

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, May 3, 2018 at 7:00 p.m.**

I. Call to Order

- A. Roll Call - The meeting was called to order by Chair Tom Sammon at 7:20p.m. Members present were: Tom Sammon, Preston Bauer, Charlie Peters, Aramis Wells. Commissioners present: Jeff Docken. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Planner Nicole Bonde-Jones, Administrative Coordinator Anna Aguilar, Clerk Pam Carty. Others present: see sign-in sheet. Members absent: Michael Streiff.

B. Reading of Notice

Motion by Bauer, seconded by Peters, to read the notice into the minutes.

RESULT:	Approved [Unanimous]
AYES:	Bauer, Sammon, Peters, Wells
ABSENT:	Streiff

C. Motion by Wells, seconded by Bauer, to approve the agenda as presented.

RESULT:	Approved [Unanimous]
AYES:	Bauer, Sammon, Peters, Wells
ABSENT:	Streiff

D. Motion by Bauer, seconded by Wells, to approve the minutes of April 5, 2018.

RESULT:	Approved [Unanimous]
AYES:	Bauer, Sammon, Peters, Wells
ABSENT:	Streiff

II. Old Business

1. WOP/Perkins (Kuelbs) - Section 18, Webster Township

Yvonne Perkins, on behalf of landowner Joseph Kuelbs, has applied for a Waiver of Plat to create a 2.5 acre single-family dwelling site through the use of Transfer Development Right. The property is described as: Part of the SE1/4 of the SW1/4 of Section 18, Webster Township, Rice County, Minnesota. PID #: 02.18.3.75.002. The property is Zoned A, Agricultural.

Motion by Peters, seconded by Bauer, to accept withdrawal of the Waiver of Plat for Yvonne Perkins on behalf of landowner Joseph Kuelbs. This property is located in Section 18 of Webster Township.

RESULT:	Withdrawn
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2. CUP/McDonough - Section 18, Cannon City Township

Thomas McDonough, on behalf of McDonough Farms LLC, has applied to amend the current Conditional Use Permit to include the addition of an aggregate crushing operation and to include bringing offsite materials to the site for grading and reclamation. The property is described as: Part of the E1/2 of the SW1/4 and part of the W1/2 of the SE1/4

of Section 18, Cannon City Township, Rice County, Minnesota. The property address is: 17613 Alvey Trl, Faribault, MN 55021. PID #: 11.18.3.00.001. The property is Zoned UR, Urban Reserve.

Motion by Peters, seconded by Sammon, to refer without recommendation the Conditional Use Permit for Thomas McDonough, on behalf of McDonough Farms LLC. This property is located in Section 18 of Cannon City Township.

RESULT:	Referred Without Recommendation [2 to 2]
AYES:	Sammon, Peters
NAYS:	Bauer, Wells
ABSENT:	Streiff

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

The crushing has been written into condition #3 but condition #21 would need to be amended if you choose to allow fill to be brought into the site.

TS - When they say fill, that is fill material not concrete to be ground?

TM - Not concrete to be ground. That would be allowed if the crushing operation is approved. They would be able to bring material in that they would crush and then take off site for reuse.

TS - Condition #21 is for fill material.

TM - Yes.

PB - What was the quantity you stated and what was it for?

TM - 75,000 cubic yards.

PB - Of additional fill to be brought in?

TM - Yes, of fill to be brought into the site.

PB - Annually?

TM - That is total to achieve the proposed reclamation on the site. In the new plans submitted, there was a proposed final grading plan. To bring it to the elevations in the final grading plan, they are proposing an additional 75,000 cubic yards to get to that.

PB - How about for the crushing operation, is there a stated amount with that?

TM - There has not been a proposed stated amount for that. We have had limits listed on other sites, but that is a discussion you would want to have with the applicant.

The PC asked the applicant, Zach Steeves (ZS), to come forward to add comments or answer questions regarding the request.

ZS - I want to start by saying the access road leading out of the site, there has been some misunderstandings. Any off road, dump truck vehicle can only go north out of the site onto Alvey Trail. They cannot go south towards Alexander Avenue. They have to go north on the gravel out of the site.

TS - You said off road?

ZS - I am mean dump truck, multi-axel vehicle.

TS - Anything over cars and pick-ups.

ZS - The 75,000 cubic yards, we material stock piled there but we have taken a substantial amount of sand out of there and will continue to take sand out of there. To reach our final grades, we will have to bring in that amount of material to achieve final grade. If we are not able to bring that much material in, there will be a hole there. I don't know what would happen if we are not allowed to bring fill in to meet our final contours.

PB - You are saying you need the 75,000 yards currently to make fill, but you are still mining out. Would that increase that volume?

ZS - The 75,000 is what we figure at the end of the five year Conditional Use Permit. We are

estimating that it will be around 75,000 cubic yards that is needed to bring in. We do not know it is 75,000 for sure. Right now it is not 75,000 but we will continue to pull sand out of that until we are at the end of the five years so that is our guess. I know dust control was brought up at the last meeting. It is a condition that the dust control is contingent on the Township. If the Township doesn't believe there is enough dust control, they are allowed to tell us to put down more dust control.

PB - Alvey Trail, you propose to exit through the northwest using that Township road. I am on Cannon City's Town board and I was there, received calls and went out and viewed when you guys were bringing fill into the pit from the Faribault Foods project. My opinion, that road is not built for what you are proposing for traffic. Is there anything MetCon propose in regards to that road?

ZS - Originally the road was not but we have built up the road decently to be able to use it. This is over a five year span. We are not running 10 trucks a day. It might be two trucks to haul out sand to a job. It is not physically possible to use this pit like we did with the Faribault Foods project. There is no space for that. I think the usage of the road will not be a problem.

PB - If you do get another project for bringing fill in, you could go from minimal traffic to high volume.

ZS - We do have another pit on Highway 3, and another one up the road from MetCon that we intend start accessing which will be a lot closer than here. It really is not feasible to drive down Acorn Trail and up Alvey going 25 miles per hour, when we can go up 76 to 9. It really is not our target pit but it has sand material that is really useful to us. As I stated, if we take sand out, something has to replace it. We already have the permit to get the material out of there. Something has to go back in to replace it.

CP - What does the fill primarily consist of?

ZS - Clay and dirt. It is a condition that it cannot be anything hazardous. There is no intention to bring any outside material in to crush, this is strictly to fill.

PB - In regards to the road, does MetCon propose anything?

ZS - At times when there was a rut, we have built up the road in that area back to its current condition and at the end of the Conditional Use Permit it will be in satisfactory condition. As far as building it up further, we have not proposed anything.

AW - how many more yards of sand are you planning to remove out of the pit before starting to reclaim it? Just to get an idea of how much more activity is to come out of there.

ZS - We are not sure. I would figure with being in our second year, we are getting into the good material now and are somewhere around 40% but even now, when we take the sand out of there, it is two trucks a day. It is two trucks going out because we cannot bring anything in. I think we stock piled 15,000 to 17,500 yards of sand last year and I think the neighbors would agree it was pretty quiet last year. 15 times 5 is 75, so over that five year period, it should be as quiet as it was last year on average. That is an approximation. It could go down if we start to find clay but it could go up if we continue to find sand.

CP - With the wetland?

ZS - We pulled out of doing that. On top of not being able to bring material in, we would not have been able to grade that too.

Chair Sammon opened the public testimony portion of the item to the public and the following spoke:

Steve Boever - I border the property. I have been dealing with this for a couple years now. It has been noisy. I work second shift and I had to take time off work to do this again. I don't know how much we can re-iterate as the group of neighbors, it has not been quiet. They started back up this week. It has been all day. They woke me up at 7:30 a.m. and it is not quite. I will lose value in my property. I was looking at buying up by Hullet but I didn't want to border Crane Creek. I bought this property because the pit had not been used for years. From my understanding, in the next few years we will be annexed into the city of Faribault which will change a lot. This is Urban Reserve. This is not Commercial property. The use is very disrupting. Everything I hear from Tom's side is that "We do not know", "We are not quite sure what is going to happen". I am there 365 days a year, 24 hours a day. This affects

me. If comes down to me losing property value, it will come down to legal actions. I am not threatening, but that is the only course I can take. I cannot keep standing up here saying the same thing. Last time I told you that we voted for you, not Tom McDonough. We are here for representation, and that is what we need.

Jon Perron - I live just southeast of the proposed site. Zach didn't say a whole lot about the aggregate crushing operation and that seems to be getting pushed aside here. That is one of the biggest issues we have here. We do not want that type of noise, dust and distractions in the neighborhood. The area is a gravel road. It is a nature get-away for people to take walks. They take their children, their dogs. It is a nice area. With the extra traffic and noise, it will be hard on wildlife. You will not see it around as much. People will not be able to use that like they have been. It seems he has a lot of unanswered questions. He didn't talk about bringing stuff into crush. He told me at the last meeting that they were only trying to get the permit to crush so they can have a conveyor in there to move the sand. If that is the case, they had a conveyor in there most of last year which I would think would be a violation of the Conditional Use Permit because that was not originally in the Conditional Use Permit. He is not answering a lot of questions. We really want some answers. Like he said, last year was not terribly loud. There is enough noise but we will deal with that for the remainder of this Conditional Use Permit. But this amendment starts another five years. Am I correct on that? It is another five years, it does not end in three years. Every time he wants to change things, we have to come back and amend it. How many times does he get to amend it? Not everyone could make it tonight, but the whole neighborhood is opposed to this. We have a lot of kids in the neighborhood that like to ride bikes. You really cannot use the road when you have trucks going through there. The road is not wide enough, it is curvy. We really do not want to see this happen.

Don Benson - I live a couple doors down from Jon. Same thing with the noise, you are outside and you hear the banging. I run on this road every day. The fix was large rock which makes it really hard to run on. I talked to a couple of gals that push their strollers on that road. It is a recreational use road too. I know they have to get the material out of there but it has become impossible for people to walk their dogs and kids. When they put the rock down, it is hard to use the strollers and run on. It is a tough situation.

Cindy Boever - I am speaking for those of us that work nights. A few years ago when they were hauling stuff in, all you would hear was the tail gate banging. If they are putting a crusher in, that will create more dust. I like to hang clothes. I have asthma and that will create more health problems for me. They have other lots they can crush in. Why do they have to do it on this site?

Les Melchert - My biggest concern is where is the material coming from to be crushed? Are they going to be hauling it in? Is it coming out of the pit? He said they have a pit that is easier to access, why not put it there? Plus the noise and dust and everything else. If they are hauling in to crush, then they will be bringing in more than what they say they are going to landscape with.

Carl Holz - My concern is that the road will not be able to take it with the hauling back and forth. My wife does daycare and she takes the kids for walks on the road. They noticed last year that the wildlife is mostly gone and the kids like to see that. The noise effects everybody including her daycare. If he does have another spot up the road that is closer, why not put it there?

Clayton Mechura (CM) - I have a couple of questions. What is the procedure if people have issues? Who are they supposed to contact? How many issues have to arise? Is it so many in a month? What is the exact procedure? That is just it. People have complaints, especially with the dust, but how many complaints does it take to get the Conditional Use Permit rejected or how does it get enforced?

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

TS - I would like to call the applicant back up to speak about crushing.

ZS - The material to be brought onto the site is strictly, and I believe it says, "for fill

material". Any crushing will be done with materials we find onsite. All material found onsite to this point has been sand. No material is intended to be brought onsite for crushing.

CP - So you will be crushing?

ZS - It is just in case. I don't want to be back here in three years renewing another Conditional Use Permit if we find something to crush onsite.

TS - So it is to crush materials found onsite if necessary?

ZS - yes, no concrete would be brought on, no other material. Right now, we can haul out sand but what if we found a class V material onsite that we cannot crush? Currently, we can bring it out but imagine the number of trucks needed to haul that out to another site just to crush it. Why not just do it on site if we find it, which we have not but in case. As far as the dust, you can see the huge hill in the photos. I think this property is properly screened. The trees and hill will catch the dust.

PB - No material will be brought in to be crushed.

ZS - Brought in, yes.

CP - You mean brought in for crushing?

ZS - Strictly fill.

CP - So anything being crushed would be found onsite?

ZS - Found onsite, yes.

CP - To clarify condition #21, additional offsite fill material shall not be brought onto the property that needs to be crushed.

TM - There are 3 adjustments I would recommend to deal with the crushing and the fill operation. Condition #2 spells out that the Conditional Use Permit is for a sand and gravel mining operation and an aggregate crushing operation. We could add to the end, "for processing of existing onsite materials". That spells out that the crushing is not for bringing concrete or materials onsite to crush. It would just be if they sorted out enough large rock that needed to be reduced in size or something like that. Condition #21 would be amended to say "fill materials up to 75,000 cubic yards are allowed to be brought onto the property to complete the proposed final site grading".

PB - In regards to potentially excavating, hauling out, that volume could change possible? If they take more out, they could bring more in?

TM - I believe the 75,000 cubic yards is assuming they complete the full extent of the mining that has been proposed. If they don't mine the full extent, there would be less material needed to be brought in. They are required to follow the mining plan and the final reclamation plan. If there is more material, there is not a place for it to go and they would need to amend that plan.

TS - Does everyone understand the rewrite of condition #21?

TM - I did draft a potential condition #22 dealing with the offsite materials. The wording would say "Offsite materials shall not be brought onto the site for crushing or other processing". I am not sure if it is necessary with the condition #2 amendment, but it might help clarify.

CP - I think you should add it.

TS - For additional clarification, I say let's add that on. So we have three changes to the conditions.

TM - As far as the complaint process, overall our primary enforcement is through a complaint basis. Phone calls during working hours, would come to our office. If they are outside of that, there may be an opportunity to contact the Sheriff's department. It certainly is not their priority response. General they would take the report and pass it back to us to review the next day. When we do get complaints, those are issues we look into and try to correct whatever is needed for that. Certainly there are sites where we have multiple issues, or uncorrected ones, then we take further enforcement action.

PB - What have you see with prior Conditional Use Permits for road maintenance? For example, one pit I know of, the road access was required to be paved.

TM - Paving has been a requirement on some sites. Generally we try to spell out the conditions a head of time to avoid other issues whether it be dust or something like that. That is why we have revised the dust control condition in these to specify out that it will be

calcium chloride or another similar product at two different dates during the year and then any additional applications beyond that can be requested by the Township or County Staff. There is also a condition for a road maintenance agreement with the Township to be developed and followed. Hopefully they have that in place. I don't know the details to that, the Township board might.

PB - I was at that meeting. MetCon basically indicated they wanted to bring fill into that pit, bypassing the County in regards to an application for it. That is why I put the proposal with the initial Conditional Use Permit outlawing fill to be brought in. We had issues with the road. It turned into a maximum use road for a while in the Spring. Township roads are five ton roads and the hauling started before road restrictions were even off. I fielded a lot of calls and complaints and viewed the road. They had to build the road up because the trucks were pounding it. That is why I inquired about the fill being brought in with the last Conditional Use Permit because that wasn't clarified and if it wasn't clarified a door would be left open. Being on the town board, I do not want to deal with the road issues as well. I think it should be addressed here with the Planning Commission as far as the stipulations go. With that and the enforcement, Rice County handles Cannon City Township's planning and zoning. This should be part of it.

TM - Beyond the complaint basis on Conditional Use Permits, with gravel pits we do try to get to each site once a year to ensure they are in compliance with their proposed plans.

JD - I live next to a gravel pit too. There was a period of time where we had plenty of complaints but eventually we got them resolved. The dust control should not be an issue. If you have an agreement to put down dust control and they have the option of going to the Township to say more dust control is needed. Then the Township needs to tell them to put down more dust control. There is a bond for road restoration, can you go back to that?

TM - Yes, condition #3.

JD - You understand that one right?

PB - Yes, but the Township will have to work through the County to pursue?

TM - Yes. The Township being the road authority, if there was an issue caused by hauling and it wasn't being resolved, so you were looking at utilizing the bond, it would be through the County.

PB - You can go from a couple trucks a day to a high volume. The control issue is big.

JD - The benefit of bringing fill back in clean fill to reclaim, seems to make sense. The next part is all of the County needs sand and gravel. I understand the neighbors' concerns but I thought that was the point of making them go north. It resolves them staying out of the neighborhood. Does it not?

PB - It is a scenic route. If you are going to go on a walk, you are going to go out that way. It just ties in with the neighborhood. Unfortunately there is a pit there as well.

CP - I agree with bringing clean fill back in to reclaim will not affect property values in five years. I think it will be better than to have that open pit sitting there, if they reclaim it the way they are supposed to which we have a bond for. We have a couple of gravel pits in our township and they have been really easy to work with. They are not McDonough but if we have an issue, we call them and they fix it the next day. Usually they are happy to work with us.

JD - We have found that too. The changing of ownership of the pit in our area was a huge different. I would hope that McDonough's would be the same to work with.

TS - Can Cannon City be a little more forceful with your communications with them?

PB - It has to be stated in the Conditional Use Permit or it will not be adhered to.

TS - It is stated, condition #15.

PB - Would we be able to get another town board member up here possibly to hear what they desire for the road maintenance? Calcium chloride twice a year is not enough. I would recommend putting calcium chloride on the entire gravel road. It is not that long of a stretch.

AW - Question for Staff, do you happen to know how many prior complaints have been submitted?

TM - I don't have a number, no.

AW - No higher occurrence with this one as opposed to others?

TM - No, not any higher than other ones. The main concerns have been with the dust control

on the roadway and the condition of the roadway, and the noise. There are more homes near this pit than some of the others that we have

AW - Proximity of the pit to the homes is closer.

TM - A lot closer than most of the others.

TS - For the dust control, read condition #15. On the end, it says "In addition to the placement of the dust control materials, water will be applied to dampen the surface of the access drive in times of high truck traffic or when deemed necessary by a Township or County representative." I read that as your opportunity.

PB - It also talks about calcium chloride in a certain portion. I would like to propose adding calcium chloride on the entire road. It is not that long of a stretch.

TS - How long is it? A mile? Two miles?

PB - 1.3 miles, maybe not even that.

CP - It states between the pit access and Acorn Trail. That is the whole section. It states twice with the calcium chloride and water to dampen during other high traffic times.

TS - On the complaint issue. Call the County, call the Sheriff. The Sheriff has to come out and document. There is a way to do complaints.

CP - Is the township happy with the dust control condition?

PB - Being a Township Official and dealing with what has happened in the past. The County was bypass in regards to just going to the Township on that. It is going to be an issue. I would propose paving the road. It is going to have some volume on it. It gets busy. MetCon can say they improved it but they had to because it was being pounded. It is a five ton road, it is not built for that. The hours of operation, 7:00 a.m. to 5:00 p.m. Monday through Friday, that is normal business hours. It is less than other Conditional Use Permits allow.

CP - True, no weekends.

PB - They have to have an agreement with the Township for the road. I guess we will work with that.

CP - We do need sand & gravel. I will make a motion that we refer for approval with the revised conditions.

TS - Can the Chair second?

JR - Yes.

TS - The Chair seconds the motion. We will do a roll call vote: CP - Aye, TS - Aye, AW - Nay, PB - Nay. The vote is a tie.

TS - Staff, what do we do now with a tie? Is it denied?

JR - The motion to recommend approval does not pass. You are an advisory committee, not a deciding body. So it can move on with a tie vote.

TS - We are advisory so we will passed this onto the County Board of Commissioners with a split vote.

3. CUP/Kluzak - Section 22, Forest Township

Keith Kluzak has applied for a Conditional Use Permit to allow for land grading and filling to place 7500 cubic yards of sediment materials from Wolf Creek to the subject parcel. The subject property is described as: Part of the N1/2 of the SE1/4 of Section 22, Forest Township, Rice County, Minnesota. PID #: 06.22.4.00.001. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Peters, seconded by Bauer, to table the Conditional Use Permit for Keith Kluzak until the June 7, 2018 meeting. This property is located in Section 22 of Forest Township.

RESULT:	Tabled [Unanimous]
AYES:	Bauer, Sammon, Peters, Wells
ABSENT:	Streiff

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to table this until the June 7, 2018 Planning Commission (PC) meeting.

The applicant requested this item be tabled until June 7th. He needed more time to put together some materials.

Motion to table this request until June 7, 2018 made by Peters, seconded by Bauer, and approved.

III. New Business

1. WOP/Koktavy (DeGroot) - Section 33, Forest Township

Edward Koktavy, on behalf of landowners Michael & Marsha DeGroot, has applied for a Waiver of Plat to create a 2.5-acre single-family dwelling site through the use of TDR, Transfer Development Right. The property is described as: Part of the SE1/4 of the SW1/4 of Section 33, Forest Township, Rice County, Minnesota. PID #: 06.33.3.50.001. The property is Zoned A, Agricultural.

Motion by Peters, seconded by Bauer, to recommend approval of the Waiver of Plat with the following conditions and findings for Edward Koktavy on behalf of landowners Michael & Marsha DeGroot. This property is located in Section 33 of Forest Township.

RESULT:	Referred for Approval [Unanimous]
AYES:	Bauer, Sammon, Peters, Wells
ABSENT:	Streff

CONDITIONS OF APPROVAL - Koktavy (DeGroot) - Waiver of Plat w/ TDR

1. The new 2.5-acre Transfer Development Right (TDR) receiving parcel shall contain one single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. Signed conservation easements for the sending area shall be recorded with the Rice County Recorder prior to recording of the new parcel.
4. The remaining parcel shall not be further subdivided unless approved under the Rice County subdivision regulations.
5. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new TDR receiving parcel.
6. Recording of the TDR receiving parcel shall be done within one year of the approval.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

The PC asked the applicant, Edward Koktavy (EK), to come forward to add comments or answer questions regarding the request.

EK - Just looking at moving a site from another location to here to put a house up.

Chair Sammon opened the public testimony portion of the item to the public and no one spoke.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

CP - We talked about it last night at our township meeting and no one had any issues. I will motion to move this forward to the Commissioners with the 6 conditions.

PB - I'll second.

Motion to recommend approval with stated conditions and findings made by Peters, seconded by Bauer, and approved.

2. CUP/Sammon (Hubers) - Section 18, Northfield Township

Dean Sammon, on behalf of landowners David & Jacquelyn Hubers, has applied for a Conditional Use Permit to place excess excavation and fill from Rice County CSAH 1 project onto property. The properties are described as: Part of the N1/2 of the NE1/4 of Section 18, Northfield Township, Rice County, Minnesota. PID #'s: 08.18.1.50.004 & 08.18.1.75.001. The properties are Zoned UR, Urban Reserve.

Motion by Peters, seconded by Wells, to recommend approval of the Conditional Use Permit with the following conditions and findings for Dean Sammon on behalf of landowners David & Jacquelyn Hubers. The property is located in Section 18 of Northfield Township.

RESULT:	Referred for Approval [Unanimous]
AYES:	Bauer, Sammon, Peters, Wells
ABSENT:	Streiff

CONDITIONS OF APPROVAL - Sammon (Hubers) - Conditional Use Permit

1. The Conditional Use Permit is for the placement of up to 37,000-cubic yards of clean fill material onto the subject property, subject to compliance with all other applicable rules or regulations.
2. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps of Engineers and other applicable federal, state or local agencies.
3. No fill materials shall be stored or placed in a manner that allows for it to leave the subject property.
4. All land disturbance shall be the minimum time and area needed to complete the project. Alterations must be designed and conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
5. Appropriate erosion control structures (Silt fence or hay bale) shall be placed down gradient from disturbed areas to prevent sediment from reaching neighboring properties.
6. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as weather conditions allow. All exposed soil shall be restored by seeding and mulching within 72 hours of project completion.
7. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Natural Resources Conservation Service (NRCS).

8. Fill or excavated material must not be placed in a manner that creates an unstable slope.
9. Alterations of topography shall not adversely affect adjacent or nearby properties.
10. This grading and filling conditional use permit shall remain in effect for one (1) year from the date of approval, provided that all conditions of the permit are adhered to.
11. Failure to comply with these conditions may result in revocation of this permit.
12. Truck hauling signs with red flags will be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

CP - Is that a County or Township road in front?

TM - County Road 81 I believe.

PB - When they do a project like that, do they post the roads with truck hauling signs?

TM - They do in the construction area. I am not sure with the fill area, but we could add a condition if you feel it necessary or appropriate.

PB - I don't know if the Highway County department requires it or not. It looks like a short run.

AW - The problem with a project that size is it has to go somewhere and this is only a half mile down the road. I think it is the best option.

TS - Do we want to add the condition for the flags or not?

TM - I can get the wording for that condition.

The PC asked the applicant, Dean Sammon (DS), to come forward to add comments or answer questions regarding the request.

DS - We are going to be bringing the fill from County Road 1, a Rice County Highway project that is being worked on. We do not have any issue with putting up truck hauling signs. It is pretty well signed on the other end and County Road 1 is closed. To put some truck hauling signs down on either side of the entrance into property would not be an issue.

Chair Sammon opened the public testimony portion of the item to the public and no one spoke.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

TS - How is Staff doing on the condition wording?

TM - The wording is similar to what we use with mining operations, "Truck hauling signs with red flags will be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place."

TS - That would be condition #12?

TM - Yes.

CP - I will make a motion we send this forward to the Commissioners with the 12 conditions.

PB - second.

Motion to recommend approval with stated conditions and findings made by Peters, seconded

by Bauer, and approved.

IV. Adjournment

Hearing no other items before the PC, a motion was made by Peters, second by Wells, to adjourn the meeting at 8:15 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission

Anna Aguilar
Administrative Coordinator

Tom Sammon, Chair