

**Town of Duluth
Planning Commission
Meeting Minutes
4/26/12**

The meeting was called to order 7:05 by Vice Chair Paul Voge.

Roll call:

Present: Brigid Pajunen, Jo Thompson, Paul Voge, Wayne Dahlberg, Lynn Ann Hollatz, and Don Sitter

Absent: John Schifsky

Also present: Barb Crow, representative to the Commission from the Town Board.

The meeting started with the introduction of the new members of the Commission, Lynn Ann Hollatz and Don Sitter.

Lynn Ann said that she has lived in the Township since 1999 and is originally from Proctor. She has worked for the City of Duluth as a planner. She works for UMD part time and for the Minnesota Pollution Control Agency as a consultant. She has a background in regional planning, sociology and music and has master's degrees in advocacy and political leadership. She has also worked with the St Louis County Community Development Block Grant program and has experience in grant writing.

Don said that he lives on East Pioneer Road. He grew up in Roseville, lived mostly in Chanhassen where he served on the Surface Water Management Plan Task Force. He moved to Duluth Township 6 years ago and brought a landscape business in Two Harbors, Maple Ridge Landscape. Prior to that, he worked in the semiconductor industry.

Paul suggested the other Commission members introduce themselves as well.

Wayne said that he was born and raised in Duluth Township. He lives five miles from where he grew up. He attended North Dakota State in architecture. He was on the Planning Commission for 6 years in the 1990s and then served 10 ½ years as planning director. He participated in writing the current Ordinance. After a 2 ½ year break from the Commission, he is back.

Paul said that he grew up in west LA. He went to college in northern California in forestry. He spent several years in the west as a forester and then became a surveyor. After 25 years of that he returned to school to Hamlin University and earned a law degree. He has been a practicing attorney for the last 6 years, primarily in real estate and land issues. He has been on the Planning Commission for one year and served on the Town's Board of Adjustment prior to that. He has lived in the Township since 1998.

Jo told the Commission that she was raised in Wisconsin. She went to school at UW Stevens Point in the College of Natural Resources in water resources and chemistry. She did her graduate work here at UMD. She has lived in the Township since 1990. She works for the EPA on sustainable waters and watershed work. She also serves on the Coastal Program Council. She has been on the Planning Commission for one year. She also works on community education for the Township and is active in the Town's locavore group.

Brigid introduced herself. She lives in the last place in the Township on App Road. She works in Duluth as family physician and has been on the Commission for two years.

It was decided to postpone the election of chair and vice chair until everyone is here.

The agenda was approved with the following change: move New Business to follow Old Business.

The minutes from the March 22, 2012 meeting were approved without change.

Planning Director Report

Sue Lawson was not in attendance so Barb introduced the BOMARC missile site proposal. The individual who owns that site on Bergquist Road is interested in setting up light manufacturing to either manufacture or assemble guns. He will bring it before the Planning Commission next month to determine if he will need a permit. There are some unanswered questions, such as will there be any kind of metalwork and does he plan to test the guns on-site. Because our Ordinance doesn't specify gun manufacturing in the use matrix, the Planning Commission determines if it is a use that is permitted and, if so, what permits are necessary.

Lynn Ann pointed out that lead could also be an issue.

Chair Report -- None

Old Business

On the subject of prioritizing work for the Commission for 2012, Paul said that there has not been feedback yet from anyone but Jo. We have a list of tasks that has been identified, but they need to be prioritized. We are already working on the Comprehensive Land Use Plan (CLUP) as a high priority.

Barb noted that we have not decided if we are actually going to update the CLUP, at this point it is more of a review to determine if updating is warranted.

Paul said the plan is to look at the different elements of the existing CLUP and see if we are still on track for the vision statement and goals for each element. We will give any recommendations to the Board and it will be the Board's decision how they want to proceed.

Lynn said that she was part of the last CLUP planning group.

Brigid said that it is difficult to evaluate the CLUP without input from townspeople. For instance, Dave Chura said that there are residents who would like to see gravel roads paved. But if Commission members don't see that as a priority, they would let that be. Perhaps a survey of the community would better determine what parts of the CLUP still meet the Town's vision.

Don McTavish said that we do ask about roads in the yearly Township survey. There is a very current one.

Don Sitter said that he sees the yearly survey as an indicator of how we are doing today. The CLUP looks forward.

Jo said that we need to see if there is anything, such as zoning, that is putting limitations on being able to meet some CLUP goals.

Paul said that Sue is working with Clint Little on GIS to get an idea of where permits have been issued in the Township. We also have parcel maps from St Louis County.

Jo said that one of the problems getting the GIS information together is that we are working with parcel identification numbers, not with latitude and longitude. A parcel can be over 100 acres. But she and Clint and Sue are working on it. They are still waiting on the new demographic information for the Town and it is not done yet.

Paul reviewed who was assigned to which section of the CLUP and Don and Lynn Ann volunteered for sections:

Overall – Sue and John.

Natural Resources – Jan Green, Sue Lawson and Jo Thompson. Lynn Ann will take over for Jan.

Housing -- Paul and Sue.

Recreation and Open Space – Jan Green. Lynn Ann will take over for Jan.

Commercial and Industrial – Wayne, Dave Chura and Sue. Paul said that he would take over for Dave.

Infrastructure – Brigid and Don.

Tourism -- Sue.

Sewer – John.

Brigid said that the recent survey results are helpful in determining how we are doing. The lowest scores were for sewer and county roads and the Town has no control over either of these. The Planning Commission scored third least satisfied, although that is with a score of 89% approval.

Don McTavish said that the current survey plus previous years' surveys are on the Town website.

Paul said that in the original CLUP we had an inventory of natural resources. Can we get that information now and see how it has changed? It is possible that in 10 years, with a recession going on, not a lot has changed.

Jo said that there has been a tremendous amount of logging in the Town in the last ten years. 2010 flyovers have been done, so they are hoping to be able to get some forest coverage information. She said that she has also observed a lot more agriculture.

Wayne said that we had a real flurry of residential permits right before adopting the new Ordinance. That was 2005. Permits then dropped off and took a real nose dive in 2008. There has not been very much on the commercial end of things.

Lynn Ann said that for anything we bring forward, we should have some documentation to support it.

Jo said that the Town Board gave the Commission the task of looking at building structure size versus lot size. The request is related in part to a variance request the Commission heard last year for a large barn on 40 acres in zone district SMU-6. In that district, lot sizes are generally much smaller and accessory structures greater than 2000 sq ft are not allowed. The requested barn was 22,000 sq ft and the Commission did not approve it. She said that in the table of allowed uses in the

Ordinance we list accessory building size as a use; we should not have the size of a building listed as a use.

Barb said that SMU-6 is unique because the lot sizes range from less than 2 acres to 40 acres.

Wayne said that even though it is a large parcel now, that may not be the case down the road. The parcel could be divided and you could end up with a huge accessory structure way beyond what is allowable for the lot size. Even on 5 acres it would be extremely non-conforming.

Paul said that he has seen some planning authorities put deed restrictions on property so it can't be subdivided. But deed restrictions are challenging and can inhibit the ability to sell or use the property.

Paul asked about the task of evaluating SMU-8 dimensional requirements. There are a lot of older platted lots that do not meet the 1 acre minimum lot size so are non-conforming. This is especially true on Greenwood Road. There is concern that landowners will not be able to get permits without a variance because their lots are too small to meet dimensional requirements.

Lynn Ann said that her recollection is that there are very few parcels that conform. There may be a map from prior work.

Paul said that the new State law requires communities to approve non-conforming lots of record. But the less than 25% impervious surface requirement and current setback requirements must still be met. Lots can also be combined as long as no new non-conformities are created. He thinks this will cover this priority.

It was decided to rank this task towards the top and look at it soon.

Lynn Ann said that the sewer smells in the Greenwood Beach area and she wonders if additional growth would increase that problem. They were told by WLSSD that there was nothing they could do about it.

Barb said that Mary Ann Sironen could look into it more to see if there is anything that can be done.

On alternative and wind energy, Barb said that we have some language in the Ordinance addressing commercial scale projects, but there is no language for residential small scale alternative energy. Can we add language to allow it if it does not impact neighbors? Maybe units mounted on a house could be treated differently from something on a tower.

Paul asked if anyone was reviewing the issue of alternative energy in the CLUP.

Brigid said that it seems that Commission members are interested in seeing more alternative energy in the Town, but it is hard to know how to address it in the CLUP without knowing what Townspeople think.

Wayne said that the CLUP encourages alternative energy. We have language in the Ordinance for towers and height, but nothing for roof peak installations, etc.

Yvonne Rutford and Barb put together some draft language for the Ordinance at one time and Beth will email this language to Commission members.

It was decided to combine wind generation and alternative energy and make it 4th on the priority list.

It was decided that the priorities for the year would be

- 1) CLUP update,
- 2) Evaluate SMU-8 dimensional requirements,
- 3) Structure size vs lot size, and
- 4) Alternative energy language.

Paul said that everyone should bring what they have for their CLUP evaluations to the next meeting.

Wayne said that it was important to remember that our first responsibility is to scrutinize the current validity of the CLUP, not necessarily rewrite it.

Paul said getting the new GIS data and comparing it to what we have from 2002 will be helpful.

Barb suggested calling the local light and power companies to get an idea of alternative energy in the Township. She said that in order to get tax credit for alternative energy production, it must be tied into the power grid.

Paul said it would likely be a year-long process getting everything together and going through it. It will be a kind of a report card on the CLUP. Then the people of the Town will make the decision about whether or not to actually change the CLUP.

Jo said that she continues to look for possibilities for trails in the Township for the Natural Resources portion of the CLUP. Railroad right-of-ways are one possibility. She asked what “null” on strips of land along the railroad or in the Greenwood area meant on the parcel map.

Paul said it is usually an easement or owned by the railroad. It’s not really tax forfeit, but it’s not clear who, if anyone, has been paying taxes on it.

New Business

Paul said that St Louis County has been working on its subdivision ordinance for a long time and they finally adopted it in March. We work closely with the County when it comes to subdividing. Article III Section 1 H through K deals with subdividing in our Ordinance. There has been no new platting in the Township in forever. The County has not yet filed Odyssey. The process for a subdivision is cumbersome. What has happened in recent years is that some communities have adopted minor subdivision ordinances, allowing for streamlined platting of lesser number of lots. This is not a public process, but happens purely within the planning department. Lake County has one and now St Louis County has passed theirs. They have also added a section allowing for lot line adjustments.

The new County ordinance applies to any County land that does not have its own zoning. We need to decide what we want to do in light of this new ordinance. A minor subdivision still has to come back to the Town for approval. What provisions do we want to use for our approval process? Our Ordinance can be stricter if we want. The County’s process for minor subdivisions is that the plan goes to the County for review and must meet a list of requirements including fewer lots and no new roads. It is a faster process and does not involve notifying neighbors.

Wayne said that if we want to, we can still require a public hearing for our approval.

Brigid asked what the legal process would be. Who determines lot size? Would our Ordinance supersede anything the County does?

Paul said that the County has never had anything like this before, so therefore, neither has the Town. It does not subvert our Ordinance – we still review the proposed subdivision. But we don't currently have a mechanism for this. We could prohibit minor subdivisions if we wanted to or we could require the same process as we do for platted subdivisions or the proposal could just go straight to Sue for either simple approval or approval from the Planning Commission. We can be more restrictive than the County but not less restrictive.

Jo noted that a big difference is that platted subdivisions can include roads and minor subdivisions cannot. For instance, Greenwood Road was platted with the subdivision. Because it is so concentrated down there, it has been a real burden for the Town to deal with stormwater requirements.

Paul said that with a regular subdivision, the County does not look at the proposed platting until it has been approved by the Town. With a minor subdivision, the County sees it first and then refers it to the Town for approval. But we don't have any language for minor subdivision. We want to have some control and input on the process. We may want a public notice process.

Lynn Ann said that if someone goes through the minor subdivision process, they spend a lot of time and money before it even gets to us.

Paul said that the County's ordinance says that "subdivisions created ... in a Township that has appointed a planning and zoning commission must demonstrate approval of the preliminary plat by that town's board..." leaving it open for the Town to set their own requirements.

Brigid moved that the Commission make it a priority to come up with language for our Ordinance regarding minor subdivisions and Don seconded.

Paul introduced a friendly amendment that we address lot line adjustments as well. Article V of the County's ordinance deals with minor adjustments of platted lot lines. It allows two landowners to shift a lot line if they have a mutual agreement and can meet the requirements, making the process administrative. Do we want to do consider adopting the same provisions as the County? We are likely to have these situations on the shore.

Wayne said that he had a situation where someone had an accessory structure that was half off the lot and the owners agreed to trade land.

Paul said this County ordinance provides a mechanism for doing that. He suggested discussing it with Sue to see if it makes sense for us to adopt this. In some instances, if a landowner is able to do this, they will be able to meet guidelines for a building permit and won't need to apply for a variance.

Lynn Ann said that adopting this could create more growth. How will we reconcile that with the sewer district only allowing 2% growth per year?

Paul said that that was out of our control.

Wayne said that NSSD has to approve the sewer hookup before we can issue a building permit. It is already in the language for the land use permit application.

Paul's friendly amendment was accepted and the motion, to provide language to amend the Town's Ordinance to address minor subdivision and lot line adjustments with regard to St Louis County Ordinance Number 60 passed unanimously.

It was decided that Wayne, Paul and Sue would meet to discuss suggested language for a minor subdivision review process and bring it back to the Commission. The Commission decided to put it on the 2012 task list as third priority and bump the other priorities down the list:

- 1) CLUP update,
- 2) Evaluate SMU-8 dimensional requirements,
- 3) Look at provisions for minor subdivision and lot line adjustment,
- 4) Structure size vs lot size, and
- 5) Alternative energy language.

Concerns from the Audience

Don McTavish said that he thought one of the responsibilities of the Planning Commission was to plan for the future of the Township – things like senior housing, trails, etc. There is nothing on the priority list that addresses these kinds of things.

Brigid said that the CLUP review should help identify these things.

Paul said that we do need to work harder to make things happen.

Jo said that we could also try to identify things that keep us from getting vision objectives done as we go through the review.

The meeting adjourned at 9:30.