

**ROCK CREEK PLANNING
COMMISSION MINUTES
March 20, 2023**

Chair Curt Kubesh called the planning commission meeting to order at 7:00PM.

Members present:

Curt Kubesh, Dan Saumer, Oliver Rauschnot, Donnie Peterman III, Dillon Barton,

Members Absent:

Stefon Boleen

Others present:

Ashley Rauschnot, Don Burger, Loreal Lindstrom

Pledge of Allegiance

Dan Saumer motioned seconded by Oliver Rauschnot to approve the February 21, 2023 minutes as sent. Motion passed with all ayes.

New Business:

Robert Lindstrom CUP-23-003

Curt started to explain what the CUP would entail, but then asked Loreal to come up and speak about the Rustic Community Room. She wants to turn the white barn on HWY 70 into a Rustic Event Center. Initially it will be an unconditioned open-air space, but they will have long term plans to condition the space. If Rock Creek can absorb the space and they can continue to build on it they will do so. But right now, it can be utilized for churches, and families and to host meetings there during the months that will allow it. Curt said that Loreal already did the leg work of listing conditions. Ashley read off Loreal's conditions and displayed the maps and renderings for the Rustic Event Center to the planning commission. Curt said that Loreal already talked to a septic designer about the holding tank. Oliver asked what kind of max occupancy is Loreal thinking. Loreal responded that initially she would be looking at about 100. Parking would be an issue right away, but once completed will take up most of the room. Curt says being that the property is in the Commercial District, it fits in. Curt then read off the CUP conditions that the City of Rock Creek came up with as follows:

1. No parking allowed on HWY 70. Must provide adequate parking areas following ordinance setbacks.

Discussion – No shoulder to park on anyway.

2. By State Law, kitchen is a food catering facility, not a preparation center.
3. No excessive music/noise after Midnight.

Discussion – Loreal thinks that this condition is very fair and that she would honestly prefer that to be in there. This was she doesn't need to be the one chasing folks out of the event center if it were to become an issue.

4. Must have contracted garbage service.
5. Submit to the City Office a current Certificate of Insurance on an annual (renewal) basis.
6. Proper sewer system must be installed to accommodate the maximum number of guests.
 - a. If Porta-Potty's are provided, a copy of the contract must be submitted to the City of Rock Creek. Receipts for all pumping must be submitted to the City.

- b. If a holding tank is installed, there must be a pumping contract signed and submitted to the City of Rock Creek. Receipts for all pumping must be submitted to the City.
- c. If a mound system is installed, a Certificate of Compliance must be filed with the City of Rock Creek.

Discussion – Oliver asked if she is doing any remodeling to the structure. Loreal said they will be installing new windows and doors and will be modifying the stairs so that they are on the inside of the barn. They will be putting a roof over the front along side what was the milkhouse and the milkhouse will turn into the bathrooms. The roof along the front will likely go down both sides of the barn as well. New concrete must be installed because of the unevenness of the current floors. Install sewer lines and plan for future expansion. Dan said that Loreal mentioned stairs that go up and asked if they plan to utilize the loft area. Loreal said that yes, they do plan to use the loft and the stairs will follow all current codes. Dan asked for clarification on the expansion down the sides of the barn. Curt and Loreal clarified that it was just a covered porch area. Initially, towards the west, it will be a covered porch but may be converted to indoor space in the future if the setbacks will allow. Loreal wanted to verify the setback allowance for that for the future. Dan asked if in 2-3 years that things are going well, will Loreal come back. Loreal said that it is likely that she will be back to get more approved once it's conditioned but doesn't foresee herself doing full blown wedding events. Dan asked about the American Disability Act and the stairs and wondering if she will be looking at following ADA standards with the stairs and other things. Loreal says that long term there will be plans for a ramp or lift of some kind to get to the loft.

Oliver asked about the desired number needed for the west side expansion. She said she only needs 16 feet, Oliver said that the setback says 20 feet so it shouldn't be an issue. Other members agreed. Loreal said that the next-door neighbor, Perry, has no issues with what she is doing and agreed to come to any meetings or public hearings to be of any help to her. Curt says she [Loreal] has already done all of the legwork for everything ... Oliver interrupted to say that as far as the ADA regulations for the stairs, etc. Loreal will have to pull a building permit when she redoes the stairs and all of that will fall under the building codes. Dan asked if she would need any certificates from the State for food. Curt and Oliver reiterated that it is a catering facility only and no food prep will be allowed. Curt said this is the same way we set up Josh Froelich's CUP for his kitchen. Dan asked about a well on the property. Loreal says there is currently a well, but it has not been tested yet. They are aware they might have to get another well drilled if the current one doesn't pass. Oliver says as long as the sewer and building permits are adhered to, it is pretty clear cut. Oliver asked about the setback variance, Curt explained that she should be within setback as long as she can prove the line. Curt mentions that a public hearing will have to be held and it was recommended to send to council to do the public hearing and approve all at once. Oliver asked about the hours of operation. Curt mentioned it was just stated that there should be no excessive noise after midnight. Dan asked if it goes good, will she extend the parking lot back

further. Loreal explained the parking lot is actually a lot bigger than the diagram shows. Oliver reiterated that it is 313 feet across.

7. If the Business is discontinued for at least one year, the Conditional Use Permit will be terminated.
8. It is the applicant's responsibility to notify the City if the business is discontinued or if there is a transfer of property of ownership.

Oliver Rauschnot motioned to send this new CUP with the discussed conditions to the Council for a public hearing and approval, Donnie Peterman III seconded. Motion passed with all ayes.

Old Business:

RENTALS – VRBO/AIRBNBs

Oliver asked what district we are talking about? Curt said the first one they knew about was in recreational, but that doesn't mean that they will all be in recreational. Oliver said that being that we have no hotels or motels or anything else like it, VRBO's should be in residential or recreational? Or do we want to talk about it in commercial district? Curt and Ashley agreed that we should add verbiage for all districts. Dan said that an Airbnb could end up in one of the houses within the commercial district. Curt said that when he rented one in Florida, it was just a regular neighborhood. Loreal Lindstrom said that she has a VRBO on Rush Lake and they don't have much for rules down there. Oliver asked if we have ANYTHING in place regarding these now. Curt said no, we are at ground zero. Oliver said so we will tackle this right now. We need to look at other ordinances to compare. Pine City has one and also Pokegama, but not very good rules. Donnie suggested looking at St. Cloud or somewhere where they would have a lot of rules and we can weed out the rules we don't like for ours. Curt says that Pine City's ordinance is very confusing and contradicts itself it seems in many places. Dan says that he doesn't seem like we would have to get too involved in this, but he believes it should be like a hotel or motel and follow certain standards. Oliver said it still falls under residential guidelines and that we cannot expect people to have to update their electrical panel and install sprinkler systems in their rentals. Curt says noise is probably going to be the biggest issue. Oliver says hour limitations need to be set and maybe look into making sure they have an up to code sewer system. Dan said along with the noise, you don't know what kind of groups of people you'll have coming in. Some could raise holy heck and the next you won't even know they're there. Curt said we have to think about property lines and making sure people aren't driving four wheelers on other people's property. We need to set noise guidelines and hours and tell them to be respectful. Loreal said that she had to have a special permit to do the VRBO. She will try to get a copy of that to us. They have specific questions such as, how often are you going to rent, how many weekends or days? What seasons? Oliver said he would like to see something about occupancy. Just because your house has 12 rooms doesn't mean you should have 12 beds. Dan said that relates to the septic system and everything else. Loreal said she has never had any problems with noise. She believes that this is mostly because she vets them all and personally talks to them all. She says that on Rush Lake and Pokegama there are some major issues due to the owner's living out of state. Nobody is here to take the phone call if there are issues. Oliver said we can't tell people they can't rent out their property if they don't live in this zip code. Curt says that's where we can say that if they don't live nearby that they have to have a management company taking care of their property. All neighbors should be notified with a public hearing. Donnie said that the occupancy thing is a huge thing to look at in regards to rentals. He said he's been to VRBO's before where they say it sleeps 12 people and you get there and it's a one-bedroom house with 4 couches, etc. Oliver

agrees and said the biggest concern he has that we live in clay country and we already have a lot of sewers and things that are not that great. If you take a 3-bedroom house and pack 8 people into for a week stay over the Fourth of July, you are going to have major issues. Curt agrees that the sewer should be up to code and match what they are trying to lease it out for. Oliver would like to see what terminology other townships/cities are using, if any, regarding this. Curt says we should check Mille Lacs, McGregor, Cross Lake, etc. Donnie said that these are good comparisons because they don't have similar sewer situations to us. Oliver would like to see what other people are doing before we put our own spin on it. Ashley will look up the ordinances for these other places and send them out for review before the next meeting.

C-1 HIGHWAY COMMERCIAL

This is what we came up with for Planning Commission to review.

Under the C-1 Highway Commercial District: Subdivision 1: Purpose – Add as a second paragraph.

Properties within the C-1 Highway Commercial District that had an existing dwelling and/or any accessory building(s) prior to the adoption of the Zoning Map on February 5, 2015 will follow the R-2 Residential District.

Dan said the City Council said they would like us to treat the current residents within these districts as residential. Oliver reiterated that we should put the rules back to where they were before the map zoning change for existing residential houses. Curt said that way we are not changing the map. Dan said that we don't have the light-industrial district added on here and that should get added because there about 6 houses in that district. Oliver said if we added the same wording to the light industrial subdivision as well, that's what we wanted.

Under the C-2 Highway Commercial Scenic Byway District: Subdivision 1: Purpose – Add as a second paragraph.

Properties within the C-2 Highway Commercial Scenic Byway District that had an existing dwelling and/or any accessory building(s) prior to the adoption of the Zoning Map on February 5, 2015 will follow the R-2 Residential District.

Curt said we just have to take the same paragraph above and add it to the light-industrial as well. Curt said this will give a lot of people... Donnie interrupted and said that he doesn't think a lot of people were aware of the stress they should have had because they didn't even know about this.

Oliver said if we add this to all three districts, we should be good for a public hearing.

Curt said to have the public hearing in April for the planning commission.

Dillon Barton motioned seconded by Donnie Peterman III to approve verbiage added to C-1, C-2, and Light-Industrial for residential dwellings.

SOLAR FARMS

Curt asked if everyone got the email for this. Dan Saumer said everything in red is what we added or changed. Dan said the few things we did change was the chart and then we

added a chunk in there for.... Oliver interrupted and asked if anyone knows the size of a solar panel? Because we have it in there as 2,000 square feet. Well 120 panels is the maximum output, but does anyone know the actual square footage? Dan said under section 5-h, we added verbiage regarding dust particles due to construction. Dillon said he is ok with everything that was added. Oliver said it would be 109 panels for the square footage that is listed. Dan said he did call into MN Public Utilities and said they control ANYTHING that gets into large solar scales. They will decide whether or not there is a need for solar farm in the area and whether or not it is feasible to get hooked up to anything. We kind of lose control over any huge operations anyway. Oliver asked about the building permit required for solar in the City of Rock Creek. Oliver said he looked into pulling a building permit for solar and the building permit price was 3 times the price of the electrical permit he would have had to pull. Oliver said it's a brand-new building and he already paid for the building permit and now was quoted an additional \$1,000 for a building permit for solar panels. Oliver's question is what are the guidelines for the cost of the permit? Should it be based off of square footage of building/value of building/value of solar panels/square footage of solar panels. This is something that should be looked into and reviewed as well from a City standpoint. Dan said that we need to bring this up with the board to discuss. Curt suggested maybe a set price for the permit price. Oliver said if he knew they were going to charge that much, he wouldn't have closed out the original building permit until after the solar panels were installed. Biggest thing needed for inspection with roof mounted solar panels is the weight load. Donnie mentioned that with a building permit, the inspector might need to come out multiple times to inspect. But it should be just one inspection with solar. Flat fee seems like a better idea, maybe just match the electrical permit price instead of basing it off of structure's valuation.

Donnie Peterman III motioned seconded by Dillon Barton to approve solar ordinance to send to the board for approval and bring back for public hearing.

Dan said the board threw something to him and asked if the board has time in the future if we could look into the sales of THC. Donnie will look into what Rush City did and we will add this to the agenda for the next meeting.

Donnie Peterman III motioned seconded by Oliver Rauschnot to adjourn at 8:03 PM. Motion passes with all ayes.

Ashley Rauschnot
Deputy Clerk