



ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

INSPECTION DATE: May 12, 2020

REPORT DATE: May 22, 2020

MEETING DATE: June 11, 2020

APPLICANT INFORMATION

APPLICANT NAME: Kathleen Watters

APPLICANT ADDRESS: 4488 West Lismore Road, Duluth MN 55803

OWNER NAME:

SITE ADDRESS:

LEGAL DESCRIPTION: SW1/4 of SE1/4 S33, T54 N, R 14 W (Unorganized)

PARCEL IDENTIFICATION NUMBER (PIN): 640-0010-05360

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 be located on a 40 acre parcel and will include washing, screening, crushing and recycling of asphalt and concrete. The applicant intends to follow the standard hours of operation and anticipates on average 5 to 10 trucks hauling per day.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Three Lakes 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: Undeveloped

ZONE DISTRICT: FAM 3

PARCEL ACREAGE: 40

LOT WIDTH: 1,320 FEET

FEET OF ROAD FRONTAGE: 1,320 FEET

FEET OF SHORELINE FRONTAGE: N/A

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The applicant plans on maintaining existing vegetative cover along the road and all buffer areas along the property lines.

TOPOGRAPHY: The property has an elevation change of 20 feet across the property.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: The topography indicates limited wetlands on the property. The applicant is not anticipating impacts to wetlands.

ADDITIONAL COMMENTS ON PARCEL: The property has been recently logged and vegetative buffers along the road have been maintained. The borrow pit will not exceed 40 acres due to the required no disturbance buffers.

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 proposed site is zoned Forest Agricultural Management which allows general purpose borrow pits with a conditional use permit.

B. Neighborhood Compatibility:

1. The area consists of large parcels of forested land. There are two residential structures within a quarter mile of the proposal. The closest one is approximately 700 feet from the proposed excavation and haul road entrance.

C. Orderly Development:

1. This is a rural area consisting of primarily large undeveloped parcels. The use of the borrow pit should have little to no effect on the forest resource of the area.

D. Desired Pattern of Development:

1. The location and character of the proposal is consistent with a desirable pattern of development because the proposed use is located in a rural area with low density development. The proposed use will not affect the management of the forest resource that is predominant in the area which meets Goal NE-1 of the St. Louis County Comprehensive Land Use Plan. Objective NE-1.1 states the county approvals related to land use, development and management will be made to address current needs without compromising the ability to meet future needs.

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 to allow a general purpose borrow pit as an Extractive Use-Class II in the SW1/4 of the SE1/4, S33, T54N, R14W, the following conditions shall apply:

Conditions 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. The applicant shall comply with all county, state and federal regulations.



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

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-\$160 Greater than 1,200 square feet-\$315

☐ 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-\$80

☐ 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-\$55

☐ Permit extension beyond 2 years

#3 Subdivisions/Parcel Reviews Additional Worksheets Required

☐ Plat-Minor Subdivision-\$630

☐ Conventional Plat-Less than or equal to 3 lots-\$630

☐ Conventional Plat-Greater than 3 Lots-\$1,260

☐ Conservation Plat-\$1,260

☐ Lot Line Adjustment-\$80

☐ Parcel Review-\$80

☐ Performance Standard Subdivision-\$370

#4 Performance Standard-\$370 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-\$160

#6 Wetland Reviews Additional Worksheets Required

☐ No Loss/Exemption/Replacement Plan-\$150

☐ Wetland Delineation Review-\$370

☐ Wetland Banking Plan Review-\$1,100

#7 Public Hearings Additional Worksheets Required

☐ Administrative Appeal-\$1,100
☐ Environmental Assessment-\$1,100
☒ Conditional Use Permit-\$630
☐ Conditional Use Permit Rehearing-\$200
☐ Interim Use Permit-\$630
☐ Interim Use Permit Rehearing-\$200
☒ General Purpose Borrow Pit-\$630
☐ Variance-\$630
☐ Variance Rehearing-\$200
☐ Multiple Hearing (Variance/conditional use)- \$950

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)
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	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

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

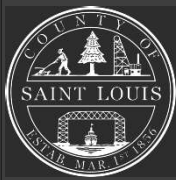
Office Use Only

Receipt # _____

Receipt Date _____

Payment Amount _____

Paid By _____



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:

Describe the frequency and duration of the applicable activities:

Washing: Daily if a wash plant is installed

Screening: Daily or as needed

Crushing: Daily or as material is available

Recycling of Asphalt: See Crushing

Recycling or Concrete: See Crushing

ROAD ACCESS

What road will the proposed pit be accessed from? **Three Lakes Road**



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? **5 to 10**

DESCRIPTION OF EXCAVATION

What is the depth of excavation from the original surface?	±25' Feet
Estimated volume of material to be excavated per year?	125000 Cubic yards
What is the depth of ground water before excavation?	varies Feet
Total area to be excavated*?	≤39 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? Feet **1/4 Mile**



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

HOURS OF OPERATION

(Proposed)
Monday through Friday

Saturday

Sunday

Comments

Start: 7am End : 8 pm	Start: 7am End : 8 pm	Start: 7am End : 8 pm	
--	--	--	--

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:

Stock pile of of Concrete & Blacktop for recycling and vegetative waste (stumps)

SCREENING

What type of visual screening will be used:

From Roads

From Adjacent Properties

☒ Vegetative ☐ Berm ☐ Other

☒ Vegetative ☐ Berm ☐ Other

Please Describe:

☐ Yes ☒ No Have you obtained your MPCA Borrow Pit Stormwater Permit? **In process - No dishcharg**

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-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.

Name

Date

Native Seed Mix

36-311

Woodland Edge Northeast

Common Name	Scientific Name	Rate (kg/ha)	Rate (lb/ac)	% of Mix (% by wt)	Seeds/ sq ft
fringed brome	<i>Bromus ciliatus</i>	2.24	2.00	5.98%	8.10
bluejoint	<i>Calamagrostis canadensis</i>	0.15	0.13	0.37%	12.90
poverty grass	<i>Danthonia spicata</i>	0.56	0.50	1.50%	4.60
nodding wild rye	<i>Elymus canadensis</i>	1.40	1.25	3.72%	2.38
slender wheatgrass	<i>Elymus trachycaulus</i>	2.24	2.00	5.96%	5.06
fowl bluegrass	<i>Poa palustris</i>	0.98	0.87	2.59%	41.50
False Melic	<i>Schizachne purpurascens</i>	0.28	0.25	0.75%	2.90
Total Grasses		7.85	7.00	20.87%	77.44
common yarrow	<i>Achillea millefolium</i>	0.03	0.03	0.09%	2.00
pearly everlasting	<i>Anaphalis margaritacea</i>	0.02	0.02	0.05%	1.30
flat-topped aster	<i>Doellingeria umbellata</i>	0.04	0.04	0.12%	1.00
tall cinquefoil	<i>Drymocallis arguta</i>	0.07	0.06	0.19%	5.30
large-leaved aster	<i>Eurybia macrophylla</i>	0.02	0.02	0.05%	0.18
stiff goldenrod	<i>Oligoneuron rigidum</i>	0.16	0.14	0.42%	2.10
smooth wild rose	<i>Rosa blanda</i>	0.18	0.16	0.47%	0.15
black-eyed susan	<i>Rudbeckia hirta</i>	0.29	0.26	0.77%	8.70
gray goldenrod	<i>Solidago nemoralis</i>	0.07	0.06	0.18%	6.80
upland white aster	<i>Solidago ptarmicoides</i>	0.04	0.04	0.13%	1.00
Lindley's Aster	<i>Symphyotrichum ciliolatum</i>	0.03	0.03	0.10%	1.00
smooth aster	<i>Symphyotrichum laeve</i>	0.16	0.14	0.43%	2.90
American vetch	<i>Vicia americana</i>	0.56	0.50	1.50%	0.38
Total Forbs		1.68	1.50	4.50%	32.81
Oats or winter wheat (see note at beginning of list for recommended dates)		28.02	25.00	74.63%	11.14
Total Cover Crop		28.02	25.00	74.63%	11.14
Totals:		37.55	33.50	100.00%	121.39

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Technical Assistance

Toll Free: 1-800-450-9777

Land Use Information

www.stlouiscountymn.gov/landuse

Duluth

Government Services Center

320 West 2nd Street, Suite 301

Duluth, MN 55802

(218) 725-5000

Virginia

Elizabeth Prebich Building

201 South 3rd Avenue West

Virginia, MN 55792

(218) 749-7103

Office Use Only

Receipt # _____

Receipt Date _____

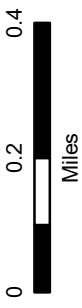
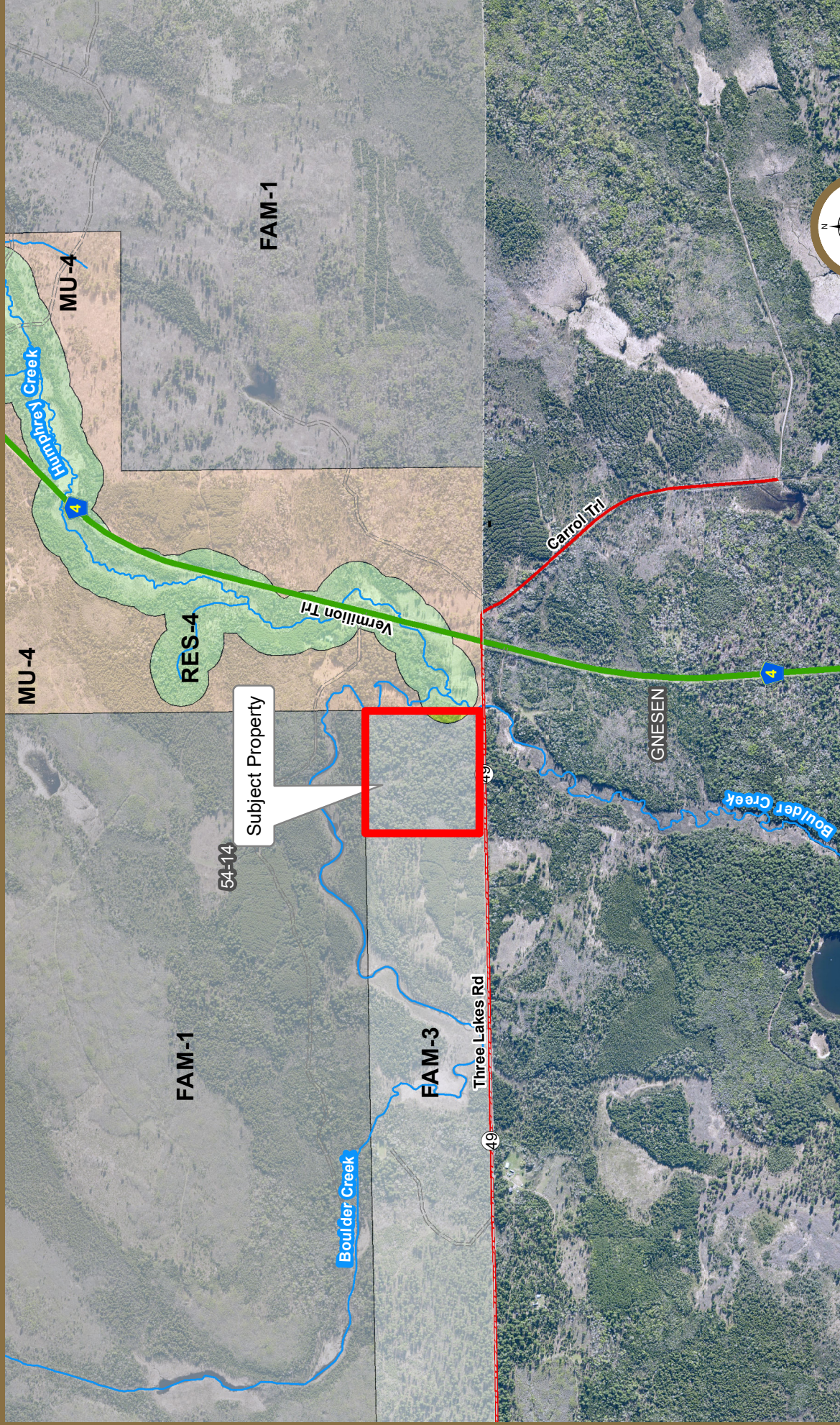
Payment Amount _____

Paid By _____



St. Louis County

June PC Meeting



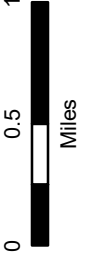
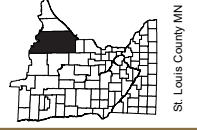
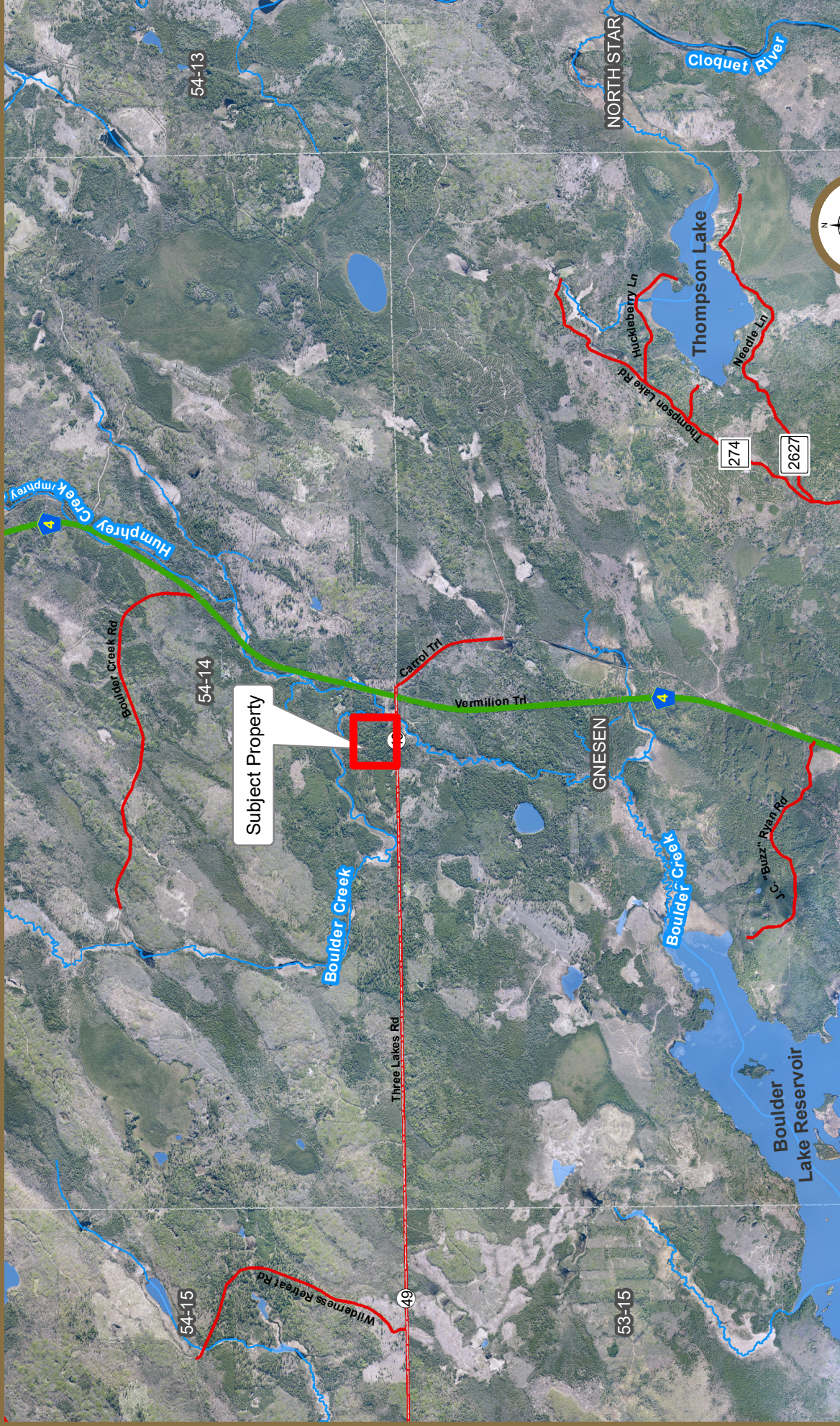
Kathleen Watters
Zoning Map
PIN:640-0010-05360



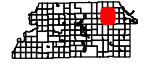
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Source:	St. Louis County	
Map Created:	5/20/2020	SE
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St. Louis County

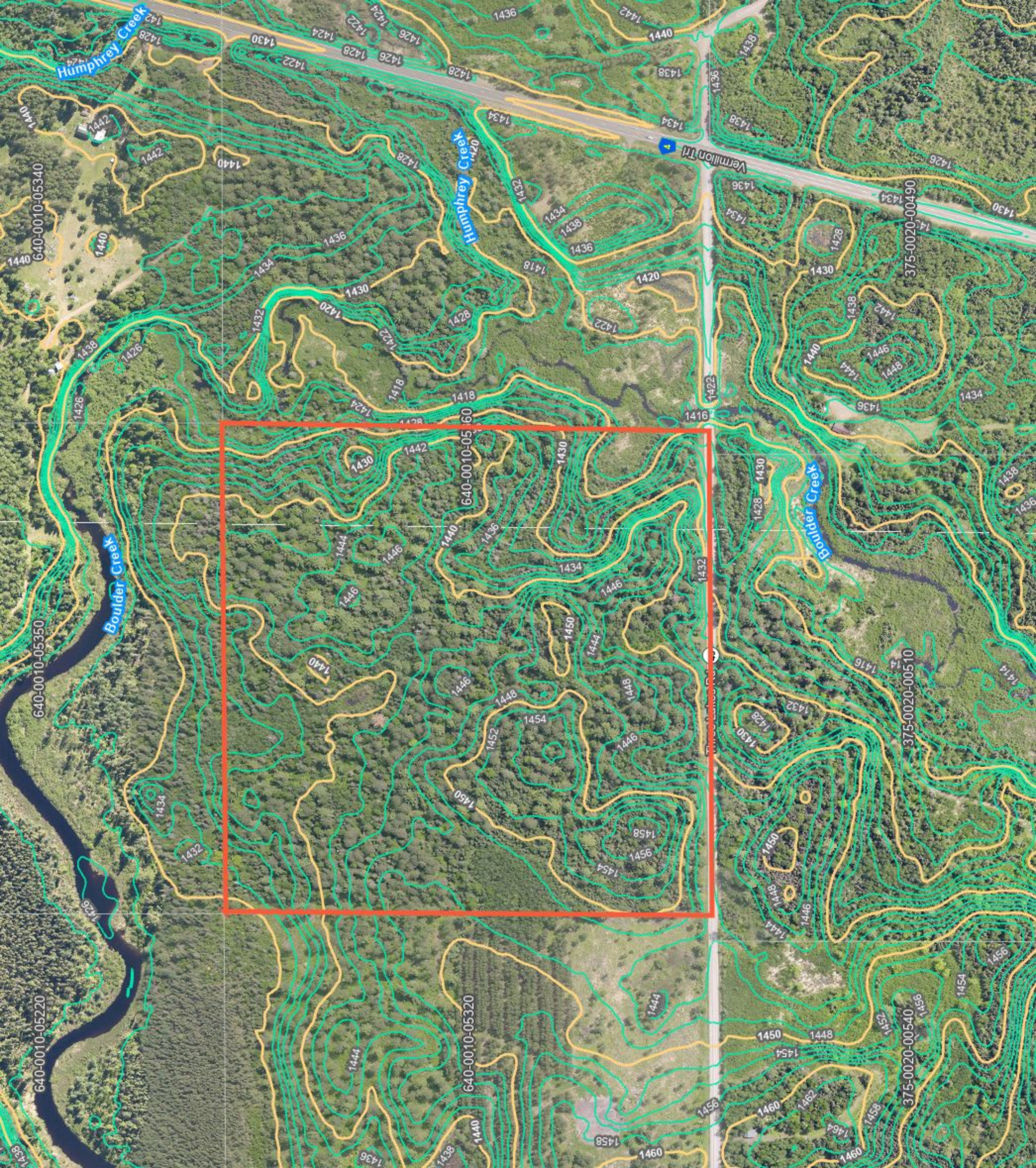
June PC Meeting



Kathleen Watters
 Location Map
 PIN:640-0010-05360



Prepared By:	Planning & Community Development	(218) 725-5000	www.stlouiscountymn.gov
Source:	St. Louis County		
Map Created:	5/20/2020	SE	
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Humphrey Creek

640-0010-05340

Humphrey Creek

Vermilion Trl

375-0020-00490

Boulder Creek

640-0010-05350

640-0010-05160

Boulder Creek

375-0020-00510

640-0010-05220

640-0010-05320

375-0020-00540

Three Lakes Rd

Wetlands / Wetlands Project Metadata

W.T. 04-23
 Excluded and Mitigable Occurrence
 Phase I Excavation Extent
 Phase II Excavation Extent
 Phase I
 Phase II

Haul Road

Proposed pit boundary

Excavation Extent Phase I

Excavation Extent Phase II

Phase 1

Phase 2

Notes:

- Leagal W 1/2 of the S 1/2 of the SE 1/4 of section 33, T54N, R14W
- Early season site visit to a recently logged and partially stumped site did not allow for a wetland investigation. However, information gathered from the site visit online resources (LIDAR, NWI, Soil Survey etc.) allowed excavation extents to be established away from potential wetland areas

Annotations:

- Coarse aggregate berm to be constructed at the 'Low End' of the pit during initial excavation. This will prevent any 'untreated' stormwater discharge prior to the pit floor elevation being established
- Proposed Phase I excavation. Pit floor to be excavated below surrounding grade allowing the pit floor to act as a collection pond. Once the excavation is 'opened' there will be no stormwater discharge
- Proposed pit entrance. Gate to be installed. A natural divide here will allow for stormwater from the haul road to run into the pit
- 50' 1.5" rock surface at the haul road entrance
- Phase II excavation / extraction similar to Phase I, with the pit floor acting as a catment basin. This phase will also be a no discharge and may be concurrent with Phase I
- ≥50' Vegetative buffer to be established and maintained

Scale: 0, 250, 500, 750, 1,000 ft

≥50° Vegetative buffer to be established and maintained

50' 1.5" rock surface at the haul road entrance

-
- Wetlands/Wetlands Project Metadata**
- Haul Road
 - Proposed pit boundary
 - Excavation Extent Phase I
 - Excavation Extent Phase II
 - Phase 1
 - Phase 2
- Metadata:
- Excavation and Mining Development
 - Excavation and Mining Activity
 - Freshwater Ecosystem Value A
 - Freshwater Ecosystem Value B
 - Freshwater Ecosystem Value C
 - Lake
 - Siltine
 - Barren

Notes:

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250 0 250 500 750 1,000 ft