

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, May 29, 2025 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Acting Chair Julia Hogan at 6:50p.m.

Members present were: Julia Hogan, Matt Purfeerst, Jim Cihak

Members absent were: Garrett Johnson, Kenneth Engen

Staff present were: Zoning Administrator Trent McCorkell, Senior Planner Jeremy Edwards, Office Support Specialist MacKenzie Klett.

Commissioners present: Charlie Peters

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

B. Motion by Matt Purfeerst, seconded by Jim Cihak, Reading of the Notice

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

C. Motion by Matt Purfeerst, seconded by Jim Cihak, Approval of the Agenda

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

D. Motion by Jim Cihak, seconded by Matt Purfeerst, to approve the minutes of May 1, 2025.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

II. New Business

1. Waiver of Plat/Fisher - Section 27, Webster Township

Anthony Fisher has 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 of the SE1/4, Section 27, Webster Township, Rice County, Minnesota. Current PID# 02.27.4.25.003. Current property address: 3400 Lonsdale Blvd W, Northfield, MN 55057. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Jim Cihak, to recommend approval of the Waiver of Plat with the following conditions and findings for Anthony Fisher. The property is located in Section 27 of Webster Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Fisher – Waiver 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:

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

MP - Is the driveway going to be shared with the main driveway coming in? Or is it going to be a new driveway on the gravel road?

TM - I believe this is a new proposed driveway off Chester Ave. The previous TDR was able to share a driveway with the existing home site out there.

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

AF - As TM mentioned, this is the same hay field that we separated off a parcel last year with a TDR in the north section. The south section is what we want to separate off this year with another 5-acre parcel building site. We are going to be using up the rest of that hay field which is not a very good hayfield. It'll make a much better building site.

JH - Are you aware of the 6 conditions?

AF - Yes.

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

Acting Chair Hogan closed the public testimony portion of the item to the public.

Discussion:

MP - It looks like a great spot for a building site.

JC - I am familiar with the area and I would agree with what MP said.

MP - There is a nice grove of trees and one next door. It's the perfect spot.

JH - I hate to say it, but it's pretty straightforward.

MP - I motion to approve with the 6 conditions.

JC - I second.

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

2. **Waiver of Plat/Schema - Section 22, Wells Township**

Robert Schema has 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 SE1/4 of the SE1/4, Section 22, Wells Township, Rice County, Minnesota. Current PID# 10.22.4.00.002. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Matt Purfeerst, to recommend approval of the Waiver of Plat with the following conditions and findings for Robert Schema. The property is located in Section 22 of Wells Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Schema – Waiver 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. Prior to any onsite construction the landowner shall consult with the Rice SWCD to verify wetland compliance in the proposed home and driveway locations.
6. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcel is recorded.
7. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

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

The PC asked the applicant, Robert & Linda Schema (RS & LS), to come forward to add comments or answer questions regarding the request.

Cade McAdam - *SW Grand Ave* - I am speaking on behalf of my grandpa. We are just looking to build a house.

JH - Are you aware of the 7 conditions?

CM - Yes.

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

Acting Chair Hogan closed the public testimony portion of the item to the public.

Discussion:

JC - It makes sense.

JH - Sounds like Soil and Water was fine with what they found on site, which is good. It doesn't seem like any issues from other departments in Rice County.

MP - It's good seeing the TDRs.

JC - I motion to approve item #2 with the 7 conditions.

MP - I second.

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

3. **Waiver of Plat/Hebel - Section 22, Webster Township**

Sean Hebel has 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 E1/2 of the SW 1/4, Section 22, Webster Township, Rice County, Minnesota. Current PID# 02.22.3.00.002. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Matt Purfeerst, to recommend approval of the Waiver of Plat with the following conditions and findings for Sean Hebel. The property is located in Section 22 of Webster Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Hebel – Waiver 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. Prior to any onsite construction the landowner shall consult with the Rice SWCD to verify wetland compliance in the proposed home and driveway locations.
6. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcel is recorded.
7. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

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

JH - So is that a private road on the left-hand side near parcel B?

TM - That is a neighbor's driveway.

JH - Will parcel B use that?

TM - No, it will have its own driveway. It does have driveway approval already from the Township coming off the roadway just to the north there.

The PC asked the applicant, Sean Hebel (SH), to come forward to add comments or answer questions regarding the request.

SH - Looking to do a 5-acre parcel with a building right, TDR transferred from Jeff Docken. Right now, I am going to hold off on doing the TDR for parcel A. I am going to turn it into a livestock parcel someday.

JH - So just doing parcel B for now?

SH - Correct.

JH - Have you seen the 7 updated conditions?

SH - I have. The last condition, it has \$1000 but it's going to be \$500 now.

JH - Yes, that has been updated.

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

Jeff Docken - *Chester Ave* - SH explained it well. I know you can't pick your relatives, but you can pick friends, and sometimes you can pick neighbors. And I think we have a couple neighbors that want to buy this parcel, and it'll be a good deal for everyone. It's straightforward. The only question I have is about the Conservation Easement. Will it have to be changed then?

TM - Yes, it will be reduced from the full quarter-quarter section to 35 acres. That will need to be updated.

Matthew Cochlin - *65th St NW* - One issue I see with the Waiver of Plat is with the road. Chester Ave is a heavily traveled gravel road. There are currently 3 businesses associated with addresses on that road. I see the increased traffic and it will only deteriorate the road quicker. The grader is out once every other week. I don't think that it's a good use of taxpayer dollars to keep sending the grader down that road. So, if a building site is added, that's at least 4 trips per day per household. I just wanted to point that out.

Acting Chair Hogan closed the public testimony portion of the item to the public.

Discussion:

JH - Chester is a Township road, correct?

TM - Yes.

JH - Is the Township aware?

JC - As a Township Supervisor in the adjacent Township, I know enough in regards to Webster Township, it's not just Chester Ave but our Township roads and others in the county. Traffic can be an issue, but I don't think we need to use that against someone being able to build a home on this 5-acre parcel. Its factual county wide, be thankful that they can go every other week or as needed is how it's probably done, following a rain event or something. To me that is part of normal maintenance on that

type of road, and due to traffic numbers and those have increased everywhere.

JH - Does Staff have additional comments?

TM - While Chester Ave is likely to have traffic from this site, the site is directly accessed off 65th street. The other transfer site that was withdrawn at this point, that would have had direct access off of Chester Ave.

JH - That other parcel, if it were to get subdivided would use Chester Ave, but that's not in front of us right now.

JC - I motion to approve item #3 subject to the updated 7 conditions.

MP - I second.

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

4. **Interim Use Permit/Grazzini - Section 9, Shieldsville Township**

Frank Grazzini has applied for an Interim Use Permit for a grading and filling project to construct a driveway. The property is described as: Part of the W 1/2 of the NE 1/4, Section 9, Shieldsville Township, Rice County, Minnesota. PID# 09.09.1.50.001. Property address: 10498 160th St W, Kilkenny, MN 56052. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Jim Cihak, to recommend approval of the Interim Use Permit with the following conditions and findings for Frank Grazzini. The property is located in Section 9 of Shieldsville Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

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

1. Grading and Filling is limited to the amounts and in the areas described in the submitted site plans.
2. Prior to any 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 structures (Silt fence or hay bale) shall be placed down gradient from disturbed areas to prevent sediment from reaching neighboring properties, wetlands, streams and road ditches.
5. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as weather conditions allow. All exposed soil shall be restored by seeding and mulching within 72 hours of project completion.
6. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Natural Resources Conservation Service (NRCS).
7. Fill or excavated material must not be placed in a manner that creates an unstable slope.
8. Alterations of topography shall not adversely affect adjacent or nearby properties.
9. This grading and filling Interim Use Permit (IUP) shall remain in effect for one (1) year from the date of approval, provided that all conditions of the permit are adhered to.
10. Failure to comply with these conditions may result in revocation of this permit.

Hearing Minutes:

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

JH - So there was a wetland delineation done back in 2022?

TM - Yes, that is my understanding that there was a wetland delineation done.

JH - So, Soil and Water wants another wetland delineation done prior?

TM - No, they just want the applicant to make sure they are vigilant and adhering to the delineation and those boundaries. I believe we have a condition that they verify compliance or just touch base with the Soil and Water district on that.

The PC asked the applicant, Frank Grazzini (FG), to come forward to add comments or answer questions regarding the request.

FG - We are hoping to finish construction of a driveway on this property for a future building site. I believe TM described it all.

JH - Are you aware of the 10 conditions?

FG - Yes.

JH - Any issues with any of them?

FG - No, they all seem very reasonable.

MP - Are you going to be a professional road builder soon? It sure looks like quite the driveway.

FG - Unfortunately, the perfect building site was all the way in the back.

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

Acting Chair Hogan closed the public testimony portion of the item to the public.

Discussion:

MP - Everything is on cue, having phase 1 and phase 2. There have been no complaints, he's adhering to wetlands and checking all the boxes. And I don't see any issue with it. I motion to approve with the 10 conditions.

JC - I second.

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

5. **Interim Use Permit/Feyereisn - Section 21, Cannon City Township**

Mathiowetz Construction Company, on behalf of landowner Robert & Sharleen Feyereisn Trust, has applied for an Interim Use Permit for a grading and filling project to place fill from the County Road 50 reconstruction. The property is described as: Part of the NE1/4 of the NE1/4, Section 21, Cannon City Township, Rice County, Minnesota. PID# 11.22.2.25.004. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Jim Cihak, to recommend approval of the Interim Use Permit with the following conditions and findings for Mathiowetz Construction Company, on behalf of landowners Robert & Sharleen Feyereisn Trust. The property is located in Section 21 of Cannon City Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Feyereisn (Kimball) – Interim Use Permit (IUP)

1. Grading and Filling is limited to the amounts and in the areas described in the submitted site plans.
2. Prior to any 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 structures shall be placed down gradient from disturbed areas to prevent sediment from moving outside of the grading and filling area.
5. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as weather conditions allow. All exposed soil shall be restored by seeding and mulching within 72 hours of project completion. Final site restoration is to restore the site into a condition suitable for agricultural crop production.

6. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Natural Resources Conservation Service (NRCS).
7. Fill or excavated material must not be placed in a manner that creates an unstable slope.
8. Alterations of topography shall not adversely affect adjacent or nearby properties.
9. This grading and filling Interim Use Permit (IUP) shall remain in effect for one (1) year from the date of approval, provided that all conditions of the permit are adhered to.
10. Failure to comply with these conditions may result in revocation of this permit.

Hearing Minutes:

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

MP - Do you think they will get it done in 1 year? I see that's condition #9.

TM - That is the proposed timeframe. I am not sure what the whole road project is, but the filling and removal portion is supposed to be.

The PC asked the applicant, Adam Kimball (AK), to come forward to add comments or answer questions regarding the request.

AK - As stated, this is a part of our Rice County reconstruction project. We looked at this site mainly because the landowner is adjacent to the project and that eliminates a lot of our highway truck traffic taking material elsewhere on county roads. Since this site is right next to the project, we can use onsite heavy equipment to transfer everything to this site. Raise the area up that is ponding water in the landowner's field and match the contours that the new road is going to create. Basically, going to taper everything off into his field for proper drainage and still being able to farm it for future use.

JH - Are you aware of the 10 conditions associated with this?

AK - Yes. And just to let you guys know, the filling of this project will be this year. The project itself will last through next year, the second level of asphalt will get placed next year.

JH - Okay, but the grading and filling part will be done this year?

AK - It will be done this year.

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

Acting Chair Hogan closed the public testimony portion of the item to the public.

Discussion:

MP - Makes a lot of sense for a big construction project to have a site right next to it. It eliminates the truck traffic on county roads, it's safer, more environmentally friendly, it's all the above.

JH - Keep it in the county. And it sounds like they are trying to get all the grading and filling done within the year.

CP - The county also has a 3-year project on County Road 20, that will start next year. So, I am sure we will see a few more of these in that area.

JH - The 10 conditions cover any issues if they come up, especially with wetlands or anything like that.

MP - I motion to approve with the 10 conditions.

JC - I second.

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

6. Interim User Permit/Bauer - Section 5, Cannon City Township

Peter Bauer has applied for an Interim Use Permit for continuation of an aggregate mining operation. The property is described as: Part of the NE1/4 of the SW1/4 and the SE1/4 of the NW1/4, Section 5, Cannon City Township, Rice County, Minnesota. PID#s 11.05.2.75.001 & 11.05.3.00.001. Property address: 2424 158th St E, Faribault, MN 55021. The property is Zoned WS, Wild & Scenic.

Motion by Jim Cihak, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Pete Bauer. The property is located in Section 5 of Cannon City Township.

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

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

1. The Interim Use Permit (IUP) is for a sand and gravel mining, sorting/screening and washing operation.
2. Prior to additional mining activities the applicant must verify wetland rule compliance with the Rice SWCD.
3. 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.
4. This Interim Use Permit (IUP) shall be valid for a period of six (6) years from its issuance. By the end of five (5) years, from permit issuance, mining activities shall have ended and the site shall be completely restored unless a new/renewed IUP has been obtained. Failure to renew the permit or to restore the site by the end of the five (5) years shall result in the County exercising the bond/financial surety and using the proceeds to restore and properly close and restore the site.
5. 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 must be reviewed and approved by the Rice County Attorney's office prior to any work on site.
6. 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 non-setback compliance deviations 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.
7. No equipment or materials shall be stored within the setback areas nor within 300-ft feet of the Cannon River. Previously mined areas within the setbacks may be graded and restored as shown on the mining final restoration plan.
8. Mining shall not be allowed below an elevation of 905-ft.
9. The hours of operation shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 7:00 a.m. to 3 p.m. on Saturdays.
10. If dewatering is done no water shall be directly pumped to the Cannon River
11. Fuel storage shall not be allowed within any mapped floodplain areas.
12. 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.
13. 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.
14. 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. Not more than 10-acres of the proposed mining area shall be open to mining at any one time. The site is to be completely restored within five (5) years from issuance of the permit unless a new/replacement permit has been obtained.
15. 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 gravel mining operation ceases.
16. All access drives within the site and to the paved county road 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.

17. The site shall be secured at access points.
18. "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 not taking place.
19. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.
20. The site is to be cleaned of all debris and equipment after closure of the pit.
21. Failure to comply with conditions may result in revocation of the Interim Use Permit (IUP).

Hearing Minutes:

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

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

Gage Bauer - *Nerstrand Blvd* - Looking to continue with the Interim Use Permit previously approved. We would like to keep mining there. We did expand the mining area; we don't necessarily have the intention of actually using all of it. We just want to make sure it's there in case we wanted to. As TM said, we have been talking with Rice County Soil and Water, we have a meeting with them next Friday to go over the delineation. The area in question has been previously mined, roughly 40 years ago. So that's why it is classified as seasonally flooded on Beacon. However, it clearly has been previously mined, there are other small ponds in there, so we believe that we will be able to reach some kind of compromise with SWCD.

JH - Are you aware of the 21 conditions?

GB - Yes.

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

Acting Chair Hogan closed the public testimony portion of the item to the public.

Discussion:

JH - I think it's great that they are meeting with SWCD and they are willing to come up with a compromise on what can/can't be done in the wetland areas. I think that conversation will be helpful for mining in this area.

CP - Looks like what they have restored already, they have done a good job with.

MP - Have we had any complaints with this particular operation?

TM - Not in the last 20 years, so 2 owners ago we had some, but not since then.

JH - And they were notified if they are within a 1/4 mile of this operation with the notice, so if they had issues, they've had time to let Staff know.

TM - I didn't point it out in the photos, but directly to the east of the site is another mining operation. It borders right along it.

MP - That was in here 2 months ago.

JC - I motion to approve item #6 with the 21 conditions.

MP - I second.

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

7. Interim Use Permit/Caron - Section 26, Wells Township

Nokomis Energy and Wells Garden LLC, on behalf of landowner Hilary Caron, has applied for renewal of an Interim Use Permit for a 1MW solar energy production facility. The property is described as: Part

of the NW1/4 of the SW1/4, Section 26, Wells Township, Rice County, Minnesota. PID# 10.26.3.25.004. Property address: 19600 Roberds Lake Blvd, Faribault, MN 55021. The property is Zoned, A, Agricultural.

Motion by Matt Purfeerst, seconded by Jim Cihak, to recommend approval of the Interim Use Permit with the following conditions and findings for Nokomis Energy and Wells Garden LLC, on behalf of landowner Hilary Caron. The property is located in Section 26 of Wells Township.
RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Caron (Nokomis Energy) – 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. Solar panels must be at least 100-ft from County Road Right of Ways and 20-ft from other property lines.
4. Security fence shall consist of fencing meeting state and federal electrical code requirements.
5. All required permits shall be obtained prior to onsite construction.
6. As soon as onsite construction is completed all areas of the site, excluding the access roads and electrical equipment pads, are to be established and maintained in Agricultural crop production or a pollinator friendly perennial vegetative cover.
7. All electrical lines internal to the site and to the location of the interconnection point with the power utility shall be buried underground, except those lines within the fenced area may be above ground as long as they are lower than the panel heights and meeting electrical codes.
8. A stormwater plan and proof of compliance with state/federal stormwater regulations shall be submitted to Rice County Environmental Services with the application for building permits.
9. Removal of existing onsite trees shall be done to the minimum amount necessary.
10. 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.
11. This Interim Use Permit (IUP) shall expire and the entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
12. Failure to comply with conditions may result in revocation of the conditional use permit.
13. Prior to issuance of a construction permit for the solar facility a septic system compliance inspection shall be completed and submitted to the Rice County Environmental Services department. If the compliance inspection shows the system to not be in compliance permits shall be obtained and a compliant replacement septic system shall be installed within 1- year of the IUP approval.
14. This Interim Use Permit (IUP) shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.

Hearing Minutes:

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

MP - Is this the one that has the natural gas pipeline running through it? Or is that the one on the north side?

TM - The one on the north side had more issues with the natural gas line where they had to go over the line. This one doesn't have the same issue.

CP - That one was just renewed, wasn't it?

TM - It was renewed once at least, modified mainly because of that issue with needing to go overhead when they got to the gas line. It became a complicated issue with trying to go underground near the gas line.

JH - Was there public comment on this one in 2024? I can't remember if it was because of the houses nearby.

TM - I don't recall getting any on this site. We did on the other site with the neighbors, and we had some screening conditions added on that one. But I don't recall any on this one, it is well screened to all the neighbors.

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

FE - I am the project developer for Nokomis Energy. We were uncertain if we were able meet the June 11th start of construction date which is why we reapplied. Generally, that's the case when we get into summer construction months. We've had some delay because of wet conditions, and we have to do some pole testing to deliver the requirements for the engineering on the racking system. So for that reasoning we actually have a current Interim Use Permit in place but we decided rather than creating a 5-week gap were we couldn't do any construction we should just reapply now.

JH - Are you aware of the 14 conditions?

FE - Yes we are, and we are also aware of the added condition to do a septic system inspection on the residential property.

JH - Do you believe you will be able to start some sort of construction within the next year?

FE - Yes, yes we are. Just to add some detail, we are on the verge of breaking ground on that project. I think we are about 3-4 weeks away.

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

Acting Chair Hogan closed the public testimony portion of the item to the public.

Discussion:

JH - It sounds like they are about ready to start construction on it which is great. I know a lot of solar companies have been struggling with getting everything situated within the 1-year limit.

MP - It got approved the first time, so I don't see a reason to deny it this time. And there is no one here for public comment. I motion to approve with the 14 conditions.

JC - I second.

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

III. Adjournment

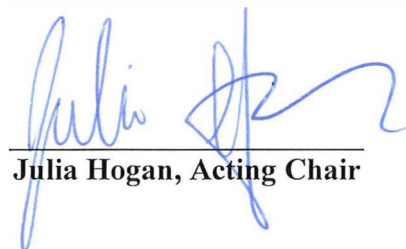
Hearing no other items before the PC, a motion was made by JC, second by MP, to adjourn the meeting at 7:40 pm. Motion carried 3-0.

Respectfully Submitted

Planning Commission



MacKenzie Klett
Office Support Specialist


Julia Hogan, Acting Chair