

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, February 3, 2022 at 6:30 PM**

I. Call to Order

1. Roll Call

The meeting was called to order both in-person and electronically by Chair Preston Bauer at 6:40 p.m.

Members present were: Preston Bauer, Michael Streiff, Charlie Peters, , Julia Hogan.

Members absent were: Jill Ellingson

Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, and Planner Jeremy Edwards.

Commissioner present: Jeff Docken.

Others present: see Sign-in Sheet and Registrant List.

2. Reading of Notice

Motion by Michael Streiff, seconded by Julia Hogan, to approve the reading of the notice.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Julia Hogan, NAYS: None

3. Approval of Agenda

Motion by Charlie Peters, seconded by Michael Streiff, to approve the February 3, 2022 Agenda.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Julia Hogan, NAYS: None

4. Approval of Minutes - Regular Meeting - January 6, 2022

Motion by Michael Streiff, seconded by Charlie Peters, to approve the minutes of January 6, 2022.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Julia Hogan, NAYS: None

II. New Business

1. Conditional Use Permit - Green Solar Garden - Northfield Township

Scott Tempel, on behalf of landowner Gwendolyn Green Trust, has applied for a Conditional Use Permit (CUP) for a 1MW solar energy production facility. The project is proposed to consist of 53 dual axis solar tracking units. The property is described as: Part of the E1/2 of the SW1/4 of Section 36, Northfield (Upper) Township, Rice County, Minnesota. PID#: 04.36.3.00.001. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Michael Streiff, to recommend approval of the Conditional Use Permit with the following conditions and findings for Scott Tempel, on behalf of landowner Gwendolyn Green Trust. This property is located in Section 36 of Northfield (Upper) Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – (Tempel/Green)

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 perennial vegetative cover.
6. All electrical lines internal to the site and to the existing 90th St E overhead lines shall be buried underground.
7. 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.
8. 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 damage 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.
9. The entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
10. Failure to comply with conditions may result in revocation of the conditional use permit.
11. 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).

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

ST - with Novel Energy Solutions, presented a short PowerPoint demonstrating what the dual axis tracking system looks like and how it operates. Doing this to increase energy production and increase the maximum amount they can put out. It is much more efficient and provides more power. The dual axis tracks east to west as well as north to south. They are larger and taller and put in on concrete foundation. There is a 20 ft pad underneath with a mechanical motor that runs the system. These are put in with cranes. The size of each is 57' x 33' with a maximum height at full tilt is at 30' which is about twice as tall as the single axis. Flat height is about 16'. Fewer panels are installed but need more room to operate. These operate similar to wind mill blades fanning for wind and snow.

MS – What kind of wind speed can they take?

ST – Not sure but they are designed to take the wind load as they are made to withstand outdoor weather conditions.

CP – All three tonight are same system, correct?

ST – Yes.

PB – I run field next to some fixed panels and I like the idea of better maintenance with these tracking ones. With the fixed ones, it is difficult to maintain under there and trees popping up that will need to manually go in to maintain or goats or something.

ST – Yes, maintenance should be better with these.

PB – Timeline for project completion? Are there supply issues?

ST – Yes, a lot of supply chain issues, steel prices are high and copper is up, etc...

Chair Bauer opened the public testimony portion of the item to the public and the following spoke:
Nathan Dull – Shakopee, representing The Land & Liberty Coalition, a group of farmers and landowners owners. We find these projects to be very beneficial to the community. They are vital to landowners,

especially to those having challenges for instance, when commodities are low or low crop yield. They have this source as guarantee revenue coming in which is important in economic times like these. I will not come up for all applications, but have the same comments for the other two – in support of these solar projects.

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

Discussion:

PB – Called the applicant back up. Are you aware of 11 conditions?

ST – Yes. One more point that these are community solar gardens, subscription-based. I just want you to be aware of that.

CP – I see it as a good system and more beneficial. I do wonder about snow load on the fixed ones sometimes.

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

2. **Conditional Use Permit - Bo Hu - Northfield Township**

Scott Tempel, on behalf of landowner Bo Hu, has applied for a change to a Conditional Use Permit (CUP) for a 1MW solar energy production facility. The change to the CUP is to change the proposed solar panel units from single tracking to dual tracking units. 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 Charlie Peters, seconded by Michael Streiff, to recommend approval of the Conditional Use permit with the following conditions and findings for Scott Tempel, on behalf of landowner Bo Hu. This property is located in Section 18 of Northfield Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – CUP (Tempel/Bo Hu)

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 perennial vegetative cover.
6. All electrical lines internal to the site and to the interconnection point with the electrical power company 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). This site was permitted in the past. It was single axis before and now changing to these dual axis trackers. Also, access to the site is changing. This time of year it is difficult to get to this site, so I did not get all the way back for pictures.

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

ST- We submitted single axis originally. Pointed out the access proposed last time but we could not get that access so pointed out new proposed access point. The main issue at this time is the power poles that are out there already. We have asked Xcel to do the underground as required by the previous permit, but they denied that request. We submitted a second request where we underground out to road and they rejected that as well. So we are asking for the condition to be changed so that Xcel can install the poles along this drive. Xcel is pushing back on PUC a lot on these underground conditions. Ask tonight is 3-pronged: change to the dual axis, new access and to allow installation of above-ground poles rather than underground lines.

PB – Asked applicant to point out location of poles.

ST - Pointed out on aerial

PB – So would they be by easement?

ST – Yes. Xcel would have an easement for the poles.

TM – Just want to point out that land where poles are proposed is the same property owner.

MS – How far apart are the poles?

ST – I think about 250 feet. In our opinion, the poles are ubiquitous.

PB – Besides the access road, is it possible to go along panels from north down?

ST – That was the original plan but cannot achieve an access through there. We have looked for any other way to get in there, but this is the only way for access to go.

CP - So it is the same owner along both sides where poles are proposed?

SST – Yes.

MS – If site is decommissioned, would the poles be included in that decommissioning plan?

ST – That is a good question as those would not be our poles to decommission. They would be Xcel's. If there are no arrays there, I'm not seeing there would be a reason for the poles to stay so they would likely pull them and reuse the poles.

PB – With technological changes, maybe by then it would be changed to something else.

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:

JH- Question for Trent - Have there been other solar projects approved with overhead poles?

TM – No. Generally underground until gets to the roadway.

PB – It is not applicant doing but more an Xcel requirement. Asked TM to show on aerial existing poles.

TM – Pointed them out on aerial. This site does have more poles coming in than other sites.

MS – There is not a home around there so may not be a big deal to have the extra poles.

TM – Pulled another photo up to show where the poles would be. The existing solar next to this site does have a screening with evergreens to the east that you can see in this picture.

CP – I do not see an issue with the poles going down the eastern side and the landowner is the same landowner. Also, there are trees going down that side/

MS – I agree.

PB – We would need to look at wording of condition 6. The shortest route is to the north but not a willing participant. We have 12 total conditions with #6 to be abated.

CP – I think allow the poles along drive but then once lines onsite then would need to go underground onsite.

TM – Suggest wording change to Condition #6. Suggest it be amended to "All electrical lines internal to the site and to the interconnection point with the electrical power company shall be buried underground.

Motion to recommend approval with stated conditions (condition #6 amended) and findings made by Peters, seconded by Streiff, and approved unanimously.

3. **Conditional Use Permit - Peterson Solar Garden - Northfield Township**

Scott Tempel, on behalf of landowners Michael and Kay Peterson, has applied for a Conditional Use Permit (CUP) for a 1MW solar energy production facility. The property is described as: Part of the NW1/4 of the SW1/4 of Section 32, Northfield (Upper) Township, Rice County, Minnesota. PID#: 04.32.2.75.002. The property is Zoned UR, Urban Reserve.

Motion by Michael Streiff, seconded by Preston Bauer, to recommend approval of the Conditional Use permit with the following conditions and findings for Scott Tempel, on behalf of landowners Michael and Kay Peterson. This property is located in Section 32 of Northfield (Upper) Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – CUP (Tempel/Peterson)

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 for agricultural crop production or perennial vegetative cover.
6. All electrical lines internal to the site and to the existing Hall Ave overhead lines shall be buried underground.
7. 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.
8. 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 damage 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.
9. The entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
10. Failure to comply with conditions may result in revocation of the conditional use permit.
11. 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).

JH – Did you hear anything from City of Northfield or Carlton?

TM – The City staff called with some questions but did not submit any comments.

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

ST- Same story here. Any questions on this one.

CP – What do shotgun slugs do to these panels? There are all kinds of slugs that may lay out there like from deer hunting or do people ever just shoot them up.

ST – I have never heard that. I suppose people can vandalize anything.

JH- Are you aware of any concerns with the neighbors at all? As there are a couple house fairly close to this property.

ST – I have not talked with neighbors myself.

JH – Would you be adding additional screening from the neighbors?

ST – There is a lot there, but I suppose if we were required to we would.

JH – DNR sent some comments on screening recommendations for solar projects. JH read a portion of the memo. Are you aware of that and going to do any of those?

ST – Yes, we do use native grass and plant mix that is recommended by DNR.

PB – Could a landowner still plant a crop underneath these?

ST – You could, I suppose. We do not have any lease to a farmer to do that. We may use sheep to do weed control at a site in western MN.

PB – I’m just thinking, as a producer myself, maybe I would consider it if the price of the commodity was high. It would obviously have to be harvested at a certain time of day.

ST – It would have to be something that can grow in the shade.

PB – Are you familiar with the 11 conditions proposed?

ST - Yes.

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

Gloria Krusemeyer – I live in the house just to the south of this site. It has a wonderful view now of the field. She presented a photo. The situation is that there is drainage gully to our north, so we look down on that then there is a wonderful southern slope so we are looking right down on that site. There is no way that a fence could be constructed to limit our view of it. I looked up at what it could do to the property values. Just over here is the Carlton Arboretum. My husband has a 12 minute walk through Arboretum to get to work. If this goes just to our north it will have very big effect on us. Right next to us with an aerial view. If possible, to move it to the east so that we are still viewing the field and driving range that would be okay. We talked to our neighbors, the Masons, their view is more obscured by trees. I don’t like doing the not in my back yard but I’m here to say not in my back yard.

Mike Peterson (MP)– Hall Ave, Northfield, I am the property owner. Just wanted you to know that I am here and available for questions.

PB – The drainage way where does that run to?

MP - It crosses under Spring Creek Road and then continues on through Carlton, As you can see in the photos, we have been having some issues controlling that as we take water from all over upstream. I have done some conservation tillage etc... and have left some in native prairie to help some. I spoke with the solar company that we have issues with the water there that will need to be addressed.

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

Discussion:

CP – Did your question, Julia, on screening get answered?

JH – Yes, I thought it might be an issue for neighboring homes.

PB – I’m curious how much of field can be seen when it is summertime as opposed to in this picture where it is winter. Are other panels around the area?

JH – It is urban reserve here too.

CP - Yes it is Urban Reserve but we do allow them in UR. I also believe the City has taken action to say they will be zero emissions in the years to come.

JD – As it was said that Northfield is a pretty green city and seems to encourage it. It seems to be the very things that take the power then don’t want to view what produces it. As for screening I think in the summer maybe not seen as much but I’m sure would see some.

JH- In looking at the site plan, it is back a bit further from the road, so not as visible from there.

CP - Yes it seems pretty staggered to the north as well.

JD – The other question I had, Mr. Peterson seems to have addressed that, as for them working around the water drainage way and issues there.

PB – In looking at imagery, it looks like the home view to the north and the west portion of the solar array would be the applicant and homeowner.

JH – It does not look like it will fully obstructing the view. It looks like half for each neighbor.

PB- I would encourage communicating with the neighbor as much as possible.

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

4. **Waiver of Plat - Felix - Morristown Township**

Steve and Julie Felix have applied for a Waiver of Plat to change the boundaries of an existing 2.5-acre building parcel that was created through the use of a Transfer Development Right (TDR). The property is described as: Part of the N1/2 of the SE1/4 of Section 21, Morristown Township, Rice County, Minnesota. PID#s: 13.21.4.25.005 and 13.21.4.00.012. The properties are Zoned A, Agricultural.

Motion by Michael Streiff, seconded by Charlie Peters, to recommend approval of the Waiver of Plat with the following conditions and findings for Steve and Julie Felix. This property is located in Section 21 of Morristown Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – WOP (Felix)

1. The new 2.5-acre Transfer Development Right (TDR) receiving parcel shall contain one single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The remaining parcel(s) shall not be further subdivided unless approved under the Rice County subdivision regulations.
4. Within one year of this approval the applicant shall record a new deed, at the Rice County Records Office, containing just the modified TDR receiving parcel and they shall also record on a separate new deed the remaining land they own neighboring the TDR parcel.

Hearing Minutes:

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

The PC asked the applicant, Steve Felix (SF), to come forward to add comments or answer questions regarding the request.

SF - In 2017 applied for a TDR, and now applying for a new TDR waiver of plat. This one will go 17 ft to east and 102 ft from south to the north. PB - Are you familiar with the conditions?

SF – Yes.

JH – Do you own the surrounding land?

SF – Yes to the east.

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:

MS – Pretty straightforward. I'll motion.

CP – I agree, just cleaning it up a bit. I'll second

PB – This adds more road frontage.

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

5. **Final Plat - Jasinski - Wells Township**

John Jasinski, on behalf of landowners, has applied for approval of a final plat to replat parts of Jasinski Landing and French Lake Park subdivisions for four building lots and one outlot. The property is described as: Outlot A in Jasinski Landing subdivision and Lots 24, 25 Block 1, Lot 6 Block 2 and Lots 1,2,3 Block 5 in French Lake Park subdivision all in Government Lot 3, Section 7, Wells Township, Rice County, Minnesota. PID#: 1007151004, 1007301008, 1007301003, 1007301007 and 1007301006. The properties are Zoned GDS, General Development Shoreland.

Motion by Charlie Peters, seconded by Julia Hogan, to recommend approval of the Final Plat with the following conditions and findings for John Jasinski. These properties are located in Section 7 of Wells Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Michael Streiff, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Final Plat (Jasinski)

1. Final plat shall be recorded with the Rice County Recorder within 90-days of the County Board approval.

Hearing Minutes:

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

The PC asked the applicant, John Jasinski (JJ), to come forward to add comments or answer questions regarding the request.

JJ - present on Zoom, This is fairly straightforward and you know most of the details from the preliminary plat. It was platted in 1926 and worked with neighbors to clean it up and get more conforming lots. Seeing you had this before you before I won't go on and will answer any questions that you might have.

PB – One condition for final plat to be recorded within 90 days.

JJ – No concerns with that. I just need to work with the neighbors to pre-pay their taxes that will need to be paid in full prior to recording. I have two purchase agreements in place subject to getting approved on the final plat.

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:

CP – From what it was to now has cleaned it up a lot and have no issues with it. I'll make a motion to approve

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

III. Adjournment

Hearing no other items before the PC, a motion was made by Streiff, second by Hogan, to adjourn the meeting at 7:43 pm. Motion carried 4-0.

Respectfully Submitted

**Julie Runkel
Environmental Services Director**

Planning Commission



Preston Bauer, Chair