

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
REGULAR MEETING

Tuesday, May 28, 2024 – 7 pm
121 Judd St.

See marineonstcroix.org for remote meeting link.

Roll Call

Approval of Agenda

Review of Minutes

- Approval of April 30 Meeting Minutes

Conditional Use Permit & Variance Proposals

- Application for a CUP:
Jackson Meadow Lot: accessory structure - Eric Doyle & Chloe Raimey
 - Consider setting public hearing for June 25
- Application for a CUP:
18247 St. Croix Trail: driveway longer than 200 ft. - Mike Koch (contractor)
 - Consider setting public hearing for June 25

Old Business

- Comp Plan amendments (Riverway and Future Land Use map)
 - Consider setting public hearing for June 25

New Business

- Cannabis/Hemp
 - Background and charge
- City email accounts and legal protections for commissioners
- June 24 St. Croix River Zoning and Regulations Cruise
- Assistant Clerk – insights from Clerks Institute
- 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

Work Plan

- Protections for Historic Riverway Buildings
- Ticketed Events / Home Occupations
- Solar
- Cannabis
- Lot area requirements

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION

MINUTES

Tuesday, April 30, 2024 – 7:00 pm
121 Judd Street

Present: Chair Scott Spisak, Commissioners Kristina Smitten, Jennifer Henry, Lisa White, Tim Casey, Anna Hagstrom (7:03 pm)

Absent: Commissioner Gerry Mroska

Citizens Present: Lynn Waldorf, Bob Hollerbach, Darrell Schaapveld, Beth Richmond (HKGi), Mike Koch, Travis Loeffler. **Remote:** Ross Higgins, Max Hollerbach, Jacquelyn Miller.

Chair Spisak called the meeting to order at 7:00 pm.

Approval of Agenda

The chair amended the agenda to strike Ticketed Events/Home Occupations. *Smitten moved to approve the agenda as amended. Casey seconded. Motion carried unanimously.*

Review of Minutes

White moved and Henry seconded to approve the minutes of the March 26 regular meeting. Motion carried; Smitten abstained.

Conditional Use Permit (CUP) & Variance Proposals

Public Hearing: CUP request at 1410 Quant Ave – fence height

Commissioner Henry introduced the permit request, explaining that the zoning code requires a CUP for fences over 6 feet. Darrell Schaapveld wishes to build an 8-foot privacy fence.

Commissioners Henry and Smitten visited the site and observed a significant difference in elevation between Mr. Schaapveld's home and the neighbor's home, which they believe justifies the need for a higher fence. The fence would not impact public infrastructure or public safety.

Chair Spisak opened the hearing for public comment at 7:08 pm, inviting the applicant to speak first. Mr. Schaapveld did not have additional comments. Lynn Waldorf, a neighbor, expressed concern that the eight-foot fence would be unattractive, and mentioned issues on which the chair did not permit comment, as they did not relate directly to the height of the fence.

No other citizens came forward. Chair Spisak closed the public hearing at 7:14 pm.

Acknowledging that granting the CUP would set a precedent, the Commission reached a consensus to add "based on the unique topography of the site as described in section 3(a) of the staff report" to the recommendation.

Smitten moved to recommend approval of the conditional use based on the unique topography of the site as described in section 3(a) of the staff report, subject to the following conditions:

- 1) The fence be constructed per the plans provided on the survey dated 2/27/2024.*
- 2) The fence be wood tone, Galveston CertaGrain Texture or of similar quality.*
- 3) The fence be maintained in good condition.*

Henry seconded. Approved unanimously.

Preapplication for a CUP at 18247 St. Croix Trl. (SC-UR) – driveway longer than 200 feet

Construction contractor Mike Koch was in attendance to discuss the request. Three related permits are underway for the project: a driveway permit from MnDOT, watershed district permit, and regular building permit. The house plans meet code requirements except for the length of the driveway. Chair Spisak noted that the driveway plan appeared to meet CUP requirements for passing lanes. The City will allow construction of the house to commence once MnDOT issues the driveway permit, with the caveat that the building inspector will not issue a certificate of occupancy until the CUP is approved and the driveway built according to plan. Commissioners Mrosla and Henry were assigned to visit the site and report on their findings.

Preapplication for a CUP at 140 Judd St. (SC-VC) – outdoor dining

Ross Higgins, a co-owner of Brookside Bar & Grill, explained that the owners are planning improvements for the back patio area, to include reconstructing the bandshell, renovating the dance area, and a raised deck. Commissioners Spisak, Smitten, and White were assigned to visit the site and report back on their findings. They'll meet with the applicants and City Planner Beth Richmond to establish what materials are needed for the application.

Old Business

Protections for historic, substandard Riverway buildings / Comp Plan amendments

Comprehensive Plan Amendments: Ms. Richmond explained that the City needs enough strong language in the Comp Plan to support a variance to rebuild a substandard structure. Buildings of concern include the Marine Landing (SC-UR), Village Hall and potentially the General Store (both SC-VC). Chair Spisak noted that homes along the river would be impacted, but it's difficult to know which ones are historically significant. Ms. Richmond said homes are addressed in the Comp Plan, but community buildings are not. Ms. Richmond reviewed draft language in the packet broadening existing language to include non-residential buildings. Similar language should be added to the SC-VC section of the Comp Plan.

Additional Comp Plan amendments: The Commission reached a consensus to wait for the next comp plan update to update density bonuses for planned unit developments, but to correct an error in the future land use map now.

Pursuing legislative change: MN Statue 14.091 guides the process for local governments petitioning to amend or repeal a rule. The City would have to show that there is new evidence relating to the need for or reasonableness of the rule, adopt a resolution, and submit it to the DNR and Office of Administrative Hearings. Chair Spisak suggested staying open to the process of lobbying for a legislative change as well.

New Business

Solar

Ms. Richmond asked about the history of solar in Marine and what types of solar are appropriate. Currently there's rooftop solar and a couple of minor ground-mounted arrays. Chair Spisak said rooftop solar isn't controversial, but there are some concerns with ground-mounted arrays in residential areas. Community solar arrays might be appropriate in the rural district. Marine probably isn't a candidate for utility-scale solar.

Currently, Ms. Richmond noted, building-integrated and ground-mounted solar energy systems are permitted with standards in the SFU and SFR (non-Riverway) districts. Within Riverway

districts, a CUP is required for a rooftop system. Ground-mounted solar is not allowed, and the DNR does not seem open to it. Right now, solar isn't allowed as a principal use anywhere in the City, but those regulations could be changed.

Smitten suggested that the City likely wants to allow solar as a principal use in agricultural areas while avoiding nuisance issues like noise, glare, and safety concerns. Ms. Richmond said that cities typically call for buffers or screening, setbacks, ground cover, and decommissioning. Solar as a principal use could be allowed by CUP to allow for case-by-case conditions.

Chair Comments

Mr. Spisak noted that he planned to check in with City Clerk Lynette Peterson about whether allowing ticketed events in residential areas created discrepancies between the city code and zoning code before bringing the issue back to the Commission.

Adjournment

Hagstrom moved and Smitten seconded to adjourn at 8:40 pm. Motion carried unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk

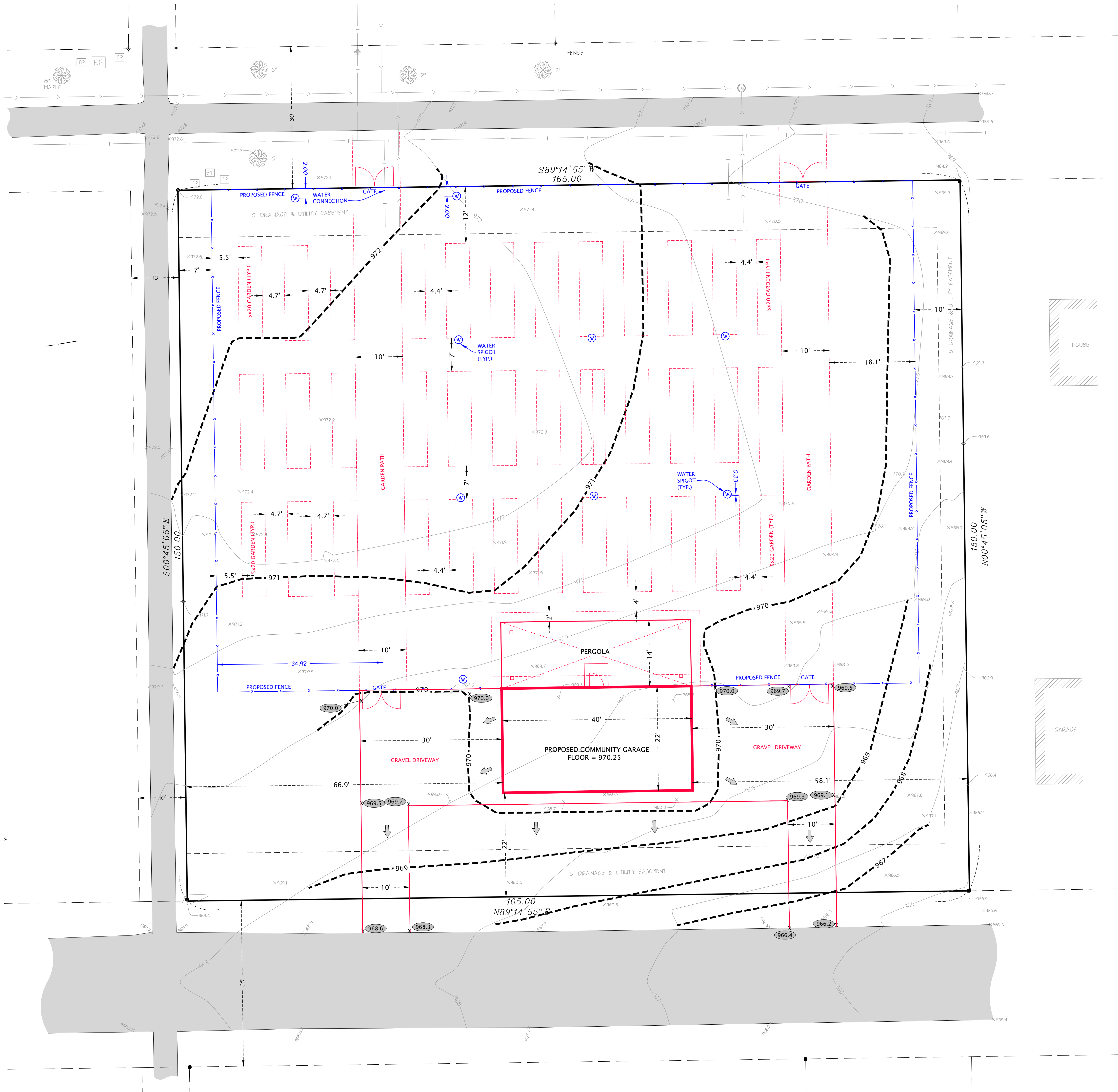
**Jackson Meadow Neighborhood Association Community Storage Building
Summary for CUP Application
May 21, 2024**

The Jackson Meadow Neighborhood Association (“JMNA”) has applied for a conditional use permit to build a community storage building on its Single Family Rural-zoned lot designated for Jackson Meadow (“JM”) community use, 146 Kingfisher Lane (“lot”). This lot is owned by the JMNA, which is the homeowner’s association for JM. This lot does not have a principal structure on it, therefore a conditional use permit is required under Marine on St. Croix Zoning Ordinance section 502.2.2.A.I.

The building is planned as a 40-ft. x 22-ft. (880 sq. ft.) one-story storage building running horizontally east to west on the lot and a 40 ft. x 14 ft. pergola attached to the back of the building (to be added at a later date). It will have two gravel driveways connecting it to Kingfisher Lane. The building will be used to store JM maintenance equipment, including a Kubota utility vehicle used to mow and groom the public trails in JM and tools for use in a community garden surrounded by a deer fence that occupies the remainder of the lot. The building and garden have been designed by the same architect (David Salmela) and landscape architect (cohen + partners) that designed the homes in JM, and will adhere to the same JM architectural and landscape guidelines that reflect the history and aesthetic of Marine on St. Croix.

The building will have electricity and water, and will have lighting fixtures on the exterior. The lot is nearly flat, as shown on the site survey, resulting in minimal erosion concerns and minimal site preparation. No trees are currently located near the building site and no trees will be removed or moved in the building process, resulting in minimal disruption to plant and animal life. JM’s native prairie landscape will be preserved around the building and garden. Single Family Rural-zoned lots do not have impermeable surface requirements under the City’s zoning code and the Carnelian Marine St. Croix Watershed District provided email approval of the City’s issuance of permits for this project (see email from Tom Langer to City Clerk, among others, on April 25, 2024).

The lot is located in the center of the “village” portion of JM, surrounded by four JM homes. The building will be built across from an existing garage south of the lot at 145 Kingfisher Lane to minimize impact to views. The JMNA has drafted policies and procedures for the community lot to minimize the potential for nuisances. Specifically, chemical pesticides are prohibited, large group gatherings will be limited to collective workdays only, wireless speakers are prohibited, and power tools are to be used between the hours of 9 a.m. and 5 p.m. with special consideration for resident neighbors. All JM residents have had a chance to weigh in on the lot development plan, and the majority of residents approve of the plan.



LEGAL DESCRIPTION:

Lot 1, Block 1, JACKSON MEADOW 2ND ADDITION, Washington County, Minnesota.

AREA:

TOTAL LOT AREA = 24,750 SQ.FT.

BENCHMARKS

ELEVATIONS BASED ON INFORMATION AS PROVIDED BY RLK, INC.

SURVEY NOTES:

- BEARINGS ARE BASED ON THE PLAT OF JACKSON MEADOW 2ND ADDITION.
- UNDERGROUND UTILITIES SHOWN PER AS BUILT PLANS SUPPLIED BY THE CITY OF MARINE ON ST. CROIX.
- THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
- DATE OF FIELD TOPOGRAPHY 10-11-23

UNDERGROUND UTILITIES NOTES:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPROMISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEY HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST.

LEGEND

	CABLE TV PEDESTAL		STORM MANHOLE		UNDERGROUND ELECTRIC
	AIR CONDITIONER		FIRE DEPT. CONNECTION		UNDERGROUND CABLE TV
	ELECTRIC MANHOLE		HYDRANT		UNDERGROUND FIBER OPTIC
	ELECTRIC METER		CURB STOP		UNDERGROUND TELEPHONE
	ELECTRIC PEDESTAL		WATER VALVE		OVERHEAD UTILITY
	ELECTRIC TRANSFORMER		ROLLROAD		UNDERGROUND GAS
	LIGHT POLE		FLAG POLE		SANITARY SEWER
	GUY WIRE		TRAFFIC SIGN		STORM SEWER
	POWER POLE		UNKNOWN MANHOLE		WATERMAN
	GAS METER		SPOT ELEVATION		FENCE
	TELEPHONE PEDESTAL		CONIFEROUS TREE		CURB (TYPICAL)
	SANITARY MANHOLE		DECIDUOUS TREE		CONTOURS
	CATCH BASIN				
	FLARED END SECTION				
	ROOF DRAIN				

CALL BEFORE YOU DIG!

 Gopher State One Call
 TWIN CITY AREA: 651-454-0002
 TOLL FREE: 1-800-252-1166

PROPOSED SYMBOLS:

- SET OFFSET HUB
- PROPOSED ELEVATION
- PROPOSED CONTOUR
- PROPOSED DRAINAGE
- DENOTES EXISTING ELEV.
- DENOTES SILT FENCE
- EXISTING CONTOURS

PROPOSED IMPROVEMENT AREAS:

GARAGE = 880 (IN SQUARE FEET)
 GRAVEL DRIVEWAY (WITHIN LOT) = 1,958
 PERGOLA = 560
 TOTAL IMPROVEMENTS = 3,398
 13.7% (% OF LOT AREA)

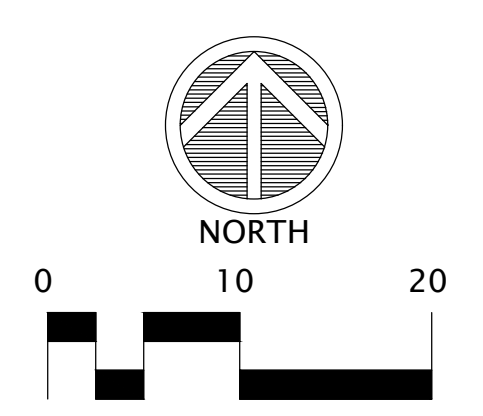
CONTACT:

Bill Smitten
 Coldwell Banker Realty
 821 Grand Avenue
 St. Paul, MN 55105
 BillSmitten@CBBurnet.com
 651.246.9442

COUNTY/CITY:

WASHINGTON COUNTY

CITY OF MARINE ON ST. CROIX



REVISIONS:

DATE	REVISION
10-11-23	INITIAL ISSUE
4-8-24	SITE PLAN
4-9-24	REVISED
4-16-24	REVISED
5-13-24	REVISED

CERTIFICATION:

I hereby certify that this plan 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.

Daniel L. Thurmes Registration Number 25718
 Date: 10-11-23

PROJECT LOCATION:

146
 KINGFISHER LN.
 PID#1203120240041

Suite #200
 1970 Northwestern Ave.
 Stillwater, MN 55082
 Phone 651.275.8969
 dan@cssurvey.net

CORNERSTONE LAND SURVEYING, INC.

FILE NAME SURVL182-2ND
 PROJECT NO. JC02009U

SITE/GRADING PLAN

Request for a Conditional Use Permit at 18247 St. Croix Trail N.

Driveway longer than 200 feet

District: St. Croix Urban Residential (SC-UR)

Plans for a new home at 18247 St. Croix Trail N. meet code requirements except for the length of the driveway, which is longer than 200 feet.

Per Zoning Code § 603.2.2(F) Driveways: Standards and Guidelines – All driveways more than 200 feet in length shall require a conditional use permit and shall meet the following standards:

- I. Passing lanes shall be constructed and maintained to the same standards as required for the driveway.
- II. Each passing lane shall be at least 60 feet in length, and the combined width of the driveway and the passing lane shall be at least 18 feet for the entire 60-foot length.
- III. Natural sight lines for traffic and pedestrian visibility shall be kept open.
- IV. The design shall be maintained to accommodate year-round emergency vehicle access.

Construction contractor Mike Koch submitted initial CUP application materials on May 20, 2024. However, the City requires a larger version of survey map, with the following listed: driveway total length, driveway width, width at passing lanes, length of passing lanes, turnaround details.

As of May 24, the application is considered incomplete.

The City has released the approved building permit, but the building inspector will not issue a certificate of occupancy until the CUP is approved and the driveway is built according to plan.

Planning Commission Planning Report

To: City of Marine on St. Croix Planning Commission
From: Beth Richmond, Planner
Date: May 22, 2024
Subject: Introduction to Cannabis and Agricultural Uses Moratoria
Meeting Date: May 28, 2024

Introduction

The regulation of cannabis and related businesses and products is on the City's workplan for 2024. As this is a new topic which has not been regulated previously, it is important for the City to understand what authority it has been given to regulate these uses. This includes understanding how cannabis and related products may or may not be agricultural uses and where they should be allowed. In preparation for our work in 2024, the City has asked for a short introduction to these topics.

The MN Legislature has passed several laws related to THC, cannabis, and related products over the last several years, particularly in 2022 and 2023. Each of these laws regulates different products and businesses, provides cities with different abilities to regulate, and has different timelines for when they are effective. In response to these laws, the City, along with many other cities in the state, has adopted several moratoria related to these topics to give the City time to study, discuss, and determine how to regulate these uses. A timeline of the actions taken by the State and the City is below. The rest of this memo provides an introduction to cannabis businesses and regulations, as well as background on the agricultural uses moratorium which was put into place on May 9, 2024.

Timeline:

- May/June 2022
 - MN Legislature passes law allowing adults to purchase products containing THC derived from hemp
- April 13, 2023
 - City adopts a 12-month moratorium on THC products (expired on April 13, 2024)
- May 2023
 - MN Legislature passes MN Session Law Chapter 63 legalizing adult-use cannabis and establishing the Office of Cannabis Management (OCM)
- March 14, 2024
 - City adopts moratorium on cannabis and establishment of agricultural buildings
- May 9, 2024
 - City adopts 2 moratoria:
 - Minor adjustments to March 2024 cannabis moratorium (expires January 1, 2025)
 - New moratorium related to agricultural uses, including growing industrial hemp, in the Lower St. Croix districts (expires May 9, 2025)
- January 1, 2025
 - OCM expected to begin licensing cannabis businesses

Cannabis

In 2023, the Minnesota Legislature passed MN Session Law Chapter 63, which provided for the legalization and licensing of cannabis and cannabis businesses and certain hemp businesses and products. This legislation provides local units of government certain authority to regulate cannabis businesses, including the authority to adopt reasonable restrictions on the time, place, and

manner of such businesses, reviewing license requests, registering cannabis businesses, and adopting other regulations related to cannabis businesses. The Office of Cannabis Management (OCM) was also established with this law.

Per MN Statutes Chapter 342, cities may not ban cannabis businesses within their boundaries but are allowed to set “reasonable restrictions on the time, place, and manner of the operation” of these businesses, including growing/cultivation, manufacturing, and retail sales. The state goes on to clarify that these restrictions may include a setback of up to 1,000 feet from schools or up to 500 feet from day cares, residential treatment facilities, or parks/playgrounds. While the OCM will handle licensing for cannabis businesses, businesses must be registered within the city, and cities have the ability to limit the number of available registrations within their city. Note that there are no limits to local registration requirements for non-retail cannabis businesses, therefore, the city will not be able to restrict the number of producers or manufacturers. Under Minnesota Statute 342.13(d), the OCM is directed to draft model ordinances for cannabis regulation that cities can use to create their own regulations.

On March 14, 2024, the City adopted a moratorium on the operation of cannabis businesses and the establishment of new agricultural and accessory buildings in excess of 1,450 SF per property. A slightly modified version of this moratorium was adopted on May 9, 2024. This moratorium lasts until January 1, 2025, which coincides with the expected date that the OCM will begin to license cannabis businesses. This moratorium was written to reflect the City’s thinking that Marine will likely experience more interest on the growing and cultivation side of cannabis, rather than retail sales or manufacturing.

While cannabis is a 2024 priority topic for the City in order to have regulations in place by the time the moratorium ends, HKGi recommends that the City wait to begin crafting regulations until the model ordinances from the OCM are available. At this time, the OCM has begun to draft model ordinances and has indicated that draft model ordinances are expected to be circulated amongst cities for review and comment in July/August.

Agricultural Uses Moratorium

Agricultural uses are currently conditionally allowed in the SC-RR and SC-UR zoning districts. Agricultural uses were discussed briefly during the recent Code update. These uses are permitted in the Lower St. Croix districts by MN Rules; however, cities have the ability to be more restrictive if they desire. During the update, the Planning Commission chose to include agricultural uses as conditional uses due to the existing residential nature of these districts.

Recently, the City has received some questions/concerns related to agricultural uses within these districts, including growing crops within buildings (barns, etc.), how the cultivation of cannabis and industrial hemp fits into this use, and whether or not there should be standards to mitigate the effect of new agricultural activities on surrounding smaller residential properties. The current Code does not give clear direction on these issues, and so updates may be needed to address these concerns and clarify the City’s position.

On May 9, 2024, the City Council enacted a 12-month moratorium for the consideration of agricultural uses and issuance of permits for agricultural uses within the SC-RR and SC-UR districts. This moratorium is intended to give the City time in which to evaluate agricultural uses and the related use-specific standards in the SC-RR and SC-UR districts to understand if Code changes are needed to mitigate any negative impacts that agricultural uses may have on surrounding properties or within the Lower St. Croix District as a whole. While existing agricultural uses may continue, the moratorium prevents the establishment of new agricultural uses, either outdoors or within buildings.

During the next year, the City will be studying the following questions:

1. How should “agriculture” be defined?
2. What are the current or potential impacts of agricultural uses on surrounding properties?

3. How do agricultural uses meet or not meet the purpose and intent of the Lower St. Croix District?
4. Should agricultural uses be allowed in the SC-RR and SC-UR districts? If so, how should they be allowed (principal vs. accessory, permitted vs. conditional)? Consider types of agricultural uses and whether agriculture within buildings would be allowed.
5. If agricultural uses are allowed, what standards, if any, are appropriate? Current standards are primarily focused on animal-keeping and are attached for reference.

Next Steps

Because the topics of cannabis and agricultural uses are somewhat interrelated, it seems most efficient to study them together. HKGi's recommendation is to revisit these topics toward the end of summer (~August). This will allow time for the City to complete its work on the riverway Comprehensive Plan amendment and should align with the OCM's timing for when model ordinance drafts will be available. This schedule leaves enough time to put cannabis regulations in place before January 1, 2025, while allowing additional time if needed to finalize regulations for agricultural uses before May 9, 2025.

Attachments

- » Cannabis moratorium
- » Agricultural use moratorium
- » Current standards for agricultural uses

**CITY OF MARINE ON ST. CROIX
WASHINGTON COUNTY
MINNESOTA**

Resolution No. 050924-01

Ordinance 178

**AN AMENDED INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A
MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES &
ESTABLISHMENT OF CERTAIN AGRICULTURAL BUILDINGS**

Section 1. Background

WHEREAS, the Minnesota Legislature enacted and the Governor signed 2023 Minnesota Session Laws Chapter 63 – H.F. No. 100 (the “Act”), which provided for the legalization and licensing of cannabis and cannabis businesses and certain hemp businesses and certain hemp products; and

WHEREAS, the Act provides local units of government certain authority related to cannabis businesses, including the authority to adopt reasonable restrictions on the time, place, and manner of such businesses, review license requests, register cannabis businesses, and adopt certain other regulations related to cannabis businesses; and

WHEREAS, the Act requires the newly created Office of Cannabis Management (“OCM”) to work with local governments to develop model ordinances to impose reasonable restrictions on the time, place, and manner of the operation of cannabis businesses. The Act also required the OCM to establish additional rules and regulations relating to the operation of cannabis businesses. The City will benefit from reviewing and analyzing the OCM’s model ordinances, rules, and regulations before making any regulatory decisions related to cannabis businesses in the City; and

WHEREAS, the Act expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of cannabis businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of cannabis businesses within the jurisdiction or a portion thereof until January 1, 2025; and

WHEREAS, given the uncertainty regarding model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the Marine on St. Croix City Council determines it is in the best interest of the City to adopt an interim ordinance for the purpose of protecting the planning process; and

WHEREAS, the Marine on St. Croix City Council also finds it necessary to study the impact of the Act on agricultural operations and other permitted uses within the City; and

WHEREAS, the Marine on St. Croix City Council desires to conduct a study for the purpose of considering the adoption of amendment of reasonable restrictions on the time, place, and manner of operation of cannabis businesses as well as the other regulations local units of government may adopt under the Act including the commencement and operation of a cannabis business and cannabis cultivation in agricultural buildings or accessory and out buildings since those may present unique issues to rural and rural residential areas; and

WHEREAS, the City of Marine on St. Croix City Council is desirous of placing a moratorium on the establishment or operation of cannabis businesses until January 1, 2025 and the establishment of certain agricultural buildings in excess of the accessory building allowances defined in the City Zoning Code from the date of adoption.

Section 2. Authority

Pursuant to the authority of Minnesota Statutes Section 342.13 (e) and 462.355 Subdivision 4, a municipality is permitted to adopt an interim ordinance prohibiting certain development and uses within its jurisdiction, or any portion thereof, until such time as amended official controls are adopted.

Section 3. Definitions.

1. “Act” means the 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
2. “Agricultural Building” means the definition given in the MN State Statutes § 326B.103 Subd. 3.
3. “Cannabis Business” has the meaning given to the term in Minnesota Statutes, Section 342.01, Subdivision 14 and shall include “Hemp business” as defined in Minn. Stat. § 342.01, Subd. 34 and “Hemp consumer industry” under Minn. Stat. § 342.01, Subd. 36.
4. “City” means City of Marine on St. Croix, Washington County.
5. “City Council” means the City Council of the City of Marine on St. Croix.
6. “Edible Cannabinoid Product” has the meaning given to the term in Minnesota Statutes Section 151.72, Subdivision 1 (f).
7. “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, Section 342.02, Subdivision 1.
8. “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes 342.13 (e) and 462.355, Subdivision 4.

Section 4. Study Authorized. The City of Marine will conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as the other potential local regulations allowed under the Act. The City of Marine on St. Croix City Council may have the Planning Commission assist in conducting the study and report to the City Council with its recommendations. The study must include a review of the model ordinances the OCM is directed to draft under Minnesota Statutes Section 342.13 (d), an analysis of potential setback regulations allowed under Minnesota Statutes 343.13 (c), and such other matters those conducting the study may determine are relevant to the City Council’s consideration of this matter. If the City Council requests the Planning Commission assist with the study, the Planning Commission shall make a recommendation to the City Council on whether the City should adopt regulations and, if so, the recommended type of regulations.

Section 5. Exceptions. The moratorium imposed by this Ordinance does not apply to the continued operation of a duly established business as part of the Medical Cannabis Program administered by the Minnesota Department of Health that was lawfully operating within the City prior to the effective date of this Ordinance. This will also apply to growing agricultural products, including industrial hemp, on any land or in an outbuilding not otherwise specifically permitted by law so that the City can evaluate that as part of the study. In addition, Any person having a legal or equitable interest in land and aggrieved by the requirements of an interim ordinance may request from the City Council a waiver of all or a portion of the applicable restrictions. A waiver may be granted where, in the sole judgment of the Council, there is found to be substantial hardship caused by the restrictions, and that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Section 6. Cannabis Business Moratorium. A moratorium is hereby imposed regarding the operation of a Cannabis Business (including those within an agricultural building and accessory and out buildings within the City of Marine on St. Croix. Until January 1, 2025, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City of Marine on St. Croix. During the term of this Ordinance, the City of Marine on St. Croix shall not accept, process, or act upon any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting the City to review an application or proposal for a business proposing to engage in the operation of a Cannabis Business.

Section 7. Enforcement. Violation of this ordinance is a misdemeanor. The City may also enforce this ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this ordinance is also subject to the City’s general penalties prescribed in the City code and may further result in the City reporting violations to the Office of Cannabis Management (“OCM”), if relevant to OCM licensing. The City Council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this ordinance.

Section 8. Agricultural Building Moratorium. A moratorium is hereby imposed regarding the establishment of new agricultural buildings, out buildings or accessory buildings in excess of a gross square footage of 1,450 square feet per property. This moratorium shall be in place for one year from adoption.

Section 9. Severability. Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is found to be held invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Section 10. Effective Date

This ordinance shall take effect and be in full force from and after its adoption and publication, as

provided by law. This ordinance shall remain in effect until January 1, 2025, or until the City Council expressly repeals it, whichever occurs first.

Whereupon said Ordinance was declared passed adopted this 9th_day of May, 2024.

BY: _____/s/
Kevin Nyenhuis Mayor

_____/s/
Attest: Lynette Peterson, City Clerk

**CITY OF MARINE ON ST. CROIX
WASHINGTON COUNTY
MINNESOTA**

Resolution No. 050924-02

Ordinance 179

**AN ORDINANCE ENACTING A TWELVE (12) MONTH MORATORIUM FOR THE
CONSIDERATION OF AGRICULTURAL USES, AND ISSUANCE OF PERMITS FOR
AGRICULTURAL USES WITHIN THE ST. CROIX RURAL AND ST. CROIX URBAN
DISTRICTS**

Section 1. Background

WHEREAS, the Marine on St. Croix City Council administers zoning within the City of Marine on St. Croix (the “City”); and

WHEREAS, the Council periodically updates zoning regulations and may regulate land use as part of the City’s zoning authority; and

WHEREAS, the City wishes to conduct a study on the potential impacts of agricultural uses in the more residential environment within the St. Croix Rural (“SC-RR”) and St. Croix Urban (“SC-UR”) Zoning Districts and to explore appropriate regulations to mitigate or manage those potential impacts; and

WHEREAS, the Marine on St. Croix City Council is desirous of placing a moratorium on the establishment of agricultural uses within the SC-RR and SC-UR Zoning Districts until twelve (12) months from the date of adoption and publication.

Section 2. Authority

Pursuant to the authority of Minnesota Statutes Section 462.355 Subdivision 4, a municipality is permitted to adopt an interim ordinance prohibiting certain development and uses within its jurisdiction, or any portion thereof, until such time as amended official controls are adopted.

Section 3. Definitions.

1. “City” means City of Marine on St. Croix, Washington County.
2. “City Council” means the City Council of the City of Marine on St. Croix.
3. “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes 462.355, Subdivision 4.

4. “SC-RR” means St. Croix Rural Zoning District.
5. “SC-UR” means St. Croix Urban Zoning District.

Section 4. Study Authorized. The City Council hereby directs Staff to study the impacts of agricultural uses and standards which mitigate certain negative impacts of agricultural uses within the SC-RR and SC-UR zoning districts consistent with the intent and purpose as established in Zoning Code Section 402.1. Based on the study findings, the City Council will determine if amendments to the City’s official controls regarding agricultural uses within the SC-RR and SC-UR zoning districts are warranted.

Section 5. Agricultural Uses Moratorium. A twelve (12) month moratorium is adopted prohibiting the consideration, submission, processing or approval of any applications for establishment of agricultural uses, and the issuance of permits for agricultural uses (unless otherwise shortened or extended by ordinance) to allow for the study of land use controls within the SC-RR and SC-UR Districts subject to the following:

1. This ordinance does not delay or prohibit the outdoor planting or cultivation of row crops (i.e., corn, beans, vegetables or fruits) which were lawfully present on the site before the adoption of this moratorium.
2. Pending the completion of the study referred to above, no zoning permit, subdivision, plat, or conditional use permit application for agricultural uses shall be submitted, received, processed or approved, and no applications for such approval will be accepted nor shall any use be established which has not previously been approved by the City Council. This will also apply to growing agricultural products, including industrial hemp, on any land or in an outbuilding not otherwise specifically permitted by law so that the City can evaluate that as part of the study.
3. Any person having a legal or equitable interest in land and aggrieved by the requirements of an interim ordinance may request from the City Council a waiver of all or a portion of the applicable restrictions. A waiver may be granted where, in the sole judgment of the Council, there is found to be substantial hardship caused by the restrictions, and that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Section 6. Enforcement. Violation of this ordinance is a misdemeanor. The City may also enforce this ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this ordinance is also subject to the City’s general penalties prescribed in the City code. The City Council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this ordinance.

Section 7. Severability. Every section, provision, and part of this Ordinance is declared severable

from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is found to be held invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Section 8. Effective Date

This ordinance shall take effect and be in full force from and after its adoption and publication, as provided by law. This ordinance shall remain in effect for a period of twelve (12) months from the date of adoption and publication or until the City Council expressly repeals it, whichever occurs first.

Whereupon said Ordinance was declared passed adopted this ___9th___day of May, 2024.

BY: _____/s/
Kevin Nyenhuis Mayor

_____/s/
Attest: Lynette Peterson, City Clerk

501.2. Agriculture

1. All farms in existence upon the effective date of this Ordinance shall be a permitted use where the operator may conduct a farming operation. All regulations contained in this Section shall apply to all changes of the farming operation which will cause all or part of the area to become more intensively used or more urban in character.
2. A maximum number of farm animals per acre of farmland shall be allowed as specified in Table 5.1 below:

Table 5.1. Number of Animals Allowed

Animals	Number/Acre ¹
Horses	1/2
Cattle, mules, donkeys, llama	1/2
Goats, sheep, swine	2/1
Turkeys, ducks, geese, chicken ² , rabbits	5/1
Other animals as permitted by the City Council upon evaluation of size, required habitat, and ratio per acre of animals for the specific lot.	
¹ Farmland acreage for the purpose of this computation shall not include or encroach on slopes in excess of 18%, wetlands, wetland buffers, and floodplains. ² On lots less than 5 acres, the maximum number of chickens allowed on a property shall be determined by Section 5.02 Chickens on Parcels less than 5 Acres.	

3. All stables, structures, or other facilities for housing animals shall be located a minimum distance of 200 feet from any property line, and all corral areas shall be located a minimum distance of 100 feet from any property line.