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# North Shore Management Board

Thursday, April 19, 2012 6:30 PM

Arrowhead Regional Development Commission

Duluth, MN

## Minutes

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Attendee	Representing	Absentees	Representing
Dave Mount	Duluth Township	Mark Russell III	City of Beaver Bay
Dave Updegraff	Lakewood Township		
Bruce Martinson	Cook County		
Peg Sweeney	St. Louis County		
Jan Sivertson	City of Grand Marais		
Dan Jones	City of Two Harbors		
Rich Sve	Lake County		
Mike Hoops	Silver Creek Township		
Joanne Johnson	City of Silver Bay	Staff	
Clint Little	Mn DNR/NSMB TAC	Andy Hubley	ARDC
John Bathke	Citizen	Liz Sarabia	

I. Welcome and Introductions

- A. The meeting was called to order at 6:35 PM by Dave Mount, Chair.
- B. Call for approval of the agenda; no changes or discussion. Motion by Mike Hoops/Bruce Martinson; passed unanimously.

II. Committee Business

- A. Call for approval of the January 26, 2012, meeting minutes; no changes or discussion. Motion by Rich Sve/Jan Sivertson; passed unanimously.
- B. Call for approval of the resolution to pay ARDC for staffing services from January 1, 2012 to March 31, 2012 in the amount of \$2,568.94; Andy Hubley offered short explanation of the services that have been rendered by staff. Motion by Joanne Johnson/Peg Sweeney; passed unanimously.

### III. Project Updates

A. Andy Hubley provided the update on the rainwater gardens project. He has completed a lot of research on the project; he will be summarizing the information in the near future. There is a lot of interest from public agencies and it appears to be a good project for the NSMB, dependent upon participants/partners. As he continues working on the project, he may apply for a Coastal grant to explore how best to move this project forward. He suggested that if the project does move forward an option would be for the NSMB to secure funds to pay for half of the installation cost when people install rain gardens on their own property, the other half could be in-kind through their labor. This project appears to be a good fit for the North Shore because landowners could personally help to improve Lake Superior. Discussion followed regarding using the Coastal program, partners, and handling storm water.

B. Andy continued with the update for erosion on the North Shore. After referencing the NSMB Technical Advisory Committee meeting summary from January 31, 2012, he stated that UMD has a new tool, a portable LiDAR system, which would be available for use. Currently not much is known about its applicability and effectiveness for erosional study, but Clint Little explained about how it is generally used. Discussion continued regarding the LiDAR flights for northeast Minnesota which are complete. Members discussed the costs involved in obtaining the data, accuracy, processing of the data as well as other options such as pictometry. It was suggested that ARDC on behalf of the NSMB send a memo to Cook County to provide justification for the imaging. Clint Little would provide a website for more information.

These were provided on 4/20/12 via email:

<http://www.mngeo.state.mn.us/chouse/elevation/lidar.html#available>

Status map

[http://www.mngeo.state.mn.us/committee/elevation/resources/lidar\\_status\\_map\\_mn.pdf](http://www.mngeo.state.mn.us/committee/elevation/resources/lidar_status_map_mn.pdf)

### IV. Variances and Rezoning

A. Oesterheld Variance – Andy Hubley wrote a letter on behalf of the NSMB expressing concerns and requested a response to questions on this variance request as there appear to be other options available other than permanent scaffolding. Rich Sve said that the Lake County Zoning Commission agreed with the NSMB's synopsis and did not grant the variance.

B. Knife River Rezoning – This was a rezone for property in the central business district. No comments were warranted; however, Andy did call the owner of the

property and asked a couple of questions regarding the purpose of rezone. The owner expressed that they did not have any plans at this time. The issue really was if the parking lot could be rezoned or if it would/could remain in the old zone. His response was that it would be up to Lake County. Andy explained to the Board that any zoning done in Lake County already fits the North Shore Management Plan so there was no need to comment and anything that goes into that area would have to meet minimum standards and Lake County is aware of those standards. Rich Sve added that the meeting was held and the parking lot piece was denied, but the other section down by the smoke house, industrial/ commercial area was approved.

C. The zip line letter from Grand Marais was from concerned citizens that asked the NSMB to weigh in on it. This is now a moot issue as the location had been changed and the citizens are no longer concerned.

D. Two Harbors Rezone – the City of Two Harbors is proposing a new zoning district called “Parks and Recreation Enterprise District.” Andy Hubley provided the overview for this issue. It would zone publicly owned property on the Lake Superior shore to the newly written zoning district. In his review of the Amendment to the 2011 Two Harbors Comprehensive Plan, Amendment to Section 11 of the Two Harbors City Ordinance (Land Use), and Amendment to the Zoning Map, the major concern was for building height. The Two Harbors Planning Commission has passed it (on 4/19/2012, a revised Exhibit A, with their recommendations, was emailed to members). It will be going to a second reading on May 14<sup>th</sup> when public comments can be taken.

Discussion focused on the revised Exhibit A. Sec. 11.63. Parks and Recreation Enterprise District – Planning Commission Recommended. The language stated there are 6 different permitted uses along with 5 accessory uses. Subd. 4. Area and Dimensional Standards proposes building heights up to 50 ft. be allowed, that if there is structure that is taller than 35 ft., it will not create an adverse impact and will not affect the viewshed. The building that is in question is for the DNR’s proposed marina project. The DNR plan shows a maintenance facility that is 47 ft. tall, grade to the top peak.

Prior to the NSMB meeting, Andy had spoken with the City of Two Harbors at length and it is their intention to pass this ordinance. In reviewing the North Shore Management Plan (NSMP), the plan does allow a lot of flexibility for areas in central business districts and industrial areas which this area once was. The flexibility granted, as stated in the NSMP, is applied to densities and not height (note the plan doesn’t exclude height). Additionally, the 35 ft. height rule of the NSMP, which Lake and Cook Counties among others adopted, is still in effect.

In his overview, Andy pointed out that two things need to be taken into account: this zoning ordinance (the properties in this rezone are within the NSM Zone) and the Two Harbors shoreline overlay zone. Due to lengthy court proceedings, the overlay zone has not been updated. It is anticipated that the shoreline overlay zone will be updated

following the rezone to this new district. He noted that when considering the overlay zone, there are more unanswered questions. As the NSMB doesn't have enforcement powers, it will remain with how the neighbors of the project feel, and if they will speak up now or when the building is built. Another thing to note is that the marina project is not exactly coming tomorrow as it is still underfunded and development may not be for several years.

Bruce Martinson asked why would a party need to go before the planning commission if this is permitted usage. See Exhibit A. Subd. 2 and Subd. 3, Principal Permitted and Accessory uses. In Cook County, if it falls within a permitted use, county staff handles everything in house. Andy responded that he thought that any development would be conditional use, but it isn't written into the Exhibit. Additionally other members asked about restricting height through the review, when would a review take place and would the NSMB even be given a chance for review. Also the question arose about when does enforcement action take place – before or after construction. Andy stated he would follow up with the City for these answers.

The discussion drew to close with the reiteration that the City of Two Harbors knows to meet the minimum shoreland standards, but further investigate will be needed to determine the next steps. As a side note, the specific project is by the DNR who is responsible for the shoreland rules though it is through another department.

V. Next Meeting

A. Due to the Two Harbors rezone issue, the next meeting will be on May 10, 2012 at 6 PM. It will be held at ARDC.

B. The final meeting of the fiscal year has been set for June 28, 6:30 PM. The location is to be determined.

VI. Adjournment

Chair Mount adjourned the meeting at 7:30 pm.

ATTEST:



Dave Mount, Chair



Elizabeth R. Sarabia, Recording Secretary