

**Town of Duluth
Planning Commission
Meeting Minutes
February 25, 2021**

The meeting was called to order at 6:30 pm by Dave Edblom. The meeting was held primarily via Zoom.

In attendance: Jerry Hauge, Larry Zanko, Dave Edblom, Pam West, Angela Wilson and Blane Tetreault.

Absent: Liz Strohmayer.

Also attending: Sue Lawson, Planning Director

The agenda was approved without change.

Sue said that there will be a hearing at the March meeting for a high-frequency short-term rental at 1754 Old North Shore Road. It is on a dead-end road that is accessed from Bergquist. What should the notification area be? The Commission set the notification area at 1/4 mile plus all properties along the Old North Shore Road to Bergquist Road.

The minutes were approved with one change. Remove the sentence regarding the Bille hearing issue.

Blane had worked on possible language for driveways for the Ordinance update. He said that concerns include spacing of driveways and how close a driveway could be built to the property line. The CLUP emphasizes retaining the rural nature of the Township.

He compared our current definition for a driveway to St Louis county's definition.

Duluth Township: A private way serving one (1) or more properties by connecting it to a road. Private access to agricultural land by culverting a ditch solely for the purpose of agricultural access to the property shall not constitute a driveway.

St Louis County: A way not designed or intended to serve as a road; rather a driveway. Provides access for not more than two dwellings or other principal uses to a road at a density not higher than two dwellings per quarter-quarter section or government lot.

Blane said that certain land uses impact neighbors and setbacks help alleviate those impacts. He said that if the average driveway has a similar impact on adjacent properties as, say, an accessory structure then it makes sense to establish setbacks to lessen the impact.

Sue read the setbacks for accessory structures. For FAM-3 with a 9 acre minimum lot size and 300 ft lot width, it is 75 ft; for MUNS-4, 4.5 acre minimum lot size and 300 ft lot width, it is 50 ft; for the Greenwood Road area, 1 acre minimum lot size and 200 ft lot width, it is 10 ft. The goal is to balance the setback with the lot size and width and how much room a property owner has to work with.

Blane said that when you put a driveway in off of a County Road, you have to get a permit, but the County doesn't have any regulations in place regarding where the driveway is placed. The Township currently only requires a driveway permit for driveways off of Township roads.

Sue said that the County does not have setbacks for driveways. Nor do most other townships. The County is primarily concerned with making sure the driveway does not impact the County road and with the sight distance from the driveway.

Sue said that easements for driveways are another issue. Easements are usually 30 ft wide and if setbacks are applied to those as well, an easement could really encroach onto a property. Screening could be another tool to reduce impact. How many feet of vegetation would it take to shield the driveway? If vegetation is already in place and it is cut such that a strip is left, that strip of vegetation is often subject to blowdown. Vegetation screening needs to be maintained to be effective.

Jerry said that the property owner granting the easement might prefer that the easement be located at the property line so that it has the least impact on their property. He suggested that if the property owner was unable to meet setbacks, then screening could be required.

Blane said that if the setback can't be met then require a variance.

Sue said that the current Ordinance says that whenever possible, driveways should be 300 feet apart. It is not a rule and "whenever possible" is open to interpretation.

Dave said that if the 300 ft spacing was made mandatory, the first person to put in a driveway would dictate where the next driveway goes. Driveways could end up having to be put in where they don't make sense and potentially increase impermeable surface area. He pointed out that in MUNS-4 the accessory structure setback is 50 ft. 50 ft setbacks on either side of a 20 ft driveway would bring the buildable envelope down to 180 ft on a 300 ft lot. Room has to be allowed for the mound system as well as an alternative designated mound site. Mounds can be quite large and go where the site designer deems best. A lot can be taken up pretty quickly. It seems too stringent to him.

Angela suggested that for all FAM districts, the driveway setback should be the same as the accessory structure setback. For the remaining zone districts the driveway setback should be half of the accessory structure setback. If this ends up triggering variances, then revisit it. The Commission agreed to this.

Larry said that there is an assumption here that a driveway will be straight and parallel to the lot line. Most people prefer curved driveways. Curved driveways also reduce runoff. Could you start a driveway at the road, closer to the side yard and then curve away? Where would you measure distance of such a driveway from lot line?

Angela said that at no point should the driveway be closer than the allowed setback.

It was agreed that the driveway would be considered the graveled part, not the entire cleared area.

Director's Report

Land use permits are beginning to come in. There have been a couple inquiries about short-term rentals.

Jerry noted that short-term rentals are a hot issue all over the country.

Sue said that the annual meeting is March 9. Because of COVID-19, the plan is to open the meeting and then continue it to a date in August, so it will be very short and reconvened in August.

We will plan on meeting in March by Zoom again. Vaccine availability is improving. Maybe summer will be different.

Concerns from the Audience

None.

The meeting adjourned at 8 pm.