

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – April 17, 2007
Minutes

Members Present: Gene Miller, Ted Beise, Si Tesch, Tom Williams, Tim Lynch, Greg Boe

Members Late: None

Members Absent: None

Staff Present: Steve Just, Jason Mielke, Bob Hendricks, Nancy Buckentine

Pursuant to due call and published notice thereof, the April 17, 2007, regular meeting of the Carver County Planning Commission was called to order by Chairman Miller at 7:00 p.m.

Minutes – A motion was made by Tesch and seconded by Lynch to approve the March 20, 2007 minutes as written. All voted aye. Motion carried.

Public Hearing – File #20060041 – Dennis Batty–Chairman Miller called for a motion to continue the public hearing until the May 15, 2007 meeting, as there was no new information to present.

A motion was made by Boe and seconded by Williams to continue the public hearing. All voted aye. Motion carried. The public hearing was continued to May 15, 2007.

Public Hearing – File #20070002 – Michael Keaveny– Chairman Miller called for a motion to continue the public hearing until the May 15, 2007 meeting, as there was no information to present at this time.

A motion was made by Boe and seconded by Tesch to continue the public hearing. All voted aye. Motion carried. The public hearing was continued to May 15, 2007.

Public Hearing - File #20070004 – Randy Schneewind, Katie Brooke Refuge, LLC – Chairman Miller called for a motion to close the public hearing.

A motion was made by Tesch and seconded by Beise to close the public hearing. All voted aye. The public hearing was closed.

Chairman Miller called for a motion to acknowledge the applicant's request to withdraw his application.

A motion was made by Lynch and seconded by Williams to acknowledge that Randy Schneewind has withdrawn his request for a conditional use permit. All voted aye. Motion carried.

File #20070017 – Stephen Racemacher – Chairman Miller called the public hearing to order at 7:03 p.m. to consider a request by Stephen Rademacher for a conditional use permit pursuant to Chapter 152 of the County Code, the Zoning Code. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 12 of Benton Township.

The following were present: Stephen Rademacher, Barb Rademacher, Dan Rademacher, Hilary Drees, Gary Widmer

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D - Site Plan

Exhibit E – Letter from the applicant dated March 20, 2007

Exhibit F – Letter to the Planning Commission and Benton Township dated April 11, 2007

Wheeler presented the information concerning the request, explaining that the structure was already constructed without a permit, after the applicant received misinformation concerning the need for a permit.

Hilary Drees, Benton Township, stated the township had no objection to the request and would recommend approval.

A motion was made by Beise and seconded by Tesch to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 7:05 p.m.

A motion was made by Lynch and seconded by Boe to **adopt and issue Resolution #07-10** incorporating the findings of fact and staff recommendations in recommending the conditional use permit be approved. All voted aye. Motion carried.

File #20070013 – Andrew Kleindl – Chairman Miller called the public hearing to order at 7:06 p.m. to consider a request by Andrew Kleindl for a conditional use permit pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 9 of Benton Township.

The following were present: Andrew Kleindl, Gary Widmer, Hilary Drees

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D - Site Plan

Exhibit E – Letter from the applicant

Exhibit F – Letter to the Planning Commission and Benton Township dated April 11, 2007

Wheeler reviewed the information in the staff report, noting that one accessory structure would be constructed and used in conjunction with Mr. Kleindl's home occupation and another would be moved onto the property for personal storage. She also highlighted a change in the driveway location, which would rectify a current legal non-conformity, and noting that only one driveway access is permitted on a parcel.

Miller asked about the limit to one business vehicle.

Just explained that Mr. Kleindl's business is a home occupation not a contractor's yard, which allows only one truck versus up to nine business vehicles.

Hilary Drees, Benton Township, stated that the township has no objection to the request and would recommend approval.

Boe asked why the bathroom in the accessory structure will be hooked up to a holding tank rather than the existing septic system for the house.

Just replied that the septic design approval is handled through the Environmental Services Department and it may have been approved as such.

Mr. Kleindl replied that he would be able to install the system either way, however, he has the septic pumping truck readily available and it would be just as easy to pump the tank rather than extend a line quite a distance to the existing mound system, considering the minimal use of the facility.

A motion was made by Tesch and seconded by Beise to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 7:12 p.m.

A motion was made by Williams and seconded by Boe to **adopt and issue Resolution #07-11** incorporating the findings of fact and staff recommendations in recommending the conditional use permit be approved. All voted aye. Motion carried.

File #20070014 – Criag Peterson – Chairman Miller called the public hearing to order at 7:13 p.m. to consider a request by Craig Peterson. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 14 of Dahlgren Township.

The following were present: LuAllen Kettner, Shirley Kettner, Jack Murphy

The following items were entered into the record:

Exhibit A – Legal Description
Exhibit B - Affidavit of Publication of the Hearing Notice
Exhibit C - Affidavit of Mailing of the Hearing Notice
Exhibit D - Site Plan
Exhibit E – Letter from the applicant dated March 20, 2007
Exhibit F – Letter to the Planning Commission and Dahlgren Township dated April 11, 2007

Wheeler highlighted the information in the staff report surrounding the request, noting a slight change in the size of the accessory structure from the original request.

Jack Murphy, Dahlgren Township, stated the township has no objection and would recommend approval of the request.

A motion was made by Beise and seconded by Lynch to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 7:18 p.m.

A motion was made by Tesch and seconded by Williams to **adopt and issue Resolution #07-12** incorporating the findings of fact and staff recommendations in recommending the conditional use permit be approved. All voted aye. Motion carried.

File #20070015 – Peter Vickerman – Chairman Miller called the public hearing to order at 7:19 p.m. to consider a request by Peter Vickerman. The purpose of the public hearing was to consider a request for an amendment to a conditional use permit pursuant to Chapter 152 of the County Code. The property is located in Section 14 of Dahlgren Township.

The following were present: Peter Vickerman, Rich Lorentzen, Jack Murphy

The following items were entered into the record:

Exhibit A – Legal Description
Exhibit B - Affidavit of Publication of the Hearing Notice
Exhibit C - Affidavit of Mailing of the Hearing Notice
Exhibit D - Site Plan
Exhibit E – Letter from the applicant dated March 23, 2007
Exhibit F – Letter to the Planning Commission and Dahlgren Township dated April 11, 2007

Just reviewed the information surround the request, noting the applicant has recently received approval of a variance for this amendment request. The conditions of the variance request have been incorporated into the recommendation for the conditional use permit, so there will only be one set of conditions for the parcel. Just highlighted a history of the property and also related the activity of the current business. He noted that Mr. Vickerman has revised his operational plan to accommodate the concerns of the neighbors and to meet setback requirements.

Jack Murphy, Dahlgren Township, has no objection to the request and would recommend approval of the request.

Williams questioned the hours of operation and asked how that would relate to the snowplowing portion of the business.

Mr. Vickerman replied that if snow is forecast, the crews would most generally leave with equipment from their own residences. They do not report to this site prior to a job. He stated that he only has two vehicles for snowplowing.

Beise asked about the construction of the proposed buildings and a smaller area connecting them.

Mr. Vickerman explained that he wanted some type of connection between the buildings and is also required to have a fire wall. He assured the commission that the buildings would be constructed according to code.

Miller asked about the anticipated timeframe for the construction.

Mr. Vickerman replied that he would like to have the two new buildings constructed by the fall of 2007 and the remodeling or replacement of the other building in 2008.

A motion was made by Tesch and seconded by Williams to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 7:26 p.m.

A motion was made by Lynch and seconded by Boe to **adopt and issue Resolution #07-13** incorporating the findings of fact and staff recommendations in recommending the conditional use permit be approved. All voted aye. Motion carried.

File #20070009 – William McDonald – Chairman Miller called the public hearing to order at 7:27 p.m. to consider a request by William McDonald on land owned by himself and his parents, Phil and Abigail McDonald. The purpose of the public hearing was to consider a request for a hunting preserve/recreational activity pursuant to Chapter 152 of the County Code. The property is located in Section 2 of Hollywood Township.

The following were present: Bill McDonald, Lis McDonald, Phil McDonald, Abbie McDonald, Dave Pysick, Nancy Pysick, Bill Sullivan, Patrice Blauert, Louise Blauert, William J Windsperger, Mike Burns,

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D - Site Plan

Exhibit E – Letter from the applicant dated March 6, 2007

Exhibit F – Letter to the Planning Commission and Hollywood Township dated April 22, 1007

Just reviewed the information surrounding the request, illustrating on a map the different areas described in the operational plan. He stated that Mr. McDonald has revised his plan somewhat in reaction to concerns expressed by staff and neighboring landowners. Just identified a few of the changes as increasing the buffer from any neighboring residence to 800 feet, identifying a nesting area which will remove the hunting area further away from any houses, and reducing the amount of activity at the site. The DNR required distance to any residence is 500 feet. The plan will take time to establish and fully develop the hunting and wildlife areas.

Bill McDonald confirmed that the land will be coming out of the Ag Preserve program in July, but will be enrolled into Green Acres, another agricultural program. Mr. McDonald also distributed a map illustrating the different areas and their designations in regard to his proposed hunting preserve and also a calendar of scheduled dates for hunting, noting that they are beginning with weekends only during the season of September through March. He stated that his proposal would be to use only 55 days out of the total 365 in a year for hunting to initiate the business. He also mentioned that he had talked with all of the neighbors and explained his proposal for the farm. He stated that because of change, he felt this would be very beneficial to the area and also help to preserve and maintain the family farm. He felt the wildlife habitat would enhance the quality of life in the area. He also offered a list of signatures of people to whom he had spoken and who were in agreement with his proposal. He stated that if he felt that this proposal would impose a threat to the safety of anyone in the neighborhood, he would not be pursuing it. He would also like to offer the preserve to 4-H groups, gun safety groups, and other special interest groups. He felt it could also enhance other businesses in the area as people may need gas or a bite to eat on their way home. He stated that he will limit the number of people on the property to eight at any given time and the hours of operation will be from 8:00 a.m. – 5:00 p.m. He stated that this would be a good location because it is at least four miles from any neighboring town and further from any other public wildlife management or hunting preserve.

No one was present from Hollywood Township board, however, they submitted the township recommendation form recommending approval with no further comments.

Peter Westby, 109 Carver Sq, stated that he is an amputee who enjoys the sport of hunting and often has a difficult time at public hunting lands because of the rough terrain. He would much rather hunt on a preserve where the grass plantings have been carefully designed and the surface is much smoother. It presents a much safer environment for him to navigate. He stated he thought this would be a very positive activity for the area and is fully in favor of the proposal.

Mike Burns, 15550 Co Rd 20, stated he has been a neighbor to the McDonald's since 1970 and has had people hunt on his property because there is a swampy area which harbors some wildlife. He enjoys the wildlife in the area and has never experienced

anyone shooting towards his buildings. He has known Bill McDonald for a number of years and feels has presented a very responsible proposal for this activity. He stated he would be in favor of the request and feels it could be a plus for the community.

Tesch asked why the proposal was so limited as to the dates of operation.

Mr. McDonald replied that he is proposing this on a limited basis because he is just beginning the business and wants to see how busy they will be before he commits to giving up his current job. He stated that if business proves to be very successful, he would be returning to the Planning Commission to amend his CUP.

Phil McDonald stated that he entered his land into the CRP program a year ago to preserve the wildlife habitat. He felt that this proposal would help to bring in an income from the land and to maintain the family farm.

Lynch asked if the map was illustrating that about 120 acres or less of the total 231 would be available for hunting. What is the plan for the remaining 111 acres?

Bill McDonald replied that that land would maintain a natural wildlife habitat and that no one would be allowed to hunt those areas.

Beise asked about the involvement of SWCD in the implementation of this request. It was mentioned previously that they would be involved in the planning of the project.

Just replied that the Water Resource Management guidelines includes the SWCD as well as the Wetland Conservation Act, where SWCD would be a member of the technical evaluation panel. He felt confident that the SWCD would continue to be involved.

Williams asked if Mr. McDonald anticipated any possibility of someone shooting a bird and having it land across the road or on another neighboring property, thereby causing trespassing.

Mr. McDonald felt this should not be a concern because of the way he has the hunting fields laid out to hunt inward on the property.

A motion was made by Tesch and seconded by Beise to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 7:54 p.m.

A motion was made by Tesch and seconded by Beise to **adopt and issue Resolution #07-14** incorporating the findings of fact and staff recommendations in recommending the conditional use permit be approved.

Just clarified the intent of the motion to have the business operate from September 1st until March 31st as previously proposed and discussed. Tesch clarified that was correct.

All voted aye. Motion carried.

File #20070016 – Zumbro River Constructors – Chairman Miller called the public hearing to order at 7:55 p.m. to consider a request by Mike Billing, representing Zumbro Rivers Constructors, on land owned by Terrence Hanson. The purpose of the public hearing was to consider a request for a conditional use permit pursuant to Chapter 152 of the County Code. The property is located in Section 1 of San Francisco Township.

The following were present: Mike Billing, Brenda Harris, Mike Kirk, Dale Carlson, Darlene Carlson, Steve Carlson, Rich Lorentzen, Larry Jeurissen, Don Olson, Marjorie Olson, Howard Loomis, Charles Mahowald, Darlene Mahowald, Claudia Solseng, Brehanu Cox, Doug Weber, Tim Renne, Jean Renne, Jeff Meuleners, Mary Meuleners, Mike Gottwalt, Mike Sobraske, Robert A Olson, Larry Schmidt, Ken Turnquist, Nancy Tuma, Chuck Tuma, Linda Turnquist, Bob Perkins, Cheryl Perkins, Tom Gestach

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D - Site Plan

Exhibit E – Various letters and sketches from the applicant

Exhibit F – Letter to the Planning Commission and San Francisco Township dated April 11, 2007

Just reviewed the information surrounding the proposal, explaining that ZRC is requesting to access the property across from Carver Highlands to haul in clay from the Hwy 212 project to build berms on the northerly edge of the property as they continue to haul sand out from the lower gravel pit for their road construction projects. ZRC is proposing a right turn into the site and a right turn out as they continue south on Co Rd 45 to the gravel pit area. Just stated that the watershed and SWCD have reviewed the request and from their standpoint, the request would meet the standards. He also explained that the ordinance has recently been amended in regard to gravel mining and land reclamation and he stated that the new standards were used with respect to this request. Just noted that traffic studies are mandatory with the new ordinance and stated that Mr. Billing has provided much information to address the traffic issue. Just highlighted some of the concerns that had surfaced previously with the initial gravel mining operation and noted Mr. Billing's responses to them. He also spoke of the drainage areas and illustrated such on the map. He noted that San Francisco Township has not provided a recommendation, pending input from neighboring landowners. Just reviewed proposed conditions concerning the request.

Mr. Billing stated that they are going to be building Hwy 212 and would like to get a majority of the work and grading done in 2007 to help alleviate traffic concerns for the long term. He stated that there will be approximately 500,000 yards of material that they will need to haul away from the 212 project.

Chuck Tuma, 16220 Delarma Dr, wanted to know if there is any hazardous waste in the material to be hauled to the site.

Mr. Billing stated that the majority of the Hwy 212 corridor has been actively farmed and is not hazardous.

Tuma supposed that there would be pesticides in the clay which would be retained for a long period of time because clay is not as permeable.

Mr. Billing replied that most of the pesticides would be in the topsoil, which is not allowed to be removed from the site. He explained that the topsoil is also a clay material which does not filter well, but acts as a seal.

Tuma asked about the timeline for the project and for a clarification in the number of trucks anticipated to be hauling, citing seemingly conflicting numbers in the staff report.

Mr. Billing stated that he wanted to get the work completed quickly and said that if he could start on June 1, with cooperating weather and things, he would like to be done by July 1. That would include the sloping, grading and seeding. Any time that it takes to get this job done is keeping the equipment from completing the Hwy 212 project. Mr. Billing replied that the number of trucks will somewhat depend upon the size of the trucks. If ten-yard tandem axle truck is used, it will probably be closer to 300 trucks, whereas if sidedumps or large enddumps are used, the numbers will be reduced. The roads used will be able to accommodate the truck traffic. He stated that it is based upon weight per axle.

Tuma stated that by having the trucks haul to the site and then go down to the gravel pit, the number of times they will be entering onto the road will be doubled. He inquired as to how this would impact traffic.

Mr. Billing agreed that the number of trips onto the road would be increased because of the hauling, however, the hauling will be for a limited amount of time.

Larry Jeurissen, 1680 Dutoit Rd, stated that he is completely opposed to the proposed activity. He feels that the berm will cause snow and sand or dirt to come blowing across the berm and against his house or onto the road causing a hazard. He also cited concerns of pollution from diesel trucks, unsightly view of the berm, property values being lowered, and the vibration causing weakening of his house structure. He questioned whether an EIS should be required for the project because he was concerned with contaminated soils. He also wanted a reason as to why the berm needs to be constructed.

Mr. Billing stated that they do vibration monitoring when the hauling is being done.

Mr. Jeurissen felt that monitoring would not be sufficient because the damage may not show up immediately.

Mike Kirk, 1680 High Bluff Cir, clarified that only 75,000 yards of the total 500,000 in the project would be disposed of at this site. He stated concerns with public safety,

southbound traffic and slow moving trucks, and noise, particularly having tailgates of the trucks slamming as they finish dumping and begin moving forward. He felt that a flagman may be necessary to help control speed differences on Co Rd 45 or possibly an internal haul route on the property to eliminate that problem.

Mr. Billing explained that side dump trucks are run by hydraulics and a whooshing sound may be heard. Belly dump trucks also use hydraulics to open the gates on the bottom and allow the material to fall out. The end dumps to have a tail gate that can bang as the truck moves forward and the box is not completely lowered. He would prefer to use side dumps because they haul more material and reduce the number of trucks. However, he is not always able to control which trucks they can get.

Miller clarified that Mr. Billing is proposing to haul for only a month if conditions are right.

Mr. Billing reiterated that he felt in 30 days he could have the berm built, graded, seeded and completed. He explained that the hauling of the sand from the pit will be ongoing.

Boe asked about the days of operation, noting that the hours were listed from 7:00 a.m. until 6:00 p.m.

Mr. Billing replied that the days of operation would generally be Monday through Friday, with Saturday being a makeup day if the weather did not cooperate during the week.

Ted Niskanen, 16780 Halsey Ave, recalled a berm proposal from a previous request in the past few years that happens to be similar to this one. He also spoke of the gravel pit area and its impact on the bluff area. He would like to see restoration of the pit area and see some of the materials being hauled in used for that purpose.

Mr. Billing explained that currently they plan to haul approximately 350,000 cubic yards of sand from the existing pit. He explained the process of mining and stated that the restoration process is usually done after all mining is completed.

Ken Turnquist, 16334 High Bluff Cir, stated that he is not aware of any restoration plans for the existing pit. He felt that the material being hauled to the site would be better used for reclamation rather than a berm, and not have it be moved twice.

Mr. Billing reiterated the problem with having enough area in the pit to be able to continue mining before materials are hauled in for restoration.

Doug Weber, 15050 Co Rd 45, felt that a true reason for building the berm has never been stated. He also stated that the issues of safety, noise, and dust were reasons that the request from this property was denied two years ago and felt that these are the same concerns being voiced against this request.

Mr. Billing replied that they contacted the property owner to be able to mine sand from the gravel pit. Since they knew that there would be excess material that would need to be

removed from the project, they also asked the property owner if there would be an area to put the excess, to reduce their hauling.

Brenda Harris, 5035 Afton Rd, stated the safety issues with having the trucks turning onto Co Rd 45 and leaving deposits of clay which make the surface slippery causing a dangerous situation.

Mr. Billing stated that this pit is going to be used for hauling sand for the Hwy 212 project, and by using two-way hauling, this would help minimize the traffic impacts.

Brehanu Cox, 16235 Delarma Dr, echoed the concerns of everyone before him. He is opposed to having trucks enter and exit twice from a blind intersection and expressed safety factors. He also brought up the preservation of kitten tails on the bluff area, which was a concern from the proposal two years ago. He also asked that a contact name and phone number be available for everyone and financial penalties imposed for violations of noise, traffic and dust.

Mr. Billing stated that the kitten tails are not a concern of this request because they are in the area of the existing pit and not within this operating area.

Cindy Olson, 16745 Halsey Ave, reiterated the concerns for safety on the roads. She also stated her feeling about the berm and how it will impact snowfall on Halsey Ave and also Co Rd 45.

Mr. Billing felt that the Halsey Ave would not be impacted by the berm because it is on the west side of the property and the prevailing winds come from the northwest.

Ms. Olson argued that Halsey Ave is not a good road to travel in the wintertime.

Tom Gestach, 16150 Dutoit Rd, was still unsure why the berm has to be built and if that material couldn't be stored in a pile in the pit until needed for restoration. He does not like the idea of the tall berm because it may affect the view of a sunset. He also asked if dust control is going to be applied to the new temporary turn lane. He also stated that the road ditches are well groomed and didn't want to see road sweepings end up in the ditch. He stated that enforcement of any of these issues is always a concern. He asked the board to consider the traffic impact at the intersection of Co Rd 45 and Co Rd 40. He noted that the intersection of Co Rd 147 and Hwy 212 is already dangerous.

Mr. Billing addressed the Co Rd 147 issue, stating that that will be a full interchange with stoplights to control it when it is completed. During the time of construction, there will always be concerns for safety. Mr. Billing clarified that they receive reports citing the number of fatalities in construction areas and there has been only one at that intersection to date prior to their involvement with the construction. He addressed the concern of road sweepings, stating that the sweepers are on site and they pick up the material from the road and haul it away. It is not swept into the ditches. He stated that watering benefits everyone because it keeps the dust down and also increases the productivity.

Linda Turnquist, 16335 High Bluff Cir, stated she is very opposed to the request. She concurs with all of the prior concerns expressed. She stated the irony with Mr. Hanson's initial request to have the horses on the property, noting it would be a nice view in the neighborhood and now he is requesting to have a berm built to take away that view. She also related concerns about possible contaminants in the soil and how they could seep into the groundwater. She suggested that the fill should be hauled to fill in a gully or ravine to protect the environment from erosion. She spoke of the natural resource in the wildlife refuge nearby and doesn't want to see that impacted. She also wished that the grief caused with the hauling could be spread around and not always in their area. She also commented that in the 33 years she has lived in the area, she has yet to see any restoration and/or reclamation.

Mr. Billing stated that he would love to find enough ravine space to be able to use the fill. The main reason that they proposed to haul to this site is because they are already running the trucks to the pit for the sand and so it made good business sense and also would minimize the number of truck trips and miles traveled. Mr. Billing stated that he has already hauled a quarter million yards into a pit on Hwy 41 for reclamation. Another pit along 41 has received a little over a million yards. They are full and can not take on any more material.

Bob Perkins, 5005 Afton Rd, asked for the approximate distance of the proposed turn lane.

Mr. Billing replied that the turn land would be approximately 250 feet, which is a standard right turn lane for a 55 mph road. He stated that the lane would extend to the north of Gene's road for about 100 feet. And as soon as the hauling is completed, the lane would be removed.

Larry Schmidt, San Francisco Township, stated that he felt this request is somehow linked to the current mining CUP. He talked about having two entrances to the mine and felt that this request creates the same situation.

Miller replied that the previous proposal was for a much longer term than this request.

Schmidt stated that was correct, however, the fact remains that there would still be two accesses to the property. He would like to see an internal haul road on the property so that the trucks use only one access. He felt that it would not be impossible to put a road down the face of the pit.

Mr. Billing explained the difficulty in creating an internal haul road. He stated that an elevation drop of 200 feet can have many problems because the sand in the pit is highly erodible and that would cause the sand and sediment to be pushed towards the river which is something they don't want to have happen.

Larry Jeurissen asked how many CUP's can be issued to one property.

Just replied that the new code was revised to state that no more than one mining permit be allowed on a property, however, the berm construction is not considered to be mining. He stated that if the proposal would be to begin mining from the north property area, there is language in place to prohibit that from happening.

Jeurissen also asked if the road right of way has been determined or defined. He recalled that to be unclear from previous meetings.

Chuck Tuma asked about the permitted capacity of the existing pit.

Just replied that there is no limit stated in the existing permit.

Mike Kirk asked if it would be possible to restrict or limit the end dump trucks from hauling or to reduce the noise that they can make when dumping their loads. He likened the noise to a small bomb going off.

Just stated that the board could impose a condition prohibiting the use of end dump trucks from hauling material to the site.

Chairman Miller asked for any more input from the public.

Beise asked if there was a map illustrating the size of the total mining area of the current pit.

Mr. Billing had such a map and Just illustrated the area on the map on the screen. Just noted the current mining area was approximately 16 acres. He stated that when the mining is complete, they will be working toward the restoration and reclamation. He presumed that after the material is hauled out for the Hwy 212 project, there should be some room to begin the reclamation.

Mike Kirk stated a correction that he thought the current allowable pit size is 21 acres.

Ted Niskanen asked the board to carefully read and consider the current mining CUP. He did not agree with the stated size and projected area of mining. He felt it would take quite a lot of material to fill the already mined area.

A motion was made by Boe and seconded by Beise to continue the public hearing until the May 15, 2007, meeting. All voted aye. Motion carried. The public hearing was continued at 8:59 p.m.

Adjournment

A motion was made by Beise and seconded by Lynch to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 9:00 p.m.