

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
MINUTES

Tuesday, March 29, 2022 - 7:30pm
121 Judd Street with Option to Attend Remotely

Present: Acting Chair Scott Spisak, Commissioners Gerry Mrosla (Zoom); Tim Casey (Zoom), Kristina Smitten, Jennifer Henry, Ed Sanderson

Absent: Commissioner Anna Hagstrom

Citizens Present: Glen Mills, Dawn Pennie, Christian Minich, Roger Lyle, Dana Anderson

Acting Chair Spisak called the meeting to order at 7:30 pm.

Approval of the Agenda

Chair Spisak proposed an addition to the agenda: setting a public hearing for April to amend the 4G cell ordinance. This will close a gap between the 4G ordinance and the larger zoning code, clarifying in which districts a conditional use permit is allowed.

Smitten moved to approve agenda as amended. Henry seconded. Roll call vote: Sanderson — Aye; Henry — Aye; Spisak — Aye; Smitten — Aye; Mrosla — Aye; Casey — Aye. Motion approved unanimously.

Approval of Minutes of February Meeting

Smitten moved and Sanderson seconded approval of the minutes of the February 22, 2022 City of Marine on St. Croix Planning Commission meeting as drafted. Roll call vote: Sanderson — Aye; Henry — Aye; Spisak — Aye; Smitten — Aye; Mrosla — Aye; Casey — Aye. Motion approved unanimously.

Preapplication: Dawn Pennie – 240 3rd St.

- Variance for side yard setback to install driveway

Ms. Pennie and Christian Minich (contractor) were in attendance to share plans to install a driveway. The only place for it, practically speaking, encroaches on the sideyard setback. The house and septic take up most of the front yard perimeter. There's also a large tree they're working to avoid. The side yard setback for a driveway is 10 feet, and their plan puts the driveway 5.3 feet from the property line. Right now there is no driveway. The plan also shows footings for a future carport, to which the same side yard setback applies. Commissioners Casey and Mrosla will work with the applicant and coordinate a site visit. Minich and Pennie will prepare an application for the commission's April meeting.

Old Business

- Cell Tower Conditional Use Permit Application Update

Smitten reported that Vinco had submitted materials for the clerk's review. The clerk and three commissioners reviewed them for completeness and communicated to Vinco about additional

materials needed for the full planning commission's review. It's very likely that they will have an application before the commission in April.

- 5G Wireless Design Guidelines Discussion

Henry reported that even though 5G is not an immediate concern, it's in the city's interest to get guidelines in place now. Henry and consultant Carly Kehoe plan to begin working on the guidelines in mid-April. The goal is to have the guidelines complete and adopted by the end of the year.

- Zoning Code Review & DNR Comments

DNR Communications: After the February meeting, the City sent a letter to the DNR with questions and requests for more information. The DNR had responded.

Point by point:

1. Riverway Zoning: The City asked if it was acceptable to adopt Washington County's Development Code Chapter 5 Model Ordinance for the riverway zoning. DNR gave a reluctant yes. Spisak said the ordinance could inform the planning commission's work, even if they don't adopt it by reference.
2. Floodplain Ordinance: The City shared its Floodplain Ordinance (Ch. 21 City Code) with the DNR. The agency requested that the City delete section 511 of draft Zoning Ordinance. Spisak noted that it could be replaced with Chapter 21 of the City Code.
3. Vegetative Cutting. The DNR provided an example of language for vegetative cutting. It is still in draft form and the suggestions appear to be aspirational rather than mandated.
4. The DNR sent a map of the Lower St. Croix River Overlay within Marine on St. Croix.

Review of Sections 510 and 511: The commission continued working through the DNR's comments, beginning with Sanderson, 510.6 District Requirements and 511. Anything that was 511 in the Zoning Code, the commission will remove and replace with Chapter 21 of the City Code (Flood Plain Ordinance). Commissioner Casey's points of review were in Section 511, but he advised asking the city attorney to review 511.11 Variances. Also for the city attorney, FEMA still uses the term "hardship" and has unique variance standards. What does that mean for us?

Review of Vegetative Cutting: The commission reviewed model language sent by DNR. It appears that much of it isn't governed by the DNR statutorily. The regulations likely aim to protect tree cover and water quality.

Staff and the commission will:

- Draft a letter to the DNR
- Contact the city engineer regarding a floodplain map
- Ask the city attorney to compare sections 511 in Zoning Code and Chapter 21 City Ord. for consistency with the current model floodplain ordinance, with special attention to 511.11 Variances (should be consistent with Section 11.3 of the current model floodplain ordinance). And how do we reconcile FEMA's use of the term "hardship" and unique variance standards?
- Send the DNR's draft vegetative cutting ordinance and copy of the letter to the Forestry Committee for review and general comments. The ordinance is confined to riverway.

- Historic District Discussion

According to Spisak’s research, the district runs from the north properties on Pine Cone Trail to south end of Judd St. The Historic District was established in 1971, and precedes the river overlay. Which has precedence? The commission requested an official map. Staff will contact Bolton & Menk to see if they can make one that looks like the maps in the comp plan. Smitten noted that Historic District regulations could also influence 5G design guidelines.

- Work Plan

The plan will now accompany the meeting agenda.

New Business

- Set Public Hearing – 4G Wireless Amendment

Spisak explained that there’s a gap in the 4G ordinance: “wireless communications tower” isn’t listed as a conditional use in the zoning code. The intention of the ordinance was to allow this as a conditional use in all districts, while acknowledging the restrictions laid out in the ordinance. The city would like to clarify this before an application is submitted.

Spisak moved to set the public hearing for 7:30 pm April 26th to review the situation where wireless communications towers may be allowed as a conditional use within all districts subject to the restrictions in the ordinance. Smitten seconded. Discussion: Ask the city attorney for a redlined draft. When we get it, include it in the notices. Roll call vote: Sanderson — Aye; Henry — Aye; Spisak — Aye; Smitten — Aye; Mroska — Aye; Casey — Aye. Motion approved unanimously.

- Zoning Code Discussion

Consolidation of Land Use Codes: Spisak noted it would be good to get flood plain, subdivision, zoning regulations all in one place so it can be found by commissioners, staff, and other agencies reviewing or using the code.

- Consultant Planner Search

The commission touched on how to approach this process, including issuing an RFP or identifying people. A first step would be drafting a request for services with parameters and post according to relevant legal requirements. City staff will look for the request used the last time a city engineer was hired.

Adjournment

The commission noted that they would like to start the April meeting at 7 pm.

Sanderson moved and Henry seconded to adjourn at 9:16 pm. Roll call vote: Sanderson — Aye; Henry — Aye; Spisak — Aye; Smitten — Aye; Mroska — Aye; Casey — Aye. Motion passed unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk