



ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

REPORT DATE: 1-24-21

MEETING DATE: 1-13-21

APPLICANT INFORMATION

APPLICANT NAME: Bill Nieters

APPLICANT ADDRESS: 8947 E Wakemup Village Road, Cook MN 55723

OWNER NAME:

SITE ADDRESS: N/A

LEGAL DESCRIPTION: SW1/4 of SE ¼ S14, T62 N, R20 W (Linden Grove)

PARCEL IDENTIFICATION NUMBER (PIN): 430-0010-02330

NATURE OF REQUEST: A conditional use permit for a general purpose borrow pit as an Extractive Use-Class II.

PROPOSAL DETAILS: The proposed operation will include crushing, washing, screening, and portable hot mix. Standard hours of operation are from 7 a.m. to 7 p.m. Monday – Saturday. It is estimated that up to 5,000 cubic yards of material will be excavated per year.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Wien Road

ROAD FUNCTIONAL CLASS: Local

LAKE NAME: N/A

LAKE CLASSIFICATION: N/A

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The parcel has a pole building and small accessory structure. Most of the parcel is undeveloped and consists of an open field and small wooded area.

ZONE DISTRICT: FAM 2

PARCEL ACREAGE: 40

LOT WIDTH: 1,320

FEET OF ROAD FRONTAGE: 1,320

FEET OF SHORELINE FRONTAGE: N/A

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The pit is located on the back side of a hill and will not be seen from the road. The pit is approximately 900 feet from the road.

TOPOGRAPHY: The property has an elevation change of 22 feet from the south to the north.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL: The property consists of a pre-existing borrow pit with no permit authorization.

FACTS AND FINDINGS

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 A., indicates general purpose borrow pits are an allowed use with a conditional use permit.
2. The St. Louis County Comprehensive Land Use Plan under Objective LU-4.5 states that the development of new general purpose borrow pits should be directed to areas designated as Forest and Agriculture (FA) on the Future Land Use Map. The property is within the FA concept area and is zoned Forest Agriculture Management.

B. Neighborhood Compatibility:

1. The area consists primarily of large tracts of undeveloped forest and agricultural land.
2. The development density in this area is very low with only two residences within a quarter mile. The closest residence is located approximately 1,000 feet to the east.

C. Orderly Development:

1. This is a rural area consisting of primarily large undeveloped parcels.
2. The request and location of the proposed borrow pit should have little to no effect on the future development of the surrounding area.

D. Desired Pattern of Development:

1. There is not a high level of future growth anticipated in the area. The City of Cook is located approximately 7 miles to the east.

E. Other Factor(s): The Little Fork River is located approximately 1,100 feet east of the proposed pit activity.

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?

CONDITIONS

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a general purpose borrow pit as an Extractive Use-Class II, the following conditions shall apply:

Condition Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. The extractive use activity shall be limited to less than 40 acres.
3. Standard hours of operation are from 7 a.m. to 7 p.m. Monday – Saturday.
4. The applicant shall adhere to all local, county, state, and federal regulations.



Conditional Use Permit (CUP)

 Permit #

EXTRACTIVE USE CLASS II APPLICATION St. Louis County, Minnesota

 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

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

*Primary PIN	430-0010-02330	Associated PIN																		
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://qls.stlouiscountymn.gov/landexplorer/> Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelinfo2005iframe/>

APPLICANT

*Applicant Name	I am a... <input type="checkbox"/> Contractor <input type="checkbox"/> Homeowner <input checked="" type="checkbox"/> Other		*Daytime #	Date
Nieters Holding Company LLC			218 780 6013	11-16-21
*Applicant Address	*City	*State	*ZIP	
8947 E Wakening Village Rd	Cook	MN	55723	
Applicant Email bill@nieterselectric.com				
Contact Person <small>If applicable.</small> Bill Nieters		Contact Person # 218 780 6013		
Mailing Address <small>If different than above.</small>			City	State
				ZIP

Email Address Where to email permit. Providing an email address will expedite the time in which a permit is received by an applicant.

bill@nieterselectric.com

SITE INFORMATION

<input type="checkbox"/> Yes	<input checked="" 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:		
<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

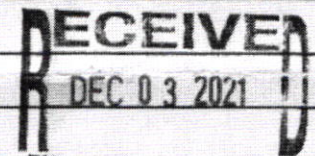
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	*Is this project on a parcel less than 2.5 acres?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	*Is this project within 300 feet of a stream/river or 1,000 feet of a lake?
<input type="checkbox"/> Yes	<input checked="" 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	*Does this project include plumbing or pressurized water in proposed structure? If yes, please explain:
<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.

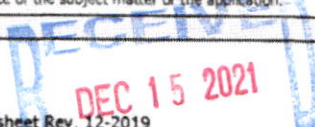
AGREEMENT

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.



BY: _____



BY: _____



Extractive Use- General Purpose Borrow (Gravel) Pit

Worksheet St. Louis County, Minnesota

PERMIT TYPE



General Purpose Permit (Requires Conditional Use Approval)

GENERAL OPERATIONS DESCRIPTION

- ☒ Crushing ☒ Washing ☒ Screening ☒ Portable Hot Mix ☐ Permanent Hot Mix ☐ Recycling of Asphalt
☐ Recycling of Concrete ☒ Other:

GRAVEL SALE

Describe the frequency and duration of the applicable activities:

AS needed - MAY thru freeze up. SAND in pit
PASSES septic perc test - will sell to a couple
LOCAL installers

ROAD ACCESS

What road will the proposed pit be accessed from? Existing driveway to Wein Rd



Do you have authorization for access from the appropriate road authority? If yes, please attach written authorization.

TRAFFIC

How many trucks, on average, will leave the pit per day? AS needed

DESCRIPTION OF EXCAVATION

What is the depth of excavation from the original surface?

currently 20 Feet

Estimated volume of material to be excavated per year?

Not sure 5000 Cubic yards

What is the depth of ground water before excavation?

Feet

Total area to be excavated*?

10 Acres

*As per MN Rule 4410.4300, Subp. 12, Environmental Review is required if area excavated has potential for 40 acres or more of excavation. See MN Rules for further information regarding Environmental Review process.

PROJECT LOCATION



Are there residential properties within 300 feet of the pit, haul roads, stockpile areas, or related pit facilities?

How close is the nearest home? 1000 Feet



Are there any lakes, rivers, or streams within 300 feet of the pit?



Are there wetlands within 300 feet of the pit? (Include the area of the pit)



Have the property lines been established? If yes, please attach:

☐ Certified Land Survey ☐ Written agreement with all adjacent property owners

pit is in the middle of 40 Acres

HOURS OF OPERATION

(Proposed)

Monday through Friday

Saturday

Sunday

Comments

7-7

7-7

Start: 7 am End: 7 pm	Start: 7 am End: 7 pm	Start: End:	
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ENVIRONMENTAL EFFECTS

What dust control measures will be used?

☒ Water Trucks ☐ Chloride ☐ Other (If other, please explain):

☒ Yes ☐ No Will runoff be contained within the pit area?

If no, please explain:

☐ Yes ☒ No Will material other than clean fill be deposited within the pit?

If yes, please explain:

SCREENING

What type of visual screening will be used:

From Roads

From Adjacent Properties

☐ Vegetative ☐ Berm ☐ Other

☐ Vegetative ☐ Berm ☐ Other

Please Describe:

The pit is over a hill so cant be seen from the Road at this time

☐ Yes ☒ No Have you obtained your MPCA Borrow Pit Stormwater Permit?

EROSION CONTROL/RECLAMATION PLAN REQUIRED ATTACHMENT

Sign, date and submit attached reclamation plan.

Or describe, in detail, your reclamation efforts both temporary and after exhaustion of the pit.
(Include erosion control measures to be used, seeding, sloping. Attach additional sheets.)

NOTE: All owners are responsible for assuring that pit operators comply with all borrow pit standards. To obtain a copy of the standards go to www.stlouiscountymn.gov/landuse

Extractive Use-General Purpose Borrow (Gravel) Pit Site Sketch Form

Borrow Pit

Setbacks

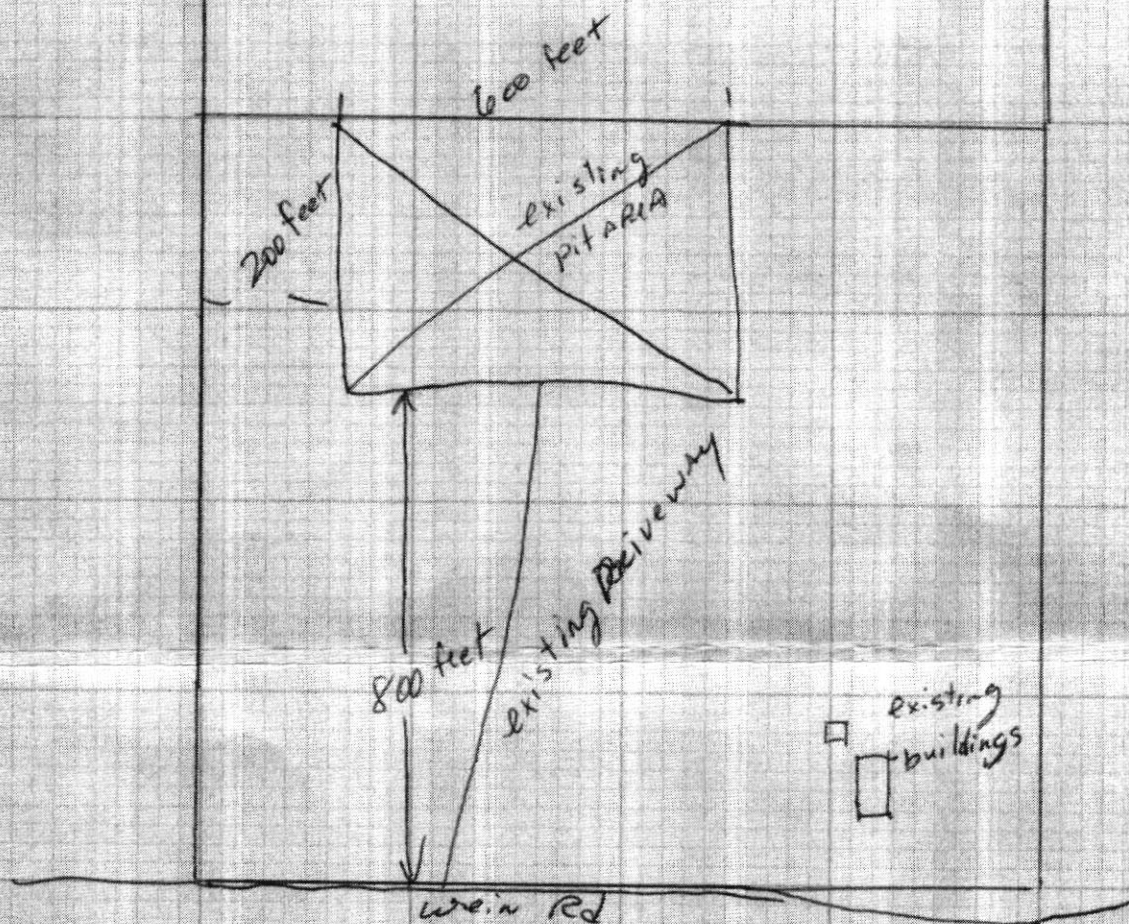
Include locations and labels of:

- ☐ Property lines
- ☐ Roads
- ☐ Haul road
- ☐ Gate
- ☐ Wetlands
- ☐ Proposed buildings

- ☐ Proposed phased excavation
- ☐ DNR protected waters, if applicable
- ☐ Existing structures, if applicable
- ☐ Utility easements, if applicable
- ☐ Existing excavation, if applicable
- ☐ Hot mix location, if applicable

- ☐ Property lines
- ☐ Road centerline and right-of-way
- ☐ Shoreline
- ☐ Wetlands

You may submit your own site sketch if drawn to scale and has required information indicated above.



Extractive Use-General Purpose Borrow (Gravel) Pit Site Sketch Form

Borrow Pit

Setbacks

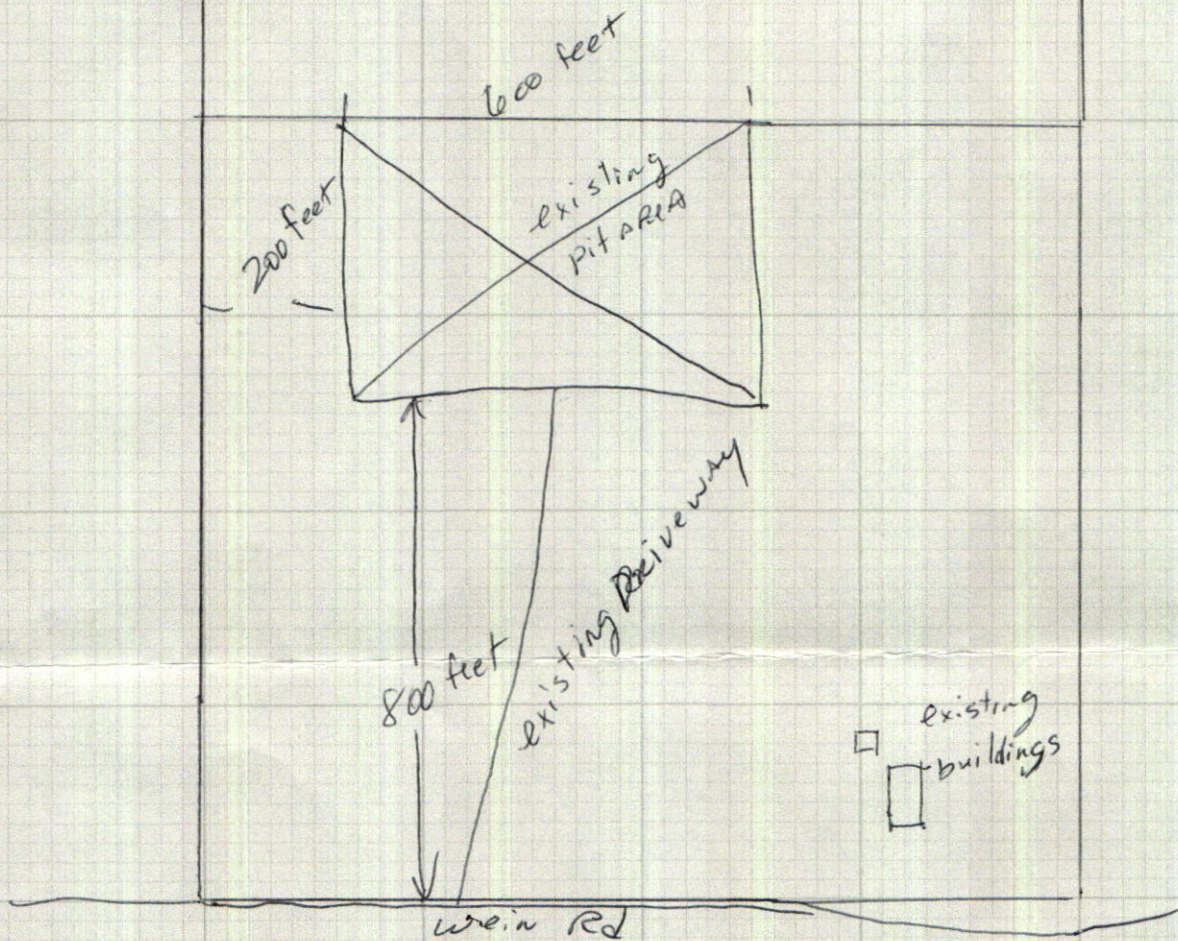
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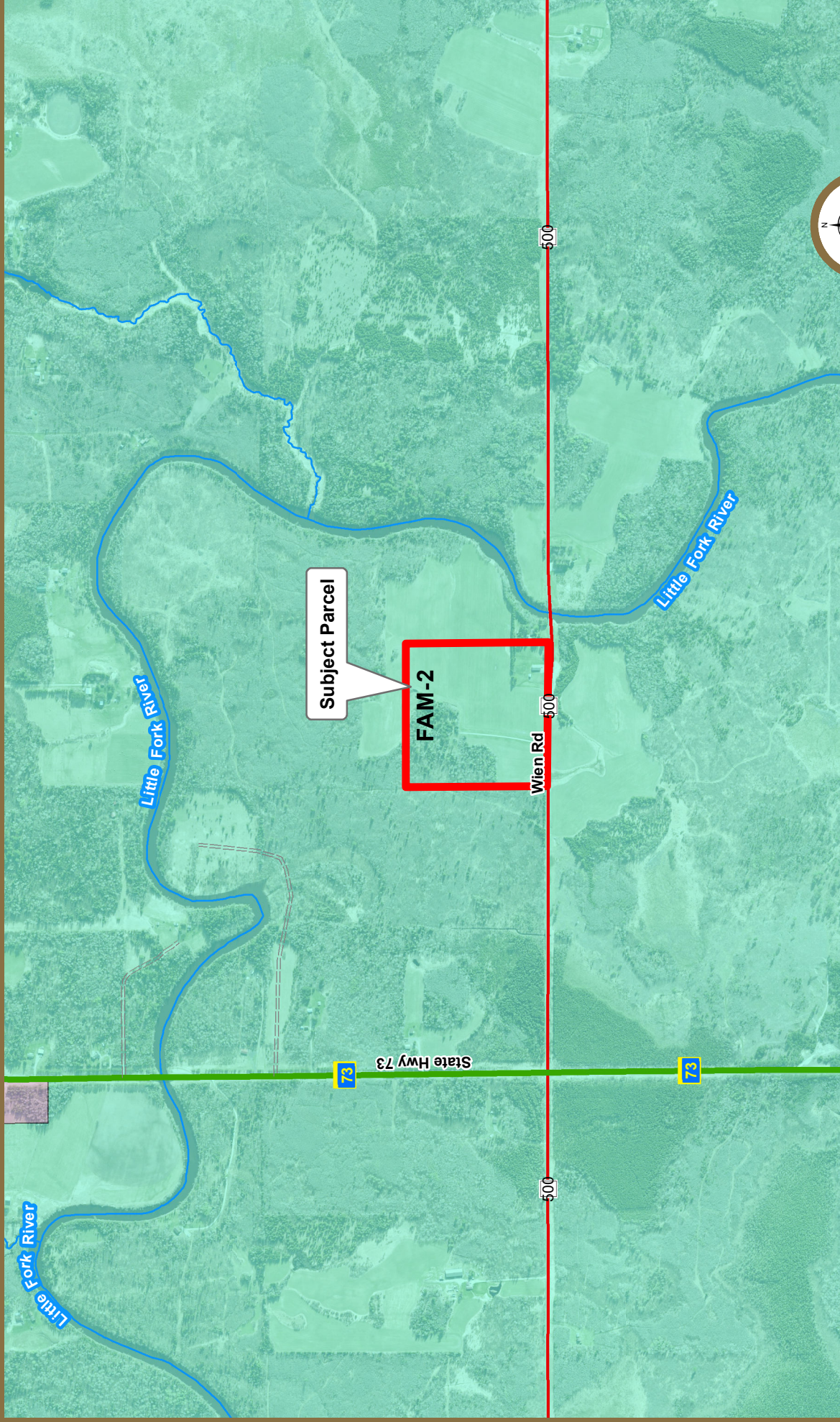
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St. Louis County

January PC Meeting



Prepared By: **Planning & Community Development**
(218) 726-3000
www.stlouiscountymn.gov

Source: St. Louis County

Map Created: 12/8/2021

Disclaimer: This is a compilation of records as they appear in the St. Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.

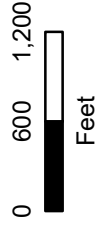
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Nieters Holding Company LLC

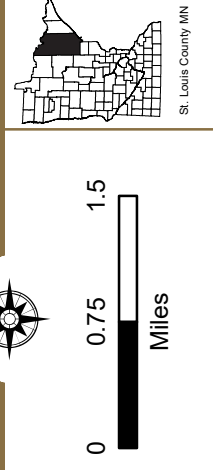
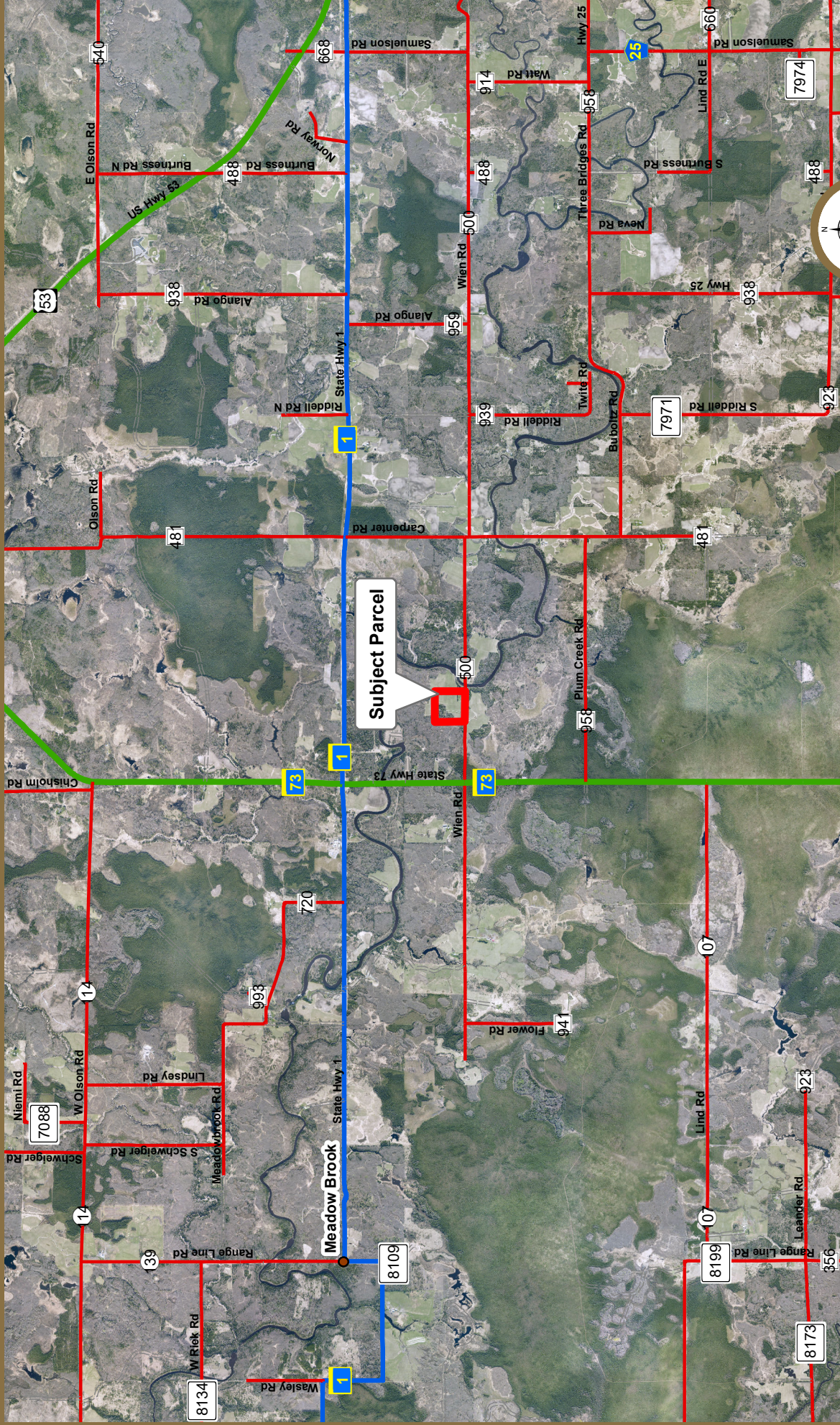
Zoning Map

PIN: 430-0010-02330



St. Louis County

January PC Meeting



Nieters Holding Company LLC

Location Map

PIN: 430-0010-02330

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St. Louis County Site Map



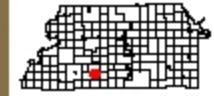
Prepared By: Planning & Community Development
(218) 725-3000
www.stlouiscounty.mn.gov

Source: St. Louis County

Map Created: 12/9/2021

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Nieters Holding Company LLC
Site Map
Pin 430-0010-02330

