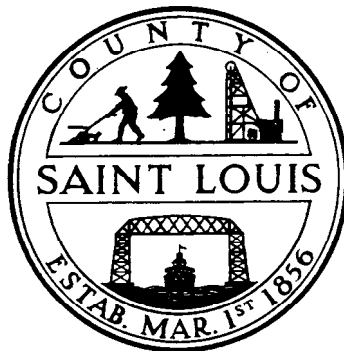


ARTICLE II, SECTION 28
OF
ST. LOUIS COUNTY,
MINNESOTA
ORDINANCE #27



CANOSIA TOWNSHIP
COMPREHENSIVE LAND USE

PLAN

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Canosia Land Use Plan

Background Information: The Town of Canosia is bordered by the Town of Rice Lake to the east, Town of Fredenberg to the north, Town of Grand Lake to the west, and the cities of Hermantown and Duluth to the south. Major land use features of the town include: Pike, Wild Rice and Caribou Lakes, Canosia Wildlife Refuge, and the northern entrance to the Duluth Airport, in particular the Northwest Air Bus base. Major infrastructure includes a recently completed sewer line in the Pike lake area, Highway 53 in the southwest corner, Lavaque and Midway Roads which run north-south through the town, and the Martin Road which runs from the Midway Road towards County Highway 4 and eastward.

The Town of Canosia last completed a land use planning effort in 1996. This plan was not presented to the county for adoption in the county's land use plan. The sewer line in the Pike Lake area along with development at the Duluth Airport and general development concerns of citizens in the town's rural areas encouraged the town to update its plan. The town began this effort in August 2001 with the appointment of a 27 member planning steering committee. A citizen survey was sent out in September 2001 to determine the issues and concerns of residents. The rate of return of the survey was 27.4%. The town had a series of meetings throughout the planning effort to discuss community issues. The planning effort was completed at the town level in November 2002 and the St. Louis County Planning Commission held a public hearing on the proposal in December 2002. The St. Louis County Planning Commission recommended to the county board that the plan be adopted as part of the county's land use plan also in December 2002.

St. Louis County, in its plan ordinance, only adopts goals, objectives, policies, actions and maps relating to development issues. The plan itself contains extensive background information that was used in the development of the plan. The background information is available for review at the St. Louis County Planning Department and at the Town of Canosia. The plan, as adopted by the county, includes sections on: Land Use, Public Services and Facilities, Transportation, and future land use concept map. The remaining sections of this document contain the items adopted as part of the county's land use plan ordinance.

Land Use Goals and Objectives

Goal 1: Canosia Official Controls should be clear and concise and reflect the changing dynamics of land use and other issues within the Township.

Objective: Amend the Canosia Ordinance to eliminate extraneous language, confusing definitions, and to include standards for new issues and land uses as determined through the comprehensive planning process.

Action 1: The township will formulate an Ordinance Review Committee (ORC) that will work with the Planning Commission and the Town Board to make the zoning ordinance a more user-friendly document. In addition to the Planning Commission and Board of Adjustment, the ORC should be made up of interested citizens and individuals who may have technical expertise in crafting land use ordinances. The Ordinance Review Committee will also formulate standards for the following issues or review the standards for the following issues:

- a) Wireless communications facilities (It would be advisable to coordinate as much as possible with St. Louis County and neighboring jurisdictions on the formation of an ordinance.)*
- b) Adult-Oriented Businesses*
- c) Home Occupations*
- d) Home Businesses*

Action 2: The Ordinance Review Committee will conduct a strategic planning session to discuss enforcement of the zoning ordinance.

Action 3: All commercial uses, including homes businesses, home occupations, highway commercial and neighborhood commercial, which either do not have a permit or are outside of commercially zoned areas, should be inventoried by the town. The inventory is intended to provide documentation on the nature and size of the existing operations. All of these uses if legally established will be allowed to continue at the level determined during the inventory. Any expansion shall require a new permit from the Town of Canosia. The Ordinance Review Committee will develop procedures for the inventory, which may include permitting, public hearings, and on-site inspections.

Action 4: The Ordinance Review Committee will consider the adoption of a nuisance ordinance, with special emphasis given to dealing with the issue of loose dogs and exotic animals. St. Louis County has language regarding dangerous animals, but no current language regarding nuisance animals. Enforcement of such a nuisance ordinance is a key component of this discussion.

Goal 2: Residential development in Canosia should be carried out in a way that

maintains the existing rural character of Canosia Township.

Objective 1: The zoning map should be amended to provide for residential zoning designations in shoreland areas that are predominantly residential. This change could be accomplished through a zoning change from SMU-11 to RES-11.

Action: Within six months of the adoption of the Comprehensive Plan, the Planning Commission will determine what areas should be rezoned to RES-11 from SMU-11. An inventory of non-residential uses around Pike and Caribou Lake will precede this decision. The other option is to amend the allowed uses in the SMU-11 district to reflect a more residential character (See Appendix B for more information on allowed uses in the current Canosia Zoning Ordinance).

Objective 2: Determine if the double lot-size requirement in the zoning ordinance for nonriparian lots in shoreland areas is necessary if the lots are sewerred. In order to deal with runoff concerns resulting from potential great non-riparian area density, the Planning Commission should consider requiring engineered stormwater management plans for new development. These plans would indicate that runoff is contained on-site.

Action: Within six months of the adoption of the Comprehensive Plan, the Planning Commission will have discussed this issue and reached a decision. An inventory of the developable non-riparian lots should be completed to assist in the decision-making process. Any changes will be reflected on the zoning map and not in the text of the zoning ordinance.

Objective 3: Maintain or reduce the existing residential densities within the non-shoreland areas of Canosia Township.

Action 1: The Planning Commission will analyze the possibility of rezoning portions of Canosia Township to MUNS-4. This should be an open and inclusive process. Listed below are the options that the Planning Commission should consider:

1) *Rezone all areas currently MUNS-5 to MUNS-4. This option is probably not the most preferred option as there would likely be the creation of a number of non-conforming lots. While the current Canosia Zoning Ordinance does have the 50 percent rule as described above, it is generally not good policy to create non-conformities through zoning changes. In the long term, there may be problems as properties change hands. In addition, the change to MUNS-5 was just made within the last five years.*

2) *Rezone based on existing lot sizes and other existing factors.*

Under this scenario, locations of existing homes and lot sizes would be plotted on a map. Large areas of contiguous lots of five acres or more could be considered for rezoning to MUNS-4. It is not recommended that a checkboard of MUNS-5 and MUNS-4 districts be created. It is possible that the northern parts, in particular northeastern Canosia, may fit this category. Adjacent townships Rice Lake, Fredenberg, and Grand Lake currently have areas of MUNS-4 zoning near the northern reaches of Canosia.

Secondly, there has been discussion about the area south of Martin Road and whether MUNS-4 would make sense in this area. One issue to consider for this areas is that the proximity of the airport and the noise associated with it make higher density development in this area questionable in the future. Another factor that supports keeping the current zoning at MUNS-5 is that existing residential zoning for Hermantown in this area currently has a 2.5 acre minimum lot size.

3. *Make no changes to the area currently zoned MUNS-5. This option would keep the existing zoning the same.*

All three options considered by the Planning Commission and Town Board should be part of larger discussion on what "rural" means to the residents of Canosia and where future infrastructure improvements are planned. It is important for this discussion to also take place in the larger context of the goals and objectives of other townships and cities in the Duluth Metropolitan Area.

Action 2: After the adoption of the plan, the Plan Review Committee should, during their bi-yearly meetings, discuss new development in Canosia and potential expansion of infrastructure and how expansion could affect potential residential density in Canosia.

Because new water and sewer infrastructure have the potential to allow more dense growth, Canosia Township will, prior to the construction of any major infrastructure projects, review the Comprehensive Plan and make a determination on what the appropriate density is for areas that will be served by new infrastructure.

In particular, Canosia Township will make a decision on future growth of the area between Pike and Caribou Lake when the feasibility study for an alternative wastewater system is complete.

Objective 4: Determine the need for senior housing with Canosia Township.

Action: The Town Board and Planning Commission should review the current zoning ordinance and determine whether senior housing at an economically feasible density is possible in the township. With this in mind, areas where senior housing is preferred should be identified and indicated to those who may propose such developments in the future. These areas should be near existing infrastructure.

Goal 3: Commercial growth in Canosia Township should be concentrated in areas with suitable infrastructure and near existing commercial or industrial centers. Presently, these areas are Four Corners and the North Development Area of Duluth International Airport.

Objective 1: Commercial projects proposed as conditional uses in the MUNS-5 (or MUNS-4 should rezoning take place) zoning district must meet a high standard of compatibility with surrounding areas prior to approval.

Action: During conditional use review, the Planning Commission should set conditions for approval that address aesthetic, traffic, and noise concerns. Careful consideration should be given to the residential character of areas within the MUNS-5 zoning district. The existing conditional use criteria in the zoning ordinance should be reviewed and modified as necessary, keeping in mind they cannot become less restrictive than those of St. Louis County.

Any decision on a conditional use should be supported by written findings based upon the facts of the application and the conditional use criteria in the zoning ordinance.

Objective 2: Canosia Township supports the goals and policies of the Duluth Airport Land Use Plan, including future commercial and light industrial growth in the North Development Area. The following action steps are recommendations based upon this plan.

Action 1: Create an airport overlay zone based upon noise levels. This zoning district will serve as an information tool for property owners in Canosia. The Ordinance Review Committee will work to create language for the zoning ordinance.

Action 2: The committee should consider the following informal measures such as mailings and brochures for areas identified as 60-65 AOZ zones. For areas in the 65-70 DSL zones, the following formal measures should be considered:

- a) Notice on plats of any new subdivisions
- b) Disclosure at point of sale
- c) Building codes requiring minimum sound insulation

- d) *Consideration of aircraft noise during review of plats*
- e) *Notification of airport management for proposed subdivisions within the 65 DNL impact zone*

Goal 4: The natural resources of Canosia Township should be protected, with emphasis given to shoreland areas and wetlands.

Objective 1: Promote the use of BMP's for shoreland management within both the shoreland impact zone and non-shoreland areas in order to protect and enhance the water quality and natural systems within Canosia Township.

Action 1: Work with the St. Louis County Soil and Water office and the DNR to encourage education and outreach about BMP's such as maintaining existing native vegetation within the shoreland impact zone and restoring native vegetation in developed areas.

Action 2: Provide property owners with information on Best Management Practices for shoreland and non-shoreland lots. Information should be provided on vegetation restoration, access management, placement of septic system, and proper location of structures based on drainage on aesthetic issues. This could include a handout that property owners receive at the time of a permit application or information and related links posted on the Canosia website.

Action 3: The Ordinance Review Committee should work with property owners to discuss the implementation of a system that requires mitigation measures as a condition for the issuance of conditional use permits and variances for development within the shoreland impact zone and/or other sensitive areas as determined by the township. The ORC should consult the St. Louis County Water Plan as they move forward in this process.

Action 4: Canosia Township will research innovative techniques in subdivision design based upon design principles for rural communities. When necessary, the township will coordinate with St. Louis County on implementation of these principles.

Action 5: Canosia Township will include a map illustrating floodplains and wetlands in their zoning ordinance. The map will also be available to people applying for building permits in Canosia. These maps should include statements that field verification or a survey may be necessary to determine the exact location of the floodplains or wetlands.

Objective 2: Maintain a dialogue with St. Louis County on the use and future plans for county-owned lands in Canosia Township. In particular, monitor the status of approximately 240 acres of county land just south of the Canosia Wildlife Management Area.

Objective 3: The existence of public sewer and/or water shall not be utilized in making a determination that the wetland sequencing standards of the Wetland Conservation Act and the County Wetland Plan have been met. The sequencing standards require that first consideration shall be to avoiding wetland impact, and if avoidance is not possible, then the impact must be minimized.

Public Services and Facilities Goals and Objectives

Goal: Ensure adequate public facilities and infrastructure that meet the residents' needs.

Objective 1: Expand public facilities, if needed, in accordance with the comprehensive plan and future land use goals. Cost for these improvements should be distributed in an equitable manner to those who receive the primary benefit of these improvements. As much as possible, growth should be directed to those areas that are convenient to existing public facilities or that require limited investments to extend infrastructure.

Action 1: Canosia Township supports the creation of an alternative wastewater system to meet the needs of residents who live on or near Caribou Lake and addresses environmental concerns. The township will actively participate in the feasibility study for this project and will assist in seeking funds for completion. Grand Lake Township is a key partner in this process.

Action 2: Canosia Township supports the extension of water to the Four Corners area and the Pike Lake School area. The township will work toward completing a feasibility study for these improvements and will seek funds to assist in the completion of this project. Canosia also is supportive of the preliminary efforts to study the feasibility of regional approach to providing water.

Action 3: The township supports seeking funding for infrastructure improvements in the North Development Area of Duluth-International Airport. The township should seek partnerships with the airport and Rice Lake Township to support infrastructure improvements in this area.

Objective 2: Monitor the needs for maintenance, improvements, and expansion of public facilities and equipment and address needs in a cost effective and planned fashion.

Action Step: Develop and maintain a comprehensive, coordinated five year Capital Improvement Program (CIP) by:

Designating responsibility for CIP development and Maintenance:

- *The CIP should be developed by the township supervisors with coordination from the PLAWCS Board of Directors. This group should work closely with appropriate staff people at the state and county level to assist in determining cost estimates and to provide information on the township's financial obligations.*
- *The Township Supervisors should establish a schedule and*

timeline for developing and updating of the CIP.

Establishing a framework for conducting and updating the CIP:

- *Identify categories of infrastructure to be included in the CIP*
- *Identify a minimum budget threshold for project to be included in the CIP*
- *Develop a system for identifying and prioritizing new projects*
- *Establish a process to present high ranked projects to the community for input to increase community support for levying for such projects*
- *Assess the township's financial capacity and develop a CIP financing plan for formal adoption by the township supervisors*
- *Establish a process for monitoring projects and updating the CIP annually.*

Objective: Maintain and upgrade existing park and recreation facilities.

Action 1: *The town board shall work closely with the Recreation Committee to prioritize recreation needs and place them within the Capital Improvements Program.*

Action 2: *The town board shall designate a liaison to work with the Minnesota/Iowa Auto Club to work on issues relating to future uses of their recreational facility.*

Objective: Canosia residents shall have high-quality and cost-efficient police and fire service.

Action 1: *The town board will designate a liaison to work with St. Louis County to gain more information on the type of stops made during the extra patrol periods.*

Action 2: *The law enforcement situation will be a standard item for review for the Plan Review Work Group.*

Action 3: *The town board will work closely with the Fire Department to prioritize fire department needs and place them within the Capital Improvements Program.*

Objective: Canosia town government shall provide quality services in a cost-effective, efficient manner.

Action 1: *Canosia residents should vote on whether to appoint or elect the town treasurer and town clerk.*

Action 2: *The Plan Review Work Group will have discussion on adopting*

a building code a standing item during work group meetings.

Action 3: Canosia Township will regularly communicate with neighboring jurisdictions to ensure that common interests and concerns are being addressed both in Canosia and at a regional level.

Transportation Goals and Objectives

Goal 1: Establish and maintain a transportation system capable of providing safe, efficient, and economical travel patterns within and through the township.

Objective 1: The impacts of truck traffic near residential areas should be minimized as much as possible.

Action 1: Work with St. Louis County to determine the feasibility of making Lavaque Bypass accessible to nine-ton vehicles.

Action 2: The township should designate a liaison to work with St. Louis County on minimizing truck traffic to the highest degree possible on Midway Road.

Objective 2: The township should develop and adopt a standard by which to accept a road into the township road system.

Action: Within six months of the adoption of this plan, a formal written policy on accepting roads into the township road system will be established.

Objective 3: The township will carefully consider the relationship between transportation and land use when making land use decisions and when working toward major road improvements.

Goal 2: Protect the major capital investment of the road network within the township.

Objective 1: Develop a street improvement program that identifies and prioritizes road maintenance and improvement needs and integrate this with the township's Capital Improvement Program.

Objective 2: Work with the county and MNDOT as needed on addressing county and state highway maintenance and improvement needs.

Action: The Trunk Highway 53 Corridor Study should be monitored closely to ensure that Canosia has a voice during the process. If applicable, recommendations within the completed study should be adopted by the township.

Objective 3: Protect the functional integrity of arterials and collectors through proper access management.

Action: Work with St. Louis County to become aware of their access management and to formulate new cooperative strategies.

Goal 3: Promote improved bike and pedestrian facilities within the township.

Objective 1: Continue discussion on a loop for bikers and pedestrians in Canosia Township along existing roadways. Any new bike and pedestrian routes should be focused on existing road corridors and involve citizen input prior to any construction. Important issues such as cost and amount of traffic should be considered prior to any decisions.

Action 1: The Plan Review Work Group should stay informed of the trail plans of St. Louis County, Minnesota DNR, and other agencies. It is important for the township to ensure that the wishes of its residents are represented to these groups.

Action 2: The township will continue to work toward improvements to the shoulder of Midway Road north of Pike Lake Road. This is important both for access and safety of pedestrians in Canosia Township.