

City of Duluth Planning Commission

**February 11th, 2025 – City Hall Council Chambers
Meeting Minutes**

Call to Order

Jenn Moses called to order the meeting of the city of Duluth Planning Commission at 5:04 p.m. on Tuesday, February 11th, 2025, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Brian Hammond, Danielle Rhodes, Dave Sarvela, and Andrea Wedul

Members Absent: Chris Adatte, Jason Hollinday, Gary Eckenberg, and Margie Nelson

Staff Present: Nick Anderson, Amanda Mangan, Chris Lee, Jason Mozol, Jenn Moses, Ariana Dahlen, Natalie Lavenstein, and Sam Smith

Jenn Moses asked the commissioners to nominate someone amongst them to serve as acting president in the absence of President Eckenberg and Vice President Hollinday.

MOTION/Second: Wedul/Sarvela nominate and elect Commissioner Brian Hammond to serve as acting president for this meeting.

VOTE: (5-0)

Approval of Planning Commission Minutes

Planning Commission Meeting – January 14th, 2024 –

MOTION/Second: Sarvela/Wedul approved

VOTE: (5-0)

Public Comment on Items Not on Agenda

No comments.

Consent Agenda

PLIUP-2411-0018 Interim Use Permit for a Vacation Dwelling Unit at 608 W 4th St by

Justin Voegele

MOTION/Second: Wedul/Rhodes motion to postpone this item

VOTE: (5-0)

PLIUP-2411-0021 Interim Use Permit Renewal for a Vacation Dwelling Unit at 3 Mesaba Pl by Lakeview Land Company LLC

PLIUP-2412-0023 Interim Use Permit for a Vacation Dwelling Unit at 1932 London Rd by Jason Kleiman

PLIUP-2501-0001 Interim Use Permit for a Vacation Dwelling Unit at 5721 Grand Ave by Paul Nelson

PLSUP-2411-0011 Special Use Permit for Wireless Facility at 2120 Jean Duluth Rd by Fullerton Engineering

PLVAR-2501-0001 Variance to Reduce Build-to-Zone Near 21 W 4th St by Kevin Ellingson

Staff: Jenn Moses addressed the commissioners. The applicant of first agenda item, Justin Voegele, requested that the consideration of his application be postponed and moved to the March planning commission meeting, as he is unable to attend tonight's meeting. Legal counsel advises that the commissioners make a motion/second to postpone this item until the March meeting, followed by a vote. After action has been taken on the first agenda item, the commissioners can take action on the remainder of the consent agenda.

Commissioners: Commissioner Rhodes noted that PLIUP-2411-0021 has an incorrect parcel ID listed on the staff report, but the address is correct.

Staff: Moses responded that the correction to that item will be made.

Public: No speakers.

MOTION/Second: Wedul/Sarvela approve the consent agenda items as per staff recommendations.

VOTE: (5-0)

Public Hearings

PLUTA-2412-0003 UDC Text Amendment for Floodplain Regulations

Staff: Jason Mozol addressed the commissioners and gave a presentation about the City's Unified Development Code (UDC) amendment to floodplain regulations. The current floodplain maps for St Louis County, including Duluth, are the result of a study conducted by the Federal Emergency Management Agency (FEMA) in 1982. To update and modernize this resource, FEMA conducted a new Flood Insurance Study (FIS). This study, and the associated public review process, has been ongoing for the last several years. Through this process, City staff and members of the public have provided FEMA with feedback on the preliminary outputs of the study. As the end of this update process nears, the FIS and new Flood Insurance Rate Maps (FIRMs) are expected to become effective on March 25, 2025. As a requirement for the City of Duluth to remain a participating community in the National Flood Insurance Program (NFIP), FEMA and the Minnesota Department of Natural Resources (DNR) require the City to adopt updated floodplain management measures. In Duluth's regulatory framework, these updates require amendments to the City's UDC.

FEMA's previous study was done using a 1-dimensional model, which basically modeled the water flowing down the water course and identified where it would back up. These older maps were a bit smoother and more generalized, while the new ones are more specific. The new floodplain study uses a 2-dimensional model, which also accounts for where water might flow out of the water course, but on a more detailed and modernized level. The purpose of these amendments is to promote the public health, safety, and general welfare by minimizing these

losses and disruptions. Floodplain regulation supports the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding. Floodplain regulation also intends to preserve the natural characteristics and functions of watercourses in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development. The Department of Natural Resources (DNR) works closely with FEMA and the City of Duluth in establishing these updated regulations. They provided model language as well as and guidance and feedback when applying these regulations in the future. Most of these regulations will be applied by staff when they are working with applicants on proposed projects, but Mozol suspected that planning commissioners will see citations for these regulations in future staff reports.

Most floodplains are broken down into 3 sections – the floodway and two the flood fringe districts. On the floodplain maps in Mozol’s staff report, the red area represents the floodway. The blue areas represent the 1% annual chance, or 100-year flood, and the green represents the 0.2% annual chance, or 500-year flood. The floodway, often the middle of the channel, is calculated to include the space necessary to allow flood waters to move through an area and is often associated with higher velocity water movement. The flood fringe is the area that water will back up into and occupy but not necessarily flow through. Development is severely limited in the floodway because higher water velocities pose risk to those properties. Additionally, development in the floodway may have impacts on other properties, in or adjacent to the floodplain, as flood waters are diverted elsewhere. Generally, development in the flood fringe is less limited if it is elevated or protected above the regulatory flood protection elevation (RFPE), since risk to the property is primarily due to inundation.

A key consideration in floodplain management is the Regulatory Flood Protection Level (RFPE). The RFPE is the level structures in floodplains must be protected at, with some exceptions for uses that are of minimal value or are naturally resistant to flooding, such as small sheds or parking lots. The RFPE is defined as the elevation two feet above the modeled water level of the 1% annual chance flood. The 1% chance flood elevation is calculated based on expected water volumes in an area, downstream constrictions of water flow, local topography, and other associated factors. The additional two feet above that level allows for added protection to structures, life, and property while taking into consideration the inherent unpredictability of floods.

FEMA also added coastal districts to the new maps. They’ve recognized that Lake Superior acts similarly to an ocean in some ways, such as that there is a limited amount of storm surge and then some potential flooding from wave action. Due to the steep nature of the north shore and the sandy areas of Park Point, these mapped coastal floodplains don’t go very far into the land. Staff does not anticipate very many projects where these zones would be applied, but it is still interesting to see the different standards being applied to Lake Superior.

Like residential or mixed-use zone districts, each floodplain district has allowable uses and special uses. The standards and permit requirements for each is outlined in the associated section. The allowed and special uses are similar to what has previously been allowed with a few additional restrictions to minimize risk and promote sound land use practices. Several definitions in this section were added, updated, or removed to align with the intent of the updated DNR regulations and related federal and state laws. Among these changes are the definitions for structures and building definitions. The rest of the zoning code has separate definitions for what is a structure and what is a building, but when working with the floodplain

regulations, structures and buildings have the same definitions. One public comment was received and was provided to the commissioners prior to this meeting. Staff recommends that the planning commission recommends approval of these changes to the UDC.

Commissioners: Commissioner Wedul question asked a clarifying question regarding the RFPE and wondered what the elevation is supposed to be. She stated that staff noted the elevation to be 2 ft, but diagram 50-18.1.C-3 in the staff report shows that the value is greater than 1 ft. She wanted to know if one of these values could be changed to match up with the other one to make the document more consistent and less confusing.

Wedul also asked staff how the 1% and 0.2% chance language was coined, and what the correlation is between the percentages and the 100-year/500-year time lengths.

Staff: Mozol responded that the RFPE is defined in the definition section as 2 ft. above the base flood elevation. In the past, the city has used 2 ft as the standard, so staff decided to stick with it. The figures provided are from FEMA so it would be hard to change, but the definitions are there to reference.

The percentages and 100-year/500-year marks are away for FEMA to communicate the likelihood of floods each year. There is information somewhere on FEMA's website explaining this, but staff can put more focus on this clarification for the public to reference when looking at the maps on the city website.

Commissioners: Commissioner Rhodes asked if the public maps from the city as well as St. Louis County will be consistent with the FEMA data. She also asked if there is some kind of relief program that FEMA offers to people whose homes are in a floodplain.

Staff: Mozol stated that there is a public map application that the city maintains, and it contains both the old and the new data sets. He will follow up with her and send her a link. Jenn Moses added that about a year ago, staff created a page on the city's website about the new floodplain data. Staff made it so the public would be able to search their address on the map with the floodplain overlay, which includes the old and new data.

Both FEMA and the city put out several press releases when FEMA was in town to conduct public information sessions. Though these are not the city's regulations and maps, staff felt it was important to attend those sessions as well as disseminate that information to the public. There are a few small areas in the maps that staff has reviewed that could be more accurate, and FEMA provides ways for staff to amend the maps if needed. Overall, most of the new floodplain data reflects the flooding that Duluth saw in the 2012 floods.

By having city staff work with FEMA to implement this new data, it allows people to buy into the National Floodplain Insurance program, which provides some protection in the event of a flood. Once Duluth has adopted FEMA's ordinances, which are designed to minimize risk within those floodplain areas, then the homeowners will be able to buy in to this insurance program. After the floods in 2012, there were many impacted property owners that were helped by FEMA because of this program.

Public: No speakers.

Motion/second: Sarvela/Crawford approve as per staff recommendation

Vote: (5-0)

Other Business

No other business.

Communications

Land Use Supervisor (LUS) Report – Jenn Moses addressed the commissioners. She announces that the annual planning commission meeting will be held on Monday, March 3rd at Mr. D's in West Duluth, and more details would be coming soon. At this meeting, staff member Kyle Deming will give an update on the Core Investment Area work for Spirit Valley that has been taking place.

There will also be a guest speaker, Dr. Jennifer Webb, who is a professor at UMD. She teaches an Urban Planning class and studies artwork around Duluth, and she will give a presentation titled "Duluth as a work of Art".

At the annual meeting, the election of officers will take place. Staff will also be recognizing the two outgoing planning commission members Jason Holliday and Margie Nelson, and Moses added that staff are looking for people to fill those positions.

Finally, Moses gave an update on the Sofidel project. Planning commission sees projects far in advance on the front end, and she wanted to inform the commissioners that Sofidel has put in permits for foundation so they should expect to see that work happening soon.

Heritage Preservation Commission Report – No report.

Duluth Midway Joint Powers Zoning Board – No report.

Adjournment

Meeting adjourned at 5:38 p.m.

Respectfully,

Signed by:

Jennifer Moses

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Jenn Moses, Manager
Planning & Economic Development