

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

**Tuesday, April 28, 2020**  
**7:30pm via Zoom**

The City of Marine on St. Croix Planning Commission regular meeting of April 28, 2020, was called to order at 7:31 pm. Present: Gerry Mroska, Jennifer Henry, Ron Brenner, Kristina Smitten, Scott Spisak, Ed Sanderson. Absent: Anna Hagstrom.

Citizens present: Dennis Reynolds, Wendy Ward, Bill Miller, Lon Pardun, Emily Schollett, Laurie Schmidt, Juli Hagstrom, Larry Martin, Kay Hempel, Mary Skamser, Lizabeth Towers.

“Old Shed Project” Grants – Wendy Ward

Ms. Ward apprised commissioners of her "Old Shed Project," a historic preservation grant award program for outbuildings in Marine. She will make two grants available for \$900 each to incentivize upkeep of such structures. The grants will be awarded through an application process. There is no obligation by the commission or city, but there is potential to work with other funding partners in the future.

Mill Stream Cottages – Dennis Reynolds

Mr. Reynolds reported that the new agent for the property off Rosabell St. is taking a different approach, and developing the property with homes priced between \$200,000 and \$300,000 is no longer feasible for the group. However, they think there is potential for a similar project in the future. Their intent is to make sure different types of people and families can live in Marine. Skilled individuals volunteered time on the project, so the group will keep the body of research to see if they can make the concept work somewhere else in Marine. Laurie Schmidt asked if the city has any record of properties that are potentially sub dividable. Mroska suggested looking in the comprehensive plan. Chairman Mroska and Commissioner Brenner encouraged looking for another spot for this concept.

Short-Term Rental Ordinance Update

Commissioner Smitten reviewed the latest action on the STR Ordinance draft, saying the STR Committee had a call with the city’s attorney, Dave Snyder, primarily to discuss homestead status and the number of days allowed at each property. They also discussed the number of rental properties per district, how to define transient guest, background checks, who to call, and potential for immediate license revocation by city council under certain circumstances. After consulting with Snyder, the committee updated the draft ordinance.

Resident / Dwelling:

The first change was under "Primary Resident," changing the definition to dwelling, since Marine uses dwelling in the zoning code already. The ordinance specifies “no dedicated vacation rentals allowed.” And under 4-F the ordinance states that the dwelling must be materially used for the owner’s enjoyment. Section E-vi outlines that the dwelling must be materially occupied by the owner.

#### Affidavits of Personal Use & Homestead Status:

Snyder recommended that the city have people sign affidavits of personal use stating that they have occupied the property for not less than x number of days per year. Attorney Snyder suggested not less than 30 days per calendar year. Smitten noted there was previous conversation on how many days, that 30 days per calendar year might be a little light. Under 4C the committee struck "homestead status required."

#### Background Checks:

In conversation with Snyder and reviewing the state statute, law allowing for background checks really applies to property managers, not STR owners. The statute doesn't really define what kinds of offenses would warrant not allowing STR rentals.

#### Properties Per District:

Section I: The committee proposed that four rental properties be allowed per district. Commissioner Henry noted that this number was based on feedback from the surveys, the idea that there is a need for short-term-rental properties and that it would be well received.

#### Maximum Number of Rentable Nights:

The small group proposed a short-term rental maximum of two weekends per calendar month, with weeknight rental leading up to and/or afterward, up to 14 days per calendar month. This was a compromise to resolving the concern about STRs becoming a predominant use at properties.

#### Process for Complaints:

Contact information for those wishing to issue a complaint will be provided on the city website, and each property will provide it to immediate neighbors. The group also added language to allow immediate revocation of a license at the city council's discretion.

#### Discussion:

Commissioner Spisak noted that the number of rental properties per district had jumped from two to four, saying going to 16 feels like a big jump. A cap of 14 nights per month approaches the 180-night limit the group had discussed originally, and decided was too high. He also suggested a significant increase to the "personal use" standard, saying that would encourage what's in the comp plan and what we've talked about in the past.

Smitten noted that some of these are second homes or cabins. The family may not spend a significant amount of time in Marine, but own the property primarily for their own use and enjoyment. It's not their primary residence, but they are the primary resident of the property.

Regarding the number of rental properties per district, Smitten noted that the desire is in the urban districts. The original number was eight in each zoning district, and the committee thought four seemed like a compromise.

Brenner and Mroska said they would be OK with that. Mroska asked if they could keep the 14-day monthly limit, but add a cap in Section E-6 using the language "not to exceed x number of days per year."

The group reviewed survey results and continued to discuss potential caps and the number of nights for determining personal use. Regarding the former, Sanderson proposed that, assuming weekends are three days, they might set a cap in the range of 75 days per year. Following that logic, Spisak said he would agree to an upper limit of 72.

*Brenner signed off at 9:01*

The group discussed next steps and Commissioner Smitten offered to reconvene the committee and return to the full commission with options.

Spisak noted that he could accept a higher number of units if the number of days per year was limited.

Mroska suggested compromising with three per district and an annual cap of 72 days.

*The group reached a consensus that the committee would come up with options to consider at the next meeting. Smitten asked the commissioners to review the full ordinance and offer comments within a week.*

#### Zoning Codes

*The Commission agreed to hold a workshop before the May meeting to review the draft Zoning Ordinance with recommended changes.*

#### Cell Tower

Commissioner Spisak presented findings of the commission's Cell Tower Committee. The full brief is included in the agenda packet. The committee concluded that if the city wants a cell tower the code will need to be revised as the current code limits tower height to 45 feet, a quarter of the height that would realistically accommodate service in Marine. The committee is at a point where it needs input from the council.

Smitten noted that the group needs more information to understand how Marine may move forward: What is important to the community? What do we need to consider? How do we regulate? Where does the commission want this to go and where does the city council want us to go?

Mroska asked that city staff include the Cell Tower Committee's synopsis in the May council packet. Spisak added that if the Council feels this warrants an ordinance revision, the Commission can work on that.

*The commission's Cell Tower Committee is requesting further direction from the City Council on matter of the proposed cell tower.*

#### Approval of April 9 Emergency Meeting minutes

*Spisak moved and Smitten seconded to add Commissioner Smitten's name as the "second" in the motion to adjourn, which was blank. Roll call vote: Mroska – Aye; Smitten – Aye; Spisak – Aye; Henry – Aye; Sanderson – Aye.  
Motion approved unanimously.*

*Spisak moved and Smitten seconded approval of the minutes of the April 9 virtual meeting. Roll call vote: Mroska – Aye; Smitten – Aye; Spisak – Aye; Henry – Aye; Sanderson – Aye. Minutes approved unanimously as amended.*

Approval of February 2020 minutes

*Smitten moved and Sanderson seconded to approve the minutes of the February 24, 2020, minutes. Roll call vote: Mroska – Aye; Smitten – Aye; Spisak – Aye; Henry – Aye; Sanderson – Aye.*

*Motion approved unanimously.*

Adjournment

*Sanderson moved and Henry seconded to adjourn at 9:48 pm. Roll call vote: Mroska – Aye; Smitten – Aye; Spisak – Aye; Henry – Aye; Sanderson – Aye.*

*Motion approved unanimously.*

Minutes taken by Suzanne Dammann, Assistant City Clerk.