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THORPE TOWNSHIP  
HUBBARD COUNTY, MINNESOTA  
Ordinance No. 12-04-17

NICOLE K. LUETH  
HUBBARD COUNTY RECORDER  
BY RLB Dep PAGES: 3

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**AN ORDINANCE AMENDING THE THORPE TOWNSHIP  
ZONING ORDINANCE REGARDING GRAVEL MINING**

The Board of Supervisors of the Town of Thorpe ordains:

**ARTICLE I. Definitions.** Section 60 of the Thorpe Township Zoning Ordinance is hereby amended by adding the following definitions:

**Gravel Mining:** The excavation, removal, storage, or processing of gravel, rock, sand, soil, clay, or similar deposits (collectively "materials") by a road authority for use off of the property or for sale as part of a commercial transaction.

**Road Authority:** Has the meaning given the term in Minnesota Statutes, section 160.02, subdivision 25.

**ARTICLE II. Conservation District Permitted Uses.** Section 30.20.2 of the Thorpe Township Zoning Ordinance is hereby amended by adding the double underlined material as follows:

**Section 30.20.2. Permitted Uses.** The following uses are allowed with the issuance of a Land Use Permit from the Zoning Administrator, in the Conservation District:

1. Single family dwellings.
2. Agricultural uses.
3. Licensed daycare facilities serving 12 or fewer persons.
4. Groups family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children
5. State Licensed residential facility registered under Minnesota Statutes, chapter 144D, serving six (6) or fewer persons.
6. Telecommunication towers 199 feet or less.
7. Gravel mining by a road authority pursuant to the requirements of Article III, Section 110.
8. Accessory buildings.

**ARTICLE III. Standards for Gravel Mining.** The Thorpe Township Zoning Ordinance is hereby amended by adding a new Section 110 as follows:

**Section 110. Gravel Mining.** Gravel mining by a road authority on property owned or leased by the road authority is allowed within the Conservation District as a permitted use with issuance of a gravel mining permit only to the extent such mining activities conform to the standards and limitations contained in this section and the conditions placed on the permit. The obligations of the road authority under this Section are those of the governmental entity operating the gravel mine.

- A. **Application.** The road authority shall provide the Township, as part of the application for a gravel mining permit, a description of the property on which mining will occur, the total area to be mined, the date on which mining activities are to commence, the dates on which mining is anticipated to occur in the current

season, and such other information as required on the application form. The application shall be accompanied by an application fee in the amount established by the Town Board in its fee schedule. The Town Board shall review and issue gravel mining permits. The Town Board may place such conditions on the permit as it determines are reasonable including, but not limited, a condition limiting the total period of time in which the gravel mine may remain operational.

- B. Annual Notification. The road authority shall annually submit a report to the Township prior to March 1<sup>st</sup> identifying the dates on which mining activities actually occurred and the total amount of material removed during the previous season, and the dates on which mining is anticipated to occur in the upcoming season.
- C. Mining Periods. The times and periods during which gravel mining activities, which include any operation involving digging, screening, crushing, hauling, or similar activities, may occur on the property shall be limited as follows:
  - 1. Hours. Shall only occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays;
  - 2. Season. Shall not occur outside of the mining season, which shall run from March through October each year;
  - 3. Total Days. Shall not annually exceed a total of 20 days during the mining season;
  - 4. Consecutive Days. Shall not exceed 10 consecutive business days (not including weekends and holidays); and
  - 5. Total Life. Shall not exceed more than 10 years from the date of commencement of mining activities on the property.
- D. Signage. Signs shall be placed informing the traveling public of trucks hauling during all periods in which materials are being hauled from the property. The signs shall be placed and maintained in such a way as to not obstruct public travel or interfere with maintenance of a public road.
- E. Setbacks. All gravel mining activities shall be setback at least 100 feet from the boundaries of the property on which the mining occurs.
- F. Total Mined Materials. No more than 30,000 cubic yards of material may be mined from the property annually.
- G. Total Area Mined. The total area mined by the road authority on the property shall not exceed 60 acres.
- H. Road Impacts. The road authority engaging in the mining activities is responsible for paying all costs for controlling dust and repairing any damage done to public roads from hauling activities associated with its mining activities.
- I. Reclamation. The road authority is responsible for reclaiming the portions of the property on which mining activities are no longer occurring and for fully reclaiming

the property once all mining activities are completed. The reclamation shall be done in accordance with "A Handbook for Reclaiming Sand and Gravel Pits in Minnesota" produced by the Minnesota Department of Natural Resources or other standards approved by the Town Board. The road authority shall furnish a bond or other financial security acceptable to the Township to ensure compliance with the reclamation requirement.

- J. Legal Compliance. The road authority is responsible for complying with all applicable federal, state, and local laws, rules, regulations, and ordinances with respect to its gravel mining activities and shall obtain any other permits or permissions as may be required. Failure to comply shall require the road authority to not initiate or cease all gravel mining activities until full compliance is achieved and may result in the revocation of the gravel mining permit.
- K. Limitation on Number of Properties Mined. The same road authority shall not operate more than one gravel mine within the Township at the same time. A gravel mine is only considered nonoperational once it is fully reclaimed.

**ARTICLE IV. Incorporation of Amendments.** The Town Clerk is hereby authorized and directed to work with the Town Attorney as needed to incorporate these amendments into the text of the Thorpe Township Zoning Ordinance, renumber sections as needed, have the consolidated ordinance executed by the Town Chairperson and Clerk, and to file the consolidated ordinance in the office of the Town Clerk as the Township's official zoning ordinance.

**ARTICLE V. Effective Date.** This ordinance shall be effective upon the first day of publication after adoption.

Adopted this 4<sup>th</sup> day of December, 2017.

BY THE TOWN BOARD

  
Town Chairperson

Attest:   
Town Clerk