

ZONING PERMIT APPLICATION

MAR 18 2016

FULL NAME CHAD WEIRS/SUNSET SOD FARM TELE # 763-571-9056
 MAIL ADDRESS 8000 UNIVERSITY AVE NE
 CITY FRIDLEY STATE MN ZIP 55432
 911 ADDRESS OF PROPERTY _____
 CITY _____ STATE _____ ZIP _____
 TOWNSHIP LAKESIDE
 LEGAL DESCRIPTION _____
 SECTION 32 TOWNSHIP 44N RANGE 25W

OFFICE USE ONLY	
DATE <u>4/19/16</u>	APPROVE <u>[initials]</u> DENY <u>[initials]</u>
PERMIT# <u>41801W</u>	
PARCEL# <u>16-0-044702</u>	
RECEIPT# <u>928706</u>	
CHECK # <u>3214</u>	
CONFORMING SEPTIC <u>none</u>	
YES CI: _____	NO _____ NEW _____

(circle) RESIDENTIAL COMMERCIAL ACCESSORY NEW BUILDING ALTERATION

BUILDING CONTRACTOR AND LICENSE NUMBER: NA _____

DESCRIBE YOUR PROJECT (IF APPLICABLE, INCLUDE DIMENSIONS OF ALL BUILDINGS COVERED BY THIS APPLICATION) _____
RETENTION OF ROCK-FILL PERIMETER ROAD AROUND BOUNDARIES OF EXISTING SOD FARM. SEE WETLAND CONSERVATION ACT REPLACEMENT PLAN APPLICATION FOR DETAILS.

COMMENTS: _____

DESIGNER: _____

DATA FOR SEWER CONSTRUCTION: INSTALLER _____ #BEDROOMS/GPD _____

The undersigned hereby makes application for permit to construct as herein specified, agreeing to do all such work in strict accordance with the Ordinances of the County of Aitkin, Minnesota; Minnesota Individual Sewage Disposal Code Minimum Standards set forth by Minnesota Department of Health; and Shoreland Management Standards set forth by Minnesota Department of Natural Resources. Applicant agrees that plot plan, sketches and specifications submitted herewith and which are approved by the Zoning Official, shall become a part of the permit. **APPLICANT FURTHER AGREES THAT NO PART OF THE SEWAGE SYSTEM SHALL BE COVERED UNTIL IT HAS BEEN INSPECTED AND ACCEPTED.** It shall be the responsibility of the applicant for the permit to notify the Zoning Office (at least 24 hours in advance) that the Septic System is ready for inspection.

X Chad Weirs
 SIGNATURE APPLICANT/AGENT

-----DO NOT WRITE BELOW THIS LINE-----

ZONING DISTRICT & FLOOD PLAIN

ZONING DISTRICT open
 LAKE/STREAM/RIVER NAME _____
 LAKE/RIVER ID NUMBER _____
 LAKE/RIVER/STREAM CLASSIF. _____
 PARCEL LOCATED IN FLOOD PLAIN? Y ___ N ✓
 10/100-YR. FLOOD ELEVATION _____
 LOWEST FLOOR ELEVATION _____
 ELEV. CERTIFICATE REQUIRED Y ___ N ___
 BEFORE CONSTRUCTION Y ___ N ___
 AFTER CONSTRUCTION Y ___ N ___

STRUCTURE SETBACK DISTANCE REQUIREMENTS

(Measure from eaves or overhang)
 OHW TO LAKE/RIVER/STREAM _____
 PROPERTY LINE SETBACK (10-ft. / 20-ft.) _____
 SETBACK TO ROAD R-O-W (30-ft. Twp. / 50-ft. Co., State, Fed.) _____
 SETBACK TO BLUFF (30-ft.) _____

SEPTIC SYSTEM SETBACK DISTANCES

SETBACK TO STRUCTURES (10-ft. Tank / 20-ft. Drainfield) _____
 OHW TO LAKE/RIVER _____
 PROPERTY LINE SETBACK (10-ft.) _____
 SETBACK TO ROAD R-O-W (10-ft.) _____

****ATTACH COPY OF ELEVATION CERTIFICATES****

SOIL BORINGS _____ SEPTIC DESIGN _____ GARBAGE DISP/HOT TUB
 SSF _____ DEPTH TO RESTRICTING LAYER _____ YES ___ NO ___

(circle) SSTS Type Type 1 Type 2 Type 3 Type 4 Type 5

RECOMMENDATIONS: _____

EXPIRES IN ONE YEAR • Aitkin County Zoning

Courthouse - 209 2nd St. NW. Room 100 • Aitkin, Minnesota 56431

Telephone 218/927-7342

\$1500⁰⁰ Budge 3/17/17
 FEE RECEIVED BY DATE

Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) Aitkin County Planning & Zoning	209 Second Street NW, Room 100 Aitkin, MN 56431
---------------------------------------------------------------------------	------------------------------------------------------------------

1. PROJECT INFORMATION

Applicant Name Chad Weiers/Sunset Sod	Project Name Sod Farm	Date of Application 03/16/16	Application Number 41801W
<input type="checkbox"/> Attach site locator map.			

Type of Decision:

<input type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input checked="" type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input checked="" type="checkbox"/> Deny
Summary (or attach): Please see the attached Technical Evaluation Panel Findings Report.		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision:		
<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (include below)	<input checked="" type="checkbox"/> Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

The LGU agrees with the TEP Findings Report. The original proposal and the April 12, 2016 Addendum were reviewed. The landowner has access to the site from the north on County Road 80. The TEP also finds the application and addendum do not adequately address sequencing requirements of the Wetland Conservation Act.

COPY

For Replacement Plans using credits from the State Wetland Bank:

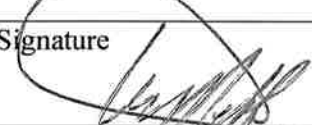
Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
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Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name Terry Neff	Title Director of Environmental Services	
Signature 	Date 4/19/16	Phone Number and E-mail 218-927-7342 tneff@co.aitkin.mn.us

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT.

Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input checked="" type="checkbox"/> Appeal of an LGU staff decision. Charges for an appeal are \$50.00/hour plus any additional costs to Aitkin County. Send petition to: Aitkin County Planning & Zoning 209 Second Street NW, Room 100 Aitkin, MN 56431	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
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4. LIST OF ADDRESSEES

- SWCD TEP member: **Steve Hughes, SWCD, 130 Southgate Drive, Aitkin, MN 56431**
- BWSR TEP member: **Dale Krystosek, 4 West Office Building, 403 Fourth Street NW, Room 200, Bemidji, MN 56601**
- LGU TEP member: **Rich Courtemanche, 209 Second Street NW, Room 206, Aitkin, MN 56431**
- DNR TEP member: **Kevin Woizeschke, DNR, 1601 Minnesota Drive, Brainerd, MN 56401**
- DNR Regional Office: **Darrell Schindler, EWR Div., 1201 East Highway 2, Grand Rapids 55744**
- WD or WMO (if applicable):
- Authorized Agent:
- Landowner: **Chad Weiers, Sunset Sod Farm, 8000 University Avenue NE, Fridley, MN 55432**
- Members of the public who requested notice:
- Corps of Engineers Project Manager: **Evan Ingebrigtsen, ACOE, 10867 East Gull Lake Drive NW, Brainerd, MN 56401**
- BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

5. MAILING INFORMATION

For Wetland Bank Plan applications, also send a copy of the application to:
Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

-
-
-
-
-

Minnesota Wetland Conservation Act Technical Evaluation Panel Findings Report

Date(s) of Site Visit/Meeting:	<u>4/13/2016</u>	LGU:	<u>Aitkin County Environmental Services</u>
County:	<u>Aitkin</u>	LGU Contact:	<u>Becky Sovde</u>
Project Name:	<u>Sunset Sod permit 41801W</u>	Phone #:	<u>218-927-7342</u>
Location of Project: (attach map if possible)	<u>section 32-44-25</u>	Email Address:	<u>rsovde@co.aitkin.mn.us</u>

TEP ATTENDEES:	OTHER ATTENDEES:	OTHER ATTENDEES:
LGU: Rich Courtemanche via email	Becky Sovde	
SWCD: Steve Hughes		
BWSR: Dale Krystosek		
DNR: Kevin Woizeschke		

PROJECT DESCRIPTION AND PURPOSE OF MEETING:
Sunset Sod application review. Project is a replacement plan application for an after-the-fact perimeter access road.




TYPE OF MEETING: *Check all applicable*

Office
 On-Site
 Phone Conference
 E-Mail
 Other: _____

TEP FINDINGS AND RECOMMENDATIONS ¹:

The decision to deny the Agricultural Exemption by the LGU was appealed by the landowner to the Aitkin County Appeals Board and was heard on January 6, 2016. The Appeals Board upheld the TEP recommendation and LGU decision to deny the exemption. The landowner has provided a Wetland Replacement Application dated March 7, 2016 and Wenck Associates has provided an Addendum dated April 12, 2016 in response to the Restoration Order. The Wetland Replacement Application and Addendum seek to retain an area of fill for additional access, which would be mitigated through an existing wetland bank, with removal of the remainder of the fill. The TEP reviewed the Replacement Application and the Addendum and discussed aspects of the plan and access options to the site. The TEP finds that access to the site already exists from the north. The TEP further finds that the Application and the Addendum do not adequately address sequencing requirements of the Wetland Conservation Act. The TEP recommends denial of the Application and Addendum and recommends completion of the Restoration Order. A copy of the Restoration Order, Wetland Replacement Application, and Wenck Associates Addendum, is attached.

SIGNATURES

 SWCD Representative	<u>April 13, 2016</u> Date	 BWSR Representative	<u>4/13/16</u> Date
Do not concur <input type="checkbox"/>		Do not concur <input type="checkbox"/>	
 LGU Representative	<u>April 13, 2016</u> Date	_____ DNR Representative	_____ Date
Do not concur <input type="checkbox"/>		Do not concur <input type="checkbox"/>	

¹ TEP Findings should be a meaningful concise summary detailing the project conditions, technical data, and what rules apply.

Minnesota Wetland Conservation Act

Notice of Application

Local Government Unit (LGU) Aitkin County Planning & Zoning	Address 209 Second Street NW, Room 100 Aitkin, MN 56431
---------------------------------------------------------------------------	--------------------------------------------------------------------------------

1. PROJECT INFORMATION

Applicant Name Chad Weiers/Sunset Sod	Project Name Sod Farm	Date of Application 03/16/16	Application Number 41801W
-------------------------------------------------	---------------------------------	----------------------------------------	-------------------------------------

Type of Application (check all that apply):

<input type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input checked="" type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		


Summary and description of proposed project (attach additional sheets as necessary):

The landowner is proposing to impact .499 acres (21,736 square feet) of wetland with fill to provide an access road for sod farm equipment

2. APPLICATION REVIEW AND DECISION

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 3 provides notice that an application was made to the LGU under the Wetland Conservation Act as specified above. A copy of the application is attached. Comments can be submitted to:

Name and Title of LGU Contact Person Becky Sovde, Wetland Specialist	Comments must be received by (minimum 15 business-day comment period): April 8, 2016
Address (if different than LGU) Aitkin County Planning & Zoning 209 Second Street NW, Room 100 Aitkin, MN 56431	Date, time, and location of decision:
Phone Number and E-mail Address 218-927-7342 Becky.sovde@co.aitkin.mn.us	Decision-maker for this application: <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board or Council

Signature:  Date: 3/17/16

3. LIST OF ADDRESSEES

- SWCD TEP member: **Steve Hughes, 130 Southgate Drive, Aitkin 56431**
- BWSR TEP member: **Dale Krystosek, 4 West Office Building, 403 Fourth Street NW, Room 200, Bemidji, MN 56601**
- LGU TEP member: **Rich Courtemanche, 209 Second Street NW, Room 206, Aitkin, MN 56431**
- DNR TEP member: **Kevin Woizeschke, 1601 Minnesota Drive, Brainerd 56401**
- DNR Regional Office: **Darrell Schindler, EWR Div., 1201 East Highway 2, Grand Rapids 55744**
- WD or WMO (if applicable):
- Applicant (Notice only): **Chad Weiers, Sunset Sod Farm, 8000 University Avenue NE, Fridley, MN 55432**
- Members of the public who requested notice (notice only):
- Corps of Engineers Project Manager: **Evan Ingebrigtsen, ACOE, 10867 East Gull Lake Drive NW, Brainerd, MN 56401**
- BWSR Wetland Bank Coordinator (wetland bank plan applications only)

4. MAILING INFORMATION

- For a list of BWSR TEP representatives: www.bwsr.state.mn.us/contact/WCA_areas.pdf
- For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

<u>NW Region:</u>	<u>NE Region:</u>	<u>Central Region:</u>	<u>Southern Region:</u>
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687
or send to:

- - US Army Corps of Engineers
 - St. Paul District, ATTN: OP-R
 - 180 Fifth St. East, Suite 700
 - St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:
 - Minnesota Board of Water and Soil Resources
 - Wetland Bank Coordinator
 - 520 Lafayette Road North
 - St. Paul, MN 55155

5. ATTACHMENTS

In addition to the application, list any other attachments:

-
-
-
-
-

Document Transmittal



MAR 11 2016

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Exceptional outcomes.

To Becky Sovde
Wetland Specialist/Compliance Officer
Aitkin County Planning & Zoning
209 Second Street NW, Room 100
Aitkin, MN 56431

From Mike Graham
Phone 651-395-5229
Date 03/10/16
Project # B0324-0031
Client SunSet Sod Farm
Contact

We Are Transmitting Via

Courier UPS FedEx US Mail Other _____

Shop Drawings Prints Plans Report
 Samples Specifications Copy of Letter Change Order
 Other -CD

Copies	Date	Description
3	March 2016	Westland Replacement Plan Sunset Sod Farm - Lakeside Township, MN

Transmitted as Indicated Below

For Approval Approved as Submitted Resubmit ____ Copies for Approval
 For Your Use Approved as Noted Submit ____ Copies for Distribution
 As Requested Returned for Corrections Return ____ Corrected Prints
 For Review and Comment For Signature and Return Prints Returned After Loan
 For Bids Due _____ Other _____

Remarks

Chad Weiers

From: Michael J. Graham [mgraham@wenck.com]
Sent: Friday, March 11, 2016 3:39 PM
To: Chad Weiers
Subject: zoning application form
Attachments: Zoning Permit Application_Feb2014.docx

Chad,

Please see attached. I think it contains enough detail so that you can just sign and send along with the \$1500 check to Becky at Planning/Zoning office. Thanks.

Mike Graham

P.W.S., M.W.D.C., Principal



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Exceptional outcomes.

mgraham@wenck.com | D **651.395.5229** | C **612.670.4209**
1802 Wooddale Drive | Woodbury, MN 55125

Technical Memo



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To: Evan Ingebrigtsen, U.S. Army Corps of Engineers
Becky Sovde, Aitkin County Planning & Zoning

From: Mike Graham, Wenck Associates, Inc.

Copy: Chad Weirs

Date: April 12, 2016

Subject: SunSet Sod Farm Replacement Plan Addendum

Since the wetland replacement plan for the above-referenced project was submitted to the U.S. Army Corps of Engineers and the Aitkin County Planning and Zoning office, possible options to further reduce wetland impacts resulting from this project were discussed with Mr. Evan Ingebrigtsen of the U.S. Army Corps of Engineers (Corps). Those alternatives are discussed below.

Utilize Existing Rock Road Located South of the East/West Draining Ditch

This alternative was discussed as a possible way to reduce the amount of retained wetland fill on the site. As discussed in the original replacement plan, rock from the site has been placed around the perimeter of the parcel, creating access for vehicles and machinery in the operation of the sod farm. The east/west road that is immediately south of the ditch on the north side of the site was considered to be in upland when the TEP made its observations of the site in 2014.

In this alternative scenario, the east/west road south of the ditch would be retained, as would the north/south road located along the property's east boundary. This would allow rock in the road along the west and south property boundaries to be removed. The entry/exit path for vehicles would then be as follows: enter sod farm going south in the northwest corner, turn left and travel east along the north perimeter of the sod field, turn right and proceed south along the east boundary of the site.

The drainage ditch creates a safety hazard for this alternative since vehicles pulling long trailers would have to make a 90-degree turn as they enter the sod field. The rock fill in its existing configuration would not be adequate to allow for the wide swing necessary so that trailers aren't dumped into the ditch. For this reason, some of the fill proposed to be removed from the west road would be placed to slightly widen the east/west road for a safe turn as shown in Figure 3. As proposed, this fill would be within the scope and effect of the ditch which has been assumed to be on an east/west boundary that is in alignment with the northernmost extent of fill of the west and east roads. All of these features and proposed fill retention areas/removal areas are identified on the attached Figure 3.

The applicant, SunSet Sod Farm has agreed that this alternative would be acceptable and would allow the project need and purpose to be fulfilled.

Evan Ingebrigtsen
Becky Sovde
April 12, 2016



The total amount of fill that would be retained on the site for this alternative is 0.40 acres. Figure 3 represents the fill placement, retention and removal plan now proposed by SunSet Sod Farm.

Load Customers at Existing Building Site North of Sod Farm

This alternative was suggested by the Corps as a potential measure to preclude the need for customers to drive into the sod field. This alternative assumes that there would be a lesser need for fill retention on the site to access, obtain and load sod. The applicant does not believe this is a feasible and practicable alternative for several reasons.

1. It is not efficient to drive a skid steer from the sod field to the building site since it would require many trips back and forth to fill most orders.
2. Even if customers aren't driving onto the sod field area, the perimeter access roads would still be necessary for the owner to drive on with his equipment. In other words, this alternative does not alleviate the need for the roads.
3. The building site was not constructed to accommodate vehicles with trailers to drive in, load, turn around and exit the site to the north onto 170th Street. Such an arrangement would create congestion, inefficient flow and potentially unsafe entrance onto 170th Street with loaded trailers. Congestion would be exacerbated by other activities commonly being undertaken by the owner in and around the building site.

Please consider this addendum as part of the original March 2016 replacement plan/permit application. We believe that the use of the first alternative described above represents a good-faith effort to further minimize wetland impacts for this project, even though the quality of the wetland is not high. If additional information would be useful, please notify us at your earliest convenience.

C1





Legend

-  Improved Access Road
-  Retained Fill (0.40 acres)
-  Fill Removal/Restoration Area (0.44 acres)

2015 Aerial Photograph (Source: NAIP)

150 75 0 150

 Feet

 N

Path: N:\GIS\0324\0324-0031\mxd\Wetland Restoration 2.0.mxd
Date: 4/11/2016 Time: 3:28:31 PM User: SumMT0498

SUNSET SOD FARM

Wetland Restoration/Fill Retention Plan



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APR 2016

Figure 3

MAR 11 2016

Wetland Replacement Plan SunSet Sod Farm – Lakeside Twncsp, MN



Prepared for:
SunSet Sod Farm

8000 University Ave NE
Fridley, MN 55432



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Prepared by:

WENCK Associates, Inc.
1802 Wooddale Drive
Woodbury, MN 55125-2937
Phone: 651-294-4580
Fax: 651-228-1969

Table of Contents

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EXHIBITS

- 1 Site Location Map
- 2 Existing Conditions
- 3 Wetland Restoration/Fill Retention Plan

APPENDICES

- Appendix A: Application Form
- Appendix B: Aitkin County Onsite Function and Value Assessment

1.0 Type of Project

The applicant, SunSet Sod Farm, is proposing to retain rock fill material to provide access to a sod farm of approximately six acres in Lakeside Township, Aitkin County, Minnesota. The site is located approximately one-half mile east of Mille Lacs Lake and is just east of 326th Avenue and just south of 170th Street. The southern leg of the site connects to 325th Avenue to the south. The legal description is part of the NW ¼ Section 32, T44N, R25W, Aitkin County (Figure 1).

Site Description

A parcel also owned by the applicant is located immediately north of the sod farm and has a storage building constructed on it. An east/west drainage ditch is located between the sod farm and the building site and an access road from the building site enters the sod farm at its northwest corner. Until the last few years, the field had been regularly hayed until it was planted to turf grass. Rocks from on-site had been collected with a screened rock picker and placed in piles at the site. Sometime before 2012, the rocks were then spread around the south, north, east and west perimeter of the sod field to create access for machinery and vehicles working at the site and entering/exiting to pick up sod. The project site also includes a southern access road that was at least partially constructed through a forested wetland. This road was also constructed with rock collected from on-site. Figure 2 depicts existing features on and near the site.

Project Need and Purpose

The purpose of the project is to provide access to the site and a reliable perimeter road so that trucks, trailers and machinery can be operated on a firm surface to load and haul sod.

A completed Joint Application Form is included in Appendix A.

Compatibility with Existing Land Use

The site is currently zoned for the proposed use and is compatible with the surrounding land uses.

2.0 Project Description

Current Site Conditions

As stated, the site is currently managed and used for the commercial production of turf grass (sod). The site is very flat with the perimeter rock roads rising just a few inches higher than the adjacent sod field. Although the rock fill ranges from six to 12 inches in depth, the weight of the material has caused much of the fill material to sink below the natural ground topography. The site, including the perimeter road, is routinely mowed to manage the turf and control the length of the grass. The western perimeter road ties in with an existing access road on the parcel to the north. A fence has been constructed around most of the perimeter of the sod field. The site is wet much of the year which makes access difficult to impossible much of the year, which is the reason for the proposal to retain a portion of the perimeter road.

On-Site Wetlands

Wenck staff conducted a site investigation on September 29, 2015 to document site conditions and determine the presence and extent of wetland on the subject property. Investigation of the site confirmed that the entire area within the property boundary meets wetland criteria.

Soil borings conducted on the site consistently found depleted soils within 12 inches of the surface, and each boring met hydric soil indicators. Given the observed soil conditions at the boring locations and the relatively flat topography, it is reasonable to assume the entire field is underlain by hydric soils.

While primary indicators of hydrology were not observed at the time of the site visit, secondary indicators of wetland hydrology were present, including Geomorphic Position and FAC-Neutral Test. Geomorphic Position is met by the site's flat to depressional landscape position. A positive FAC-Neutral Test is based on the observed hydrophytic vegetation communities immediately adjacent to the subject property which were used as reference sites since the vegetation on the subject property has been manipulated.

Although vegetation on the property was disturbed by the sod production, vegetation communities on adjacent properties at the same elevation as the subject property were dominated by hydrophytic species. Specifically, the vegetation communities on adjacent properties were dominated by species such as reed canary grass, giant goldenrod, green ash, American elm, and willows.

Based on observed soil conditions, hydrology indicators, and the presence of hydrophytic vegetation in reference locations immediately off-site, Wenck concluded that the subject property met wetland criteria.

Project Need and Purpose

The purpose of the project is to provide reliable, safe and reasonable access into and out of the subject sod farm.

Proposed Project

The project involves the retention of a portion of the material that was previously placed to create the perimeter access road. The retained fill would form a road coming into the site from an existing private access road on the parcel to the north, running along the west property boundary, then turning east along the southern boundary of the sod field and then turning south to connect with the exit point at 325th Avenue south of the site. The road averages about 15 feet wide at the base and is somewhat wider at corners so that trucks with trailers can turn without driving on the sod.

As part of the project, fill material would be removed from the east side of the site and along the west edge of the southern road (Areas A and B, respectively-Figure 3) and the wetlands restored in that area (see Wetland Restoration section below). The removed fill would be placed on the permitted footprint of the retained road (assuming wetland approvals are obtained). The fill would be used to raise, not widen the retained road.

Rock that was placed along the north site boundary adjacent to the drainage ditch is considered to be within the effectively drained scope and effect of the ditch and is not considered part of the filled wetland area. This fill would remain in place.

Proposed Wetland Impact Area

The retained fill footprint measures 21,736 square feet (0.499 acres) and would be configured as shown in Figure 3. The retained fill would provide a reliable perimeter access road through the site from existing access points north and south of the sod field.

Sequencing Flexibility

Much of the wetland at the project site was dominated by reed canary grass (*Phalaris arundinacea*) when the site was used for hay production. Currently, it is dominated by turf grass which is regularly mowed as part of site maintenance. The Aitkin County Planning and Zoning office performed an "Onsite Function and Value Assessment" (Appendix B) which assesses wetlands using a variety of function and value parameters such as surface water quality, wildlife habitat and floral diversity. This method produces a final numeric score between 14 and 38 and categorizes wetlands as Very Low, Low, Medium, High and Very High. The most recently-completed assessment performed by Aitkin County ranked the subject wetland in the "Low" category with a total score of 21.

Wetland Conservation Act (WCA) rules (Minnesota Rules 8420.0520 Subp. 7a) describe situations in which "sequencing flexibility" may be used. The purpose of this section of the rules is to provide for lower sequencing standards in cases where it can be demonstrated that a wetland has been degraded such that replacement of the wetland would result in a certain gain in function and public value. The wetland, in its current state as a sod farm with mowed turf grass, clearly functions at a low level as born out by the Aitkin County score. It is possible the wetland on the site would have scored similarly before being converted to sod since it was predominantly a hayed reed canary grass field.

The replacement plan for the project includes purchasing wetland credits from the state wetland bank (see Section 3.0). Although a formal comparison of functions and values of the proposed bank credits and the proposed impacted wetland has not been done, it is intuitive that banked credits that have been managed, approved and deposited in the bank

and are protected by a conservation easement function at a higher level than the on-site wetland. Therefore, sequencing flexibility under WCA should apply in this case.

It is understood that the federal Section 404 wetland regulations do not formally recognize sequencing flexibility. However, the quality of the wetland proposed for impact should be taken into account when considering avoidance and minimization options and the degree to which alternatives should be pursued.

3.0 Project Alternatives and Sequencing

EPA's Section 404(b)(1) guidelines require that projects utilize the least environmentally-damaging practicable alternative. The factors that must be addressed to meet this requirement are a consideration of avoidance and minimization alternatives and providing compensatory mitigation for any wetland impacts that are demonstrated to be unavoidable. The Minnesota Wetland Conservation Act requires a similar avoid, minimize and mitigate "sequencing" approach (although sequencing flexibility under WCA is being proposed in this case).

Avoidance

No Build

The No Build alternative (i.e., no fill in wetland) is considered neither feasible nor prudent since, if all of the fill is removed, access to the site as well as a means of transporting sod from the site would be lost. If there is no safe and reliable access, the business would be shut down. Therefore the no build alternative does not meet the project need and purpose.

Alternative Configuration

An alternative configuration that would avoid wetland impacts would be to remove all of the previously placed fill material, restore the filled wetland areas and only access the site during periods dry enough to drive semi tractors and trailers around the perimeter of the site. Although the site rarely has standing water for prolonged periods, it is nearly always saturated and soft below the surface. This condition makes it well suited to grow turf grass but not well suited for supporting heavy trucks. Even if all the fill material were removed and if trucks were able to drive around the perimeter similar to the alignment of the proposed road during limited times of the year, they would create deep ruts that would soon make the site inaccessible even during dry periods. This alternative would also limit the window of access (dry periods only) to the point where it would close down the business.

Minimization

The currently filled area represents the most desirable configuration for road access on the site and includes a perimeter road along the east boundary. With the east road intact, customers are able to drive along either the west or east side of the site to load and exit the site. This configuration offers more options for traffic flow and adds convenience.

Recognizing the requirement to minimize wetland impacts to the maximum practicable extent, SunSet Sod Farm has proposed to remove and restore all of the east road that is located in wetland. Although not the preferred alternative and recognizing that this arrangement will be less efficient and hinder traffic flow, it is still capable of meeting the need and purpose of the project.

A further minimization effort being proposed is to remove approximately a 10-foot wide strip of fill along the west side of the south road that connects to 325th Avenue. This fill reduction measure will make the southern road approximately the same width as the remainder of the road proposed to be left in place. This measure will still allow for a functioning road capable of meeting the need and purpose of the project.

The most efficient traffic flow through the site is to have vehicles picking up sod enter from the north side of the site and exit the south end. This is how the current traffic flow is set up. The sign for the business, so that customers can find it, is located on the parcel to the north of the subject site along 170th Street. This arrangement allows a one-way traffic flow which is essential since the road is only wide enough for one vehicle. One-way traffic is also critical since backing up and turning on the site is not possible as it would require driving on the sod field. Loaded vehicles leaving the site continue south on 325th Avenue.

Wetland Restoration

As part of the project, existing fill material in Area A (east side of sod field) and Area B (west side of existing access road to south) would be removed and the wetland restored. Removed fill is proposed to be placed within the footprint of road fill areas that would be retained if wetland approvals are obtained per this application. Restoration would consist of removing all previously-placed rock fill material that can reasonably be recovered using a front-end loader or backhoe and immediately transporting the material to an approved disposal location. Once material is removed at Area A and Area B, the excavated areas will be smoothed out to match previous grade and the surrounding topography. The areas will then be seeded and mulched.

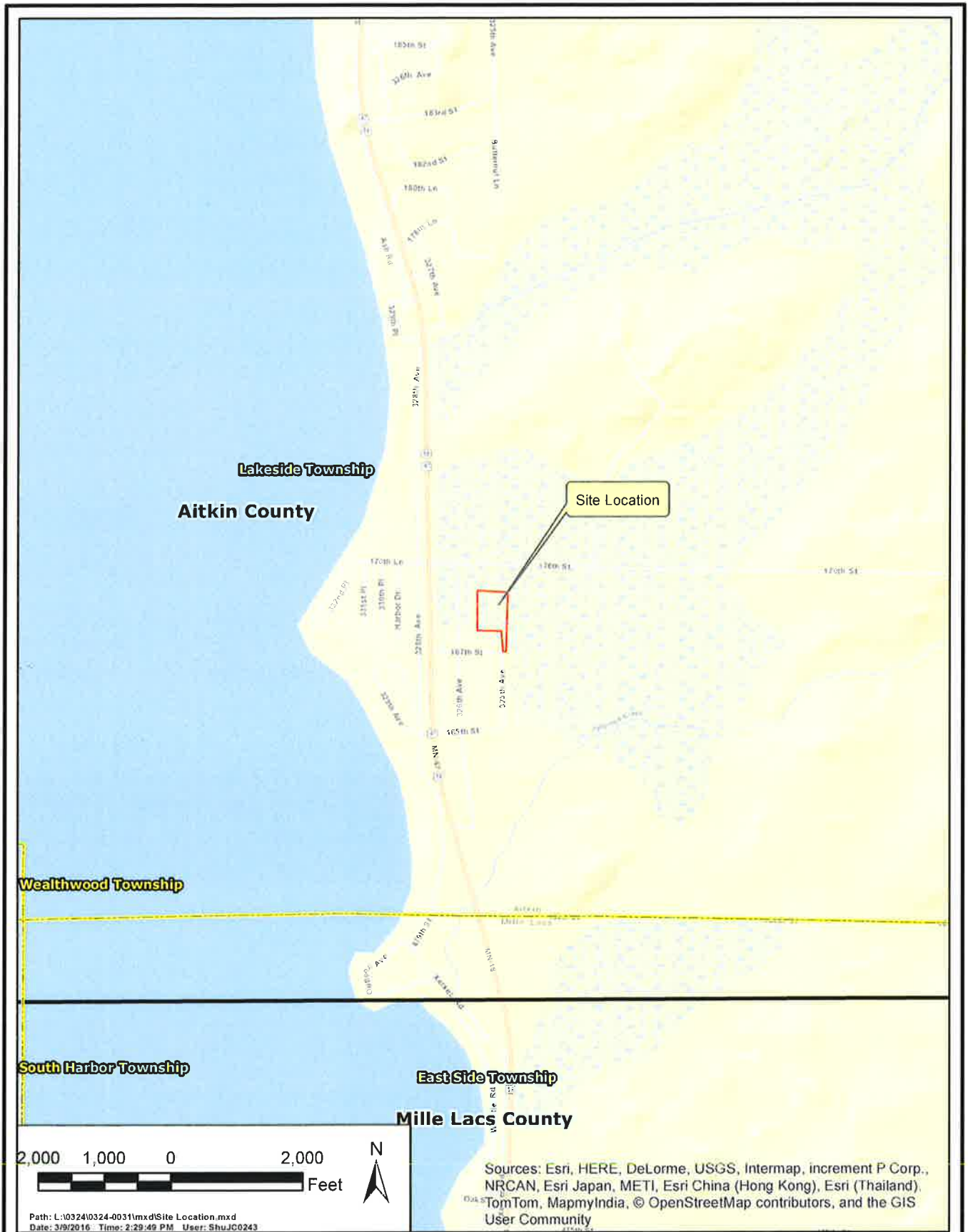
Compensatory Mitigation Plan

The proposed total amount of wetland fill is 21,736 square feet (0.499 acres). SunSet Sod Farm is proposing to replace the wetland impact at a ratio of 1:1 through the purchase of credits from one of two wetland banks in the same major watershed (#21) and Bank Service Area (BSA) as the project site (#7).

The 0.499 acres of required replacement will be purchased from either bank account #159 or #1382. The applicant has contacted the account managers of each of these banks and is prepared to enter into a Purchase Agreement with either. Ultimately, a Withdrawal Form would be executed as the project moves through the approval process.

Exhibits

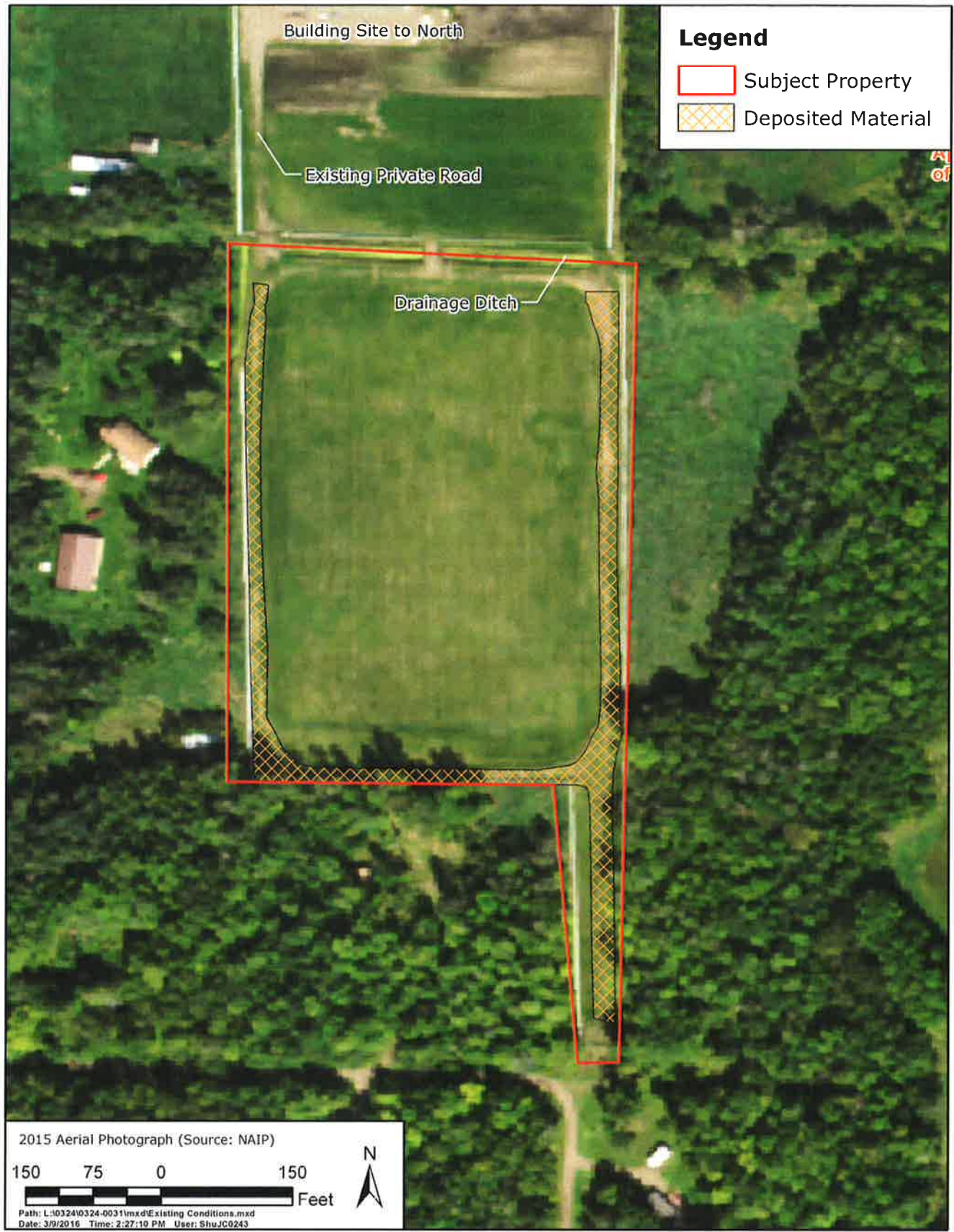
1. Site Location Map
2. Existing Conditions Map
3. Proposed Restoration/Fill Retention Plan



SUNSET SOD FARM
 Site Location Map



MAR 2016
 Figure 1



SUNSET SOD FARM

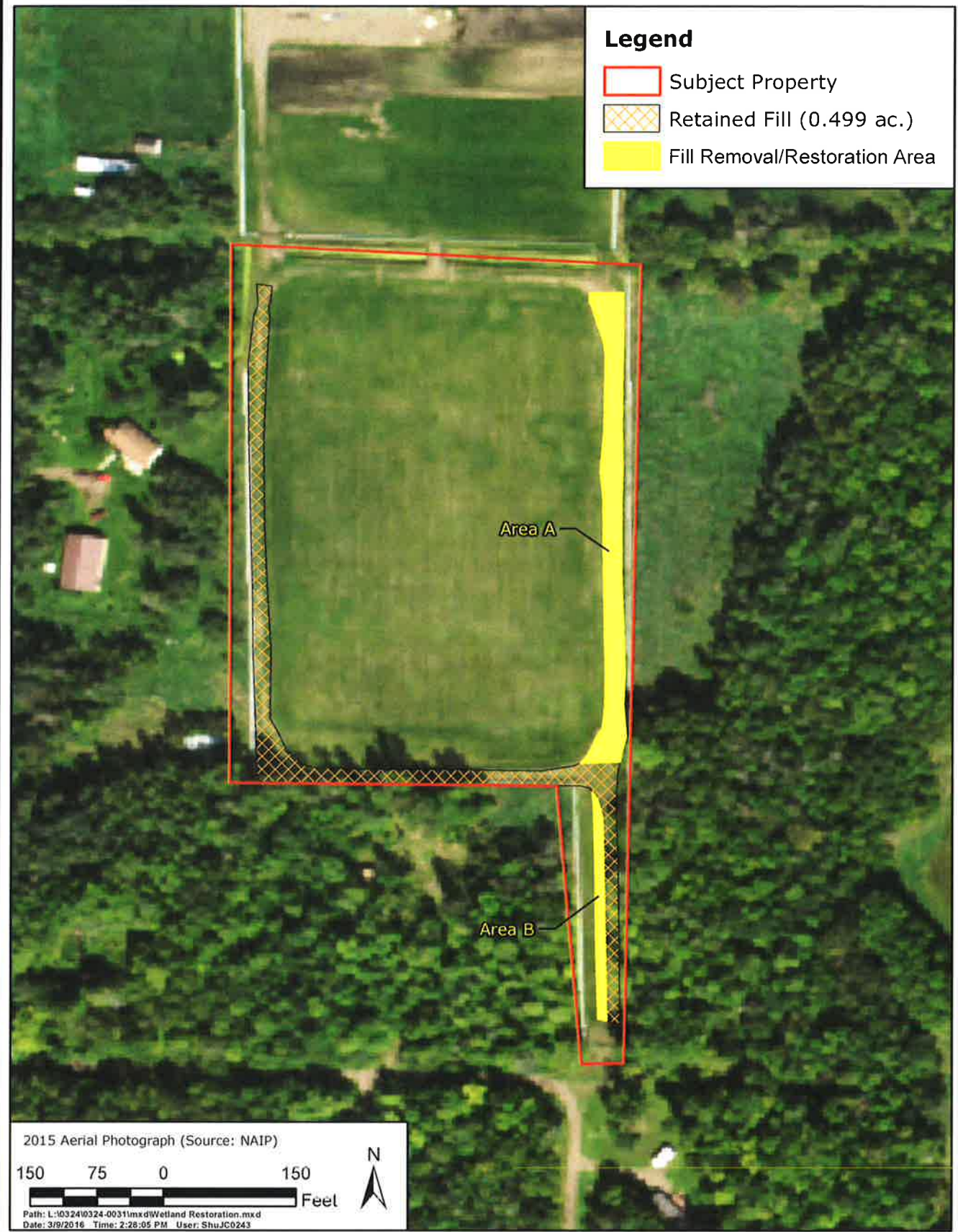
Existing Conditions



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MAR 2016

Figure 2



Legend

- Subject Property
- Retained Fill (0.499 ac.)
- Fill Removal/Restoration Area

Area A

Area B

2015 Aerial Photograph (Source: NAIP)



Path: L:\0324\0324-0031\mxd\Wetland Restoration.mxd
Date: 3/9/2016 Time: 2:28:05 PM User: ShuJCO243

SUNSET SOD FARM

Wetland Restoration/Fill Retention Plan



Responsive partner. Exceptional outcomes.

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Figure 3

Application Form

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Chad Weiers
Mailing Address: 8000 University Ave NE
Phone: (763) 571-9056
E-mail Address: chad@midcitycleaning.com

Authorized Contact (do not complete if same as above):

Mailing Address:
Phone:
E-mail Address:

Agent Name:
Mailing Address:
Phone:
E-mail Address:

PART TWO: Site Location Information

County: Aitkin **City/Township:** Lakeside Township
Parcel ID and/or Address: 16-0-044720
Legal Description (Section, Township, Range): S32, T44N, R25W
Lat/Long (decimal degrees): 46.261, -93.525
Attach a map showing the location of the site in relation to local streets, roads, highways. (See Figure 1)
Approximate size of site (acres) or if a linear project, length (feet): 6 acres

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted *prior to* this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

Please see attached narrative.

PART FOUR: Aquatic Resource Impact¹ Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) ¹	Size of Impact ²	Overall Size of Aquatic Resource ³	Existing Plant Community Type(s) in Impact Area ⁴	County, Major Watershed #, and Bank Service Area # of Impact Area ⁵
	Wetland	Fill	P	0.499 ac.	6 acres	Turf grasses (sod)	Aitkin, #21, BSA #7

¹If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

²Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

³This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

⁴Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.

⁵Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

Fill has already been placed at the project site. The fill area referenced above is what is proposed to be retained; additional fill would be removed. See attached narrative.

PART FIVE: Applicant Signature

Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature:



Date:



I hereby authorize _____ to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

¹ The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

Attachment C

Avoidance and Minimization

Project Purpose, Need, and Requirements. Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

See attached narrative.

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

See attached narrative.

Minimization. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

See attached narrative.

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

Attachment D Replacement/Compensatory Mitigation

Complete this part *if* your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

Replacement/Compensatory Mitigation via Wetland Banking. Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits
1382	Kanabec	21	7	2	0.499

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

Project-Specific Replacement/Permittee Responsible Mitigation. Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit ¹	Corps Mitigation Compensation Technique ²	Acres	Credit % Requested	Credits Anticipated ³	County	Major Watershed #	Bank Service Area #

¹Refer to the name and subpart number in MN Rule 8420.0526.

²Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.

³If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):

Appendix B

Aitkin County Onsite Function and Value Assessment

Table 1: Wetland Replacement Ratios within Watershed in Aitkin County

Score	Ratio	Description with Guidance to the TEP
14-18	1/5 th :1	Very Low: impact to functions and values (<i>Special considerations should be present before denying a request if sequencing has been adhered to</i>)
19-21	1/3 rd :1	Low impact to function and values
22-27	1:1	Medium impact to function and values
28-32	3:1	High impact to function and values
33-38	5:1	Very High impact to function and value (<i>Very sensitive environment, probable rejection without extenuating circumstances or in-kind replacement</i>)

5.55 Mitigation of Wetlands with Greater than 1:1 Replacement Ratios

When the LGU approves a Wetland Replacement Plan in areas that are evaluated with a greater than 1:1 replacement ratio (See Section 4.1.2.2; Table 1), and wetland banking will be used to mitigate the loss, replacement will follow the following scenario:

- a) 1 ½:1 purchase of suitable wetland credits at a wetland bank
- b) The remainder of the mitigation ratio will be in the form of a cash payment to a County Wetland Value Replacement Fund designed to offset impacts in the watershed. (See Section 5.6).

Table 2: Allowable replacement for wetland impacts in Aitkin County.

Wetland Impact Type	Type Description	Replacement Types Allowed
1	Seasonally Flooded Meadows	1, 2, 3, 4, 5, 6, 7, 8
2	Wet Meadows	2, 3, 4, 5, 6, 7, 8
3	Shallow Marshes	3, 4, 5
4	Deep Marshes	4, 5
5	Open Water with Aquatic Vegetation	4, 5
6	Shrub Swamps	3, 4, 5, 6, 7, 8
7/1L	Wooded Swamps	3, 4, 5, 7, 8
8	Bogs/ Tamarack and Cedar	3, 4, 5, 7, 8

Appendix B
Onsite Function and Value Assessment

Wetland Description <i>Ranking-> High (3), Medium (2), Low (1)</i>	Site Rev.	Weight	Final Score
Is the impact in the shore impact zone? OR Is the impact in the shoreland district and have a direct surficial connection to a protected water?	Stop ! no wetland impact allowed		
<u>Shoreline Protection:</u> <ul style="list-style-type: none"> • Within 150 feet of a stream (watercourse with a defined bottom) or within 500 feet of a protected water lake = 3 • Between 150 feet and 300 feet of a stream, or between 150 feet and 500 feet of the Mississippi River or within 1000 feet of a protected water lake = 2 • all other wetlands = 1 	<u>1</u>	X 3 =	<u>3</u>
<u>Surface Water Quality:</u> <ul style="list-style-type: none"> • have a direct hydrologic connection to a stream, creek, river, or lake and that are within the shoreland district = 3 • All other non-isolated wetlands = 2 • All isolated wetlands = 1 	<u>2</u>	X 3 =	<u>6</u>
<u>Flood Attenuation:</u> <ul style="list-style-type: none"> • Within the defined floodplains & floodways of lakes and rivers = 3 • all other non-isolated wetlands = 2 • isolated wetlands = 1 	<u>2</u>	X 3 =	<u>6</u>
<u>Ground Water Protection:</u> <ul style="list-style-type: none"> • Within a wellhead protection areas as defined by the MN Department of Health = 3 • Areas with soils a sandy substrate = 3 • all other wetlands = 2 	<u>2</u>	X 1 =	<u>2</u>
<u>Fisheries Habitat:</u> <ul style="list-style-type: none"> • within 1,000 feet of an identified public water or water capable of supporting fish (types 3, 4, and 5) = 3 • have a direct surficial connection to a public water = 2 • all other wetlands = 1 	<u>1</u>	X 1 =	<u>1</u>
<u>Wildlife Habitat:</u> <ul style="list-style-type: none"> • a wetland that provides critical habitat = 3 • all other wetlands that provide general wildlife habitat = 2 • properties with conflicting uses (i.e., commercial, livestock, row-crops, etc) = 1 	<u>2</u>	X 1 =	<u>2</u>
<u>Floral Diversity:</u> <ul style="list-style-type: none"> • site dominated by 10 or more species or exhibit high potential for species diversity = 3 • site dominated by more than 5 species or exhibit medium potential for species diversity = 2 • site dominated by few species or have a high probability for disturbance or for non-native species = 1 	<u>2</u>	X 1/3 =	<u>2/3</u>
<u>Aesthetics & Recreational Use:</u> <ul style="list-style-type: none"> • wetlands located in the defined shoreland = 3 • all other wetlands = 1 	<u>1</u>	X 1/3 =	<u>1/3</u>
TOTAL (round to the nearest whole number)			<u>21</u>

Sunset Sub Farm
8000 University Ave
Fridley, MN 55432

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Aitkin, MN 56431
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