

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, October 2, 2025 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Chair Garrett Johnson at 6:56p.m.

Members present were: Garrett Johnson, Kenneth Engen, Jim Cihak

Members absent were: Julia Hogan, Matt Purfeerst

Staff present were: Zoning Administrator Trent McCorkell, Senior Planner Jeremy Edwards,
Administrative Coordinator Anna Aguilar

Commissioners present: Charlie Peters

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

B. Motion by Ken Engen, seconded by Jim Cihak, Reading of the Notice

RESULT: Approved, AYES: Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

C. Motion by Ken Engen, seconded by Jim Cihak, Approval of the Agenda

RESULT: Approved, AYES: Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

II. New 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 Ken Engen, to table the Interim Use Permit for Cole Bearden of New Leaf Energy, on behalf of landowners Poplar Grove Farms LLC and Richard Nielsen to the November 6, 2025 Planning Commission meeting. The property is located in Section 23 of Morristown Township.

RESULT: Tabled, AYES: Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
TM - I just want to point out, just this afternoon, we did receive comments from the City of Morristown, and I believe you have those in front of you. Mainly their concerns had to do with, grants that they've currently applied for, and their kind of limited ability for future grants, along with potential impacts to their economic and infrastructure development.

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

CB - *Project Developer with New Leaf Energy* - As Staff stated, we are proposing a 4.99 megawatt AC community solar garden on this property at the intersection of Holland Avenue and MN State Trunk Highway 60, or Morristown Boulevard. It's approximately 12,000 modules on a single-axis tracker that follows the sun throughout the day. We're proposing a 7-ft woven-wire agricultural fence around those modules, which is an approximately 34-35 acre area. The entire area of landscaped area, including seed mix outside the fence line, is about 39 acres. There's also an infiltration basin for stormwater management in the southeast corner of that fenced area and we're also proposing some evergreen screening along the northern boundary of the project, to mitigate any line of sight from MN State Trunk Highway 60. These panels have approximately a 30-year power output guarantee, which is the anticipated life of the project, somewhere between 25-30 years is typical for projects of this size and of this nature, so it is a temporary use at that point. Everything comes back out, the ground will be available for agricultural use or any sort of development, and is compatible with any other commercial

or residential development that could happen elsewhere on the property, during that time. To note, some of this property in the southeast corner, especially where the Cannon River buffer is, is already in a conservation easement, so we stayed well away from that area and tried to minimize road frontage as well. So essentially, the area that we're building in is the least obtrusive area. That's the basic summary of the project. We're happy to answer any questions.

GJ - You are aware of the 10 conditions associated with this project?

CB - Yes, everything looks in order. One exception with the City of Morristown's objection. We were just made aware of that today, but we are happy to talk about or speak on that as well.

CP - Where is the interconnection? Is it right along Hwy 60 there?

CB - It is along Holland Avenue. The proposed access is actually the existing drive right now. To TM's point, our intent was to keep the existing access, so you'll note that the point of interconnection is actually a utility pole just south of where the proposed access is, which is the existing drive right now. The reason it loops in is to have that hammerhead turnaround for any utility trucks to service those poles. We're open to moving that access further south, we just didn't want to have two access drives, or we weren't sure if that would be a problem permitting-wise for the county. So that's why it looks the way it does right now.

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

Anna Nusbaum - on behalf of the Morristown City Council - read letter submitted earlier today. Refer to Public Comment Letter #1.

Ellen Judd (EJ) - *Morristown City Administrator* - I was able to talk to the property owner today. It was kind of short notice on this whole thing of us knowing about it, but when I talked to her, I kind of outlined our plans on what we were looking to do with that area. That's kind of our only option for economic development, is on that side, and then a little bit behind OK Tire. But that is the spot where we eventually do want to grow, and we are working with Sandy Malecha, who works for Rice County. She's the grant writer that's helping us with the TED (Transportation Economic Development) grant and TEDI (Transportation Economic Development Infrastructure) grants right now. So we are trying to do that, and I talked to the property owner about if that's something that they want to do in the future, and she said yes, they are the ones that sold to Dollar General in the first place, and they are still looking at that avenue, but I think they didn't know that we were trying so hard to develop that area, so I'm hoping we can come to some sort of agreement to either make the project smaller, move it off the trunk highway, off the state highway, to make it so that area could stay economic development orientated, and then they could still maybe do solar. Anything to keep that open for our grants. Thank you.

CP - There's no sewer and water across the river at this moment, correct? And this grant would give you sewer and water across to the car wash and the Dollar General, correct?

EJ - Yes, we're in the early stages of that, but the TEDI grant is the infrastructure one with the I at the end, and the TED grant would be the state. We're actually looking to put in an interchange, or turn lanes on both sides of the trunk highway there, the state highway, to make it so that businesses want to come there. The things businesses mention is no water and sewer, and no turn lanes, so traffic backs up. There is no easy access and that's what we're working on. It would open up a huge opportunity on that side. We're locked in on the other side by the State of Minnesota, who bought land right outside of our borders on the west, so now we don't want to get locked in again. We're looking to try and grow.

Kevin Kuball - *Morristown Township Supervisor* - I feel there is better land out there to put this project other than right next to the City. Any city. There are lots of hills. Put it over on the west side. Double up on the state property over there.

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

Discussion:

KE - It is a pretty big solar array.

GJ - I am appreciative that the City of Morristown has representatives here. We had a similar request by the City of Faribault and no one was here to give comments.

CP - As you said, we had one last month, but that was a ways out from happening. This one completely limits the city. If they get sewer and water over there, it would be huge for that, and it's right on Hwy 60. And to Mr. Kuball's point, that is some pretty nice farmland there too. There has to be another

interconnect to the north where they could put something like this. I would like to see this go someplace else. I would probably vote no for this at the County Commissioners meeting.

JC - In light of the City of Morristown maybe not being aware of this for any length of time, and this being a detriment to them, I'd be in favor of at least tabling this until they can discuss. Let New Leaf Energy and the City of Morristown discuss and deal with it that way. Maybe they can work something out.

KE - I would be in agreement with that.

GJ - I wouldn't be opposed to that, allowing a conversation to happen, especially on behalf of the landowner as well. Have those conversations and figure out which path is the one that they want to do, and if there's a revised plan where it's a smaller solar garden, or whatever, I think maybe tabling it at least gives them the option to have that discussion instead of outright denying it or recommending denial anyways.

CP - As you stated, the landowner probably did not know this was an option. Maybe they can get together with the landowner go another route.

JC - I motion to table until the November 6th meeting.

KE - I will second that.

TM - More for the applicant, pointing out from your discussion, that it's being tabled, asking them to communicate with the City of Morristown and see if there are any revisions or any things that might come out of that.

Motion to table this item until the November 6th meeting was made by Cihak, seconded by Engen, and approved unanimously.

2. **Waiver of Plat/Fossum - Section 3, Northfield Township**

Lynn Fossum has applied for a Waiver of Plat to allow for a 1-acre addition to the existing 2.5-acre Transfer Development Right (TDR) parcel. The property is described as: Part of the SW1/4 of the SE1/4, Section 3, Northfield Township, Rice County, Minnesota. PID# 08.03.4.50.005. Property address is: 10586 100th St E, Northfield, MN 55057. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Jim Cihak, to recommend approval of the Waiver of Plat with the following conditions and findings for Lynn Fossum. The property is located in Section 3 of Northfield Township.

RESULT: Approved, AYES: Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Fossum – Waiver of Plat

1. The new 3.5-acre Transfer Development Right (TDR) receiving parcel shall contain one principle single family dwelling.
2. Any new construction on the parcel is to adhere to all Rice County codes and ordinances.
3. A septic compliance inspection shall be completed prior to recording of a combination deed.
4. Within one year of this approval the applicant shall record a new deed at the Rice County Recorder's Office combining the 3.5-acres onto a single deeded parcel.
5. 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.

Hearing Minutes:

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

The PC asked the applicant, Lynn Fossum (LF), to come forward to add comments or answer questions regarding the request.

LF - I want to add a 1-acre addition to the current 2.5-acre parcel to make it a total of 3.5-acres.

GJ - Are you aware of the 5 conditions?

LF - Yes.

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

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

Discussion:

GJ - It seems pretty easy.

JC - I think it is a great idea to prevent them from coming in down the road for a variance to build close to a property line.

GJ - I think it makes sense to allow it to go forward. We changed the maximum to 5-acres. It's straight forward. I motion to approve with the 5 conditions.

JC - I'll second that.

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

3. **Interim Use Permit/Riewe - Section 5, Warsaw Township**

Tyler Riewe 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 Lots 3, 4, & 11, Anderson Subdivision, Warsaw Township, Rice County, Minnesota. PID# 14.05.4.76.003. Property address is: 5036 Cannon Lake Trail, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

Motion by Garrett Johnson, seconded by Ken Engen, to recommend approval of the Interim Use Permit with the following conditions and findings for Tyler Riewe. The property is located in Section 5 of Warsaw Township.

RESULT: Approved, AYES: Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Riewe – Interim Use Permit

1. The Interim Use Permit is for a short-term rental consisting of two (2) 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 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).
TM - We received two comments via email today, so you should have those copies in front of you.
GJ - We received two comments, both of them about shared driveways, but it looks like only one other home shares the driveway, correct?
TM - Yes, my understanding is one is from another property owner nearby.

The PC asked the applicant, Tyler Riewe (TR), to come forward to add comments or answer questions regarding the request.

TR - Just a little context, we purchased this property in December of this past year. Our intention when purchasing the property was to have dual purpose. We have enjoyed the property as a personal cabin for my wife and I and our family. We intend to continue to do that. When we are not able to stay at the cabin, we would like to be able to rent it out as a short-term rental, which is the reason for the application for interim use. I'd also like to point out that prior to making the purchase of this home, I had previous conversations with Rice County. At that time, I was advised about this process to apply for the interim use permit, and we wanted to go through the county and do it the right way. At that time, we were advised by the county that there were no known restrictions preventing the property from being used as short-term rental. One consideration was the shared driveway access that connects to our private driveway. We were advised that this would not necessarily pose a barrier if an easement was in place. Furthermore, we were informed that there is a precedent within the county for approving interim use permits for properties with shared driveways. We verified that an easement does exist for the shared driveway, which gave us some confidence to proceed with the purchase of the property. We are committed to fully complying with all conditions as outlined by Rice County and, we appreciate the consideration to approve our interim use permit.

GJ - Do you have an idea on how often you would be using it versus how often you would be renting it out?

TR - We are estimating 50/50. We have a young family, so we're doing a lot of activities, but we love the lake, so we want to be out there as much as possible. But as an investment for us, we would love to be able to rent it out to have others enjoy the property and Cannon Lake when we're not able to be there.

GJ - Are you aware of all the conditions that come with a short-term rental property?

TR - We are.

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

Zachary & Rebecca Peterson - *Cannon Lake Trl* - I guess our major concern would go along with the letters that you received today, as a safety concern. They brought up background checks. People are going to be in and out. From all over the country. People we don't know. We are also concerned about pets, animals. We're the property to the west of this one. We don't share a driveway, but we'll be neighbors. I don't care either way if somebody makes a profit on their property. I'm a capitalist, I'm an investor, I understand how it goes, but when you buy a property, you should do your homework and I believe that in Rice County, it has not been allowed to have Airbnbs, with a shared driveway for more than just... When did you say you purchased? December. Am I wrong with that? Does anybody know when shared driveways were not allowed, and you had to get a variance, so this was something that they were aware of. So, buyer beware, that's what I say. Now, we have another couple that lives on the other side that has to share the driveway. That's their retirement home. That's their quiet space. That's their place they go with their grandchildren. They have grandchildren knee-high. You have a pet policy. Are they going to allow pets? What if pets come onto our property? Pets don't listen. They're dogs, they're cats, they're whatever. Where does it become a problem? It becomes a problem when they say it's a civil matter. Now you have to contact the police. So, you create a problem that you're going to get nowhere with when you contact the police. Now the homeowners are going to take it into their hands. You are just creating a civil matter. I have no problem with them doing it. I don't share a driveway with them. If you grant it, that's your choice, but you grant one, you have to grant them all. Simple as that. You take a property, a retirement property, high-value property, and stick an Airbnb next to it, you're

devaluing the neighboring property when they go to resale. We worked our whole lives to buy these homes. Oh, wait, now there's an Airbnb next door. I mean, if there's conditions, they need to be followed. If they're broken, the permit gets pulled. I mean, it has to be strict conditions. And if I have to enforce a pet policy next to me, it's not going to be calling the police. I'm not gonna deal with the police, because they won't do anything about it, I promise you.

Terry Heimer - *Cannon Lake Trail* - I am one of the people who submitted a comment. I live 3 houses down from this. We have a shared driveway also. My concern is if you grant this with a shared driveway, it opens it up for everyone in that subdivision, and in the abstract that we have, it says this is for residential use only. I consider an Airbnb to be commercial use. It's not residential at that point.

Jeff Sorenson – *Cannon Lake Trl* - I live right next door and share the driveway. This is the first I have heard about them wanting to rent their place out. They've been there for 9 months. They're great people, and our grandchildren play with their children. This is the first time that they said they're going to rent the place out. They didn't even tell us. We got the letter in the mail. We have talked to them several times about having them next to us, somebody enjoying the place instead of wanting to do something like this with it. It's just a shock to us. I'm very concerned with that shared driveway. What is going to come onto our property? We own half of it. There will be wear and tear on there from people coming and going. What kind of vehicles will be there? Like I stated in our letter, just having neighbors, you have issues with things happening like construction, and you deal with them. We've had those happen in the last few weeks. What are we going to be coming home to at night when we get home from work? We both still work, we plan to retire there, hopefully. If this goes through, it probably will be done. This is our family home.

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

Discussion:

GJ - This is a difficult one. We never had anything written about shared driveways. Staff, do you want to elaborate on that?

JE - We don't have anything for shared driveways in our short-term rental ordinance. To answer a question that was posed during testimony, the ordinance that allows this was adopted by the county board in November of 2024. The ordinance does not make specific mention of how shared driveways would be regulated under short-term rentals. I will note that earlier this year another application came before the Planning Commission and went onto the County Board and was approved for a short-term rental on Roberds Lake that had a driveway that crosses three other properties to get to the short-term rental property. You may recall that. That one had a very tight driveway. A much smaller driveway than this.

GJ – Staff, can you remind me of the process of the approval of the ordinance?

JE - The county has been updating its zoning ordinance over the last several years since the adoption of the latest Comprehensive Plan in 2021. The Planning Commission and County Board have been routinely meeting, for the past 3-4 years at this point. Working on zoning ordinance revisions, and this was an item that was discussed and debated, at pretty great length, to come up with what the regulation should be. I think there was an acknowledgment that there are many of these types of properties out in the county, and that by controlling them through permits, that would provide an opportunity to regulate them much more proactively, as opposed to the previous total ban on short-term rentals.

GJ - I do feel like there are a lot of regulations that were put in place because of concerns that were raised during the creation of this ordinance.

CP - That is correct. When we went through our work sessions with the Planning Commission and the Board of Commissioners, there were many concerns about all of these - limiting the number of guests, septic systems. I know in Forest Township we have many that are operating unpermitted. We know it's going to happen. We are just trying to regulate what we can. This one seems pretty low-key, no more than 6 guests. I think we had a larger number in our work sessions.

KE- It was based on bedrooms, up to 5 or 6 bedrooms, I believe.

CP - So there could be 12 guests at some of these. No more than 3 vehicles. It looks like the driveway on their side can handle 3 cars with no problems. It's a hard call. The shared driveway thing does concern me a little bit.

GJ - I do think from a county standpoint, we appreciate them coming forward for a permit. We have plenty that don't. I do think that, as a county, we are pretty stringent with short-term rentals. Condition

#9, just to point that out, 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. And any future changes to this information shall be provided to the same parties. It's new. I understand there probably could be some problems, but I think that's kind of where Condition #15 comes in, where if you fail to comply with the conditions, we can revoke the interim use permit if there's problems. I think the conditions set us up to be a little successful. I would be inclined to approve it, and let the board have their say at the end of the month.

JC - Who's responsibility is it to ensure these 15 conditions are followed? Who oversees that?

TM - The conditions on the permit are the responsibility of the applicant to follow. We typically reply to that on a complaint basis. When our office receives a complaint of something not being followed, that's when we follow up on those issues. While a lot of the conditions are requirements within the ordinance, Condition #14 is not. It deals with the timing. This one is listed as a 2-years from approval for permit, just because the last one we did was that as well. Being fairly new, previously the Planning Commission felt it might be important to limit these in time. So, after the two years, they have to come back, and we can change conditions or modify conditions at that point, if need be.

GJ - I would be inclined to drop that down to one year to revisit this, depending how the rest of the board feels about it.

JC - I think I'm glad I'm not a neighbor to it in a retirement home or something, but I see both sides.

GJ - I think the tough part, too, is the fact that the ordinance exists. We passed it. Why would we have done that if we're going to deny every single one that comes in front of the board? I understand that there's going to be complications with some of them, and that's why we have the conditions to hopefully handle those at that point, even if that means revoking the permit. I think it'd be hard to not at least allow it to try and be successful.

CP - During the work sessions, with every condition it was almost impossible to cover all of the unique circumstances.

GJ - I do think it is also on the owner to share the information with their guests to be courteous and if in a year they have a lot of complaints, it won't look good for renewal.

CP - Who will be the designated property manager?

ZP (*applicant*) - I will be the designated property manager for this.

CP - And where do you live?

ZP - Our primary residence is in Blooming Prairie.

GJ - I will motion to approve with the 15 conditions.

KE - I'll second.

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

III. Adjournment

Hearing no other items before the PC, a motion was made by Cihak, second by Engen, to adjourn the meeting at 7:44 pm. Motion carried 3-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Planning Commission



Garrett Johnson, Chair