

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #13-05-068**

**A RESOLUTION ADOPTING FINDINGS OF FACT #0911 RELATING TO A REQUEST FROM OAKWOOD LAND DEVELOPMENT FOR AN EXTENSION OF AN INTERIM USE PERMIT FOR GRADING AND MINING ACTIVITIES AT THE PROPERTIES GENERALLY KNOWN AS OUTLOTS A & B ELMCREST SANCTUARY**

Oakwood Land Development, Inc. hereinafter referred to as "Applicant", properly applied to the City of Ramsey (the "City") for an Interim Use Permit for grading and mining activities on the property generally known as Outlots A & B Elmcrest Sanctuary and legally described as follows:

Outlot A, Elmcrest Sanctuary, except road subject to easement of record, Anoka County, Minnesota.

and

Outlot B, Elmcrest Sanctuary, except road subject to easement of record, Anoka County, Minnesota

(the "Subject Property")

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

- 1) That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-52 (Interim Use Permits) of the Ramsey City Code on July 12<sup>th</sup>, 2012 and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
- 2) That the Subject Property is approximately eleven (11) acres in size and is zoned R-1 Residential (Rural Developing); the surrounding properties are zoned R-1, Rural Developing.
- 3) That Section 117-52 (Interim Use Permits) of the Ramsey City Code allows for interim uses to allow a use for a limited period of time that reasonably utilizes the property where it is not reasonable to utilize it in the manner provided by the comprehensive plan and to allow a use that is presently acceptable but that, with anticipated development will not be acceptable in the future.
- 4) That Section 117-359 (Grading, Mining and Filling Permits) states that only excavation projects of less than 400 cubic yards of earth material shall be exempt from obtaining an Interim Use Permit.

- 5) That the Applicant submitted an application requesting an interim use permit to excavate and export approximately 60,000 cubic yards of soil from the Subject Property.
- 6) That the purpose of the excavation is to create a Wetland Mitigation Bank.
- 7) That the Subject Property is a good location for development of a wetland mitigation bank due to existing costly development constraints.
- 8) That security fencing or barricades must be in place to secure the areas of excavation and to prevent public access to the project area.
- 9) That the Applicant is required to obtain approvals and permits from the Lower Rum River Watershed Management Organization (LRRWMO) for the excavation and wetland creation. The LRRWMO will require monitoring and maintenance of the site for five (5) years after completion.
- 10) That the excavation work and use of equipment will be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday and 8:00AM to 7:00PM on Saturdays.
- 11) That the Applicant has submitted a proposed haul route indicating the route the trucks shall travel when exiting the Subject Property.
- 12) That on July 24, 2012 the Applicant's request for an Interim Use Permit was approved by the City Council and said permit was to expire on August 1, 2013 or six (6) months after six (6) months following approval by the LRRWMO, whichever occurred first, but not to extend beyond December 31, 2013.
- 13) That the Applicant had some difficulty in locating and securing a capable contractor to complete the proposed project, which significantly delayed when the project could commence.
- 14) That the Applicant has now selected a contractor for the project, but has requested an extension of the Interim Use Permit to complete the work.
- 15) That the Applicant has agreed that the excavation and hauling activities, once started, will be completed within twelve (12) months.
- 16) That the proposed interim use will not result in adverse effects on the public health, safety and welfare of the residents of the City.
- 17) That the proposed use will not adversely impact traffic in the area.
- 18) That the proposed use will not be dangerous or detrimental to persons residing or working in the vicinity of the use or to the public welfare.

- 19) That the proposed use will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.
- 20) That the proposed use will be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will not change the essential character of the area.
- 21) That the proposed use will not create additional requirements at public cost for public facilities and services.
- 22) That the proposed use will not be detrimental to the economic welfare of the community.
- 23) That the proposed use will not involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.
- 24) That the proposed use will be in accordance with the objectives of the Comprehensive Plan and the intent of Section 117-52 (Interim Use Permits) of the City Code.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 14<sup>th</sup> day of May, 2013.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk