

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, April 1, 2021 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order electronically by Chair Preston Bauer at 7:34p.m.

Members present were: Preston Bauer, Michael Streiff, Charlie Peters, Jill Ellingson, John McCarthy.

Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Planning Technician Julia Hogan, Administrative Coordinator Anna Aguilar.

Commissioners present: Jeff Docken.

Others present: see Registrant List.

B. Motion by Charlie Peters, seconded by Jill Ellingson, Reading of the Notice.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

C. Motion by John McCarthy, seconded by Michael Streiff, Approval of the Agenda.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

D. Motion by Jill Ellingson, seconded by Charlie Peters, to approve the minutes of March 4, 2021.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

II. Old Business

1. Zoning Map Amendment to Rezone property from Urban Reserve to Agricultural/Kes - Section 31, Webster Township

Timothy & Kimberly Kes, on behalf of landowners, have applied for a Zoning Map Amendment to change the zoning of land for five parcels totaling approximately 141-acres from the UR, Urban Reserve District to the A, Agricultural District. The properties are described as: Part of the NW1/4, SW1/4 and the SE1/4 of Section 31, Webster Township, Rice County, Minnesota. PID#s: 02.31.2.00.002, 02.31.2.75.001, 02.31.2.75.002, 02.31.3.00.001 & 02.31.4.25.001.

Motion by Charlie Peters, seconded by John McCarthy, to recommend denial of the Zoning Map Amendment to Rezone property from Urban Reserve to Agricultural for Timothy & Kimberly Kes. The properties are located in Section 31 of Webster Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

Kes – Zoning Map Amendment to Rezone Property

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
PB - Is that a quarter-quarter section between the West line of the proposed rezone and the City limit of Lonsdale?

TM - Yes, that is approximately a quarter-quarter section. The approximate distance is in the report that was included in the packet.

PB - Can we display the Resolution from the City of Lonsdale?

TM - It is not in the PowerPoint but I could try to bring it up if need be. A representative from the City of Lonsdale is on the meeting, as well as the applicant, if either would like to comment more on that. I could read sections of the resolution if you would like.

PB - As far as the procedure, we need to motion to re-open the item for the hearing?

TM - Yes, you need to motion to open the item back up because this is a continuation.

PB - Do we have a motion to re-open the hearing on this item.

MS - I will motion.

JE - I will second.

The PC asked the applicant, Tim Kes (TK), to come forward to add comments or answer questions regarding the request.

TK - I have been doing some research on developments around the Lonsdale area and how the Urban Reserve (UR) district has been handled in the past on various parcels. Back in 2013, the City of Lonsdale annexed a property off on Highway 19. When they did this, they ended up with approximately 1,752,427 sqft of property. Since then, in the last 8 years, they have sold 2 of those properties which amounts to 272,422 sqft. Based on their sales, the usage of the commercial property is 3,132 sqft per month. So when I take this property compared to their usage, this is property that has been purchased and built on, if you go from that property to the South and to the East which would be normal progression to get to my property, there is approximately 324.9 acres to get to my property. That comes up to 14,155,131 sqft of property that has to be developed before it gets to my property. If we take the City's usage of 3,132 sqft per month, that equates to 376 years before they reach our property based upon commercial use. Now I know they will say that it would be mixed-use for medium- and high-density residential developments, but when I looked at the 2040 City plan online, it only shows industrial. But I averaged out 29 home sales per year, which was the average for the past 8 years, and I came out with, in addition to that 324 acres to get to my property, the City of Lonsdale has 272.9 acres annexed to the City that are zoned Residential property. There is an overabundance of land and there has not been a residential development in Lonsdale since 2005. I have been talking to an engineer about this and he said that the costs are so high that there have been developments started in Northfield and Elko that the developers have pulled out of. There have been three developments in town that have been started and then pulled back because costs are so high. The City says they have this huge need, but I don't see the need. At times there is a difference between perception and reality and I am going by what is actually happening and looking at numbers on the County website. The development on the South end of town was sold off because it was too expensive, the developer could not make a profit on it. The one North of town is 111 acres and that was backed out of because of prices being too expensive. When you hear of all these houses going up in Lonsdale, those are houses that were foreclosed on during the housing crisis back in 2007. They overdeveloped the area back then and that is why those lots are being built on because the lots are so cheap. But in the last year that has slowed down because of building a new home is so expensive. Looking at the Huber's property over by Northfield, the City of Northfield said they do not see residential development getting out to that property in 50 years. For the City of Northfield to say that it is ok and the County to accept it, basically the County is saying that 50-years is the guideline when saying No to UR. This is not the first time property has been rezoned out of UR in the Lonsdale area. A property to the South was rezoned back in 2017 and another one that is right across the street from me, was rezoned in 2016. I have talked to a Lonsdale City Council member and the head of Planning & Zoning and was told that the stance is to deny any requests that come through. In the past, the County has asked the City and they said No, but the requests still went through. Our properties are on the edge of the UR just like the other properties were. There are properties zoned Agricultural (Ag) in the City limits of Faribault. There just seems to be a lot of different rules. Comparing ours to the Huber's property, ours is 1,171 feet away from annexed properties. There is 111-acres of farmland and pasture between our property and the City limit that has yet to be developed. The nearest house is 2,826-ft from our proposed property line. Looking at the Huber's property, he was 1,060 feet away from the Northfield City limits and only 1,645 feet away from the nearest house. His property is closer to the City of Northfield than ours is to Lonsdale and he was allowed to rezone. My question is, so if someone asks for a variance on a property and the County says Yes if you follow all the rules laid out by the County, then another property owners asks for the same thing and is following the same rules but a neighbor says they don't like it, can the County say No? It seems that the City is concerned about me putting up multiple homes but I only want to put one house on this property, but to do that I need to pull this property out of UR so I can bring a development right onto it. And to bring a building right back on to the property, I have to come back before the Planning Commission to get approval to do that, so if they are worried about me doing a cluster development, you are able to make sure I don't. I am trying to be as transparent as possible.

PB - Can you remind us of the reason for the request?

TK - We are requesting the rezone so we can build a handicap accessible home on the property for our

daughter. She became handicapped from two bouts of brain cancer. She has to have 24 hour supervision and has a Para assigned to her. We currently have her in our split-entry house in town. We have had to take her to the doctor multiple times for broken bones, I need a house that is handicap accessible where we can build a long ramp for access and an elevator for lower level access, and for the size of home I need to build, I cannot do on a residential lot in town. It won't fit and the parcel we have here has room that would allow for a walkout basement on it.

PB - Whether the property is in the UR district or not?

TK - Just to build a house. Most lots in town are too small. With a rambler and a ramp, I am looking at about 105 feet and then with a garage, you have to extend it. Then with the elevator and wider doors, bigger bathrooms, it all adds up. This is the only property that I own, where I could do this. I looked for big enough lots in town and have not found any.

JM - When you purchased the property, you did your due diligence on the property?

TK - We took it by the owner's word that there was a building right and there is not. I am just asking to be treated like the requests that have been allowed to before. I am not asking for anything special.

TM - Just a reminder that this request is focused on the rezone and a change to the ordinance and is not tied to a specific use. If the zoning would change, anything that is allowed in the new zoning district is what would be allowed.

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

Joel Erickson (JoE) - *Lonsdale City Administrator* - as County Staff have stated, since the last meeting, our City Planning Commission and City Council have had the opportunity to review this request. At the February 25th City Council meeting, the City Council did approve Resolution # 2021-15 which was included in tonight's meeting packet. The action of the Council was to encourage Rice County to maintain the current UR zoning district ordinance and map in order to protect our planned future development and to encourage Rice County to reject Mr. Kes' rezone request. As the resolution states, the reasons for that are Chapter 510 which pertains to the UR, there are 6 reasons why the UR was established and as discussed early during this public hearing, the proposed property is included in our 2040 Comprehensive Land Use plan and map. The identified further use is medium- to high-density residential and industrial. I am not familiar with the development or property near Northfield but in reference to the two parcels that Mr. Kes mentioned that are South of Lonsdale, one of them was 3/4 of a mile from the City limits and was not in the County's UR district, nor was it in our 2040 Land Use plan. The other parcel was a little closer, a 1/2 mile from the City limits and was in the County's UR district but not included in our 2040 Land Use plan. As far as developments in town, everyone knows that building costs are through the roof due to various reasons such as COVID and shipping issues. There is no doubt that the cost of development is substantially higher now and not competitive with vacant developed lots pre-recession. Once those lots are filled and all lots will become the same cost, you will see developments increasing again. As far as our Business Park, we just approved a purchase agreement for 10 acres, that is a 1/3 of that park. We are anticipating 100,000 to 200,000 sqft facility there and also a purchase agreement for a 3 acre site as well. We have received a letter of intent from an interested party to allocate, and allow them to do their due diligence, a minimum of 10 acres. We have also had discussions with other developers that are interested in developing this area. All of the business or industrial parks in for example Scott County and Prior Lake are full and many developers are reaching further South. We have less restrictive requirements as far as design standards, outside storage, etc. We are becoming a more interesting place for development. With that, you are going to see a lot of exciting things in Lonsdale as far as business development.

PB - As far as Lonsdale, is there a difference in annexing properties zoned Ag compared to UR?

JoE - Just the potential impediments as far as planning. That is one of the main reasons for the UR is to extend a zoning district one mile from municipal boundaries that will restrict development until incorporated into a municipal corporation, promote housing development in cities and unincorporated villages, who can provide the infrastructure rather than an Ag district, defer urban development into areas adjacent to municipal development. As far as the specific zoning, Ag allows more possibilities to take place. The City's position is not to deny everything. We have been consistent in recommending or encouraging the County to adhere to the UR and what it was established for.

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

Discussion:

JD - We, as the County, do not have a 50-year policy as far as development goes. Northfield said they

have no plan in the next 50-years, but that had nothing to do with the County and the way rezones are handled. The Lonsdale 2040 Comp plan, which is a newer project that has not been around for a long time. This is different from the Huber's rezone as here we have the City saying No, we do not want to rezone these parcels and with the Huber's request, the City said the rezone was fine. When you look at this request, you have created a kind of peninsula as far as Ag land. You would be surrounded by UR besides down in the South corner. This would carve out an area of land as Ag within the UR. For the most part, the County has gone along with what the Cities' requests have been and I think with the information that has been presented it is black and white in my opinion that this is probably not a good option.

CP - I agree with the City Administrator and the Commissioner. My concern is that the applicant wants to build a handicap accessible house, but this request includes rezoning 5 parcels. I am also familiar with some of the housing additions in Lonsdale and they are filling up faster than what I think the plan was. I am glad that the City replied and stated their recommendation to maintain the UR.

PB - You make a good point as this request is to rezone 5 parcels, not just one.

CP - I recommend we refer this for denial by the Board of Commissioners.

JM - I will second the motion.

Motion to recommend denial was made by Peters, seconded by McCarthy, and approved unanimously.

III. New Business

1. Conditional Use Permit/Almen (Hohrman) - Section 9, Northfield Township

Colleen Almen, on behalf of landowner DuWayne Hohrman, has applied for a Conditional Use Permit (CUP) for an agricultural tourism business to provide public education about agriculture. The property is described as: Part of the SE1/4 of Section 9, Northfield Township, Rice County, Minnesota. The property address is: 9748 110th St E, Northfield, MN 55057. PID#: 08.09.4.50.001. The property is Zoned A, Agricultural.

Motion by Jill Ellingson, seconded by Michael Streiff, to table the Conditional Use Permit for Colleen Almen, on behalf of landowner DuWayne Hohrman, until the May 6, 2021 Planning Commission meeting. The property is located in Section 9 of Northfield Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

Almen (Hohrman) – Conditional Use Permit

----- Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
TM - There are two conditions with blanks that need to be addressed. Condition #2 and #3, one dealing with the days and hours per week that are being proposed and the other dealing with the total number of persons or vehicles onsite.

The PC asked the applicant, Colleen Almen (CA), to come forward to add comments or answer questions regarding the request.

CA - I am proposing to start an Ag-tourism business and building the parking lot and a couple buildings, one pavilion to be used like a picnic shelter area and the other for ticket sales and a class room/guest speaker area. That one would be enclosed, the other would be open. I want to help bridge the gap between farm and city, to promote agriculture, and educate the public on animals and livestock.

PB - Will this be a small animal farm? Or what kind of animals do you plan on having?

CA – Yes, there would be animals such as rabbits, goats, chickens, sheep, etc. None of them would winter or be permanently there. They would just be there during our events. We would also have a playground type stuff like some play houses and other entertainment for the kids.

PB - Can you give a description on what you anticipate for events, numbers and times to give us a better picture of what you are requesting?

CA - I would like to be able to go year round, not just the fall. I know fall is a big time for corn mazes and pumpkin patches. I want to do some classes like snow shoeing and stuff in the winter as well. My primary days of the week would be Friday through Sunday, but I would like to do Camps for kids as

well which would probably be Monday through Wednesday. Hours of operations would probably be from 8a to maybe 8p, not after dark would be the plan.

PB - Would the camps be 24 hour events?

CA - They would be day camps where kids are dropped off around 9a, they bring their own sack lunch, and we would have them help care for the animals, do crafts, and have play time.

PB - You say year round, Friday-Sunday, and are requesting Monday-Wednesday as well, with typical times being 8a to 8p. You have talked about a variety of things, do you have an idea on numbers?

CA - I am not sure what the numbers would be as this is all new but I am hoping like 500 people on a typical day during peak times like during the fall or on good summer days. I would not be open Friday-Sunday during the winter or early Spring, that would be more Summer and Fall.

PB - What are you proposing for parking? Thinking of 500 people a day, you would have to consider a max number at one time.

CA - You figure people come and stay for 2-3 hours. The feedback I got back on the parking lot was it would only hold 80 cars. So I need to either adjust the size of the parking area to allow for roughly 100 cars or look at an overflow parking area on the West side of the buildings. Does all of the parking have to be on gravel or aggregate?

CP - I think we need to consider bus parking, too, if she is thinking of hosting school events during the week. I do not know what Staff requires for that.

JE - What is the potential for bus parking?

CA - If there were field trips, we would be closed to the public. It would just be that school there that day for safety reasons and the entire gravel parking lot could be used for the buses.

PB - This sounds like a fairly big project.

CA - Yes it is. I have been working with the University of Minnesota. I am taking a small farm start-up through the extension right now. I am certified to work with the animals. I currently run the children's barn yard at the County fair. I hold all of the certificates and know the regulations that need to be followed to care for the animals.

PB - You said 8a-8p. Are you considering other events like festivals or weddings?

CA - Not weddings. We are right next to the Red Barn Farm that does weddings. Maybe a Fall Festival with small yard games, but not big carnival events.

PB - Can Staff advise on the parking question as far as surface goes?

TM - Parking areas and access driveways are required to be improved with a durable surface. That durable surface could vary throughout the year depending on what parking is utilized. As mentioned in the Staff Report, I calculated amount of cars strictly using gross square footage figuring that it would hold about 80 vehicles, but if you figure in access or traffic flow through there, I estimated that number to be roughly 2/3's of that, so roughly 50-60 cars in that size of an area. I would suggest if you want to go beyond that size, then we really need a more detailed parking plan and diagram with traffic flow through the site. If the plan is to go beyond that 50 to 60 cars, Staff would recommend tabling this item to allow the applicant more time to provide more information.

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

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

Discussion:

PB - I concur with Staff to table this item to allow for more detail to be provided for parking and more information as to event details.

CP - I agree. I think it is a great idea and it will be a good business venture, but we need more information regarding events, number of people, parking, etc. I don't want to fill in the blanks and then have it not work for the applicant.

JM - I think it is a great idea, but I think there is a lot more work that has to be done as far what, when, and how, and a lot more support for infrastructure like bathrooms. It sounds like it is going to be an active place. Are we going to allow temporary bathrooms to be onsite 3-4 days per week every week? I think there are some serious questions that need to be answered. I think the goals are good and support tabling for more information.

PB - I agree, especially if you are looking at 500 people a day, you need to look at the roads and the possibility of needing turn lanes.

JE - I think this is a fantastic project and opportunity. Please continue forward with it, but I concur in tabling this until the tactical details are worked out a bit more so expectations are met. It does have great

opportunity to probably be bigger than imagined.

PB - We also need to factor in that this will be a business, there is an opportunity for someone to make a living and make money off of this. It will be Ag-Tourism but also a business and needs to be treated as such especially when we are talking such large numbers.

JE - I motion to table this item for more information and details to be provided regarding numbers, days and hours of operation, capacity onsite, and the amenities to serve that capacity.

MS - I think the concept is good but the road out there is very very narrow and the idea of turn lanes, I don't know if that will work. There is basically no shoulder on that road out there. I think there is a lot of work that needs to go into traffic flow, not just at the site but the road to get there. Like mentioned, the Red Barn is right there as well and we have had complaints in the past about the roads out there. It is a sensitive area related to traffic flow and that needs to be considered. I will second the motion to table.

Motion to table until the May 6, 2021 meeting was made by Ellingson, seconded by Streiff, and approved unanimously.

2. **Conditional Use Permit/Engel - Section 24, Wheatland Township**

Jared Engel has applied for a Conditional Use Permit (CUP) for a contractor's office and yard for an appliance installation business. The property is described as: Part of the NE1/4 Section 24, Wheatland Township, Rice County, Minnesota. PID#: 01.24.1.00.002. The property is Zoned UR, Urban Reserve.

Motion by Michael Streiff, seconded by Charlie Peters, to recommend approval for the Conditional Use Permit request with the following conditions and findings for Jared Engel. The property is located in Section 24 of Wheatland Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

CONDITIONS OF APPROVAL – Engel – Conditional Use Permit

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit (CUP) is for an office and two indoor storage buildings for an appliance installation business. Changes to the business are not permitted without approval of a new/amended permit.
3. The submitted site plan shall be followed.
4. There shall be no outdoor storage of equipment, vehicles or products. Outside parking shall be limited to 2 employee personal vehicles.
5. Only business equipment owned or leased by the onsite business shall be stored on the site.
6. All buildings shall meet building code for the intended use.
7. Failure to comply with conditions may result in revocation of the conditional use permit.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
TM - There is a blank in condition #4 dealing with the number of employee vehicles that would be allowed onsite.

The PC asked the applicant, Jared Engel (JaE), to come forward to add comments or answer questions regarding the request.

JaE - The purpose of the two sheds is not so much for an office building, but more so for storage for trailers and extra vehicles that are occasionally used for Tony's Appliance and for maintenance of the building that we are currently in. We are just running out of room. Also for personal storage such as four-wheelers, antique tractors, mowing and plowing equipment. As far as employees, it is usually just me and maybe one other person running out here to get something once a day or coming there and back. The number of people is limited.

PB - This is more so for storage?

JaE - Correct.

PB - There is an appliance business with the headquarters elsewhere?

JaE - In Burnsville.

PB - So there is a blank in Condition #4 where it states there shall be no outdoor storage?

JaE - Correct, there will be no outdoor storage. Everything will be kept in the buildings.

PB - And outside parking shall be limited to? How much employee parking?

JaE - One to two at the most.

CP - Can we narrow down the employee vehicle number, is two ok?

JaE - Most of the time it will be just one, but just in case two would be great.

CP - So no outside storage and 2 outdoor employee vehicle parking?

JaE - Correct.

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

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

Discussion:

PB - If the applicant only wanted to use it for storage, the way this is written, if they wanted to move and operate the business entirely out of this location, they could. Correct?

TM - The category that allows for this is the Contractor office and yard category. It does specify out that it could have an office space and that it allows for the storage area.

JM - I am curious how this works. There are two fairly large storage buildings that are fine if they meet zoning code but there doesn't seem that there is much need for a business. To permit the whole thing to be run as a business, what happens if this instillation business morphs into a sales and service operation. It seems there is a lot of opportunity for problems with treating this as a business. The Conditional Use Permit (CUP) runs with the land and there will be two fairly large buildings out there. I don't have enough information to feel comfortable with this one.

TM - They would not be able to convert this to a sales business onsite. That is something that is not allowed within this district. It is under the Contractor category where they can have the storage of their equipment that they take offsite to use.

MS - Condition #4 limits them to two employee vehicles or outdoor parking and everything has to be kept indoors. It would be hard for things to get out of control when you can only have two cars there. I agree with the way TM is looking at it.

PB - Maybe some wording could be added to condition #2 to specify the buildings are for storage and not installation? Maybe two buildings for indoor storage instead of two indoor storage buildings to indicate they are specifically for storage.

TM - I am not seeing a significant difference in the wording change.

PB read condition #2. Based on how it is written, it sounds like I could operate a business out of those buildings. I was just thinking if we could specify those buildings are for storage only and not to operate the business out of since that is what the applicant is stating the intention is..

TM - I am still not seeing a significant difference in the wording change. It specifies that the two building are for storage.

JM - Can the storage buildings be permitted on this site without a CUP?

TM - Not for business storage, no.

JM - The applicant stated he didn't want all of the space for business storage.

TM - If the sheds were only to be used to store his personal items or vehicles, that is permitted without a CUP, but the storage of any business materials onsite, does trigger a need for the CUP to permit that.

JM - So one building could be permitted for an office and storage associated with the business and the other could be permitted for personal storage?

TM - Yes, he could propose that but the current request is for both buildings to be used for potential business storage.

CP - I think the applicant has a good plan here and is trying to cover his basis. He would be allowed an office and two indoor storage buildings, but we have condition #4 limiting the number of vehicles allowed onsite. He would have to come back and amend is CUP if he wanted to have a lot of employees or a sale on site. I do not see issues with the conditions as currently written.

PB reviewed changes to the conditions.

MS - I motion to refer this to the Commissioners with the 7 conditions and #4 stating "limited to 2 employee personal vehicles".

CP - I will second that motion.

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

3. **Conditional Use Permit/Tempel (Hu) - Section 18, Northfield Township**

Scott Tempel, on behalf of landowner Bo Hu, has applied for a Conditional Use Permit (CUP) for a 1MW solar energy production facility. The property is described as: Part of the SE1/4 of the SW1/4 of Section 18, Northfield Township, Rice County, Minnesota. The property address is: 7609 Dennison Blvd, Northfield, MN 55057. PID#: 08.18.3.75.001. The property is Zoned A, Agricultural.

Motion by Jill Ellingson, seconded by Charlie Peters, to recommend approval for the Conditional Use Permit request with the following conditions and findings for Scott Tempel, on behalf of landowner Bo Hu. The property is located in Section 18 of Northfield Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Jill Ellingson, John McCarthy, NAYS: None

CONDITIONS OF APPROVAL – Tempel (Hu) – Conditional Use Permit

1. 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.
2. The Conditional Use Permit (CUP) is for a 1-MW solar energy production site as shown on the approved site plan, subject to meeting all setback and access requirements.
3. Security fence shall consist of fencing meeting state and federal electrical code requirements.
4. All required permits shall be obtained prior to onsite construction.
5. 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.
6. All electrical lines internal to the site and to the current overhead lines near the east side of the property shall be buried underground.
7. An evergreen tree species vegetative screening shall be established and maintained along the north side of the newly proposed solar fenced area. Trees shall have a minimum 4-ft initial height and shall be spaced not more than 20-ft apart.
8. 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.
9. 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.
10. The entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
11. Failure to comply with conditions may result in revocation of the conditional use permit.
12. 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.

Hearing Minutes:

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

PB - The previous solar arrays are the same landowner, contractor, etc.?

TM - It is the same landowner but I think it is a different project, contractor, etc.

The PC asked the applicant, Scott Tempel (ST), to come forward to add comments or answer questions regarding the request.

ST - *with Novel Energy* - We have no issues with the evergreen tree screening. We will probably use

Black Hill Spruce for that. We have had good success with that species in the past. As far as the undergrounding, we underground all of our internal lines to the point of interconnect. After the point of interconnect, it is up to Xcel whether they will do overhead or underground lines.

PB - If the condition is required by the County, then Xcel would have to adhere to the County's request? I would assume. You initially proposed the lines as overhead, but the County is requesting underground?

TM - If that condition as worded is passed, there would be no new overhead lines allowed even past the interconnect. It would be on the applicant to ensure that there are no new overhead added until the line reached where the current overhead lines already are.

ST - That is out of our control. That is Xcel's property. We only have control of our own array up to the point of interconnect. Typically they do underground out to the road and the poles, but with the other array being there, this site is a little different. We actually have to go around that array to access. Xcel may want to follow that roadway but that is up to the utility.

CP - I can see how his hands would be tied with the interconnect being in the Northeast area there. Xcel could say they want to run overhead. I would hope the neighbor to the North would be the one to object to that if that becomes a problem. I can see where the applicant cannot tell Xcel what has to be done. The tree screening he advised would be suitable for that.

ST - Typically with our projects, Xcel runs lines underground to the road and then they decide if they are going to go up and over or bore under. They usually go up and over. Typically there are several new poles that are installed by Xcel on these projects. We won't know until we do our site visit with them as to what they are going to do. We can certainly advise what the County is wanting but that is out of our control.

PB - So we could leave that as a condition and Xcel will either adhere to it if that is what we decide.

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

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

Discussion:

JE - Could you go back to the conditions?

TM went back to conditions slide.

PB - Regarding condition #6, is it typical practice that we specify overhead verse underground lines?

TM - Most of our solar interconnects are out near the roadways so we would not see new overhead lines on most solar sites. I did not calculate the distance, but this as proposed could include a 1/4 to a 1/3 of a mile of new overhead lines with most of them being on top of a hill. They definitely would have a visual impact if new overhead lines were installed. An option, other than asking Xcel to run their lines underground, could be to move the interconnection point out closer to the road near the existing interconnect. I am not sure if that is a valid option or not, but one worth exploring.

JM - The assumption would be that the new lines would run down the property line, across the residence's back eastern most line to the South and then interconnect somewhere between the Northeastern corner of the new array and the southeastern corner of the property, is that correct?

TM - The site plan is in your packet, I believe it is pg. 89 that shows the line and access.

PB called the applicant back.

ST - We are not able to move the interconnection point around. That point has been submitted to and approved by Xcel. Some background on this site is that it was initially approved for a 5M site but rules changed to where you cannot have two arrays by the same company on the same property, so now it is several companies. We actually had to redraw our plans to match where the interconnect point was previously established. If we have to change the interconnect point, we basically have to start over with the project.

PB - I guess that is something the power company will have to work with if passed as written.

JE - I motion to approve this with the 12 conditions as written, and if they are wanting overhead lines, the CUP will need to come back before the Planning Commission.

CP - I agree, I think if condition #6 is an issue, then Xcel will have to come forward stating why. I will second the motion with the conditions as written.

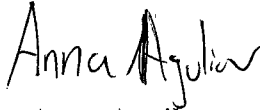
Motion to recommend approval with stated conditions and findings made by Ellingson, seconded by Peters, and approved unanimously.

IV. Adjournment

Hearing no other items before the PC, a motion was made by McCarthy, second by Ellingson, to adjourn the meeting at 9:09 pm. Motion carried 5-0.

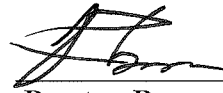
Respectfully Submitted

Planning Commission



Anna Aguilar
Administrative Coordinator

JH



Preston Bauer, Chair