

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, December 5, 2024 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order, both in-person and electronically, by Chair Charlie Peters at 6:49 p.m.

Members present were: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Kenneth Engen.

Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Senior Planner Jeremy Edwards, Administrative Coordinator Anna Aguilar, Office Support Specialist MacKenzie Klett.

Commissioners present: Jeff Docken.

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

B. Motion by Garrett Johnson, seconded by Ken Engen, Reading of the Notice

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen,
NAYS: None

C. Motion by Ken Engen, seconded by Julia Hogan, Approval of the Agenda

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen,
NAYS: None

D. Motion by Matt Purfeerst, seconded by Garrett Johnson, to approve the minutes of November 7, 2024

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen,
NAYS: None

II. New Business

1. Wavier of Plat/Yetzer - Section 22, Webster Township

Lisa Yetzer has applied for a Waiver of Plat to create a 5-acre single family dwelling building site through the use of a Transfer Development Right (TDR). The property is described as: Part of the NW1/4 of the SE1/4, Section 22, Webster Township, Rice County, Minnesota. PID#s 02.22.4.25.001 and 02.22.4.25.002. The properties are Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to recommend approval of the Wavier of Plat with the following conditions and findings for Lisa Yetzer. The property is located in Section 22 of Webster Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen,
NAYS: None

CONDITIONS OF APPROVAL – Yetzer – Wavier of Plat (WOP)

1. The new 5-acre Transfer Development Right (TDR) receiving parcel shall contain one principle single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. Within one year of this approval and prior to any onsite construction the applicant shall record a new deed at the Rice County Recorder's Office separating the TDR receiving parcel.
4. The remaining parcel and TDR receiving parcel shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
5. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcel is recorded.
6. The home on the existing parcel being modified shall be shown to have a compliant septic system within one year of this approval.
7. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

JD abstained from this item due to a personal relationship

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

The PC asked the applicant, Lisa Yetzer (LY), to come forward to add comments or answer questions regarding the request.

LY - The purpose of the TDR is twofold. My husband and I would like to downsize. He has some health issues, so we'd like to build a one-level home. And secondly, our daughter, son-in-law and new grandson would like to upsize. So they would be interested in our existing dwelling. This kind of serves two purposes.

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

Jeff Docken - *Chester Ave* - Lisa is my sister, and I have the sending TDR. The only thing I would've added is that the driveway is an existing driveway for an old gravel pit. So it all just fit in perfectly.

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

Discussion:

JH - My favorite phrase, "pretty straight forward".

MP - Exactly what it's for.

GJ - This one works.

MP - I motion to approve.

GJ - I second.

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

2. **Wavier of Plat/Tupy - Section 6, Wheatland Township**

Bryan Tupy, on behalf of landowner Scott Pexa, has applied for a Waiver of Plat to create a 5-acre single family dwelling building site through the use of a Transfer Development Right (TDR). The property is described as: Part of the SW1/4 of the SW1/4, Section 6, Wheatland Township, Rice County, Minnesota. PID# 01.06.3.25.003. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Ken Engen, to recommend approval of the Wavier of Plat with the following conditions and findings for Bryan Tupy, on behalf of landowner Scott Pexa. The property is located in Section 6 of Wheatland Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Tupy – Wavier of Plat (WOP)

1. The new 5-acre Transfer Development Right (TDR) receiving parcel shall contain one principle single family dwelling.
2. Any new construction on the parcel is to adhere to all Rice County codes and ordinances.
3. Within one year of this approval and prior to any onsite construction the applicant shall record a new deed at the Rice County Recorder's Office separating the TDR receiving parcel.
4. The remaining parcel and TDR receiving parcel shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
5. The conservation easements for the TDR sending areas shall be recorded at the same time or before the new parcel is recorded.
6. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

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

The PC asked the applicant, Bryan Tupy (BT), to come forward to add comments or answer questions regarding the request.

BT - I don't have anything to add unless you have any questions?

CP - Are you aware of the 6 conditions?

BT - Yes.

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

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

Discussion:

JH - Nice to see people are utilizing the increase in acreage for their Wavier of Plat sites. I think it was a smart choice to increase that.

GJ - This one is pretty easy. I'm glad to see it, and fewer variances. I motion to approve.

KE - I second.

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

3. **Interim Use Permit/Xcel Energy - Section 12, Wheeling Township**

Ella Clobes, of Xcel Energy on behalf of landowner Northern States Power Co, has applied for an Interim Use Permit to allow for a temporary equipment and material yard for an electrical repair project. The property is described as: Part of the NE1/4 of the NE1/4, Section 12, Wheeling Township, Rice County, Minnesota. PID# 12.12.1.00.001. Property address is: 16036 Goodhue Ave., Nerstrand, MN 55053. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to recommend approval of the Interim Use Permit with the following conditions and findings for Ella Clobes, of Xcel Energy on behalf of landowner Northern States Power Co. The property is located in Section 12 of Wheeling Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Xcel Energy – Interim Use Permit (IUP)

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 applicant or operator shall furnish a one-year \$50,000 bond or other financial surety to ensure road repair to damaged roadways from the use of the site and to ensure site restoration.
3. All financial surety shall be reviewed and approved by the Rice County Attorney's office prior to onsite operations.
4. This Interim Use Permit is to allow for an equipment and material yard to operate between January 1, 2025 and August 31, 2025.
5. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the operation ceases.
6. Applicant to strictly adhere to all Rice County codes and ordinances.
7. Trucks Hauling or other approved warning signage 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.

Hearing Minutes:

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

The PC asked the applicant, Brian Sullivan (BS), to come forward to add comments or answer questions regarding the request.

BS - Periodically, our engineers review all of our transmission and distribution lines. When they get to a certain age, it is time to replace them and that's where we are with this line. When we are doing that, we like to have a place for our crews to show up and a place to lay down the poles and other equipment. And we happen to own this piece of property, so that is what we would like to use it for as a temporary lay down yard construction staging area.

CP - Are you aware of the 7 conditions?

BS - Yes.

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

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

Discussion:

CP - It's kind of out there in the middle of nowhere.

KE - They are updating the infrastructure.

GJ - Looks like a good spot for a base.

MP - It's a great spot for it, out of the way of everybody.

CP - And they have the condition in there for the truck hauling signs and for the roads if there is any damage.

MP - I motion to approve with the 7 conditions.

GJ - I second.

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

4. **Interim Use Permit/Solorzano-Reuvers - Section 12, Warsaw Township**

Daniel Solorzano, on behalf of landowner Jeanette Reuvers, has applied for an Interim Use Permit to allow for a 4.95MW Solar Energy Production site. The property is described as: Part of the SE1/4, Section 12, Warsaw Township, Rice County, Minnesota. PID# 14.12.4.75.002. The property is Zoned UR, Urban Reserve.

Motion by Matt Purfeerst, seconded by Ken Engen, to recommend approval of the Interim Use Permit with the following conditions and findings for Daniel Solorzano, on behalf of landowner Jeanette Reuvers. The property is located in Section 12 of Warsaw Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Solorzano (Reuvers) – Interim Use Permit (IUP)

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 Interim Use Permit (IUP) is for a 4.95-MW solar energy production site as shown on the October 3, 2024 application site plan, subject to meeting all setback and access requirements.
3. Solar panels must be at least 100-ft from County Road Right of Ways, and 20-ft from other property lines.
4. Security fence shall consist of fencing meeting state and federal electrical code requirements.
5. All required permits shall be obtained prior to onsite construction.

6. 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 pollinator friendly perennial vegetative cover.
7. All electrical lines internal to the site and to the location of the interconnection point with the power utility shall be buried underground, except that those lines within the fenced area may be above ground as long as they are lower than the panel heights and meeting electrical codes.
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 current surface and tile agricultural drainage systems shall be maintained during construction. Any damage done to the systems due to the solar facility construction shall be repaired by the applicant. Plans for long term maintenance of the agricultural drainage systems shall be developed and implemented prior to onsite construction.
10. The applicant or operator shall furnish Rice County with a \$100,000 bond or other approved financial surety to ensure proper site decommissioning/restoration and to ensure road repair or repair for 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.
11. This Interim Use Permit (IUP) shall expire and the entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
12. Failure to comply with conditions may result in revocation of the conditional use permit.
13. This Interim Use Permit (IUP) shall expire and be considered null and void if no construction has begun within one year from the County Board approval date of this permit.

Hearing Minutes:

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

GJ - Something I was thinking about when I was going through the packet but it doesn't really pertain to this specifically. Have we ever had discussions on solar panels in Urban Reserve like that? Only because I know that property, and it seemed like it was pretty well platted for houses and everything and now we are going to put solar panels on it.

TM - We have had some discussions about that in the past, both when we first started seeing solar projects and then more recently in past year with some revisions. It was left in as an option. The landowner's making the decision to kind of tie up their land for potential development, maybe in the City for some time. But that's a choice they are making. On some other sites in Urban Reserve that we've had solar, we have received comments from cities making sure they are able to accommodate any future road systems and things like that. With this one, we did not receive any comments.

The PC asked the authorized agent, Daniel Solorzano (DS), to come forward to add comments or answer questions regarding the request.

DS - Good evening board and staff. My name is Daniel Solorzano, I represent Dimension Energy. I am very excited to be here in front of you presenting this 4.95 MW AC solar project. I would just like to take a little bit of time to discuss the context of why we are coming here and just present the details of the project and respond to any questions you may have. With me, I have our consultant, ERO Alex Furneaux, so if you have any questions related to the studies you see in your packet, he will be able to answer those. What you have in front of you is a little under a 5 MW AC facility. The project itself is coming as a result of mostly the programs that are available to the state of Minnesota. Right now there are two programs that the project intends to participate in. One is the Minnesota Community Solar Program which was created in 2013, expanded for the last few years and next year it's going to be expanded for 100 MW. It's a program that's as is, it's going to open and they have 100 MW for next year. The requirements are to have an interconnection agreement signed, site control and all non-municipal permits required. So that's why I am here. That program requires an interconnection

agreement, like I said. That's something that is still pending. We already applied for the interconnection agreement with Xcel, and we are expecting that, too. They require several environmental studies. As part of this project, the county will receive tax credit. Tax revenue will go 80% to the county and 20% to the township. For the project we expect to have results in the next 6 months. So, that is one requirement. The other program is the Xcel program, as well as DSES. They require several environmental studies, they don't require non-municipal permits, so we are still working on those. And probably if the state program is not approved or we are not able to get any incentives, we will apply to the Xcel program. As part of this program or project, the Minnesota county will receive reduction tax credit. What that entails is for every MW-hour we produce throughout the year you'll get \$1.20. So with this project, it's a 5MW project, we expect to generate about 13,000MW-hours per year. It's an estimated tax of \$15,000, a little under, with 30% capacity factor, meaning that for all hours available throughout the day, 30% of those hours are going to be in use. That tax revenue will go 80% to the county and 20% to the township or city. So, overall for the life of the project, assuming this is a 40-year project, you will receive about \$625,000. For the project, we expect to access the project on Baseline Road, near the north side of the project. That will also be our estimated point of interconnection with Xcel, we are still waiting on the results for that. The road itself is going to be a 16ft all-weather road. The intention is to use that road for construction and then maintenance and operation of the project. The project itself will be bordered by a 7ft fence. Inside you will see just the equipment, which will be steel that will hold the panels. Those will be driven into the ground so there is not going to be any excavation. We try to minimize all excavation within the fence line so that at the end of the project the parcel can go back to agricultural purposes. We try to avoid excavation whenever we can. The equipment itself is going to be highly rated, we need to do that in order to get state and federal incentives. We intend to get high quality materials for that. In terms of concrete, there is only going to be a small portion of it in the middle of the site. It's a concrete pad that is going to be holding equipment, the inverter and other safety equipment like fuses and such. In terms of noise, it's going to be minimal. It will be at the level of conversation if you are next to it, and if you are as far as Baseline Road or even the fence line you will not hear it. And it's only going to be producing noise during the day when it's working. I think that covers the main aspects. As far as next steps go, we will do a geotechnical analysis. We will hire an engineer, go in and ensure that we have the right soils. We produce our engineering appropriately. Another item is drain tile, just as it was updated in the conditions of approval. We will essentially identify all drain tile existing on the site. We will excavate, identify it, see what type of drain tile this has and then we will produce a design out of that work. And if there is any impact to the drain tile, we will replace it and work around our geotechnical foundations. As far as timing goes, we are tied to the programs that I listed and the information that Xcel is going to provide us with. It's going to be between 3-6 months after we get all the approvals, assuming that happens. Then we will go into engineering, which will be about 3 months. And construction, another 3 months. And then, immediately after that operation.

JH - So, will there not be any vegetative buffer around that? You are just proposing the fence around the solar?

DS - Can you explain vegetative buffer?

JH - Like trees.

DS - No, right now the plan does not contemplate any vegetative buffer. But we are happy to add it if you need.

JH - I was just curious because I know within your submittal it said ground seeding and everything but not trees.

DS - Right now, it's not contemplating any vegetative buffer, but like I said, were surrounded by agricultural parcels and what we've seen in the past from other locations is that vegetative buffers are an obstruction to farming.

JH - I was just curious.

DS - One other aspect that I forgot to mention is the shape of the solar array right now. If you see there is a red line that's essentially splitting the site into two, that is a telecom easement. So we decided to go to the west of that to avoid that easement so we don't have to put two sets of fences around it.

JH - You don't see an issue with condition 13? I know we have run into that in the past with solar companies not being able to start construction within a year. We have had solar companies come back needing an extension of their approval. So I am just wondering if your company will be able to adhere to that condition?

DS - Yeah, we would prefer it if it was extended. The problem with our application, the reason we are doing it this early is because it's a requirement. So, if we have to come back and get another approval, we will do that.

CP - I was going to ask that, it seems like a tight schedule, and it puts you right at a year with the way things go.

JD - What does an all-weather road mean?

DS - What does an all-weather road mean?

JD - Yes, I have never heard that term before.

DS - It means that it can be used in all seasons.

JD - So gravel, I suppose?

DS - Yes, it's going to be gravel.

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

Mark Oeltjenbruns - *Claremont* - I am born and raised Steele County. I have sat in on county meetings there before. I am with AgriSun Energy and Repair CEO, we started a business here a year ago. We are currently producing the industry's largest dual-axis solar tracker. I had a call from some community members here that asked me to come and voice a little bit of an opinion, not that I am against anything that's going on here. I just want the community, including all of you, to have a better understanding of solar. Right now there is a lot going on with government subsidies, a lot of input that these developers are making, including myself. We're small, definitely not anything like New York, but nonetheless, there is a lot of good money in solar. The problem is the farmers. I am a farmer at home, 240 acres of organic crops. It's a great thing, I grew up on a farm, I'm running the family farm. You know it's handed on down, well not handed but I am 3rd generation. A lot of these farm families are dying off, the kids are taking over. They want to sell and rent out, but obviously they all want big money for rent. So they look to solar and these developers come in from whether it's another country or here in the United States and say yeah we'll help you out, \$1000 an acre or \$2,000 an acre. And the farmers think this is great money or the kids think it's great money. But it's not near enough. Farmers need to know there is a lot more money in solar than that to be giving away their land. This project will lock up 30 years and then it's never farmable again. What we are doing with our trackers, our skymax trackers sit 21ft in the air. We are working on a 1/2MW project in my local utility. I have a 1.2MW estimate with them, we are going to farm underneath this. So, we will have pollinator strips down the middle of each row of trackers. The trackers are spaced between 70 to 140ft apart. We come to the field driveway with our combine, table the tracker arrays on our phone (flatten them out) and we run a combine underneath. So, we are taking up virtually 6-10ft strips. I am working with USDA on pollinator strips right now. That allows us to have a little bit of CRP land, if you want to call it that, down the tracker rows. And then everything in between that, 100-120ft, whatever you want to make out with the local farmers that they agree, this spacing is nice, now we can run our equipment down it. Let's not kill off this land, we are killing off land. It doesn't matter if you are in Rice County, Steele County, western Minnesota, New York. Everywhere the land is dying off. Everybody thinks let's go put all this solar on CRP. CRP is deadland.

Tom Sammon - *230th St w* - After that comment, and I made the comment before, about limiting solar to some crop productivity or something. This is prime example of prime farmland. So, that's my issue with that. I encourage you guys to put a standard in for a minimum on crop production index. I talked to TM this morning, he wrote up condition 9 as far as the drain tile. This company sounds very in tune to going around and making it work and that they are going to maintain it. However, that's just this company. I think from a county stand point, and that's why TM put this condition together. If you look at this in a long range phase, it's 40 years. I'm not going to be here, most of you won't be. To protect the county from somebody coming back, that's why I'm encouraging this condition. I am all for this condition and those are my reasons, thank you.

Sue Clemens - *Appleton Ave* - I am the only place on that dead end gravel road. I just heard about this. I was not notified or anything. What I have been looking up online says that certain fields have to be a mile from residential, well this is going to be out my back door. And they don't have enough information on the effects of it. I know they say when they pivot the sun glares. I have animals, I have horses and I am worried about effects on the soil, water and everything. I am just one lonely person with 4 acres but this is a huge deal to me. And if they are going to access off the Appleton gravel road, it's a township road that's just going to get torn right up. That's basically what I have for my input.

Joyce Sammon - *Bagley Ave* - Some years back they came out and they said the city and county were going to work together and do Urban Reserve. And this was going to be the area where we were going

to have the development area, a couple miles around the city where they would have future development. I don't know about the rest of you, but taxes have gone through the roof. I have come in here to pay my taxes and I have seen more elderly people come in going how am I going to pay for this. And now we are putting solar here when Mark explained we could do a smaller footprint. Which I think we should be looking at this as a county board, that if we can have a smaller footprint and still farm it. They are not making more land. We are getting less land by putting these solar farms on it. How can people sell their building right? Nobody is going to buy something like that and watch the solar farms and look at that out their window every day. And I have lived around one, I know what happens. The solar companies, they do not care. They shut off your electricity for hours on end in the summer. Your animals have no water. You are given no notice so you can pull up water or do anything. Your air conditioning is off, your freezers and fridges are out. Stop and think what happens when your electricity goes off. I've lived the dream, let me tell you. And then you call Xcel and they say it's not us. Well it's them, indirectly it's them. And they have to hook up all this wiring and stuff to these solar panels. How do you think that's going to happen? In the heat of the summer they don't care, they don't talk to the neighbors. Even the neighbors that have houses out there, they haven't been notified because they don't own land. I think this has to change. People have to know what's going on and get invested. I agree with Mark, I think for everything in life we have to have a smaller footprint. And if we can do something where we can do solar and, because it's going to be there, let's face it, and do more stuff with farming it. It's going to be a win-win for everyone.

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

Discussion:

JH - I understand the concerns with additional solar, but technically with our ordinance it is an allowed use within the Urban Reserve district. So it technically is an allowed use there, but I do understand wanting to limit it due to the crop production aspect.

CP - The one speaker did bring up some good points, and it would be landowner preference too. We can't really regulate that.

JH - Especially as the Planning Commission, we are looking to see if it adheres to our zoning ordinance and does it fit with what is an allowed use.

GJ - I think there might have been a little confusion on which side of the freeway this is going to be on too. This is going to be on the east side of the freeway.

MP - There is a lot of solar in that area. I'm for this, but there is a lot of solar right in that area for some reason. I really do like the mention of drain tile. The one presenter did mention and was spot on. If you are affecting tile line, that is a huge deal for however many acres that watershed might be for the next 30-40 years. So I am really glad, and I think we should continue to put that in the conditions going forward. It is close to two existing solars, but it is technically allowed, and I am for it. TM, why do we have a one-year limit? Can we move that out?

TM - It is a requirement within the ordinance for all interim and conditional use permits that they have to get started on the projects within a year. It certainly could be modified through an amendment to the ordinance, but it is there to try to keep a project from getting approved and not being visible for years then suddenly popping up. And there could be changes in the regulations or the community itself.

MP - I motion to approve.

KE - I second.

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

5. **Interim Use Permit/Ebinger-Caron - Section 26, Wells Township**

Fritz Ebinger of Nokomis Energy and Caron Garden LLC, on behalf of landowner Imogene Caron, has applied for an amendment to an Interim Use Permit for a 1MW Solar Energy Production site. The amendment is requested to allow for a portion of the onsite electrical lines to be overhead lines. The property is described as: Part of the NE1/4 of the SW1/4, Section 26, Wells Township, Rice County, Minnesota. PID# 10.26.3.00.011. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Garrett Johnson, to recommend approval of the Interim Use Permit with the following conditions and findings for Fritz Ebinger of Nokomis Energy and Caron Garden LLC, on behalf of landowner Imogene Caron. The property is located in Section 26 of

Wells Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen,
NAYS: None

CONDITIONS OF APPROVAL – Ebinger (Caron) – Interim Use Permit (IUP)

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 Interim Use Permit (IUP) is for a 1-MW solar energy production site as shown on the approved October 31, 2024 application site plan, subject to meeting all setback and access requirements.
3. Solar panels must be at least 100-ft from County Road Right of Ways, 300-ft from the DNR protected stream and 20-ft from other property lines.
4. Security fence shall consist of fencing meeting state and federal electrical code requirements.
5. All required permits shall be obtained prior to onsite construction.
6. With the building permit application for the project the applicant shall submit proof of compliance with Minnesota wetland rules.
7. As detailed on the submitted plans evergreen screening trees shall be established and maintained between the west side of the solar fencing and the neighboring properties where tree cover is not currently established. The planting is to provide screening between the solar fencing and property line.
8. 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 pollinator friendly perennial vegetative cover.
9. All electrical lines within the fenced solar site shall be buried underground or above ground as long as they are lower than the panel heights and meeting electrical codes. Electrical lines outside of the fenced panel area to the point of interconnection with the electrical utility may be overhead lines.
10. 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.
11. Removal of existing onsite trees shall be done to the minimum amount necessary.
12. 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 repair for 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.
13. This Interim Use Permit (IUP) shall expire and the entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
14. Failure to comply with conditions may result in revocation of the conditional use permit.
15. This Interim Use Permit (IUP) shall expire and be considered null and void if no construction has begun within one year from the County Board approval date of this permit.

Hearing Minutes:

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

The PC asked the applicant, Fritz Ebinger (FE), to come forward to add comments or answer questions regarding the request.

FE - I am the project developer. We are based here in Minneapolis, Minnesota. Thank you to staff and Mrs. Aguilar for reminding me of this meeting. Basically, this is a safety concern that the pipeline company has. This is Northern Natural Gas. They have the Interstate 35 pipeline that runs through the west side of Faribault. We have a crossing agreement with them, but as we are working through the details, both parties came to the conclusion that it would be safer to be up in the air. That way both parties can see when they do their maintenance. And we are not expecting any issues. Rather than going underneath the pipeline, they don't strike us. That's the simple request. I did have another comment related to these other projects. The reason that the one you were talking about is difficult is because there is a 50-year lead time on transformers and that's a nationwide problem.

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

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

Discussion:

CP - I remember approving this one, and it makes sense that they've got to go up and over.

KE - Yes, it makes sense to go over the pipeline. I motion to approve with the 15 conditions.

GJ - I second.

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

6. **Interim Use Permit/Thompson - Section 18, Walcott Township**

Daniel Thompson has applied for an Interim Use Permit to allow for placement and grading of 13,830 cubic yards of fill. The property is described as: Part of the NW1/4 of the NE1/4, Section 18, Walcott Township, Rice County, Minnesota. PID# 15.18.1.25.001. Property address is: 23021 Albers Ave., Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Garrett Johnson, to recommend approval of the Interim Use Permit with the following conditions and findings for Daniel Thompson. The property is located in Section 18 of Walcott Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Thompson – Interim Use Permit (IUP)

1. Grading and Filling is limited to the amounts and in the areas described in the submitted site plan survey.
2. If not already completed, the site is to be seeded with a perennial vegetative seeding and after plants are established the permanent vegetative cover is to be maintained.
3. Failure to comply with these conditions may result in revocation of this permit.

Hearing Minutes:

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

The PC asked the applicant, Daniel Thompson (DT), to come forward to add comments or answer questions regarding the request.

CP - Are you aware of the 3 conditions?

DT - I am not, I have not seen anything.

CP - They are right there in front of you.

DT - It's all done, is that what I have to agree to?

CP - Yes, any other questions for the applicant?

JH - Were you not aware that a permit was required?

DT - No. A guy stopped out at my shop and said he was wondering if he could dump some there. He had

been dumping all over already and I just thought okay. It'll help the guy out and flatten my land out a little. So, it was a big surprise. Not a good surprise.

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

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

Discussion:

JH - It does look like there was a public comment submitted on Sunday, December 1st.

CP - With the water?

JH - Yes.

CP - It looks like they had to take some out, and then they left that depression back there where the wetland was, correct?

DT (*applicant*) - No, they put it back to the original grade.

MP - I am familiar with this project and the applicant did get the bulldozer back there and scrape it out. He worked to fix it, it wasn't malicious on his part, it was just a bad situation. And we had another one like this just 2 miles down the road, same thing and he came for a permit too. It's kind of interesting how that all happened. There were a couple of spots.

KE - I motion to approve with the 3 conditions.

GJ - I second.

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

7. Preliminary and Final Plat/Forest Township - Section 15, Forest Township

Charlie Peters of Forest Township, on behalf of landowners Mesenbrink Construction & Engineering & Kimberly Gensmer Trust has applied for approval of a Preliminary and Final Plat to split an existing outlot into two outlots. The property is described as: Outlot A Maple Shores Subdivision in Section 15, Forest Township, Rice County, Minnesota. PID# 06.15.2.01.002. The property address is 11200 Circle Lake Ln, Faribault, MN 55021. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Matt Purfeerst, seconded by Julia Hogan, to recommend approval of the Preliminary and Final Plat with the following conditions and findings for Charlie Peters of Forest Township, on behalf of landowners Mesenbrink Construction & Engineering & Kimberly Gensmer Trust. The property is located in Section 15 of Forest Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Forest Township – Preliminary and Final Plat (Plat)

1. Final plat shall be recorded with the Rice County Recorder's office within 90-days of the County Board of Commissioners approval.
2. Any adjustments required by the County Surveyor or Recorder shall be made prior to recording of the plat.
3. All construction is to adhere to all Rice County codes and ordinances.
4. The outlots are non-building parcels and shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.

Hearing Minutes:

CP abstained from this item due to a professional relationship

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

The PC asked the applicant, Charlie Peters (CP), to come forward to add comments or answer questions regarding the request.

CP - This development went in probably in 2004 and then the developer kind of walked away from it. They never quite finished it. You can see part of the road that we had to rebuild. The sewer system, we

have 4 community ones in the township. We own the land under 3 of them, and this 4th one we don't. It has been on our bucket list to get it because it is hard to insure pumps, distribution valves and such and even maintain fences if we don't own it. So, the developer claims that if we do this split, he will deed the septic system over to us. He claims, that's our wish.

MP - Are you aware of the 4 conditions?

CP - I am.

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

Vice Chair Johnson closed the public testimony portion of the item to the public.

Discussion:

JH - I get the need for the request.

GJ - It makes a lot of sense.

MP - Hopefully the deed comes through and they get it.

KE - Yeah, hopefully the developer works with them and lets this happen.

MP - I motion to approve.

JH - I second.

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

III. Adjournment

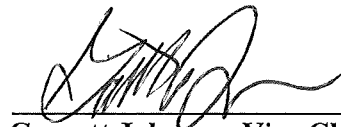
Hearing no other items before the PC, a motion was made by KE, second by MP, to adjourn the meeting at 7:50 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission



MacKenzie Klett
Office Support Specialist



Garrett Johnson, Vice Chair