

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, October 5, 2023 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Chair Charlie Peters at 7:14p.m.

Members present were: Charlie Peters, Garrett Johnson, Matt Purfeerst.

Members absent were: Michael Streiff, Julia Hogan

Staff present were: Director Julie Runkel (*via Zoom*), Zoning Administrator Trent McCorkell, Administrative Coordinator Anna Aguilar.

Commissioners present: Jeff Docken.

Others present: see Sign-in Sheet and Registrant List.

B. Motion by Garrett Johnson, seconded by Matt Purfeerst, Reading of the Notice

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

C. Motion by Garrett Johnson, seconded by Matt Purfeerst, Approval of the Agenda

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

AA - Addition of Old Business item to formally accept the withdrawal of Quinlan WOP

D. Motion by Matt Purfeerst, seconded by Garrett Johnson, to approve the minutes of September 7, 2023.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

II. Old Business

1. Waiver of Plat/Quinlan - Section 27, Walcott Township

Derrik Quinlan, on behalf of landowner Mark Quinlan, has requested to withdraw their Waiver of Plat application. The property is described as: Part of the S1/2 of the SE1/4 of the SE1/4, Section 27, Walcott Township, Rice County, Minnesota. PID#: 15.27.4.75.005. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to approve the withdrawal of the Waiver of Plat for Derrik Quinlan. The property is located in Section 27 of Walcott Township.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

III. New Business

1. Conditional Use Permit/Rypkema - Section 1, Webster Township

Jerry Rypkema, on behalf of landowner J E Rypkema Trust, has applied for a Conditional Use Permit to allow for an additional storage shed to be added to the current Agricultural Equipment sales business. The property is described as: Part of the SE1/4 of the SE1/4, Section 1, Webster Township, Rice County, Minnesota. PID#: 02.01.1.75.002. Property address is: 3450 Hazelwood Ave, Webster, MN 55088. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to recommend approval of the Conditional Use Permit with the following conditions and findings for Jerry Rypkema. The property is located in Section 1 of Webster Township.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – Rypkema – Conditional Use Permit (CUP)

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit is for an agricultural equipment sales business. Changes to the business are not permitted without approval of a new/amended permit.
3. The submitted site plan shall be followed.

4. A stormwater management plan shall be updated and implemented. Stormwater plan is to meet all state, federal and local requirements.
5. Outdoor storage shall consist of storing materials/equipment west of the buildings or within the screened area of the parking/equipment lot. The parking/equipment lot screening shall be consisting of evergreen and deciduous trees and shall be maintained to the minimum equivalent of 4-ft in height and a 20-ft spacing of the trees.
6. All vehicles and trailers stored/parked outside shall be operable and have a current license.
7. All buildings shall meet building code for the intended use.
8. Failure to comply with conditions may result in revocation of the conditional use permit.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

CP - Was that retention pond part of the original CUP as a condition?

TM - It was proposed at that time and then put in.

The PC asked the applicant, Todd Widmer (TW), to come forward to add comments or answer questions regarding the request.

TW - *on behalf of Jerry Rypkema (JeR)* - Just looking to build a building for storage to get the parts that are outside inside.

CP - Is JeR aware of the 8 conditions?

TW - Yes.

GJ - The main purpose is to get stuff stored inside, verses outside?

TW - With COVID and the supply issues, we now stock more parts on site then we previously did. We have a lot of parts that have bearings and stuff in them that we would like to get inside.

TM - These conditions are very similar to the current conditions for the site. They have been updated to reflect that the construction has been done and that they will maintain the site now. There is a small typo in #4, should be plan instead of plat.

JD - You work with JeR?

TW - Yes, I run the company.

Chair Peters opened the public testimony portion of the item to the public and no one spoke.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - They have done a nice job with this site. I drive by it quite a bit. It makes sense to store parts inside and the stormwater retention pond looks nice. They did a good job on it.

MP - I like the fact that they are expanding their business and the new shed will improve the look of the site. I motion to refer this item for approval.

GJ - I second.

Motion to recommend approval with stated conditions and findings made by Purfeerst, seconded by Johnson, and approved unanimously.

2. **Final Plat/Bloch (Winjum) - Section 21, Wells Township**

Krystle Bloch, on behalf of landowners Roy and Myrna Winjum, has applied for approval of a Final Plat to create nine single family dwelling building lots. The property is described as: Part of the NW1/4 and Part of Government Lot 004, Section 21, Wells Township, Rice County, Minnesota. PID#: 10.21.2.26.016 & 10.21.2.26.008. The property is Zoned GDS, General Development Shoreland.

Motion by Garrett Johnson, seconded by Matt Purfeerst, to recommend approval of the Final Plat with the following conditions and findings for Krystle Bloch. The property is located in Section 21 of Wells Township.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – Bloch (Winjum) – Final Plat

1. The final plat shall be recorded with the Rice County Recorder's office within 90-day of the County Board of Commissioners approval.
2. Lots shall not be further subdivided unless approved under the Rice County subdivision regulations.
3. Road numbering/naming is to follow all Rice County naming requirements.
4. An in-lieu park dedication fee of \$4500 shall be paid to Rice County prior to recording of the plat.
5. A final signed development agreement between the developer and Rice County shall be completed prior to recording of the plat. The development agreement is to include provisions for financial surety of 1.25 times the estimated cost of the improvements, guarantee completion of improvements within two years, and warranty the construction.
6. No lots are to have individual water wells and all lots are required to be connected to the centralized sewer system.
7. The unconstructed public roadway connection to the south property line shall be maintained in a suitable condition to allow for the future roadway connection/extension of the public roadway.
8. Covenants shall be recorded and remain in place at all times to protect the open space requirements of the plat. The required open space areas are to be marked with signage to identify the open space boundaries.
9. The road right-of-way extension shall be widened to 66ft in width.
10. An open space marking requirement shall be added within the developer's agreement.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

The PC asked the applicant, Krystal Bloch (KB), to come forward to add comments or answer questions regarding the request.

KB (*via Zoom*) - *Engineer* - I don't have anything to add, just here if you have any questions.

Chair Peters opened the public testimony portion of the item to the public and the following spoke:

John Winjum (JW) - *landowner* - I wanted to talk a little bit about Lot 7. After building the first development, we had an access lot for the second development lots. After talking with a number of people, it sounded like common or access lots ended up being major headaches for the County Sheriffs as there are constant calls and complaints. Because of that, we are converting it to a building lot, to keep the riffraff out. The covenants will match the existing development homes have from an architectural standpoint. These lots won't be able to park a trailer or anything like that on them.

CP - You worked with the Township regarding the road?

JW - Yes. They will not take it over until it is gravel, and they will not take it over if it is paved. The Township does not tar roads. That needs to go in a subordinate road district in order for the Township to take it over and have it paved after that. The area residents will have to pay to have it paved and maintained, but that way the Township doesn't have to foot the bill and then turn around and assess everybody.

MP - Going back to Lot 7, were other lots sold with the intent of that being lake access? Or how do the neighbors feel?

JW - The neighboring properties that already exist would like to see it sold as a house lot because there is the concern of who maintains it or what if someone pulls in there for the night, are they supposed to be there?

CP - All the previous lots had direct lake access?

TM - Yes.

Barb Ackerman - We have the development directly east of this. It has four lots. Some concerns we have, that I have brought up in the past - one is the runoff because our driveway is to the south and east

of this. I am hoping the erosion control will be put in place prior to starting development. The covenants recording the green space, or open space, is pretty important. That is important to define before this permission. We have seen the preliminary plat and the green space looks adequate, but if it changes, there might be a problem.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

TM - I have a question for the applicant. I just noticed on the plat drawing that the road extension on the south is actually listed as 60ft instead of 66ft. A normally road right-of-way would be 66ft. I don't know if that is a typo, or if it is actually planned to be less? If it is a typo, that will need to be corrected or if it is planned, it will need to be widened to meet the 66ft standard.

KB - I will take a look at that. I actually thought it was 60ft, but if it is supposed to be 66ft, that is something we can easily fix by moving the eastern road line over 6ft and it will not affect anything else on the plat.

JD - What is considered the green or open space? The outlot?

TM - The open space is a requirement of a planned unit development. There is a certain percentage that they have to have. That was mapped in the preliminary plat stage. A lot of it was the eastern side of lots 2 and 3, and the south edge of lot 4, and a few areas throughout. One of the conditions is that they mark-off and maintain those areas. It has been a problem in the past with other projects that once the landowner takes it over, they need to know that they need to keep it as open space. It doesn't mean they can't use it as lawn if they would like to, but it needs to be maintained as open space and not have a building or something like that on it.

JD - So will that be designated on the plat as open space?

TM - It's not marked out in the final plat, but it is something they will need to mark and detail out. They are proposing to maintain that requirement in their covenants, which are private agreements. So I am not sure that is the best way to do that but it has been done in the past on other plats that way.

JD - So it has to be designated some place so someone knows.

TM - It is in the preliminary plat record and would be references again in the covenants. I added a condition, regardless of what they do in their covenants, that they need to mark that area out, onsite, on the ground, so there are some identifying features for the landowners to know.

CP - I agree with the Commissioner. Can they be moved from the preliminary to the final plat?

TM - There are certain features that cannot be marked on the final plat and I believe that is one of them. The other thing we could do, is add it into the developer's agreement, the marking of those areas. I didn't talk a lot about the developer's agreement. It is an agreement between the County, the Township, and the developer to guarantee all of the improvements are put in, there is financial surety set aside, insurance, and all of those things. That is required to be done, signed, and recorded with the final plat.

GJ - Can we add that as a condition? That it be added into the developer's agreement?

TM - You certainly can add that.

Board Chair requested to have the conditions displayed on the screen.

MP - There is a condition addressing the erosion concern.

TM - Based on the discussion, I would recommend the addition of 2 conditions: #9 - *The road right-of-way extension be widened to 66ft in width*, and #10 - *The open space marking requirement be added within the developer's agreement.*

CP - Sounds good to me.

GJ - I move to approve with the additional 2 conditions.

MP - I will second.

Motion to recommend approval with stated conditions and findings made by Johnson, seconded by Purfeerst, and approved unanimously.

3. **Zoning Amendment Application/Marvets**

Julie Marvets has requested an amendment to Table 508-1 of the Rice County Zoning Ordinance to add "Short Term Rental" as a Permitted Use in the UR, Urban Reserve Zoning District.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to table the Zoning Ordinance Amendment request until the November 2, 2023 Planning Commission meeting.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).
CP - Short-term rentals like AirBnBs, Bed & Breakfasts?

TM - Bed & Breakfasts are addressed under a different provision of our ordinance. We internally discussed it and at this time, we would propose to leave that separate. We are doing a number of amendments overall and that may get tied in eventually, but for now they would stay separate. Bed & Breakfasts are different as they are only renting out a bedroom and the homeowner actually lives there, where with these short-term rentals, they tend to rent out the whole structure.

CP - What is considered short-term?

TM - I have what we recommend in the drafted language but the applicant doesn't seem to here. If you want to proceed, we can go over possible language.

JD - Since we are going over the whole ordinance right now as a group, the Board of Commissioners and the Planning Commission, this may be something you want to look at as part of that as we go through and have others can weigh in. I assume there is a reason the applicant wants the ordinance changed for their specific need, but I think this is something you may want to look at as bigger picture item with the whole group.

TM - This is being applied for because we were made aware that this site was already doing this and it is currently not allowed. Part of the report we received included about another 20 sites within the County that are actively doing this. So it is something we can deal with as an overall change, but right now there are quite a few properties that are not in compliance with our current ordinance, so we should either be moving forward with active enforcement on these sites or moving through the amendment process.

CP - I have also received a number of complaints related to lake properties being used as AirBnBs.

The PC asked the applicant, Julie Marvets (JM), to come forward to add comments or answer questions regarding the request.

APPLICANT NOT PRESENT

Chair Peters opened the public testimony portion of the item to the public and the following spoke:

John Winjum - This all has to do with BRBOs or weekly rentals. Resorts are the king of short-term or weekly rentals. But these BRBOs are not held to the same standard as resorts or hotels, or maybe even Bed & breakfasts. There are 5, maybe even 8, on Roberts Lake. You say 20 are in Rice County, I bet there are 100. This is going to be an issue for you. The State of Minnesota doesn't come in and check their wells. They don't have to meet handicap accessibility. They don't have to have handicap parking. They don't have to have anything. There are places in Arizona where they are closing AirBNB's stating they are done because of disputes between neighbors. They are not held to the same standard as a business.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - There is one on Fox Lake that I have received a number of complaints about. I like JD's comment about looking at and discussing it with the whole steering committee as part of updating the ordinance and then we can consider other districts too.

JD - If the applicant isn't here to speak on their own request, why entertain it?

GJ - In JD's opinion, you would deny and look at it later with the ordinance discussion?

CP - He is saying he would table it to allow for the applicant to come speak.

GJ - I move to table this item until the November 2, 2023 meeting.

TM - It is a little difficult with having so many sites that are openly violating the ordinance. We have a valid complaint on them, so we either need to move this along or act on the complaint. The applicant did submit a brief blurb and I have drafted some potential language that I would like some feedback on, whether it proceeds as this or on its own as an amendment, as far as the direction of the word and items within it if we could.

TM went over proposed wording.

JD - The original request was for UR, and you have other districts listed.

TM - That is because of the list we received, many are located in other districts. If we don't consider them, we will have to look at enforcement procedures and move forward with that.

JD - I think what you have laid out here, from a ballpark view, looks fairly decent. I'm not too excited about going forward with this. If it takes some enforcement, then it takes enforcement. No one likes to do that, no more than we like to give out variances after-the-fact, but something needs to be done.

CP - I know it's happening, but I agree. So, say Friday night, the Sheriff gets a call. Will the documentation be online for them to reference? How do we enforce stuff like that?

TM - We could share that with the Sheriff's office but we are requiring that it be available onsite, as well as having rules posted.

MP - So if we don't approve this, it will be looked at by the rest of the steering committee and they will have a chance to add input. Is that what you are saying JD?

JD - Yes. You can. If you table this, it kicks the can down the road, but it gives the applicant a chance to give her case.

MP - For clarity - if we deny this, the ones that are open and operating will need to be investigated. The list that was given to you will be required to closeup shop until it is allowed under the ordinance?

JD - Correct, but that should be happening anyway. They should closeup shops until they are legally able to do it.

CP - I think for tonight we should table it to allow the applicant to speak on behalf of her request and what she wants to do.

MP - I move to table this item until the November 2, 2023 meeting.

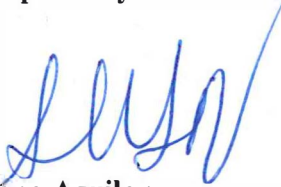
GJ - I second.

Motion to recommend approval with stated conditions and findings made by Purfeerst, seconded by Johnson, and approved unanimously.

IV. Adjournment

Hearing no other items before the PC, a motion was made by Johnson, second by Purfeerst, to adjourn the meeting at 8:00 pm. Motion carried 3-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Planning Commission



Charlie Peters, Chair