

**Town of Duluth
Planning Commission
Meeting Minutes
June 28, 2018**

The meeting was called to order at 6:30 pm by Chair Jo Thompson.

Present: Jo Thompson, Wayne Dahlberg, John Schifsky, Jerry Hauge, Larry Zanko, Liz Strohmayer and Dave Edblom.

Also present: Sue Lawson, Planning Director and Rolf Carlson, Town Board liaison to the Planning Commission.

The agenda was approved as presented.

First on the agenda was a discussion with Ron Lillo regarding recreational camping vehicles on lots. Sue had written Ron a letter at the beginning of the month explaining that he was in violation of the Zoning Ordinance because he had multiple camping vehicles on his lot as well as storage structures. His lot is the inside corner lot at the bend Shilhon takes before it meets Korkki Road. The lot is in MUNS-4 and is 2 acres, so it is a nonconforming lot. There are currently at least three trailers and a storage shed on the lot. Ron had not realized he was in violation of the Ordinance and in subsequent phone conversations with Sue, asked for clarification on the Zoning Ordinance.

Ron said that he has owned the property since 2002. He has two RVs on the lot, an older one that he uses as a hunting shack that has not been licensed for over a decade and one he calls "a turkey trailer." He said that he will be removing that trailer from the lot and has gotten rid of the sheds and is taking care of the waste. There is a privy that they use as a port-a-potty by removing the waste from it and properly disposing of it. He is currently working with St Louis County on this. He said that they are fine with it and he will send a copy of the exemption when he gets it from them. He also has three ATVs and a riding lawn mower, but no structures housing them.

Sue said that the Ordinance only allows one recreational vehicle per parcel and it must be licensed. Once the one RV is removed, there will be two left on the lot. Ron could apply for a variance for the second one since it is a permitted use.

Jo said that one of them has a 2003 license. She said that the County tax records show the RVs as buildings on post on the ground foundations, which they are not.

Ron said that the wheels are still on, but the vehicles are blocked up so they are solid. He said that 14 or 15 years ago the County assessor told him that he needed to have a license plate on the camper or the County would tax it as a shed. He opted to let the County tax it as a shed. He brought the other camper onto the property 10 or 11 years ago and has never had any problem.

Sue said that the tax statement is irrelevant for land use purposes for the Town.

Jo said that it would be out of compliance whether it was a building or an RV. Because it is on wheels, it would be considered a recreational vehicle.

Ron said that he has been paying taxes on it for 15 years. He has been doing what the assessor said to do. He could license the second one, but he said that he feels like the first one should be grandfathered in. It was fine for 15 years until the County changed the classification.

Sue said that the number of RVs on the lot came to the Town's attention when yet another trailer was placed on the lot and that it had nothing to do with the County.

Ron said they use the property as a hunting property and have permission to hunt on adjacent property. There are five of them and they need two campers. Could he license the two campers and build a storage shed? What was the Ordinance before the County changed the classification?

Jo said that our Ordinance is the same. The County's change was coincidental.

Wayne said that you can have an accessory structure on a non-conforming lot if you can meet setbacks.

Sue said that the Ordinance says that no structures, including decks, are allowed on a lot with an RV being used for camping. It would be possible to put an accessory structure on a 2 acre lot in that zone, but it would require a variance for lot size and one for the building. The minimum lot size in MUNS-4 is 4.5 acres and the Ordinance requires that a non-conforming lot be at least 50% of the minimum lot size for the zone district to build a structure on it. If the question is, how reasonable or likely is it that the variances would be granted, it is impossible to say.

Ron said that he is on a fixed income and the cost to apply for a variance is significant for him.

Wayne asked if he had looked into purchasing enough neighboring land to meet the lot size requirements.

Ron said that James Ulland owns the land around him he does not want to sell at this point.

Jo said that only left the option of applying for a variance. What would he like to ideally have on the property? The two campers?

Ron said that two of the campers are there permanently, one comes and goes, but is stored elsewhere, and one he will be removing.

Jo read the definition of structure from the Ordinance. The Commission concurred that the two permanent campers met the definition of structure more than that of RV since they were no longer mobile. A variance would still be needed for the lot size and a land use permit would be required as well.

Liz said that considering them as structures, one could be considered a primary structure and the other an accessory structure. If a variance were granted for lot size, the Ordinance states that "non-conforming lots containing a principal structure may add a permitted accessory structure, provided the accessory structure will meet all minimum setback requirements..." So, he could conceivably have a storage structure, too.

John asked if one of the trailers could be considered a principal structure if the wheels were removed.

Liz said that, technically, if you live in a mobile home, even if you leave the wheels on, you are living in a single-family structure.

Sue asked if, since the two trailers have been there for years and are no longer suitable for travel, they would not be considered RVs.

The Commission agreed.

Wayne asked what the dimensions of the property were.

Ron said that his property tax statement says the lot is 295.5 ft by 295.5 ft.

Ron asked if he got the variance for the small lot size, could he then have the two trailers together and a shed?

Jo said that he would still need the land use permits.

Sue said that if a variance is granted, it is permanent and goes with the property.

It was agreed that if Ron wanted to move forward with requesting a variance, August would be the best time to schedule the public hearing.

Jerry suggested that the title of that Ordinance Section should be "Lots Used *Solely* for Recreational Camping Vehicles." Everyone agreed.

The minutes were approved with corrections of two typos.

New Business

Sue presented the proposed Zoning Ordinance changes.

Article III Section 8, Placement and Design of Roads and Driveways, was rewritten for clarification and so that a variance would not be required for a driveway having a legal easement.

For Article XI, Amendments, Sue said that the Article was confusing as it was originally written, so the changes are primarily a rearrangement for clarity. Section 2B is changed so that a community participation report is required only for a zoning map change initiated by a property owner.

The fee for a Site Entry Permit onto a Township Road is proposed to be raised from \$55 to \$100. In addition, a refundable \$500 performance deposit will be required, to be refunded once the driveway is complete and performance standards have been met.

Article III Section 9 is a new section reflecting increasing interest in solar energy systems. In general, the Town wants to encourage solar energy and not make the requirements for a system overly restrictive. Under this section, a land use permit would be required if the system is ground-mounted and over 350 sq ft. Sue said that the average system in the US is 6 kilowatts and a typical size for such a system would be 27 ft by 13 ft. Roof-mounted systems and systems under 350 sq ft would not require a permit.

The section on Commercial Use is the language for Commercial Use as approved by the Commission when it was considering the Grumdahl proposal. It includes the definition for Commercial Use, inclusion of the use into Table 5.3 and a section on requirements and conditions for commercial uses.

When the BOMARC property was originally zoned LIU-3, some of the neighboring residential property was inadvertently included in the LIU-3 designation. A letter was sent to all of the property owners affected by that error. Only one owner wanted their lot removed from the LIU-3 zone district and placed into the surrounding MUNS-4 district. So, the zoning map would be changed to exclude that parcel from LIU-3.

Lastly, the notification area for a public hearing for a variance and for a zoning map change in a residential or waterfront area is 350 ft in the current Ordinance. The State requires a notification area of 500 ft for all public hearings, so the Ordinance will be changed to reflect this.

The Commission had no additions or changes and moved to send the proposed changes on to the Board for their consideration.

Sue said that St Louis County is updating their comprehensive land use plan. The Town received a letter from the County asking for comments on the draft plan. She compiled the comments that she had as well as those from Commission members. (See attached.) The comments will be sent to the Town Board as recommendations requesting that they review, modify, or accept the recommendations and send them to St. Louis County as input from the Town.

There was some concern over whether comments from the Town would be considered by the County, given a lack of consideration of Township input on other matters in the recent past.

John expressed his overall concerns with the draft plan. It seemed clear to him that what the County values is economic, especially related to mineral extraction and timber, and any other considerations, environmental or other, are secondary. There is no mention at all of how important water sources are, or any discussion of recreation. There is also no recognition of the County's population which is dwindling and also aging.

Sue asked in what context the Town wanted to present its comments. As individuals' feelings or as a Town? How the Town replies can reflect how the Town looks at its own community and land use strategies. One of the main visions in our Comprehensive Land Use Plan is sustainability. If the Town's response to the County's draft plan takes direction from its own CLUP, a primary theme is consideration for the carrying capacity of land and its watersheds.

Dave said that the County's financial reliance on timber sales has bothered him for a long time. It seems like there has been talk about a more sustainable model for years, but what continues to actually happen is for the County to sell timber, leaving a monoculture of aspen in place of a mixed forest. The County Land Department funds itself on timber sales. Is that a good thing?

Sue said that from the taxpayer's perspective, no increase in taxes is a good thing. But from the perspective of the carrying capacity of the land and watershed, it is not a good thing. The County needs money to manage its land and it appears to get that money mainly from receipts from extractive uses. It's imperative that someone look out for the land, but a likely result may be increased tax burden and no one wants to raise taxes.

Dave said that he has lived his entire life on the Sucker River and it is flashier than he has ever seen. You can no longer catch fish in areas he has always fished. The river is either raging or intermittent. He believes this is due to so much of the watershed being cut and leaving a monoculture of young aspen with no coniferous trees. Coniferous trees hold water and release it slowly. They also provide cooling shade. He said that the way the

County allows timber cutting, clearcutting and leaving an inadequate token buffer zone for rivers is bad for the watersheds and not sustainable. They will allow that kind of cut on a 240 acre parcel of land with no runoff control or disturbance control, but if a landowner disturbs one acre of land, there are regulations for managing that disturbance. It is a huge discrepancy in policy.

Jo said that she would prefer to see language in the plan that is more direct, committing to action instead of some of the more ineffectual language that is proposed. Some of what is said in the plan is actually contradictory – such as preserving wetlands vs preserving areas for mining.

Liz said that from her perspective, the County does not address housing needs adequately. There is a crisis situation for affordable housing in Duluth and Virginia. The waiting list for Section 8 housing is enormous in bigger cities and it affects us. The waiting list in Chicago is over 8 years long. In St Paul and Minneapolis, it is now over 3 years long. It ends up trickling down to areas like St Louis County, Duluth and Virginia, where the wait is shorter.

The Commission agreed to recommend that the County address affordable housing. Liz agreed to write that section.

Dave said that there are a lot of needs. Ultimately, though, the County has to come to taxpayers for that money. How will that affect people's ability to retire, pay taxes and still remain in their homes?

Liz said that the low-income housing building she works in houses just 44 families and saves over one million dollars a year in medical expenses through these families having stable housing. This is a huge relief on the tax burden. Yet they have to get all of their money through fundraising. If the County put money into this type of housing, it would pay for itself and then some.

For the Natural Environment section, Sue said that mining, jobs, and the environment are inextricably linked. She felt like it was important that when the County considers mining and industrial development that they do it as holistically as possible. One of the County's objectives is to preserve ferrous and nonferrous resources for possible extraction. What are these resources?

Larry said that according to the Western Mesabi Iron Range Planning Board, there are still large resources of iron ore in the area. The County's objective is to recognize that if technology changes, there will be an opportunity to mine those resources. From their perspective, if a shopping center, for example, is built over the resource, there will never be an opportunity to develop it.

Sue said that they should then identify those high potential areas. As it is written, it is carte blanche.

Larry said that there are areas that have much higher potential than others. There are identified resources in the Duluth complex, north of Duluth. There are other areas that may or may not have potential. Identifying areas with high potential should be science- and evidence- based. He said that he would write a comment for this section.

The Commission agreed with the other comments Sue compiled for the Land Use section and for the Natural Environment section.

Under Economic Development, Sue asked what the Commission thought would be a reasonable goal for renewable energy for County owned facilities by 2025. They have some solar panels in place. Jerry said that Allele set a goal for 25% by 2025 and they have already met that. Larry said that Hawaii has a goal to produce at least 50% of the island's electricity with renewable energy by 2023. The Commission thought 50% renewable energy by 2025 was a reasonable goal.

Sue felt that it was important that the County recognize Native American nations as sovereign nations in its comp plan. Everyone agreed.

Sue thought that it might be useful to define "productive use" under the objective promoting "productive use of tax forfeit lands." She said that besides timber and economic profitability, tax forfeit land can provide opportunities for hunting, recreation, spirituality, water recharge, etc. She said that St Louis County has more public land than any other county east of Mississippi.

Dave agreed that profitability is not the only goal for productivity.

Larry said that he met with the City of Mankato recently, and they were especially worried about the recharge area for the city's water supply. For them, leaving the land as it is an important productive use.

The Commission agreed that the County should define productive use to include uses other than economic.

Under transportation, rights-of-way, the Commission felt the County was vague and disingenuous in saying that the County needed to "help the public understand that due to the lack of funding, not all township and county rights of way meet local standards." The Commission agreed that the County's goal should be that to the best of their abilities, they will improve rights-of-way to standard and that they need to engage the community and work towards a positive solution. Not just "educate" the public about a negative situation they have accepted.

Sue said that for overall analysis, both short-term and long-term environmental factors need to be included in any cost analysis. The Commission agreed.

It was agreed that Sue's compiled comments, plus the items discussed tonight, plus comments from Liz on affordable housing and comments from Larry on high potential mineral resource areas be put together and forwarded to the Board for approval for submitting to the County.

Director's Report

Sue said that she applied for a Coastal Program grant for \$7500 for the review of the Town's CLUP. There will be a variance hearing and the public hearing for the proposed Ordinance changes at the July meeting.

Jerry said that he checked on electrician costs for running the new visual equipment for the Town Hall but hasn't heard back yet. He said he can talk with the vendor about including electric in their proposal.

Jo said that there will be a meeting at the start of the Town Board meeting at 6:30 on August 9 for public comment on the Town's stormwater plan.

Concerns from the Audience

None.

The meeting adjourned at 9:10.