



# MEETING AGENDA

Planning Commission Agenda  
Duluth City Hall Room 330 (Formerly 303)  
Tuesday, November 12, 2019 – 5:00 PM

Call to Order and Roll Call

Approval of Planning Commission Minutes (October 8, 2019)

Consent Agenda

1. PL 19-146 Special Use Permit for Daycare at 301 W. St. Marie Street by Hope United Methodist Church
2. PL 19-153 Special Use Permit for Daycare at 7210 Fremont Street (Zoo) by Leah Budnik

Public Hearings

3. PL 19-147 Mixed Use-Institutional (MU-I) Campus Sign Plan for Essentia Health
4. PL 19-157 Preliminary Plat of 56 acres at the northeast corner of Haines Road and Arrowhead Road to become the Kirkland Addition by Costco Wholesale
5. PL 19-156 Mixed Use-Commercial (MU-C) Planning Review of Costco Wholesale at the northeast corner of Haines Road and Arrowhead Road

Other Business

6. PL 19-072 Spirit Lake Sediment Remediation Project Environmental Assessment Worksheet (EAW) Review of Comments and Decision
7. PL 19-164 Comprehensive Plan Compliance, Proposed TIF District for Decker Dwellings

Communications

**Manager's Report**

Reports of Officers and Committees

- Heritage Preservation Commission Representative
- JAZB Update

Recess for Brown Bag Discussion Meeting

Discussion Topics: Vacation Dwelling Units and Other Dwelling Types, Rezoning Schedule, and Core Investment Area planning

Adjournment





City of Duluth  
Planning Commission  
October 8, 2019 Meeting Minutes  
Council Chambers - Duluth City Hall

Call to Order

President Janet Kennedy called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, October 8, 2019, in city hall council chambers.

Roll Call

Attending: Jason Crawford, Gary Eckenberg, Janet Kennedy, Michael Schraepfer, Sarah Wisdorf, and Zandra Zwiebel

Absent: Tim Meyer, Margie Nelson, and Andrea Wedul

Staff Present: Adam Fulton, Robert Asleson, John Kelley, Kyle Deming, and Cindy Stafford

Approval of Planning Commission Minutes

September 10, 2019

MOTION/Second: Wisdorf/Crawford approved the minutes with minor change

VOTE: (6-0)

Consent Agenda

1. PL 19-129 Interim Use Permit for a Vacation Dwelling Unit (Renewal of Existing Permit) at 3330 Minnesota Avenue by Pat and Bill Burns
2. PL 19-133 Minor Subdivision for a Lot Split at 3625 London Road by TJS Construction, LLC
3. PL 19-134 Variance for an Addition at 101 Eden Lane by Ken Peterson (BBC)/Patricia Dwyer
4. PL 19-136 Vacation of a Utility and Drainage Easement at Outlot G, Coffee Creek Boulevard by Wildamere Capital Management  
Staff: N/A  
Applicant: N/A  
Public: No speakers.  
Commissioners: Zandy Zwiebel notes item PL 19-134. The neighbor living at 105 Eden Lane had voiced an interest in speaking, but wasn't in attendance.  
MOTION/Second: Wisdorf/Zwiebel recommended approval of the consent agenda items as per **staff's recommendations**.

VOTE: (6-0)

Public Hearings

(Audio amplification for audience stopped working. 10 minute recess to try to fix audio amplification. Recording devices still working.)

(5:26 p.m. Interim Director Adam Fulton notes the amplification system is not working. The meeting will continue as scheduled. He asked commissioners and staff to speak loudly. He invited the public to move closer to the front of the room to hear better. Chair Kennedy asked the audience to raise their hand if they are unable to hear, and the content will be repeated.)

5. PL 19-128 Special Use Permit (SUP) for a Hotel Use at 8721 W Skyline Parkway by Skyline Parkway Properties LLC

Recommended Motion: Approve with Conditions

Staff: Kyle Deming introduced **the applicant's proposal to create a "hotel"** through the addition of four small, detached hotel units to a property currently used as a vacation rental. Once constructed, the existing vacation rental will be included in the new hotel and will no longer be operated as a vacation dwelling unit. The UDC definition of **"hotel"** allows detached units to function as a hotel, and requires a special use permit in the MU-N district. Staff recommends approval with the conditions listed in the staff report. Sarah Wisdorf asks if the units have running water and sewer. Per Deming there is a separate building for toilets and showers. Wisdorf asked about the septic system.

Applicant: Jake Kleper of CF Design, Ltd. addressed the commission. He explained the property is served by municipal water connection, but has a septic system that is sized for a large office building, and is capable of handling the proposed use. Wisdorf would like confirmation that the septic is sized appropriately. Per Interim Director Fulton, the septic size will be addressed when the building permit is issued. Zwiebel confirmed there will be 24-hour staffing provided for these units. Kleper affirmed, and gave an overview of the project. The small sleeping units are for solo travelers, couples, and visitors seeking recreation in the area. The cabins are designed to blend into the surroundings, and offer a unique experience for travelers. Zwiebel confirmed the existing unit is the house. Kleper affirmed, and stated it will be the fifth unit of the hotel. The garage will be the used as the registration area.

Public: Gerald Sjöberg, 9001 W. Skyline Pkwy, addressed the commission. He lives adjacent to the hotel and has concerns. The property is zoned mixed-use neighborhood. He noted this includes small-scale retail to provide goods and services to the surrounding neighbors. The proposed project does not offer this to the neighborhood. Granting the SUP does nothing to support the neighborhood. He is opposed.

Commissioners: Zwiebel clarified there is no zoning change. Deming affirmed a hotel needs a SUP in the MU-N zone. Zwiebel noted the low density neighborhood future land use shown for the Thompson Hill area. Interim Director Fulton stated the area was part of the comp plan update. The property is zoned MU-N and there is currently no plan by the City to rezone the property to conform with the Comprehensive Plan future land use map. Interim Director Fulton noted there the hotel use will be legally non-conforming if the zoning changes to comply with the Comprehensive Plan. Zwiebel likes the idea of having other alternatives to big box hotels. She likes the new idea and concept. She is in support. Wisdorf asked **why it can't remain a short term rental vacation unit**. Interim Director Fulton stated this **wouldn't** be a vacation rental, because there are multiple structures on the property, and there are no vacation rental permits available due to the cap of 60. **Gary Eckenberg is concerned it's** zoned MU-N, but future land map calls for a future rezoning to low intensity residential. Interim Director Fulton states the comp plan would not recommend MU-N zoning in the future. **Eckenberg doesn't like** approving a special use permit for something now that will be a non-conforming use when the zoning changes. He is opposed.

MOTION/Second: Zwiebel/Crawford **approved as per staff's recommendations**.

VOTE: (3-3, Eckenberg, Kennedy and Schraepfer Opposed) - Motion Fails

Interim Director Fulton noted the applicant could bring this item to the city council for their consideration. He reiterated that the applicant has a 10-day window to file an appeal to the City Council.

6. PL 19-139 UDC Map Amendment for an MU-P district on South Street by Launch Properties

Recommended Motion: Approve

Staff: Interim Director Fulton introduced **the applicant's proposal to rezone from Mixed Use Commercial (MU-C) to Mixed Use-Planned (MU-P)** to build approximately 98 units of multi-family housing. Staff recommends approval of the rezoning to MU-P and the waiver of MU-P requirements for total height and minimum site size. The building would **be 66' high on South Street and 44' high on the upper side of the street.** Fulton stated that the applicant is requesting waiver from the minimum size in the MU-P district of 2 acres, as the site is smaller than 2 acres, and the maximum modification in height limitations in the MU-P district. The regulating plan will be brought forward after this process, and then the next step would be a building permit. Zwiebel asked if the planning commission would ever see the details of the plan. Interim Director Fulton, noted it is done administratively, and the regulating plan must follow the ordinance. He stated that it would be something that could be brought before the Planning Commission as an informational item. The applicant is still proposing the same building as in its previous application.

Applicant: Scott Moe of Launch Properties addressed the commission and asked if there were any questions. Eckenberg asked how this rezoning concept become an option. Moe noted the interpretation of the code is a legal cat and mouse game and this application was recommended by his legal counsel. **If the land was flat, they wouldn't need the variance. He doesn't feel the view will** affect the dental office at the increased height versus **what's allowed.** He feels it is common sense, that hiring workers, increased housing and increased tax revenue outweigh the lost view.

Public: Robert LaCrosse, owner 2200 London Rd, addressed the commission. They are opposed to the MU-P rezoning. This zoning is for multiple buildings built around playgrounds and sidewalks. The proposed development is nothing like this. There are 17 criteria needed for MU-P rezoning. This proposed development meets none. He noted a two acre lot is the minimum size allowed in an MU-P. This proposed development is only one acre. **He isn't** opposed to development, but noted what is built should be within the law. He asked the commissioners to enforce the law. Eckenberg asked for clarification **on 65' height that Endi didn't have.** Interim Director Fulton noted Endi was able to build because they owned the land up to London Road. John Kolar, owner of the property being acquired by Launch Properties, addressed the commission. He noted the increased taxes they had to pay when the house was razed. The city will benefit enormously from this project. He supports the rezoning and urged the commissioners to support it, too. Commissioners: Michael Schraepfer confirmed the height would be less going from the side. He asked if more is allowed in an MU-P. Interim Director Fulton noted MU-P is flexible, but more would need to be approved the planning commission. Zwiebel noted the apartments would be small compact units and could have murphy beds. She noted this is somewhat unique. Schraepfer provided detail regarding murphy beds. Jason Crawford asked about the elevation diagram. Interim Director Fulton stated the orange line on the diagram is the mid-point, and designates what would be allowed by right in the current zoning district for MU-C. Crawford asked about the waiver from the required

minimum two acre lot size to allow for only one acre. Interim Director Fulton noted the two acre lot minimum is targeted for more of a greenfield cluster-type development, and not an urban setting where redevelopment is happening. The 2018 comp plan directs development to urban sites, so it is likely the minimum lot size will be modified in the future. Schraepfer stated that the planned development is straight forward. The alternative would be to make the developer meet the code. If they give concessions to one developer, they should give concessions to everyone. Wisdorf noted they have made concession in the past. Scott Moe noted they are not seeking public assistance. They want an economical viable project. The dental office is going to lose their view anyway. The concession do not apply to everyone. This is a unique situation. Eckenberg confirmed there is a change in the entrance from South Street to 22<sup>nd</sup> Avenue East. Schraepfer noted the developer is making concessions. Wisdorf asked if the commissioners want to add a connectivity requirement to the motion. Interim Director Fulton stated it could be added, and that there are already sidewalks around the site. Zwiebel asked if they could see a final plan before they break ground. Fulton noted it could be a condition to see the regulating plan. Moe states there are no changes, and **there will be sidewalk connectivity. Chair Kennedy notes LaCrosse's criteria comments** and asks staff to comment. Interim Director Fulton lists verbiage from UDC 50-15.7. He states that on balance the development was creative and staff found sufficient justification that the project meets **the modification "C" clause.** MOTION/Second: Schraepfer/Wisdorf recommend approval **as per staff's** recommendations, which includes the waiver of MU-P requirements for total height and minimum site size.

VOTE: (6-0)

7. PL 19-138 UDC Map Amendment to Rezone From Rural-Conservation (R-C) to Park and Open Space (P-1) and Rural Residential 1 (RR-1) property at 3509, 3512, and 3566 Riley Road by the City of Duluth  
 Staff: Interim Director Adam Fulton introduced **the city's proposal**. Staff received two citizen comments which were shared with the commissioners prior to the meeting. Staff recommends approval of the proposed rezoning to P-1 and RR-1.  
 Applicant: N/A  
 Public: No speakers.  
 Commissioners: N/A  
 MOTION/Second: Zwiebel/Wisdorf **recommend approval as per staff's** recommendations.

VOTE: (6-0)

#### Communications

- **Manager's Report** – Interim Director Fulton gives an overview. He shares a memo from Steven Robertson which lists three issues identified as potential suggestions for vacation rentals. Should the 60 cap limit be modified? Should duplexes be given extra flexibility? Should a third permit be created for intermittent vacation rentals to rent out no more than 14 days per calendar year? Wisdorf is in support, but wants to receive city council approval. Zwiebel asked if a percentage of housing stock would be considered. Interim Director Fulton noted **it's a possibility**. There will be a future brown bag meeting.
- Interim Director Fulton shared the ordinance which amends the Urban Forest Commission to Natural Resources commission. He gave an overview and noted the natural areas program which will be overseen by this new commission to make sure

lands are being used appropriately. Chair Kennedy asked if this new commission can overturn the planning commission. Interim Director Fulton stated that this commission will not be responsible for reviewing development proposals. Golf RFPs will be issued this week.

- Pastoret Terrace found favor with city for demo with 30-day stay.
- Spirit Lake Sediment EAW– Deming indicated responses to comments and a draft record of decision will be presented at the November planning commission meeting.

#### Reports of Officers and Committees

- Heritage Preservation Commission Representative – Wisdorf gave an overview. The Lincoln Park Memorandum of Agreement is being finalized with SPHO.
- Joint Airport Zoning Board – No update.
- Midway-Duluth Joint Planning & Zoning Commission – No update. Meeting in November.

#### Adjournment

Meeting adjourned at 7:01 p.m.

Respectfully,

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Adam Fulton – Interim 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

File Number	PL 19-146	Contact	Chris Lee	
Type	Special Use Permit for Preschool Use	Planning Commission Date		November 12, 2019
Deadline for Action	Application Date	October 1, 2019	60 Days	November 30, 2019
	Date Extension Letter Mailed	October 10, 2019	120 Days	January 29, 2019
Location of Subject		301 West St. Marie Street		
Applicant	Hope United Methodist Church	Contact	Robert West	
Agent		Contact		
Legal Description		Lots 1 through 9, Block 32, INCLUDING part of vacated street adjacent, EXCEPT part Southerly taken for street; AND Lots 1 through 8, Block 25, INCLUDING part of vacated street adjacent of Oakland Park Addition to Duluth		
Site Visit Date	October 30, 2019	Sign Notice Date		October 29, 2019
Neighbor Letter Date	October 30, 2019	Number of Letters Sent		40

**Proposal**

Applicant is proposing to open a new preschool in the existing church at 301 West St. Marie Street. The preschool will provide space for infants, toddlers, and pre-school children and will house up to 66 students. The preschool will also be a licensed under the Minnesota Department of Human Services.

**Recommendation**

Staff recommends approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Religious Institution	Open Space/Traditional Neighborhood
<b>North</b>	R-1	Creek and Single Family Home	Open Space/Traditional Neighborhood
<b>South</b>	MU-I	UMD Campus	Open Space
<b>East</b>	R-1	Single Family Homes	Urban Residential
<b>West</b>	R-2	Open Space	Traditional Neighborhood

**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 neighborhoods.

Land use and transportation should foster neighborhood reinvestment. New development or redevelopment should strengthen neighborhood commercial centers or diversify residential opportunities that fit the neighborhood's character.

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

Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide. A preschool use within a neighborhood contributes to this mixture of uses.

Governing Principle #11 - Consider education systems in land use actions.

There is a connection between land use patterns and educational facilities. A preschool within this neighborhood supports families and minimizes the impact on transportation and infrastructure systems.

Future Land Use Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. In this instance, the open space abuts West Branch of Tischer Creek.

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.

The subject property and structure is a church that was constructed in 1966. A previous daycare that operated out of this church for 40 years closed on January 1, 2019, for renovation. The proposed new daycare facility will reestablish similar practices to the previous facility.

**Review and Discussion Items**

- 1) Applicant proposes to open a daycare and preschool for up to 66 students ranging from infants to preschool ages in the existing Hope United Methodist Church.
- 2) A preschool requires a special use permit to operate in an R-1 district. Currently the church is occupied for traditional religious uses, but the building can accommodate additional uses during weekdays. The students will spend their time inside the church's educational wing and outdoors in a fenced in supervised play area.
- 3) Hours of operation for the preschool will be Monday through Friday 6:00 a.m. to 6:00 p.m. Drop off and pick up for students and parents will be from the existing parking area located off Carver Avenue.
- 4) UDC Sec. 50-20.2 (Use Specific Standards). The applicant is not proposing any new buffer or similar screening around the structure as this use will be primarily on the interior of the existing church building. The preschool will not have a visible impact on adjacent properties as similar uses have historically been in place at the church.
- 5) UDC Sec. 50-24 (Parking and loading). As stated above, student drop off and pick up along with staff and parent parking will be in the main parking lot for the church. The site provides 51 stalls, which is an ample supply of parking for the church and proposed use as a preschool (1 space per 5 person in care capacity). There is also an accessible entrance and drop-off location.
- 6) UDC Sec. 50-25 (Landscaping and Tree Preservation). No specific standards applicable.
- 7) UDC Sec. 50-26 (Screening, Walls and Fences). The applicant is only proposing new screening around the existing dumpsters. No other new screening is proposed.
- 8) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
- 9) UDC Sec. 50-31 (Exterior Lighting). No new lighting will be installed as part of this project
- 10) No citizen or city department comments were received at the time that this report was written.



**Staff Recommendation**

PC Packet 11-12-19

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) 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.



301 W. St. Marie St

**Legend**

- Gas Main
- Water Main
- Hydrant

**Sanitary Sewer Mains**

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main

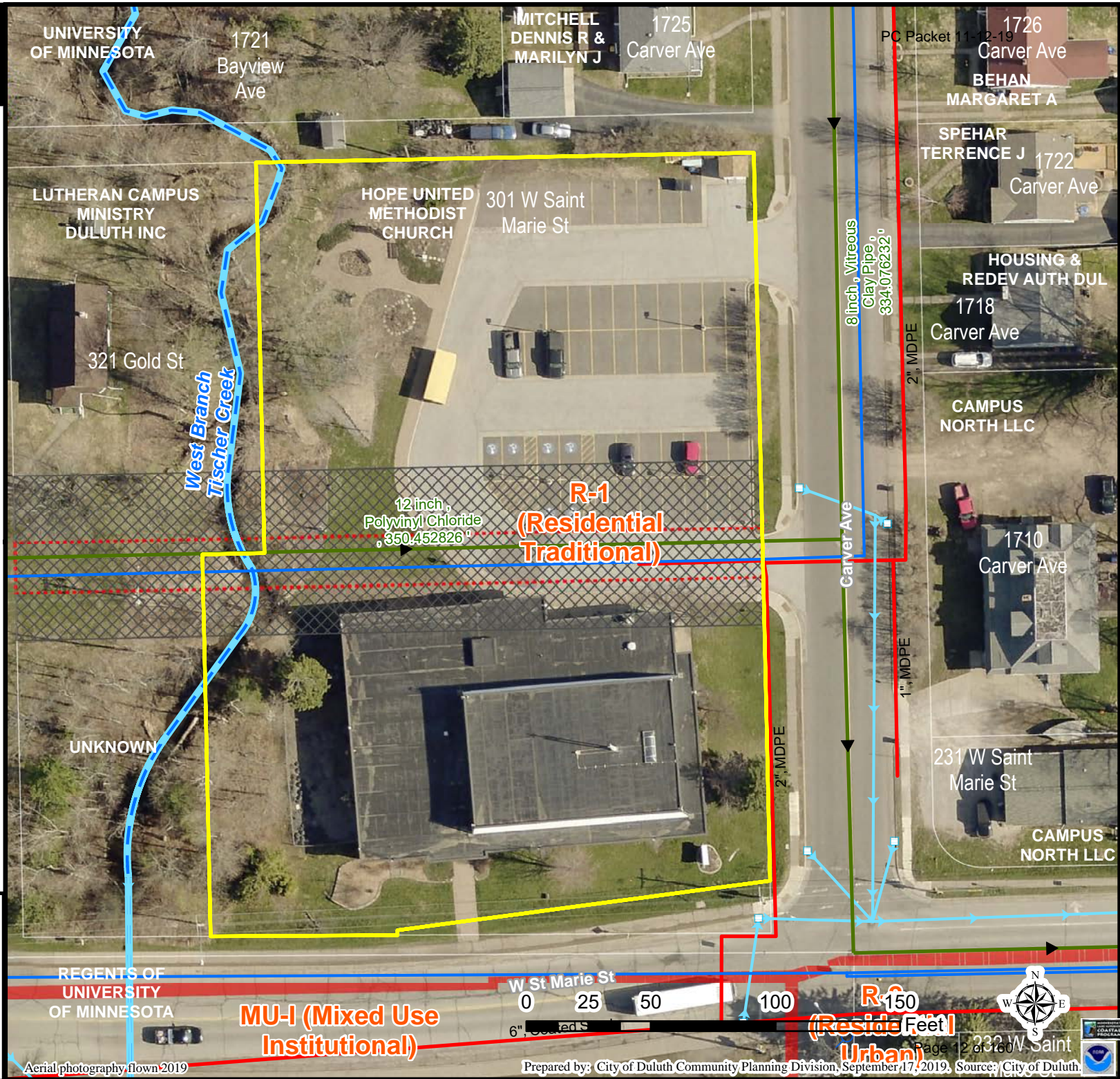
**Storm Sewer Mains**

- Storage Basin
- PS Pump Station
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW

**Easement Type**

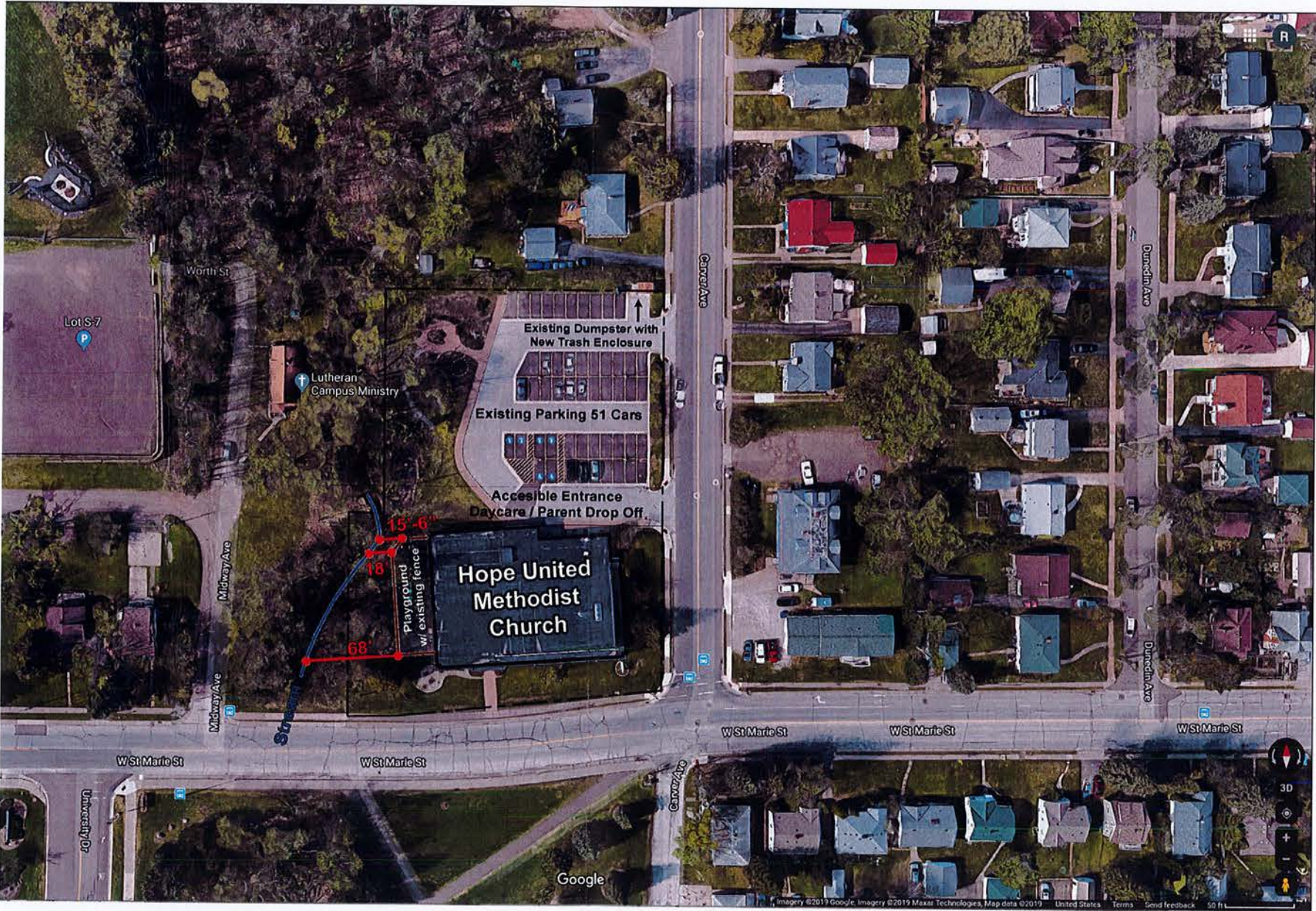
- Utility Easement
- Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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.





Hope for Kids Childcare Center  
Hope United Methodist Church  
301 W St. Marie Street  
Duluth, MN



**Zoning District R-1**  
**Parking Requirements for Daycare**  
1 space per 5 persons care capacity  
66 Children = 13 parking spaces required

**Aerial Photo / Site Layout**  
approx 1:50

Note: This is not a survey, information shown is a combination of owner supplied information and aerial photo data

LINE IS TWO INCHES  
AT FULL SCALE (30x22 SHI)  
(IF NOT 2" - SCALE ACCORDINGLY)

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

Date: \_\_\_\_\_ Reg. No.: \_\_\_\_\_

RW Fern Associates Inc. Architects, 5517 Grand Ave, Duluth, Minnesota 55807 (218) 722-8271

Hope for Kids Childcare Center - Special Use Permit  
Hope United Methodist Church  
301 W St. Marie Street Duluth, MN

Job No. 2493 Date 8/27/19  
Drawn By RWF  
Sheet: 1  
of: 1



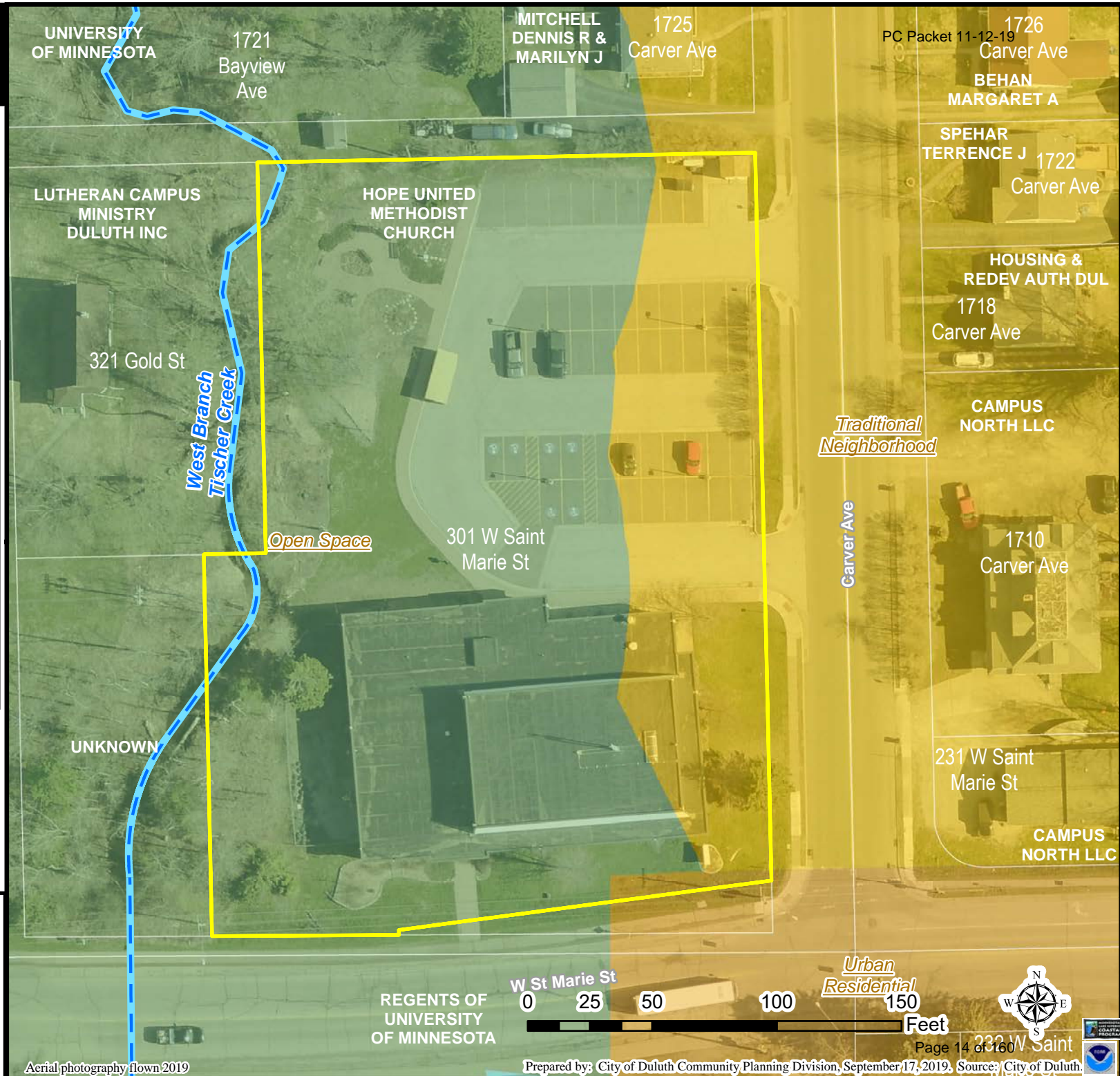


301 W.St. Marie St

### Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- 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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W St Marie St

0 25 50 100 150 Feet



Page 14 of 160 W Saint Marie St

Prepared by: City of Duluth Community Planning Division, September 17, 2019. Source: City of Duluth.



Northside of HUMC Building and Parking Lot



Southside, on corner of West St. Marie Street and Carver Street





Main Entrance to Childcare Center – Northside of building adjacent to Parking Lot







**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 19-153	Contact	John Kelley	
Type	Special Use Permit for Preschool	Planning Commission Date		November 12, 2019
Deadline for Action	Application Date	October 16, 2019	60 Days	December 15, 2019
	Date Extension Letter Mailed	October 17, 2019	120 Days	February 13, 2019
Location of Subject		Lake Superior Zoo (7210 Fremont Street). Parcel ID #010-2744-00020		
Applicant	Lake Superior Zoo	Contact	Leah Budnik	
Agent		Contact		
Legal Description		Duluth Plat, NW 1/4 OF SW 1/4, Section 13, Township 49, Range 15		
Site Visit Date	November 1, 2019	Sign Notice Date		October 29, 2019
Neighbor Letter Date	October 30, 2019	Number of Letters Sent		73

**Proposal**

Applicant is proposing to open a new preschool in the existing pavilion building located on the Lake Superior Zoo property. The preschool will provide space for 3, 4 and 5 year old children and will house up to 20 students. The preschool will be a licensed facility under the Minnesota Department of Human Services.

**Recommendation**

Staff recommend approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Lake Superior Zoo	Open Space
<b>North</b>	R-1, RR-1	Open space	Open Space
<b>South</b>	R-1	Single Family Homes	Traditional Neighborhood
<b>East</b>	R-1	Single Family Homes	Traditional Neighborhood
<b>West</b>	RR-1	Open space	Open Space

**Summary of Code Requirements**

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- 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 neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported 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 character.

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

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide

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.

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. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

The subject property and structure is owned by the City of Duluth and the zoo began development in 1923 with many of the structures being built in the 1930's and 1940's, including the pavilion.

FN 11-114 Shoreland Variance - for the construction of accessible restroom facilities for the pavilion.

**Review and Discussion Items**

- 1) Applicant proposes to open a preschool for up to 20 students ages 3-5 years old in the pavilion building at the Lake Superior Zoo.
- 2) A preschool requires a special use permit to operate in an R-1 district. The pavilion is currently being used as a classroom for programming and special events such as birthdays. The students will spend their time inside the pavilion located in the northeast corner of the zoo property. Students will also have supervised access to a fenced area adjacent to the pavilion called the playscape and on zoo premises.
- 3) Hours of operation for the preschool will be Monday through Friday 7:30am to 5:30pm from the beginning of September through the end of May. Drop off and pick up for students and parents will be from the parking area located off of Fremont Street and access into the pavilion through the perimeter gate adjacent to the parking area.
- 4) The Pavilion and other structures in the immediate area are within the shoreland setback area for a coldwater stream. Most of these structures were constructed prior to the zoning requirement of the 150 foot setback from a coldwater creek. The use will be within the existing building and there are no plans to expand the pavilion at this time.
- 5) UDC Sec. 50-20.2 (Use Specific Standards). The applicant is not proposing any new buffer or similar screening around the structure as this use will be primarily on the interior of the existing pavilion building. The preschool will not have a visible impact on adjacent properties as similar uses have historically been in place at the pavilion.
- 6) UDC Sec. 50-24 (Parking and loading). As stated above student drop off and pick up along with staff and parent parking will be in the main parking lot for the zoo. The site provides an ample supply of parking for the zoo visitors and proposed use as a preschool (1 space per 5 person in care capacity).
- 7) UDC Sec. 50-25 (Landscaping and Tree Preservation). No specific standards applicable.
- 8) UDC Sec. 50-26 (Screening, Walls and Fences). The applicant is not proposing any new screening, walls or fences.
- 9) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
- 10) UDC Sec. 50-31 (Exterior Lighting). No new lighting will be installed as part of this project
- 11) No citizen or city departments comments were received at the time that this report was written (October 29, 2019).

**Staff Recommendation**

PC Packet 11-12-19

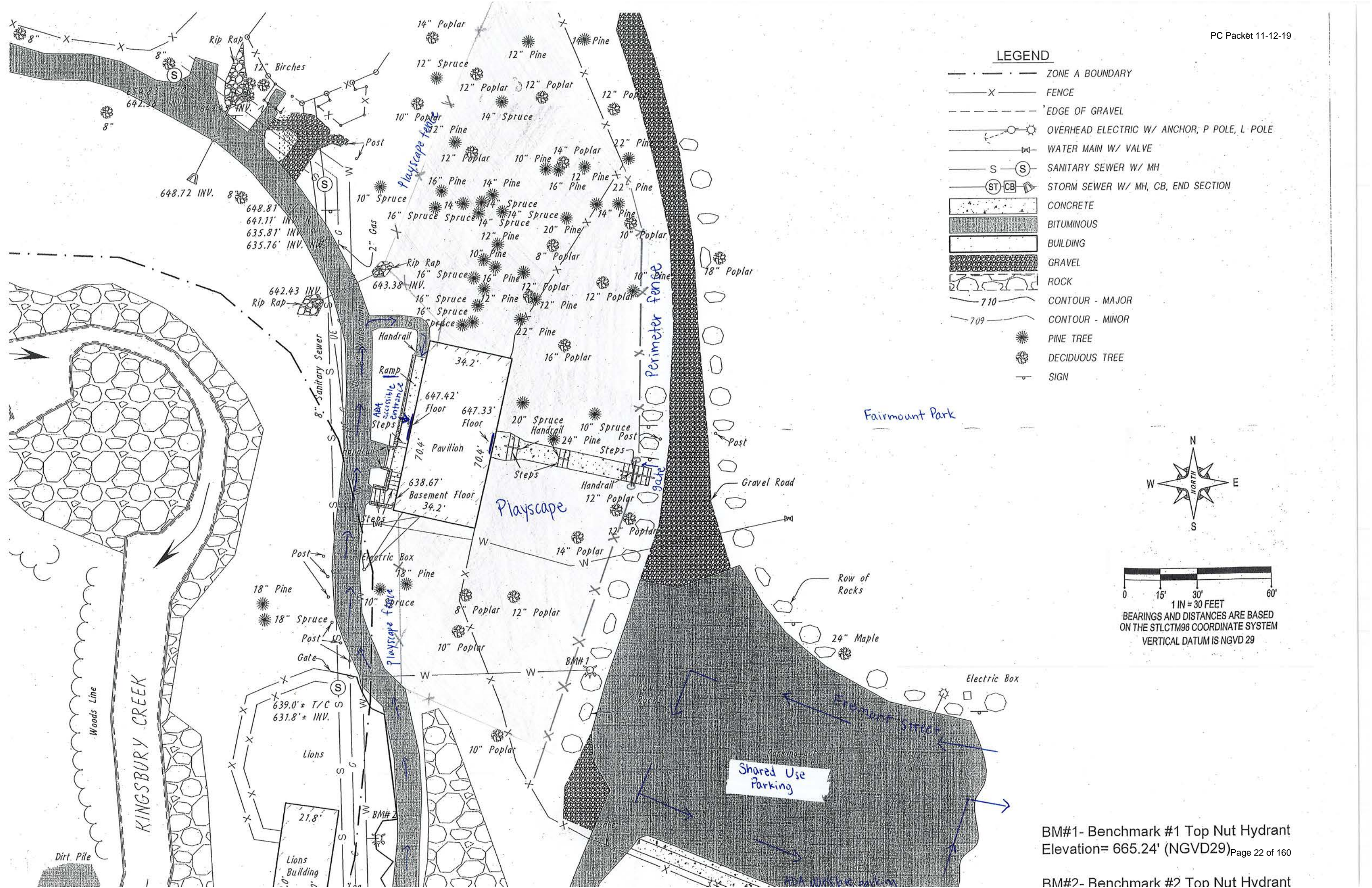
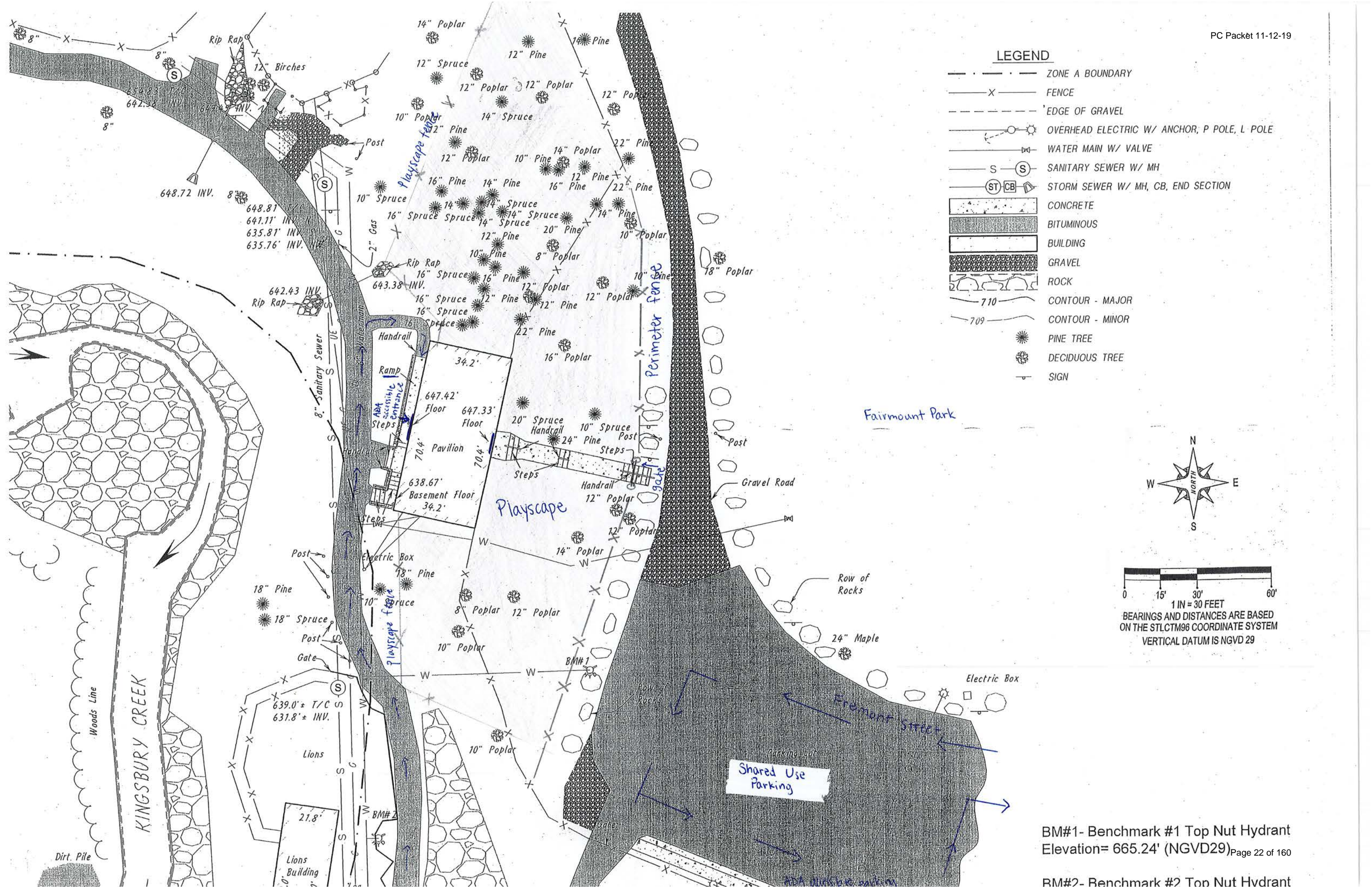
Based on the above findings, Staff recommends that Planning Commission approve the special use permit subject to the following conditions:

- 1) The proposal is limited to the site plan and documents submitted with this application; and
- 2) 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.



[illegible]

- [illegible]



PC Packet 11-12-19

**LEGEND**

- · — · — ZONE A BOUNDARY
- X — FENCE
- - - - - EDGE OF GRAVEL
- (S) — OVERHEAD ELECTRIC W/ ANCHOR, P POLE, L POLE
- (W) — WATER MAIN W/ VALVE
- (S) — SANITARY SEWER W/ MH
- (ST) (CB) — STORM SEWER W/ MH, CB, END SECTION
- CONCRETE
- BITUMINOUS
- BUILDING
- GRAVEL
- ROCK
- 710 CONTOUR - MAJOR
- 709 CONTOUR - MINOR
- PINE TREE
- DECIDUOUS TREE
- SIGN

**Site Plan Details:**

- Structures:** Pavilion, Basement Floor, Ramp, ADA Accessible Entrance, Steps, Handrail, Electric Box, Lions Building.
- Utilities:** 8" Sanitary Sewer, 2" Gas, 10" Spruce, 12" Pine, 14" Poplar, 16" Spruce, 18" Pine, 20" Spruce, 22" Pine, 24" Maple.
- Landmarks:** Kingsbury Creek, Fairmount Park, Gravel Road, Row of Rocks, Shared Use Parking, Fremont Street, Dirt Pile.
- Elevations:** 648.72 INV., 648.81 INV., 641.11 INV., 635.81 INV., 635.76 INV., 642.43 INV., 643.38 INV., 647.42' Floor, 647.33' Floor, 70.4' Pavilion, 638.67' Basement Floor, 34.2', 639.0' ± T/C, 631.8' ± INV., 21.8'.
- Other:** Rip Rap, Post, Gate, BM#1, BM#2, 10" Poplar, 12" Poplar, 14" Spruce, 16" Pine, 18" Spruce, 20" Pine, 22" Pine, 24" Pine, 26" Pine, 28" Pine, 30" Pine, 32" Pine, 34" Pine, 36" Pine, 38" Pine, 40" Pine, 42" Pine, 44" Pine, 46" Pine, 48" Pine, 50" Pine, 52" Pine, 54" Pine, 56" Pine, 58" Pine, 60" Pine, 62" Pine, 64" Pine, 66" Pine, 68" Pine, 70" Pine, 72" Pine, 74" Pine, 76" Pine, 78" Pine, 80" Pine, 82" Pine, 84" Pine, 86" Pine, 88" Pine, 90" Pine, 92" Pine, 94" Pine, 96" Pine, 98" Pine, 100" Pine.

**Scale and Orientation:**

- 1 IN = 30 FEET
- BEARINGS AND DISTANCES ARE BASED ON THE ST/CTM96 COORDINATE SYSTEM
- VERTICAL DATUM IS NGVD 29

**BM#1- Benchmark #1 Top Nut Hydrant Elevation= 665.24' (NGVD29)**

**BM#2- Benchmark #2 Top Nut Hydrant**

Page 22 of 160

[illegible][illegible]





**RR-1 (Rural Residential 1)**



**R-1**  
**(Residential**  
**Traditional)**

# Lake Superior Zoo



**MU-N (Mixed Use Neighborhood)**

**R-1 (Residential Traditional)**

Page 23 of 160  
7/2019 Source: City of Duluth

### Legend

## Zoning Boundaries

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 Community Planning Division, September 17, 2019. 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

### Shoreland (UDC)

Cold Water

Natural Environment

General Development

Trout Stream (GPS)

Other Stream (GPS)

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Aerial photography flown 2019

Lake Superior Zoo

R-1  
(Residential  
Traditional)

Pavilion Building  
Pre-School

0 30 60 120 180  
Feet

Page 24 of 160

Prepared by: City of Duluth Community Planning Division, September 17, 2019. /Source: City of Duluth







**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Date: November 4, 2019  
 To: Planning Commission and Interim Director Fulton  
 From: Steven Robertson, Senior Planner  
 RE: PL 19-147 Campus Sign Plan

Essentia Health and Ewing Cole has submitted exhibits for a Campus Sign Plan at the new Vision Northland facility near the corner of 2<sup>nd</sup> Street East and North 4<sup>th</sup> Avenue East. The intent of a campus plan is to provide a uniform signage plan for a large institutional site. It also allows for more rapid zoning review of pending sign permit applications.

The project proposer has summarized the shortcomings of the current on-site signage on page 5 of their exhibit, and establishes a new signage strategy on page 7 of the attached exhibit. The wayfinding signs are generally categorized by color, each principal structure having its own corresponding color (such as orange for Miller Dwan), as shown on page 9 of the attached exhibit. By using this strategy, every room within the campus will have a unique and non-repeating identification; there will not be the confusion of having more than one "room 100" within the project area.

The signage proposed in the campus plan exceeds the UDC in several areas: the size of monument signs (12 feet proposed versus 8 feet allowed), height of the projecting signs (signs should be at least 8 feet above the surface of the sidewalk or parking area), and size and lettering for canopy signs.

A portion of citizens traveling to this site will likely be distracted or distressed, so small variations from the UDC for basic identification signs (to improve clarity or communication) is generally understood to be in the best interests in the community. Other signage, such as "branding" or "logo" signs fall within the limits for normal wall signage provided for by the code.

Staff recommend approval of the campus sign plan, with the understanding that:

1. Any signage (particularly monument signage) can not block vehicular site triangles, as determined by City of Duluth Engineering, and can not be located in public right of way without an approved concurrent use permit, and
2. Zoning and building permits are still required for signs allowed under this campus sign plan.

## **50-27.10 Campus sign plan.**

- A. The city recognizes that university or college or hospital campuses have unique sign needs that may need to depart from the requirements of this Section. In such cases, the planning commission may recommend and city council may approve such sign standards for temporary and permanent signs through the review and adoption of a campus sign plan;

- B. A campus sign plan may be applied for by a university or college or hospital campus a minimum of two acres in size. In calculating the area, the entire area does not have to be contiguous and may be separated by public rights-of-way or by individual parcels not owned by the institution. However, the entire area must function as a connected campus;
- C. As part of the establishment of a campus sign plan, a comprehensive sign plan must be submitted. The comprehensive sign plan must describe the sign standards for the campus, including all exceptions to the requirements of this Section. A campus sign plan may be more permissive than the standards of this section. Directional signs within the campus may be described generally by sign area and height and general locations;
- D. The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a decision to adopt, adopt with modifications, or deny the application;
- E. Alternately, a campus sign plan may be incorporated into the review and approval process of the district plan option of the MU-I District.



# ESSENTIA HEALTH VISION NORTHLAND

## CAMPUS MASTER SIGN PLAN

28 OCTOBER 2019

prepared by:



**selbert perkins design collaborative**  
2 North Riverside Plaza, Suite 1475  
Chicago, IL 60606  
(312) 876 1839



Ewing Cole  
100 N. 6th Street  
Philadelphia, PA 19106-1590  
(215) 923 2020



- ANALYSIS & RECOMMENDATIONS
- CITY OF DULUTH CODE SUMMARY
- CAMPUS SIGNAGE
- NEXT STEPS

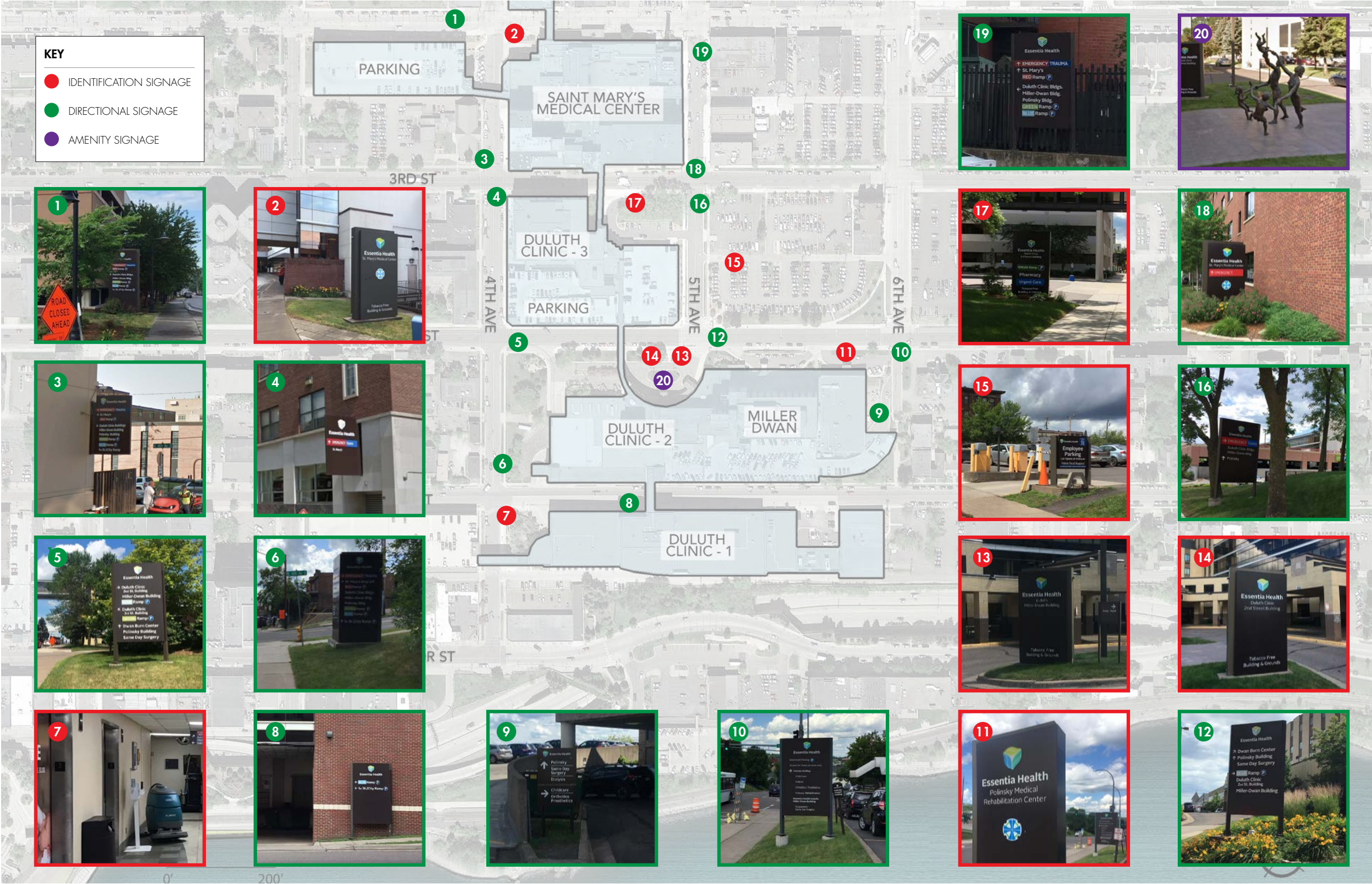


# ANALYSIS & RECOMMENDATIONS



# ANALYSIS & RECOMMENDATIONS

## EXISTING EXTERIOR SIGNAGE





# ANALYSIS & RECOMMENDATIONS

## EXTERIOR ANALYSIS



Ramps are hard to navigate into buildings and upon exiting. Mainly visitors get lost and require security to drive through campus.



Directional signage lacks secondary wayfinding tools such as building color or symbols to aid in direction and identification.



Entrances lack place-making items and visitors have trouble navigating the exterior of the campus.



Building name abbreviations are not understood or utilized — visitors navigate more with streets & avenues rather than acronyms.



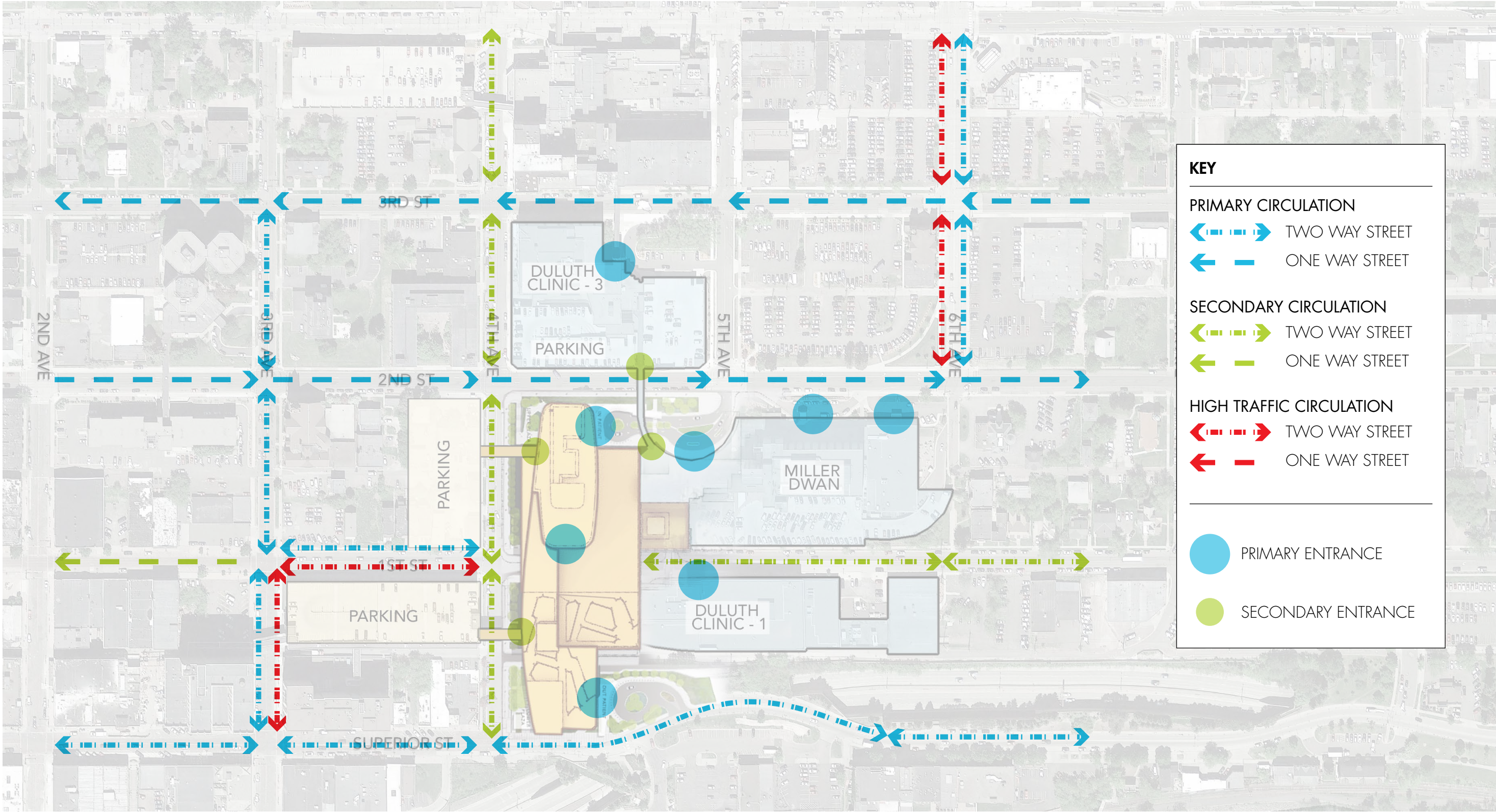
Exterior entrances do not incorporate building identity and there is a lack of hierarchy for messaging.



Exterior entrances to buildings are not clearly identified - difficult to know where to go in.



ANALYSIS & RECOMMENDATIONS  
EXTERIOR CIRCULATION + ENTRANCES





## Overall Strategy

1. Hierarchy of Branding - consistency of language
2. Entrance names - main entrances
3. Building color as a form of identity
4. Warmth in signage and concept direction
5. Consistency of placement for signage
6. Building naming & labeling
7. Phased approach for signage
8. Good, Better, Best
9. Considerations to design & materials for recommendations
10. Level naming & labeling
11. Placemaking as landmarks
12. Digital signage

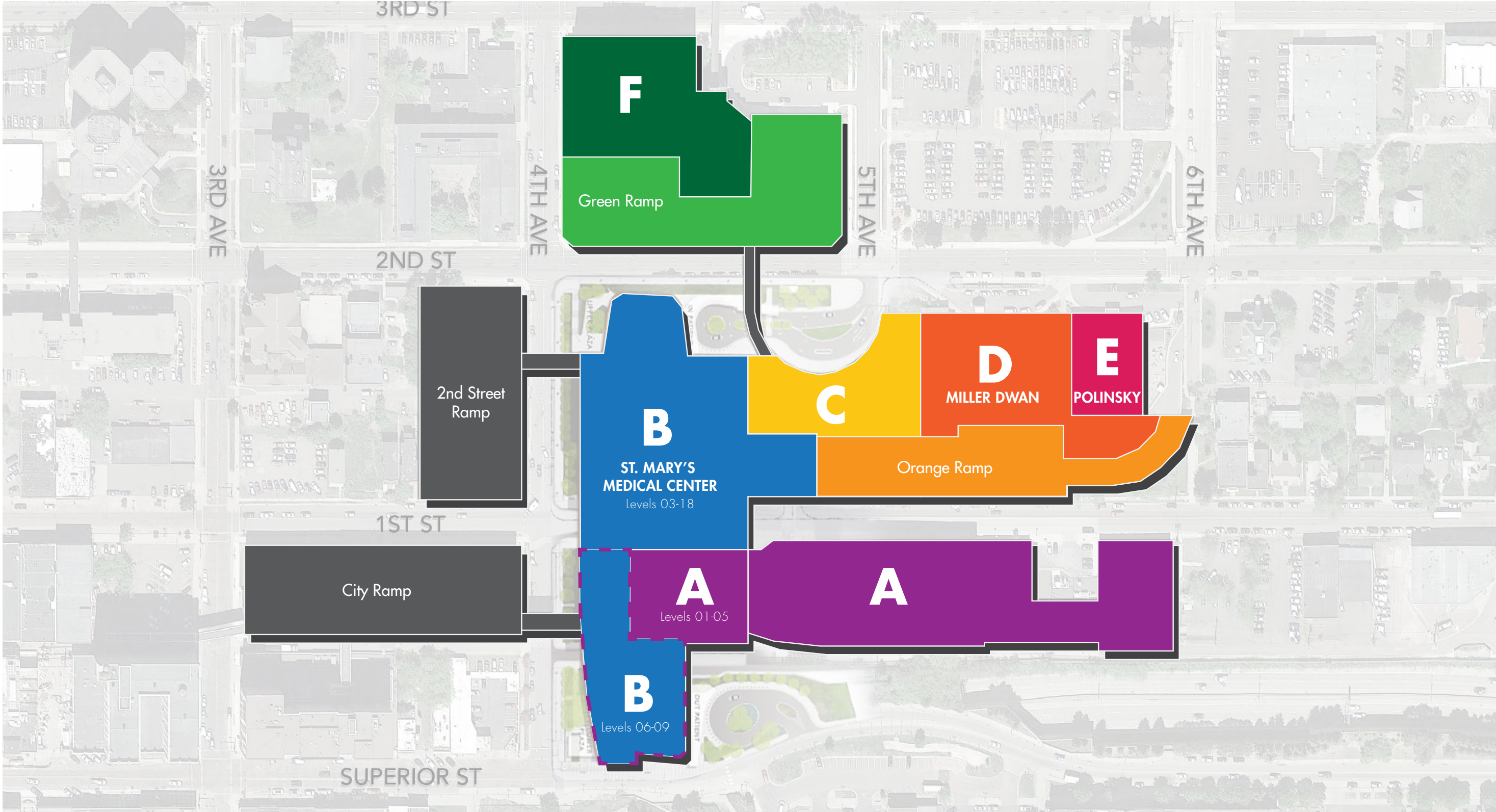
## Exterior Recommendations

1. Grade changes and multiple block building
2. Entrance identity signage
3. One way circulation - signage needs to help
4. Parking ramp Identity & entrance/exit - Pedestrian & Vehicle
5. Visibility of signage & legibility of signage
6. Campus trailblazers/banners - create a "place"
7. Minimize to essential messages Clinics, ED, Ramps, Valet, etc.
8. Directory locations
9. Bus maps/pedestrian maps
10. Parking ramps - improve color, level system & building identity
11. No concealed carry signage



ANALYSIS & RECOMMENDATIONS

BUILDING IDENTIFICATION RECOMMENDATION - ALPHA + COLOR SYSTEM





ANALYSIS & RECOMMENDATIONS

BUILDING IDENTIFICATION RECOMMENDATION - ALPHA + COLOR SYSTEM

THIRD ST      SECOND ST      SUPERIOR ST

DC3	Polinsky	Miller Dwan	DC2	St. Mary's Medical Center	Clinical Levels	DC1
F	E	D	C	B	A	A
				03-18	01-05	

BUILDING	LEVEL	ROOM NUMBER
A	01	A.01001
		<div>BUILDING</div> <div>LEVEL</div> <div>ROOM NUMBER</div>

# CITY OF DULUTH CODE



## AWNING SIGNAGE REQUIREMENTS

- Awning signs must be **located a minimum of 18" from back of curb**
- Awning signs must maintain a **minimum vertical clearance of 7'-6"**
- Awning signs are permitted lettering attached to and located above the top of a solid awning to a **maximum height of 24"**. Signs mounted to solid, flat roofed awnings are limited to individually mounted letters with internal illumination (if illuminated) or a sign board with external illumination - no internally illuminated cabinet signs
- Under awning signage is limited to a **maximum of 6 sq ft.**

## FREESTANDING SIGNAGE REQUIREMENTS

- **Freestanding signage maximum height 8'**
- All freestanding signage over 7' in height must submit construction plans prepared by a design professional licensed in Minnesota that comply with the requirements of the Minnesota State Building Code.
- **Freestanding signage maximum square footage 50 sf\***
- \*For sites with lot frontage that exceeds 250 linear feet, the maximum size area of the sign may equal up to 20 percent of the linear street frontage on the street nearest the sign, up to a maximum sign area of 100 sq ft.
- Only one freestanding sign, either pole or monument, is permitted per street frontage of a lot. For each additional 200' of street frontage,

above an initial 200' of frontage, an additional freestanding sign, either pole or monument, is permitted, **up to a maximum of three freestanding signs.**

## PROJECTING SIGNAGE REQUIREMENTS

- **One projecting sign is permitted per establishment** with frontage on a street. For a corner lot, one projecting sign is permitted for each street frontage.
- Projecting signs **may not project more than 6' from the face** of the building to which they are attached, including the area between the sign and the face of the building.
- Projecting signs must maintain a **minimum vertical clearance of 8'.**

## WALL SIGNAGE REQUIREMENTS

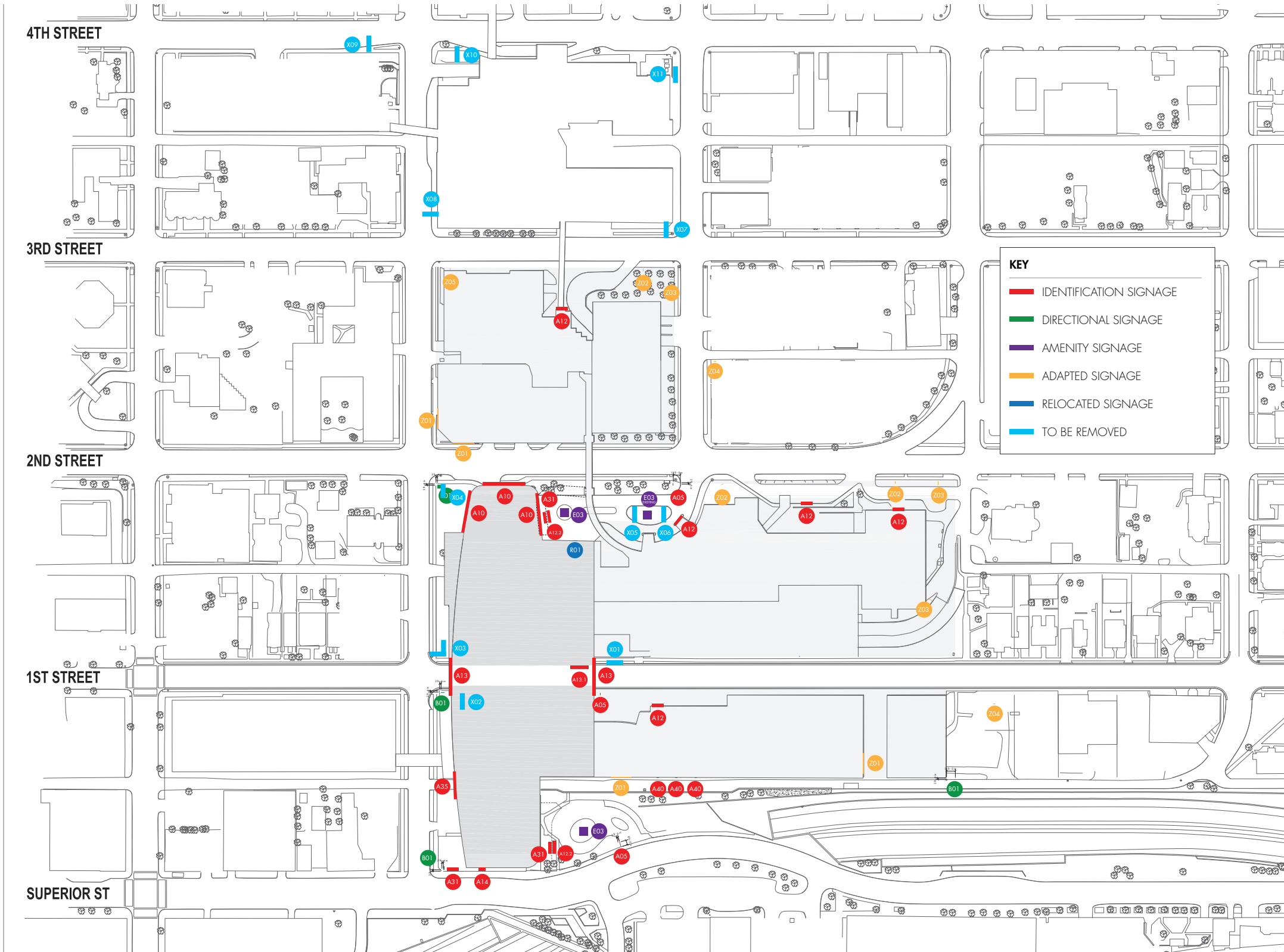
- The maximum size of a wall sign is established at **two square feet per linear foot of building facade** where the wall sign will be mounted **or 40 square feet, whichever is greater.**
- In addition, any structure over seven stories in height is permitted one additional wall sign per facade to identify the building, that must be placed within the top 20 feet of the structure and cannot cover and fenestration or architectural features. The maximum size is established at two square feet per linear foot of building facade, measured at the roof line, where the wall sign will be mounted.
- Wall signs may be internally or externally illuminated.



# CAMPUS SIGNAGE

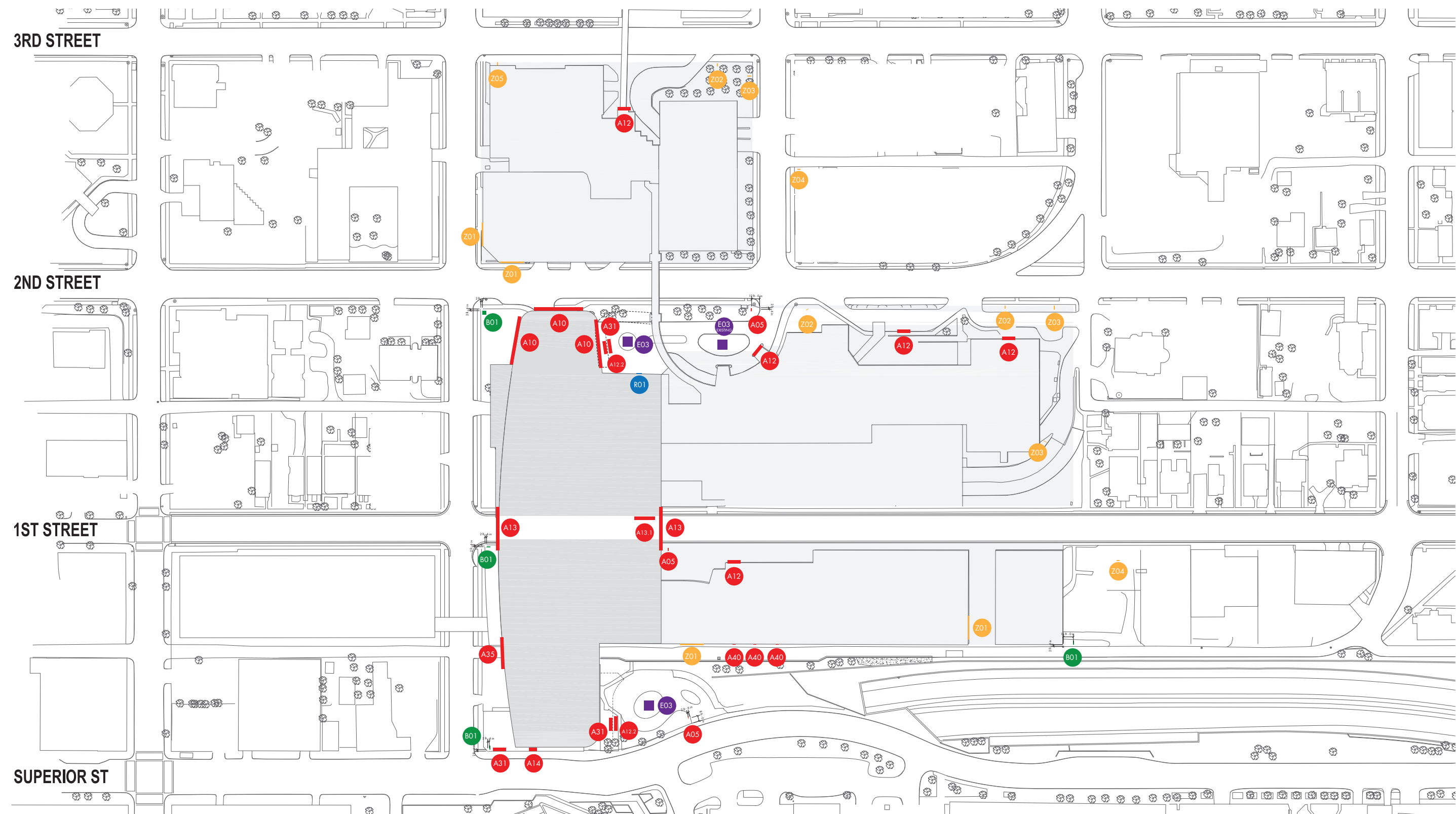
## CAMPUS SIGNAGE

### EXTERIOR SITE PLAN



# CAMPUS SIGNAGE

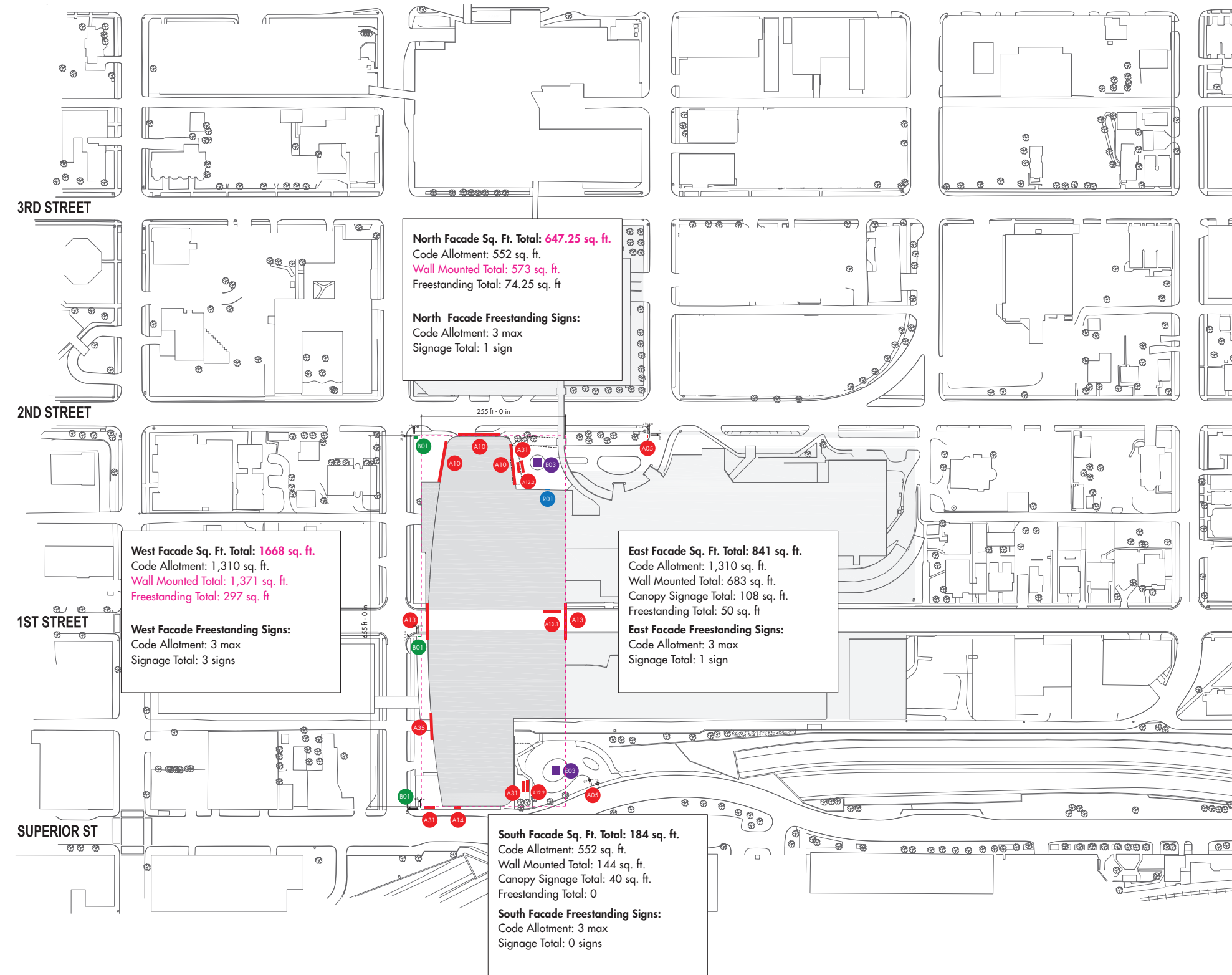
## EXTERIOR SITE PLAN - NEW + ADAPTED SIGNAGE



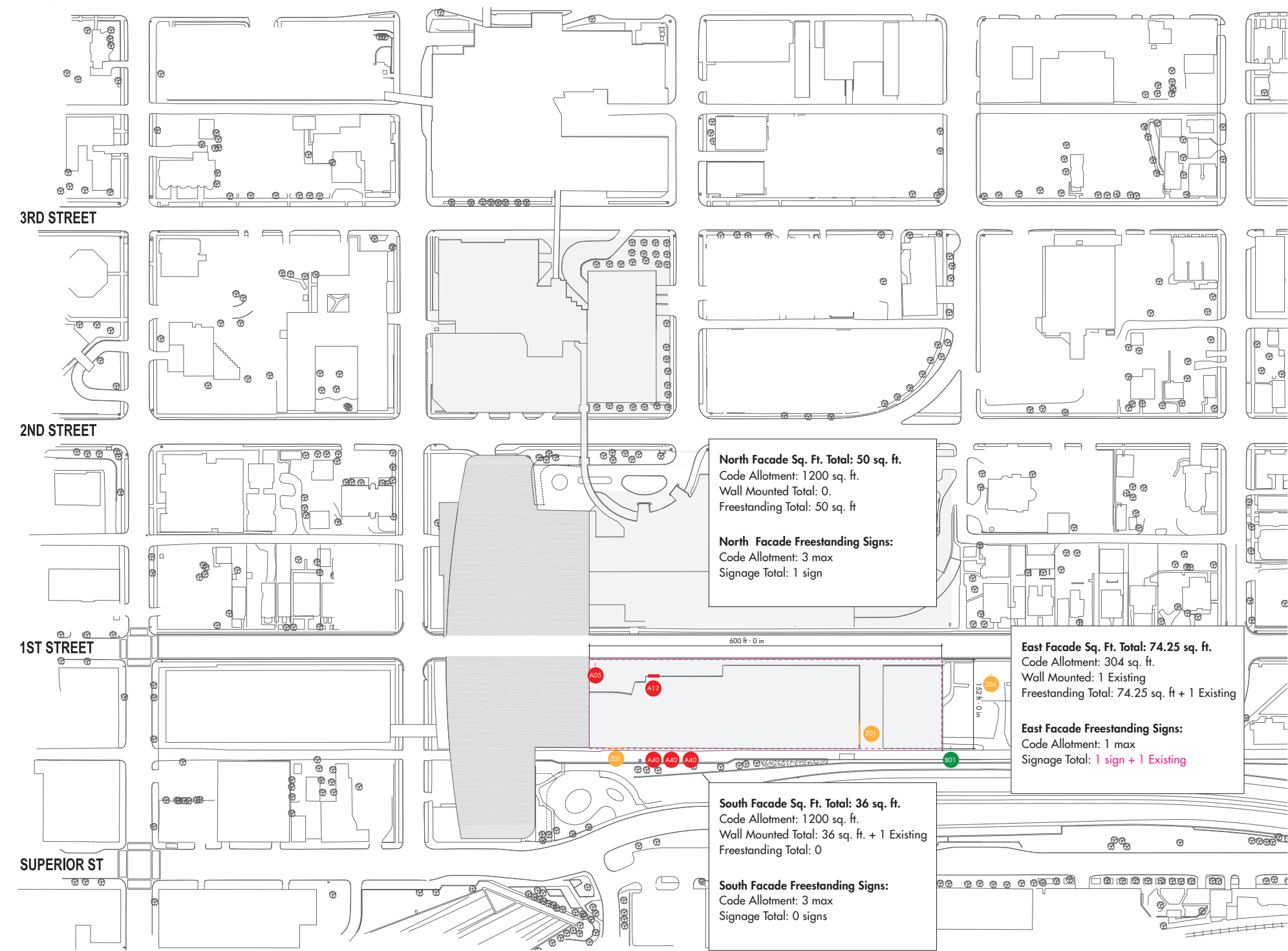


## CAMPUS SIGNAGE

## CAMPUS CODE SIGNAGE - ST. MARY'S MEDICAL CENTER

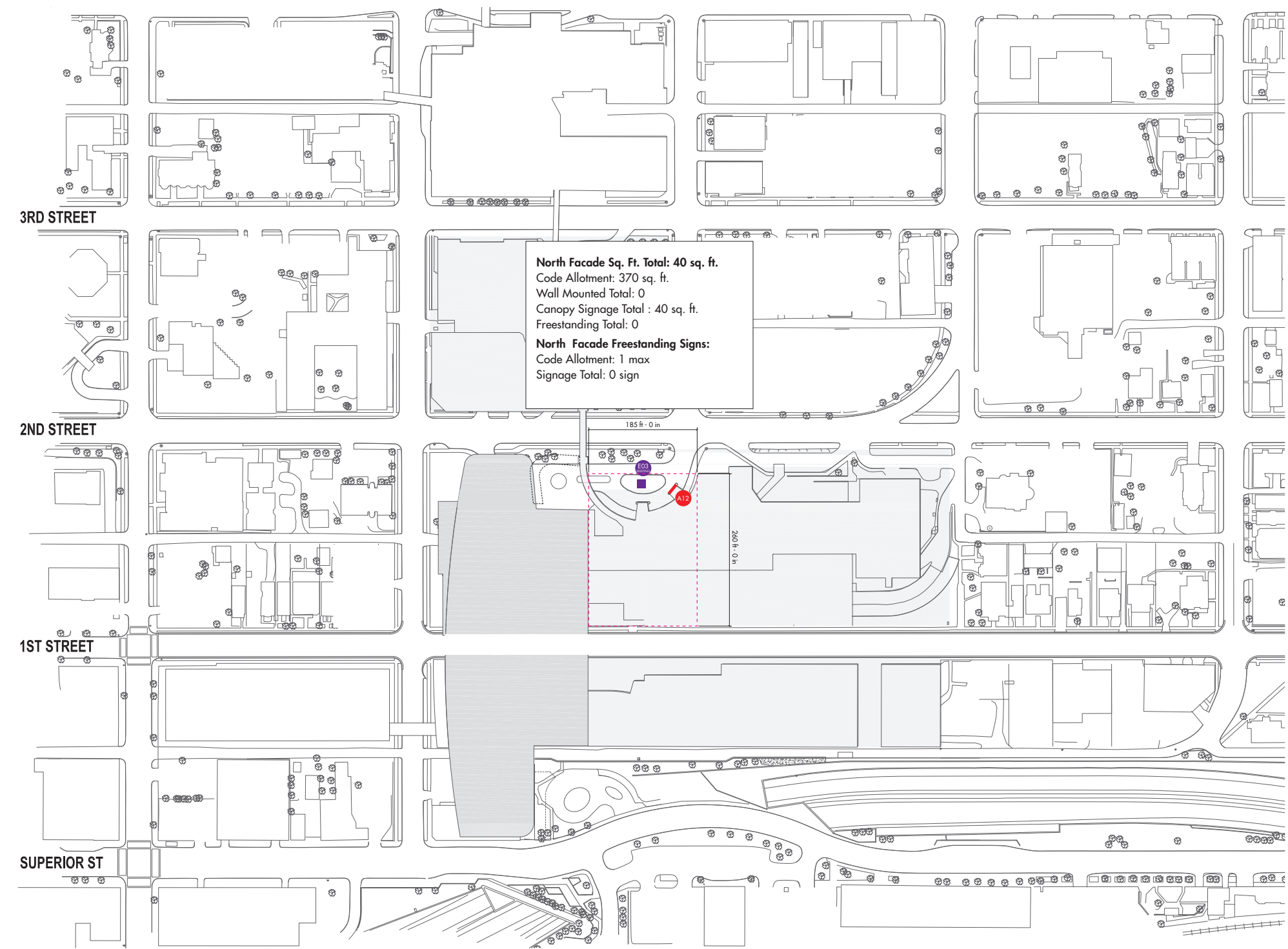


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CAMPUS CODE SIGNAGE - DULUTH CLINIC 1

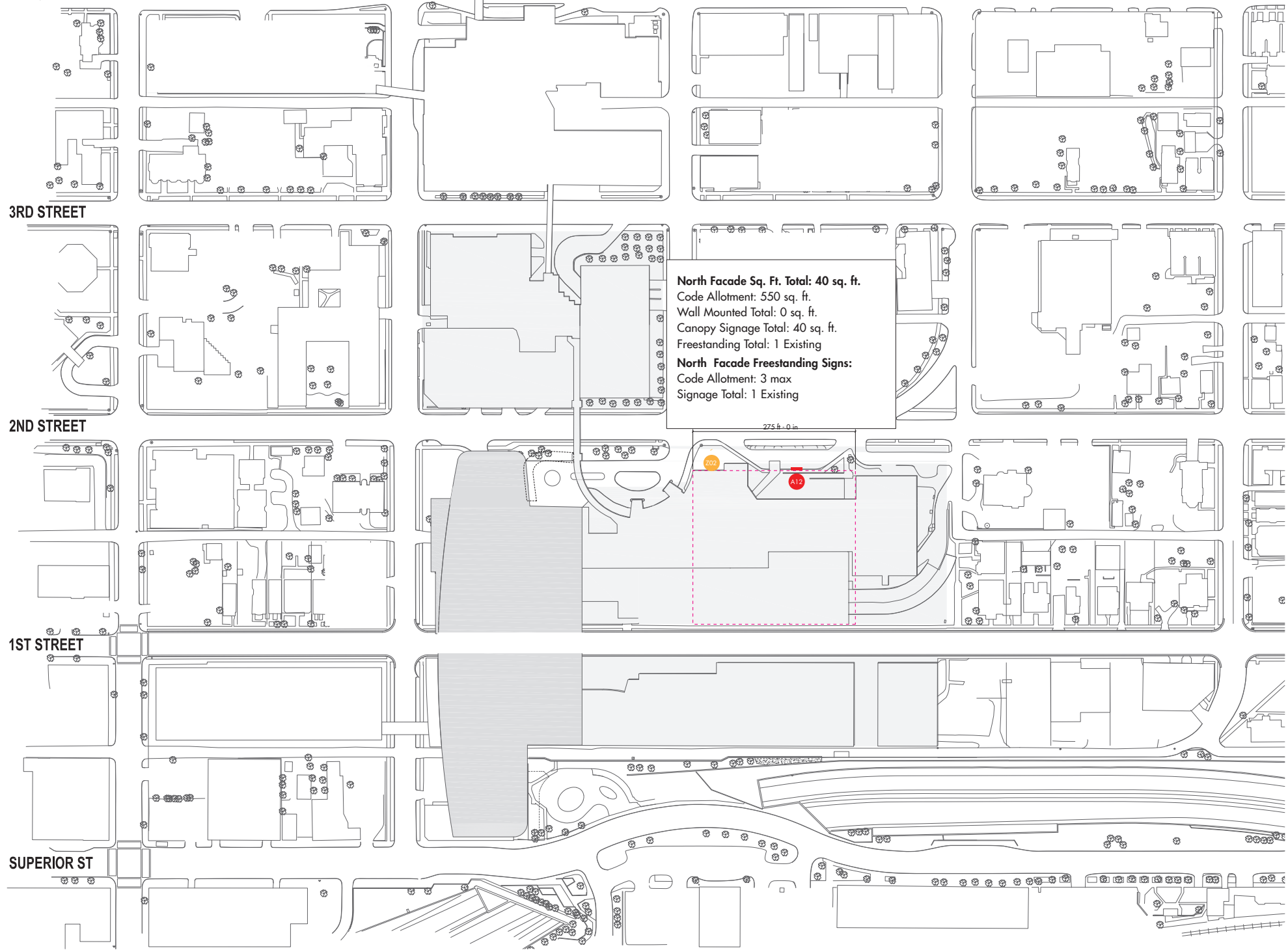




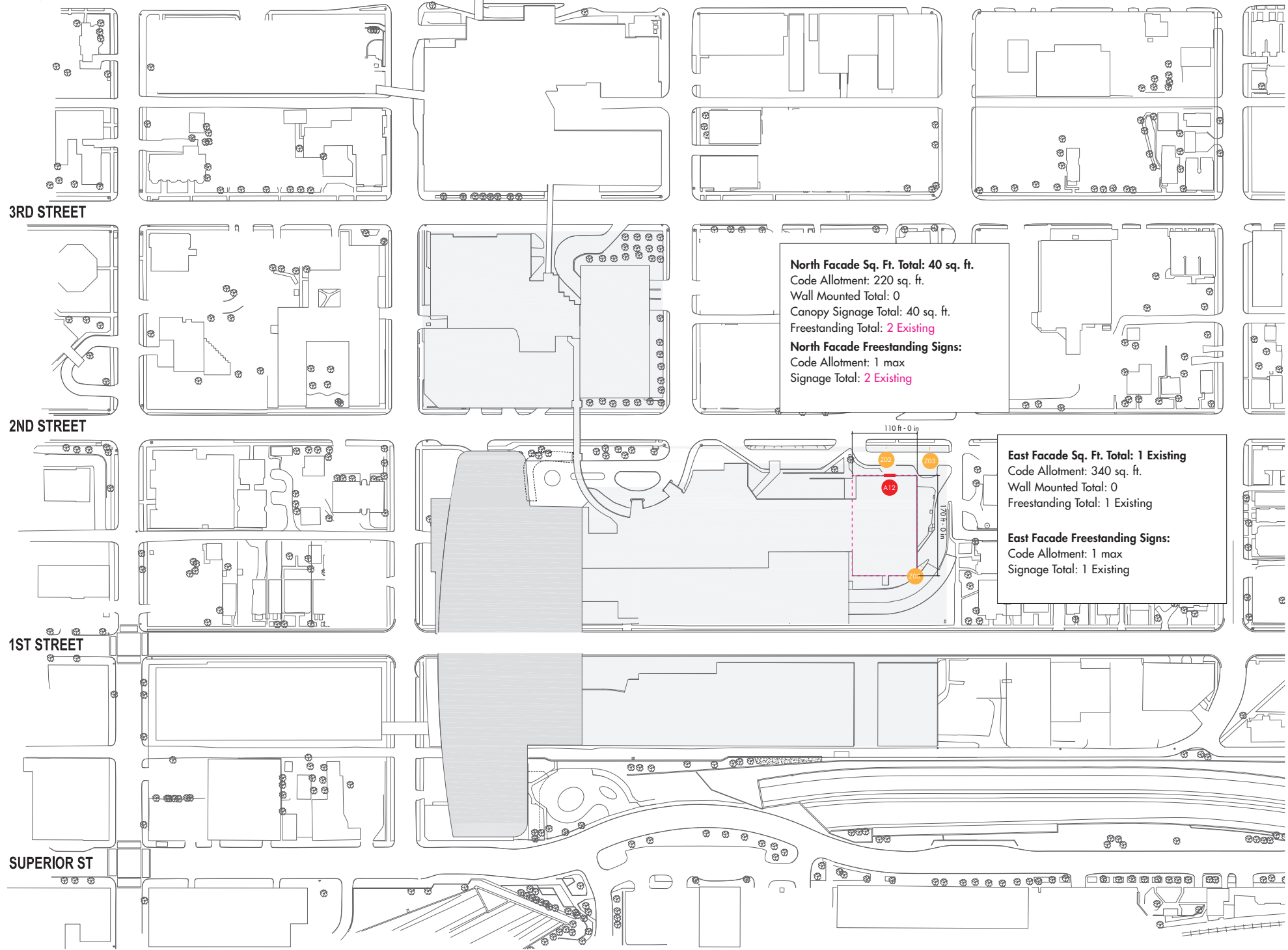
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CAMPUS CODE SIGNAGE - DULUTH CLINIC 2



CAMPUS SIGNAGE  
CAMPUS CODE SIGNAGE - MILLER DWAN



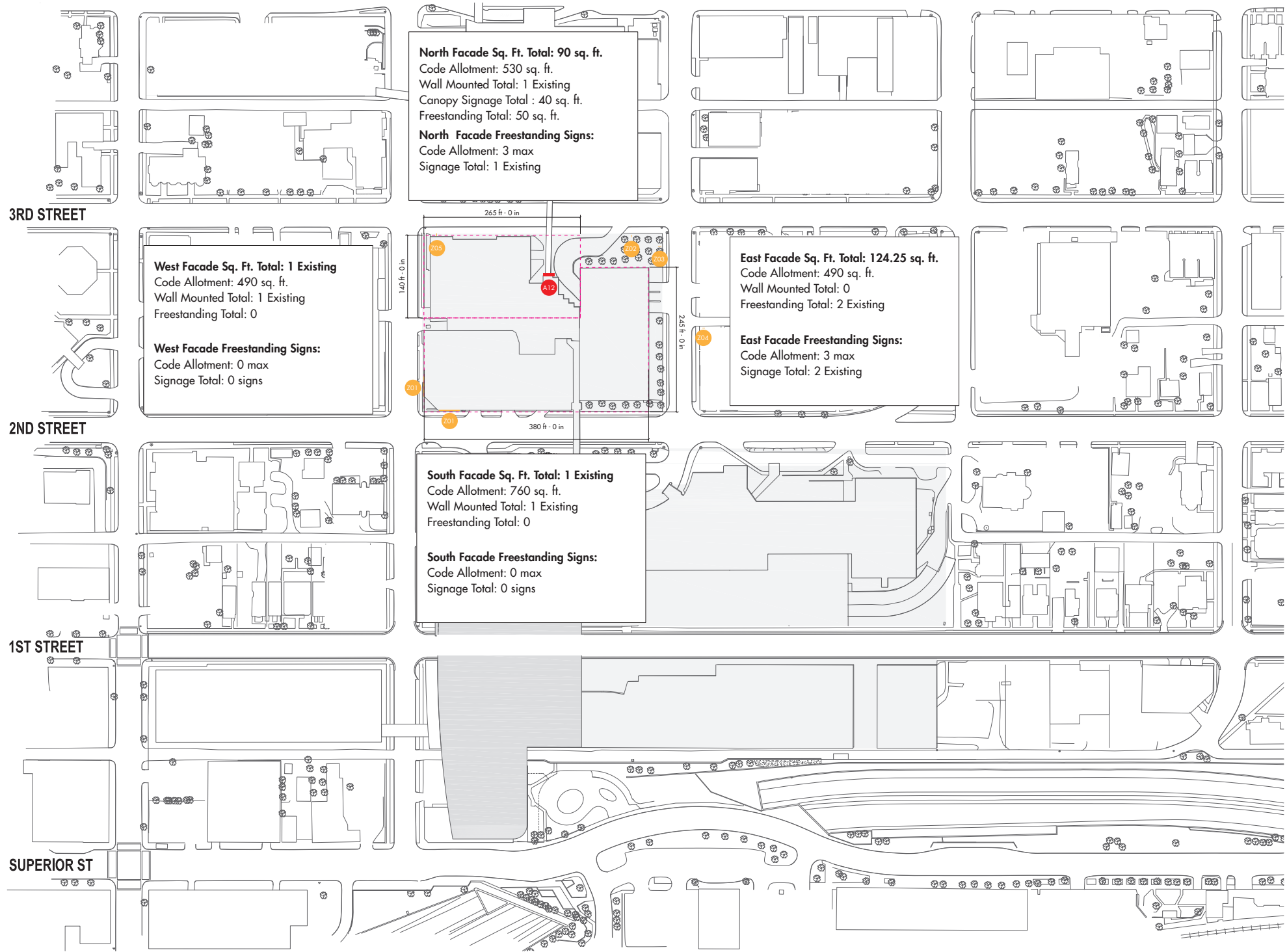
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CAMPUS CODE SIGNAGE - POLINKSY





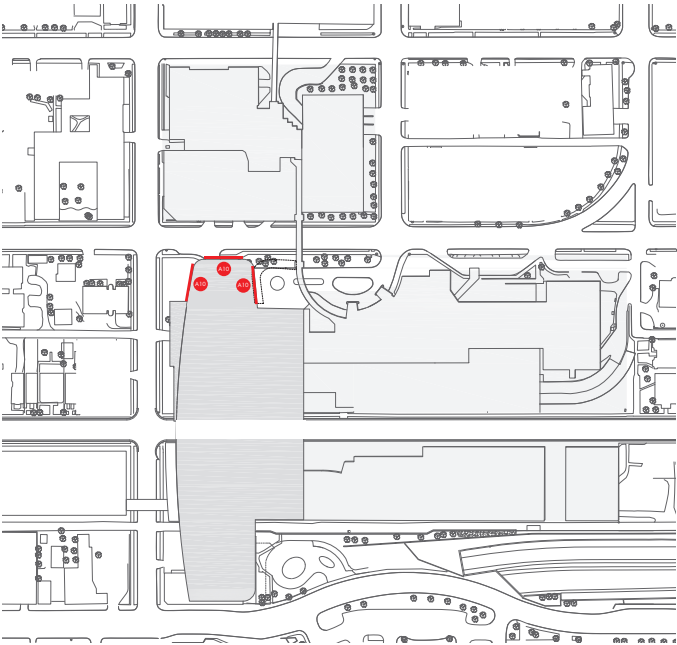
CAMPUS SIGNAGE

CAMPUS CODE SIGNAGE - DULUTH CLINIC 3





CAMPUS SIGNAGE  
A10 BUILDING IDENTITY - INPATIENT TOWER



SIGNAGE TOTAL: 3  
SQ. FEET: 573 sq. ft. per sign

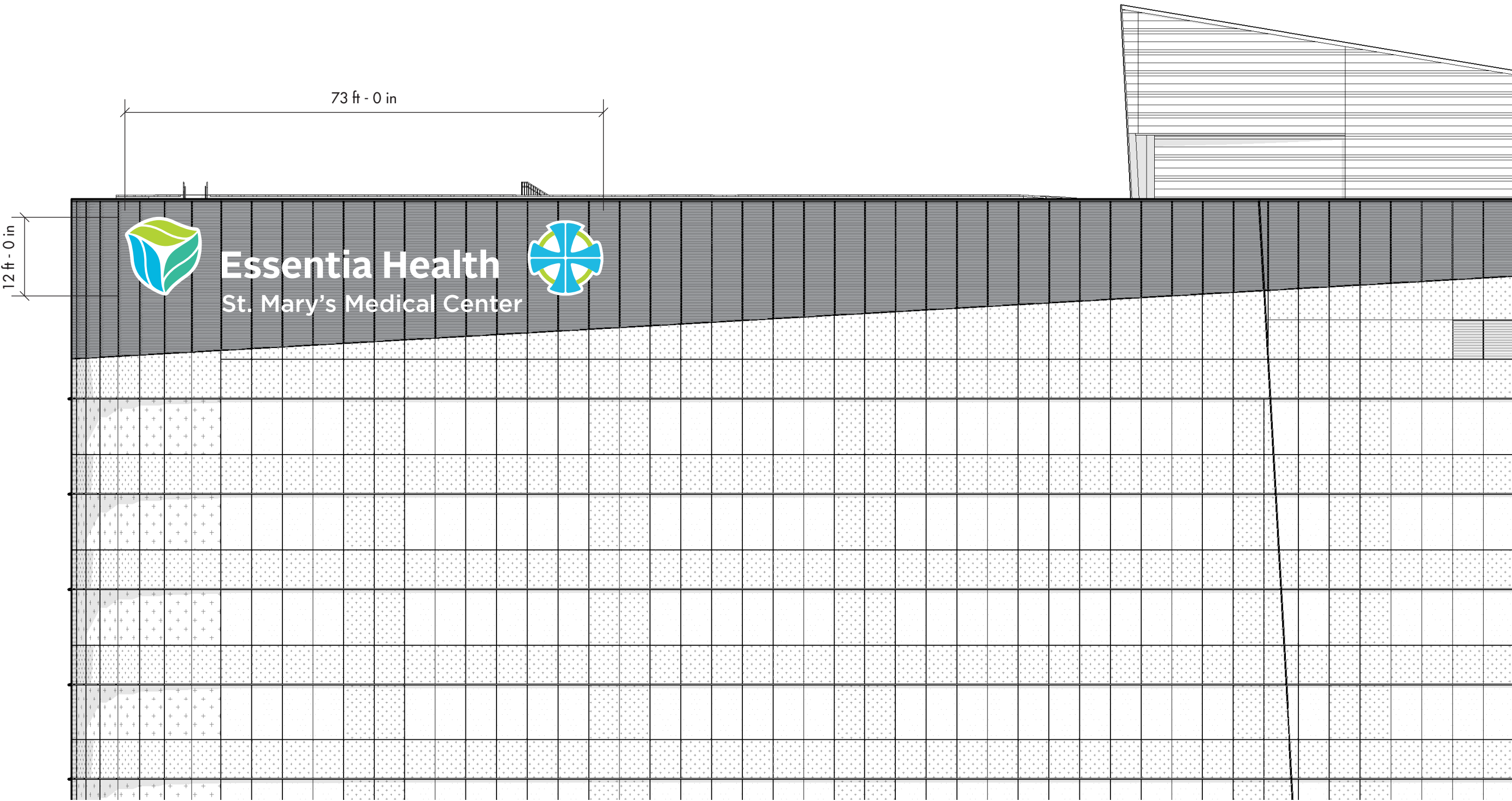


- Purpose**  
Project Identification on side of building facade for long distance visibility.
- Guidelines**  
**Form**  
Dimensional letters or sign cabinet
- Content**  
Project Logo  
Building Name
- Approx. Size**  
73'w x 12'h
- Power/Data Requirements**  
Yes/No
- Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs
- Material, Fabrication & Finish**  
Fabricated aluminum sign cabinet exterior, automotive grade paint w/ clear coat fabricated aluminum channel letters/logos w/ acrylic faces and/or cut out pushed acrylic through letters
- Installation & Foundation/Support**  
Coordinated mounting to building internal floor slab, steel structures and mullion system for a clean aesthetic
- SCOPE ALLOCATION: CONTRACTOR



CAMPUS SIGNAGE

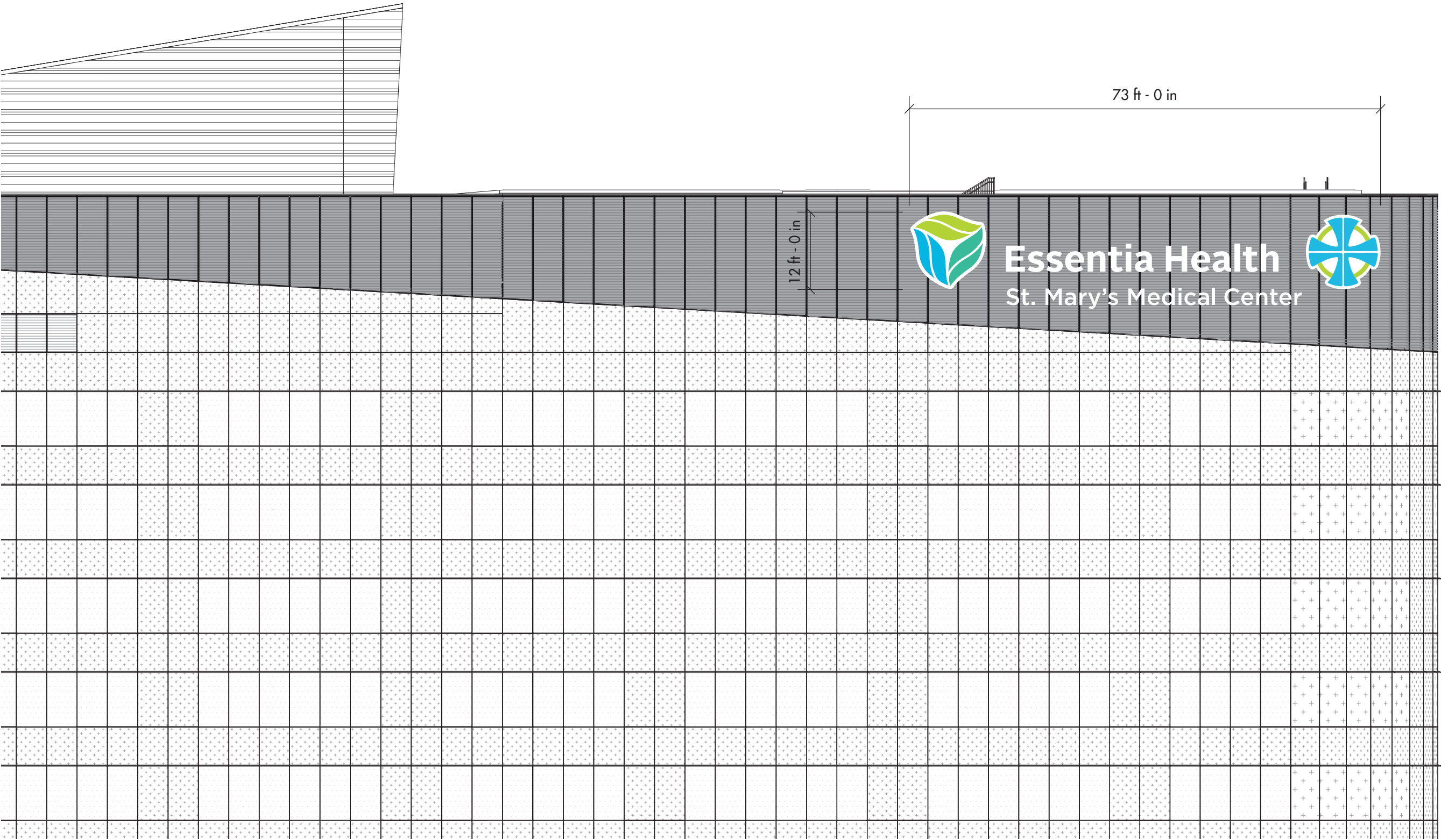
A10 BUILDING IDENTITY - INPATIENT TOWER - WEST VIEW





CAMPUS SIGNAGE

A10 BUILDING IDENTITY - INPATIENT TOWER - EAST VIEW



CAMPUS SIGNAGE

A10 BUILDING IDENTITY - INPATIENT TOWER - NORTH VIEW

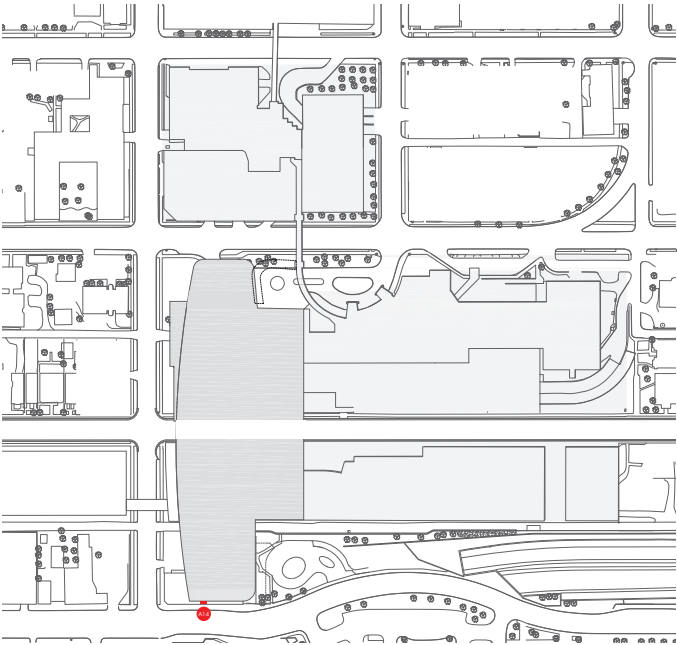
NOT IN GMP PACKAGE





# CAMPUS SIGNAGE

## A14 BUILDING IDENTITY - PROJECT LOGO



SIGNAGE TOTAL: 1  
SQ. FEET: 144 sq. ft. per sign



**Purpose**  
Project Identification on side of hospital

**Guidelines**  
**Form**  
Dimensional letters or sign cabinet

**Content**  
Project Logo  
Building Name

**Approx. Size**  
12'w x 12'h

**Power/Data Requirements**  
Yes/No

**Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs

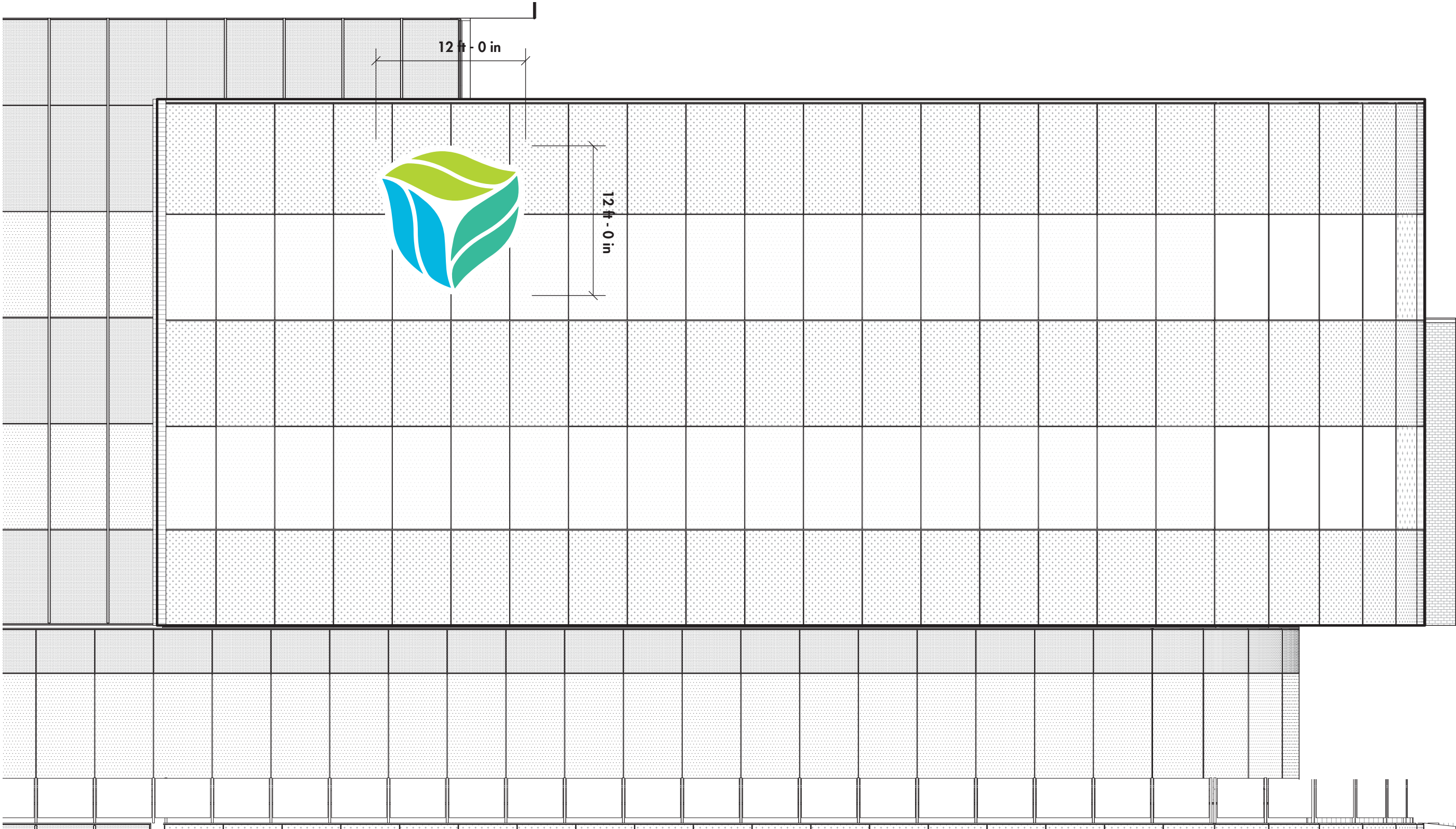
**Material, Fabrication & Finish**  
Fabricated aluminum sign cabinet exterior, automotive grade paint w/ clear coat fabricated aluminum channel letters/logos w/ acrylic faces and/or cut out pushed acrylic through letters

**Installation & Foundation/Support**  
Coordinated mounting to building internal floor slab, steel structures and mullion system for a clean aesthetic

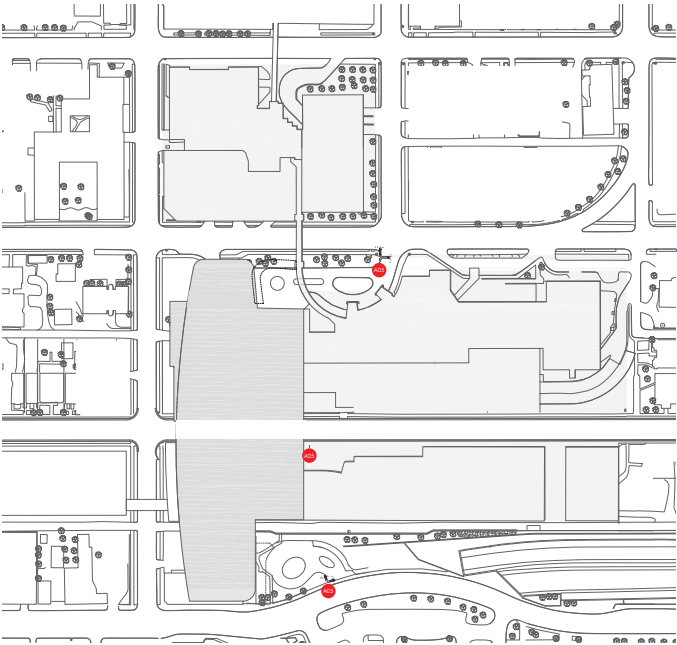
SCOPE ALLOCATION: CONTRACTOR



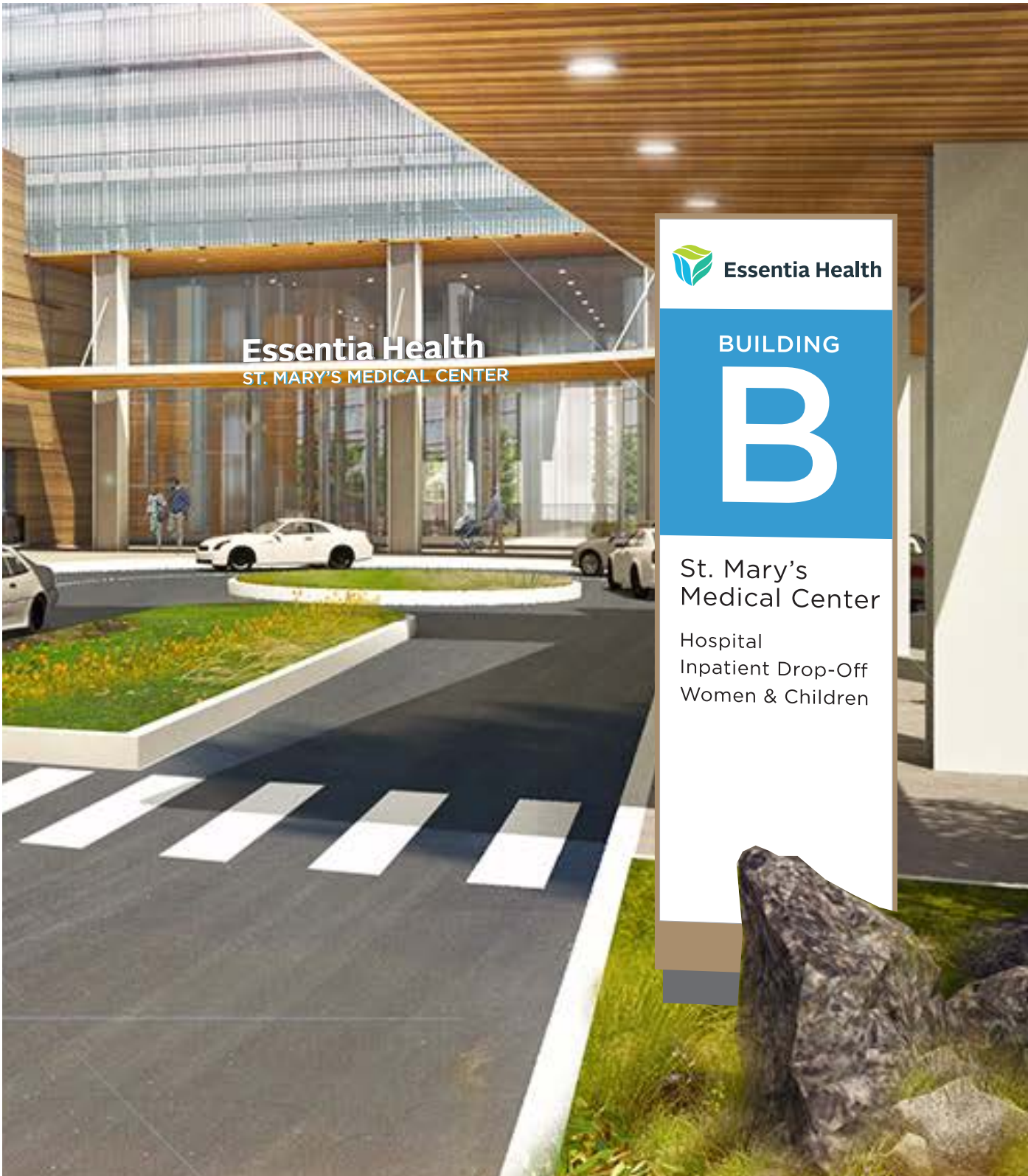
A14 BUILDING IDENTITY - PROJECT LOGO



CAMPUS SIGNAGE  
A05 HOSPITAL MONUMENT IDENTITY



SIGNAGE TOTAL: 3  
SQ. FEET: 50 sq. ft. per sign



**Purpose**  
Project Identification of building and site

**Guidelines**  
**Form**  
Monument sign

**Content**  
Project Logo  
Building Name

**Approx. Size**  
4'w x 12'-6"h

**Power/Data Requirements**  
Yes/No

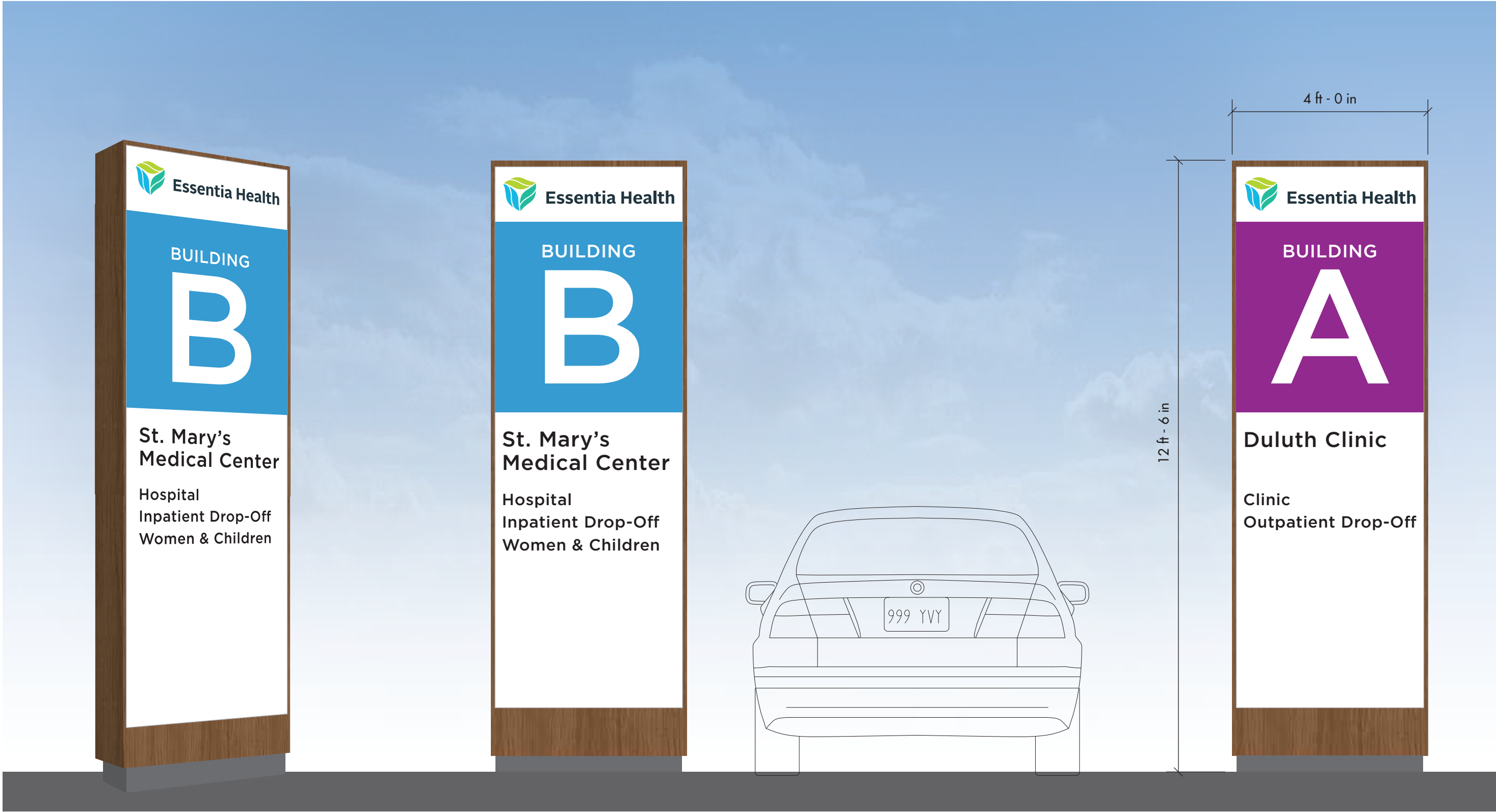
**Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs

**Material, Fabrication & Finish**  
Fabricated aluminum sign cabinet exterior, automotive grade paint w clear coat fabricated aluminum channel letters/logos w/ acrylic faces and/or cut out pushed acrylic through letters

**Installation & Foundation/Support**  
Coordinated mounting to grade, provide foundation

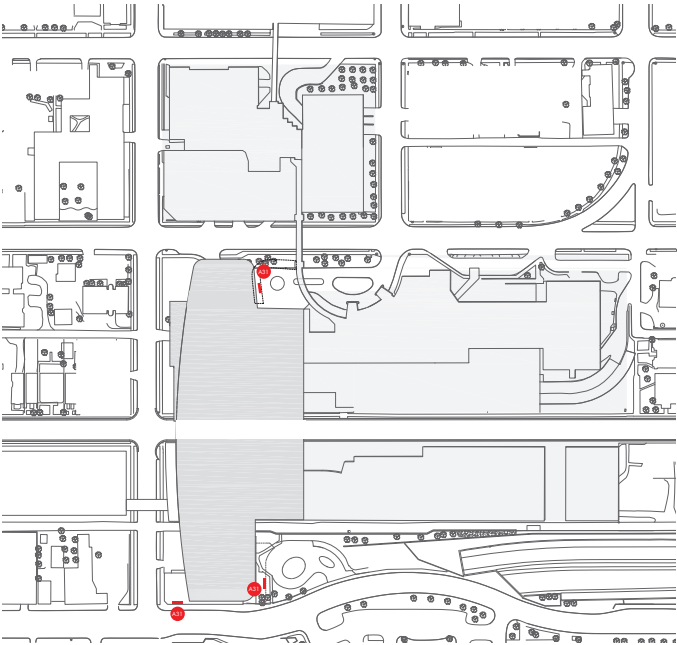
SCOPE ALLOCATION: CONTRACTOR

CAMPUS SIGNAGE  
A05 HOSPITAL MONUMENT IDENTITY





CAMPUS SIGNAGE  
A31 CANOPY IDENTITY



SIGNAGE TOTAL: 3  
SQ. FEET: 2' max height



**Purpose**  
Project and entrance identification

**Guideline**  
**Form**  
Sign Letters

**Content**  
Project Logo  
Building Name

**Approx. Size**  
19'-7" w x 2' h

**Power/Data Requirements**  
Yes/No

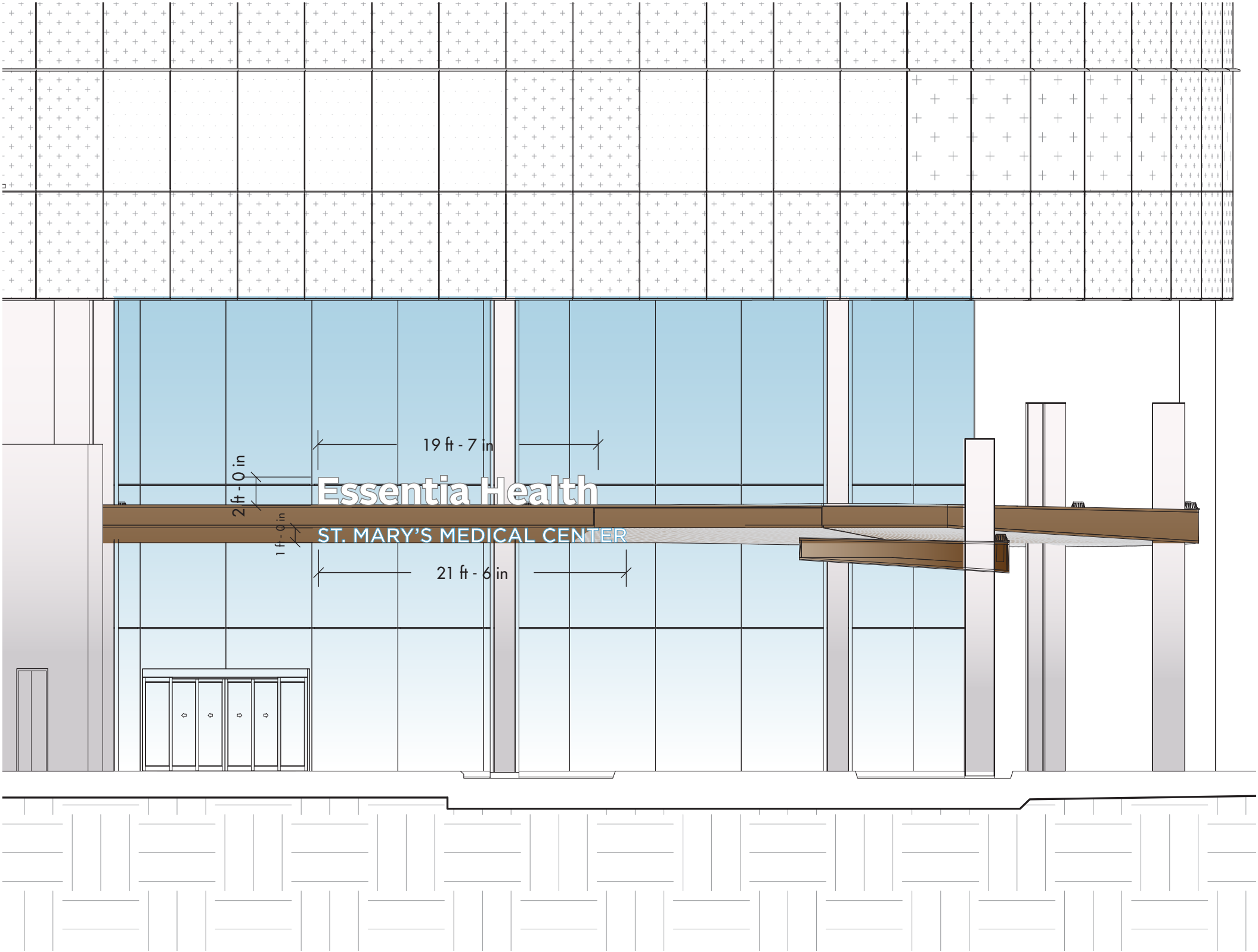
**Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs

**Material, Fabrication & Finish**  
Fabricated aluminum channel letters w/ acrylic faces and logo

**Installation & Foundation/Support**  
Coordinate mounting to canopy structure

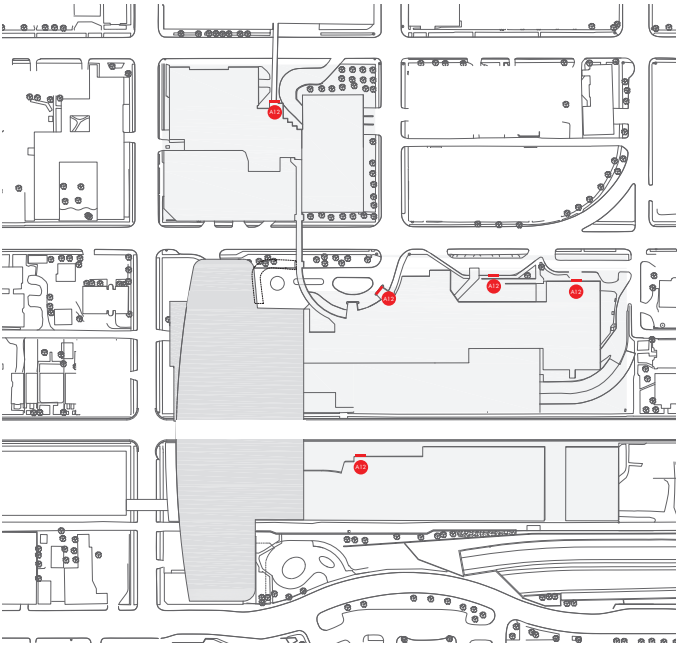
SCOPE ALLOCATION: CONTRACTOR

CAMPUS SIGNAGE  
A31 CANOPY IDENTITY





CAMPUS SIGNAGE  
A12 MAIN ENTRY IDENTITY



SIGNAGE TOTAL: 5  
SQ. FEET: 2' max height



**Purpose**  
Entrance Identification

**Guidelines**  
**Form**  
Sign Letters

**Content**  
Project Logo  
Building Name

**Approx. Size**  
19'-7" w x 2' h

**Power/Data Requirements**  
Yes/No

**Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs

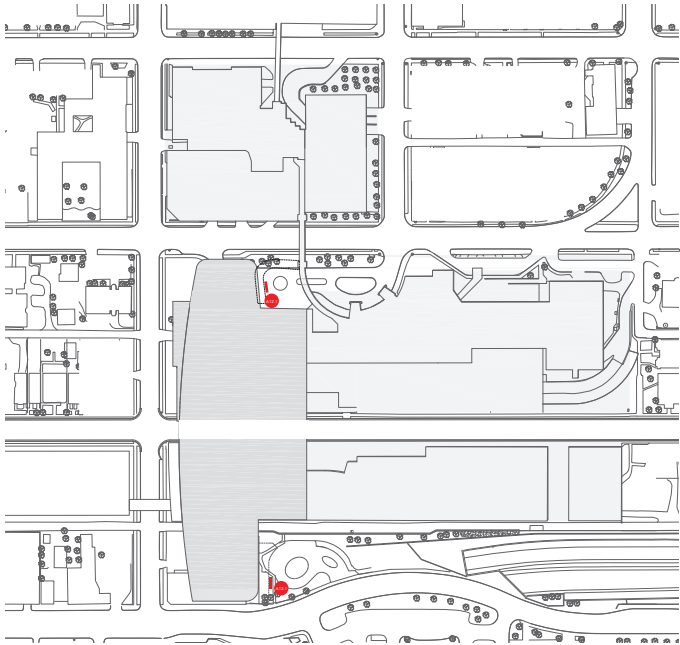
**Material, Fabrication & Finish**  
Fabricated aluminum channel letters w/ acrylic faces and logo

**Installation & Foundation/Support**  
Coordinate mounting to canopy structure

SCOPE ALLOCATION: CONTRACTOR



CAMPUS SIGNAGE  
A12.1 SECONDARY ENTRY IDENTITY



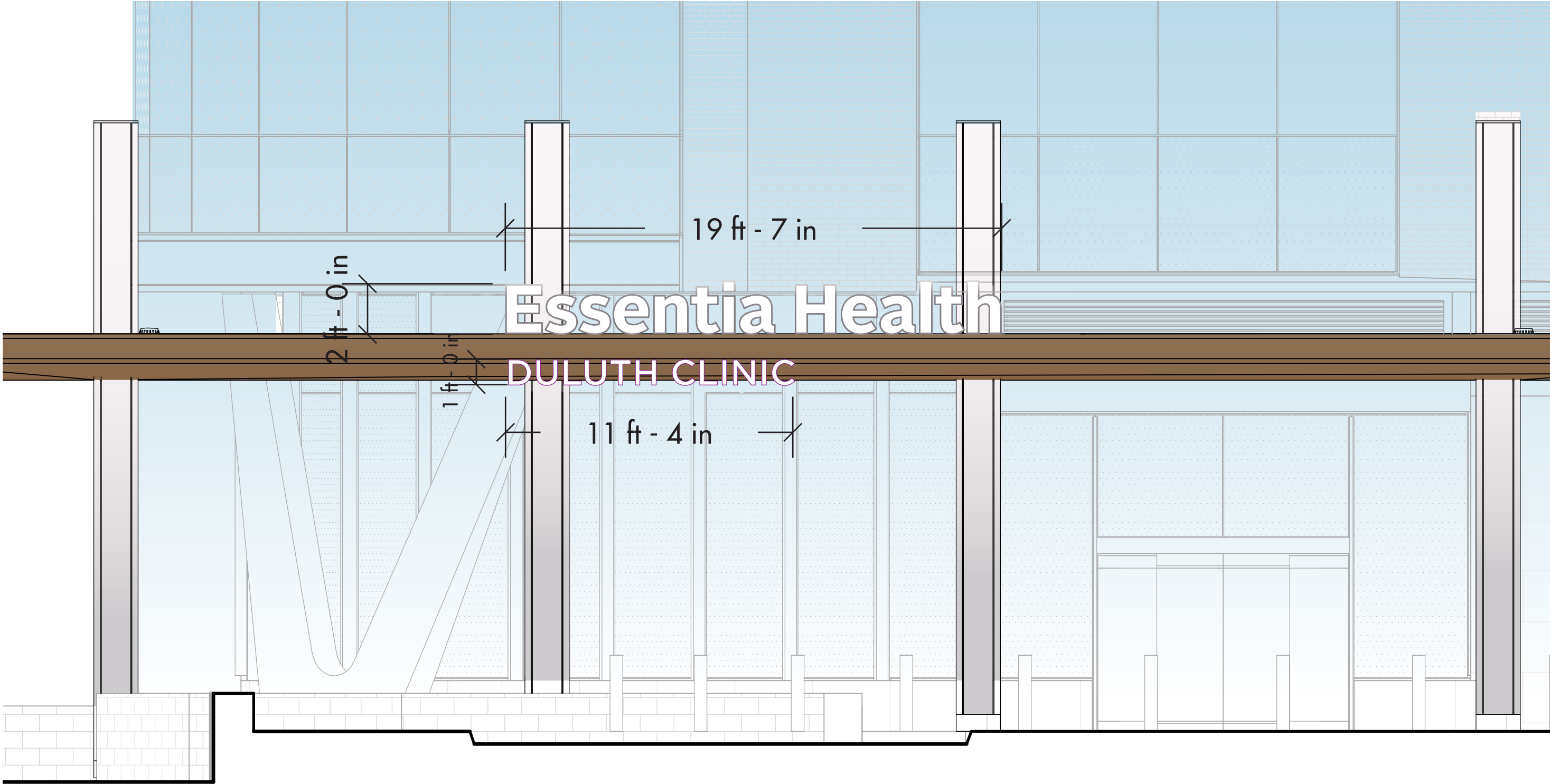
SIGNAGE TOTAL: 2  
SQ. FEET: 11.4 sq. ft. + 21.5 sq. ft.



- Purpose**  
Entrance Identification
- Guidelines**  
**Form**  
Sign Letters
- Content**  
Project Logo  
Building Name
- Approx. Size**  
11'-4"w x 1'h + 21'-5"w x 1'h
- Power/Data Requirements**  
Yes/No
- Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs
- Material, Fabrication & Finish**  
Fabricated aluminum channel letters w/ acrylic faces and logo
- Installation & Foundation/Support**  
Coordinate mounting to canopy structure
- SCOPE ALLOCATION: CONTRACTOR



CAMPUS SIGNAGE  
A12.1 SECONDARY ENTRY IDENTITY



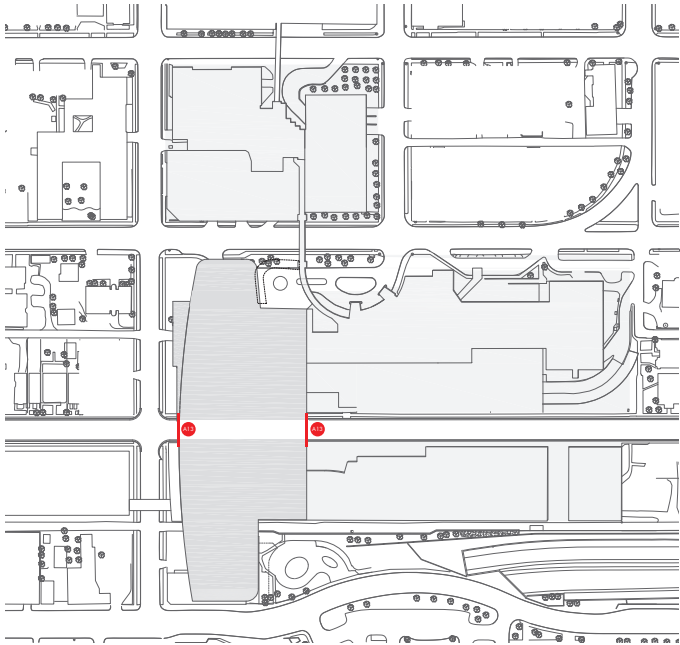


CAMPUS SIGNAGE  
A12.1 SECONDARY ENTRY IDENTITY





CAMPUS SIGNAGE  
A13 ED ENTRY IDENTITY - PRIMARY

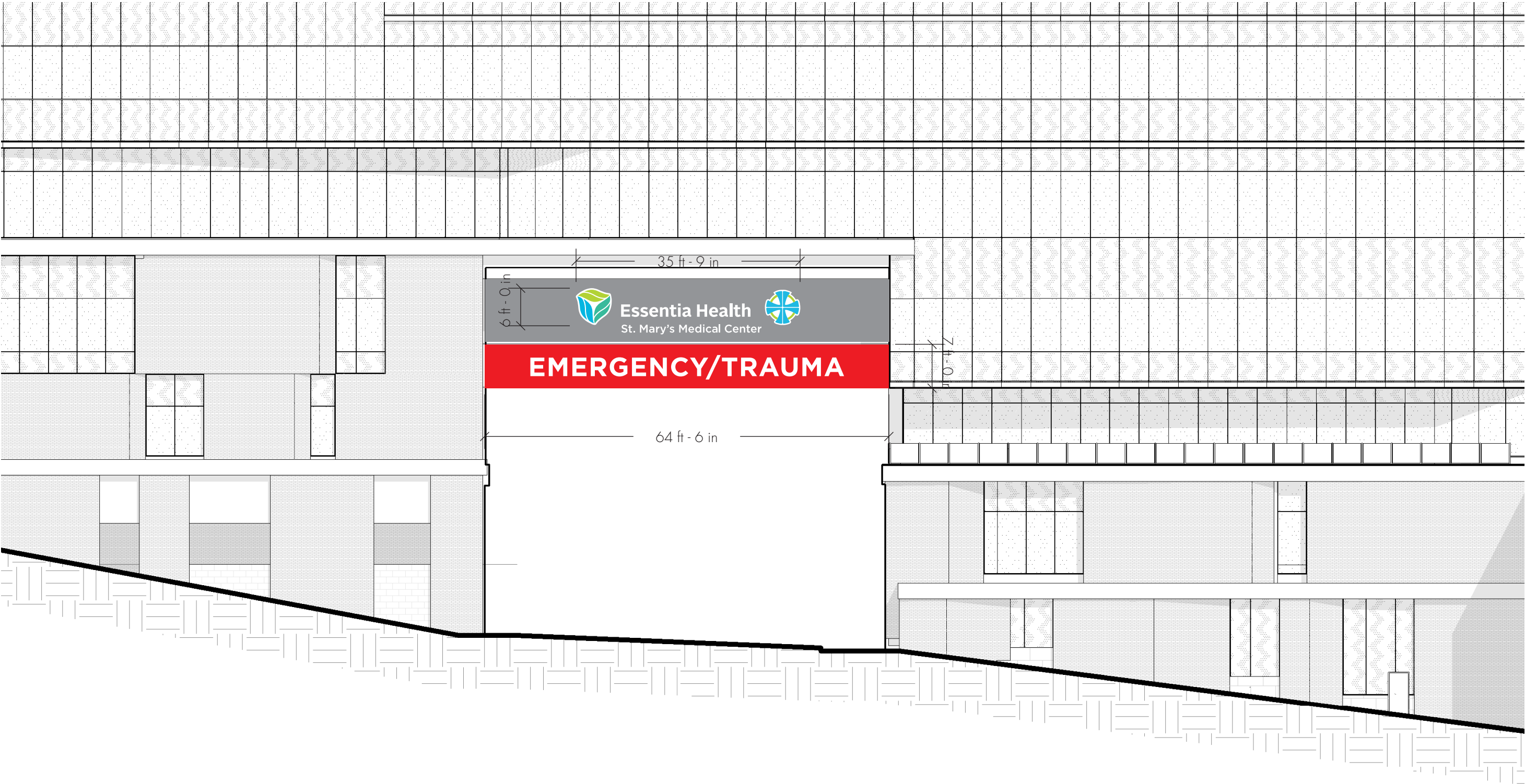


SIGNAGE TOTAL: 2  
SQ. FEET: 448 sq. ft.



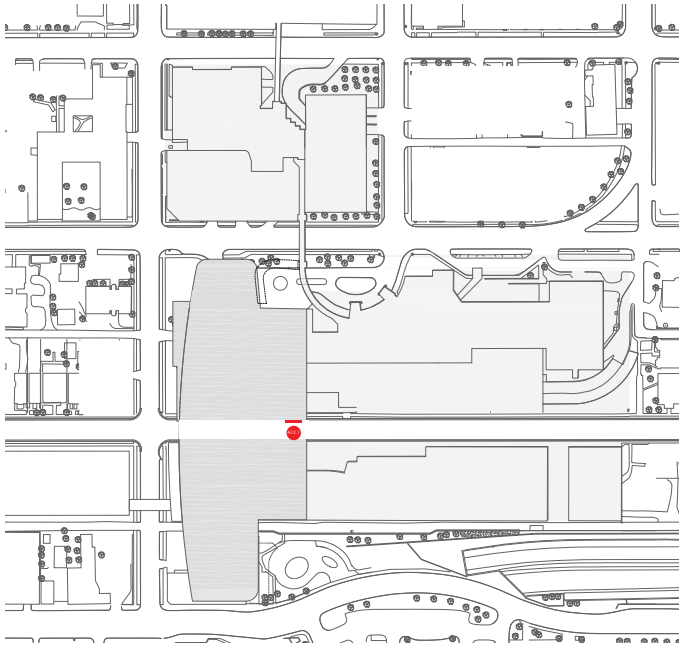
- Purpose**  
Entrance Identification
  - Guidelines**  
**Form**  
Sign Cabinet + Sign Letters
  - Content**  
Project Logo  
Building Name
  - Approx. Size**  
64'-6" w x 7' h
  - Power/Data Requirements**  
Yes/No
  - Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs
  - Material, Fabrication & Finish**  
Sign Cabinet - Fabricated aluminum sign cabinet exterior, automotive grade paint w/ clear coat fabricated aluminum channel letters/logo w/ acrylic faces and/or cut out pushed acrylic through letters  
  
Sign Letters - Fabricated aluminum channel letters w/ acrylic faces and logo
  - Installation & Foundation/Support**  
Coordinated mounting to building facade and/or mullion system for a clean aesthetic
- SCOPE ALLOCATION: CONTRACTOR

CAMPUS SIGNAGE  
A13 ED ENTRY IDENTITY - PRIMARY





CAMPUS SIGNAGE  
A13.1 ED ENTRY IDENTITY - SECONDARY

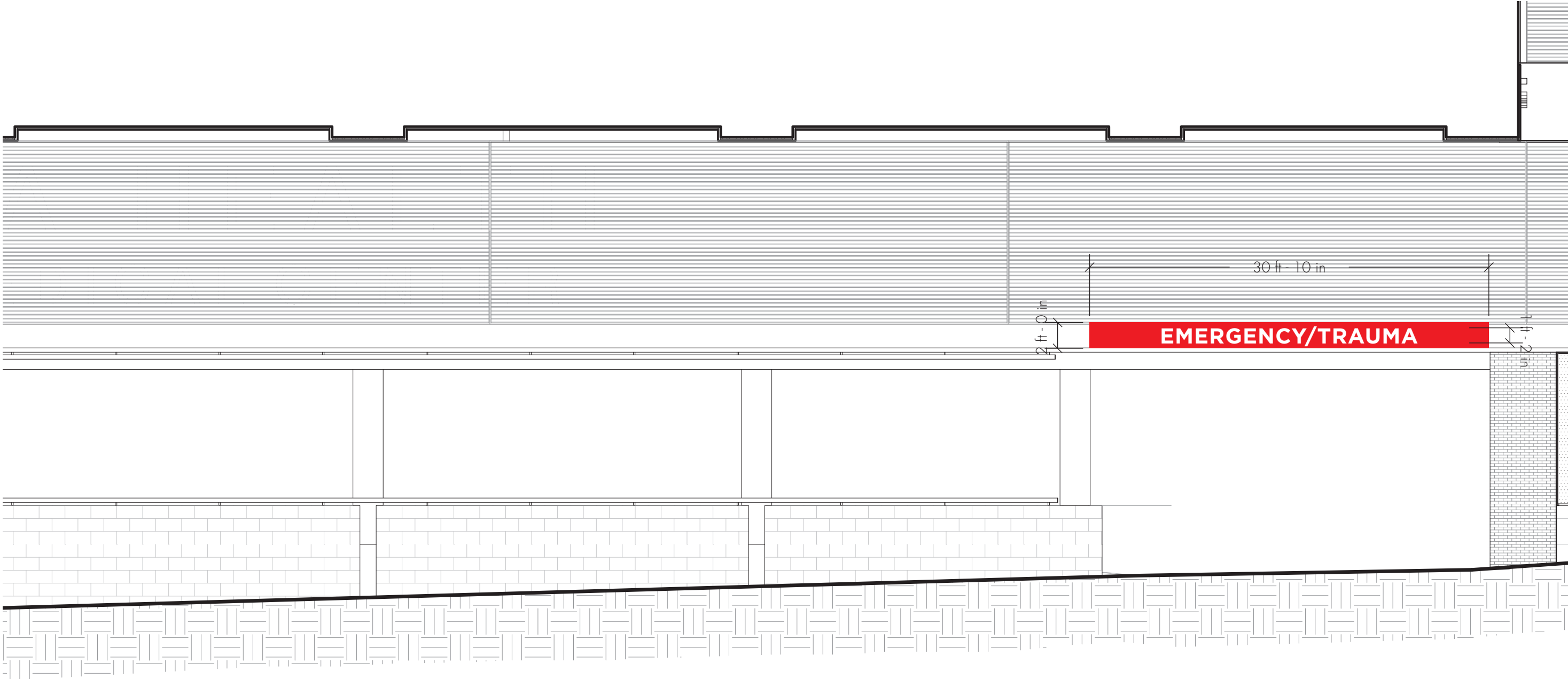


SIGNAGE TOTAL: 1  
SQ. FEET: 61 sq. ft.



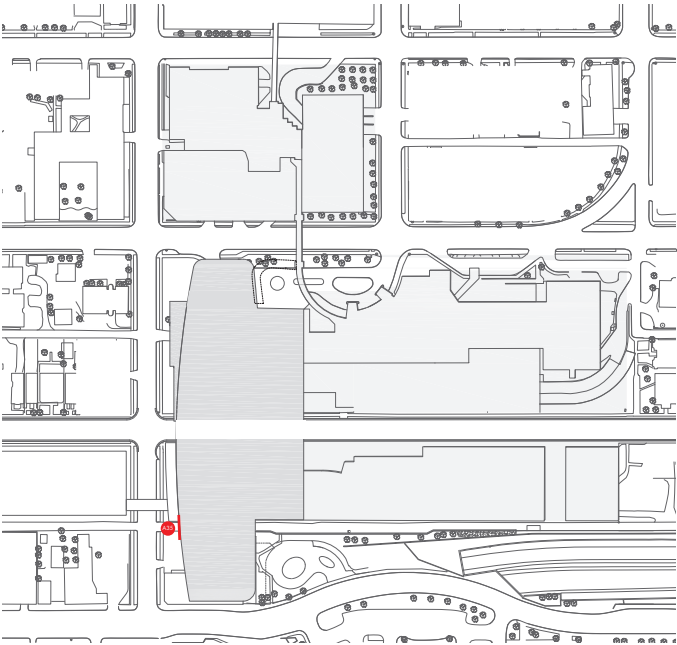
- Purpose**  
Entrance Identification
- Guidelines**  
**Form**  
Sign Cabinet
- Content**  
Emergency Identity
- Approx. Size**  
30'-10"w x 2'h
- Power/Data Requirements**  
Yes/No
- Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs
- Material, Fabrication & Finish**  
Fabricated aluminum sign cabinet exterior, automotive grade paint w/ clear coat fabricated aluminum channel letters/logo w/ acrylic faces and/or cut out pushed acrylic through letters
- Installation & Foundation/Support**  
Coordinated mounting to building facade and/or mullion system for a clean aesthetic
- SCOPE ALLOCATION: CONTRACTOR

CAMPUS SIGNAGE  
A13.1 ED ENTRY IDENTITY - SECONDARY

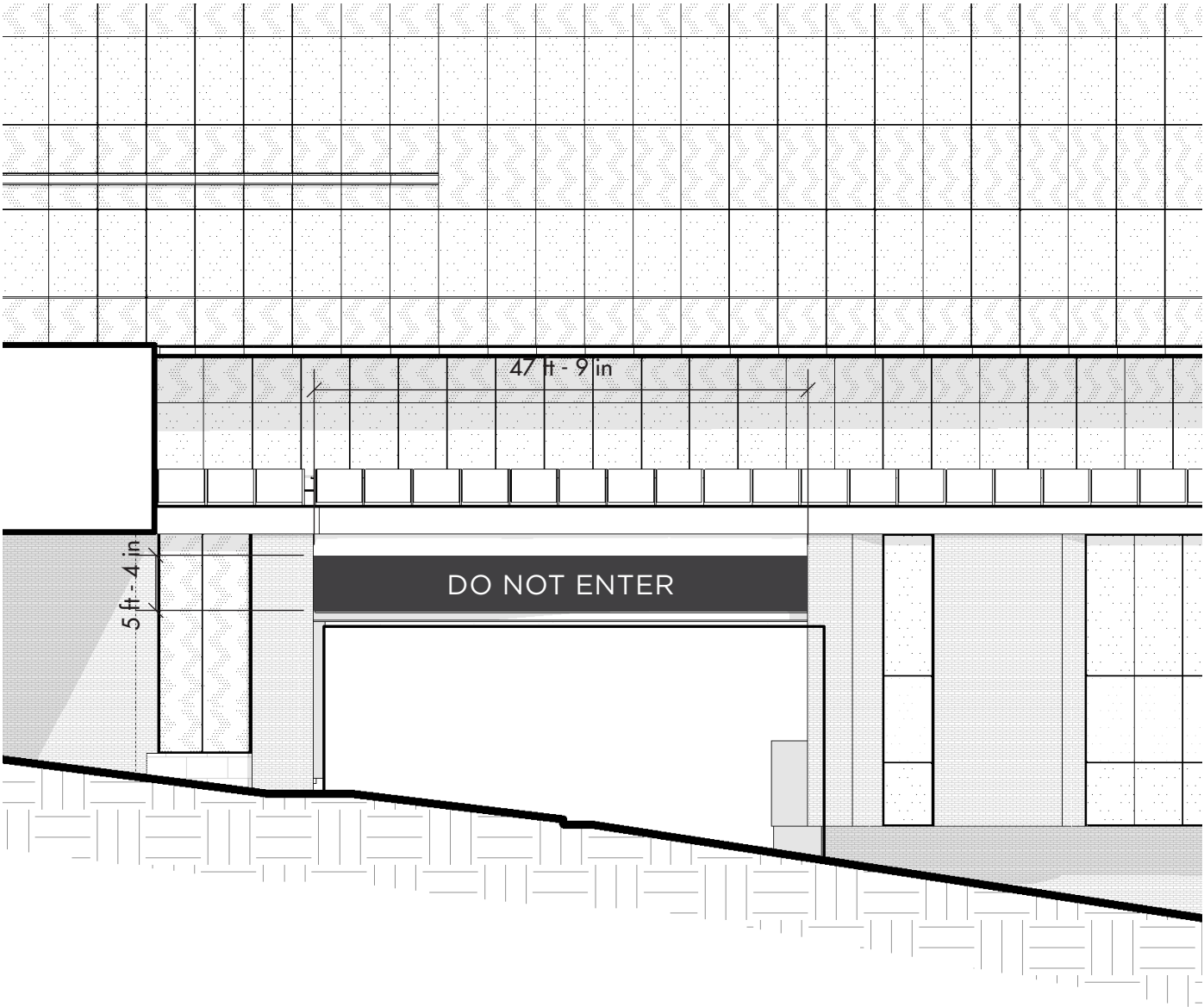




CAMPUS SIGNAGE  
A35 SERVICE ENTRY IDENTITY



SIGNAGE TOTAL: 1  
SQ. FEET: 240 sq. ft.



Purpose

Entrance Identification

Guidelines

Form

Sign panel

Content

Service Entrance Information  
Symbol

Approx. Size

47'-9" w x 5'-4" h

Power/Data Requirements

No/No

Illumination Requirements

Non-illuminated

Material, Fabrication & Finish

1/4" thick alucabond panel w/ digitally printed surface  
graphics w/ clear coat

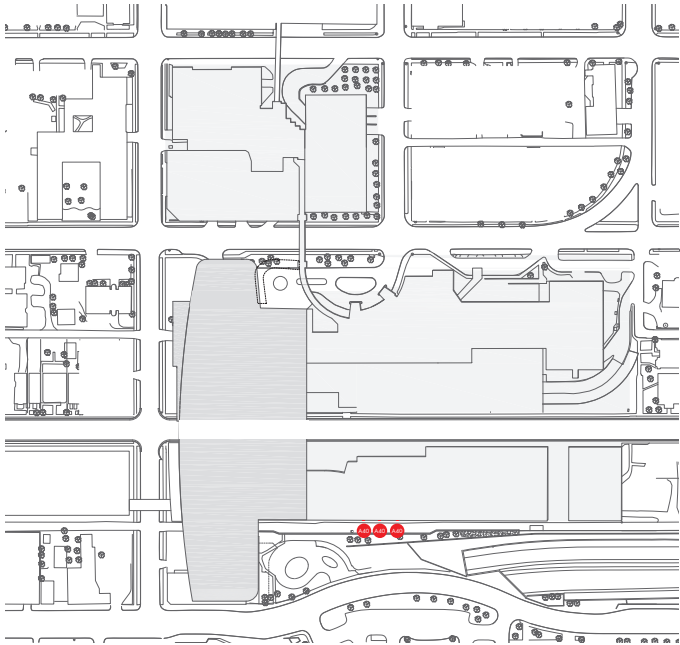
Installation & Foundation/Support

Coordinated mounting to building facade and/or mullion  
system for a clean aesthetic

SCOPE ALLOCATION: CONTRACTOR

# CAMPUS SIGNAGE

## A40 LOADING DOCK IDENTITY



SIGNAGE TOTAL: 3  
SQ. FEET: 36 sq. ft.



**Purpose**

Entrance Identification

**Guidelines**

Form

Sign panel

**Content**

Loading Dock Information  
Symbol

**Approx. Size**

3'-10" w x 3'-2" h

**Power/Data Requirements**

No/No

**Illumination Requirements**

Non-illuminated

**Material, Fabrication & Finish**

1/4" thick alucabond panel w/ digitally printed surface  
graphics w/ clear coat

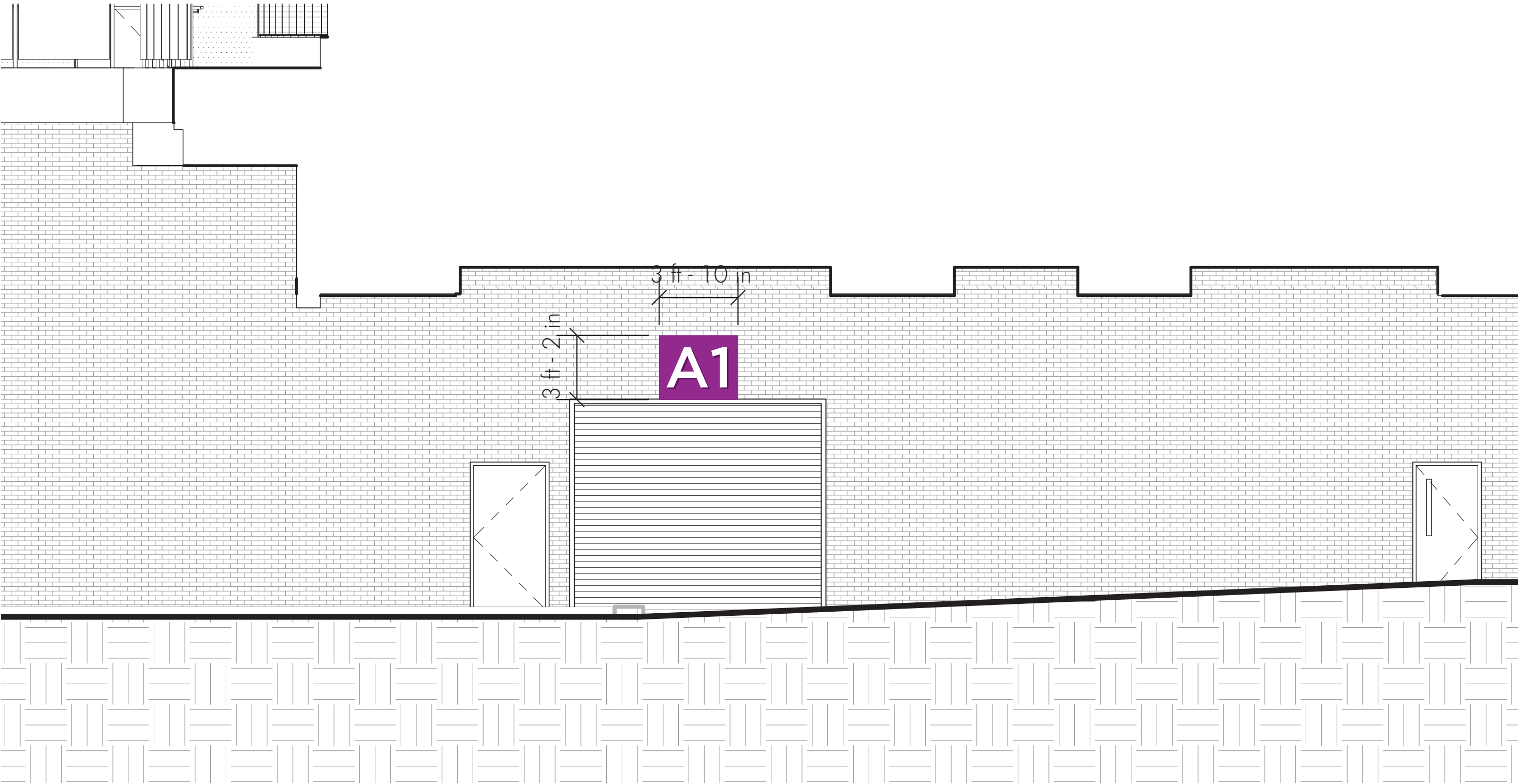
**Installation & Foundation/Support**

Coordinated mounting to building facade and/or mullion  
system for a clean aesthetic

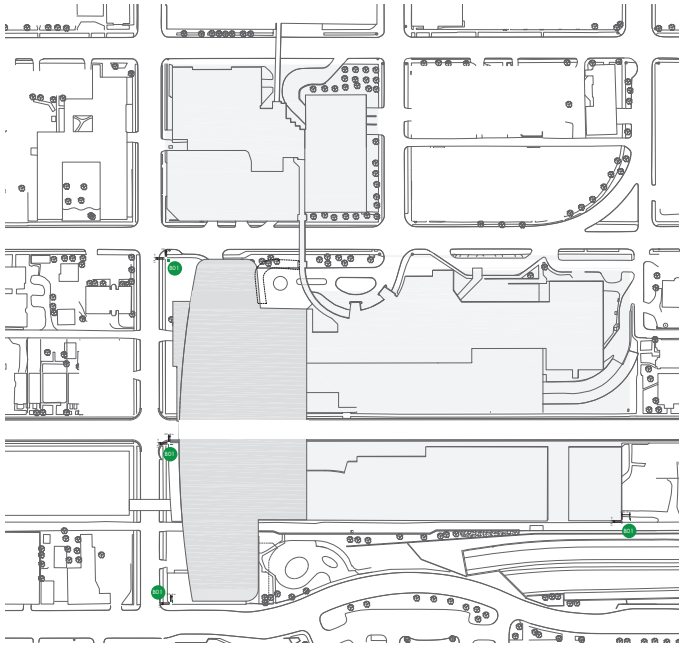
SCOPE ALLOCATION: CONTRACTOR



CAMPUS SIGNAGE  
A40 LOADING DOCK IDENTITY



CAMPUS SIGNAGE  
B01 VEHICULAR DIRECTIONAL



SIGNAGE TOTAL: 4  
SQ. FEET: 74.25 sq. ft.



**Purpose**  
Vehicular direction sign on main roadways

**Guidelines**  
**Form**  
Monument sign

**Content**  
Project Logo  
Destinations  
Symbols, arrows

**Approx. Size**  
5'-6'''w x 13'-6'''h

**Power/Data Requirements**  
Yes/No

**Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs

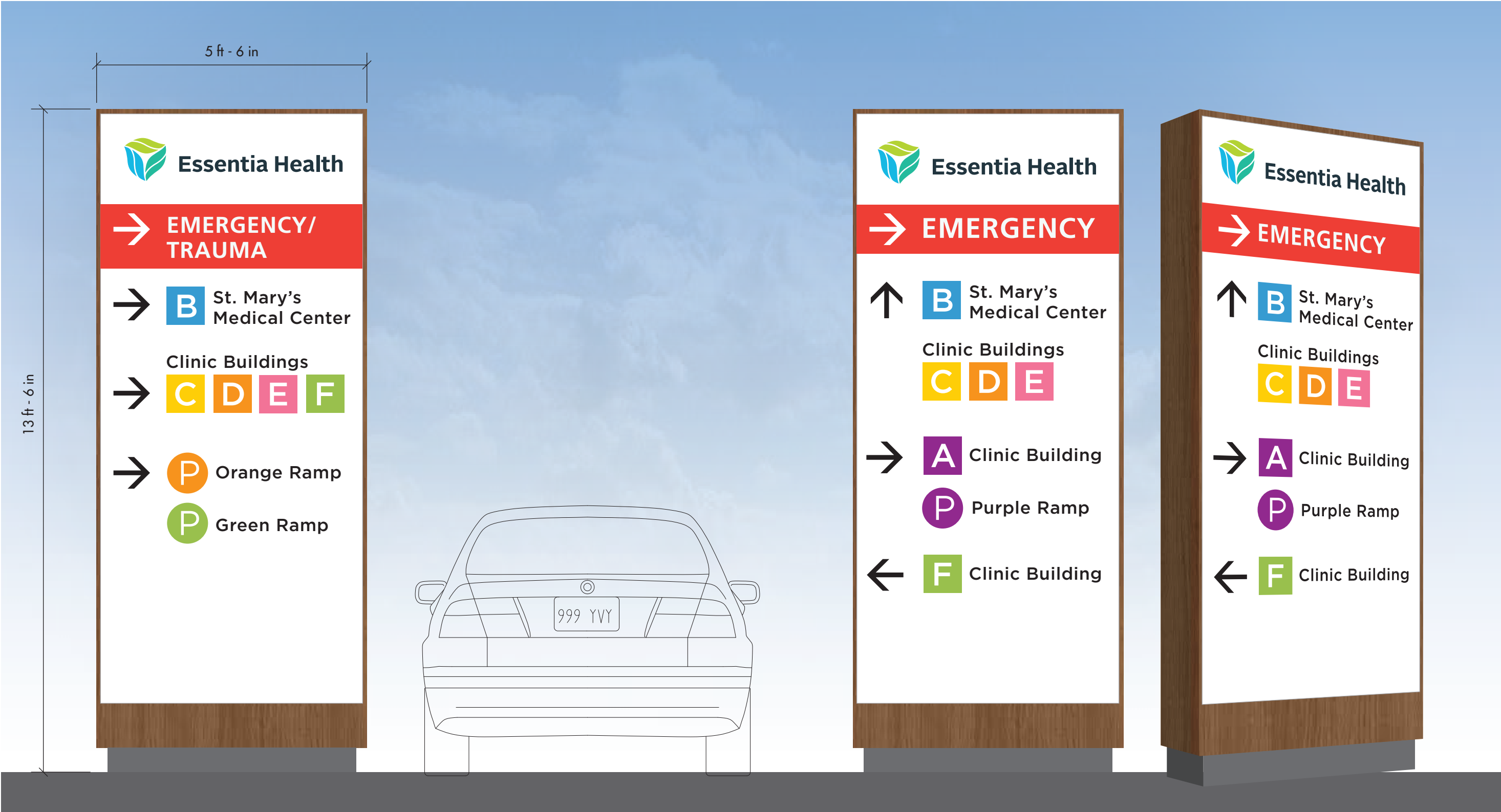
**Material, Fabrication & Finish**  
Fabricated aluminum sign cabinet exterior, automotive grade paint w/ clear coat fabricated aluminum channel letters w/ acrylic faces and logo. Replaceable aluminum message slats w/ cut out pushed acrylic through letters

**Installation & Foundation/Support**  
Coordinated mounting to grade, provide foundation

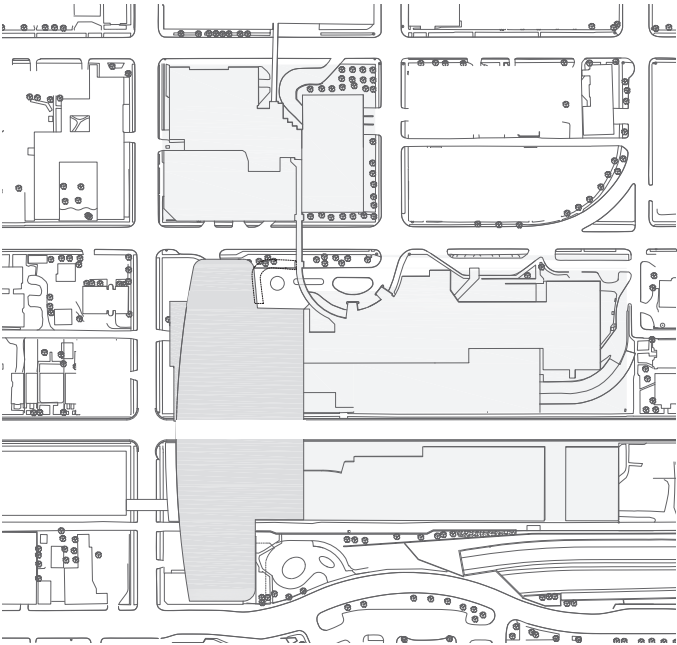
SCOPE ALLOCATION: CONTRACTOR



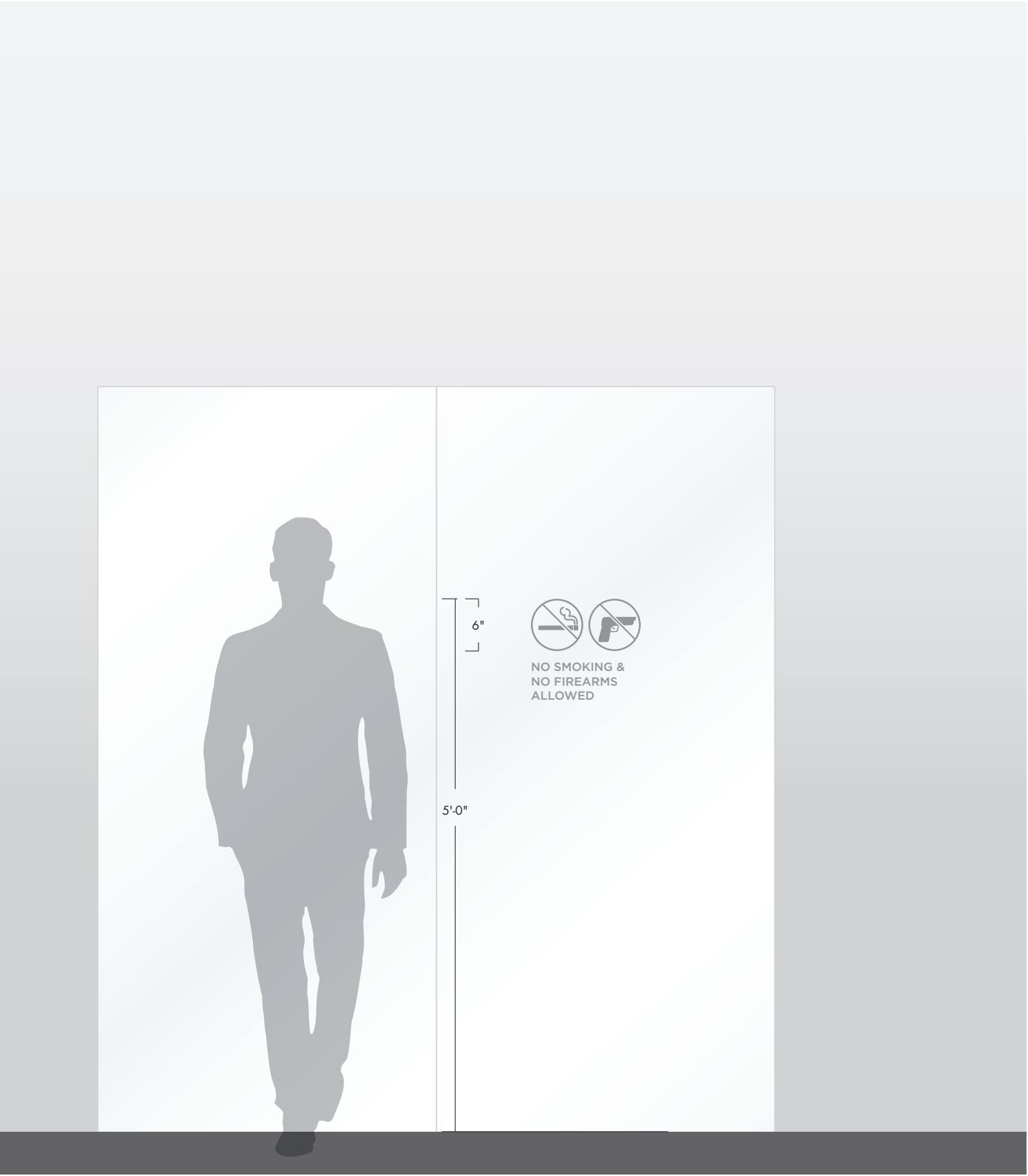
CAMPUS SIGNAGE  
B01 VEHICULAR DIRECTIONAL



CAMPUS SIGNAGE  
D59 NO SMOKING + D60 NO FIREARMS



SIGNAGE TOTAL: 10  
SQ. FEET: 1 sq. ft.



**Purpose**  
No Smoking + No Smoking Regulations

**Guidelines**  
**Form**  
Surface Vinyl

**Content**  
Symbol  
Message

**Approx. Size**  
12" w x 12" h

**Power/Data Requirements**  
No/No

**Illumination Requirements**  
Non-illuminated

**Material, Fabrication & Finish**  
Colored, white and frosted vinyl graphics

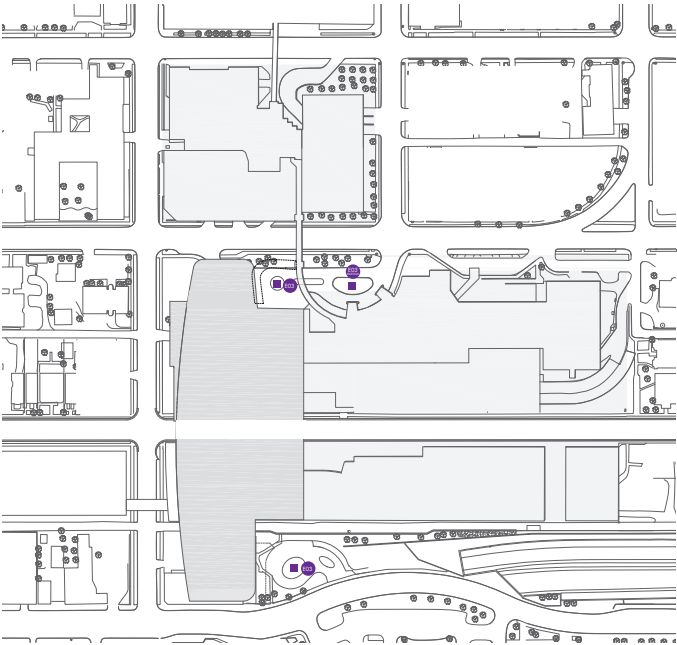
**Installation & Foundation/Support**  
Second surface applied - Located at each public entrance

SCOPE ALLOCATION: CONTRACTOR



# CAMPUS SIGNAGE

## E03 LANDMARKS/SCULPTURES



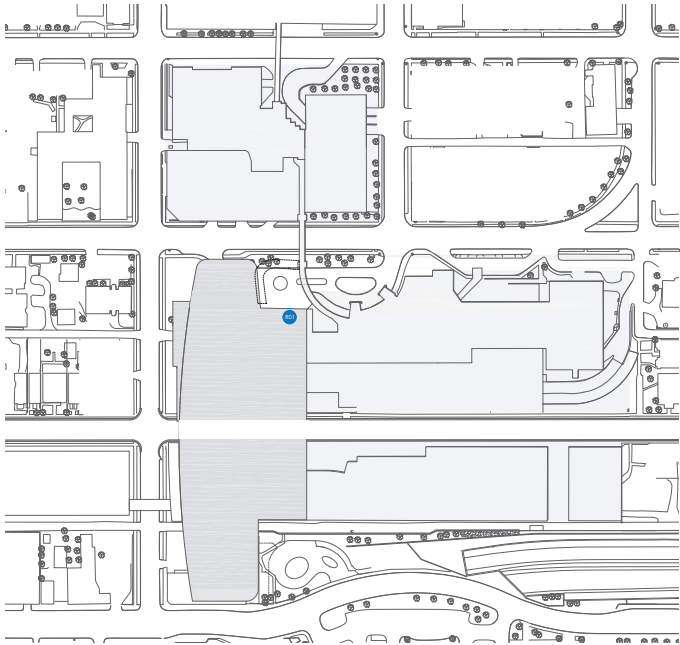
SIGNAGE TOTAL: 2 + 1 Existing



- Purpose**  
Placemaking elements
- Guidelines**  
**Form**  
Dimensional/Sculptural
- Content**  
Placemaking
- Approx. Size**  
Group of 3 - 6'w x 40'h, 4' x 60'h and 2'w x 20'h
- Power/Data Requirements**  
Yes/Yes
- Illumination Requirements**  
Internally illuminated/color changing LED systems
- Material, Fabrication & Finish**  
Fabricated aluminum sculptural element with curvilinear and rectilinear forms, returns to be inset acrylic elements w/ internal illumination
- Installation & Foundation/Support**  
Coordinated mounting to grade, provide foundation
- SCOPE ALLOCATION: OWNER



CAMPUS SIGNAGE  
R01 ST. MARY'S LOGO



SIGNAGE TOTAL: 1  
SQ. FEET: 64 sq. ft.



EXISTING



NEW LOCATION

**Purpose**  
Project Identification on side of hospital

**Guidelines**  
**Form**  
Dimensional letters or sign cabinet

**Content**  
Project Logo  
Building Name

**Approx. Size**  
8'w x 8'h

**Power/Data Requirements**  
No/No

**Illumination Requirements**  
Non-Illuminated

**Material, Fabrication & Finish**  
Existing dimensional sign form

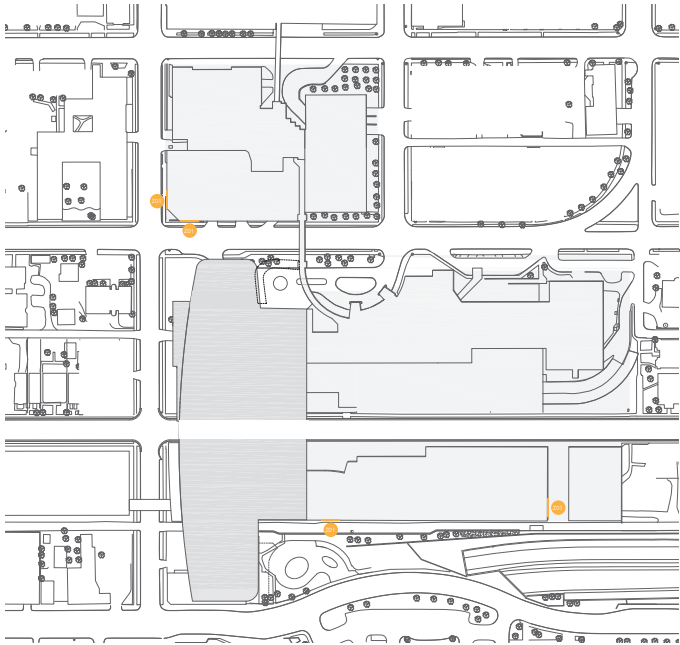
**Installation & Foundation/Support**  
Coordinated mounting to building internal floor slab, steel structures and mullion system for a clean aesthetic

SCOPE ALLOCATION: CONTRACTOR

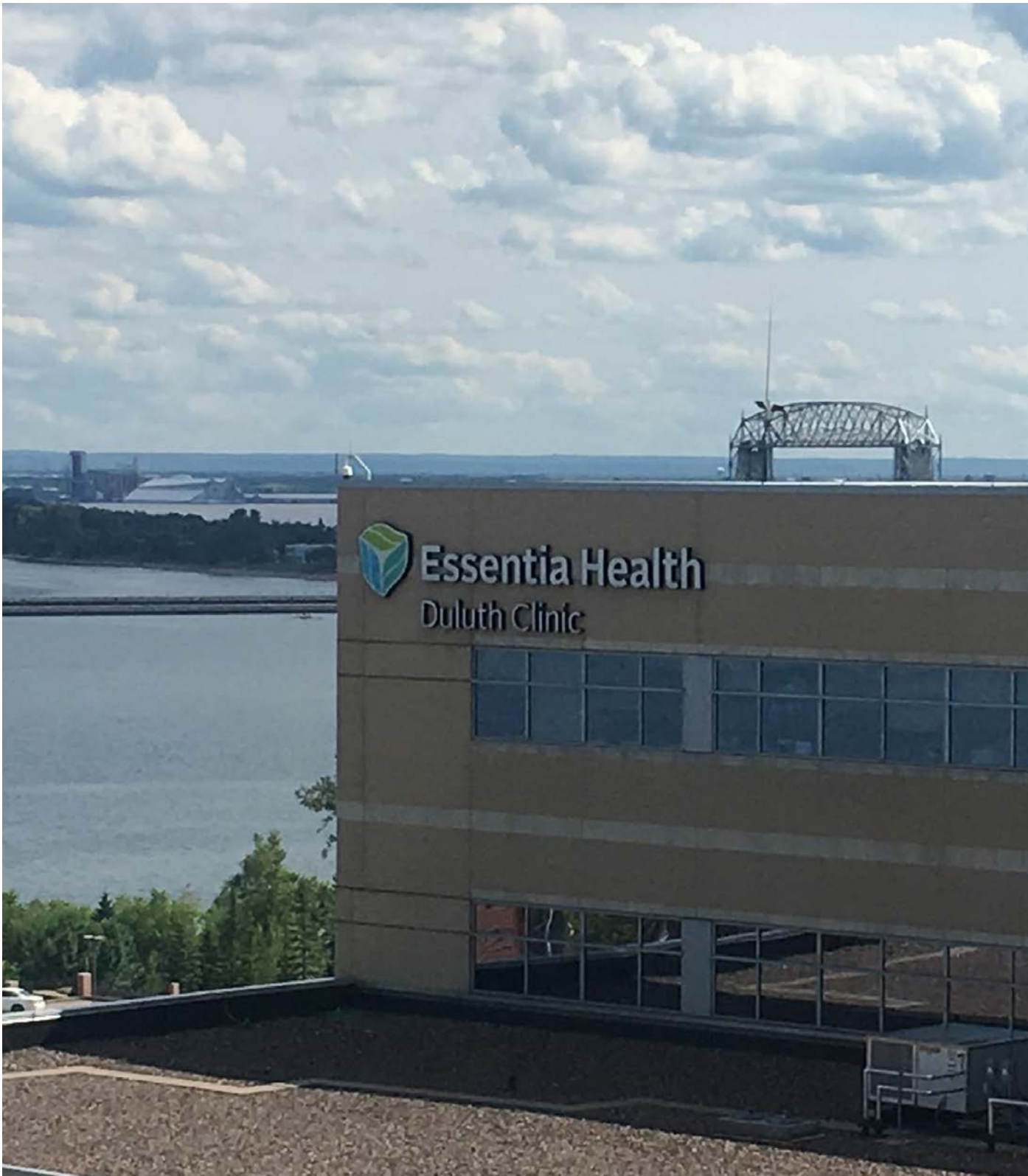


# CAMPUS SIGNAGE

## Z01 ESSENTIA HEALTH BUILDING IDENTITY



SIGNAGE TOTAL: 4

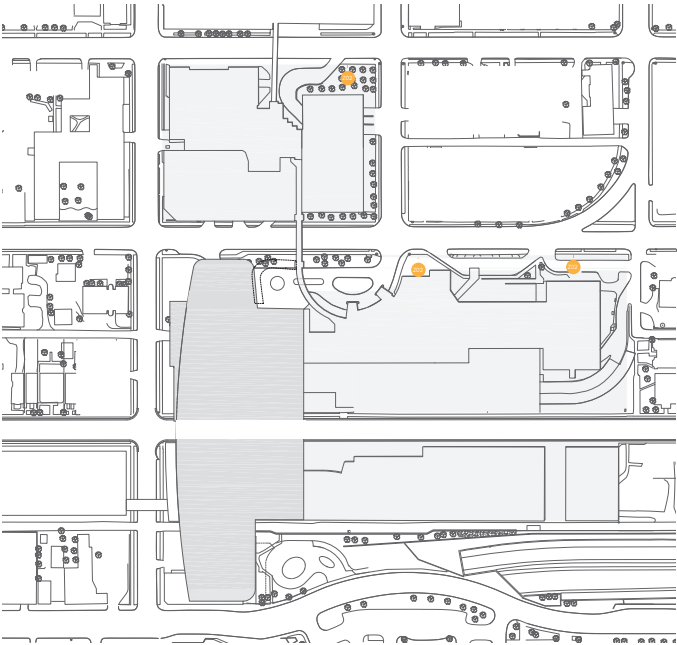


- Purpose**  
Project Identification on side of building facade for long distance visibility.
- Guidelines**
  - Form**  
Dimensional letters
  - Content**  
Project Logo  
Building Name
  - Approx. Size**  
Existing dimensional sign letters
  - Power/Data Requirements**  
Yes/No
  - Illumination Requirements**  
Internally illuminated
  - Material, Fabrication & Finish**  
Existing dimensional sign letters
  - Installation & Foundation/Support**  
Coordinated mounting to building internal floor slab, steel structures and mullion system for a clean aesthetic
- SCOPE ALLOCATION: CONTRACTOR



# CAMPUS SIGNAGE

## Z02 FREESTANDING BUILDING IDENTITY



SIGNAGE TOTAL: 3  
SQ. FEET: 50 sq. ft.



**Purpose**  
Project Identification of building and site

**Guidelines**  
**Form**  
Monument sign

**Content**  
Project Logo  
Building Name

**Approx. Size**  
4'w x 12'-6"h

**Power/Data Requirements**  
Yes/No

**Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs

**Material, Fabrication & Finish**  
Fabricated aluminum sign cabinet exterior, automotive grade paint w clear coat fabricated aluminum channel letters/logos w/ acrylic faces and/or cut out pushed acrylic through letters

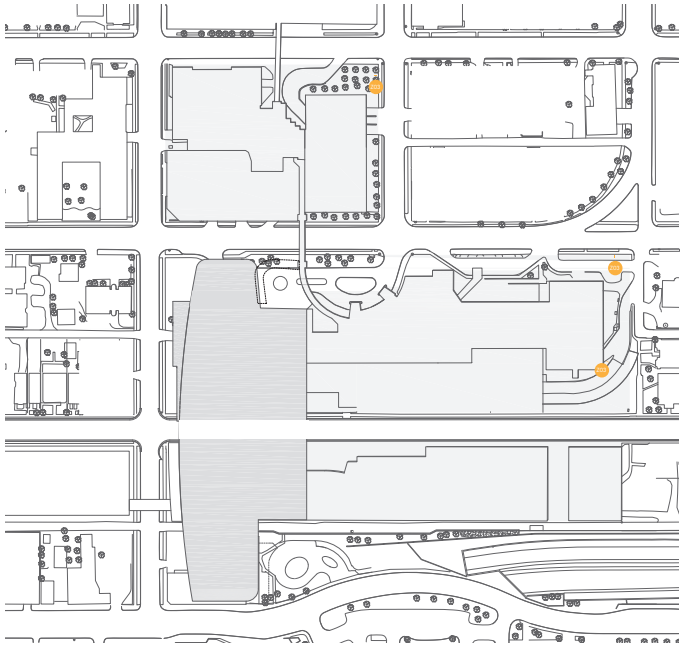
**Installation & Foundation/Support**  
Coordinated mounting to grade, provide foundation

SCOPE ALLOCATION: CONTRACTOR



# CAMPUS SIGNAGE

## Z03 FREESTANDING DIRECTIONAL



SIGNAGE TOTAL: 3  
SQ. FEET: 74.25 sq. ft.



**Purpose**  
Vehicular direction sign on main roadways

**Guidelines**  
**Form**  
Monument sign

**Content**  
Project Logo  
Destinations  
Symbols, arrows

**Approx. Size**  
5'-6"w x 13'-6"h

**Power/Data Requirements**  
Yes/No

**Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs

**Material, Fabrication & Finish**  
Fabricated aluminum sign cabinet exterior, automotive grade paint w/ clear coat fabricated aluminum channel letters w/ acrylic faces and logo. Replaceable aluminum message slats w/ cut out pushed acrylic through letters

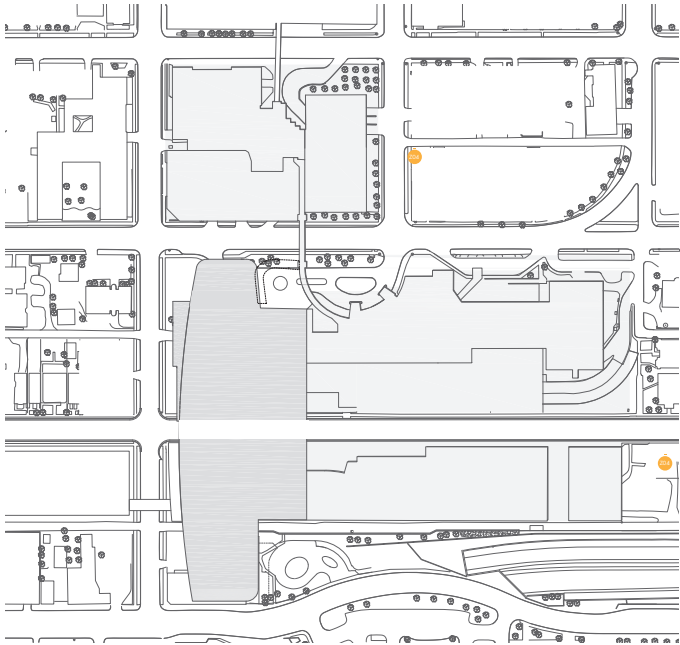
**Installation & Foundation/Support**  
Coordinated mounting to grade, provide foundation

SCOPE ALLOCATION: CONTRACTOR



# CAMPUS SIGNAGE

## Z04 FREESTANDING PARKING IDENTITY



SIGNAGE TOTAL: 2  
SQ. FEET: 36 sq. ft.

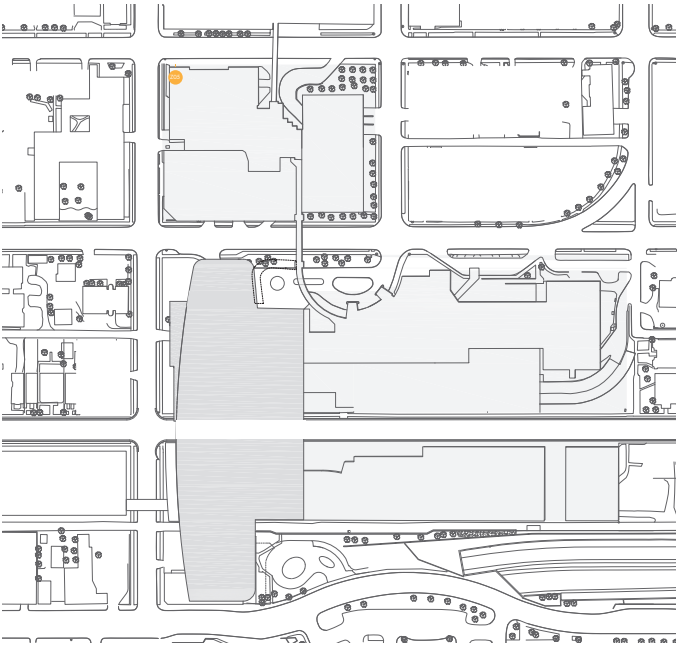


- Purpose**  
Project Identification of building and site
- Guidelines**
  - Form**  
Monument sign
  - Content**  
Project Logo  
Building Name
  - Approx. Size**  
4'w x 8'h
  - Power/Data Requirements**  
Yes/No
  - Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs
  - Material, Fabrication & Finish**  
Fabricated aluminum sign cabinet exterior, automotive grade paint w clear coat fabricated aluminum channel letters/logos w/ acrylic faces and/or cut out pushed acrylic through letters
  - Installation & Foundation/Support**  
Coordinated mounting to grade, provide foundation
- SCOPE ALLOCATION: CONTRACTOR

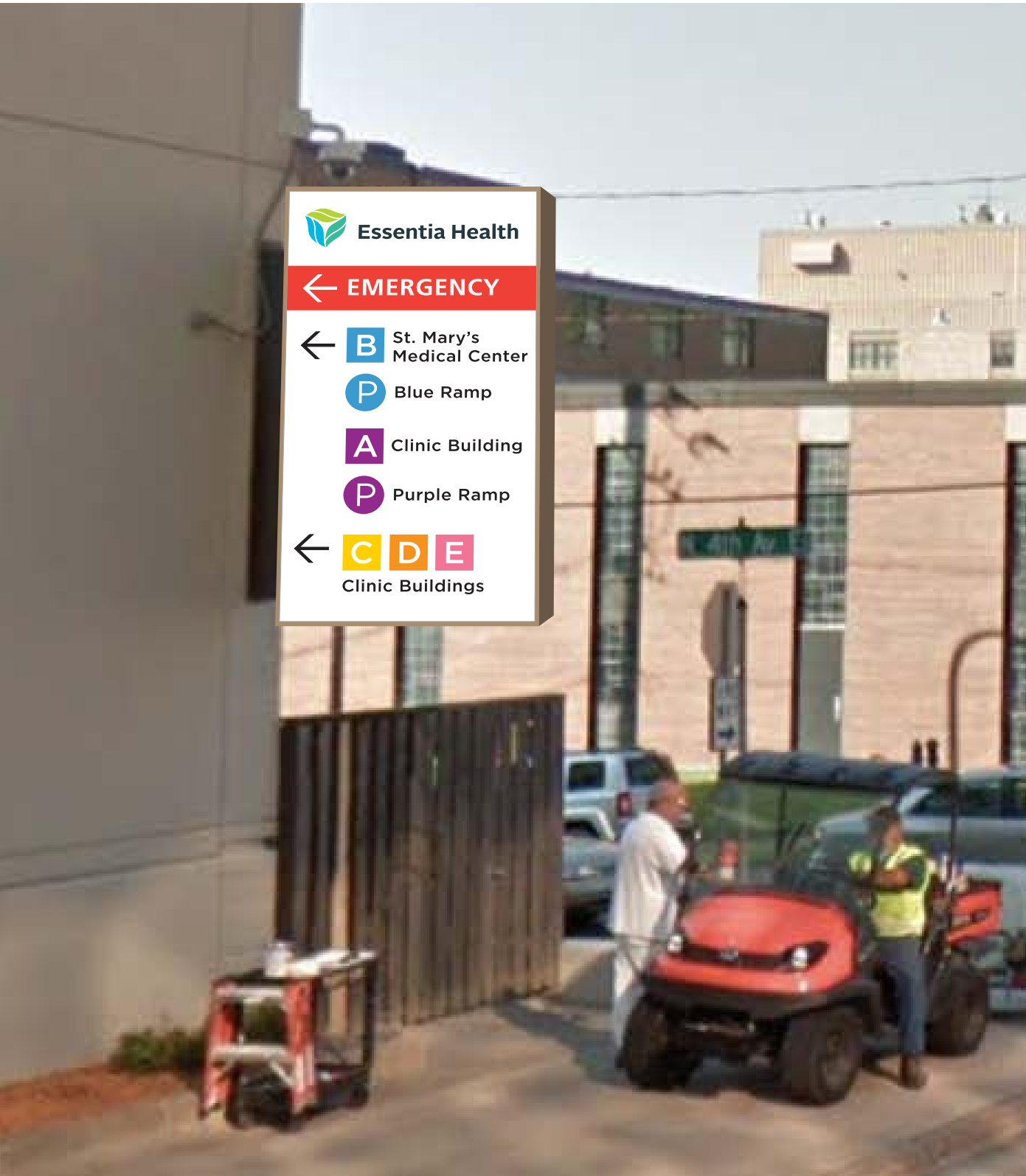
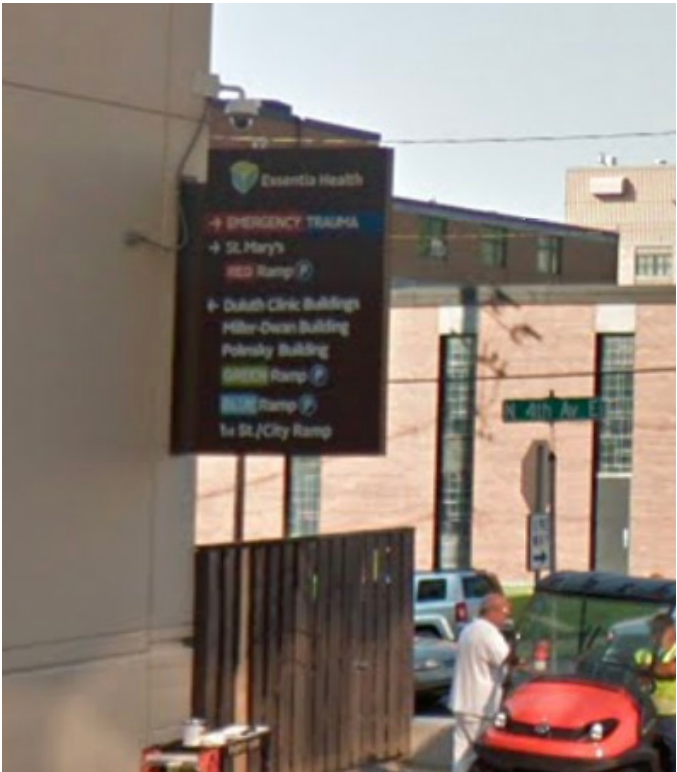


# CAMPUS SIGNAGE

## Z05 BLADE DIRECTIONAL



SIGNAGE TOTAL: 1  
SQ. FEET: 36 sq. ft.



- Purpose**  
Project Identification of building and site
- Guidelines**
  - Form**  
Sign Cabinet
  - Content**  
Project Logo  
Destinations  
Symbols, arrows
  - Approx. Size**  
4'w x 8'h
  - Power/Data Requirements**  
Yes/No
  - Illumination Requirements**  
Internally illuminated  
2700K or 3000K Dimmable LEDs
  - Material, Fabrication & Finish**  
Fabricated aluminum sign cabinet exterior, automotive grade paint w/ clear coat fabricated aluminum channel letters/logos w/ acrylic faces and/or cut out pushed acrylic through letters
  - Installation & Foundation/Support**  
Coordinated mounting to building internal floor slab, steel structures and mullion system for a clean aesthetic
- SCOPE ALLOCATION: CONTRACT



**EWING**  
**COLE**





**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 19-157	Contact	Kyle Deming, <a href="mailto:kdeming@duluthmn.gov">kdeming@duluthmn.gov</a>	
Type	Preliminary Plat	Planning Commission Date		November 12, 2019
Deadline for Action	Application Date	October 8, 2019	60 Days	December 7, 2019
	Date Extension Letter Mailed	October 31, 2019	120 Days	February 5, 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		October 29, 2019
Neighbor Letter Date	November 1, 2019	Number of Letters Sent		17

**Proposal**

Preliminary 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

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

- (a) Is consistent with the comprehensive land use plan;
- (b) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (c) Is consistent with all applicable provisions of this Chapter;
- (d) Is consistent with any approved district plan covering all or part of the area of the preliminary plat;
- (e) Is located in an area with adequate police, fire and emergency facilities available to serve the projected population of the subdivision within the City's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
- (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created

they will be mitigated to the extent reasonably possible;

### **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. Variable densities and performance standards.

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. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

Future Land Use – 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.

Site history: Previously, there were dwellings on each of the parcels fronting Haines Road except for the corner parcel which has been developed with a church. The central 20 acre parcel appears to have previously been cleared of tree cover in addition to having been a home site. There was a small quarry on the parcel north of the church in the past. St. Louis County constructed a storm water detention pond along Arrowhead Rd. in the area surrounded by the plat.

### **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, Outlot A 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.
- 2) The property is 56 acres in size and consists of rolling topography that generally drains to the west and east and south. The site is predominately vacant with a church occupying the southwest corner. The land is forested consisting primarily of aspen species.



- 3) There are 13.63 acres of predominantly Hardwood Swamp and Shrub-Carr wetlands scattered throughout the property with the largest concentration in the middle of the 56 acres. All lots are large enough to provide buildable areas while following the best practices for development around wetlands through avoidance, minimization, and mitigation.
- 4) There is an area of Cold Water Stream Shoreland extending into Outlot B around a tributary to Miller Creek. The lot is large enough to permit development without impacting shoreland setbacks.
- 5) There are no flood plains present in the area to be platted.
- 6) The property is served by two arterial roadways and any development of the property will require access permits from St. Louis County which has the ability to require improvements to be made to the roadways to preserve their arterial function. Public transit service is provided along Haines Road.
- 7) St. Louis County Public Works staff have identified the need for the dedication of land for turn lanes to accommodate site development along Haines Road and Arrowhead Road. Prior to consideration of the final plat, the applicant shall dedicated required land for roadway purposes as required by the Land Use Supervisor in coordination with St. Louis County.
- 8) The property is served by a water main in Arrowhead Road and a new water main to be extended in Haines Road as part of a development project for which this plat is being prepared. Sanitary sewer service is found at the northwest corner of proposed Lot 1, Block 1, but there is no sanitary sewer service in Arrowhead Road. The developer of Lot 1, Block 1 is proposing to extend a sanitary sewer main across the north edge of the property to serve Outlot B.
- 9) Several utility easements will be needed as part of the proposed plat. Prior to consideration of the final plat, applicant shall make the following changes:
  - a) Addition of a utility easement along the east side of Haines Road for the extension of a public water main, and
  - b) Addition of a utility easement over the northerly portion of Lot 1, Block 1 to provide space for public sanitary sewer and water mains to provide services to Outlot B to the east.
- 10) The property is within approximately 2 miles of the Miller Hill Fire Station, which is less than 5 minutes away, and is approximately 2.4 miles from the City and County Public Safety Facilities.
- 11) Platting of the property will not result in adverse material impacts to surrounding properties as any projects to be developed as a result of the plat will need to obtain environmental, public works, and development permitting that will require avoidance or mitigation of any potential impacts.
- 12) Staff find that, other than the items addressed above, which shall be conditions of this approval, the preliminary plat conforms to the requirements of Sec 50-37.5. The preliminary plat is consistent with the comprehensive land use plan, is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 13) No 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 conditions listed above, including:

1. Dedication of land for turn lanes as required by St. Louis County, and
2. Dedication of utility easements as required by the City of Duluth.



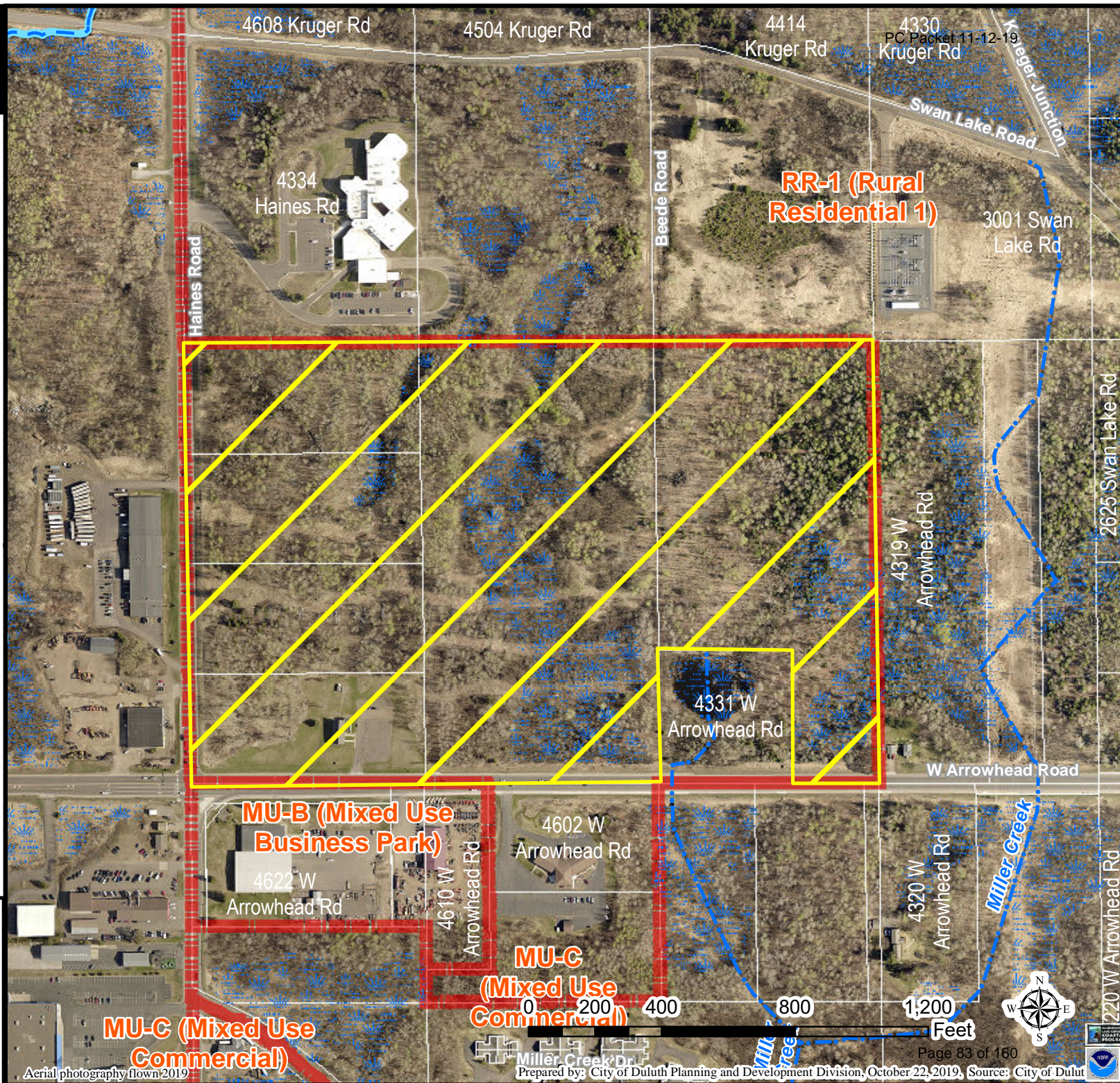


PL 19-157  
Preliminary Plat  
Kirkland Addition  
Costco Wholesale, Inc.

**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







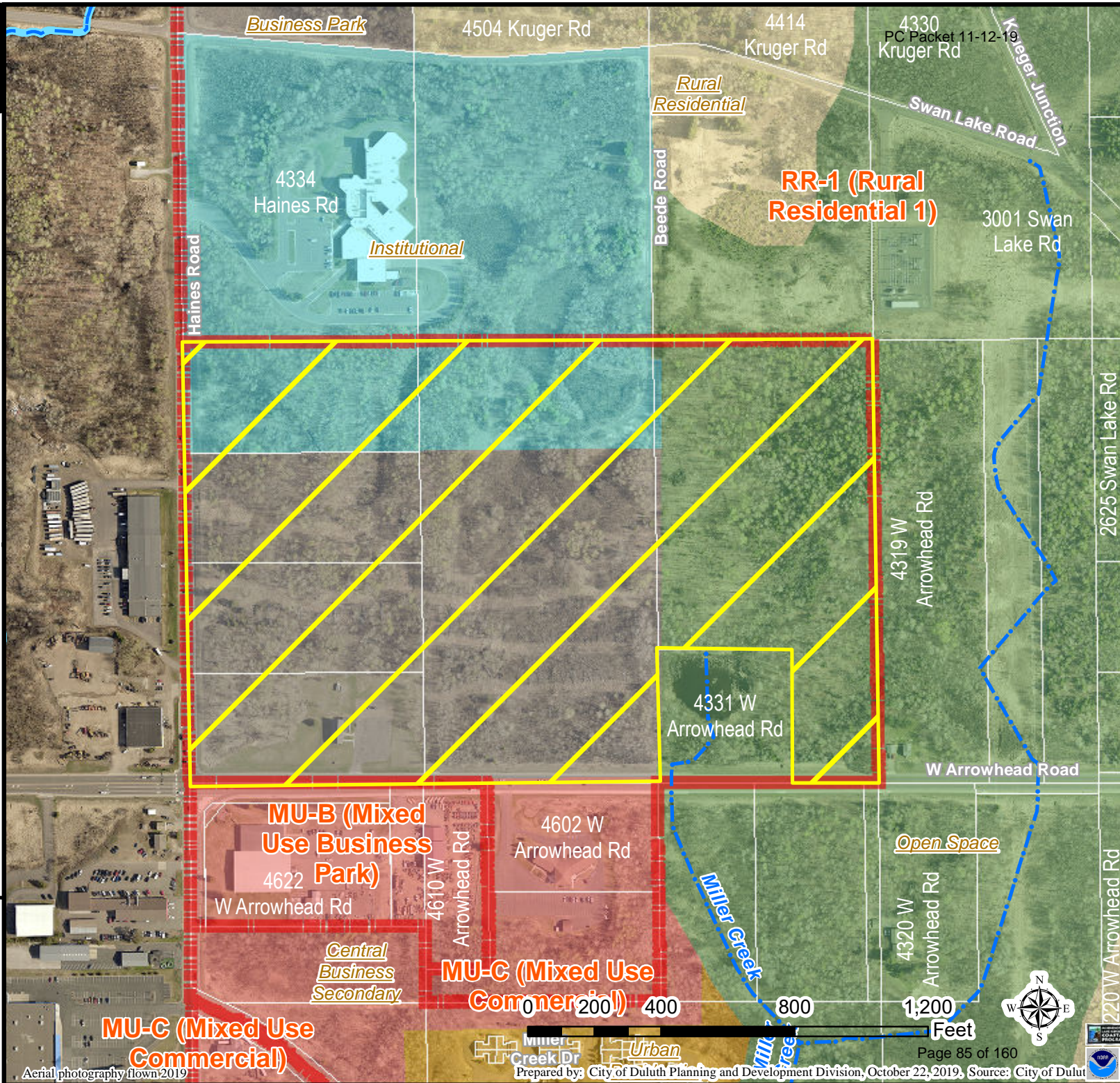


PL 19-157  
Preliminary Plat  
Kirkland Addition  
Costco Wholesale, Inc.

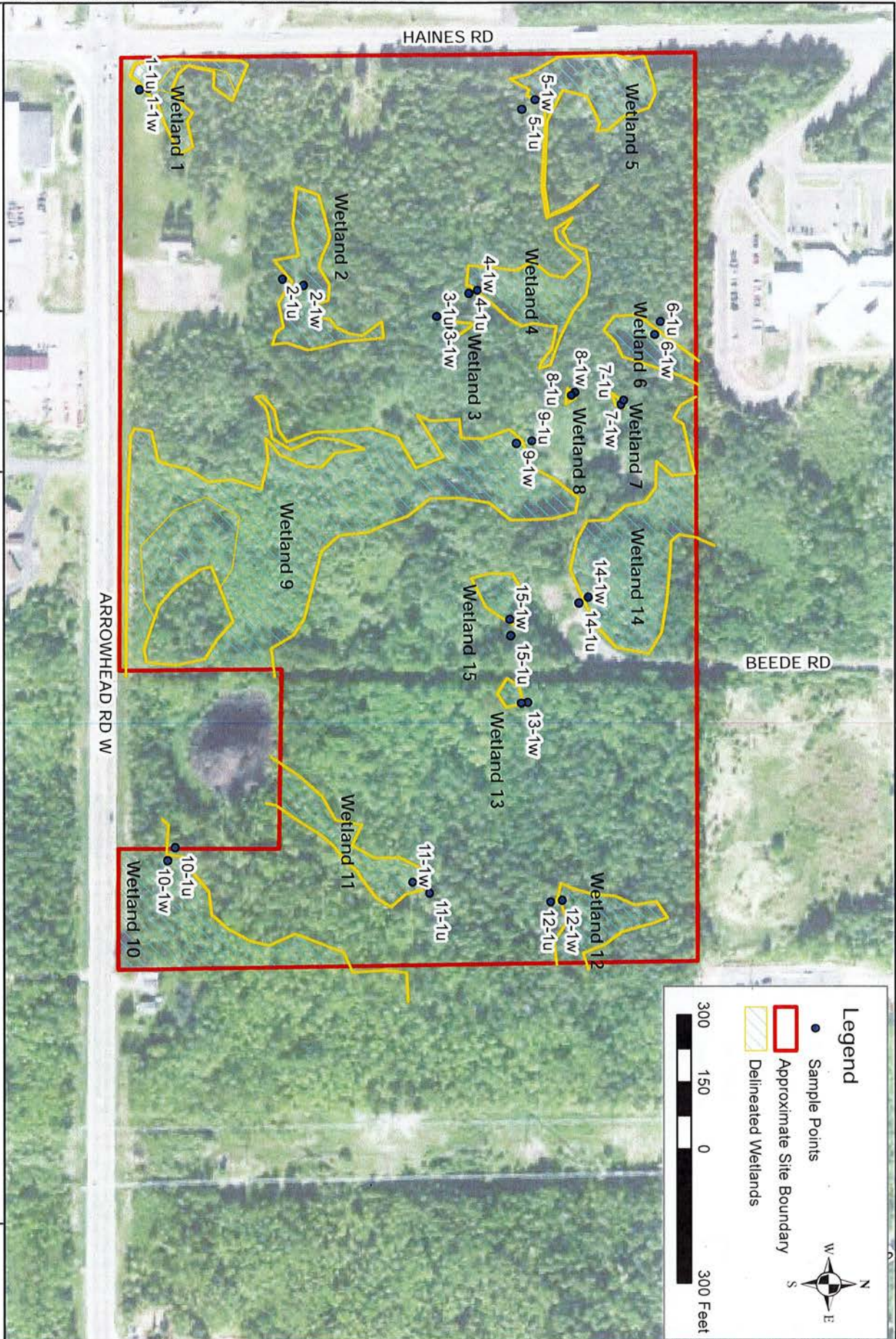
### Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)
- 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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418 W SUPERIOR ST., SUITE 200  
DULUTH, MN 55802  
PHONE: (218) 279-3000  
FAX: (218) 279-3005  
WWW.SEHINC.COM

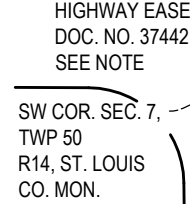
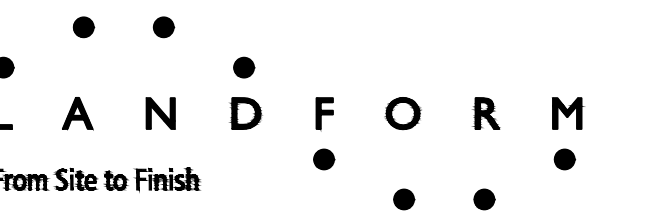
Project: JMMCO 128871  
Print Date: 9/12/2014  
Map by: mnhle  
Projection: NAD 83, UTM 15N  
Source: NADP 2013, SEH

# **WETLAND BOUNDARY MAP** **HAINES-ARROWHEAD DEVELOPMENT** **Duluth, Minnesota**

**Figure 4**

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigation, tracking, or any other purpose requiring exacting measurement or distance or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages, which arise out of the user's access or use of data provided.











**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 19-156	Contact	Kyle Deming, <a href="mailto:kdeming@duluthmn.gov">kdeming@duluthmn.gov</a>	
Type	MU-C Planning Review	Planning Commission Date		November 12, 2019
Deadline for Action	Application Date	October 8, 2019	60 Days	December 7, 2019
	Date Extension Letter Mailed	October 31, 2019	120 Days	February 5, 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		October 29, 2019
Neighbor Letter Date	November 1, 2019	Number of Letters Sent		17

**Proposal**

To build and operate a 161,226 square foot member-only retail warehouse with tire center, liquor store, and vehicle fueling facility on 20.9 acres.

**Recommendation**

Staff recommends approval, subject to conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Vacant/Undeveloped	Business Park
<b>North</b>	MU-C, RR-1	St. Louis County Jail	Institutional
<b>South</b>	MU-B, MU-C	Shop, vehicle sales, church	Central Business Secondary
<b>East</b>	MU-C	Vacant/Undeveloped	Open Space
<b>West</b>	City of Hermantown	Vehicle sales, office/warehouse	City of Hermantown

### **Summary of Code Requirements**

50-15.3 MU-C District – Planning review by the Planning Commission is required for most development and redevelopment.

50-18.1 Shoreland, Flood Plains, Wetlands

50-18.1.E Stormwater Management – Addresses water runoff quality and quantity pre- and post-construction.

50-20.3.E Use Specific Standards for Commercial Uses – Delineates use specific standards for banks.

50-23 Connectivity and Circulation – Focuses on pedestrian and bicycle accommodations.

50-24 Parking and Loading – Addresses required minimum and maximum parking spaces and loading docks, dimensional standards, snow storage, and pedestrian circulation.

50-25 Landscaping and Tree Preservation – Landscaping standards such as materials, plant size, location, and tree preservation

50-26 Screening, Walls, and Fences – Screening of mechanical equipment, loading areas, and commercial containers, plus regulations regarding fences and retaining walls.

50-29 Sustainability Standards – Sustainability point system for new development.

50-30 Design Standards – Building standards for multi-family, commercial, institutional, and industrial buildings.

50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.

50-37.11 Planning Review – 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.

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

Governing Principle #1 – Reuse previously developed lands.

Governing Principle #2 – Declare the necessity and secure the future of undeveloped places.

Governing Principle #9 – Support private actions that contribute to the public realm.

Governing Principle #10 – Take actions that enhance the environment, economic, and social well-being of the community.

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.

Urban Design Strategy #4: Encourage site design which includes cohesive elements such as pedestrian access, parking, coordinated landscaping, linked open space, and green infrastructure for stormwater management and water quality improvement.

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. Variable densities and performance standards

Site history: Previously, there were single-family dwellings and accessory buildings on each of the parcels, except for the corner parcel, which is developed with a church and surface parking lot. The easterly 20-acre parcel appears to have previously been cleared of tree cover and there was a gravel mining operation/quarry on the parcel north of the church in the past.



## Review and Discussion Items

Staff finds that:

- 1) 50-15.3 (MU-C District) – Site plan shows that the building and parking will meet MU-C setbacks. The building is proposed to be 28 feet to 32 feet tall including a parapet to screen the roof-mounted mechanical equipment, which is less than the maximum 45 feet allowed.
- 2) 50-18.1 (Shorelands and Flood Plains) – The 20.9 acre site is in the Miller Creek watershed with the east and west halves of the site draining to different tributaries of Miller Creek, each about 600 feet from the site. There are neither Shoreland zone nor Flood Plain restrictions on the property.
- 3) 50-18.1 (Wetlands) – The applicant reviewed the 56 acres available in this location, including the 13.63 acres of primarily hardwood swamp located primarily in the east half, and decided to configure the project on the westerly 20.9 acres which results in less wetland impact (3.03 acres) than other configurations. A wetland replacement plan is being drafted to address U.S. Army Corps of Engineers (Corps) and Minnesota Wetland Conservation Act requirements. The Corps has requested that mitigation credits be achieved through preservation and enhancement of the remaining wetland in the project boundary and then allowing for remaining credits to be purchased from a wetland bank. Discussions are on-going with the Corps related to preservation and enhancement of the remaining wetlands. A final mitigation plan will be submitted to the City once the issues with the Corps have been addressed, and a condition has been added to address this requirement.
- 4) 50-18.1 (Stormwater Management) – The project is designed to meet all requirements for stormwater management found in the City's and the MPCA's Construction Stormwater Permit. The project will install two underground infiltration / detention systems under the parking lot to capture runoff from the building's roof and parking lot. They will provide ground water recharge through infiltration and reduce the peak discharge rates (flood control) of runoff to the public storm sewer or to the adjacent wetlands. These systems will also provide water temperature cooling benefits that will reduce impact to the Miller Creek, a DNR cold water trout stream. Additionally these systems will provide water quality benefits by capturing debris and sediment commonly found in parking lots. The project will install a separate underground detention system for the area draining around the fuel pumps. The three entrances to the site are below the main stormwater management systems and will have their own water quality structures to capture sediment and debris prior to discharging to the public storm sewer or adjacent wetlands.
- 5) 50-20.3.R (Use Specific Standards for Retail Sales, Large) – Standards that would apply here relate to outdoor storage or display of merchandise and drive-up windows. Costco does not have any of these features.
- 6) 50-23 (Connectivity) – There is a public sidewalk along the east side of Haines Road to which the site plan shows a sidewalk connection leading to the store entrance. The applicant will be installing a public sidewalk along the north side of Arrowhead Road to which an additional sidewalk connection to the store will be made.
- 7) 50-24 (Parking) – The Parking Summary on the site plan shows 747 parking stalls, which is within the maximum allowed when being granted an administrative adjustment by the Land Use Supervisor for three additional parking stalls.
- 8) 50-25 (Landscaping) – The landscape plan shows street frontage landscaping with trees and shrubs that comply with UDC requirements. The applicant has requested an alternative landscaping plan for two requirements, which have been reviewed and are being recommended for approval by Staff, subject to the Land Use Supervisor's final approval:
  - The requirement for 15% interior parking lot landscape area which is being met by 50-65 foot wide sloped and landscaped parking lot buffers from Haines Road and Arrowhead Road far exceeding required 15 foot wide

buffers; and

- The requirement for 30% of the parking lot surface to be covered by tree canopy shade, which they are proposing to meet with tree canopy coverage over 24% of the paved surface while relying on the underground storm water chamber system to cool parking lot runoff before discharge off site which meets the water-cooling intent of the rule.

9) 50-25.9 (Tree Preservation) – The City Forester has approved the applicant’s tree inventory and tree preservation report (attached). The report indicates removal of approximately 2,100 caliper inches of trees, the loss of which will be mitigated by installation of 699.75 caliper inches of trees on the property. Staff has reviewed impacts to trees with a diameter of greater than 20 inches 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.

10) 50-26 (Screening) – Roof-top mechanical units will be screened by the building parapet and the trash compactor and loading areas will not be visible from the street or neighboring properties. Near the vehicle fueling area will be a retaining wall less than six feet tall that will comply with UDC materials requirements.

11) 50-29 (Sustainability) – Applicant needs to submit Sustainability Checklist information with their building permit application showing 4 points required for non-residential structures over 25,000 sq. ft.

12) 50-30 (Design Standards) – Applicant needs to submit information showing how the building complies with standards for large commercial retail buildings as it is not clear from documents provided to date.

13) 50-31 (Exterior Lighting) – The property exterior will be lit via pole-mounted and building-mounted lights compliant with UDC fixture and light level requirements. Luminaries will be mounted on 36.5 foot tall poles with light levels less than 2.0 foot candles at the driveways and less than 1 foot candle at interior property lines.

14) A traffic study was prepared by the applicant’s consultant and results were discussed with the St. Louis County Traffic Engineer because both Haines Road and Arrowhead Road are County-owned facilities. The site plan reflects the agreed upon solution with a traffic control signal to be installed at the easternmost driveway intersection with Arrowhead Road that will allow all traffic movements with dedicated turn lanes. Also on Arrowhead Road will be a right-in and right-out only intersection with turn lanes. The site access on Haines Road will allow all traffic movements in and out with a stop sign for outbound vehicles including north- and southbound turn lanes. Transit service is provided on Haines Road with stops accessible from a sidewalk to the Costco main entrance. Hourly weekday service is provided to/from Downtown via Route #8 with connections through the Miller Hill Mall area and hourly weekend service from West Duluth via Route #5.

15) No public comments have been received on this project to date.

16) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.



**Staff Recommendation**

Based on the above findings, and assuming that the applicant has submitted revised information related to compliance with building design prior to the Planning Commission meeting on November 12, 2019, staff recommends that Planning Commission approve the Planning Review, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the construction and building plans drawn for this zoning application and included with this staff report, with the exception of updated revisions required to show compliance.
- 2) Prior to issuance of a building permit, developer shall provide a cash escrow or letter of credit in the amount of 100% of the cost of installation of landscaping, which shall be refunded as follows:
  - a. 95% upon installation of all required landscaping;
  - b. 5% upon all required landscaping surviving one year past date of installation.
- 3) Prior to issuance of a building permit, all required wetland replacement plan approvals and US Army Corps permits shall be granted.
- 4) 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 administrative approval shall constitute a variance from the provisions of UDC Chapter 50.

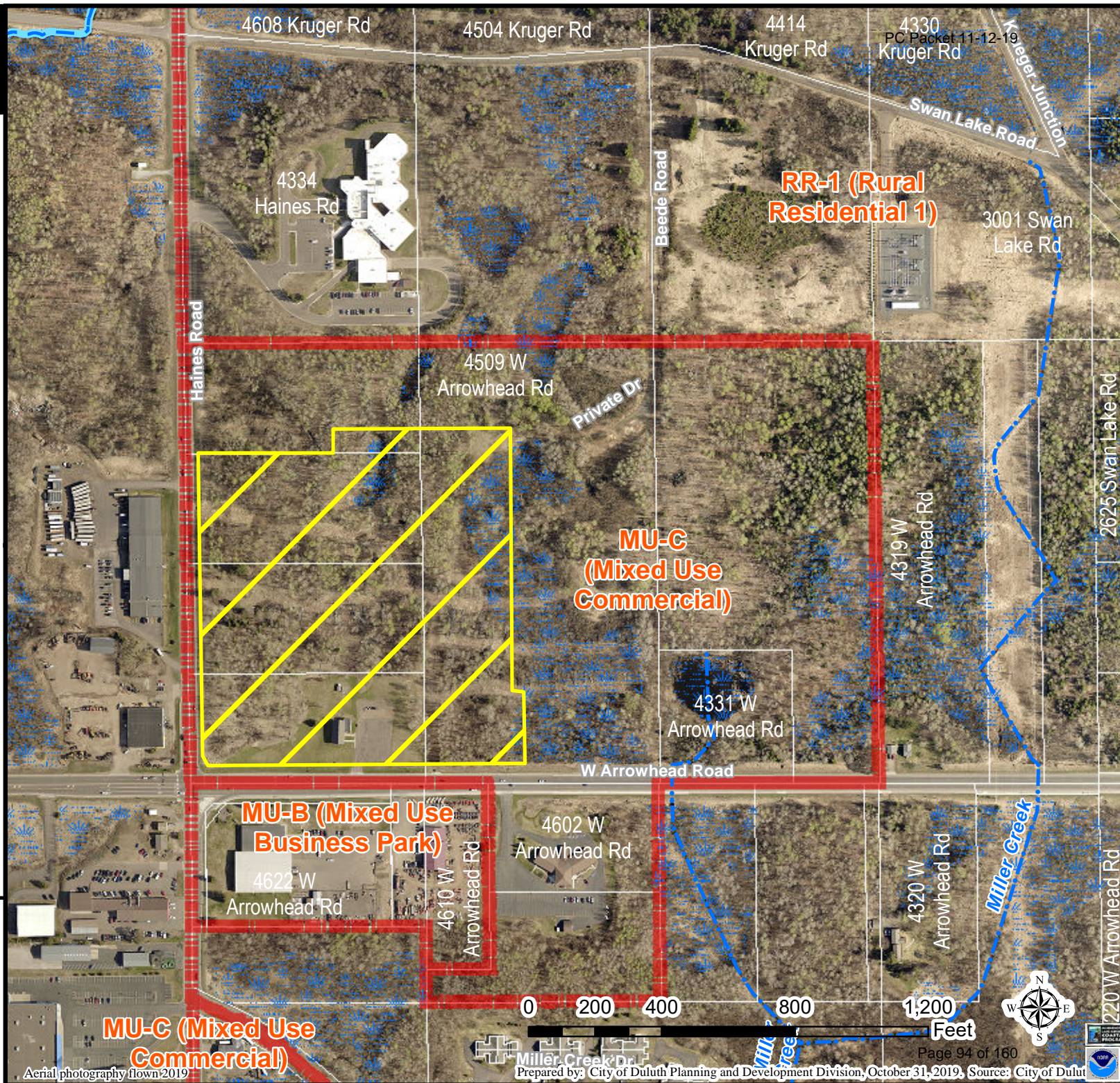




### Legend

- 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.



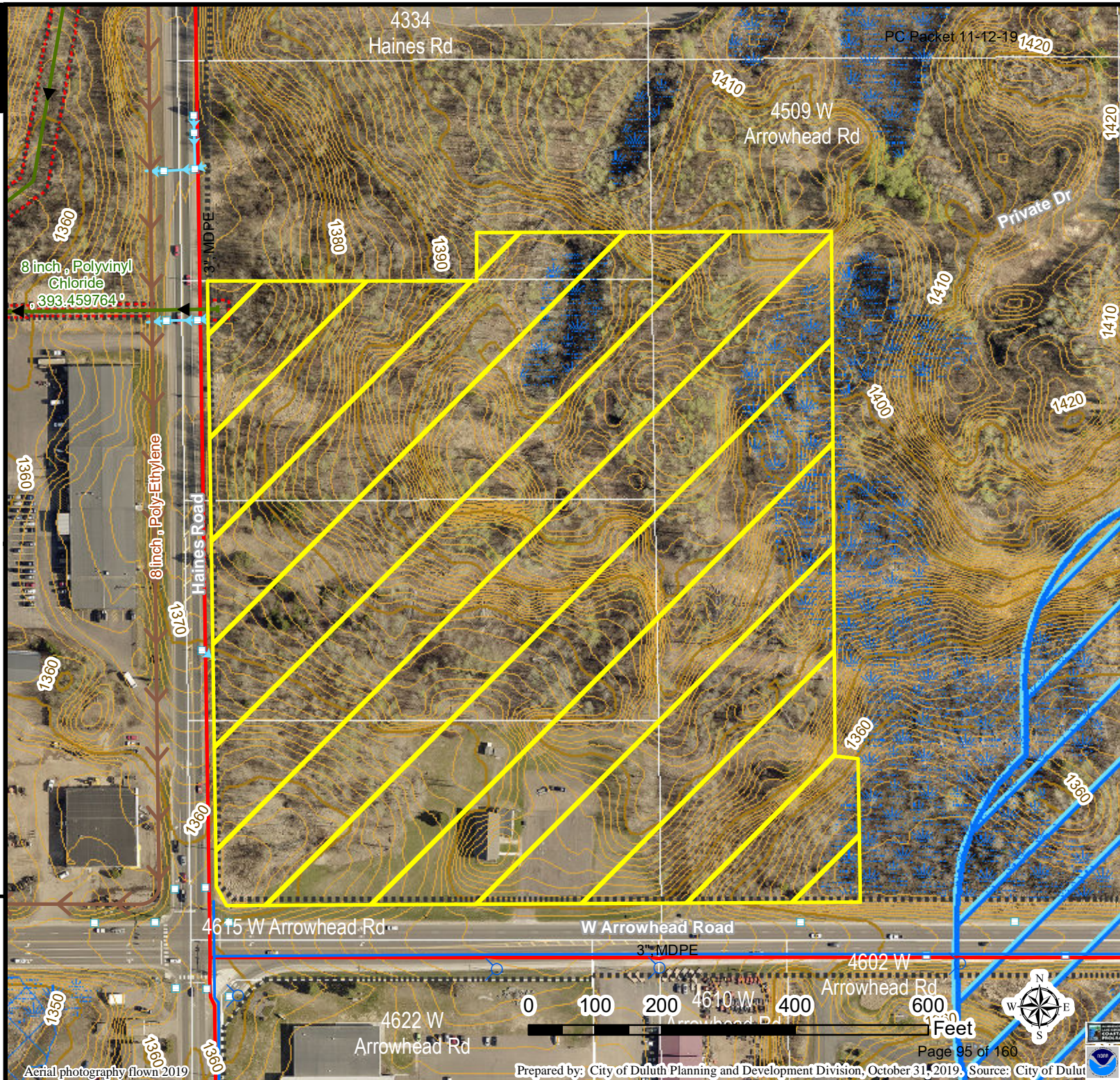




### Legend

- 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
- Pump Station
- Storm Sewer Mains**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- 1 Ft contour
- 10 Ft contour
- Road or Alley ROW
- Vacated ROW
- Easement Type**
  - Utility Easement
  - Other Easement
- 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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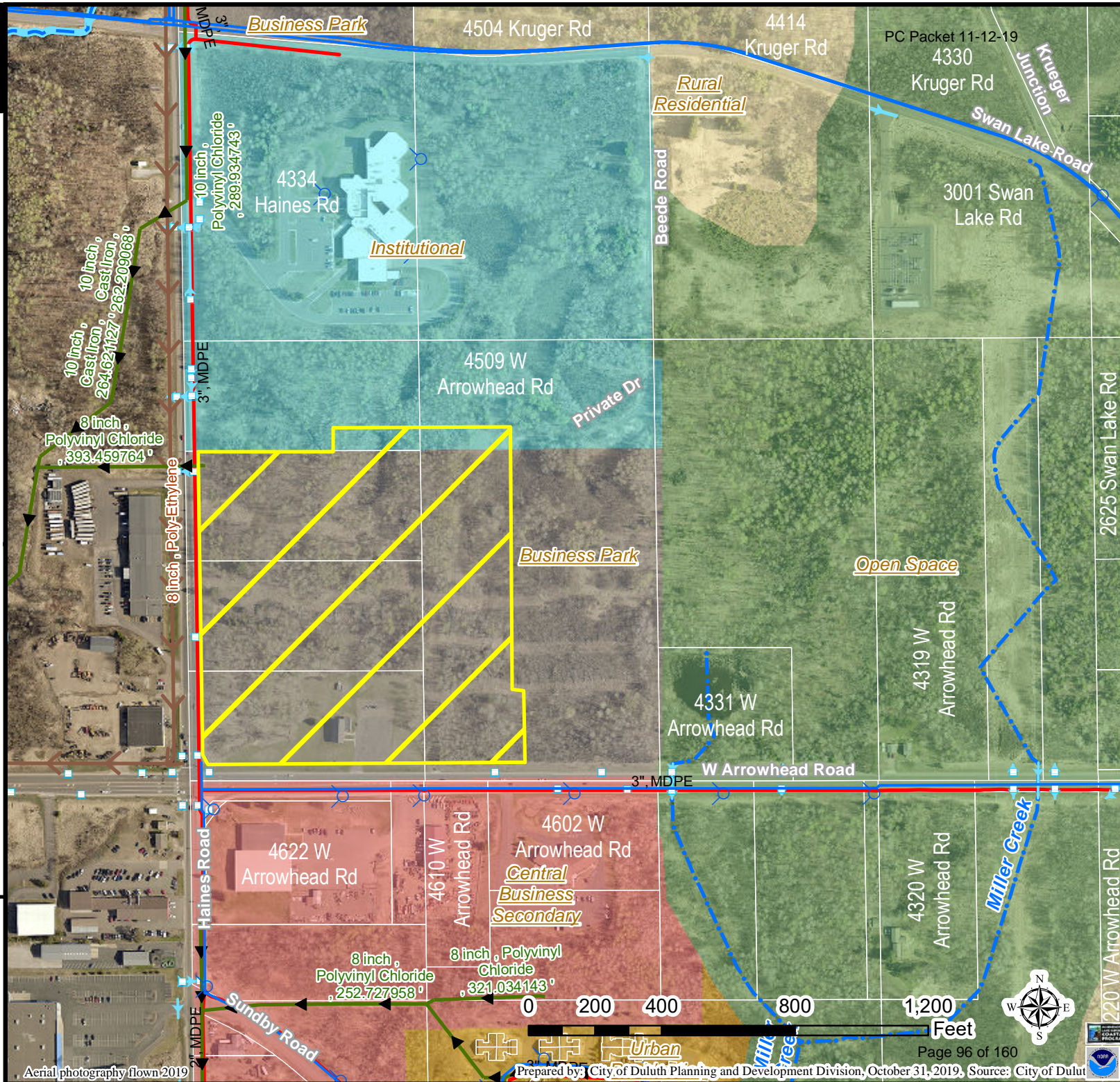


PL 19-156  
MU-C Planning Review  
Costco Wholesale

### Legend

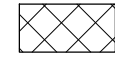
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
  - CITY OF DULUTH
  - WLSSD; PRIVATE
  - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
  - Trout Stream (GPS)
  - Other Stream (GPS)
- Open Space
- Open Space/Outside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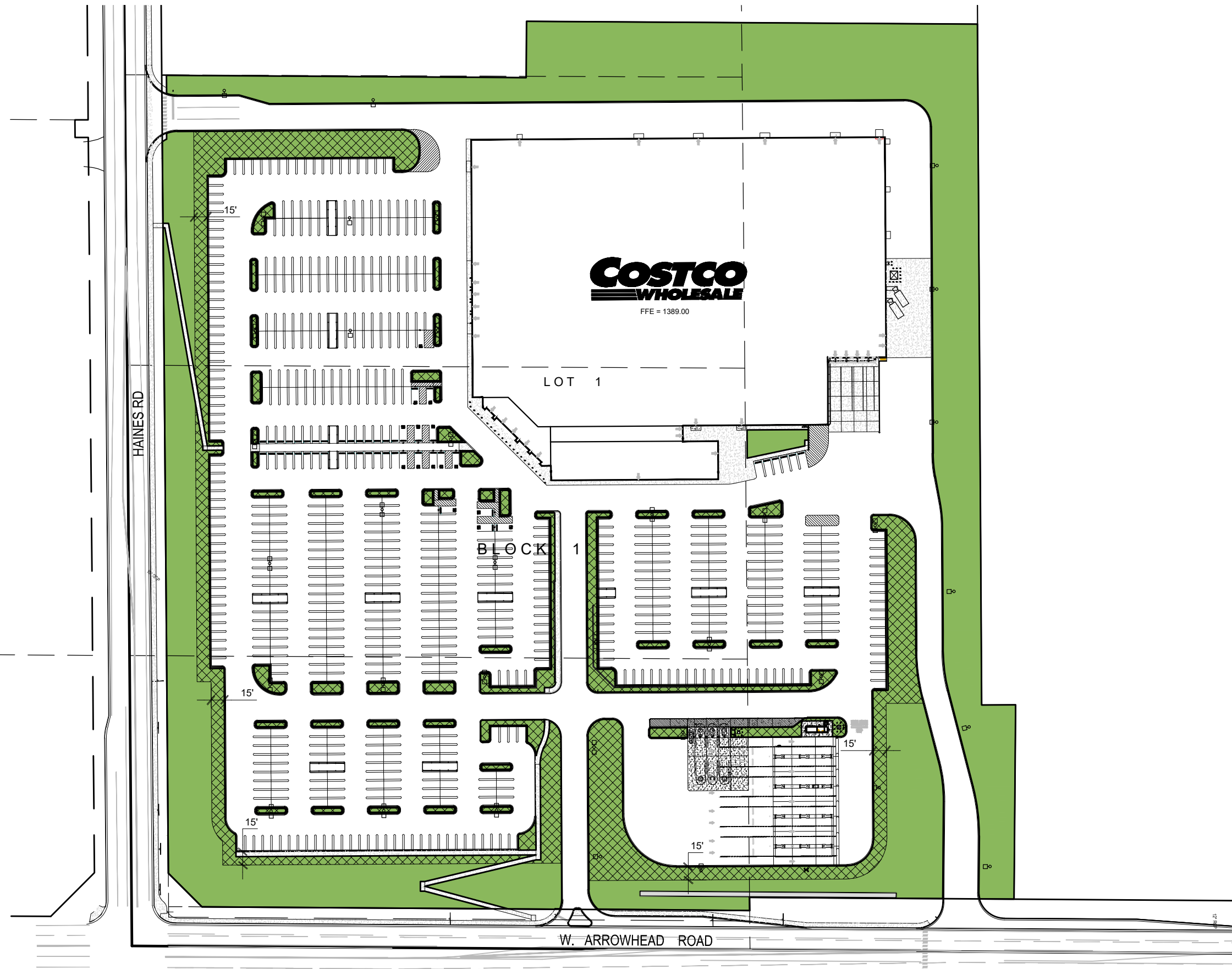




# LEGEND

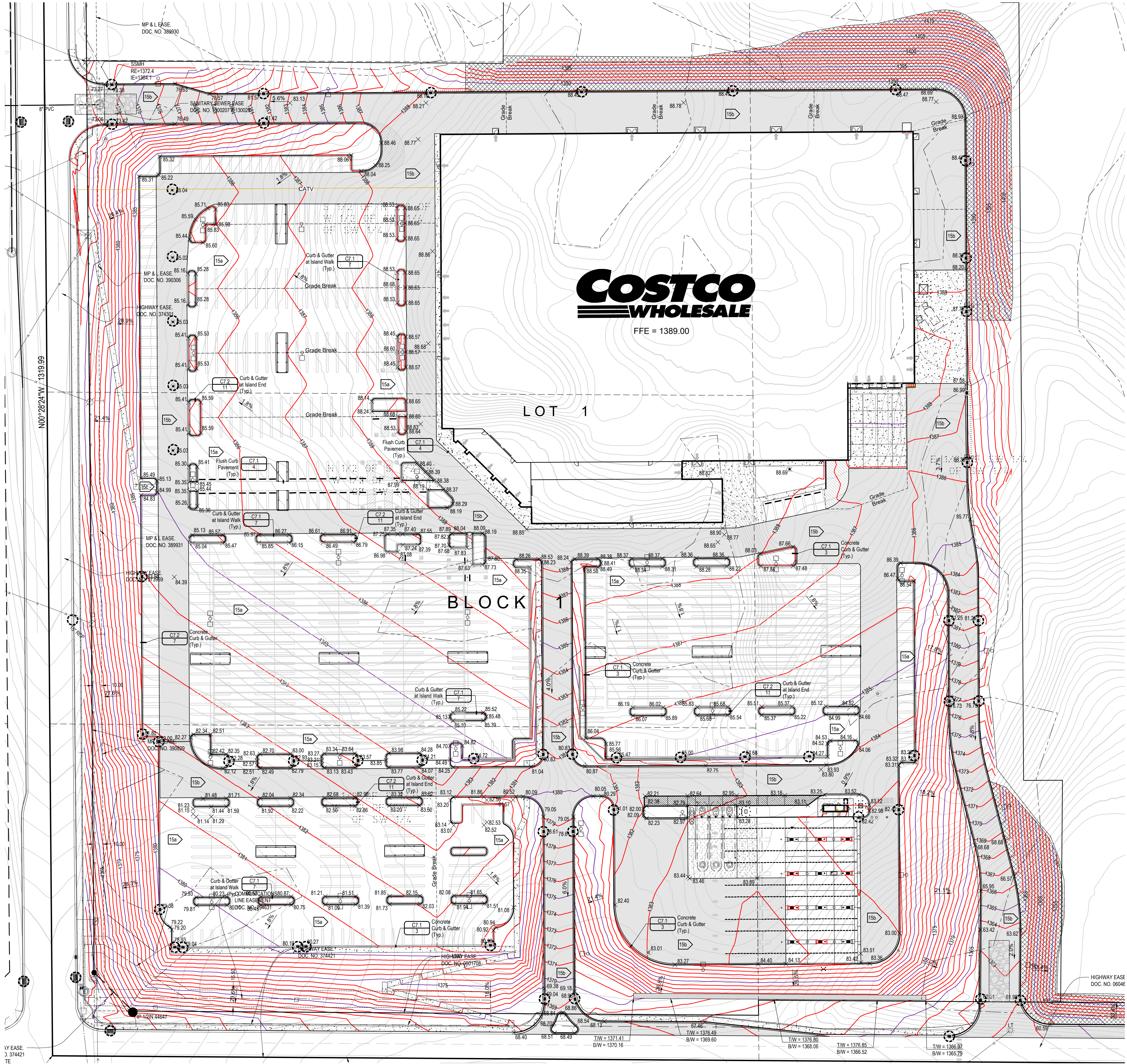


INTERIOR LANDSCAPE AREA  
(67,500 SF +/-)



## LANDSCAPE AREA EXHIBIT





- GENERAL NOTES**
- EROSION PREVENTION AND SEDIMENT CONTROL NOTES**
- PAVING NOTES**
- LEGEND**

SYMBOL	DESCRIPTION	ESTIMATED QUANTITY
	Inlet Protection	X Each
	Silt Fence	X Feet
	Compost or Bio Log	X Feet
	Vehicle Tracking Pad	X Each
	Erosion Control Blanket (MNDOT Category 3N)	X Each
	Tip Out Curb	
	Pavement Sawcut	
	Construction Limits	
	Top of Wall	
	Bottom of Wall	

Know what's Below.  
Call before you dig.

NORTH

0 50 100

PRELIMINARY PLAT SUBMITTAL  
OCTOBER 25, 2019

LANDFORM  
From Site to Finish

105 South Fifth Avenue  
Suite 513  
Minneapolis, MN 55401

Tel: 612-252-9070  
Fax: 612-252-9077  
Web: landform.net

FILE NAME: C301CWC025.DWG  
PROJECT NO.: CWC18025

GRADING, DRAINAGE, PAVING  
& EROSION CONTROL

**C3.1A**

PC Packet 11-12-19  
DEVELOPER

**COSTCO WHOLESALE**

999 LAKE DRIVE  
ISSAQUAH, WA 98027  
TEL (425) 313-8100

MUNICIPALITY

**DULUTH**  
MINNESOTA

PROJECT

**Costco Wholesale**

DULUTH, MN

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
17 MAY 2019	GREEN INK SUBMITTAL	SES
22 MAY 2019	REVISED SUBMITTAL	SES
21 JUN 2019	REVISED SUBMITTAL	SES
07 JUL 2019	CONCEPT PLAN SUBMITTAL	SES
07 OCT 2019	PRELIMINARY PLAT SUBMITTAL	SES
25 OCT 2019	PRELIMINARY PLAT SUBMITTAL	SES

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT  
VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED  
RELIABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT  
THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

PRELIMINARY PLAT SUBMITTAL  
OCTOBER 25, 2019

LANDFORM  
From Site to Finish

105 South Fifth Avenue  
Suite 513  
Minneapolis, MN 55401

Tel: 612-252-9070  
Fax: 612-252-9077  
Web: landform.net

FILE NAME: C301CWC025.DWG  
PROJECT NO.: CWC18025

GRADING, DRAINAGE, PAVING  
& EROSION CONTROL

**C3.1A**



Owner:  
COSTCO WHOLESALE  
999 Lake Drive  
Issaquah, WA 98027

**SMITHGROUP**

201 DEPOT STREET  
SECOND FLOOR  
ANN ARBOR, MI 48104  
734.662.4457  
[www.smithgroup.com](http://www.smithgroup.com)

ISSUED FOR	REV	DATE
CITY REVIEW		10.23.19
CITY REVIEW		10.07.19

SEALS AND SIGNATURES

NOT FOR CONSTRUCTION

KEY PLAN



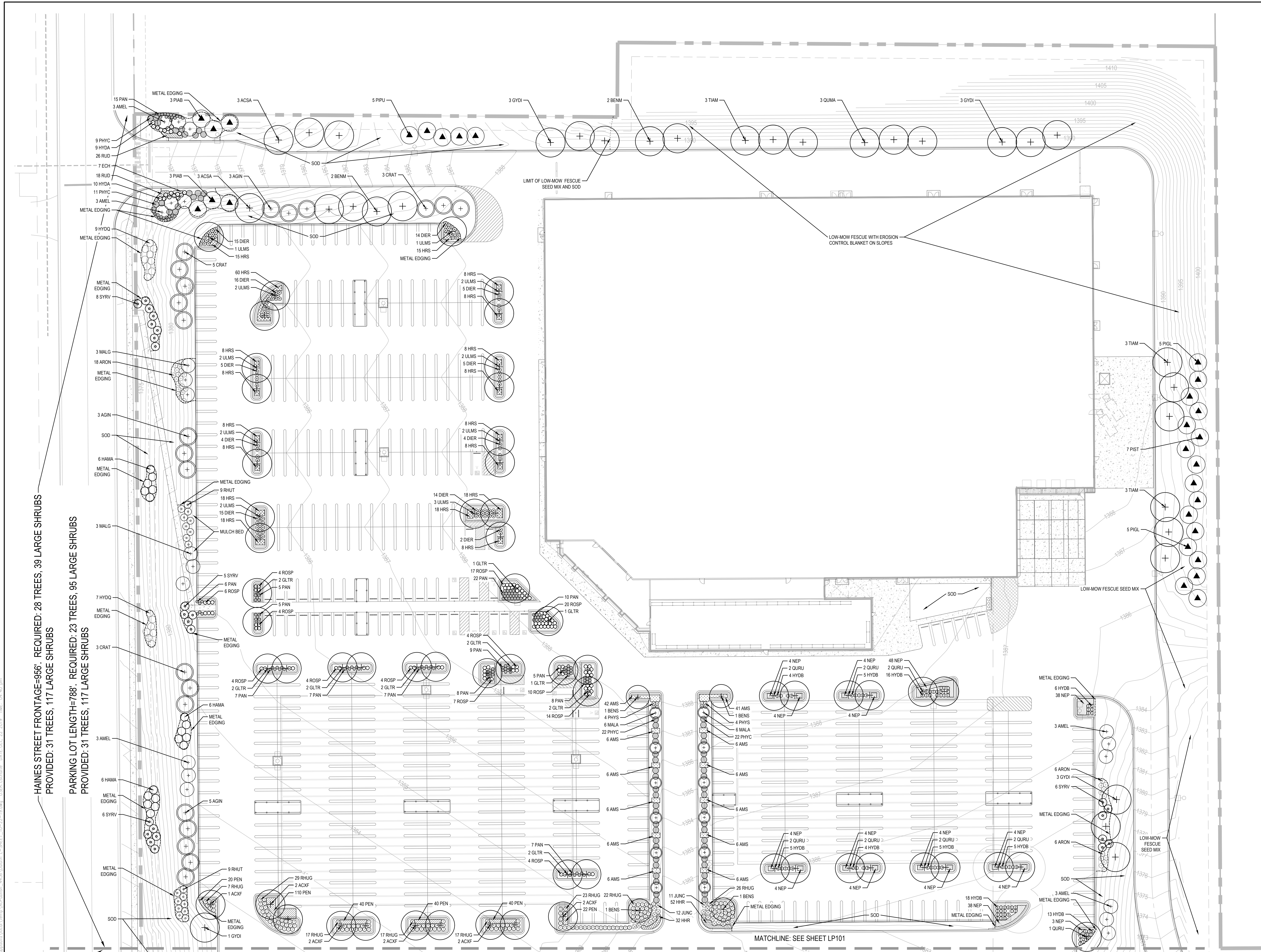
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PRELIMINARY LANDSCAPE  
PLAN  
SHEET 1 OF 2

SCALE \_\_\_\_\_

PROJECT NUMBER

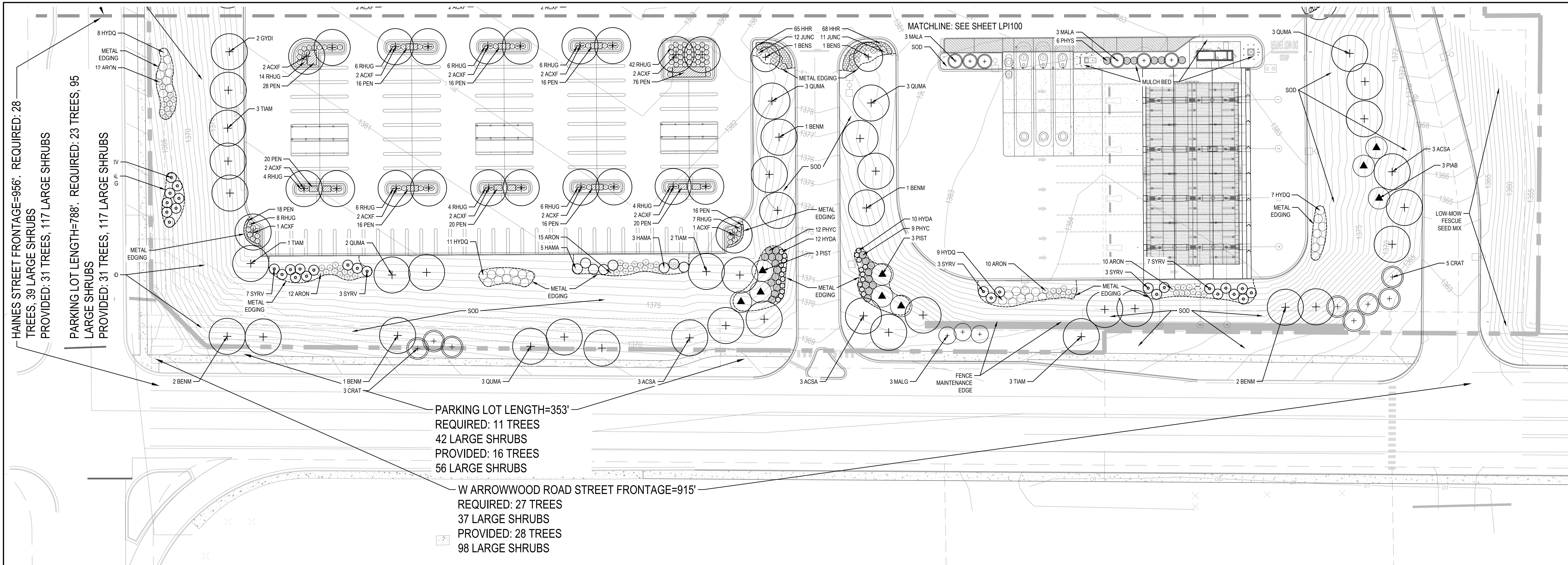
DRAWING NUMBER

Page 99 of 160



FOR PLANT LIST AND SUMMARY OF LANDSCAPE  
ORDINANCE CALCULATION SEE SHEET LP101.





## PLANT LIST

QTY	Acronym	Botanical Name	Common Name	Size	Form	Notes/Spacing
<b>CANOPY TREES - 160 TREES</b>						
32	ADCF	Acer x freemianii 'Autumn Blaze'	Autumn Blaze maple	25' Cal	B&B	Full, well-branched, single central leader
15	ADCA	Acer saccharum 'Green Mountain'	Green Mountain sugar maple	25' Cal	B&B	Full, well-branched, single central leader
6	BENS	Betula nigra 'Heritage'	Heritage river birch	25' Cal	B&B	Full, well-branched, single central leader
12	BENM	Betula nigra 'Heritage'	Heritage river birch	12 HI	B&B	Multi-stem, min 3 stems
17	GLTR	Gleditsia triacanthos 'Skyline'	Shademaster honeylocust	25' Cal	B&B	Full, well-branched, single central leader
12	GYDI	Gymnocladus dioica	Kentucky coffee tree	25' Cal	B&B	Full, well-branched, single central leader
17	QUMA	Quercus macrocarpa	Bur oak	25' Cal	B&B	Full, well-branched, single central leader
15	QURU	Quercus rubra	Red oak	25' Cal	B&B	Full, well-branched, single central leader
15	TIAM	Tilia americana 'Redmond'	Redmond linden	25' Cal	B&B	Full, well-branched, single central leader
19	ULMS	Ulmus x Accolae	Triumph elm	25' Cal	B&B	Full, well-branched, single central leader
<b>ORNAMENTAL TREES - 72 TREES</b>						
11	ACGN	Acer ginnala	Amur maple	5 HI	B&B	Well-branched multi-stem, Mn 3 stems
15	AMEL	Amelanchier x grandifolia 'Autumn Brilliance'	Autumn Brilliance serviceberry	5 HI	B&B	Well-branched multi-stem, Mn 3 stems
19	CRAT	Crataegus viridis 'Winter King'	Winter King hawthorn	2' Cal	B&B	Well-branched single central leader
18	MALA	Malus 'Adirondack'	Adirondack crabapple	2' Cal	B&B	Well-branched single central leader
9	MALG	Malus 'Golden Raindrops'	Golden Raindrops crabapple	2' Cal	B&B	Well-branched single central leader
<b>CONIFEROUS EVERGREENS - 37 TREES</b>						
9	PIAB	Picea abies	Norway spruce	8 HI	B&B	Full to ground, unshaped
10	PIGL	Picea glauca	White spruce	8 HI	B&B	Full to ground, unshaped
5	PIPU	Picea pungens	Colorado spruce	8 HI	B&B	Full to ground, unshaped
13	PIST	Pinus strobus	White pine	8 HI	B&B	Full to ground, unshaped
<b>SHRUBS - 979 SHRUBS</b>						
89	AFON	Aronia melanocarpa 'Elate'	Dwarf black chokeberry	30" HI	B&B	Well-branched, min 4 canes, 4 O.C.
96	DIER	Darwinia lonicera	Glossy bush honeysuckle	18" HI	No 3 Cont.	Well-branched, min 3 canes, 3 O.C.
26	HAMA	Hamelianis x Arnoldi Profunda	Arnoldi Promise witchhazel	18" HI	No 5 Cont.	Well-branched, min 4 canes, 7 O.C.
41	HYDA	Hydrangea arborescens 'Innocence Ruby'	Innocence Ruby hydrangea	36" HI	No 3 Cont.	Well-branched, min 3 canes, 3.5 O.C.
81	HYDB	Hydrangea paniculata 'Bobo'	Bobo panicled hydrangea	24" HI	No 5 Cont.	Well-branched, min 3 canes, 3 O.C.
15	HYDO	Hydrangea paniculata 'Quickfire'	Quickfire panicled hydrangea	30" HI	No 5 Cont.	Well-branched, min 4 canes, 6 O.C.
46	JUNC	Juniperus chinensis 'Sea Green'	Sea Green juniper	24" Spd	B&B	Full, unshaped, 4 O.C.
85	PHYC	Physocarpus opulifolius 'Celticgold'	Celticgold ninebark	30" HI	No 5 Cont.	Well-branched, min 4 canes, 5 O.C.
25	PHYS	Physocarpus opulifolius 'Dorothy May'	Little Dear ninebark	30" HI	No 3 Cont.	Well-branched, min 4 canes, 10 O.C.
272	RHUG	Rhus aromatica 'Gro-Low'	Gro-Low sumac	24" HI	No 3 Cont.	Well-branched, min 3 canes, 3.5 O.C.
18	RHUT	Rhus typhina 'Lacinatea'	Cut-leaf sumac	36" HI	No 5 Cont.	Well-branched, min 2 canes, 6 O.C.
102	ROSP	Rosa 'Peace Drift'	Peace Drift rose	18" Spd	No 3 Cont.	Well-branched, min 4 canes, 3 O.C.
56	SYRV	Syringa vulgaris 'President Gray'	President Gray lilac	36" HI	B&B	Well-branched, min 3 canes, 7 O.C.
<b>PERENNIAL/ORNAMENTAL GRASSES - 1508 PLANTS</b>						
144	AMS	Anemone 'Blue Ice'	Bluestar	No 1 Cont.	Cont.	Well-rooted, 18" O.C.
7	ECH	Echinacea p. Pow Wow Wild Berry	coriifera	No 1 Cont.	Cont.	Well-rooted, 18" O.C.
217	HRH	Hemerocallis 'Happy Returns'	Happy Returns daylily	No 1 Cont.	Cont.	Well-rooted, 18" O.C.
225	HRH	Hemerocallis 'Rosy Returns'	Rosy Returns daylily	No 1 Cont.	Cont.	Well-rooted, 18" O.C.
175	NEP	Nepeta x classensis 'Walker's Low'	Walker's Low catnip	No 1 Cont.	Cont.	Well-rooted, 24" O.C.
121	PAN	Panicum virgatum 'Shenandoah'	Shenandoah switchgrass	No 1 Cont.	Cont.	Well-rooted, 30" O.C.
550	PEN	Penstemon digitalis 'Husker Red'	Husker Red beardtongue	No 1 Cont.	Cont.	Well-rooted, 18" O.C.
44	RUD	Rudbeckia hultgia 'Goldsturm'	Goldsturm black-eyed Susan	No 1 Cont.	Cont.	Well-rooted, 18" O.C.

LANDSCAPE REQUIREMENTS:

### STREET FRONTAGE LANDSCAPING

**REQUIRED:**

- 15' DEPTH LANDSCAPING FRONT STREET YARDS
  - 10' DEPTH LANDSCAPING SIDE STREET YARDS
- PROVIDED:
- 15' DEPTH LANDSCAPING FRONT STREET YARDS
  - 10' DEPTH LANDSCAPING SIDE STREET YARD

REQUIRED ALONG HAINES ROAD (956 FEET):

- 1 TREE PER 35' LINEAR FRONTAGE = 28 TREES
  - 1 LARGE SHRUB PER 25' LINEAR FRONTAGE = 39 SHRUBS
- PROVIDED :

PROVIDED :

- 31 TREES (NOTE: OVERHEAD ELECTRICAL LINES ALONG HAINES ROAD PREVENT CANOPY TREES FROM BEING PLANTED CLOSER THAN 50' FROM LINES, AND ORNAMENTAL TREES/UNDERSTORY TREES FROM BEING PLANTED CLOSER THAN 20' FROM LINES)
- 117 LARGE SHRUBS (SOME SHRUBS LOCATED CLOSER TO PARKING LOT TO ASSIST IN SCREENING)

REQUIRED ALONG W ARROWHEAD ROAD (915 FEET)

- 27 TREES
- 37 LARGE SHRUBS

PROVIDED:

- 28 TREES
- 98 LARGE SHRUBS

### PARKING LOT PERIMETER LANDSCAPING

REQUIRED ALONG HAINES ROAD (788 FEET):

- 23 TREES
  - 95 LARGE SHRUBS
- PROVIDED:
- 31 TREES (NOTE: OVERHEAD ELECTRICAL LINES ALONG HAINES ROAD PREVENT CANOPY TREES FROM BEING PLANTED CLOSER THAN 50' FROM LINES, AND ORNAMENTAL TREES/UNDERSTORY TREES FROM BEING PLANTED CLOSER THAN 20' FROM LINES)
  - 117 LARGE SHRUBS (NOTE: SOME SHRUBS MOVED CLOSER TO SIDEWALK/ROAD PER CITY REQUEST)

REQUIRED ALONG W ARROWHEAD ROAD (353 FEET)

- 11 TREES
- 42 LARGE SHRUBS

PROVIDED:

- 16 TREES (SOME T
- 56 LARGE SHRUBS

REQUIRED ALONG EAST SIDE OF PARKING LOT (243)'

- PARKING LOT DOES NOT FRONT A ROAD

INTERIOR PARKING LOT

REQUIRED:

- 15% INTERIOR PARKING LOT AREA MUST BE LANDSCAPED. INTERIOR PARKING LOT AREA = 380,264 SF. 15% = 57,040 SF.
  - 1 TREE PER 300 SF OF 57,040 SF INTERIOR LANDSCAPE AREA = 190 TREES
  - TREE CANOPY COVERAGE 30% OF 380,264 SF AT MATURITY = 114,079 SF
- PROVIDED:
- 61,553 SF INTERIOR LANDSCAPED AREA (16%).
  - 191 TREES (20 TREES LOCATED NORTH AND EAST OF WAREHOUSE)
  - 70,924 SF TREE CANOPY (45%; DOES NOT INCLUDE 20 TREES NORTH AND EAST OF WAREHOUSE)

GENERAL NOTES:

1. ALL AREAS NOT SHOWING LANDSCAPE BEDS SHALL RECEIVE SOD UNLESS OTHERWISE NOTED.
2. ALL SHRUB BEDS/GROUPINGS AND TREE SAUCERS SHALL RECEIVE 2" COMPOSTED SHREDED HARDWOOD BARK MULCH.
3. ALL BEDS SHALL BE GRADED TO DRAIN; PARKING LOT ISLANDS SHALL BE MOUNDED.
4. ALL PLANTS SHALL CONFORM TO ANSI Z 60.1 STANDARDS.
5. ALL LANDSCAPE SHALL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM.
6. ALL LANDSCAPE MATERIAL SHALL BE MAINTAINED IN GOOD CONDITION BY CONTRACTORS SPECIALIZING IN SUCH WORK.

COSTCO  
WHOLESALE  
STREET ADDRESS  
DULUTH, MINNESOTA

Owner:

COSTCO WHOLESALE  
999 Lake Drive  
Issaquah, WA 98027

# SMITHGROUP

201 DEPOT STREET  
SECOND FLOOR  
ANN ARBOR, MI 48104  
734.662.4457  
[www.smithgroup.com](http://www.smithgroup.com)

ISSUED FOR	REV	DATE
CITY REVIEW		10.23.19
CITY REVIEW		10.07.19

SEALS AND SIGNATURES

### KEY PLAN



DRAWING TITLE  
PRELIMINARY LANDSCAPE  
PLAN  
SHEET 2 OF 2



SCALE

11385 000

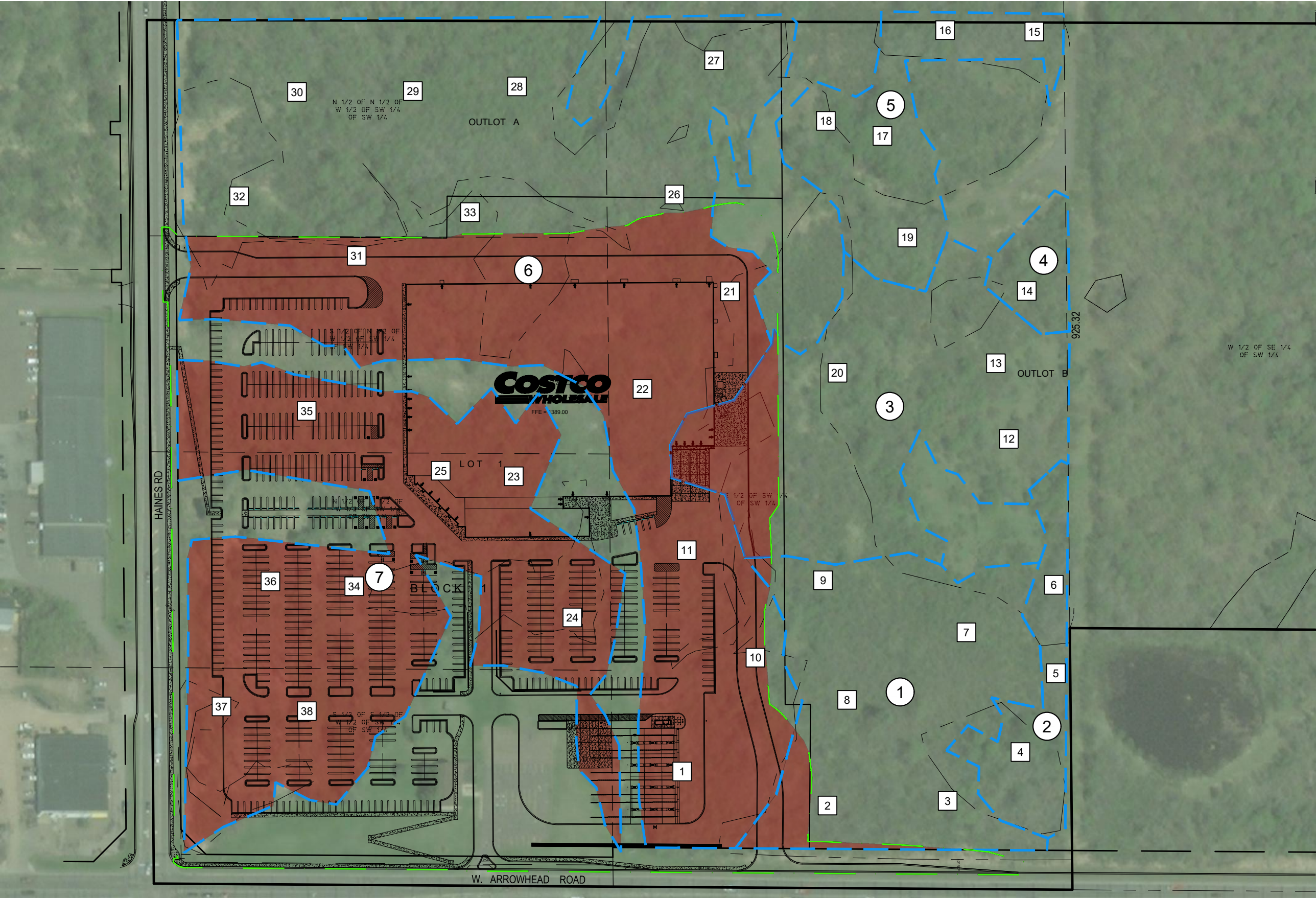
PROJECT NUMBER

# LP101

DRAWING NUMBER

Page 100 of 160





LEGEND

- TREE DISTURBANCE AREA
- CONSTRUCTION LIMITS
- STAND AREAS
- STAND NO.
- PLOT NO.

TREE REPLACEMENT CALCULATIONS

STAND AREA DATA		
STAND NO.	TOTAL AREA* (AC)	DISTURBED AREA (AC)
1	3.60	0.30
2	0.95	0.00
3	4.00	0.68
4	0.40	0.00
5	1.70	0.00
6	13.00	6.76
7	6.70	6.70

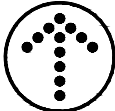
SIZE CATEGORY DATA*			
STAND NO.	DBH/AC		
	SPECIAL 6"-20"	SPECIAL >20"	SIGNIFICANT >10"
1	45.60	6.67	28.44
3	20.00	5.38	12.62
6	67.86	0.00	25.00
7	83.34	85.00	52.81

\*DATE PROVIDED BY STEVE NICHOLSON OF TREE BIZ AND REVIEWED BY CLARK CHRISTENSON

REQUIRED REPLACEMENT			
CATEGORY	INCHES REMOVED	% DBH REPLACEMENT	REPLACEMENT REQUIRED (IN)
SPECIAL 6"-20"	1044	25	261
SPECIAL >20"	575	50	288
SIGNIFICANT >10"	540	10	54

TOTAL REPLACEMENT REQUIRED = 603"

ASSUME 2.5" CALIPER REPLACEMENT TREE  
241 REPLACEMENT TREES REQUIRED



NORTH

TREE SURVEY EXHIBIT

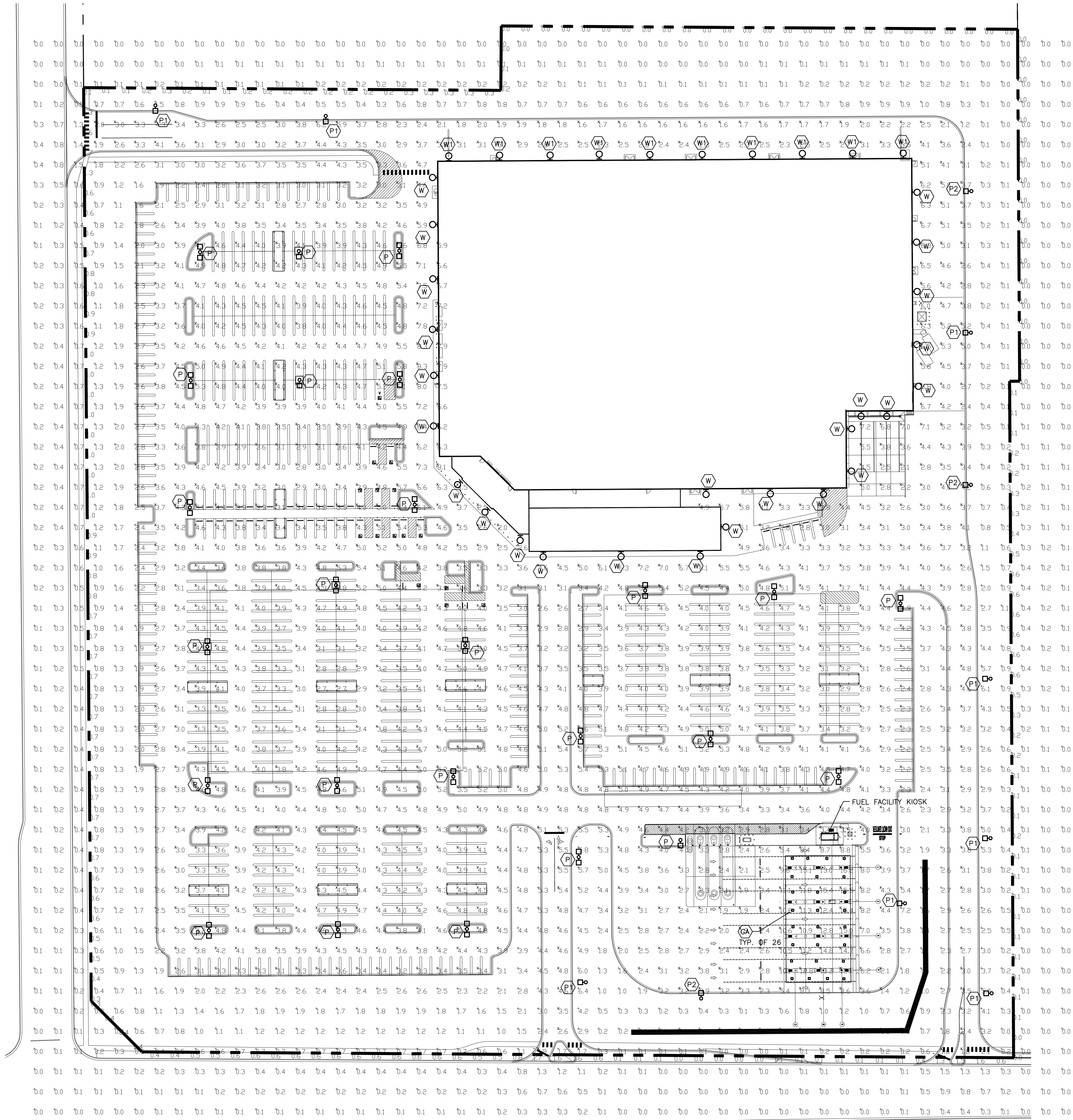
**TREE PRESERVATION**

A tree inventory of the site was completed by Steve Nicholson of TreeBiz, LLC and reviewed by the city forester, Clark Christenson. The proposed project will impact a total of 2,167 inches, as estimated through the basal area survey. Incorporating the city's replacement ratios, 604 inches of replacement is required. The table below provides a summary of the proposed replacement:

**TREE REPLACEMENT SUMMARY**

SPECIES	QUANTITY	SIZE (IN.)	REPLACEMENT FACTOR	REPLACEMENT INCHES
Autumn Blaze Maple	32	2.5	1	80
Green Mountain Sugar Maple	15	2.5	1.5	56.25
Heritage River Birch	18	2.5	1	45
Shademaster Honeylocust	17	2.5	1	42.5
Kentucky coffeetree	12	2.5	1	30
Bur oak	17	2.5	1.5	63.75
Red oak	15	2.5	1.5	56.25
Redmond linden	15	2.5	1	37.5
Triumph elm	19	2.5	1	47.5
Amur maple	11	2	1	22
Autumn Brilliance serviceberry	15	2	1	30
Winter King hawthorn	19	2	1	38
Aadirondack crabapple	18	2	1	36
Golden Raindrops crabapple	9	2	1	18
Norway spruce	9	2	1	18
White spruce	10	2	1.5	30
Colorado spruce	5	2	1	10
White pine	13	2	1.5	39
<b>TOTAL</b>				<b>699.75</b>

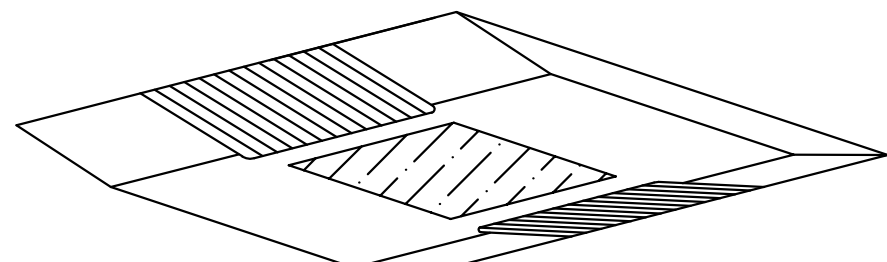




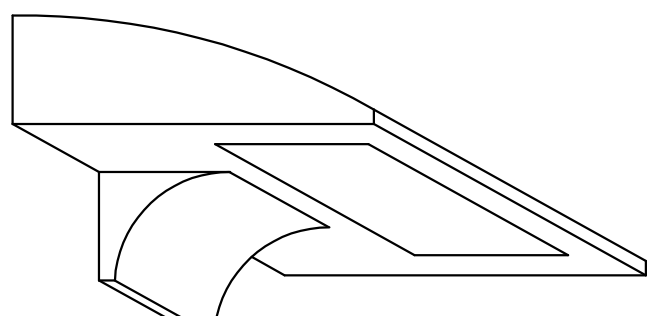
SITE PHOTOMETRIC PLAN  
SCALE: 1" = 50'-0"

FIXTURE DESCRIPTION	
P	COOPER GALLEON GLEON-AF-08-LED-E1-SWQ-BZ, 445W TYPE 5 DISTRIBUTION, FIBERGLASS POLE 36'-6" ABOVE GRADE, WITH 2'-6" BASE.
P1	COOPER GALLEON GLEON-AF-08-LED-E1-SL3-HSS-BZ, 445W TYPE 3 DISTRIBUTION, FIBERGLASS POLE 36'-6" ABOVE GRADE, WITH 2'-6" BASE.
P2	COOPER GALLEON GLEON-AF-08-LED-E1-SL4-HSS-BZ, 445W TYPE 4 DISTRIBUTION, FIBERGLASS POLE 36'-6" ABOVE GRADE, WITH 2'-6" BASE.
W	LITHONIA DSXW2 LED 40K 30C 1000 T2M, 109W LED, 20' MOUNTING HEIGHT
W1	LITHONIA DSXW2 LED 40K 30C 1000 T4M, 109W LED, 20' MOUNTING HEIGHT
GA	96W LED, SURFACE SYMETRIC DOWN LIGHT, FLAT LENS, 18" MOUNTING HEIGHT

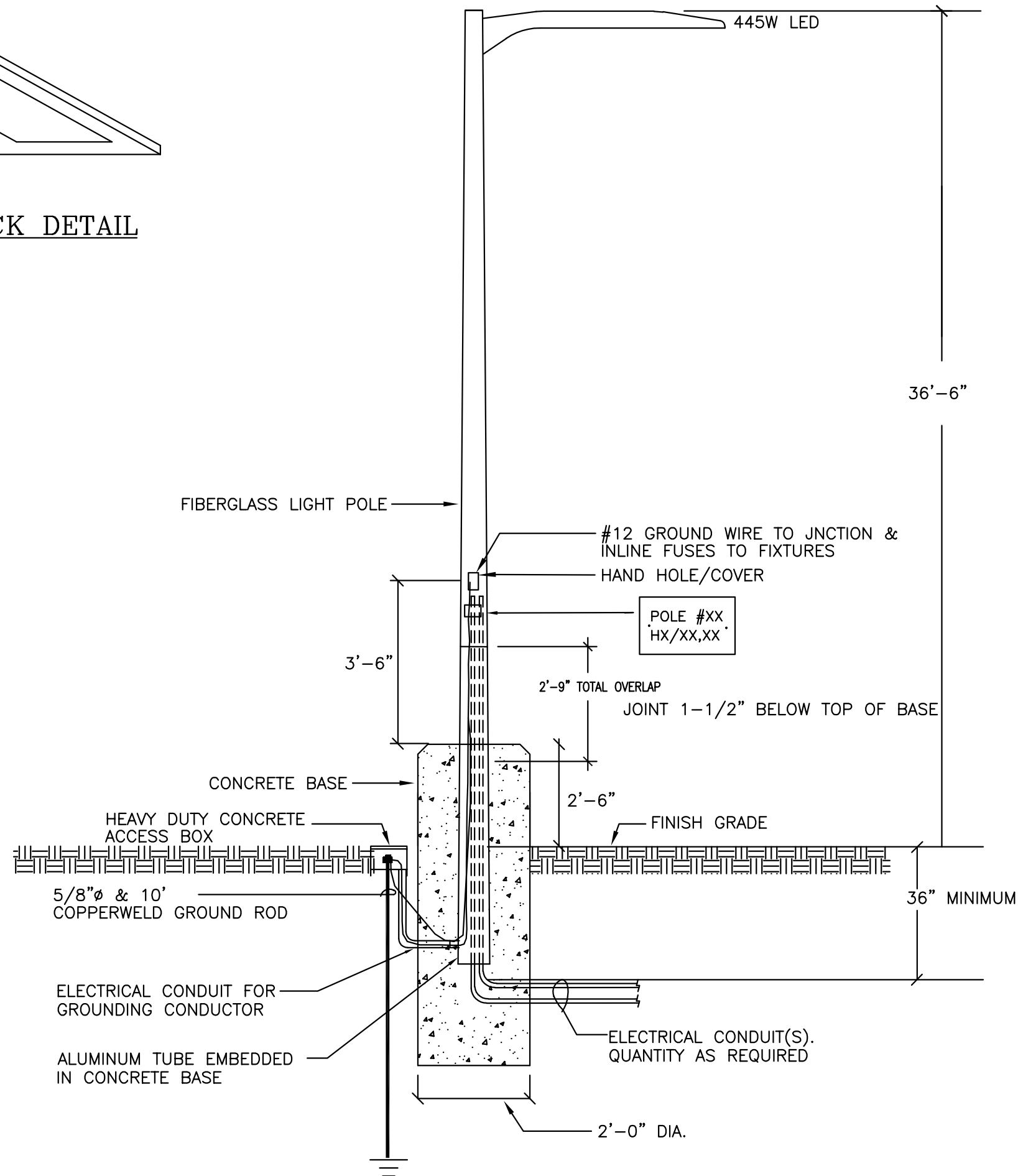
PHOTOMETRIC STATICS				
PAVED	MAX	AVERAGE	MIN	MAX/MIN
FUEL CANOPY	8.8	4.4	1.4	6.3
PL ROW	1.7	0.8	0.0	NA
PL OTHER	0.6	0.2	0.0	NA



FUEL FACILITY -  
LED (GA)  
NO SCALE



TYPICAL WALL PACK DETAIL  
SCALE: NTS



NOTE: PROVIDE CONCRETE J-BOX AS REQUIRED.  
THIS DETAIL IS FOR ELECTRICAL CONDUITS ROUTING ONLY.  
SEE STRUCTURAL DRAWINGS 50.2 FOR DETAILS.

POLE DETAIL  
SCALE: NTS

SITE PLAN - COMPLETE

NO PART OF THIS DOCUMENT MAY BE USED OR COPIED IN WHOLE OR IN PART WITHOUT THE PRIOR WRITTEN CONSENT OF T.E. INC.

ARCHITECT REFERENCE NO: 17-0589-01

ISSUE DATE: MAY 2019

REVISION DATE:

DRAWN: BWY CHECKED: ANT/JGM

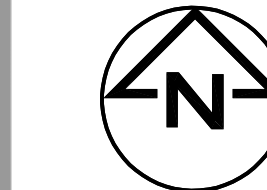
PROFESSIONAL ENGINEER  
I hereby certify that this plan, specification, and schedule were prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
Print Name: ANN N. TIRU  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_ License #: 38505

DD PACKAGE

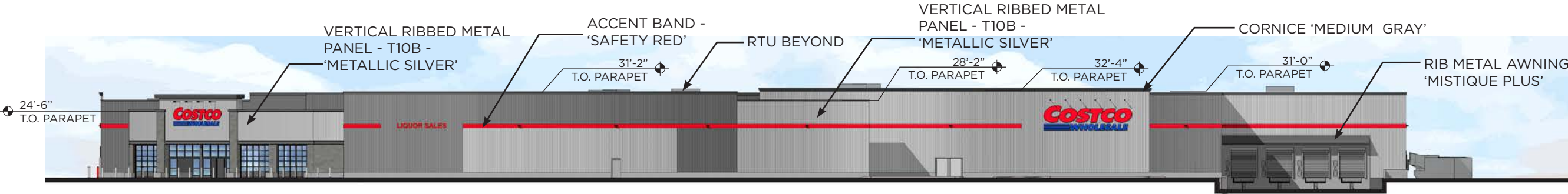
NEC OF W ARROWHEAD ROAD  
AND HAINES ROAD  
DULUTH, MN

T.E., Inc.

830 N. RIVERSIDE DRIVE  
SUITE #200  
DULUTH, MN 55807  
PHONE: 425-970-3753  
FAX: 425-970-3756



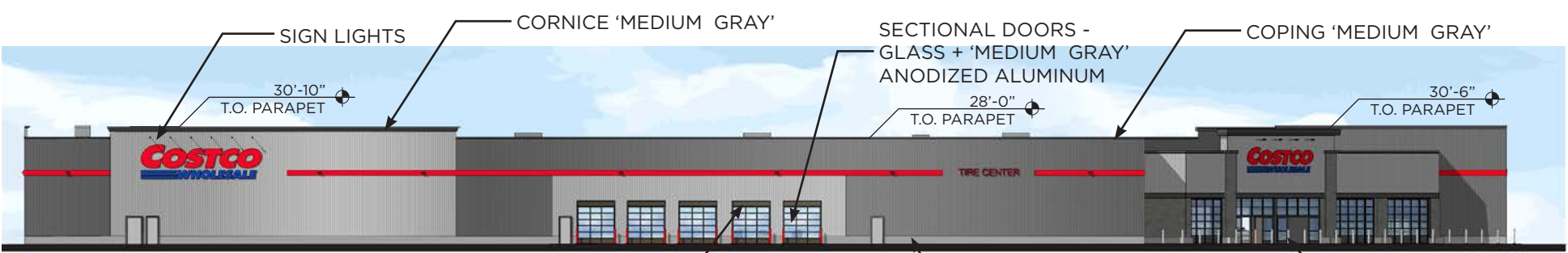
SE-1



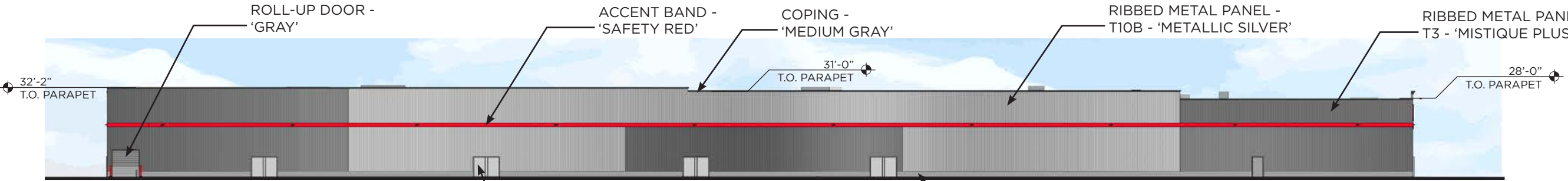
**1 SOUTH ELEVATION**  
SCALE: 1" = 40'



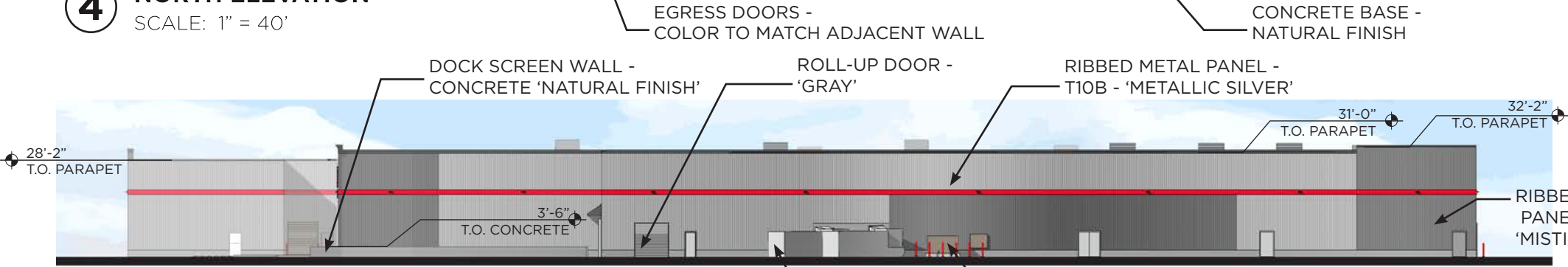
**2 ENTRY ELEVATION**  
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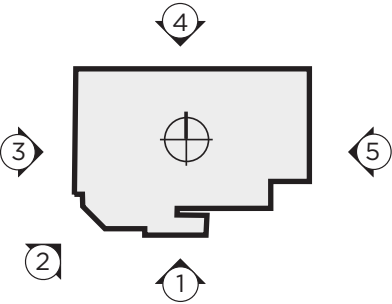
**3 WEST ELEVATION**  
SCALE: 1" = 40'



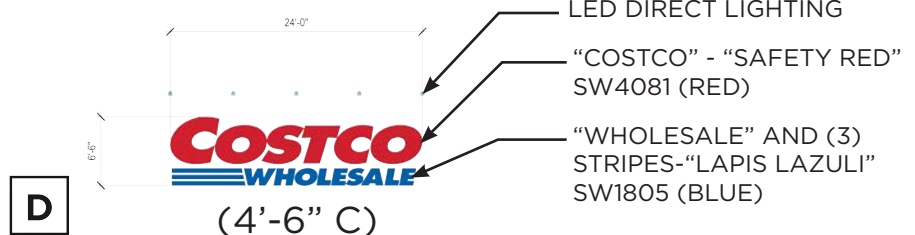
**4 NORTH ELEVATION**  
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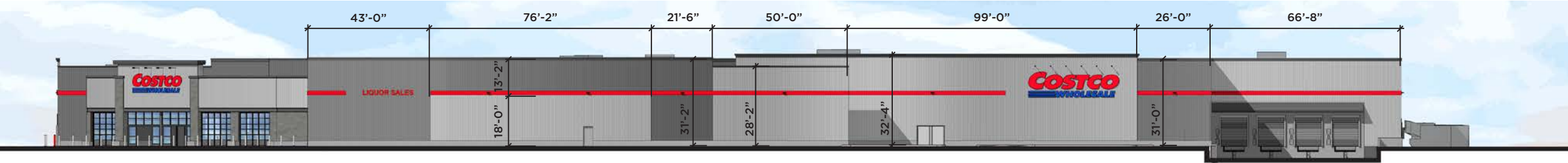
**5 EAST ELEVATION**  
SCALE: 1" = 40'



SIGNAGE AREA TABULATION (WALL SIGNS)					
	QTY	SIGN	SIZE	AREA (SF) EA	TOTAL SF
C	2	COSTCO WHOLESALE	32'-0" x 8'-9"	280 SF	560 SF
D	1	COSTCO WHOLESALE	24'-0" x 6'-6"	158 SF	158 SF
B	1	LIQUOR SALES	18'-0" x 1'-9"	35 SF	35 SF
A	1	TIRE CENTER	17'-4" x 1'-9"	31 SF	31 SF
TOTAL SIGNAGE AREA					784 SF



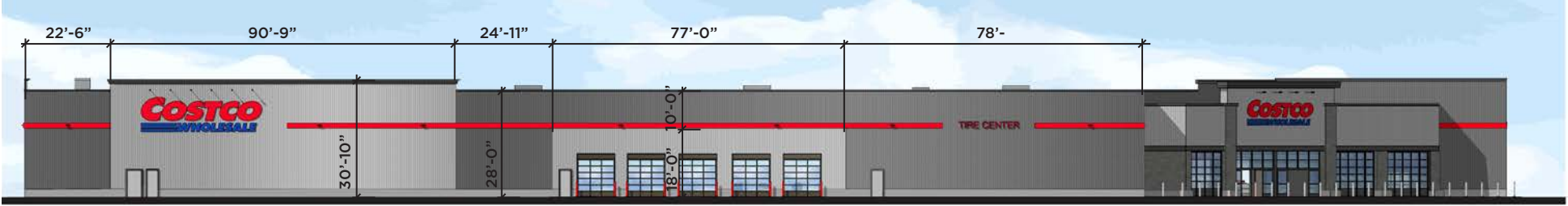




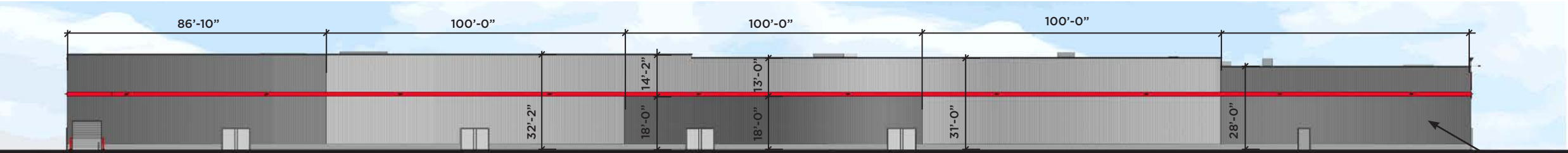
**1 SOUTH ELEVATION**  
SCALE: 1" = 40'



**2 ENTRY ELEVATION**  
SCALE: 1" = 40'



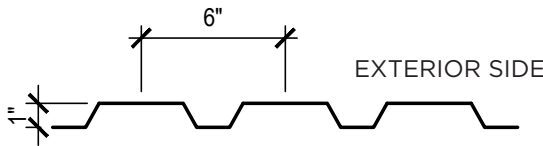
**3 WEST ELEVATION**  
SCALE: 1" = 40'



**4 NORTH ELEVATION**  
SCALE: 1" = 40'



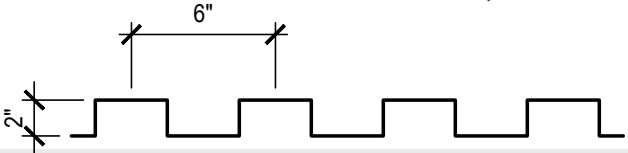
**5 EAST ELEVATION**  
SCALE: 1" = 40'



RIBBED METAL PANEL -  
T3 - 'MISTIQUE PLUS'



VERTICAL  
RIBBED METAL PANEL -  
T10B - 'METALLIC SILVER'







BENCH ELEMENT















**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

## MEMORANDUM

**DATE:** November 5, 2019

**TO:** Duluth City Planning Commission

**FROM:** Kyle Deming, Planner II

**RE:** Decision on Spirit Lake Sediment Remediation Project EAW (PL 19-072)

At the November 12, 2019 regular meeting, the Duluth City Planning Commission, as the Responsible Governmental Unit (RGU), will make a decision on whether an Environmental Impact Statement (EIS) is required for the Spirit Lake Sediment Remediation Project. An EIS shall be ordered for projects that have the potential for significant environmental effects according to MN Rules, Part 4410.1700, Subp. 1.

According to the Rule, the RGU (Planning Commission) shall base its decision regarding the need for an EIS on the information gathered during the Environmental Assessment Worksheet (EAW) process and the comments received on the EAW (MN Rules, Part 4410.1700, Subp. 3). In deciding whether a project has the potential for significant environmental effects, the RGU shall compare the impacts that may be reasonably expected to occur from the project with the following criteria (MN Rules, Part 4410.1700, Subp. 6 & 7):

- a) Type, extent and reversibility of environmental effects;
- b) Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;
- c) The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- d) The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

Documents to be considered in the decision on the need for the EIS include:

- The EAW document posted at <https://duluthmn.gov/planning-development/environmental/environmental-assessment-worksheets/> (paper copies available by request),
- Comments received during the 30-day comment period (attached),

- Responses to comments and draft Findings of Fact and Record of Decision prepared by staff (attached).

A decision on the EAW needs to be made by November 12, 2019, which is the agreed upon extension granted by the project proposer and EQB beyond the standard 30 days after the close of the 30-day comment period and as allowed by MN Rules, Part 4410.1700, Subp. 2.a. This extension was deemed necessary in order to more completely address comments submitted by MN DNR and MPCA.



**CITY OF DULUTH, MINNESOTA  
DULUTH CITY PLANNING COMMISSION**

**FINDINGS OF FACT AND RECORD OF DECISION**

*~ DRAFT FOR PLANNING COMMISSION CONSIDERATION ~*

**Date:** November 5, 2019  
**RE:** Decision on the Need for an Environmental Impact Statement  
**Project:** Spirit Lake Sediment Remediation Project

**BACKGROUND**

The Duluth City Planning Commission is the Responsible Governmental Unit (RGU) for environmental review of the proposed Spirit Lake Sediment Remediation Project. The preparation of the Environmental Assessment Worksheet (EAW) was in accordance with the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) for a mandatory EAW due to work in wetlands and public waters (MN Rules 4410.4300 Subp. 27) and land conversion in shorelands (MN Rules 4410.4300 Subp. 35)

The EAW was reviewed at the July 9, 2019 regular meeting of the Duluth City Planning Commission and found to be complete for distribution. The EAW was filed with the EQB and circulated for review and comment to the EQB's EAW Distribution List. The notice was published in the EQB Monitor on July 22, 2019 announcing a 30-day comment period that ended on August 21, 2019. Legal ads were published in the Duluth News Tribune on July 22, July 29, and August 12, 2019 in addition to a news release issued July 22, 2019 informing the public that the EAW was available on the City of Duluth's web page or in paper form upon request. The legal ad and news release directed people with comments to file them with the City of Duluth Planning and Economic Development Department or to attend a public hearing on the matter. The news release resulted in a story in the July 23, 2019 Duluth News Tribune.

The Duluth City Planning Commission held a public hearing on Tuesday, August 13, 2019, at 5:00 p.m. where a member of the public asked questions about the EAW process, but made no comments on the EAW document.

The Duluth City Planning Commission was required by MN Rules to make a decision on the need for an Environmental Impact Statement (EIS) by September 20, 2019, but exercised an option to extend that deadline 30 days in order to obtain additional information needed for the RGU to make a reasoned decision as is allowed by MN Rules 4410.1700 Subp. 2a. It was subsequently determined that an additional extension to November 12, 2019 would be needed and the extension was granted by the project proposers (U.S. Environmental Protection Agency and U.S. Steel) in a September 24, 2019 letter and by the EQB via an October 1, 2019 letter as is allowed by MN Rules 4410.1700 Subp. 2a.

## **BRIEF PROJECT DESCRIPTION**

The Spirit Lake Sediment Remediation Project would remediate chemical constituents of concern and improve habitat in the Spirit Lake area of the Saint Louis River Area of Concern. The project would occur across 226 acres and include 770,000 cubic yards of sediment removal, 107 acres of subaqueous capping, 41 acres of enhanced natural recovery, and over 100 acres of habitat enhancement and restoration. Material removed would be placed in onsite confined disposal facilities. The project would require specific design requirements to protect the Lake Superior & Mississippi Railroad (LSMRR) segment that bisects the remediation area. The project has included tribal consultation, which has continued during the remedial design.

## **COMMENTS RECEIVED, RESPONSES, AND OTHER DOCUMENTS REVIEWED**

During the 30-day comment period from July 22, 2019 to August 21, 2019, one written comment was received from the public (via email) and four agency/organization letters were received:

1. John Green, Professor Emeritus, University of Minnesota-Duluth (July 26, 2019)
2. Amanda Gronhovd, Minnesota Department of Administration, Office of the State Archaeologist, St. Paul (August 23, 2019)
3. Darren Vogt, 1854 Treaty Authority (August 20, 2019)
4. Patty Thielen, Minnesota Department of Natural Resources (August 20, 2019)
5. Patrice Jensen, Minnesota Pollution Control Agency (August 23, 2019)

The RGU held a public hearing on Tuesday, August 13, 2019, 5:00 p.m. where a member of the public asked questions about the EAW process, but made no comments on the EAW document.

Table 1 provides the EAW comments and responses to each. Comments that represent the main environmental issues for the project are discussed in the following section.



**TABLE 1. Environmental Assessment Worksheet Record of Decision for the Spirit Lake Sediment Remediation Project****Response to Public Comments****November 2019**

<b>Com ment Num ber</b>	<b>EAW Content/Section Number</b>	<b>Comment</b>	<b>Response</b>
<b><i>Email Submission Comments- John Green, Professor Emeritus University of Minnesota-Duluth</i></b>			
1.	General	I note in the information distributed about the upcoming Public Hearing for this project that the main creek in the project area is called "Unnamed Creek". Actually, this creek has been known by the Corps of Engineers and the Duluth Area storm water utility since at least 1973 as U. S. Steel Creek, for obvious reasons. I will be glad to forward to you copies of several documents and maps that show it with that name. It would be helpful if you would refer to it by its proper name.	The City of Duluth recognizes that this creek may be referred to as U. S. Steel Creek by certain local entities. This creek is also historically and currently documented as Unnamed Creek by state agencies involved with the project and project stakeholders. To maintain consistency with other project documents in the public record, the name "Unnamed Creek" is maintained.
<b><i>Minnesota Department of Administration, Office of the State Archaeologist, St. Paul</i></b>			
1.	General-Cultural/Tribal	While the archaeological concerns of this office have been met with two negative phase I archaeological surveys, one conducted by R. Christopher Goodwin & Associates and another by EA Engineering, Science, and Technology, Inc., this office would like to express its concern regarding the project's effects to the Traditional Cultural Property of Spirit Island, which is within the viewshed of the Spirit Lake Sediment Remediation Project. Our office recommends the Minnesota Indian Affairs Council (MIAC) be included in the consultation process, as it is a representative body concerned with the wellbeing and integrity of American Indian cultural resources throughout the state.	The City of Duluth appreciates this comment and recognizes the responsibilities of the Minnesota Indian Affairs Council. Significant consultation and coordination through National Historic Preservation Act (NHPA) Section 106 has occurred for this project. The USEPA and USS have notified the State Historic Preservation Office and 16 federally recognized tribes of this project, as required under the NHPA. USEPA has consulted since 2012 with the Fond du Lac Band (who own Spirit Island) and other tribal parties regarding the project's impacts to Spirit Island throughout the full timeline of the project (feasibility study planning to current environmental review phase). A Memorandum of Agreement between the project proposers and the affected parties regarding these impacts is in the final stages of development.
<b><i>1854 Treaty Authority</i></b>			
1.	Cultural Resources	Rights to hunt, fish, and gather have been retained by treaty with the United States. Exercise of these rights continues today. Remedial, mitigation, and restoration	In this EAW Record of Decision, the City of Duluth is including the following additional information on the topic of treaty rights:

		projects must support these treaty rights. The EAW should highlight that these rights exist (we do not see any mention in the document) and ensure that actions support these rights. A clean environment, healthy fish/wildlife/plant populations, and suitable access are all critical for meaningful use of treaty rights.	The rights of native tribes to hunt, fish, and gather within the 1854 Ceded Territory have been retained by treaty with the United States. These rights are to be preserved for present and future member tribes. Meaningful use of these rights is dependent on a clean environment, healthy fish, wildlife, and plant communities, and appropriate access to treaty lands. The proposed project will result in a significant environmental benefit to the Spirit Lake area. Impacted sediment will be remediated, and habitat restoration performed to improve fish habitat, restore healthy wetlands, and provide clean foraging and nesting habitat for wildlife, all of which will support the treaty rights for use of the project area.
2.	Cultural Resources	We recognize the historical and cultural significance of Spirit Island and Spirit Lake to all Ojibwe bands as well as the tribes who preceded the Ojibwe in this region. The EAW mentions importance to the Fond du Lac Band, but it should be adequately characterized in the document that it is more than the one band. The cultural and spiritual importance of Spirit Island simply cannot be overstated.	<p>The City of Duluth recognizes the importance of both Spirit Island and the waters of Spirit Lake to the Ojibwe Bands and all preceding tribal nations of the region. We are including the following clarification on this topic within this EAW Record of Decision for the Project:</p> <p>Spirit Island as well as the waters of Spirit Lake, have immense cultural significance to all Ojibwe Bands as well as bands that preceded the Ojibwe in the region. All Ojibwe Bands consider the spiritual nature of the island along with the views from the island to be of the utmost importance to all band members, including to currently practicing spiritual healers and practitioners.</p>
2.	General- design	Efforts to remediate the contaminants that U.S. Steel discharged to the river should have as a goal the restoration of Spirit Lake to a natural state. Ideally this would include removal of contaminants, but also consider views of disposal facilities and making as "natural" as possible.	<p>The City of Duluth recognizes the importance of the referenced restoration goals for Spirit Lake, and confirms that the design includes the following elements that aim to restore natural function and aesthetics to the project area:</p> <ul style="list-style-type: none"> <li>• Removal or protective covering of impacted material</li> <li>• Inclusion of depth transitions within the estuary and improved/restored habitat throughout the project footprint, creating a more natural environment</li> <li>• Hydrologic exchange improvements between Wire Mill Pond and Spirit Lake to restore the area to a more natural/non-impacted hydraulic state</li> <li>• Planting of a variety of upland tree/shrub species on the CDFs to support a natural aesthetic</li> </ul>



3.	Restoration	Efforts to re-establish wild rice should be undertaken in areas with appropriate substrate and water depth. The EAW discusses that the project would create shallow bay habitat and that proper vegetation would be planted yet does not mention wild rice. Wild rice restoration should be a component of the project.	The City of Duluth recognizes the importance of wild rice in the context of the Ojibwe cultural and spiritual history in the project area. The project creates shallow sheltered bay habitat and depth transitions throughout the project footprint; physical habitat that is conducive to wild rice as part of a mosaic of emergent and floating leaf vegetation. As stated in the Wild Rice Implementation Plan for the St. Louis River Estuary (Minnesota Department of Natural Resources, Division of Ecological and Water Resources. Duluth, Minnesota, 2014) and experienced at other wild rice restoration sites within the estuary, the process of restoring wild rice is a three to five-year activity. Unfortunately, this is a time frame outside the scope of what USEPA can participate in under the Great Lakes Legacy Act program. However, the design does not preclude future partnerships to undertake a separate effort for wild rice establishment. At this time the restoration plan focuses on planting known successful emergent, submerged, and floating plant species within the shallow bay and other project areas to quickly establish healthy plant communities capable of supporting diverse fish and wildlife populations, and as noted, this footprint will not preclude future seeding of wild rice to expand its presence in the St Louis River estuary.
4.	Design/Restoration- invasive species management	Non-native Phragmites is located on U.S. Steel property in the project area. These areas have not been treated to date because access has not been allowed to those patches. Best management practices for preventing the spread of invasive species (in general) are included in the EAW, but no mention is made of treatment or removal. As proposed, implementation of the project would dredge and/or cap the areas with known non-native Phragmites, but there is no mention of removal and disposal.	The project includes invasive species removal within project areas to be planted. Additionally, an up to 2-year maintenance period following substantive completion of remediation that includes invasive species management is planned. Invasive species (including non-native phragmites) in the upland planting areas will be removed manually or with herbicides. Expected tools for manual removal include lever-based tools, machetes, power pruners/trimmers, chainsaws, metal blade brush cutters, brush axes/hooks, shovels, spading forks, loppers, hedge shears and associated safety equipment. Any herbicides used will meet Minnesota requirements for near waterway use and the appropriate permit will be obtained. Invasive species disposal and minimization/spread efforts will be submitted by the selected Contractor in the form of both a treatment and maintenance plan that will be reviewed by the project team. The maintenance plan will address the technical requirements listed in the design specifications, drawings, and

			permits to ensure undesired plant species are not establishing in the work areas and the desired species are maintained and replaced.
5.	Restoration-fisheries habitat	Fish habitat needs should be a consideration during remediation, mitigation, and restoration. Shallow shelter bay provides habitat services (perhaps already provided by much of Spirit Lake), but transition zones and deeper habitat are also important.	The City of Duluth recognizes the importance of the need for fish habitat within Spirit Lake; as such, we confirm that the EAW details specific site enhancements to improve fish habitat in Section 11. The EAW notes that the design incorporates planned depth transitions (0 to 2 ft, 2 to 4 ft, and 4 to 6 ft depth zones) throughout the project footprint. Additionally, areas of new deep water (totaling approximately 9 acres) for fisheries habitat are created as part of the restoration design. The shallow sheltered bay is designed to transition between depths from 0 to 6 ft and will be planted with appropriate vegetation to create a mosaic of habitats to support the establishment of healthy fish habitat.
6.	Wildlife/plant/fish species	The EAW states that no fish surveys completed in the last 15 years were identified. The 1854 Treaty Authority has completed bottom-trawling surveys in Spirit Lake, and we believe other fish survey data is available from federal and state agencies and perhaps researchers as well.	The City of Duluth appreciates this clarification on available fish survey data. In consideration of this comment and a comment provided by MNDNR (stating that the 69 fish species documented in the estuary are likely present in the project area), and to be as inclusive as possible when describing the fish community that may utilize the project area, we are including additional summary information in this EAW Record of Decision. This information is included in the response to MNDNR comment #6. Additionally, the Project team will coordinate with the 1854 Treaty Authority to obtain the fish survey data collected by their organization, for reference/use during the permitting and construction phases of the project.
7.	Water access	Finally, access to the resources are important for the exercise of treaty rights and in this case for the cultural importance of Spirit Lake and Spirit Island. We would support any trail access and potential access to the water that could be developed.	The City of Duluth can confirm that the EAW provides information on the inclusion of a pedestrian trail and water access features (likely to include a kayak launch and pier), to be developed on the surface of the Delta CDF depending upon regulatory framework decisions for CDFs by MPCA. The City of Duluth adds the information to this Record of Decision that the design of these features would be compatible with the ability to exercise treaty rights.
<b>Minnesota Department of Natural Resources (MNDNR)</b>			
1.	General	The primary component of this restoration project focuses on the aquatic/wetland habitat. The upland sites are also an important part of the supporting project infrastructure. Please include uplands in all sections of the EAW and address both direct and indirect impacts.	In this EAW Record of Decision, the City of Duluth is including the following additional information related to the direct and indirect impacts to uplands within the project area:



			<p>Uplands within the projects direct and temporary footprints will be impacted in the following ways:</p> <ul style="list-style-type: none"> <li>• Impacted upland currently surrounding the narrow Wire Mill Pond will be excavated to create a shallow, open water wetland community with depths up to 4 ft.</li> <li>• Upland within the footprint of the proposed Upland CDF and proposed OU-J CDF will become part of the CDF structures to cover and contain impacted material</li> <li>• Upland within the borrow area of the site will be used to excavate clean material for cover and capping activities. This will be restored by grading for drainage and seeding after construction and would generally maintain its original upland functions.</li> <li>• Upland adjacent to the project footprint will temporarily serve as access and staging areas during construction. These areas will return to their normal function and uses post construction.</li> <li>• Unnamed Creek structures such as culverts and detention areas will remain or be modified to improve surface water conveyance, which includes wetland and stream restoration features.</li> </ul>
2.	Section 6, Project construction and operation methods	In the sections for construction and operation methods, please describe the specifics for re-vegetation in upland areas, remedial caps, and berms around confined disposal facilities (CDFs); such as seed mixes, species plantings, hardscaping, and ensure to address the expected final conditions for upland areas.	<p>In this EAW Record of Decision, the City of Duluth is including the following clarification related to planting specifics for post-construction upland areas, remedial caps, and CDFs:</p> <p>Planting specifics are included in the specifications within the design package for the project. All current uplands within the project footprint that are permanently or temporarily impacted by the project will be restored to their original condition post-construction or include a betterment. Newly created uplands (within the CDF footprints) will be capped and planted with diverse native upland vegetation to create a natural aesthetic and provide healthy terrestrial habitat. Slopes of the CDFs will be stabilized and planted with transitional vegetation with proven seed mixes used successfully in other comparable projects implemented in the region.</p>

3.	NHIS Review	We noted some potential inconsistencies between the EAW and NHIS review information. Please consult the attached 2019 NHIS letter and 2015 Classification memo and work with our NHIS staff to ensure an accurate interpretation.	The City of Duluth has provided clarification on the EAW information for the NHIS review for the project. This clarification is provided as response to MNDNR comment #8 below.
4.	BMPs and Erosion Control	We encourage using wildlife friendly Best Management Practices (BMP) and other applicable BMPs included in the GP 2004-0001: <a href="https://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html">https://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html</a> . Due to entanglement issues with small animals, we recommend the use of erosion control blankets be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components. These are Category 3N or 4N in the 2016 & 2018 MnDOT Standards Specifications for Construction. Also, be aware that hydro-mulch products may contain small synthetic fibers to aid in its matrix strength. These loose fibers (polyethylene fibers) could potentially re-suspend and make their way into Public Waters. Research has shown that micro plastic ingestion occurs in fish, birds, and many other organisms. Additionally, more studies are finding chemicals (adsorbed micro pollutants and contained additives) in field specimens. As such, please review mulch products and do not allow any materials with synthetic fiber additives in areas that drain to Public Waters	The City of Duluth appreciates the BMP guidance provided by MNDNR. The current project design includes both erosion control blankets and hydro-mulch. The design and specifications will be reviewed for usage of non-synthetic materials. If necessary, the project team will review any alternative non-synthetic material choices to ensure they will still meet the design criteria for their applications.
5.	Invasive Species	To supplement the invasive species measures listed in the EAW, please survey the project areas for invasive species prior to construction. We recommend using an invasive species management plan for the project area covering all stages of development, including long term monitoring.	The project includes invasive species removal within project areas to be planted. Additionally, an up to 2-year maintenance period following substantive completion of remediation that includes invasive species management is planned. Invasive species (including non-native phragmites) in the upland planting areas will be removed manually or with herbicides. Expected tools for manual removal include lever-based tools, machetes, power pruners/trimmers, chainsaws, metal blade brush cutters, brush axes/hooks, shovels, spading forks, loppers, hedge shears and associated safety equipment. Any herbicides used will meet Minnesota requirements for near waterway use and the appropriate permit will be obtained.



			Invasive species disposal and minimization/spread efforts will be submitted by the selected Contractor in the form of both a treatment and maintenance plan that will be reviewed by the project team. The maintenance plan will address the technical requirements listed in the design specifications, drawings, and permits to ensure undesired plant species are not establishing in the work areas and the desired species are maintained and replaced.
6.	Page 43 Sec. 13a. Fishery Resources.	Please expound on this section. For example, although fish sampling has not taken place within the project area, it is likely that most of the 69 fish species present in the St. Louis River Estuary (SLRE) will utilize these areas at some time throughout the year	<p>In this EAW Record of Decision, the City of Duluth is providing summary information on fishery resources that may be present in the project area:</p> <p>The project site is near the St. Louis River Estuary (SLRE). It is possible that the native fish species (e.g. walleye, lake sturgeon, northern pike, small mouth bass) that utilize the SLRE may utilize parts of the project area during certain life stages. However, the open water area within the project area is currently very shallow; predominated by silt and with few areas of finer sand substrate; contains sediments affected by elevated PAH and metal concentrations; and could have areas of impaired benthic conditions within the project footprint. The successful and timely completion of the Spirit Lake remediation project will improve these conditions and result in better fish habitat for the species that utilize the project area.</p>
7.	Page 43 Sec. 13b. Fishery Resources	The EAW is missing a discussion of potential impacts to state-listed species. Please ensure all of the NHIS features and species (state listed species) identified in the NHIS Letter and Memo are noted in the appropriate sections of the EAW. Fully explain how impacts will be avoided and or minimized for each throughout all stages of the project. For instance, lake sturgeon are a state-listed species of special concern and are found in both Lake Superior and the St Louis River Estuary. There is a high usage of the water adjacent to the project area by this species. During a re-introductory stocking period, juvenile Lake Sturgeon were sampled at much higher frequencies in Spirit Lake than in other habitats within the estuary. Although lake sturgeon are not federally listed under the Endangered Species Act (ESA) the species is listed as threatened at the	<p>In this EAW Record of Decision, the City of Duluth is providing the following description of the state listed species within the project area and the potential impacts:</p> <p>Common tern (<i>Sterna hirundo</i>)- The habitat type for this state-listed threatened bird (sparsely vegetated islands in large lakes) is present within the project area; however, the only optimal nesting site within 1-mile of the project area is Spirit Island. The project remedial activities will not physically impact Spirit Island. Therefore, no adverse impact is expected to occur to the common tern.</p> <p>Creek heel splitter (<i>Lasmigona compressa</i>) and black sandshell (<i>Ligumia recta</i>)- The habitat type for these state-listed threatened mussels is coarse sand and gravel substrate in medium to large rivers. The preferred substrate is not present within the project</p>

		<p>state level in 19 of the 20 states it inhabits. This species, along with the other species noted in the NHIS Letter, should be addressed in the EAW.</p>	<p>area. The only recent observations of these species near the project area are documented in the early 2000's and only included a few individual specimens. Therefore, no adverse impact is expected for these mussels.</p> <p>Lake sturgeon (<i>Acipenser fulvescens</i>)- The habitat type for this state-listed species of special concern is large lakes and rivers with firm sand, gravel, or rubble. Lake surgeon are known to inhabit all drainages in Minnesota. There is documentation of lake sturgeon within 1 mile of the project area. However, impacts to shallow water estuary habitat within the direct project boundary will be mitigated by use of management practices to control sedimentation and protect water quality. Remedial actions will create two shallow water sheltered bays (totaling approximately 23 acres) within the project area which cause a net environmental benefit to lake sturgeon habitat and foraging areas, which will offset any temporary disturbance during construction activities. Therefore, no adverse impact is expected for lake sturgeon.</p> <p>Soapberry (<i>Shepherdia canadensis</i>)- One population of this state-listed plant of special concern was observed along the spit of land in 2004. If this population is still present, construction activities along the spit of land related to creation of a CDF may result in disruption or loss of the seed bank depending upon the exact location of the population. Therefore, the project activities may adversely impact soapberry. USEPA and USS will consult with MNDNR during the permitting process to obtain more information on the exact location of this population along the spit of land and on the potential need to conduct a survey for this species.</p>
8.	Pages 43 Sec. 13b. Rare Features and Biodiversity Sites.	<p>(Also noted as dredged area in Figure 12 and referenced in the DNR NHIS report as "critically imperiled, with a portion within the dredge footprint.") To clarify, the project boundary overlaps one Minnesota Biological Survey (MBS) Site of High Biodiversity Significance. Within this MBS Site, the project overlaps four types of native plant communities (NPC). The reclassification of one NPC does not negate the designation of the MBS Site of High Biodiversity Significance. Please clearly identify the</p>	<p>In this EAW Record of Decision, the City of Duluth is including the following clarifications to the EAW information on the NHIS review for the project:</p> <p>The estuary portion of the Project boundary overlaps a Minnesota Biological Survey Site of High Biodiversity significance (St. Louis River Estuary). Within this high biodiversity site, there are four types of classified native plant communities:</p> <ul style="list-style-type: none"> <li>• Estuary Marsh (Lake Superior)</li> </ul>



		<p>specific impacts to the critically imperiled NPC. When comparing the mapped NPC (available from the Minnesota GeoSpatial Commons) to the planned impact zone, it appears that a small amount of this critically imperiled NPC is within the required dredge zone for contaminated sediments. Please clarify and state what conversion is expected for this impact area and if it will be considered restored and/or converted.</p>	<ul style="list-style-type: none"> <li>• Aspen-Birch-Red Maple Forest</li> <li>• Sugar-Maple-Basswood (Bluebead Lily) Forest</li> <li>• Willow-Dogwood Shrub Swamp</li> </ul> <p>NPCs within the footprint will receive an <u>overall net benefit</u> from the ecological impacts of the remediation, as more specifically described below:</p> <ul style="list-style-type: none"> <li>○ The Estuary Marsh (Lake Superior) NPC has a status of “critically imperiled” in Minnesota. This NPC is present along the immediate shoreline of Wire Mill Delta and is within the dredge footprint for this area. Estuary marsh (MRu94a) in Minnesota includes both floating leave and submerged cover. This area of the footprint will be at a post-remedy depth of 2 to 4 feet and will be planted with floating and submerged vegetation, functioning as a shallow, open water wetland community. Post-construction, this NPC area will be returned to a habitat type consistent with the current condition, but with improved ecological function.</li> <li>○ Sugar-Maple-Basswood is not present within the project footprint.</li> <li>○ An approximately 0.2 acre tract of Aspen-Birch-Red Maple Forest is present at the southern point of the Wire Mill Pond dredge footprint. This NPC has a status of “uncommon, but not rare” in Minnesota. This area will remain upland after construction. The design includes restoration of upland areas with native seed mixes. USEPA and USS will consult with MNDNR on the reestablishment of this small portion of Aspen-Birch-Red Maple during the permitting phase of the project.</li> <li>○ Willow-Dogwood Shrub Swamp in the Unnamed Creek Delta is classified as common and abundant and will become a shallow, sheltered bay habitat post-construction, with remediated substrate and new habitat with improved ecological function.</li> </ul>
9.	Page 6 Sec. 6b. Figure 5, Habitat Restoration Areas.	In addition to the areas planned for the Monitored Natural Recovery Area, please include “long-term operation, maintenance, and monitoring activities” for the terrestrial and wetland areas. Also, please identify who will be	The City of Duluth is including the following additional information on the topic of habitat restoration monitoring in this EAW Record of Decision for the project:

		responsible for monitoring and ensuring vegetation success and controlling invasive species, long term.	The project design includes goals for the planting and establishment of vegetation. The requirements for long-term operation, maintenance, and monitoring of upland and wetland areas post-construction will be detailed in the permit authorizations (USACE Section 404/10 Joint Permit for Activities Affecting Water Resources in Minnesota and the Public Waters Permit) for the project. The project partners (USEPA and USS) will have responsibility for monitoring vegetation success using the methodology described in the permit conditions, for 2 years post construction.
10.	Page 16 27 Sec. 7,11 Table 3.	Please use elevation or other delineation criteria for defining wetland and deep water categories	<p>The City of Duluth is including the following clarification on the referenced Table 3 in this EAW Record of Decision for the project:</p> <p>In Table 3, wetlands acreage refers to habitat which meet the criteria for wetland categorization defined by Minnesota Rules 7050.0186. These habitats range from forested wetlands to shallow, open water wetland with water depth up to 6 feet. Deep water is any water within the Project footprint that is deeper than 6 feet.</p>
11.	Attachment A1, Construction Drawings, Page 22 (CU-303 Rootwad detail) Unnamed Creek.	We recommend rootwads be overlapping to avoid failure. Density displayed in rootwad detail construction specification would be inadequate to retain bank structure at bend.	The City of Duluth appreciates this recommendation. This will be further evaluated as part of the design.
12.	Page 26 Unnamed Creek (at the confluence with Spirit Lake) (S-002-005-B001, S-002-005-D001).	DNR public waters lists an Unnamed Creek at the confluence with Spirit Lake. This should be removed as it is not considered a public water; the ID given comes from the stream routes with kittle number layers.	The City of Duluth understands that Unnamed Creek as a whole is not considered a DNR Public Water. It is referenced in the EAW only because through consultation with MNDNR during the pre-application process for the Public Waters Work Permit, MNDNR noted that they would want to have any impacts to the area where the creek meets the Spirit Lake included in the permit application.
13.	Page 34 Self Mitigating Remedy & Table 7.	We recognize a project goal is to achieve a self-mitigating outcome through design and strives to provide overall ecological lift. As outlined in the EAW, 40.4 acre impacts are proposed (30.1 acres outside of the department's jurisdiction + conversion of 8.8 acres of wetland to deep water). Therefore, we are concerned the project may not be entirely self-mitigating for wetland and open water losses. This aspect will need to be addressed as part of	The City of Duluth recognizes that submission of more information may be required for the MNDNR to evaluate self-mitigation for the project. Since receiving the MNDNR formal comment letter, USEPA and USS held a meeting (on 10/15) with key MNDNR staff to discuss the impacts to wetlands and open waters within the department's jurisdiction. The project team provided additional information on depth regimes changes to help support self-mitigation. Additional information on the self-mitigation position of the project is



		the public water permit process on potential need for mitigation. For example, there may be temporary project impacts or the implementation of 'Enhanced Natural Recovery Thin Cover practice' may result in unanticipated changes to the site or other areas. Because of this, the Department will need to evaluate potential impacts to specific habitat types and the overall ecology to make a final determination.	presented in the Environmental Issues section of this Record of Decision.  The project team will continue to be in close coordination with and will provide additional habitat evaluation information as needed to MNDNR. The City of Duluth understands that a final decision on the determination of self-mitigation for the project will be made during the permit review process for issuance of the Public Waters Work Permit from MNDNR. Should the regulatory agencies determine that another mitigation arrangement is more appropriate for the project, USEPA and USS will discuss the potential requirements with the agencies and implement project design changes if changes are necessary to comply with the mitigation arrangement preferred by the agencies.
14.	Page 34 Reference to Table B1 –	We did not find Table B1; please clarify if this should reference table 7 in the EAW.	For clarification, the reference to a Table B1 within the EAW should be to Table 7.
15.	Page 37 Other Surface Water Impacts.	Please note that work in the protected waters (within the OHWL of the estuary) will be restricted to July 1- March 30; no work will be allowed between April 1 - June 30. Please include this in the timeframes outlined.	The City of Duluth recognizes the sensitivity of species and habitats within the estuary during the window of April 1 to June 30 for the protection of fish habitat during spawning. Many proven methods for minimizing sedimentation of adjacent areas during construction have been included in the design for the project. These methods have also been used successfully within the St. Louis River AOC and for similar projects on a national basis, with proven effectiveness. The project team is currently in discussion with MNDNR staff on means and methods that would potentially allow for work to progress during this restriction window, with engineered protections and monitoring systems provided to surrounding areas of the lake.
16.	Page 36, 38 Fisheries Habitat & The information provided in this section and Table 9.	We are looking for analysis of deep (>2 ft.) vs shallow (0-2 ft.) open water habitat lost relative to the 601.9 NAVD 88 elevation. Please include this in the EAW to illustrate the extent of fish habitat lost as a result of the project. The table's narrative states, "A lower average lake level could potentially result in approximately 0.2 fewer acres of water depth greater than 2 ft (permanent open water) across the site." We would like additional information explaining where this loss occurs and also the loss of 0.8 acres to upland also referred to in Table 7. These specific	Upon further discussion with MNDNR, it was clarified that the agency is requesting to evaluate the acreages of pre-construction and post-construction water depths (along with the upland and wetland areas that are above the OHWL) at specific depth intervals, to determine impacts to DNR public waters. The City of Duluth is providing the following clarification related to analysis of open water fish habitat impacts from the project:  Preliminary acreages were presented to MNDNR and show a net gain in DNR public waters (approximately 23 acres) as a result of the

		impacts could trigger the need for mitigation as mentioned above (comment page 34) and will be reviewed as part of the permitting process.	project creating a variety of water depth transitions which are currently not present in the largely shallow waters of the project area. The analysis of changes in deep and shallow water is presented in the Environmental Issues section of this Record of Decision.
17.	Page 39 Watercraft Usage.	Additional information on width/depth of watercraft access openings should be provided here.	<p>The City of Duluth is providing the following additional information on watercraft access within this EAW Record of Decision:</p> <p>The watercraft access opening from the Shallow Sheltered Bay to Spirit Lake is a trapezoidal shaped channel approximately 150 feet wide at the water surface, with 5:1 side slopes, approximately 30 feet wide across the bottom and 5 ft deep water depth from the average water level.</p>
<b>Minnesota Pollution Control Agency (MPCA)</b>			
1.	Page 6	<p>On the surface of the Delta CDF, there is potential for future development of a recreation area/park by the City of Duluth following the Spirit Lake Remediation Project. The remedial design would include a pedestrian trail along the top perimeter of the Delta CDF to facilitate public access, which is compatible with future plans.</p> <p>Depending on whether the MPCA will require that the CDFs are permitted (MPCA is still waiting for more project information), recreational facilities might not be part of the permitted activities. Permitting of the CDFs has not been resolved.</p>	The City of Duluth recognizes that the permitting requirements for the onsite CDFs is still under review by MPCA. Information on the CDF design has been provided to MPCA as requested. Any changes to the design based on permitting requirements will be fully addressed, in close coordination with MPCA, during the permit review/issuance phase of the project.
2.	Page 8	<p>"Cap material will be sourced from the onsite borrow area and imported from Minnesota or Wisconsin aggregate and sand fill suppliers meeting Minnesota Pollution Control Agency (MPCA) Level I/ Level II midpoint sediment quality target requirements."</p> <p>Comment: Cap material for in-water placement will need to be evaluated for appropriateness by comparison to MPCA sediment quality targets. Cap material for the CDFs will need to be evaluated for appropriateness by comparison to MPCA Soil Reference Values.</p>	<p>The City of Duluth is providing the following additional information on cap material within this EAW Record of Decision:</p> <p>A technical memorandum detailing the proposed uses of material from the onsite borrow area and the applicable requirements of the material to be suitable for each use has been provided to MPCA for review and approval.</p>



3.	Page 8 Implementation areas.	This list of areas does not include the Concrete Disposal Area, which is also planned to be capped during the sediment remediation project. See the 2015 Feasibility Study Addendum and the 2018 Basis of Design Report.	<p>The City of Duluth is including the following clarification on the Concrete Disposal Area (CDA) in this EAW Record of Decision:</p> <p>While discussion about remedial actions at the CDA have been included in past project documents to inform stakeholders about activities at the site, the work associated with those efforts are not part of the Great Lakes Legacy Act project detailed by USEPA and USS in this EAW. USS will be submitting a separate Response Action Plan (RAP) to the MPCA for approval prior to initiating any remedial action for this upland area. The implementation of the RAP may or may not coincide with the project activities defined in the EAW as they are independent activities.</p>
4.	Page 15 f.	<p>Is this project a subsequent stage of an earlier project? Yes X No</p> <p>Comment: This statement is incorrect. Previous remedial action has occurred at the Wire Mill Pond area. U. S. Steel was required by MPCA to take additional response actions at Wire Mill Pond, and the work was conducted under a Response Action Plan approved by MPCA in 1996.</p>	<p>The City of Duluth understands that previous work has been performed at the site in the form of response actions issued by MPCA. The goal of the response actions was to remove the immediate contamination in the specified locations. While the Spirit Lake Sediment Remediation project is a project occurring within the same site as previous response actions, the previous actions were conducted under a separate framework and were not part of a Great Lakes Legacy Act restoration and remediation project aimed at removing beneficial use impairments and restoring habitat. Therefore, we do not believe it is accurate to state that this specific project is a direct subsequent stage of an earlier project.</p>
5.	Page 16	<p>Upland areas required to support the estuary remediation under Great Lakes Legacy Act (GLLA) have been transferred to GLLA regulatory authority for the remediation and will be reverted back to USEPA Region 5 Superfund and/or MPCA for the long-term operation maintenance and monitoring phase, following the remediation work addressed in this EAW."</p> <p>Comment: The upland OUs and estuary OUs that are part of the sediment remediation have been deferred to GLLA by USEPA Superfund. GLLA is a non-regulatory program, and as such, this cleanup is occurring as a non-regulatory (voluntary) action. After sediment remediation is complete, either USEPA Superfund or MPCA Superfund will require U. S. Steel to conduct long-term monitoring to</p>	<p>In this EAW Record of Decision, the City of Duluth is including the following clarification on the topic of regulatory authority within the project footprint:</p> <p>Upon completion of the remediation project, USEPA Superfund or MPCA Superfund will require U. S. Steel to conduct monitoring to evaluate long-term remedy performance in the upland and estuary areas.</p>

		ensure remedy protectiveness, under their respective regulatory authorities.	
6.	Page 25-26	<p>"Stewart Creek is a designated trout stream within one mile of the project boundary; however, the location of this creek is upstream."</p> <p>Comment: This is incorrect. Stewart Creek is downstream of the site.</p>	<p>In this EAW Record of Decision, the City of Duluth is including the following corrected information on the topic of Stewart Creek:</p> <p>Stewart Creek is a designated trout stream located downstream within one mile of the project site. This stream is located closest to the northern portion of the site where dredging will occur. The project construction will not impact this creek, as turbidity controls will be used for all in-water work dredging and capping areas. If additional BMPs outside of those already included in the design are suggested by MPCA, these controls will be discussed with the agency during review of the conditions for the Section 401 Water Quality Certification.</p>
7.	Page 28 ii. Groundwater - aquifers, springs, seeps	<p>The Site is within the Cambrian-Ordovician Aquifer System. This is a U.S Geological Survey principal aquifer system that consists of a complex multi-aquifer system of individual aquifers separated by leaky confining units (USGS 1992). The top of the aquifer is located at an elevation of approximately 1,000 ft. The Site is not located within a wellhead protection area."</p> <p>Comment: This is incorrect. The underlying site geology and aquifer are not Cambrian-Ordovician. The underlying geology is Duluth Complex Precambrian rocks, with overlying soils consisting of red-brown clay that is sometimes interbedded with fine to medium sand units. Groundwater is typically encountered from 24-34 feet below the ground surface. There are multiple monitoring wells at the site as part of a MPCA-required groundwater monitoring program.</p>	<p>In this EAW Record of Decision, the City of Duluth is including the following corrected information (as provided in the MNDNR comment) on the topic of groundwater in this EAW Record of Decision for the project:</p> <p>The Site underlying geology is Duluth Complex Precambrian with overlying soils consisting of red-brown clay that is sometimes interbedded with fine to medium sand units. Groundwater is typically encountered from 24-34 feet below the ground surface. There are multiple monitoring wells at the site as part of a MPCA-required groundwater monitoring program.</p>
8.	Page 34	Because of the below described overall net benefit to habitats within the Project footprint, this Project can be viewed as self-mitigating and ecological improvements as a whole serve as the mitigation for the Project."	The City of Duluth recognizes that submission of more information may be required for the MPCA to evaluate self-mitigation for the project. The project team is in close coordination with both MNDNR and MPCA regarding the self-mitigating position of the project and is providing information requested to support this position. Further response to this comment is provided in the response to MPCA comment #11 and MNDNR comment #13. Additional information on



		Comment: In the project proposer's view, the project is self-mitigating. This has not been determined by the permitting and regulatory authorities.	the self-mitigation position of the project is presented in the Environmental Issues section of this Record of Decision.
9.	Figure 4 - Spirit Lake Design Summary	This figure does not depict the Concrete Disposal Area. This area is depicted in Figure 2-1, Alternative 8b, of the 2015 Feasibility Study Addendum, which depicts the remedial components associated with alternative 8b. It is also depicted on Figure 1-4 Spirit Lake Design Summary, of the 2016 Basis of Design Report. There is no discussion in the narrative explaining why this remedial component of alternative 8b is not included in the EAW.	<p>The City of Duluth is including the following clarification on the Concrete Disposal Area (CDA) in this EAW Record of Decision:</p> <p>While discussion about remedial actions at the CDA have been included in past project documents to inform stakeholders about activities at the site, the work associated with those efforts are not part of the Great Lakes Legacy Act project detailed by USEPA and USS in this EAW. USS will be submitting a separate Response Action Plan (RAP) to the MPCA for approval prior to initiating any remedial action for this upland area. The implementation of the RAP may or may not coincide with the project activities defined in the EAW as they are independent activities.</p>
10.	Item 8	A Section 401 Water Quality Certification (401 Certification) is correctly identified in this section. As MPCA staff explained previously to a consulting firm working on this project (see attached April 29, 2019, email), if the USACE determines this project is required to obtain an Individual Section 404 Permit (not a USACE Nationwide or Regional General Permit), then the applicant must also acquire an Individual MPCA 401 Certification. Projects that are required to obtain an Individual MPCA 401 Certification must also complete an antidegradation analysis. There is also an associated required public comment period, so the applicant will need to plan accordingly.	The City of Duluth notes this comment and understands MPCAs guidance on the Section 401 process and requirements.
11.	Item 11b	<p>The EAW states that the project will result in a net loss of wetlands and deep-water habitat. It also states, while providing various tables and interpretations, that the net loss of these aquatic resources, to facilitate the overall remediation project, should be considered self-mitigating.</p> <p>In light of how, based on the table in EAW Item 7, the project will result in a net loss of 18.4 acres of wetlands, together with a net loss of 12.7 acres of deep water, the assertion that this project should be considered "self-</p>	The City of Duluth recognizes that submission of more information may be required for the MPCA to evaluate self-mitigation for the project. Since receiving the MPCA formal comment letter, USEPA and USS held a conference call (on 9/11/19) with key MPCA staff to discuss the impacts to aquatic habitats within the project footprint and discuss any agency concerns on the project's anticipated success in restoring ecological function to impaired wetlands and open waters within the project footprint. The project team will continue to conduct coordination with and provide additional habitat evaluation and post-construction documentation coordination with

		<p>mitigating," meaning no additional mitigation should be required to compensate for the net loss of these waters to facilitate the remediation project, will need further justification. The EAW did not provide enough information related to the ecological function and quality of the existing wetlands and deep water in the project area, other than noting there is contaminated sediment in them. It is, therefore, difficult to understand whether the identified aquatic restoration activities will genuinely offset the net loss of wetlands and deep water. Please address this more comprehensively in the RGU's response to comments received on this EAW. For example, what, specifically, is known about the present condition of the ecological function and quality of the wetlands and deep water in the project site? Has any data been collected to demonstrate this? Without first identifying the ecological functions and quality of the existing wetlands and deep water, as a basis of comparison, it is difficult to comprehend how the project's overall proposed improvements to the aquatic resources will, as stated, genuinely compensate for the project's detrimental impacts (i.e., the net loss of acreage) to them. Responses to these questions will also help facilitate regulatory determinations related to aquatic resource compensatory mitigation requirements.</p>	<p>MPCA. As suggested in this comment, part of the additional information that USEPA and USS will be providing MPCA will include evaluation (using Minnesota Rapid Assessment Method data and other available data) of the current ecological quality and function of aquatic habitat at the site to better support a self-mitigation position for the project. Additional information on the self-mitigation position of the project is presented in the Environmental Issues section of this Record of Decision.</p> <p>The City of Duluth understands that a final decision on the determination of self-mitigation for the project will be made during the permit review process for issuance of the Section 401 Water Quality Certification and the USACE Section 404/10 Joint Permit Application for Activities Affecting Water Resources in Minnesota. Should the regulatory agencies determine that another mitigation arrangement is more appropriate for the project, USEPA and USS will discuss the potential requirements with the agencies and implement project design changes if changes are necessary to comply with the mitigation arrangement preferred by the agencies.</p>
12.	Item 11b	<p>The EAW appropriately acknowledges (on pages 38-39) that multiple best management controls must be used to limit the resuspension of sediment during this project's in-water construction activities. The aforementioned 401 Certification will require the deployment of these controls to protect the designated uses of the surface waters outside of the project site during these in-water construction activities. Further, if the project requires an Individual 401 Certification (see Item 8 comment above), more specific information regarding these controls (e.g., specific location, type, timing, etc.) will likely need to be furnished to the MPCA during the application process. The proposed best management controls must ensure</p>	<p>The City of Duluth appreciates this information and guidance on requirements of the Section 401 process. We confirm that, as stated in the EAW, all appropriate best management controls will be used to limit the resuspension of sediment during in-water work. Upon receipt of the 401 Water Quality Certification requirements, the design will implement all necessary measures at the appropriate construction timing to reduce sedimentation impacts from the project on surrounding areas in the lake. If required, detail on resuspension controls will be provided to MPCA during the permitting process.</p>



		<p>turbidity is controlled so it will not result in an exceedance of the applicable water quality standards (identified above) outside of the project site.</p> <p>In addition, any material proposed to be used to place caps over contaminated sediment in the water will need to be screened to ensure additional pollutants are not inadvertently released in the water. For example, if the on-site borrow area identified on page 8 of the EAW will be used for this purpose, the MPCA will need to review the sampling methodology and results and may require additional analysis prior to authorizing for in-water placement.</p>	
13.	Item 11a.i	<p>The EAW did not list all of the applicable WQ standards on page 25. To clarify, the applicable MPCA state WQ standards are listed below.</p>	<p>The City of Duluth recognizes that the following clarifications related to WQ standards should be included in this EAW Record of Decision:</p> <p>Class 2B (as documented in the EAW) should be Class 2Bg; this includes a more restrictive water quality standard for the parameters listed at Minn. R. 7052.0100, subp 5 for the total mercury limit of 1.3 ng/L and subp. 6 because the project is located within the Lake Superior Basin.</p> <p>Information on Class 3C, while documenting the correct resource protections found in subp. 1 and 4 in the EAW, should note that these resources are also defined in subp. 6 of Minn. R. 7050.0223.</p>

## ENVIRONMENTAL ISSUES SUMMARY

Based upon the information contained in the Environmental Assessment Worksheet (EAW) and provided in written comments received and in response to those comments, the City of Duluth has considered the following the most significant environmental issues identified for the Spirit Lake Sediment Remediation Project:

### 1. Proposal as a Self-Mitigating Project

The Spirit Lake Sediment Remediation Project would include remedial and restoration activities within wetlands and open water. The overall long-term environmental effects on these aquatic habitats at the site would be beneficial; implementation of the remedy would remove contaminated material from the estuary and upland areas, would improve/remediate substrates, and improve conditions for desired wetland communities and allow fisheries habitat areas to thrive. Although some wetland loss would occur through creation of the confined disposal facilities (CDFs) to cover and contain impacted material within the project footprint, the project would result in an overall environmental betterment to habitats within the project area (Table 3). As such, the project has been proposed as self-mitigating and the ecological improvements would serve as mitigation for the project impacts.

**Table 3. Spirit Lake Sediment Remediation Project Benefits and Impacts**

Project Habitat Betterment	Project Habitat Impacts
<p><b>126 acres</b> of overall wetland and deep- water restoration</p> <p>Restoration occurs both above and below ordinary high-water level (OHWL)</p> <ul style="list-style-type: none"> <li>• Removal and covering of contaminants</li> <li>• Planting appropriate vegetation</li> <li>• Mosaic of desired habitat types and depths</li> <li>• Deepening of areas for fish</li> </ul>	<p>Approximately 30-acre loss of wetlands above OHWL</p> <ul style="list-style-type: none"> <li>• Conversion to upland from CDFs constructed to cover and contain impacted material within the project area</li> <li>• Wetlands below OHWL are largely converted to another wetland type, with the benefit of improved ecological function provided by the betterment actions identified in this table</li> </ul>

Comments received by both Minnesota Department of Natural Resources (MNDNR) and the Minnesota Pollution Control Agency (MPCA) on the EAW suggest that the agencies may require additional information (in addition to what was documented within the EAW) on the project impacts and benefits be provided to them so each agency can fully evaluate the proposed self-mitigating position of the project. Since receiving each formal comment by MNDNR and MPCA on this topic, project proposers the U.S. Environmental Protection Agency (USEPA) and the United States Steel Corporation (USS) held a meeting on October 15 with key MNDNR staff to discuss the impacts to wetlands and open waters within the department's jurisdiction. The project team provided additional information on depth regime changes to help the agency evaluate the self-mitigation intent of the project. The project team also reached out to MPCA water quality staff and held an additional call on September 11 to discuss the agency's comment and develop a path forward to provide any additional information required on habitat conversions and impacts. USEPA and USS will continue to be in close coordination with and will provide additional habitat evaluation information as needed to both MNDNR and MPCA.



The City of Duluth understands that a final decision on the determination of self-mitigation for the project will be made during the permit review process for issuance of the Public Waters Work Permit from MNDNR. Should the regulatory agencies determine that another mitigation arrangement is more appropriate for the project, USEPA and USS will discuss the potential requirements with the agencies and implement project design changes if changes are necessary to comply with the mitigation arrangement preferred by the agencies.

## **2. Project Potential Impacts on Fish Habitat**

The City of Duluth has reviewed and evaluated the comments received by MNDNR, MPCA, and the 1854 Treaty Authority on potential impacts to fish habitat from the Project. The different project remedial components (dredging, capping, etc.) will change elevations within much of the site; many of these changes occur to fish habitat below the OHWL. Upon request of the MNDNR, the EAW includes an analysis of the difference in the pre-construction and post-construction depths for fisheries habitat (0 to 2 feet water depth and greater than 2 feet water depth) evaluated at an average lake level of 601.9 NAVD88 (the U.S. Army Corps of Engineers long term average for Lake Superior) and the lake level for habitat restoration, 602.1 NAVD88. Upon further discussion with MNDNR, it was clarified that the agency is requesting to evaluate the acreages of pre-construction and post-construction water depths (along with the upland and wetland areas that are above the OHWL) at specific depth intervals, to determine impacts to MNDNR public waters. Preliminary acreages as presented to MNDNR show a net gain in total MNDNR public waters (approximately 23 acres from the OHWL to depths greater than 6 feet) within the project footprint resulting from creation of a variety of water depth transitions which are currently not present in the largely shallow waters of the project area (Table 4). While there is some net loss of deep water (greater than 6 ft) and water above the average lake level (-1.1 to 0 ft) due to conversion to another elevation, the project would produce approximately 37.5 acres of new open water between 0 and 6 feet in depth for various fish species.

This evaluation also shows that although wetland conversion to upland occurs above OHWL, this habitat shift is largely balanced by the gain in jurisdictional public waters for fishery habitat. It is important to note that wetlands elsewhere in the footprint will benefit from restoration of healthy substrate and plant communities. It should also be noted that the 49 acres of wetland loss above the OHWL shown in Table 4 includes conversion of 18 acres of jurisdictional above OHWL wetland to the new shallow, open water wetland habitat with depth transitions (and new MNDNR public waters) that would comprise the shallow sheltered bay.

It is a goal of the Spirit Lake Sediment Remediation Project to improve fish habitat, through implementing a remedy and restoration plan that will contribute toward the removal of the Loss of Fish and Wildlife Beneficial Use Impairment. The improvement of fish habitat will also support the treaty rights for use of the project area, which are dependent on a clean environment and healthy fish population. USEPA and USS will continue to coordinate with fisheries staff at MNDNR, MPCA, and with the 1854 Treaty Authority and other tribal parties to provide any additional information they request during the permitting process for the project.

Table 4. Net Changes in Habitat from the Spirit Lake Sediment Remediation Project

Acreage/Water Level	Above OHWL (603.0 NAVD88)		Below the OHWL (603.0 NAVD88) - DNR Public Water Depth from historic average (601.9 NAVD88)				
	Upland	Wetlands	TOTAL Public Water (below 603.0 NAVD88)	603.0-601.9 +1.1 ft to 0	601.9- 599.9 0 - 2 ft	599.9- 595.9 2 ft - 6 ft	> 595.9 6 + ft
<b>Project Totals</b>							
Pre-Construction	31.99 ac	60.82 ac	221.23 ac	6.36 ac	25.37 ac	123.07 ac	66.43 ac
Post-Construction	58.45 ac	11.77 ac	243.81 ac	4.07 ac	37.75 ac	148.23 ac	53.76 ac
<b>Net Habitat Changes</b>							
WCA Upland loss\gain	+ 26.46 ac	--	--	--	--	--	--
WCA Wetland loss/gain	--	- 49.05 ac*	--	--	--	--	--
DNR Waters loss/gain	--	--	<b>+22.58 ac</b>	- 2.29 ac	+ 12.38 ac	+ 25.16 ac	- 12.67 ac

\* Includes conversion of 18 acres of wetland above OHWL to shallow, open water wetland (DNR public waters) in the shallow sheltered bay.



**COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA UNDER MN RULES:**

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the RGU (in this case, the Duluth City Planning Commission) must compare the impacts that may be reasonably expected to occur from the project with the four criteria by which potential impacts must be evaluated (Minn. Rules, Part 4410.1700, Subp. 7.A through 7.D)

**A. Type, extent, and reversibility of environmental impacts:**

Based upon information provided in the EAW and the Responses to Comments, including the comments and responses received by 1854 Treaty Authority, MNDNR and MPCA, the City of Duluth concludes that the potential environmental effects of the project, will be limited in extent when considered in light of the overall environmental betterment provided to over 126 acres of aquatic habitat in the project area. The loss of some wetland habitat, while not temporary or reversible, is balanced by the creation of other wetland habitat types and water depths for fish habitat that are desired by Minnesota natural resource managers. Additionally, the project will include recreational features desired by the City of Duluth that will improve community access to a newly restored area of Spirit Lake.

**B. Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project:**

The Spirit Lake Sediment Remediation project would not contribute to any negative cumulative potential effects when viewed in connection with other projects slated for implementation, or previously implemented in or near the project site. The overall environmental betterment achieved through remediating and improving substrates to enhance and create healthy wetland communities and fish habitat aligns with the key goals/strategies of other projects that have recently been implemented or are planned for implementation within the St. Louis River AOC. The project directly contributes significant cumulative benefits necessary to advance the removal of the Loss of Fish and Wildlife Habitat BUI within the AOC. This beneficial contribution to cumulative impacts is significant when considered with the similar contributions of other AOC restoration efforts. Strengthen the language here

**C. The extent to which environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project:**

Mitigation of any adverse environmental impacts from the project will be achieved through design and inclusion of best management practices (BMPs) and through regulations currently in place, including permit approvals, enforcement of regulations or other programs as listed here:

**Table 5. Required Permits**

<b>Unit of Government</b>	<b>Type of Application</b>
U.S. Army Corps of Engineers	Section 10/Section 404 Permit
U.S. Fish and Wildlife Service	Endangered Species Act – Section 7 Consultation
	Migratory Bird Treaty Act Compliance
	Bald and Golden Eagle Protection Act Compliance
	Fish and Wildlife Coordination Act Compliance
Minnesota Historical Society	National Historic Preservation Act Section 106 Consultation
Minnesota Department of Natural Resources	Coastal Zone Consistency Certification
	Public Waters Work Permit
	Water Appropriation Permit
	Aquatic Plant Management Control Permit
	Invasive Aquatic Plant Management Permit
	Natural Heritage Review
Minnesota Pollution Control Agency	Section 401 Water Quality Certification
	Solid Waste Facility Permit/NPDES Dredged Material Management Permit
	Construction Stormwater General Permit
City of Duluth	Wetland Conservation Act Determination/Wetland Replacement Plan (if necessary)
	Tree Preservation Report
	Erosion and Sediment Control Permit
	Fill and Grading Permit
	Shoreland and Floodplain Permit
	Transportation Permit
	Obstruction to Watercourses
	Stormwater Pollution Prevention Plan and MS4 Statement

**D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer including other EIS's:**

No use of any other EA's, EIS's or other public agency documents would be needed to anticipate/control environmental effects. Environmental effects from the project would be



controlled using Minnesota specific best management practices (when appropriate) during construction. The habitat restoration plan, which is proposed to serve as mitigation for the project impacts to aquatic habitat, has been developed in consultation with project stakeholders and is designed to minimize and offset environmental impacts to the maximum practicable extent, and still achieve the overall project goal of site remediation and environmental betterment.

## **DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT**

Minnesota Rules 4410.0300 Subp. 3. Purpose states (in part)

*Environmental documents shall not be used to justify a decision, nor shall indications of adverse environmental effects necessarily require that a project be disapproved. Environmental documents shall be used as guides in issuing, amending, and denying permits and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality.*

Minnesota Rules 4410.0300 Subp. 4. Objectives further sets forth:

*The process created by parts 4410.0200 to 4410.6500 is designed to:*

- A. provide usable information to the project proposer, governmental decision makers and the public concerning the primary environmental effects of a proposed project;*
- B. provide the public with systematic access to decision makers, which will help to maintain public awareness of environmental concerns and encourage accountability in public and private decision making;*
- C. delegate authority and responsibility for environmental review to the governmental unit most closely involved in the project;*
- D. reduce delay and uncertainty in the environmental review process; and*
- E. eliminate duplication.*

Based on the Environmental Assessment Worksheet and related documentation for this Project, the Duluth City Planning Commission, as the Responsible Governmental Unit (RGU) for this environmental review, makes the following conclusions:

1. The Environmental Assessment Worksheet and related documentation for the Spirit Lake Sediment Remediation Project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700.
2. The record demonstrates that **[choose one of the following]**:

**Option A.** Implementation of this Project does not have the potential for significant environmental effects. Therefore, the Duluth City Planning Commission makes a Negative Declaration and does not require the preparation of an environmental impact statement (EIS) for this Project.

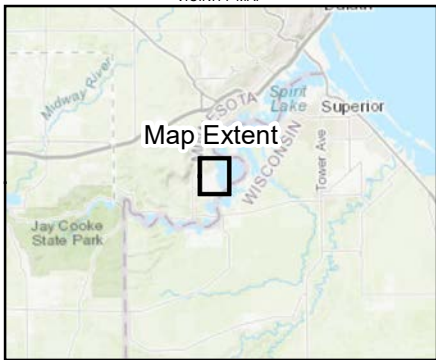
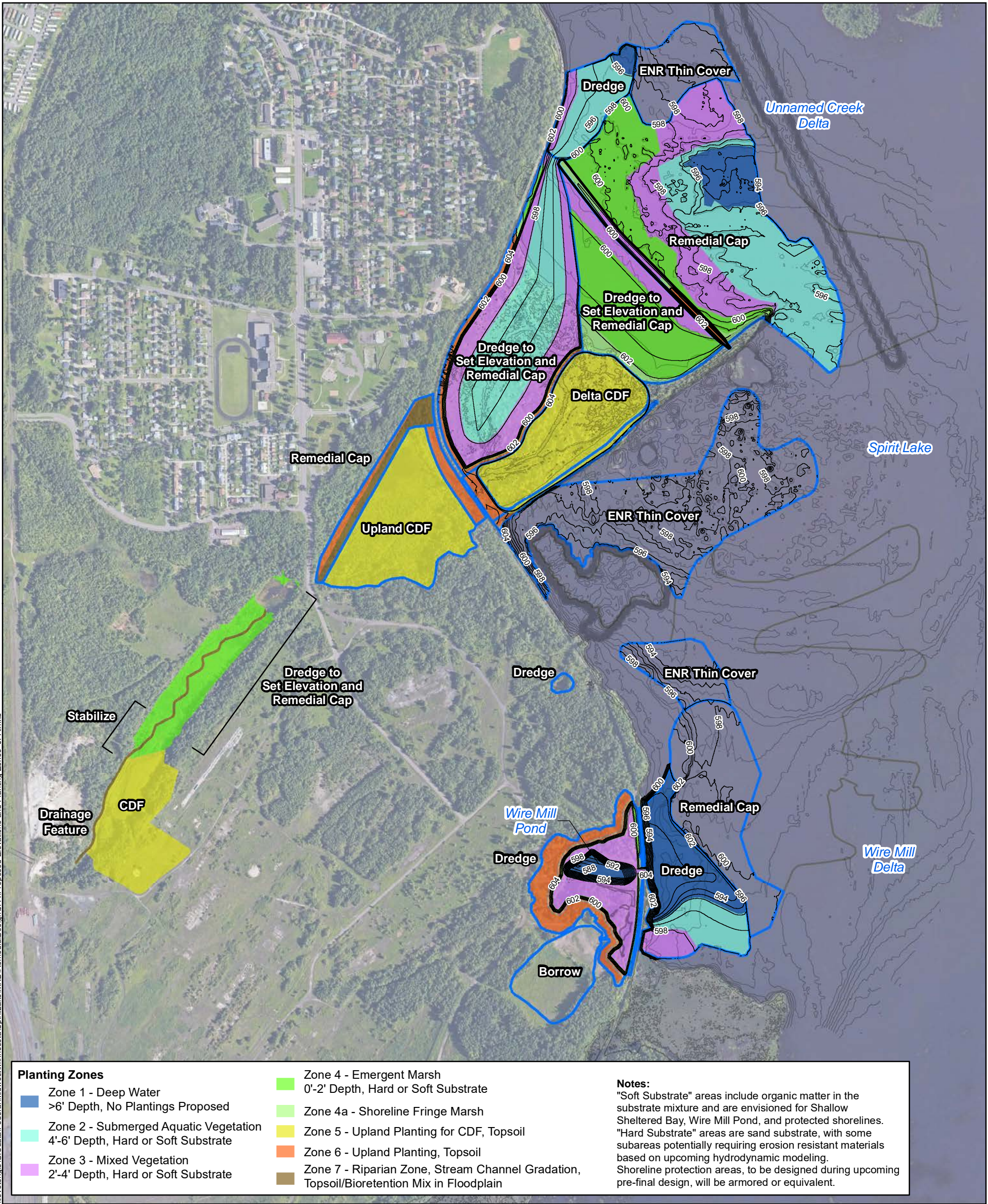
**Option B.** Implementation of this project has the potential for significant environmental effects. Therefore, the Duluth City Planning Commission makes a Positive Declaration and requires the preparation of an Environmental Impact Statement (EIS) for this project.

Staff recommends that the Planning Commission make a Negative Declaration and does not require an Environmental Impact Statement (EIS) for this project. Staff are making this recommendation to the Planning Commission because the Spirit Lake Sediment Remediation Project is a remediation and environmental betterment project that will result in removal of impacted material and restored and improved aquatic habitat throughout much of the project site. Additionally, potential environmental impacts can be mitigated by public regulatory authority, or can addressed through additional conditions of any required permits or approvals.

**Attached Exhibits:**

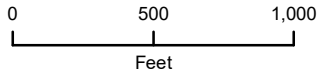
- A. Figure 5 Proposed Elevations and Planting Zones
- B. Public Comments





- Legend**
- Existing Elevation (IGLD85 feet)
  - Proposed Elevation (IGLD85 feet)
  - Shoal Feature
  - Remedial Design Area  
(Design Type Labeled in Figure)
  - Monitored Natural Recovery (MNR) Area

**Notes:**  
Elevation values are in vertical datum IGLD85 US feet  
OHWL = 602.8 ft  
OLWL = 601.0 ft  
CDF = Confined Disposal Facility  
ENR = Enhanced Natural Recovery



**Figure 5**  
Proposed Elevations and Planting Zones  
Spirit Lake EAW  
St. Louis River, Duluth, Minnesota

Map Date: 6/21/2019  
Source: Google Earth 2017  
Projection: NAD 1983 State Plane  
Minnesota North Foot US





**Pacelli, Courtney**

---

**From:** Kyle Deming <kdeming@DuluthMN.gov>  
**Sent:** Monday, July 29, 2019 4:11 PM  
**To:** Pacelli, Courtney  
**Subject:** FW: Spirit Lake Legacy Act Cleanup/Spirit Lake Sediment Remediation Project

Courtney,

Our first comment. I have a folder in which I am saving .pdfs of all comments received. I'll forward them as I get them so you can begin to work on responses. I label the comment by the name of the commenter and the date they sent it or when I received it if there isn't a sent date.

--Kyle

---

**From:** Adam Fulton <afulton@DuluthMN.gov>  
**Sent:** Friday, July 26, 2019 2:15 PM  
**To:** Kyle Deming <kdeming@DuluthMN.gov>  
**Subject:** FW: Spirit Lake Legacy Act Cleanup/Spirit Lake Sediment Remediation Project

Kyle,

Please add for the comments.

**Adam Fulton, AICP**  
 Deputy Director, Planning & Economic Development  
 City of Duluth  
[afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)  
 (218) 730-5325

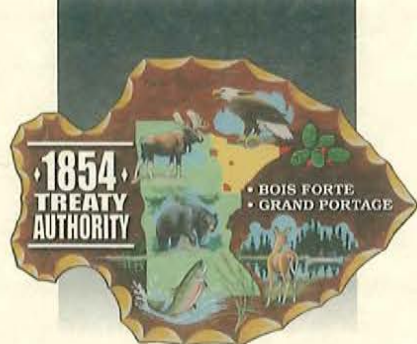
**From:** John Green <[jgreen@d.umn.edu](mailto:jgreen@d.umn.edu)>  
**Sent:** Friday, July 26, 2019 9:51 AM  
**To:** Adam Fulton <[afulton@DuluthMN.gov](mailto:afulton@DuluthMN.gov)>; [murray.williamj@epa.gov](mailto:murray.williamj@epa.gov)  
**Subject:** Spirit Lake Legacy Act Cleanup/Spirit Lake Sediment Remediation Project

I note in the information distributed about the upcoming Public Hearing for this project that the main creek in the project area is called "Unnamed Creek". Actually, this creek has been known by the Corps of Engineers and the Duluth Area storm water utility since at least 1973 as U. S. Steel Creek, for obvious reasons. I will be glad to forward to you copies of several documents and maps that show it with that name. It would be helpful if you would refer to it by its proper name.

Yours,

John C. Green  
 Professor emeritus  
 Dept. of Earth and Environmental Sciences  
 University of Minnesota Duluth





# 1854 Treaty Authority

4428 HAINES ROAD • DULUTH, MN 55811-1524  
 218.722.8907 • 800.775.8799 • FAX 218.722.7003  
[www.1854treatyauthority.org](http://www.1854treatyauthority.org)

August 20, 2019

Bill Murray  
 Project Manager  
 USEPA Great Lakes National Program Office

Adam Fulton  
 Deputy Director  
 City of Duluth Department of Planning and Economic Development

Re: Environmental Assessment Worksheet (EAW) for Spirit Lake Sediment Remediation Project

The 1854 Treaty Authority is an inter-tribal resource management agency governed by the Bois Forte Band of Chippewa and Grand Portage Band of Lake Superior Chippewa. The organization is charged to preserve, protect, and enhance treaty rights and related resources in the 1854 Ceded Territory. This ceded territory encompasses present-day northeastern Minnesota, including the U.S. Steel site and associated areas of the St. Louis River estuary. These comments are submitted by the 1854 Treaty Authority, with the understanding that each Band may submit comments on their own behalf.

We have remained engaged as this remediation project was being developed and have provided some level of input at various stages of the process. Although we would prefer complete removal of contaminated sediments (versus capping and disposal facilities), our comments here are on the project as proposed.

Rights to hunt, fish, and gather have been retained by treaty with the United States. Exercise of these rights continues today. Remedial, mitigation, and restoration projects must support these treaty rights. The EAW should highlight that these rights exist (we do not see any mention in the document) and ensure that actions support these rights. A clean environment, healthy fish/wildlife/plant populations, and suitable access are all critical for meaningful use of treaty rights.

We recognize the historical and cultural significance of Spirit Island and Spirit Lake to all Ojibwe bands as well as the tribes who preceded the Ojibwe in this region. The EAW mentions importance to the Fond du Lac Band, but it should be adequately characterized in the document that it is more than the one band. The cultural and spiritual importance of Spirit Island simply cannot be overstated. Spirit Island is the sixth stopping place on the Ojibwe tribes' migration journey. It is the place where the prophesy of reunification was fulfilled, and the tribes found the "food that grows on the water" (manoomin, or wild rice). Tribal people still seek to visit or gather together here. Efforts to remediate the contaminants that U.S. Steel discharged to the river should have as a goal the restoration of Spirit Lake to a natural state. Ideally this would include removal of contaminants, but also consider views of disposal facilities and making as "natural" as possible. In addition, it requires that federal agencies implement a pre-decisional Section 106 consultation process under the National Historic Preservation Act that informs



the selection of the preferred alternative. This process was slow to start, and although progress is now ongoing, it has not been completed.

Efforts to re-establish wild rice should be undertaken in areas with appropriate substrate and water depth. The EAW discusses that the project would create shallow bay habitat and that proper vegetation would be planted yet does not mention wild rice. Wild rice restoration should be a component of the project.

Non-native Phragmites is located on U.S. Steel property in the project area. These areas have not been treated to date because access has not been allowed to those patches. Best management practices for preventing the spread of invasive species (in general) are included in the EAW, but no mention is made of treatment or removal. As proposed, implementation of the project would dredge and/or cap the areas with known non-native Phragmites, but there is no mention of removal and disposal.

Fish habitat needs should be a consideration during remediation, mitigation, and restoration. Shallow shelter bay provides habitat services (perhaps already provided by much of Spirit Lake), but transition zones and deeper habitat are also important. The EAW states that no fish surveys completed in the last 15 years were identified. The 1854 Treaty Authority has completed bottom-trawling surveys in Spirit Lake, and we believe other fish survey data is available from federal and state agencies and perhaps researchers as well.

Finally, access to the resources are important for the exercise of treaty rights and in this case for the cultural importance of Spirit Lake and Spirit Island. We would support any trail access and potential access to the water that could be developed.

Thank you.

Sincerely,



Darren Vogt  
Resource Management Division Director



August 23, 2019

Adam Fulton  
Deputy Director of Planning and Economic Development  
City of Duluth  
411 West First St, Room 160  
Duluth, MN 55802

RE: EAW for Spirit Lake Sediment Remediation Project

Mr. Fulton:

The Office of the State Archaeologist appreciates being given the opportunity to comment on the above listed project. While the archaeological concerns of this office have been met with two negative phase I archaeological surveys, one conducted by R. Christopher Goodwin & Associates and another by EA Engineering, Science, and Technology, Inc., this office would like to express its concern regarding the project's effects to the Traditional Cultural Property of Spirit Island, which is within the viewshed of the Spirit Lake Sediment Remediation Project. Our office recommends the Minnesota Indian Affairs Council (MIAC) be included in the consultation process, as it is a representative body concerned with the wellbeing and integrity of American Indian cultural resources throughout the state.

Please contact me if you have any questions or concerns.

Sincerely,



Amanda Gronhovd  
State Archaeologist  
Kellogg Center  
328 West Kellogg Blvd  
St Paul, MN 55102  
651.201.2263  
Amanda.gronhovd@state.mn.us

Cc: Melissa Cerda, MIAC  
Jennifer Tworzynski, Office of the State Archaeologist

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | [info.pca@state.mn.us](mailto:info.pca@state.mn.us) | Equal Opportunity Employer

August 23, 2019

Mr. Jim Filby-Williams  
Director, Department of Public Administration  
City of Duluth  
411 West 1<sup>st</sup> Street, Room 403  
Duluth, MN 55802

RE: Spirit Lake Sediment Remediation Project Environmental Assessment Worksheet

Dear Mr. Filby-Williams:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Spirit Lake Sediment Remediation Project (Project) located along the St. Louis River in St. Louis County. The City of Duluth (City) proposes to remediate known chemical constituents of concern and implement aquatic habitat enhancements in the Spirit Lake area of the St. Louis River Area of Concern. The Project includes excavation of 750,000 cubic yards of sediment, subaqueous capping of 107 acres, enhanced natural recovery of 41 acres, and habitat enhancement and restoration of over 100 acres. The City proposes to use onsite confined disposal facilities (CDFs) for excavated sediment material; the City will cap and restore these facilities following construction. The Project will require specific design and protection requirements for the historic Lake Superior and Mississippi Railroad segment that bisects the remediation area along the western lakeshore. The City included tribal consultation, which has continued during the remedial design phase.

Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

Page 6 "On the surface of the Delta CDF, there is potential for future development of a recreation area/park by the City of Duluth following the Spirit Lake Remediation Project. The remedial design would include a pedestrian trail along the top perimeter of the Delta CDF to facilitate public access, which is compatible with future plans."

**Comment:** Depending on whether the MPCA will require that the CDFs are permitted (MPCA is still waiting for more project information), recreational facilities might not be part of the permitted activities. Permitting of the CDFs has not been resolved.

Page 8 "Cap material will be sourced from the onsite borrow area and imported from Minnesota or Wisconsin aggregate and sand fill suppliers meeting Minnesota Pollution Control Agency (MPCA) Level I/Level II midpoint sediment quality target requirements."

**Comment:** Cap material for in-water placement will need to be evaluated for appropriateness by comparison to MPCA sediment quality targets. Cap material for the CDFs will need to be evaluated for appropriateness by comparison to MPCA Soil Reference Values.



Jim Filby-Williams  
 Page 2  
 August 23, 2019

Page 8 "Implementation areas."

**Comment:** This list of areas does not include the Concrete Disposal Area, which is also planned to be capped during the sediment remediation project. See the 2015 Feasibility Study Addendum and the 2018 Basis of Design Report.

Page 15 "f. Is this project a subsequent stage of an earlier project? Yes X No...No prior remediation work has been performed within the Site's estuary area."

**Comment:** This statement is incorrect. Previous remedial action has occurred at the Wire Mill Pond area. U. S. Steel was required by MPCA to take additional response actions at Wire Mill Pond, and the work was conducted under a Response Action Plan approved by MPCA in 1996.

Page 16 "Upland areas required to support the estuary remediation under Great Lakes Legacy Act (GLLA) have been transferred to GLLA regulatory authority for the remediation and will be reverted back to USEPA Region 5 Superfund and/or MPCA for the long-term operation maintenance and monitoring phase, following the remediation work addressed in this EAW."

**Comment:** The upland OUs and estuary OUs that are part of the sediment remediation have been deferred to GLLA by USEPA Superfund. GLLA is a non-regulatory program, and as such, this cleanup is occurring as a non-regulatory (voluntary) action. After sediment remediation is complete, either USEPA Superfund or MPCA Superfund will require U. S. Steel to conduct long-term monitoring to ensure remedy protectiveness, under their respective regulatory authorities.

Page 25-26 "Stewart Creek is a designated trout stream within one mile of the project boundary; however, the location of this creek is upstream."

**Comment:** This is incorrect. Stewart Creek is downstream of the site.

Page 28 "ii. Groundwater – aquifers, springs, seeps. Include: 1) depth to groundwater; 2) if project is within a MDH wellhead protection area; 3) identification of any onsite and/or nearby wells, including unique numbers and well logs if available. If there are no wells known on site or nearby, explain the methodology used to determine this.

The Site is within the Cambrian-Ordovician Aquifer System. This is a U.S Geological Survey principal aquifer system that consists of a complex multi-aquifer system of individual aquifers separated by leaky confining units (USGS 1992). The top of the aquifer is located at an elevation of approximately 1,000 ft. The Site is not located within a wellhead protection area."

**Comment:** This is incorrect. The underlying site geology and aquifer are not Cambrian-Ordovician. The underlying geology is Duluth Complex Precambrian rocks, with overlying soils consisting of red-brown clay that is sometimes interbedded with fine to medium sand units. Groundwater is typically encountered from 24-34 feet below the ground surface. There are multiple monitoring wells at the site as part of a MPCA-required groundwater monitoring program.

Page 34 "Because of the below described overall net benefit to habitats within the Project footprint, this Project can be viewed as self-mitigating and ecological improvements as a whole serve as the mitigation for the Project."

**Comment:** In the project proposer's view, the project is self-mitigating. This has not been determined by the permitting and regulatory authorities.

Figure 4 – Spirit Lake Design Summary. This figure does not depict the Concrete Disposal Area. This area is depicted in Figure 2-1, Alternative 8B, of the 2015 Feasibility Study Addendum, which depicts the remedial components associated with alternative 8B. It is also depicted on Figure 1-4 Spirit Lake Design Summary, of the 2016 Basis of Design Report. There is no discussion in the narrative explaining why this remedial component of alternative 8B is not included in the EAW.

Item 8. A Section 401 Water Quality Certification (401 Certification) is correctly identified in this section. As MPCA staff explained previously to a consulting firm working on this project (see attached April 29, 2019, email), if the USACE determines this project is required to obtain an Individual Section 404 Permit (not a USACE Nationwide or Regional General Permit), then the applicant must also acquire an Individual MPCA 401 Certification. Projects that are required to obtain an Individual MPCA 401 Certification must also complete an antidegradation analysis. There is also an associated required public comment period, so the applicant will need to plan accordingly.

Item 11a.i. The EAW did not list all of the applicable WQ standards on page 25. To clarify, the applicable MPCA state WQ standards are identified below.

Water Use Classifications

*The reach of the St. Louis River where the project is located is designated by the MPCA, under Minn. R. 7050.0470, as a Class 2Bg, 3C, 4A, 4B, 5, and 6 waterbody. As such, it is protected by the general water quality (WQ) standards defined at Minn. R. 7050.0210, the antidegradation standards (Minn. R. 7050.0250 to 7050.0335), and by the applicable WQ standards governing each classification as identified below: Class 2Bg: Aquatic life and recreation (includes cool and warm water sport fish). The applicable WQ standards are defined in Minn. R. 7050.0222. Further, the more restrictive WQ standards for the parameters listed at Minn. R. 7052.0100, subp. 5 (e.g., total mercury limit of 1.3 ng/L) and subp. 6 apply because the Project is within the Lake Superior Basin.*

*Class 3C: Industrial consumption (includes all waters of the state that are, or industry may use as, a source of supply for industrial process or cooling water, or any other industrial or commercial purposes, and for which quality control is or may be necessary to protect the public health, safety, or welfare). Class 3C also specifies the protection of cool and warm water sport fish, indigenous aquatic life, and wetlands. The applicable WQ standards are defined in Minn. R. 7050.0223, subps. 1, 4 and 6.*

*Class 4A and 4B: Agriculture and wildlife (includes all waters of the state that are, or may be used for, any agricultural purposes, including stock watering and irrigation, or by waterfowl or other wildlife and for which quality control is or may be necessary to protect terrestrial life and its habitat or the public health, safety, or welfare. Class 4A also includes a sulfate limit of 10 milligrams per liter (mg/L) for the protection of wild rice where it is present. Class 4A waters also include cold water sport fish (trout waters) and 4B waters include cool and warm water sport fish. The applicable WQ standards are defined in Minn. R. 7050.0220 and part 7050.0224.*

*Class 5: Aesthetic enjoyment and navigation. The applicable WQ standards are defined in Minn. R. 7050.0220 and part 7050.0225.*

*Class 6: Other uses and protection of border waters. The applicable WQ standards are defined in Minn. R. 7050.0226.*

Item 11b.iv.a. The EAW states that the project will result in a net loss of wetlands and deep water habitat. It also states, while providing various tables and interpretations, that the net loss of these aquatic resources, to facilitate the overall remediation project, should be considered self-mitigating. For example, the following is stated on page 34:



Although wetland loss would occur (through either conversion to upland or deep water), this Project would improve the quality of existing (and create new areas) habitat at the site, resulting in an overall environmental lift of the project area. Because of the below described overall net benefit to habitats within the Project footprint, this Project can be viewed as self-mitigating and ecological improvements as a whole serve as the mitigation for the Project.

In light of how, based on the table in EAW Item 7, the project will result in a net loss of 18.4 acres of wetlands, together with a net loss of 12.7 acres of deep water, the assertion that this project should be considered "self-mitigating," meaning no additional mitigation should be required to compensate for the net loss of these waters to facilitate the remediation project, will need further justification. The EAW did not provide enough information related to the ecological function and quality of the existing wetlands and deep water in the project area, other than noting there is contaminated sediment in them. It is, therefore, difficult to understand whether the identified aquatic restoration activities will genuinely offset the net loss of wetlands and deep water. Please address this more comprehensively in the RGU's response to comments received on this EAW. For example, what, specifically, is known about the present condition of the ecological function and quality of the wetlands and deep water in the project site? Has any data been collected to demonstrate this? Without first identifying the ecological functions and quality of the existing wetlands and deep water, as a basis of comparison, it is difficult to comprehend how the project's overall proposed improvements to the aquatic resources will, as stated, genuinely compensate for the project's detrimental impacts (i.e., the net loss of acreage) to them. Responses to these questions will also help facilitate regulatory determinations related to aquatic resource compensatory mitigation requirements.

Item 11b.iv.b. The EAW appropriately acknowledges (on pages 38-39) that multiple best management controls must be used to limit the resuspension of sediment during this project's in-water construction activities. The aforementioned 401 Certification will require the deployment of these controls to protect the designated uses of the surface waters outside of the project sited during these in-water construction activities. Further, if the project requires an Individual 401 Certification (see Item 8 comment above), more specific information regarding these controls (e.g., specific location, type, timing, etc.) will likely need to be furnished to the MPCA during the application process. The proposed best management controls must ensure turbidity is controlled so it will not result in an exceedance of the applicable water quality standards (identified above) outside of the project site.

In addition, any material proposed to be used to place caps over contaminated sediment in the water will need to be screened to ensure additional pollutants are not inadvertently released in the water. For example, if the on-site borrow area identified on page 8 of the EAW will be used for this purpose, the MPCA will need to review the sampling methodology and results and may require additional analysis prior to authorizing for in-water placement.

MPCA appreciates the opportunity to review and provide comments on the EAW. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions.

August 23, 2019

If you have any questions concerning our review of this EAW, please contact me by email at [Patrice.jensen@state.mn.us](mailto:Patrice.jensen@state.mn.us) or by telephone at 651-757-2465.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrice Jensen".

Patrice Jensen  
Planner Principal  
Environmental Review Unit  
Resource Management and Assistance Division

PJ:mb

Enclosure

cc: Courtney Pacelli, EA Engineering, Science and Technology, Inc., PBC  
Dan Card, MPCA, St. Paul  
Kevin Molloy, MPCA, St. Paul  
Dan Breneman, MPCA, St. Paul  
Beth Gawrys, MPCA, St. Paul  
Roberta Getman, MPCA, St. Paul  
Jeff Udd, MPCA, St. Paul  
Erin Endsley, MPCA, St. Paul  
Tom Estabrooks, MPCA, St. Paul  
Emily Schnick, MPCA, St. Paul  
Sherri Nachtigal, MPCA, St. Paul  
Steve Giddings, MPCA, St. Paul  
Suzanne Baumann, MPCA, St. Paul  
Melissa Kuskie, MPCA, St. Paul



**Peterson, Charles V (MPCA)**

---

**From:** Molloy, Kevin (MPCA)  
**Sent:** Monday, April 29, 2019 3:19 PM  
**To:** Pacelli, Courtney  
**Cc:** Endsley, Erin (MPCA); Wierzbinski, Daryl W MVP (Daryl.W.Wierzbinski@usace.army.mil)  
**Subject:** MPCA Antidegradation Form [RE: GoToMeeting Invitation - Spirit Lake Bi-weekly Update Call]  
**Attachments:** 7.18.17 Antideg form for Applicants.docx

Hi Courtney, attached is the supplemental form I mentioned, during last week's conference call, I would send you. As a refresher, if USACE determines this project is required to obtain an Individual Section 404 Permit (not a USACE Nationwide or Regional General Permit), which I think Daryl said cannot be determined until after this project's application is filed with his office, then the applicant must also acquire an MPCA Individual 401 WQ Certification (401 Certification). Projects that are required to obtain an Individual MPCA 401 Certification must also complete an antidegradation analysis, which the attached form explains.

Please let me know if you have any associated questions.

Regards,

Kevin Molloy  
 Minnesota Pollution Control Agency  
 Resource Management & Assistance Division  
 520 Lafayette Road North, St. Paul, MN 55155-4194  
 Phone: 651-757-2577  
 Email: [kevin.molloy@state.mn.us](mailto:kevin.molloy@state.mn.us)  
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**From:** Pacelli, Courtney <cpacelli@eaest.com>  
**Sent:** Tuesday, April 23, 2019 8:50 AM  
**To:** Daryl Wierzbinski <daryl.w.wierzbinski@usace.army.mil>; Fowler, Patricia L (DNR) <patricia.fowler@state.mn.us>; Molloy, Kevin (MPCA) <kevin.molloy@state.mn.us>; Bares, Mike (MPCA) <mike.bares@state.mn.us>; Endsley, Erin (MPCA) <erin.endsley@state.mn.us>; William J. Murray <Murray.Williamj@epa.gov>; Mark Rupnow <MRupnow@uss.com>; 'Eric Dott' <edott@barr.com>; Ciarlo, Michael <mciarlo@eaest.com>; Hendrickson, Deserae L (DNR) <deserae.hendrickson@state.mn.us>; Beaver, Jamie <jbeaver@eaest.com>  
**Subject:** GoToMeeting Invitation - Spirit Lake Bi-weekly Update Call

Hello all,

Please see below for the webinar access and call-in information for the biweekly Spirit Lake call tomorrow. We look forward to talking with everyone then.

Thanks,

Spirit Lake Bi-weekly Update Call  
Wed, Apr 24, 2019 11:00 AM - 12:00 PM EDT

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/721718301>

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PIN: 3295216

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# Minnesota Pollution Control Agency (MPCA) Antidegradation Assessment for Section 401 Water Quality Certification Applicants 7.18.17

In addition to completing the Joint Application Form for Activities Affecting Water Resources in Minnesota, applicants whose proposed projects may require an MPCA Individual 401 Water Quality Certification for work in aquatic resources must also provide the information requested below. This will facilitate the MPCA's review of the proposed project for compliance with the antidegradation water quality standards (Minn. R. 7050.0250 to 7050.0335). Section 401 of the Clean Water Act requires any applicant for a federal license or permit to conduct an activity that may result in a discharge to waters of the United States to obtain certification from the state in which the discharge originates to ensure compliance with state water quality standards. The antidegradation assessment is not required for all projects; if you know that your project will qualify for a U.S. Army Corps of Engineers 404 General Permit or Letter of Permission (LOP), you do not need to fill out this form. If the information requested below is already provided in your Joint Permit Application (JPA), please indicate where.

## **Environmental Assessment Worksheet (EAW)/Environmental Impact Statement (EIS)**

*Identify whether an EAW or EIS was prepared (or will be required) for this project, and include the EAW/EIS process completion date.*

## **Analysis of Non-preferred Alternatives That Avoid and Minimize Degradation**

*Describe prudent and feasible alternatives that would minimize degradation and avoid or minimize surface water impacts (such as wetlands, lakes, streams, etc.). An analysis of each alternative must include a description of how impacts to surface waters are avoided and/or minimized, and include information on any design considerations and constraints, expected performance, construction, operation, and maintenance costs, and reliability for each alternative.*

## **Preferred Alternative**

*Provide a description of and justification for the preferred alternative, and verify that the preferred alternative is the least degrading prudent and feasible alternative for surface water. Note: Information in Attachment C of the Joint Application Form for Activities Affecting Water Resources in Minnesota (Application) may be used to help determine if the preferred alternative, relative to other available prudent and feasible alternatives, is appropriate.*

## **Beneficial Uses**

*Describe the current existing beneficial uses of the surface waters impacted by the project and how the beneficial uses will be protected during and after the project. Review Minnesota Rules 7050. 0410-0430 for the classification that fits the existing beneficial uses of the waters impacted by your project. <https://www.revisor.mn.gov/rules/?id=7050>*

## **Indirect Impacts**

*Where partial alteration of a surface water will occur, describe the potential indirect impacts to the remaining surface water, and the potential impact to nearby wetlands, stream, lakes, etc. When the entire function/acreage of a surface water is lost, describe the impacts to nearby wetlands, streams, lakes, etc. Indirect impacts can include changes in hydrology, aquatic species health or population, changes in vegetation or macroinvertebrate (bug) populations, etc.*

**Loading and Degradation to Surface Waters**

*Describe any anticipated net increases in loading and other causes of degradation expected in surface waters that are not directly filled or dredged when your proposed project preferred alternative is fully implemented.*

**Water Quality Comparison Before and After Project**

*Compare and describe the existing water quality at the project site with the anticipated water quality after the project is fully complete and operational. If the surface area of a water resource will be completely filled, this step is not necessary, but must be addressed in the Mitigation Plan below.*

**Comparison of Existing and Expected Economic Conditions and Social Services**

*Provide a comparison of existing and expected economic conditions and social services when the proposed project (preferred alternative) is fully implemented. Include description of economic gains or losses attributable to the proposed activity; contribution to social services; prevention/remediation of environmental or public health threats; trade-offs between environmental media; the value of the water resources; and other relevant environmental, social, and economic impacts of the proposed activity.*

**Description of the Mitigation Plan**

If the applicant will mitigate the project's permanent surface water impacts via an approved wetland bank AND the mitigation is type-for-type AND located in the same major watershed (<https://www.pca.state.mn.us/water/watersheds>) the applicant does not need to complete this portion.

*Using the project information provided above, describe how the proposed compensatory mitigation will replace existing uses and maintain the current level of water quality at the proposed project site (e.g. wetland types, replacement ratio, water monitoring data if available).*

*Describe how the compensatory mitigation will be maintained and the monitoring activities that will be conducted to ensure the proposed mitigation is viable. Include a timeline for reporting progress and an intervention/remediation plan to be implemented if the mitigation fails.*





**MN DNR Northeast Regional Headquarters**  
**Patty Thielen, NE Regional Director**  
**1201 East Highway 2**  
**Grand Rapids, MN 55744**

**August 20, 2019**

**Correspondence: ERDB # 20150180**

**RGU: City of Duluth Planning Commission**

RGU Contact Person:

Adam Fulton, Deputy Director, Department of Planning and Economic Development

West First Street, Room 160

Duluth, MN 55802

218-730-5580

[afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

RE: Spirit Lake Sediment Remediation Project EAW Agency Comments and Recommendations;

Dear Mr. Fulton,

The Minnesota Department of Natural Resources (MNDNR) has reviewed the Spirit Lake Sediment Remediation Project Environmental Assessment Worksheet (EAW). We appreciate your early coordination effort to work with our staff and receive comments during project development. There are many positive outcomes from these efforts in the EAW, such as the planning processes to minimize impacts to, or maintain character of DNR public waters and water use; including impacts associated with water appropriation for project activities that we permit. We also respect the need for continued coordination during the permitting process and respect other agencies' considerations to project activities they permit. After completing the full regional review of the final EAW, we have provided additional information, suggestions, and/or requirements. Thank you for your consideration to management aspects that enhance our state's natural resources.

### **General Comments**

The primary component of this restoration project focuses on the aquatic/wetland habitat. The upland sites are also an important part of the supporting project infrastructure. Please include uplands in all sections of the EAW and address both direct and indirect impacts. In the sections for construction and operation methods, please describe the specifics for re-vegetation in upland areas, remedial caps, and berms around confined disposal facilities (CDFs); such as seed mixes, species plantings, hardscaping, and ensure to address the expected final conditions for upland areas.

## NHIS

We noted some potential inconsistencies between the EAW and NHIS review information. Please consult the attached 2019 NHIS letter and 2015 Classification memo and work with our NHIS staff to ensure an accurate interpretation.

### Best Management Practices (BMPs) & Erosion Control Materials

We encourage using wildlife friendly Best Management Practices (BMP) and other applicable BMPs included in the GP 2004-0001:

[https://www.dnr.state.mn.us/waters/watermgmt\\_section/pwpermits/gp\\_2004\\_0001\\_manual.html](https://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html).

Due to entanglement issues with small animals, we recommend the use of erosion control blankets be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components. These are Category 3N or 4N in the 2016 & 2018 MnDOT Standards Specifications for Construction. Also, be aware that hydro-mulch products may contain small synthetic fibers to aid in its matrix strength. These loose fibers (polyethylene fibers) could potentially re-suspend and make their way into Public Waters. Research has shown that micro plastic ingestion occurs in fish, birds, and many other organisms. Additionally, more studies are finding chemicals (adsorbed micro pollutants and contained additives) in field specimens. As such, please review mulch products and do not allow any materials with synthetic fiber additives in areas that drain to Public Waters.

### Invasive Species

To supplement the invasive species measures listed in the EAW, please survey the project areas for invasive species prior to construction. We recommend using an invasive species management plan for the project area covering all stages of development, including long term monitoring.

## Specific Comments

### NHIS

**Page 43 Sec. 13a. Fishery Resources.** Please expound on this section. For example, although fish sampling has not taken place within the project area, it is likely that most of the 69 fish species present in the St. Louis River Estuary (SLRE) will utilize these areas at some time throughout the year.

**Page 43 Sec. 13b-c.** The EAW is missing a discussion of potential impacts to state-listed species. Please ensure all of the NHIS features and species (state listed species) identified in the NHIS Letter and Memo are noted in the appropriate sections of the EAW. Fully explain how impacts will be avoided and or minimized for each throughout all stages of the project. For instance, lake sturgeon are a state-listed species of special concern and are found in both Lake Superior and the St Louis River Estuary. There is a high usage of the water adjacent to the project area by this species. During a re-introductory stocking period, juvenile Lake Sturgeon were sampled at much higher frequencies in Spirit Lake than in other habitats within the estuary. Although lake sturgeon are not federally listed under the Endangered Species Act (ESA) the species is listed as threatened at the state level in 19 of the 20 states it inhabits. This species, along with the other species noted in the NHIS Letter, should be addressed in the EAW.

**Pages 43 Sec. 13b. Rare Features and Biodiversity Sites. (Also noted as dredged area in Figure 12 and referenced in the DNR NHIS report as "critically imperiled, with a portion within the dredge footprint.")** To clarify, the project boundary overlaps one Minnesota Biological Survey (MBS) Site of High Biodiversity Significance. Within this MBS Site, the project overlaps four types of native plant communities (NPC). The reclassification of one NPC does not negate the designation of the MBS Site of High Biodiversity Significance.



Please clearly identify the specific impacts to the critically imperiled NPC. When comparing the mapped NPC (available from the Minnesota GeoSpatial Commons) to the planned impact zone, it appears that a small amount of this critically imperiled NPC is within the required dredge zone for contaminated sediments. Please clarify and state what conversion is expected for this impact area and if it will be considered restored and/or converted.

## Other

**Page 6 Sec. 6b. Figure 5, Habitat Restoration Areas.** In addition to the areas planned for the Monitored Natural Recovery Area, please include “long-term operation, maintenance, and monitoring activities” for the terrestrial and wetland areas. Also, please identify who will be responsible for monitoring and ensuring vegetation success and controlling invasive species, long term.

**Page 16 27 Sec. 7,11 Table 3.** Please use elevation other delineation criteria for defining wetland and deep water categories.

**Attachment A1, Construction Drawings, Page 22 (CU-303 Rootwad detail) Unnamed Creek.** We recommend rootwads be overlapping to avoid failure. Density displayed in rootwad detail construction specification would be inadequate to retain bank structure at bend.

**Page 26 Unnamed Creek (at the confluence with Spirit Lake) (S-002-005-B001, S-002-005-D001).** DNR public waters lists an Unnamed Creek at the confluence with Spirit Lake. This should be removed as it is not considered a public water; the ID given comes from the stream routes with kittle numbers layer.

**Page 34 Self Mitigating Remedy & Table 7.** We recognize a project goal is to achieve a self-mitigating outcome through design and strives to provide overall ecological lift. As outlined in the EAW, 40.4 acre impacts are proposed (30.1 acres outside of the department’s jurisdiction + conversion of 8.8 acres of wetland to deep water). Therefore, we are concerned the project may not be entirely self-mitigating for wetland and open water losses. This aspect will need to be addressed as part of the public water permit process on potential need for mitigation. For example, there may be temporary project impacts or the implementation of ‘Enhanced Natural Recovery Thin Cover practice’ may result in unanticipated changes to the site or other areas. Because of this, the Department will need to evaluate potential impacts to specific habitat types and the overall ecology to make a final determination.

**Page 34 Reference to Table B1 –** We did not find Table B1; please clarify if this should reference table 7 in the EAW.

**Page 37 Other Surface Water Impacts.** Please note that work in the protected waters (within the OHWL of the estuary) will be restricted to July 1- March 30; no work will be allowed between April 1 - June 30. Please include this in the timeframes outlined.

**Page 36, 38 Fisheries Habitat & The information provided in this section and Table 9.** We are looking for analysis of deep (>2 ft.) vs shallow (0-2 ft.) open water habitat lost relative to the 601.9 NAVD 88 elevation. Please include this in the EAW to illustrate the extent of fish habitat lost as a result of the project. The table’s narrative states, “A lower average lake level could potentially result in approximately 0.2 fewer acres of water depth greater than 2 ft (permanent open water) across the site.” We would like additional information explaining where this loss occurs and also the loss of 0.8 acres to upland also referred to in **Table 7**. These specific impacts could trigger the need for mitigation as mentioned above (comment page 34) and will be reviewed as part of the permitting process.

**Page 39 Watercraft Usage.** Additional information on width/depth of watercraft access openings should be provided here.

## Conclusion

Thank you for the opportunity to review the EAW. We look forward to receiving responses to our comments. Please ensure the final findings from the EAW process and all NHIS formal review letters for this project are

submitted to the appropriate permitting authorities via the associated permit applications such as, but not limited to: MNDNR Land Crossing requests, WCA, 404, and MPARS permits. For questions, please contact Margi Coyle, MN DNR NE Regional Environmental Assessment Ecologist. Margi can be reached at (218) 328-8826 or [margi.coyle@state.mn.us](mailto:margi.coyle@state.mn.us).

Sincerely,



Patty Thielen  
NE Regional Director

CC:

*Randall Doneen*  
*Kate Fairman*  
*Lisa Joyal*  
*Darrell Schindler*  
*Margi Coyle*

*Equal Opportunity Employer*





**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

# MEMO

**TO:** Planning Commission

**FROM:** Adam Fulton, Interim Director of Planning and Development

**DATE:** November 12, 2019

**RE:** Conformance of Project Area 1 for Decker Road Development to Comprehensive Plan

In order to facilitate development of One Roof Community Housing's affordable housing project located at 47xx Decker Rd. (the "Project"), the City needs to modify existing Project Area 1. The role of the Planning Commission is to make sure the proposed development and its uses are consistent with the Comprehensive Plan and Unified Development Code (UDC). Tax Increment Financing (TIF) is a financing tool that uses the increase in property taxes generated from site improvements to pay for a portion of those improvements.

The Project will consist of an approximately 48,000 square foot, three-level building and supporting parking lot. The building will contain 42 apartment units, ranging from 1 to 3 bedrooms, a community room, exercise room, and a playground. All 42 units will be available for those earning at or below 80% of the Area Median Income.

The future land-use designations of the development site are Large-Scale Commercial (LSC) and Neighborhood Mixed Use (NMU). According to the Imagine Duluth 2035 Comprehensive Plan, LSC areas are intended for shopping centers and big box retail development. This land use is designated for a large portion of the mall area, and also calls for buffering of adjacent residential areas. This is partially the reason for the NMU land use designation on the southern portion, as it was intended to provide a reasonable transition between the commercial areas around the north and residential to the south. Imagine Duluth 2035 states that Neighborhood Mixed Use is "a transitional use between more intensive commercial uses and purely residential neighborhoods." It suggests a broad range of uses, including residential.

The Future Land Use map shows that land use along Decker Road should transition from Large-scale Commercial in the north, to Neighborhood Mixed Use, then Urban Residential and Traditional Neighborhood to the south. The proposed development meets the intent of these future land uses.

The entire property is zoned MU-N; according to the Unified Development Chapter, this zone district "is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed uses." MU-N is an

appropriate zone designation for the NMU future land use category. It allows apartments as proposed by this project.

This project implements the following Comprehensive Plan principles:

*Principle #3 -Support existing economic base.* Supporting Duluth's existing economic foundation maintains jobs, tax base, and opportunity. Economic activity with specific location requirements may be subject to displacement or site competition with changes in real estate values. This traditional economic activity faces change as a result of global economic patterns, changing markets, new regulation, and aging of extensive infrastructure. Nevertheless, fundamentals remain and the economic contribution, sometimes taken for granted, is significant.

This project supports the significant economic base of the mall and commercial corridor by providing residents to both purchase goods and services, and to work in the area businesses.

*Principle #5 Promote reinvestment in neighborhoods.* Duluth is strongly defined by its neighborhoods. This system should be supported 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 character.

*Principle #8 Encourage mix of activities, uses, and densities.* Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunities for a diversity of activity that segregated, uniform uses do not provide.

This project serves as a transitional use between the intensive commercial core and residential neighborhood.

*Principle #12 Create efficiencies in delivery of public services.* The costs of public service must be considered in land use decisions. Street construction and maintenance, utilities, libraries, fire, police, snow removal, and recreation facilities are services directly related to the physical location of development. Infrastructure should help direct development location rather than react to it. The integration of public services to maximize efficiencies with all related use decisions should be evaluated.

City staff believe that the proposed development conforms to and implements the Comprehensive Plan principles. City staff ask that the Planning Commission review this item, and following discussion, make a finding that it conforms to the Imagine Duluth 2035 Comprehensive Plan.



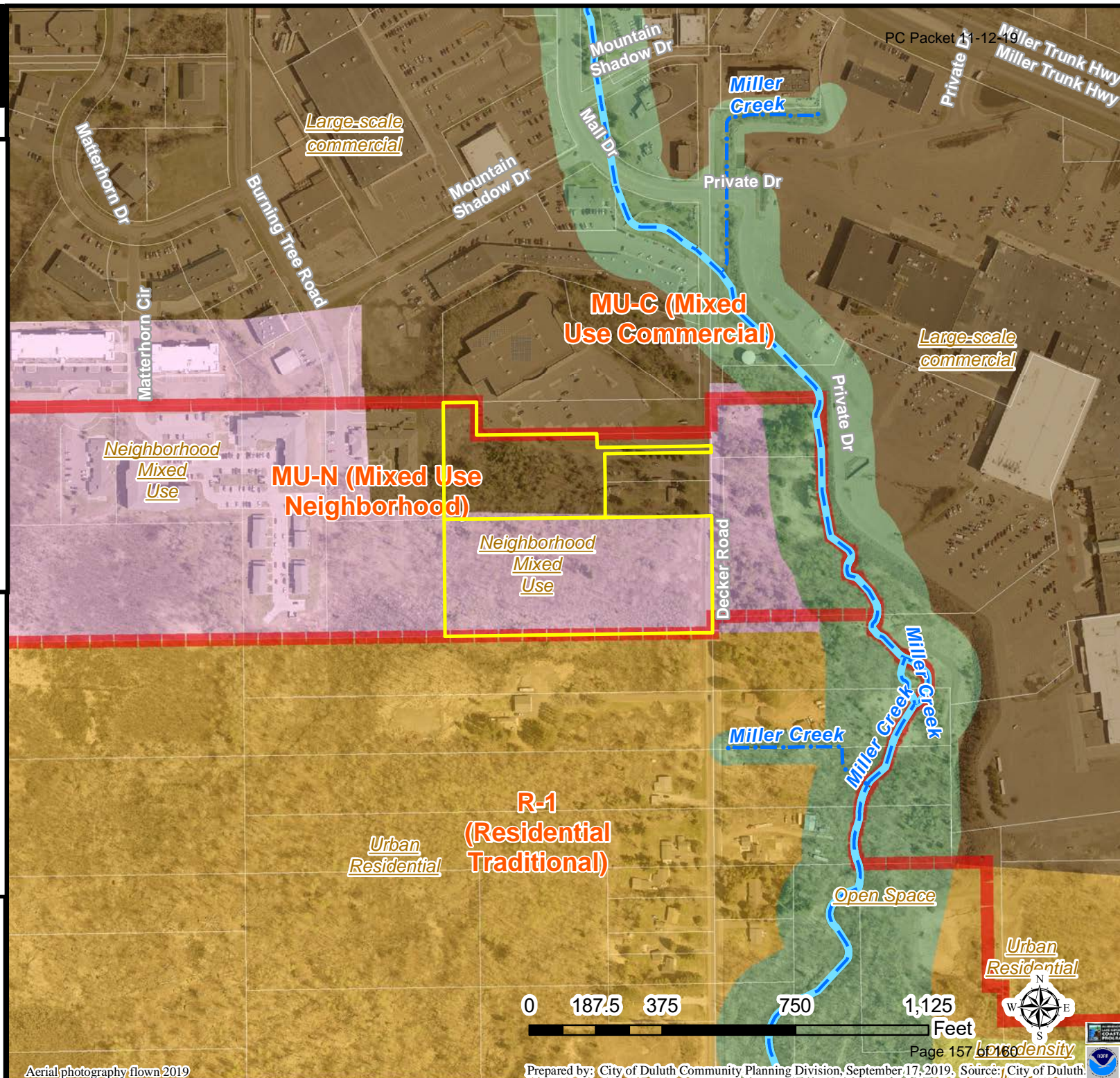


## Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)
- 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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Aerial photography flown 2019



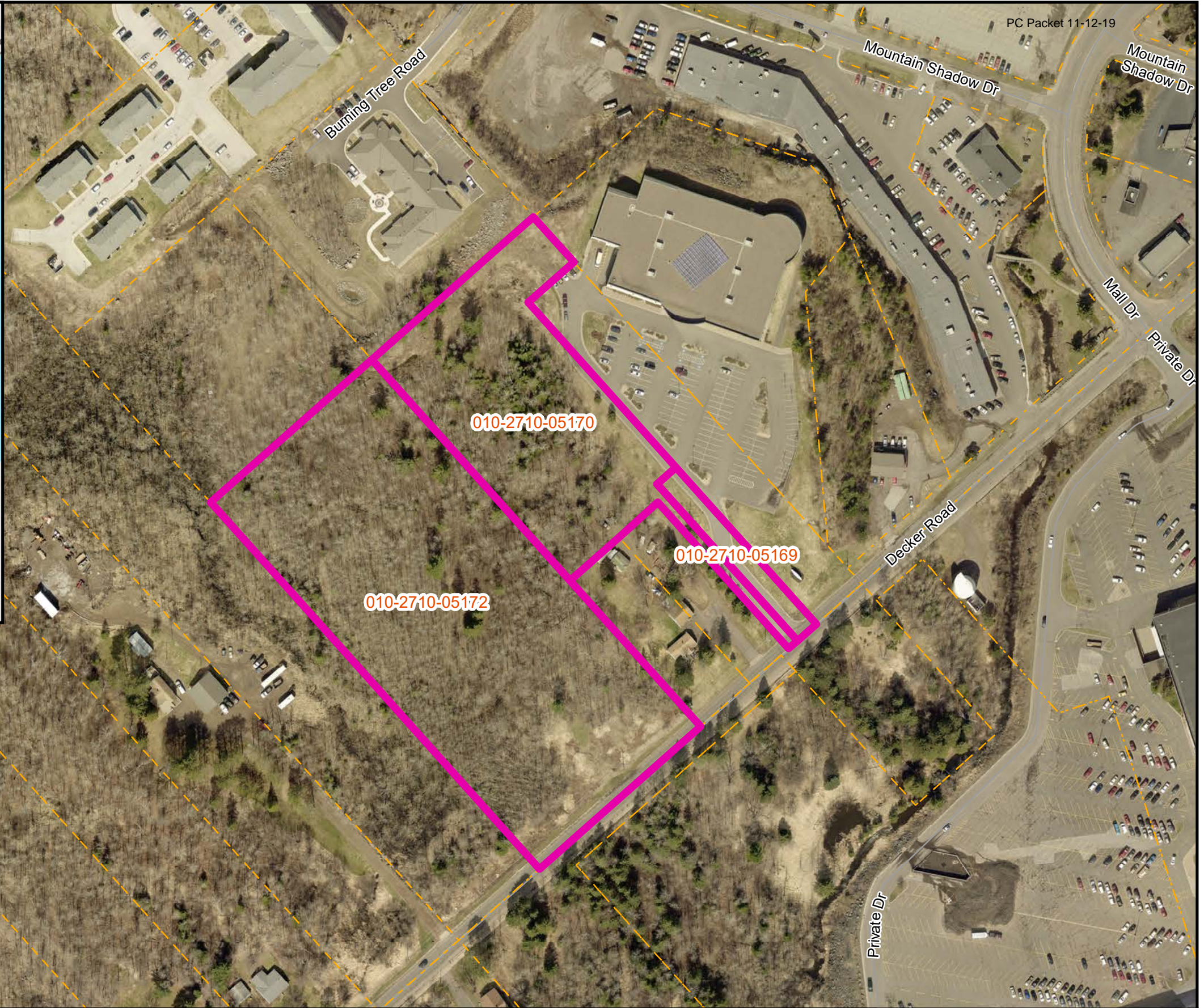
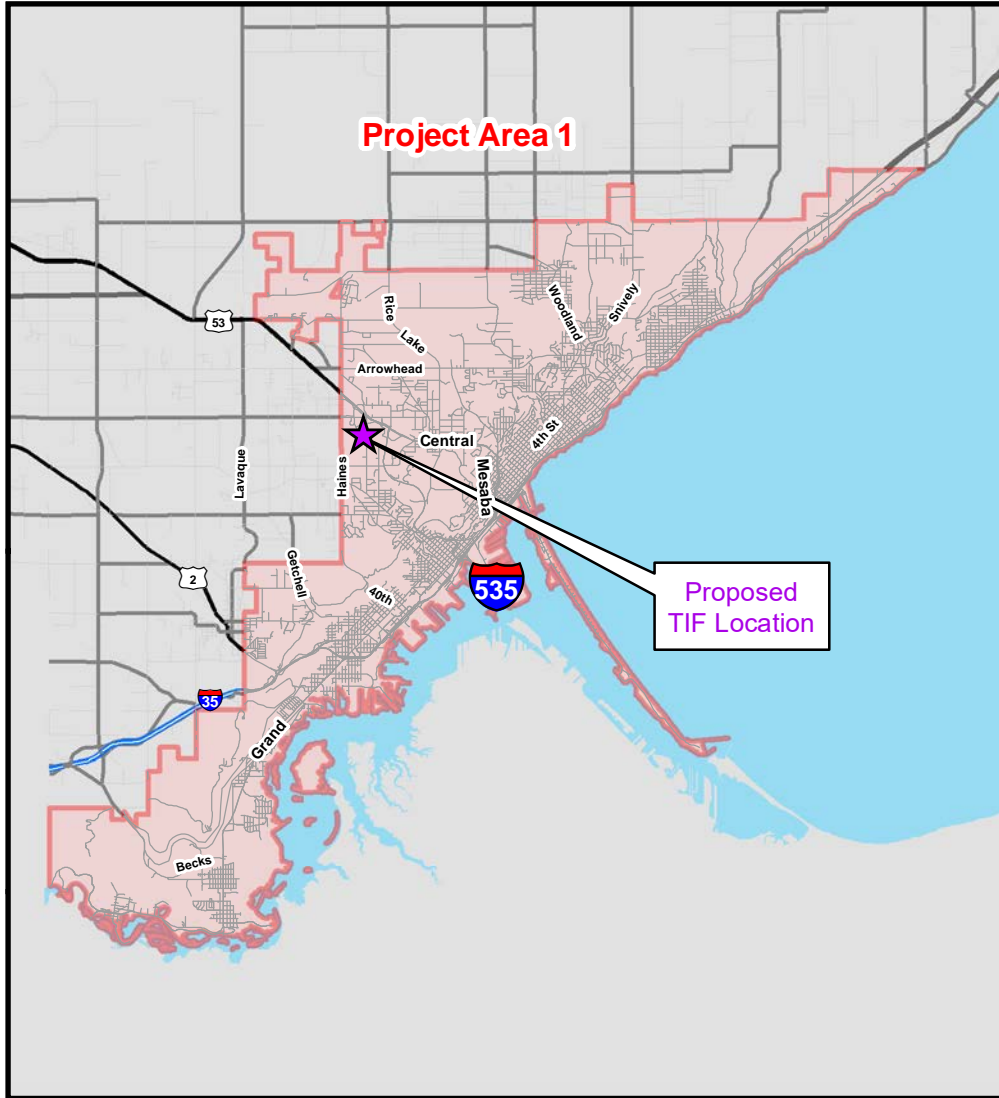
0 187.5 375 750 1,125 Feet



Prepared by: City of Duluth Community Planning Division, September 17, 2019. Source: City of Duluth

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Path: I:\DEVELOPMENT\BUS\_DEV\New BD\PROJECTS\Specific Projects\Decker Dwellings\TIF Process\PotentialDistrictTIF33.mxd 10/8/2019



-  Proposed TIF District #33
-  Parcel Boundary



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### Proposed TIF District #33





**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
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## **Brown Bag Meeting October 29, 2019, Agenda Items**

### **Vacation Rentals**

**Summary:** The UDC has two different types of short-term rentals: vacation rental permits and accessory home share permits. If the property owner permanently resides at the property during the rental period and they want to rent a room to guests, they would apply for an **Accessory Home Share Permit**. This type of permit requires that at least one permanent resident be generally present on or about the premises at all times while the property is being rented. If the property owner wants to rent out the entire property without being present while it is rented a **Vacation Dwelling Unit Interim Use Permit** is the application to seek. This permit requires a public hearing and approval by the City Council and, if approved, is in place for up to 6 years. Safety inspections will be required before the permit is issued.

The lottery drawing for future vacation rental permits was held on Monday, September 29, at 4:00 pm. There are 25 properties on the waiting list (6 of the 25 were holdovers from the 2018 lottery). The UDC allows, per section 50-37.10.E.3, a total of 60 active permits for vacation dwellings. As all 60 permits are currently in use, the only opportunity for one of the 25 properties on the waiting list is to wait until a current permit owner chooses to end or cancel their permit.

**Ideas: -1** Staff recommend the Planning Commission consider an ordinance change to increase the number of allowed vacation permits. As you may recall, a proposed ordinance to increase the number of vacation rental permits in 2017 did not receive council approval (proposal: 0.5% of the total owner occupied housing units in Duluth, or 112). A 2019 ordinance, that was approved, exempted vacation rentals in form districts from the 60 unit cap.

**-2** The Planning Commission could also include a discussion creating two separate tracks for vacation permits, one for owner-occupied and one for non-owner occupied properties, presumably with more flexibility or more permits available for owner-occupied properties.

**-3** Discuss amending the rules for accessory home shares to allow owners of twin homes, duplexes, or single-family homes with attached accessory dwelling units to rent under this permit. The current standards would not allow this, since the rule is explicit that the property owner must be present within the specific dwelling while a room is rented. A twin home, duplex, or accessory dwelling unit is not considered the same dwelling for purposes of this rule, as currently written.

**-4** Discuss creating a third permit for intermittent vacation rental permits to allow owner-occupied permits to rent out for a total of no more than 14 days per calendar year. The current standards would technically allow this with an interim use permit, but the cost and process for seeking a vacation dwelling unit permit can be daunting for some property owners that are only interested in renting out their homes on a very rare occasion. The owner occupied property would still need to comply with fire safety rules, etc, but instead of an interim use permit, the process could possibly be an over the counter permit reviewed and approved by staff, similar to an accessory home share.

**-5** Discuss the recent practice of vacation rental interim use permits being voided in the event that the current permit holder sells their property, instead of allowing them to “transfer” the permit to new owners.

## Rezoning

Plan to move forward to update the zoning map to reflect the future land use designation changes from the Imagine Duluth 2035 plan.

### Rezoning Approved by City Council:

- Becks Road and Commonwealth (2 and 3)
- Riley Road (15 and 16),
- Enger and Lester Park Golf Courses (20 and 21)

### Remaining Rezoning To Be Addressed:

- Midway Annexation (1) A
- Thompson Hill (4) B
- IFBRP (6) A
- Rice Lake/Boulder Ridge (9) B
- Woodland/Oxford (17) B
- Glenwood/Snively (18) A
- Woodland/Cobb (19) B

### Zoning Generally Matches Future Land Use, Additional Rezoning May Not Be Necessary

- Grand Ave/Waseca (5)
- Lot D (7)
- Sixth Avenue East/Hillside (8)
- Woodland/Arnold (10)
- Rice Lake/Snowflake (11)
- Haines/Arrowhead (12)
- Arrowhead/Rice Lake (13)
- Rice Lake/Norton (14)

### Other Potential Rezoning Actions Not Related to Imagine Duluth 2035

- Duluth International Airport (Much of it Currently Zoned MU-N)
- Duluth DECC (Much of it Currently Zoned MU-N)
- Tower Farm (Was a Suggested Area for Small Area Plan in 2006)
- Residential Area North of Maple Grove, Between Osage and Arlington (Low Density Neighborhood, Zoned R-1 and RR-1)
- Residential Area South of Martin Road, Between Woodland and Jean Duluth Road (Rural Residential, Zoned R-1)
- Residential Area Directly West of 21<sup>st</sup> Avenue E, Between London Road and Woodland (Urban Residential, Zoned R-2)
- Residential Area North of West Michigan, Near Glen Place to Piedmont (Traditional Neighborhood, Zoned R-1)
- Fon Du Lac (Much of it Zoned R-1, that Could be P-1, RR-1, or R-C)

## Upcoming Agenda Items

### Core Investment Area Planning