

**ROCK CREEK PLANNING COMMISSION
MINUTES
September 19, 2022**

Chair Curt called the Public Hearing to order at 7:02PM.

Deputy clerk read the Public Hearing notice.

Chair Curt stated anyone giving testimony for or against please step up to the podium and state your name.

With no testimony for or against Chair Curt closed the Public Hearing at 7:05PM.

Chair Curt called the second Public Hearing to order at 7:06PM.

Deputy Clerk read the Public Hearing notice.

Chair Curt stated anyone giving testimony for or against this matter please step up to the podium and state your name.

With testimony given for or against this matter Chair Curt closed the Public Hearing at 7:08.

Chair Curt called the Planning Commission meeting to order at 7:09PM.

Members present: Dan Saumer, Curt Kubesh, Oliver Rauschnot, Donnie Peterman, Isaac Johnson and Karin Omae.

Members absent: Nancy Brule.

Others present: Amy Thompson, Kenny Rauschnot, Jennifer Asanovich, Jeriann Rowe, Bryan Mueller, Tim Hadler and Veteran.

Donnie motioned seconded by Oliver to approve the August 15, 2022 minutes as sent. Motion passes with all ayes.

No additions to the agenda.

Discussion: In-Law Apartment Conditional Use Permit CUP-22-002/Jeriann Rowe. The members were all in agreement that the applicant have a sewer compliance inspection done, since they are adding a bedroom. The applicant mentioned that when the In-Law Apartment is being used for her mother and then possibly her sister. According to Section 1000.19 Accessory Apartments for In-Laws and Caretakers: Subd. 5 – 4; No more than two (2) individuals shall reside inside of the In-Law Apartment. When no immediate family member is residing in the In-Law Apartment there are items that must be removed so that it cannot be rented out in the future. Isaac motioned seconded by Oliver to recommend to council approval of CUP-22-002/Jeriann Rowe with the following conditions:

1. Sewer Compliance Inspection be completed.
2. Submit to the City Office in writing when In-Law Apartment is no longer occupied by an immediate family member.
3. The Kitchen Sink and Cook area must be removed.

Motion passes with all ayes.

Discussion: Allowing two horses in the C-2 Highway Commercial Scenic Byway Interim Use Permit IUP-22-001/Jennifer Asanovich. The members did not see any issue with the applicant having two (2) horses on her property located in the C-2 Highway Commercial Scenic Byway. The conditions were set the same as a property owner in the R-1 Residential district allowing a horse. The sunset date will be October 6, 2027.

Karin motioned seconded by Donnie to recommend to council approval of IUP-22-001/Jennifer Asanovich allowing two (2) horses on the property located in the C-2 Highway Commercial Scenic Byway district with the following conditions: Interim Use Permit # IUP-22-001 is limited to two horses.

1. Shall provide suitable fencing and shelter.
2. Must maintain effective method of manure management.
3. Interim Use Permit is reviewed on an annual basis.
4. On or before October 6, 2027, it is the applicant's responsibility to submit to the City a letter of intent for renewal of continued use or termination of this permit. If renewing permit, the letter of intent must include a request for a five year extension.
5. Renewal of this Interim Use Permit is contingent upon the City receiving no complaints which violate any conditions of this permit.
6. Failure to submit a letter of intent will result in this Interim Use Permit becoming null and void.

Motion passes with all ayes.

Kenny Rauschnot was in attendance to get information on a parcel of land in Rock Creek. The front part of the property is zoned C-1 Highway Commercial District and the back of the property is zoned A-1 Agricultural District. There is a single family dwelling located on the C-1 Highway Commercial part of the property; the dwelling needs to be demolished.

Section 1000.24 Non-Conforming Structures: Subd. 4: Continuance of non-conformance # 2 B). "Maintenance of Non-Conforming Structure. Normal maintenance of a building or other lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconforming use, provided the necessary repairs shall not constitute fifty percent (50%) or more of the fair market value such structure. Said value shall be determined by the County Assessor." It says you can do maintenance but not more than 50% of the value of the structure. If the house was completely re-built that would be more than 50% of the value and therefore not allowed. In the past our Commercial District had a setback of six hundred sixty feet (660). When we redid the zoning ordinance we did not specify the commercial setback. Staff contacted John Anderson of MDG and he stated there was not an exact amount. It varied in places depending on the parcel. In some cases the parcel was about five hundred feet (500) so that was used in that location but in other areas it was over seven hundred feet (700). It is zoned C-1 Highway Commercial due to the Billboard signs on the Freeway. Section 1000.23: Signs. Subd. 3 A): Billboard signs shall only be allowed within areas zoned C-1 Highway Commercial and I-1 light Industrial within the US Interstate 35 (I35) corridor, which is described as an area of land located six hundred and sixty (600) feet from the right of way line of I-35 on both sides of the right-of-way for a total corridor width of one thousand three hundred and twenty (1,320) feet plus the I-35 right-of-way. Staff checked the billboard sign permits we currently have and the sign structures start one hundred (100) feet from the center of the road and there is a distance of one hundred (100) feet to second post of the sign. If you rezoned the commercial setback to two hundred feet (200) for the billboards the house would still be in the C-1 Highway Commercial district. Mining up to 1,000 yards is not a permitted use in any zoning district. Mining and extraction of 1,000 yards or more of sand, gravel, rock, minerals and/or soil per year is an Interim Use in the A-1 Agricultural District and the REC-1 Recreational District. Can they retain the existing well on the property for livestock usage if the buildings are removed? Yes the well can stay. Demolition permit – one for all buildings within the year. Can he put up a fence: Section 1000.22 General Requirements. Subd. 11:Fences A – 2: fences may be erected to lot lines provided a boundary survey is provided to the City before construction and that the fence does not require maintenance. Fences without an

accompanying boundary survey or fences that require maintenance must be setback two (2) feet from the lot line.

Mining up to 1,000 yards is not a permitted use in any zoning district. Information only not action taken.

At the October meeting the planning commission will discuss setting the setback for the commercial district along the I-35 (Billboards) to possibly 200 feet and add wording that existing structures before the adoption of the zoning ordinance 2014 would be able to rebuild in same location on property.

Resident stopped in the City Office and questioned whether or not they could do a wedding venue on their property, Air B&B and VRBO's. Staff had information from Pine City, and Pokegama Township. Rush City has none they are all outside the City limits. The resident that was looking at a wedding venue is not going ahead with the plan.

This is something that is going to be brought up again at some time. Members to look over the information for future meeting.

Discussion on rentals (Air B& B and VRBO) and Dust Control on City roads for the October meeting. Discussion on solar farms for a future meeting.

Staff had a question from a resident in the R-1 Residential District on having chickens, goats and horses on property. They would need to apply for an Interim Use Permit.

Old Business: Business Site Award. Oliver motioned seconded by Karin to nominate Cemstone Ready Mix as the recipient of the 2022 Business Site award. Motion passes with all ayes. Staff will order the plaque and Curt and Donnie will present the award in October for planning month.

Staff had made changes to the Comp Plan from the existing comp plan and incorporated them into the draft sections. Planning commission members were all in agreement to have Isaac take all the information and format it. When Isaac is finished he will email it to the City Office and staff will email it to all the members before the meeting so they have time to review and make any changes if needed. If no changes then the planning commission can recommend to council approval of the Comprehensive Plan. Isaac stated that some of the pictures in our draft sections have a copy right attached.

Donnie will talk with the person who took the Fire Truck pictures to get permission to use the picture. Amy Thompson will try and get some different pictures throughout the City to replace the ones with copy rights.

Discussion on Solar Panel farms at a later meeting.

Donnie motioned seconded by Karin to adjourn at 8:44PM. Motion passes with all ayes.

Nancy Runyan
Deputy Clerk