



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

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File Number	PLSUP-2408-0003		Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Special Use Permit for Fill in the Floodplain		Planning Commission Date	September 10, 2024	
Deadline for Action	Application Date	August 6, 2024	60 Days	October 5, 2024	
	Date Extension Letter Mailed	August 19, 2024	120 Days	December 4, 2024	
Location of Subject	100 N Central Avenue		Legal Description	PIN 010-2806-00030, 00040, and 00020	
Applicant	Sofidel America Corp		Contact	Simone Giacomelli	
Agent	LHB		Contact	Bob Lisi	
Site Visit Date	September 4, 2024		Sign Notice Date	August 26, 2024	
Neighbor Letter Date	August 19, 2024		Number of Letters Sent	43	

Proposal

The applicant is requesting to place 17,067 cubic yards of fill in the flood fringe.

Staff Recommendation

Staff recommends that the Planning Commission approve the special use permit with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G	Industrial paper mill	Industrial
North	MU-C, R-P	Freeway	Central Business Secondary/Urban Res.
South	I-G, MU-B	Industrial	General Mixed use
East	I-W, Lake	Lake	Transportation & Utilities/Lake
West	R-1, R-2	Park, Residential Neighborhood	Traditional Neighborhood/Open Space

Summary of Code Requirements

Sec. 50-37.10 – Special Use Permit Criteria (General):

1. The application is consistent with the comprehensive land use plan;
2. The application complies with all applicable provisions of this Chapter

Sec. 50-18.1.C-3(b) and (c)- Standards for Special Uses and General Uses in the Flood Fringe:

(i) Any fill shall be no more than the minimum amount necessary to grade or landscape, shall not obstruct the flow of flood waters and shall be protected from erosion... (ii) The use must not include the storage or processing of materials that are flammable, explosive or injurious and all materials shall be readily removable from the area after a flood warning;

(i) All new principal structures must have access at least two feet above the regulatory flood protection elevation ... (ii) Flood plain developments shall not adversely affect the channel and adjoining flood plain ... (iii) Accessory land uses such as yards... and parking lots may be at elevations more than two feet below the regulatory flood protection elevation. Any facility used by employees or the public must have a flood warning ... (iv) Not Applicable (N/A) ; (v) N/A; (vi) N/A

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

#3: Support existing economic base – maintains jobs, tax base, and manufacturing. The traditional economic base in Duluth includes manufacturing.

Future Land Use – Industrial: Areas for manufacturing, processing, and other activities that may have off-site impacts and are generally isolated or buffered from other uses. Sites should have direct access to major regional transportation facilities and other infrastructure.

History

A paper mill has been at this location since 1987.

Review and Discussion Items:

Staff finds that:

1. The applicant proposes to expand the existing paper mill by 588,759 sq ft to include space to convert bulk materials into consumer level products. The site has several constraints including a significant portion that is mapped floodplain, see attached exhibits.
2. As required to build in the flood fringe, the applicant will dry floodproof the portion of the warehousing building and move fill material throughout the site. This movement of material in the flood fringe will amount to 10,293 cubic yards of fill to elevate structures and a net removal of 3,073 cubic yards (17,067 cubic yards of fill with 20,140 cubic yards of cut) to manage grades outside of structures. The fill to elevate buildings is a permitted use in the flood fringe and not under consideration for this permit.
3. Sec. 50-18.1.C-3(b)- (Standards for Special Uses in the Flood Fringe).
 - There will be a net removal of material from the flood fringe, increasing the area for floodwaters to move.
 - All areas in the flood fringe will be stabilized by either impervious surfaces or vegetative ground cover.
 - All materials stored in this area will be readily removable and not considered flammable, explosive, or injurious.
4. Sec. 50-18.1.C-3(c)- (Standards for General Uses in the Flood Fringe).
 - Access to the facility will be outside the mapped floodplain.
 - The facility has an existing emergency warning system that may be utilized for communicating evacuations.
 - Since FEMA has mapped a floodway for Keene Creek and this proposal does not encroach on it, the hydraulic capacity of the floodplain will not be adversely affected.
5. This project will impact the mapped floodplain and result in the existing floodplain maps to be inaccurate. Staff recommends that the applicant complete a “Letter of Map Revision Based on Fill” (LOMR-F) with the Federal Emergency Management Agency (FEMA) following completion of the project.
6. An Environmental Assessment Worksheet and related documents for the proposed project are being prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700. The determination of the potential for significant environmental effects and identification of mitigation measures is pending. To the extent mitigations measures are identified that reasonably relate to the requested special use permit, the applicant will minimize adverse environmental effects.
7. No other City, public, or agency comments have been received.

Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission approve the variance with the following conditions:

- 1) The project be limited, constructed, and maintained consistent with plans and documents submitted with the application.
- 2) The existing emergency warning system is configured to incorporate flood warning alerts.
- 3) The applicant must complete a LOMR-F with FEMA following completion of the project.
- 4) The special use permit shall not be effective until a) completion of the Environmental Assessment Worksheet; and b) adoption of a Negative Declaration that preparation of an Environmental Impact Statement is not required.
- 5) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PLSUP-2408-0003

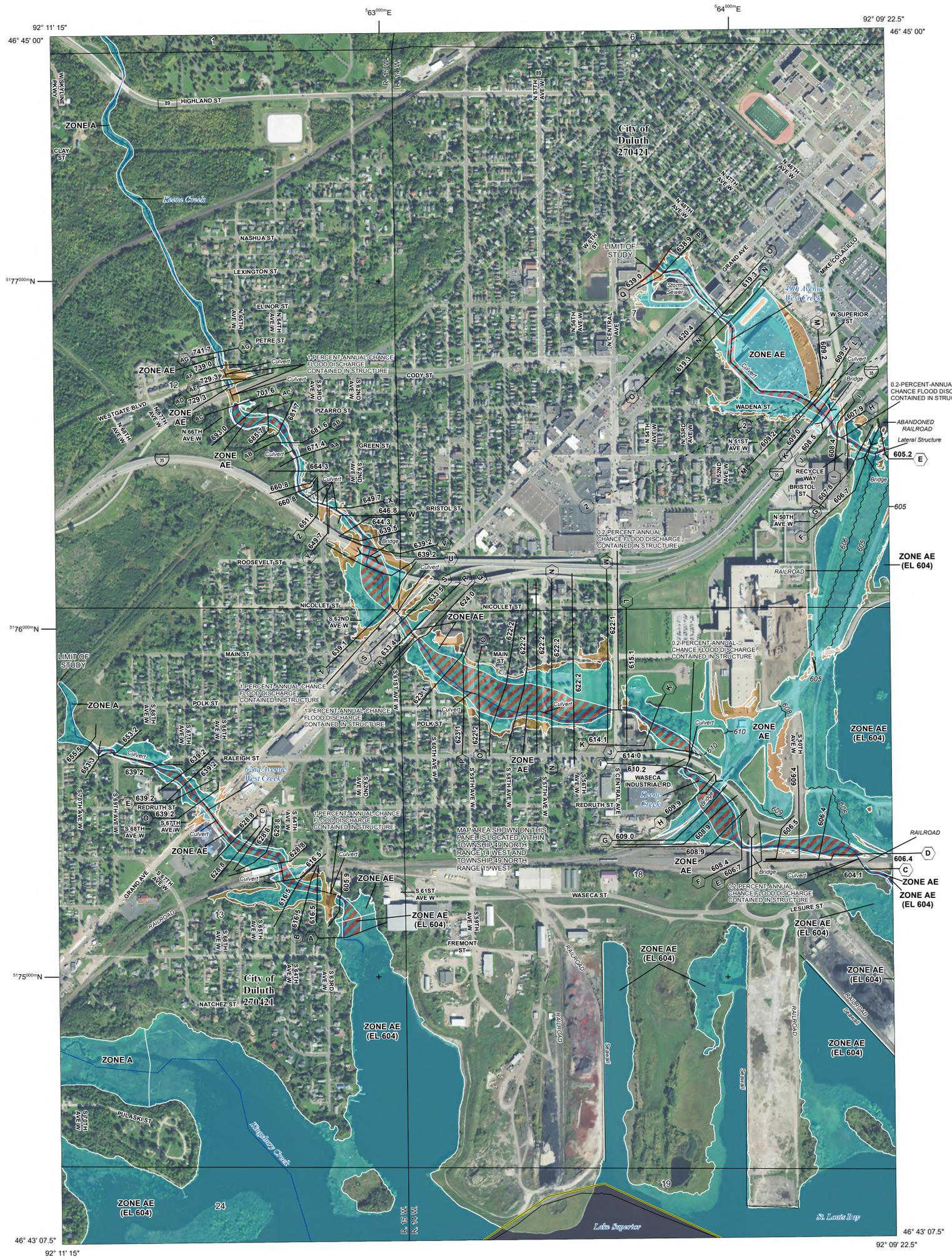
Special Use Permit for Fill in Floodplain
100 N Central Ave



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, October 23, 2023; Source: City of Duluth



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99 With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee See Notes, Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		Areas of Minimal Flood Hazard Zone X
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		18.2 Cross Sections with 1% Annual Chance Water Surface Elevation 17.5
		Coastal Transect
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Mapping and Insurance eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://fmsc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

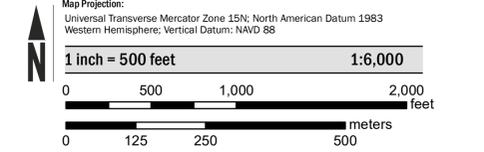
Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction.

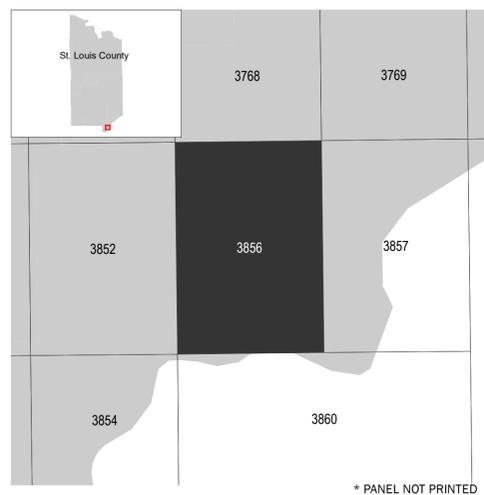
To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was provided in digital format by the United States Department of Agriculture National Resource Conservation Service (USDA-NRCS). This information was derived from digital orthophotography at a 1-meter resolution from photography dated 2015.

SCALE



PANEL LOCATOR



* PANEL NOT PRINTED



**NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP**

ST. LOUIS COUNTY,
 MINNESOTA
 And Incorporated Areas
 PANEL 3856 of 3900



Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
DULUTH, CITY OF	270421	3856	E

**PRELIMINARY
 10/28/2022**

VERSION NUMBER
 2.6.3.6
 MAP NUMBER
 27137C3856E
 EFFECTIVE DATE

CLIENT:
**SOFIDEL AMERICA
 CORP.**
 100 N CENTRAL AVE
 DULUTH, MN 55807

THIS SQUARE APPEARS 1/2" x 1/2"
 ON FULL SIZE SHEETS

NO DATE ISSUED FOR

NO DATE REVISION

PRELIMINARY
NOT FOR CONSTRUCTION
 08/06/2024

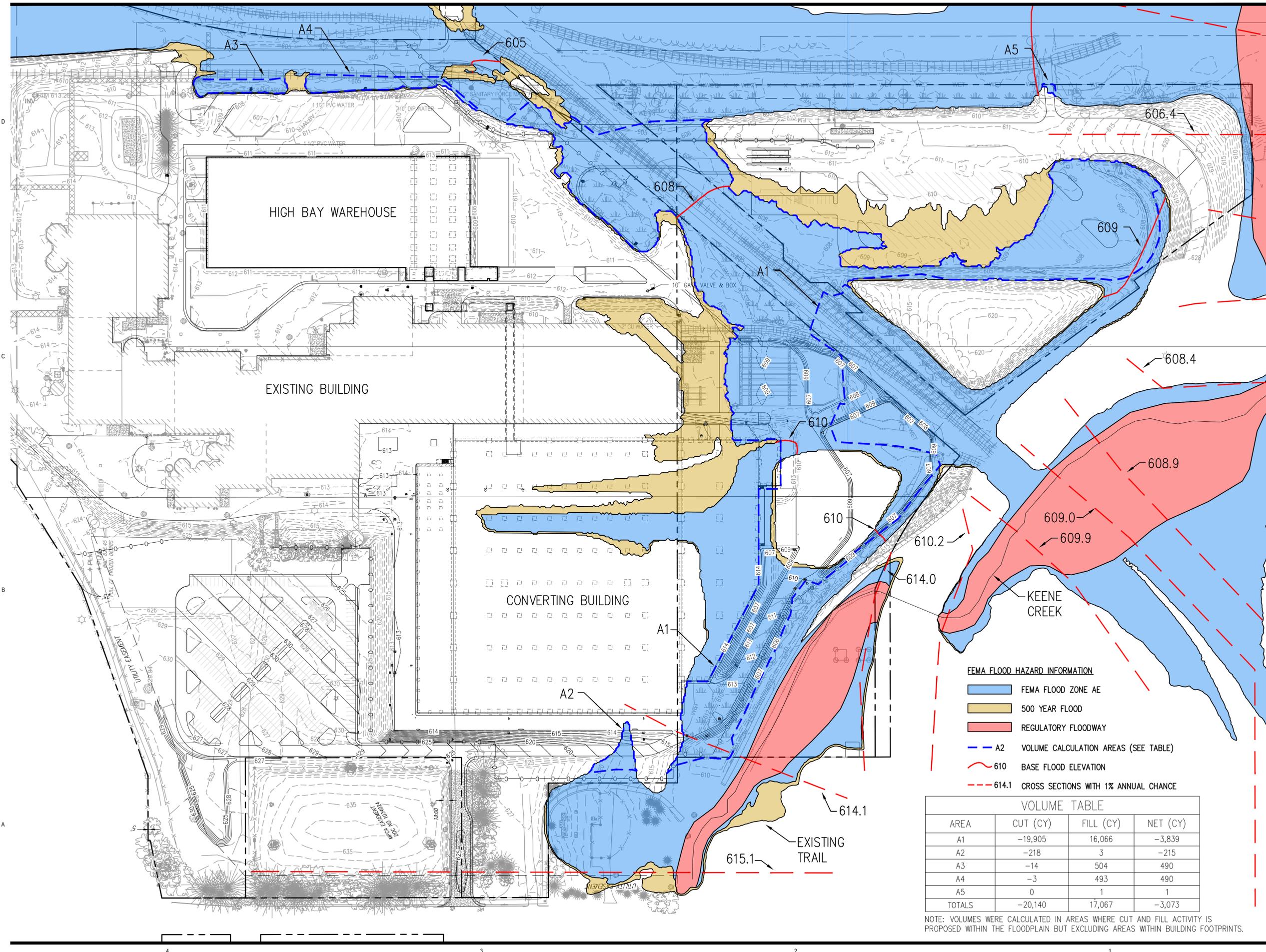
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PROJECT NAME:
**PROJECT NORTH
 CIVIL SITEWORK**
 100 N CENTRAL AVE
 DULUTH, MN 55807

DRAWING TITLE:
FLOODPLAIN EXHIBIT

DRAWN BY: JPH
 CHECKED BY: AFB
 PROJ. NO: 240080
 DRAWING NO:

EXH



FEMA FLOOD HAZARD INFORMATION

- FEMA FLOOD ZONE AE
- 500 YEAR FLOOD
- REGULATORY FLOODWAY
- A2 VOLUME CALCULATION AREAS (SEE TABLE)
- 610 BASE FLOOD ELEVATION
- 614.1 CROSS SECTIONS WITH 1% ANNUAL CHANCE

VOLUME TABLE			
AREA	CUT (CY)	FILL (CY)	NET (CY)
A1	-19,905	16,066	-3,839
A2	-218	3	-215
A3	-14	504	490
A4	-3	493	490
A5	0	1	1
TOTALS	-20,140	17,067	-3,073

NOTE: VOLUMES WERE CALCULATED IN AREAS WHERE CUT AND FILL ACTIVITY IS PROPOSED WITHIN THE FLOODPLAIN BUT EXCLUDING AREAS WITHIN BUILDING FOOTPRINTS.

File Path: \\s010000\Drawings\Civil\Exhibit\Flood Areas\RL_240080_CIVIL - Flood Areas.dwg
 Plot Date: 8/6/2024 10:45 AM

