

**Town of Duluth  
Planning Commission  
Meeting Minutes  
December 16, 2021**

The meeting was called to order at 6:30 by Chair Liz Strohmayr.

In attendance: Liz Strohmayr, Dave Edblom, Angela Wilson, Pam West, Justin Osadjan, and Blane Tetreault.

Absent: Dave Meyer.

Also attending: Sue Lawson, Planning Director.

The agenda was approved as presented.

The minutes from the November 16 regular meeting and the December 2<sup>nd</sup> public hearing were approved as presented.

Sue had a draft Findings of Fact for recommendation of the proposed Ordinance to the Board. It will be completed for approval at the January meeting.

Sue said that comments on the proposed Ordinance were solicited from required regulatory agencies. She and Beth met with Matt Bauman from the DNR, Jenny Bourbonais from St Louis County and Patti Fowler, also from the DNR. Our Ordinance has to be consistent with the County controls and as restrictive as the County controls. Matt indicated that he didn't have enough time to review the proposed Ordinance, so we are waiting on his comments. Jenny also wanted additional time to look at it. It won't be until the January 27 Commission meeting that all the comments will be in and the Commission can review them and make a recommendation to the Town Board.

Comments were received or given at the public hearing on four areas of the proposed Ordinance. Sue went through the CLUP and highlighted values, visions and goals, and policies that were pertinent to each comment area.

The first comments concerned isolated camping sites. Sue read the comment:

I am a long-time resident of the Township. I am writing regarding the proposed use of "isolated camping sites." I believe that such a use is very similar to high-frequency short-term rentals and should not be allowed in the Township at the potential density of one every twenty acres. Short-term rentals can be disruptive to the surrounding neighborhood and community. I believe that "isolated camping sites" have the potential to be similarly disruptive. I am also concerned about the ability of the Town to control such a use. Such campsites are likely to be isolated and, as such, not easy to oversee.

Primary concerns I have regarding this use are the potential for disruptive behavior, fires, trespassing, traffic, increased impervious surface area, wastewater disposal and access for emergency services.

I believe that allowing "isolated camping sites" as currently proposed would not be protective of the integrity and character of the community. The use, if not further limited, is not compatible with the tenets of the Comprehensive Land Use Plan concerning ruralness and commercial uses in the Township. The Comprehensive Plan states that commercial uses in the Township should be

compatible with the existing neighborhoods. Allowing camping sites for compensation throughout the Township is not compatible with protecting existing neighborhoods.

Sue went over values, goals and policies from the CLUP that might apply to the use.

Values	Vision	Goals/Policies
<p><b>Ruralness:</b></p> <ul style="list-style-type: none"> <li>Our natural environment, including its streams, Lake Superior, undeveloped and open spaces, forested lands, farm lands, and wildlife.</li> <li>Peace, quiet, and uncrowded living and the dark night skies that result from uncrowded living.</li> <li>Privacy.</li> <li>Peace, quiet, and uncrowded living and the dark night skies that result from uncrowded living.</li> <li>The people in our community, their neighborliness and resourcefulness, and the sense of belonging that they provide.</li> </ul> <p><b>Natural Environment</b></p> <ul style="list-style-type: none"> <li>The natural environment for the many recreational opportunities it provides.</li> </ul> <p><b>Community Life</b></p> <ul style="list-style-type: none"> <li>Our neighbors and their friendliness; though they may not be close in proximity, we know that we can rely on them when needed.</li> <li>How our community works together to create a sense of community that is unique to our Township.</li> <li>A balance between community needs and individual freedoms.</li> </ul>	<p><b>Overall</b></p> <p>Community members are actively engaged in the community and volunteer to provide vital, basic services for our Township such as Township government, the volunteer fire department and medical responders.</p> <p><b>Public Safety</b></p> <p>Duluth Township has essential resources for limited emergency responses to major disasters. These resources include facilities, equipment, personnel, and the skills of Township officials, staff and volunteer citizens.</p>	<p><b>Goal 1:</b> Maintain the ruralness of Duluth Township.</p> <p><b>Policies:</b></p> <ol style="list-style-type: none"> <li>Maintain lands for their agricultural and forestry uses, as well as for other beneficial uses associated with rural areas by conserving forest lands, farmland, and other critical natural resources.</li> <li>Concentrate development in more densely developed areas, spreading outward to less intensely developed areas, providing a range of density from concentrated to dispersed to open. Reflect traditional rural development patterns where concentrations of population are surrounded by working landscapes or natural open spaces.</li> <li>Undeveloped parcels should be developed in harmony with the surrounding area's dominant land use activity.</li> <li>Rural lands are generally developed at lower residential densities and include, but are not limited to, areas of agricultural activities, resource extraction, timber harvesting, resource conservation, public or private recreation, and open space.</li> </ol> <p><b>Policies: Tourism:</b></p> <p>Encourage tourism activities that complement and do not detract from the community's historic and rural character.</p> <p><b>Community Infrastructure and Resources</b></p> <p><b>Recreation</b></p> <p><b>Goal 1:</b> Continue the vital role that parks and community centers play in creating a healthy and cohesive community.</p>

Justin thought the use was consistent with the first two goals. But, isolated camping sites on undeveloped parcels would not be consistent with the surrounding area's dominant land use activity.

Liz said isolated camping sites fit with recreation goals, but not if for commercial purposes.

Sue said that Townspeople providing input for the CLUP most often cited community life and the natural environment as valued characteristics of the Township. One campsite on 20 acres may be private and not impactful, but would the same be true if there were a campsite on every 20 acres? The goal is a balance between community needs and individual freedoms.

Angela noted that if someone wants to camp on their property that is one thing, but having people come in and pay to camp on the property is another. She agreed that the use is similar to high-frequency short-term rentals and that they share the same concerns. Fire is also a real concern for isolated camping sites.

Liz said that it is better to be proactive, to have some control over the use from the beginning, instead of just keeping an eye on it to see how it goes. The rural nature of the community was one of the main things Townspeople said they valued about the Township. Night skies also emerged as an important value. The density of isolated camping sites, as well as short-term rentals, could disrupt those values. It is important to balance the different needs of the community.

Sue said that what is currently proposed is that isolated camping sites be allowed as an interim use in RR-1, FL-1 & 2, FFL-1, and SSUR-1. The proposed standards are 1) adequate sewage treatment 2) 20 acre

minimum lot size, 3) limit on size of the camping structure, 4) no more than 4 persons per site, 5) no more than 4 days per rental, 6) increased setbacks and not allowed in the SSLO, 7) adequate parking, 8) limited clearing, 9) fire rings, 10) emergency services accessibility, 11) other governmental approvals required, 12) property oversight, and 13) rental log.

Justin said people are concerned about short-term renters partying and not respecting the local environment. At the last meeting the Commission decided to require that to have a short-term rental, the owner must be the primary resident of the home. Maybe an onsite attendant should be required for isolated camping sites. An attendant, presumably the homeowner, would be on site the way a rental management company is not. Just having that presence, someone with a real vested interest in protecting the property and neighborly relations could make a big difference.

Blane asked what would prevent structures like yurts and wall tents on platforms from becoming permanent structures.

Liz said that it has to be a temporary structure. But it would not be consistent with the CLUP to have a bunch of little cabin-like structures popping up all over for rentals.

Angela suggested requiring that only parcels with residences on them can host an isolated camp site.

Justin felt the use should be like short-term rentals where only one rental is allowed per owner. He also thought that an owner should be allowed one or the other, an isolated camp site or a short-term rental, but not both. As it is proposed now, he could have two glamping sites and a short-term rental on his property. He felt that this was too much.

Liz agreed. Do we want to allow an isolated camping spot on every 20 acres?

Blane said that when you look at how many short-term rentals there are in the Town, it is a very small percentage of homes in the Town that have taken advantage of the opportunity. It seemed to him that the number of isolated camping sites would end up being similar.

Sue said that the increase in STRs in the area has been dramatic.

Angela suggesting limiting glampsites to one per parcel with a minimum lot size of 20 acres.

Liz pointed out that we specifically don't allow tents and RVs to be used as a part of short-term rentals. This seems like we're trying to circumvent that rule. A use allowing camping for pay in potentially remote locations with fire dangers doesn't make sense to her. We have had one request for it and are trying to make it fit, but it is directly in conflict with what the Ordinance has specifically disallowed.

Justin noted that with the changing economy, a campsite could be an attractive revenue option for folks, especially those trying to make a living from their land.

Liz said that as farms diversify, it has become more common to invite someone to stay for a period of time and have a farm experience. Maybe limit the number of days a site can be rented.

Sue said that the City of Duluth only allows a certain number of short-term rentals and there is a waiting list for when an opening comes up. It is another option.

Justin said it made sense to put a cap on the number of rental days, like STRs.

Angela said that another option is to not allow them at all.

Dave suggested raising the minimum lot size. Say to 40 acres?

Angela said that would provide a better balance between rural and commercial needs. County approved waste disposal would still be required.

Pam made a motion that an onsite attendant be required for an isolated camping site, that a property owner be allowed to have no more than one isolated camp site, that the minimum lot size for an isolated camping site be 40 acres, and that the maximum number of days per year that an isolated camping site can be rented be 60 days. Justin seconded. Dave felt that this would make the use a better fit with the CLUP. The motion passed unanimously.

Sue asked if it was clear enough that the use only applied to privately owned land. It was decided to insert “by private landowner” into the definition.

Sue went over values, goals and policies from the CLUP that might apply to decisions about STRs.

Values	Vision	Goals/Policies
<p><b>Ruralness:</b></p> <ul style="list-style-type: none"> <li>• Privacy</li> <li>• Peace, quiet, and uncrowded living and</li> <li>• the dark night skies that result from uncrowded</li> <li>• living.</li> <li>• The people in our community, their neighborliness and resourcefulness, and the sense of belonging that they provide.</li> </ul> <p><b>Natural Environment</b></p> <ul style="list-style-type: none"> <li>• The natural environment for the many recreational opportunities it provides.</li> </ul> <p><b>Community Life</b></p> <ul style="list-style-type: none"> <li>• Our neighbors and their friendliness; though they may not be close in proximity, we know that we can rely on them when needed.</li> <li>• How our community works together to create a sense of community that is unique to our Township.</li> <li>• A balance between community needs and individual freedoms.</li> <li>• A variety of housing to accommodate all members of our community.</li> <li>• That individuals and families in the Township are able to remain in the area and find gainful livelihoods.</li> </ul>	<ul style="list-style-type: none"> <li>• Housing available for rental in the Township has increased to meet the needs for a mix of housing opportunities. The majority of rental housing is focused on long term rentals. There is an incidental increase in short-term rentals in the Township. These short-term rentals, in number and location, always take into consideration maintaining the existing character of the neighborhood. They also take into account balancing community needs with individual freedoms.</li> <li>• Tourism activities are in harmony with Duluth Township’s historic character, ruralness, and natural amenities. Tourism is not a dominant economic activity. Its activities are locally based or compatible with local commercial services. Visitors to the Township are attracted to its natural beauty and diverse amenities: the lakeshore, streams, woods, ruralness, and community feel. The atmosphere for visitors is not overly commercial.</li> </ul>	<p><b>Goal 3:</b> Commercial uses in the Township should be compatible with the existing neighborhoods and ruralness of the Township.</p> <p><b>Policies: Short-Term Rentals:</b></p> <ol style="list-style-type: none"> <li>1. Ensure that the quantity of short-term rentals in the Township do not detract from the rural character of the neighborhoods they are located in.</li> <li>2. Ensure that the costs to the Township are outweighed by the benefits of short-term rentals in regard to public safety and Town resources needed to support them.</li> <li>3. Balance the community needs for maintaining ruralness and cohesive neighborhoods with individuals’ freedoms to use their property.</li> </ol> <p><b>Built Environment</b></p> <p><b>Goal 2:</b> Encourage a variety of housing to accommodate all members of the community.</p> <p><b>Policies:</b></p> <ol style="list-style-type: none"> <li>1. Encourage housing of various types for people of all economic levels and household sizes in a manner consistent with Town land use goals.</li> <li>2. Encourage housing for the elderly, including low-maintenance, smaller units.</li> <li>3. Encourage assisted living developments with density bonuses.</li> <li>4. Consider increasing the density of housing through duplexes and triplexes in residential areas where the infrastructure is established and such housing is consistent with Town land use goals.</li> </ol>

An additional comment had been received regarding short-term rentals:

(I) wanted to express interest in Duluth Township having some limits surrounding short term rentals directly along the shore. Covid and lockdown alone has shown increased activity on the shore - and with that, increased garbage. As residents, we operate with the value of leave-no-trace when enjoying the lakefront, and that was not always what we saw in evidence when traffic increased significantly. Thank you for all you do to protect the land and water we all treasure and appreciate.

Justin said that there has been a lot of concern over STRs in general. He suggested adding an on-site attendant for these, too. It would also help prevent the practice of purchasing properties as investment properties and having a management company rent them as STRs.

Liz said that this scenario is covered by requiring that the home be the primary residence of the owner for 9 months out of the year.

Justin said that that still allows for the home to be rented out when the owner is not there, possibly leaving no one to deal with issues. He said that the recent STR approved on the shore is a perfect model – a walk-out mother-in-law apartment such that the owner is on-site during rentals. Having an attendant on-site sets a higher bar.

Sue said that we currently require a response time of 30 minutes or less.

Blane said that most short-term rentals don't rent when the owner is present. He noted that this comment does not bring up anything new from what has been thoroughly discussed previously by the Commission.

Angela asked if the Town has actually had problems with people being disruptive.

Sue said that there have not been issues recently, but there have been in the past. There is also a concern about taking housing opportunities off the market.

Dave said that the neighbor commenting on the rental on McQuade was concerned about the effects a short-term rental would have on the neighborhood. He felt that investment properties used as STRs were not a positive thing for the Township.

Sue noted that the CLUP vision is that most of the housing available for rental in the Township should be focused on long term rental.

Blane said that the Commission has already proposed a number of new restrictions on STRs. Do we want to make it more restrictive yet?

Angela said that there is research showing a connection between increased crime and the number of STRs in a neighborhood. Those are real concerns that would be abated if the owner were on site. But what about folks who want to live in their home during the school year and rent it over the summer? Or snowbirds?

Liz said that someone in that situation, leaving for 2 or 3 months out of the year, that person is still vested in the community and is not taking away housing. She felt that this was more in the spirit of what we want.

Justin said that they could rent for longer term.

Blane felt that Township residents deserved the right to generate revenue from their homes. He thinks it is unrealistic to require that the owner be on-site for rentals.

Liz agreed that that would be more like a B&B and that STRs, as currently proposed, are already pretty constrained.

Sue said that requiring that a high-frequency rental be hosted would be a very big change from the rules we have in place now.

Angela asked about a lottery system. For example 10 permits could be available per year awarded on the basis of best stewardship.

Sue said that it's first come, first served in Duluth and when the cap is reached, it's done. Another option would be to raise the minimum lot size. Or to impose restrictions by zone district.

Justin said that most of the feedback concerning STRs has not been in favor of them. STRs have been increasing in the Township. As it stands, we get applications for STRs and, if they meet the requirements, they're approved.

Pam said that she thought the requirements as proposed have been tightened up enough for the time being and we should see how it goes with those new restrictions. She agreed that people like snow birds should still have the option to rent while they are gone.

Angela agreed. We can always look at more restrictions in the future, but see for now how the currently proposed language goes.

Dave said that the Commission has come a long way since first addressing STRs. We still have to respect that people need to be able to use their property.

Angela moved that the conditions for short-term rentals remain as are currently proposed without further modification. Dave seconded and the motion passed unanimously.

Sue reviewed values, goals and policies from the CLUP that might address the issue of overregulation and balancing individual rights and community needs. There was a couple at the public hearing who were concerned about the amount of regulation already in place in the Township. They said that they did not understand why one needed permission from the Town to use their land and that there were already too many restrictions and regulations on people’s properties. One said that it was too much oversight to be under both St Louis County’s regulations and the Town’s.

Values	Vision	Goals/Policies
<p><b>Ruralness:</b></p> <ul style="list-style-type: none"> <li>Our natural environment, including its streams, Lake Superior, undeveloped and open spaces, forested lands, farm lands, and wildlife.</li> <li>Privacy.</li> <li>The people in our community, their neighborliness and resourcefulness, and the sense of belonging that they provide.</li> </ul> <p><b>Natural Environment</b></p> <ul style="list-style-type: none"> <li>Our interconnectedness with the natural environment and recognize our responsibility to sustain it for the generations that come after us.</li> <li>The abundance of natural beauty, our connection to the land, and the intrinsic character that our natural environment contributes to our community.</li> <li>The life-sustaining resources that our natural environment provides including trees, wildlife, water, soil, wetlands, and air.</li> <li>The beauty and presence of Lake Superior and the many streams flowing into the Lake.</li> <li>The natural environment for the many recreational opportunities it provides.</li> <li>Planning for climate change.</li> <li>The diversity of species, both flora and fauna.</li> <li>The clean air and water we have in our Township.</li> </ul> <p><b>Community Life</b></p> <ul style="list-style-type: none"> <li>Our neighbors and their friendliness; though they may not be close in proximity, we know that we can rely on them when needed.</li> <li>The Township form of government whereby we have local control in governing ourselves, and community members directly vote on what is important to invest in for the well-being of our community.</li> <li>How our community works together to create a sense of community that is unique to our Township.</li> <li>A balance between community needs and individual freedoms.</li> </ul>	<ul style="list-style-type: none"> <li>It is 2030 and the Township of Duluth continues to be known as a rural community that balances community needs and individual freedoms.</li> <li>Our community values the respectful and friendly acceptance of neighbors and visitors to our Township, and honors the richness, diversity, and inherent dignity of all people.</li> <li>The people in Duluth Township are known for their respectful and friendly acceptance towards their neighbors and others, honoring the richness, diversity, and inherent dignity of all people.</li> <li>Neighbors are valued for their friendliness. Even though neighbors may not be close in proximity, they know they can rely on each other when needed.</li> <li>Community members are actively engaged in the community and volunteer to provide vital, basic services for our Township such as Township government, the volunteer fire department and medical responders.</li> <li>The Township form of government is well supported resulting in local control of governance. This support is seen at the Annual Meetings whereby community members directly vote on what is important to invest in for the well-being of the community.</li> <li>Township meetings are well attended and the business of the Township is always conducted with transparency.</li> <li>The Township continues its legacy of clean air and water and is home to a diversity of flora and fauna. The natural environment is the foundation of the Township’s aesthetic and beauty, and fosters spiritual connections for the community and visitors to the Township.</li> <li>The Township continues to recognize and emphasize the interconnectedness of humans with the natural environment and their responsibility to sustain it for the generations that come after them. Townspeople have worked diligently to plan for climate change and are making progress toward a community that will be more resilient to a changing climate.</li> </ul>	<ul style="list-style-type: none"> <li>Discuss values, goals, policies, how they work together as a system:</li> <li>Interconnectedness of humans, built environment and natural environment and their relationship to community</li> <li>Combine with transparency of township and participation of community members.</li> </ul>

Sue said that most people who contributed comments to the Comprehensive Land Use Plan expressed the importance of community.

Pam said that the Commission keeps coming back to this. They have really tried to maintain a balance between not overregulating and developing language to maintain the character and quality of the community of the Township. She felt that the concern over too much regulation was not necessarily shared community-wide.

Dave said that he has been working on a project in Lake County and they have the opposite situation there. Community members he has talked to cannot get support from the County in regulating short-term rentals, which they feel have become a problem. So, something in between too much regulation and too little is the goal. In regards to a related comment that if someone has a problem with their neighbors, they just take it up with their neighbors, Dave paraphrased Madison, “If all men were angels, we would need no government.” He said that the Commission works to look at all aspects of an issue.

Liz said that in her time on the Commission, she has felt that the Commission is always striving for balance and looking to the CLUP for guidance. She has never felt like the Commission is being too strict or too loose.

Sue said that the Town decided years ago that they wanted to control their own township and not be under St Louis County. The CLUP is an agreement that we have as a community as to how we are going to live together on the land.

Angela moved that the Commission has consistently considered the need for a balance between individual rights and community needs as issues have been discussed and decided and therefore, no additional consideration needs to be given. Liz seconded and the motion passed unanimously.

Sue said there were comments regarding livestock limits at the public hearing. She reviewed values, goals and policies from the CLUP that might help address this issue.

Values	Vision	Goals/Policies
<p><b>Ruralness</b></p> <ul style="list-style-type: none"> <li>Our natural environment, including its streams, Lake Superior, undeveloped and open spaces, forested lands, farm lands, and wildlife.</li> <li>Our opportunities for farming, gardening, and cultivating orchards, which provide locally sourced food for ourselves and others, as well as <u>as</u> livestock forage.</li> </ul> <p><b>Natural Environment</b></p> <ul style="list-style-type: none"> <li>The life-sustaining resources that our natural environment provides including trees, wildlife, water, soil, wetlands, and air.</li> <li>The beauty and presence of Lake Superior and the many streams flowing into the Lake.</li> <li>Our interconnectedness with the natural environment and recognize our responsibility to sustain it for the generations that come after us.</li> <li>Planning for climate change.</li> <li>The diversity of species, both flora and fauna.</li> <li>The clean air and water we have in our Township.</li> </ul>	<p>The agricultural sector of the Township, including farming, gardening, and fruit production, has grown and become a significant part of locally sourced food. In addition, value added products made from locally sourced food continue to increase.</p>	<p><b>Goal 1. Maintain Ruralness</b></p> <ol style="list-style-type: none"> <li>Maintain lands for their agricultural and forestry uses, as well as for other beneficial uses associated with rural areas by conserving forest lands, farmland, and other critical natural resource</li> <li>Encourage the preservation of family farms and areas devoted primarily to agricultural uses.</li> <li>Develop land with respect for the physical limitation of natural resources so that a quality environment can be enhanced and preserved.</li> <li>Protect existing agricultural practices from nuisance complaint by identifying agriculture as the primary land use in designated areas. Notify new residential development that agricultural practices will not be deemed to be nuisance activities within the designated areas.</li> </ol> <p><b>Rural Residential Land Use Areas</b></p> <ol style="list-style-type: none"> <li>These land use areas are predominantly forest or forest-agricultural rather than agricultural in nature (discounting the residences).</li> <li>Encourage sustainable agricultural practices.</li> <li>Encourage locally grown and marketed agricultural products.</li> <li>Any new non-agricultural businesses should be limited in scale and type consistent with the local rural area.</li> </ol> <p><b>Farm and Forest Lands Land Use Areas</b></p> <p><b>Goal:</b> The purpose of this land use area is to maintain, support, and emphasize agricultural and forestry endeavors.</p> <ol style="list-style-type: none"> <li>Predominant uses are primarily agriculture and forestry related, including structures associated with these uses. In some cases, there are undeveloped areas that are not being farmed or actively managed.</li> <li>Encourage sustainable agricultural practices.</li> <li>Encourage locally grown and marketed agricultural products.</li> </ol> <p><b>Goal:</b> Consider the interconnectedness of the natural environment when making land use decisions.</p> <p><b>Policies:</b></p> <ol style="list-style-type: none"> <li>Identify elements in the natural environment that may be affected by land uses.</li> <li>Use the practice of “sequencing” to help determine appropriate land use practices.</li> <li>Limit land uses that may adversely impact elements of the natural environment.</li> <li>Consider the long-term, cumulative effects of land use decisions on ecosystems.</li> </ol> <p><b>Goal: When making land use decisions consider their sustainability. Encourage and educate landowners in the use of sustainable practices.</b></p> <ol style="list-style-type: none"> <li>Promote sustainable agricultural practices that enhance the natural environment or alleviate or minimize impacts to the natural environment.</li> </ol>

Justin said that the numbers for animal units allowed in a specific zone district were derived from research and experience with the Township’s characteristics.

Dave said that there was concern that the limits on livestock would continue on a trend of becoming stricter, but there is no reason to think future regulators will do that. Great value has been placed on clean water in the Township and the decreased animal units per acre reflect that.

Angela said she felt comfortable with the numbers the Commission arrived at and has confidence in the process they used to arrive at the numbers.

Angela moved that the Commission not revisit livestock requirements because the values and goals of the CLUP were considered when the proposed numbers were developed. The language as proposed should remain without modification. Pam seconded and the motion passed unanimously.

#### Director's Report

Sue announced that there were two applicants for the planning assistant job and Liz was hired. She starts in January. This also means that there will be an opening on the Commission in January. There will be an ad in the January newsletter.

Both Pam and Angela said that they intended to serve a second term on the Commission.

Sue said that there were also going to be two openings on the Town Board so if anyone knows someone who might be interested in serving, encourage them to run.

The meeting adjourned at 8:32.