

# Canosia Township

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Town Board: Chair Daniel J. Golen, Supervisor Kurt Brooks, Supervisor Kevin Connick  
Clerk Susan Krasaway, Treasurer Cheryl Borndal

## PUBLIC HEARING MINUTES

October 30, 2018

Hearing to Discuss Repealing the Canosia Zoning Ordinance and Comprehensive Plan  
and Allowing St. Louis County to Administer the Township Planning & Zoning

### ATTENDING

- Town Board: Chair Dan Golen, Supervisor Kurt Brooks, Supervisor Kevin Connick, Clerk Susan Krasaway
- Township P&Z Representatives: P&Z Director Tim Walburg, P&Z Commission Members Mike Podgornik, Dan Jezierski, Kyle Anderson, and Tom Collard
- St. Louis County Planning Department: Director Barb Hayden and Manager Mary Anderson
- Residents: Jim Gilmore, Garrett Campbell, Marvin LePage, Audrey Herrick and Bret Herrick

Chair Golen called the hearing to order at 7 p.m., and the pledge of allegiance was recited.

**AGENDA:** Motion by Brooks, seconded by Golen to approve the agenda as written. Motion carried unanimously.

**PURPOSE:** Golen stated the purpose of the meeting was to hear comments and concerns about the following: potentially rescinding the current Canosia Township Zoning Ordinance and Comprehensive Plan and allowing St. Louis County to administer the township's Planning & Zoning.

### PUBLIC COMMENTS

1. **Resident Jim Gilmore:** Gilmore stated county administration would be good for the township since they have the ability to be impartial and professional, and they will provide a good turnaround time for resident permits. He also emphasized it would be a significant cost savings for the township.
2. **BOA/P&Z Commission Member Kyle Anderson:** Anderson said he understood the potential benefits of county administration but felt there are some significant "intangibles" that come from keeping township control/representation through the planning commission and board of adjustment. Through his own time on P&Z and BOA, he has learned how valuable it is to have these involved residents who are nearby and can offer extra sets of eyes to help enforce the rules locally. He also compared it to working for a small locally owned business instead of a large company (e.g. the headaches that come with having to "call corporate" with any issues). In his opinion it is better if decision makers are people who you know who understand your problems and are not sixty miles away.
3. **Resident Bret Herrick:** Herrick echoed Anderson's views that there is a level of comfort that comes from dealing with your own community.
4. **P&Z Commission Member Mike Podgornik:** Podgornik said relinquishing control would mean we are losing a piece of the township that has been in place for 40+ years. He also felt there would be less enforcement under county administration. Podgornik worried residents would have trouble reaching the

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correct county representative/department if they have any questions or concerns. However, he did say the recent controversial CUP would likely have been less contentious if the county had been overseeing it.

5. **P&Z Commission Member Tom Collard:** Collard noted that county planners deal with zoning issues five days a week instead of roughly 12 days per year, like our township volunteers. He believes this level of experience would be beneficial to our residents and would provide them with better and more thorough answers to their questions. He also pointed out that the township and county ordinances are almost identical.
6. **Resident Garrett Campbell:** Campbell said he had mixed emotions on this topic, but leans a little more towards keeping the zoning administration within Canosia. He knows county administration would likely result in less animosity between neighbors, but without more details about the promised "overlays" he believes we would likely lose the right to be more restrictive. He also acknowledged that the township does often end up calling the county for their expertise and answers to questions.
7. **P&Z Commission Member Dan Jezierski:** Jezierski said the bigger the government entity, the slower the response and turnaround time; in the township it is easy to reach the P&Z Director without any problem.
8. **P&Z Director Tim Walburg:** Walburg believes local control is the purest form of government even though it may not be the best or most accurate. He has enjoyed 95% of his time dealing with Canosia residents; the remaining 5% of the time was difficult for him and that is the part he is ready for someone else to take responsibility. Walburg said his own dealings with the county have been helpful and positive; it remains to be seen how responsive they would be.
9. **Resident Aubrey Herrick:** Herrick asked for clarification about how much zoning costs the town and for clarification on enforcement. The board explained that we lose about \$5,000 per year on standard zoning costs, but in recent years have lost upwards of \$20,000 on legal fees when trying to enforce our ordinance; if we switched to county administration, we would fall under their ordinance and it would be their responsibility to fund any necessary legal enforcement of township violations, at no additional cost to us. Herrick also asked whether the county could refuse to give us back zoning authority if we wanted it back someday; the answer was no: as a township we reserve that right to administer our own zoning.
10. **Residents Delores & Robert Levander:** the Levanders submitted an email to township which the clerk read aloud. The Levanders felt township zoning has worked well for decades and did not want to lose the "local touch" of having our own comprehensive plan. They were saddened to hear that legal fees were part of the reason the board is considering this change. Mrs. Levander also felt this was a sudden move and asked for additional meetings and discussion. She has not been a fan of county administration of other programs such as road work and property assessments.

There were no other written comments submitted.

### **ST. LOUIS COUNTY COMMENTS**

Barb Hayden reiterated that the county representatives were there solely to answer questions, not to advocate for/against the change. She clarified that county administration is not a panacea, but they do run a good operation.

In regards to response time, Mary Anderson said they have six full-time planners with offices in Duluth and Virginia. The office (and phones) are staffed five days per week from 8 a.m. to 4:30 p.m. even over the lunch hour. If there is no one available in one office, it is automatically routed to the other office; in other words, there will be a live voice answering the phone, not an automated one. They are able to provide a lot of information

online, including filling out/submitting permit applications. All approved permits are easily accessible online as well if residents are wondering if others got a permit, etc.

The turnaround time for standard permit applications is five days maximum; most are much less than that. Typically they issue about 200 permits per month.

CUP applications are due the first Friday of every month. Most hearings are held in Virginia. Mary Anderson said the county is required to do all the same resident notification processes as townships. The notices are also posted on the county website and published. Written comments are accepted via mail or email.

The county planning boards are made up of representatives from all over the county, including Duluth, central and up north.

The issue of vacation rentals will be addressed in the new comprehensive plan, but there are not restrictions in place as of yet.

Mary Anderson explained how Solway Township uses their Land Use Committee: any time a Conditional Use Permit or Variance application is submitted, the county forwards it to the committee for review. They then make a recommendation to the town board who makes a formal recommendation via resolution to SLC.

Just like the township, the county does not do any type of building code enforcement.

Even without a land use committee, the county does welcome township input on zoning issues. For example, the board could submit a recommendation regarding a CUP application, outlining their ideas based on the concerns they have heard from the community. The township would also be asked to help with enforcement in certain ways; for instance, they would appreciate if we would report back if we verify any violations of CUP conditions. They often call clerks on specific issues and ask for local information.

The county receives a lot of resident calls reporting issues or violations. The caller is asked to fill out a complaint form to ensure it is actually a legitimate claim instead of someone trying to get revenge on their neighbor. All sources remain confidential.

When asked about enforcement philosophy, the county says they agree with the township's philosophy: the first step is trying to get violators to "see the light" rather than "feel the heat." They agree that most people want to do the right thing and they have a high compliance rate. The enforcement procedure depends on the urgency/severity of the violation, but typically is as follows:

First, one of the planners send the violator a letter and a permit application if need be. If necessary, that is followed up with another letter (typically sent by Mary) outlining the deadline for compliance. They do have the authority to double the permit fee if necessary, but they are willing to work with the person if they can't afford it and set a reasonable deadline for payment. After three letters, a compliance order is filed against the property. The last resort is then turning the issue over to the county attorney's office to begin court procedures.

Although they have these resources at their disposal, Hayden said enforcement can be tough: an oversized garage violation may get less priority in the County Attorney's office than more urgent matters.

In regards to overlays: if the township would like an area (e.g. shoreland) to be more restrictive than the county, we would work with them to designate an overlay on the zoning map. This would be marked with hash marks and then referred back to our specific restrictions. Ideally, any overlay areas would be decided at the start of this changeover process before our zoning map is presented to the county planning commission and county board for

approval. It is possible to add an overlay later through a re-zoning request following a township public hearing and then a county public hearing.

Regarding frontage and setback requirements, Anderson and the supervisors believe the town's and county's are all identical already; if not, we can hash that out together when we sit down and review our ordinance and map.

Regarding PLAWCS: all relevant county permits on the PLAWCS system are sent to PLAWCS already for review.

Sequence of events if we choose to move forward: 1) a formal motion by the town board to rescind the ordinance and comp plan, 2) Schedule/conduct a public hearing before the county planning commission to establish the township zoning map as part of the SLC Zoning Ordinance 3) Schedule/conduct a public hearing before the SLC board to amend the county zoning ordinance to incorporate the township zoning map.

**CLOSE PUBLIC COMMENT PORTION:** Motion by Brooks, seconded by Connick, to close the public input portion of the hearing. Motion carried unanimously, 3 -- 0.

### **TOWN BOARD DISCUSSION**

Brooks recapped the concerns and benefits outlined during the hearing.

#### **Concerns:**

- "Intangibles": More local know-how, local feel, tighter enforcement with extra eyes from involved residents
- Dealing with people the residents know
- Enforcement concerns and enforcement philosophy
- Building code questions
- How do overlays actually work
- Response time

#### **Benefits:**

- Fast response time with procedures in place to ensure quality customer service
- Fewer costs
- Professional planners and experts
- Controversial issues like Waste Wood Recycling might not have been as contentious
- Better, more thorough answers
- The ordinances are almost 100% identical
- The township regularly calls SLC for clarifications anyway
- The township can go back to administering zoning if county administration is not working for us

**Comments from Brooks:** the permit fees would be the same and the permits are the same. The county incorporated some of our comp plan into their new version which will be approved in the coming months; our goals and objectives match. Brooks explained that township zoning was necessary in the 1970's for additional restrictions, but our ordinance has since evolved in tandem with the county's and now the need for local control has diminished. In his opinion, there are ways to work around all the concerns/downsides and the benefits are significant.

**Comments from Connick:** Connick is in favor of giving County administration an opportunity to work. He emphasized that an ordinance is a law; no matter who is administering it or making decisions, the result should be the same. Therefore, he believes there is no loss of control. In his experience, the county professionals have

proven themselves to be extremely responsive and they have technology advancements at their disposal for additional customer service.

Comnick said he appreciated all the public concerns and input. However, he pointed out that only 10-15 of our 2,200 residents expressed an opinion on this topic. He also noted it is often a struggle to get residents to want to serve on the planning commission and board of adjustment.

Comnick asserted this was NOT a quick, happenstance decision; it has been discussed for a long time and now the time is right. He also reiterated that we can take back zoning authority if need be.

Comments from Golen: Golen noted that one large court case can cost the township a lot of money. After weighing all the factors, he too is in favor of county administration.

All three supervisors would like to further explore the idea of establish an advisory land use committee to keep some formal local involvement and provide the residents with additional local experts to talk with.

### NEXT STEP

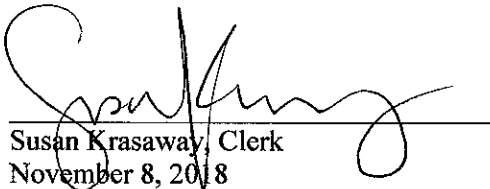
Motion by Comnick, seconded by Brooks, to 1) Rescind the Canosia Township Zoning Ordinance 2017-1 and our comprehensive plan, and 2) follow procedures to turn our planning and zoning over to St. Louis County, with the understanding that the existing township ordinance and comp plan will remain in place until an effective date is determined. Motion carried unanimously, 3 – 0.

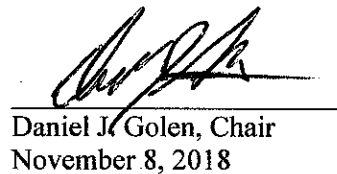
### ADJOURNMENT

Motion by Comnick, seconded by Brooks, to adjourn the meeting at 8:35 p.m. Motion carried unanimously, 3 – 0.

Respectfully submitted,

APPROVED:

  
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Susan Krasaway, Clerk  
November 8, 2018

  
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Daniel J. Golen, Chair  
November 8, 2018