

# August 28, 2018 Public Hearing Minutes

Royalton Township Planning Commission Public Hearing Minutes

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28 August 2018

Approved

At 6:00 p.m., Tuesday, 28 August 2018, Zoning Administrator John Kemen called a duly-announced public hearing to order. Public announcement of this hearing had been published in the Pine City Pioneer of 16 August 2018, posted on the township bulletin board, and by letters addressed to all property owners within one mile of the subject of the hearing (per list prepared by the County Assessor's office). Members present: Leslie Orvis, Jeff Schlaeger, Priscilla Schneider, Duane Swanson, and Gary Valvoda. Deputy Clerk Roberta Folkestad, Supervisor Marshall Pearson, and Road Superintendent Dan Saumer were in attendance. Supervisor Wayne Olson was present via SKYPE. Approximately 25 public members were in attendance.

Zoning Administrator Kemen stated that the subject of this hearing was to receive testimony on an application by Wayde Lerbs for an interim use permit for "mining sand and gravel from farm fields and return to grade utilizing clean fill and original top soil" on PID #29.0002.000 in Royalton Township. The interim permit would be in effect for a period of seven years or until the current owner of the land sells the land, whichever is earlier. Administrator Kemen noted that the Planning Commission had met several times with Mr. Lerbs in order to ensure that the applicant was aware of, and would be in compliance with, the requirements prescribed by the township zoning ordinances. The applicant also must comply with relevant federal, state, and local rules and regulations regarding wetlands management and mitigation. He then called for comments and questions from the audience.

Numerous questions were asked by audience members relating to the access and transportation of the sand/gravel, dust control, the slope and status of the return of the land to natural conditions, and the powers of the state to step in and claim the sand/gravel should it be needed. Discussion also included questions about how other open pits in the township had been handled in the past. No one addressed the board with a formal presentation. Tom Madison and Doug Anderson submitted intents to speak in opposition to the application but limited their statements to questions from the audience. At 6:30 p.m., Clerk Swanson noted that three written submissions had been received by the township: an e-mail from Elisa Mill with a series of procedural questions, a letter from Brian and Debra Bombard expressing concerns over the granting of this permit, and a letter from the Land Rights Department of Great River Energy noting its requirements for mining and excavations within its right-of-way and near its

transmission line. After asking for other comments or questions and receiving none, Administrator Kemen declared the public testimony part of this hearing to be closed at 6:45 p.m.

Member Orvis summarized the discussion noting the following issues that needed additional study by the planning commission:

1. How many yards are available?
2. What is the level of return if someone else takes over the land?
3. Will the state take over the pit?
4. What is the definition of clean fill?
5. How will dust control be defined and enforced?
6. Will the roads accommodate the truck traffic?
7. Will road repair be assessed to adjacent land owners?
8. Why does the township pay for road repair?
9. Will the reclaimed "hole" be completely filled to original height?
10. Will reclamation occur as mining proceeds or wait until the end of the application period?
11. Is the only exit from Frost Drive?
12. Will mining occur seven days a week (the ordinance does not restrict days of operation)? Dick Doenz, as the likely contractor of the mining, noted that he had no plans for running a seven-day-per-week operation or for permitting regular commercial operation by others.
13. Are there any studies on values of adjacent properties due to mining?
14. If problems are perceived, who is to be called?
15. Will mining be done only on acreage above the wetlands?

The commission established a working meeting for 6:30 p.m. on 18 September 2018 at the town hall to continue discussion on the above topics and to work on its required findings of fact.

At 6:50 p.m., Administrator Kemen adjourned the public hearing.

Respectfully submitted,

Duane P. Swanson, Clerk

Leslie Orvis, Chair/Member

Jeff Schlaeger, Member

Priscilla Schneider, Member

Gary Valvoda, Member

Attest: John Kemen