

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

**Tuesday January 29 2019- 7:30pm**  
**121 Judd Street – Village Hall**

1. Call to Order
2. Public Hearing– Garhardt and Gail Balego – Subdivision Request
3. Old/New Business-Vice Chair Discussion
4. Discussion— Short-Term Rentals
5. Approval of November Minutes
6. Adjournment

The City of Marine on St. Croix Planning Commission regular meeting of January 29, 2019 was called to order by Chairman Mrosla at 7:30 pm. Brenner, Hagstrom, Smitten, and Spisak present.

Citizens Present: Gail and Garhardt Balego, Joel Anez (Landmark Surveying), Mike Hermes (Edina Realty), Glen Mills, John Goodfellow, Kitsi Vadheim, Wendy Ward, Gwen Roden

**Public Hearing – Garhardt and Gail Balego – Subdivision Request**

Mrosla opened the Public Hearing at 7:31 pm.

Brenner provided a summary of the facts and findings gathered by himself, Spisak, and Mrosla. The Balegos have applied for a Minor Subdivision of three lots for the approximately 16.527 acres they own along Highway 95. The property is in the Single Family Rural (SFR) district and borders William O’Brien State Park. Brenner explained that the proposed subdivision would continue the existing development pattern in the area, 5 acre-minimum lots with single family residences. There is a requirement for 50 percent of the subdivided land to be dedicated to open space, neighborhood recreation, and/or a pedestrian corridor, and the proposed conservation easement satisfies that requirement. The City Attorney has suggested small changes to the draft Conservation Easement and also recommended drafting a separate development agreement to tie the conservation land to the proposed lots. These documents will need to be finalized prior to City Council review in February. Section 1004 of the City’s Subdivision Ordinance allows the City Council to exempt a subdivision of 4 lots or less from complying with some of the subdivision requirements. Section 504.8 regarding neighborhood clustering should receive such exemption because a minimum of five lots is required to create a cluster.

Preliminary testing for septic systems has been completed, and Washington County has accepted the proposed lots pending additional borings and testing before applying for a permit. The applicant has also provided approval from MNDOT for the proposed three driveways, and the City Engineer has reviewed the plans and issued some additional requirements to be met prior to any construction. Brenner concluded that the recommendation is for approval to the City Council, subject to the condition of finalizing the conservation and development agreements in a form acceptable to the City Attorney.

Smitten questioned the section of the draft conservation easement which prohibits access by the public to the open space in perpetuity. Brenner responded that such a linear pedestrian corridor would not be necessary because each proposed lot directly touches the conservation easement. He added that the

requirement would be for the enjoyment of the common space by the cluster or neighborhood, not the general public. Spisak added that with no public access, it would make sense to tie the conservation easement to each lot, preventing the splitting off of the open space or other undesirable situation for any new homeowners. Resident Glen Mills was present and supported not requiring the pedestrian corridor since there is a trail from William O'Brien extending to the compost site. Mills also noted that there will be a very small building envelope on each lot, the largest being only 1.6 acres.

Mrosla closed the Public Hearing at 8:06 pm.

*Spisak moved and Hagstrom seconded that the Planning Commission recommend the City Council approve the application of Garhardt and Gail Balego for the requested Minor Subdivision as presented, subject to the following conditions.*

1. The Conservation Open Space Easement is modified and is of acceptable form to the City of Marine on St. Croix.
2. The Development Agreement as suggested by the City Attorney is executed prior to Council approval.

***Motion passed unanimously.***

#### Old/New Business

Mrosla proposed naming a Vice Chair in the event that he cannot attend a Planning Commission or City Council meeting. The Council was on board with this, and the Commission agreed that Brenner would be the Vice Chair. It was also noted that Council Member Gwen Roden or Assistant Clerk Kiersten Young could provide updates to the Council if Brenner was unable to.

Interviews for the two open Planning Commission seats will be held next week, and there are six interested candidates. Interviews will be with Mrosla, a City Council member, and another Planning Commissioner.

#### Discussion – Short-Term Rentals

Having narrowed down the discussion on short-term rentals (STRs) to six major topics, Mrosla asked the Commission how they would like to receive citizen comments at the upcoming Planning Commission meetings. It was agreed that the specific items up for discussion on a particular night should be posted for citizens and comments should be on those topics only. Hagstrom provided a summary of what herself, Smitten, and Roden have been working on since the November meeting. A 12-month moratorium was approved by the City Council in December, a mailing of the moratorium ordinance was sent to all City residents, and notice about the upcoming STR discussions was published in the Winter Newsletter, informing residents that a community meeting would take place sometime in the spring. Hagstrom said the goal would be to have the community meeting in April, which would include a rough idea of the Planning Commission's thoughts. The comments would then be fine tuned into a full draft of an ordinance by July, with a formal Public Hearing in August, and Council review in September. Smitten added that three topics could be discussed at the February meeting, and the other three could be discussed at the March meeting in order to be ready for a community meeting in April.

Smitten then reviewed the six topics that will be discussed, with some suggestions based on resident feedback, as well as best practices from the cities of Minneapolis, St. Paul, and Winona. The topics include 1) the definition of STRs, 2) the types (including owner-occupied, non-owner occupied, dedicated vacation rentals), 3) concerns with STRs (such as noise, traffic, impact on the Village Center, and safety

concerns, etc.), 4) performance standards (whether to require a license or a Conditional Use Permit (CUP), number of guests, parking, owner availability, enforcement, etc.), 5) the concentration of STRs in different zoning districts 6) a potential lodging tax. Mroska added that property value might need to be added to the discussion. Smitten noted that the phrase commercial use in a residential area was not seen anywhere in her studies of other cities and that STRs are generally seen as a residential use in a residential district.

Hagstrom suggested addressing definition, type, and STR concerns at the February meeting, and performance standards, concentration, and lodging tax at the March meeting. The Commission agreed on this plan, although it was mentioned that STR concerns and performance standards are somewhat linked. Mroska noted that the City Attorney will review any suggestions made by the Commission at the end of the process. Hagstrom suggested compiling all of the letters, emails, and other citizen comments in one place. Assistant Clerk Young said comments could be sent to her and she would distribute them to the Commission. If anyone would like to provide anonymous feedback, it could be placed in the City's drop box. Resident John Goodfellow was present and said not to approach the issue from a strictly legal standpoint at this time. Resident Kitsi Vadheim argued that there is a difference between the value of a home and the cost of living, pointing to California as an example.

#### Approval of November Minutes

*Smitten moved and Spisak seconded to approve the November 27th Planning Commission minutes as drafted. **Motion passed unanimously.***

#### Adjournment

*Spisak moved and Brenner seconded to adjourn at 8:58 pm. **Motion passed unanimously.***

Minutes by Kiersten Northcraft, Assistant City Clerk