

**CITY OF SCANDIA
RESOLUTION NO. 05-20-08-03**

**RESOLUTION APPROVING CONDITIONAL USE PERMIT APPLICATION OF
TILLER CORPORATION FOR
SAND AND GRAVEL MINING AND PROCESSING**

WHEREAS, Tiller Corporation operates a sand and gravel mining and processing operation and hot-mix asphalt plant located on approximately 395 acres at 22303 Manning Avenue North, on property legally described as:

The Southeast $\frac{1}{4}$ of Section 7, in Township 32 North, of Range 20 West; and that part of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 8, in Township 32 North, of Range 20 West, described as follows:

Commencing at a point in the North line of said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 8, 22 rods East of the Northwest corner thereof, thence West along said North line to the Northwest corner of said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, thence South along the West line of said Southwest $\frac{1}{4}$ of Southwest $\frac{1}{4}$ to the Southwest corner thereof, thence East along the South line of said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ a distance of 42 rods to a point, thence Northwesterly in a straight line to the point of beginning; and also a strip of land 2 rods wide on the North side of said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, commencing 22 rods East of the Northwest corner thereof and extending to the Northeast corner thereof.

That part of the South Half of the Northeast Quarter of Section 7, Township 32 North, Range 20 West, Washington County, Minnesota, described as follows:

Commencing at the Northwest corner of said South Half; thence Easterly along the North line of said South Half a distance of 1223.40 feet to the point of beginning; thence Southerly, parallel with the West line of said South Half, a distance of 1319.60 feet to the South line of said South Half; thence Easterly along said South line a distance of 1423.65 feet to the Southeast corner of said South Half; thence Northerly along the East line of said South Half a distance of 1317.76 feet to the Northeast corner of said South Half; thence Westerly along the North Line of said South Half a distance of 1422.96 feet to the point of beginning. Subject to 228th Street North along North line.

That part of the Southeast Quarter of the Southwest Quarter and of the South Half of the Northeast Quarter of the Southwest Quarter of Section 7, Township 32, Range 20, Washington County, Minnesota lying easterly of the centerline of County Road 15A as said centerline is described in Book 312 of Deeds on pages 19 and 20.

Subject to County Road 15A.
Subject to easements of record.

The North One-Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) all in Section 8, Township 32, Range 20.

Except: All that part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 8, Township 32, Range 20, Washington County, Minnesota lying East of the centerline of County State Aid Highway No. 1 (Lofton Avenue).

That part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 8, Township 32, Range 20 lying West of the public highway as the same now runs over and across said tract, except the North 2 rods thereof; and that part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 8, Township 32, Range 20 described as follows, to wit:

Beginning 22 rods East of the Northwest corner of said Southwest Quarter of Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$); thence Southeasterly in a straight line to a point 42 rods East of the Southwest corner of said Southwest Quarter of Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$); thence East to the Southeast corner of said Southwest Quarter of Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$), thence North to the Northeast corner of said Southwest Quarter of Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$), thence West to the point of beginning, except the North 2 rods thereof, said tract.

Except: That part of the North 320.00 feet of the South 620.00 of the Southeast Quarter of the Southwest Quarter of Section 8, Township 32, Range 20, Washington County, Minnesota, lying Westerly of the center line of County State Aid Highway No. 1, as the same is now laid out and traveled, said center line is described as follows;

Beginning at a point on the South line thereof distant 37.30 feet Westerly of the Southeast corner thereof (for the purposes of this description, the South line of said Southeast Quarter of the Southwest Quarter is assumed to bear South 89 degrees 38 minutes 18 seconds West); thence Northerly along a curve concave to the West, having a radius of 2864.81 feet and a central angle of 7 degrees 12 minutes 48 seconds, a distance of 360.67 feet, the chord of said curve bears North 14 degrees 39 minutes 10 seconds West; thence North 18 degrees 15 minutes 34 seconds West, tangent to said curve, a distance of 282.59 feet; thence Northerly along a tangential curve, concave to the East, having a radius of 1980.97 feet and a central angle of 20 degrees 29 minutes 54 seconds, a distance of 708.72 feet to the North line of said Southeast Quarter of the Southwest Quarter, and there terminating.

And lying Easterly of the following described line:

Commencing at the Southwest corner of said Section 8; thence Easterly along the South line of said Section 8, a distance of 1714.61 feet to the point of beginning of the line to be described; thence Northeasterly, deflecting to the left 83 degrees 54 minutes 52 seconds, a distance of 623.51 feet to the North line of the South 620.00 feet of said Southeast Quarter of the Southwest Quarter, and there terminating.

Also except: That part of the Southeast Quarter of the Southwest Quarter of Section 8, Township 32 N, Range 20 W, described as follows: Commencing at the Southwest corner of said Section 8, thence Easterly along the South line of Section 8 a distance of 1714.61 feet which is the point of beginning of this description; thence Northeasterly deflecting to the left 83 degrees 54 minutes 52

seconds a distance of 301.70 feet to the North line of the South 100 feet of the Southeast Quarter of the Southwest Quarter of Section 8; thence Easterly along said North line a distance of 757 feet, more or less, to the center line of County State Aid Highway No. 1; thence Southeasterly along said center line a distance of 305 feet, more or less, to the South line of Section 8, thence Westerly along said South line a distance of 862 feet, more or less, to the point of beginning, according to the United States Government Survey thereof and situated in Washington County, Minnesota.

WHEREAS, the site has been actively mined since 1966, and has operated under a previous Conditional Use Permits granted by Washington County dated April 25, 1989, September 27, 1994, and March 28, 2000, when the County exercised land use authority within New Scandia Township. Permitted activities include the mining and processing of aggregate, the production of hot-mix asphalt, and the recycling of concrete and asphalt products; and

WHEREAS, an Environmental Assessment Worksheet (EAW) was prepared for this mining facility in 1987, and a second EAW was completed in 1999 for a proposed expansion of the facility; and

WHEREAS, the scope of the project, including mining operations into the groundwater, proposed in the current permit application to the City are consistent with the scope of the project reviewed in the 1999 EAW, including proposed mining operations into the groundwater; and

WHEREAS, Washington County, the RGU at that time, made a negative declaration stating that there was no need for an EIS, which declaration meets the requirements of Minnesota Rules 4410.1700; and

WHEREAS, the project is exempt from further environmental review, based on Minnesota Rules 4410.4600; and

WHEREAS, Ordinance No. 103, Chapter 4 of the Development Code of the City of Scandia, Minnesota, adopted August 28, 2007 (hereinafter referred to as "the ordinance") replaced the requirements of the ordinances adopted by Washington County and the former New Scandia Township and required the issuance of a new Conditional Use Permit for continued operation of existing mining operations; and

WHEREAS, Tiller Corporation submitted an application for a Conditional Use Permit to the City of Scandia, which was found to be complete for review on February 13, 2008; and

WHEREAS, the Scandia Planning Commission held a duly-noticed public hearing on March 5, 2008 and continued the hearing to April 1, 2008 and then to May 6, 2008 to gather public input and review the application; and

WHEREAS, the Planning Commission has recommended that the City Council approve the Conditional Use Permit subject to certain conditions required for compliance with the

ordinance and with the general criteria for granting conditional use permits as established by Chapter 1, Section 7.3 of the Scandia Development Code;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCANDIA, WASHINGTON COUNTY, MINNESOTA, that it should and hereby does find that the Conditional Use Permit shall be and hereby is issued, with the following conditions made a part thereof:

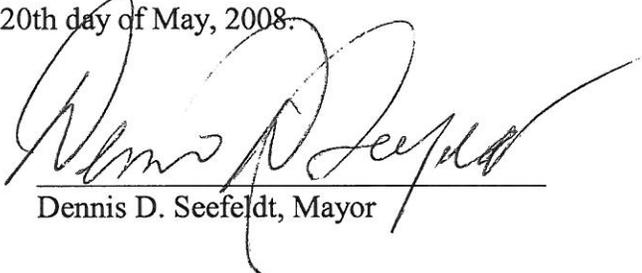
1. All activities on the site shall be in accordance with the Conditional Use Permit Application, as updated with submittals through May 1, 2008, except for any changes therein that may be required by conditions of approval that may follow.
2. The Applicant must at all times comply with the ordinance and all rules and regulations of Federal, State, County, and local agencies, and maintain existing permits granted by these agencies for all operations at the site.
3. Within 60 days of approval of the CUP, the Applicant shall provide an updated copy of the Application materials and plan sheets to the City.
4. The Applicant must receive all required permit(s) from Carnelian-Marine-St. Croix Watershed District and Comfort Lake-Forest Lake Watershed District and maintain said permit(s) over the life of the mining operation.
5. Within 60 days of approval of the CUP, the Applicant shall install three (3) additional monitoring wells as described in the CUP application. The Applicant shall construct the wells with 10 feet of screen to ensure the water table does not fall below the bottom of the screen during dry periods. The depth of the well shall be determined by the Applicant in consultation with the city's hydrogeologist, and will consider the time of year and anticipated water table fluctuations.
6. Within 60 days of approval of the CUP, a detailed plan for ground-water monitoring and protocols shall be submitted to the City for review and approval by the City's consulting hydrogeologist.
7. The City's consulting hydrogeologist shall review and evaluate the groundwater monitoring data gathered from the monitoring wells, establish the depth to groundwater, and direction of ground water flows. Excavation below the water table shall not begin sooner than 3 months (90 days) after installation of the monitoring wells and evaluation of the depth to groundwater-level data from the monitoring well. The onset of excavation below the water table shall be based on recommendations to the City Council by the City's consulting hydrogeologist.
8. The Applicant shall keep records of when the Production well is pumping, and provide these to the City as requested for ground water monitoring activities.
9. Ground-water samples required in the groundwater monitoring plan shall be analyzed for DRO (diesel range organics.) If gasoline is to be stored on site, then GRO (gasoline range organics) and benzene shall be added to the analyte list.
10. The Applicant shall update the Site Plan to illustrate the MN County Well index wells in the vicinity of the site within 60 days of approval of the CUP.

11. The asphalt plant and related storage structures shall be set back at least 100 feet from the shore of the proposed lake.
12. The lake which is created as a result of the mining below the water table shall not be deeper than 50 feet or larger than 50 acres.
13. The Applicant shall post 'trucks hauling' signs for the northbound lane on Manning Avenue and both north and southbound lanes on Lofton Avenue. Supplemental distance signs shall also be provided below these signs and the existing sign to inform drivers of the approximate location of the access. Signs shall be approved by Washington County and shall meet the County's requirements
14. The Applicant shall restrict truck traffic that imports Add Rock to the site from using the Lofton Avenue (County Road 1) access during non-daylight hours. Non-daylight hours shall be defined as one-half hour after sunset to one-half hour before sunrise.
15. The Applicant shall post a sign at the Manning Avenue access that is similar to the existing sign at the access to Lofton Avenue that restricts trucks using 228th Street, to keep the truck traffic off the local roadway near the site.
16. The Applicant must, within 60 days of approval of this resolution, prepare an updated reclamation plan for approval by the City. Reclamation shall proceed concurrently and proportional to mining operations. The reclamation plan shall minimize the amount of the exposed, mined portion of the site. Progress on concurrent reclamation shall be demonstrated in the AOP application
17. Final reclamation will include removal of any equipment, and backfilling and seeding of the operations area.
18. Approval of the reclamation plan shall not constitute an approval by the City of Scandia of the "concept ultimate use plan" included in the application. Ultimate use shall be determined based on the Scandia Comprehensive Plan and ordinances in effect at the time the mining is complete and applications for development of the site may be submitted
19. The reclamation plan shall be updated every five years.
20. The Applicant shall, within 60 days of the date of this resolution, provide to the city an Irrevocable Letter of Credit or other security satisfactory to the city in the amount of \$227,500 to guarantee the completion of approximately 74 acres that the Applicant estimates will be reclaimed and restored on the site during the next five years, and the performance of its obligations set forth by this permit. The city may require the amount of this security to be adjusted in future years based on inflationary increases in construction costs, or upon re-evaluation of the needs for reclamation, as a condition of approval of an Annual Operating Permit. Future reductions in this security shall be made as provided by the ordinance. The City may allow reductions in portions of the Letter of Credit or other security for completed and approved reclamation on a five-year basis.

21. The Applicant must apply for and obtain an Annual Operating Permit from the City. The application shall be completed within 60 days of approval of the CUP and annually as required by the ordinance.

FURTHER, BE IT RESOLVED, any significant variation from these plans and conditions of approval shall require an application to amend this Conditional Use Permit.

Adopted by the Scandia City Council this 20th day of May, 2008.



Dennis D. Seefeldt, Mayor

ATTEST:



City Clerk/ Administrator