



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



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planning@duluthmn.gov

MEMORANDUM

DATE: October 7, 2025

TO: Planning Commissioners

FROM: Jason Mozol, Senior Planner

SUBJECT: UDC Map Amendment (PLUMA-2509-0006) related to adding lower Miller Creek and lower Coffee Creek to the shoreland overlay

Staff were recently requested to provide the relevant setback from Miller Creek below S 26th Ave W by an architect working for an adjacent property owner. To answer this question, staff consulted with the Minnesota Department of Natural Resources (DNR) and City Engineering staff to identify relevant regulations and appropriate stream classifications. Upon review, staff determined that applying cold-water shoreland regulations to this section of stream is appropriate. Further, staff recognized that the adjacent section of Coffee Creek, recently daylighted during construction of the Twin Ports Interchange project, has similar characteristics to Miller Creek and should also be designated as a cold water shoreland zone.

Since shoreland regulations are part of the Natural Resources Overlay (NR-O) District, the process to add these streams to the mapped overlay is a UDC Map Amendment.

Proposed Changes:

Include the sections of Miller Creek and Coffee Creek described below, and illustrated in the attached maps, in the cold-water shoreland zone:

- Coffee Creek- DNR Stream Identification Number S-002-000.7- from the outlet from the storm sewer system on parcel number 010-1110-00390 to the confluence with Miller Creek on parcel number 010-1110-00200.
- Miller Creek- DNR Stream Identification Number S-002-001- from the outlet from the storm sewer system below S 26th Ave W on Lots 415 and 416 and the vacated alley, Block 10 of Duluth Proper Second Division, parcel number 010-1100-00310 to the inlet below the Duluth Transit Authority facility in the vacated section of S 25th Ave W Northeasterly of Block 10 of Duluth Proper Second Division (parcel number 010-1110-00010).
- Miller Creek- DNR Identification Number S-002-001- from the outlet below the Duluth Transit Authority facility on Lot 2 of Duluth Proper Second Division, 1st Subdivision (parcel number 010-1110-00010) to the

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confluence with Coffee Creek on Lot 2 of Duluth Proper Second Division, 1st Subdivision (parcel number 010-1110-00200).

- From the confluence of Miller and Coffee Creeks on Lot 2 of Duluth Proper Second Division, 1st Subdivision (parcel number 010-1110-00200) to the box culvert inlet within the I-35 right-of-way of Duluth Proper Second Division, 1st Subdivision.

Findings and Recommended Action:

Per Section 50.37.3 of the UDC, Planning Commission shall review the application, and council shall approve the application or approve with modifications, upon determining the application:

1. Is consistent with the comprehensive land use plan;
2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
3. Is required by public necessity, convenience, or general welfare, or good zoning practice;
4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

The Planning Commission may recommend approval, approval with modifications or denial to the City Council.

Staff finds that:

- Both Coffee Creek and Miller Creek are public waters identified by the Minnesota Department of Natural Resources (DNR).
- The Minnesota DNR identifies these as trout streams (cold water streams) since they support sensitive trout species.
- This request meets the criteria of general welfare and good zoning practice. Trout have been observed within the subject section of Miller Creek and it is reasonable to expect these fish will access the recently daylight section of Coffee Creek since they are hydrologically connected. Further, upstream sections of Coffee Creek support trout populations.
- Cold water designations have been applied to sections of other trout streams, such as Chester Creek, downstream of enclosed sections.
- This proposal is consistent with the comprehensive land use plan. The future land use for the areas surrounding the streams is "Open Space". Open Space is defined as, "High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls." The cold water shoreland designation is the most restrictive shoreland classification and meets the intent of "substantial restrictions and development limitations."
- This proposal is reasonably related to the overall needs of the community. The open space section of the Comprehensive Plan identifies the numerous ecological, recreational, and functional benefits healthy waterways provide. The strategy and principle below, identified in the Comprehensive Plan, are executed by this rezoning action.
 - Governing Principle #2- Declare the necessity and secure the future of undeveloped places-
 - Undeveloped areas are an essential part of Duluth's municipal fabric— urban plazas, neighborhood parks, large tracts of public ownership, and private lands zoned for minimal development. These minimally developed or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, supplies natural infrastructure such as storm water

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retention, plant and animal habitat, and water quality, and is the strongest visual element defining Duluth's sense of place.

- Open Space Policy #2- Examine the value and need for all of Duluth's publicly owned open space-
 - Strategy #7- Amend the Unified Development Chapter (UDC) to require more permanent protection of ecologically significant lands (including wetlands, important forested areas, streams, etc.) during the development process.
- These stream sections exist within a previously developed area. It is reasonable to anticipate that development will be proposed that is not consistent with the cold-water shoreland regulations. Projects that are otherwise unfeasible and demonstrate practical difficulty in conformance with all criteria defined in Sec 50-37.9 may be permitted via the shoreland variance process. Therefore, these potential impacts will be mitigated to the extent possible.
- Comments on this project were received from the City's Engineering Department, see below, and from the DNR, see attached.
 - "Miller Creek and Coffee Creek are both designated trout streams and are regulated by the MnDNR. Both of these lower reaches for each stream have aquatic life that include trout. The shoreland requirements for cold water streams or trout streams benefit the health of the stream. The MnDNR requires the City of Duluth to enforce the public waters rules. This change is needed to make the shoreland zone consistent for the entire length of the streams." Tom Johnson, Senior Stormwater Engineer, PE

Staff recommends that the Planning Commission recommend approval to the City Council.



PLUMA-2509-0006
Miller/Coffee Creek
Shoreland Designations

Legend

 Subject Stream Sections

MU-N
(Mixed Use
Neighborhood)

R-2
(Residential
Urban)

F-5 (Mid-Rise
Community Shopping
and Office)

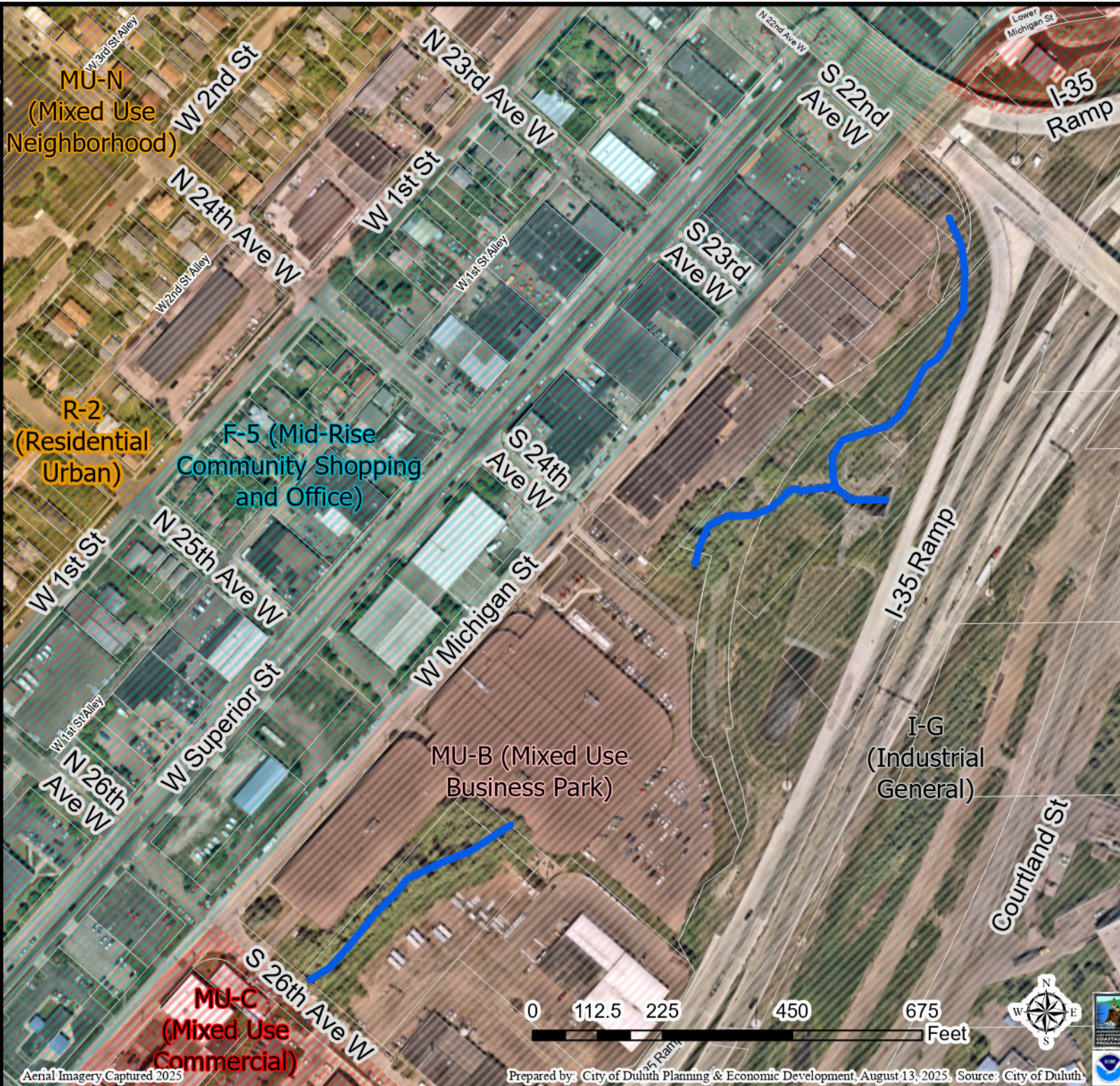
MU-B (Mixed Use
Business Park)

MU-C
(Mixed Use
Commercial)

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial Imagery Captured 2025

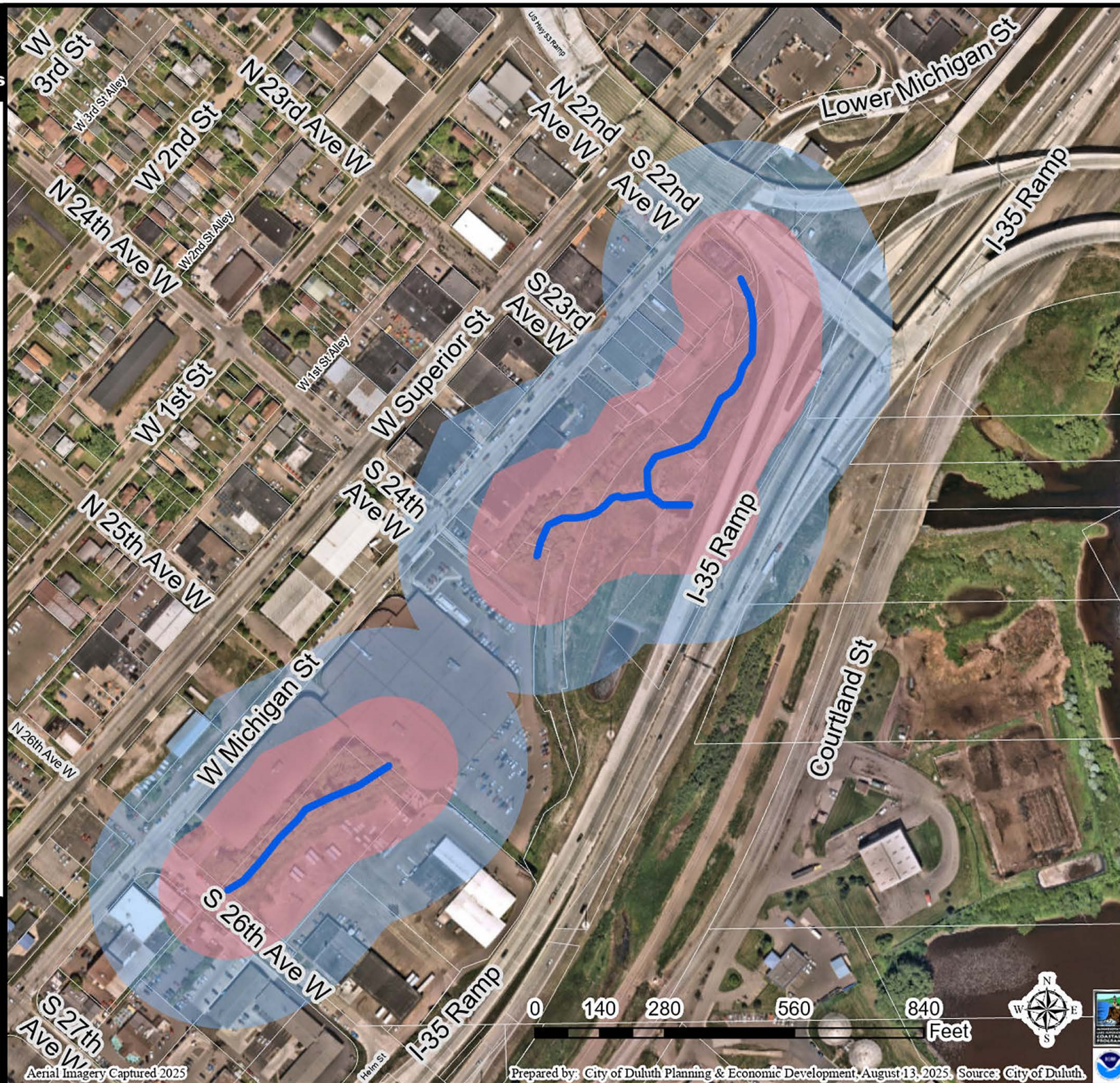
Prepared by: City of Duluth Planning & Economic Development, August 13, 2025. Source: City of Duluth.





Legend

- Subject Stream Sections
- Proposed Shoreland Zones
- Proposed Structure Setback



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PLUMA-2509-00069 - DNR Comments

From Speldrich, Bri (DNR) <Brianna.Speldrich@state.mn.us>
Date Fri 10/3/2025 12:44 PM
To Jason Mozol <jmozol@DuluthMN.gov>
Cc MN_Ordinance Review (DNR) <ordinance.review.dnr@state.mn.us>

Hi Jason,

Below are my comments for amendment request PLUMA-2509-00069:

DNR identifies the streams included in this request as Miller Creek and Coffee Creek. Both watercourses are public waters and designated trout streams. Because these streams are public waters, shoreland controls should be applied to these areas to ensure compliance with state shoreland rules.

It appears this amendment request includes adding these reaches to the Natural Resource Overlay (NR-O) map and applying Cold Water Shoreland Management Zone controls to these areas. This will address the identified shoreland compliance issue.

Please note Minnesota Rule 6120.3900 Subpart 6B requires that local government units provide a copy of approved shoreland ordinance amendments to DNR within 10 days of final action for final review and approval. Feel free to contact me should you have questions.

Thank you,

Bri Speldrich
Area Hydrologist | Carlton County & Duluth Metro
Ecological and Water Resources

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