



# ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

INSPECTION DATE: 7-19-22

REPORT DATE: 7-22-22

MEETING DATE: 8-11-22

## APPLICANT INFORMATION

**APPLICANT NAME:** Van Tassell Enterprises

**APPLICANT ADDRESS:** 4442 Birch Forest Road, Orr MN 55771

**OWNER NAME:** Same as above

**SITE ADDRESS:** Same as above

**LEGAL DESCRIPTION:** That part of Lot 2 Comm at the Center Sec Thence W 1322.60 ft Thence N 154.94 ft Thence N 69 Deg 15' E 801.99 ft Thence S 50 Deg 13' 34" E 718.55 ft to Pt of Beg Lying E of Wly 170 ft. S9, T64 N, R20 W (Leiding)

**PARCEL IDENTIFICATION NUMBER (PIN):** 425-0030-00751

**NATURE OF REQUEST:** A conditional use permit for a resort expansion as a Commercial Planned Development Use – Class II.

**PROPOSAL DETAILS:** The applicant is requesting to add 10 RV sites and two small cabins to the established resort use. The proposed expansion is for seasonal use only from May to October. The applicant is working with a licensed septic designer for installation of a new septic system.

## PARCEL AND SITE INFORMATION

**ROAD ACCESS NAME/NUMBER:** Birch Forest Road

**ROAD FUNCTIONAL CLASS:** Local

**LAKE NAME:** Pelican

**LAKE CLASSIFICATION:** RD

**RIVER NAME:** or N/A

**RIVER CLASSIFICATION:** N/A

**DESCRIPTION OF DEVELOPMENT ON PARCEL:** The parcel is undeveloped.

**ZONE DISTRICT:** SMU 7

**PARCEL ACREAGE:** 7 acres

**LOT WIDTH:** Approx. 900 feet

**FEET OF ROAD FRONTAGE:** 1,320 feet

**FEET OF SHORELINE FRONTAGE:** N/A

## PARCEL AND SITE INFORMATION

**VEGETATIVE COVER/SCREENING:** The property is heavily vegetated and has good screening from the road.

**TOPOGRAPHY:** The property has an elevation change of 32 feet.

**FLOODPLAIN ISSUES:** N/A

**WETLAND ISSUES:** There is a large wetland located on the property. No wetland impacts are proposed.

## FACTS AND FINDINGS

### A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62 states that a Commercial Planned Development Use-Class II is an allowed use in this SMU zone district with a conditional use permit.
2. Ordinance 62 allows a maximum development density for commercial planned developments based on the amount of the property within each development density tier.
  - o Based on the information on record and the information provided by the applicant, the proposed development density would be within what is allowed by Ordinance 62.
3. Input received through the development of the St. Louis County Comprehensive Land Use Plan identified the need to continue to support the lodging industry. In particular, demand was noted for RV and tent campgrounds and the county should support the development and expansion of such campgrounds within the confines of existing regulations.
4. The St. Louis County Comprehensive Land Use Plan Objective LU-4.1 states that, when possible, direct new development toward areas already supported with improved infrastructure, public facilities, and areas in reasonable proximity to basic services.
5. The St. Louis County Comprehensive Land Use Plan Objective LU-4.3 encourages infill, redevelopment, or reuse of vacant commercial or industrial properties.
6. The St. Louis County Comprehensive Land Use Plan Goal LU-7 is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
7. The St. Louis County Comprehensive Land Use Plan Objective LU-7.2 is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.

### B. Neighborhood Compatibility:

1. The area consists of established residential and commercial uses. There are three resorts located within a quarter mile: Grey Wolf, Pine Grove and Cabin O Pines.
2. Cabin O Pines Resort, which is located on an adjacent parcel to the west, received CUP approval for a resort expansion that included both recreational vehicles and remote cabins in May 2020 and November 2021.

### C. Orderly Development:

1. The area consists of established residential and commercial uses. The Birch Forest Resort request is to expand away from the lake minimizing impacts to near shore and residential areas.
2. Resorts and other water related commercial activities provide significant services for Pelican Lake residents and visitors. Resorts provide a significant opportunity for the public to utilize the County's water resources.

#### **D. Desired Pattern of Development:**

1. As stated above, the pattern of development in the area is both commercial and residential. The request is to expand a commercial business away from the lakeshore and residential areas.
2. Public interest would be best served by the proposal because resorts provide a significant opportunity for the public to utilize the County's water resources, and it is in the public's interest for the County to encourage the long-term viability of the industry for economic and cultural reasons.

**See attachments: 1. Zoning/location map 2. Air photo 3. Site sketch 4. Project picture (if applicable) 5. Other pertinent pictures or maps**

### **PLANNING COMMISSION CRITERIA FOR APPROVAL OF A CONDITIONAL USE PERMIT**

1. Does the use conform to the land use plan?
2. Is the use compatible with the existing neighborhood?
3. Will the use impede the normal and orderly development and improvement of the surrounding area?
4. Is the location and character of the proposed use considered consistent with a desirable pattern of development?
5. What, if any, other factors should be taken into consideration on this case?

### **RECOMMENDED CONDITIONS, IF APPROVED**

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit for a resort expansion as a Commercial Planned Development Use – Class II, the following conditions shall apply:

1. St. Louis County On-site Wastewater SSTS standards shall be followed.
2. Recreational vehicles shall have a current motor vehicle license.
3. All setbacks shall be maintained within the planned development RV campground.
4. Detached decks shall require permits.
5. All local, county, state, and federal regulations shall be met.
6. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.





# Conditional Use Permit (CUP)

APPLICATION St. Louis County, Minnesota

Permit #

Permit #

**About:** This application is used to apply for a Land Use Permit. Applicants will need to attach the appropriate worksheet(s) in order to process. For more information, see our website at: [www.stlouiscountymn.gov/land-use](http://www.stlouiscountymn.gov/land-use)

## PROPERTY IDENTIFICATION NUMBER (PIN) PIN is found on your Property Tax Statement

*Primary PIN	425 - 0030 - 00751	Associated PIN																	
Associated PIN	425 - 6030 - 00757	Associated PIN																	

E.g. 123-1234-12345. Primary PIN: Parcel where Structure/SSTS are located. Associated PIN: Additional and/or adjacent property that you own or that is related to the project.  
County Land Explorer: <https://gis.stlouiscountymn.gov/landexplorer/> Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo20051frame/>

## APPLICANT

*Applicant Name Van Tassell Enterprises		I am a... <input type="checkbox"/> Contractor <input type="checkbox"/> Homeowner <input checked="" type="checkbox"/> Other		*Daytime # 801-664-7564	Date 6-25-22
*Applicant Address 4442 Birch Forest Rd		*City Orr	*State MN	*ZIP 55771	
Applicant Email info@birchforestlodge.com					
Contact Person <small>If applicable.</small> Adam		Contact Person # 801-664-7564			
Mailing Address <small>If different than above.</small>			City	State	ZIP
Email Address <small>Where to email permit. Providing an email address will expedite the time in which a permit is received by an applicant.</small> info@birchforestlodge.com					

## SITE INFORMATION

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	*Is there a site address for this property? (If no, the application will be forwarded to 911/Communications to assign one.)
If yes above, please list site address: 4442 Birch Forest Rd, Orr MN 55771		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	*Is this leased property? If yes, leased from: <input type="checkbox"/> MN Power <input type="checkbox"/> MN DNR <input type="checkbox"/> US Forest Service <input type="checkbox"/> St Louis County <input type="checkbox"/> Other
<input type="checkbox"/> Yes	<input type="checkbox"/> No	*Do you have written authorization from the leased property owner? If yes, you must attach written authorization form.
*How is the property accessed? <input checked="" type="checkbox"/> Public Road <input type="checkbox"/> Private Road <input type="checkbox"/> Easement <input type="checkbox"/> Water <input type="checkbox"/> Other		

## PROJECT INFORMATION

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	*Is this project on a parcel less than 2.5 acres?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	*Is this project within 300 feet of a stream/river or 1,000 feet of a lake?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	*Is this project adding a bedroom? Include home, garage, & accessory dwelling.
#		*Total # of bedrooms on property after project completion. Include home, garage, & accessory dwelling.
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	*Does this project include plumbing or pressurized water in proposed structure? If yes, please explain: Shower house and laundry room, RV septic and water hook-ups
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	*Is the property connected to a municipal or sanitary district system?

If you answered "Yes" to any of the project information questions above, it is required that you submit a copy of a septic permit to construct or certificate of compliance approval or municipal/sanitary district approval when applying for a land use permit.

## AGREEMENT

By submitting this application, I certify and agree that I am the owner or the authorized agent of the owner of the above property, and that all uses will conform to the provisions of St. Louis County. I further certify and agree that I will comply with all conditions imposed in connection with the approval of the application. Applicants may be required to submit additional property descriptions, property surveys, site plans, building plans and other information before the application is accepted or approved. **Intentional or unintentional falsification of this application or any attachments thereto will make the application, any approval of the application and any resulting permit invalid.** I authorize St. Louis County staff to inspect the property to review the application and for compliance inspections. Furthermore, by submitting this application, I release St. Louis County and its employees from any and all liability and claims for damages to person or property in any manner or form that may arise from the approval of the application or any related plans, the issuance of any resulting permit or the subsequent location, construction, alteration, repair, extension, operation or maintenance of the subject matter of the application.

**\*Indicates required field. Incomplete applications will be returned.**





# Conditional Use Permit (CUP)

## WORKSHEET St. Louis County, Minnesota

**About:** Land Use Permits are required for most building construction activities. They are also required for a variety of other uses. For more information, check out our website at: [www.stlouiscountymn.gov/land-use](http://www.stlouiscountymn.gov/land-use)

**WHAT ARE YOU APPLYING FOR** Check all that apply to the project. **PLEASE MAKE CHECKS TO: ST. LOUIS COUNTY AUDITOR**

### #1 New Buildings Less than/equal to 1,200 square feet-\$165 Greater than 1,200 square feet-\$325

☒ Dwelling-Home, Mobile Home, Hunting Shack, or Cabin. (Includes attached deck, if applicable.)

☐ Replacement of Existing Dwelling-Home, Mobile Home, Hunting Shack, or Cabin.  
Will the old dwelling be removed from the property? ☐ Yes ☐ No

*If yes, an affidavit must be filled out stating when the old dwelling will be removed.*

*If this dwelling is a mobile home, there is a special mobile home affidavit to be filled out.*

☒ Accessory Dwelling-Guest cottage or bunkhouse. Must follow administrative standards.

☒ Accessory Structure- Garage, Pole Building, shed, sauna, screenhouse or gazebo that either meets lake or river setback or not located in a shoreland area.

☐ Water-oriented Accessory Structure-Boathouse, Sauna, Screenhouse/gazebo on a lake or river located at reduced shoreline setback. Must follow administrative standards.

☐ Commercial Structure

☐ Other Principal Structure

### #2 Other Construction/Change in Use-\$85

☐ Addition(s) to Dwelling  
Is the dwelling location on a lake or river? ☐ Yes ☐ No  
If Yes above, does the structure meet the required shoreline setback? ☐ Yes ☐ No If No, structure does not meet the shoreline setback, a performance standard permit or variance may be required. See box #4 or #7.

☐ Addition(s) to Accessory Structure  
☐ New Deck Only or Deck Replacement  
☐ Combination Addition(s) & Deck on the same structure  
☐ Moving a Structure  
☐ Sign  
☐ Structure Alteration or Component Replacement  
☐ Change in Use (i.e. converting an old cabin to storage)

What will the new use of the structure be?  
Explain the current and proposed use.  
Current: Proposed:

#### Other-\$60

☐ Permit extension beyond 2 years

### #3 Subdivisions/Parcel Reviews Additional Worksheets Required

☐ Plat-Minor Subdivision-\$650  
☐ Conventional or Conservation Plat-Less than or equal to 3 lots-\$650  
☐ Conventional or Conservation Plat-Greater than 3 Lots-\$1,300  
☐ Lot Line Adjustment-\$85  
☐ Parcel Review-\$85  
☐ Performance Standard Subdivision-\$385

### #4 Performance Standard-\$385 Additional Worksheets Required

☐ Borrow/Gravel Pit  
☐ Home Business  
☐ Land Alteration  
☐ Nonconforming Structure Replacement  
☐ Addition to a structure that does not meet shoreline setback  
☐ Other

### #5 Site Evaluation Site Visit/Evaluation-\$165

### #6 Wetland Reviews Additional Worksheets Required

☐ No Loss/Exemption/Replacement Plan-\$165  
☐ Wetland Delineation Review-\$385  
☐ Wetland Banking Plan Review-\$1,140

### #7 Public Hearings Additional Worksheets Required

☐ Administrative Appeal-\$1,275  
☐ Environmental Assessment-\$1,140  
☐ Conditional Use Permit-\$650  
☐ Conditional Use Permit Rehearing-\$210  
☐ Interim Use Permit-\$650  
☐ Interim Use Permit Rehearing-\$210  
☐ General Purpose Borrow Pit-\$650  
☐ Variance-\$650  
☐ Variance Rehearing-\$210  
☐ Multiple Hearing (Variance/conditional use)-\$980  
☐ Rezoning-\$650

### TYPE OF PROPOSED STRUCTURES Check all that apply to the project.

<input type="checkbox"/> New Structure(s)	*Structure Type (Same as box #1 or 2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximum Length (Exterior Footprint Only)	*Maximum Width (Exterior Footprint Only)	*Maximum Sq. ft (Exterior footprint only)	*Maximum Height (Ground Level to Roof Peak)
	Shower Home		24 Feet	20 Feet	480 Sq. ft.	16 Feet
	Bunk House		24 Feet	20 Feet	480 Sq. ft.	16 Feet
	Bunk House		24 Feet	20 Feet	480 Sq. ft.	Feet
<input type="checkbox"/> Structure Additions	*Structure Type (Same as box #2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximum Length (Exterior Footprint Only)	*Maximum Width (Exterior Footprint Only)	*Maximum Sq. ft (Exterior footprint only)	*Maximum Height (Ground Level to Roof Peak)
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet

\*Indicates required field. Incomplete applications will be returned.

**CONTACT:** Planning and Community Development Department

#### Technical Assistance

Toll Free: 1-800-450-9777

Land Use Information

[www.stlouiscountymn.gov/land-use](http://www.stlouiscountymn.gov/land-use)

#### Duluth

Government Services Center

320 West 2nd Street, Suite 301

Duluth, MN 55802

(218) 725-5000

#### Virginia

Government Services Center

201 South 3rd Avenue West

Virginia, MN 55792

(218) 749-7103

#### Office Use Only

Receipt # \_\_\_\_\_

Receipt Date \_\_\_\_\_

Payment Amount \_\_\_\_\_

Paid By \_\_\_\_\_





# Conditional Use Permit (CUP)

## WORKSHEET St. Louis County, Minnesota

**About:** Conditional use permits are typically required on property where the owner does not reside and/or has employees and customer traffic. A CUP needs additional controls or restrictions to assure that it is in harmony with the neighborhood. They are also required for a variety of other uses.

County Land Explorer: <https://gis.stlouiscountymn.gov/landexplorer/> Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe/>

### WHAT ARE YOU APPLYING FOR? *Check all that apply to the project.*

- ☐ New business  
☒ Expansion of existing business  
☐ Replace existing business  
☐ Extractive Use-General Purpose Borrow (Gravel) Pit\*  
*\*Additional worksheet required. It is not necessary to continue filling out the CUP worksheet form. Please see Extractive Use- General Purpose Borrow (Gravel) Pit Worksheet (attached).*

☐ Other  
If Other, please explain:

### ABOUT THE BUSINESS

#### TYPE OF BUSINESS

How is the property currently being used? *Resort*

What type of business/use is being applied for? (List all uses that will take place)

*Resort Expansion Campground - adding RV sites + 2 cabins*

#### HOURS OF OPERATION

(Proposed)

Monday through Friday

Start: *1st week in May*  
End: *1st week in October*  
*8 AM - 9 PM*

Saturday

Start: *2 pm*  
End: *9 pm*

Sunday

Start: *8 AM*  
End: *6 PM*

Comments

*open seasonally only*

#### TRAFFIC, PARKING, AND/OR DOCKAGE

☒ Yes ☐ No

Will the proposal generate an increase in traffic? (Boat, snowmobile, truck, bus, car, etc.)

If Yes, estimated increase: ☒ 10 vehicles or less ☐ 11-25 vehicles ☐ Greater than 25 vehicles

☐ Yes ☒ No

Does the proposal require parking? (Please include employees, visitors, and other parking)

If Yes, how many parking spaces are available on the property?

#### APPROVAL FROM LOCAL ROAD AUTHORITY REQUIRED

☐ Yes (Please attach approval letter)  
☒ No



**SIGNAGE AND LIGHTING**

☐ Yes ☒ No Does your proposal include signage? (Include any off-site signs)

If Yes, please list number of signs, size, location, and illumination of each sign:

☐ Yes ☒ No Will there be lighting (including security lighting) that may be visible from roads, waterways, and adjacent properties?

If Yes, please explain:

**TYPE OF PROPOSED STRUCTURES** Check all that apply to the project.

☐ No New Structures

<input checked="" type="checkbox"/> New Structure(s)	Structure Type	Foundation Type (Basement, Slab, Pier, etc)	Maximum Length (Exterior Footprint Only)	Maximum Width (Exterior Footprint Only)	Maximum Sq. ft (Exterior footprint only)	Maximum Height (Ground Level to Roof Peak)
	Shower House	Slab	24 Feet	20 Feet	480 Sq. ft.	16 Feet
	Cabin	Slab	24 Feet	20 Feet	480 Sq. ft.	16 Feet
	Cabin	Slab	24 Feet	20 Feet	480 Sq. ft.	16 Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
Other						

<input type="checkbox"/> Structure Additions	Structure Type	Foundation Type (Basement, Slab, Pier, etc)	Maximum Length (Exterior Footprint Only)	Maximum Width (Exterior Footprint Only)	Maximum Sq. ft (Exterior footprint only)	Maximum Height (Ground Level to Roof Peak)
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet		Feet
	Other					

**OUTDOOR BUSINESS ACTIVITY** Check all that apply to the project.

Will there be any outdoor work or storage areas such as: rock piles, assembly sites, tank storage, equipment parking, etc?

☐ Yes ☒ No

If Yes, please explain:

**WASTEWATER TREATMENT**

Will wastewater will be generated?

☒ Yes ☐ No

If Yes, what type of system will be used to handle wastewater treatment?

☒ Private Septic System

☐ Municipal

☐ Other, please explain:

Working with licensed Designer for new septic system

**SOLID WASTE** Check all types of waste generated and describe how you will collect and store waste generated from the business below:

- |   |                                       |   |                                      |
|---|---------------------------------------|---|--------------------------------------|
| <input checked="" type="checkbox"/> Household Garbage | <input type="checkbox"/> Animal Waste | <input type="checkbox"/> Hazardous        | <input type="checkbox"/> Radioactive |
| <input type="checkbox"/> Oil and Grease               | <input type="checkbox"/> Chemicals    | <input type="checkbox"/> Demolition Waste | <input type="checkbox"/> Other       |
| <input type="checkbox"/> Other Automotive Fluids      | <input type="checkbox"/> Medical      | <input type="checkbox"/> Wood and Sawdust |                                      |

If Other, please explain:

Please describe collection and disposal:

onsite Dumpster

\*Additional information may be required based on the scope of the project.

**STORMWATER MANAGEMENT**

- |                              |  |  |
|------------------------------|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Will there be more than one (1) acre of altered surface?         |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | If Yes, do you have an MPCA NPDES permit? (Please attach permit) |

**CONTACT:** Planning and Community Development Department

**Technical Assistance**  
Toll Free: 1-800-450-9777  
Land Use Information  
[www.stlouiscountymn.gov/landuse](http://www.stlouiscountymn.gov/landuse)

**Duluth**  
Government Services Center  
320 West 2<sup>nd</sup> Street, Suite 301  
Duluth, MN 55802  
(218) 725-5000

**Virginia**  
Government Services Center  
201 South 3<sup>rd</sup> Avenue West  
Virginia, MN 55792  
(218) 749-7103

**Office Use Only**

Receipt # \_\_\_\_\_  
Receipt Date \_\_\_\_\_  
Payment Amount \_\_\_\_\_  
Paid By \_\_\_\_\_



# Site Sketch Form

The sketch is to graphically illustrate your proposed project(s)

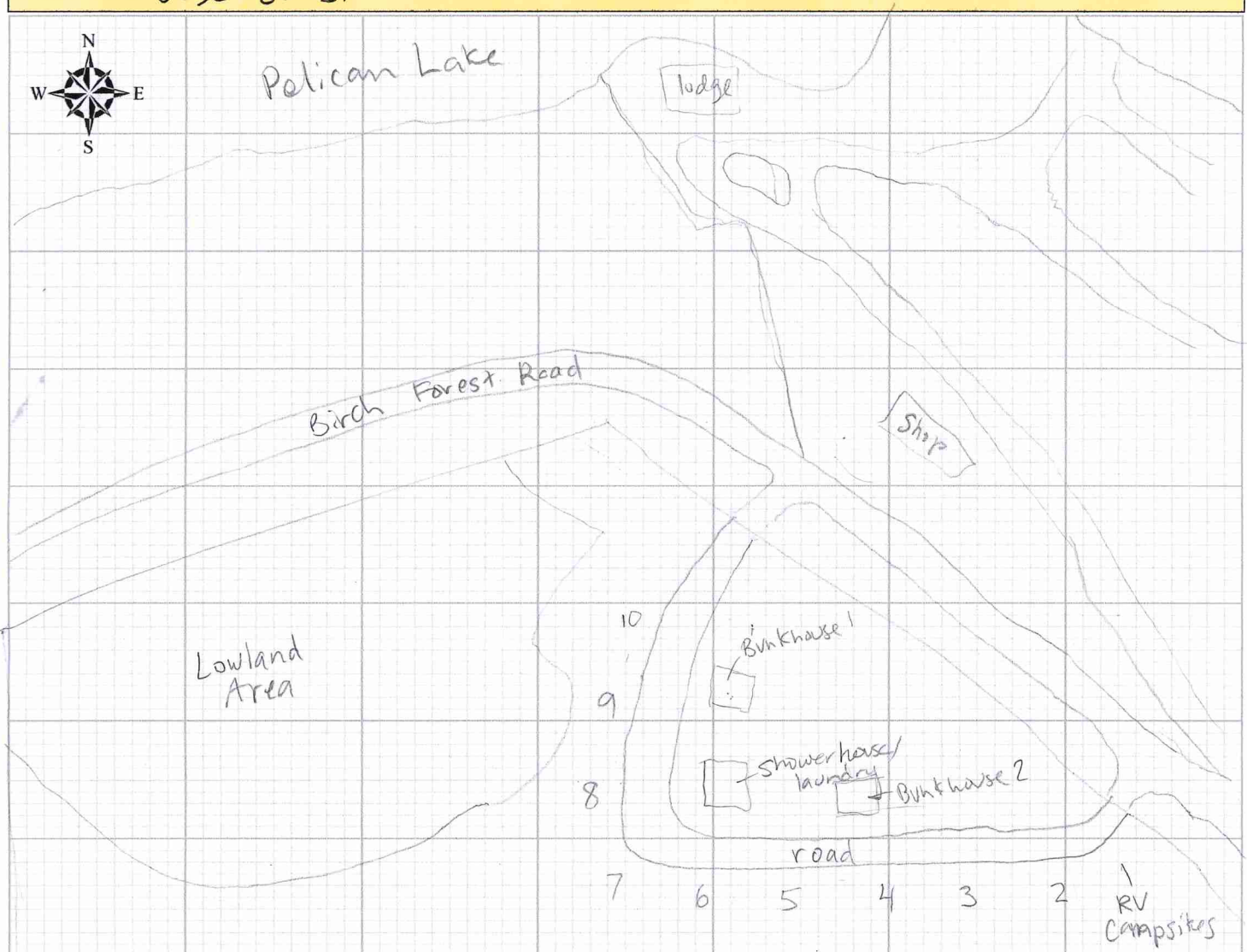
## Draw and Label on Sketch (in feet)

- ☐ \*All Structures on the Property and Dimensions
- ☐ \*All Driveways, Access Roads, and Wetlands
- ☐ \*All Proposed Structures and Dimensions

- ☐ \*Distance of Proposed Structures to Shoreline (Closest Point)
- ☐ \*Distance of Proposed Structures to Septic System and Tank
- ☐ \*Distance of Proposed Structures to Property Lines
- ☐ \*Distance of Proposed Structures to Road Centerline and Right-of Ways

You may submit your own site sketch **IF it has the required information indicated above.**

\*Applicant Name: Van Tassell Enterprises  
 \*Site Address: 4442 Birch Forest Rd, Orr MN 55771  
 \*PIN: 425-0030-00751



## \*\*\*Sanitary Authority Use Only\*\*\*

**Sanitary Review:** (To be determined by appropriate sanitary authority.)

Will the proposal, as shown above, negatively impact the SSTS/sanitary line or replacement area? ☐ Yes ☐ No

**Sign off:**

Signature \_\_\_\_\_

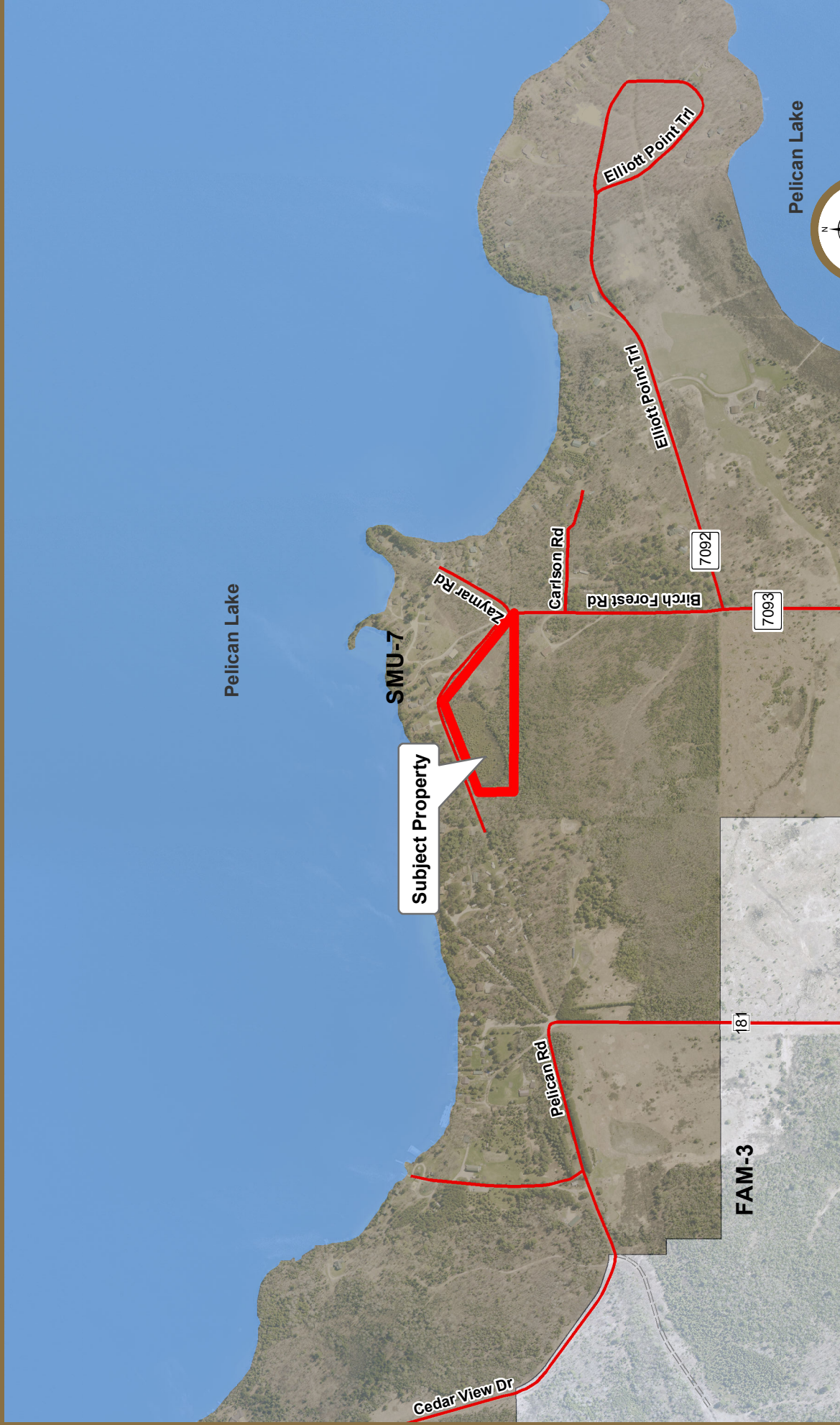
Title \_\_\_\_\_





# St. Louis County

August PC Meeting



Prepared By: **Planning & Community Development**  
(218) 728-5000  
[www.stlouiscountymn.gov](http://www.stlouiscountymn.gov)

Source: St. Louis County

Map Created: 7/13/2022

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**Van Tassell Enterprises**  
Location Map  
PIN: 425-0030-00751

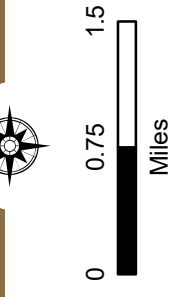
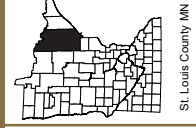
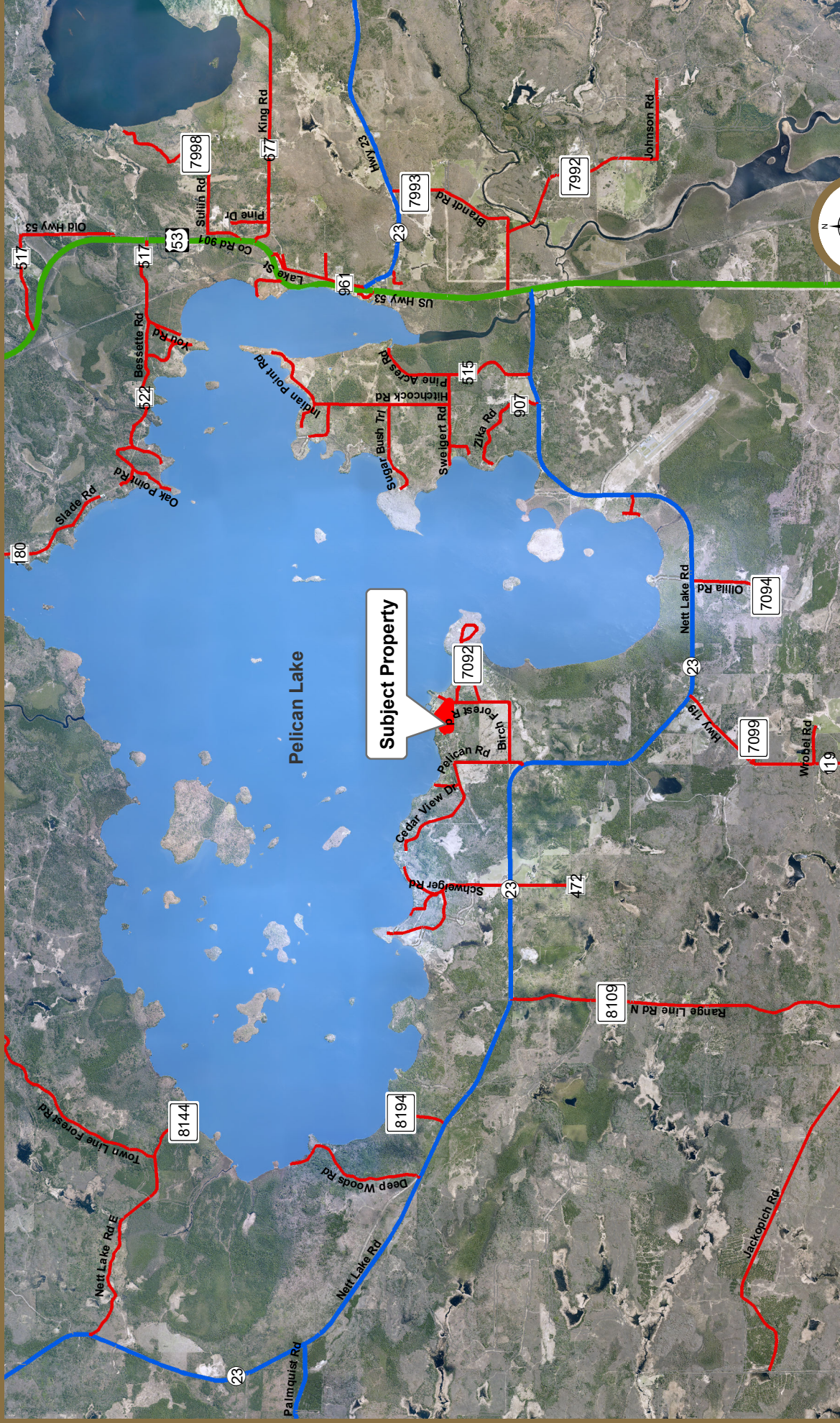
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Feet





# St. Louis County

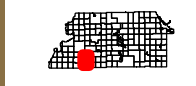
August PC Meeting



## Van Tassell Enterprises

Location Map

PIN: 425-0030-00751



Prepared By: **Planning & Community Development**  
(218) 725-5000  
[www.stlouiscountymn.gov](http://www.stlouiscountymn.gov)

Source: St. Louis County

Map Created: 7/13/2022

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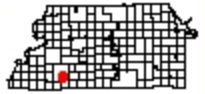


# St. Louis County

August PC Meeting



## VanTassell Site Map 425-0030-00751



Prepared By: Planning & Community Development

(218) 725-5000

[www.stlouiscountytn.gov](http://www.stlouiscountytn.gov)

Source: St. Louis County

Map Created: 7/13/2022

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