



# ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

REPORT DATE: 11-18-22

MEETING DATE: 12-8-22

## APPLICANT INFORMATION

**APPLICANT NAME:** Addie Wales

**APPLICANT ADDRESS:** 2137 Duluth Place, Maplewood MN 55109

**OWNER NAME:** same as applicant

**SITE ADDRESS:** 3795 Mud Creek Road, Ely MN 55731

**LEGAL DESCRIPTION:** SW1/4 of NW1/4 Ex That Part Lying W of Mud Creek Road & Ex N 325 ft. S14, T62N, R14W (Eagles Nest)

**PARCEL IDENTIFICATION NUMBER (PIN):** 317-0010-02340

**NATURE OF REQUEST:** A conditional use permit for a commercial rental dwelling as a Commercial, Retail, and Service Establishments Use-Class II.

**PROPOSAL DETAILS:** The applicant is requesting approval to operate two commercial rental dwelling units at 3795 Mud Creek Road that is similar in nature to a short-term rental but would be primarily used as a rental with little to no personal or private use of the property. There is sufficient lot area per structure to equal the minimum MU-4 dimensional standards (4.5 acres and 300 ft. of lot width), which allows for two principal dwellings.

Since this is primarily a rental, the use is considered a Commercial, Retail, and Service Establishments Use-Class II. Although this proposed use may be similar in nature to a short-term rental, it is more similar to a bed and breakfast or a hotel/motel, which are also commercial uses.

## PARCEL AND SITE INFORMATION

**ROAD ACCESS NAME/NUMBER:** Mud Creek Road

**ROAD FUNCTIONAL CLASS:** Local

**LAKE NAME:** Armstrong Lake

**LAKE CLASSIFICATION:** RD

**RIVER NAME:** N/A

**RIVER CLASSIFICATION:** N/A

**DESCRIPTION OF DEVELOPMENT ON PARCEL:** Permitted dwellings and septic system under construction.

**ZONE DISTRICT:** MU 4

**PARCEL ACREAGE:** 26.7 ACRES

**LOT WIDTH:** 1,000 FEET

**FEET OF ROAD FRONTAGE:** 1,500 FEET (Approximately)

**FEET OF SHORELINE FRONTAGE:** N/A

## PARCEL AND SITE INFORMATION

**VEGETATIVE COVER/SCREENING:** The property is heavily wooded with good screening from adjacent parcels.

**TOPOGRAPHY:** The property has very steep slope. The cabin sites are located on a fairly level area.

**FLOODPLAIN ISSUES:** N/A

**WETLAND ISSUES:** N/A

**ADDITIONAL COMMENTS ON PARCEL:** N/A

## FACTS AND FINDINGS

### A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62, Section 6.32 states that if a property is used primarily for rental purposes, then it shall be deemed a Commercial Use-Class II and subject to ordinance requirements regarding commercial use.
2. The transient nature and frequency of the rental at the site may be more similar to a bed and breakfast or a hotel/motel use than a residential use.
  - a. These uses are commercial uses.
3. Ordinance 62, article V, Section 5.6 states that a Commercial, Retail and Service Establishments Use-Class II is an allowed in this zone district with a Conditional Use Permit.
4. Objective ED-2.1 of the St. Louis County Comprehensive Land Use Plan is to recognize and ensure regulatory fairness across a thriving lodging industry that includes hotels, bed and breakfasts, and vacation rentals.
5. The property is within the Lakeshore Development Area identified in the St. Louis County Comprehensive Land Use Plan. This category recognizes the ability of existing recreational or tourist facilities to grow and for new complimentary uses to develop.

### B. Neighborhood Compatibility:

1. The subject parcel is located north of Armstrong Lake where development density is low. Density is higher south of Hwy 169 where parcels are mainly utilized for seasonal and residential shoreland use.
2. The subject parcel is located approximately 850 feet north of Armstrong Lake.
3. The proposed commercial rental is an allowed use in the MU zone district provided a conditional use permit is granted.

### C. Orderly Development:

1. The riparian parcels in the immediate area are zoned SMU. Nonriparian parcels north of Highway 169, including the subject parcel, are zoned MU.
  - a. Due to the underlying zoning, future development may consist of a variety of uses. Most of the riparian lots in the immediate area have established residential uses on them.

### D. Desired Pattern of Development:

1. The underlying zoning MU may allow a wide range of uses.

2. Development patterns in the immediate area are established seasonal and year-round residential uses. Most of these residential uses are located south of Hwy 169 on Armstrong Lake.
3. The property is located within the Lakeshore Development Areas which is intended for rural development adjacent to lakes, including infill, new development, or redevelopment of existing residential, commercial, or mixed-use areas.

**E. Other Factors:**

1. St. Louis County On-Site Wastewater passed record review of the septic system and determined a maximum occupancy of 4 persons per cabin for a maximum of 8.

**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**

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit for a commercial rental dwelling as a Commercial, Retail and Service Establishments Use-Class II, the following conditions shall apply:

1. The permittee/owner/operator shall post within the rental unit the rules and regulations and emergency contact information for police, fire, hospital, septic tank pumper, and permittee/owner/operator.
2. The permittee/owner/operator shall provide the St. Louis County Planning and Community Development Director with current contact information for person(s) responsible for property management.
3. The permittee/owner/operator shall provide a visual demarcation of the property lines.
4. All local, state and federal requirements shall be followed for taxing, licensing, permitting and other applicable requirements.
5. General liability insurance covering the property, including its use as a commercial rental dwelling, shall be maintained and St. Louis County shall be listed as an Additional Party of Interest; a copy of the insurance policy shall be provided to and on file with the County.
6. It shall be the permittee/owner/operator's responsibility to secure necessary concurrent permits, including, but not limited to, Minnesota Department of Health Lodging License.
7. A Minnesota tax identification number and other applicable identification numbers must be provided to the St. Louis County Planning and Community Development Director prior to issuance of permit.
8. St. Louis County On-Site Wastewater SSTS standards shall be followed.
9. Disposal of solid waste must comply with St. Louis County Solid Waste Ordinance 45, or its successor or replacement.

10. The site shall provide on-site parking sufficient to accommodate the occupants of the rental dwelling unit.
11. No person shall, for the purpose of camping, lodging, or residing therein, leave or park a vehicle or motor vehicle on or within the limits of any road or on any road right-of-way.
12. All other local, county, state and federal regulations shall be met.

## 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

Government Services  
Center

201 South 3rd Avenue West  
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: <https://www.stlouiscountymn.gov/explorer>

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

Primary PIN

**317-0010-02340**

Associated PINs

### Type of Application

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

**Yes**

#### **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**

### Enter Applicant Information

I am a: **Landowner**  
 Applicant Name: **Addie Wales**  
 Address Line 1: **2137 Duluth Place**  
 Address Line 2: **--**  
 City: **Maplewood**  
 State: **Minnesota**  
 Zip: **55109**  
 Primary Phone: **(218)235-1772**  
 Cell Phone: **--**  
 Fax: **--**  
 Email: **addiemariewales@gmail.com**  
 Contact Person Name: **Addie Wales**  
 Contact Person Phone: **(218)235-1772**

## 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? ☐ Yes

Name: **Addie Wales**

Address: **2137 Duluth Place**

City: **Maplewood**

State/Province: **Minnesota**

Zip: **55109**

Primary Phone: **--**

Cell Phone: **--**

Fax: **--**

Email: **addiemariewales@gmail.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: **3795 Mud Creek Road, Ely, MN 55731**

Is this leased property? **No**

Leased From? **--**

**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  
Land and Minerals  
7820 Highway 135  
Virginia, MN 55792  
(218) 749-7103

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

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

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**How is the property accessed?**

- ☐ Public Road
- ☒ Private Road
- ☐ Easement
- 
- ☐ Water
- ☐ 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.**

**4**

**Does this project include plumbing or pressurized water in proposed structure?**

**Yes**

**If Yes, please explain:**

**1 well will service the shower and bathroom in 2 cabins**

**Is this project connected to a municipal or sanitary district system?**

**No**

**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.*

**Yes**

How many parking spaces are available on the property?

**4**

**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

--

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

**No**

If Yes, please explain

--

## WASTEWATER TREATMENT

Will wastewater be generated?

**Yes**

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

Private Septic System

☒ **Yes**

Municipal

☐ **Yes**

## 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

☒ **Yes**

Oil and Grease

☐ **Yes**

Other Automotive Fluids

☐ **Yes**

Animal Waste

☐ **Yes**

Chemicals

☐ **Yes**

Medical

☐ **Yes**

Hazardous

☐ **Yes**

Demolition Waste

☐ **Yes**

Wood and Sawdust

☐ **Yes**

Radioactive

☐ **Yes**

Other

☐ **Yes**

If Other, please explain

--

Please describe collection and disposal:

**G Men Garbage**

## SHORT TERM RENTAL WORKSHEET

*Please complete the following questions required for Short Term Rentals.*

Short Term Rental Use Information

**Is the property located in one of the following zone districts: Commercial or Sensitive?**



**No**

**Is the property located in a Residential zone district?**

*If yes, additional standards apply. (See fact sheet for additional standards)*

**No**

**Is there more than one rental dwelling unit on the same parcel or single units on contiguous parcels under common ownership?**

**Yes**

**Do you currently reside at this property?**

**No**

**Is the property used primarily for rental purposes?**

*If yes, shall be deemed a Commercial Use-Class II and subject to ordinance requirements regarding commercial use.*

**Yes**

Current Use of Property

How is the property currently being used?

**Currently building cabin #1 - set to complete in November. Cabin number 2 will hopefully be built in summer of 2023. The well, septic and electricity are already in place for both cabins.**

Describe the proposed use. (List all structures included)

**2 cabins will be rented out to guests. Each cabin will sleep up to 4 people. Cabin #1 will be available for rental as early as December 2022.**

Occupancy Information

Total # of Bedrooms on Property? **4**

Total # of Allowed Guests? **8**

Description of Yearly Use

(Total number of days must equal 365)

Intended # of days for personal use: **60**

Intended # of days for rental use: **182**

Intended # of days unused: **123**

**\*Primary use of the property for short term rental purposes may affect your property tax classification. Please contact your County Assessor for more information. <https://www.stlouiscountymn.gov/departments-az/assessor>**

Required Postings

**Have applicable licenses, rules and regulations and emergency contact information for police, fire, hospital, septic tank pumper, and permittee/owner/operator been posted in a prominent location within the rental unit?**

**Yes**

**Have Aquatic Invasive Species (AIS) prevention guidelines been posted for watercraft use?***(Please attach copy)***No****If No, please explain:****No watercraft use**

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Screening**What type of visual screening will be used?****From Roads:**☒ **Vegetative**☐ **Fence**☐ **Other****From Adjacent Properties**☒ **Vegetative**☐ **Fence**☐ **Other****From Lakeshore**☐ **Vegetative**☐ **Fence**☐ **Other**☒ **Not Applicable**

Please describe:

**No lake**

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Authorizing Agencies**Have you received a Lodging License from the Minnesota Department of Health for this Short Term Rental?***(Please attach copy)**If No, your application will be returned.***Yes****Have you received a Minnesota Tax Identification Number from the Minnesota Department of Revenue for this Short Term Rental? (Please attach copy)***If No, your application will be returned.***Yes**

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**ADDITIONAL REQUIRED INFORMATION & ATTACHMENTS****1. Electronic Map or Sketch:**

- Boundary lines with parcel dimensions.
- Existing Buildings. (see site sketch form for required information)

***If located in a RES zone district, property lines shall be located by a licensed land surveyor OR a written agreement between the adjoining property owners and the short term rental permittee/owner/operator may be submitted and filed with the Department.***

**2. Documents:**

- Copy of a septic permit to construct or certificate of compliance approval or municipal/sanitary district approval.
- Copy of current Minnesota Department of Health Lodging License and other applicable licenses.
  - Minnesota tax identification number and other applicable identification numbers.
  - Proof of appropriate liability insurance.
  - On-site parking plan.
- Current contact information for person(s) responsible for property management.
  - Photo documentation of visual demarcation of the property lines.
  - Evidence of ownership.
- Other information as deemed necessary by the Director.

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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.*** 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.*

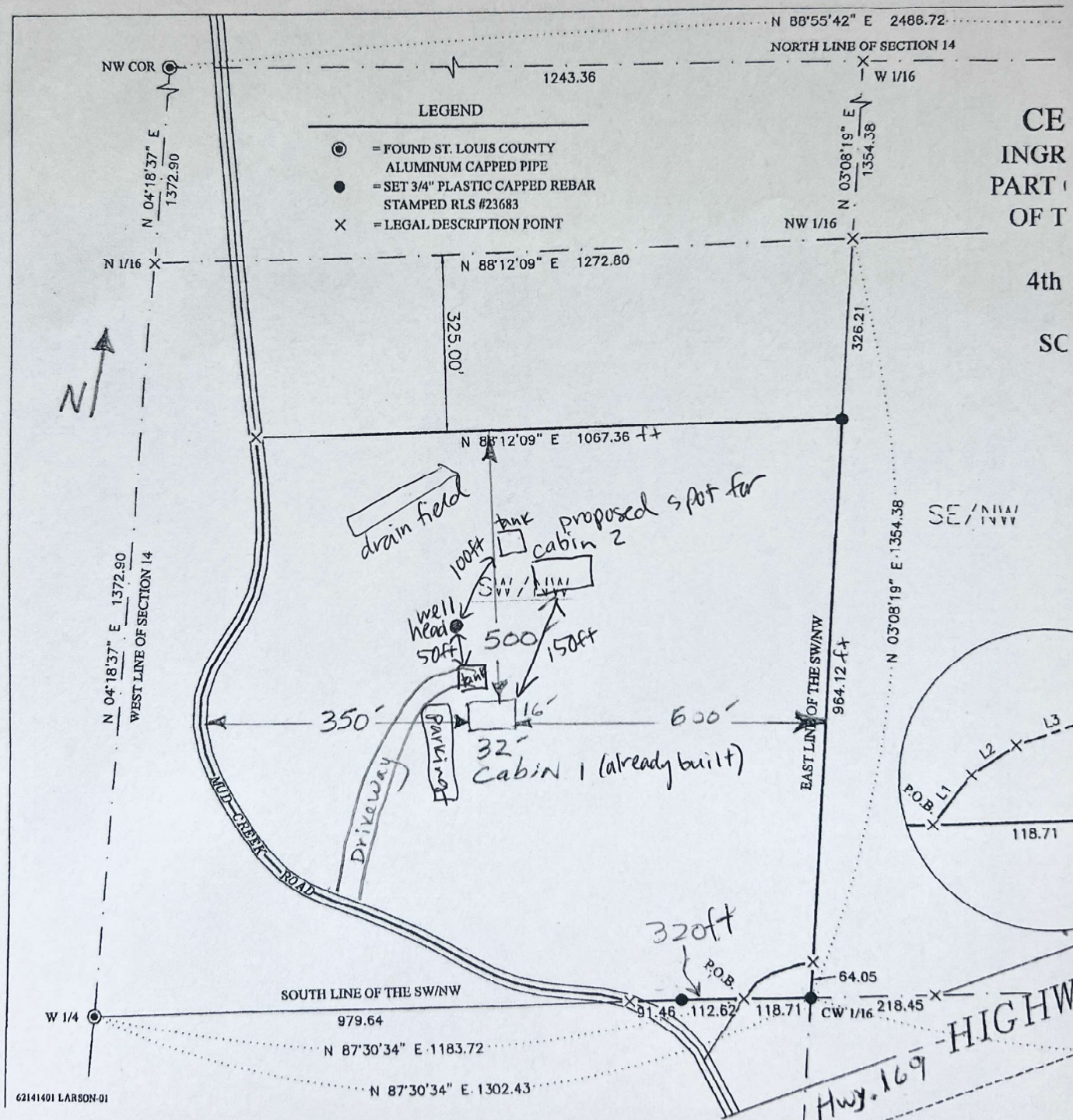
Submitted By: **Addie Wales**  
Address: **2137 Duluth Place**  
City: **Maplewood**  
State: **MN**  
Postal Code: **55109**  
Email Address: **elylogcabin@gmail.com**

I have read and agree to the statement above.

☒ **I agree**



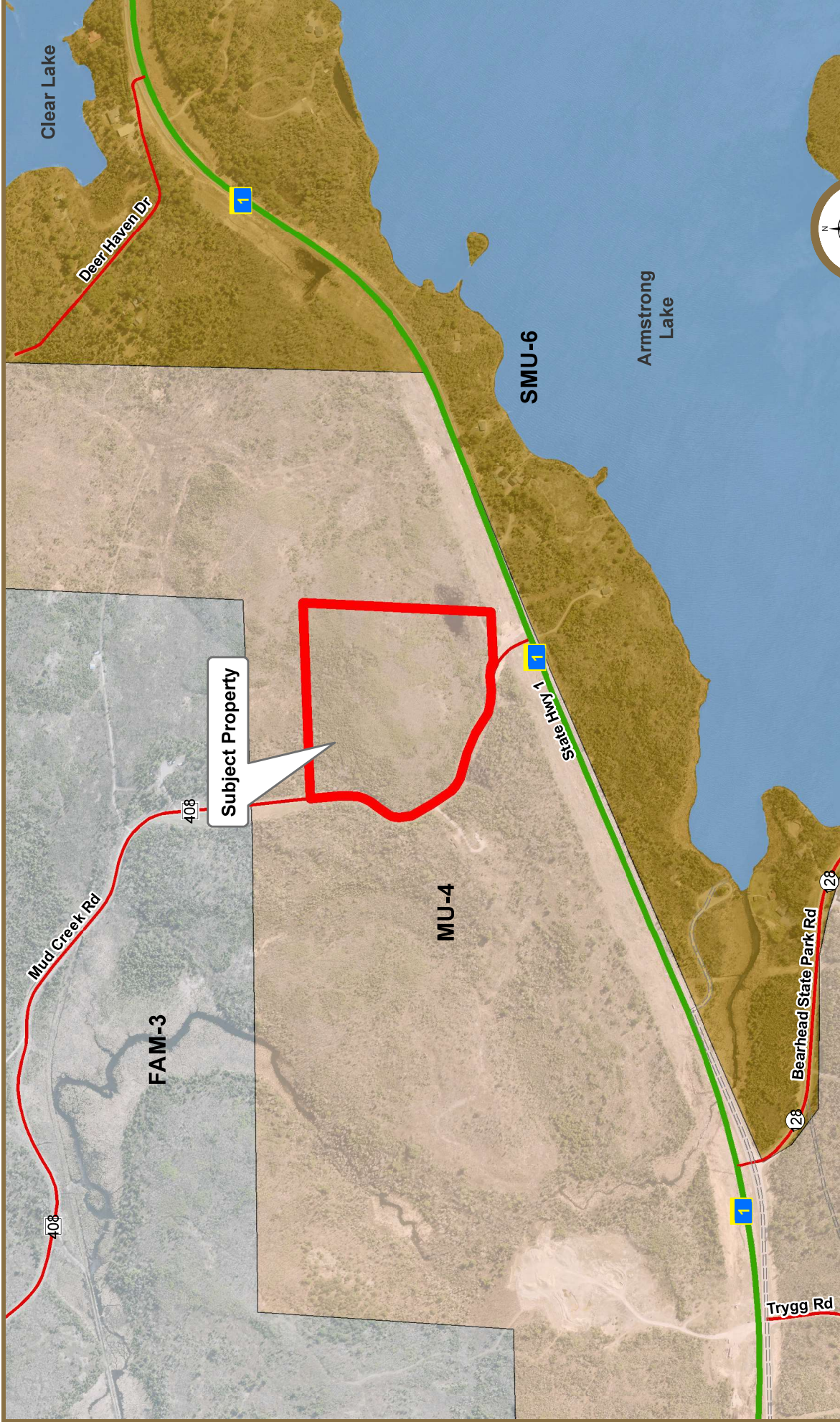
This is a Plat Drawing to show the approximate building location for mortgage loan purposes only.  
It is not a survey nor does it represent the exact property line locations.





# St. Louis County

## December PC Meeting



Prepared By: Planning & Community Development

(218) 725-5000

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

Source:

St. Louis County

Map Created:

11/18/2022

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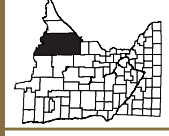
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## Addie Wales

### Zoning Map

PIN: 317-0010-02340



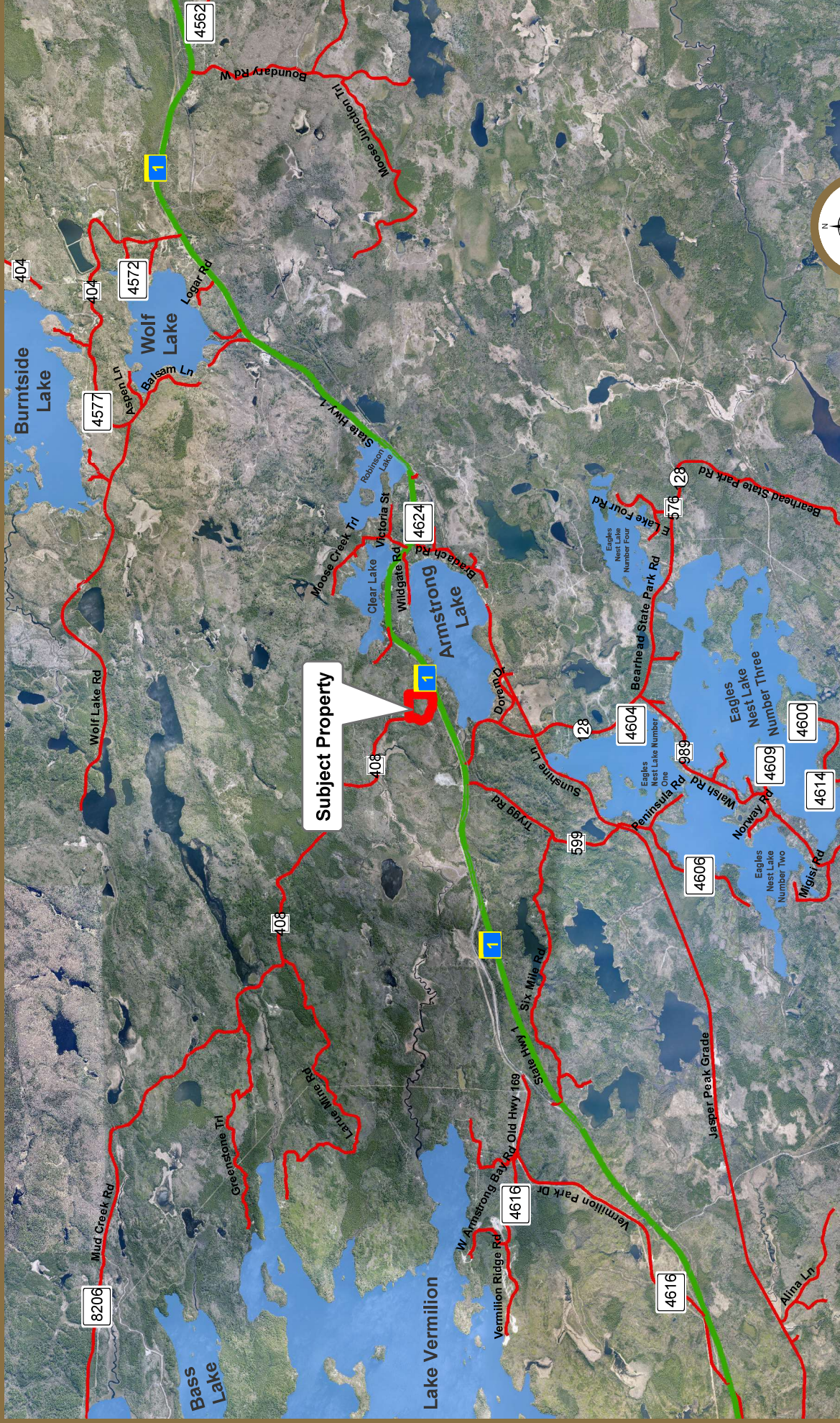
St. Louis County MN





# St. Louis County

December PC Meeting






Prepared By: **Planning & Community Development**  
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Source: St. Louis County

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## Addie Wales

### Location Map

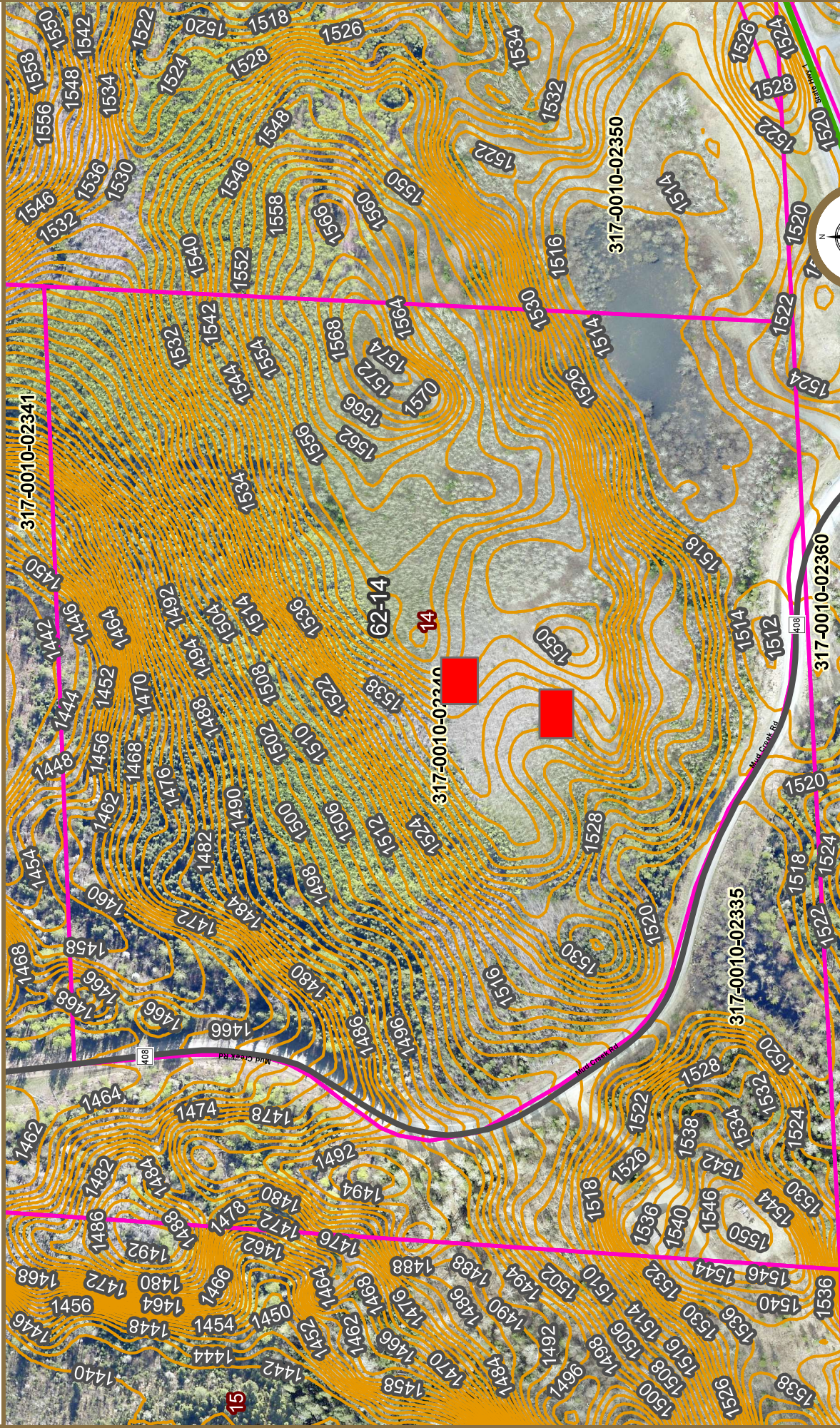
PIN: 317-0010-02340





# St. Louis County

## December Planning Commission Meeting



Prepared By: **Planning & Community Development**  
(218) 725-3000  
[www.stlouiscountrymn.gov](http://www.stlouiscountrymn.gov)

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**Addie Wales**  
**Elevation Map**  
**Pin 317-0010-02340**

0 80 160 240  
Feet

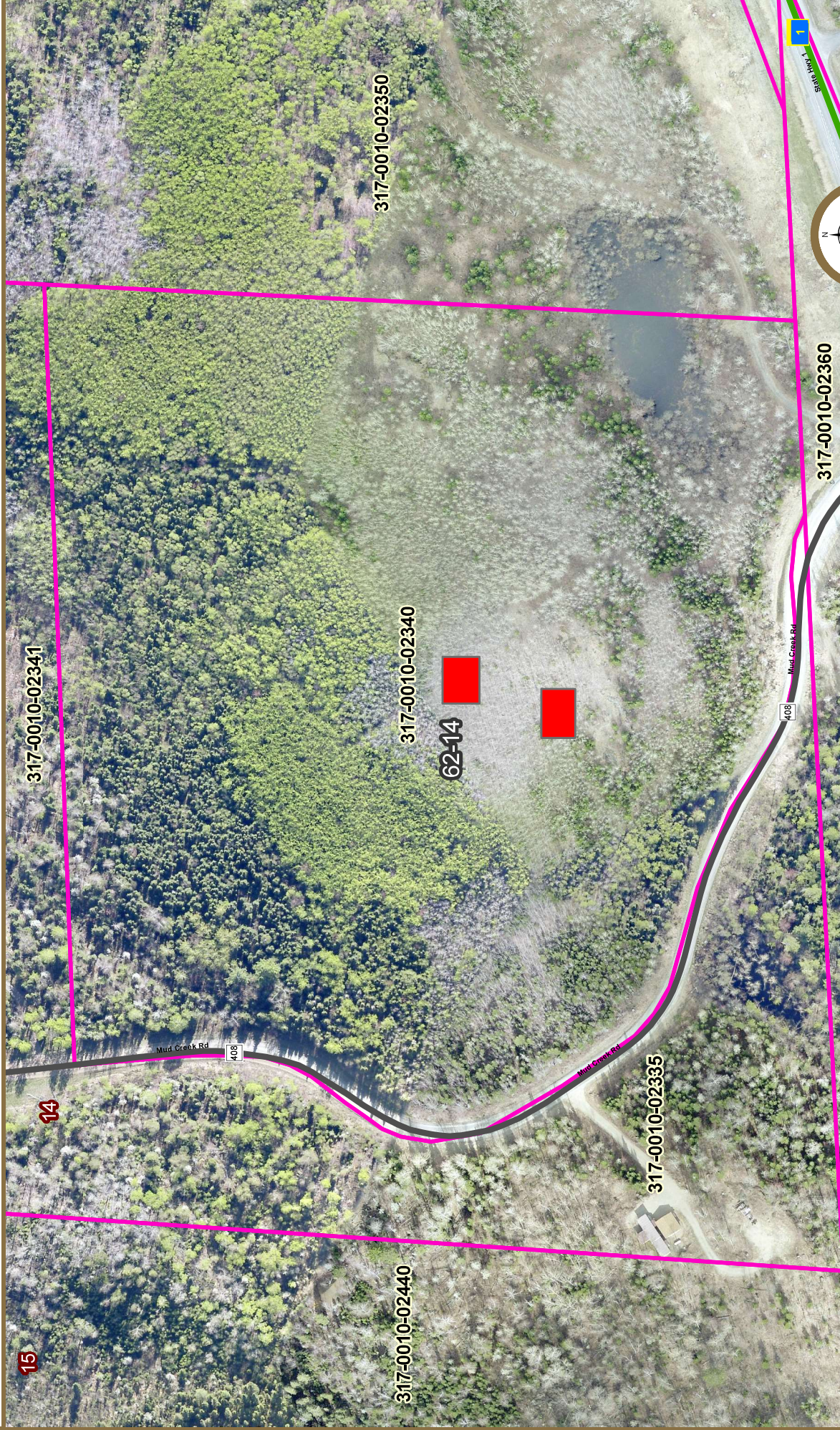
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# St. Louis County

## December Planning Commission Meeting



Prepared By: **Planning & Community Development**  
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[www.stlouiscountymn.gov](http://www.stlouiscountymn.gov)

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**Addie Wales**  
**Site Map**  
**Pin 317-0010-02340**

0 80 160 240  
Feet

N

St. Louis County MN