

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
REGULAR MEETING

Tuesday, June 30, 2020 - 7:30pm

1. Call to Order
2. Variance - Dan Willenbring
 - Review previous file
 - Set date for public hearing
3. Variance pre-app – Tim Casey
4. Short-Term Rental Ordinance
 - Review and discuss draft ordinance
 - Set date for public hearing
5. Cell Tower progress update
6. Zoning Code progress update
7. Approval of minutes: May 26 regular meeting, June 2 and June 16 workshops
8. 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#

-----Original Message-----

From: Dan Willenbring <djwillenbring@live.com>

Sent: Wednesday, June 3, 2020 6:04 PM

To: Lynette Peterson <mosc@cityofmarine.org>

Subject: Variance request

Lynette

Per our conversation I'd like to see if I can reinstate or reapply for the variance I was granted several years ago for the placement of an out building/garage. I was not able to go to Constrcution due to health issues with my parents. Please let me know the next steps.

Dan Willenbring

Marine Planning Commission

Dan Willenbring – 400 Tanglewood Lane

Facts and Findings

REQUESTED BY: Dan Willenbring, 400 Tanglewood Lane

Variance Request

Application No. 14430-01

Site: 400 Tanglewood Lane
Tanglewood Subdivision, Lot 1, Block 2

Background

The applicant's objective is to build a detached garage for yard maintenance equipment, with capability for storing a vehicle, and 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 x, y feet and inches.**
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 PP 504.2 (1). PP 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 PP 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. Both (are/will be) dated as of the date of the hearing.
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 of 19' 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 its 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 Zoning Ordinance PP 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.

Recommendation

Planning Commission member review of the application recommends to the Planning Commission that variances be approved with conditions based upon the following:

- 1) *Disregarding possible variances, the proposed use is permitted by code and is consistent with the Comprehensive Plan.*

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.

- 2) *The proposed use is reasonable.*

The use is for additional garage/storage area is reasonable considering the existing garage area and equipment desired for general home maintenance uses.

- 3) *Applicant identifies practical difficulties imposed by code in achieving proposed use.*

Practical difficulties include viewshed impact to neighbors and general public, trees and vegetation, alternate drainfield locations, and access needs/proximity to the principle structure.

- 4) *The difficulties in achieving the proposed use are due to circumstances unique to the property.*

The lot orientation to woodland and prairie areas in addition to slopes make the difficulties unique to this site.

- 5) *The difficulties in achieving the proposed use are not due to actions of the owner.*

The owner has not created the vegetation nor landscape difficulties unique to the site.

- 6) *The proposed variance will not alter the essential character of the locality; example issues to be considered may include:*

- *does not conflict with the purposes of the ordinance*
- *does not impair light, increase congestion, endanger public safety, diminish property values.*

The proposed variances do not alter the character of the neighborhood. Reviewer opinion is that without the proposed variances the location of a storage building within the parameters of the zoning code would indeed impact the essential character of the area.

Conditions

- 1) The existing vegetation (tree) screening of the proposed structure be retained. *or replaced*
- 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.

Daniel Willenbring <djwillenbring@live.com>

May 23, 2014 11:52 AM

To: Jack Warren

Fwd: Tanglewood Architectural Committee Approval

here is the association approval

Dan Willenbring

Begin forwarded message:

From: Joel Petersen <jmsspetersen@gmail.com>

Date: May 23, 2014 at 7:41:19 AM CDT

To: Daniel Willenbring <djwillenbring@live.com>

Subject: Re: Tanglewood Architectural Committee Approval

Dan,

Following our plan review and site inspection your outbuilding construction is approved. Please refer to the neighborhood covenants for exterior requirements.

Joel Petersen
President TPOA

Sent from my iPad

On May 21, 2014, at 6:55 AM, Daniel Willenbring <djwillenbring@live.com> wrote:

President Petersen, Vice President Moe and Past President Soukup;

I would like to discuss review and approval of a proposed outbuilding I would like to construct in the vicinity of my garden on the south side of my driveway. There is a public hearing Tuesday May 27th with the City's planning commission for my variance request to place an out building closer to the road than the primary structure and also a reduction of the side yard setback from 20' to 1'.

Once I had my property line surveyed and monumented along the east side, the property line actually is further west than I had expected. I talked with Bob and he is OK with the reduced setback. The position of the proposed garage leaves the view corridor to the west intact from the cul de sac.

If possible, I would like to have the Arch. Review Committee comments prior to Tuesday's public hearing. Let me know if you'd like to meet as a group or I can meet individually with everyone. I have copies of the site plan and elevations.

Dan Willenbring











Images © 2014 DigitalGlobe, Map data © 2014 Google

Ⓐ. WILLOW BRIDGE

Ⓑ. 2 NEAREST HOUSES

Certificate of Survey

Lot 1, Block 2, TANGLEWOOD,
Section 13, Township 31 North, Range 20 West,
City of Marine on St. Croix, Washington County, Minnesota

Parcel Description:

Certificate of Title No. 53088

Lot One (1), Block Two (2),

according to the plat of TANGLEWOOD, Marine on St. Croix, on file and of record in the office of the County Recorder of Washington County, Minnesota.

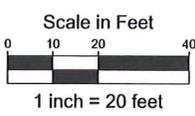
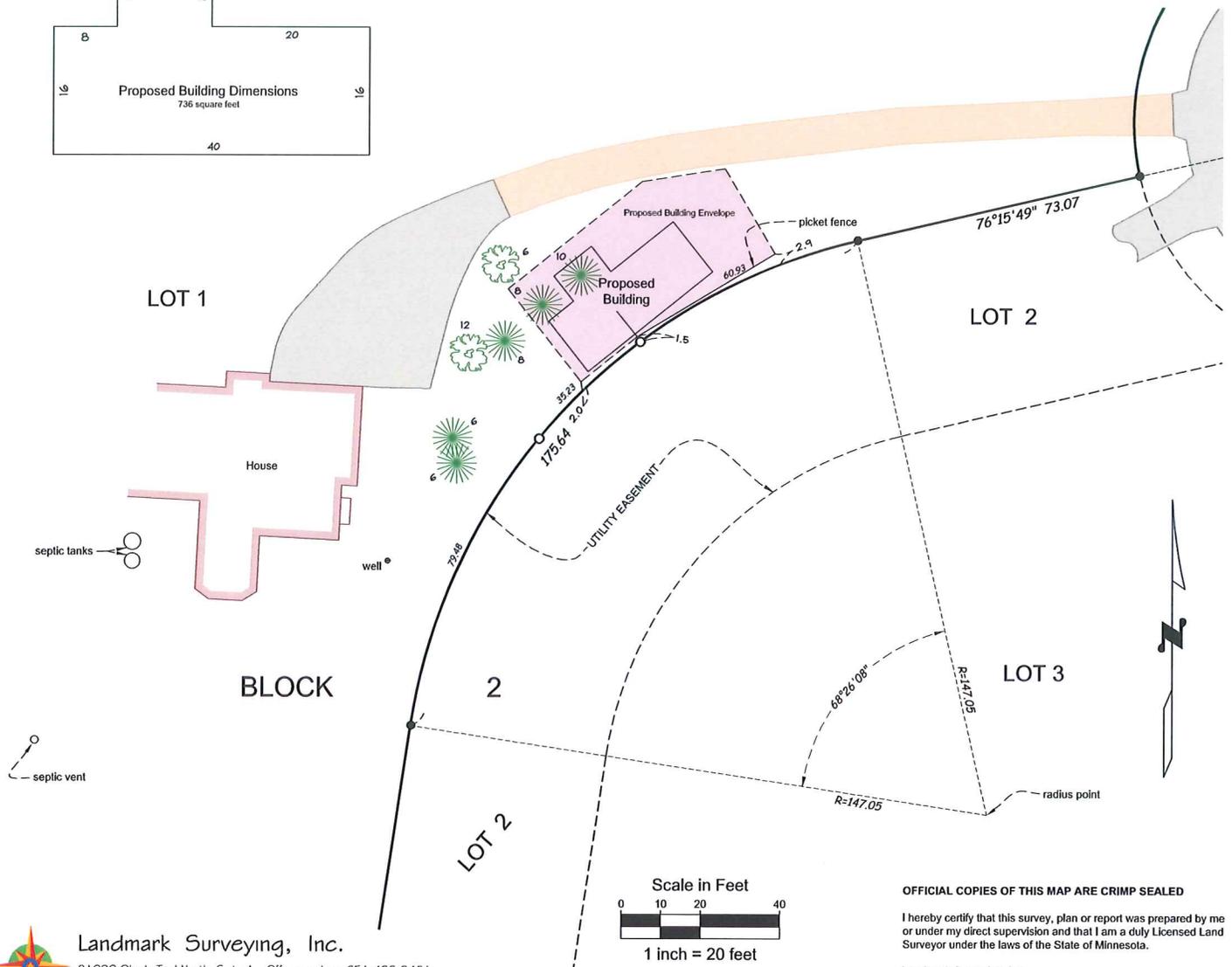
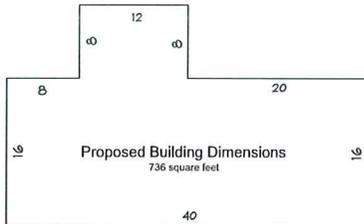
The Boundary lines of the above described plat have been registered.

Site Sketch
Prepared for:

Daniel J. Willenbring and Kelly A. Jeanetta
400 Tanglewood Lane
Marine on St. Croix, Minnesota 55047

Legend

○	Denotes set 1/2 inch inside diameter by 18 inch long iron pipe monument with a plastic cap inscribed ANEZ 13775.	●	Denotes found 7/8 inch O.D. iron pipe monument with a plastic cap inscribed RLS 12660 unless otherwise noted.	⊕	Denotes Washington County cast iron monument	□	Denotes computed position, no monument found or set.	■	Denotes bituminous surface.	■	Denotes gravel surface.	⊙	Denotes coniferous tree and diameter in inches.	⊙	Denotes deciduous tree and diameter in inches.	R=	Denotes radius of curvature.	Orientation of the North Azimuth System is based on the recorded plat of TANGLEWOOD, on file and of record in the Office of the County Recorder, Washington County, Minnesota.	
Distances are in feet and decimals of a foot.																			



OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Landmark Surveying, Inc.
Joel T. Anez
Joel T. Anez, Minnesota License No. 13775
Date June 10, 2014

Landmark Surveying, Inc.
21090 Olinda Trail North, Suite A
P.O. Box G5
Scandia, Minnesota 55073
Office number: 651-433-3421
Cell number: 651-235-8880
E-mail: inthefield@frontiernet.net

City of Marine on St. Croix
Planning Commission and Public Hearings
Tuesday, May 27, 2014

The City of Marine on St. Croix Planning Commission meeting of May 27, 2014 was called to order at 7:33pm by Planning Commission Chairman Gerry Mroska at the Marine Fire Hall. Brenner Creager, Roden, Warren and Smitten were present. Ritz was absent.

Citizens Present: Glen Mills, Dan Willenbring, Ross & Bridget Levin

1. Call to Order 7:30pm.
2. Public Hearing 7:30pm – Dan Willenbring – 400 Tanglewood Lane – Variance for a side yard setback and an accessory building closer than the front lot line.
3. Public Hearing (continued) Ross & Bridget Levin – 401 Judd Street – Variances request for a front yard setback on Berkey Street and bluff line setback.
4. Old/New Business:
Watershed District Update
5. Approval of minutes for March 25, and April 29, 2014.
6. Review Codes in the SFR, SFU, SCR, SCU, VC Districts:
7. Adjournment

Chairman Mroska opened the Public Hearing at 7:34pm

Public Hearing - Dan Willenbring – 400 ^{Tanglewood.} Taglewood Lane – Variance for a side yard setback and an accessory building closer to the road than the primary structure.

Willenbring explained he was present to request two variances. The first variance is a side yard setback and the second is for an accessory building closer to the road than the primary structure. Willenbring shared the survey he had from Landmark Surveyors of his lot and shared the impact area of his lot that is just south of his driveway and north of the existing property line along with pictures of the area.(see attached) Willenbring pointed out the fifty foot driveway that is used for entrance into another lot behind his property. The pictures shows the view from the cul-de-sac to his house and the fence line, the view from the neighbor's driveway to the cul-de-sac and where the proposed garage sits on the property. Willenbring explained he would like to push the structure back as far away from the road as possible however there are two large trees that would need to be relocated. Roden questioned the location on the west side of the property. Willenbring noted because of the view the structure would block the sunsets and when he talked to the architectural review committee for Tanglewood they agreed on Mr. Willenbring location so it would not interrupt the view shed. The neighbor to the south on lot two also approved of the location.

The structure will be approximate 16 feet by 40 feet with an appendage of 8 feet by 12 feet on the side and he would like the height of the structure to be at 20 feet. The existing structure currently sits at 26 feet 9 inches tall.

Warren reviewed the Facts and Findings and noted an Arial photo (see attached) from Google Maps that shows the location of Nason Hill Road and Paul Ave and the road into Tanglewood, along with Mr. Willenbring's house, cul-de-sac and driveway at the edge of the woods. The view shed considerations and downhill slope are reasonable. Alternate site around house however trees and drain filed is within the trees. Down slopes could create erosion. By nestling the building into trees it would be less intrusive. The house is not seen so there should not be a factor. Warren also noted it would be reasonable for Mr. Willenbring to request an additional storage structure to house a boat that is stored in the trees and garden equipment for their garden. The existing garage is small under 24 feet square on the inside.

Warren also noted additional sites and considered how conspicuous the building would be with the placement in the view shed, commenting on the Comprehensive Plan and paragraph 504 of the Zoning Ordinance that deals with the Single Family Rural and explained the values of Marine that lean very heavily on the view that support the rural character. Warren explained that nestling the structure into the trees makes the building less intrusive.

The Planning Commission reviewed the Facts and Findings and agreed to add the wording "or replaced" at the end of Conditions 1.

Brenner moved and Roden seconded to make recommendation to City Council to approve the requested variances as outlined in staff report with the attached three conditions of Case number 14430-01 for Dan Willenbring at 400 Tanglewood Lane for variances of a side yard setback and detached accessory building located behind the principle structure, with recommended changes as drafted to the Facts and Findings. Motion carries unanimously.

Public Hearing was closed at 8:00pm

Chairman Mroska reconvened the Public Hearing at 8:00pm for Ross and Bridget Levin.

Public Hearing - Ross & Bridget Levin – 401 Judd Street: Applicants Ross and Bridget Levin were present. Mr. and Mrs. Levin noted their intent is to request a variance with sensitivity to the environment and they would also like keep the large white pine that is there. The reason for the screen porch is to have a larger area for table and chairs to enjoy the land.

From: Casey, Tim <Tim.Casey@perkinswill.com>
Sent: Monday, June 15, 2020 9:37 PM
To: Lynette Peterson <mosc@cityofmarine.org>
Subject: RE: Casey Accessory Building Additions

Hi Lynette –

Thank you for your time in reviewing my earlier documents. I have attached a revised garage plan which will meet the 35 ft set back requirements. Some other discussion points that I would like to discuss with you are as follows:

- 1) My garage is already in front and of my house. I am just adding on a single stall. This new single stall would not be in front of my house. Also the new garage ridgeline will be lower than the existing garage ridge line.
- 2) My drain field is located directly behind my garage so I cannot build it to the back side.
- 3) I could potentially build the new garage on the other side of the driveway but I honestly think that would look worse as I would have to cut down a bunch of trees and anyone driving on Nason Hill would have to look at the garage – not a good look for my neighborhood.
- 4) Where I am proposing the garage addition I feel is the best location as it is the least visible from Nason.
- 5) My neighbors have a **horse barn** in front of their house that is much more visible from Nason than my garage addition would be. I will send you pictures of their front yard and mine.
- 6) The studio will not have any plumbing in it. It will purely be an art studio, workshop and storage space.

I really do appreciate your help in this matter. I am land locked by grades, drain fields, trees, etc. I believe that my proposed location for the garage stall is the best location for this site and my neighbors. Please let me know of any next steps and if I need a variance or whatever.

Call me at your convenience or email me as well. My number is below.

Thanks so much.

Tim

Tim Casey, AIA, EDAC, LEED BD+C
Senior Project Manager, Senior Associate
m 612.212.8002

CERTIFICATE OF SURVEY

Lot 1, Block 3, TANGLEWOOD,
City of Marine on St. Croix, Washington County, Minnesota

Prepared for:

Timothy and Barbara Casey
1051 Nason Hill Road
Marine on St. Croix, Minnesota 55047

PID: 13.031.20.21.0009

Zoning District - SFR

Building Setbacks:
Front Yard - 30 feet
Side Yard - 20 feet
Rear Yard - 5 feet

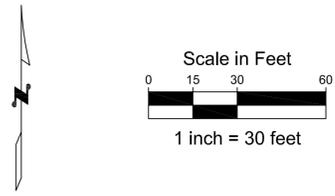
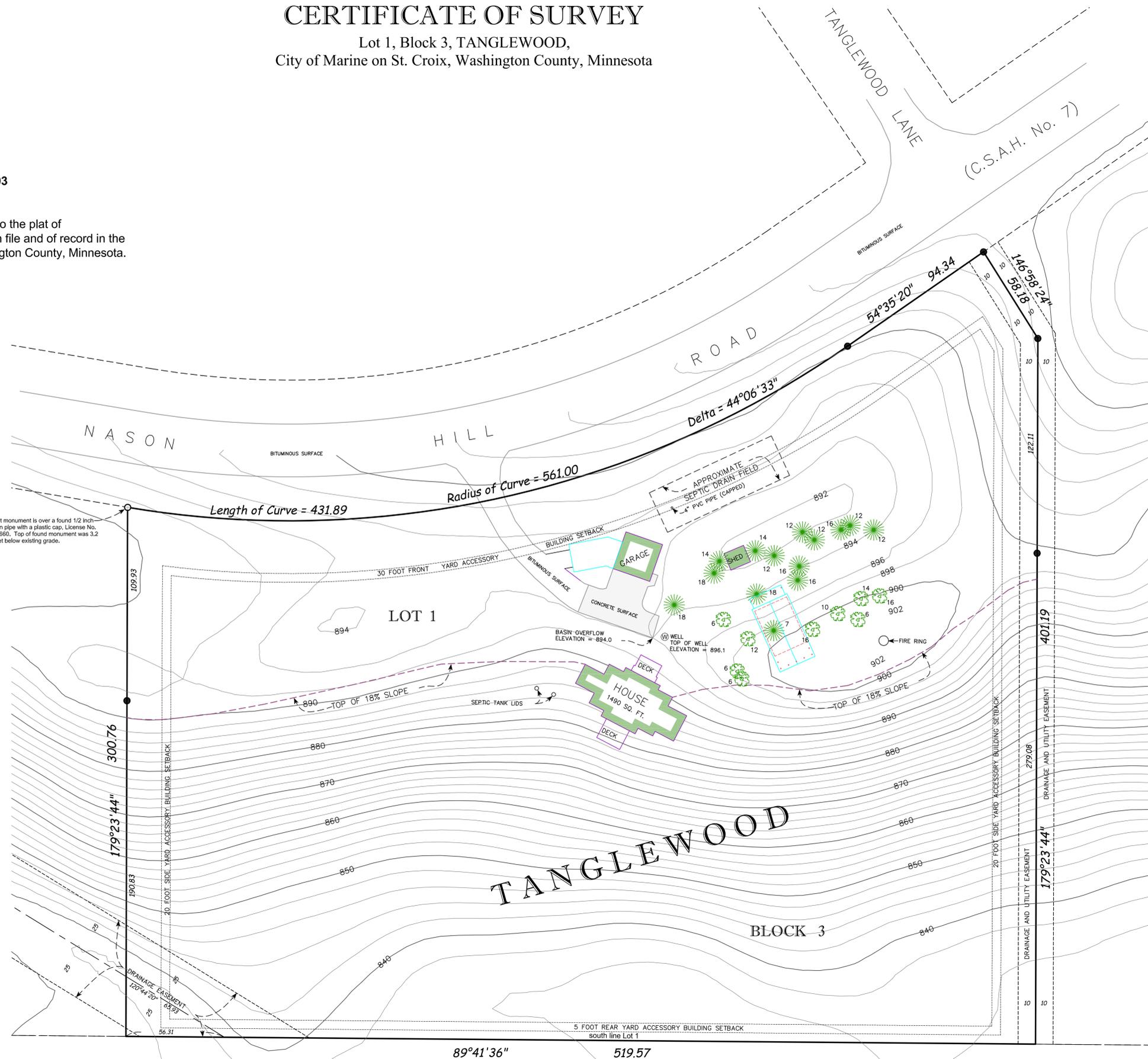
Existing Parcel Description
Warranty Deed, Document No. 1236193
Certificate of Title No. 72896

Lot One (1), Block Three (3), according to the plat of
TANGLEWOOD, Marine on St. Croix, on file and of record in the
office of the County Recorder of Washington County, Minnesota.

Legend

- Denotes set 1/2 inch iron pipe, 18 inches long, with a plastic cap inscribed HORAK LS 52577.
 - Denotes found 1/2 inch iron pipe with a plastic cap, Minnesota Land Surveyor's License Number 12660.
 - 6  Denotes deciduous tree and trunk diameter in inches.
 - 18  Denotes coniferous tree and trunk diameter in inches.
- Azimuths are based on the south line of Lot 1, block 3, TANGLEWOOD, recorded to bear 89°41'36". Said plat is on file in the office of the County Recorder, Washington County, Minnesota.
- Distances are in feet and decimals of a foot.
- Values shown as 90°, 10, 66, etc. are exact extrinsic values.
- Elevations are in feet and are based on the North American Vertical Datum of 1988.
- Contours are at two foot intervals and were derived from field measurements and data published by the Minnesota Department of Natural Resources.

Set monument is over a found 1/2 inch iron pipe with a plastic cap. License No. 12660. Top of found monument was 3.2 feet below existing grade.

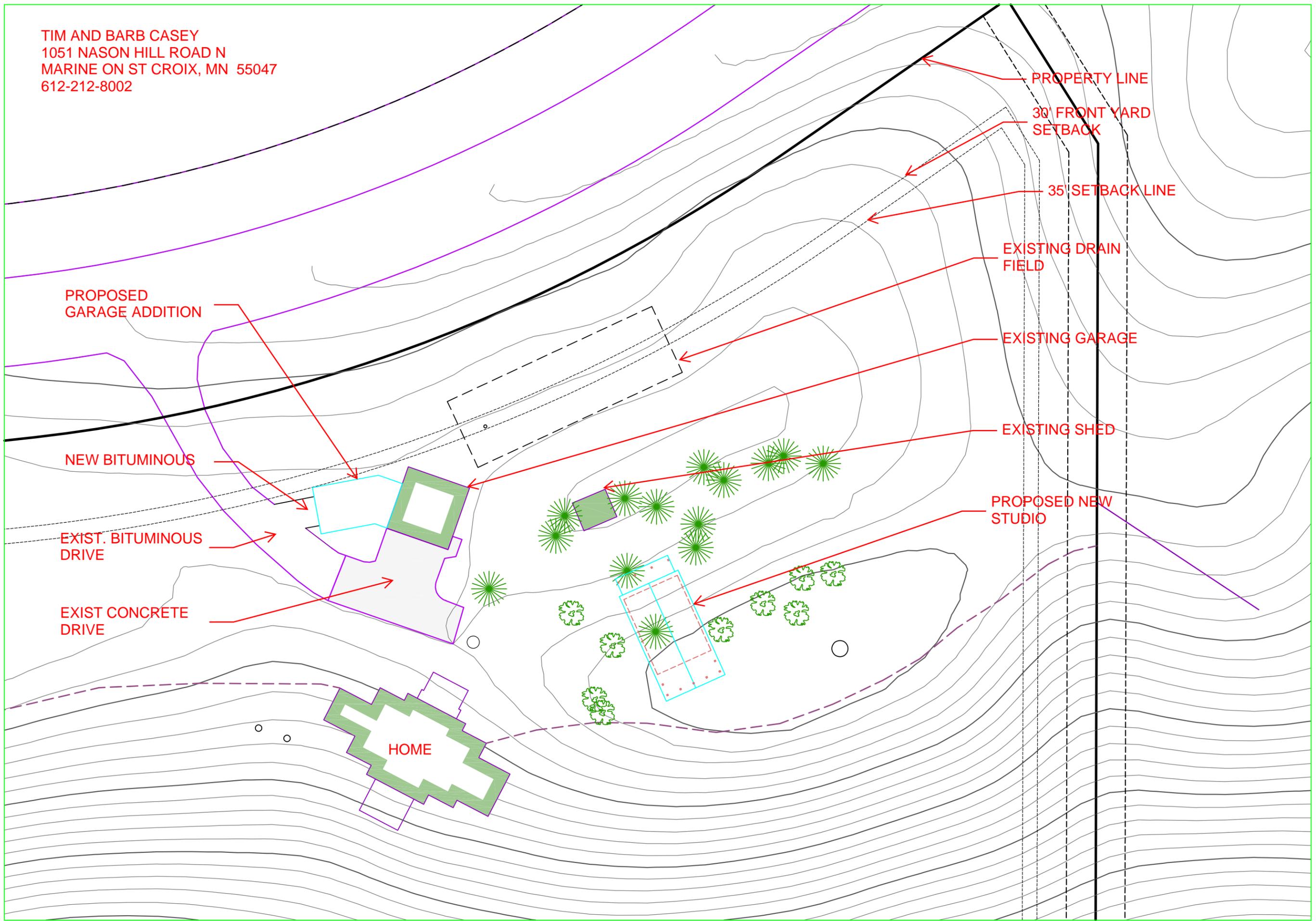


TIM AND BARB CASEY
1051 NASON HILL ROAD N
MARINE ON ST CROIX, MN 55047
612-212-8002



CASEY ARCHITECTS
1051 Nason Hill Road N
Marine on St. Croix, MN 55047
612-212-8002
casey.tim11@gmail.com

CASEY GARAGE ADDITION



PROPOSED
GARAGE ADDITION

PROPERTY LINE

30' FRONT YARD
SETBACK

35' SETBACK LINE

EXISTING DRAIN
FIELD

EXISTING GARAGE

EXISTING SHED

PROPOSED NEW
STUDIO

NEW BITUMINOUS

EXIST. BITUMINOUS
DRIVE

EXIST CONCRETE
DRIVE

HOME

SITE PLAN

Issue and Revision:
JUNE 15, 2020

Commission No. 2019-02
Drawn by T-KC
Checked by T-KC

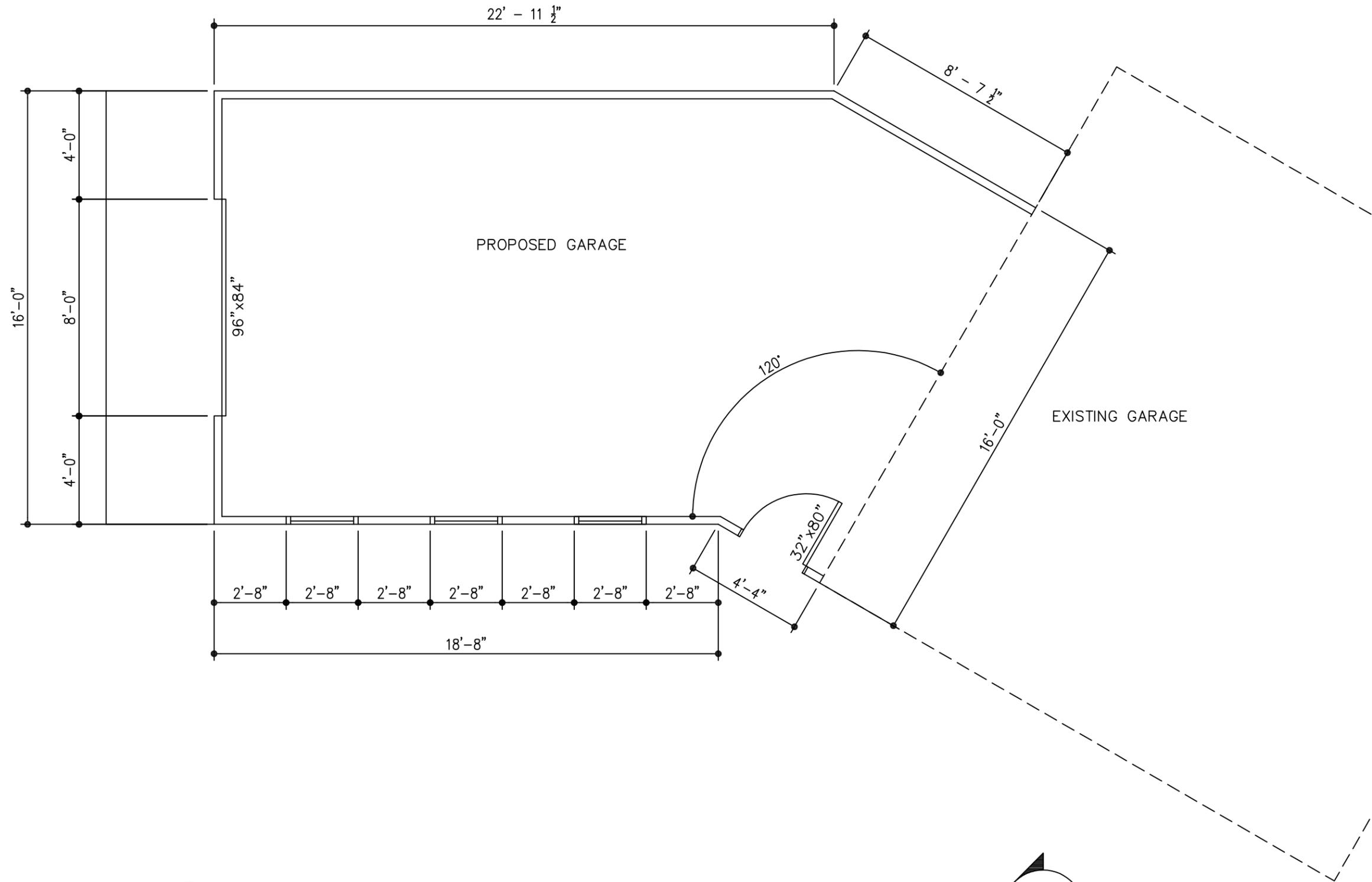
SHEET

A



CASEY ARCHITECTS
 1051 Nason Hill Road N
 Marine on St. Croix, MN 55047
 612-212-8002
 casey.tim11@gmail.com

CASEY
 GARAGE
 ADDITION



B FLOOR-PLAN
 1/4" = 1'-0"

Issues and Revisions
 6/15/20

Commission No. 2020-01
 Drawn by T-KC
 Checked by T-KC

SHEET

B

Council comments on draft STR Ordinance (received via email)

June 9: Charlie Anderson

IF the Planning Commission has truly reached consensus on the current draft ordinance I will not take much issue with the revisions, but I would like answers to the following question:

Why were the number of STRs per district changed from 2 to 3 after 2 had been the consensus of the joint workshop?

June 18: Bill Miller

I would like to know the rationale for the maximum of 72 days a year?

June 18: Lon Pardun

Good morning,

The change I would like to see is as follows;

Section 5. General Performance Standards

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

A maximum of three (3) Short Term Rental licenses ~~shall~~ **may** be allowed in each district. Note: the Schoolhouse units are excluded from the count of three (3) per district.

STR and Zoning Answers from City Attorney Dave Snyder

See responses in line below.....



David K. Snyder

david@johnsonturner.com / Direct Dial: [651-403-8972](tel:651-403-8972) P: [651-464-7292](tel:651-464-7292) / F: [651-464-7348](tel:651-464-7348) / www.johnsonturner.com

Mail to: 56 E. Broadway Ave. #206, Forest Lake, MN 55025

[Forest Lake, MN](#) / [Lake Elmo, MN](#) / [Woodbury, MN](#) / [Blaine, MN](#)



Please consider the environment before printing this email

From: Assistant Clerk <asstclerk@cityofmarine.org>

Sent: Tuesday, June 16, 2020 1:47 PM

To: David Snyder <david@johnsonturner.com>

Subject: Marine Planning Commission questions

Hi Dave,

The planning commission is reviewing the short-term rental ordinance and updating the city's zoning code. They've asked me to run several questions by you.

Short-Term Rental Ordinance

1. Where the ordinance reads: "A maximum of [x] Short Term Rental licenses shall be allowed in each district," **should "shall" be changed to "may"?** The concern is whether "shall" could force the city to allow a rental property against the judgement of the council. This is a policy call for the city. It would be permissible to say "may" or "up to" or "may allow up to ___, subject to compliance with the terms of this ordinance". Note that the decision to grant or not grant a permit that is subject to a floating and discretionary numerical limitation is itself subject to review. In other words if the ordinance says "the city may grant up to 3 permits in the rural residential zone" then if the city declined an application for a third permit, that would be challengeable and the city would have to show that the denial was based on fact and on the actual ordinance criteria. Not a huge issue but any denial of a permit below the available threshold must be based on the language of the ordinance and the city must point to the ordinance criteria that are not satisfied.

2. **For a shared private driveway, should a prospective rental owner be required to get their neighbors' permission before using the driveway in association with short-term rentals?** I know you've already answered a very similar question about shared private road. The commission believes this is a different question, applicable to a different situation. I'm making the distinction here partly out of concern that my wording of the question could result in a way to circumvent the original answer on roads. This would depend on the agreement, if any governing the shared driveway. If there was no written agreement which spoke to the issue, then the answer would obviously be no. If there was a written agreement and it did not speak to the issue, the answer would likely be no. If there was a written agreement and it specifically governed manner of use of the driveway and the property benefitted by the joint easement---then possibly yes. Many joint driveway arrangements are just historical and do not have written maintenance and use agreements. Even those which do typically do not contain the type of specificity that would be needed to prevent house rental of one form or another.

3. In the following context, is **"by the City" appropriate**, or should it say "in the City," or just leave the whole phrase out? "No property may be used as a Short Term Rental (Type A, B or C) unless a license is first granted by the City. The License shall be entered on a short term rental registry. Type C Short Term Rentals are not permitted by the City." In the first reference "by the City" appears correct. In the second, I think "in the City" is a better and more precise form.

Zoning Ordinance Update

1. Residential care facilities and daytime care facilities are being proposed as permitted uses in some districts, conditional uses in others, and in some districts do not appear to be permitted at all. A commissioner wondered about the rules regarding drug rehab or treatment centers. **Does the city have control over where it allows treatment centers**, or are they protected from local regulation? This is a big subject and probably worth a separate inquiry. The city can assert some limited control in certain situations but there are for example, a couple of statutory provisions that say that single family residential homes can be used for multiple persons (4, for example) if it is for the purpose of....roughly.....furnishing care. Other laws, like the Federal Fair Housing Act have similar mandates but it's a subject that would be hard to outline in one email. Let me know if a summary is wanted.

Thanks. Let me know if you have questions!



Paul Weirtz
State President

AT&T
901 Marquette Avenue
Minneapolis, MN 55402

T 952.229.9295
Pw3834@att.com
Minnesota.att.com

June 9, 2020

Mayor Glen Mills
Council members
City of Marine on St. Croix
121 Judd Street
Marine on St. Croix, MN 55047

Dear Mayor Mills and Council members,

I am writing today in strong support of a proposed cellphone tower in the City of Marine on St. Croix.

The proposed site, to be located at 17790 St. Croix Trail North, is a FirstNet site. This new site will help first responders communicate across the City of Marine on St. Croix, City of Scandia and Washington County, including during emergencies like search and rescue, emergency medical and ambulance services.

This site was among the cell sites identified by the State of Minnesota as a crucial location to expand wireless coverage in areas of the state with either poor or no existing wireless coverage. The FirstNet build is being done with direct feedback from Minnesota state public safety officials. Through extensive research and evaluation, AT&T determined this site to be the best option for providing public safety interoperable communication via FirstNet in order to serve the public.

FirstNet is the nationwide communications platform dedicated to America's first responders and public safety community. It gives agencies large and small the reliable, unthrottled connectivity and modern communications tools they need. And it is helping them connect to the critical information they need – every day and in every emergency. If there is an emergency, FirstNet provides the interoperable communications network that gives priority and preemption to first responders. And in areas like Marine on St. Croix with limited to no wireless coverage, it provides first responders with access to truly dedicated coverage and capacity when they need it.

Please support this proposed tower. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Paul Weirtz".

Paul Weirtz
State President
AT&T Minnesota

11. How important is it for you to have dependable cellular phone service? *Circle your response.*

NOT IMPORTANT AT ALL SOMEWHAT IMPORTANT IMPORTANT VERY
IMPORTANT NOT APPLICABLE/ NO OPINION

12. Which statement best describes your view on cellular service in Marine on St Croix? *Circle your response.*

IT IS IMPERATIVE THAT WE IMPROVE CELL PHONE SERVICE IN MARINE.

I DON'T REALLY CARE WHETHER OR NOT WE IMPROVE CELL PHONE SERVICE IN MARINE.

I AM NOT IN FAVOR OF IMPROVING CELL PHONE SERVICE IN MARINE.

13. Please select your priorities for improved cellular phone service. *Select all that apply.*

- To improve public safety.
- To provide a reliable secondary form of communication other than a landline.
- To allow residents to work from home.
- To improve the ability of our businesses to reliably process transactions.
- To allow our businesses to offer their customers better local cellular service.
- To allow residents to stay connected to family and friends.
- To allow residents to stay connected to news, social media, and entertainment.
- To allow residents to browse the internet and shop at home (e-commerce).
- To allow residents to reliably use more smart-home features.
- To allow visitors to better experience our town.
- I do not support improving cellular phone service in Marine. Other (please specify)

CURRENT PROPOSAL

14. Are you aware that a proposed cellular tower is being considered for Marine on St Croix? *Circle your response.*

YES NO

15. The proposed tower sites are the Public Works Garage area (near intersection of Old Guslander Trail and Broadway, about 1,140 feet from the nearest residence), and the Compost Site (approximately where the sand pile is, about 900 feet from the nearest Stuga residence). If both sites provide relatively the same quality of coverage, which site do you think is the most appropriate? *Circle your response.*

PUBLIC WORKS SITE COMPOST SITE NO PREFERENCE

16. The minimum effective height for a tower to provide reliable coverage for **ONE** cell phone carrier is 100 feet. The minimum height for a tower to provide reliable coverage for **TWO** cell phone carriers is 120 feet. The minimum height for a tower to provide reliable coverage for **ALL THREE** cell phone carriers (AT&T; T-Mobile/Sprint; Verizon) is 140 feet. What tower height do you prefer? *Circle your response.*

140 120 100 NO PREFERENCE

17. How important is it to you to have ALL THREE cell phone carriers provide service in Marine on St Croix? *Circle your response.*

NOT IMPORTANT AT ALL SOMEWHAT IMPORTANT IMPORTANT VERY IMPORTANT

18. If the tower was restricted in height so that only one mobile cellular carrier could be located on it, are you supportive that this carrier would have a monopoly and that all other residents would be forced to subscribe to that carrier in order to have improved cellular phone service? *Circle your response.*

I SUPPORT A MONOPOLY I DO NOT SUPPORT A MONOPOLY NO OPINION

19. If you are not in favor of having ALL THREE cell phone carriers to provide service in Marine on St Croix, Why?

Space for hand-written response

20. Additional prospective tenants on the cell phone tower include Midco (to provide improved wireless internet service) and Washington County Emergency Communications Center (to improve proprietary public safety systems). This would necessitate an additional 20-40 feet of space on the tower for their respective infrastructure. Would you support adding an additional 20-40 feet to the tower height to accommodate this infrastructure, not to exceed a total tower height of 180 feet? *Circle your response.*

YES NO I'M NOT SURE NO PREFERENCE

21. How much do you agree with this statement: *Circle your response.*

“A cellular phone tower should be built in the City of Marine on St Croix.”

STRONGLY DISAGREE DISAGREE NEITHER AGREE NOR DISAGREE AGREE
STRONGLY AGREE

22. How much do you agree with this statement: *Circle your response.*

“If improving cell phone service in Marine on St Croix requires a minimum cell phone tower height of 100 feet then I do not support any cell phone tower in Marine.”

STRONGLY DISAGREE DISAGREE NEITHER AGREE NOR DISAGREE AGREE
STRONGLY AGREE

23. If it is feasible, should the City pursue a “stealth” tower that looks like a pine tree? *Circle your response.*

YES NO I’M NOT SURE NO PREFERENCE

24. If it is not feasible, should the City still pursue a tower even if it cannot be “stealth”? *Circle your response.*

YES NO I’M NOT SURE NO PREFERENCE

25. When would you like to see a cellular phone tower built in Marine on St Croix? *Circle your answer.*

AS SOON AS POSSIBLE

FALL 2020

SPRING 2021

1-2 YEARS FROM NOW

3-5 YEARS FROM NOW

5+ YEARS FROM NOW

NEVER

Please note that prior to any decision being made, the Planning Commission will have to suggest changes to the City Zoning Ordinance regarding Ch. 408 (Wireless Communications), a Public Hearing conducted, and a vote would need to be taken by the City Council prior to entering into any agreement to build a cell phone tower in Marine on St Croix.

Please utilize this space to provide any feedback you may have regarding your support of a cell tower, or your concerns with a cell tower.

Space for hand-written response

Wireless Communications Ordinance

June 18, 2020 Phone Meeting Notes

Participating: Commissioners Sanderson, Smitten and Spisak

Discussion:

The group discussed what the next action steps should be and agreed on the following:

- Review and Understand Adjacent Community Ordinances
- Identify Regional Needs (St Croix Valley) and how they might be achieved
- Current Service Levels
 - Need to better understand coverage gaps
 - The maps and propagation studies are difficult to evaluate
- Proposed Service Levels
 - Need to define a minimum or adequate level of service to Marine to better understand what constitutes a successful implementation
 - What carriers
 - Coverage area
 - Gaps
 - Risk that we accept/build a tower and still have incomplete or inadequate coverage
 - Besides the Compost and Public Works sites, what other site options might exist?
 - Identify Existing Towers, locations, heights, carriers
 - Evaluate opportunities for increased coverage from these towers
 - Identify other pending tower proposals
 - Would these provide improved service to Marine

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
REGULAR MEETING

Tuesday, May 26, 2020
7:30pm via Zoom

The City of Marine on St. Croix Planning Commission regular meeting of May 26, 2020, was called to order at 7:32 pm. Present: Chair Gerry Mrosla, Commissioners Jennifer Henry, Scott Spisak, Kristina Smitten, Ron Brenner, Ed Sanderson, Anna Hagstrom.

Citizens present: Mary Whitaker, Gwen Roden, Jon Fogelerg, Kitsi Vadheim, John Goodfellow, Nancy Cosgriff, Larry Martin, Sara Rottunda, Thomas Omdahl, Marcia C.

Short-Term Rental Ordinance: Review and discuss draft

Commissioner Smitten introduced the latest draft, saying the committee had revised some items for clarification and others to reach a compromise. They suggested:

- amending the ordinance to limit the number of nights rented to be less than the number of nights occupied;
- limiting rentals to three per district;
- limiting rental days to two weekends per month, maximum 72 days per year.

Rentals Per District

The current draft proposes three per district. Smitten noted that two per district was not what the committee thought was appropriate. Three seemed like a compromise that met the desire of the commission as well as residents who desired a much larger number.

Commissioner Spisak asked whether the ordinance should read “up to three” Should we say up to three? Does three obligate the city to allow three? Should it be “shall” or “may”?

The commission requested that staff ask City Attorney Dave Snyder for a legal opinion.

Number of Days

The draft proposes caps of two weekends per calendar month and 72 days per year.

Commissioner Sanderson called this a good middle ground. Commissioner Spisak asked what had happened to the maximum of 14 days per month.

Smitten answered that the ordinance is relatively strict, and enforcing it is going to be a problem. Demand is primarily on weekends, so it seemed pragmatic to limit the total number of days per year, and the number of weekends.

Commissioners Brenner, Roden, and Spisak agreed that they could support the proposed limits.

Private Driveway

Mrosla asked whether home owners who share a private driveway should you have to get their neighbors’ permission before using the drive for a short-term rental.

The commission requested that staff ask Attorney Snyder.

Section 4. General Requirements and License Issuance.

Commissioner Spisak asked whether the language was correct in saying commercial short-term rentals were not permitted “by the city,” or whether it should read “in the city” or be omitted. The commission requested that staff ask Attorney Snyder.

Emergency Response (Section 5-M)

*Change ordinance draft to read “If the property owner is not on premises, owner or an owner-designee is required to respond to emergencies, **and must always stay** within thirty (30) minutes traveling distance of the property and available by cellphone during Short Term Rental use.”*

Public Hearing

The commission discussed safety of an in-person meeting, and practical elements of meeting virtually, and informally set a target hearing date for July 28.

Roden asked whether they could release the draft early and invite public comment via email.

Mroska volunteered to check with council.

Commissioner Spisak requested that staff and legal counsel determine the parameters of a virtual public hearing and access.

Cell Tower

Chairman Mroska reported that the city council requested that the commission revise the city code governing cell towers to bring the requirements in line with current needs for communications infrastructure.

Commissioner Spisak noted that the commission’s work would involve more than changing the height of the tower. There are technological issues that need to be researched and written into code. He and commissioners Smitten and Sanderson are prepared to move forward as a committee. He suggested that this would be a similar process to the STR ordinance, with time to do research, drafting language and eventually holding a public hearing.

Zoning Code

Next workshop 7p.m. Tuesday, June 2.

New Business

At Commissioner Spisak’s suggestion, the commission agreed to submit all meeting materials by noon the Wednesday prior to commission meetings. Staff will send the packet by noon the Friday before the meeting.

Approval of minutes: April 28 regular meeting

Commissioner Spisak requested that “urban” be changed to “zoning” (page 2, second paragraph from the end, second sentence).

Spisak moved and Sanderson seconded approval of the minutes of the April 28 virtual meeting, as amended. Roll call vote: Mroska – Aye; Spisak – Aye; Smitten – Aye; Sanderson – Aye; Henry – Aye; Brenner – Aye; Hagstrom - Abstain. Minutes approved as amended.

Approval of minutes: May 12 zoning workshop

Commissioner Spisak requested that “Brian” referred to in the discussion of Section 311.5 be expanded to “Brian Ross of the Great Plains Institute.”

Spisak moved and Smitten seconded approval of the minutes of the May 12 zoning workshop, as amended. Roll call vote: Mroska – Aye; Sanderson – Aye; Smitten – Aye; Spisak – Aye; Henry – Aye; Brenner – Abstain; Hagstrom - Abstain. Minutes approved as amended.

Adjournment

Smitten moved and Sanderson seconded to adjourn at 8:51 pm. Roll call vote: Mroska – Aye; Sanderson – Aye; Spisak – Aye; Smitten – Aye; Brenner – Aye; Hagstrom – Aye; Henry – Aye;. Motion passed unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk.

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
WORKSHOP MINUTES

Tuesday, June 2, 2020 – 7 pm
Virtual meeting via Zoom

The City of Marine on St. Croix Planning Commission workshop was called to order at 7:05 p.m. Present: Chair Gerry Mrosła, Commissioners Scott Spisak, Kristina Smitten, Jennifer Henry.

No citizens present.

Zoning Code Review

The Commission resumed its review of the zoning code beginning with Section 504: Single Family Rural.

504.2: Commissioner Spisak noted that the proposed strike, “power distribution equipment” in Single Family Rural, would include the public works garage, and asked whether the code should address the public works facility.

Spisak will refine the definition of “essential services.”

Commissioner Smitten pointed out that the list of zoning districts and the zoning map needed an update (Sections 501 and 502; p 5-1). *Suzanne will ask Lynette to review zoning changes on page and let the commission know if there are changes.*

Returning to 504.2, Smitten asked if city buildings could go anywhere in town. If not, maybe the code should allow them in this section.

Add municipal buildings.

504.4 Interim Uses: Spisak wondered why “temporary classroom structures” was included. Smitten noted that schools are also listed under Single Family Rural uses [Section 504.5 (2)], as are churches.

504.3 Seasonal produce stand:

Strike “to a farm;”

504.5 (5) Public parks and playgrounds:

Strike “provided that.”

504.5 (8-9)

Strike “Daycare” (to read “Residential” only)

Spisak asked whether treatment centers are protected. *Suzanne will ask the city attorney.*

504.7 (2-3)

(2)(b) Reads: “All designated open space shall be platted as outlot parcels held as open space in perpetuity.”

Commissioner Smitten will consider look into a credit option under “Location Criteria.”

504.7: Under 6(d) Just say: as provided in Minnesota Statutes

Strike statute numbers.

504.8

(6) Driveways

Commission Smitten said Jason Crotty of Marine’s Public Works department requested an addition to the code regarding the grade where the driveway meets the road. He would like a distance, so that steep driveways do not drop right into the road.

Commissioner Smitten will look into this.

504.9 (3)

Commissioner Spisak would like clarification on the septic systems and will research issue.

Section 505: St. Croix Rural Residential District

Single Family Rural sits between Highway 95 and the river, north of Pine Cone Trail and south of Butternut Falls. The Scout Camp occupies most of the piece on the south end.

505.2 (3) Permitted Uses: the proposed strike under “essential services” circles back to Commissioner Spisak’s review of the definition for essential services.

Smitten: We’re not going to allow residential care.

Suzanne will ask Attorney Snyder.

Strike (8) Wireless Communications, Antennas and Towers

505.5 Conditional Uses: Commissioner Spisak noted that descriptions should be consistent from district to district.

(3): Reinsert “Municipal” for consistency.

(4-a): Seasonal produce stand - replace the description with the one from the SFR district.

(5) Public parks and playgrounds - Strike all underneath.

(6) Day Care facilities needs to be consistent with what came before.

We could use a better zoning map. Suzanne will see what she can do.

505.7 District Performance Standards

Commissioner Smitten asked whether the DNR would review item (1): Lot Standards.

Commissioners believed it would.

(6) Slopes and steep slopes: *Commissioner Smitten will look at this section.*

(9) Tree Preservation

Add Tree Preservation to District Performance Standards in the previous district (504.6).

Smitten requested that Tree and Woodland Preservation (405.7) be included in all river districts.

The commission stopped at Section 506.

Next Workshop Date

Suzanne will set up a Doodle Poll for weeks of June 8th and 15th.

Discuss date for public hearing on the Short Term Rental Ordinance

Mrosla told the commission that the mayor would like the hearing to happen before the July Planning Commission meeting. Also, the mayor would like to start holding meetings in person. Mrosla asked if commissioners were comfortable with that. The commissioners present felt that if distancing could be maintained and the windows opened they would be comfortable. There was discussion around whether there would be a Zoom option for residents not comfortable coming in, and whether the city has a plan for managing attendance, such as having people wait outside, then leave after they're finished speaking so others could come in. Commissioner Spisak noted that the hall can get hot, which could exacerbate potential issues. He also requested that city staff talk with the city attorney about requirements of holding a public hearing, and how it should be set up to ensure access. The commission would like Attorney Snyder at the hearing.

Adjournment

Spisak moved and Smitten seconded to adjourn at 8:43 pm. Roll call vote: Mrosla – Aye; Smitten – Aye; Spisak – Aye; Henry – Aye. Motion passed unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk.

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
WORKSHOP MINUTES

Tuesday, June 16, 2020 – 7 pm
Virtual meeting via Zoom

An informal workshop with members of the City of Marine on St. Croix Planning Commission began at 7:01 pm. Present: Chair Gerry Mrosła, Commissioners Scott Spisak, Kristina Smitten.

No citizens present.

Zoning Code Review

The commissioners reviewed the zoning code beginning with Section 506: Single Family Urban.

506.2 (7)

Strike 506.2 (7) Wireless Communications, Antennas and Towers.

506.3: Smitten wondered whether solar was listed as an accessory use in other districts.

506.6 (1)(a)

Commissioner Spisak noted that part of the point of this review is to check for consistency with the comprehensive plan. Why have a minimum lot size of 30,000 when we have data showing that the average lot size is 20-something?

Commissioner Smitten suggested keep that in mind for the final review. What's the appropriate way to think about dimensional standards in the urban area?

Chairman Mrosła offered to ask Commissioner Brenner.

Smitten asked, if a site is served by city sewer why it needs a septic system?

Mrosła answered that the system needs a holding tank for solids. It's kind of a hybrid system.

Section 507: St. Croix – Urban Residential District

507.2

Smitten wondered why (3) specified “detached”? Is it detached from the garage?

Spisak noted that in the Single Family Rural district the code refers to “single family residential,” and noted that common elements should be identified the same way section to section. It's detached in the urban district. Does “detached” differentiate from town homes or twin homes?

Smitten volunteered to look into this.

507.2 (4)

Unstrike 507.2 (4) (“telegraph, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.”)

507.2 (6)

Stike 507.2 (6) Wireless Communications, Antennas and Towers – Strike from all districts until we get the ordinance. Part of that will be figuring out which districts it applies to.

507.3

Smitten noted that accessory buildings seems redundant to the definition. Garages should be left.

Unstrike Garages and strike Accessory Buildings.

Spisak: Switch the two sentences to read: All accessory buildings are subject to the provisions of ... The following are permitted accessory structures ...

507.7: District Performance Standards

Smitten believes this is something the DNR should review. I would wait until we hear from them.

Spisak: What is the process? Do we go to the DNR first before the public hearing? What are the steps to adoption? We could talk about that at the June 30 planning commission meeting.

507.7 (2)

(e) should be (d); (f) should be (e)

Smitten volunteered to look into whether there is a model ordinance on setbacks.

Section 508: Village Center

Smitten noted where the code says “Purpose” they should refer back to the comp plan to check for consistency.

Spisak added that this should be done for all of the districts.

508.2 Permitted Uses

Strike Clubs.

Strike Wireless Communications, Antennas and Towers.

508.3 (2) Change “for commercial use ...” to black (was not added and struck, just struck).

508.4

Strike “the following are” and “and.”

508.5 (1)(a) Commissioner Smitten whether the Marine Garage would adhere to the minimum 20,000-foot lot size?

They operated under a conditional use permit. According to Minnesota statute, a CUP runs with the land. When the property is sold the new landowner has the right so long as the conditions are met.

The commissioners agreed to wrap up their review, to resume at Section 508.5.

The meeting was end at 8:01 p.m.

Minutes by Suzanne Dammann, Assistant City Clerk