

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, September 4, 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 7:00p.m.

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

Staff present were: Zoning Administrator Trent McCorkell, 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 Julia Hogan, Approval of the Agenda

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

D. Motion by Matt Purfeerst, seconded by Jim Cihak, to approve the minutes of August 7, 2025

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

II. New Business

1. Zoning Ordinance Amendment/DeGrood (Watts)

David Watts, on behalf of Joe and Connie DeGrood, has applied for an amendment to the text of Chapter 508 of the Rice County Zoning Ordinance to add "Solar Energy Production" as an Interim Use within the URI, Urban Reserve Industrial Zoning district.

Motion by Matt Purfeerst, seconded by Jim Cihak, to recommend approval of the Zoning Ordinance Amendment request adding solar energy production as an interim use in the URI District with a revision to the request for the additional setback standards to 750 feet from City and Township roads and 1500 feet from County and State roads in proposed Section 507.08 C.1.

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

Watts (DeGrood) – Zoning Ordinance Amendment (ZOA)

Chair Johnson stated that he would be abstaining from this item due to family and business connections. Chair Johnson stepped down and Vice Chair Engen chaired the item.

Hearing Minutes:

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

JH - The City of Faribault, at least from the letters they have submitted, are not in favor of this change?

JE - They submitted a pair of letters in opposition to this amendment. They are concerned that solar would take up land that could potentially be used for industrial park growth of the city. Not to put words in their mouth, but they want to maintain large, open acreages of land that could contain industrial uses. They are concerned that if a solar project is in that area, it could discourage a development.

JH - So, land that they maybe want to annex into the city at some point.

JE - At some point in the future.

MP - Before the Industrial zoning classification got added, solar was allowed in these areas?

JE - Yes, solar was allowed in these areas. It is worth noting that there is an existing solar field in the area southwest of I-35 and that one was approved at the state level from the public utility commission. That was exempt from local permitting because it went to state permitting but there is an existing solar field in that southwest area.

MP - So you are looking for a motion to approve this?

JE - You will need to talk to the applicant and hold your hearing first. Ultimately, we are looking for a motion of approval, modified approval or denial, whatever your recommendation is for the county board.

The PC asked the applicant, David Watts (DW), to come forward to add comments or answer questions regarding the request.

DW - I am representing US Solar. I am the Vice President of Project Development at US Solar. US Solar is a Minneapolis based business with about 75 full time employees. We develop, own and operate community solar gardens. I am here in partnership with Joe and Connie DeGrood who are residents and landowners in Rice County. This ordinance change would be remarkably simple, it has two parts. The first part is you add the letter "I" in the use table next to the Urban Reserve Industrial (URI) district for solar. And the second part is that we recently updated our request to include large setbacks from certain types of roads that would preserve industrial development opportunities. I can elaborate on that in just a moment. But importantly, an Interim Use Permit, by definition is a temporary use. If an IUP were granted for solar energy production in the URI, it effectively takes that land that is not yet viable for typical industrial development, and it preserves it for such uses at a later date. In other words, solar energy production serves as a very useful bridge to allow the landowner, the county and the community to benefit from solar energy production while preserving optionality for future traditional uses. In some cases, it's the perfect type of land use for these portions of the URI that are not currently in demand by industrial development. It is also worth pointing out that solar energy production is already permitted in the Urban Reserve district and the Rural Industrial district, both of which have similarities to the URI zone that we are discussing today. I have been developing community solar gardens in Minnesota for about 10 years and this is not my first time working with Rice County, but it has been a few years, so I brushed up on the Rice County Comprehensive Plan. I wanted to make sure what we are requesting is in fact in line with the county's goals for this zone and I am happy to report that it is. Our application provided a very thorough analysis of the Comp Plan, and we included supporting evidence that our request aligns with 9 of the specific action items within those enumerated goals of the Comprehensive Plan. Out of respect for your time, I am not going to read each of those 9 at this meeting, they are already in the public record as they were part of the application. I am happy to elaborate on any of them if you would like me to, but I am going to otherwise leave it as it is in the application. As a Minnesota based company, it is always important to me as an individual and to our company to be good neighbors and to listen to the surrounding community. The only community member that I am aware of who has expressed any negative feedback about the proposal is the City of Faribault. As soon as we learned that the city had some concerns about our proposal, we voluntarily asked staff to have our item tabled from the last month's meeting. We did that to try and buy some time so we could work with the City of Faribault and find a way to update our request to make it more palatable and in the middle of what the county and city envisions for this. I will also point out that this voluntary effort to delay the project timeline by one month has the potential to do significant harm to the project that we wish to develop with the landowners should this ordinance amendment get passed and the subsequent IUP get approved. But we found it important enough to accept that significant harm to the project. I will note that the City of Faribault doesn't have an orderly annexation area or other controlling agreement over this zone. All parties are in agreement that Rice County is the Planning and Zoning authority. On August 13th, we met with City of Faribault's staff including Harry Davis, Jessica Kinser and David Wanberg along with Rice County staff Trent McCorkell and Jeremy Edwards. As mentioned, the purpose of the meeting was to try and find out what their concerns are and if there is anything we can do to amend the request and make it more palatable. We learned a lot about their goals and the concerns and some of the visions they have for this area. We believe that adding specific setbacks that vary by road authority is a very good method to help account for some of the city's goals without sacrificing the County's goals or the rights of the landowners that you represent. In short, the city hopes to see industrial development continue to spread towards the URI district, so we looked for ways to update the request to preserve the

land that is most suitable for typical industrial development. We considered three tools to try changing the request: one would be a total prohibition of solar energy production facilities on the URI land if that happens to have very flat topography because that is typically what Industrial Development looks for. We also considered a minimum remaining lot size, so requiring any parcel that does get a solar production facility in the URI to have a minimum of "x" acres remaining outside of that solar area that would preserve a large tract of land for industrial development. And the third and final thing that we considered are very large setbacks from certain roads because industrial developers look for public roads to access from, especially larger roads such as State Highway 60. So, after we reviewed all of these, we actually mapped out some of these solutions to see how it would impact the URI zone and how would it preserve land for Industrial development. We determined that the road setbacks would be the most effective tool to preserve for traditional Industrial development and that would be including, but not limited to land surrounding Highway 60, CR-39 and Bagley Ave, which we identified as some of the biggest priorities for the city. Traditional Industrial development obviously wants to be around those large public roads, so we broke it down. The setback from local roads would be 750ft, which compared to most planning setbacks that is already a very large setback, but that is the smallest setback for the URI zone we are proposing today. So, it would be 750ft from local roads (such as Canby Ave where the property is) For any county roads the setback would be 1100ft and for all city and state roads the setback would be 1500ft. So, the idea is that as you go from the local roads to the city and state roads you are increasing the development potential for traditional Industrial development. If you want to account for the city's desires or if you have similar desires for that area, it would make sense to step up the setback for those higher traffic roads. In reflection of our conversation with the City of Faribault, many parcels in the URI zone today, and I think a lot of landowners will tell you this if you ask them, there is no interest from traditional industrial developers at present. So, there is not some alternative that the landowners are saying no to from industrial development. Solar energy production facilities are again, an Interim Use by definition in Rice County, so this is a valuable interim solution for those landowners. Solar energy production facilities are compatible with traditional Industrial Uses because they have no occupants, and they provide much needed electricity and upgrades to the distribution level electrical infrastructure that any one of these uses would need to interconnect to. All those upgrades to electrical infrastructure are paid for by private developers, like US Solar, and therefore not paid by the industrial developer, reducing their costs thus making it a more attractive opportunity. Due to state law that passed in 2024, all solar energy production facilities above 1MW will pay a solar production tax. For example, a single 5MW AC project would generate about \$400,000 over a 30-year project. And these tax dollars would go to providing public infrastructure and other services for the community. My last point is that some traditional Industrial Uses create consequential risks to the local environment, such as stormwater runoff and other forms of air and water pollution. Solar energy production facilities should be seen as a tool to directly fight against some of those forces. Specifically, because these projects are required by state law to have a diverse mix of native habitat and that has been proven in a USDA study (*linked in application*) to reduce runoff by 37% compared to row crops which is the overwhelming majority of the land use in this zone. And it improves soil, air and water quality because of the reduced runoff and better water infiltration. Thank you for taking the time to listen, this update is intended to address some of the concerns we heard from the City of Faribault. Whether or not these updates cause the City of Faribault to recommend approval of this request, we believe we've thoroughly demonstrated that our request very strongly aligns with the Rice County Comprehensive Plan and on behalf of Joe and Connie DeGrood, we respectfully request that the Rice County Planning Commission recommends approval of this ordinance change. One thing I forgot to mention is that I provided a map that I think would be worth putting on the screen. There is this one specific map that I included in the updated request and that illustrates the setbacks as they vary by road authority. My understanding is that Rice County has different requirements based on road authority. You can actually see the different widths of these setbacks based on who the road authority is. The way you can think about this map is that essentially everything that is yellow and does not have purple hashed lines through it is outside of the road setback. So, it doesn't mean that every single site is suitable for solar but the inverse of that is to say that the purple hashed area is a preserved industrial corridor that is not going to be in any way impacted negatively by approving this request before you.

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

Joe DeGrood - I am here with my wife Connie and JE did a good job explaining it and so did David. It's

way in the back 80 acres.

Dean Sammon - *Bagley Ave* - I represent a Trust that is located south on Bagley Ave. I just wanted to point out that Xcel and there is a major power line coming through that area and into the facilities and substation located on the southeast side of Faribault. So, I think to zone this out completely with that kind of public utility coming through there and I know one of the major concerns they have is having access for the solar operation. One thing about the setbacks, especially Bagley Ave, that's what I am going to speak to more than the north side of Faribault. Much of that area there has the Crockers Creek running through there and its floodplain. So, lot of that setback area that he was showing on both sides of that road is floodplain or existing building sites, so I don't see the feasibility. As you go west and east on Bagley Ave it slopes up considerably from the road itself. I don't necessarily agree that is prime industrial land, it's not flat by any stretch of the imagination. There are small parts of it that are. The biggest flat area on our farm is in the floodplain and you can't build anything in the creek. I think that banning that use completely in the URI was a big mistake. And I was somewhat concerned when you look at the URI, it goes out almost 2 miles from Western Ave. In 1964, I was riding the school bus, and I think the only thing that has changed from Fourth Street this way has been that the Evergreen Knoll was taken down and an apartment complex was built, and Cedar Lake Electric built their building. Otherwise, I think it was the same as it was when I rode the bus, the trailer park was there. I think it will take Faribault 1000 years to get anywhere near developing that area. And when they look at that there will be significant grading in order to put any large industrial complexes out there because it's a hilly rough area.

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

Discussion:

JH - Overall I understand why the City of Faribault is somewhat hesitant with this. You don't know when development is going to happen with large industrial land. Who knows if a data center is going to come to town and the city wants to annex that land? I understand that they are concerned with adding solar because of the 25-to-30-year lifespans. It could be 30 years that the land is tied up, maybe a project wants to come through, but they can't because the land is tied up with solar. I understand their concerns, but I do understand that technically it is county land, and it is allowed in the Urban Reserve and other districts so why can't we allow it as a permitted use in the URI. So, I see both sides, I understand why the city is concerned, but I also understand that this is county land because its land that is not technically annexed in by the city.

CP - I think there are more suitable sites for industrial sites up to the north. The north part of the city is flatter and obviously they have already annexed quite a bit up there. And I agree it could take 30-40 years before someone looks at that parcel for industrial use and in the meantime, you have an opportunity for solar. I can't speak for the rest of the commissioners, but I would be in favor of changing the zoning to allow solar.

JH - I think it is important to realize that this isn't just for this specific project in front of us, we are potentially changing the zoning code, which opens it up for everyone in a URI district. So, although we do have a project in front of us, it's not really the specific project, it's opening it up to anyone who wants to come forward and put solar in the URI district. That is also something to think about.

MP - I think you hit the nail on the head, I agree with both JH and CP. I do think the opportunity is here for solar in the area and who knows how long it will take for industrialization to start in this area. I think it is a little bit of an overstep to restrict solar. At the end of the day, they are the ones who own that ground and if they would like to take the opportunity in front of them, I don't think we should step in front of them because the city might have plans to build something out there. At the end of the day, I think that this gives the power back to the landowner to do what they want and it's their decision too.

KE - I think maybe we need something about topography, make sure the areas that are preserved are bigger flat areas. The solar can go on slants and hillier areas than an industrial complex.

MP - That can get challenging because it is such small area we are talking about that you might only get a few spots here and there. So that might get nit-picky, I think. As far as the setbacks they have laid 750ft from local roads, 1100ft from county roads and 1500ft from city, state and federal roads, I don't see a problem with that. In my mind 1500ft is a long setback, but if that is what they are proposing and if US Solar and the landowner are okay with that, I don't see why you wouldn't do those.

JH - I do appreciate the applicant going forward to the city and trying to come up with a solution that

both parties could somewhat see eye-to-eye on.

MP - I motion to approve the zoning amendment.

JE - I would like to make a comment because we have a motion pending. Just for everyone's reference, normally when it comes to setbacks, if you are going to move forward with that. Typically, the breakdown we have is two setbacks, one for city and township roads and another for county, state and federal roads. So that is a little different from what is proposed here.

MP - What are the setbacks?

JE - We don't have any setbacks that are as substantial as what is proposed. The setbacks they have proposed are 750ft, 1100ft and 1500ft. But if we wanted to change it to match the way that we handle setbacks that might be something to consider here.

JH - Can you give us an example?

JE - An example would be a 100ft setback from city and township roads and 150ft setback from county and state roads.

KE - So, with their proposed setbacks, say you pick two out of the three and apply it to the two different roads you mentioned.

JE - That would be consistent with how the setbacks are handled in the rest of the ordinance. And specifying that the setback is from the edge of the road right of way. There may be some additional clarification needed if we want to make the proposal as consistent as possible. I would also note something to consider is that if the city does begin to grow and annex land and build new roadways, those new roadways then start posing new setbacks. That could potentially create conflicts in the future, if the road setback method is the option you use to try and limit the areas where solar may occur in the URI district.

JH - I would be in favor of making it more consistent. We have been updating our zoning code so we don't want something inconsistent to be added to something we have been trying to make more uniform.

CP - The 750ft from township and county roads and 1500ft from city, state and federal roads?

JH - It sounds like our existing zoning code maximum setbacks are 150ft?

JE - That was just an example. Normally they are substantially lower than what is proposed. I think that some of the thought behind the significantly large 1500ft setback is that it has a practical effect, especially in the north URI almost completely eliminating the area where solar could go. But again, it is an exceptionally large setback, and it would be quite unusual to have a setback that big.

JH - But a setback that large takes away the ability to put solar in some of those areas, which I'm guessing, they were trying to appease the City of Faribault. We would be allowing it but in a very restrictive way to make both parties somewhat happy. I guess it depends on if we want to be more restrictive, like what the applicant is proposing, or do we want to be more uniform and have a smaller setback that is more reflective of other industrial districts in the county?

JC - For me, I think it makes most sense to keep it consistent with current setbacks that the county has in place.

MP - I would agree with that, keep it consistent. With these setbacks it would eliminate a lot of solar production, this might be one of the only parcels that would qualify for solar production under the proposed setbacks. It works for this project but restricts other projects potentially.

TM - I just would like to point out different reasons for setbacks with what you are looking at versus our normal roadway setbacks. Our normal roadway setbacks are for protection and expansion of the road. These larger setbacks are more for limiting the areas where the use can happen and also leaving a significant space between the road and area where other activities could happen.

KE - These larger setbacks would only apply only to solar and if a business were to come in, they would be at the 150ft setback.

JH - Yes, this is just restricting solar in particular. So, if we stick with the proposed setbacks, it shortens the area allowed for solar facilities, which I am sure the city would like. But there would still be the standard setbacks for other industrial uses.

KE called applicant back to speakers stand

DW - If I might add from the applicant's perspective on the discussion that's happening. I think that this whole discussion is the entire crux of this application, and we need to balance the needs of the county versus the wants of the city. Frankly, we are a solar developer representing an individual landowner, I think anything that has been mentioned in this discussion would be totally acceptable. I don't want to guide it in one specific direction. I do think it makes sense to follow, as staff pointed out, city and township roads get clumped into one setback designation with whatever distance you deem fit and doing county, state and federal as a separate setback. Those two groups could have their own setbacks,

and we would be fine with the numbers that were originally proposed, and we would be equally fine with the more standardized setbacks. In any event, I don't think you are going to see solar take over this zone. There are a lot of restricting factors including the floodplain which is a factor for solar. Also including how much capacity is on the substation transformers in Faribault which is limited and extremely time consuming and costly to upgrade, and also the actual service territory of Xcel Energy because currently the Co-op does not provide any program for a project like this. So, these projects are currently limited to the land that's within Xcel's service territory. Either way, there will be plenty of land that is not occupied by solar, regardless of your decision on the road setbacks.

Applicant left speaker stand

JH - I want staffs' thought on that. I know we keep going back and forth on the setbacks. It sounds like collectively we are somewhat in favor of allowing this use in the URI, it's just coming down to what setbacks.

JE - At this point, it sounds like deciding on what distances we want. Once we have those numbers, I can give you some draft language.

KE - As Commissioner Peters mentioned, maybe going with the 750ft for local and city roads and 1500ft for the county, state and federal road setback.

JH - We don't really want to table this just so we can come up with more solidified numbers.

JE - I will read a proposal for the record with what you have discussed: "For solar energy production facilities within the Urban Reserve Industrial zone, there shall be a minimum right of way setback of 750 feet from city and township roads and 1,500 feet from county and state roads." And I do want to clarify when we say state roads in our ordinance, we do include the interstate right of way because that is managed by MNDOT.

MP - I wouldn't mind making it more uniform among the normal setbacks. I am still in favor of not making such big setback requirements for the solar production facilities.

JH - Like 500ft and 750ft?

MP - Yeah, somewhere in there. I don't know the perfect answer. This is going to go to the County Board of Commissioners and another public hearing. I think the numbers we set today are not set in stone. We are just a recommending body.

JH - The County Board of Commissioners is free to make amendments to what we recommend.

CP - I like the fact that there is some favorable industrial land out there, especially in the northern part. This would limit that land to be set up for industrial purposes and as he stated this gives them plenty of room between the solar facility and the road to do some industrial development everywhere. I am in favor of these setbacks, the 750ft and the 1500ft. But I am only one of the five Commissioners.

JH - We can go with the 750ft and 1500ft and recommend approval, then the Board of Commissioners can discuss and see what they think.

MP - We are just a recommending body. I think we need to put it on their plate and have it move through the public hearing. I will modify my motion to 750ft from city and township and 1500ft from county and state roads.

JC - I second.

Motion to recommend approval with stated findings made by MP, seconded by JC, and approved (4-0, Johnson abstains).

Johnson returned as Chair.

2. **Interim Use Permit/Ekstrand - Section 27, Webster Township**

Erik Ekstrand has applied for an Interim Use Permit to allow for operation of a home occupation gunsmithing business. The property is described as: Part of the SW1/4 of the NE1/4, Section 27, Webster Township, Rice County, Minnesota. PID# 02.27.1.50.002. Property address is: 7375 Chester Ave, Northfield, MN 55057. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Erik Ekstrand. The property is located in Section 27 of Webster Township.

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

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

1. The Interim Use Permit (IUP) is for a home occupation gunsmithing business to be operated within an existing detached building.
2. There shall be no more than one employee of the business that does not reside in the onsite home.
3. All vehicles and trailers stored/parked onsite shall be operable and have a current license.
4. There shall be no outside storage of commercial materials or equipment on the property.
5. The applicant is to follow all Federal, State, County and Local rules and regulations.
6. A septic system compliance inspection shall be completed on all onsite systems and submitted to Rice County Environmental Services prior to onsite operation of the business. If the system(s) is found to not be in compliance a compliant system shall be required to be in place not later than 1-year from the IUP approval.
7. Failure to comply with conditions may result in revocation of the Interim Use Permit.

Hearing Minutes:

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

The PC asked the applicant, Erik Ekstrand (EE), to come forward to add comments or answer questions regarding the request.

EE - TM described it really well, this is going to be a small father/son business in an existing building. There will be no additions or improvements to the building. We will not be open to the public. The only people who may show up would be by appointment only to pick up or deliver. There is no additional use for septic, no additional electricity and no more parking. That's really it, it is just my son and I doing something at home.

GJ - Are you aware of the 7 conditions?

EE - 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 - This is a pretty straight forward home occupation, retail sales, not bringing in much traffic.

GJ - It sounds very simple and no comments from the neighbors.

KE - I motion to recommend approval with the 7 conditions.

JH - I second.

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

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

Sean Hebel has applied for a Waiver of Plat to allow for a 5-acre proposed livestock parcel to be separated from the existing 36-acre parcel. The property is described as: Part of the SE1/4 of the SW1/4 Section 22, Webster Township, Rice County, Minnesota. PID# 02.22.3.00.004. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Ken Engen, 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, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

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

1. The new 5.0-acre parcel shall be used to house livestock or agricultural cropping and not for residential or other uses.

2. Any new construction on the parcel is to adhere to all Rice County codes and ordinances.
3. Prior to issuance of any permits for livestock or livestock structures and within one year of this approval the applicant shall record new deeds at the Rice County Recorder's Office separating the parcels onto their own deeds.
4. The 5-acre livestock parcel and remaining parcel shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.

Hearing Minutes:

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

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

SH - I think there was some miscommunication originally. I was going to transfer 2 TDRs, one on each 5-acre parcel and then we decided to not do the one TDR. So, what we only did is remove that and through miscommunication the whole thing got denied basically. We only did the one 5-acre parcel originally, when I wanted to do two 5-acre parcels but just transfer one TDR. There was just a mix-up on everything. So, basically what I want to do is the one 5-acre parcel with the TDR that got approved, so now I just want to put an open livestock shed on the other 5-acres. No building rights, just for livestock that's it.

GJ - Are you aware of the 4 conditions?

SH - 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:

TM - Just a little clarification on condition #1, it's saying it will be used to house livestock and not for residential or other use. It could be used for agricultural cropping, so saying "used to house livestock, or agricultural cropping and not for residential or other uses."

GJ - We have an amended first condition. Overall, as the lot goes, I think it's a pretty simple lot split with no TDR, it is just for agricultural use.

JC - I motion to approve item 3, subject to the 4 conditions with the amendment to condition #1 allowing it to also be used for agricultural cropping.

KE - I second.

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

4. **Final Plat/Kubes - Section 3, Webster Township**

Randy Kubes, on behalf of landowner Endurance Investments LLC, has applied for a final 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 Jim Cihak, seconded by Matt Purfeerst, to recommend approval of the Final Plat with the following conditions and findings for Randy Kubes, on behalf of the 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 – Final Plat

1. Final plat and conservation easement 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 final plat.
3. All construction is to adhere to all Rice County codes and ordinances.
4. The lots and outlot shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
5. Lots 1 & 2, Block 1 shall share driveway access. Lots 3 & 4, Block 1 shall share driveway access. Lot 1, Block 2 and Outlot A shall share driveway access.
6. An in-lieu park dedication fee of \$2500 shall be paid prior to recording of the final plat.
7. The conservation easement on Outlot A shall be recorded immediately after recording of the final plat.

Hearing Minutes:

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

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

RK - I am here to represent the two farmers that own Endurance Investments. We are doing a 160-acre farm and created five lots like JE was explaining. There are three lots that are 5-acres, one that is 35-acres and another that is 40-acres. There is also an outlot that is around 65-acres that will remain farmland. And the larger lots will mostly be farmland, but they will have a building right with each of them. I met with the county to get a driveway permit off 86th and that has been awarded, and I met with the township this past week to get driveway permits for Dalton Ave and that has been approved by their roadway foreman. I will get the permits on September 11th for those driveways. I met with the township last fall, and they were in favor of the development and had no issues. We went through the preliminary plat approval and did the septic locations and all of the requirements, and the Planning Commission didn't have too many objections, and we got our approval there. Now we are looking at the final plat, our surveyor delivered all of the information to the county surveyor and the county surveyor had a chance to look at legal descriptions and title work. Everything is in place for recording the plat shortly after we get our approvals.

GJ - Are you aware of the 7 conditions?

RK - Yes.

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

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

Discussion:

KE - Looks like they got all their ducks in a row.

JH - Not much has changed from the preliminary plat.

GJ - It looks good, obviously it went in front of the Commissioners and was approved.

JC - I motion to approve item 4 subject to the 7 conditions.

MP - I second.

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

5. **Interim Use Permit/Xcel (Clobes) - Section 12, Wheeling Township**

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

Motion by Ken Engen, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Ella Clobes, on behalf of landowner

Northern States Power Co. d/b/a Xcel Energy. The property is located in Section 12 of Wheeling Township.

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

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

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps of Engineers and other applicable federal, state or local agencies.
2. The applicant or operator shall furnish a one-year \$50,000 bond or other financial surety to ensure road repair to damaged roadways from the use of the site and to ensure site restoration.
3. All financial surety shall be reviewed and approved by the Rice County Attorney's office prior to onsite operations.
4. This Interim Use Permit is to allow for an equipment and material yard to operate from approval and April 30, 2026.
5. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the operation ceases.
6. Applicant to strictly adhere to all Rice County codes and ordinances.
7. Trucks Hauling or other approved warning signage are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

Hearing Minutes:

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

The PC asked the applicant, Anna Thill (AT), to come forward to add comments or answer questions regarding the request.

AT - I believe Staff did a great job explaining the purpose of our request. It is to extend the use of the laydown yard that we have been using. We have equipment stored there and need to continue with the rebuild of the transmission line between Nerstrand and Dennison. I believe we have requested for the use of the laydown yard through April and then restoration will be done shortly after.

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 - Just an extension, sometimes you can't control how long a project takes.

GJ - I can't believe it's been that long already, but everything looks good.

KE - I motion to approve.

MP - I second.

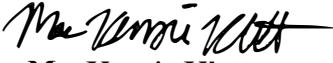
Motion to recommend approval with stated conditions and findings made by KE, seconded by MP, and approved unanimously.

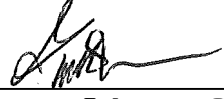
III. Adjournment

Hearing no other items before the PC, a motion was made by MP, second by JC, to adjourn the meeting at 8:07 pm. Motion carried 5-0.

Respectfully Submitted

Planning Commission


MacKenzie Klett
Office Support Specialist


Garrett Johnson, Chair