



ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

INSPECTION DATE: 5/26/2021

REPORT DATE: 5/24/2021

MEETING DATE: 6/10/2021

APPLICANT INFORMATION

APPLICANT NAME: Steven VanGuilder

APPLICANT ADDRESS: 5829 McGonagle Road, Floodwood, MN 55736

OWNER NAME:

SITE ADDRESS: 5829 McGonagle Road, Floodwood, MN 55736

LEGAL DESCRIPTION: SW1/4 of NE1/4, SE1/4 of NE1/4, LOT 2 and LOT 1 EX N1/2, S1, T51N, R20W
(Floodwood)

PARCEL IDENTIFICATION NUMBER (PIN): 360-0010-00030, 360-0010-00040, 360-0010-00020 and 360-0010-00010

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 the excavation of sand and gravel (pit run). It is estimated that 10,000 cubic yards of material will be removed each year. Standard hours of operation are proposed from 7 a.m. to 8 p.m., Monday through Saturday, with an estimated 4-5 trucks leaving the pit per day. The proposed excavation activity is estimated at a total area of 5 acres.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: McGonagle Rd/
C 170

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: Parcels 360-0010-00030 and 360-0010-00020 are undeveloped. Parcel 360-0010-00040 contains a dwelling, several accessory structures, well, septic system and driveway. Parcel 360-0010-00010 was issued a Conditional Use Permit for a General Purpose Borrow Pit in 2005.

ZONE DISTRICT: FAM 1

PARCEL ACREAGE: 140.42 ACRES (COMBINED)
Extractive use not to exceed 40 ACRES

LOT WIDTH: 1,320 FEET

FEET OF ROAD FRONTAGE: 1,980 FEET (COMBINED)

FEET OF SHORELINE FRONTAGE: N/A

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: Recent logging activity has removed much of the natural screening. A buffer of trees was left along the western property line of parcel 360-0010-00030.

TOPOGRAPHY: The property has an elevation change of 18 feet.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: There are wetland areas on the parcel. Wetland impacts should be avoided and required wetland buffer shall be followed.

ADDITIONAL COMMENTS ON PARCEL: Applicant owns parcels 360-0010-00030, 360-0010-00040 and 360-0010-00020. Applicant is proposing to utilize an existing haul road on parcel 360-0010-00010 to access the proposed borrow pit. The proposed haul road will be located on all four parcels; however, excavation will only occur on parcel 360-0010-00030 and the entire extractive use (including the haul road) on the property shall be less than 40 acres.

FACTS AND FINDINGS

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 B., 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.
3. The applicant's parcel is designated as FA within Planning Area 5a on the Future Land Use Map.
4. The FA category typically consists of large tracts of land that are not intended for future urban or rural development.

B. Neighborhood Compatibility:

1. The area consists primarily of large tracts of undeveloped forest and agricultural land. These large tracts of land are under both private and public ownership.
2. The development density in this area is very low with only a few residences.
3. Excluding the applicants dwelling, there is one residential dwelling within a quarter mile of the proposed borrow pit and haul road.
 - a. The closest residential dwelling is within 300 feet northeast of the haul road.
 - b. There is also a seasonal trailer approximately 950 feet from parcel 360-0010-00030 where excavation will occur.
4. There are two existing general purpose borrow pits within one quarter mile of the parcel. Both existing borrow pits are on adjacent parcels.
 - a. The applicant is proposing to utilize the existing haul road of the pit located on McGonagle Road to access the proposed borrow pit.

C. Orderly Development:

1. This is a rural area consisting of primarily large undeveloped parcels.
2. The request of a 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.

E. Other Factor(s):

1. Recent logging activity has removed much of the natural screening of the required no disturbance buffer.
 - a. Excavation has not yet begun. The no disturbance buffer must be maintained upon beginning excavation.
2. The proposed exaction will occur on parcel 360-0010-00030 which is a quarter mile to the west of McGonagle Road.
3. The total pit area to be excavated is 5 acres.

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 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

In the event that 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.
2. A wetland delineation shall be completed.

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. The applicant shall adhere to all local, county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.

**ST. LOUIS COUNTY, MN
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

Duluth

Government Services Center
320 West 2nd Street, Suite 301

Duluth, MN 55802
(218) 725-5000

Virginia

Northland Office Center
307 First Street South, Suite
117

Virginia, MN 55792
(218) 749-7103

CONDITIONAL USE BORROW PIT/EXTRACTIVE USE PERMIT APPLICATION

General - This application is used to apply for a General Purpose Borrow Pit Permit. Applicants will need to attach the appropriate worksheet(s) in order to process. Incomplete applications will be returned. Note that the 'clock' does not begin until after payment has been processed for the application. For more information, see our website at:

www.stlouiscountymn.gov/BuildingStructures

Enter the Primary PIN and Associated PIN (if applicable) of the property to be reviewed.

PIN is found on your Property Tax Statement. For example, 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://www.stlouiscountymn.gov/explorer>

Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe>

Primary PIN **360-0010-00030**

Associated PINs

Enter Applicant Information.

I am a: **Landowner**
Applicant Name: **Steven Lyle VanGuilder**
Address Line 1: **5829 McGonagle Rd.**
Address Line 2: **--**
City: **Floodwood**
State: **MN**
Zip: **55736**
Primary Phone: **(218)220-8005**
Cell Phone: **--**
Fax: **--**
Email: **suejohn680@gmail.com**

Enter Contact Person Information (if applicable).

Same as Applicant **No**
Contact Person Name **Steven VanGuilder or Bob Johnston**
Contact Person E-mail **suejohn680@gmail.com**
Contact Person Phone **(218)220-8005**

Mailing Address Information.

This address can default from the address you selected. If the values defaulted are not correct, please enter the correct information.

Same as Applicant address? **No**
Name: **Steven VanGuilder**
Address: **6702 Adams Rd.**
City: **Floodwood**
State/Province: **MN**
Zip: **55736**

Primary Phone: **(218)220-8005**
Cell Phone: **--**
Fax: **--**
Email: **suejohn680@gmail.com**

Site Information.

If there is no site address, the application will be forwarded to 911/Communications to assign one.

Is there a site address for this property? **Yes**

Site Address: **5829 McGonagle Rd. Floodwood, MN 55736**

Is this leased property? **No**

Leased From? **--**

Do you have written authorization from the leased property owner?

If Yes, you must attach written authorization form.

No

Enter Project Information.

Is this project within 300 feet of a stream/river or 1,000 feet of a lake?

No

Please describe the general operations of the project

Crushing **No**

Washing **No**

Screening **No**

Pit Topsoil **No**

Portable Hot Mix **No**

Permanent Hot Mix **No**

Recycling of Asphalt **No**

Recycling of Concrete **No**

Other **Yes**

If Other, please describe **Sand and gravel (pit run)**

Describe frequency and duration of the applicable activities **May - October Monday-Saturday 8:00 am - 4:00 pm**

What road will the proposed pit be accessed from?

McGonagle Rd.

Do you have authorization for access from the appropriate road authority?

Yes

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

5

What is the depth of excavation from the original surface (in feet)?

10

Estimated volume of material to be excavated per year (in cubic yards)?

0

What is the depth of ground water before excavation (in feet)?

15

Total area to be excavated (in acres)?

5

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

No

How close is the nearest home (please specify if in feet or miles)?

10'

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

No

Are there any wetlands within the pit or within 300 feet of the pit?

No

Have the property lines been established?

If yes, please attach your Certified Land Survey or a written agreement with all adjacent property owners.

Yes

Hours of Operation (Proposed)

Monday-Friday Start **8:00 am**

Date:

Monday-Friday End **4:00 pm**

Date:

Saturday Start Time: **8:00 am**

Saturday End Time: **4:00 pm**

Sunday Start Time: **--**

Sunday End Time: **--**

What dust control measures will be used?

Water Trucks **No**

Chloride **No**

Other **No**

If Other, please explain **--**

Will runoff be contained within the pit area? **Yes**

If No, please explain **--**

Will material other than clean fill be deposited in the pit? **No**

If Yes, please explain **--**

What type of visual screening will be used?

Vegetative **No**

Berm **No**
Hill **No**

Natural Topography **No**
Other **No**
Please Describe **1/4 plus mile off county road**

Have you obtained your MPCA NPDES permit?

If Yes, please attach documentation.

No

Sign, date, and submit an 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, and sloping. Attach additional sheets.

--

Will there be more than --
one (1) acre of altered
surface?

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 result 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.

If your name, contact information or email address have changed, you should update your contact information in the portal by selecting 'Maintain Contact Information' at the top of this page.

Submitted By: --
Address: --
City: --
State: --
Postal Code: --
Email Address: --

I have read and agree to the statement
above.

No

Mr. Donald Rigney
Jennifer Bourbonais

Additional Information

1. new sketch, set backs of 100FT or more of property lines
2. Will only utilize - for (PIT Run)
3. Hours of operation Monday - Saturday 7AM - 8pm
4. Type of dust control will be (water)
5. will do wetland delineation if proposal is granted and if its needed
6. letter from Leo Dorn for Hual road Access

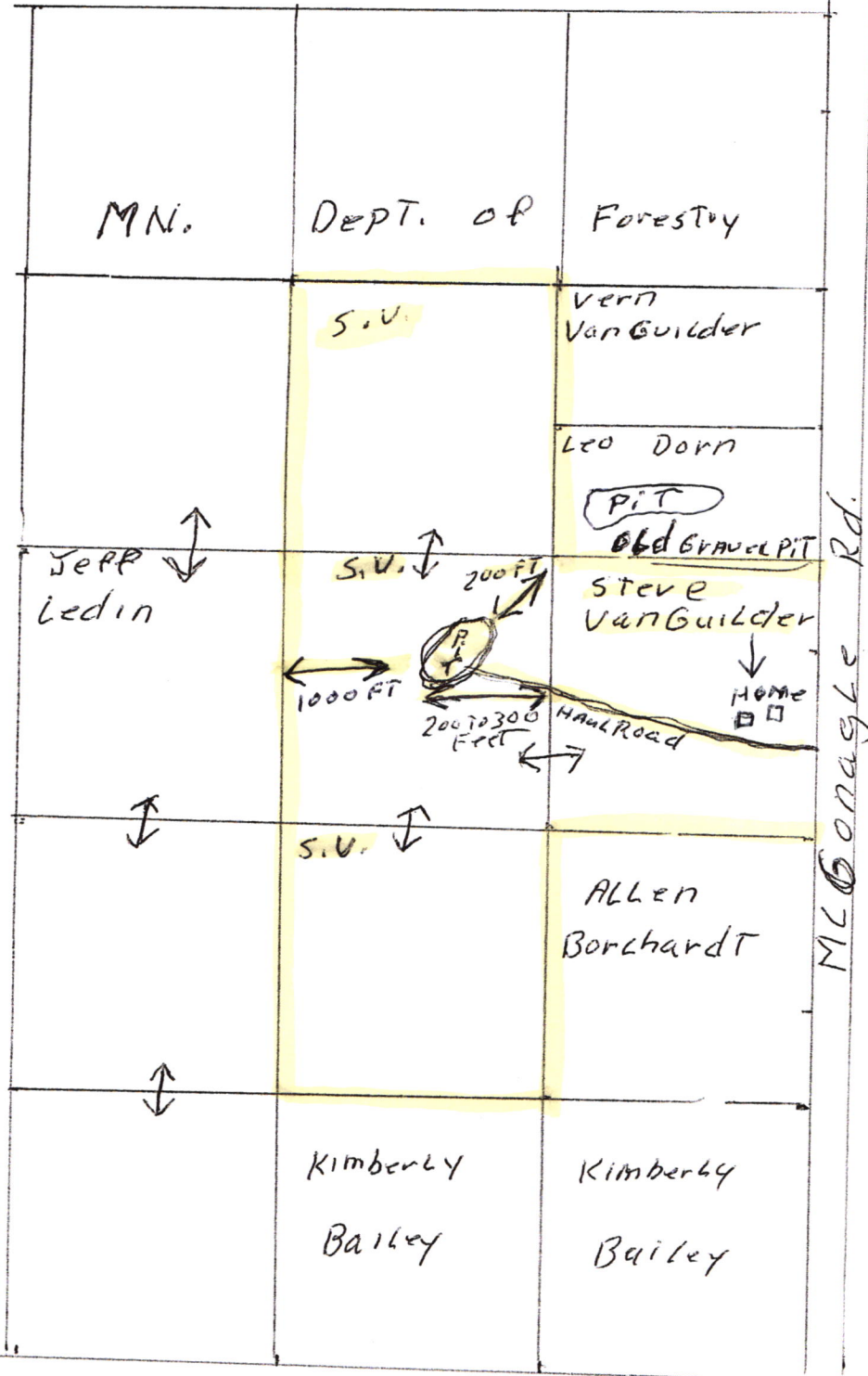
Robert Johnston
Steve VanGilder

ALL the outside property
lines of Steve VanGuilder's
four fourtys were marked
when it was logged Three
year ago.

Adjoining owners were ok with
them

Stevens home is about
100' ft. off McGonagle Rd.
Road to the pit would be
south of the house

North



I Vernon Van Guilder
agree with property
lines of my property
in relationship to proposed
gravel pit.

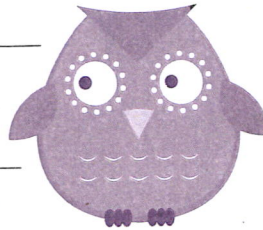
My land described as
20.6 acres Sec 1 Twp 51
Rg 20 B1K N $\frac{1}{2}$ of lot
N

date 4-14-21

Signed Vern Van Guilder

phone 218-341-5987

address 210 Fir Street Fossilwood
MN 55736



To whom it may concern-

I have no objections to Steve VanBuilder applying for a permit to haul gravel out of this land. We have no issues with our property being near the gravel pit.

Thank you - Kim Bailey

Kim Bailey

Kim Bailey
10745 Hwy 18
Floodwood, MN
55736

(218) 499-1449

4-15-2021

To whom it may concern

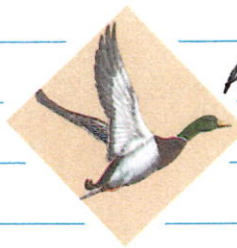
I understand that Steve Van Gilder
is applying for a permit on his property
for witch I donot object.

I have no issues with our
property line.

I also have no objections to
his permit.

Leo Dorn
17965 Langford Blvd.
Prior Lake Minn
55372

Leo Dorn
17965 Langford Blvd.
Prior Lake, Minn. 5
55372



Phone #

612-202-9226

OK to have gravel pit
on Steve Van Guilder's land agree
that it is well away from my
property lines.

name Allen A. Borchardt Jr.
Allen A. Borchardt -
address 19001 N.E. 110th St.
Foreston, Mn. 56330

telephone # 612-532-6017



(no subject)

1 message

Leo Dorn <leo.dorn68@gmail.com>
To: suejohn680@gmail.com

Thu, May 20, 2021 at 6:24 PM

To whom it may concern

I Leo Dorn have given permission to Steve Vangilder to access his proposed pit through my property.

Leo Dorn
612 202 9226. 5/20/2021

N



~~McGonagle Rd.~~ McGonagle Rd.

Extractive Use-Borrow (Gravel) Pit Reclamation Plan

During Mining operation:

- Vegetation will be cleared and disposed of in a manner acceptable to the fire warden and solid waste authority.
- Top soil will be reserved for reapplication and seeded to prevent erosion.
- The pit will be managed by designating a working face and directing activity to that area until depletion of materials. Once an area has been depleted it shall be reclaimed.
- Final grading of the pit face and other slopes will be at a minimum of 3:1.

Reclamation, if applicable, shall be completed prior to the expiration of the permit:

- Reapplication of top soil to depth of 6-9 inches.
- Permanent seeding with native grasses in the spring (April-June) to stabilize erosion.
- Allowing for natural re-vegetation.

Shawn L. Van Duzer
Name

8/3/20
Date

St. Louis County

June PC Meeting



Prepared By: **Planning & Community Development**
(218) 728-5000
www.stlouiscountymn.gov
Source: St. Louis County

Map Created: 5/24/2021

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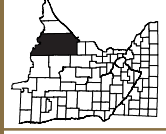
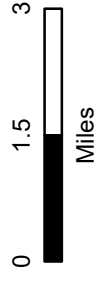
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Steven VanGuilder

Location Map

PIN:360-0010-00040, 360-0010-00030,
360-0010-00020,360-0010-00010

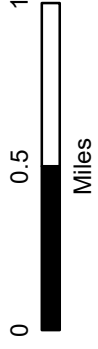
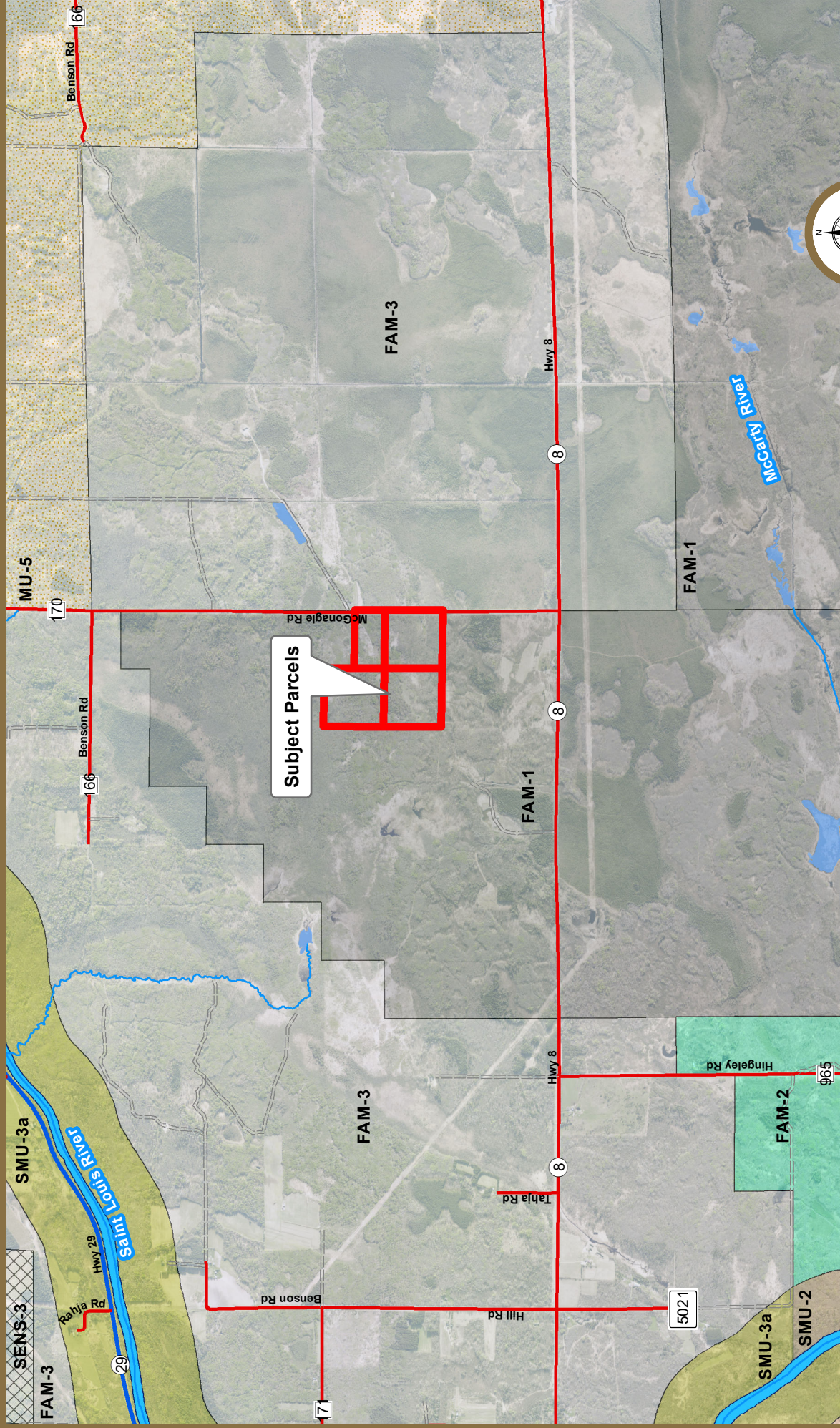


St. Louis County MN



St. Louis County

June PC Meeting



Steven VanGuilder

Zoning Map

PIN:360-0010-00040, 360-0010-00030,
360-0010-00020, 360-0010-00010



Prepared By: Planning & Community Development
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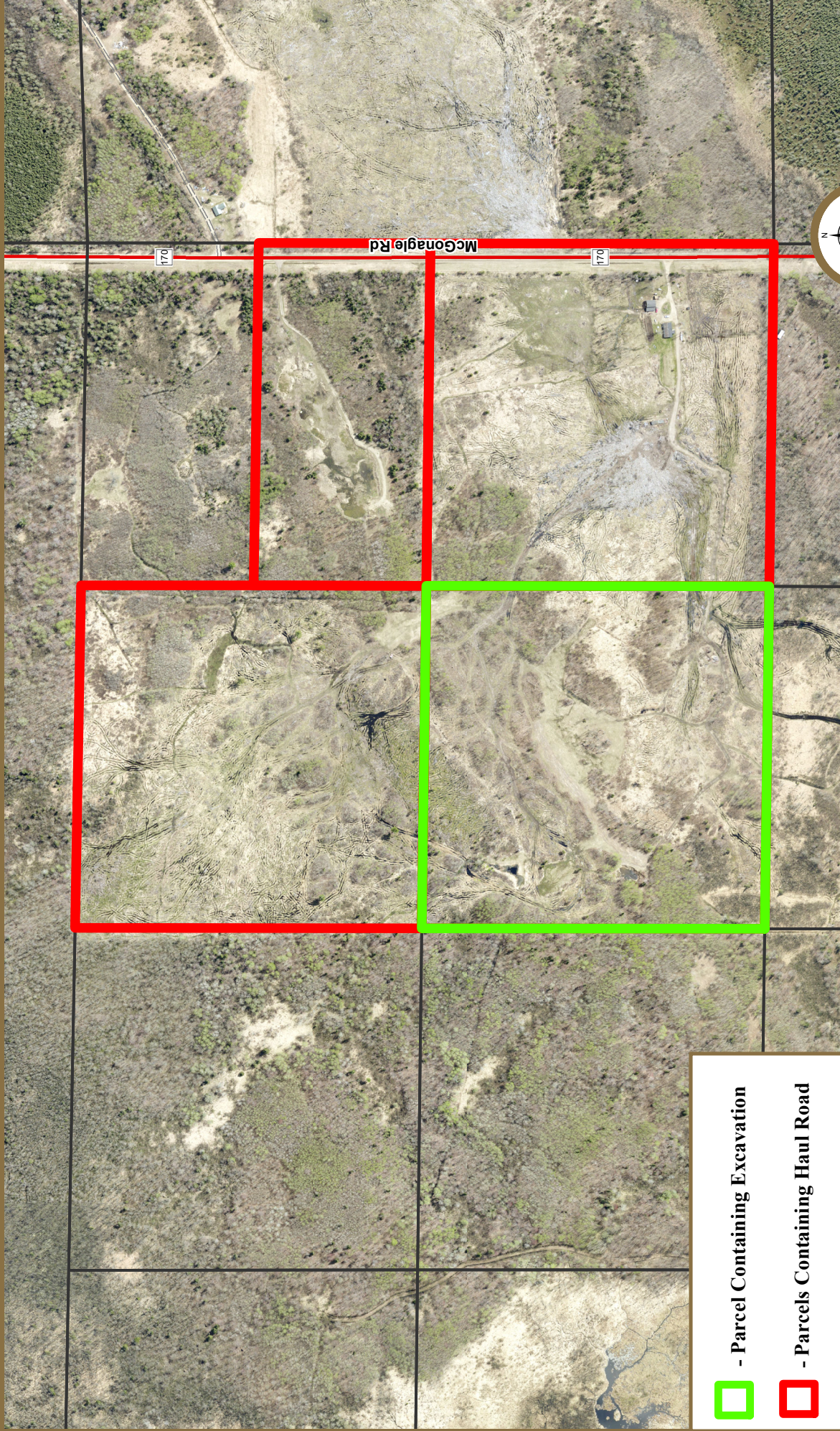
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St. Louis County

June PC Meeting



- - Parcel Containing Excavation
- - Parcels Containing Haul Road

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 (218) 725-5000
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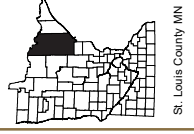
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Steven VanGuilder

Site

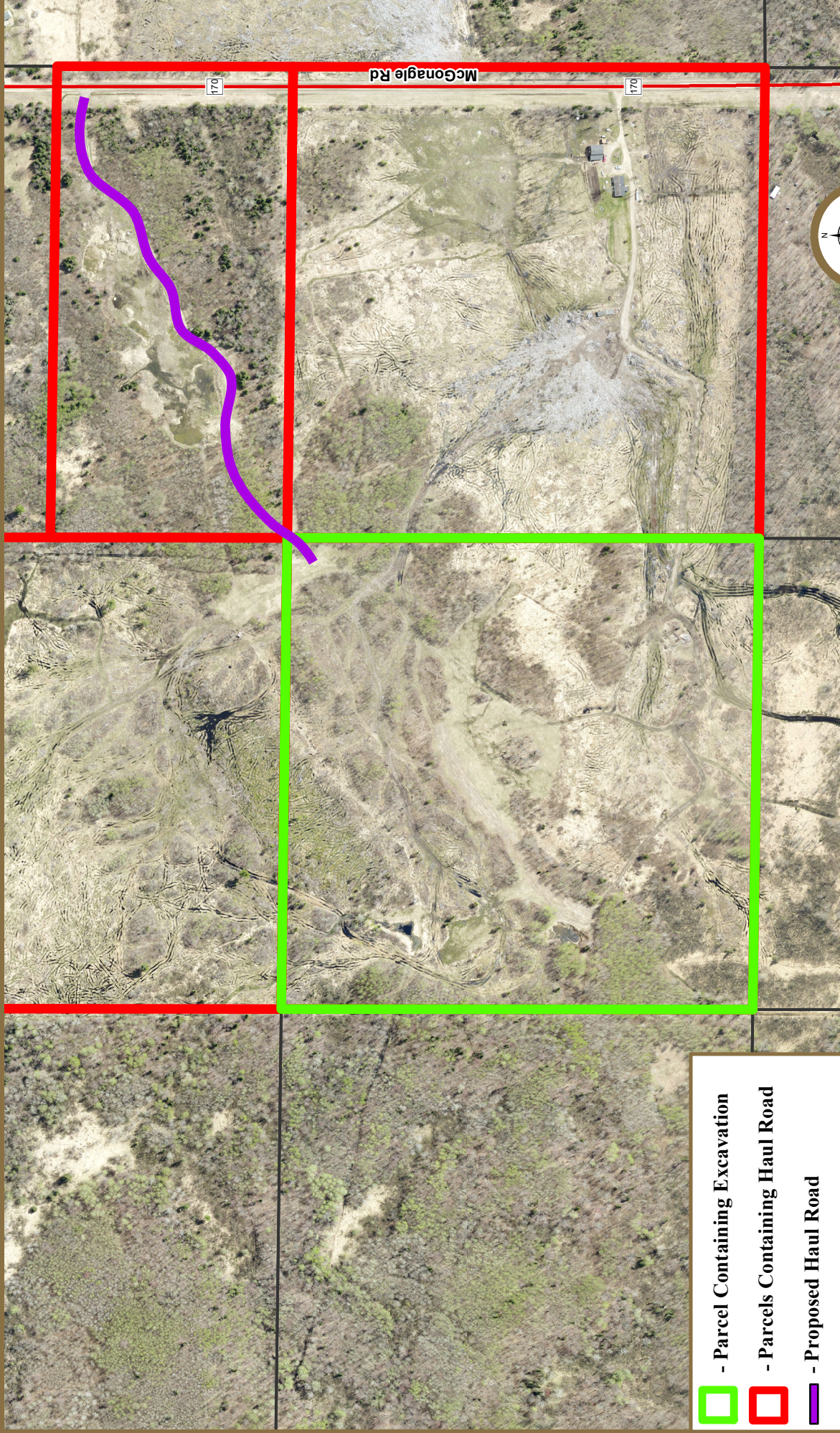
PIN: 360-0010-00030, -00040, -00020, -00010



St. Louis County MN

St. Louis County

June PC Meeting



- - Parcel Containing Excavation
- - Parcels Containing Haul Road
- - Proposed Haul Road

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 (218) 725-5000
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0 170 340 510
 Feet



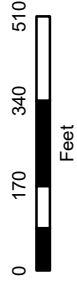
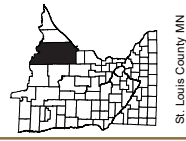
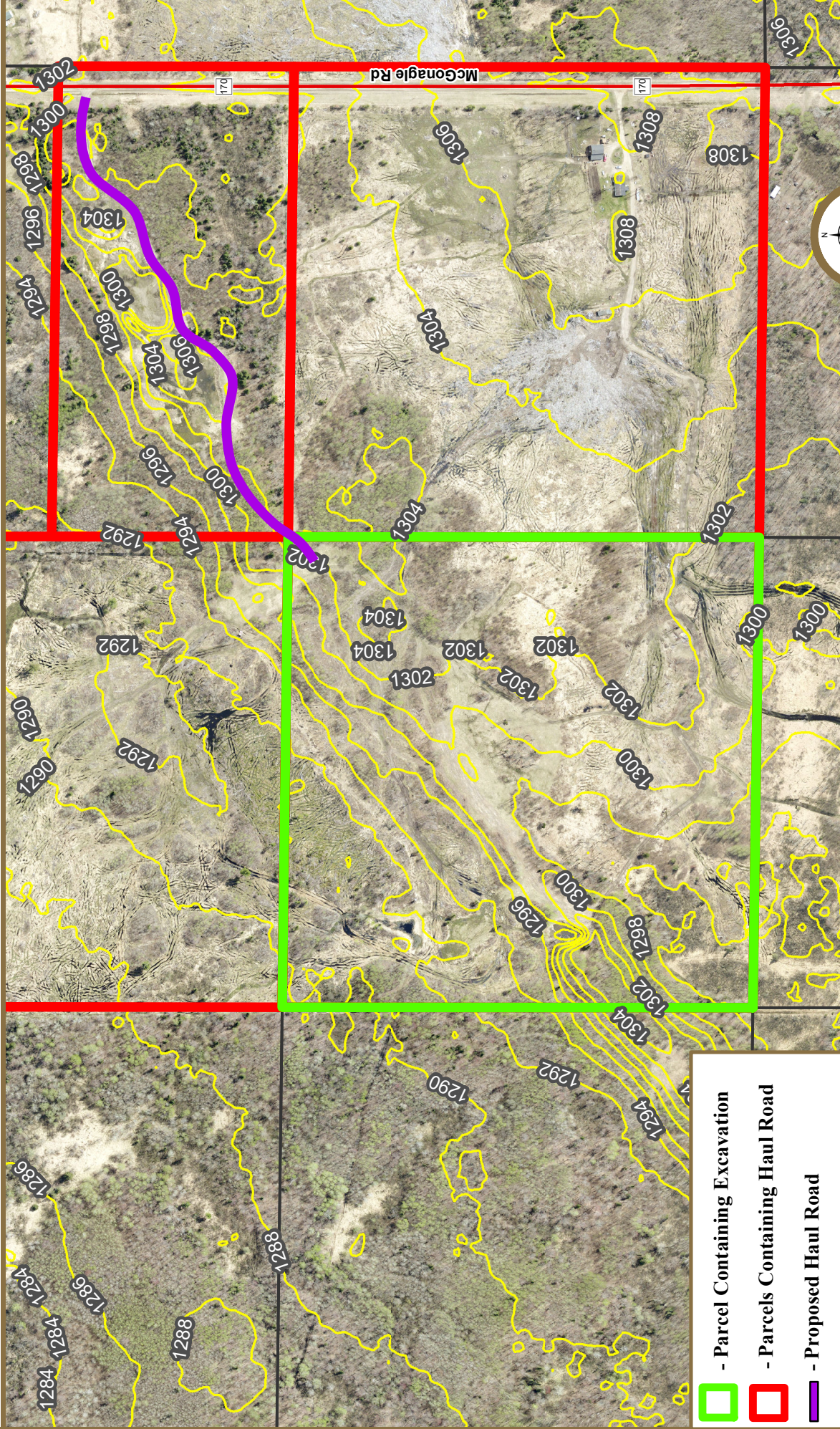
PIN: 360-0010-00030, -00040, -00020, -00010

Steven VanGuilder
 Site/Haul Road



St. Louis County

June PC Meeting






Steven VanGuilder

Elevation/Haul Road

PIN: 360-0010-00030, -00040, -00020, -00010



-  - Parcel Containing Excavation
-  - Parcels Containing Haul Road
-  - Proposed Haul Road

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Location of Haul Road into Parcel 360-0010-00030 (Looking towards parcel 360-0010-00010)



Haul Road Entrance into Parcel 360-0010-00010 off of McGonagle Road



Haul Road Entrance Looking North on McGonagle Road



Haul Road Entrance Looking South on McGonagle Road

