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# CORINNA TOWNSHIP

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR  
**January 14, 2014**

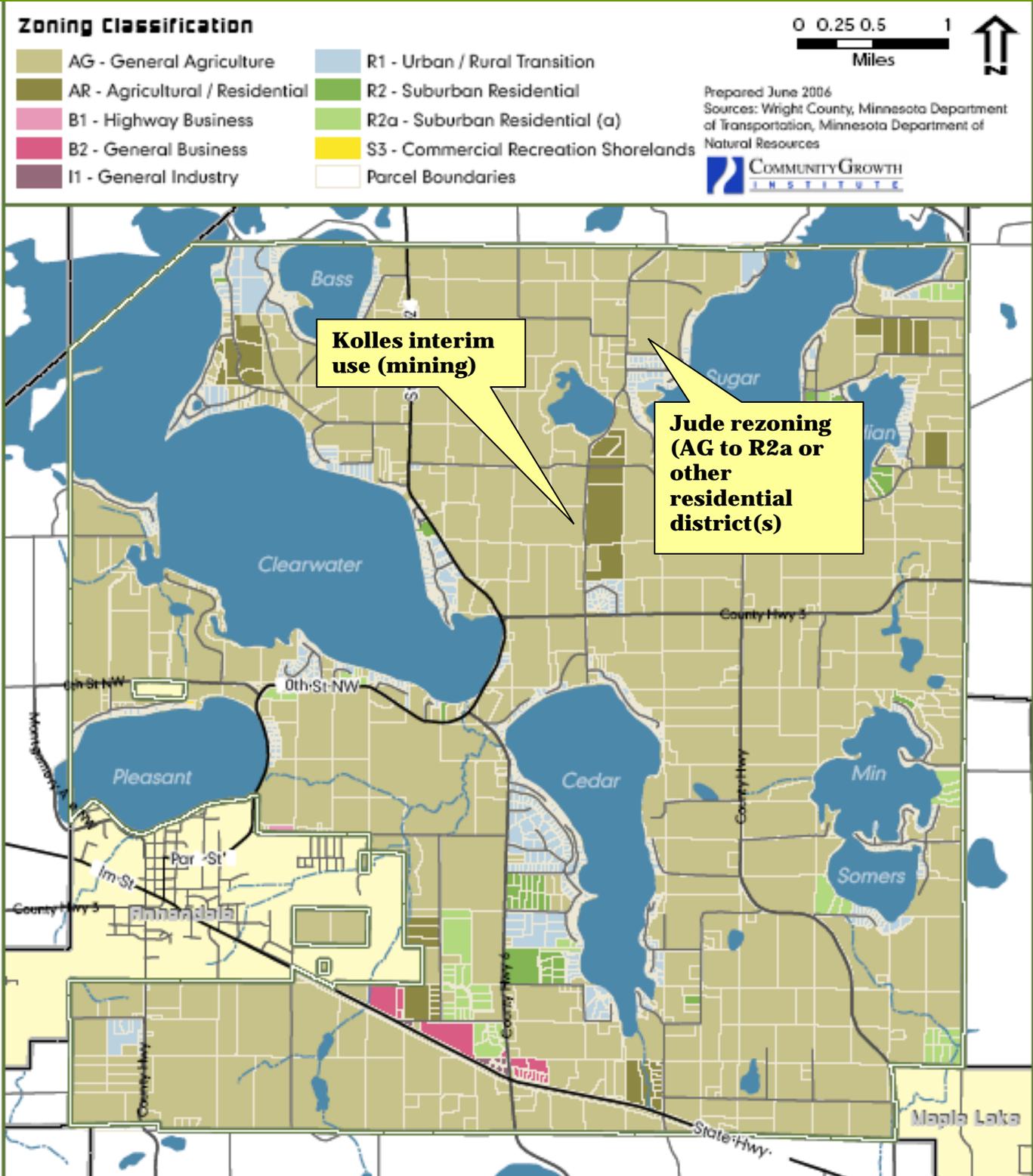


CORINNA TOWNSHIP  
AGENDA  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
January 14, 2013  
7:00 PM

1. Call to Order
2. Roll Call
3. Election of Officers
  - a. Chairperson
  - b. Vice-Chairperson
4. Additions or Deletions to the Agenda
5. Public Hearings
  - a. Renewal of Interim Use Permit for the operation of a mining pit involving mining, crushing and screening of sand, gravel and rock.
    - i. Applicant: Jason and Geri Ann Kolles
    - ii. Property address: 10171 Ireland Ave NW
    - iii. Sec/Twp/Range: 10-121-27
    - iv. Parcel number(s): 206000103400
  - b. Rezone approximately 38 acre property from General Agriculture (AG) to Suburban Residential (a) (R2a) or other residential zoning district.
    - i. Applicant: Frederick Jude
    - ii. Property address: 8120 113<sup>th</sup> Street NW
    - iii. Sec/Twp/Range: 3-121-27
    - iv. Parcel number(s): 206000034100
6. Approve Previous Meeting Minutes
  - a. December 10, 2013
  - b. December 17, 2013
7. Zoning Administrator's Report
  - a. Permits
  - b. Correspondence
  - c. Enforcement Actions
  - d. Findings of Fact – Previous PC/BOA Decisions
8. Other Business
  - a. Solar Energy Ordinance
  - b. Discuss possible update to 2007 Comprehensive Plan.
  - c. Training Session – Balancing Property Rights and Land Use Regulations
9. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

# Corinna Township Location Map for January 14, 2014 Public Hearings



**The parcels identified on this map are subject to public hearing.  
The public hearing will be held at Corinna Town Hall  
at 7:00 pm.**

## STAFF REPORT

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**Application:** Interim Use Permit for the operation of a temporary mining pit involving crushing and screening of gravel.

**Applicant:** Jason and Geri Ann Kolles

**Agenda Item:** 5(a)

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### **Background Information:**

**Location:**

- Property address: 10171 Ireland Ave NW
- Sec/Twp/Range: 10-121-27
- Parcel number(s): 206000103400

**Zoning:** General Agriculture (AG)

**Lot size:** 83 acres, approximately

**Septic System Status:**

**Natural Features:**

Floodplain: The property is within an identified floodplain.

Bluff/Steep Slopes: The property does not contain any natural bluffs or steep slopes, but obviously has created steep walls as a result of the mining activity.

Wetlands: A letter from the Wright Co SWCD dated 11/18/2010 indicates that "There are no wetlands located within the proposed mining activity. A wetland is located across Ireland Avenue East of the proposed mining. Inspection proved the hydrology and function of this surface water should not be impacted from further mining activity."

**Permit History:**

- June 2009: Conditional use permit for gravel and sand mining. Expired December 2009.
- November 2009: Grain bin
- May 2010: Conditional use permit to continue operation of gravel and sand mining pit involving crushing and screening of gravel. Limited to use for 2010 Township road projects.
- June 2010: Interim use permit to continue operation of gravel and sand mining pit involving crushing and screening of gravel. Expired December 2010.
- December 2010: Interim use permit to continue operation of gravel and sand mining pit involving crushing and screening of gravel. Expired December 2011.

- December 2011: Interim use permit to continue operation of gravel and sand mining pit involving crushing and screening of gravel. Expired December 2012.
- **Proposal:** The applicant was last approved in January 2013 to continue operating a gravel pit through December 2013. The pit was originally opened in 2009. The applicant is seeking to keep their pit open on an ongoing basis via annual renewal of their interim use mining permit.

If approved, the interim use permit would allow the applicant to continue extracting sand and gravel and engage in some limited crushing and washing of the material. The interim use permit would expire on December 31, 2014 and either need to be renewed or the pit would need to be closed.

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**Applicable Statutes/Ordinances:**

**Corinna Township Land Use Ordinance**

507. INTERIM USE PERMIT

507.1 Purpose

- (1) The purpose of an interim use permit is to allow a temporary use that is not otherwise prohibited, but is acceptable for a limited period of time subject to conditions set forth in this section. An interim use is granted to a particular individual or other applicant and does not accrue to the subject property.
- (2) An interim use is intended to allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future, or will be replaced in the future by a permitted or conditional use allowed within the respective zoning district. Buildings and other improvements allowed by interim use shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations for permitted or conditional uses should the interim use permit expire.

507.2 Criteria for Granting Interim Use Permits

In granting an interim use permit, the Township Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants or surrounding lands. The criteria used for reviewing conditional use permit shall also be used when considering interim use permits, along with the following additional considerations:

- (1) The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses; and
- (2) The use will terminate upon a date or event that can be identified with certainty and/or clarity; and

- (3) The use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- (4) The use will be subjected to, by agreement with the property owner, any conditions that the Town Board deems appropriate in allowing the proposed interim use, including a condition that the owner will provide an appropriate surety to cover costs that would be necessary to eliminate the interim use from the property, including removal of buildings, equipment, restoration of the landscape to a suitable condition or other appropriate and necessary costs.

#### 507.4 Termination of an Interim Use Permit

An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:

- (1) Five (5) years from the initial approval of an interim use, unless a shorter time period is specified in the initial approval. After the initial approval period and if a renewal is approved by the Township, the interim use permit shall terminate upon the date or event stated in the permit approval; or
- (2) When the use has been discontinued for one year or more; or
- (3) When there is a change in ownership of the property of any kind, unless the Town Board approves such change in ownership as not substantially changing who is operating and/or managing the use and property. Such requests must be presented to the Planning Commission for a recommendation to the Town Board, but need not require a public hearing; or
- (4) Within 24 months of the date of an amendment to the Zoning Ordinance that no longer allows the use as an interim or permitted use.

#### 507.5 Renewal or Amendment of Interim Use Permit

- (1) Renewal: An application to extend an interim use permit may be renewed within 24 months prior to the date or event upon which it is to expire. The application shall be processed and administered as if it were a new application. Should such application to renew be denied, the applicant shall be allowed to continue the use until the expiration of the interim use permit provided all conditions of the original approval are being met. If the application to renew is approved, the Township shall specify a new date or event on which the renewed permit will expire. There shall not be a limit on the number of times an interim use permit may be extended. Application fees for renewal of an interim use permit shall be as established in the Township fee schedule.
- (2) Amendment: Any change in an approved interim use permit involving more than minor structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by an interim use permit, as determined by the Zoning Administrator, shall require an amended interim use permit to be reviewed as if it were a new interim use permit.

#### 507.6 Procedure

- (1) An application for an interim use permit shall follow the same procedures applicable to a conditional use permit, as outlined in this Ordinance.
- (2) The township hereby reserves the right, upon approval of an interim use, to inspect the premises in which an interim use is being conducted to ensure compliance with the provisions of this section or any additional conditions imposed.

### 604. GENERAL AGRICULTURE AG

#### 604.1 Purpose

General Agricultural areas are established for the purpose of preserving, promoting, maintaining and enhancing the use of land for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

#### 604.405 Interim Uses

Mining, Sand and Gravel Extraction

### 727. MINING AND EXTRACTION

Purpose: Corinna Township recognizes that the mining and extraction of gravel, sand and other subsurface resources is necessary for their use by Township landowners and for public road and other projects. Given that close proximity to such resources helps lower the cost of obtaining them, the Township finds that it needs to both protect resources and provide opportunities for their removal, processing and use. At the same time, mining and extraction and its associated activities can create nuisances for neighboring property owners, congestion on and/or damage to local roads, public safety hazards and/or visual nuisances if they are not properly operated or reclaimed in a timely manner. The purpose of this section is to find a reasonable balance between the need to make use of gravel, sand and other subsurface resources within the Township while protecting property values and the quality of life for nearby property owners.

Administration: In all districts where permitted, Mining and Extraction shall be permitted only as an Interim Use. Such permit shall include as a condition: site plan, a completion plan, and a haul route plan with provision for road restoration as provide below. An approved extractive use Interim Use Permit shall be used solely for the operations detailed in the permit.

Length of Permit and Extended Operations: Interim Use Permits for mining and extraction operations shall run for no longer than one (1) year and shall expire on December 31<sup>st</sup> of each calendar year, regardless of when they were issued. Permits may be renewed and applicants wishing to continue operations may apply for a new interim use permit within 90 days of the date their current interim use permit expires. There shall be no limit to the number of times an applicant may apply for an interim use permit. Applications for renewal shall follow the same procedure as a new Interim Use Permit application.

Stockpiling of Excavated Material: Excavated materials may be stockpiled on the site for no longer than twenty-four (24) months following the expiration of an interim use permit.

All excavation and extraction shall conform to the following:

- A. Minimum lot size. The minimum lot size required for an extractive use is 20 acres, unless the proposed extraction is contiguous to an active mining site operated by the same producer.
- B. Distance from property lines. No quarrying operation shall be carried on or any stock pile placed closer than 50 feet from any property line, unless a greater distance is specified by the Interim Use Permit where such is deemed necessary for the protection of adjacent property. This distance requirement may be reduced to 25 feet only with written consent of the owners of the affected adjacent non-residence property. Proof of said agreement shall be submitted as a part of the application and maintained in Township files for all approved Interim Use Permits for extractive uses. Without such agreement, the buffer area may be used only under the following circumstances:
  - 1. The buffer area may contain the haul road if the Township determines that, for safety purposes, the access to the use is best served in that area.
  - 2. The haul road may be located in the buffer area to avoid wetlands or other sensitive environmental resources.
  - 3. If authorized in an approved reclamation plan, one half of the buffer area may be used for the storage of topsoil and for final sloping. All topsoil storage areas shall be seeded to prevent erosion and dust. Berms, including those consisting of topsoil to be used for reclamation, may be placed in the buffer area, but they shall be seeded and mulched in a manner that prevents dust from blowing onto adjacent properties.
- C. Distance from public right-of-way. In the event that the site of mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 50 feet to the nearest line of such right-of-way.

- D. Fencing. At the discretion of the Planning Commission, fencing may be required to be erected and maintained around the entire site, or excavated portions thereof, and shall be of a type specified in the Interim Use Permit.
- E. Equipment. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Power drives or power producing machinery, not including vehicles, shall not be housed or operated less than 500 feet from a residential use district.
- F. Processing. Crushing, concrete mixing, washing, refining, and other similar processing must be authorized by the Interim Use Permit as an accessory use, provided, however, that such accessory processing does not conflict with the use regulations of the district in which the operation is located. Processing shall not be permitted in any residential district. All processing equipment shall be located at least 500 feet from any residence, 200 feet from the OHW of any lake or stream, and outside of any wellhead protection area. The Township may not approve such accessory uses if they are found to be incompatible with the neighborhood, in conflict with the Township's Comprehensive Plan, or do not meet the review criteria for the interim use permit.
- G. Depth to groundwater separation. The applicant must indicate the estimated or actual depth to groundwater table based on site-specific evaluations, the Wright County Soil Survey, the Minnesota Geologic Atlas or other appropriate documentation. When such estimates indicate that excavation will be taking place within five (5) feet of such groundwater, the applicant shall provide a description of the steps it will take to protect such groundwater supplies from pollution during mining and extraction activities.
- H. Water quality. The extractive use operation shall not adversely impact the quality of quantity of surface or groundwater resources. Surface water originating outside and passing through the extraction site shall be of equal quality, at its point of departure from the site, to the water at the point where it enters the extraction site. The applicant shall perform the water treatment necessary to comply with this provision.
- I. Waste materials and debris. No waste materials shall be disposed of on site unless authorized by the Township. Stumps, brush, and other natural debris shall be removed or disposed of in accordance with local rules and regulations. Sanitary facilities acceptable to the Township shall be provided for workers during the operation of the extractive use.
- J. Concurrent permits. All required permits applying to the proposed extractive use, which may include an NPDES permit for stormwater management, shall be obtained and copies submitted to the Township prior to the commencement of any extractive use or related activities.
- K. Shoreland areas.

- a. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
- b. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

#### Extractive Use Standards.

Specific evaluation criteria. In addition to the criteria used in evaluating Interim Use Permits, the following specific criteria shall be used in evaluating an application for an extractive use:

- A. The ability of proposed haul routes to handle the additional traffic generated by the extractive use.
- B. Air quality, dust, and noise control measures and the ability to limit impact upon adjacent residential properties according to MPCA standards.
- C. The extent that the proposed extractive use, or its accessory uses, impact the groundwater.
- D. The ability of the applicant to control erosion and sedimentation that may result from the proposed use.
- E. The impact on the natural resources contained in the watershed in which the proposed extractive use is located and the ability of the applicant to avoid or mitigate any impacts.

#### Rehabilitation.

A mining and extraction site restoration plan must be developed, approved, and followed when the site, or portions of the site, are no longer in active use. The plan must clearly explain how the site will be rehabilitated after mining and extractive activities end.

All mining and extraction areas shall be rehabilitated by June 1<sup>st</sup> of the year following the expiration of the interim use permit. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted an extraction/mining permit as herein provided shall furnish a performance bond running to the Township or a cash escrow in an amount to be determined by the Township based on estimated costs of reclamation. The minimum amount of such bond shall be \$1,500 per disturbed acre with a minimum of \$5,000. The bond or escrow shall run for at least 36 months past the expiration or termination of an interim use permit, and shall serve as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land and haul road, shall, within a

reasonable time and to the satisfaction of the Township, meet the following minimum requirements:

- A. Removal of structures and equipment. Unless otherwise specified within an approved and current interim use permit, buildings, structures, machinery and plants shall be removed from the site within three (3) months of the date they are no longer in active use or from the date an interim use permit expires, is terminated or is abandoned. Removal shall be by, and at the expense of, the mining operator last operating such facilities. Equipment actively in use to remove stockpiled materials may be allowed to remain until the stockpile is exhausted or the site is reopened under a new interim use permit. Equipment shall be considered in active use provided they are used at least once in any thirty-day period of time. Equipment not in active use shall be removed from the site.
- B. Surface rehabilitation. All excavation areas shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Reclaimed areas shall be sodded or surfaced with a soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of at least three (3) inches. Haul roads shall be restored to their condition prior to the beginning of the extraction operation.
- C. Vegetation. Vegetation shall be restored by appropriate seeds of grasses and planting of shrubs or trees in all parts of said mining area where such area is not submerged under water as herein provided.
- D. Banks of excavation not backfilled. The banks of all excavation not backfilled shall be sloped not steeper than a 23 percent grade and said bank shall require the establishment of vegetation.
- E. Reclamation of extractive use sites and designated haul roads shall be completed by June 1<sup>st</sup> of the year following the expiration of the interim use permit. Stockpile areas shall be reclaimed within thirty (30) months of the expiration of the interim use permit, or within six (6) months of the date the stockpile is exhausted if weather conditions allow, whichever comes first.

Site Development and Restoration Plan. A mining and extraction site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

Application, contents, procedure. An application for such operation shall provide the following information in addition to that required by the Interim Use Permit process:

- A. Name of the person or corporation conducting the actual removal operation.
- B. Name of any specific project for which the excavation is related. If not for a specific project(s), expected use of excavated material and whether such use would be expected to generate significant hauling volume.
- C. Size of the area from which the removal is to be made and the volume of material to be removed.
- D. Type of resources or materials to be removed.
- E. Proposed method of removal and whether blasting or other use of explosives will be required.
- F. Description of equipment to be used, including any proposed accessory uses such as hot mix plants or crushing operations.
- G. Method of rehabilitation and reclamation of the pit area, including timeframe for rehabilitation.
- H. Identification of haul roads and amount of truck activity at highest and average levels on those routes, ADT (average daily total) counts.
- I. Hours of operation, no earlier than 7:00 AM and no later than 7:00 PM.
- J. Expected life of operation.
- K. Types of barriers to be used, if necessary, to ensure the safety of people and livestock residing within proximity to the proposed area of excavation.
- L. Proposed methods of avoidance or mitigation of the impacts on natural resources caused by the proposed use.
- M. Detailed plans indicating anticipated vegetative and topographic alterations.
- N. Other information as may be required by the Zoning Administrator.

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**Staff Findings:** The following findings of fact are presented by Staff for consideration by the Planning Commission:

- 1) **Are the proposed haul routes able to handle the additional traffic generated by the extractive use?**
  - a) **Yes.** The immediate haul route is north or south on Ireland Avenue. The applicant had constructed a bituminous entrance to the gravel pit in 2010 in order to help protect Ireland Avenue during hauling. Ireland Avenue itself is a bituminous road with an adequate base for carrying heavy loads.

- 2) **Are the air quality, dust, and noise control measures able to limit impact upon adjacent residential properties according to MPCA standards?**
- a) **Yes.** While the proposed activities will create some noise, dust and appearance issues, the impact is temporary and does not occur constantly. Hours of operation are required to be limited to normal daytime hours (not beyond 7:00pm or before 7:00am).
- 3) **Will the proposed extractive use, or its accessory uses, adequately prevent negative impacts to the groundwater?**
- a) **Yes.** The Wright County Soil Survey does not indicate a high groundwater level that would be in the borrow pit area. Written comments from the SWCD (12/19/2012) indicate that three nearby wells indicate an approximate groundwater level of 984 feet. The depth of the excavation area is estimated at 10-30 feet (the excavation depth increases as it moves back from Ireland Avenue due to the natural topography).
- The SWCD also notes that there are no wetlands within the proposed mining area (see December 19, 2012 letter).
- 4) **Will the applicant be able to control erosion and sedimentation that may result from the proposed use?**
- a) **Yes.** The applicant had previously stated (in the July 2009 application) that they will be stripping the topsoil, stockpiling, replacing it when excavation is complete, and seeding the area. The excavation area is buffered from the Ireland Avenue road ditch (which is the direction of water flow) by grassed area.
- Additionally, the applicant is required to obtain an NPDES permit from the MPCA, which addresses erosion and sedimentation issues. Staff is verifying that the NPDES permit is current.
- The applicant has indicated that the great majority of rainwater falling on the pit would remain within the pit.
- 5) **Will the applicant be able to avoid or mitigate any impacts on the natural resources contained in the watershed in which the proposed extractive use is located?**
- a) **Yes.** The main concern with natural resource impacts would be from soil erosion and sedimentation. See #4 above. The 12/19/12 letter indicates there are no expected impacts on the wetland located across Ireland Avenue from the mining pit.
- 6) **Will the Conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the immediate vicinity?**
- a) **No.** While the proposed activities will create some noise, dust and appearance issues, the limitations on hours of operation, the requirement to reclaim the site, and other performance standards should adequately minimize the impact.

- 7) **Will the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area?**
- a) **No.** The proposed use is temporary and should have no impact on the ability to develop surrounding vacant property in the future (although it may make adjacent properties somewhat less saleable in the near future while the pit is operating). The site will be restored to its previous condition (except that it will be lower in elevation).
- 8) **Do adequate utilities, access roads, drainage and other necessary facilities exist or will they be provided?**
- a) **Yes.** All necessary access drives and drainage will be managed and maintained as part of the project. No public utilities are necessary for the project. A paved approach was constructed in 2009 to ensure that Ireland Avenue is not damaged as a result of the haul truck activity.
- 9) **Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?**
- a) **Yes.** There will be temporary off-street storage and parking areas on the site during the project. These will end upon restoration of the pit.
- 10) **Will the use conflict with the Policies Plan of Corinna Township and/or Wright County?**
- a) **No.** The Comprehensive Plan states that the Township should “ensure that reclamation of any gravel or other mining sites is conducted in a manner which restores mined areas as quickly as possible and within an appropriate time frame after the mining area is expanded on the site” and that the Township should “create an effective means of assuring and mandating compliance with developed standards and any other site specific conditions which may be imposed when approvals are granted”. Both issues are addressed in the Township’s ordinance relating to mining and excavation and the area will be subject to inspections by the Township.
- 11) **Have adequate measures been taken, or will they be taken, to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result?**
- a) **Yes.** While the proposed activities will create some noise, dust and appearance issues, performance standards required by the ordinance or suggested as specific conditions of approval by Staff should be enough to minimize any effects.
- 12) **The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses;**
- a) **Yes.** Zoning regulations have been met. Several of the zoning requirements relate to ongoing operations and the eventual closure and reclamation of the pit. These will be monitored as the pit reaches those points.

**13) The use will terminate upon a date or event that can be identified with certainty and/or clarity.**

- a) **Yes.** The interim use permit will expire on December 31, 2013 and need to be renewed at that time if the pit is to remain open. If the pit does not remain open, there are specific time frames for when reclamation will need to occur.

**14) The use will not impose additional costs on the public if it is necessary for the public to take the property in the future.**

- a) **Yes.** The applicant is required to maintain a performance bond in sufficient amount to cover the costs of reclamation of the pit, should the applicant not do it themselves. The current reclamation bond expires in February 2013 and the applicant has said they will be renewing that bond.

**15) The use will be subjected to, by agreement with the property owner, any conditions that the Town Board deems appropriate in allowing the proposed interim use, including a condition that the owner will provide an appropriate surety to cover costs that would be necessary to eliminate the interim use from the property, including removal of buildings, equipment, restoration of the landscape to a suitable condition or other appropriate and necessary costs.**

- a) **Yes.** A reclamation bond is required as part of the approval.

**16) Are there any other conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole?**

- a) **None.**

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**Planning Commission Direction:** The Planning Commission may approve the conditional use request, deny the request, or table the request if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

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**Staff Comments:**

1. The applicant previously submitted a \$7,500 bond to cover reclamation costs. This bond, in at least the same amount, will need to be kept in force.
2. The applicant has been working within an approximate 5 acre area for mining operations up until this point. The long-term plan for the mining of the property involves about 16 acres and the rate at which it is mined will depend on market demand for gravel.
3. The applicant has previously indicated that some used asphalt was brought into the pit, but is being used only to add material to make Class 5 - not for the purpose of recycling asphalt.

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**Planning Commission Direction:** The Planning Commission may approve the interim use request, deny the request, or table the request if the Commission should need

additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

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**Staff Recommendation:** Staff finds that the conditions for approval of an Interim Use permit have been met and recommends approval as presented, subject to the following conditions:

1. The applicant shall maintain their NPDES permit with the MPCA.
2. Activities shall be limited to screening, crushing and stockpiling. Screening and crushing shall not be conducted on more than 21 days in a calendar year.
3. The applicant shall maintain a minimum separation of five (5) feet to groundwater at all times on this site.
4. Hours of operation for activities on the site shall not be outside of the hours between 7:00 am and 7:00 pm.
5. The contractor shall maintain a bond in sufficient amount to assure reclamation of the site. The bond shall remain in effect until all areas are reclaimed as required by the Ordinance or as specifically required by the Township. The minimum amount of the bond must be \$5,000 or \$1,500 per acre, whichever is more (in this case, the bond must be at least \$7,500 (\$1,500 x 5 acres).

Application # <u>C12-005</u>	Date Application Rec'd <u>12/6/12</u>	Fee Collected \$ <u>500.00</u>
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12/6/12

**CORINNA TOWNSHIP  
MINING AND EXTRACTION  
INTERIM USE APPLICATION**

Name of Applicant Jason Kollas Phone 320-963-

Property Address (E911#) 10171 Ireland Ave NW Acworthdale MN

Mailing Address 1405 Bayou Ave NW Local Phone 763-682-6609  
(if different than above) (if different than above)

City, State, Zip Robtla MN 55313

Applicant is:		Title Holder of Property : (if other than applicant)
Legal Owner	<input checked="" type="checkbox"/>	_____
Contract Buyer	<input type="checkbox"/>	(Name)
Option Holder	<input type="checkbox"/>	_____
Agent	<input type="checkbox"/>	(Address)
Other _____		_____
		(City, State, Zip)

Signature of Legal Owner, authorizing application (required): Jason Kollas  
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): \_\_\_\_\_  
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Property ID # (12 digit #) 206 - 000 - 103400

Full legal description of property involved in this request, including total acreage (required – attach separate sheet if necessary):

sect - 10 Twp 121 Range - 027 Unplatted land  
Corinna Twp 8000 AC S 1-2 SW

Zoning District Aq Homesite, Lake Name (if applicable) \_\_\_\_\_

- Location and species of vegetation to be planted
  - Location and nature of any structures to erected in relation to the end use plan.
- A copy of MPCA/NPDES permit, or other evidence of MPCA permit coverage, if applicable.

*\* Under certain circumstances, the Planning Commission or Town Board may require photos of the site or buildings on the site, a professionally prepared property survey, stormwater management plan, landscaping plan, architectural drawings, construction plans or other detailed information when determined necessary to make an informed decision. In order to expedite your application and avoid delays, the Zoning Administrator may recommend the submittal of this information as part of the initial application or at least two weeks prior to the meeting.*

**Please complete all of the following questions to the best of your ability:**

1. Name of person or corporation conducting the actual removal operation.

Kolles Sand + Gravel, Inc.

2. Identify project(s) where excavated material will be used. If not for specific project(s), identify the expected use of excavated material and whether such use would be expected to generate significant hauling volume.

Local projects

3. Expected life of operation (years): 10+ years

a. NOTE: Multi-year mining operations will require renewal of the interim use permit each year. Permits expire December 31<sup>st</sup> of each year.

4. Expected size (acres) of excavation area: 5 acres at a time

5. Total parcel(s) size on which excavation will take place (acres): 65 ac

6. Expected volume of material to be removed (cubic yards): 30,000

7. Type of resources or materials to be removed or processed:

Sand, Gravel, Rock

8. Proposed method for removal of materials:

Mining

9. Depth to groundwater (based on site-specific evaluations, the Wright County Soil Survey, the Minnesota Geologic Atlas or other appropriate documentation:

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10. Will blasting or other explosives be required (circle one)? Yes  No

a. If yes, describe blasting activity:

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11. Describe how stumps, brush and other natural debris will be removed or disposed of in accordance with local rules and regulations (on-site disposal shall be specifically authorized by the Township).

None

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12. Describe equipment or buildings to be used in the operation (including crushing/screening equipment, hot mix plants, etc...)

Loaders, crushers and screeners

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13. Describe the method of rehabilitation and reclamation of the pit area, including timeline for rehabilitation. Note whether reclamation will take place all at once or on an ongoing basis as portions of the pit are exhausted of material.

Mine and reclaim as we go

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14. Describe location of haul roads from the site and expected amount of truck activity at both the highest and average levels. Note expected traffic in terms of daily trips to and from the pit.

Ireland Ave. during township work

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15. What are expected hours and days of operation? (note: Ordinance requires not outside the hours of 7:00am – 7:00pm)

7-7

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16. Identify whether barriers will be used and where they will be located to ensure the safety of people and livestock in proximity to the excavation area. If no barriers to be used, describe why they are unnecessary.

None

17. What plans are in place for air quality, dust, and noise control measures and the ability to limit impact upon adjacent residential properties according to MPCA standards?

Possible watering of pit road

18. How will the proposed extractive use, or its accessory uses, impact the groundwater?

None

19. What will be the impact on the natural resources contained in the watershed in which the proposed extractive use is located and the ability of the applicant to avoid or mitigate impacts.

None

20. What are the proposed methods of avoidance or mitigation of the impacts on natural resources caused by the proposed use?

None

21. Would the proposed use would be harmful to the use and enjoyment of other property in the immediate area (for uses that are permitted)? Why or why not? Would the property reduce or otherwise diminish property values in the immediate area? Why or why not?

No

22. Will the proposed use prevent other landowners in the area from developing their property in a normal and orderly way? Why or why not?

No

23. Will the proposed use require any utilities, access roads, drainage or other public or semi-public facilities? If so, are these already provided in the area? If not, how will they be provided?

Ireland Ave.

24. Will the proposed use require off-street parking or loading space? If so, what actions will you take to provide sufficient space and where?

No

25. Discuss how the proposed use will be in conformance with the Comprehensive Plan of the Township and Wright County.

One building entitlement - No lake shore

26. Will the proposed use create any odors, fumes, dust, noise, vibration, or involve any lighted signs or other lights? If so, how do you intend to control these so that they do not create a nuisance for neighboring properties? Discuss how the proposed use will be in conformance with the Comprehensive Plan of the Township.

Dust and backup alarms

**If in Shoreland Areas, please complete all of the following questions:**

1. Describe any aspects of the proposed use that could harm the lake or stream. Discuss how you will reduce or prevent any impacts.

N/A

2. Discuss why the proposed use is suited to a shoreland area.

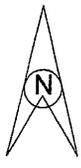
N/A

3. Will the proposed use involve any connections to public waters, such as boat slips, canals, lagoons, or harbors? If so, has the MN Department of Natural Resources approved the connection?

NO

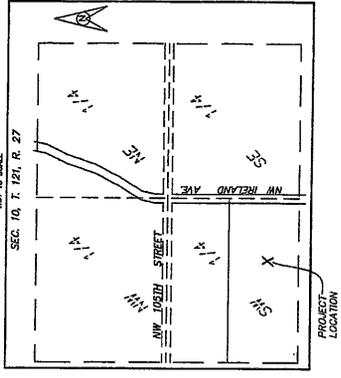
**Note the following are requirements of all mining operations:**

- All topsoil and berms shall be seeded to prevent erosion and dust.
- No part of the mining operation may be within 50 feet of a public right-of-way.
- No part of any excavation area may be within 50 feet of an adjacent property line (25 feet with written consent of adjoining landowner and Township approval).
- Fencing may be required by the Township to ensure public safety.
- All equipment and machinery shall be operated and maintained to minimize dust, noise and vibration. Power drives or power producing machinery, not including vehicles, shall not be housed or operated less than 500 feet from a residential use.
- Crushing, concrete mixing, washing, refining and other similar processing must be explicitly authorized by the Township in the permit. Processing shall not be permitted in any residential district (R-1, R-2, R-2a)
- Processing equipment must be located at least 500 feet from any residence, 200 feet from the OHW of any lake or stream and outside of any wellhead protection area.
- Surface water originating outside and passing through the extraction site shall be of equal quality, at its point of departure from the site, to the water at the point where it enters the extraction site. The applicant shall perform the water treatment necessary to comply with this provision.



MINING APPLICANT:  
 KOLLES SAND & GRAVEL  
 CONTACT: JASON KOLLES  
 888E 13RD ST. NW  
 BUTTE CO. MN 55013  
 PH-612-888-3100

Vicinity Map  
 NOT TO SCALE



MINING PLAN ON PART OF THE S. 1/2 OF THE  
 S.W. 1/4 OF SECTION 10, TOWNSHIP 121, RANGE 27,  
 WRIGHT COUNTY, MINNESOTA

PROJECT NO. 1-07-0232  
 DATE 8/17/07  
 MINING PLAN  
 MAP A - EXISTING CONDITIONS  
 SHEET NO. 1 OF 3 SHEETS

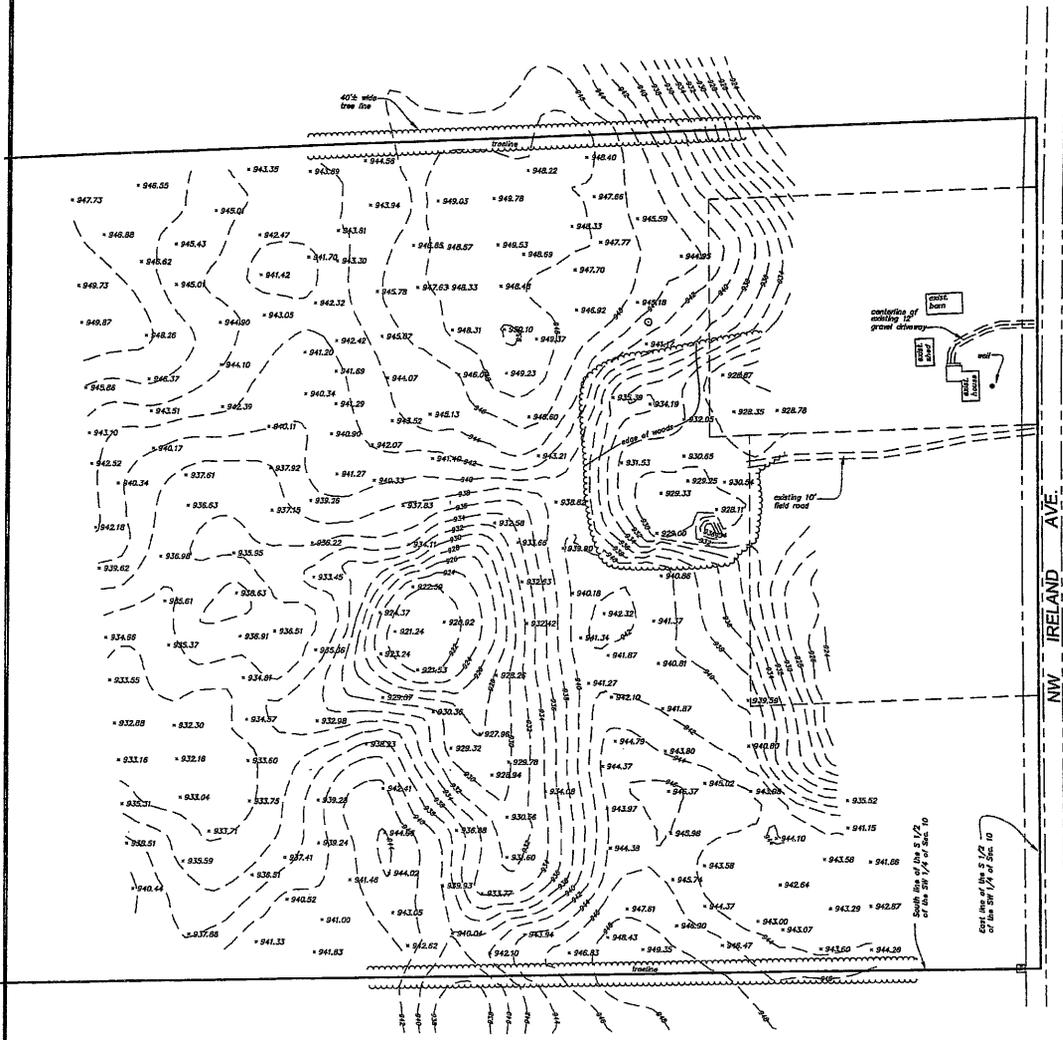
**KOLLES SAND & GRAVEL**  
 JASON KOLLES  
 WRIGHT COUNTY, MN

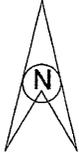


DATE: 8-6-07  
 PREPARED BY: Jason Kolles  
 CHECKED BY: Paul E. Oude  
 P.E.C.I.

DESIGNED BY: JERRY CANNON  
 P.E.C.I.  
 D.M.S.  
 MINNESOTA BOARD OF PROFESSIONAL ENGINEERS  
 LICENSE NO. 10000

NO.	DATE	BY	DESCRIPTION	REVISIONS

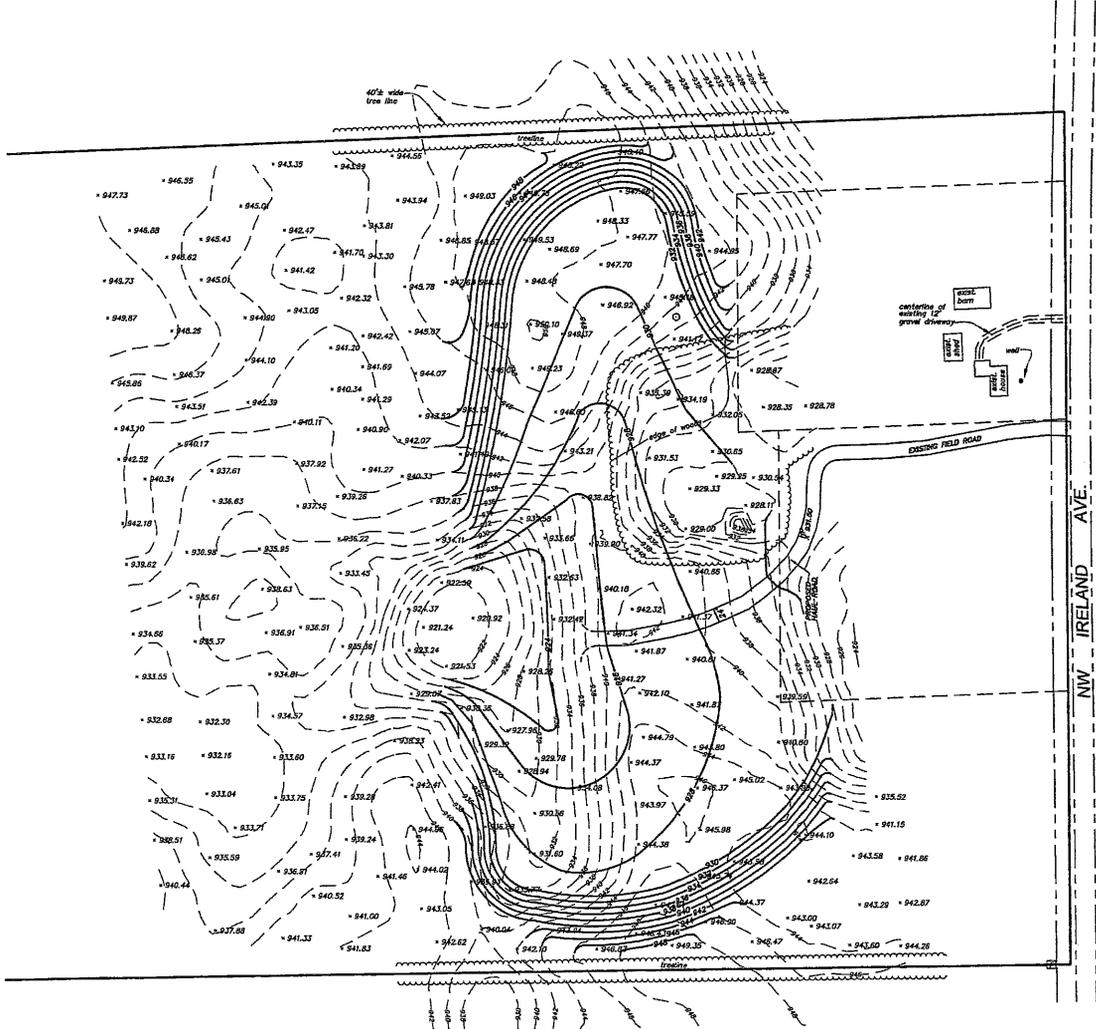




MINING APPLICANT:  
**KOLLES SAND & GRAVEL**  
 CONTACT: JASON KOLLES  
 2984 53RD ST. NW  
 BUFFALO, MN 55313  
 PH-612-986-3100

TOTAL AREA MINED = 16.0 ACRES  
 TOTAL EXCAVATION = 223,256 CU. YDS

- NOTES:
1. ALL WORK SHALL COMPLY WITH THE GUIDELINES SET FORTH IN THE MPDA'S REGULATIONS AND THE US-EPA'S STORM WATER MANAGEMENT PRACTICES FOR MINNESOTA, AND THE US-EPA'S STORM WATER MANAGEMENT FOR CONSTRUCTION ACTIVITIES.
  2. ALL EXCAVATION SHALL BE SEDED, MULCHED AND RIGS ANCHORED WITH MN/00T SEED MIX 50B WITHIN 48 HOURS AFTER FINAL GRADING IS COMPLETED.
  3. THE SULTAN AND PROJECTOR SHALL ASSUME COMPLETE RESPONSIBILITY FOR CONTROLLING EROSION AND SILTATION THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL USE WHATEVER MEANS NECESSARY TO CONTROL EROSION AND SILTATION, INCLUDING BUT NOT LIMITED TO EROSION CONTROL STRIPS, SOD MATS, MULCH, AND RIGS. THE CONTRACTOR SHALL COMMENCE WITH GRADING AND CONTINUE THROUGHOUT THE PROJECT UNTIL RESTORATION IS COMPLETE.
  4. SWALES SHALL BE REMOVED ON NEW OR EXISTING STREAM BEDS OR AREAS THAT ARE NOT BEING ACTIVELY MINED SHALL BE TEMPORARILY SEEDED WITH MN/00T SEED MIX 50B/100% MULCH. PREPARATION OF MULCH SHALL BE SCHEDULED TWICE A YEAR, ONCE BEFORE MAY 15TH AND ONCE AFTER NOVEMBER 1ST AS A DORMANT SEED.

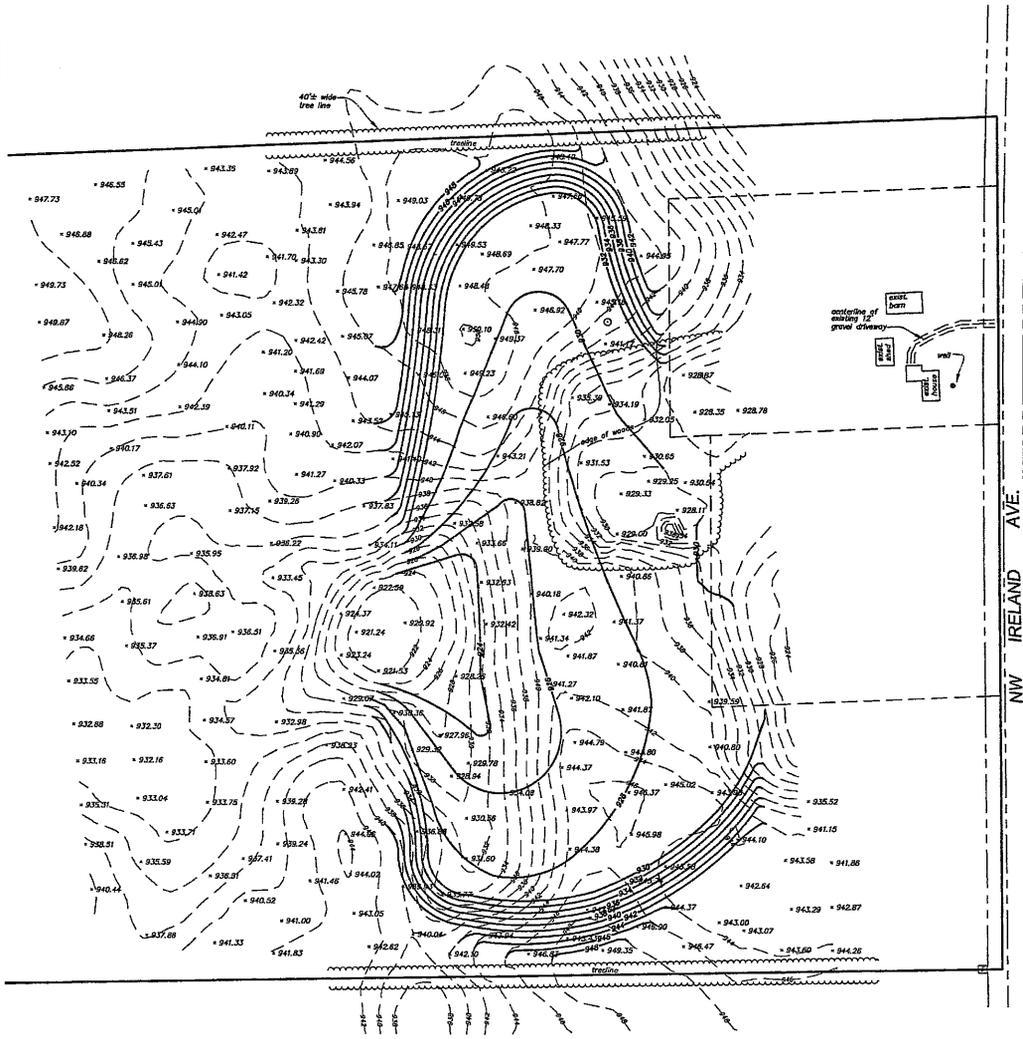


DESIGNED BY: <b>DAVID L. ROSE</b>		PROJECT NO.: <b>1-07-0232</b>	
CHECKED BY: <b>P. J. O'NEILL</b>		MINING PLAN	
DATE: <b>8-13-07</b>		MAP B - PROPOSED OPERATIONS	
SCALE: <b>AS SHOWN</b>		SHEET NO. <b>2</b> OF <b>3</b> SHEETS	
DATE: <b>8-13-07</b>		DATE: <b>8/17/07</b>	
<b>KOLLES SAND &amp; GRAVEL</b> JASON KOLLES WRIGHT COUNTY, MN			
THIS PROJECT AND THE MINING PLAN WERE PREPARED BY THE FIRM OF OTTO ENGINEERS & ARCHITECTS, INC. IN THE CITY OF WRIGHT COUNTY, MINNESOTA. THE FIRM OF OTTO ENGINEERS & ARCHITECTS, INC. IS A PROFESSIONAL ENGINEERING FIRM LICENSED BY THE STATE OF MINNESOTA.			
NO.	DATE	BY	REVISION
1	8/13/07	DAVID L. ROSE	ISSUED DRAWINGS



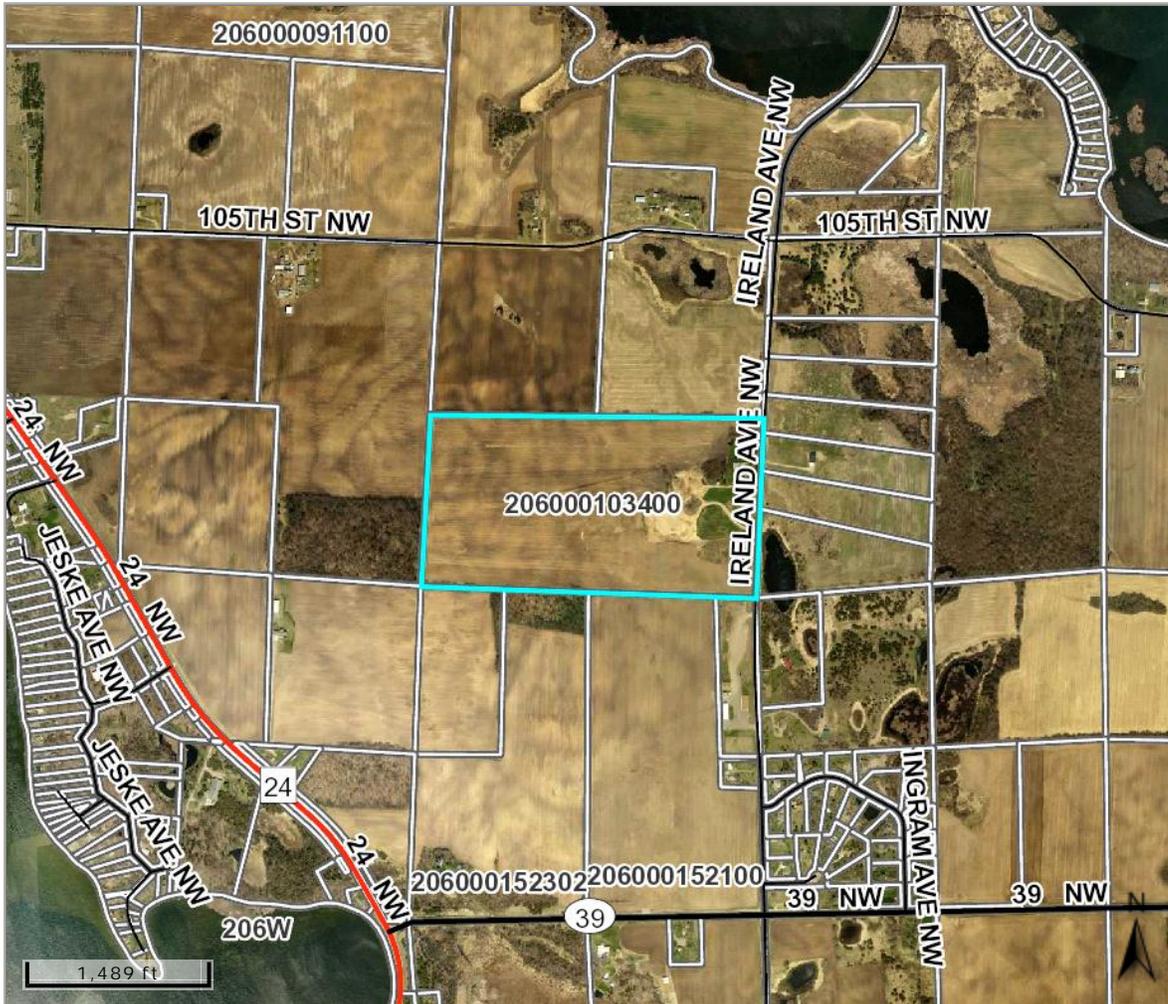
MINING APPLICANT:  
 KOLLES SAND & GRAVEL  
 COMPANY  
 JASON KOLLES  
 2884 53RD ST. NW  
 BUFFALO, MN 55313  
 PH-612-888-3100

NOTE:  
 1) Rehabilitation to be complete with in 1 year after mining is terminated.  
 2) No final slope to exceed 2:3H in grade.  
 3) A minimum of 3 inches of topsoil to be spread over mined areas to be planted with legumes and grasses.

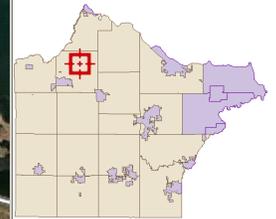


DESIGNED BY: [Blank]		CHECKED BY: [Blank]		DATE: 9-1-07	
DRAWN BY: [Blank]		DATE: [Blank]		PROJECT NO. 1-07-0232	
SCALE: [Blank]		DATE: [Blank]		SHEET NO. 3 OF 3 SHEETS	
PROJECT NO. 1-07-0232		DATE: 8/17/07		MINING PLAN	
MAP C- END USE PLAN		SHEET NO. 3 OF 3 SHEETS		KOLLES SAND & GRAVEL	
JASON KOLLES		WRIGHT COUNTY, MN		REGISTERED PROFESSIONAL ENGINEER	
No. 1000		www.otto.com		OTTO ASSOCIATES, INC.	
1000		1000		1000	

Date Created: 12/19/2012



Overview



Legend

Roads

- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCCL

City/Township Limits

- c
- t
- Parcels

Parcel ID	206000103400	Alternate ID	n/a	Owner Address	KOLLES, JASON D & GERI ANN K
Sec/Twp/Rng	10-121-27	Class	105 - ACTIVELY FARMING		1405 BANYON AVE NW
Property Address	10171 IRELAND AVE NW ANNANDALE	Acreage	80.00		BUFFALO, MN 55313

District n/a  
 Brief Tax Description Sect-10 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP 80.00 AC S 1-2 SW  
 (Note: Not to be used on legal documents)

Last Data Upload: 12/19/2012 9:24:46 AM

**CONTINUATION CERTIFICATE**

In consideration of premium charged,

Granite Re, Inc.

\_\_\_\_\_ hereby continues in force

BOND No. GRMN32274A

Dated 2/16/2011

in the amount of \$7,500.00

\_\_\_\_\_ Dollars

on behalf of Jason D. & GeriAnn K. Kolles

as Principal, in favor of Corinna Township, 9801 Ireland Ave. NW, Annandale, MN 55302

for the period beginning February 16, 2013

and ending February 16, 2014 subject to all terms and conditions of said bond;

PROVIDED that the liability of Granite Re, Inc.

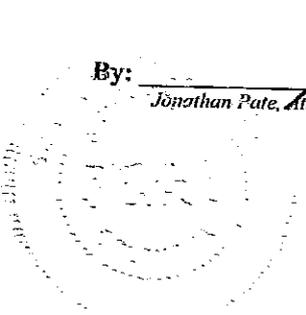
shall not exceed in the aggregated amount above written, whether the loss shall have occurred during the term of said bond or during any continuation or continuations thereof, or partly during said term and partly during any continuation or continuations thereof.

SIGNED AND SEALED THIS January 23, 2013

Granite Re, Inc.

By: \_\_\_\_\_

*Jonathan Pate, Attorney-in-fact*



**GRANITE RE, INC.**  
GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of OKLAHOMA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

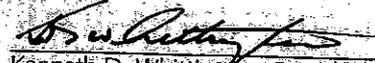
JONATHAN PATE; WANDA FRANZ; TOM LAHL; LISA M. FRANCOUR; JENNIFER BOYLES its true and lawful Attorney-in-Fact(s) for the following purposes, to-wit:

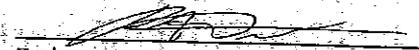
To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

JONATHAN PATE; WANDA FRANZ; TOM LAHL; LISA M. FRANCOUR; JENNIFER BOYLES may lawfully do in the premises by virtue of these presents:

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary/Treasurer, this 12<sup>th</sup> day of April, 2012.



  
Kenneth D. Whittington, President

  
Rodman A. Frates, Secretary/Treasurer

STATE OF OKLAHOMA )  
                                  ) SS:  
COUNTY OF OKLAHOMA )

On this 12<sup>th</sup> day of April, 2012, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Rodman A. Frates, Secretary/Treasurer of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Rodman A. Frates were respectively the President and the Secretary/Treasurer of the GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Secretary/Treasurer, respectively, of the Company.

My Commission Expires:  
August 8, 2013  
Commission #: 01013257



  
Kathleen E. Carlson  
Notary Public

**GRANITE RE, INC.**  
Certificate

THE UNDERSIGNED, being the duly elected and acting Secretary/Treasurer of Granite Re, Inc., an Oklahoma Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this 23<sup>rd</sup> day of January, 2013.



  
Rodman A. Frates, Secretary/Treasurer

**RIDER**

TO BE ATTACHED TO AND FORM PART OF

License & Permit (PBI Standard) *(Bond Type)* NO. GRMN32274A  
*(Bond Number)*  
IN FAVOR OF Corinna Township  
*(Obligee)*  
ON BEHALF OF Jason D. & GeriAnn K. Kolles  
*(Principal)*  
EFFECTIVE February 16, 2011  
*(Original Effective Date)*

IT IS AGREED THAT, in consideration of the original premium charged for this bond, and any additional premium that may be properly chargeable as a result of this rider.

The Surety, Granite Re, Inc.  
hereby gives its consent to change;

Effective Date

(of) the attached bond FROM: Old Effective Date = 2/16/2013 Old Expiration Date = 2/16/2014

TO: New Effective Date = 2/16/2013 New Expiration Date = 12/31/2016

REASON: Corinna Township Requires Bond to expire 12/31/2016

EFFECTIVE: February 16, 2013

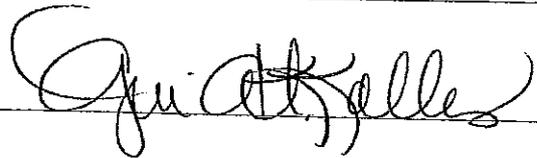
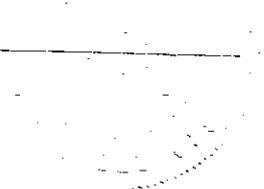
PROVIDED, however that the attached bond shall be subject to all its agreements, limitations, and conditions except as herein expressly modified, and that the liability of the Surety under the attached bond and under the attached bond as changed by this rider shall not be cumulative.

SIGNED, AND SEALED this 28th day of January, 2013

Jason D. & GeriAnn K. Kolles  
*Principal*

Granite Re, Inc.  
*Surety*

Accepted By

  
*Jonathan Pate, Attorney-in-fact*

**GRANITE RE, INC.**  
GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of OKLAHOMA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

JONATHAN PATE; WANDA FRANZ; TOM LAHL; LISA M. FRANCOUR; JENNIFER BOYLES its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

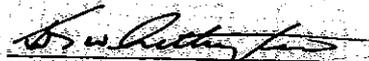
To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

JONATHAN PATE; WANDA FRANZ; TOM LAHL; LISA M. FRANCOUR; JENNIFER BOYLES may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary/Treasurer, this 12<sup>th</sup> day of April, 2012.

STATE OF OKLAHOMA )  
                                  ) SS:  
COUNTY OF OKLAHOMA )



  
Kenneth D. Whittington, President

  
Rodman A. Frates, Secretary/Treasurer

On this 12<sup>th</sup> day of April, 2012, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Rodman A. Frates, Secretary/Treasurer of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Rodman A. Frates were respectively the President and the Secretary/Treasurer of the GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Secretary/Treasurer, respectively, of the Company.

My Commission Expires:  
August 8, 2013  
Commission #: 01013257



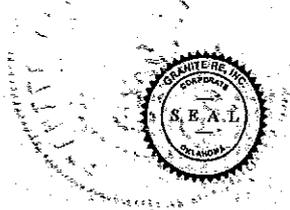
  
Kathleen E. Carlson  
Notary Public

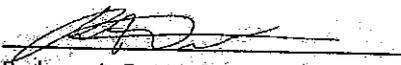
GRANITE RE, INC.  
Certificate

THE UNDERSIGNED, being the duly elected and acting Secretary/Treasurer of Granite Re, Inc., an Oklahoma Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this 28th day of January, 2013.



  
Rodman A. Frates, Secretary/Treasurer

## WRIGHT SOIL AND WATER CONSERVATION DISTRICT



311 Brighton Ave. S., Suite C  
Buffalo, Minnesota 55313  
Telephone (763) 682-1933  
(763) 682-1970  
Fax (763) 682-0262

Kolles Sand & Gravel  
1405 Banyon Avenue NW  
Buffalo, MN 55313

**RE: SW ¼ of the SW ¼ and SE ¼ of the SW ¼, Section 10, Township 121, Range 27, Wright County, Minnesota, (Corinna Township). Interim Use Permit for the operation of a mining pit involving mining, crushing and screening of gravel.**

Dear Mr. Oleson,

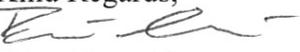
The Wright Soil and Water Conservation District (SWCD) has reviewed and inspected the above mentioned property and considered the proposal for the Interim Use Permit.

There are no wetlands located within the proposed mining activity. A wetland is located across Ireland Avenue East of the proposed mining. Inspection proved the hydrology and function of this surface water should not be impacted from further mining activity.

The Wright County Well Index was observed to ensure groundwater contamination would not occur. Three wells were observed within a half mile of the proposed mining operation and an approximate groundwater level was discovered to be at 984 feet. According to the site plan if mining occurs within the proposed final contours the groundwater level will be 30 feet below final grade, well within the five (5) foot separation required by Corinna Township.

The applicant has stated that reclamation activities are to occur as mining is completed and it appears the applicant has lived up to these actions. Continued reclamation of the mine should continue as planned as mining activity ceases throughout certain stages of material extraction. Once mining operations have ceased, reclamation of the mine should be completed within the following year. The Universal Soil Loss Equation (USLE) shows if the site is seeded, straw mulched and disc anchored it would provide the Best Management Practice (BMP) for permanent erosion and sediment control. If mining activity becomes minimal and disturbed soils are present, temporary erosion and sediment control should be installed to stabilize the pit until material request become more readily available. Once mining is complete in the pit, permanent erosion and sediment control could occur to establish vegetation and reclaim all portions of the mine.

After reviewing the proposed activity the Wright SWCD has no major concerns with allowing the continuance of the mining activity. Thank you for addressing our concerns and if you have any questions or comments please feel free to contact myself or the District.

Kind Regards,  
  
Brian Sanoski  
Urban Conservation Specialist

Cc: Ben Oleson Corinna Township

## STAFF REPORT

**Application:** Rezone approximately 38 acre property from General Agriculture (AG) to Suburban Residential (a) (R2a) or other residential zoning district.

**Applicant:** Frederick Jude

**Agenda Item:** 5(b)

---

**Background:** The rezoning application involves an approximately 38 acre parcel of land which currently contains two large storage buildings, several large and small wetland areas, and open fields with scattered wooded areas. The land is currently zoned General Agricultural (AG) and does not have any remaining building entitlements as its one entitlement was used in 1978 to allow the separation of a one acre parcel for residential purposes near the southwest corner of the property.

The proposal to rezone the property would be for the purpose of allowing for land to be developed residentially. The applicant has formally requested rezoning to Suburban Residential (a) - R-2(a) - which requires a minimum lot size of five (5) acres. However, they have expressed an openness to other possibilities - such as Agricultural Residential (A/R) or Suburban Residential (R-2) which have a minimum lot size of 10 and 2.5 acres, respectively.

The property has road frontage on Ireland Avenue along the west side (paved) and 113th Street NW on the south side (gravel). Both are Township roads.

The land to the south is zoned Rural/Urban Transition (R-1) and contains lots of approximately 1 - 1.25 acres in size (the "Sugar Acres" plat). Land to the west is used for residential purposes (two 5 acre lots) and all other surrounding land appears to be used for agricultural purposes. Only the far eastern portion of the land is located within Shoreland (which is mostly wetland).

The applicant has submitted a conceptual plan for the subdivision of the property consistent with a rezoning to R-2(a) - minimum 5 acre lots. They have expressed a willingness to rezone all or portions of their property to other zoning districts so long as they are allowed to construct several homes on the property.

Another factor in this request is that if the two large storage buildings are to be on the same property, they would need to remain compliant with the limitations in the ordinance regarding total square feet of detached accessory buildings on one property (or in some cases, limitations on the size of any one detached accessory building). If these two buildings are on a lot of less than 10 acres, they would exceed the maximum square footage allowed. If they are on a lot of 10 acres or more, they would not have those same limitations and would be compliant.

Further, during the process of developing the Township's Comprehensive Plan in 2006-2007, there were extensive conversations about a desire to minimize the creation of lots that were "too big to maintain and too small to farm". As a general rule, it was expressed by residents and Township officials during that process, that 1-2.5 acre lots were generally preferable to 5-10 acre lots if the larger lots were likely to become inadequately

maintained for weed control, etc... The Township, still wanted to maintain the equivalent limitations on the number of homes that would be allowed in an area consistent with the minimum lot sizes required in Wright County's ordinances - i.e. the desire was not to allow more homes than allowed by Wright County's ordinances - but rather to allow for the flexibility to create a few smaller lots for residential use and maintain larger lots for more agricultural or recreational use.

Finally, the Planning Commission and applicant should be aware that the use of the two existing storage buildings, or those constructed in the future on any part of this property, would be limited to residential or agricultural storage only. If any business were to be proposed to be operated out of the buildings, there would either be a requirement for a conditional/interim use permit or they would not be allowed at all (depending on the type of business). For instance, a non-commercial contractors yard is allowed under the current AG zoning, but would be prohibited under any other residential zoning district, including A/R. A "home extended business" would only be allowed under AG or A/R zoning. A "home occupation" could be allowed in any of the residential or AG zoning districts, but would be limited to being operated inside the dwelling and not in a detached accessory building.

The property is currently identified as follows:

- Corinna Township/Wright County Zoning Map: General Agriculture (AG)
- Corinna Township Future Land Use Map: Rural Preservation
- Wright County Land Use Map: Rural Residential

The requested changes would result in the following:

- Corinna Township/Wright County Zoning Map: Suburban Residential (a) - R 2(a)
- Corinna Township Future Land Use Map: Rural Preservation (no change)
- Wright County Land Use Map: Rural Residential (no change)

If the rezoning is approved, the applicant would need to follow with a formal application for subdivision of the parcel to actually split the land. If they did not split any land, and the rezoning were approved, they would be allowed to construct one dwelling on the 38 acres. If they did split land, they would need to split it in accordance with the requirements of the new zoning district(s).

The applicant has stated their primary intent at this time is to build a home for themselves - likely in the SW corner of the property. The remaining land would be for future subdivision/sale when they see fit.

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**Applicable Statutes/ Ordinances:** This application is subject to the following regulations:

**Corinna Township Zoning Ordinance**

The subject property is current zoned "General Agriculture" (AG), which is given the following purpose in the Zoning Ordinance:

604. GENERAL AGRICULTURE AG

604.1 Purpose

General Agricultural areas are established for the purpose of preserving, promoting, maintaining and enhancing the use of land for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

The requested zoning classification is one or more of the following:

603. AGRICULTURAL/RESIDENTIAL

A/R 603.1 Purpose

This district is created to serve as a buffer between commercial agricultural areas and more intensely developed residential areas, to provide for very low density residential development in areas especially unsuited to long term agricultural uses, and to allow limited residential development which will not be provided with an urban level of services.

606. SUBURBAN RESIDENTIAL R-2

606.1 Purpose

The major purpose of this District is to allow for a "rural life-style" by permitting low-density residential development in areas that are marginal or non-feasible for agriculture.

606.A Suburban Residential R-2(a)

606.a1 Purpose

The major purpose of this District is to allow for a "rural life-style" by permitting low-density residential development in areas that are marginal or non-feasible for agriculture.

Requests for Zoning Amendments, including amendments to the zoning map, are subject to Section 504 of the Corinna Township Zoning Ordinance:

504. ZONING AMENDMENTS<sup>1</sup>

County Control. All requests for rezoning within Corinna Township shall be made to Wright County and follow the procedures adopted by Wright County. The final decision to establish a zoning classification within Corinna Township shall belong to the Wright County Board of Commissioners.

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<sup>1</sup> Amended 10/21/08

Township Evaluation. If Wright County requests input from Corinna Township as part of a process to establish or modify zoning classifications within Corinna Township, the Township shall make a recommendation to the County only after consideration of the following criteria:

- A. Preservation of natural sensitive areas.
- B. Present ownership and development.
- C. Soil types and their engineering capabilities.
- D. Topographic characteristics.
- E. Vegetative cover.
- F. Quality of the land for agricultural purposes.

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- G. In-water physical characteristics.
- H. Recreational use of surface water.
- I. Road and service center accessibility.
- J. Socio economic development needs of the public.
- K. Availability of public sewer and water utilities.
- L. The necessity to reserve and restore certain areas having significant historical or ecological value.
- M. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.
- N. Alternatives available for desired land use.
- O. Prevention of spot zoning.
- P. Conformance to the Corinna Township Comprehensive Plan.
- Q. Conformance to the Corinna Township Future Land Use Map and any other official maps of the Township.

### **Corinna Township Comprehensive Plan**

The Corinna Township Comprehensive Plan (adopted in 2007) classifies the property and most of the surrounding properties as appropriate for a future land use of “Rural Preservation”, which is described as:

**Rural Preservation:** A land use designation for properties that are best suited for rural farmsteads and farming. This classification would be most consistent with the Wright County Agricultural zoning classification. The Township believes it prudent to respond to future growth pressure by considering low-density, rural residential development in these areas, utilizing a cluster-style development strategy to maintain the rural character of the community.

The properties adjacent to the subject property (to the south) are identified for a future land use of “Neighborhood Residential”:

**Neighborhood Residential:** A designation for residential properties already subdivided into lots too small to further subdivide. The properties may or may not have structures on them, but are sized so that additional subdivision would not be feasible.

### **Wright County Comprehensive Plan**

The Wright County Comprehensive Plan, just adopted in 2009, classifies the property as appropriate for "Residential Large Lot", which is described as:

**Rural Residential** Designates those areas where a combination of agriculture, hobby farms and very large lot residential areas is deemed appropriate. The purpose is to provide a buffer between agricultural and other uses, and also to provide housing opportunities in a rural environment where large lot sizes and the rural atmosphere will be maintained. Existing land types may include large wooded areas, non prime farmland, pasture and other lands in areas not well suited to long term agricultural uses. Appropriate zoning may include Agricultural, Agricultural Residential, or, in unique circumstances, R-2(a). Rezoning from Agricultural to Agricultural Residential will be considered on a case by case basis, and not considered to be automatic, with the need for residential land, effect on nearby agricultural operations, the timing of the proposal in light of land uses in the area, and plan policies being prime considerations. Rezoning to R-1 or R-2 will only be considered for riparian lots on shorelands especially suited to residential development. Rezoning to R-2a may be appropriate in unique circumstances such as: infill for areas that are already developed in a similar manner; adjacent to developed areas with smaller lot sizes to serve as a transition, and; other unique situations which do not establish R-2a as a new zoning district in a previously "undeveloped" area.

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**Staff Findings:** We propose the following findings for consideration by the Planning Commission, based on the criteria for making zoning amendments in Section 504 of the Corinna Township Zoning Ordinance:

**1. Preservation of natural sensitive areas.**

- The subject property does contain several large and small wetlands. The boundaries of these have been preliminarily identified (see Wright County SWCD comment letter) and the conceptual plan for subdividing the land would appear to ensure enough area on each lot for the construction of buildings and sewers without impacting the wetlands (subject to closer review and septic analysis).

There is also some DNR-owned land about ¼ mile to the west of this property that serves as wildlife habitat (at least several hundred acres in total).

**2. Present ownership and development.**

- The property is currently left primarily as open land not actively

farmed. There are two large storage buildings on the property, permitted in 2000 and 2004. Adjacent properties are a mix of farmed land, 5 acre residential lots and approx. 1 acre residential lots. There are extensive areas of shoreline residential use to the east along Sugar Lake – starting about 500 ft away from the property line.

**3. Soil types and their engineering capabilities.**

- The subject property contains several soil types, including wetland soils for most of the eastern and northeastern portion of the lot. The upland soils are almost entirely Dorset-Two Inlets complex soils with 2-6 (1377B) or 6-12 percent (1377C) slopes. There are small pockets of Forada loam with 0-2 percent slopes (375). The remaining soils are wetland-type soils.

The 1377 soils are identified in the Soil Survey as either “not limited” or “somewhat limited” for dwellings – with or without basements.

Only the small pockets of Forada loam on the property are considered prime farmland, when drained.

**4. Topographic characteristics.**

- The topography of the site is relatively flat with some areas with fairly gentle slopes. The low areas are the wetlands or areas near to those wetlands.

**5. Vegetative cover.**

- The site is mostly open field, with some scattered wooded areas. There are also a number of large and small wetlands on the property.

**6. Quality of the land for agricultural purposes.**

- The land (where the rezoning and eventual subdivision is proposed) has limited value for agricultural purposes given the soils, the wetlands and the location of the existing buildings on the property. The large number of small residential lots to the south and east of this property also present some limitations for agricultural use of the property.

The closest feedlot to this property is about 900 feet away and according to the Wright County Feedlot Officer is very unlikely to grow in a way that would impact development of any residential lots created on this parcel.

**7. In-water physical characteristics.**

- The property is not on any lake.

**9. Recreational use of surface water.**

- The property is not on any lake. The rezoning of this area, and eventual subdivision into residential lots, would have some potential to increase recreational use of the surface waters in the area.

**10. Road and service center accessibility.**

- The property is served by Ireland Avenue on the west and 113<sup>th</sup> Street

NW on the south. Ireland is a paved road and 113<sup>th</sup> is gravel.

**11. Socio economic development needs of the public.**

- The area is currently not being used for agricultural purposes and is mostly open land with scattered trees and areas of wetland. The rezoning and eventual subdivision of the land would allow for rural residential housing that could be argued to serve as a buffer between the higher density housing to the south and agricultural lands – although the existing use of the land already serves as such a buffer provided it is not converted to more intensive agricultural use.

**12. Availability of public sewer and water utilities.**

- The lot would be served by private sewer and water.

**13. The necessity to reserve and restore certain areas having significant historical or ecological value.**

- The property may have some biological value given the large wetlands and scattered wooded areas. However, the site has not been identified by the MN County Biological Survey as a site of any special significance.

**14. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.**

- The proposed rezoning and eventual subdivision would not likely created significant conflict between property owners. The greatest potential would be for conflict with neighboring agricultural lands to the north with the addition of several new homes to the property. Still the proposed density of housing is not so great that conflict would be inevitable.

**15. Alternatives available for desired land use.**

- The alternative land use for this property is essentially just to remain being used as it currently is – as open space with wetlands and scattered wooded land. Alternatively, the land could be used residentially, but at a lesser density than what is sought (i.e. 1-3 homes rather than 5 or more).

**16. Prevention of spot zoning.**

- The request is to rezone the property (or portions of the property) from AG to R-2(a) or possibly R-2 or A/R.
- Adjacent properties on zoned AG (west, north and east) or R-1 (south). There are several 5-10 acre lots to the west and numerous 1 acre lots to the south.
- Staff does not feel that rezoning to R-2(a), or any other residential category, would be considered spot zoning given that such rezoning would be reasonably consistent with the Township and County land use plans. Even if part of the land is rezoned to, say, R-2 (2.5 acre minimum)

and the rest is zoned R-2(a) (5 acre minimum) or A/R (10 acre minimum), that sort of “mixed” zoning for this property would be consistent with the Township’s desire to minimize lots in the 5-10 acre range that are more difficult for landowners to adequately maintain. Further, the R-1 zoning to the south means that zoning this property either R-2, R-2(a), or A/R helps to serve as a transition from the R-1 zoning to the AG zoning to the north.

**16. Conformance to the Corinna Township Comprehensive Plan.**

- The Comprehensive Plan of Corinna Township identifies this property as Rural Preservation, which could be consistent with a rezoning to R-2(a), A/R or even R-2 if it is done in a way that helps cluster housing on smaller lots and leaves remaining land on larger lots that preserve natural features and help preserve the rural character.

**17. Conformance to the Corinna Township Future Land Use Map and any other official maps of the Township.**

- See answers to #15 and 16 above.

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**Planning Commission Direction:** The Planning Commission can approve the request, deny the request, or table the request if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

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**Staff Comments:** Staff’s opinion is that given the relatively low value of the land for agricultural purposes, and the fact that there are numerous 1-1.25 acre lots to the south, rezoning this property to allow for more housing is reasonably consistent with the goals of the Corinna Township and Wright County land use plans.

The primary issue that Staff sees with this proposal, and ensuring it is not inconsistent with the goals of the Township as expressed during the Comprehensive Plan process and the Plan itself, is to avoid the unnecessary creation of lots that are “too large to maintain and too small to farm”. In that sense, it would seem appropriate to rezone a relatively small area of the property (i.e. 5-6 acres) to the R-2 classification such that two 2.5 acre lots could be created while rezoning the remainder of the property into R-2(a) (min. 5 acre lots) or A/R (min. 10 acre lots). Alternatively, the entire property could be rezoned to A/R so that lots are at least 10 acres in size, which would allow for three homes on the property instead of the proposed five.

It should be noted that the Wright County land use plan indicates that the R-2 zoning district is looked at as a possibility for this area only on shoreland lots and instead indicates that the 5 acre minimum of R-2(a) or 10 acre minimum of A/R are more appropriate. However, given the Township’s goals related to minimizing lots in the 5-10 acre range, a R-2 zoning classification does seem to be a reasonable consideration.

Alternatively, a PUD overlay may be appropriate for this property as a way to allow the possibility for multiple homes on smaller lots while preserving much of the land in one large tract.

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**Staff Recommendation:** Based on the findings of fact and discussion items presented in this report, Staff sees several options for the Planning Commission to consider:

1. Recommend rezoning the entire property to R-2(a) as requested (5 acre minimums). A subsequent subdivision application would be subject to the minimum requirements of that district (i.e. min. 5 acre lots with 300 ft width). This would perhaps be most likely to create the scenario the Township is trying to avoid in that it would create lots in that 5-10 acre range.
2. Recommend rezoning the entire property to A/R (10 acre minimum). This would reduce the number of homes that could be on the property to three from the five that are proposed now (unless a PUD overlay were allowed), but would help eliminate the possibility of lots in the 5-10 acre range. As a downside, it would not allow for the creation of smaller lots that may be desirable for those looking for a rural lot, but without the need for lots of property maintenance.
3. Recommending rezoning the SW corner of the property to R-2 to allow for the creation of two 2.5 acre lots and the remainder to either R-2(a) or A/R. This would allow for some limited development at smaller lot sizes while ensuring the remainder is not developed at more than a 1 home per 10 acre density. This would be essentially equivalent to the density allowed if the entire property were rezoned to R-2(a) but help avoid the creation of lots in the 5-10 acre range.
4. Recommend that a small portion of the property be rezoned to R-2 to allow for the creation of one residential lot and retain the current AG zoning for the remainder.
5. Recommend that the entire property retain its current AG zoning (a denial of the request).

**CORINNA TOWNSHIP**  
**ORDINANCE/ZONING MAP AMENDMENT APPLICATION**

Name of Applicant Fred Jude Phone 763 442 6206

Property Address (E911#) 8120 113th St NW

Mailing Address 9711 Ingram Ave NW Local Phone \_\_\_\_\_  
*(if different than above)* *(if different than above)*

City, State, Zip Annandale MN 55302

Applicant is:		Title Holder of Property <i>(if other than applicant)</i>
Legal Owner	<input checked="" type="checkbox"/>	_____
Contract Buyer	<input type="checkbox"/>	(Name)
Option Holder	<input type="checkbox"/>	_____
Agent	<input type="checkbox"/>	(Address)
Other _____		_____
		(City, State, Zip)

Signature of Legal Owner, authorizing application (required):   
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): \_\_\_\_\_  
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Legal description of property involved in this request, including total acreage:  
Northeast Quarter of the Southeast Quarter of Section 3., Township 121, Range 27

Wright County, MN, Except the South 2 Rods and except the tract described in Bk 293-871

Property ID # 206000034100 Zoning District Corrina Township  
(12 digit # beginning with 206)

Nature of request (select only one):

<input checked="" type="checkbox"/> Zoning Ordinance Amendment	List section(s) to be amended:
<input type="checkbox"/> Subdivision Ordinance Amendment	<u>38 acres on Property ID</u>
<input type="checkbox"/> Zoning Map Amendment	<u>206000034100</u>
<input type="checkbox"/> Comprehensive Plan Amendment	Current Zoning <u>X</u> Proposed Zoning _____

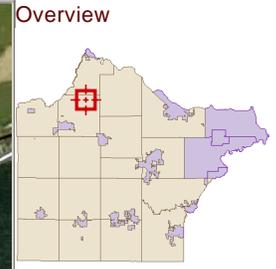
**Note: Applications for ordinance/zoning map amendments must be approved by Wright County if the zoning would be less restrictive than current zoning (i.e. would allow a higher density of homes or would change from residential to commercial or industrial). For these applications, Corinna Township provides a recommendation to Wright County. Applicants are responsible for contacting Wright County to be placed on their agenda.**

Please describe the proposed amendment, stating the exact language change proposed or the current and proposed zoning districts (attach separate page, if needed):

Please outline why you consider the proposed amendment to be consistent with the goals and policies of the Corinna Township and Wright County Comprehensive Plans (copies of the Comprehensive Plan are available at the Township Office and at [www.hometownplanning.com/corinna-township.html](http://www.hometownplanning.com/corinna-township.html)).

Please state any other relevant information and/or attach any supporting information:





**Legend**

**Roads**

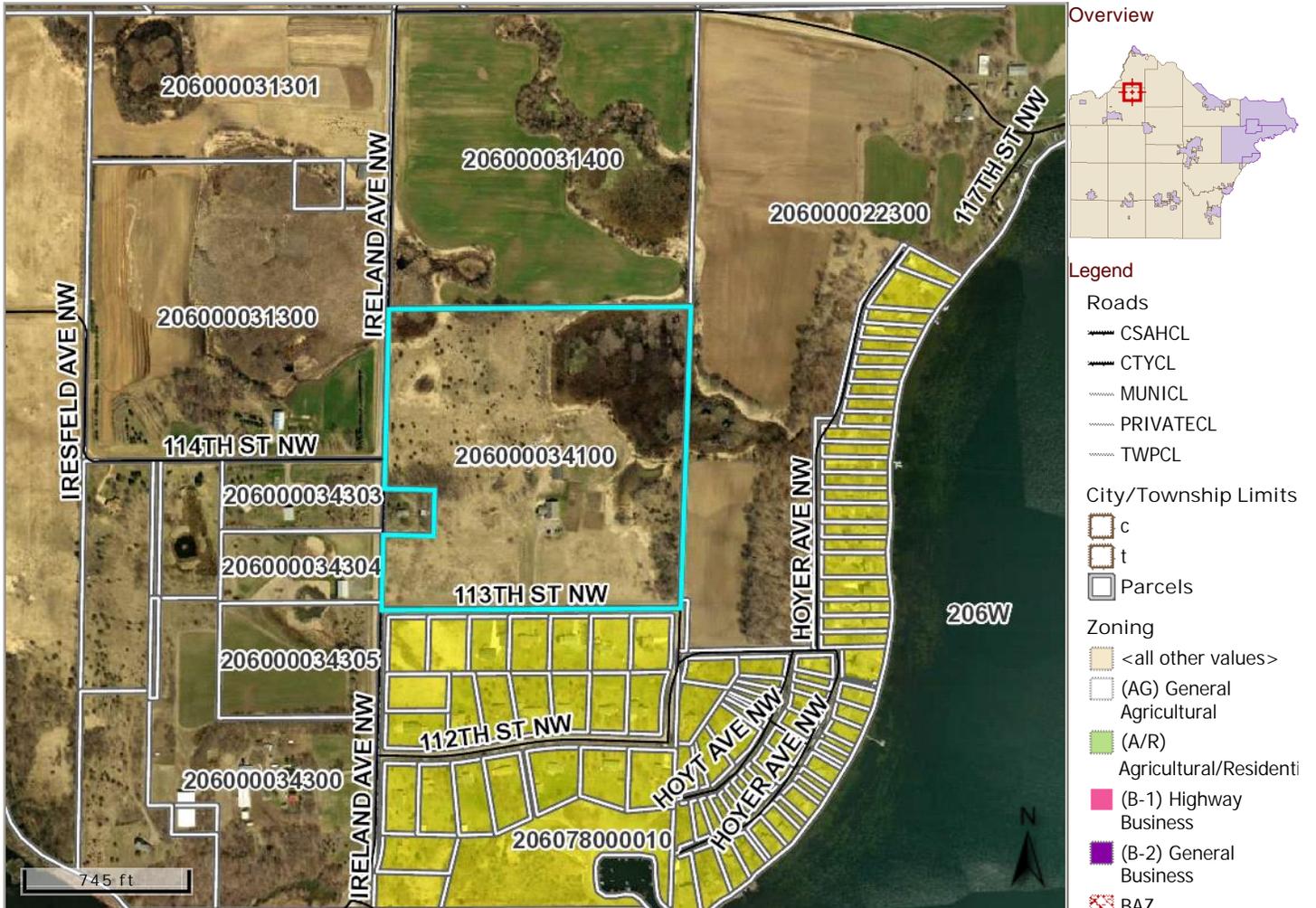
- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCL

**City/Township Limits**

- c
- t
- Parcels

Parcel ID	206000034100	Alternate ID	n/a	Owner Address	JUDE, FREDERICK C
Sec/Twp/Rng	3-121-27	Class	201 - RESIDENTIAL		9711 INGRAM AVE NW
Property Address	8120 113TH ST NW ANNANDALE	Acreage	38.00		ANNANDALE, MN 55302
District	n/a				
Brief Tax Description	Sect-03 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP 38.00 AC NE1/4OF SE1/4EX S2RDS EX TR IN BK293-871				
	(Note: Not to be used on legal documents)				

Last Data Upload: 1/2/2014 7:07:35 AM



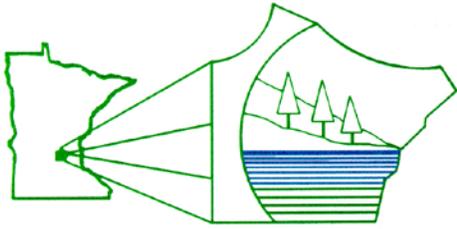
Parcel ID 206000034100  
 Sec/Twp/Rng 3-121-27  
 Property Address 8120 113TH ST NW  
 ANNANDALE

Alternate ID n/a  
 Class 201 - RESIDENTIAL  
 Acreage 38.00

Owner Address JUDE, FREDERICK C  
 9711 INGRAM AVE NW  
 ANNANDALE, MN 55302

District n/a  
 Brief Tax Description Sect-03 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP 38.00 AC NE1/4OF SE1/4EX S2RDS EX TR IN BK293-871

# WRIGHT SOIL AND WATER CONSERVATION DISTRICT



311 Brighton Avenue Suite C  
Buffalo, MN 55313  
Telephone: (763) 682-1933  
(763) 682-1970  
Fax: (763) 682-0262

January 2, 2014

Frederick Jude  
8120 113<sup>th</sup> Street NW  
Annandale, MN 55302

**RE: Rezone approximately 38 acre property from General Agriculture (AG) to Suburban Residential (a) (R2a).**

Dear Mr. Jude,

The Wright Soil and Water Conservation District (SWCD) has reviewed and inspected the above mentioned property for rezoning.

After reviewing the property, wetlands exist on the property to be rezoned. The ultimate goal of the state of Minnesota and the Wetland Conservation Act (WCA) is "no net loss" of future wetlands. WCA requires that anyone who proposes to fill, drain or excavate a Minnesota wetland must first try to avoid wetland impacts at all cost. If avoidance is impossible, the second step is to minimize those impacts and finally replacement is required for any unavoidable wetland excavations, fill, or drainage. Wetland delineations should be considered prior to building to officially located and record exact boundaries of these wetlands. Wetland delineations can be required based on wetlands types, locations, and extent. In addition to wetland characteristics proposed house locations, accessibility, topography, and drainage characteristics are considered when determining which wetlands may require delineations. Proper permits should be received from the Wright Soil and Water Conservation District prior to any wetland disturbance.

The Wright SWCD appreciates the opportunity to comment on the the proposed rezone. The Wright SWCD would like to require review of all the building applications in the future development of this property. At that time more detailed comments on erosion and sediment control measures will be addressed on each individual lot per building request. Thank you for keeping in mind the existing wetlands on the property during future development and if you have any questions or comments please feel free to contact myself or the District.

Kind Regards,

A handwritten signature in black ink that reads "Dan Nadeau".

Dan Nadeau  
Urban Conservation Specialist

Cc: Corinna Township

# Frederick Jude

Frederick Jude  
8120 113th Street NW  
Annandale, MN 55302



Source: 2011 Color Orthophoto  
Disclaimer: Data provided may differ from actual survey, proof of records