

1  
2  
3  
4  
5 **1. CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:00 PM

6  
7 **2. PLEDGE OF ALLEGIANCE** – was recited.

8  
9 **3. ROLL CALL** – Present: Chair Kris Kopitzke, Kuchen Hale, Doug Parker, Sally Doherty, Roger Bowman,  
10 Absent were James Langan, Scott Patten, Christian Dawson & Justin Sykora (all excused).  
11 **ALSO IN ATTENDANCE** – Council member Wroblewski, City Administrator Ron Moore

12  
13 **4. APPROVAL OF AGENDA** –  
14 **Motion/Second Hale/Doherty To approve the Agenda of the March 2, 2020 Planning Commission**  
15 **meeting. Passed 5-0.**

16  
17 **5. APPROVAL OF MINUTES** –  
18 A. February 3, 2020  
19 **Motion/Second Bowman/Parker To approve minutes of the February 3, 2020 Planning Commission**  
20 **meeting. Passed 5-0.**

21  
22 **6. REPORTS AND PRESENTATIONS** - None

23  
24 **7. PUBLIC HEARINGS** –

25 **A. Short Term Rentals Ordinance**

26 Chair Kopitzke opened the public hearing at 7:05 PM.

27 Administrator Moore provided a summary: The purpose of the short term rental ordinance is to protect the  
28 health and safety of those who choose to use short term rentals, and to mitigate the impacts of short term  
29 rentals on neighboring properties. The ordinance would accomplish this through the establishment of  
30 performance standards and licensing requirements.

31  
32 Valerie Stoehr, 15800 36<sup>th</sup> St S. Has a neighbor who is doing rentals and has had no problems in the  
33 neighborhood. Also has a cousin who lives in WI that has had big problems with neighbor who does  
34 rentals. She talked with her cousin about what they wish would have been in place for them: limit permits  
35 to individual home owners not businesses; in the permit process be sure number of bedrooms matches  
36 description used for tax assessment; check advertising for conflict with number of rooms and be able to  
37 revoke license based on discrepancy; think about penalty amount; require them to be owner occupied.

38  
39 Jake Lee, 5229 Odell. Asked if there were regulations for long term rentals (no).

40 Hale explained that this ordinance was developed to lessen the negative impact of short term rentals. Jake  
41 stated that this ordinance will cost money and time for everyone rather than just the problem few.

42  
43 Charlie Wamstad, 12200 22<sup>nd</sup> St S. Owns rental property in St. Paul. The guidelines there are to be sure the  
44 properties are safe. Would hope our ordinance does that. Also is concerned about the homestead  
45 requirement as some properties are second homes that people may want to rent out. The homeowner has  
46 responsibilities whether they are absentee or not.

47  
48 No other public comments

49 **Motion/Second Parker/Bowman close public hearing at 7:19pm. Passed 5-0.**

50  
51 **Discussion**

52 Parker asked if a long term renter does short term rentals does that get them around this requirement? (no)

53 Hale stated that we have the ability to allow non-homesteaded.

54 Bowman it is allowed (non-homesteaded). Other points such as no events and limit on guests.

55 Hale asked about family reunions.

56 Kopitzke says it states no more than 3 unregistered guests.

57 Discussion was held on the number of guests allowed, how it will be monitored, impacts on septic, excluding  
58 children under age 12 in the number of allowed guests.

59 **Motion/Second Kopitzke/ Bowman to recommend approval of the short term rental ordinance with**  
60 **following changes:**

- 61 • **Revise the language regarding the number of guests and exclude children under the**
- 62 **age of 12 from the calculation of the number of guests.**
- 63 • **Require the number of bedrooms in the application to match the number of**
- 64 **bedrooms reflected in the County’s property tax records.**
- 65 • **Add an additional reason for license revocation as follows: If a licensee advertises**
- 66 **the property in a way that conflicts with any limitation of the ordinance**

67 **Passed 5-0.**

68  
69 **8. NEW BUSINESS – None**

70  
71 **9. OLD BUSINESS –**

72 **A. Brooks Variance Application at 14186 Valley Creek Trail**

73 Administrator Moose stated that the applicants have revised their plan to address the concerns of the  
74 Planning commission and make it more compliant. The house has been rotated so that it is angled away  
75 from both the side lot line and Valley Creek Trail. This has allowed the attached garage portion of the house  
76 to be located substantially farther away from both the side lot line and Valley Creek Trail.

77 Parker asked about flipping the driveway to the other side of the home. The homeowners stated that was  
78 looked at, but the runoff concerns were greater.

79 Bowman suggested an additional condition that no additional structure be constructed on the property.

80 Hale stated if it can be built within our ordinances she is not comfortable restricting future construction.

81 Administrator Moose stated there is no conforming location on the lot that would allow an additional  
82 structure that can be accessed by vehicle.

83 Parker asked about adding conditions to protect the creek during construction. (condition #2 addresses) add  
84 caveat “during construction”.

85 **Motion/Second Hale/Doherty to recommend approval of the variance with the attached garage with**  
86 **the findings and conditions, with addition to condition #2 “during construction grading”.**

87 **Findings**

- 88 **1. The subject property is located in the Rural Residential zone, as are all surrounding**
- 89 **properties.**
- 90 **2. The property contains several existing structures, including a house and detached**
- 91 **double garage, all of which have nonconforming setbacks.**
- 92 **3. The required setbacks to Valley Creek and to Valley Creek Trail overlap, leaving no**
- 93 **area for a house that can meet the required setbacks.**
- 94 **4. The proposal would eliminate a detached double garage with a setback from Valley**
- 95 **Creek of 58.9 feet, in favor of an *attached* double garage with a setback from Valley**
- 96 **Creek of 61.1feet.**
- 97 **5. The proposal would retain an existing gazebo and patio with setbacks of 27.1 feet and**
- 98 **17.8 feet respectively from Valley Creek.**
- 99 **6. The proposal would retain an existing detached single stall garage with a side yard**
- 100 **setback of 12.5 feet.**
- 101 **7. The Brooks parcel is irregularly shaped, partially due to the adjacent property to the**
- 102 **east extending north to a point near the existing house and garages, and well within the**
- 103 **setback of Valley Creek, which substantially limits the buildable area of the parcel.**

104 **Conditions**

- 105 **1. The house, with attached garage, shall be constructed according to the revised plans submitted**
- 106 **at the March 2, 2020 Planning Commission meeting, except as the plans may be revised by the**
- 107 **Council or as revisions of plans may be approved by the Council.**

