

**Town of Duluth
Planning Commission
Meeting Minutes
May 22, 2025**

The meeting was called to order at 18:32 by Justin.

In attendance: Justin Osadjan, Nate Nesgoda, Ken Peterson, Andrew Aho, Kit Grayson.

Absent: Dave Meyer, and Tony Mancuso.

Also attending: Liz Strohmayer, Planning Director; Beth Mullan, Secretary; and Laura Herzog, incoming secretary.

Motion to approve the agenda was made by Nate. The motion was seconded by Ken. The motion passed unanimously.

New Business

- **Chair and Vice Chair elections** – Angela is done serving her term on the commission as Chair, Justin is currently Vice Chair. We will hold a vote for the new position of Chair and Vice Chair.

Justin- I would not mind taking the Chair. However, I only have one year left on the Commission. Ken, would you like chair?

Ken- I would do vice chair.

There was a brief discussion of Robert's Rules of Order. Beth – Traditionally we have used a loose form of Robert's Rules. We made a decision at some point not to adopt them formally.

Nate motions to elect Justin as chair and Ken as vice chair. Andrew seconded the motion.

All in favor. Motion passed.

- **Nonconformity Interpretation** –

Liz- A property on the N. Ryan Rd has an inherited garage that is too close to the road. The owner wants to change the garage door angle and change the entry going to the roadside, causing the need to change the trusses; he is not changing the footprint. The Ordinance states that repair and maintenance are allowed to keep a nonconforming building in sound condition, but the footprint cannot change. Are trusses considered a structural change because of this language? The peak runs east west and needs to change trusses to a flat angle roof, and the height will not change. The commission will need to decide how it is interpreted.

Nate- I would say trusses are structural if you read the language for how its written. If it were on North Shore Drive to change the pitch of a roof causing the new angle to block the lake view from the neighbor, then that seems like a structural change.

Andrew- It should be a variance. All agree.

Ken- Damage repair would not need a variance, but he wants to change the structure, so it should be a variance.

- **SLC Ordinance Update Letter** – A letter was sent out from St. Louis County on May 15th. The St. Louis County Planning Commission will conduct a hybrid virtual and in-person public hearing on Tuesday, June 17, 2025, regarding the following: The Planning Commission will consider comments on proposed amendments to St. Louis County Zoning Ordinance 62. The following are the specific areas of the draft Zoning Ordinance amendments:
 - General grammar clean-up and correction of department and comprehensive plan references.
 - Article VI, Section 6.21 - Animal Units. The proposed amendments correct an error that may lead to the misinterpretation of the total allowed animal units.
 - Article VI, Sections 6.22 F and G - Extractive Use Dust Control. Proposed amendments clarify where dust control measures can be enforced by the St. Louis County Planning and Zoning Department.
 - Article VIII, Section 8.7 C - Zoning Map Amendment. Proposed amendments correct the steps and timeline requirements as to how zoning map amendments are legally processed.
 - Article X, Section 10.2 - BOA Alternate Membership. The proposed amendment adds additional language consistent with Minnesota State Statute specific to St. Louis County regarding Board of Adjustment membership.

Liz- Anyone can attend the meeting if they would like to. Or we can send a letter on behalf of the commission if they have thoughts on any of the proposed changes and how they affect our Township.

Justin sent an email to a contact with St. Louis County regarding dust mitigation for a pit. The north end of Duluth Township and all of Alden Township had a meeting with the county on the amount of dust on the Fox Farm Rd, as present pits are required to do dust mitigation, and this proposed change to the County Ordinance is asking that this would remove that. It was agreed that Justin will write up a letter to the St. Louis County Commission stating why we disagree and state how it directly affects our Township.

Old Business

- **Ordinance updates**

Article II and VI: Shoreland Overlays and Definitions-

Liz- We are consolidating and reorganizing Article VI Shoreland Overlays and relevant definitions for clarity and for consistency with the North Shore Management Plan (Lake Superior shorelands), MN DNR Shoreland Rules (stream shorelands), and St. Louis County Ordinance.

Liz- For defining bluffs we are proposing to reorganize so the most easily met criteria are first and then add ordinary high water for the purpose of bluff determination and delineations. This cleans it up and matches it more with the DNR and North Shore Management. I prefer to have matching language with it being the same area, and to make it easier to interpret.

Ken- This looks very similar to the DNR definition. The issue is wastewater drainage above a hill of a river or lake. I think the closer to DNR the better since they manage most of this area.

Liz- we are leaving the definition for bluff impact zone and steep slope the same and changing toe of the bluff definition to match the DNR shoreland rules. Both SLC and Lake County use 18% for toe of bluff.

All agree to proposed language and adding an adapted figure from the DNR for bluffs. That figure is now showing 18% for toe of bluff, instead of the current 6%. This now mirrors the entire North Shore standard.

All agree to remove the word “protected” from public high waters definition, and removing language that states to refer to the zoning map.

Ken - I did not see a figure for #5 in the bluff definition – where there is a break in the bluff. All agreed to add a figure in for this.

Liz- We are reshuffling the wording in Section 1 under General. We are not removing anything.

Liz – Section 1 is now titled General. The original wording is all still there, it is just reshuffled. An intro description of the Shoreland Overlay areas is added.

Liz – In Section 2 item 3 under Activities within Building Setbacks from Lakeshore, Removal of vegetation in the LSSLO area – since this is in the section on the building setback area, the language “in the LSSLO area” should be removed. All agreed.

Liz – in Section 2.C we added language to encourage natural vegetation. If you are in LSSLO you are not supposed to have manicured lawns near the lake.

All agreed.

Liz – In Section 3 Erosion Hazard Area, #6 is a new requirement with additional language suggested by the DNR. This new language will help me out.

All agree to add #6.

Liz – In Section 4 we took out the language on bluff areas and added A to direct to the new section on bluff standards. For B.1 we added new language “or other applicable governing agency” as it could be an agency other than the DNR. All agreed.

Liz – Section 5 is the new section on bluffs. It consolidates the bluff language and makes it easier to find. A and B establish 30 ft as the setback from a bluff.

Liz- It seems too close considering the clay in the area.

Beth- There are additional requirements for actively eroding areas.

Ken- Again we go with what DNR has. 30 feet gets you far enough away from the top edge and gives room to work away from the bluff impact zone.

Liz- C.1 is added from SLC ordinance. C.2 is from the model DNR shoreland ordinance. C.3 is from the steep slope section in our ordinance in. All agreed.

Liz- D. is from SLC and is in our current ordinance. Bri interprets this as not applying to all streams in the watershed, only to those in clay soil areas. She drafted a soil map. We are considering adding a graphic to make this clearer and show the start of the 6% slope.

All agreed.

Liz- E. we will remove #3.

Ken- If we remove that we are basically saying you cannot build on a rock? Ledge rock is the most stable thing you can build on.

Liz- SLC does not have an exception, so if we had one we would be less restrictive than SLC.

All agreed to delete #3.

Liz- F. is new with additional wording from the DNR. All agreed.

Liz- Section 6, Shoreland Alterations is the new section that the Commission looked at and agreed on at a previous meeting. Our current ordinance references shoreland alteration guidelines but does not have any. Most of this language is in other parts of the ordinance but it is consolidated here and makes it easy to find.

Liz- The section on stairways and lifts is not changed.

Article IV Nonconformities: Language for Bluffs-

Adding the language “setbacks from bluff” to #1 of Section 3.A Conditions for Enlargement. A nonconforming structure may be enlarged as follows:

1. If the proposed addition meets the required setbacks, *including setbacks from bluffs*, for that zone district the addition shall not exceed 75% of the original ground floor area of the structure and the height of the completed structure will not exceed that of the original structure.

Article IX: Conditional Uses; Section 19 Accessory Structures Greater than 2000 sq ft in SSUR-1.

Beth- We adopted this in 2015 to allow for larger accessory structures on larger lots in SSUR-1, and there has not been any discussion since then regarding accessory structures greater than 2000 sq ft, so it was accidentally omitted from Table 5.3. We can add it to table 5.3 as a conditional use adding “B. Lot size must be greater than 2 acres”, and delete from B.1. “Where lot sizes are greater than 2 acres”.

All agreed.

North Shore Management Board Lot Widths-

Liz- According to the North Shore Management Plan all lots having frontage on Lake Superior must be a minimum of 200 ft wide. Our current Ordinance allows lot widths of 80 ft in SUR-1 and SUR-2; these are Greenwood Beach and Greenwood Cliffs Plats. There are no lots in Greenwood Beach that cross North Shore Drive to the lake, so these are ok and do not apply. Prior to the adoption of the town’s most recent Ordinance (2016), SUR-2 was zoned SMU-6 and minimum lot width was 200 ft.

From North Shore Management Plan: All the shoreland management standards apply to lots created after the approval of the NSMP Update (June 2016). Local units of governments are encouraged to look at innovative policies for dealing with lots that are non-conforming but have been “grandfathered” in since the initial NSMP was completed (December 1998).

All agree to add note #7 to Dimensional Requirements Table 5.1 stating that minimum lot width for lots created prior to June 2016 is 80 ft. Minimum lot width for lots created after June 2016 is 200 ft.

Fees- Add Enforcement Expenses

Liz- Town Attorney states that he agrees that the inclusion of an authorization for the Township to collect/assess fees under the authority afforded to it by Minn. Stat. 366.012 is the most advisable change to the zoning ordinance. However, I am still waiting for the input from other Town Attorneys.

Liz will update us once she hears that input.

Article XVI: Fees-

Land Disturbance Permit Fee needs to be added to the fee page, and the following updates have been made to the Fee Table:

Site Disturbance less than 5000 SF- None

Site Disturbance 5000 sq ft - less than 10,000 SF- \$100

Site Disturbance 10,000 sq ft - less than 20,000 SF- \$200

Site Disturbance 20,000 sq ft and up- \$350

Commercial Site Disturbance fees will be double the above fees.

Fees to be added to the Fee Table:

Outdoor Event Permit- \$50

Market Farm Permit- \$50

Farmstand Permit- \$25

Additional fees for non-compliance are still being considered.

Matrix Updates-

Table 5.3.2- Commercial and Industrial Land Uses

The following matrix corrections were meant to be in the current Ordinance, but were somehow omitted or there were typos.

Under Land Use Commercial, Neighborhood/Highway/Waterfront & Accessory Structure- Remove “& Accessory Structure” from all three land uses.

Typos updated for Commercial Use: SC-1B is now C, Com-1 is now PS, for Commercial Neighborhood LIM-1 is now C, and Home Based Business for SSUR-1 is updated to C.

Table 5.3.4- Accessory Structures and Uses

Liz- for saunas we should require PS in all zones, including RR-1, where it currently states a P in RR-1.

All agree to change sauna to PS in RR-1.

Ken asked about the setbacks for saunas. It is considered an accessory structure, the DNR and St. Louis County also consider it accessory structure. Being a water-oriented structure, the commission may want to discuss updating these setbacks at another time.

Approve Minutes for April 2025 Planning Commission Meeting

Liz listed three corrections that were needed; the corrections were noted by Laura.

A motion was made by Nate to approve the April 2025 Meeting Minutes with Liz's updates. The motion was seconded by Andrew. The motion passed unanimously.

Director's Report from Liz-

- The person wanting a variance for livestock in SC-1A has withdrawn her request.
- We will have a variance likely with a property along Lake Superior. We are currently working out the measurements. I will let you know what the final proposal is once we get final calculations.

Concerns from the Audience – None

A motion was made by Nate to adjourn the meeting, and it was seconded by Justin. The motion passed unanimously.

Meeting adjourned at 20:56.