

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, July 12, 2018 at 7:00 p.m.**

I. Call to Order

A. Roll Call - The meeting was called to order by Chair Tom Sammon at 7:01p.m. Members present were: Tom Sammon, Preston Bauer, Michael Streiff, Charlie Peters, Aramis Wells. Staff present were: Zoning Administrator Trent McCorkell, Planner Nicole Bonde-Jones, Environmental Specialist Brad Behrens. Commissioners present: Jeff Docken. Others present: see sign-in sheet.

B. Reading of Notice

Motion by Peters, seconded by Bauer, to read the notice into the minutes.

RESULT:	Approved [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters, Wells

C. Motion by Bauer, seconded by Peters, to approve the agenda as presented.

RESULT:	Approved [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters, Wells

D. Motion by Streiff, seconded by Wells, to approve the minutes of June 7, 2018.

RESULT:	Approved [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters, Wells

II. Public Hearing @ 7:00 p.m.

1. Adoption of Resolution #18-046/Amending Zoning of Property - LaCanne - Section 26, Wells Township

Public hearing on the adoption of zoning map amendment to rezone two properties from RR, Rural Residential, to GDS, General Development Shoreland. The Planning Commission heard this item at a Public Hearing on June 7, 2018 and July 12, 2018, and recommend adoption of zoning map amendment to rezone property from RR, Rural Residential to A, Agricultural. The Board authorized publishing the notice of Intent to Act on June 26, 2018. The staff report, application, and aerial photos are attached for your reference.

Motion by Bauer, seconded by Streiff, to adopt Resolution #18-046 - Amendment to the Rice County Zoning Map Rezoning Property Located in Section 26 of Wells Township.

RESULT:	Recommended for Adoption [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters, Wells

Hearing Minutes:

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

TS - Is the access to both lots through one driveway?

TM - Yes.

The PC asked the applicant, Ray & Janelle LaCanne (RL & JL), to come forward to add comments or answer questions regarding the request.

RL - We want to use the lots for additional space for parking and maybe a future building for storing boats. We have no room. Employees park over there to make room to move inventory around.

TM - This is a change in zoning, not use. He would need to amend his Conditional Use Permit if he decides to move business to these lots.

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

Chuck Nauman - I am opposed to rezoning this spot. It was platted in 1968 as Rural Residential. There are others opposed as well.

Jim Newport (JN) - I live across from lots and don't want a building out my front window. There are covenants on all the lots.

RL - Can I respond to comments? Regarding the 1968 covenants, they expire in 30 years. The septic system was updated which would break the covenants but it did not.

JN - read number 7 from the 1968 covenants that they do not expire.

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

Discussion:

TS - Legal issues with covenants are not for the County to determine and we cannot enforce them, correct?

TM - Correct.

MS- All we are approving tonight is the rezoning, right?

TM- Correct.

Motion to recommend approval with stated conditions and findings made by Bauer, seconded by Streiff, and approved.

III. New Business

1. Temporary Equipment Placement Permit/Winjum - Section 11, Wells Township

Roy Winjum has applied for a Temporary Equipment Placement Permit to place and operate a concrete batch plant. The Planning Commission heard this item at their meeting on July 12, 2018, and recommend approval with 8 conditions. The staff report, application, and aerial photos are attached for your reference.

Motion by Streiff, seconded by Bauer, to approve the Temporary Equipment Placement Permit for concrete batch plant with the conditions and findings recommended by the Planning Commission for Roy Winjum. This property is located in Section 11 of Wells Township.

RESULT:	Referred for Approval [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters, Wells

CONDITIONS OF APPROVAL - Winjum - Temporary Equipment Placement 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.

All financial surety shall be reviewed and approved by the Rice County Attorney's office.

3. This TEPP is to allow for a portable concrete batch plant operation and shall be valid from July 24, 2018 until March 31, 2019.
4. 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.
5. 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.
6. All access drives within the site and on 165th St. W. from the site driveway to Bagley 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 and 165th St from leaving the property or roadway during the plant operation or hauling activities on the property.
7. Applicant to strictly adhere to all Rice County codes and ordinances.
8. "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).

CP - They had a plant there a couple of years ago.

PB - Are there any issues with the current Conditional Use Permit?

TM - Not that I am aware of.

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

Jon Winjum (JW) - This would be the same as two years ago. It is to finish the work on I35.

The hours would be Monday through Friday, 7am to 7pm, and Saturdays from 7am to 3pm.

The equipment would be started sometime between 6 and 7am.

TS - Are you aware of the conditions?

JW - Yes.

TM - Temporary permits are good for 8 months.

JW - Project should only take a month or two.

PB - They would have to wait to start until July 24th after the Board of Commissioners meeting.

JW - Concrete doesn't take long.

PB - Condition #4 states the hours of operations would start at 6am for equipment warm up?

JW - Yes, I believe this is the same as the current Conditional Use Permit.

TM - Yes.

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

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

Motion to recommend approval with stated conditions and findings made by Streiff, seconded by Bauer, and approved.

2. Waiver of Plat/Gruszewski - Sections 32 & 33, Northfield Township

William & Marjorie Gruszewski have applied for a Waiver of Plat to create three parcels. The Planning Commission heard this item at their meeting on July 12, 2018, and recommend approval with 5 conditions. The staff report, application, and aerial photos are attached for your reference.

Motion by Peters, seconded by Bauer, to approve the Waiver of Plat with the conditions and findings recommended by the Planning Commission for William & Marjorie Gruszewski. This properties are located in Sections 32 & 33 of Northfield Township.

RESULT:	Referred for Approval [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters, Wells

CONDITIONS OF APPROVAL - Gruszewski - Waiver of Plat

1. Each parcel shall only contain one single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The remaining parcel(s) shall not be further subdivided unless approved under the Rice County subdivision regulations.
4. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcels.
5. Recording of the new parcels shall be done within one year of the approval.

Hearing Minutes:

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

JD - I have a question about the quarter quarter sections and building rights.

TM showed quarter quarter lines.

PB - Does this affect other properties?

TM - The Waiver of Plat rearranges the lots but keeps the outside lines the same.

The PC asked the applicant, William & Marjorie Gruszewski (WG & MG), to come forward to add comments or answer questions regarding the request.

MG - We have nothing to add. Trent did a good job explaining it.

PC has no questions.

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

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

Discussion:

CP - Looks pretty straight forward.

PB - It has access. Looks good.

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

3. Conditional Use Permit/Ahlman - Section 5, Warsaw Township

Benjamin & April Ahlman have applied for a Conditional Use Permit to replace and elevate a cabin located within the floodplain. The Planning Commission heard this item at their meeting on July 12, 2018, and recommend approval with 3 conditions. The staff report, application, and aerial photos are attached for your reference.

Motion by Streiff, seconded by Bauer, to approve the Conditional Use Permit for elevating a structure in the floodplain with the conditions and findings recommended by the Planning Commission for Benjamin & April Ahlman. This property is located in Section 5 of Warsaw Township.

RESULT:	Referred for Approval [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters, Wells

CONDITIONS OF APPROVAL - Ahlman - Conditional Use Permit

1. The Conditional Use Permit is for the elevating on fill a replacement new cabin with the cabins lowest floor at an elevation of 982.8-ft or above being but not having fill a full 15-ft around the new building, subject to compliance with all other applicable rules or regulations.
2. 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.
3. Failure to comply with these conditions may result in revocation of this permit.

Hearing Minutes:

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

The PC asked the applicant, Benjamin & April Ahlman (BA & AA), to come forward to add comments or answer questions regarding the request.

BA - We need to lift the cabin up. It needs to be one foot above the flood zone, so we will need to lift it 3-ft with fill. We don't want to impact neighboring properties with fill and that is why we came up with this plan. Moving the cabin towards the lake would be an issue. It would be a slab on grad with retaining braces. I&S Engineering did the grading plans and work. The Highway department is OK with the fill going towards the road.

TS - Access to the house would be the walkway and steps?

BA - Yes.

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

Steve and Julie Lippert (SL) - We have a second tier lot and can currently see the top of their cabin. We are worried that our view will go away depending on how high they go.

TS - Where is your house compared to this project?

TM showed house and driveway in photos

SL - We are concerned with obstruction of our view and possible devaluation of our property.

MS - The project would meet height requirements as currently written.

Chair called applicant back up.

BA - I don't agree with the Lipperts that raising the cabin would block their view. The cabin currently sits low and will still be under the 35-ft height limit after raising it. Their house is higher on the hill. It shouldn't block their view. I think it would be better and increase the

neighboring property values.

CP - How high are you lifting the cabin, 3-ft?

BA - Yes, 3-ft higher than now. The cabin is 2 stories.

PB - You added the 1/2 story loft to meet the square footage requirements, correct?

BA - Yes. We're trying to stay within the required limits on everything the best we can.

TS - Do we have elevation information for this area?

MS - Yes, so we can see more clearly what the applicant is explaining?

TM showed photos.

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

Discussion:

PB - The cabin is still under the maximum height limit.

AW - They are doing what they can to stay within the requirements.

MS - They need 2 story to meet requirements.

Motion to recommend approval with stated conditions and findings made by Streiff, seconded by Bauer, and approved.

4. Conditional Use Permit/Cauley - Section 2, Shieldsville Township

Roger & Nancy Cauley have applied for a Conditional Use Permit to elevate a cabin located within the floodplain. The Planning Commission heard this item at their meeting on July 12, 2018, and recommend approval with 3 conditions. The staff report, application, and aerial photos are attached for your reference.

Motion by Peters, seconded by Bauer, to approve the Conditional Use Permit with the conditions and findings recommended by the Planning Commission for Roger & Nancy Cauley. This property is located in Section 2 of Shieldsville Township.

RESULT:	Referred for Approval [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters, Wells

CONDITIONS OF APPROVAL - Cauley - Conditional Use Permit

1. The Conditional Use Permit is for the elevating of the cabin and deck, by a method other than utilizing fill, above the regulatory flood protection elevation of 1072.1-ft, subject to compliance with all other applicable rules or regulations.

2. 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.

3. Failure to comply with these conditions may result in revocation of this permit.

Hearing Minutes:

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

The PC asked the applicant, Roger & Nancy Cauley (RN & NC), to come forward to add comments or answer questions regarding the request.

RC - I have no additions or questions.

TS - You are just raising the existing cabin?

RC - Yes, one corner is falling which is why we need to replace/raise it.

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

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

Discussion:

MS - They are just trying to fix the cabin that is already there.

PB - Lakes are great economic resource. It is neat to see a totally different world and it is good to see people putting money into fixing things and making them better.

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

5. Conditional Use Permit/Nelson - Section 28, Wells Township

Todd Nelson, on behalf of T Nelson Properties LLC, has applied for a Conditional Use Permit for an electrical contractor office and equipment yard. The Planning Commission heard this item at their meeting on July 12, 2018, and recommend approval with 10 conditions. The staff report, application, and aerial photos are attached for your reference.

Motion by Peters, seconded by Wells, to approve the Conditional Use Permit with conditions and findings recommended by the Planning Commission for Todd Nelson, on behalf of T Nelson Properties LLC. This property is located in Section 28 of Wells Township.

RESULT:	Referred for Approval [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters, Wells

CONDITIONS OF APPROVAL - Nelson - Conditional Use Permit

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit is for an office and yard for an electrical contractor business. Changes to the business are not permitted without approval of a new/amended permit.
3. The submitted site plan shall be followed.
4. A stormwater management plan shall be created and implemented meeting all state, federal and local requirements.
5. A portable toilet or restroom shall be on the site during all times of business use.
6. Outdoor storage shall consist of trailers and equipment and be screened to the roadway and neighboring properties. Screening shall be achieved by storing items north of new building.
7. All vehicles and trailers stored/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).

TM - There are blanks in condition #6 for discussion.

MS - Was there ever a permit for this building?

TM - The building was started before approval of the Conditional Use Permit.

The PC asked the applicant, Todd Nelson (TN), to come forward to add comments or answer questions regarding the request.

TN - Trent discussed the plan for office and equipment storage.

TS - Have you seen the conditions, specifically #6.

TN - Yes, I have seen the condition.

CP - How much outdoor storage will occur?

TN - Most outdoor storage will be behind sheds.

PB - How many employees do you have?

TN - Most of the employees go directly to job sites but we have 3 in town.

MS - What is going to be stored outside?

TN - Just trailers.

TS - Do we need screening?

TN - Anything stored outside will be stored behind the building.

JD - We could rewrite condition to say all outdoor storage must be stored behind shed.

PB - Does the new building connect with the existing building?

TN - Yes.

MS - What is the definition of stuff to be stored?

TN - Trailers and equipment. I want to keep the place looking nice.

CP - Is there a storage concern for different trucks?

PB - There is native screening to the east.

TN - Yes, I might clean it up to see building/business from the road.

TS - Let's reword condition #6.

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

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

TM: offered rewording for condition #6.

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

6. Conditional Use Permit/Schroers - Section 4, Wheatland Township

Nicholas & Kristin Schroers have applied for a Conditional Use Permit for a landscape contractor business office and yard. The Planning Commission heard this item at their meeting on July 12, 2018, and recommend approval with 11 conditions. The staff report, application, and aerial photos are attached for your reference.

Motion by Bauer, seconded by Streiff, to approve the Conditional Use Permit with the conditions and findings recommended by the Planning Commission for Nicholas & Kristin Schroers. This property is located in Section 4 of Wheatland Township.

RESULT:	Referred for Approval [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters, Wells

CONDITIONS OF APPROVAL - Schroers - Conditional Use Permit

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit is for an office and yard for a landscaping contractor business. Changes to the business are not permitted without approval of a new/amended permit.
3. The submitted site plan shall be followed.
4. A stormwater management plan shall be created and implemented meeting all state, federal and local requirements.
5. A portable toilet or restroom shall be on the site during all times of business use.
6. Outdoor storage shall consist of vehicles, trailers, equipment and supplies and be screened to the roadway and neighboring properties. Screening shall be achieved by maintaining onsite trees and storing items behind the existing onsite trees.
7. All vehicles and trailers stored/parked outside shall be operable and have a current license.
8. Only business equipment owned or leased by the onsite business(s) 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.
11. No solid waste shall be stored or disposed of onsite.

Hearing Minutes:

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

TM - There are blanks in condition #6 that will need to be discussed.

TS - How did they get a Conditional Use Permit on both properties?

TM - The descriptions for all were submitted.

PB - It looks like there are two driveways off of the pole shed?

TM - Yes, there is one property on each driveway but they loop together.

The PC asked the applicant, Nicholas & Kristin Schroers (NS & KS), to come forward to add comments or answer questions regarding the request.

NS - I am asking for you to grant this Conditional Use Permit so I have permission for a seasonal landscaping business. We shut down in November and open back up in May. There will be a couple of part-time employees and one full-time employee. Most of the time the

employees go directly to the job site. There will be outside storage for the skid loader, pick-ups and trailers. Most of the other equipment will be stored in the shed. Some palletized material & boulders will be stored outside. There is already screening onsite. There are numerous pine trees and other trees planted onsite.

CP - The trees go all the way to the road?

NS - Yes. My father-in-law lives across the road.

PB - Basically between the pole shed and North property line will be the area used for outside storage, correct?

NS - Mostly yes. Eventually we would like to move some storage to the South side of property or at least see if it is a possibility. It is screened well and keeps equipment away from the house.

PB - What about landscape material storage?

NS - They would be stored in the same areas. The boulders are for my own house project. Any leftovers will be used for jobs.

JD - If you want to use the South area for storage, you should get it approved now.

NS - Yes, that would be a good idea.

TM - The site plan would need to be amended to store on the South side of the property.

NS - I can sketch a new site plan quick.

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

Ken Franek - I am the applicants father-in-law. I have no problem with the Conditional Use Permit. The driveway to the North is mine for access to alfalfa fields. The second driveway is legal and was approved by the township. I don't think there will be any issues related to storage.

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

Discussion:

TS - Have you seen the conditions?

NS - Yes.

TM discussed rewording for condition #6.

TM: I have another condition to add: No solid waste should be stored onsite.

Motion to recommend approval with stated conditions and findings made by Bauer, seconded by Streiff, and approved.

IV. Adjournment

Hearing no other items before the PC, a motion was made by Peters, second by Streiff, to adjourn the meeting at 8:04 pm. Motion carried 5-0.

Respectfully Submitted

Planning Commission

Anna Aguilar
Administrative Coordinator

Tom Sammon, Chair