

CITY OF ROCKVILLE

City Hall

229 Broadway Street East

PO Box 93

Rockville, MN 56369

Planning/Zoning Commission Meeting Tuesday, May 8, 2018 – 6:00 p.m. at City Hall

AGENDA

1. **Roll Call**
2. **Additions/Approval of Agenda**
3. **Public Hearing: Gregory Mueller/Central Specialties – Renewal Interim Use Permit**
4. **Other Business**
 - a) Next meeting Tuesday, June 5, 2018, 6:00 P.M.
5. **Adjournment**

*This agenda has been prepared to provide information regarding an upcoming meeting of the Rockville City Planning Commission. This document does not claim to be complete and is subject to change.

STAFF REPORT

May 8, 2018, May 9, 2018

Rockville Planning Commission; City Council

Re: Interim Use Permit Request From:

Owners: Gregory G & Terry R Mueller

Property Address: 25770 133rd Ave, Cold Spring, MN 56320

Legal Description: PID No. 76.41609.0900, 150.34 A W2 NW 4 & W2SW 4 of Section 6, T123N, R29W in the City of Rockville, Stearns County, Minnesota.

Interim Use Permit Requested:

Section 9, Subd. 13 Mining/Extractive Uses

Section 28 Interim Use Permits

Requested Use: To extract gravel and operate a bituminous hot mix asphalt plant for public road construction on 32 +/- Acres in an A-40 zoning district.

Description: The sand and gravel products that will be mined are Class V and rock; the equipment to be used will be a screen, crusher, and loader. No gravel washing activities will occur at this location.

Relevant Information:

1. This property is located in the Ag-40 District.
2. Property contains 154.34 +/- acres (32+/- mining acres)
3. 13 notices of public hearing were sent out.
4. This is an established and active mining site (4th permit request)

Considerations For Conditions:

1. The interim use permit will be reviewed annually in January by the Planning Commission and City Council. If upon review, the use is no longer appropriate in the City's sole discretion, the City will provide 90 days written notice of termination of the IUP. The IUP shall expire (a) upon discontinuance of the use for 180 days, or (b) January 15, 2023, whichever occurs first. Failure to meet any of the conditions of this agreement, or substantial change to the conditions in the neighboring properties, shall constitute grounds to terminate this permit after review by City Council. Permittee shall be given an opportunity to address the City Council prior to termination under this condition. Nothing in this condition shall limit the immediate termination of this permit for violation of any other condition.
2. No gravel washing will occur on this or any site in Rockville without an interim use permit.
3. A letter of credit or performance bond approved by the City Attorney is provided in the amount of \$5,000. The letter of credit, or a replacement security approved by the City, shall remain in effect for the entire term of this permit. The amount and terms of this letter of credit shall be reviewed by the City Engineer and City Attorney during the annual review. Upon review, the terms of letter of credit must be revised as directed by the City Attorney in order to ensure the ability of the City to draw upon the security. Compliance with all conditions of the Sec. 9, Subd. 13 of the Zoning Code, and all other City Ordinances.
4. Compliance with all County, State, and Federal laws and regulations, including, but not limited to, those governing public health and welfare, public and worker safety, water quality, air quality, noise pollution and waste disposal.

5. Right-of-entry is provided to the City of Rockville, and its agents, to inspect the site and determine compliance with all conditions imposed on the operation.
6. A copy of the restoration plan submitted to Stearns County to be provided.
7. Operation is limited to the hours of 7:00 a.m. to 10:00 p.m. with an allowance to warm up vehicles and equipment beginning at 6:00 a.m. The City reserves the right to amend the hours of operation to eliminate the allowance to warm-up, at any time, with two weeks notice.
8. Erosion control measures will be taken to minimize the damage to adjacent land and be done according to the Site Development and Reclamation Plan.
9. Prior to the termination of the of the interim use permit (for whatever reason), the site is reclaimed according to the Reclamation Plan.
10. Landscaping is installed to the outer rim of the mining area so there is no outside drainage entering the mine pit.
11. All fueling, fuel storage, maintenance, and storage of the mining equipment is limited to an area outside of the mine pit, or on an area which has secondary containment for any spill or leak.
12. No use of explosives which leave neither nitrate residue nor any residue which is a drinking water contaminant.
13. A plan for dust and noise control.
14. Setback The following setback requirements shall apply to mining operations:
 - a. The processing of mined materials shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential dwelling unit.
 - b. Mining of any materials shall not be conducted closer than two hundred (200) feet of any residential dwelling unit or residential zoning district boundary.
 - c. Mining of any materials shall not be conducted closer than thirty (30) feet to any property line or within thirty (30) feet of any public road right of way.

Submitted by:
Martin M. Bode
Zoning Administrator



CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620

NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, May 8, 2018 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East**, to consider the request of Gregory Mueller/ Central Specialties for an Interim Use Permit. The address of the property is: 25770 133rd Avenue, Cold Spring, MN with a legal description of: 150.34 A W2 NW 4 & W2SW 4 of Section 6, T123N, R29W in the City of Rockville, Stearns County, Minnesota.

A CONDITIONAL/INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:

SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 20. MINING/EXTRACTIVE USES

SECTION 28: INTERIM USE PERMITS

The request is to operate a mining/extraction/crushing use.

All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN, 56369 prior to the hearing, or be present at the public hearing.

Martin M. Bode
Administrator/Clerk

Publish 04/24/2018
Cold Spring Record

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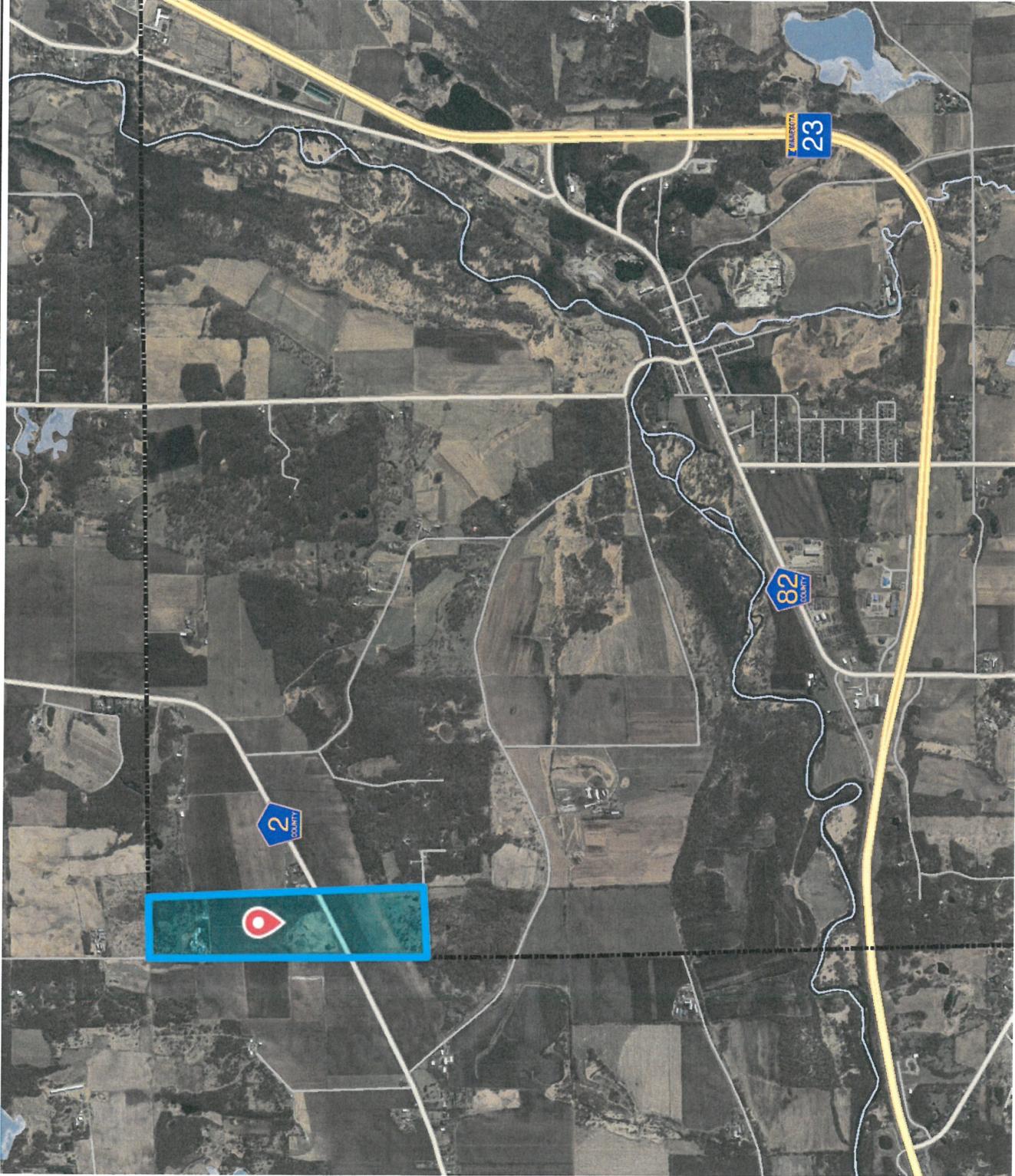
**City of Rockville,
Minnesota**
Advanced - Heart of the City

- Legend**
-  City Limits
 -  Roads
 -  Interstate
 -  State Highways
 -  County Highways
 -  Local Roads
 -  PW1 Watercourse
 -  PW1 Basin

**Mueller/Central
Specialties**



Disclaimer:
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Rockville is not responsible for any inaccuracies herein contained.



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STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

AFFIDAVIT OF SERVICE

Debbie Weber, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **19th** day of **April, 2018**, he/she served the annexed Notice on **see attachment**, the person therein named, personally, by then and there handing to and leaving with him/her a true and correct copy of said Notice.

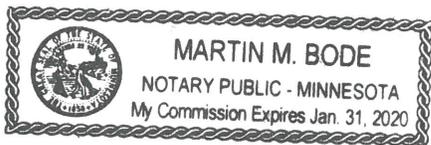


Signature

Subscribed and sworn to before me this 19th day of April, 2018.



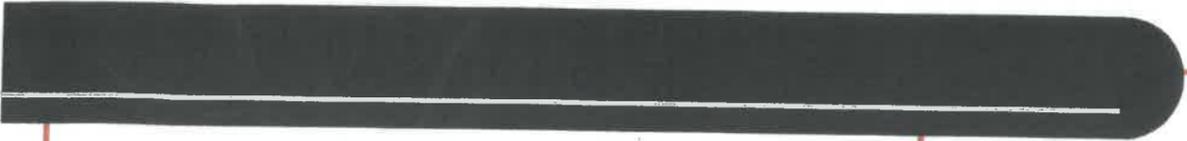
Notary Public Signature



Notary Public Stamp

Name	Address	City
BRENT NIERENHAUSEN	12953 250TH ST	SAINT CLOUD MN 56301
GREGORY G & TERRY R MUELLER	25770 133RD AVE	COLD SPRING MN 56320
TIMOTHY M & ALETA M HOLBROOK	13002 250TH ST	ST CLOUD MN 56301-9482
THOMAS G & DONNA M HANSEN	13667 GLACIER RD	COLD SPRING MN 56320-9600
MICHAEL A NISTLER	25417 COUNTY ROAD 2	ST CLOUD MN 56303-9745
GREGORY G & TERRY R MUELLER	25770 133RD AVE	COLD SPRING MN 56320
BECHTOLD FAMILY LP	12976 COUNTY ROAD 51	SAINT JOSEPH MN 56374
DANIEL & MELISSA KRON	26183 133RD AVE	COLD SPRING MN 56320
DERRICK ORTH	12868 DAIRY HILL RD	SAINT CLOUD MN 56301
STEARNS COUNTY HIGHWAY	PO BOX 246	SAINT CLOUD MN 56302
ST JOSEPH TOWNSHIP	PO BOX 585	ST JOSEPH MN 56374
COLLEGEVILLE TOWNSHIP	27724 COUNTY ROAD 50	COLD SPRING MN 56320
WAKEFIELD TOWNSHIP	22295 FROSTVIEW ROAD	COLD SPRING MN 56320

13 Notices



**Site Development
&
Reclamation Plan**

**Mueller Pit
12770 133rd Avenue
Cold Spring, MN 56320**

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General Information & Description of Site Property

The Mueller Pit is owned by Greg and Terry Mueller of 25770 133rd Avenue, Cold Spring, MN. 56320. The proposed site is located approximately 32 acres within an agricultural land use district and is more particularly described as being located as follows:

NW4, SW4, Sec. 6, T123N, R29W, Rockville Plat

Planning for responsible access to and use of our mineral resources is as important to our County and our Cities, as is planning for the use and sustainability of our agricultural lands, forestlands, rivers and lakeshores. This site is an existing, active mining site known to provide an excellent source of bituminous aggregates, class 5 aggregates and other aggregate materials that can be used to meet the Local Area's public and commercial infrastructure needs now and well into the future. The materials are of extremely high quality and well suited to road construction and paving specifications. The use is consistent with Section 9, Subdivision 20: Mining/Extractive Uses, of the City of Rockville's Zoning Ordinance.

Operating Plan

Pre-Mining Conditions

The site is an active gravel mine. The site has been excavated over the years to an approximate depth of 20 feet.

Land use of surrounding properties is gravel mining and agriculture.

The site is not located within 1000 feet of any shoreline or bank of any watercourse. Map Sheet 1 in Appendix A details Existing Conditions.

The site is not located within the floodplain.

Site Access

The entrance and exit to the pit will be from Stearns County Road 2 on the south property line. (Appendix A, Sheet 1). The entrance has been constructed so as not to create a safety hazard and to comply with *The Manual of Uniform Traffic Control Devices* as specified by the Minnesota Department of Transportation.

Security

Appropriate action will be taken to control activity and provide security within the pit area. This may be accomplished by fencing and gated entrances, video surveillance or maintaining round the clock personnel on-site, should circumstances warrant such action. Previous excavation has reached a depth sufficient enough to create an overall screening effect for the location. Equipment and trailers on site during periods of operation are locked. Equipment and trailers are removed from the site when operations cease.

Right-of-entry will be provided to the City of Rockville.

Site Maintenance

No waste materials will be disposed of on-site unless allowed by Ordinance or authorized by the City.

Sanitary rest room facilities will be provided for workers during periods of operation.

Weeds and/or noxious vegetation shall be controlled within the site.

No blasting or storage of blasting materials or devices will occur at the site.

Hours of Operation

Mining/extractive and associated processing activities and hauling are both intermittent activities, dependent on market demand and needs. Typically such operations occur in the months between March and November, depending on circumstances such as production requirements and weather. The hours of operations are usually:

5:30 a.m. to 10:00 p.m., Monday through Saturday

There are no overnight operations and no operation on Sundays.

During extraction and processing activities there will typically be 3-5 employees on site. During hot mix asphalt production activities on site personnel will average 5-30 including truck drivers.

Truck Activity

When materials are being hauled to or from the site, the truck activity will be measured in trips per hour and shall typically be twenty (20) trips per hour at the highest and ten (10) trips per hour at the average level of truck activity, depending on factors such as distance and road conditions. Access and egress will be from the entrance on Stearns County Road 2.

Utilities

There are no encroachments into utility right-of-ways. Energy is generated on site by portable generators, sanitary and waste disposal facilities are provided on site for workers and thus no additional burden is placed on local utilities.

Noise

Typically noise from mining, extraction and processing activities emanates from the operation of equipment such as engine noise and back-up alarms. Crushing activities and hauling are both intermittent activities, dependent on market demand and needs. As such, exposure to noise from the operation is intermittent and general short term. Equipment placement within the mining area will be designed to minimize noise emissions to the extent possible. Further reductions in noise emissions will be realized as the elevation within the pit area is lowered resulting from the buffering effect of the pit walls, stockpiles and trees.

Erosion Control Measures

Measures shall be taken to control erosion, to prevent potential damage to adjacent land and to control sedimentation that has the potential to leave the site. Erosion and sedimentation control best management practices (BMPs) will be maintained until the pit area is permanently stabilized or reclaimed.

The excavation plan is designed so that as materials are excavated from the inside out, a basin forms in the center of the pit area. The surrounding gravel walls act as a natural barrier and are constructed to slope to the pit bottom. This creates a natural detention basin for potential runoff water that directs flow inward and prevents runoff from the excavation site. Drainage patterns are designed to direct surface waters into the pit bottom for natural infiltration.

Dust Control Measures

The two major sources of dust produced during a mining operation occur when the topsoil is being stripped and pushed up into piles or berms and from truck traffic on internal pit roads. Crushing activities and hauling are both intermittent activities, dependent on market demand and needs. During these operations visible dust emissions will be controlled using the best available control techniques.

A water truck will be kept on site during mining and hauling activities to water haul roads and to spray down materials as they are conveyed to stockpiles. If appropriate, calcium or magnesium chloride may also be used to abate dust emissions from the proposed site and on haul roads.

Water Quality

Spill prevention is prudent both economically and environmentally, because spills increase operating costs and lower productivity. The most significant quantity of any potential pollutant on site during mining operations is fuel for machinery. Fuel is stored in an above ground portable storage tank, compliant with MPCA standards for tanks. Other substances used on site are stored in approved containers, in job trailers. Quantities are minimal. Spill prevention is a key component in a Best Management Practices program. Management Practices for minimizing potential groundwater contamination may be implemented and might include such measures as diking and lining the fueling area. Waste materials and empty containers are removed from the site.

Air Quality

Emission sources associated with a nonmetallic mining and crushing activities are considered insignificant sources. On-site sources of air emissions include combustion engines such as bulldozers, loaders and a generator. Best management practices for maintaining air quality standards and compliance with all regulatory requirements for operating a crushing operation will be followed during mining operations.

Processing Plan

Phases of Operation

Mining/extraction and processing activities will typically be staged in three phases. The first phase opens and prepares the site for extractive and processing activities. In the second phase the aggregate materials are extracted and processed. The third and final phase will reclaim the site to an appropriate end use such as an agricultural use, wildlife habitat and/or recreational use. The site is divided into roughly three sections. As the first phase is implemented on a section, final reclamation and return to crop production is implemented on the previous section. During final reclamation topsoil will be reapplied, graded, sloped and seeded with a crop seed, grass or an appropriate seed mixture.

Mining activities include extraction, crushing, screening, and storage of aggregate materials. Crushing equipment and HMA plant and processing equipment are portable and are removed from the site upon cessation of mining activities. Equipment used to extract materials may include bull dozers, front end loaders and draglines. It is not anticipated that any permanent structures will be erected on site while in the mining and processing phase.

Sand and gravel washing will not occur on site. Dewatering is unlikely to occur on site.

During mining/extraction and processing activities, processing machinery will be located consistent with setback standards and requirements, from ordinary high water levels of public waters and from wetlands, and will be effectively screened from public view by the perimeter pit walls, vegetation and trees. Map Sheet 2, Appendix A.

Because of the market driven nature of aggregate use, it is difficult to predict with certainty the exact term of each phase. When periods of inactivity result in cessation of mining/extraction and processing activities, either Interim or Final Reclamation procedures will be implemented. During periods of inactivity, the site will be graded and sloped in order to stabilize the site, prevent run-off and erosion, and to reduce risk attributable to steep banks and high walls.

Reclamation Objectives

The goal of any reclamation plan is to address issues of maintenance of the affected area during the life of the mining operation and to address the end use plans once mining activities have ceased. A reclamation plan is an essential feature of an overall mining plan. Ideally, reclamation of affected surfaces should be completed as soon as is reasonable after affected surface areas are no longer being used in mining operations. Reclamation practices ensure physical stabilization of the soils and a sustainable land use.

Reclamation is an integral part of extraction, and as such is included in our pre-excavation planning. Factors considered in reclamation planning include: pit location and characteristics, topsoil and water availability, the surrounding landscape, zoning and other land-use restrictions, end-use objectives, practicality and cost-effectiveness. Whenever possible, reclamation operations shall be carried out concurrently with extraction.

Interim Reclamation Plan

A Reclamation Plan anticipates periods of dormancy during the life of the mining operation. During these dormant periods, interim reclamation measures shall be initiated when mining operations are suspended due to inactivity such as a lack of contracts or adverse economic conditions in the mining or transportation industries. It is seldom possible to forecast the duration of such a shut-down. It could be a matter of a few weeks or months between mining operations. Not knowing how long the period of inactivity will last makes it difficult to specifically detail interim reclamation measures in advance, but requires flexibility in implementing measures appropriate to the current conditions.

The general approach for interim reclamation during dormant periods or upon cessation of operations in an on-going operation is to stabilize and secure the site. Typical activities involve keeping drainage structures clear, inhibiting erosion of exposed soils. Interim reclamation measures may also include measures such as cleanup and re-grading of steep slopes of unconsolidated material to create stable slopes in order to prevent surface shifting or shedding; procedures that control or avoid wind erosion and water runoff; and where appropriate, re-vegetation of surface areas with plant materials that are capable of self-regeneration without dependence on irrigation and equipment.

Final Reclamation Plan

The intent during the final reclamation phase is to either restore the land to its pre-extraction use or in a manner appropriate for its post-extractive use. This phase will be implemented once extractive activities have permanently ceased on the property. To comply with requirements of the City Ordinance, final reclamation activities will include such measures as rehabilitative earth-work covering bare rock and sub-soils and re-grading side slopes. Non-useable and/or non-commercial materials including overburden, screenings and rocks may be disposed of in the pit bottom. Oversize rock and boulders may be used as landscape features. Topsoil stored in piles and berms will be reapplied to the graded site consistent with surrounding terrain and planned after use. If considered unnecessary to the end-use plans for the property, the access road into the pit area may be removed as a part of the reclamation of the land.

Seeding will follow final topsoil with an agricultural crop or a grass seed mix acceptable to the NRCS. The most critical aspect of re-vegetation efforts is rapid establishment of a ground cover to pre-development or adjacent site conditions. Grasses are typically the best species for achieving rapid soil stabilization. Mulches, soil stabilizers or fertilizers may be applied to establish plant growth or reduce erosion. We anticipate the cost of reclamation at approximately \$1000/acre. Map Sheet 3, Appendix A.

In applying the final reclamation plan, re-vegetating the area consistent with surrounding conditions in a timely fashion is our desired goal of the plan. Re-vegetation provides cover and food to attract wildlife to the area, reduces soil erosion, adds organic material to the soil, filters runoff, increases water infiltration and increases the overall environmental desirability of the surrounding area.

Appendix A –Map Sheets

April 18, 2018



Google earth

250th St.

21st Ave

© 2017 Google

455 ft

58th Ave

Google earth

feet
meters

1000

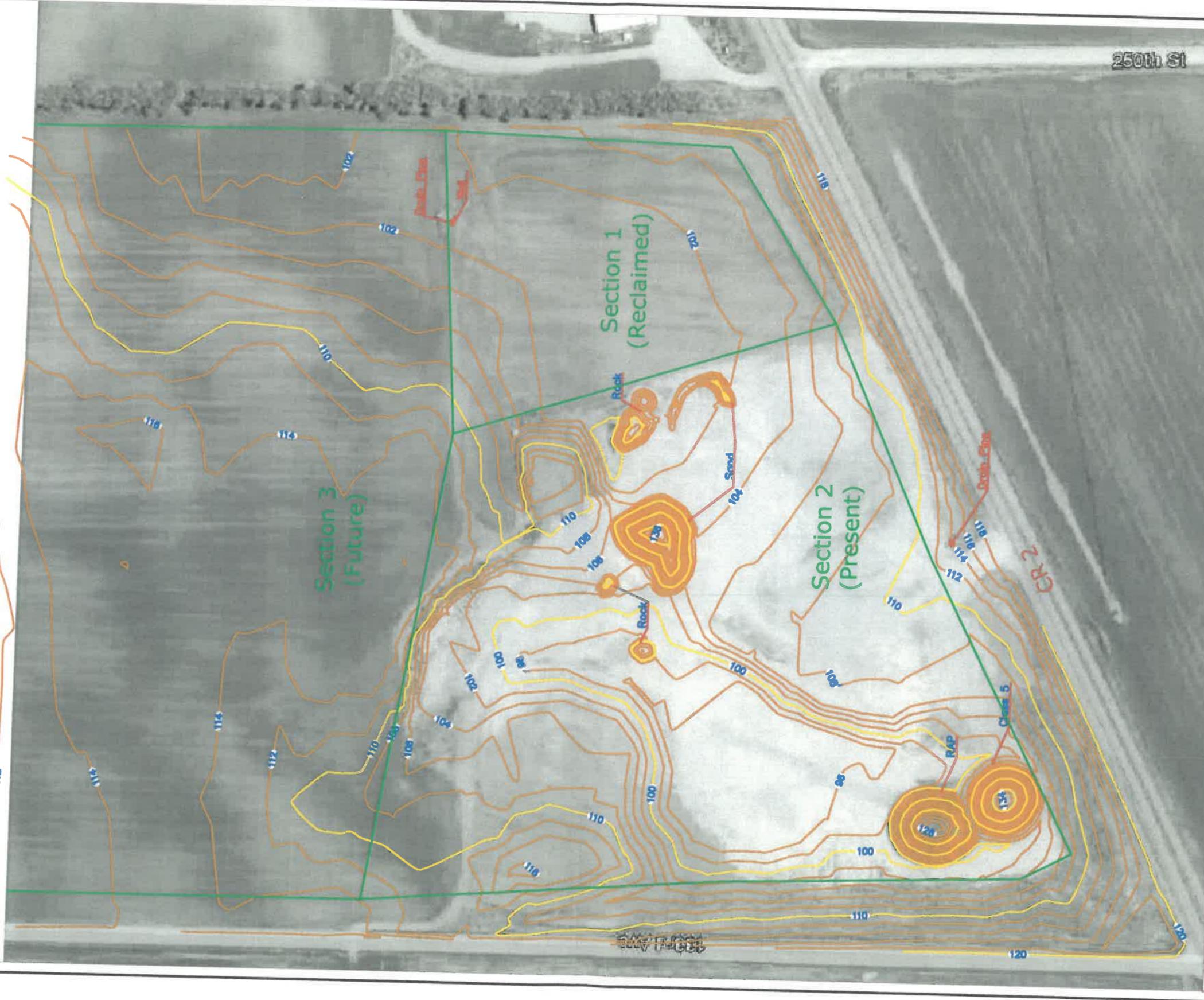
400



Map A - Existing



22



250th St

Central Specialties Inc.
 6325 Cty. Rd. 87 S.W.
 Alexandria, MN 56308
 Phone: 320-762-7289
 Fax: 320-762-7290

Map A
 Rockville, MN

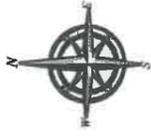
DATE	REVISIONS
12/7/2011	

Mueller Pit

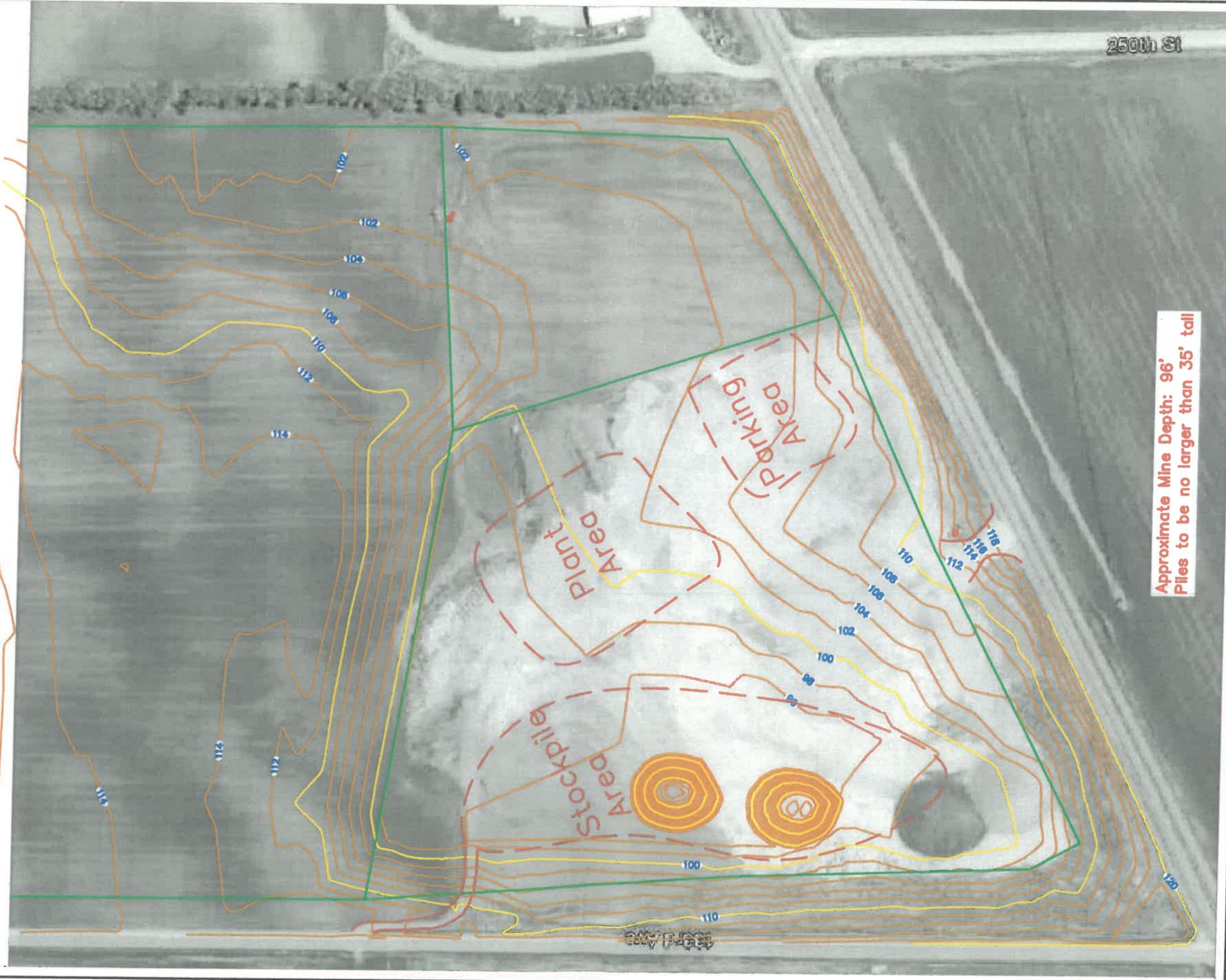
Sheet No. 1



Map B - Proposed



22



Approximate Mine Depth: 96'
Piles to be no larger than 35' tall

Central Specialties Inc.
6325 Cty. Rd. 87 S.W.
Alexandria, MN 56308
Phone: 320-762-7289
Fax: 320-762-7290

Map B

Rockville, MN			
DRAWN BY:	DATE:	REVISIONS:	
12/7/2011			
SCALE: 1" = 150'			
JOB NO.			

Mueller Pit

Sheet No. 2



Map C - End Use



Central Specialties Inc.
 6325 Cty. Rd. 87 S.W.
 Alexandria, MN 56308
 Phone: 320-762-7289
 Fax: 320-762-7290

Map C Rockville, MN

DRAWN BY:	DATE	REVISIONS
12/7/2011		
SCALE: 1" = 150'		
JOB NO.		

Mueller Pit

Sheet No. 3



Appendix B – Interim Use Permit Application

CITY OF ROCKVILLE
CONDITIONAL USE PERMIT APPLICATION AND THE PROCESS

The Conditional Use permit application must be filled out and completed by the Applicant. The following items should be included as part of the application.

PURPOSE

The purpose of this Section of the Zoning Ordinance is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.

PROCEDURE

1. **Application.** A person applying for a Conditional Use Permit must fill out and submit to the Zoning Administrator a Conditional Use Permit Application form, accompanied by the required fee and detailed material fully explaining the specific request together with such information as is necessary to show compliance with this Ordinance. The application must include a site plan showing the following, as applicable:
 - A. **Application filled out & signed**
 - B. **Form to explain how the request for a Conditional Use Permit meets the zoning requirements.** (A Conditional Use Permit cannot be granted unless evidence is presented that satisfies the 9 conditions. Failure to adequately provide such information may result in a denial of your request for a conditional use permit.)
 - C. **Copy of Deed.**
 - D. **Provide Individual Property Owner names:** Within 350 feet or nearest 10 property owners (whichever is greatest)
 - E. **Applicant provides an Aerial Photo** (The photo would depict vegetative cover on property and how it links with adjacent property).
 - F. **Applicant provides the distance to the nearest existing driveways.**
 - G. **Application must include a site plan.**
(Site plan shows the following, as applicable :)
 1. Site description (legal description).
 2. A Certificate of Survey.
 3. Site plan drawn to scale showing the parcel and building dimensions, area and setbacks.
 4. Location of all existing and proposed buildings and their square footage.
 5. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, sidewalks, vehicular circulation, and snow storage locations.
 6. Landscaping and screening plans.
 7. Waste facilities including enclosure and screening.
 8. Drainage and grading plan.
 9. Sanitary sewer and water plan with estimated use per day.
 10. Soil type.
 11. Any additional written or graphic information reasonably required by the Zoning Administrator or the Planning Commission.
2. **Fees.** A fee the City Council shall establish by resolution must accompany the application. **An additional fee may be charged for atypical projects, which in the opinion of the Zoning Administrator will require additional staff time and/or City Expenditures. In such case, the applicant will be required to reimburse the City for administrative time, professional services and costs incurred by the City.**

- ◆ The required fee offsets –Staff time, publishing the public hearing notice, mailing the notice to property owners, the regular scheduled meetings of the Planning Commission & Council.
***Note: There is an additional cost to hold a special meeting.

When a complete Conditional Use permit application is on file. (Here are the next steps.)

1. **Referral to Planning Commission.** After the Zoning Administrator has reviewed the application and the date has been set for the public hearing, the Zoning Administrator shall refer the application to the Planning Commission, together with the Zoning Administrator's review and recommendations regarding the application.
2. **Planning Commission Review.** The Planning Commission shall consider the request at their next regularly scheduled meeting and shall make a recommendation and report to the City Council.
 - A. **Appearance by Applicant.** The applicant or the applicant's representative(s) must appear before the Planning Commission in order to answer questions concerning the Conditional Use Permit application.
3. **Recommendation by the Planning Commission.** After reviewing the Conditional Use Permit application, the Planning Commission will make a written recommendation to the City Council within forty-five (45) days after the Zoning Administrator receives the application as to whether the City Council should approve or deny the application. If approval is recommended, the Planning Commission may suggest conditions to be attached to the Conditional Use Permit.
4. **City Council's Review.** Upon receiving the Planning Commission's report and recommendation, the City Council may hold an additional public hearing, if deemed necessary, and make the final decision on all Conditional Use Permit applications.
 - A. **Appearance by Applicant.** The applicant or the applicant's representative(s) must appear before the City Council in order to answer questions concerning the Conditional Use Permit application.
5. **Vote Required.** Approval of a Conditional Use Permit will require passage by a majority of the votes cast.
6. **Conditions.** If the City Council grants the Conditional Use Permit, it may impose conditions to it, or the Planning Commission, considers necessary to protect the public health, safety and welfare.
7. **Written Findings.** The City Council will issue written findings stating the reasons for its decision and any conditions imposed, and will serve a copy of its decision on the applicant by U.S. mail, within ten (10) days after its decision. In any event, the City Council will make a decision on each Conditional Use Permit application within sixty (60) days after the Zoning Administrator receives the application or may extend the time for consideration under state law.
8. **Appeal.** An applicant may appeal the City Council's decision to the Stearns County District Court as provided by law.
9. **Amendments.** An application for an amendment to a Conditional Use Permit will be administered in the same manner as a Conditional Use Permit.
10. **Resubmission.** No application, which is substantially the same as and application of a denied Conditional Use Permit shall be resubmitted for a period of one (1) year from the date of denial. The City Council may permit a new application if, in its opinion, new evidence or a change of circumstances warrant reconsideration.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

In granting a Conditional Use Permit, the City Council will consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding land, including land values. Among other things, the City Council must make the following findings when applicable.

1. **Not a Burden on Public Facilities.** The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
2. **Compatible with Existing and Planned Adjacent Uses.** That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area.
3. **No Adverse Affect on Adjacent Properties.** The structure and site will not have an appearance, traffic, noise, odors, fumes, dust, vibration, light or emission levels or other features that will have an adverse effect upon adjacent properties for purposes already in use or permitted.
4. **Related to the Needs of the City.** The use is reasonably related to the overall needs of the City and to existing land uses.
5. **Consistent with the Comprehensive Plan.** The proposed use is in compliance with the Land Use Plan and other portion of the Comprehensive Plan adopted by the City.
6. **Not a Traffic Hazard.** The use will not cause a traffic hazard or congestion.
7. **Adequate Parking and Loading.** That maximum measures have been or will be taken to provide maximum off-street parking and loading space to serve the proposed use.
8. **Not detrimental to Health, Safety and Welfare.** The proposed use will not be detrimental to the public health, safety, comfort and general welfare of the City.
9. **Floodplain.** For property located in Floodplain districts, the criteria set out in the Floodplain Ordinance will be met.
10. **Shore land.** For property located in Shore land districts, the criteria set out in the Shore land Ordinance will be met.
11. **Feedlots.** Feedlots will meet the requirements of this Ordinance and all other applicable ordinances.

ADDITIONAL CONDITIONS

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend the imposition of and the City Council may impose conditions considered necessary to protect the best interest of the surrounding area or the City as a whole, in addition to the standards and requirements expressly specified by this Ordinance. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimensions.
2. Limiting the height, size, number or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location or lighting of signs.
7. Requiring diking, berming, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Designating operating hours and noise levels.
10. A time limit on the use.
11. Any other condition the Planning Commission or City Council deems necessary to protect the public interest.

12. Additional Conditions may be imposed on property located in a floodplain in accord with the Floodplain Ordinance.
13. Additional Conditions may be imposed on property covered by the Shore land Ordinance.
14. Additional Conditions may be imposed on feedlots in accord with other applicable ordinances including without limitation Stearns County=s Ordinances relating to feedlots.

CHANGES IN CONDITIONAL USES

Any change involving structural alteration, enlargement, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator will maintain a record of all Conditional Use Permits issued including information on the use, location, and conditions imposed by the City Council and time limits, review dates, and such other information as may be appropriate.

RECORDING CONDITIONAL USE PERMITS

A certified copy of any Conditional Use Permit shall be filed with the Stearns County Recorder. The Conditional Use Permits shall include the legal description of the property involved.

- ◆ Stearns County Recorder office charges a fee to record the legal document.
The Applicant is responsible for those fees.

REVOCAATION

In the event that the applicant violates any of the conditions set forth in this permit, the City Council shall have the authority to revoke a Conditional Use Permit.

TIME LIMITATION

A Conditional Use Permit may include an expiration date and the property owner will be responsible to submit the application for renewal of the permit. The City Council will review and approve all renewal applications, which must be submitted at least sixty (60) days before the expiration date. The criteria for renewal will be the same as for a new permit. The owner of the land will not be required to pay a fee for said review.

LAPSE/EXPIRATION

If within one (1) year after granting a Conditional Use Permit the use permitted has not been started, then the permit will become null and void unless the City Council has approved a petition for an extension. Conditional Use Permits expire if the authorized use ceases for any reason for more than six (6) months. Conditional Use Permits expire if the use is abandoned. A use is considered abandoned if the use is replaced by another use or discontinued for more than six (6) months.

COMPLIANCE

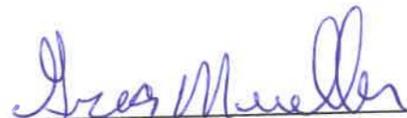
1. **Revocation.** The City Council may revoke a conditional use permit if it determines that the permit's terms and conditions are not being complied with.
2. **Procedure.** The Building Inspector, Zoning Administrator, any Council member or the Mayor may bring before the City Council notice of a potential violation involving the terms or conditions of a Conditional Use Permit which has been issued in the City. In such event the Building Inspector or Zoning Administrator shall investigate the violation and report back to the Council. If the Council determines that proceedings to consider revocation of the permit are warranted, the Council shall provide five (5) days written notice to the owner of the property, as shown on the property tax records for which the

Conditional Use Permit has been issued, of the time and place at which the Council will consider the revocation. The property owner shall have an opportunity to be heard after which time the Council may take all appropriate actions including the revocation and termination of the Conditional Use Permit.

3. **Costs of Enforcement.** It shall be a term of any Conditional Use Permit issued by the City, whether or not specifically stated, that the property owner(s) shall pay all staff and reasonable attorney's fees associated with enforcement of the terms of the Conditional Use Permit.

THE STEPS:

1. Provide a complete application by the 2nd Tuesday of the month to be on the following month's Planning Commission Agenda.
2. **DATE:** _____ Planning Commission –May schedule a site visit; hold the public hearing at their meeting and make a recommendation to the Council at the next City Council meeting.
3. **DATE:** _____ Council - (Meets 3rd Wednesday of month) Makes the final decision—if Council grants the Conditional Use Permit.
4. **Applicant:**
 - ◆ If applicant waits for Council approval before providing the plans the next step is to fill out the Building Permit Application & provide 2 full sets of plans to City Hall.
 - ◆ If Applicant provided the Building Permit Application & 2 full sets of plans with the Conditional Use process. The applicant will need to notify City Hall that the plans that are on file are correct. This process will not be forwarded to the Building Official until applicant contacts City Hall.
DATE: _____ **Applicant should call City Hall.**
5. **Building Official**-Reviews the plans (allow 4-6 days). Once City Hall receives the plans back, Staff will notify the Applicant with the cost of the building permit.



(Applicant Signature)

(I hereby certify that I have read the above information and I agree with the terms.)

4/18/19
Date

CITY OF ROCKVILLE
APPLICATION FOR CONDITIONAL USE PERMIT: FEE \$200
RECORDING FEE: \$46.00 (Per Document)

Need separate checks: 1 for Conditional Use permit fee & 1 for recording fee(s)

Need a Copy of Deed

PLEASE NOTE: ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, STEARNS COUNTY FEES, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER)

PROPERTY LOCATION/ADDRESS: 25770 133rd Avenue, Cold Spring, MN 56320

LEGAL DESCRIPTION: NW1/4SW1/4 6-123-29 **PARCEL #:** 76.41609.0900 **ZONING:** A-40

EXPLANATION OF REQUEST: Extract sand & gravel, operate hot mix asphalt plant

If replacing an existing structure, what will be done with the old structure? N/A

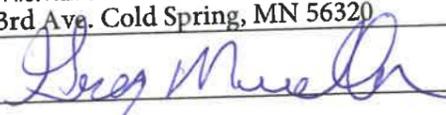
Has a variance request been made previously on this property? No If yes, when? _____

- Provide Individual property owner names/addresses within 350 feet or nearest 10 property owners, whichever is greatest.
- Applicant provides an aerial photo (The photo would depict vegetative cover on property and how it links with adjacent property).
- Applicant provides the distance to the nearest existing driveway.

PROPERTY OWNER:

Name (Print): Gregory Mueller Phone: 320-492-2769
First Name Middle Initial Last Name

Address: 25770 133rd Ave. Cold Spring, MN 56320

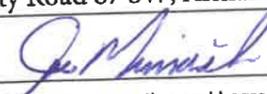
Signature (required):  Date: 4/18/19

*Signature of property owner shall serve as acknowledgement and authorization of this request.

APPLICANT:

Name (Print): Central Specialties Inc. Phone: 320-762-7289

Address: 6325 County Road 87 SW, Alexandria, MN 56308

Signature (required):  Date: 4/17/18

(I hereby certify that I have read the above information and I agree with the terms)

101.41000-34102 \$46.00

OFFICE USE ONLY:

Permit # _____
R # _____ Conditional Use Permit Fee Check# _____ Date _____ 101.41000.34103 \$200.00
R # _____ Reimb. for Invoice Check# _____ Date _____ 101.41000.34102 \$46.00

**CITY OF ROCKVILLE
APPLICATION FOR CONDITIONAL USE PERMIT**

Please use this for to explain how your request for a conditional use permit meets the zoning requirements.

1. **Not a burden on public facilities.** Temporary sanitary facilities and waste disposal facilities are provided on-site for worker use. Electricity is generated on-site eliminating need for public utilities. Access and egress to and from the site via Stearns County road #2, thus minimizing road maintenance
2. **Compatible with existing and planned adjacent uses.** The site is an existing gravel pit, used periodically through the years to serve local area construction needs. The surrounding land is used primarily for agriculture.
3. **No adverse affect on adjacent properties.** Site is used intermittently for local construction needs. As such, any impact is temporary. The site is surrounded by farmland on three sides. The nearest residence is more than 800 feet from the site and is separated by a tree line and a crop land buffer strip.
4. **Related to the needs of the City.**
Aggregates mined and processed at the site are used for local area construction projects.
5. **Consistent with the Comprehensive Plan.**
Yes
6. **Not a traffic Hazard.**
No
7. **Adequate parking and loading.**
Yes
8. **Not detrimental to health, safety, and welfare.**
No
9. **Flood plan.** N/A

Staff Use only:

Zoning Administrator reviewed Conditional Use Permit Application.

1. Referred to City Attorney and/or City Engineer: Date _____
Why: _____

2. Determination made & why: _____

() Complete Application

() Incomplete Application Why: _____

Applicant was notified for additional information: Date _____ in which the information needs to be turned in by. _____ in person _____ by phone _____ email

Staff _____ Date _____

Appendix C – Property Title

3/46
114-
1280

NO DELINQUENT TAXES AND
TRANSFER ENTERED

DATE Dec. 30 2008

AUDITOR [Signature]

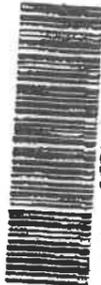
DEPUTY [Signature]

36.23500.0000
76.41609.0900
76.41610.0700

OFFICE OF COUNTY RECORDER
STEARNS COUNTY, MINNESOTA

Document # 1275099
Certified, Filed, and/or Recorded on
12-30-2008 at 03:02 PM

DIANE GRUNDHOEFER
STEARNS COUNTY RECORDER



Quit Claim Deed
(Individuals to Joint Tenants)

STATE DEED TAX DUE HEREON: \$1.65
Date: December 29, 2008

FOR VALUABLE CONSIDERATION: Gregory G. Mueller and Terry R. Mueller, husband and wife, Grantors, hereby convey and quitclaim to Gregory G. Mueller and Terry R. Mueller, husband and wife, Grantees, as joint tenants, real property in Stearns County, Minnesota, described as follows:

The Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) and the East 35 acres of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), all in Section One (1), Township One Hundred Twenty-three (123) North, Range Thirty (30) West; also commencing at the Northeast corner of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section One (1), running thence South 38 rods, thence West 21 rods, thence North 38 rods, and thence East 21 rods to the place of beginning, all in Township 123 North of Range 30 West; also the West One-half of the Northwest Quarter (W1/2NW1/4) and the West One-half of the Southwest Quarter (W1/2SW1/4) of Section Six (6), and the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) less West One-half (W1/2) acre thereof, and the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) all in Section 7, in Township 123 North of Range Twenty-nine (29) West, Stearns County, Minnesota.

Together with all hereditaments and appurtenances belonging thereto. This deed conveys after-acquired title.

Total consideration for this transaction is less than \$500.00.

[Signature]
Gregory G. Mueller

[Signature]
Terry R. Mueller

Appendix D – List of Proximate Land Owners

Greg Mueller Pit - Ten Nearest Land-Owners

Owner's Address:

Greg Mueller- 25770 133rd Avenue, Cold Spring, MN 56320

Tom Hansen
529 6th Ave N
Cold Spring, MN 56320

Clarence Dingman
25579 138th Ave.
Cold Spring, MN 56320

Kurt Braegelmann
13476 Greystone Rd
Cold Spring, MN 56320

Mike Nistler
25417 County Rd 2
Cold Spring, MN 56320

Steve Dietman
12865 250th St
St. Cloud, MN 56301

James Althaus
25264 Haywood Rd St.
Cloud, MN 56301

Math Hondl
25853 County Rd 2 St.
Cloud, MN 56301

Roger Bechtold
25705 County Rd 2
St. Cloud, MN 56301

Rosie Mueller
25595 County Rd 2
St. Cloud, MN 56301

Jerome Bechtold
24353 125th Ave
St. Cloud, MN 56301