

Final Section 3 Zoning District and Setback

Two of the more material considerations in approval of any CUP application are that of site qualification relative to zoning and setbacks as defined within the associated zoning district classification and county or township ordinances, respectively. Tables from related sources have been provided below as part of the background obtained during the course of the study committee's efforts, Zoning Comparison attachments [3.1](#) and Setback Attachment [3.2](#). In both instances what stands out is the noted variation of how different counties and townships have chosen to define the allowances for borrow pits' CUPs. While a number of more subjective considerations apply, zoning and setback are much more objective and therefore provide a better tool, for both operators and townships to manage against.

Based on the comparison of the zoning and setback information associated with extractive use CUP allowances, please refer to attachment [3.1](#) & [3.2](#).

The following observations were noted:

Township zoning is generally more restrictive than SLC.

Township zoning places a higher value on protection of lakeshore, waterfront, shore land. Please refer to attachments [3.1](#).

Outside of SLC there are both greater setback distances, as well as added considerations beyond just property lines and residential homes, to include equipment setback.

Attachments [3.3](#), [3.4](#), [3.5](#), [3.6](#), [3.7](#) are documents from MAT Steve Fenske, Kennedy & Graven Jason Hill, and ARDC. These documents all state the same thing, any government agency can be more restrictive.

In addition to the above mentioned sources, and relating more specifically to Fredenberg Township, there was a concerted effort, defined within The Comprehensive Plan for St. Louis County Fredenberg Township, attachment [3.8](#), created in 1984 and revised in 2018, to provide a vision for future growth of the Fredenberg community. More specifically, the purpose of this plan was to provide township residents and SLC County Planning and Zoning Department with a document that would serve as a guide when they are faced with making land use decisions in Fredenberg Township as well as serve as a guide to SLC Zoning Department as they implement the County zoning ordinance, attached is a letter from SLC [3.9](#). A number of critically important aspects of this report align with concerns or themes that have arisen in conversations as to the applicability to borrow pit placement or expansion within Fredenberg. Of the number of applicable goals, policies and concepts that are reflected, the following stand out as being more closely aligned with issues surrounding borrow pit applications and operations:

Goal 2, Policy 2 - Wet land preservation

Goal 2, Policy 6 – Restoration of land

Goal 3, Policy 2 – Development compatible & screening between incompatible land uses

Goal 6 – Resident participation in land use development decisions

Concept 3 – Lake and stream designation consistent with or more restrictive than MN DNR classifications

Concept 4 – safeguarding of residential and small-scale farms from commercial and/or industrial intrusion

Concept 5 – fragile lands related to the hydrological system should be protected from potential side-effects of development

Although intended to be a guide, working in conjunction with SLC, the Comprehensive plan has no real control over the process or decisions made by SLC, on Fredenberg Township's behalf, relative to borrow pit CUP application review, conditions imposed or approval provided. In addition, there are concerns that have been raised in relationship to inspection, enforcement and reclamation (as addressed more fully elsewhere in this report).

Currently Fredenberg borrow pit CUP applications are reviewed and issued under SLC, therefore Fredenberg Township has no direct control of this process and changing ownership would require Fredenberg to create or adopt their own ordinance and ultimately their own zoning classifications. This consideration is also referred to within the Comprehensive Plan under Goal 2, Policy 6, which states: preserving the high quality of the Township's natural environment may require adoption of local ordinances.