

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
REGULAR MEETING

Tuesday, March 28, 2023 - 7:30pm
121 Judd St. with Option to Attend Remotely

- Roll Call
- Approval of Agenda
- Review of Minutes
 - Approval of February 28 Meeting Minutes
 - Comments/revisions for Feb. 21 Council-Commission Workshop Minutes
- Old Business
 - Zoning Code
 - Update on draft St. Croix overlay district language / DNR feedback
 - Parks – Uses in Residential & Village Center Districts
 - Wireless Infrastructure
 - Discuss 5G Draft Guidelines
- New Business
 - Workplan: Next Steps
 - Chair Comments
- Adjournment

*The Marine Planning Commission welcomes resident feedback.
Please direct comments through the city clerk: mosc@cityofmarine.org*



Marine on St. Croix Planning Commission

2023 Work Plan

- Zoning ordinance revisions
- 5G design guidelines
- Comp plan consistency and errors; meet with Bolton & Menk
- Lot area requirements (need guidance from council)
- Solar
- Residential care facilities

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
MINUTES

Tuesday, February 28, 2023 - 7:30pm
121 Judd Street and Remotely

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

Absent: Commissioner Anna Hagstrom

Citizens Present: Glen Mills

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

Approval of Agenda

Henry moved and Casey seconded approval of the agenda. Roll call vote. Motion carried unanimously.

Approval of Minutes

January 31 Regular Meeting

Casey moved and Henry seconded approval of the minutes of the January 31 City of Marine on St. Croix Planning Commission meeting as drafted. Roll call vote. Motion carried unanimously.

Old Business

Recap February Workshop with City Council

Chair Spisak briefly recapped the Feb. 21 workshop, saying the Commission reviewed where they're at with DNR issues and next steps, talked about 5G, the 2023 Workplan, and items that may or may not come before the Commission.

Zoning Code

Planner Beth Richmond of HKGi sent proposed zoning code updates to the DNR Feb. 21 for unofficial review. The DNR hasn't responded yet.

Regarding lot sizes, Council agrees the City should keep the 1 acre minimum lot size for now in the river overlay districts. The Commission may consider decreasing the minimum lot size west of Judd St. when they analyze lot size in the Single Family Urban District. The Commission will also need to identify the percentage variable in the code [507.1 (5)(1)(d): "The pre-existing lot area dimensions meet or exceed ____ percent of the requirements for a new lot in the same district"], and will revisit the topic in March.

Wireless Infrastructure: 5G Design Guidelines Draft

Noting that the 5G Design Guidelines are meant to be updated over time, there was consensus among Commissioners to send the draft with Sanderson's comments to Consultant Carly Kehoe for revisions. The Commissioners would like to have a draft finalized in March and before Council for approval in April.

Maggie Raedeke – Capstone Project

Ms. Raedeke is refining her (hypothetical) landscape and playground designs for the Marine Elementary School. Commissioner Sanderson will reach out next month to see if she'd like to present at the end of the semester, in person if possible.

New Business

Chair Comments

Regarding the Burris Park Picnic Shelter, Planner Beth Richmond recommended pursuing a conditional use permit for the park itself, and to clarify in the code that structures incidental to park use are permitted. The park conversation also led to the realization that parks aren't listed as a permitted or conditional use in the Village Center, in which Gazebo Park and Flag Pole Park sit. City Clerk Lynette Peterson proposed bringing Burris Park into the Village Center and making parks an allowed use in the district.

Spisak noted that the whole code could use review for situations like this. For instance, schools are a permitted use in the Single Family Urban District, where Marine Elementary is, and a conditional use in every other district except St. Croix Urban Residential. He wondered whether schools should be permitted at all outside of the SFU District. Spisak said it might be helpful to have the planners review the code for these issues. Smitten suggested getting an estimate from them, and said she would look into whether the Met Council has resources such as match funds to help cities with zoning code cleanup between comp plan cycles.

Adjournment

Smitten moved and Casey seconded to adjourn at 8:00 pm. Roll call vote. Motion carried unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk

City Council/Planning Commission Workshop

Tuesday, February 21, 2023 6:00pm

Present: Kevin Nyenhuis, Lon Pardun, Wendy Ward, Scott Spisak, Jennifer Henry, Kristina Smitten, Tim Casey, Ed Sanderson

Citizens Present: None

Mayor Nyenhuis called the workshop to order at 6:00pm.

Commission Chair Spisak updated the Council on recent developments with the City's zoning code, including: work on substandard structures to allow the marina to be rebuilt if it were destroyed; minimum lot sizes; and vegetative cutting.

Minimum Lot Sizes and Substandard Lots

Spisak noted that the Commission would like guidance from Council on minimum lot sizes. The City has a large percentage of homes on lots smaller than the minimum lot size. Lower the threshold would bring many of them into compliance. In the river districts, reducing the minimum from 1 acre to 20,000 square feet could lead to increased development along the river, which the Commission doesn't support. Outside of the river districts, where the minimum is 30,000 and the average lot size is closer to 20,000, the Commission would support lowering the threshold but the City would need to consider sewer capacity.

Pardun said septic should be considered before changing the lot size minimum, because the requirement for space for a backup septic system is what's driving the 30,000 minimum. In places with access to the City-run septic system, the smaller lot size is feasible.

Commissioner Smitten noted that it is now common practice in many places to allow flexibility in lot size by describing the setbacks and relationship to well, septic, etc. Smitten added that the Commission isn't comfortable reducing the minimum to 20,000 along the river, but doing so west of Judd St. would be fine. What is the City hoping to accomplish with the development pattern? It would be good to help more lots come into compliance by decreasing the minimum, but the City needs to do so with care.

Zoning Code: Next Steps

Planner Beth Richmond sent an updated draft for the river districts to the DNR on February 21. Once the DNR and City agree on language, the City will have to go through the public hearing process to officially approve the code updates.

5G Design Guidelines

The City's consultant on the guidelines, Carly Kehoe, had Long Covid last year which has slowed progress. The Commission is currently reviewing the most recent draft and will try to wrap it up in the next couple of months.

PC Workplan: Pending Projects

Top of the Commission's list are: Comprehensive Plan consistency and error corrections; lot area requirements; solar ordinance; residential care facilities ordinance.

Smitten emphasized the need for council feedback on lot size. Pardun said the most pressing issue is where the sewer lines run. The city won't be expanding infrastructure, so only those along the current line could hook up. Within that guideline, Pardun is in favor of having some flexibility in the lot sizes. Spisak said they would have to set criteria. Pardun noted that the city upgraded Pump 1 to increase capacity, and could handle up to 46 lots. When the Commission is ready, Pardun can send an overlay of where everything lies. Sanderson noted they would also want to take into account capacity that would be needed for the Marine Mills Folk School or an expansion of the elementary school.

Items with Possible Intersection with the Planning Commission

- **Burris Park Picnic Shelter:** The park is in the SC-UR District, where public parks are a conditional use. It will take some background work before any structure can be considered.
- **Downtown Greenspace Plan:** Spisak asked for clarification on what this meant. Ward said it was a general term to include existing plans for downtown, such as the MnDOT landscape partnership plan and water basins created in coordination with the Watershed District.
- **Cemetery Expansion:** Cemetery isn't a permitted use in the Single Family Rural District, where the existing cemetery lies and potential sites for expansion have been proposed. One possible solution is adding this as a conditional use in the district, which would allow the city to memorialize the current use, expand when needed, and closely regulate the use.
- **Electric Vehicle Charger at 41 Judd St. (outside Edward Jones):** Moving parking to the east side of the building and using the south side for EV charging conflicts with 20% impervious surface rules set by the state, Spisak noted.
- **Other Topics:**
 - Lack of parking continues to be a problem downtown.
 - An enclosure to screen the Brookside dumpster is still desirable but not immanent; no additional permit is needed for the screening.
 - There is some potential for Canadian Pacific to abandon the rail line running through Marine. Spisak voiced concern that if that happens, the line could become a parking lot for unneeded train cars. A Congressional delegation might have some influence through the Federal Railway Administration. Nyenhuis spoke with a representative recently and will circle back with them.

There was consensus to hold a joint Council-Commission meeting annually, preferably after Council Committee responsibilities have been assigned.

Nyenhuis moved and Ward seconded to adjourn at 7:23pm.

All in favor, motion passed.

Minutes taken by Suzanne Dammann, Assistant City Clerk

**Marine on St. Croix Planning Commission
WORK PLAN**

Abbreviations:

CC – City Council

ES – Ed Sanderson

KS – Kristina Smitten

PC – Planning Commission

SS – Scott Spisak

2023 Priorities

- Zoning ordinance revisions
- 5G design guidelines
- Comp plan consistency and errors; meet w/ Bolton & Menk in June
- Lot area requirements, Q4 this year (need guidance from council)
- Solar
- Residential Care Facilities

Policy Planning

No.	PC Member Assigned	Task	Notes, date completed, etc.
		Lot Area requirements - 506.6(a) – Are our lot area requirements achieving overarching community goals?	SS: A systematic review of vacant lots - especially in the SFU district should be undertaken and aligned with the Comp Plan to identify and encourage future development
	Scott	Solar language addition. Review 404.7 (1) (a) solar glare.	SS: The work that was done with Great plains Institute in 2015 and earlier is now outdated. GPI has a new model ordinance template for MN that the City should use to customize an ordinance. GPI is able to offer consulting services to the City. There is some fairly significant work involved here. See; https://www.betterenergy.org/blog/minnesota-solar-toolkit/ Also, should ground-mounted arrays should be listed as an accessory use in all districts? Currently this is not uniform.

		Vegetative Cutting – (1) Requires review to be sure it's current. Believe requirements around vegetative cutting were updated.	The city provides veg. cutting permits in parts of the river overlay district. See 510.6(1) (a)&(b) KS Also see Forestry Committee review comments.
		Tree Preservation language – Coordinate review by forestry group	In the Lower St. Croix: Cutting of trees and shrubs is not allowed without a local permit: <ul style="list-style-type: none"> • On slopes over 12% • Within 40 feet of blufflines • Within the following distances from the Ordinary High Water Level: <ul style="list-style-type: none"> ○ Rural Districts: 200 feet ○ Urban Districts: 100 feet A local permit is only allowed for: <ul style="list-style-type: none"> • Trees less than 6 inches in diameter at breast height • Vegetation not screening structures from views from the river • Activities that preserve essential character, quality, density and continuous canopy • Diseased trees, if removal is in public interest Permits not needed for: <ul style="list-style-type: none"> • The minimum necessary for activities under a building permit • Maintenance of transportation and utility rights-of-way
	Jennifer	Residential Care Facilities	Residential Care for adults is a complex topic that the Planning Commission recommends prioritization by council. This could become an issue in town. Any new regulations would need to comply with definitions and requirements in state statutes.
	Sandy	Overall consistency with the Comprehensive Plan – Ensure that the	Can complete after CC has a compiled, updated zoning code, but let me know if others want to discuss a different timeline.

		updated code is consistent with the Comp Plan policies.	Zoning map doesn't show light industrial.
	Kristina	504.7 (3)(e) add a credit option?	Similar to use of wetland replacement credits. This would allow discretion for open space to be placed in priority locations and not only at the proposed development site.
	Sandy	502 Zoning Map reference to updates.	Can complete after CC has a compiled, updated zoning code, but let me know if others want to discuss a different timeline. From SS: The Future Land Use map on page 12 of the 2040 Comp Plan has an error in the Rosabelle street area. A large area is shown as Single Family Rural and it should be Single Family Urban - which is the current zoning. The city Clerk has an email on file from me regarding this from mid-2019. The map should be corrected and the change handled with Met Council
	Kristina	404.7 (1) Lighting nuisance	GreenStep / Dark Skies has asked to consider code modification to include: All parking lot and security lighting shall be directed away from adjoining residential areas. Linear LED or neon architectural or sign accents are not allowed with the exception of temporary seasonal lighting. Exterior house lights shall be subject to a curfew time, unless for necessity. Needs discussion.
		Wireless Communications: 5G Design Guidelines	Work with a consultant to create these guidelines in 2022
		Wetland Buffer Regulations	Council Request led by Ward. Should coordinate effort with revisions for watershed district's new regulations. May Township's code may serve as starting point.
		Tiny Homes (not officially added)	AARP has a good model zoning ordinance that balances the needs of communities and tiny home residents. There isn't always consistency – some have a foundation; others are on wheels. Cities typically require a foundation.

Zoning Code Clarifications or Minor Updates

	Many PC members	<p>Definitions review:</p> <ul style="list-style-type: none"> ● Essential Services – ● Marina – ● Solar – SS ● Single Family Detached – ● Steep Slope – ● Wetland – 	<p>DNR definitions for the Lower St. Croix:</p> <p>"Steep Slopes": lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.</p> <p>"Bluffline": a line along the top of a slope connecting the points at which the slope, proceeding away from the river or adjoining watershed channel, becomes less than 12 percent; For the complete definition see 6105.0354 Subp. 5 (link is external).</p>
	Sandy	<p>Revise driveway standards, per Jason Crotty's following comment "My concerns are where the proposed driveway meets the City road."</p>	<p>KS forwarded Jason's comment to ES. Relatively minor but important language insertion.</p> <p>Suggest adding the language below as Section 406.2, Part 8 of the Zoning Code or Section 406.4, Subd. 2 Standards and Guidelines (perhaps as section (7) renumbering existing (7) and (8) to (8) and (9).</p> <ul style="list-style-type: none"> ● A maximum grade of 2 percent within 50 feet of the centerline of the intersecting road. The driveway surface shall initially follow the existing shoulder grade and shall slope away from the town road. ● 5) All driveways should intersect the public road at approximately a 90 degree or right angle to the highway pavement. <p>The proposed language comes from 3 other city zoning code examples provided by Jason.</p>
	Sandy	<p>Septic requirement if hook-up is available - Is it necessary for lots to have two septic sites available if the property is hooked-up to city sewer?</p>	<p>Discussions with Lynette provided below - I assume any changes in septic requirements could drive the PC/CC to consider reducing the minimum lot size in certain areas, especially the village area? KS opinion that PC should be involved in septic requirements, as it relates to Comp Plan implementation and has land use implications.</p>

		<p>My questions to Lynette:</p> <ol style="list-style-type: none"> 1. If a lot is not hooked up to the collection system/shared septic drain field, it must have a primary septic drain field site as well as a back-up, secondary site on the lot in case the primary site fails. 2. If a lot is hooked up to the collection system/shared septic drain field, it still needs to pass a perc test to show it could drain septic in case there is a failure in the septic tank and/or the city collection system? 3. Am I capturing this correctly? Is it codified anywhere, code or policy or ordinance? I have heard of reference to Ordinance No. 70 as the "Septic ordinance" but not sure I have seen it. <p>Lynette's response:</p> <p>Yes, those are the septic requirements but those are laid out in the City Code, not the Zoning ordinance. We are actually in the process of reviewing the septic code now that we do have some available connections again, but all City Code revisions are done by Council approval so Planning Commission does not need to review. We are hoping to have the draft amendments to the sewer ordinance ready for the November Council meeting. There should not be any changes in the Zoning code as a result however.</p>	
		Substandard Structures (401.2) – Need to review?	Check for consistency between the definition and 510.4 definition across code
	Kristina	LI building guidelines – natural colors, durable materials.	Suggested to add to Section 509 exterior color guidelines and durable construction materials.
	Sandy	Consider adding a summary table of sections 504-510 for quicker reference and comparison across zoning districts	