



Staff Report for PLVAR-2604-0011

Application Information:

Application Type: Variance from Shoreland Standards

Location of Subject: Chester Creek below E 9th St

Legal Description: 010-1480-11130

Applicant: City of Duluth, Parks

Applicant Contact: Jim Shoberg

Agent: AMI

Agent Contact: Andrew Nelson

Staff Contact: Jason Mozol, jmozol@duluthmn.gov

Deadline for Action:

Application Date: April 22, 2026

Date Extension Letter Mailed: May 4, 2026

60 Days: June 21, 2026

120 Days: August 20, 2026

Site Visit Date: May 22, 2026

Sign Notice Date: May 21, 2026

Neighbor Letter Date: May 26, 2026

Number of Letters Sent: 24

Proposal:

Applicant is requesting to reconstruct a storm sewer pipe and an eroded section of trail, and to build a retaining wall to support a section of eroding stream bank.

Recommended Action:

Staff recommends approval with conditions.

Zoning and Land Use:

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	P-1	Park	Open Space
North	P-1	Park	Open Space
South	P-1	Park	Open Space
East	R-1	Residential	Traditional Neighborhood
West	P-1	Park	Open Space

Summary of Code Requirements:

Sec. 50-18.1.D. Shoreland Standards: Structures must be setback 150' from coldwater streams. Public trails less than 10 feet in width are exempt from shoreland setbacks.

Sec. 50-37.9.C. General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner practical difficulties.

Sec. 50-37.9.L. Standards for Variances in Shorelands: No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

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

Governing Principles #2 – Declare the necessity and secure the future of undeveloped places; #10 Take actions that enhance the environment, economic, and social well-being of the community – This application mitigates an existing source of sediment pollution and increases access to public park space.

Future Land Use: Open Space- High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

History: This section of trail and stormwater outflow has been problematic for years with frequent washouts and temporary repairs after heavy rainfall events. Flooding in 2021 washed out this area more significantly and has resulted in this proposal for a permanent solution.

Review and Discussion Items:

Staff finds:

1. The applicant is requesting a variance from the 150-foot structure setback to allow for construction of a retaining wall to stabilize the shoreline and storm sewer outfall.
2. *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* This section of Chester Creek has particularly steep banks that terminate in a cliff at the storm sewer outfall. A constructed feature is necessary to stabilize the trail and outfall. Vegetation and rock were selected in the project areas above the cliff and the wall ties into the cliff to stabilize the outfall.
3. *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The steepness of the area surrounding Chester Creek presents unique challenges for tying the existing stormwater system into the natural landscape. The initial storm sewer design has either reached the end of its constructed lifespan or aspects of the surrounding environment have changed to undermine the system.
4. *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* Chester Creek is a unique feature. Surrounding properties are on hillsides but the slope of the stream bank is nearly vertical and includes a band of cliffs.
5. *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* The proposed retaining wall is near other concrete structures in an area below an existing road bridge. Storm sewer and trail features are typical aspects of an urban park and their proposed locations are reasonable.
6. *Variance Criteria #5 (will not impair light/air, increase congestion, or impair public safety or property values).* This request will not impair access to light or air, will not impact traffic volumes or congestion in the area, and will not negatively impact public safety.
7. *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality).* The essential character will not be altered by the location of the retaining wall, which will blend in with the surrounding urban transportation infrastructure.
8. *Sec. 50-37.9.L. (Mitigation for shoreland impacts):* One of the primary sources of pollution in area streams is sediment from erosion. This project stabilizes a local source of sediment pollution. Additionally, the applicant proposes to revegetate and stabilize the area above the retaining wall with native vegetation.
9. No public, agency, or City comments were received.
10. Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit has not begun within one year.



Staff Recommendation:

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

1. The project must be constructed and limited to the plans submitted with the application.
2. 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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

Map for PLVAR-2605-0012:



Figure 1.

Aerial imagery captured in 2025, showing the location of a proposed retaining wall along a Chester Creek below the 9th St bridge on a property shown to exist within the P-1 (Parks) zone district.

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.

COD FLOOD DAMAGES

CITY OF DULUTH

8TH/9TH STREET BRIDGE

DULUTH, MN



OWNER

OWNER CONTACT

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 218-730-4415
 JSHOBERG@DULUTHMN.GOV
 1532 W. MICHIGAN ST.
 DULUTH, MN

DESIGN TEAM

MARINE CIVIL/COASTAL ENGINEER

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CIVIL ENGINEER

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 SUPERIOR, WI 54880
 715-718-2193

SHEET INDEX

G1.0	TITLE SHEET
C1.0	EXISTING CONDITIONS
C2.0	PROPOSED CONDITIONS
C2.1	PLAN AND PROFILE
C3.0	EROSION CONTROL AND VEGETATION PLAN
C3.1	EROSION CONTROL AND VEGETATION DETAILS
S1.0	RETAINING WALL DETAILS
S1.1	TYPICAL DETAILS
S1.2	TYPICAL DETAILS

GOVERNING SPECIFICATIONS

THE CURRENT EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE CURRENT EDITION OF THE CITY OF DULUTH, MN CONSTRUCTION STANDARDS SHALL GOVERN.

Survey Layout Information
 Coordinate System: US State Plane
 1983 - MN North 2201
 Datum: NAD 1983
 Geoid: G18



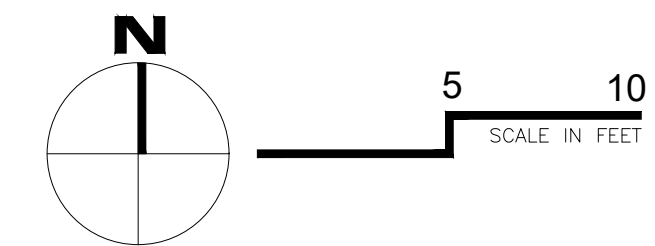
I HEREBY CERTIFY THAT THIS IS AN SPECIFICATION, DESIGN OR CONSTRUCTION DOCUMENT PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 NAME: SCOTT WEYANDT
 SIGNATURE: *Scott Weyandt*
 DATE: 03/06/2026
 LIC. NO.: 25602

REV.	DATE	DESCRIPTION	REV. BY:
A	03/06/2026	ISSUED FOR BID	SPW

COD FLOOD DAMAGES
 CITY OF DULUTH
 8TH/9TH STREET BRIDGE
 DULUTH, MN
 TITLE SHEET

JOB No: 251009
 DATE: 03/06/2026
 DRAWN BY: ARN
 DESIGNED BY: RRD

SHEET:
G1.0



SITE LEGEND:

- 37% FLOW ARROW AND GRADE
- 922 EXISTING MINOR CONTOUR
- 925 EXISTING MAJOR CONTOUR
- ELEC ELECTRIC LINE
- SS STORM SEWER
- POWER POLE

GENERAL PROJECT NOTES:

1. CONTRACTOR WILL VISIT THE SITE TO UNDERSTAND THE SCOPE OF WORK. NO ADDITIONAL COMPENSATION WILL BE ALLOWED FOR ITEMS THAT COULD HAVE BEEN IDENTIFIED BY A SITE VISIT, STUDYING THE TOPOGRAPHIC SURVEY, THOROUGHLY REVIEWING ALL PLANS AND REPORTS, AND ADDITIONAL INFORMATION REQUESTED FOR CLARIFICATION PRIOR TO BIDDING.
2. EXISTING LIDAR INFORMATION TAKEN FROM 2019 USACE NCMP TOPOBATHY LIDAR. PROPERTY LINES AND SHOWN UTILITIES ARE SHOWN AS APPROXIMATE LOCATIONS ONLY AND SHALL BE FIELD VERIFIED PRIOR TO OR DURING CONSTRUCTION. CONTACT ENGINEER IMMEDIATELY IF ANY DISCREPANCIES ARE DISCOVERED.
3. IMAGERY IS TO BE USED AS A GENERAL LOCATION AND DOES NOT REPLACE PROPERTY BOUNDARIES OR PERMIT REQUIREMENTS. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO STARTING WORK.
4. THE LOCATIONS OF ALL EXISTING UTILITIES SHOWN ON THIS PLAN HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THEIR ACCURACY. PRIOR TO THE START OF ANY DEMOLITION ACTIVITY, THE CONTRACTOR SHALL NOTIFY THE UTILITY COMPANIES FOR ONSITE LOCATIONS OF EXISTING UTILITIES. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT ANY EXISTING UTILITIES OR STRUCTURES LOCATED AT THE WORK SITE.
5. PROVIDE AND MAINTAIN TRAFFIC CONTROL DEVICES WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE CITY AND ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL MEET THE REQUIREMENTS OF THE MUTCD, CURRENT EDITION.
6. CONTRACTOR SHALL MAINTAIN FULL ACCESS TO ADJACENT PROPERTIES DURING CONSTRUCTION AND TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES AND SHALL INSTALL CONTROL FENCING AND BARRICADING AS NECESSARY TO PROTECT THE PUBLIC.
7. ALL CONSTRUCTION WORK SHALL BE COMPLETED WITHIN OWNER APPROVED WORKING HOURS.



**Know what's below.
Call before you dig.**

STATE LAW: 48 HOURS BEFORE EXCAVATING OR DEMOLISHING BUILDINGS, CALL 811 FOR FIELD LOCATION OF UNDERGROUND UTILITY LINES. THIS SERVICE LOCATES UTILITY OWNED LINES BUT NOT PRIVATE LINES.

THE LOCATIONS OF UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE EXACT LOCATION OF ALL UTILITIES (PUBLIC AND PRIVATE) MUST BE DETERMINED BEFORE COMMENCING WORK.



LIBRARY CHECK: THIS PLAN IS AN SPECIFICATION. THESE PLANS WERE PREPARED BY AN ENGINEER WHO HAS DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

NAME: SCOTT WEYANDT
SIGNATURE: *Scott Weyandt*
DATE: 03/06/2026
LIC. NO.: 25602

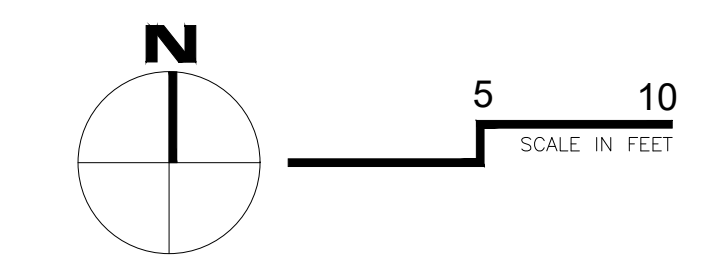
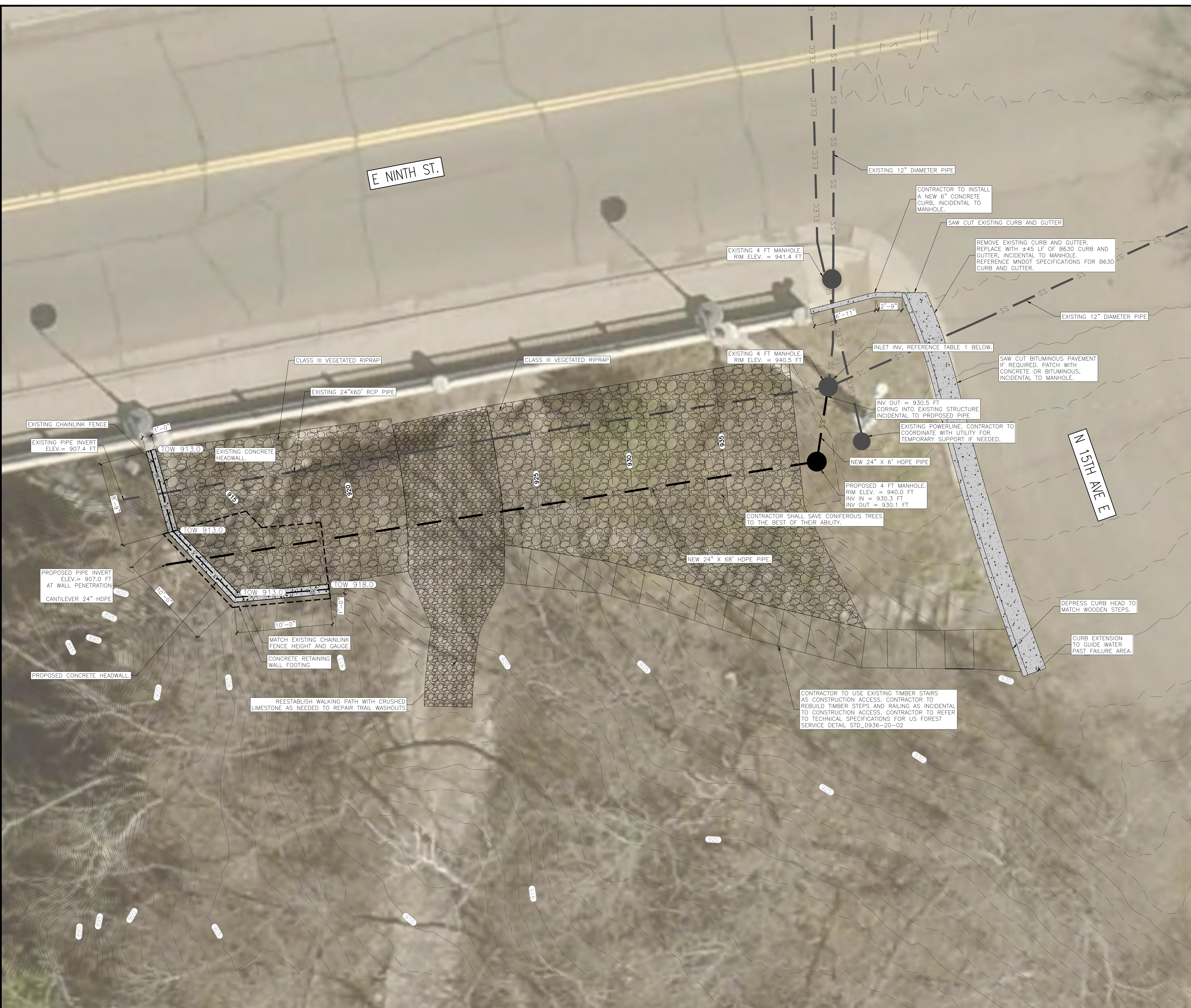
DATE	REV.	DESCRIPTION	REV. BY:
03/06/2026	A	ISSUED FOR BID	SPW

COD FLOOD DAMAGES
CITY OF DULUTH
811/9TH STREET BRIDGE
DULUTH, MN

EXISTING CONDITIONS

JOB No: 251009
DATE: 03/06/2026
DRAWN BY: ARN
DESIGNED BY: RRD

SHEET:
C1.0



SITE LEGEND:

- 37% FLOW ARROW AND GRADE
- 922 EXISTING MINOR CONTOUR
- 925 EXISTING MAJOR CONTOUR
- 922 PROPOSED MINOR CONTOUR
- 925 PROPOSED MAJOR CONTOUR
- ELEC EXISTING ELECTRIC LINE
- SS EXISTING STORM SEWER
- SS PROPOSED STORM SEWER
- POWER POLE
- CHAINLINK FENCE
- TRAIL
- CONCRETE
- CLASS III VEGETATED RIPRAP

GENERAL GRADING AND DRAINAGE NOTES:

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN PLACE BEFORE BEGINNING SITE GRADING ACTIVITIES.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING QUANTITIES OF CUT, FILL AND WASTE MATERIAL TO BE HANDLED, AND FOR THE AMOUNT OF GRADING TO BE DONE. ALL COSTS ASSOCIATED WITH IMPORTING SUITABLE MATERIAL AND EXPORTING UNSUITABLE/EXCESS/WASTE MATERIAL SHALL BE INCLUDED IN THE BID PRICE.
3. CONTRACTOR SHALL DISPOSE OF ANY EXCESS SOIL MATERIAL UNLESS OTHERWISE DIRECTED.
4. MAINTAIN TEMPORARY PROTECTION MEASURES DURING CONSTRUCTION ACTIVITIES. PROVIDE ADDITIONAL PROTECTION AS NECESSARY AS WORK PROGRESSES.
5. PROPOSED CONTOURS AND SPOT ELEVATIONS ARE TO FINISHED SURFACE GRADE.
6. UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING AND PROVIDE A SMOOTH FINISHED SURFACE WITH UNIFORM SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN OR BETWEEN SUCH POINTS AND EXISTING GRADES.
7. LIMIT THE DISTURBED AREA AS MUCH AS POSSIBLE AND CONDUCT GRADING OPERATIONS IN A MANNER TO MINIMIZE THE POTENTIAL FOR EROSION.
8. SALVAGE ALL CUT MATERIAL TO BE STOCKPILED AND REUSED.

TABLE 1 - MANHOLE INLET ELEVATIONS

INLET NUMBER	ELEV (FT)	PIPE DIA
1	935.93	12"
2	933.31	8"
3	932.27	12"
4	930.56	16"



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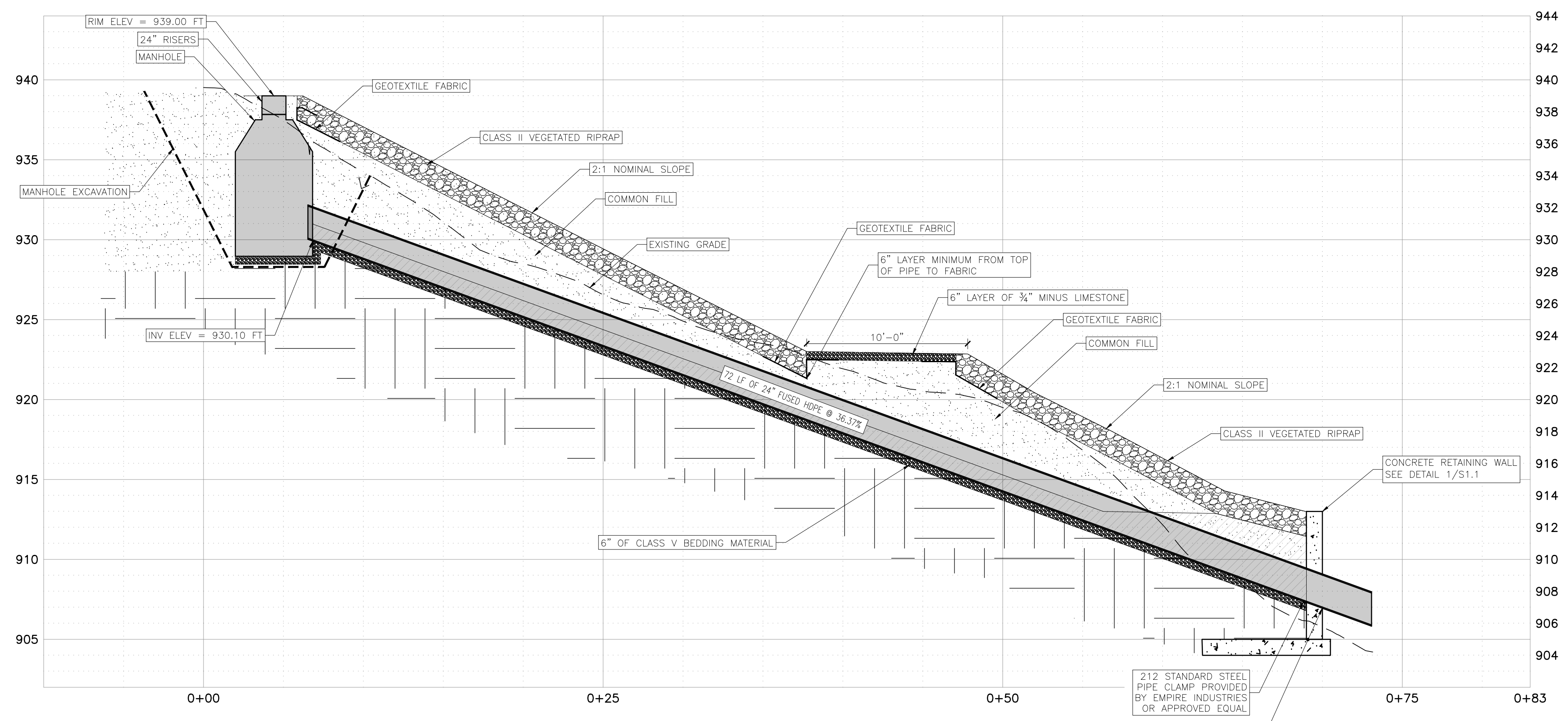
NAME: SCOTT WEYLAND
 SIGNATURE: *Scott Weyland*
 DATE: 03/06/2026
 LIC. NO.: 25602

REV. BY:	DESCRIPTION	DATE
SPW	ISSUED FOR BID	03/06/2026
A		

COD FLOOD DAMAGES
 CITY OF DULUTH
 8TH/9TH STREET BRIDGE
 DULUTH, MN
 PROPOSED CONDITIONS

JOB No: 251009
 DATE: 03/06/2026
 DRAWN BY: ARN
 DESIGNED BY: RRD

SHEET:
C2.0



1
C2.1 PROPOSED 24" HDPE SECTION

I HEREBY CERTIFY THAT THIS IS AN SPECIFICATION. I HAVE PREPARED THIS SPECIFICATION UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

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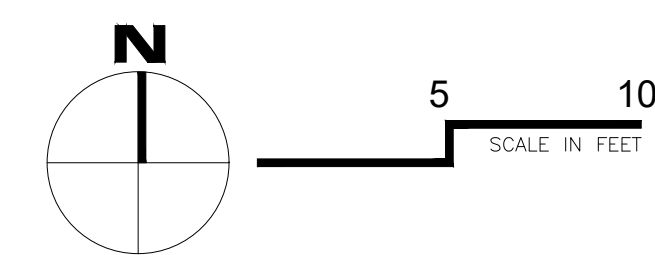
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REV. BY:	DATE	DESCRIPTION
SPW		

COD FLOOD DAMAGES
CITY OF DULUTH
818/9TH STREET BRIDGE
DULUTH, MN
PLAN AND PROFILE

JOB No: 251009
DATE: 03/06/2026
DRAWN BY: ARN
DESIGNED BY: RRD

SHEET:
C2.1



SITE LEGEND:

- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- RIPRAP
- EROSION CONTROL BLANKET
- VEGETATED AREA

ESTIMATED QUANTITIES BREAKDOWN

CLASS II RIPRAP	50 CY
VEGETATION FOR RIPRAP	120 SY
VEGETATED EROSION CONTROL BLANKET	75 SY
3/4" MINUS LIMESTONE	5 CY
MNDOT WOODLAND EDGE - NORTHEAST 36-312 SEED MIX	6 OZ. PER 1000 SQFT
WHITE PINE AND NORTHERN WHITE CEDAR PLUGS	1.56 PLUGS PER 100 SQFT

AMI
 Consulting Engineers P.A.
 91 MAIN STREET SUPERIOR, WI
 715-718-2193 - amiengeers.com
 TWIN CITIES - IRON RANGE

THESE PLANS AND SPECIFICATIONS ARE PREPARED BY AMI ENGINEERS P.A. UNDER THE DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

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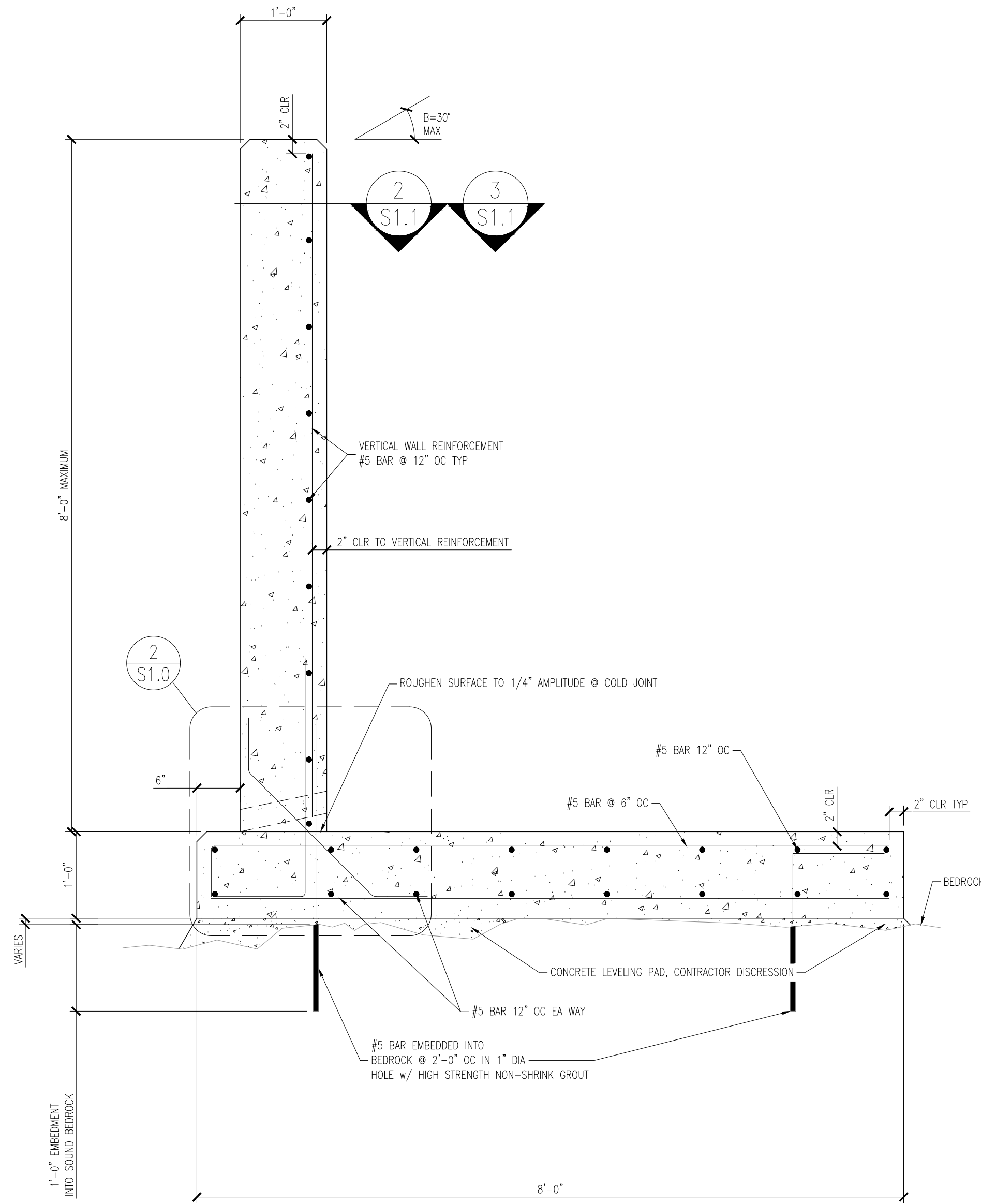
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COD FLOOD DAMAGES
 CITY OF DULUTH
 8TH/9TH STREET BRIDGE
 DULUTH, MN

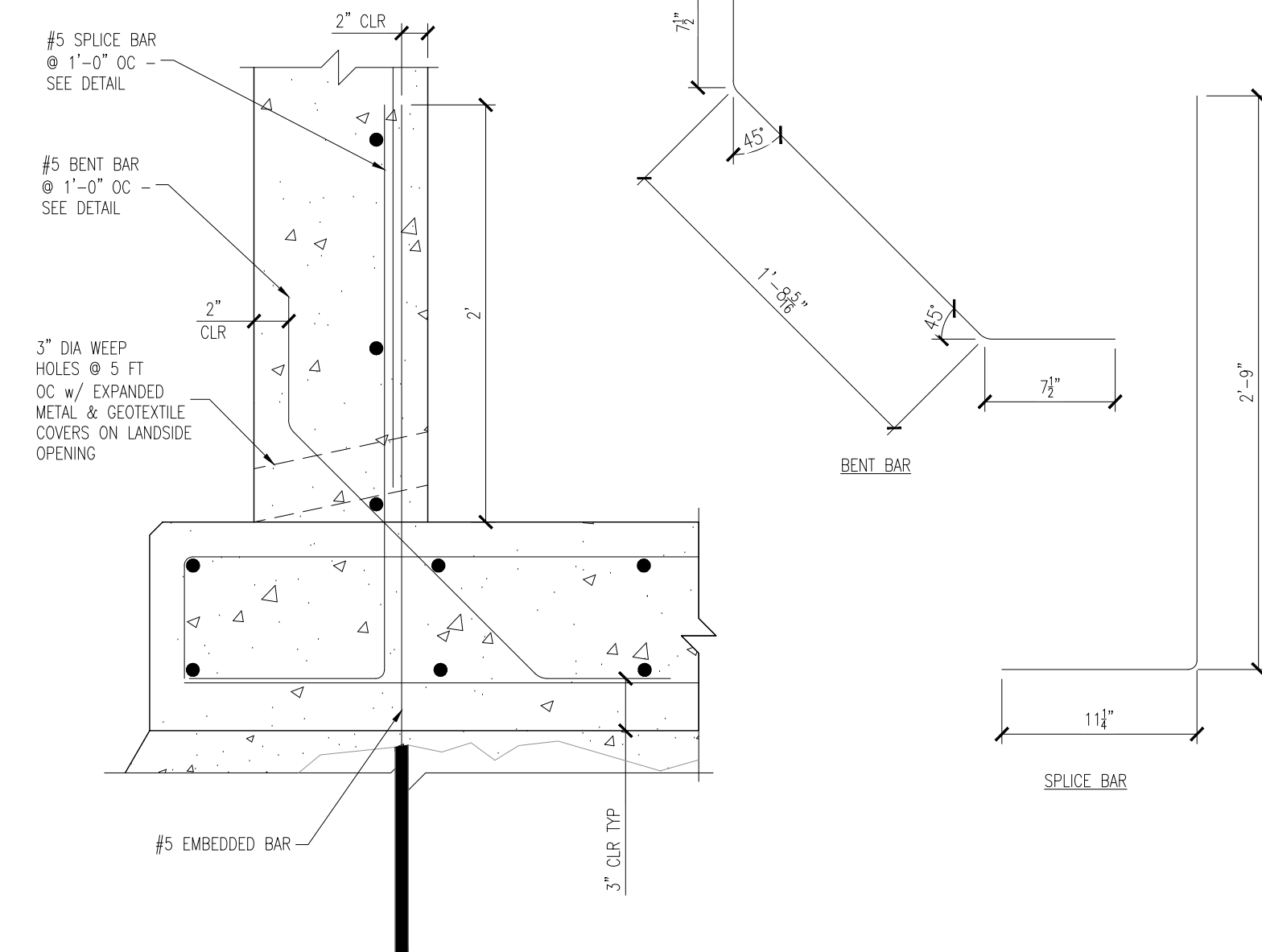
EROSION CONTROL AND VEGETATION PLAN

JOB No: 251009
 DATE: 03/06/2026
 DRAWN BY: ARN
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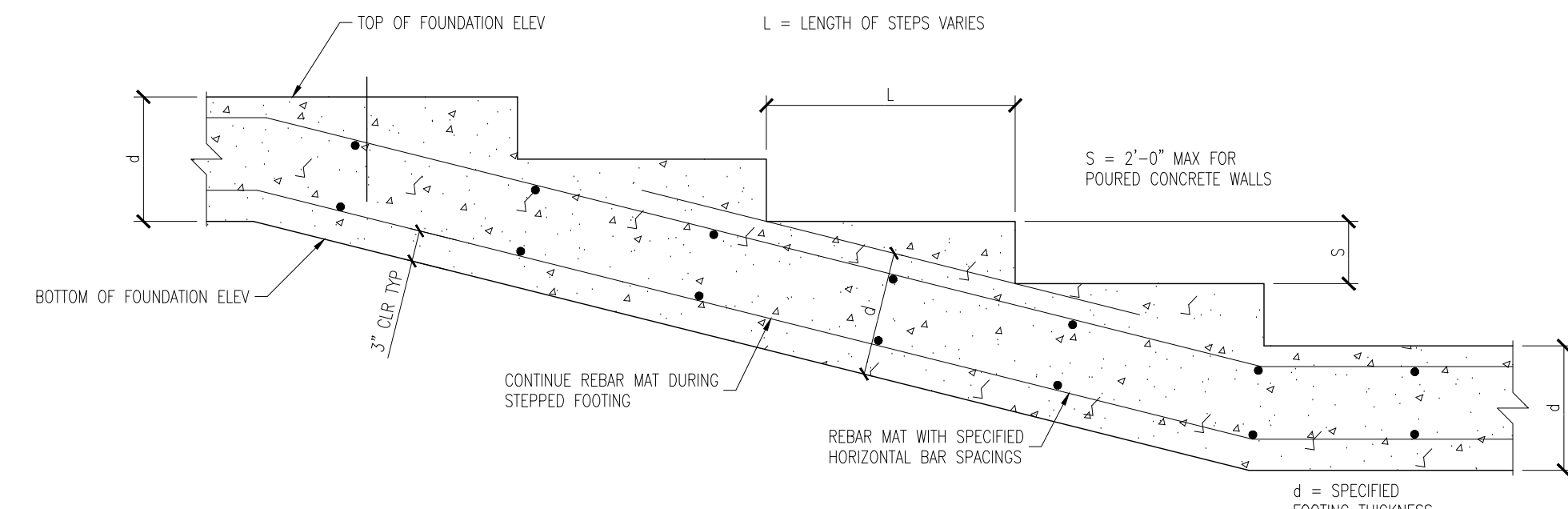
SHEET:
C3.0



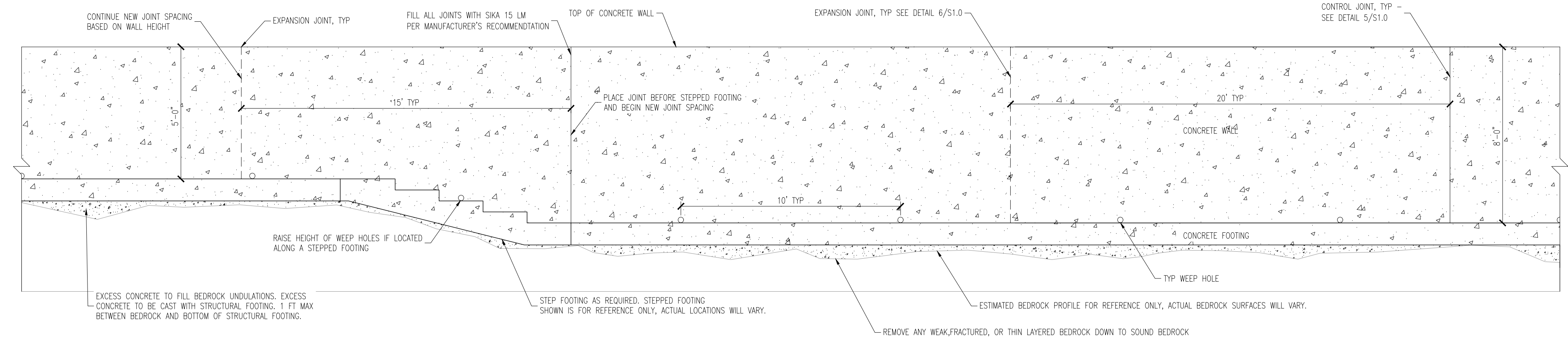
1
S1.0
TYP 8 FT HEIGHT RETAINING WALL
NOT TO SCALE



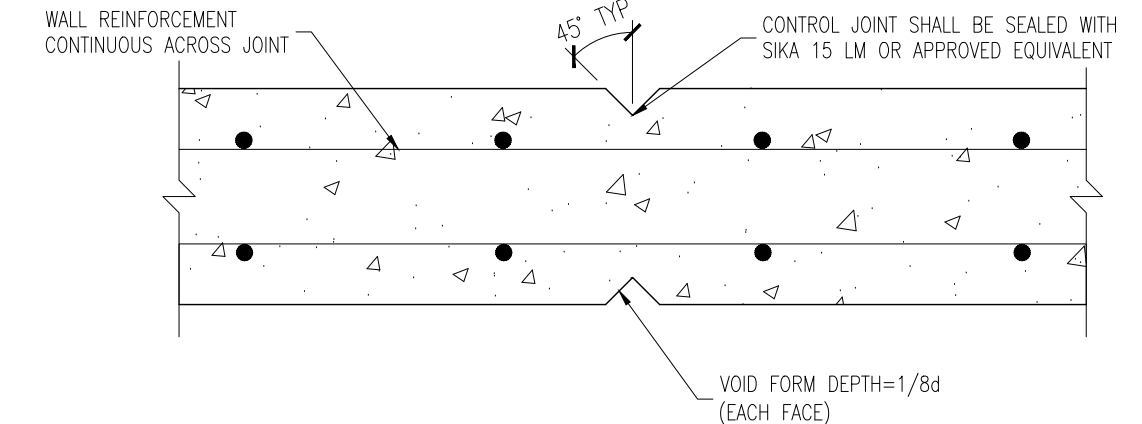
2
S1.0
BENT BAR DETAIL
NOT TO SCALE



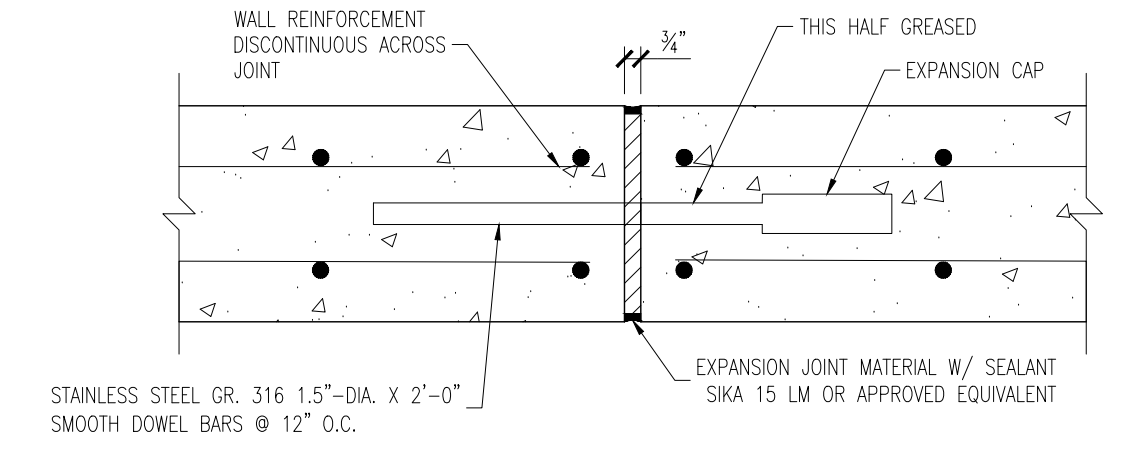
3
S1.0
TYP WALL TRANSITION STEP FOOTING DETAIL
NOT TO SCALE



4
S1.0
ALTERNATING JOINT SPACE DETAIL
NOT TO SCALE



5
S1.0
TYP WALL CONTROL JOINT DETAIL
NOT TO SCALE



6
S1.0
TYP WALL EXPANSION JOINT DETAIL
NOT TO SCALE

GENERAL INSTALLATION NOTES:

- CONTRACTOR SHALL ALTERNATE BETWEEN EXPANSION & CONTROL JOINTS. SPACING OF JOINTS SHALL OCCUR AT 3 TIMES THE WALL HEIGHT UNLESS NOTED OTHERWISE.
- CONCRETE FOOTING FORMWORK SHALL BE SCRIBED TO BEDROCK VARIATIONS TO BEST EXTENTS PRACTICAL.
- IF BEDROCK GRADE EXCEEDS 2H:1V SLOPE (50% GRADE) IN ANY DIRECTION THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY TO DISCUSS ADDITIONAL REINFORCEMENT REQUIREMENTS.
- IF THE CONCRETE FOOTING IS CAST AGAINST AN EXISTING SLOPE DURING THE CONCRETE POUR, THE MINIMUM FOOTING DIMENSIONS MUST STILL BE MET AS SHOWN IN THE DRAWINGS.
- ALL LOOSE ROCK AND SOIL ALONG BEDROCK SHALL BE REMOVED PRIOR TO INSTALLING FOOTING FORMS.
- CONTRACTOR SHALL DISPOSE OF ANY EXCESS CONCRETE IN ACCORDANCE WITH ANY & ALL APPLICABLE BEST MANAGEMENT PRACTICES.
- AT THE WALL RETURNS, ARMOR STONE SHALL BE PLACED FROM THE BOTTOM OF THE FOOTING ELEVATION TO THE TOP OF THE WALL AT A 2H:1V SLOPE AS ADDITIONAL WAVE PROTECTION.
- COLORLED CONCRETE SHALL NOT BE POURED WITHIN 300 FT OF ANY WATER BODY IF WATER IS PRESENT RUNNING ACROSS THE BEDROCK, FOOTING OR THROUGH THE WEEP HOLES. ANY SURFACE RUNOFF COMING THROUGH THE CONSTRUCTION AREA SHALL BE DIVERTED AWAY FROM THE POUR LOCATIONS BEFORE PLACING ANY CONCRETE IN THE FORMS.
- PREVIOUSLY USED COLORED CONCRETE OPTIONS ARE ALMOND, CAMEL, CAMEL AND BROWN FROM BAYERROX
- SIKA 15 LM COLOR SHALL BE MATCHED AS CLOSE TO THE CONCRETE COLOR AS POSSIBLE. PREVIOUSLY USED COLORS INCLUDE ALMOND, BEIGE, STONE AND CAPITOL TAN.

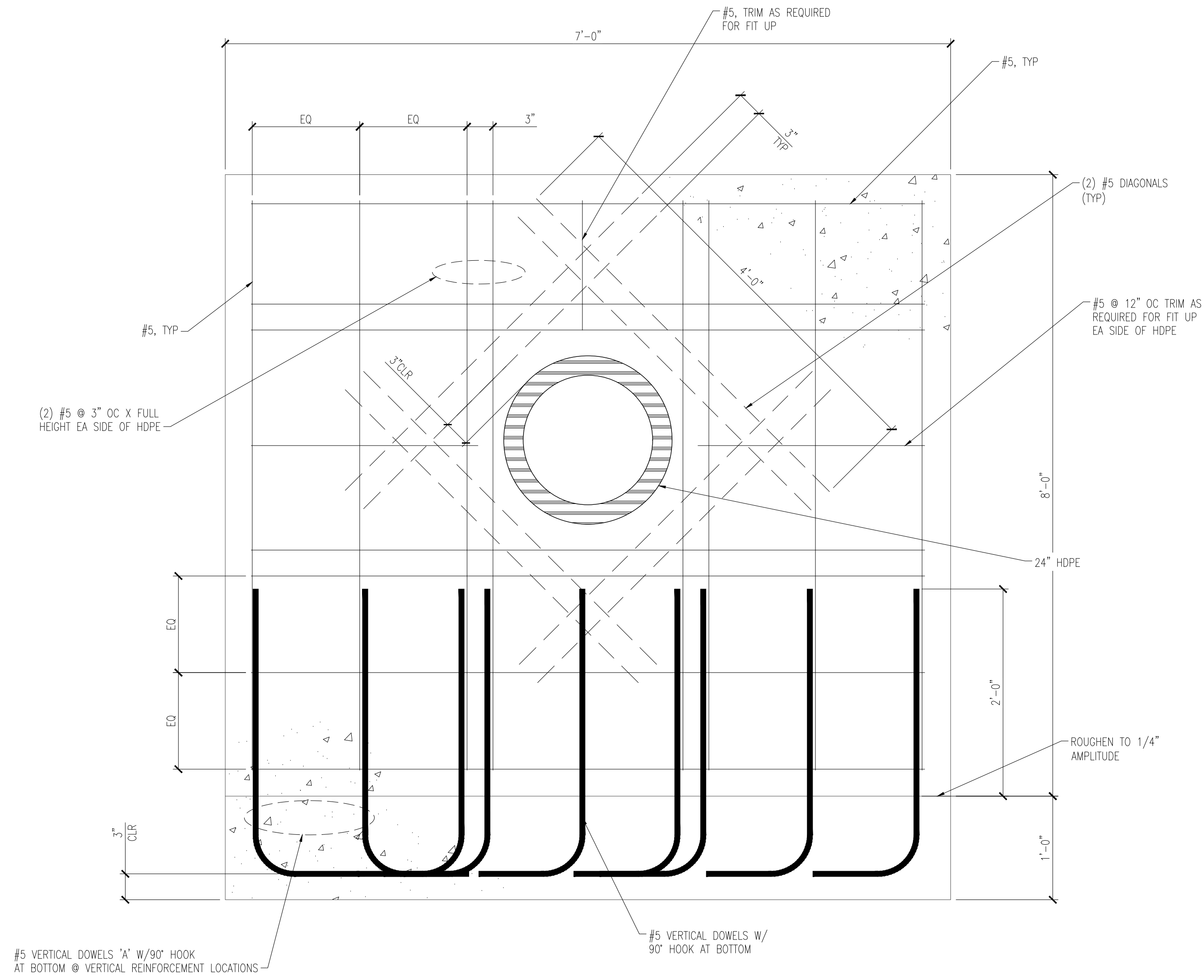
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COD FLOOD DAMAGES
CITY OF DULUTH
8TH/9TH STREET BRIDGE
DULUTH, MN

RETAINING WALL DETAILS

JOB No: 251009
DATE: 03/06/2026
DRAWN BY: ARN
DESIGNED BY: RRD

SHEET:
S1.0



1
S1.2 24" HDPE HEADWALL SECTION
NOT TO SCALE

I HEREBY CERTIFY THAT THIS IS AN SPECIFICATION
PREPARED BY ME OR UNDER MY CLOSE PERSONAL
DIRECT SUPERVISION AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MINNESOTA.

NAME: SCOTT WEYANDT

SIGNATURE: *Scott Weyandt*

DATE: 03/06/2026

LIC. NO: 25602

REV. BY:

SPW

DESCRIPTION

ISSUED FOR BID

REV:

A

DATE:

03/06/2026

COD FLOOD DAMAGES

CITY OF DULUTH

8TH/9TH STREET BRIDGE

DULUTH, MN

TYPICAL DETAILS

JOB No: 251009
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SHEET:

S1.2