



# Saint Louis County

---

Planning and Community Development Department  
[www.stlouiscountymn.gov](http://www.stlouiscountymn.gov)

**Matthew E. Johnson**  
Director

TO: St. Louis County Cities, Organized Towns and Interested Parties

FROM: Matthew Johnson, Director  
St. Louis County Planning & Community Development Department

DATE: January 17, 2023

RE: Planning Commission Public Hearing Thursday, March 9, 2023 for St. Louis County  
Subsurface Sewage Treatment System (SSTS) Ordinance 61 proposed amendments

NOTICE IS HEREBY GIVEN THAT THE ST. LOUIS COUNTY PLANNING COMMISSION WILL HOLD A PUBLIC HEARING ON **MARCH 9, 2023**, AT THE GOVERNMENT SERVICES CENTER, 201 SOUTH 3<sup>RD</sup> AVENUE WEST, VIRGINIA, MN, REGARDING THE FOLLOWING:

The Planning Commission will consider comments on proposed amendments to St. Louis County SSTS Ordinance 61. St. Louis County On-Site Wastewater Division is recommending ordinance amendments that better align with the purpose and intent of the ordinance adopted by the St. Louis County Board on February 26, 2014.

Key features of the proposed ordinance amendments by the Planning Commission include the following:

- **Article IV, Section 2.0 UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT**

## **2.03 Failure to Protect Groundwater**

When specified conditions are present, the referenced ordinance provision currently requires the entire SSTS to be replaced simply because the applicant is applying for a variance or conditional use permit, without taking into consideration if the land use request will impact the SSTS. Current ordinance language and interpretation of the provision has led to unintended consequences to property owners and failed to meet the overall purpose and intent of the provision and ordinance. The change would take into account if the land use request impacts SSTS performance.

- **2.06 Component Addition/Replacement (NEW) Proposed Ordinance Provision Addition**

*Removal of Article VI, Section 2.0, SSTS Construction Permit, 2.04, Conformance to Prevailing Requirements*

Current ordinance language and interpretation of the 'Conformance to Prevailing Requirements' provision has led to unintended restrictions when permitting for component addition/replacement permits where a property owner is requesting to replace only a portion of the SSTS. Allowing for component

---

☐ **Duluth Office**  
Government Services Center  
320 W 2<sup>nd</sup> St, Ste 301  
Duluth, MN 55802  
Phone: (218) 725-5000  
Toll Free in MN: 1-800-450-9777  
Fax: (218) 725-5029

☒ **Virginia Office**  
Government Service Center  
201 South 3<sup>rd</sup> Avenue West  
Virginia, MN 55792  
Phone: (218) 749-7103  
Toll Free in MN: 1-800-450-9777  
Fax: (218) 749-7194

additions or replacements to systems without requiring a complete upgrade to the entire system under specified conditions is a reasonable solution. The intent would be to correct the failing component of the system. The SSTS would be functionally upgraded to an acceptable existing system compliance for the treatment of wastewater.

- **Article IV, Section 5.1**                      **HOMEOWNER EXEMPTION**

Homeowner SSTS installation continues to be a problem for the Division as they take additional oversight and staff time. In many instances, this oversight and additional time taken includes working with property owners to correct errors and mistakes during installation and results in multiple site visits and inspections to verify installation errors were corrected. The Division is proposing to incorporate additional requirements onto property owners and SSTS professionals in order continue to support property rights of homeowners and allow for homeowner installations.

- **Article V, Section 3.0**                      **VARIANCES**

Noncompliant SSTS or Imminent Threats to Public Health must be corrected, repaired or replaced. Often with existing development, the area to replace the SSTS is not able to meet all setback requirements. A variance is required to obtain relief from setback requirements. The current process of obtaining a variance approval is very time consuming, expensive, and approval must be granted by the Board of Adjustment (BOA). The construction season is very short. In addition, the issuance of land use permits is often dependent upon SSTS placement and design approval. Long delays in approving an SSTS permit can have negative consequences for correcting a failing system. Correcting a failing septic system is most often a matter of necessity and not a choice. Based upon the described need, it is proposed that administrative variances be allowed with oversight by the Board of Adjustment. All requirements for a standard variance shall apply, and additional provisions shall be met. This amendment will allow for the issuance of administrative variance without the need for a public hearing and the Board of Adjustment's final decision. The Department shall determine if the request can be decided through an administrative decision.

As part of the Division's overall review of SSTS Ordinance 61, the Division additionally proposes other amendments considered to be general housekeeping, by correcting ordinance language that fits with widely accepted current practice, minor adopted technical standard changes, formatting changes, and changes to definitions where inconsistencies and discrepancies exist.

Please find enclosed proposed amendments and reference guide.

For additional information on St. Louis County's SSTS Ordinance 61, please visit:  
<https://www.stlouiscountymn.gov/departments-a-z/planning-development/on-site-wastewater>.

Your input is important to us. It is not necessary that you comment; however, if you wish to, you can do so by attending the hearing, attending one of two open house meetings and providing written comment, sending a letter, or e-mailing Ryan Logan, On-site Wastewater Manager, at [loganr@stlouiscountymn.gov](mailto:loganr@stlouiscountymn.gov) prior to the hearing. All letters must be signed and received in our office by noon on Monday, March 6, 2023. All correspondence will be presented to the Planning Commission as part of the hearing. Please email Ryan Logan or call 218-725-5014 if you have any questions.

The On-site Wastewater Division will also be hosting Open House meetings with the public and industry professionals to review proposed amendments and gather public input. For additional information on the Open House meetings, please visit:

---

☐ **Duluth Office**  
Government Services Center  
320 W 2<sup>nd</sup> St, Ste 301  
Duluth, MN 55802  
Phone: (218) 725-5000  
Toll Free in MN: 1-800-450-9777  
Fax: (218) 725-5029

☒ **Virginia Office**  
Government Service Center  
201 South 3<sup>rd</sup> Avenue West  
Virginia, MN 55792  
Phone: (218) 749-7103  
Toll Free in MN: 1-800-450-9777  
Fax: (218) 749-7194

<https://www.stlouiscountymn.gov/departments-a-z/planning-development/on-site-wastewater/govdelivery-newsletters>.

**Please confirm receipt of this email** by February 2, 2023.

If you wish to be provided a hard copy of this notice, additional information or draft ordinance amendments, please contact our office.

**\*\*In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Planning Department 72 hours prior to the meeting at (218) 749-7103\*\***

---

☐ **Duluth Office**  
Government Services Center  
320 W 2<sup>nd</sup> St, Ste 301  
Duluth, MN 55802  
Phone: (218) 725-5000  
Toll Free in MN: 1-800-450-9777  
Fax: (218) 725-5029

☒ **Virginia Office**  
Government Service Center  
201 South 3<sup>rd</sup> Avenue West  
Virginia, MN 55792  
Phone: (218) 749-7103  
Toll Free in MN: 1-800-450-9777  
Fax: (218) 749-7194