The Lake County Planning Commission sat in session at 1:00 p.m. on this date and conducted an accelerated hearing.

**Members Present:** Chair Joe Skala, Vice Chair John Bathke, Mabel Tarlton, James Weinzierl, Commissioner Rich Sve, and Jim Linscheid

**Members Absent:** Nancy Mancini, Blaine Fenstad,

**Zoning Staff Present:** Christine McCarthy (Environmental Services Director), Neva Widner (Environmental Services Specialist), Luke Champa (Planning & Zoning Technician).

Joe Skala called the meeting to order at 1:00 P.M.

The only hearing, C-17-007, was a conditional use application, filed by Dan Spina which if approved, would allow for the operation of a bituminous plant on property described as SW 1/4 of SW 1/4 Less W 250ft in Section 27, Township 60, Range 9, total of 32.50 acres, zoned R-R/Residential-Recreational District, one-acre minimum, Stony River Township.

Joe Skala introduced the application. Christine McCarthy summarized the staff report along with one comment of concern from a neighboring property to Spina. Dan Spina represented his application. He said he has had a conditional use permit for a gravel pit since 2000 when the state was repaving Highway 1. He has been in operation since with crushing and screening.

Jim Linscheid asked if any bituminous operations had occurred after year 2000. Spina said there was one instance of bituminous operations, however they were stopped when he realized his gravel pit permit did not cover bituminous activity. Rich Sve then brought up the fact that there is a current waste violation on the property. Spina said the waste is from an old home that collapsed and he wanted to move it out of view so now it is there. He stated that he will remove the waste from the site.

Sve then asked about Knife River Materials permits and if there were copies of those included in the application. McCarthy explained that the permits were not site specific. The air permit is general, which she feels comfortable with. She raised concern over the SWPP and the SPPC Plans as they weren’t site specific, and she wanted reassurance that preventative measures will be taken to protect the wetlands on the property. Spina said that he will be leaving a berm on the property to buffer the bituminous activity from the wetlands.

Sve asked where the plant will be located on the site and in relation to the gravel pit. Spina said it is basically in the center of the pit. Sve said to keep the plant out of sight from neighbors and then asked why there were cleared trails leaving out of the pit. Spina said the trails are roads from a Forest Service timber sale and they asked for an access road through his property.

Sve asked if the operation would be temporary. Spina said yes, this summer and next summer there will be bituminous, crushing, and screening operations. Then Spina said he would be closing and reclaiming the pit. Steff Basgaard, of Knife River Materials asked to speak and clarified the location of the plant as in the SW portion of property and that the generator would be centrally located facing north. Sve then asked what the hours of operation would be. Basgaard said their application is for 6am-10pm and that the state typically requires a 24 hour operation permit. Basgaard added the bituminous job would take 5 days total, and potentially 2-3 weeks for crushing and screening. He shared that noise would be kept to a minimum especially later into the evening.

McCarthy asked if there would be spill kits on site. Basgaard said that part is federally regulated, the diesel is self-contained, the pit itself acts as secondary containment and that they would use berming to keep spills from spreading. He also said there would be another berm around the asphalt plant and that asphalt cannot permeate the ground and diesel fuel does not permeate very far. He also said that hydraulic oil does not permeate. McCarthy then said that she was concerned about spills and cleaning them up appropriately. Basgaard said the length to clean up spill
appropriately varies depending on clean-up crews location but Knife River could contain the spill until then.

Linscheid was curious about crushing on the site. Spina said that there are currently two small piles of crushed stone on site from previous jobs. Basgaard reiterated that crushing doesn’t happen unless someone is buying it and expects the crushing process to take between 10-15 days with a 6:00am – 10:00pm operating permit. Linscheid then said he feels sympathetic toward the neighbor which raised Tarlton’s question of how long have the neighbors been living there. Spina recalled the property being sold sometime after the property had already been permitted for a gravel pit.

Linscheid then directed a question toward McCarthy and asked if we would be here today if this was not a grandfathered pit, in which she responded, no. Sve brought up the neighbor’s letter and how it raised concerns for depreciating land value next door. He then said that they had addressed the short-term use of the gravel pit.

Bathke asked about if there would be Highway Department oversight. John Schlangen of the Hwy Dept. spoke about being the chief inspector for this project and making daily site visits to the plant to make sure that things are operating safely and to hold them accountable. Basgaard then spoke regarding the neighbor’s letter which had raised concern also about the smell. He said that the smell is a strong oil and rubber smell which can be irritating at first however there are no health implications and there is nothing they can do about it. He said the impact by smell at the site will be quite minimal.

Motion by Bathke supported by Linscheid to approve the conditional use permit with the following findings and conditions:

**Findings:**
1. Highway Department to make regular inspections when operation starts.

**Conditions:**
1. The waste being stored on site needs to be removed prior to operation.
2. Wetland berm to be completed before operation.

Motion passed by unanimous vote. *(PCR-17-019)*.

Motion by Sve supported by Bathke to adjourn the meeting. Motion passed by unanimous vote.

Respectfully Submitted,
Christine McCarthy
Environmental Services Director