



105<sup>th</sup> Ave SW and the applicant will develop a roadway around the building to access all four sides of the planned buildings. Ample space will be provided for off-street parking and loading to serve the site use. There will be no electric, water or sewer connected to the building for personal storage uses. There are no current plans for an office and the only possible electric needs would be for outside lighting.

Snyder said the proposed plan of operations is to surround the parcel with spruce trees to block the view from neighboring properties. The plan is to construct a storage building per year to cover this lot with the maximum area allowed by meeting the setbacks of 100' from lot lines. The plan involves constructing the buildings to fit in with the neighborhood buildings, be well lit and have landscaping around the buildings including draining water into a storm-water collection pond on the NW side of the units. The applicant plans to have outdoor lighting for those that need to access the facility at night. The layout and locations are not finalized, and this will be addressed conditionally if approved.

Snyder stated the buildings proposed are to be in line with the setbacks and conditions laid out in the Zoning Ordinance for rental storage facilities. The applicant stated that any potential conflicts will be minimized by the trees that they will be planting and the proposed stormwater storage area. The applicant has discussed his plans with the immediate neighboring property owners to mitigate any potential issues before site development. A major goal of this site use and the storage buildings is to fit in with the surrounding area.

Snyder said only general questions about the site proposal were received. Snyder then went over slides showing: application, plan of operations, property location maps, sketch of proposed property layout, examples of similar buildings and photos of the property.

Schulz asked about the height of the proposed buildings? Swenby said 12' sidewalls. Gagner asked about the location and it was clarified it was off County 1 not County 12.

Snyder said staff recommends approval of the Conditional Use Permit with the following conditions:

1. The new buildings must be setback 100' from all property lines.
2. Prior to any building permit for the construction of any storage building, the covenants for Ridgewood Subdivision shall be legally amended to allow non-residential purposes for lot 2 of block 1.
3. A certificate of insurance and/or a performance surety is required.
4. An operational plan is established, and all activities are conducted in accordance with the operational plan.
5. One double faced sign, not to exceed thirty-two (32) square feet in area shall be allowed for each permitted non-residential use or use by conditional use permit. No sign shall exceed ten (10) feet in height above the average grade level.
6. Applicant must control lighting in a manner that no disturbance to neighboring properties will result and lights cannot create a traffic hazard on adjacent roadways.
7. The applicant must plant trees along the property line to provide screening. The trees shall be of a type that will obtain 6 to 8 feet in height and 50% opacity throughout the



Ordinance requirements for this request are found in PCZO Section 18.2225 E.

Snyder said the applicant owns a riparian lot on Maple Lake which is approximately 32,490 sq ft in size. The parcel is located at 13043 Elmhurst Lane SE in section 7 of Woodside Township. The applicant has a cabin and existing 10' x 12' shed and is proposing a 30' x 36' (1,080 sq ft) accessory structure that is to replace an existing 28' x 32' (896 sq ft) garage that was recently lost to fire. The new proposed structure will be moved off the east property line, so it is located 10 feet from the neighboring lot line.

Snyder stated the total for the 2 accessory structures would be exactly 1,200 sq ft which is allowable for parcels 30,000-40,000 sq ft in size through a CUP. The site has existing oak and ash trees located in between the proposed structure and the lake. As well, the applicant noted the cabin location as well as moving the proposed garage off the east property line will help hide the structures visibility from the lake, locating it behind the cabin and trees.

Snyder said the impervious surface coverage for the lot will be proposed to be 23% with the construction of the proposed accessory structure. PCZO allows parcels to be covered with a maximum of 25% impervious coverage. Planning and Zoning permitted a new septic system which was installed in October of 2019, so the septic system is still in compliance. New septic systems are compliant for a period of 5 years if they are functioning as designed. The shed is to have no habitable space as defined by the PCZO and is planned for storage use. This is addressed via condition placed on this request.

Snyder stated no comments were received on this request. He then went over slide showing: application, property location, sketch, and property photos.

Snyder said that staff is recommending approval of the CUP with the following conditions:

1. No guest house uses – the structure must always follow the PCZO regarding habitable space, which states no habitable space such as a full kitchen or sleeping quarters shall be allowed within this storage building.
2. Applicant shall keep adequate vegetation screening between the structure and the lake. Currently the lot is vegetated but any extensive tree removal in the shore impact zone will not be allowed, withing 50' of OHWL.
3. No future development shall be allowed on the lot that would exceed the 25 impervious surface requirements. This shall include sidewalks, patios, pavers, etc.
4. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
5. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
6. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.



Snyder stated Stephanie Klamm, DNR Area Hydrologist, stated via letter, that the primary reason for shore land controls is to protect water quality by retaining vegetation and riparian habitat. Shore land regulations seek to minimize erosion and sedimentation into public waters by limiting density and impervious surfaces. She adds if the County approved this application, the DNR would recommend the following conditions:

1. No living/sleeping quarters or kitchen facilities shall be added to the accessory structure in the future.
2. Future buildings on the parcel meet all setbacks, height restrictions and impervious surface coverage of 25%, this may mean that future projects only allow pervious pavers.
3. Any bare ground be planted with perennial vegetation, preferably natural vegetation.

Snyder then went over slides showing: application, property location, sketch, septic sketch and property photos. Schulz commented that the small shed looks like a guesthouse. Brinkman said it is basically a garden shed and he stores wood for all his projects in their also. Snyder said the previous owner was an architect, so it was designed to look nicer than a shed.

Snyder stated staff recommends approval of the CUP with the following conditions:

1. No guest house uses – applicant shall have furnished evidence of having recorded the signed guest house waiver with the property deed before the building permit is issued.
2. The conditional use permit shall become void one year after it was granted unless used.
3. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirements. This shall include sidewalks, patios, pavers, etc.
4. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
5. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
6. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
8. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighbors properties will result
9. That the use of the property shall at all times be in compliance with all Federal, State of Minnesota and County of Polk rules and regulations.

Lee made a motion to recommend approval with staff conditions to the County Board. Second by Cavalier.

Ayes: All

Nays: none

Snyder said that this will go before the County Board for final approval on Tuesday, May 4, 2021 here in this room. Lee stated she sees no reason for the applicant to have to attend.

**Public Hearing:                    CUP – Troy Erickson                    Parcel #74.01010.00**

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated that the applicant is requesting to tie an accessory structure to a new septic system on a backlot on Union Lake.

Ordinance requirements for this request are found in PCZO Sections 18.2225 E.

Snyder said the applicant owns a riparian and non-riparian lot on Union Lake. The total non-riparian lot (backlot) size is 103' x 184' approximately 22,432 square feet. Planning and Zoning issued a land use permit application for construction of a 40' x 60' (2,400 sq ft) shed the summer of 2020. The applicant's proposing to have a bathroom in this proposed shed and noted on the application that there will be no bedrooms or that the structure will not function as a guest house.

Snyder stated that the applicant would like to connect a holding tank to the accessory structure, and we have received the septic design for the proposed septic holding tank. The applicant has also submitted a holding tank agreement with an area pumper for maintenance on the planned holding tank. Existing impervious coverage is 10.7% of allowable coverage. Stormwater rules stated that 25% impervious or under is allowed on any parcel. The applicant will be required to complete and record a no guesthouse waiver before the building permit issued.

Snyder said Stephanie Klamm, DNR Area Hydrologist, stated via letter, that the primary reason for shore land controls is to protect water quality by retaining vegetation and riparian habitat. Shore land regulations seek to minimize erosion and sedimentation into public waters by limiting density and impervious surfaces. She adds if the County approves this application, the DNR would recommend the following conditions:

1. No living/sleeping quarters or kitchen facilities shall be added to the accessory structure in the future.
2. Future buildings on the parcel meet all setbacks, height restrictions and impervious surface coverage of 25%, this may mean that future projects only allow pervious pavers.
3. Any bare ground be planted with perennial vegetation, preferably natural vegetation.

Snyder then went over slides showing: application, property location, sketch and property photos. Snyder said staff recommends approval of the CUP with the following conditions:

1. No guest house uses – applicant shall have furnished evidence of having recorded the signed guest house waiver with the property deed before the building permit is issued.
2. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirement. This shall include sidewalks, patios, pavers, etc.
3. The conditional use permit shall become void one year after it was granted unless used.

4. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
5. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
6. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
8. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighbors properties will result
9. That the use of the property shall at all times be in compliance with all Federal, State of Minnesota and County of Polk rules and regulations.

Gagner asked about the mound system on the sketch/design? Snyder said that is a rough location for a mound system for a house in the future. The design for the accessory structure is for a holding tank only. Gagner said Union Lake/Lake Sarah Improvement District has no problems with the request. Erickson said he has nothing to add.

Franks made a motion to recommend approval with staff conditions to the County Board.  
Second by Jore.

Ayes: All

Nays: None

Snyder said that this will go before the County Board for final approval on Tuesday, May 4, 2021. Lee stated she sees no reason for the applicant to have to attend

**Public Hearing:            IUP – RJ Zavoral & Sons Inc.                            Parcel #40.00125.02**

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated that the applicant is requesting an Interim Use Permit (IUP) to operate an asphalt batch plant and contractor yard in the Industrial Zoning District to be valid for 10 years.

Ordinance requirements for this request are found in PCZO Sections 12.3020, 12.3030, 12.3031 and 12.3032.

Snyder said the applicant is requesting an interim use permit for a term of 10 years to operate an asphalt batch plant and contractor yard in section 17 of Huntsville Township. The parcel is partially located in the Industrial zoning district as well as some of the southern portion of the parcel is located in the shoreland and floodplain overlay districts. The location of the shoreland and floodplain overlay district are located 300 feet from the edge of the Red Lake River. The

proposed contractor yard and asphalt batch plant will be to the north of the Shoreland and 100-year floodplain. Asphalt batching and contractor yard requirements are located in the general regulation section of the Polk County zoning ordinance which covers all districts unless prohibited by specific overlaying zoning districts. The Polk County zoning ordinance allowed principle uses in the Industrial district does not include asphalt batching but does include some equipment storage. The proposed site use is strictly Interim use as stated in the PCZO. Snyder explained that this needs the IUP process as it is not allowed by a general permit. The property is approximately 59.76 acres in size and the contractor yard is proposed to encompass 30.45 acres of this parcel.

Snyder stated that the proposed site location proximity to the closest neighboring residences is approximately 1200 feet, 9 homes are located within ½ mile from the proposed asphalt batching location. The sites proximity to the river with regards to asphalt batching is approximately 750 feet. Huntsville Township does joint permitting with the County so any decisions must also be approved by the Township joint permitting regulation requirements. Polk County regulates the County zoning ordinance only. Huntsville Township must regulate the township zoning ordinance which can be more stringent than the County regulations.

Snyder said the applicant listed that the request involves equipment and material storage as well as operation of an asphalt plant. They added that the parcels surrounding this site are similar industrial type facilities and would fit in with existing land uses. Neighboring businesses include Simplot which was formerly Northland Chemical which was established in the early 1960's. As well the warehouses near this proposed site were established in the early 1970's, both operations predate the Polk County Zoning Ordinance which was established in 1973. Site layout was adjusted to minimize visual impacts for adjacent roadways and residences to avoid potential conflicts. The contractor yard was planned to the north side of the parcel to stay out of the floodplain/shoreland areas of the property. Access into the proposed site would be via MNDOT controlled frontage roadway that runs parallel along US Highway #2. The original application included plans for a second access off State Highway 220 which was not allowed by MNDOT. Access into the site is provided via the frontage road controlled by the MNDOT. There is approximately 100 feet from the railroad tracks south on Highway #2 into the frontage access.

Snyder stated the applicant has submitted a supplemental information packet and a plan of operations. Supplemental information for the asphalt plant includes that RJ Zavoral Inc. feel the layout of the site uses involve earthen berms to meet the screening and stormwater control requirements. Traffic from the operation will be routed to State Highway 220 to avoid local residents to the south. All applicable State, Federal permits will be obtained by RJ Zavoral & Sons. The request is that the hours of operations for the asphalt mixing plant will be Monday through Saturday 6am to 10pm during plant operations. No aggregate material is available to mine from the site so materials will be stocked and stored for use within the plant operation area. Supplemental information for the contractor yard includes information that employees will report to the site to drop off equipment and supplies. The number of employees entering the site will vary from 0-25 per day. The expected average of employees reporting to the site would be less than 10 per day. An earthen berm is planned to be constructed around the perimeter of the site to control stormwater runoff along with providing screening to the adjacent roadways. The site will not include a storage building at this time as well as no office will be maintained on the site.

Snyder said the types of materials stored on the site will include:

**Aggregate and Soil Materials:** Base and Surfacing Aggregates (All Classes), Granular Material, Crusher Dust, Washed Sand, Crushed Concrete, Recycled Asphalt Product, Asphalt Millings, Landscape Boulders, Topsoil, Clay, Sand and Lime Rock

**Equipment** Loader including attachments (buckets and forks), Dozer, Excavator, Motor Grader, Skid Steer w/ Trailer, Scraper, Mechanics Truck, Conveyors, Aggregate Crushing Equipment (Cone, Jaw, Screens, Sand Screw), Asphalt Plant, Drum, Burner, AC Heater, Baghouse, Generator, Silo, Virgin Bin, Virgin/Scale Conveyor, Rap Bin, Rap Conveyor, Control House, AC Tank #1, AC Tank #2, Tack Tank, Propane Tank #1, Propane Tank #2, Stationary Riprap Screen, Fuel Storage Tanks, Trench Boxes, Sand Boxes, Ladders, Testing Laboratory

**Miscellaneous:** Short-Term storage of Miscellaneous Pipe, Short-Term storage of Miscellaneous Material

Snyder said general maintenance of equipment will be provided on the site including refueling, greasing, and scheduled routine fluid changes. All other equipment maintenance will be performed off-site. Employees will be on the site for a short period of duration each day, temporary sanitary facilities will be provided if deemed necessary. During asphalt operations sanitary facilities will be provided. The location of the office will be 1706 Bygland Rd SE East Grand Forks, MN. Plan of operations for the asphalt batching operations include: Materials brought on the site will be stored within the screening wall/concrete containment berm (outside berm). Fugitive dust control must be controlled from the storage yard and construction materials on site. Normal operations of the site and related equipment are limited to daylight hours. During asphalt plant operations the hours would be extended to Monday through Saturday 6am-10pm. The number of vehicles entering the site will be project specific but are expected to average 20 trucks per hour. During normal operations, employees are to report to the site only for the purpose of transporting, storing and retrieving construction materials. It is understood that approximately 10 employees on average will report to the site daily. Sanitary facilities will be provided for onsite employees if sustained operations are implemented. Maintenance of mobile equipment and trucks is to be done off-site. Routine maintenance would be allowed on site.

Snyder said typically the Interim Use Permit may be processed after the application is received and that process is set forth in PCZO Sec. 7.8000 for any specific purpose directly specified in the ordinance. Upon adverse comments, then the application shall be considered at the next Planning Commission meeting and processed in accordance with the proceeding of PCZO Sec. 7.5000 CUP. It is still an IUP, but the hearing process is similar to a CUP for public hearings.

Snyder said the following comments were received:

1. Thompsons USA limited commented that they deal with food products near the proposed site and handle tens of millions of dollars in navy beans at the site adjacent to this request. The bean product can pick up odors and potentially make it unusable as the odor then affects the taste. They noted they ship a lot of product overseas and our biggest issue is finding containers that don't have odors. They note that they rarely have issues with these shipments but when they do it almost always relates back to odor issues. They question that the odors have potential to damage their

inventory and are looking for assurances to reassure odors will not affect their products.

2. Landowners (15 separate household): Charles Boushey, Tyler and Hannah Driscoll, Dawn Brundin, Jay Holm, Curtis Peters, Rocky Scheving, Tom Barrett, Bruce Driscoll, Cody Driscoll, Cindy Driscoll, Karen & David Thorfinnson, Steve & Terr Scholand, Bill & Annette Pederson, Douglas & Kathleen Twite, and Bryan Enright, all object the application request due to the following concerns:
  1. Safety due to increased traffic and large vehicle operations.
  2. Environmental impacts due to proximity to the Red Lake River.
  3. Cancer causing noxious fumes from exhaust discharge such as polycyclic aromatic hydrocarbons (PCHAH's)
  4. Noise and quality of life will not be the same as the plant will be operating 16 hours a day 6 days a week.
  5. One of the most important aspects is the almost constant smell of hot mix asphalt. It will carry a strong odor through every homeowner's property beyond the ¼ mile of notification.
3. David Thorfinnson wrote an additional letter to the Soil & Water Conservation District office regarding concerns over leeching from the batch plant into the Red Lake River.
4. Douglas & Kathleen Twite wrote an additional letter that they are concerned with identification of materials to be used in this business venture, the lists provided indicate base and surfacing aggregates- what specifically are the classes of aggregates? They added fuel storage tanks what type and storage capacity are planned to be on the premise? What risk do homeowners need to be aware of? Will this affect our homeowner's coverage will they be forced to purchase additional property insurance due to this type of business in our immediate area? Property value pre-post plant development impacts? What environmental impacts might this type of business have? Pollution, runoff, additional traffic, resource usage, etc. When would an Environmental impact study be done? We believe After the permit is granted NOT acceptable. If interim use is permitted is there the continued possibility of renewed privileges after the 10-year period? As homeowners we are concerned about the air contaminants possibly released from the operations of such a plant. What effect will the plant have on a) rural power use b) rural water use c) air quality/emissions effect on health (asthma, COPD, others) d) river contamination e) property values in general? While not opposed to business development in the area we are concerned as close neighbors to what/how this business may affect our property value, our environment, and our neighborhood in general. Is there a reason Zavorals are not building on their existing site where the business headquarters are located? We disagree that the proposed facilities are similar to the existing industrial type facility currently located at this site. The other sites emit no visible or to our knowledge contaminants of any concern to neighboring properties. When/if permitted would environmental impact studies be done if there was an issue identified by neighboring

facilities/houses/water quality/emissions? How would fugitive dust and odors be controlled?

Doug & Kathleen Twite, neighboring landowners wrote an additional letter stating that they met with John Zavoral & Zach Bopp from RJ Zavorals regarding their prior letter to clarify their concerns they added, that emissions would be controlled to non-significant levels of pollutants well under MN and Federal standards. Property values should not be affected. Increased fire protection will not be required. Operations will not be year-round. Discharged water should not affect waterways near the operations. Truck traffic should not be utilizing Co Rd 76 unless a contracted project would be in the vicinity. The proposed location will not use rural water nor electrical resources. Documented typical wind directions do not flow in the direction of their property. The noted that the meeting has significantly reduced their initial concerns regarding the proposal.

5. John Mero wrote a letter stating the said property is not zoned for an asphalt plant. Notice is only given to the Township and property owners within ¼ mile when this project affects property owners at a greater distance. He also stated that he uses the river for recreation, boating, fishing, and hunting. Farmers and a Winery use the Red Lake River for irrigation, East Grand Forks uses the water for drinking, which brings up my concern of contaminated water. There are no plans or approval from Zavorals, EPA, Red Lake Watershed or DNR. John said they are not required to submit plans to these organizations but are required to meet their standards. He feels more time is needed to contact these organizations. The infiltration basin appears to be too close to the 100-year floodplain and not enough soil to filter water before it reaches the river. Also, he adds he sees no wastewater basin on Zavorals plot plans. Traffic routed from site to State Hwy 220 with a max of 20 trucks per hour running from 6am to 10 pm Monday through sat draws great concern with delayed traffic getting to and from work, schools and emergencies. Hwy 220 is also a bus route and creates extra road maintenance. Noise and air quality will not be the same even given Zavorals the State Standard permit. It will depreciate the value of our property and affect anyone with chronic illnesses. I plan to retire at this property and now I have concerns because my family has a history of lung disease and I am scared I would be affected. The smell of hot mix asphalt is very strong, and it will carry a strong odor through every homeowner and property over ¼ mile especially with our prevailing wind. The noise will be loud and a nuisance 16 hours a day. I feel with all the problems listed in my letter that an interim use permit should not be allowed.
6. Laura & Rob Raymond sent a letter stating that they are contacting our office with strong opposition based on numerous concerns and negative impacts the proposed use will have on their property value and quality of life. After researching information about negative effects other asphalt plants have on neighborhoods throughout the Country they have concerns that need to be considered before approving this request. Air quality is a concern as asphalt plants release harmful air borne particulates which are hazardous to health. Asphalt fumes are known to cause or exacerbate respiratory ailments and other health issues including cancer, liver damage, neurological problems, skin irritation, headaches, and nausea. A survey by an environmental

organization (BREDL) indicated that 45% of residents living within a half mile of an asphalt plant reported deterioration of their health after the plant opened. Smell is also a concern as hydrogen sulfide is the main smell component of asphalt. They anticipate the plant will have control measures to minimize these odors but as anyone living down wind of Simplot or the Crystal Sugar Beet plant knows these nauseating smells cannot be contained. Additionally, they add there are no control mechanisms on the transport trucks to reduce or capture any of these fumes. The smells not only prohibit outside enjoyment and frequently noticeable inside homes they often cause headaches, upset stomach, and irritating respiratory symptoms. Noise is also a concern as the proposed asphalt plant would have a massive impact to the noise levels in the surrounding areas. A gentleman who lives over a mile away from an asphalt plant stated in an interview that although he cannot see the facility “it sounds like a jet engine right next to your window.” In addition to the noise from the plant the increase in the truck traffic on Hwy 2 will cause a massive noise increase. We are familiar with the increased truck traffic noise during the sugar beet harvest. This plant has the potential to create noise year-round with the times of operation in their plans 6 am to 10 pm Monday through Saturday. The number of trucks is expected to average 20 trucks per hour in and out of the site. The wind will carry the noise and fumes especially down the river so this plant will impact more than just the neighborhoods and homes in close proximity to the plant. Property values will be reduced as several studies suggest that property losses for homes near asphalt plants can average 15-30% and as high as 53% reduction in property sales value. In addition to these concerns we will directly be impacted on our property and quality of life, studies have been done for specific plant permits in other States that report additional concerns that may apply to the surrounding areas. These include negative effects on biological resources, water quality and contamination, utilities and services systems and greenhouse gas emissions. The effects on farmland soil and crops might also need consideration. They are completely against this permit and ask that the permit NOT be given for this location or any other nearby area that poses the same concerns. (cited resources for statements in this written statement are from the Center for Health, Environment & Justice 2016 Factpack for asphalt plants as well as CHEJ ecoRI news dated Jan 27, 2021)

7. Jeff & Peggy Heath wrote a letter stating that they wanted to express their concerns for the requested asphalt plant to be constructed across the Red Lake River from my home. They asked where do they begin they have lived in their quiet neighborhood since August of 1983. They added they love the area being on the river and all. They realize that the plant location is zoned commercial, but they note that they already have Simplot and the Bean plant there. They asked if an Environmental Impact Study be conducted for such a plant to even be located there? The proximity to the river is of great concern to them. The settling of particulates from the Asphalt plant and the operation itself would surely pollute the waters of the Red Lake River which is the source for drinking water for East Grand Forks and Grand Forks as well. It is impossible to catch everything that is discharged from the plant as well as cancer causing carcinogens are a byproduct of what the plant produces. They have 2 schools 1 ¼ miles from the proposed site no one can guarantee 100% that the air around these

schools will not be affected let alone the air around all the residences that live in the area. In their opinion the proposal is too close to town, too close to the river and too close to their neighborhood of homes. They added, who in their right mind would want to live next to an asphalt plant?! They requested the permit be denied on these reasons listed.

8. Chuck & Shirley Boushey wrote a letter that they are extremely concerned with the potential issues this plant is guaranteed to inflict on the current Township. They have been residents since 1976 and they have had no complaints over the years as this is a very serene living experience. They added they have raised three children and now have four grandchildren that enjoy the peace of their home. They have concerns that start with the additional traffic that will inevitably arise with this asphalt plant. The plant is set to so 20/40 trucks per hour that run from 6am to 10pm which has a potential of 320-640 moving tucks on Township roads per day. This would be in addition to the current level of traffic that already exists. They add the second and most unsettling concern is the guaranteed pollution from the asphalt plant. The Federal Environmental Protection Agency EPA states “asphalt processing facilities are major sources of hazardous air pollutants such as formaldehyde, hexane, phenol, polycyclic organic matter, and toluene. Exposure to these air toxins may cause cancer causing substances. The effects can be coughing, wheezing, shortness of breath, severe skin irritation, dizziness, nausea and headaches. They add, with this proven information available it seems reckless to approve such a dangerous plant near so many residential homes. They conclude that they have enjoyed the fresh air, quiet environment and small town living since 1976. It would be extremely monetary thinking to approve this type of plant when it directly harms residents of this Township. Also it is irresponsible and downright unsafe to move forward and approve this application.
9. Darren Schimke wrote a letter stating that he is opposed to the site use for the following reasons; property resale valuation, he added that they purchased their home in 1995 and consider it to be an investment. He added that he is nearing retirement and the results of a study conducted by the Center for Health, Environments and Justice were that there was a 56% property value loss on properties located within a 1.5-mile radius of an asphalt plant. This investment of their home is a major component of a larger plan that they have been working on for 26 years. He feels that a depreciation in value or at best flat line scenario to their investment is unacceptable. Traffic is also a concern as well as traffic safety, the heavy equipment and trucks that would be entering and exiting this contractor yard poses risks because of its location adjacent to highway 2, Highway 220 and the railway. During spring work and harvest season this intersection becomes more congested with the increase in field work and the necessary farm equipment needed to accomplish this important area task. This is in addition to the already established traffic flow generated from Simplot and the Bean plant. Also, there are 4 area school buses that ente3r the traffic routes twice a day each taking country students to and from the south end schools to the north side East Grand Forks homes. Odor pollution is another concern as he works .7 miles from an asphalt plant and the odor is considerable and lingers inside

the building afterwards. The proposed plant is closer than that to our home, directly across the river from them and to the north with the prevailing wind north/northwest wind, their quality of life will be negatively impacted. He added they are not lake People they spend their time at their home they enjoy sitting in a clearing in the woods they have made and enjoy the quiet lifestyle. Air pollution is an extreme concern as the creation of asphalt will produce hazardous materials. Studies link respiratory problems, cancer and many other harmful conditions the EPA states that asphalt processing fumes are toxic. The process produces hazardous air pollutants such as formaldehyde, hexane, phenol, polycyclic organic matter and toluene to name a few. Exposure to these air toxins may cause cancer, central nervous system problems, liver damage and respiratory problems. They currently experience mild asthma in their home which is exasperated with decreased air quality. He added that after his 24 hour shift at work and when the nearby asphalt plant is operating he can see the film of chemicals on his vehicle. He wonders what this hot petroleum byproduct will do to their home's shingles and siding, not to mention mowing the grass in the summer with the particles settled on it or their garden. Studies have proven that this air pollution banks down to the ground faster and denser in high humidity areas and anyone that lives near the river or woods will attest to how fast lawns get wet after supper time due to high humidity even in the driest of conditions. Noise pollution with the heavy machinery operating within the plant, the increased truck traffic, the rock crushing equipment, all the necessary equipment to produce asphalt, gravel trucks, etc. will be noticeable from their home. He dares to say this area consists of one of the heaviest populated areas within their Township per square mile that is not inside a city limit boundary. Also, he adds the river acts as a bullhorn and noise just seems to travel further. Ground contamination is a concern as well as the EPA's defines "unreported quantities" of hazardous materials that are spilled or leaked accidentally or otherwise. These materials would eventually leach into ground water and the Red Lake River over time which is one of our communities' direct sources of drinking water. Even with proper barriers in place he has seen overtime the evidence of these products degrading and not serving the purposes that they were designed for. Wildlife is another concern that this asphalt plant will have negative impacts on wildlife from the squirrels to beavers to the eagles. Please consider this a do NOT approve vote on this request.

10. Chad Berglund (Store manager for Carpet Garage), Shannon Hoselton (Casey's General Store), Thomas Pankatz (Happy Harry's), signed a petition created by RJ Zavoral that stated for 6 & 10 years respectively these businesses have had no adverse experiences or any adverse effects by operating in proximity of an active asphalt plant. As well to their knowledge no formal complaints of noise, odor, or dust from their customers, employees or the public.
11. John Barrett, nearby landowner, wrote a letter of support regarding the proposal and offer his support for the continued growth in the region. He added that the area has been zoned industrial since 1973 and denying an industrial facility appears short sided. In his opinion RJ Zavoral has an extensive history of being neighborly and complying with local agency requirements. His past experiences evolve around the

Eastside demo landfill. In preparation for the construction of the landfill he had discussions with them about concerns with garbage blowing onto his adjacent property. At that time, they promised that it would not be an issue and in the past twenty years he has not had to pick up one piece of trash off his property. He feels that if they can meet the requirements set by the zoning board it should suffice to approve the application.

12. Jon Mason (MNDOT district 2 planner) sent a letter regarding the proposal for MNDOT. The letter stated that MNDOT is unable to approve a new access off of State highway 220 as shown on the original IUP application sketch plan. The state has access control along this section, but access is available via the existing driveway approach on the roadway that parallels the south side of US Highway 2 and the railroad. MNDOT permit conditions are in effect to perform work within the trunk highway right of way. This includes any work within the 100 ft of MNDOT right of way that parallels the south side of the railroad right of way. Please contact Terry Condon, MNDOT district 2 permits for additional information. Jon added additional comments via email that there shall be no net increase in storm water runoff to the Trunk highway right of way from said property. Computations of all storm water directed toward the right of way shall be provided to MNDOT. As well, a MNDOT permit is required to perform any work within the State right of way.

**13. HUNTSVILLE TOWNSHIP COMMENTS:**

**Comments – Zavoral Interim Use Permit**

Huntsville Township has received a copy of R.J. Zavoral and Sons application with the County for an Interim Use permit. The following are our comments:

**Township Policing:** Huntsville Township has received calls from concerned residents regarding the proposed asphalt plant. They are summarized below. If the County issues an Interim Use Permit and if neighbors subsequently complain, Huntsville does not want to be continually faced with determining whether there is “too much smell” or “too much dust” or “too much traffic” or “too much noise.” If the County issues the permit, it should address how these issues will be measured and what actions the County will take if violations are not corrected. Huntsville does not want to be in the middle of resident complaints and the Zavorals.

**Property Owners Concerns:**

1. Darren Schimke: Darren is one of eight homeowners located immediately south of the proposed asphalt plant. The group of homes has been there for 30 or more years. These homes are separated from the plant by the Red Lake River and a wooded area. Darren is a Grand Forks firefighter stationed at the north end fire hall. The fire hall is within a half mile or so of an asphalt mixing plant to the north (behind the Happy Harry’s north-end location). Darren says that they can smell the plant when it is operating. Also, the plant generates a fine dust. He’s also concerned about high truck traffic, storage and movement of aggregate in close proximity to these homes. Also, he’s concerned about the plant’s close proximity to the Red Lake River and potential contamination.

2. Steve Scholand: Steve is also one of the eight homeowners located to the south of the proposed plant. Steve relayed concerns similar to Darren Schimke’s. In addition,

he works for MNDOT and had heard that access to the property was an issue. That MNDOT denied an access to the highway and that trucks would have to use the same access road currently used by Simplot.

3. Paul Driscoll: Paul is a former resident and township supervisor for Huntsville. He called on behalf of the Bean Plant. He said that the manager of the Bean Plant had contacted him about the permit application. The Bean Plant is concerned that its stored beans may absorb asphalt smells and that quality would be affected.

4. Jim Vrolyk: Jim is manager of the Bean Plant. He relayed concerns similar to Paul Driscoll.

5. Bruce Driscoll: Bruce is a retired farmer with a business office to the southeast of the proposed site. Bruce voiced concerns about smells and increased traffic. He also raised concerns about Zavorals prior compliance with a conditional use permit for a dump site/contractor's yard located in the northern part of the township.

6. Jeff Heath: Jeff is a homeowner in the group of homes located south of the proposed site. Jeff contacted the township after he, Dr. Thorfinnson and John Mero met with John Zavoral to discuss the project. Jeff says that they are still opposed to the site based upon smell and dust.

**Smells:** Zavorals operate an Asphalt Plant in the Thief River Falls area. John Zavoral indicates that plant has not caused problems and offered the Township a tour of the plant. It may be something the County should explore before issuing the permit.

**Site Activity:** John Zavoral indicated that the plant would be capable of filling 20 semis per hour. Their Plan of Operation (p14 of application) says that traffic would vary but "average 20 trucks/hour." Hours of operation are 6 days per week, 6:00 am to 10:00 pm. At the peak of construction season, that will be considerable traffic. In addition, the site doesn't have any aggregate on site. So each semi load of asphalt needs a semi load of aggregate and other material to make the product. So in addition to the 20 semis per hour carry asphalt out, there will be corresponding traffic bringing raw materials in. Also, depending upon the location of the project, this traffic may either be routed to Highway 2 or down Highway 220. If using 220 or other routes south, then this traffic will be running by homes to the south. Full semis out, empty semis back, on average about 20 per hour each way, 6:00 am to 10:00 pm, 6 days a week.

**Concrete Crushing/Asphalt Recycling.** In addition to the asphalt plant, it looks like Zavorals plan to use the site for activities including concrete crushing and asphalt recycling. The application includes "stockpiling of various aggregate and soil materials, .... and stationary screening of aggregate and soil materials." (Application p. 10). Their storage list includes "Crushed concrete" and "recycled Asphalt Product." Their equipment list includes "Aggregate Crushing Equipment." Are these activities in addition to the asphalt plant that will generate noise and dust?

**Ordinance Restrictions:** Ordinance Section 12.3020 lists the required conditions for an asphalt plant. Item e states that "Aggregate mined on the site must be adequate for use in asphalt or concrete and must be the *primary source of aggregate used* in the plant." The ordinance is designed to restrict plants to the same area where aggregate mining occurs. This is not the case for the current property.

Also, the Huntsville Ordinance has this parcel zoned Agricultural.

**Conditions on Use:** If the County believes it can monitor this activity, they should:

1. Determine if the use is truly interim or temporary. Or is this an indefinite location for asphalt mixing, concrete crushing and contractor's yard?
2. Clearly define the scope of the permitted uses. Is this permit for an asphalt plant, a concrete crushing site, a contractor's yard, or all of the above?
3. Determine reasonable conditions to limit the impact of smell, noise and dust to adjacent properties.
4. Come up with measurable ways to determine compliance and enforcement measures.
5. Issue the permit for a relatively short period of time.

Snyder then went over slides showing:

Property map – indicating 100-year floodplain

County Zoning Map showing zoning districts- this appears to Snyder that the industrial district was created when the zoning ordinance was created based on the fact that it doesn't appear to follow parcel lines. Why here, he assumes it is due to the conversion of Hwy 220 and 2 and other industrial/commercial businesses in that area.

Expanded map of the 100-year floodplain

Application – was covered above

Zavoral's supplemental info – their response to all ordinance amendments

Asked for explanation of "misc" equipment – short term use items such as signs.

Plan of operations

Site layout

Explained notice based on entire property not just the 30.45 acres and that the asphalt plant will be placed in the center

Map showing portion of parcel to be used for IUP

Contour map

Map of adjacent landowners' proximity – map was from the applicant

Map of proximity to the city of EGF

RJ Zavoral provided and explained the following slides:

-AVG daily traffic count map

Zack Bopp said that the graph shows the breakdown of what happened over the last four years for their truck traffic. The worst-case scenario would be for only a short duration of approximately 2-4 weeks. Their peak season is May-September, not during the beet season.

- traffic impact calculations

The worst-case scenario would be for only a short duration of approximately 2-4 weeks. Their peak season is May-September, not during the beet season.

-Access plans - would have trucks staged on their property.

-Truck route

Snyder asked for a truck route – Bopp said no trucks would be on the highway or frontage road blocking traffic. Snyder said is there any concern with distance from railroad to your access – it is very minimal. Would any trucks be routed through EGF? Bopp said no, they would stay on County or State roads.

Jeff Heath, neighbor asked wouldn't the numbers from your TRF plant that is operational be more pertinent than a plant that is not yet operational. Bopp the TRF plant will still be

maintained and there they run a smaller crews with 5 trucks so typically their daily truck trips would be the same as this. If we have a larger project that is where the additional of trucks come into play. Steve Scholand, neighbor, said something we are not yet addressing is the potential for the Merrfield bridge crossing that would reroute truck traffic from going through GF and EGF. The other issue is that there are trains there and sometimes you have to sit there for 10 or more minutes. So, if your trucks are coming in, you would have a short turn lane and could block traffic. Bopp said he believes MNDOT is looking at extending the turn lanes both for the East bound and West bound. But if it is backed up, we could continue farther and turn around, all on state or county roads. The trucks would be returning to the plant so they would be empty. Bopp also said the beet season is at the end of our season.

Lee asked for clarification about 20 trucks per hour, each way. So is that 10 each way or 20 empty coming in and 20 leaving full. Bopp said 20 trucks total. The aggregate material would be brought in before a project would be started so we don't have that traffic conflict. Dan Zavoral stated there is no mechanism that allows us to say what happens if we have a breakdown etc. - so most of these items are at the max possible that they could be. We have no intent to run those full hours, but if we were to have a breakdown or weather threatens, we don't want to have to call and ask for a two-hour extension to our operational hours and also be required to notify the neighbors. We didn't want to ask for too little and we didn't want to shock people with extremely high numbers. D Zavoral believes that maybe one time in the last five years they have gone later than 10 pm, so it could happen, but it is rare. Snyder said night paving isn't something you do. Bopp said majority of the projects don't run that way.

#### -Map of prevailing wind directions/speed

Bopp said if you were to overlay this map on the GIS map of the area you would see that the predominant wind direction would not be towards the houses to the south. One of the owners of the company actually lives in that area also. Rob Raymond, neighbor, said that the way that crap looks to me with the winds most of the time coming from the NW or SE, that is basically following the river. And the river is basically a corridor for noise and aren't you worried that it will be like a funnel carrying the noise to all the neighbors and the city. Bopp said it is hard to model that and we understand that this graph is not gospel. D Zavoral stated that there is a fair amount of natural screening to help buffer the noise on the south side of the property to buffer along the river.

Darren Schimke, neighbor, wanted to say that a prevailing wind, no matter the direction, when it tops the trees will swirl around. It doesn't follow that track, it comes whipping around all the time. Bruce Driscoll as a certified crop sprayer and farmer who lives by the wind direction and chemical drift. We work hard to keep fumes controlled. Even with no wind things carry. Farmers have windsocks on all equipment as the wind changes all the time. That graph is all well and good, but this is real life experiences.

Jeff Heath stated he wants to address the buffer thing from the trees, it is baloney. I live  $\frac{3}{4}$  mile from bean plant and when the dryers are running, we hear it plain as day, there is no buffer. John Zavoral asked if they hear them in the summer. Heath said he hears them whenever they are running.

- Snyder then showed pictures of the site.

Powers asked someone who lives in the homes to point out who lives where. Thorfinnson did. D Zavoral clarified that the existing access is what they would use, they would not be creating another one.

Snyder read the screening standards from the PCZO section 12.4100. Natural planting requirements would mean they would be limited to pine trees.

Snyder then opened the meeting to questions from the PC members and then they would open it up to those in attendance and those via WebEx.

Jore asked about berm height? D Zavoral said they are open for interpretation, but know we need at least a 3' berm for containment purposes, but we can go larger. We would use material from the site. Franks asked when they are running the plant full time, are they mixing oil or tar on site? Used oil that gets mixed with gravel? D Zavoral said yes, the oil is delivered from the vendor. Franks asked how many gallons do you use in a day? D Zavoral said if paving a township/county road, maybe 10,000 gallons per day. It would be delivered, and they would off load into our tanks onsite which are 10,000 gallons each.

Schulz asked if they have a batch plant running in GF or EGF and is this in addition to that operations? D Zavoral said we don't currently have anything in GF or EGF. Our current fixed plant is just west of TRF and then we also have a portable plant that we use. Powers asked if and when this ever gets up and running, do you ever plan to sell to other contractors? D Zavoral said no.

Gagner asked where the raw material was coming in from? D Zavoral said typically, since the valley is so aggregate poor, it either comes from 40 miles to the West or 40 miles to the East. Gagner said no material will come from the site, all hauled in. Gagner stated that it seems like the biggest concern is the bean plant and the quality of their beans. D Zavoral said when we had the wind chart up, one of the smaller arms is the wind direction that would blow directly towards the bean plant. If we do get the permit set up, we would do as suggested, a windsock setup. Our proposal would be to contact the bean company to see if they are running their fans that day and if the wind is blowing that way.

Snyder asked the applicants do you see this as a portable site still or are you looking to set this up for 20-30 years of operation. Is this the next fixed site. John Zavoral said our plans are for a portable site, it could not support year-round, there isn't enough projects/material to lay down in the area. Snyder said it is Interim for a reason as it is portable. D Zavoral said as for the contractor yard, that might be for longer term. We have to bid these projects like everyone else does and if we don't have the opportunity to have a potential plant like these, we are just trying to get out in front of this and have a plant location ready for future bids. J Zavoral said last year their temporary plant moved seven times. We cannot survive in one spot. Powers asked why do you want a 10-year permit then. D Zavoral said because we don't know what the counties are doing for their long-term projects. J Zavoral said this site would be set up and we wouldn't have

to go through every time we bid a job. We have been in this process six months. You couldn't get a job without preapproval.

Vonasek asked if a permit on this site would fail, do you have an alternative site. D Zavoral said not really. Lee asked what size the propane tanks. D Zavoral said 18,000 gallons. Bopp said they are also mobile and move with the plant. Lee said one of the comments were CUP compliance problems about a contractor yard. J Zavoral said in 2017 they had a violation at their storage yard. There were culverts that were a few feet to high in stacking, so we fixed that. We also were asked to plant more trees. I don't believe there were any other violations, right Jake. Snyder said that screening was an issue and the culverts, but there is no active violation right now with Huntsville Township. This is dual regulations and it was Huntsville's conditions that they were in violation of. Snyder asked where that property is at in relation to this one for the hearing. J Zavoral said about 2 miles north of this site, and it is not large enough for a contractor yard and plant.

Phillips asked if it is their intent to keep it as a contractor's yard once the asphalt plant is done? Gagner asked if this is a new plant or do they own it now. J Zavoral said it is one we have now that we move around within the 8-county area. Cavailier asked about other permits. Bopp said we are aware and know we need to get stormwater and air permits for the plant site. We also have to follow emissions regulations. Bopp asked if Snyder had that slide. Snyder said no, so copies were made to hand out to all in attendance. Bopp said we have to do testing to make sure we fall within regulation guidelines. We will be well under particulates for the year. There are also several other pollution potentials that we have remained under. We test every permit period, every 3-5 years. Schulz asked about the road oil tank, how many are on site. Zavoral said 2. Schulz then asked about the propane tanks and how many. Zavoral said 2 also. Schulz asked if these trucks were figured into the truck count. Bopp said it would be one truck a day and D. Zavoral said we can prefill those before a project so there would be just the one truck each day to refill and that dwindles down as the project reaches completion.

Lee asked if they have any concerns with the infiltration basin overflowing. Bopp said that is sized based on acreage and MPCA standards. We also have the berm as a secondary containment. Lee asked about a heavy rain. J Zavoral said a heavy rain would flood our site because of the berms. Cavalier asked about fugitive dust violations, how would that be controlled. Bopp said we are well within the standards. Bopp said we have a baghouse on the plant that can help control fugitive dust. Lee asked about the bean plant and odors. D Zavoral said we would keep in contact with the bean plant and their plans should the wind be in that direction, we wouldn't pave if the winds are in that direction. Lee said what if there is an odor issue that is not tied to the wind. D Zavoral said he didn't see that they are mutually exclusive of each other. Basically, if the plant isn't operating and producing exhaust then there shouldn't be any odor as the tanks are sealed.

Phillips asked if accidents occur, what are your plans. If things change, will the beans be destroyed. D Zavoral said he cannot speak for the bean plant, but he believes they operate their dryers more when we are not in operation. We all know the wind will change, and it does all the time. We do have the ability to shut down the plant in a short amount of time, basically 5 minutes. We do have the ability to react.

John Jeffrey's (WebEx) asked to clarify that the Zavorals have a bid opening today for a project and if this was only allowed for a one-year time frame, would they still be interested in this permit? Zavorals said yes, they have a bid opening today and yes, they would still be interested.

Cavalier asked maybe we should request a visit to the TRF site to get more information and knowledge before we make a decision, he would like to see the operation. Snyder said that he needed to explain about the window of 60-day application action where we need to make a decision. He would recommend we process this today and make a decision. He understands that a visit would help, but we also need to deal with open meeting laws, etc. and it doesn't seem feasible within our window time frame for action. J Zavoral also said that that plant would not be operational for another 2-4 weeks due to the weather. Snyder also wanted to clarify that the applicants are looking for a determination, one way or the other, today on their application. Zavorals said yes that is correct.

Snyder said for public testimony that anyone who wishes to talk come up to the table, closer to the microphone, state your name and that they will be limited to 3 minutes each.

Jim Vrolyk, Thompsons Bean, thank everyone for having this opportunity. John Zavoral did come over and we had a little meeting/visit. They are trying to address the concerns we have. It isn't a black and white thing. We cannot say today we will have odor issues. Even on still days we can have odor issues. It is a short crop season for the beans. Ideally, they like to be done in September, doesn't always happen, but some years it happens in August. And those years when they come off early, Aug or September, we need to run the fans even more to cool the beans down, so they don't spoil. Is there a 100% chance that the asphalt plant will make a mess of our beans, absolutely not. Is there some sort of possibility, I can't say there's not. I am also curious about this being a portable plant and it has been in 7 different locations last year, how does that work for that process? Do you have to go through this process for each of those 7 locations?

Bopp said the plant moves, this process we are going through is because we believe this region has sort of a "hole" that needs to be filled. We have gone through this process before. D Zavoral said the closest one similar to this would be in Clay County for both mining and asphalt plants. We have CUP permits from both the county and the township as they do similar to Huntsville township. Vonasek asked if they do the mining right there at the Clay County one? D Zavoral said yes.

Bob Raymond, neighbor, asked about the theoretically calculated emissions, what were these numbers based off of. Bopp said as part of their air permit with MPCA we have to go through our entire list of generators, plant, anything that is a potential generator of emissions. All that information is keyed into a spreadsheet provided by MPCA and this is the data generated. Raymond was curious because you gave numbers earlier and was wondering if those numbers are based on that or on 20 trucks and hour. This could be completely different. Bopp said this is for

the asphalt plant itself and like it says on the bottom this sheet, it is for the entire year, which is a 20-week average.

Jon Mero, I know the state and federal standards and what they call acceptable risk. My point being the government has a duty to prevent harm. There are long term concerns with the toxins and air and water issues. There have been zero impact studies and he would like one done to see what it says and what we are up against long term. Bopp said they have talked with Snyder about this and the state of MN requires it if you produce more than 100,000 tons of pollutants per year which we are well under that, which is something a stationary year-round operation such as American Crystal would need. If we were down south and ran year-round, it might be required. Mero said you say that now, but you don't know your contracts for the future. If you get contracts you are going to do it. Bopp said this is what we produce in one whole year. D Zavoral said that this is the maximum amount we could do in a whole year, unless we put 2 asphalt plants in one spot. Mero said you still don't know the long-term effects. He is afraid of the unknown. No impact studies to help. Could be river pollution and lots of things that will inconvenience us such as noise, traffic, etc. I don't want to come home and have to listen to all that. This is the place I wanted to retire to, and I feel this is taking my quality of life away.

Snyder said that the environmental impact studies that Bopp talked about is the mandatory level. The County Board can address this and require it, but they don't hit the mandatory levels. J Zavoral one of the things is we did take the crushed concrete out of the plans for this site. Bopp said he isn't sure that was noted in the packet, but they did remove that part of the operation from this site.

Darren Schimke handed out a copy of his 2 ½ page letter, which he then read. This was a slight expansion of the letter Snyder read as part of the comments section.

Laura Raymond commented - I am not questioning the Zavoral's integrity and we believe you 100% that you will do all you can to minimize all of our concerns, but in reality, you cannot eliminate them. So even with the best efforts and the best technology we are still going to be facing problems with the noise, the dust, the smell, the traffic, all of our concerns that were stated. And being in compliance isn't necessarily going to change that. I am sure crystal sugar and Simplot are also in compliance and even with their smokestacks they have baghouses and scrubbers where they should, but we all know they still stink. I am sure speedway is in compliance with the noise, but you can still hear the races miles away on Friday nights. It is not going to eliminate it no matter what you do. As with the PM's, some of the biggest problems are with diesel and the rubber on the road. So, while I really do believe that you will do everything you can to minimize this, you still are asking us to accept and deal with the residuals. I hope that you are able to find a better place for this as I don't want you shut down. Just please understand we don't want it here.

Schulz asked if our hydrologist looked into this. Snyder said the DNR was notified and we didn't get any comments. Not sure if it had to go to a different division, but we notified our contact as required.

David Thorfinnson, neighbor to the south spoke. Said he bought his property in 1998. Found the ideal place to live. Clean, quiet and fantastic neighbors. I won't be able to say that if this plant comes in. Has the same concerns as the others. He doesn't begrudge anyone from having a plan to expand their profits, it is the American way. But to do so and have such a negative impact on the neighborhood should not be allowed. That price is too high. I cannot give a percentage of property value loss as that is in the future. I can say that at the time we do come to sell, having an asphalt plant as a neighbor is not a selling feature. He also worries about hunting and pollution for the wildlife.

Phillips asked for clarification on the odor potential column on the emissions report. Bopp said one of the concerns brought up to us by Snyder was the smell. I was hoping to give a little clarification to – does this pollutant have a smell – is there an odor potential. So, you can look at this list and see if they have a smell. Phillips asked if these were all the ones the neighbors have concerns about. Bopp said they are the ones brought up in the concerns and we are always monitoring.

Jeff Heath, neighbor, stated he was in TRF on Wednesday and stopped by a house that is adjacent to an existing asphalt plant. Gene answered the door when I knocked, and we talked about his home's location to the plant. Gene said he bought the land when the plant was already in place. He said there was a lot of noise, but not too bad. All the smells from the plant are not too bad either, most of the time. He said one thing about living next door to an asphalt plant was no mosquitos. Heath said when he got back to the office, I opened up google earth and looked at that site. You can clearly see the smoke from that plant. I wonder if the Zavoral permit is approved, if the place I call home for 38 years will fall into that "not too bad" category.

John Jeffries stated via WebEx that the board must consider whether the request diminishes or impairs property values, referencing section 7.5102. Powers said we have addressed that. Snyder said we are getting there.

Bruce Driscoll said that this is on a landowner's rights issue and that's why we have ordinances. Section 7.9012 – 7.9016 which all talk about it affecting the surrounding area. I don't want to drink the ingredients of old or new highway 2. This is a landowner's rights and I don't want to cause rifts with the Zavorals.

Steve Scholand – concerns with future flood issues. In 1997 we had a 500-year flood event. This parcel is on the border of the 100-year floodplain, possibly the 500-year line, I am not sure. If we get 100 inches snow again, will all the flood mitigation projects that have occurred around EGF and GF, I am fairly confident that the water is going to act differently in this area. I am also concerned with the water levels around our properties.

Gagner asked if the area where you are planning to build, is it above or below the floodplain. Bopp said it is above or out of the 100-year flood. Gagner asked so in 1997 this property was not wet? Powers said everything was wet. Snyder said he has a map of the floodplain – these are the preliminary new maps that were done 6-7 years ago. There is floodway – area that will flood every year. The 500-year floodplain is not a regulated district, only the 100-year

floodplain is regulated. D Zavoral asked if the neighbors to the east would also then be in the 500-year floodplain. Snyder said yes.

Jon Mero asked about the infiltration pond being 20-30 yards from the 100-year floodplain. So that water is coming from all the runoff on the site – from the trucks, tires, etc. He understands it will be filtered but is there any other wastewater on site. Bopp said the permitting process requires us to have the pond and the water will slowly percolate through the clay soils. D Zavoral said if there was a need to discharge the water, it would have to be tested prior to that. Mero said that with being so close to the floodplain you need to build a dike/pond, and will that be below the 100-year floodplain? Zavoral said yes. Lee asked if discharged, where would you do that. Zavoral said the adjacent ditch. Bopp said it is all part of the permitting process, to have a worst-case scenario. D Zavoral said with the berm, we have millions of gallons of storage. Lee said what happens if it doesn't test out – D Zavoral it would have to be pumped and hauled for treatment.

Thorfinnson handed in a petition with 30 some signatures that are against this request. He also said it thought there was something in the requirements about it not being an eyesore – how does a 3 or 4 ft berm block the view of an asphalt plant. It may contain water, but it doesn't make it look nice. He said Snyder also said a requirement of evergreen trees being planted. Thorfinnson said he planted some and they grow slow, very slow.

Powers called for any more comments. A neighbor asked how they get around the requirement that the aggregate has to be mined from the site. There is no aggregate on this site. Snyder said the ordinance standards are set and that is in there to help minimize traffic. But there is basically no aggregate mining within the valley. We have issued one other IUP for a one-year project that didn't mine the site. Scholand asked if the crusher was part of that permit. Snyder said it was and that it was a concrete batch plant.

Paul Driscoll, we have a farmyard ¼ mile from the plant as well as our farm headquarters. We are not in favor of this request. I think we have discussed this long enough today and I hope you have listened to the neighbors and can move on with a decision.

Snyder stated that staff recommends denial of the IUP for the following reasons:

1. Most alarming to staff is the potential of this proposed site use on the Thompsons USA bean processing facility. This facility deals with producing food grade products from the local farm economy. This million-dollar industry is at risk from their products and shipping containers absorbing odor from the asphalt batching operations proposed. Beans are at an increased contamination risk for odor absorption. It would only take the right atmospheric conditions for less than a week to cost this company millions of dollars in damage to the products located approx. 1000 feet from the proposed asphalt batching. Not mining aggregate on the site adds double the truck traffic into the site. Although the traffic timing can be offset to pile the aggregate, this adds potential nuisances with dust from aggregate off-loading and additional hauling noise to the site even when the asphalt plant is not in operation. The lack of space (100' spacing) from the railroad tracks south of Highway #2 into the approach to the frontage road is the most concerning traffic impact.

2. Not mining aggregate on the site adds double the truck traffic into the site. Although the traffic timing can be offset to pile aggregate, this adds potential nuisances with dust from the aggregate off-loading and additional hauling noise to the site even when the asphalt plant is not in operation. The lack of space (Approx 100 ft spacing) from the railroad tracks south of Hwy 2 into the approach to the frontage road is the most concerning traffic impact.
3. The Operational plan failed to address several nuisance complaints from neighboring landowners regarding their use and enjoyment of the neighboring properties specifically for operations when asphalt batching. Noise, dust, & odor potential were not significantly addressed to combat the vast number of concerns from the neighboring houses.
4. For these reasons staff feels that adequate measures were not taken to prevent or control offensive odor, fumes, dust, noise and vibration so that none of these will constitute a nuisance. The applicant failed to demonstrate serious effort to combat the potential nuisances this proposed site use could have on neighboring existing land uses predominant to the area specifically housing and existing industries.
5. Staff also feels the proposed interim use has serious potential to be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Planning Commission must consider whether all conditions can be satisfied in the PCZO as well as 7.9000:

1. The proposed use is an interim use expressly designated in the ordinance; and,
2. The proposed interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity; and,
3. The establishment of the interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area; and,
4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided; and,
5. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use; and,
6. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

If the planning commission considers approval of this IUP then they shall consider the following conditions:

1. Interim Use Permit shall be subject to annual administrative review to verify all conditions are being met and planted trees are being maintained.
2. MPCA (NPDES) permit is required for disturbance of over an acre of property.
3. Hours for contractor yard?
4. Seasonal operations?

5. No effect on Bean company product distribution specifically related to odors absorption into products?
6. Dust shall be minimized with calcium carbonate and other wetting agents. Water trucks on site to mitigate dust.
7. Noise shall be regulated so as not to disturb neighboring houses?
8. Screening requirements?
9. Length of IUP? Shorten the term length on the IUP?
10. Sanitary facilities shall be provided always during contractor yard as well as asphalt batching operations.
11. Huntsville Township must approve the site use for this operation.
12. RJ Zavoral equipment only is allowed to be in the site for the contractor yard or asphalt batching. The IUP is not transferable or cannot be used by any other entity than RJ Zavoral Inc.
13. Flooding potential impacts on materials and equipment being swept downstream of the site.

Powers asked for a motion. Snyder said to be very specific as why the motion is what it is.

Franks said it's with a heavy heart, Zavoral have a good location, but for the residences it is not. I have issues with water quality and odor. So, I make a motion to recommend denial of the permit. Second by Jore.

Ayes: All

Nays: None

Snyder said this is a recommendation to the County Board for final say. It will go before them next Tuesday, April 27, 2021 at 9:15 a.m. Snyder said this is not a re-public hearing, but it is an open meeting. Lee said the information we discussed here will be brought before the county board with the recommendation of denial.

Next meeting is set for May 28, 2021. Meeting adjourned at 12:52 p.m.