit/Kielmeyer - Section 10, Wheeling Township**

Corey Kielmeyer, on behalf of landowner Kielmeyer Construction Inc, has applied for an Interim Use Permit (IUP) to allow for temporary placement and operation of an aggregate crushing operation from April through November 2026. The property is described as: the NE1/4 of the NW1/4, Section 10, Wheeling Township, Rice County, Minnesota. The property address is: 15905 Johnson Trail, Nerstrand, MN 55053. PID# 12.10.2.00.001. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Corey Kielmeyer, on behalf of landowner Kielmeyer Construction Inc. The property is located in Section 10 of Wheeling Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Kielmeyer – Interim Use Permit (TEPP)

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 prior to onsite operations.
4. This Interim Use Permit is to allow for an aggregate crushing operation between April 1, 2026 and November 30, 2026. Permit shall expire on November 30, 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 7 a.m. to 5 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 County Road 30 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.
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, Corey Kielmeier (CK), to come forward to add comments or answer questions regarding the request.

CK - Same thing as the last 2 items, just our yearly permit.

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

Vice Chair Engen closed the public testimony portion of the item to the public.

Discussion:

MP - I motion to recommend approval.

JH - I second.

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

4. Waiver of Plat/Biermaier - Section 27, Walcott Township

Kate Biermaier, on behalf of landowner Sherri Wood, has applied for a Waiver of Plat to create a 5-acre building site through the use of a Transfer Development Right (TDR). The property is described as: Part of the S1/2 of the SE1/4, Section 27, Walcott Township, Rice County, Minnesota. PID# 15.27.4.75.005. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Matt Purfeerst, to recommend approval of the Waiver of Plat with the following conditions and findings for Kate Biermaier, on behalf of landowner Sherri Wood. The property is located in Section 27 of Walcott Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Biermaier (Wood) – Waiver of Plat (WOP)

1. The new 5-acre Transfer Development Right (TDR) receiving parcel shall contain one principal single-family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. Prior to issuance of a building permit for a home, and within one year of this approval, the applicant shall record a new deed at the Rice County Recorder's Office separating the TDR receiving parcel and a new deed combining Parcel C on the survey with the neighboring home parcel located to the west.
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).

CP - That site to the west was a previous TDR, was it not?

TM – No, it was actually created separately, previously as a building site in the quarter-quarter section. That is one of the items we reviewed. If it had been a transfer site creation, it would have had to have been amended to add land to it.

The PC asked the applicant, Kate Biermaier (KB), to come forward to add comments or answer questions regarding the request.

KB - Just creating a 5-acre building site with a Transfer Development Right.

KE - Are you aware of the 6 conditions?

KB - Yes.

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

Vice Chair Engen closed the public testimony portion of the item to the public.

Discussion:

MP - It's a TDR being used the way it should be to build a new house.

JH - Seems to be a good location.

JC - I motion to recommend approval with the 6 conditions.

MP - I second.

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

5. **Waiver of Plat/Walior - Section 15, Shieldsville Township**

Charles Walior, on behalf of landowners Courtney and Ryan Defries, has applied for a Waiver of Plat to create a 4.98-acre building site through the use of a Transfer Development Right (TDR). The property is described as: Part of Government Lot 003 in the SW1/4, Section 15, Shieldsville Township, Rice County, Minnesota. PID# 09.15.2.75.002. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Jim Cihak, to recommend approval of the Waiver of Plat with the following conditions and findings for Charles Walior, on behalf of landowners Courtney and Ryan Defries. The property is located in Section 15 of Shieldsville Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Walior (Defries) – Waiver of Plat (WOP)

1. The new 4.98-acre Transfer Development Right (TDR) receiving parcel shall contain one principal single-family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. Prior to issuance of a building permit for a home, and within one year of this approval, the applicant shall record a new deed at the Rice County Recorder's 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, Charles Walior (CW), to come forward to add comments or answer questions regarding the request.

CW - Four years ago we bought 80 acres with my two daughters. My one daughter has a property on there. We have a 64-acre parcel and a 16-acre parcel that we divided up in 2023, and then we're looking for this sending TDR so that we can move down there. The idea is being closer to the kids. That's the project.

KE - Are you aware of the 6 conditions?

CW - Yes.

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

Vice Chair Engen closed the public testimony portion of the item to the public.

Discussion:

MP - I motion to recommend approval with the 6 conditions.

JC - I Second.

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

6. Conditional Use Permit/DeRudder - Section 16, Webster Township

Jeff and Kyle DeRudder, on behalf landowner DeRudder Properties LLC., has applied for a Conditional Use Permit (CUP) to operate a contractor's office and yard for an excavation business. The property is described as: Part of the SE1/4 of the NW1/4 of Section 16, Webster Township, Rice County, Minnesota. The property address is: 5400 Dent Ave, Webster, MN 55088. PID#: 02.16.2.75.003. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Matt Purfeerst, to recommend approval of the Conditional Use Permit with the following conditions and findings for Jeff and Kyle DeRudder, on behalf of landowner DeRudder Properties LLC. The property is located in Section 16 of Webster Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – DeRudder – 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 contractor's office and yard for an excavating business. Changes to the business are not permitted without approval of a new/amended permit.
3. The submitted site plan shall be followed.
4. Restroom facilities for employees shall be provided onsite.

5. A septic system compliance inspection shall be completed prior to onsite business activities. If the existing onsite system is found to not be in compliance with current standards a new conforming system must be in place within one year from the CUP approval.
6. Site is not to have any outdoor storage of equipment or materials.
7. All vehicles and trailers parked outside shall be operable and have a current license.
8. Only business equipment owned or leased by the onsite business shall be stored on the site.
9. All buildings shall meet building code for the intended use.
10. Failure to comply with conditions may result in revocation of the conditional use permit.

Hearing Minutes:

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

JH - Do they plan on living on the property as well?

TM - I believe so but I would ask the applicant.

The PC asked the applicant, Jeff and Kyle DeRudder (KD), to come forward to add comments or answer questions regarding the request.

KD - We are just looking to move our shop to this property.

KE - Are you aware of the 10 conditions that go along with this request?

KD - Yes.

JH - Do you plan to be living on the property? Will you be utilizing the house on site?

KD - Eventually that would be the plan. It has been vacant for a while, so we've got some work to do to it.

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

Vice Chair Engen closed the public testimony portion of the item to the public.

Discussion:

CP - I drive that road quite a bit and that property is well shielded. I know of their operation. They have good equipment, well maintained. They're not going to leave stuff all over the yard, so I have no issues with it out in that area.

MP - It looks like the perfect area for it.

JC - I'm also very familiar with the property, and what CP said, ditto to that. I motion to recommend approval subject to the 10 conditions.

MP - I second.

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

7. Interim Use Permit/Rogers - Section 15, Cannon City Township

Michael Rogers has applied for an Interim Use Permit to allow for a short-term rental in an existing dwelling. The property is described as: Lot 1, Block 1 Foster Hill Addition, in the SE1/4, Section 15, Cannon City Township, Rice County, Minnesota. PID# 11.15.4.26.001. Property address is: 17650 Cannon City Blvd, Faribault, MN 55021. The property is Zoned NES, Natural Environmental Shoreland.

Motion by Matt Purfeerst, seconded by Jim Cihak, to recommend denial of the Interim Use Permit with the following findings for Michael Rogers. The property is located in Section 15 of Cannon City Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

Hearing Minutes:

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

CP - Can you please put up the last aerial photo?

MP - Can you put up the conditions please?

The PC asked the applicant, Michael Rogers (MR), to come forward to add comments or answer questions regarding the request.

MR - I'm looking to get approval for a short term rental. Just 2-3 day stays that want to enjoy the sunset and the peace and the tranquility. And to help offset my income after suffering 3 heart attacks last year, very low-key, no bachelor party type of thing.

KE - Are you aware of the 16 conditions?

MR - Yes, very much. And I don't know if it has it in my application but I would be the on-site manager here at all times.

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

Samantha Olson - *Cannon City Blvd* - My husband and I are adjacent neighbors to Mr. Rogers, and due to issues that have arisen in the past few years and the way that ours and our neighbor's properties intertwine with his, we are asking the Commission to please deny this request. As a little background, when you saw the aerial, when we built our home in 2001, the Township approved the construction of that road along the right-of-way, which was, at that time, platted as Sears Street, with the caveat that us, the owners, would maintain the road. Now, my husband has gone to the Township, there's no record of that road being vacated. But as you can see, when you're looking at, the picture TM had, the entrance into the road crosses Elissa Dennis' property, and it also borders hers and the Dieter's backyard. I have about 5 reasons why I think you should deny, or why I ask you to deny this permit. #1, Mr. Rogers' driveway is actually on our land, therefore his renters cannot enter his property without first trespassing on our land. Over the last 3 years, we have encountered issues with his renters' parking and driving on our lawn. As I stated, we're also responsible for maintaining the road. Increased traffic along this road would be an unfair cost and burden to us. My husband is the one that has solely maintained the road over the last 25 years. Rice County setback rules for parking, I believe, call for a 40-ft minimum from the property line. As you can see on the overhead picture, the property line crosses the north side of his driveway and from the property line to his garage door is about 48ft, so there's no room for parking. Consequently, there's no room to park on the road because it is a narrow road with no shoulder, and parking there would block emergency vehicles from accessing all of our homes. Mr. Rogers' structure, his patio and his screen porch face our home. Our bedroom faces that side of the house. His patio is 10ft from the property line, the porch is 16ft from the property line, and historically, this has been a problem with noise in the past. We also have a well agreement with Mr. Rogers that specifies that the use and the cost of the well is between the owners of both properties. It does not address a business in any way, and as per the agreement, us owners split the cost of maintaining and using the well. By allowing an STR on this property, it would be yet another unfair cost and burden upon us. For two of the past three years, Mr. Rogers has not lived in Minnesota, he has resided in Hawaii, and we have been the sole responsibility for maintaining the well and the road. My neighbors, I believe, will talk about safety. Historically, we have had an issue with trespassing, including problems with his renter's pets. Down by the lake, they've been near our dock and gone on the dock without permission. SEE PUBLIC COMMENT #1

Paul Dieter - *Cannon City Blvd* - My concern is primarily safety. As mentioned previously, it's a very narrow road. I have 4 kids under the age of 10. There's no fences or anything along here. My kids are out in the backyard playing. Our concern is just the increase of traffic. And there has been some issues in the previous years with unknown people, making my wife and I nervous, with our kids just really close to that property. So, I would request that the short-term rental be denied. Thank you for your time.

Mel Sanborn - *Cannon City Blvd* - I live on the other side of Mr. Rogers' home. As previously stated, the public road is about a block long, maybe a little shorter before it makes the curve onto the private road that he shares with the other neighbor. There is no public lake access to Crystal Lake. The Olson's have a private dock. I don't believe that Mr. Rogers has a dock or pathway to the lake. Immediately adjacent to our property there is a lane, but it's not used. There's a gate there. It probably could be used,

but it seldom is. And as was previously mentioned, the Dieters have 4 kids, another neighbor has 4 kids. We're concerned about safety and strangers passing by often. We are opposed to approval of this as well.

Alexis Dennis - *Cannon City Blvd* - We're kind of right there in the middle. To get back to Michael's property, you have to go all the way around our house, basically. We are along the same lines with Mr. Dieters as far as safety concerns with traffic. I've got 4 younger siblings. I think that's just the biggest concern is just traffic, and who comes down there, and us not knowing who's at that house. We disapprove of this.

Elissa Dennis - *Cannon City Blvd* - I've got 4 kids. Everybody plays in the backyard, and that road goes right behind our house and all the way around the corner. And we are concerned about safety and who comes down the road, when all of our kids are outside playing.

Vice Chair Engen closed the public testimony portion of the item to the public.

Discussion:

CP - I have concerns with the shared driveway and shared well costs. All the neighbors, a lot of kids in the neighborhood. And the young lady that just testified, thank you. It's always nerve-racking to get up and speak, good job. But a lot of kids in the neighborhood, I don't know where four more vehicles could park in that turn around. Obviously, there's not a dock there right now. I just have a lot of issues, especially with the shared well and shared driveway with cost splits and maintenance.

MP - That and it's pretty compelling when you have every single neighbor on every side of you that is against it. You've raised all valid points, CP and I would agree. The parking and the point that the screened porch is pointed right towards their bedroom, it's a private lake. Yeah, I struggle with this one as well.

JH - It's a downside with how everything ended up being laid out with the road and the house. Because obviously a house like that would need to be setback differently with current zoning regulations. Also, downside of that road, but also that road's been there for quite a while. So, it sounds like some people might have bought these properties knowing that that road was there too. But I do understand some of the concerns as well.

JC - My thoughts are that I can't come up with one positive thing about this. Kids, safety, the shared driveway and the well, and all those things, there's nothing but negatives for this one. So, I can't see myself being in favor of any part of it.

MP - I motion to recommend denial for item #7. Item being the sewer and water, the reason for the denying, the shared well, compatibility with surrounding uses, being a private lake, shared driveways. And then the traffic concerns as well, too, being private roads with the parking, are the reasons it's insufficient to meet the conditions.

JC - I second.

TM - I just had some additional findings based on your discussion. Pointing out that there were concerns raised for the safety of the shared driveway with its increased use. The last section of the driveway actually appears to be over the property line onto the neighboring parcel. Again, with the shared driveway being utilized by 6 home sites, it is quite unusual. That's certainly more than what's normally seen for shared driveway access. And stating that it is being found to be not compatible with the surrounding uses, the traffic concerns with the increased use and safety, and again, the increased use of a shared well is a concern.

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

8. Interim Use Permit/Timm - Section 23, Morristown Township

Randy Timm, on behalf landowner Timm's Trucking Inc., has applied for an Interim Use Permit (IUP) to continue operation of a demolition landfill. The property is described as: Part of the W1/2 of the NW1/4 of Section 23, Morristown Township, Rice County, Minnesota. The property address is: 8784 240th St W, Morristown, MN 55052. PID#: 13.23.2.25.002. The property is Zoned UR, Urban Reserve.

Motion by Jim Cihak, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Randy Timm, on behalf of landowner

Timm's Trucking Inc. The property is located in Section 23 of Morristown Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

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

1. The demolition landfill operation shall be restricted to the area and size shown on the approved 7-2011 site plan. Any deviation from these boundaries will require application for a new Interim Use Permit (IUP). Site to be completely restored upon completion of permit.
2. A 20-foot setback shall be maintained between the landfill operation and all property lines, a 70-foot setback shall be maintained from any Township or City road right-of-way and a 100-ft setback shall be maintained from any County or State road right-of-way.
3. The demolition landfill shall operate only between the hours of 7:00 am and 5:00 pm, Monday through Friday and Saturday 7:00 am-3:00pm. A certified demolition landfill operator must be onsite during all hours of operation.
4. Entrance to the landfill shall remain gated with the gate to remain closed during non-operating hours or when the landfill is closed.
5. Landfill operator is to submit to county staff a list of the certified landfill operators that will be present on the site when it is open.
6. Only non-hazardous material authorized for disposal in a class one demolition landfill by the State of Minnesota, Minnesota Pollution Control Agency shall be allowed to be stored or buried on the site.
7. Any illegal dumping on the site shall be removed and properly disposed of at the applicant's expense.
8. Dust abatement methods shall be required and enforced when hauling material to the site or when trucks leave the site.
9. The landowner or operator shall furnish Rice County a \$100,000 financial surety, in a form deemed acceptable by the County Attorney, to ensure proper operation and closure of the landfill.
10. 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 closed and completely restored. The IUP shall also only remain valid as long as a valid Minnesota Pollution Control Agency permit for the operation is held by the applicant for this site. Failure to renew the permit, restore the site or maintain State permits shall result in the County exercising the financial surety and using the proceeds to restore and properly close the site.
11. Recycling of materials shall not be permitted onsite unless a separate permit is granted approving such activities.
12. The site shall be reclaimed and closed in accordance with the State of Minnesota, Minnesota Pollution Control Agency regulations.
13. Stormwater runoff shall be controlled onsite to prevent offsite impacts.
14. Landowner to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling to or from the site.
15. Site access shall remain compliant with the City, Township and County regulations.
16. No work shall begin/continue until all permits, including the MPCA landfill permit, are secured and the approved surety is submitted to and approved by Rice County.
17. The landowner 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.

Hearing Minutes:

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

JC - Have you ever had any problems or violations with this site?

TM - I have not received any calls on anything for this site.

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

ZT - Seeking to continue operation of our landfill.

KE - Are you aware of the 17 conditions?

ZT - Yes.

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

Vice Chair Engen closed the public testimony portion of the item to the public.

Discussion:

CP - Timm's is a good operator that's been there quite a while. Clean, the City hasn't complained. I have no issues.

JC - And to have this type of place to go with those materials is important, especially when it's handled properly and everything, which, in this case, it is. I motion to approve with the 17 conditions.

JH - I second.

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

IV. Adjournment

Hearing no other items before the PC, a motion was made by MP, second by JC, to adjourn the meeting at 7:58 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission



**MacKenzie Klett
Office Support Specialist**


Garrett Johnson, Chair