

PUBLIC HEARING – EXTRACTIVE USE

Application: Conditional Use Permit for an Extractive Use

Applicant: North Fork Boulders & Excavating

Agenda Item: 3.1

Background Information: The property in question is located in the northeastern part of the City on Wild Acres Road and is zoned Agriculture. A portion of subject property is also within the Extractive Use Overlay District. The parcels are approximately 70 acres in size and currently have no structures on the property.



The portion of the subject property within the Extractive Use Overlay District is outlined above in red. The extractive area is approximately 20.7 acres in size.

An Extractive Use is listed on the Land Use Matrix as an Interim Use in the Agriculture zone. Interim Uses are allowed after appropriate review and approval with the criteria, standards and procedures for a Conditional Use Permit contained in Section 17-11.6 and the requirements of Section 17-11.13 Interim Use Permits. As outlined in the Applicable Regulations below, a termination date will be defined.

Applicant proposes the total amount of material to be extracted from the site will be approximately ~~144,000~~ 566,000 yards of gravel and sand. The applicant proposes to remove the material through excavation, without using blasting or explosives. The processing of base materials will involve the use of portable aggregate crushing, backhoe and cat. Dump trucks and bobcats will be used to extract and move material to the processing equipment.

The existing vegetation in the proposed extractive area is brush and wild vegetation. The timber was previously harvested.

Applicant proposes to place the existing top soil along the east and west perimeter of the excavation area, with an approximate 5.25 acre stock pile/processing area in the southern portion of the extraction area.

Applicant proposes to reclaim the pit area by sloping the banks, grading the pit floor, reapply the top soil, and seed with vegetation such as rye, timothy, alfalfa and clover to all disturbed areas.

The applicant proposes to use Wild Acres Road, which borders on the north, as the primary haul route. The proposed truck activity onto Wild Acres Road is 10 loads per day. Wild Acres Road is a shared roadway with Jenkins Township, Ideal Township, and the City of Pequot Lakes.

Applicant proposes hours of operation from ~~6:00~~ 7:00 AM to 6:00 PM 5 days per week, Monday – Friday, with ADT of 10 truckloads per day.

The site is screened on two sides by forested buffers on adjacent property to the east and south. The remainder of the parent parcels that aren't being mined are used for agricultural purposes and wild vegetation. The property will be signed and gated.

The adjacent uses are extractive uses to the east, residential dwellings to the north, agricultural uses to the west, and vacant forest to the south. The adjacent zoning classifications are Rural Residential to the north, Agriculture to the west, Forest Management to the south and Agriculture and Forest Management to the east.

The applicant has not provided plans for erosion control or stormwater management. These items will be addressed/managed through the NPDES permit required by the Minnesota Pollution Control Agency (MPCA).

Applicable Regulations:

Section 17-5.5 AGRICULTURE (AG)

1. **Purpose and Intent:** To provide a zoning classification for the preservation of family farms and small-scale agricultural uses and to allow for low density residential development compatible with those uses. Development patterns are characterized as very low-density residential without municipal utility service and with only limited demand for accessibility. Agriculture zoning should be used to preserve rural character.

2. Compatibility: Agriculture zones would generally be compatible with and can be established next to Forest Management, Rural Residential, Transition Residential, Commercial and Light Industrial zones.

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum	500
Total Lot Area - acres, minimum.....	20
Setback, right-of-way, local streets - feet, minimum.....	50
Setback, right-of-way, collector and arterial streets - feet, minimum.....	50
Setback, side - feet, minimum.....	25
Setback, corner side - feet, minimum	40
Setback, sign - feet, minimum	1
Setback, wetland - feet, minimum	30
Maximum impervious coverage	10%
Non-Agricultural Use Structure Height – feet, maximum.....	25
Agricultural Use Structure Height – feet, maximum	none
Maximum Flag Pole Height – feet.....	30
Maximum animal unit per acre	4

4. Performance Standards. The following performance standards apply to all development in this zone:

- A. Single Family Dwelling, accessory structure. A second single-family dwelling may be established on a parcel and is to be occupied by the owner, operator or manager of the farm.
- B. Vegetation Removal, Intensive. The submittal requirements and procedures contained in Section 5.4 “Forest Management (FM)”, Subparts 4b and 4c shall be met and followed.
- C. Establishment of Primary Use. Garages and storage sheds may be permitted in the Agriculture zone without principle dwelling units. Properties with garages and storage sheds without a principal use shall have adequate buildable area for a principle dwelling unit, a sewer treatment system and a well.

Section 17-5.17 LAND USE MATRIX

A- allowed w/o a permit, P - permitted, C- conditional use, I - interim use, AC - accessory use, E - excluded

USE

Extractive Use



(11) Consistent with the provisions of Section 6.4.

Section 17-8.5 EXTRACTIVE USES AND RESTORATION

1. In all districts where permitted, as defined in 17-6.4 Extractive Use Overlay District, mining shall be permitted only by CUP. Such permit shall include as a condition: a site plan, a completion plan and a haul route plan with provision for road restoration as provided below. An approved extractive use CUP shall be used solely for the operations detailed in the permit.
2. All excavation and extraction shall conform to the following:
 - A. Distance from property lines. No quarrying operation shall be carried on or any stock pile placed closer than 50 feet from any property line, unless a greater distance is specified by the CUP where such is deemed necessary for the protection of adjacent property. This distance requirement may be reduced to 25 feet only with written consent of the owners of the affected adjacent non-residence property. Proof of said agreement shall be submitted as a part of the application and maintained in City files for all approved CUPs for extractive uses. Without such agreement, the buffer area may be used only under the following circumstances:
 - (1) The buffer area may contain the haul road if the City determines that, for safety purposes, the access to the use is best served in that area.
 - (2) The haul road may be located in the buffer area to avoid wetlands or other sensitive environmental resources.
 - (3) If authorized in an approved reclamation plan, one half of the buffer area may be used for the storage of topsoil and for final sloping. All topsoil storage areas shall be seeded to prevent erosion and dust. Berms, including those consisting of topsoil to be used for reclamation, may be placed in the buffer area, but they shall be seeded and mulched in a manner that prevents dust from blowing onto adjacent properties.
 - B. Distance from public right of way. In the event that the site of the mining or quarrying operation is adjacent to the right of way of any public street or road, no part of such operation shall take place closer than 50 feet to the nearest line of such right of way.
 - C. Fencing. Fencing shall be erected and maintained around the entire site or excavated portions thereof and shall be of a type specified in the CUP.

- D. Equipment. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Power drives or power producing machinery, not including vehicles, shall not be housed or operated less than 1,000 feet from a residential use district.
- E. Processing. Crushing, concrete mixing, washing, refining, or other similar processing may be authorized by the CUP as an accessory use, provided, however, that such accessory processing does not conflict with the use regulations of the district in which the operation is located. Processing shall not be permitted in the residential districts. All processing equipment shall be located at least 1,000 feet from any residence, 200 feet from the OHW of any lake or stream, and outside of the wellhead protection area. The City may not approve such accessory uses if they are found to be incompatible with the neighborhood, in conflict with the City's Comprehensive Plan, or do not meet the review criteria for the condition use permit.
- F. Depth to groundwater separation. The applicant must indicate the proposed depth to groundwater table in the plan. The proposed extraction shall maintain a minimum separation of five (5) feet.
- G. Water quality. The extractive use operation shall not adversely impact the quality or quantity of surface or groundwater resources as defined by the Minnesota Pollution Control Agency, Minnesota DNR, U.S. Army Corps of Engineers, or the Minnesota Department of Health. Surface water originating outside and passing through the extraction site shall be of equal quality at its point of departure from the site to the water at the point where it enters the extraction site. The applicant shall perform the water treatment necessary to comply with this provision and provide a lot of recorded water quality to the City on a regular basis.
- H. Waste materials and debris. No waste materials shall be disposed of on site unless authorized by the City. Stumps, brush, and other natural debris shall be removed or disposed of in accordance with local rules and regulations. Sanitary facilities acceptable to the City shall be provided for workers during the operation of the extractive use.
- I. Concurrent permits. All required permits applying to the proposed extractive use, which may include an NPDES permit for stormwater management, shall be obtained and copies submitted to the City prior to the commencement of any extractive use or related activities.

3. Specific evaluation criteria. In addition to the criteria used in evaluating CUPs, the following specific criteria shall be used in evaluating an application for an extractive use CUP:

- A. The ability of the proposed haul routes to handle the additional traffic generated by the extractive use.
- B. Air quality, dust, and noise control measures and the ability to limit impact upon adjacent residential properties according to MPCA standards.
- C. The extent that the proposed extractive use, or its accessory uses, impact the groundwater.
- D. The ability of the applicant to control erosion and sedimentation that may result from the proposed use.
- E. The impact on the natural resources contained in the watershed in which the proposed extractive use is located and the ability of the applicant to avoid or mitigate any impacts.

4. Rehabilitation. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted an extraction/mining permit as herein provided shall furnish a performance bond running to the City in an amount to be determined by the City Engineer, and acceptable to the Planning Commission, as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land and haul road, shall, within a reasonable time and to the satisfaction of the City meet the following minimum requirements:

- A. Surface rehabilitation. All excavation areas shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Four (4) inches of black topsoil shall be placed on all areas, except beaches, that will remain above water level. Haul roads will be restored to their condition prior to the beginning of the extraction operation,
- B. Vegetation. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
- C. Banks of excavation not backfilled. The banks of all excavation not backfilled shall be sloped not steeper than three (3) feet

horizontal to one (1) foot vertical and said bank shall require the establishment of vegetation.

- D. Reclamation of extractive use sites and designated haul roads shall be completed within one (1) year after the cessation of the operation, unless modified by the CUP.
5. Application, contents, procedure. An application for such operation shall provide the following information in addition to that required by the CUP process:
- A. Name of the person or corporation conducting the actual removal operation.
- B. Certificate of Survey labeled Map A indicating pre-mining conditions as they currently exist in the project area including all areas within 500 feet of the site at a scale of not less than one (1) inch equals one hundred (100) feet that includes the following:
- Description and location of existing vegetation within and adjacent to the project area;
 - Location of all structures within and adjacent to the project area and the purpose for which each structure is used, including buildings, pipelines, cables, railroads and power lines;
 - Existing drainage patterns, wetlands and permanent water areas;
 - Contours within the project area at five (5) foot intervals.
- C. Map B outlining size of the area from which the removal is to be made and the volume of material to be removed.
- D. Map C depicting proposed final grade with maximum five (5) foot contour intervals after deposit is removed and area restored.
- E. Type of resources or materials to be removed.
- F. Proposed method of removal and whether or not blasting or other use of explosives will be required.
- G. Description of equipment to be used, including any proposed accessory uses such as hot mix plants or crushing operations.
- H. Method of rehabilitation and reclamation of the pit area, including timeframe for rehabilitation.
- I. Identification of haul roads and amount of truck activity at highest

and average levels on those routes, including ADT (average daily total) counts.

- J. Hours of operation and expected life of operation.
- K. Types of barriers to be used, if necessary, to ensure the safety of people and livestock residing within proximity to the proposed area of excavation.
- L. Proposed methods of avoidance or mitigation of the impacts on natural resources caused by the proposed use.
- M. Detailed plans indicating anticipated vegetative and topographic alterations.

Section 17-11.6 CONDITIONAL USE PERMITS

1. Conditional Use Permits shall be issued to the property for structures or other specified uses after a public hearing and approval by the Planning Commission. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and omit by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.

2. Submissions for Conditional Use Permit. The applicant shall complete the Conditional Use Permit application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:

- A. Increasing the required lot size or yard dimension.
- B. Limiting the height, size or location of buildings.
- C. Controlling the location and number of vehicle access points.
- D. Increasing the street width.
- E. Increasing or decreasing the number of required off-street parking spaces.
- F. Limiting the number, size, location or lighting of signs.
- G. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
- H. Designating sites for open space.
- I. Stormwater runoff management.
- J. Reducing impervious surfaces.
- K. Increasing setbacks.
- L. Restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

4. The Planning and Zoning Commission shall decide the issue with consideration to the following:

- A. The following must be met:
 - (1) The use or development is an appropriate conditional use in the land use zone.
 - (2) The use or development, with conditions, conforms to the comprehensive land use plan.
 - (3) The use with conditions is compatible with the existing neighborhood.
 - (4) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

(5) For Conventional Subdivisions, the property contains physical constraints which make it unable to be developed by the Conservation Subdivision method.

B. The following must be considered:

- (1) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
- (2) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- (3) The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (4) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
- (5) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
- (6) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
- (7) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
- (8) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

5. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City

may need to retain in reviewing permits.

6. Conditional Use Permits may be transferable where requested by an applicant and approved by the Planning Commission.

7. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall determine conditions for reinstating the permit or revocation, if applicable.

8. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any Conditional Use Permit outstanding at the time of the Ordinance adoption.

9. Appeals from the action of the City shall be filed with District Court within 30 days after City Council action.

10. The Conditional Use Permit shall be filed with the County Recorder within 45 days of approval.

Section 17-11.13 INTERIM USE PERMITS

1. Procedure. Uses defined as interim uses in Section 17-5.15 are allowed by the City pursuant to governing law contained in Minnesota Statutes, Section 462.3597 after appropriate review and approval in accordance with the criteria, standards and procedures for a Conditional Use Permit contained in Section 17-11.6 and the below requirements contained in this Section. An interim use will be reviewed in the same manner as a Conditional Use Permit except as otherwise provided in this Section. All submittal requirements in Section 17-11.6 shall be required for interim use permits.

A. Additional Standards. In addition to the forgoing, interim uses shall comply with all of the following standards:

- (1) The use is allowed in and conforms to the applicable zoning regulations for the respective zoning district, including applicable performance standards;
- (2) The date or event that will terminate the use is identified with certainty and is included in writing within the approved interim use permit;
- (3) The use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future;

- (4) There is adequate assurance that the property will be left in suitable condition after the interim use is terminated. The City Council may require a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and interim structures upon the expiration of the interim use permit; and
 - (5) The user agrees to any conditions deemed appropriate by the City Council for the permission of the interim use. Such conditions shall be included in writing in the issued interim use permit or alternatively in a written agreement with the user attached to the approved interim use permit.
- B. Termination. An interim use permit shall terminate on the happening of any of the following events, whichever occurs first:
- (1) The occurrence of the date stated in the interim use permit, which shall not be for a period greater than five (5) years;
 - (2) The occurrence of the event stated in the interim use permit;
 - (3) Upon violation of conditions under which the permit was issued; or
 - (4) Upon change in the City's zoning regulations which renders the use nonconforming.
- C. Lapse, Extension. Unless the City Council approves a different time in an approved permit, an interim use permit shall expire without further action by the Planning Commission or City Council, unless the user/applicant commences the authorized interim use within one year of the date the interim use permit issued; or, unless before the expiration of the one year period, the applicant shall apply for an extension to initiate such use. The request for an extension by a user/applicant shall be made to the zoning administrator and the user/applicant shall provide evidence as required by the zoning administrator sufficient to demonstrate the user/applicant's good faith effort to complete or utilize the use permitted in the interim use permit within the one year period. A request for an extension may be granted by the zoning administrator for an additional period up to one year. A denial of an extension by the zoning administrator may be appealed in writing by the user/applicant to the City Council within 10 days of the date of the zoning administrator's decision. The user/applicant's written appeal shall state the grounds for the appeal and be submitted to the City Administrator within the 10 day period. Failure to timely appeal shall constitute a waiver of the right to appeal and shall not be considered. A timely filed appeal will be heard by the City Council within 60 days of the date the appeal is received by the City Administrator.

Staff Findings: Staff provides the following Findings of Fact for consideration by the Planning Commission:

1. The subject property meets the minimum lot size and use standards for the Agriculture zone, being 70 acres in size, more than 500 feet wide, and having ample space within the building envelope for the proposed operation.
2. The subject property lies within the Extractive Use Overlay District.
3. Applicant has supplied the required information including a site plan, a description for restoration, and has indicated that Wild Acres Road will serve as the primary haul route.
4. Applicant has proposed to excavate ~~a maximum 20.7~~ **an approximate 18** acre area, including an approximate 5.25 acre stockpile/processing area. This excavation area is more than 50 feet from all property lines.
5. The proposed excavation area is more than 50 feet from the right-of-way of Wild Acres Road, being approximately 830 feet from the right-of-way.
6. Applicant has indicated signage and locked gate as barriers to the site.
7. Applicant has indicated existing topsoil will be removed and placed along the east and west excavation areas.
8. The excavation area is more than 800 feet from the nearest residence, located on the parcel directly north of the excavation area. There is also a residence on the property to the northwest that is approximately 1,000 feet from the excavation area. The nearest lake, Island Lake to the north, is more than 3,000 feet from the processing area, and the nearest stream is more than one mile to the north of the site. The excavation area is more than one mile outside the Wellhead Protection Area.
9. Excavation will not occur at a water-producing depth as approximately 30 feet from the existing elevation will be excavated. Applicant has indicated that depth to saturated soil after material is removed is estimated to be 50' to 60'.
10. Applicant has applied for a Construction Stormwater General Permit from the MPCA.
11. Applicant has indicated the location of a holding pond for stormwater runoff and their plan to revegetate excavation area.
12. Applicant has stated they plan to reclaim the pit area by sloping the banks, grading the pit floor, reapply the top soil, and seed with vegetation such as rye, timothy, alfalfa, and clover to all disturbed areas.
13. City Code requires 4 inches of black topsoil be placed on all areas, vegetation shall be restored by planting of appropriate grass seeds or planting of shrubs or trees, banks of excavation not backfilled shall be sloped to 3:1 slope, and reclamation of extractive use sites and haul roads shall be completed within 1 year after cessation of the operation.
14. The proposed extractive use is an appropriate use in the Agriculture zone; extractive uses are listed as interim uses in the Agriculture zone.
15. Wild Acres Road is currently being used as a haul route for other excavation operations in the area. The applicant has indicated their trucks will be accessing on and off of Wild Acres Road and routed to their required destination.
16. The proposed use is compatible with the surrounding neighborhood. There are several extractive uses in the surrounding area, including Pequot

- Lakes and Ideal Township. There is a large extractive use operation on the adjacent properties to the east of the subject property.
17. The proposed use will not be injurious to the public as necessary permits for stormwater and pollution control will be obtained, as well as permits for noise and air emissions. The proposed use will not pose a threat to groundwater quality.
 18. The proposed use will not be injurious to the use and enjoyment of property in the immediate vicinity. Applicant has indicated equipment shall not be housed or operated less than 1,000 feet from a residential use district and other neighboring properties are either undeveloped or contain extractive uses themselves.
 19. The proposed use will not impede the normal and orderly development of surrounding vacant properties for uses predominant in the area; the neighborhood is largely zoned for agriculture and forestry uses.
 20. The proposed use will not require public facilities or services at public cost. Section 17-8.5, Subdivision 4 of the City Code does contain a provision requiring the applicant to furnish a bond to guarantee that rehabilitation, reclamation, and restoration are completed to the satisfaction of the City.
 21. The proposed use will not create traffic congestion on Wild Acres Road.
 22. The applicant has not indicated that adequate measures have been taken to provide sufficient off-street parking and loading space. However, given the size of the site, there is more than ample space for off-street parking.
 23. There are not any known significant historic, natural or scenic features located on the property that would be damaged or destroyed by the proposed use.
 24. The proposed use will not contaminate groundwater as the proposed extraction shall take place at least five (5) feet above the water table, if not more. In addition, the necessary stormwater management permits will be obtained to control stormwater onsite and prevent erosion. The nearest surface water body, Island Lake, is more than 3,000 feet to the north of the property, so it is unlikely that the proposed use will pollute surface waters.

Planning Commission Direction: The Planning Commission can approve the Ordinance Amendment, deny the application, or table the request if additional information is needed. If the motion is for approval or denial, Findings of Fact should be cited.

Staff Recommendation: Based on the Findings of Fact presented in this report, the Staff recommends that the Interim Use Permit Application be approved with consideration given to the following conditions:

1. All submittal requirements of this interim use approval (below) shall be submitted to and approved by the city prior to any excavation of material on the subject property.
2. Applicant shall furnish a site specific Stormwater Prevention and Pollution Plan to the City, as well as MPCA, NPDES and MPCA General Permit.

Applicant has provided MPCA NPDES/SDS General Permit C00056287.
(No SWPPP)

3. Topsoil berms shall be placed and vegetated in such a way as to screen the excavation area from view and to serve as a noise and dust buffer for area residences, **as indicated on attached Exhibit A.**
4. Applicant shall install fencing on all sides of the excavation area as a safety barrier, **as indicated on attached Exhibit B.**
5. The applicant shall furnish a bond in the amount that is acceptable to the City Engineer and the Planning Commission to serve as a guarantee that the restoration and rehabilitation requirements are met to the satisfaction of the City.
6. The applicant shall submit information required in Section 8.5 “Extractive Uses and Restoration” Subparts 5 (B) (C) and (D). **(These are indicated on Exhibits A & B and Map C)**
7. The applicant shall provide a detailed restoration plan meeting the requirements of Section 8.5 “Extractive Uses and Restoration” Subpart 4, **as indicated on Exhibit C.**
8. The applicant shall provide soil boring data/ground water elevation for at least three boring sites throughout the excavation area. The boring locations shall be spaced at least 100’ apart. **Applicant has provided soil boring data/ground water elevation for 3 boring sites throughout the excavation area.**
9. Extraction operations shall take place between ~~6:00~~ **7:00** AM and 6:00 PM, Monday through Friday.
10. The slopes surrounding the excavation area shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
11. Four (4) inches of black topsoil shall be placed on all areas.
12. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area.
13. The banks of all excavation not backfilled shall be sloped not steeper than 3:1 and said bank shall require the establishment of vegetation.
14. This extractive use shall terminate 5 years from date of approval, **May 21, 2025.**
15. Reclamation of the extractive use site shall be completed within one (1) year after the cessation of the operation.

If the Planning Commission approves the Interim Use application, the Planning Commission should adopt the attached Resolution by motion also.
