

**ROCK CREEK PLANNING COMMISSION
UNAPPROVED MINUTES
August 21, 2023**

Vice Chair Oliver Rauschnot called the Planning Commission Meeting to order at 7:02PM.

Members present:

Oliver Rauschnot, Dillon Barton, Dan Saumer, Donnie Petermann III

Members Absent:

Curt Kubesh, Stefon Boleen, Josh Froelich

Others present:

Ashley Rauschnot, Don Burger

Oath of Office for New Member

Oliver Rauschnot

Pledge of Allegiance

Dan Saumer motioned seconded by Dillon Barton to approve the July 17, 2023 minutes as sent. Motion passed with all ayes.

Old Business:

Jared Maxwell:

Jared didn't show up. Dan Saumer says it needs to be a site plan with future proposals laid out on it. Oliver Rauschnot agrees. Dan Saumer says if he has 300 feet of road frontage it's only good for one lot. Oliver Rauschnot says that's where he's at too. Is it a development? Dan Saumer says that potentially if it turns into some kind of housing development, it will need a public hearing and a road built and the road would have to be turned over to the City. Oliver Rauschnot says Jared mentioned easement, but let's say he is talking 5 houses back there. 300 feet is enough to put a road back there. Donnie Petermann III says we need a site plan. Dan Saumer says not just for a year, but for the entire plan of the land. Then we need to talk to John. Oliver Rauschnot says he needs to have all plans set and can't come back and say he wants to add more later. Dan Saumer says look at PUD overlay and cluster developments. Oliver Rauschnot says he'll have to rezone. Donnie Petermann III says something he's always thought we should do that would make everyone's life easier. Site plan approval. Put in \$1,000 earnest money and send that to John with a site plan and John will tell them what he must do. Whatever he charges comes out of that earnest money. Makes it easy for everyone involved. Totally worth it. They can still come up and talk to us at a meeting and we can brainstorm back and forth. But when they're ready to get serious, they can come forward with the earnest money. Oliver Rauschnot says it's not his property, it's his dad's property. Donnie Petermann III says that he has no problem talking with residents. Oliver Rauschnot says that we need definite details in a site plan.

Campgrounds

Dan Saumer says we should decide which districts will be allowed and then do a text amendment stating that it will be allowed with a cup and some ground rules.

Donnie Petermann III says it HAS to be a CUP.

Dan Saumer says if we allow in the Ag District, it has to be the same as rec.

Oliver Rauschnot says it should not be allowed in Agricultural.

Dan Saumer – C-1, C-2, Industrial. Not allowed

Donnie Petermann III says he sees it both ways for Agricultural. If they are going to do it, it has to be in the right circumstances, sewer, road, etc.

Oliver Rauschnot says has to decide which areas, have to have proper bath, etc. are we going to make them have camper hookups.

Donnie Petermann III – says we can do it as a text amendment with specific conditions applicable only to campgrounds.

Oliver Rauschnot says the other things since we already went through this. What about family campgrounds?

Dan Saumer says maybe we need to look at all districts and say yes or no.

How many bullets in the template for campground CUP.

EXAMPLES:

- Sewer
- Water
- Power
- Shelter/storm shelter
- 911 address
- Emergency access/driveway
- 2 forms of egress
- Site plan
- Hours/Noise Curfew

Donnie Petermann III says what it's going to do is help the person applying to help understand what is required and the minimums for every person.

Need definition for earnest money.

Dan Saumer asks would we put the site plan earnest money under site plan and building review.

Dan Saumer asks if we should put it under general requirements for IUP, CUP, Site Plan Review, Etc.

Donnie Petermann III says the earnest money for Rush was about \$1000 and \$300 for permit. He did get money back (about \$200) from the Earnest Money.

Absolutes vs recommended after John gives reports.

Dan Saumer says he's not opposed to it, but we need to lay it out.

Donnie Petermann III says that earnest money helps to weed out serious people only.

Oliver Rauschnot asks if we can email John on campgrounds to see what his minimum requirement recommendations would be in regards to campgrounds.

FORMANEK SPLIT

Dan Saumer - John's reply was great, but we need a site plan.

Oliver Rauschnot says it is a feasible project, but we need a site plan.

Dan Saumer says that the ordinance book states all the minimum lot sizes. – He's concerned about the common well and septic system.

Oliver Rauschnot says it's not a huge deal. They're more common than you think. He needs to get an engineer involved.

Dan Saumer says he needs a copy of C-1 ordinance and a site plan and see the site plan ordinance. Then get on agenda to come talk to PC.

Oliver Rauschnot says he doesn't know the exact steps to get a survey group out. But he says these lots need to be buildable and they need to perc. Site plan – what is your intention.

Dan Saumer says to send him a map of the overlay with the wetlands showing on it. Donnie Petermann III says we can say all day long it looks good, but when they go to county and they say no, they'll come back to us and say we said they could. Oliver Rauschnot says we're going to see more and more people trying to do commercial things. Donnie Petermann III says that's what we zoned it for.

Formanek Access

A property owner within the City is looking to gain access to his property through both the City pit and the County pit in order to mine out his land. Oliver Rauschnot says that he's not a fan. It would require lawyers and cost the City unnecessary money. Dan Saumer says that gravel pits require an IUP, and he hasn't come into us for that. Oliver Rauschnot says that's all wetlands and he should be getting permission from the DNR for turning that into a gravel pit. Dan Saumer says to tell him we would need a site plan and an understanding at what area they're looking to do and check with DNR about the wetland status. Donnie Petermann III says they don't think DNR would let him build a road through the wetlands on his road. Oliver Rauschnot says he doesn't think DNR will mine it. Dan Saumer would be worried about somebody taking materials out of our pit and the county's pit on the way in and out and that there is no way to monitor it. Oliver Rauschnot says the other thing is if you give it to him and he turns around and sells it as a gravel pit, are you going to give easement to the next guy. Oliver Rauschnot final decision is to say that he cannot have access to the land. Donnie Petermann III said the bottom line questions is - can he drive through ours land and the answer is no. They have to figure out how to get a road to their own property by way of abutting road access. The land is not landlocked and does have access from Hwy 70. He says this is actually more of a City council question, not a Planning Commission question. Oliver Rauschnot says pass on to Dan Saumer for City Council.

Additional to Agenda: Marijuana Sales

Dan Saumer says additional item City Council wants us to talk about is the sales of Marijuana. Right now, we have 3 or 4 or 5 licenses available for off sale licenses - with 3 issued out in the City. What kind of licensing and where do we recommend that it can be sold. Donnie Petermann III says he believes all licensing is done through the State, but we only get so many per City. The question is where would it be allowed and how much to charge. Oliver Rauschnot says the state is not pumping out information on guidelines and stipulations. Dan Saumer says we need to have guidelines. Oliver Rauschnot says we can follow pretty close to liquor license guidelines. Donnie Petermann III says you can't tell someone they can't sell it to someone as to who they are. Only so many will be allowed with the state per city/county/etc. There may not be any left for individual counties after certain cities use them up. Oliver Rauschnot asks if we can put stipulations on what districts - only commercial, not residential. Dan Saumer says you must have a permit to sell it here, otherwise you'll get someone trying to sell it on the weekend on the corner.

Donnie Petermann III says the state will not allow mobile/pop-up locations, must be brick and mortar. Are we going to limit hours? We have to figure out in between stuff after the State decides their rules first, which won't be until 2025.

Dan Saumer asks if anyone around us is working on it?

Donnie Petermann III Everyone is in panic mode and that everyone knows we should be doing something, but nobody is sure what we should do.

Dan Saumer says that he assumes the City would issue the permit and then turn that into the state to do the background search, etc.

Donnie Petermann III says he thinks it will be like the auto sales license. The City has to approve the district and who is going to sell, turns it over to state and then the State takes over all of the conditions and laws from there on out. The City can maybe control something, but we won't know what that is until we know what the state is going to control.

Dan Saumer asks about the cost per permit, locations/districts that can sell it. It should only be allowed in the commercial district. Also, do we have to state that it has to be locked up?

Donnie Petermann III thinks that will be a state thing. As a car dealership the state says he HAS to have his keys locked up at the end of the night.

Oliver Rauschnot says we need a moratorium at the next CC meeting until the State gets their requirements set in stone.

Donnie Petermann III will forward a link as to what cities can and can't do. Article dos and don'ts, how much someone can have, etc. He says you can give it away to friends and not get in trouble, etc. But you can't have a sale transfer without a license.

Oliver Rauschnot says they haven't come up with all the rules for it. What is going to prevent the Pit Stop from being the next gas station that sells Cannabis.

Donnie Petermann III – This is where John can also come into place as to what the Cities need to come up with because he will help figure out what the state covers and what isn't covered by the state.

Oliver Rauschnot are we looking at the Sales only or are we going to put stipulations on where they can actually smoke it.

Donnie Petermann III says he understands what you're saying. A lot of bars also sell off sale alcohol. So you can buy it or stay and drink. Can you do that with marijuana? Can they smoke it there after they buy it?

Donnie Peterman III motioned seconded by Dillon Barton to adjourn at 8:01 PM. Motion passes with all ayes.

Ashley Rauschnot
Deputy Clerk