

ORDINANCE NO. 26-09

An Ordinance amending ARTICLE 11-600, EXCAVATION AND RECLAMATION, relating to Excavations of Land in the City of Ham Lake.

Be it ordained by the City Council of the City of Ham Lake, Anoka County, Minnesota, as follows:

I. The City Council of the City of Ham Lake makes the following Legislative Findings of Fact:

A. The City of Ham Lake has no municipal water delivery system, and its citizens rely entirely on private wells for potable water supplies; this situation is not intended to change, and is a permanent part of the Ham Lake landscape. “Draw-down” effects of large excavations may encourage the lateral migration of groundwater and a concomitant introduction of undesirable elements into the groundwater supplies;

B. The continued practice of permitting large excavations featuring the removal of excavated material from upland areas depletes the available supply of land for housing, increasing the demand for the usage of less suitable soils for housing, and poses a potential threat to the public health, safety and welfare of the general population.

C. While there is a need for supplying fill material for various public and private construction projects, meeting that need must be shared by more than one municipality in order to avoid unnecessary stress on local infrastructure and quiet enjoyment of property;

D. A private pond is defined within the existing Ham Lake City Code is excessively restrictive for the scope of the work being completed.

II. Article 11-600 of the Ham Lake City Code is hereby repealed, to be replaced by the following Article 11-600.

11-600 Excavations and Reclamation

11-610 Definitions The following definitions shall apply to this Article 11-600:

a) Excavation - the removal of soil in a manner intended to create a permanent or temporary hole in the ground, or removal of soil that has been stockpiled above the normal grade of the ground. Notwithstanding the foregoing, the removal and/or transport of soil, rock, sand, gravel, clay or other granular material that is stockpiled or to be stockpiled as inventory for sale at any landscaping business that is lawfully operating in the City shall not be considered “Excavation” nor shall it be considered “Excavation for Transport”. All such activities shall be in compliance with the requirements of Articles 11-1900 and 11-2000 of the Ham Lake City Code.

b) Bona Fide Subdivision - a land development in which an applicant is dividing land for resale or reconveyance under Article 10 of the Ham Lake City Code by platting.

c) Private Pond – an excavation made for the purpose of creating an aesthetic appearance, wildlife habitat or retention pond, which is not intended for any public usage, provided, that a pond created in a Bona Fide Subdivision which is primarily intended for stormwater retention or desiltation is not a Private Pond.

d) Marginal Lands - State classified wetlands, unclassified wetlands bearing the characteristics of classified wetlands, marshes, bogs, fens, peat land, ditches, ponds, lakes, streams, creeks, sod fields, or other land incapable of housing dwelling units or commercial buildings by reason of unsuitable soils for Individual Sewage Treatment Systems (ISTS).

e) Pond Perimeter - The outside edge of the anticipated normal high water level of a pond, as determined by the City's engineer.

f) Small Private Pond - a Private Pond which has a maximum area of 2000 square feet, as measured at the Pond Perimeter

g) Excavation for Transport - The practice of removing soil for transport from the land parcel from which the excavation occurs.

h) Land Reclamation - A project in which excavation is to occur, but the excavated area is to be filled with other soil, which is to be obtained on site or which must be transported to the site.

i) Mining Overlay Districts - The areas within the City that contain unsuitable soils for a Type I ISTS system but contain soils suitable for mining through excavations of the nature contemplated by this Code shall be considered Mining Overlay Districts, to be established from time to time by ordinance as a part of the zoning code and zoning classification for those particular tracts. The Mining Overlay Districts shall be identified on the official City zoning map provided in Article 9 of the Ham Lake City Code.

j) Mining Precincts - Specific geographic areas of the City that are established by Article created when warranted by resolution of the Ham Lake City Council for the purpose of establishing spatial controls over mining operations.

k) Access Roads - Roadways of at least 9 tons bearing capacity that are located adjacent to mining projects, and used as the exclusive routes into and out of the sites.

11-620 Permissible Excavations (No Municipal Excavation Permit Required)

The following types of excavations shall be allowed (assuming compliance with regulatory provisions of all jurisdictions, such as building permit issuance, watershed, DNR or Corps of Engineers approvals, and the like), without the need for any municipal permit for the excavation itself:

- a) Excavation of soil to create a basement, foundation or footings for any building, sign, or other structure, or in connection with the paving of any driveway, road, sidewalk, parking lot or tennis court;
- b) Excavation of soil to remove peat or other unsuitable soils, for replacement by suitable soil, such as in a land reclamation project, but in which no soil is being transported to or from the site;
- c) Excavation of soil in connection with the installation of any type of Individual Sewage Treatment System;
- d) Excavation on any public works project being performed by governmental employees or by agents under contract to a governmental agency pursuant to such a public works project being conducted on public or private lands, easements or rights of way;
- e) Landscaping projects by private landowners in which the excavation is to be filled with other solid material;
- f) Excavation of soil in connection with any Bona Fide Subdivision, but limited to excavation necessary to build roads or drainage ditches, grade lots, provide desiltation ponds, private ponds or to provide stormwater retention areas, and which are done in conformance with an approved grading and drainage plan which is a part of the platting process, and do not involve any Excavation for Transport;
- g) Routine agricultural activities, such as plowing, hoeing, discing and the stripping or harvesting of sod;
- h) The creation of small Private Ponds;
- i) Excavations which are necessary to effect repairs or provide structural stability to existing lakes or ponds, however created, provided, that no such excavation shall take place unless the project has been approved in writing by the City's building official after consultation with the City's engineer.

j) Excavation by the owner (or authorized agent) of any ditch, culvert, utility or utility feature, including, without limitation, electrical, natural gas, cable television, gas pipeline, storm sewer, sanitary sewer line, telephone line, transmission tower or substation, in connection with the proper installation, repair or maintenance of such element.

k) Excavations by the City of Ham Lake on lands or easements owned, leased, encumbered or otherwise controlled by the City.

l) Land Reclamation of less than 400 cubic yards.

11-630 Standards for a Private Pond Requiring a Municipal Excavation Permit

Upon receipt of the application data required under Article 11-650, the City's Engineer shall review and approve specifications provided by the applicant for slope, depth, erosion control, and other physical standards for excavation, in coordination with regulations established by other governmental jurisdictions, including, without limitation, any local watershed districts, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and water or soil conservation services.

a) **Permit Required** - A Permit shall be required for any Private Pond greater than 2,000 square feet in area, as measured at the Pond Perimeter. Private Ponds regulated under this Section may be permitted on parcels where such use is accessory to a permitted principal use, within the Mining Overlay Districts as defined in Article 11-610, and subject to compliance with applicable zoning and environmental regulations. This Section shall apply only where the total volume of material excavated and transported from the site does not exceed 40,000 cubic yards. Any project exceeding this threshold shall be regulated under Article 11-640. Prior to issuance of a Permit, the application shall be reviewed by the Planning Commission and acted upon by the City Council. The City Council may require a written Development Agreement in connection with any permit. The issuance of a Permit by the City shall not be in lieu of any permit required by any other governmental agency, and it shall be the responsibility of the applicant to determine the need for, and to obtain, all such permits.

b) **Conditions of Approval**

i) **Location** - Private Ponds may be permitted on any parcel where the use is accessory to a permitted principal use, subject to compliance with applicable zoning, setback, and environmental regulations. The City may impose reasonable setback distances to protect adjacent properties.

ii) **Environmental Review** - Environmental review shall be conducted in accordance with applicable state rules. An Environmental Assessment Worksheet shall not be required unless mandatory thresholds are met or the City determines that the project,

due to its scale or location, has the potential for significant environmental effects.

- iii) Time Limits - All permits shall be for a specific duration not to exceed twelve (12) months. The City may grant extensions where site conditions or other factors warrant. Work shall be deemed to have begun on the date when construction equipment is first placed on the property, or when the applicant notifies the City, whichever first occurs.
 - iv) Sanctions - All permits shall be subject to revocation for violation of terms and conditions. The City shall have the right to enforce stop-work orders where necessary to ensure compliance.
 - v) Payment of Costs - The Permittee shall be responsible to pay for all of the City's costs in reviewing any application, in monitoring compliance, and in enforcing any conditions.
 - vi) Traffic and Hauling - Limited hauling of material from the site may be permitted. The City may designate haul routes and restrict hauling hours as necessary. Turn lanes or major roadway improvements shall not be required unless deemed necessary by the City or Anoka County if located on a County Road.
 - vii) Maximum Volume - The City may establish a maximum total volume of material to be removed from the site. In no case shall the total volume exceed 40,000 cubic yards under this Section.
 - viii) Dust Control - The applicant shall implement measures to control dust on the site, including but not limited to watering or stabilization of exposed soils.
 - ix) Dewatering Controls - If excavation extends below the groundwater table, the City may require monitoring or testing of groundwater conditions. Monitoring wells and continuous monitoring shall not be required unless warranted by site conditions.
 - x) Noise Control - The City may require reasonable noise mitigation measures where construction activity impacts nearby properties.
 - xi) Hours - The City shall regulate the time of operation, but shall not permit construction activity or hauling outside of the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, excluding holidays. The City may allow limited Saturday work at its discretion.
 - xii) Restoration - The site shall be graded to stable slopes and all disturbed areas shall be stabilized and restored upon completion of the work.
 - xiii) Financial Guarantees - The City may require financial guarantees to ensure completion of the work, restoration of the site, and repair of any damage caused by the activity.
 - xiv) Additional Conditions - The City may impose additional conditions as necessary to protect public health, safety, and welfare.
- c) **Public Hearing** - Prior to acting on any request for a permit, a public hearing shall be conducted by the Planning Commission, as determined by

the City. Notice of the public hearing shall be given to all owners of lands which abut the parcel or parcels upon which the excavation activity is to occur, as well as to the owners of all occupied structures within five hundred (500) feet of the property line perimeter of the parcel or parcels of land upon which the excavation activity is to occur. The City may require expanded notification where the scope of hauling or duration of the project warrants additional notice. "Excavation activity" includes the actual excavation area and any associated access routes or staging areas. The City may modify the required notification area based on the scale, duration, and anticipated off-site impacts of the project.

d) **Denial of Permit** - The City may deny the issuance of a permit if, following submission of the appropriate data, the City Council finds that the proposed activity:

- i) Poses a significant threat of adverse environmental impact; or
- ii) Creates potential traffic safety hazards; or
- iii) Cannot meet the conditions of permit approval; or
- iv) Is fundamentally incompatible with nearby land uses.

11-640 Standards for Excavations Requiring a Municipal Excavation Permit

Upon receipt of the application data required under Article 11-650, the City's engineer shall review and approve specifications provided by the developer for slope, depth, erosion control and other physical standards for Regulated Excavation, in concert with regulations established by other governmental jurisdictions, including, without limitation, any local watersheds, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, and water or soil conservations services.

a) Permit Required - A Permit shall be required for any Regulated Excavation, Land Reclamation or Private Pond that exceeds the thresholds established in Articles 11-620 and 11-630. Regulated Excavations under this Section shall occur only within the Mining Overlay Districts and shall be conducted in conjunction with a Bona Fide Subdivision or other approved development of the property. Prior to issuance of a Permit, the application shall be reviewed by the Planning Commission and acted upon by the City Council. The issuance of a Permit by the City shall not be in lieu of any permit required by any other governmental agency, and it shall be the responsibility of the applicant to determine the need for, and to obtain, all such permits. The City Council may require a written Development Agreement in connection with any permit.

b) Conditions of Approvals

- i) Location - Regulated Excavations may occur only in the Mining Overlay Districts as defined in Article 11-610. All excavation activity shall be conducted in conjunction with a Bona

Fide Subdivision or other approved development. The excavation plan shall be designed so as not to adversely affect the ability of the property or adjacent properties to be developed in accordance with applicable zoning regulations. The subdivision shall meet or be subject to the following criteria:

aa) The subdivision shall contain at least one lot for each acre within the perimeter of the pond to be constructed on the site;

bb) The subdivision shall require no variances from lot sizes, frontages or cul-de-sac length;

cc) The City may impose reasonable setback distances in excavation projects so as to protect adjacent properties from unnecessary or undue interference due to noise or vibration from construction activity. In addition, where a project is located near land owned by entities other than the developer that is capable of future development, the excavation plans shall be accompanied by a ghost plat for such adjacent lands demonstrating that the excavation project does not permanently impair the ability of nearby property owners to subsequently develop their properties.

ii) Environmental Assessment Worksheet (“EAW”) - for all Regulated Excavations in which the Pond Perimeter to be created, an EAW shall be required where mandatory thresholds are met or where the City determines that the scale or location of the project has the potential for significant environmental effects. Every EAW shall require comprehensive analysis and reporting on the following elements. In addition, for each element of the EAW, the written reports shall be prepared by qualified professionals that are bona fide experts in the field being reported upon, either as listed below or as determined in the sole judgment of the City staff.

aa) Projected Dewatering activity, including the proposed rate of dewatering, the cone of depression to be formed, the drawdown effects of the dewatering, and the methods proposed to monitor the effects of dewatering. Qualifications of author: Registered Professional Engineer specializing in the field of hydrology.

bb) Location and effect upon wildlife habitat and vegetation, including migration corridors. Qualifications of author: Bachelor’s Degree in a field of Biology, Forestry or a related science.

cc) Ambient noise levels to be experienced during peak construction periods by adjoining properties, showing projected decibel levels from construction equipment and hauling trucks. Qualifications of author: Bachelor's Degree in a field related to acoustical engineering.

dd) Effects upon traffic on roads to be used to transport material. Qualifications of author: Registered Professional Engineer specializing in traffic engineering.

ee) Such other elements as may be appropriate to the individual project or as directed by the City.

iii) Time Limits - All permits shall be for a specific maximum duration, not to exceed three construction seasons, including post-excavation work, and if greater than one year, the permit shall be subject to annual renewal. Renewal shall be granted under the same conditions as for the previous year, but if any conditions of the permit were violated during the year, the City may decline to renew or may alter the conditions of the Permit. Permits may be conditioned upon the periodic cessation of all or some activities for given durations of time. Notwithstanding the foregoing, on request of the Developer at the time of permit approval, the City may grant a window of five years during which the permit may be activated a single time within 24 months of the approval date, but once activated, all work must be completed within 36 months from the time it begins, not to exceed five years from the permit approval date. Work will deem to have begun on a date when an item of construction equipment is first placed on the property, or when the Developer notifies the City, whichever first occurs.

iv) Sanctions - In addition to the annual renewal sanctions allowable under Article 11-640(b)(iii) above, all permits shall be subject to revocation for violation of terms and conditions. Furthermore, it shall be a condition of each permit that all activities may be summarily suspended by the City at any given time, and the City shall have the right to enforce such stop-work orders by having direct access to the property and equipment used on the project.

v) Payment of Costs - the Permittee shall be responsible to pay for all of the City's costs in reviewing any application, in monitoring compliance, and in enforcing any conditions.

vi) Access Roads - No permit shall be granted for any project which must use public roads to transport material, if any such public

roads to be used have a bearing capacity of less than nine tons. In addition, the specific roads that may be used to transport material shall be identified at the time that Mining Precincts are established, and once identified, it shall be unlawful for any person to depart from the designated transport roads while operating a vehicle regularly used to transport fill.

vii) Precinct Limitations - only one excavation permit (Private Pond or Excavation) may be in existence at any given time within a single Mining Precinct. Notwithstanding the foregoing language, no Mining Permit shall be issued for any excavation project where the outside perimeter of the proposed excavation is closer than two miles from the outside perimeter of any pre-existing excavation operating under a Mining Permit, regardless of whether or not the two operations are in different Mining Precincts. Where such conflicts arise, permits will be issued on a first-come, first served basis, and the latter project may not commence activity until the former project has been completed.

viii) Air-Braking – vehicles using Access Roads to and from excavation site shall refrain from using air braking systems (commonly referred to as “Jake-Braking”).

ix) Haul Roads - Every excavation project shall maintain interior haul roads from the nearest 9-ton road to the outside perimeter of the excavated area. Interior haul roads shall be treated with water or environmentally safe chemicals and shall be properly maintained so as not to generate dust from the haul roads.

x) Dewatering Controls - Every excavation project shall install and maintain monitoring wells as designated by the City, having electronic controls capable of constant water level monitoring. Prior to commencing any dewatering activity, the Developer shall conduct such baseline studies of existing private wells and ponds as directed by the City through development agreement. Private wells within a radius determined by the City’s engineer shall be tested for water quality prior to any dewatering activity, and shall be retested annually during the course of the project, or more frequently at the direction of the City’s Engineer if complaints are registered that justify such re-testing, in the sole judgment of the City’s Engineer. Private well testing shall not be required if the owner of the well refuses to allow testing, provided that the Developer furnish satisfactory evidence to the City staff of such refusal, and subject to verification by City staff of such refusal. In verifying such refusal, City staff shall make at least one attempt to communicate by U.S. mail, at least one attempt to communicate by telephone, and shall

prepare a written report to the City Council detailing the attempts to contact the refusing party.

xi) Traffic Control - turn lanes shall be constructed at the entrance/exit points of all excavation projects with Access Roads to specifications to be established by the jurisdiction having control of the Access Road, but at a minimum, including the following:

aa) For vehicles entering with a right-hand turning movement, a deceleration lane of not less than 300 feet in length;

bb) For vehicles exiting with a right-hand turning movement, an acceleration lane of not less than 600 feet in length;

cc) For vehicles entering with a left-hand turning movement, a separate left-turn lane on the Access Road of not less than 200 feet in length, or a bypass lane of not less than 400 feet in length;

The City may also at any time require the installation of temporary signal lights, and may direct either a cessation of hauling activity using the Access Roads during peak traffic hours or direct such other traffic safety measures to be implemented as are necessary to enhance traffic safety during such periods of time.

It shall be the responsibility of the permit applicant to obtain the necessary approvals of the construction of turn lanes from the entity having jurisdiction over the Access Road.

xii) Maximum Annual Volume - The City shall, by development agreement, establish the annual maximum number of cubic yards of material that can be removed from a given site during a single calendar year.

xiii) Muffling of Generator or Pump Noise - If the project involves the use of generators or pumps that operate outside of the normal hours of operation, all such pumps shall be enclosed by wooden structures that muffle the sound of the pumps to the point where pump noise is minimally audible from nearby residences during night time hours. To this end, all such enclosures shall be engineered to include proper insulation, and detailed plans for the housings shall be submitted for approval by the City's engineer prior to the time that any such pumps or generators commence operation.

xiv) Water Table Recharge Methods - All excavation projects shall include as a part of the operation a plan for diverting water removed

in the dewatering process to locations where the pumped water will be able to recharge any lowered water tables in the most expeditious manner that is practical.

xv) Additional Dust Control Measures – In addition to dust control measures on haul roads, the Developer shall implement dust control measures within all other areas of the project that may be conducive to the creation of dust. Such measures shall be as directed by the City's Engineer from time to time, and may include, without limitation, the following:

- aa) Watering of exposed areas;
- bb) The placement of straw, sod or other cover material on exposed areas;
- cc) Restrictions on the size and location of stockpiles of material awaiting transport;
- dd) Covering stockpiles of material awaiting transport.
- ee) Creating seeded berms with material eventually intended for use in restoration work.

xvi) Surveillance - The Developer shall be required to install television monitoring cameras to record all traffic entering and leaving the site from the Access Roads, and at other locations that may be directed by the City's Engineer, to capture in sufficient detail any failures of vehicles to observe traffic control devices and to verify that hours of operation are being observed at all times. Tapes or discs of each 24-hour daily monitoring shall be preserved by the Developer and available to City staff for thirty days after recording.

xvii) Sureties - The City shall require financial guarantees for the prompt completion of each project, for road repair costs, well replacement and other hydrologic damage, restoration costs on non-renewal of permit, revocation of permit, abandonment, and general performance and indemnity of the City.

xviii) Hours - The City shall regulate time of operation, including different phases of operation, but shall not permit any construction activity (except pumping) or hauling outside of the hours of 7 am to 7 pm on Monday through Friday (excluding holidays that fall on those days). The City may, by development agreement, allow construction activity and hauling between the hours of 8am and 5pm on Saturdays, subject to the right of the City to alter or eliminate

Saturday work in its sole discretion. The foregoing prohibition on hauling times includes the practice of trucks queuing and/or waiting either at or near the entrance gate or on the grounds of the project prior to the start time each morning, or running vehicle engines in any form on or near the grounds after the finishing time each evening.

xix) Size - The City may limit the amount of the land area, setback, depth and slope ratios for Regulated Excavations.

xx) Neighborhood Liaison - The City may require a developer to cooperate with a neighborhood liaison group where circumstances are appropriate, for the purpose of reviewing and acting upon complaints, receiving suggestions, and the like.

xxi) Security - The City may require the construction of security fencing or other devices, including the installation of additional security cameras and tapes, to monitor both public safety and compliance issues.

xxii) Noise Control - The City may regulate the volume of noise and require additional noise abatement measures where appropriate;

xxiii) Studies - Prior to completing the approval process, the City may engage professional consultants, at Developer expense, to give recommendations as to conditions to be attached to a given permit.

xxiv) Deposit - The City Council may require an advance cash deposit sufficient to defray the City's review and monitoring costs in administering the permit.

xxv) Prior History - The City Council may deny the application of any applicant who is found to have a previous history of non-compliance with the provisions of previously issued excavation permits in the City.

c) Public Hearing - Prior to acting on any request for permit, a public hearing shall be conducted by the Planning Commission. Notice of the public hearing shall be published in the same manner as for notices of zoning amendments, with notice given to all owners of lands which abut the parcel or parcels upon which the excavation activity is to occur, as well as to the owners of all occupied structures within one thousand five hundred feet of the property line perimeter of the parcel or parcels of land upon which the excavation activity is to occur. Notice of the public hearing shall also be given to all residences that abut the Access Roads to be used for the project within a distance of one mile from the outside perimeter of

the parcel or parcels upon which the excavation activity is to occur. “Excavation activity” includes the actual excavation pit, all haul roads, storage areas, equipment staging areas, pump locations and parking areas for cars or construction offices. The City may modify the required notification area based on the scale, duration, and anticipated off-site impacts of the project.

d) Denial of Permit - The City may deny the issuance of a permit if, following submission of the appropriate data, the City Council finds that the proposed activity:

i) Poses a significant threat of adverse environmental impact; or

ii) Creates potential traffic safety hazards; or

iii) Cannot meet the conditions of permit approval; or

iv) Is fundamentally incompatible with nearby land uses, by reason of a tendency to interfere with the quiet enjoyment of those land uses, lower property values or to remove natural vegetative screening.

e) Project Intent – In the event of a question regarding classification of an excavation activity, the City shall determine applicability of this Section based on the total volume of material removed from the site, the frequency and duration of hauling operations, and the overall scale of the activity, rather than the stated purpose of the excavation.

11-650 Permit Application

The application for the permit required in Article 11-630 or 11-640 hereof shall be made in writing signed by both the owner and the applicant, to the City Administrator on such form as the Administrator may, from time to time, designate, and shall include such information as may be required by the Administrator and shall contain among other things:

a) The correct legal description of the premises where the storage, filling, removal, or excavation of rock, sand, gravel, clay, peat or other like materials shall occur.

b) The name and address of both the applicant and owner of the land.

c) The purpose of the removal, storage, fill or excavation.

- d) The estimated time required to complete the removal, storage, fill or excavation.
- e) The highways, streets or other public ways within the City upon and along which the material introduced or removed shall be transported.
- f) A map or plat of the proposed pit or excavation to be made showing the confines or limits thereof together with the proposed finished elevations based on sea level readings, and a notation indicating high water levels and boundaries of flood plains.
- g) Any other information deemed necessary by the City Council.
- h) An application fee to be established from time to time by resolution of the City Council.

11-651 Initial Mining Precincts and Access Roads

The following Mining Precincts and Access Roads serving those Mining Precincts are hereby established:

A. Precinct 1: All of those portions of Sections 5, 8, 17, 20 and the north half of Section 29 that lie westerly of TH 65; also all of Sections 6,7,18, 19 and the north half of Section 30. Access Roads: CSAH 18 (Crosstown Boulevard NE) west of TH 65; County Road 60 (Constance Boulevard NE) west of TH 65; Andover Boulevard NE west of TH 65; and all of TH 65.

B. Precinct 2: All of those portions of Sections 5, 8, 17, 20 and the north half of Section 29 that lie easterly of TH 65; also all of Sections 9, 10, 15, 16, 21, and 22, and the north half of Sections 27 and 28; also the west half of Sections 2,11,14, and 23; also the northwest quarter of Section 26. Access Roads: CSAH 18 (Crosstown Boulevard NE) west of the north-south extension of Durant Street NE; all of TH 65. County Road 60 (Constance Boulevard NE) west of the north-south extension of Durant Street NE; 149th Avenue NE west of Naples Street NE; all of TH65.

C. Precinct 3: All of Sections 1 and 12; the east half of Sections 2 and 11; the north one-quarter of Section 13; the north half of the northeast quarter of Section 14. Access Roads: CSAH 18 (Crosstown Boulevard NE) east of the north-south extension of Durant Street NE and CSAH 17 (Lexington Avenue NE) north of its intersection with CSAH 18 (Crosstown Boulevard NE).

D. Precinct 4: All of Sections 24, 25 and 36; the south one half of the northeast quarter of Section 14; the southeast quarter of Section 14; the south three quarters of Section 13; the east half of Sections 23, 26 and 35. Access Roads: County Road 60 (Constance Boulevard NE) east of the north-south extension of Durant Street NE; CSAH 17 (Lexington Avenue NE) only.

E. Precinct 5: All of Sections 31, 32, 33 and 34; the south half of Sections 27, 28, 29 and 30; the west half of Section 35; the southwest quarter of Section 26. Access Roads: CSAH 116 (Bunker Lake Boulevard NE) west of Naples Street NE; Radisson Road NE south of 141st Avenue NE; All of TH65


11-652 Variances

Notwithstanding the foregoing language of this Article 11-600, and except for the public hearing requirement of Article 11-640(c), the City Council shall retain the right to grant variances from the strict enforcement of the terms and conditions of this Article for good cause shown, including, without limitation, for any of the following reasons:

- a) Existing drainage conditions on or near the proposed project are in need of correction for the benefit of public health, safety or welfare;
- b) The proposed project is in a location having a substantial spatial separation from nearby active land uses;
- c) There are stockpiling conditions present on the property housing the proposed project that predated the effective date of the 2007 amendments to this code, and the scope of the proposed project is limited to removal of the stockpiled materials only;
- d) There are on file previous studies, reports or plans that, in the sole discretion of the City Council, remain valid and current for the proposed project;
- e) The scope of the proposed project is otherwise sufficiently limited in size, duration, and impact on surrounding property to justify the granting of a variance.

Prior to granting any variance, the City Council shall adopt findings of fact stating the reasons for the variance.

Presented to the Ham Lake City Council on May 18, 2026 and adopted by a unanimous vote this 1st day of June, 2026.



Denise Webster, City Clerk



Brian Kirkham, Mayor