

**Wright County NWQ Aggregate Resources Committee Meeting #7**  
**September 11, 2008**

**Committee Members:** Brad Arntson, Tim Ferrell, Ken Scadden, Tommy Thompson, Phyllis Latour, Joe Holthaus  
**Staff:** Stacy Marquardt, Scott Deckert, Tom Salkowski  
**Audience:** Ralph Douglas, Dick Anderson

Salkowski opened the meeting asking for review and discussion of what it means to be inside versus outside the aggregate resources area (handout). The mapped area in the NEQ plan was removed pending the completion of the NWQ, and further discussion of this issue. It designates an area where the resource is known to exist, will be mined, and puts people on notice. No zoning designation will change, but the potential to rezone for residential development would be restricted. There are areas that could have been mined before development occurred and are now covered with unsewered residential lots. A goal is to prevent this from happening again. This does not require landowners to mine the property, it is their decision. Once an area is defined, long term plans can be made, such as for haul routes, environmental studies, reclamation and protection for existing homes.

"Inside the aggregate resources area" discussion:

Should a conditional use permit (CUP, with public hearing) still be required for all mining permits? Within the mapped area, could some or all mining activities be approved administratively?

Scadden and Latour would like to keep the CUP process for each pit. Arntson agreed for a new source, but not for new activities in a pit that is already open. Salkowski clarified that current regulations treat each different use requested within a gravel pit as a separate CUP (crushing, washing, bituminous plant, recycling stockpiles, etc.) Perhaps a new hearing is not necessary in an open pit in the mapped area for "normal" accessory uses.

Latour questioned if there would still be a time limit until reclamation? Holthaus and Arntson stated that is hard to determine, based on the economy. Scadden and Latour stated in that case they should be reclaiming as they go. Arntson replied that large operating areas are needed for truck traffic, crusher, other operations and stockpiles, and it is nearly impossible to reclaim parts of an operating pit. Latour mentioned inactive pits that never seem to be reclaimed. Arntson answered that those are primarily very old, pre-permit pits.

Thompson questioned if landowners know they have gravel under them, and if this is inverse zoning? Salkowski stated giving people information is important. Thompson is concerned there are going to be people that are not happy with this. Deckert stated that is often an argument with any land use plan designation. Latour and Arntson clarified that right now they can mine anywhere in the AG zone. With an Aggregate designation, at least there is notice that mining is likely, whereas now it is an unknown. There seemed to be a general agreement on this from the group. Staff will proceed with the understanding that opening a new source still requires a hearing but accessory uses could be administrative.

Salkowski asked for discussion on other topics, such as screening. Screening is now required, but is this necessary inside the aggregate area? Obviously homes that are there would need to be shielded, but otherwise how important is visual screening? Thompson noted screening between pits is unnecessary, but they should shield a development or roads with residences. Scadden thinks berms are not a good solution, and that when new development comes in, they should not complain about what is already there. Salkowski confirmed that screening is currently required along public roads; he is not sure that we need this as a blanket requirement. Holthaus does not agree with the 30 foot setback. Salkowski agreed it is not needed between two adjacent mines.

Holthaus questioned development potential on mined-out land. Salkowski said this area is all currently zoned Agricultural and you would still be able to use your 1 per 40 just like everyone else. Mine operators should plan to preserve areas for future homes, but there is little justification for allowing mining and then also allowing more development than any other landowner in the area. Holthaus asked what if land is annexed? Salkowski stated that would be different, there would be a new set of rules. Just like any other area that gets annexed once the city takes over, their rules apply.

Arntson and Ferrell asked about existing pits. Salkowski noted that any changed regulations within the aggregate district would apply to the existing pits. Ferrell asked if a pit is completed would this new designation limit what can be done on that property? Salkowski stated that if you are in an Agricultural District or an Aggregate District, either way you generally have to wait until the County updates the land use plan before developing the property to industrial or anything else. However, in especially unique or unusual situations, there may be exceptions.

Arntson asked about the “entitlement” issue. In the current AG zone, an “entitlement” is required to mine; if an owner sells off all entitlements he cannot mine gravel (he sold off this right). This is in keeping with the general attempt to limit all types of development in agricultural areas. Perhaps aggregate is so important that an entitlement should not be required to mine within the aggregate resource district. Everyone generally agreed to lift this requirement inside mapped areas.

There was discussion on bituminous plant setbacks, currently set at 100 feet to a property line and 500 feet from a residence. Scadden and Latour think that is not far enough. Arntson thinks that increasing it could cost too much money for hauling or conveying. Deckert noted that there are very few if any that are currently closer than 1000 feet. Latour stated it is berms or more distance, but neighbors need to be protected.

Discussion was directed to changes that may be needed outside the mapped aggregate areas. Salkowski reviewed current regulations which allow mining in the AG and Ag./Residential zoning districts.

Latour and Arntson disagreed about requiring an “entitlement” for mining outside the area. Latour wants to keep and Arntson prefers to eliminate this criteria. No consensus was reached.

Salkowski noted that there is a lot of gravel outside these mapped areas also. Scadden believes there should be rules to require that the gravel inside aggregate area has to be used before new sources are allowed outside of the area. Arntson stated this could cost the taxpayer money to always have to travel that extra distance. Salkowski asked the group if outside aggregate resource areas we should only allow mining directly related to projects for the duration of that project? Thompson asserted that this is going to be a political trade off, but there are sensitive areas that need to be protected no matter the costs, once you spoil the land it is gone forever. Latour agreed that lake areas need special consideration.

Salkowski indicated that we are working toward different sets of regulations inside and outside the mapped areas. On the outside, we may have to further define regulations differently inside and outside of shoreland areas. Ferrell is concerned that they may not be able to mine where there is good gravel that should be used. It appears to be getting overly strict outside the mapped areas, but not enough benefit inside the mapped areas to make the changes worthwhile to operators. Salkowski stated it seems that no one is happy with the current rules so we assumed we needed to do something. The biggest concerns the County hears are actually related to truck traffic and mining in the shoreland areas. Salkowski does not believe we should outlaw all mining outside the aggregate area, but stricter standards and rules are needed than we have today.

Arntson stated it is hard to agree to further restrictions on mining because it is directly tied to economic activity. Operators do not know when pits are going to be depleted or reclaimed. It depends on demand for the resource. Latour stated we need to have different criteria for mining any shoreland area. Ferrell disagreed and questioned if we just forget about the gravel that is in shoreland? Salkowski asked if the group can agree that new pits outside the aggregate area must be temporary and project-related? No one seemed to disagree.

Outstanding issues include: Mining in shoreland, property values, and potential pollution to lakes. Salkowski suggested that staff develop ideas for the shoreland areas, and mining outside the mapped area, such as short term pits, for review at the next meeting. All agreed we are not ready for the public meeting yet.

Next Committee meeting will be October 16th, 2008 1:30 p.m.