

**CLAY COUNTY PLANNING COMMISSION MINUTES
7:00 PM TUESDAY, JULY 21ST, 2026
THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

Members Present: Joel Hildebrandt, Laura Johnson, Josh Schroeder, Ashley Heng, Jeff Winter, Brad Eldred, Dave Steichen, Sebastian McDougall, Kurt Skjerven, Ezra Baer (for Commissioner Jenny Mongeau)

Members Absent: None

Others Present: Kent Severson, Olivia Ohm, Matt Jacobson, Brian Melton, Erika Franck, Darren Brooke, Rita Rueckert, Michael Braun, Jeff Busby, Curtis Lammers, Gerald Zimmerman, David Rystad

ROLL CALL:

Attendance was recorded by Chair Joel Hildebrandt and the meeting was called to order at 7:00 PM.

APPROVAL OF AGENDA:

On motion by Sebastian McDougall, seconded by Kurt Skejrvn, and unanimously carried, the Agenda was approved.

APPROVAL OF MINUTES OF JUNE 23RD, 2026:

On Motion by Laura Johnson, seconded by Josh Schroeder, and unanimously carried, the June 23rd, 2026 Minutes were approved.

CITIZENS TO BE HEARD:

There were no citizens wanting to speak about any items not on the Agenda.

PUBLIC HEARINGS:

RED RIVER COMMUNICATIONS – REQUEST FOR CONDITIONAL USE PERMIT

The applicant is requesting a conditional use permit for a telecommunications hut on Parcel ID: 01.029.2201, in part of the NW1/4 of the NW1/4, Section 29, Township 137N, Range 47W, Alliance Township.

On motion by Ashley Heng, seconded by Brad Schroeder, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, stated that the Applicant received a grant to provide fiber optic communications to the rural area and this request is to provide a small hut structure for their equipment

regarding that implementation. The structure is a prefabricated building approximately 12-foot by 20-foot and will be placed on a 50-foot by 50-foot gravel pad at 16012 70th Street South. This would be considered an essential service, and a Conditional Use Permit is required per 8-8-6 of the Clay County Code.

Director Jacobson advised that the request looks to be in order, aside from the indicated road right-of-way setback for the structure being listed at 88 feet and the Ordinance requires a 125-foot setback from centerline of the roadway. Access would be off from 70th Street South.

No comments have been received regarding the request. A photograph of the area was reviewed. Chair Hildebrandt asked if the Applicant was aware that they may be required to increase the centerline setback and Director Jacobson advised that this will be addressed with them.

David Rystad Represented Red River Communications. He advised that he feels the setback is 188 feet back from the road centerline and it was clarified that the markings on the provided diagram may be confusing. Road setback is actually 188 feet. Red River Communications is located in Abercrombie, North Dakota and were awarded a grant last winter to provide services to about 230 rural customers near Sabin and Wolverton. They have had to spend considerable time locating a site for their service location.

On motion by Kurt Skjerven, seconded by Sebastian McDougall, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the request.

Staff recommends the following proposed conditions:

1. Applicant must abide by the provisions of the Clay County Land Development and Subdivision Ordinance.
2. Before installation, the applicant must submit a final dimensioned site plan acceptable to the Planning Department showing parcel boundaries, road centerline setbacks, the building and gravel pad, driveway, parking/staging area, utilities, drainage features and setbacks. The telecommunications shelter must be at least 50 feet from every lot line and 125 feet from road centerlines.
3. The building and gravel pad must be located substantially in the northwest portion of the parcel as shown on the applicant sketch. The facility, driveway, utilities, and any easements must not segment working farmland or interfere with field access, farm equipment, drainage, or crop-spraying operations.
4. The applicant must obtain approval from the clay County Highway Department for any new or modified driveway, culvert, or work within a public right-of-way. Service vehicles, delivery vehicles, and construction staging must be accommodated on site and may not obstruct a public road or road ditch.
5. The telecommunications shelter may not exceed approximately 12 feet by 20 feet without prior Planning Department review. Its exterior must use muted earth-tone colors and a low-profile utility design substantially consistent with the representative photographs submitted with the application.
6. The building, doors, electrical cabinets, batteries, and other equipment must be secured against unauthorized public access. A durable site-identification and 24-hour emergency-contact sign must be posted at the entrance or building. The installation must comply with applicable electrical, fire, building, utility and safety requirements.
7. Existing vegetation outside the approved disturbance area must be retained where practicable. If the Planning Commission or Planning Department determines that screening is needed based on nearby dwellings or road views, the applicant must install and maintain approved screening. Dead or diseased screening vegetation must be replaced promptly.
8. Outdoor lighting is prohibited except where required for code, safety, or essential service. Any

approved exterior light must be fully shielded, directed downward, limited to the lowest practical intensity, and controlled by motion sensor or short-duration switch so that light does not spill onto neighboring property or public roads.

9. No outdoor storage, refuse accumulation, or public/customer activity is permitted. The building, gravel pad, driveway, drainage features, utility equipment, exterior finish, vegetation, and security features must be maintained in a safe, clean, weed-controlled and orderly condition.
10. Installation and maintenance must control dust, mud, track-out, noise and erosion. Disturbed soil must be stabilized promptly, roadside ditches and natural drainage must remain unobstructed, and sediment or debris deposited on public roads must be removed promptly.
11. Any standby generator, battery system, HVAC equipment or other mechanical equipment not described in the application must be submitted to the Planning Department before installation. Such equipment must comply with applicable safety requirements, and may not create objectionable noise, vibration, fumes, glare, or other nuisance at neighboring property.
12. The applicant must obtain and comply with all applicable federal, state, county, township, road-authority, utility, electrical, fire and building approvals. The Land Development Code exemption from a Development Permit or Zoning Certificate for essential services does not waive permits or approvals required under other laws or codes.

On motion by Brad Eldred, seconded by Ashley Heng, and unanimously carried, the Planning Commission *GRANTED* the Conditional Use Permit with the following conditions:

1. **Applicant must abide by the provisions of the Clay County Land Development and Subdivision Ordinance.**
2. **Before installation, the applicant must submit a final dimensioned site plan acceptable to the Planning Department showing parcel boundaries, road centerline setbacks, the building and gravel pad, driveway, parking/staging areas, utilities, drainage features, and setbacks. The telecommunications shelter must be at least 50 feet from every lot line and 125 feet from the road centerlines.**
3. **The building and gravel pad must be located substantially in the northwest portion of the parcel as shown on the applicant sketch. The facility, driveway, utilities, and any easements must not segment working farmland or interfere with field access, farm equipment, drainage, or crop-spraying operations.**
4. **The applicant must obtain approval from the Clay County Highway Department for any new or modified driveway, culvert, or work within a public right-of-way. Service vehicles, delivery vehicles, and construction staging must be accommodated on site and may not obstruct a public road or road ditch.**
5. **The telecommunication shelter may not exceed approximately 12 feet by 20 feet without prior Planning Department review. Its exterior must use muted earth-tone colors, and a low-profile utility design substantially consistent with the representative photographs submitted with the application.**
6. **The building, doors, electrical cabinets, batteries, and other equipment must be secured against unauthorized public access. A durable site-identification and 24-hour emergency-contact sign must be posted at the entrance or building. The installation must comply with applicable electrical, fire, building, utility, and safety requirements.**
7. **Outdoor lighting is prohibited except where required for code, safety, or essential service. Any approved exterior light must be fully shielded, directed downward, limited to the lowest practical intensity, and controlled by motion sensor or short-duration switch so that light does not spill onto neighboring property or public roads.**
8. **No outdoor storage, refuse accumulation, or public/customer activity is permitted. The building, gravel pad, driveway, drainage features, utility equipment, exterior finish, vegetation,**

and security features must be maintained in a safe, clean, weed-controlled, and orderly condition.

9. Installation and maintenance must control dust, mud, track-out, noise and erosion. Disturbed soil must be stabilized promptly, roadside ditches and natural drainage must remain unobstructed, and sediment or debris deposited on public roads must be removed promptly.
10. Any standby generator, battery system, HVAC equipment, or other mechanical equipment not described in the application must be submitted to the Planning Department before installation. Such equipment must comply with the applicable safety requirements and may not create objectionable noise, vibration, fumes, glare, or other nuisance at neighboring property.
11. The applicant must obtain and comply with all applicable federal, state, county, township, road-authority, utility, electrical, fire and building approvals. The Land Development Code exemption from a Development Permit or Zoning Certificate for essential services do not waive permits or approvals required under other laws or codes.

WESTLUND EXCAVATING – REQUEST FOR INTERIM USE PERMIT

The applicant is requesting an interim use permit for a 39.5-acre gravel mine on Parcel ID: 17.015.1000, in part of the NW1/4 of the SE1/4 and SW1/4 of the NE1/4, Section 15, Township 141N, Range 45W, Keene Township.

On motion by Laura Johnson, seconded by Sebastian McDougall, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, stated this permit request is for a 39.5 acre gravel mine. They are looking to do onsite crushing, screening and excavation. The goal and purpose is to produce rock, sand and Class 5 aggregate. Truck traffic will travel on an existing haul road.

The property is zoned Agriculture General (AG) and Resource Protection-Aggregate (RP-Agg) overlay. The property is currently being used as cultivated agricultural land. There are no mapped wetlands within the product area, but there are to the east as well as to the southeast. The majority of the site consists of prime farmland. The southern portion is farmland of statewide importance, and the small area near the southeast is non-prime farmland. The Crop Equivalency Rating (CER) varies greatly from 24 to 73.

The two closest wells range from 12 to 18 feet below ground surface. Applicant has seen the same results with borings that they have done in the area. Westlund Excavating currently operates an existing mine on the adjacent Rodewald property under an Interim Use Permit and will be using the same haul roads.

Mining operations will be to extract rock, sand and to produce class 5 aggregate. Materials will be processed and stockpiled on site. Loaders, dozer, excavator, crusher and screen plant will be used. There will be no aggregate washing proposed. Operations requested are year-round, Monday through Saturday 6:00 AM to 8:00 PM. Dust control will be chloride application and water as needed. Stormwater will be retained on site and no dewatering discharge is proposed. Reclamation cost is estimated at \$39,500 (\$1,000 per acre). Applicant currently operates an existing mine on the neighboring Rodewald property under an Interim Use Permit.

The Rodewald pit does have a Variance to mine up to the property line. Photos of the site and haul roads were reviewed.

There have not been any comments received regarding this request. The County Engineer advised that there have been many problems with maintenance on CSAH 27 and that Westlund has been very responsive in addressing these issues. It is the County Engineer's desire that this responsiveness continues.

Jeff Busby of Westlund Excavating advised they are expanding because they are out of class 5 in the area. He has talked to Brady Braseth who advised they may wish to add a road heading north out of his property but for now they will use the existing roads. Westlund Excavating is the only operator working in this pit.

Commissioner Baer advised that he lives in the area and also has property approximately a half mile from this pit location and advises that Westlund has done a good job with road maintenance.

On motion by Ashley Heng, seconded by Josh Schroeder, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the request.

Staff recommends the following proposed conditions:

1. Permit shall terminate on December 31st, 2036.
2. Operate within provisions of the Clay County Land Development Ordinance, especially the specific setbacks required for mining operations.
3. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads. Chloride and water must be used for dust control within 1,000 feet of any residence along the haul road.
4. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall comply with all local/state/federal regulating agencies prior to commencing mining operations.
5. Operator must comply with State of Minnesota Noise Pollution Rules.
6. Operations must comply with all provisions of Wetlands Conservation Act (WCA). Operator must conduct a wetland review with the Clay Soil and Water Conservation District.
7. Operator permitted a maximum of 39.5 acres for mining operations (excavation, screening, crushing, stockpiling, etc.). If additional acres are proposed to be opened in the future, a new or amended IUP would be required.
8. Facility may operate April through December, Monday through Friday, 7:00 AM until 7:00 PM, hauling only on Saturdays from 7:00 AM to 2:00 PM. If the need arises to operate beyond stated hours or 24 hours a day, the operator must contact the Planning Director in advance with the details of the anticipated time-frame for the extended mining hours to obtain approval.
9. Operator shall present a mine plan to Planning Office indicating exact area to be mined, current topography, final topography, phases of mining operation, equipment locations, locations of hazardous material storage and sanitary facilities and stormwater management plan prior to commencing any operations at the site.
10. Operator shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department.
11. Operator shall control all County and State listed noxious weeds in the mining areas.
12. Operator shall post a reclamation bond of \$40,000 (\$1000/acre) and reclaim mined out areas as mining activities progress. Final reclamation should be to a maximum 4H:1V slope in mine interior. Reclamation must be done to landowner specification.

On motion by Sebastian McDougall, seconded by Kurt Skjerven, and unanimously carried, the Planning Commission *GRANTED* the Conditional Use Permit with the 12 recommended conditions, which mirror the conditions on the neighboring Rodewald pit that is being operated by the Applicant.

GERALD ZIMMERMAN – REQUEST FOR INTERIM USE PERMIT

The applicant is requesting an interim use permit for agricultural worker housing on Parcel IDs: 23.011.4800, 23.011.4801 and 23.011.4600, in the SE1/4 of Section 11, Township 140N, Range 48W, Oakport Township.

On motion by Laura Johnson, seconded by Kurt Skejrven, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, stated the request is for interim agricultural worker housing. Zoning is Agricultural General (AG). There are three parcels totaling 160 acres. The applicant wishes to use one existing dwelling and a new shop with bedrooms and bathrooms in it for temporary employee housing during harvesting time. These temporary employee housing areas will be used as storage and offices most of the year but converted to bedrooms during harvest.

Temporary Ag Employee Housing Standards:

Location: Agricultural employee housing shall be allowed only in the Agricultural General Zoning District and not in cluster subdivisions.

Size: Facilities shall include no more than four (4) attached dwelling units or sixteen (16) beds in group living quarters. Where agricultural worker housing consists of a combination of both individual dwelling units and group living quarters, each dwelling unit shall count as three (3) beds toward the maximum of sixteen (16) beds in group living quarters.

Facilities: Sleeping, eating, and sanitation facilities consistent with Clay County Environmental Health regulations shall be provided within each unit or within the same building for group living quarters. Parking must be consistent with Clay County parking standards.

Site Requirements and Setbacks: Agricultural employee housing facilities shall meet the residential setback requirements of the Agricultural General Zoning District. Agricultural employee housing facilities shall be set back a minimum of 1,320 feet from adjacent residential dwellings not associated with the facility.

Density: Agricultural employee housing facilities permitted under 8-8-2(D) shall not be considered in the calculation of any residential density determination required by this Ordinance.

Occupancy: A signed statement shall be submitted with the Interim Use Permit application that such housing shall be used only for agricultural employee housing and shall not be rented to individuals not employed in the agricultural operation. All agricultural employee housing facilities shall be occupied exclusively by agricultural employees and their family members for a maximum of 270 days per calendar year. Documentation that any agricultural employee housing was occupied by agricultural employees shall be provided to the Zoning Administrator upon request.

Discontinuance of Use: If agricultural employee housing ceases to be occupied by agricultural employees for more than two (2) consecutive calendar years, such housing and ancillary facilities shall be removed from the property or converted to a nonresidential use within one (1) year.

The house has been used for temporary ag worker housing for over 20 years. The house failed a septic inspection in 2008. That failure still needs to be addressed. There is currently substantially completed construction going for the new shop, but there was a cease-and-desist notice sent as there was no permit issued for that building and/or septic. There was a Variance issued last year for the shop to the property line setback. There will not be any prime farmland taken out of use. Applicant/Owner wants to combine all parcels into one parcel.

Director Jacobson was working with the owner's son regarding the setback, the issue of the parcels needing to be combined and also the Interim Use Permit for the agricultural worker housing. Currently there are the

following considerations:

- Proposal as presented meets all standards for agricultural worker housing once permitted.
- Building and septic permits need to be obtained
- House septic needs to be addressed
- Parcel combination would address property line encroachment issue

Gerry Zimmerman stated that they have had truckers during fall harvest until the end of harvest they have provided housing. Some of their employees drive for 12 hour shifts and then they have a long commute home, so it is safer for them to stay onsite. Some of their drivers have come from as far away as Bismarck and Fergus Falls. He confirmed that they will be combining their 3 parcels into one parcel. He has not reached out to Environmental Health. The shop does have a new septic in it and is within walking distance of the house. He stated that they would prefer not to update the septic to the house as the house is too good to tear down but not good enough to have permanent residents in it. They are currently using one bedroom in it that is on the main floor, and the remainder of the house is used for storage.

Director Jacobson advised the house is old and predates our Ordinance requirements. Kent Severson from Environment Health advised that the shop septic system was inspected and is compliant.

On motion by Ashley Heng, seconded by Jeff Winter, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the request.

Staff recommends the following minimum proposed conditions:

1. The permit authorizes temporary agricultural employee housing in (a) the existing old farmhouse and (b) only the living-quarters portion of the new agricultural shop shown on the final approved site plan and floor plan. The agricultural shop and storage floor may not be used for sleeping or residential occupancy.
2. The approved housing facilities, collectively, shall contain no more than the number of dwelling units and beds shown on the approved floor plans and, in no event, more than four attached dwelling units or sixteen beds in group living quarters as provided in Section 8-8-2(D)(2). In a mixed arrangement, each dwelling unit shall count as three beds toward the sixteen-bed maximum.
3. Occupancy is limited exclusively to employees of the agricultural operation and their family members for no more than 270 days per calendar year. Neither facility may be rented or occupied by persons who are not employed in the agricultural operation.
4. Before occupancy, the owner shall submit the signed statement required by Section 8-8-2(D)(6) and shall maintain annual records identifying occupants, agricultural employment, the structure occupied, and dates of occupancy. Records shall be provided to the Zoning Administrator upon request.
5. Before occupancy of either facility, the owner shall submit a final site plan and floor plans showing the farmhouse, the approved shop living quarters, maximum capacity by structure and in total, agricultural shop and storage areas, combined parcel boundary, wells, sewage treatment systems, parking, access and all applicable setbacks.
6. Before occupancy of either facility, Clay County Environment Health shall verify that the potable water supply, sewage treatment, sleeping, eating, and sanitation facilities serving each approved location are adequate for the approved capacity. The owner shall maintain all facilities in compliance with applicable health regulations.
7. Off-street parking and access shall be provided and maintained in accordance with Clay County

standards and the approved site plan. Parking shall not obstruct farm operations, emergency access, or public roads.

8. The permit shall terminate upon the first applicable event in Section 8-11-8(D), including the stated expiration date, revocation, or discontinuance of the interim use for twelve consecutive months. A change of ownership shall be handled as required by Section 8-11-8(D)(1).
9. If either approved housing location ceases to be occupied by agricultural employees for more than two consecutive calendar years, that housing and its ancillary facilities shall be removed from the property or converted to a nonresidential use within one year, consistent with Section 8-8-2(D)(7).
10. No increase in the combined number of units or beds, relocation of employee housing, conversion to general rental housing, or expansion of living quarters within the shop shall occur without prior written approval and, when required, an amended Interim use Permit and building and Environmental Health approvals.
11. Within 30 days after approval, and before any further construction, occupancy, or use of the new shop, whichever occurs first, the owner shall complete and record a County-approved combination of Parcels 23.011.4800, 23.011.4801, and 23.011.4600 and provide the recorded documents to Clay County Planning and Zoning. Under this permit, parcel combination is the required method of resolving the internal lot line affecting the shop

A question was asked regarding each building needing an operational septic or could the house septic be tied into the shop septic. Mr. Severson advised the house septic could be run to the new shop septic. He also advised that just a holding tank is not allowed.

On motion by Kurt Skjerven, seconded by Brad Eldred, and unanimously carried, the Planning Commission *GRANTED* the Conditional Use Permit with the following conditions:

1. **Temporary agricultural employee housing is authorized only in the existing farmhouse and the approved living-quarters portion of the agricultural shop. Combined occupancy shall not exceed the approved plans or the limits in Section 8-8-2(D)(2), whichever is less.**
2. **Housing is limited to agricultural employees and their family members for no more than 270 days per calendar year. Before occupancy, the owner shall submit the required signed statement and maintain annual occupancy and employment records for County inspection.**
3. **Before occupancy, the owner shall submit final site and floor plans and obtain Environmental Health approval of the water, sewage, sleeping, eating and sanitation facilities. Parking, access, and all facilities shall be maintained in accordance with the approved plans and applicable requirements.**
4. **Within 30 days of approval, and before further construction, use, or occupancy of the shop, the owner shall record a County-approved combination of Parcels 23.011.4800, 23.011.4801 and 23.011.4600.**
5. **Within 30 days of approval the owner shall submit complete after-the-fact County and Oakport Township permit applications, plans and fees for the shop. No further construction or occupancy is allowed until all permits, inspections, corrections, and written approvals are completed.**
6. **This permit does not legalize prior unpermitted work, waive fees or corrective requirements, limit enforcement authority, or create vested rights.**
7. **The permit shall terminate as provided in Section 8-11-8(D). If either housing location is not used for agricultural employees for more than two consecutive years, it shall be removed or converted to a lawful non-residential use within one year.**
8. **The owner shall comply with this permit, the approved plans, Clay County and Oakport Township requirements, and all applicable laws. Violations may result in enforcement or permit revocation.**

WHITE OAK GARDEN LLC – REQUEST FOR CONDITIONAL USE PERMIT

The applicant is requesting a conditional use permit for a 5 mega-watt community solar garden on Parcel ID: 06.019.4000, in part of the SE1/4, Section 19, Township 138N, Range 47W, Elmwood Township.

On motion by Laura Johnson, seconded by Sebastian McDougall, and unanimously carried, the Planning Commission opened the public hearing.

Matt Jacobson, Planning Director, advised that the site is located approximately 1.5 miles south of Sabin and on the west side of CSAH 11. It is currently cultivated crop land. The parcel size is 156 acres and the project area size is 31 acres. Zoning is Agricultural General (AG) and overlay zoning district of Resource Protection-Wellhead Protection (RP-WP)

Applicant wishes to establish a 5 MW community solar garden to provide renewable energy to income-eligible households, public-interest subscribers, and community organizations. The anticipated life of the project will be 25 to 35 years with an expected annual generation of 9,864 MWh. There will be 11,804 solar panels on steel-driven posts, single-axis tracker racking, associated electrical equipment, a gravel access road, perimeter fencing, and limited security signage and lighting, gated access with keyless entry, signage with 24-hour contact information, and vegetative screening. There will be beneficial pollinator habitat and potential agrivoltaic potential for sheep and honeybees.

Impacts from this project include taking prime farmland and prime farmland if drained out of production for a minimum of 25-35 years (CER 67-76). Soils would remain intact and vegetated during operation and site can be restored to agricultural use at decommissioning. This project is small-scale relative to countywide prime farmland acreage.

The project would be subject to Minnesota solar production tax of \$1.20/MWh. Estimated annual generation is 9,864 MWh. Estimated annual tax revenue would be \$11,840, for an estimated 23 year total of \$296,000. Revenue distribution would be 80%/20% split between the County and the Township.

The decommissioning plan outlined in the application includes:

- Panels, racking, piles, inverters, transformers, wiring, fencing, concrete pads and access roads
- Site restoration includes grading, topsoil replacement and reseeded
- Total estimate decommissioning cost is \$218,563.61
- No salvage value assumed (conservative estimate)
- Financial guarantee required

There is a property line encroachment with an older building on the neighboring lot that is owned by the same person. Photos were viewed of the project area, as well as the property lines for the two parcels of Mr. Lammers.

There were no comments received from the Township. General comments from nearby residents concerned screening issues. The Highway Department did comment regarding site access connection to CSAH 11. An aerial picture of the area was reviewed. Access will be off County 11 which is on the north side of the parcel.

Sebastian McDougall inquired if there is a maximum amount of solar allowed within the county. Director Jacobson advised that the cap or maximum is set at the state level for Community Solar Gardens. He also shared that there have been several projects that this Planning Commission has approved but they have not been built and those permits have now expired.

Michael Brown of Nokomis Energy felt Director Jacobson did a good job of explaining the proposed project. Mr. Brown expressed a desire to work with any neighbors to the project. This will be a 25-year project. Construction is anticipated for late summer of 2027. They are in the process of going through the interconnection study.

Ashley Heng inquired if there is any damage mitigation plan and if there is any soil testing done if there is a catastrophic event. Mr. Brown advised that there are testing methods they can use in the event of an extreme event. Director Jacobson advised he could do some research on liabilities, testing, insurance, and other related issues involved if there was a disaster causing shattering of panels.

Brad Eldred asked about the screening aspect. He felt that large trees could be dangerous to the panels, and fencing would not appear natural. Director Jacobson advised that screening is up to the Planning Commission's discretion and feels that vegetative screening is probably preferred and, specifically, something more like a shrub instead of a slower growing tree. Commissioner Baer felt that the vegetation choice should be up to the applicant. Dave Steichen inquired if the vegetation was for aesthetics or to keep wildlife out; Director Jacobson advised that it is more for aesthetics.

On motion by Ashley Heng, seconded by Brad Eldred, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the request.

Staff recommends the following proposed conditions:

1. Applicant must abide by the provisions of the Clay County Land Development and Subdivision Ordinance.
2. Applicant shall obtain all applicable Local/State/Federal permits/reviews (i.e. Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) before any construction and shall provide copies of them to the Planning Office.
3. Project owner/operator must provide a decommissioning surety bond, cash deposit with Clay County, or letter of credit for \$50,000 per megawatt.
4. Project must meet the Minnesota Board of Water and Soil Resources Beneficial Habitat Standards as outlined in MN Statutes 216B.1642.
5. Project owner/operator must provide a surety bond, cash deposit with Clay County, or letter of Credit for 125% of the cost of establishing native plant cover on the project site.
6. Outbuilding lot line encroachment must be resolved through a boundary line adjustment in order to mitigate future property line setback issues with the project.

On motion by Josh Schroeder, seconded by Dave Steichen, the Planning Commission *GRANTED* the Conditional Use Permit after the following 7-2 Roll Call Vote:

Ezra Baer	Yes
Kurt Skjerven	Yes
Sebastian McDougall	No
Brad Eldred	Yes
Dave Steichen	Yes
Laura Johnson	Yes
Jeff Winter	Yes
Josh Schroeder	Yes
Ashley Heng	No

AND to include the following Conditions:

1. Applicant must abide by the provisions of the Clay County Land Development and Subdivision Ordinance.
2. Applicant shall obtain all applicable Local/State/Federal permits/reviews (i.e. Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) before any construction and shall provide copies of them to the Planning Office.
3. Project owner/operator must provide a decommissioning surety bond, cash deposit with Clay County, or letter of credit for \$50,000 per megawatt.
4. Project must meet the Minnesota Board of Water and Soil Resources Beneficial Habitat Standards as outlined in MN Statutes 216B.1642.
5. Project owner/operator must provide a surety bond, cash deposit with Clay County, or Letter of Credit for 125% of the cost of establishing native plant cover on the project site.
6. Community Solar Garden must be established by December 31st, 2029.

UNFINISHED BUSINESS:

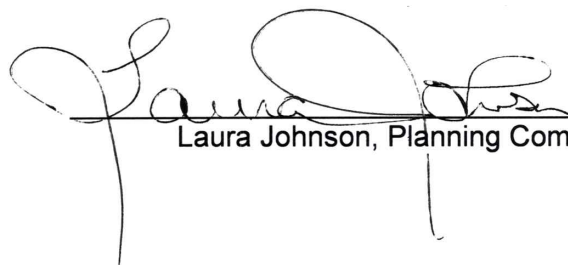
None

NEW BUSINESS:

- Director Jacobson advised that as of July 1st, 2026, the IRS has increased the mileage rate from \$.725 to \$.76
- Director Jacobson also advised that he will be updating the Planning Commission regarding upcoming solar projects falling under the State Public Utilities Commission supervision, as well as other upcoming projects in the area.

ADJOURNMENT:

On motion by Laura Johnson, seconded by Brad Eldred, and unanimously approved, the meeting adjourned at 8:32 PM.



Laura Johnson, Planning Commission Secretary