

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, November 29, 2018 at 7:24 p.m.**

I. Call to Order

The meeting was called to order by Chair Tom Sammon at 7:24 p.m.
Members present were: Tom Sammon, Preston Bauer, Michael Streiff, Charlie Peters, Aramis Wells. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Clerk Pam Carty. Others present: see sign-in sheet.
Commissioners present: Jeff Docken.

A. Roll Call -

B. Reading of Notice

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

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

C. Motion by Streiff, seconded by Bauer, to approve the minutes of November 1, 2018.

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

D. Motion by Bauer, seconded by Wells, to approve the agenda as presented.

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

II. Old Business

1. Conditional Use Permit/Raines - Section 10, Forest Township

Mikayla Raines has applied for an amendment to an existing commercial kennel Conditional Use Permit (CUP) housing domestic foxes. The proposed amendment is to allow for other types of domestic and agricultural animals. The property is described as: Part of the SW1/4 of the SW1/4 of Section 10, Forest Township, Rice County, Minnesota. The property address is: 3955 Millersburg Blvd W, Faribault, MN 55021. PID #: 06.10.3.50.003. The property is Zoned A, Agricultural.

Motion by Bauer, seconded by Peters, to recommend approval to amend the Conditional Use Permit with the following conditions and findings for Mikayla Raines. This property is located in Section 10 of Forest Township.

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

Conditions:

1. The Conditional Use Permit (CUP) is for a domestic fox boarding kennel operation, changes to the use are not permitted without approval of a new/amended permit.
2. The operation and site shall comply will all Federal, State and Local rules and

regulations. Site owner and operator shall maintain proof of compliance with applicable regulations and submit said proof to county staff upon request.

3. Indoor facilities having adequate heating, ventilation, and lighting shall be provided for all animals. Outdoor facilities shall have shelter from the elements, sunlight, rain, snow, and cold weather.
4. Facilities shall be inspected at least once a year at the owner's expense by a doctor of veterinary medicine who shall provide a report to the County, by August 1st of each year, describing the condition of the animals and facility, medical treatment required by the animals, and remedial actions necessary to improve the condition of the facility.
5. Proof of a proper animal waste disposal system shall be submitted annually, by August 1st of each year, to the Rice County Environmental Services office.
6. The approved site plan shall be followed. Animals shall only be housed within existing structures as identified on the approved site plan.
7. There shall be no more than 15 adult domestic fox and 20 kits (under 4 months of age) on the site at any one time.
8. In addition to the domestic fox, the following additional animals may be on the site at any one time. These additional animals shall be limited to animals from the following list:
 - Up to a total of 10 additional domestic fur-bearing animals limited to Mink, chinchilla, karakul, marten, nutria, or fisher. With all having been a second or later generation raised in captivity.
 - Up to a total of 2.0 animal units of livestock subject to compliance with feedlot regulations. Livestock shall be limited to the following type animals: cattle, sheep, swine, horses, mules, farmed Cervidae, llamas, Ratitie, Bison, Goats and Domestic birds (Turkeys, Ducks, Chickens, Geese).
 - Up to a total of 6 domestic personal pets for the homes residents. Domestic Pets shall be limited to domesticated cats and dogs (*Felis catus* and *Canis familiaris*), gerbil, hamster, canary, psittacine bird, mynah, finch, tropical fish, goldfish, snake, rabbit, and turtle.
9. The site shall not accept, house, store or care for any other animals not specifically listed in the conditional use permit conditions.
10. All buildings used shall meet building code for the intended use. Any new construction on the parcel is to adhere to all Rice County codes and ordinances.
11. Failure to comply with conditions may result in revocation of the conditional use permit.
12. Perimeter fencing around the entire property shall be installed prior to animals

being on site.

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

TM - we have revised the conditions after meeting with the applicant to discuss what she would like to specifically request.

A new condition has been drafted by staff for planning commission discussion to allow for additional domestic fur-bearing animals, livestock and personal domestic pets. A second condition has been revised for clarity. If approved the new and revised conditions should be reordered/numbered to provide for a better uniformity with the existing conditions.

A revised site plan has been submitted by applicant along with a letter.

TS - are all those buildings used for animals or other uses?

TM - not currently - the large barn to the north and the corn crib buildings are not being used, along with a couple of other buildings.

TS - any storage buildings used for equipment or vehicles?

TM- main building is a garage, and the north barn building is a machine shed.

PB - We have the lot size such as going to Condition # 12 as a new condition is there a recommendation on the number?

TM - the parcel size is listed as 3.5 acres - for the feedlot rules you would be allowed 3.5 animal units is the maximum.

PB - domestic pets?

TM - ordinance has a maximum of 6 allowed.

MS - the current CUP are they fully compliant?

TM - they seemed to be during our site visit, there was a change to the site plan which we required them to submit to us, a couple of issues with the kennel labeled for mink.

TM: applicant does have power point to submit, which I will bring forward, the applicant had a surgery and it is difficult to speak, she does have a representative on her behalf.

The PC asked the applicant or representative to come forward to add comments or answer questions regarding the request.

Jeremy Yates - Sandstone Minnesota on behalf of Mikala Raines

JY - proposing amendment for current Cup - summarized the letter Mikayla submitted at the meeting.

he then went through the power point presentation, stated that the perimeter is fenced with 8-ft fencing already.

the main point is that when these animals are handled properly they are actually better than a dog or a cat, as they animals have a fear of you and more stand-offish to other people.

PB - can you describe the market for a Jackel or coyote rescue?

JY - in my opinion it is a very small market. I know of only 5 places in the state that raises them.

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

Bill Holmblad - Walcott township - he was here when she first came in for a permit, and again a month ago at last meeting, her requests were questionable, and it didn't make sense to

approve at that time. Tonight she has narrowed down to the animals she wants to help and protect and has the facility to do it, and she has the state licensing. In his view she is ready to expand and give it a try and hope you will pass the request.

Kellie Kruse - St.Paul, MN, she has been volunteering with Mikayla for a little over a year and have actually gone with her when she takes the animals to the educational events. I can tell you that Mikayla is very thorough person, the animals always come first with her, and take very good care of them, she is hoping the board will take that into consideration.

Sam Sunderlin - live on Circle Lake Trl, my property is across the street from her operation, I have sent several letters to you regarding my concerns in the past. I really believe she wants to help these animals, my concern is she has long history of non-compliance of conditions placed on her by other counties, she has violated numerous conditions, among them are #1, 7, 8, 9, and #11, and I believe she only has 11 conditions. One of her supporters mentioned she was charging people to spend the night and visit the animals. I feel she has a disregard for the requirements of the county,

I request that you do not pass the CUP onto the commissioners. I believe she needs to demonstrate that she can follow existing conditions before allowed to expand and bring on additional animals.

Mary Jo Cristoforo - 4113 Millersburg Blvd - just west of Mikayla's place. I have great concern about the animals she has there will not get out, other neighbors are also concerned about cattle that are adjacent to her property with the bobcats and his calves, also concerned about the buildings on her property are ag and should be used for ag equipment only. Her fox has gotten out and killed my chickens, and greatly concerned for neighbors as well with cattle and chickens, I believe her animals shouldn't be domesticated and should be out in the wild.

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

Discussion:

PB- we need the definition of animal units to determine description of animals allowed on site - gray areas that need to be discussed and defined under the conditions.

TS - let's go through the proposed conditions with board members, staff - are you specific in understanding what they are?

TM - yes - all three categories are taken from state statute lists.

TS: - continued with revised conditions

TM - Modifications made from the state statute listings, one change is rabbits-they were added to the list in the conditions and the scientific definitions were taken from the ordinance in Chisago County.

CP - likes this list much better than former list and he is against some of the animals from the DNR list that Mikayla had highlighted.

MS - numbers from earlier that the site would allow?

TM - livestock - defined by animal units by federal regulations

JD - all the animals count against the animal units or whatever they have the CUP for?

TM - count all animals except the livestock. It can get complicated with the small animals.

JD - So the bobcat & Lynx are fitting under domesticated?

TM - No it is not

JD - need to clarify that in the conditions that do not qualify as domesticated.

PB - need to ask specifically for the certain animals.

TM - pointed out that the CUP is under the commercial kennel category - dogs and domestic pets are allowed on the site.

JR - reminder that the amendment that was for a different category to be added to the ordinance was denied. This falls under a domestic kennel and not a wildlife sanctuary.

TS - does this listing we have here fit commercial kennel?

JR - need to follow same reasoning for the initial CUP for the foxes, she cautions against too many livestock because if you were doing a feedlot you wouldn't have these other kennels going on.

JD - are all the animals counted as animal units?

JR - suggest a smaller animal unit for livestock

PB - 1000 lbs = 1 animal unit

JR - with a typical feedlot your concerns are the manure produced and how to deal with that. In this case you are dealing with different types of animals that may or may not be compatible with each other and how to keep them separated and housed properly.

AW - If livestock is separated out from the fox - how much land is going to be used for livestock vs domesticated animal unit based on the new acreage?

CP- what she is using now is a fifth of what she has and by her presentation the buildings are not being used.

limit to 2.5 animal units or do total of all animals on site including fur bearing animals and livestock units?.

TS - ordinance is based on numbers and kennels - how and what do we define small as a kennel type animal??

JR - Trent has it outlined well - would not mingle animals.

JD - is the 2.5 acres being used for livestock?, then give them 2.5 animal units.

CP - Condition # 12 - we need to look at the listed animals only and the number.

MS - 10 seems a little high to me. There has been compliance issues in the past, I think we should ease in to this.

TS - comes down to space & care, applicant is conscientious or worried of the individual animal, so co-mingling may not be respected.

JD - most important condition is the perimeter fencing - the neighbors concerns stem from that.

TM - Domestic fur bearing animals should state - up to a total of - making clear it is up to a total not each individual type of animal. All of condition should be total of.

PB - to have conditions as stated and reorder the 12 conditions

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

III. New Business

- 1. Conditional Use Permit/Northfield Solar(Dufour/Hu)-Section 18, Northfield Township**
Northfield Solar LLC, on behalf of landowners Bo and Wei Cao Hu and the Roger and Patricia Dufour Trust, has applied for a Conditional Use Permit (CUP) for a 5-MW Solar Energy Production Facility. The properties are described as: Part of the E 1/2 of the SW1/4 and part of the W 1/2 of the SE 1/4 of Section 18 Northfield Township, Rice County, Minnesota. PIDs #: 08.18.3.00.003, 08.18.3.75.001, and 08.18.4.50.002. Parcels are Zoned A, Agricultural.

Motion by Peters, seconded by Streiff, to recommend approval of the Conditional Use permit with the following conditions and findings for Northfield Solar on behalf of homeowners Bo Hu and Dufour Trust. These properties are located in Section 18 of Northfield Township.

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

Conditions:

- . The landowner and operators shall comply with all rules, regulations, requirements, or standards of the Minnesota Public Utilities Commission, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps of Engineers, and other applicable federal, state or local agencies.
- . The Conditional Use Permit (CUP) is for a 5-MW solar energy production site as shown on the approved site plan, subject to meeting all setback and access

requirements.

- . Security fence shall consist of fencing meeting state and federal electrical code requirements.
- . All required permits shall be obtained prior to onsite construction.
- . As soon as onsite construction is completed all areas of the site, excluding the access roads and electrical equipment pads, are to be established and maintained in Agricultural crop production or a perennial vegetative cover.
- . All electrical lines internal (up to the interconnection point) to the site shall be buried underground.
- . A stormwater plan and proof of compliance with state/federal stormwater regulations shall be submitted to Rice County Environmental Services with the application for building permits.
- . The applicant or operator shall furnish Rice County with a \$50,000 bond or other approved financial surety to ensure proper site decommissioning/restoration and to ensure road repair or other off-site damages caused by construction or operation of the facility. Financial surety shall be reviewed and approved by the Rice County Attorney's office prior to any work on-site.
- . The entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
- . Failure to comply with conditions may result in revocation of the conditional use permit.
- . All onsite septic systems shall be shown to be in compliance prior to issuance of a building permit.
- . This Conditional Use Permit shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.

13. An evergreen tree species vegetative screening shall be established and maintained along the east side of the fences area. Trees shall have a minimum 4-ft initial height and shall be spaced a maximum of 20-ft apart.

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

TS - is this one grandfathered in that it is a 5 MW?

TM - the 5 MW deals with Xcel for what they allow.

PB - can you describe the grade of the slope and which direction it is facing?

TM - the hilltop is relatively flat and the driveway is steep.

MS - the proposed panels are they the ones fixed at a certain slope or do they move with rotation?

TM - believe they are fixed and run in rows running East West.

The PC asked the applicant, Hal Gavin (HG), to come forward to add comments or answer questions regarding the request.

HG - I have nothing to add, but here to answer questions.

TS - are these fixed panels?

HG - yes.

PB - are you aware of the 12 conditions?

HG - I am.

CP - Power issue, condition # 6 - who is running the power into the site?

HG - Xcel Energy will extend the line that will run down 115th St and hits Dennison Blvd and run it down 246 to an existing field driveway, where we will have a path to the solar field, we will run overhead lines next to the driveway.

TS - do you have any reason to oppose them being underground?

HG - it is a matter of cost, so for lines to go underground, the cost of overhead lines is at \$80 to \$90 per foot, if you go underground it is 7 to 10 times that. Also middle of an active field and would not be a way to mark it if underground.

MS - any glare as you come over the hill?

HG - don't believe there is going to be a glare issue - if so - happy to put in a screening of evergreens for example.

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 - I think we need to do something for screening, as you come over the hill you can see right down into the valley.

TS - where will you need the screening?

MS - right against the SE side.

MS - from that grove of trees on down to the end of field

TS - what are you thinking for screening-one row?

MS - one row of trees would be fine, just something to block it there.

TM - can use multiple different options ,you can specify out screening as a certain tree or shrub and height, 20 ft is typical spacing for 2 rows.

PB - possibility of fencing for screening for the landowner to save space, is that an option?

MS - this is a big site, we really need appropriate screening with trees or shrubs.

Applicant was asked to come forward to answer additional questions

HG - typical screening is using vegetative screening, rather than solid fencing, I would like to promote vegetative screening as it will last longer than fencing that can rot.

if conditions for glare, I would suggest screening as you are going north on Dennison Blvd so as to not see the modules, which are 6 to 8-ft high, so you can run a test with surveyor to determine where the screening would go.

MS - following the tornado that came through and what this picture does not show is all the trees that are leveled, we really need to do the whole side, with less down to the corner.

AW -so if we make the conditions as he is proposing with the view of the modules anywhere from northbound of Dennison Blvd with trees.

MS - I think we should specify here not by the surveyor that is going to make an opinion as of that day and time.

HG - we anticipate screening and have it built into our budget, not objecting to the screening,

TM - Visibility from the road can get complicated, the condition should list East side rather than from the road.

JD - where is the glare?

HG - when the sun is in the western sky, you could see glare going North on Dennison.
TS - so a condition for the glare on the East side, and for condition # 6 to be dropped of underground lines.
TM - Condition # 6 additional wording - all electrical lines (up to the interconnection point), for the internal.
Condition #13 - vegetative screening shall be established and maintained along the East side, screening should exist of an evergreen tree species of an initial 4-ft height with 20-ft spacing.

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

2. Conditional Use Permit/Chastek(Edstrom)-Section 30, Forest Township

Lance Chastek, on behalf of current landowner the Barbara Edstrom Trust, has applied for a Conditional Use Permit for a recycling contractor office and yard. The property is described as: Part of the SE1/4 of the SW1/4 Section 30 Forest Township, Rice County, Minnesota. PID #:06.30.3.00.001. The property is Zoned A, Agricultural.

Motion by Streiff, seconded by Bauer, to recommend approval of the Conditional Use Permit with the following conditions and findings for Lance Chastek, on behalf of the Barbara Edstrom Trust. This property is located in Section 30 of Forest Township.

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

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

The PC asked the applicant, Lance Chastek (LC), to come forward to add comments or answer questions regarding the request.

LC - looking to purchase this property, my recycling business is out of Burnsville, we specialize in appliance and electronic recycling. I intend to stay in Burnsville, all my work is North.

This is very seasonal , we need storage for our trucks and trailer equipment that hauls the materials. We found this property to be beneficial, I live in Lonsdale, and this could be good to store our equipment and use the property for hunting and four-wheeling, we never plan on running a recycling business. Proposing to build a shed without a house

TS - how big of a building and what are you going to store?

LC - 100 - 125-ft shed to store equipment and keep everything inside. This is a wooded area with long driveway, so a private site, so the trucks and/or the shed would not be visual from the road.

PB - Condition # 2 - states a contractor's office & yard?

LC - that is so we would be able to store the equipment there with a small office to log the equipment.

MS - any employees there?

LC - small company with 5 employees - himself and partner and 3 drivers, traffic will be minimal - busiest time would be in spring and fall that they would be hauling trailers.

CP - to you realize it is a gravel Township road that you will be coming in off of?

LC - yes.

CP - when will you be hauling with trailers?

LC - early April to mid June.

CP - I am on that town board, we didn't get a chance to talk about this, had calls from residents. Concern with condition # 2. There are lot better sites on asphalt for semi trailers.

MS - How often going in and out with trailers?

LC - 6 trailers in and 6 trailers out in April the busiest time, the loaded trailers would be packaging material.

JD - road restrictions may not be off in early April. Township road restriction is 5 ton minimum weight. CUP goes with property, so if you sold it someone else could use it as a recycling contractor's yard.

LC - seeking storage use only, not interested in operating recycling business, we need storage only.

TM - Condition # 6 would allow equipment and not any materials. Recycling facility is not permissible in that area.

TS - that answers the question on recycling - question comes back to the weight restriction on that road.

LC - good to be aware of.

CP - I still have issues with condition # 2.

TS - discuss at later time.

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

Kathleen Dodds - property to North, concern about the roads, there is a problem with downhill slope, curiosity of where is the driveway going to go, there is no driveway, concerned what it is going to do as far as affecting me and my property.

Brian Paczosa - from Forest Township, my main concern is the road, the road is wet a lot of time, so there could be a problem with mud with those heavy truck/trailers. The line of pine trees which shades road so that it does not dry out well.

Kimberly Paczosa - Forest Township, I am the step daughter of Barbara Edstrom. Mother was not aware of the recycling contractor business and she had understood it was for vintage cars to be stored out there. She wants the woods to be appreciated, no clear cutting of the trees. She bought property back in the 70's and it has always been a tree farm, so if someone could clean up the woods, that is fine, I don't want a business there. If this is only for a shed that is fine, and we want someone to buy it that loves it and will enjoy the land.

Rob Eagen - Burnsville realtor - representing the buyers, I can speak as to the character of the buyers, they are transparent about what they want to do with this property. They plan on building just a shed, they do not want to clear cut the land, and bottom line is they want to be good neighbors.

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

Discussion:

TS - it is listed as contractors recycling business but conditions eliminate the possibility of doing business.

CP - things can change rapidly as far as the use, as the CUP stays with the property.

JD - Where is the nearest tar road?

CP - Actually by the Mazasca Lake horseshoe.

JD - concerned about how much gravel for the driveway and how many people will complain about the driveway.

CP - it is a bad road as far as wet, with the row of evergreens it never dries out.

CP - calls from people with concerns on what will become of the storage shed with the CUP as an office.

TS - do we need to have a condition to have them work with the township as far as the road?

TM - condition can be added to develop a road maintenance agreement.

JR - suggest to table request to work with the current owners as they signed the application. And is it going to work with the road restrictions in April, has that been considered by the applicant?.

MS - motion to table the request.

PB - seconded to table request to the January 3, 2019 Planning Commission meeting.

3. CUP/Winter-Section 15, Northfield Township

Patrick Winter has applied for an amendment to a Conditional Use Permit (CUP) for a agricultural tourism business to move the main building location and to modify the parking. The property is described as: The North 660 feet of the West 660 feet of the NW1/4 of Section 15, Northfield Township, Rice County, Minnesota. The property address is: 10063 110th St E, Northfield, MN 55057. PID #:08.15.2.25.001. The property is Zoned A, Agricultural.

Motion by Streiff, seconded by Peters, to recommend approve of the conditional use permit with the following conditions and findings for Patrick Winter.

RESULT:	Referred for Approval [Unanimous]
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AYES:

Streiff, Bauer, Sammon, Peters, Wells

Conditions:

1. The conditional use permit is for a Food Sales/Service business located on a CSA Farm and an Agricultural Tourism Business. Changes to the business are not permitted without approval of a new/amended permit.
2. The Agricultural Tourism Business and food sales/service business shall not be open to the public more than 5 days per week, and only within the hours of 10am to 11pm Sundays through Thursdays and 10 am to 12 midnight on Fridays and Saturdays.
3. Outdoor music shall not be allowed later than 9 pm and all onsite music shall end no later than 11 pm.
4. At no time shall there be more than 350 persons and/or 230 vehicles on the site.
5. Parking shall be as shown on the submitted site parking plans. No parking shall be allowed along roadways or Township property.
6. Proof of compliance with state health regulations shall be submitted to Rice County prior to serving food onsite.
7. Existing trees or suitable replacements shall be maintained to provide screening of the parking area.
8. Onsite alcohol use shall comply with a consumption and display permit.
9. All buildings shall meet building code for the intended use.
10. A compliant septic system shall be maintained onsite and adequate/compliant facilities shall be provided for onsite visitors.
11. The applicant is to follow all Federal, State, County and Local rules and regulations.
12. Site traffic shall be advised not to utilize Jacobs Ave north of 110th Street East for access.
13. Failure to comply with conditions may result in revocation of the conditional use permit.

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

TS - initially when this request came through there were all kinds of worries, any complaints about this site?

TM - not recalling any at this point. There are conditions cited for discussion which are #3,4,5, &12 that have potential changes

PB - any thoughts on Condition # 3, regard to the music as the barn location change
TM - the previous music condition - located south of the barn to screen from neighbors to North. Being the location of barn is changing probably not be able to be south of the new location to have outdoor music, that condition will need to be modified.

The PC asked the applicant, Patrick Winter & Tammy Winter (PW), to come forward to add comments or answer questions regarding the request.

Patrick & Tammy Winter - 10063 110th St E, Northfield - due to the recent tornado we need to change location of venue, this is a good opportunity to look at conditions - the outdoor music is only when we have pizza night , people will come and have pizza and play guitars, etc. The music is from 5 to 7 pm and not loud, we think that is too restrictive and would like to change that. The new location of the barn will be down behind the old barn foundation and that will screen neighbors from the noise of music, dances are done inside the barn, parking is part of a the new site plan, we will have two approaches from Jacobs Ave to the West, to reduce a bottle neck. It does not have people going out on a busy road, 232 cars can fit on the parking lot the way we have the site and parking plan now, and would like to increase the amount of people from 300 people to 350 for the venue, as we do have the demand and very comfortable for that many people out there. Barn location is flat and natural,, can't see barn from the main road.

MS - we should talk about the conditions #3 the other space for the music space?

PW - pizza and music usually acoustic, there are no speakers, pretty low key, would like to change the hours from 5 to 8 pm.

PB - what would be the proposed time for music to stop on pizza night?

PW - 8:30 at the latest

MS - change the condition?

TM - separate the music issue from indoor to outdoor - times specific for indoor or outdoor music

PB - two access points?

PW - access points are already there

TS - Condition # 4 - discussion from 300 to 350 persons and increase vehicles onsite from 200 to 232

PW - correct

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

Matt Nagel (MN)- 10469 Jacobs Ave, - unique about business is the impact on traffic, all the traffic is on Jacobs Ave, there are 5 houses on that road, residents have children, people go to fast down that road, we have talked to township about a speed limit sign and they said a test would have to be done, there is also a blind spot at top of hill. There is a lot of safety concerns for residents with small kids. That gravel road is not designed to handle that amount of traffic. Main traffic comes from Northfield, Dundas, and the cities traffic, no speed limit signs and no monitoring.

PB - traffic study could be feasible for township to look into, which is done by the state to get a posted speed limit sign and be a legally enforced speed limit.

Karen Wagner (KW) - 10379 Jacobs Ave

KW - concerned about increase of people and traffic, she walks her dogs and has almost been hit, would like to see more people use blacktop and avoiding Jacobs Ave.

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

Applicant requested to come forward

PW - 81 was closed almost all summer, which is now open, majority of clients are coming from the metro area, traffic off Jacob was heavy due to 81 being closed and we do mention on

our website about the preferred road being 81 and children present on Jacobs Ave.

Discussion:

TS - well known business, doing a great business

JD - good reputation of business, and why are people using Jacobs Ave?, maybe address the issue in another way to the local people that are using Jacob Ave.

TM - if coming from North and East of the site, you can't get to 81, so Jacobs Ave is a logical solution - possible condition?- site traffic advised not to utilize the route from Jacobs Ave from North of 110th Street.

TS - lets update conditions.

TM - Condition #3 - outdoor music not be allowed after 9:00 pm and all onsite music no later than 11:00 pm.

TM- Condition #5 - parking should be shown as submitted parking site plan.

TM - Condition #12 - eliminating this condition.

TM - add new condition as site traffic advised not to utilize the route from Jacobs Ave from North of 110th St.

Also might want to talk to the township on posting signage.

JR - clarified you still have 13 conditions.

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

4. WOP/Skluzacek-Section 28, Wheatland Township

Sue Krouse, on behalf of the Eleanor Skluzacek Trust, has applied for a Waiver of Plat to create a building lot through the use of a Transfer Development Right (TDR) and to rearrange existing parcel boundaries. The property is described as: Part of the E 1/2 of Section 29 and part of the W 1/4 of section 28, Wheatland Township, Rice County, Minnesota. The PIDs #: 01.28.2.50.001, 01.28.3.25.001, 01.29.1.75.001, and 01.29.1.50.001. The properties are Zoned A, Agricultural.

Motion by Bauer, seconded by Peters, to recommend approval of the Waiver of Plat with the following conditions and findings for Sue Krouse, on behalf of Eleanor Skluzacek Trust. The property is located in Section 28 of Northfield Township.

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

Conditions:

- . The TDR receiving and existing house parcel shall each only contain one single family dwelling.
- . Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
- . The remaining parcel(s) shall not be further subdivided unless approved under the Rice County subdivision regulations.
- . The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcels are recorded.
- . In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcels.

- . Recording of the new parcel deeds shall be done within one year of the approval.

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

The PC asked the applicant, Sue Krouse (SK), to come forward to add comments or answer questions regarding the request.

Sue Krouse - Shakopee - the area we are talking about is the family farm and the main part is under the trust. The intent since dad's passing is to have our brother purchase the main site and tillable acres and re-draw the boundaries to include the wetland reserve areas together with a transfer development right for the possibility of a future sale.

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

Jim Duban - Wheatland Township clerk - the brother came to township meeting, and the driveway access is fine now as long as it is a field access, but at the time to build a new home they will need to come back to township.

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

Discussion:

TS - pretty straight forward.

PB - reasonable request for the property.

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

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

Matt & Kameron Gustafson, on behalf of Anthony & Gail Gillen, have applied for a Preliminary Plat to replat an existing lot into three lots. The property is described as: Part of Lot 10, Gillen's Sub-Division in the SE1/4 of the NW1/4 of Section 27, Forest Township, Rice County, Minnesota. PIDs #: 06.27.2.76.001 and 06.27.3.00.004. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Wells, seconded by Peters, 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:	Referred for Approval [Unanimous]
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AYES:	Streiff, Bauer, Sammon, Peters, Wells
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Conditions:

- . Final plat shall be submitted for approval within six months of preliminary plat approval.

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

The PC asked the applicant, Matt Gustafson (MG), to come forward to add comments or answer questions regarding the request.

Matt Gustafson (MG) - 13687 Culver Ave - here trying to move out of my Father-in-Law's basement and build on lot as soon as possible.
CP - driveway still the same as proposed last year?
MG - yes.

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

Tony Gillen - 13687 Culver Ave - when we turn this lot 2 block 1 into another lot, then I can still subdivide this later on, being this is Shoreland recreational?
TM - you have the option, you would have to apply and with the next split, it would require a Planned Unit Development.

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

Discussion:
CP - township talked about the driveway, there is bad hill to the north, he does have the driveway in a good position.

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

Communications

i. General

MN DOT Correspondence

IV. Other

V. Adjournment

Adjournment:

Hearing no other items before the PC, a motion was made by Michael Streiff, second by Charlie Peters, to adjourn the meeting at 9:42 pm. Motion carried 5-0.

Respectfully Submitted

Planning Commission

**Pamela Carty
Clerk**

Tom Sammon, Chair