

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES  
September 16, 2024**

---

**1. Chair Curt Kubesh called the Planning Commission meeting to order at 7:00PM.**

Members present:

Dan Saumer, Curt Kubesh, Dillon Barton, Oliver Rauschnot, Chad Pasch,

Members Absent:

Josh Froelich, Donnie Peterman III

Others present:

Ashley Rauschnot, Don Burger, Nancy Rys

**2. Pledge of Allegiance**

**3. Public Forum**

**4. Approval of Minutes**

*Dillon Barton motioned seconded by Dan Saumer to approve the August 19, 2024 minutes as sent. Motion passed with all ayes – with Oliver Rauschnot abstaining due to being absent.*

**5. TA-24-003: Text Amendment for Minimum Size of In-law Apartments**

**City of Rock Creek**

**Notice** is hereby given that the Rock Creek Planning Commission will conduct two public hearings pm Monday September 16, 2024 at 7PM at the Rock Creek City Center.

The purpose of the first public hearing is to take comments on TA-24-003, a text amendment to change the minimum size for accessory in-law apartments.

The purpose of the second public hearing is to take comments on a new Right of Way Permit Application.

Interested persons are invited to attend this public hearing and be heard on this matter. Letters are also welcomed and can be submitted by:

Email at: [arauschnot@cityofrockcreek.org](mailto:arauschnot@cityofrockcreek.org)

Mail at: City of Rock Creek  
7000 State Hwy 70  
Pine City, MN 55063

The Planning Commission shall hold their regular meeting immediately following the public hearings.

Ashley Rauschnot | Deputy Clerk | City of Rock Creek

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES**

September 16, 2024

---

**Section 1000.19: Subd. 5, A, 1**

○ Current Text:

Be no less than five hundred (500) square feet and shall not exceed seven hundred and fifty square feet unless, in the opinion of the Planning Commission (two thirds ( $\frac{2}{3}$ ) vote of the entire Planning Commission required), a greater amount of floor area is warranted by the specific layout or circumstances of the particular building; and

○ Proposed Text:

Be no less than two hundred and fifty (250) square feet and shall not exceed five hundred feet unless, in the opinion of the Planning Commission (two thirds ( $\frac{2}{3}$ ) vote of the entire Planning Commission required), a greater amount of floor area is warranted by the specific layout or circumstances of the particular building; and

The reason for the proposed change is that in R-1 and R-2 where a lot of the lots are only 2.5 acres, once there is a house, a garage/shed, and a septic system on the property, it doesn't leave a lot of room left on the property. The 500 square foot minimum seemed excessive for just 1 bedroom, 1 bathroom, kitchen, and living space.

***Chair Curt Kubesh called the Public Hearing to Order: TA-24-003: Text Amendment for Minimum Size of In-Law Apartments at 7:04PM***

Nancy Rys: My name is Nancy Rys, um, I looked at the July 15<sup>th</sup> minutes, um when this was discussed and I just want to caution you on reducing the square footage, um especially when you mention in R-2. I believe in my opinion; it's opening up a whole new can of worms for non-compliance. I think the question of water, sewer, electric, um

Oliver Rauschnot: All them are requirements for it

Nancy Rys: Ok

Oliver Rauschnot: So your sewer, in order to have one you have to have a sewer compliance done.

Nancy Rys: Ok

Oliver Rauschnot: You have to pull an electrical permit to do it because they don't come with breaker panels, they have to have a main feed to them.

Nancy Rys: Alright, but you're talking a park model?

Oliver Rauschnot: We're talking a park model under the circumstances of like a short-term disability. Somebody who needed it.

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES**

September 16, 2024

---

- Nancy Rys: Are you going to put that verbiage in any text amendment. I mean that's opening up campers, shacks, motor homes, um old smaller mobile home trailers, um there's one not very far from here that just got moved in and never got removed. Um,
- Oliver Rauschnot: I think we have a lot of them in the City that are there and shouldn't be
- Nancy Rys: Mmm Hmmm and now we're going to allow more? I'm just concerned about that.
- Oliver Rauschnot: Oh, I totally get what you're saying, um, I think that if we as a City did our due diligence to... really what we were kind of targeting with this is, is somebody in their family is having a medical emergency and needs somewhere to go. But I think, I haven't been here in a month, but I forget, wasn't there, was there a deadline on how long it could be there?
- Curt: Yeah, there's only a certain amount of time.
- Oliver Rauschnot: Sorry, I apologize I don't have it memorized.
- Dan: There really isn't a deadline.
- Oliver Rauschnot: No?
- Dan: Not for an in-law apartment.
- Oliver Rauschnot: Not for in-law apartment? Ok
- Nancy Rys: In Ag, when there was a second dwelling, there really wasn't a date, but there was a, you know, let's say it was a parent, an elderly parent or whatever, and once that person passed, then there was a time frame that they had to remove it. Um, down the Government Road, Tim and Mary Peterson, would be a prime example. They had a trailer for their mother and after she died. They did their due diligence and they had it removed
- Oliver Rauschnot: That's the people that do,
- Nancy Rys: But most people aren't gonna.
- Oliver Rauschnot: Yeah I do hear what you're saying
- Nancy Rys: I just want you guys to be aware that, you know, to really think through that. The City has enough problems with non-compliance now, do we want to add more. That's all.

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES  
September 16, 2024**

---

That's all I'll add!

Oliver Rauschnot: I like that! Thank you, Nancy.

***Chair Curt Kubesh closed the Public Hearing for: TA-24-003: Text Amendment for Minimum Size of In-Law Apartments at 7:07PM***

- Planning Commission members discussed the issues that the City already faces with people trying to live in campers. It was suggested to add
  - Section 1000.19: Subd. 5, A, \*add\* 5 to say: No RV's/Campers/Travel Trailers, all structures must be anchored and follow all MN State Building Codes.
  - Section 1000.19: Subd. 5, A, \*add\* 6 to say: All Interim/Conditional Use Permits will be subject to annual review.

***With the above changes, Oliver Rauschnot motioned seconded by Chad Pasch to recommend for approval TA-24-003: Text Amendment for changing the Minimum Size of In-Law Apartments to the City Council. Motion passed with all ayes.***

**6. Right-of-Way Permit Application**

- CITY OF ROCK CREEK

Notice is hereby given that the Rock Creek Planning Commission will conduct two public hearings pm Monday September 16, 2024 at 7PM at the Rock Creek City Center.

The purpose of the first public hearing is to take comments on TA-24-003, a text amendment to change the minimum size for accessory in-law apartments.

The purpose of the second public hearing is to take comments on a new Right of Way Permit Application.

Interested persons are invited to attend this public hearing and be heard on this matter. Letters are also welcomed and can be submitted by:

Email at: [arauschnot@cityofrockcreek.org](mailto:arauschnot@cityofrockcreek.org)

Mail at: City of Rock Creek  
7000 State Hwy 70  
Pine City, MN 55063

The Planning Commission shall hold their regular meeting immediately following the public hearings.

Ashley Rauschnot | Deputy Clerk | City of Rock Creek

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES**

September 16, 2024

---

- The City Council Members asked the Planning Commission to hold a Public Hearing to take comments on new Right-of-Way Permit Application.
- The was sent to John Anderson (from MDG) and he said it looked very detailed and thorough, but thought maybe something should be added for Culverts. Ashley Rauschnot sent him back a copy of our Entrance/Access permit which covers culverts and he said that was good then.
- Planning Commission Members discussed a few spelling errors and noted that Ashley Rauschnot forgot to add “No trenching/digging in roadway surface – only boring allowed”
- Curt Kubesh would like to add a note to say “All refuse material must be properly disposed of and cannot be left in ditches or rights-of-way.”

***Chair Curt Kubesh called the Public Hearing to Order: Right-of-Way Permit Application at 7:33PM***

Don Burger: End up going back to your public packet and that point of it, what Dan was saying regarding having the permit attached to an ordinance. It’s just a matter of organization. Because typically we wouldn’t have a public hearing for a permit. I mean you’re creating permits all of the time.

Aashley Rauschnot: We only had the permit tonight because it was requested by the City Council to have a public hearing.

Don Burger: Understood, but again, administration and all operations are a work in progress. And we’re on the right track. So, this, I’m not complaining about that, but I guess I speak in favor of what Dan’s point was is that essentially the City Council also needs some guidance from the Planning Commission about procedure when it comes to their attention and you know, appropriately presented, you know, [inaudible], and will be able to essentially just kind of have some of these things taken care of administratively. You know you could, and to John’s point, it’s what’s and why is the public hearing called for? And it’s like well, the City Council is in this case but, that’s a learning moment for all of us. But thanks again for using John cuz that’s the meat and potatoes of planning and uh you might consider having him at one of your meetings in the future and walk you through some of that detail. Thank you.

Curt Kubesh: Thank you Don.

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES**

September 16, 2024

---

*Chair Curt Kubesh closed the Public Hearing for Right-of-Way Permit Application at 7:34PM*

*With the above changes, Dan Saumer motioned seconded by Oliver Rauschnot to recommend for approval the Right-of-Way Permit to the City Council. Motion passed with all ayes.*

**7. Old Business:**

**a. IUP-24-002 Vanessa Sebring – Equipment Rental Business**

- This was sent to John Anderson for review. Here are a few of his comments that were discussed:
  - “The General provisions for a home occupation in the zoning ordinance do state that no exterior storage of equipment or materials is to be allowed and that no display or evidence shall be apparent from off the lot that the premises are being used for any other purpose other than a dwelling. “
  - According to landscaping rules: “There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site. “
- Dan Saumer motioned seconded by Chad Pasch to recommend to City Council denial of IUP-24-002 because it does not meet City Ordinance Section 1000.20, Subd. 6. Motion passed with all ayes.

**b. THC/Cannabis**

- Ashley Rauschnot presented two ordinance drafts to the Planning Commission:
  - Ordinance #78: Sale of Hemp Derived THC (Tetrahydrocannabinols)
  - Ordinance #79: Cannabis Ordinance
- Ashley did send it to John Anderson, and this was his response:

I have not done any work or been involved with this type of ordinance in the past. All the other cities I have worked in have had their attorney's deal with this. I would not feel comfortable making any recommendations on this type of ordinance at this time since I have not background or done any work with this in the past and I know this can become very detailed and specific on what is needed.
- Planning Commission members discussed that we need to add a table of the licenses from the Pine County slideshow to the ordinance and state that this ordinance is only for the Retail Sales of THC products. They also agreed that we need to have further discussion on adding a text

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES  
September 16, 2024**

---

amendment to the zoning ordinance as to where it will be allowed for growing/distributing purposes.

- Dan Saumer mentioned we might need to add definitions for all the possible licenses as well.
    - Licenses:
      - Cannabis microbusiness
      - Cannabis mezzo business
      - Cannabis cultivator
      - Cannabis manufacturer
      - Cannabis retailer
      - Cannabis wholesaler
      - Cannabis transporter
      - Cannabis testing facility
      - Cannabis event organizer
      - Cannabis delivery service
      - Lower-potency hemp edible manufacturer
      - Lower-potency hemp edible retailer
      - Medical cannabis cultivator
      - Medical cannabis processor
      - Medical cannabis retailer
      - Medical cannabis combination business
    - Discussion about future text amendments included:
      - THC Retail Sales:
        - Section 1000.09: C-1 Highway Commercial District, Subd. 2. Permitted Uses, \*ADD\* H. Retail Sales of Hemp Derived THC (Tetrahydrocannabinols)
      - Cannabis - Growing/Distribution
        - Section 1000.12: I-1 Light Industrial District, Subd. 3. Conditional Uses, \*ADD\* D. Cannabis Distribution Center
        - Section 1000.12: I-1 Light Industrial District, Subd. 4. Interim Uses, \*ADD\* B. Cannabis Grow House/Growing of Cannabis
- Oliver Rauschnot motioned seconded by Dillon Barton to recommend for review to the City Council Ordinance #78, after the list of licenses has been added, and Ordinance #79***
- There still needs to be a public hearing on this, so the Council will review to send back to Planning Commission next month.

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES  
September 16, 2024**

---

**c. CUP-24-003 Josh Froelich Campground/Resort**

Planning Commission members reviewed John Anderson's response and recommendations for the campground/resort application.

Dan Saumer said that he's spent a lot of time researching this.

Ashley Rauschnot filled the members in on the fact that Josh Froelich was at the City Council meeting earlier this month and told them that he has been in contact with DNR and talked about wetland delineation. What he told the City Council is that with all of the recommendations from John, he has no problem doing those things, but it will cost him \$42,000+ to do all of that. But doesn't quite want to spend that much money if it could get denied. But has no problem spending that money if it gets approved.

Curt Kubesh argued that if you approve it, it opens the door.

Ashley Rauschnot asked the question, if it's a Condition Use Permit, can't it be approved **pending** conditions and it is not an active permit until all conditions are met?

Dan said there are a lot of things to talk through on this. He said we did receive a site plan from Josh, but that John Anderson mentions the Planned Unit Development for this. Dan says some of that makes sense, but not all of it. He said that the PUD deals with multiple parcels and this is one parcel. He says there are some things that could be followed for a PUD but it does not entirely fall under a PUD.

Dan mentioned Josh Froelich's conditional use permit that he already has for a Short-Term Rental and that one of the conditions (#12) states that "Additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted." Ashley Rauschnot said that she brought this condition up with John Anderson and he said that this condition just prevents him from doing something like this on the existing property as the Short-Term Rental without appropriate permits.

Curt Kubesh says that this is an investment and that everyone that does something large scale has to spend money up front to make it happen. He is apprehensive about giving the nod for him to go ahead with it, without having the proper procedures done first.

Curt says there is not a developer in the state that is given the go ahead without having done the proper legwork and putting forth the funds first.

Members agreed that this is not a small project and that it should not be rushed through without careful thought and process as to set correct precedence for anyone else coming through.

Josh wanted a special meeting to expedite things. Dan said there is no way we

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES**

September 16, 2024

---

are ready for a special meeting next week. He wants to sit down at the next meeting and that we go through all of John's conditions one by one and say whether we agree with it and want Josh to comply or not. He also mentioned that he wants the CUP to state that ALL structures have to comply with MN State Building Code. Ashley Rauschnot did state that she sent Richard Drotning the plans for Josh's tiny homes to get his opinion.

Members agreed that they all think this is a good thing for the community, but that there are concerns. Things like emergency vehicle access in and out of the campground. As well as the many conditions that John Anderson brought forth. They mentioned bringing Amy Thompson (Septic Inspector) and Richard Drotning (Building Inspector) and John Anderson to the next meeting.

Dan Saumer suggested going through all of John Anderson's suggested conditions to see what everyone's thoughts are.

1. Text Amendment. That a text amendment is approved allowing for resorts in addition to campgrounds as a conditional use to be approved on the planned unit development standards.
  - Members agreed that this is already in the works.
2. DNR Review. Since the property is located in the SL Shoreland Overlay District, the plans and proposal shall be submitted to the Minnesota DNR for review and comment.
  - Members are aware that Josh Froelich has been in contact with somebody at the DNR.
  - Members agreed that this needs to be completed before moving forward.
3. SL Shoreland Overlay District. The property is located in the SL Shoreland Overlay District for the City of Rock Creek and therefore all shoreland rules apply and the plans and proposal shall incorporate any DNR comments into the approval.
  - Again, Josh has been in contact with the DNR and plans to follow all recommendations/requirements.
  - Members agreed that this needs to be completed before moving forward.
4. Wetland Delineation. A wetland delineation will be required to be submitted and if any impacts are proposed, a wetland replacement plan will be required to be submitted to the appropriate agencies and approved prior to construction.
  - Members agree that this is a must be submitted before moving forward.
5. Signs. No signs shall be constructed or installed until all appropriate sign

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES  
September 16, 2024**

---

permits are reviewed and approved by the City and all signs meet the requirements of Section 1000.23 Signs in the zoning ordinance of the municipal code for the City of Rock Creek.

6. Septic System and Well Permits. All required permits from all applicable jurisdictions will be required to be approved prior to any construction starting on the site. This includes meeting the required setbacks to the lake and wetlands located on the site.
  - Absolutely Josh Froelich will need an approved septic system that is not in the wetlands.
  - Amy Thompson noted that none of the campsites have sewers, only the Resort Sites and bath house is.
  - She asked where the campers are going to dump their sewage?
  - Curt did bring up that Josh had previously said he had an agreement with a Campground across the river to allow him to dump 1 RV in there multiple times a month, so not sure if this applies to multiple.
  - Amy mentioned that with campsites, there needs to be bathrooms within 400 feet.
  - Oliver asked how you calculate how big of a tank you need for a dump site for the campers.
  - Amy said 63 gallons per camper/trailer/RV
  - The dump site needs to be addressed with Josh Froelich.
7. Survey Submittal. A surveyed set of plans and civil drawings shall be required showing the required PUD submittal contents as listed under Section 1000.16 PUD Planned Unit Development Overlay District, Subdivision 5: PUD Process and Contents of the Zoning Ordinance for the City of Rock Creek. This shall include delineated wetlands, access road locations, structure setbacks, topography, a grading plan, etc.
  - Members agree with this as well.
8. Service Road Access to off-grid campsites. A strip of land with a minimum sixty feet shall be reserved for a service road right of way providing access to each of the designated sites except for off-grid campsites, if allowed by the City.
  - Members are not willing to budge on the 60-foot roadway minimum. This is essential for safety so that emergency vehicles can get in and out.
  - Survey must show road and how it is going to drain.
9. Parking. All parking shall be located off the service road and each site shall have designated parking spots which shall be shown on the surveyed plan

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES  
September 16, 2024**

---

submittal.

- Members agreed that as long as there are off-road parking available for all campers, they can't be parked on the road.
- Dan suggested that only allowing 2 vehicles per site and then having a separate parking lot for additional vehicles.
- Members agreed that this should be added as a condition to the CUP.

10. Lot Combination. Per the campground ordinance, the parcel of land the campground is located on shall be a minimum twenty acres in size. Of the two parcels involved in the proposal, one is less than twenty acres and in size and therefore shall be combined with the larger parcel so there is no parcel less than twenty acres in size as part of this proposal.

- Josh Froelich has already been working on this.

11. Additional Permits. The applicant/owner shall be required to meet the requirements of the State of Minnesota rules for Camps and Manufactured Home Parks under chapter 4630 of the Minnesota state statutes and rules for Lodging Establishments under chapter 4625 of the Minnesota state statutes.

12. Campground Ordinance #77. The proposed campground/resort shall meet all the requirements of ordinance #77: Campground Ordinance of the Rock Creek municipal code.

- Absolutely, this is why we have the ordinance.

13. Storm Shelter. A storm shelter shall be required in a size sufficient to accommodate all occupants of the campground/resort.

- This was in his site plan.

Dan Saumer said that he's not in a hurry to rush this project because it needs many different items done and there are still some questions to be answered.

Amy brought up sprinkler systems and questioned if they are necessary. Oliver said that he didn't think so because they were under so many square feet.

**8. New Business:**

**a. Site Award Discussion/Nominations**

- Members mentioned that, although it wasn't done in the past year, S & S Springs has cleaned their place up in recent years and they deserve to be recognized.

***Oliver Rauschnot motioned seconded by Dan Saumer to nominate S & S Springs for the Site Award for 2024.***

**9. City Council Notes**

- Dan Saumer said there is nothing from Council at this time.

**ROCK CREEK  
PLANNING COMMISSION  
MINUTES  
September 16, 2024**

---

**Office Updates**

- Ashley Rauschnot brought up that we need to hold a Public Hearing for some housekeeping items. When the Campground and Short-Term Rental Ordinances were passed, it was never added to the individual districts in Zoning Ordinance 60.

**10. Adjourn**

*Dillon Barton motioned seconded by Chad Pasch to adjourn at 9:09PM. Motion passed with all ayes.*

Ashley Rauschnot  
Deputy Clerk