

**Town of Duluth
Planning Commission
Approved Meeting Minutes
July 24, 2014**

The meeting was called to order at 7:10 by Chair Paul Voge.

Present: Paul Voge, Jo Thompson, Brigid Pajunen, Wayne Dahlberg, Jerry Hauge and Larry Zanko
Absent: John Schifsky

Also present: Don Sitter, Town Board liaison

The agenda was approved as presented.

The minutes were approved with the following changes: Line 107 & 109 Jo corrected Line 107 to say “Jo said that the Ordinance said that the stormwater plan would have to be done by a licensed professional.” and Line 109 to say “Sue said that it would be up to the Commission.” Line 281 needed a question mark, not a period.

Paul reviewed the hearing from June. The variance will be recorded. Paul said that any time someone has a use of their land that isn't consistent with the Ordinance there should be some evidence in the record that it was approved. It could be important when they sell the property.

New Business

Paul asked about a letter that was going to go out to Brian Anderson who oversees ARDC and the Metropolitan Interstate Council (MIC) projects. Paul met him at a bike trail workshop and he said to send him a letter requesting funding for a trail study. Paul put together a draft and thought he sent it to Sue to put before the Board. It wasn't clear if anyone got a copy of the draft so Paul was going to send it out again.

Don Sitter said that he and Sue met with James Gittemeir from MIC.

Old Business

• Building Size vs. Lot Size

Jo said that the goal was to be able to increase accessory structure size for larger parcels below the expressway while lowering impervious surface limits in relation to the size of the structure and the parcel. Sue had suggested developing a formula that incorporated lot size to do this. Currently 2 acre lots are allowed to have 25% impervious surface. The reason behind this was practical – it allowed for a reasonably sized house and garage, a driveway and a storage shed – everything that someone would need, given the small lot sizes in the zone district. So it seemed, at the time, that limiting accessory structures to 2000 sq ft would help accomplish this goal. 25% of a 2 acre lot is 21,780 sq ft.

Jo said she looked at other townships and municipalities in MN and they mostly have arbitrary scales that allow, say, 1 to 2 acres to have a 1000 sq ft accessory structure, 3 to 4 acres to have a 2,000 sq ft accessory structure, etc. They didn't take into account impervious surface. Jo developed a formula by looking at lot coverage instead of percent impervious surface. She played around with numbers and came up with a formula that allowed 250 sq ft of impervious surface per acre over the base of 21,780 sq ft for 2 acres. So the formula would be 21,780 sq ft + (250 sq ft X (acres – 2 acres)). Using this formula, a lot size of 3 acres would be about 17% impervious surface, 4.5 acres 11%, 9 acre 6% and 40 acres 2%.

Wayne said that right now 4.5 acres is at 7% impervious surface, and 9 acres is at 5% and 35 acres is at 2% in their respective zone districts. So the 4.5 acre number is the only one that is not similar to the existing standards for other zones.

Jo said that she tried to think about what was reasonable. If someone were to want a larger accessory structure, they would have to apply for a variance or a conditional use, depending on what they wanted to use the building for.

Wayne said that using this formula, someone with 4.5 acres could double their lot coverage to 22% if they implemented a stormwater plan. That would be a lot less than if they doubled the current allowed lot coverage.

Paul said that he was concerned with consistency across the Ordinance regarding impervious surface. Why in this zone would 4.5 acres be allowed 11% impervious surface while 4.5 acre lots in other areas are allowed less? What would be the rationale for allowing more impervious surface on 4.5 acres in this zone district?

Jo said that the rationale is to be able to build what is practical and reasonable on a lot and take into account that a larger sized lot should be able to have a larger building.

Wayne said that the original 25% number came from the North Shore Management Plan. However most of the parcels in this area are not 2 acres – they are 1 acre or less. What would happen if the 21,000 sq ft base number was changed to what would be applicable on a lot that was less than 1 acre?

Paul said it would be useful to have an inventory of lot sizes in this area.

Jo said that she could look at using 1 acre for the base number and finding a number that would make the calculation work to result in percent impervious surface numbers that are closer to existing numbers in other zones.

Paul asked why not just apply the same numbers from the lot sizes in other zone districts.

Jo said that not everyone in MUNS-4 has a minimum lot size of 4.5 acres – she has 40 acres and is allowed 7% impervious surface. It is based on zone, not acreage.

Wayne noted that the square footage on a long driveway adds up in a hurry. He said he likes the concept Jo has come up with.

Paul said he was concerned about defending it if someone with a 4.5 acre parcel in another zone were to ask why they can only have 7% lot coverage while another 4.5 acre lot in another zone can be at 10 or 11%.

Brigid said she didn't understand what the concern was. There are different percentages for different zones.

Paul said that with the proposed formula, we would be dealing with different percentages within the same zone, whereas in other zones it is just one flat percentage throughout the zone.

Jo said that the percent would not even have to be in the Ordinance. It could just give the allowed lot coverage.

Wayne said that a clause could be added stipulating that the ultimate build-up of a lot would be governed by this formula, not to exceed the prevailing percentage for a similar lot size in zones north of the expressway. And make setbacks similar so that they cannot be less than setbacks for corresponding lot sizes in other zones. If you have a 40 acre parcel, you don't want the setback to be 10 ft for a 5000 sq ft accessory structure.

Jerry asked why would someone with 4.5 acres be allowed 7% and someone with 40 acres be allowed only 2%. There is a lot more opportunity to manage runoff on 40 acres. He doesn't see how it could be rationalized. There needs to be a reason. Why not use a flat percentage instead of making it more complicated than it needs to be.

Wayne said that those percentages were originally set up by St Louis County and we cannot be more lax.

Paul said it could be steeper slopes, different soils, etc., but there has to be a rationale for different percentages for comparable acreages.

Brigid asked how many properties in these zones would actually be affected by this. Are we looking for trouble? We have only had one issue. How many larger parcels are there?

Jo said that there are more than you would think. She was surprised when she started looking at it.

Brigid said that it doesn't make sense to say something like 7% across all acreages in these zone districts. 7% on 40 acres would be a massive structure – it would be a commercial structure and would not belong in a quiet residential area. The whole purpose of having a CLUP and zoning ordinance is that there is a vision for each zone district. It is okay for them to be different.

Don Sitter said that he thinks the approach Jo has come up with using a sliding scale makes sense and is defensible. He likes it. He agrees with the concerns about the 4.5 acres, but thinks that if we tweak the numbers and put some conditions in regarding setbacks like Wayne suggested, it will work. He also agreed that there should be a cap on the size of an accessory structure. Get a basic formula that will work for 90 – 95% of the lots; the oddball lots can still go through the variance process.

Jo said that it works in that with increasing lot size you can have increasingly large accessory structures. There are some larger lots, though, that would still be limited by setbacks.

It was agreed that allowable impervious surface percentages should not exceed allowable impervious surface percentages for similar minimum lot sizes in zone districts north of the expressway.

Wayne said that there is a tradeoff here – if someone wants a larger structure, they will sacrifice lot coverage.

Jo said she will talk with Sue and will work on the numbers and also come up with a proposal for the wording for the Ordinance for the next meeting.

Beth said that she had numbers from Clint that would give the average lot size for each zone district. She said she would also find the analysis on lot sizes that Clint did for SMU-6 or SMU-8.

Jo asked what the process was for making Ordinance changes.

A public hearing is required, so it will make sense to get the stormwater language ready and do it all at once. The public hearing is held by the Planning Commission. Last time, we had an open house to fulfill the public hearing requirement.

Paul thought it would be good to have input from the Board before having the public hearing.

Wayne said that the Board goes through and addresses each comment from the public.

Don said that when the draft is ready, give it to him to take to the Board for a preliminary review.

Jo said that we have to have the Ordinance changes for the MS4 in place by the end of March 2015. She said that the intention is to just add a separate article to cover the MS4 requirements.

- Update of the Township brochure

Brigid had given Sue and Beth a copy of the draft previously. John Schifsky is looking at it for copy editing. Everyone agreed to look at it before the next Commission meeting and either submit suggestions/changes to Beth or bring them to the meeting. Brigid said she would also put it in Dropbox.

- MS4 Zoning Ordinance Update

Jo said that she, Sue and Val have been meeting and have started an outline. The ordinance language that is already available is for big municipalities, so they are essentially creating it from scratch for our situation.

Paul asked if they will need input from the Commission.

Jo said maybe some, but not a lot. One of the requirements is that we have to have an annual stormwater meeting. Val gave this at a Board meeting this spring and she covered the things that need to be addressed. She said that she or Val or Sue will give a presentation to the Commission when they get further along. There are general things in the Ordinance on erosion control, etc., but the trigger for the MS4 requirements will be construction that disturbs an acre or more. You have to be able to retain the volume equal to a 1 inch rainfall on-site for 24 hours – 1 inch times the amount of impervious surface.

Paul asked if best management practices (BMPs) will be described in the Ordinance.

Jo said that they are still deciding on that. We have to address monitoring. We can physically monitor sites or we can use the MIDS (Minimal Impact Design Standards) calculator that the State put out. John Geissler has created a program for our Township to help with using the MIDS calculator that has soil type, watershed, slope, etc., for each parcel. There are standard BMPs specified in MIDS. For instance, a retention pond has to have a certain type of soil so you can calculate how much runoff will stay in the pond and how much will percolate through. All impervious surfaces have to be managed by sending runoff into a retention pond or some other mitigating measure. You create a schematic of the site with impervious surface and mitigating measures. There are numbers for each of the mitigating BMPs. You put all of these numbers, plus the information provided by John Geissler's program, into the MIDS calculator and it will tell you whether you will meet requirements. This can be done in lieu of actual physical monitoring. One of the questions is who will bear the cost – the land owner or the Township, or some combination. Design of BMP mitigating measures will probably require a qualified engineer. There will be a cost for monitoring, as well. Not every engineering firm is using the MIDS standards. You just have to be able to demonstrate that the remediation method will accomplish the goals. It is complicated and may be a way to encourage people to disturb less area when building to avoid the 1 acre disturbance threshold.

Concerns from the Audience

Don said that they discussed document storage at the last Board meeting and would like Jerry and Beth to look into cloud storage. Maybe there could be some recommendations for the September meeting. They are, of course, looking for a reliable company that will be around in the future.

Jerry said that at Allele they budgeted 60% for an increase in cloud storage per year.

The meeting adjourned at 9:03.