

MINUTES
Blue Earth County Planning Commission
Regular Meeting
Wednesday, March 1, 2023
7:00 p.m.

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Vice Chairman Bill Anderson. Planning Commission members participating in the meeting included Bill Anderson, Kurt Anderson, Kip Bruender, Dusty Riley, and Taryn Surdy. Staff members Dane Lynch, Michael Stalberger, John Considine and Garrett Rohlfing participated.

2. APPROVAL OF MINUTES

Commissioner Bruender made a motion to approve the minutes of the Wednesday, February 1, 2023, Planning Commission meeting. Mr. Kurt Anderson seconded the motion which carried unanimously.

3. APPROVAL OF AGENDA

Mr. Considine stated there were no changes to the agenda.

4. ADMINISTRATION OF PLANNING COMMISSION OATHS OF OFFICE

Mr. Stalberger administered the Oath of Office to Bill Anderson, Kurt Anderson, Dusty Riley and Taryn Surdy.

5. OLD 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. 4210 Fairview Ln, Madison Lake, MN.

Mr. Considine provided an update of the proposal that had been tabled at the February 1st meeting. Mr. Considine cited Minnesota Administrative Rule 4625.0900 Space Requirements. Mr. Considine then applied Minnesota Rule 4625.0900 to each bedroom of the rental unit which resulted in a maximum occupancy of 15 according to Minnesota Department of Health regulations.

Mr. Considine also reviewed the parking regulations of Blue Earth County Chapter 24-310. Mr. Considine indicated that the number of on-site parking spaces identified by the applicant could not function properly without requiring vehicles to be moved to the private road to allow a blocked-in vehicle to exit the property. Mr. Considine added that the shuttling of vehicles would disrupt the function of the private road. Mr. Considine further added that the private road is a separate parcel that is not included in the applicant's proposal. Therefore, parking on the private road is not allowed. Mr. Considine referenced a condition recommended by staff that states "all parking shall be provided on-site in the designated areas. Short-term parking on Fairview Lane or on road right-of-way is prohibited." Mr. Considine cited Section 24-337 (b) (12) of the code which allows the county to impose conditions which may reduce the impact of a proposed use on neighboring properties. Mr. Considine indicated that it is the opinion of staff that due to the residential nature of

the area, the potential impact on neighboring properties is greater vs. a proposal in a more rural agricultural area.

Mr. Considine indicated staff's concern of the impacted ability of emergency vehicles access to the property when the maximum number of vehicles are parked in the driveway parking area.

Mr. Considine stated that with five rooms occupied for sleeping purposes, sewer service provided to the property, parking to accommodate four vehicles (while still leaving room for a boat trailer) that could easily access the property without a shuffling of vehicles on to Fair View Lane impacting the functionality of the private road, and the Minnesota's Department of Health's guidance on occupancy, staff recommends a maximum occupancy of 15 occupants.

Mr. Considine indicated that on February 22, 2023, Mr. Gross emailed a change to the floor plan of the property. The floor plan now identified living rooms, a make-up room, a playroom, a 4-season porch, and a loft as "sleeping areas." Mr. Gross's email was in response to staff notifying him of the Minnesota Administrative Rule provided by the Minnesota Department of Health regarding occupancy. Mr. Gross believed his new floor plan granted him 43 guests. Mr. Considine stated this is incorrect, as these rooms are not "rooms occupied for sleeping purposes" as defined in Minnesota Administrative Rule 4625.0900.

Mr. Considine stated that the remaining portions of the property's characteristics had not changed since the staff report presented in February. He then provided the findings prepared by staff for a recommendation of approval of the short-term rental unit with the following conditions:

1. The applicant shall comply with the standards of Section 24-337 – Short-term rental units, as amended, while the use is in operation.
2. The applicant shall operate the use within the parameters of the submitted business plan materials and the conditions of approval. Changes to the operation of the use from the submitted materials shall be reviewed by the Planning Agency for determination of whether review of the interim use permit is warranted by the Planning Commission and County Board.
3. No expansion of structures or additional impervious surfaces may be added to the property.
4. The applicant shall contact the Minnesota Department of Health and apply for any relevant permitting within 60 days of approval of the interim use permit by Blue Earth County. The applicant shall submit to the county the findings of the Minnesota Department of Health's review of the use for state permitting within six months of county approval.
5. All parking shall be provided on-site in the designated area. Short-term rental parking on Fair View Lane or in road right-of-way is prohibited.
6. Prior to May 15, 2023, the applicant shall allow Blue Earth County Property and Environmental Services staff access to review compliance of conditions associated with BOA 12-17, PC 16-17, and

PC 05-23. Any non-compliant issues identified in inspection shall be brought into full compliance by the applicant prior July 1, 2023.

7. The owner and operator shall notify Blue Earth County Property and Environmental Resources Department when there is a change in ownership or management.

8. Because of the density of the neighborhood and the property owner's allowance of tenants' pets on the property, the property owner shall implement and enforce policies to restrict pets from roaming on to neighboring property, such as leashing and or fencing.

9. The maximum occupancy of the short-term rental unit shall be maintained and advertised by the property manager as 15 people.

Christina Peterson and Susan Rima (daughters of neighboring property) asked if the applicant is allowed to operate the short-term-rental prior to the July 1, 2023, compliance deadline? Mr. Considine responded indicating that a Blue Earth County staff member previously issued a letter to the applicant indicating compliance with a previous variance and conditional use permit. He stated that staff believes there are no outstanding issues on the property. He added that the condition recommended for the current proposal is to evaluate potential erosion issues and if there is remaining rock along the east side of the driveway.

Ms. Rima indicated she is a licensed social worker, and she questioned the integrity of the deck as it relates to the occupancy of the STR. Mr. Considine indicated the property has been inspected by a Certified Minnesota Building Official.

Ms. Peterson asked if the maximum occupancy is limited to those that sleep at the STR or does it also apply to others that may be using the property. Mr. Considine indicated that the total number of people allowed to use the facility would be 15.

Ms. Rima asked again if there are any outstanding violations on the property. Mr. Considine provided a summary of the conditions related to the denied variance and after-the-fact conditional use permit. He stated that inspections will be conducted to verify compliance.

Brenda Andre asked what will happen if the applicant sells the property. Mr. Considine responded indicating the new owner would be required to re-apply.

Ms. Andre questioned how the bunk house could be used without egress windows. Mr. Considine responded stating the Minnesota building official did identify two points of egress.

Ms. Andre questioned the maximum number of cars. Mr. Considine responded the maximum is four cars.

Ms. Andre asked what will happen if there are violations? Mr. Considine stated that in an emergency situation, 9-1-1 should be contacted. He added that in a non-emergency situation, the property manager should be contacted. He further added that the property manager must be able to respond within two hours.

Ms. Andre asked what happens if the violations continue. Mr. Considine the property manager should be the first contact, but complaints can also be reported to Property and Environmental Resources. He added if there are continued violations, the permit could be taken back to the Planning Commission and County Board for consideration of revocation.

Ms. Rima asked what type of documentation is needed. Mr. Considine stated staff would likely go to the site depending on the type of violation. He reiterated that if the violation involves the operation of the STR that the property manager is the best person to contact.

Ms. Rima expressed her concern that the public does not have a voice in the matter. Mr. Bill Anderson disagreed. He stated that a complaint is registered with staff will trigger reviews and the permit may be rescinded if there is more than one infraction.

There was no further public comment at that time.

Vice Chairman Anderson asked for input from the Planning Commission.

Mr. Kurt Anderson asked the Vice Chair to consider taking input from the applicant.

Mr. Gross commented briefly stating that he did not agree with everything presented by Mr. Considine, but he likely had reason for his comments.

Mr. Kurt Anderson continued. He stated the ordinance provides protection for the owners, occupants, and the neighbors. He added that these protections did not exist prior to the adoption of the ordinance. Mr. Anderson stated that provided the conditions are abided by and as long as the business plan is followed, he believes it can operate in a reasonable fashion without disturbance.

Commissioner Bruender asked for clarification from Mr. Considine regarding the review of conditions of the past denied variance and approved conditional use permit and if violations are found, may the use of the STR continue? Mr. Considine stated the condition could be clarified by the Planning Commission. He stated one option would be to issue a stop work order. Another option is to review the matter with the County Attorney. Commissioner Bruender stated that unless it is a serious issue, the property owner would likely have until July 1st to correct the problem. Mr. Considine agreed.

Commissioner Bruender stated he agreed with comments made by Mr. Kurt Anderson regarding the ordinance, that it puts in place a policy to provide people in the various neighborhoods the opportunity provide complaints. The ordinance also provides a means to review and revoke a permit.

Commissioner Bruender stated he does not support the 15 people capacity unless they are related. He stated he would be ok with up to seven or eight people that are unrelated adding that this would hopefully control some of the big parties that can cause issues. He also stated he is very concerned about the violations that may be on the property.

Mr. Riley stated he had concerns from the initial meeting and some of them have been addressed with the provisions added. He stated the proposal is an allowed use and it meets all the requirements. He stated that with the ordinance in place, there are avenues to address concerns. He did acknowledge that 15 is a lot of people in a house.

Ms. Surdy concurred with the comments made by the other Commission members.

Mr. Bill Anderson also agreed. He too was concerned with the occupancy of 15 people and opined that 15 college age men might get a bit rowdy. He stated the Commission could place limitations on the occupancy, but there are no violations so far. He added that it will be different if the Environmental Office and/or Sheriff's Office start receiving complaints and action will have to be taken. He stated it appears that all the boxes have been checked and the Commission does not have the power to discriminate.

Mr. Considine provided a package of photos that had been given to staff. He stated the dates on the photos are handwritten and predate the letter of compliance that had been sent by staff.

Mr. Anderson stated he had lived on Lake Washington for a year and knows people that still live on the lake. He added that these are expensive properties. He indicated that the property owners should be entitled to use their property as they wish until it infringes on neighbors. He stressed to the applicant that if he can keep the neighbors happy, the Commission will be happy.

Ms. Surdy stated that since the road is private property, the owner could call and have violators towed.

Commissioner Bruender stated that the STR units do provide people that do not live on a lake to experience it. He added that the Commission can amend the conditions. He referenced a solar proposal that ended up with numerous conditions.

Mr. Kurt Anderson stated that there are standards for STR's in the ordinance and the standards were outlined in the report. He added that deviation from the standards opens potential litigation. He expressed his concern about parking when considering there could be 15 unrelated people. He stated there is a mechanism in place and the neighbors do have a voice.

Commissioner Bruender stated he was alarmed when he learned of the occupancy of 15.

Mr. Kurt Anderson stated he lives on a lake that has an approved STR. He added that there are neighbors that have numerous guests all summer long.

Mr. Gross asked to comment. He stated that the driveway is 50 feet long and when using a width requirement of 9-feet gives room for five vehicles. In addition, he said there is room for three vehicles in the garage. He also stated that in the five years of being in business, very few people have brought their own boats. He concluded by stating that checking for relation would be impossible.

There was no further discussion.

Ms. Surdy made a motion to recommend approval of the request to the County Board based upon the findings prepared by staff and with the conditions recommended.

Mr. Riley seconded the motion.

Commissioner Bruender asked for additional discussion. He asked staff if there is an issue with the occupancy and asked if he could place a limit of ten people.

Mr. Considine stated the concern would be that he is just picking a number.

The Planning Commission continued to discuss issues with occupancy.

Mr. Kurt Anderson stated there are standards in place parking, occupancy, maximum length of stay, quiet hours, and nuisance pets. In addition, there is a method for filing complaints.

Mr. Bill Anderson agreed.

Ms. Surdy stated that because STR's are so new that more workshops may be needed. The possibility of three strikes could be discussed, etc.

Ms. Rima asked to address the Commission again. Vice Chairman Anderson agreed. Ms. Rima indicated there is a shared well agreement. Mr. Anderson stated the Commission could not address that because it is a private agreement.

Mr. Kurt Anderson stated there is a motion and a second on the table and called the vote.

Vice Chairman Anderson asked Mr. Considine to take a roll call vote. The motion to recommend approval of the request to the County Board passed by a vote of four in favor to one opposed. Commission Members Bill Anderson, Kurt Anderson, Dusty Riley, and Taryn Surdy voted to approve the motion. Commissioner Bruender provided the opposing vote.

6. NEW BUSINESS

PC 09-23

Robert and Michele Schroeder – Request for review and approval of an Interim Use Permit to operate a Short-Term Rental Unit. The property is zoned Agriculture. The property is in part of the Southeast Quarter of the Southwest Quarter of Section 3, Lincoln Twp. The property address is 49114 190th Street, Lake Crystal, MN.

Mr. Considine presented the staff report.

Michele Schroeder was present and addressed the Commission. She stated that she is the applicant and a neighbor to the site. She added that she and her family have a reception facility on the adjacent property and the proposed STR will provide a lodging place that they can walk to and from the reception hall. Ms. Schroeder indicated she has talked with a septic contractor regarding the possibility of increasing the size of the system to accommodate additional guests.

Mr. Kurt Anderson stated he has an issue of the occupancy based on septic capacity. Mr. Anderson referenced the design requirements of 75 gallons per day per occupant relative to the use of these STR facilities three days per week. Mr. Anderson opined that based on the use there will not be a problem with the septic system. He further stated that this places an undue hardship on the applicants.

Ms. Schroeder stated that was one of their concerns. She stated the septic system is compliant and obviously the system would be fixed if it fails.

The Planning Commission continued discussion on the septic design requirements. Staff provided additional information from Minnesota Rule.

Commissioner Bruender made a motion for recommendation of approval 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

7. OTHER BUSINESS

- A. Shoreland Access/Mobility Path Discussion – Dane Lynch (Blue Earth County Environmental Health Specialist – Wetlands) – Information on a potential ordinance amendment was discussed. Some concerns existed and will be discussed at a future work session. Feedback from area engineers will be solicited.
- B. County Board action on items from the previous Planning Commission meeting:
 - SX Properties – After-the-fact Interim Use Permit to allow grading and filling for a bluff stabilization project following excavation outside of a permitted project area. (approved)
 - Carl and Ann Schmitz – Short-Term-Rental (approved)
 - Blue Earth County – Amendment to Chapter 24 - Zoning, Article VI. - Urban Fringe Overlay District (UFD) (approved)

8. ADJOURNMENT

Commissioner Bruender made a motion to adjourn the meeting. Ms. Surdy seconded the motion, and the meeting was adjourned at 9:01 p.m.

Planning Commission Chair

Date

Planning Commission Secretary

Date