

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

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Vice Chair Kenneth Engen at 6:37 p.m.

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

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 Matt Purfeerst, seconded by Jim Cihak, Reading of the Notice

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

D. Motion by Jim Cihak, seconded by Matt Purfeerst, to approve the minutes of October 2, 2025

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

II. Old Business

1. **Interim Use Permit/New Leaf Energy - Poplar Grove Farms - Section 23, Morristown Township**
Cole Bearden of New Leaf Energy, on behalf of landowners Poplar Grove Farms LLC and Richard Nielsen, has applied for an Interim Use Permit to allow for a 4.99MW solar energy production facility. The property is described as: Part of Section 23, Morristown Township, Rice County, Minnesota. PID#s 13.23.3.00.001 & 13.23.4.25.002. The property is Zoned UR, Urban Reserve.

Motion by Jim Cihak, seconded by Matt Purfeerst, to recommend denial of the Interim Use Permit with the following findings for Cole Bearden of New Leaf Energy, on behalf of landowners Poplar Grove Farms LLC and Richard Nielsen. The property is located in Section 23 of Morristown Township.

RESULT: Motion to recommend denial approved, AYES: Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: Julia Hogan

Hearing Minutes:

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

The PC asked the applicant, Cole Bearden (CB), to come forward to add comments or answer questions regarding the request.

CB - I am a project developer with New Leaf Energy. I would like to take this opportunity to give a review of the project overall. I know there's been some discussion, from the public, some chatter online as well, and I think there may have been at first a misconception that because we are combining or proposing to combine these two parcels, which constitute a total acreage of over 100 acres, that we were intending to develop 100 acres of solar, which is not the case. The project, as stated by staff is approximately 35 acres of fenced-in area. The original design was intended to preserve as much road frontage as possible, and then, there was an objection from Morristown, which was the basis of the original tabling, regarding their proposed plans for a grant for development along this corridor from Highway 60. We were encouraged to speak with Morristown to try to resolve that issue. About a week after the tabling, I did speak with the City Administrator from Morristown and had separate

conversations with the landowner. We weren't able to get everybody all together. But essentially, Morristown's original understanding of the project was that it was going to be the entirety of the property, which would have impacted their proposed grant design. After talking through that with the City Administrator, I got a clear understanding of what they were proposing, which was essentially to create turn lanes and corridors off Highway 60 to encourage traffic flow into the area. And then potentially preserve that area where our access drive was located for a potential commercial development, whether it be a gas station, restaurant, what have you. So, over the course of that conversation, we came to the conclusion that the best we could do to optimize that site for compatibility was to voluntarily relocate, our westernmost strings of panels on the northwest side to create additional setback from the road frontage there, as well as relocate the hammerhead turnaround portion of our access drive previously took up that north-south strip. So that was moved to the south to open up approximately 2.5 to 3 acres, if I recall correctly, for potential commercial development. We made those efforts to try to maximize this, but I also want to be clear that the landowner did state multiple times that they have no interest, at the moment, for developing this property or selling that property for any development other than our current proposed development for this solar array. I'm aware that there's some online discussion about this from Morristown citizens who are concerned, which I can appreciate. So, there's a couple comments. First, about just general aesthetics from Highway 60. So, this is set back several hundred feet from Highway 60, along with proposed evergreen screening. And a woven wire wood fence, relatively agricultural in character. So, we believe that minimizes the viewshed, from Highway 60, and as well as Holland Avenue, there's some screening you can see on the northwest corner, and then there's additional screening already existing where we don't propose our own evergreen landscaping. What you're seeing right there is actually the landscaping plan, and that open area seed mix in yellow, and then you can see those dots on the north and the west boundary are where we were proposing to put in some evergreen trees. This is a 4.99-megawatt project. Maximum height of these panels is approximately 9 feet. It is a tracker system, so they will follow the sun throughout the day. We're proposing, roughly 35 acres again. 39 acres, or 38.5 is the total disturbed land area, if you account for the gravel access road and the landscaping plan, with the actual fenced areas closer to 35. And with that, I know there was some comments about proximity to the river. That was the other piece I wanted to mention here, was that for our initial design, we were in contact with staff to ensure that we are compatible with the required setback from that river. And our landowner's also a conservation-focused guy who would not be interested in a project that posed any sort of environmental risk. Our packet contains all the relevant diligence to point to the fact that there is no anticipated impact to any endangered species or negative runoff or spill into that river, and we have the stormwater basin there in the southeast corner. That's what that sort of boomerang-shaped area is, that's an approximate 1-acre area to catch stormwater to avoid any potential runoff caused by these panels, and that's done based on calculations from the MNPCA. That's the overview of the site itself. And just to further comment on the conditions, which I know Trent mentioned, so, I think, you know, every developer has had some input here. Essentially, the way it's worded right now, just having it as a 10-year renewal expiration poses some threats to the way that these projects are financed, and the way that the deals are structured with Xcel as well. These enter into the community solar garden program in 20-25-year contracts, and the debt financing terms of these projects are often all, as well, 18 to 20 years or more. So, to impose some sort of renewal or expiration risk in the middle of that is tantamount to a project denial, essentially, in our view. So, we would propose any number of the potential alternatives that I know I discussed with staff, both on the phone and reiterated in the public comment that I filed earlier this morning, that as long as we have roughly 25 years of operation time, so as it's currently worded, that says 10 years from date of approval. So, 25 years from date of approval would still likely shortchange what's really required for these projects. Tying it to the lease term was another potential alternative there. Those are all workable for us, and I understand where the county is coming from in terms of surety adequacy as well, and I think there are numerous ways that we can handle revisions and additional new sureties at regular increments that don't necessarily imperil the financing structure of these projects. With that, I'll turn it back to you for questions.

JH - After your discussion with the City Administrator for Morristown, where they on board with those changes?

CB - I guess the city was somewhat more inclined to this project compared to previously. I will say that I did not speak with the City Council, and the City Administrator is sort of a liaison between us and the council. Her reaction was that this may appease their concerns, but I didn't actually hear back from her beyond that. But to be clear as well, because of where we're at in the interconnection process, we have done the most we could voluntarily do to optimize this for compatibility with what they're proposing.

Beyond that, we can't reduce the nameplate capacity of the project, or we would lose that queue position, and obviously significant investment that goes along with that.

CP - Speaking of interconnection, where will you connect?

CB - Right where you see the access road is our proposed point of interconnection. So that's where the actual point of interconnection pole would be, and then the conduit underground from there would be trenched to the panels.

CP - Is there a substation close that would connect to?

CB - The Morristown substation is about 2 to 3 miles from here. There would be some required upgrades to the circuit that already exists. There's an existing circuit there that would have to be reconducted to accommodate our project, which we're in the secondary phase of those studies at the moment.

CP - Does it have to be 4.99MW? Could you have done a 2 or 2.5MW project?

CB - As I was just saying, because we're at this stage already in that interconnection queue, they study sequentially in Xcel, so you have to wait once you apply. Sometimes years, people will sit in the queue waiting to get studied. If you lose that queue spot, you effectively lost your chance at a project there. And we've already gone through a couple rounds of studies, so it could no longer be reduced at this point, or we would have to withdraw, resubmit, and spend significant resources. And likely lose the ability to ever develop the project just due to timelines and ITC federal constraints. In terms of the original decision to make it 4.99 megawatts, the substation is capacity constrained, so in order to have a profitable project that can build out that substation, it needed to be sized to the maximum nameplate allowable under the CSG program.

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

1. Dan Rogers - *Kentucky Ave* - I'm actually an applicant for a project coming later. I just wanted to reiterate the comments made in regards to the condition and the 10-year provision. We sent a letter in. I don't need to bore you with it, but I just wanted to lend our interpretation as well. We've developed many projects in your county and really appreciate your clarity and transparency, so we hope to see that continued.
2. Joe Caldwell - *Main St* - I currently serve on the Morristown City Council. I am here today to express my strong opposition to this proposed solar project on the northeast edge of Morristown. As you know, this project is planned on land designated as Urban Reserve District. I don't need to describe what that is to you folks at all. But this particular parcel, these two parcels, are extremely valuable. They're flat, adjacent to County Road 44, State Highway 60, it borders the city limits to the south. The entire west side of County 44, is already in the city limits. This land is considered the most prime land for any expansion in Morristown going forward. Currently, every home and business on the north end of the river relies on private wells, private sewer. The city has plans to extend water and sewer to those areas. However, placing 35 acres of solar panels in that area would make it difficult to justify any improvements. Tying up this land for decades could significantly reduce our chances of securing transportation and economic development grants. And to depend on growth and potential infrastructure improvements. So, while solar may be an approved use within this Reserve District, it still must comply with the criteria outlined in Section 503.05 of the Rice County Planning Ordinances. Specifically, 503.05-E-2, titled, Review Criteria for All Conditional and Interim Use Permits goes on to say, among other things, the following shall be made. There are 12 items, A through M. Only one of these has to fail, right? I picked out three to talk about. Item C, compatible with surrounding uses. This is the title, or the description. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned land, so that existing homes will not be depreciated in value, and there will be no deterrence to development of vacant land. Of course it's gonna have a deterrence! And we've had businesses approach us on the north side, but without water and sewer they moved on. They needed more than a well and a septic tank could handle. The key word is sufficiently. It goes on, the use will be sufficiently compatible with separated distance or screening. What's sufficient? That's up to your discretion. It's very subjective, right? I mean, they got 9-foot solar panels, they're going to start out with evergreens about this tall. They're

going to fully cover the solar panels at about year 32. That's my figure. It's up to your decision and denial. This is a stone's throw away from about a dozen homes.

3. Tim Flatten - *3rd St SE* - I am currently the City Mayor. I was on the council for a few years before I became Mayor. I walked in with, I think it was 15 empty lots, and no Dollar General. And I want to see Morristown grow, and it needs to. We need to help spread out our tax burden. And if we take that area away, that's gonna cripple us from who knows what. When I fought hard, as a lot of people didn't want the Dollar General, I fought hard to get it in there, and I said that's just the start. And it is just a start. We've heard other businesses that do want to come in, have wanted to come in. We gotta get the sewer and water out there, and we've been applying for grants for that. It's very important. We're surrounded by DNR land and moving away from Highway 60. There are plenty of items that could go in there to make a huge impact on the town, and make it better for us. Those 13 lots, or 15 lots, whatever they were, are pretty much all filled now. The Dollar General is here. We had a great number of people show up to our council meeting just the other night, from the mobile home community that, granted, you only send notice to the owners, but they had no clue. And a lot of them were very upset, and objected to having this put in place also. I wish they would have been here tonight, to be honest. There is a land use plan from 2001 that we are trying to find right now. It's the oldest one, we have an older one right now. We're trying to dig up this one, but we have a lot of new people, and new administrator, and filing that we've done, and we're trying to get a more comprehensive plan that you guys can see. Again, this is gonna cripple, any further development in that area, especially with Highway 60, and that's important to Morristown. Thank you.
4. Leon Gregor - *Jane St E* - I am also on the City Council. Besides what Joe and Tim said, that is our best option for growth. And by putting solar panels out there you're putting a stranglehold on the City of Morristown. It's kind of the kiss of death. You are saying you don't want to see Morristown grow, you don't want us to be successful. We are not against solar energy, but I think there's a place for solar panels and there's a place that isn't as good of a choice. And like I said, we are not against solar energy, but this is not the place to have a solar garden. I just hope that you seriously consider what is best for Rice County and what is best for the City of Morristown when you're making your decision.
5. Daryl Eickoff - *Holland Ave* - If you look at the map, I'm the bottom of the eye, you might say. My wife and I own 2.9 acres that abuts the property in question. I'm not so much opposed to solar energy at any stretch of the imagination, but talking with council members and residents of the community, and I'm just a county resident. I live just outside of the city limits. There has got to be a better place for it. My experience with government agencies, not Rice County, we've only lived here 6 years, my wife grew up here, and that's why we moved back in retirement, hasn't been all that good. And the reason being, they go through all the work of calling something, and then they're granting variance right and left. or interim use permits, or whatever the case might be, taking away from the intellectual commissioners that put them in place in the first place. That's what I'm opposed to. If it's Urban Reserve, it's Urban Reserve. This will take away two-thirds of that property. And they might be only for 20 years, but we all know some things last longer than that. So, I'm opposed to it. Thank you.
6. John Jasinski - Good evening, members. State Senator John Jasinski, here on behalf of the residents, listening to Morristown. I had some residents contact me in the last couple days, so I just want to be here for the discussion. I know this is a local control issue, but I just want to say that I'm here listening to what the constituents have to say. And I think there are some valid concerns of the residents. So, that's all I have. I don't have any opinion on it, but I just think there are some fairly valid concerns. I have had some residents contact me in the last couple days. I have no opinion, but I do think their concerns are valid. I think all the cities around the state are looking for a property tax base, and this is some prime land that may affect that property tax base that our small cities are struggling to capture. Thank you.
7. Megan Rogers - Mr. Chair, members of the Planning Commission, appreciate your time this evening. I'm an attorney with Larkin Hoffman, I represent New Leaf Energy. I wanted to just take a moment to acknowledge the comments of the City Council members who have appeared before you this evening, and understand the position that they are in in terms of the future

development of the city. At the same time, I think that there are some important facts to take into consideration in your decision tonight. The preliminary, just sharing in terms of the development space here, the changed plans do allow for this corner development, that would allow for a significant commercial development akin to the Dollar General, that's been previously referenced. And then also, along Highway 60 itself, the solar farm is in fact intended to be set back, from the roadway to preserve that commercial property and the opportunity for development, along that roadway. And that's at least 30 acres of developable area, where there could be significant expansion of the City of Morristown, and that has been preserved. I would be remiss if I did not restate our property owner's statement here this evening, which is that his land is currently not for sale for these purposes, but I'm sure that he looks forward to further conversations in the future. I think it bears noting, that at this point in time, there is not an orderly annexation agreement between the township and the city. And that the county zoning ordinance is the ordinance that applies. And pursuant to your staff report, and based upon the findings by your professional staff here, this application does meet the terms and conditions that are outlined in your ordinance. Now, certainly, that ordinance can change and can evolve and can meet many of the considerations that you've heard this evening, but the ordinance that you have today is the ordinance this application is filed under. And with that in mind, we respectfully request a recommendation of approval of this application, accompanied by these important comments about potential revisions to the Urban Reserve District for what might be appropriate in the future, in terms of partnership with the city and townships moving forward. Thank you.

8. Kevin Kuball - *Independence Ave* - I am the Morristown Township Supervisor. Like I said last time, this is agricultural land. There is an irrigation system on there already. I would suggest leaving it agricultural and agricultural only. Thank you.

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

Discussion:

CP - I was at the meeting Monday night, and it was not for this item, it was for another item, but this item obviously took up a lot of their council meeting. As they stated, to the west of the city, the DNR purchased a lot of the land, and to the south there is a cemetery. This is beautiful commercial/residential land. I do know that they are aggressively seeking grants for sewer and water. I wish this could be a smaller solar field. That's my concern, and I am going to agree with the residents of Morristown. At this point when it comes in front of the board I will probably vote no, but I am 1 of 5.

JH - I do have to agree, that yes, this abuts up to the City of Morristown, but technically, it is county land, and there is no annexation agreement. Solar is an allowed use within Urban Reserve. And a property owner is allowed to put a use on a property that is an allowed use within its zoning. So, I do understand that. I do also get that it is a very large solar proposal, it is set back quite a bit from Hwy 60, but, I do understand the concerns of the residents of Morristown as well.

JC - I guess I'm going to have a hard time doing anything but listening to the residents and the people of Morristown.

MP - I would agree with that. You know, I'm all for solar, or any renewable energy and really, the landowner has rights to do what they want, but in this particular case. I think when the council members said how many residents are butting up to the solar panels, with the mobile home unit to the south. And with the restriction of Morristown, with the DNR ground on the west side, you've got Highway 60 on the north, I mean, this is kind of the development ground, if something happens, great. It's hard to deny that with the whole council being here, and the members we've heard to not kind of agree with them on this aspect of it.

JH - But also, it is hard to develop that much commercial. You go more north; you'll be lucky to develop 2 to 3 to 4 acres of commercial. I mean, there's a lot of potential development that's still left, even with the solar there. So, that is something to consider as well.

MP - I think CP found the happy medium, maybe this is just too big of a bite they're trying to take with 35 acres, 39 acres when they are all said and done. You know, maybe it's too big of a bite. And it really is impacting, probably, a lot of the residents. I can see from both sides of the fence. If this was a mile to the east, we probably wouldn't have any problem with this.

KE - There is a lot of other open land out in this area.

JH - You also can't control when a property owner wants to do an allowed use on their land. Maybe it's also a topic of discussion to bring up those conditions that staff had presented earlier?

KE - That is true. Condition 10 in the initial staff report currently reads "This interim use permit (IUP) shall expire by the earlier of 10-years from the County Board date of approval, or one year from the County Board of approval if no construction has begun, or 18-months after electrical production has ceased. Site restoration/reclamation must be completed prior to the expiration if no renewal has been approved." And we have heard from a few people, and we have letters from many others, that 10-years does not work in this situation. You all have a copy of two proposed conditions. One with the way we currently use it, which basically states this interim use permit shall expire by the earlier of one year from the County Board of Approval if no construction has begun, or 18 months after electrical production has ceased. And then site restoration and reclamation must be completed prior to expiration if no renewal has been approved.

JH - That is what we have used in the past.

KE - Yes, that's continuing with previously approved IUPs, and CUPs Rice County has issued. Staff would then consider to explore the options for adjusting the restoration cost, procedures, or expirations of solar IUPs, and may propose a revised condition to further solar IUPs. The other suggestion is basically it'll expire one year from the county board date of approval if its construction has not begun, 18 months after electrical production has ceased, or 25 years from the commercial production start date.

JH - I guess I'm more in favor for that second condition, as it still states the two that were previously used. Because, no matter what, with those three options outlined, it covers your bases a little more compared to the first option.

MP - Yeah, just the 25 years, I mean, we even heard it tonight, so the 25 years kind of concerns me a little bit, that one.

JH - It's also 1 year if there's no construction, and with the 18 months after they're done. And then OR 25 years. So, it still has both options that are outlined in the number one, but it also accounts for OR the 25 years from commercial production start date.

KE - And if they're going to go longer than that, then they have to come back and get a permit.

JH - Because it sounds like that's kind of a standard with Xcel Energy, with some of their electrical things.

MP - I am fine with option 2. I just wanted to make that point.

KE - Staff, we would like to use the condition that includes the 25-year option.

JC - I'm more than willing to make a motion to deny this request.

MP - I second that.

TM - There are findings that do need to be made. You should have a finding sheet, and you would want to be citing those reasons for your denial.

MP - What do we need to do TM?

TM - You need to cite findings for recommending denial.

MP - We'll start with item C, compatible surrounding uses. Like stated in our comments, it is kind of limiting the city, I know it's county land, but it would be limiting the city expansion, and then the impact it would have on surrounding homes and people. Item I, the effect on business. We're going to have to say there is going to be an effect on businesses locally. I guess just the potential of future development is where I'm coming with that one. And then Item D, the appearance. You could say that it negatively impacts the appearance of people that live/would be living close to this solar farm.

Motion to recommend denial with stated findings made by JC, seconded by MP, and approved 3-1.

III. Public Hearing

1. 7:00 PM Public Hearing - Zoning Ordinance Amendment - Solar Energy Production as an Interim Use within the URI, Urban Reserve Industrial Zoning District

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. This item was heard by the Planning Commission on September 4, 2025, and then by the Board of Commissioners on September 23, 2025, where they approved to move forward with a public hearing.

Motion by Julia Hogan, seconded by Matt Purfeerst, to recommend adoption of the Zoning Ordinance Text 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.

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

Hearing Minutes:

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

MP - What was the initial proposal for this?

JE - The applicants at the last meeting had proposed doing, 750 feet to local roads, 1,100 feet to county roads, and 1,500 feet to city and state roads. And as I recall, the reason that you guys had, recommended different conditions was to make it more consistent with how other setbacks are handled throughout the county.

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

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

Discussion:

KE - We have seen this once before.

JH - I don't have an issue with adding it to URI as an interim use.

MP - Nor do I.

JH - I motion to recommend to approval.

MP - I second.

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

IV. New Business

1. Interim Use Permit/Carver Garden LLC (Carver) - Section 28, Cannon City Township

Angela Becker of Nokomis Energy, on behalf of Carver Garden LLC and landowner Rita Carver, has applied for an Interim Use Permit to allow for a 1-MW(AC) solar energy production facility. The property is described as: Part of The SW1/4 of the SW1/4 Section 28, Cannon City Township, Rice County, Minnesota. PID# 11.28.3.50.005. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Angela Becker of Nokomis Energy, on Behalf of Carver Garden LLC and landowner Rita Carver. The property is located in Section 28 of Cannon City Township.

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

CONDITIONS OF APPROVAL – 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 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. Verification of compliance with wetland regulations shall be submitted to Rice County Environmental Services prior to issuance of any building permits.
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 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. Lines between panels are not required to be

underground but must not be higher than the solar panels and meet all applicable electrical codes.

8. The applicant or operator shall furnish Rice County with a \$50,000 bond or other approved financial surety to ensure proper site decommissioning/restoration and to ensure road repair or other off-site damages caused by construction or operation of the facility. Financial surety shall be reviewed and approved by the Rice County Attorney's office prior to any work on-site.
9. The entire site shall be restored to a condition suitable for agricultural crop production prior to expiration of the Interim Use Permit (IUP) unless a new IUP has been approved for continued solar use.
10. Failure to comply with conditions may result in revocation of the Interim Use Permit.
11. This Interim Use Permit (IUP) shall expire by the earlier of: one (1) year from the County Board approval if no construction has begun, eighteen (18) months after electrical production has ceased, or twenty-five (25) years from the commercial production start date. Site restoration/reclamation must be completed prior to the expiration if no renewal has been approved. The applicant/operator of the IUP must notify Rice County Environmental Services of the commercial production start date.

Hearing Minutes:

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

JH - There were no comments from the City of Faribault? As this also abuts up to a city.

TM - Correct, we did not receive comments.

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

AB - Good evening. Thank you very much for having us on the agenda for tonight. I am a project developer with Nokomis Energy. After we received our current IUP for Carver Garden in February this year, we've been working to get the project ready for construction. We've managed to finalize our interconnection plan with Xcel Energy. We've had to relocate our poles from the middle of the parcel and move it closer to the highway entrance per Xcel standards. We've consulted with Rice County SWCD, and based on their guidance, we redesigned our site plan to use a filtration berm instead of the basin that we had there, just to make sure that the site drains as it should. We've also shifted our access road east to put it closer to the project fence, to optimize the use of the area, and to suit the preferences of our landowner's family. We've also completed our septic compliance inspection, which is a condition in our current IUP, and while that brings us one step closer to getting a building permit, we're here tonight, as TM mentioned, to gain more time within which to start construction. We did, like the previous project, and as my colleague Daniel Rogers mentioned earlier, we have some concerns about Condition 11, as it is written, that would harm the viability of our project. And so, we were hoping that the county would reconsider the phrasing or the wording of that language. We've enjoyed working with Rice County over the years, and we trust in the county's wisdom and authority, and we're just here to voice our concern for this proposed condition, to make sure that the county has all the information that it needs to make an informed decision. Thank you.

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

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

Discussion:

JH - Like we have stated previously we will rephrase that condition to make it work for everybody.

KE - And instead of me reading through those options again, do you agree with that 25-year option?

JH - Unless staff finds one to be better than the other?

TM - They both seem to be good options at this point.

KE - Okay, well, let's have condition 11 rewritten with the 25-year wording.

JH - With the 1-year, and then the 18-month, and then the 25-year. It doesn't look like there is any opposition from anyone.

MP - I motion to approve with the 11 conditions, with condition 11 being updated.

JH - I second.

TM - Again, we need the findings to be made. I did have a few written down from your discussions here to offer you. Pointing out that in this case, even though it's bordering on the city, they've not identified this with any of their growth plans or comprehensive plans. Pointing out that this is a renewal of an existing permitted site, so it's been through permitting a couple of different times. And it is actually bordering right on two existing solar sites that are there.

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

2. **Interim Use Permit/Dimension Energy (Reuvers) - Section 12, Warsaw Township**

Daniel Solorzano of Dimension Energy, on behalf of landowner Jeanette F Reuvers, has applied for an Interim Use Permit to allow for a 4.95-MW(AC) solar energy production facility. The property is described as: Part of The SE1/4 of the SE1/4, Section 12, Warsaw Township, Rice County, Minnesota. PID# 14.12.4.75.002. The property is Zoned UR, Urban Reserve.

Motion by Jim Cihak, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Daniel Solorzano of Dimension Energy, on behalf of landowner Jeanette F Reuvers. The property is located in Section 12 of Warsaw Township.

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

CONDITIONS OF APPROVAL – Dimension Energy (Reuvers) – Interim Use Permit (IUP)

1. The landowner and operators shall comply with all rules, regulations, requirements, or standards of the Minnesota Public Utilities Commission, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps of Engineers, and other applicable federal, state or local agencies.
2. The Interim Use Permit (IUP) is for a 4.95-MW solar energy production site as shown on the October 3, 2024 application site plan, subject to meeting all setback and access requirements.
3. Solar panels must be at least 100-ft from County Road Right of Ways, and 20-ft from other property lines.
4. Security fence shall consist of fencing meeting state and federal electrical code requirements.
5. All required permits shall be obtained prior to onsite construction.
6. As soon as onsite construction is completed all areas of the site, excluding the access roads and electrical equipment pads, are to be established and maintained in Agricultural crop production or a pollinator friendly perennial vegetative cover.
7. All electrical lines internal to the site and to the location of the interconnection point with the power utility shall be buried underground, except that those lines within the fenced area may be above ground as long as they are lower than the panel heights and meeting electrical codes.
8. A stormwater plan and proof of compliance with state/federal stormwater regulations shall be submitted to Rice County Environmental Services with the application for building permits.
9. The applicant or operator shall furnish Rice County with a \$250,000 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 prior to expiration of the Interim Use Permit (IUP) unless a new IUP has been approved for continued solar use.
11. Failure to comply with conditions may result in revocation of the Interim Use Permit.

12. This Interim Use Permit (IUP) shall expire by the earlier of: one (1) year from the County Board approval if no construction has begun, eighteen (18) months after electrical production has ceased, or twenty-five (25) years from the commercial production start date. Site restoration/reclamation must be completed prior to the expiration if no renewal has been approved. The applicant/operator of the IUP must notify Rice County Environmental Services of the commercial production start date.
13. The field tile drainage system shall be maintained.

Hearing Minutes:

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

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

DS - Good evening, my name is Daniel Solarzano, I represent Dimension Energy. First, I want to thank you for having us today, like TM said this is a re-approval. What has changed since then is that we have gotten our approval for interconnection. We have an interconnection agreement finalized. We also applied to the Minnesota Solar Garden program. We also got approved for that. We were already assigned for that as well, so we have a time commitment to get the project energized. It's 2 years from late October. We've conducted a site survey for drain tiles, so all those have been identified. We have a complex system of drain tiles. We're going to be assessing the impact. We just got it done a few weeks ago. So, what we'll do is integrate that information into our engineering design and see what impacts the drain tiles are going to have, and then reroute accordingly. There's going to be some impacts, but we will, dig up and redesign it and reinstall it to minimize any impacts, or eliminate them. The other one is, the geotech. We completed the geotech, for these sites, so we're just finishing it up as well. We're getting the reports possibly at the end of this week. And then, we have done significant efforts to get a project started by next year. We're estimating to start sometime in the spring of next year. With the ITC going away, that's the investment tax credit, we definitely have made, significant investments to make sure that we get that, and, you know, time is a commitment for us. I think those are the main updates. The only reason we're here is because of the expiration. Oh, on condition number 12 for this project, what I wanted to mention is that for us, I did, share this information with our team, and for us, it's non-financeable to have a 10-year deadline. So essentially, if we were to leave it at 10 years, it's essentially a denial, like the first applicant said. We have conditions in our lease, you know, the lease is actually more than 20 years, so it's like 25 years plus, some extensions. We would have to amend that contract. We also have contracts with Xcel that has time stipulations, and essentially the insurance and bonding for this project would go up. Thank you.

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

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

Discussion:

TM - The current interim use permit has a condition dealing with that field tile drainage. It doesn't appear that got copied over into this version here, so I would recommend adding a 13th condition, just keep it simple like "the field tile drainage system shall be maintained".

JH - So adjustments to Condition 12, and then addition of Condition 13?

TM - Yes.

JH - For condition 12, we'll change that to the one year from the county board approval if no construction has begun, 18 months for electrical production has ceased, or 25 years from the commercial production start date which was what was similar to the one we approved previously.

KE - Okay, and then we add condition 13, which talks about the drain tile.

JC - I motion to approve with the update to condition 12 and the addition of condition 13 involving the drainage tile.

JH - I second.

TM - I wanted to point out again, make sure that the motion and second was with the conditions, and

then stating findings are met with the proposal. Pointing out, from a staff standpoint, there are several existing solar sites nearby fairly similar to this. There was a previous approval on this site. We have not received comments from the city about this site being adjacent to it.

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

3. **Interim Use Permit/Dimension Energy (Reuvers) - Section 7, Walcott Township**

Daniel Solorzano of Dimension Energy, on behalf of landowner Paul D Reuvers, has applied for an Interim Use Permit to allow for a 4.95-MW(AC) solar energy production facility. The property is described as: Part of The NE1/4 of the SW1/4, Section 7, Walcott Township, Rice County, Minnesota. PID# 15.07.3.25.001. The property is Zoned UR, Urban Reserve.

Motion by Matt Purfeerst, seconded by Jim Cihak, to recommend approval of the Interim Use Permit with the following conditions and findings for Daniel Solorzano of Dimension Energy, of behalf of landowner Paul D Reuvers. The property is located in Section 7 of Walcott Township.

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

CONDITIONS OF APPROVAL – Dimension Energy (Reuvers) – Interim Use Permit (IUP)

1. The landowner and operators shall comply with all rules, regulations, requirements, or standards of the Minnesota Public Utilities Commission, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps of Engineers, and other applicable federal, state or local agencies.
2. The Interim Use Permit (IUP) is for a 4.95-MW solar energy production site as shown on the October 3, 2024 application site plan, subject to meeting all setback and access requirements.
3. Solar panels must be at least 100-ft from County Road Right of Ways, and 20-ft from other property lines.
4. Security fence shall consist of fencing meeting state and federal electrical code requirements.
5. All required permits shall be obtained prior to onsite construction.
6. As soon as onsite construction is completed all areas of the site, excluding the access roads and electrical equipment pads, are to be established and maintained in Agricultural crop production or a pollinator friendly perennial vegetative cover.
7. All electrical lines internal to the site and to the location of the interconnection point with the power utility shall be buried underground, except that those lines within the fenced area may be above ground as long as they are lower than the panel heights and meeting electrical codes.
8. A stormwater plan and proof of compliance with state/federal stormwater regulations shall be submitted to Rice County Environmental Services with the application for building permits.
9. The applicant or operator shall furnish Rice County with a \$250,000 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 prior to expiration of the Interim Use Permit (IUP) unless a new IUP has been approved for continued solar use.
11. Failure to comply with conditions may result in revocation of the Interim Use Permit.
12. This Interim Use Permit (IUP) shall expire by the earlier of: one (1) year from the County Board approval if no construction has begun, eighteen (18) months after electrical production has ceased, or twenty-five (25) years from the commercial production start date. Site restoration/reclamation must be completed prior to the expiration if no renewal has been approved. The applicant/operator of the IUP must notify Rice County Environmental Services of the commercial production start date.
13. If the property contains a field tile drainage system, the systems function shall be maintained.

14. The site shall be screened per the screening plan locations and to the north property line. Screening shall consist of an evergreen tree planting and shall be maintained.

Hearing Minutes:

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

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

DS - Good evening, Daniel Solorzano, I represent Dimension Energy. This project is right across the street from the other project we just discussed. We tried to place them a little closer but due to that conservation easement, we were not able to. So, we were forced be pushed to the east. We are cognizant of the housing units that are very close by, so we offer the opportunity to place trees, shrubs, whatever you deem necessary to try to block the view. I will say there's an existing, large tree line there I'm not sure how much you could see through, but it seems like it's very mature, and there's a lot of evergreens as well. But we're happy to make that more robust and add more trees to that. For this project, we are not as advanced as the other one. This project has not been finalized in the transmission process, so we're still going through that. Xcel placed us in a transmission level review, rather than the distribution, which is we're we are tying into. We've also not conducted the geotech or the other work that we do after we get approval from you. So, all of that's going to be done afterwards. The project is the same size, so we're expecting the county to receive \$15,000 per year for tax. That's pretty much the information I have for you. I'm happy to go through the project details if you want me to, but I want to be sensitive to your time.

JH - If you would do just a quick overview that'd be great.

DS - This is pretty much a sister project from the one across the street. The only difference is location, obviously. The size is the same. It's approximately 25 acres of the 70-acre parcel, surrounded primarily by agricultural fields. The intent is for the rest of the area to be farmed. We tried to place the access road from Elbers Avenue, we weren't able to because of the wetland on the north side. So, we would have to go through significant approvals to place the road on top of it, because our point of interconnection, where we need to get the road, is on the northwest point. So that's why you see the road going all the way up north. That's where Excel wants us to interconnect. We tried, like I said, to interconnect from the other side, but due to that wetland, we can't. So, we have to construct this long road, which is inefficient for us and for the farmer, honestly. But we were just forced to.

JH - Have you touched base with those property owners?

DS - We have not.

JH - If this does get approved, would you then reach out to them?

DS - Yes, absolutely. We typically do.

JH - It's just right in their backyard. And I know that they were notified with the public notice, I was just curious if you guys had reached out.

DS - No, we have not. So yeah, those are the reasons why we chose this. We tried to encroach into the conservation easement, and assess the process of getting through that, and it was honestly a 2-3-year process, possibly longer, and, you know, it's just outside of our purview. In terms of the site itself, it's a single access tracker. You're going to see a maximum of 10 feet at its full tilt. Typically, 6 feet when the sun is straight up. We're going to have agricultural style perimeter fencing. Native pollinator mix on the vegetation under the panels. I think that should do it in terms of details on this site.

JH - So the solar panels will not be in the wetland area at all? Because if they are located within the wetland, have you touched base with Rice County Soil and Water?

DS - We have a notification of decision, too, and yeah, we have approval from them to place the posts. So, we can do that. The road itself is what we can't.

JH - Okay.

DS - So that's what they don't allow. I can touch on the type of diligence we've done on the environmental side. The wetland delineation, there's no impacts on threatened or endangered species or critical habitat. There's no lighting, odor or traffic that's going to be happening here, so the impacts on that side is low.

Alex Furneaux (AF) - Good evening, I am from Emmons & Oliver Resources. We're the consultant for Dimension Energy for this project on the environmental side. As DS mentioned, we have done a

wetland delineation. We're avoiding that wetland. We have an infiltration basin that is constructed around that, and it's about 6 inches deep. That's going to allow for, better infiltration into the site, and it has a sediment log as well that goes around that. That's going to help protect that wetland area from any runoff there. We anticipate that there'd be less runoff off of this site when we've got that planted with that perennial native prairie mix. Those are the only things I would add to the description.

TM - The other site had field tile drainage brought up previously, do you know if there is field drainage on this site?

DS - I'm not sure but we will find out.

JH - We can add that as a condition to verify the drainage tile.

DS - I don't think we have done the assessment yet.

JH - We can add that as condition 13, just to verify.

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

1. Steve Bauer - *Albers Ave* - I am the house furthest south. When this other solar field was put to the south, there was a tile line in there, and it was cut, and my basement was flooded for \$12,000. I'm not opposing it by no means, but when this other solar field was put in, we were advised that shrubbery like some arborvitaes or evergreens were going to be a buffer along County Road 45. None of that ever happened. Yes, I do have a very mature tree line around my property, which has cost me thousands of dollars, as you know what an evergreen is worth. So, if this project were to move forward, I think there's a lot of things to look at, because we do have 3 very nice homes there. We sit on 3.5 acres apiece. And I would just like to make sure that the county has some consistency. The one to the south of me currently gets mowed twice a year. It looks terrible. So, if we're gonna try to have things looking nice and continue to have a nice property, maybe a little bit of consistency. My other thing behind my residence, and you can see there's a grass area, that's a dike that was put in there. They put that in because that water came through where that current solar field is, through there, and you can see where it runs, and then we have that wetland they're talking about, which runs down behind where they're putting the new apartments on 17th and through the river. So, I would just ask that this gets checked into a little further, and we have a little bit of consistency, and it would be very interesting to know what the buffer is going to be by our residents, and what you guys are going to enforce. Thank you for your time.

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

Discussion:

JH - Staff do you know why that solar garden to the south did not do their screening and landscaping?

TM - We will have to check the conditions on that one. It has not been a consistent condition on solar sites in Rice County. It's typically been when it's either proposed by developers. I think there's only been two or three times where we've required it.

JH - Which is unique because a lot of other places in MN have screening requirements.

KE - You usually see some type of screening being grow when you are driving by them.

MP - Can you pull up the conditions for this application? And then what kind of verbiage do we have on that, Jeanette Reuvers one for tile line drainage?

TM - The previous one had the field tile drainage system shall be maintained. What I'd propose in this one would be, if the property contains a field tile drainage system, the systems function shall be maintained. Sounds like it probably does in that area based on the drainage.

JH - Can we bring up the site plan again? Did they propose screening for this?

AF - I realize that it was left off of this zoning site plan, but if you look on sheet 4 of 8, you can see that kind of curvy, dark line that is the landscaping there.

JH - What kind/type, or do you not know yet?

AF - We haven't specified exact species in there, but that's generally a mix of low shrubbery and evergreens.

JH - So at least you'll be buffering those properties to the east.

MP - This is just my opinion, but there's becoming a lot more traffic on that road with the school and the church, and I think there's proposed potential development getting sold across the road. What would

be the attitude to continue that screening all the way to the edge of the solar?

KE - Up to the north?

MP - Yes, up to the north.

JH - Maybe we can add in a condition. We're making an addition to 12, adding 13 for the drain tile, and then adding condition 14 to extend the length of the landscape screening.

TM - Yeah, potential condition for that the site shall be screened per the screening plan locations and to the north property line. Screening, shall consist of an evergreen tree planting and shall be maintained. One other, kind of comment from the public process was with the mowing on these sites. Typically, they are only mowed once or twice a year, and that's actually encouraged based on the pollinator species that are usually being spelled out with these.

MP - I motion to approve the 14 conditions.

KE - With condition 12 modified to read the same as the last item, the addition of condition 13 for tile and 14 for the landscape barrier.

TM - Some additional findings, it is separated from the city, in this case by the tower site that's been there for many years, likely to continue there. And that there is screening being proposed.

JC - I second.

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

4. **Interim Use Permit/Timm's Trucking (Medford Properties II LLC) - Section 33, Walcott Township**

Zach Timm of Timm's Trucking, on behalf of landowner Medford Properties II LLC, has applied for an Interim Use Permit to allow for a temporary equipment placement permit for a gravel crushing, screening and sorting operation. The property is described as: Part of the SW1/4 of the SW1/4, Section 33, Walcott Township, Rice County, Minnesota. PID# 15.33.3.50.001. The property is 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 Zach Timm of Timm's Trucking, on behalf of landowner Medford Properties II LLC. The property is located in Section 33 of Walcott Township.

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

CONDITIONS OF APPROVAL – Timm's Trucking (Medford Properties II LLC) – 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 for haul road and 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 temporary aggregate crushing, screening and sorting operations from approval until August 1, 2026.
5. The hours of operation shall be limited to between the hours of 6 a.m. and 7 p.m., Monday through Friday, and 6 a.m. to 3 p.m. on Saturdays.
6. 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 aggregate crushing, screening and sorting operation ceases.
7. All access drives within the pit and to the paved area of 270th St E 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 drives, from leaving the property during times of mining or processing activities on the property.

8. Applicant to strictly adhere to all Rice County codes and ordinances.
9. “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.

Hearing Minutes:

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

JH - Has there been any complaints from any neighboring properties?

TM - I don't recall any complaints on this site. Again, it is one that's been mined for quite a long period of time under that. Most of the properties around there are all sites that have been mined as well.

The PC asked the applicant, Zach Timm (ZT), to come forward to add comments or answer questions regarding the request.

ZT - It is a new property to us that we are leasing from Medford Properties. We are just looking to process sand and gravel, with crushing and screening.

KE - Are you aware of the 9 conditions?

ZT - Yes and we agree to them.

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

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

Discussion:

MP - We need gravel. It is an existing gravel pit so they may as well.

JC - I motion to approve, subject to the 9 conditions.

MP - I second, the findings are being met.

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

5. **Interim Use Permit/Furball Farm - Section 9, Walcott Township**

Brett Johnson, on behalf of landowner Furball Farm Cat Sanctuary, has applied for an Interim Use Permit to allow for a short-term rental in an existing dwelling. The property is described as: Part of the NE1/4 of the NW1/4, Section 9, Walcott Township, Rice County, Minnesota. PID# 15.09.2.00.001. Property address is: 3405 220th St E, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Brett Johnson, on behalf of landowner Furball Farm Cat Sanctuary. The property is located in Section 9 of Walcott Township.

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

CONDITIONS OF APPROVAL – Furball Farm – 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. Register shall be made available to Rice County upon request.
4. Guest stays shall be limited to less than thirty (30) days per stay.
5. No more than six (6) guests shall be allowed in the short-term rental.

6. No more than three (3) vehicles for the short-term rental may be parked outside on the property.
7. Indoor and outdoor music shall not be allowed before 8 am and not later than 10 pm.
8. The owner shall designate a property manager who shall respond to complaints and be available on-site within one (1) hour of being contacted.
9. 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.
10. Prior to operation the onsite septic system providing service to the home shall be shown to be in compliance with County and State septic regulations.
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 Codes.
14. The short-term rental shall comply with all applicable County, State, and Federal regulations.
15. This 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:

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

MP - How long does short-term rental technically go for?

TM - Less than 30 days per stay is how that's done.

MP - And it can be all year long? I mean, they can have 6 people for the whole year, as long as each person's staying less than 30 days.

TM - Yes, there's not a limitation on the number of days, just on the length of stay, and the number of persons staying.

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

BJ - I'm presenting on behalf of our non-profit business, Furball Farm Cat Sanctuary. We are seeking approval for an interim use permit so that we can do short-term rentals in the existing home that you saw in the photos on the 5-acre property. It's primarily to accommodate guests who come to visit the cats. And you've probably heard crazy cat people there, but they're not really known for their late-night wild parties or anything. We expect about 1 to 4 guests, 2-5-day range. I think that's about all I have, I am aware of the conditions. I have a couple questions on those, but maybe I better take those offline with TM, or should I ask them now?

JH - You should ask them now.

BJ - Number 12, operators shall maintain compliance with applicable state health regulations and provide proof, upon request. I assume that's something with the Minnesota Department of Health that we have to go through?

TM - You would need to make sure you're in compliance with any regulations that they have that are applicable.

BJ - Okay, so we don't have to have them come out necessarily.

TM - You would want to reach out to them and at least see what things are applicable.

BJ - Okay. And, number 15, the interim use permit shall be null and void upon change in ownership, or two years from the date of approval, whichever occurs first. So, we would need to do this process again

in 2 years?
TM - Yes.

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

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

Discussion:

JH - We went through the process of updating this in the zoning code for a reason. We wanted to be able to identify where the short-term rentals are, and mitigate it if anything ever came up in regards to issues on the front end. So going this route helps the county know what's going on.

KE - I would agree with that.

MP - Speaking on 15, I thought we made it so that 2 years from the date of approval was staff approved after that. Was that not the case?

JH - Do you mean administratively?

MP - Yes. I didn't think they had to come in front of the board every two years.

JE - It wouldn't be approved by staff; they still have to come back. The idea being that, after we've seen how they've been operating for 2 years, you might be able to consider a longer time period after 2 years for the interim use.

KE - We'd know if there's been any complaints about it and stuff of that nature.

JH - This is the initial one.

JE - So, coming back in two years, you have the opportunity to revise that number.

MP - Thank you for the clarification. I motion to approve with the finding of facts being satisfied and the 16 conditions.

JH - I second.

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

6. Interim Use Permit/Wieme - Section 34, Wells Township

Andrew Wieme has applied for an Interim Use Permit to allow for a short-term rental in an existing dwelling. The property is described as: Lot 4, Block 3 Dels View Subdivision, in the NW1/4, Section 34, Wells Township, Rice County, Minnesota. PID# 10.34.2.26.024. Property address is: 3900 Wells Lake Way, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

Motion by Julia Hogan, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Andrew Wieme. The property is located in Section 34 of Wells Township.

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

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

1. The Interim Use Permit is for a short-term rental consisting of five (5) 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. Register shall be made available to Rice County upon request.
4. Guest stays shall be limited to less than thirty (30) days per stay.
5. No more than twelve (12) guests shall be allowed in the short-term rental.
6. No more than four (4) vehicles may be parked outside on the property.
7. Indoor and outdoor music shall not be allowed before 8 am and not later than 10 pm.
8. The owner shall designate a property manager who shall respond to complaints and be available on-site within one (1) hour of being contacted.

9. 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.
10. 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.
11. The operator shall maintain compliance with applicable state health regulations and shall provide proof of such compliance to Rice County upon request.
12. The dwelling shall be maintained in habitable condition and in compliance with Minnesota State Building Codes.
13. The short-term rental shall comply with all applicable County, State, and Federal regulations.
14. This 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.
15. 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, Andrew Wieme (AW), to come forward to add comments or answer questions regarding the request.

AW - We have a house that we updated, and we would like to use for short-term rentals through AirBnB or VRBO. And I'm aware of the conditions that are required. Any questions?

MP - Looks like a nice spot to stay.

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

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

Discussion:

JH - I feel like we're obviously seeing a lot of the short-term rentals on the lakes throughout the county, which isn't surprising, as a lot of people like to stay on the lakes.

KE - I am just happy to see them coming in for approval.

JH - Yes, again, we can mitigate if issues come up as they have come up in the past. I motion to approve this item with the 15 conditions as it meets the Conditional use and Interim use criteria.

MP - I second.

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

7. Waiver of Plat/Kalow (Krenz) - Section 3, Warsaw Township

Kathy Kalow, on behalf of landowners Walter and Elaine Krenz, has applied for a Waiver of Plat to create a 2.6-acre building site through the use of a Transfer Development Right (TDR). The property is described as: Part of Government Lot 3 in the N1/2, Section 3, Warsaw Township, Rice County, Minnesota. PID# 14.03.4.25.001. 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 Kathy Kalow, on behalf of landowners Walter and Elaine Krenz. The property is located in Section 3 of Warsaw Township.

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

CONDITIONS OF APPROVAL – Kalow (Krenz) – Waiver of Plat (WOP)

1. The new 2.6-acre Transfer Development Right (TDR) receiving parcel shall only 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).

The PC asked the applicant, Kathy Kalow (KK), to come forward to add comments or answer questions regarding the request.

KK - My name is Kathy Kalow and I'm here on behalf of Walter and Elaine Krentz, that want to do a Waiver of Plat to create a 2.6-acre building site. We're aware of the 6 conditions listed. I do want to give a sincere thanks to the staff, they have been incredible to work with in getting to this point, it seemed like it was a journey, but they sure know their business.

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

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

Discussion:

JH - It's pretty straightforward. Looks like the house will be more up on the elevated part of the property. We got access off of Morristown Boulevard.

JC - I motion to approve believing that finding of facts have been satisfied and subject to the 6 conditions.

MP - I second.

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

V. Adjournment

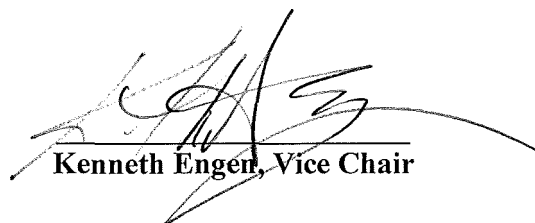
Hearing no other items before the PC, a motion was made by JC, second by JH, to adjourn the meeting at 8:25 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission



**MacKenzie Klett
Office Support Specialist**


Kenneth Engen, Vice Chair