

**PLANNING COMMISSION  
MEETING MINUTES  
July 17, 2018**

The meeting was called to order at 6:00 p.m. by Chair Steve Kossett. The Pledge of Allegiance was recited by those in attendance. Present for the meeting were Chair Steve Kossett, Vice Chair Pete Branca; Commission Members Kathy Meyer, Bob Whitmyer, John Hegstrom, and Bill Rosenbush; Zoning Administrator Teresa Koivula, City Councilor Liaison Suzanne Herstad, and guests Robert Quade, Greg Andrews and the attached list of public guests.

**MOTION TO APPROVE/AMEND THE AGENDA:** Steve asked for a motion to approve/amend the agenda; Bob W. made the motion to approve, John H. second, motion carried.

**PUBLIC HEARING COMMERCIAL REZONE:** Steve K. called the Public Hearing to order. Steve read the rules for conducting this public hearing into the record. Steve K. asked if the City office has received any phone calls, letters, or inquires to the Rezone either in support or opposition. Teresa indicated; None.

**Zoning Official Report:** Teresa K. displayed the power point presentation and read the attached report into record along with her recommendation.

**Applicant:** Mike Maher and Ricky Siegle addressed the Planning Commission and Mike M. stated that Teresa's report stated all the information in detail and had no further information to add. Mike is willing to answer any additional questions.

**Testimony in support:** None

**Testimony in opposition:** None

**Comments from commission members:** Steve K. asked when did you purchase the second lot (lot 30)? Mike M. stated they purchased the lot about 1 year ago to expand and provide a safe area for loading and unloading. Pete B. asked if they manufacture or assemble anything or do any welding? Mike M. stated they put things together as necessary for repair, but they do not get involved in the manufacturing; they do welding as necessary for repairs of equipment. Bob W. asked Teresa K. if she had a percentage for the amount of impervious surface? Teresa stated she has it calculated in sq. ft and acres but not percentage; a rough estimate would suggest approximately +/- 35% over the allowed 60%. Rick S. stated the back side of the lot has about 10 feet pervious surface and the east half of Lot 30 ft about half way up about 6 or 7 feet from property line. Steve asked Mike M. and Rick S. if they are willing to cooperate with the Zoning Official to bring their property into compliance? Mike M. stated they will do their best, the lots are very small. Teresa K. stated that you work within the regulations that you have, and when an opportunity to pursue additional property to expand presents itself you expand, but you work within the zoning ordinance requirements. John H. inquired with Mike M. and Rick S. if they have contacted their neighbors or if the neighbors have come to them regarding their expansion or the rezone? Rick S. indicated they contacted neighbor to the east and he is fine with everything; we have helped him with his fence placement and insuring the water is not draining onto his land. We have not contacted the neighbor to the west, and she has never complained to us. Teresa K. indicated the City mailed letters to the neighbors within 350 feet of Twin Ports Aerial informing them of the Public Hearing. Pete B. asked Mike M. and Ricky S. if they had a ditch in the front of their property and which direction the water flows? They responded "yes" there is a ditch and water flows to the east. Steve K. asked if previously the lot has had a high percentage of lot coverage. Mike M. and Ricky S. stated they have utilized about every inch since the day they started. Pete B. inquired how does Twin Ports Aerial handle congestion on the E. Calvary Rd with loading and unloading, is this congestion going to be eliminated? Mike Maher stated they resolved the congestion

associated with loading and unloading on E. Calvary Rd by creating a loop around driveway where loading and unloading is now in the back half of the lot off of the road, they no longer park and load on the road.

A motion was made by John H. with a second by Kathy M. to close the public testimony portion of the hearing. Motion carried with the public testimony being closed.

**Discussion among the commission members:** None

Steve K. read through the Findings of Fact below.

**FINDINGS OF FACT**

1. The parcel is located in the Commercial Corridor according to the City of Rice Lake Comprehensive Plan and is consistent with the long range goals to develop the Rice Lake Road corridor as commercial.  
*All agree*
2. The City's Comprehensive plan recommends that Commercial uses of properties along East Calvary Road are still the highest and best use of the corridor.  
*All agree*
3. The Rezone from Light Industrial to Commercial is consistent with the City's Comprehensive Plan by encouraging the rezoning of properties located directly on the roadway to Commercial.  
*All agree*
4. The Rezone from Rural Residential 2 to Commercial is consistent with the City's Comprehensive Plan by encouraging the rezoning of properties located directly on the roadway to Commercial.  
*All agree*
5. The current use on the parcel complies with the allowable permitted uses for Commercial Zoning.  
*All agree*
6. The property complies with the Dimensional Standards according to Zoning Ordinance #22, Section 2.01; for lot area, side yard, rear yard setbacks and for road right of way setback, Parcels are identified as "lot of record".  
*All agree*
7. The property does not comply with the Dimensional Standards according to Zoning Ordinance #22, Section 2.01 for maximum allowable lot coverage.  
*All agree*
8. The property does not comply with Driveway/Parking areas setbacks according to Zoning Ordinance #22, Article VI, Section 17.01 A., 1.  
*All agree*
9. That public notice was posted on July 6, 2018 and published in the Duluth News Tribune on July 7, 2018.  
*All agree*
10. Rezone is to apply to above described parcel.  
*All agree*
11. The proposed zoning is not spot zoning, which is zoning to discriminate in favor of one lot or parcel out of harmony with surrounding lots or parcels and the comprehensive plan and without benefit to the community.  
*All agree*
12. There is a clear public need for and benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the land owner.  
*All agree*
13. Beyond a public need being evident, there is a showing that the public interest would be best served by rezoning the property in question rather than other property in the community.  
*All agree*

That after careful consideration of all information and recommendations pertaining to this rezone application, the Planning Commission makes the following recommendation to City Council: the approval of the rezone from Light Industrial to Commercial, and, from Rural Residential 2 to Commercial, effective upon confirmation from the Zoning Administrator that the "Property" is in compliance with Zoning Ordinance #22; Article III, Section 2 Dimensional Standards 2.01 maximum allowable lot coverage of 60% and Article VI, Performance Standards 17.01 Driveways and Parking lot setbacks.

A motion was made by John H. to approve the Rezone request with a second by Steve K. to recommend approval to City Council of the Rezone with the above noted compliance requirements according to Zoning Ordinance #22. All vote in favor. Motion carried.

This recommendation will be forwarded to Rice Lake City Council for their consideration at their next regularly scheduled meeting on July 23, 2018.

A motion was made by Bob W. with a second by Pete B. to adjourn the hearing. All vote in favor with hearing being adjourned at 6:40 p.m.

**MOTION TO APPROVE THE MINUTES:** Bob W. made the motion to approve the May 15, 2018 Regular Planning and Zoning meeting minutes; John H. second, motion carried.

**BUSINESS FROM THE FLOOR:**

**Joetta Godden:** Joetta informed the Planning Commission she has a new neighbor in a tiny house and they have no septic; they say they have a holding tank they will have pumped. The land does not belong to them, the land belongs to someone else; Is this allowed here? Joetta stated, "I feel it should be fine, but they should apply for a permit, a conditional use permit or something. Joetta stated she is concerned about the sewage, it doesn't look that bad, I'm not opposed to it." Joetta inquired if the land owner of the property has a home, doesn't that count for the RV to be allowed, they have a hose connected from the RV to the neighbor's home. Joetta indicated that he also has some kind of Amity Creek Campground being advertised at the end of Berglund Rd also.

Teresa responded that this parcel is located in the Rural Residential 1 Zoning District. The owner of this parcel the RV is on owns three contiguous parcels; this lot is separate from the parcel his home is on. Whether this is a tiny home or an RV, this is an accessory use; since this parcel does not have a principal use established, the accessory use is not permitted. Also, this structure does not meet the minimum 800 sq. foot dwelling unit requirement, and no building permits have been applied for. I am in communication with the property owner and the City Attorney; we are working through the details surrounding this structure. At this time, it is not an allowable use in this zoning district. This is in violation of the City's Zoning Ordinance #22.

John H. asked Joetta if she is inquiring as to what enforcement measures the City would take? Joetta stated some kind of permitting should be applied for. Suzanne H. stated that if it is not an allowable use, obtaining a permit may not be the answer. Joetta said they should at least apply and then be told its not an allowable use. Suzanne reiterated that Teresa is working on the situation and consulting legal counsel, so we need to let that process go through. Teresa reminded everyone that in this zoning district, an RV is considered an accessory use to the permitted or principal use and no principal use has been defined on this parcel, therefore, no accessory use is allowed. Conditional Use Permits (CUP) are allowed for specific uses and an RV/Campground is not an allowable CUP use. Steve K. suggested Teresa continue to follow up on this situation and thanked Joetta for bringing this to the Commission.

**NEW BUSINESS:**

**Home Business Application:** Applicants, Owen and Claudia Christensen, were present at the Public Meeting regarding their Home Business Application for "Christensen Saunas, Inc."

**ZONING OFFICIAL REPORT :** Teresa K. reviewed the attached Power Point Presentation, Administration Report, and Ordinance #22 Performance Standards. Also read into the record are emails from; the City's Road Authority Mr. J. Werner who indicated no problem for the road to receive 3 – 4 deliveries/month each delivery approximately 4000 lbs., 16 ft boards on a tandem axel flatbed with boom lift, including the delivery of sauna's on a trailer pulled via a ¾ ton SUV; and approval from Rice Lake Fire Marshall Devin Sonnek, Fire Chief Niemi and Assistant Fire Marshall Alander subject to the installation of smoke alarms which the Fire Department will install.

The application states that Christensen Sauna's Inc., manufacture and deliver saunas and no on-site retail business is conducted. Sales are online or word of mouth. They manufacture the saunas in an onsite building with two employees part time Monday - Friday. A petition was submitted with 10 signatures in support. John H. asked how many homes are in the ¼ mile radius? Teresa stated she does not have a radius graph and that individuals who may not be within the ¼ mile radius have also responded by phone call or letter because they feel the added traffic has a negative impact on their property values and quiet enjoyment. To comply with the performance standards for a home business they shall need to make application for a lot line adjustment according to the City Subdivision Ordinance #34. Owen and Claudia have been notified and are aware that in order to have a "Home Business" they must conduct that business on the same lot that their dwelling unit (permitted use) is on. Teresa stated she has received concerns from neighbors that Christensen Sauna has been operating a business without the proper permitting process. Several neighbors have voiced their concerns of having a manufacturing operation in their residential neighborhood related to traffic; speed, noise, dust and overall safety in their neighborhood. The neighbors have also voiced concerns related to the negative impact the noise and lights from their business relates to the ability to enjoy a peaceful neighborhood and maintain positive property values. Some of the neighbors who have voiced their concerns also stated they did not want to see the Christensen family fail, but they do not invite manufacturing into the neighborhood, or for Christensen Sauna to expand their business. They do not want to open the doors for additional manufacturing into the future and for manufacturing to deteriorate the essential character of a residential neighborhood. The complaints also addressed how the neighbors stated they like the Christensen family but like the quiet enjoyment of their residential neighborhood. Bob W. inquired if the neighbors' concerns were specific to noise related to the on-site manufacturing or traffic? Teresa stated the concerns address both. Pete B. inquired how many people are on the petition? Teresa stated that 10 are in support, yet some of the people who are in support are also opposed. It has to do with a balance of preserving the essential character of a residential neighborhood and wanting to get along with neighbors and some fear of not wanting to offend the Christiansen family by opposing their operation. Teresa read the definitions of Home Business, Neighborhood Commercial Uses and Industrial Use according to Ordinance #22, Article II, Section 5. Bob W. questioned the difference between a minor industrial use and a small industrial use. Pete requested to review the petition, Teresa handed the Commission the Applicants petition. Bill R. inquired if Summers Rd is a City or County Rd? Teresa stated, Fauvelle Rd. and Summers Rd. are City; W. Beyer is a County Rd. Steve K. inquired of Owen how many saunas he builds in a year; Owen indicated he builds around 27-28 saunas for the last 3 years.

**PLANNING COMMISSION QUESTIONS AND CONSIDERATIONS:**

1. Steve K. commented that this business is more in line with manufacturing, but it is done on such a small scale it is more like a business than manufacturing. Teresa re-read Article II, Section 5, the definition of Home Business and Article VI, Section 10 the Performance standards definition. Article II, Section 5 Home Business Definition is consistent with the Application and Article VI, Section 10, A, appears to be inconsistent with the proposed application. Bob W. reviewed how this is a family operation and in line with a family farming operation in a rural setting. Bill R. stated he is conflicted whether this is a home business or a commercial zoning matter; John H. stated the City allows the opportunity for home owners certain privileges to operate as a commercial entity, he is not asking to rezone to commercial but asking to have certain privileges to operate a small commercial entity in the Residential Rural 1 zoning district that follow performance standards. Steve called for a vote; Is the business a type or character consistent with the zoning district? All Planning Members are in support that the use is consistent with the zoning district and agreed with John H. statement; "according to the signed petition from neighbors within ¼ mile in support of Christensen Sauna it appears that the business is not a nuisance or otherwise incompatible with the surrounding area".
2. Steve K. asked the Planning Commission if the Business is a nuisance or otherwise incompatible with the surrounding area? John H. inquired if everyone in the required ¼ mile radius was

contacted? Teresa stated that Owen Christensen had informed her that he had gone to every home in the quarter mile radius. Owen stated he visited each land owner within ¼ mile of the road and beyond including the Eagle Lake Rd to the west of his rear property line. Owen stated the neighbors outside the ¼ mile are here and he is certainly interested in hearing what they have to say when we get to that point. Steve asked for a vote; John H. stated that if the petition is accurate then it will not be a nuisance to the neighbors by virtue of them signing the petition. Pete B. agreed with John H.'s statement. Pete B. stated it is not a dense area, Bob W. agreed. Kathy M. indicated the business is not a nuisance due to the fact he is not manufacturing hundreds of saunas and he is not working into the night, only until 4:00 – 4:30 PM. Steve verified with the Planning Commission that it is compatible with the surrounding area, all agreed.

3. Steve K. asked Owen if additional equipment is necessary for the business not normally found in a home setting? Owen stated that he has an air filtration system and dust control equipment; a fork lift-a smooth wheeled device that needs to stay on the slab most of the year, and saws. Owen indicated he has grown up with saws and power tools in his home and those tools are normal to Owen. The building is sound proof with R-30 and 6 inch frame walls, no ground level windows and two stalls, one for tools and one for sauna construction.
4. Steve K. asked Owen if he manufactures the stoves; Owen stated he purchases the stoves from Northern Welding on the Howard Gnesen Rd., he hauls 10 to 12 per load on a one ton flat bed, about 60-70 stoves the last 3-4 years. He uses the fork lift to move the wood fired stoves that are delivered.
5. Steve asked Owen if they have a sign. Owen stated they do not have a sign and advertising is online. They have a mascot display on the front of the shop but no advertising. They have an entrance sign identifying Christensen Sauna that was made for the Home Show and after the home show he placed it at the entrance door which does not face the road. Owen stated they do not work evenings, they lock the doors by 3:30/4:30 PM to accommodate employee schedules. The building is locked up. Owen utilizes motion detector lighting and have no plans for future lighting.
6. Steve K. asked Owen if there is increase in traffic to their home business? He receives deliveries of wood and materials for the sauna and delivers the saunas; he does not have a retail operation onsite nor does he have a showroom display. Owen stated he is getting blamed for all of the traffic on his road and it is not all going to his home. When hauling loads, he keeps his speed to 20 mph., the speed limit is 55 and he has been trying to change that for over 40 years. Owen inquired if there is something that we can do to change the speed limit. The neighbors are concerned about speed, but it isn't me or my lumber deliveries anymore. If they exceed 20 mph I will fire them.
7. Steve verified with Teresa the subject property and surrounding zoning is RR1.

**COMMENTS FROM THE AUDIENCE:**

**Brad Brouse:** Owen has nothing to do with all of the increased traffic to the area. I have seen more traffic on our road the last few years that I have not seen before, more pedestrians, autos and horseback riders. Very rarely do I notice traffic going to the Christensen home. The garbage dumpster makes more noise than Owen's shop makes. I don't recognize the traffic anymore. Owens not responsible for all of the increase in traffic on the road.

**Jim Brouse:** Kids just driving through, at fast speeds. We see the increase in traffic also, but you can't stop the traffic.

**Bob Brouse:** We are a close knit neighborhood, we know everyone and what they drive and there are many vehicles we don't recognize anymore. I don't like the increase in traffic, but you can't stop the traffic from coming.

**Todd Truman:** We get the noise, dust and rocks from traffic hitting our buildings. We have witnessed H & H Lumber who Christensen Sauna utilizes for delivery of material, drive 55 mph or more on several occasions. As soon as they turn the corner from the Arnold Rd onto Fauvelle Rd, their foot hits the gas. The neighbor on the corner says the same thing. Traffic is heavy on the gas pedal. We have a hill in front of our home with low visibility from both directions and it is a safety hazard, especially with increased traffic and speed. We have asked them to slow down. My complaint is about the safety for everyone who drives or walks the road. What if the City changed the speed limit?

**Jackie Truman:** On a gravel road if the speed limit is not posted it is 55 mph. It is a safety factor. Jackie stated they like to get along with all the neighbors and they like Owen and Claudia. We pay our house payment and our taxes are very high and we feel Christensen Sauna is not paying their fair share of taxes operating as a business. Fauvelle Road receives a lot of traffic and our home is only 40 feet off the road, we have dump trucks, cars, delivery trucks, garbage haulers all speeding by our home spitting up rocks at our buildings. I have stopped dump trucks on this road. I have had to ditch dive because of speeding traffic on the road. The large trucks and the narrow road make this a safety issue and a life style issue. He makes 30-45 saunas each year and his web site states he has a second crew, what happens when he increases production.

**Kelsey Christensen:** Traffic and Safety is a concern to all of us and especially for me and my four children. I am one of the employees. I have seen my father address the speeds of the delivery drivers. I feel that my father is being used as a scape goat for the increase in all traffic. All the traffic does not come to our home. Creating Christensen Sauna gave my Dad an opportunity to work at his age, to provide for his family and make a living. He supports his household and tries to do enough so that I too can work with him to support my family. He created day hours so that I can raise my children and earn a decent living in a safe environment. This is a small family business, we are small, we are staying small and it is rewarding to build a product that people truly enjoy with our hands. We do not have a show room to attract customers, it is purely workspace. We have one stall for one sauna at a time.

**Julie Yates:** I lived next door to Owen for 19 years and he has been doing business for years on his property. He has never been disrespectful, we were never bothered by any noise, not even when he worked 2 crews building sheds, no late night noise or lights, and he was a lot busier than he is now. We just never had any problems with him and he was a lot busier then.

**Owen Christensen:** Jack Harmon my neighbor, wrote a letter and made copies that I will share with you in support of my business.

**Jackie Truman:** Christensen's worked hard to get where they are, but I do not think that is the right location. They should move their business to a commercial location. Brouse's are all family on the petition and they shouldn't even count. We are not trying to be impossible, we are trying to be fair.

**Robert Quade:** It appears to me this is about the traffic, and the speed. No matter where you drive, what road you live on, people drive too fast including delivery vehicles whose drivers are trained on safe driving speeds. The City is addressing getting more Sheriff protection and the costs associated with increased service. Perhaps Mr. Christensen is willing to address a speed limit of 20 mph with his delivery drivers and companies. As for the dust control, the City's budget allows spraying of the roads once per year.

**Teresa Koivula:** The Planning Commission needs to consider all the facts presented with the application, Land Use Controls, Performance Standards, definitions according to Zoning Ordinance #22 and consider the comments made this evening. Clearly if the applicant can meet the requirements of Ordinance #22,

then an approval can be made. Keep in mind the home and the business are on two contiguous lots. The Christensen's have obtained an attorney who is helping them with their lot line adjustment according to Subdivision Ordinance #34. In the past, Christensen Sauna has stored sauna's outside of the shop and home; business performance standards clearly states no outside storage. I now leave it up to the Planning Commission.

**Steve K.** asked the Planning Commission for a motion to approve/deny the home business application; **Kathy M.** made a motion to approve the Home Business Application, Bill Rosenbush 2<sup>nd</sup>. All in favor.

Owen Christensen asked the Planning Commission if we could get a speed limit sign posted? Suzanne H. stated the City has addressed changing the speed limit for certain roads, but then the City would have no law enforcement to back that up. The Sheriff could not pull anyone over because it would then be a City Ordinance and we rely on the St. Louis County Sheriff Patrol. We cannot just install signs on roads without the involvement of MN Department of Transportation.

Claudia Christensen stated they are in the process of initiating the lot line adjustment; the attorney has advised them that the two parcels are both Torrens and Abstract property; it will take a little longer to combine our legal descriptions due to St. Louis County requirements.

**CONDITIONAL USE PERMIT (CUP) INSPECTIONS REPORT:** Teresa reviewed the Annual CUP Inspections that resulted in 20 CUP's passing inspections and letters were mailed thanking the CUP holders for keeping their properties in good condition. Six CUP's will require a follow-up and two CUP's were eliminated due to voluntary revocation with a signed statement.

**GOVERNMENT TRAINING SERVICES (GTS):** Teresa reviewed an opportunity for the Planning Commission to attend a virtual attendance workshop through GTS in Rice Lake City Hall conference room. The workshop, "Your Role as Planning Commissioner" will focus on what you need to know to be successful and practical tips that can make the difference between results and regrets. We can attend as a group for one fee of \$50.00. The options are Wednesday, September 13<sup>th</sup> from 9:00 AM – 12:00 PM, or Thursday, November 14, 2018 from 1:00 PM – 4:00 PM. All Members agreed they would like to attend the workshop. Suzanne H. will inquire if the budget will support two virtual attendance training sessions. GTS' Virtual Attendance works best from a PC and *does not work on tablets or iPads due to sound and visual sync.*

**UNFINISHED BUSINESS:** Zoning Ordinance #22 work meeting is scheduled for Thursday, August 9<sup>th</sup> at 6:00 PM.

**Joint Airport Zoning Board (JAZB):** Steve stated the next JAZB meeting is on September 6<sup>th</sup>, 2018; 3:30 PM.

**Next Meeting Date:** Teresa suggested a Planning and Zoning Work Meeting, to discuss Zoning Ordinance #22, prior to the next regular meeting. All agreed to schedule a work meeting for Thursday, August 9, 2018 at 6:00 p.m. Steve stated the next Planning and Zoning meeting is Tuesday, August 21, 2018; 6:00 p.m. Teresa suggested a Planning and Zoning Work Meeting prior to the next regular meeting. All agreed to schedule a work meeting for Thursday, August 9, 2018 at 6:00 p.m. Having nothing further to discuss, John made a motion to adjourn the meeting with a second by Kathy. All vote in favor. Motion carried, and the meeting was adjourned at 8:51 P.M.

Respectfully submitted,

Steve H Kossett

Steve Kossett, Chair

12-18-18

Date

Teresa Koivula

Teresa Koivula, Zoning Administrator

12-13-18

Date