

**TOWN of MAY  
WASHINGTON COUNTY  
PLANNING COMMISSION  
August 30, 2012**

The Planning Commission of the Town of May met for their regular meeting on Thursday, August 30, 2012, at 7:00 pm at the May Town Hall. Members in attendance were: Chairman John Arnason, Steve Magner, Don Rolf, Mark Dupre, Lester Rydeen, Chad Nelson, Jyneen Thatcher, Jeff Chase. Absent: Alternate William Still. Also present: Linda Klein, Town Clerk; Bill Voedisch, Town Board Chair. Chairman Arnason called the meeting to order at 7:00 pm.

**Approval of Minutes** – Arnason moved, seconded by Rydeen, to approve minutes of the June 28, 2012, planning commission meeting. All approved.

**Public Hearing**

**Washington County Mining Interim Use Permit**

The Washington County Public Works Department has submitted an application for a renewal of their 5 year Interim Use Permit to continue the operation of their gravel mine. The mine has been in operation since 1974 and is located on 2 parcels north of the BTG Mine near where the railroad tracks intersect May Avenue. The eastern parcel is 26.86 acres and the western parcel is 39.55 acres in size. The current mining permit expires on November 1, 2012. In historic documents this mine is referred to as the “Schroeder Pit”.

The proposed use for the site is to extract sand and gravel, crushing and processing of gravel, and the stockpiling of asphalt materials (millings to be mixed) from County projects. Materials on the site do not require blasting and no sand or gravel washing is proposed. The previous 5 year permit anticipated removing 10,000 to 15,000 cubic yards of material from the site. This activity was conducted in 2008 and 2009 for the County Highway 8 project in Hugo. Since then there has been no activity at the mine.

This permit extension is seeking approval to remove 20,000 to 25,000 cubic yards of sand and gravel from the mine, which will all come from the current mining limits. The amount of asphalt material to be processed is proposed to be 30,000 cubic yards which will incorporate the millings. The millings and gravel will then be mixed and used for the shoulders of County roads. The materials are stockpiled on the pit floor for use by the County on an as-needed basis for various projects around the County.

The property is currently zoned Rural Residential and is partially in the Shoreland District due to its proximity to Carnelian Creek. The site is located within the Town’s designated Mining Overlay Area. This use is permitted in this area with an Interim Use Permit. In the previous approval in 2007 the Town limited the hours of operation to be from 7 am to 6 pm. Prior to that time the hours of operation were from 7 am to 7 pm. The application proposes hours of operation to be from 7 am to 7 pm unless modified by the Township. In Section 401.06 of the Town Code it is stated that mining operations can be allowed until 7 pm, at the latest. The BTG Mine allows for operation until 6 pm, and the suggestion is to keep the two mines on the same

schedule. The owner and/or applicant shall obtain a waiver from the Town Board for any operations outside the hours listed.

There is an existing fence surrounding the site with locked gates at the access point through the BTG site to the south and the emergency access point off of May Avenue. Existing topography and vegetation serve to screen the mining area from May Avenue. Additional screening was required along the northern boundary of the site in 1995 to enhance the screening. Upon examination of the site in 2001, it was determined that the screening of the site was adequate and no additional screening was necessary at the time. The Washington County Pit and the BTG pits share an access off of County Road 7. The May Avenue access to the County pit is used for emergency purposes only.

As previously noted, the County anticipates a maximum average of 5000 cubic yards of material being removed from the pit each year. The average load of the trucks transporting the material is 10 cubic yards per load (max. 500 trucks). This equates to an average of 3.5 trucks in and out each working day for a seven month haul season. It should be noted, though, that the County utilizes the site in intermittent fashion as compared to the BTG Mines, which has a higher volume of removal (i.e. 91,000 cubic yards in 2009).

For the 2006 amendment, the County revised their restoration plan. This plan was not changed in the 2007 renewal and is not proposed to be changed for the 2012 renewal, as the limits of excavation remain the same.

The applicant is currently working with the Carnelian-Marine-St. Croix Watershed District on updating their drainage permit. The current permit is based on a 1998 hydrological study that is being updated to conform with current Watershed rules. The applicant is including the Town on the materials included in this process which will be completed by the end of the year. The Town Engineer has been asked to provide comment on these materials as they are provided. As part of this process the County is delineating all wetlands and providing 75 foot buffers.

Hazardous chemicals and waste are not allowed on the site, with the exception of fuel storage. Fuel is brought in via portable fuel tanks to operate the crusher and other machinery. None of the portable tanks have a capacity larger than 1,000 gallons and they are contained while on site in the case of a spill.

In 2006, the size of the mining area was expanded for this pit and subsequently, the County revised their bond for restoration purposes. The amount was set at that time at \$53,000. Since then, the County has received a new estimate on the amount for the restoration work and the final amount was reduced. Therefore, they are proposing to keep the bond at the same amount. The surety bond shall be reviewed and found acceptable by the Town Engineer.

### **Planning Commission Discussion**

Ann Terwedo stated that one change is that the County intends to bring in millings (asphalt from construction sites) and mix it with materials on site and use it for spreading on roadside surfaces. The additional material is for maintenance as well as road projects, which saves the county money. They would like to eventually get a crusher on the site, but they do not have a project

currently on the books. Maximum aggregate would be 55,000, which would include the additional asphalt materials. Thatcher asked about duration of potential crushing, and Terwedo said it could be up to 5 days.

Arnason moved, seconded by Rydeen, to open the public hearing. All approved.

Terwedo reiterated that Washington County will be delineating all the wetlands and will have 75 foot setback from all delineated wetlands. Board Chairman Voedisch stated that 55,000 cubic yards could go out, and 27,500 of millings might come in. He questioned the number of crushing days per season, and Terwedo was uncertain. Nick Arnt, Arnt Construction and owner of BTG and BTG II mines, spoke up, as his organization could potentially loan the County the crusher. He suggested that perhaps a minimum of 20 days would be designated crushing time.

Tony Frattalone, 14259 May Avenue, commented that Washington County pit has been a good neighbor and he has no objections to their request. Dupre commented on the access through BTG, and how that is written in the permit. Arnt stated that it is all resolved between his company and Washington County. Magner asked about access through BTG, and it was confirmed it is contractual and not an easement. He was concerned that BTG would be the only organization who could rent the crusher. Terwedo stated that the County is at liberty to rent a crusher from any vendor, and that BTG would allow that company permission to transport the crusher to the Washington County site. Arnt stated that the only traffic his company would disallow would be additional truck traffic from other vendors crossing his property into the Washington County pit.

Thatcher advised leaving the 75 foot buffer open until they discuss the delineation with the people from the watershed district. Some buffers could change based on topography.

Arnason moved, seconded Rydeen, to close the public hearing. All approved.

Arnason moved, seconded by Chase, to recommend to the Town Board that they approve the interim use permit for mining, sand, and gravel excavation subject to the following conditions.

1. The applicant shall receive a permit from the Carnelian-Marine-St. Croix Watershed District. All correspondence regarding this permit shall be provided to the Town for Engineering review and approval.
2. Regular hours of operation shall remain at 7:00 am to 6:00 pm on weekdays.
3. The term of the Interim Use Permit shall be from November 1, 2012 to November 1, 2017.
4. The restoration bond shall remain at \$53,000.
5. All comments from the Town Engineer and Attorney shall be satisfied.
6. The County will continue to access its pit through the BTG property.

All approved.

Hearing no further business, Arnason moved, seconded by Rolf, to adjourn. All approved.

Respectfully submitted,

Linda L. Klein, Town Clerk