



**Regular Meeting of the Planning Commission**

Tuesday, January 9, 2024

7 pm Regular Meeting

101 14<sup>th</sup> Street, Cloquet, MN 55720

**AGENDA**

- 1. Call to Order**
- 2. Roll Call**
- 3. Election of Chairperson and Vice Chairperson**
- 4. Additions/Changes to the Agenda**
- 5. Minutes from the November 14, 2023, Planning Commission meeting**

**6. Zoning Case 23-14; Brittany and Ryan Kuschel, Conditional Use Permit**

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**7. Zoning Case 23-15: Stacy Colich, Conditional Use Permit**

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**8. Zoning Case 24-01: City of Cloquet, Ordinance Amendment, Flood Plain**

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**9. Commissioner's Questions/Comments**

**10. Adjourn**

**NEXT MEETING:**

**February 13<sup>th</sup> @ 7 pm**



**Regular Meeting of the Planning Commission**

Tuesday, November 14, 2023

7:00 p.m.

101 14<sup>th</sup> Street, Cloquet, MN 55720

**CALL TO ORDER**

Terri Lyytinen called the meeting to order at 7:00 p.m.

**ROLL CALL**

**Attending:** Planning Commission members: Terri Lyytinen, Brittany Kuschel, Philip Demers;  
City: Al Cottingham.

**Absent:** Elizabeth Polling and Michelle Wick.

**Others Present:** Tim Grahek.

**AGENDA ITEMS**

**Additions/Changes to the Agenda**

None.

**October 10, 2023, Meeting Minutes**

Chairperson Lyytinen asked for any corrections or additions.

**Motion:** Commissioner Kuschel made a motion to approve the Planning Commission meeting minutes from October 10, 2023, Commissioner Demers seconded. (Motion was approved 3-0).

**Zoning Case 23-11: Annual Excavation Permits**

Chairperson Lyytinen introduced Zoning Case 23-11 Annual Excavation Permits. She asked Mr. Cottingham to provide an overview. Mr. Cottingham stated this is the annual review and approval of the gravel mining operations within the city. Public Works Director Peterson and he visited all four of the operations on October 24 and found them to be in order. Mr. Grahek, Ulland Brothers, was present to answer any questions the commission may have.

There being no discussion Chairman Lyytinen called for a motion.



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**Motion:** Commissioner Demers made a motion approving Resolution 23-11 a Resolution Recommending the City Council of Cloquet approve the Annual Excavation Permits for 2024, Commissioner Kuschel seconded. (Motion passed 3-0)

Mr. Cottingham stated this would go to the City Council at their meeting on October 17<sup>th</sup> at 6:00 pm.

**Zoning Case 23-12: City of Cloquet, Zoning Ordinance Amendment, Mobile Storage Containers**

Chairperson Lyytinen introduced Zoning Case 23-12: City of Cloquet, Zoning Ordinance Amendment, Mobile Storage Containers and opened the public hearing. She asked Mr. Cottingham to provide an overview. Mr. Cottingham stated the City of Cloquet was proposing an Ordinance amendment pertaining to Mobile Storage Containers in the Farm Residential District. He referenced he had received a phone call from a residence on a 2-acre lot in the Farm Residential District and thought the minimum lot size should be larger or require the containers be screened from public view.

The commission discussed this and concurred that screening, not visible from the public right of way was a good idea.

There being no further discussion Chairman Lyytinen closed the public hearing and called for a motion.

**Motion:** Commissioner Kuschel made a motion recommending the approval of the Attached Ordinance Relating to Mobile Storage Structures/Shipping Containers in the FR – Farm Residential District for the City of Cloquet, Commissioner Demers seconded. (Motion passed 3-0)

Mr. Cottingham stated this would go to the City Council at their meeting on October 17<sup>th</sup> at 6:00 pm.

**Zoning Case 23-13: City of Cloquet, Sacred Communities and Micro-Unit Dwellings**

Chairperson Lyytinen introduced Zoning Case 23-13: City of Cloquet, Sacred Communities and Micro-Unit Dwellings. She asked Mr. Cottingham to provide an overview. Mr. Cottingham stated the City of Cloquet was proposing not to change the Ordinance regarding Sacred Communities and Micro-Unit Dwellings. The State Statute that will take effect on January 1, 2024, states “Unless the municipality has designated sacred communities meeting the requirements of this section as permitted uses, a sacred community meeting the requirements of this section shall be approved and regulated as a conditional use without the application of



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additional standards not included in this section. When approved, additional permitting is not required for individual micro units.” In discussing this among staff it was determined to not change the Ordinance but let the statute regulate them.

The commission agreed with this approach.

**Commissioner’s Questions/Comment**

Mr. Cottingham stated there needs to be a meeting either in December or January pertaining the new Flood Plain regulations. Currently there are no required items for December and wondered when the commission would like to discuss this.

The consciences of the commission was to meet in January and not December.

**Next Meeting**

January 9, 2024

The meeting adjourned 7:29 p.m.

Respectfully submitted,

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Al Cottingham, City Planner/Zoning Administrator



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**PLANNING COMMISSION MEMO**

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: January 3, 2024

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**ITEM DESCRIPTION: ZONING CASE 22-14: CONDITIONAL USE PERMIT –  
BRITTANY AND RYAN KUSCHEL, TWO-FAMILY  
DWELLING IN THE R1 – SINGLE-FAMILY RESIDENCE  
DISTRICT**

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**Background**

Brittany and Ryan Kuschel are proposing a conditional use permit to allow a two-family dwelling in the R1 – Single-Family Residence District. The property involved is located at 2101 Tall Pine Lane. Brittany and Ryan Kuschel would like to convert the detached garage with one dwelling unit into the garage with two dwelling units. The conditional use permit is for a two-family dwelling in the R1 – Single-Family Residence District. There are currently 2 units on the property with a house and a detached garage with a dwelling within. If approved they would split the property so the garage and dwelling would be on a separate parcel from the house.

A public hearing will be held on Tuesday, January 9, 2024 to consider the conditional use permit for a two-family dwelling in the Single-Family Residence District. A legal notice was published in the Pine Knot on December 22, 2023 and property owners within 350 feet were sent notices of the public hearing.

**Policy Objectives**

The Zoning Ordinance states Conditional Use Permits may be granted when they comply with the following approval criteria: (*Staff comments in italic*)

1. Consistency with the Comprehensive Plan. The relationship of the proposed use to the goals, objectives, and policies of the City of Cloquet Comprehensive Plan. *The proposed site is guided as Low Density Residential (1 to 5 dwellings per acre).*
2. Compatibility. The compatibility of the proposed use with existing development within three hundred (300) feet of the proposed use and within five hundred (500) feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible. *The property surrounding this site is primarily single-family residential to the north, east and west and large vacant land to the south, primarily wetlands.*



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3. Importance of services to the community. The importance of the services provided by the proposed facility to the community, if any, and the requirements of the facility for certain locations, if any, and without undue inconvenience to the developer, and the availability of alternative locations equally suitable. *There is a need for rental housing within the community.*

4. Neighborhood protections. The sufficiency of terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. *The site is currently occupied by the main house and an apartment above the detached garage. They are not proposing any changes in the access to the site or the site layout with driveways to both Tall Pine Lane and 22<sup>nd</sup> Street.*

5. Conformance with other requirements of this Chapter. The conformance of the proposed development with all provisions of this Chapter. *The proposed location meets all of the requirements of the Zoning Ordinance. There is adequate off-street parking to the east and south of the building.*

6. Other factor. Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Planning Commission or the City Council feels are necessary for review in order to make an informed and just decision.

### **Financial Impacts**

The Conditional Use Permit fee is \$400. The applicant has paid this fee to cover the cost associated with the application process.

### **Advisory Committee Action Requested**

The Planning Commission should listen to the testimony that is presented at the public hearing for the conditional use permit. Following this testimony, the Planning Commission should review the approval criteria for the conditional use permit and either recommend approval, approval with conditions or denial of the conditional use permit. The Planning Commission may impose conditions in the granting of conditional uses.

### **Staff Recommendation**

Staff has reviewed the conditional use permit approval criteria requirements and would recommend approval of the conditional use permit subject to the conditions in the draft resolution.

### **Supporting Documents Attachments**

- Resolution No. 23-14
- Location Map
- Aerial Photo
- Petitioner Correspondence

**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 23-14**

**A RESOLUTION RECOMMENDING THE CITY COUNCIL OF CLOQUET APPROVE THE CONDITIONAL USE PERMIT FOR BRITTANY AND RYAN KUSCHEL FOR A TWO-FAMILY DWELLING IN THE SINGLE-FAMILY RESIDENCE DISTRICT**

**WHEREAS**, Brittany and Ryan Kuschel are proposing a Conditional Use Permit for a two-family dwelling in the Single-Family Residence District; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Knot on December 22, 2023, and property owners within 350 feet were sent notice. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on January 9, 2024, at which time Zoning Case / Development Review No. 23-14 was heard and discussed; and

**WHEREAS**, the property of the proposed Conditional Use Permit is located at 2101 Tall Pine Lane and is legally described as follows:

Lot 7, Block 2, Maple Acres, Carlton County, Minnesota. And,

**WHEREAS**, the Planning Commission reviewed the staff report and recommends approval of the Conditional Use Permit.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA**, that the Planning Commission recommends approval of Zoning Case 23-14 to the Cloquet City Council for a two-family dwelling in the Single-Family Residence District subject to the following conditions:

1. A Building Permit be issued prior to beginning any work.
2. The property be split into two parcels.
3. The utility lines be separated from the house.
4. Cross easement documents be filed for the utilities and the driveways.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_ NAY: \_\_\_\_ ABSENT: \_\_\_\_

PHILIP DEMERS	_____	BRITTANY KUSCHEL	_____
TERRI LYYTINEN	_____	ELIZABETH POLLING	_____
MICHELLE WICK	_____		

Passed and adopted this 9<sup>th</sup> day of January 2024.

CITY OF CLOQUET

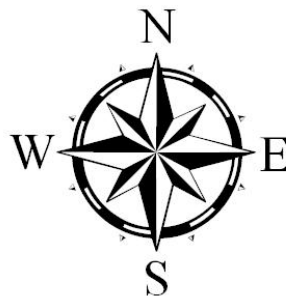
\_\_\_\_\_  
TERRI LYYTINEN  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator



# LOCATION MAP

Brittany & Ryan Kuschel



NO SCALE



2021 Imagery, Carlton County GIS Sources: Est, H&PE, Garmin, F&C, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

This data is provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose. Not for survey purposes.

# 2101 Tall Pine Lane



## Carlton County, MN

Date: 12/19/2023

Pursuant to Section 17.2.06 of City of Cloquet's Zoning Code, the application shall include the following information:

- 1) Legal description:  
The East 115.20 feet of Lot 7, Block 2, MAPLE ACRES, according to the recorded plat thereof, Carlton County, Minnesota.
- 2) Statement showing the relationship of the proposed development to the Comprehensive Plan and future land use plan of the City:  
If granted, this Conditional Use Permit allows property owner to utilize the current structure (without additions or additional clearing) to add a dwelling. By utilizing the existing structure, the impact to natural resources is limited. The Comprehensive Plan indicates that acceptable uses within this residential include single-family detached residences, duplexes, twinhomes, etc. Additionally, the parcel and improvements includes sufficient off-street parking for the addition of this housing unit.
- 3) A statement as to why the proposed development will not cause substantial injury to the value of other property in the neighborhood:  
This proposed development will not cause any injury to the values of other neighboring properties as it is conformance with similarly developed duplex/twinhome structures along 20<sup>th</sup> Street and 22<sup>nd</sup> Street.
- 4) A statement as to how the proposed development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations:  
The proposed development will include a housing unit or studio with approx. 375 square feet of finished space within the existing structure. It will be designed and arranged with assistance from licensed contractors, professionals and the City's building and permitting department. It will be maintained by the adjacent homeowners, Brittany and Ryan Kuschel.



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**PLANNING COMMISSION MEMO**

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: January 3, 2024

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**ITEM DESCRIPTION: ZONING CASE 22-15: CONDITIONAL USE PERMIT – STACY COLICH, TWO-FAMILY DWELLING IN THE R1 – SINGLE-FAMILY RESIDENCE DISTRICT**

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**Background**

Stacy Colich is proposing a conditional use permit to allow a two-family dwelling in the R1 – Single-Family Residence District. The property involved is located across from 1405 20<sup>th</sup> Street. Stacy Colich would like to construct a new two-family dwelling. The conditional use permit is for a two-family dwelling in the R1 – Single-Family Residence District. The property is currently vacant.

A public hearing will be held on Tuesday, January 9, 2024 to consider the conditional use permit for a two-family dwelling in the Single-Family Residence District. A legal notice was published in the Pine Knot on December 22, 2023 and property owners within 350 feet were sent notices of the public hearing.

**Policy Objectives**

The Zoning Ordinance states Conditional Use Permits may be granted when they comply with the following approval criteria: (*Staff comments in italic*)

1. Consistency with the Comprehensive Plan. The relationship of the proposed use to the goals, objectives, and policies of the City of Cloquet Comprehensive Plan. *The proposed site is guided as Low Density Residential (1 to 5 dwellings per acre).*
2. Compatibility. The compatibility of the proposed use with existing development within three hundred (300) feet of the proposed use and within five hundred (500) feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible. *The property surrounding this site is primarily single-family residential to the north, east, west and south. There is an existing two-family dwelling on the parcel directly to the south of this parcel.*
3. Importance of services to the community. The importance of the services provided by the proposed facility to the community, if any, and the requirements of the facility for certain locations, if any, and without undue inconvenience to the developer, and the



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availability of alternative locations equally suitable. *There is a need for rental and owner occupied housing within the community.*

4. Neighborhood protections. The sufficiency of terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. *The site is currently vacant with an old driveway approach onto 20<sup>th</sup> Street.*

5. Conformance with other requirements of this Chapter. The conformance of the proposed development with all provisions of this Chapter. *The proposed location meets all of the requirements of the Zoning Ordinance. There will be adequate off street parking with the construction of the new building.*

6. Other factor. Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Planning Commission or the City Council feels are necessary for review in order to make an informed and just decision.

### **Financial Impacts**

The Conditional Use Permit fee is \$400. The applicant has paid this fee to cover the cost associated with the application process.

### **Advisory Committee Action Requested**

The Planning Commission should listen to the testimony that is presented at the public hearing for the conditional use permit. Following this testimony, the Planning Commission should review the approval criteria for the conditional use permit and either recommend approval, approval with conditions or denial of the conditional use permit. The Planning Commission may impose conditions in the granting of conditional uses.

### **Staff Recommendation**

Staff has reviewed the conditional use permit approval criteria requirements and would recommend approval of the conditional use permit subject to the condition in the draft resolution.

### **Supporting Documents Attachments**

- Resolution No. 23-15
- Location Map
- Anticipated House Plan and Site Plan

**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 23-15**

**A RESOLUTION RECOMMENDING THE CITY COUNCIL OF CLOQUET APPROVE  
THE CONDITIONAL USE PERMIT FOR STACY COLICH FOR A TWO-FAMILY  
DWELLING IN THE SINGLE-FAMILY RESIDENCE DISTRICT**

**WHEREAS**, Stacy Colich is proposing a Conditional Use Permit for a two-family dwelling in the Single-Family Residence District; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Knot on December 22, 2023, and property owners within 350 feet were sent notice. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on January 9, 2024, at which time Zoning Case / Development Review No. 23-14 was heard and discussed; and

**WHEREAS**, the property of the proposed Conditional Use Permit is located across from 1405 20<sup>th</sup> Street and is legally described as follows:

Lot 11, Block 2, Maple Acres, Carlton County, Minnesota. And,

**WHEREAS**, the Planning Commission reviewed the staff report and recommends approval of the Conditional Use Permit.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA**, that the Planning Commission recommends approval of Zoning Case 23-15 to the Cloquet City Council for a two-family dwelling in the Single-Family Residence District subject to the following condition:

1. A Building Permit be issued prior to beginning any work.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_ NAY: \_\_\_\_ ABSENT: \_\_\_\_

PHILIP DEMERS	_____	BRITTANY KUSCHEL	_____
TERRI LYYTINEN	_____	ELIZABETH POLLING	_____
MICHELLE WICK	_____		

Passed and adopted this 9<sup>th</sup> day of January 2024.

CITY OF CLOQUET

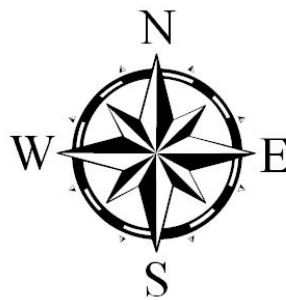
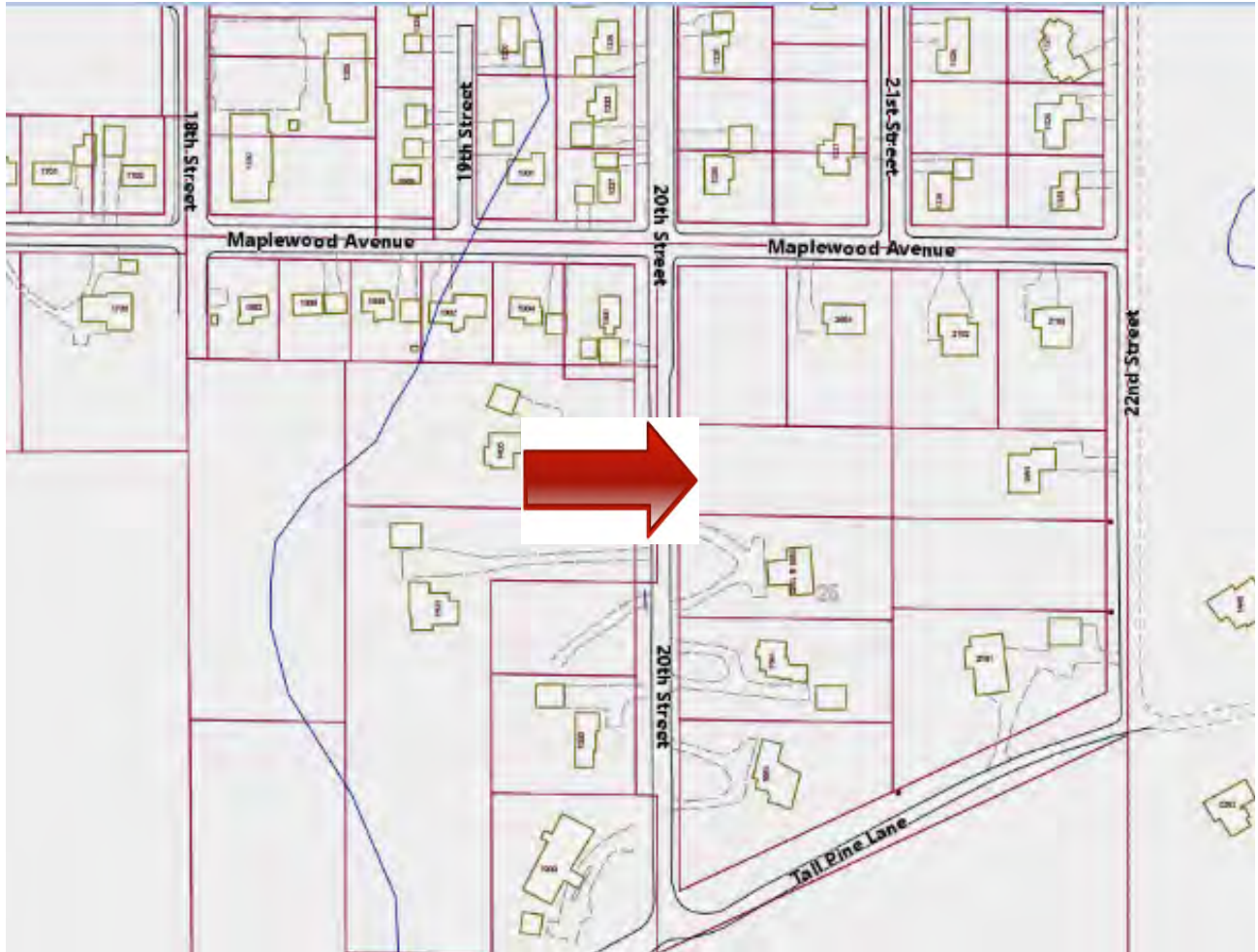
\_\_\_\_\_  
TERRI LYYTINEN  
CHAIR

ATTEST: \_\_\_\_\_

Alan Cottingham  
City Planner/Zoning Administrator

# LOCATION MAP

Stacy Colich

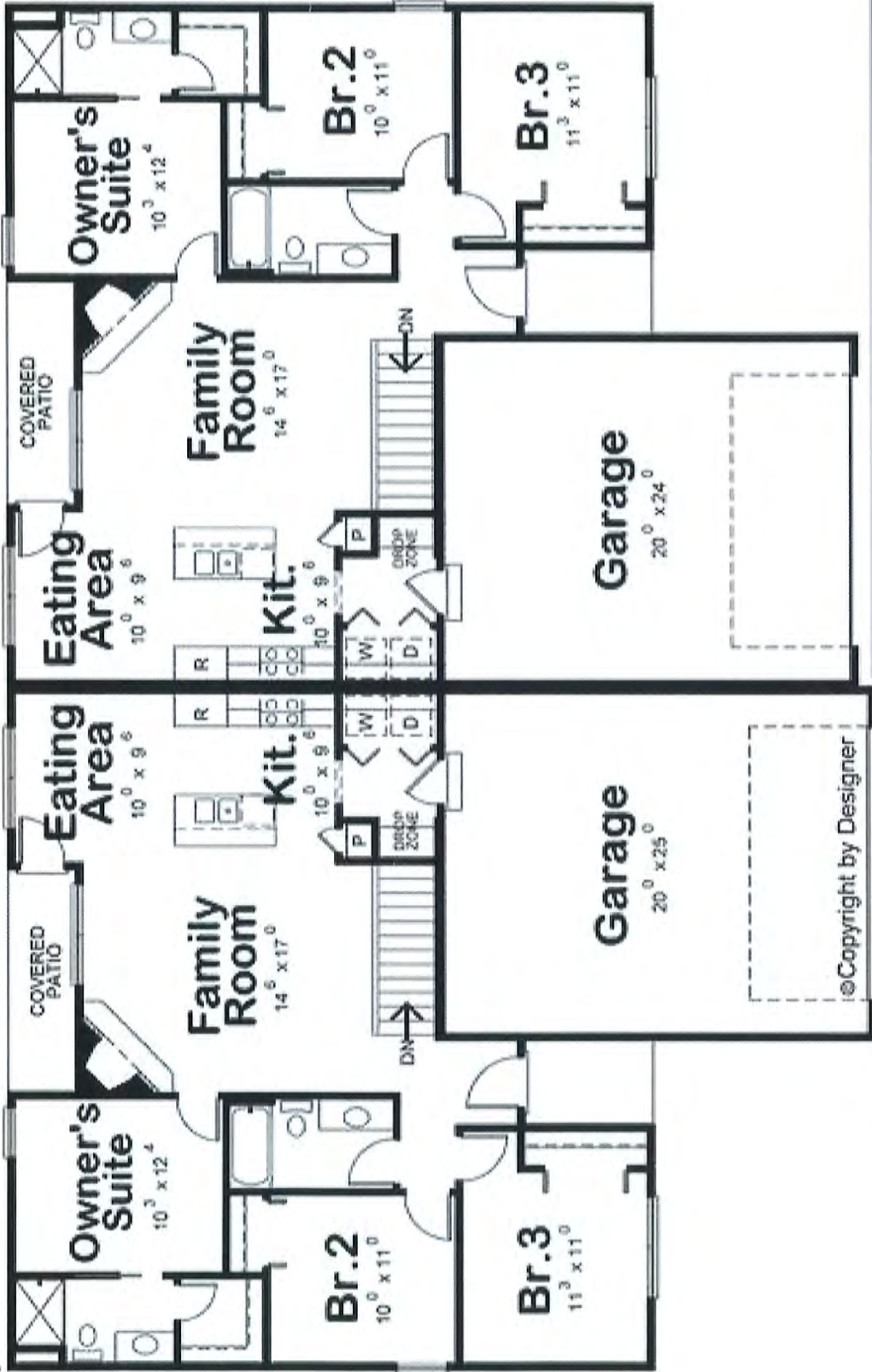


NO SCALE



80'-0"

51'-0"



Owner's Suite  
10'3" x 12'4"

Br.2  
10'0" x 11'0"

Br.3  
11'3" x 11'0"

COVERED PATIO

Family Room  
14'6" x 17'0"

Eating Area  
10'0" x 9'6"

Kit.  
10'0" x 9'6"

Garage  
20'0" x 24'0"

Eating Area  
10'0" x 9'6"

Kit.  
10'0" x 9'6"

Family Room  
14'6" x 17'0"

Garage  
20'0" x 25'0"

Owner's Suite  
10'3" x 12'4"

Br.2  
10'0" x 11'0"

Br.3  
11'3" x 11'0"

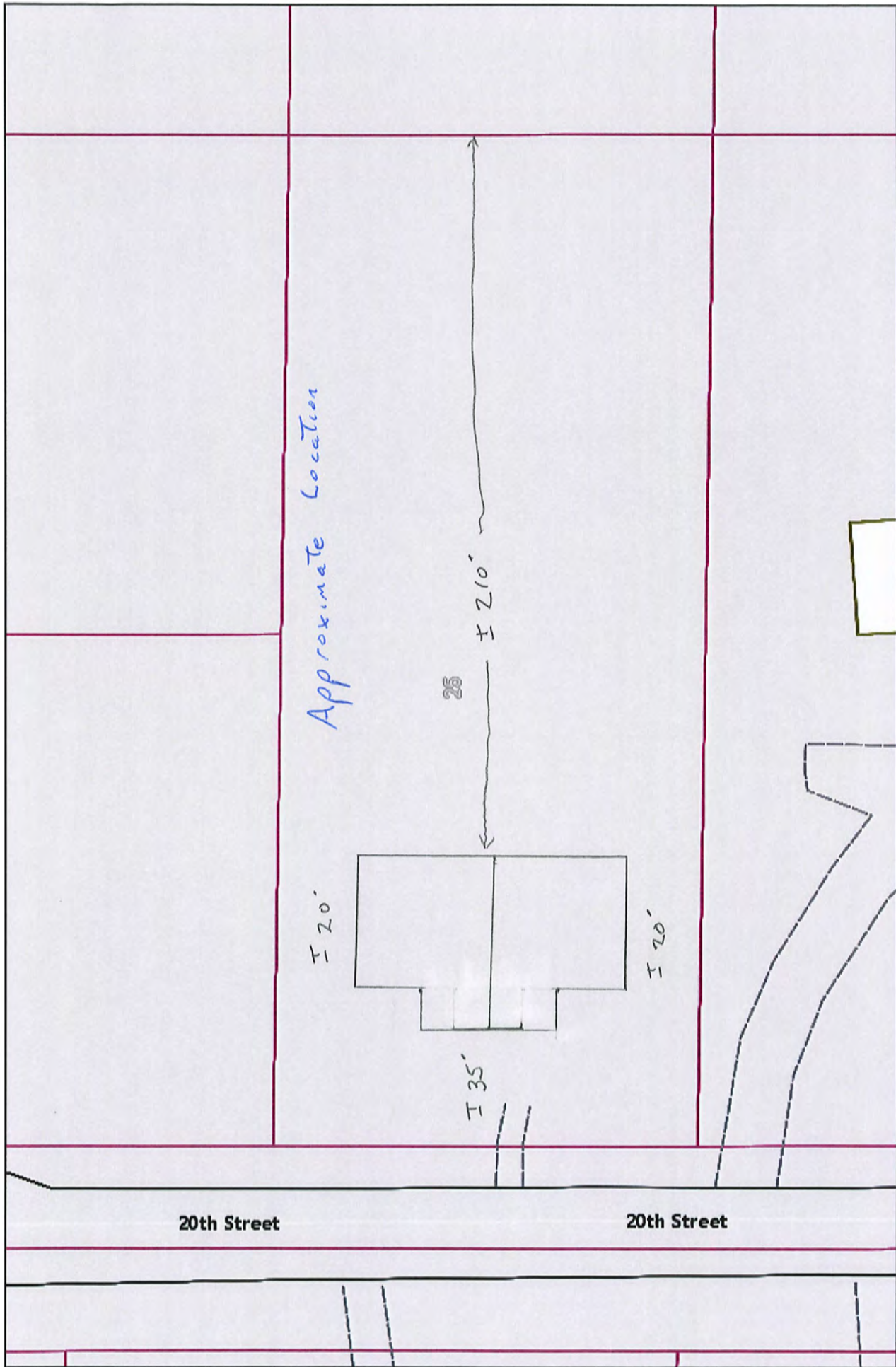
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14XX 20th St



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To: Cloquet Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: January 3, 2024

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**ITEM DESCRIPTION: ZONING CASE 24-1: ZONING ORDINANCE TEXTUAL AMENDMENT – FLOODPLAIN REGULATIONS**

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**Background**

City staff have been working with Carlton County and the Minnesota Department of Natural Resources (MNDNR) over the past few years to update the Floodplain Maps for the entire county. This process has now been completed and new Floodplain Maps have been generated. As part of that process the city will need to update its floodplain regulations in order to comply with the Federal Emergency Management Association (FEMA) regulations. The attached Ordinance will bring the city into compliance with the requirements of FEMA.

A public hearing will be held on Tuesday, January 9, 2024, to consider possible amendments to the text of the Cloquet Zoning Ordinance. A legal notice was published in the Pine Knot on December 22, 2023, property owners were **not** sent a notice of the hearing since this is a textual amendment. The amendment, if approved, would amend Section 17.5.18 Floodplain Regulations in its entirety.

**Policy Objectives**

The current Floodplain Regulations and maps date back to September 27, 1991. This update will have an effective date of March 13, 2024.

**Financial Impacts**

The Zoning Ordinance Text Amendment fee is \$300. These fees have been waived since the city is the applicant.

**Advisory Committee Action Requested**

The Planning Commission should listen to any testimony that is given at the public hearing and then review the draft Ordinance language to be sure it covers the topic to their satisfaction. The Commission should then recommend approval or denial of the Ordinance to the City Council.



**Community Development Department**  
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**Staff Recommendation**

Staff would recommend approval of the Zoning Ordinance Text Amendment as identified in the attached pages.

**Supporting Documents Attachments**

- Resolution 24-1
- Draft Ordinance

**CITY OF CLOQUET**

**COUNTY OF CARLTON**

**STATE OF MINNESOTA**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 24-1**

**A RESOLUTION RECOMMENDING THE CITY COUNCIL OF CLOQUET APPROVE THE ATTACHED ORDINANCE RELATING TO FLOODPLAIN REGULATIONS**

**WHEREAS**, the City of Cloquet is proposing to amend the Zoning Ordinance regarding Floodplain Regulations; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Knot. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on January 9, 2024, at which time Zoning Case / Development Review No. 24-1 was heard and discussed; and

**WHEREAS**, the Planning Commission reviewed the staff report and recommends approval of the attached ordinance.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA**, the Planning Commission recommends approval of Zoning Case 24-1 to the Cloquet City Council and the attached ordinance; and

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_ NAY: \_\_\_\_ ABSENT: \_\_\_\_

PHILIP DEMERS \_\_\_\_\_ BRITTANY KUSCHEL \_\_\_\_\_

TERRI LYYTINEN \_\_\_\_\_ ELIZABETH POLLING \_\_\_\_\_

MICHELLE WICK \_\_\_\_\_

Passed and adopted this 9<sup>th</sup> day of January 2024.

CITY OF CLOQUET

\_\_\_\_\_  
TERRI LYYTINEN  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator

## **ORDINANCE NO. 510A**

### **AN ORDINANCE TO AMEND CHAPTER 17 OF THE MUNICIPAL CODE PERTAINING TO FLOODPLAIN REGULATIONS**

The City Council of the City of Cloquet does hereby ordain as follows:

**Section 1.**     **Section 17.5.18, Floodplain Regulations,** is deleted and replaced with the following to read as follows:

#### **17.5.18 Floodplain Regulations**

##### **Subd. 1 STATUTORY AUTHORIZATION AND PURPOSE**

**A. Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 80; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

##### **B. Purpose**

1. This ordinance regulates development in the flood hazard areas of the City of Cloquet. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote public health, safety, and general welfare by minimizing these losses and disruptions.
2. This ordinance is adopted in 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.
3. This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
4. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains 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.

**C. Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

**D. Warning and Disclaimer of Liability.** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur, and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of the City of Cloquet or its officers

or employees for any flood damage that results from reliance on this ordinance, or any administrative decision lawfully made hereunder.

E. **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

## **Subd. 2 DEFINITIONS**

A. **Definitions.** Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

1. **Base Flood.** The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.
2. **Base Flood Elevation (BFE).** The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.
3. **Development.** Any man-made change to improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of materials or equipment.
4. **Farm Fence.** An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02 Subd. 1(a - d).
5. **Flood Fringe.** The portion of the one-percent annual chance floodplain located outside of the floodway.
6. **Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
7. **Floodplain.** The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.
8. **Floodway.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.
9. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
10. **Recreational Vehicle.** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

11. Regulatory Flood Protection Elevation (RFPE). An elevation no lower than one foot above the elevation of the base flood plus any increases in water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.
12. Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 17.5.18, Subd. 4. C. 10, shall also be considered a nonconforming structure for the purposes of this ordinance.
13. Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
14. Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
  - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
  - b. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is defined in 44 CFR § 59.1.

**Subd. 3. JURISDICTION AND DISTRICTS**

**A. Lands to Which Ordinance Applies.** This ordinance applies to all lands under the jurisdiction of the City of Cloquet within the Floodplain, shown as Zones A or AE on the Flood Insurance Rate Map panels referenced in Subd 3.B.

1. The standards imposed in this overlay district are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
2. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.
3. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the city and to submit technical evidence.

**B. Incorporation of Maps by Reference.** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Carlton County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate map panels enumerated below, all dated March 13, 2024, and prepared by the Federal Emergency Management Agency. These materials are on file in the Cloquet City Hall

27017C0118D	27017C0150D	27017C0301D
27017C0125D	27017C0285D	27017C0302D
27017C0140D	27017C0295D	27017C0305D



**C. Annexations:** The Flood Insurance Rate Map panels referenced in Section 17.5.18, Subd. 3. B may include floodplain areas that lie outside of the corporate boundaries of the City of Cloquet at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Cloquet after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in Section 17.5.18, Subd. 3. B require ordinance amendment in accordance with Section 17.5.18, Subd. 8.

**Subd. 4. PERMITTED ACTIVITIES AND STANDARDS IN THE FLOODPLAIN DISTRICT**

- A. Permitted Activities.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
1. Any addition, modification, rehabilitation, repair, or alteration to a nonconforming structure as specified in Section 17.5.18, Subd. 5 of this ordinance. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in Section 17.5.18, Subd. 2 of this ordinance.
  2. Any use that requires fill, excavation, storage of materials, or placement of anything that may cause a potential obstruction, as well as any other form of development as defined in Section 17.5.18, Subd. 2 of this ordinance.
- B. Activities Not Requiring a Permit.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. Farm fences, as defined in Section 17.5.18, Subd. 2 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit. A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high-water level is also to be disturbed. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.
- C. Minimum Development Standards.**
1. **All development must:**
    - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
    - b. Be constructed with materials and equipment resistant to flood damage;
    - c. Be constructed by methods and practices that minimize flood damage;
    - d. Be reasonably safe from flooding and consistent with the need to minimize flood damage;
    - e. Be assured to provide adequate drainage to reduce exposure to flood hazards;
    - f. Not be detrimental to uses in adjoining areas; and
    - g. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

2. **Buildings and Structures.** No new structures, such as buildings or accessory structures may be permitted in the regulatory floodplain. Modifications and alterations of nonconforming structures is subject to the standards in Section 17.5.18, Subd. 5.
3. **Subdivisions.** All new lots must be able to accommodate for a building site with a natural grade outside of the floodplain. All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE).
4. **Encroachment Analysis.** Development in the following areas requires hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area).
  - a. In a floodway, development may not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities.
  - b. In areas where a floodway has not been delineated, development may not allow stage increases more than one-half (0.5) foot at any point during the one-percent chance flood. This evaluation must include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damage would potentially result.
5. **Fences** not meeting the definition of farm fences are not permitted.
6. **Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.
7. **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
8. **Potential Pollutants.** Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, as well as those likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited.
9. **Land Alterations.** In areas within 25 feet of the ordinary high-water level, land alterations shall be restricted to:
  - a. the minimum required to accommodate beach and access areas, not to exceed a volume greater than 10 cubic yards; and

- b. the minimum required to accommodate for public utilities, roads, railroad tracks, bridges, and shoreline stabilization projects to correct an identified erosion problem, as verified by a qualified resource agency or the zoning administrator.
10. **Recreational vehicles** must be travel ready, meeting the following criteria:
  - a. The vehicle must be fully licensed.
  - b. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
  - c. No permanent structural type additions may be attached to the vehicle.
11. **Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities** shall be subject to applicable provisions detailed in Section 17.5.18, Subd. 4. C. 7. Replacement of on-site sewage treatment systems are to be constructed to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270. No new private service facilities may be permitted in the regulatory floodplain.

**Subd. 5. NONCONFORMITIES**

- A. Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:
  1. Within the floodway, or where the floodway has not been delineated, any expansion or enlargement of uses or structures is prohibited.
  2. Any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).
  3. If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 17.5.18, Subd. 5. C, it may not be reconstructed except in conformity with the provisions of this ordinance.
  4. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
- B. Standards for Modifications and Alterations of Nonconforming Structures.** In addition to the standards identified in Subd. 4. C., the following standards and procedures apply to additions, modifications, rehabilitations, repairs, alterations, or maintenance of nonconforming structures:
  1. All structures, including manufactured homes, must be elevated on fill so that the lowest floor of the lowest enclosed area (including basement) is at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator.

2. Electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**C. Substantial Improvement and Substantial Damage Determinations.** Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

1. Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
2. Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
  - a. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
  - b. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
3. Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 17.5.18, Subd. 2 of this ordinance.
4. Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

#### **Subd. 6. ADMINISTRATION**

**A. Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.

1. Permit Application Requirements. Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:
  - a. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
  - b. Location and detail of grading, fill, or storage of materials.
  - c. Copies of any required local, state or federal permits or approvals.
  - d. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
2. Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:
  - a. Encroachment analysis, as detailed in Section 17.5.18, Subd. 4. C.

- b. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
- c. Substantial damage and substantial improvement determinations, as detailed in Section 5.3, including the cost of improvements, repairs, and market value.
- d. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

## **B. Variances**

1. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.
2. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
3. Variances from the provisions in this ordinance may only be issued by a community upon:
  - a. A showing of good and sufficient cause,
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.
6. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
7. The Zoning Administrator must notify the applicant for a variance that:
  - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and
  - b. Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

**C. Notifications for Watercourse Alterations:** Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statute, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

- D. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations:** Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of Cloquet must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within areas where the floodway has not been delineated, a map revision is only required if development results in stage increases greater than 0.5 feet.
- E. Notifications to the Department of Natural Resources.**
- F.** All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
- G.** A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

#### **Subd. 7. PENALTIES AND ENFORCEMENT**

- A. Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- B. Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of Cloquet or the Department of Natural Resources.
- C. Enforcement.** Violations of the provisions of this ordinance constitute a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of Cloquet must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

#### **Subd. 8. AMENDMENTS**

- A. Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 17.5.18, Subd. 3. B of this ordinance.
- B. Required Approval:** All amendments to this ordinance must be submitted to the Department of Natural Resources (DNR) for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

**Section 2. Effective Date.** This ordinance shall take effect on March 13, 2024, and be in force from and after its passage and publication in accordance with law.

Passed this \_\_\_\_ day of February 2024.

CITY OF CLOQUET

By: \_\_\_\_\_  
Its Mayor

ATTEST:

By: \_\_\_\_\_  
Its City Administrator

Published this \_\_\_\_\_ day of \_\_\_\_\_, 2024.