

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

**Tuesday November 27 2018- 7:30pm**  
**121 Judd Street – Village Hall**

1. Call to Order
2. Thanks to Commissioners Jack Warren and Gwen Roden
3. Pre-Application – Garhardt and Gail Balego – Subdivision Request
4. Discussion— Short-Term Rentals
5. Old/New Business
6. Approval of October Minutes
7. Adjournment

The City of Marine on St. Croix Planning Commission regular meeting of November 27, 2018 was called to order by Chairman Mrosla at 7:30 pm. Hagstrom, Roden, Smitten, and Spisak present. Brenner absent.

Citizens Present: Gail and Garhardt Balego, Larry and Mary Whitaker, Charlie Anderson, Wendy Ward, John Goodfellow, Kitsi Vadheim, Cecily Harris, Lon Pardun, Glen Mills

Thanks to Commissioners Jack Warren and Gwen Roden

Mrosla began the meeting with a tribute and moment of silence for Commissioner Jack Warren, who had passed away in his battle with cancer since the last meeting. Warren served on the Planning Commission for 44 years, and was a great source of knowledge for other members. Mrosla shared that there was an article in the Pioneer Press about his life and legacy in Marine.

Mrosla also thanked Commissioner Gwen Roden for her service to the Commission, as she was recently elected to the City Council. Roden joined the Commission in January of 2009.

Pre-Application – Garhardt and Gail Balego – Subdivision Request

Mrosla reported that since the October meeting, the Balego's have provided more of the requested information to the Commission, including demonstrated compliance with MNDOT driveway requirements. Mrosla, along with Spisak and Brenner, had also met with City Engineer Ryan Goodman to receive his comments. Goodman's comments were then sent to the Balego's as a final list of things they will need to complete before a Public Hearing in January. These items included: adding a culvert to each driveway, staking the corners of the conservation easement and intersections with the property lines, placing corner monuments on site, adding drainage and utility easements, drafting of a Conservation Easement Agreement, in which the Balego's were given an example of, and formal recording of the plat and application to the City.

However, the Balego's are now requesting that both the conservation and pedestrian easements be removed and have drafted a memo to the Commission expressing their concerns. Mrs. Balego explained that although they have tried to be accommodating to the City's requirements up to this point, they have realized how much land they are giving up, approximately 63% of their property rights. She then referenced the City's Subdivision Ordinance which states only 7% of the gross area subdivided shall be

dedicated for public recreation space or other public use, which they already meet and exceed with the existing bike path and right-of-way. In summary, she would essentially like clarification on what is a request by the Commission and what is a requirement by Code, and whether all of the requirements are reasonable for their property. Mr. Balego added that the pedestrian easement would create unauthorized entry into William O'Brien State Park, with people then likely parking along Highway 95.

Spisak responded that the conservation easement was included in the Balego's first presentation to the Commission in August, based on their surveyor's understanding of the 50% conservation easement required in the City's Code (504.7 (2) A), and has been included on every plan since. The way the homes have been laid out has also been the same from the beginning, although that could be reconfigured if the Balego's desired. The Balego's have also expressed that the land taken by the easement is the highest in elevation and the most desirable piece of the land. Spisak said that that part of the property would be unbuildable anyway as the Code prohibits building on slopes exceeding 18%. Mrs. Balego responded that the conservation easement to the north and south is perfectly flat land as indicated on the survey.

Mrs. Balego stated that her interpretation of the Subdivision Ordinance is that it allows greater flexibility for Minor Subdivisions. She also expressed frustration that they have been asked to add different details to the plan after every meeting despite the fact that they have no intention of building on the property, and it is becoming very expensive. Spisak said the addition of the culvert on the plan is a reasonable request so the City can ensure limited impact to the bike path.

Smitten stated that the City Council can decide to make exceptions, but it is the Planning Commission's responsibility to make sure applications are as compliant with the Code as possible. Smitten asked whether the culvert can be considered as a condition of an action. Spisak said it could be added in the notes that if a culvert is required by MNDOT it will be approved by MNDOT and City Engineer. Spisak said the only remaining issue would be the conservation easement agreement. Mrs. Balego said that the conservation easement document example might also be difficult to agree to with such large restrictions like not removing trees. Smitten asked if the agreement could also be listed as a condition. Spisak suggested asking City Clerk Lynette Peterson to contact City Attorney Dave Snyder to find out if that is possible. Mrosla informed the Balego's that the current plan with completed final details would present the best case to the City Council.

*Smitten moved and Roden seconded to, contingent on receiving a complete application by January 10<sup>th</sup>, set the Public Hearing for the Balego Minor Subdivision request for the next Planning Commission meeting, January 29<sup>th</sup>, 2019 at 7:30 pm. **Motion passed unanimously.***

#### Discussion – Short-Term Rentals

Mrosla shared that with the growing popularity of short-term rentals in areas near water, and a currently available property on Second Street, he and Spisak had discussed putting a moratorium on short-term rentals until the Commission has had a chance to review the matter fully and make a recommendation to the City Council. Mrosla said the Commission needs to decide how to define short-term rentals for such a moratorium. He further clarified that current short-term rentals could still operate, but no more would be allowed. Resident Charlie Anderson was present and shared that there are currently 6 short-term rentals in Marine, including three units in the School House Apartments, one in Jackson Meadow, the Castle on Pine Cone Trail, and Christine Maefsky's home on Second Street. Resident Larry Whitaker expressed that the current Code does not permit commercial uses in residential districts. Resident John Goodfellow said he supports the moratorium but also using the current short-term rental properties as case studies.

Smitten suggested the moratorium could be for any rentals shorter than two weeks. She also stated that she, Hagstrom, and Roden are planning to meet on December 10<sup>th</sup> to continue working on the different

topics to be reviewed. Spisak said that the moratorium would need to be drafted by the City Attorney, similar to the one written for the school property. Resident Wendy Ward asked if the Planning Commission could conclude their review in six months. Mroska responded that the moratorium would be for a year but that the City Council could always take the moratorium off, or it could be extended for another six months. Resident and City Council member Lon Pardun commented that a Public Hearing is generally recommended, however might not be necessary if the Commission wishes to begin the moratorium sooner. Hagstrom noted that everything they have heard up to this point from the public would show support of the moratorium. Hagstrom said she agrees with the two-weeks definition. Different members of the audience expressed that thirty days might be more appropriate. Spisak said sometimes relatives come to visit for a few weeks to a month and we do not want to prohibit that. Anderson agreed with the two-weeks definition but asked how it would be enforced. Resident Kitsi Vadheim said those buying property specifically for renting usually check with the City before doing so. Knowledge of the moratorium around town will also serve as a form of self-monitoring.

*Smitten moved and Roden seconded to recommend to the City Council that a moratorium be placed on short-term rentals, defined as any rentals less than two weeks, except for those that can demonstrate that they have or currently allow short-term rentals.*

Hagstrom suggested amending the motion to exempt new short-term rentals of a room where the owner is a full-time resident.

*Smitten moved and Spisak seconded to recommend to the City Council that a moratorium be placed on short-term rentals, defined as any rentals less than two weeks, except for those that can demonstrate that they have or currently allow short-term rentals, and new short-term rentals of a room where the owner is a full time-resident. **Motion passed unanimously.***

#### Old/New Business

Mroska said that he will not be able to attend the December City Council meeting, and that Spisak or Roden will take his place.

New resident Cecily Harris informed the Commission that she is looking at a potential conservation easement on the south side of her property on Broadway Street, which was previously Richard Zoller's. The site includes a creek, falls, and is next to William O'Brien State Park. Harris said the area is likely not buildable, and is concerned about potential liability if anyone gets injured on the property. She has spoken with Jim Shaver at the Watershed District, and has started conversations with the Minnesota Land Trust, but is wondering if the City has any interest. The Commission said that there are many resources available within the City regarding such an action, such as Tom Warth who dedicated some of his land, but recommended that Harris approach the City Council for next steps.

#### Approval of October Minutes

*Spisak moved and Roden seconded to approve the October 30th Planning Commission minutes as drafted. **Motion passed unanimously.***

#### Adjournment

*Roden moved and Spisak seconded to adjourn at 9:25 pm. **Motion passed unanimously.***

Minutes by Kiersten Young, Assistant City Clerk