

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, February 6, 2025 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Chair Garrett Johnson at 6:34 p.m.

Members present were: Garrett Johnson, Kenneth Engen, Julia Hogan, Jim Cihak.

Members absent were: Matt Purfeerst.

Staff present were: Senior Planner Jeremy Edwards, Administrative Coordinator Anna Aguilar, Office Support Specialist MacKenzie Klett.

Commissioners present: Charlie Peters

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

B. Motion by Julia Hogan, seconded by Ken Engen, Reading of the Notice

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

C. Motion by Ken Engen, seconded by Jim Cihak, Approval of the Agenda

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

D. Motion by Jim Cihak, seconded by Julia Hogan, to approve the minutes of January 9, 2025

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

II. New Business

1. Waiver of Plat/Trnka - Section 29, Forest Township

Steven and Elaine Trnka have applied for approval of a Waiver of Plat to create a 5-acre building site through the use of a Transfer Development Right (TDR). The property is described as: Part of the SE1/4 of the SE1/4, Section 29, Forest Township, Rice County, Minnesota. PID# 06.29.4.25.001. Property address: 13800 Echo Avenue, Lonsdale, MN 55046. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Jim Cihak, to recommend approval of the Wavier of Plat with the following conditions and findings for Steven and Elaine Trnka. The property is located in Section 29 of Forest Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

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

1. The new 5.0-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. Prior to issuance of a building permit for a home and within one year of this approval 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. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

Senior Planner Jeremy Edwards (JE) presented the request to the Planning Commission (PC).

JH - What will happen with the residual land directly to the west?
JE - So that is actually with the northern parcel.
JH - So will it still remain with the northern parcel?
JE - Yes, with the land across the road.

The PC asked the applicant, Steven and Elaine Trnka (ST & ET), to come forward to add comments or answer questions regarding the request.

ST - I think JE covered everything.
JH - Are you aware of the 6 conditions?
ST - Yes.

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

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

Discussion:

KE - Another TDR.
JH - Preserving the agricultural land. This is also why we increased the Wavier of Plat acreage to 5. We have been seeing 5 acres more lately.
JC - It makes sense.
KE - I motion to approve.
JC - I second.

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

2. **Waiver of Plat/Balfe - Section 3, Erin Township**

Amber Balfe, on behalf of landowner Charlene M Duban Trust, has applied for approval of a Waiver of Plat to create a 5-acre building site through the use of a Transfer Development Right (TDR). The property is described as: Part of the SE1/4, Section 3, Erin Township, Rice County, Minnesota. PID# 05.03.4.00.001. Property address: 9723 Jacobson Trail, Lonsdale, MN 55046. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Julia Hogan, to recommend approval of the Wavier of Plat with the following conditions and findings for Amber Balfe, on behalf of landowner Charlene M Duban Trust. The property is located in Section 3 of Erin Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Balfe (Duban Trust) – Wavier of Plat (WOP)

1. The new 5.0-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. Prior to issuance of a building permit for a home and within one year of this approval 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. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

Senior Planner Jeremy Edwards (JE) presented the request to the Planning Commission (PC).

The PC asked the applicant, Amber Balfe (AB), to come forward to add comments or answer questions regarding the request.

AB - I just want to create a 5-acre building site and build there.

JH - Do you know why the previous house was torn down?

AB - I don't know.

JC - I can answer that question. In a month or so, I will have lived really close by for 40 years. There was a full set of buildings here at one time. The last housing that was there was a trailer for farm type help. So, at one time it was a full building site.

GJ - Are you aware of the 6 conditions?

AB - Yes.

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

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

Discussion:

JH - Pretty straightforward Waiver of Plat.

GJ - I don't think we have seen one that's not been 5 acres since we increased it.

JH - And it is nice not to see it be a flag-shaped property

GJ - And they are using an old building site.

JC - Yeah, instead of going on to any current agricultural land. I motion to approve subject to the 6 conditions.

JH - I second.

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

3. **Interim Use Permit/Johnson - Section 18, Morristown Township**

Gary Johnson, on behalf of landowner Max Johnson Trucking Inc, has applied for an Interim Use Permit (IUP) for an aggregate mining operation. The property is described as: The NE1/4 of the SE1/4, Section 18, Morristown Township, Rice County, Minnesota. PID# 13.18.4.00.001. Property address: 23606 Lake Avenue, Waterville, MN 56096. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Jim Cihak, to recommend approval of the Interim Use Permit with the following conditions and findings for Gary Johnson, on behalf of landowner Max Johnson Trucking Inc. The property is located in Section 18 of Morristown Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

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

1. The Interim Use Permit (IUP) is for an aggregate mining and crushing operation.
2. The landowner and operator(s) 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.
3. This Interim Use Permit shall be valid for a period of five (5) years from its issuance and must be renewed prior to that time or the site completely restored. Failure to renew the permit or to restore the site shall result in the county exercising the bond and using the proceeds to restore and properly close the site.
4. The applicant or operator shall furnish a six (6) year \$100,000 bond, or other approved financial surety, for haul road repair and for site restoration. All sureties shall be reviewed and approved by the Rice County Attorney's office prior to any work on site.
5. The mineral extraction mining operation shall be restricted to the area on the applicant's submitted site plan, subject to compliance with setback requirements. Any other deviation from these boundaries will require application for a new Interim Use Permit. Mining boundaries and

required setbacks shall be marked onsite prior to mining and markings shall be maintained throughout the operation.

6. The hours of operation shall be limited to between the hours of 6:00 a.m. and 7:00 p.m. Monday through Friday and 6:00 a.m. to 3:00 p.m. on Saturdays.
7. For all mining activities a 20-ft setback shall be maintained between the operation and all property lines, a 70-ft setback shall be maintained from any road right-of-way and a 300-ft setback shall be maintained to protected watercourses. No additional equipment or materials shall be stored within the setback area. Previously mined areas within the setbacks may be graded, restored and used for site access as shown on the mining final restoration plan.
8. The banks shall be sloped at a minimum 4:1 and the operator shall be required to keep the pit or excavation in such conditions as not to be in danger of caving or sliding banks, to ensure stability.
9. Topsoil from the excavation site is to be stockpiled on the premises for use in restoration of the site. No topsoil is to be removed from the site.
10. The applicant is to follow the approved reclamation plan. Reclamation shall be ongoing so that previously mined land is reclaimed as new areas are opened to mineral extraction, at no time shall more than 10-acres to be open to mining use. The site is to be completely restored to a condition suitable for farming or wildlife habitat area upon completion of permit.
11. The applicant is to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. The roads are to be restored to their original condition after the operation ceases.
12. All access drives within the site shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drive from leaving the property during mining or hauling activities on the property.
13. If requested by Morristown Township due to dust being generated from material hauling from this operation the operation shall apply calcium chloride or another similar performing dust control product to the areas of Lake Ave and/or 240th St., in front of homes between the pit access drive and the nearest paved hauling route, In addition to the placement of the dust control materials, water will be applied to dampen the surface of the access drive and roadway in times of high truck traffic or when deemed necessary by a Township or County representative.
14. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.
15. The site is to be cleaned of all debris and equipment after closure of the pit.
16. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is taking place.
17. The site shall be secured at access points.
18. Failure to comply with conditions may result in revocation of the Interim Use Permit.

Hearing Minutes:

Senior Planner Jeremy Edwards (JE) presented the request to the Planning Commission (PC).

JH - Have there been any previous complaints that the county is aware of?

JE - We have not received any recent complaints. I would note that this particular operation has been in use for multiple decades at this point.

JH - I just wanted to check if there was anything recently.

JC - How recently has anything been mined from this area?

JE - As best as I can tell, probably about 3-4 years ago, but the applicant can better answer that.

The PC asked the applicant, Gary Johnson (GaryJ), to come forward to add comments or answer questions regarding the request.

GaryJ - We have had this pit for probably 40 years. Specifically, the last 5 years, the first couple years of our last permit, we did a fair amount of work. But the last 2-3 years we haven't been very fortunate to get a lot of work in Rice County and Steele County. There hasn't been any work in our area. We did bid one job out of that pit today but we came in second. But there is a Highway 13 project coming up in the next couple years that has been kind of pushed off from Montgomery to Waterville and this pit could be beneficial to that project. We have a pretty good reputation. Anytime we do get complaints, we address them immediately. I don't know of any recent complaints. As far as the conditions, condition number 6, we never start up equipment until 6:30a, and we never start loading until 7a. I don't know if that needs to be changed. And as far as Saturdays go, we always check with the neighbor to make sure that they don't have a family function going. Gene Kuntz is our neighbor, I called, and the phone was disconnected, so I drove out there and nobody was home so I left my card. I haven't heard from him but he has occasionally stopped into our office, but as far as I know we have a good working relationship with him. And then Gordon Saemrow, he rents our property there too. And as far as the northeast corner, that has all been restored and Gordon raises ginseng or something. The other thing is the scraper and the scale, we had them on Iron Planet. They are actually inside of that 300ft area, so people could look at them but we can get them out of there. We had a purchase agreement on the scale but we can't use the small scales anymore. We are taking the scraper to a salvage yard this spring. The scale works, but I don't know what we are going to do with that. As far as dust control, if we have short projects, a few days or so, we always keep a water truck out there and we take care of the dust that way. If we have a longer project, we use dust control from 50ft south of the driveway all the way up to the blacktop, County Road 14 I believe. And then we also keep a water truck there to supplement if it starts to deteriorate. We have our own truck hauling signs. And we set them up by the driveway and also on the highway when we have a lot of trucks hauling. And then we also have a porta john for the drivers. GJ - Obviously it looks like you are aware of the 18 conditions.

GaryJ - Yes.

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

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

Discussion:

KE - I was going to say Mr. Johnson was very knowledgeable of his property and the conditions. He addressed everything that we may have concerns with.

JH - I think leaving the hours of operation as is, is fine. It's pretty standard with our IUPs for this and if they want to start later, they are more than welcome to, it is just more so that they can't start before that. If that does become an issue that can be addressed with the neighbors, if need be, but it seems they have a pretty good working relationship with the neighbors.

KE - Exactly.

JH - I don't see an issue with continuing with what is pretty standard with this type of operation, working hours wise.

JC - And my knowledge is that they have a really good track record and for something like this, that is really important.

KE - I motion to approve.

JC - I second.

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

4. Interim Use Permit/Carver - Section 28, Cannon City Township

Angela Becker of Nokomis Energy and Carver Garden LLC, on behalf of landowner Rita Carver, has applied for an Interim Use Permit for a 1MW Solar Energy Production site. The property is described as: Part of the SW1/4 of the SW1/4, Section 28, Cannon City Township, Rice County, Minnesota. PID#

11.28.3.50.005. Property address: 3119 197th Street East, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Ken Engen, to recommend approval of the Interim Use Permit with the following conditions and findings for Angela Becker of Nokomis Energy and Carver Garden LLC, on behalf of landowner Rita Carver. The property is located in Section 28 of Cannon City Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Carver – 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 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. A septic system compliance inspection shall be completed prior to issuance of any building permits.
6. Verification of compliance with wetland regulations shall be submitted to Rice County Environmental Services prior to issuance of any building permits.
7. 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.
8. All electrical lines internal to the site shall be buried underground.
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 Interim Use Permit.
12. This Interim 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:

Senior Planner Jeremy Edwards (JE) presented the request to the Planning Commission (PC).

JH - Is this the same solar company as the first two?

JE - I am not 100% sure, the applicant might be able to answer that.

JH - Any concerns from the city?

JE - We did not receive any comments from the city. I do want to note that we do have a septic system compliance inspection requirement that we have added to this for a proposed condition due to the onsite home. When the previous ones (solars) were done, the site was in compliance, but enough time has passed that it is time for a new compliance inspection. It is also worth noting that a permit was previously approved for solar in this location, but time ran out on that, so they are back again.

JH - That is not unfamiliar, we have seen that quite a bit.

The PC asked the applicant, Angela Becker (AB), to come forward to add comments or answer questions regarding the request.

AB - To provide more context, Carver Garden would be the third solar garden that we've worked on in this parcel. We worked on the Roberds Garden and the Falls Creek Garden, but have since sold them off. Carver Garden is a project we have been working on for quite some time now. We were granted a CUP back in 2021, but because of issues with interconnection and high upgrade costs, we were not able to commence construction and move forward with the project before the CUP expired. We have managed to resolve those issues now. We signed an interconnection agreement with Xcel in December and we did the site walk through with them last week. We are really looking forward to getting this project done this time, if approved of course. The access road for the project will connect to 197th St E and we will be connecting to the Xcel lines through the existing poles on site. We are aiming to start construction in spring 2026 if not earlier. We are aiming to speed things up. I'd be happy to answer any questions.

JH - Staff, IUPs are still only good for one year, correct?

JE - Yes, that is correct.

JH - So if this is approved, construction would have to start by at least February 2026.

AB - Yes, we understand that.

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

Preston Bauer - *Eiler Ave* - I have just a couple questions. I own land nearby by and I rent the remaining cropland of this parcel and I was just curious if they were a little more concrete on the start date potentially. As far as putting the inputs into the crop land and if it's just going to be destroyed potentially. I just want to see if they have a more concrete start date. And just a couple observations, one thing that I noticed with the panels. Being on the Planning Commission before, maybe it was something that we didn't think of, but I have noticed with the addition of these panels, this field has quite a bit of grade to it. But with the addition of the panels, it increases the impervious surface with the run off of water. So, it concentrates and there is some pretty decent erosion that happens because of that. So that is just something to think of as far as potentially the neighbors, if any requirements for holding ponds or something like that for the run off. I mean you have those panels and they are at an angle and you have a little bit of buffer in there too, but anything with grade, the water runs pretty hard. Especially with a year like last. That's something to think about. I was in there with a scraper this year putting things back. But that is just an observation for future sites as well and to think about the neighbors in that sense. Also, with the addition of this third phase to this parcel, there isn't going to be much of the land that is left there, as far as existing crop land. So, to look at setbacks, everything that is there as far as infrastructure goes for this parcel for having the solar and maximizing it, it's a great spot. There is nothing back there. To look at ways to maximize these areas and the production out of it and in essence save other parcels from it. Solar is a pretty strong competitor with agriculture as far as what they are offering for rents and things like that. But I see a lot of wasted space yet, even with this piece going in. What is left isn't going to be much at all and if they could work with the setbacks or removing some tree lines, they could maybe even add another megawatt (MW) to maximize the space, everything is there so why not. Thank you.

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

Discussion:

JH - This might be a question for staff, but for impervious coverage, I don't know if we count solar panels as part of it. It's not a hard surface like concrete. I know the maximum impervious surface is 25% on ag properties.

JE - We typically haven't really considered it for that calculation. Of course, we do have our requirement that vegetation be planted in between and below the panels.

GJ - Might be something that has to be discussed with landowners on properties where solar panels are being put with that type of grade.

KE - It came down to more of the runoff caused by the panels not being impervious but the amount run off that didn't end up under the panels and then it was creating erosion in the current area.

GJ - Panels with grass under them in theory should cause less erosion than farmland.

JH - It sounds like from the applicant that they want to get started prior to the 1-year mark. So, prior to February 2026 they are hoping to get started, at least that's what the applicant stated when they were up here. I am guessing time frame wise, a year.

GJ - This fall maybe.

JH - I guess it depends on how the start of this coming winter is.

JE - If you want to call the applicant back up, they may be able to provide more information.

GJ called applicant back up to the speaker stand.

GJ - We just have a question regarding start time. Obviously, you would have to start before February of next year, 2026. So, is that something you are planning to start this summer or fall?

AB - We are aiming for maybe fall, once we get our ducks lined up.

GJ - Okay, perfect. So probably after this crop year?

AB - Yes.

JH - You haven't been seeing any drainage or erosion issues with the other two 1MWs on this property, have you?

AB - We have heard of some drainage issues but that is something that we will fix in our designs for this third garden.

JH - Okay. Is there a way to mitigate those two that are present in order to help with the drainage issues on site?

AB - What I understand is that the issue was just water draining and we can try to do something to just lead the flow while we do our design work.

JH - Maybe we can include that as a condition?

AB - If I may, the issues are with the previous two solar gardens. I think that there should be something that the current owners of the solar gardens can do as well. Just to fix that issue.

Applicant leaves the speaker stand

JH - Staff is there any way to do this? It's kind of hard. Does erosion control fall under any of the conditions that are already outlined?

JE - It is kind of difficult to address those existing projects.

JH - Is there a way to do it, at least for this one?

JE - I would note, I actually have it pulled up on the screen now. This is from the SWPPP plan for this site. I would like to point out that in the southeast corner there is an infiltration basin planned. And that is the lowest elevation point of the property. So, even though this filtration basin is for this project, inherently, it will be for all.

JH - The other two to the north can use that for runoff.

JE - And it catches it before it goes into the wetland that is even further to the southeast. So, by following the site plan condition they would be.

JH - Mitigating some of those drainage issues that are on site.

GJ - I imagine the existing ones would flow through this one to get to the infiltration basin.

JH - Theoretically, depending on the elevation of the site. Which it looks like a lot of it does flow to the southeast where that infiltration basin is planned. It sounds like the applicant is aware of that issue on site and is trying to mitigate it.

KE - It's in their plan.

GJ - Otherwise I think it makes sense. Pack them on the parcels that already have them. And there are no other setbacks or problems with it.

JC - I have another thought here. Who would be the responsible party to check out the neighbor's complaint and issue about drainage and what it's doing?

JE - They definitely could talk to the Soil and Water Conservation District. They are the ones who enforce our wetland conservation act rules.

JC - Because this is something that it was rolling land but it is still agricultural land. We want to keep the 5-acre parcels coming in for housing and I don't want to step on solar or anything either but if that's an issue maybe something's been over looked with erosion. June of 2024 was a special month in this area with rainfall, so we saw all kinds of things we've never seen before. We don't really want to tie anything with the two existing into this, this has to be approved one its own, correct?

GJ - Yes.

JH - Yes, agreed. But I think this being a separate entity on its own will be beneficial for the two to the north as drainage does show, at least with the topography to go to the southeast. So even though the two to the north aren't tied to this one to the south, it is beneficial for the whole parcel as a whole. At least that's how I see it. I guess if there are issues on the northern part of the site they would have to be addressed separately from this project.

CP - I think that is a great point to bring up at a work session to incorporate some sort of erosion control on all of these. It is hard to go back, like you said. From now on once we get above 1MW we're getting 3MW on this site. That's getting pretty big.

GJ - I agree.

JH - Looking at this project alone, and not thinking of the two to the north, I think it meets the requirements of the county zoning code. But I agree with Commissioner Peters about looking at it for future projects.

JC - I motion to approve with the 12 conditions.

KE - I second.

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

III.

Adjournment

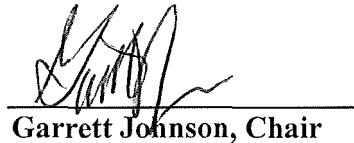
Hearing no other items before the PC, a motion was made by KE, second by JH, to adjourn the meeting at 7:10 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission



MacKenzie Klett
Office Support Specialist


Garrett Johnson, Chair