

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
REGULAR MEETING

Tuesday, September 26, 2023 - 7:30pm
121 Judd St.

Roll Call

Approval of Agenda

Review of Minutes

- Approval of August 29 Meeting Minutes

Old Business

- Zoning Code
 - Sections 100, 300, and 400: Commissioner comments
 - Sections 600 and 700: Planner comments and questions
- Lot Size Analysis
 - Septic maps in progress

New Business

- Coordination on regulation with Carnelian-Marine-St. Croix Watershed District
- Consider possibility of changing October meeting date (10/31)
- 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
- Lot area requirements (need guidance from council)
- Solar
- Residential care facilities

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
MINUTES

Tuesday, August 29, 2023 - 7:30pm
121 Judd Street

Present: Chair Scott Spisak, Commissioners Gerry Mrosla, Ed Sanderson, Jennifer Henry, Anna Hagstrom

Absent: Commissioners Tim Casey and Kristina Smitten

Citizens Present: Glen Mills (Zoom)

Chair Spisak called the meeting to order at 7:31 pm.

Approval of Agenda

Mrosla moved to approve the agenda. Sanderson seconded. Motion carried unanimously.

Approval of Minutes

July 25 Regular Meeting

Mrosla moved to approve the minutes of the July 25 City of Marine on St. Croix Planning Commission meeting as drafted. Sanderson seconded. Hagstrom and Henry abstained due to absence from the July meeting. Sanderson, Mrosla, and Spisak in favor. Motion carried.

Old Business

Zoning Code

- **Code Revision Update**

Chair Spisak noted that the City's planner, Beth Richmond of HKGi, had submitted a written summary of updates to the code. HKGi is proposing a cyclical review process that would begin in late August or early September, and continue through the end of the year. Spisak suggested the possibility of meeting in mid December, saying the Commission could decide in October whether to do so.

Commissioner Sanderson added that the group will want to track the code's reorganization to ensure nothing gets lost, and suggested a workshop in early November to thoroughly review the updates.

- **Riverway Regulations**

Spisak, Sanderson, Assistant Clerk Dammann, Planner Richmond, and City Attorney Dave Snyder met in mid-August to discuss substandard structures and substandard lots. Richmond and Snyder will continue to work toward resolution on this issue and check back in with the subgroup in late September.

Sanderson added that during that conversation it seemed like there might be the possibility of allowing local permitting under Section 6105.0510 if there is an option to establish a new special district.

Lot Size Analysis – Septic Maps

Councilman Pardun is working with public works to update information, which will then be used to update the septic maps.

Conditional Use Permit Preapplication – Sharon Looney – 331 Third St.

Ms. Looney has postponed this project due to cost estimates. A complete application was never submitted, so did not have to be formally withdrawn.

New Business

Chair Comments

Council has created a Mill Site Committee consisting of two council members, two planning commissioners and two residents. Mayor Nyenhuis and Councilmember Ward will represent council, Spisak and Casey will represent the commission, Julie Warren and Molly Arnason will represent residents.

Regarding the 2024 budget, the City Council has included \$20,760 for planning expenses in 2024.

Adjournment

Mrosla moved and Hagstrom seconded to adjourn at 7:51 pm. Motion carried unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk

PLANNING REPORT

TO: City of Marine on St. Croix Planning Commission
FROM: Beth Richmond and Rita Trapp, Consulting Planners
DATE: September 21, 2023
SUBJECT: Zoning Code Update
MEETING DATE: September 26, 2023

Overview

The Planning Commission has been working to update the City's Code for several years. While an important part of this update includes the language in the City's Lower St. Croix River Zoning District, additional updates have been proposed throughout the zoning code. HKGi has been working since July to review the existing code, reorganize its sections, and provide edits and suggestions to modernize the code and improve its usability for City Staff, elected officials, and members of the public.

Drafts of Divisions 100 Introductory Provisions, 300 General Zoning Provisions, and 400 Zoning Districts (SFR, SFU, LI) were made available for Planning Commission review on September 1, 2023. While it looks like there have been a number of views, as of September 19 only one comment has been received from City Staff on these drafts. Please continue to review these Divisions and respond to HKGI's embedded comments. Any overarching issues or themes that arise during the review process will be discussed at the next available Planning Commission meeting.

In September, HKGi reviewed Divisions 600 Development Standards and 700 Signage and created updated drafts of each division. Suggested edits and changes are embedded within the updated drafts. Staff will discuss these divisions in greater detail at the September Planning Commission meeting. Feedback from that discussion will be incorporated into the drafts which will be sent out for Commissioner review in early October.

Division 600 Development Standards

This division includes the City's regulation for exterior lighting, parking and access, fencing, screening, landscaping, tree preservation, land reclamation, and wetland preservation. Staff has reviewed this division and made suggested edits and comments. At the Planning Commission meeting, Staff would like to discuss the following topics:

- Glare
- Miscellaneous nuisances
- Traffic/parking
- Screening
- Landscaping/tree preservation
- Land reclamation and land grading

- Wetland preservation

Division 700 Signage

Staff reviewed this division with the primary goal of updating the regulations to be content-neutral. In 2015, the US Supreme Court decided *Reed v. Town of Gilbert*, the primary outcome of which was the determination that cities cannot regulate signs based on their content. For example, creating special standards for “real estate signs,” “political signs,” or “neighborhood identification signs” would be considered unconstitutional because a person would need to read the content of the sign in order to enforce those regulations. Cities may still regulate the physical aspects of signs such as size, height, color, etc.

At the Planning Commission meeting, HKGi would like to discuss the city’s current process for sign permits: when is a permit required, what is the process, and who is responsible for reviewing and approving?

Lower St. Croix Riverway Update

City Attorney Snyder and HKGi met with DNR representatives Matt Bauman and Dan Scollan on September 13 to discuss the Planning Commission’s concerns about substandard structures. While the DNR understands the City’s concerns, the requirements in MN Rules 6105.0370 explicitly state that any replacement of a substandard structure would need to comply with the dimensional standards of the riverway regulations.

Based on this conversation, Attorney Snyder and I have two potential courses of action for the Planning Commission to consider. Both involve changing the code language to match the language in state rules about substandard structures and their replacement needing to comply with the dimensional standards.

1. **Add in the language about substandard structures per DNR request with the understanding that the City would be able to pursue a variance if something were to happen to the Marine Landing or other significant site.** With this option, in order to replace the Marine Landing or other substandard structure without meeting the required dimensional standards, a variance would be required. This is something that happens fairly frequently throughout the riverway area according to DNR staff. The City would review the variance request and make a decision. The DNR would be able to comment on that decision, but does not have the authority to approve/deny the variance application itself. Staff and the DNR agreed that there seems to be several good reasons why a variance would make sense for the Marine Landing site (site constraints, historic structure, etc.).
2. **Add in the language about substandard structures per DNR request. Meanwhile, pursue a change to the state legislation to exempt the Marine Landing site from this requirement.** If this concern is solely about the Marine Landing site, Commissioners could consider working with legislators to change the state legislation to exempt the Marine Landing site from the substandard structure language in MN Rules. Attorney Snyder raised this with DNR Staff who were open to the idea. This has been done for certain sites across the state in the past, and so there is a path forward if the Planning Commission would like to pursue this.

Next Steps

HKGi will incorporate feedback from the September Planning Commission into the drafts of Divisions 600 and 700. These drafts will be available for the Commission's review in early October.

During the month of October, HKGi will review Divisions 500 Use-Specific Standards and 800 Procedures and prepare the first updated draft for each.

At the October Planning Commission meeting, HKGi will lead a discussion about any overarching topics/questions that were identified during HKGi's review of Divisions 500 and 800 and any broad issues identified as part of the Commission's review of Divisions 600 and 700.