

**Town of Duluth
Planning Commission
Meeting Minutes
2/23/12**

The meeting was called to order by Chair Dave Chura at 7:04.

Roll call:

Present: Dave Chura, Jan Green, Jo Thompson, John Schifsky, Brigid Pajunen, Paul Voge and Wayne Dahlberg

Absent: No one

Also present: Sue Lawson, Planning Director

Dave asked everyone to look over their attendance record and let Beth know if there are any mistakes.

The agenda was approved as written.

The minutes from the January 26 meeting were approved without change.

Planning Director Report

Sue said that the public hearing for the proposed Ordinance changes will be on March 1st at 7 pm. The Commission will run the hearing, but the Town Board will be there as well. She said that she has not received any comments on the changes except from a Board member.

She and Dave have been watching for training opportunities for Planning and Zoning. Minnesota Association of Townships occasionally has some, but there is nothing on the horizon now. Two or three years ago Sue did one on conflict resolution. She said that we could do that again for the Commission.

Jan said that she would be interested in something more comprehensive, such as, what is planning and zoning and why do we do it?

Dave said that he thought with the number of new Commission members, the conflict resolution training would be good.

New Business

Next on the agenda was to look at the Comprehensive Land Use Plan (CLUP). Dave said that Sue did a nice job of laying out the CLUP analysis with decision points and questions. He said that using this tool, the Commission can review the CLUP and either decide it is still good or decide to rewrite part or all of the document. The CLUP is designed to be more broad and general in nature, so he said that the idea is not to zero in on a microscopic level when examining it.

Jan asked which consultant did the current CLUP. Did they use their own template? She asked if Sue thinks that the CLUP is adequate.

Sue said the consultant was Biko but thinks they are now called CR. She said that when the consultant came in they started over from what we already had. Some of the 1976 plan was excellent. Through this process of evaluating the CLUP we will see if we think it is adequate.

Sue said that the organization she works for got a grant from the Coastal Program for community planning. She handed out copies of the handbook they produced. On page 44 it outlines the basic process for community

planning. The CLUP starts with a concept area map. This is the underlying map that ultimately creates zone districts. The CLUP continues with visions, goals and policies, which end up being the text for the ordinance. The ordinance is the codified version of the vision, goals and policies of the CLUP. Planning is about determining where you want to go and then evaluating if you are getting there. So in evaluating our CLUP, we need to look at whether we are getting to where we want to be and whether we are still heading in the right direction. We also need to determine if anything has happened since the CLUP was written that would lead the Town in a new direction. There is no need to go back to square one.

Jan said that she thought that was reasonable, but to her, the vision describes where we are already. We need to back up. The policy statement and the vision are descriptive and too broad and diverse. What is missing is a long-term vision for *how* we will protect each of the items. For example, natural resources -- where are we in terms of protecting Lake Superior, in terms of rivers, in terms of soil quality, etc.? We need more concrete goals.

Sue said that we can look at things like whether or not stream degradation has occurred since the plan. We can look at permits in the Little Knife watershed and try to determine how much we have contributed to problems in the watershed. We have to think about ways to analyze it, maybe look at the TMDL study for the Knife River.

Dave said that if we were to get that in-depth on everything, the Commission would be buried in it for a year. We need to look at whether there is so much of a difference or change that we need to spend that much time getting into it or, in general, if the CLUP is doing the job we intended for it to do. In addition, to determine if there has been a change since the CLUP, we would need data from 2002 to compare current conditions to and we don't have that.

Sue said that if we got data now, we would have it for the next time we look at the CLUP.

Wayne said that on the Sucker River near his property, beaver constructed a dam that caused a part of a bank to be washed out. It would be impossible to sort out what new construction is responsible for in the watershed versus that kind of natural event.

Sue said that we have permit information to show development. We can only do what we can do. Nor do we have the resources to look at it that closely.

Paul said that with GIS we can put the permits on the map and see where the most development has occurred.

Sue handed out copies of permit data since the CLUP was completed in 2002. The parcel identification number is the key that tracks the data. On the second page she looked at just single family, accessory structure and mobile home permits. Permits dropped dramatically after 2005. Northern Minnesota was ahead of the country in predicting the recession.

Jan said that Barb Crow got a complaint that our regulations were holding back development on the shore, but she thinks it is more likely the economy.

Sue said that she talked to John Bowman. When the North Shore Sanitary District originally looked at the shore, their emphasis was faulty septic systems. The objective was to fix that water quality problem. But once the "big pipe" was in, there was more emphasis on paying for the system. So there could be a need to see if there is something in our Ordinance that is holding back development.

Jan said that no one could predict the economic impact of the sewer. They did not have to take it all the way to Knife River.

John agreed, saying that it really needs to be talked about. 425 people are responsible for \$6 million in debt.

Dave said that we need to update demographic data.

Sue said that she thinks the Township grew by about 150. She does not think the age ranges and other data are out yet. Duluth Township is a census tract so data will be specific for the Township.

Wayne asked why a cursory look at the CLUP was not done prior to the Ordinance revision for a better understanding of issues that needed to be looked at. He also asked why the Commission decided to add interim use.

Dave said that there were pressing issues that needed to be dealt with, including changes in the State statutes. He said that even though the Commission didn't look at the CLUP before revising the Ordinance, they referenced the CLUP extensively. Any changes made in the Ordinance were in keeping with the CLUP. When the Commission set their priorities for the last year, updating the Ordinance was the highest priority. Looking at the CLUP wasn't as high of a priority. It was important to get the statutory changes into place.

Sue said that it was suggested that we add interim use so that there would be a means of putting a time limit on a use.

Dave added that an attorney for Minnesota Association of Townships recommended that townships adopt it.

Wayne said that he had a question about planned unit developments (PUDs) in the Table 5.3. Mixed use is supposed to be encouraged in some zone districts, but in the table PUDs are not allowed in some of the districts that are supposed to be mixed use. Should that be looked at in the analysis?

Sue said that the CLUP encourages PUDs. But in 10 years we have not had one PUD. Although we do have a say on it, our subdivision process goes through the County.

Dave said that the developers did look at a PUD for Stony Point, but they decided to go with a subdivision.

Sue said that St Louis County also has conservation design options, but ultimately, people can do what they want. PUDs, conservation designs, open space designs – they are all great ideas, but you cannot force people to choose those development options, you can only encourage them.

Wayne said that in his estimation we talk about it but we don't do the encouraging.

Sue said that Gamble Road and Stony Point are the only developments that we've had. It is good design and you do want to encourage it. It may be something to look at.

Dave said that he thought the Commission should look at the definition of commercial. How do we define locally based commercial development? What is the definition of a strip mall? Is it a grocery store with a motel with a liquor store?

Sue said that a strip mall is building after building after building. She said that there is strip mall development in almost any city you look at – it is the development as you go in and out of town. In Two Harbors she considers the development west of the railroad bridge to be consistent with strip malls.

Dave said that to him a strip mall is a series of businesses that are all connected –not several businesses along a road. In the vision for the CLUP it says there will not be any strip malls in the Township.

Sue read from the Wikipedia definition of strip malls: “Strip malls are typically developed as a unit and have large parking lots in front. They face major traffic arterials and tend to be self-contained with few pedestrian connections to surrounding neighborhoods.”

Jo added that they tend to have 100% impervious surface and not being able to meet maximum impervious surface requirements might limit that kind of development.

Wayne said that he sees an area of mixed businesses as a series of small businesses working together to be stronger. He said that the term “strip mall” has a bad connotation. He said that a town of two or three thousand will have a block or two of businesses. They rely on combined effort to be stronger. We have areas like that – for instance the gathering of businesses at McQuade and Lismore.

Dave said that he would rather see them concentrated than spread out amongst residences.

Sue said that there is a lot of material available on smart growth which focuses on pedestrian friendly development – town centers and walkable areas. There is not as much information available for rural areas. She worked on the Tofte town center concept. They did not want it to look like a strip mall.

Sue said that one of the plan vision statements from the CLUP pertains to the sewer. She has included some questions to help evaluate whether we are meeting the vision. Are there other questions that could apply?

John said that there is a lot of information, but he is not sure what conclusions can be drawn. We can identify where new housing has gone in, but can we identify whether the sewer has had an impact on housing? Did the sewer have any impact on decisions made for the Stony Point development?

Jan said that she thinks they thought they could manage the lots one by one instead of as a PUD. They have not even developed one lot yet. She did not think that the sewer affected their decisions.

John said that he would still like to meet with the City of Duluth regarding the lakeshore Congdon trust land. Every time he goes down Stony Point Drive, he wonders what is going on.

Sue said that in that case the land is city land and the road is county, so anything going on along the road is probably county-related.

Sue suggested that the Commission go through the Plan Vision Elements of the CLUP and divide them up between people who are interested in them for evaluation.

Jan said that we need demographic and development data in order to evaluate these items.

Jo said that they could ask Clint Little about vegetation cover – they did flyovers in 2010 so maybe that could be updated.

Jo and Jan volunteered to do Natural Resources.

Sue and John said they would look at the Overall category, especially the sewer question.

Sue and Paul took Housing, Wayne and Dave took Commercial/Industrial, Jan took Recreation and Open Space, Dave took Tourism, and Brigid took Infrastructure.

Dave suggested that each working group bring back answers to the questions and any suggested edits or additional questions. He asked that everyone email their summary out by Monday, March 19, before the next meeting if they are able.

Paul asked if this review results in a recommendation to the Board.

Sue said that it does.

Jo asked how we can find out how many businesses the Township has lost over the last ten years.

Sue said that Don McTavish may have old records, but it would be hard to say if they have increased or decreased because we do not have original baseline data.

Wayne said that Don told him there are 97 home businesses in the Township.

Sue said that she would try to get the GIS information out. She said that there is parcel information for Google Earth from the County web site. There is also detailed soil information available on the web.

Dave suggested that she ask Clint to put the GIS data in a kmz file for Google Earth. Web Soil also has kmz available.

The next agenda item was priorities for the coming year for the Commission.

Dave provided a copy of the list of Planning & Zoning priorities from 2011. He said that he will send it out again for everyone to prioritize and he will average the totals to arrive at the priority list for 2012. If there is anything else anyone wants to add to the list they can do it then.

John thought that the allowable structure size was something the Commission should look at.

Jo agreed, saying the Board asked that the Commission look at structure size in proportion to lot size.

Jan said it should be looked at in relation to zone district purpose, also.

Jo said that the Town's attorney said that building size should not be included in the Ordinance as a use.

Dave wanted to know if the results of the latest Township survey were available. Could they be emailed to Commission members?

Jan said that the Commission never addressed alternative energy.

Sue said that we should look at SMU-8 and look at lot sizes and density and compare those to the standards for SMU-8 in the Ordinance. She asked Wayne why the minimum lot sizes for those zone districts were kept so large. Wayne didn't know. She said that we have a lot of variance hearings because property owners cannot meet minimum lot size or setbacks.

Paul said that we have addressed that with the lots of record language.

Sue said that there is still the question about whether that language applies to Lake Superior shoreland or just interior lakes.

Paul said that we need to determine that. The wording we put in for non-conforming lots came directly out of State statutes. It was meant, in part, to deal with areas like Greenwood Road. We expanded our definition of shoreland in this Township to go up to the Expressway. The Shoreland Management Rules define shoreland as 300 feet from a stream or river and 1,000 feet from the ordinary high water level of a lake. Do we want to include the non-conforming lot language for the whole shoreland overlay?

Jan said that there are many large parcels of land past Homestead Rd while there are very small parcels near the lake, so not all of that area fits easily under one set of zoning rules.

Sue said that the annual meeting is on March 13th. The budget we submitted is fine with the Board. The election for two Town supervisor positions will be held that day, also.

Concerns from the Audience

None

The meeting adjourned at 8:35.