

**CITY OF MARINE ON ST. CROIX**  
**PLANNING COMMISSION**  
**REGULAR MEETING**

**Tuesday, July 28, 2020 - 7:30pm**

**Via Zoom**

1. Call to Order
2. Public Hearing for Variance - Dan Willenbring – 400 Tanglewood
3. Variance – Tim Casey – 1051 Nason Hill North
  - Set public hearing
4. Wireless Communications Ordinance progress update
5. Zoning Code progress update
  - Set date for next workshop
6. Approval of minutes:
  - June 30 regular meeting
  - July 14 workshop
  - July 22 public hearing
7. Adjourn

**How to join virtually**

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

Or call: 1-312-626-6799

Meeting ID: 474 192 0648

One tap mobile: +13126266799,,4741920648#

**Marine Planning Commission  
Variance Request Facts and Findings**

**Report date: July 22,2020**  
**Public Hearing date: July 28, 2020**

**REQUESTED BY: Dan Willenbring, 400 Tanglewood Lane**

**Variance Request**

**Case No. 07 02 26 01**  
**Address: 400 Tanglewood Lane**  
**Tanglewood Subdivision, Lot 1, Block 2**

Background

The Applicant requested and was approved for a side yard setback variance and for a detached accessory building located in front of the principal structure variance on June 12, 2012. The structure has not been constructed and the variances expired. The Applicant's request is the same as in 2012 except the structure is proposed to have a maximum height of 22', which is 2' feet taller than the original request.

The applicant's objective is to build a detached garage for yard maintenance equipment, with capability for storing a vehicle, and for general home ownership related storage. The building size is 16' X 40', with an appendage of 8' x12'. Plumbing is not proposed in the structure. The structure would be placed generally in the south and east area of the property. The property is located in the Single Family Residential (SFR) zoning district.

The following variances are requested:

1. Side yard setback variance of 19'  
Ordinance 402.3(3)(a) and 504.8(4)(e)(2) require accessory buildings in the SFR to be located outside of the 20' sideyard setback.
2. Detached accessory building located behind the principle structure. Ordinance 402.3(3)(b) and 504.8 (4)(a)(1) require all detached accessory buildings to be located behind the rear-most building line of the principle structure.

Findings of Fact

1. The property is located in the Single Family Rural District. The present structure, a single family house with a two stall attached garage (size 24' x 24') is the principal structure and the only structure on the parcel. The house conforms to the City's Comprehensive Plan and Zoning Ordinance 504.2 (1), and 504.3 (1) and (5) specifies storage buildings, in the absence of variances, are a permitted accessory to a single family residence.

2. The land parcel is 3.67 acres in area; the house served from the east by a driveway from Tanglewood Lane about 250' feet in length. The combined house, attached garage and drive areas are within the allowed impervious surface amount.
3. The survey shows the house positioned close to the south edge of the lot; visual examination shows the house positioned a short distance from an area of increasing downslope to the west; examination also shows an open field to the north. Positioning is compliant with setback requirements of 504.8 (4) (e). There is no change proposed in the use of the house.
4. The locations of the house and driveway pre-date the present ownership.
5. Other property owners in or near Tanglewood have accessory buildings to expand on-site storage area beyond that provided by a two stall garage, examples being 1011 Nason Hill Rd. and 15991 Paul Ave. No.
6. A submitted sketch shows a proposed building with overall size (16' x 40', with an appendage 8' x 8') and height (19'). Its building envelope is imposed on a submitted copy of the survey.
7. The proposed building area is 736 sq ft, compliant with 402.3(3)(b)(ii) requiring the building footprint to be less than 750 sq ft.
8. Proposed building height maximum is 22', which is less than the 26'9" height of the principal structure.
9. Per inspection, the areas south of the house and driveway, and thus adjacent to and into the next lot (Lot 2), rise in elevation and are wooded, primarily with conifers.
10. The survey shows a drainfield downslope to the west of the house.
11. The proposed accessory building will be screened from adjacent homes by distance (300' or greater) and many trees; and its visual effect on the nearest occupied property, the driveway to Lot 2 (52' to 58' from the proposed building), will be minimized by intermittent trees and its position 6-8 ft. downslope which will decrease the apparent height.
12. The proposed accessory building, if located to the east of the house and south of the driveway as shown, would be located in an area constrained by the south lot line and driveway. The proposed building widths of 16 to 24 ft, when added to the prescribed setback, are larger than the available width. The proposed setback is 1 ft.
13. The proposed location of the building, by its positioning between house and Tanglewood Lane, places least demand on the property:
  - being located adjacent to the present driveway requires little added access surfacing and little increase in impervious surface

- alternate positions to the west, as constrained by access routes over reasonable slopes and away from neighbors' viewsheds, would require a) additional driveway on a significant downslope, estimated at 150' in length dependent on exact location, with attendant impervious surface and increase in runoff issues, and b) location near or on the redundant area required by the City's land use regulations for a future drainfield, and c) potential extensive tree removal.
  - an alternate position in the open area north of the house is more visually obtrusive to the owner and to Tanglewood Lane, and would be placed in the otherwise open viewshed of 15991 Paul Ave; note the emphasis placed by the City on viewsheds in the Land Use/Rural Residential section of the Comprehensive Plan, also in the Zoning Ordinance Section 504.
14. The proposed orientation of the accessory building places its narrower dimension facing Tanglewood Lane. This orientation will minimize its apparent size to the public, and if the present screening between house and street should cease to exist, would minimize its apparent size with respect to the house.

Findings Specific to the Consideration of Variances:

1. *Does the landowner propose to use the property in a reasonable manner not permitted by the zoning ordinance?*
  - a. The addition of a detached garage is a reasonable use for a single family residential property.
2. *Is the plight of the landowner due to circumstances unique to the property not created by the landowner?*
  - a. The owner has not created the vegetation nor landscape difficulties unique to the site. The lot orientation to woodland and prairie areas in addition to slopes make the difficulties unique to this site.
  - b. The house existed when the landowner purchased the property.
3. *Will the variance, if granted, alter the essential character of the locality?*
  - a. The variance would not alter the essential character of the locality. The one-story addition will be of a scale consistent with the existing home and other neighborhood homes.
  - b. No adjacent neighbors would be adversely impacted by the addition location and configuration.
4. *Will the variance, if granted, be in keeping with the spirit and intent of the City Zoning Ordinance?*
  - a. Disregarding possible variances, the proposed use is permitted by and consistent with the spirit and intent of the Zoning Ordinance, as described above.

5. *Will the variance, if granted, be consistent with the Comprehensive Plan?*

- a. The applicant proposes a use that is consistent with the Comprehensive Plan and the location further implements Comprehensive Plan policies related to natural resource protection, viewshed consideration, stormwater management (area proposed decreases impervious surfaces compared to alternate locations), protection of trees and vegetation, and protection of area for alternate drainfield site.

Recommendation:

Planning Commission Volunteers recommend Approval for the variance request, as presented, with conditions based upon the following:

- 1) The existing vegetation (tree) screening of the proposed structure be retained.
- 2) The materials and colors of the proposed structure are architecturally consistent with the primary structure.
- 3) Doors and windows facing the street are architecturally designed to mimic a residential structure, for example, trimming the windows and doors and having the surface of the larger access door be of comparable materials to the siding of the structure or house.



# CASEY GARAGE ADDITION

## SHEET INDEX

- T - TITLE SHEET
- A - SITE PLAN
- B - FLOOR PLAN
- C - ROOF PLAN
- D - NORTH ELEVATION
- E - NORTH-WEST ELEVATION
- F - WEST ELEVATION
- G - SECTION
- H - ELECTRICAL

## PROJECT LOCATION

1051 NASON HILL ROAD NORTH  
MARINE ON ST. CROIX, MN 55047

## CONTACT

TIM CASEY  
612-212-8002  
CASEY.TIM11@GMAIL.COM

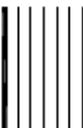
## ACCESSORY BUILDING FOOTPRINT AREAS

EXISTING GARAGE = 484 SQUARE FEET  
PROPOSED GARAGE ADDITION = 437 SQUARE FEET  
PROPOSED STUDIO BUILDING = 560 SQUARE FEET  
TOTAL = 1,481 SQUARE FEET



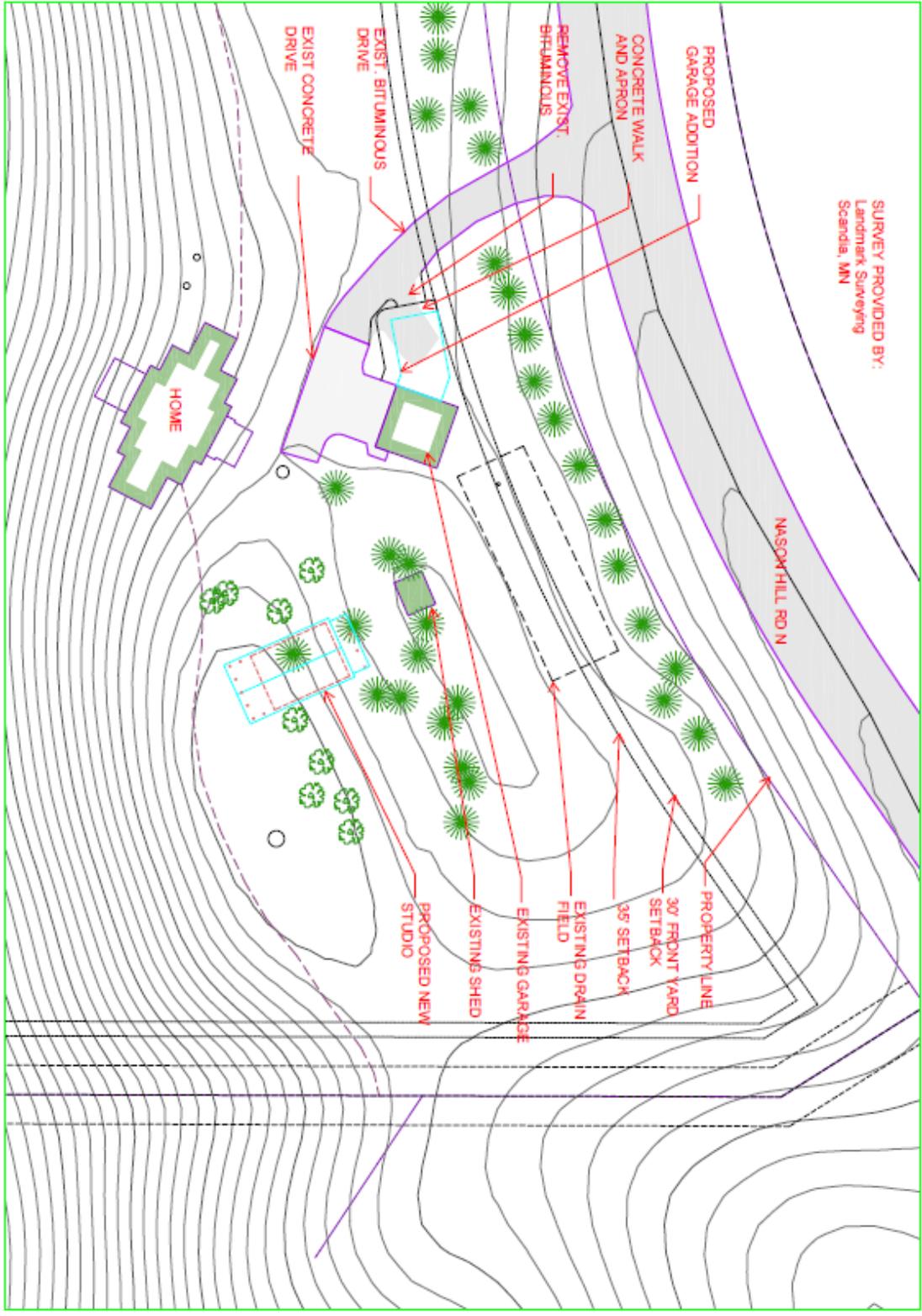
CASEY ARCHITECTS  
1300 NASH ST. NORTH  
MINNEAPOLIS, MN 55403  
www.caseyarchitect.com

CASEY  
GARAGE  
ADDITION



T

SURVEY PROVIDED BY:  
Landmark Surveying  
Scandia, MN



CASEY ARCHITECTS  
2025 North Lake Street  
Scandia, MN 55973  
507.835.1234  
www.caseyarchitects.com

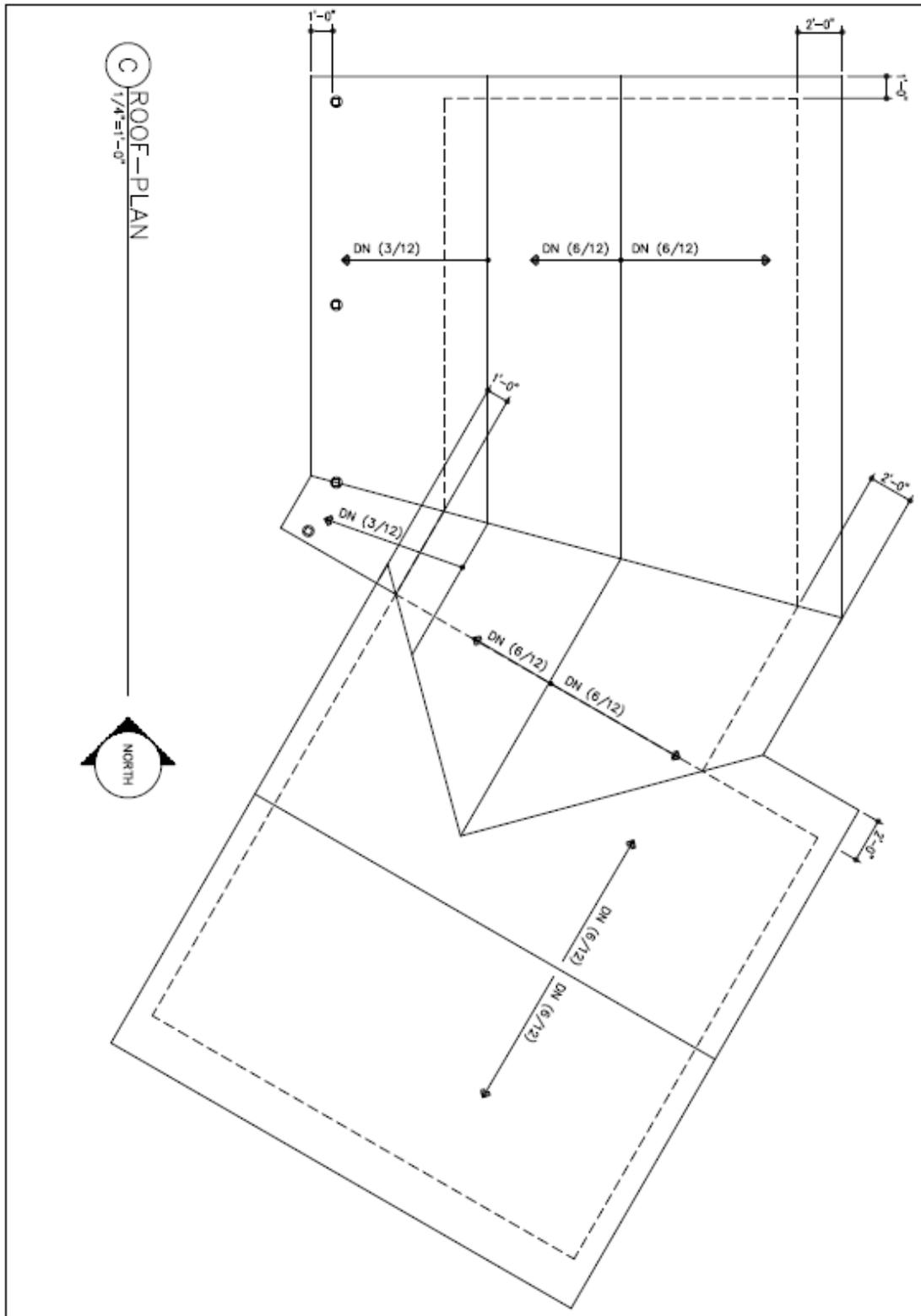
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SITE PLAN

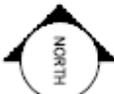
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OWNER	XXXXXXXXXX

A





C ROOF-PLAN  
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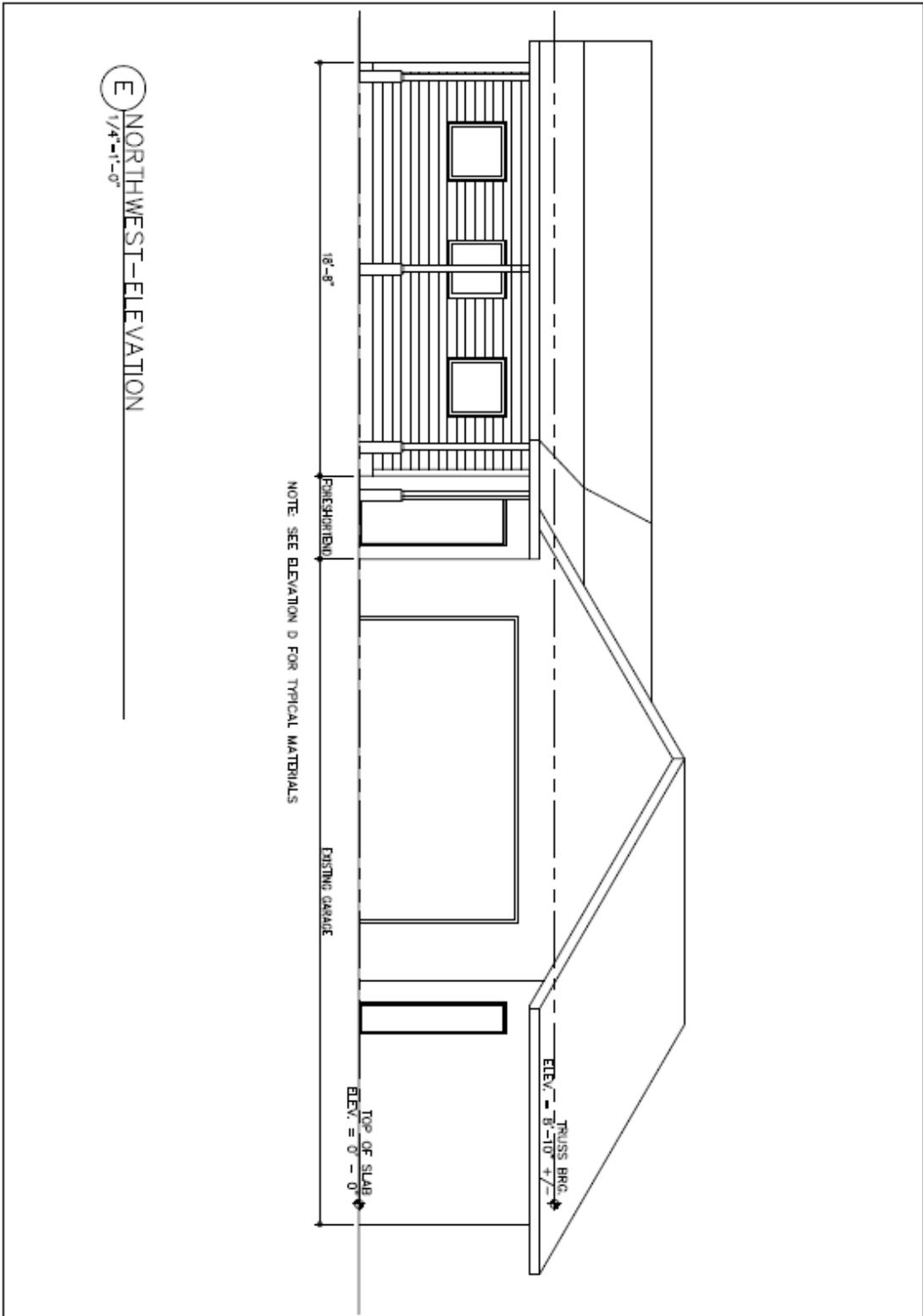
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C


  
 CASEY ARCHITECTS  
 2005 SOUTH MAIN STREET  
 SUITE 100  
 DENVER, CO 80202  
 (303) 733-1000  
 www.caseyarchitects.com

CASEY  
 GARAGE  
 ADDITION





**E** NORTHWEST-ELEVATION  
1/4"=1'-0"



CASEY ARCHITECTS  
2300 SOUTH 101 WEST  
MURKIN, UT 84053  
PHONE: 435.226.1100  
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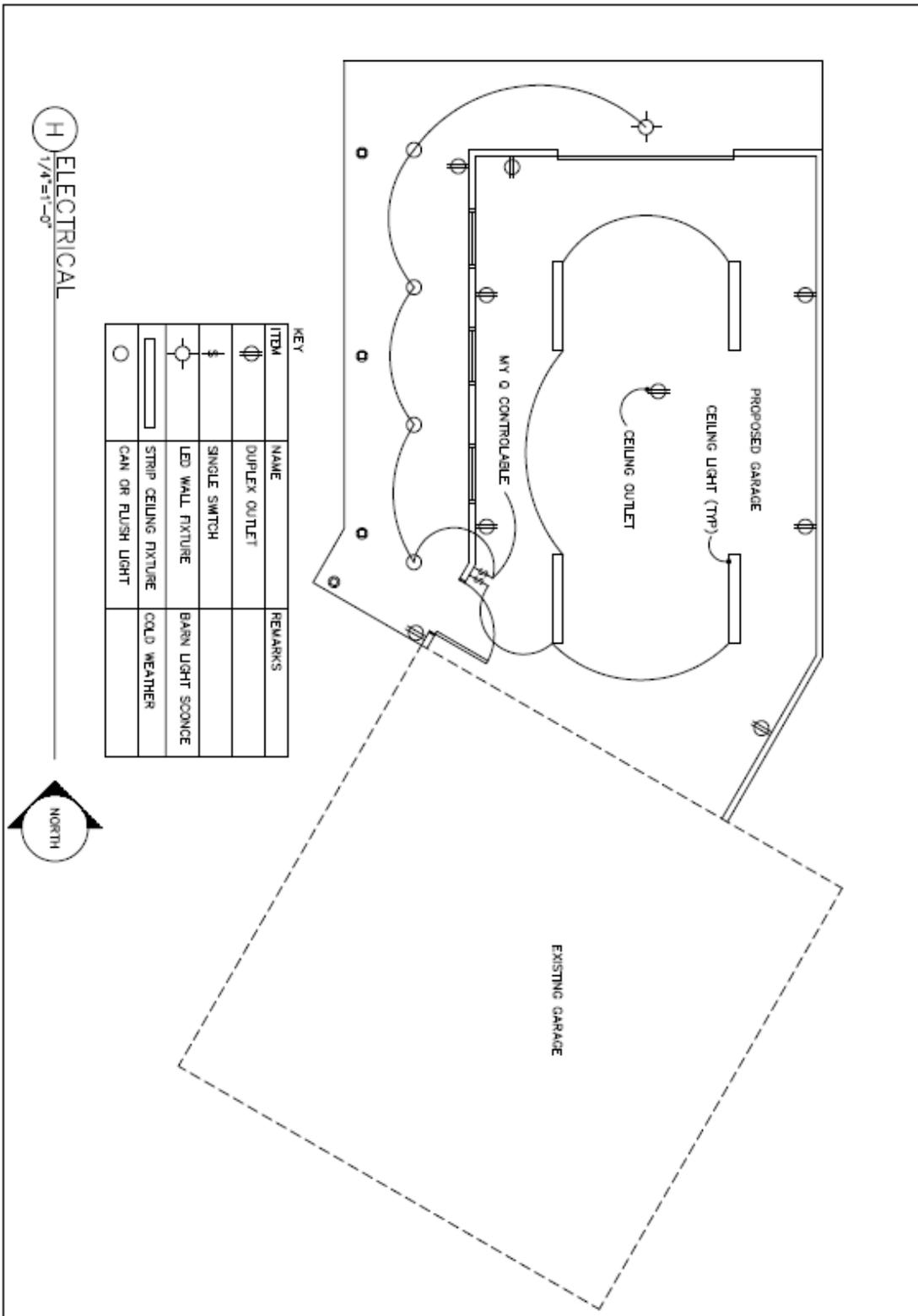
CASEY  
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SHEET: \_\_\_\_\_  
**E**







KEY

ITEM	NAME	REMARKS
⊕	DUPLEX OUTLET	
⚡	SINGLE SWITCH	
⊖	LED WALL FIXTURE	BARN LIGHT SOURCE
▭	STRIP CEILING FIXTURE	COLD WEATHER
○	CAN OR FLUSH LIGHT	

H ELECTRICAL  
1/4"=1'-0"



CASEY ARCHITECTS  
3000 WEST 10TH AVENUE  
DENVER, CO 80202  
www.caseyarch.com

CASEY  
GARAGE  
ADDITION

DATE: \_\_\_\_\_  
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 CHECKED BY: \_\_\_\_\_  
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**CITY OF MARINE ON ST. CROIX**  
**PLANNING COMMISSION**  
**MINUTES**

**Tuesday, June 30, 2020 – 7:30 pm**  
**Virtual Meeting via Zoom**

The City of Marine on St. Croix Planning Commission regular meeting of June 30, 2020, was called to order at 7:34 pm. Present: Chair Gerry Mroska, Commissioners Jennifer Henry, Scott Spisak, Kristina Smitten, Ron Brenner, Ed Sanderson.

Citizens present: Dan Willenbring, Tim Casey, Barb Casey, Wendy Ward, Larry Martin, John Goodfellow, Gwen Roden, Kitsi Vadheim, Juli Hagstrom, Jim Maher, Marcia C., Mary Whitaker, Gayle Knutson.

Variance - Dan Willenbring – 400 Tanglewood Lane

Mr. Willenbring hopes to construct an accessory building to the south of his driveway, which would require two variances: one for setback and one for placing a building in front of the house. He was approved for both in 2014, but did not follow through with construction as his focus turned to the health of his parents. Nothing has changed since then, except that he has transplanted a large pine for more screening. He is requesting to increase the structure's maximum height from 20 feet to 22 feet. It would still be lower than the primary residence.

Chairman Mroska reiterated that the variances were approved but had sunset, and suggested setting a public hearing for July. Commissioner Smitten recalled that she and Jack Warren had visited the site in 2014, and noted that the process has changed regarding the criteria for practical difficulties vs. hardship.

*Smitten and Mroska will do a site visit.*

*Commissioner Brenner moved and Spisak to set the public hearing for 400 Tanglewood Lane for Daniel Willenbring for July PC meeting. Seconded by Spisak*

*Roll call vote: Mroska – Aye; Spisak – Aye; Sanderson – Aye; Smitten – Aye; Henry – Aye; Brenner – Aye. Motion approved unanimously.*

Willenbring will formally apply in early July.

Variance Pre-application – Tim Casey – 1051 Nason Hill Road

Mr. Casey is looking to add a single stall onto the existing garage, which is nonconforming because it is in front of the house. The home is bordered by steep hills.

Mroska noted that there are practical difficulties at the site and asked for volunteers to visit the site.

*Ron Brenner and Gerry Mroska volunteered to do a site visit.*

### Short-Term Rental Ordinance

Mroska requested that the commission reinsert the 14-day maximum per calendar month to section 5J. Spisak was also in favor, in part because it supports the logic of the 72-day annual maximum and precludes more intense usage per month.

Smitten noted that the committee was fine with that a couple of months ago. Henry and Sanderson voiced support.

Councilmember Roden noted that the two-weekend limit was meant to prevent rental for more than many days per month.

*The commission decided to reinsert the 14-day maximum.*

5-1 – “shall” vs. “may”

*Keep “shall” based on Snyder’s opinion.*

Section 4-A

*Use Snyder’s recommendation for “by the city” and “in the city.”*

Rentals per District

Smitten reported that some commissioners did not agree with the opinion of some council members that that 2 was consensus. The committee had recommended a higher number and 2 was agreed on with the contingency that more could be allowed by council discretion. As Commissioner Hagstrom pointed out, the discretionary licenses were later pulled from the ordinance.

Sanderson said he agreed that two was not a consensus, as it was discussed in relation to other factors that had not yet been established.

Henry agreed, and Gwen Roden via chat.

Mroska said this was also a lesson in process during workshops, having a mutual understanding at the meeting of whether things are agreed on.

## Citizen Comments

Smitten noted that she wants residents to know their comments are seen and considered. Because of open meeting laws commissioners are not always able to respond, but citizen comments are valued.

Mroska noted that without citizen comments the draft would look very different.

## Set Public Hearing for Short-Term Rental Ordinance

Prior to the hearing, public notice must be posted (minimum 10-day notice). The draft must be updated and reviewed by Attorney Snyder. The commission will be notified of changes and the draft will be posted for public review.

Logistics are being worked out for how to hold the meeting in person and via Zoom simultaneously.

*Spisak moved and Smitten seconded to set the public hearing for the proposed STR Ordinance on July 22, 7:30 p.m., location either City Hall or School property. Roll call vote: Mroska – Aye; Sanderson – Aye; Henry – Aye; Spisak – Aye; Smitten – Aye; Brenner – Aye. Motion approved unanimously.*

Commissioner Smitten requested that short-term rental sample materials be re-published on website, with the note: “subject to update once ordinance has passed.”

## Wireless Communications Infrastructure – progress update

Commissioner Spisak reported that he, Smitten and Sanderson have been working on this matter since February. Their first assignment was to review whether the current ordinance could accommodate the city’s present communication needs. They recommended to the council in April that the ordinance be updated, including 5G and small cell, lest that be foisted upon Marine. The group is working on a Wireless Communications Ordinance. Any cell tower technology or consideration of a proposal would come after the ordinance is written. Next steps include reviewing and understanding adjacent communities’ ordinances, regional needs, where coverage gaps are, and proposed service levels.

Sanderson noted that the commission is looking at the community’s needs, not rewriting the ordinance to fit any proposal before the council.

Smitten added that the committee has met to ask what the next steps are and what needs to be understood as they work on this.

### Zoning Code – progress update

Mroska reported that the most recent review went to Section 508.5. The commission is well on its way putting this together. Once it's reviewed, they'll start filling in the gaps. He requested a meeting in July.

*Suzanne will send out a poll to set a workshop date for the week of July 13.*

### Approval of Minutes

*Smitten moved and Sanderson seconded approval of the minutes of the May 26 regular meeting. Roll call vote: Mroska – Aye; Sanderson – Aye; Spisak – Aye; Brenner – Aye; Smitten – Aye; Henry – Aye; Minutes approved.*

*Spisak moved and Smitten seconded approval of the minutes of the June 2 workshop. Roll call vote: Mroska – Aye; Spisak – Aye; Sanderson – Abstain; Brenner – Abstain; Henry – Abstain Smitten – Aye. Minutes approved.*

*Minutes of the June 16 workshop were informally approved, as this was a workshop without a quorum.*

### Adjournment

*Smitten moved and Sanderson seconded to adjourn at 8:32 pm. Roll call vote: Mroska – Aye; Sanderson – Aye; Brenner – Aye; Spisak – Aye; Smitten – Aye; Henry – Aye;. Motion passed unanimously.*

Minutes taken by Suzanne Dammann, Assistant City Clerk.

**CITY OF MARINE ON ST. CROIX**  
**PLANNING COMMISSION**  
**SPECIAL MEETING: SHORT-TERM RENTAL ORDINANCE**  
**MINUTES**

**Tuesday, July 14, 2020 – 7:00 pm**

**Virtual Meeting via Zoom**

The City of Marine on St. Croix Planning Commission special meeting of July 14, 2020, was called to order at 7:06 pm. Present: Chair Gerry Mroska, Commissioners Scott Spisak, Jennifer Henry, Kristina Smitten

Citizens present: Mayor Glen Mills, Councilmembers Gwen Roden and Lon Pardun, Attorney Dave Snyder, Mary Whitaker, Kitsi Vadheim, John Waugh, Mary Vogel.

**Short-Term Rental Ordinance**

The commission reviewed the draft ordinance in light of changes drafted by City Attorney Dave Snyder and Clerk Lynette Peterson.

Attorney Snyder explained that language had been added to confine short-term rental (STR) use to principal homesteads, and to prohibit dedicated STRs. He had questions about whether, in the case of “homesteaded” rentals, the commission wanted to require the owner to be present during the rental or during a specified time of year. He noted they had bolstered some of the violation language to illustrate that if the use wasn’t expressly permitted it would be a violation. Snyder also discussed methods of inquiry and enforcement regarding the requirement for homeowners to reside in the house for a specified period of time during the year. Explaining why the language was changed around trusts and LLCs, Snyder called it a suggestion, noting that none of the proposed changes were particularly strongly recommended. There are some LLCs owned by individuals which exist for estate planning purposes and not a commercial undertaking. If the ultimate requirement was that the owner live in the house, you’d probably be preventing most commercial enterprises. A flat prohibition on alter-ego ownership, an LLC or trust, is probably going to sweep up some legitimate enterprises. Whether that’s a legitimate reason in your mind is a question for you to answer.

Chairman Mroska noted that his cabin on the St. Croix was an example of this.

Snyder added that none of his suggested changes were made because of a mandate.

Commissioner Henry asked whether it would be easier to be challenged if the city was overly restrictive in not allowing LLCs. She had checked about 20 other cities' ordinances and none of them have prohibited LLCs. She also suggested adding a definition for "responsible person?"

Snyder said, noting that it's not a regulating tool other cities have used is probably suggestive. If you do contemplate that you would allow a trust or LLC, it is crucial that you keep on record contact information for a responsible person. You can't charge an LLC with a misdemeanor violation.

Commissioner Smitten voiced support for removing the natural person language to allow an LLC as long as a responsible person is included on the application. The ordinance does say right after that, "dedicated STRs not allowed."

Snyder suggested bolstering the language "must be for primary use by the owner" with specific, objective criteria because a court would have a hard time enforcing that without more. Requiring it to be homesteaded would be an objectively determinable criterion. Another is a certification that the owner be present, which could be misrepresented. Another would be that you're actually there during the time of the short-term rental. If the overarching requirement is that the property is kept for an individual's use and enjoyment, we need to come up with objectively confirmable criteria.

Smitten recalled a conversation in March when Snyder suggested having applicants sign an affidavit of use that is notarized, and asked whether Snyder still thought that might be an appropriate tool.

He did, adding. "Like you say it's subject to evasion, but a lot of things are. The ordinance can be changed if you decide you need another certification."

Commissioner Spisak added, in reference to the phrase "no dedicated vacation rentals," that "dedicated," might not be quite the right word. Maybe we state "no vacation rentals solely for commercial purposes." Do we have something that would withstand a challenge?

Snyder said they could add to the certification requirement some objective criteria "used and occupied by its owner for a certain number of weeks and months a year." Then add in, "Anything else will be considered a dedicated vacation rental and will not be permitted."

Smitten recalled that initial conversations leaned toward requiring that STR owners have to stay in the property more nights than they rented. Most recently we landed on limiting the number of days per month and year. Could we add in that their affidavit must show that they stayed at the property more days than they rented it out? If they're using it primarily for their own use and enjoyment, they should be there more days than it's rented.

Snyder said this was possible.

Spisak asked commissioners if they were satisfied with the maximum days per month, weekends per month and days per year. They were generally in support.

Smitten voiced concern with the language added around Primary Residence. Someone applying for a license would have to live in the property for at least six months.

Snyder said he and the clerk were aiming for language that would show that the person used it for their own enjoyment. That was just one potential standard that would be more objective. The definition could be modified to reflect a different time frame.

Commissioner Spisak asked about the public hearing and approval process for the ordinance, specifically whether it was acceptable to change the draft after the hearing.

Snyder said it is permissible and even expected to make changes as part of the dialog with the public. Once you decide on the LLC and Primary Residence the rest should fall into place pretty quickly. He offered to revise the draft by Thursday and send it back to the PC.

Mroska added that he'd like staff to put it on the website by Friday.

Councilman Lon Pardun asked whether the city needed to be more specific about the Purpose in case, for instance, the council needed to take someone's license away.

Snyder said this was a good suggestion and it's necessary to add language that explains why it's desirable to have STRs but to regulate them.

Spisak noted that the premise was primarily promoting permanent residential use in the community because then we have people volunteering and contributing to the community.

Smitten added that the comprehensive plan talks about how, as a small community, volunteerism is very important. Encouraging permanent residency doesn't ensure that people will volunteer, but it creates the conditions for engagement in the community.

Snyder proposed adding language like that to the purpose to show that the commission tried to balance all these concerns.

Councilwoman Gwen Roden noted that "dwelling unit" was not defined. Snyder said he would delete "unit" throughout, and the new definition of Primary Residence will handle that concern.

Snyder noted that hosted rentals required owners to be present. Do you want them to be there the whole time, or during some material times, such as during the overnight sleeping hours?

Spisak said being there during the overnight hours would clarify that, and that might be the time of most concern for the community. Smitten concurred.

Roden noted that the Schoolhouse Apartments were currently the only multi-unit dwelling, but the committee wanted to leave it open-ended, in case other multi-unit housing was created in town. Later in the ordinance we do refer specifically to the School House Apartments. What do you think, Commission, should be just use School House Apartments?

Smitten thought it better to refer to the use, because the Schoolhouse Apartments could turn into something else.

Snyder offered to add language specifying “multi-family dwellings in use at the time of this ordinance,” and added that he would turn the draft in by close of business Thursday, if not before.

Mroska suggested getting back to zoning codes the first week or two of August. Suzanne will send out a Doodle poll.

### Adjournment

*Henry moved and Spisak seconded to adjourn at 8:09 pm. Roll call vote: Mroska – Aye; Spisak – Aye; Smitten – Aye; Henry – Aye;. Motion passed unanimously.*

Minutes taken by Suzanne Dammann, Assistant City Clerk.

**CITY OF MARINE ON ST. CROIX**  
**PLANNING COMMISSION**  
**PUBLIC HEARING: SHORT-TERM RENTAL ORDINANCE**

**MINUTES**

**Wednesday, July 22, 2020 – 7:30 pm**

**550 Pine Street and via Zoom**

Present: Chairman Mrosła, commissioners Spisak, Smitten, Hagstrom, Henry. Absent: Commissioners Brenner and Sanderson.

Citizens present: Dave Snyder, Christine Maefsky, Eric Larsen, Jeff Comins, Laurie Schmidt, John Waugh, Leslie MacKenzie, Peter Foster, Jenny Johnson, Andy Kramer, Karen Kramer, Larry Whitaker, Mary Whitaker, John Goodfellow, Kirsten Vadheim, Jeannie Davis, Mary Vogel, Kim Creager, Mike Tibbetts, Cecily Harris, Lon Pardun, Pat Pardun, Glen Mills, Bill Miller, Gwen Roden, Larry Martin, Nancy Cosgriff, Carissa Roach, Linda Tibbetts, Mary Fernstrum, Sara Rottunda, Tom Omdahl, Wendy Ward, Bill Masche.

Chairman Mrosła called the hearing to order at 7:32 p.m. He noted that primary purpose for creating an ordinance governing short-term rentals (STRs) is so that they do not go unregulated and alter the character of the Marine.

Commissioner Smitten introduced the draft, noting that citizen input was gathered and used throughout the process of drafting the ordinance. She highlighted several points of the ordinance, including that rentals would only be allowed at properties held primarily for the owner’s personal use as opposed to commercial use, the number of rentals allowed per district, maximum number of rental days allowed at a property annually, and how enforcement will be handled.

**Public Comment**

The assistant clerk read a letter submitted by **Councilman Charlie Anderson**, who could not attend the hearing, expressing general support for the draft ordinance. (See attachments for full letter.)

**Karen Kramer** voiced the opinion that the ordinance does not consider the rights of existing homeowners to live in a non-commercial neighborhood. She proposed requiring STR owners to get permission from adjacent neighbors annually. (See attachments for full letter.)

**Andy Kramer** asked for clarification on whether owners of multi-family dwellings such as the Schoolhouse Apartments would be required to stay at the property for more nights than they rented it. The commission clarified that that was not the case, and agreed with Mr. Kramer that the ordinance could be clarified on that point. Mr. Kramer pointed out that the apartments were subject to two exceptions: they were not counted toward their district’s maximum and the owner was not required to reside there. Commissioner Smitten pointed out that the purpose of an apartment building is not for the owner’s own use and enjoyment. Mr. Kramer said he believed more information was needed on the impacts these exceptions would have on the community.

Mr. Kramer also asked for clarification on the definition of bedroom. Attorney Dave Snyder answered that bedroom was defined in the ordinance. Additionally, it is a term familiar to building officials, among others.

Mr. Kramer asked if the city intended to verify the number of bedrooms claimed by homeowners, or check the safety of rental units including smoke detectors and CO<sub>2</sub> detectors. Attorney Snyder clarified that inspections could be conducted when the city deemed necessary. Mr. Kramer voiced the opinion that STR owners should be required to show records of how many nights they occupied the house. Commissioner Hagstrom later pointed to Section 5I, in which the city requires each STR owner to submit accurate affidavits of use, detailing occupancy, annually.

**John Goodfellow** commended the ordinance's Findings and Intent, noting that it acknowledged that the city is introducing a nonresidential use into residential neighborhoods. Regarding definitions, "days" is used frequently in the ordinance but is not defined. He supported the prohibition on events at STR properties, and advocated for reducing the number of licensed properties per district from three to two. He voiced support for the existing limits on rental days, saying they would limit STR use to half-time in summer months. He cautioned the city to move slowly, saying it is easier to relax limits than to restrict them. (See attachments for full letter; also signed by **Kirsten Vadheim**.)

**Cecily Harris** pointed out that STRs will have different impacts in different parts of town. She noted that she lives on Broadway, a busy street where some additional traffic and noise would have minimal impact on neighbors. When she bought the 4-bedroom home, she envisioned hosting a weaving retreat and allowing the teacher to spend the night. Would an event such as this be limited under the ordinance? Attorney Snyder said it would not. Ms. Harris asked what the license application fee would be. Attorney Snyder answered that it would be set annually based on the cost to the city, including staff hours and materials. Ms. Harris asked how licenses would be awarded. Chair Mroska answered, on a first-come, first-served basis.

**Larry Whitaker** recognized the effort the commission had put into the ordinance. He critiqued several points, including referring to paying customers as "transient guests;" that there had not been a comprehensive cost-benefit analysis on the impact of STRs in Marine; that neighbors should have veto power during the annual renewal process; that verification processes were unclear and possibly not enforceable; that the city was allowing "corporate persons" to run STRs; that three rentals could potentially cluster in a neighborhood; and that he believed the ordinance should be part of the election. (See attachments for full letter.)

Attorney Snyder answered that often times alter-ego entities such as LLCs, trusts and corporations, are used for reasons that are not commercial, including estate planning purposes. A flat prohibition would very likely exclude properties owned primarily for personal use.

Whitaker said, "We need to protect the ambiance of Marine as it has been for decades," and suggested only allowing hosted STRs, in which the property owner resides at the property. He expressed concern that the ordinance as written would change the face of the community.

**Christine Maefsky**, owner of an STR property, noted that STRs fill a need for small-scale short-term lodging in small communities. She voiced several points of concern with the ordinance. (See attachments for full letter.) Some language in the Findings and Intent pertains to the homeowner, not the city. Attorney Snyder answered that those examples were meant to illustrate the differences between short-term rental and monthly or annual rentals, and support the need for an ordinance regulating STRs. Also on page 1, "believe" was missing the "d."

Mrs. Maefsky believed the city should handle problem using its nuisance ordinance. She pointed out that visitors to Marine were likely to come to appreciate the natural surroundings. Section 4 should be reorganized to make clear that the city will not award licenses for Type C (dedicated) STRs.

In Section 5, Mrs. Maefsky found the prohibition of physical alterations problematic, and the explanation of the renewal process confusing. Snyder clarified that all renewals would be handled at the end of each calendar year. Mrs. Maefsky requested that the language be tweaked.

She questioned the prohibition on events, asked whether the city would create a list with all points of accounting being required of STR owners, and asked whether the city was going to post STR owners' contact information on its website. Commissioner Henry answered that the application would contain such a list, and that the commission could revise the requirement to post contact information online.

Mrs. Maefsky pointed to awkward language in Section 6A, "including is determined." Attorney Snyder said he would revise it to read, "including having been determined."

**Laurie Schmidt** said she believed the ordinance left the city vulnerable regarding the number of rental days and number of live-in days. The city needs to find a way to get independent verification of numbers reported by property owners. She was also concerned that allowing three rental properties per district would fundamentally change some neighborhoods. She asked about the ordinance process: how the commission planned to consider and incorporate the public's comments, and how the public could weigh in on that subsequent draft.

**Nancy Cosgriff** echoed Laurie Schmidt's question about the revision process, and suggested setting different numbers of licenses in different districts, and said three per district was too many. She asked for clarification in the ordinance on whether a weekend was two days or three.

**Sara Rottunda** asked whether Marine had considered collecting a tax on short-term rental charges. Attorney Snyder answered that charging such a tax could become a driver to allow more rentals, but the city could certainly do so in the future.

She also asked how easements and shared driveways would be handled. Could there suddenly be four cars in a shared driveway that best accommodates two? Attorney Snyder answered that easements are governed by either easement documents or common law rules. The common law rule includes using the easement for its stated purpose. From the city standpoint, it has been his recommendation to avoid venturing into inquiries about private covenants between neighbors. Otherwise the city becomes embroiled in something that generally isn't in the city's jurisdiction.

The assistant clerk read a letter submitted by **Mary Fernstrum**, asking the commission to prohibit short-term rentals altogether, based on the observation that they can cause problems between neighbors and destroy the sense of community in Marine. (See attachments for full letter.)

The assistant clerk read a letter submitted by **Eric and Chrissi Larsen** supportive of the ordinance, and encouraging the planning commission and city council to consider allowing more rental time and to include accessory apartments. (See attachments for full letter.)

The assistant clerk read a letter submitted by **Bill Masche** suggesting a provision that any STR must be served by a public street. (See attachments for full letter.)

**Christine Maefsky** spoke again, saying that short-term rentals do not represent a commercial use any more than longer-term rentals. She also pointed out that renters, long or short term, are not as well received as homeowners. She suggested, perhaps partly in jest, making Pine Cone Trail its own zoning district because it is very different from other parts of Marine. She does not see Marine or Scandia becoming Disney Worlds in terms of demand.

**Wendy Ward** asked how, without inspections, the city would verify data reported by STR property owners. Attorney Snyder answered that paper verification would be subject to inspection if wanted by the city, as with any license. He added that Andy Kramer had requested a more explicit statement on the verification of inspection, and that he was willing to add that language if the commission approved. Ms. Ward advocated for annual property inspections, paid for with license fees, and reducing the number of rental properties to two per district.

**Karen Kramer** returned to rebut Mrs. Maefsky's assertion that STRs are not commercial. They are commercial and there is no evidence it helps the downtown.

**Larry Whitaker** returned to say that the Pine Cone Trail easement was put in place long before STRs became widespread, and its creators could not have foreseen this kind of use.

**Mike Tibbetts** asked whether "stand-alone houses" should be treated differently than those built close together. If the STRs are spread out, there is potential for more with less impact. He questioned the idea that events shouldn't be allowed, asking for more flexibility.

Mroska closed the public hearing at 9:05 p.m. and checked with commissioners to see if they wanted time to change the draft or if they would consider approval tonight.

Commissioner Spisak noted that the commission had heard comments from multiple people, and asked Attorney Snyder whether he heard questions that would inspire a change in the ordinance.

Snyder answered that he did, noting that changes after a public hearing are an expected part of the process, and that the commission was emphatic that if changes were needed they could make them. He identified a few comments to take up with the Planning Commission:

- On whether the city should require the approval of neighbors, counsel would not suggest that. A neighbor could be compelled to allow an STR for reasons that are legitimate, or for reasons not necessarily helpful to the neighborhood. Generally, counsel would suggest that the city council not delegate the approval process to neighbors.
- Andy Kramer asked whether it was the intent to require owners of multi-family dwellings to live at the residence, and clarification was needed to illustrate that.
- Mr. Kramer also suggested increased ability for verification and onsite inspections of bedrooms and occupancy dates. Snyder offered to bolster language regarding inspections and verifications, with the commission's approval.
- John Goodfellow had suggested greater definition of the word "day."
- Regarding renewals, modify the language to include, "renewed annually, expires annually and not guaranteed to be reissued."
- Christine Maefsky asked for modification of the requirement that STR owners show contact information on the city website. Counsel said he would look for commission direction on that.
- 6A should read, "including having been determined."
- Nancy Cosgriff suggested additional definition around what a "weekend" is. Minor changes could improve that.
- Christine Maefsky emphasized that it is not a commercial use. These are findings that reflect what drives the ordinance. We can do away with "commercial" and still get the point across.
- Ms. Ward suggested a more explicit inspection right. Something more along the lines of a routine building inspection would use fewer city resources. If the commission agrees counsel can bolster these

inspection rights.

- Mike Tibbetts asked that events be permitted. Counsel recommendation is not do that at this point.

Commissioner Hagstrom asked whether counsel believed these represented substantial changes to the ordinance. Attorney Snyder said he would not characterize them as substantial.

*Commissioner Hagstrom moved for the Planning Commission to recommend that the City Council adopt the "Ordinance Regulating Short-Term Rentals and Prohibiting Unpermitted Short-Term Rentals" as drafted, with the correction of the following:*

- *delete "commercial" from findings and reword;*
- *the typo on page 1 in the findings, adding a "d" to believed;*
- *add definitions of the word "day" and "weekend;"*
- *add that it is not a requirement that the schoolhouse apartments satisfy the occupancy requirement;*
- *with clarification of paragraph 5D. Term if the City Attorney and City Clerk deem appropriate in order to administratively handle the licensing and renewal process, that it expires annually on December 31, and not guaranteed to be renewed annually, and do not transfer to new owners;*
- *editing Section 6A to read "including having been determined;"*
- *clarifying the information to be listed on the city website;*
- *increase language regarding inspections and the right of the city to require an inspection if desired.*

*Smitten seconded the motion.*

#### Discussion

Smitten suggested allowing events with approval from adjacent neighbors, not allowing any more than we would allow to stay overnight. Henry noted that that could put the neighbors in an awkward position, and suggested striking "retreat" from what is considered an event. Hagstrom said, if events don't exceed the maximum for the rental, the commission could keep the existing language and say "of more people than maximum occupancy based on bedrooms." Mroska asked, "Then why even go there? Starting slow has some merits to it." Spisak said he did not think this was the way to go, adding, "We talked about starting out slowly. We've heard from multiple people tonight that three per district is more than desired, and some requesting that different districts be treated differently. Does someone want to explain how we got there?"

Hagstrom and Smitten explained that the survey data called for allowing STRs in up to 10% of households. The committee did discuss treating different zones differently, but also felt gauging impact accurately could be difficult. It was a considerable compromise to come down to three per district.

Hagstrom added that each point in the ordinance had many facets to it, and that commissioners had considered seemingly innumerable options. She also pointed out that based on demand, it is not likely that Marine would be overrun with rentals.

Spisak noted that the commission had considered weekends three days, either Friday-Sunday or Saturday-Monday. Based on allowing two 3-day weekends per month, they arrived at the annual maximum of 72 days.

Snyder suggested the language, "Three consecutive days, two of which are Saturday and Sunday."

Regarding the hotel tax, Smitten said the commission and council had considered it, but the regulations are quite complicated for cities and it seemed like it might be more work than it was worth.

On inspections, they were in early proposals. However, there are some liability considerations that if the

city is signing off on this, the city becomes liable. The city wanted to keep responsibility on the homeowner, but if the council wants to add that, it would be fine.

*Roll call vote: Mroska – Aye; Smitten – Aye; Henry – Aye; Spisak – Aye; Hagstrom – Aye. Motion approved unanimously.*

Snyder noted that approval of the draft ordinance was subject to the modifications detailed by Anna and clarified by Kristina.

*Commissioner Spisak moved to adjourn at 9:37, seconded by Smitten. Motion passed unanimously.*

Minutes taken by Suzanne Dammann, Assistant City Clerk.

Written comments attached below.

To be read into the record at the Public Meeting for the Proposed Short-Term Rental Ordinance:

Mr. Mayor, Madame Clerk, Councilors, Commissioners, and good Citizens of Marine on St Croix,

I regret that I am unable to be in attendance at this evening's meeting due to military training, but having been involved with this ordinance since my election to the council I believe that my absence will have no detrimental effect.

I have received and reviewed the proposed ordinance language as submitted by end of business on July 16th, 2020. My outstanding concerns have been substantially satisfied, especially as to the nature of STRs which may operate in the City, and the preamble language which informs the ordinance itself. I would like to affectionately thank the Planning Commission for their diligence and objectivity. While I do continue to have some concerns regarding number of STRs per district and minutiae of enforcement, I do believe we have arrived at a point where consensus can be reached.

This issue has been difficult for our community. Our town is full of thoughtful people from many walks of life that happily engage in their civic duty. I would ask that those who feels strongly either for or against this ordinance as written acknowledge that the process has not been perfect, but it has been fair and legitimately researched, debated, and written by fellow neighbors and friends serving as public officials.

Let it be known for the record that I generally support the ordinance as written and trust my colleagues on Council to pass it as written or reasonably amended. If any of you are feeling a bit hot under the collar as to the outcome of this evening's meeting please keep in mind that the temperature where I am is 106 degrees and subsequently hotter than a jalapeño's armpit.

Respectfully submitted,

Councilman Charles Anderson

This STR Ordinance does not consider the rights of existing homeowners to live in a non-commercial neighborhood that's private and quiet and neighborly. The STR ordinance needs to protect all our residential rights, not just give new rights to some residents to run essentially a motel in our neighborhood.

Not all neighborhoods and houses are conducive to STRs. Many homes are right next to each other, without much yard separating them. There is no distance requirements between STRs in the proposed ordinance, meaning there could be motels surrounding you on Rose Or 6th Street. For example, I don't want my neighbor to be an STR because we are very close together and I can see their deck and hear their conversations from my living room.

Your home is where you raise your family, celebrate holidays and accomplishments, where you come home after a long day at work. Do you really want to deal with the motel next door, where no one is in charge?

You will be infringing on the rights of all us homeowners if you allow short-term rentals in our neighborhoods without our explicit permission. If you allow STRs in Marine, at the very least you need to make STR owners get their neighbor's permission on a yearly basis.

By simply requiring permission from every affected homeowner every year you solve several problems.

1. It will ensure the STR owner is on a friendly basis with neighbors and will be responsive to any complaints, otherwise they know they won't get approval.
2. It puts the decision to have an STR in the hands of the neighborhood it affects.
3. It will reduce community conflict over STRs, because neighbors are much more likely to support STRs and work with STR owners if they know they have the right of permission.

You can add this requirement in Section 4Ea that STR owners need annual permission of all neighbors abutting the side, rear, and across the street from their property and all properties sharing a private driveway used for ingress and egress of STR customers.

Please add this provision to protect our homeowner rights too.

Karen Kramer – 61 Walnut St.

Dear Chairman Mrosla and Commissioners,

As you know, we have keenly followed the development of the proposed STR ordinance and congratulate the Planning Commission on bring a draft forward for public review and discussion.

**Section 1 Findings and Intent.** has been significantly expanded and acknowledges that this ordinance introduces a non-residential, commercial use into existing residential neighborhoods. This is an important point. The Planning Commission and the City Council have a responsibility to preserve the quality of life for residents of Marine who make their homes here. Use of a property as an STR should be incidental to the primary use as a residence. It is in this light that we offer the following specific comments:

**Section 3, Definitions**

The number of days a property licensed as an STR is occupied by involved rental customers is referenced in several sections of the ordinance, yet the term “days” is not defined; it should be.

**Section 5. General Performance Standards.**

F. Use of Events Prohibited. We strongly support this provision. Events clearly have the potential to create disruption that can adversely affect residential neighborhoods. This has happened in our neighborhood.

J. Location/allowance/considerations. More than half (55%) of the respondents to a citizen survey conducted by the Planning Commission indicated that a total of 5 STR’s in Marine was either too many or enough. Allowing three STR’s in each Zoning district, in addition to the units in the School House Apartments, significantly exceeds (>3X) this number. We believe a limit of 2 (two) as has been proposed would be more than adequate to meet current demand.

K. Use. We strongly support limiting STR use to 2 weekends/month. This is consistent with last year’s citizen survey. We also support limiting STR use to not more than 14 days/month, with a maximum of 72 days/year. This recognizes that the primary rental season is from Memorial Day through Labor Day, a period of approximately 100 days. These restrictions assure that a property will not be used as an STR for more than half time during the summer season.

In closing we offer the following thought. The ordinance acknowledges the potential for STR use to have an adverse impact on neighbors and neighborhoods. We ask that the City proceed with care and caution, and introduce a more restrictive ordinance, including fewer STR’s per district. If found to be unnecessarily burdensome, it can be revised. It is generally easier to relax than further restrict an activity at a later date.

John Goodfellow Kirsten S. Vedhian  
825 Pine Cone Trail

Mr. Mayor, City Council members, Planning Commission

I'd like to recognize the huge effort that the Planning Commission has put into this STR project over the last twelve plus months. This project has been fraught with options, choices and "What ifs".

Proposed Ordinance:

The Purpose:

" ...is to allow Short Term Rentals, where appropriate, within dwellings that are a primary residence, 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 of the long term residents by regulating the time period a transient guest is allowed." "transient guest" is euphemistic speech for Paying Customer.

Need:

**There has not been a comprehensive "Cost Benefit Analysis" published showing a quantifiable benefit to the City of Marine. How will this ordinance benefit Marine?**

Enforcement:

Note, the majority of STR owners will be cooperative but there will likely be instances of unethical behavior. That is the reason for enforcement. The assumption now is that neighbors will report "troubled properties" to the city. What then? Neighbors must have the power of veto at the time of the annual license renewal. The License applicants must file an affidavit attesting to six requirements. Who will verify that input? One misrepresentation should be reason for disqualification, not the two times as stated in the ordinance. There must be significant fines for violations of standards, say, four or five times the rental amount. Without fines, some property owners have no disincentive and will continue to break rules. There are limitations on days rented per month and year. Who verifies these numbers? The neighbors without authority?

Issues Remaining:

Early on, one of the ordinance objectives was to not allow corporate operation of STRs within Marine. Why has that changed to allow for "Corporate Persons"??

Why not just limit STRs to homesteaded properties? Why all the concerns with Family Trust, LLCs etc.?  
Why is this ordinance being crafted to accommodate a select few?

There are no limits to the spacing of STRs in each of the Districts. STR clusters can easily develop. Not Good for your neighborhood!

I believe the current Ordinance as proposed does not meet the stated purpose of the ordinance, and will be detrimental to Marine. This ordinance as written is not good for Marine.

This ordinance effects every residential neighborhood in Marine. Why isn't Marine Voting on this ordinance proposal in our next election?

Larry Whitaker 625 Pine Cone Trail

Christine Maefsky

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

**ORDINANCE NO. 2020-\_\_\_\_\_**

AN ORDINANCE REGULATING SHORT-TERM RENTALS AND PROHIBITING UNPERMITTED SHORT-TERM RENTALS.

*Before detailing my comments and questions, I would like to say that this dual form of public hearing is troublesome to me. I hope that during the hearing there will be opportunities for dialogue between the members of the Planning Commission and those who wish to speak at the hearing. Meetings via ZOOM/GoToMeeting are themselves less than ideal, but they do allow for dialogue that can be heard and joined by all those signed in. I am part of the vulnerable population for COVID 19 on a number of fronts and so will not attend in person. I hope I will be able to hear and respond if called for to comments made in person. Thank you.*

Section 1. **Findings and Intent**

Second Paragraph:

- *It seems to me that the issue of “damage deposits” is directly related to and impacts the homeowner and not the city.*
- *Also “maintenance obligations” are between the homeowner and the city. I’m not sure why or how someone staying for 1 or 3 nights would be expected to “mow the lawn” or perform other maintenance measures.*
- *Regarding the statement that “it is believed (the “d” is missing in the document) that there is more potential for nuisances to arise”; I’m not sure why this would be true and doesn’t the city have a Nuisance Ordinance to cover any that might arise?*

Section 4. **General Requirements and License Issuance**

*I believe A. should be “Type C Short Term Rentals are not permitted in the City.” (Otherwise the statement as written leads one to believe that an application for a Type C could be made.)*

*B. Would then be “License required No property,...short term rental registry.” with the lettering changing on down.*

Section 5. **General Performance Standards**

- A. **No Physical Alterations** *I’m not sure what this means. What are examples of physical alterations not permitted? Are they things a homeowner would be permitted to do if they were not renting as an STR?*

D. Term I find this statement confusing. If a homeowner applies for an annual permit on September 1st, 365 days would be August 31 of the following year. Why then does “a renewal application must be submitted at least 60 days of the expiration on December 31st?” Please clarify.

F. Use of Events Prohibited

- Isn't the number of people the critical factor, not the purpose of the gathering. For example, I had a request for a Yoga Retreat where there would be 12 people (only 8 staying overnight). What is the maximum number of non-overnight people that would be permitted?
- I. Will there be a form with a listing of all the different points of accounting being required?
- O. What does this mean? Will an STR homeowner's personal contact information be on the city website for anyone to see? That is quite different from supplying it to one's neighbors.

Section 6. Enforcement and License Revocation

- A. I think there is a typo as the statement is confusing. The third line: “including is determined”

Thanks very much. You've certainly put a lot of work into this Ordinance. I wish we could be having in-person dialogue about it.

Christine Maefsky

201 2<sup>nd</sup> Street, Marine on St. Croix

12521 Mayberry Trail North, Scandia

Dear Planning Commissioners Mroska, Brenner, Smitten, Spisak, Hagstrom, Sanderson and Henry

Beyond answering your survey about short term rentals, I wish to share my thoughts. Thank you for your efforts and listening to citizen input for the last two years. I hope you are still listening.

We are in divisive / Coronavirus times and need Community more than any other in my twenty year residence.

I recall our zoning ordinance per the city attorney to not be adequate for short term rentals like AirB&B, VRBO, etc., and thus attention needed for citizen direction to follow.

I was present at a STR Planning Commission meeting where a home owner who is renting out through STR his home on Pine Cone Trail without living in it. He threatened to sue the City of Marine at this public meeting if the Planning Commission and City Council doesn't allow him to operate as he likes. This person represents investment in real estate without community commitment versus year round residents, our Community.

In our early years here in Marine, My husband, Peter, served on the Planning Commission with Jack Warren, John Waugh, and others who took their responsibility to the whole community most seriously. I learned a lot about our Community as Peter described some of the issues he and the others worked on together to solve. I learned alleys exist where they are not recognizable but as grass, launch areas to the river that are not identified but locals know, and streets that look more like narrow Indian trails. I believe there are few streets in Marine that can handle the added traffic and wear and tear that STRs bring. Neighbors having to police STR activity is a non-starter.

I learned the Planning Commission isn't the last word. The City Council has the final word, but because of the Planning Commission's thoughtful diligence the Council rarely voted against their recommendations. What was most satisfying to me was when a citizen, who I did not yet know, would come up to Peter and thank him for his time and consideration whether it went his/her way or not. Early on, I saw first-hand how our Community holds us dear and learned that is who we are.

I recommend you rule against STR's in Marine on St Croix based on observed divisiveness, breakdown of cohesion, and most of all, destruction of our Community. If the City Council and/or Planning Commission is sued by this home owner, so be it.

I ask you to protect and preserve an intangible, and is precious in Marine on St Croix: Community.

Mary Fernstrum

2183 Jackson Circle

In addition an addendum 7/22/20:

Please consider STR on major streets like Broadway and 95 where heavy traffic already exists and the street/highway is adequate.

Dear Planning Commission,

We are Eric & Chrissi Larsen, and we recently purchased a lot in Marine on St. Croix where we plan on building a future home for our family. We are strongly in favor of the City adopting a Short Term Rental ordinance. For the past 3 years, we owned a single family home in St. Paul and managed two short term rental spaces out of our home and accessory dwelling unit while living on the property. During those three years, we had nothing but positive experiences with our guests. Allowing and encouraging short-term rentals in a structured manner has positive outcomes for both the community members who manage these spaces and the community as a whole. It builds wealth within the community and attracts visitors eager to patronize local businesses.

We stand in favor of the ordinance as it is currently written. Upon successful implementation of the ordinance, we would encourage the Planning Commission and City Council to consider expanding the scope of the ordinance to allow for more annual rental time and to include accessory apartments.

Dear Mr. Mayor and Council Members,

Many real estate ads for homes in Marine seem to begin “Welcome to the Charming City of Marine on St. Croix”. We indeed are lucky to live in such a unique community where neighborhood, pride of ownership and concern for neighbors are key values for us all. I am sure that one of your goals as elected officials is to strive to help maintain and enhance the value of our neighborhoods, as they hold the vitality for our community. The purpose of my letter is to comment on the proposed STR ordinance. I will try to keep my comments brief, as many have already been made and noted.

It seems that the impetus for the proposed ordinance originated from our Pine Cone Trail [PCT] neighborhood situation. Some of the debate appears to reflect what some may perceive as a group of owners on the river with an “exclusive” attitude. That is not the case. Our small neighborhood in fact just happened to be the first to have to face the issue of an STR affecting our daily lives. I believe rather than a discussion perhaps influenced by our particular situation, the discussion focuses on how this ordinance will affect Marine as a whole. I would hate to see an ordinance passed based only on what some have termed “a neighborhood dispute” as that perception is far from the truth. The very “charm” of Marine for which we are so proud, will attract additional STRs to other locations and likely affect their sense of community and neighborhood.

The seven owners on PCT purchased knowing access was via a private driveway. This driveway varies, but is generally about 10’ wide, constructed of gravel, maintained and improved by those homeowners who use it and plowed at our expense. The access was granted by an easement created decades ago. The driveway effectively cuts through our backyards between the house and garage. The easement was created for residential use of the owners and obviously based on its width and construction, never contemplated business or commercial use. The addition of the Hotel STR near the end of PCT, has increased traffic immensely. The drivers are unfamiliar with the driveway and understandably have no conscious realization that they are driving through someone's yard. We have installed speed signs and speed bumps but these have not calmed the traffic. These drivers do not realize that we walk across that driveway dozens of times a day. The conditions are dangerous.

I ask for your consideration and inclusion in the final ordinance, a provision that any STR must be served by a public street. As you review other “unique” driveway access situations in the City, it will serve them to have that protection. Shared private driveways should not be permitted to access a commercial operation of any kind. This provision will not affect the current STR on PCT as a private driveway already exists. What it will do is to relieve the excess traffic, show our neighborhood you heard and understood this not to be just our “neighborhood” issue and finally to create an ordinance that will protect other neighborhood families whose homes have unique access and private drive locations.

Thank you for your time and consideration.

Bill Masche, 601 Pine Cone Trail

