



# ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

INSPECTION DATE: 6/13/2023

REPORT DATE: 7/24/2023

MEETING DATE: 8/10/2023

## APPLICANT INFORMATION

**APPLICANT NAME:** Elizabeth Chapman

**APPLICANT ADDRESS:** 1385 Winton Rd. Ely, MN 55731

**OWNER NAME:** Elizabeth Chapman

**SITE ADDRESS:** 1385 Winton Rd. Ely, MN 55731

**LEGAL DESCRIPTION:** THAT PART OF SW1/4 OF SE1/4 ASSUMING W LINE TO BEAR N02DEG58'50"W & FROM SW COR RUN N02DEG58'50"W ALONG W LINE 1261.25 FT TO NW COR THENCE N84DEG34'03"E ALONG N LINE 1225.94 FT TO PT OF BEG THENCE CONT N84DEG34'03"E ALONG N LINE 100 FT TO NE COR THENCE S02DEG 57'29"E ALONG E LINE 692.60 FT TO PT ON CENTERLINE OF CTY RD #781 ON A NON-TANGENTIAL CURVE THE CHORD OF WHICH BEARS N70DEG21'03"W 266.83 FT THENCE NWLY ALONG SAID NON-TANGENTIAL CURVE ON SAID CENTERLINE CENTRAL ANGLE OF 69DEG11'00" RADIUS OF 235 FT A DISTANCE OF 283.76 FT THENCE N35DEG45'33"W ALONG SAID CENTERLINE 295 FT THENCE N39DEG14" 24"E 455.91 FT TO PT OF BEG, S23, T63N, R12W (Morse)

**PARCEL IDENTIFICATION NUMBER (PIN):** 465-0020-03306

**NATURE OF REQUEST:** The applicant is requesting a conditional use permit for 5 animal units, equivalent to 25 dogs, where 1 animal unit, equivalent to 5 dogs, is allowed.

**PROPOSAL DETAILS:** The applicant is requesting approval of 5 animal units for 25 dogs where 1 animal unit for 5 dogs is allowed. The parcel is 4.3 acres, where greater than 4.5 acres is required to accommodate 5 animal units. The owner currently has 18 dogs for personal use located on the parcel.

## PARCEL AND SITE INFORMATION

**ROAD ACCESS NAME/NUMBER:** Winton Road

**ROAD FUNCTIONAL CLASS:** County Road

**LAKE NAME:** N/A

**LAKE CLASSIFICATION:** N/A

**RIVER NAME:** N/A

**RIVER CLASSIFICATION:** N/A

**DESCRIPTION OF DEVELOPMENT ON PARCEL:** The parcel contains a house and garage serviced by a permitted septic system. There is a kennel building located on the property.

**ZONE DISTRICT:** SMU 11

**PARCEL ACREAGE:** 4.30 Acres

**LOT WIDTH:** Approx. 500 Feet

**FEET OF ROAD FRONTAGE:** Approx. 560 Feet

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

## PARCEL AND SITE INFORMATION

**VEGETATIVE COVER/SCREENING:** The property appears to be well vegetated with good screening from the road and adjacent properties.

**TOPOGRAPHY:** The parcel has an elevation change of 14 feet sloping gently from the East to West side.

**FLOODPLAIN ISSUES:** N/A

**WETLAND ISSUES:** N/A

**ADDITIONAL COMMENTS ON PARCEL:** All animal waste will be collected daily and disposed of off-site at a landfill location.

## FACTS AND FINDINGS

### A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62, Article VI, Section 6.21A allows one animal unit per >2-4.5 acre parcel.
  - a. The applicant is requesting 5 animal units on a parcel containing 4.3 acres.
  - b. Greater than 4.5 to 10 Acres is required to allow up to 5 animal units.
2. St. Louis County Zoning Ordinance 62, Article VI, Section 6.21A states animals, with the exception of up to five domesticated dogs or cats, shall not be penned within 200 feet of a neighboring residence. The nearest residence is approximately 350 feet from the kennel area.
3. St. Louis County Zoning Ordinance 62, Article VI, Section 6.21A states animals shall not be penned within 150 feet from any well. The well is located 196 feet from the kennel area.
4. The St. Louis County Comprehensive Land Use Plan Objective LU-5.3 encourages the protection of established residences from encroachment and the unintended impacts of incompatible uses.

### B. Neighborhood Compatibility:

1. The surrounding area is zoned Shoreland Multiple Use (SMU)-11 and Multiple Use (MU)- 5 which allows for a variety of uses.
2. The property is located approximately 0.3 miles from Shagawa Lake.
3. There are approximately 14 residential properties within one-quarter of a mile of the applicant's property. These residential properties are a mix of seasonal and year-round.
  - a. The noise of the dogs may be an issue for neighborhood compatibility.
  - b. The closest residence is approximately 350 feet from the dog kennel.

### C. Orderly Development:

1. The property is located in a relatively rural area north of Ely, but some residential growth may be anticipated because of its location near the City of Ely.
2. The area is developed residentially.

**D. Desired Pattern of Development:**

1. The development in the area is fairly low and consists mostly of residential and forested properties.
2. The Shoreland Multiple Use zone district would allow for a variety of uses with land use and conditional use permits.

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

1. The applicant has constructed a fence surrounding the kennel building.
2. Zoning Ordinance 62 limits the number of animal units allowed on a parcel.
  - a. The number of animals that are anticipated to be on this parcel at any given time is not within the allowed animal units.
3. Morse Township has submitted an official resolution of disapproval.

**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 five animal units where 1 animal unit is allowed, the following conditions shall apply:

1. A minimum 50 foot buffer of trees and vegetation shall be retained along the property lines to help mitigate noise created by the dogs.
2. An animal waste management plan shall be approved by the county and implemented by the property owner.
3. All other local, state, and federal regulations shall be followed.
4. The Minnesota Department of Health isolation distances from a water-supply well shall be followed.

**ST. LOUIS COUNTY, MN  
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

**Duluth**

Government Services Center

320 West 2nd Street, Suite 301  
Duluth, MN 55802  
(218) 725-5000

**Virginia**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                    **465-0020-03306**

Associated PINs

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**

Enter Applicant Information

I am a:                        **Landowner**  
 Applicant Name:           **Elizabeth Chapman**  
 Address Line 1:           **1385 Winton Rd**  
 Address Line 2:           **--**  
 City:                         **Ely**  
 State:                        **MN**  
 Zip:                         **55731**  
 Primary Phone:            **(218)966-2255**  
 Cell Phone:                **2189662255**  
 Fax:                         **--**  
 Email:                       **chapmanelizabeth218@gmail.com**  
 Contact Person Name:    **--**  
 Contact Person Phone:   **--**



## 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: **Elizabeth Chapman**  
 Address: **1385 Winton Rd**  
 City: **Ely**  
 State/Province: **Minnesota**  
 Zip: **55731**  
 Primary Phone: --  
 Cell Phone: --  
 Fax: --  
 Email: --

## 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: **1385 Winton Rd, 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.*

--

**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.**

**2**

**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**

**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  **Yes**

Expansion of Existing Business  **Yes**

Replace Existing Business  **Yes**

Other  **Yes**

If Other, please explain

--

How is the property currently being used?

**The property is being used for personal use. This permit is a request to exceed the number of animal units per parcel as identified in the ordinance.**

What type of business/use is being applied for?

*List all uses that will take place.*

**Not Applicable**

### DAYS AND HOURS OF OPERATION

Describe the business and list business hours.

Describe the business **Not Applicable**

M-F Hours **Not Applicable**

Saturday/Sunday Hours --

### 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? --

### 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

--

### 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

--

### WASTEWATER TREATMENT

Will wastewater be generated?

**No**

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: **Daily collection of animal waste. All waste is disposed of at the landfill.**

### STORMWATER MANAGEMENT

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

*If Yes, please attach your NPDES permit.*

**No**

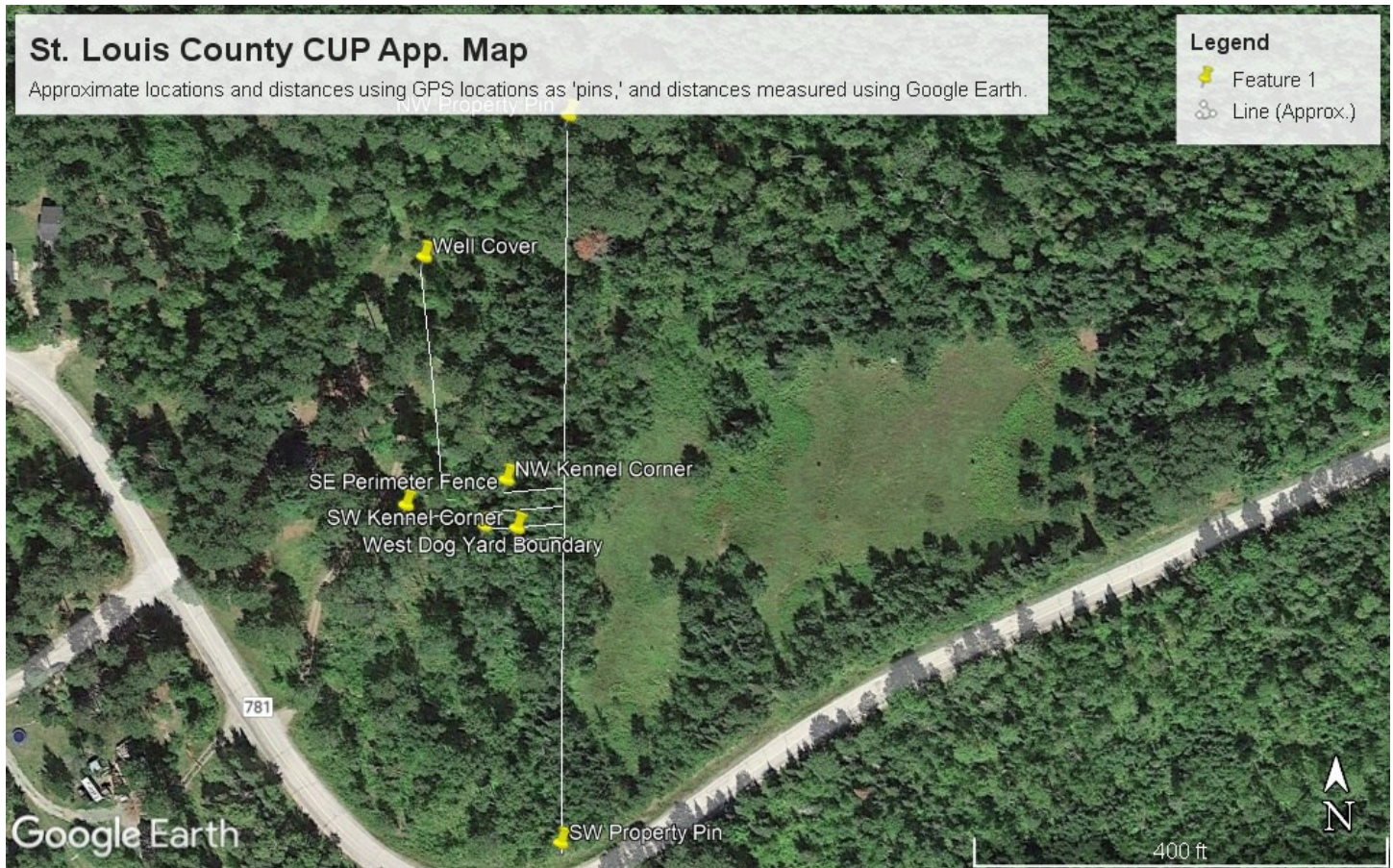
By submitting this application, I certify and agree that I am the owner or the authorized agent of the owner of the above property, and that all uses will conform to the provisions of St. Louis County. I further certify and agree that I will comply with all conditions imposed in connection with the approval 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: **Elizabeth Chapman**  
 Address: **1385 Winton Rd**  
 City: **Ely**  
 State: **MN**  
 Postal Code: **55731**  
 Email Address: **chapmanelizabeth218@gmail.com**

I have read and agree to the statement above.

**I agree**

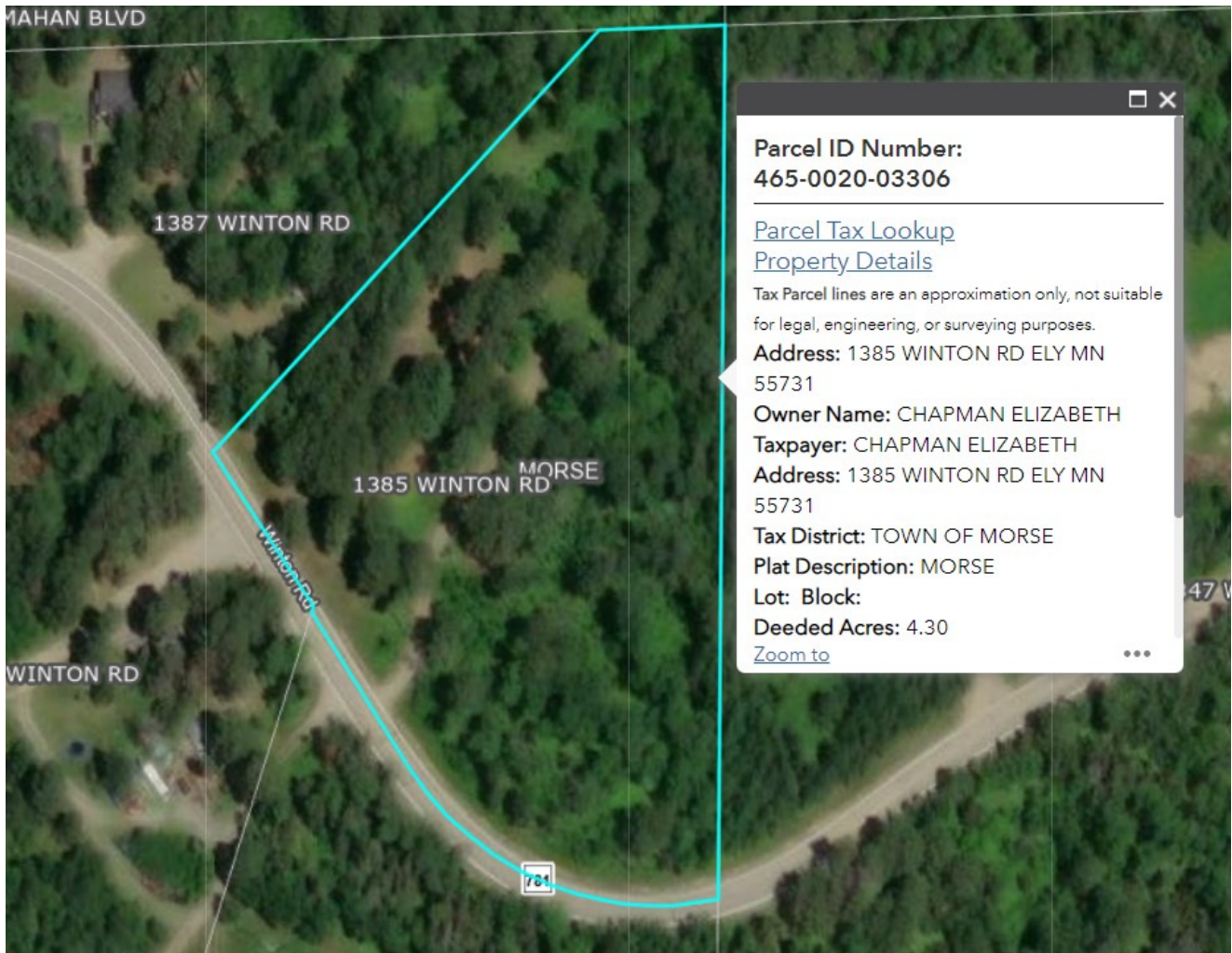


**Fig 1** Google Earth® image with pins marking dog area locations, with lines from these locations to the Eastern property boundary. GPS locations of property boundary end-points and dog area pins obtained using cell-signal location services; lines drawn and distances measured using Google Earth® line and measurement tools, respectively. Included: well to dog area distance. Positional indicators in pin labels (e.g., NW Kennel Area) are inverted – should be NE Kennel Corner, SW Perimeter Fence, East Dog Yard Boundary, and SE Kennel Corner as listed below.

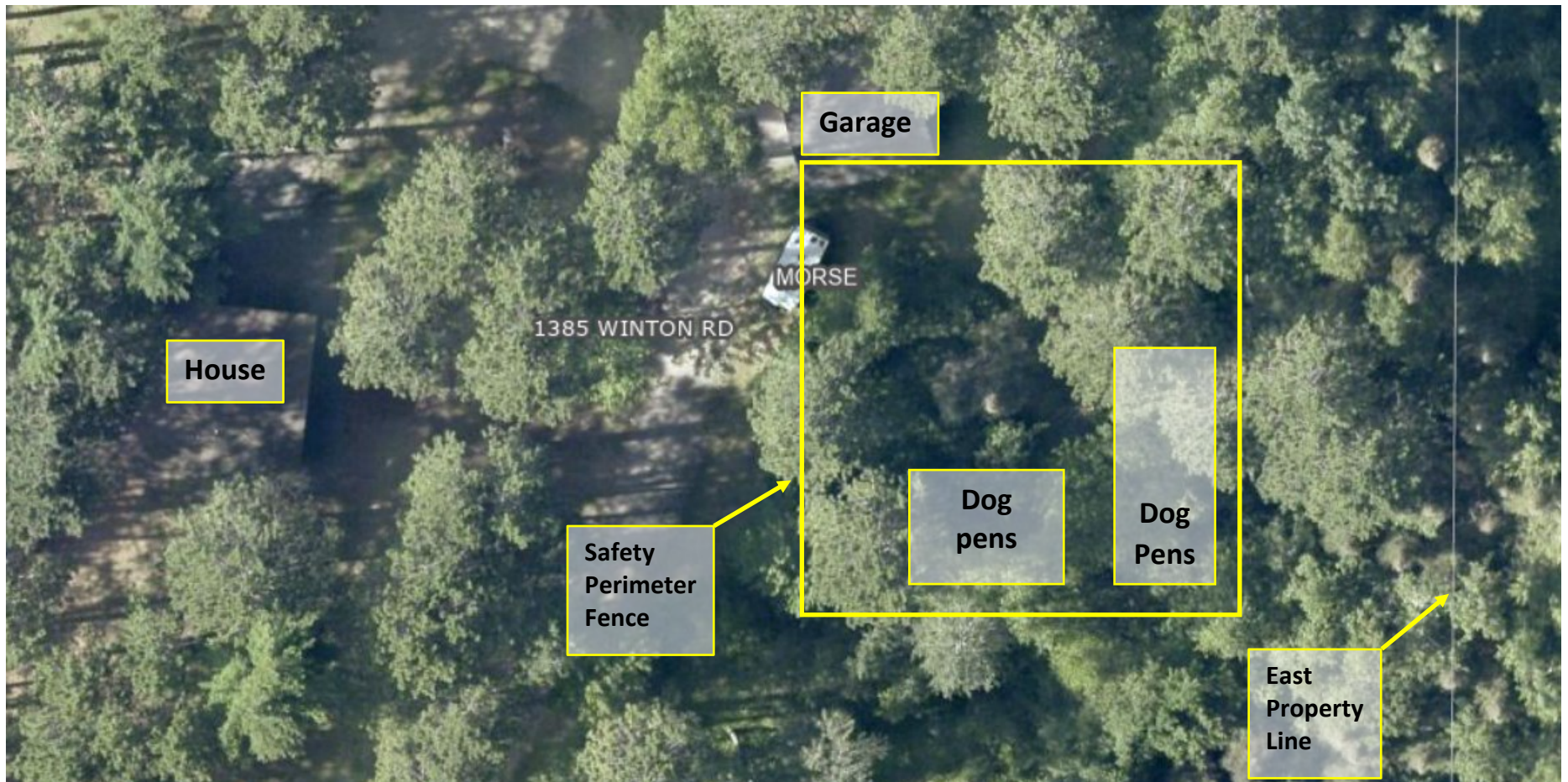
Approximate distances:

- Well to dog kennel = 196 feet
- SE perimeter fence to E property line = 46.4 feet
- NE kennel corner to E property line = 55.7 feet
- E dog kennel boundary to E property line = 75.6 feet
- SW perimeter fence to E property line = 153 feet





**Figure 1** Parcel number 465-0020-03306 overview including neighboring property lines (St. Louis County Land Explorer, 2020-2021 Imagery)



**Figure 2** Parcel number 465-0020-03306 site detail map including dog pens (housing) with neighboring property line (East Property Line) and structures (house, garage) for reference (St. Louis County Land Explorer, 2020-2021 Imagery)



# St. Louis County

## August PC Meeting



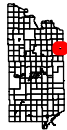
Prepared By: **Planning & Community Development**  
(218) 725-5000  
www.stlouiscountymn.gov

Source: St. Louis County

Map Created: 7/17/2023

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## Elizabeth Chapman

### Location Map

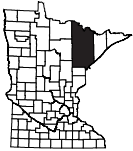
### 465-0020-03306



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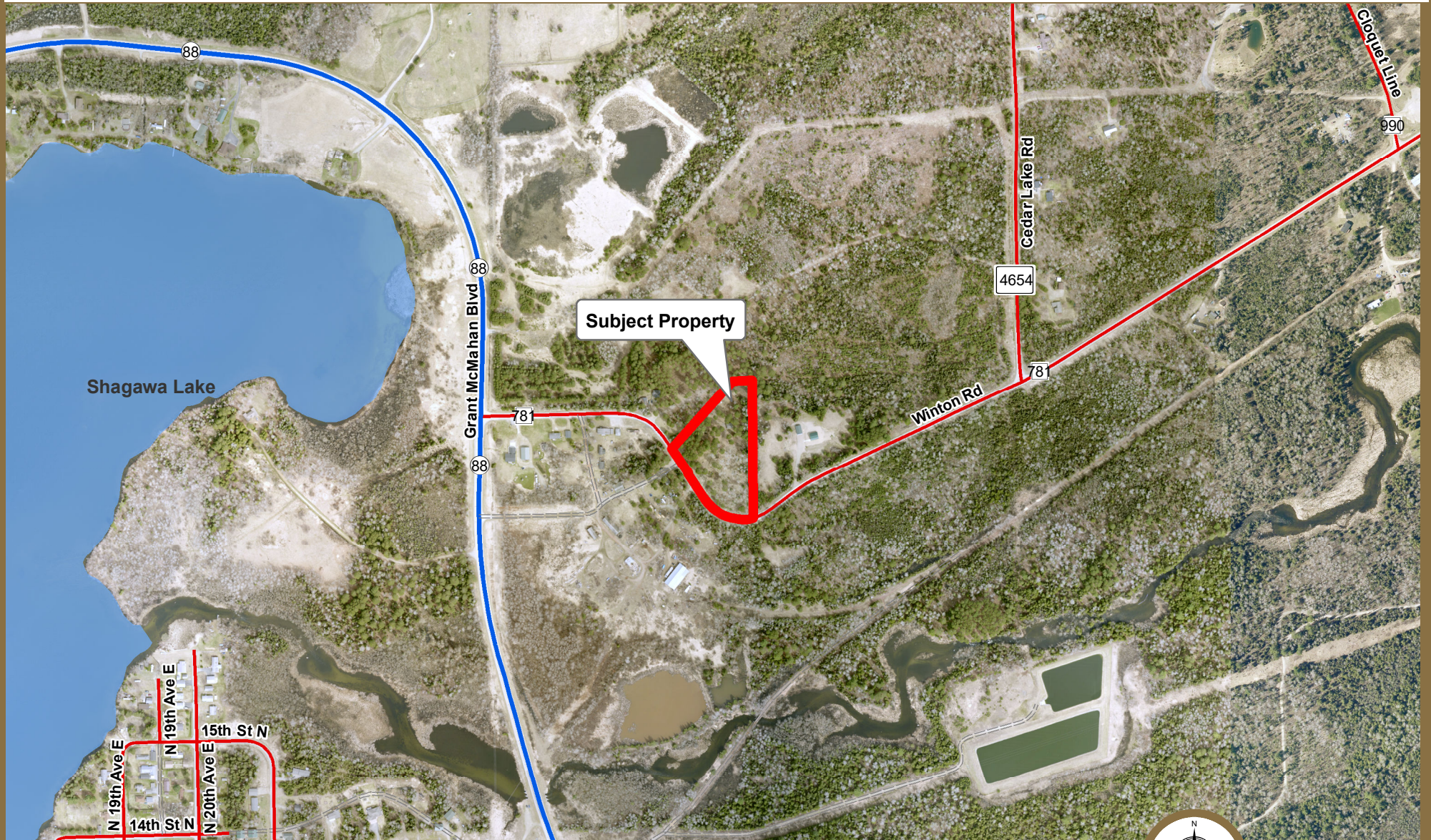


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# St. Louis County

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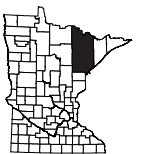
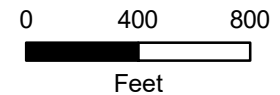
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**Elizabeth Chapman**  
Location Map  
465-0020-03306

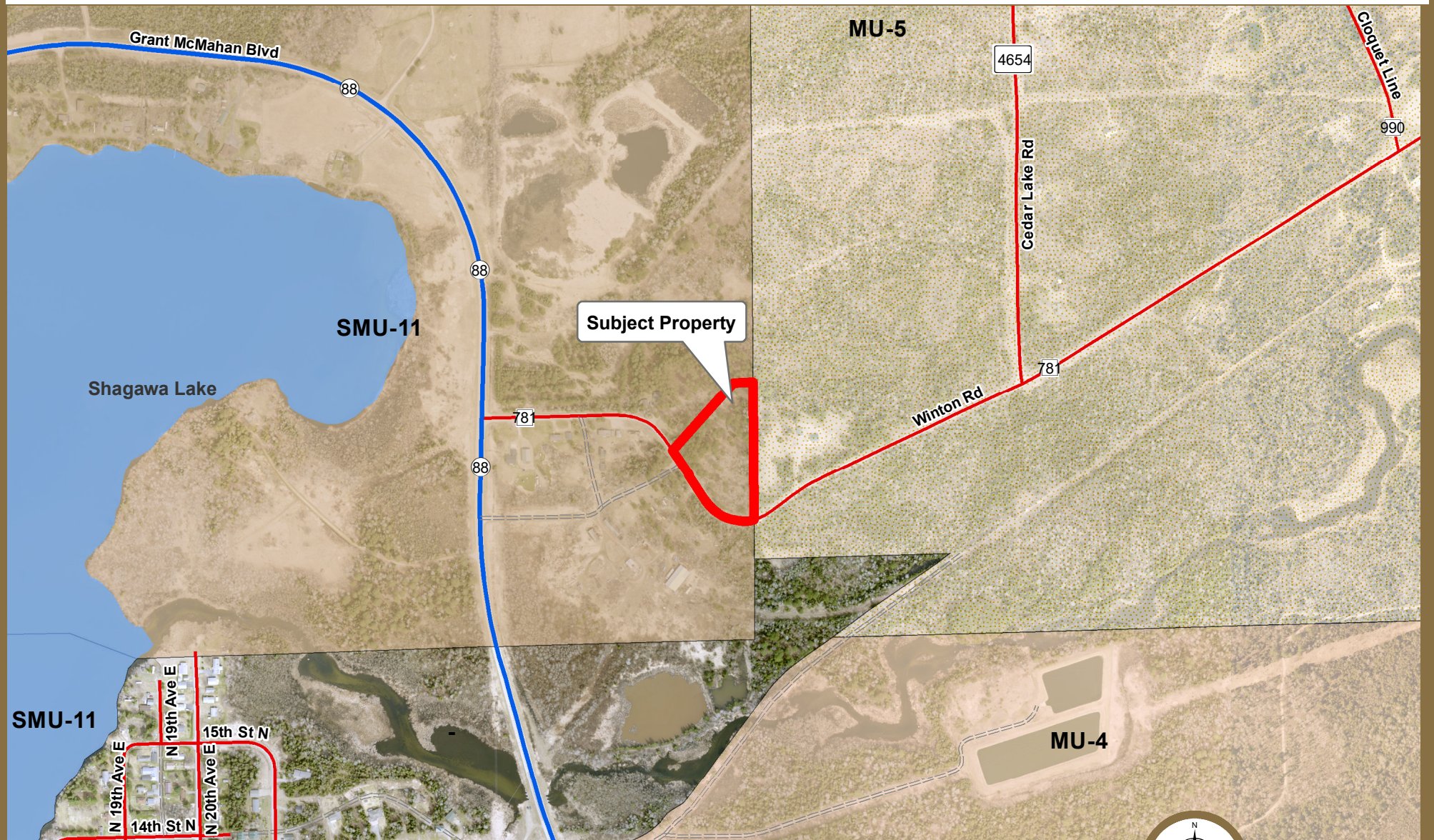


St. Louis County MN



# St. Louis County

## August PC Meeting



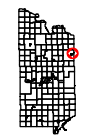
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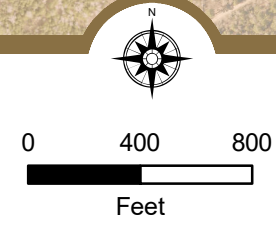
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### Elizabeth Chapman

### Zoning Map

### 465-0020-03306



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# St. Louis County

August PC Meeting



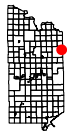
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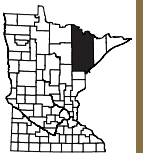
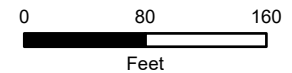
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## Elizabeth Chapman

### Site Map

PIN: 465-0020-03306



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