



# ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

REPORT DATE: 9-18-20

MEETING DATE: 10-8-20

## APPLICANT INFORMATION

**APPLICANT NAME:** AT&T Mobility

**APPLICANT ADDRESS:** 7365 Kirkwood Court N, STE 320, Maple Grove, MN 55369

**OWNER NAME:** Matthew Allen

**SITE ADDRESS:** 8436 Orr Buyck Road, Orr MN

**LEGAL DESCRIPTION:** NE1/4 of NW1/4 S25, T65N, R18W (Portage)

**PARCEL IDENTIFICATION NUMBER (PIN):** 510-0030-03880

**NATURE OF REQUEST:** A conditional use permit for a Commercial Communication Tower as a Utility Facilities – Class II that will be placed at less than the tower height from a public road right-of-way.

**PROPOSAL DETAILS:** The applicant is requesting approval of a 440 foot high tower that does not meet the tower height from the right of way of Co Road 23. A performance standard permit CT-00007 was issued for the tower in September of 2018 that met all the required setbacks. The applicant has stated that the tower site needed to be moved due to wetland areas located on the property. A wetland delineation has been completed.

## PARCEL AND SITE INFORMATION

**ROAD ACCESS NAME/NUMBER:** CSAH 23

**ROAD FUNCTIONAL CLASS:** Collector

**LAKE NAME:** N/A

**LAKE CLASSIFICATION:** N/A

**RIVER NAME:** N/A

**RIVER CLASSIFICATION:** N/A

**DESCRIPTION OF DEVELOPMENT ON PARCEL:** The property contains a seasonal cabin, storage building and outhouse.

**ZONE DISTRICT:** MU 5

**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 property is mostly wooded except for the building site and small field.

**TOPOGRAPHY:** The property has an elevation change of 24 feet from north to south.

**FLOODPLAIN ISSUES:** N/A

**WETLAND ISSUES:** There are wetlands located on the property. However, no wetland impacts are anticipated.

**ADDITIONAL COMMENTS ON PARCEL:**

## FACTS AND FINDINGS

### A. Plans and Official Controls:

1. St. Louis County Ordinance 62, Article VI, Section 6.24 E requires conditional use approval for a communications tower that does not meet performance standards.
2. Goal ED-3 of the St. Louis County Comprehensive Plan is to increase internet service and access to surrounding areas where service is needed. It also states that having internet access is a significant factor in attracting business and industry to St. Louis County.

### B. Neighborhood Compatibility:

1. The zoning consists of Multiple Use and Forest Agricultural Management both of which allow communications towers with a performance standard permit when all performance standards are met.
2. The surrounding neighborhood is remote and consists of large tracts of undeveloped public land to the north, south and east.
3. There are no residences within one-half mile.

### C. Orderly Development:

1. This is a standard tower which will provide cell coverage to the area.
2. As stated in the Comprehensive Land Use Plan, increasing internet access is a significant economic factor in attracting business and industry.

### D. Desired Pattern of Development:

1. There is a need for constructing a new cell tower in this area because the coverage is not reliable as well as providing needed internet access.

## 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 waiver to allow a commercial communications tower closer than the allowed height of the tower from the right-of-way of CSAH 23, the following conditions shall apply:

### Condition Precedent:

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

### Conditions Concurrent:

1. All other commercial communication tower minimum standards shall be met.
2. The placement and design of the 440 foot tall tower shall comply with all applicable state and federal regulations.
3. The applicant shall allow for emergency communications on the tower if requested by St. Louis County.

**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 PERMIT APPLICATION**

**General** - This application is used to apply for a Conditional Use 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](http://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:* [http://gis.stlouiscountymn.gov/planningflexviewers/County\\_Explorer](http://gis.stlouiscountymn.gov/planningflexviewers/County_Explorer)  
*Property Lookup:* <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe>

Primary PIN                      **510-0030-03880**

Associated PINs

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Type of Application

**Does this application apply to a Short Term Rental?**

**No**

**Is this application being submitted for a Rehearing?**

*If this application is being submitted because a previous Conditional Use Permit application was denied or disapproved, please select Yes.*

**No**

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Enter Applicant Information

I am a:                      **Other**  
Applicant Name:        **AT&T Mobility**  
Address Line 1:        **7365 Kirkwood Court N, Ste 320**  
Address Line 2:        **--**  
City:                      **Maple Grove**  
State:                    **MN**  
Zip:                      **55369**  
Primary Phone:        **(612)670-0101**  
Cell Phone:            **--**  
Fax:                      **--**  
Email:                   **jhall@hallinstitute.com**  
Contact Person Name: **Jason Hall**  
Contact Person Phone: **--**

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## 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: **AT&T Mobility**  
 Address: **7365 Kirkwood Court N, Ste 320**  
 City: **Maple Grove**  
 State/Province: **MN**  
 Zip: **55369**  
 Primary Phone: **--**  
 Cell Phone: **--**  
 Fax: **--**  
 Email: **jhall@hallinstitute.com**

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## 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: **8436 Orr Buyck Road**  
 Is this leased property? **Yes**  
 Leased From? **Other**

**US Forest Service**

US Forest Service  
 Superior National Forest  
 8901 Grand Avenue Place  
 Duluth, MN 55808

**MN Power**

MN Power  
 Shore Land Traditions  
 30 West Superior Street  
 Duluth, MN 55802

**MN DNR, Area Hydrologist**

MN DNR, Area Hydrologist  
 7979 Highway 37  
 Eveleth, MN 55734

**MN DNR Land and Minerals**

MN DNR Land and Minerals  
 1201 East Highway 2  
 Grand Rapids, MN 55744

**St. Louis County - Duluth**

St. Louis County - Duluth  
 Government Services Center  
 320 West 2nd Street, Suite 301  
 Duluth, MN 55802  
 (218) 725-5000

**St. Louis County - Virginia**

St. Louis County - Virginia  
 Northland Office Center  
 307 First Street South, Suite 117  
 Virginia, MN 55792  
 (218) 749-7103

**Do you have written authorization from the leased property owner?**

*If Yes, you must attach written authorization form.*

**Yes**

**How is the property accessed?****No****No****No****No****Other**

Enter Project Information.

*If you answered 'Yes' to any of the questions below, 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.*

**Is this project on a parcel less than 2.5 acres?****No****Is this project within 300 feet of a stream/river or 1,000 feet of a lake?****No****Is this project adding a bedroom?**

*Include home, garage, and accessory dwelling.*

**No****Total # of bedrooms on property after project completion.****0****Does this project include plumbing or pressurized water in proposed structure?****No****If Yes, please explain:****--****Is this project connected to a municipal or sanitary district system?****No**

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**CONDITIONAL USE WORKSHEET**

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.

What are you applying for?

New Business **No**Expansion of Existing Business **No**Replace Existing Business **No**Other **Yes**

If Other, please explain

**Communication tower, requesting approval of reduced setback to right of**

**way, per Org. 62, Article V, Section 6.24E.  
All other standards have been met.  
Tower previously approved as #CT-  
000007**

How is the property currently being used?

**N/A**

What type of business/use is being applied for?

*List all uses that will take place.*

**N/A**

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#### **DAYS AND HOURS OF OPERATION**

Describe the business and list business hours.

Describe the business **N/A**

M-F Hours **N/A**

Saturday/Sunday Hours **--**

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

Will the proposal generate an increase in traffic?

*Boat, snowmobile, truck, bus, car, etc.*

**No**

If Yes, what is the estimated increase **--**

Does the proposal require parking?

*Please include employees, visitors, and other parking.*

**No**

How many parking spaces are available on the property? **--**

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#### **SIGNAGE AND LIGHTING**

Does your proposal include signage?

*Include any off-site signs.*

**No**

Please list number of signs, size, location, and illumination of each sign

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Will there be lighting (including security lighting) that may be visible from roads, waterways, and adjacent properties?

**Yes**

If Yes, please explain

**Per FAA/FCC Standards**

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#### **OUTDOOR BUSINESS ACTIVITY**

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

**No**

If Yes, please explain

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#### **WASTEWATER TREATMENT**

Will wastewater be generated?

**No**

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

Private Septic System **No**

Municipal **No**

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### SOLID WASTE

Check all types of waste generated and describe how you will collect and store waste generated from the business below. Additional information may be required based on the scope of the project.

Household Garbage **No**

Oil and Grease **No**

Other Automotive Fluids **No**

Animal Waste **No**

Chemicals **No**

Medical **No**

Hazardous **No**

Demolition Waste **No**

Wood and Sawdust **No**

Radioactive **No**

Other **No**

If Other, please explain **--**

Please describe collection and disposal: **N/A**

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### STORMWATER MANAGEMENT

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

*If Yes, please attach your NPDES permit.*

**No**

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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.*** 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 po 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**

C.S.A.H. NO. 23 ORR BUICK ROAD

1"=600'

NORTH

SW 1/4 -  
NW 1/4 -

NE 1/4 -  
NW 1/4 -

SE 1/4 -  
NW 1/4 -

NE 1/4 -  
NW 1/4 -

SEC. 25

SEC. 18 W

SITE

346.6

1 W.P.

8.5N

That part of the Northeast Quarter of the Northwest Quarter of Section 25, Township 65 North, Range 18 West of the Fourth Principal Meridian, St. Louis County, Minnesota, described as follows:

Commencing the northeast corner of said Northwest Quarter of the Northwest Quarter, thence North 88 degrees 45 minutes 24 seconds West along the North line of said Northwest Quarter of the Northwest Quarter, a distance of 763.20 feet; thence South 1 degree 14 minutes 36 seconds West, a distance of 329.90 feet to the Point of Beginning of the lesser area to be described; thence South 0 degrees 00 minutes 00 seconds West, a distance of 75.00 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 75.00 feet; thence North 0 degrees 00 minutes 00 seconds East, a distance of 75.00 feet; thence South 90 degrees 00 minutes 00 seconds East, a distance of 75.00 feet to the Point of Beginning.

A 20.00 foot wide easement for ingress, egress and utility purposes over, under and across the Northeast Quarter of the Northwest Quarter of Section 25, Township 65 North, Range 18 West of the Fourth Principal Meridian, St. Louis County, Minnesota, the centerline of said easement is described as follows:

[illegible]

The sidelines of said easement shall be shortened or lengthened to terminate at said south right of way line of County State Aid Highway Number 23.

A 15.00 foot wide easement for guy wire purposes over, under and across the Northeast Quarter of the Northwest Quarter of Section 25, Township 65 North, Range 18 West of the Fourth Principal Meridian, St. Louis County, Minnesota, the centerline of said easement is described as follows:

[illegible]

A 15.00 foot wide easement for guy wire purposes over, under and across sold Northeast Quarter of the Northwest Quarter, the centerline of said easement is described as follows:

Beginning at the previously described Point "A", thence South 90 degrees 00 minutes 00 seconds East, a distance of 216.25 feet and said centerline there terminating.

A 15.00 foot wide easement for guy wire purposes over, under and across said Northeast Quarter of the Northwest Quarter, the centerline of said easement is described as follows:

The sidelines of said easement shall be shortened or lengthened to terminate at lines bearing North 90 degrees 00 minutes 00 seconds West and South 90 degrees 00 minutes 00 seconds East from the Point of Beginning.

PARCEL NUMBER DESCRIPTION: (per U.S. Title Solutions File No. 6034E-MB180S-503Q, effective date June 25, 1981.)

The Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4), Section Twenty-five (25), Township 36N, Range 10E, Meridian 10E, (65) North, Range Eighteen (18) West of the Fourth Principal Meridian, St. Louis County, Minnesota.

**SCHEDULE "B" EXCEPTIONS:** (per U.S. Title Solutions File No. 6034E-MB180S-503Q, effective date June 25, 1981.)

1-6) Not related to the survey.

7) Minnesota, by *Minneapolis Corporation, a Delaware Corporation* to County of St. Louis, Minnesota, by a *unilateral corporation*, dated 5/5/1990 recorded 1/2/1990 in instrument No. 1498557.

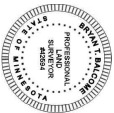
This document describes a 65' wide easement for highway purposes over the above described property for U.S.A.H. No. 23. This easement is as shown on the plat. The *unilateral corporation* described in this document expired on December 31, 1993.

8-10) Not related to the survey.

11) Certificate of Location of Government Corner dated 4/20/1989 recorded 4/21/1989 in instrument No. 425879.

This document describes the location of a monument marking the northeast corner of the NE 1/4 of the NW 1/4 of Sec. 25, Twp. 65N, Rng. 18E W. This monument was recovered at the time of the survey and is as shown on the survey.

12-15) Not related to the survey.



NO.	DATE	REVISIONS	CHKD.	APP.
6	8/10/20	ADDED SETBACK DIMENSION TO NORTH RIGHT OF WAY LINE	JMB	BTB
5	4/10/20	ADDED SETBACK DIMENSIONS FROM PROPERTY LINES	JMB	BTB
3	11/8/19	REVISED LEASE AREA AND EASEMENTS	JMB	BTB
2	12/4/18	REVISED GUY WIRE EASEMENTS REMOVED ONE ACCESS UTILITY BASEMENT	JMB	BTB
1	5/23/18	CHECKED BY	SAK	DRAWN BY
			CHK	APP

I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: Bryan T. Balcome  
BRYAN T. BALCOME, L.S.  
DATE: 12/4/18  
LICENSE # 42594



**WIDSETH SMITH NOLTING**  
Engineering | Architecture | Surveying | Environmental

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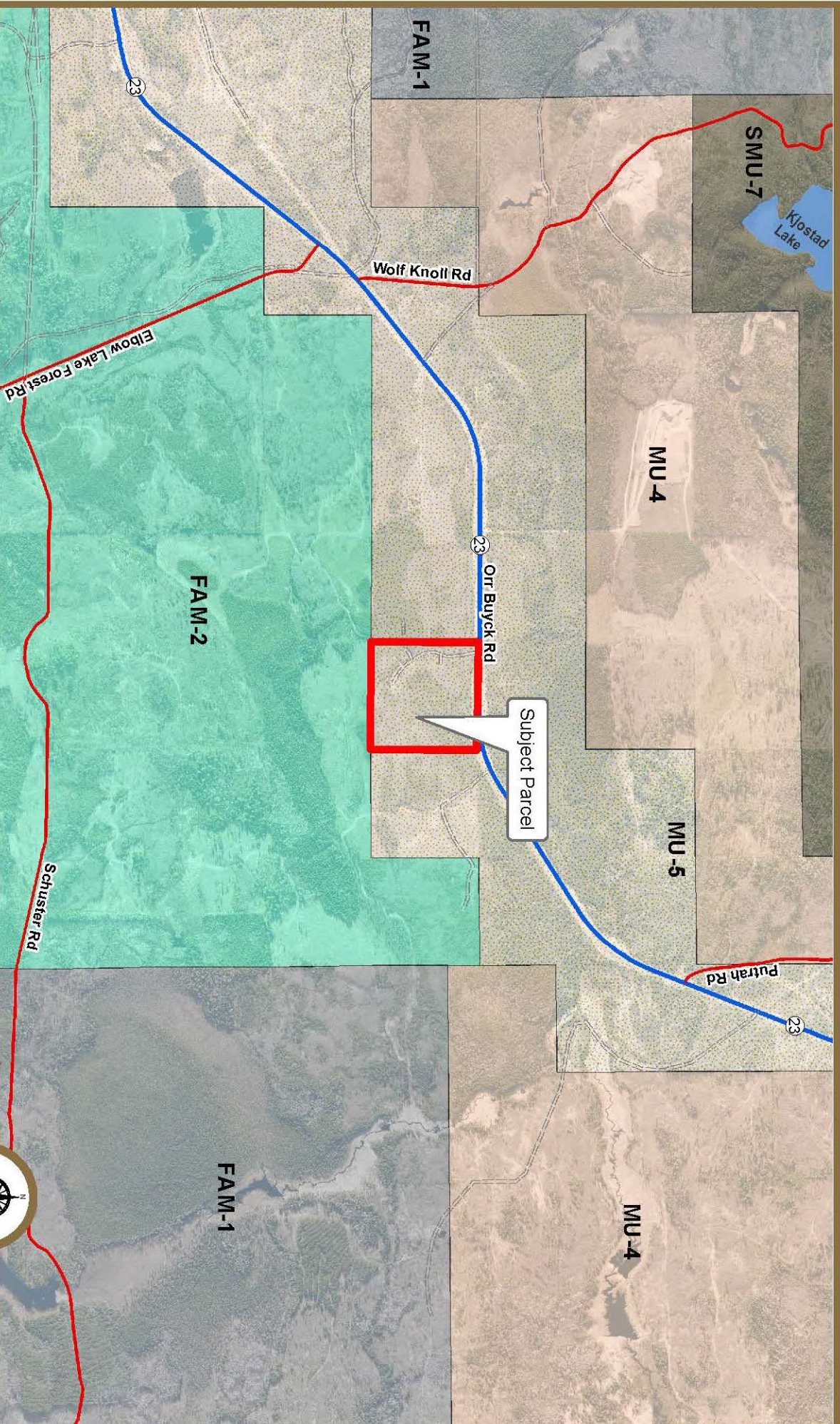
**SHEET 1 OF 2 SHEETS**





# St. Louis County

## October PC Meeting



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

Source: **S. Louis County**

Map Created: **9/16/2020**

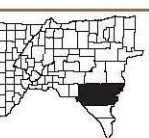
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## AT&T Mobility Zoning Map

PIN: 510-0030-03880

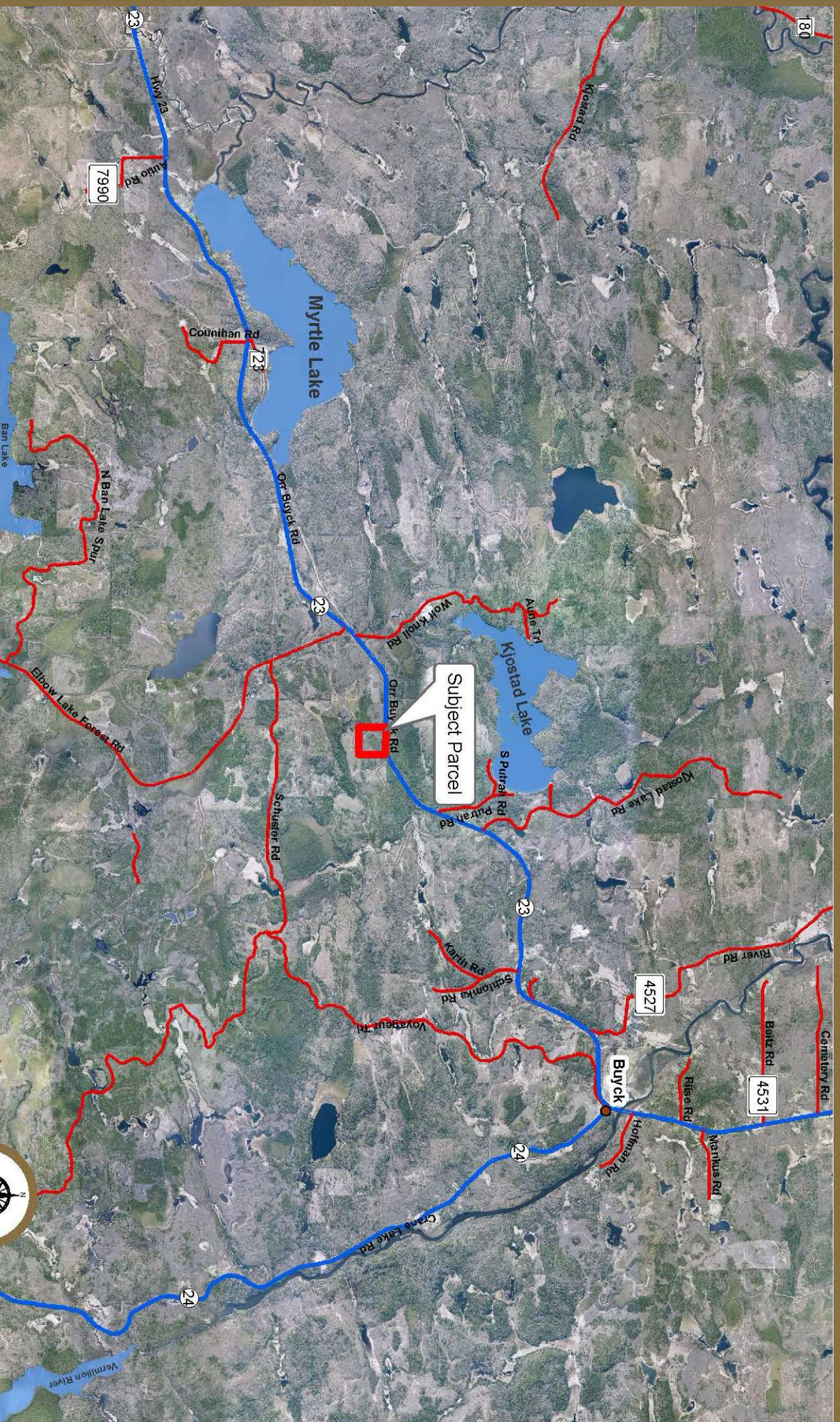


St. Louis County MN



# St. Louis County

## October PC Meeting



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

Source: S. Louis County

Map Created: 9/16/2020

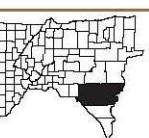
Disclaimer: This is a compilation of records as they appear in the St. Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.

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## AT&T Mobility Location Map

PIN: 510-0030-03880

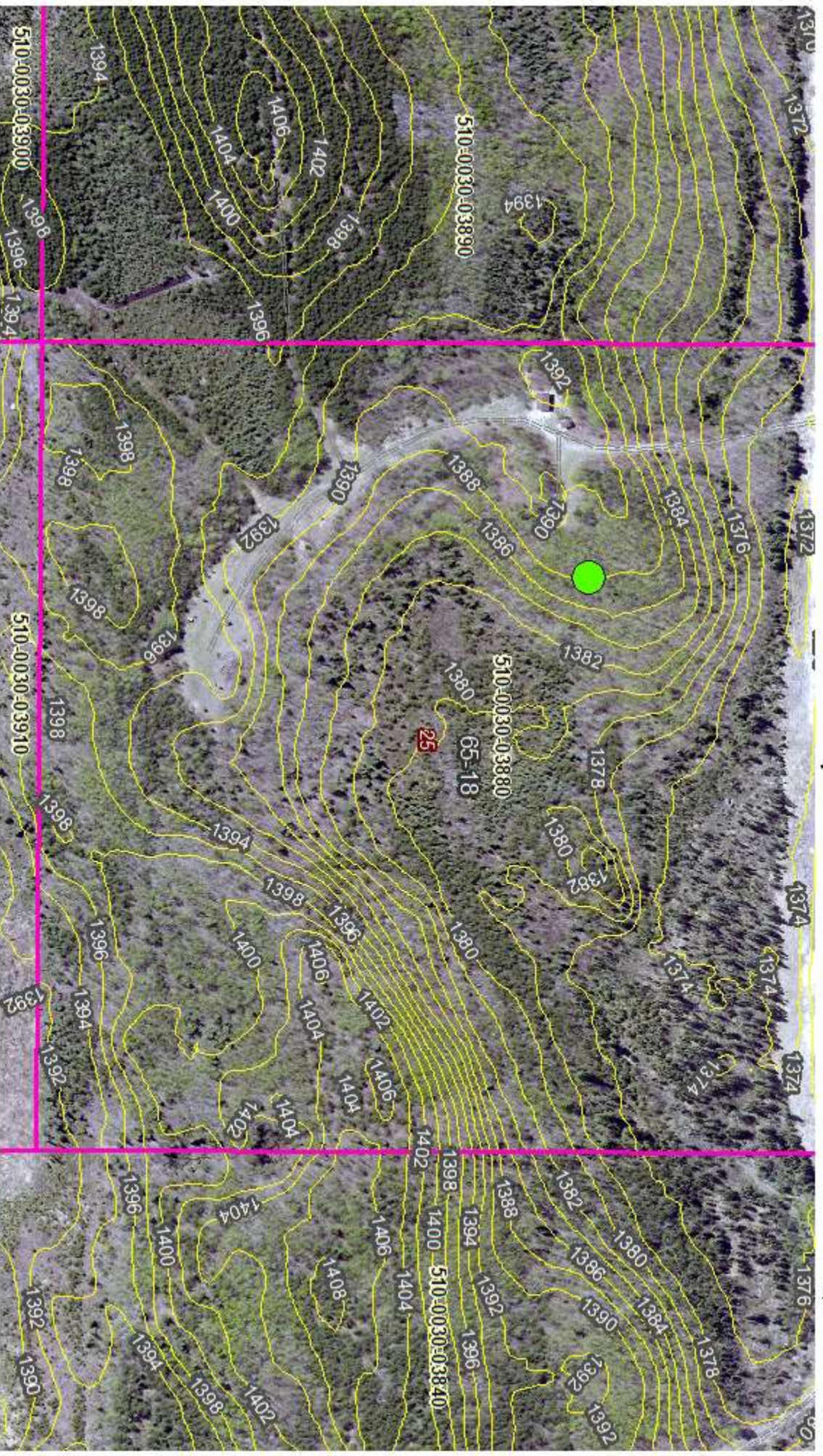


St. Louis County MN



# St. Louis County

## Site Map



Prepared By: Planning & Community Development

Source: 2161 725-0000  
www.stlouisco.org/mn.gov

Map Created: 9/14/2020

Disclaimer: This is a compilation of records as they appear in the St. Louis County Official Records. The drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies therein.

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Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-AGL-6211-OE  
Prior Study No.  
2019-AGL-18798-OE

Issued Date: 07/07/2020

SHERI WILLIAMS  
AT&T (SW)  
208 S Akard St.  
21st FL  
Dallas, TX 75202

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower KJOSTAD LAKE - MN5488_STRUCTURE
Location:	ORR, MN
Latitude:	48-05-31.30N NAD 83
Longitude:	92-35-49.10W
Heights:	1383 feet site elevation (SE) 449 feet above ground level (AGL) 1832 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

☐ At least 10 days prior to start of construction (7460-2, Part 1)  
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

This determination expires on 01/07/2022 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AGL-6211-OE.

**Signature Control No: 434606783-444713649**

( DNE )

Fred Souchet  
Specialist

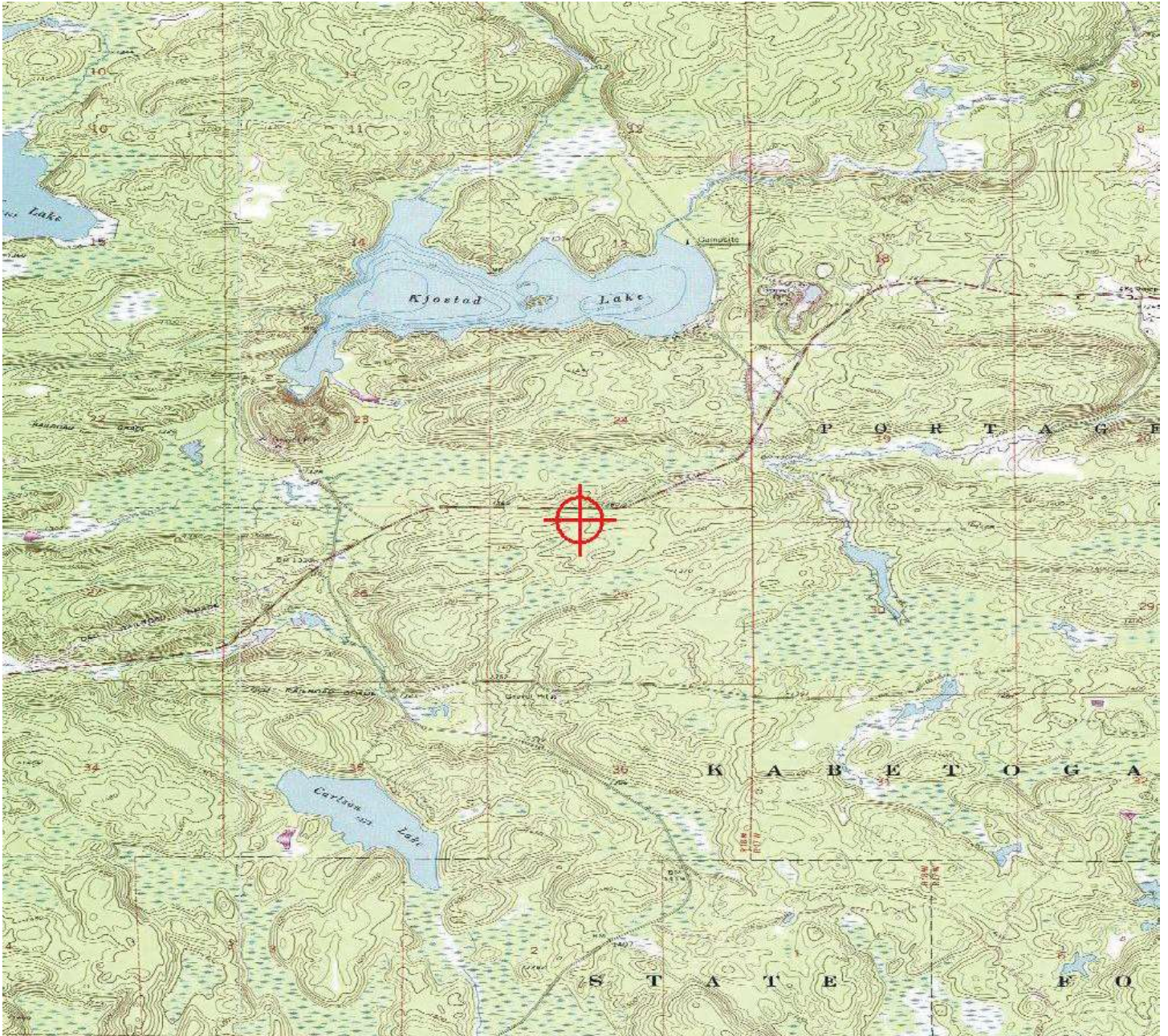
Attachment(s)  
Frequency Data  
Map(s)

cc: FCC

# Frequency Data for ASN 2020-AGL-6211-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W







**From:** [Jason Hall](#)  
**To:** [Mark Lindhorst](#)  
**Cc:** [Jared Ecklund](#)  
**Subject:** FW: Permit - ATT cell tower near Buyck, MN (CT-000007) - Parcel 510-0030-03880 / NE of NW of Sec 25, Twp 65 N, R 18W, Portage Township / Address is 8436 Orr Buyck Road (Hwy 23), Orr MN 55771  
**Date:** Tuesday, September 15, 2020 8:06:08 AM

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

Mark,

Here is the approval from St. Louis County Public Works/Highway Dept.

Thanks

Jason Hall  
612.670.0101

---

**From:** Victor Lund <LundV@StLouisCountyMN.gov>  
**Sent:** Tuesday, September 15, 2020 7:52 AM  
**To:** 'Jason Hall' <jhall@hallinstitute.com>  
**Cc:** Steve Kniefel <kniefels@StLouisCountyMN.gov>; Andy Butler <butlera@StLouisCountyMN.gov>  
**Subject:** RE: Permit - ATT cell tower near Buyck, MN (CT-000007) - Parcel 510-0030-03880 / NE of NW of Sec 25, Twp 65 N, R 18W, Portage Township / Address is 8436 Orr Buyck Road (Hwy 23), Orr MN 55771

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Good Morning, Jason,

St. Louis County Public Works (highway department) has no objections to moving the tower closer to the right-of-way of CSAH 23 as you noted in your email below. This email will serve as official communication on this approval.

Let me know if you have any questions.

**Victor Lund, PE**

Traffic Engineer

St. Louis County, MN

Direct: 218-625-3873

Main: 218-625-3830

[lundv@stlouiscountymn.gov](mailto:lundv@stlouiscountymn.gov)

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

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**From:** Jason Hall [<mailto:jhall@hallinstitute.com>]

**Sent:** Friday, September 11, 2020 2:03 PM

**To:** Andy Butler

**Cc:** Steve Kniefel; Victor Lund

**Subject:** Re: Permit - ATT cell tower near Buyck, MN (CT-000007) - Parcel 510-0030-03880 / NE of NW of Sec 25, Twp 65 N, R 18W, Portage Township / Address is 8436 Orr Buyck Road (Hwy 23), Orr MN 55771

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

Thanks Andy

Vic, can u please confirm no issues on your end. Email reply is fine

Thanks again

Jason Hall  
612.670.0101

On Sep 11, 2020, at 1:46 PM, Andy Butler <[butlera@stlouiscountymn.gov](mailto:butlera@stlouiscountymn.gov)> wrote:

This message was sent securely using Zix<sup>®</sup>

Good afternoon Jason,

Please see the attached plan sheets and easement document. It looks like the right of way is 65' south of the centerline of CSAH 23 on the easement and plan. As we discussed, Vic Lund would be the person to speak with about any objections from permitting/Traffic. His number is 218-625-3873 if you would like to reach out to him, or he may respond to this email. Please let me know if you need any additional information from me, or have any questions about the right of way.

Thank you,  
Andy Butler

Andy Butler-Right of Way Agent  
St. Louis County Public Works Department  
7823 HWY 135-Virginia, MN 55792  
Office: 218-742-9879  
Cell: 218-404-0732  
Email: [butlera@stlouiscountymn.gov](mailto:butlera@stlouiscountymn.gov)



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**From:** Jason Hall [<mailto:jhall@hallinstitute.com>]

**Sent:** Friday, September 11, 2020 10:43 AM

**To:** Steve Kniefel <[kniefels@StLouisCountyMN.gov](mailto:kniefels@StLouisCountyMN.gov)>; Andy Butler <[butlera@StLouisCountyMN.gov](mailto:butlera@StLouisCountyMN.gov)>; Victor Lund <[LundV@StLouisCountyMN.gov](mailto:LundV@StLouisCountyMN.gov)>

**Subject:** RE: Permit - ATT cell tower near Buyck, MN (CT-000007) - Parcel 510-0030-03880 / NE of NW of Sec 25, Twp 65 N, R 18W, Portage Township / Address is 8436 Orr Buyck Road (Hwy 23), Orr MN 55771

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

Good morning

Just wanted to follow up on this.

Thanks

Jason Hall  
612.670.0101

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**From:** Jason Hall <[jhall@hallinstitute.com](mailto:jhall@hallinstitute.com)>

**Sent:** Friday, September 4, 2020 12:13 PM

**To:** 'kniefels@stlouiscountymn.gov' <[kniefels@stlouiscountymn.gov](mailto:kniefels@stlouiscountymn.gov)>; 'butlera@stlouiscountymn.gov' <[butlera@stlouiscountymn.gov](mailto:butlera@stlouiscountymn.gov)>; 'lundv@stlouiscountymn.gov' <[lundv@stlouiscountymn.gov](mailto:lundv@stlouiscountymn.gov)>

**Subject:** FW: Permit - ATT cell tower near Buyck, MN (CT-000007) - Parcel 510-0030-03880 / NE of NW of Sec 25, Twp 65 N, R 18W, Portage Township / Address is 8436 Orr Buyck Road (Hwy 23), Orr MN 55771

Good afternoon Steve, Andy and Vic,

I received your contact info from Jenny in St. Louis County Land Use Dept.

**Background** - ATT was granted Tower/Land Use Permit approval to build a 440' communication tower in Portage Township (permit CT-000007), as that area is a dead spot for coverage. No towers for 5 miles. Its a dual purpose tower, used for ATT service and Public Safety/First Responder (FirstNet).

**Project/Scope** - Due some poor/wet soils on the wooded property, the tower needed

to shift closer to the road, Hwy 23. See survey attached, page 2. Zoning/land use dept recommended I contact the Highway Right of Way/Traffic to make sure you had no objection to the tower being slightly closer to the r-o-w on this parcel. The communication tower code states that towers should be equal to it's height to the r-o-w, which would be 440', but due to the conditions on this parcel, we'll only be 368'. All other setbacks and communication tower standards have been met, just the setback to Hwy 23 r-o-w will be slightly reduced.

I realize the tower is still a long distance from the r-o-w line (368'), but making sure there are no issues with your depts. It appears Hwy 23 has a 110' r-o-w width in this area. Our access into the parcel will be using an existing/approved approach, no new approach is being requested. Once tower built, it only gets visited 5-6x per year. And for reference, there are several existing towers in St. Louis County that are much/much closer to a r-o-w than this.

We provided the zoning/land use dept with a p.e. signed engineering letter (attached) stating that should the tower ever collapse, which it won't, be should it, the tower is engineered to fall within 50% of it's tower height, so within 220', so no concerns there. Site photos of/from Hwy 23 are attached too.

**If you could, please reply back to this email confirming you have no objections to this on this parcel.** I'll then fwd to zoning/land use dept. The township has already approved and supported the request, per email below.

Should you have any questions, please feel free to contact me. I apologize for the length email, sorry.... Thanks again for your time.

Sincerely,

Jason Hall  
AT&T Mobility Consultant  
612.670.0101

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**From:** Kathy Weiland <[portagetwpmn@gmail.com](mailto:portagetwpmn@gmail.com)>

**Sent:** Thursday, September 3, 2020 9:55 AM

**To:** Jason Hall <[jhall@hallinstitute.com](mailto:jhall@hallinstitute.com)>

**Subject:** Re: Permit - ATT cell tower near Buyck, MN (CT-000007) - Township support email

Good morning Jason,

Yes, Portage Township still supports the the ATT tower project and approve of the new location.

As EMS Director of the Buyck Volunteer Fire Department, I can say that we greatly support the ATT tower project. We look forward to it becoming operational.

Kathy Weiland  
Clerk, Portage Township  
EMS Director, Buyck Volunteer Fire Department

On Thu, Sep 3, 2020 at 9:22 AM Jason Hall <[jhall@hallinstitute.com](mailto:jhall@hallinstitute.com)> wrote:

Good morning Kathy

Can you please reply back to this email stating Portage Township still  
SUPPORTS the ATT Tower location and project. Including the support from  
local EM.S

As discussed, we had to shift the tower abit to NW on the property due to  
poor soils (survey attached) and St. Louis County zoning needs to confirm  
the township still fully supports the final tower location, as were approx.  
100' closer to the Hwy 23 than original proposed.

Thanks

Jason Hall

612.670.0101

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<csah 23 easement 1990 ne nw 25 65 18.pdf>  
<csah 23 plan 69 623 20.pdf>

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July 22, 2020

RE: Proposed ATT Installation  
Orr, MN

Site Name. Kjostad Lake  
Address: 8436 Orr-Buyck Rd  
Orr, MN 55771  
FA: 10588716

To whom it may concern

The proposed 440-foot Guyed Tower that will be installed at the above site will be designed and manufactured in accordance with the following requirements.

1. Loading from all applicable building and industry codes
2. Proposed and future appurtenance loading
3. **Maximum Fall Zone radius equal to or less than half the height of the tower**

If you have any questions regarding this letter, please contact me at 952-896-0751 or at [evansra@bv.com](mailto:evansra@bv.com).

Sincerely,  
**Black and Veatch**

Robley A. Evans, PE, SE

I HEREBY CERTIFY THAT THIS PLAN,  
SPECIFICATION, OR REPORT WAS  
PREPARED BY ME OR UNDER MY  
DIRECT SUPERVISION AND THAT I  
AM A DULY LICENSED PROFESSIONAL  
ENGINEER UNDER THE LAWS OF THE  
STATE OF MINNESOTA.

PRINT NAME: ROBLEY A. EVANS

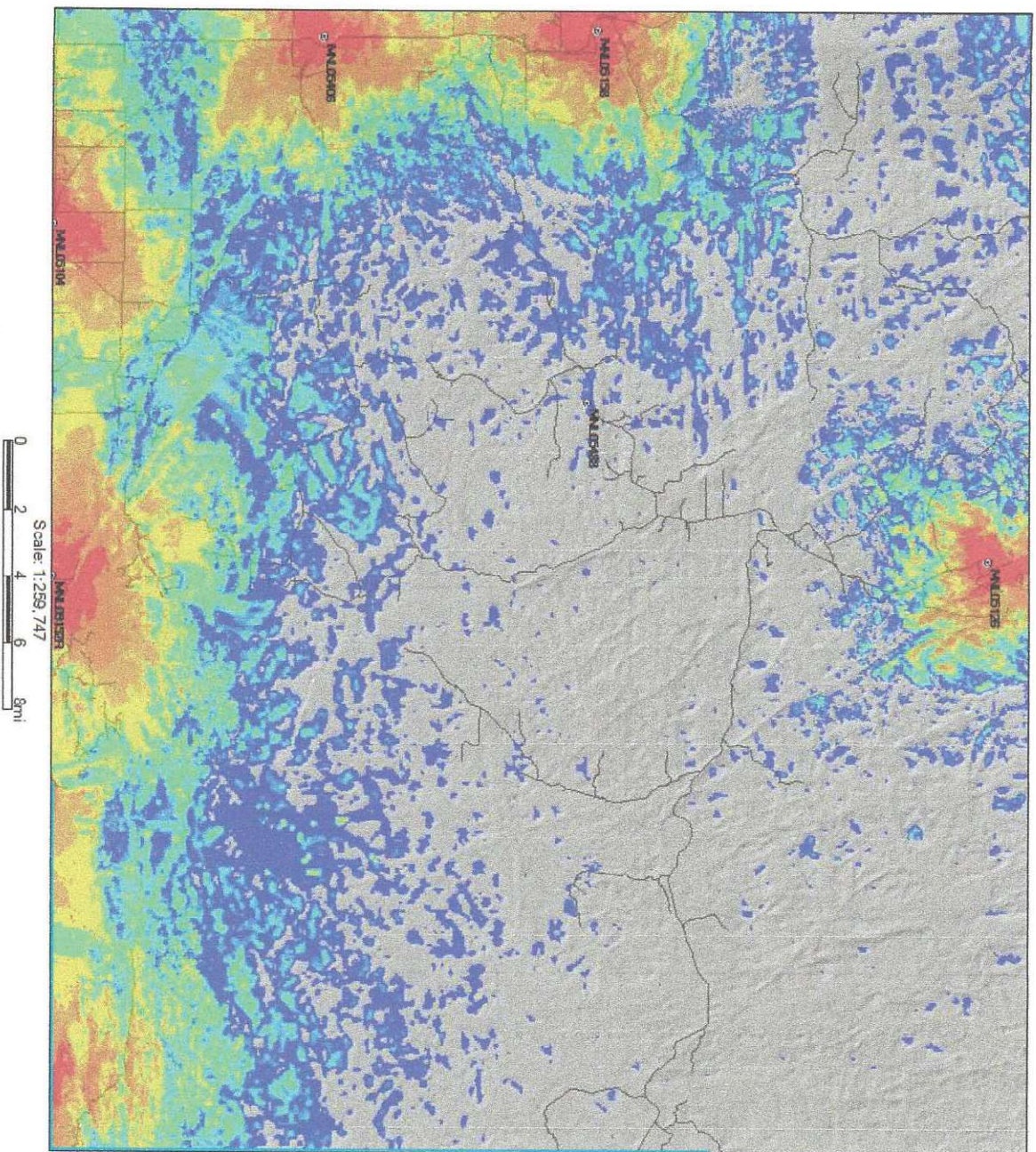
SIGNATURE: 

DATE: 07/22/2020 LICENSE# 43119  
EXP. 6/20

KJOSTAD LAKE -- MN5488 - RF Maps



Existing Coverage –  
Large “dead zone” along Hwy 23, near Buyck



RSRP (dBm) - Indoor Only

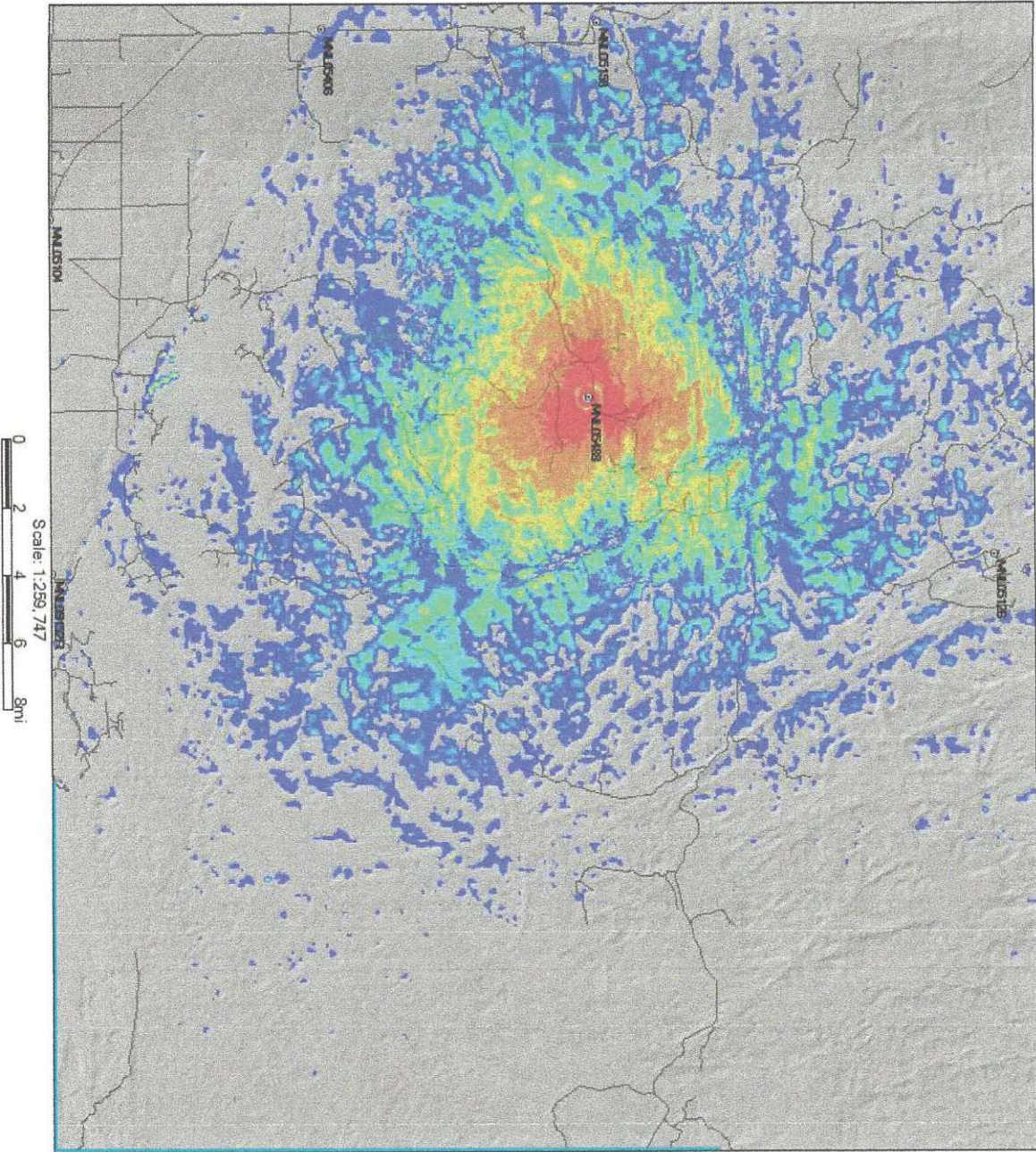
Best RS-RP (RS-SP-RP) Level (dBm) >= 90
Best RS-RP (RS-SP-RP) Level (dBm) >= 93
Best RS-RP (RS-SP-RP) Level (dBm) >= 96
Best RS-RP (RS-SP-RP) Level (dBm) >= 99
Best RS-RP (RS-SP-RP) Level (dBm) >= 102
Best RS-RP (RS-SP-RP) Level (dBm) >= 105
Best RS-RP (RS-SP-RP) Level (dBm) >= 108
Best RS-RP (RS-SP-RP) Level (dBm) >= 111
Best RS-RP (RS-SP-RP) Level (dBm) >= 114
Best RS-RP (RS-SP-RP) Level (dBm) >= 117
Best RS-RP (RS-SP-RP) Level (dBm) >= 120
Best RS-RP (RS-SP-RP) Level (dBm) >= 123
Best RS-RP (RS-SP-RP) Level (dBm) >= 126







# Proposed Site Only Coverage



- RSRP (dBm) - Indoor Out
- Best RSRP (RS-EPRE) Level (dBm) >= 90
- Best RSRP (RS-EPRE) Level (dBm) >= 98
- Best RSRP (RS-EPRE) Level (dBm) >= 103
- Best RSRP (RS-EPRE) Level (dBm) >= 108
- Best RSRP (RS-EPRE) Level (dBm) >= 113
- Best RSRP (RS-EPRE) Level (dBm) >= 118
- Best RSRP (RS-EPRE) Level (dBm) >= 123