

**CITY OF COLUMBUS
JOINT CITY COUNCIL & PLANNING COMMISSION MEETING
INTERACTIVE TECHNOLOGY MEETING FORMAT
STATUTES SECTION 13D.021
01-19-2022**

The 01-19-2022 Regular Planning Commission meeting for the City of Columbus was called to order at 6:01pm by Mayor Jesse Preiner at the City Hall. Present were City Council members Sue Wagamon, Janet Hegland, Rob Busch and Commission members Kris King, Barb Bobick, Bob Berens and Chair Ron Hanegraaf and City Associate Planner Ben Gutknecht.

In attendance via interactive technology were City Administrator Elizabeth Mursko, Permit Coordinator Carissa Kranz, Assistant to the City Administrator Jessica Hughes, City Council member Shelly Logren and representative from the Forest Lake Times Natalie Ryder.

Also, in attendance in person were Residents Myron and Cindy Angel
The meeting was held in an interactive technology meeting format.

1. CALL TO ORDER – REGULAR MEETING – 6:00PM

2. PLEDGE OF ALLEGIANCE

3. MOTION – APPROVAL OF MEETING AGENDA *Motion* Hegland to approve agenda as written. Second King. Motion carried with Busch, Berens, Hegland, Bobick, King, Wagamon, Hanegraaf, Logren and Preiner voting in favor.

4. MOTION – APPROVAL OF MAY 5, 2021, JOINT MEETING MINUTES *Motion* Bobick to approve 05-05-2021, Joint City Council and Planning Commission Minutes as written. Second King. Motion carried with Busch, Berens, Bobick, King, Wagamon, Hanegraaf, Logren and Preiner voting in favor and Hegland abstaining.

5. DISCUSSION – RESIDENTIAL ZONE BUSINESS MORATORIUM MEETING

Mayor Preiner started the meeting with a brief overview of the meeting format outlining the role of all participants and approximate timetable of the project.

POLICY QUESTION DISCUSSION

The City Council approved a Resolution (21-23) to order a study for regulation of Residential Zone Business (RZB) on 11-10-2021. On 01-04-2022 City Staff sent the City Council and Planning Commission members two general policy questions that staff recommend addressing with the Residential Zone Business moratorium and asked members to provide feedback if they agree that these would be appropriate policy questions to investigate and to submit any other proposed policy questions or concerns that they may have.

1. ***Should Columbus City Ordinances be amended to accommodate businesses with a larger impact to the residential district than is currently allowed? (Future discussion will lead to – How? With screening? By the size of the lot? Etc...)***
2. ***Understanding that there have been changes in the working world over the past 2 years – Should the Columbus City Ordinances be amended to reflect those changes under Residential Zone Businesses (i.e., Cottage Food Producer)?***

Mursko described policy definitions, what the goal for this meeting is and provided a graphic showing the 5 steps that this group will be following during the moratorium period: 1. Problem Identification 2. Policy Analysis 3. Strategy and Policy Development 4. Policy Enactment 5. Policy Implementation. Mursko also referenced the 05-05-2021 meeting minutes as being the first step in which policy makers identified the policy issues.

Hughes outlined the plan and purpose for this meeting, emphasizing the importance of step two, Policy Analysis. Hughes also made it clear that staff want the group to determine the questions *to be* answered tonight, *not* answer the questions tonight.

At this time Hughes asked City Council and Planning Commission members, if they would like, to take 5 minutes each to share their concerns and additional questions. Once everyone that would like to share has spoken staff will ask the group to determine if they agree with the policy questions presented. After this meeting staff will take all the information presented and set up a plan for the next 6-8 meetings.

Wagamon – Asked to go first as she wanted to state that she was glad that the City Staff had organized this meeting, since she was concerned that the group was going to jump right into the weeds without a clear plan. She reiterated appreciation for seeing a goal setting graphic. Wagamon agreed that there should be controls in place and a better definition of RZB. Also, she does not think we should eliminate RZBs and indicated that people should be able to do what they want to do as long as they're not impacting neighbors.

Hegland – Written response provided prior to the meeting and included in the packet: "I've been thinking about our RZB ordinance for a long time and I agree the first question you proposed is necessary to answer. I think the impact of Covid on the increased interest to work from home or create a home business isn't something that we need to address, it's more about what businesses do we want to allow and where...not why are there more coming. But I have a few more that go along with it.

1. I think we should start with the definition of a RZB . Do we agree or disagree on our current definition? Is someone who is raising or training horses running a RZB? That is a very different business than an auto repair business.
2. Should we consider creating more than one residential zone to address the RZB issue? Some communities have done this because geographically their cities are laid out where they can envision certain latitudes in some areas because of lot size, or covenants or lay out of the development. The lots in Columbus are dissimilar, some homes are set way back, lot sizes vary, some have lots of natural screening, others do not. If we have a development like Thurnbeck,

where covenants prohibit RZB do we zone that area differently because it's more like a suburban development and we know we cannot enforce covenants?

3. Is a RZB something Columbus wants to support or to simply accommodate?

4. The permitting should also be looked at. We have a one size fits all IUP for RZB. I think we should think about whether there should be categories of RZB's (e.g, by size, number of customers, impact potential, etc) Right now the fees, application and duration of the permit are the same for a person running a dog grooming business 2 days a week out of their garage as for someone that has an autoshop, where there is far more potential for traffic, noise and environmental impact."

Hegland – Response provided at the meeting: Proposed the first policy question to be whether members want to allow RZB. Listed the second question to be defining what a residential zone business is, noting the current ordinance does not define an RZB. Third question would be the first question that staff proposed (should Columbus City ordinance be amended to accommodate businesses with a larger impact). Hegland also indicated that an additional policy question should be noted whether RZB is a privilege or a right. She questioned how one manages the environmental impact of certain businesses (such as oil spills from cars/mechanic shops). Hegland wanted the record to reflect that she is not against RZBs, however she would like further definition of what an RZB is and that we should also define what an "impact" is. Lastly, she noted that we may want to investigate parameters to allow certain types of businesses depending on location.

Bobick – Written response provided prior to the meeting and included in the packet: "We don't need more ordinances, but a way to enforce those that are on the books. They need to be enforced uniformly. In times past, some people were given special dispensation for having "friends " to overlook situations. I'm under the impression that there are numerous residential businesses that have been operating for years without interim use permits and yet some business owners have been singled out and even told to "find somewhere else to do business." Why would we punish people who follow the rules voluntarily and not apply existing ordinances to all? Columbus is a small city and we apparently don't have the resources to do the job. Is there a remedy for the enforcement situation?

Regarding cottage businesses, everyone is looking for what is now referred to as "side gigs". If people can increase their income by home baking, hobbies that become e-businesses, etc. as long as they remain "invisible " to their neighbors, I don't see a problem."

Bobick – Response provided at the meeting: Asked why we are even considering if RZB should allow businesses with larger impacts. Hughes stated that in assisting with enforcement, complaints, and speaking with property owners, it is clear that the current ordinance does not allow RZBs to have any impact on the residential district, they are essentially required to be invisible. Therefore, the question staff is asking the group is whether RZBs with any impact to the residential district should be allowed. Bobick expressed concern that she would not want to see larger impacts from RZBs.

King – Noted that the basic questions have already been asked and she doesn't want to think further without answers to the questions identified by Hegland and City Staff. King listed a few

concerns relating to the fact that enforcement is already lacking and could become unmanageable if it is not improved. Similarly, if screening is to be a control measure, she wondered how to ensure that it is adequate. King also listed noise and junk accumulation as a concern, asking where a line would be drawn between personal and work junk.

At this time, members took a quick detour to define home occupation. In summary, it was determined that the group did not want to address or investigate home occupations during the moratorium. However, staff indicated that we can if the City Council and Planning Commission members need to.

Berens – Wanted clarification on question one listed by City Staff that by “larger impact” staff were not implying it was a good thing for the City but rather a larger footprint on the land. Berens stated concerns including no control measures that he understands and enforceability, he would like clarity on the control measures and making sure that there are limits to the nuisances. Hughes clarified that the reference to “larger impact” in the proposed Policy question related to land use.

Hanegraaf – Noted his displeasure when people who come from other communities move into City limits on 5 acres of land and begin operating businesses without having investigated the ordinance.

Busch – Voiced that he thinks a lot of people move here and live here to be able to do their own work and he likes that, but he does think there needs to be control measures in place. Busch noted that he wants to make sure that the group does not overregulate RZBs to the point where we are penalizing people that have smaller hobby-like businesses when there are larger existing non-conforming businesses. Busch has no concern regarding cottage-type businesses. Busch stated that we should also consider other state standards surrounding RZBs, such as food trucks.

Logren – Written response provided prior to the meeting and included in the packet:

“Question 1

Conditionally, yes. We have agreed that the City Ordinances should be amended. I prefer thinking of these amendments as a tightening of verbiage rather than expansion of ever burgeoning restrictions. We have struggled with the "temporary" label with businesses that in some cases have existed for decades. I believe the essence of the ordinance is Section 7A-806 (J) which states that any RZB should be invisible to the adjacent properties. The question uses the term "larger impact" which may or may not address the "invisibility" of said business. Therefore, I agree we should amend the ordinances concerning RZB as long as they clarify the intent of Section 7A-806 (J).

Question 2

Yes, the increase in the number of residents working from home due to the pandemic does require us to clarify our understanding and pursue a precise definition of new and old business classifications. This may in turn, require amendments and/or additions to the corresponding ordinances.”

Logren – Response provided at the meeting: Agrees that we need to define RZB. She then went over the memo staff sent out and had the following comments:
She thinks it is key for RZBs to be invisible and does not agree that we would require employees regularly on property to be occupants of the dwelling. She thinks the allowed 2-square-foot sign is too small. She also does not like that RZBs require an Interim Use Permit and doesn't feel this permit type accurately reflects the history of the City. She believes the size of the lot is an important factor and indicated that City code Section 7A-806 (M) defines and calls out specific business and would like to see more of that.

Preiner – Written response provided prior to the meeting and included in handout during the meeting:

“1. Should Columbus City Ordinances be amended to accommodate businesses with a larger impact to the residential district than is currently allowed?

- We can either kick the can down the road or plan for the future of Columbus.
- It seems, the main issues we are contemplating: Location (invisibility/traffic). Taxation. Fairness.
- We must be supportive of incubator businesses in Columbus. We have a long history of valuing the independence and property rights of our residents.
- Our current ordinance states that there must be no impact to neighboring residents. So **it** does not seem that larger impacts would be going **in** the right direction.
- The complaints and concerns the City has received from residents
- Existing business vs. new requests for residential zoned businesses.
- How do you protect certain neighborhoods (eg. Thurnbeck, Versos Acres) from inappropriate land use.
- What value do RZB bring to our community (financial, convenience and services to local residents)?
- What inconveniences to RZB bring to neighboring residents, City Staff, environmental impacts?
- When you buy a property **in** Columbus you are allowed to live there. Everything beyond that is granted by the City to ensure you are not infringing on your neighbors rights to live **in** a peaceful residential atmosphere.
- I/We are pro business but not at the expense of your neighbors by disrupting their right to live in a peaceful/quiet neighborhood.
- Putting a solid fence around your property **in** order to hide your RZB changes the atmosphere of the neighborhood.
- Cottage Industry (eg. baking, craft, canning, honey production, sewing, tailoring, maple syrup, etc.) has been going on with no impact for the past 10+ years. I don't think it is necessary to address these other than to acknowledge that it exists and is not a problem. Cottage Industry is fine as long as there is no sign promoting your business on your property.”

Preiner – Response provided at the meeting: He thinks that it is pertinent that we have a clear outline of what an RZB is in the code so that policymakers, policy-enforcers and residents know exactly what is permitted or not.

Policy Questions:

Consensus for staff to proceed addressing policy question **1. Should Columbus City Ordinances be amended to accommodate businesses with a larger impact to the residential district than is currently allowed? (Future discussion will lead to – How? With screening? By the size of the lot? Etc...)** *Motion* carried with Busch, Berens, Hegland, Bobick, King, Wagamon, Hanegraaf, Logren and Preiner voting in favor.

Consensus for staff to proceed addressing policy question **2. Do we want to continue allowing Residential Zoned Businesses? (Including sub-question: • What is the definition of a Residential Zoned Business? (i.e., considering State regulated cottage industry businesses)** *Motion* carried with Busch, Berens, Hegland, Bobick, King, Wagamon, Hanegraaf, Logren and Preiner voting in favor.

Consensus for staff to proceed addressing policy question **3. Is a Residential Zoned Business a right or a privilege?** *Motion* carried with Busch, Berens, Hegland, Bobick, King, Wagamon, Hanegraaf, Logren and Preiner voting in favor.

6. **PUBLIC OPEN FORUM** Nothing at this time.
7. **ASSOCIATE PLANNER'S REPORT** Gutknecht thanked members for their questions.
8. **CITY ADMINISTRATOR'S REPORT** Mursko informed the group that there is still an opening on the Planning Commission and that the mailed notice went out to those members of the public who requested them. The posting is available on the City's website and no applications have been received at this time.
9. **PLANNING COMMISSION MEMBERS' REPORT** Nothing at this time.
10. **ATTENDANCE FOR UPCOMING MEETINGS** Hanegraaf was scheduled to attend the 01-26-2022 City Council meeting. However, it was agreed that there was no need for the Planning Commission Report to be presented as all members were in attendance tonight.
11. **MOTION TO ADJOURN** *Motion* by Berens to adjourn, seconded by Hegland. Motion carried with Busch, Berens, Hegland, Bobick, King, Wagamon, Hanegraaf, Logren and Preiner voting in favor. The meeting adjourned at 7:31pm.

Carissa Kranz

Respectfully Submitted: Carissa Kranz, Recording Secretary