

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, June 7, 2018 at 6:45 p.m.**

I. Call to Order

Roll Call:

The meeting was called to order by Chair Tom Sammon at 6:45p.m.

Members present were: Tom Sammon, Michael Streiff, Charlie Peters, Aramis Wells.

Members absent were: Preston Bauer. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Planner Nicole Bonde-Jones.

Others present: see sign-in sheet.

A. Roll Call -

B. Reading of Notice

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

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

C. Motion by Wells, seconded by Streiff, to approve the agenda as presented.

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

Chair noted Item 4 (Gustafson/Gillen application) is removed from agenda and called for motion.

D. Motion by Streiff, seconded by Peters, to approve the minutes of May 3, 2018.

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

II. Old Business

CUP/Kluzak - Section 22, Forest Township

Keith Kluzak has applied for a Conditional Use Permit to allow for land grading and filling to place 7500 cubic yards of sediment materials from Wolf Creek to the subject parcel. The Planning Commission heard this item at their meeting on June 7, 2018, and recommended approval with 12 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 the conditions and findings recommended by the Planning Commission for Keith Kluzak. This property is located in Section 22 of Forest Township.

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

CONDITIONS OF APPROVAL - Kluzak - CUP

If approved, revised conditions might include:

1. The Conditional Use Permit is for the placement of up to 3700-cubic yards of dredged materials from Wolf Creek on to the subject property, 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. Prior to placement of dredged materials onto the subject property proof of compliance with all applicable federal, state or local rules shall be submitted to the Rice County Environmental Services department.
4. No fill, dredge material or water from the dredge materials shall be stored or placed in a manner that allows for it to leave the subject property, other than through natural infiltration into the soil. Unless, prior to water discharge, it is shown through testing that the water leaving the site is shown to meet state standards for discharge to surface waters.
5. All land disturbance shall be the minimum time and area needed to complete the project. Alterations must be designed and conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
6. Appropriate erosion control structures (Silt fence or hay bale) shall be placed down gradient from disturbed areas to prevent sediment or contaminated water from reaching neighboring properties.
7. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as weather conditions allow. All exposed soil shall be restored by seeding and mulching within 72 hours of project completion.
8. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Natural Resources Conservation Service (NRCS).
9. Fill or excavated material must not be placed in a manner that creates an unstable slope.
10. Alterations of topography shall not adversely affect adjacent or nearby properties.
11. This grading and filling conditional use permit shall remain in effect for one (1) year from the date of approval, provided that all conditions of the permit are adhered to.
12. Failure to comply with these conditions may result in revocation of this permit

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

TM - Explained changes as outlined in new staff report, request is now to remove approx. 3600 cubic yards, proposed plans reduced from original 7000 cubic yards.

Staff concerns: Potential contamination to the lake due to proposed options of draining to tile line or pumped to a nearby ravine.

Condition # 4 does not allow for those options, will need to revise if you decide to approve the conditions as listed.

TS - Still CRP ground?

TM - That's my understanding. Field area is 4 to 5 acres in size to pump to. There is a map of proposed pumping lines.

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

KK - The proposed/primary sediment site is 4.27 acres, the quantity of sediment is 3600 cubic yards. When completed would be 6 inches deep. The pumping of sediment - the dredge can push 320,000 gallons a day and the tile line would drain 86000 gallons a day, this would be pumping up more than the tile line dewatering would be. Secondary dewatering basin only as a contingency plan. Spoils go into primary placement area then pass through series of silt fences before the secondary dewatering basin then should be spoil free after silt fences. Not his desire, if needed will do as a back up plan. Secondary pump could move much more water. Addressing TM concerns with the water leaving site, entire project is to get the sediment out of lake, so it wouldn't make sense to turn around and pump sediment back in to lake. Condition # 4 states no water can leave site - that would be difficult to comply with, as not realistic. His proposal for Condition # 4 would be to be sure water going back into lake is "Clean" water, he has been in touch with Todd Piepho with DNR and per email on May 24, 2018 states the DNR would have conditions with the water quality going back into the lake, KK has data from MPCA on what they quantify as "Clean" water.

TS - Surface inlet to tile line?

KK - Standpipe no longer going into tile line - not one there.

TS - Type of material that will be coming out?

KK - We have taken samples of the composition of what we are taking out.

TS - How much clay?

KK - Very little, mostly sand and muck.

TS - Asking because if clay that would be like a sheet of plastic and won't let water through.

KK - Yes, that is accounted for, it mainly the composition is good black dirt and some sand.

MS - Weather effect of the pumping one day on and two days off?

KK - 1 inch rainfall will not affect one day, the accumulation of 1 inch in several days may have an impact. Over the years have noticed 4 inches of rain will cause standing water.

Usually gone within 10 days.

MS - Is it likely to get all material out in 9 days of pumping?

KK - Yes, I will be able to move sediment in 9 days.

MS - CRP contract? This was an issue raised last time.

KK - Yes, once this is passed then go to FSA to buy out contract. In discussions with FSA and MPCA (Brian Green) and Megan Brown with Corp of Engineers, and Todd Piepho with the DNR. MPCA do not want him to apply for stormwater permit til after August 1st as they are revamping the permit process and the new permit would be good for three years.

CP - CRP contract was an issue and believes Condition number #4 could change.

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

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

Discussion:

CP - Condition #4 I can see no fill or dredge material should leave the site, maybe should state that water should meet MPCA criteria.

TS - With so many gallons we should test the water quality by the appropriate agency to monitor the water going back into the lake.

KK - MPCA would do the testing, he actually has the equipment to test water.

AW - Seems to have done his due diligence, feel we should change Condition #4 to monitor

water by MPCA.

TS - need new wording into the condition.

TM - Some suggested language, "unless clean water" and also a concern is the rate of the discharge of water.

KK - proposed putting hay bales in the ravine, so the bottom doesn't scour out, series of terraces.

TS - possibility of pipe or tile to lay in there to stop the erosion?

KK - Seems like it would work, 82 total vertical feet of that the majority would be in the first 300 feet.

TM - Not sure of rate issue, with that, 100 feet width with one foot length would be 1000 feet of depth of water, significant amount of water for the ravine size, 8 inch tile line running full.

TS - Keep clean water all the way down.

MS - 8 inch tile line would be loaded the whole time?

TM - Based on the submittal 300,000 gallons, 16 inch tile line would be this amount of water running fulltime.

JD - Keep in mind they are trying to improve the lake, they have done their best to make improvement. My question is if they run a tile down ravine it has to discharge someplace, terraces with hay bales make more sense. This is for an extreme condition. Pump when you can get rid of the water.

AW- Have talked to a number of people to solve this, don't want the board to be a hurdle. I think they did good work on the plan

CP - Agree, whole purpose was for infiltration to do the job, if significant weather conditions than would need to stop pumping at that time.

CP - Strike the word - water - and then add another sentence regarding water leaving the site would need to meet MPCA quality.

TM - Condition same as now - unless prior to offsite water discharge the water meets State standards for discharge to surface water.

MS - Do we say anything about significant water event not to pump?

TS - Seems to be covered

The findings were read with the conditions as stated above and with the following additions by staff:

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

III. New Business

1. Waiver of Plat/Blumhoefer (Johnson) - Sections 35 & 36, Forest Township

Ryan Blumhoefer, on behalf of Lucille Johnson, has applied for a Waiver of Plat to create a 2.5-acre single-family dwelling site through the use of a Transfer of Development Right. The Planning Commission heard this item at their meeting on June 7, 2018, and recommended approval with 6 conditions. The staff report, application, and aerial photos are attached for your reference.

Motion by Streiff, seconded by Peters, to approve the Waiver of Plat with the conditions and findings recommended by the Planning Commission for Ryan Blumhoefer, on behalf of Lucille Johnson. The properties are located in Sections 35 & 36 of Forest Township.

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

CONDITIONS OF APPROVAL Blumhoefer (Johnson) - WOP

If approved, conditions might include:

1. The new 2.5-acre Transfer Development Right (TDR) receiving parcel shall contain one single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. Signed conservation easements for the sending area shall be recorded with the Rice County Recorder prior to recording of the new parcel.
4. The remaining parcel(s) shall not be further subdivided unless approved under the Rice County subdivision regulations.
5. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new TDR receiving parcel.
6. Recording of the TDR receiving parcel shall be done within one year of the approval.

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

TM - Transfer development right to be used on an existing home that is currently onsite with another home. Transfer right being used to address the existing un-permitted home and correct that situation.

TS - Are there two separate owners?

TM - there will be once the 2.5 acres is split off and sold.

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

KJ - Makes sense as my father passed away and we are selling the property, the transfer development right will be a better option for his mother or they would have needed to tear down the home.

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

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

The findings were read with the conditions as stated above and with the following additions by staff:

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

2. Waiver of Plat/ Snesrud - Section 3, Webster Township

Loren & Galina Snesrud have applied for a Waiver of Plat to create a 2.5-acre single-family dwelling site through the use of TDR, Transfer Development Right. The

Planning Commission heard this item at their meeting on June 7, 2018, and recommended approval with 5 conditions. The staff report, application, and aerial photos are attached for your reference.

Motion by Peters, seconded by Streiff, to approve the Waiver of Plat with the conditions and findings recommended by the Planning Commission for Loren & Galina Snesrud. The property is located in Section 3 of Webster Township.

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

CONDITIONS OF APPROVAL - Snesrud - WOP

If approved, conditions might include:

1. The new 2.5-acre Transfer Development Right (TDR) receiving parcel shall contain one single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. Signed conservation easements for the sending area shall be recorded with the Rice County Recorder.
4. The remaining parcel(s) shall not be further subdivided unless approved under the Rice County subdivision regulations.
5. In-lieu park dedication fee of \$500 shall be paid.

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

TM - Already separate 2.5 acre parcel, just transferring right to create site.

The PC asked the applicant, Loren Snesrud (LS), to come forward to add comments or answer questions regarding the request.

LS - Planning on selling existing home. Would like to build next door to the South.

CP - Have you seen the 5 conditions?

LS - Yes

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

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

Discussion:

TS - Pretty straight forward.

CP - That's what it is there for.

The findings were read with the conditions as stated above and with the following additions by staff:

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

3. Property Rezone/LaCanne - Section 26, Wells Township

Raymond LaCanne has applied for a zoning map amendment to change the zoning of two properties from Rural Residential to General Development Shoreland. The Planning Commission heard this item at their meeting on June 7, 2018. The staff report, application, and aerial photos are attached for your reference.

Motion by Peters, seconded by Wells, to authorize staff to publish the Intent to Enact; and to set a public hearing for 7:00 p.m. on July 12, 2018, before the Planning Commission for the request to rezone the property from Rural Residential to General Development Shoreland for Raymond LaCanne. The property is located in Section 26 of Wells Township.

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

LaCanne - Rezone

Raymond LaCanne has applied for a zoning map amendment to change the zoning of two properties from Rural Residential to General Development Shoreland.

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

TS - What is the difference in districts by changing the zoning?

TM - Districts have different allowed uses. Applicants intent is to ask for a Conditional Use Permit for business.

CP - Why not annexed to the City?

TM - They typically do the annexations based on request and that neighborhood has not requested it.

TS - City of Faribault in red all the way around?

TM - Brought back up the map to show better, the red is City.

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

RL - I own the parcels across the road from my business, one parcel across the road has the septic, parking is an issue on the existing business. I would like to be able to use the land across the road for parking and potential for a storage building for boats in the future.

CP - Lot to west is where the septic system is and still in use?

RL - Yes, Lot 3

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:

TS - He has a business that would like to expand, would not want to restrict that from happening.

CP - I do often see people park there, as long as septic is already there, it does restrict him.
JD - Or can it be in the city? They like the county out there.

The findings were read with the conditions as stated above and with the following additions by staff:

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

4. Preliminary Plat /Gustafson (Gillen) - Section 27, Forest Township

Matt & Kameron Gustafson, on behalf of Anthony & Gail Gillen, have applied for a Preliminary Plat to create one new single-family home building lot. The property is described as: Part of Lot 10, Gillen's Sub-Division in Section 27, Forest Township, Rice County, Minnesota. PID #: 06.27.3.00.004. The property is Zoned RDS, Recreational Development Shoreland.

Motion by , seconded by , to recommend approval of the Preliminary Plat with the following conditions and findings for Matt & Kameron Gustafson, on behalf of Anthony & Gail Gillen. The property is located in Section 27 of Forest Township.

RESULT:	Withdrawn
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5. Conditional Use Permit/Melchert - Section 9, Morristown Township

Craig Melchert has applied for a Conditional Use Permit for a contractor office and yard for a concrete construction business. The Planning Commission heard this item at their meeting on June 7, 2018, and recommended approval with 11 conditions. The staff report, application, and aerial photos are attached for your reference.

Motion by Streiff, seconded by Peters, to approve the Conditional Use Permit with the conditions and findings recommended by the Planning Commission for Craig Melchert. The property is located in Section 9 of Morristown Township.

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

CONDITIONS OF APPROVAL - Melchert - CUP

If approved, conditions might include:

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit is for a contractor's office and yard for a concrete construction business. Changes to the business are not permitted without approval of a new/amended permit.
3. The submitted site plan shall be followed subject to meeting property line and setback requirements.
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 be screened to the shared driveway and neighboring properties by storing equipment and supplies east of the proposed 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(s) shall be stored on the site. Agricultural storage by the landowner is permitted.
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. Only shielded and down directed lighting shall be located on the west side of the building.

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

CP - Business - owner live on site?

TM - Don't believe so, discussed the possibility of building house onsite.

The PC asked the applicant, Craig Melchert (CM), to come forward to add comments or answer questions regarding the request.

CM - I would like to put up a shed to put my business equipment in.

TS - Have you seen conditions?

CM - (read conditions)

TS - what are you planning for equipment to fill in the blanks on Condition #6?

CM - Two vehicles, bobcat, trailer to all be stored inside.

MS - Nothing to store outside?

CM - No, all stored inside shed.

CP - Anything like landscaping pavers/block?

MS - putting a fence up?

TS - Trying to give you options and flexibility so you don't have to come back in the future.

CM - Pretty much everything will be inside shed.

CP - Can we see the aerial? by looking at person to the west, would screening be an issue.

JD - Can you store on east side so the building would be the screen?.

TM - Re-word condition to store anything outside on east side. Outdoor storage shall be screened to the shared driveway and neighboring properties by storing equipment and supplies east of the proposed building.

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

Carmen Burgess - Neighboring property to the west, we are friends with him and fine with what is happening but didn't have the information when we came here. As far as the drive that will be right across from ours, would prefer any items stored outside on the west side so we cannot see from our house and also discussed not wanting a big sign or huge lighting, basically have the screening to keep our property value.

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

Discussion:

CP - Re-wording on Condition #6 again?

TM - Clarified new wording for Condition # 6.

AW - Address exterior lighting? being that so close to neighboring property.

TS - Called applicant back up to question on lighting?

CM - Would not have a lot of light, maybe one pole with light.

TS - Directional light - spotlight?

CP - Planning to build out there so you will want to work with them.

CM - No sign to be placed.

TS - TM writing a condition on lighting

TM - New Condition : only shielded and only down light lighting on west side

The findings were read with the conditions as stated above and with the following additions by staff:

TM: Added condition only shielded and only down light lighting on west side.

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

6. Conditional Use Permit/O'Connor - Section 29, Warsaw Township

Wayne O'Connor has applied for an amendment for a Conditional Use Permit to allow for the addition of an agriculturally-oriented business shop. The Planning Commission heard this item at their meeting on June 7, 2018, and recommended approval with 9 conditions. The staff report, application, and aerial photos are attached for your reference.

Motion by Streiff, seconded by Peters, to approve the Conditional Use Permit with the conditions and findings recommended by the Planning Commission for Wayne O'Connor. The property is located in Section 29 of Warsaw Township.

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

CONDITIONS OF APPROVAL - O'Connor - CUP

If approved, conditions might include:

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit is for an agricultural seed, fertilizer, chemical storage and sales business. Changes to the business are not permitted without approval of a new/amended permit.
3. Maintenance and repair shop shall only be used for agricultural equipment owned or leased by the onsite business and farm.
4. All buildings shall meet building code for their intended use.
5. Restroom facilities shall be provided onsite. This may consist of a portable toilet.

6. An emergency response plan shall be submitted to the local fire and law enforcement departments.
7. All vehicles and trailers stored/parked onsite shall be operable and have a current license.
8. Measures shall be taken to prevent unlawful access to the site.
9. Failure to comply with conditions shall result in immediate revocation of the conditional use permit.

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

TM - One change in conditions from the existing CUP- the condition of the septic system was found compliant and that condition was removed and Condition # 3 added.

MS - No hired work?

TM - Work on their own business equipment or personal farm equipment.

The PC asked the applicant, Wayne O'Connor (WO), to come forward to add comments or answer questions regarding the request.

WO - Nothing to add

MS - Have you read conditions?

WO - Whatever they are they are.

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: none

The findings were read with the conditions as stated above and with the following additions by staff:

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

MnDot - No significant impact

IV. Other

V. Adjournment

Planning Commission Hearing Procedure:

The Chair calls the item to be heard and planning staff to present the staff report and answer questions from the members. The Chair asks the applicant to present their information and answer questions of the members. Chair then opens the meeting to the public. Each speaker will have a set number of minutes to present their information. They must come to the speaker stand and state their name and address before presenting their comments. After the public comments, the Planning Commission publicly discusses the information and reviews

the findings before making a motion to recommend approval, denial or to continue the item.

**All issues that require County Board approval will be heard
at the June 26, 2018 meeting.**

Adjournment:

Hearing no other items before the PC, a motion was made by Michael Streiff, second by Charlie Peters, to adjourn the meeting at 7:49 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission

**Pamela Carty
Clerk**

Tom Sammon, Chair