



City of Duluth

Meeting Agenda

Planning Commission.

Tuesday, July 14, 2020

5:00 PM

Council Chamber, Third Floor, City Hall, 411
West First Street

To view the meeting, visit <http://www.duluthmn.gov/live-meeting>

Call to Order and Roll Call

Approval of Planning Commission Minutes

[PL 20-0609](#) Planning Commission Minutes 6/9/20

Attachments: [06-09-20 PC Minutes \(not approved yet\) \(1\)](#)

Presentations

[PL 20-07-02](#) Duluth International Airport Zoning Ordinance

Attachments: [Airport zoning memo with attachments](#)

[PL 20-107](#) Tax Forfeit Land Swap Process

Attachments: [070620 - Staff Memo, Tax Forfeit Lands](#)
[7-1-2020 FINAL Tax Forfeit Land Parcel Selection Guidelines w appendices](#)

Consent Agenda

[PL 20-060](#) Variance to Shoreland Setbacks for Garage at 2130 Abbotsford Ave by Leonore Baumler

Attachments: [Staff Report & Attachments](#)

[PL 20-063](#) Variance to Front and Side Yard Setbacks for at 523 E Skyline Parkway by Mark Merrill

Attachments: [PL 20-063 Staff Report and Attachment](#)

[PL 20-088](#) Interim Use Permit for a Vacation Dwelling Unit at 120 E Superior Street Floor 3 by Cool and Kocon Real Estate Holding LLC

Attachments: [PL 20-088 Staff Report and Attachments](#)

[PL 20-089](#) Interim Use Permit for a Renewal Vacation Dwelling Unit at 1026 N 10th Ave E by Eve Graves

Attachments: [Staff Report & Attachments](#)

[PL 20-092](#) Minor Subdivision at 1136 S Lake Avenue by Larry McGough

Attachments: [PL 20-092 Staff Report and Attachments](#)

[PL 20-094](#) Special Use Permit for Pump House at 2120 W Michigan St by City of Duluth

Attachments: [PL 20-094 Staff Report with attachments](#)

[PL 20-099](#) Final Plat for Kirkland Addition at Haines Road and Arrowhead Road by Costco

Attachments: [PL 20-099 Staff Report with attachments](#)

Public Hearings

[PL 20-090](#) Special Use Permit for Outdoor Recreation Facilities at 3301 Technology Drive, North Star Academy by Tischer Creek Duluth Building Company

Attachments: [Staff Report & Attachments](#)

New Business

Approval of Tax Forfeit Land Swap Process

Communications

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

NOTICE: The Duluth Planning Commission will be holding its July 14, 2020 Special Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the Commission will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to planning@duluthmn.gov prior to the meeting. Please include "Planning Commission Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data. The public is also encouraged to watch the meeting by tuning into Public Access Television, Channel 180.

City of Duluth
Planning Commission
June 09, 2020 Meeting Minutes
Council Chambers - Duluth City Hall

Due to the COVID-19 emergency, many planning commission members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency. Public comment was taken at planning@duluthmn.gov prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference during the meeting.

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, June 9th, 2020.

Roll Call

Attendance: (* Via WebEx video conferencing – all votes conducted via roll call)

Members Present: Jason Crawford*, Gary Eckenberg*, Tim Meyer*, Margie Nelson*, Michael Schraepfer*, Andrea Wedul*, Sarah Wisdorf*, and Zandra Zwiebel* (arrived during item 5)

Members Absent: N/A

Staff Present: Adam Fulton*, Robert Asleson*, Kyle Deming*, and Chris Lee*

Public Comment – No speakers.

Approval of Planning Commission Minutes

March 10, 2020

MOTION/Second: Eckenberg/Crawford approved the minutes

VOTE: (7-0)

April 14, 2020

MOTION/Second: Schraepfer/Eckenberg approved the minutes

VOTE: (7-0)

May 12, 2020

MOTION/Second: Meyer/Wisdorf approved the minutes

VOTE: (7-0)

Consent Agenda

1. PL 20-056 Minor Subdivision at 3xx Bellis Street by James Gruba
2. PL 20-047 Minor Subdivision at 54xx Tioga Street by Jay Isenberg
3. PL 20-058 Final Plat of London East at Upper Side of 3700-3800 Block of London Road by TJS Construction, LLC
4. PL 20-042 Concurrent Use Permit for Laydown Area by Seaway Port Authority

Staff: N/A

Applicant: N/A

Commissioners: (PL 20-058): Andrea Wedul noted a sign stating the London Road development is for sale. Deputy Director Adam Fulton stated the plat has to be filed, but this does not prohibit them from marketing.

Public: No speakers.

MOTION/Second: Meyer/Wisdorf recommended approval of the consent agenda items as per staff recommendations.

VOTE: (6-0, Crawford abstained due to technical difficulties)

Public Hearings

5. PL 20-052 Variance to Number of Parking Spaces for a Multi-Family Building at Burning Tree Road by Center City Housing Corp.

Staff: Kyle Deming introduced the applicant's proposal for a variance to reduce the minimum number of required parking stalls from 37 to 15 at a proposed 30-unit multi-family residential building for low income residents who also receive services. Staff recommends approval with the conditions listed in the staff report.

Applicant: (see below)

Commissioners: Gary Eckenberg noted the email they received from Duluth Core Learning Center stating they were a close neighbor. He asked staff to identify their location on a map. Deming located on map and noted there are other buildings between locations. Wedul asked if there would be off-site parking. Deming noted there was a separate action to add land to the north. Deming stated the site plan notes the parking is within their property boundaries. (5:23 p.m. Zandy Zwiebel entered the meeting.) Wedul questioned the road dimensions for overflow parking. Deming stated it is 25' which is not wide enough for on-street parking. On-street parking would need to be further to the north, beyond the Birch Tree property, where the street is wide enough. Eckenberg asked about the need for overflow parking. Deming deferred to the applicant, but stated staffing maximum would be seven parking stalls, which would leave eight spots for residents, which would be enough for the low demand. Eckenberg questioned item 9 – no dedicated pedestrian walkway leading to the transit stop. Deming noted cars and people can co-exist on some short, slow-speed roadways, but will defer to the applicant. Wedul agrees with Eckenberg that a pedestrian way is needed. She asked about the depth of parking stalls, could you add more spaces? Deming noted they appear to be standard size.

Applicant: Bill Burns of Hanft Fride P.A. addressed the commission. He has represented Center City for 20 years. Other care facilities have similar parking situations including San Marco. Overflow parking is not an issue. Nancy Cashman of Center City addressed the commission. They are happy to be adding affordable housing to Duluth. They will have a van to assist tenants. Cars are not affordable to the residents. They don't expect any tenants to have a car based on their experience with similar apartments with services they operate in Duluth. On-site spaces are for staff. Eckenberg noted the staff report which stated they were expecting six resident cars. Cashman reiterated parking is for staff, not the residents. Burns noted the phrasing in the staff report may have been copied from an errant application document. Eckenberg noted this only allows for two people visiting. Cashman stated most residents have lost connectivity to family and friends. The residents do not have many guests. Wedul asked about transit stops. Can the residents walk anywhere? Cashman stated they take people

to activities via a van. Very few residents choose to use the bus. The center also provides on-site activities.

Public: No speakers.

MOTION/Second: Eckenberg/Wisdorf approved as per staff recommendations.

Commissioners: Eckenberg noted the road is in bad shape. Recourse to suggest the road be better maintained, or a pedestrian access be created. Deputy Director Fulton agrees about the road condition, but noted this is part of the street program which is being looked at. Pedestrian connectivity is important in this vicinity. Grocery stores and transit are close in proximity, but will require walking in a vehicular lane. Tim Meyer agrees with Eckenberg and Wedul about better access to a transit stop. Can they add a condition which requires a safe path for pedestrian access? He is concerned if, down the road, the housing facility becomes market rate, there will be more tenant mobility. He noted Center City Housing is involved in great projects, and is in support. Zandy Zwiebel noted it is important to work hard in this area to include natural space and ground cover rather than excess pavement. She is in support of the variance. Wedul would like to add the condition of safe pedestrian access. City attorney Robert Asleson, noted they can move to amend the original motion to add a condition, but commissioners will need to specify if it is a sidewalk. Deputy Director Fulton suggests redirecting back to the applicant for a specific description.

MOTION/Second: Wedul/Eckenberg motion to add a condition for a 4' concrete walk connecting the site to Burning Tree Road.

VOTE: (4-4, Crawford, Nelson, Wisdorf and Zwiebel Opposed – Motion Fails)

Applicant: Burns stated they do not have the funding and don't have control over the surrounding properties to add a sidewalk. They would consider working with the neighborhood and the City for more pedestrian connectivity. Cashman reiterated they do not have the money to add this component. Cashman noted if it's on the drawing, it is most likely a requirement. Nothing is extra in this project. Burns noted it is very concerning to him to consider a potential property redesign. Wedul stated connection along the strip of road to the development is warranted. It would be ideal to have a continuous walkway. Burns stated they agree to pursue the connectivity in the future.

MOTION/Second: Eckenberg/Wisdorf approved as per staff recommendations.

VOTE: (8-0)

6. PL 20-055 Special Use Permit for Auto Glass Repair in an MU-N District at 3802 Trinity Road by George Weller

Staff: John Kelley introduced the applicant's proposal for a special use permit for an automobile and light vehicle, service/auto glass repair located in an MU-N, Mixed Use Neighborhood zone district. Staff recommends approval with the conditions listed in the staff report

Applicant: George Weller asked about the escrow for repaving. Deputy Director Fulton stated the escrow amount is based on estimates and should be between \$2 and \$5k. This money will be released when the paving is complete.

Commissioners: Eckenberg asked about parking. They are proposing 27 and only 16 spaces are required. Kelley affirmed. The site will not be used for storage of vehicles, and is for auto glass repairs only. There will not be a large number of vehicles parked overnight.

Public: No speakers.

MOTION/Second: Wedul/Meyer recommended approval as per staff recommendations.

VOTE: (8-0)

New Business

- 7. PL 19-018 Minor Amendment to PL 19-018 Essentia Health’s Vision Northland MU-I Planning Review

Staff: Steven Robertson gave an overview. The applicant would like to move the transformer utility yard closer to the Fourth Avenue ROW line. Staff recommends approval with the condition that the project is constructed as shown in the plans and that this project is an integral part of a larger parking ramp, which the commissioners will see come before them in two months.

Applicant: N/A

Commissioners: Zwiebel clarified this is only a change to the utility yard, and is contingent upon parking ramp being built. Robertson affirmed. Wedul asked about the setbacks. Will it align with the adjacent garage? Robertson affirmed and noted the setbacks are very small which allows for flexibility.

Public: Not a public hearing.

MOTION/Second: Wisdorf/Eckenberg approved as per staff recommendations.

VOTE: (8-0)

Old Business

- 8. Variance from Corner Side Yard Setbacks for a Single-Family House at 301 S 58th Ave W by DEDA

Staff: Deputy Director Fulton noted this was tabled from the last planning commission meeting. A land swap was not a possible option. The applicant thought it best to modify their proposal from a two-family home to a single-family dwelling. City Attorney Asleson noted the commissioners must vote to remove from the table.

Applicant: DEDA

MOTION/Second: Wisdorf/Eckenberg motion to remove variance for a duplex from table

VOTE: (8-0)

MOTION/Second: Wisdorf/Eckenberg motion to deny variance for a duplex

VOTE: (0-8) - Failed

Public: Deputy Director noted there were people in attendance with their hands raised to speak, but a public hearing isn’t required. Chair Nelson asked the commissioners for their input. Wisdorf stated they did receive a written comment which is part of the public record. They moved to a motion and vote.

MOTION/Second: Wisdorf/Eckenberg motion to approve variance for single-family house as revised

VOTE: (8-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. The department receive many applications for Temporary Use Permits and sidewalk permits for restaurants reopening. The city council passed a resolution to waive fees. The 1st Street project is going to the city council in June. City hall is open for appointments Monday through Friday from 8 a.m. – 1 p.m.

Heritage Preservation Commission – Commissioner Wisdorf gave an overview. They have had two meetings and discussed new windows going in the Temple Opera Building. They received a CLG grant for design guidelines for the historic district. There is a possibility that there will need to be UDC changes.

Joint Airport Zoning Board – Deputy Director Fulton noted Kyle Deming has been working with the airport.

Duluth Midway Joint Powers Zoning Board – No report.

Date for Brown Bag Meeting to Discuss Proposed UDC Text Changes – Robertson noted there are more items to discuss. He will send a doodle poll to commissioners to check their date availability.

Other Business

City councilor Janet Kennedy addressed the commission and thanked Commissioner Eckenberg for his involvement in the project in her district on 58th Avenue West. She was concerned that they didn't take the time during the item to address public questions.

Taimi Ranta (owner of the property next door to 301 S. 58th Ave West - agenda item 8) addressed the commission. She was against the variance, and feels it will reduce her property value. She wanted to purchase the land, and is disappointed they didn't take the neighbors' concerns into consideration.

Adjournment

Meeting adjourned at 6:57 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning and Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580




planning@duluthmn.gov

MEMORANDUM

DATE: July 7, 2020

TO: Planning Commission

FROM: Kyle Deming, Planner II 

RE: Duluth International Airport Joint Zoning Ordinance amendment

Duluth and the other municipalities surrounding the Duluth International Airport jointly regulate land uses in the airport area to provide for safe aircraft operations and the safety of people and property. The existing airport zoning ordinance originated in 1988 and is in the process of being updated by the Joint Airport Zoning Board. Please find attached the most recent draft (May 11, 2020) of the proposed amended airport zoning ordinance.

DULUTH INTERNATIONAL AIRPORT
ZONING ORDINANCE

CREATED BY THE DULUTH INTERNATIONAL AIRPORT

JOINT ZONING BOARD

Formed by and Comprised of:

CITY OF DULUTH

CITY OF HERMANTOWN

TOWNSHIP OF CANOSIA

CITY OF RICE LAKE

ST. LOUIS COUNTY

EFFECTIVE DATE: _____

THIS ORDINANCE AMENDS AND ENTIRELY REPLACES

DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE dated June 18, 1988,

recorded in the Office of the St. Louis, Minnesota, County Recorder as Document

No. _____

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	
SECTION 1: PURPOSE AND AUTHORITY	
SECTION 2: SHORT TITLE	
SECTION 3: DEFINITIONS.....	
SECTION 4: AIRSPACE OBSTRUCTION ZONING	
SECTION 5: LAND USE SAFETY ZONING.....	
SECTION 6: AIRPORT ZONING MAP	
SECTION 7: EXISTING USES AND STRUCTURES AS OF ENACTMENT	
SECTION 8: PERMITS AND ORDERS TO REMOVE.....	
SECTION 9: VARIANCES.....	
SECTION 10: HAZARD MARKING AND LIGHTING.....	
SECTION 11: AIRPORT ZONING ADMINISTRATOR.....	
SECTION 12: BOARD OF ADJUSTMENT (DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD).....	
SECTION 13: APPEALS	
SECTION 14: JUDICIAL REVIEW	
SECTION 15: PENALTIES	
SECTION 16: EXEMPTIONS	
SECTION 17: CONFLICTS.....	
SECTION 18: SEVERABILITY	
SECTION 19: ADMINISTRATION	
SECTION 20: EFFECTIVE DATE	
EXHIBIT A: SECTIONS OF LAND AFFECTED BY ORDINANCE	
EXHIBIT B: LEGAL DESCRIPTION OF SAFETY ZONES.....	
EXHIBIT C: AIRPORT ZONING MAPS	

DULUTH INTERNATIONAL AIRPORT
ZONING ORDINANCE

CREATED BY THE

CITY OF DULUTH – CITY OF HERMANTOWN – CANOSIA TOWNSHIP
CITY OF RICE LAKE – ST. LOUIS COUNTY
JOINT AIRPORT ZONING BOARD

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE DULUTH INTERNATIONAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING TERMS USED HEREIN; REFERRING TO THE DULUTH INTERNATIONAL AIRPORT ZONING MAPS WHICH ARE INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

IT IS HEREBY ORDAINED BY THE DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD COMPRISED OF THE CITY OF DULUTH – CITY OF HERMANTOWN – CANOSIA TOWNSHIP – CITY OF RICE LAKE – ST. LOUIS COUNTY PURSUANT TO THE AUTHORITY CONFERRED BY THE MINNESOTA STATUTES 360.061 – 360.074, AS FOLLOWS:

SECTION 1: PURPOSE AND AUTHORITY

The Duluth International Airport Joint Airport Zoning Board, created and established by joint action of the City Councils of Duluth, Rice Lake, and Hermantown, and the Board of County Commissioners of St. Louis County, and the Town Board of Canosia pursuant to the provisions and authority of Minnesota Statutes 360.063, hereby finds and declares that:

- A. The Duluth International Airport is an essential public facility.
- B. An Airport Hazard endangers the lives and property of users of the Duluth International Airport, and property or occupants of land in its vicinity, and also if the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Duluth International Airport and the public investment therein.
- C. The creation or establishment of an Airport Hazard is a public nuisance and an injury to the region served by the Duluth International Airport.
- D. For the protection of the public health, safety, order, convenience, prosperity and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of Airport Hazards.
- E. The prevention of these Airport Hazards and Aircraft Accidents should be accomplished, to the extent legally possible, by the exercise of the police power without compensation

SECTION 2: SHORT TITLE

This Ordinance shall be known as “Duluth International Airport Zoning Ordinance.” Those sections of land affected by this Ordinance are indicated in “Exhibit A” which is attached to this Ordinance.

SECTION 3: DEFINITIONS

For the purposes of this Ordinance, the following words, terms, and phrases shall have the meanings herein given unless otherwise specifically defined by Minnesota Statutes Chapter 360 (Airports and Aeronautics), Section 360.013 (Definitions), and its successors.

Abandoned - has not been legally occupied or used for any commercial or residential purpose for at least one consecutive year as determined by the Airport Zoning Administrator.

Agricultural Uses - land used primarily for the production of crops or livestock including irrigated meadows, irrigated and dry pasture, irrigation ditches, stock drive routes, lands used for barns, corrals and storage of crops or agricultural products, but not including lands used primarily for the production of commercial timber; or

Aircraft - any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, but excluding parachutes. (Minn. Stat. 360.013)

Aircraft Accident -an occurrence incident to flight in which, because of the operation of an aircraft, a person (occupant or non-occupant) receives fatal or serious injury or an aircraft receives substantial damage. Except as provided below, substantial damage means damage or structural failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

Airport- the Duluth International Airport lands located in Sections 1, 2, 3, 11, 12, Township 50, Range 15; Section 6, Township 50, Range 14; and Section 31, Township 51, Range 14 that is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.

Airport Boundary - those lands including the property owned by the City of Duluth, by the Government of the United States, and by the State of Minnesota and their respective subdivisions which are used for aeronautical purposes and are contiguous with the runway and building area facilities. The airport boundaries are illustrated in the Airport Property Map of the approved set of Airport Layout Plans on file in the offices of the Duluth Airport Authority.

Airport Elevation -the established elevation of the highest point on the usable landing area which elevation is established to be 1,428 feet above mean sea level.

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

Airport Hazard -any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or restricted landing area or is otherwise hazardous to such landing or taking off. (Minn. Stat. 360.013)

Airport Safety Zone - an area subject to land use zoning controls adopted under Minnesota Statutes sections 360.061 to 360.074 if the zoning controls regulate (1) the size or location of buildings, or (2) the density of population. (Minn. Stat. 394.22, Subd. 1(a))

Airport Zoning Administrator - the principal zoning official in the affected political subdivision of the underlying land where the applicable Zone is located.

Airport Zoning Map- the Duluth International Airport Zoning Map consisting of _____pages prepared by RS&H, and adopted and attached hereto as Exhibit C of the Duluth International Airport Zoning Ordinance.

Airspace Zones – the Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone, whose locations and dimensions are indicated on the Airport Zoning Map

Airspace Surface or Imaginary Surface - The imaginary areas in space and on the ground that are established by this Ordinance and/or the FAA in relation to the Duluth International Airport and its runways as the basis for regulating obstructions to air travel.

Approach Zone - All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of the runway. The inner edge of the approach surface is at the same width and elevations as, and coincides with, the end of the primary surface; as illustrated in Airport Zoning Map.

Board – Duluth International Airport Joint Airport Zoning Board (“JAZB”)

Board of Adjustment – Board of Adjustment for the Duluth International Airport Joint Airport Zoning Board (“BOA”)

Building -Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and when separated by party or division walls without openings, each portion of such building so separated shall be deemed a separate building.

Commissioner - the commissioner of transportation of the State of Minnesota. (Minn. Stat. 360.013)

Conical Zone - all that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of approximately 4,000 feet as measured radially outward from the periphery of the horizontal surface; whose location and dimensions are indicated on the Airport Zoning Map

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

Department - the Minnesota Department of Transportation. (Minn. Stat. 360.013)

Dwelling - any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

Duluth International Airport Joint Zoning Board (“JAZB”) – Board established pursuant to the authority conferred by Minnesota Statutes Sections 360.061-360.074 comprised of appointed representatives of the St. Louis County, City of Duluth, City of Hermantown, Canosia Township, and the City of Rice Lake.

Federal Aviation Administration (FAA) – A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, and air navigation; and promoting the development of a national system of airports.

Federal Aviation Regulations (FAR) – Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.

FAR Part 36 – Regulation establishing noise standards for the civil aviation fleet.

FAR Part 77 – Objects Affecting Navigable Airspace - Part 77 (a) establishes standards for determining obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

Hazard to Air Navigation - any object that has a substantial adverse effect upon the safe and efficient use of navigable airspace. Any obstruction to air navigation is presumed to be a hazard to air navigation unless an FAA aeronautical study has determined otherwise.

Height of Building - the vertical distance measured from the average ground elevation adjoining the front wall of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the average height between the eaves and ridge of a gable, hip or gambrel roof.

Height of Tower or Structure - the vertical distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device.

Horizontal Surface - all that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation; whose location and dimensions are indicated on the Airport Zoning Map.

Industrial Use - the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Land - Ground, soil, or earth, including structures on, above, or below the surface.

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

Landing Area - means the area of the airport used for the landing, taking off or taxiing of aircraft.

Navigable Airspace - airspace at and above the minimum flight altitudes prescribed in the FAR's including airspace needed for safe takeoff and landing (refer to FAR Part 77 and 91).

Non-Precision Instrument Runway - a runway having an existing or Planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are Planned.

Ordinance- This Duluth International Airport Zoning Ordinance, including all exhibits, appendices, and maps attached hereto.

Obstruction - Any structure, tree, plant or other object of natural growth that penetrates one or more of the applicable Navigable Airspaces, imaginary surfaces, or imaginary zones defined and illustrated in this Ordinance.

Permit- type of written authorization that must be granted by a government or other regulatory body before the construction of a new or existing building can legally occur.

Person - any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof. (Minn. Stat. 360.013)

Planned - as used in this Ordinance refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, the Department of Transportation, Division of Aeronautics, and Duluth Airport Authority.

Precision Instrument Approach Zone - all that land which lies directly under an existing or Planned imaginary precision instrument approach surface longitudinally centered on the extended centerline at each end of Precision Instrument Runways 9-27 and 3-21, The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward at a slope of 50:1 for a horizontal distance of approximately 10,000 feet expanding uniformly to a width of approximately 4,000 feet, then continues upward and outward for an additional horizontal distance of approximately 40,000 feet at a slope of 40:1 expanding uniformly to an ultimate width of approximately 16,000 feet; whose location and dimensions are indicated on the Airport Zoning Map

Precision Instrument Runway - a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR), a Transponder Landing System (TLS), or a satellite-based system capable of operating to the same level of precision guidance provided by the other included systems. Also, a runway for which such a precision instrument approach system is Planned.

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

Primary Zone -All that land which approximately lies directly under an imaginary primary surface longitudinally centered on a runway and extending beyond each end of Runways 9-27 and 3-21. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline; whose location and dimensions are indicated on the Airport Zoning Map

Public Assembly Use – A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. “Public assembly use” does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.

Public, Civic and Institutional Uses - uses of a public, quasi-public, nonprofit, or charitable nature generally providing a local service to the people of the community. Generally, these uses provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. This use category includes the following use types:

- a) Community centers or facilities that have membership provisions or are open to the general public to join at any time; and
- b) Facilities for the provision of public services, including governmental offices and public safety and emergency response services, such as police, fire and ambulance services. Such facilities often need to be located in or near the area where the service is provided.

Religious Assembly - a facility or area for people to gather for public worship, religious training or other religious activities including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.

Resource Extraction Use - uses involved in the process of (1) removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth’s crust, including the preliminary treatment of such ore or building stone; and (2) the extraction, exploration or production of oil or natural gas resources, including oil and gas wells and accessory offices, storage buildings, rig camps and gas transmission lines.

Runway - any existing or Planned paved surface or turf-covered area of the airport that is specifically designated and used or Planned to be used for aircraft landing and takeoff.

Safety Zone – The land use safety zones (Zones A, B, and C) established by this Ordinance further illustrated in the Airport Zoning Map. *See also* Airport Safety Zone.

Site - a parcel or several adjoining parcels of land under common ownership.

Slope - an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (e.g., slope = 3:1 = 3 feet horizontal to 1 feet vertical).

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

Structure - Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

Structural Alteration - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls but not including openings in bearing walls as permitted by existing ordinances

Substantial Damage -Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 60 percent of the assessed market value of the structure as determined by the city assessor before the damage occurred. For flood plain management and flood hazard purposes, substantial damage shall occur when damage of any origin sustained by a structure, where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the assessed market value of the structure as determined by the city assessor before the damage occurred.

Transitional Zone - All that land which lies directly under an imaginary transitional surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surface. Transitional surfaces for those portions of the instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of approximately 5,000 feet measured horizontally from the edge of the instrument approach surface and at right angles to the extended instrument runway centerline; whose location and dimensions are indicated on the Airport Zoning Map

Traverse Ways - roads, railroads, trails, waterways, or any other avenue of surface transportation.

Utility Runway - a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less and which runway is less than 4,900 feet in length.

Variance – Any modification or variation of application of the airport zoning ordinance’s provisions to a real property structure or use approved in writing by the JAZB or the BOA.

Visual Runway - a runway intended solely for the operation of aircraft using visual approach procedures, with no existing or Planned instrument approach procedures.

Zoning – the partitioning of land parcels in a community by ordinance into zones and the establishment of regulations in the ordinance to govern the land use and the location, height, use and land coverage of buildings within each zone.

SECTION 4: AIRSPACE OBSTRUCTION ZONING

- A. **BOUNDARY LIMITATION:** The airspace obstruction height zoning restrictions set forth in this section shall apply for a distance not to exceed one-and-one-half (1.5) miles beyond the perimeter of the Airport boundary; said boundary location and dimensions are indicated on the Airport Zoning Map.
- B. **AIRSPACE ZONES:** Airspace Zones are established to regulate and protect aircraft from navigational hazards during landings and departures. In order to carry out the purposes of this Ordinance, the following Airspace Zones are hereby established:

Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone, all whose locations and dimensions are indicated on the Airport Zoning Map.

- C. HEIGHT RESTRICTIONS:** Except as otherwise provided in the Ordinance, or except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow so as to project above any of the Imaginary Airspace surfaces described in this Section 4(B) . Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

SECTION 5: LAND USE SAFETY ZONING

SAFETY ZONE BOUNDARIES INTENT AND SCOPE: In order to carry out the purpose of this Ordinance, as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Duluth International Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following Safety Zones, which restrict land use:

- A. **SAFETY ZONE 1:** All land in designated as Safety Zone 1 on the Airport Zoning Map, legally described in Exhibit B.
- B. **SAFETY ZONE 2:** All land designated as Safety Zone 2 on the Airport Zoning Map, legally described in Exhibit B.
- C. **SAFETY ZONE 3:** All that land designated as Safety Zone 3 on the Airport Zoning Map, and as legally described in Exhibit B.
- D. **BOUNDARY LIMITATIONS:** The land use zoning restrictions set forth in this Section 5 shall apply for a distance not to exceed one mile beyond the perimeter of the airport boundary and in the portion of an Airport Hazard Area under the approach zone for a distance not exceeding two miles from the airport boundary; said land use zoning boundary location and dimensions are indicated on the Airport Zoning Map.
- E. **USE RESTRICTIONS**
In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Duluth International Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of accident, the following use restrictions are applied to the land use Safety Zones:
1. **ALL SAFETY ZONES:** No use shall be made of any land in any of the Safety Zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish

between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. **SAFETY ZONE 1:** Areas designated as Safety Zone 1 shall contain no buildings, temporary structures, exposed transmission lines, or other similar above-ground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses include, but are not limited to, Agricultural Use, Resource Extraction Use, horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non-spectator), cemeteries, and automobile parking.
3. **SAFETY ZONE 2:**
 - (a) Specific Prohibited Uses. The following classifications of building and structures as to use and occupancy are prohibited in Safety Zone 2:

Group A, Group E, Group I-2, and Group R-1 in the 2018 International Building Code, or its successors.
 - (b) Density Limitation. Other uses not specifically prohibited by Section 5(E) (3)(a) (“Specific Prohibited Uses”) shall be on a site whose area is at least two and one-half (2.5) acres. Each use shall not create, attract, or bring together a site population in excess of 20 persons per acre during the same time period; density as calculated pursuant to the 2020 Minnesota State Building Code, or its successor.
4. **SAFETY ZONE 3:** Areas designated as Safety Zone 3 are only subject to the restrictions set forth in this Section 5(E)(1).

SECTION 6: AIRPORT ZONING MAP

The Zones established in this Ordinance are shown on the Airport Zoning Map attached hereto as Exhibit C and made a part hereof. The Airport Zoning Map, together with map and all notations, references, elevation, data, zone boundaries, and other information thereon, shall be referred to in this Ordinance is hereby adopted in its entirety as part of this Ordinance.

SECTION 7: EXISTING USES AND STRUCTURES AS OF ENACTMENT

- A. **THIS ORDINANCE NOT RETROACTIVE:** The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any allowed use, structure, or tree pursuant to the DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE dated June 18, 1988, recorded

in the Office of the St. Louis, Minnesota, County Recorder as Document No. 0456132 or otherwise interfere with the continuance of any such use or structure, or tree after the Effective Date (Section 20 – EFFECTIVE DATE) of this Ordinance.

- B. **ACQUISITION IN SAFETY ZONES:** The Duluth International Airport is an essential public facility. Land in Safety Zones 1, 2, and 3 may be acquired by one or more of the JAZB member municipalities, or the Duluth Airport Authority, individually, or jointly by written agreement, at their own public expense for the purposes of preventing and/or reducing Airport Hazards and Aircraft Accidents.

SECTION 8: PERMITS; AND ORDERS TO REMOVE USE OR STRUCTURE, OR TREE

- A. **PERMIT STANDARDS.** Permit applications shall be made in the manner and on the form established by the Airport Zoning Administrator for the jurisdiction. Each Permit application shall indicate the purpose for which the Permit is desired, with sufficient information with respect to the proposed project to allow a determination as to whether it conforms to the regulations herein prescribed. If such determination is in the affirmative, the Permit shall be granted.
- B. **PERMIT REQUIRED.** The following structures or uses shall not be allowed in any Airspace Zone or Safety Zone unless a Permit has first been submitted to and granted by the Airport Zoning Administrator for that jurisdiction:
1. Existing Structures or Uses. Material expansion of structure or change in use requires Permit.
 2. Future Structures or Uses. Permit required.
 3. Abandoned Structure. Permit required for structure to be rebuilt or replaced.
 4. Substantially Damaged Structures. Permit required to rebuild, repair, or replace.
- C. **ORDER TO REMOVE USE, STRUCTURE, OR TREE.** Whether application is made for a Permit under this subdivision or not, the Airport Zoning Administrator may by appropriate action compel the owner of any Structure, use, or tree, at the owner's expense, to lower, remove, reconstruct, or equip the object as may be necessary to conform to the regulations of this Ordinance. If the owner of the Structure, use, or tree neglects or refuses to comply with the order for ten days after notice of the order, the Airport Zoning Administrator may proceed to have the object lowered, removed, reconstructed, or equipped and assess the cost and expense upon the object of the land where it is or was located. Unless an assessment is paid within 90 days from the service of notice on the agent or owner of the object or land, the sum will bear interest at the rate of eight percent per annum until paid, and shall be collected in the same manner as are real estate taxes.

SECTION 9: VARIANCES

- A. **APPLICATION.** Any person desiring to erect or increase the height of any Structure, permit the growth of any tree, or use property in a way prohibited by this Ordinance may apply to JAZB for a Variance from such regulations. Variance applications shall be made in the manner and on the form established by the Airport Zoning Administrator. Variance applications shall be delivered to the Airport Zoning Administrator for that jurisdiction, who shall then deliver the Variance application to the JAZB. JAZB may only receive and consider Variances after the applicable Permit is first denied by the Airport Zoning Administrator for that jurisdiction.
- B. **FAILURE OF BOARD TO ACT ON VARIANCE.** If a person submits a complete application for a Variance by certified mail to the Airport Zoning Administrator for that jurisdiction, and JAZB fails to grant or deny the Variance within four (4) months after receipt of the application, the Variance shall be deemed to be granted by the JAZB. When the Variance is granted by reason of the failure of JAZB to act on the Variance, the person receiving the Variance shall notify JAZB and the Minnesota Department of Transportation Commissioner, by certified mail, that the Variance has been granted. The applicant shall include a copy of the original Permit and Variance applications with the notice. The Variance shall be effective sixty (60) days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to Minnesota Statutes Section 360.063, Subdivision 6(a).
- C. **VARIANCE STANDARDS.** Variances shall only be granted where it is duly found by JAZB that a literal application or enforcement of the regulations would result in practical difficulty, and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this Ordinance provided any Variance so allowed may be subject to any reasonable conditions that the JAZB or Commissioner may deem necessary to effectuate the purpose of this Ordinance. JAZB shall approve an application for a Variance, or approve it with conditions, with a detailed written report, if it finds that the proposed Variance meets one or more of the following criteria.
1. Because of the exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property, the strict application of the requirements of this Ordinance would result in peculiar and practical difficulties to the property owner;
 2. The special circumstances or conditions that create the need for relief were not directly or indirectly created by the action or inaction of the property owner or applicant;
 3. The special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity;
 4. The relief is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant;
 5. The relief will not unreasonably imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other

- respect impair the health, safety or public welfare of the inhabitants of the community;
6. The relief may be granted without substantially impairing the intent of this Ordinance

D. VARIANCE REVIEW BY MINNESOTA DEPARTMENT OF TRANSPORTATION.

JAZB may request that the Minnesota Department of Transportation Commissioner review any Variance application prior to JAZB's decision on the Variance. However, JAZB is not bound by the decision and/or recommendations made by the Commissioner.

SECTION 10: HAZARD MARKING AND LIGHTING

The Airport Zoning Administrator or Duluth International Airport Joint Airport Zoning Board, as the case may be, may condition any Permit or Variance granted so as to require the owner of the structure or tree in question at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an Airport Hazards.

SECTION 11: AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the Airport Zoning Administrator of each jurisdiction to enforce the regulations prescribed herein in their jurisdiction. Permits and Variance applications shall be made to the Airport Zoning Administrator for that jurisdiction. Permit applications shall be promptly considered and granted or denied by them in accordance with the regulations prescribed herein. Variance applications shall be forthwith transmitted by the Airport Zoning Administrator for that jurisdiction to the JAZB.

SECTION 12: BOARD OF ADJUSTMENT FOR THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD

- A. ESTABLISHMENT: The Duluth International Airport Joint Airport Zoning Board (JAZB) shall constitute the Board of Adjustment.
- B. POWERS: BOA shall have and exercise the following powers:
 1. Hear and decide appeals from any order, requirement, decision, or determination made by an Airport Zoning Administrator for that jurisdiction in the enforcement of this Ordinance; and
 2. Hear and decide specific Variances.
- C. PROCEDURES
 1. BOA shall adopt rules for its governance and procedure in harmony with the provisions of this Ordinance. Meetings of the Board of

Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, or in their absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public, and shall comply with the Minnesota Open Meeting Law.

2. The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination that comes before it under the provisions of this ordinance.
3. The concurring vote of a majority of a quorum of Board of Adjustment members shall be sufficient to reverse any order, requirement, decision, or determination of an Airport Zoning Administrator and/or to decide in favor of the applicant.

SECTION 13: APPEALS

A. Who May Appeal:

Any Person directly affected by any decision of the JAZB made in the administration of this Ordinance may appeal that decision to the Board of Adjustment. Such appeals may also be made by any governing body of a municipality, township, county, or authority.

B. Procedure:

All appeals hereunder must be commenced in writing within 10 calendar days of the issuance in writing of the decision by the JAZB, by filing with the Airport Zoning Administrator of that jurisdiction a notice of appeal specifying the grounds thereof and the applicable appeal filing and hearing fee set by the BOA. The Airport Zoning Administrator for that jurisdiction shall forthwith transmit to the BOA all the papers constituting the record upon which the action appealed from was taken.

C. Stay of Proceedings:

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Airport Zoning Administrator for that jurisdiction certifies to the BOA, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate finds that a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the BOA on written notice to the Airport Zoning Administrator for that jurisdiction and on due cause shown.

D. Hearing:

The BOA shall fix a time for hearing appeals, and then give public notice, notice to St. Louis County, City of Duluth, City of Hermantown, Canosia Township, City of Rice Lake, the Duluth Airport Authority, and written notice by mail to

the appellant. At the hearing, any party may appear in person or by agent or by attorney.

E. Decisions:

The BOA may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, in writing with detailed findings, as may be appropriate under the circumstances, and to that end shall have all the powers of an Airport Zoning Administrator for that jurisdiction.

SECTION 14: JUDICIAL REVIEW

All decisions of the board are final. Any party aggrieved by a decision of the BOA may appeal as authorized by Minnesota law.

SECTION 15: PENALTIES

- A. **CRIMINAL.** Every person who shall construct, establish, substantially change, alter or repair any existing structure or use, or permit the growth of any tree without having complied with the provision of this Ordinance or who, having been granted a Permit or Variance under the provisions of this Ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree, except as permitted by such Permit or Variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense.
- B. **CIVIL.** In addition, an Airport Zoning Administrator may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this Ordinance, or of any order or ruling made in connection with their administration or enforcement of this Ordinance, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case.

SECTION 16: EXEMPTIONS - AERONAUTICAL PURPOSES

- A. **LAND USED FOR AERONAUTICAL PURPOSES:** The restrictions of this Ordinance shall not control the use of land or the height of structures on land owned by the City of Duluth, the State of Minnesota, the Duluth Airport Authority, or the United States of America and used by the Duluth Airport Authority exclusively for aeronautical purposes.

SECTION 17: CONFLICTS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with

respect to the height of structures of trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

SECTION 18: SEVERABILITY

In any case in which the provisions of this Ordinance, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this State or the constitution of the United States, such holding shall not affect the application of this Ordinance as to other structures and parcels of land, and to this end the provisions of this Ordinance are declared to be severable.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

SECTION 19: ADMINISTRATION

- A. Meetings and hearings of the JAZB and BOA shall be held at the Duluth International Airport.
- B. JAZB and BOA shall be supported by the staff of the Duluth Airport Authority and Duluth City Attorney’s Office.

SECTION 20: EFFECTIVE DATE

This Ordinance shall take effect on the _____ day of _____, _____. Copies thereof shall be filed with the State of Minnesota Commissioner of Transportation, Division of Aeronautics, and the St. Louis County Recorder’s Office, City of Duluth, City of Hermantown, Canosia Township, and City of Rice Lake, Minnesota.

Passed and adopted after public hearing by the Duluth International Joint Airport Zoning Board this _____ day of _____, _____.

Chairperson

Member

Member

Member

Member

Member

Member

Member

Member

Member

Member

Member

Member

Member

EXHIBIT A –AFFECTED LAND SECTIONS

This Ordinance affects all of a portion of the following sections of land:

NAME AND NUMBER TOWNSHIP	AIRSPACE OBSTRUCTION ZONING - Section 4 of Ordinance	LAND USE SAFETY OF ZONING - Section 5 of Ordinance
<hr/>		
City of Hermantown	Sections:	Sections:
Township	1, 2, 3, 4, 5, 8, 9, 10,	1, 2, 3, 4, 5, 8, 9, 10,
T50N	11, 12, 13, 14, 15, 16	11, 12, 13, 14, 15, 22,
R15W		23
<hr/>		
Canosia	Sections:	Sections:
Township	22, 23, 24, 25, 26, 27,	22, 24, 25, 26, 27, 32,
T51N	28, 32, 33, 34, 35, 36	33, 34, 35, 36
R15W		
<hr/>		
City of Rice Lake	Sections:	Sections:
Township	19, 20, 28, 29, 30, 31,	10, 20, 21, 29, 30, 31,
T51N	32, 33	32
R14W		
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City of Duluth	Sections:	Sections:
Township	4, 5, 6, 7, 8, 17, 18	4, 5, 6, 7, 8, 9, 18
T50N		
R14W		
<hr/>		

EXHIBIT B –SAFETY ZONE LEGAL DESCRIPTIONS

A. SAFETY ZONE 1: All land in designated as Safety Zone 1 on the Airport Zoning Map, legally described as:

That part of Section 6, Township 50, Range 14, St Louis County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 6; thence on an assumed bearing of South 00 degrees 49 minutes 13 seconds East, along the west line of said Southwest Quarter, a distance of 935.43 feet to the intersection with the easterly extension of the centerline of Runway 9-27; thence South 88 degrees 23 minutes 44 seconds East, along last described easterly extension, a distance of 204.53 feet to the east end of the proposed runway 9-27; thence continuing South 88 degrees 23 minutes 44 seconds East, along last described easterly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to the actual point of beginning of Zone A; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 83 degrees 04 minutes 25 seconds East a distance of 4180.09 feet to the intersection with the north line of the Northeast Quarter of the Southeast Quarter of said Section 6; thence North 89 degrees 17 minutes 03 seconds East, along last described north line, a distance of 705.98 feet to the westerly right of way line of Rice Lake Road; thence southerly, along last described right of way line, a distance of 2280.58 feet to the east line of the North Half of the South Half of the Southeast Quarter of the Southeast Quarter of said Section 6; thence South 01 degree 03 minutes 54 seconds East, along last described east line, a distance of 39.99 feet to the south line of said North Half of the South Half of the Southeast Quarter of the Southeast Quarter; thence South 89 degrees 00 minutes 30 seconds West, along last described south line, a distance of 457.54 feet to the intersection with a line bearing South 79 degrees 51 minutes 54 seconds East from said point of beginning; thence North 79 degrees 51 minutes 54 seconds West a distance of 4590.59 feet to said point of beginning.

AND

That part of Section 31, Township 51, Range 14, St Louis County, Minnesota, described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 31; thence on an assumed bearing of North 89 degrees 22 minutes 07 seconds East, along the south line of said Southwest Quarter, a distance of 56.31 feet to the intersection with the northeasterly extension of the centerline of Runway 3-21; thence North 30 degrees 52 minutes 18 seconds East, along last described northeasterly extension, a distance of 1458.40 feet to the end of the proposed extension of Runway 3-21; thence continuing North 30 degrees 52 minutes 18 seconds East, along last described northeasterly extension, a distance of 200.00

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

feet; thence South 59 degree 07 minutes 42 seconds East a distance of 500.00 feet to the actual point of beginning of Zone A; thence North 59 degrees 07 minutes 42 seconds West a distance of 1000.00 feet; thence North 22 degrees 20 minutes 27 seconds East a distance of 3933.06 feet to the intersection with the north line of the Northeast Quarter of the Northwest Quarter of said Section 31; thence North 89 degrees 06 minutes 56 seconds East, along last described north line, a distance of 470.64 feet to the west line of the East 200.00 feet of said Northeast Quarter of the Northwest Quarter; thence South 00 degrees 40 minutes 03 seconds East, along last described west line, a distance of 1323.05 feet to the south line of said Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 06 seconds East, along last described south line, a distance of 200.00 feet to the southeast corner of said Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 19 seconds East, along the south line of the Northwest Quarter of the Northeast Quarter of said Section 31, a distance of 990.90 feet to the west line of the East Half of the East Half of said Northwest Quarter of the Northeast Quarter; thence North 00 degrees 40 minutes 13 seconds West, along last described west line, a distance of 1323.39 feet to the north line of said Northeast Quarter of Section 31; thence North 89 degrees 07 minutes 22 seconds East, along last described north line, a distance of 990.84 feet to the east line of the West Half of the Northeast Quarter of the Northeast Quarter of said Section 31; thence South 00 degrees 40 minutes 22 seconds East, along last described east line, a distance of 185.61 feet to the intersection with a line bearing North 39 degrees 24 minutes 09 seconds East from said point of beginning; thence South 39 degrees 24 minutes 09 seconds West a distance of 5184.44 feet to said point of beginning.

AND

That part of Sections 3 and 4, Township 50, Range 15, St Louis County, Minnesota, described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 3; thence on an assumed bearing of South 00 degrees 17 minutes 07 seconds East, along the east line of said Southeast Quarter, a distance of 523.82 feet to the intersection with the westerly extension of the centerline of Runway 9-27; thence North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 817.84 feet to the end of the proposed extension of Runway 9-27; thence continuing North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to the actual point of beginning of Zone A; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 79 degrees 51 minutes 54 seconds West a distance of 5093.17 feet to the intersection with the south line of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 4; thence South 89 degrees 17 minutes 28 seconds West, along last described south line, a distance of 612.03 feet to the west line of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 29 minutes 37 seconds East, along last described west line, a distance of 986.08 feet to the southwest corner of said Southeast Quarter of the Northeast Quarter; thence North 89 degrees 19 minutes 12 seconds

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

East, along the south line of said Southeast Quarter of the Northeast Quarter, a distance of 1314.17 feet to the southeast corner of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 11 minutes 17 seconds West, along the east line of the Southeast Quarter of said Section 4, a distance of 1437.77 feet to the intersection with a line bearing South 83 degrees 04 minutes 25 seconds West from said point of beginning; thence North 83 degrees 04 minutes 25 seconds East a distance of 4311.30 feet to said point of beginning.

AND

That part of Sections 11 and 12, Township 50, Range 15, St Louis County, Minnesota, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 12; thence on an assumed bearing of South 89 degrees 22 minutes 46 seconds West, along the north line of said Northwest Quarter, a distance of 548.52 feet to the intersection with the southeasterly extension of the centerline of Runway 3-21; thence South 30 degrees 52 minutes 18 seconds West, along last described southeasterly extension, a distance of 349.89 feet to the end of proposed runway 3-21; thence continuing South 30 degrees 52 minutes 18 seconds West, along last described southeasterly extension, a distance of 200.00; thence South 59 degree 07 minutes 42 seconds East a distance of 500.00 feet to the actual point of beginning of Zone A; thence North 59 degrees 07 minutes 42 seconds West a distance of 1000.00 feet; thence South 37 degrees 59 minutes 48 seconds West a distance of 3104.55 feet to the intersection with the northeasterly right of way line of Miller Trunk Highway; thence South 53 degrees 03 minutes 51 seconds East, along last said northeasterly right of way line, a distance of 739.20 feet to the east line of the Southeast Quarter of said Section 11; thence North 00 degrees 34 minutes 00 seconds West, along last described east line, a distance of 347.40 feet to the intersection with the northwesterly extension of the southwesterly line of Lot 4 of the recorded plat of "ANDERSON'S ACRE TRACTS" on file and of record in the office of the St Louis County Recorder; thence South 54 degrees 08 minutes 29 seconds East, along last described northwesterly extension and said southwesterly line of Lot 4 and the southeasterly extension of said southwesterly line of Lot 4, a distance of 1201.00 feet to the intersection with a line bearing South 23 degrees 51 minutes 10 seconds West from said point of beginning; thence North 23 degrees 51 minutes 10 seconds East a distance of 2989.06 feet to said point of beginning.

B. SAFETY ZONE 2: All land designated as Safety Zone 2 on the Airport Zoning Map, legally described as:

That part of Sections 5, 6, and 8, Township 50, Range 14, St Louis County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 6; thence on an assumed bearing of South 00 degrees 49 minutes 13 seconds East, along the west line of said Southwest Quarter, a distance of 935.43 feet to the intersection with the easterly extension of the centerline of Runway 9-27; thence South 88 degrees 23 minutes 44 seconds

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

East, along last described easterly extension, a distance of 204.53 feet to the east end of the proposed runway 9-27; thence continuing South 88 degrees 23 minutes 44 seconds East, along last described easterly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to a point hereinafter referred to as Point "A"; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 83 degrees 04 minutes 25 seconds East a distance of 4180.09 feet to a point on the north line of the Northeast Quarter of the Southeast Quarter of said Section 6 said point being the actual point of beginning of Zone B; thence North 89 degrees 17 minutes 03 seconds East, along last described north line, a distance of 705.98 feet to the westerly right of way line of Rice Lake Road; thence southerly, along last described right of way line, a distance of 2280.58 feet to the east line of the North Half of the South Half of the Southeast Quarter of the Southeast Quarter of said Section 6; thence South 01 degree 03 minutes 54 seconds East, along last described east line, a distance of 39.99 feet to the south line of said North Half of the South Half of the Southeast Quarter of the Southeast Quarter; thence South 89 degrees 00 minutes 30 seconds West, along last described south line, a distance of 457.54 feet to the intersection with a line bearing South 79 degrees 51 minutes 54 seconds East from said Point "A"; thence South 79 degrees 51 minutes 54 seconds East a distance of 4368.29 feet; thence North 00 degrees 07 minutes 11 seconds West a distance of 3643.14 feet to the intersection with a line bearing North 83 degrees 04 minutes 25 seconds East from said point of beginning; thence South 83 degrees 04 minutes 25 seconds West a distance of 4667.96 feet to said point of beginning.

AND

That part of Sections 29, 30 and 31, Township 51, Range 14, St Louis County, Minnesota, described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 31; thence on an assumed bearing of North 89 degrees 22 minutes 07 seconds East, along the south line of said Southwest Quarter, a distance of 56.31 feet to the intersection with the northeasterly extension of the centerline of Runway 3-21; thence North 30 degrees 52 minutes 18 seconds East, along last described northeasterly extension, a distance of 1458.40 feet to the end of the proposed extension of Runway 3-21; thence continuing North 30 degrees 52 minutes 18 seconds East, along last described northeasterly extension, a distance of 200.00 feet; thence South 59 degree 07 minutes 42 seconds East a distance of 500.00 feet to a point hereinafter referred to as Point "A"; thence North 59 degrees 07 minutes 42 seconds West a distance of 1000.00 feet; thence North 22 degrees 20 minutes 27 seconds East a distance of 3933.06 feet to a point on the north line of the Northeast Quarter of the Northwest Quarter of said Section 31 said point being the actual point of beginning of Zone B; thence North 89 degrees 06 minutes 56 seconds East, along last described north line, a distance of 470.64 feet to the west line of the East 200.00 feet of said Northeast Quarter of the Northwest Quarter; thence South 00 degrees 40 minutes 03 seconds East, along last described west line, a distance of 1323.05 feet to the south line of said Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 06 seconds East, along last described south line, a distance of 200.00 feet to the southeast corner of said Northeast Quarter of the Northwest Quarter; thence

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

North 89 degrees 08 minutes 19 seconds East, along the south line of the Northwest Quarter of the Northeast Quarter of said Section 31, a distance of 990.90 feet to the west line of the East Half of the East Half of said Northwest Quarter of the Northeast Quarter; thence North 00 degrees 40 minutes 13 seconds West, along last described west line, a distance of 1323.39 feet to the north line of said Northeast Quarter of Section 31; thence North 89 degrees 07 minutes 22 seconds East, along last described north line, a distance of 990.84 feet to the east line of the West Half of the Northeast Quarter of the Northeast Quarter of said Section 31; thence South 00 degrees 40 minutes 22 seconds East, along last described east line, a distance of 185.61 feet to the intersection with a line bearing North 39 degrees 24 minutes 09 seconds East from said point "A"; thence North 39 degrees 24 minutes 09 seconds East a distance of 2905.06 feet; thence North 59 degrees 07 minutes 42 seconds West a distance of 3400.00 feet to the intersection with a line bearing North 22 degrees 20 minutes 27 seconds East from said point of beginning; thence South 22 degrees 20 minutes 27 seconds West a distance of 4156.44 feet to said point of beginning.

AND

That part of Section 4, Township 50, Range 15, St Louis County, Minnesota, described as follows:

Commencing at the northeast corner of the Southeast Quarter of Section 3 of said Township 50; thence on an assumed bearing of South 00 degrees 17 minutes 07 seconds East, along the east line of said Southeast Quarter, a distance of 523.82 feet to the intersection with the westerly extension of the centerline of Runway 9-27; thence North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 817.84 feet to the end of the proposed extension of Runway 9-27; thence continuing North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to a point hereinafter referred to as Point "A"; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 79 degrees 51 minutes 54 seconds West a distance of 5093.17 feet to the intersection with the south line of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 4; thence South 89 degrees 17 minutes 28 seconds West, along last described south line, a distance of 612.03 feet to the west line of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 29 minutes 37 seconds East, along last described west line, a distance of 986.08 feet to the southwest corner of said Southeast Quarter of the Northeast Quarter; thence North 89 degrees 19 minutes 12 seconds East, along the south line of said Southeast Quarter of the Northeast Quarter, a distance of 1314.17 feet to the southeast corner of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 11 minutes 17 seconds West, along the east line of the Southeast Quarter of said Section 4, a distance of 1437.77 feet to the intersection with a line bearing South 83 degrees 04 minutes 25 seconds West from said Point "A"; thence South 83 degrees 04 minutes 25 seconds West a distance of 5245.33 feet; thence North 00 degrees 07 minutes 11 seconds West a distance of 3854.41 feet to the intersection with a line bearing North 79 degrees 51

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

minutes 54 seconds West from said point of beginning; thence South 79 degrees 51 minutes 54 seconds East a distance of 4576.98 feet to said point of beginning.

AND

That part of Sections 11, 12 and 13, Township 50, Range 15, St Louis County, Minnesota, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 12; thence on an assumed bearing of South 89 degrees 22 minutes 46 seconds West, along the north line of said Northwest Quarter, a distance of 548.52 feet to the intersection with the southeasterly extension of the centerline of Runway 3-21; thence South 30 degrees 52 minutes 18 seconds West, along last described southeasterly extension, a distance of 349.89 feet to the end of proposed runway 3-21; thence continuing South 30 degrees 52 minutes 18 seconds West, along last described southeasterly extension, a distance of 200.00; thence South 59 degree 07 minutes 42 seconds East a distance of 500.00 feet to a point hereinafter referred to as Point "A"; thence North 59 degrees 07 minutes 42 seconds West a distance of 1000.00 feet; thence South 37 degrees 59 minutes 48 seconds West a distance of 3104.55 feet to a point on the northeasterly right of way line of Miller Trunk Highway said point being the actual point of beginning of Zone B; thence South 53 degrees 03 minutes 51 seconds East, along last said northeasterly right of way line, a distance of 739.20 feet to the east line of the Southeast Quarter of said Section 11; thence North 00 degrees 34 minutes 00 seconds West, along last described east line, a distance of 347.40 feet to the intersection with the northwesterly extension of the southwesterly line of Lot 4 of the recorded plat of "ANDERSON'S ACRE TRACTS" on file and of record in the office of the St Louis County Recorder; thence South 54 degrees 08 minutes 29 seconds East, along last described northwesterly extension and said southwesterly line of Lot 4 and the southeasterly extension of said southwesterly line of Lot 4, a distance of 1201.00 feet to the intersection with a line bearing South 23 degrees 51 minutes 10 seconds West from said Point "A"; thence South 23 degrees 51 minutes 10 seconds West a distance of 2068.80 feet; thence North 55 degrees 45 minutes 40 seconds West a distance of 2232.99 feet to the intersection with a line bearing South 37 degrees 59 minutes 48 seconds West from said point of beginning; thence North 37 degrees 59 minutes 48 seconds East a distance of 1822.30 feet to said point of beginning.

C. SAFETY ZONE 3: All that land designated as Safety Zone 3 on the Airport Zoning Map, including but not limited to land legally described as follows:

- I. That part of Section 11, Township 50 North, Range 15 West, St Louis County, Minnesota, described as follows:
 - A. Part of the NE ¼ of the SE ¼ beginning at the intersection of the South line of Miller Trunk Highway with the West line Stebner Road, thence Northwesterly along said Miller Trunk Road for a distance of 100 feet, thence Southeasterly to a point on said Stebner Road being 100 feet South of the point of beginning, thence Northerly 100 feet to the point of beginning (395-10-3117).

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

- B. The Southerly 575 feet of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ except the Northerly 525 feet of the Easterly 650 feet (395-10-3110).
 - C. Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ beginning at a point 650 feet West of the East line and 575 feet North of the South line of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence Westerly 200 feet parallel to the South line of said NE $\frac{1}{4}$ of said SE $\frac{1}{4}$, thence Northerly 675 feet to a point on Miller Trunk Highway which is 942.62 feet Northwesterly of the West line of Stebner Road, thence Southeasterly 200 feet along said Miller Trunk Highway to a point 742.62 feet Northwesterly of the West line of Stebner Road, thence Southerly 550 feet to the point of beginning (395-10-3112).
 - D. That part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying Southerly of the Southwest right-of-way line of Miller Trunk Highway and Highway 94 except an 11/100-acre tract along highway right-of-way and except a 1-11/100-acre tract along highway right-of-way and except a 2-80/100-acre tract along highway right-of-way and except the Southerly 575 feet lying West of the East 650 feet and except the Southerly 50 feet of the East 650 feet (395-10-3115).
 - E. That part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ beginning at the intersection of the West line of Stebner Road with the South line of Miller Trunk Highway, thence Northwesterly along said road 390 feet, thence Southerly 150 feet, thence Southeasterly 390 feet, thence Northerly 150 feet to the point of beginning, except for 11/100-acre in the Northeast corner (395-10-3116).
- II. That part of Section 12, Township 50 North, Range 15 West of the Fourth Prime Meridian, St Louis County, Minnesota, described as follows:
- A. The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ (395-10-3430).
 - B. That part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying West of Miller Trunk Highway (395-10-3360).
 - C. The N $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, except the parcel beginning at the Northeast corner, thence Southerly 329.34 feet, thence Westerly 164 feet, thence Northeasterly to the point of beginning (395-10-3410).
 - D. That part of the W $\frac{1}{4}$ of the W $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying Southerly of Miller Trunk Highway except 1/100-acres in the Northwest corner (395-10-3405).
 - E. The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ except that part West of Miller Trunk Highway, except for 21/100-acre for highway right-of-way, except 3-4/100-acres at the Southeast corner, except 2-41/100-acres West of Anderson's Acres Tract North of Miller Trunk Highway and except 10-50/100-acres platted and except a track 400' x 400' at the Northwest corner and except 71/100-acres for a drainage ditch, that lies South of the Easterly extension of the North line of Lot 3, Anderson's Acres Tracts (395-19-3350).
 - F. The Easterly 134.63 feet of the West 267.63 feet of that part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying North of Miller Trunk Highway except the Northerly 400 feet thereof (395-10-3355).
 - G. The Easterly 165.22 feet of the West 432.85 feet of that part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying North of Miller Trunk Highway except the Northerly 400 feet thereof (395-10-3356).
 - H. The Easterly 100 feet of the Westerly 133 feet of that part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying North of Miller Trunk Highway except the Northerly 400 feet thereof (395-10-3354).

May 11, 2020 DRAFT by Duluth Deputy City Attorney Steve Hanke

- I. That part of the W $\frac{1}{4}$ of the W $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 12 beginning at the intersection of the Westerly line of said W $\frac{1}{4}$ of the W $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said section and the Southerly right-of-way line of Miller Trunk Highway, thence Southwesterly along said right-of-way line 24 feet, thence Southwesterly 90 degrees to the right to the aforesaid West line, thence Northerly to the point of beginning (395-10-3400).
 - J. That part of the N $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12 beginning at the Northeast corner of said N $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence South along the East line of said N $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ for a distance of 329.34 feet to a point, thence Westerly 90 degrees to the right for a distance of 164 feet to a point, thence Northeasterly to the point of beginning (395-10-3412).
- III. Lots 1, 2 and 3, Anderson's Acres Tracts, according to the plat on file and of record in the office off the St. Louis County Recorder, St. Louis County, Minnesota (395-15-10).

EXHIBIT C – AIRPORT ZONING MAPS

AIRPORT LAND USE TABLE

AIRPORT ORDINANCE	EFFECTIVE DATE	ORDINANCE PURPOSE	ORDINANCE OVERSIGHT
DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE	ADOPTED: JUNE 18, 1988 AMENDED: MAY 23, 1996 (NOT ADOPTED) AMENDED: NOVEMBER 18, 2010 EFFECTIVE: TBD	THE AIRPORT ZONING ORDINANCE RESTRICTS THE HEIGHT OF BUILDINGS AND OBJECTS, AND REGULATES THE USE OF PROPERTY IN THE VICINITY OF THE AIRPORT. AIRSPACE OBSTRUCTION ZONING IS ACCOMPLISHED THROUGH THE USE OF THE AIRSPACE ZONES ESTABLISHED PER MINNESOTA RULES CHAPTERS 8900.1100/ 1200 AND COINCIDE WITH FAR PART 77 IMAGINARY SURFACES. LAND USE REGULATION IS ACCOMPLISHED THROUGH AIRPORT SAFETY ZONES 'A', 'B' AND 'C' PER MINNESOTA RULES CHAPTER 8900.2400, WHICH REGULATES POPULATION AND BUILDING DENSITIES. THE AIRPORT ZONING ORDINANCE MAPS CONSIST OF SIX SHEETS AS SPECIFIED BY THE ORDINANCE.	THE AIRPORT JOINT ZONING BOARD TO REGULATE THE AIRPORT ZONING ORDINANCE AS COMPRISED OF THE CITY OF DULUTH, CITY OF HERMANTOWN, CANOSIA TOWNSHIP, RICE LAKE TOWNSHIP AND ST. LOUIS COUNTY. PER THE AIRPORT ZONING ORDINANCE, A BOARD OF ADJUSTMENTS IS ESTABLISHED AS COMPRISED OF ONE MEMBER FROM THE DULUTH AIRPORT BOARD, CITY OF DULUTH, CITY OF HERMANTOWN, RICE LAKE TOWNSHIP AND CANOSIA TOWNSHIP.



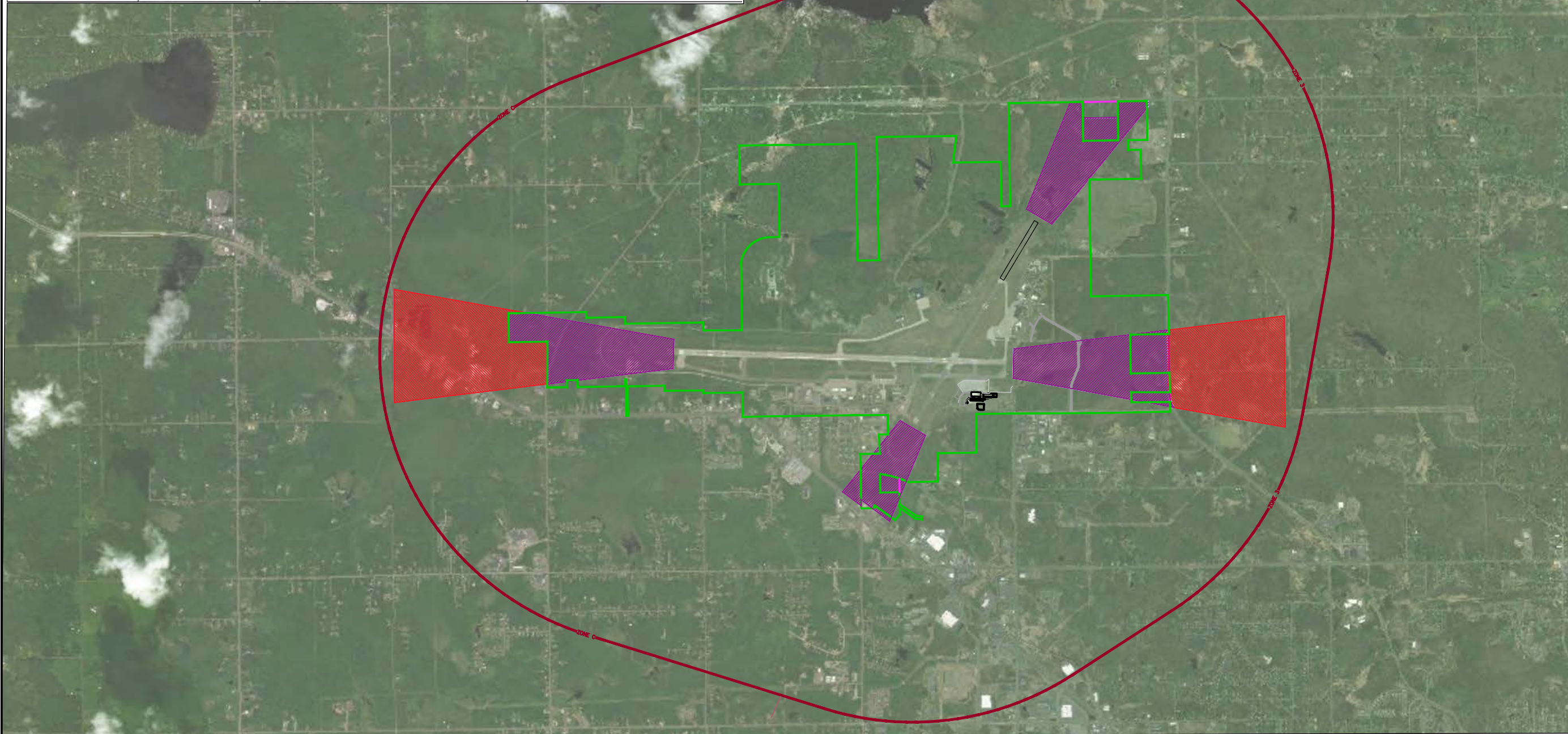
RS&H, Inc.
4525 Airport Approach Road, Suite A
Duluth, Minnesota 55811
218-722-1227 FAX 218-722-1052
www.rsandh.com



DULUTH AIRPORT AUTHORITY

DULUTH CUSTOM ZONING ORDINANCE

CONSULTANTS



REVISIONS		
NO.	DESCRIPTION	DATE

DATE ISSUED: _____
REVIEWED BY: _____
DRAWN BY: _____
DESIGNED BY: _____

PROJECT NUMBER

© 2020 RS&H INC.

SHEET TITLE

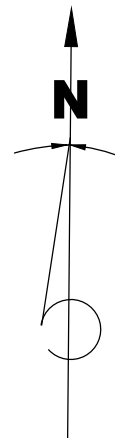
SAFETY ZONES

SHEET NUMBER

1

ZONING LEGEND

AIRPORT PROPERTY BOUNDARY	
FUTURE AIRPORT PROPERTY	
ZONE 1	
ZONE 2	
ZONE 3	





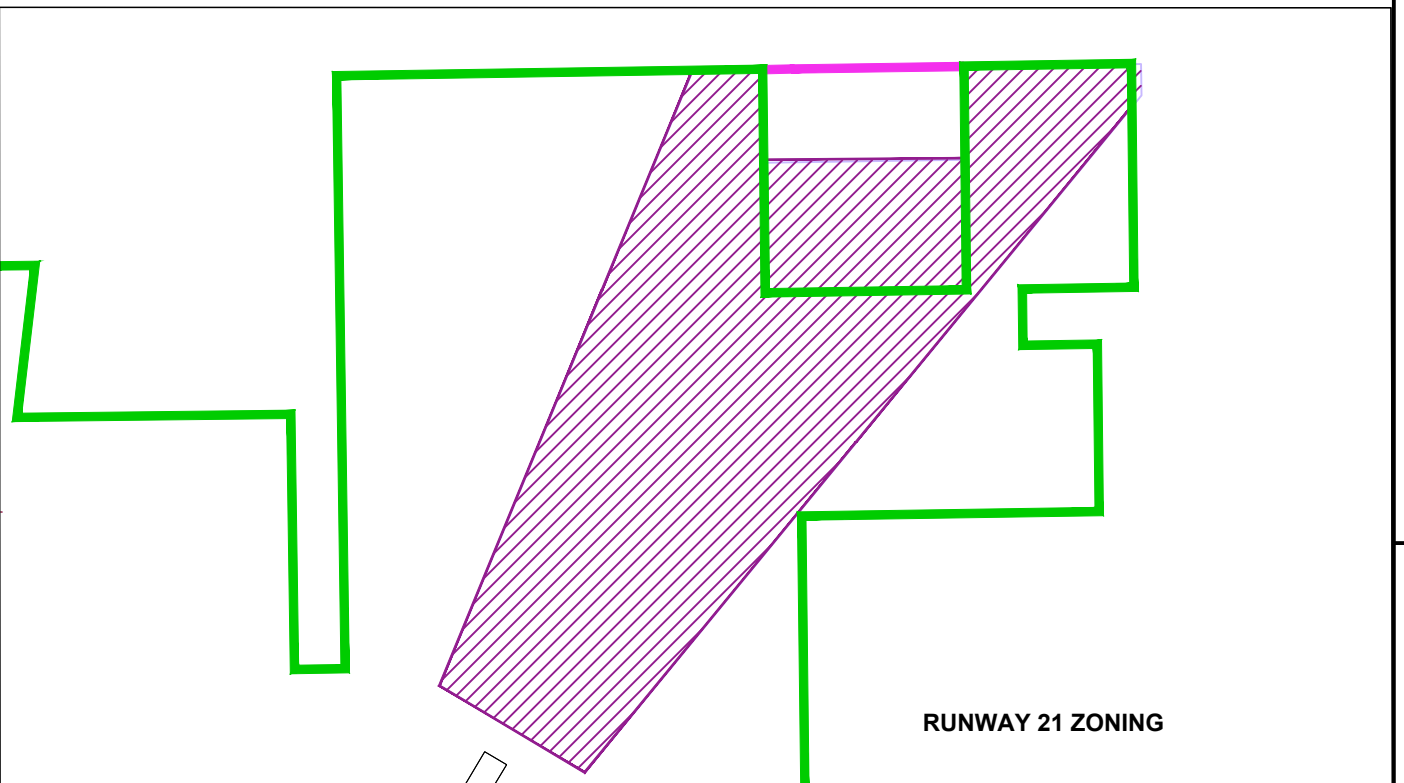
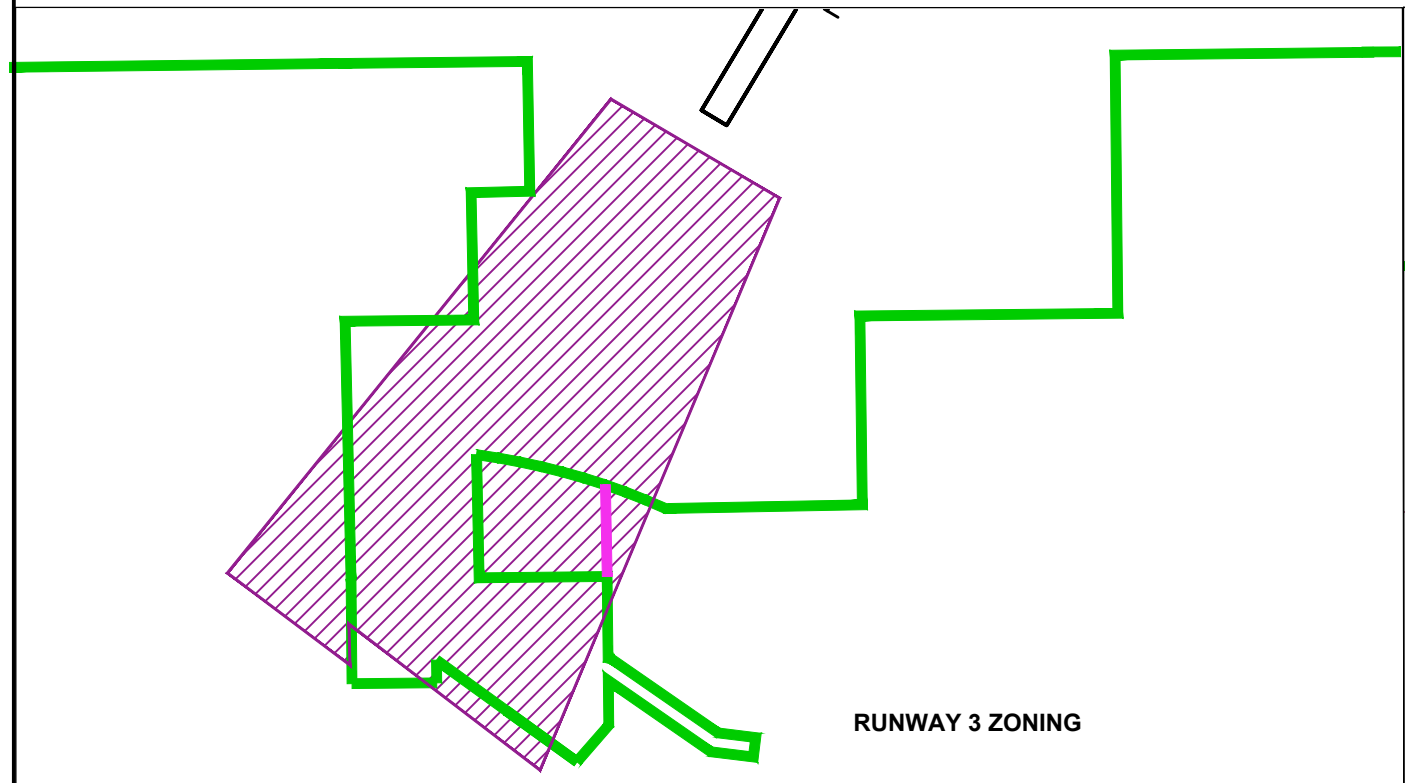
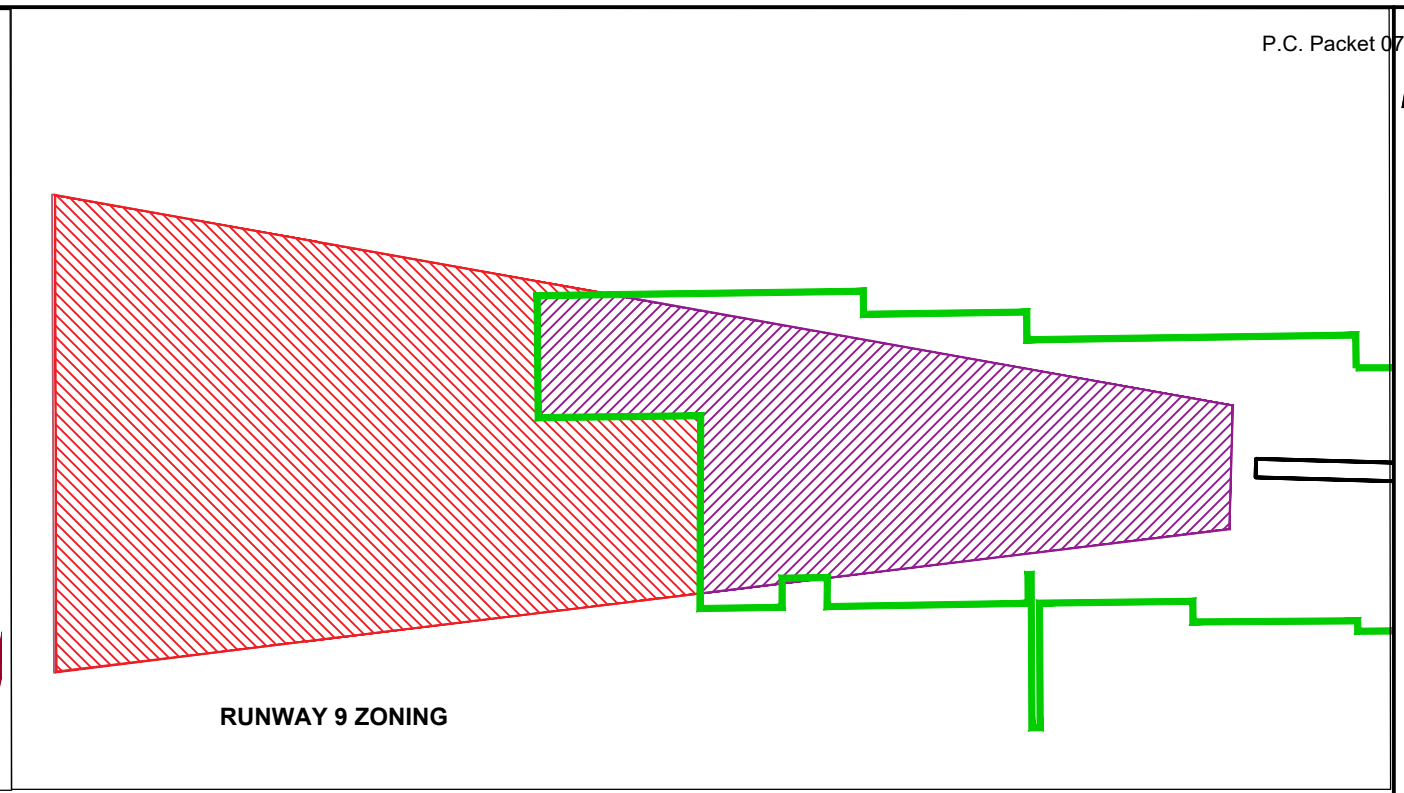
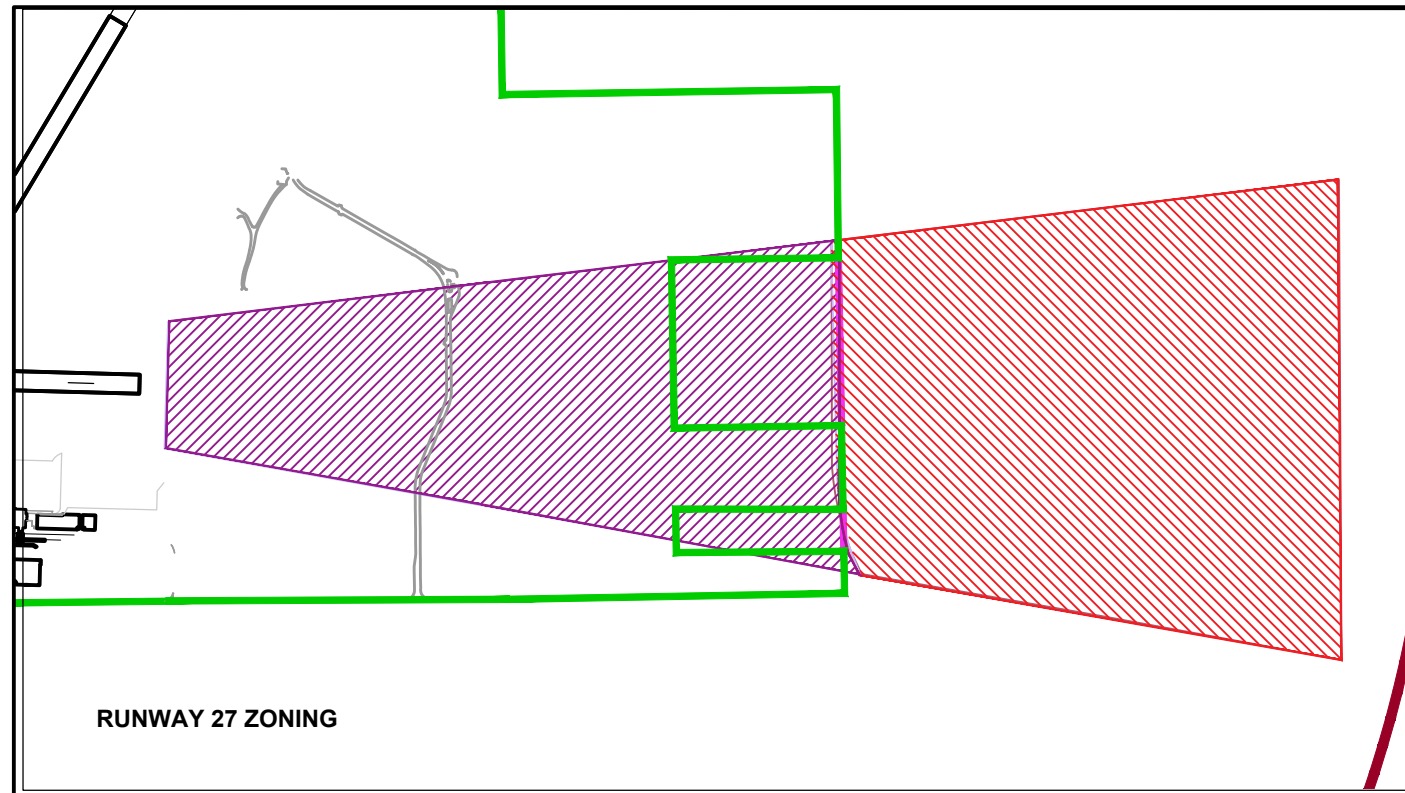
RS&H, Inc.
 4525 Airport Approach Road, Suite A
 Duluth, Minnesota 55811
 218-722-1227 FAX 218-722-1052
 www.rsandh.com



**DULUTH AIRPORT
 AUTHORITY**

**DULUTH CUSTOM
 ZONING
 ORDINANCE**

CONSULTANTS



REVISIONS

NO.	DESCRIPTION	DATE

DATE ISSUED:
 REVIEWED BY:
 DRAWN BY:
 DESIGNED BY:

PROJECT NUMBER

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 SHEET TITLE

**SAFETY ZONES-
 RUNWAY ENDS**

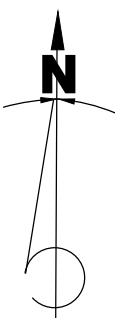
SHEET NUMBER

2

Page 39 of 153

ZONING LEGEND

AIRPORT PROPERTY BOUNDARY	
FUTURE AIRPORT PROPERTY BOUNDARY	
ZONE 1	
ZONE 2	
ZONE 3	





Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Date: July 7, 2020
 To: Planning Commission
 From: Adam Fulton, Deputy Director, Land Use Supervisor
 RE: PL 20-107 Priority Tax Forfeit Lands – Parcel Selection for Preservation

Recommended Action: Motion to recommend approval of the Guidelines for Selecting Tax Forfeit and Open Space Parcels for City Ownership and Protection

Planning & Development staff has worked over the past several years with the Parks & Recreation division's Park and Land Stewardship team regarding implementation of Open Space policies of the Imagine Duluth 2035 comprehensive plan. Part of that process included an evaluation of existing open spaces that are currently held by the state of Minnesota, and managed by St. Louis County, as tax forfeit lands.

From a statutory perspective, it is St. Louis County's obligation to discard of tax forfeit lands consistent with state law (Chapter 282). As such, certain lands that may have specific open space or recreational values in the City may not be permanently protected in the manner expected by Duluth citizens and as directed in the comprehensive plan or in the UDC's official zoning map for the city.

The attached memo outlines in greater detail the evaluation process undertaken to consider the appropriateness of lands selected through this process. The process of selecting and conveying parcels for protection will take years to complete. To break the process into manageable chunks, the City has divided Duluth into eleven geographic project areas. The City and the County will proceed one project area at a time, deciding the future ownership and use of every tax forfeit open space parcel in one project area before proceeding to properties in the next project area. The City's objective is to initiate the first of the tax forfeit parcel transfers with the County by the end of 2020.

Prior to Planning Commission review, the city's Natural Resources Commission acted to recommend adoption of the Guidelines for Selecting Tax Forfeit and Open Space Parcels for City Ownership and Protection at its Wednesday July 1, 2020 meeting.

Following Planning Commission action on this item, the guidelines will go before the City Council for approval.

City of Duluth
Guidelines for Selecting Tax Forfeit Open Space Parcels
for City Ownership and Protection

(approved by the Duluth Natural Resource Commission – July 1, 2020)

Introduction and Purpose

When a property owner in the State of Minnesota persistently fails to pay their property taxes, the State eventually assumes ownership of the property. The resultant tax forfeit land is managed on behalf of the State by the county where the land is located. Within the boundaries of Duluth, there are approximately 5,802 acres of such lands comprised of more than 4,500 individual parcels, all managed by St. Louis County.

As in other Minnesota cities, many tax forfeit properties in Duluth are isolated parcels, often small, often located in developed areas. In most cases, St Louis County works with City support to cycle properties of this sort back to private ownership within a few years.

Unlike other Minnesota cities, Duluth also has unusually large swaths of tax forfeit open space parcels that have been in tax forfeit status for decades. Seamlessly interspersed with City-owned parks and natural areas, these tax forfeit properties are integral parts of a distinctive Duluth system of public open space. Numerous plans and studies (Appendix A and References) have shown the high value Duluth residents place on preserving, protecting and restoring this open space.

The County and the City have come to an understanding that much of the tax forfeit property that is essential to Duluth's system of public open space should be permanently preserved under City ownership and management. To that end, the County and the City have agreed upon a process by which the parties will negotiate the selection of tax forfeit property to transfer to City ownership.

The purpose of this document is to describe the internal process and guidelines the City will use to select the tax forfeit open space parcels that the City will seek to acquire in negotiations with the County.

Basis in the City's Comprehensive Land Use Plan

The City of Duluth's *Imagine Duluth 2035 Comprehensive Land Use Plan* (the Plan) directs the City to manage the City's open space in accordance with the following mission: *"Duluth will strive for a sustainable open space system that enriches the lives of all Duluthians. These open spaces will reflect the community's ecological, historical, cultural, and recreational values, and will contribute to its resilience to natural disasters."*

In support of this mission, the Plan's Open Space Principle #2 states that the City shall: "Declare the necessity and secure the future of undeveloped places." The Plan directs the City to fulfill Open Space Principle #2 by implementing Open Space Policies #1 and #2

Open Space Policy #1 – *"Improve Duluth's resiliency to flooding and natural disasters."*

The underlying aim of Open Space Policy #1 is to help provide for resiliency from severe storm events where increased runoff causes flooding, erosion and sedimentation, and damage to city infrastructure and water quality.

The Plan outlines six strategies for fulfillment of Open Space Policy #1. Strategy #3 speaks to the goal of better aligning the ownership for the public good.

Strategy #3 - *"Retain in City/State ownership or preserve through conservation easement those tax forfeit lands needed for stormwater management purposes including important wetlands, flood plains, and stream corridors."*

Open Space Policy #2 - *"Examine the value and need for all of Duluth's publicly owned open space."*

The underlying aim of Open Space Policy #2 is to better align the ownership and use of greenspace in Duluth with the public good, preserving essential greenspace that deserves protection and relinquishing greenspace that should be prioritized for other public purposes such as housing and economic development. Open space lands to be protected are the lands that form the green belt of Duluth's urban form and include forests, wetlands, stream courses, bedrock bluffs, parks, and trails. Open space lands to be sold for redevelopment include lands with access to utilities and transportation infrastructure that can be economically developed in alignment with the Plan.

The Plan outlines eight strategies for fulfillment of Open Space Policy #2. Strategies #1, #4, and #8 speak to the goal of better aligning the ownership and use of public greenspace with the public good.

Strategy #1 - *"Review all government-owned land in the city and prioritize lands according to ecological importance and other public uses (i.e. recreation, transportation, infrastructure) for more permanent protection. Areas to be protected include forested areas, wetlands, stream courses, and bluff areas as well as lands important in forming the green belt as part of Duluth's urban form."*

Strategy #4 - *“Increase efforts to streamline management of public lands within the City’s borders.”*

Strategy #8 - *“Review studies that have analyzed City-owned and tax forfeit land and prioritize lands according to ecological/recreational/cultural/historic importance and infrastructure availability. Lands not needed for protection should be made available for development after further ecological research, including on-the-ground analysis.”*

Focus on Tax Forfeit Greenspace Administered by St. Louis County

The Plan highlights the importance of wisely deciding the future ownership and use of one category of public greenspace - tax forfeit properties administered by St. Louis County. The outcomes of this land selection process will be the transfer of some tax forfeit parcels to the City for open space protection and the de facto release of other tax forfeit parcels to be auctioned by the County for private ownership and, in some cases, development. Minnesota State Statute § 282.01, Subd. 1a(e) and (h) authorizes the County to convey select tax forfeit property to the City at no cost or reduced cost for the purposes of preserving wetlands, providing for storm water storage, preserving land in its natural state, and/or siting public parks and trails.

Land Parcel Selection Process

These guidelines describe the process the City will use to select tax forfeit open space parcels for City ownership and protection and designate others for private ownership and potential development. The output of the process will be the identification of each tax forfeit parcel for open space or private ownership.

The selection process will include:

1. Geospatial mapping analysis that converts the conceptual criteria in the Plan to systematic measures that can be applied to each tax forfeit parcel to determine the appropriateness of each parcel for open space or private ownership.
2. Professional city staff analysis of the tax forfeit parcels that rate moderate to high for both open space and private ownership. The staff team will be comprised of professional city staff with expertise in Engineering, Planning and Economic Development, Natural Resource Management, and Parks and Recreation. The team will assess and debate the proper designation for each such parcel.

For the geospatial analysis, the City will utilize three pre-existing geospatial analytical tools created to provide guidance on the preferred ownership and use of land in the City consistent with the Plan. (Note: Geospatial maps and/or other data sets developed at later dates may be used to fine-tune parcel lists at the

time City and County professional city staff negotiate a list of parcels for demarcation.)

1. **The Sensitive Lands Overlay.** The Plan includes a Sensitive Lands Overlay intended to identify lands that have high natural resource value. The basis of the Sensitive Lands Overlay is the 2006 natural resource analysis conducted by the Natural Resources Research Institute (Appendix B). The NRRI analysis was completed to help identify ecologically significant areas using existing data sets to rank the natural resource value of non-developed uninterrupted areas of forest or other habitat types.
2. **Trails Overlay.** This map layer was created to capture current recreational use of open space with current and future trail alignments from the 2011 Trail & Bikeway Plan and the 2015 Cross Country Ski Trail Master Plan. The trail alignments layer includes all trails with a 250-foot buffer (125-foot setback on each side) around the trails.
3. **The Development Suitability Index.** Tax forfeit parcels that were included in the Sensitive Lands Overlay and/or the Trails Overlay will then be subjected to an additional analysis of development suitability. The Development Suitability Index uses a matrix of land use variables (e.g., distance to infrastructure, major arterials, and core investment areas, slope, depth to bedrock, floodplains, shoreland, soils, wetlands) to assess the relative suitability of each parcel for development (Appendix C). Parcels classified as high or moderate for development will be flagged for further evaluation by a panel of professional city staff. Parcels classified as low for development will often default to the open space protection list unless the parcel is notably isolated, small, or otherwise lacking in significance or manageability.

Professional City Staff Review: Professional city staff with expertise in Engineering, Planning and Economic Development, Natural Resource Management, and Parks and Recreation will meet as a team to study and deliberate on those parcels that rate moderate to high for both open space protection and private ownership. In this phase, the team will weigh and debate the competing values of natural resource preservation, floodwater/stormwater retention, wetland protection, recreation, public access, land re-use, housing, and economic development in order to recommend the future ownership and use of each developable parcel. The analysis will be based on maps, existing plans and policies, and professional city staff expertise and experience.

Negotiation, Review, and Approval of City Parcel Selections

The process of selecting and conveying parcels for protection will take years to complete. To break the process into manageable chunks, the City has divided Duluth into eleven geographic project areas (Figure 1). The City and the County will proceed one project area at a time, deciding the future ownership and use of

every tax forfeit open space parcel in one project area before proceeding to properties in the next project area.

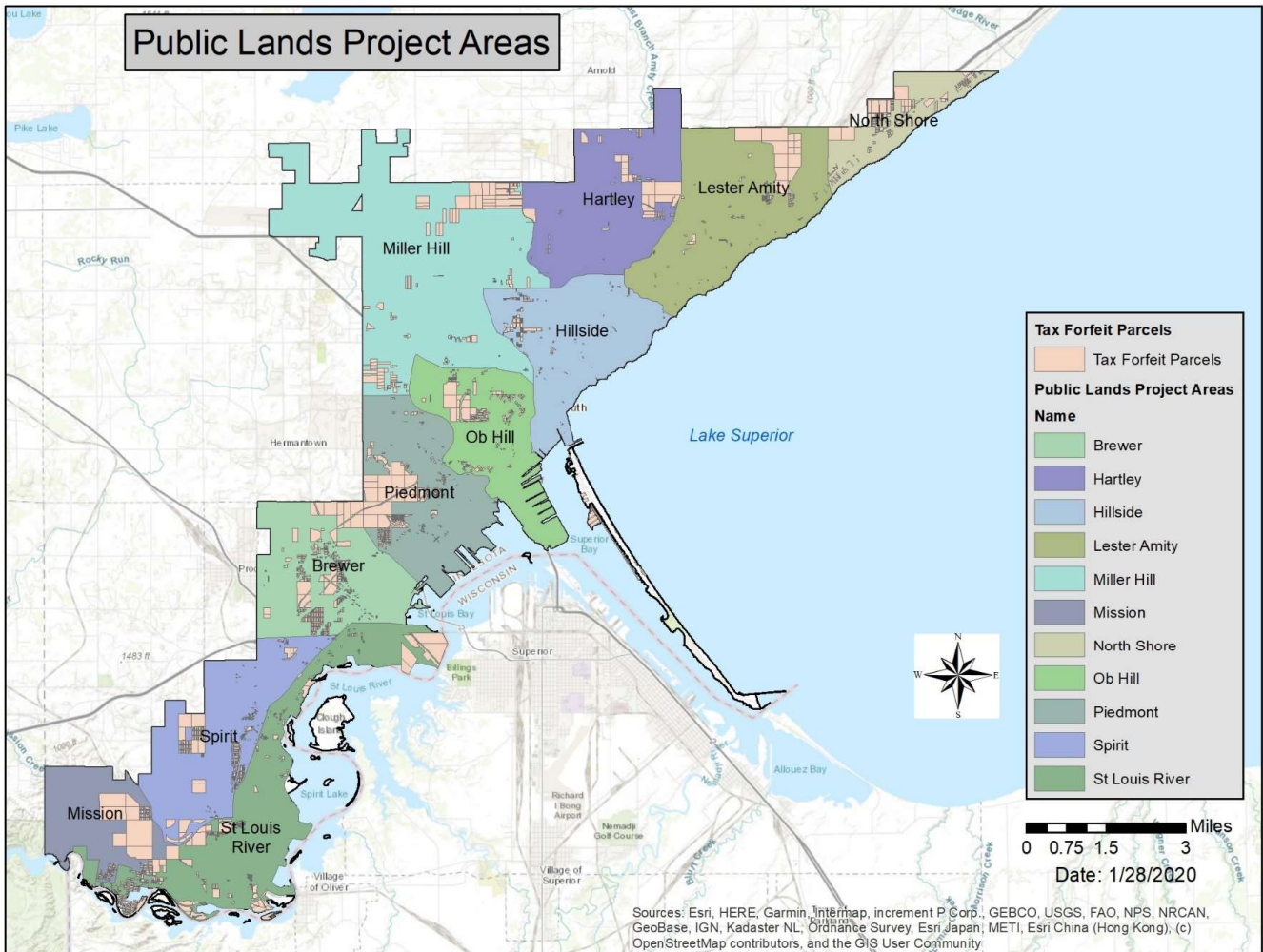
For each project area, City staff will apply the guidelines in this document to develop a list of tax forfeit open space parcels the City wishes to acquire for permanent protection. The City will then submit that list to the County as an opening bid in what will be an intensively negotiated real estate transaction. The County's obligations to assent to City selections are limited and nuanced. On the one hand, the County Board has formally committed to cooperate with the City to transfer ownership of a large volume of appropriate tax forfeit open space parcels to the City for permanent protection at no cost or reduced cost to the City. On the other hand, the County has no obligation to assent to transfer any one parcel identified by the City.

Following completion of City-County parcel negotiations on each project area, the list of preliminarily negotiated parcels will be submitted for review, public comment, and approval at one regular meeting of the Natural Resources Commission, one regular meeting of the Planning Commission, and one regular meeting of the City Council, in that order. First, City staff will bring the negotiated list of parcels to the Natural Resource Commission for review and comment. Second, City staff will bring the negotiated list of parcels to the Planning Commission along with the review and comments from the Natural Resource Commission. Finally, the negotiated list of parcels will be brought to the City Council along with the findings of the Natural Resource Commission and Planning Commission for final approval.

After the City Council has approved the negotiated list of parcels, the County will seek County Board approval of the same list. Once City and County elected officials have approved the list, City and County staff will transact the change of ownership, returning to the City Council and the County Board as necessary for transactional authorizations.

The City's objective is to initiate the first of the tax forfeit parcel transfers with the County by the end of 2020.

Figure 1: Project Areas for Duluth Tax Forfeit Open Space Land Parcel Review



References

1. A Natural Resources Analysis for Duluth's Natural Resources Inventory. Brown, Terry and Tom Hollenhorst. University of Minnesota, Duluth – Natural Resources Resource Institute. 2006.
2. Duluth Comprehensive Land Use Plan. Duluth, MN. 2006.
3. Duluth Cross Country Ski Trail Master Plan. 2015.
4. Duluth Trail & Bikeway Plan. 2011.
5. Duluth Values Open Space. Glenn Kreag. Minnesota Sea Grant. 2002.
6. Imagine Duluth 2035 - an update to the 2006 Comprehensive Land Use Plan. 2018.
7. Mayor's Task Force on Reuse and Protection of Public Lands. April 2012.
8. Methodology for City-Wide GIS Development Suitability Index. Technical Memorandum. December 27, 2018.
9. St. Louis County, MN Comprehensive Land Use Plan. 2019.

Appendix A

Brief History of Plans and Policies in Support of Securing the Future of Undeveloped Lands for Open Space Protection

- 2001, a community-wide “2001 & Beyond” visioning process (completed in 1997) where participants indicated maintaining Duluth as an “urban wilderness” was a priority
- In 2002, a report by Minnesota Sea Grant documented how residents perceive the importance of open spaces in Duluth. The survey showed overwhelming support for the value of natural open spaces, maintaining its’ natural character and preserving it for future generations to enjoy.
- In 2006, a natural resources analysis was completed to help identify ecologically significant areas using existing data sets to rank non-developed uninterrupted areas of forest or other habitat types to be considered along with other information within the development of the 2006 Duluth Comprehensive Plan. This work led to the creation of the following key principles and policies related to protection of open space:

Principle #2 – Declare the necessity and secure the future of undeveloped lands

Policy - The City will prioritize for permanent protection viable (self-sustaining) ecosystems and areas critical for sustaining those ecosystems but in need of restoration...

Principle #6 - Reinforce the place-specific

Policy - Open space, natural areas, and recreational areas are more valuable if interconnected. The City will strive to connect its green space and recreational areas through natural corridors on public or private land, trail systems, and creation of boulevard corridors on public right-of-ways.

Principle #11 – Take sustainable actions

Policy - Duluth has an abundance of valuable natural areas, some in near pristine condition, others in need of restoration. To achieve preservation outcomes identified in the principles and on the future land use map, the City will utilize scientifically-based resource indicators in preservation priorities.

Policy - Water is a defining element in Duluth’s physical and cultural landscape. Consistent with the sensitive lands overlay on all stream corridors and shorelines, the City will protect and enhance the quality of streams, rivers, and Lake Superior

- In 2012, a mayor’s task force addressed how the City should balance demands for revenue-generating reuse of Duluth’s public lands with the substantial benefits this “green infrastructure” offers. The primary recommendations from this report included:
 - Create a holistic vision for a city-wide network of “greenspace”...
 - Institutionalize a formal program to implement and market this vision....
 - Simultaneously develop a proactive plan for the strategic reuse of public land....
 - Implement a process using publicly-vetted criteria for shaping this vision...
 - Revise the City’s procedure for selling lands to increase public awareness...
- In 2018, the City updated its’ 2006 Comprehensive Land Use Plan and called it Imagine Duluth 2035 Comprehensive Land Use Plan. This work led to the creation of the City’s Open Space mission: “Duluth will strive for a sustainable open space system that enriches the lives of all Duluthians. These open spaces will reflect the community’s ecological, historical, cultural, and recreational values, and will contribute to its resilience to natural disasters.”

Open Space Principle #2 and Policy #1 and #2 is stated below. It directs the City to implement the strategies toward achieving the goals set forth by the Open Space mission.

Open Space Principle #2 – “Declare the necessity and secure the future of undeveloped places.”

Open Space Policy #1 – “Improve Duluth’s resiliency to flooding and natural disasters.”

Open Space Policy #1, Strategy S3 speaks to the goal of better aligning the ownership for the public good.

Open Space Policy #2 – “Examine the value and need for all of Duluth’s publicly owned open space.”

Open Space Policy #2, Strategy S1, S4, and S8 speak to the goal of better aligning the ownership and use of public greenspace with the public good.

For more information see the [Open Space chapter of the Imagine 2035 Comprehensive Land Use Plan](#).

- In 2019, the St. Louis County, MN Comprehensive Land Use Plan was completed which included open space goals and objectives as follows:
 - Goal Natural Environment -1: Strive for local decision-making that balances social, economic, and environmental concerns
 - Objective NE-1.1: County policies and approvals related to land use, development, and management will be made to address current needs without compromising the ability to meet future needs.
 - Objective NE-1.2: County operations, land use, and management will be refined to be more efficient and environmentally-responsible.

Appendix B

A Natural Resources Analysis for Duluth's Natural Resources Inventory

A Natural Resources Analysis for Duluth's Natural Resources Inventory.

Terry Brown

Tom Hollenhorst

University of Minnesota, Duluth - Natural Resources Research Institute

1. Document status

This document was generated 3:20pm Wed. Jan. 25 2006. This webpage and associated images may be downloaded as a single .zip file here ([CPOSweb200601251520.zip](#)).

2. Introduction

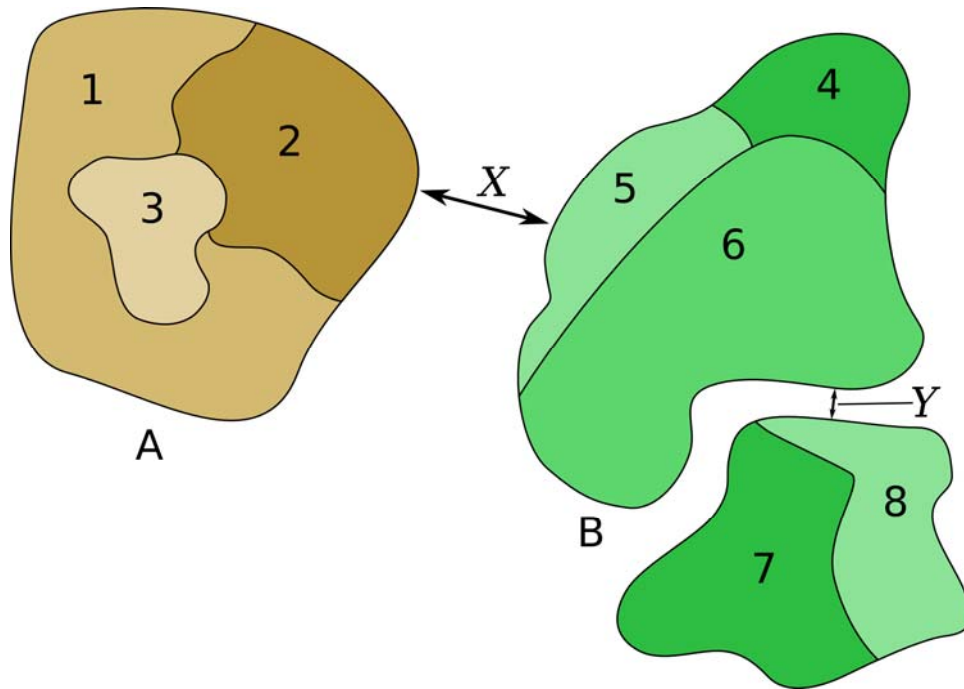
Although a natural resources inventory had been developed for Duluth and its watersheds, this inventory had not yet been integrated with other information to identify ecologically significant areas (ESAs) in Duluth. Identifying ESAs through some sort of natural resource analysis (NRA), is an important step in comprehensive planning. Understanding where ESAs exist, and developing an accepted plan for their long term conservation, furthers both conservation and development efforts, by providing more certainty about the appropriate use for non-developed areas throughout the city. More certainty about the appropriate use of non-developed lands reduces the controversy often associated with newly proposed developments.

The following is an Natural Resources Assessment for Duluth, within a natural areas assessment framework, designed to help identify ESAs in Duluth. We used data from Duluth's Natural Resources Inventory, the Minnesota County Biology Survey, and other existing data sets, to rank existing non-developed patches in Duluth for their ecological significance. The rank is a composite score based on measures of land cover types, patch size and shape, plant composition, and connectivity with other patches. The specific fields and their descriptions are listed in . These measures were all normalized with scores ranging from 0 to 1. For some categorical measures, relative rarity was used to rank classes, so that rare types are valued more highly (i.e. white cedar vs aspen).

The results of this analysis are expressed in the attached map overlay of NRA scores from which significant ecological areas can be identified. This value representing the ecological significance of specific non-developed areas in Duluth can be considered along with other information contained within the comprehensive plan. This ESA overlay will then provide long term guidance for specific land use considerations

3. General Approach and Goals

The main components of the Duluth Natural Resource Inventory (NRI) are detailed GIS polygon maps of all forest stands, wetlands, and other undeveloped lands within the city. Combining the forest and wetland polygon maps yields 6808 polygons. These polygons will be referred as "stands", although they may be non-forested wetland or other treeless natural land cover types. Playing fields and golf courses are also included. These stands can be grouped together into "clusters" based on some threshold distance at which two stands are considered to be close enough to be connected in an ecological sense. The term "patch" is often applied to an uninterrupted area of forest or some other habitat type. In the context of this analysis it may be appropriate to describe some clusters as patches, but because of the high level of detail in the NRI it is better in general to think of the stands as sub-patch units and the clusters as dense collections of one or more patch like units.

Figure 1. Stands and clusters.

Two clusters comprised of 7 stands. These clusters are defined for some connectivity threshold Z ; X is larger than Z , but Y is smaller than Z .

The idea of connectivity between stands forming clusters is highly species dependent. While many bird species may require larger patches of habitat for protection from predators, birds can easily cross large gaps between patches. On the other hand small plants that prefer the interior of more mature forest patches may find it very difficult to propagate across even small breaks in the natural land cover.

4. Specific Methods

4.1. Data import and preparation

Table 1. Initial data import and preparation.

Data layer	Modifications
forest_final.shp and wetlands_final.shp, polygon coverages	<ul style="list-style-type: none"> • Acquired from Paul Meysembourg's collection of Duluth NRI files. • Split multi-part polygons (a small number) into single part polygons. Used test-case to confirm that polygons containing holes are not multi-part polygons. • Added ID values, 1 and 3692 inclusive and 10000 and 13423 inclusive for forest and wetland polygons respectively.
forwet2.shp, polygon coverage	<ul style="list-style-type: none"> • Created by merging forest_final.shp and wetlands_final.shp using Arcview X-Tools extension. • Arcview extension "Add-XY" was used to add X and Y coordinates for each polygon. This extension ensures that the point occurs within the polygon even in those cases where the center of the polygon's bounding box is not part of the polygon. • Added connects field, see the section called Connectivity classification. • Added type field; F, W, or U for Forest, Wetland, or Un-natural.
forwetpnt.shp, point coverage	<ul style="list-style-type: none"> • Created from forwet.shp X- and Y-coord fields via the "Event theme" mechanism.

4.1.1. Connectivity classification

The shapefile *forwet2.shp* was classified into 58 broad classes listed in . A field was added to the shapefile *forwet.shp*, *connects*. This field was used to distinguish between cover types that act as a break in the natural landscape (*connects*="N") and those that don't (*connects*="Y"). See for assignment details. In practice assigning a non-connective status to some recreational developments will have very little impact on overall connectivity as they almost always occur on the edge of an urban development and as such are not disconnecting natural areas.

Table 2. *connects* field assignments in the shapefile *forwet.shp*.

Type	<i>connects</i> field assignment	Comment
Industrial devel.	N	
Urban devel.	N	
Road	N	
Bare soil	Y	Small forest clearings or stream banks
Recreation devel.	Y or N	Individually assessed and assigned either "N" if they were fenced (baseball diamonds) or predominantly impervious surface (parking lots, buildings), and "Y" otherwise (golf courses, city parks, playing fields).
Permanent water	Y or N	A few large water bodies were assigned "N".
Upland grass	Y	There were too many polygons in this class to assess individually. Most polygons in this type will be passable by many species, although areas maintained in mowed grass are a barrier to plant species dispersion and some smaller animals.
All other types	Y	These are forests, wetlands, upland and lowland brush, and lowland grass.

4.2. Data processing

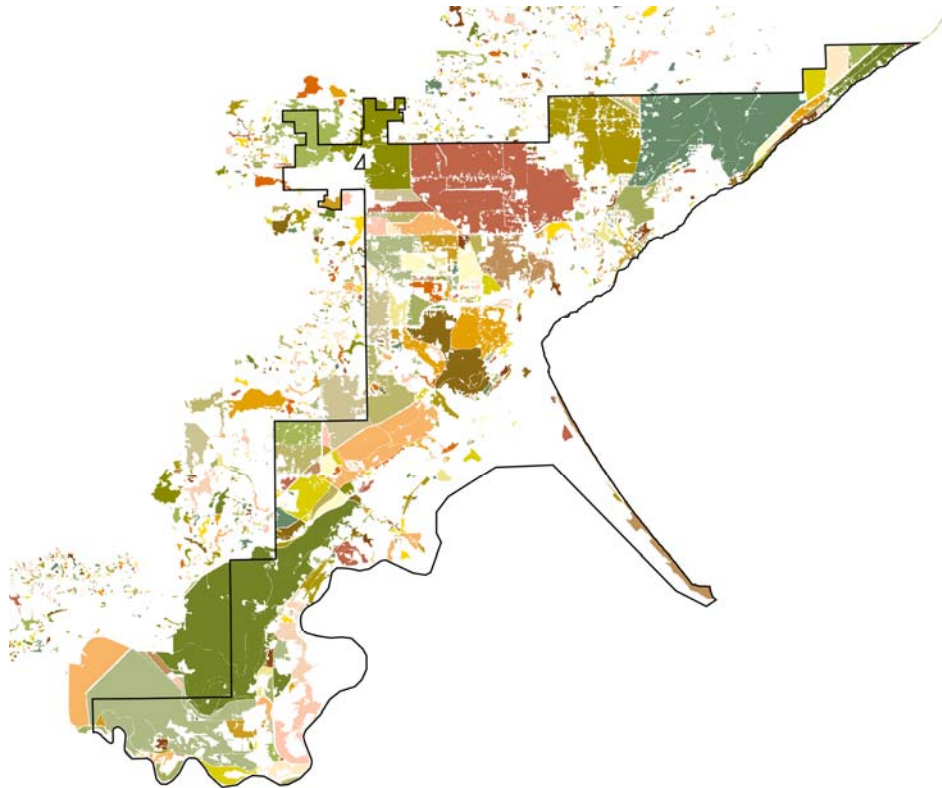
4.2.1. Cluster mapping

Clusters of connected stands were identified at 1, 10, 25 and 150 m connectivity thresholds. In each case the base stand coverage (forwet2.shp) was buffered out by the required distance, and the buffered stand polygons were related to the original stand polygons using the ArcView X-Tools extension "Union" function. This process yields a table of paired ID codes for every pair of stand polygons that are within the connectivity threshold distance of each other. Custom ArcView and C++ computer code was then applied to identify connected clusters of stands. The ArcView and C++ code produced the same results, the C++ version was necessary only because ArcView was unacceptably slow for the larger clusters.

Table 3. Components of connectivity analysis

Component	Purpose
ForwetXXm.shp	The base stand coverage buffered out XX m.
ForwetXXmint.shp	The X-Tools "Union" of the base stand coverage and ForwetXXm.shp.
ForwetXXlink.shp	A line coverage showing connections between stands at XX m, used for visualization only.
ClusterXX.shp	Clusters of stands merged together at connectivity threshold XX m.
ClusXXcoreYY.shp	ClusterXX.shp buffered inwards YY m to determine cluster core area.

The clusters identified at the 10 m threshold were considered to be the most informative in terms of ecological function. At this threshold trails and other small breaks in natural stand cover would not separate clusters, but sealed roads and larger breaks would. shows the distribution of clusters at this threshold.

Figure 2. Clusters at the 10 m connectivity threshold.

Different colors identify different clusters.

4.2.2. Scoring analysis

Each stand was scored according to several attributes. These attributes are listed in and then covered in more detail in following subsections. For each attribute there is an input value which is an actual measure of some characteristic of the stand, and a corresponding score, which is a number between zero and one. This allows the scores to be averaged together to form an aggregate score of ecological value for each stand.

With one exception (the *ftype* attribute) scoring is based on the stands position within the range of values for each attribute. For example the tree size attribute ranges from 2 to 6. A stand with a tree size of 2 would score zero, and a stand with a tree size of 6 would score 1. A stand with a tree size of 4, half way between the minimum and maximum for that attribute, would score 0.5. So no matter what the range of the attribute, 2 to 6 or -1.8 to -1.2, the score always ranges from zero to one. In general terms the score is:

$$S = \frac{A - \text{Min}}{\text{Max} - \text{Min}}$$

where

Min	= the minimum value in the the attribute's range (closest to negative infinity).
Max	= the maximum value in the the attribute's range (closest to positive infinity).
A	= the stands value for the attribute in question.
S	= the stands score for the attribute in question.

Table 4. Stand attribute scoring

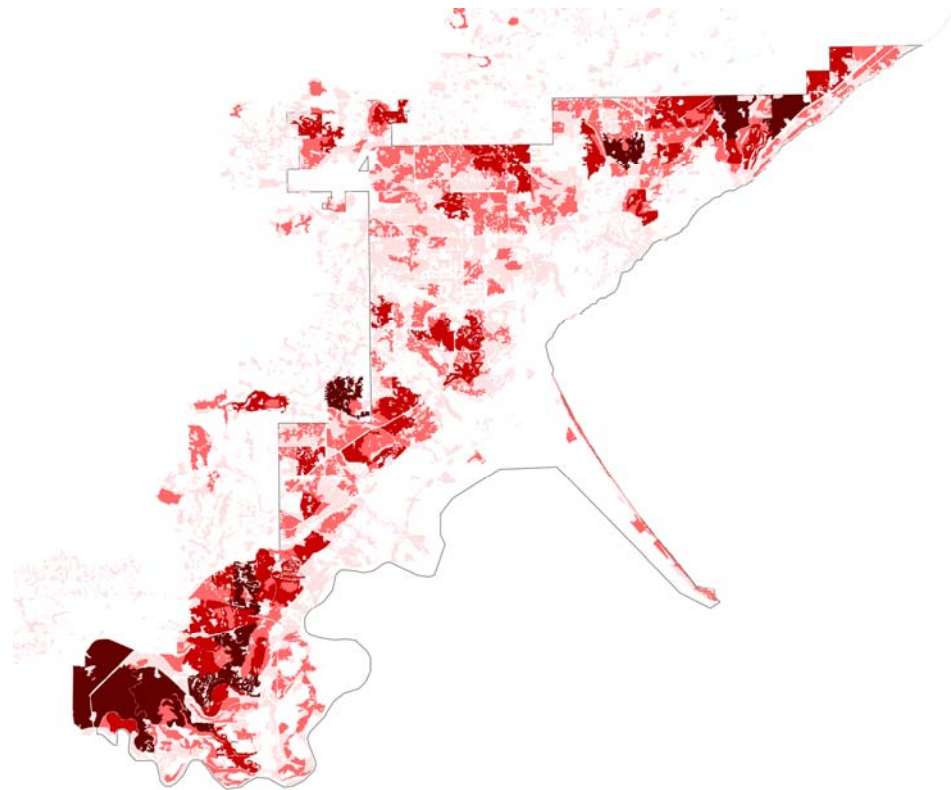
Attribute name	Source	Interpretation
size	Area of stand in meters, from forwet2.shp.	Generally large stands are have greater ecological value than small stands, particularly in a landscape where the number of larger stands has been significantly reduced.
treesz	Tree size class recorded in forwet2.shp. Ranges from 2-6.	While healthy ecosystems contain trees of all sizes, stands with larger trees are unnaturally rare in northern Minnesota, and consequently more ecologically valuable.
shape	$-2 * \ln(\text{perimeter}) / \ln(\text{area})$ where perimeter and area are calculated from forwet2.shp.	Generally the closer to circular a stand is the less edge habitat it contains and the more protection it offers to plants and animals from predators and physical stresses that enter the stand from the edge.
wsbo	Mean impervious land cover in the stand. 0-100 percent.	The higher the proportion of impervious surface in the watershed or immediate catchment of a stand, the more valuable the stand is in terms of its ability to slow runoff.
mcbs	Number of Minnesota County Biological Survey records intersecting the stand. 0-32.	MCBS survey records indicate the presence of an endangered, rare, or threatened species or community.

Attribute name	Source	Interpretation
conn	Index of the impact of removing this stand on cluster connectivity.	Stands whose removal would break large clusters into smaller clusters are valuable for their role as connectors.
pcarea10	Core area (more than 150 m from edge) of the stands cluster.	Stands that form clusters that have significant core area are valuable because such core area habitat is rare.
water	A zero or one score, is the stand within XX feet of a stream, YY feet of a trout stream, or ZZ feet of the St. Louis River Estuary or Lake Superior.	Stands of natural land cover close to water bodies are valuable as buffers to those water bodies.
ftype	Relative rarity of a forest type, between zero and one (but not zero or one).	Generally the less common a forest type is the more valuable it is ecologically. In order for this to be true the distribution of forest types in Duluth needs to match that in the region, which it does.

4.2.2.1. Stand area (*size*)

Input for scoring this attribute is simply the area of the stand in square meters. The six highest areas are 2701440, 1450338, 1450197, 1393860, 1371585, 1270889. The largest stand, at almost twice the size of the next largest stand, is clearly an outlier, which would compress the scoring for the remaining stands into an approximately 0-0.5 range. To avoid this the largest stand was considered to have an area equal to that of the second largest stand for the scoring of this attribute.

Figure 3. Four level map of stand area score (darker colors are higher scores).



4.2.2.2. *Tree size (treesz)*

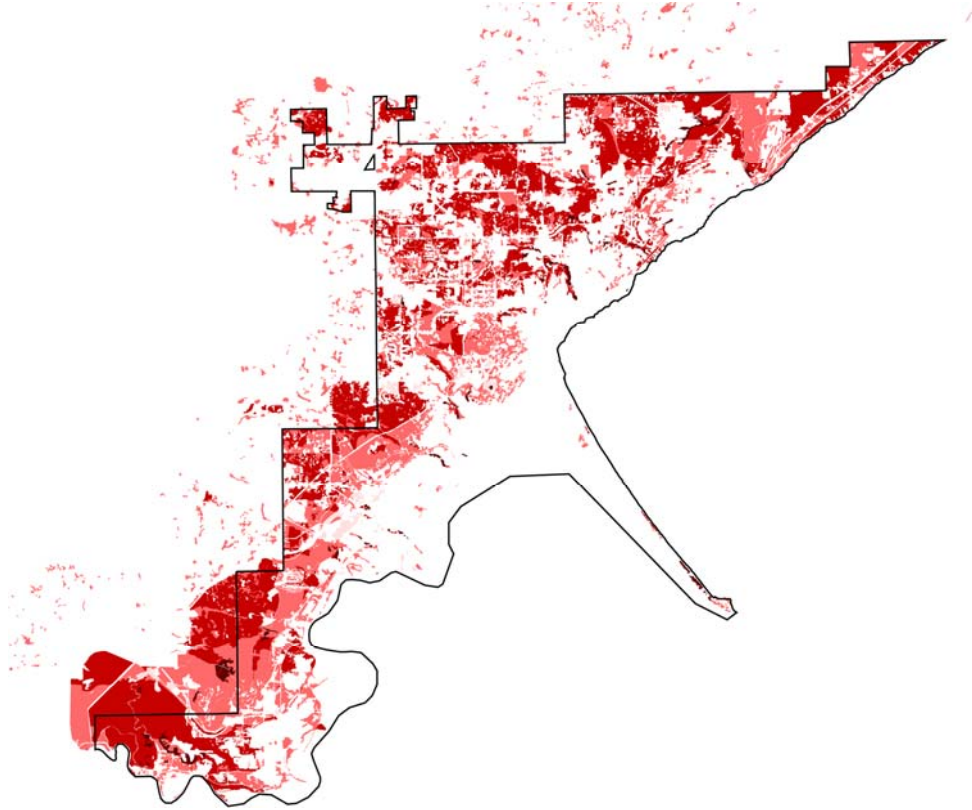
The Duluth NRI estimated tree sizes in DNR inventory classes:

Class	Size
2	1 to 2.9 inches
3	3 to 4.9 inches
4	5 to 8.9 inches
5	9 to 14.9 inches
6	15 to 19.9 inches

Examining the distribution of tree sizes in the NRI data it may appear that the smaller classes are under represented and should be valued for their rarity. This is misleading,

as no size class values were recorded for the common "Upland Brush" category, and in fact smaller size classes are not rare.

Figure 4. Four level map of tree size class score (darker colors are higher scores).



4.2.2.3. Stand shape (*shape*)

In general habitat patches are considered more closely their shape approaches that of a circle. This is because a circle has the lowest possible perimeter to area ratio, so patches that are roughly circular have less "edge" than patches that have more complex shapes. Plants and animals are subject to stresses (predator, parasite, and micro-climate) which are often associated with edges. Three shape indices were evaluated.

perimeter/area. This indice is highly area dependent, large polygons will always score well, even if they have highly convoluted shapes which expose their occupants to a lot of edge stress. This indice was not used.

perimeter/circle_perimeter. By dividing the perimeter of a stand by the perimeter of a circle with equivalent area a pure shape indice which is completely area independent is obtained. This indice will rate very small roughly circular patches very highly even though they are prone to edge based stresses. This indice was not used.

$-2*\ln(\text{perimeter})/\ln(\text{area})$. By taking the natural log (log base e) of perimeter and area their ranges are condensed so that an indice that is only moderately area dependent is obtained. This is the indice that was used in this analysis. The value is multiplied by two for consistency with other applications of this indice, and negated to provide the "higher is better" ordering required for the scoring used in this analysis.

Figure 5. Four level map of stand shape score (darker colors are higher scores).

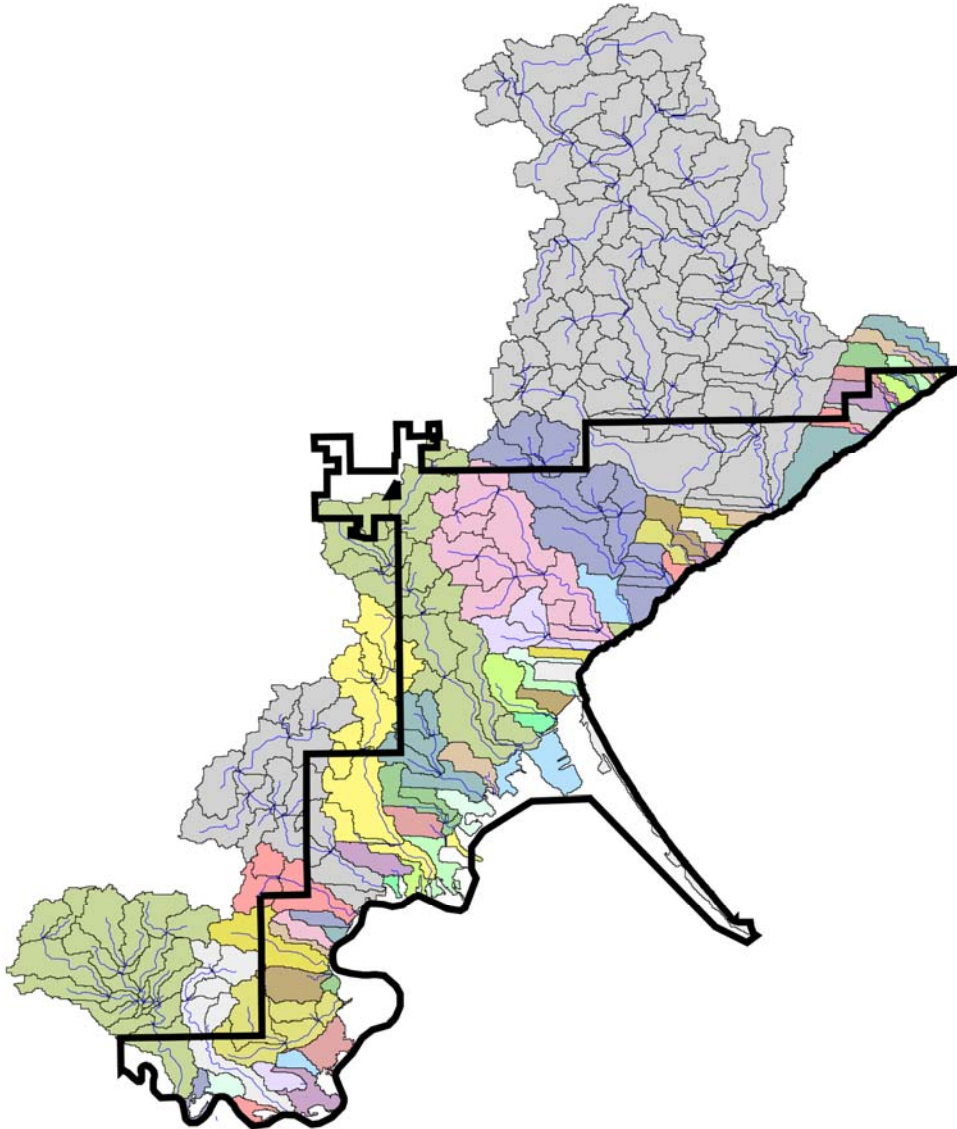


4.2.2.4. Impervious surface (*wsbo*)

The Arc-Hydro model was used to delineate watersheds and sub-catchments that intersect Duluth (). The input for the impervious surface score was the higher of either the sub-catchment or watershed

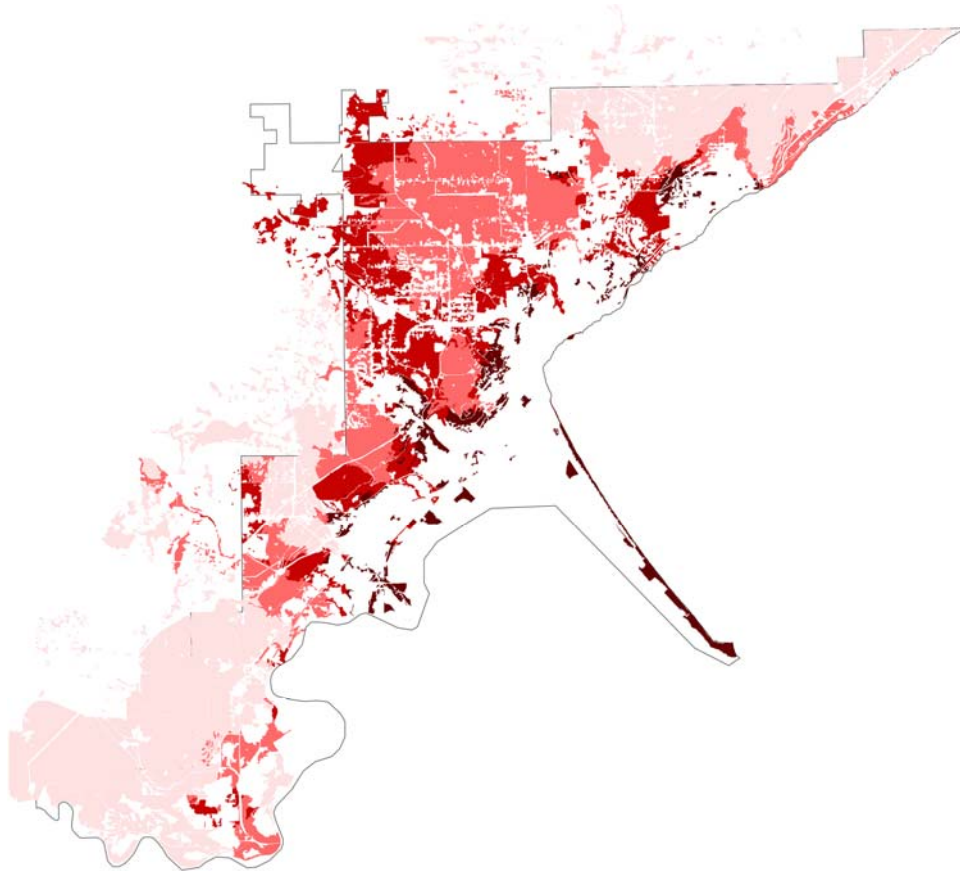
impervious surface proportion. In general the more impervious surface in a watershed or sub-catchment the more valuable the remaining natural land cover for watershed protection. By using the watershed proportion when it is higher than the sub-catchment proportion the value of relatively undeveloped sub-catchments in the headwaters of some watersheds is recognized.

Figure 6. Watersheds and sub-catchments



Watersheds (distinct colors) and sub-catchments (smaller polygons) in Duluth. Streams are shown as blue lines.

Figure 7. Four level map of stand watershed impervious cover score (darker colors are higher scores).



4.2.2.5. Minnesota County Biological Survey records (*mcbs*)

Minnesota County Biological Survey data was supplied as a collection of mostly circular polygons with areas ranging from 0.5 to 1,700 acres. MCBS staff advise against using the centers of these polygons, as polygon area reflects site size. Relating the individual MCBS polygons to the Duluth NRI forest and wetland polygons is problematic. A large MCBS polygon near Fon du Lac representing reed canary grass could be considered to apply only to the NRI wetland polygons in the St. Louis River in that vicinity. It might also be argued that the MCBS record should also be applied to the NRI upland forest polygons in the area as they represent the immediate watershed of the reed canary grass site. A nearby MCBS polygon representing a bald eagle nesting area should more obviously apply to all the wetland and forest NRI polygons it overlaps, as all these cover types are utilized by the bald eagle or its prey. MCBS sampling patterns and the rarity of some community types cause hot spots of overlapping observations. MCBS records are also graded according to level of rarity and state and federal status.

Treating these records as a general indicator of valuable habitat, we simply counter the number of MCBS polygons intersected by each NRI polygon (stand).

An ArcView GRID coverage was constructed such that each grid cell value was the number of overlapping MCBS polygons occurring at that point (). This illustrates MCBS observation overlap and hot spots. The ArcView extension X-Tools Union shapefiles operation was used to intersect and associate the MCBS and NRI polygons.

Figure 8. Density of overlapping Minnesota County Biological Survey observations.

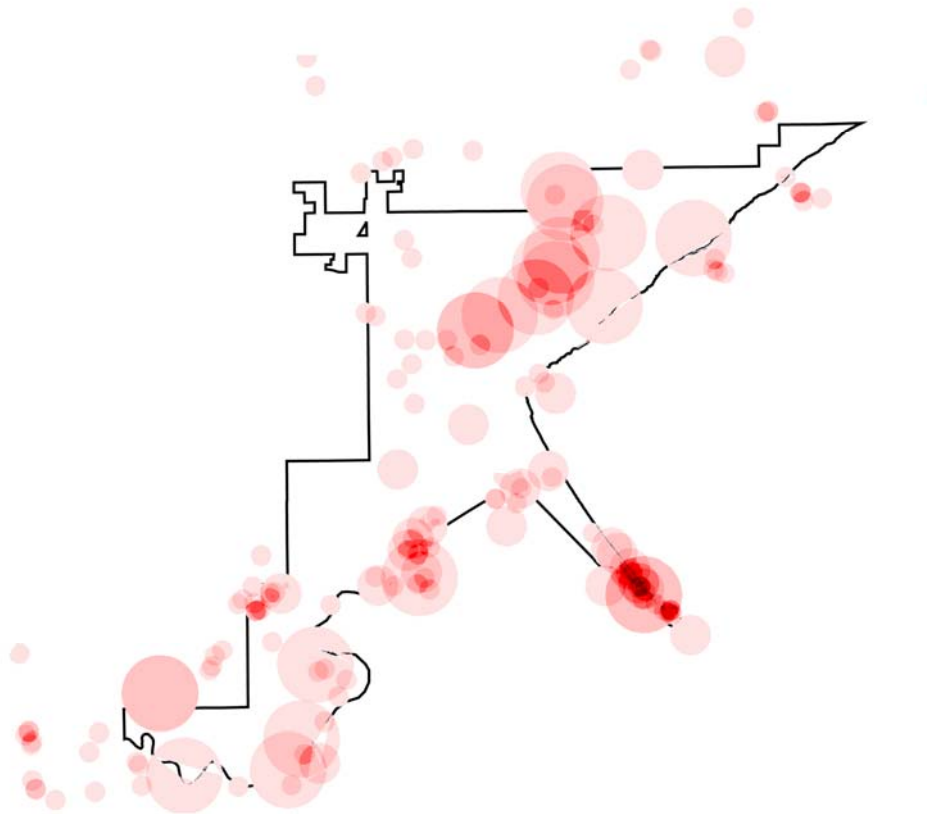
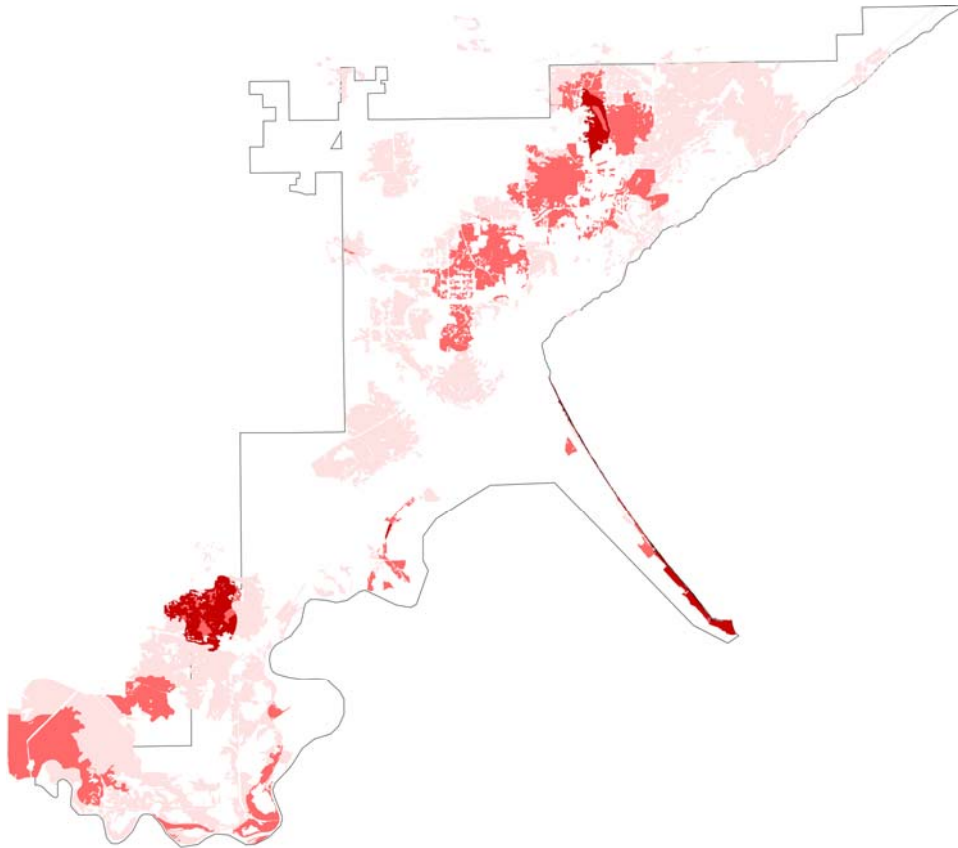


Figure 9. Four level map of Minnesota County Biological Survey records score (darker colors are higher scores).



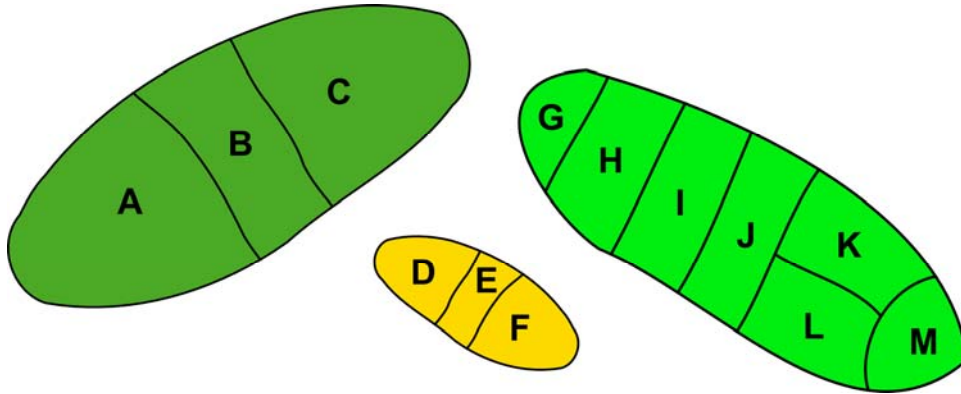
4.2.2.6. Connectivity impact (*conn*)

To calculate the impact on cluster connectivity of removing any one stand, the C++ computer code described previously () was modified to compare the total number of clusters present at a given connectivity threshold with and without the stand in question. Stands which do not break their cluster into two or more smaller clusters when they are removed returned an intermediate value "I" of zero. Stands which do break their cluster into two or more smaller clusters when they are removed returned a value I:

$$I = \frac{\text{Area of unbroken cluster}}{\left(\frac{\text{Area of largest new cluster}}{\text{Area of second largest new cluster}} \right)}$$

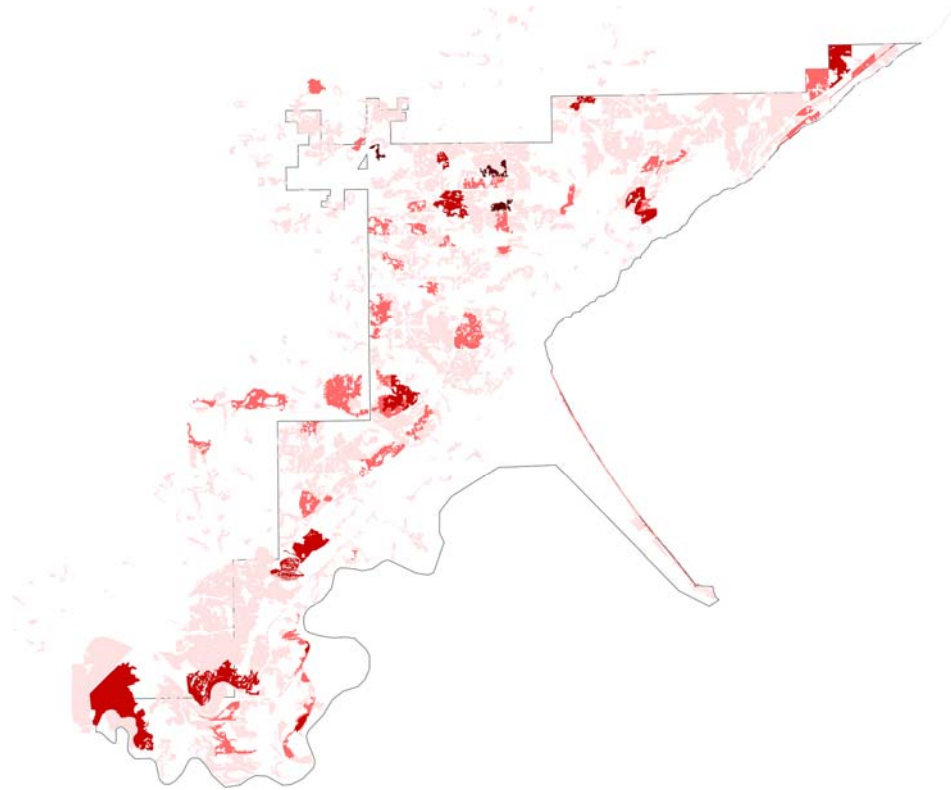
This gives a higher value to stands whose removal breaks a cluster approximately in half than those whose removal isolates only a small part of the cluster. Also the value of I is proportional to the size of the original cluster, so stands whose removal would break larger cluster score more highly. Figure illustrates various possible scoring scenarios.

Figure 10. Explanation of connectivity scoring



Three separate clusters. Removing stands A, C, D, F, G, or M would not increase the number of clusters, so these stands score zero for connectivity. Likewise removing stands K or L would not increase the number of clusters, as in each case there is an alternate route from J to M, so these stands also score zero for connectivity. Removing B would break a large cluster almost exactly in half, so B scores very highly for connectivity. Likewise removing J would break a large cluster almost exactly in half, so J scores very highly for connectivity. I scores a little lower than J, because its removal would break and cluster more unevenly than the removal of J. H scores even lower than I, because its removal would cause a very uneven break. Finally E gets a low score because while its removal breaks its cluster roughly in half, it was a small cluster to start with.

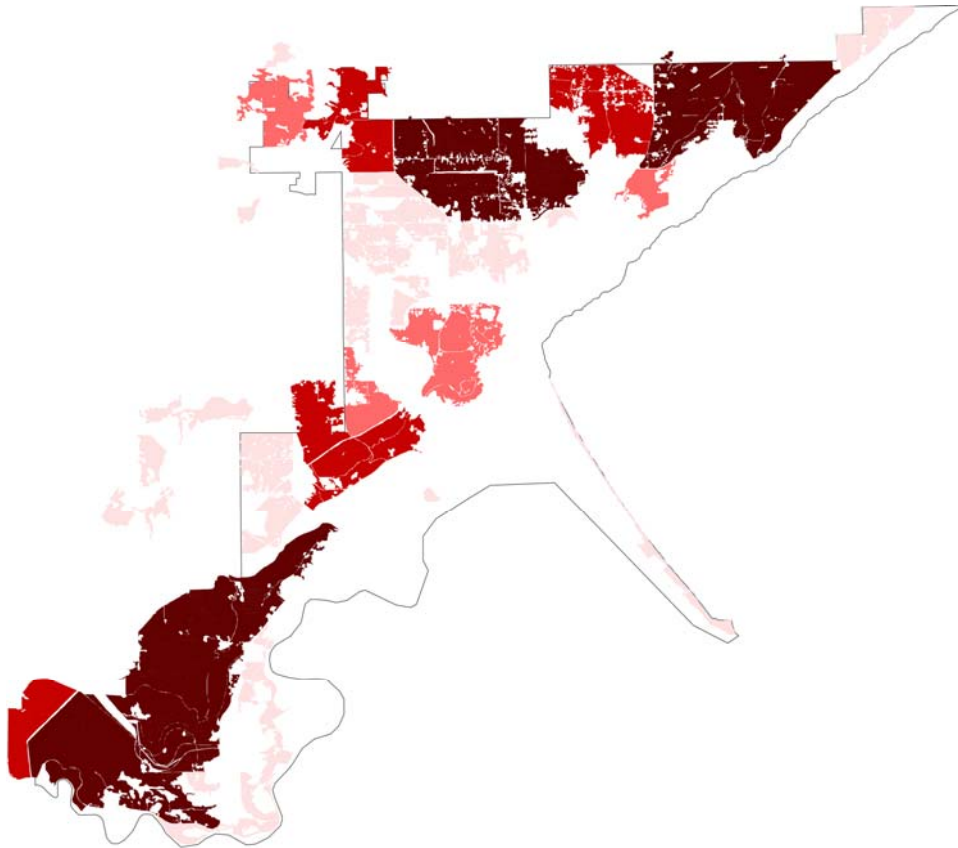
Figure 11. Four level map of stand connectivity score (darker colors are higher scores).



4.2.2.7. Parent cluster core area (*pcarea10*)

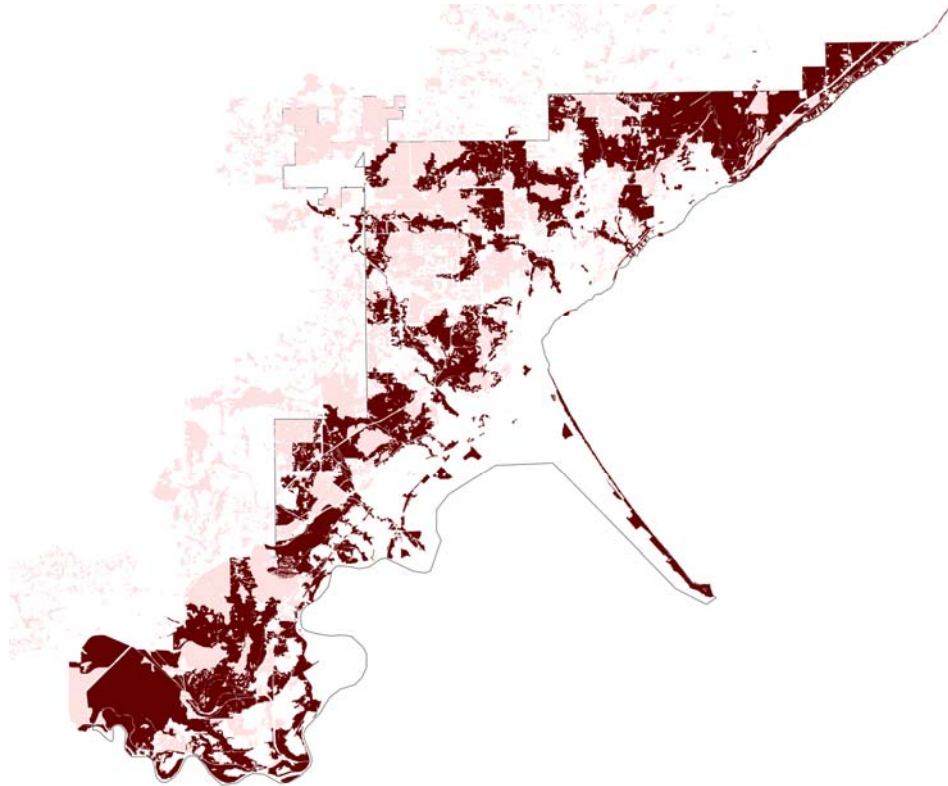
Stands were scored according to the amount of "core area" (area more than 150 m from an edge) in the stand's cluster. 150 m is a distance commonly given as the upper bound for edge derived stresses (for example).

Figure 12. Four level map of stand parent cluster core area score (darker colors are higher scores).



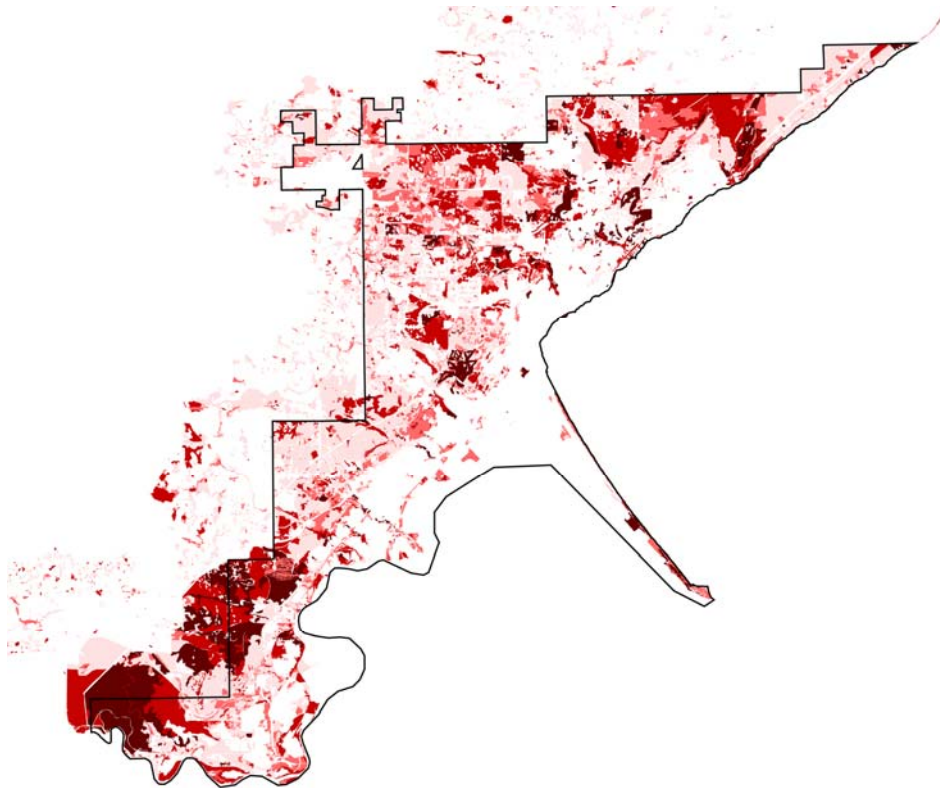
4.2.2.8. *Water contact (water)*

Figure 13. Four level map of stand water proximity score (darker colors are higher scores).



4.2.2.9. Forest type (*f_{type}*)

Figure 14. Four level map of stand forest type score (darker colors are higher scores).

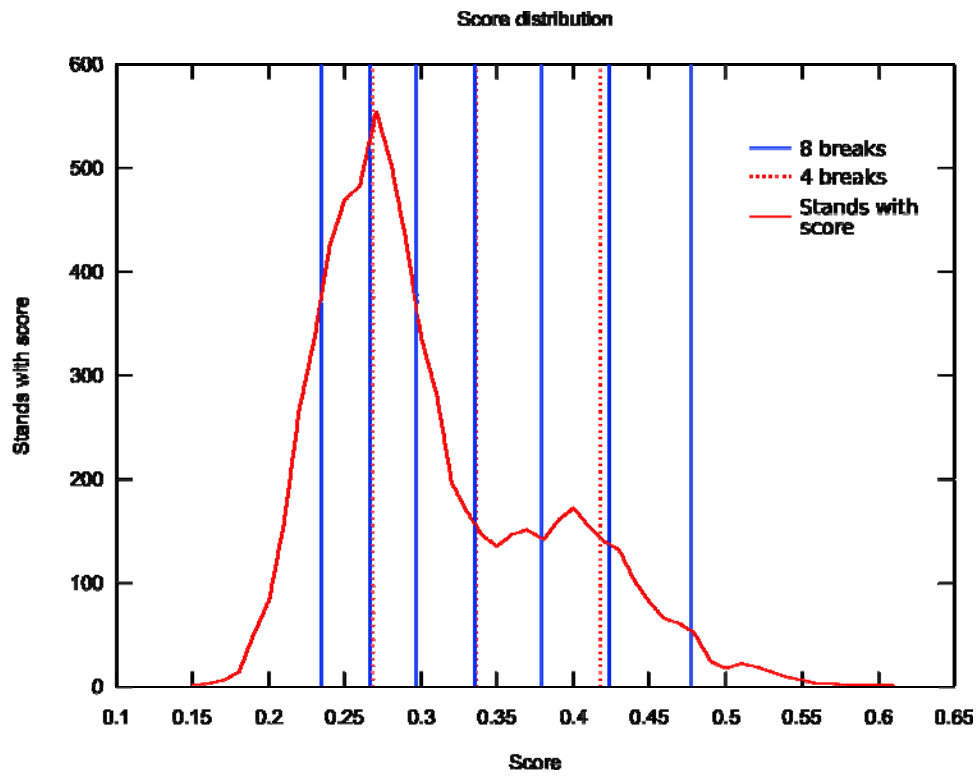


5. Results

5.1. Score distribution

The distribution of scores or ranks for all stands is shown in . Scores ranged from 0.15 to 0.6, to score zero or one a stand would need to score all zeroes or all ones on each individual attribute, which is unlikely. also shows the break points for a 4 and 8 level classification using ArcView's "natural breaks" classification scheme. These classifications should not be over-interpreted, they are an aid to visualization only. When using a map of these stands and scores we would *strongly encourage* the user to use an 8 level classification. Using the 8 level classification makes it much easier to identify cases where stands are in different classes but not very different from each other (any pair of adjacent classes, e.g. 3 and 4), and to identify cases where more significant differences exist (any pair of non-adjacent classes, e.g. 3 and 5).

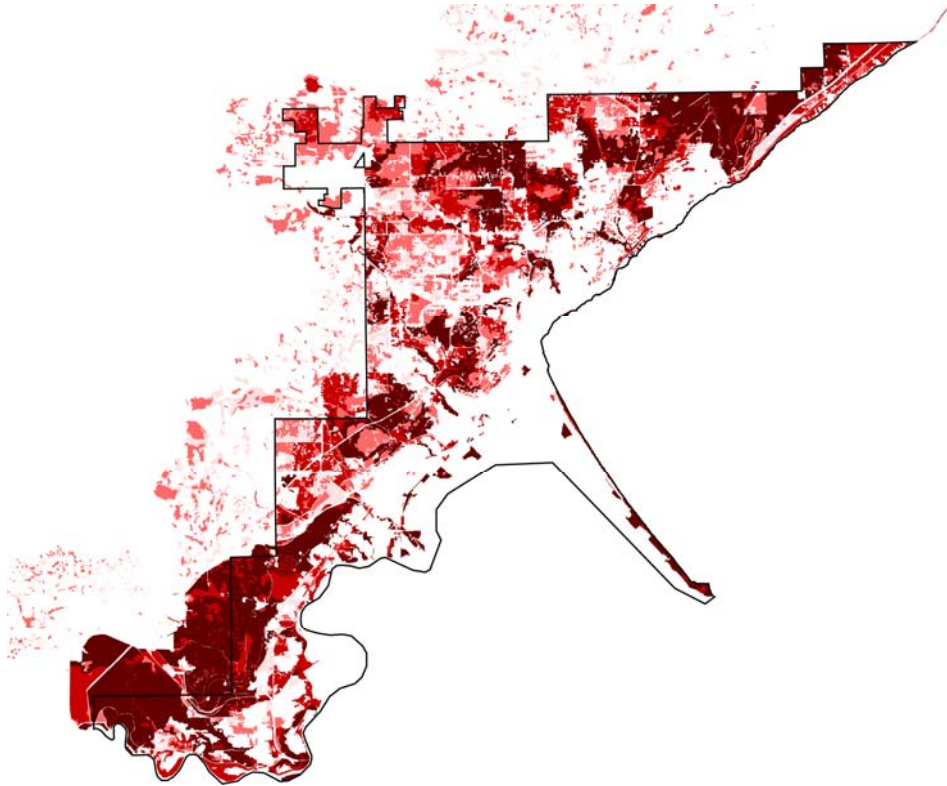
Figure 15. The distribution of scores or ranks for all stands.



5.2. General ecological value map

illustrates the distribution of ecological value based on the analysis of stands described here.

Figure 16. Map of regions of high ecological value in Duluth.



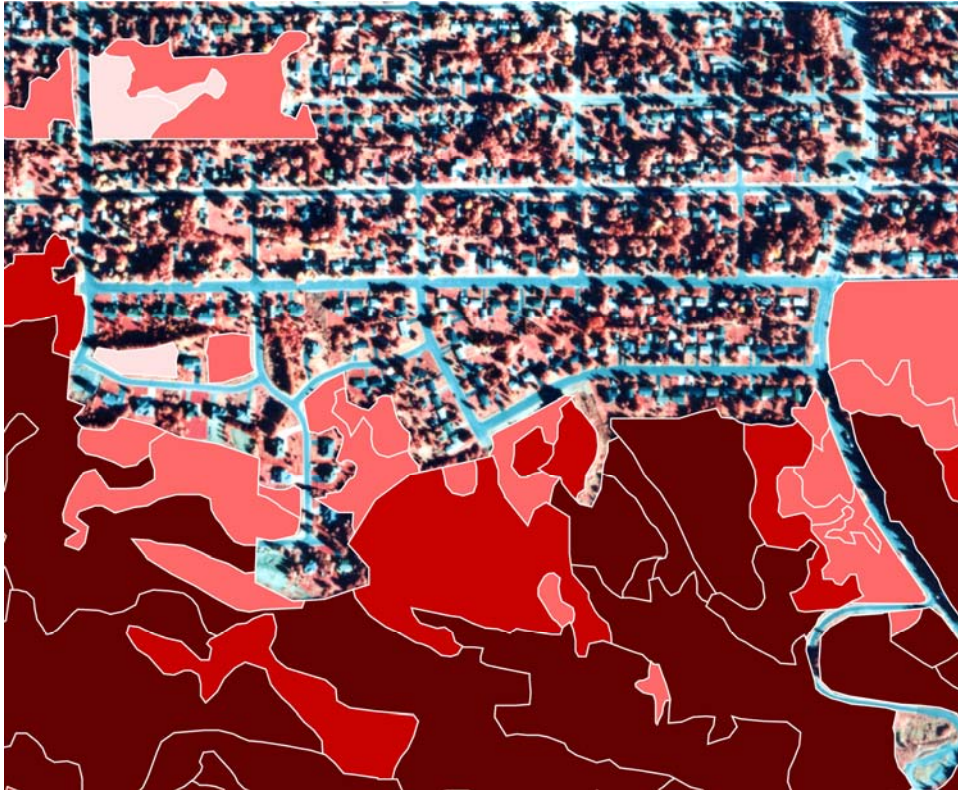
6. Discussion

6.1. Possible application

Figure 17. Possible application scenario for results.



When attempting to layout zoning for the undeveloped area (vegetated areas in image above), or place a development within it, the ecological value map should be used as a guide.

Figure 18. Possible application scenario for results.

Here it can be seen that the vegetated land adjacent to existing housing score lower on the left than on the right, suggesting that that might be the better area to consider for development.

6.2. Caveats and things to bear in mind

This Natural Resource Assessment scores and ranks almost seven thousand stands of natural or semi-natural land cover within the city of Duluth. It is intended for large scale planning and screening applications. While it provides an excellent starting point for evaluating specific sites, any project tied to a specific site should conduct an early on-site inspection and consult other map layers as necessary.

Stands of natural land cover may have value for reasons not considered by this analysis, and low scoring stands should not be regarded as disposable without further site specific analysis.

Bibliography

Biodiversity Guidebook, 1995, Ministry of Forests and Range, Canada.

A. Duluth NRI cover types

Csa_type_field	Description	Number	Total area
Agriculture	Agriculture	6	46.4
Ash	Ash	968	2625.5
Ash/Aspen	Ash/Aspen	2	20.9
Ash/B.Fir	Ash/Balsam Fir	2	39.4
Ash/W.Cedar	Ash/White Cedar	3	7
Aspen	Aspen	1138	11382.1
Aspen/B. Fir	Aspen/Balsam Fir	3	25.4
Aspen/Birch	Aspen/Birch	105	2187
Aspen/N.Hardwood	Aspen/Northern Hardwood	59	2117.1
Aspen/Oak	Aspen/Oak	2	38.6
B. Fir/B. Spruce	Balsam Fir/Black Spruce	1	1.4
B. Fir/W. Cedar	Balsam Fir/White Cedar	1	1.8
B. Fir/W. Spruce	Balsam Fir/White Spruce	1	2
Balsam Fir	Balsam Fir	12	37.8
Bare Soil	Bare Soil	10	72
Birch	Birch	115	1432.8
Birch/Aspen	Birch/Aspen	13	218.1
Birch/N.Hardwood	Birch/Northern Hardwood	5	518.2
Birch/Red Pine	Birch/Red Pine	1	5.3
Birch/W. Cedar	Birch/White Cedar	2	14.7
Black spruce	Black spruce	95	454.3
Cottonwood	Cottonwood	2	1.2
Jack Pine	Jack Pine	14	20.8
LF	LF	5	3
Lowland Brush	Lowland Brush	1258	3517.8
Lowland Grass	Lowland Grass	483	1019.7
Lowland Hardwood	Lowland Hardwood	117	439.9

Csa_type_field	Description	Number	Total area
Marsh	Marsh	106	439.2
N. Hardwoods	Northern Hardwoods	151	2431.2
N.Hardwood/Aspen	Northern Hardwood/Aspen	1	9.7
N.Hardwood/Birch	Northern Hardwood/Birch	1	10.7
Non-Permanent Wa	Non-Permanent Wa	111	116.1
Oak	Oak	16	237.2
Permanent Water	Permanent Water	235	459
Recreation Devel	Recreation Devel	89	1050
Red & White Pine	Red & White Pine	5	21
Red Pine	Red Pine	98	200
Roads	Roads	37	115.2
Rock Outcrop	Rock Outcrop	154	191.1
Scotch Pine	Scotch Pine	5	32.4
Upland B. Spruce	Upland Black Spruce	1	1
Upland Brush	Upland Brush	438	1705.9
Upland Grass	Upland Grass	767	2290.7
Urban Development	Urban Development	114	728
W. Cedar/Aspen	White Cedar/Aspen	2	23.6
W. Spruce/Aspen	White Spruce/Aspen	1	2.1
W. Spruce/B. Fir	White Spruce/Balsam Fir	3	13.4
W. Spruce/R. Pin	White Spruce/R. Pin	1	2.1
W. Spruce/W. Pin	White Spruce/W. Pin	1	1.1
W.Spruce/Aspen	White Spruce/Aspen	1	7.5
White & Red Pine	White & Red Pine	1	9.4
White Cedar	White Cedar	3	9.6
White Pine	White Pine	40	240.2
White Pine/Spruce	White Pine/Spruce	1	2.9
White Spruce	White Spruce	26	45.2
Willow	Willow	24	56.7
[Blank]	Non-forested wetland	103	395.7
Industrial Devel	Industrial Development	116	2045.9

Appendix C

Development Suitability Index Technical Memorandum

TECHNICAL MEMORANDUM

To: Development Suitability Index File

From: Diane Desotelle, Natural Resources Coordinator, Ben Van Tassel, Community Planning, Chad Ronchetti, Business Development, Heidi Timm-Bijold, Business Development, Bryan Pittman WSB & Associates, Inc.

Re: Methodology for City-Wide GIS Development Suitability Index

Date: December 27, 2018

The City of Duluth used agreed upon variables and a scoring/ranking matrix to determine suitable areas for development across the city. The result is a GIS layer that shows areas on a continuum from lowest to highest for development suitability. This memo describes the variables included in the analysis. The data is stored with the city's GIS department. If the analysis is amended or adapted in the future, this memo should be updated as well.

The variables and the weights used for the analysis include:

Slope

Source: Lidar Elevation, Arrowhead Region, NE Minnesota, 2011. Minnesota Department of Natural Resources (MnDNR)

Weight:

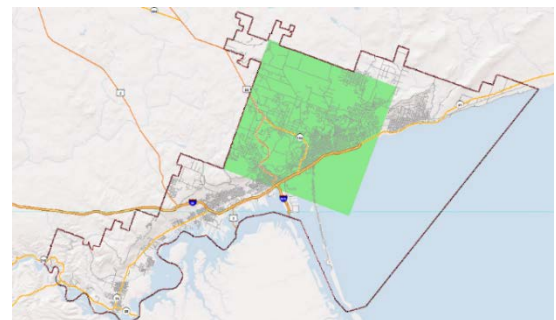
- 20% or Greater (score = 0)
- 10.00% - 19.99% (score = 3)
- 9.99% - 0% (score = 5)

Natural Heritage Information System (NHIS)

Source: Rare Natural Features – Polygons, 1800's to Present. The Natural Heritage & Nongame Research Program of the MnDNR, Division of Ecological Services

Weight:

- The land associated with a threatened, endangered or special concern species and its buffer area. (score = 0)
- A historic piece of data attributed all of Township 50 Range 14 of the Public Land Survey System as a distorted buffer (see figure), and therefore, the team decided it was appropriate to increase the development potential in that area. (score = 1)
- The land not associated with a threatened, endangered or special concern species. (score = 3)



Highways

Source: City of Duluth, Classification based on the Route System and Route Number provided by Minnesota Department of Transportation

Weight:

- Under ¼ mile from Interstate (score = 5)
- ½ mile from Principal Arterial (score = 3)
- everything else (score = 0)

City Parks, Duluth Natural Areas, and MN Science and Natural Areas

Sources: City of Duluth's Parks and DNAP areas and MnDNR, 2003 - MN Scientific and Natural Areas

Weight:

- Inside any of these areas (score = 0)
- Outside any of these areas (score = 1)

Sensitive Lands Overlay

Source: City of Duluth's sensitive lands overlay resulting from the report associated with the 2006 Comprehensive Land Use Plan. Report: Brown, Terry and Tom Hollenhorst, [A Natural Resources Analysis for Duluth's Natural Resources Inventory](#), University of Minnesota, Duluth – Natural Resources Resource Institute, 2006.

Weight:

- Inside the sensitive lands overlay (score = 0)
- Outside the sensitive lands overlay (score = 1)

Union of both the Shoreland Overlay and the 500 year Floodplain

Floodplain Source: Federal Emergency Management Agency (FEMA), Digital Data Created in the 1980s & 1990s

Shoreland Overlay Source: City of Duluth, 2010 revision as part of the development of the Unified Development Chapter. These are Lands within 1,000 feet of a lake or within 300 feet of a river and its floodplain and is designated on the City's Natural Resources Overlay (NR-O) map. *(Note: The limits of shorelands may be less than the above limits whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances and when approved by the commissioner.)*

Weight:

- Inside the total merged area of these two data sets (score = 0)
- Outside the total merged area of these two data sets (score = 5)

National Wetlands Inventory

Source: MnDNR, Ducks Unlimited, and St. Mary's University of Minnesota, 2018.

Weight:

- Wetland (score = 0)
- Not a wetland (score = 1)

Soils

Source: Natural Resource Conservation Service (NRCS), United States Department of Agriculture (USDA). Accessed November 2018.

Weight:

- A or B Hydrologic Group (score = 3)
- C or D Hydrologic Group (score = 0)

Depth to Bedrock

Source: Minnesota Geological Survey (MGS), 2010. These depths were chosen for the feasibility of constructing a foundation or putting in utilities. Bedrock within 8 feet of the surface makes it difficult to put in a foundation and utilities, bedrock 8-14 feet under the surface may cause some disruption with construction, bedrock more than 14 feet under the surface typically doesn't cause any disruption.

Weight:

- 0 feet – 7.99 feet (score = 0)
- 8.00 feet – 13.99 feet (score = 2)
- 14.00 feet or Greater (score = 5)

Brownfield Sites

Source: Brownfield sites were inventoried (2014) in the West Port Area Neighborhood Plan (Irving and Fairmont) and digitized (2017) as a part of the Area Wide Plan. Brownfield inventories were limited to those neighborhoods.

Weight:

- Inside a brownfield (score = 3)
- Outside a brownfield (score = 0)

Core Investment Areas (CIAs)

Source: City of Duluth, 2018 - Twelve initial CIAs were identified during the Imagine Duluth, Comprehensive Plan 2035. The CIA boundaries have not been officially determined. Intersections identified were buffered by 500-ft to create an estimated boundary. The Kenwood CIA has been refined through rezoning, and was included, but it was not officially adopted at the time of this analysis.

Weight:

- Within 500 feet of a core investment area (score = 3)
- Greater than 500 feet from a core investment area (score = 0)

Core Investment Area Name	Approximate Location
Gary New Duluth	Commonwealth & Gary
Morgan Park	88 th & Edward
Spirit Valley	Central & Grand
Piedmont	Morris Thomas & Chambersburg
Lincoln Park	Superior St. – 22 nd to 17 th Ave. W.
Mall Area	Matterhorn / Decker
Duluth Heights	Central Entrance & Arlington
Hillside	4 th St. – Lake to 6 th Ave. E.
Kenwood	Kenwood & Arrowhead
Mount Royal	St. Marie & Woodland
Woodland	Calvary & Woodland
Lakeside	Superior St. – 43 rd to 46 th Ave. E.

Sewer & Water Utilities

Source: City of Duluth, 2018. The average depth of utilities in the City is 7.5 feet and the minimum depth to prevent freezing is 6 feet, which is a 1.5-foot difference. Using an average slope of 0.5%, which is standard for the City of Duluth, utilities can be extended outwards 300 feet (1.5 feet/.005) before reaching minimum depth. Therefore, locations within 300 feet of a sanitary sewer or watermain pipe are more suitable for development.

Weight:

- Within 300 feet of a sanitary sewer or watermain (score = 3)
- Greater than 300 feet from a sanitary sewer or watermain (score = 0)

GIS Analysis

The GIS methodology used to assess the matrix of variables involved converting all data layers into raster data. All layers started as vector data except slopes and depth to bedrock. The raster data was then reclassified to match the agreed upon scoring values, for example anything within a brownfield was reclassified to 3 and everything in the city outside a brownfield was reclassified to 0. These reclassified raster data layers were then overlaid and summed together using the raster calculator tool within ArcGIS.

The final suitability layer can be shown using both a 5-class and 3-class breakdown. The 5-Class breakdown shows areas in the city as Lowest Suitability, Low-Moderate Suitability, Moderate Suitability, High-Moderate Suitability, and Highest Suitability. These break points were chosen to show approximate percentages per class, with the lowest 2 classes comprising half of the city, and the highest 3 classes comprising the other half. The 3-Class breakdown shows areas in the city as Recreational Development, Low Impact Development, and Standard Development. These break points were also chosen as an approximate percentage per class, with the lowest class (Recreational Development) comprising about 40% of the city, the middle class (Low Impact Development) comprising the next 30%, and the highest class (Standard Development) also comprising 30% of the city.



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 20-060	Contact	John Kelley, jkelly@duluthmn.gov	
Type	Variance – Shoreland structure setback	Planning Commission Date	July 14, 2020	
Deadline for Action	Application Date	May 21, 2020	60 Days	July 20, 2020
	Date Extension Letter Mailed	March 25, 2020	120 Days	September 18, 2020
Location of Subject	2130 Abbotsford Avenue			
Applicant	Leonore Baeumier	Contact		
Agent		Contact		
Legal Description	See attached			
Site Visit Date	June 7, 2020	Sign Notice Date	June 30, 2020	
Neighbor Letter Date	June 30, 2020	Number of Letters Sent	24	

Proposal

The applicant is seeking a variance to remove an existing garage and construct a new garage of similar size and configuration within the 150' shoreland setback of Tischer Creek.

Recommendation

Staff are recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single Family Homes	Traditional Neighborhood
North	R-1	Single Family Homes	Traditional Neighborhood/Open Space
South	R-1	Single Family Homes	Traditional Neighborhood
East	R-1	Single Family Homes	Traditional Neighborhood/Open Space
West	R-1	Single Family Homes	Traditional Neighborhood

Summary of Code Requirements

Sec. 50-37.9. B – Variance Procedures. “The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9. C – M...”

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief for from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

Sec. 50-37.9.L – Standards for variances in Shorelands: No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #1 - Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

The applicant is proposing to construct the new garage in the general area of the existing structure location.

Governing Principle 5 – Promote reinvestment in neighborhoods through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's

The homeowner will be reinvesting in their home in the Hunters Park neighborhood by constructing a new garage to replace a very old structure.

Future Land Use, Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses.

History:

House constructed in 1923

Garage constructed in 1948

Review and Discussion Items

- 1) The applicant's existing garage is in poor condition with wall and floor cracks resulting from frost heaving. The applicant has stated the current garage needs to be upgraded to be safe and accessible for the elderly owner.
- 2) The applicant's current 20 foot wide by 32 foot deep garage was constructed in 1948 and has deteriorated to the point that the applicant needs to construct a new garage. There is an 8' x 32' garden shed attached to the east end of the existing garage. The applicant is proposing to remove both and replace it with a 26 foot wide by 50 foot deep garage in the same configuration. The new garage will be approximately 10 feet longer the existing structure and inclusive of a new 8' X 10' garden shed. The proposed structure appears to be encroaching approximately 30' to 40' into the 150' shoreland setback.
- 3) The garage was constructed prior to the adoption of the UDC shoreland setback requirements. Due to the proximity of the garage to Tischer Creek, it's classified as a Coldwater River and requires a 150' setback from the creek's Ordinary High Water Level (OHWL). Since the garage is within the 150' shoreland, a variance to shoreland setback standards is required to construct a structure/garage.
- 4) The current garage also does not meet side yard setback requirements for accessory structures as it straddles the southern property line adjacent to the neighbor's garage. The applicant is proposing a 5-foot setback from the southern property line.
- 5) The applicant is proposing a reasonable use of the site consisting of garage being built to be safe and accessible for the elderly owner and constructed in the general area of the existing structure.
- 6) The proposal will not alter the essential character of the neighborhood as adjacent homes and garages are in proximity to or within to the shoreland setback from Tischer Creek.
- 7) Section 50-37.9.L of the UDC requires mitigation for shoreland variances; the applicant is proposing drain tile via a slot drain on the south side of the garage to a surface drainage swale on the west side (back of building), a trench drain on the west side and gutters running along the north side to the swale. The property is forested and has existing ground cover between the garage and Tischer Creek.
- 8) No other public, private or City comments were received.
- 9) Per UDC Section 50-37.1. N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission grant the Variance with the following conditions:

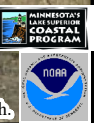
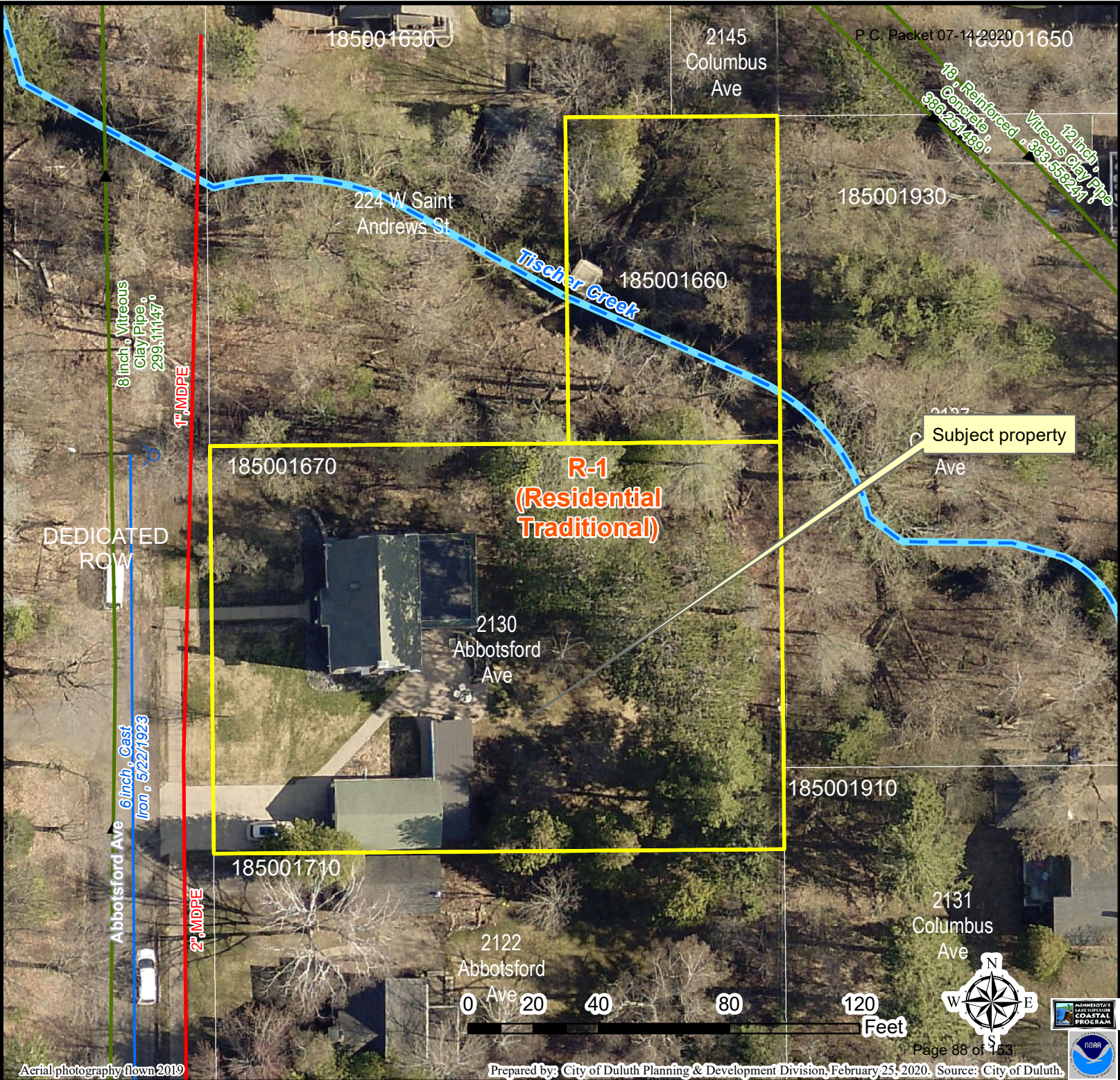
- 1) The project be limited to, constructed, and maintained based on the site plan and drainage plan submitted with the application.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



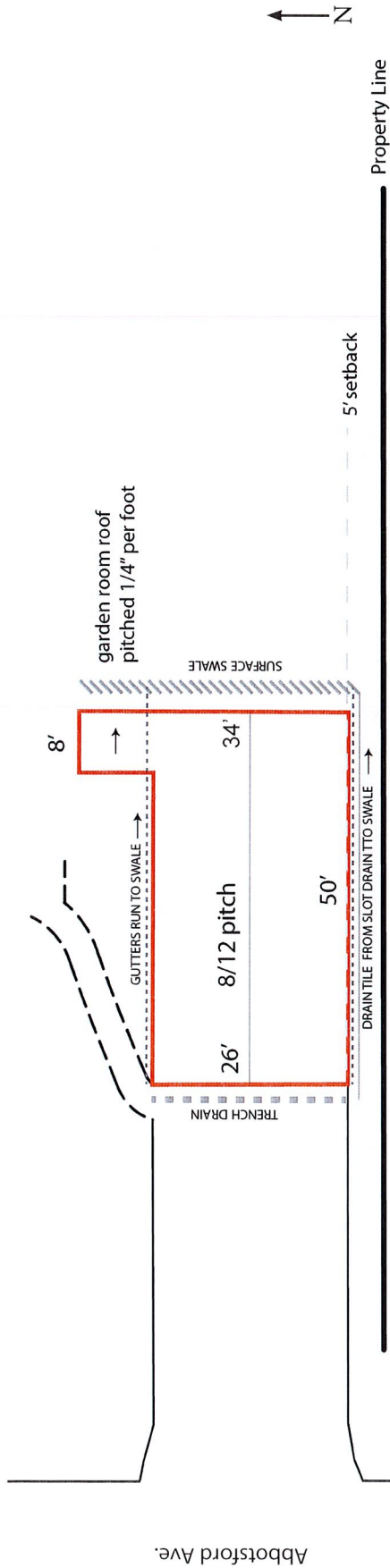
Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Easement Type
 - Utility Easement
 - Other Easement
 - Zoning Boundaries
 - Trout Stream (GPS)
 - Other Stream (GPS)

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



PROPOSED DRAINAGE PLAN



EXISTING CONDITIONS

View looking east from street



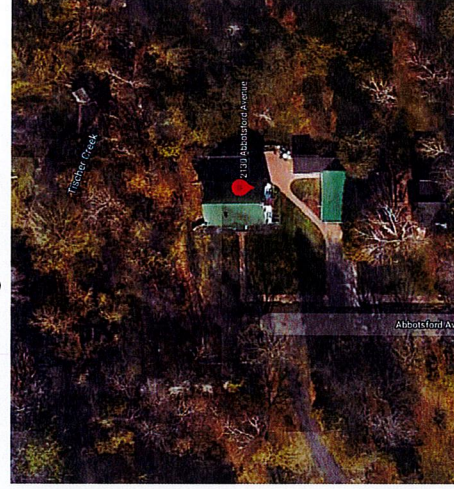
View looking north-east from garage



View looking south from patio



Aerial view existing conditions



View looking north-west at back of garage and house





Planning & Development Division
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Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 20-063	Contact	Chris Lee, clee@duluthmn.gov	
Type	Variance –front yard structure setback	Planning Commission Date	July 14, 2020	
Deadline for Action	Application Date	May 27, 2020	60 Days	July 26, 2020
	Date Extension Letter Mailed	June 10, 2020	120 Days	September 24, 2020
Location of Subject	523 E. Skyline Parkway			
Applicant	Mark Merrill	Contact		
Agent	CF Design	Contact	Jake Kieper	
Legal Description	010-2270-04380			
Site Visit Date	July 6, 2020	Sign Notice Date	June 30, 2020	
Neighbor Letter Date	July 1, 2020	Number of Letters Sent	40	

Proposal

Applicant has requested a variance to construct a 24' x 24' attached garage to the south-facing façade of the existing house. The addition will be 16 feet from the front property line instead of the required 25 feet.

Recommended Action: Approve variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single family dwelling	Traditional Neighborhood
North	R-1	Single family dwelling	Traditional Neighborhood
South	R-1	Single family dwelling	Traditional Neighborhood
East	R-1	Single family dwelling	Traditional Neighborhood
West	R-1	Single family dwelling	Traditional Neighborhood

Summary of Code Requirements

Sec. 50-37.9. B – Variance Procedures. “The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9. C – M...”

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief for from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

Comprehensive Plan Governing Principles and/or Policies and Current History (if applicable):

Governing Principle #5 – Promote reinvestment in neighborhoods. This variance would allow private improvements to a house in this neighborhood.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods.

Future Land Use – Traditional Neighborhood - Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History:

The property is an 831 square foot single family home built in 1931 and contains 2 bedrooms and 1 bathroom. The existing garage was converting to living space before the current owners purchased the home.

Review and Discussion Items

Staff finds that:

- 1) The applicant's property is 77 feet by 103 feet in length with frontage along Skyline Parkway. The UDC requires a front yard setback of 25 feet. The applicant is proposing to encroach into the front yard by approximately 9 feet to construct a two-car 24' x 24' garage.
- 2) The applicant is proposing to use the property in a reasonable manner through reinvestment by constructing a reasonable addition to the home. It is the standard assumption that a garage is necessary in the climate of Duluth.
- 3) The applicant states that the intent of this variance is to construct the garage in a location that has an existing driveway, parking pad, and access to the interior of the house. This location is necessary to also reinforce the failing retaining wall. The applicant indicates that the practical difficulty of the topography and home design make an attached garage to the south side of the home unfeasible. The house sits between 29 feet and 34 feet from the front property line, so an attached garage of any size would require a variance from the front yard setback. The proposed addition will not impact the sight-lines from any street.
- 4) The proposed addition would be built similar to other homes along Skyline Parkway in which the topography or home placement requires attached garages to be built as either tuck-under structures or in front of homes. Granting this variance will not alter the essential character of the area.
- 5) This variance would not result in reductions of light and air to surrounding properties. The variance would not impact the visibility triangle for users of surrounding streets.
- 6) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan designation of the property as Traditional Neighborhood.
- 7) No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9. H.
- 8) No comments from citizens, City staff, or any other entity were received for the proposed variance.
- 9) Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission grant the Variance with the following conditions:

- 1) The 24 x 24 attached garage, be limited to, constructed, and maintained according to the site plan submitted; and
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 20-063
Variance

P.C. Packet 07-14-2020



Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Zoning Boundaries

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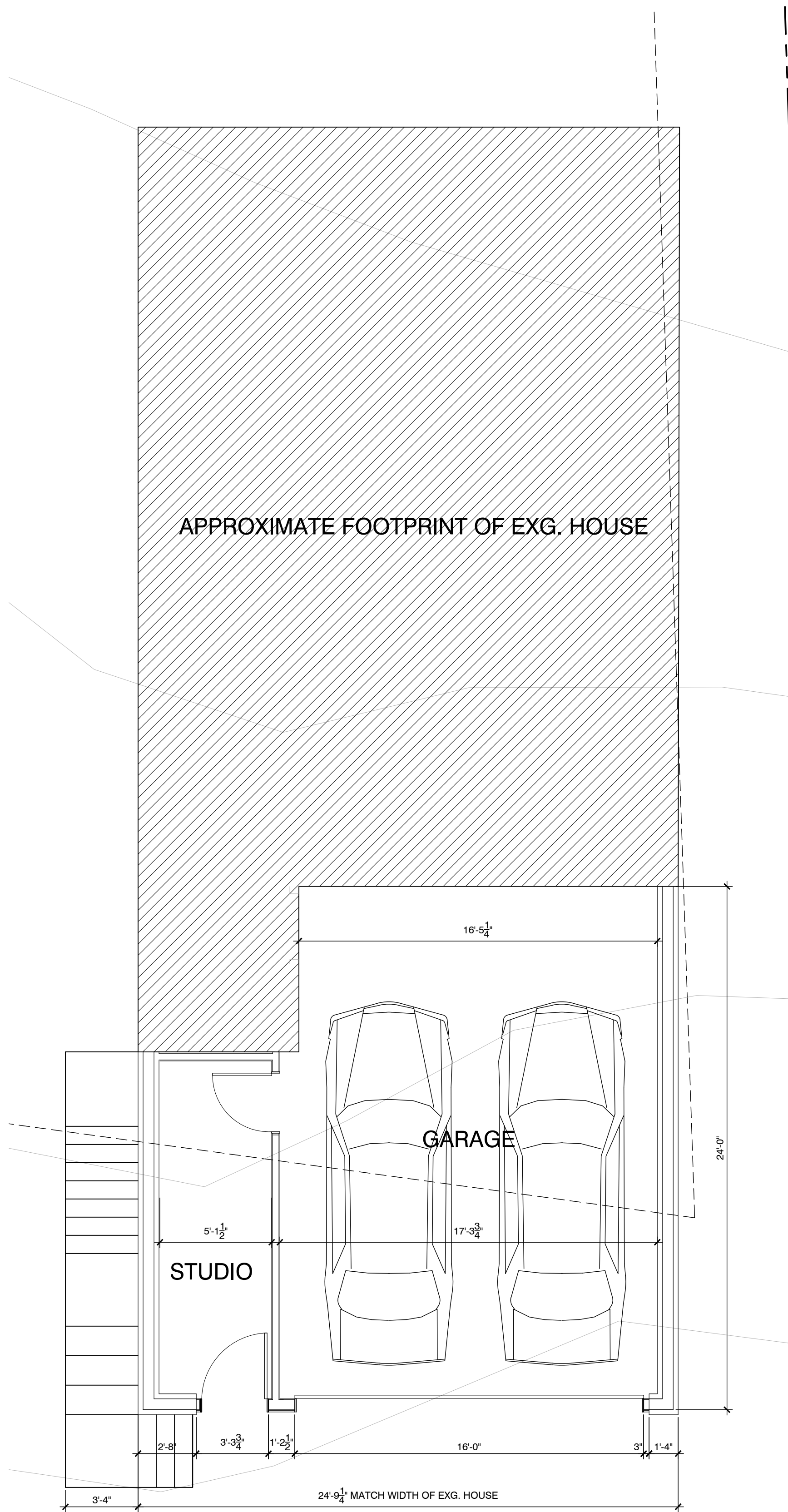
Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020, Source: City of Duluth.

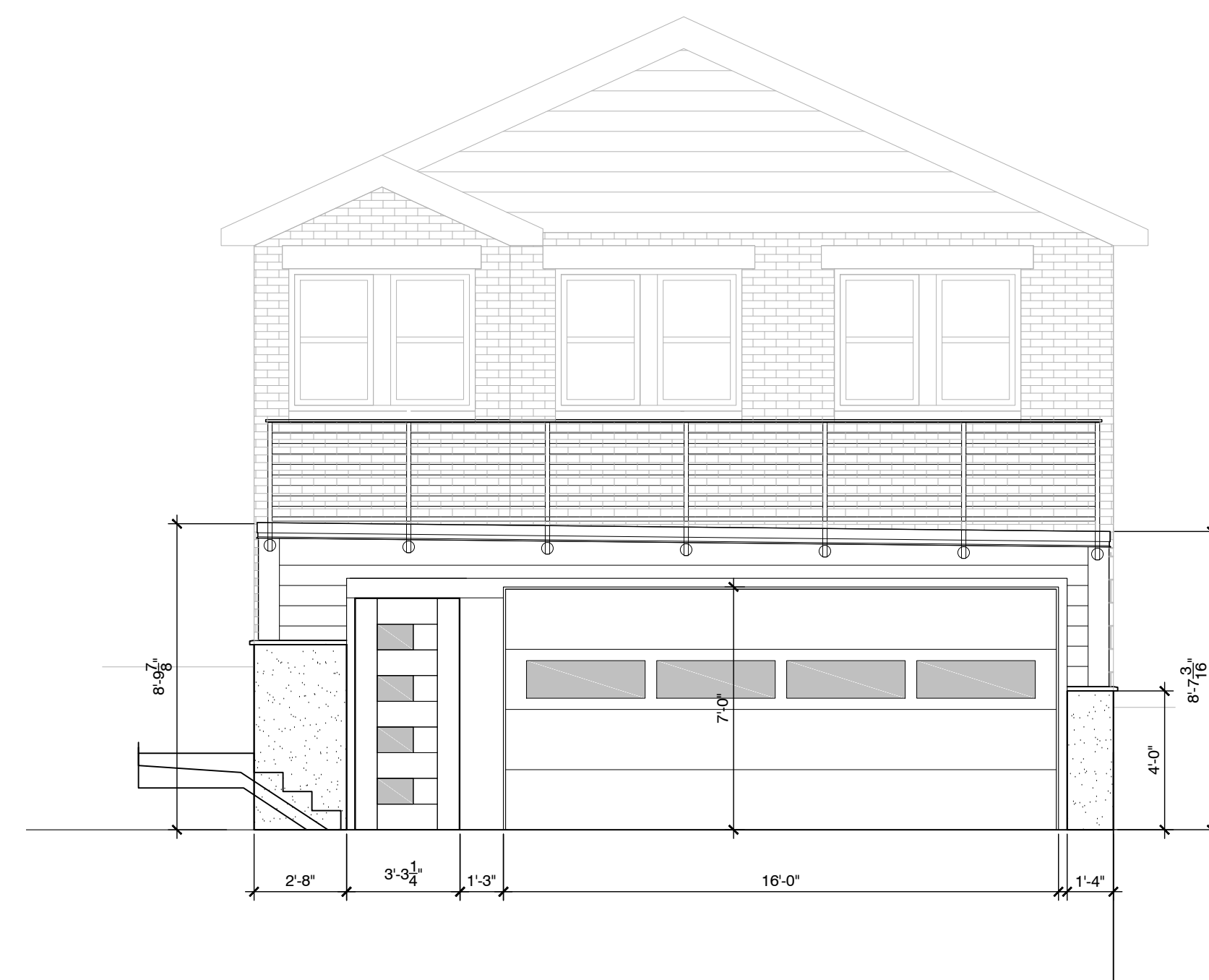
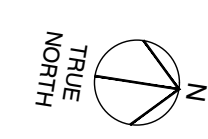
P-1 (Park)

0 15 30 60 90 Feet

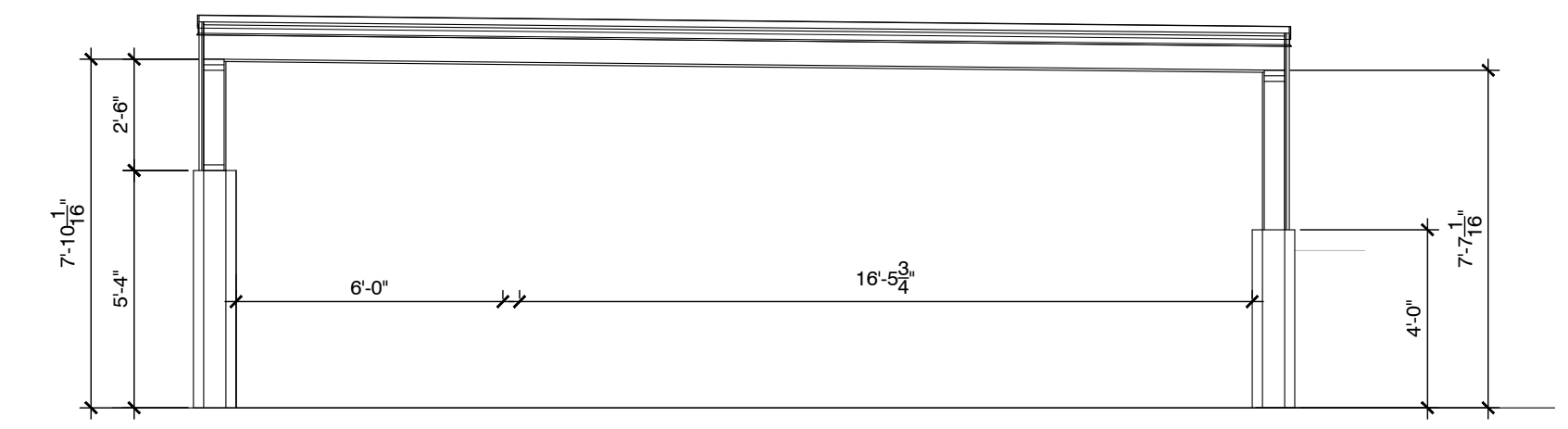
Page 93 of 183



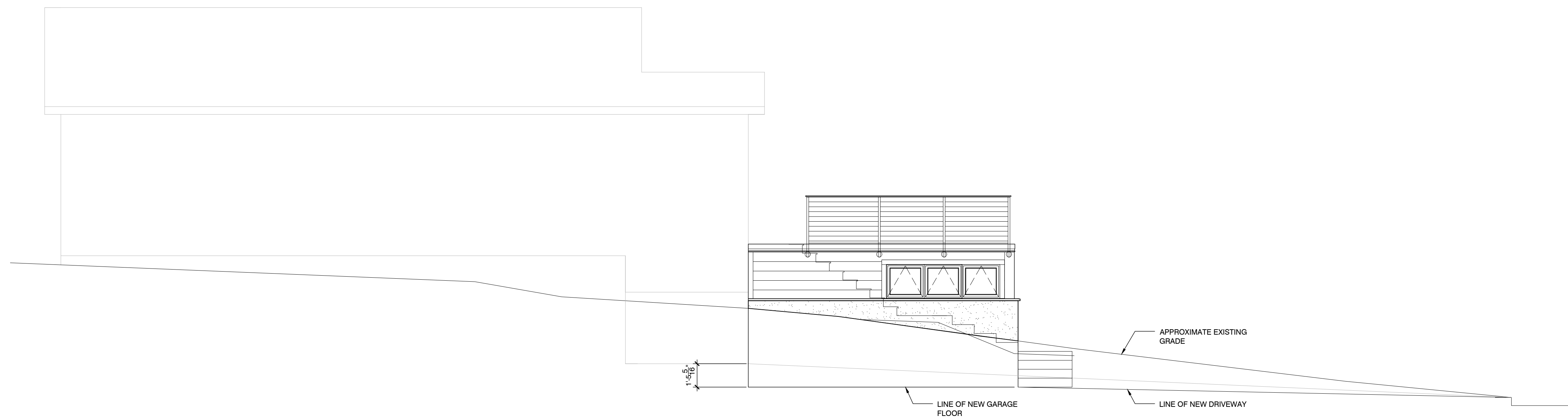
1 GARAGE FLOOR PLAN
SCALE: 1/4"=1'-0"



2 STREET ELEVATION
SCALE: 1/4"=1'-0"



4 BUILDING SECTION
SCALE: 1/4"=1'-0"



3 SIDE YARD ELEVATION
SCALE: 1/4"=1'-0"





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 20-088	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit in Form District	Planning Commission Date	July 14, 2020	
Deadline for Action	Application Date	June 8, 2020	60 Days	August 7, 2020
	Date Extension Letter Mailed	June 25, 2020	120 Days	October 6, 2020
Location of Subject	120 East Superior Street, Floor 3			
Applicant	Cool & Kocon Real Estate Holding LLC	Contact	info@splitrocktrading.com	
Agent	Tyler Kocon	Contact	tkocon@splitrocktrading.com	
Legal Description	PID # 010-0173-00040			
Site Visit Date	July 1, 2020	Sign Notice Date	June 30, 2020	
Neighbor Letter Date	June 30, 2020	Number of Letters Sent	30	

Proposal

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would be good for a 4-bedroom condominium with 10 occupants. This property is located in a form district and is exempt from the cap of 60 vacation dwelling units in other zone districts.

Staff is recommending Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-7	Mixed Use Building	Central Business Primary
North	F-7	Parking Ramp	Central Business Primary
South	F-7	Park	Open Space
East	F-7	Mixed Use Building	Central Business Primary
West	F-7	Mixed Use Building	Central Business Primary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-7 zone district.


UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city.



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 Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #5 - Strengthen neighborhoods

Governing Principle #8 - Encourage mix of activities, uses, and densities

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages
S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth.

Future Land Use – Central Business Primary: Encompasses a broad range of uses and intensities including but not limited to - governmental campus, significant retail, entertainment and lodging, opportunities for high-density housing, central plaza, public/ open space, and public parking facilities.

Current History: The property currently is a mixed-use building. The ground floor contains a brewery and taproom. The upper floors contain an office space and dwelling units.

Review and Discussion Items:

- 1) Applicant's property is located at 120 East Superior Street. The proposed vacation dwelling unit contains 4 bedrooms that would allow for a maximum of 10 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed themselves to serve as the managing agent.
- 3) The site is not required to provide parking. A parking option will be in the HART ramp across Superior Street. Campers and trailers will not be allowed.
- 4) The site does have a rooftop deck as an amenity. These are screened from the neighboring properties via walls.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application.



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Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

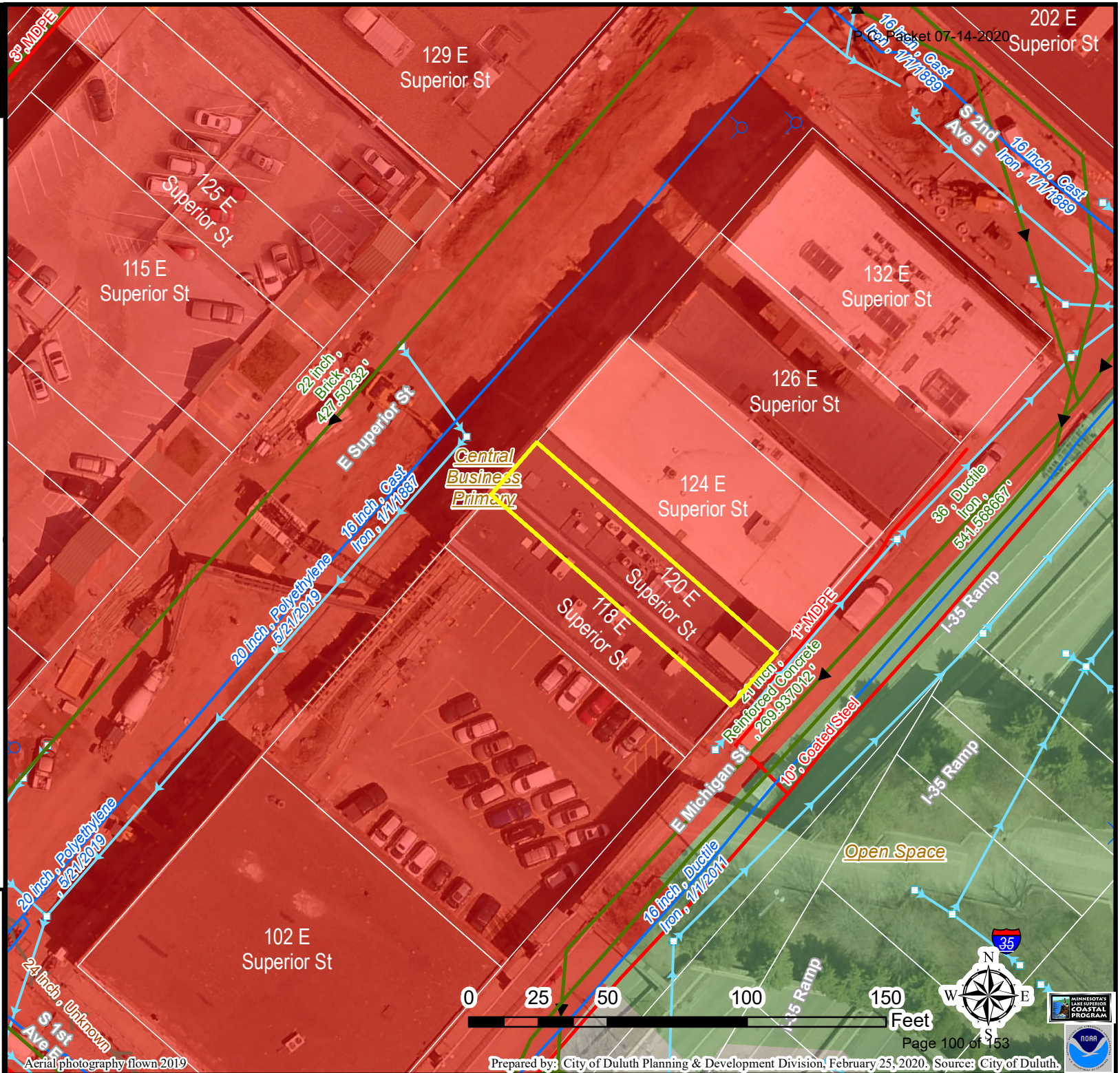
- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 20-088
IUP for Vacation Rental

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional



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PL 20-088 IUP
Zoning Map

P.C. Packet 07-14-2020
132 E Superior St



Subject property

**F-7
(Downtown
Shopping)**

**I-G (Industrial
General)**

Legend



Zoning Boundaries

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HART District Parking Ramp

This will be used for our guests

Superior St.
Superior St.

120 E
Sup. St.

Sheldon

Russell

Parking lot
Access ramp
Ramp Deck
Ramp room

120 E
Sup. St.

Lake
Sup.

Lake
Sup.

120 E SUPERIOR ST DULUTH MN

PENTHOUSE FITOUT

SPLIT ROCK PROPERTIES

CODE REVIEW

MULTI STORY RESIDENTIAL UNIT: ON 4TH FLOOR. 'R3'
LOWER FLOORS BUSINESS: 'B'

ZONING - NO ISSUES (NO CHANGES TO HISTORIC SUPERIOR ST FACADE)

BUILDING CODE

1. EXISTING '3B' STRUCTURE BROUGHT UP TO CODE 2016-2018.
2. BUILDING FULLY SPRINKLERED TO COMMERCIAL STANDARDS NFPA 13 .
3. RESIDENTIAL UNIT TO '3B' STANDARDS, EXCEPT FOR INTERIOR PARTITION WALLS AND EXITING.
4. EXISTING AREA ON 4TH FLOOR: 2925 SF.
5. NEW SUNROOM ON ROOF DECK: 222 SF.
6. WALL AND OPENING DETAILS on sht. 2.
7. NEW 2HR EXTERIOR WALLS DESIGNED TO 'BREATH' TO OUTSIDE AIR.
8. DECKING: ALUMINUM SEMI-WATERPROOF. see sht. 4.
9. SPIRAL STAIR - SHOP DRAWINGS WILL BE SUBMITTED -SEE SHT 7 FOR CODE REQUIREMENTS.

4/ 2/ 2018

706.5 Vertical continuity.
Fire walls shall extend from the foundation to a termination point at least 30 inches (762 mm) above both adjacent roofs.

Exceptions:

1. Staged buildings in accordance with Section 706.5.1.
2. Two-hour fire-resistance-rated walls shall be permitted to terminate at the underside of the roof structure, deck or slab, provided:
 - 2.1. The lower roof assembly within 4 feet (1220 mm) of the wall has not less than a 1-hour fire-resistance rating and the entire length and span of supporting elements for the rated roof assembly has a fire-resistance rating of not less than 1 hour.

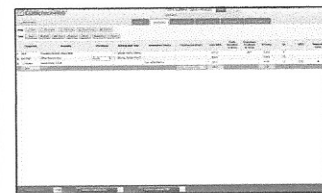
NEW 2 hr WALL AT EAST PROPERTY LINE

1. 2 HR RATING MAINTAINED.
2. SPECIAL CARE IS BEING TAKEN TO AVOID WORK ON NEIGHBOR'S PROPERTY (across parapet).
3. NEW EAST WALL IS ATTACHED TO EXISTING MASONRY PARTY WALL, WITH THE REMAINDER OF THE ADDITION DESIGNED AS A 'TEAR AWAY' IN CASE OF TOTAL FIRE ON PROPERTY.
4. SEE DETAILS ON SHT. 4.



MICHIGAN ST. ELEVATION
no changes below roof line

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COMCHECK - SUNROOM ON ROOF DECK
MOVED TO SHT 5 4/ 2/ 2018

LIST OF SHEETS:

- NOTE: SPECIFICATIONS ON DRAWINGS
0. COVER, CODE REVIEW REV 5/4/18
 1. 4TH FLOOR PLANS REV 5/4/18
 2. ROOF PLAN FLOOR 3 STAIR REV 5/4/18
 3. LONGITUDINAL SECTION
 4. CROSS SECTION
 5. CROSS SECTION AT SUNROOM 4/ 2/ 2018
 6. ENERGY (REQUIREMENTS AND COMMENTARY)
 7. REVIEW RESPONSE 18-0516
- ADDED 5/17/ 2018

DRAWINGS BY OTHERS

- STRUCTURAL *Northland Consulting Engineers*
1. ROOF PLAN, SECTIONS, SPECS
- HVAC -IN BIDDING
-including review of fireplace flue
ADDED 5/17/ 2018
- PLUMBING -IN BIDDING
- ELECTRICAL -IN BIDDING
- FIRE PROTECTION
-Summit Co
-drawings to be submitted before installation.

COVER

FOR PERMITS REV
MAY 17, 2018

0

OF 7



Architect Direct
ARCHITECTURE • SITE & NEIGHBORHOOD PLANNING • PROJECT MANAGEMENT

120 E SUPERIOR ST DULUTH
PENTHOUSE FITOUT
PROJ NAME MANAGER: TED STOCKE (218) 591-4580



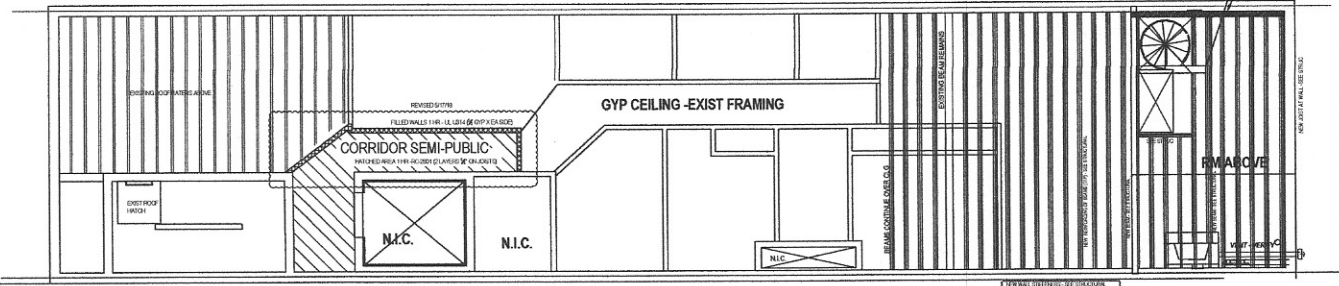
Architect Direct
 ARCHITECTURE • SITE & NEIGHBORHOOD PLANNING • PROJECT MANAGEMENT

**120 E SUPERIOR ST DULUTH
 PENTHOUSE FITOUT**
 PROJ NAME MANAGER: TED STOCKE (218) 691-4550

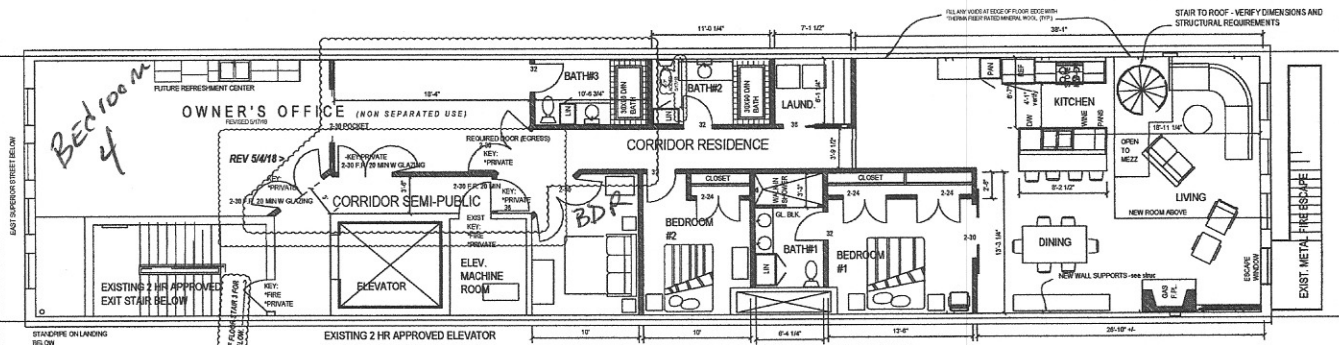
EXPOSED ROOF DECK
 -REMOVE CLG JOISTS
 -SEE STRUCTURAL

EXPOSED ROOF DECK
 -REMOVE CLG JOISTS
 -SISTER ROOF JOISTS
 -SEE STRUCTURAL

AREAS
 CROSSED
 OPEN TO
 ABOVE



REFLECTED CEILING PLAN



**FLOOR PLAN
 4TH FLOOR**

FIRE RATED DOORS TO SEMI-PUBLIC CORRIDOR (F.R.)
 -PER IBC 716.5.9 NO CLOSER NEEDED (RESIDENTIAL COMMON AREA)
 -PER IBC 716.5.9.1 LATCH NEEDED TO HOLD DOOR SHUT (BOTH LEAVES)
 -MUST INCLUDE LABEL (VERIFY SIZE AND LABEL WITH MANF.)

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 the Project Name of in these documents ONLY. Questions call 612-327-6738.
 These drawings are guidelines only. VERIFYING should justify the responsibility
 of the contractor and further administration and approvals.

FOR PERMITS REV
 MAY-17, 2019
1

OF 7



Street view of the upper floors



Aerial view of the roof top amenities



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 20-089		Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit Renewal – Vacation Dwelling Unit		Planning Commission Date		July 14, 2020
Deadline for Action	Application Date	June 2, 2020	60 Days	August 1, 2020	
	Date Extension Letter Mailed	June 25, 2020	120 Days	September 30, 2020	
Location of Subject	1026 North Avenue East				
Applicant	Eve and Wayne Graves		Contact		
Agent			Contact		
Legal Description	PID # 010-2790-01720				
Site Visit Date	July 7, 2020		Sign Notice Date	June 30, 2020	
Neighbor Letter Date	July 1, 2020		Number of Letters Sent	50	

Proposal

Applicant is proposing a renewal of an existing interim use permit for a vacation rental. The permit is good for a 3 bedroom home with 7 occupants. The previous permit is PL 14-055 with no proposed changes to this renewal.

Staff is recommending Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single Family Dwelling	Traditional Neighborhood
North	R-1	Single Family Dwelling	Traditional Neighborhood
South	R-1	Single Family Dwelling	Traditional Neighborhood
East	R-1	Single Family Dwelling	Traditional Neighborhood
West	R-1	Single Family Dwelling	Traditional Neighborhood

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 zone district.

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city . UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 Zone District.



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Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages
S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth.

Applicant is proposing to provide another type of lodging product for visitors to the City of Duluth and surrounding area.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses.

Current History: PL 14-055 Interim Use Permit – Vacation Dwelling Unit

Review and Discussion Items:

- 1) Applicant's property is located at 1426 North 10th Avenue East. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests. This is a renewal of the interim use permit for the owner. The applicants previous permit was for six years and there were no neighbor complaints or other known issues.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed themselves to serve as the managing agent.
- 3) Three parking spaces will be provided on the rear of the property, which has demonstrated legal access via E 11th Street.
- 4) Owner lives 10 miles from the site and will act as the managing agent. She will contact all property owners within 100' of property boundary upon approval of this Permit.
- 5) The site does not have any outdoor amenities to be screened.
- 6) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.



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7) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.

8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

9) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.



PL 20-089
Zoning Map

279003170
1111 N 11th
Ave E

279001670

P.C. Packet 07-14-2020

279001660
1016
E 11th St

1012 E
11th St

279001700

279001690

Subject property

1026 N
10th Ave E

1030 N
10th Ave E

R-1 (Residential
Traditional)

279001740

279001720

279001760

1020 N
10th Ave E

1018 N
10th Ave E

2" MDPE
N 10th Ave E

2" MDPE

1029
N 10th
Ave E

0 12.5 25 50

75 Feet

Page 110 of 183

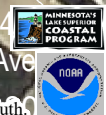
Aerial photography flown 2019

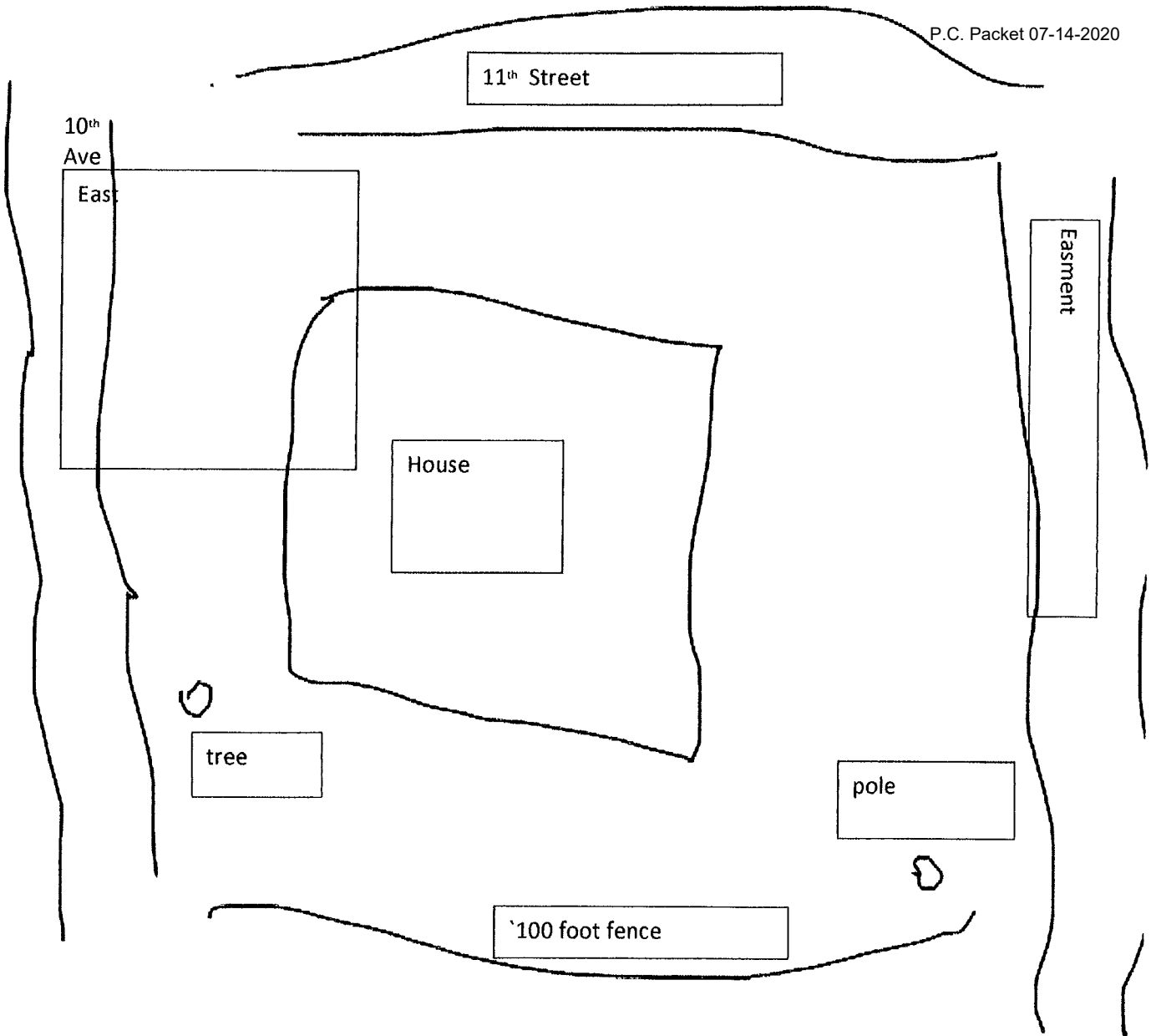
Prepared by: City of Duluth Planning & Development Division, February 23, 2020, Source: City of Duluth.

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 20-092		Contact	Jenn Reed Moses	
Type	Minor Subdivision		Planning Commission Date	July 14, 2020	
Deadline for Action	Application Date	June 30, 2020	60 Days	August 29, 2020	
	Date Extension Letter Mailed	July 2, 2020	120 Days	October 28, 2020	
Location of Subject	1136 S Lake Avenue				
Applicant	Larry McGough		Contact	On file	
Agent	NA		Contact	On file	
Legal Description	PID 010-4380-00720, see attached for legal description				
Site Visit Date	July 2, 2020		Sign Notice Date	N/A	
Neighbor Letter Date	N/A		Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to divide one parcel (consisting of three platted lots) into two lots. Each lot will have 50' of frontage on S Lake Avenue. Parcel A would be 5,872 square feet, and Parcel B would be 6,131 square feet.

Recommendation

Approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Beach/Lake	Open Space
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

50-33.1 General: All subdivision plats and replats, and all registered land surveys, shall create lots, streets and walkways and open spaces consistent with the requirements of the zone district within which the land is located.

50-37.5, D 1. The planning commission shall approve the application if it determines that the application:

- (a) The lot or lots to be subdivided or combined have frontage on an improved public street;
- (b) Each proposed lot meets the minimum zoning requirements of the district that it is in.
- (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and
- (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #1 - Reuse previously developed lands. Directs investment to sites which have the potential to perform at a higher level than their current state. Housing on this undeveloped infill site will make efficient use of streets, utilities, and other infrastructure and services.

Future Land Use – Traditional Neighborhood - Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

Review and Discussion Items

1. Applicant is requesting a Minor Subdivision to divide one parcel (consisting of three platted lots) into two lots. Each lot will have 50' of frontage on S Lake Avenue. Parcel A would be 5,872 square feet, and Parcel B would be 6,131 square feet.
2. The parcel is zoned R-1, which has a minimum lot size of 4,000 square feet and minimum lot frontage of 40 feet. The proposed subdivision of previously platted lands meets these R-1 requirements.
3. Parcel B contains an existing house and garage. The proposed property line jogs to the northwest to accommodate the garage. These structures will continue to comply with the UDC requirements and no nonconformities would be created.
4. A driveway turnaround currently exists across the proposed lot line. According to the applicant, this turnaround will be removed and each property will have its own driveway.
5. No public, agency, or City comments were received.
6. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
7. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission recommend approval of the Minor Subdivision with the following conditions:

- 1) Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
- 2) Prior to recording, the portion of the driveway turnaround to be located on the new parcel will be removed.
- 3p) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

PL 20-092
1136 S Lake Ave

Legend

- Lake Superior
- Lots
- Parcels
- ROW**
- <all other values>
- SUBTYPE: ROW_STATUS**
- Utility, Active
- Railroad, Active
- Access, Active - currently in use
- Access, Vacated - vacated via recorded document
- Road, Active - currently in use
- Utility, Vacated - vacated via recorded document
- Road, Vacated - vacated via recorded document
- Conservation, Vacated - vacated via recorded document
- Conservation, Active - currently in use
- Railroad, Inactive - Dedicated, but not built
- Subdivision Boundaries
- Boundary Lines**
- <all other values>
- Subtype, ROW_TYPE**
- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- - - Survey Line
- Municipal Boundary
- ⊠ Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries



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Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 20-094	Contact	Kyle Deming	
Type	Special Use Permit for a Sanitary Sewer Lift Station	Planning Commission Date	July 14, 2020	
Deadline for Action	Application Date	June 15, 2020	60 Days	August 14, 2020
	Date Extension Letter Mailed	July 2, 2020	120 Days	October 13, 2020
Location of Subject	2114 W. Michigan Street			
Applicant	City of Duluth, Public Works and Utilities Department, Engineering Division	Contact	Aaron Soderlund, Project Engineer	
Agent	N/A	Contact	N/A	
Legal Description	Parcel ID 010-1120-00105			
Site Visit Date	July 1, 2020	Sign Notice Date	June 30, 2020	
Neighbor Letter Date	July 2, 2020	Number of Letters Sent	17	

Proposal:

Applicant is requesting a new sanitary sewer lift station to replace the existing lift station, which will be demolished as part of MnDOT's Twin Ports Interchange Project.

Recommendation:

Approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Undeveloped	Central Business Secondary
North	F-5	Industrial	Central Business Secondary
South	I-G	I-35	Transportation and Utilities
East	MU-C	Commercial	Central Business Secondary
West	I-G	TH 53	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-37.10. Special Use Permits: Planning Commission shall approve the planning review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

- 1) The application is consistent with the Comprehensive Land Use;
- 2) The application complies with all applicable provisions of this Chapter; including without limitations to any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area.
- 3) Without limiting the previous criteria, the Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #12 – Create efficiencies in delivery of public services. This will replace an existing lift station and serve existing neighborhood infrastructure.

Future Land Use, Central Business Secondary: An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area.

History: Existing sanitary sewer lift station that the proposed project is replacing is 50 years old and has exceeded its service life.

Review and Discussion Items:

- 1)
- 2) Sec. 50-18 (Overlay Districts). No overlay districts on this property.
- 3) Sec. 50-19 (Use Table). Sewer pumping station is a Special Use in MU-C Zone.
- 4) Sec. 50-20 (Use Specific Standards). None for this use.
- 5) Sec. 50-23 (Connectivity). This is a utility maintenance structure not intended to be accessed by the public.
- 6) Sec. 50-24 (Parking and Loading). The UDC does not require parking for this use. However, the site has a paved driveway and space for vehicle parking and a roll up garage door for storage of service equipment inside the structure.
- 7) Sec. 50-25 (Landscaping). A landscape plan has been provided that meets required street frontage landscaping.
- 8) Sec. 50-26 (Screening, Walls and Fences). All equipment related to the lift station is located within the structure except for the electrical transformer and generator. Both are shown with required screening on the landscape plan.
- 9) Sec. 50-28 (Stormwater Drainage and Erosion Control). From City stormwater engineer Tom Johnson: The site will be reducing the overall impervious surface (compared to the existing metal storage building and gravel parking lot currently on the site) once restoration is completed. The project will also include remediation of contaminated soils via removal and capping of those soils, and stormwater basins are not advised in this context. The runoff from the site will be treated with City-owned BMPs (best management practices), which include a pond to treat runoff from W. Michigan St., that will be installed during the Twin Ports Interchange project.
- 10) Sec. 50-29 (Sustainability Standards). Structure is less than 10,000 SF, not applicable.
- 11) Sec. 50-30 (Building Design Standards). Building design complies with applicable Industrial Design standards in Sec. 50-30.4. Façade articulation requirements don't apply due to the length of building walls being shorter than minimum need to incorporate articulation. Entryway design requirements are met by the roof overhang, though emphasizing the entryway is not necessary since this is not a structure open to the public.
- 12) Sec. 50-31 (Exterior Lighting). Design includes downcast building-mounted fixtures compliant with the UDC.
- 13) Sec. 50-37.1.N.4 (Approval lapse). Approved special use permits shall lapse if the project or activity authorized by the permit or variance is not begun within one year of the permit date. The building official may extend this period one time for a period of up to one year if the property owner presents a written request showing the reasons for the delay was outside the owner's control.
- 14) No citizen or City department comments were received at the time that this report was written.

Staff Recommendation:

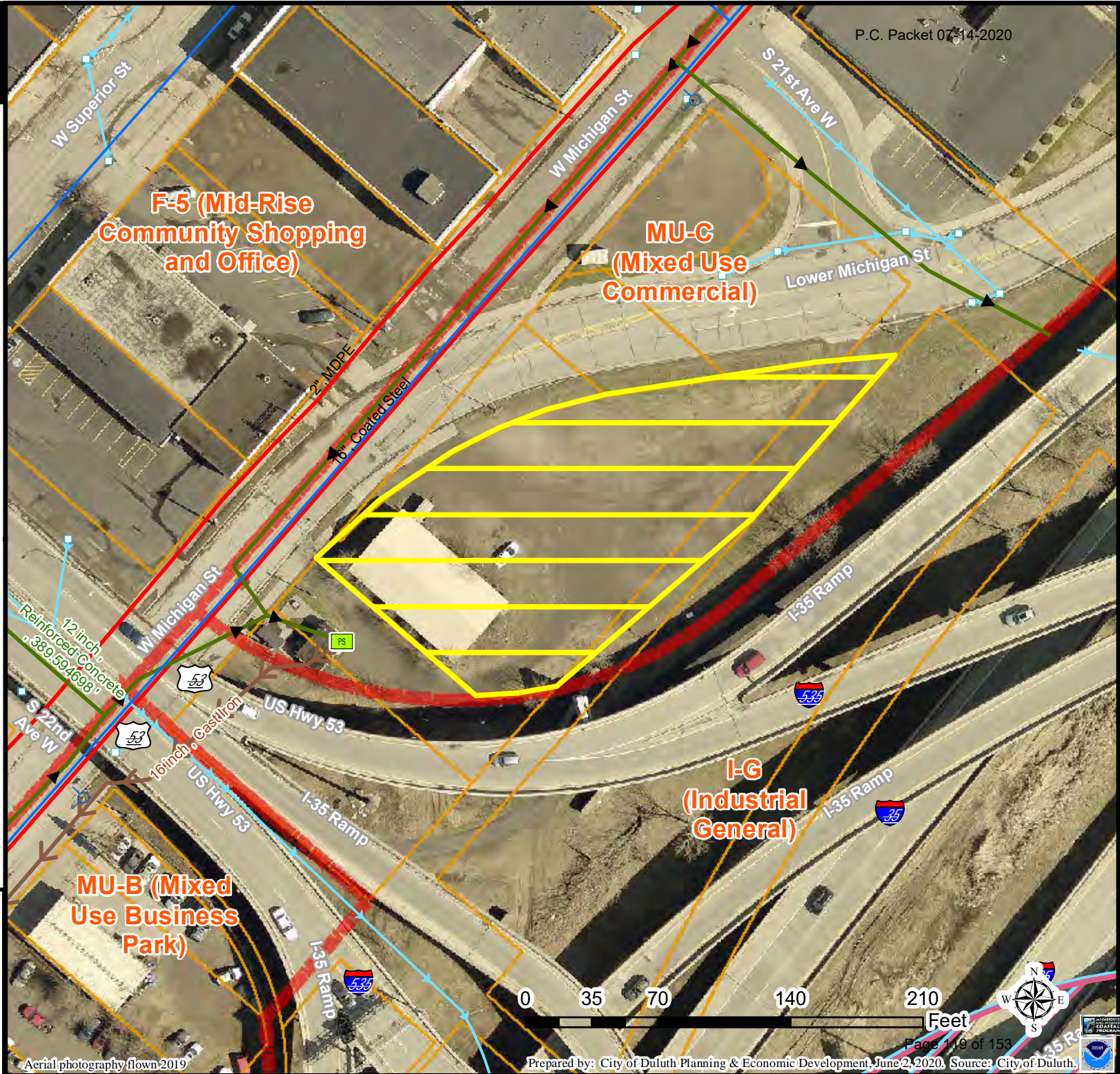
Based on the above findings, Staff recommends that Planning Commission approve the special use permit subject to the following conditions:

- 1) The project be limited to, constructed, and maintained in conformity with the following plans by MSA Professional Services titled "Lift Station 15 Relocation" Sheets A-1 (Perspectives), C-1 (Overall Site Plan), C-3 (Proposed Site Grading Plan), Sheet C-4 (Erosion Control Plan), Sheet C-8 (Pavement Restoration Plan, Sheet L-1 (Proposed Landscape Plan) and Sheet L-2 (Landscape Details); and
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



Legend

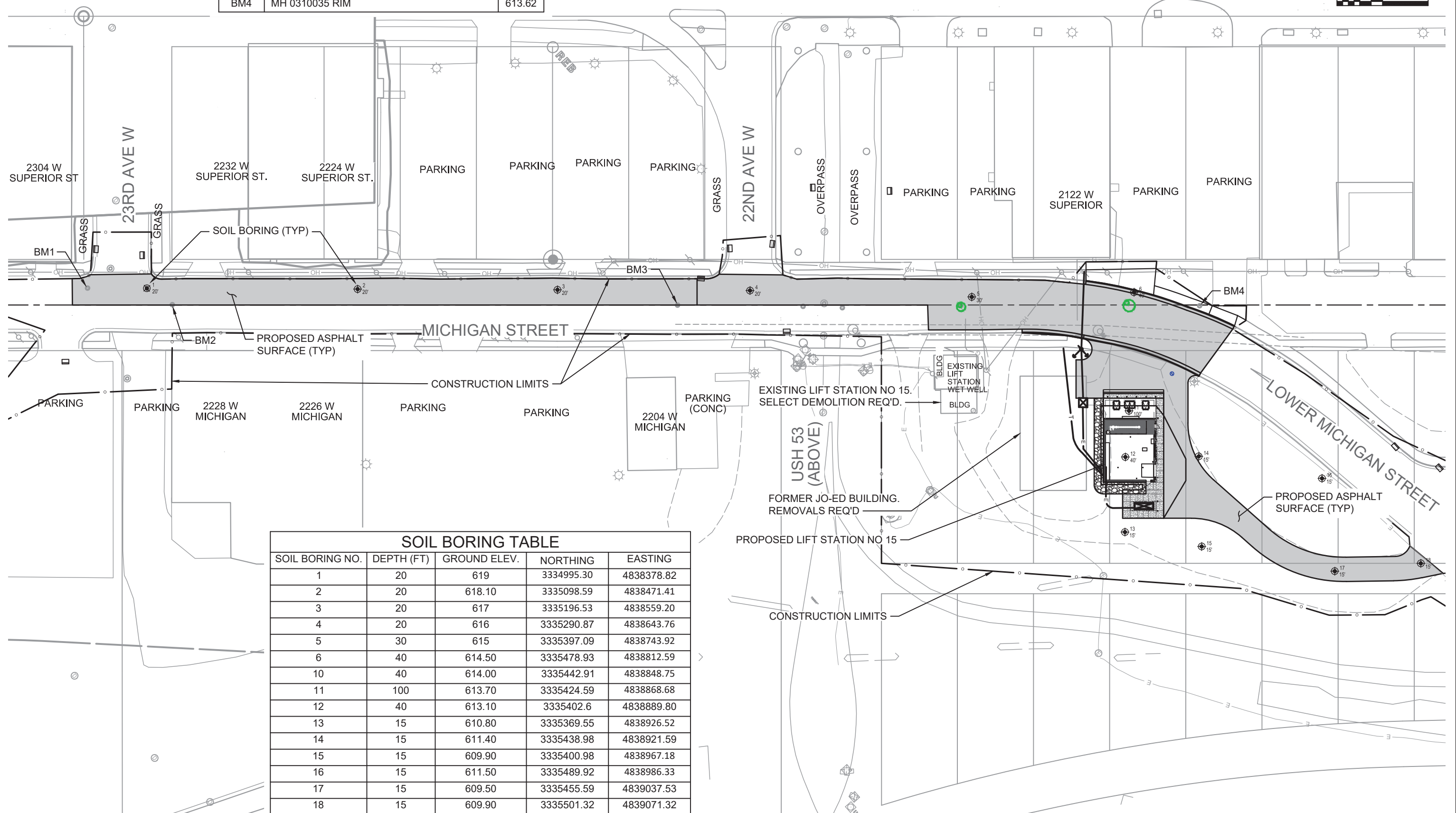
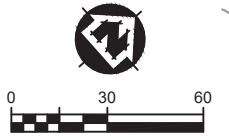
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSRD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Parcels
- Zoning Boundaries
- Floodplain (UDC)**
- General Flood Plain
- Flood Way
- Flood Fringe
- Shoreland (UDC)**
- Cold Water
- Natural Environment
- General Development



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

BENCHMARK TABLE

BM. NO.	DESCRIPTION	ELEV.
BM1	MH 0310038 RIM	619.10
BM2	MH 0310018 RIM	618.95
BM3	MH 0310019 RIM	616.04
BM4	MH 0310035 RIM	613.62



SOIL BORING TABLE				
SOIL BORING NO.	DEPTH (FT)	GROUND ELEV.	NORTHING	EASTING
1	20	619	3334995.30	4838378.82
2	20	618.10	3335098.59	4838471.41
3	20	617	3335196.53	4838559.20
4	20	616	3335290.87	4838643.76
5	30	615	3335397.09	4838743.92
6	40	614.50	3335478.93	4838812.59
10	40	614.00	3335442.91	4838848.75
11	100	613.70	3335424.59	4838868.68
12	40	613.10	3335402.6	4838889.80
13	15	610.80	3335369.55	4838926.52
14	15	611.40	3335438.98	4838921.59
15	15	609.90	3335400.98	4838967.18
16	15	611.50	3335489.92	4838986.33
17	15	609.50	3335455.59	4839037.53
18	15	609.90	3335501.32	4839071.32

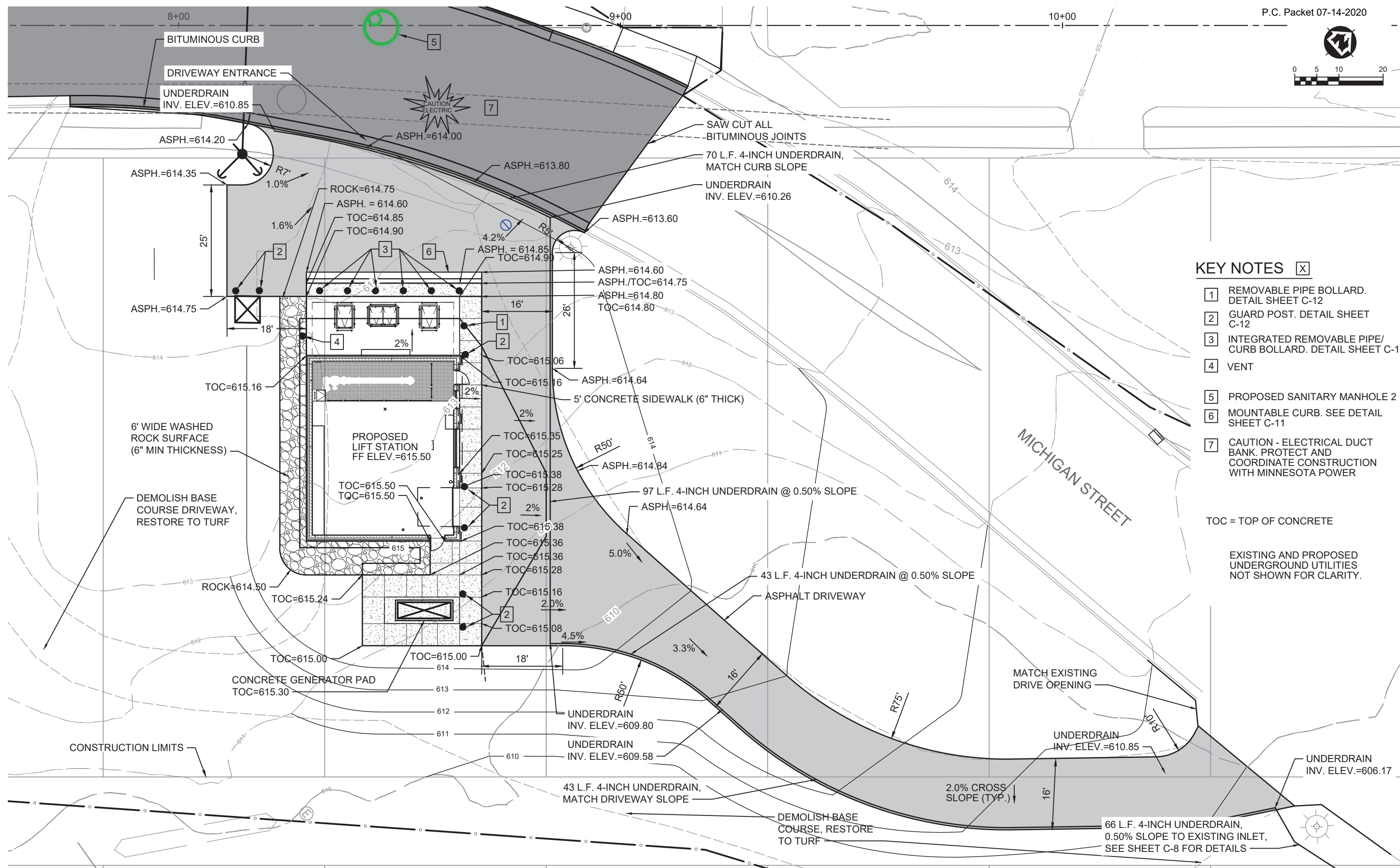
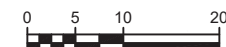
PROJECT NO.:	00616135	SCALE:	AS SHOWN	NO.:		DATE:		REVISION:		BY:	
PROJECT DATE:	1-10-2020	DRAWN BY:		CHECKED BY:	SCR						
F.B.:											

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1/10/2020
Date
44287
License No.
Scott R. Chilson
SCOTT R. CHILSON

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LIFT STATION 15 RELOCATION
CITY OF DULUTH, MINNESOTA
2114 W MICHIGAN STREET



KEY NOTES [X]

- 1 REMOVABLE PIPE BOLLARD. DETAIL SHEET C-12
- 2 GUARD POST. DETAIL SHEET C-12
- 3 INTEGRATED REMOVABLE PIPE/ CURB BOLLARD. DETAIL SHEET C-12
- 4 VENT
- 5 PROPOSED SANITARY MANHOLE 2
- 6 MOUNTABLE CURB. SEE DETAIL SHEET C-11
- 7 CAUTION - ELECTRICAL DUCT BANK. PROTECT AND COORDINATE CONSTRUCTION WITH MINNESOTA POWER

TOC = TOP OF CONCRETE

EXISTING AND PROPOSED UNDERGROUND UTILITIES NOT SHOWN FOR CLARITY.

PROJECT NO.:	00616135	SCALE:	AS SHOWN	NO.		DATE		REVISION		BY	
PROJECT DATE:	1-10-2020	DRAWN BY:									
F.B.:		CHECKED BY:	SCR								

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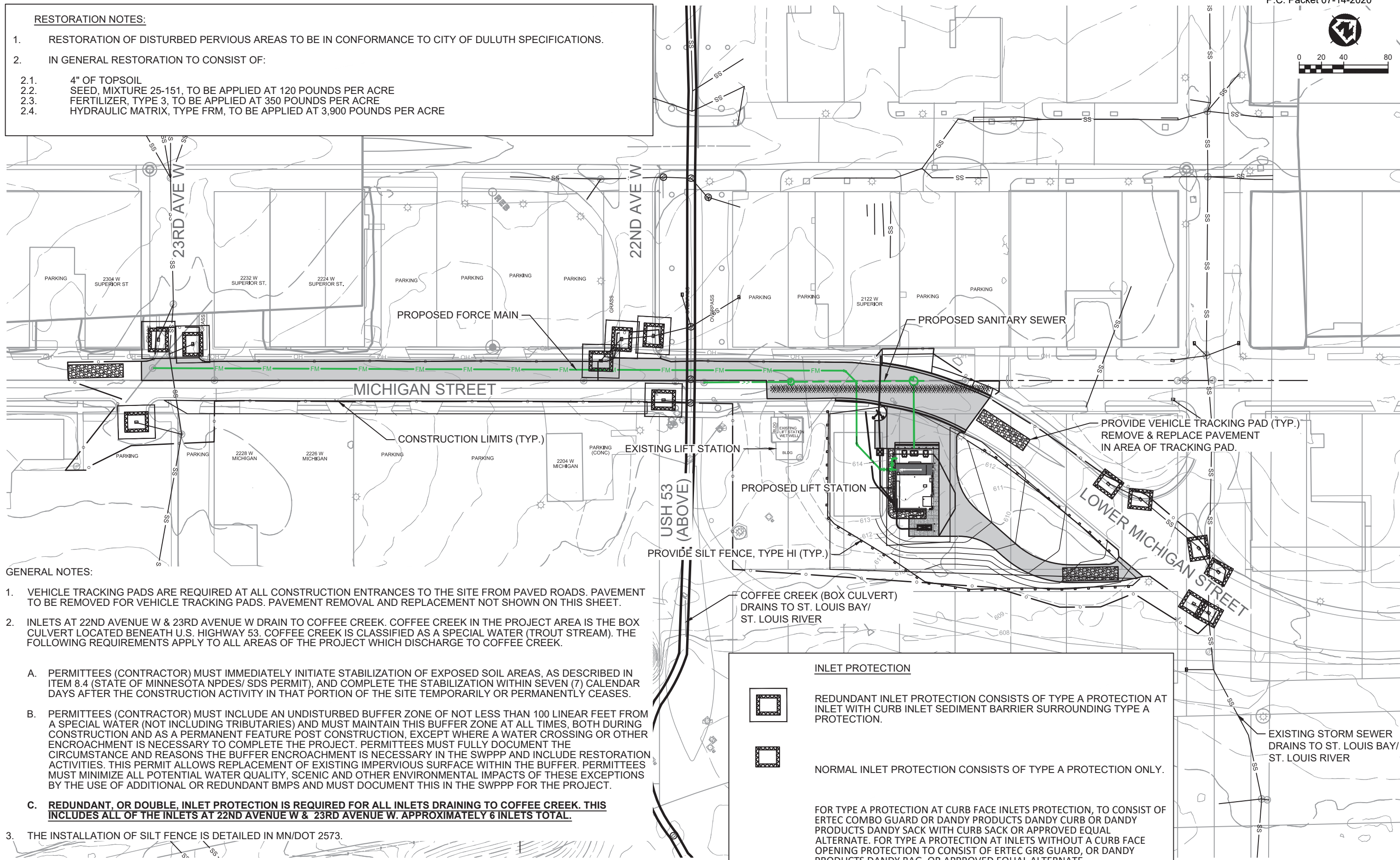
PROPOSED SITE GRADING
PLAN
Page 121 of 153

FILE NO.
00616135
SHEET
C-3



RESTORATION NOTES:

1. RESTORATION OF DISTURBED PERVIOUS AREAS TO BE IN CONFORMANCE TO CITY OF DULUTH SPECIFICATIONS.
2. IN GENERAL RESTORATION TO CONSIST OF:
 - 2.1. 4" OF TOPSOIL
 - 2.2. SEED, MIXTURE 25-151, TO BE APPLIED AT 120 POUNDS PER ACRE
 - 2.3. FERTILIZER, TYPE 3, TO BE APPLIED AT 350 POUNDS PER ACRE
 - 2.4. HYDRAULIC MATRIX, TYPE FRM, TO BE APPLIED AT 3,900 POUNDS PER ACRE



GENERAL NOTES:

1. VEHICLE TRACKING PADS ARE REQUIRED AT ALL CONSTRUCTION ENTRANCES TO THE SITE FROM PAVED ROADS. PAVEMENT TO BE REMOVED FOR VEHICLE TRACKING PADS. PAVEMENT REMOVAL AND REPLACEMENT NOT SHOWN ON THIS SHEET.
2. INLETS AT 22ND AVENUE W & 23RD AVENUE W DRAIN TO COFFEE CREEK. COFFEE CREEK IN THE PROJECT AREA IS THE BOX CULVERT LOCATED BENEATH U.S. HIGHWAY 53. COFFEE CREEK IS CLASSIFIED AS A SPECIAL WATER (TROUT STREAM). THE FOLLOWING REQUIREMENTS APPLY TO ALL AREAS OF THE PROJECT WHICH DISCHARGE TO COFFEE CREEK.
 - A. PERMITTEES (CONTRACTOR) MUST IMMEDIATELY INITIATE STABILIZATION OF EXPOSED SOIL AREAS, AS DESCRIBED IN ITEM 8.4 (STATE OF MINNESOTA NPDES/ SDS PERMIT), AND COMPLETE THE STABILIZATION WITHIN SEVEN (7) CALENDAR DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE TEMPORARILY OR PERMANENTLY CEASES.
 - B. PERMITTEES (CONTRACTOR) MUST INCLUDE AN UNDISTURBED BUFFER ZONE OF NOT LESS THAN 100 LINEAR FEET FROM A SPECIAL WATER (NOT INCLUDING TRIBUTARIES) AND MUST MAINTAIN THIS BUFFER ZONE AT ALL TIMES, BOTH DURING CONSTRUCTION AND AS A PERMANENT FEATURE POST CONSTRUCTION, EXCEPT WHERE A WATER CROSSING OR OTHER ENCROACHMENT IS NECESSARY TO COMPLETE THE PROJECT. PERMITTEES MUST FULLY DOCUMENT THE CIRCUMSTANCE AND REASONS THE BUFFER ENCROACHMENT IS NECESSARY IN THE SWPPP AND INCLUDE RESTORATION ACTIVITIES. THIS PERMIT ALLOWS REPLACEMENT OF EXISTING IMPERVIOUS SURFACE WITHIN THE BUFFER. PERMITTEES MUST MINIMIZE ALL POTENTIAL WATER QUALITY, SCENIC AND OTHER ENVIRONMENTAL IMPACTS OF THESE EXCEPTIONS BY THE USE OF ADDITIONAL OR REDUNDANT BMPS AND MUST DOCUMENT THIS IN THE SWPPP FOR THE PROJECT.
 - C. **REDUNDANT, OR DOUBLE, INLET PROTECTION IS REQUIRED FOR ALL INLETS DRAINING TO COFFEE CREEK. THIS INCLUDES ALL OF THE INLETS AT 22ND AVENUE W & 23RD AVENUE W. APPROXIMATELY 6 INLETS TOTAL.**
3. THE INSTALLATION OF SILT FENCE IS DETAILED IN MN/DOT 2573.

INLET PROTECTION

REDUNDANT INLET PROTECTION CONSISTS OF TYPE A PROTECTION AT INLET WITH CURB INLET SEDIMENT BARRIER SURROUNDING TYPE A PROTECTION.

NORMAL INLET PROTECTION CONSISTS OF TYPE A PROTECTION ONLY.

FOR TYPE A PROTECTION AT CURB FACE INLETS PROTECTION, TO CONSIST OF ERTEC COMBO GUARD OR DANDY PRODUCTS DANDY CURB OR DANDY PRODUCTS DANDY SACK WITH CURB SACK OR APPROVED EQUAL ALTERNATE. FOR TYPE A PROTECTION AT INLETS WITHOUT A CURB FACE OPENING PROTECTION TO CONSIST OF ERTEC GR8 GUARD, OR DANDY PRODUCTS DANDY BAG, OR APPROVED EQUAL ALTERNATE.

PROJECT NO.:	00616135	SCALE:	AS SHOWN	NO.:		DATE:		REVISION:		BY:	
PROJECT DATE:	1-10-2020	DRAWN BY:		CHECKED BY:	SCR						
F.B.:											

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1/10/2020
Date
Andrew Barneby
ANDREW K BARNEBY

56425
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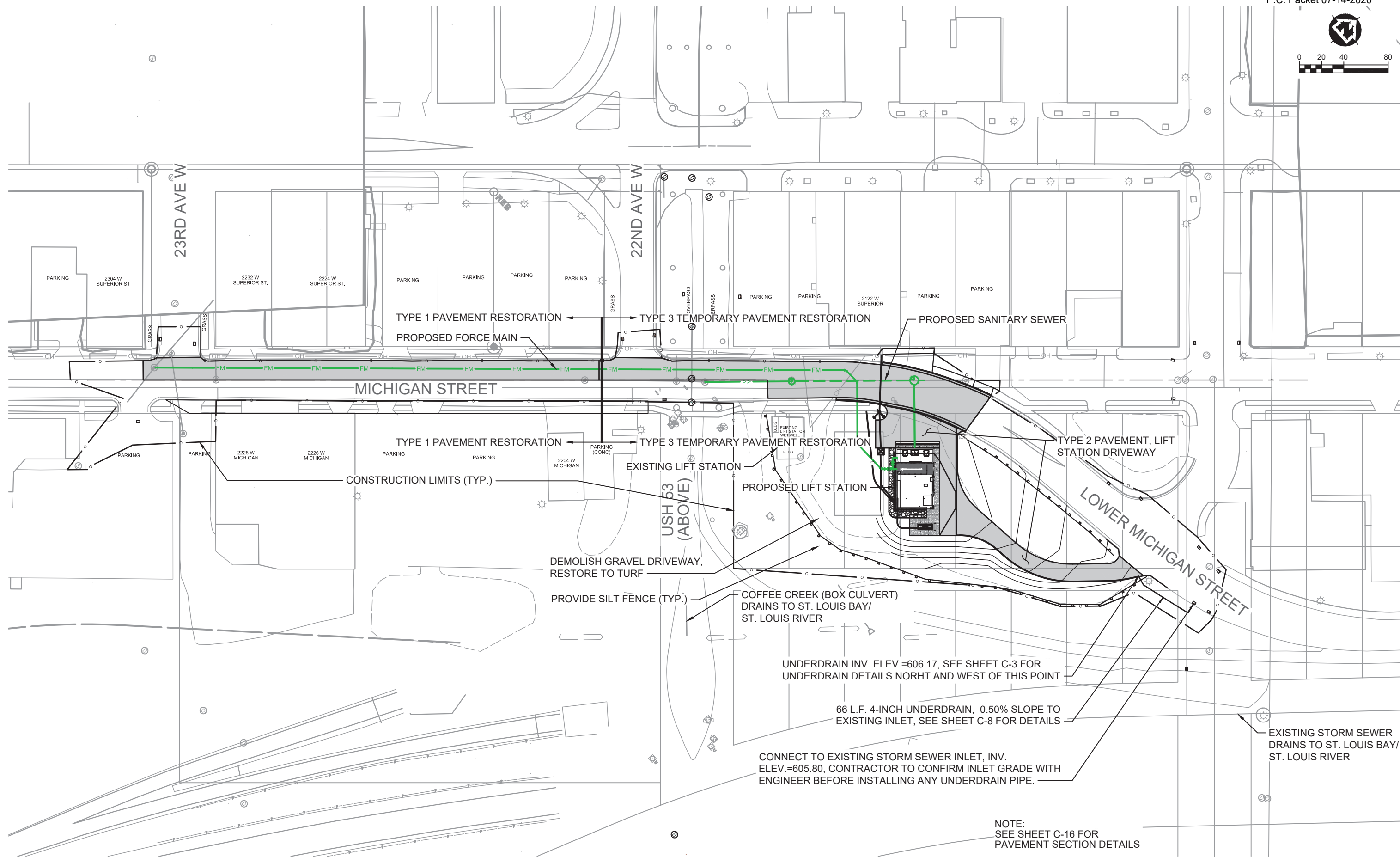
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EROSION CONTROL PLAN
Page 122 of 153

FILE NO. 00616135
SHEET C-4



PROJECT NO.:	00616135	SCALE:	AS SHOWN	NO.:		DATE:		REVISION:		BY:	
PROJECT DATE:	1-10-2020	DRAWN BY:		CHECKED BY:	SCR						
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PAVEMENT RESTORATION
PLAN Page 123 of 153


FILE NO. 00616135
SHEET C-8



NOTES:
 1. THESE IMAGES ARE CONCEPTUAL AND FOR GENERAL REFERENCE - SEE DRAWINGS FOR ALL DESIGN AND DETAILING.
 2. FINAL COLOR SELECTIONS TO BE DETERMINED.

PROJECT NO.:	SCALE:	AS SHOWN	NO.	DATE	REVISION	BY
00616135	AS SHOWN					
PROJECT DATE:	1-10-2020	DRAWN BY:	JFB			
F.B.:		CHECKED BY:	AJS			
PLOT DATE:	1/14/20	P:\610a\616\00616135\CADD\Construction Drawings\4-Architectural\A1.0 PERSPECTIVES.dwg				

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1/10/2020
 Date
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 ALLEN J. SZYNIAROWSKI

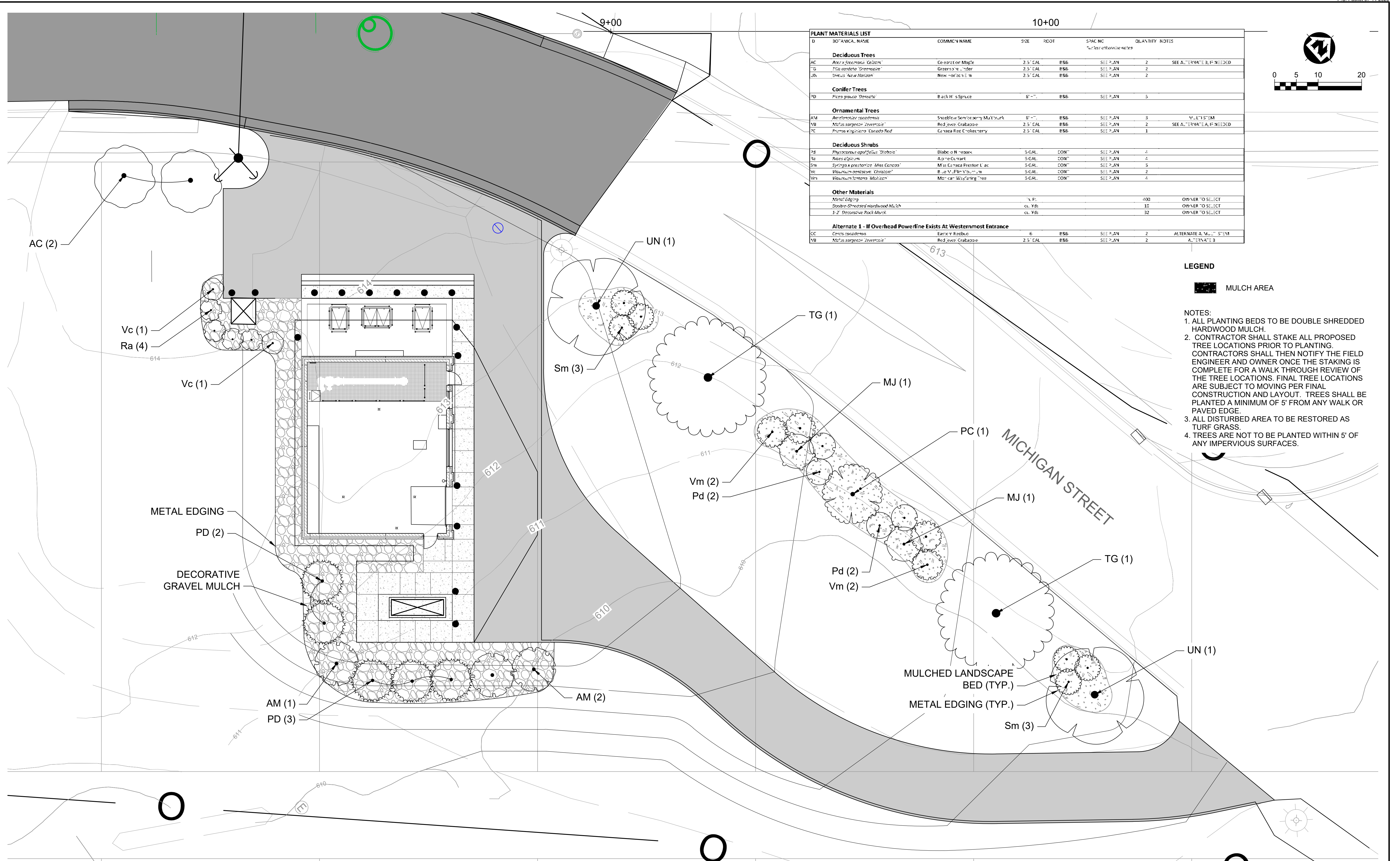


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LIFT STATION 15 RELOCATION
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 2114 W MICHIGAN STREET

PERSPECTIVES
 Page 124 of 153

FILE NO.
 00616135
 SHEET
 A-1



PLANT MATERIALS LIST						
ID	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPEC. NO.	QUANTITY NOTES
Deciduous Trees						
AC	<i>Acer freemanii</i> 'Cedron'	Coarctate Maple	2.5' CAL	B&B	SEE PLAN	2 SEE ALTERNATE B, IF NEEDED
TG	<i>Tilia cordata</i> 'Greenspire'	Greenspire Linden	2.5' CAL	B&B	SEE PLAN	2
UN	<i>Ulmus 'New Horizon'</i>	New Horizon Elm	2.5' CAL	B&B	SEE PLAN	2
Conifer Trees						
PD	<i>Picea glauca</i> 'Dorsette'	Black Hills Spruce	6'-"	B&B	SEE PLAN	5
Ornamental Trees						
AM	<i>Amelanchier canadensis</i>	Sweetgum Serviceberry Multi-trunk	6'-"	B&B	SEE PLAN	3 V. L.T. SYSTEM
MJ	<i>Malus sargenti</i> 'Zwartwoud'	Red Jewel Crabapple	2.5' CAL	B&B	SEE PLAN	2 SEE ALTERNATE A, IF NEEDED
PC	<i>Prinos virginiana</i> 'Carolina Red'	Carolina Red Chokeberry	2.5' CAL	B&B	SEE PLAN	1
Deciduous Shrubs						
PD	<i>Physocarpus opulifolius</i> 'Dioisid'	Diablo Ninebark	5 GAL.	CON	SEE PLAN	4
Ra	<i>Ribes cereum</i>	Alone Currant	5 GAL.	CON	SEE PLAN	4
Sm	<i>Syringa pinnatifida</i> 'Miss Concord'	Miss Concord Lilac	5 GAL.	CON	SEE PLAN	5
Vc	<i>Viburnum cederstroemii</i> 'Crispifolium'	Blue Viburnum	5 GAL.	CON	SEE PLAN	2
Vm	<i>Viburnum lentago</i> 'Molokini'	Maui Spice Viburnum	5 GAL.	CON	SEE PLAN	4
Other Materials						
	Metal Edging		1.5 Ft.			400 OWNER TO SELECT
	Double-Shredded Hardwood Mulch		cu. Yds			10 OWNER TO SELECT
	1-2" Decorative Rock Mulch		cu. Yds			32 OWNER TO SELECT
Alternate 1 - If Overhead Powerline Exists At Westernmost Entrance						
CC	<i>Cercis canadensis</i>	Eastern Redbud	6'	B&B	SEE PLAN	2 ALTERNATE A, V. L.T. SYSTEM
MJ	<i>Malus sargenti</i> 'Zwartwoud'	Red Jewel Crabapple	2.5' CAL	B&B	SEE PLAN	2 ALTERNATE B

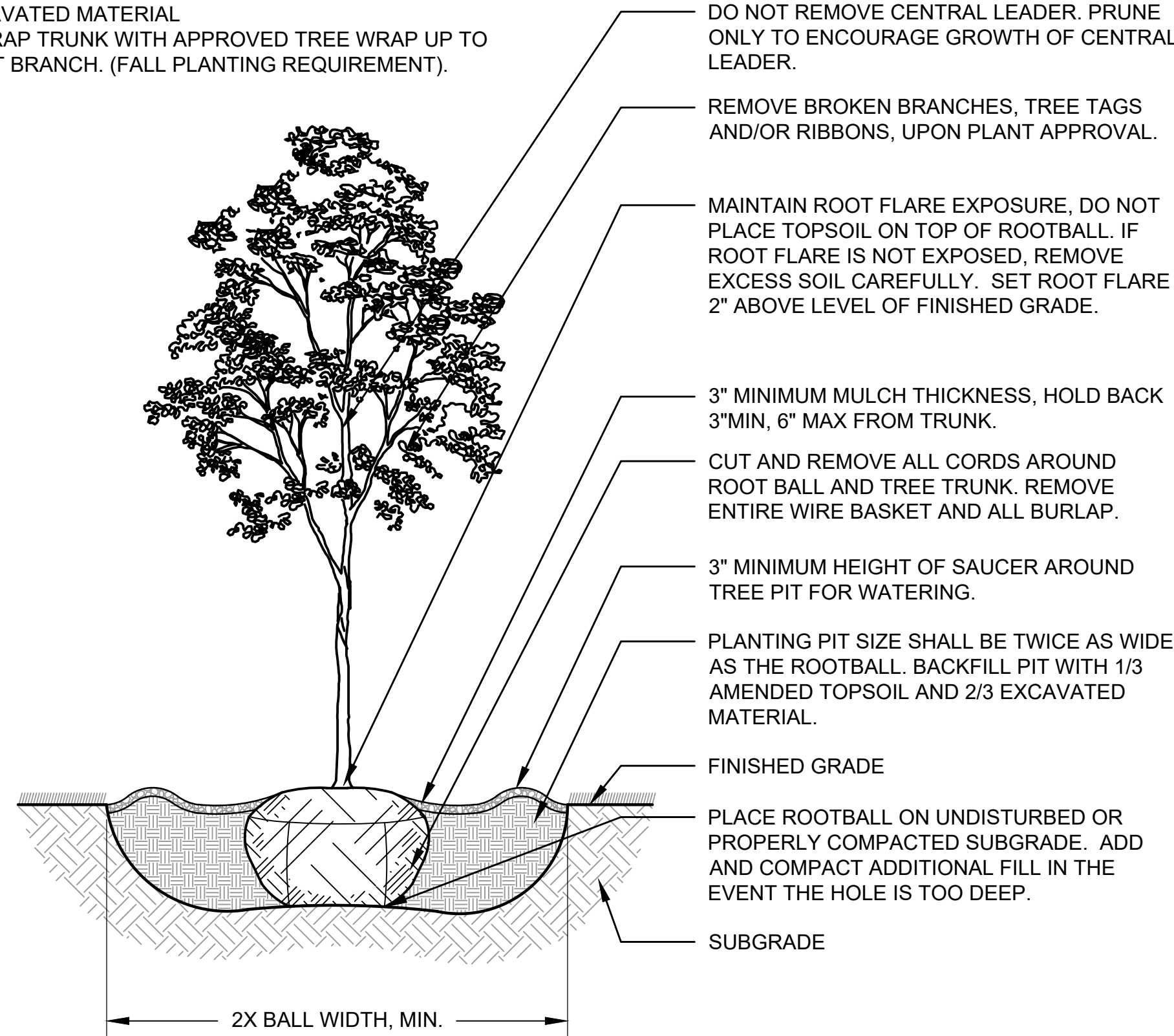
LEGEND



NOTES:

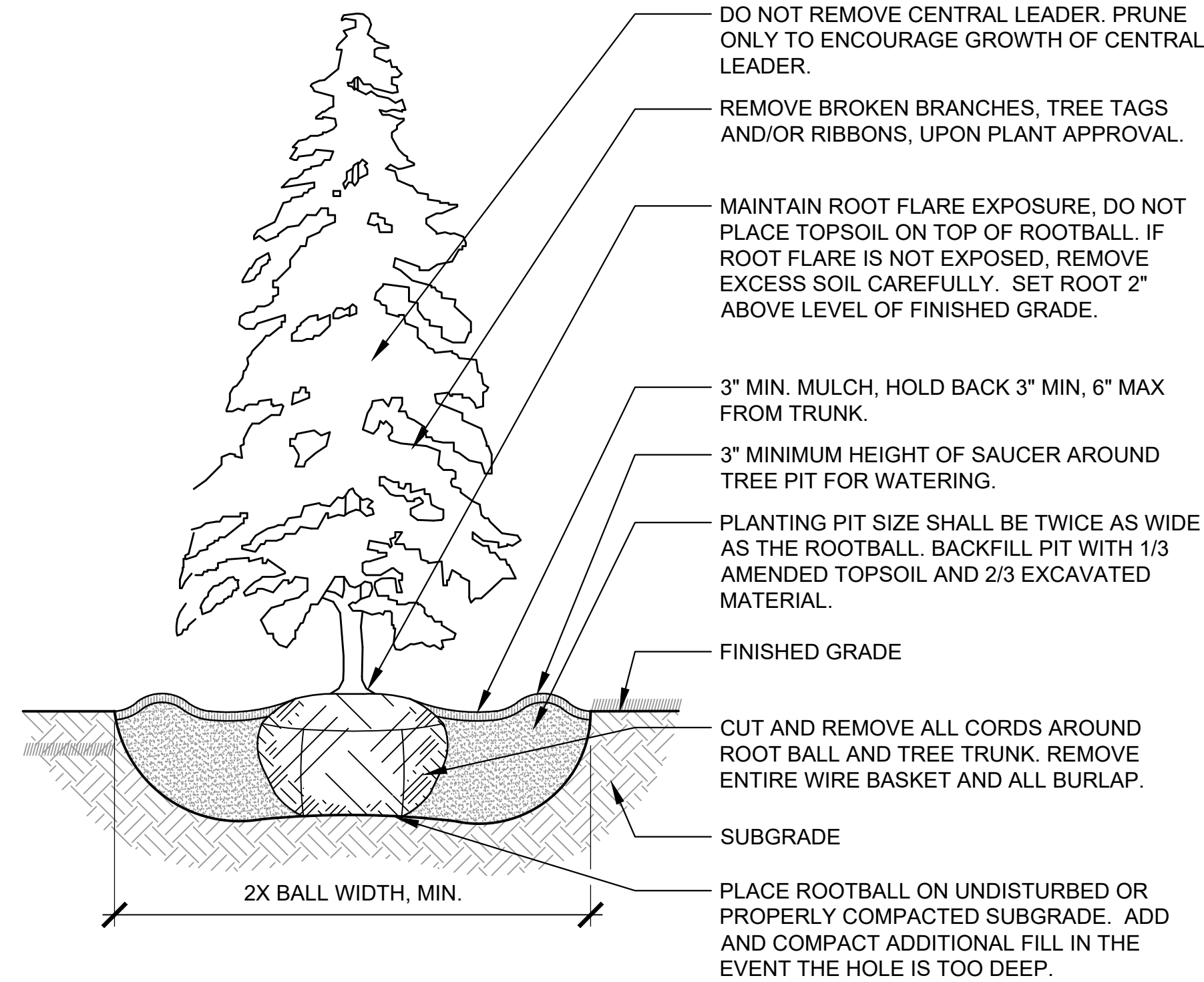
1. ALL PLANTING BEDS TO BE DOUBLE SHREDDED HARDWOOD MULCH.
2. CONTRACTOR SHALL STAKE ALL PROPOSED TREE LOCATIONS PRIOR TO PLANTING. CONTRACTORS SHALL THEN NOTIFY THE FIELD ENGINEER AND OWNER ONCE THE STAKING IS COMPLETE FOR A WALK THROUGH REVIEW OF THE TREE LOCATIONS. FINAL TREE LOCATIONS ARE SUBJECT TO MOVING PER FINAL CONSTRUCTION AND LAYOUT. TREES SHALL BE PLANTED A MINIMUM OF 5' FROM ANY WALK OR PAVED EDGE.
3. ALL DISTURBED AREA TO BE RESTORED AS TURF GRASS.
4. TREES ARE NOT TO BE PLANTED WITHIN 5' OF ANY IMPERVIOUS SURFACES.

NOTE:
 1. REMOVE AND PROPERLY DISPOSE OF ANY EXCESS EXCAVATED MATERIAL
 2. WRAP TRUNK WITH APPROVED TREE WRAP UP TO FIRST BRANCH. (FALL PLANTING REQUIREMENT).



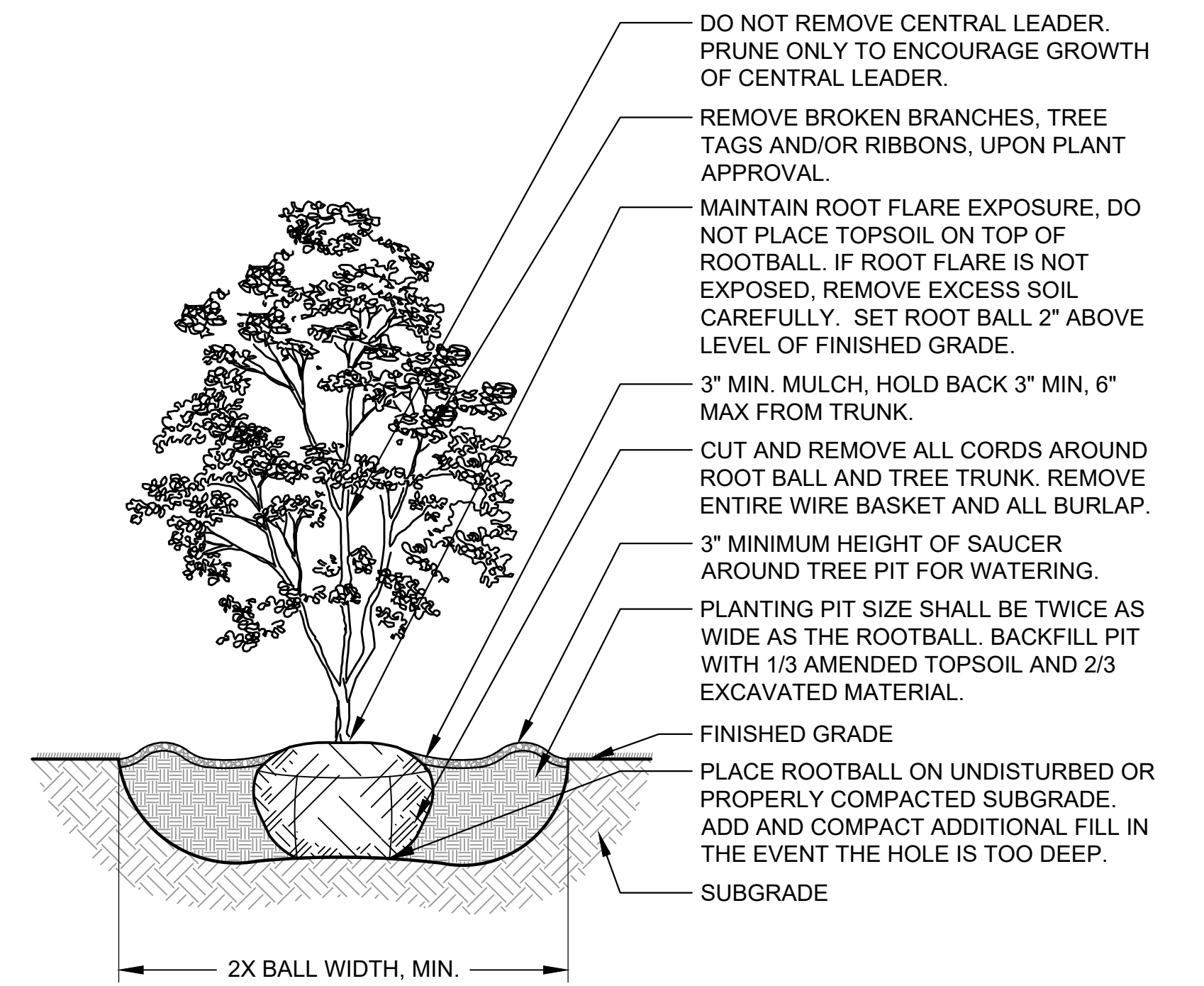
1 DECIDUOUS PLANTING DETAIL
 NTS

NOTE:
 REMOVE AND PROPERLY DISPOSE OF ANY EXCESS EXCAVATED MATERIAL



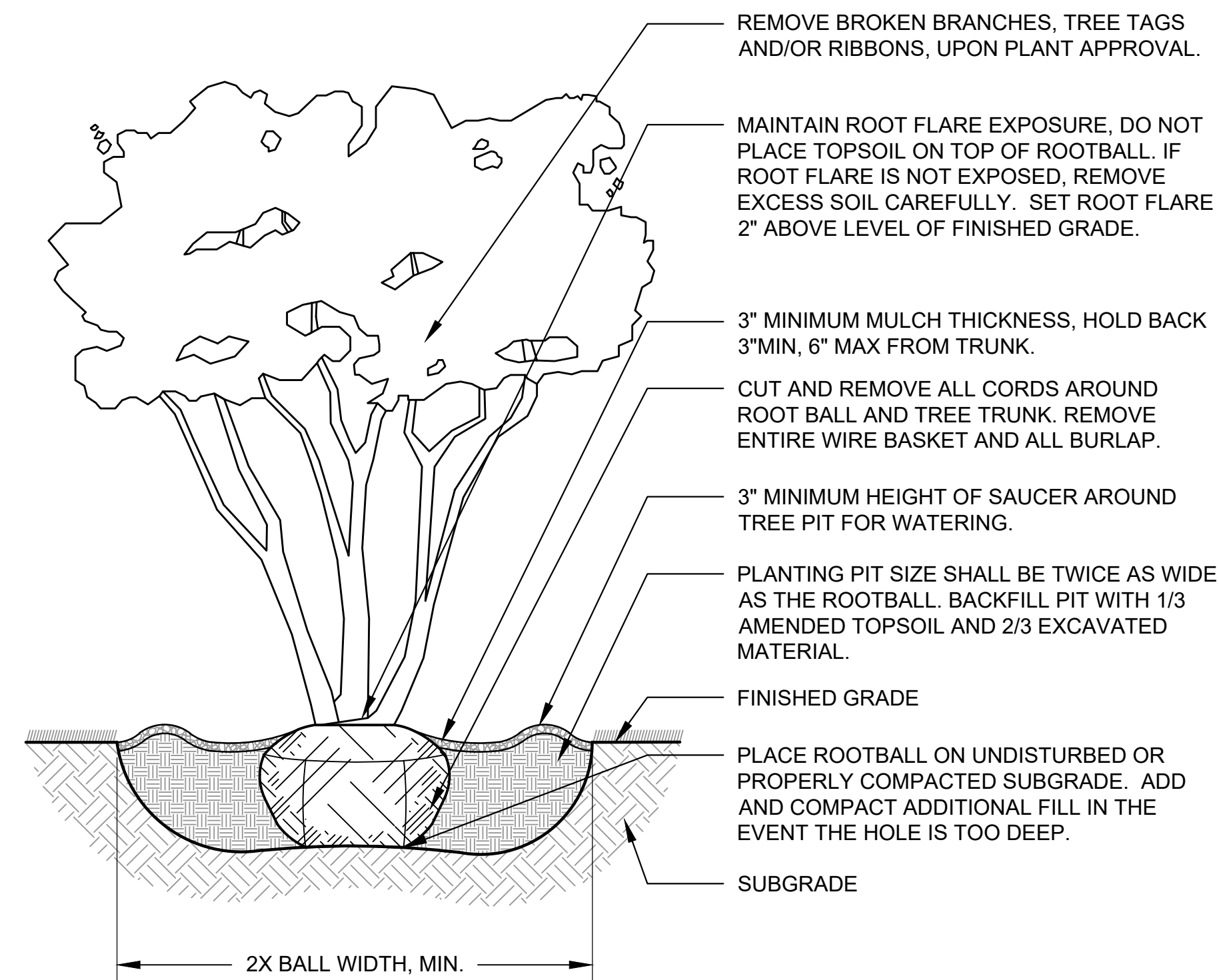
2 CONIFER PLANTING DETAIL
 NTS

NOTE:
 1. REMOVE AND PROPERLY DISPOSE OF ANY EXCESS EXCAVATED MATERIAL
 2. WRAP TRUNK WITH APPROVED TREE WRAP UP TO FIRST BRANCH. (FALL PLANTING REQUIREMENT).



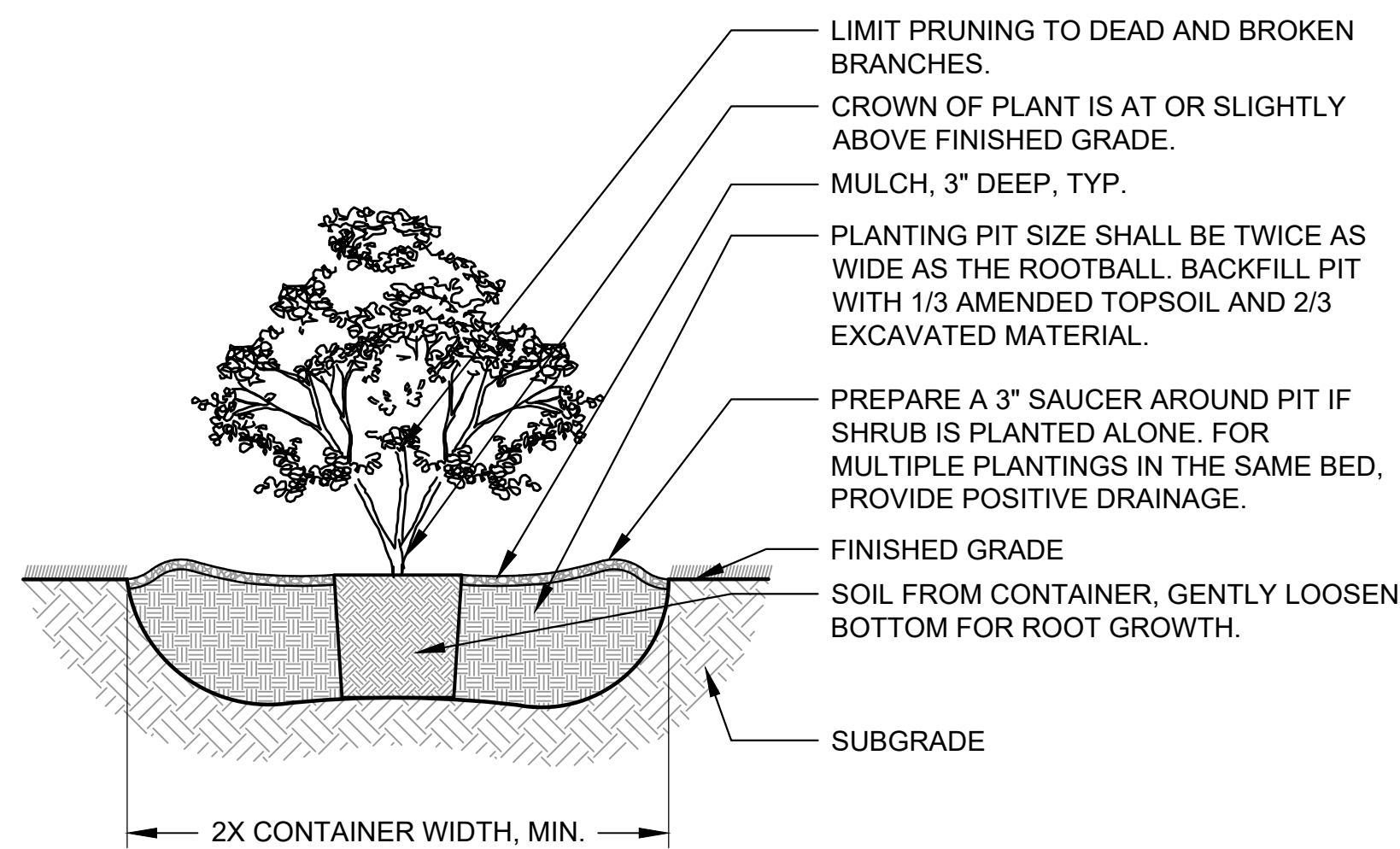
3 ORNAMENTAL PLANTING DETAIL
 NTS

NOTE:
 1. REMOVE AND PROPERLY DISPOSE OF ANY EXCESS EXCAVATED MATERIAL
 2. WRAP TRUNK WITH APPROVED TREE WRAP UP TO FIRST BRANCH. (FALL PLANTING REQUIREMENT).

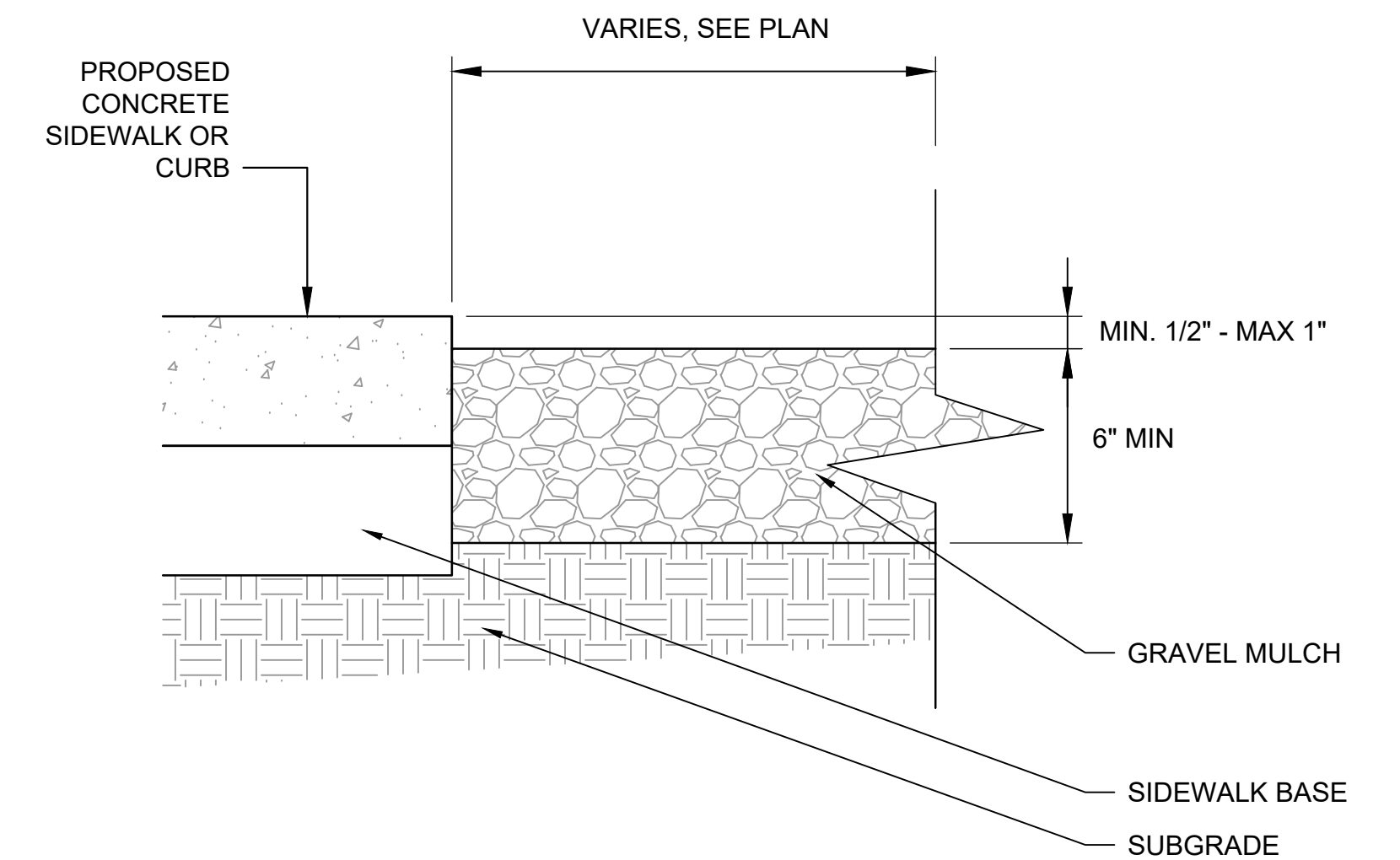


4 MULTI-STEM PLANTING DETAIL
 NTS

NOTE:
 REMOVE AND PROPERLY DISPOSE OF ANY EXCESS EXCAVATED MATERIAL



5 SHRUB CONTAINER PLANTING DETAIL
 NTS



6 WOOD MULCH AT SIDEWALK DETAIL
 NTS

PROJECT NO.: 00616135	SCALE: AS SHOWN	NO.	DATE	REVISION	BY
PROJECT DATE: 1-10-2020	DRAWN BY: L.J.G.				
F.B.:	CHECKED BY: SCR				
PLOT DATE: 6/14/20, P:\610s\616\00616135\CADD\Construction Drawings\2-Site Civil\00616135 Landscaping Sheets.dwg					

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1/10/2020
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 2114 W MICHIGAN STREET

LANDSCAPE DETAILS

FILE NO. 00616135
 SHEET L-2
 Page 128 of 153

EXISTING LIFT STATION 15



City Project # 1803



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 20-099	Contact	Kyle Deming	
Type	Final Plat	Planning Commission Date	July 14, 2020	
Deadline for Action	Application Date	June 25, 2020	60 Days	August 24, 2020
	Date Extension Letter Mailed	July 2, 2020	120 Days	October 23, 2020
Location of Subject	Northeast corner of Haines Road and Arrowhead Road			
Applicant	Costco Wholesale	Contact	Theodore R. Johnson, TJ Design Strategies	
Agent		Contact		
Legal Description	See attached			
Site Visit Date	October 30, 2019	Sign Notice Date	NA	
Neighbor Letter Date	NA	Number of Letters Sent	NA	

Proposal

Final plat of 56 acres of land into three lots ranging from 6.3 acres to 28.6 acres into "Kirkland Addition."

 Staff recommends approval with conditions.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
Subject	MU-B	Vacant/undeveloped/church	Business Park/Open Space/Institutional
North	RR-1	County Jail	Institutional
South	MU-B/MU-C/RR-1	Vehicle sales/church/vacant	Central Business Secondary/Open Space
East	RR-1	Vacant/stream/home	Open Space
West	Hermantown	Vehicle sales/office/warehouse	Hermantown

Summary of Code Requirements

The planning commission shall approve the application, or approve it with modifications if it determines that the application meets the following criteria (Section 50-37.5.H.3):

- (a) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (b) Is consistent with the terms and provisions of the preliminary plat approval for the property;
- (c) Demonstrates that all required improvements have been installed or that (a) the applicant has signed a development agreement committing to construct those improvements within 2 years after approval of the final plat and (b) adequate security for the construction of the required improvements has been posted with the City pursuant to Section 50-37.1.P.

Once approved, the applicant shall file the plat in the office of the County Recorder within two years or the approval will lapse per Section 50-37.5.H.4.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #1 - Reuse previously developed lands,
 Principle #2 - Declare the necessity and secure the future of undeveloped places,
 Principle #7 - Create and maintain connectivity,
 Principle #8 - Encourage mix of activities, uses and densities,
 Principle #9 – Support private actions that contribute to the public realm,
 Principle #12 - Create efficiencies in delivery of public services

Economic Development Policy #3: The City encourages economic growth consistent with the staging of development identified in the Comprehensive Plan. Priority will be given to investment that reuses previously develop lands, limits increase in utility operation or maintenance costs, and takes advantage of underutilized utility or transportation capacity and funded capital improvements.

Zoning – MU-C District: Established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region. Development should facilitate pedestrian connections between residential and no-residential uses.

Future Land Use – Business Park - Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping, and building design.

Future Land Use – Open Space - High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

Future Land Use – Institutional - Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them.

History:

November 12, 2019 – Preliminary Plat of Kirkland Addition approved by Planning Commission (PL 19-157).
 November 12, 2019 – MU-C Plan Review for Costco Wholesale was approved by Planning Commission (PL 19-156).
 December 5, 2019 – Wetland Replacement Plan approved by Land Use Supervisor (PL 19-127).

Review and Discussion Items**Staff finds:**

- 1) The land has never been platted and the proposed subdivision of the land for the development of a member's only warehouse store and related utilities cause the need for platting. The plat shows the subdivision of land divided into Lot 1, Block 1 of 20.9 acres, Lot 2, Block 1 of 6.3 acres, and Outlot B of 28.6 acres. All of the lots in the proposed plat will have frontage on public roadways. Lot 1, Block 1 is proposed to be a members only warehouse store and Lot 2, Block 1 is proposed to be a church.
- 2) The Planning Commission's approval of the Preliminary Plat was conditioned on these two items:
 - a) Dedication of land for turn lanes as required by St. Louis County, and
 - b) Dedication of utility easements as required by the City of Duluth.
 Discussion Items #3 and #4, below, evaluate these conditions.
- 3) St. Louis County Public Works staff have commented that additional area for roadway easements may be necessary to accommodate storm sewer culverts/aprons, grading, etc. They would like additional time to

review the plat and roadway design plans. Therefore, staff recommends the Planning Commission establish a condition that these roadway easements be resolved before the Land Use Supervisor signs the plat.

- 4) City Engineering Division staff have reviewed the utility easements shown on the proposed Final Plat and find them sufficient based on draft utility plans. Additional easement areas will need to be dedicated by the landowner if final utility plans show altered routing of utilities.
- 5) In addition to utility easements shown on the plat, the applicant has also obtained utility easement space from the land owner (St. Louis County) along the east side of Haines Road, from the north edge of the plat to Swan Lake Road, in order to extend a water main to the plat area.
- 6) Staff finds that, other than Item #3, above, which is recommended to be a condition of this approval, the Final Plat conforms to the requirements of Sec 50-37.5 and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 7) Public improvements related to the plat include potable water, sanitary and storm sewers, gas piping, turn lanes, and traffic control to be constructed in existing and proposed roadway and utility easements. The developer will need to enter into multiple agreements with both the City and County to finance and permit these improvements. These agreements sufficiently address the UDC's requirement for a development agreement and financial security for public improvements.
- 8) No other city, agency, or citizen comments have been received on this project.

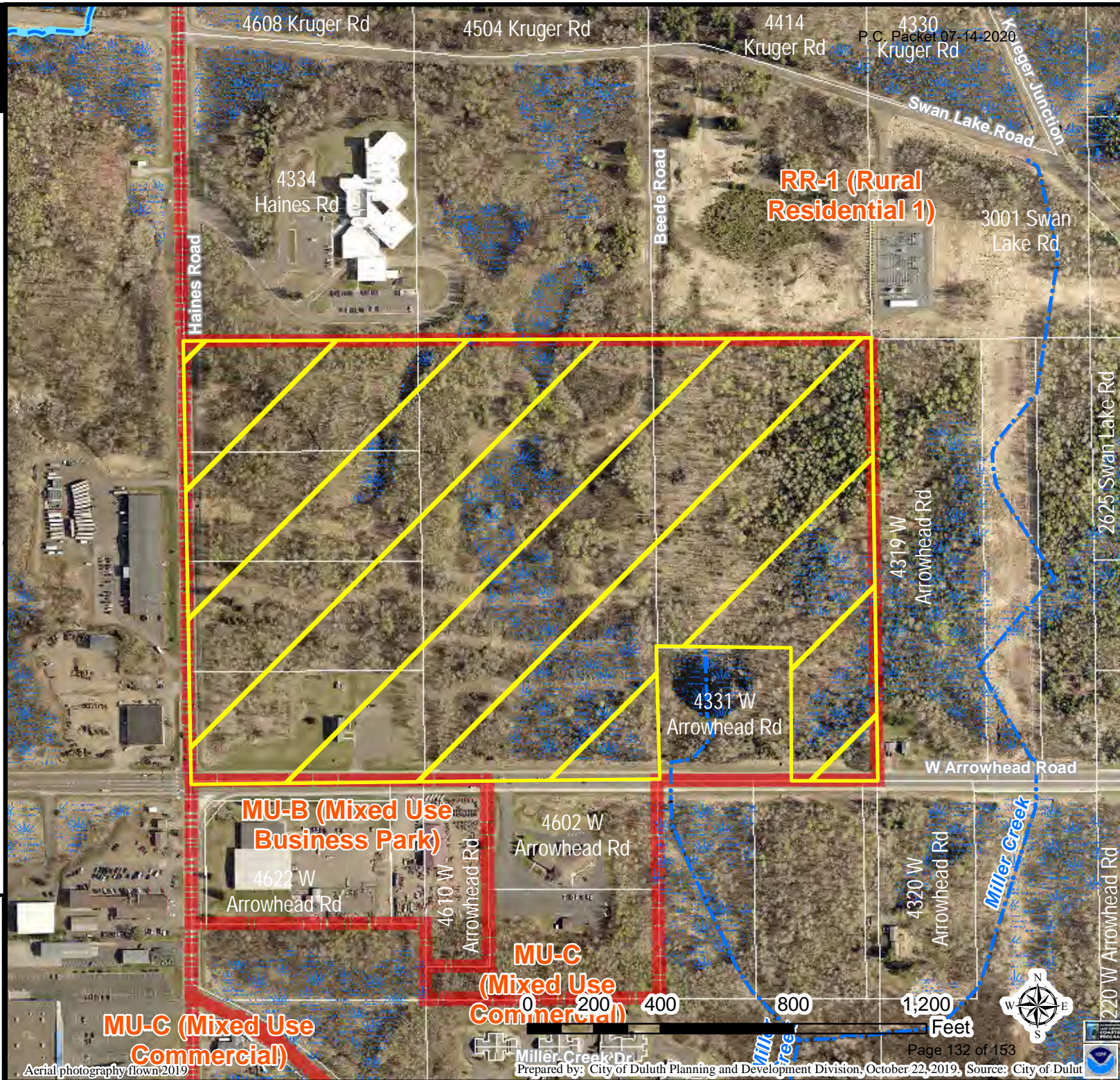
Staff Recommendation

Based on the above findings, staff recommends that Planning Commission approve the Preliminary Plat with the following condition:

1. The Land Use Supervisor shall not sign the plat document unless the applicant provides written communication from the Director of Public Works for St. Louis County that the plat contains all needed roadway easements.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 20-099
Final Plat
Kirkland Addition
Site Map



P.C. Packet 07-14-2020

Legend

- NWI_DLH Circular 39 Class 2011
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2019

Prepared by: City of Duluth Planning and Development Division, October 22, 2019; Source: City of Duluth

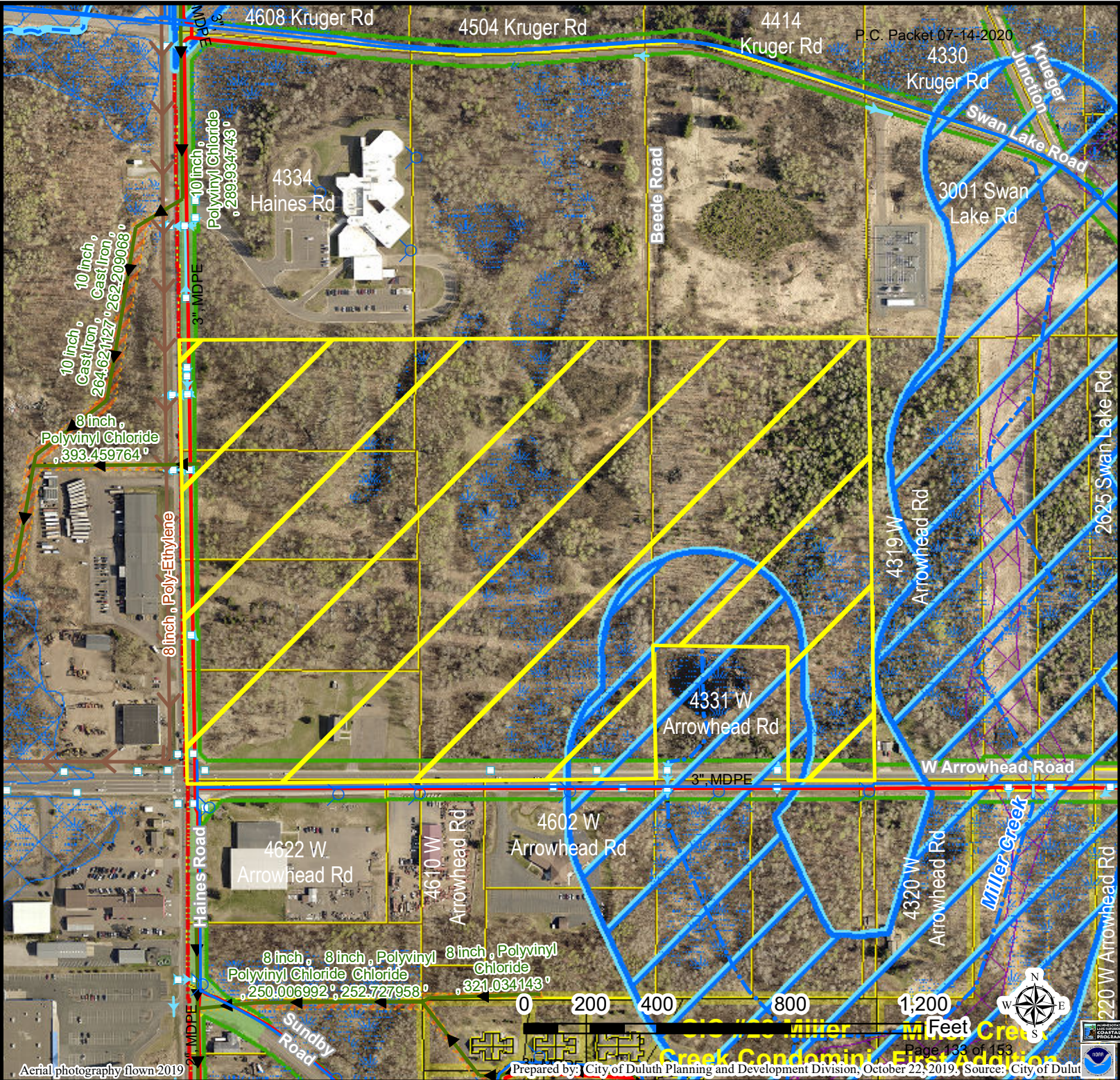


PL 20-099
Final Plat
Kirkland Addition
Utility Map

Legend

- NWI_DLH Circular 39 Class 2011
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Lots**
- Parcels**
- <all other values>
- Subdivision Boundaries**
- Boundary Lines**
- <all other values>
- Subtype, ROW, TYPE**
- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary
- Floodplain (UDC)**
- General Flood Plain
- Flood Way
- Flood Fringe
- Shoreland (UDC)**
- Cold Water
- Natural Environment
- General Development
- Trout Stream (GPS)
- Other Stream (GPS)

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REAL PROPERTY IN THE CITY OF DULUTH, COUNTY OF ST. LOUIS, STATE OF MINNESOTA, DESCRIBED AS FOLLOWS:

THE NORTH HALF OF THE NORTH HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTH HALF OF THE NORTH HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 7, TOWNSHIP 50, RANGE 14, ST. LOUIS COUNTY, MINNESOTA.

AND

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, EXCEPT THE SOUTH 400.00 FEET OF THE WEST 400.00 FEET THEREOF, ALL IN SECTION 7, TOWNSHIP 50, RANGE 14.



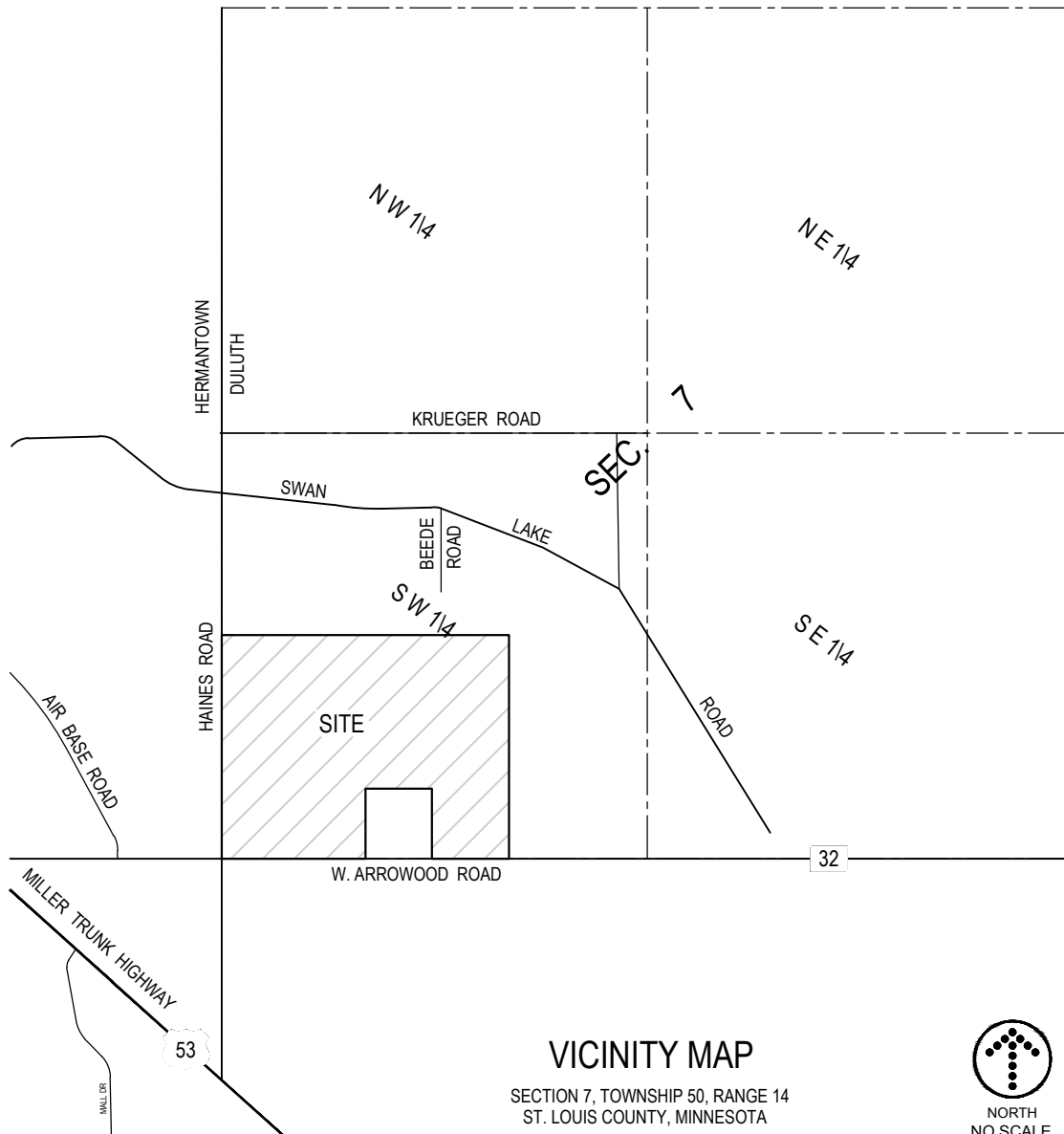
LEGAL DESCRIPTION

COSTCO ADDITION - DULUTH

• 06.26.2020

FILE NAME: CWC18025 LegalDesc

PROJECT NUMBER: CWC18025



VICINITY MAP

SECTION 7, TOWNSHIP 50, RANGE 14
ST. LOUIS COUNTY, MINNESOTA



NORTH
NO SCALE



VICINITY MAP

COSTCO ADDITION - DULUTH

FILE NAME: CWC18025 VicMap

PROJECT NUMBER: CWC18025

09.26.2019
Page 135 of 153

KIRKLAND ADDITION

LOCATED IN THE S.W. 1/4 OF THE S.W. 1/4, AND PART OF THE S.E. 1/4 OF THE S.W. 1/4,
SECTION 7, TOWNSHIP 50 NORTH, RANGE 14 WEST, 4TH PRINCIPAL MERIDIAN
ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Costco Wholesale Corporation, a Washington Corporation, owner of the following described property:

The North Half of the North Half of the West Half of the Southwest Quarter of the Southwest Quarter, the South Half of the North Half of the West Half of the Southwest Quarter of the Southwest Quarter, the North Half of the South Half of the West Half of the Southwest Quarter of the Southwest Quarter, the South Half of the South Half of the West Half of the Southwest Quarter of the Southwest Quarter and the East Half of the Southwest Quarter of the Southwest Quarter, all in Section 7, Township 50, Range 14, St. Louis County, Minnesota.

AND the West Half of the Southeast Quarter of the Southwest Quarter, except the South 400.00 feet of the West 400.00 feet thereof, all in Section 7, Township 50, Range 14.

Has caused the same to be surveyed and platted as KIRKLAND ADDITION and do hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said Costco Wholesale Corporation, a Washington Corporation, has caused these presents to be signed by its proper officer this _____ day of _____, 20__.

Signed: COSTCO WHOLESALE CORPORATION

Title _____

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20__ by _____, _____ of Costco Wholesale Corporation, a Washington Corporation, on behalf of the Corporation.

Signature

Name

Notary Public, State of _____

My commission expires: _____

SURVEYOR CERTIFICATE AND ACKNOWLEDGEMENT

I, Lynn P. Caswell, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ of _____, 20__.

Lynn P. Caswell, Licensed Land Surveyor
Minnesota License No. 13057

STATE OF MINNESOTA
COUNTY OF _____

The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____, 20__ by Lynn P. Caswell.

Signature

Name

Notary Public, State of Minnesota

My commission expires: _____

CITY OF DULUTH PLANNING COMMISSION

Approved by the Planning Commission of the City of Duluth, St. Louis County, Minnesota, at a regular meeting thereof, on the _____ day of _____, 20__.

President Secretary

ST. LOUIS COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20__.

Nick C. Stewart _____
County Surveyor Deputy

ST. LOUIS COUNTY AUDITOR

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and to Minnesota Statutes, Section 272.12, taxes payable in the year 20__ on the land hereinbefore described have been paid; there are no delinquent taxes and transfer entered this _____ day of _____, 20__.

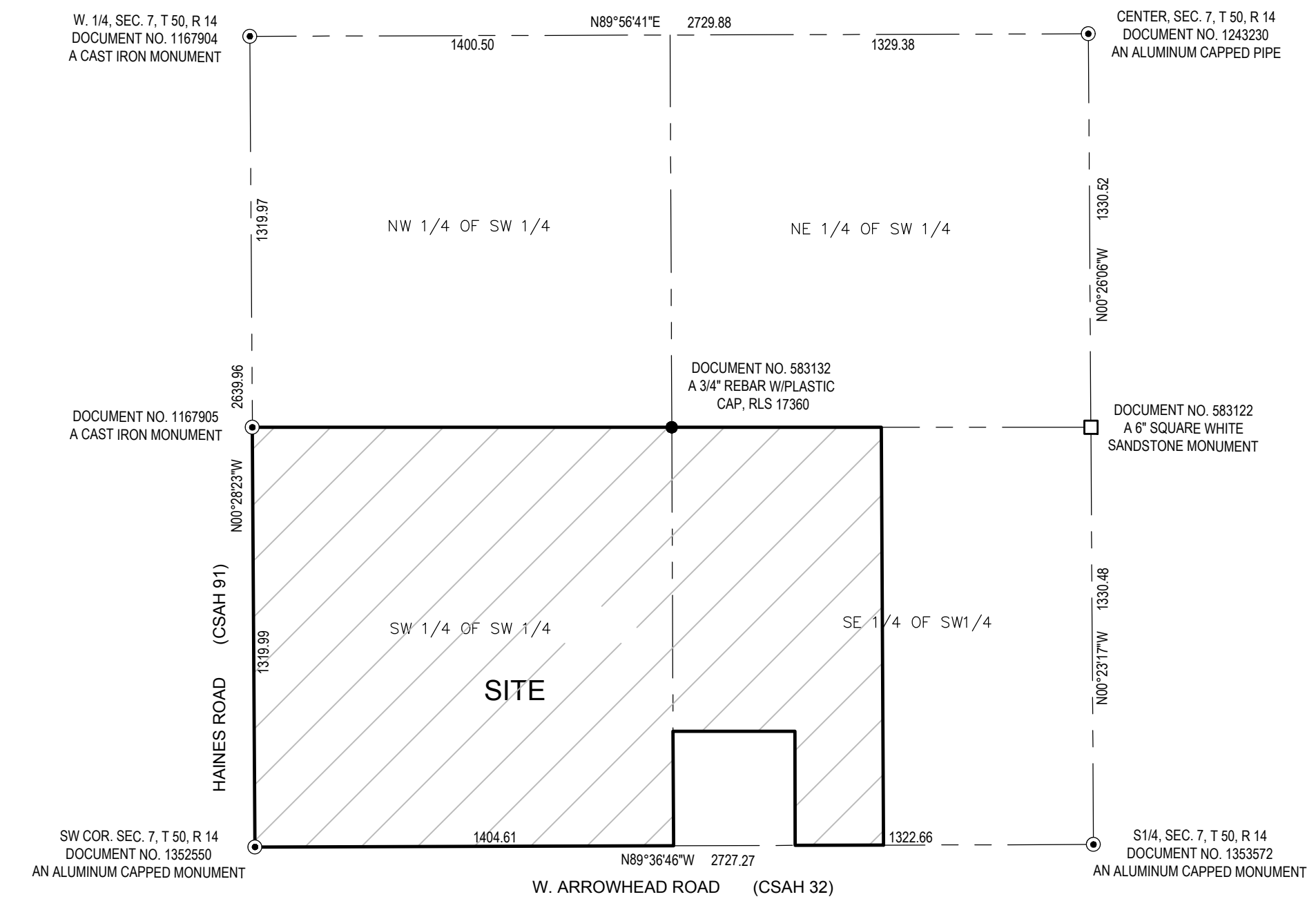
Nancy Nilsen _____
County Auditor Deputy

ST. LOUIS COUNTY RECORDER

I hereby certify that this plat of KIRKLAND ADDITION was filed in the office of the County Recorder for public record on this _____ day of _____, 20__ at

_____ o'clock _____ M. and was duly recorded as Document No. _____.

Wendy Levitt _____
County Recorder Deputy

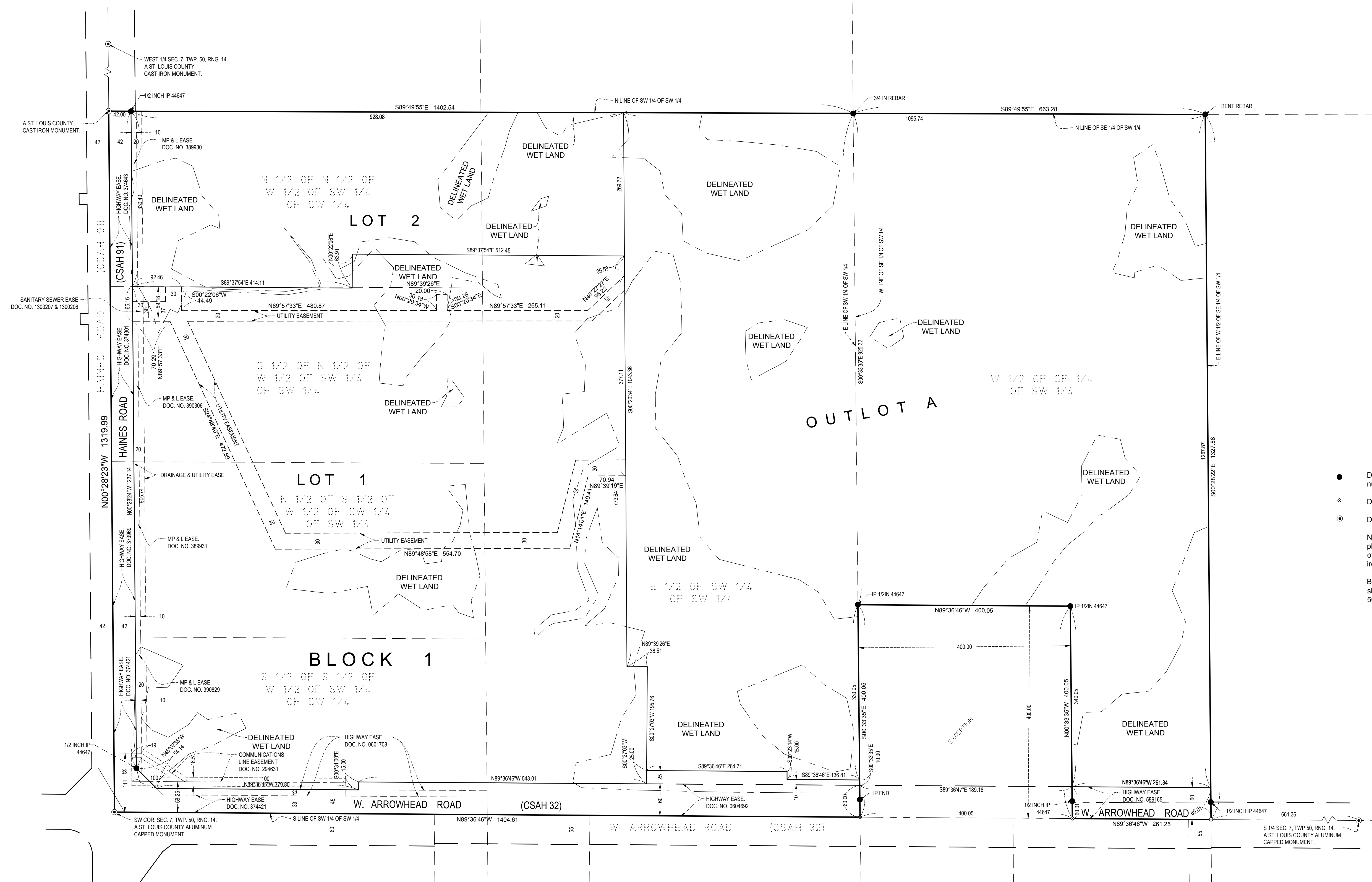


VICINITY MAP
SW 1/4, SECTION 7, TOWNSHIP 50, RANGE 14,
ST. LOUIS COUNTY, MINNESOTA

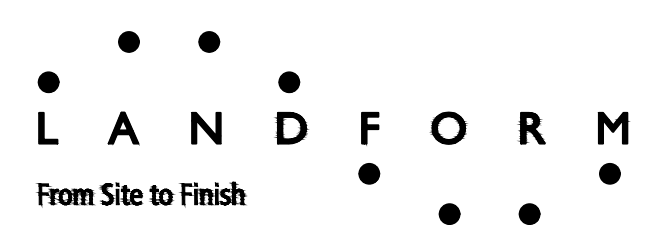
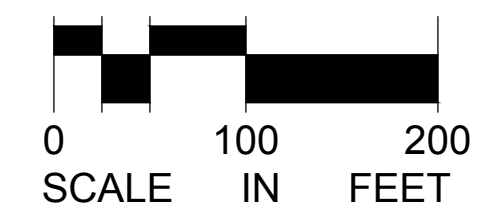
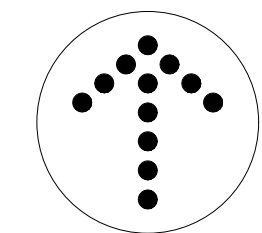


KIRKLAND ADDITION

LOCATED IN THE S.W. 1/4 OF THE S.W. 1/4, AND PART OF THE S.E. 1/4 OF THE S.W. 1/4,
SECTION 7, TOWNSHIP 50 NORTH, RANGE 14 WEST, 4TH PRINCIPAL MERIDIAN
ST. LOUIS COUNTY, MINNESOTA



- Denotes 1/2 inch iron pipe monument found and if marked, the License number is noted.
 - Denotes P.K. Nail Set.
 - ⊙ Denotes a St. Louis County Cast Iron Monument, unless otherwise noted.
- No monument symbols shown at any statute required location indicates a plat monument that will be set, and which shall be in place within one year of the recording date of the plat. monuments shall be 1/2 inch by 14 inch iron pipe marked by License Number 13057.
- Bearings based upon the St. Louis County Coordinate System. The bearing shown are based on the south line of SW 1/4 of the SW 1/4 of Sec. 7, Twp. 50, Rng. 14 which has a bearing of N89° 36' 46" W.





Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 20-090	Contact	John Kelley	
Type	Special Use Permit for a School expansion for outdoor accessible space with structures	Planning Commission Date	July 14, 2020	
Deadline for Action	Application Date	June 9, 2020	60 Days	August 8, 2020
	Date Extension Letter Mailed	June 29, 2020	120 Days	October 7, 2020
Location of Subject	3301 Technology Drive			
Applicant	Tischer Creek Duluth Building Company	Contact	Paul Goossens	
Agent	LHB, Inc	Contact	Heidi Bringman	
Legal Description	See attached			
Site Visit Date	July 7, 2020	Sign Notice Date	June 30, 2020	
Neighbor Letter Date	July 1, 2020	Number of Letters Sent	17	

Proposal

Applicant is requesting a special use permit to expand its existing school campus to provide outdoor accessible space with structures located in an R-2, Residential Urban zone district.

Recommendation

Staff recommend approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2, RR-1	School, Open Space	Rural Residential/Institutional
North	RR-1	Undeveloped	Rural Residential/Open Space
South	RR-1, MU-B	Commercial	Traditional Neighborhood
East	RR-1	Undeveloped/Residential	Rural Residential
West	R-1	Tennis Center/Undeveloped	Rural Residential

Summary of Code Requirements

UDC Section 50-37.10. Special Use Permits: Planning Commission shall approve the planning review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

- 1) The application is consistent with the Comprehensive Land Use;
- 2) The application complies with all applicable provisions of this Chapter; including without limitations to any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area.
- 3) Without limiting the previous criteria, the Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #5 – Promote reinvestment in neighborhoodsthrough land use and transportation. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood’s character.

The applicant will be utilizing the existing North Star School campus to expand accessible outdoor space for activities, recreation and school functions.

Governing Principle #11 - Consider education systems in land use actions. There is a connection between land use patterns and all level of educational facilities. School locations and housing opportunities for students and families require consideration of impacts on transportation and infrastructure systems, housing densities, parking, and non-student uses.

North Star Academy is expanding their campus to provide more educational and well-being opportunities for the school and surrounding area.

Future Land Use, Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

Institutional: Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

History:

The 99,000 square foot North Star Academy School building and campus was constructed in 2010.

FN 1087 WRMO – wetland variance – variance was for impacts due to construction of Edison/North Star School

Review and Discussion Items

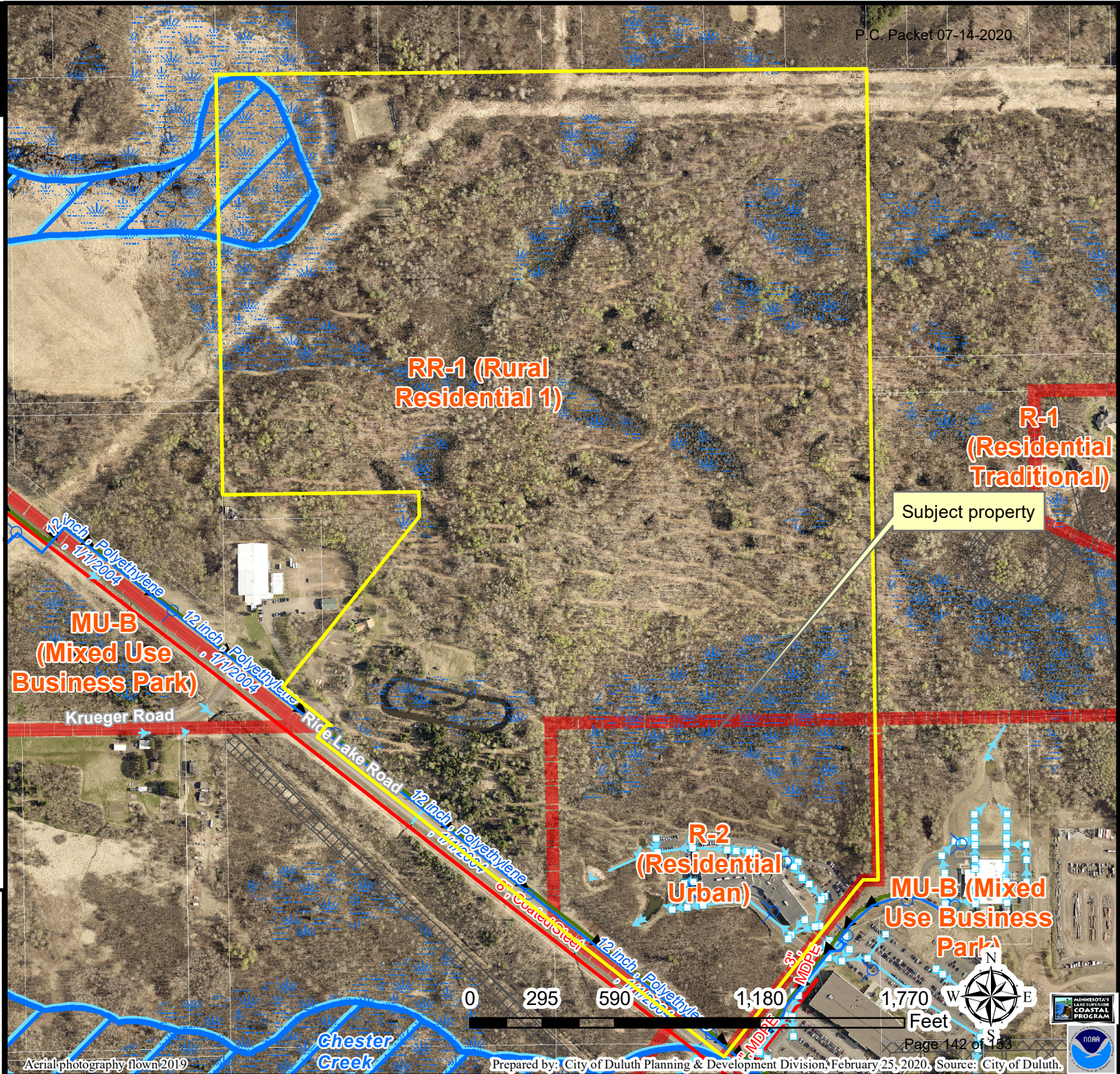
- 1) The applicant has stated that the North Star Academy site is currently lacking sufficient accessible outdoor space for students to safely use. The site is zoned R-2 and a Special Use Permit is requested to expand the K-8 school campus on its current lot. The proposed project will take place over the next five years and includes new recreational fields, ADA pathways, an outdoor shelter/yurt, equipment storage sheds for programming items, outdoor classrooms, agility areas and a ceremonial gathering space. This request to expand the campus development north will provide better access to greenspace and will provide safe places to hold outdoor activities. This project will not expand the existing classroom instructional space.
- 2) Sec. 50-18.1 (Wetlands), There are no wetlands in the project limits and therefore no wetland delineation is required. The site is essentially on top of a hill (with bedrock) and is considered upland.
- 3) Sec. 50-20.2.G (Use Specific Standards) School, elementary, middle or high. The applicable standards do not apply to this proposed project at the school. The project does propose accessible access from the adjacent parking lots and building for student drop off and pickup from the outdoor area.

- 4) Sec. 50-24 (Parking and Loading). The proposed outdoor space and amenities will be utilized by the school. Parking will be provided via the existing adjacent school parking lot.
- 5) Sec. 50-25 (Landscaping). Landscaping between differing land uses: Commercial or institutional abutting residential. Landscape buffer options do not apply. The campus expansion is centrally located within the property and is screened from the surrounding uses by the existing landscape.
- 6) 50-25.9 (Tree Preservation) – The applicant has submitted a tree inventory and replacement plan for review and approval by the City Forester (draft attached). The landscape plan submitted is inclusive of the tree replacement plan. Staff has reviewed impacts to trees due to their location relative to the project; the proposed replacement will address loss of these trees on the site; final approval by the Land Use Supervisor is required prior to issuance of the building permit.
- 1) Sec. 50-26 (Screening, Walls and Fences). Not applicable to this project.
- 2) Sec. 50-28 (Stormwater Drainage and Erosion Control). The stormwater management plan is in process and the applicant is working closely with the City stormwater engineer to finalize a plan that will be compliant.
- 3) Sec. 50-29 (Sustainability Standards). Not applicable to this project.
- 4) Sec. 50-30 (Building Design Standards). These requirements do not apply for this project.
- 5) Sec. 50-31 (Exterior Lighting). No lighting is planned for the project area.
- 6) No citizen or city departments comments were received at the time that this report was written (July 7, 2020).
- 7) UDC 50-37.1.N. states that an approved Special Use Permit will expire if the project or activity authorized by the permit has not begun within one-year.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission approve the special use permit subject to the following conditions:

- 1) The proposal is limited to the site plan and documents submitted with this application; and
- 2) Approval of the tree inventory and replacement plan by the City Forester and Land Use Supervisor; and
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSDD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Vacated ROW
- Zoning Boundaries
- Shoreland (UDC)
 - Cold Water
 - Natural Environment
 - General Development
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)

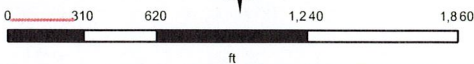
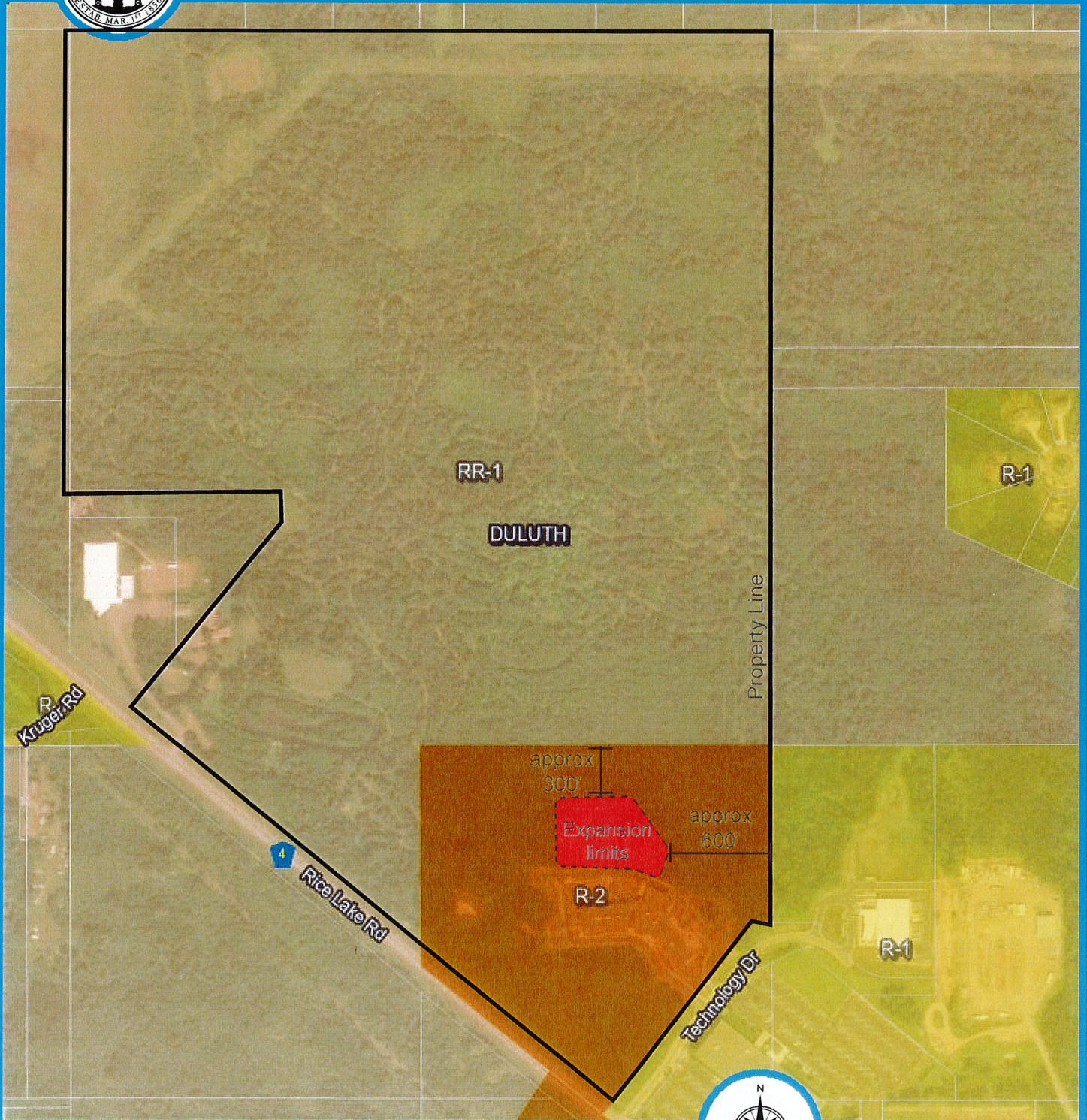
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County Land Explorer

St. Louis County, Minnesota



Project Location Limits Exhibit
 The proposed campus greenspace expansion highlighted on a County Land Explorer map that shows adjacent zoning and property line

Map created using County Land Explorer
www.stlouiscountymn.gov/explorer

County Land Explorer
 St. Louis County www.stlouiscountymn.gov/explorer Minnesota

Disclaimer
 This is a compilation of records as they appear in the Saint Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein

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March 26, 2020



SPLIT FIELD CONCEPT

- 2 flat play fields sized approximately 90'x75' and 90'x50'
- ADA accessible route to field
- Balance course located on the slope on the NE side of the play area
- Selectively cleared areas for play, a woodland feels with natural slopes
- Area around the high point (D) to have seating (benches and tables or more naturalistic logs/stump tables) for passive space and incorporate exposed bedrock
- Accessible route to Yurt
- Flat area, paved or gravel, that incorporates cultural interpretation/ education components. This area would be visible from the loop drive
- Yurt on deck with alternative access route with steps from parking lot
- Destination outdoor classrooms to accommodate removed from main play areas
- Lighting not shown on concept
- Maintenance equipment shed location TBD

KEY

A	ADA Route
B	Flags/Cultural Space
C	Yurt
D	Selectively Cleared Passive space
E	Play Field
F	Balance Course
G	ADA Route
H	Play Field
I	Storage Shed
J	Selectively Cleared Play
K	Trail
L	Small Gathering Node/Outdoor Classroom
M	Steps/Alternative Yurt Access

REVISED CONCEPT

20095 | North Star Academy Recreational Greenspace

Topographic Survey

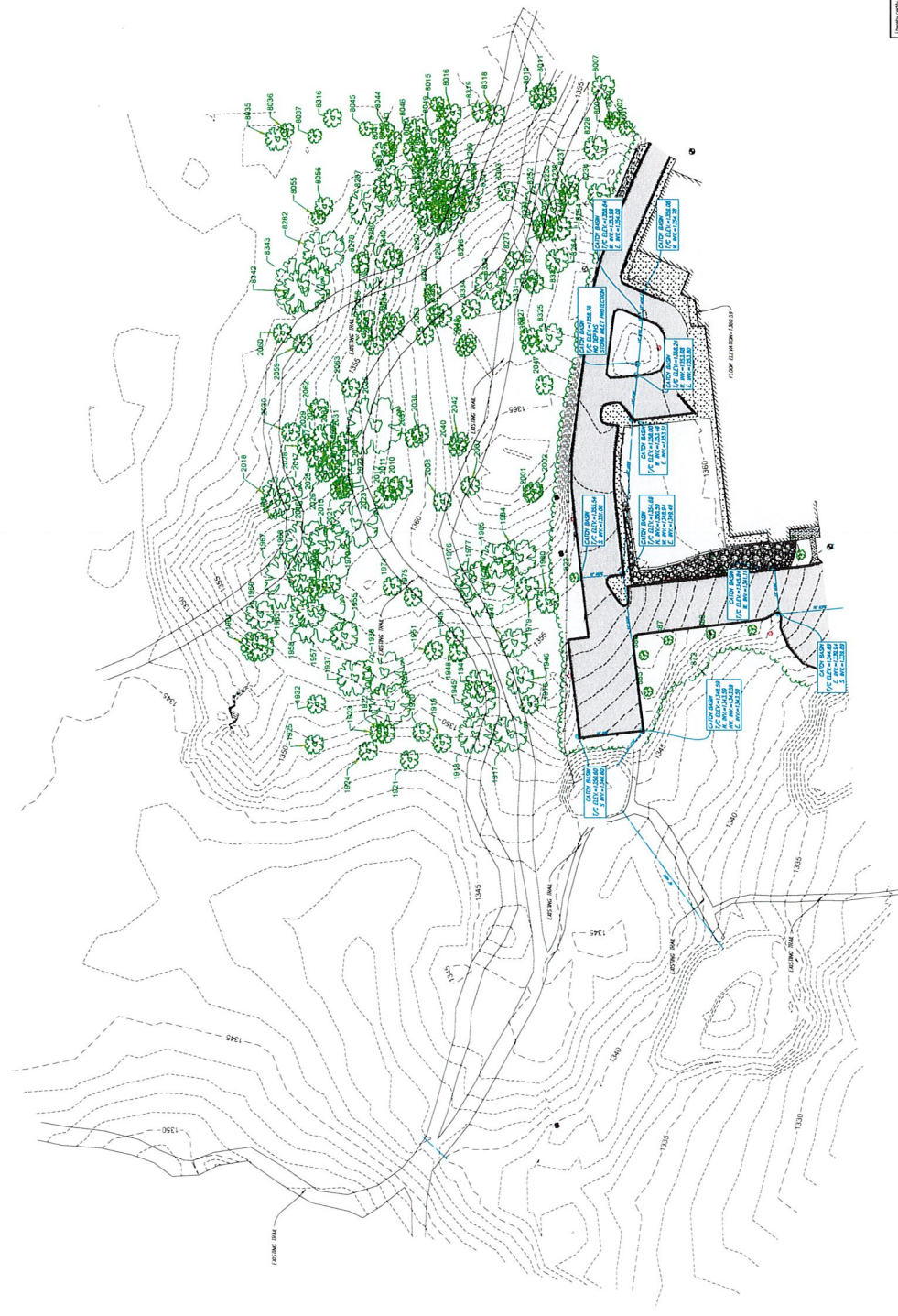
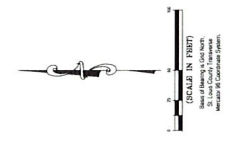
(Northstar Academy)

part of the NE 1/4 of the SE 1/4
 Section 8, T50N, R14W of the 4th P.M.
 St. Louis County, Minnesota

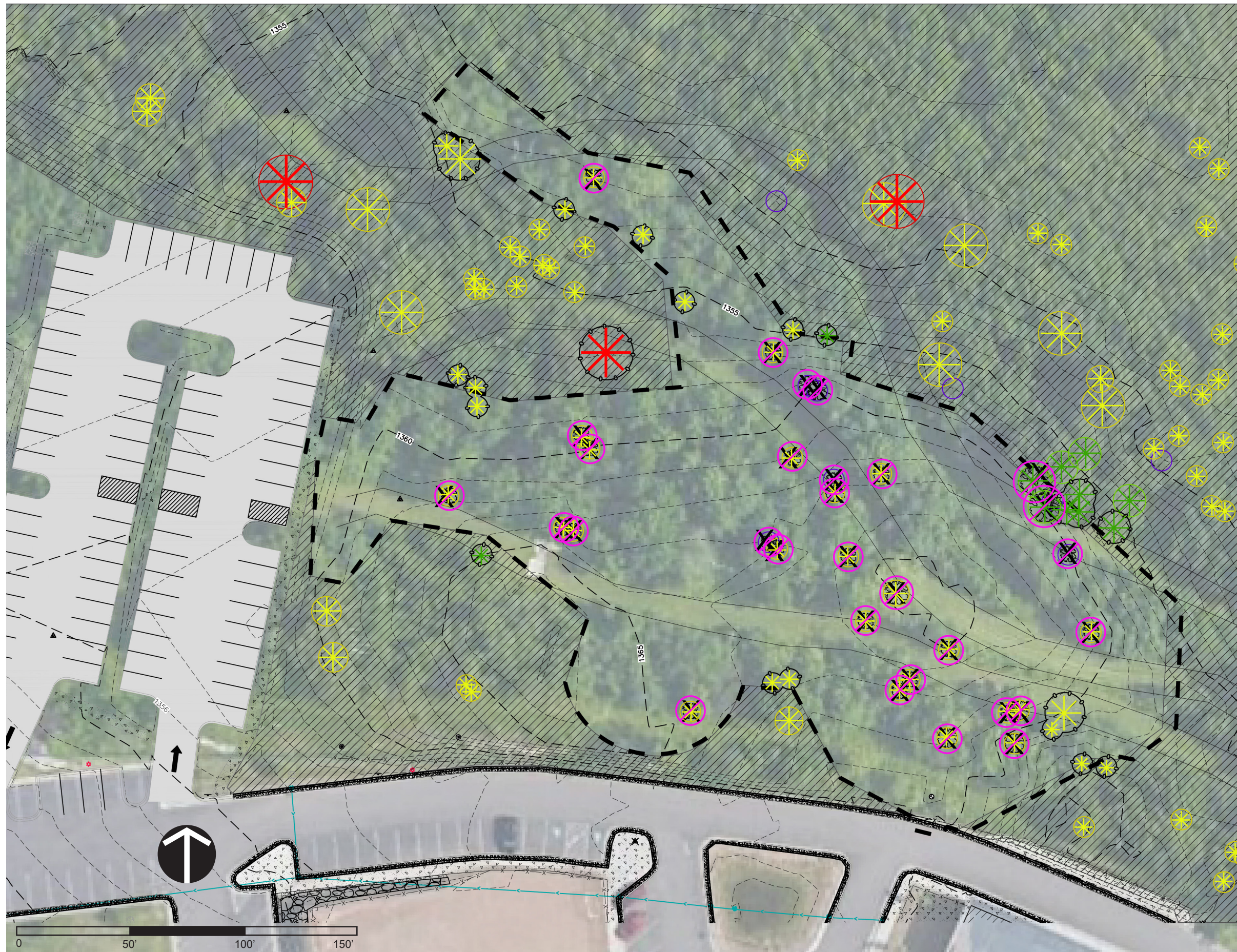
1. Property address: 1301 Technology Drive, Duluth, MN
2. Date of Survey: October 26, 2018
3. State of Minnesota, County of St. Louis, County Traverser's Manual, 98, Coordinate System, NAD 83
4. Vertical datum - North American Datum of 1988 (NAD 83)

LEGEND









- BRIMMING SURFACE
- BUILDING
- CONCRETE SURFACE
- 5 FOOT CONTOUR
- 1 FOOT CONTOUR
- CURB & GUTTER
- GRAVEL SURFACE
- IMP. ASP. SURFACE
- FENCE LINE
- GRAVEL STORM
- GRAVEL STORM COLLEKT
- TREE LINE / EDGE
- STOP SIGN
- SPEED LIMIT SIGN
- SON
- FENCE POST
- BENCHMARK
- FOUND REBAR
- HORIZONTAL CONTROL POINT
- EMERGENCY TREE
- EXISTING CURB (SQUARE)
- EXISTING CATCH BASIN (ROUND)
- EXISTING SLOPE (ROUND)
- WATER VALVE
- FIREBANT



COMPILED BY: J. J. JENSEN
 DATE: 11/02/18
 PROJECT: 18-001
 SHEET: 1 OF 1
 SCALE: 1" = 10000'
 DRAWN BY: J. J. JENSEN
 CHECKED BY: J. J. JENSEN
 APPROVED BY: J. J. JENSEN
 DATE: 11/02/18



Legend

-  Other Significant Trees
-  Special Trees 6"-20" DBH
-  Special Trees >20" DBH
-  Surveyed Tree, not in tree preservation category
-  Protected Trees
-  Construction Limits
-  Removed Tree
-  Area Protected During Construction



**City of Duluth
Planning Division**

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

An Equal Opportunity Employer

TREE PRESERVATION REPORT (REVISED MARCH 29, 2013)

A tree preservation report is required for any development or redevelopment activities that impacts trees and is on a lot of more than 10,000 square feet with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use or a lot of record created after 11/19/10. See sections 50-25.6 and 50-25.9 of the UDC. **Note:** before preparation of the tree preservation report, contact the City Forester to discuss the proposed scope and size of the project, and to get any additional information or instructions prior to commencing the tree inventory.

Property address/location: 3301 Technology Drive, Duluth MN 55811

Name of applicant/agent: Tischer Creek Duluth Building Company

Phone: _____ **Email:** _____

Date of expected tree removal: June 2021

Type of Trees	Removal Threshold	Number Impacted by Project
Special Trees 6"–20" DBH	10 or more	22
Special Trees >20" DBH	Prohibited unless approved per Section 50-25.9	0
Other Significant Trees	20 or more	2

- **DBH: Diameter at Breast Height.** Diameter is measured in inches 54" above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the highest point beneath the split.
- **Special Trees:** White pines, red (Norway) pines, white cedars, white spruces, eastern hemlocks, sugar maples, American basswoods, American elms, yellow birches, and all oak species (for identification help, see <http://www.arboday.org/trees/treeGuide/index.cfm>).
- **Significant tree:** All trees of more than 10 inches DBH, and all special tree species of more than 6 inches DBH. Any replacement tree planted as part of a tree replacement plan shall also be considered significant.

Map

Attach a map of the property, including locations of structures and trees. Indicate which trees will be preserved and which will be removed (or attach your own map). Preserved trees must be protected during construction through use of a fence around the critical root radius. Attach photos of areas to be impacted by construction.

Signature

I testify that this report is true and accurate to the best of my knowledge.

Applicant Signature: _____ Date: _____

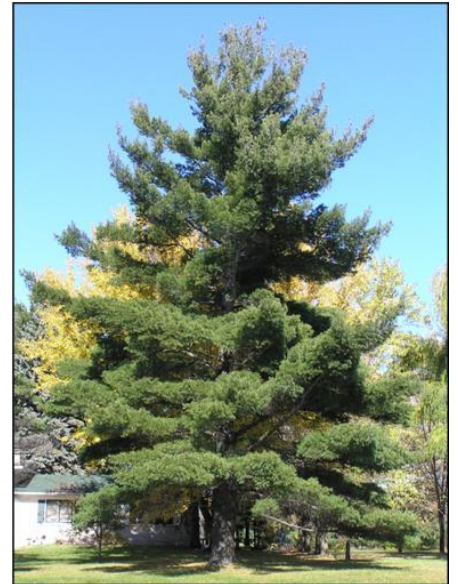
City Approval

Upon review of all applicable information, I approve the Tree Preservation Report (if with conditions, make note).

City Forester Signature: _____ Date: _____

White pine (*Pinus strobes*)

- only five-needle pine native to eastern North America
- distinguished by its commonly "windblown" or asymmetrical look; its large, long cones; and its five needles per cluster



Norway Pine (*Pinus resinosa*)

- also called the red pine because of its pale red wood and reddish bark
- branches on mature trees don't begin until about two-thirds of the way up the tree trunk
- crown of the Norway pine is cone-shaped and the glossy/dark green needles are soft and flexible

Fun Fact: The name Norway comes from early explorers who thought the tree was a pine they had seen back home in Norway. Perhaps because so many Norwegians live here, Minnesota is the only state that still uses the term Norway.



White Cedar (*Thuja occidentalis*)

- small evergreen tree (average height 40') with fan-like branches
- leaves are flat and scale like; 3-5cm in length

Fun Facts: This species is threatened where white-tail deer populations are high, since deer commonly use cedars as a winter food source. Oils from this tree are found in organic medications used to eliminate warts.



White Spruce (*Picea glauca*)

- large evergreen tree (average height: 40' to 60', occasionally 100')
- leaves are needlelike and sharply pointed, four-sided, crowded along branchlets; length 1/3" to 3/4"



Eastern Hemlock (*Tsuga Canadensis*)

- typically have a dense pyramidal crown whose lower branches often sweep the ground
- leaves are flat and green above with white, shallow, bands on the underside
- cones are among the smallest of the pine family; 1/2" to 3/4" long



Sugar Maple (*Acer saccharum*)

- [deciduous tree](#) normally reaching 82'–115' tall
- leaves are simple, opposite on stem, length 3" to 5"; three- to five-pointed, smooth-edged lobes; dark green on upper surface, lighter green below; in autumn turns to brilliant shades of dark red, scarlet, orange, or yellow
- seeds consists of two slightly connected wings (samaras), each containing one seed; length about 1"; easily carried by the wind
- principal source of maple syrup



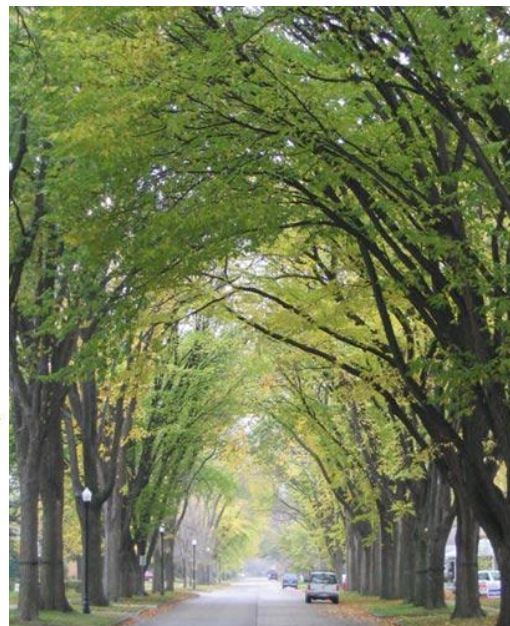
American Basswood (*Tilia americana*)

- medium-sized to large [deciduous tree](#) reaching a height of 60' to 120'
- leaves are simple, alternate on stem, length 3" to 6", nearly as wide, heart-shaped, saw-toothed, sharp-pointed at tip; at maturity thick, shiny, green above, paler underneath, turns yellow to orange in autumn
- seeds are rounded, nutlike drupe covered with short, thick, brownish wool, attached in clusters to a leafy bract that later acts as a wing to carry seeds away on the wind; fruit often hangs on tree long into winter



American Elm (*Ulmus Americana*)

- a [deciduous tree](#) reaching heights of 100' tall
- crown forms a high, spreading canopy with open air space beneath
- [leaves](#) are alternate, 7–20 cm long, with double-serrate margins and an oblique base
- tree is [hermaphroditic](#), having [perfect flowers](#), (i.e. with both male and female parts) and is therefore capable of self-pollination
- wholly insensitive to daylight length ([photoperiod](#)), and will continue to grow well into autumn until injured by frost



Yellow Birch (*Betula alleghaniensis*)

- easily recognized by the yellowish-bronze exfoliating bark for which it is named; the [bark](#) is smooth, yellow-bronze, flaking in fine horizontal strips, and often with small black marks and scars
- medium-sized [deciduous tree](#) reaching 65' tall
- [flowers](#) are wind-pollinated [catkins](#) 1" to 2 1/2" long



Oak Species (*genus Quercus*)

- [spirally](#) arranged [leaves](#), with a lobed margin in many species; some have [serrated leaves](#) or entire leaves with a smooth margin
- [flowers](#) are [catkins](#), produced in [spring](#)
- [fruit](#) is a [nut](#) called an [acorn](#), borne in a cup-like structure known as a [cupule](#); each acorn contains one seed (rarely two or three) and takes 6–18 months to mature, depending on species

