



ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

INSPECTION DATE: 11-16-21

REPORT DATE: 11-22-21

MEETING DATE: 12-09-21

APPLICANT INFORMATION

APPLICANT NAME: Ron Peterson

APPLICANT ADDRESS: 1311 Kenneth Drive, Cloquet MN 55720

OWNER NAME:

SITE ADDRESS: 7229 Maple Grove Road, Cloquet, MN 55720

LEGAL DESCRIPTION: Part of the SE1/4 of the SW 1/4, S13, T50N, R17W (Brevator)

PARCEL IDENTIFICATION NUMBER (PIN): 275-0013-00852, 00850

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, recycling of asphalt and concrete and portable hot mix. Standard hours of operation are from 7 a.m. to 7 p.m. Monday – Saturday.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Maple Grove 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: There is an existing pole building located on the property.

ZONE DISTRICT: FAM 3

PARCEL ACREAGE: 30

LOT WIDTH: Approximately 1300 feet.

FEET OF ROAD FRONTAGE: 620

FEET OF SHORELINE FRONTAGE: FEET

VEGETATIVE COVER/SCREENING: The parcel has good vegetative screening along the property lines.

TOPOGRAPHY: Property has an elevation change of 40 feet across the property.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: There are wetlands located on the property. It is recommended that a wetland delineation be required should the Planning Commission approve the request.

ADDITIONAL COMMENTS ON PARCEL: The northern portion of the property contains an area zoned Residential 3 due to the location of a trout stream. The proposed excavation will not be located within this area and will be over 300 feet from the trout stream.

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. The property is within the FA concept area.

B. Neighborhood Compatibility:

1. There are eleven residential properties located within a quarter mile.
2. The closest residence is approximately 200 feet to the west and the proposed haul road will be located across the road from an established residence.
3. The property consists of a pre-existing borrow pit with no permit authorization.
4. Proposed uses for the borrow pit may impact existing residential development with increased noise and truck activity.

C. Orderly Development:

1. This is rural area with high density residential development.
2. The subject property may have been used for borrow activity in the past, however, not extensively or as an Extractive Use-Class II.

D. Desired Pattern of Development:

1. The established pattern of development is residential which is not typical of areas zoned FAM. St. Louis County Zoning Ordinance 62, Article V, Section 5.4 states that FAM districts are typically used in area with land development at very low densities and often there is considerable corporate or public ownership. A low level of development is important in this district, since uses encouraged in this district would be less compatible in a more urban setting.
2. The property is within the Forest and Agriculture concept area which is intended primarily for forest and agriculture uses and not intended for future rural or urban development. The existing pattern of development is more consistent with the Residential zone district.

E. Other Factor(s):

1. The proposed use is requesting crushing and portable hot mix which can have an impact on residential uses due to noise and air quality.
2. A portion of the pit is proposed within a powerline easement. It is recommended that pit excavation take place south of the powerline easement. It is the applicant's responsibility to ensure easement compliance.
3. The property owner to the west has provided written statement waiving a non-disturbance buffer.
4. Brevator Township held a public meeting on the request and has provided a letter and resolution objecting to the approval of the CUP. Brevator Township held a meeting to discuss the proposal on November 9, 2021. Subsequently, an amended application was received by St. Louis County to address additional questions staff had on the request. The Township was sent the amended

information; however, has indicated that the Township cannot meet again prior to the Planning Commission meeting on December 9, 2021. The Township has requested the Planning Commission table the hearing until such time the Township can meet on the revised application and provide further comment. St. Louis County sends townships all applications received for conditional use as soon as they are received, and applications may be subject to change prior to official and legal notices are posted.

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

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit for a general purpose borrow pit, the following conditions shall apply:

Condition Precedent:

1. A wetland delineation shall be completed.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. No borrow pit activity is allowed within the RES zone district.
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 **275-0013-00852**

Associated PINs

PIN # **275-0013-00850**

Enter Applicant Information.

I am a: **Landowner**
 Applicant Name: **RS3 LLC**
 Address Line 1: **1311 KENNETH DRIVE**
 Address Line 2: **--**
 City: **Cloquet**
 State: **MN**
 Zip: **55720**
 Primary Phone: **2183916796**
 Cell Phone: **2183916796**
 Fax: **--**
 Email: **rpeterson807@gmail.com**

Enter Contact Person Information (if applicable).

Same as Applicant **No**
 Contact Person Name **Ron Peterson**
 Contact Person E-mail **rpeterson807@gmail.com**
 Contact Person Phone **(218)391-6796**

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: **RS3 LLC**
 Address: **1311 KENNETH DRIVE**
 City: **Cloquet**
 State/Province: **MN**

Zip: **55720**
Primary Phone: **2183916796**
Cell Phone: **2183916796**
Fax: **--**
Email: **rpeterston807@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: **7229 Maple Grove Road, Cloquet, MN 55720**

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.

--

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 **Yes**

Washing **Yes**

Screening **Yes**

Pit Topsoil **Yes**

Portable Hot Mix **Yes**

Permanent Hot Mix **No**

Recycling of Asphalt **Yes**

Recycling of Concrete **Yes**

Other **No**

If Other, please describe **--**

Describe frequency and duration of the applicable activities **Normal frequency and duration**

What road will the proposed pit be accessed from?

Maple Grove Road

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

Yes

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

20

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

60

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

1,000

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

90

Total area to be excavated (in acres)?

15

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)?

400

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?

Yes

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 **7 am**

Date:

Monday-Friday End **7 pm**

Date:

Saturday Start Time: **7 am**

Saturday End Time: **7 pm**

Sunday Start Time: **--**

Sunday End Time: **--**

What dust control measures will be used?

Water Trucks **Yes**

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? **Yes**

If Yes, please explain **Possible asphalt and concrete as necessary for recycling.**

What type of visual screening will be used?

Vegetative **No**

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

Natural Topography **No**
Other **No**
Please Describe **--**

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.

Reclamation Plan attached.

Will there be more than **Yes**
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: **RON PETERSON**
Address: **1311 KENNETH DRIVE**
City: **Cloquet**
State: **MN**
Postal Code: **55720**
Email Address: **rpeterson807@gmail.com**

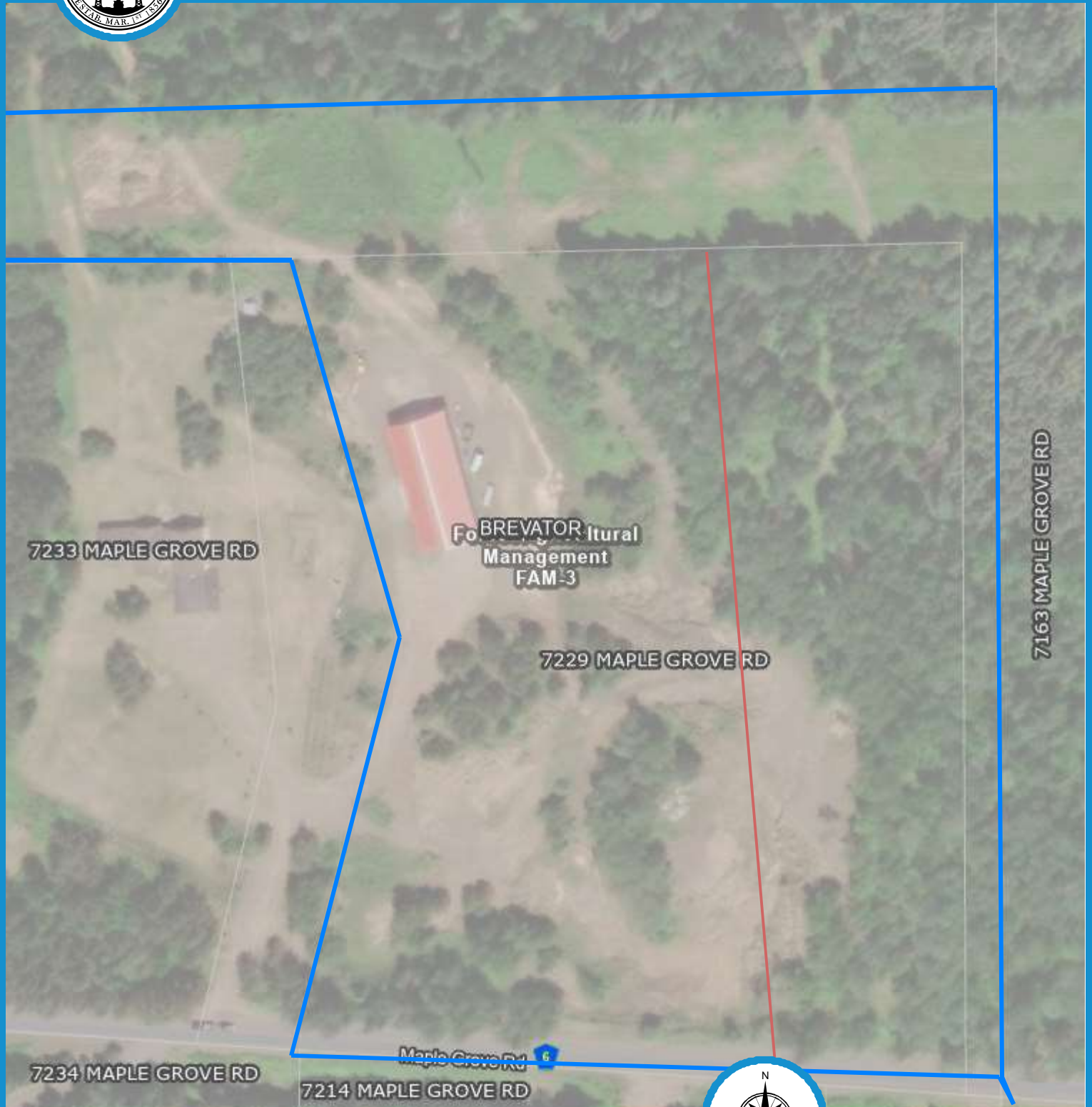
I have read and agree to the statement
above.

I agree



County Land Explorer

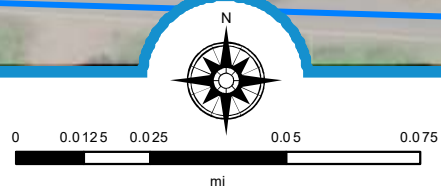
St. Louis County, Minnesota



RS3 LLC Pit location and road

default author

Map created using County Land Explorer
www.stlouiscountymn.gov/explorer

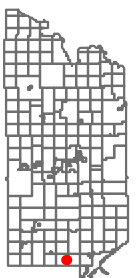


County Land Explorer
St. Louis County www.stlouiscountymn.gov/explorer Minnesota

Disclaimer

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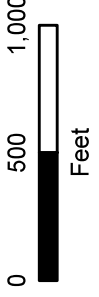
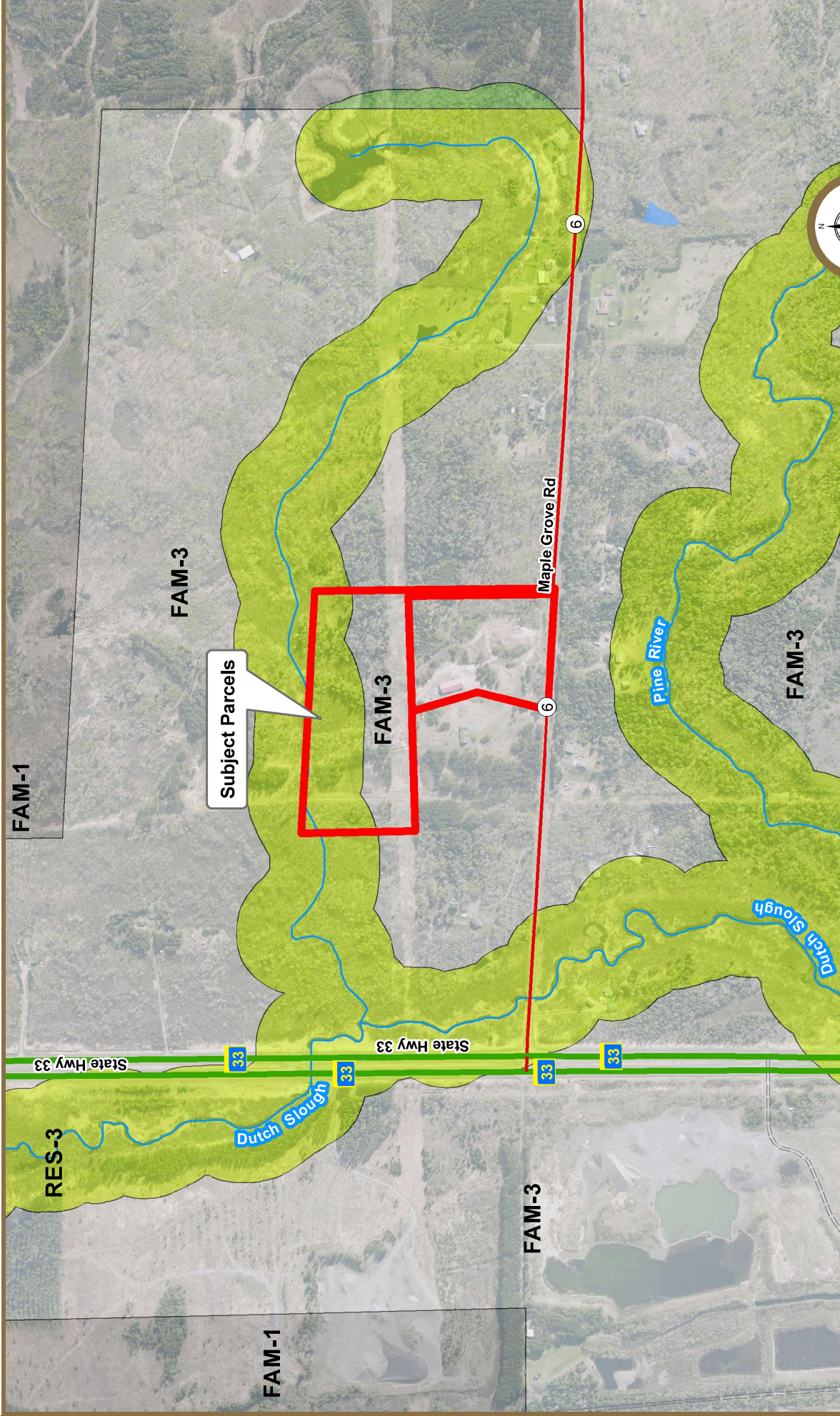
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St. Louis County

December PC Meeting



RS3 LLC Zoning Map

PIN: 275-0013-00852, 275-0013-00850

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

Source: St. Louis County
Map Created: 11/12/2021

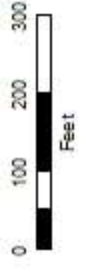
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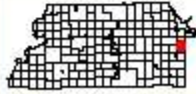


St. Louis County

Site map



Ron Peterson
Parcel 275-0013-00852, 00850



Prepared By: Planning & Community Development
(216) 725-3000
www.stlouiscountytn.gov
Source: St. Louis County

Map Created: 11/15/2021
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**TOWN OF BREVATOR
P O BOX 623
CLOQUET, MN 55720**

November 12, 2021

St. Louis County Planning Commission
Government Services Center
201 South 3rd Avenue West
Virginia, MN 55792

RE: RS3 LLC Conditional Use Borrow Pit/Extractive Use Permit Application

To: Jenny Bourbonais, Acting Secretary

On behalf of the Board of Supervisors for Brevator Township as well as the residents directly affected by the Conditional Use Permit submitted by RS3 LLC, we are writing this letter as an objection to the issuance of this permit.

The Board of Supervisors objects to the issuance of this permit for the following reasons and concerns of the impact on the environment and the residents that live within a two-mile radius of the proposed site. Some of the reasons for our objection to the Conditional Use Permit include the following:

1. The conditional use permit notes 20 acres of the said property will have 1,000 cubic yards per year being excavated and transported out by 20 vehicles per day. There has been no traffic survey completed and there is concern of the amount of vehicles that are entering and leaving the site along with an additional safety concern at the exit onto MN State Trunk Highway 33N, which has a speed limit of 65 MPH. There is already heavy truck usage at the intersection of Maple Grove Road and MN State Trunk Highway 33 due to several businesses using gravel pits on the west side of Highway 33.
2. No environmental impact survey has been completed and with heavy equipment such as trucks, dozers and excavators being used/stored on-site, there is potential of pollutants such as grease, oil and other hazardous materials leaching into the soil and contaminating the water table on this property and properties within proximity. It should also be noted there are wetlands located on this property.
3. There is not accurate information provided on the exact location of the projected pits it has only been drawn into the sketch and the CUP application does not denote the weight limit for the Maple Grove Road so it is unknown if the road can sustain the weight of the truck activity.

In closing, the conditional use permit for RS3 LLC, if approved, would greatly affect the soil, water table, wetlands, wildlife, air quality, traffic flow, and resident's quality of life. Therefore, the Township of Brevator by way of Resolution Number 234, which is attached and the concerns noted in this letter, hereby oppose the conditional use permit. The Township of Brevator request that St. Louis County honors Brevator's Resolution Number 234, and deny the conditional use permit submitted by RL3 LLC.

Sincerely,



Carey Ferrell, Chairman, Town of Brevator

RESOLUTION # 234
Brevator Township
St. Louis County, Minnesota

**RESOLUTION OUTLINING THE TOWN OF BREVATOR'S RESPONSE TO THE CONDITIONAL USE
PERMIT REQUEST BY RS3 LLC**

WHEREAS: RS3 LLC has requested a conditional use permit for Primary Property Identification Number 275-0013-00852, Associated Property Identification Numbers (PIN) 275-0013-00850; 275-0013-00820;

WHEREAS: These properties are located within Brevator Township's boundaries;

WHEREAS: The conditional use permit is for a Borrow Pit/Extractive Use Permit....;

WHEREAS: The Borrow Pit size is twenty acres and will be forty feet deep;

WHEREAS: There will be approximately twenty trucks coming from the pit daily;

WHEREAS: No environmental impact survey has been completed for the additional waste oil, grease and hazardous materials generated from the heavy equipment and vehicles being used for the extraction of materials;

WHEREAS: The survey provided with the CUP doesn't provide accurate information where the pit will be located;

WHEREAS: A more accurate survey needs to be completed to show exactly where the pit will be located on parcel 275-0013-00820;

WHEREAS: Based on the sketch provided there are residential properties within 300 feet of the pit borders, where the CUP states there is not;

WHEREAS: Based on St. Louis County land explorer there is a pond and wetlands in the North East of Primary PIN and the PIN to the North 275-0013-00810;

WHEREAS: There is no traffic survey provided for the additional trucks entering onto Maple Grove Road;

WHEREAS: The intersection of Maple Grove Road and MN Trunk Highway 33 already has heavy truck usage using this crossover to head north bound; the heavy truck traffic is coming from several businesses using gravel pits on the west side of Highway 33. This causes a safety concern for north bound traffic traveling 65 MPH.

WHEREAS: There is no data provided on the weight limit of Maple Grove Road so it is unknown if the road will support the weight of loaded trucks;

WHEREAS: There is no data in the CUP on cleaning up the roadway for the dirt and rocks falling from the trucks onto the roadway;

From: [Jennifer Bourbonais](#)
To: [Michelle Claviter-Tveit](#); [Angela Lepak](#); [Mark Lindhorst](#)
Subject: FW: Ron Peterson CUP
Date: Monday, November 22, 2021 7:45:22 AM

Fyi, and for the file. Please make sure to send to PC ahead of the hearing date.

From: Jennifer Bourbonais
Sent: Monday, November 22, 2021 7:44 AM
To: 'Carey Ferrell' <ferrell5512@gmail.com>
Cc: Brenda Pallin <bpallin22@gmail.com>
Subject: RE: Ron Peterson CUP

Chair Ferrell,

Thank you for the correspondence; it will be forwarded to the St. Louis County Planning Commission for their consideration. If the Planning Commission chooses to table the hearing that decision would be made at their December 9th, 2021, meeting. Please let me know if you have any additional questions, comments or need further information.

Thanks much,

Jenny Bourbonais

Land Use Manager
Planning and Community Development
St. Louis County
Government Services Center
201 South 3rd Avenue West
Virginia, MN 55792
218-749-0629
bourbonaisj@stlouiscountymn.gov

From: Carey Ferrell <ferrell5512@gmail.com>
Sent: Saturday, November 20, 2021 11:17 AM
To: Jennifer Bourbonais <BourbonaisJ@StLouisCountyMN.gov>
Cc: Brenda Pallin <bpallin22@gmail.com>
Subject: Ron Peterson CUP

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Jennifer

On October 28th, Brevator Township received your letter and a Conditional Use Permit application from RS3-LLC. The CUP application is for a Borrow Pit that would not include the following general operations, Crushing, Washing, Screening, Pit Topsoil, Portable Hot Mix, Recycling

of Asphalt, Recycling of Concrete, and other uses. At the township's November monthly meeting held on November 9th, the town-board drafted a resolution opposing the CUP and reasons why. This resolution and cover letter were sent to you on November 19th from the townships clerk Brenda Pallin. Our resolution is based on the CUP application dated October 28th.

After sending the township's resolution and cover letter opposing the CUP dated October 28th, Brenda received a revised CUP dated November 16th. This new CUP is entirely different than the original CUP application dated October 28th. The new CUP has expanded the general operation **to include Crushing, Washing, Screening, Pit Topsoil, Portable Hot Mix, Recycling of Asphalt, Recycling Concrete, and other uses such as incoming loaded trucks with material for recycling.** The new CUP application also increases the depth of the proposed pit.

Brevator township's next scheduled meeting is December 14th, after the planning commission hearing date of December 9th. If the new/revised CUP application goes in front of the planning commission at this meeting, the township will not have the opportunity to respond. Therefore, on behalf of Brevator township and the residents affected by the CUP, I request that the planning commission's consideration be removed from the December 9th meeting to later after the township's December 14th meeting. Changing the hearing date will ensure the township the opportunity to respond to the new CUP.

Thank you for considering this request

Carey Ferrell

218-428-2405

Chairman of the Brevator Township Board of Supervisors.





