



# ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

INSPECTION DATE: 11/3/21

REPORT DATE: 11/22/21

MEETING DATE: 12/9/21

## APPLICANT INFORMATION

**APPLICANT NAME:** Township of Breitung

**APPLICANT ADDRESS:** PO Box 56

**OWNER NAME:** TOWER/BREITUNG WASTEWATER BOARD

**SITE ADDRESS:** N/A

**LEGAL DESCRIPTION:** SW ¼ of SE ¼ S33, T62N, R15W (Breitung)

**PARCEL IDENTIFICATION NUMBER (PIN):** 270-0020-03330

**NATURE OF REQUEST:** A rezoning involving Section 33 of T62N, R15W. The proposed zoning change is from RES-11 to MU-4.

**PROPOSAL DETAILS:** The applicant is requesting to rezone a 40 acre parcel owned by the City of Tower to allow for future non-residential development. The parcels were previously rezoned to Residential (RES-11) in 2002 to accommodate for residential development that never was constructed. The applicant is requesting Multiple Use (MU-4) zoning to be consistent with surrounding zoning and uses allowed within a Multiple Use district.

## PARCEL AND SITE INFORMATION

**ROAD ACCESS NAME/NUMBER:** Junction Rd 4597

**ROAD FUNCTIONAL CLASS:** Local

**LAKE NAME:** N/A

**LAKE CLASSIFICATION:** N/A

**RIVER NAME:** East Two River

**RIVER CLASSIFICATION:** Trout Stream (TRO)

**DESCRIPTION OF DEVELOPMENT ON PARCEL:** Undeveloped

**ZONE DISTRICT:** RES 11

**PARCEL ACREAGE:** 40

**LOT WIDTH:** 1320

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

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



## PARCEL AND SITE INFORMATION

**VEGETATIVE COVER/SCREENING:** The parcel is currently wooded.

**TOPOGRAPHY:** The parcel has a total elevation change of 44 feet.

**FLOODPLAIN ISSUES:** N/A

**WETLAND ISSUES:** A wetland delineation has been submitted, outlining wetlands on the parcel.

## FACTS AND FINDINGS

### A. Plans and Official Controls:

1. St. Louis County Ordinance 62, Article VIII, 8.7 C, requires a public hearing for proposed zoning map amendments.
2. The existing RES-11 zoning is not consistent with the zoning in the surrounding area. Residential zoning is intended to be used in areas with extensive or potential for extensive residential development. Residential districts restrict non-residential uses. Since 2002, no extensive residential development has occurred.
3. Multiple Use is intended to accommodate a wide range of uses, if properly sited, in the rural areas of St. Louis County, due to the low density of development. Multiple Use zoning is more consistent with the surrounding area and accommodates both residential and non-residential uses.

### B. Zoning:

1. The existing zoning around the subject parcel is MU-4, FAM-3, and RES-3 along the East Two River. The East Two River is classified as a Trout Stream and all Trout Streams have a 300-foot Residential zoning buffer.
2. Residential zone districts are intended to provide a residential living environment and where nonresidential uses are restricted.
3. The current proposal by the township is to only rezone a portion of what was rezoned in 2002.
4. The parcels were previously zoned FAM-3 prior to being rezoned to RES-11 in 2002.
5. The township will meet to discuss proposal on December 2<sup>nd</sup>, 2021, this will be after notices have been sent. The township may be able to provide further information regarding the intent of rezoning and the township should state why the northern parcels are remaining as RES-11 and not included in the request to rezone.

### C. Public Need:

1. The city of Tower is approximately ½ mile from the proposal.
2. The parcels were originally rezoned for residential development that was never constructed.
3. Breitung Township is anticipated to hold a public meeting to discuss the rezoning on December 2, 2021, to gather further public information.
4. The township has indicated the rezoning would allow for a future use that will require a Conditional Use Permit.
5. The township has indicated the public need for the rezoning to allow for future use of the property for a non-residential development.

### D. Public Interest:

1. The surrounding area is mostly forested vacant land.



2. A portion of the property proposed to be rezoned contains wetlands; a wetland delineation has been submitted by the applicant.
3. The surrounding area is mostly vacant land. The Tower/Soudan water tower is on the adjoining parcel to the north.
4. The parcel is located within the forest and agriculture district of the comprehensive land use plan as these areas intended primarily for forest and/or agriculture uses

**E. Other Factor(s):**

1. Change in zoning to Multiple Use is consistent with what previously existed prior to being changed to RES-11 in 2002.
2. The rezoning will allow for a future use that would require a Conditional Use Permit, as well as other non-residential uses consistent with the area.

**See attachments: 1. Zoning/location map 2. Air photo 3. Site sketch 4. Project picture (if applicable) 5. Other pertinent pictures or maps**

## **PLANNING COMMISSION CRITERIA FOR APPROVAL OF A REZONING REQUEST**

**Amendments to the zoning map shall be recommended for approval only upon the finding by the Planning Commission that all of the following conditions exist:**

- 1. The proposed zoning shall be consistent with the comprehensive or land use plan adopted for the county.**
- 2. The proposed zoning shall not be spot zoning, which is zoning to discriminate in favor of one lot or parcel out of harmony with surrounding lots or parcels and the comprehensive or land use plan and without benefit to the community.**
- 3. There shall exist a clear public need for and benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the landowner.**
- 4. Beyond a public need being evident, there shall be a showing that the public interest would be best served by rezoning the property in question rather than other property in the community.**

## **RECOMMENDED CONDITIONS, IF APPROVED**

In the event the Planning Commission determines the criteria for rezoning have been met, staff recommends that the Planning Commission forward the proposal onto the County Board with the recommendation to approve a zoning map amendment involving Section 33 of T62N, R15W. The proposed zoning change is from RES-11 to MU-4.



## 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

## REZONING PERMIT APPLICATION

**General** - This application is used to apply for a Rezoning 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 **270-0020-03330**

Associated PINs

### Enter Applicant Information

I am a: **Other**  
 Applicant Name: **Township of Breitung**  
 Address Line 1: **PO Box 56**  
 Address Line 2: **--**  
 City: **Soudan**  
 State: **MN**  
 Zip: **55782**  
 Primary Phone: **(218)753-6020**  
 Cell Phone: **--**  
 Fax: **--**  
 Email: **clerk@breitungtownship.org**  
 Contact Person Name: **Dianna Sunsdahl-Clerk**  
 Contact Person Phone: **(218)753-6020**

### 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: **Township of Breitung**  
 Address: **PO Box 56**  
 City: **Soudan**  
 State/Province: **MN**  
 Zip: **55782**  
 Primary Phone: **--**  
 Cell Phone: **--**  
 Fax: **--**  
 Email: **clerk@breitungtownship.org**



---

## REZONING WORKSHEET

In some cases, rezoning a parcel may be necessary as the current zoning may be incompatible with the current activities in the area. Rezoning requests can be initiated by any of the following:

- 1) St. Louis County Board
- 2) St. Louis County Planning Commission
- 3) Organized Township
- 4) Property Owner of Record

For more information, check our website at:

[http://www.stlouiscountymn.gov/LANDPROPERTY/BuildingZoning/LandUse\(Building\)/RezoningProperty.aspx?folderId=2652&view=gridview&pageSize=10](http://www.stlouiscountymn.gov/LANDPROPERTY/BuildingZoning/LandUse(Building)/RezoningProperty.aspx?folderId=2652&view=gridview&pageSize=10)

Is the proposed zoning located in an organized township?

**Yes**

Is the township applying for the rezoning?

**Yes**

---

## PUBLIC NOTIFICATION FOR TOWNSHIP INITIATED REZONING

This is only applicable if the township initiated rezoning.

Was public notice provided in the local newspaper or township newsletter?

**No**

Was public notice provided to adjacent property owners?

**No**

Was the public notice posted at least 30 days prior to action by the township?

**No**

---

## REZONING INFORMATION

Please explain the reason for the map rezoning request

**Land was zoned RES-11 about 20 years ago to accommodate potential development that never occurred. MU-4 zoning is more consistent with current and potential uses.**

What is the current zoning of the property?

**RES-11**

What is the proposed zoning of the property?

**MU-4**

How would the neighborhood benefit from the proposed rezoning?

**Rezoning to MU-4 will allow property to be put to use as a solar farm (with a conditional use permit). As a passive energy generation, this use will maintain the character of the neighborhood.**

How would the public benefit from the proposed rezoning?

**Public benefits will include the ability to provide for passive generation of electricity and to provide an additional source of clean energy.**

---



By submitting this application, I certify and agree that I am the owner or the authorized agent of the owner of the above property, and that all uses will conform to the provisions of St. Louis County. I further certify and agree that I will comply with all conditions imposed in connection with the approval of the application. Applicants may be required to submit additional property descriptions, property surveys, site plans, building plans, and other information before the application is accepted or approved. **Intentional or unintentional falsification of this application or any attachments thereto will make the application, any approval of the application and any result invalid.** I authorize St. Louis County staff to inspect the property to review the application and for compliance inspections. Furthermore, by submitting this application, I release St. Louis County and its employees from any and all liability and claims for damages to person or property in any manner or form that may arise from the approval of the application or any related plans, the issuance of any resulting permit or the subsequent location, construction, alteration, repair, extension, operation or maintenance of the subject matter of the application.

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

Submitted By: --

Address: --

City: --

State: --

Postal Code: --

Email Address: --

I have read and agree to the statement above.

**No**

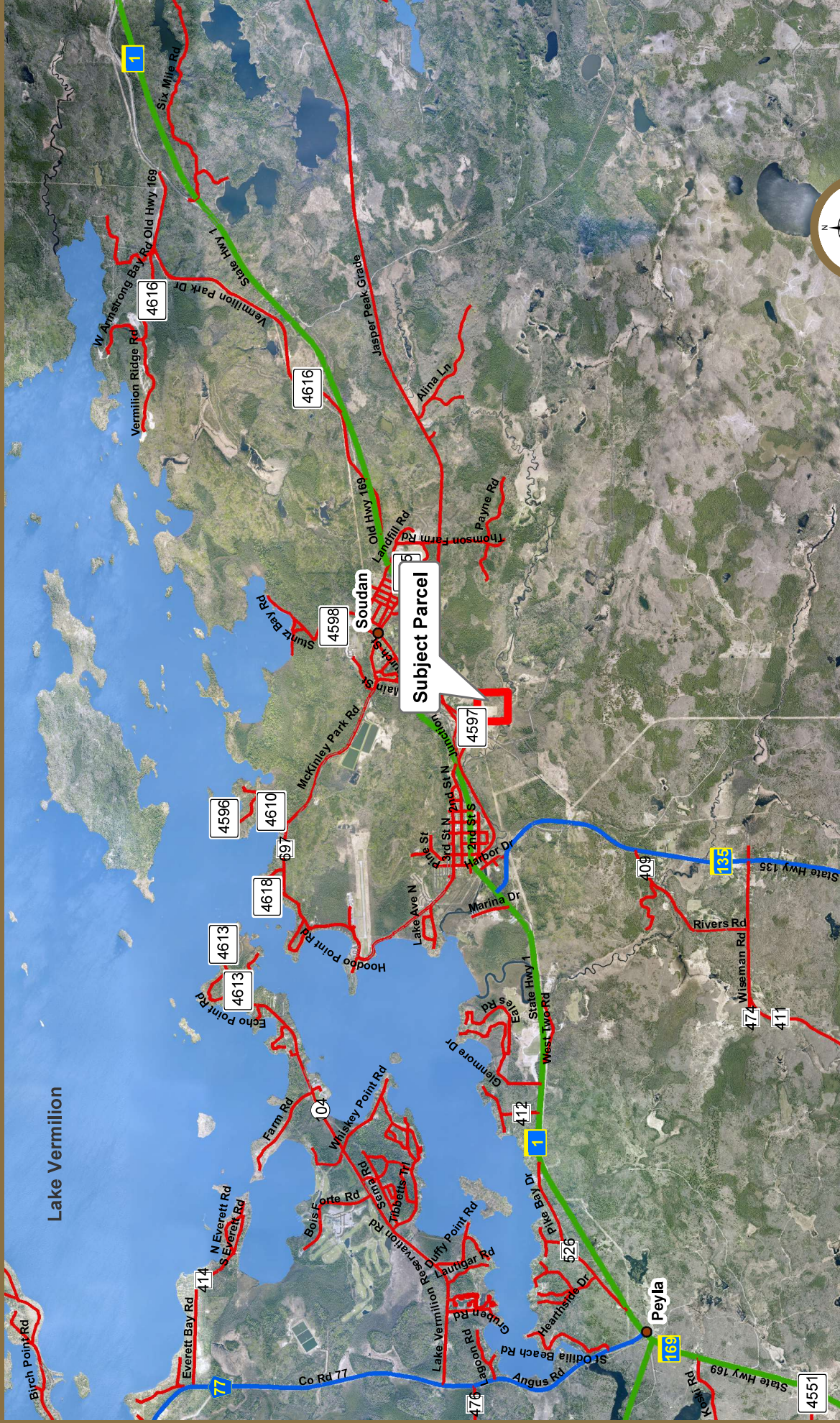
---





# St. Louis County

Dcember PC Meeting



Prepared By: **Planning & Community Development**  
(216) 726-5000  
[www.stlouiscountymn.gov](http://www.stlouiscountymn.gov)

Source: St. Louis County

Map Created: 11/8/2021

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.

© Copyright St. Louis County All Rights Reserved

**Breitung Township**  
**Location Map**  
**PIN:270-0020-03330**

0 0.5 1  
Miles

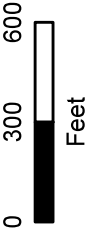
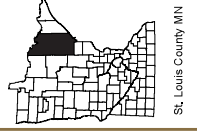
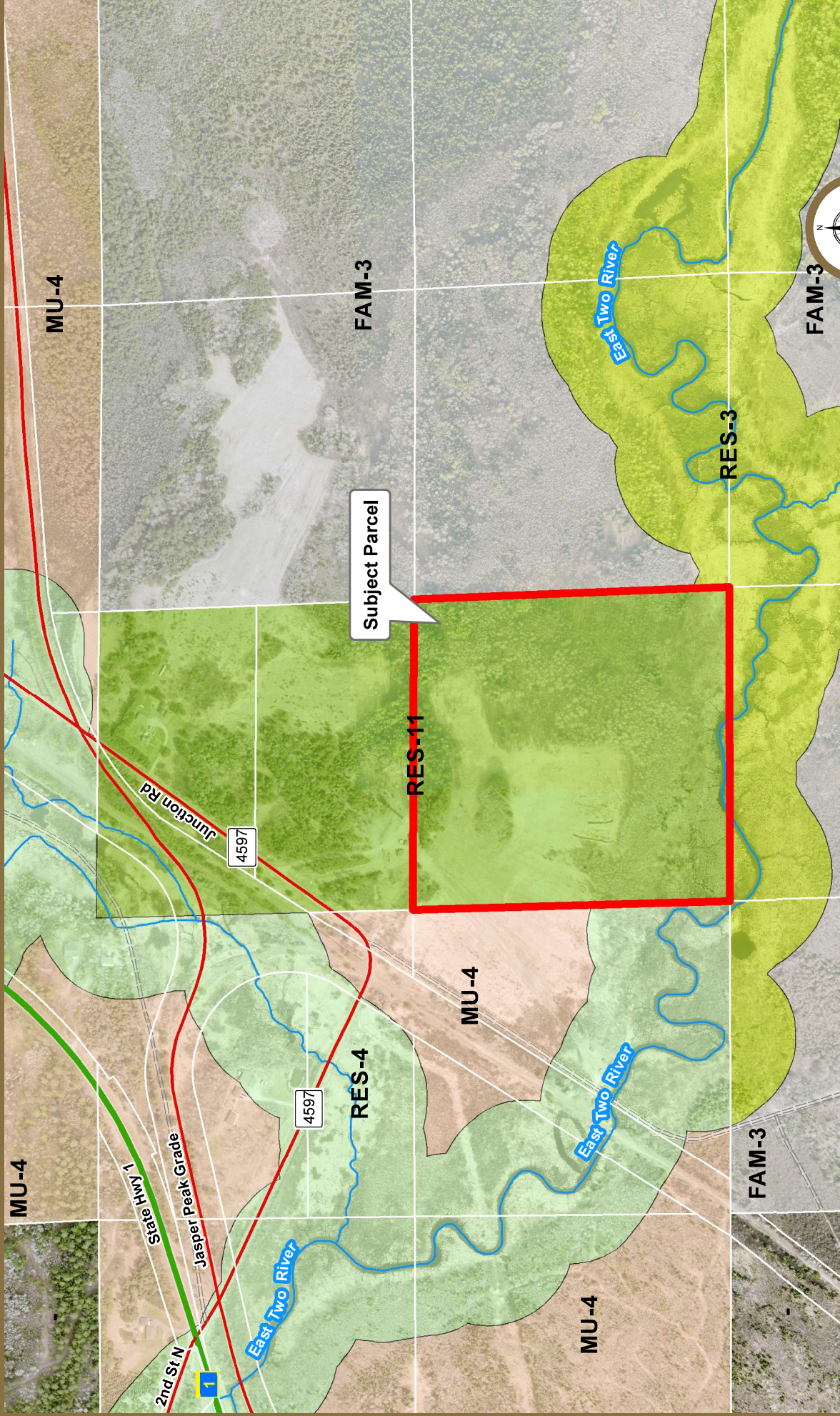
St. Louis County MN





# St. Louis County

November PC Meeting



## Breitung Township

### Zoning Map

PIN:270-0020-03330



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

Map Created: 10/13/2021

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.

© Copyright St. Louis County All Rights Reserved



# St. Louis County

December PC Meeting



Prepared By: **Planning & Community Development**

(218) 728-3000

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

Source: St. Louis County

Map Created: 11/23/2021

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.

© Copyright St. Louis County All Rights Reserved



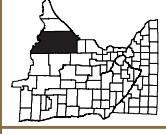
## Breitung Township

### Site Map

PIN: 270-0020-03330



0 150 300  
Feet



St. Louis County MN



# 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: 11/23/2021

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.

© Copyright St. Louis County All Rights Reserved

**Breitung Township**  
**Elevation/Wetland Map**  
**PIN: 270-0020-03330**



TOWNSHIP OF BREITUNG  
RESOLUTION NO. 2021-23

STATE OF MINNESOTA  
COUNTY OF ST. LOUIS  
TOWNSHIP OF BREITUNG

RESOLUTION AUTHORIZING THE TOWNSHIP OF BREITUNG TO  
REZONE REAL PROPERTY LOCATED IN BREITUNG TOWNSHIP

WHEREAS THE authorizing authority approves of the rezoning of real property located in Breitung Township as parcel ID: 270-0020-03330.

WHEREAS it has been determined to be in the best interest of Breitung Township that the real property located in Breitung Township and legally described as the SW ¼ of the SE ¼ Section 33, Township 62 North, Range 15 West, be rezoned from RES-11 to MU-4, it is therefore

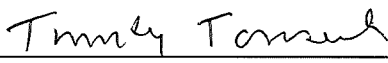
RESOLVED that the authorizing authority of the Township of Breitung does adopt this resolution and authorizes the Clerk to submit the necessary paperwork to the office of St. Louis County Planning and Zoning and take such further action as may be necessary to carry out the foregoing.

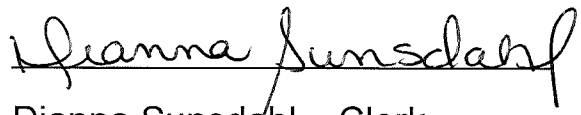
Upon vote taken, the following voted:

For: 3

Against: 0

Whereupon said Resolution NO. 2021-23 was declared duly passed and adopted this 23rd day of September, 2021.

  
\_\_\_\_\_  
Timothy Tomsich – Chairman

  
\_\_\_\_\_  
Dianna Sundahl – Clerk



The following information for this staff report as requested by the Planning Commission:

1. Summary of assessment information on U.S. Steel property on Lake Vermilion.

The Planning Commission should bring to the meeting all of the additional information from the two hearings. The hearing is closed, but staff has sent the assessment information to U.S. Steel and has informed them that they could respond to that information. The Commission members should also review the minutes from the hearing.

2. The assessment information was also sent to Scott Moore of the State of Minnesota who has been asked to determine if through his computer software a determination can be made regarding the impact that the non doubling of lot requirements and the change in mineral exploration requirement would affect market value. Staff has not heard back on this issue.

3. The total amount of existing residential zoning on Lake Vermilion shoreline is 5.89 miles. It also should be remembered that the possibility of residential zoning on any lake did not exist until the 1993 amendments to the zoning ordinance were adopted.

**CONCLUSIONS:** The Town of Breitung and the City of Tower have developed a plan that reflects the values of the community. The two year long planning effort offered extensive opportunities for residents and land owners to comment on the plan. The communities held local meetings and the plan was adjusted to address concerns raised. The plan encourages development where there is the necessary infrastructure, while discouraging development in areas that have significant environmental limitations or have limited public services and facilities available to support development. All plans and resulting implementation methods are subject to change over the years as additional information becomes available. A major planning effort is underway for the Lake Vermilion area and that plan will likely provide additional opportunities to address issues that were raised during this planning process. However, the efforts of the residents of Breitung and Tower need to be recognized and their vision for their community adopted by the county.

**RECOMMENDATION:**

1. The revised zoning map should be approved as recommended by the Town of Breitung.
2. The following changes should be made in the plan and then forwarded to the County Board with a recommendation of approval: (Changes are shown in the revised plan attached to this report.)





*Resolution  
of the  
Board of County Commissioners  
St. Louis County, Minnesota*

*Adopted on: March 25, 2003*

*Resolution No. 191*

*Offered by Commissioner: Forsman*

WHEREAS, the St. Louis County Planning Commission held public hearings on October 10, 2002, and November 21, 2002, to review the zoning map for the Town of Breitung; and

WHEREAS, the revised zoning map was prepared to implement the Breitung Comprehensive Land Use Plan; and

WHEREAS, the Planning Commission, at their December 12, 2002, business meeting, recommended on a 5-0 vote that the revised zoning map be approved as submitted.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board amends Ordinance No. 46 and approves the zoning map (Town of Breitung New Proposal) for the Town of Breitung and places the minutes of the Planning Commission public hearing and the proposed zoning in Board File No. 58036.

BE IT FURTHER RESOLVED, that the effective date of this amendment is April 15, 2003.

Commissioner Forsman moved the adoption of the Resolution and it was declared adopted upon the following vote:  
Yeas - Commissioners Kron, Forsman, Sweeney, Raukar, and Chair Fink - 5  
Nays - Commissioners Fay and Nelson - 2

**STATE OF MINNESOTA**

Office of County Auditor, ss.  
County of St. Louis

I, **GORDON D. MCFAUL**, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 25th day of March, A.D. 2003, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 25th day of March, A.D., 2003

GORDON D. MCFAUL, COUNTY AUDITOR

By

Deputy Auditor/Clerk of County Board

*Bart Hartzler (p-cert)*