

**OFFICIAL PROCEEDINGS OF THE  
RICE COUNTY PLANNING COMMISSION  
Commissioner's Room / Government Services Building  
Thursday, October 4, 2018 at 7:37 p.m.**

**I. Call to Order**

- A. Roll Call - The meeting was called to order by Chair Tom Sammon at 7:37 p.m. Members present were: Tom Sammon, Preston Bauer, Charlie Peters, Aramis Wells. Members absent: Michael Streiff. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Administrative Coordinator Brandy Leon and Clerk Pam Carty. Others present: see sign-in sheet. Commissioners present: Jeff Docken.

**B. Reading of Notice**

**Motion by Bauer, seconded by Peters, to read the notice into the minutes.**

<b>RESULT:</b>	Adopted [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells

**C. Motion by Bauer, seconded by Wells, to approve the agenda as presented.**

<b>RESULT:</b>	Adopted [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells

**D. Motion by Wells, seconded by Peters, to approve the minutes of September 6, 2018.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells

**II. New Business**

**1. Conditional Use Permit/LaCanne- Section 26, Wells Township**

Raymond LaCanne has applied for an amendment to a Conditional Use Permit to add a storage building and parking area for an existing Water Orientated Commercial Recreational business. The properties are described as: Block 2, Lot 3 & Lot 4 Western Heights 1st Addition and part of the S1/2 of the SE1/4 of the SE1/4 of Section 26, Wells Township, Rice County, Minnesota. PID#'s: 10.26.4.77.004, 10.26.4.77.005 and 10.26.4.77.013. The properties are Zoned GDS, General Development Shoreland.

**Motion by Peters, seconded by Wells, to recommend approval of the Conditional Use Permit with the following conditions and findings for Ray & Janelle LaCanne.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells
<b>ABSENT:</b>	Streiff

**CONDITIONS OF APPROVAL - LaCanne - Conditional Use Permit**

1. The operation 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 business shall consist of a marine and recreational vehicle sales and service business

to include a repair shop, sales showroom, offices and onsite storage of the business equipment, and supplies.

3. The approved site plan shall be followed.
4. A pedestrian crossing meeting Rice County Highway Department standards shall be created and installed at the expense of the applicant to allow for pedestrian crossing of County Road 11, Roberds Lake Blvd.
5. No materials, equipment or vehicles shall be stored outside of the fenced area or within the Road Right of Way.
6. A screening plan shall be created and implemented by the permitted to minimize the visual impact of the business as viewed from the water. Existing vegetation shall not be removed unless the Rice County Planning Director has approved replacement vegetation to be replanted.
7. All onsite lighting must be down directed to minimize the lighting impact on the waterbody and on nearby residential properties.
8. The septic system for the property shall be shown to be in compliance.
9. Lots shall be combined on a single deed.
10. All buildings shall meet building code for their proposed use.
11. Failure to comply with conditions may result in immediate revocation of the conditional use permit.

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**Hearing Minutes:**

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

The PC asked the applicant, Raymond LaCanne (RL), to come forward to add comments or answer questions regarding the request.

RL - Trent said it all. I'm gonna use it for parking in the spring of the year and fall of the year. It's really clogged up across the road on our side with people bringing their boats in and stuff like that. Just to get the storage boats out of there and employee parking. That's what we are going to use it for 6-8 months and a building there next fall.

CP - You aware of the 11 conditions?

LC - No, I'm not, I haven't seen them yet. *Read conditions from staff report.* Ok, I understand them.

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

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

Discussion:

AW - I think what we went through with the variance with everything get it under a roof out

of sight.

PB - Looking at condition #6 the screening plan created by, shall be created by the permitted. Does that apply to this parcel?

TM - I believe that is a condition on the existing Conditional Use permit. It's not specific to say what's needed for that, it just states it needs to be preserved, the existing vegetation there and to create a plan to try to minimize the visual impact from the water. It is quite limited there for what's available, it's not a natural shoreline. Its rock and different things and the fence for the business is there.

CP - So on the existing business property, this is combining the two with what's across the road.

TM - This is dealing with as viewed from the water. So it's mainly the existing business. So that's why those carry through.

PB - In regards to screening for the new proposed lot and building as it is residential around it.

TS - It is a lakeshore business and they need to advertise from the lake. Wondering if we should add anything to the north or the back.

PB - Yes.

CP - I think the elevation goes up quite a bit.

AW - I see no complaints from the neighbors currently.

Motion to recommend approval with stated conditions and findings made by Peters, seconded by Wells, and approved.

**2. Waiver Of Plat/Simon-Section 15, Wheatland Township**

Eric Simon has applied for a Waiver of Plat to create two new building parcels through the use of two Transfer of Development Rights. The property is described as: Part of the NW1/4 of the NE1/4 of Section 15, Wheatland Township, Rice County, Minnesota. The property address is: 9396 50th St W, Veseli, MN 55046. PID#: 01.15.1.25.003. The property is Zoned A, Agricultural.

**Motion by Bauer, seconded by Wells, to recommend approval of the Waiver of Plat with a Transfer of Development right with the following conditions and findings for Eric Simon.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells
<b>ABSENT:</b>	Streiff

**CONDITIONS OF APPROVAL - Simon - Waiver of Plat**

1. The TDR receiving and existing house parcels shall each only contain one single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The remaining parcel(s) shall not be further subdivided unless approved under the Rice County subdivision regulations.
4. In-lieu park dedication fee of \$1000 shall be paid prior to recording of the new parcels.
5. Recording of the new parcels shall be done within one year of the approval.

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**Hearing Minutes:**

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

TM - In the staff report this is one typo dealing with the applicant name. Just ignore it, it is correct in the summary, just not in that portion.

The PC asked the applicant, Eric Simon (ES), to come forward to add comments or answer questions regarding the request.

ES - I'm applying for a Waiver of Plat for two new building parcels using TDRs.

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

Jim Duban - Wheatland township clerk-The Township sees no problems with this action here.

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

Discussion:

PB - General Waiver of plat with TDR, makes sense.

Motion to recommend approval with stated conditions and findings made by Bauer, seconded by Wells, and approved.

**3. Waiver Of Plat/Taylor (Sorgatz) - Section 13, Morristown Township**

Kathy Taylor, on behalf of David & Judy Sorgatz, has applied for a Waiver of Plat to create a 5-acre building parcel. The property is described as: Part of the N1/2 of the SW1/4 of Section 13, Morristown Township, Rice County, Minnesota. The property address is: 23687 Harris Tr., Morristown, MN 55052. PID#: 13.13.3.00.002. The property is Zoned A, Agricultural.

**Motion by Peters, seconded by Bauer, to recommend approval of the Waiver of Plat with the following conditions and findings for Kathy Taylor on behalf of David & Judy Sorgatz.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells
<b>ABSENT:</b>	Streiff

**CONDITIONS OF APPROVAL - Taylor (Sorgatz) - Waiver of Plat**

1. Each parcel shall only contain one single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The remaining parcel(s) shall not be further subdivided unless approved under the Rice County subdivision regulations.
4. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcels.
5. Recording of the new parcel shall be done within one year of the approval.

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**Hearing Minutes:**

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

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

DS - Nothing at all, very good job.

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

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

Discussion:

CP - Seems reasonable

PB - Looks like it will make a nice house site.

Motion to recommend approval with stated conditions and findings made by Peters, seconded by Bauer, and approved.

**4. Waiver of Plat/Sogla - Section 34, Webster Township**

Michael Sogla has applied for a Waiver of Plat to split an existing parcel into three parcels. One parcel will contain an existing home site, a second is utilizing a Transfer of Development Right to create a building site and the remaining land will be non-buildable. The property is described as: the S1/2 of N1/2 of the NW1/4 Section 34, Webster Township, Rice County, Minnesota. The property address is: 8240 Chester Ave, Northfield, MN 55057. PID#: 02.34.2.00.002. The property is Zoned A, Agricultural.

**Motion by Wells, seconded by Peters, to recommend approval of the Waiver of Plat with a Transfer of Development right with the following conditions and findings for Michael Sogla.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells
<b>ABSENT:</b>	Streiff

**CONDITIONS OF APPROVAL - Sogla - Waiver of Plat**

1. The TDR receiving and existing house parcel shall each only contain one single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The remaining parcel(s) shall not be further subdivided unless approved under the Rice County subdivision regulations.
4. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcels.
5. Recording of the new parcels shall be done within one year of the approval.

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**Hearing Minutes:**

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

The PC asked the applicant, Michael Sogla (MSogla), to come forward to add comments or answer questions regarding the request.

Mike Sogla - Nothing to add.

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

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

Discussion:

TS - Straight forward

PB - Pretty simple one. Makes sense. Somebody else is fortunate that new lot will be on tar as well.

Motion to recommend approval with stated conditions and findings made by Wells, seconded by Peters, and approved.

**5. Conditional Use Permit/Nokomis (Carver) - Section 28, Cannon City Township**

Nokomis Partners, on behalf of landowners Russell & Rita Carver, has applied for an amendment to a Conditional Use Permit (CUP) for a 1-MW Solar Energy Production facility. The property is described as: Part of the SW1/4 of the SW1/4 of Section 28, Cannon City Township, Rice County, Minnesota. The property address is: 3119 197th St E, Faribault, MN 55021. PID #: 11.28.3.50.005. The property is Zoned UR, Urban Reserve.

**Motion by Peters, seconded by Wells, to recommend approval of the Conditional Use Permit with the following conditions and findings for Nokomis Partners, on behalf of landowners Russell & Rita Carver. This property is located in Section 28 of Cannon City Township.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells
<b>ABSENT:</b>	Streiff

**CONDITIONS OF APPROVAL - Nokomis (Carver) - Conditional Use Permit**

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 Conditional Use Permit (CUP) 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 shall be buried underground.

8. All onsite septic systems shall be shown to be compliant and suitable future septic replacement locations shall be identified prior to issuance of any construction permits for the proposed solar energy use.
9. The applicant or operator shall furnish Rice County with a \$50,000 bond or other approved financial surety to ensure proper site decommissioning/restoration and to ensure road repair or other off-site damages caused by construction or operation of the facility. Financial surety shall be reviewed and approved by the Rice County Attorney's office prior to any work on-site.
10. The entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.
11. Failure to comply with conditions may result in revocation of the conditional use permit.
12. This Conditional Use Permit shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.

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**Hearing Minutes:**

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

TS - I'm curious we've approved several. How many are going in? What is the percentage actually built?

TM - I don't have the exact number of that, I believe we have 5 or 6 that have been built within the county.

TS - The 12 conditions were the original 12?

TM - I believe those are the same 12. The original Conditional Use Permit is the second page of it. I actually had 13 conditions at the time. The change had to do with the pervious proposal they were coming through the neighboring parcel and it was requiring an easement for the driveway and utilities to come through there. So that condition has been removed.

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

DR - We are a local energy developer. Everything we do is from the state and within the state limits. This amendment is being driven to make the site as ideal for our landowners as possible. This came from their request and we are open to any questions.

PB - Looks like you are just getting things finalized with it. Just for Nokomis partners I noticed the applicants name is Roberds Gardens and you run a few other applicant names under the others. Roberds would probably apply more under Wells Township as Roberds Lake and you had one with Cannon Gardens, right.

DR - Yeah, Trent actually informed me of the confusion.

TM - We explained the confusion.

DR - We like to name around lakes and the GIS guy looked at the lakes. We will try to be clear next time.

PB - Just confused with Cannon City and Cannon Gardens and it was just lake names and didn't apply to the Townships.

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

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

Discussion:

CP - They are just trying to make the site better and to do what they can.

AW - Addressed it before and the only issue was with the shared driveway.

Motion to recommend approval with stated conditions and findings made by Peters, seconded by Wells, and approved.

**6. CUP/Nokomis (Klapperich) - Section 18, Walcott Township**

Nokomis Partners, on behalf of landowners Dale & Julie Klapperich, has applied for an amendment to a Conditional Use Permit (CUP) for a 1-MW Solar Energy Production facility. The property is described as: Part of the NW1/4 of the SE1/4 of Section 18, Walcott Township, Rice County, Minnesota. PID #: 15.18.4.75.033. The property is Zoned A, Agricultural.

**Motion by Bauer, seconded by Peters, to recommend approval of the Conditional Use Permit with the following conditions and findings for Nokomis Partners, on behalf of landowners Dale & Julie Klapperich. This property is located in Section 18 of Walcott Township.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells
<b>ABSENT:</b>	Streiff

**CONDITIONS OF APPROVAL - Nokomis (Klapperich) - Conditional Use Permit**

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 Conditional Use Permit (CUP) 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 shall be buried underground.
8. If any driveway or utility use is crossing the separate 1.5-acre parcel, south and east of the site, and easement allowing for that use shall be recorded prior to issuance of any construction permits.
9. The applicant or operator shall furnish Rice County with a \$50,000 bond or other approved financial surety to ensure proper site decommissioning/restoration and to ensure road repair or other off-site damages caused by construction or operation of the facility. Financial surety shall be reviewed and approved by the Rice County Attorney's office prior to any work on-site.
10. The entire site shall be restored to a condition suitable for agricultural crop production



within 18-months after the cessation of onsite electrical production.

- 11. Failure to comply with conditions may result in revocation of the conditional use permit.
- 12. This Conditional Use Permit shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.

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**Hearing Minutes:**

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

TM explained the change in the access location, now proposing to come off county road with a new driveway and believe that has been approved by Highway department already.

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

DR - Nokomis partners on behalf of Dale and Julie Klapperich. Similar situation, originally we had intended to try to buy the land from the tower company. There is a dormant tower on site. That was the original intent. That company was unresponsive to the purchase request. And in doing so we wanted to again satisfy the request of the landowners, so they asked us to site it this way.

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

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

Discussion:

AW - Better plan than the original.

CP - Really shielded site too.

Motion to recommend approval with stated conditions and findings made by Bauer, seconded by Peters, and approved.

- 7. **Conditional Use Permit/Warsaw (OConnor) - Section 19, Warsaw Township**  
 Warsaw Solar LLC, on behalf of landowner Michael OConnor, has applied for a Conditional Use Permit (CUP) for a 2-MW Solar Energy Production facility. The property is described as: SE1/4 of the SW1/4 of Section 19, Warsaw Township, Rice County, Minnesota. PID #: 14.19.3.75.001. The property is Zoned A, Agricultural.

**Motion by Peters, seconded by Bauer, to recommend approval of the Conditional Use Permit with the following conditions and findings for Warsaw Solar LLC on behalf of landowner Michael OConnor. The property is located in Section 19 of Warsaw Township.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells
<b>ABSENT:</b>	Streiff

**CONDITIONS OF APPROVAL - Warsaw (OConnor) - Conditional Use Permit**

- 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 Conditional Use Permit (CUP) is for a 2-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. 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.
  6. All electrical lines internal to the site shall be buried underground.
  7. 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.
  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 within 18-months after the cessation of onsite electrical production.
  10. Failure to comply with conditions may result in revocation of the conditional use permit.
  11. This Conditional Use Permit shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.

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**Hearing Minutes:**

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

The PC asked the applicant, Luke Nelson (LS), to come forward to add comments or answer questions regarding the request.

LS - Project developer with Renesolar Power which owns Warsaw Solar, LLC. We've been developing this project for some time now and we are getting to the point where are ready to ask you for a Conditional Use Permit. If approved we would start construction first thing in the spring and finish the completion of the project in summer 2019. After it goes into operation there will be very minimal traffic to and from the site. There will be a maintenance crew that will be retained to keep after the site and keep vegetation mowed in and around the site.

TS - On the vegetation, there are some of these sites that could use cleanup of the vegetation. There could be a better job from what I've seen

PB - Just to refresh my memory. The applicant prior has a 1megawatt facility and yours is 2? Is that the maximum allowed now by the state?

LS - So this application was put into Xcel energy when they still allowed multiple megawatts to be co-located next to each other. This facility was grandfathered in. Going forward new facilities will only be 1megawatt within a mile of any other facility.

TM - That restriction is because of Xcel requirements. It's not a restriction we have on solar or the state has, it's Xcels.

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

Don Michel (DM)-I have a question. Do you have a setback on that permit for Farwell Ave?

TM - Setback from Farwell Ave would be 70ft from the road right of way. There is a 33ft roadway and a 70ft setback so it would be 103ft from center of road right of way.

DM - Ok. The other solar system that is going in, they agreed to 133ft with the idea that someday that road would be turned over to the county and rebuilt and blacktopped. If that would happen, we don't want these fences and things in the way that would keep that from happening or would be a hazard to building that road. So that is why we have these questions, township.

PB - Are you referring to this Farwell Ave or another road?

DM - Yes.

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

Discussion:

TM - We have had discussions with the county highway engineer about that concern with the 70 versus the 100 and with this site and there is a site further north, he felt that a 70ft setback would not prevent the county from ever looking at that roadway as a potential county road.

PB - Nice piece of land, but the market is what it is. Harvest sun instead of grain.

Motion to recommend approval with stated conditions and findings made by Peters, seconded by Bauer, and approved.

**8. Conditional Use Permit/Walcott (Uittenbogaard) - Section 19, Walcott Township**

Walcott Solar LLC, on behalf of landowners Dennis & Susan Uittenbogaard, has applied for a Conditional Use Permit (CUP) for a 4-MW Solar Energy Production facility. The property is described as: Part of the SE1/4 of the NW1/4 Section 19 of Walcott Township, Rice County, Minnesota. A property address is: 24230 Albers Ave, Faribault, MN 55021. PID #: 15.19.2.00.001. The property is Zoned A, Agricultural.

**Motion by Bauer, seconded by Peters, to recommend for approval of the Conditional Use Permit with the following conditions and findings for Walcott Solar LLC, on behalf of landowners Dennis & Susan Uittenbogaard. This property is located in Section 19 of Walcott Township.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells
<b>ABSENT:</b>	Streiff

**CONDITIONS OF APPROVAL - Walcott (Uittenbogaard) - Conditional Use Permit**

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 Conditional Use Permit (CUP) is for a 4-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. 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.
6. All electrical lines internal to the site shall be buried underground.
7. 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.
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 within 18-months after the cessation of onsite electrical production.
10. Failure to comply with conditions may result in revocation of the conditional use permit.
11. This Conditional Use Permit shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.
12. The onsite septic system shall have a compliance inspection completed by not later than May 1, 2019. If the onsite system is found to not be in compliance, a compliant system shall be installed by no later than September 1, 2019.

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**Hearing Minutes:**

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

TM - One condition not on staff report but is on the powerpoint and should be included is condition #12, onsite septic system completed by no later than May if it is not compliant a new system will be put in place no later than September 2019.

The PC asked the applicant, Luke Nelson (LN) to come forward to add comments or answer questions regarding the request.

TS - You're aware of the now 12 conditions with the new septic needs to be upgraded or inspected?

LN - Yes.

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

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

**Discussion:**

PB - This has some scale to it as far as the project goes for putting in the infrastructure of the management of the energy. Screening. It is a southern facing slope. It looks like the neighbor to the south has some distance in between. No impact statement or issues with MNDOT with

I35 fairly close to that field.  
CP - Better to have that next to hog barn.

Motion to recommend approval with stated conditions and findings made by Bauer, seconded by Peters, and approved.

**9. CUP/Melka (Bertram) - Section 19, Warsaw Township**

Andy Melka, on behalf of homeowner Gene Bertram, has applied for reissuance of a Conditional Use Permit for a 1-MW Solar Energy Production facility. The property is described as: Part of the N1/2 of the NE1/4 Section 19, Warsaw Township, Rice County, Minnesota. PID #: 14.19.1.00.004. The property is Zoned A, Agricultural.

**Motion by Peters, seconded by Wells, to accept withdrawal of the Conditional Use Permit for Andy Melka, on behalf of homeowner Gene Bertram. This property is located in Section 19 of Warsaw Township.**

<b>RESULT:</b>	Withdrawn [Unanimous]
<b>AYES:</b>	Bauer, Sammon, Peters, Wells
<b>ABSENT:</b>	Streiff

TM explained that the applicant has asked to withdraw this item as they were able to start construction today.

**III. Adjournment**

Hearing no other items before the PC, a motion was made by Peters, second by Bauer, to adjourn the meeting at 8:16 pm. Motion carried 4-0.

**Respectfully Submitted**

**Planning Commission**

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**Brandy Leon**  
**Administrative Coordinator**

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**Tom Sammon, Chair**