

MINUTES
Blue Earth County Planning Commission
Regular Meeting
Wednesday, 02/01/2023
7:00 p.m.

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Smentek. Planning Commission members participating in the meeting included Bill Anderson, Kurt Anderson, Kip Bruender, Dusty Riley, Dan Roberts, Joe Smentek, and Taryn Surdy. Staff members John Considine, Mark Manderfeld, and George Leary participated.

2. APPROVAL OF MINUTES

Mr. Bill Anderson made a motion to approve the minutes of the Wednesday, January 4, 2023, Planning Commission meeting. Ms. Surdy seconded the motion which carried unanimously.

3. APPROVAL OF AGENDA

Mr. Leary stated that Marks Farm application has been removed from the agenda.

4. OLD BUSINESS

PC 22-22

SK Properties - Request for review and approval of an After the Fact Interim Use Permit to allow grading and filling for a bluff stabilization project following excavation outside of a permitted project area. The property is zoned Light Industrial and is described as Lot 2, Block 1 of the Turtle/Klammer Subdivision, all located in part of the Northwest Quarter of the Northeast Quarter of Section 23, South Bend Township.

Mr. Considine presented the staff report.

Representatives of the applicants were present and there was no public comment.

Mr. Kurt Anderson stated his concern that the original conditions appeared to have been ignored and of the possibility of another major deviation from the plan and needing future action. Mr. Anderson indicated that the solar ordinance has surety requirements of the property owner to ensure compliance with decommissioning that could be considered with this application.

Ms. Surdy asked if a condition could be added indicating a staff member would inspect the site on a regular basis.

Mr. Bill Anderson mentioned South Bend Township's concern with the start and stop dates. Mr. Considine confirmed the 12-month timeline is included in the conditions.

Mr. Riley stated that a lot of time and consideration has been put into this and thanked the staff.

Commissioner Bruender complemented staff on the detailed report and expressed no issue with the proposal.

There was no further discussion.

Commissioner Bruender made a motion to recommend approval of the request to the County Board based on the findings and conditions prepared by staff. The motion died due to lack of a second.

Ms. Surdy made a motion to forward a recommendation of approval to the County Board based on the findings prepared by staff and conditions recommended by staff with an added condition that a geotechnical engineer do inspections once the work has started, on a monthly basis, and that they provide a report to the county staff regarding each inspection.

Mr. Bill Anderson seconded the motion. Following the roll call vote, the motion carried by a vote of six in favor to one opposed. Mr. Bill Anderson, Commissioner Bruender, Mr. Riley, Mr. Roberts, Chairman Smentek, and Ms. Surdy voted to approve the motion. Mr. Kurt Anderson provided the opposing vote.

5. NEW BUSINESS

PC 05-23

Gross Revocable Family Trust - Request for review and approval of an Interim Use Permit to operate a Short-Term Rental Unit in the Shoreland of Lake Washington. The property is zoned Rural Residence and located within the Shoreland of Lake Washington located in the Northwest Quarter of the Northwest Quarter of Section 20, Jamestown Township.

Mr. Considine presented the staff report.

Jim Gross was present and available for questions. He stated he has concerns with attendees that may not be actual neighbors. He stated he has had the short-term rental for five years already and has not had any problems so far.

Troy Leiferman was present and represented Valley News who owns the road outside of the house. He stated his concern with traffic and parking on the road. The road is only 15 feet wide and shaped for drainage to flow toward the lake. He added that in 2017 Mr. Gross damaged the road drainage to add rock for additional parking. Mr. Gross had also told the Board of Commissioners he would fix this, but it has not been completely fixed. Mr. Leiferman requested that the Board request Mr. Gross to fix the slope and drainage.

Brenda Andre (neighbor), Susan Rima and Kris Peterson (daughters of neighbor) were present and opposed the short-term rental. They have concerns about parking and that Mr. Gross is not complying with the conditions. They stated that Mr. Gross has violated past rules and regulations and they do not agree with his statement of being a good neighbor.

Amy Orcutt (neighbor) was present and stated she was not opposed to the short-term rental but did have concerns about parking and occupant capacity. She also stated that most of the renters have been good renters, but the road does get congested.

There was no further discussion.

Chairman Joe Smentek stated that past actions were taken by the Board of Adjustment, and restoration was required as part of the denied variance request.

Mr. Kurt Anderson stated he was contacted by phone by Jerry Kalheim who provided him his concerns regarding occupancy. Mr. Anderson is concerned with 16-person occupancy and parking. He is also concerned about outstanding conditions from the past and the number of calls he has received on this property for the last 2 years. Mr. Anderson stated he was uncomfortable with moving forward.

Commissioner Bruender, Mr. Bill Anderson, Mr. Riley, Mr. Roberts, and Ms. Surdy all stated they have shared concerns on occupancy and parking.

Commissioner Bruender asked staff to research and gather more information on the Department of Health's regulations and recommendations on occupancy. Commissioner Bruender stated he would also like more information on parking and regulations for a private road.

Commissioner Bruender made a motion to continue the hearing to the March meeting.

Mr. Kurt Anderson seconded the motion which passed unanimously by a roll call vote.

PC 07-23

Carl R Schmitz Ann R Schmitz – Request for review and approval of an Interim Use Permit to operate a Short-Term Rental Unit. The property is zoned Agriculture and Conservation. The property is in the Northeast Quarter of the Southeast Quarter of Section 13, Garden City Township.

Mr. Considine presented the staff report.

Carl and Ann Schmitz thanked staff for walking them through the process. They stated their property is very different because it is a rural residence. Therefore, they feel the regulations should have different standards for rural areas vs. more populated areas. Mr. Schmitz stated that the septic system is sized for an 8-person capacity but will not be used year-round. Therefore, the occupancy should be treated differently for less frequent rentals. There was no public comment.

Mr. Kurt Anderson stated that he agrees with the applicant that each application should be investigated regarding the septic system size.

There was no further discussion.

Mr. Bill Anderson made a motion for recommendation of approval to the County Board based on the findings prepared by staff and with the conditions recommended by staff.

Mr. Kurt Anderson seconded the motion which passed unanimously by a roll call vote.

PC 04-23

Blue Earth County - Request for review and approval of an amendment to the Blue Earth County Code of Ordinances, Chapter 24. The amendment addresses Essential Services in the Definitions

and word usage Section and Uses Section of the Agricultural, Conservation, Rural Residence, Rural Townsite, General Business and Light Industry districts.

Mr. Considine presented the staff report.

Karl Friedrichs a local attorney and on the Lime Township Board was present and questioned how spot zoning was defined as within the county ordinance.

Mr. Considine stated that an example of spot zoning would be if someone was proposing a new zoning that would not be continuous of anything else and each case would be evaluated with its specific circumstances. Mr. Joe Smentek added an example of an expansion of spot zoning.

Mr. Friedrichs asked if the wording in 24 – 504 (c) could be amended to add: "...or to assist in bringing an existing use into compliance...". The result would be: "A map amendment to an underlying zoning district within the UFD may only be considered on land if compliant with Section 24-46 or to assist in bringing an existing use into compliance and meeting the following criteria." Mr. Friedrichs asked to strike Section 24-504 (c) 4 (The purpose of the map amendment must be for a less intense land use and zoning district), because other protections are already included.

Commissioner Bruender suggested moving forward with the Amendment and have Mr. Friedrichs present his request to the County Board or to table the amendment and have Mr. Friedrichs work with county staff, because it would have been too much information to get into that evening.

Chairman Smentek agreed with Commissioner Bruender and believes this is something that the county attorney would need to look at, because he reads it differently than Mr. Friedrichs.

Commissioner made a motion for recommendation of approval of the amendment as presented by staff to the County Board based on the findings prepared by staff.

Mr. Roberts seconded the motion which passed unanimously by a roll call vote

5. OTHER BUSINESS

A. County Board action on items from the previous Planning Commission meeting:

- Bunde Short Term Rental was approved.
- Blue Earth County Ordinance Amendment regarding the bluff areas was approved.
- Blue Earth County Ordinance Amendment regarding lot dimension standards was approved.
- Blue Earth County Ordinance Amendment regarding essential services and government buildings was approved.

6. ADJOURNMENT

Ms. Surdy made a motion to adjourn the meeting. Mr. Bill Anderson seconded the motion, and the meeting was adjourned at 9:38 p.m.

Planning Commission Chair

Date

Planning Commission Secretary

Date