Carver County Planning Commission

Regular Meeting - **Tuesday, July 16, 2024**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

7:00 P.M.

1.) Approve minutes of June 18, 2024 regular meeting
Pages 1-1 through 1-4

2.) **File #20240022**– Public hearing on application by Sammie Jo Engelmann, representing Emanuel Lutheran Church, for a Conditional Use Permit.
(Large Scale Activity-Educational, Church)
Young America Township Pages 2-1 through 2-13

3.) **File #20240025**– Public hearing on application by Joe White, representing B H Aggregate Services, Inc., for an Interim Use Permit.
(Mining and/or Land Reclamation)
Watertown Township Pages 3-1 through 3-25

4.) **File #20240026**– Public hearing on application by Joe White, representing B H Aggregate Services, Inc., for an Interim Use Permit.
(Mining and/or Land Reclamation)
Watertown Township Pages 4-1 through 4-28

Other Business

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 8, 2024

TO: Carver County Planning Commission & Young America Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Large-Scale Activity- Educational, Church)

FILE #: PZ20240022
APPLICANT: Sammie Jo Engelman, on behalf of Emanuel Lutheran Church
OWNER: Emanuel Lutheran Church
SITE ADDRESS: 18175 County Road 50, Hamburg 55339
PERMIT TYPE: Large Scale Activity (Educational, Church)
PURSUANT TO: County Code, Chapter 152, Section 152.080 (C)(2) & (6)
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCELS #: 11-032-0200

STAFF ANALYSIS:

1. The Emanuel Lutheran Church owns an approximately 16.63-acre parcel located in the North Half (N½) of the Northwest Quarter (NW¼) of Section 32, Young America Township. The church has existed on the property since 1864. The property is improved with a church, parking lot, a building containing an elementary school (grades 1-8), a house utilized as a daycare center, and a cemetery. The property is located within the Agricultural Zoning District and the Carver County Water Management Organization (CCWMO)—Bevens Creek watershed.

2. Emanuel Lutheran Church is proposing an expansion of the educational and institutional facility by constructing a new 4,500 square foot building to be used as an early learning and childcare center, replacing the existing house on the site. The new building would be located southeast of the existing church building and would meet all setbacks.

3. The 2040 Comprehensive Plan provides for "Large-Scale Activities with Unique Land or Location Needs" (LU-21) as potential land uses. The application by Emanual Lutheran Church for a Conditional Use Permit (CUP) is pursuant to Sections 152.080 of the Zoning Code, which reads as follows:

   § 152.080 CONDITIONAL USES–LARGE SCALE ACTIVITIES WITH UNIQUE LAND OR LOCATION NEEDS.
   (A) Minimum criteria for issuance.
   (1) The activity conforms to all other county ordinances, state, and federal regulations.
   (2) Minimum five-acre lot size, unless another size is specified under a particular provision.
   (3) Sewage can be managed in accordance with Chapter 52 of this code of ordinances. The county may require design by a registered engineer.
   (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific approval for location on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect.
   (5) The activity is of a scale that the demand for support services such as sewer, water, police, fire protection, emergency equipment access, roads, or streets, can be accommodated within the context of the service levels available in the commercial agricultural area.
   (6) Land is not subject to the land use restrictions of an AG preserve covenant.

(7) The operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs–traffic capacity or roads, waste disposal or management, fire or police protection, sewage disposal–that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions.

(1) Permit shall be subject to administrative review or compliance review as set by the permit.
(2) The operational plan and site plan shall become part of the permit.
(3) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The site plan and operational plan shall become part of the permit.
(4) The applicant must submit a copy of workers compensation insurance or sign an affidavit stating that he or she will not have any employees.
(5) All buildings used in the operation must meet the State Building Code.

(C) Activities.

(2) Churches. Related structures and activities, including education and classes, located on the same site which are an integral part of the church proper and convents or homes for persons related to the religious functions. The number of dwelling units permitted shall not exceed the number of building eligibilities available or the number of units existing on the church site as of September 1, 1998.

(6) Recreational, educational, institutional facilities or activities that require a location in a rural area because of a need for seclusion or a natural setting or a large area of land or activities conducted on a permanent, seasonal, or scheduled basis subject to the following criteria:

(a) No more than 20% of the land utilized for the activity, with the exception of agri-tourism, shall be designated as prime agricultural land under till, as illustrated by the Carver County geographic information systems (GIS) mapping;
(b) The road authority will grant an access permit;
(c) A certificate of insurance and/or a performance surety may be required;
(d) A stipulation is made in the permit as to the number of persons to be using the facility at any one time;
(e) Any type of special event that will attract or involve more than the number of people stipulated in subsection (6)(d) above shall require approval of the County Board.

Ord. 47, passed 7-23-02; Am. Ord. 58-2007, passed 3-27-07; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 97-2021, passed 7-20-21)

4. There have been several CUPs issued to Emanual Lutheran Church over the years to expand the church operations and educational institution on this property. In 1979, Conditional Use Permit #3704 was granted to construct a teacherage on the property to replace and existing structure. In 1992, Conditional Use Permit #8648 was granted to the Emanual Lutheran Church and school to "approve the site plan and operations plan for the church facility and allow for the construction of a gymnasium and church addition" on the subject parcel. In addition, the Board of Adjustment issued Variance #PZ20220010 to allow for increased signage square footage and an electronic changeable copy sign.

5. The Site Plan (dated June 26, 2024) shows the church and school grounds with the proposed new 4,520 square foot building. The existing home to be demolished is shown, as well as the expanded play area and reconfigured parking and school drop off. One storage building, a utility shed approximately 35' x 45' (1,575 square feet), will be relocated southward along an existing driveway to accommodate the new structure. The remainder of the property shall remain unchanged. Additional site plans are included that show the exterior and interior of the proposed daycare building, with indoor play areas, preschool room, toddler room, infant room, a commercial kitchen, and laundry facility, as well as staff rooms and bathroom facilities.

6. Described in the applicant's narrative (dated June 18, 2024), Emanuel Lutheran Church has been utilizing the residential home on the property as a Special Family Childcare facility, licensed for 14 children. To meet additional demand for quality childcare in the area, including neighboring counties, the church is proposing an additional 4,500 square foot building. The new center would allow for up to 42 children ages 6 weeks to 5 years, an increase of 28 children from current capacity. A minimum of 7 staff members will be required.

7. The narrative also explains the hours of operation will be 6:30AM to 5:30PM Monday-Friday throughout the year. "This will attribute to a potential 84 trips in and out of the parking lot daily by families drop off and pick up of children, in addition to families, staff trips will be daily up to 20 trips in and out." The applicant states that the 7-10 staff vehicles would fit in the existing parking lot. Existing landscape screening on the property shall remain surrounding the parking area and proposed facility.

8. The submitted narrative lists the proposed signage to be affixed to the building and is not expected to exceed 18 square feet. Additional signage is proposed to replace existing signage on the electronic sign at the corner of Highway 25 and County Road 50. All signage must comply with County Sign Regulations.

9. On June 26, 2024, staff spoke with Jeremy Gruenhagen, City Clerk and Treasurer for the City of Hamburg. Mr. Gruenhagen confirmed that the city's sewer system has been serving the church property for many years and would continue to have capacity for any additional sanitary sewerage with the proposed childcare facility. The facility would be served by a private well.

10. The subject property is located within the Carver County Water Management Organization (CCWMO) jurisdiction. In an email dated June 27, 2024, Paul Moline, Carver County Public Services Deputy Director stated the request does not trigger any WMO requirements, so no comments are necessary at this time.

11. On July 2, 2024, this request was reviewed by Mike Wanous, Carver County Soil and Water Conservation District Manager, who stated there are no concerns or comments on this approval.

12. At their July 9, 2024, meeting, the Young America Township Board will review the CUP request. At time of publication of this staff memo, no additional comments and concerns have been sent by the Town Board. The recommendation form as well as any comments may be provided prior to the Planning Commission meeting.

PLANNING COMMISSION CONSIDERATION:

- If the Planning Commission recommends approval of the Emanual Lutheran Church Conditional Use Permit application for the addition of an early learning center and childcare facility as a Large-Scale Activity – Church, Educational Facility on the property legally described in the attached Exhibit "A", the following conditions should be attached to the permit:

  1. The permit is subject to compliance review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.

  2. Operations shall be substantially in accordance with the Project Description and Operations Plan (dated June 18, 2024) and Site Plans (dated June 26, 2024). The hours of operation for programmed activities are 6:30AM – 5:30PM on weekdays.

  3. Any grading, and/or filling activity on the property shall be completed in accordance with regulations of the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Review and approvals are required prior to the issuance of construction and/or building permits, if applicable.

4. All structures used in conjunction with the Emanuel Lutheran Church operations, shall meet the applicable requirements of the Carver County Zoning Code, State Building Code, and applicable Fire Code. Any required building permits shall be applied for and issued prior to construction. Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP and/or variance is necessary.

5. The permittee shall comply with all access permits and any access improvements required by Carver County Public Works. No public parking shall be allowed along County Rd. 50. No construction shall occur within the public right-of-way without the proper permit(s).

6. Sanitary sewer service must be provided by the City of Hamburg, or the facility must comply with Carver County Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations.

7. The permittee is responsible for obtaining and abiding by all appropriate permits and licensing from the Department of Human Services, Department of Health, Dept of Agriculture, and all required food service permits, if applicable.

8. The permittee shall comply with all conditions of Chapter 50: Solid Waste Management of the Carver County Code of Ordinances pertaining to the storage and disposal of solid waste materials.

9. Permittee shall submit Certificate of Workers' Compensation Insurance to the Land Management Department annually. The insurance shall be maintained for the duration of the CUP.

10. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations. Any increase in signage square footage will require a variance.

- If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced, as follows:

§ 152.251 REQUIRED FINDINGS.

An order for the issuance of a CUP or IUP can be adopted only if all the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

(A) The conditional or interim use is permitted as a permitted conditional or interim use within the zoning district and meets all requirements of this chapter and any other county, regional, state, or federal laws, ordinances, rules, or regulations.

(B) The conditional or interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

(C) The establishment of a conditional or interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

(D) The effects of the proposed use will not be detrimental to the health, safety, and welfare of Carver County or to the occupants of the immediate neighborhood.

(E) That adequate utilities, access roads, drainage and other facilities have been or are being provided.

(F) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use if these measures are applicable.

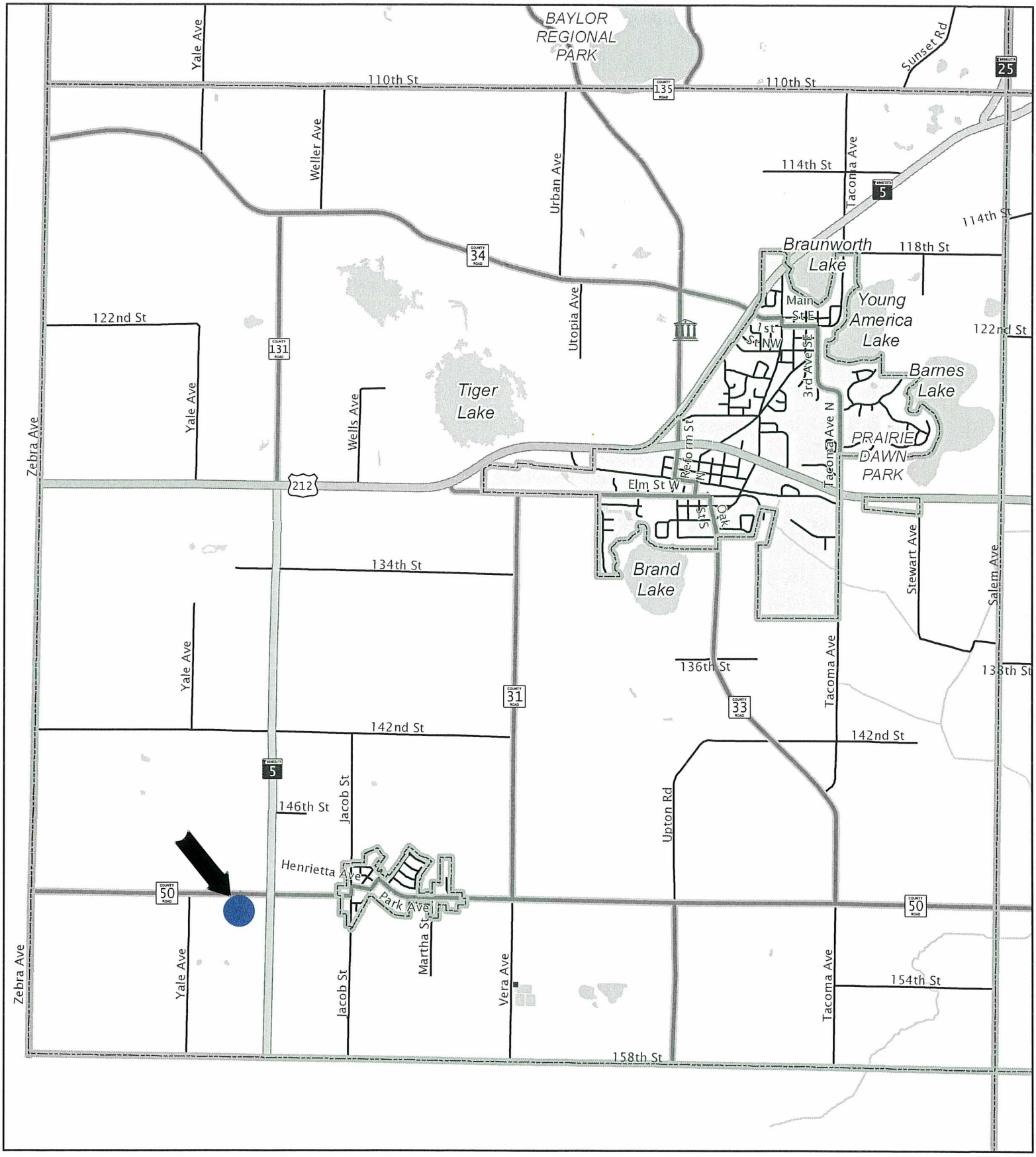
(G) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance if these measures are applicable.

(H) The use or development conforms to the County Comprehensive Plan.

(I) The use or development is compatible with the land uses in the neighborhood.

(J) A public hearing was held pursuant to § 152.285 and M.S. § 394.26, as it may be amended from time to time.

YOUNG AMERICA TOWNSHIP



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

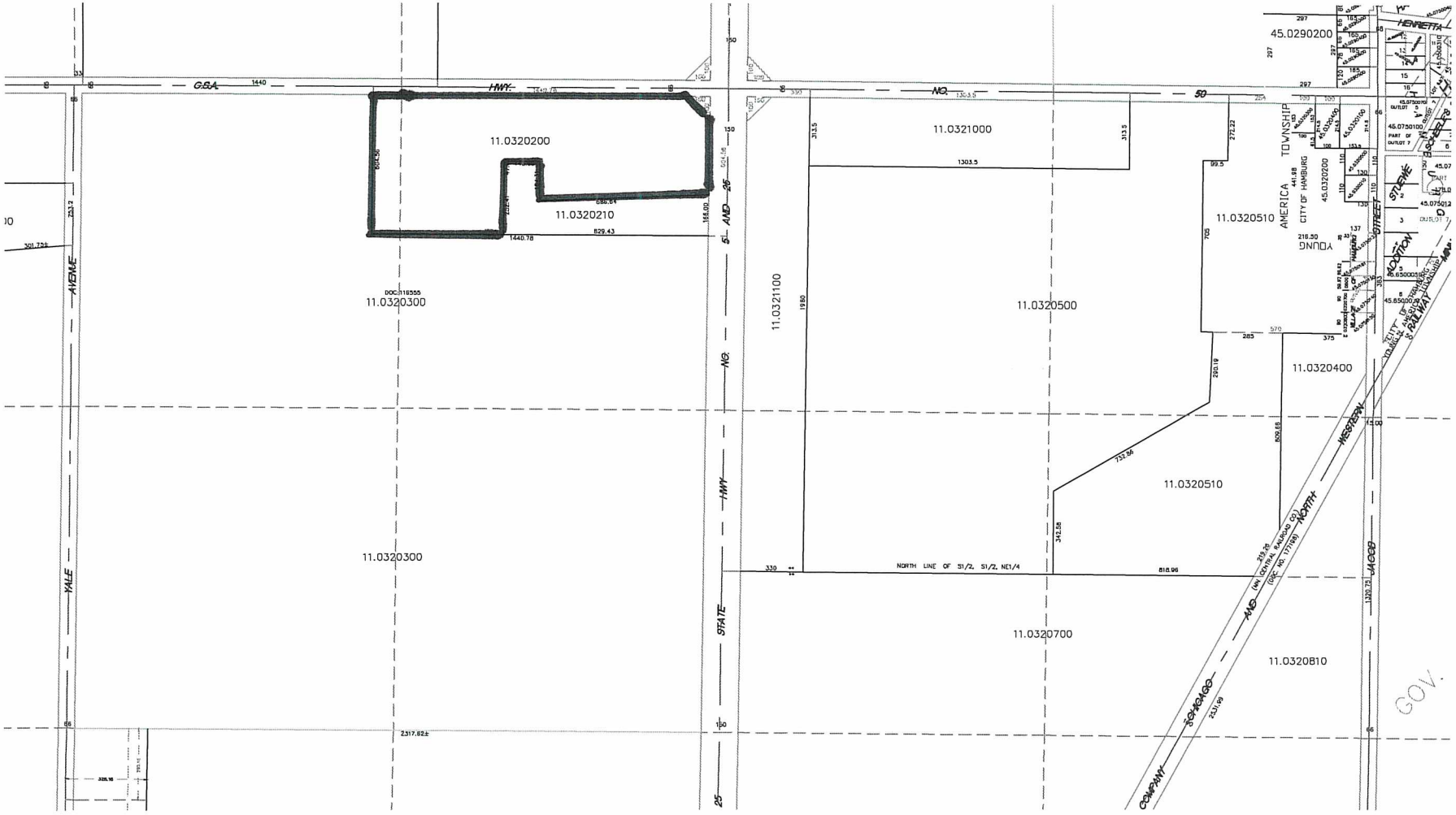
0 1 2 Miles

N W E S

Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT. THIS MAP IS A COMPILATION OF RECORDS AS THEY APPEAR IN THE CARVER COUNTY OFFICES AND OTHER SOURCES. THIS MAP IS ONLY TO BE USED FOR REFERENCE PURPOSES. THE COUNTY AND ITS AGENTS ARE NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED THEREIN.

N 1/2 SEC. 32, T.115, R.26



Surveying & Mapping Office
Carver County Gov. Center
600 East Fourth Street
Chaska MN 55318

May 02, 2024

June 18, 2024

Carver County Planning Commission

With regards to the attached Conditional Use Permit, please see the details laid out below for an in-depth look at the proposed request.

The congregation of Emanuel Lutheran Church of Hamburg is looking for approval of large-scale activity with unique land and location needs conditional use permit to construct a new building on the property currently owned by Emanuel Lutheran Church. The property owned is 20 acres, and currently consists of the Church, elementary school and gymnasium, one residential home, one residential home currently used as a Special Family Childcare, the additional building to be constructed is around 4.500 square feet. This building would be located to the southeast of the church building, where the current utility shed is located and next to an existing home which was the old parsonage home. The proposed plan is to relocate the utility shed to another location on the plot of land owned by the church and remove the home post construction of new building. Relocation of the utility shed is proposed to be to the southeast of the current location, along the west side of the gravel cemetery driveway. The utility shed will remain the same size at 35' x 45'.

The proposed business operation for this new building is an early learning and childcare center. This center will be licensed for 42 children ages 6 weeks to 5 years and will require a minimum of 7 staff members. This new center will allow for an increase in 28 children from our current operations, which is licensed for 14 children, due to capacity and overall building model. The new building with operations will help to bridge the gap of large lack of quality childcare in the surrounding areas, reaching Sibley County and McLeod County. The hours of operation will be 6:30am to 5:30pm (at a minimum) Monday – Friday, year-round. This will attribute to a potential 84 trips in and out of the parking lot daily by families drop off and pick up of children. In addition to families, staff trips would be a minimum of 14 trips in and out daily up to 20 trips in and out daily. We do not expect any business vehicles, rather, we do expect 7 to 10 staff vehicles, with ample parking as the building will be located off the current existing parking lot.

Use of this new building will be limited to childcare operations. The proposed new building will be about 4,500 square feet which will include three classrooms, a sport court, public bathroom, kitchen, storage space, and office space. The design is to accommodate licensing requirements by the Department of Human Services, with storage space located in the attic of the building. There is an existing playground that will remain to the west of the new building with some slight modifications.

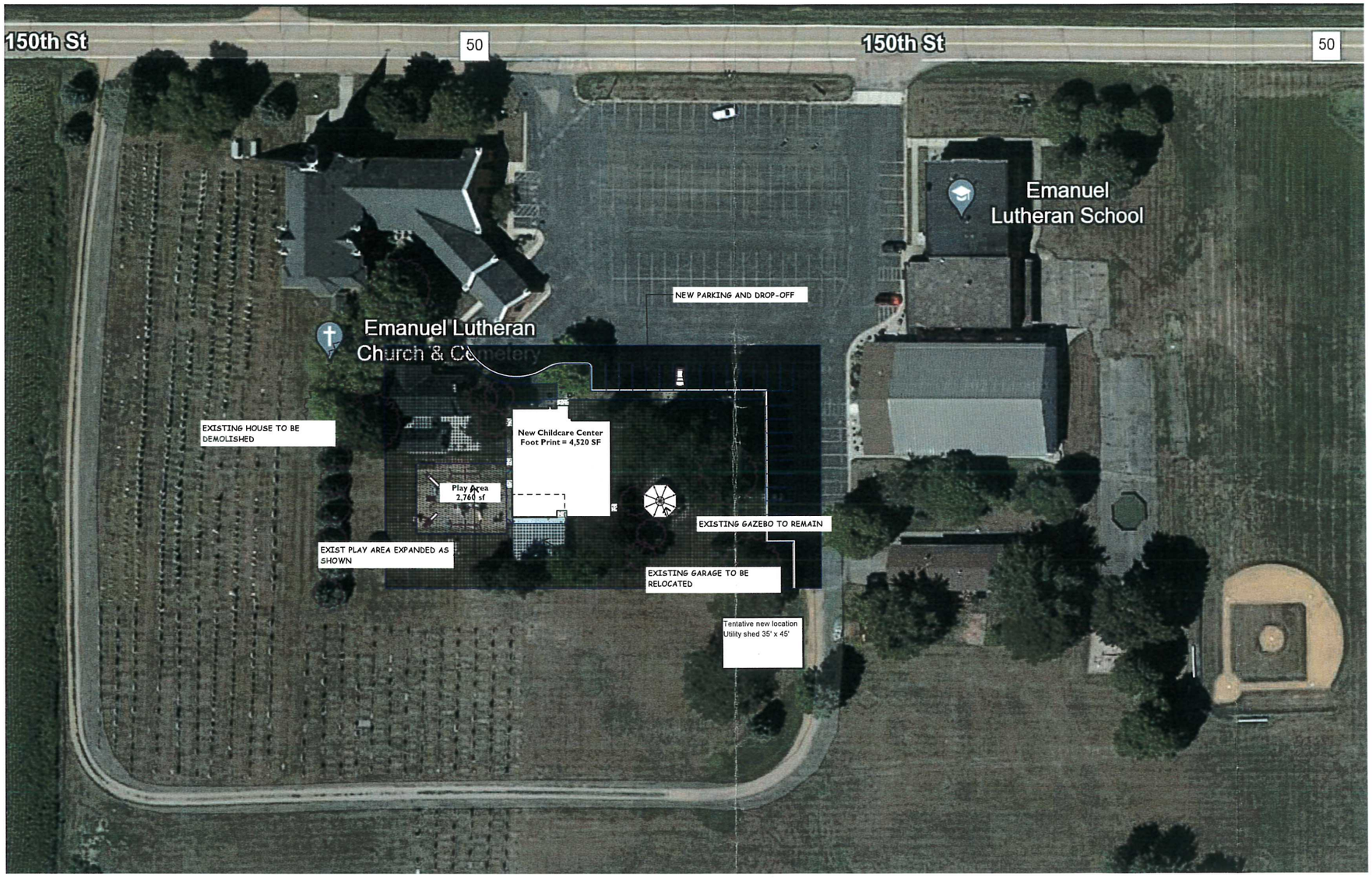
Water service will remain the same from the well on the property. Sewage disposal and waste management will continue as is, with connection to the City of Hamburg sewer system. The new building will be located off the existing parking lot. The existing parking lot has ample parking for both handicap and general. Existing landscape screening on the property will remain and will provide sufficient screening.

Proposed new signage will be affixed to the building and is not expected to exceed 18 square feet, with additional signage as replacement of existing signage on the current electronic sign on the corner of highway 25 and county road 50.

Persons with access to the building other than the owner will be the following, staff providing the childcare, children in care, families of the children, congregation members for volunteering, maintenance and cleaning crews, and board members for management.

Thank you for your consideration.

Sammie Englemann on behalf of Emanuel Lutheran Church.



1 Concept Site Plan - Overall
SCALE 1" = 30'

June 26, 2024

0 30' 60'

SCALE INDICATED BASED UPON PRINTED 24" X 36" (ARCHITECTURAL D) SHEET

N

MICHAEL J THOMAS ARCHITECT
4918 S. Tri Oak Circle NE
East Bethel, MN 55092
Phone 651-245-2346
www.michaeljthomasarchitect.com

Project No:
23016

Date Last Revised:
12-26-23, 05-25-24
06-19-24 County Use Permit

File Name:
23016 Emanual Childcare
Hamburg 06-19-24.pln

Drawn By:
MJT

Minnesota License No.:
23592

Date Signed:
00-00-00

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota

Signature

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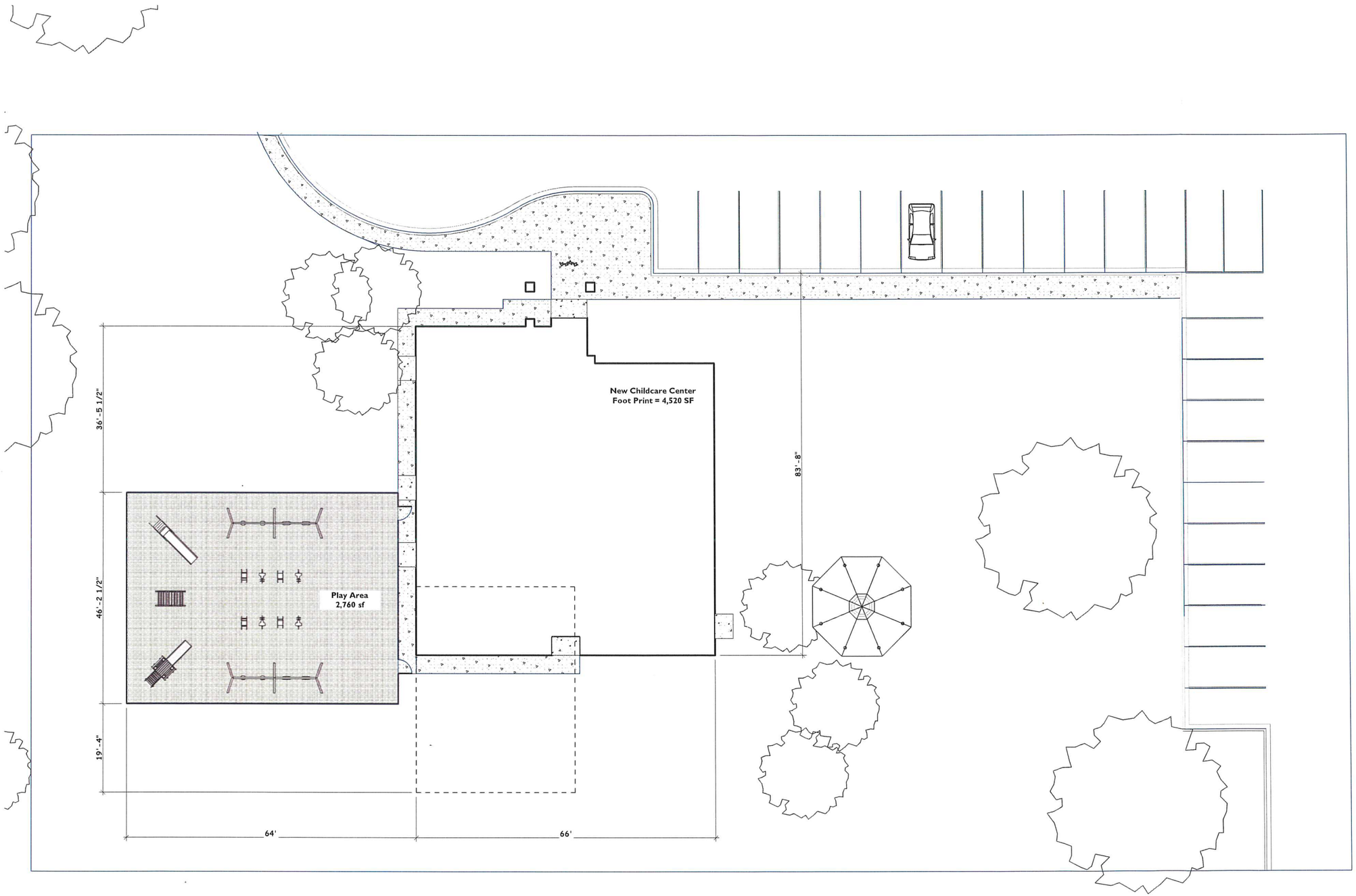
Preliminary Do Not Use for Construction

Emanuel Lutheran Childcare Center
New Building

18175 County Road 50
Hamburg, Minnesota 55339

A1.0a



1 Concept Site Plan - Enlarged
SCALE: 1" = 10'

SCALE INDICATED BASED UPON PRINTED 24" X 36" (ARCHITECTURAL D) SHEET

MICHAEL J THOMAS ARCHITECT

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Drawn By:
MJT

Minnesota License No.:
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Date Signed:
00-00-00

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Signature

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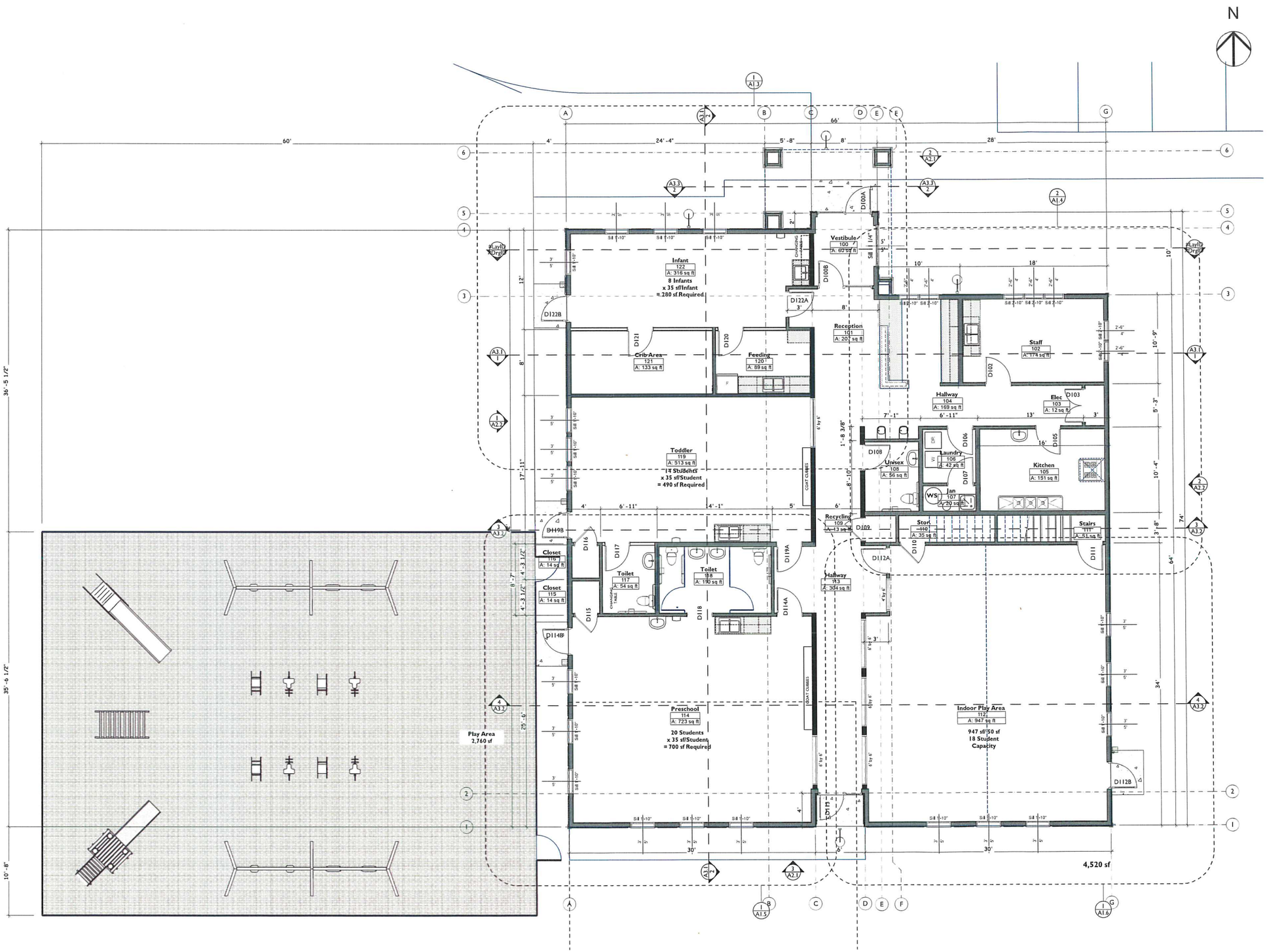
Emanuel Lutheran Childcare Center
New Building

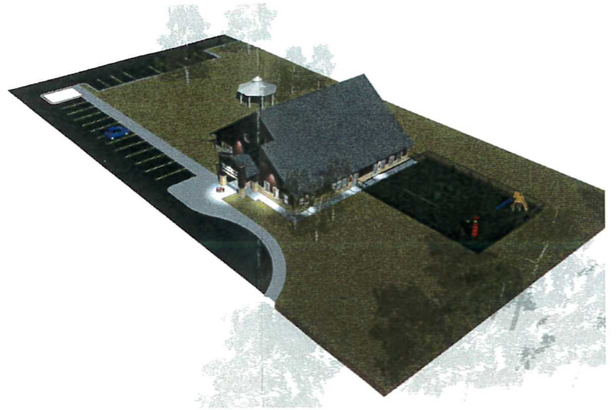
18175 County Road 50
Hamburg, Minnesota 55339

A1.0b


N
60'
66'
36' - 5 1/2"
35' - 6 1/2"
10' - 8"
4'
24' - 4"
5' - 8"
8'
28'
Infant
122
A: 316 sq ft
8 Infants
x 35 sf/Infant
= 280 sf Required
Vestibule
100
A: 60 sq ft
Reception
101
A: 207 sq ft
Crib Area
121
A: 133 sq ft
Feeding
120
A: 89 sq ft
Staff
102
A: 174 sq ft
Hallway
104
A: 169 sq ft
Elec
103
A: 12 sq ft
Toddler
119
A: 513 sq ft
14 Students
x 35 sf/Student
= 490 sf Required
Unisex
108
A: 56 sq ft
Laundry
106
A: 42 sq ft
Kitchen
105
A: 151 sq ft
Jan
107
A: 20 sq ft
Recycling
109
A: 13 sq ft
Hallway
113
A: 304 sq ft
Stor
110
A: 35 sq ft
Stairs
111
A: 51 sq ft
Closet
116
A: 14 sq ft
Closet
115
A: 14 sq ft
Toilet
117
A: 54 sq ft
Toilet
118
A: 110 sq ft
Preschool
114
A: 723 sq ft
20 Students
x 35 sf/Student
= 700 sf Required
Indoor Play Area
112
A: 947 sq ft
947 sf/ 50 sf
18 Student
Capacity
Play Area
2,760 sf
4,520 sf
D100A
D100B
D102
D103
D104
D105
D106
D107
D108
D109
D110
D111
D112A
D112B
D114A
D115
D116
D117
D118
D119A
D120
D121
D122A
D122B
D114B
BH98
CHANGING TABLE
COAT CUBBIES
SHELVING
SHELVING
#Layl2 x Drpl2
SHELVING
SHELVING
SHELVING

SOUTHWEST VIEW

NORTHEAST VIEW



NORTHWEST AERIAL VIEW

MICHAEL J THOMAS ARCHITECT

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Drawn By:
MJT

Minnesota License No.:
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00-00-00

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Slate Gray

Prefinished Metal
Firestone Metal Products
Kynar finish
"Slate Gray"
Main Roof fascias, soffits, drip caps, and misc. break metal locations.

Painted LP Siding
LP Cedarmill SmartPanel 1"x 2 1/2" Battens & at 6" Exposure Lap Siding

Signages
Surface Applied Plastice Letters
Color: White

NORTH EXTERIOR ELEVATON

Charcoal (17)

Standing Seam Metal Roof
Image II 16" Striated Panel
Color : "Charcoal"

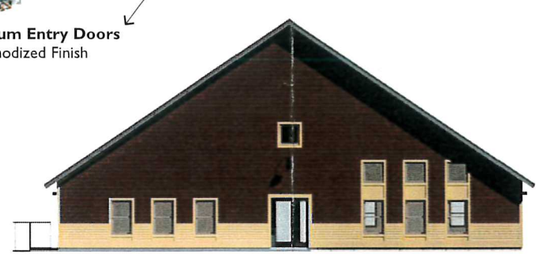
Andersen 100 Series Fibrex (Fiberglass) Windows
Color: "Sandstone"

Aluminum Entry Doors
Clear Anodized Finish

Exterior Lighting
RAB Lighting
Color: Black

Painted LP Siding
5/4" Trim, 4" Exposure Lap Siding, & Cedarmill Panel

WEST EXTERIOR ELEVATON



SOUTH EXTERIOR ELEVATON

EAST EXTERIOR ELEVATON

...e for Construction

Emanuel Lutheran Childcare Center
New Building

18175 County Road 50
Hamburg, Minnesota 55339

A0.0

SCALE INDICATED BASED UPON PRINTED 24" X 36" (ARCHITECTURAL D) SHEET

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 11-032-0200 **File# PZ20220045**

APPLICANT/OWNER: Emanuel Lutheran Church

* *

Commencing on the quarter section stake between Sections 32 and 29 of Township 115, Range 26, Carver County, Minnesota; thence running West on said Section line, the distance of 21.83 chains; thence running South parallel with North and South division line of Section 32, 9.16 chains; thence East parallel with Section line between Sections 29 and 32, the distance of 21.83 chains; thence North on the North and South division line, 9.16 chains to the place of beginning, containing 20 acres of land.

EXCEPTING THEREFROM all that part of the Northwest Quarter of Section 32, Township 115, Range 26, Carver County, Minnesota, described as follows: Commencing at the northeast corner of said Northwest Quarter of Section 32; thence on an assumed bearing of North 89 degrees 42 minutes 32 seconds West along the North line of said Northwest Quarter, 891.72 feet; thence South 02 degrees 56 minutes 53 seconds West, 162.82 feet; thence South 30 degrees 28 minutes 48 seconds West, 77.07 feet; thence South 00 degrees 00 minutes 35 seconds East, 122.88 feet; thence South 89 degrees 42 minutes 32 seconds East, 30.38 feet to the point of beginning of the tract to be described; thence South 00 degrees 42 minutes 30 seconds West, 252.41 feet; thence South 89 degrees 42 minutes 32 seconds East, 829.43 feet; thence North 00 degrees 42 minutes 30 seconds East, 166.00 feet; thence South 87 degrees 47 minutes 22 seconds West 686.64 feet; thence North 00 degrees 42 minutes 30 seconds East, 164.31 feet; thence North 89 degrees 42 minutes 32 seconds West, 143.66 feet; thence South 00 degrees 42 minutes 30 seconds West, 47.93 feet to the point of beginning. This tract contains 3.368 acres of land and is subject to any and all easement of record.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 9, 2024

TO: Carver County Planning Commission & Watertown Town Board

FROM: The Land Management Department

SUBJECT: Application for an Interim Use Permit (gravel mining operation)

FILE #: PZ20240025
APPLICANT: Joe White (B.H. Aggregate Services, Inc.)
OWNER: Thomas and Jody Luebke
SITE ADDRESS: 5285 Co Rd 123, Mayer, MN 55360
PERMIT TYPE: Mining and/or Land Reclamation
PURSUANT TO: County Code, Chapter 152, Section(s) 152.081 and 152.082
LEGAL DESCRIPTIONS: See attached Exhibit "A"
PARCEL #: 10-030-1100

STAFF ANALYSIS:

1. Thomas and Jody Luebke own an approximate 85-acre parcel in the West Half (W½) of the Southwest Quarter (SW¼) of Section 30, Watertown Township. The parcel is currently improved with a single-family dwelling, several accessory and agricultural structures including a feedlot operation (CUP #PZ20030066). The property is located in the Agricultural Zoning District, Shoreland Overlay District of the Crow River, Floodplain Overlay District of the Crow River, and the Carver County Water Management Organization (CCWMO) - Crow River watershed.

2. Joe White of B.H. Aggregate Services, Inc. is requesting an Interim Use Permit (IUP) for the operation of a new gravel mining operation pursuant to the County Zoning Code. The request would encompass an approximate 9.67-acre area for the extraction of sand and gravel resources which would then be processed for use as base material for private and public construction projects in the area, including the reconstruction and expansion of Hwy. 212 (Cologne to Norwood Young America). The project is expected to operate 2 to 3 years, depending on aggregate demand.

3. Sections 152.081 and 152.082 of the Carver County Zoning Code allows for mining and/or land reclamation involving 10,000 cubic yards or more as an Interim Use Permit (IUP), as follows:

   § 152.081 INTERIM USE PERMIT (IUP).
   The county may authorize an interim use of a property by means of an IUP. These interim uses may be utilized in a temporary manner as approved by the County Board. In reviewing the interim use permit application, the county will establish a specific date or event that will terminate the use of the property. In granting an IUP, the County Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Planning Commission and County Board shall make the following findings where applicable.

   (A) *General provisions.*
   (1) The use conforms to the zoning regulations.
   (2) The date or event that will terminate the use can be identified with certainty.
   (3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
   (4) The user agrees to any conditions that the governing body deems appropriate for permission of the use.
   (5) Any interim use may be terminated by a change in zoning regulations.

(Ord.70-2010, passed 1-25-11; Am. Ord. 97-2021, passed 7-20-21)

§ 152.082 INTERIM USE PERMIT-AG DISTRICT.

(A) *Minimum criteria for issuance.*

(1) If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

(2) The activity conforms to all other county ordinances, state, and federal regulations.

(3) Minimum five-acre lot size; unless another size is specified under a particular provision.

(4) Waste generated shall be treated in accordance with Chapter 52 of this code of ordinances. The county may require design by a registered engineer.

(5) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific approval for location on a township road is given by the affected township or townships. The Town Board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect.

(6) The activity is of a scale that the demand for support services such as sewer, water, police, fire protection, emergency equipment access, roads or streets, can be accommodated within the context of the service levels available in the commercial agricultural area. Adequate water supply, subsurface sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.

(7) The operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs-traffic capacity or roads, waste disposal or management, fire or police protection, sewage treatment and dispersal-that will exceed those available in the area should locate in municipalities where the services are available.

(B) *Minimum conditions.*

(1) Permit shall be subject to administrative review or compliance review as set by the permit.

(2) The operational plan and site plan shall become part of the permit.

(3) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The site plan and operational plan shall become part of the permit.

(4) The applicant must submit a copy of workers compensation insurance or sign an affidavit stating that he or she will not have any employees.

(5) All buildings used in the operation must meet the State Building Code.

(6) The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.

(7) The date or event that will terminate the use shall be identified.

(C) *Activities (For the purpose of this section, conditional use permit activities may also be considered and processed as interim uses).*

(1) Mining and/or land reclamation involving 10,000 cubic yards or more (allowed in AG Preserve if the principal use remains ag and restoration is suitable for farming).

(a) The permit shall be issued only upon findings that:

1. There is no substantial environmental impact or that the impact will be alleviated through a restoration program and other condition of the permit; and
2. The activity will have no substantial adverse impact on surrounding property or that the impact will be alleviated through the conditions of the permit.

(b) Each permit shall contain the following minimum standards unless modified by the County Board, and all activities shall conform to these and any additional standards.

1. General operating requirements must address operating hours, dust control, housekeeping, safety and specifying compliance review.
2. Minimum requirements for the operation.

(i) Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited.

(ii) No non-granular material shall be removed unless the permit is specifically for such an operation.

(iii) Vertical faces shall be kept to a minimum except during actual mining.

(iv) Mining shall not take place within 50 feet of a property line. All slopes at property lines shall maintain a 2.5:1 slope or flatter. The setback from the assumed road right-of-way shall be a minimum of 50 feet. The setback from all homes shall be a minimum of 500 feet, excluding the residence of the mine owner and/or permittee. The setback from a bluff shall be a minimum of 100 feet.

(v) The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation. The Board may order the exclusive use of white noise beepers on trucks and equipment utilized on the site.

(vi) Processing machinery must be located consistent with setback standards for structures from ordinary high-water levels of public waters and from bluffs.

(vii) The maximum permitted operational area for mining shall be 35 acres. Only one active IUP for mining is allowed for a parcel.

(viii) Stockpiles in excess of 1,000 cubic yards shall not be located within the Floodplain Overlay District.

(ix) Any mining within 300 feet of a Class 3 through 8 wetlands must include a plan to improve public value(s), in conjunction with any Wetland Conservation Act requirements.

(x) A mandatory traffic study shall be prepared by a licensed engineer.

(xi) The operation must comply with applicable watershed management rules.

(xii) The operation must comply with the applicable road authority review and approval.

3. *Site/operational plan.* A plan shall be drawn on both a 1 inch = 200 feet half section map and a 1 inch=200 feet aerial plat showing at a minimum the operational area, mining area, phasing of mining, erosion control measures or structures, restoration areas, type of restoration, and staging of restoration, any areas where mining will be below the water table or result in standing water.

4. *Reclamation plan.* A reclamation plan must include the grading plans, on-site topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and an end use plan for final site restoration. The operator and owner must follow the reclamation plan approved by the County Board. The following minimum standards and conditions apply.

   (i) The peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No graded slope shall exceed a 5:1 ratio (20%). The final grade slope shall commence at the setback. Berms will be removed to the original elevation of the land, unless the Board has approved a different elevation as part of the end use plan. Restored slopes must be 8:1 or flatter within 500 feet of the top of a bluff.

   (ii) Excavated, graded or back-filled areas shall meet the following requirements.

      A. All materials used for back-filling in any area of the reclamation shall be free of all contaminants and shall be non-noxious, non-flammable and non-combustible.

      B. The graded or back-filled area shall not collect or permit stagnant water to remain therein, unless there is an approved ponding area or wetland restoration or creation.

      C. Such graded or back-filled area shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least four inches and seeded or sodded.

      D. Such topsoil as required by the preceding subsection shall be planted with trees, shrubs, legumes or grasses.

   (iii) Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.

   (iv) Soil restoration, seeding and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached. Exceptions to seeding and mulching include the processing, storage and staging areas within each phase.

   (v) Soil erosion and sedimentation control measures shall be consistent with MPCA's publication entitled "Protecting Water Quality in Urban Areas."

   (vi) Unless otherwise amended or approved by the county, all final grades and site restoration efforts shall be consistent with the reclamation plan.

(vii) When the end-use is some form of open space, the type of vegetative regrowth must provide appropriate habitat for wildlife consistent with the form of end-use.

(viii) The end-use plan shall consider the safe use of the property. The end-use plan shall be consistent with the Comprehensive Plan and the zoning ordinance.

(ix) Within nine months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, stockpiles of extracted mineral materials and debris shall be removed from the subject property.

(x) For each phase, within nine months after completion of mineral extraction for that phase, reclamation must be completed. If the permit is terminated earlier, reclamation must be completed within nine months after termination.

(xi) Soil and Water Conservation District and watershed review and recommendations. As a part of the original application for an interim use permit, the applicant shall submit grading plans, phased reclamation plans and water control plans to the Carver County Soil and Water Conservation District and to the governing bodies of the watersheds for review and recommendations. The recommendations on the phased reclamation, grading, soil and water retention plans may be included as conditions of the IUP. The permit may require reforestation. Reforestation requirements shall be based on the recommendation of the Natural Resources Conservation Service and/or the DNR Forester.

5. *Performance securities and insurance.*

(i) The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the mining and/or restoration and related operations. The permittee shall provide certification of insurance.

(ii) A performance surety shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the county for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit.

4. The applicant's engineer, Carlson McCain, Inc., has provided the IUP application, all supporting documentation, and site plans for the IUP request. The project description (dated July 8, 2024) provides details of the mining operation and reclamation plan. The proposed site activities include topsoil stripping, sand and gravel excavation, material screening and crushing, and stockpiling. Recycling of concrete and asphalt, which includes transporting concrete and asphalt rubble to the site, is proposed. The material processing equipment would be located on the floor of the mine and moved around as needed. The proposed site equipment used in mining activities are what are typically found at such sites: excavators, front-end loaders, bulldozers, haul trucks, conveyors, crushers, etc. The excavation would be done with a backhoe to an approximate depth of 30 feet below the current ground level. The narrative states no dredging would occur. (The applicant estimates the water table is about 35' below the current soil surface.) The project description includes operational steps for site safety, site housekeeping, noise mitigation, and dust control. The hours of operation would be from 6:30AM to 8:00PM Monday through Saturday. The number of employees and suppliers on site would range from 6 to 8 workers.

5. The Mining Site Plan (dated July 8, 2024) shows the planned approximate 9.67-acre excavation area in which approximately 339,400 cubic yards of material would be removed, with a double perimeter silt fence on the northeast project border to protect the nearby wetlands. The mining vehicles would use an existing field access on Co Rd 123 at the northern end of the pit. The applicant estimates that the mine would export an average of 150,000 cubic yards per year, which may increase up to 250,000 cubic yards in a high-demand year. At this rate, the mine's operational life would be 2-3 years, with two mining areas identified for two phases in the project. The proposed pit maintains the required 500-foot setback from existing adjacent residential structures to the northeast and southwest not on the subject property. No mining activities are proposed within the required 50-foot setback from property lines. No screening of mining activities is proposed. The operational area(s) would be substantially screened through trees on nearby properties and the depth of the mine where mining processes would occur.

6. There are wetlands on the property. All mining activities are shown outside the required 300-foot setback from wetlands that the project engineer has identified from U.S. Fish & Wildlife mapping. To date, no wetland delineation report has been submitted to the County. No mining activities are proposed within the Crow River floodplain.

7. A table in the project narrative shows the estimated average daily trips (ADT) for the project. The table estimates that an average of 60 trips per day for aggregate hauling to export an approximate 150,000 cubic yards per year from the mine, with an average of 26 trips per day to import reclamation fill. On the high side, the applicant estimates 100 trips per day to export about 250,000 cubic yards of aggregate per year, with 50 trips per day to import reclamation fill. Site workers add about 6-8 trips per day to the ADT count, for a total of about 91 trips per day for the site. ADT generation was based on the average of 20 tons per load and with hauling occurring on 180 days per year. Actual production rates would fluctuate based on market demand and amount of material recycling. The a.m. peak hourly traffic (6:30-8AM) is estimated to be 12 trips per hour and the p.m. peak (3-4PM) hourly traffic would be about 10 trips per hour. The narrative states the "worse-case" hourly traffic count would be 30 trips per hour.

8. The applicant would also like to recycle concrete and asphalt aggregates. This would include transporting concrete and/or asphalt rubble to the site and subsequently crushing, screening, and stockpiling the materials within the processing area. The application does not include a request to operate an asphalt plant.

9. The Reclamation Plan (dated July 8, 2024) shows the proposed contours of the mining site upon completion of aggregate removal. Once mining activities are completed, approximately 23,500 cubic yards of topsoil and non-granular overburden material would be re-applied to the mined area, along with about 257,000 cubic yards of imported soils, to achieve the proposed contours. This property is currently enrolled in the Agricultural Preserve program. Per IUP standards, mining is allowed when the fields are proposed to be returned to agricultural use. The Site Reclamation section of the narrative states: "The final land use for the mining areas will be returned to agricultural." The reclamation plan appears to meet zoning code standards and will be reviewed by the Soil & Water Conservation District and CCWMO to determine that all agency standards are met.

10. The applicant has indicated that white noise backup alarms would be utilized to help control equipment noise, as well as establishing circular traffic patterns for loading to reduce backup movements. Locating the processing equipment on the mine floor, recessed from the surrounding ground surface, would help reduce sound for the surrounding receptors.

11. Based on the anticipated operational timeframe, the IUP would terminate upon the following events, whichever occurs first: The permit shall terminate upon a change in ownership, or upon the exhaustion of the aggregate mining, or August 6, 2032 (whichever happens sooner). However, Permit #PZ20240025 shall not be considered terminated until all reclamation areas have been completed to the satisfaction of the approved Carver County Water Management Organization (CCWMO) permit and Zoning Code standards, and release of the financial security, if applicable.

12. Matthew Steele, Carver County Feedlot Officer, reviewed the plans and expressed concerns about the location of manure spreading that may not be able to be used since the fields may be in the mining area. Mr. Steele requested a manure management plan from Mr. Luebke (feedlot owner and operator).

13. Darin Mielke, Deputy County Engineer with Carver County Public Works, reviewed the submitted materials. In a review letter dated July 5, 2024, he expressed concerns about the proximity of the proposed gravel pit's driveway to Hwy. 7 and suggested an access further north. The applicant revised the mining plan to move the driveway northward, as shown in the plan dated July 8, 2024.

14. A Carver County Water Management Organization (CCWMO) permit is required, and Stormwater Management standards would need to be met for the reclamation of all aggregate mining areas. The applicant would need to secure a permit with the Planning and Water Management Department in order to establish an appropriate restoration phasing plan. The applicant has submitted a Pollution Prevention Plan for review. The permittee shall submit a stormwater management application for review and submit the required financial security and comply with all permit requirements, including topsoil depth requirements for restoration and preservation.

15. Mike Wanous, District Manager with the Carver County Soil & Water District, reviewed the submitted materials and in an email dated July 2, 2024, expressed concerns about the reclamation plans showing grading that allows surface water to sheet flow/drain to the wetland/river. He offered the opinion that it would be better to leave some natural high ground in between the reclaimed pit bottom and the wetland or river). He suggested subsurface tile line drainage could remove the excess water if the landowner is concerned about high water table and not being able to farm the area after reclamation. The applicant revised the mining plan to address the review comments, as shown in the plan dated July 8, 2024.

16. Taylor Huinker, Area Hydrologist with the MN DNR, reviewed the submitted materials and offered the comment in an email dated June 27, 2024: "It appears all activities and machinery will be well away from the 100-ft setback from the rivers. If for some reason dewatering is required, a DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year."

17. The Watertown Township Town Board reviewed and recommended approval without any additional conditions or expressed concerns for this request during their July 1, 2024, Town Board meeting.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Interim Use Permit application for mining and processing activities on the property legally described on the attached Exhibit "A," the following conditions should be considered part of the permit:

GENERAL REQUIREMENTS:

1. The permit is subject to compliance review. The Interim Use Permit (IUP) is issued to B.H. Aggregates. The permit allows for extraction limited by the approximate 9.67-acre operational area and it is not transferable to another property owner and/or allowed for leasing activity. The permit shall terminate upon the exhaustion of the aggregate mining, or upon a change in ownership, or August 6, 2032, which occurs first. However, Permit #PZ20240025 shall not be considered terminated until all reclamation areas have been completed to the satisfaction of the approved Carver County Water Management Organization (CCWMO) permit and Zoning Code standards and the financial security has been released, if applicable.

2. The property owner must comply with the Carver County Feedlot Ordinance standards and the approved conditions of CUP #PZ20030066.

3. The Permittee shall comply with all Carver County Public Works access requirements. Mining and/or similar disturbance shall not occur within 50 feet of the public right-of-way. The Permittee shall receive all required permits for work within the public right-of-way prior to the initiation of construction activities.

4. The Permittee shall comply with any/all CCWMO rules and regulations including but not limited to, grading, vegetation (w/maintenance) and landscaping plan(s). An erosion/sediment control plan and stormwater management plan for site restoration, screening, vegetation and maintenance shall be prepared and implemented in accordance with the CCWMO Water Management guidelines and the Wetland Conservation Act (WCA) before mining commences, if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES) permit as required by the Minnesota Pollution Control Agency (MPCA).

5. Permittee shall obtain and maintain a Non-generator's Certificate or contact the Environmental Services (E.S.) Department to obtain a Hazardous Waste Generator's License, if required.

6. The Permittee shall always comply with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage of signage on the property.

7. Permittee agrees to defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, costs, damages and expenses which the County, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the certificate holder's performance or failure to adequately perform its obligations pursuant to this permit, or arising out of a dispute as to the ownership of the property.

OPERATIONAL REQUIREMENTS:

These requirements combined with the most current Site and Operational Plans shall govern the mining operation.

1. The mining activity shall operate in accordance with the submitted Project Description (dated: July 8, 2024), Site Plan and Reclamation Plans (dated July 8, 2024), any/all CCWMO permit approval(s) (i.e. stormwater infiltration, BMPs, site vegetation and plantings, and site reclamation), and any/all Watertown Township conditions, Carver County Public Works access requirements/right-of-way standards. If there are any inconsistencies between previously submitted versions, the terms of the most recent shall prevail and shall be considered requirements of this permit. The mining activity shall be operated and maintained in accordance with the Carver County Zoning Code (i.e. screening, noise mitigation, etc.) These plans shall be attached to and be considered part of this permit.

2. The hours of operation shall be from 6:30AM to 8:00PM Monday through Saturday. Mining and processing shall not occur on Sundays or federally observed holidays, unless for emergency related purposes (i.e., flooding, etc.).

3. The construction equipment located on-site includes, but is not limited to: front-end loaders, backhoes, excavators, bulldozers, skid steers, and haul trucks. Other processing equipment may include: classifying screens, crushers, and conveyors.

4. Existing drainage patterns shall not be altered if possible; if alteration is unavoidable, the alteration shall not adversely affect surrounding properties and/or cause erosion or sedimentation.

5. The permittee shall submit to the Land Management Department quarterly tonnage calculations, in order to document all aggregate material(s) removed from the site.

6. Vertical faces shall be kept to a minimum except during the actual mining operation and pursuant to the County Zoning Code. Mining below the water table shall only be allowed pursuant to Minnesota Pollution Control Agency (PCA), Minnesota Department of Natural Resources (DNR), and/or any other State or Federal regulations. No mining or grading shall take place within the floodplain overlay district of the Crow River. (FEMA floodplain elevation is 945.1 feet)

7. If internal access roads are used to the extent that dust becomes a problem for surrounding properties, the access roads shall be treated with water or other similar dust control measures.

8. All storage of equipment and materials used in the operation shall be kept within the operational area to minimize visual exposure to areas outside the mining area.

9. The Permittee shall comply with the noise pollution requirements/standards of the Minnesota State Rules Chapter 7030. White noise backup alarms shall be installed and maintained on all Permittee owned mining equipment operating at the site, as well as establishing circular traffic patterns for loading to reduce backup movements.

10. No trash, garbage, waste, construction debris, or other similar materials shall be deposited in or near the operational area.

RESTORATION REQUIREMENTS:

1. The design of the restored areas must be according to standards of the Zoning Code and the CCWMO Water Management Rules. To the extent possible, restoration shall be staged such that the exhausted phases of the operation are stabilized and have established turf. Said design may be subject to revisions and modifications by the Land Management Department and Carver County SWCD.

2. The Permittee must maintain existing vegetation wherever possible and implement erosion control as required by the CCWMO Rules permit. The Permittee is responsible for obtaining a CCWMO Permit regarding stormwater management and site reclamation of all aggregate mining areas. If a CCWMO Permit is not obtained within six (6) months of the County Board's approval, File #PZ20240025 shall be suspended until the appropriate permit is obtained. A financial security for erosion control/restoration shall be held by the County for the duration of the project/permit.

3. Topsoil and overburden required for restoration shall be maintained and shall be preserved from erosion or other loss. Only material necessary for restoration may be hauled to the site. Said material shall be incorporated into site restoration immediately or stockpiled according to the site plan. (Restoration shall not take place below the FEMA floodplain elevation of 945.1 feet)

PERFORMANCE SECURITIES & INSURANCE REQUIREMENTS:

1. Permittee shall provide a performance security (pursuant to Section 152.082 (C) 5 (ii)) in a form acceptable to the County, naming the County as an obligee. The security shall be drafted to be effective for at least 3 months after the annual anniversary dated of this point. Performance Surety amount required - $10,000.00 per acre of open mining activities (i.e., mining, staging, and restoration areas).

2. The conditions of the surety shall be that if the Permittee fails to conform to any of the conditions or requirements of this permit or for any reason ceases to operate the facility in accordance with the provisions of this permit and the County is required to expend monies, labor, or material to bring the operation into conformance with the permit or to perform restoration as provided in this permit due to non-performance by the Permittee, the County may utilize the performance security for reimbursement for any and all expenses incurred to remedy such failure of the Permittee.

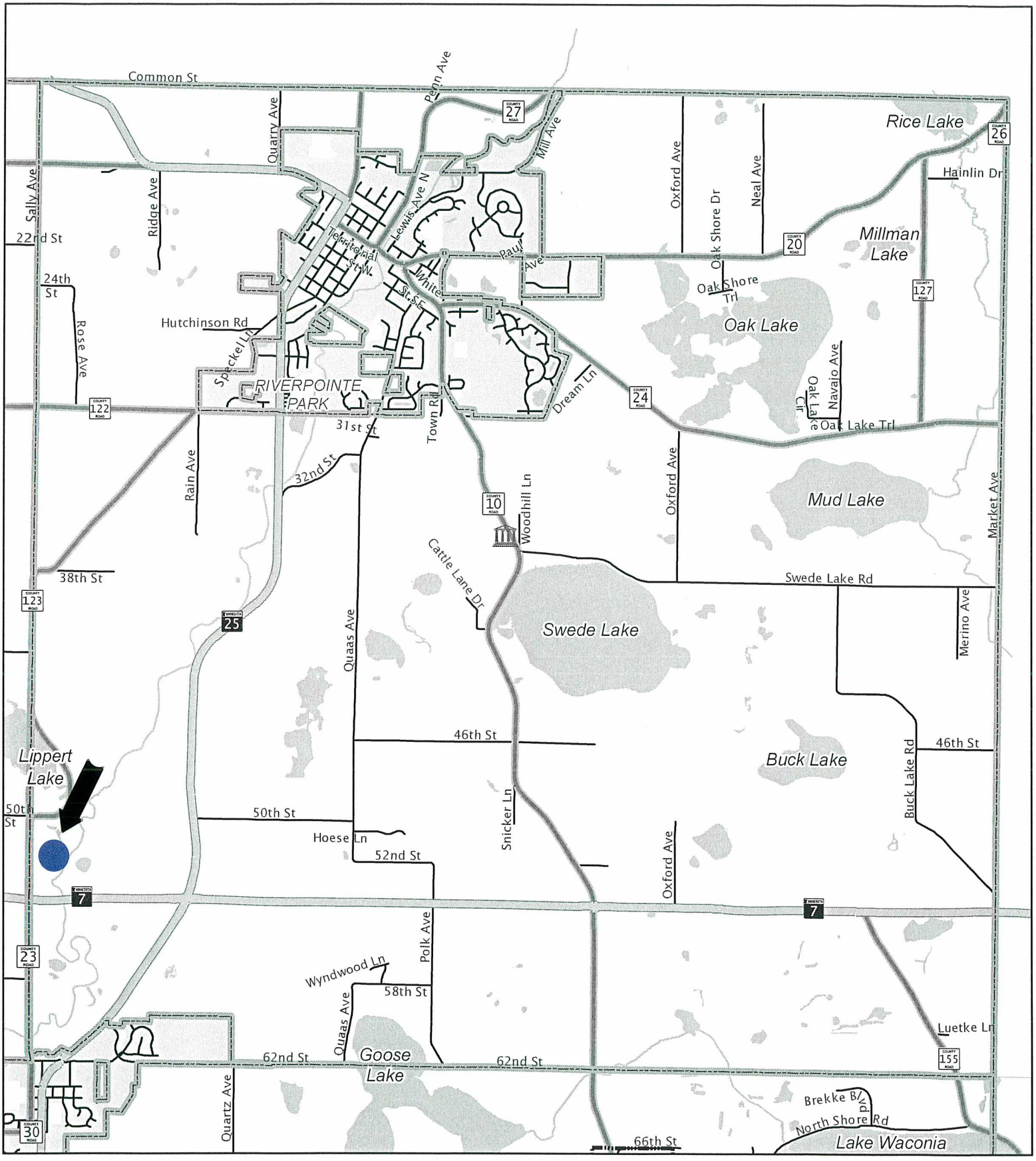
3. Permittee shall submit a Certificate of Insurance with coverage provided by an insurance company duly licensed by the State of Minnesota indicating that the Permittee has in force coverage for General Liability, Automobile Liability, Loading and Unloading, Completed Operations Liability, Explosion and Collapse of Underground Operations Liability including a minimum limit of liability in the amount of $2,000,000 for any one occurrence. The Certificate of Insurance shall include Workers' Compensation Insurance or Permittee shall sign an appropriate affidavit regarding employee status and submit it to the Land Management Department. The Insurance Certificate(s) described above shall carry an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.

4. Insurance coverage required above shall be kept in effect for the duration of the permit. If the permit is to be terminated, insurance shall be maintained until the completion of restoration and return of the performance security.

5. The obligor and its sureties hereby indemnify and save the County harmless from all losses, costs, and charges that may occur to the County because of default.

6. The Permittee shall submit a copy of Worker's Compensation Insurance to the Carver County Land Management Department annually.

WATERTOWN TOWNSHIP



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

0 1 2 Miles

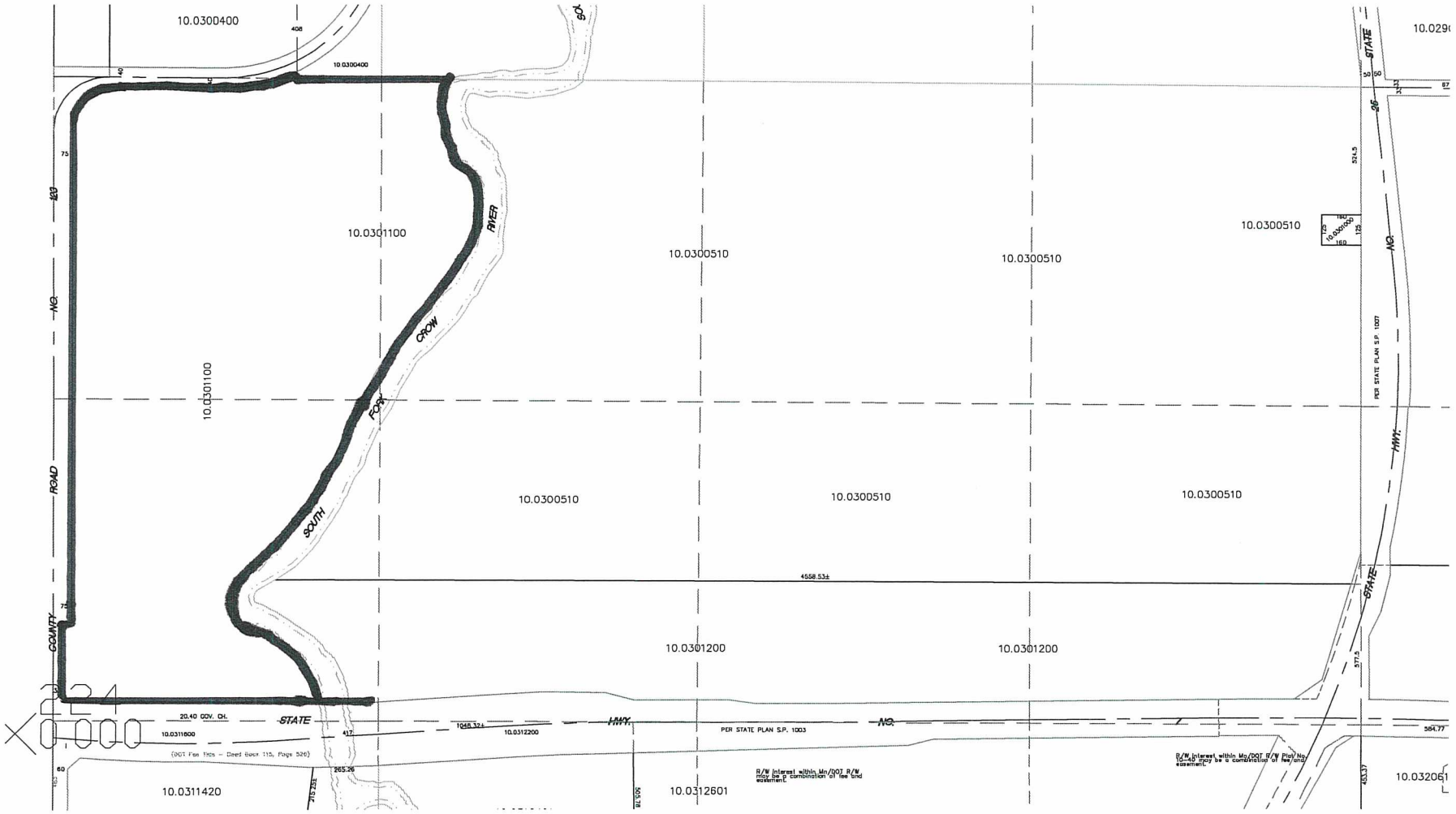
N W E S

3-9

Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT. THIS MAP IS A COMPILATION OF RECORDS AS THEY APPEAR IN THE CARVER COUNTY OFFICES AND OTHER SOURCES. THIS MAP IS ONLY TO BE USED FOR REFERENCE PURPOSES. THE COUNTY AND ITS AGENTS ARE NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED THEREIN.

S 1/2 SEC. 30, T.117, R.25



Surveying & Mapping Office
Carver County Gov. Center
600 East Fourth Street
Chaska MN 55318

May 02, 2024

3-10

INTERIM USE PERMIT APPLICATION

Sand and Gravel Mining Operation
North Luebke Pit
Watertown Township, Minnesota

Prepared for:

B.H. Aggregate Services, Inc.
10492 135th St
Kimball, MN 55353

June 21, 2024
Revised: July 8, 2024

CARLSON McCAIN

3890 PHEASANT RIDGE DRIVE NE, SUITE 100
BLAINE, MN 55449

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CARLSONMCCAIN.COM

ENGINEERING \ LAND SURVEYING \ ENVIRONMENTAL

1.0 INTRODUCTION

1.1 Application Request

B.H. Aggregate Services, Inc. (BAH) is applying for an Interim Use Permit for sand and gravel mining on one parcel located within Section 30, Township 117N, Range 25 W, Carver County, Minnesota. The proposed site contains sand and gravel resources which will be mined and processed for use in redi-mix concrete, asphalt pavement, and as base material for private and public construction projects in the area.

The following sections of this document describe information required under the Carvery County Zoning Ordinance (Ordinance) Chapter 152.081 and 152.082 pertaining to Interim Use Permits in the AG District.

1.2 Applicant Information

Name:	B.H. Aggregate Services, Inc.
Contact Person:	Joe White
Address:	10492 135th St, Kimball, MN 55353
Telephone (office):	(320) 552-1483
Email:	whitefarmjoe@gmail.com

1.3 Site Location and Ownership

The mining will take place on the following parcel, which is listed below according to the corresponding Carver County Parcel ID number:

Parcel ID 100301100

Owner	Thomas W & Jody L Luebke
Address	5385 County Road 123, Mayer, MN 55360
Mapped Acres	79.41
Current Use	Agricultural
PLSS Description	Section 30 Township 117 Range 025AS DEEDED P/O SW1/4 BEING ON W SIDE OF CROW RIVER. DOC #80329

The location of this parcel is shown on the attached Figure 1. The Applicant will operate the mine under a lease agreement with the landowners.

2.0 PROJECT DESCRIPTION

2.1 Site Plans

A set of mining plan drawings (Mining Plans) is attached and consists of the following sheets:

- Sheet 1 Mining Plan
- Sheet 2 Reclamation Plan

The Mining Plans show existing features including: 2-foot existing Lidar contours provided by the Minnesota Department of Natural Resources (DNR); wetland boundaries from the U.S. Fish and Wildlife Wetlands Mapper; property boundaries provided by Carver County GIS; and building locations and existing vegetation shown on aerial imagery obtained from Google Earth. The Mining Plans also illustrate pertinent site development information including site access, mining limits, and site grading.

2.2 Mining Operations and Phasing

The mining operation will primarily include excavation of native sand and gravel resources, and processing of the materials to produce aggregate products for use in area construction projects.

The mining area is illustrated on Sheet 1 of the Mining Plans and encompasses a total of approximately 9.67 acres. Active mining and processing will take place within the mining boundary shown on Sheet 1, and will generally consist of the following activities:

- **Overburden Stripping** – Topsoil and overburden will be stripped and stockpiled for use as future reclamation fill.
- **Excavation** – Sand and gravel will be excavated at the working face and transported to the processing area.
- **Screening** – Material will be screened to produce different sized aggregates.
- **Crushing** – Larger cobbles and boulders, if encountered, will be required crushing for use in aggregate products.
- **Stockpiling** – screened materials will be stockpiled in the processing area prior to export.

The types of equipment used during typical mining operations are listed below. Additionally, specialized mining or processing equipment may occasionally be brought to the site as needed.

- Excavators
- Front-End Loaders
- Bulldozers
- Skid-Steer Loaders
- Classifying Screens
- Conveyors
- Crushers
- Haul trucks

The granular deposits are prevalent through the entire depth of the subsurface. Mining will occur utilizing a backhoe, the estimated average depth or excavation within the North Luebke Pit is 30 feet below existing ground. No dredging will occur. Excavation is anticipated to begin in the northern half of the mining area and work to the south.

The processing area will be set up on the floor of the mine and will be moved around the floor of the mine as needed during mining operations.

The overall volume of the excavation shown on Sheet 1 of the Mining Plans is approximately 362,900 cubic yards. Of this volume, it is anticipated that approximately 339,400 cubic yards of material will be exported as aggregate product, with the remaining 23,500 cubic yards assumed to be topsoil and non-granular overburden material that will remain on site for use as reclamation fill. The overall excavation volume and lifespan of the mine will ultimately be determined by market demand for aggregates. For the purposes of the IUP application, it is estimated that on average the mine will export 150,000 cubic yards per year, and during a high-demand year may export up to 250,000 cubic yards. This rate of export results in a 2- to 3-year operating life.

Upon completion of the mining, the North Luebke Pit will be restored for end use as agricultural land. Reclamation conditions are shown on Sheet 2 of the Mining Plans. Fill from offsite sources will be imported to reach the proposed reclamation grades. It is anticipated that the North Luebke Pit will require approximately 284,250 cubic yards of reclamation fill to establish the grades shown on Sheet 2. Of this volume, 23,500 CY will come from overburden materials, 2,900 CY will come from the regrading of the site after mining, and 257,850 CY will come from imported fill. It is expected that any extra overburden from the North Luebke Pit will be used as reclamation fill, making the final reclamation slopes slightly flatter than what is currently shown on Sheet 2. Additional details on site reclamation are presented in Section 4 of this application.

3.0 OPERATIONAL STANDARDS

3.1 Hours of Operation

Hours of operation for mining and processing operations are from 6:30 a.m. to 8:00 p.m., Monday through Saturday.

3.2 Site Access

Access to the mine will be via the existing driveway shown on the Drawings.

3.3 Mining Limits and Setbacks

Mining and processing will not take place within 50 feet of a property line or road right-of-way. The setback from homes will be a minimum of 500 feet, with the exception of the home of the property owner. The total operational area of mining activities will not exceed 15 acres.

3.3.1 Floodplains

The site is not located within the Floodplain Overlay District.

3.3.2 Wetlands

Wetlands mapped by the U.S. Fish and Wildlife Wetlands Mapper show multiple wetlands in the vicinity of the site, however all mapped wetlands are over 300-feet away from the proposed mining area. Type 6 wetlands require a 300-foot setback.

3.4 Non-Granular Material

All non-granular overburden material will be used as reclamation fill.

3.5 Vertical Faces

Vertical faces will be kept to a minimum. Typical slopes on the active mining face are approximately 2.5:1 (horizontal to vertical).

3.6 Housekeeping and Site Safety

The mine site employs good housekeeping practices. Examples of these good housekeeping practices include the following:

- Equipment will be inspected daily during normal operations and kept in good working order.
- Equipment washing will occur in a designated area and no detergent or chemicals will be used to wash equipment onsite.

- Any fuel or chemical stored onsite will be stored in compliance with all applicable MPCA requirements. Secondary containment will be provided for all tanks.
- Leaks and spills will be promptly cleaned up and reported to the site manager and MPCA as appropriate. Spill cleanup material will be stored onsite in an accessible.
- Appropriate waste receptacles will be available to employees and customers to prevent litter around the site.
- Sanitary facilities will be available on site and will be serviced regularly.
- Routine employee training is conducted on good housekeeping practices and spill response.

BAH maintains a corporate safety manual which describes safety standards that will be employed at the mine site.

3.7 Environmental Controls

The project size does not trigger preparation of a mandatory Environmental Assessment Worksheet. Operational practices used to prevent environmental impacts are presented in this section.

3.7.1 Dust

Mining activities generate dust through vehicle traffic on unpaved roads, processing operations such as screening and crushing, loading from stockpiles, and other material handling and transport operations. The following is a list of Best Management Practices (BMPs) that will be employed to minimize fugitive dust emissions at the site.

- Applying water to unpaved roads, stockpiles and other unvegetated areas
- Stabilizing unworked areas with topsoil and vegetation
- Limiting unnecessary traffic through the mine
- Limiting traffic speed within the mine
- Limiting the size of the active mine area
- Applying chemical dust suppressant such as magnesium chloride for
- Performing prompt reclamation of mined areas following completion of mining

3.7.2 Noise

Mining activities generate noise through the operation of earthmoving and processing equipment. Noise generated at the site will be mitigated using the following techniques, which have proven effective at other similar aggregate mining operations:

- Processing equipment will be located on the mine floor, which is recessed from the existing ground surface. The perimeter slopes and berms surrounding the mine will block sound and reduce the decibel levels experienced at surrounding receptors.
- Truck traffic will be routed in a loop to the extent practical to minimize the use of back up alarms.
- White noise backup alarms will be utilized if existing controls do not sufficiently mitigate the noise generated by traditional beeping backup alarms.

- Equipment will be maintained in good working order and with standard noise reduction equipment such as mufflers.

3.7.3 Traffic

The mine will generate additional vehicle traffic resulting from the import/export of soil and aggregate materials to and from the mine site, as well as employee commuting and vendor/supplier visits to the site. This section provides an analysis of the estimated additional traffic in terms of the average daily traffic (ADT) and the peak hourly traffic generated. According to the MNDOT Traffic Mapping Application, the ADT for County Road 123 is 180 vehicles per day.

Average Daily Traffic

The ADT is related to the rate of material production and import/export at the mine. The higher the production rate, the more truck traffic will be generated to haul the product to the market area.

As noted above in Section 2.2, it is estimated that the average production would result in approximately 150,000 cubic yards of exported material per year, and high production would result in approximately 250,000 cubic yards of exported material per ear. Assuming a unit weight of 1.4 tons per cubic yard, this equates to an average export of 108,000 tons per year and a high of 179,000 tons per year. To determine the corresponding number of truck trips, the following assumptions are used:

- A typical load of exported aggregate or imported reclamation fill is 20 tons.
- Each load includes two trips: one into the site and one out of the site.
- Hauling occurs 180 days per year.

Table 1 – ADT Summary

	Loads per day - Average	Loads per day - High
Aggregate	30	50
Reclamation Fill	13	none
	Trips per day – Average	Trips per day - High
Aggregate	60	100
Reclamation Fill	26	50
Employees/Suppliers	6	8
Total trips per day (ADT)	**91**	**158**

The estimated ADT presented above is based on anticipated production rates. Actual production rates may vary from those shown depending on market conditions.

Peak Hourly Traffic

The a.m. peak hourly traffic is estimated to be 12 trips per hour, or 10% of the High ADT, and is expected to occur between 6:30 a.m. and 8:00 a.m. The p.m. peak hourly traffic is estimated to be 10 trips per hour, or 8% of the High ADT, and is expected to occur between 3:00 p.m. and 4:00 p.m.

The "worst-case" hourly traffic is estimated using an import/export rate of one load every 4 minutes, which BAH estimates is the highest feasible rate based on anticipated site equipment and operational constraints. This results in 15 loads, or 30 truck trips per hour. The worst-case traffic would occur infrequently and for a limited duration throughout the life of the mine.

3.7.4 Stormwater and Erosion Control

Stormwater contacting mining activities will be contained on site within the mining area and peak runoff rates and volumes will not exceed current levels. Stormwater management for the mining and reclamation operation will comply with runoff quantity, quality and rate control regulations as specified by the MPCA as well as requirements of the National Pollutant Discharge Elimination System (NPDES), including obtaining a permit and adoption of a Pollution Prevention Plan (P2 Plan). The P2 Plan addresses stormwater management and is required for coverage under the NPDES Nonmetallic Mining and Associated Activities permit (MNG490000).

Site soils are granular and highly erodible; however, sediment generated from erosion of the active mining face will be contained on-site within the excavation and will not be transported onto other areas of the property. Silt fence, diversion berms or swales, and/or other perimeter controls will be employed as needed to prevent erosion and sediment transport during the initial mining activities such as topsoil stripping and overburden removal and stockpiling. Double silt fence will be installed along the wetlands and will be maintained throughout the life of the project. Perimeter controls shall remain in place and be maintained until vegetation is established (at least 70% coverage) on upslope areas, or until all disturbed areas drain to the mine excavation. Temporary stormwater ponds may also be employed as needed to prevent any off-site discharge during start-up, particularly during development of the processing plant site.

The main entrance to the site will be monitored for soil tracking and corrective action will be taken to reduce tracking as necessary. The site entrance will be sprayed with chloride as needed and will be swept as needed to prevent soil accumulation. If tracking becomes problematic, tracking mitigation measures can be implemented. These mitigation measures may include, but are not limited to, installation of rock rumble strips and/or steel track-out grates. Soil tracked onto public right of ways will be removed promptly.

Additional details on stormwater controls can be found in the P2 Plan. As part of the IUP application process, the P2 Plan is submitted to the Carver County Soil and Water Conservation District and the Carver County Watershed Management Organization for review and recommendations. Any resulting recommendations may be included as conditions of the IUP.

<u>Topsoil Management</u>

Topsoil will be stripped to full depth at the commencement of mining and segregated into in a dedicated stockpile. The topsoil stockpile will be labeled with signage identifying the contents of the stockpile. The topsoil stockpile area for the mine is expected to be located in the inactive portion of the mining boundary, as shown on Sheet 1 of the Mining Plans. The side slopes of the topsoil stockpile will be uniformly graded and vegetated. Silt fence will be installed on the downslope side of

the topsoil stockpile and maintained until the stockpile has been vegetated (at least 70% coverage) and there is no evidence of erosion around the pile.

During topsoil stripping, a sample of topsoil will be collected and analyzed for the parameters listed in the Carver County Topsoil Standard, and results will be submitted to Carver County. A minimum of two business days prior to re-spreading topsoil, testing data of samples from the stockpile will be submitted to the County. The samples will be compared to the Carver County Topsoil Standard and the existing (i.e. pre-mining) on-site topsoil characteristics to demonstrate that the topsoil is of sufficient quality for placement. The table below describes the Carver County Topsoil Standard and provides the range of values for site soils, obtained from the U.S. Department of Agriculture Natural Resources Conservation Services (NRCS) Web Soil Survey, for each requirement. The majority mining area will consist of the Lester loam unit, therefore the ranges for this unit have been provided in the table below. NRCS data is provided in Appendix B of this report.

Carvery County Topsoil Standard		Site Range
Requirement	**Carver County Required Range**	
Material Passing the ¾"	100%	95% - 99%
Material Passing the No. 4	≥85%	95% - 99%
Clay	5% - 30%	20% - 27%
Silt	5% - 35%	28% - 50%
Sand	38% - 75%	25% - 50%
Organic Matter	3% - 15%	2% - 4%
pH	6.1-7.5	6.6

Based on the NRCS information, the topsoil from the site generally meets the Carver County Topsoil Standards. If any topsoil is imported for site restoration, it will meet the Carver County Topsoil Standard.

Topsoil will be placed to a minimum depth of 6-inches, which corresponds to a volume of approximately 11,051 cubic yards over the reclamation area. A topographic survey of the topsoil stockpile will be conducted prior to re-spreading to confirm that enough topsoil will be available for reclamation. Once the topsoil is placed it shall be tilled or disced prior to seeding to ensure that the soil meets compaction requirements. Once topsoil is placed, heavy traffic and equipment should be kept off the topsoil to the maximum extent possible to prevent any unnecessary compaction.

4.0 SITE RECLAMATION

As mining progresses, reclamation will occur as permissible in those areas where mining is complete. This will include placing reclamation backfill materials as needed to establish the approximate grades shown on Sheet 2 of the Mining Plans. The final land use for the mining area will be returned to agricultural. The final topography will be established such that the peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall.

Reclamation slopes will be graded to a slope of 5H:1V or flatter over the entire reclamation area. As finished reclamation grades are established, areas will be seeded with MnDOT seed mixture 25-141 at a seeding rate of 59 pounds per acre, MnDOT Type 1 Mulch (2 tons/acre) and commercial fertilizer (application rate will be determined from soil testing prior to reclamation) will be used. Upon establishment of end-use conditions, sediment carried by stormwater over reclaimed areas will be collected within either the pond or surrounding surficial depressions\wetlands, in a similar manner to the current surface drainage.

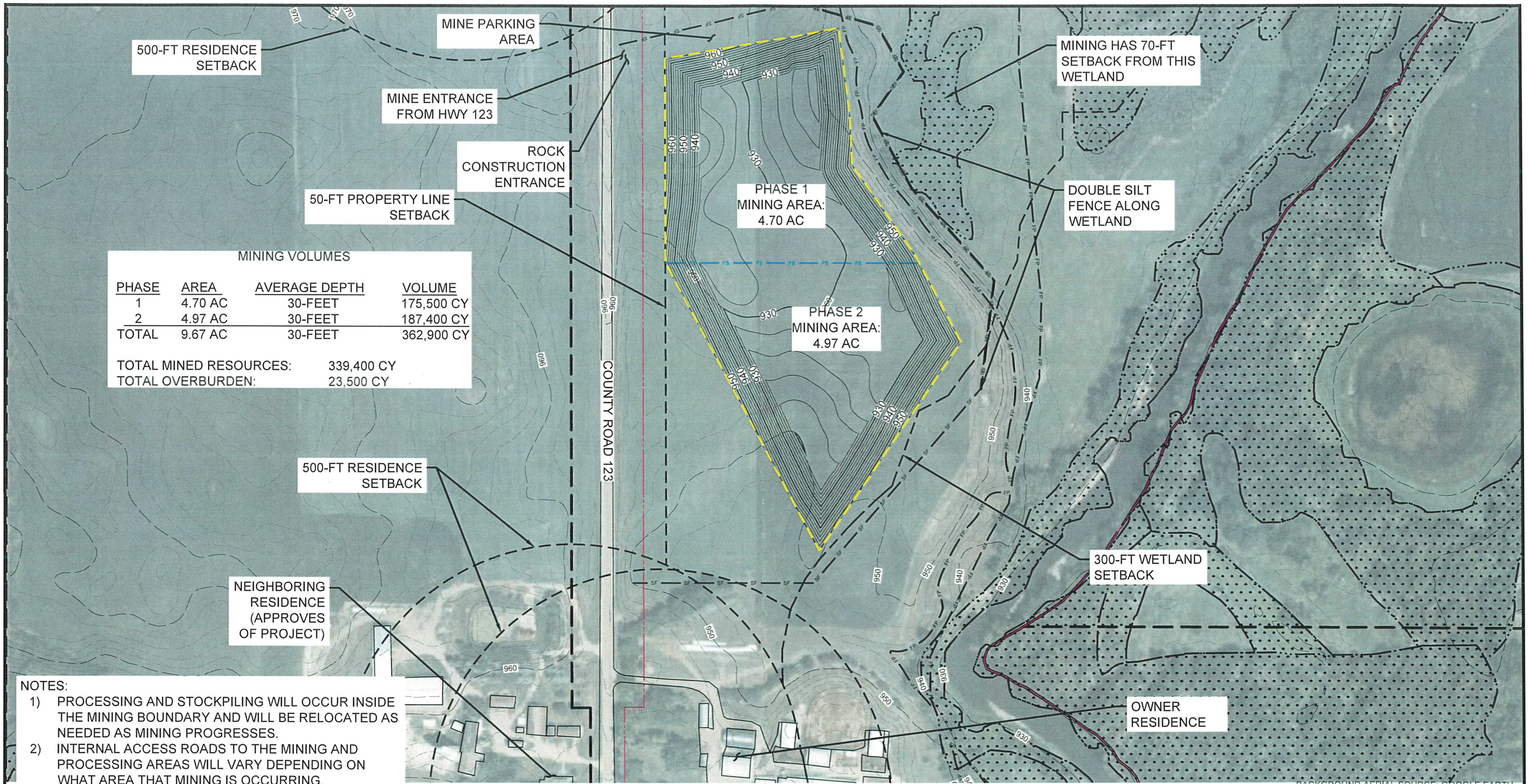
The following additional reclamation standards will be implemented:

- All materials used for reclamation backfill shall be free of contaminants and shall be non-noxious, non-flammable and non-combustible.
- The graded or backfilled area shall not collect or permit stagnant water to remain therein, unless there is an approved ponding area or wetland restoration or creation.
- Graded or backfilled areas shall be surfaced with at least four inches of soil of a quality at least equal to the topsoil of the surrounding area.
- Reclamation will be completed within 9 months after completion of mining within a phase, or after the termination of mining. This includes removal of all equipment, vehicles, machinery, materials, stockpiles and other materials incidental to the mining operation.
- Reclamation will not result in an increase in impervious area.
- Erosion and sediment control measures specified in the P2 Plan will be followed until the termination of applicable permits (e.g. NPDES)

Luebke North Pit Current Conditions

Staff Generated, 7/8/2024

Notes: Blue and red-colored areas represent floodplain. Elevation lines set at 2-foot contours



MINING VOLUMES

PHASE	AREA	AVERAGE DEPTH	VOLUME
1	4.70 AC	30-FEET	175,500 CY
2	4.97 AC	30-FEET	187,400 CY
TOTAL	9.67 AC	30-FEET	362,900 CY

TOTAL MINED RESOURCES: 339,400 CY
TOTAL OVERBURDEN: 23,500 CY

NOTES:

1) PROCESSING AND STOCKPILING WILL OCCUR INSIDE THE MINING BOUNDARY AND WILL BE RELOCATED AS NEEDED AS MINING PROGRESSES.
2) INTERNAL ACCESS ROADS TO THE MINING AND PROCESSING AREAS WILL VARY DEPENDING ON WHAT AREA THAT MINING IS OCCURRING.
3) SILT FENCE WILL BE INSTALLED ON ALL DOWNSTREAM PERIMETERS AS NEEDED FOR EACH LAND DISTURBING ACTIVITY.
4) DISTURBED AREAS WILL BE STABILIZED WITH MNDOT SEED MIXTURE 25-141 AT A SEEDING RATE OF 59 POUNDS PER ACRE, MNDOT CATEGORY 3N OR 3P EROSION CONTROL BLANKET AND COMMERCIAL FERTILIZER.

LEGEND

EXISTING CONTOUR IDX	960	MINING BOUNDARY	
EXISTING CONTOUR INT		SETBACK	
MINING CONTOUR IDX	960	WETLANDS	
MINING CONTOUR INT		SILT FENCE	SF SF
PROPERTY BOUNDARY		PHASE BOUNDARY	PB PB
100-YEAR FLOODPLAIN	FP FP		

BACKGROUND AERIAL SOURCE: GOOGLE EARTH

N

0 50 100 200
SCALE IN FEET

CARLSON McCAIN
ENGINEERING SURVEYING ENVIRONMENTAL
15650 36TH AVE N
SUITE 110
PLYMOUTH, MN 55446
TEL (952) 346-3900
FAX (952) 346-3901
CARLSONMCCAIN.COM

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Print Name: Dan J. Wilke
Signature: Dan Wilke
Date: 6/21/2024 License #: 53182

Drawn: DJW
Designed: DJW
Date: 6/21/24

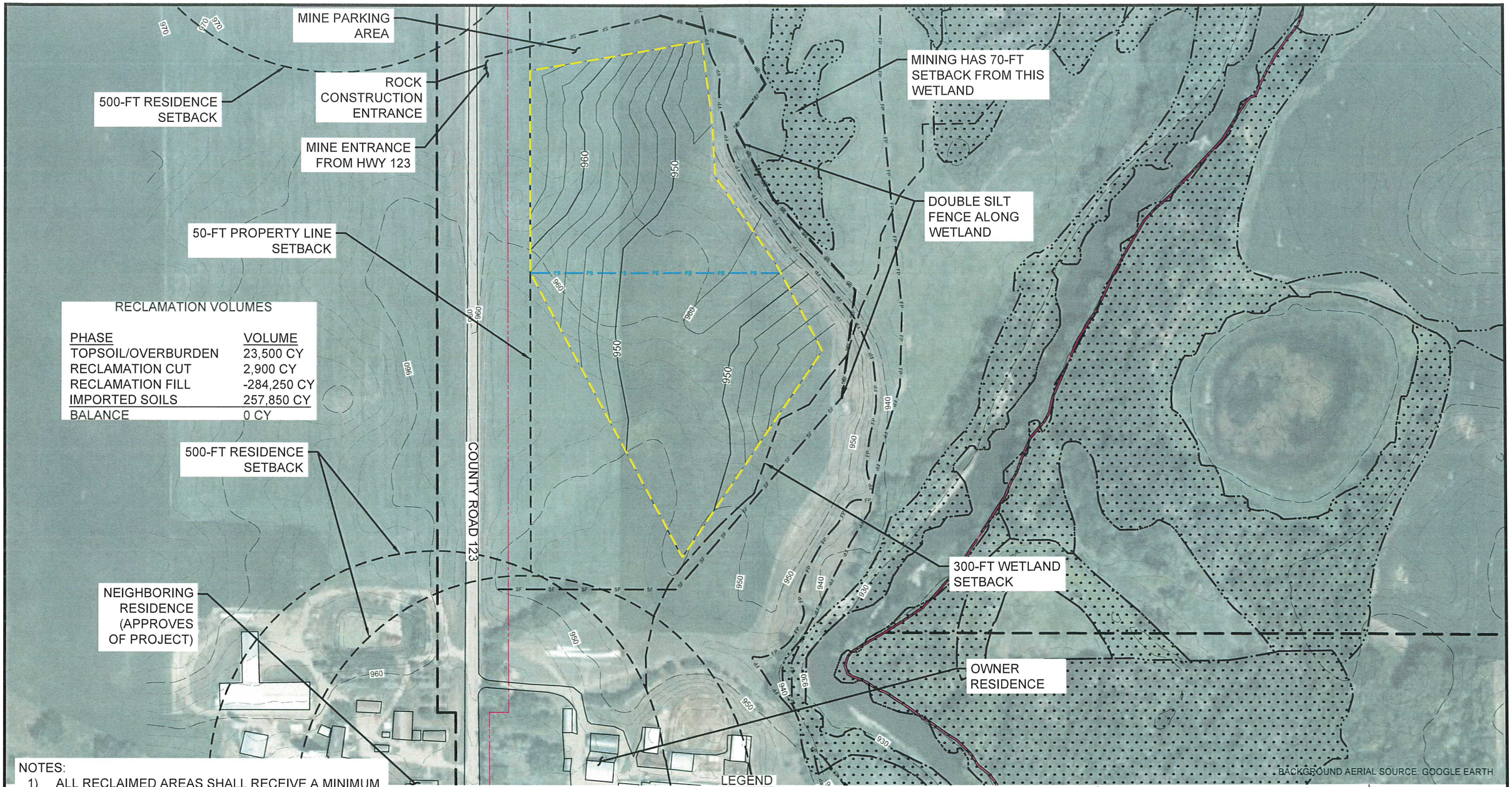
REV	DATE	BY	DESCRIPTION
0	6/21/24	DJW	ISSUED FOR IUP
1	7/8/24	DJW	PER COUNTY COMMENTS

B.H. AGGREGATE SERVICES, INC.
10492 135th Street
Kimball, MN 55353

NORTH LUEBKE PIT
Carver County, MN

MINING PLAN
IUP DRAWINGS

1 of 2



RECLAMATION VOLUMES

PHASE	VOLUME
TOPSOIL/OVERBURDEN	23,500 CY
RECLAMATION CUT	2,900 CY
RECLAMATION FILL	-284,250 CY
IMPORTED SOILS	257,850 CY
BALANCE	0 CY

NOTES:

1) ALL RECLAIMED AREAS SHALL RECEIVE A MINIMUM OF 6 INCHES OF TOPSOIL.
2) ALL RECLAMATIONS SLOPES ARE 5H:1V OR FLATTER.
3) DISTURBED AREAS WILL BE STABILIZED WITH MNDOT SEED MIXTURE 25-141 AT A SEEDING RATE OF 59 POUNDS PER ACRE, MNDOT CATEGORY 3N OR 3P EROSION CONTROL BLANKET AND COMMERCIAL FERTILIZER.

LEGEND

- EXISTING CONTOUR IDX
- EXISTING CONTOUR INT
- RECLAMATION CONTOUR IDX
- RECLAMATION CONTOUR INT
- PROPERTY BOUNDARY
- 100-YEAR FLOODPLAIN
- MINING BOUNDARY
- SETBACK
- WETLANDS
- SILT FENCE
- PHASE BOUNDARY

N

0 50 100 200
SCALE IN FEET

CARLSON McCAIN
ENGINEERING SURVEYING ENVIRONMENTAL
15650 36TH AVE N
SUITE 110
PLYMOUTH, MN 55446
TEL (952) 346-3900
FAX (952) 346-3901
CARLSONMCCAIN.COM

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Print Name: Dan J. Wilke
Signature: Dan Wilke
Date: 6/21/2024 License #: 53182

Drawn: DJW
Designed: DJW
Date: 6/21/24

REV	DATE	BY	DESCRIPTION
0	6/21/24	DJW	ISSUED FOR IUP
1	7/8/24	DJW	PER COUNTY COMMENTS

B.H. AGGREGATE SERVICES, INC.
10492 135th Street
Kimball, MN 55353

NORTH LUEBKE PIT
Carver County, MN

RECLAMATION PLAN
IUP DRAWINGS

2 of 2

CARVER COUNTY

Township Presentation & Recommendation Form

PARCEL # 10030400 Permit # PZ20240025

Owner's Name: Tom & Jody Luebke

Owner's Mailing Address: 5475 cty Rd 23

City: Mayer

Owner State: MN

Owner Zip: 55360

Applicant (if other than owner): BH. Aggregate Services Inc

Site Address: 5475 Cty Rd 23 Mayer

Type of Request: (•) CUP (•) IUP ( ) Preliminary Plat ( ) Final Plat ( ) Variance ( ) Appeal

Description of Request:

Requesting an Interim use perm.t for mining sand and gravel for the Highway 212 project.

Date of County Public Hearing: July 16th Date of Township Meeting: 7-1-24

Actions:

Township Action Taken:

(X) Recommends approval and use of the Township Road (if applicable) with the following comments:

( ) Recommends denial for the following reasons:

( ) No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

Details per Interim use application

**Important: I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Signature of Applicant Date 6-30-24

Signature of Township Official Date 6-30-24

3-24

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-030-1100 **File# PZ20240025**

APPLICANT: Joe White, representing B H Aggregate Services, Inc.
OWNERs: Thomas W Luebke & Jody L Luebke

* *

All that part of the Southwest Quarter (SW1/4) of Section 30, Township 117 North, Range 25, being on the west side of the Crow River. Containing 85 acres, more or less, according to Government Survey thereof, Carver County, Minnesota.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 9, 2024

TO: Carver County Planning Commission & Watertown Town Board

FROM: The Land Management Department

SUBJECT: Application for an Interim Use Permit (gravel mining operation)

FILE #: PZ20240026
APPLICANT: Joe White (B.H. Aggregate Services, Inc.)
OWNER: Thomas and Jody Luebke
Wyatt and Lindsay Getten
SITE ADDRESS: 54XX Co Rd 23, Watertown Township
5475 County Road 23, Mayer, MN 55360
PERMIT TYPE: Mining and/or Land Reclamation
PURSUANT TO: County Code, Chapter 152, Section(s) 152.081 and 152.082
LEGAL DESCRIPTIONS: See attached Exhibit "A"
PARCEL #: 10-031-1420 & 10-031-1410

STAFF ANALYSIS:

1. Thomas and Jody Luebke own an approximate 24.6-acre parcel in the North Half (N½) of the Northwest Quarter (NW¼) of Section 31, Watertown Township. The parcel is currently consists of agricultural fields, woodlands, and Crow River shoreline. The project also includes an approximate 6.51-acre parcel owned by Wyatt & Lindsay Getten that is improved with a residence and several detached accessory structures, and Crow River shoreline. The properties are located in the Agricultural Zoning District, Shoreland Overlay District of the Crow River, Floodplain Overlay District of the Crow River, and the Carver County Water Management Organization (CCWMO) - Crow River watershed.

2. Joe White of B.H. Aggregate Services, Inc. is requesting an Interim Use Permit (IUP) for the operation of a new gravel mining operation pursuant to the County Zoning Code. The request would encompass an approximate 8.86-acre area for the extraction of sand and gravel resources which would then be processed for use as base material for private and public construction projects in the area, including the reconstruction and expansion of Hwy. 212 (Cologne to Norwood Young America). The project is expected to operate 2 to 3 years, depending on aggregate demand.

3. Sections 152.081 and 152.082 of the Carver County Zoning Code allows for mining and/or land reclamation involving 10,000 cubic yards or more as an Interim Use Permit (IUP), as follows:

   § 152.081 INTERIM USE PERMIT (IUP).
   The county may authorize an interim use of a property by means of an IUP. These interim uses may be utilized in a temporary manner as approved by the County Board. In reviewing the interim use permit application, the county will establish a specific date or event that will terminate the use of the property. In granting an IUP, the County Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Planning Commission and County Board shall make the following findings where applicable.

   (A) *General provisions.*
   (1) The use conforms to the zoning regulations.

(2) The date or event that will terminate the use can be identified with certainty.
(3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
(4) The user agrees to any conditions that the governing body deems appropriate for permission of the use.
(5) Any interim use may be terminated by a change in zoning regulations.
(Ord.70-2010, passed 1-25-11; Am. Ord. 97-2021, passed 7-20-21)

§ 152.082 INTERIM USE PERMIT-AG DISTRICT.

(A) *Minimum criteria for issuance.*
(1) If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
(2) The activity conforms to all other county ordinances, state, and federal regulations.
(3) Minimum five-acre lot size; unless another size is specified under a particular provision.
(4) Waste generated shall be treated in accordance with Chapter 52 of this code of ordinances. The county may require design by a registered engineer.
(5) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific approval for location on a township road is given by the affected township or townships. The Town Board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect.
(6) The activity is of a scale that the demand for support services such as sewer, water, police, fire protection, emergency equipment access, roads or streets, can be accommodated within the context of the service levels available in the commercial agricultural area. Adequate water supply, subsurface sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
(7) The operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs-traffic capacity or roads, waste disposal or management, fire or police protection, sewage treatment and dispersal-that will exceed those available in the area should locate in municipalities where the services are available.

(B) *Minimum conditions.*
(1) Permit shall be subject to administrative review or compliance review as set by the permit.
(2) The operational plan and site plan shall become part of the permit.
(3) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The site plan and operational plan shall become part of the permit.
(4) The applicant must submit a copy of workers compensation insurance or sign an affidavit stating that he or she will not have any employees.
(5) All buildings used in the operation must meet the State Building Code.
(6) The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.
(7) The date or event that will terminate the use shall be identified.

(C) *Activities (For the purpose of this section, conditional use permit activities may also be considered and processed as interim uses).*
(1) Mining and/or land reclamation involving 10,000 cubic yards or more (allowed in AG Preserve if the principal use remains ag and restoration is suitable for farming).
(a) The permit shall be issued only upon findings that:
1. There is no substantial environmental impact or that the impact will be alleviated through a restoration program and other condition of the permit; and
2. The activity will have no substantial adverse impact on surrounding property or that the impact will be alleviated through the conditions of the permit.
(b) Each permit shall contain the following minimum standards unless modified by the County Board, and all activities shall conform to these and any additional standards.

1. General operating requirements must address operating hours, dust control, housekeeping, safety and specifying compliance review.
2. Minimum requirements for the operation.
   (i) Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited.
   (ii) No non-granular material shall be removed unless the permit is specifically for such an operation.
   (iii) Vertical faces shall be kept to a minimum except during actual mining.
   (iv) Mining shall not take place within 50 feet of a property line. All slopes at property lines shall maintain a 2.5:1 slope or flatter. The setback from the assumed road right-of-way shall be a minimum of 50 feet. The setback from all homes shall be a minimum of 500 feet, excluding the residence of the mine owner and/or permittee. The setback from a bluff shall be a minimum of 100 feet.
   (v) The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation. The Board may order the exclusive use of white noise beepers on trucks and equipment utilized on the site.
   (vi) Processing machinery must be located consistent with setback standards for structures from ordinary high-water levels of public waters and from bluffs.
   (vii) The maximum permitted operational area for mining shall be 35 acres. Only one active IUP for mining is allowed for a parcel.
   (viii) Stockpiles in excess of 1,000 cubic yards shall not be located within the Floodplain Overlay District.
   (ix) Any mining within 300 feet of a Class 3 through 8 wetlands must include a plan to improve public value(s), in conjunction with any Wetland Conservation Act requirements.
   (x) A mandatory traffic study shall be prepared by a licensed engineer.
   (xi) The operation must comply with applicable watershed management rules.
   (xii) The operation must comply with the applicable road authority review and approval.
3. *Site/operational plan.* A plan shall be drawn on both a 1 inch = 200 feet half section map and a 1 inch=200 feet aerial plat showing at a minimum the operational area, mining area, phasing of mining, erosion control measures or structures, restoration areas, type of restoration, and staging of restoration, any areas where mining will be below the water table or result in standing water.
4. *Reclamation plan.* A reclamation plan must include the grading plans, on-site topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and an end use plan for final site restoration. The operator and owner must follow the reclamation plan approved by the County Board. The following minimum standards and conditions apply.
   (i) The peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No graded slope shall exceed a 5:1 ratio (20%). The final grade slope shall commence at the setback. Berms will be removed to the original elevation of the land, unless the Board has approved a different elevation as part of the end use plan. Restored slopes must be 8:1 or flatter within 500 feet of the top of a bluff.
   (ii) Excavated, graded or back-filled areas shall meet the following requirements.
      A. All materials used for back-filling in any area of the reclamation shall be free of all contaminants and shall be non-noxious, non-flammable and non-combustible.
      B. The graded or back-filled area shall not collect or permit stagnant water to remain therein, unless there is an approved ponding area or wetland restoration or creation.
      C. Such graded or back-filled area shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least four inches and seeded or sodded.
      D. Such topsoil as required by the preceding subsection shall be planted with trees, shrubs, legumes or grasses.

(iii) Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.

(iv) Soil restoration, seeding and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached. Exceptions to seeding and mulching include the processing, storage and staging areas within each phase.

(v) Soil erosion and sedimentation control measures shall be consistent with MPCA's publication entitled "Protecting Water Quality in Urban Areas."

(vi) Unless otherwise amended or approved by the county, all final grades and site restoration efforts shall be consistent with the reclamation plan.

(vii) When the end-use is some form of open space, the type of vegetative regrowth must provide appropriate habitat for wildlife consistent with the form of end-use.

(viii) The end-use plan shall consider the safe use of the property. The end-use plan shall be consistent with the Comprehensive Plan and the zoning ordinance.

(ix) Within nine months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, stockpiles of extracted mineral materials and debris shall be removed from the subject property.

(x) For each phase, within nine months after completion of mineral extraction for that phase, reclamation must be completed. If the permit is terminated earlier, reclamation must be completed within nine months after termination.

(xi) Soil and Water Conservation District and watershed review and recommendations. As a part of the original application for an interim use permit, the applicant shall submit grading plans, phased reclamation plans and water control plans to the Carver County Soil and Water Conservation District and to the governing bodies of the watersheds for review and recommendations. The recommendations on the phased reclamation, grading, soil and water retention plans may be included as conditions of the IUP. The permit may require reforestation. Reforestation requirements shall be based on the recommendation of the Natural Resources Conservation Service and/or the DNR Forester.

5. *Performance securities and insurance.*

(i) The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the mining and/or restoration and related operations. The permittee shall provide certification of insurance.

(ii) A performance surety shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the county for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit.

4. The applicant's engineer, Carlson McCain, Inc., has provided the IUP application, all supporting documentation, and site plans for the IUP request. The project description (dated July 8, 2024) provides details of the mining operation and reclamation plan. The proposed site activities include topsoil stripping, sand and gravel excavation, material screening and crushing, and stockpiling. Recycling of concrete and asphalt, which includes transporting concrete and asphalt rubble to the site, is proposed. The material processing equipment would be located on the floor of the mine and moved around as needed. The proposed site equipment used in mining activities are what are typically found at such sites: excavators, front-end loaders, bulldozers, haul trucks, conveyors, crushers, etc. The excavation would be done with a backhoe to an approximate depth of 15 feet below the current ground level. The narrative states no dredging would occur. (The applicant estimates the water table is about 30' below the current soil surface.) The project description includes operational steps for site safety, site housekeeping, noise mitigation, and dust control. The hours of operation would be from 6:30AM to 8:00PM Monday through Saturday. The number of employees and suppliers on site would range from 6 to 8 workers.

5. The Mining Site Plan (dated July 8, 2024) shows the planned approximate 8.86-acre excavation area in which approximately 158,500 cubic yards of material would be removed, with a double perimeter silt fence on the southwest project border to protect the nearby wetlands. The mining vehicles would use the existing residential driveway access on Co Rd 23. The applicant estimates that the mine would export an average of 150,000 cubic yards per year, which may increase up to 250,000 cubic yards in a high-demand year. At this rate, the mine's operational life would be 2-3 years, with two mining areas identified for two phases in the project. The proposed pit encroaches upon the required 500-foot setback from existing adjacent residential structure to the southwest not on the subject property. No 500-foot setback is required from Wyatt & Lindsay Getten's house (5475 Co Rd 23) due to their being an owner of property being mined. (The Gettens signed the IUP application.) Also, mining activities on either side of the driveway to house are proposed within the required 50-foot setback from property lines. The applicant will be applying for variance to allow for this encroachment to these setbacks. If the variance is denied, the mining plan would have to be altered to remove any operational area encroachments within the required setback. No screening of mining activities is proposed. The operational area(s) would be substantially screened through trees on nearby properties and the depth of the mine where mining processes would occur.

6. There are wetlands on the property which require setbacks to conduct any mining activities. To date, no wetland delineation report has been submitted to the County. No mining activities are proposed within the Crow River floodplain.

7. A table in the project narrative shows the estimated average daily trips (ADT) for the project. The table estimates that an average of 60 trips per day for aggregate hauling to export an approximate 150,000 cubic yards per year from the mine, with an average of 26 trips per day to import reclamation fill. On the high side, the applicant estimates 100 trips per day to export about 250,000 cubic yards of aggregate per year, with 50 trips per day to import reclamation fill. Site workers add about 6-8 trips per day to the ADT count, for a total of about 92 trips per day for the site. ADT generation was based on the average of 20 tons per load and with hauling occurring on 180 days per year. Actual production rates would fluctuate based on market demand and amount of material recycling. The a.m. peak hourly traffic (6:30-8AM) is estimated to be 12 trips per hour and the p.m. peak (3-4PM) hourly traffic would be about 10 trips per hour. The narrative states the "worse-case" hourly traffic count would be 30 trips per hour.

8. The applicant would also like to recycle concrete and asphalt aggregates. This would include transporting concrete and/or asphalt rubble to the site and subsequently crushing, screening, and stockpiling the materials within the processing area. The application does not include a request to operate an asphalt plant.

9. The Reclamation Plan (dated July 8, 2024) shows the proposed contours of the mining site upon completion of aggregate removal. Once mining activities are completed, approximately 17,150 cubic yards of topsoil and non-granular overburden material would be re-applied to the mined area, along with about 113,600 cubic yards of imported fill, to achieve the proposed contours. This property is currently enrolled in the Agricultural Preserve program. Per IUP standards, mining is allowed when the fields are proposed to be returned to agricultural use. The Site Reclamation section of the narrative states: "The final land use for the mining areas will be returned to agricultural." The reclamation plan appears to meet zoning code standards and will be reviewed by the Soil & Water Conservation District and CCWMO to determine that all agency standards are met.

10. The applicant has indicated that white noise backup alarms would be utilized to help control equipment noise, as well as establishing circular traffic patterns for loading to reduce backup movements. Locating the processing equipment on the mine floor, recessed from the surrounding ground surface, would help reduce sound for the surrounding receptors.

11. Based on the anticipated operational timeframe, the IUP would terminate upon the following events, whichever occurs first: The permit shall terminate upon a change in ownership, or upon the exhaustion of the aggregate mining, or August 6, 2032 (whichever happens sooner). However, Permit #PZ20240026 shall not be considered terminated until all reclamation areas have been completed to the satisfaction of the approved Carver County Water Management Organization (CCWMO) permit and Zoning Code standards, and release of the financial security, if applicable.

12. Darin Mielke, Deputy County Engineer with Carver County Public Works, reviewed the submitted materials. In a review letter dated July 5, 2024, he expressed concerns about the proximity of the proposed gravel pit's driveway to Hwy. 7 and suggested an access further south. The applicant revised the plan and moved the construction entrance south of the residential access for the Getten home.

13. A Carver County Water Management Organization (CCWMO) permit is required, and Stormwater Management standards would need to be met for the reclamation of all aggregate mining areas. The applicant would need to secure a permit with the Planning and Water Management Department in order to establish an appropriate restoration phasing plan. The applicant has submitted a Pollution Prevention Plan for review. The permittee shall submit a stormwater management application for review and submit the required financial security and comply with all permit requirements, including topsoil depth requirements for restoration and preservation.

14. Mike Wanous, District Manager with the Carver County Soil & Water District, reviewed the submitted materials and in an email dated July 2, 2024, expressed concerns about the final grading plans which show a V-shaped depression in the field that will direct stormwater towards the wetlands to the east of the project site. He commented, "Unless the area circled in red below will be permanently seeded with deep-rooted perennial vegetation, it will likely be an erosion problem in future years." He also expressed a concern about impacts to the wetland southwest of the mining area. The applicant revised the mining plan to address the review comments, as shown in the plan dated July 8, 2024.

15. Taylor Huinker, Area Hydrologist with the MN DNR, reviewed the submitted materials and offered the comment in an email dated June 27, 2024: "It appears all activities and machinery will be well away from the 100-ft setback from the rivers. If for some reason dewatering is required, a DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year."

16. The Watertown Township Town Board reviewed and recommended approval without any additional conditions or expressed concerns for this request during their July 1, 2024, Town Board meeting.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Interim Use Permit application for mining and processing activities on the property legally described on the attached Exhibit "A," the following conditions should be considered part of the permit:

GENERAL REQUIREMENTS:

1. The permit is subject to compliance review. The Interim Use Permit (IUP) is issued to B.H. Aggregates. The permit allows for extraction limited by the approximate 8.86-acre operational area and it is not transferable to another property owner and/or allowed for leasing activity. The permit shall terminate upon the exhaustion of the aggregate mining, or upon a change in ownership, or August 6, 2032, which occurs first. However, Permit #PZ20240026 shall not be considered terminated until all reclamation areas have been completed to the satisfaction of the approved Carver County Water Management Organization (CCWMO) permit and Zoning Code standards and the financial security has been released, if applicable.

2. The Permittee shall comply with all applicable requirements of mining setback variances, if obtained.

3. The Permittee shall comply with all Carver County Public Works access requirements. Mining and/or similar disturbance shall not occur within 50 feet of the public right-of-way. The Permittee shall receive all required permits for work within the public right-of-way prior to the initiation of construction activities.

4. The Permittee shall comply with any/all CCWMO rules and regulations including but not limited to, grading, vegetation (w/maintenance) and landscaping plan(s). An erosion/sediment control plan and stormwater management plan for site restoration, screening, vegetation and maintenance shall be prepared and implemented in accordance with the CCWMO Water Management guidelines and the Wetland Conservation Act (WCA) before mining commences, if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES) permit as required by the Minnesota Pollution Control Agency (MPCA).

5. Permittee shall obtain and maintain a Non-generator's Certificate or contact the Environmental Services (E.S.) Department to obtain a Hazardous Waste Generator's License, if required.

6. The Permittee shall always comply with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage of signage on the property.

7. Permittee agrees to defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, costs, damages and expenses which the County, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the certificate holder's performance or failure to adequately perform its obligations pursuant to this permit, or arising out of a dispute as to the ownership of the property.

OPERATIONAL REQUIREMENTS:

These requirements combined with the most current Site and Operational Plans shall govern the mining operation.

1. The mining activity shall operate in accordance with the submitted Project Description (dated: July 8, 2024), Site Plan and Reclamation Plans (dated July 8, 2024), any/all CCWMO permit approval(s) (i.e. stormwater infiltration, BMPs, site vegetation and plantings, and site reclamation), and any/all Watertown Township conditions, Carver County Public Works access requirements/right-of-way standards. If there are any inconsistencies between previously submitted versions, the terms of the most recent shall prevail and shall be considered requirements of this permit. The mining activity shall be operated and maintained in accordance with the Carver County Zoning Code (i.e. screening, noise mitigation, etc.) These plans shall be attached to and be considered part of this permit.

2. The hours of operation shall be from 6:30AM to 8:00PM Monday through Saturday. Mining and processing shall not occur on Sundays or federally observed holidays, unless for emergency related purposes (i.e. flooding, etc.).

3. The construction equipment located on-site includes, but is not limited to: front-end loaders, backhoes, excavators, bulldozers, skid steers, and haul trucks. Other processing equipment may include: classifying screens, crushers, and conveyors.

4. Existing drainage patterns shall not be altered if possible; if alteration is unavoidable, the alteration shall not adversely affect surrounding properties and/or cause erosion or sedimentation.

5. The permittee shall submit to the Land Management Department quarterly tonnage calculations, in order to document all aggregate material(s) removed from the site.

6. Vertical faces shall be kept to a minimum except during the actual mining operation and pursuant to the County Zoning Code. Mining below the water table shall only be allowed pursuant to Minnesota Pollution Control Agency (PCA), Minnesota Department of Natural Resources (DNR), and/or any other State or Federal regulations. No mining or grading shall take place within the floodplain overlay district of the Crow River. (FEMA floodplain elevation is 946.4 feet)

7. If internal access roads are used to the extent that dust becomes a problem for surrounding properties, the access roads shall be treated with water or other similar dust control measures.

8. All storage of equipment and materials used in the operation shall be kept within the operational area to minimize visual exposure to areas outside the mining area.

9. The Permittee shall comply with the noise pollution requirements/standards of the Minnesota State Rules Chapter 7030. White noise backup alarms shall be installed and maintained on all Permittee owned mining equipment operating at the site, as well as establishing circular traffic patterns for loading to reduce backup movements.

10. No trash, garbage, waste, construction debris, or other similar materials shall be deposited in or near the operational area.

RESTORATION REQUIREMENTS:

1. The design of the restored areas must be according to standards of the Zoning Code and the CCWMO Water Management Rules. To the extent possible, restoration shall be staged such that the exhausted phases of the operation are stabilized and have established turf. Said design may be subject to revisions and modifications by the Land Management Department and Carver County SWCD.

2. The Permittee must maintain existing vegetation wherever possible and implement erosion control as required by the CCWMO Rules permit. The Permittee is responsible for obtaining a CCWMO Permit regarding stormwater management and site reclamation of all aggregate mining areas. If a CCWMO Permit is not obtained within six (6) months of the County Board's approval, File #PZ20240026 shall be suspended until the appropriate permit is obtained. A financial security for erosion control/restoration shall be held by the County for the duration of the project/permit.

3. Topsoil and overburden required for restoration shall be maintained and shall be preserved from erosion or other loss. Only material necessary for restoration may be hauled to the site. Said material shall be incorporated into site restoration immediately or stockpiled according to the site plan. (Restoration shall no take place below the FEMA floodplain elevation of 946.4 feet)

PERFORMANCE SECURITIES & INSURANCE REQUIREMENTS:

1. Permittee shall provide a performance security (pursuant to Section 152.082 (C) 5 (ii)) in a form acceptable to the County, naming the County as an obligee. The security shall be drafted to be effective for at least 3 months after the annual anniversary dated of this point. Performance Surety amount required - $10,000.00 per acre of open mining activities (i.e., mining, staging, and restoration areas).

2. The conditions of the surety shall be that if the Permittee fails to conform to any of the conditions or requirements of this permit or for any reason ceases to operate the facility in accordance with the provisions of this permit and the County is required to expend monies, labor, or material to bring the operation into conformance with the permit or to perform restoration as provided in this permit due to non-performance by the Permittee, the County may utilize the performance security for reimbursement for any and all expenses incurred to remedy such failure of the Permittee.

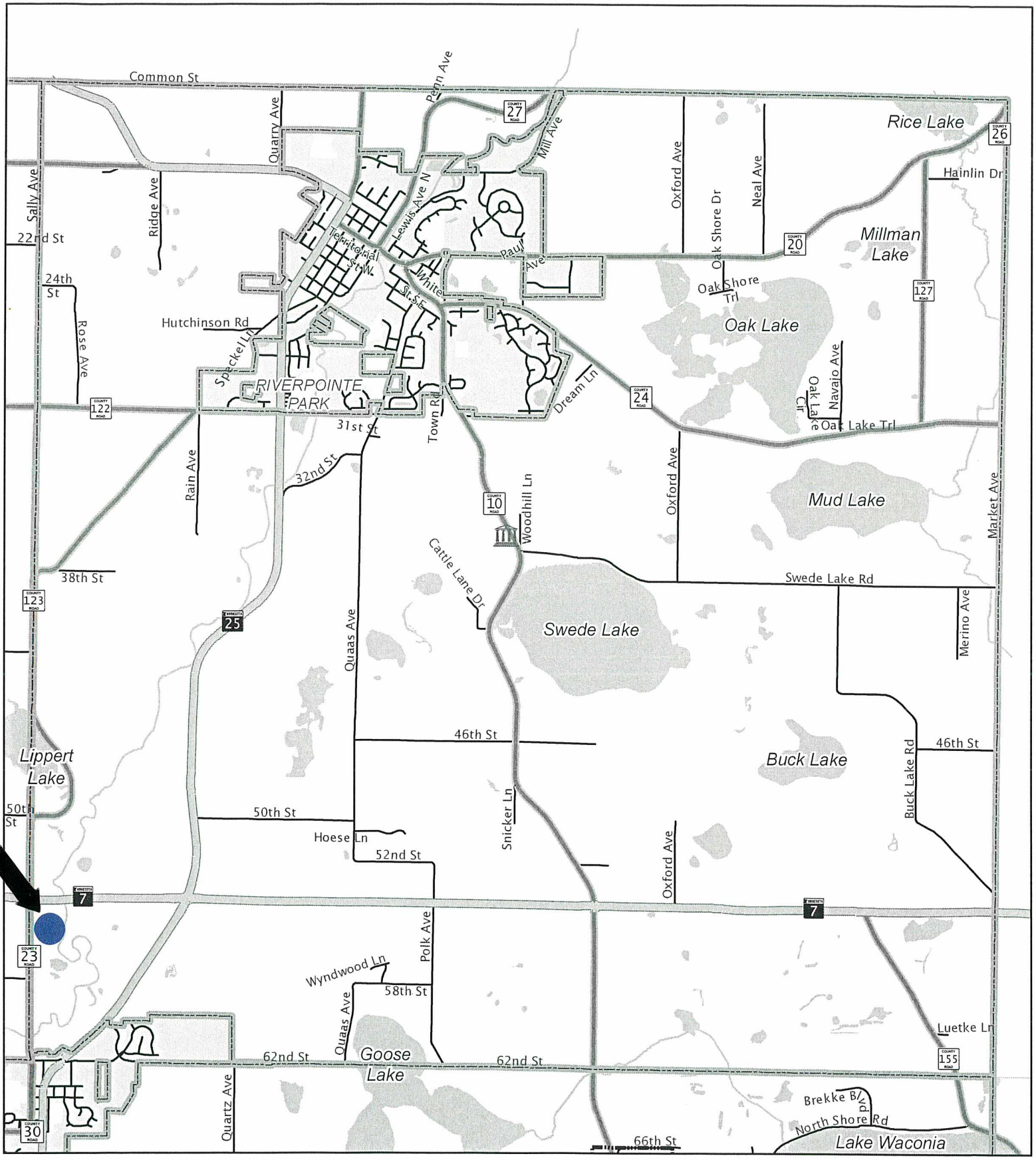
3. Permittee shall submit a Certificate of Insurance with coverage provided by an insurance company duly licensed by the State of Minnesota indicating that the Permittee has in force coverage for General Liability, Automobile Liability, Loading and Unloading, Completed Operations Liability, Explosion and Collapse of Underground Operations Liability including a minimum limits of liability in the amount of $2,000,000 for any one occurrence. The Certificate of Insurance shall include Workers' Compensation Insurance or Permittee shall sign an appropriate affidavit regarding employee status and submit it to the Land Management Department. The Insurance Certificate(s) described above shall carry an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.

4. Insurance coverage required above shall be kept in effect for the duration of the permit. If the permit is to be terminated, insurance shall be maintained until the completion of restoration and return of the performance security.

5. The obligor and its sureties hereby indemnify and save the County harmless from all losses, costs, and charges that may occur to the County because of default.

6. The Permittee shall submit a copy of Worker's Compensation Insurance to the Carver County Land Management Department annually.

WATERTOWN TOWNSHIP



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

0 1 2 Miles

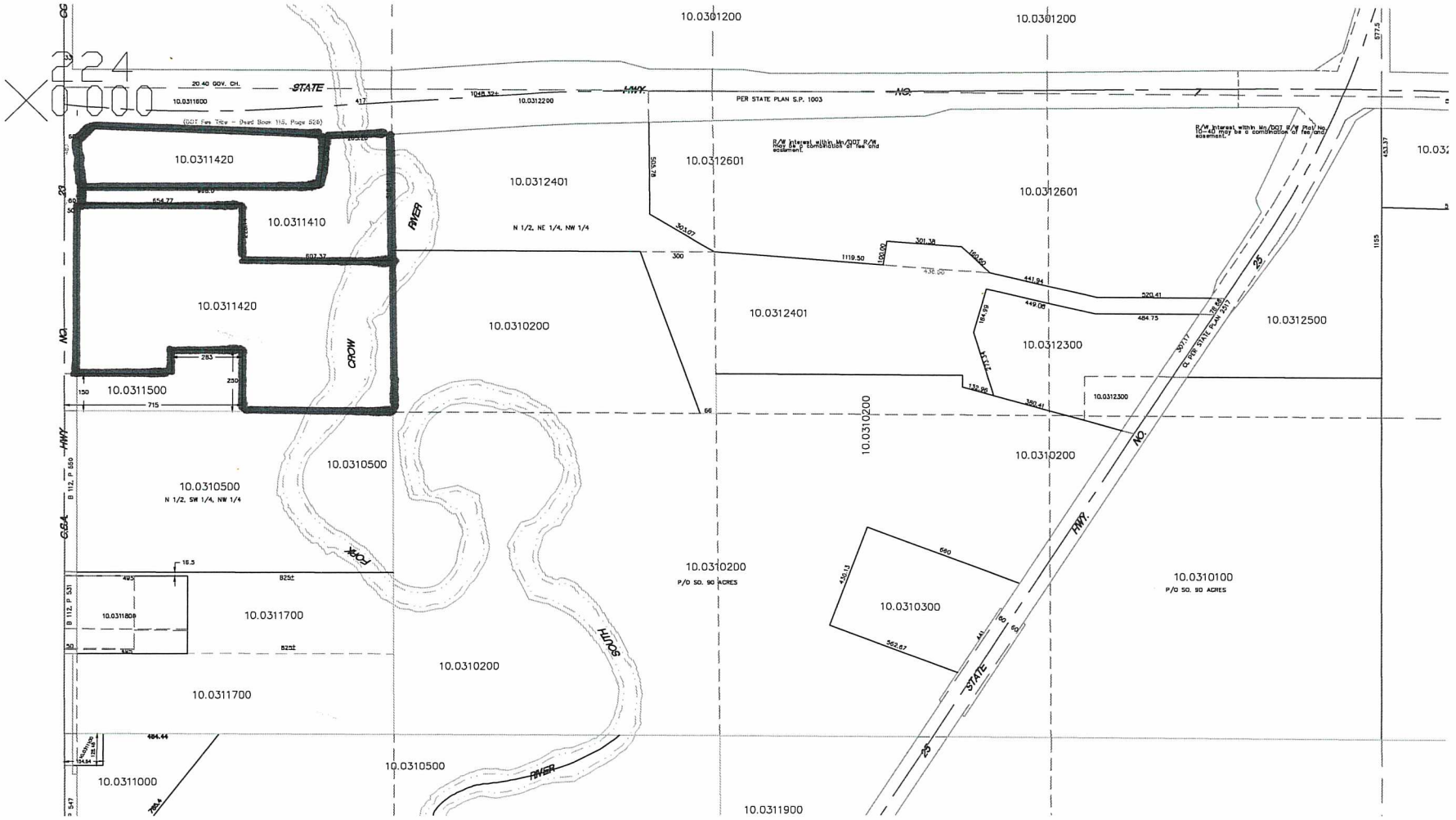
N W E S

4-10

Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT. THIS MAP IS A COMPILATION OF RECORDS AS THEY APPEAR IN THE CARVER COUNTY OFFICES AND OTHER SOURCES. THIS MAP IS ONLY TO BE USED FOR REFERENCE PURPOSES. THE COUNTY AND ITS AGENTS ARE NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED THEREIN.

N 1/2 SEC. 31, T.117, R.25



INTERIM USE PERMIT APPLICATION

Sand and Gravel Mining Operation
South Luebke Pit
Watertown Township, Minnesota

Prepared for:

B.H. Aggregate Services, Inc.
10492 135th St
Kimball, MN 55353

June 21, 2024
Revised: July 8, 2024

CARLSON McCAIN

3890 PHEASANT RIDGE DRIVE NE, SUITE 100
BLAINE, MN 55449

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CARLSONMCCAIN.COM

ENGINEERING \ LAND SURVEYING \ ENVIRONMENTAL

1.0 INTRODUCTION

1.1 Application Request

B.H. Aggregate Services, Inc. (BAH) is applying for an Interim Use Permit for sand and gravel mining on two parcels located within Section 31, Township 117N, Range 25 W, Carver County, Minnesota. The proposed site contains sand and gravel resources which will be mined and processed for use in redi-mix concrete, asphalt pavement, and as base material for private and public construction projects in the area.

The following sections of this document describe information required under the Carvery County Zoning Ordinance (Ordinance) Chapter 152.081 and 152.082 pertaining to Interim Use Permits in the AG District.

1.2 Applicant Information

Name:	B.H. Aggregate Services, Inc.
Contact Person:	Joe White
Address:	10492 135th St, Kimball, MN 55353
Telephone (office):	(320) 552-1483
Email:	whitefarmjoe@gmail.com

1.3 Site Location and Ownership

The mining will take place on the following parcels, which are listed below according to the corresponding Carver County Parcel ID number:

Parcel ID 100311420

Owner	Thomas W & Jody L Luebke
Address	5385 County Road 123, Mayer, MN 55360
Mapped Acres	24.57
Current Use	Agricultural
PLSS Description	Section 31 Township 117 Range 025NW1/4 NW1/4 EXC: COMM AT NW CORN SECT 31; TH S ON W LINE NW1/4 410'; TH S89*E 60' TO PT ON ELY R-O-W LINE OF STATE HWY 7 BEING PT OF BEG; TH CONT S89*E 968'; TH N7*E 215.25' TO SLY R-O-W LINE OF HWY 7; TH N88*E ALONG SLY R-O-W LINE 265.26' TO E LINE OF NW1

Parcel ID 100311410

Owner	Wyatt & Lindsay Getten
Address	5475 County Road 23, Mayer, MN 55360
Mapped Acres	6.49
Current Use	Agricultural/Homestead
PLSS Description	Section 31 Township 117 Range 025Part of the Northwest Quarter of the Northwest Quarter of Section 31, Township 117, Range 25, Carver County, Minnesota, described as follows: Commencing at the northwest corner of said Section 31; thence on an assumed bearing of South 00 degrees 13 minutes

The locations of these parcels are shown on the attached Figure 1. The Applicant will operate the mine under a lease agreement with the landowners.

2.0 PROJECT DESCRIPTION

2.1 Site Plans

A set of mining plan drawings (Mining Plans) is attached and consists of the following sheets:

- Sheet 1 Mining Plan
- Sheet 2 Reclamation Plan

The Mining Plans show existing features including: 2-foot existing Lidar contours provided by the Minnesota Department of Natural Resources (DNR); wetland boundaries from the U.S. Fish and Wildlife Wetlands Mapper; property boundaries provided by Carver County GIS; and building locations and existing vegetation shown on aerial imagery obtained from Google Earth. The Mining Plans also illustrate pertinent site development information including site access, mining limits, and site grading.

2.2 Mining Operations and Phasing

The mining operation will primarily include excavation of native sand and gravel resources, and processing of the materials to produce aggregate products for use in area construction projects.

The mining area is illustrated on Sheet 1 of the Mining Plans,and encompasses a total of approximately 8.86 acres. Active mining and processing will take place within the mining boundary shown on Sheet 1, and will generally consist of the following activities:

- **Overburden Stripping** – Topsoil and overburden will be stripped and stockpiled for use as future reclamation fill.
- **Excavation** – Sand and gravel will be excavated at the working face and transported to the processing area.
- **Screening** – Material will be screened to produce different sized aggregates.
- **Crushing** – Larger cobbles and boulders, if encountered, will require crushing for use in aggregate products.
- **Stockpiling** – screened materials will be stockpiled in the processing area prior to export.

The types of equipment used during typical mining operations are listed below. Additionally, specialized mining or processing equipment may occasionally be brought to the site as needed.

- Excavators
- Front-End Loaders
- Bulldozers
- Skid-Steer Loaders
- Classifying Screens
- Conveyors
- Crushers
- Haul trucks

The granular deposits are prevalent through the entire depth of the subsurface. Mining will occur utilizing a backhoe, the estimated average depth or excavation within the South Luebke Pit is 15 feet below existing ground. No dredging will occur. Excavation is anticipated to begin in the northern half of the mining area and work to the south.

The processing area will be set up on the floor of the mine and will be moved around the floor of the mine as needed during mining operations.

The overall volume of the excavation shown on Sheet 1 of the Mining Plans is approximately 175,650 cubic yards. Of this volume, it is anticipated that approximately 158,500 cubic yards of material will be exported as aggregate product, with the remaining 17,150 cubic yards assumed to be topsoil and non-granular overburden material that will remain on site for use as reclamation fill. The overall excavation volume and lifespan of the mine will ultimately be determined by market demand for aggregates. For the purposes of the IUP application, it is estimated that on average the mine will export 150,000 cubic yards per year, and during a high-demand year may export up to 250,000 cubic yards. This rate of export results in a 2- to 3-year operating life.

Upon completion of the mining, the South Luebke Pit will be restored for end use as agricultural land. Reclamation conditions are shown on Sheet 2 of the Mining Plans. Fill from offsite sources will be imported to reach the proposed reclamation grades. It is anticipated that the South Luebke Pit will require approximately 135,650 cubic yards of reclamation fill to establish the grades shown on Sheet 2. Of this volume, 17,150 CY will come from overburden materials, 4,900 CY will come from the regrading of the site after mining, and 113,600 CY will come from imported fill. It is expected that any extra overburden from the South Luebke Pit will be used as reclamation fill, making the final reclamation slopes slightly flatter than what is currently shown on Sheet 2. Additional details on site reclamation are presented in Section 4 of this application.

3.0 OPERATIONAL STANDARDS

3.1 Hours of Operation

Hours of operation for mining and processing operations are from 6:30 a.m. to 8:00 p.m., Monday through Saturday.

3.2 Site Access

Access to the mine will be via the driveway entrance at the "Rock Construction Entrance" indicated on the Drawings.

3.3 Mining Limits and Setbacks

Mining and processing will not take place within 50 feet of a property line or road right-of-way, except for along the shared property lines between PIDs 100311420 and 100311410. A variance has been applied for, for this encroachment. The setback from homes will be a minimum of 500 feet, with the exception of the home of the property owners. The total operational area of mining activities will not exceed 14 acres. A 30-foot setback is provided for the Class 1 wetland in the southwest corner of the property.

3.3.1 Floodplains

The site is not located within the Floodplain Overlay District.

3.3.2 Wetlands

Wetlands mapped by the U.S. Fish and Wildlife Wetlands Mapper show multiple wetlands in the vicinity of the site, however all mapped wetlands, except for one, are over 300-feet away from the proposed mining area. Type 6 wetlands require a 300-foot setback.

The 0.403-acre wetland that was mapped just southwest of the mining limits was created from a previous mining project on the property. The wetland will be eventually be removed per the request of the owner. The wetland is regularly farmed and therefore does not currently function as a wetland. The wetland removal process will be completed under a separate submittal.

3.4 Non-Granular Material

All non-granular overburden material will be used as reclamation fill.

3.5 Vertical Faces

Vertical faces will be kept to a minimum. Typical slopes on the active mining face are approximately 2.5:1 (horizontal to vertical).

3.6 Housekeeping and Site Safety

The mine site employs good housekeeping practices. Examples of these good housekeeping practices include the following:

- Equipment will be inspected daily during normal operations and kept in good working order.
- Equipment washing will occur in a designated area and no detergent or chemicals will be used to wash equipment onsite.
- Any fuel or chemical stored onsite will be stored in compliance with all applicable MPCA requirements. Secondary containment will be provided for all tanks.
- Leaks and spills will be promptly cleaned up and reported to the site manager and MPCA as appropriate. Spill cleanup material will be stored onsite in an accessible.
- Appropriate waste receptacles will be available to employees and customers to prevent litter around the site.
- Sanitary facilities will be available on site and will be serviced regularly.
- Routine employee training is conducted on good housekeeping practices and spill response.

BAH maintains a corporate safety manual which describes safety standards that will be employed at the mine site.

3.7 Environmental Controls

The project size does not trigger preparation of a mandatory Environmental Assessment Worksheet. Operational practices used to prevent environmental impacts are presented in this section.

3.7.1 Dust

Mining activities generate dust through vehicle traffic on unpaved roads, processing operations such as screening and crushing, loading from stockpiles, and other material handling and transport operations. The following is a list of Best Management Practices (BMPs) that will be employed to minimize fugitive dust emissions at the site.

- Applying water to unpaved roads, stockpiles and other unvegetated areas
- Stabilizing unworked areas with topsoil and vegetation
- Limiting unnecessary traffic through the mine
- Limiting traffic speed within the mine
- Limiting the size of the active mine area
- Applying chemical dust suppressant such as magnesium chloride for
- Performing prompt reclamation of mined areas following completion of mining

3.7.2 Noise

Mining activities generate noise through the operation of earthmoving and processing equipment. Noise generated at the site will be mitigated using the following techniques, which have proven effective at other similar aggregate mining operations:

- Processing equipment will be located on the mine floor, which is recessed from the existing ground surface. The perimeter slopes and berms surrounding the mine will block sound and reduce the decibel levels experienced at surrounding receptors.
- Truck traffic will be routed in a loop to the extent practical to minimize the use of back up alarms.
- White noise backup alarms will be utilized if existing controls do not sufficiently mitigate the noise generated by traditional beeping backup alarms.
- Equipment will be maintained in good working order and with standard noise reduction equipment such as mufflers.

3.7.3 Traffic

The mine will generate additional vehicle traffic resulting from the import/export of soil and aggregate materials to and from the mine site, as well as employee commuting and vendor/supplier visits to the site. This section provides an analysis of the estimated additional traffic in terms of the average daily traffic (ADT) and the peak hourly traffic generated. According to the MNDOT Traffic Mapping Application, the ADT for County Road 23 is 657 vehicles per day.

Average Daily Traffic

The ADT is related to the rate of material production and import/export at the mine. The higher the production rate, the more truck traffic will be generated to haul the product to the market area.

As noted above in Section 2.2, it is estimated that the average production would result in approximately 150,000 cubic yards of exported material per year, and high production would result in approximately 250,000 cubic yards of exported material per ear. Assuming a unit weight of 1.4 tons per cubic yard, this equates to an average export of 108,000 tons per year and a high of 179,000 tons per year. To determine the corresponding number of truck trips, the following assumptions are used:

- A typical load of exported aggregate or imported reclamation fill is 20 tons.
- Each load includes two trips: one into the site and one out of the site.
- Hauling occurs 180 days per year.

Table 1 – ADT Summary

	Loads per day - Average	Loads per day - High
Aggregate	30	50
Reclamation Fill	13	33
	Trips per day – Average	Trips per day - High
Aggregate	60	100
Reclamation Fill	26	66
Employees/Suppliers	6	9
Total trips per day (ADT)	**91**	**175**

The estimated ADT presented above is based on anticipated production rates. Actual production rates may vary from those shown depending on market conditions.

Peak Hourly Traffic

The a.m. peak hourly traffic is estimated to be 18 trips per hour, or 10% of the High ADT, and is expected to occur between 6:30 a.m. and 8:00 a.m. The p.m. peak hourly traffic is estimated to be 14 trips per hour, or 8% of the High ADT, and is expected to occur between 3:00 p.m. and 4:00 p.m.

The "worst-case" hourly traffic is estimated using an import/export rate of one load every 4 minutes, which BAH estimates is the highest feasible rate based on anticipated site equipment and operational constraints. This results in 15 loads, or 30 truck trips per hour. The worst-case traffic would occur infrequently and for a limited duration throughout the life of the mine.

3.7.4 Stormwater and Erosion Control

Stormwater contacting mining activities will be contained on site within the mining area and peak runoff rates and volumes will not exceed current levels. Stormwater management for the mining and reclamation operation will comply with runoff quantity, quality and rate control regulations as specified by the MPCA as well as requirements of the National Pollutant Discharge Elimination System (NPDES), including obtaining a permit and adoption of a Pollution Prevention Plan (P2 Plan). The P2 Plan addresses stormwater management and is required for coverage under the NPDES Nonmetallic Mining and Associated Activities permit (MNG490000).

Site soils are granular and highly erodible; however, sediment generated from erosion of the active mining face will be contained on-site within the excavation and will not be transported onto other areas of the property. Silt fence, diversion berms or swales, and/or other perimeter controls will be employed as needed to prevent erosion and sediment transport during the initial mining activities such as topsoil stripping and overburden removal and stockpiling. Double silt fence will be installed along the wetlands and will be maintained throughout the life of the project. Perimeter controls shall remain in place and be maintained until vegetation is established (at least 70% coverage) on upslope areas, or until all disturbed areas drain to the mine excavation. Temporary stormwater ponds may also

be employed as needed to prevent any off-site discharge during start-up, particularly during development of the processing plant site.

The main entrance to the site will be monitored for soil tracking and corrective action will be taken to reduce tracking as necessary. The site entrance will be sprayed with chloride as needed and will be swept as needed to prevent soil accumulation. If tracking becomes problematic, tracking mitigation measures can be implemented. These mitigation measures may include, but are not limited to, installation of rock rumble strips and/or steel track-out grates. Soil tracked onto public right of ways will be removed promptly.

Additional details on stormwater controls can be found in the P2 Plan. As part of the IUP application process, the P2 Plan is submitted to the Carver County Soil and Water Conservation District and the Carver County Watershed Management Organization for review and recommendations. Any resulting recommendations may be included as conditions of the IUP.

Topsoil Management

Topsoil will be stripped to full depth at the commencement of mining and segregated into in a dedicated stockpile. The topsoil stockpile will be labeled with signage identifying the contents of the stockpile. The topsoil stockpile area for the mine is expected to be located in the southwest corner of the mining boundary, as shown on Sheet 1 of the Mining Plans. The side slopes of the topsoil stockpile will be uniformly graded and vegetated. Silt fence will be installed on the downslope side of the topsoil stockpile and maintained until the stockpile has been vegetated (at least 70% coverage) and there is no evidence of erosion around the pile.

During topsoil stripping, a sample of topsoil will be collected and analyzed for the parameters listed in the Carver County Topsoil Standard, and results will be submitted to Carver County. A minimum of two business days prior to re-spreading topsoil, testing data of samples from the stockpile will be submitted to the County. The samples will be compared to the Carver County Topsoil Standard and the existing (i.e. pre-mining) on-site topsoil characteristics to demonstrate that the topsoil is of sufficient quality for placement. The table below describes the Carver County Topsoil Standard and provides the range of values for site soils, obtained from the U.S. Department of Agriculture Natural Resources Conservation Services (NRCS) Web Soil Survey, for each requirement. The majority mining area will consist of the Estherville sandy loam unit, therefore the ranges for this unit has been provided in the table below. NRCS data is provided in Appendix B of this report.

Carvery County Topsoil Standard		Site Range
Requirement	**Carver County Required Range**	
Material Passing the ¾"	100%	91% - 100%
Material Passing the No. 4	≥85%	91% - 100%
Clay	5% - 30%	12% - 19%
Silt	5% - 35%	17% - 35%
Sand	38% - 75%	48% - 67%
Organic Matter	3% - 15%	1% - 4%
pH	6.1-7.5	5.9

Based on the NRCS information, the topsoil from the site generally meets the Carver County Topsoil Standards. If any topsoil is imported for site restoration, it will meet the Carver County Topsoil Standard.

Topsoil will be placed to a minimum depth of 6-inches, which corresponds to a volume of approximately 10,600 cubic yards over the mining area. A topographic survey of the topsoil stockpile will be conducted prior to re-spreading to confirm that enough topsoil will be available for reclamation. Once the topsoil is placed it shall be tilled or disced prior to seeding to ensure that the soil meets compaction requirements. Once topsoil is placed, heavy traffic and equipment should be kept off the topsoil to the maximum extent possible to prevent any unnecessary compaction.

4.0 SITE RECLAMATION

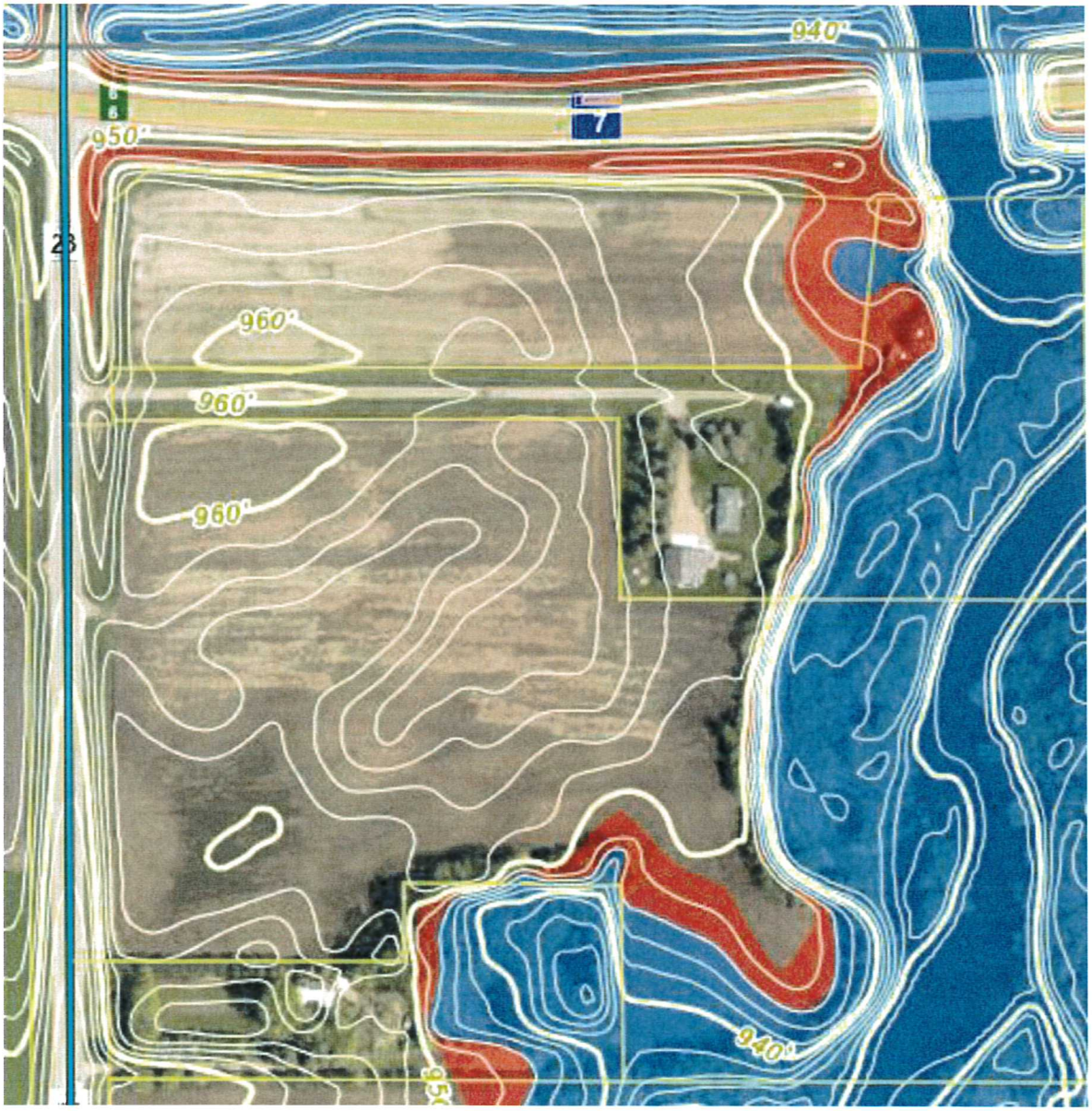
As mining progresses, reclamation will occur as permissible in those areas where mining is complete. This will include placing reclamation backfill materials as needed to establish the approximate grades shown on Sheet 2 of the Mining Plans. The final land use for the mining area will be returned to agricultural. The final topography will be established such that the peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall.

Reclamation slopes will be graded to a slope of 5H:1V or flatter over the entire reclamation area. As finished reclamation grades are established, areas will be seeded with MnDOT seed mixture 25-141 at a seeding rate of 59 pounds per acre, MnDOT Type 1 Mulch (2 tons/acre) and commercial fertilizer (application rate will be determined from soil testing prior to reclamation) will be used. Upon establishment of end-use conditions, sediment carried by stormwater over reclaimed areas will be collected within either the pond or surrounding surficial depressions\wetlands, in a similar manner to the current surface drainage.

The following additional reclamation standards will be implemented:

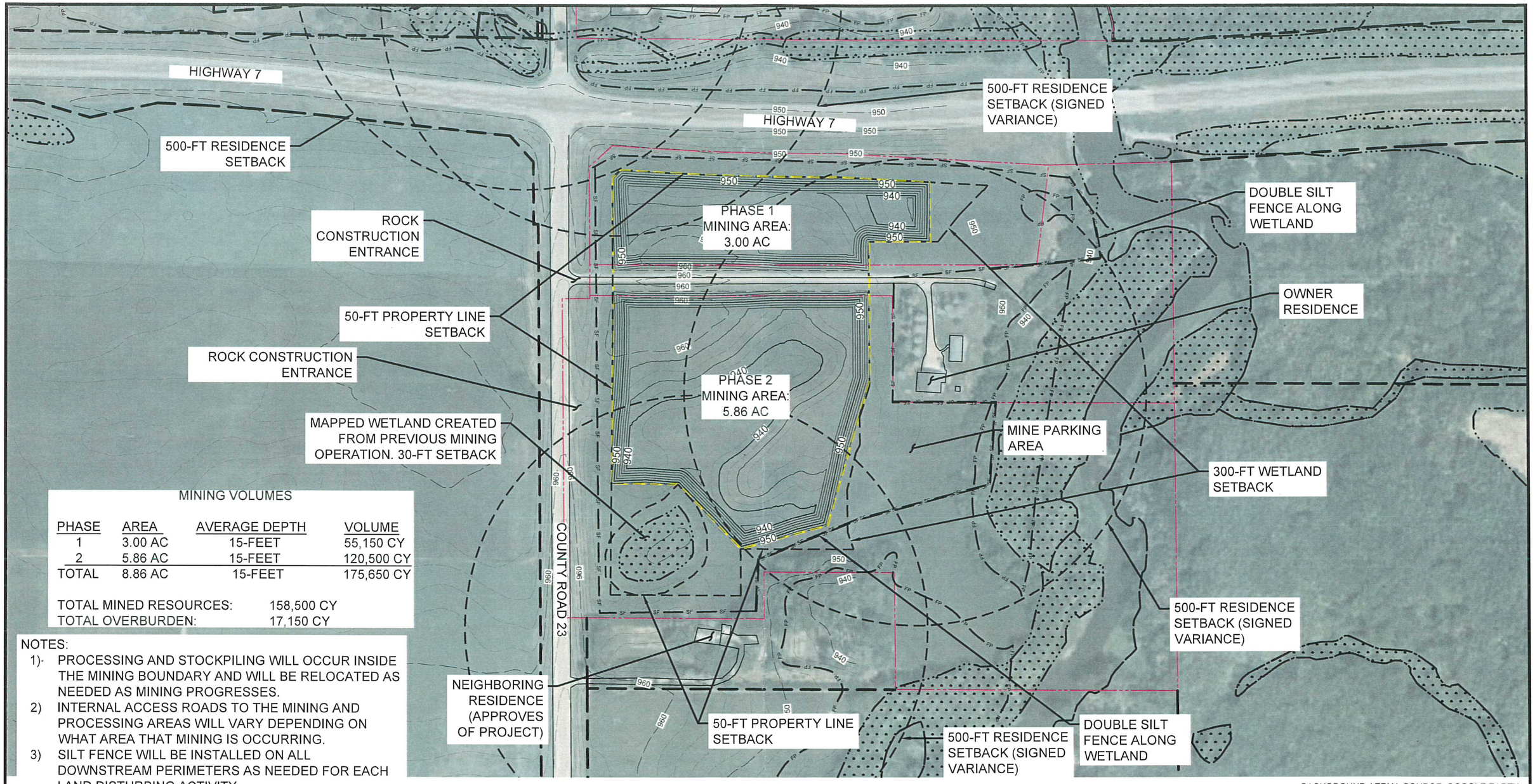
- All materials used for reclamation backfill shall be free of contaminants and shall be non-noxious, non-flammable and non-combustible.
- The graded or backfilled area shall not collect or permit stagnant water to remain therein, unless there is an approved ponding area or wetland restoration or creation.
- Graded or backfilled areas shall be surfaced with at least four inches of soil of a quality at least equal to the topsoil of the surrounding area.
- Reclamation will be completed within 9 months after completion of mining within a phase, or after the termination of mining. This includes removal of all equipment, vehicles, machinery, materials, stockpiles and other materials incidental to the mining operation.
- Reclamation will not result in an increase in impervious area.
- Erosion and sediment control measures specified in the P2 Plan will be followed until the termination of applicable permits (e.g. NPDES)

Luebke South Pit Current Conditions



Staff Generated, 7/8/2024

Notes: Blue and red-colored areas represent floodplain. Elevation lines set at 2-foot contours



MINING VOLUMES

PHASE	AREA	AVERAGE DEPTH	VOLUME
1	3.00 AC	15-FEET	55,150 CY
2	5.86 AC	15-FEET	120,500 CY
TOTAL	8.86 AC	15-FEET	175,650 CY

TOTAL MINED RESOURCES: 158,500 CY
TOTAL OVERBURDEN: 17,150 CY

NOTES:

1) PROCESSING AND STOCKPILING WILL OCCUR INSIDE THE MINING BOUNDARY AND WILL BE RELOCATED AS NEEDED AS MINING PROGRESSES.
2) INTERNAL ACCESS ROADS TO THE MINING AND PROCESSING AREAS WILL VARY DEPENDING ON WHAT AREA THAT MINING IS OCCURRING.
3) SILT FENCE WILL BE INSTALLED ON ALL DOWNSTREAM PERIMETERS AS NEEDED FOR EACH LAND DISTURBING ACTIVITY.
4) DISTURBED AREAS WILL BE STABILIZED WITH MNDOT SEED MIXTURE 25-141 AT A SEEDING RATE OF 59 POUNDS PER ACRE, MNDOT CATEGORY 3N OR 3P EROSION CONTROL BLANKET AND COMMERCIAL FERTILIZER.
5) MAINTAIN ACCESS TO THE NEIGHBORING RESIDENCE LOCATED JUST EAST OF THE MINING AREA THROUGHOUT THE PROJECT.

LEGEND

EXISTING CONTOUR IDX	960	MINING BOUNDARY	
EXISTING CONTOUR INT		SETBACK	
MINING CONTOUR IDX	960	WETLANDS	
MINING CONTOUR INT		SILT FENCE	SF SF
PROPERTY BOUNDARY		PHASE BOUNDARY	PB PB
100-YEAR FLOODPLAIN	FP FP		

BACKGROUND AERIAL SOURCE: GOOGLE EARTH

N

0 50 100 200
SCALE IN FEET

CARLSON McCAIN
ENGINEERING SURVEYING ENVIRONMENTAL
15650 36TH AVE N
SUITE 110
PLYMOUTH, MN 55446
TEL (952) 346-3900
FAX (952) 346-3901
CARLSONMCCAIN.COM

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Print Name: Dan J. Wilke
Signature: Dan Wilke
Date: 6/21/2024 License #: 53182

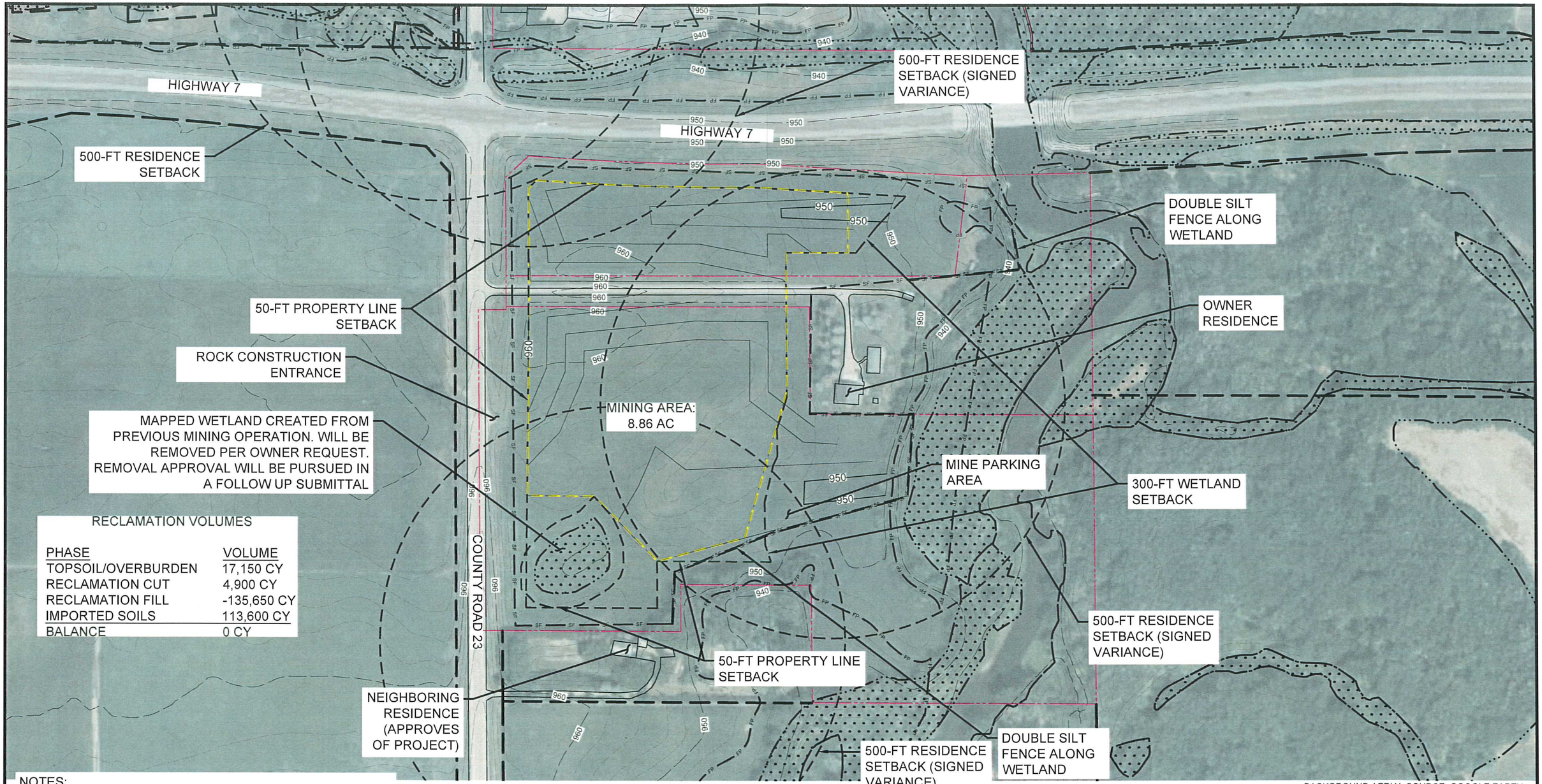
Drawn: DJW
Designed: DJW
Date: 6/21/24

REV	DATE	BY	DESCRIPTION
0	6/21/24	DJW	ISSUED FOR IUP
1	7/8/24	DJW	PER COUNTY COMMENTS

B.H. AGGREGATE SERVICES, INC.
10492 135th Street
Kimball, MN 55353

SOUTH LUEBKE PIT
Carver County, MN

MINING PLAN
IUP DRAWINGS



RECLAMATION VOLUMES

PHASE	VOLUME
TOPSOIL/OVERBURDEN	17,150 CY
RECLAMATION CUT	4,900 CY
RECLAMATION FILL	-135,650 CY
IMPORTED SOILS	113,600 CY
BALANCE	0 CY

NOTES:

1) ALL RECLAIMED AREAS SHALL RECEIVE A MINIMUM OF 6 INCHES OF TOPSOIL.
2) ALL RECLAMATIONS SLOPES ARE 5H:1V OR FLATTER.
3) DISTURBED AREAS WILL BE STABILIZED WITH MNDOT SEED MIXTURE 25-141 AT A SEEDING RATE OF 59 POUNDS PER ACRE, MNDOT CATEGORY 3N OR 3P EROSION CONTROL BLANKET AND COMMERCIAL FERTILIZER.

LEGEND

- EXISTING CONTOUR IDX
- EXISTING CONTOUR INT
- RECLAMATION CONTOUR IDX
- RECLAMATION CONTOUR INT
- PROPERTY BOUNDARY
- 100-YEAR FLOODPLAIN
- MINING BOUNDARY
- SETBACK
- WETLANDS
- SILT FENCE
- PHASE BOUNDARY

BACKGROUND AERIAL SOURCE: GOOGLE EARTH

SCALE IN FEET: 0, 50, 100, 200

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15450 36TH AVE N
SUITE 110
PLYMOUTH, MN 55446
TEL (952) 346-3900
FAX (952) 346-3901
CARLSONMCCAIN.COM

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Print Name: Dan J. Wilke
Signature: Dan Wilke
Date: 6/21/2024 License #: 53182

Drawn: DJW
Designed: DJW
Date: 6/21/24

REV	DATE	BY	DESCRIPTION
0	6/21/24	DJW	ISSUED FOR IUP
1	7/8/24	DJW	PER COUNTY COMMENTS

B.H. AGGREGATE SERVICES, INC.
10492 135th Street
Kimball, MN 55353

SOUTH LUEBKE PIT
Carver County, MN

RECLAMATION PLAN
IUP DRAWINGS

2 of 2

CARVER COUNTY

Township Presentation & Recommendation Form

PARCEL # 10031420 Permit # PZ20240026

Owner's Name: Tom & Jody Luebke

Owner's Mailing Address: 5475 cty Rd 23

City: Mayer

Owner State: MN

Owner Zip: 55360

Applicant (if other than owner): BH. Aggregate Services Inc

Site Address: 5475 Cty Rd 23 Mayer

Type of Request: (•) CUP (•) IUP ( ) Preliminary Plat ( ) Final Plat ( ) Variance ( ) Appeal

Description of Request:

Requesting an Interim use permit for mining sand and gravel for the Highway 212 project.

Date of County Public Hearing: July 16th Date of Township Meeting: 7-1-24

Actions:

Township Action Taken:

(X) Recommends approval and use of the Township Road (if applicable) with the following comments:

( ) Recommends denial for the following reasons:

( ) No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

Retain as Interim Use app

**Important: I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Signature of Applicant Date 6-30-24

Signature of Township Official Date 6-30-24

4-27

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-031-1420 File# A20240026

APPLICANT: Joe White, representing B H Aggregate Services, Inc.
OWNER: Thomas W Luebke & Jody L Luebke

* *

The Northwest Quarter of the Northwest Quarter of Section 31, Township 117, Range 25, Carver County, Minnesota, EXCEPTING therefrom the following described tract of land; Commencing at the northwest corner of said Section 31; thence on an assumed bearing of South 00 degrees 13 minutes 08 seconds East along the West line of said Northwest Quarter, 410.00 feet; thence South 89 degrees 59 minutes 20 seconds East, 60.00 feet to a point on the easterly right of way of State Highway 7, said point being the point of beginning of said exception to be described; thence continuing South 89 degrees 59 minutes 20 seconds East, 968.00 feet; thence North 07 degrees 04 minutes 55 seconds East, 215.25 feet to the southerly right of way line of State Highway Number 7; thence North 88 degrees 40 minutes 17 seconds East along said southerly right of way line, 265.26 feet to the East line of said Northwest Quarter of the Northwest Quarter; thence South 00 degrees 23 minutes 35 seconds East along said East line, 516.41 feet; thence North 89 degrees 45 minutes 30 seconds West, 607.37 feet; thence North 00 degrees 13 minutes 08 seconds West, 228.14 feet; thence North 89 degrees 59 minutes 20 seconds West, 654.77 feet to said easterly right of way line of State Highway No. 7; thence North 00 degrees 13 minutes 08 seconds West along said easterly right of way line, 66.00 feet to the point of beginning.

ALSO EXCEPTING therefrom the following described tract of land: The southerly 150 feet of the westerly 715 feet of the Northwest Quarter of the Northwest Quarter, Section 31, Township 117, Range 25, together with the northerly 100 feet of the southerly 250 feet of the Easterly 283 feet of the westerly 715 feet of said Northwest Quarter of the Northwest Quarter of Section 31, Township 117, Range 25.

ALSO EXCEPTING therefrom the right of way in the existing State Highway Number 7.

This tract contains 24.60 acres of land and is subject to any and all easements of record.

DRAFTED BY: Carver County Land Management Department

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – July 16, 2024
Minutes

Members Present: Scott Wakefield, Scott Hoese, Greg Grazzini, Frank Mendez, Matthew Kerber, Andy Steinhagen, John P Fahey

Members Late: None

Members Absent: None

Staff Present: Jason Mielke, Donovan Hart, Christina Neel

Pursuant to due call and published notice thereof, the July 16, 2024, regular meeting of the Carver County Planning Commission was called to order by Chairman Hoese at 7:00 p.m.

Minutes – Chairman Hoese called for a motion on the minutes from the June 18, 2024, meeting. A motion was made by Wakefield and seconded by Kerber to approve the minutes from the June 18, 2024, regular meeting. All voted aye. Motion carried.

Agenda – Chairman Hoese asked if there were any additions or corrections to the agenda. Hearing none, he asked for a motion to approve the agenda. A motion was made by Steinhagen to approve the agenda as printed. Mendez seconded the motion for approval. All voted aye. Motion carried.

File #PZ20240022 – Emanuel Lutheran Church – Chairman Hoese called the public hearing to order at 7:01 p.m. to consider a request by Sammi Jo Engelmann, representing Emanuel Lutheran Church. The purpose of the public hearing was to consider a request for a conditional use permit for a large-scale activity/educational, church pursuant to Chapter 152 of the County Code. The property is located in Section 32 of Young America Township.

The following were present: Sammi Jo Engelmann, Virgil Vollbrecht, Ron Trick

The following items were entered into the record:
Exhibit A – Legal Description
Exhibit B – Proof of Publication of the Hearing Notice
Exhibit C – Proof of Mailing of the Hearing Notice
Exhibit D – Site Plan
Exhibit E – Letter from the applicant dated June 18, 2024
Exhibit F – Staff Report addressed to the Planning Commission and Young America Township dated July 8, 2024, and all attachments.

Neel stated Emanuel Lutheran Church owns an approximate 16.63-acre property improved with a church, parking lot, a building containing an elementary school, a house used as a daycare center, and a cemetery. The church has been in existence since 1864. Emanuel Lutheran Church is proposing an expansion of the education and institutional facility with construction of a new 4,500 square foot building to be used as an early learning and childcare center, replacing the existing house on the site.

The proposed building would be located southeast of the existing church building and would meet all required setbacks. Over the years, there have been several permits issued to Emanuel for expansion of the church operations, educational institution, and signage on the property. The site plan, dated June 20, 2024, shows the church and school grounds with the proposed new 4,520 square foot building, the existing house to be removed, as well as the expanded play area and reconfigured parking and school drop off area. A storage utility shed will be relocated southward along an existing driveway to accommodate the proposed new structure. The remained of the property will remain unchanged. Neel used an aerial map to illustrate the parcel. Additional site plans are included in the packet to illustrate the exterior and interior of the proposed daycare building. The applicant's letter indicates Emanuel Lutheran Church has been using the existing residential house on the property as a Special Family Childcare facility, licensed for 14 children. The church is proposing the new building to accommodate growing demand for quality childcare in the area and neighboring counties. The new center would allow for up to 42 children, ages 6 weeks to 5 years. A minimum of 7 staff members will be required. The proposed hours of operation are 6:30 a.m. to 5:30 p.m., Monday through Friday throughout the year. This proposal will attribute a potential 84 trips in and out of the parking lot daily by families for drop off and pick up of children. In addition to families, staff trips in and out would be up to 20 trips daily. The staff vehicles would fit in the existing parking lot area. Proposed signage will be affixed to the building and will not exceed 18 square feet. Additional signage is proposed to replace existing signage on the electronic sign at the corner of Highway 25 and County Rd 50. On June 26, 2024, staff spoke with Jeremy Gruenhagen, City Clerk and Treasurer for the City of Hamburg, concerning the proposed facility. Mr. Gruenhagen confirmed that the city's sewer system has been serving the church property for many years and would continue to have capacity of any additional sanitary sewage with the proposed daycare facility. The request was reviewed by Paul Moline, Carver County Public Services Director, with respect to any Water Management Organization permits. It appears the request does not trigger any WMO regulating requirements at this time. On July 2, 2024, Mike Wanous, Carver County Soil and Water Conservation District Manager, reviewed the request and stated there are no concerns or comments. The Young America Town Board heard this request at their July 9, 2024, meeting and recommended approval without additional concerns or comments. Neel read the proposed conditions for consideration if the request is recommended for approval. If the Planning Commission recommends denial of the application, the deficiencies found in the required findings should be referenced.

Chairman Hoese asked the applicant if he had any additional information or comments.

Sammi Jo Engelmann replied that she did not have any additional comments at this time.

Chairman Hoese asked if she had read and agrees with the proposed conditions.

Ms. Engelmann stated she agrees with the proposed conditions.

Virgil Vollbrecht, Young America Town Board supervisor, confirmed the Town Board's recommendation for approval, recognizing this as a local need and a benefit to the surrounding area. Wakefield asked if the structure identified as a garage to be relocated and referred to as a utility shed was the same building, or two different structures on the site.

Ms. Engelmann stated the garage/utility shed references the same building.

A motion was made by Steinhagen to close the public hearing. The motion was seconded by Mendez. Chairman Hoese called for a vote on the motion to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 7:08 p.m.

Fahey made a motion to **approve and issue Resolution #24-06** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for an early learning center and childcare facility as a Large-Scale Activity – Church, Educational Facility on the parcel. Mendez seconded the motion for approval.

Chairman Hoese called for a vote on the motion. All voted aye. Motion carried.

File #PZ20240025 – B H Aggregate Services, Inc. – Chairman Hoese called the public hearing to order at 7:10 p.m. to consider a request by Joe White, representing B H Aggregate Services, Inc. The purpose of the public hearing was to consider a request for an interim use permit for mining/land reclamation pursuant to Chapter 152 of the County Code. The property is located in Section 30 of Watertown Township.

The following were present: Joe White, Tom Luebke, Jody Luebke, Brady Luebke, Sarah A White, Nick Johnson, Lindsay Getten, Wyatt Getten, Ben Ratzlaff, Michelle Ratzlaff, Bruce Boettcher, Jill Boettcher, Kelyn Boettcher, Florence Boettcher, Paula Thaemert, Wade Thaemert, Doug Hoese

The following items were entered into the record:
Exhibit A – Legal Description
Exhibit B – Proof of Publication of the Hearing Notice
Exhibit C – Proof of Mailing of the Hearing Notice
Exhibit D – Site Plan
Exhibit E – Letter from the applicant dated June 21, 2024
Exhibit F – Letter from Ben and Michelle Ratzlaff dated July 15, 2024
Exhibit G – Haul Route map dated July 16, 2024
Exhibit H – Staff Report addressed to the Planning Commission and Watertown Township dated July 9, 2024, and all attachments.

Hart stated the applicant, Joe White, is requesting an Interim Use Permit (IUP) for operation of a new gravel mining operation on an 85-acre parcel owned by Thomas & Jody Luebke. The property is improved with a single-family dwelling, several agricultural structures, and a feedlot operation. The mining operation would encompass an approximate 9.67-acre area for the extraction of sand and gravel resources which would be processed for use as base materials for private and public construction projects in the area, including the Hwy 212 reconstruction and expansion between Cologne and Norwood Young America. Hart had an aerial photo of the property and the proposed mining site area. The anticipated time for the project is approximately 2 – 3 years, depending upon aggregate demand. The project description, dated July 8, 2024, provides the details of the mining operation and reclamation plans. Proposed site activities include stripping of topsoil, sand and gravel excavation, material screening and crushing and stockpiling. The crushing activity will include only materials from the site. The applicant amended the request to remove any crushing or recycling of concrete and asphalt materials brought to the site. The material processing equipment would be located on the floor of the mine and moved around as needed. Typical mining equipment (excavators, front-end loaders,

bulldozers, haul trucks, conveyors, etc.) will be used at the mining site. The excavation would be done with a backhoe to an approximate depth of 30 feet below the current ground level. No dredging would be done as the estimated water table is approximately 35 feet below the current soil surface. The project description includes operational steps for site safety, site housekeeping, noise mitigation and dust control. The proposed hours of operation are 6:30 AM to 8:00 PM, Monday through Saturday, with between 6 to 8 workers on site. Hart shared the mining site plan indicating approximately 339,400 cubic yards of material would be removed with a double perimeter silt fence on the northeast project border to protect the nearby wetlands. Mining vehicles would use an existing field access from County Rd 123 at the northern end of the pit. The applicant estimates approximately 150,000 cubic yards of material would be exported annually, which may increase up to 250,000 cubic yards in a high-demand year. At this rate, the mine's estimated operational life would be 2 – 3 years, with two mining areas identified for two phases in the project. No mining activity is proposed within the required setbacks of 500 feet from an existing residence or within 50 feet of a property line. There is no proposed landscape screening of the mining activities. The operational area would be substantially screened through trees on nearby properties and the depth of the mine where the mining processes occur. A truck haul route map dated July 16, 2024, shows the truck from the pit site along State and County roads to the Hwy 212 construction area. Wetlands have been identified on the property and all mining activities are shown outside the required 300-foot setback. No mining activities are proposed within the Crow River floodplain area. A table included in the project narrative indicates the average daily trips to and from the mining site. An estimated average of 60 trips per day for aggregate hauling would export an approximate 150,000 cubic yards per year, with an average of 26 daily trips to import the reclamation fill. On the high side, an estimated 100 trips per day would export about 250,000 cubic yards of aggregate per year, with 50 daily trips to import reclamation fill, with hauling occurring on 180 days per year. The Reclamation Plan dated July 8, 2024, indicates approximately 23,500 cubic yards of topsoil and non-granular material would be reapplied to the mined area along with about 257,000 cubic yards of imported materials to return the fields to agricultural use. The contours on the plan indicate slight slopes with no drainage toward the wetlands and no impact or increase in the floodplain area. The sunset date for the mining operation will cease upon the first of the following events, whichever occurs first: a change in ownership, exhaustion of the aggregate mining, or mining activity shall cease on December 31, 2026, with restoration completed by spring of 2027. The permit would not be terminated until all reclamation areas have been completed to the satisfaction of the approved Carver County Water Management Organization permit and Zoning Code standards and the release of any financial security. Matt Steele, Carver County Feedlot Officer, reviewed the plans and expressed concerns about the location of manure spreading that may not be able to be used since the fields may be in the mining area. He requested a manure management plan from Mr. Luebke. Carver County Public Works Department expressed concern with the proximity of the gravel pit driveway to Hwy 7 and the applicant revised the mining plan to move the driveway northward as shown on the plan dated July 8, 2024. A permit is required from the CCWMO, and stormwater management standards would need to be met for the reclamation of all aggregate mining areas. The applicant has submitted a Pollution Prevention Plan for review and must also submit a stormwater management application for review, and the required financial security and comply with all permit requirements. Mike Wanous, Carver County Soil & Water District Manager, expressed concerns about the reclamation plans showing grading that allows surface water to sheet flow/ drain to the wetland/river. He offered an opinion that it would be better to leave some natural high ground in between the reclaimed pit bottom and the wetland or river. He suggested subsurface tile line drainage could remove the excess water if the landowner is concerned about high water table and impact to farming the land after reclamation. The applicant revised the mining plan as

shown in the plan dated July 8, 2024, to address these concerns. Taylor Huinker, Area Hydrologist with the Mn DNR, reviewed the request and offered the comment, "It appears all activities and machinery will be well away from the 100-foot setback from the rivers. If for some reason dewatering is required, a DNR Water Appropriate Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year." The Watertown Town Board reviewed the request at their July 1, 2024, meeting and recommended approval without any additional conditions or concerns. Hart noted a phone call from Brad Schrupp, Young America Township supervisor, expressing concern from the township and Benton Township about the use of Salem Avenue for hauling. He stated the haul route map was presented to clarify the roads to be used from the mining site to the construction area. Hart read the proposed conditions for consideration if the permit is recommended for approval. If the Planning Commission recommends denial of the application, the deficiencies found in the required findings should be referenced.

Chairman Hoese asked the applicant if he had any additional comments.

Joe White, representing B H Aggregate Services, Inc., stated a lot of work was put into designing and developing the mining plans to follow current code regulations. He confirmed the aggregate materials are needed for the Hwy 212 reconstruction, as the entire project requires over 1,000,000 yards. He is using material from 6 different pits in the area, 5 of which are new; 2 are in Carver County, 3 in McLeod County and 1 in Scott County. The average haul routes are about 3½ miles shorter than any other pits with materials, which is supported by the submitted haul route map. He stated he would address and respond to any concerns expressed by the neighbors.

Chairman Hoese, speaking as Watertown Town Board supervisor, stated they met and reviewed the request and recommended approval. He stated some minor changes have been made to the plans which would not change their recommendation.

Chairman Hoese asked staff to explain the difference between this request and the next agenda item, which will need to appear before the Board of Adjustment for a variance.

Jason Mielke, Land Management Department Manager, explained this IUP request lays out the standards and regulates for the use of the property and activity on the land. The variance request is needed to allow the activity to take place which is within a required setback area from two existing residences not on the same property or part of the operational plan. The north property does not need a variance for any of the activity, but the south property location will need a variance before any activity can take place. The Planning Commission makes a recommendation to the County Board of Commissioners for final approval or denial of a request, and the Board of Adjustment, which is the board acting on variance requests, has the final authority to allow or deny the requested adjustment to the Zoning Code regulations.

Chairman Hoese continued the public hearing by inviting anyone from the public to state their comments about this request.

Ron Trick, Young America Town Board supervisor, emphasized that the township does not want to have Salem Avenue used as any part of a haul route, whether trucks are loaded or empty. It is a gravel

road shared between Young America and Benton Townships and they do not want that heavy truck traffic on that road. He asked that a statement be included in the permit stating such.

Mr. White replied to that concern stating Salem Avenue is not included in their haul routes. He explained the process for approval of the construction haul routes, stating information is submitted to MnDOT and they notify all affected jurisdictions, who have the ability to approve or deny the use of proposed roads. Mr. White again assured that Salem Avenue was not on their haul route map as a road to be used.

Bruce Boettcher, 5350 Co Rd 123, expressed his concerns with traffic, noise, the condition of the road after hauling ceases, and noted that they were not aware or approached for any discussion about the project. He stated they will be affected by the noise because their land is not screened from the road in that direction. He asked if the property was enrolled in the Ag Preserve program and stated he had the regulations about the program.

Hart replied the land is in the Ag Preserve program and shared the exemption allowing use of the land as long as it is returned to agricultural production after the mining project completion.

Mr. Boettcher continued and stated he was pleased to know the recycling and crushing component had been removed from the application.

Mielke interjected to clarify that the asphalt and concrete crushing has been removed, but it does state that there may be crushing of gravel materials from the site, if necessary.

Mr. White confirmed that statement can be removed from the application because there isn't enough rock at the site that crushing would be necessary.

Mr. Boettcher also stated he was pleased to know there was a specific date for the termination of the permit in 2026. He stated that he would like to have the drainage pattern returned as it was prior to the mining, as water flows in the direction toward his land. He stated Mr. White did stop at their property on Monday to discuss the mining operation plans.

Jill Boettcher, 5250 Co Rd 123, strongly stated they had no knowledge of this project prior to the meeting notification and were not aware of the meeting at the township. She stated the note on the site plan indicating the neighbors approve of the project is false. The first time that anyone talked with them was on Monday when Mr. White came to the property. She stated their biggest concern is lack of communication.

Mr. Boettcher stated the lack of communication creates uncertainty as to what else might be happening that they are not being made aware of.

Chairman Hoese explained that the township meeting is not a public hearing. The applicant presents their request to the township so the township can make a recommendation at this public hearing. He also asked if the sunset date for the permit had been changed from what was listed in the conditions for consideration.

Mr. White stated it was never their intention to have the mining activity operational until 2032, but that would be the permit limits according to County policy.

Mielke explained an Interim Use Permit does not run with the land. It has a sunset date that can be a fixed date, or a specific event to trigger its conclusion. It can happen that a date may be extended to allow for land reclamation and vegetation establishment after the majority of the project is completed. The majority of this site will be returned to agricultural land and not be vegetated, but some of the surrounding area will need vegetation which will be determined by the WMO and their stormwater approval and regulations. So, the December 31, 2026, date will be the end of the mining activity and reclamation materials hauled back to the site, but the permit will technically be open until the WMO reclamation requirements are satisfactorily met, which is 90% vegetated in the areas which are not farm field.

Ben Ratzlaff, 14390 50th St, asked where the access to the mining area will be. He saw something that indicated it was going to be moved further north.

Mr. White stated it will be at the field access on top of the hill. It was originally proposed to be by the lower driveway further south, but upon review, County Public Works did not want the access across from the neighbor's driveway.

Mr. Ratzlaff understood there was a traffic study done and asked how that was conducted.

Mr. White clarified the County Public Works department reviewed the site, the access, and the proposed truck traffic going in and out of from the site.

Mr. Ratzlaff questioned a conflict in the traffic count number, citing on the high side, an estimate of 100 trips per day and then noting the 'worst-case' hourly traffic of 30 trips per hour. Over a 10-hour day, he calculated that to be 300 trips.

Mr. White explained that their estimates must list the extreme possibilities and they calculated that 30 trips per hour would be the 'worst-case' numbers and the daily averages were calculated to be less than that. He stated this is a large project where there will be 3,000 – 4,000 yards hauled per day. With the dirt that will be hauled back, it reduces their ability to haul materials out by about two-thirds. He confirmed the hauling will be done by Mathiowetz Construction, who worked in the County and built the most recent reconstruction of Hwy 212. Mr. White spoke about the integrity of truck drivers as professionals and noted the daily safety meetings for the employees. He stated safety is a huge concern with these projects and quoted some statistics about traffic counts and accidents annually across the State of Minnesota. He is waiting for the recommendation from MnDOT on signage for the area during construction.

Mr. Ratzlaff stated his biggest concern is for safety and trucks entering Hwy 7 with the traffic traveling at 60+ mph. He fears accidents will happen with the volume of trucks hauling to and from this site. He understands there will be dust, noise, and lots of trucks to contend with while mining is happening. He asked during what hours will maintenance of the equipment will take place.

Mr. White replied the equipment maintenance will take place during the hours allowed by the permit. There will be no work conducted outside of the permitted times. He confirmed he has operated a pit located about 5 miles west of this site for approximately 5 years and it was in operation for years before that, and he is not aware of any complaints about that operation in the entire time. He also noted that they did the construction for the Hwy 7 roundabout at Lester Prairie, and they were hauling almost 300 loads a day with the trucks turning into that same traffic without any incidents. He stated that they could reduce the number of trucks per day, but that would just add more time to complete the project. He stated the property owners took about 4 months to carefully decide on the intensity of the mining and decided they did not want the pit operated for a long period. They are making it available for the Hwy 212 project to get the materials mined out and then it will be returned to agricultural production land. He stated the contract should be awarded soon and when that is announced, MnDOT will make their recommendation on the signage to be used.

Mr. Retzlaff asked what relationship B H Aggregates has in this project between the contractor and the property owner.

Mr. White stated B H Aggregate Services is an aggregate supplier that provides materials for many projects in Minnesota and operates 7 gravel pits. They pursue a lot of the large projects and are familiar working with Mathiowetz Construction, who is the primary contractor for the Hwy 212 project. B H Aggregate is the supplier of materials for this project. Mr. White explained a little bit about the job bid process and the timing in applying for the permits and stated there is not a lot of extra time before the job is awarded and the project begins.

Mr. Retzlaff asked if any materials will be mined from this location for other projects.

Mr. White stated that the Luebke's are allowing mining from this pit for the Hwy 212 project, and it will be closed when that project is completed. If there is a small local project that needs materials, they certainly would like to supply it as long as the pit is open, but once the Hwy 212 construction is completed, the pit will be closed.

Mr. Retzlaff stated he feels snowballed by the late notification surrounding the request and strongly expressed his concern for traffic safety and the timeline for mining activity.

Doug Hoese, 12580 Hoese Ln, asked how many notices were sent out, will the site be surveyed, and is there a minimum setback from the property line for the mining activity.

Mielke replied to the number of notices, stating the State statute requirements for notification of property owners within a quarter mile distance of the affected property, and a minimum of 10 property owners. The notification is a copy of the public hearing notice which is also published in a newspaper of local circulation within 10 days prior to the meeting date. Cities within 2 miles of the affected property are also notified. For this request, about 25 notices were sent. The minimum setback from a property line for the mining activity is 50 feet, as well as on the roadside. Mielke used an aerial map to illustrate the proposed mining area. He explained a little about the mining process and restoration to return the land to agricultural production.

Mr. White stated the site was surveyed by a certified surveyor.

Chairman Hoese asked who the 'watchdog' is for the project; is it the Soil and Water Conservation District (SWCD) or the Carver County Water Management Organization (CCWMO).

Mielke stated the IUP is subject to compliance review, which allows the County the ability to go and view the operations and assure the permit conditions are being met. The SWCD does the review of the stormwater and erosion sediment control on behalf of the CCWMO. The WMO also has a permitting process which requires erosion sediment control and other calculations for the appropriate seeding mix for the restoration plan to meet the CCWMO standards. Technically, it is most likely the SWCD staff or Land Management staff who will be most involved.

Doug Hoese asked the approximate start date for the project.

Mr. White replied in mid-August.

Doug Hoese asked if the variance process is a separate hearing from this one.

Mielke stated there is no variance request needed for this property as all required setbacks are being met. Again, he used an aerial map indicating the setback areas from the mining operation. The setback does not apply to the property owner's residence on the parcel.

Chairman Hoese asked the setback distance from the Florence Boettcher property.

Hart replied the mining area is approximately 600 feet from that residence.

Doug Hoese asked if this hearing was only addressing the property on the north side of Hwy 7.

Mielke replied that there is a separate hearing for the property on the south side of Hwy 7, as it is a separate parcel and is viewed as a separate request.

Mr. White interjected and offered a correction/clarification to the project start date. He stated the mid-August start date is for the south parcel. They intend to fully mine and restore the south parcel location before moving and mining from the north parcel. If the weather cooperates, they intend to have the south parcel completed by the end of the year and begin mining on the north parcel in 2025. The mining would not take place from both pits at the same time.

Mr. Boettcher asked who would be maintaining or repairing the road after the hauling is completed.

Mr. White explained this is a State of Mn project and the haul roads need to be identified with MnDOT. There are funds set aside in the job for the repair of any damage to the haul roads. There is also a bond required of Mathiowetz Construction to make sure all repairs are completed. There is also an aggregate tax in the County which is used for road maintenance. This project will generate a large amount of aggregate tax for the County.

Mr. White stated the trucking issue keeps surfacing. He stated aggregate materials are going to get hauled to the job using Carver County roads no matter where the product is coming from. He

understands it is never fun to the person who lives next to the pit. There was a misunderstanding between himself and the property owner as to who was going to contact the Boettchers, or he would have been in touch with them sooner. He made a sincere apology to both parties when meeting with them on Monday and tried to give them the information to get them up to speed about the project. He stated the upside to this project is that it will be relatively short-lived. They will be loading sand from this site, which is mostly done with an excavator, so there will be minimal noise from the back-up alarm. Using a loader would be much louder and the trucks will not be using air brakes. Mr. White is the owner of B H Aggregate Services and stated he is on site at the pit every day and about 75-90 percent of the time. He offered to send an email update out to any of the neighbors who provide him with their address for a weekly update on the hauling and pit activity. He stated if there is a lot of rain, they may have to work on a Saturday, but he would try to use a different site if someone had family activities scheduled so there wouldn't be interference with the trucks hauling.

Mielke spoke about maintenance on the County Road stating most of the permits have a responsibility for the permit holder to remove any debris and tracking from the road before it gets packed down. When a complaint is received, typically a phone call to the owner about the issue gets the problem resolved rather quickly.

Hart also added that there has been discussion between the Public Works department and Mr. White concerning maintenance of the road. Drone flights and photographs prior to the hauling will help to determine any road damage and the necessary repairs after hauling is completed.

Ms. Boettcher identified Florence Boettcher in the audience and stated it was difficult to hear what had been said about the setbacks to her residence. Jill Boettcher stated she was concerned for her health with the dust and asked the board to repeat the information for her benefit.

Chairman Hoese and others noted the setback distance to the Florence Boettcher residence, noting the mining activity will be over 700 feet from the southeast corner of the residence. Her property also has trees to help shield the property from the mining noise and dust.

Wakefield asked if there is a sweeper at the pit site to use for removing dirt and other debris from the road.

Mr. White confirmed there is a sweeper at the site, and they will have a 100-foot paved or rock surface into the pit to help reduce the tracking from the trucks. Calcium chloride will also be used in the pit because using only water will not keep up with the number of trucks and potential dust created.

Mielke stated proposed condition #7 of the Operational Requirement should be modified to include calcium chloride as a dust control measure.

Chairman Hoese noted the sunset date of August 6, 2032, listed in condition #1 of General Requirement should be changed to December 31, 2026.

Mr. Ratzlaff asked why there was no notification from the township about this request.

Chairman Hoese stated the township meeting is not a public hearing.

Mielke further explained the notification and public hearing process, noting the requirement for the applicant to meet with the township. He stated the County is the land use authority for all 10 townships.

Mr. Ratzlaff stated the rumors surrounding the request and the seemingly fast pace that things were moving prompted the letter from their attorney.

Chairman Hoese also clarified when the township clerk notifies the board members about their monthly meetings.

Steinhagen made a motion to close the public hearing. The motion was seconded by Wakefield. Chairman Hoese called for a vote on the motion to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 8:30 p.m.

Wakefield commented on the township notification process and stated that his township posts the meeting agenda on a website available for all township residents to access. He also stated the Luebkes could have notified their neighbors about the proposed mining activity, knowing it might be a controversial subject, so Mr. White could have addressed them earlier on. He understands there was a miscommunication about who was talking with the neighbors, but if both parties had done so, it may have been done earlier on in the process and not waited until now.

Mendez echoed the emphasis on good communication surrounding a request like this. Neighbors will be impacted, and it is good for them to know the facts far in advance. He stated the information presented was very good and recognized Mr. White as a professional in the business who addressed the concerns. He stressed that earlier and better notification to the area residents would have been beneficial. He complimented the residents in attendance for their interest and manner in which their concerns were voiced.

Mr. White stated he does like to get out and talk with the neighbors, but only has a limited number of available hours to do it. He stated communication with the Boettchers was definitely a misunderstanding with the Luebkes, and in his opinion, he felt the distance of the pit from the Retzlaff property would not be as large an impact. He did visit with all the adjoining neighbors for the south pit project and also stopped at more places where people were not home. He sincerely wants people to understand what is going on with the project.

Fahey supported the information Mielke offered about the public hearing process and stated that most of the people in the audience have not been through a public hearing, so it is unfamiliar to them, but the process does work. He stated comments about notification come up often and encouraged applicants and landowners to talk with their neighbors. He complimented staff for time spent gathering all of the information to be presented and to Mr. White for making changes to the request by removing the crushing of recycled materials at the site and for reducing the length of time the pit will operate. Those were huge concerns for him, and both were resolved prior to this public hearing.

Steinhagen shared his township agendas are on a much shorter timeline but emphasized that the township is mostly being informed about the proposed activity and only makes a recommendation to the Planning Commission. The public hearing before the Planning Commission is where the comments and

concerns about a request are heard and addressed. Steinhagen visited the site and reviewed the approach, stating the site lines from the northerly access appear to be far better than the original location toward the south. He stated Mathiowetz Construction worked on the easterly construction of Hwy 212 and their trucks were entering onto and exiting from the highway without any incidents that he was aware of. He felt they would continue their professionalism with this job as well. He visited a mining site from a previous request and found Mr. White on the site, confirming Mr. White's statement that he is present at the project.

Chairman Hoese recognized the motion to close the public hearing and asked for any additional comments.

Jody Luebke, 5385 Co Rd 123, explained that she and Tom, her husband, made a business decision to not say anything about this proposed project to the neighbors because it has not been approved yet. They did not want to create any fear of angst for something that was not definite. It was not because they were hiding it from anyone. This is the first time they have been involved in a process like this and didn't realize that it would be important to share the information. She made a sincere apology to all the neighbors for their lack of communication and doesn't want to have any hard feelings with any of them.

Mielke commented that when road projects arise, it is important and economical to locate aggregate resources near the job site if possible. Carver County is somewhat unique in that there are limited areas of materials available, and the two sites on tonight's agenda happen to be in the same area and are chosen for obvious reasons.

Mr. White indicated that aggregate supplying is an ultra-competitive business and no one but he and the landowners knew that he was working to secure these resources for a bid on the project. Unfortunately, this information is kept quiet until the construction company is chosen, and they inform him that he has the gravel contract and then he begins the permitting process within a short timeline.

Tom Luebke, 5385 Co Rd 123, explained the background on how his sites were chosen. He met and Mr. White met in the fall of 2023 when Mr. White was looking for resources for the Hwy 212 project. At first, he was not interested in having a gravel pit on the land. After a few more discussions, Tom agreed to allow the mining of materials from his property with 2 conditions; the land must be restored to agricultural use and the pit must be mined out and closed. He did not want to have an open pit on his property. He mentioned the upcoming hearing on the south property will also be mined out, reclaimed, and closed before the north pit will operate. He stated he shares the concern with truck traffic and safety, and it is very important to him. He intentionally was silent about the project because of the confidential nature of the information and Mr. White stated he does go out and talk with the neighbors.

Chairman Hoese called for a vote on the motion to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 8:36 p.m.

A motion was made by Mendez to approve and **issue Resolution #24-07** incorporating the findings of fact and staff recommendations with the noted changes approving the Interim Use Permit for mining and land reclamation on the parcel. Grazzini seconded the motion for approval.

Fahey asked if staff had captured the suggested changes to the conditions of the permit and emphasized the importance of following the haul route map.

Mielke reiterated the changes, noting the sunset date change, inclusion of calcium chloride use, removing the crushing activity from the site.

Wakefield commented on eliminating the use of County Rd 123 into Mayer which would likely have been more dangerous than having the trucks enter on Hwy 7 eastward to Hwy 25 and south through the City of Mayer. He spoke to the City Administrator who was very pleased with that change to the haul route.

Chairman Hoese call for a vote on the motion for approval of the request. All voted aye. Motion carried.

File #PZ20240026 – B H Aggregate Services, Inc. – Chairman Hoese called the public hearing to order at 8:36 p.m. to consider a request by Joe White, representing B H Aggregate Services, Inc. The purpose of the public hearing was to consider a request for an interim use permit for mining/land reclamation pursuant to Chapter 152 of the County Code. The property is located in Section 31 of Watertown Township.

The following were present: Joe White, Tom Luebke, Jody Luebke, Brady Luebke, Sarah White, Nick Johnson, Lindsay Getten, Wyatt Getten, Ben Ratzlaff, Michelle Ratzlaff, Bruce Boettcher, Jill Boettcher, Kelyn Boettcher, Florence Boettcher, Paula Thaemert, Wade Thaemert, Doug Hoese

The following items were entered into the record:
Exhibit A – Legal Description
Exhibit B – Proof of Publication of the Hearing Notice
Exhibit C – Proof of Mailing of the Hearing Notice
Exhibit D – Site Plan
Exhibit E – Letter from the applicant dated June 21, 2024/Revised July 8, 2024
Exhibit F – Staff Report addressed to the Planning Commission and Watertown Township dated July 9, 2024, and all attachments.
Exhibit G – Haul route map dated July 16, 2024
Exhibit H – Comment letter from Jack and Diane Hoese dated July 12, 2024

Hart stated the applicant, Joe White, is requesting an Interim Use Permit (IUP) for operation of a new gravel mining operation involving 2 properties; an approximate 24-acre parcel owned by Thomas & Jody Luebke and an approximate 6.5-acre parcel owned by Wyatt & Lindsay Getten. The 24-acre property is unimproved, and the 6.5-acre property is improved with a single-family dwelling, several detached structures. Both parcels are included in this request as some of the mining will be done on the Getten parcel. Hart used an aerial photo to illustrate the properties.

Joe White, B H Aggregate Services, interjected and clarified that there will be no mining on the Getten property, but the trucks will cross their driveway for hauling the materials. All the mining activity will be done on the 24-acre parcel owned by Tom & Jody Luebke.

Hart noted that correction and continued. The Gettens are included in the application and therefore, are exempt from the 500-foot setback requirement for mining distance from an existing residence. The project is expected to operate 2 to 3 years, depending on aggregate demand and will encompass an approximate 8.86-acre excavation area for private and public construction projects in the area, including the reconstruction of Hwy 212. Hart stated much of the information surrounding this request is very similar to what was recently heard from the previous request, so he would note the differences. The typical mining activities are proposed with no recycling or crushing of materials. The depth of the pit would be approximately 15 feet below the current ground level. There will be no dredging as the estimated water table is about 30 feet below the current soil surface. The proposed hours of operation and number of workers at the site are the same as proposed for the north site. The amount of material to be removed is approximately 160,000 cubic yards and will have a double perimeter silt fence on the southwest project border to protect the nearby wetlands. Mr. White has indicated this site will be opened just this fall for mining. This site will require approval of two variance requests, one for mining activity within 500 feet of existing residences, and for mining within 50 feet of a property line. The applicant has applied for the variances which will be heard at a Board of Adjustment meeting on August 7, 2024. The haul route map, July 16, 2024, is included in this application. The average daily trips are identical to the previous request with the maximum number estimated at 100 trips per day. There will be no recycling of materials or crushing done at this site. The reclamation plan shows proposed contours or the site upon completion of aggregate remove, describes the amount and type of materials to be reapplied to the mined area, and returning the land to agricultural use. The reclamation standards of the Carver County Water Management Organization (CCWMO) must be met. The access to the site was moved further south than originally proposed for traffic safety. Maintenance to the road will also be required to the satisfaction of Carver County Public Works. A stormwater permit has been applied for and is under review. Carver Soil & Water Conservation District (SWCD) reviewed the reclamation plan and noted an area of the original final grading plan which appeared to be a likely erosion problem and noted some impacts to the wetland southwest of the mining area. The applicant revised the mining plan to address those concerns as shown in the plan dated July 8, 2024. Minnesota Department of Natural Resources (MNDNR) reviewed the request and gave the comment, “It appears all activities and machinery will be well away from the 100-foot setback from the rivers. If for some reason dewatering is required, a DNR Water Appropriate Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year.” The Watertown Town Board reviewed this request at their July 1, 2024, meeting and recommenced approval without any additional conditions or comments. Hart read the proposed conditions for consideration if the permit is recommended for approval, noting some of the changes that have already been made. If the Planning Commission recommends denial of the application, the deficiencies found in the required findings should be referenced.

Joe White, B H Aggregate Services, LLC, confirmed there will be no crushing at this site as well as no recycling of materials. He also stated the trucks will not be using the existing residential driveway but will have a rock construction access located further south as indicated on the site plan.

Chairman Scott Hoese, speaking as Watertown Town supervisor, stated the township reviewed the request and recommended approval of the project. He stated there were comments made at the township meeting which he anticipated would be repeated and addressed at this public hearing. He asked if the proposed sunset date of December 31, 2024, is reasonable if the weather does not cooperate.

Mr. White confirmed the plan is to have this completed by this fall. It is on Mathiowetz's schedule to be a one construction season site. If the weather is not cooperative, it might not be possible.

Hoese asked if extending that final completion to July 2025 would give them enough time.

Mr. White suggested the end of August 2025 should be a reasonable time to have it completed.

Mielke asked for clarification about the access. If the trucks will be using a rock construction entrance to the south, will there be an easement agreement for crossing over the driveway?

Mr. White stated they will be signing a separate agreement with the Gettens to cross the driveway for access to the northerly portion of the mining area. There will not be a separate access for that mining area.

Wyatt Getten, 5475 Co Rd 23, echoed the comments about lack of communication about the project and short notice of the Township meeting. Since that time, Mr. White has done a better job with addressing the issues. The final grading plans and reclamation plans seem to be reasonable. He stated that most of his concerns have been addressed and they realize the Hwy 212 project is huge and necessary. His biggest concern is the traffic and safety on Hwy 7, and he hoped that there would be no incidents. He asked who would be monitoring the setbacks from the wetlands and stated there is a bit of an erosion problem already in the low area by the bridge.

Mr. White stated he would contact their engineer to identify the setback location and have it visibly marked. It is the County's job to monitor the plans as they move along, and he encouraged Wyatt to make a phone call if he is questioning something he sees.

Mielke added that a part of the WMO's review, they are responsible for administering the Wetland Conservation Act. On the south side, there is one wetland which has been identified and a delineation will determine what type of wetland it is and what the setback will be. Mr. White has decided to pull back from another potential wetland and/or floodplain area on the property which would require more studies and permitting. The floodplain elevation has been determined and none of the excavating taking place is at or below that elevation.

Doug Hoese, 12580 Hoese Ln, mentioned the notification requirement of a minimum of 10 people and hoped that had been done. He also stated that Jack and Diane Hoese were told their letter would be read aloud at this meeting and he wanted to make sure that will happen.

Chairman Hoese read aloud the letter from Jack and Diane Hoese listing their concerns. Jack is Scott's brother and he discussed some of the issues with him. Scott asked what 'white noise' is.

Mr. White stated it is a different kind of backup alarm. He stated this material will also be loaded with an excavator and he didn't think they would hear any noise from the pit. Mr. White sent an email to Ms. Hoese, responding to each of the questions. He also offered for them to contact him with any additional questions or concerns.

Hart stated he also composed a written reply to the email on the previous Friday.

Wade Thaemert, 14540 58th St, spoke to Mr. White and expressed his concerns for the traffic on Hwy 7. He sees sketchy traffic while he farms in that area and stated the corner of Hwy 7 and Co Rd 23 is dangerous. He asked if there would be more patrolling from the County or the State in that area.

Chairman Hoese recognized the concern for safety, noting there is no dedicated turn lane on Hwy 7 for a left turn at that intersection.

Mr. White stated they are in favor of extending the existing turn lane to become a bypass lane, but it cannot be done without the blessing from MnDOT. The turn lane is not long enough for MnDOT's standards for a bypass lane. If MnDOT would allow for an extension, Mr. White stated he would be fine to do that. They also want a safe operation.

Mielke clarified that the road authority makes the determination on the road usage and Hwy 7 is a State Highway that is controlled by MnDOT's standards. The Planning Commission or County staff cannot regulate what can or should be done to their road. It is based on MnDOT's review and approval.

Mr. White stated that this is a State Hwy project. If the traffic appears unsafe, a phone call to MnDOT will often result in a State Trooper being sent to the area to monitor the situation. He is also going to contact MnDOT and ask if they can trim vegetation down the hill in the right of way to create a better sight line Hwy 7.

Wakefield suggested using the shoulder road as an acceleration lane for trucks to get up to speed before merging into the lane on Hwy 7. Appropriate signage and cones should also help facilitate that.

Mr. White stated that was done on the prior Hwy 212 construction and he is willing to do whatever MnDOT will allow to increase traffic safety.

Jill Boettcher, 5350 County Rd 123, was pleased to know that the haul route directed the trucks eastward on Hwy 7 to Hwy 25 and the southward through town to avoid going past the church and school on County Rd 23/Bluejay Avenue. But she did express concern for the traffic safety at the roundabout on Hwy 25 by the Fieldstone addition entrance, Lutheran High School, and Bob's Repair.

Wakefield stated the route is going to be going past a school either way and hopefully the Mathiowetz drivers and their past record will help to alleviate some of the concern.

Ms. Boettcher stated it was the inexperience of the students more than the truckers that created her concern.

Steinhagen commented about his experience with acceleration lanes and finds that some engineers feel they work well, and other engineers do not. It will depend upon who does the review as to what MnDOT will require.

Mr. White commented on the amount of gravel that will be trucked through the City of Belle Plaine past schools and houses from pits that are already permitted, and unfortunately, there is no permitting for the trucking, so that is more difficult to regulate. He reiterated the integrity of the Mathiowetz Company

and has worked with multiple generations of the family who stress that safety is their top priority. He shared that their trucks have cameras on the road in both directions as well as on the driver.

Lindsay Getten, 5475 Co Rd 23, confirmed they had signed the application for the variance request and asked for the date of that meeting and if they wanted to change their mind about it, by what date did they need to do that.

Hart replied the Board of Adjustment will hear that request on Wednesday, August 7, 2024, in this same room. The meeting begins at 7:00 p.m.

Mielke added if there is a modification to the request and the applicants are not in favor of the variance, changes will need to be made to the site plan for the mining operation.

Ms. Getten asked for the start date of the project when stripping of the topsoil and mining would take place on the parcel and how many days would they be working on the site.

Mr. White stated a potential start date would be mid-August, as the approvals for this permit request and the variance request need to be finalized and finishing the bond requirements and the permit from Water Management. He estimated the work could be completed in about 45 days, weather permitting. He assured Ms. Getten that this project should easily be completed in this construction season.

Ms. Getten asked for confirmation on the total number of trucks and loads that will be hauling in a day because the calculations she did resulted in higher numbers than listed in the report.

Mr. White explained it will be the same trucks hauling out and coming back. Typically, 17 yards of material are on a semi load. The number of loads is very dependent upon the type of materials that are found at the construction site. He estimated the daily amount to be hauled is 2,500-3,000 yards, both going out and coming back.

Brady Luebke, 15015 58th St, asked if the land reclamation could include grading outside of the silt fence area shown on the grading plan to create a gentler slope for drainage purposes.

Mielke referred to the aerial map and identified the mining area. The restoration grading can be done in a larger area to blend in slopes to restore the land and drainage patterns. The silt fencing is installed to protect the areas beyond the fencing where no grading should occur. The silt fencing is used to protect the shoreland and floodplain areas of the Crow River.

Ms. Getten asked if the soil brought back to the site is tested.

Mr. White relied MnDOT has already tested the soil, but he offered to test the soil again when it is on the field.

Jody Luebke asked who monitors or inspects the property to ensure that the requirements have been met to restore the land to agricultural use.

Mielke replied it would be similar to what had been discussed with the north pit. While the pit is open, the SWCD does periodic checks on behalf of the WMO. Land Management staff will also visit the site to see that the operation is run according to the plan. The restoration is requirements of the WMO who will review that materials removed and returned will restore the drainage patterns and that perimeter vegetation establishment is completed. The WMO will hold a surety on the project to ensure all of the restoration requirements are met.

A motion was made by Steinhagen to close the public hearing. Wakefield seconded the motion to close. Chairman Hoese call for a vote on the motion. All voted aye. The motion was closed at 9:18 p.m.

Fahey mentioned Ms. Getten's question concerning the Board of Adjustment variance meeting. He explained that Steinhagen is also a member of that board and can carry the information from this meeting to inform that board. He also confirmed that the haul route map would be included in this request.

Chairman Hoese confirmed that and noted the change in the sunset date to August 1, 2025.

Steinhagen also mentioned the addition of the calcium chloride use.

Wakefield asked to see the aerial map indicating the mining phases 1 & 2. He asked if there were field tile in the 5-acre phase 2 area that would interfere with the mining.

Tom Luebke didn't think there was any tile that would be affected.

Mr. White stated if any tile in the mined and reclaimed area were damaged by their hauling, they would repair it. He also stated they are getting a delineation on the low area to determine if it is a wetland, and if not, Mr. Luebke would like that area filled in also which would provide better drainage on the entire field.

A motion was made by Grazzini to approve and **issue Resolution #24-08** incorporating the findings of fact and staff recommendations with the noted changes approving the Interim Use Permit for mining and land reclamation on the parcel. Steinhagen seconded the motion for approval.

Chairman Hoese called for a vote on the motion. All voted aye. Motion carried.

Adjournment

A motion was made by Wakefield and seconded by Kerber to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 9:23 p.m.