

PUBLIC HEARING – EXTRACTIVE USE

Application: **Conditional Use Permit for an Extractive Use**

Applicant: **North Fork Boulders & Excavating**

Agenda Item: **3 (a)**

Background Information: The property in question is located in the northeastern part of the City on Wild Acres Road and is zoned Agriculture. A portion of subject property is also within the Extractive Use Overlay District. The parcels are approximately 70 acres in size and currently have no structures on the property.



The portion of the subject property within the Extractive Use Overlay District is outlined above in red. The extractive area is approximately 20.7 acres in size.

An Extractive Use is listed on the Land Use Matrix as an Interim Use in the Agriculture zone. Interim Uses are allowed after appropriate review and approval with the criteria, standards and procedures for a Conditional Use Permit contained in Section 17-11.6 and the requirements of Section 17-11.13 Interim Use Permits. As outlined in the Applicable Regulations below, a termination date will be defined.

Applicant proposes the total amount of material to be extracted from the site will be approximately 144,000 yards of gravel and sand. The applicant proposes to remove the material through excavation, without using blasting or explosives. The processing of base materials will involve the use of portable aggregate crushing, backhoe and cat. Dump trucks and bobcats will be used to extract and move material to the processing equipment.

The existing vegetation in the proposed extractive area is brush and wild vegetation. The timber was previously harvested.

Applicant proposes to place the existing top soil along the east and west perimeter of the excavation area, with an approximate 5.25 acre stock pile/processing area in the southern portion of the extraction area.

Applicant proposes to reclaim the pit area by sloping the banks, grading the pit floor, reapply the top soil, and seed with vegetation such as rye, timothy, alfalfa and clover to all disturbed areas.

The applicant proposes to use Wild Acres Road, which borders on the north, as the primary haul route. The proposed truck activity onto Wild Acres Road is 10 loads per day. Wild Acres Road is a shared roadway with Jenkins Township, Ideal Township, and the City of Pequot Lakes.

Applicant proposes hours of operation from 6:00 AM to 6:00 PM 5 days per week, Monday – Friday, with ADT of 10 truckloads per day.

The site is screened on two sides by forested buffers on adjacent property to the east and south. The remainder of the parent parcels that aren't being mined are used for agricultural purposes and wild vegetation. The property will be signed and gated.

The adjacent uses are extractive uses to the east, residential dwellings to the north, agricultural uses to the west, and vacant forest to the south. The adjacent zoning classifications are Rural Residential to the north, Agriculture to the west, Forest Management to the south and Agriculture and Forest Management to the east.

The applicant has not provided plans for erosion control or stormwater management. These items will be addressed/managed through the NPDES permit required by the Minnesota Pollution Control Agency (MPCA).

Applicable Regulations:

Section 17-5.5 AGRICULTURE (AG)

1. **Purpose and Intent:** To provide a zoning classification for the preservation of family farms and small-scale agricultural uses and to allow for low density residential development compatible with those uses. Development patterns are characterized as very low-density residential without municipal utility service and with only limited demand for accessibility. Agriculture zoning should be used to preserve rural character.

2. Compatibility: Agriculture zones would generally be compatible with and can be established next to Forest Management, Rural Residential, Transition Residential, Commercial and Light Industrial zones.

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum	500
Total Lot Area - acres, minimum.....	20
Setback, right-of-way, local streets - feet, minimum.....	50
Setback, right-of-way, collector and arterial streets - feet, minimum.....	50
Setback, side - feet, minimum.....	25
Setback, corner side - feet, minimum	40
Setback, sign - feet, minimum	1
Setback, wetland - feet, minimum	30
Maximum impervious coverage	10%
Non-Agricultural Use Structure Height – feet, maximum.....	25
Agricultural Use Structure Height – feet, maximum	none
Maximum Flag Pole Height – feet.....	30
Maximum animal unit per acre.....	4

4. Performance Standards. The following performance standards apply to all development in this zone:

- A. Single Family Dwelling, accessory structure. A second single-family dwelling may be established on a parcel and is to be occupied by the owner, operator or manager of the farm.
- B. Vegetation Removal, Intensive. The submittal requirements and procedures contained in Section 5.4 “Forest Management (FM)”, Subparts 4b and 4c shall be met and followed.
- C. Establishment of Primary Use. Garages and storage sheds may be permitted in the Agriculture zone without principle dwelling units. Properties with garages and storage sheds without a principal use shall have adequate buildable area for a principle dwelling unit, a sewer treatment system and a well.

Section 17-5.17 LAND USE MATRIX

A- allowed w/o a permit, P - permitted, C- conditional use, I - interim use, AC - accessory use, E - excluded

<u>USE</u>	AG
<u>Extractive Use</u>	I(11)

(11) Consistent with the provisions of Section 6.4.

Section 17-8.5 EXTRACTIVE USES AND RESTORATION

1. In all districts where permitted, as defined in 17-6.4 Extractive Use Overlay District, mining shall be permitted only by CUP. Such permit shall include as a condition: a site plan, a completion plan and a haul route plan with provision for road restoration as provided below. An approved extractive use CUP shall be used solely for the operations detailed in the permit.
2. All excavation and extraction shall conform to the following:
 - A. 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 CUP 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 City files for all approved CUPs 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 City 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.
 - B. Distance from public right of way. In the event that the site of the 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.
 - C. Fencing. Fencing shall be erected and maintained around the entire site or excavated portions thereof and shall be of a type specified in the CUP.

- D. 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 1,000 feet from a residential use district.
- E. Processing. Crushing, concrete mixing, washing, refining, or other similar processing may be authorized by the CUP 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 the residential districts. All processing equipment shall be located at least 1,000 feet from any residence, 200 feet from the OHW of any lake or stream, and outside of the wellhead protection area. The City may not approve such accessory uses if they are found to be incompatible with the neighborhood, in conflict with the City's Comprehensive Plan, or do not meet the review criteria for the condition use permit.
- F. Depth to groundwater separation. The applicant must indicate the proposed depth to groundwater table in the plan. The proposed extraction shall maintain a minimum separation of five (5) feet.
- G. Water quality. The extractive use operation shall not adversely impact the quality or quantity of surface or groundwater resources as defined by the Minnesota Pollution Control Agency, Minnesota DNR, U.S. Army Corps of Engineers, or the Minnesota Department of Health. 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 and provide a lot of recorded water quality to the City on a regular basis.
- H. Waste materials and debris. No waste materials shall be disposed of on site unless authorized by the City. Stumps, brush, and other natural debris shall be removed or disposed of in accordance with local rules and regulations. Sanitary facilities acceptable to the City shall be provided for workers during the operation of the extractive use.
- I. 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 City prior to the commencement of any extractive use or related activities.

3. Specific evaluation criteria. In addition to the criteria used in evaluating CUPs, the following specific criteria shall be used in evaluating an application for an extractive use CUP:

- A. The ability of the 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.

4. Rehabilitation. 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 City in an amount to be determined by the City Engineer, and acceptable to the Planning Commission, 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 City meet the following minimum requirements:

- A. 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. Four (4) inches of black topsoil shall be placed on all areas, except beaches, that will remain above water level. Haul roads will be restored to their condition prior to the beginning of the extraction operation,
- B. Vegetation. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
- C. Banks of excavation not backfilled. The banks of all excavation not backfilled shall be sloped not steeper than three (3) feet

horizontal to one (1) foot vertical and said bank shall require the establishment of vegetation.

- D. Reclamation of extractive use sites and designated haul roads shall be completed within one (1) year after the cessation of the operation, unless modified by the CUP.

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

- A. Name of the person or corporation conducting the actual removal operation.
- B. Certificate of Survey labeled Map A indicating pre-mining conditions as they currently exist in the project area including all areas within 500 feet of the site at a scale of not less than one (1) inch equals one hundred (100) feet that includes the following:
- Description and location of existing vegetation within and adjacent to the project area;
 - Location of all structures within and adjacent to the project area and the purpose for which each structure is used, including buildings, pipelines, cables, railroads and power lines;
 - Existing drainage patterns, wetlands and permanent water areas;
 - Contours within the project area at five (5) foot intervals.
- C. Map B outlining size of the area from which the removal is to be made and the volume of material to be removed.
- D. Map C depicting proposed final grade with maximum five (5) foot contour intervals after deposit is removed and area restored.
- E. Type of resources or materials to be removed.
- F. Proposed method of removal and whether or not blasting or other use of explosives will be required.
- G. Description of equipment to be used, including any proposed accessory uses such as hot mix plants or crushing operations.
- H. Method of rehabilitation and reclamation of the pit area, including timeframe for rehabilitation.
- I. Identification of haul roads and amount of truck activity at highest

and average levels on those routes, including ADT (average daily total) counts.

- J. Hours of operation and 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.

Section 17-11.6 CONDITIONAL USE PERMITS

1. Conditional Use Permits shall be issued to the property for structures or other specified uses after a public hearing and approval by the Planning Commission. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator **30** days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and omit by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.

2. Submissions for Conditional Use Permit. The applicant shall complete the Conditional Use Permit application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:

- A. Increasing the required lot size or yard dimension.
 - B. Limiting the height, size or location of buildings.
 - C. Controlling the location and number of vehicle access points.
 - D. Increasing the street width.
 - E. Increasing or decreasing the number of required off-street parking spaces.
 - F. Limiting the number, size, location or lighting of signs.
 - G. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
 - H. Designating sites for open space.
 - I. Stormwater runoff management.
 - J. Reducing impervious surfaces.
 - K. Increasing setbacks.
 - L. Restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
4. The Planning and Zoning Commission shall decide the issue with consideration to the following:
- A. The following must be met:
 - (1) The use or development is an appropriate conditional use in the land use zone.
 - (2) The use or development, with conditions, conforms to the comprehensive land use plan.
 - (3) The use with conditions is compatible with the existing neighborhood.
 - (4) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

(5) For Conventional Subdivisions, the property contains physical constraints which make it unable to be developed by the Conservation Subdivision method.

B. The following must be considered:

- (1) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
- (2) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- (3) The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (4) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
- (5) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
- (6) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
- (7) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
- (8) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

5. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City

may need to retain in reviewing permits.

6. Conditional Use Permits may be transferable where requested by an applicant and approved by the Planning Commission.

7. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall determine conditions for reinstating the permit or revocation, if applicable.

8. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any Conditional Use Permit outstanding at the time of the Ordinance adoption.

9. Appeals from the action of the City shall be filed with District Court within 30 days after City Council action.

10. The Conditional Use Permit shall be filed with the County Recorder within 45 days of approval.

Section 17-11.13 INTERIM USE PERMITS

1. Procedure. Uses defined as interim uses in Section 17-5.15 are allowed by the City pursuant to governing law contained in Minnesota Statutes, Section 462.3597 after appropriate review and approval in accordance with the criteria, standards and procedures for a Conditional Use Permit contained in Section 17-11.6 and the below requirements contained in this Section. An interim use will be reviewed in the same manner as a Conditional Use Permit except as otherwise provided in this Section. All submittal requirements in Section 17-11.6 shall be required for interim use permits.

A. Additional Standards. In addition to the forgoing, interim uses shall comply with all of the following standards:

- (1) The use is allowed in and conforms to the applicable zoning regulations for the respective zoning district, including applicable performance standards;
- (2) The date or event that will terminate the use is identified with certainty and is included in writing within the approved interim use permit;
- (3) The use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future;

- (4) There is adequate assurance that the property will be left in suitable condition after the interim use is terminated. The City Council may require a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and interim structures upon the expiration of the interim use permit; and
 - (5) The user agrees to any conditions deemed appropriate by the City Council for the permission of the interim use. Such conditions shall be included in writing in the issued interim use permit or alternatively in a written agreement with the user attached to the approved interim use permit.
- B. Termination. An interim use permit shall terminate on the happening of any of the following events, whichever occurs first:
- (1) The occurrence of the date stated in the interim use permit, which shall not be for a period greater than five (5) years;
 - (2) The occurrence of the event stated in the interim use permit;
 - (3) Upon violation of conditions under which the permit was issued; or
 - (4) Upon change in the City's zoning regulations which renders the use nonconforming.
- C. Lapse, Extension. Unless the City Council approves a different time in an approved permit, an interim use permit shall expire without further action by the Planning Commission or City Council, unless the user/applicant commences the authorized interim use within one year of the date the interim use permit issued; or, unless before the expiration of the one year period, the applicant shall apply for an extension to initiate such use. The request for an extension by a user/applicant shall be made to the zoning administrator and the user/applicant shall provide evidence as required by the zoning administrator sufficient to demonstrate the user/applicant's good faith effort to complete or utilize the use permitted in the interim use permit within the one year period. A request for an extension may be granted by the zoning administrator for an additional period up to one year. A denial of an extension by the zoning administrator may be appealed in writing by the user/applicant to the City Council within 10 days of the date of the zoning administrator's decision. The user/applicant's written appeal shall state the grounds for the appeal and be submitted to the City Administrator within the 10 day period. Failure to timely appeal shall constitute a waiver of the right to appeal and shall not be considered. A timely filed appeal will be heard by the City Council within 60 days of the date the appeal is received by the City Administrator.

Staff Findings: Staff provides the following Findings of Fact for consideration by the Planning Commission:

1. The subject property meets the minimum lot size and use standards for the Agriculture zone, being 70 acres in size, more than 500 feet wide, and having ample space within the building envelope for the proposed operation.
2. The subject property lies within the Extractive Use Overlay District.
3. Applicant has supplied the required information including a site plan, a description for restoration, and has indicated that Wild Acres Road will serve as the primary haul route.
4. Applicant has proposed to excavate a maximum 20.7 acre area, including an approximate 5.25 acre stockpile/processing area. This excavation area is more than 50 feet from all property lines.
5. The proposed excavation area is more than 50 feet from the right-of-way of Wild Acres Road, being approximately 830 feet from the right-of-way.
6. Applicant has indicated signage and locked gate as barriers to the site.
7. Applicant has indicated existing topsoil will be removed and placed along the east and west excavation areas.
8. The excavation area is more than 800 feet from the nearest residence, located on the parcel directly north of the excavation area. There is also a residence on the property to the northwest that is approximately 1,000 feet from the excavation area. The nearest lake, Island Lake to the north, is more than 3,000 feet from the processing area, and the nearest stream is more than one mile to the north of the site. The excavation area is more than one mile outside the Wellhead Protection Area.
9. Excavation will not occur at a water-producing depth as approximately 30 feet from the existing elevation will be excavated. Applicant has indicated that depth to saturated soil after material is removed is estimated to be 50' to 60'.
10. Applicant has applied for a Construction Stormwater General Permit from the MPCA.
11. Applicant has indicated the location of a holding pond for stormwater runoff and their plan to revegetate excavation area.
12. Applicant has stated they plan to reclaim the pit area by sloping the banks, grading the pit floor, reapply the top soil, and seed with vegetation such as rye, timothy, alfalfa, and clover to all disturbed areas.
13. City Code requires 4 inches of black topsoil be placed on all areas, vegetation shall be restored by planning of appropriate grass seeds or planting of shrubs or trees, banks of excavation not backfilled shall be sloped to 3:1 slope, and reclamation of extractive use sites and haul roads shall be completed within 1 year after cessation of the operation.
14. The proposed extractive use is an appropriate use in the Agriculture zone; extractive uses are listed as interim uses in the Agriculture zone.
15. Wild Acres Road is currently being used as a haul route for other excavation operations in the area. The applicant has indicated their trucks will be accessing on and off of Wild Acres Road and routed to their required destination.
16. The proposed use is compatible with the surrounding neighborhood. There are several extractive uses in the surrounding area, including Pequot

- Lakes and Ideal Township. There is a large extractive use operation on the adjacent properties to the east of the subject property.
17. The proposed use will not be injurious to the public as necessary permits for stormwater and pollution control will be obtained, as well as permits for noise and air emissions. The proposed use will not pose a threat to groundwater quality.
 18. The proposed use will not be injurious to the use and enjoyment of property in the immediate vicinity. Applicant has indicated equipment shall not be housed or operated less than 1,000 feet from a residential use district and other neighboring properties are either undeveloped or contain extractive uses themselves.
 19. The proposed use will not impede the normal and orderly development of surrounding vacant properties for uses predominant in the area; the neighborhood is largely zoned for agriculture and forestry uses.
 20. The proposed use will not require public facilities or services at public cost. Section 17-8.5, Subdivision 4 of the City Code does contain a provision requiring the applicant to furnish a bond to guarantee that rehabilitation, reclamation, and restoration are completed to the satisfaction of the City.
 21. The proposed use will not create traffic congestion on Wild Acres Road.
 22. The applicant has not indicated that adequate measures have been taken to provide sufficient off-street parking and loading space. However, given the size of the site, there is more than ample space for off-street parking.
 23. There are not any known significant historic, natural or scenic features located on the property that would be damaged or destroyed by the proposed use.
 24. The proposed use will not contaminate groundwater as the proposed extraction shall take place at least five (5) feet above the water table, if not more. In addition, the necessary stormwater management permits will be obtained to control stormwater onsite and prevent erosion. The nearest surface water body, Island Lake, is more than 3,000 feet to the north of the property, so it is unlikely that the proposed use will pollute surface waters.

Planning Commission Direction: The Planning Commission can approve the Ordinance Amendment, deny the application, or table the request if additional information is needed. If the motion is for approval or denial, Findings of Fact should be cited.

Staff Recommendation: Based on the Findings of Fact presented in this report, the Staff recommends that the Interim Use Permit Application (CUP?) be approved with consideration given to the following conditions:

1. All submittal requirements of this interim use approval (below) shall be submitted to and approved by the city prior to any excavation of material on the subject property.
2. Applicant shall furnish a site specific Stormwater Prevention and Pollution Plan to the City, as well as MPCA, NPDES and MPCA General Permit.

3. Topsoil berms shall be placed and vegetated in such a way as to screen the excavation area from view and to serve as a noise and dust buffer for area residences.
4. Applicant shall install fencing on all sides of the excavation area as a safety barrier.
5. The applicant shall furnish a bond in the amount that is acceptable to the City Engineer and the Planning Commission to serve as a guarantee that the restoration and rehabilitation requirements are met to the satisfaction of the City.
6. The applicant shall submit information required in Section 8.5 "Extractive Uses and Restoration" Subparts 5 (B) (C) and (D).
7. The applicant shall provide a detailed restoration plan meeting the requirements of Section 8.5 "Extractive Uses and Restoration" Subpart 4.
8. The applicant shall provide soil boring data/ground water elevation for at least three boring sites throughout the excavation area. The boring locations shall be spaced at least 100' apart.
9. Extraction operations shall take place between 6:00 AM and 6:00 PM, Monday through Friday.
10. The slopes surrounding the excavation area 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.
11. Four (4) inches of black topsoil shall be placed on all areas.
12. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area.
13. The banks of all excavation not backfilled shall be sloped not steeper than 3:1 and said bank shall require the establishment of vegetation.
14. This extractive use shall terminate 5 years from date of approval, April 16, 2025.
15. Reclamation of the extractive use site shall be completed within one (1) year after the cessation of the operation.

If the Planning Commission approves the Interim Use application, the Planning Commission should adopt the attached Resolution by motion also.

**CITY OF PEQUOT LAKES
PLANNING COMMISSION RESOLUTION 20-__**

**A RESOLUTION APPROVING THE REQUEST FOR A CONDITIONAL USE
PERMIT FOR AN EXTRACTIVE USE**

WHEREAS, the applicant, North Fork Boulders & Excavating, seeks a Conditional Use Permit under City Code Section 17-11.6 to allow North Fork Boulders & Excavating along Wild Acres Road, legally described on the attached Exhibit A (the “Property”), which is zoned Agriculture; and,

WHEREAS, the Planning Commission conducted a public hearing on April 16, 2020, and received public testimony regarding the proposed Conditional Use Permit; and

WHEREAS, all required notices regarding the public hearing were properly made; and

WHEREAS, the Planning Commission, having reviewed and considered the application, staff analysis and public testimony regarding the proposed Conditional Use Permit at its meeting of April 16, 2020, does hereby resolve the Conditional Use Permit application as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PEQUOT LAKES, MINNESOTA, that it adopts the following findings of fact related to the requested Conditional Use Permit.

A. Mandatory Criteria:

1. Criteria #1: The use or development is an appropriate conditional use in the land use zone.

Finding #A1: The proposed extractive use is an appropriate use in the Agriculture zone; extractive uses are listed as interim uses in the Agriculture zone.

2. Criteria #2: The use or development, with conditions, conforms to the comprehensive land use plan.

Finding #A2: The subject property lies within the Extractive Use Overlay District.

3. Criteria #3: The use with conditions is compatible with the existing neighborhood.

Finding #A3: The proposed use is compatible with the surrounding neighborhood. There are several extractive uses in the surrounding area, including Pequot Lakes and Ideal Township. There is a large extractive use operation on the adjacent properties to the east of the subject property.

4. Criteria #4: The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

Finding #A4: The proposed use will not be injurious to the public as necessary permits for stormwater and pollution control will be obtained, as well as permits for noise and air emissions. The proposed use will not pose a threat to groundwater quality.

B. Additional Criteria:

1. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.

Finding #B1: The proposed use will not be injurious to the use and enjoyment of property in the immediate vicinity. Applicant has indicated equipment shall not be housed or operated less than 1,000 feet from a residential use district and other neighboring properties are either undeveloped or contain extractive uses themselves.

2. The conditional uses will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Finding #B2: The proposed use will not impede the normal and orderly development of surrounding vacant properties for uses predominant in the area; the neighborhood is largely zoned for agriculture and forestry uses.

3. The conditional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community.

Finding #B3: The proposed use will not require public facilities or services at public cost. Section 17-8.5, Subdivision 4 of the City Code does contain a provision requiring the applicant to furnish a bond to guarantee that rehabilitation, reclamation, and restoration are completed to the satisfaction of the City.

4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.

Finding #B4: The proposed use will not create traffic congestion on Wild Acres Road.

5. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.

Finding #B5: The applicant has not indicated that adequate measures have been taken to provide sufficient off-street parking and loading space. However, given the size of the site, there is more than ample space for off-street parking.

6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.

Finding #B6: The proposed use will not be injurious to the public as necessary permits for stormwater and pollution control will be obtained, as well as permits for noise and air emissions. The proposed use will not pose a threat to groundwater quality.

7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.

Finding #B7: There are not any known significant historic, natural or scenic features located on the property that would be damaged or destroyed by the proposed use.

8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

Finding #B8: The proposed use will not contaminate groundwater as the proposed extraction shall take place at least five (5) feet above the water table, if not more. In addition, the necessary stormwater management permits will be obtained to control stormwater onsite and prevent erosion. The nearest surface water body, Island Lake, is more than 3,000 feet to the north of the property, so it is unlikely that the proposed use will pollute surface waters.

BE IT FURTHER RESOLVED that, in accordance with the Planning Commission’s findings of fact above, the Conditional Use Permit for an extractive use at the Property is hereby approved with the following conditions:

- 1. List the conditions of approval.

BE IT FURTHER RESOLVED that, in accordance with City Code Section 17-11.5, any person aggrieved by the Planning Commission’s resolution of the Conditional Use Permit application herein may appeal such resolution to the City Council by filing written notice of intent to appeal with the City Administrator within fifteen (15) days of the date of this Resolution indicated below.

Passed by the Planning Commission of the City of Pequot Lakes, Minnesota this 16th day of April, 2020.

Andrew Birch
Chair

ATTEST:

Dawn Bittner
Zoning Specialist

EXHIBIT A

Government Lot 3 (NE $\frac{1}{4}$ of NW $\frac{1}{4}$), except that part of said Government Lot 3 described as follows: Beginning at the NW corner thereof, then East along the North line thereof 210 feet; then South along a line drawn parallel with the west line thereof 420 feet; then west along a line drawn parallel with the North line of said Government Lot 3 to the West line thereof; then North along the said West line to the point of beginning; and also except that part of said Government Lot 3 described as follows: beginning at the NE corner thereof; then West along the North line thereof 250 feet; then South along a line drawn parallel with the East line thereof 420 feet; then East along a line drawn parallel with the North line of said Government Lot 3 to the East line thereof; then North along the said East line to the point of beginning and also except the West 250 feet of the East 500 feet of the North 450 feet thereof, Section 1, Township 136, Range 29, Crow Wing County, Minnesota.

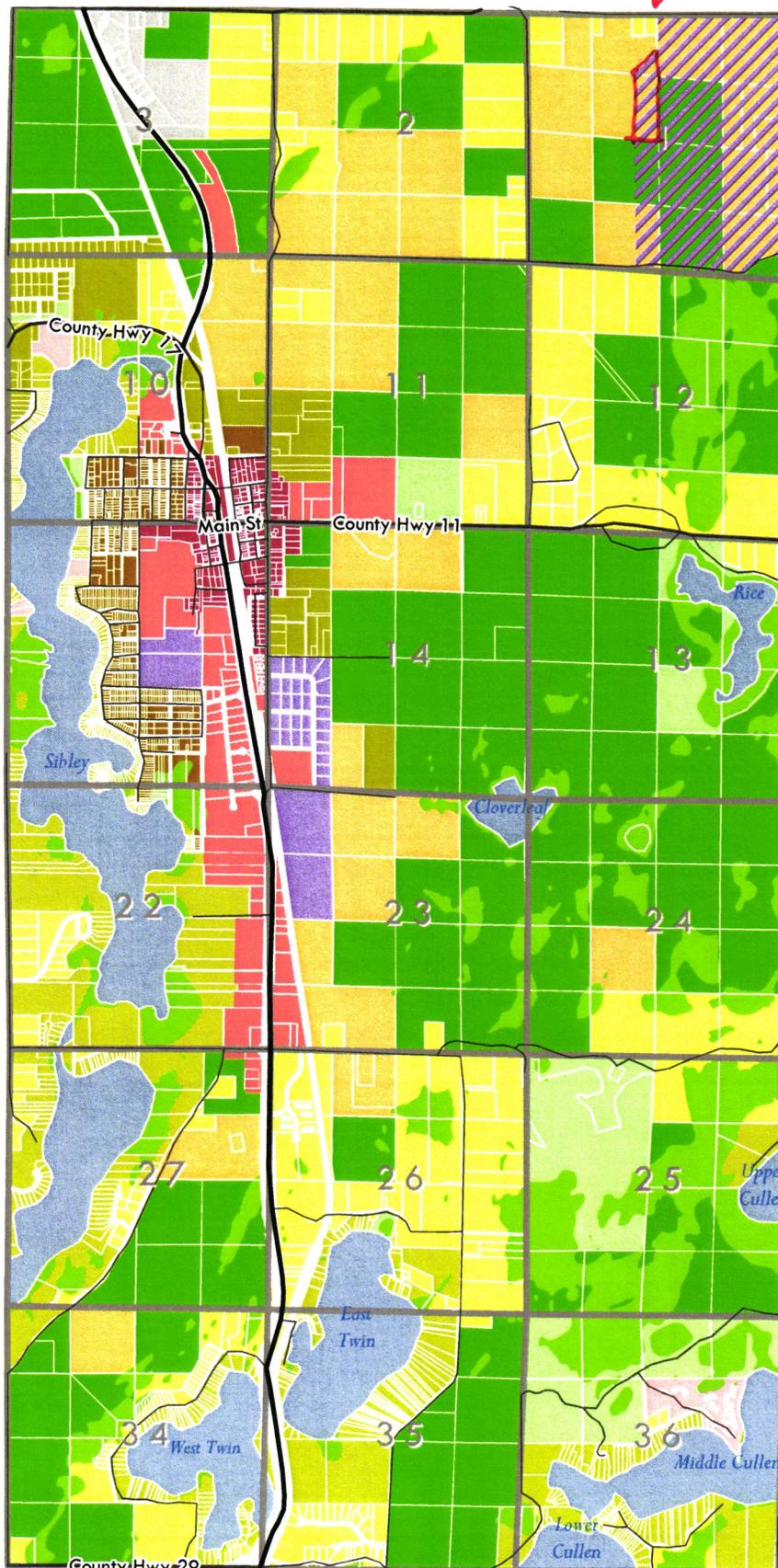
And

The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 1, Township 136, Range 29, Crow Wing County, Minnesota.

Extractive Use Overlay District

EXTRACTIVE AREA

TWP 136, RNG 29

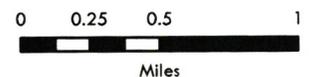


Legend

Extractive Use Overlay District

Zoning Classification

- Open Space
- Water Resource
- Forest Management
- Agriculture
- Rural Residential
- Shoreline Residential
- Transition Residential
- Urban Residential
- Shoreline Commercial
- Commercial
- Downtown Mixed Use
- Light Industrial
- Recreational
- ROW
- City of Jenkins
- PL_zoning_additional_C



Detailed information regarding the Extractive Use Overlay District can be found in Section 6.4 of the Pequot Lakes Land Use and Subdivision Ordinance.



City of PEQUOT LAKES

Updated January 4, 2007 by:





5253 55th Ave. SW • Pine River, MN 56474
Office 218-587-3383 • Fax 218-587-2970 • Email: northforkrocks@yahoo.com

CONDITIONAL USE APPLICATION

3/25/2020

Applicant :

North Fork Boulders & Excavating

5253 55th Ave SW

Pine River, MN 56474

Contact : Phil Swenson

218-838-3383

**North Fork is requesting permits for a 5 year gravel extracting project at PIN
29010511-29010500 starting on the date of 4/1/2020 and ending 4/1/2025**

APP #	<u>20-09</u>
SF #	_____
Date	<u>3-18-2020</u> <u>3-25-2020</u>
(for office use only)	

**CITY OF PEQUOT LAKES
CONDITIONAL USE APPLICATION**

Returned to the owner

Name of Applicant North Fork Boulders + Exc. Phone 218-587-3383

Mailing Address 5253 55th Ave S.W Email northforkrocks@yahoo.com

City, State, Zip Pine River MN 56474

Applicant is:
 Legal Owner
 Contract Buyer
 Option Holder
 Agent
 Other Excavator

Title Holder of Property:
LeAnn Evenson
 (Name)
P.O. Box 689
 (Address)
Pequot Lakes, MN. 56472
 (City, State, Zip)

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

X Signature of Applicant (if different than owner): [Signature] 3/25/2020
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Location of property involved in this request: Wild acers Rd
Pequot Lakes, MN. 56472

Parcel ID No. 2901051429010500 Zoning District _____

Legal Description (if metes and bounds, attach sheet): _____

State nature of request in detail: (What are you proposing for the property?)
developing sand and gravel pit

What changes (if any) are you proposing to make to this site?

Building: _____

Landscaping: Extracting Gravel and Sand involving 20.7 acres

Parking (Signs): stop @ drive, trucks hauling on each side of drive.

Pursuant to the Pequot Lakes City Ordinance, Section 170.050, the applicant should be prepared at the public hearing to discuss the following issues by explaining how the proposed Conditional Use will cause no significant adverse effects.

- (1) Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

Borders Existing Gravel Pit (Anderson Brothers)
 Minimal added truck traffic, Crushing Noise
 during noise hours /hauling 6:00 am - 6:00 pm

- (2) Describe character of the area and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

Neighboring property is owned and occupied
 by Anderson Brothers.

- (3) Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Describe if additional facilities will be required.

No facilities needed
 porta potty will be put on site

- (4) Describe the impact on the character of the neighborhood in which the property is located.

Will not change character, As site will
 not change joining properties.

- (5) Describe the impact to traffic on roads and highways in the vicinity, and expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?

Approximate 10 loads hauled per day.
 Adequate truck parking, location not open
 to public.

- (6) Discuss any environmental limitations of the site or area.

Stay with in overlay district

SITE MAP

THE SE 1/4 OF THE NW 1/4 AND PART OF GOV'T LOT 3,
ALL IN SECTION 1, TOWNSHIP 136 NORTH, RANGE 29 WEST,
CROW WING COUNTY, MINNESOTA
AREA = 3,112,652 SQ. FT. / 71.5 ACRES

OWNER

Lance R. Evenson
P.O. Box 689
Pequot Lakes, MN 56472

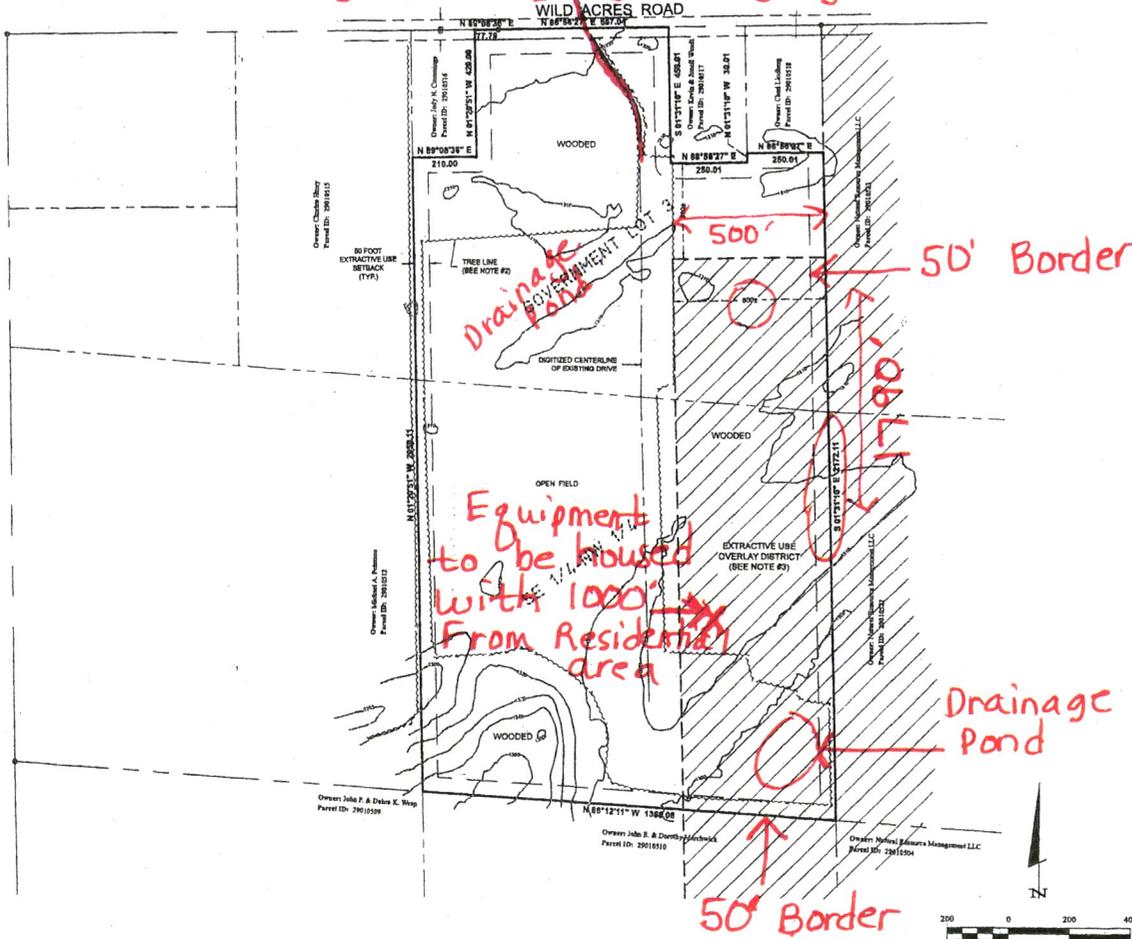
APPLICANT

Phil Swenson
North Fork Builders & Excavating, LLC
5253 55th Avenue SW
Pine River, MN 56474

SURVEYOR

Rhonda's Land Surveying, Inc.
32206 Ramonson Road, Suite 1
P.O. Box 874
Pequot Lakes, MN 56472
ATTN: Cynthia M. Hildee

Signage Existing Driveway Signage



LEGAL DESCRIPTION PER DOCUMENT NUMBER A-911267

The SE 1/4 of the NW 1/4 and Government Lot 3, (NE 1/4 of NW 1/4) of Section 1, Township 136N, Range 29W, Crow Wing County, Minnesota, EXCEPT that part of said Government Lot 3 described as follows: Beginning at the Northwest corner thereof; thence east along the north line thereof 716.00 feet; thence south along a line drawn parallel with the west line thereof 420.00 feet; thence west along a line drawn parallel with the north line of said Government Lot 3 to the west line thereof; thence north along the said west line to the point of beginning. And also except that part of said Government Lot 3 described as follows: Beginning at the NE corner thereof; thence west along the north line thereof 250.00 feet; thence south along a line drawn parallel with the east line thereof 420.00 feet; thence east along a line drawn parallel with the north line of said Government Lot 3 to the west line thereof; thence north along the said east line to the point of beginning. Also less and except the West 250 feet of the East 500 feet of the North 450 feet of Government Lot 3, also described as the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4), of Section 1, Township 136, Range 29.

CONTOUR INFORMATION

Contour interval as shown = 10 feet. Based on NAVD 88 datum. Contours shown have been digitized from the Crow Wing County GIS file.

ZONING

Current zoning is "Agriculture"

SOIL DATUM

The USDA Natural Resources Conservation Service Web Soil Survey indicates soil in the proposed platted area to be classified as Graycalm loamy sand, 2 to 8 percent slopes (D495), Grayalm loamy sand, plied, 0 to 3 percent slopes (D75A), Extrudrpto-Grayalm-Rollins complex, 10 to 20 percent slopes (D64D), and Extrudrpto-Grayalm-Rollins complex, 10 to 45 percent slopes (D64F).

ACCESS

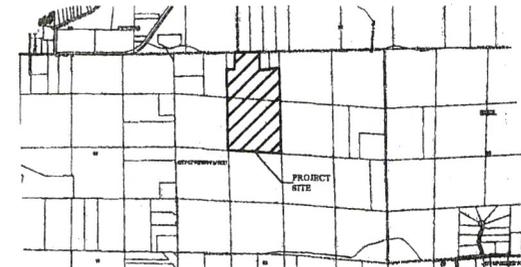
Access to this property is via existing drive as shown.

UTILITIES

There are no utilities on site.

NOTES:

- Parcel IDs of subject parcel: 29010500 & 29010511.
- Contours, tree lines and centerlines of access road have been digitized from Crow Wing County GIS file.
- As per the City of Pequot Lakes there is no written description for the boundary of the Extractive Use Overlay District. Therefore said boundary has been digitized from the City of Pequot Lakes Zoning Map.
- No improvements, topography, or wet land information has been surveyed on this site map.
- Boundary as shown is based on Crow Wing County Section sheet. No field verification has been completed on property.



VICINITY MAP

THIS IS NOT A BOUNDARY SURVEY

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE CROW WING COUNTY COORDINATE SYSTEM.

32006 Ramonson Road
P.O. Box 874
Pequot Lakes, MN 56472
www.rhondaslandsurvey.com



REVISIONS
DATE
BY
DESCRIPTION

PROJECT NAME
PROJECT NUMBER
PROJECT DATE
PROJECT SCALE
PROJECT SHEET NO.
PROJECT SHEET TOTAL

DATE
BY
SCALE
SHEET NO.
SHEET TOTAL

SITE MAP
Phil Swenson
North Fork Builders & Excavating, LLC
5253 55th Avenue SW
Pine River, MN 56474

ANDERSON BROTHER'S CONSTRUCTION
 BRAINERD, MN
 PHONE # 1-218-829-1768
 FAX # 1-218-829-7607

PIT: 0
 SP:
 TH:
 SPEC:
 TEST BY: KD
 TOTAL WT.: 26.9

TEST #: Sample A
 DATE TESTED: 11/21/2018
 DATE SAMPLED: 11/19/2018
 STATION:
 LAYER:

INDIVIDUAL WEIGHTS	SIEVE SIZE	CUMULATIVE WEIGHTS	PERCENT PASSING	GRADATION REQUIREMENTS
1.9		26.8		
1.2	1	24.9	93%	
0.5		23.8		
0.7		23.2		
0.8		22.6		
1.9		21.7		
19.9		19.9		
26.8	CHECK TOTAL			

491.2 DRIED SAMPLE
 447.4 WASHED AND DRIED SAMPLE
 43.8 LOSS IN WASHING

INDIVIDUAL WEIGHTS	SIEVE SIZE	CUMULATIVE WEIGHTS	% PASSING #4	% PASSING TOTAL GRAD.	GRADATION REQUIREMENTS
31.2		490.4	100%		
10.6	#8	459.2	94%	69%	
44.6		448.6	91%		
102.9		404.0	82%		
70.9	#30	301.1	61%		
73.4		230.2	47%		
80.4		156.8	32%		
	#80				
26.0		76.4	15.6%		
6.6	#200	50.4	10.3%	7.6%	
43.8	LOSS IN WASHING				
490.4	CHECK TOTAL				
Dry -		Grams			
Washed -		#200 (With +#4 Wash) -			

Notes: Northfork Excavating-Phil and Eric Swenson
 Office-218-587-3383 Fax-218-587-2970
 Phil-218-838-3383 Eric-218-838-5441
 5253 55th SW Pine River, MN



5253 55th Ave. SW • Pine River, MN 56474
Office 218-587-3383 • Fax 218-587-2970 • Email: northforkrocks@yahoo.com

EXTRACTIVE USE , RESTORATION AND PROCEDURE APPLICATION

3/25/2020

Applicant :

North Fork Boulders & Excavating

5253 55th Ave SW

Pine River, MN 56474

Contact: Phil

218-838-3383



5253 55th Ave. SW • Pine River, MN 56474
Office 218-587-3383 • Fax 218-587-2970 • Email: northforkrocks@yahoo.com

EXTRACTIVE USE, RESTORATION AND PROCEDURE APPLICATION

3/25/2020

North Fork Boulders & Excavating is requesting 5 year permits to mine gravel at the location of PIN 29010511-29010500.

Phil Swenson owner of North Fork is the primary contact for this project:

5253 55th Ave SW

Pine River, MN 56474

218-838-3383 cell

218-587-3383 office

218-587-2970 fax

northforkrocks@yahoo.com



5253 55th Ave. SW • Pine River, MN 56474
Office 218-587-3383 • Fax 218-587-2970 • Email: northforkrocks@yahoo.com

APPLICATION, CONTENTS AND PROCEDURE:

- A. Phil Swenson / North Fork Boulders & Excavating
- B. Maps included
- C. Maps included 450'x1740' area marked on included map. Material to be removed approximately 144 thousand yards.
- D. Final grade will stay with in maximum five-foot contour with topsoil and re-seeding for vegetation.
- E Gravel and sand
- F. Cat, backhoe, no explosives or blasting to be done.
- G. Cat, backhoe bobcat, crusher and dump trucks.
- H. Slope banks with topsoil and re-seed.
- I. Wild Acers Road / 20 loads (ADT)
- J. Hours of operation 6:00 am -6:00 pm
- K. locked gate / signage (posted)
- L. Run off holding ponds, replant vegetation.
- M. Reapply top soil , seed with vegetation seed .



5253 55th Ave. SW • Pine River, MN 56474

Office 218-587-3383 • Fax 218-587-2970 • Email: northforkrocks@yahoo.com

- This operation and stock piling will stay within 50 feet from property lines as shown on site map.
- No machinery, not including vehicles shall not be housed or operated less than 1,000 feet from the resident district as shown site map.
- Bonding will be issued if requested by City of Pequot Lakes.

Describe All
ON List
Procedure
Page

D. Reclamation of extractive use sites and designated haul roads shall be completed within one (1) year after the cessation of the operation, unless modified by the CUP.

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

- A. Name of the person or corporation conducting the actual removal operation.
- B. Certificate of Survey labeled Map A indicating pre-mining conditions as they currently exist in the project area including all areas within 500 feet of the site at a scale of not less than one (1) inch equals one hundred (100) feet that includes the following:
 - Description and location of existing vegetation within and adjacent to the project area;
 - Location of all structures within and adjacent to the project area and the purpose for which each structure is used, including buildings, pipelines, cables, railroads and power lines;
 - Existing drainage patterns, wetlands and permanent water areas;
 - Contours within the project area at five (5) foot intervals.

C. Map B outlining size of the area from which the removal is to be made and the volume of material to be removed.

Area - \rightarrow 450' x 1740' amount 144,000 yds

D. Map C depicting proposed final grade with maximum five (5) foot contour intervals after deposit is removed and area restored.

E. Type of resources or materials to be removed. Gravel, Sand

F. Proposed method of removal and whether or not blasting or other use of explosives will be required. cat, backhoe No Explosives or blasting

G. Description of equipment to be used, including any proposed accessory uses such as hot mix plants or crushing operations. cat, backhoe, bobcat, crusher, dump truck

H. Method of rehabilitation and reclamation of the pit area, including timeframe for rehabilitation. slope back banks with top soil re-seed

I. Identification of haul roads and amount of truck activity at highest and average levels on those routes, including ADT (average daily total) counts. Wild access Rd - 20-1000's ADT

J. Hours of operation and expected life of operation. Hours of operation 6:00 am - 6:00 pm - 5 YRS

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. *Run off/ ~~pond~~, holding for*
- M. Detailed plans indicating anticipated vegetative and topographic alterations. *Replant vegetation*

Section 17-8.6 HOME OCCUPATION

1. General. Each home occupation in the City shall require a permit. Home occupation permits are not transferable to a new owner/renter/occupant, thus the permit will not run with the property, nor be transferable to a different property.

2. Standards.

- A. All business activities, including storage, shall be inside buildings or completely screened from adjacent properties.
- B. All activities shall be clearly incidental to the use of the property for residential purposes. Not more than twenty-five percent (25%) of the gross floor area of the residence or 50% of the gross floor area of a garage or storage building shall be used for commercial purposes.
- C. No home occupation shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities.
- D. Not more than two non-residents may be employed on the premises by the home occupation.
- E. On the premises, retail sales will be allowed only of products manufactured on those premises unless specifically authorized by Conditional Use Permit.
- F. No articles for sale shall be displayed so as to be visible from the street.
- G. All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes or litter.
- H. The home occupation shall not generate more than two (2) customer vehicles at one time. Off-street parking shall be provided, but no more than two (2) spaces.
- I. No mechanical or electrical equipment shall be used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered. No equipment shall be used in the home



5253 55th Ave. SW • Pine River, MN 56474
Office 218-587-3383 • Fax 218-587-2970 • Email: northforkrocks@yahoo.com

INTERIM USE PERMIT

3/25/2020

Applicant:

North Fork Boulders & Excavating

5253 55th Ave SW

Pine River, MN 56474

Contact: Phil Swenson

218-838-3383



5253 55th Ave. SW • Pine River, MN 56474

Office 218-587-3383 • Fax 218-587-2970 • Email: northforkrocks@yahoo.com

A

- 1- N/A
- 2- April 1, 2025
- 3- This permit has no intention to create any cost to the City of Pequot Lakes nor to the public.
- 4- Have bonding company in place
- 5- N/A

B

- 1- 5 year contract with land owner starting 4/1/2020 – 4/1/2025
- 2 – 5 year contract
- 3 - Agreed
- 4- Agreed

C

- Agreed



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Date: 3/26/2020 Time: 12:28:04 PM



SITE MAP

THE SE 1/4 OF THE NW 1/4 AND PART OF GOV'T LOT 3,
ALL IN SECTION 1, TOWNSHIP 136 NORTH, RANGE 29 WEST,
CROW WING COUNTY, MINNESOTA
AREA = 3,112,652 SQ. FT. / 71.5 ACRES

OWNER

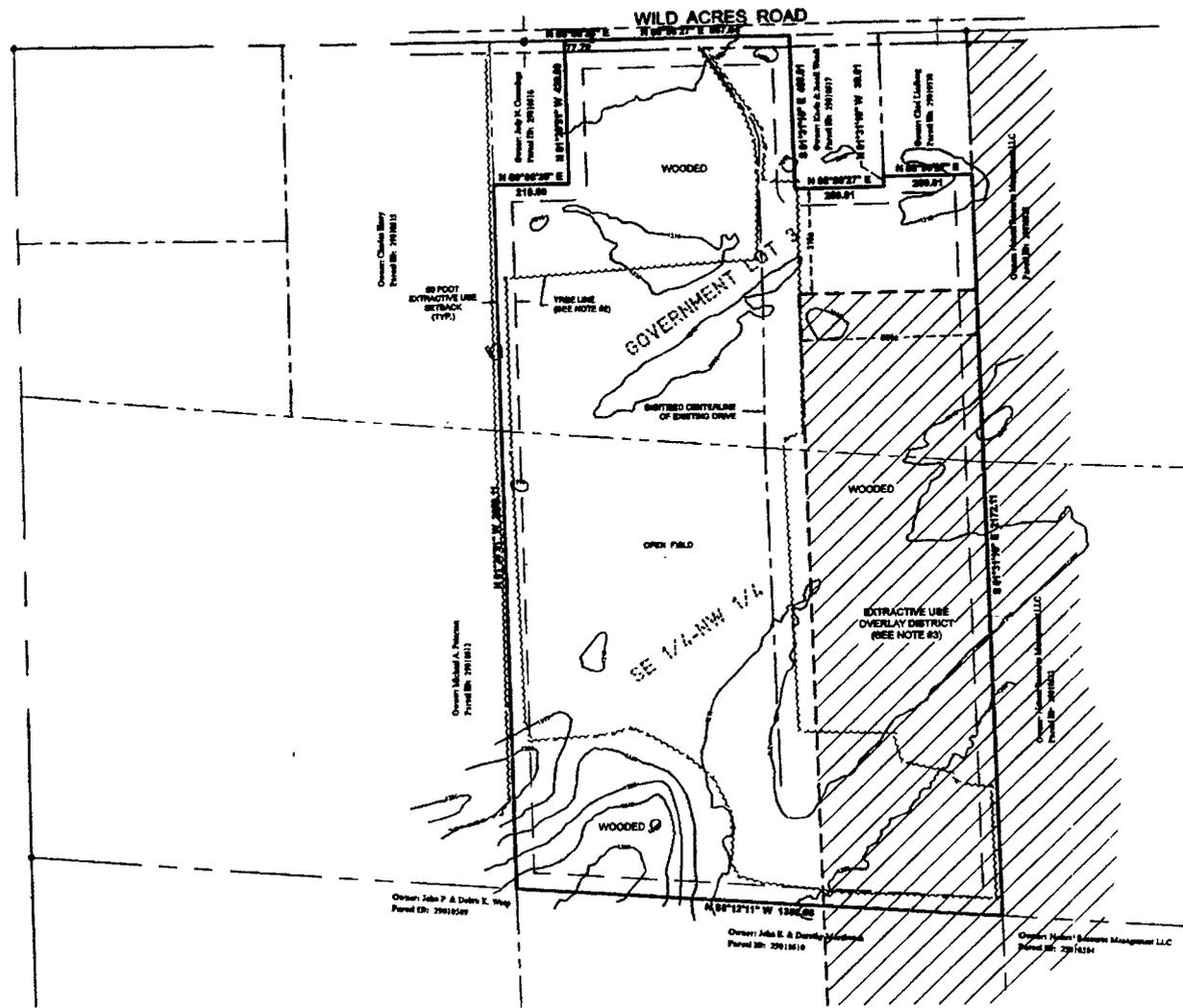
Louisa R. Swanson
P.O. Box 439
Pequot Lakes, MN 56474

APPLICANT

Phil Swanson
North Park Builders & Excavating, LLC
5253 55th Avenue SW
Pine River, MN 56474

SURVEYOR

Swanson's Land Surveying, Inc.
36296 Ransmann Road, Suite 1
P.O. Box 874
Pequot Lakes, MN 56472
ATTN: Cynthia M. Hahn



LEGAL DESCRIPTION PER DOCUMENT NUMBER A-911267

The SE 1/4 of the NW 1/4 and Government Lot 3, (ONE 1/4 of NW 1/4) of Section 1, Township 136N, Range 29W, Crow Wing County, Minnesota, EXCEPT that part of said Government Lot 3 described as follows: Beginning at the Northwest corner thereof; thence east along the north line thereof 210.00 feet; thence south along a line drawn parallel with the west line thereof 436.00 feet; thence west along a line drawn parallel with the north line of said Government Lot 3 to the west line thereof; thence north along the said west line to the point of beginning. And also except that part of said Government Lot 3 described as follows: Beginning at the NE corner thereof; thence west along the north line thereof 250.00 feet; thence south along a line drawn parallel with the east line thereof 436.00 feet; thence east along a line drawn parallel with the north line of said Government Lot 3 to the east line thereof; thence north along the said east line to the point of beginning. Also less and except the West 250 feet of the East 500 feet of the North 450 feet of Government Lot 3, also described as the Northeast Quarter of the Northwest Quarter (ONE 1/4 NW 1/4), of Section 1, Township 136, Range 29.

CONTOUR INFORMATION

Contour interval as shown = 10 feet. Based on NAVD 86 datum. Contours shown have been digitized from the Crow Wing County GIS Site.

ZONING

Current zoning is "Agriculture"

SOIL DATUM

The USDA Natural Resources Conservation Service Web Soil Survey indicates soil in the proposed platted area to be classified as Oxyechinus heavy sand, 2 to 8 percent slopes (D75A), Oxyechinus heavy sand, 0 to 3 percent slopes (D75A), Eutrochlo-Oxyechinus-Rellist complex, 10 to 20 percent slopes (D84D), and Eutrochlo-Oxyechinus-Rellist complex, 20 to 45 percent slopes (D84F).

ACCESS

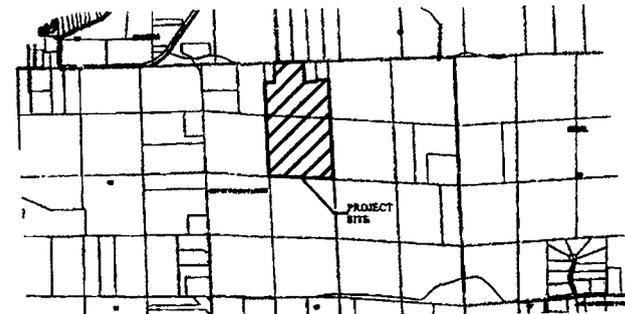
Access to this property is via existing drive as shown.

UTILITIES

There are no utilities on site.

NOTES:

- Parcel IDs of subject parcel: 29010590 & 29010511
- Contours, tree lines and centerline of access road have been digitized from Crow Wing County GIS Site.
- As per the City of Pequot Lakes there is no written description for the boundary of the Extractive Use Overlay District. Therefore said boundary has been digitized from the City of Pequot Lakes Zoning Map.
- No improvements, topography, or wet land information has been surveyed on this site; map.
- Boundary as shown is based on Crow Wing County Section sheet. No field verification has been completed on property.



THIS IS NOT A BOUNDARY SURVEY

ORIENTATION OF THE BEARING SYSTEM IS BASED ON THE CROW WING COUNTY COORDINATE SYSTEM.

VICINITY MAP

PROJECT NO.: 29014 PROJECT NAME: CHS14.P01 DRAWN BY: JWP CHECKED BY: JWP DATE: 2-14-2020 SCALE: AS SHOWN DATE: 2-14-2020 SCALE: AS SHOWN DATE: 2-14-2020 SCALE: AS SHOWN		PROJECT MANAGER: Phil Swanson PROJECT ENGINEER: Phil Swanson PROJECT SURVEYOR: Phil Swanson	PROJECT NO.: 29014 PROJECT NAME: CHS14.P01 DRAWN BY: JWP CHECKED BY: JWP DATE: 2-14-2020 SCALE: AS SHOWN DATE: 2-14-2020 SCALE: AS SHOWN DATE: 2-14-2020 SCALE: AS SHOWN
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