



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

OFFICE USE ONLY

Date Submitted: _____

Total Fee Paid: _____

Escrow Application Submitted: _____

**MAJOR MINING PERMIT
 PROCESS & CHECKLIST**

Application Fee: \$1,000 Escrow: \$1,500 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

The application for a **MAJOR PERMIT APPLICATION** is processed in three separate review steps:

- 1) CITY STAFF
(Applicant is required to meet with City Staff **prior** to submittal of the application.)
- 2) PLANNING COMMISSION
(Public hearing and recommendation to the City Council)
- 3) CITY COUNCIL
(No public hearing required)

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.

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.

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.

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.

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.

Submitted Subsequent to City Council Approval

- Major Mining Agreement for signature if approved by City Council

Additional Notes

- The City Council meets on the first (1st) and third (3rd) Wednesday of the month.
- The Planning Commission meets on the fourth (4th) Tuesday of the month.
- Make sure you give yourself enough time to receive approvals from all reviewing agencies.
- If the major mining takes place on a wetland, than you may have to fill out the Joint Application Form for Activities Affecting Water Resources in Minnesota

Planning Commission Meeting Dates in 2017

Applications and supporting documents must be submitted 30 days prior to the Planning Commission meeting.

January 24	July 25
February 28	August 22
March 28	September 26
April 25	October 24
May 23	November 28
June 27	December 19

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.

<p><u>CITY</u></p> <p><input type="checkbox"/> Mark Vierling, City Attorney 1809 Northwestern Ave. S. Stillwater, MN 55082 Tel (651) 967-7344 MVierling@eckbergglammers.com</p> <p><input type="checkbox"/> Hakanson Anderson Attn: Craig Jochum – City Engineer 3601 Thurston Ave. Anoka, MN 55303 Phone: 763-427-5860 craigjj@haa-inc.com</p>	<p><u>HIGHWAY/TRANSPORTATION</u></p> <p><input type="checkbox"/> Anoka County, Public Services Division, Highway Department Attn: Jane Rose, Traffic Engineering Manager 1440 Bunker Lake Blvd. Andover, MN 55304-4005 Phone: 763-862-4231 jane.rose@co.anoka.mn.us</p> <p><input type="checkbox"/> MN Department of Transportation-Metro Division, Waters Edge Attn: Development Review Coordinator 1500 West County Road B-2 Roseville, MN 55113-3174 Phone: 651-234-7500 www.dot.state.mn.us</p>
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<p><u>JOINT APPLICATION REQUIRED (WETLANDS/WATERWAYS)</u></p>	
<p><input type="checkbox"/> Anoka Conservation District Attn: Becky Wozney 1318 McKay Dr NE, Ste 300 Ham Lake, MN 55304 Tel (763) 434-2030, ext. 14 becky.wozney@anokaswcd.org</p> <p><input type="checkbox"/> MN Dept of Natural Resources Attn: Area Hydrologist 1200 Warner Road St. Paul, MN 55106-6796 Phone: 651-259-5802</p> <p><input type="checkbox"/> MN Dept of Natural Resources Attn: Ecological Services 1200 Warner Road St. Paul, MN 55106-6796 Phone: 651-259-5755</p> <p><input type="checkbox"/> Watershed Management Organization – Upper Rum River Attn: Calvin Bahr Phone: 612-306-1483 ckbahr@q.com</p>	<p><input type="checkbox"/> Dennis Rodacker Board of Water & Soil Resources Phone: 651-296-6736 dennis.rodacker@state.mn.us</p> <p><input type="checkbox"/> U.S. Army Corps of Engineers Attn: Rachel A Nuetzel 180 Fifth St East, Ste 700 St. Paul, MN 55101 Phone: 651-290-5282 rachel.a.nuetzel@usace.army.mil</p> <p><input type="checkbox"/> Sunrise Watershed Management Organization Attn: Leon Mager, Vice Chair 19511 E. Tri Oak Cir Wyoming, MN 55092 Phone: 763-434-9652 LAM3@ISD.net</p>