

**PLANNING ADVISORY COMMISSION
MEETING MINUTES
Tuesday, May 23, 2023**

CALL TO ORDER:

Chair Doneux called to order the meeting of the Planning Advisory Commission at 4:03 p.m. The meeting was held at the Washington County Government Center, located at 14949 62nd Street North, Stillwater, Minnesota.

Chair Doneux asked the commissioners and staff to introduce themselves and explained the hearing process.

Commissioners Present: Mark Doneux, Chair
 Harry Melander
 John Rheinberger
 Shane Bauer
 Anna Zanko

Commissioners Absent: Kevin Kelly

Staff Present: Andrew Jackola, Assistant Washington County Attorney
 Daniel Elder, Planner
 Sara Favreau, Office Specialist
 Lyssa Leitner, Planning Director
 Sara Allen, Planner
 Erin Clarkowski, Engineer

Others Present: Patty Bestler, Dick Polta, Tom Schmidt, Dan Schlick, Vivian Tanniehill, Dan Roeller,
 Ted Ries, Steve McMan, Mary Jo McMan, Mark Willis

Agenda Item --1 Approval of February 28, 2023, Draft Meeting Minutes

Mr. Rheinberger made a motion to approve the February Draft Business Meeting Minutes. Mr. Bauer seconded the motion. Chair Doneux called the question. All were in favor. Motion Carried 5-0.

Agenda Item – 2 Washington County Gravel Pit Five-Year Mining Conditional Use Permit

Daniel Elder, Planner with Washington County Public Works, gave a summary of the staff report for the application for the Five-Year Mining Conditional Use Permit for property owned by Washington County. This mining operation is in May Township generally described as That Part of the North Half of the Northwest Quarter of Section 28, Township 31 North, Range 20 West.

Washington County has owned and mined this 66-acre property in May township since 1974. The operation is typically used to process Class 1 gravel which takes place once every three to five years. After processing, the material is stockpiled on the pit floor. The county removes material from the piles as needed during the maintenance of county Roads. Materials on site do not require blasting, and no sand or gravel washing is proposed. The amount of material to be removed over the next five years is 25,000 cubic yards.

Dust Control to be treated with water or calcium chloride as needed. Noise being minimal as the equipment is located on the pit floor; therefore, being buffered by the pit walls. The depth of excavation is proposed at 966 feet

and ground water is estimated at 914 feet. Processing is typically the sand and gravel resources are excavated from the property, stockpiled in site or transported to a screener for processing.

Reclamation plans of the property to be restored as work is completed in the mining operation area. When mining is completed, the mine will be restored with slopes not exceeding 4:1, topsoil applied, seeded, and mulched. The plan indicates that the property will be restored for rural residential development and the estimated cost is \$37,716.

BOARD QUESTIONS

None brought forward.

PUBLIC HEARING

Chair Doneux opened the public hearing at 4:10 p.m.

No Comments

Chair Doneux closed the public hearing at 4:11 p.m.

Chair Doneaux identified the following exhibits:

- Exhibit A is the staff report with draft CUP conditions from Daniel Elder, dated 05/16/2023.
- Exhibit B is the application packet, received 03/10/2023.
- Exhibit C is the location map prepared by Washington County Survey Division.
- Exhibit D is the 2022 11 x 17 aerial map prepared by the Washington County Survey Division.
- Exhibit E is the 2022 11 x 17 aerial contour map prepared by the Washington County Survey Division.
- Exhibit G is Watershed District Comments.

BOARD QUESTIONS/ BOARD DISCUSSION

Mr. Rheinberger commented he is ok with the permit renewal with almost 50 years' experience working with the mine. Mr. Melander asked a question on how the depth is measured and how often. Erin Clarkowski, Washington County Engineer answered that survey equipment is used anytime any mining is done and added that no mining has been done since 2007.

Chair Doneux moved to approve the Five Year Conditional Use Permit with conditions provided. Mr. Rheinberger made a motion to approve, and Mr. Melander seconded the motion.

Chair Doneaux Called the Question. All were in favor. Motion carried 5-0.

CONDITIONAL USE PERMIT (CUP) CONDITIONS

Washington County Gravel Pit

1. This permit allows for the extraction and processing of sand and gravel from this site and crushing materials in accordance with the plans and information submitted as part of the application packet dated March 10, 2023. No buildings or structures are allowed to be constructed on this property except in accordance with the approved plan.
2. All applicable provisions of the Washington County Mining Ordinance, May Township Ordinances, and any future revisions to these ordinances must be complied with.
3. Final Restoration. Restoration must take place in accordance with the plan submitted by the Washington County Public Works Department dated March 10, 2023. All topsoil is to remain at the site. Permanent vegetation must be established as per the Washington Conservation District recommendations. Future use of the property must be in accordance with zoning requirements in force at that time.
4. Area to be Mined. Mining shall take place in phases, as shown on the submitted application. This permit is for five (5) years until Dec. 31st, 2027. All mining must take place within the proposed five-year mining area, as shown in the submitted plan.
5. Hours of Operation. Those portions of the mining operation consisting of excavating, stockpiling, processing, or hauling shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, unless May Township specifically authorizes other hours or days of operation. No such operations shall be allowed on holidays or weekends unless May Township approves. The applicant shall notify the County Zoning Administrator when permission has been received by the Township to extend the hours.
6. Dust and Dirt. The operator shall construct, maintain, and operate all equipment in such a manner as to minimize dust conditions. All operations shall meet the applicable requirements of the Minnesota Pollution Control Agency. As needed, the operator must apply calcium Chloride, water, or other dust control material to travel routes and other areas subject to disturbance. In addition, the operator shall maintain in such a manner that the deposit of earth materials on public roads is minimized.
7. Appearance. Equipment shall be maintained in a safe condition in accordance with accepted industrial practices. Weeds shall be controlled.
8. Fuel Storage. No fuel storage is permitted on the property other than in the portable fuel tanks to operate the crusher. A spill recovery kit shall be present during fueling activities used to run equipment at the site. All spills that are required to be reported shall be reported to the 24-hour Minnesota Statewide Emergency number at 651-649-5451 within 12 hours and to the Washington County Department of Public Works and May Township within 24 hours.
9. Screening. The landscaping, e.g., evergreen trees, which have been planted, and the mature trees along the property lines and railroad tracks shall be maintained. All dead or dying plant material must be replaced. Additional landscaping may be required as deemed necessary by the Washington County Zoning Administrator.

10. Depth of Excavation. The depth of excavation is hereby limited to an elevation of 966 feet. A registered surveyor must certify the mining depth annually and submit this information with the annual report.

11. Fencing. The overall mining area shall remain fenced. A three-strand wire fence, at a minimum, must surround the mining area. The fence must be kept in good condition. The County shall repair the fence in areas indicated by the Zoning Administrator during the 2022 inspection. Additional fencing may be required as deemed necessary by the Washington County Zoning Administrator.

12. Noise/Vibration. Washington County Public Works agrees to maintain and operate all equipment in such a manner as to be in accordance with Federal, State, and County noise and vibration standards.

13. Control of Operations. The conditions of this permit shall apply to the land described and shall not in any way, except herein noted, be affected by any subsequent sale, lease, or other change from the current ownership. Washington County must be notified of any change in ownership. Levels of operation or increase in the traffic over what is proposed in the application will not be permitted without the express approval of the Washington County Planning Advisory Commission.

14. Stockpiling. As overburden is removed, all topsoil must be stockpiled. All topsoil material must remain at the site and be seeded with temporary cover until the time it is reused.

15. Other Permits. All permits required by the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, and May Township must be obtained and updated as necessary.

16. Drainage and Erosion Control. All run-off during the mining process must be kept onsite. To prevent sedimentation to the pond in the southwest corner of the property, a ridge between the pit and dike must be maintained until the majority of the restoration is completed. In addition, a berm or drainage block shall be constructed between the mining area and pond on the east side of the property. No mining shall occur within 200 feet of any pond.

17. Inspections. Washington County Department of Public Works staff, May Township officials, and consultants have the right to go on the property to inspect the mining operation after providing reasonable notice to the operator.

18. Bond. Washington County Public Works shall furnish a copy of the surety bond, cash deposit, or other security with May Township, if required, in the amount of \$53,000. This bond is for the restoration of the site.

19. Insurance. The operator shall carry public liability insurance for bodily injury and property damage in the amount of \$1,000,000.00.

20. Annual Report Required. An annual report must be submitted by February 1st following each Washington County outlining activities and amount of materials removed during the year and planned for the next year, an area in which mining took place, restoration performed, area to be mined within the next year, evidence that required bond and insurance is valid, depth of excavation, and that the gravel tax has been paid, together with the required fee.

21. This permit shall be binding on the parties, their successors, and assigns and shall run with the land.
22. The crushing equipment must be located at the bottom of the pit and meet all required setbacks.
23. No hazardous chemicals are allowed to be stored on the property other than fuel storage as outlined above, and motor oil, grease, and other normal maintenance materials shall be stored in accordance with Minnesota Pollution Control Agency Standards.
24. The recycling of products (crushing blacktop and concrete) is not allowed.
25. The mine is allowed to have crushing/screening/processing equipment for a maximum of twelve (12) weeks per year.

Agenda Item – 3 Holcim, Grey Cloud Island Township Five-Year Conditional Use Permit

Daniel Elder, Planner with Washington County Public Works, gave a summary of the staff report for the application for the Five-Year Mining Conditional Use Permit for property owned by Holcim MWR, Inc located in Grey Cloud Township.

The mine operates pursuant to the Conditional Use Permit #0011-15017, issued on November 24, 2015, and is allowed to continue operating as long as the conditions agreed to in the permit are met. The mine was scheduled for review of the conditional use permit in 2021; however, on January 15, 2021, Grey Cloud Island Township requested additional time to work with Holcim Mine on several issues. The letter is included in the attachments, and also included is Washington County's response. Due to the length of time between review periods, a question for the Planning Commission regards the renewal schedule. If the mine had been reviewed in 2021, it would be up for review in 2025. If the mine were renewed at the meeting, it would not be reviewed again until 2027. Therefore, the Planning Commission should decide if the mine should be placed back on the regular review schedule (review in 2025) or on a new five-year schedule (review in 2027).

Since the last review, the mine has acquired the Grey Cloud Township Town Hall, allowing them to expand eastward, which they plan to mine from 2021-2023. After acquiring the Town Hall, the mine constructed a berm located behind the Town Hall. The Berm is 25 feet tall, seeded, and planted with Colorado Blue Spruce trees. The mine will then focus on mining in the north and has an agreement with the homeowner to move the private driveway access. This will occur between 2023-2025, after which the mine will switch to the southern portion of the quarry around 2025. This is shown in the operations plan.

The plans indicate that the applicant plans on continuing operations largely as they have been since 2015. They will continue blasting as that is necessary for mining limestone. The mine anticipates removing 600,000 tons of material annually, depending on market conditions. Most of the material is removed from the site by barge. Operational methods are more thoroughly described in the enclosed conditional use permit application.

Adjacent Land Use

The subject property is within the Shoreland Overlay District and the Mississippi River Critical Area Corridor. New mining operations would not be allowed in this district; however, existing facilities can continue and expand within the confines of the property they own, subject to the Mining Ordinance. The land use surrounding this mining

facility is mainly large lot rural residential. The company has mining easements agreements with several properties next to the mine. The properties to the south where the mine is proposed to mine are located more than 400 feet from the proposed active mining area.

Excavation / Process

The conditional use permit application details the mining process on this property. The primary concerns with this mining operation are related to groundwater, impact on the wells in the area, water quality, erosion, sedimentation, and the removal ultimately over time of woods. These issues were reviewed and addressed via past Environmental Assessment Worksheets (EAW) and found manageable via the permitting process. The mine has in the past proposed to expand to the east across County Road 75 and has attached the EAW from 2005 in the application package. It is important to note that the area across from County Road 75 has not been approved for mining by the Township. Additionally, the County has indicated to Holcim that the 2005 EAW for the parcel across County Road 75 would need to be updated because of the time that has elapsed since it was completed. Therefore, the expansion across County Road 75 must go through an EAW. Holcim has begun the process for an EAW to study the expansion across County Road 75. This is in the beginning phases, and even with a negative declaration of need for an Environmental Impact Statement (EIS), the mine will need zoning approval from the Township.

Operational Standards

Setbacks

All required setbacks in the Washington County Mining Ordinance will be met as proposed. The 100-foot setback from the road right-of-way and the 50-foot property line requirement will be met. The Township requires that the mine maintain a 500-foot setback from adjoining property lines, existing occupied structures, 500 feet from any contiguous property subdivided into residential lots, and 500 feet of any road right-of-way of any existing or platted street. The mine has agreed to a 500-foot setback from the river. We do not have a required setback from the river since we were not anticipating mining close to the river. The 500-foot setback proposed by the applicant is a reasonable setback from the river.

Fencing

Where deemed necessary by the Planning Advisory Commission to protect the general public, a fence shall be constructed before the commencement of operations. The subject property, for the most part, is not fenced at this time. The applicant has indicated that trespassing has not been a problem. The north end of the property is fully wooded. Roadway accesses are gated and locked. In 2005, the Planning Advisory Commission determined that fencing was not necessary in this case. It was felt that the township could address this issue during its annual review if problems occurred.

Screening

The quarry is screened by woods and a newly constructed berm along County Road 75 behind the Township Hall. Additionally, there is a berm on the quarry's southeast end, and the 500-foot river setback provides screening of the operation from the river. Lastly, the processing plant is located close to the river, out of view from neighboring property owners. Therefore, the staff does not believe additional screening is necessary.

Hours of Operation

County Ordinance limits hours of operation from 7:00 a.m. to 7:00 p.m. Monday through Friday unless the Township authorizes other hours and days. Holcim currently operates the processing plant from 6:00 a.m. to 10:00 p.m. Monday through Friday. The wash plant is operated from 4:00 a.m. to 11:59 p.m., Monday through Friday. Back sections of the plant are operable from 7:00 a.m. to 5:00 p.m. on Saturdays. Hauling is from 7:30 a.m. to 4:00 p.m. Extraction from 6:00 a.m. to 10:00 p.m. weekdays and from 7:00 a.m. to 5:00 p.m. Saturday. Blasting occurs at approximately 2:00 p.m. several days a month. The Township has approved these hours of operation. We have not had any complaints from area residents regarding hours of operation.

Dust Control

County Ordinance requires that the owner operate all equipment in a manner to minimize on-site and off-site dust. The operation will produce dust through vehicle movement, processing operations, stockpiles, and blasting. The mine utilizes a conveyor system and the use of barges to mitigate dust issues on the property. In addition, the operator sprays the haul roads and quarry floor with water and/or magnesium chloride to control dust. The dust has not been a significant issue with the existing operations. A more detailed discussion of dust is included in the submitted applicant package.

Noise & Blasting

Noise will be generated at this site by stripping operation, blasting, crushing, and loading equipment. The company has made several operational changes to reduce the amount of noise generated. The applicant has provided a blasting summary for 2022 written by Vibra-Tech, an independent consultant. In 2022 the company conducted 31 blasts between April 14, 2022, and November 3, 2022. The recorded seismic information shows blasting within the United States Bureau of Mines set limits. The blasting summary in the packet provides an in-depth description of the blasting operation and the locations at which the blasts are measured. In the past, there have been some complaints about vibrations. However, we have not received any complaints recently, but we will continue to monitor blasting levels to ensure compliance. In addition, the mine maintains a text list to notify Township and County Officials and various residents of the exact timing of the blast. The messages are sent on the day of the blast, once in the early morning and then again five minutes before the blast.

Access Route/Traffic

The mine has access to County Road 75, the designated route, and proceeds north toward St Paul Park and US Highway 61. Truck traffic accounts for 10-20% of the annual volume of material transported. The remaining 80-90% is transported by barge to the companies' sites in St Paul. The daily truck traffic is quite variable. Some days there may be no trucking at all. A typical week would range between 100 and 200 trips, with an average daily count of 30 trips. All truck traffic uses Grey Cloud Island Drive. Truck traffic is projected to be about the same for this five-year period.

Drainage (Water Quality/Ground Water Protection)

The permit application addresses run-off, water quality, and groundwater protection. These issues were closely examined during the Environmental Assessment review. The company has appropriate permits for discharging water into the Mississippi River and pumping and utilizing groundwater for their sand and gravel washing. Testing of water discharge into the river is done regularly. Monitoring of groundwater elevations is also routinely completed. The Washington Conservation District and the South Washington Watershed District have reviewed the project in the past and have not identified any drainage or water quality issues.

Fuel Storage

Fuel storage tanks currently exist on the property. The company has the required permits for these tanks and a secondary containment system.

Reclamation

Included in the application package is a reclamation plan for the property. The long-term, as shown in the reclamation plan, is a large lake surrounded by a park with trails, overlooks, and various other park amenities. The plan, as shown, tentatively meets the reclamation requirements outlined in the mining ordinance. Staff is working with the mine and the Washington Conservation District to finalize the plan. Staff will provide an updated packet if needed. The Township has expressed concern over who will be the park's owner, if the park will be donated or sold, and who will ultimately control the park. This is a question for the mine owners on how they will proceed with the mine after it has exhausted its resources.

They are responsible for leaving the site in a safe, nonpolluting condition that has future land use. The County has given up most of its land use zoning powers, and ultimately the Township needs to decide on the end use of the mine by zoning the land accordingly and indicating to the mine what they would like to see as a result of the reclamation. If the end goal of the mine is a park, County staff will help ensure the reclamation plans meet the requirements for that end use. If the Township decides on rural residential lots, the reclamation plan will also be reviewed to ensure it meets the requirements. The discussion on control of the park is more in-depth, and the County is open to sitting down with the Township and the mine to discuss the matter, and staff will continue to engage Township staff on the issue. The estimated cost of reclamation is \$341,256. Staff and the Washington Conservation District have reviewed the plan and found the estimated cost acceptable.

Washington Conservation District Review

Representatives of the Washington Conservation District have reviewed the permit renewal application and plans. The County, WCD, and the mine are working to finalize the reclamation plan this week. Staff will be sending out an updated reclamation plan if needed. The proposed reclamation amount and plans have been deemed acceptable, except for some remaining questions. Their comments are attached and will be addressed by the applicant during the public hearing of the Planning Advisory Commission.

Township Review

Grey Cloud Island Township Planning Commission on February 6, 2023, took action to recommend the Town Board approve the 2023 Administrative permit. The Town Board, on February 8, 2023, reviewed the application and approved the mine for its 2023 permit, which is in the exhibits. On March 7, 2023, the Town Board sent a letter to County staff with comments regarding the permit submitted to the County.

The Township wanted the Planning Commission to be aware of the following points with staff comments in red:

- In 2022, the Township denied three (3) separate variance requests for the expansion of the mining extraction area north of the existing extraction boundary. Holcim's variance requests were from the required 500-foot setback from adjacent residential property lines, adjacent residential properties, and the CR-75 right-of-way. Denial of the variances was based on lack of evidence that a practical difficulty

existed other than financial justification. The Township requests that the County verify and confirm that any approved 2021 – 2025 operations is consistent with the variance denials and comply with the Township’s Ordinance governing setbacks.

- The County had the applicant remove the references and plans showing work on the eastern side of County Road 75. The plans comply with the Township’s 500-foot setback.
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- Through the 2023 Administrative Permit process, the Township has determined that all mining north of the current administrative permit northern boundaries represent an expansion of the mining footprint and therefore must comply with, and adhere to, Section V. Mining Regulations which requires a 500-foot setback from residential property, residential property lines and road right-of-way. This expansion is depicted in the 21-25 CUP documentation before you and it is represented in the 21-25 Operations Plan as “Mining 2024-2025.” The Township believes that the applicable setback of 500 feet is being honored by these drawings and simply would like to emphasize this understanding for alignment with your CUP permitting process.
 - The County agrees that the 500-foot setback is met on the drawings and acknowledges the setbacks.
- The Township understands that Washington County issued a Request for Proposal to complete an Environmental Assessment Worksheet (EAW) for the expansion of the Larson Quarry. It is believed that the expansion is likely associated with the land owned by Holcim lying east of CR-75 and adjacent to the existing quarry. The Township respectfully requests that when the EAW is ready for publication, that the Township be notified directly of the official 30-day comment period so that an appropriate response and review can be completed.
 - Holcim has engaged with the County and has begun an EAW studying the expansion of the mine across CR 75. Once the plan is ready for publication, staff will notify the Township.
- The Township requests that a condition be included within the CUP that any additional planning processes, or studies, including updated environmental review initiated be provided to the Township for reference. If a Concept Plan has been prepared for the EAW, the Township respectfully requests a copy so that it can determine its potential impact on the Township’s land.
 - Staff has added this as a condition of the permit. The Planning Advisory Commission should indicate if they wish it to remain. The EAW is in the beginning phases, and there is no concept plan.
- The Township acknowledges that the Washington County ordinance requires the CUP to include potential reclamation plans. The Township would like to highlight that the submitted reclamation plans do not seem aligned with existing extraction boundaries and request that they are not approved as submitted via this CUP process. Please note that the Township has not approved any future land use plans or reclamation plans and is interested in participating collaboratively with the County and Holcim in this planning effort,

including notions that would allow for ongoing reclamation measures that restore the character and values of our community.

- At the Township's request, as mentioned above, the County instructed Holcim to remove all mentions and plans of the proposed expansion across County Road 75. The County can sit down with Holcim and the Township to discuss the future of the mine.
- The Township requests that a condition be included within the CUP that any changes to the CUP that may impact the Administrative Permit must be submitted and provided to the Township for reference and consideration.
 - Staff has added this as a condition of the permit. The Planning Advisory Commission should indicate if they wish it to remain.

On May 11, 2023, the Township asked if the meeting could be located closer to the Township and if the time could be moved to a time after daytime work hours. Staff indicated that the County could change the time, place, and purpose of the public hearing due to public hearing notice laws. However, staff indicated that we could delay the action on the CUP until the June meeting if the Planning Commission wished. Therefore, the Planning Commission can open the public hearing and then table action on the decision if they want to till the June 27th meeting or decide on the application tonight.

Review Standard

The Planning Advisory Commission may grant a Conditional Use Permit upon showing that the standards and criteria in the Development Code are satisfied and that the use is in harmony with the general purpose and intent of the Development Code and Comprehensive Plan. In making this determination, the following should be considered:

- A. The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.
- B. Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
- C. The effect of the proposed use on utility and school capacities.
- D. The effect of the proposed use on property values and scenic views in the surrounding area.
- E. The effect of the proposed use on the Comprehensive Plan.
- F. The ability of the proposed use to meet the standards of the Development Code.
- G. The effects of the proposed use on groundwater, surface water and air quality.

- H. That the proposed use is allowed with a Conditional Use Permit in the designated coning district in which it is proposed.

Conclusion

As proposed, this mining operation complies with all provisions of the mining ordinance. There is a need for sand and gravel in the metropolitan area. This location is unique in that most material is transported by barge, thus minimizing many of the complaints normally associated with mining operations. Staff does not see any threat to the public health safety or welfare and concludes that the request is in harmony with the purpose and intent of the ordinance. The Commission can either approve the permit tonight or open the public hearing and table the decision until next month if they wish. If the Planning Commission wishes to table the action, staff will send an extension letter to the mine indicating that we will be utilizing the full 120-day timeline for a decision. The 60-day review deadline is June 12, 2023, and the 120-day deadline is August 11, 2023. Staff recommends approval of this request subject to the following conditions.

Conditions

1. This permit allows for the mining and processing of material in accordance with the application dated November 21, 2022. No buildings or structures are allowed to be constructed on this property except in accordance with the approved plan.
2. All applicable provisions of the Washington County Mining Ordinance and Grey Cloud Island Township Ordinances and any future revisions to these ordinances must be complied with.
3. Any changes to this CUP that may impact the Grey Cloud Island Township Administrative Permit must be submitted and provided to the Township for reference and consideration.
4. Any additional future planning processes, or studies, including updated environmental review initiated be provided to the Township for reference.
5. Hours of Operation. The hours of operations are established in Township Ordinance 49.2 Section V.A. 3 as follows:
 - a. Excavation, crushing, screening, washing and stockpiling may be conducted only on weekdays between the hours of 7:00 a.m. and 7:00 p.m. Blasting will only be conducted weekdays between the hours of 8:00 a.m. and 4:00 p.m. "Weekdays" for the purposes of this Ordinance shall mean Monday through Friday.
 - b. Loading of and hauling to barges, maintenance and repair of plant and equipment and drilling of blast holes may be conducted between the hours of 12:01 a.m. and 12:00 midnight.
 - c. Loading of trucks for delivery may be conducted only between the hours of 7:30 a.m. and 4:00 p.m., weekdays. No truck loading is permitted on Saturdays, Sundays or on the following holidays, New Year's Day, Memorial Day (observed), Independence Day, Labor Day, Thanksgiving Day and

Christmas Day.

- d. Hauling by truck of excavation materials on public roads within the Township may be conducted only between the hours of 8:00 a.m. and 4:30 p.m., weekdays. No truck hauling is permitted on Saturdays, Sundays or on the following holidays: New Year's Day, Memorial Day (observed), Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
 - e. The foregoing hours of operation and hauling may be modified by the Town Board in case of public emergency or upon the request of the operator when the seasonal nature of the work or unusual circumstance require longer working hours. An occasional modification may be granted by the Town Board Chair.
6. Any modification of the hours of operation above requires written notification given to Washington County in regard to hours of operation permitted.
 7. Dust and Dirt. The operator shall construct, maintain and operate all equipment in such a manner as to minimize dust conditions. All operations shall meet the applicable requirements of the Pollution Control Agency. Dust control material shall be applied as necessary to travel routes and other areas subject to disturbance within this property.
 8. Appearance. Equipment shall be maintained in a safe condition in accordance with accepted industrial practices. Weeds shall be controlled.
 9. Fuel Storage. All fuel storage tanks must be located within a secondary containment system. The operator must have a plan for containment and prevention of spills. All permits required by other regulating entities for fuel storage tanks will be acquired and maintained. A copy of the permit will be given to Washington County.
 10. Screening. The owner shall maintain screening as described in the conditional use permit application of the facility from the road, river, and adjoining properties. No additional screening is required at this time.
 11. Depth of Excavation. The depth of excavation is hereby limited to an elevation of 630 feet as indicated in the conditional use permit application.
 12. Noise/Vibration. Holcim MWR, Inc agrees to maintain and operate all equipment in such a manner so as noise and vibrations are in accordance with Federal, State and County standards. Noise tests shall be conducted if deemed necessary by the Washington County Zoning Administrator with the cost borne by Holcim MWR, Inc. If noise levels exceed the applicable standards, Holcim MWR, Inc shall take corrective action immediately. Blasts shall continue to be monitored with seismographs as indicated in the 2022 Blasting Summary. Vibration levels must meet all State and Federal regulations.
 13. Final Restoration. Restoration must take place in general accordance with the plan submitted as part of this permit. All topsoil is to remain at the site. Permanent vegetation must be established as per the

Washington County District recommendations. Future use of the property must be in accordance with zoning requirements in force at that time.

14. Control of Operations. The conditions of this permit shall apply to the land described and shall not in anyway, except herein noted, be affected by any subsequent sale, lease or other change from the current ownership. Washington County must be notified of any change in ownership.
15. Areas to be Mined. Mining shall occur as shown and described in the permit application. This permit is for five years and all mining in the five-year period must take place in the area shown on the submitted application. No mining shall occur closer than 500 feet of the Mississippi River and 100 feet from the road right-of-way. The clearing and stripping of land shall be staged and limited to those areas that are to be mined two to three years following the clearing.
16. Stockpiling. As overburden is removed, all topsoil must be stockpiled. All stockpiled material must remain at the site and be seeded with a temporary cover until the time it is reused.
17. Other Permits. All permits required by the Minnesota Department of Natural Resources, Pollution Control Agency, Washington County, and Grey Cloud Island Township must be obtained and updated as necessary.
18. Drainage. All drainage during the mining process must be contained on-site.
19. Monitoring Wells. The five monitoring wells to analyze impact of groundwater levels shall remain in place and reading collected once every two months. This data shall be submitted to Washington County as part of the annual report.
20. Neighborhood Impact Mitigation. In order to keep operations as compatible as possible with neighbors, the operator shall continue to implement the neighborhood Impact Mitigation Plan as outlined in the Conditional Use Permit application.
21. Inspections. Washington County Department of Public Works staff and consultants have the right to go on the property to inspect the mining operation after providing reasonable notice to the operator.
22. This permit shall be binding on the parties, their successors and assigns, and shall run with the land.
23. Bond. Holcim MWR, Inc shall furnish a surety bond in the amount of \$341,256.00 to run continuously until all mining operations and final restorations are completed, and thereafter for an additional period of eighteen (18) months to assure compliance with all the terms and conditions of this permit. Such bond shall be made by an insurance company or other financial institution acceptable to the County and shall be in a form to be approved by its attorney. Said bond shall be in such terms as may be required to assure full, prompt and faithful performance by Holcim MWR, Inc of all its closure obligations under this conditional use permit and the payment of losses, damage and expense incurred or conditional use permit and payment of losses, damage and expense incurred or suffered, including attorney fees, as a result of failure, refusal or inability of Holcim MWR, Inc to perform its closure obligations or to recover under said bond. The bond shall provide that no waiver, or delay neglect of enforcement of any obligation of Holcim MWR, Inc shall affect the right of the County or others benefiting thereunder to recover under said bond, and that no claim or demand for payment on the bond shall be made unless written notice of default and

reasonable opportunity (not less than 30 days) to cure said alleged default shall first have been given to the permittee. This permit shall not be effective until the bond is in force and effect.

24. Insurance. Operator shall carry bodily injury and property damage public liability insurance in the amount of \$1,500,000.00 naming Washington County and Grey Cloud Island Township as additional insured.
25. Annual Report Required. An annual report must be submitted to Grey Cloud Island Township and Washington County outlining activities and amounts of materials removed during the year and planned for the next year and a blasting report shall be provided showing the seismology data for all blasts conducted for the year. Evidence of insurance, payment of gravel taxes and performance bond for restoration shall be included.
26. Term. This permit shall be reviewed by the Grey Cloud Island Town Board on an annual basis. This permit must be applied for and renewed by Washington County every five (5) years. This permit in no way guarantees or implies that this permit will be renewed at the time of expiration and application for renewal is submitted. This permit expires, on December 31, 2027.
27. Revocation. Violation of any conditions of this permit may result in revocation of said permit in accordance with the Washington County Mining Ordinance. The operator shall be given written notice of any violation before revocation shall occur.

Board Questions

Mr. Melander asked if there is exposure in regard to the fencing? Mr. Elder explained that a berm is in place as well as trees and signs are posted around the mine. Mr. Bauer asked if the 500-foot set back is typical? Mr. Elder answered that this set back meets the county codes and is considered adequate.

Patti Bestler and Tom Schmidt, Representatives of Holcim 2815 Dodd Rd, Suite 101, Eagan, MN 55121,

Ms. Bestler indicated that M. Elder did a good job presenting their plan. She stated that they have a long-standing relationship with the County and have been operating since the 1950's. It is much more efficient to transport material by barge than truck traffic. Very little material is transported by truck unless it would be for a local project. The reclamation plan will be completed once mining operations are complete and they will work closely with the County and Township on this. She also stated they are operating under all necessary operating permits.

Ms. Bestler asked that the Board consider extending the permit to December 2027 and further explained that they were asked by the County to pull back their permit application to work things out with the Township prior to applying for the Five-Year renewal and then experienced further delays due to Covid and were allowed to continue to operate under the 2015 permit.

Board Questions

Mr. Rheinberger asked what the comments on fencing. Ms. Bestler replied stating they have safety berms in place as well as trees between County Roads as a detour ant. Mr. Bauer asked what a safety berm is. Ms. Bestler explained they are berms surrounding the mine.

PUBLIC HEARING

Chair Doneux opened the public hearing at 4:35

Dick Polta, Grey Cloud Island Township Supervisor, 9600 Geneva Ave. S., St. Paul Park, MN 55071

Spoke on behalf of the Township stating he wanted the permit to only extend to December 2025 due to the uncertainty of the reclamation plan. This has been an ongoing issue and the reclamation plan shows a future park but not who will be the owner of the park. The adjacent land is feeling the blasting. He also has questions regarding an environmental impact study if the mine is expanded. He also mentioned he has seen four reclamation plans in the year and a new one today.

Board questions brought to Mr. Polta from Mr. Melander asked if there is notification to the residents from the mine. Mr. Polta said that notification is great and in place.

Chair Doneux asked how the property is zoned. Mr. Polta answered that the property is zoned residential.

Ted Ries, 9200 Grey Cloud Island Dr. S, St Paul Park, MN 55071

Spoke on fencing stating that trespassing is definitely an issue. He says he sees people daily trespassing on the property of the mine near his home as they park on Road on the North end of the mine. People walk pets and have even camped. He is concerned about the sheer walls and someone falling to their death because of the lack of fencing. He also said that fencing will be a huge expense to someone someday as the fence would need to be installed over hard bedrock and miles long.

Dick Polta, Grey Cloud Island Township Supervisor, 9600 Geneva Ave. S., St. Paul Park, MN 55071

Again, spoke on the 100 foot drops all the way around the mine and suggested that a tour be done to see these drops. He stated that he has been told by a council member that the mine looks much different on paper than in person! Therefore, he is concerned about the reclamation plan.

Patti Bestler, Representatives of Holcim 2815 Dodd Rd, Suite 101, Eagan, MN 55121,

Spoke once again regarding the reclamation plan submitted the day before the meeting was not a new plan it was a request of information by the County. This reclamation plan does meet the ordinance requirements of the County and the township does not have an ordinance on this. She also stated there is fencing on the South as well as signs and safety berms. All blasting standards are being met.

Tom Schmidt, Representatives of Holcim 2815 Dodd Rd, Suite 101, Eagan, MN 55121,

Asked that the permit be pushed out for five years as they are doing business as usual with no major changes.

Mr. Melander asked a question of Mr. Schmidt as to the life expectancy of this asset?

Mr. Schmidt answered that there are five to ten years give or take.

Ms. Bestler added that the mine is visited on an annual basis by the County Staff and are always available for questions.

Mr. Bauer questioned the five to ten years remaining and it's a large area and I understand you said your meeting

The reclamation requirements, I don't imagine these plans come together quickly, but as an organization I would think you would be doing more than the minimum.

We are working through different options and as we are working on the downshift. Mr. Schmidt added that when the pumps are turned off the mine fills with water where the lake comes from on the reclamation plan.

Ms. Zanko asked for clarification on the EIS (environmental Impact statement) mentioned. It was further clarified that it was not required on the mine to the West of the County Road but could be if the mine expanded to the East.

Chair Doneux closed the Public Hearing at 4:55.

BOARD QUESTIONS/ BOARD DISCUSSION

Mr. Rheinberger commented it is his opinion he would like to renew for five years.

Mr. Melander respectively disagreed with Mr. Rheinberger as he has uncertainty regarding the life of the mine and the reclamation plan and feels it should be looked at in two years.

Mr. Bauer commented on the Conservation districts comments that the reclamation plan not being sufficient given the size and bond amount being low. Mr. Bauer agreed it should only be 2 years. Mr. Rheinberger brought to the attention that there are shortages for the products in the Metro area and a five-year timeline makes sense. Ms. Zanko said she agrees with the shorter review period as she feels there are still questions giving them time to address some issues. Safety being one of them.

Mr. Rheinberger moved to approve a five-year permit. Nobody seconded the motion.

Chair Doneux said from a procedural view they have had eight years of mining under the last five-year permit for good reason but feel we should get back on track with the required five-year cycle. He agreed with safety concerns be reviewed in two years as well as the reclamation plan.

Mr. Bauer agreed on the two-year extension of the permit.

Mr. Rheinberger made a motion to approve the Conditional Use Permit with conditions provided with the exception on condition #26 be changed to the term length be December 2025 and fencing recommendations are subject to staff recommendations. Mr. Bauer seconded the motion.

Included in the packet and identified by Chair Doneux were the following exhibits:

Larson Mine Conditional Use Permit (CUP)

- Exhibit A is the staff report with draft CUP conditions from Daniel Elder, dated 05/16/2023.
- Exhibit B is the application packet, received 11/28/2022.
- Exhibit C is the location map prepared by Washington County Survey Division.

- Exhibit D is the 2022 11 x 17 aerial map prepared by the Washington County Survey Division.
- Exhibit E is the 2022 11 x 17 aerial contour map prepared by the Washington County Survey Division.
- Exhibit F is the Larson Quarry Reclamation Plan (West of County Road 75)
- Exhibit G is the Correspondence with the Township and The Washington Conservation District.

Chair Doneux Called the Question. All were in favor. Motion carried 5-0.

Chair Doneaux made a motion to approve the September 28, 2021, Draft Meeting Minutes, Ms. Zanko seconded the motion. Chair Doneaux Called the Question. All were in favor. Motion Carried 5-0.

ADJOURNMENT

Chair Doneaux made a motion to adjourn at 6:10 p.m., Ms. Zanko seconded the motion. Chair Doneaux Called the Question. All in favor. Motion to adjourn Carried 5-0.

Meeting adjourned at 6:10 pm

Respectfully submitted,

Sara Favreau

Public Works Department, Recording Secretary

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