

No one spoke in favor, opposition or with general comments. Gerry moved to close the public hearing. Art seconded and the motion carried.

Mitch moved that the request meets Sections 5.2, 5.3 and 5.4 of the Floodplain Management Ordinance, page 10 and Section 11.6, Development Code, pages 7 & 8. Gerry seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Warren stated that the flood proofing of the home will not create any additional burden to the area. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Gerry stated that screening is not necessary. Flood proofing the home is good for the ecology. There will be no effect on development. The vote was unanimous that the use is sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3) Jerry stated that the structure will be raised on blocks as is necessary to flood proof the home using alternative methods. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Mary Jo stated that the use will not change it will remain a residential lot. The vote was unanimous that the use is reasonably related to the existing land use.
- 5) Art moved that the request meets Sections 2.1.4 and 2.1.8 and included the development conditions to File #19-291. Gerry seconded and the motion carried. The vote was unanimous that the use is consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6) Jerry stated that the use does meet the intent of the 2040 Comprehensive Plan. He cited Quality of Life Goal #2: Housing Stock, Policy 2: Life Cycle Housing. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Gerry stated that the applicant is raising the home up on blocks for flood proofing. It will have no effect on traffic hazards or congestion. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Warren stated that no wetlands would be impacted. The vote was unanimous that the use will not violate the wetland provisions of Minnesota Statutes Chapter 103G.

Roxanne read the findings and conditions.

Findings

- (1) Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

The flood proofing of the home will not create any additional burden to the area.

- (2) Is the use sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land?

Screening is not necessary. Flood proofing the home is good for the ecology. There will be no effect on development.

- (3) Does the structure and site have an appearance that will not have an adverse effect upon adjacent properties?

The structure will be raised on blocks as is necessary to flood proof the home using alternative methods.

- (4) Is the use, in the opinion of the Planning Commission, reasonably related to the existing land use?

The use is not changing. It will remain a residential lot.

- (5) Is the use consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use?

In accordance with the following Sections:

Section 2.1.4 To provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structure.

Section 2.1.8 To provide for the gradual elimination of those uses of land, buildings and structures, which do not conform to the standards of the district in which they are located.

The development conditions for File No, 19-291 are adopted.

- (6) Is the use in conflict with the Land Use Plan of the county?

In accordance with the 2040 Comprehensive Plan the site does meet the intent of the Comp Plan.

Quality of Life

Goal #2: Housing Stock

Policy #2: Life Cycle Housing: Promote the improvement and maintenance of the existing housing stock to provide sanitary living conditions and ensure that an adequate amount of housing is maintained, including retrofitting existing homes to better serve families in need of affordable housing.

(7) Will the use cause traffic hazards or congestion?

He is raising the home up on blocks for flood proofing. It will have no effect on traffic hazards or congestion.

(8) Will the use violate the wetland provisions of Minnesota Statutes Chapter 103G?

There will be not impact on wetlands.

Conditions:

1. This Conditional Use Permit is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
3. A Land Use and Building Permit shall be obtained prior to any construction and shall be consistent with the plans and specifications submitted with the conditional use permit application. The Building Permit must be obtained through Watab Township.
4. **Upon completion of placement of the home**, pursuant to Flood Plain Ordinance No. 196, Section 10.2.6, the property owner shall be **required to submit certification** by a registered professional engineer, registered architect, or registered land surveyor that the **finished fill and building elevations were accomplished in compliance** with the provisions of this ordinance to the Benton County Department of Development. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
5. Pursuant to Section 11.6.1 of the Development Code, this conditional use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work as defined in Section 11.6 of the Development Code. The Planning Commission may grant an extension of one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the

date of expiration of the conditional use permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

6. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to insure that the permit holder is in compliance with the conditions of approval and all other applicable statues, rules and ordinances.
7. Submittal of a design certified by a registered professional engineer or architect as being in compliance with the general design standards of the Corps of Engineers Flood-Proofing Regulations and, specifically that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulation within these components during times of flooding.
8. Within one month of completion an as-built condition shall be submitted to the County and Certified by a registered professional engineer or architect as being in compliance with the general design standards of the Corps of Engineers Flood-Proofing Regulations and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
9. Applicant utilizes appropriate erosion control devices to minimize risks of erosion entering the waterways or leaving the site.
10. Pursuant to Section 5.4.5 of the Development Code:
 - (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the County Board or delegated party.

Gerry moved to accept the findings and conditions and grant File #19-291. Jerry seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

6. File #19-299, Anna Mckeehan requesting a conditional use permit to use fill as a flood proofing elevation method in the R-2 Residential District. Pursuant to Sections 5.2, 5.3 and 5.4 of the Flood Plain Management Ordinance and Section 11.6 of the

Development Code. The affected property is described as follows: N120 ft. of S240 ft. of Gov't Lot 5, Section 11, Watab Township.

Roxanne stated that the request is to add onto an existing home in the floodplain. The applicant plans to add block and put fill behind the block to raise the addition above the base flood elevation. There will be no crawl space or vents. Roxanne stated that the applicant did apply for a variance for an addition to be closer to the side property line and over the impervious surface allowed that were denied by the Board of Adjustment. The proposed plan will meet all setback and impervious requirements. The plans have been reviewed and approved by Ceil Strauss, State Floodplain Manager. She showed the site plan.

Anna McKeehan, 9805 Sharon Place, stated that she is asking for a conditional use permit to flood proof an addition onto her home. She stated that the existing concrete slab and detached garage will be removed.

Roxanne stated that Watab Township did provide their approval.

Elaine Watts, 9740 Sharon Place NW, stated that they own the property to the south of this lot. She stated her concern with the house being elevated and water runoff flooding her lot. She stated that after the house at 9720 Hazel Place was raised out of the floodplain there has been flooding at 9730 Hazel Place, which she owns. Roxanne showed an aerial of where these lots were. Jerry stated that any improvements to a lot in the floodplain need to meet the flood plain regulations. Rick Burski, excavator for project, stated that the new addition elevation will be the same as the existing house. The addition will be 45ft from the property line. He stated that 15ft around the addition will be sloped out to match the existing grade around the house. There will be 30ft of natural ground level to the property line. Eric Faber, 9805 Sharon Place stated that there is adequate drainage on the lot with a catch basin on the lot. Elaine stated that she is comfortable with the addition being 45ft setback.

Gerry moved to close the public hearing. Art seconded and the motion carried.

Mitch moved that the request meets Sections 5.2, 5.3 and 5.4 of the Floodplain Management Ordinance, page 10 and Section 11.6, Development Code, pages 7 & 8. Art seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Art stated that flood proofing will enhance the home. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Jerry stated that the use of the property will not be changing. It will remain a residential home. Flood proofing is required and it will have no adverse effect on adjacent properties. The vote was unanimous that the use is sufficiently

- compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3) Mary Jo stated that the completed project will not change the appearance of the property. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
 - 4) Warren stated that the primary use of the site will remain as a residential lot. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
 - 5) Art moved that the request meets Sections 2.1.4 and 2.1.8 and included the development conditions to File #19-299. Jerry seconded and the motion carried. The vote was unanimous that the use is consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 - 6) Gerry stated that the use is not in conflict with the Comprehensive Plan and he cited Quality of Life, Goal #2: Housing Stock, Policy #2: Life Cycle Housing. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
 - 7) Jerry stated that the addition will not change the traffic patterns of the area. The vote was unanimous that the use will not cause traffic hazards or congestion.
 - 8) Warren stated that the use will not impact wetlands. The vote was unanimous that the will not violate the wetland provisions of MN Statutes Chapter 103G.

Roxanne read the findings and conditions.

Findings

- (1) Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

Flood proofing will enhance the home.

- (2) Is the use sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land?

The use of the property will not be changing. It will remain a residential home. Flood proofing is required and it will have no adverse effect on adjacent properties.

- (3) Does the structure and site have an appearance that will not have an adverse effect upon adjacent properties?

The completed project will not change the appearance of the area.

- (5) Is the use, in the opinion of the Planning Commission, reasonably related to the existing land use?

The primary use of the site will remain as a residential lot.

- (6) Is the use consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use?

In accordance with the following Sections:

Section 2.1.4 To provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structure.

Section 2.1.8 To provide for the gradual elimination of those uses of land, buildings and structures, which do not conform to the standards of the district in which they are located.

The development conditions for File No. 19-299 are adopted.

- (6) Is the use in conflict with the Land Use Plan of the county?

It is not in conflict with the Comp Plan of the County.

Quality of Life

Goal #2: Housing Stock

Policy #2: Life Cycle Housing: Promote the improvement and maintenance of the existing housing stock to provide sanitary living conditions and ensure that an adequate amount of housing is maintained, including retrofitting existing homes to better serve families in need of affordable housing.

- (7) Will the use cause traffic hazards or congestion?

The addition will not change the traffic patterns of the area.

- (8) Will the use violate the wetland provisions of Minnesota Statutes Chapter 103G?

It will not impact wetlands.

Conditions:

1. This Conditional Use Permit is granted for and runs with the land indicated in

- this application and is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
 3. A Land Use and Building Permit shall be obtained prior to any construction and shall be consistent with the plans and specifications submitted with the conditional use permit application. The Building Permit must be obtained through Watab Township.
 4. **Upon completion of placement of the home**, pursuant to Flood Plain Ordinance No. 196, Section 10.2.6, the property owner shall be **required to submit certification** by a registered professional engineer, registered architect, or registered land surveyor that the **finished fill and building elevations were accomplished in compliance** with the provisions of this ordinance to the Benton County Department of Development. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
 5. Pursuant to Section 11.6.1 of the Development Code, this conditional use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work as defined in Section 11.6 of the Development Code. The Planning Commission may grant an extension of one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the date of expiration of the conditional use permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.
 6. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to insure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.
 7. Submittal of a design certified by a registered professional engineer or architect as being in compliance with the general design standards of the Corps of Engineers Flood-Proofing Regulations and, specifically that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulation within these components during times of flooding.
 8. Within one month of completion an as-built condition shall be submitted to the County and Certified by a registered professional engineer or architect as

being in compliance with the general design standards of the Corps of Engineers Flood-Proofing Regulations and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

9. Applicant utilizes appropriate erosion control devices to minimize risks of erosion entering the waterways or leaving the site.

Gerry moved to accept the findings and conditions and grant File #19-299. Jerry seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

7. File #19-302, Rock Solid Land Co. requesting an interim use permit to operate a mining operation in the Agriculture District. Pursuant to 7.1.24A, 9.7 and 11.6.3. The affected property is described as follows: NW1/4 NE1/4, Section 24, Mayhew Lake Township.

Jerry and Warren excused themselves from voting on this item.

Roxanne stated that this is an interim use permit renewal for Rock Solid Land Company. This operation has been going since 1980's. She showed an aerial of the property. She stated that 25 acres of the lot is being farmed. The mine is used on an "as needed" basis. She stated that staff has visited the site and site is clean and following the regulations. The request is to continue operations as needed. There will be no crushing or processing. The only concern is from the neighbor to the south. The Township has no issues.

Dennis Brand, 4426 5th St NE, stated he is requesting to renew his interim use permit. Scott asked if he was in agreement with the hours of operation of 7 a.m. to 7 p.m. Dennis stated that he was and aware of the surety bond. He stated that he is allowed to use the mine for emergencies.

No one spoke in favor, opposition or with general comments. Gerry moved to close the public hearing. Art seconded and the motion carried.

Mitch moved that the request meets Section 7.1.24A, page 5, Section 9.7, page 40 and Section 11.6.3, pages 10&11. Art seconded and the motion carried.

In reviewing Section 11.6.3 the vote was as follows:

- 1) Gerry stated that with the conditions that the applicant has agreed to and continues to meet, assure it conforms to the zoning regulations. The vote was unanimous that the interim use does conform to the zoning regulations of the County.
- 2) Mitch stated that the mine has been in operation since the 1980's there would be no cost to the public. The vote was unanimous that there will not be any

- additional cost imposed on the public if the interim use is approved if it is necessary for the public to take the property in the future.
- 3) Art stated that the extractive use will not create any new residential dwellings and site traffic is minimal. Thus, it is unlikely that it will have an impact on the demand for parks, schools, streets and other public facilities. The vote was unanimous that the interim use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 - 4) Mary Jo stated that there is no specific development pressure that exists in or near this site. It is not anticipated that these sites will be developed. The vote was unanimous that the interim use will not impede the normal and orderly development and/or improvement of surrounding vacant property.
 - 5) Mitch stated that the site has been used for mining operations. The area adjacent to the mining operation is zoned Agricultural. The site is relatively screened from the road by existing vegetation. The vote was unanimous that the interim use, including any structures utilized for the use, is sufficiently compatible or separated by distance and/or screening from adjacent land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
 - 6) Art stated that the proposed is allowed by interim use permit in the agricultural zone. He cited Section 2.1.3 and moved to include the development conditions. Mitch seconded and the motion carried. The vote was unanimous that the interim use consistent with the purpose and intent of the Development Code and purposes of the zoning district.
 - 7) Gerry stated that the use is consistent with the Comprehensive Plan of the county and cited Land Use Goal #3: Commercial and Industrial Development. Policy: #2: Aggregate Resources. The vote was unanimous that the interim use is consistent with the Comprehensive Plan of the County.
 - 8) Mary Jo stated that access will be from 70th Ave. Traffic volumes, including traffic from the mining operation, are light and there have been no reports of congestion or recurring traffic hazards. The vote was unanimous that the interim use will provide adequate access to a public road, not cause traffic hazards or congestion on the adjacent public roads and there is sufficient off-street parking and loading space to serve the proposed use.
 - 9) Scott stated that the adopted 29 development conditions will ensure that there are no negative impacts to the environment. The vote was unanimous that the interim use will not create a negative environmental impact, including but not limited to impacts on wetlands and water bodies. Including that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance.

Roxanne read the findings and conditions.

Findings

1. Does the interim use conform to the zoning regulations of the County?

The owner has agreed to the 29 development conditions that assure it conforms to the zoning regulations.

2. Will there be any additional cost imposed on the public if the interim use is approved if it is necessary for the public to take the property in the future?

The mine has been in operation since the 1980's. There will be no cost to the public.

3. Will the interim use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

The extractive use will not create any new residential dwellings and site traffic is minimal. Thus, it is unlikely that it will have an impact on the demand for parks, schools, streets and other public facilities.

4. Will the interim use impede the normal and orderly development and/or improvement of surrounding vacant property?

There is no specific development pressure that exists in or near this site. It is not anticipated that these sites will be developed.

5. Is the interim use, including any structures utilized for the use, sufficiently compatible or separated by distance and/or screening from adjacent land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land?

The site has been used for mining operations. The area adjacent to the mining operation is zoned Agricultural. The site is relatively screened from the road by existing vegetation.

6. Is the interim use consistent with the purpose and intent of the Development Code and purposes of the zoning district?

The proposed use is allowed by Interim Use Permit in the Agricultural District.

In accordance with:

Section 2.1.3 To promote the orderly development of residential, business, industrial, recreational and public areas.

The development conditions for File No. 19-302 are adopted.

7. Is the interim use consistent with the Comprehensive Plan of the County?

It's consistent with the Comp Plan.

Land Use

Goal #3: Commercial and Industrial Development

Policy #2: Aggregate Resources: Allow a very low density of rural, non-farm housing development in areas of mapped sand and gravel (aggregate) resources. Require adequate buffering, landscaping, and end use plans.

8. Will the interim use provide adequate access to a public road, not cause traffic hazards or congestion on the adjacent public roads and is there sufficient off-street parking and loading space to serve the proposed use?

The mining operation is proposed to have access from 70th. Traffic volumes, including traffic from the mining operation, are light and there have been no reports of congestion or recurring traffic hazards.

9. Will the interim use create a negative environmental impact, including but not limited to impacts on wetlands and water bodies? Including that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance.

The adopted 29 development conditions will ensure no negative impacts to the environment.

Conditions:

1. This Interim Use Permit is granted only for the purpose(s) and use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
2. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance, to prevent seeding on adjoining property.
3. All equipment used for mining operation(s) shall be kept operational and shall be maintained and operated in such a manner as to minimize as far as is practicable noises and vibrations. The mining operation shall conform to all noise standards contained in Minnesota Rules, Chapter 7030.
4. Abandoned machinery and rubbish shall be removed from the mining

- operation(s) site and shall not be allowed to accumulate.
5. All mining access roads shall be gated or cabled and closed when not in operation.
 6. Trucks shall not queue on public roads while waiting to load or unload. Ingress and egress points from or onto any public road shall be clearly signed "Trucks Hauling" advising traffic in both directions of this activity with temporary signs during heavy hauling (average of fifteen or more trucks per hour).
 7. Intersections of public roads with the access road shall be maintained by the mine operator and shall be kept free from excessive mud, debris or asphalt tract out of the mining site.
 8. All mining operations shall be conducted within the confines of the site described in the permit.
 9. There shall be no mining activities or storage of materials within ten feet of a property line without the approval of the Planning Commission and written consent of all owners. The area within thirty feet of the property line may only be excavated if the permittee restores the area within ninety days of excavation to meet a 4:1 slope.
 10. Mining operations shall not be conducted closer than thirty feet to the right-of-way line of any existing or platted street, road or highway, or any other right-of-way.
 11. All buildings, structures, and plants used for mining operation(s) shall be maintained in such a manner as is practicable, and according to acceptable and industrial practice, so as to assure that such buildings, structures, and plants will not become dangerously dilapidated.
 12. All practical means shall be used to reduce the amount of fugitive dust generated by mining operation(s). In any event, the amount of dust or other particulate matter generated by the mining operation(s) shall not exceed air pollution control standards established by the Minnesota Pollution Control Agency, including those set forth in Minnesota Rules, Chapters 7005, 7009, 7011, 7017 and 7023.
 13. All access roads from mining operation(s) to public highways, roads, or streets, or to adjoining property shall be maintained to minimize dust

conditions.

14. Maximum noise level at the site shall comply with the limits or standards established by the Minnesota Pollution Control Agency, including those set forth in Minnesota Rules, Chapter 7030.
15. Hours of operation for mining activities shall be during the frost free months, Monday through Saturday 7 a.m. to 7 p.m. Activities may occur at different hours and/or on Sunday's in the event of emergency road repairs. No work occurring on federal holidays.
16. All applicable Minnesota Pollution Control Agency regulations, including those set forth in Minnesota Rules, Chapters 7001, 7050, and 7060; Department of Natural Resources regulations, and all applicable United States Environmental Protection Agency Regulations for the protection of water quality, shall be complied with. In addition, no waste products or processed residue shall be deposited in any public (i.e. protected) waters or wetlands in Benton County (as designated by the Minnesota Department of Natural Resources).
17. Sufficient topsoil shall be retained at the excavation site to ensure completion of rehabilitation in accordance with the rehabilitation plan. Mining operators/owners are prohibited from removing topsoil from the mining site unless sufficient topsoil is retained to cover the entire site to a minimum depth of three inches.
18. During the entire period of operation(s), all excavation other than the working face shall be sloped on all sides to a maximum ratio of one foot horizontal to one foot vertical, unless a steeper slope is approved by the Planning Commission; or, in the alternative, the permittee shall install an effective barrier enclosing the site, the barrier to be no less than a four strand wire fence four feet in height with support posts spaced no farther apart than ten feet. In any event, where excavations are adjacent to a public roadway or other right-of-way, the terrain shall have a maximum slope of four feet horizontal to one foot vertical. Slopes adjacent to waterways shall not exceed four feet horizontal to one foot vertical.
19. All reporting requirements, where applicable, mandated in Minnesota Statutes Section 298.75, Subd. 3, Aggregate Material Removal Tax as the statute shall prescribe at the time of reporting, shall be complied with. Failure to submit the reports to the County shall be considered grounds to revoke the interim use

permit.

20. When requested by the Planning Commission, in response to an alleged violation of this permit, the property owner shall complete such investigations, surveys and tests as may be required to show adherence to the permit and other applicable standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the Planning Commission. Costs for said testing shall be the responsibility of the property owner.
21. A surety bond in the amount of \$5,000 shall be provided within 30 days of this approval. The surety bond must be executed by a corporate surety company acceptable to the county and authorized to do business in the State of Minnesota, or be a cash escrow. The bond shall run in favor of the county, and said bond shall remain in full force and effect for a minimum period of one year after expiration, termination or revocation of the permit. The bond shall guarantee the required rehabilitation as well as all other requirements of this permit and pay, up to its face value, all expense the county may incur for non-compliance.
22. Additional costs and obligations incurred by Benton County in administering or ensuring compliance with this permit shall be the responsibility of the property owner.
23. Only Rock Solid Land Company LLC., and other subcontractors working under the supervision and guidance Rock Solid Land Company LLC, shall be allowed to conduct mining operations on the site.
24. Rehabilitation operations shall run concurrent with the mining operation and no more 40% of the total proposed excavation area shall be open to excavation at any one time.
25. Within 30 days of this approval, the property owner will provide proof of \$1,000,000 in bodily injury, property damage and public liability insurance.
26. Blasting at this site is prohibited.
27. Within a period of three months after the termination of mining operation(s), or immediately after abandonment of such operation(s) for a period of twelve months, or within three months after termination or revocation of a permit:
 - a. All buildings, structures, and plants incidental to such mining operation(s)

shall be dismantled and removed by and at the expense of the permittee last utilizing such buildings, structures and plants, and

- b. The peaks and depressions of the site shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall. Overall, the finished grade shall be such that it will not adversely affect the adjacent land and shall have slopes that do not exceed four feet horizontal to one foot vertical, and
- c. Reclaimed areas shall be surfaced with soil of quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least three inches; provided, however, that the permittee need not import topsoil to supplement the topsoil existing at the site prior to the commencement of the excavation. The finished reclaimed areas shall be planted with legumes and grassed upon all parts where revegetation is possible. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such ground cover shall be sufficient to hold the topsoil in place and shall be tended by the permittee as necessary until ground cover is self-sustaining, and
- d. Excavations completed to a water producing depth need not be backfilled; however, banks shall be sloped to a grade no steeper than four feet horizontal to one foot vertical.

28. This permit shall automatically expire, without notice, five years after the date of approval (August 8, 2024) or upon termination of mining operation and restoration of the site, whichever comes first.

29. The permit is non-transferrable except with the approval of the Planning Commission.

Art moved to accept the findings and conditions and grant File #19-302. Gerry seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

8. Boundary Line Commission update. Roxanne stated that a neighborhood meeting was held on July 30th. She said the biggest concern was how much it is going to cost. Some property owners that have their own survey don't understand why another survey needs to be done. She showed the area in question. She stated that Oehrlein's Point was platted. The area to the south along Sharon Place has been surveyed. The area of biggest concern and the first area to be looked at will be the properties along Hedge Rd. The goal is to put the property lines where the landowner believe their property to be (the occupied area) versus where the lines lie based on the deeds. She stated that Watab Township plans to monument Sharon

Place Rd. There are areas that are missing in the descriptions. An update on the process was mailed to the property owners. The Boundary Line Commission will decide where the property lines will be.

9. Jerry moved to adjourn at 8:14 p.m. Gerry seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer
Administrative Secretary