

CONDITIONAL USE PERMIT

A conditional use permit is hereby granted to Mark Sand & Gravel Co., PO Box 458, Fergus Falls, MN 56538, their heirs and assigns of the County of Beltrami, State of Minnesota, hereafter referred to as permittee, for conditional use of the following described property owned by Beverly Thorson in accordance with the following described conditions:

The Southeast Quarter of the Southeast Quarter (SE ¼ of the SE ¼) less RY R/W, Section Seven (7), Township One Hundred Forty-seven (147), Range Thirty-two (32).

This conditional use permit is granted so as to enable the permittee, their heirs and assigns to use the property for the following purposes:

Excavation of mineral material

The use of the above-described property pursuant to this permit shall be subject to the following conditions:

- 1) All uses of the above described premises shall be in accordance with the applicable state and county statutes and ordinances and applicable provisions of the Turtle River Township Zoning ordinance.
- 2) This conditional use permit shall be non-transferable for a period of 18 months from the date hereof unless provided otherwise below:
- 3) At no time will there be more than 10 acres being mined at one time. If at any time up to 5 acres has been completely mined, it must be reclaimed with no more than 3:1 slopes.
- 4) Area reclaimed to be forested with a minimum of 600 trees per acre at an approximate spacing of 8 feet by 9 feet. Any existing trees within 50 feet of the county road right-of-way shall remain as a buffer. Reclamation plans from previous conditional use permits for this site must be completed adjacent to county roads and property lines prior to any further operations in this pit area to the satisfaction of the Board of Turtle River Township. Except as set forth herein,

reclamation must meet the standards found in the Minnesota Department of Natural Resources publication, *A Handbook for Reclaiming Sand and Gravel Pits in Minnesota*, July 1992.

- 5) Township roads used in the transport of material from the conditional use area shall be kept in good repair, at Mark Sand and Gravel expense, at the direction of the Board of Turtle River Township.
- 6) Reasonable efforts to control dust must be implemented including watering and/or calcium chloride.
- 7) Owner of the pit agrees to work with law enforcement where applicable to prevent trespassing.
- 8) Mark Sand and Gravel Co. will furnish a performance bond to ensure reclamation of the site in accordance with the reclamation plan in the amount of \$15,000.
- 9) Hours and duration of operation: No operations shall be conducted on Saturdays, Sundays, and legal holidays. Crushing and asphalt plant operations are limited to 7:00 a.m to 6:00 p.m. Monday through Thursday, and 7:00 a.m. to 4:30 p.m. on Friday. Hauling is limited to 7:00 a.m. to 7:00 p.m. Monday through Thursday and 7:00 a.m. to 6:00 p.m. on Fridays. Violation of this provision of the Conditional Use Permit will result in revocation of the permit.
- 10) A current contact name and telephone number must be made available to the Turtle River Township Clerk whenever the pit is in operation.
- 11) No off-site materials, including reclaimed asphalt, concrete, or other previously manufactured materials may be brought into the pit for processing or stockpiling.
- 12) All Minnesota Pollution Control Agency permits must be up to date and in compliance during any operations in this pit area.
- 13) The Board of Turtle River Township requires permittee or designated representative to meet with the town board for purposes of permit review.

The following documents are incorporated by reference in this conditional use permit and are attached hereto:

Appendix 1 Development & Restoration Plan

The permittee shall comply with the conditions of this conditional use permit within 18 months from the date hereof. The administrative authority

of Turtle River Township may inspect the above described premises at all reasonable times for purposes of insuring compliance with the conditions of its conditional use permit. The permittee shall correct all defects in the above described premises which result in the failure of the above described premises to meet the above listed conditions within 30 days of receipt of notice from the administrative authority indicating the defect in the above premises which is causing the noncompliance.

A waiver by the administrative authority or the failure of the administrative authority to take action with respect to any violation of any condition, covenant, or term of this permit shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term.

A violation of any of the above conditions shall constitute a violation of the Turtle River Township Zoning Ordinance and shall constitute grounds for revocation of this conditional use permit.

This conditional use permit shall be recorded with the County Recorder of Beltrami County.

Chairman of Planning and Zoning
Commission of Turtle River Township

Township representative signature subscribed and sworn to before me this _____ day of _____.

Tanya Hanson
Township Clerk
Commission Expires March 2018

Secretary of Planning and Zoning
Commission of Turtle River Township

Township representative signature subscribed and sworn to before me this _____ day of _____.

Tanya Hanson
Township Clerk
Commission Expires March 2018

Chairman
Turtle River Township

Township representative signature subscribed and sworn to before me this _____ day of _____.

Tanya Hanson
Township Clerk
Commission Expires March 2018

THIS INSTRUMENT WAS DRAFTED BY:

TURTLE RIVER TOWNSHIP
6072 Pincherry RD NE
Bemidji, MN 56601