

**ROCK CREEK PLANNING COMMISSION
UNAPPROVED MINUTES
September 18, 2023**

Chair Curt Kubesh called the Public Hearing for Short Term Rentals to order at 7:00PM.

Don Burger had sent the following email, which he read out loud at the public hearing:

Subject: Public Hearing Comments & Questions for

Short Term Rental Draft Ordinance - 9-18-23

- Besides the recommendations from the earlier P.C. meeting, who were the contributors to the draft?
- Compared to other "owner occupied" property uses requiring an Interim Use Permit, what is unique to a short term rental use that makes a I.U.P. unnecessary? (If line 13 applies to owner-occupied, it seems similar.)
- How would the City confirm that neighbors within 100' are informed of managing agent changes? Would neighbors beyond 100' that have related concerns contact the City?
- Could total property occupancy simply be limited by the septic system capacity, wherever occupants happen to sleep?
- Are all of these provisions practical to administer and enforce?
- In areas with irregular cell phone coverage, would a emergency use land line requirement be practical?
- Is the end of this year a practical time frame to get City-wide compliance?
- Will the ordinance draft be reviewed by the City Attorney before Council action? Thank you, Don Burger [REDACTED]
Rock Creek

Chair Curt Kubesh closed the Public Hearing for Short Term Rentals at 7:02PM.

Chair Curt Kubesh called the Planning Commission Meeting to order at 7:02PM.

Members present:

Oliver Rauschnot, Dillon Barton, Dan Saumer, Donnie Petermann III, Curt Kubesh, Stefon Boleen, Josh Froelich

Members Absent:

Others present:

Ashley Rauschnot, Don Burger, Jenah and Jamie Newman, Amy Thompson,

Pledge of Allegiance

Oath of Office for New Members:

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Stefon Boleen

Public Forum

No comments

Oliver Rauschnot motioned seconded by Donnie Petermann III to approve the August 21, 2023 minutes as sent. Motion passed with all ayes.

Election of Officers: Chair and Vice Chair

After a brief discussion.

Dan Saumer Motioned seconded by Stefon Boleen to re-elect Curt Kubesh as Chair and Oliver Rauschnot as Vice Chair. Motion passed with all ayes.

New Business

Discussion on Short Term Rentals

The neighbors will be initially notified about Short Term Rental with the IUP application, in which the person applying has to bring in a list of all neighbors within ¼ mile of the property to be notified of the Public Hearing.

Members agreed to add that a compliance inspection must be on file with the City before IUP will be approved. The IUP MUST be renewed (along with the Compliance) every 3 years.

Members agreed that it is 2023 and with all of the technology available nowadays, land lines should not be a requirement.

As far as timeline, there is currently only ONE short term rental in Rock Creek so a December deadline should be feasible.

Well water should be tested with the results sent to the City before IUP approval.

Stefon Boleen motioned seconded by Josh Froelich to recommend the Short Term Rental Ordinance for approval to the City Council with the added sewer compliance information and water sample results.

Minor Subdivision – Jamie Newman

Jamie purchased land on the corner of Hwy 61 and 570th St. He would like to do a minor subdivision to split. He came in with the land surveyed, and the new lot (2.45 acres) would meet the allowable standards (1.5 acres in the commercial district) for the split.

He did not have soil borings done because Don Ramberg told him he didn't need to have them done. Amy Thompson said that, yes, he does need to have soil borings done because he has to have at least 12" of good soil (Type 1) to pass for a sewer. He needs this to pass in two locations in order to be considered a buildable lot.

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The Newmans mentioned that this parcel is considered Commercial and what if they sell it to a business that doesn't require a sewer system. The Planning Commission members asked what kind of business would NOT need a sewer system?

Oliver Rauschnot motioned seconded by Dillon Barton to recommend for approval the Minor Subdivision for Jamie Newman to the City Council pending approved soil borings.

Rezoning R-1 on Hwy 70

After looking at the zoning map, there are instances where it doesn't make sense that some parcels are split into two separate zones.

Dan Saumer said that they probably designed it to just be squared off.

Curt Kubesh said that if we change the whole parcel to C-1 then we can have a development come in and make parcels 1.5 acres. Oliver Rauschnot brought up the fact that the soil probably wouldn't pass for new lots to be buildable there anyway. Dan Saumer says C-2 also allows residential, if we do AG they couldn't use it for residential.

Curt Kubesh says we kept all of the residential developments to 2.5 acres. He's concerned about opening a door to allow smaller lots. Curt likes the fact that with Ag we have a little bit of control yet.

Oliver Rauschnot says this map is frustrating because we spend a lot of time talking about it. He says the map doesn't matter because the soil borings more than likely won't pass for new undeveloped land to be considered buildable.

Oliver says the second they try to change property lines, the lot becomes unbuildable (because the soil borings won't pass in the majority of the City) for buildable lot standards.

Stefon Boleen motioned seconded by Josh Froelich to rezone the section west of the railroad tracks up to the development and to the north side of Hwy 70 from R-1 to C-1. Motion passed with all ayes.

Sign Payroll Attendance

Josh Froelich
Stefon Boleen

Old Business

Campgrounds

It was agreed upon that the campground definition needs to be revised. All members agreed to come up with minimum conditions for Campgrounds and to note where it will be allowed. They will send to Ashley for next meeting to discuss.

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Preliminary conclusions are as follows.

Rec-1:	Yes [All]
Ag:	Yes [DS], No [OR], No [CK]
C-1:	Yes
C-2:	Yes
I-1:	Yes
Res-1:	No
Res-2:	No
Flood Plain:	No

Other items discussed include:

- storm shelter how big is required
- sewer requirements.

City Council Notes

Future Revision of Demo Permit

Dan Saumer said that the City Council would like to see the Demo Permit revised to include information on Asbestos Abatement, Lead, and Abandonment of Sewer and Wells on Property.

Donnie Petermann III said that the Rush City County Inspector does walk-throughs and gives the ok to give demo permits. Things that were agreed upon that need to be added to the demo permit.

- You are responsible for the proper removal of all lead and asbestos on property.
- You are responsible for properly abandoning any well and/or sewer on the property.
- Add questions to permit -
 - Is there a sewer on site?
 - Is there a well on property?
 - Year house was built? Before 1978 could contain lead

Earnest Money

Dan Saumer said the Council likes the idea of Earnest Money, but we need to come up with a definition and amounts to charge for each application in which we would collect.

Donnie Petermann III said Rush City takes \$1300 and then gives an itemized statement back with the money returned so that the resident knows exactly how their money was spent. It was agreed upon that it would apply to CUPs, IUPs, PUD, Minor Subdivisions.

Donnie Petermann III said his process took about 3-4 months to complete before he got any money back.

Oliver Rauschnot motioned seconded by Dillon Barton to adjourn at 9:10PM. Motion passes with all ayes.

Ashley Rauschnot
Deputy Clerk