



RENVILLE COUNTY

DIVISION OF ENVIRONMENT
AND COMMUNITY DEVELOPMENT

Renville County Government Services Center
105 South 5th Street, Suite 311
Olivia, MN 56277

VARIANCE APPLICATION

Applicant: Duininck, Inc.	Home Phone: Business Phone: 320-978-6011
Address: P.O. Box 208 Prinsburg, MN 56281	
Applicant E-mail address: jasonv@duininck.com	
Property Owner: Duininck, Inc. John and Suzanne Honetschlager	Home Phone: 320-978-6011 Duininck Business Phone: 507-829-8931 Honetschlager
Property Address: PO Box 208 19247 250th Street Prinsburg, MN 56281 Lucan, MN 56255	
Property Owner E-mail address:	
Legal Description of Site (attach deed and/or survey): A portion of Govt. Lot 3, Section 8, T-114N, R-37W, Renville County (see attached for full description)	Property Identification No. (see property tax statement): <u>23 - 02493 - 00</u> 23-02491-00
Explain the Reason(s) for Your Need of a Variance from the Land Use Ordinance: Duininck, Inc. is requesting a variance to mine, process, and stockpile gravel and granular materials from a combination of two adjacent parcels that are 11.98 acres and 5.0 acres, totalling 16.98 acres. Because the total acreage is less than the 20 acre minimum size required by the ordinance, we are requesting a variance of 3.02 acres from the ordinance..	

Office: 320-523-3768 * Fax: 320-523-3843
(Equal Opportunity/Affirmative Action Employer)

Revised: December 2011

VARIANCE APPLICATION QUESTIONNAIRE

A Variance may be granted by the Board of Adjustment and Appeals when it is found that strict enforcement of the Land Use Ordinance will result in "practical difficulties." The Board of Adjustment and Appeals will consider each of the following questions to determine if the applicant has established that there are "practical difficulties" in complying with regulations and standards set forth in the Land Use Ordinance. Please answer each of the questions completely.

- 1) Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes No

Describe the reasons why you feel the Variance you are proposing is a reasonable use of the property.

Mining has been done at this site in the past, predating the county mining ordinance. However, there is still material left to be mined in this pit. Mining this material will allow this material to be utilized and reclaimed so that the finished landscape will seamlessly blend into the surrounding area.

- 2) Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes No

- a) Describe how and why the need for a Variance arose.

The materials available at this site are high quality materials that are ideal for use in gravel production. Because of that, mining had historically been done at the site prior to Duinck purchasing the 12 acre parcel, along with a 5 acre stockpiling easement, in 1998. At the time, Duinck was not aware of any requirement for a 20 acre minimum parcel size for mining, so found no reason to purchase any more than was needed for mining, processing, and stockpiling.

- b) Describe any existing site conditions or unique features of your property that you believe created your need for a Variance.

This site is unique in that it contains high quality material contained to a relatively small area. It is just a pocket of gravel that was deposited close to the river. Duinck has discussed with the adjacent landowner to the north and east about leasing some additional acreage to include in the permit area, but the land is in CREP, which is a perpetual easement, so a gravel permit would not be allowed. The landowner to the west is also not interested in any mining to be permitted on her land.

- c) Describe any actions that to your knowledge or belief were taken by prior owners of the property that may have caused the need for a Variance.

The gravel pit had been opened up and previously mined prior to Duininck's purchase of the land, leaving a water hole where the material had been removed.

- d) Describe any actions you have taken that caused the need for a Variance.

In 1998, Duininck purchased this property, along with an easement for stockpiling, with the intention of continued mining of the gravel contained within. At the time, Duininck was not aware of any requirement that a mining parcel had to be at least 20 acres.

- 3) Will the issuance of a Variance maintain the essential character of the locality?

Yes No

- a) Describe what you believe to be the "character of the area" in which the property is located.

The area is a mixture of agriculture, wooded wildlife areas, and gravel pits. Much of the highest quality gravel still remaining in Renville and Redwood Counties exist within a 4 mile radius of this site. Thus, the proposed mining use, as well as the reclaimed use as a wildlife area, will fit in to the character of the area in which the property is located.

- b) Explain why you believe the Variance requested will not significantly change or disturb the area.

Mining in this area will simply expand the current man made pond through mining on this parcel. Even though the pond will expand somewhat, the overall nature of the area will remain unchanged.

- c) Explain why you believe the Variance, if granted, will not diminish or impair established property values or future development in the area.

Mining is already established on the property, and reclamation will, over time, continue to develop a pond on the Duininck Harried property. The Variance will not change this. Instead it will allow Duininck to fully utilize the resource and appropriately tie into the existing landscape, enhancing the natural beauty of the area.

- d) Describe any adverse effect the Variance, if granted, will have on the environment.

Given concurrence with an Interim Use Permit (IUP) that will be applied for, the Variance, if granted, will not have any adverse effect on the environment. All potential negative environmental effects will be mitigated through best management practices, in concurrence with the approved IUP.

- 4) Does the need for a Variance involve more than economic considerations?

Yes No

- a) Describe the key reasons why you are seeking a Variance.

The key reason is to gain access to the high quality material that exists in the variance area. However, allowing mining in that area will also help reclamation efforts. Because mining at this site predates the current ordinance, the site would not be compliant with current reclamation standards. Mining in the variance area will allow Duininck to properly slope the sides to the current standard of 4:1 minimum as the mining is being done and revegetate the slopes, in accordance with a Renville SWCD-approved reclamation plan.

- b) Describe all plans and options you have considered to do away with the need for a Variance.

The "do nothing" option was considered, but that, of course, doesn't allow the material to be removed. Duininck also talked to the adjacent landowners to obtain more land to lease. However, all of Honetschlager's land to the east and north is enrolled in the CREP program, which is a perpetual easement that won't allow mining. The landowner to the west is not interested in offering any land for mining purposes.

- c) Describe any unreasonable financial burden you believe you will assume if the Variance is not approved.

If a variance is not approved, mining and subsequent sale of the material available in this area will not be allowed. This will greatly reduce the value of the land, as a significant premium was paid when the land was purchased due to the anticipation of gravel mining at the site.

In addition to determining "practical difficulties," the Board will consider if the Variance is in agreement with the Renville County Comprehensive Plan and Renville County Land Use Ordinance. Please answer each of the questions completely.

- 1) Is the Variance consistent with goals and policies of the Comprehensive Plan?

Yes No

What specific Renville County Comprehensive Plan goals and policies support the Variance you are proposing?

The proposed variance is supported by Chapter 8 (Natural Resources), Resource Extraction - Goal 1 of the Renville County Comprehensive Plan, which states that Renville County should seek to "Allow orderly development of mineral resources through sound mining practices, mitigation of adverse environmental impacts, and planning for the re-use of sites."

- 2) Is the Variance in harmony with the general purpose and intent of the Land Use Ordinance?

Yes No

Explain why you believe the Variance you are proposing is a reasonable variation that will be consistent with existing Land Use Ordinance regulations and standards currently governing the use of the property.

Mining operations and reclamation will meet all applicable standards of the Land Use Ordinance and the interim use permit that will accompany this mining operation. This variance will not cause any sort of significant change in the nature of the property or additional impact to the environment; thus, we believe that this is a reasonable variation.

- 3) Is the proposed use of the property allowed in the land use district in which the property is located?

Yes No

Please note the ordinance chapter and section supporting your answer.

According to Section 2.2 (Agricultural District) of the Renville County Land Use Ordinance, mining, extraction and processing of minerals in the variance area is allowed with an interim use permit in the Agricultural District within which this land lies.

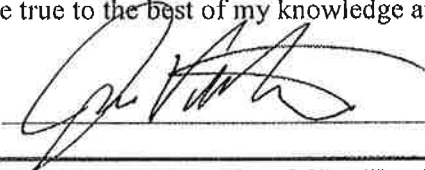
NOTIFICATION

Following are the names and addresses of all owners of property (land and building sites) within 500 feet of the exterior lines of the affected property:

<u>Name</u>	<u>Address</u>
Sonja Kay Thune	77407 145th Street Sacred Heart, MN 56285
John and Suzanne Honetschlager	19247 250th Street Lucan, MN 56255
Todd and Susan Terhaar	76941 145th Street Sacred Heart, MN 56285
Peter and Elise Kronlokken	77597 180th Street Sacred Heart, MN 56285

CERTIFICATION

I hereby certify that all of the above statements and the statements contained in any information or plans submitted herewith are true to the best of my knowledge and belief.

Applicant Signature:  Date: 6-22-2015

For Office Use Only

Variance is requested to Land Use Ordinance: Chapter 7, Section 2.7

Fee Paid: Yes No 06/30/15

Date Submitted: 6-23-15 Additional Information Requested: Yes No

Application Date: 7-16-15 60-Day Time Limit: 9-13-15

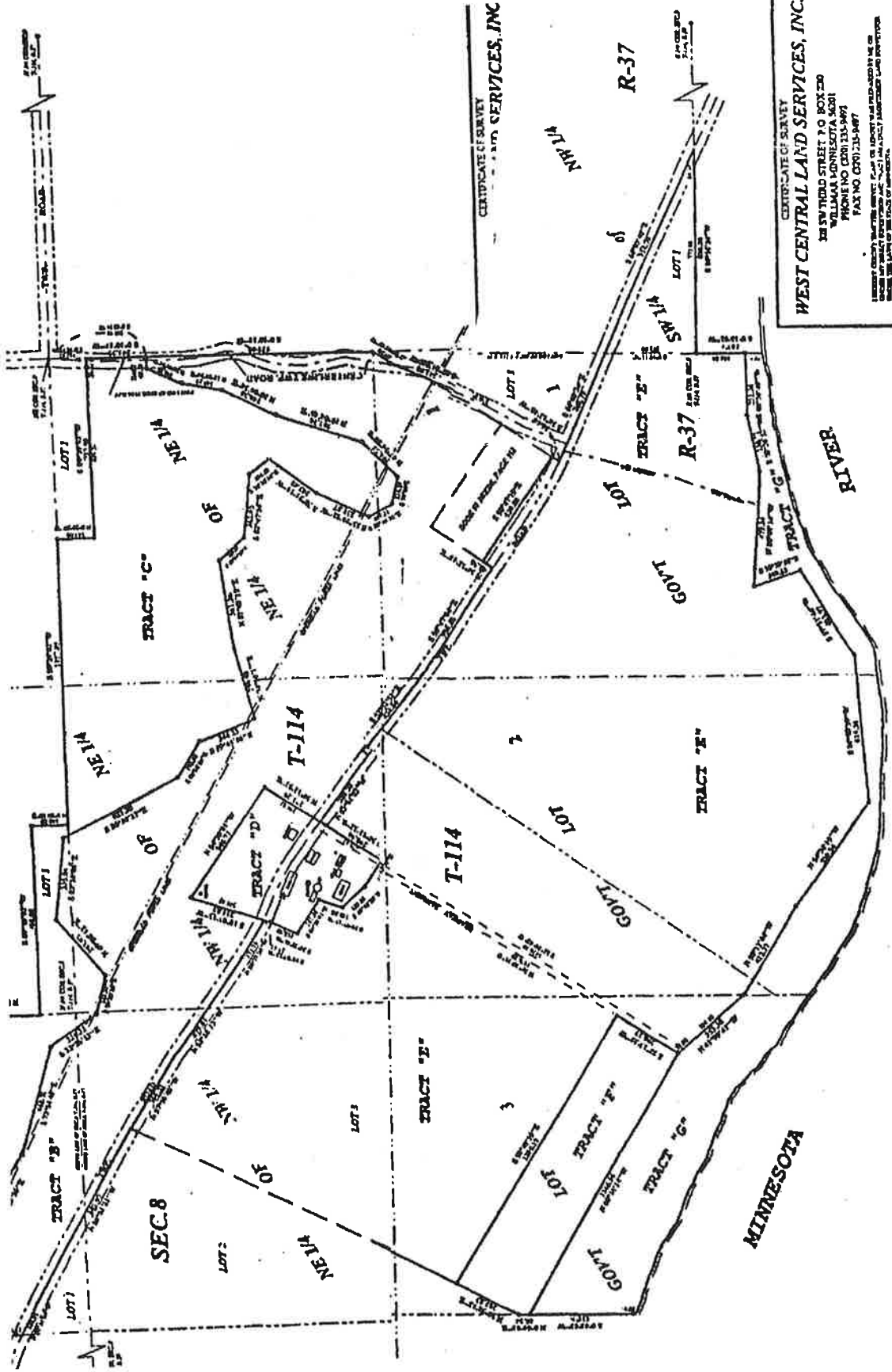
Date of Hearing Notice: 8-10-15 Time Limit Extension: _____

Date of Public Hearing: 8-27-15

Final Action: Approved With Conditions Without Conditions
 Denied

Date of Final Action: _____

Recorded: Yes No Copy Sent To Applicant: Yes No



CERTIFICATE OF SURVEY
 WEST CENTRAL LAND SERVICES, INC.

CERTIFICATE OF SURVEY
WEST CENTRAL LAND SERVICES, INC.
 308 EVERTON STREET, P.O. BOX 200
 WILLMAR, MINNESOTA 56001
 PHONE NO. (218) 233-9493
 FAX NO. (218) 233-9487

THIS SURVEY WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED SURVEYOR IN THE STATE OF MINNESOTA.

DATE: 11/11/03



DUNNICK-OWNED PARCEL

THAT PART OF GOVERNMENT LOT THREE (3) OF SECTION EIGHT (8), TOWNSHIP ONE HUNDRED FOURTEEN (114), RANGE THIRTY-SEVEN (37), MERIDIAN 10 NORTH, COUNTY OF HENNEPIN, STATE OF MINNESOTA, COMMENCING AT THE CORNER OF SAID SECTION 8; THENCE ON AN ASSUMED BEARING OF S0715°02'W, ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 196.69 FEET; THENCE ON A BEARING OF S88°50'40"W, 252.26 FEET; THENCE ON A BEARING OF S79°26'52"W, 238.72 FEET; THENCE ON A BEARING OF N85°07'14"W, 479.34 FEET; THENCE ON A BEARING OF N41°09'41", 353.97 FEET; THENCE ON A BEARING OF S84°59'39"W, 619.36 FEET; THENCE ON A BEARING OF N54°26'15"W, 529.34 FEET; THENCE ON A BEARING OF N58°13'44"W, 422.37 FEET; THENCE ON A BEARING OF N41°09'41", 353.97 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE ON A BEARING OF N03°01'14"W, 100.03 FEET; THENCE ON A BEARING OF N58°13'44"W, 1305.81 FEET TO THE LINE BETWEEN LOTS 2 AND 3 OF NE1/4 OF THE NW1/4 AND SAID GOVERNMENT LOT 3; THENCE ON A BEARING OF S27°00'17"W, ALONG SAID LINE, 100.27 FEET; THENCE ON A BEARING OF S28°58'15"W, ALONG SAID LINE, 282.83 FEET TO THE WEST LINE OF SAID GOVERNMENT LOT 3; THENCE ON A BEARING OF S80°14'14"E, 1246.95 FEET TO THE POINT OF BEGINNING, CONTAINING 11.98 ACRES, MORE OR LESS.

STOCKPILE EASEMENT PARCEL

THAT PART OF TRACT "E" OF GOVERNMENT LOT THREE (3) OF SECTION EIGHT (8), TOWNSHIP ONE HUNDRED FOURTEEN (114), RANGE THIRTY-SEVEN (37), MERIDIAN 10 NORTH, COUNTY OF HENNEPIN, STATE OF MINNESOTA, COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 8; THENCE ON AN ASSUMED BEARING OF S0715°02'W, ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 196.69 FEET; THENCE ON A BEARING OF S88°50'40"W, 252.26 FEET; THENCE ON A BEARING OF S79°26'52"W, 238.72 FEET; THENCE ON A BEARING OF N85°07'14"W, 479.34 FEET; THENCE ON A BEARING OF N41°09'41", 353.97 FEET; THENCE ON A BEARING OF S84°59'39"W, 619.36 FEET; THENCE ON A BEARING OF N54°26'15"W, 529.34 FEET; THENCE ON A BEARING OF N58°13'44"W, 422.37 FEET; THENCE ON A BEARING OF N41°09'41", 353.97 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE ON A BEARING OF N03°01'14"W, 100.03 FEET; THENCE ON A BEARING OF N58°13'44"W, 1305.81 FEET TO THE LINE BETWEEN LOTS 2 AND 3 OF NE1/4 OF THE NW1/4 AND SAID GOVERNMENT LOT 3; THENCE ON A BEARING OF S27°00'17"W, ALONG SAID LINE, 100.27 FEET; THENCE ON A BEARING OF S28°58'15"W, ALONG SAID LINE, 282.83 FEET TO THE WEST LINE OF SAID GOVERNMENT LOT 3; THENCE ON A BEARING OF S80°14'14"E, 1246.95 FEET TO THE POINT OF BEGINNING, CONTAINING 5.00 ACRES, MORE OR LESS.



DUNNICK
 PUBLIC CORPORA-0011 THE CORPORA-0012
 P.O. BOX 200 100 30TH STREET
 FARMERSBURG, MN 55021

**HARRIED PIT
 VARIANCE REQUEST
 SITE MAP**

DATE: JUNE 22, 2015
 SCALE: GRAPHIC
 SHEET: 1 OF 1



Renville County

DIVISION OF ENVIRONMENT
AND COMMUNITY DEVELOPMENT

Renville County Government Services Center
105 South 5th Street, Suite 311
Olivia, MN 56277

PUBLIC HEARING NOTICE

The Renville County Board of Adjustment and Appeals will hold a Public Hearing at 8:30 a.m. on Thursday, August 27, 2015, in Suite 313 of the Renville County Government Services Center, 105 South 5th Street, Olivia, Minnesota. The purpose of the hearing is to consider the following request:

A request by Duininck, Inc., Prinsburg, Minnesota, for a Variance to Chapter Seven (Mining Regulations), Section 2.7.B, of the Renville County Land Use Ordinance to allow mining, extraction, and processing of minerals on a parcel of land located in the Agricultural District that does not comply with the minimum 20-acre parcel size required for a new or existing mining operation. The Variance request involves the following-described property in Renville County, Minnesota:

A portion of Government Lot 3, Section 8, Township 114 North (Sacred Heart South Township), Range 37 West.

Any interested person(s) may appear at the above time and place and be heard regarding this matter.

Mark A. Erickson
Director

EDITOR: Please publish this notice the week of August 10, 2015, and bill the Renville County Division of Environment and Community Development, 105 South 5th Street, Suite 311, Olivia, MN 56277. **PLEASE PROVIDE PROOF OF PUBLICATION.**

DUJINCK, INC.
VARIANCE APPLICATION (MINING AREA)
AUGUST 27, 2015

Last	First	Address 1	Address 2	City	State	Zip	PID
DUJINCK BROS, INC		PO BOX 208		PRINSBURG	MN	56281	23-02493-00
HONETSCHLAGER	JOHN AND SUZANNE	19247 250TH STREET		LUCAN	MN	56255	23-02491-00
KRONLOKKEN	PETER	SACRED HEART TOWNSHIP CLERK		SACRED HEART	MN	56285	
TERHAAR	TODD J AND SUSAN	77597 180TH STREET		SACRED HEART	MN	56285	23-02490-00
HONETSCHLAGER	JOHN AND SUZANNE	76941 145TH STREET		LUCAN	MN	56255	23-02492-00
KRONLOKKEN	PETER AND ELISE	77597 180TH STREET		SACRED HEART	MN	56285	23-02494-00
THUNE	SONJA KAY	77407 145TH STREET		SACRED HEART	MN	56285	23-02500-00
THUNE	SONJA KAY	77407 145TH STREET		SACRED HEART	MN	56285	23-02520-00
MINNESOTA DNR		20596 HIGHWAY 7		HUTCHINSON	MN	55350	



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Duininck, Inc.

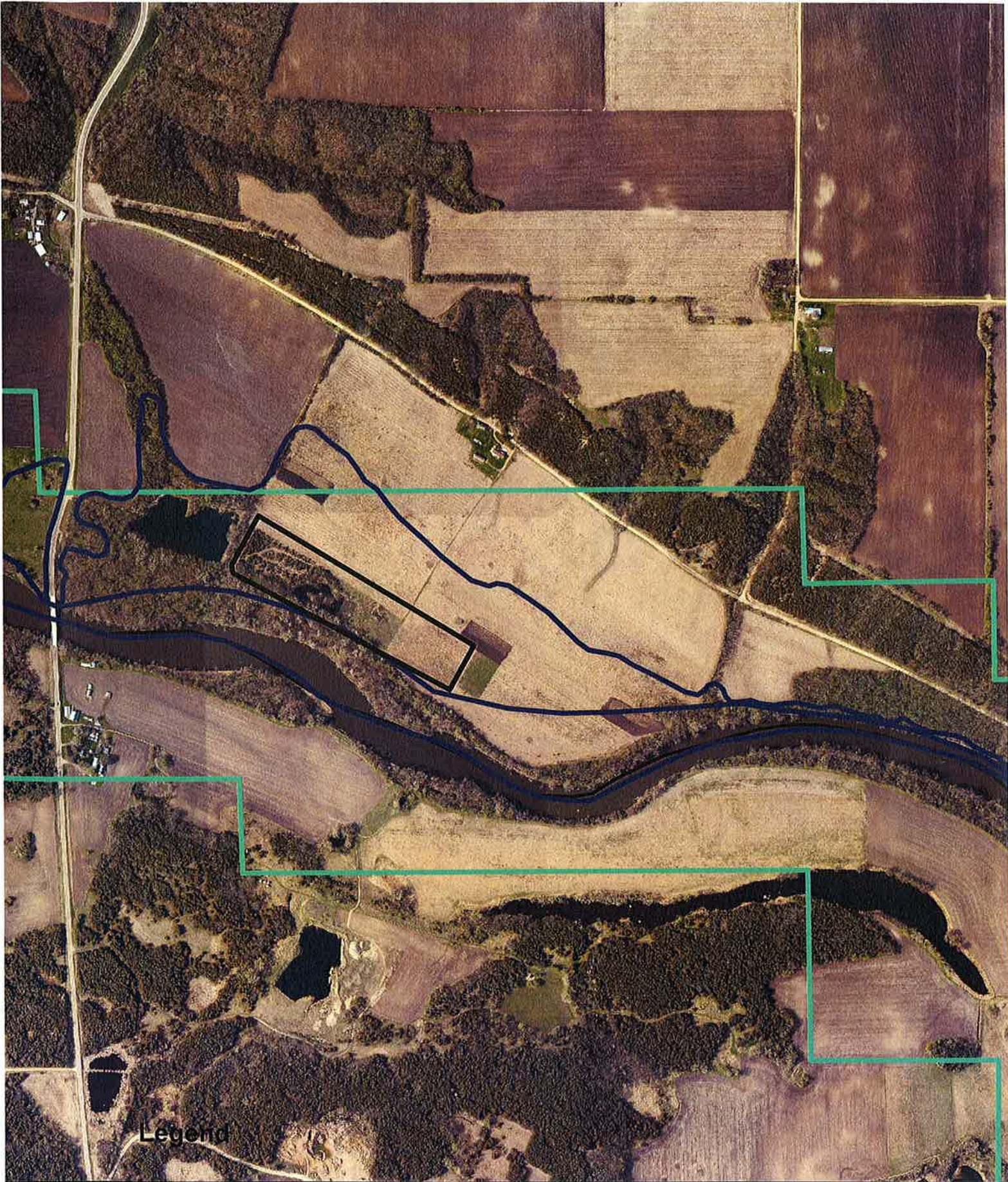
Renville County





1:6,100

Date: 8/20/2015

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



Legend

-  Fema Floodway
-  Wild and Scenic District



RESOURCE EXTRACTION

Goal: *Allow orderly development of mineral resources through sound mining practices, mitigation of adverse environmental impacts, and planning for the re-use of sites.*

Policies

1. Continue to use the Countywide aggregate study developed by the DNR. Incorporate results into long-range land use planning for the mining industry.
2. Identify and protect sensitive areas from mining.
 - a. Control the siting and operation of gravel mining operations to maximize compatibility with adjoining and planned land uses and include mitigation measures to reduce nuisance concerns such as noise, dust, hours of operation, and traffic.
 - b. Require that mining operations be screened from view by landscaping, berming, or careful siting of activities.
3. Protect land areas identified with aggregate and clay deposits from incompatible development where feasible.
4. Require detailed gravel pit operations and reclamation plans that identify the ultimate end use of the property that is complementing to surrounding and future land uses.
 - a. Develop creative plans for reclamation that fit with objectives of the Minnesota Valley Scenic Byway.
 - b. Implement measures to enforce reclamation.

ORGANIZATION/RESOURCES

Goal: *Ensure a strong, well-coordinated organization for natural resource protection in Renville County.*

Policies

1. Emphasize coordination among the many agencies involved in environmental management in the County. Develop a clear definition of roles and responsibilities. Ensure communication regarding programs and planning activities being carried out by individual agencies.
2. Investigate development of a County natural resources information system, based on geographic information systems (GIS), for use by appropriate agencies.

- B. Appeal of District Boundary. Appeals from the Department's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment and Appeals.
- C. Prohibited Uses. Whenever, in any zoning district, a use is neither specifically permitted nor prohibited, the use shall be prohibited. In the case of a prohibited use, the Renville County Board of Commissioners or the Planning Commission, on its own initiative or upon request of a property owner, may conduct a study to determine if the use is acceptable and, if so, in what zoning district it should be placed. A determination would also be made as to conditions and standards relative to development of the use. The Renville County Board of Commissioners or Planning Commission, upon receipt of the study, shall, if appropriate, initiate an amendment to the Land Use Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the County.
- D. Zoning Upon Detachment. Any tract of land that is detached from a statutory or charter city and becomes part of an adjoining township shall be zoned "A" (Agricultural) District. The tract of land shall remain in the "A" (Agricultural) District until placed in another district by action of the Renville County Board of Commissioners.

SECTION 2. "A" AGRICULTURAL DISTRICT

- 1. Purpose. The purpose of the "A" Agricultural District is to maintain and conserve agricultural lands which are historically valuable for crop and animal production, pastureland, and natural habitat for wildlife. This district is intended to meet the goals of the Renville County Comprehensive Plan by sustaining agriculture as a desirable land use for the long term and to preserve highly valued farmland for agricultural pursuits.
- 2. Land Uses in an Agricultural District.
 - A. Permitted Uses. The following uses are permitted subject to any performance standards contained in Part 3 of this chapter:
 - i. Agricultural uses including agricultural buildings or structures.
 - ii. Feedlots up to 300 animal units located more than one mile from a municipal boundary or a designated planned growth area.
 - iii. Single-family dwelling (detached).
 - iv. Farm drainage and irrigation systems.

- v. Water management/flood control structures and erosion control/wildlife developments.
- vi. Public buildings and facilities.
- vii. Home occupations, Level I.
- viii. Plant nursery, tree farm, and seasonal agricultural business.
- ix. Agriculturally related services such as feed and seed sales, commercial manure applicators, and custom tillage/harvesting.
- x. Essential services – minor.
- xi. Land spreading of septage and sewage sludge regulated by the state.
- xii. Temporary dwelling, during construction (use up to one year).
- xiii. Non-commercial wind energy conversion systems.
- xiv. Aquaculture facilities that produce less than 20,000 pounds of cold water fish (harvest weight) or 100,000 pounds of warm or cool water fish (harvest weight) per year.
- xv. Horse training facility (private).
- xvi. Telecommunication towers 200 feet or less in overall height.
- xvii. Temporary grading.

B. Conditional Uses. The following uses may be allowed following procedures set forth in Chapter One (Administration), Section 7, and further subject to any performance standards contained in Part 3 of this chapter:

- i. Feedlots 300 to 2,000 animal units.
- ii. Commercial sales and service of agriculture products.
- iii. Commercial grain and agricultural commodity storage facilities and feed and fertilizer plants.
- iv. Private recreational area, game preserve, youth camp, golf course use, and gun club.

- v. Solid waste and demolition landfill and yard waste facility as regulated by the state and County.
- vi. Public or private schools, religious facilities, cemeteries, columbaria, and mausoleums.
- vii. Veterinary/animal clinics.
- viii. Bed and breakfast establishments.
- ix. Telecommunication towers greater than 200 feet in overall height.
- x. Open space recreational use, wildlife management area, game refuge, forest preserve, nature center, conservancy, and interpretive center.
- xi. Light manufacturing uses which are determined not to need municipal sewer; would not require new construction, widening, or paving of roads; would need a spacious location; and would not adversely affect nearby properties and services.
- xii. Horse training facility (commercial).
- xiii. All feedlots located within one mile of a municipal boundary or a designated planned growth area or located in a wellhead protection area.
- xiv. Airport.
- xv. Public recreation facility.
- xvi. Essential services – major.
- xvii. Biofuel production facility.
- xviii. Used licensed vehicle sales lot not to exceed 20 vehicles or a lot area of 20,000 square feet when located on a parcel of land containing the owner's primary dwelling.
- xix. Commercial wind energy conversion systems including wind energy conversion substations.
- xx. Aquaculture facilities that produce more than 20,000 pounds of cold water fish (harvest weight) or 100,000 pounds of warm or cool water fish (harvest weight) per year. These aquaculture

facilities are required to submit a state NPDES permit as part of the Conditional Use Permit application.

- xxi. Commercial breeding and boarding kennels.
- xxii. Solar energy conversion systems – solar farms including energy conversion substations.
- xxiii. Biomass conversion facility.

C. Interim Uses. The following uses may be allowed following procedures set forth in Chapter One (Administration), Section 8, and further subject to any performance standards contained in Part 3 of this chapter:

- i. Temporary dwelling, care facility.
- ii. Temporary dwelling, agricultural use.
- iii. Mining, extraction, and processing of minerals.
- iv. Home occupations, Level II, including commercial boarding kennels.
- v. Temporary asphalt and concrete plants.
- vi. Land alteration and grading (10,000 cubic yards or more).

D. Permitted Accessory Uses:

- i. Private garage and carports.
- ii. Private swimming pool subject to compliance standards contained in Part 3 of this chapter.
- iii. Other accessory uses customarily incidental to the permitted and conditional uses listed above including signage, sewage treatment systems, decks, patios, fences, and private kennels.
- iv. Private television towers and satellite dishes.
- v. Solar energy conversion systems – accessory. Active solar energy systems including building integrated roof and wall systems and solar systems using roof or ground mounting devices subject to district height, setback, and performance standards.

facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Land Use Ordinance, or these regulations.

2. Major Subdivision. All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four or more lots, or any size subdivision requiring any new street or extension of an existing street.

Substandard Use - Any use within the land use district existing prior to the date of enactment of this Ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks, or other dimensional standards of the Ordinance.

Variance - A modification or variation of the provisions of this Ordinance where it is determined that, by reason of special and unusual circumstances relating to a specific lot, the strict application of the Ordinance would cause an undue hardship.

Wetland - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils.

SECTION 6. LAND USE DISTRICT PROVISIONS

1. Districts.
 - A. In order to preserve and protect the Minnesota River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, the Minnesota River in Renville County has been given the Scenic River classification and the uses and classification of this river and its adjacent lands are hereby designated by this district, the boundaries of which are based on the Minnesota River rule, Part 6105.1290.
 - B. The boundaries of the Minnesota Scenic River Land Use District are shown on the map designated as the Renville County official zoning map, which is made a part of this Ordinance and is on file with the zoning administrator. In case of conflict between the map and the property descriptions in the Minnesota River rule, the latter shall prevail.
 - C. If land is annexed, incorporated, or in any other way transferred to another jurisdiction, a moratorium shall exist on all construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning for that land. The zoning shall meet the provisions of this management plan which applied to the land before the

transfer. This provision does not apply to work for which lawful permits were previously issued.

2. The purpose of establishing standards and criteria for the management of the Minnesota River Land Use District shall be to preserve and protect existing natural, scenic, historical, scientific, and recreational values; to reduce the effects of overcrowding and poorly planned development of adjacent lands; to prevent pollution; to preserve natural beauty and quietude; to maintain property relationships between various land use types; and to prohibit new uses that are inconsistent with the statewide standards and criteria for Wild and Scenic River, Minnesota Rules Parts 6105.0010 – 6105.0250.
3. Permitted Uses.
 - A. Governmental campgrounds, subject to management plan specifications and rules.
 - B. Public accesses, road access type with boat launching facilities, subject to management plan specifications.
 - C. Public accesses, trail access type, subject to management plan specifications.
 - D. Other governmental open space recreational uses, subject to management plan specifications.
 - E. Agricultural uses.
 - F. Single family residential uses.
 - G. Forestry uses.
 - H. Essential services.
 - I. Sewage treatment systems.
 - J. Private roads and minor public streets.
 - K. Signs approved by federal, state, or local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use.
 - L. Signs not visible from the river that are not specified in “K.”
 - M. Governmental resource management for improving fish and wildlife habitat, wildlife management areas, nature areas, accessory roads.

4. Conditional Uses.
 - A. Private campgrounds, subject to management plan specifications and rules.
 - B. Temporary docks.
 - C. Other private open space recreational uses, subject to management plan specifications.
 - D. Underground mining that does not involve surface excavation in the land use district.
 - E. Utility transmission power lines and pipelines, subject to the provisions of Section 9.
 - F. Public roads, subject to the provisions of Section 9.
 - G. Sand and gravel extraction.
 - H. Livestock facilities greater than 300 animal units.

All uses not listed as permitted or conditional uses shall not be allowed.

5. Uses which are prohibited by this Ordinance but which are in existence prior to the effective date of this Ordinance shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in the most current permit issued prior to the adoption of this Ordinance.
6. Certain uses are subject to the zoning dimension provisions and sanitary provisions of Section 7 and Section 8. All of the uses are subject to the vegetative cutting and grading and filling provisions of Section 9.

SECTION 7. ZONING DIMENSIONS

1. Minimum District Dimensional Requirements.
 - A. The following chart sets forth the minimum lot size and width, setbacks, and other requirements of the Scenic River District:

i.	Minimum lot size above ordinary high water level	5 acres
ii.	Lot width at building line	300 feet

iii.	Lot width at ordinary high water level	300 feet
iv.	Structure setback from ordinary high water level	150 feet
v.	Structure setback from bluffline	30 feet
vi.	On-site sewage treatment system setback from ordinary high water level	100 feet
vii.	Maximum structure height	35 feet
viii.	Controlled vegetative cutting area:	
	- from ordinary high water level	150 feet
	- from bluffline	30 feet

- B. The density of dwelling units shall not exceed one dwelling unit per lot.
- C. No structure shall be placed on any slope greater than 13 percent unless such structures can be screened and sewage treatment system facilities can be installed so as to comply with the sanitary provisions of Section 8.
- D. No structures shall be placed in any floodway. Structures proposed within a flood plain shall be consistent with the Renville County Flood Plain Ordinance and/or statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota (Minnesota Rules Parts 6120.5100 – 6120.6200).

2. Substandard Lots.

- A. Lots of record in the office of the Renville County Recorder on the effective day of enactment of this Ordinance which do not meet the dimensional requirements of this Ordinance shall be allowed as building sites provided: the proposed use is permitted in the land use district, the lot was in separate ownership on the date of enactment of this Ordinance, all sanitary provisions are complied with, and zoning dimensions are complied with to the greatest extent practicable.
- B. If in a group of two or more contiguous lots under a single ownership any individual lot does not meet the minimum lot width requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of this Ordinance or to the greatest extent practicable.

Certificate of Real Estate Value
 () not required: indicate value
 Estate Value No. 4577
September 24, 1998
Jim Weston
 County Auditor
 By: *Karin Jensen*
 Deputy

DOC. NO. 304476
 OFFICE OF THE COUNTY RECORDER
 RENVILLE COUNTY, MINNESOTA

CERTIFIED, FILED, AND/OR RECORDED ON THE 24th DAY
 OF SEPTEMBER, 1998 AT 12:30 P.M. IN BOOK 277 OF
 DEEDS ON PAGE(S) 25-28.

Steph M. Miller
 COUNTY RECORDER RENVILLE COUNTY, MINNESOTA
 COMPUTER _____ TRACTED for MISC _____

WARRANTY DEED
 Individual to Corporation

STATE DEED TAX DUE HEREON: \$ 396.00

RENVILLE COUNTY DEED TAX PAID \$ 396.00
 DATE 9-24-98 RECEIPT # 3675
Deane Knutson COUNTY TREASURER

Date: September 22, 1998

FOR VALUABLE CONSIDERATION, Janet Pedersen and Lloyd Pedersen, wife and
 husband, Crystal Rosso and Charles Rosso, Jr., wife and husband, Tina Harried,
 a single person, and Shirley Fredrickson and Robert Fredrickson, wife and
 husband, Grantors, hereby warrant and convey to Duinick Bros., Inc., a
 corporation under the laws of Minnesota, real property located in Renville
 County, Minnesota, described as follows:

a tract of land described as TRACT F in the Certificate of Survey of
 Robert Boe, registered land surveyor, dated June 17, 1998, to wit:

That part of Government Lot Three (3) of Section Eight (8), Township One
 Hundred Fourteen (114), Range Thirty-seven (37), Renville County,
 Minnesota: Commencing at the East quarter corner of said Section 8;
 thence on an assumed bearing of S 0°15'02" W, along the East line of said
 Section 8, a distance of 196.89 feet; thence on a bearing of S 88°50'40" W,
 252.26 feet; thence on a bearing of S 78°26'52" W, 238.72 feet; thence on
 a bearing of N 86°07'14" W, 479.34 feet; thence on a bearing of S 18°29'
 35" E, 200.23 feet; thence on a bearing of S 57°31'44" W, 403.97 feet;
 thence on a bearing of S 84°58'39" W, 619.36 feet; thence on a bearing of
 N 54°26'15" W, 529.34 feet; thence on a bearing of N 58°13'44" W, 422.37
 feet; thence on a bearing of N 41°09'41" W, 353.38 feet to the point of
 beginning of the tract herein described; thence on a bearing of N 32°13'
 35" E, 290.27 feet; thence on a bearing of N 32°30'31" E, 100.03 feet; then
 on a bearing of N 58°49'16" W, 1305.81 feet to the line between Lots 2 and
 3 of NE1/4 of the NW1/4 and said Government Lot 3; thence on a bearing of
 S 27°00'17" W along last said line, 100.27 feet; thence on a bearing of
 S 26°58'13" W, along last said line, 282.83 feet to the West line of said
 Government Lot 3; thence on a bearing of S 0°02'03" W, along last said
 line 45.54 feet; thence on a bearing of S 60°14'14" E, 1246.96 feet to the
 point of beginning, containing 11.98 acres, more or less;

24/12:30
 D
 KWHH

together with all hereditaments and appurtenances belonging thereto, and subject to easements and restrictions of record; provided, however, that Grantors, Shirley Fredrickson and Robert Fredrickson, warrant title only to the property previously described as Tract "F" in the survey of Robert Boe, dated February 3, 1998, being the property described as follows:

That part of Government Lot Three (3) of Section Eight (8), Township One Hundred Fourteen (114), Range Thirty-Seven (37), Renville County, Minnesota: Commencing at the East quarter corner of said Section 8; thence on an assumed bearing of S 0°15'02" W, along the East line of said Section 8, a distance of 196.89 feet; thence on a bearing of S 88°50'40" W, 252.26 feet; thence on a bearing of S 78°26'52" W, 238.72 feet; thence on a bearing of N 86°07'14" W, 479.34 feet; thence on a bearing of S 18°29'35" E, 200.23 feet; thence on a bearing of S 57°31'44" W, 403.97 feet; thence on a bearing of S 84°58'39" W, 619.36 feet; thence on a bearing of N 54°26'15" W, 529.34 feet; thence on a bearing of N 58°13'44" W, 422.37 feet; thence on a bearing of N 41°09'41" W, 353.38 feet to the point of beginning of the tract herein described; thence on a bearing of N 32°13'35" E, 290.27 feet; thence on a bearing of N 58°49'16" W, 1296.19 feet to the line between Lots 2 and 3 of NE1/4 of the NW1/4 and said Government Lot 3; thence on a bearing of S 26°58'13" W along last said line, 282.83 feet to the West line of said Government Lot 3; thence on a bearing of S 0°02'03" W, along last said line 45.54 feet; thence on a bearing of S 60°14'14" E, 1246.96 feet to the point of beginning, containing 8.99 acres, more or less.

Grantors Shirley Fredrickson and Robert Fredrickson quitclaim and convey to the Grantee, Duinck Bros., Inc., any interest which either may have in the balance of the above described property.

FURTHER, the Grantors hereby grant to the Grantee a perpetual, non-exclusive easement for ingress and egress over, under, and across the following described property, to wit:

That part of the NW 1/4 of the NE 1/4 and Government Lots 2 and 3, all in Section 8, Township 114, Range 37, Renville County, Minnesota, described as follows: Commencing at the East quarter corner of said Section 8; thence on an assumed bearing of S 0°15'02" W, 196.89 feet; thence on a bearing of S 88°50'40" W, 252.26 feet; thence on a bearing of S 78°26'52" W, 238.72 feet; thence on a bearing of N 86°07'14" W, 479.34 feet; thence on a bearing of S 18°29'35" E, 200.23 feet; thence on a bearing of S 57°31'44" W, 403.97 feet; thence on a bearing of S 84°58'39" W, 619.36 feet; thence on a bearing of N 54°26'15" W 529.34 feet; thence on a bearing of N 58°13'44" W, 422.37 feet; thence on a bearing of N 41°09'41" W, 323.38 feet to the point of beginning of the easement herein described; thence continuing on a bearing of N 41°09'41" W, 30.00 feet; thence on a bearing of N 32°13'35" E, 290.27 feet; thence on a bearing of N 32°30'31" E, 1476.80 feet; thence on a bearing of S 53°01'52" E, 30.00 feet; thence on a bearing of S 34°12'52" W, 298.94 feet; thence on a bearing of S 32°09'03" W, 1474.39 feet to the point of beginning.

Use of this access or roadway easement by the Grantee, Duinck Bros., Inc., shall be restricted to activities involving or related to the removal of gravel. It may not be used by Grantee, its agents or employees, for any other purpose. It may not be assigned or conveyed to any other person or entity, except in connection with the sale or transfer of title to the property herein conveyed to Grantee, or with the prior written consent of the Grantors, or their successors.

Grantee, shall have and accepts the responsibility to maintain the access or roadway easement during any period of actual use by Grantee.

Grantee shall further have and accepts responsibility for clean up and other costs for spillage or contamination by toxic substance or petroleum product on the access or roadway easement.

Grantors hereby certify that they do not know of any wells located on the described premises.

Janet Pedersen
Janet Pedersen

Lloyd Pedersen
Lloyd Pedersen

Crystal Rosso
Crystal Rosso

Charles Rosso Jr.
Charles Rosso, Jr.

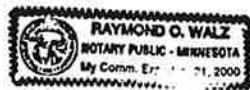
Tina Harried
Tina Harried

Shirley Fredrickson
Shirley Fredrickson

Robert Fredrickson
Robert Fredrickson

STATE OF MINNESOTA }
COUNTY OF REDWOOD } S.S.

The foregoing instrument was acknowledged before me this 22nd day of September, 1998, by Janet Pedersen and Lloyd Pedersen, wife and husband, Grantors.

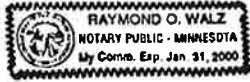


Raymond O. Walz
Notary Public, Minnesota
RAYMOND O. WALZ 1-31-00

277 28

STATE OF MINNESOTA }
COUNTY OF REDWOOD } S.S.

The foregoing instrument was acknowledged before me this 22nd day of September, 1998, by Crystal Rosso and Charles Rosso, Jr., wife and husband, Grantors.

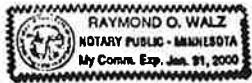


[Signature]

Notary Public, Minnesota
Raymond O. Walz 1-31-00

STATE OF MINNESOTA }
COUNTY OF REDWOOD } S.S.

The foregoing instrument was acknowledged before me this 22nd day of September, 1998, by Tina Harried, a single person, Grantor.

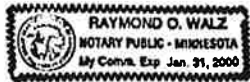


[Signature]

Notary Public, Minnesota
Raymond O. Walz 1-31-00

STATE OF MINNESOTA }
COUNTY OF REDWOOD } S.S.

The foregoing instrument was acknowledged before me this 22nd day of September, 1998, by Shirley Fredrickson and Robert Fredrickson, wife and husband, Grantors.



[Signature]

Notary Public, Minnesota
Raymond O. Walz 1-31-00

THIS INSTRUMENT WAS DRAFTED BY:

Raymond O. Walz
WALZ LAW OFFICE
230 East Third Street
Post Office Box 50
Redwood Falls, MN 56283

Tax Statements for the real property described in this instrument should be sent to:

Duinick Bros., Inc.
408 Sixth Street, PO Box 208
Prinsburg, MN 56281-0208

108 67

DOC NO. 306110

No delinquent taxes and transfer entered.

Dated Feb 5, 1999

By Harry Jacobs County Auditor

By Yvonne Jensen Deputy

OFFICE OF THE COUNTY RECORDER
RENVILLE COUNTY, MINNESOTA

CERTIFIED, FILED, AND/OR RECORDED ON THE
5th DAY OF FEBRUARY, 1999 AT 12:05 P.M.
IN BOOK 108 OF MISC. ON PAGE(S) 67-74.

By Barbara Miller
COUNTY RECORDER RENVILLE COUNTY, MINNESOTA
COMPUTER TRACTED 6 MISC

EASEMENT AGREEMENT

I. S. T. S.
Received 25494K

SW12105
©12/22/99

EASEMENT AGREEMENT

This Agreement is made this 22 day of Sept., 1998, between Crystal Rosso and Charles Rosso Jr., wife and husband; Janet Pedersen and Lloyd Pedersen, wife and husband; and Tina Harried, a single person ("Grantors"), and Duinack Bros, Inc., a Minnesota corporation ("DBI").

Grantors are the owners of certain real estate legally described on attached Exhibit "I" and located adjacent to and easterly of property owned by DBI legally described on attached Exhibit "II".

DBI purchased the property described on attached Exhibit "II" from Grantors and as a part of the purchase price Grantors agreed to grant to DBI an easement over the property described on attached Exhibit "I" for the uses and purposes as set forth in this Agreement.

NOW, THEREFORE, the parties agree as follows:

1. Grantors hereby grant to DBI a permanent easement for the use and possession of the property legally described on the attached Exhibit "I" (the "Easement Property") for DBI's use in stock piling gravel and other materials and for storing equipment to be used by DBI in the excavation of gravel and other materials from the adjoining property owned by DBI.
2. For as long as and whenever the Easement Property, or any part thereof, is not being used by DBI, Grantors reserve the right to the use and possession of

the Easement Property for farming purposes. However, Grantors shall not construct any improvements on the Easement Property that would impair the ability of DBI to use the Easement Property as contemplated herein.

3. DBI shall not be responsible for or have any obligation to reimburse Grantors for any crop damage done on the Easement Property should Grantors choose to farm the property during the term of this agreement.

4. DBI agrees to pay to Grantors for the use of the Easement Property an annual rental payment of \$1,250. The first such rental payment shall be payable within ten days of the date on which DBI first commences use of the Easement Property. Such rental payments shall continue to be paid on an annual basis on the same date of each year thereafter until termination of the easement by DBI as provided in paragraph four below.

5. After DBI has discontinued use of the Easement Property, it shall restore the Easement Property by removing all stock piled materials and restoring the property to the grade, slope and condition as it was in at the time DBI commenced use of the Easement Property pursuant to this agreement. Such restoration shall include the clean up of any spillage or contamination of the Easement Property by toxic substances or petroleum products caused by DBI during its use of the property. DBI agrees to assume full responsibility for any such clean up and any costs related thereto. Upon completion of restoration of the Easement Property as provided for herein, DBI shall give

written notice thereof to Grantors. Upon the giving of said notice, this easement shall terminate.

6. In connection with the purchase by DBI of the property described on attached Exhibit "II" from Grantors, Grantors granted to DBI an access easement over and across a 30-foot strip of land allowing access from the property purchased by DBI to the township road located northeast of that property. During the term of this Easement Agreement, DBI agrees that its use of the access easement shall be restricted to activities involving the removal of gravel. Further, DBI agrees that during the term of this easement, they will be responsible for the maintenance of the access easement.

7. This Agreement shall run with respective lands of the parties and shall be binding not only upon the parties but also equally upon their respective heirs, personal representatives, successors, and assigns.

8. This Agreement shall be subject to and governed by the laws of the State of Minnesota and all questions concerning the meaning and the interpretation of the terms of this Agreement shall be adjudged and resolved in accordance of the laws of said State.

9. In view of the fact that this Agreement involves the use and possession of specific real estate, it is agreed that a remedy at law for failure of the Grantors to perform would be inadequate, so DBI would have the option, in the event of default under the terms of this Agreement by Grantors, to compel the specific

performance of this Agreement in Court. This right shall be in addition to and not instead of any other or alternative right or remedy that may be available in law or in equity.

10. This Agreement may not be and shall not be deemed or construed to have been modified, amended, rescinded, canceled, or waived, in whole or in part, except by written instrument signed by all parties.

11. This Agreement constitutes and expresses the entire Agreement and understanding between the parties hereto in reference to all matters herein referred to, all previous discussions, promises, representations, understandings, or agreements relative thereto, whether oral or in writing, if any, between the parties, being herein merged.

IN WITNESS WHEREOF, the parties have signed this Agreement the day and year first above written.

DUININCK BROS. INC.

BY: *Alexis Duinick*
Its *Vice President*

THIS INSTRUMENT DRAFTED BY:

KRAFT, WALSER, HETTING &
HONSEY, PLLP
107 NORTH 9TH STREET
PO BOX 148
OLIVIA, MN 56277
Telephone No. 320-523-1322

Crystal Rosso
Crystal Rosso

Charles Rosso Jr.
Charles Rosso, Jr.

Jaxen Pedersen
Jaxen Pedersen

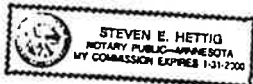
Lloyd Pedersen
Lloyd Pedersen

Tina Harried
Tina Harried

108 72

STATE OF MINNESOTA)
COUNTY OF Kandiyohi) S.S.

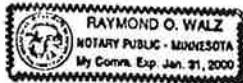
The foregoing instrument was acknowledged before me this 22 day of September, 1998, by Harris Duinck, Vice President of Duinck Bros., Inc., a Minnesota Corporation.

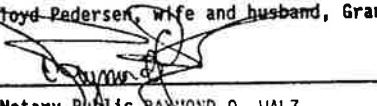



Notary Public STEVEN E. HETTIG
MINNESOTA 1-31-00

STATE OF MINNESOTA)
COUNTY OF REDWOOD) S.S.

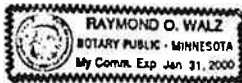
The foregoing instrument was acknowledged before me this 22nd day of September, 1998, by Janet Pedersen and Lloyd Pedersen, wife and husband, Grantors.

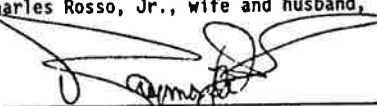



Notary Public RAYMOND O. WALZ
MINNESOTA 1-31-00

STATE OF MINNESOTA)
COUNTY OF REDWOOD) S.S.

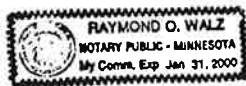
The foregoing instrument was acknowledged before me this 22nd day of September, 1998, by Crystal Rosso and Charles Rosso, Jr., wife and husband, Grantors.

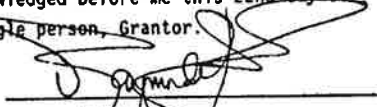



Notary Public RAYMOND O. WALZ
MINNESOTA 1-31-00

STATE OF MINNESOTA)
COUNTY OF REDWOOD) S.S.

The foregoing instrument was acknowledged before me this 22nd day of September, 1998, by Tina Harried, a single person, Grantor.




Notary Public RAYMOND O. WALZ
MINNESOTA 1-31-00

That part of Tract "E" of Government Lot Two (2) and Government Lot Three (3) of Section Eight (8), Township One Hundred Fourteen (114) North, Range Thirty-Seven (37) West, Renville County, Minnesota: Commencing at the East quarter corner of said Section 8; thence on an assumed bearing of S 0°15'02" W, along the East line of said Section 8, a distance of 196.89 feet; thence on a bearing of S 88°50'40" W, 252.26 feet; thence on a bearing of S 78°26'52" W, 238.72 feet; thence on a bearing of N 86°07'14" W, 479.34 feet; thence on a bearing of S 18°29'35" E, 200.23 feet; thence on a bearing of S 57°31'44" W, 403.97 feet; thence on a bearing of S 84°58'39" W, 619.36 feet; thence on a bearing of N 54°26'15" W, 529.34 feet; thence on a bearing of N 58°13'44" W, 422.37 feet; thence on a bearing of N 41°09'41" W, 353.38 feet to the point of beginning of the tract herein described; thence on a bearing of N 32°13'35" E, 290.27 feet; thence on a bearing of N 32°30'31" E, 100.03 feet; thence on a bearing of S 57°46'25" E, 557.60 feet; thence on a bearing of S 32°13'35" W, 390.30 feet; thence on a bearing of N 57°46'25" W, 558.09 feet to the point of beginning, containing 5.00 acres, more or less.

EXHIBIT I

a tract of land described as TRACT F in the Certificate of Survey of Robert Boe, registered land surveyor, dated June 17, 1998, to wit:

That part of Government Lot Three (3) of Section Eight (8), Township One Hundred Fourteen (114), Range Thirty-seven (37), Renville County, Minnesota: Commencing at the East quarter corner of said Section 8; thence on an assumed bearing of S 0°15'02" W, along the East line of said Section 8, a distance of 196.89 feet; thence on a bearing of S 88°50'40" W, 252.26 feet; thence on a bearing of S 78°26'52" W, 238.72 feet; thence on a bearing of N 86°07'14" W, 479.34 feet; thence on a bearing of S 18°29'35" E, 200.23 feet; thence on a bearing of S 57°31'44" W, 403.97 feet; thence on a bearing of S 84°58'39" W, 619.36 feet; thence on a bearing of N 54°26'15" W, 529.34 feet; thence on a bearing of N 58°13'44" W, 422.37 feet; thence on a bearing of N 41°09'41" W, 353.38 feet to the point of beginning of the tract herein described; thence on a bearing of N 32°13'35" E, 290.27 feet; thence on a bearing of N 32°30'31" E, 100.03 feet; then on a bearing of N 58°49'16" W, 1305.81 feet to the line between Lots 2 and 3 of NE1/4 of the NW1/4 and said Government Lot 3; thence on a bearing of S 27°00'17" W along last said line, 100.27 feet; thence on a bearing of S 26°58'13" W, along last said line, 282.83 feet to the West line of said Government Lot 3; thence on a bearing of S 0°02'03" W, along last said line 45.54 feet; thence on a bearing of S 60°14'14" E, 1246.96 feet to the point of beginning, containing 11.98 acres, more or less.

EXHIBIT II