

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, August 2, 2018 at 7:11 p.m.**

I. Call to Order

- A. Roll Call - The meeting was called to order by Chair Tom Sammon at 7:11p.m. Members present were: Tom Sammon, Preston Bauer, Charlie Peters, Aramis Wells. Staff present were: Director Julie Runkel, Planner Nicole Bonde-Jones, Administrative Coordinator Anna Aguilar, Clerk Pam Carty. Others present: see sign-in sheet. Commissioners present: Jeff Docken. Absent: Michael Streiff

B. Reading of Notice

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

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

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

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

D. Motion by Peters, seconded by Bauer, to approve the minutes of July 12, 2018.

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

II. New Business

1. Conditional Use Permit/Rypkema - Section 1, Webster Township

Gerald & Katherine Rypkema have applied for a Conditional Use Permit for an Agricultural related equipment sales business. The property is described as: The SE1/4 of the NE1/4 of Section 1, Webster Township, Rice County, Minnesota. The property address is: 3450 Hazelwood Ave, Webster, MN 55088. PID #: 02.01.1.75.002. The property is Zoned A, Agricultural.

Motion by Peters, seconded by Wells, to table for a more refined site plan until the September 6, 2018 meeting the Conditional Use Permit for Gerald & Katherine Rypkema. The property is located in Section 1 of Webster Township.

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

Hearing Minutes:

Planner Nicole Bonde-Jones (NB) presented the request to the Planning Commission (PC).
CP - Do they live back in one of the homes in the back there?

NB - I believe so, but the applicant can answer that.

The PC asked the applicant, Gerald & Katherine Rypkema (GR & KR), to come forward to add comments or answer questions regarding the request.

GR - This is a business that I started about a year and a half ago. I would like to put the office there. Right now it is in my daughter's basement. I would like to put an office there and to store equipment. We sell parts and agricultural related stuff and I need a place to store it and distribute it from there. We have two salesman, people call in and order. The bulk of it is drop-shipped but we store small parts. That is what I am looking for is a building to store that stuff in and sell.

PB - You say it is agricultural related. What are you selling?

GR - The businesses started out with crushing and washing with County Line Aggregate. The business started out with that but we have branched out into a McClanahan dealer, which is big in agriculture as far as manure systems, milking systems, etc. We sell equipment for Agline, we sell crushing equipment and similar equipment for Agline. We also rent out conveyors, corn stackers, and fertilizer unloaders for farming purposes. Systems inside of buildings, they are called tripper systems, where they can fill the whole building with corn. We are a straight line dealer for Minnesota. We sell pumps such as water and slurry pumps, manure pumps, electric motors, Bobcat equipment, bale spears, and buckets.

CP - Will you have a lot of big equipment stored outside?

GR - From time to time there would be some conveyors and stackers. Right now, everything we have is rented out. Hopefully in the summer there is nothing there. It would mainly be in the winter that there would be conveyors and stackers sitting there. If they are sitting there, I am not making any money.

CP - Otherwise the parts would be stored inside?

GR - They are inside, yes.

CP - Did you read the 9 conditions?

GR - I did, yes.

CP - What would the outside storage consist of?

GR - I listed conveyors, stackers, feeders, pumps, buckets, forks, skid steers; that type of stuff. For screening, towards the back of the building I would put up a wood fence so it blocks the view from the back. I would plant trees and shrubs. I didn't put the trees and shrubs on the plan because I do not know for sure where the septic will go. I live back there and want it to look nice too.

CP - You do live down the shared driveway?

GR - Yes, I actually own the driveway.

PB - So for the outside storage, would it be more along the mindset of storage or display?

GR - It could be some display if you have a conveyor there. We want people to see it. Maybe some buckets and that type of stuff, yes.

PB - What do you propose as far as screening?

GR - Along the West side of the building, where you can see in behind it, putting up some sort of wood fence so you cannot see into the back of the building. The rest of it would be trees and shrubs.

TS - That would be along the road, County Road 46?

GR - Yes and along my driveway. I couldn't write anything on the site plan because I do not know where the septic needs to go. I stuck it on the North side of the building but I hope it can go farther to the west. That would allow me to put more trees to the East.

TS - Let us get to the site plan you are talking about. Page 21.

CP - The total parking area, you would take up the whole 5 acres?

GR - No, I wouldn't. It would be less than that. I was scrambling to get the application in. The parking would not be that big. That is the way the surveyor drew it up and I had to have it in the next day. I do not plan on making that whole field parking lot. It would probably have to be 100-ft out from the end of the building. Maybe 125-ft for trucks to be able to get around.

CP - It appears you will have access to the site from your driveway instead of a separate entrance?

GR - Yes. I plan on black topping that. Right now it is currently crushed blacktop but I plan

on black topping from the driveway in.

TS - So for the screening along County Road 46?

CP - I would think for the propose parking area all the way down to the South to meet up with that other tree line.

GR - Yes. We do have a wide easement, 150-ft easement in there, so we are back off the road a ways. There is also the highlines on that side, so we would have to be back from them. It is all marked as parking lot but we would have to stay back in a ways to plant trees.

TS - I am trying to come up with the wording for the screening of the trees.

PB - On your site plan, you said your septic area is not set in stone?

GR - I have not done any perk tests or anything. I would like to push it to the West a little. I have potholed it. I used to install septics and I am sure it will be a mound. It is pretty well modeled from what I can see from the soils that are there. I would like to push it to the West but until I get a perk test done, I don't know. I don't know how big it has to be either. I did leave 100-ft and I don't think it should be any wider than that.

TS - You are aware of all of the 9 conditions?

GR - Yes.

PB - With condition #5, the County Highway wants you to put in a turn lane?

GR - I am aware of that and I met with Jim. I don't want to put it in but I understand why you are requiring it. County Road 46 is only going to get busier.

PB - I am more of the opinion of a bypass lane on the other side would be more beneficial than a right turn lane.

GR - I'm not arguing with you. At the present time, we just don't have all these trucks coming in and out. That is not the type of business this is. We mostly drop ship to customers. As far as the traffic report I submitted, the only thing I could not figure out was Car Quest. They deliver stuff out to us but I can't tell from their bill if we picked it up or if it was delivered. We probably get a couple Car Quest trips a week for stuff that we order.

TS - But you understand the traffic potential on County Road 46.

GR - I understand, yes.

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

Carolyn Fott - We have a residence in that locality. Looking at the map, what you showed was a driveway into a field. Not far down the road is my other neighbor, they face that field and are out of town presently. One of my neighbors said it has been nice not having much traffic on this road with the round-about being built because now kids and people can ride their bicycles. I am concerned about the heavy traffic. When we purchased this land decades ago, it was our intention to be in an agricultural area. I see this changing to commercial. I ask what is your plan for County Road 46, from Highway 19 to County Road 86? Is there a plan in place? There are residences all along there. I do not like the thought of County Road 46 being a commercial zone. I have looked at your map and I see that County Road 46, below the Steer, is zoned commercial. This business to me sounds like warehousing. If he wants to utilize the land, why not use his gravel pit to place that building on, back closer to his home. All of us will see it from the road. As far as taking a survey as to how many people come in a day. We have the round-about construction and that certainly limited a lot of traffic. I question that reliability because I do not know how or exactly what you are measuring. Is it just the flow to his property or it is the flow of all traffic coming through there? Again, it sounds like warehousing. The sign, right next to the white bales in the picture, talks about Rice County conservation of water and land. I would like to see this area conserved and not commercialized.

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

Discussion:

PB - I do have a question about the use of the pit or the operations going back there?

Chair called applicant back up.

PB - You said your home is back there. Are you mining, bring material in and processing

them and bringing them back out?

GR - I have an active mining permit. I do still have some gravel in there, but not a lot. The only thing I have been bringing in is milling and that is how I got it for my driveway. With my crushers, I process milling. I sell them back there. Not a lot but I do sell some. I probably have a couple thousand tons of mining left back there but it is getting mined out.

PB - You have an active permit with the County?

GR - Yes.

TS - County Road 46 is next to the freeway. You are going to have high traffic. I do want to finish up the wording for condition #6.

NB - Screening shall consist of coniferous trees along County Road 46 from the North parking lot to the South tree line. Do you want to keep it to the North parking lot or the driveway?

CP - I would say from where ever he has his outdoor storage.

JR - Maybe you want to answer the first part of that condition first; outdoor storage shall consist of _____.

JD - To me, it sounds like the site plan is a little sketchy right now. It really is not a very accurate site plan if he is not sure where the septic is going to be, thus he does not know exactly where the shed is going to be, thus he probably does not know where his parking lot is going to be, thus he will not know where to put the screening. I think we would want an accurate site plan as far as knowing where everything is going to go. We have postponed other requests in the past for that same reason.

PB - I agree. I think given a little bit of time, he could nail those things down and have a definite plan to give us as far as this lot goes. Something to consider.

TS - Is it the feeling of the commission that we would table this for a month and give the applicant time to fine tune the site plan?

PB - Yes, I think he can clarify the site plan in a month's time to get a few things nailed down as far as septic and building site.

CP - I agree with that. I'll make a motion to table this until we have a more accurate site plan for the shed, septic and storage.

TS - Until the next meeting, September 6th?

CP - Yes, tabled until the September 6th meeting.

AW - Second.

Motion to table until the September 6, 2018 meeting to allow for site plan clarification made by Peters, seconded by Wells, and approved.

2. Conditional Use Permit/McDonough (Cagger Trail) - Section 21, Cannon City Township

Zach Steeves, on behalf of landowner Cagger Trail LLC, has applied to renew the Conditional Use Permit for a demolition landfill. The property is described as: Part of the S1/2 of the NW1/4 of the NE1/4 of Section 21, Cannon City Township, Rice County, Minnesota. The property address is: 18081 Cagger Trail, Faribault, MN 55021. PID #: 11.21.1.25.002. The property is Zoned UR, Urban Reserve.

Motion by Peters, seconded by Bauer, to recommend approval for the renewal of the Conditional Use Permit with the following conditions and findings for Thomas McDonough on behalf of landowner Cagger Trail LLC. The property is located in Section 21 of Cannon City Township.

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

CONDITIONS OF APPROVAL -McDonough (Cagger Trail) - Conditional Use Permit

1. Only non-hazardous material authorized for disposal in a demolition landfill by the State of Minnesota, Minnesota Pollution Control Agency shall be allowed to be stored or buried on the site.
2. The landfill shall not be open to the general public. Only demolition landfill debris generated from the permittee company projects will be allowed to be deposited on the site.
3. Entrance to the landfill shall remain gated and the gate must remain closed during non-operating hours or when the landfill is closed.
4. The demolition landfill shall operate only between the hours of 7:00am and 7:00pm, Monday through Friday and Saturday 7am-3pm. A demolition landfill operator must be on the site during those periods when the demolition landfill is open. Met-Con is to submit to staff an updated list of the certified landfill operators that will be present on the site when it is open.
5. All illegal dumping on the site shall be removed and properly disposed of at the applicant's expense.
6. Dust abatement methods shall be required and enforced when hauling material to the site or when trucks leave the site.
7. The applicant or operator shall furnish a \$100,000 financial surety in a form acceptable by the County Attorney to cover six years.
8. Permit is to allow for the temporary placement of equipment to be used in the demolition landfill operation.
9. The site shall be reclaimed and the site cleaned of all debris and closed in accordance with the State of Minnesota, Minnesota Pollution Control Agency regulations.
10. This conditional use permit shall be valid for a period of five (5) years from its issuance and must be renewed prior to that time or the site completely restored also the conditional use permit shall 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 surety and using the proceeds to restore and properly close the site.
11. The demolition landfill operation shall be restricted to the area on the applicants site plan any deviation from these boundaries will require application for a new conditional use permit. Site to be completely restored upon completion of permit.
12. Stormwater runoff shall be controlled onsite to prevent offsite impacts.
13. A 20-foot setback shall be maintained between the landfill operation and all property lines, a 100-foot setback shall be maintained from any road right-of-way.
14. Applicant to submit a copy of all approved MPCA permits and plans for the site to Rice County.
15. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling to or from the site. Roads to be restored to their original condition after the operation ceases.

16. Mining of sand and gravel or recycling of materials shall not be permitted onsite unless a separate conditional use permit is granted approving such activities.

17. No work to begin until all permits are secured and an approved bond submitted by the applicant.

18. 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.

Hearing Minutes:

Planner Nicole Bonde-Jones (NB) presented the request to the Planning Commission (PC).

PB - Has the County dealt with any non-compliance issues in the past.

NB - Not that I am aware of.

TS - At what point are these landfills considered full? Or do they just keep getting built up? I know demolition landfills do not fill up very fast but is there a limit?

NB - This is a continuation of a permit that was originally applied for in 2001. I believe the limit would have been on their plan in 2001. That might be a better question for the applicant.

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

Dan Behrens (DB) - I will speak on behalf of Zach and MetCon. Basically it is a renewal of an existing demolition landfill that has been in place for an excess of 20 years. To your question, we do not keep building up. We have established grades that are approved by the MPCA. The area that she was showing photos of is pretty close to full. We are at the point where we are looking to start processing to the North. Basically we are filling and reclaiming a former gravel pit that was operated by other folks. It is more filling in a hole rather than building up.

TS - You are aware of the 18 conditions.

DB - Yes, I am aware of the 18 conditions. They are pretty much the same they have been for 20 years.

PB - With the use of the pit, it looks like there are two access points. Do you use both?

DB - We do not. The second is actually used by the property owner. It is an old grand-fathered pit that has pretty much ceased operations. There really is no viable material left. The driveway is still there and they have access through that point but the mining as all but ceased. I don't believe material has been taken out in the last four to five years. It is an older pit. There are some folks in the audience that the pit and their property line got a little close over time. We are working with them on how to restore the 20-ft buffer back to their property because it has disappeared in a few places. Nothing due to our accord but it is there. We have met with them on site and I think we have a good plan moving forward to mitigate their concerns.

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

Sue Feyereisn - I have a question. We have talked with MetCon about restoring the line. It has been encroached. Our surveyor said they were over the property line. In writing, I have a letter that states they would restore it to 25-ft but tonight they said 20-ft. What does the law say?

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

Discussion:

Chair calls the applicant back up to address the question raised.

DB - The actual rule is 20-ft. I was not part of the meeting but if they were promised 25-ft, that is what is in writing, then it will be restored to 25-ft.

CP - Is that the East line there?

DB - Yes, the East line just as we progress to the North. As progression goes, it is about four to five years out before we get there. That does not mean we do not have some other opportunities to maybe restore some of that area sooner than that but we will work with the property owner. If we agreed to 25-ft, then I stand by 25-ft.

PB - I was just looking in the Conditional Use Permit to seeing if it stated 20-ft anywhere?

TS - Condition #13.

CP - As long as they have a written agreement for the 25-ft, I have no issues with the other conditions. I motion that we move this forward to the Commissioners with the 18 conditions.

PB - I'll second. I live in this Township and this pit has been there since I was a kid. That is more than 20 years.

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

3. Conditional Use Permit/Steeves (McDonough) - Section 6, Cannon City Township

Zach Steeves, on behalf of landowner Thomas McDonough, has applied for a Conditional Use Permit for an aggregate mining operation. The property is described as: Part of the NW1/4 of the NE1/4 and Part of the NE1/4 of the NW1/4 of Section 6, Cannon City Township, Rice County, Minnesota. The property address is: 150th St E, Faribault, MN 55021. PID #: 11.06.1.25.001. The property is Zoned A, Agricultural.

Motion by Bauer, seconded by Peters, to recommend approval of the Conditional Use Permit with the following conditions and findings for Zach Steeves, on behalf of Thomas McDonough. The property is located in Section 6 of Cannon City Township.

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

CONDITIONS OF APPROVAL - Steeves (McDonough) - Conditional Use 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 Conditional Use Permit (CUP) is for a sand and gravel mining operation.
3. The applicant or operator shall furnish a six (6) year \$100,000 bond for haul road repair and for site restoration. All bonds shall be reviewed and approved by the Rice County Attorney's office prior to any work on site.
4. This conditional use permit shall be valid for a period of five (5) years from its issuance and must be renewed prior to that time or the site completely restored. Failure to renew the permit or to restore the site shall result in the county exercising the bond and using the proceeds to restore and properly close the site.
5. The mineral extraction mining operation shall be restricted to the area on the applicant's submitted site plan, subject to compliance with setback requirements. Any other deviation from these boundaries will require application for a new conditional use permit. Mining boundaries and required setbacks shall be marked onsite prior to mining

and markings shall be maintained throughout the operation. No more than 10-acres of the proposed mining area shall be open to mining at any one time.

6. The hours of operation shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 7:00 a.m. to 3 p.m. on Saturdays.

7. A 20-foot setback shall be maintained between the mining operation and all property lines. A 100-foot setback shall be maintained from County road right-of-way.

8. The banks shall be sloped at a minimum 4:1 and the operator shall be required to keep the pit or excavation in such conditions as not to be in danger of caving or sliding banks, to ensure stability.

9. Topsoil from the excavation site is to be stockpiled on the premises for use in restoration of the site. No topsoil is to be removed from the site.

10. The applicant is to follow the approved reclamation plan. Reclamation shall be ongoing so that previously mined land is reclaimed as new areas are opened to mineral extraction. The site is to be completely restored to a condition suitable for wildlife habitat or farmland upon completion of permit. Restoration shall include final seeding/cover of the area.

11. The applicant is to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. The roads are to be restored to their original condition after the gravel mining operation ceases.

12. All access drives within the site shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drive from leaving the property during mining or hauling activities on the property.

13. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.

14. The site is to be cleaned of all debris and equipment after closure of the pit.

15. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

16. The site shall be secured at access points.

Hearing Minutes:

Planner Nicole Bonde-Jones (NB) presented the request to the Planning Commission (PC). Part of this site was previously mined and reclaimed on the Northeast side. The proposed area is to the Southwest. It is very well screened to the road.

CP - The previously mined area is reclaimed and done? They just want to open the new area to the south?

NB - Yes, the driveway comes through the tree line and they are proposing about 8 acres.

CP - Were there issues with the previous site?

NB - Not that I am aware of. That was under a previous owner.

PB - They listed the proposed site as approximately 8 acres but it requires a maximum of 10 acres be open at one time. It doesn't have to be the exact area other than what is shown as the subject site?

NB - They have a site plan in the packet of where they are planning. It is in this grass area. The applicant can specify more.

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

ZS - Basically we have County Road 9, you come in through the trees, go down and come back up on to a hill. That is the area we are proposing to mine. We would start at the front and move back to our limits and get material out of there.

TS - Do you have an estimated amount? It looks like a good size pit.

ZS - We have dug a few test holes and there is a decent amount of overburden but we do go down to about 10-ft of material. It is hard to say.

PB - Are you familiar with all 16 of the conditions?

ZS - Yes, I am.

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:

PB - It works out well that it is off a paved county road.

TS - And that it is naturally screened.

CP - This is definitely better spot than the pit in the front.

PB - I'll make a motion to refer for approval with the 16 conditions.

CP - I'll second that.

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

III. Adjournment

Hearing no other items before the PC, a motion was made by Bauer, second by Wells, to adjourn the meeting at 7:51pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission

Anna Aguilar
Administrative Coordinator

Tom Sammon, Chair