

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
REGULAR MEETING

Tuesday, February 22, 2022 - 7:30pm
121 Judd St. with Option to Attend Remotely

1. Call to Order

2. Discuss DNR feedback on Zoning Code

3. Confirm 2022 Work Plan
 - Status updates on items if applicable

4. New and Old Business
 - Vinco Cell Tower Status Update
 - Pending MN Legislation

5. Approval of minutes:
 - January 25, 2022

6. Adjourn

February 2022

**MOSC Planning Commission Review of DNR comments of November 10, 2021 on
MOSC Proposed Zoning Amendments**

Background:

The issue before us is to evaluate the DNR's comments on the proposed amended City zoning code that is up for adoption to determine how to incorporate the required rules into the MOSC Zoning Code.

Jurisdiction and Authority:

The jurisdiction for this matter lies in Minnesota Administrative rules found here:

<https://www.revisor.mn.gov/rules/6105.0353/>

6105.0353 JURISDICTION. The standards and criteria for the Lower Saint Croix National Scenic Riverway in Minnesota, as hereby set forth in parts [6105.0351](#) to [6105.0550](#), apply to both incorporated and unincorporated areas, public and private lands, and public waters within the riverway boundary established in the Lower Saint Croix River master plan prepared pursuant to Public Law 92-560 and Minnesota Statutes, section [103F.351](#).

All federal, state, local, and special governmental units, councils, commissions, boards, districts, agencies, departments, and other authorities shall exercise their powers so as to further the purposes of the federal and state Lower Saint Croix River acts, the master plan, and these standards and criteria.

Statutory Authority:

MS s [104.25](#); [103F.351](#)

Published Electronically: *June 11, 2008*

Reviewing the rules, it is clear that the regulations are required to be adopted for the St Croix Overlay District within the City of Marine on St Croix.

Adoption by Adjacent Communities

Several municipalities in Washington County, including Scandia and May Township reference the Washington County Development Code Chapter 5. This appears to have all of the required DNR requirements.

See the table below for all municipalities in the County that border the St Croix River.

The model ordinance appears to be developed for unincorporated municipalities, however a number of incorporated ones have adopted the County Code by reference. The County code is Chapter 5 and was adopted on July 27, 2018. It appears to have replaced an earlier version that may have dated to the 1970's and is still referenced in a number of municipal codes in Washington County.

One approach would be to do the same. This would require fewer insertions and edits of the currently drafted code and might be the quickest path to adoption.

<https://www.co.washington.mn.us/DocumentCenter/View/29/Chapter-5?bidId=>

The County ordinance is mostly directed at the County's unincorporated municipalities, however Scandia and several other incorporated cities have adopted it by reference.

The approach used by Scandia and May Township is shown here:

May Township Approach

https://www.townofmay.org/vertical/sites/%7B28473C76-23EA-4214-B95E-E14504D5AF70%7D/uploads/May_Twp_Town_Code_Dec_2016.pdf

ARTICLE 805: LOWER ST. CROIX RIVER BLUFFLAND AND SHORELAND MANAGEMENT

Section 805.01: Adoption of Model Lower St. Croix River Bluffland and Shoreland Management Ordinance

There is hereby adopted for the purpose of regulating the Lower St. Croix River Bluffland and Shoreland the Model Lower St. Croix River Bluffland and Shoreland Management Ordinance for communities in Washington County adopted on July 21, 1992, as amended by the Washington County Board of Commissioners, of which not fewer than three copies are on file in the office of the Town Clerk. That said Model Shoreland Management Ordinance and its amendments thereto are hereby adopted in its entirety.

Scandia Approach

[https://cms5.revize.com/revize/scandia/docs/Code%20of%20Ordinances/Development%20Code/Development%20Code%20Chapter%202%20\(updated%2005.05.2021\).pdf](https://cms5.revize.com/revize/scandia/docs/Code%20of%20Ordinances/Development%20Code/Development%20Code%20Chapter%202%20(updated%2005.05.2021).pdf)

2.3 Lower St. Croix River Corridor Overlay District. *The City adopts by reference the Washington County Lower St. Croix River Bluffland and Shoreland Management Ordinance, as amended, until such time that the City Council adopts a City of Scandia Lower St. Croix River corridor ordinance for this zone. Until such time, properties within the Lower St. Croix River Corridor Overlay District are regulated according to the Washington County Lower St. Croix River Bluffland and Shoreland Management Ordinance with the exception that lots shall meet the density and lot requirements of the Agriculture District - Core (AG C).*

A summary of Washington County Communities and their approach is shown in the following table.

Washington County Communities and their approach to adopting DNR regulations

Municipality	Incorporated	Adopted County Model by Reference	Notes
City of Scandia	Yes	Yes	
City of Marine	Yes	No	Not addressed
May Township	No	Yes	
Stillwater Township	No	?	Not clearly found
City of Stillwater	Yes	No	
City of Oak Park Heights	Yes	?	Not clearly found
City of Bayport	Yes	No	By appendix for the St Croix Overlay District
Baytown Township	No	Yes	
West Lakeland Township	No	?	Not clearly found
City of Lakeland	Yes	No code on website	

City of Lakeland Shores	Yes	?	Not clearly found
City of Lake St. Croix Beach	Yes	No code on website	
City of St. Mary's Point	Yes	Yes	
City of Afton	Yes	No	
Denmark Township	No	Yes	

Because of lack of information on their websites, the approach for some municipalities is unable to be determined.

The City of Bayport has incorporated the requirements into their code by appendix, specifically for the St Croix River District.

City of Bayport

Bayport has taken the approach of incorporating the requirements into "APPENDIX C - LOWER ST. CROIX RIVER BLUFFLAND AND SHORELAND MANAGEMENT".

https://library.municode.com/mn/bayport/codes/code_of_ordinances?nodid=MUCO_APXCLOSTCRRIBLSHMA

Potential Path Forward:

Given that the DNR rules are required to be incorporated into the City of Marine Code, the decision seems to be one of how best to accomplish it and in the most logical and expedient manner.

The approach taken in the DNR comments is to insert the required items throughout the entire code, even though those requirements are not required for our other districts. This could result in confusion when applying the code to other districts.

Perhaps the best approach is to address it in the St Croix Overlay district requirements (by reference or specifically) and avoid future confusion.

MOSC Code Section 202. Definition Comments from Commissioner Spisak

Non-Conforming use:

Spisak comment:

" . . . before the effective date of this Ordinance . . ." should be changed to " before May 18, 1978, the effective date of this Ordinance . . .". We need to verify that this was the date of the original Marine Zoning Code.

Text from MN 6105.0040 Definitions:

Subp. 14. **Nonconforming use.** "Nonconforming use" means any use of land established before the effective date of a county or local ordinance, which does not conform, to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

However, found at: 6105.0354 – and perhaps more appropriate? Why the difference?

<https://www.revisor.mn.gov/rules/6105.0354/>

Subp. 15. **Nonconforming use.** "Nonconforming use" means any use of land established before the effective date of a Saint Croix Riverway ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

Recreational Vehicle

Spisak Comment:

Definition of recreational vehicle not found in 6105.0354. Please cite source.

Screening

Spisak Comment:

Definition as proposed matches definition in 6105.0354

Single Family Residential

Spisak Comment:

Definition should match 6105.0354:

"Single family residential" means the use of a parcel of land for living accommodations including or intending to include a detached building containing one dwelling unit.

Structure

Spisak Comment:

Definition at 6105.0354 reads as follows:

"Structure" means any building or appurtenance thereto, except transmission services.

What definition should we use?

Substandard Sanitary Facility

Spisak Comment:

Not found in 6105.0354. Please cite source.

Substandard Structure

Spisak Comment:

Does not match definition in 6105.0354 and further confuses the issue between adoption of the riverway rules and the Marine zoning code covering the entire city.

6105.0354: "Substandard structure" means any structure established before the effective date of a Saint Croix Riverway ordinance which is permitted within a particular zoning district but does not meet the structure setbacks or other dimensional standards of the ordinance.

Substantial Damage

Spisak Comment:

Not found in 6105.0354 Please cite source.

Substantial Improvement

Spisak Comment:

Not found in 6105.0354 Please cite source.

Vegetative Cutting

Spisak Comment:

Extensive definition found at 6105.0150. Similar definition in Washington Code adopted by other cities. Probably need to expand on and address in our code.

Link: <https://www.revisor.mn.gov/rules/6105.0150/>

Marine Planning Commission Work Plan

2022

- Zoning ordinance revisions
 - some of the items in the work plan are mentioned in the DNR comments (vegetative cutting, definitions for Lower St. Croix, substandard structures), which might eliminate some of the other items on the list
- Establishing 5G design guidelines (budgeted for this year)
- Comp plan consistency and errors: zoning map doesn't show light industrial
 - Schedule a talk with Bolton & Menk for June
- Lot area requirements, Q4 this year (need guidance from council)

2023

- Solar
- Residential Care Facilities; start research in 2022

From: Dorn, Jennifer <jennifer@metrocitiesmn.org>
Sent: Friday, February 18, 2022 1:42 PM
To: Lynette Peterson <mosc@cityofmarine.org>
Subject: LEGISLATIVE ACTION ALERT - CONTACT LEGISLATORS TODAY

RESPONSE REQUESTED – CONTACT LEGISLATORS TODAY

Proposed legislation preempting local planning, zoning and land use authorities is scheduled for a hearing in a House committee next Wednesday, February 23. Key provisions of concern to Metro Cities are highlighted below:

[HF 3256 – Elkins:](#)

- Mandates upzoning for all cities to allow duplexes and accessory dwelling units (ADUs) on all single family parcels.
- Establishes minimum 8 units/acre density for unsubdivided land.
- Eliminates planned and staged developments in metropolitan area.
- Removes long-standing city planning authorities, effectively privatizing planning functions.
- Limits the use of PUDs and aesthetic considerations.
- Preempts interim ordinances.
- Limits a city from requiring more than a one-car garage for a single-family house.
- Caps street widths.
- Restricts what metropolitan cities can count toward negotiated Affordable Housing Goals (with the Metropolitan Council).
- Restricts several planning processes that are currently negotiated between cities in the metropolitan area and the Metropolitan Council.

ACTION:

Please **contact your state representative today as well as [members](#) of the House Local Government Division to oppose HF 3256 and to express support for preserving local decision-making authorities.**

Specific local examples and feedback on why local zoning and land use decision-making is critical to meeting current and future development and housing needs is helpful, as is support for necessary state funding to assist cities in advancing homeownership, preservation, and construction.

Thank you for your consideration. Please contact me with any questions.

charlie@metrocitiesmn.org

651-215-4001 desk

651-366-7564 mobile

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
MINUTES

Tuesday, January 25, 2022 - 7:30pm
121 Judd Street with Option to Attend Remotely

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

Absent: None

Public: Lon Pardun, Wendy Ward, Steve Anderson (VincO), Mike Bultsma (VincO),
On Zoom: Nancy Cosgriff, Julie

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

Preapplication Meeting – VincO Cell Tower

Mrosla noted that the city's request for proposals and VincO's cell tower proposal were shared for the commission to review.

Commissioner Sanderson gave background on the project. A committee (Pardun, Sanderson, Smitten, Dana Anderson, Sara Rotunda) has been meeting since the proposals came in. VincO's proposal initially looked at two sites: the compost site and public works site. The committee has been working with VincO to look at other sites. Many places in town aren't feasible for various reasons. The committee is working to catalog the sites they've considered and their criteria for consideration. VincO has started to do analysis with vendors on propagation mapping, and the committee and VincO are working collaboratively to select a site and have the application ready for the February meeting.

The commission discussed site ranking and propagation mapping. Mike Bultsma of VincO noted that the Science Museum observatory didn't offer good coverage. A private property site gave good coverage but conflicts with carrier's other sites. The compost site gives good coverage and doesn't conflict with other tower sites.

Commissioner Spisak asked about different frequencies. Bultsma answered that low frequencies (600-800 megahertz) usually offer better coverage but carry less information due to a "smaller pipe." High frequencies (1900 MHz) transfer more data but have poorer coverage.

Commissioner Smitten noted that the commission will want photo simulation showing what the tower will look like once the carrier equipment is on it.

The group discussed carriers and co-location. Spisak noted that an audience poll at the public hearing for the wireless ordinance, by a show of hands most people in Marine use Verizon. Lesser numbers use T-Mobile and AT&T. He asked about the process of getting a provider on a tower. Steve Anderson of VincO said they were working on propagation maps with Verizon. Their desire is to have as many carriers ready to go as they can.

The group discussed stealth towers that are designed to blend in with the environment. Anderson of Vinco said in the past they painted monopoles. Now more communities want to leave the towers galvanized. They would propose paint, if that was desired. In wooded environments they've have done pine tree structures, but the tradeoff is structural loading. And in an open location without other trees, it really doesn't look like a tree.

Commissioner Sanderson noted that camouflage towers can be executed well: cactuses, flagpole towers. Bultsma and Anderson said a flagpole can be done but severely limits the amount of space for equipment, so co-location would be limited to two carriers total. Any work on the tower would have to be done with a crane (it can't be climbed). Mroska showed a photo of a monopole with a flag near his Florida residence, saying the tower gives poor reception. He's also concerned that co-location potential won't come to fruition.

The commission reviewed the 4G ordinance with Vinco, noting what the commission would need for the application for a conditional use permit to be considered complete. They established that initial approval could be given contingent upon documentation that design has been approved by a qualified, state-licensed engineer.

Commissioners Sanderson, Smitten, and Spisak volunteered to help with the preapplication process.

Discuss DNR Feedback on Zoning Code

Mroska noted that the DNR had 68 pages of feedback on the city's zoning code. Spisak noted that, per the DNR, comments in red were required changes but the commission owes it to the community to go through them and make sure they're necessary, seeking outside professional opinions if necessary.

Sanderson noted that the changes might possibly create inconsistencies with existing items in the code. It might be appropriate to consult with the city attorney and a local consultant familiar with codes.

Mroska had checked with the city attorney to see if the city could call for a moratorium while the commission works on this. Smitten noted that they would be delaying improvements to people's properties. City staff can let people know about the situation if and when they came in.

The group decided to split up the work and go through the comments. Commissioners would be responsible for looking at the comments as well as cross referencing throughout the zoning ordinance. They will also begin to look for a consultant planner with experience with river communities, and come up with ideas for next month for someone to assist us. Suzanne will assign comments to the commissioners in Microsoft Teams, and will ask Snyder to confirm whether the city must comply with the cited statute requirements (comments in red). "Please confirm that we have to comply with the cited statute requirements. Beyond that, what else are we obligated to comply with?"

Discuss PC Work Plan

The group discussed top priorities:

2022

- DNR comments on the zoning ordinance
 - some of the items in the work plan are mentioned in the DNR comments (vegetative cutting, definitions for Lower St. Croix, substandard structures), which might eliminate some of the other items on the list
- Establishing 5G design guidelines (budgeted for this year)
- Comp plan consistency and errors: zoning map doesn't show light industrial
 - Schedule a talk with Bolton & Menk for June
- Lot area requirements, Q4 this year (need guidance from council)

2023

- Solar
- Residential Care Facilities; start research in 2022

Councilman Pardun said he believed the council has signed on to these. The commission should keep council informed and they'll talk more about policy things at the upcoming workshop on Long and Short-Term Goals.

New and Old Business

- Appoint Acting Chair

Mrosla is looking for someone to chair the meetings and attend council meetings while he's in Florida.

Hagstrom nominated Commissioner Spisak as acting chair until Mrosla's return. Smitten seconded the nomination. Roll call vote: Mrosla — Aye; Smitten — Aye; Hagstrom — Aye; Casey — Aye; Sanderson — Aye; Henry — Aye. Spisak — Accepts. Motion approved unanimously.

Approval of November Minutes

Spisak moved and Smitten seconded approval of the minutes of the November 30, 2021, Planning Commission meeting as drafted. Roll call vote: Mrosla — Aye; Smitten — Aye; Spisak — Aye; Sanderson — Aye; Casey — Aye; Hagstrom — Aye; Henry — Aye. Motion approved unanimously.

Adjournment

Spisak moved and Smitten seconded to adjourn at 9:10 pm. Roll call vote: Mrosla — Aye; Hagstrom — Aye; Smitten — Aye; Spisak — Aye; Sanderson — Aye; Casey — Aye; Henry — Aye. Motion passed unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk.