



*East Bethel Community Development*  
 2241 221st Ave. NE • East Bethel, MN 55011  
 Phone: (763) 367-7844 • Fax: (763) 434-9578

**MINOR MINING (BETWEEN 1,000 – 5,000 CUBIC YARDS)**

APPLICANT IS REQUIRED TO MEET WITH CITY STAFF **PRIOR** TO SUBMITTAL OF THIS APPLICATION

**APPLICATION FEE: \$500    ESCROW: \$1,000\*    ANOKA CO. FILING FEE: \$55**

\*CONSULTING FEES ACCRUED FROM THE CITY ENGINEER, CITY ATTORNEY, ETC WILL BE TAKEN FROM THE ESCROW AMOUNT. THE REMAINING ESCROW WILL BE REFUNDED AFTER THE PROJECT IS FINISHED AND HAS MET ALL OF THE CONDITIONS DURING FINAL INSPECTION. THE APPLICATION FEE IS NON-REFUNDABLE.

NAME OF PROJECT (IF APPLICABLE): \_\_\_\_\_

PROJECT ADDRESS: \_\_\_\_\_ PRESENT ZONING: \_\_\_\_\_

LOCATION PID: \_\_\_\_\_ LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ SUBDIVISION: \_\_\_\_\_

DESCRIPTION OF PROJECT: \_\_\_\_\_

**PROPERTY OWNER:**

NAME: \_\_\_\_\_

PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

EMAIL: \_\_\_\_\_

**APPLICANT:**

SAME AS PROPERTY OWNER

NAME: \_\_\_\_\_

PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

EMAIL: \_\_\_\_\_

I FULLY UNDERSTAND THAT I MUST MEET WITH CITY STAFF TO REVIEW ALL SUBMISSION REQUIREMENTS AND CONDITIONS PRIOR TO OFFICIAL SUBMISSION, AND THAT ALL OF THE REQUIRED INFORMATION MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE PLANNING/ZONING COMMISSION AND CITY COUNCIL SCHEDULED MEETING DATES TO ENSURE REVIEW BY CITY STAFF.

\_\_\_\_\_  
 PROPERTY OWNER SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 APPLICANT SIGNATURE

\_\_\_\_\_  
 DATE

**OFFICE USE ONLY**

DATE SUBMITTED: \_\_\_\_\_

60 DAYS: \_\_\_\_\_

TOTAL FEE PAID: \_\_\_\_\_

120 DAYS: \_\_\_\_\_

ESCROW APPLICATION SUBMITTED: \_\_\_\_\_

SL     PF     LU

# ARTICLE V. – EXCAVATIONS



## Sec. 26-164. - **Purpose and intent.**

The purpose of this article is to promote the health, safety and welfare of the community and to establish reasonable uniform limitations, standards, safeguards and controls for excavation and mining within the city. (Ord. No. 166, § 1, 1-3-2001)

## Sec. 26-165. - **Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Major mining permit* means the mining and excavation of land in an amount greater than 5,000 cubic yards per property or project, whichever is more restrictive.

*Mining or excavation* shall have the following meanings:

- (1) Any removal of the exposed layer of the earth's surface or the removal of any layer of soil under the exposed layer of the earth's surface, whether dirt, topsoil, sand, gravel, soil stone or minerals performed with the intent of moving the same to another site as a raw material or processed product.
- (2) Any area where the topsoil or overburden has been removed for the purpose of mining earthly deposits or minerals, yet the area has remained idle since the topsoil removal.
- (3) Any area that is being used for stockpiling, storage, and processing of sand, gravel, black dirt, clay and other minerals.

*Minor mining permit* means the mining and excavation of land in an amount greater than 1,000 cubic yards and less than or equal to 5,000 cubic yards per property or project, whichever is more restrictive. Excavation greater than 5,000 cubic yards will require a major mining permit.

*Overburden* means those materials that lie between the surface of the earth and material deposit to be extracted.

*Rehabilitation* means to renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this article.

*Topsoil* means that portion of the overburden that lies closest to the earth's surface and supports the growth of vegetation.

(Ord. No. 166, § 2, 1-3-2001)

## Sec. 26-166. - **Permit required.**

Except as otherwise provided in this article, it shall be unlawful for anyone to operate a mine or excavate without having first obtained a written permit from the city authorizing the same in accordance with this article. Mining and excavation operations that do not have a valid conditional/interim use permit and predate the ordinance from which this article was derived shall obtain a permit within six months after the adoption of the ordinance from which this article was derived.

(Ord. No. 166, § 3, 1-3-2001)

## Sec. 26-167. - **Exemptions from permit requirements.**

The following activities do not require a permit under this article:

- (1) Excavation and site restoration in conjunction with a valid building permit (i.e., foundation, cellar, basement septic system, etc.).
- (2) Excavation by federal, state, county or city government in connection with construction or maintenance of roads, highways, parks, lakes (dredging), ditches or utilities within the city limits. This exemption applies only to federal, state, county or city government approved projects within their acquired or existing rights-of-way that have received plan and specification approval by the city as part of their plan review process. The term "right-of-way" as used in this article shall be defined as in City Code section 66-11 and not include isolated parcels used exclusively for borrow pits.
- (3) Curb cuts, utility work in the right-of-way, utility hookups, ditch cleaning, city-approved wetland mitigation, or street openings for which another permit has been issued by the city.
- (4) Excavation for agricultural and sod farming purposes (retail sale of topsoil in conjunction with agricultural activities shall not be exempt).
- (5) Excavation in accordance with a development contract approved under the city's subdivision ordinance set forth in chapter 66. If the development contract requires that a letter of credit or other security be posted, the letter of credit or other security must be posted before any excavation takes place.
- (6) The mining or excavation of land in an amount of 1,000 cubic yards or less per property or project, whichever is more restrictive. Single-family residential homeowners performing residential landscape alterations (ponds with minimum 5:1 slopes, landscaping, etc.) in excess of 1,000 cubic yards may submit a written proposal to the city for further consideration as an exempt mining or excavation activity.

(Ord. No. 166, § 4, 1-3-2001; Ord. No. 40, Second Series, 12-5-2012)

Sec. 26-168. - **Applications for permits; procedures; contents of applications for major permit.**

(a) *Application contents.*

- (1) *Required information.* An application for a major mining or excavation permit shall be processed in accordance with the same procedures and requirements specified in the city zoning ordinance, appendix A, relating to conditional interim use permits. If conflicts occur between this article and the requirements for a conditional/interim use permit as defined by city ordinance, this article shall prevail. An application for a conditional/interim use permit is also required to be submitted for mining activities in conjunction with an application for a mining permit. An application for a mining or excavation permit shall contain:
  - a. Permit drawings;
  - b. Narrative;
  - c. Soils report;
  - d. The required fees;
  - e. Right-of-entry;
  - f. Notification of review agencies.
- (2) *Additional information.* Other items that may be required by the city include:
  - a. Environmental assessment worksheet;
  - b. Hydrogeologic study;
  - c. Photographic log.

(b) *Permit drawings.*

- (1) *Cover sheet.* The cover sheet shall be 22 inches by 34 inches in size and depict general items relevant to the project and plan set. As a minimum, the cover sheet shall contain the following:
  - a. Title of the project.
  - b. Sheet index for the plan set.
  - c. Names, addresses and telephone numbers of the record owner, those in possession or vendees under contract for deed, any agent having control of the land, the applicant, land surveyor, geologist, engineer and preparer of the plan set.
  - d. A location or vicinity map, at a scale of one inch equals 2,000 feet or approved other, which depicts the project site relevant to major roadways and other significant surrounding features. A north arrow and scale shall be shown.
- (2) *Site plan.*
  - a. *General.* A standard 22-inch by 34-inch plan sheet shall depict required site plan data. A grid shall be incorporated onto the site plan to establish a coordinate system for referencing specific items on the plan. The site plan shall be at a scale of one inch equals 100 feet with a contour interval of two feet. The site plan shall contain a north arrow, graphic scale, and date of preparation.
  - b. *Existing conditions.* As a minimum, the following items shall be depicted on the site plan:
    1. Boundary lines to include bearings, distances, curve data and total acreage of the site.
    2. Existing zoning classifications for land in and abutting the site.
    3. Location, right-of-way width and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings or structures, easements and corporate lines. The aforementioned items shall be shown for the site and of all land located within 300 feet of the boundary of the site.
    4. Location and size of underground utilities, culverts and other below grade structures and facilities within the site area and to a distance of 100 feet beyond the site's boundaries.
    5. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, telephone poles and lines and other related surface items which will affect the mining operation.
    6. Show type, location, and area of all existing vegetation and wooded areas.
    7. Boring locations.
    8. One hundred-year flood elevations, floodway and flood fringe areas.
    9. Wetlands delineated in or within 100 feet of the site, if dewatering, wetlands shall be delineated within 300 feet of the excavation site.
    10. Name, address and PID number of all adjoining property owners.
    11. A certificate of survey prepared by a professional land surveyor licensed in the state. The certificate shall include the legal description of the property, a signed statement of certification, the registered number of the preparer and the date prepared.
  - c. *Proposed mining features.* As a minimum, the following items shall be depicted on the site plan:
    1. Location of proposed permanent and temporary structures to be used in the operation. This shall include sanitary facilities, offices, trash receptacles, processing plants and living quarters.
    2. Parking areas for employee vehicles and related equipment.
    3. Vehicular circulation plan for the site.

4. Grading plan that depicts the limits of the material extraction from the site with a minimum of two-foot contours.
  5. Intermittent erosion and sedimentation control method.
  6. Location of temporary and permanent fencing and gates.
  7. Drainage swales, culverts or other devices used for routing off-site flows around the site.
  8. Those areas of the site to be used for storage of topsoil and overburden.
  9. Yearly limits of extraction if operation is scheduled to last longer than one year.
  10. The highways, streets or other rights-of-way within the city upon and along which the material introduced or removed shall be transported.
- (3) *Closure/rehabilitation plan.* The closure/rehabilitation plan shall contain the same information as required for the site plan without showing the proposed mining features. The plan shall incorporate the standards of section 26-174. The plan shall contain the following additional items:
- a. Proposed final contours at two-foot intervals. Typical grades shall be noted of all slopes.
  - b. Limits of staged restoration if mining operations are scheduled to last longer than one year.
  - c. All items required by the current city zoning ordinance for the proposed use of the land.
  - d. The closure/rehabilitation plan shall be updated and submitted as an "as-built" drawing upon completion of site restoration procedures.
- (4) *Cross sections.*
- a. Cross sections shall be drawn to depict pre-mining grades, proposed post-mining grades and proposed closure/rehabilitation grades. Cross sections shall be drawn both horizontally and vertically with reference to the site plan grid. Cross sections shall be evenly spaced across the extraction site as depicted on the site plan and have an interval spacing of 100 feet maximum. A minimum of three cross sections shall be depicted.
  - b. All cross sections shall be referenced to the grid system shown on the site plan. The scale for the cross sections shall be one inch equals 50 feet horizontal and one inch equals five feet vertical. Cross sections shall be drawn on 22-inch by 34-inch Mylar.
  - c. The cross sections shall be updated and resubmitted upon completion of mining or extraction operations and upon completion of closure/rehabilitation procedures.
- (c) *Narrative.*
- (1) A narrative shall be provided to augment the required plan sheets. The narrative shall be prepared, signed and dated by a professional civil engineer. The narrative shall be titled, dated and referenced to the permit application. As a minimum, the following items must be discussed in the narrative:
- a. A time schedule for completion of all mining related activities. This shall include the start date, extraction completion date, and final closure/rehabilitation date. A schedule of typical hours of operation during the day shall be discussed, typical days of the week and typical weeks of the year shall be submitted. As a condition of permit issuance, the city reserves the right to modify and/or limit the schedule and timeframe for completion of all mining-related activities.
  - b. The purpose and plan of operation. This shall include a description of the production equipment, source of wash water and means of water disposal.
  - c. A plan for drainage control per section 26-173(8).
  - d. A plan for mitigating water runoff erosion shall be detailed for the site. This shall include erosion control methods to be utilized during the mining operation and during rehabilitation of the site.
  - e. The closure/rehabilitation plan. The narrative shall discuss, as a minimum, the following:
    1. The post-mining use of the property, including highest and best use of the site, negative impacts to the site and surrounding properties and any proposed land use changes.
    2. If fill materials are to be imported, documentation of the fill locations and material types.
    3. The type and extent of landscaping to be utilized.
    4. The timetable for which closure/rehabilitation is to occur.
    5. Special conditions which may be specific to the site.
- (d) *Engineer's soils report.* A soils study shall be performed to aid in the analysis of the application for permit. Test borings shall be taken on the proposed mining site to determine the subsurface conditions that exist at the site. The number of test bores required shall be determined by the amount of land affected by the mining operations. Two test bores shall be performed for each site. One additional test bore will be required per five acres of land affected by the mining operation. Test bores shall extend to two feet below the lowest limits of the proposed mining excavation. The following information shall be noted at each test bore location:
- (1) Depth of bore.
  - (2) Depth to high water mark.
  - (3) Depth to water table. The depth of the water table shall be established by on-site piezometers. The number of piezometers shall be established by the city engineer.

- (4) Soil stratification, thickness of each strata, and soil type within each stratification. The borings shall be assembled in a report. The report shall include a summary which discusses the items listed above.
- (e) *Written right-of-entry.* A written right-of-entry which cannot be terminated for one year after the anticipated closure date to the city for its officer or agents to enter the land for the purposes of determining compliance with all applicable conditions imposed on the operation. The right-of-entry shall be submitted with the application for permit. One set of keys to locked gates used for limiting site access shall be delivered to the city.
- (f) *Submission of plan set.* The plan set shall be submitted to all affected agencies for their review and comments related to the proposed mining activities. The applicant shall be responsible for submitting any other required items to the individual agencies for their review. Prior to planning commission and city council review, comment letters must be received from the following agencies:
- (1) County highway department;
  - (2) County conservation district;
  - (3) State board of water and soil resources;
  - (4) State department of natural resources;
  - (5) State pollution control agency;
  - (6) State department of transportation;
  - (7) United States Army Corps of Engineers;
  - (8) Other affected agencies.
- (g) *Environmental assessment worksheet (EAW).* An EAW shall be required in conjunction with any mining permit request that:
- (1) Includes excavation of more than 50,000 cubic yards;
  - (2) Requires dewatering for periods greater than six months in length, alters sensitive plant communities or disturbs wildlife breeding cycles; or
  - (3) Indicated potential impact to high quality ecosystems as identified by the county biological survey. The operator shall prepare and submit completed data portions of the EAW in conjunction with mining permit application. The city engineer, at the expense of the applicant, shall prepare the EAW and initiate the required 30-day public review period. Upon completion of the review period the city makes a decision on the need for an environmental impact statement based on the EAW and comments received and/or proceeding with the mining permit application.
- (h) *Hydrogeologic study.* At the request of the city engineer, and at the cost of the applicant, a certified and independent hydrologist shall prepare a hydrogeologic study. The study shall evaluate, as a minimum requirement, the following:
- (1) Existing water table;
  - (2) Potential water table impacts on the site;
  - (3) Potential impacts to property within 600 feet of the site;
  - (4) Minimizing and eliminating impact.
- (i) *Photographic log.* At the city's request the operator shall submit a photographic log with the application for permit. Photographs shall be taken at close enough range to allow for details of key items to be identified. A legend shall be supplied with each photograph describing the view depicted. Each photograph shall contain a point of reference, including the site plan grid location, which will not be disturbed during mining operations for later use in site analysis. The photographs shall detail the following:
- (1) Existing on-site conditions and significant features.
  - (2) Site perimeter with views depicting adjacent properties.
  - (3) Downstream drainage facilities which may be affected by mining operation.
  - (4) Site access and views of the roadway accessed in the immediate vicinity of the access point.

(Ord. No. 166, § 5, 1-3-2001; Ord. No. 40, Second Series, 12-5-2012)

**Sec. 26-169. - Application for permits; procedures; contents of applications for minor permit.**

- (a) An application for a minor mining or excavation permit (1,000 to 5,000 cubic yards) shall be processed in accordance with the same procedures and requirements specified in the city zoning ordinance, set forth in Appendix A to this Code, relating to conditional use permits. An application for a minor mining permit shall be accompanied by three large-scale copies and 13 reduced-scale (not less than 11 inches by 17 inches) copies of detailed written and graphic materials fully explaining the proposed land excavation operation. The scale of such materials shall be the minimum necessary to ensure legibility. The request shall be considered as being officially submitted when all the following information has been provided:
- (1) The name and address of the applicant.
  - (2) The name and address of the owner of the land.
  - (3) The address and legal description of the land involved.
  - (4) The purpose of the excavation or grading.
  - (5) A description of the type and amount of material to be excavated or graded from the premises.

- (6) The highways, streets, or other public ways in the city upon and along which any material is to be hauled or carried.
  - (7) An estimate of the time required to complete the excavation or grading.
  - (8) A site plan showing present topography at two-foot intervals and also including boundary lines for all properties, watercourses, wetlands and other significant features within 300 feet.
  - (9) A site plan showing the proposed finished grade and landscape plan. Erosion control measures shall be provided on such plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the excavation is being conducted. Topsoil shall be of a quality capable of establishing normal vegetative growth.
  - (10) A security statement demonstrating the proposed activity will in no way jeopardize the public health, safety and welfare or is appropriately fenced to provide adequate protection.
  - (11) A statement that the application will comply with all conditions prescribed by the city or its officers or agents.
  - (12) A written right-of-entry given to the city and/or its officers to enter the land for the purpose of determining compliance with all applicable conditions imposed on the operation.
- (b) The application shall not be accepted unless all information requirements are complied with. A fee for such application shall be paid to the city at the time the application is submitted based upon the schedule established by city council resolution and filed in the office of the city clerk-treasurer.
- (c) The provisions of sections 26-170 through 26-183 shall apply to minor mining activities as recommended by the planning commission and deemed appropriate by the city council. As a minimum prerequisite to the granting of a permit, or after a permit has been granted, the city council may require the applicant to whom such permit is issued, or to the owner or user of the property on which the excavation/grading is located to:
- (1) Properly fence the excavation.
  - (2) Slope the banks and otherwise properly guard to keep the excavation in such condition as not to be dangerous from caving of sliding banks.
  - (3) Properly drain, fill in or level the excavation, after it has been created, so as to make the same safe and healthful.
  - (4) Keep the excavation/grading within the limits for which the particular permit is granted.
  - (5) Remove excavated/graded materials from the excavation, away from the premises upon and along such highways, streets or other public ways as the city shall order and direct.
  - (6) Retain and store topsoil from the site in question and to utilize such materials in the restoration of the site.
  - (7) Restore the site to a leveled finish grade that is seeded or sodded with grass so as not to be a source of, or aggravation to, stormwater drainage conditions in the area.
- (d) All minor excavation/grading operations shall be completed within 90 days of the issuance of the permit. Upon completion, the permit holder shall notify the city in writing of the date of completion. The city engineer shall inspect the project following completion to determine if the applicant has complied with the conditions imposed as part of the permit. If additional time is needed for completion, the permit holder may apply to the city, and upon a satisfactory showing of need, the city may grant an extension of time. Such extension shall be for a definite period. Extensions shall not be granted in cases where the permit holder fails to show that good faith efforts were made to complete the excavation/grading operation within 90 days. In the event that a request for an extension is denied, the permit holder shall be allowed a reasonable time to comply with the other provisions of this article relating to rehabilitation of the site. What constitutes such reasonable time shall be determined by the city engineer after inspecting the premises.

(Ord. No. 166, § 6, 1-3-2001; Ord. No. 201, § 3, 12-7-2005)

**Sec. 26-170. - Excavation or mining in groundwater table.**

Unless a city approved wetland pond/lake fed by groundwater is to be created, mining operations shall not occur below the level of the groundwater table elevation as submitted in the engineer's soils report.

(Ord. No. 166, § 7, 1-3-2001)

**Sec. 26-171. - Standards; extraction site location.**

Operations permitted under this section shall not be conducted within:

- (1) One hundred feet of an existing street or highway right-of-way;
- (2) Fifty feet of the right-of-way on an existing public utility;
- (3) One hundred feet of the boundary of any zone where such operations are not permitted; or
- (4) One hundred feet of the boundary of an adjoining property not in mining use; or as directed by the city council.

(Ord. No. 166, § 8, 1-3-2001)

**Sec. 26-172. - Appearance and screening at the extraction site.**

The following standards are required at the extraction site of any operation permitted under this article:

- (1) Machinery shall be kept in good repair;



- (2) Abandoned machinery, inoperable equipment not actively under repair, and rubbish shall be removed from the site at the end of each day's operation;
- (3) All buildings and equipment that have not been used for a period of one year shall be removed from the site;
- (4) All equipment and temporary structures shall be removed and dismantled no later than 90 days after termination of the extraction operation and expiration of the permit;
- (5) Where practicable, stockpiles of overburden and materials shall be contoured as an earthen berm and used to screen the extraction;
- (6) The perimeter of the site shall be planted or otherwise screened as an extensive bufferyard as determined by the city council;
- (7) Existing tree and ground cover shall be preserved to the extent feasible, maintained and supplemented by selective cutting, transplanting of trees, shrubs and other ground cover.

(Ord. No. 166, § 9, 1-3-2001)

**Sec. 26-173. - Operating standards and requirement.**

The following operating standards and requirements shall be observed at the extraction site at all times. Failure to comply with any of the following items constitutes a violation of a mining permit and is cause for termination of the permit:

- (1) *Noise.* All equipment used in conjunction with the mining operation shall be constructed, maintained and operated in such a manner as to minimize noise levels at and adjacent to the site. The maximum noise level at the perimeter of the site shall be set within the limits set by the MPCA and the United States Environmental Protection Agency. If noise becomes a public nuisance, the city may order the operator to commence additional noise prevention measures or temporarily suspend mining operations. If continued violation is suspected or known to exist, the MPCA will be notified and mining operations terminated until sufficient measures have been taken to eliminate nuisance noise levels. Continued or repeated neglect of noise control measures by the operator shall be cause for termination of the mining permit.
- (2) *Hours of operation.* Extraction operations shall be performed only between the hours of 7:00 a.m. and 6:00 p.m. Hauling operations shall be performed only between the hours of 9:00 a.m. and 4:00 p.m. No work shall be performed on Saturdays, Sundays or holidays. Written permission must be obtained from the city for a variance to these conditions. Permission is not required for minor work that may be required to ensure safety at the site. Not adhering to the prescribed hours of operation and hauling shall be grounds for suspension of the mining permit. Continued or repeated neglect of the prescribed hours of operation and hauling by the operator shall be cause for termination of the mining permit.
- (3) *Air and water pollution.* Operators shall comply with all applicable city, county, state and federal regulations for the protection of air and water quality. State pollution control agency (MPCA) regulations for the protection of air and water quality shall be observed. No waste products shall be deposited into any lake, stream or natural drainage system. All wastewater shall pass through a sedimentation basin before draining into a receiving water. Downstream drainageways affected by sedimentation due to the mining operation shall be dredged and restored by the operator. If a violation is suspected or known to exist, the MPCA will be notified and mining operation terminated. Continued or repeated violation and/or failure to immediately correct air and water pollution violations shall be cause for termination of the mining permit.
- (4) *Topsoil.* All topsoil shall be retained at the site until complete rehabilitation of the site has taken place according to the approved rehabilitation plan. Topsoil that is to be used shall be free of roots, brush, weeds, debris and stones larger than one inch in diameter. Topsoil shall be protected from erosion, degradation, and mixing with other on-site materials. Topsoil borrow, if required, shall be in accordance with the state department of transportation Standard Specifications for Construction and Supplemental Specifications, section 3877. Topsoil shall be placed to an in-place depth of four inches over all areas requiring reseeding, resodding or other vegetative restoration.
- (5) *Dust control.* All equipment used in the mining operation shall be maintained and operated in such a manner as to minimize dust conditions which are annoying to adjacent property owners. The access to the site shall be paved a minimum distance of 50 feet from road edge onto the site, and further treated or watered, as may be necessary, in order to minimize dust conditions. The operator shall maintain a water truck or similar equipment that may be used for dust control at or near the site for the duration of the mining operation. A reliable source of water shall be obtained prior to mining operations commencing and be maintained during mining operations. Continued violation or repeated neglect to immediately correct dust control violations and resolve complaints shall be cause for suspension and termination of the mining permit.
- (6) *Site appearance.* All buildings, structures and plants used for the mining operation shall be maintained in such a manner as to ensure that they will not become dilapidated. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed weekly or as necessary to preserve a neat appearance and to prevent seeding on adjoining property.

- a. Stockpile excavated materials in a manner that will cause no amount of damage to adjacent lawns, grassed areas, gardens shrubbery or fences.
  - b. No trees, except those specifically shown on the approved site plan to be removed, shall be removed without the express acceptance of the city's zoning officer.
- (7) *Off-site protection and traffic control.* The operator shall ensure that no objectionable material will be allowed to blow from, wash off or drain off the subject property. If perimeter fencing is used, the operator shall ensure that any objectionable materials lodged in the fence are removed daily. The operator shall police the site, surrounding areas, and haul route at the end of each day's operations.
- a. The operator shall take all precautions necessary to ensure that streets and roads used for haul routes are not adversely affected by the mining operation. All spilled dirt, gravel or other foreign material caused by mining operations shall be thoroughly cleaned from all off-site streets and roads at the conclusion of each days operations. The city's engineer may require a more frequent cleaning of the streets if spilled materials cause unsafe conditions. Failure to carry out required street cleaning shall be cause for suspension and termination of the mining permit.
  - b. Street repair work shall be conducted by the operator for maintenance of city roadways and bridges within the haul route. Failure to repair and/or replace damaged bituminous, curbing, culverts, etc., caused by haul trucks and excavation equipment within the identified haul route shall be cause for suspension and termination of the mining permit.
  - c. If access from the mining operation is onto a public roadway, the operator shall provide temporary traffic control. Temporary signage shall conform to the latest edition of the Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways as published by the state department of transportation. Temporary signage shall be placed prior to the beginning of each days mining operations and be removed upon completion of each days mining operations. An approved traffic control plan shall be delivered to local, county and state authorities having jurisdiction over the public roadway.
  - d. If the mining operation changes off-site traffic conditions along the proposed haul route, the operator shall also provide traffic control.
  - e. The maximum gross vehicle weight (fully loaded) of all trucks or tractor-trailer rigs to be utilized in conjunction with the mining operation shall not exceed the structural capacities of city roadways and bridges located along the proposed haul route.
- (8) *Drainage.*
- a. *On-site drainage.* The operator shall ensure that on-site drainage does not adversely affect the quality of surface or subsurface water. Sedimentation shall be controlled means of ponds, silt fences or straw bales. If sedimentation ponds are used, the perimeter of the pond shall be enclosed with safety fencing. Dewatering discharge shall cause no downstream flooding. Erosion control measures shall be utilized to prevent downstream deterioration and deterioration of the site. Failure to maintain adequate erosion control devices shall be cause for suspension or termination of the mining permit.
  - b. *Off-site drainage.* Off-site drainage shall not be allowed to flow across the mining site. A plan for routing off-site flows around the proposed site shall be submitted with the application for permit. The plan shall use the United States Department of Agriculture, Soil Conservation Service (SCS) methods for determining flow quantities which will originate off site. Historic flow rates (100-year event) shall not be exceeded at the release point of rerouted flows. Upon completion of mining operations, all previously existing drainage ditches, swales and culverts shall be reopened and natural drainage restored.
- (9) *Sanitary facilities.* Sanitary facilities shall be maintained at the site and kept in sanitary condition at all times. The temporary facility shall conform to code requirements and be acceptable to sanitary authorities. Upon completion of mining operations, the sanitary facility shall be removed and the area restored to its original condition.
- (10) *Access.* One access will be allowed for ingress and egress to and from the mining site. The access shall have adequate acceleration and deceleration lanes onto the connecting public roadway. The acceleration/deceleration lanes shall be constructed of impervious surface (concrete/paver laid asphalt). The driveway onto the site shall be of adequate width to accommodate side by side truck traffic and shall be constructed of an impervious surface extending a minimum of 50 feet from roadway edge onto the subject property. Vehicle turnaround and circulation needs shall be accommodated within the boundaries of the established site plan. Additional access roads to the site may be constructed to allow emergency vehicles access to the site. These additional access roads shall not be used for the day-to-day affairs of the mining operation.

(Ord. No. 166, § 10, 1-3-2001)

Sec. 26-174. - **Rehabilitation standards.**



The following rehabilitation standards shall apply to the site of any operation permitted under this article:

- (1) Rehabilitation shall be a continuing operation occurring as quickly as possible after the extraction operation has moved sufficiently into another portion of the extraction site or once the extraction operation is terminated. All work shall be in accordance with the approved site rehabilitation plan as submitted with the application for permit.
- (2) When planning for rehabilitation, the following minimum requirements shall be observed:
  - a. A landscape and land restoration plan shall be prepared and submitted. The landscape plan shall be prepared and signed by a registered landscape architect. The most recent edition of the city zoning ordinance shall govern landscape and rehabilitation requirements. As a minimum, the following guidelines shall be complied with in the landscape and restoration plan.
  - b. Landscaped bufferyards shall be planted along all setback areas. Preserved tree and ground cover along all setback areas shall be credited and enhanced with native self-sustaining plantings.
  - c. Disturbed tree and ground cover at the extraction site shall be reforested and replaced with native vegetation and tree species of a similar makeup as was disturbed. A replacement value for mature trees shall be outlined in the landscape plan and be comparable to the inventoried pre-mining forestation conditions.
  - d. Finished grades shall not exceed slopes of five feet horizontal to one foot vertical. Exposed slopes steeper in grade than ten feet horizontal to one foot vertical shall be contour plowed to minimize direct runoff of water.
  - e. Disturbed areas shall be graded in accordance with the rehabilitation plan submitted with the application for permit. If significant changes or alterations to the approved grading plan are required, a revised plan shall be submitted to the city for review.
  - f. Excavations which are to be backfilled with imported soils shall be subject to the following: Imported materials shall be coarse-grained soils free from debris, roots, organic material and nonmineral matter containing no particles larger than four inches in size. The materials shall be non-noxious, nonflammable and noncombustible. No non-natural materials (i.e., concrete, metal, debris, wastes) should be deposited.
  - g. All areas shall be graded to allow for complete drainage of the site. The peaks and depressions of the area shall be reduced to a surface that will result in a gently rolling topography.
  - h. The graded area shall be cleared of all foreign debris, roots, weeds and rocks larger than four inches in diameter.
  - i. A minimum of four inches of topsoil shall be placed over the finished grade.
  - j. Except in areas where native grasses and forbs present prior to mining activities are to be reconstructed, turf establishment shall be in accordance with the state department of transportation regulations. All areas that have been disturbed and subsequently re-graded will require topsoil and turf establishment. Specifically, the state department of transportation Standard Specifications for Construction and Supplemental Specifications, section 2575 shall govern the execution of the work related to turf establishment. Material requirements shall be as follows:
    1. *Seed mixture.* The seed mixture shall be the state department of transportation Standard Specifications for Construction and Supplemental Specifications, section 3876, mixture number 700 or 800 applied at the rate of 75 pounds per acre. An alternative seed mixture type and application rate may be proposed to promote native habitat and revegetation.
    2. *Imported topsoil.* Topsoil imported for the purpose of turf establishment shall be in accordance with the provisions of the state department of transportation Standard Specifications for Construction and Supplemental Specifications, section 3877.
    3. *Sod.* Sod shall conform to the state department of transportation Standard Specifications for Construction and Supplemental Specifications, section 3878.
    4. *Commercial fertilizer.* Commercial fertilizer shall conform to the state department of transportation Standard Specifications for Construction and Supplemental Specifications, section 3881 and shall be a minimum analysis of 20-10-10 and be applied at a rate of 500 pounds per acre.
    5. *Mulch.* Mulch material shall be in accordance with the provisions of the state department of transportation Standard Specifications for Construction and Supplemental Specifications, section 3882 (type 1) and be applied at a rate of two tons per acre. The mulch shall be disc anchored.
  - k. Temporary erosion control measures shall be used to protect the site from wind and water damage until a self-sustaining ground cover is established. The state department of transportation Standard Specifications for Construction and Supplemental Specifications, section 2573 shall govern the execution of work related to the use of temporary erosion control measures. Materials shall be as referenced under the same section. Temporary erosion control measures shall be shown on the rehabilitation plan and installed per the same plan.

(Ord. No. 166, § 11, 1-3-2001)

**Sec. 26-175. - Fencing.**

- (a) Where mining operations are to continue for a period of one year or longer or are located in or adjacent to a residential district, perimeter fencing of the extraction site may be required. A lockable gate will be provided across the access to the site. The gate shall be locked daily and when mining operations are not in progress. The perimeter fencing and gate construction shall conform to section 2557 of the Standard Specifications for Construction and Supplemental Specifications and standard plate no. 9320G as published by the state department of transportation.
- (b) The city may consider perimeter berms in lieu of fencing.
- (c) Temporary safety fencing may be required where unsafe conditions warrant and are expected to last less than 20 days. If unsafe conditions last longer than 20 days, perimeter fencing may be required. Unsafe conditions shall be considered as follows:
  - (1) Where collections of water are three feet in depth or greater.
  - (2) Where slopes exceed three feet horizontal to one foot vertical.
  - (3) Other similar situations deemed hazardous by the city's engineer or zoning officer.
- (d) Temporary safety fencing may be snow fencing 40 inches high or other fencing approved by the city engineer or zoning officer. The city may require perimeter fencing if unsafe conditions warrant.

(Ord. No. 166, § 12, 1-3-2001)

**Sec. 26-176. - Council review and approval of overall plan; rehabilitation plan.**

- (a) The planning commission shall review the permit application and make recommendation to the city council. The city council shall review the permit application and shall approve the permit if it is in compliance with this article, the city's zoning ordinance, set forth in Appendix A to this Code, and other applicable laws, ordinances and regulations. The council may attach conditions to the permit approval to promote safety and prevent nuisance conditions. The council shall carefully review residential impacts to ensure all concerns are satisfactorily addressed through permit approval conditions. Failure to satisfy residential impact concerns shall be basis for denial of the overall plan.
- (b) The rehabilitation plan shall be formally approved prior to commencement of the mining operation. The rehabilitation plan shall only be approved if it is consistent with the uses allowed in the city's comprehensive plan and zoning ordinance and is in compliance with the rehabilitation standards of this article.

(Ord. No. 166, § 13, 1-3-2001)

**Sec. 26-177. - Termination of permit.**

- (a) The material extraction permit may be terminated for violation of this chapter or any conditions of the permit. No permit may be terminated until the city council has held a public hearing to determine whether the permit shall be terminated, at which time the operator shall be afforded an opportunity to contest the termination.
  - (1) The city council may establish certain conditions, which if not complied with, will result in immediate suspension of operations until the public hearing to consider termination of the permit can be held.
  - (2) Should the operator, for whatever reason, continue operations after termination of suspension of the permit, said operator shall be responsible for all costs, including reasonable attorney's fees, expended by the city in enforcing the terms and provisions of this article. Each day of continued operation after termination shall constitute a separate offense.
- (b) The permit shall terminate on the date requested by the applicant on the application for permit or the date specified by the city council upon approval of the overall plan, whichever occurs first.
- (c) It shall be unlawful to conduct mineral extraction or excavation after a permit has been terminated or suspended.

(Ord. No. 166, § 14, 1-3-2001)

**Sec. 26-178. - Permits, renewal and conditions.**

- (a) Request for renewal of a permit shall be made 60 days prior to the expiration date. If application for renewal is not made within the required time, all operations shall be terminated, and reinstatement of the permit may be granted only upon compliance with the procedures set forth in this chapter for an original application.
- (b) A permit may be approved or renewed subject to compliance with conditions in addition to those set forth in this chapter when such conditions are reasonable and necessary to ensure compliance with the requirements and purpose of this article. When such conditions are established, they shall be set forth specifically in the permit.
- (c) Conditions may, among other matters, limit the size, kind or character of the proposed operation, require the construction of structures, require the staging of extraction over a time period, require the alteration of the site design to ensure compliance with the standards, require a financial guarantee by the operator to ensure compliance with these regulations in this article or other similar requirements.

(Ord. No. 166, § 15, 1-3-2001)

**Sec. 26-179. - Issuance of permit imposes no liability on city and relieves the permittee of no responsibilities.**

Neither the issuance of a permit under this article, nor compliance with the conditions thereof or with the provisions of this article shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor impose any liability or damage to persons or property. A permit issued pursuant to this article does not relieve the permittee of the responsibility of securing and complying with any other permit which may be required by any other law, ordinance or regulation.

(Ord. No. 166, § 16, 1-3-2001)

**Sec. 26-180. - Fees.**

Fees shall be required for the examination and review of applications for permits and the inspections of mining operations for compliance with conditions of this section. A fee shall be paid at the time of application for permit. A fee based upon the quantity of material removed from the site as a result of the mining operation shall be paid according to the appropriate schedule listed below:

- (1) If mining operations are scheduled to continue for a period of time less than one year, a prorated initial payment equaling one third of the projected quantity-based fee shall be deposited in an escrow account with the city prior to excavation. The remaining two thirds of the quantity-based fee shall be paid within 30 days of completion of mining activities.
- (2) If mining operations are scheduled to continue for a period of time longer than one year, a fee shall be paid prior to January 31 each year for materials removed from the site prior to December 31 of the previous year. A fee shall be paid within 30 days of completion of mining activities for materials removed that calendar year.
- (3) The fee shall be paid at a rate per cubic yard of material excavated. The amount of material excavated shall be rounded up to the nearest 1,000 cubic yards and multiplied the rate to determine the required fee. The quantity of material excavated shall be substantiated and certified by the applicant's engineer. Quantity calculations based upon pre-mining site conditions and current topographic data shall be submitted with each payment for city review.
- (4) The initial application fee and rate per cubic yard of material excavated shall be determined by resolution of the city council and filed in the office of the city clerk-treasurer. The city council may change the initial fee and rate per cubic yard of material excavated, from time to time, also by resolution. Such initial fees and fees related to the rate per cubic yard of material removed shall be paid to the city and deposited to the credit of the general fund.

(Ord. No. 166, § 17, 1-3-2001)

**Sec. 26-181. - Fee schedule.**

The permit and other fees under this article will be as established by resolution of the city council and on file in the city clerk-treasurer's office.

**Sec. 26-182. - Financial guarantee.**

Prior to the approval and issuance of a permit, there shall be executed by the operator and submitted to the city clerk-treasurer an agreement to construct such required improvements, to dedicate such property or easements, if any, to the city and to comply with such conditions as may have been established by the city council. Such agreement shall be accompanied by a financial guarantee acceptable to the city in the amount of the established costs of complying with the agreement. The said guarantee shall be in the form of a certified check or irrevocable letter of credit, and shall be provided guaranteeing completion and compliance with the conditions set forth in the permit within the time approved by the city council. The adequacy, conditions and acceptability of any certified check or irrevocable letter of credit shall be determined by the city attorney and shall be reviewed annually by the city. The city may direct the amount of the financial guarantee to be increased to reflect inflation or changed conditions. The city shall determine the required amount of the financial guarantee based upon the cost or value of the work to initiate mining operations, continue mining operations and complete closure/rehabilitation procedures.

(Ord. No. 166, § 18, 1-3-2001)

**Sec. 26-183. - Violations and penalties.**

- (a) *Misdemeanor offense.* Any person who violates any of the provisions of this article shall, upon conviction, be guilty of a misdemeanor as defined by state law and shall be punished as provided in section 1-14, plus costs of prosecution. Each separate day of violation shall constitute a separate offense and be punishable as such.
- (b) *Administrative civil penalties.*
  - (1) Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this article.

- (2) If a permittee or an employee or subcontractor of said permittee is found to have violated any provision of this article and/or conditions of their permit, the permittee shall be subject to termination of the mining permit and/or an administrative penalty as follows:
  - a. *First violation.* For a first violation, the city shall impose a civil fine of \$250.00 for each event and day of continued occurrence and/or suspend the mining permit for a period of up to 30 days.
  - b. *Second violation.* For a second violation, the city shall impose a civil fine of \$500.00 for each event and day of continued occurrence and/or suspend the mining permit for a period of up to 30 days.
  - c. *Third violation.* For a third violation, the city shall impose a civil fine of \$1,000.00 and revoke the permit.
- (3) The city council shall serve as the hearing officer for processing of administrative civil penalties. If a violation is suspected, the permittee shall be notified and placed on the next most immediate council agenda for consideration. If the council determines that a violation of this article did occur, that decision, along with the council's reasons for finding a violation and the penalty to be imposed, shall be recorded in writing, a copy of which shall be provided to the accused violator. Payment of all fine shall be due and/or suspension of permit activities be in effect immediately upon presentation of written findings to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.
- (4) Appeals of any decision made of the hearing officer shall be filed in the district court for the jurisdiction of the city in which the alleged violation occurred.
- (5) If civil action, including application for injunctive relief, is required to enforce this article, the operator, or other parties responsible for violation, shall be responsible for all costs, including reasonable attorney's fees, incurred by the city for such enforcement action.

(Ord. No. 166, § 19, 1-3-2001)

Secs. 26-184—26-204. - **Reserved.**

# Land Use Escrow Application

Property Address: \_\_\_\_\_

Owner's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Type of Land Use Application: \_\_\_\_\_

Person/Company paying the escrow	Person/Company receiving returned escrow (if different from the person/company paying the escrow than permission is needed)
Name: _____	Name: _____
Phone: _____	Phone: _____
Email: _____	Phone: _____
Mailing Address: _____ _____	Address: _____ _____
Amount entered into escrow: \$ _____	Email: _____

	Escrow Amount
<b>Type of Land Use Application</b>	
Tax Increment Financing	\$12,000
Preliminary Plat	\$5,000
Major Mining Permit	\$1,500
Admin. Subdivision, Comp Plan Amendment, Metes and Bounds Split, Minor Mining Permit, Site Plan Review, Vacation, Zoning Map Amendment	\$1,000
Final Plat	\$1,000 + \$50/Lot if new road
Environmental Review	\$650
Concept Plan Review, Conditional Use Permit, Conditional Use Permit Amendment, Grading Permit, Planned Unit Development Amendment, Variance, Zoning Text Amendment	\$500
Interim Use Permit/Amendment	\$300

**Escrow Information**

Escrow is set aside for attorney, consulting, engineering, and other misc. fees. If the City of East Bethel is to acquire these fees while working on your Land Use Application, than you are authorizing the City to use this escrow to pay for those fees. The remaining escrow amount will be returned once the work has been approved by the Building and/or Community Development Director.

Escrow Payer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Community Development Staff: \_\_\_\_\_ Date: \_\_\_\_\_

***East Bethel Community Development***

2241 221<sup>st</sup> Ave NE | East Bethel, MN 55011

Phone: (763) 367-7844 | Fax: (763) 434-9578

# Application Deadlines for 2020

Planning staff has ten (10) business days to deem an application complete. The submittal dates pertain to applications deemed complete by Planning staff. These dates do not pertain to Subdivisions applications.

<b>Application Deadline To be submitted by 4pm (30 days prior to PC meeting)</b>	<b>Planning Commission Meeting</b>
Friday, December 27, 2019	<b>January 28, 2020</b>
Monday, January 27, 2020	<b>February 26, 2020</b>
Friday, February 21, 2020	<b>March 24, 2020</b>
Friday, March 27, 2020	<b>April 28, 2020</b>
Friday, April 24, 2020	<b>May 26, 2020</b>
Friday, May 22, 2020	<b>June 23, 2020</b>
Friday, June 26, 2020	<b>July 28, 2020</b>
Friday, July 24, 2020	<b>August 25, 2020</b>
Friday, August 21, 2020	<b>September 22, 2020</b>
Friday, September 25, 2020	<b>October 27, 2020</b>
Friday, October 23, 2020	<b>November 24, 2020</b>
Friday, November 20, 2020	<b>December 22, 2020</b>

**Planning Commission meetings** are held on the 4<sup>th</sup> Tuesday of the month, unless a holiday falls on that day.

**City Council meetings** are held on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month, unless a holiday falls on that day.

Changes to meeting dates will be posted on the East Bethel City website.



## CONTACT LISTS FOR REVIEW OF DEVELOPMENT PROJECT

If the box is checked, you must provide a letter of approval, copy of minutes, or other documentation as it relates to your project to the City of East Bethel Planning/Building Department as part of your application for submittal.

### CITY

- City Attorney**  
Eckberg Lammers  
1809 Northwestern Ave. S.  
Stillwater, MN 55082  
(651) 967-7344  
[www.eckbergammers.com/](http://www.eckbergammers.com/)
  
- City Engineer**  
Hakanson Anderson  
Attn: Craig Jochum  
3601 Thurston Ave.  
Anoka, MN 55303  
763-427-5860  
[www.haa-inc.com/](http://www.haa-inc.com/)

### HIGHWAY/TRANSPORTATION

- Traffic Engineering Manager**  
Anoka County Highway Department  
1440 Bunker Lake Blvd.  
Andover, MN 55304  
763-862-4231  
[www.anokacounty.us/307/Highway-Department](http://www.anokacounty.us/307/Highway-Department)
  
- Development Review Coordinator**  
MN Dept of Transportation  
Metro Division, Waters Edge  
1500 West County Road B-2  
Roseville, MN 55113  
651-234-7500  
[metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us)

### JOINT APPLICATION REQUIRED (WETLANDS/WATERWAYS)

- Anoka Conservation District**  
Attn: Wetland Specialist  
1318 McKay Dr NE, Suite 300  
Ham Lake, MN 55304  
763-434-2030, ext. 14  
<https://www.anokaswcd.org/>
  
- Area Hydrologist**  
MN Dept of Natural Resources  
1200 Warner Road  
St. Paul, MN 55106-6796  
651-259-5802  
<https://www.dnr.state.mn.us/>
  
- Ecological Services**  
MN Dept of Natural Resources  
1200 Warner Road  
763-200-2581  
<https://www.dnr.state.mn.us/>
  
- Board of Water & Soil Resources**  
651-296-6736  
<http://www.bwsr.state.mn.us/>
  
- U.S. Army Corps of Engineers**  
180 Fifth St East, Suite 700  
St. Paul, MN 55101  
651-290-5282  
<https://www.mvp.usace.army.mil/>
  
- Sunrise Watershed Management Organization**  
19511 E. Tri Oak Cir  
Wyoming, MN 55092  
763-434-9652  
[LAM3@ISD.net](mailto:LAM3@ISD.net)
  
- Upper Rum River Watershed Management Organization**  
19900 Nightingale St. NW  
Oak Grove MN 55011  
651-259-5755  
<http://www.urrwmo.org/>