

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, May 1, 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 6:47p.m.

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

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 Ken Engen, seconded by Jim Cihak, Reading of the Notice

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

C. Motion by Matt Purfeerst, seconded by Ken Engen, Approval of the Agenda

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

D. Motion by Jim Cihak, seconded by Julia Hogan, to approve the minutes of April 3, 2025

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

II. Old Business

1. Waiver of Plat/Carlander - Section 3, Walcott Township

John Carlander and Matthew Carlander have applied for 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 NW1/4, Section 3, Walcott Township, Rice County, Minnesota. PID# 15.03.2.50.001. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Matt Purfeerst, to recommend approval of the Wavier of Plat with the following conditions and findings for John Carlander and Matthew Carlander. The property is located in Section 3 of Walcott Township.

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

CONDITIONS OF APPROVAL – Carlander – Waiver of Plat (WOP)

1. The new 5-acre Transfer Development Right (TDR) receiving parcel shall contain one principal single-family dwelling.
2. Any new construction on the parcels 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, Gary Voegele (GV), to come forward to add comments or answer questions regarding the request.

GV - I am appearing on behalf of John Carlander and Matt Carlander. I am an attorney here in town.

GJ - Is there anything you would like to add?

GV - No, this has been a long process, but we have tried to address and meet all the necessary criteria that have been laid out by the Ordinance and working with the Environmental Services Department. And we are agreeable to the conditions that have been set forth in their report. We would like to move ahead with the approval of the Waiver of Plat, or the recommendation to the County Board for that to occur.

JH - The proposed home will be on the north side of the property near the existing driveway?

GV - It will be on that 5-acre piece, but we may go further south.

JH - Okay, I was just looking at what was submitted.

GV - Yes, the slope is a little challenging on the north end. But it will depend on what ends up being the building site for the property.

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 - It's a pretty straightforward TDR.

MP - Works a lot better than the 2.5-acres they were originally proposing.

GJ - I do like it because it cuts everything off on the other side of the road.

KE - I recommend approval with the 6 conditions.

MP - I second.

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

III. New Business

1. Preliminary Plat/Kubes - Section 3, Webster Township

Randy Kubes, on behalf of landowner Endurance Investments LLC, has applied for a preliminary plat for a 5-building lot subdivision, including a cluster of 3 Transfer Development Rights (TDRs). The property is described as: Part of the NW1/4 of Section 3, Webster Township, Rice County, Minnesota. PID# 02.03.2.75.001. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Jim Cihak, to recommend approval of the Preliminary Plat with the following conditions and findings for Randy Kubes, on behalf of landowner Endurance Investments LLC. The property is located in Section 3 of Webster Township.

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

CONDITIONS OF APPROVAL – Kubes (Endurance Investments LLC) – Preliminary Plat

1. A final plat shall be submitted within six (6) months of the preliminary approval and shall closely follow the approved preliminary plat.
2. A signed conservation easement for the Transfer Development Rights (TDRs) sending area on Outlot A shall be submitted with the final plat.
3. The preliminary plat shall be null and void if the final plat is not submitted within six (6) months of this approval.

Hearing Minutes:

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

CP - Can you reiterate for everyone, I had a couple phone calls on this, with the permeant conservation easement and the 1 per 40 on those other two sites. There are no eligible building rights left to be used in the future.

JE - This would take up all of the eligible building rights in the 160-acre area. In order to do anything else, they would have to completely re-plat it and bring in new TDRs from elsewhere in the township.

CP - In those two 40-acre lots basically?

JE - Yes. It would be possible, but a lot of work.

JH - Re-platting is not the easiest.

The PC asked the applicant, Randy Kubes (RK), to come forward to add comments or answer questions regarding the request.

RK - We think we are bringing forward a pretty clean plat application that will identify three 5-acre lots that are on low-productive farmland. And a 64-acre outlot that will remain farmed. The 36-acre lot, Lot 1, will have one house on it and more than likely the rest of the land will be farmed. Lot 4 will have one house on it and more than likely the rest of it will be farmed. Currently, the people that live in the exception parcel are the sons of the previous farmer that owned the farm. They will be operating all of the farmland. They had some input into the layout of the development and they were really champions. We laid it out to keep driveways out of the farm fields. One of the comments that JH had was that Rice County is looking for more housing. The State of Minnesota put out some information just recently that affordable housing is a priority. When you add a house in the country, you usually bring out 3 other properties behind it that become available for sale. Somebody who is buying this and building might be moving out of a house in Lonsdale, then a house in Lonsdale becomes available. And then that person buying the house in Lonsdale might be coming from Burnsville and have sold their townhouse. And the person who moved into that townhouse maybe opened up a rental spot in somebody's basement. Every time a lot gets added in the country, there are usually 4 parties that have a chance at more affordable housing.

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

Kevin Docken – *Cannon City Blvd* – Again, I have a couple of concerns here. One is, how does this fit into Rice County's 2040 comprehensive plan? I don't know that my water, green space, runoff question was properly addressed, but maybe you can clarify that a little bit more for me. And again, as I said, I have a long history with an adjoining property. As a child, I saw zero wildlife on our farm. Over the last 50 years, I have seen wildlife come back to the area. Has anybody done any kind of assessment as to what kind of impact this may have on wildlife? Make sure it fits within Rice County's plan. If this is something that Rice County wants to open up, then it's going to continue to happen over and over again. So, again, I think the 2040 comprehensive plan is pretty important to keep in mind. Thank you.

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

Discussion:

JH - JE, did SWCD have any comments in regard to this preliminary plat?

JE - We did not receive any comments from Soil and Water in regard to this. We did receive a comment from the County Ditch authority just because this will be within the watershed of a county ditch and would affect the overall assessment related to that.

JH - Do we want to ask the applicant if they have additional information regarding runoff? I know that the applicant is a realtor and not a water specialist.

GJ - We can bring Mr. Docken forward again and ask him what he thinks would help this situation the most versus taking row crop out and putting grass in on those lots across the road. Mr. Docken, if you want to come forward again, I'd like to hear what you think would offset some of your runoff concerns. In my opinion loose dirt from the row crop is probably causing a lot of the erosion. I am just curious if

you have any input to that.

Mr. Docken comes back to the stand.

KD - Well, I know that there would need to be some kind of improvement to the current ditches and runoff that's there. I am not sure exactly how all the tiling is working there, but obviously there are some repairs that need to be made. Do you look at it like you see in subdivisions in the city with retention ponds to maintain and contain some of that runoff?

JH - A lot of that is reviewed with the building permits as well. I do believe the County has a third-party consultant that reviews stormwater and everything that comes forward for that. It would all be reviewed.

KD - Right, but there would be something that would have to be assessed before.

JH - Yes.

KD - I forgot to bring this up earlier, but I do have a long history here and I know Dalton Ave. That is a very high thoroughfare right now. A lot of people travel that road and at a pretty high speed for a township road. So, I do have some safety concerns with putting a driveway in the proposed location. I really do think it's a safety concern.

JC - I believe where it is proposed, there is quite an embankment to get up to that area too.

KD - It comes down through the big hill, through the lowland and then there's a little knoll there. Like I've said, I have history there and I know how that road gets traveled now and it's not safe.

Mr. Docken returns to his seat.

JH - I think this preliminary plat brings in a combination of both residential need and then also contains agricultural preservation. It sounds like the applicant has been working with the existing property owner and it does sound like they will be working together to continue to farm a large portion of that land. So, I see, in regards to our 2040 comprehensive plan, regarding agricultural preservation and residential need, it's actually a combination of both. I think that the applicant did a good job with intertwining both the need to preserve agriculture with this land and also adding residential need.

MP - I'll go back to my previous comment from the Variance, Lot 4 is the only one that sucks with having the driveway across farmland. But like JH just mentioned, it's a good balance. They laid it out together. The two houses on the same quarter-quarter in lower CPI spots. It is kind of what makes sense. Is this long-term, what we want coming into Rice County? That's not for me to say. I don't know the answer to that question. But for the short term, what we are looking at, I think that this is a fit for agriculture and residential housing.

JH - I do understand the concern with Lot 4 as well, but Lot 4 and Lot 1 have to contain at least 35-acres. So, with Lot 4, it almost has to have that layout to make the property as a whole work together. It is like putting a puzzle together to make everything work in a preliminary plat like this.

MP - Or you could just leave it out completely, but that isn't our decision.

GJ - I do understand some of the water concerns. I am assuming a lot of water is coming from that property and down. But having two new houses there, I do believe that a lot of the grass that will be added will help. But on top of that you also have two new houses that are essentially going to deal with similar problems that are being seen around the area. So, I would imagine through this plat and others, that they are going to have to make proper ditching and tiling through their own properties to make sure all this water is contained.

CP - I think that we will see a lot more detail with the final plat. I can see their concerns. I believe that is County Ditch 31 if I am not mistaken.

JC - I know it's there, I don't know its number with the county ditch system.

CP - I can see their concern. We have had a lot of issues, well not issues with 31. Right across the county border there is a new development in Elko-New Market going up, which has changed a lot of ditch 31's dynamics or is going to. But I think in our final plat we will see some more detailed drawings of the water erosion control and holding ponds if needed.

GJ - Yeah, I agree.

JE - Would the commission entertain adding an additional condition requiring submittal of a stormwater plan specifically, just to highlight need for that?

MP - Is that requiring them to do that or just as needed?

JE - It is an "if needed" item. They have done a wetland delineation on the property. But we do not have a stormwater management plan.

MP - I agree with GJ that the grass won't cause much more runoff than what is there, but if that is something the board would feel more comfortable with, I am okay with doing it. It just seems like another hoop to jump through for them personally.

JH - Does staff see the need for a stormwater plan?

JE - Typically, when we see them, they come along with denser, tighter developments.

JH - When you most likely need a retention pond.

JE - Yes. And notably they are not building any new roadway infrastructure, which is typically where we'd see a stormwater pond or something of that nature come into play.

GJ - I am with Commissioner Peters on this. Seeing more detail with the final plat and if, at that point, if we don't feel that it's enough, we can have another look at it.

JH - The final plat is going to have to come forward to the Planning Commission and then will be recommended for approval by the Board of Commissioners at that time as well. So, it's not like just approving this preliminary plat currently means that everything is set and done.

GJ - I am with CP on that and seeing the final plat details for stormwater. And leaving the conditions the way we have them.

MP - I motion to approve.

JC - I second.

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

2. **Conditional Use Permit/Budde - Section 8, Walcott Township**

Paul Budde has applied for a Conditional Use Permit to operate a contractor office/yard for a trucking business consisting of up to three trucks/trailers. The property is described as: Part of the NW1/4 of Section 8, Walcott Township, Rice County, Minnesota. PID# 15.08.2.00.004. Property address: 22215 Glynview Trail, Faribault, MN 55021. The property is Zoned UR, Urban Reserve.

Motion by Ken Engen, seconded by Matt Purfeerst, to recommend approval of the Conditional Use Permit with the following conditions and findings for Paul Budde. The property is located in Section 8 of Walcott Township.

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

CONDITIONS OF APPROVAL – Budde – Conditional Use Permit (CUP)

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit (CUP) is for a contractors office and yard for a trucking business consisting of an office area and up to three trucks and trailers. Changes to the business are not permitted without approval of a new/amended permit.
3. The submitted site plan shall be followed.
4. Onsite outdoor storage may consist of up to three trucks and trailers. There shall be no onsite storage of other business equipment or products.
5. Only business equipment owned, leased or contracted by the onsite business shall be stored on the site.
6. If employees are onsite, other than to pick up or drop off trucks/trailers, a portable restroom facility shall be onsite.
7. Site shall have no unlicensed or inoperable equipment or vehicles stored or parked outside.
8. A change-in-use driveway permit shall be obtained prior to onsite business use.
9. All buildings shall meet building code for the intended use.
10. Failure to comply with conditions may result in revocation of the conditional use permit.

Hearing Minutes:

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

MP - Can you pull up the conditions?

The PC asked the applicant, Paul Budde (PB), to come forward to add comments or answer questions regarding the request.

PB - I just want to park my trailers on my property. I have 3 end dumps and 3 trucks.

GJ - Are you aware of the 10 conditions?

PB - Yes, I am, but what is #8 about - change-in-use of driveway permit?

JE - That is just to work out with the County Highway Department on switching from a residential driveway permit to a commercial driveway permit.

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

Tom Hallet - *Glynview Trail* - I live just down the road from this site. I don't have any issues with him having his trucking company there. We have had a driveway put in down the road from me, about 100ft that obviously didn't have a permit, but whatever, that's how it goes. So now you need a permit for anything over 12ft or 15ft for a trailer. Obviously, you guys made that, why do you need a permit for a trailer? That's what I need to know.

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

Discussion:

JH - Staff, do you want to address any of those questions?

JE - Yes, the reason that this comes about is because of the commercial business use of the trailers. You are allowed to have personal trailers for your own use, assuming they are licensed, operable and road-ready. You would be allowed to have a commercial set-up under a home occupation permit if you just had 1 vehicle. However, in this case, because there are 3 vehicles, that's what moves it into the trucking business category. It's a matter of where they drew the line between home occupation and commercial trucking in the Ordinance.

GJ - I don't have any problems with the trucking business being there.

KE - None for me. I motion to approve with the 10 conditions.

MP - I second.

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

3. **Interim Use Permit/Uittenbogaard - Section 19, Walcott Township**

Novel Energy, on behalf of landowners Dennis and Susan Uittenbogaard, has applied for an Interim Use Permit for a 1MW solar energy production facility. The property is described as: Part of the NW1/4 of Section 19, Walcott Township, Rice County, Minnesota. PID# 15.19.2.00.002. Current property address: 24296 Albers Ave, Faribault, MN 55021. 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 Novel Energy, on behalf of landowners Dennis and Susan Uittenbogaard. The property is located in Section 19 of Walcott Township.

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

CONDITIONS OF APPROVAL – Uittenbogaard – 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. The applicant shall submit proof of compliance with Minnesota wetland rules with the building permit application for the project.

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 within the fenced solar site shall be buried underground. Electrical lines outside of the fenced panel area to the point of interconnection with the electrical utility may be overhead lines.
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 or off-site damages caused by 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 of this permit.

Hearing Minutes:

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

JH - Did the Soil and Water Conservation District comment on the driveway?

JE - They didn't specifically comment, however, we did get a wetland delineation done as part of this application.

The PC asked the applicant, Ralph Addonizio (RA), to come forward to add comments or answer questions regarding the request.

RA - In regards to the road, I just wanted to tackle that really quick. Our total permanent wetland area that we are affecting is 1900sqft. 1600 of that is in that roadway area, and the reason why the roadway is there is because we have to bring it out to the closest 3-phase connection. So that's why we are going in that direction. As mentioned, it is a 1MW site. We plan on using it for 25-30 years. We are underground up to the road and then we have to go up to the poles per Xcel, that's for the interconnection. Our array is surrounded by a fence. Usually, we leave about a 10-12-inch space on the bottom so wildlife can travel underneath it and not get caught up. The gate going in is a double-wide gate. We hang a sign on the gate with an emergency contact number and it has a low-level light that keeps it lit for anybody that comes. We also put a Knox-box on there for the fire company if they need to go out. We have about 1 vehicle per month that goes out just to check on things and make sure everything is okay. It is not high-traffic, it is a very quiet neighbor that doesn't bother anybody. Down the road whenever this ends, we have 180 days to remove all the equipment and restore it back to the way it was. We have a decommissioning bond for that as well. I wanted to talk about a couple numbers as well. Our total disturbed area on the site is 9.3 acres, inside of that we are fencing 6.71 acres and inside of that, the actual panel area is 4.44 acres. That is a brief rundown of our site. We did submit a number of reports, I believe there is a stormwater report in there. And in our civil plans, we talk about how we manage water runoff during construction with silt fences. We do all the appropriate things and also, if there is ever an issue after the fact that wasn't realized during construction as a condition, we are willing to come back and fix that problem. The whole idea of doing something like this is not to make things worse, but if there is a problem, try and make it better.

GJ - Are you aware of the 12 conditions?

RA - 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:

GJ - I do know that property pretty well, and even if it wasn't for interconnection purposes, I don't think you could cross the terrain if you were to come straight off the solar panel to the road. That is pretty gnarly stuff there right where the creek crosses the road. So that definitely makes sense on top of the interconnection having to find a spot to hook up.

MP - Can you pull up the conditions? I thought we were talking about an option of going above ground if they wanted versus having them go underground. Did we ever modify that at all?

JE - This would be condition 7.

KE - Inside the fence they're all buried.

MP - I thought we left that so it could be optional to be above ground if they wanted. It doesn't really matter for this one.

JE - We have done that in the past. I believe we did that on one north of Faribault.

GJ - It was by request, I think, and the wires still had to be under panel height.

JE - Yes.

GJ - Otherwise, I think it's a pretty normal solar IUP.

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/Peterson - Section 4, Northfield Township**

Brian Peterson, on behalf of landowners Peterson Brothers LLP and Keith Quinnell, has applied for an Interim Use Permit for a grading and filling project to construct a driveway. The properties are described as: Part of the N1/2 of Section 4, Northfield Township, Rice County, Minnesota. PID#s 08.04.2.00.001 & 08.04.1.00.002. The properties are Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Brian Peterson, on behalf of landowners Peterson Brothers LLC and Keith Quinnell. The property is located in Section 4 of Northfield Township.

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

CONDITIONS OF APPROVAL – Peterson (Quinnell) – Interim Use Permit (IUP)

1. Grading and Filling is limited to the amounts and in the areas described in the submitted site plan.
2. Prior to any additional grading or filling activities, the applicant must verify wetland rule compliance with the Rice SWCD.
3. All land disturbance shall be the minimum time and area needed to complete the project. Alterations must be designed and conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
4. Appropriate erosion control shall be utilized to prevent sediment from reaching neighboring properties, wetlands, streams and road ditches. Erosion controls shall be maintained until a permanent vegetative cover is established.
5. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established and maintained in perpetuity as soon as weather conditions allow. All exposed soil shall be restored by seeding and mulching within 72 hours of project completion.
6. Fill or excavated material must not be placed in a manner that creates an unstable slope.
7. Alterations of topography must not be done in a manner that would adversely affect drainage or water flow on adjacent or nearby properties.

8. This grading and filling interim use permit shall remain in effect for one (1) year from the date of approval, provided that all conditions of the permit are adhered to.
9. Failure to comply with these conditions may result in revocation of this permit.

Hearing Minutes:

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

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

Bill Quinnett - I am here on behalf of the Peterson brothers and Keith Quinnett, I am Keith's son. Both of them are planting corn tonight, so they were unable to show up to the meeting. We did apply for a driveway permit and received it. We were not aware that we needed the grading permit to keep that project going. The fill for the driveway project will come from McNamara Contracting with the road construction project for E 90th St.

GJ - Are you aware of the 9 conditions?

BQ - 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:

MP - Couldn't get much closer for a fill/dump site, right off of 90th St. It's a perfect spot for it.

JC - An opportunity and probably cost-saving for the construction of the road too, for the county.

MP - It's cool to see cooperation between two neighboring parcels.

GJ - I do appreciate it coming in before the driveway is there too.

JC - I motion to approve with 9 conditions.

MP - I second.

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

5. Conditional Use Permit/Apple Creek Orchard - Section 20, Wells Township

Kevin Theis, on behalf of landowner Apple Creek Orchard LLC, has applied for a Conditional Use Permit for an Agricultural Tourism Business. The property is described as: Part of the S1/2 of Section 20, Wells Township, Rice County, Minnesota. PID# 10.20.3.00.001. Property address: 5524 185th St W, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Jim Cihak, to recommend approval of the Conditional Use Permit with the following conditions and findings for Kevin Theis, on behalf of landowner Apple Creek Orchard LLC. The property is located in Section 20 of Wells Township.

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

CONDITIONS OF APPROVAL – Apple Creek Orchard – Interim Use Permit (IUP)

1. The conditional use permit is for an Agricultural Tourism Business. Changes to the business are not permitted without approval of a new/amended permit. The submitted site plan shall be followed.
2. The site shall not be open to the public for events more than 5 days per week (Sunday through Saturday), and only within the hours of 8 am and 12 am (midnight) on those days.
3. There shall be no more than 50 non-agricultural onsite events per calendar year, with those events not exceeding 300 persons onsite. Events shall not exceed two consecutive days and are limited to the following types: wedding ceremonies, receptions, non-profit benefits and fundraisers, reunions, retirement celebrations, graduations, birthdays, barn dances, harvest

festivals and food/product/produce tasting and sales events, and craft/vintage/secondhand item sales events.

4. There shall be no more than 50 agricultural onsite events per calendar year, with those events not exceeding 300 persons onsite. Events shall not exceed two consecutive days and are limited agricultural related recreation, education or active involvement in the agricultural operation.
5. A gravel or asphalt parking area shall be established and maintained as shown in the applicants submitted parking plan.
6. No parking shall be allowed on grass or public roadways.
7. Parking shall be setback at least 40 feet from all property lines and screened to roadway by planting two offset rows of trees, with an initial planting height of 4-ft. Trees in the rows shall not be more than 20-ft apart.
8. At no time shall there be more than 200 vehicles on-site. This includes site staff and visitors.
9. A stormwater plan compliant with county/state/federal stormwater regulations shall be implemented and maintained. The applicant shall submit the stormwater plan for approval prior to expansion of the parking area.
10. Indoor and outdoor music shall not be allowed before 10 am and not later than 12 am (midnight).
11. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
12. A single sign meeting Rice County zoning requirements may be permitted.
13. All onsite structures shall meet building and all other applicable codes for their intended uses.
14. Site owner shall maintain proof of compliance with state health regulations. Proof of compliance shall be submitted to Rice County Environmental Services upon request.
15. Adequate and compliant restroom facilities shall be provided for onsite visitors.
16. If alcohol is allowed onsite it shall be consistent with a consumption and display permit. All required permits shall be obtained prior to allowing onsite alcohol use.
17. All onsite septic systems shall be shown to be in compliance with County and State standards prior to issuance of a certificate of occupancy for the pavilion addition and remodel.
18. Site owner shall maintain proof of compliance with state health regulations, building codes, Fire code regulations, septic regulations, and food and alcohol regulations. Proof of compliance shall be submitted to Rice County Environmental Services upon request.
19. There shall be no onsite camping allowed.
20. The applicant is to follow all Federal, State, County and Local rules and regulations.
21. Failure to comply with conditions may result in revocation of the conditional use permit.

Hearing Minutes:

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

GJ - I am wondering about the non-agricultural events. Do we have any suggestions or guidelines as you get increased numbers of non-agricultural events, do we get away from an ag-tourism permit altogether?

JE - The ordinance talks about the need for the primary use of the site to be agricultural, so in the previous/current CUP they have 25 non-agricultural events with 300 people on site and 50 agricultural events with 200 people on site. From a staff recommendation standpoint, I would think that at bare minimum those would need to be on par with each other. Tentatively, I do have it highlighted in conditions 3 and 4, increasing the non-agricultural events to 50 to match the agricultural events and also increasing the agricultural event capacity to 300 to match the non-agricultural events. My rationale there is that by having them be equal, we are not tipping over that halfway mark. That's just my

suggestion.

CP - On the original CUP, have they met all their conditions? And have there been any complaints?

JE - We have not received any complaints about the site. And they have been working within the conditions that were set for them.

The PC asked the applicant, Kevin Theis & Tamera Theis (KT&TT), to come forward to add comments or answer questions regarding the request.

KT - All we are really doing is adding on 16ft to the building. So, it's not a lot of change. And for the extra parking, all the water runs to that field and there is a low area, so I'm going to dig a pond there anyways, because it's always wet, and it will look a lot nicer with a pond. We'll catch all that water.

JH - I saw in the submittal that you are proposing 214 vehicles on site?

KT - Yes, that's what fits.

JH - As part of the amendment to this CUP in condition 8, it does say that at no time shall there be more than 200 vehicles on site. I was just curious if that's going to be an issue.

TT - Ruth's House, 100 women, they all come out for their events.

MP - Do we need to change that to 214? So, your parking lot is for 214?

KT - I can make it 200.

TT - We can make it anything, we are just showing that it's a large enough space, and we could fit more than that. We are just proving that the space is there.

MP - In an ideal world, what would you guys like for parking?

JH - We also don't want to exceed too much either because there are continuous issues with stormwater or there could be potential issues with stormwater like staff was saying.

KT - There won't be any issues, I'm going to dig a pond anyway.

TT - We actually own a landscaping company. We joke and say that's the one that pays the bills, not this one. We are the ones that would handle that anyway.

KT - There are two things, we usually open at 9a.

TT - Our hours are 9a-6p, but we see here that you say we can't open until 10a? I do field trips that start at 8a, that's the time the schools want to come. All the local schools come out for those field trips and opening at 10a, I will no longer be doing field trips because they are headed back to school already.

JH - Staff, were those hours taken from the previous CUP?

JE - Those are the same hours from the previous CUP, but we may want to edit.

JH - Change that to 9a?

JE - Yeah.

GJ - Should we just change it to 8a?

KE - That would better accommodate the schools.

TT - They come right away in the morning and are gone by 10a or 11a. When the teachers start calling me in August, they want to be the first there. And honestly, it's hard because I don't have enough business to employ somebody, so I'm the only one there. And if I am out doing a field trip and I have my locals coming for their weekly bag of apples, if the school is gone by the time the store is open for that, that works the best for me. It doesn't make sense to employ somebody to sit there.

KT - It wouldn't be for any of the weddings because nobody ever comes that early. It'd just be the field trips and the people who come for their apples.

TT - I have pushed them back, they all wanted to be there at 6a, but we've finally got them to understand. But I am closed at 6p, so I don't go into the evening, I am not extending my hours, I would just like them to be earlier.

JH - But you do run later for weddings. Obviously, you'll have people there until later.

KT - Yeah, so if you wanted to say 10p for weddings, that's fine.

TT - The CUP says that we can be open until midnight, so that's what time the receptions end.

JH - That's what I was getting at.

TT - Right now, I've only had a couple of weddings. We need to do what we are asking for me to book more, because right now, we are not impressive enough to get a lot of bookings. There are no bathrooms or anything like that right now, so once we are able to make these changes, then I'll start booking. But I only want 1 wedding a week for my own sanity. And then, like I said, we have charities that come, and I even had Bethlehem Academy call me for prom. So that's where the non-agricultural events come in.

GJ - Condition 2, the one with the hours is for agricultural tourism events, not for the non-agricultural ones.

TT - Yes, and my field trips fall under ag-tourism, so I would like the hours to be earlier, so I can keep doing that.

GJ - If we change that condition to 8a or 9a it shouldn't be an issue.

KE - Can we change it to 8a?

TT - It's just 1 school bus coming in, and then they are gone. And then, at that point, the store opens up to the public.

KT - You'll make a lot of kids sad if you don't.

MP - 8a should work fine.

JH - Does staff have any comments on that?

JE - I see what you mean.

JH - Do we want to be specific to ag-tourism or do we just want to be more general to all events being 8a to midnight?

JE - It might be easier from a business operations standpoint to have consistent hours for all the events.

JH - That's kind of what I was thinking. So how do we change that condition?

JE - My recommendation would be to strike out agricultural tourism.

JH - And just say events from the hours of 8a to 12a?

JE - Yes.

KT - And the only other thing is it says no camping. We don't have campers, but we have H-2A workers.

TT - Does that include them staying on site? When we bought the land, the gentleman who previously owned it was allowed to have overnight camping and then when we came in, that was taken away. It's not that big of a deal because we are not having overnight camping with customers, but when we bring the H-2A workers in, there is a law requirement that goes into having them stay in RVs. If they were to stay in RVs, is that allowed?

JH - Which condition are you talking about?

KE - It is condition 19, you have to go down to the second page.

JH - You said the previous owner of this could have campers?

TT - Yeah, he had an RV.

JH - That doesn't mean it was permitted to be that.

TT - He told us it was in the CUP when we bought it.

JE - I would have to review the previous owners CUP to see whether or not that condition was in there.

JH - Farmhand help is separate from this so it wasn't under ag-tourism. Farmhand help has separate conditions from this and I am guessing that's why it was allowed to have camping on site.

TT - First and foremost, we are a farm. Above everything else, we are an apple orchard farm. So, we are still ag.

JH - I understand that, but there are specific conditions with ag-tourism that are outlined within our ordinance, which I believe from other ones I have seen, we haven't allowed onsite camping. I could be wrong with that.

GJ - Staff, is that even considered camping?

KT - I wouldn't consider it camping.

GJ - It's long term, they are living there, right?

TT - Right. But we didn't want to get in trouble, so we haven't been doing it.

JH - It is a slippery slope. And I know we have run into that before with allowing RVs onsite.

GJ - I could be wrong, but I feel the condition is written for the weddings, so there aren't 15 campers that show up for the wedding and stay overnight.

KT - I get that. And we haven't been using the H-2A workers the last 2 years. Plus, you really need people who know what they are doing because a few years ago we had pickers out there for a week, and they ruined \$40,000 worth of Sweet Tangos because they bruised them all. And they aren't cheap. Everyone thinks migrant workers are cheap, but they cost us about \$35/hr.

TT - Way more than if we hired local.

JE - There isn't a specific provision related to that in the ag-tourism part of the ordinance. However, related to that, we do have standards that state RVs are to be used for recreational use. And if you are actually housing people, they have to be in an actual residence that meets residential building code. So that might be something we explore further with the applicants, separate from the CUP.

TT - We don't need it right now.

JH - You can discuss with Environmental Services staff and go from there since it's not technically a "no" from an ordinance standpoint. I think there could be potential options to explore that further down the road.

JE - We can look at options for housing on site, and that would be more for the farm use as opposed to the ag-tourism use.

TT - We are good not having it for that.

JH - Okay. And you guys are okay with the highlighted conditions in #3 and #4 in regard to 50 non-agricultural events. JE will you pull up those conditions? There is highlighting in conditions #3 and #4 showing the non-agricultural onsite events.

KT - She only wants to do 1 a week.

TT - For my own sanity. That is double what we had, so I am tickled pink over that.

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 - I love to see a local business continue to grow, and it sounds like they are abiding by the conditions of their existing CUP. They just want to continue to grow it further, which I love to see within the county.

KE - I can easily see changing those hours so the kids get there right away in the morning.

JH - Yeah, so for condition #2, strike out ag-tourism business and just say for events and change the hours to 8a-12a so we keep it standard and not get confused with which event is what.

GJ - I think that 8a is a reasonable time.

MP - It's not a gun range.

GJ - I do think we have a lot of our bases covered with the stormwater plan and adding those parking spaces.

JH - And it sounds like the applicants are okay with the highlighted changes in conditions 3, 4, and 8.

KE - I motion to approve with the 21 amended conditions.

JC - I second.

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

6. **Interim Use Permit/Springer - Section 15, Wells Township**

Chris Springer has applied for an Interim Use Permit to operate a short-term rental in an existing dwelling. The property is described as: Part of Government lot 3 in Section 15, Wells Township, Rice County, Minnesota. PID# 10.15.4.50.012. Property address: 17959 Roberds Lake Blvd, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

Motion by Ken Engen, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Chris Springer. The property is located in Section 15 of Wells Township.

RESULT: Approved, A YES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

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

1. The Interim Use Permit is for a short-term rental consisting of four (4) bedrooms. The short-term rental is to be operated within the existing onsite single-family dwelling. Changes to the short-term rental are not permitted without approval of a new or amended permit.
2. No garages, detached structures, or temporary sleeping accommodations outside the dwelling unit shall be used as sleeping areas. There shall be no onsite camping.
3. The owner shall maintain an accurate guest register, containing the number of guests and dates of stay, open to inspection by the County.
4. Guest stays shall be limited to less than thirty (30) days.
5. No more than ten (10) guests shall be allowed in the short-term rental.
6. No more than three (3) vehicles may be parked outside on the property and no more than two (2) vehicles may be parked inside the garage.

7. Vehicles shall not operate outside of the shared driveway easement for access to and from the short-term rental. Adequate space shall be maintained on the improved parking surface to accommodate the maneuvering and parking of vehicles within the boundaries of the property.
8. Indoor and outdoor music shall not be allowed before 8 am and not later than 10 pm.
9. The owner shall designate a property manager who shall respond to complaints and be available on-site within one (1) hour of being contacted.
10. Prior to operation, the owner shall provide in writing the property manager name and contact information, maximum occupancy of the short-term rental, and a site plan accurately depicting all property lines to Rice County, all guests, and neighboring property owners. Any future changes to this information shall be provided in writing to the same parties.
11. The owner shall maintain appropriate liability insurance with a minimum coverage of \$2,000,000 and shall provide proof of such to Rice County upon request.
12. The operator shall maintain compliance with applicable state health regulations and shall provide proof of such compliance to Rice County upon request.
13. The dwelling shall be maintained in habitable condition and in compliance with Minnesota State Building Code.
14. The short-term rental shall comply with all applicable County, State, and Federal regulations.
15. The Interim Use Permit shall be null and void upon change in ownership of the property or two (2) years from the date of approval, whichever occurs first. Operations shall not continue after this date if a new Interim Use Permit is not approved.
16. 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).

MP - How did that increased turnaround affect the impervious surface? Does he have to do anything for that?

JE - They actually got an impervious surface variance when the house was built. That gravel area is actually within the impervious surface limit that was allowed with the variance. And that was under the prior owner of the property.

The PC asked the applicant, Chris Springer & Laura Springer (CS & LS), to come forward to add comments or answer questions regarding the request.

CS - This is our first rental property that we've ever had. We had been doing DIY projects at home and ran out of things to do at home, so we thought why not try this. We found this property and put over \$35,000 into it with improvements and furnishings inside and outside. We fixed things that weren't to code, like the deck railings and how it was attached to the house, from the previous owner. We cleaned up landscaping that was overgrown, in that staircase that was pictured on the west side of the property we had to clear all that back. We fixed and painted all the railings, secured all the railings down to the shoreline. We got approval from the DNR to fix some of the eroding shoreline and patio down there. The turnaround spot, we had lots of conversations. Thank you for being patient with me JE. There was the one complaint from the direct neighbor right there. There is a 25ft wide driveway easement, only half of that is paved and right at that property, there is a fence that is in the way of the driveway easement. If you took 25ft from that fence towards that neighbor's house almost their entire driveway would be in the easement. We decided not to press that and just put in turnaround spot on our own land at our own cost, to get around that. Every once in a while, a delivery vehicle will turn around in that driveway, and we get text messages. It's been interesting. We have 6/6 5-star reviews on Airbnb, and we are a super host, which is really exciting.

LS - We had a family stay there from August to May, so it was actually a long-term rental. It was a very constant, stable rental experience for the neighbors. It was basically the same as a family living there for the last 9 months. They move out at the end of May. Their kids go to Shattuck, so they are likely to

return and/or have many friends who would be interested in renting from August or September. It's been really nice. We actually only have around 10 rentals in the summer. Last year was a little higher, but we raised our minimum stay to encourage a specific type of stay. A majority of our groups are cross-generational family gatherings, grandparents, parents and kids who are looking to spend some time together. We also bought it for our family. We have four kids under 10 and bought it with his parents as a way for us to start a tradition there too. The Airbnb is something that helps us pay for it and allows us to take advantage of some of our skills and hobbies.

CS - Right now we have a minimum 4-night stay and a maximum of 10 guests. We view it as overnight, so they can have someone visit for lunch during the day and leave but also don't exceed the car limit then we're okay. We are strict on no parties and no events, so we talk to people before they book to understand why they are coming. Those are all my notes until we get to the conditions.

JH - You guys know now that you cannot have guests stay for longer than 30 days, and you are okay with that?

CS - Is that inclusive of long-term rentals? I thought that was a different thing because this is short-term.

JE - So the long-term rentals just follow our residential use. This would only apply to the ones that are under 30 days. So, what they've been doing for the last several months was just regular residential use.

JH - Are you guys planning on doing a mixture of both short-term and long-term? Or it just depends?

CS - It's unknown. We had a Shattuck family reach out, and we learned through them that there is an opportunity to be in partnership with that because it's a nice house.

LS - The business model of having long-term rentals over the winter months and just short-term during the summer. We usually end up having about 2 rentals per month in the summer, so it ends up being very limited, but just enough to help us cover our costs.

CS - And either we're down, or my parents, or siblings are there to enjoy the view and the lake.

LS - We are there all the time.

GJ - Are you aware of the 16 conditions?

CS - Yes, and we have some questions. Was there a reason for #11 being \$2 million for the umbrella?

LS - We did some research into that when we were looking to purchase the property and didn't find anything that high.

JE - When the Interim Use Permit ordinance was adopted, the Commissioners did want to have liability insurance. We reached out to the County Attorney's office to get their recommendation on what they felt an appropriate amount would be. They are the ones that arrived at that \$2 million. My understanding is that with many of the common rental platforms, \$1 million is just a part of that so then the extra \$1 million would have to come from some other source.

CS - So you are saying a cumulative \$2 million?

JE - Yes, a cumulative of \$2 million.

LS - Okay, so we would just have to reach out and adjust to whatever you guys say. It's definitely higher than anything we have found, so we were shocked to see that number, especially given that we have a low number of renters. We don't have like 50 or 60 groups throughout the year.

CS - I looked up \$1 million and that's not a huge yearly cost and it being cumulative is nice to note, so I feel okay with that. And then the parking with the improved hardscape turnaround spot and all the regulations on the sq ft you need to turn around. For condition #6, I was wondering if we could change it to have 3 vehicles outside? Because there is enough room with how the regulations are. The rules we have stated right now and all the listings are that you can have 3 vehicles. The garage has a Ping-Pong table and a foosball table, which we could move but part of the draw is to have a Ping-Pong tournament with your siblings. I just wanted to see if we could change that or not.

JH - That is pretty standard in the conditions, right?

JE - For the number of vehicles, we refer to our parking ordinance which talks about the amount of parking area that you can have. In light of the complaint, I made the recommendation that they use the garage space for the storage of vehicles as a way to try and alleviate the issues with the outdoor parking. But yes, the applicant did show that in theory, 3 vehicles could park on the outdoor area. That is something for you guys to consider.

LS - My thought is that if we lived there as a family of 6, when they are teenagers, we could have 5 cars.

GJ - Any other questions?

CS - Just some things to share. We manage the property, so when you are talking about the property manager, that is us. We can be door-to-door in 45 minutes, which is nice. When there is severe weather, we give codes to our neighbors that live in trailers to come use the basement. We are very connected to

the people that are around us, as much as we can be.

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

Matt Ness - *Roberds Lake Blvd* - I am just down the road from CS and LS. I just want to testify to the people that they are. When they bought the property, they came and introduced themselves to us and made sure we understood what their intentions were and that we had a way to contact them if we had any problems. On several occasions when there had been some minor issues with the property, they have called on my wife or I to try and rectify it so they have happy renters. We would rather have that than unhappy renters in the area. The property is very well maintained and I appreciate that if we have people doing short-term rentals that they are trying to follow the process, get permitted and talk to their neighbors. As opposed to trying to slide under the system. I would be very supportive of them being one of the first permitted short-term rentals here and setting an example of what we'd like to see.

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

Discussion:

GJ - I do agree with that, I am glad someone came forward because I know there is more than one out there.

JH - We do know there is a lot in the county.

KE - This is our first one that we've done, it's good to set the bar high. And you'll have some work to make sure that bar stays high.

JH - I would be okay with changing that condition from 2 to 3 vehicles outside since they have been able to make an adjustment to add an additional car.

GJ - I agree with the change to the parking and maneuvering plan. Since it's shown to work with 3 vehicles, I would be fine letting that be 3.

JH - So, no more than 3 vehicles may be parked outside on the property and then keep the 2 vehicles parked inside.

GJ - Other than that, it sounds like it's going to work.

JH - It sounds like they have cleaned up the property a lot and brought value to the area. And it allows people to explore Roberds Lake a little more, too.

GJ - I do think it will help a lot to have longer minimum stays, I think that will go a long way with the neighbors, too.

CP - Just a note, they are hooked into the Faribault sewer system too.

JH - Yes, so they don't have to worry about septic. That is a plus.

KE - I motion to approve with the 16 conditions, with #6 being changed to 3 vehicles outside.

MP - I second.

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

7. **Interim Use Permit/Poplar Grove Farms - Section 28, Cannon City Township**

New Energy Equity, on behalf of landowner Poplar Grove Farms LLC, has applied for an Interim Use Permit for a 1MW solar energy production facility. The property is described as: Part of the NW1/4, Section 28, Cannon City Township, Rice County, Minnesota. PID#s 11.28.2.00.003 & 11.28.2.25.001. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for New Energy Equity, on behalf of landowner Poplar Grove Farms LLC. The property is located in Section 28 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Poplar Grove Farms – 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 2025 application 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. Screening shall be installed and maintained as shown on the application plans.
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.
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 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.
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).

The PC asked the applicant, Anthony Acosta (AA), to come forward to add comments or answer questions regarding the request.

AA - Basically, we are just looking to extend the permit for another year. I don't have much to add, but I am here for questions.

JH - Do you think you'll be able to start construction within this next year?

AA - Yes, our plan is to start construction around September or October.

GJ - Are you aware of the 12 conditions?

AA - 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 - I feel like we are running into this issue a lot with solar projects. It has been happening for years though, it's hard sometimes with backup of materials or issues with other things. It is nice to hear that they do plan on starting construction this fall.

GJ - I think it is pretty straight forward, we have approved it before, and they aren't changing anything.

JC - I motion to approve with the 12 conditions.

JH - I second

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

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

Forest Township, on behalf of landowners Mesenbrink Construction & Engineering and Kimberly R Gensmer Trust, has applied for a preliminary and final plat for a 2-building lot subdivision. The property is described as: Outlot A, Maple Shores Subdivision in the NW1/4 of Section 15, Forest Township, Rice County, Minnesota. PID# 06.15.2.01.002. The property is Zoned RDS, Recreational Development Shoreland.

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

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

CONDITIONS OF APPROVAL – Forest Township – Preliminary & Final 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. Outlot A shall be transferred to Forest Township prior to issuance of building permits on Lot 1 or Lot 2.
4. All construction is to adhere to all Rice County codes and ordinances.
5. Outlot A is a non-buildable parcel and lots shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.

Hearing Minutes:

Senior Planner Jeremy Edwards (JE) 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 - We saw this about 5 months ago, and Mesenbrink Construction had an issue. Those two lots were not buildable, so they worked with staff, and they changed them to 40,000-sqft to make them buildable. And now hopefully they are happy. I like the conditions, staff added that part about until they sign it over to Forest Township. Forest Township has run that septic system since 2004. We felt at that time it wasn't worth the cost to do a lot of upgrades to the fence because we did not own it. We did give Mesenbrink two driveway permits and free hookups into the septic. That septic system is running at 1/3 capacity right now and those would be the only two buildings left to hook up. The septic system is in good shape.

MP - Are you aware of the 5 conditions?

CP - I am.

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:

GJ - I think this works out for everybody. It gets the septic system to Forest Township and they worked to get those two lots buildable within the ordinance.

KE - I motion to approve.

MP - I second.

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

IV. Adjournment

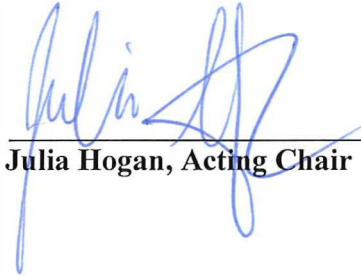
Hearing no other items before the PC, a motion was made by JC, second by MP, to adjourn the meeting at 8:19 pm. Motion carried 5-0.

Respectfully Submitted

Planning Commission



**MacKenzie Klett
Office Support Specialist**



Julia Hogan, Acting Chair