

Reconvene Special Meeting  
September 21, 2004

Members present: Jeff Cook, George Sundstrom, Corlis West, Stephen Dahl  
Members absent: Bruce Aho

Corlis called the meeting to order at 7:00 p.m.

Meeting opened with the Pledge of Allegiance

Corlis made a motion to not undertake any new projects after 9:00 p.m., Stephen seconded. Motion passed.

Corlis made a motion to table the LIU and M1 areas until our Attorney is present and able to bring us up-to-date with his research, Jeff seconded. Motion passed.

George made a motion to bring the Sensitive Overlay tabled by motion at the August 17, 2004 meeting off the table, Corlis seconded. Motion passed. Corlis requested the right to withdraw the following motion tabled at the August 17, 2004 meeting: *Corlis made a motion that we accept the planning commission's recommendation for no changes in the Sensitive Overlay, Stephen seconded.* Stephen agreed to the withdrawal of this motion. Motion withdrawn. Corlis would like to now address the Sensitive Overlay and bring to the floor the opportunity to make this a usable portion of the Zoning Ordinance. Corlis presented his recommendation to the Town Board for discussion:

*(Zoning Commission recommendation will be found on Page 59 of the "Town of Duluth" Zoning Ordinance July 2004)*

## Section 2. Requirements

A. Site Assessment and Mitigation Plan. Any application for a land use permit on a parcel less than 9 acres in size must include the following.

1. A map to scale of the parcel which shows location and area of:
  - a. Wetlands and buffers.
  - b. Drainage direction, including water courses, springs and seeps.
  - c. Groundwater recharge areas, (areas which allow surface water to infiltrate rock or soil).
  - d. Moderate and steep slopes, including percentage grade.
  - e. Wooded areas, including type, size <sup>1</sup>(dbh) and density.
  - f. Soil type, including depth to bedrock, if less than the frost line.
  - g. Proposed and existing buildings, wells, septic systems and driveways.
2. A mitigation plan is required if sensitive areas and/or resources are identified, which include: wetlands, water courses, springs, seeps, ground water recharge areas, steep slopes and shallow soil (if less than the frost line). The mitigation plan must include the following:
  - a. Identification of sensitive areas and/or resources on the scale map of the parcel.
  - b. Measures and actions that will be taken to protect and minimize impact and disturbance of sensitive area and/or resources. These measures may include, but are not limited to:
    - i. undisturbed buffer zones.
    - ii. silt fences
    - iii. vegetation plantings
    - iv. retaining walls
    - v. terraced landscapes
    - vi. other storm water management measures.

---

1. dbh – Diameter Breast Height

- B. Site Visit by the Planning Director. The Planning Director will arrange for a site visit after the parcel map and mitigation plan (if needed) have been submitted for a land use permits on parcels less than 9 acres in size. The purpose of the visit will be to verify the maps accuracy and completeness. The visit may be conducted by a qualified designee of the Planning Director.
- C. Complete Application. Only after the parcel map, mitigation plan (if needed) and the Planning Director's site visit are complete and/or submitted, shall the application be considered complete.

George presented his recommendation to the Town Board for discussion:

#### Article vii. Sensitive area Overlay (SENSO)

##### Sect 1 Overlay District Establishment

**Overlay Location.** The Sensitive Overlay District (SENSO) in the Town of Duluth is designated on the land use zoning district map. (See the zoning map).

**Purpose.** This overlay was established to protect the water quality of the North Shore streams and Lake Superior. These areas were designated sensitive because of a number of factors including topography, soils, depth to bedrock, and vegetation including wetlands.

##### Sect 2 Requirements in the SENSO Area

- A. Impervious surface area shall not exceed five percent (5%) of the total lot area.
- B. A storm water mitigation plan shall be required as an addition to the permit application.
- C. No wetland "credit (s)" ie, substituting wetland area (s) on another lot for wetland (s) in this overlay, shall be permitted or allowed under any circumstances.

Sect 3. Consistency with other Articles: All the requirements listed in Articles III, IV, V, VI, and XII must also be met for the underlying zone district.

George made a motion to adopt Article 7 proposal he submitted tonight regarding the SENSO overlay for the township and omit Article 7 as it was presented by the Planning Commission, Jeff seconded.

George amended his motion; under Sect 2, item B, remove the period following the word "application" and include "for all lots under 9 acres", Jeff agreed to the amendment. Stephen would like to amend the motion to eliminate section 2 of George's plan and insert section A. 2 beginning with "A mitigation plan" of Corlis's proposal. George accepted this as a friendly amendment, Jeff accepted the amendment.

Corlis would like to amend the motion to include a site visit if the mitigation plan is correct or not, according to section B of the motion. Stephen seconded. The question was called to end discussion on this amendment. Motion passed to call the question. Amendment passed.

Corlis would like to amend the motion to define the application as; a map to scale of the parcel, mitigation plan (if needed), the fee, and the land use application itself, Jeff seconded. Corlis then called the question. Yes: Corlis, Jeff and Stephen No: George Motion passed.

George made a motion to accept the Amended Article 7, Jeff seconded. Motion passed.

Corlis made a motion to suspend this meeting to another yet to be decided date, Stephen seconded. Motion passed. Corlis will contact Attorney Tim Strom and set a date for the next meeting.

*Article VII: Sensitive Area Overlay (SENSO)*

*Sect. 1 Overlay District Establishment*

**Overlay Location.** *The Sensitive Overlay District (SENSO) in the Town of Duluth is designated on the land use zoning district map. (See the zoning map).*

**Purpose.** *This overlay was established to protect the water quality of the North Shore streams and Lake Superior. These areas were designated sensitive because of a number of factors including topography, soils, depth to bedrock, and vegetation including wetlands.*

*Sect 2. Requirements in the SENSO Area. Any application for a land use permit on a parcel less than 9 acres in size must include the following:*

- A. Impervious Surface Area. Impervious surface area shall not exceed five percent (5%) of the total lot area.*
- B. Mitigation Plan. A mitigation plan is required if sensitive areas and/or resources are identified, which include: wetlands, water courses, springs, seeps, ground water recharge areas, steep slopes and shallow soil (if less than the frost line). The mitigation plan must include the following:
  - a. Identification of sensitive areas and/or resources on the scale map of the parcel.*
  - b. Measures and actions that will be taken to protect and minimize impact and disturbance of sensitive area and/or resources. These measures may include, but are not limited to:
    - i. undisturbed buffer zones.*
    - ii. silt fences*
    - iii. vegetation plantings*
    - iv. retaining walls*
    - v. terraced landscapes*
    - vi. other storm water management measures.***
- C. Site Visit by the Planning Director. The Planning Director will arrange for a site visit after the parcel map and mitigation plan (if needed) have been submitted for a land use permits on parcels less than 9 acres in size. The purpose of the visit will be to verify the maps accuracy and completeness. The visit may be conducted by a qualified designee of the Planning Director.*
- D. Complete Application. A map to scale of the parcel, mitigation plan (if needed), the fee, and the land use application itself,*
- E. Wetland Credits. No wetland "credit (s)" i.e., substituting wetland area (s) on another lot for wetland (s) in this overlay, shall be permitted or allowed under any circumstances.*

*Sect. 3 Consistency with other Articles: All the requirements listed in Articles III, IV, V, VI, and XII must also be met for the underlying zone district.*

By Ann K. Cox  
Clerk, Duluth Township