

STILLWATER TOWNSHIP PLANNING COMMISSION

April 7, 2022 - Stillwater Township via Zoom – 7:00 PM

Meeting Minutes

PRESENT: Chairperson Robyn Stoller, Planning Commissioners Katie Driver, Frank Countryman, Alan Robbins-Fenger, Dan Loveridge and Lois Cutler. Clerk Barbara Riehle, Town Board Supervisor Liaison Robert Geisen, Planner Evan Monson.

REGULAR MEETING

1. **AGENDA** – M/S/P Countryman/Loveridge moved to approve the amended agenda to include Concept of a Major Subdivision discussion. (6 ayes)
2. **MINUTES** - M/S/P Countryman/Driver moved to approve the 02/03/22 Planning Commission Regular meeting minutes as written (6 ayes)
3. **PLANNER** -
 - A. **Concept of a Major Subdivision** – Planner Evan Monson was present to give a brief overview of the site concept plan. Potential applicants were present as well to get informal feedback from Planning Commissioners. If they choose to move forward, an application would need to be filed with a full set of plans, which would come back to the Planning Commission with a Preliminary Plat for review. A recommendation to accept/deny would be sent to the Town Board.

The site is 87.3 acres of which 60 acres are zoned AG (Agricultural) allowing for a density of 4 dwelling units per 40 acres, which comes out to 10-acre lot size. There are 6 lots proposed in AG. The site also has 28 acres which are zoned SCR (St. Croix River); this has a higher density of 8 dwelling units per 40 acres, which comes out to 5-acre lot size. There are 5 lots proposed in SCR.

The SCR zoning district is unique in that it has regulations that are governed by Washington County. There is also a “scenic easement” which is held by NPS (National Park Service) that has other requirements that would apply.

Commissioners were given a concept map for review which showed the concept layout.

Concept proposers, Attorney James Gilbert and General Contractor David Schell were introduced. They are looking to follow standards and had some questions on timing for final approval so that they can proceed. They would like to move forward this Spring/Summer. There does not appear to be any variances needed.

Commissioner Frank Countryman commented that the environmental standards in SCR zoning are high. Mr. Gilbert responded that they desire to be in compliance.

Chair Commissioner Robyn Stoller commented that once a preliminary plat can be reviewed more specific questions may arise. She remarked that Arcola Heights Subdivision had “erosion” topics that came up at that time. She felt that the concept didn’t show any points of concern at this time.

Commissioner Dan Loveridge asked whether there would be an Exclusive Builder? Mr. Gilbert responded that they have talked with two large high-end builders in the Metro Area.

Commissioner Alan Robbins-Fenger asked that the SCR boundary be cleared up for preliminary plat.

In summary, Evan Monson says based off initial review, the concept appears to be in line with our Comprehensive Plan and in compliance. There would be a future connecting road north to Quinlan Avenue. At concept, there is a temporary cul-de-sac on the drawing.

(Mr. Gilbert and Mr. Schell exit)

B. **Short-Term Residential Rentals**

Planner Evan Monson gave a brief recap on this topic of discussion. From previous meetings, there were now two potential draft ordinances (3A/3B) for Commission review, along with supporting links to regulations from other communities, an example from Alexandria. Neighboring community, Marine on the St. Croix has a short-term rental ordinance, an example was also linked. The LMC (League of MN Cities) information was made available. Past examples of nearby City of Stillwater, Chisago County and Afton were included as well.

A short-term residential rental is a house that would be rented for a period of time of less than 30 days. In the last few years, homeowners have opened up their homes for rent online by visitors who typically rent for a week or weekend.

Planner Monson provided two drafts in the meeting materials for review:

- Draft 3A– Permit through an (IUP) Interim Use Permit, where there would need to be an amendment to the zoning ordinance
- Draft 3B - Permit through a License, this would be a “standalone” ordinance.

Specific detail was provided in a Table Comparison in the staff report along with Pros and Cons:

Planner Monson was able to connect with Marine on the St. Croix staff and shared what could be helpful to Stillwater Township. They are closely similar to us in size as they do

not have a large staff. Planner Monson pointed out that Marine on the St. Croix requires the following:

- ✓ a yearly license and they do not conduct inspections of the site but instead do require proof of liability insurance. \$200 fee; can prorate fees as needed.
- ✓ The property contact person is shared with city officials and neighbors.
- ✓ A complaint form would be available to report issues.
- ✓ Report info on stays at time of renewal

Marine on the St. Croix has “3 Types” of STR:

Type A- Hosted, where the owner is primarily present while renting.

Type B- Un-hosted, owner is not present while renting.

Type C- Dedicated to STR only, prohibited by the city.

Type A & B – have limited # of days to rent.

Chair Commissioner Robyn Stoller asked for clarification regarding a Standalone ordinance preventing issue of nonconformity. Anyone in the township prior who has engaged in STR, if an ordinance becomes enacted after, then those individuals would be considered “Grandfathered” as a legal non-conforming use?

Planner Monson mentioned a section in the Zoning ordinance (Land Use) on non-conformity use. Licensing is a standalone program which is outside the land use ordinance, the township could still require a STR license. It would depend how the ordinance is written and how it will apply.

He added language to the drafted ordinances to include the following:

- Emergency contact
- Complaint form
- Events – not permitted

Issues to consider:

1. Permit type
2. Maximum days to rent
3. Inspection versus requiring proof of insurance

DISCUSSION:

Potential Ordinance drafts and issues to consider were discussed and Planning Commission Members gave the following feedback:

- Commissioners agree that the Permit by License would be the best choice.
- Commissioners liked the idea of notification of neighbors following an issue of a permit and having home owner emergency contact information. What would advance notification look like for neighbors? Can we add both?
- Renewal timeline – yearly; could have Town Board approve.

- Stillwater Township is of rural residential character
- Going with a license allows us to set up a standalone ordinance.
- no public hearing or notices would be required if we require a license for STR, versus an IUP which would require notice to the public and a public hearing. We can add a stipulation to inform neighbors.
- Insurance – verbiage to include township is not held liable for injury/problems, etc.
- Maximum days to rent?
- Do we want to limit to # of licenses permitted each year? Do we want to cap? The consensus was to allow between 6-10 permits. On the next ordinance draft, we'll use 10 as the maximum number so we can have further discussion for a final decision. The idea was to cap the # to issue now and could be released later whereas to rewrite an ordinance often would be a more difficult process. We could base it off a percent of residence in the township.
- Do we want to limit weekends per month? Consensus was to no have a limit here.
- Flat amount to rent per calendar year? Consensus of 72 days; cannot rent longer than 30 consecutive days.
- Inspections would be cumbersome and costly, what would be parameters?
- Commissioners agree proof of insurance would be most advantageous.
- We can include a checklist in the application. Septic, fire code, building code, etc.
- Planner Monson will get legal feedback regarding liability and policy.
- Clarification that Vrbo/AirBnB takes care of advertising the listing, schedules the booking and handles payments.
- Planner Monson will provide updated draft ordinances at a future meeting (May 5).

Anthony and Sarah Muellenberg, current home owners running an STR. They stated that weekends are their primary rental time as weekdays are currently not sought after.

4. **OTHER BUSINESS** – No other business to report.
5. **TOWN BOARD LIAISON REPORT** – A report was given by Supervisor Liaison Robert Geisen.
6. **ADJOURNMENT** – The meeting was adjourned at 8:45 p.m.
M/S/P Countryman/Loveridge (6 ayes)
7. **NEXT MEETING** – May 5th at 7pm - plan to meet in person at town hall.

Submitted by: Clerk Barbara Riehle