

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
REGULAR MEETING

Tuesday, April 28, 2020 - 7:30pm
121 Judd Street – Village Hall

1. Call to Order
2. Wendy Ward – Grants for historic accessory buildings
3. Mill Stream Cottages – Update on planned unit development
4. Short-Term Rental Ordinance update
5. Zoning Code progress update
6. Cell Tower update
7. Approval of minutes: February 24 regular meeting and April 9 emergency meeting
8. Adjourn

How to join virtually

Visit <https://zoom.us/j/4741920648>

Or call: 1-312-626-6799

Meeting ID: 474 192 0648

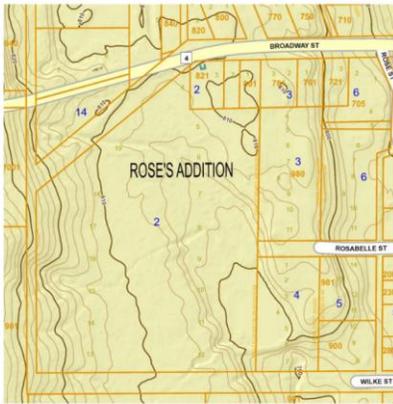
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Mill Stream Cottages Update



*Planning Commission
Presentation Update
April 28, 2020*

Change in property owner's selling strategy and pricing impacted financial feasibility.



Why do we still care?

- Attract *permanent residents* to Marine On St Croix who want to participate and contribute to the community
- Create a vibrant, *multi-generational pocket neighborhood* that respects the integrity of its surroundings
- Price the homes so that they are *affordable to young families*, single householders, retirees, single parents, tradespeople, home-based business owners...
- Retain as much *local control* as possible over one of the last developable tracts in Marine On St Croix

The Facts

1. We have limited opportunities for growth in Marine On St Croix.
2. Conventional development concepts don't suit our community very well.
3. Returning college grads, seniors moving to a fixed income, single parents, elementary school teachers and other potential Village Center employees can't afford to buy new homes here.

What if a pocket neighborhood of cottages could help to ensure that our City stays viable and thriving into the future?



The Need: Homes for “Missing Middle” Market

- Using the Met Council’s formula, the missing middle market in Marine has an income of \$50-\$80K.
- AMI = Area median income
- AMI for Marine = \$101K
\$101K X 60-80% = \$50-\$80K.

Positions With Incomes of 50%-80% AMI	Annual Gross Income
Senior Couple, transitioning to retirement, Avg. Soc Sec \$28K + \$52K other	\$80,000
Police Officer, Deputy Sheriff	\$75,000
Associate Pastor	\$71,000
Registered Nurse, Avg. in Stillwater	\$67,000
Public School Teacher, Avg. Stillwater School District	\$65,000
Young Couple, two income	\$60,000
Downsizing Retiree Couple, Avg. Soc Sec \$28K + \$28K other.	\$56,000
Corrections Officer, Stillwater	\$52,000
Charter School Teacher, Avg.	\$50,000
Fireman, Avg. Mpls	\$50,000
Single senior, Avg. Soc Sec \$19k + \$31K other	\$50,000

What Can a “Missing Middle” Income Afford?

Missing Middle Market Target

Household gross annual income	Available for mortgage each month (30% rule of thumb)
\$80,000	\$2,000
\$75,000	\$1,875
\$70,000	\$1,750
\$65,000	\$1,625
\$60,000	\$1,500
\$55,000	\$1,375
\$50,000	\$1,250

Mortgages in the “affordable” range

Purchase Price	Monthly Payment
\$300,000	\$2,000
\$250,000	\$1,683
\$200,000	\$1,367
\$150,000	\$950

- ✓ Based on a 30-yr. conventional loan @ 4% interest rate, 5% down, and “good” credit (>620).
- ✓ Includes principle, interest, mortgage insurance, homeowner’s insurance and property taxes.

The Idea: Cottage Courtyard Concept



Compact, efficient and attainable by the missing middle.



The Idea: What will it be like to live there?

- Walkable and pedestrian-friendly
- Open front porches facing an animated common space
- “Go outside and play!”
- Shared stewardship and sense of neighborhood
- Cars and garages out of view
- Traffic is calmed

“Of porches, there are two sorts: the decorative and the useful, the porch that is only a platform and the porch you can lie around on and read the Sunday paper.”

- Garrison Keillor



The Idea: Cottage Designs

Alignment with renowned architect of affordable single-family cottages, Marianne Cusato:

- Ranked the No. 4 most influential person in the home building industry by Builder Magazine. Her Katrina Cottage (308 sf) design won the Smithsonian Institute's 2006 "People's Design Award."
- Three home sizes will be offered:
 - 566 sf, 1 bedroom
 - 712 sf, 2 bedroom
 - 1,200 sf, 3 bedroom
- Every home will have a front porch facing a public common space
- Durable but affordable materials, detailed well
- Optional basements and garages



The Idea: Integrity with Existing Neighborhood and Marine On St Croix Community

- Preservation of natural environments
- Trails connecting to destinations and for recreation
- Front porches
- Gabled roofs with steep pitches
- Cars and garages out of view
- A sense of community and taking care of each other
- Sustainable

The Idea: Comprehensive approach

- ISG engineers: waste water treatment
- Watershed District
- Washington County Conservation District
- Potential builders
- Potential development partners

The Idea: Estimated Construction Costs

- Detailed development pro forma based on cost estimating using preliminary design
 - Land purchase price
 - Soft costs of permitting and design
 - Hard costs of infrastructure
 - Hard costs of home construction
- Target Sales Prices
 - \$ 175,000 to \$ 300,000 for base product

Early April concept with 22 homes



Mid-April concept with 13 homes





Change in property disposition and pricing increased the sales prices beyond the “missing middle” price range.

Next Steps

- Learn from the work that has been completed to-date.
- Pro-actively seek opportunities in Marine On St Croix to meet this need with creative solutions and strategic development partners.



**CITY OF MARINE ON ST.
CROIX
WASHINGTON COUNTY,
MINNESOTA**

ORDINANCE NO. 2020-____

AN ORDINANCE REGARDING SHORT TERM HOME RENTALS.

THE CITY COUNCIL OF THE CITY OF MARINE ON ST. CROIX DOES HEREBY ORDAIN AS FOLLOWS:

Section 2. Purpose. The purpose of this section is to allow Short Term Home Rentals, where appropriate, while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the Community as well as protecting the public health, safety and general welfare.

Section 3. Definitions.

Bedroom. A habitable room which is used, or intended to be used, primarily for the purpose of sleeping.

Dwelling. A building or portion thereof, designated exclusively for residential occupancy. Refer to Section 202 of the Zoning Code definitions.

Primary Resident. The owner of a dwelling or a qualifying relative, including parents, grandparents, siblings, children, grandchildren, aunts, uncles, nieces, and nephews of the owner or the spouse of the owner. The Primary Resident must be a natural person. No dedicated vacation rentals are allowed in the City of Marine on St. Croix (See paragraph 4 F(a)(vi) herein).

Short Term Home Rental. A dwelling that is offered to transient guests for a period of less than 30 consecutive days at a time.

Short Term Home Rental, Type A (hosted short term rental). A dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where a primary resident of the property is present while the transient guests are present.

Short Term Home Rental, Type B (unhosted short term rental). A dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where a primary resident of the property is not present while the transient guests are present.

Short Term Home Rental, Type C (dedicated short term rental). A dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the primary property purpose is for use as a short term rental.

Section 4. General Requirements and License Issuance.

- A. License required. No property may be used as a Short Term Home Rental (Type A, B or C) unless a license is first granted by the City. The License shall be entered on a short term rental registry. Type C Short Term Home Rentals are not permitted by the City.
- B. Issuance. All Short Term Rental Licenses shall be issued administratively by the City Clerk pursuant to the terms contained herein.
- C. License application. Any property owner desiring to offer or use a Primary Residence as a Short Term Home Rental within the City must apply for a Short Term Home Rental License from the City of Marine on St. Croix. A license must be approved prior to operating within the City. The license application request must be submitted on the form prescribed by the City and must include all the information requested on the application form.
- D. License fee. The license application form must be accompanied by payment in full of the required license application fee. The license application fee amount will be as determined by the City Council and set forth in the City fee schedule. Fees for new licenses obtained for less than the annual license term will be determined on a monthly pro-rated basis until the next full term.
- E. Criteria for Issuance. Prior to issuance of a Short Term Rental License hereunder, the applicant shall ensure that the following criteria are met:
 - a. The licensee certifies on the application form that all applicable items found in this Section are satisfied. Such items shall include, but not be limited to, the following:
 - i. Short Term Home Rentals are a permitted use in the zoning district of the subject property;
 - ii. The Proposed Short Term Home Rental complies with all of the performance standards found in this Section;
 - iii. A policy number for liability insurance is provided to the City;
 - iv. Compliance with all applicable provisions of the City Code;
 - v. Compliance with any special conditions established in the license.
 - vi. The Dwelling must be Materially Used for Its Owner's Enjoyment-which shall mean to state the owner (or its principal) shall accurately certify and document to the City annually that the Dwelling has been physically inhabited by the owner for not less than 30 days in every calendar year.

Section 5. General Performance Standards.

The following shall be the general standards for all Short Term Home Rental licenses issued hereunder.

- A. No Physical Alterations. No physical alterations of a Primary Residence shall be permitted in conjunction with the operation of a Short Term Home Rental, except that additional on-site parking maybe provided, to the extent that such parking is otherwise permitted by the applicable provisions of the City's Code.
- B. Non-Transferable. Licenses issued under this Section are non-transferable. Each license shall automatically terminate upon the sale or other conveyance of the property to an unlicensed person or entity.
- C. No Vested Right. Licenses granted hereunder constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right.
- D. Term. Licenses granted under this Section are valid for one year. A renewal application must be submitted annually, in advance, within 60 days of the expiration on December 31st. If the license holder does not offer the property for short term rental at least twice in a calendar year then they are not eligible for renewal.
- E. Number of Bedrooms. Each license shall indicate the number of bedrooms which are contained in the Primary Residence. No license shall advertise the Primary Residence as containing any more than the identified number of bedrooms. The number of bedrooms, as indicated on the license, shall be used for all calculations required herein.
- F. Use for Events Prohibited. Short Term Home Rental shall not be used by the renter nor any rental occupant for nonresidential purposes such as commercial or social events. The Short Term Home Rental host shall expressly prohibit and prevent the use of their property for events in any advertisement as well as on-site informational material. Examples of events include, but are not limited to: sponsored events, conference gatherings, retreats, concerts, banquets, receptions, weddings, reunions, dances, parties, or similar use.
- G. All residential properties offering Short Term Home Rentals need to be owner-occupied (meaning the owner lives at the property permanently or temporarily), except for multi-dwelling properties. Multi-dwelling and/or multi-unit properties cannot have any more than fifty percent (50%) of the total units in short term home rental use.
- H. A Short Term Home Rental may only be operated in a principal structure (i.e., not in a recreational vehicle).

- I. Location / Allowances / Considerations. Short Term Home Rentals are allowed in all Residential and Village Center zoning districts.

A maximum of four (4) Short Term Home Rental licenses shall be allowed in each district. Note: the Schoolhouse units are excluded from the count of four (4) per district.

- J. Use. Short Term Home Rental operations must conform to all existing City Ordinances.

Signage indicating the Short Term Home Rental is not permitted on or off the premises.

The maximum number of guests allowed is two (2) persons per bedroom, plus an additional two (2) guests. For example, a three-bedroom home could have a maximum of eight (8) guests.

One (1) vehicle per bedroom shall be allowed, with a maximum of four (4) vehicles. The owner of the Short Term Home Rental must provide one (1) approved off-street parking spot per bedroom (that is not on a public or private road, right of way or easement), with a maximum of four (4).

The Short Term Home Rental may not be rented to a transient guest more than two weekends per calendar month. And, may be rented a maximum of 14 days per calendar month.

- K. The Applicant must confirm upon their application form that there are functioning smoke and carbon monoxide detectors in each bedroom or sleeping area, and a functioning fire extinguisher in the living space.
- L. At the time of permit application and prior to making their property available as a Short Term Home Rental, property owners must provide and maintain current, effective contact and emergency contact information for the owner and any designated management representative to all neighbors abutting the side, rear, and across the street from their property. The Applicant shall also maintain accurate emergency contact information with the City sufficient to allow it to be in contact with the Owner immediately.
- M. If the property owner is not on premises, owner or owner-designee is required to respond to emergencies must be within thirty (30) minutes traveling distance of the property and available by cellphone during Short Term Home Rental use.
- N. Required 24-hour "Who to call" information pages shall be posted on the premises, and a "Who to call" page shall be on the City website for residences concerned with the activity at any Short Term Home Rental.
- O. The property owner must pay any applicable Federal, State and local taxes.
- P. Any complaints may be filed with the City via an approved complaint form.
- Q. The Licensee shall maintain true and current records (for a period of 3 years) for annual reporting to the City. The records shall be sufficient to permit the City to determine the number of guests, and the rental dates.

Section 6. Enforcement and License Revocation.

- A. Enforcement and License Revocation. Upon a finding that a licensee has violated the terms of this Section, or any other applicable ordinance, law, or regulation, including is determined to have submitted false or misleading information to the City, on two occasions within the license period, the City may revoke the license. Prior to such revocation, the City Clerk shall mail written notice of the license violations to the licensee. The licensee shall have ten (10) days to request a hearing, in writing, upon such revocation before the City Council. Failure to request such a hearing, in writing, shall constitute waiver of the right to be heard on such revocation. However, upon Council discretion a license may be immediately revoked in the event of violation of the terms of this Section.
1. Effect of Revocation. Upon revocation of a license under this Section, such licensee shall be ineligible for applying for a new Short Term Home Rental license for a period of 12 months from the date of revocation. Such prohibition shall apply not only to the Primary Residence for which the license was revoked, but also any other property held or owned by the licensee.
 2. Violation a Misdemeanor. Operating a Short Term Home Rental without a license shall constitute a misdemeanor and shall constitute a fine of \$1,000.
 3. Remedies not Exclusive. In the event of a violation or threatened violation of this Ordinance, the City, in addition to other remedies, is entitled to seek injunctive relief or proceedings to prevent, restrain, correct, or abate such violations or threatened violations.

Section 7. Effective Date. This Ordinance shall be effective immediately upon its passage and publication according to law.

WHEREUPON, said Ordinance was declared passed and adopted this ____ day of _____, 2020.

Attest: Lynette Peterson,
City Clerk/Administrator

Glen Mills,
Mayor

Zoning Ordinance, §202 -Definitions

Current wording:

Significant Tree – Any indigenous tree species measuring six (6) inches or more in diameter measured at a point five (5) feet above the ground, and which is not diseased, dead, or dying.

Proposed revision:

Significant Tree – Any native tree species or other species recognized by the City as suitable species measuring six (6) inches or more Diameter at Breast Height (DBH), and which is not diseased, dead, or dying.

References from City Forestry Ordinance:

3.1 Species to be Planted

The Forestry Advisory Committee shall develop and maintain a list of suitable tree species and cultivars that constitutes the official Street Tree species for the City. The list shall be included in the City Forestry Plan. No species other than those included in this list may be planted on public property or right-of-way. This section does not prohibit the planting of Street Trees by adjacent property owners provided that the selection and location of said trees are in accordance with the City Forestry Plan and this ordinance.
property owners provided that the selection and location of said trees are in accordance with the City Forestry Plan and this ordinance.

3.2 Prohibited Species

The Forestry Advisory Committee shall develop and maintain a list of tree species that are unsuitable for planting and include them in the City Forestry Plan. These trees may be on the Minnesota Native Plant Society or University of Minnesota Extension Service “Invasive” or “Species of Concern” lists.

Zoning Ordinance, §405.7 Tree and Woodland Preservation.

Current wording:

(1) (b) Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of significant trees on the site and that if trees are cut, the applicant will restore the density of trees to that which existed before development but in no case shall he be compelled to raise the density above ten (10) trees per acre.

Commented [JG1]: Chapter 16 of city Code, City Forestry ordinance references appropriate and inappropriate species. Preferred species include both native and non-native species.

Commented [JG2]: The standard refeerence is “Diameter Breast Heigt” defined as 4.5 ft above ground.

Commented [JG3]: This is such a low level of stocking as to be meaningless. For example, a typical planation would have +/-600 stems/A, and a mature native forest would have several hundred per acre. 10 trees/A would be like an open savanna with a few scattered trees.

Proposed revision:

(1) (b) Prior to the granting of a building permit, it shall.... the applicant will restore the density of trees to that which existed before development. ~~but in no case shall he be compelled to raise the density above ten (10) trees per acre.~~

Zoning Ordinance, §510.6 District Requirements.

The following standards and criteria shall apply to development within the Lower St. Croix River Overlay District.

Current wording

(1)(a) Vegetative Cutting. On land within 200 feet of the ordinary high water level in rural districts, 100 feet of the ordinary high water level in urban districts, and 40 feet landward of blufflines and on slopes greater than 12 percent in all districts, there shall be no vegetative cutting of live trees or shrubs without a vegetative cutting permit from the City's zoning administration staff. A permit may be issued only if:

1. The cutting, including topping:

Commented [JG4]: Topping should not be allowed!

Proposed wording

1. The cutting, including reduction pruning as defined in industry best management practices:

Reference, Chapter 16 City Code

1.16 **Tree Topping:** The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

4.2. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or City department to top any Street Tree, Park Tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section of the ordinance at the determination of the City.

TO: Planning Commission and City Council
FROM: Planning Commission Cell Tower Committee – Scott Spisak, Kristina Smitten, Ed Sanderson
DATE: April 27, 2020
RE: Future Cell Service Options for Marine – Activities to Date and Potential Next Steps

At the January 9, 2020 City Council meeting, two cell tower representatives presented proposals requesting to construct a cell tower within the City of Marine. Both proposals were for use of a portion of the City's compost site with a tower approximately 180 feet in height. The cell tower representatives have been working with the Communications Infrastructure Committee (CIC), an independent committee consisting of City residents Charlie Anderson, Paul Anderson, Kim Creager, Andy Lapos, Sara Rottunda. A summary of the cell tower presentations can be found here:

https://www.marineonstcroix.org/index.asp?SEC=01E9EEC5-E65B-4FC9-A7BE-5FDF79A04C22&DE=83E03BE1-EF9E-4525-B3A0-FAF7562D7301&Type=B_BASIC

In response to these proposals, the City Council moved to send these proposals to the Planning Commission for further review.

Since that time, the Planning Commission has established a Cell Tower Committee (CTC), consisting of Commissioners Spisak, Smitten and Sanderson. In March 2020, the Communications Infrastructure Committee provided additional details on the original proposals, as well as information on a subsequent proposal for a 180-foot tower at the City yard near the intersection of Broadway Street and Old Guslander Trail. This information was reviewed and discussed with the Communications Infrastructure Committee on April 8, 2020 (via WebEx). The Cell Tower Committee has also conducted additional research and completed a cursory review of the zoning ordinance against the current cell tower proposals. This memorandum provides a summary of discussions and research to date, initial zoning code analysis, and potential next steps to further evaluate how best to address cell service options in the City of Marine.

RESEARCH TO DATE

At the April 8, 2020 meeting between the CTC and CIC, the following questions were posed by the CTC with answers in *italics* provided by the CIC.

1. **Potential Regional Options:** Has there been an inventory of other nearby towers, their locations and carriers and what signal strength exists in Marine, and also their heights and potential for colocation?

Yes, this was previously researched. No towers currently have line of sight to Marine nor can provide sufficient coverage of the area. This is a well known gap in coverage by carriers and site developers, hence the proposal to add a tower. There are no known options for co-location on other existing structures that will provide reliable cell coverage in Marine and surrounding area. The current voice and data options for Marine residents and businesses are:

- Utilize severely limited Wi-Fi signal from city/business or residential router and/or HotSpot; or
- Landline

2. **Potential Marine Sites:** What siting/location options in Marine did the committee review and rule out? Can you provide that information and data?

- a. Is the compost site the “only” option available? See 408.9(2)

The compost site was the only site proposed by Powder River (representing Uniti Towers). The AvERge Group (representing SMC/Vinco) proposed for both the compost site, and at the committee’s request, the Public Works site. All information and data, to include propagation, view shed images, and site plan renderings are in the hardcopy packet previously provided to you by Councilmember Anderson.

- b. What analysis was completed at the Public Works site? Ground elevation at the compost site is about 872, making the tower tip at elevation 1052. The Public Works site is at 1000, meaning a 52 tower there should get similar results.

See hardcopy packet previously mentioned. While the propagation between both is similar at the 180 foot level, one of the three carriers had a preference to the compost site, due to preferable propagation. The Public Works site, since it is farther upslope, reaches further to the south, west, and north due to the leveling out of the terrain. This will be advantageous mostly to the “uphill” residents of Marine, May Township, and Scandia. However, the Public Works site loses some propagation in the upper and lower villages, as well as the Village Center. Additionally, propagation along Hwy 95 and the river is lessened.

Conversely, the Compost site has increased propagation for the upper and lower villages, Village Center, Hwy 95, and riverway. Coverage is lessened to the west, north, and south due to the rise in elevation going “uphill.”

It is important to note that while coverage is either stronger or weaker in certain areas depending on site location, coverage is exponentially better than what that current coverage is, which is effectively null.

Since the propagation is based on line of sight (not strictly elevation), given the location of the Public Works site being set back from the steep decline in terrain, reduction in tower height in that location will significantly reduce the coverage in areas of lower marine and surrounding area due to terrestrial interference causing “shadows” in the signal coverage.

- c. Are there opportunities to use “repeater” poles that would make other site locations potentially feasible?

No repeaters were discussed or proposed. We do not believe this is an economically or technically viable solution.

- d. Has Marine had an opinion from an independent cellular phone expert that the compost site is the only and best location/solution?

Information was made available to the Planning Commission that the Public Works site and Compost site were being considered. Initially it was believed that the Compost site

was the only site available. However, upon “deep dive”, we found that data from the previous Public Works site eval was lacking. Thus, an updated proposal was requested and received.

Information was provided by the developers, who consulted with commercial carriers as part of the proposals received. It would be possible for the city to hire an external cellular technology expert to verify the information provided, but the committee believes this would be unnecessary.

- e. How was a viewshed analysis conducted?

Industry standard simulation tools for assessing viewsheds was used, as is considered a generally accepted best practice. Computer software models accurately portray visual impact based on data input.

3. **Propagation Mapping:** Can you talk a bit about the propagation mapping – how the footprint was determined, the tradeoffs, extent vs. tower height, etc.?
- a. How was the 180-foot height arrived at?

The tower height was determined to provide suitable coverage to Marine and the surrounding area plus the ability to support three carriers with one tower. This is deemed by the committee to be the most economically viable option and have a lower community impact than having separate towers per carrier.

- b. It appears that the propagation studies cover the river from the Arcola High Bridge to the Osceola Bridge. Is it Marine’s responsibility to service that entire area?

The tower height was determined to provide suitable coverage to Marine and the surrounding area. Propagation beyond the Marine city limits is a function of the terrain, and may extend beyond the city limits. Additionally, having cell coverage that allows entry and exit of Marine without dropped calls implies that the signal overlap enough coverage with surrounding towers for signal handoffs to occur reliably.

Suitable coverage in Marine and surrounding areas (including the river valley) does also significantly improve public safety of our surrounding area. While not a primary goal, it is consistent with the values of community members and leaders.

- c. It would be helpful to better understand where the worst pockets of cell service are in Marine as a data point in prioritizing/balancing tower height and location.

Propagation maps were analyzed and provided with the current proposals. It may be possible for the city to hire an independent cellular technology expert to run additional propagation and visual simulations for different heights and locations, however the committee finds this unnecessary. City-owned parcels are the only feasible sites for cell

tower infrastructure, unless the Planning Commission wishes to explore allowing private person(s) to enter into contracts with cell carriers for towers on private property. This does not seem to fit with Marine policy or quality-of-life priorities. Tower height of 180 feet is not going to be affected by any of the variables in the above statement.

- d. Can you also provide propagation mapping boundaries overlaying the boundaries of Marine?

This could be requested from the parties who submitted proposals, or possibly provided by an independent cellular technology expert hired by the city. Towers in our surrounding area exist on both public and private property, and are owned/operated by unknown companies. The information mentioned may be proprietary in nature.

4. **Number of Carriers:** The Federal Government recently approved a merger between T-Mobile and Sprint which will leave only 3 major national carriers.

- a. Does that mean that the tower can be reduced to antennas for 3 carriers at the compost site?

This has already been addressed. AvERge rep Shelley Trampetti can answer, however our understanding is that if height is lowered from 180 feet we will lose significant propagation. Also, we will limit the ability to collocate with other nodes, to include future wireless possibilities with ISP companies like Midco which has recently expressed a desire to be a tenant on this tower. Limiting tower height does reduce flexibility, detrimentally affects propagation, and limits future options.

- b. One of the proposed towers has antennas at 120, 140, 160 and 180 feet. If the signal at 120 is adequate and we only have one or two carriers, why do we need a 180-foot tower?

It is the opinion of the committee that co-location of ALL carriers is the most economically viable solution, and provides citizens with more freedom of choice than a single carrier tower. A single carrier tower would effectively cause a monopoly, significantly limiting options and providing advantageous leverage to the carrier. The committee is confident that all carriers will be collocated on the tower.

- c. How will future changes to carriers potentially impact the site? Would additional components be added to the tower at future dates, to accommodate additional carriers, changing the tower dimensions over time?

As currently specified there are no expectations of any additions to the tower dimension, nor or in the future. The proposed lease contract does not allow for such a one-sided action.

- d. As additional carriers are added, how often is the site being accessed by operations and maintenance staff from these various companies?

Once installed, site visits are expected to be infrequent and scheduled. Typical frequency of site visits could be requested from those who have submitted proposals or from carriers directly.

5. **Community Survey:** Has the City conducted a survey of what carriers most residents use?
- The City and others use T-Mobile, which we've heard is not good service. Do we know how many residents subscribe to each provider?

No formal survey of residents has been conducted by the committee. The committee does not believe this would provide relevant information. Citizens, businesses, and visitors to Marine use all four (now three) carriers, and limiting our ability to serve all citizens appears counterproductive.

- Constructing a tower with only one or even two carriers – especially with few resident subscribers is unlikely to “solve the problem”.

A primary consideration of the tower design and location is to create competition and freedom of choice for citizens. The committee has been informed that AT&T, Verizon, and T-Mobile/Sprint have a strong interest in Co-location on a tower located in Marine due to longstanding issues of a lack of reliable coverage in the area. Co-location also improves the business case for each carrier, since they are sharing the lease costs with other carriers. Also note that all carriers currently have the same coverage gap.

6. **Future Lease Agreement:** Would a future lease agreement be structured to allow for addition or removal of carriers as cellular service technology continues to evolve (i.e. 4G, 5G, ...)?

The lease agreement review has not been finalized, and this could be explored as part of that process. This tower is for 4G only. 5G does not “run” off of a tower like what is being proposed. 5G uses a much shorter (but faster) radio frequency that works along line-of-sight. This means each node must see the other. 4G is for calling and data. 5G is primarily for data. Furthermore, 5G nodes are typically placed in the right-of-way on things like light or utility poles. They are of primary use in high-density population areas and transportation corridors. When 5G comes to the St Croix valley, it is unlikely to impact our neighborhoods, but likely to impact Hwy 95. The proposed tower has nothing to do with 5G. Separately, Councilmember Anderson is exploring limiting use of right-of-way by carriers and can have a separate discussion with the Planning Commission regarding that.

7. **DNR/WOSP:** We understand that the DNR is completing a GIS analysis to evaluate the view of a potential cell tower from William O'Brien State Park. When will that data be available?

The committee has not currently received specific information on such analysis. It is our understanding that in conversations with officials from the DNR, MN State Parks, and National Parks Service that the planned location and height was outside of the domain of regulations of these entities. This may be independently verified.

8. **Cell Service Priorities:** Much of the information provided to the Planning Commission prioritizes the need for cell service in the following order: 1. Public safety; 2. Economic viability for tele-commuters and local businesses, and 3. Resident convenience. We are interested to learn more regarding the public safety aspect – of residents, not visitors on the river in terms of the extent of needed propagation. And, in general, how was this priority list determined?

It is the committee's view that all three items are important priorities. The committee based this priority based on informal conversations with residents of Marine and city officials, including those involved in public safety. Washington County has also expressed support for the tower in regards to increased public safety readiness, to include geographical information for emergency call response, and increased efficiency in call times due to faster connections to the Washington County Emergency Communications Center. For example, 9-1-1 callers on a cell phone in Marine, if they are able to connect at all, are oftentimes connected to St Croix County since a tower is located there and provides low-quality propagation overlap.

The response to having reliable cell coverage has been overwhelmingly positive.

9. **Regional Discussions:** What type of communication/collaboration has occurred with other St. Croix River communities as part of this process?

As part of the process, city administrators from nearby townships, cities, and towns were contacted by committee members. The committee attempted to obtain specific references regarding the proposed developers. Responses were limited, since most communities build appropriate cellular tower infrastructure more than 10 years ago, and there has not been a need to develop more tower sites in those areas in recent history.

Councilmember Anderson has had recent contact with Scandia Councilmember Patti Ray to discuss possibilities to improve ISP service to both our communities through the possibility of wireless internet options (such as Midco) collocating on the proposed tower. There may be similar partnerships with May in the future.

ZONING CODE ANALYSIS

- Our initial research has informed us that the current zoning code is obsolete
 - o Current 45' tower height limit is unlikely to provide any wireless service needs in the community
- Any applications that would come forward would be held to that current standard

POTENTIAL NEXT STEPS

Prior to moving forward with next steps in its evaluation of the current cell tower proposals and potential research into broader approaches to cell phone service, the CTC requests a discussion with the City Council and full Planning Commission. To help frame this discussion, the CTC has identified the following potential additional considerations:

- Understand Public Safety Communications needs of government agencies, such as: Washington County Sheriff's Office, National Park Service and MnDNR, etc.
- Evaluate potential for regional collaboration with adjacent communities (i.e. May Township, Stillwater Township, Scandia)
- Research how other St. Croix River Valley communities are addressing cell service options (i.e. Bayport, Afton, etc.)
- Identify area cell towers and their current propagation mapping to better understand the priority areas within Marine in need of better cell service
- After additional study (above):
 - Engage in a broader community conversation to better understand resident concerns to aid in determining the best approach for cell service for Marine
 - Community survey? – service providers, coverage quality, What is an appropriate level of coverage? etc.
- Revise current cell service ordinance (i.e. consider small cell ordinance, tower ordinance etc.)
- Implement Cell Service Improvements in the Community

Cellular Tower Proposed Project

Prepared by the Communications Infrastructure Committee

Paul Anderson, Sara Rottunda, Andy Lapos, Kim Creager, Charlie Anderson

Why



Public Safety

911 & Geo-Location for:

- Residents
- Roadways
- Riverway

Fire, Rescue, and PD:

- Voice & Comms
- Data & Dispatch

Safety and Security of Residents



Commerce

Reliable Mobile Voice & Data for:

- Village businesses
- City government
- Telecommuters
- Visitors

Direct and indirect economic benefit



Quality of Life

- Reliable Mobile Voice & Data across community
- Lower costs
- Secondary backup
- Smart home & Security monitoring
- Community connections

Creates Community Connection and Opportunity

Who



- The city was contacted by two vendors interested in development of a cell tower site in Marine:
 - Powder River representing Uniti Towers (Curt Walter) - First contact Fall 2018
 - AvERge Group representing SMC/Vinco (Shelley Trampetti & Steve Anderson)
- Powder River:
 - Only pursuing one carrier (AT&T), which Powder River represents as real estate broker
 - AT&T would require proprietary period of tenancy
 - Uniti based out of Arkansas
 - Lower revenue
 - Pending requests for information not received
- AvERge Group:
 - Multiple carriers (T-Mobile, Verizon, AT&T)
 - Local (Hugo/Forest Lake)
 - Partnership-focused approach
 - Better initial lease terms (pre-negotiation)
 - Highly responsive to follow up request and active with requests of carriers (AT&T)

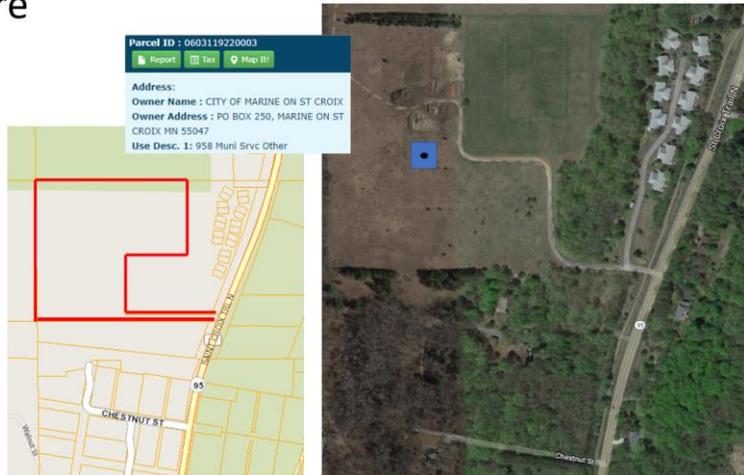
Recommend that City pursue AvERge/SMC/Vinco as exclusive project partner

Where



- **City-owned Parcel near Compost / Drain Field Selected:**
 - Should be viewed as pseudo-utility and on public land if possible
 - Variance to current tower ordinance would be required.
- Location selected as best overall option:
 - Best propagation (i.e. coverage) option
 - Co-location with other city services (I&I drainfield, compost)
 - Low visual impact as compared to other sites
 - High stand-off distance to nearest residences
- Other sites evaluated:
 - **40 acres/Public Works** (Low propagation given line-of-sight/topography shadowing, artificial lighting required, high visual horizon impact to Jackson Meadow and surrounds)
 - **School Property** (Infrastructure footprint and easement) would eat-up valuable real estate and limit future options/expansion, high visual impact and decreased residential stand-off distance to upper village and surrounds)
 - **Christ Lutheran Steeple** (Very low propagation, no stand-off distance, privately leased)

Where



What



- Terms:
 - Negotiated Lease
 - Easement
 - 100' x 100' standard fenced maintenance pad
 - 180' monopole with co-location for 4+ carriers (i.e. sub-tenants) at 120', 140', 160', 180'
 - Raptor platform
 - No artificial lighting needed
 - Tenant responsible for all maintenance, snow removal, mowing/landscaping, adverse impact to city property, general liability.
- Finances:
 - No cost to city
 - **Terms being negotiated, but currently asks for 35-year lease term with total revenue to city ~\$400k.**

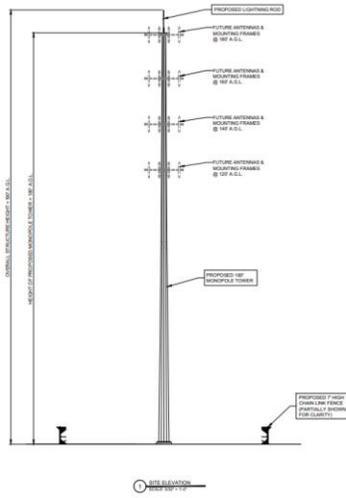
When / How



- Committee recommends:
 - **Sending project to Planning Commission for further joint analysis and study**
 - Depending on Planning Commission findings and recommendation on variance to existing cell tower ordinance, a joint committee/planning commission public meeting would be scheduled for a comprehensive presentation and community conversation
 - Public Meeting would include analysis of FCC health standards and subject matter expert on radio frequency emission standards

APPENDIX

Preliminary Site Plan – Site Elevation



Viewshed Legend



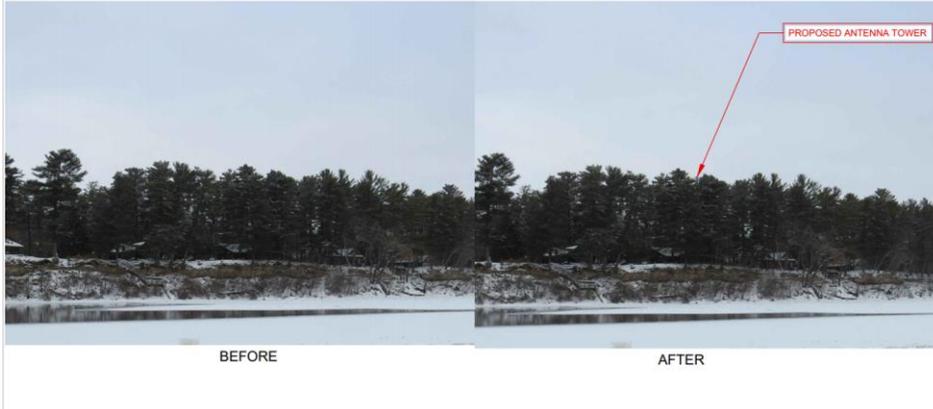
View 1 – Hwy 95



View 2 – Village Center

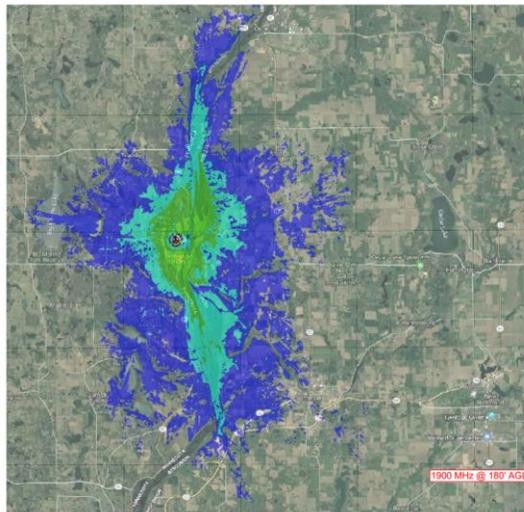


View 3 – River



Propagation

- Entirety of City covered by RF
- City enjoys strong signal saturation
- Residual coverage in all four cardinal directions outside city boundaries, especially to Hwy 95 and river corridors



CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
REGULAR MEETING

Monday February 24, 2020 – 7:30 pm
121 Judd Street – Village Hall

The City of Marine on St. Croix Planning Commission regular meeting of February 24, 2020, was called to order at 7:32 pm. Mrosła, Brenner, Spisak, Henry and Smitten present. Hagstrom and Sanderson absent.

Citizens Present: Brian Allen of All Energy Solar, John Waugh, Laurie Schmidt, Gwen Roden, Michael Tibbetts, Juli Hagstrom.

Public Hearing – Larry Whitaker – Variance Request

Mrosła opened the public hearing at 7:32 pm.

Larry Whitaker, 625 Pine Cone Trail, has requested a variance to install a ground-mounted solar array in the St. Croix Urban District. Brian Allen of All Energy Solar was in attendance to answer questions about the project.

Commissioners Henry and Smitten visited the site December 9, 2019. The proposed array would be adjacent to the garage, approximately 26.3 feet long, 12 feet deep and 11.5 feet tall, consisting of 16 panels.

Henry reported that the home satisfies the city’s criteria for considering a variance. The roof does not provide enough access to sunlight for a roof-mounted array. The proposed structure will not alter the character of the property or neighborhood. It is away from the river bluff. The applicants will install vegetative screening to soften the view from street, and several trees already stand between the proposed structure and street. Eight trees would be removed.

The request is consistent with comprehensive plan’s Housing Elements Goals and Policies, and aligns with the city’s General Guiding Principles regarding stewardship of natural resources. The structure does not pose a safety risk and is not expected to impact neighborhood property values. It meets national and state codes, and the vendor has installed other arrays in neighborhood.

Smitten noted that she and Henry applied the zoning code’s standards for a solar variance. In addition, they considered this as an accessory structure.

Resident Mike Tibbetts voiced his opinion that the city code should be clearer regarding microgrid generating. If the structures are considered equivalent to accessory buildings, it might provide leverage to someone wanting a larger garage, etc. He also suggested prairie-type plantings beneath the array, with a thick turf that establishes the same kind of carbon capture as the lost tree canopy.

Allen replied, saying these topics come up often regarding codes for solar. They are something to consider but in his experience, there can be something of a double standard. A city wouldn't require prairie plantings for other types of accessory structures.

Tibbetts agreed that the microgeneration put the array "ahead of the game" in terms of carbon.

Gwen Roden asked whether the impervious surface might be overloaded, or whether that is considered on something without a floor or roof?

Smitten noted that, adding together the garage (704 sq. ft.) and panels (315 sq. ft.), the Whitakers remain under the maximum square footage allowed for accessory buildings. Spisak noted that the Minnesota Pollution Control Agency has a requirement that 25% of the ground mount solar array surface area be treated as impervious surface. Based on commissioner Smitten's calculation and comments, the Whitaker array along with existing impermeable surface would not exceed the limits for that property.

The commission asked Allen for more detail on the panels and he explained that it is a 6-kilowatt array, and gave information about the manufacturer. Wires will be guarded at the bottom of the array using a black mesh. Hooking up to the home will require trenching across the private gravel road.

Ron Brenner noted that the array would be visually conspicuous.

Smitten agreed, adding that this was a site-specific evaluation.

Chair Mroska closed the hearing at 7:57 pm.

Brenner moved with Spisak seconding to recommend approval of the variance based on findings listed. The motion was approved unanimously.

Mill Stream Cottages Planned Unit Development

John Waugh updated the commission on plans for the Mill Stream Cottages PUD. Design changes include reducing the target number of houses to 25 (plus renovating the existing home). The question of how to handle wastewater is a top priority. They are making plans for a neighborhood listening session in March, and beginning to prepare materials for a formal application.

Brenner noted that city staff is seeking the city attorney's opinion on whether multi-family residences akin to the Stugas might be allowed.

Roden asked about plans for water and Schmidt answered that they are planning to have a shared water system.

Short-Term Rental Ordinance: Set public hearing date

The commission briefly discussed the joint meeting with council February 19.

Spisak moved to set a public hearing for the April 28 Planning Commission meeting, 7:30 pm. Brenner seconded and the motion was approved unanimously.

Zoning Code progress update

Commissioners agreed to add topics for review to the group's spreadsheet before the next meeting.

Staff will email a note to commissioners with links to the latest version of the zoning code and the spreadsheet, with a reminder to add topics.

Cell Tower

The current plan is for Spisak, Smitten and Sanderson to together and bring a list of priority items to the larger commission.

According to Smitten, various resources are available to the group including a model ordinance and other documents specific to the St. Croix Valley. These were written after the 1996 Telecommunications Act. She also suggested looking at St. Croix County's wireless comm ordinance, which was updated in 2015. She would like the commission to take a step back and evaluate whether a variance is necessary.

Spisak noted that the League of Minnesota Cities also has a resource.

The small group will meet to create a list of topics to address.

Approval of January 2020 minutes

Smitten requested that the minutes be revised to read "sewer" rather than "septic" in the Kennedy public hearing, as the property is connected to city sewer.

Brenner requested a revision to the Mill Stream Cottages section regarding duplexes, change "fatal flaw" to "area of concern."

Brenner moved to approve the minutes with the two requested notations. Spisak seconded and the motion was approved unanimously.

Mroska will be absent for next council meeting. The assistant clerk will update the council on the planning commission meeting.

Adjournment

Brenner moved and Spisak seconded to adjourn at 8:46 pm. Motion passed unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk.

CITY OF MARINE ON ST. CROIX

PLANNING COMMISSION

EMERGENCY MEETING

Thursday, April 9, 2020 – 9 am

Virtual meeting via Zoom

Present: Chair Mrosla, commissioners Henry, Smitten, Spisak, Sanderson, Brenner, Hagstrom, Councilman Bill Miller

Chair Mrosla called the meeting to order at 9:01 am, and explained that the purpose of the meeting was to delay the April 28 public hearing on the Short-Term Rental Ordinance, due to limits on public gathering related to the Covid-19 pandemic. To protect the planning process, the council was planning to extend the moratorium by 60 days at its next meeting, and the city attorney had drafted a resolution to do so.

Commissioner Smitten asked whether the commission needed to reset the date immediately, and what the commission could do to assure homeowners that this would be at the top of the commission's list once people can reconvene.

Commissioner Spisak noted that the commission would have to have the meeting by the end of July, and give proper public notice. If public gatherings were not safe by then, it's possible that online platforms will be more robust and able to handle a large public meeting by then.

Commissioner Sanderson asked whether the council considered lengths other than 60 days, and Councilman Miller explained that the length was based on the opinion of the city attorney under current circumstances.

Spisak moved and Smitten seconded to postpone the April 28 public hearing for short-term rentals, due to the Covid-19 pandemic, to a date to be set at a future time.

Roll call vote.

Mrosla - Aye

Brenner - Aye

Spisak - Aye

Henry - Aye

Smitten - Aye

Hagstrom - Aye

Sanderson – Aye

Motion passed unanimously.

Spisak moved and _____ seconded to adjourn.

Roll call vote.

Mroska - Aye

Brenner - Aye

Spisak - Aye

Henry - Aye

Smitten – Aye

Hagstrom - Aye

Sanderson - Aye

Motion passed unanimously.

Meeting adjourned at 9:16 am.

Minutes taken by Suzanne Dammann, Assistant City Clerk