



CARVER COUNTY PLANNING COMMISSION

Regular Meeting – **April 15, 2025, 7:00 PM**

Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

1. **Convene**

- 1.1. Call to Order
- 1.2. Pledge of Allegiance
- 1.3. Attendance
- 1.4. Agenda review and adoption
- 1.5. Approve Minutes from March 18, 2025.....**2-5**

2. **Agenda**

- 2.1. File #20250010 - Public hearing on application by Joe White, representing BH Aggregate Services, Inc., for an amendment to an Interim Use Permit.
(Mining/Land Reclamation)
Watertown Township.....**6-33**

3. **Other Business**

4. **Adjourn**

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 7, 2025

TO: Carver County Planning Commission & Watertown Town Board

FROM: The Land Management Department

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

FILE #: PZ20250010

APPLICANT: Joe White (B.H. Aggregate Services, Inc.)

OWNER: Thomas and Jody Luebke

SITE ADDRESS: 5385 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 approximately 85-acre parcel located 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, and a feedlot operation (CUP #PZ20030066). It is located within the Agricultural Zoning District, the Shoreland Overlay District of the Crow River, the Floodplain Overlay District of the Crow River, and the Carver County Water Management Organization (CCWMO) - Crow River watershed.
2. An existing Interim Use Permit (IUP #PZ20240025, attached) was issued for the property to allow a new gravel mining operation for the extraction of sand and gravel resources to be used as base material for private and public construction projects in the area, including the reconstruction of Highway 212. Joe White of B.H. Aggregate Services, Inc. is requesting approval to amend the existing mining Interim Use Permit to include the crushing and recycling of aggregate materials.
3. Sections 152.081 and 152.082 of the Carver County Zoning Code allow mining and/or land reclamation involving 10,000 cubic yards or more as an Interim Use Permit (IUP), as outlined below:

§ 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 current IUP (#PZ20240025) authorizes topsoil stripping, sand and gravel excavation, material screening, and stockpiling activities. Mining equipment would be located on the floor of the excavation area and is moved as necessary to support operations. Typical equipment on-site includes excavators, backhoes, front-end loaders, bulldozers, and haul trucks. Excavation is conducted using excavators and a backhoe, reaching an approximate depth of 30 feet below the current ground level. Authorized hours of operation are from 6:30 AM to 8:00 PM, Monday through Saturday. The number of employees and suppliers present on-site typically ranges from six to eight workers.
5. The applicant's narrative (dated March 17, 2025) outlines the proposed crushing and recycling operations. B.H. Aggregates is requesting an amendment to the existing IUP to allow a portion of the current mining area to be used for material storage and the crushing/recycling of aggregate for use in various public construction projects. The proposed operations would utilize a primary crusher, a secondary crusher, conveyors, and a stocking conveyor to transport processed materials to stockpiles. The material to be processed would primarily consist of on-site resources previously identified in the original mining proposal, with the potential addition of imported recycled concrete or asphalt as needed to meet project specifications. According to the applicant, crushing activities would occur for a maximum of six weeks per year, during the same hours approved in the original permit (6:30 AM to 8:00 PM, Monday through Saturday). Crushing operations would require two additional employees and are proposed only for the 2025 and 2026 construction seasons. While the inclusion of recycled materials could result in approximately 15,000 additional cubic yards of material per year, the applicant does not anticipate an increase in the maximum daily hauling rates.
6. The applicant's engineer, Carlson McCain, Inc., has submitted supporting documentation and updated site plans in support of the proposed IUP amendment. The Processing Site Plan (submitted March 18, 2025) identifies the proposed locations for the crusher, conveyor system, and estimated stockpile area within the existing 9.67-acre excavation site. Mining vehicles will continue to access the site using the existing field entrance on County Road 123, located at the northern end of the pit. The applicant estimates the mine will export an average of 150,000 cubic yards of material per year, with potential increases up to 250,000 cubic yards during high-demand years. Based on this rate, the operational life of the mine is projected to be approximately two to three years, with mining divided into two distinct phases. Two mining areas have been identified for phased development. The proposed pit maintains the required 500-foot setback

from adjacent residential structures located to the northeast and southwest that are not part of the subject property. Additionally, no mining activities are proposed within the required 50-foot setback from property lines. While no artificial screening is proposed, the operational areas would be substantially screened by existing tree cover on neighboring properties and by the depth of the excavation where mining activities occur.

7. Wetlands are present on the subject property. Proposed mining activities are located outside the required 300-foot setback from wetlands along the Crow River, as identified by the project engineer using U.S. Fish & Wildlife Service mapping resources. No mining activities are proposed within the Crow River floodplain. There is a proposed 70-foot setback to the Type 4 wetlands in the northeast part of the mining area. Mining within the 300-foot setback is allowed if there is a submitted “plan to improve public value(s), in conjunction with any Wetland Conservation Act requirements.” The Wetland Conservation Act (WCA) Technical Evaluation Panel has reviewed the submitted site plans and has expressed no concerns with the proposed setbacks.
8. The original project narrative includes a table outlining the estimated average daily trips (ADT) associated with the mining operation. The applicant estimates an average of 60 trips per day for aggregate hauling to export approximately 150,000 cubic yards of material per year, along with 26 trips per day to import reclamation fill. Under high-demand conditions, export activity could increase to 100 trips per day for up to 250,000 cubic yards annually, with up to 50 trips per day for importing reclamation fill. In addition, site workers contribute an estimated 6 to 8 trips per day. This results in a total estimated ADT of approximately 91 trips per day under average conditions. Trip generation estimates are based on an average load of 20 tons per truck and hauling activity occurring on approximately 180 days per year. Actual production and traffic volumes may fluctuate depending on market demand and the extent of material recycling. The applicant estimates morning peak-hour traffic (6:30–8:00 AM) at approximately 12 trips per hour, and afternoon peak-hour traffic (3:00–4:00 PM) at approximately 10 trips per hour. The narrative also identifies a “worst-case” scenario of up to 30 trips per hour during peak activity periods.
9. The applicant provided a Highway 212 Project Haul Route Map (dated July 16, 2024) identifying designated state and county roads to be used for all truck traffic associated with the mining operation. While specific haul routes may vary depending on project destinations, the narrative indicates that trucks will travel south on County Road 123 to State Highway 7, then proceed east or west as needed. The applicant has confirmed that no haul routes will travel south on County Road 23 toward the City of Mayer.
10. The Reclamation Plan (dated July 8, 2024) outlines the proposed contours for the mining site upon completion of aggregate extraction. Once mining activities conclude, approximately 23,500 cubic yards of topsoil and non-granular overburden material will 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. In accordance with Interim Use Permit (IUP) standards, mining is permitted when the land is proposed to be returned to agricultural use. The Site Reclamation section of the narrative specifies that “the final land use for the mining areas will be returned to agricultural.” The reclamation plan appears to comply with zoning code standards and will be subject to review by the Soil & Water Conservation District and the Carver County Water Management Organization (CCWMO) to ensure that all relevant agency standards are met.
11. The applicant has proposed the use of white noise backup alarms on equipment to help mitigate noise impact, along with the implementation of circular traffic patterns for loading to minimize backup movements. Additionally, the processing equipment will be located on the mine floor, recessed from the surrounding ground surface, which is intended to further reduce noise levels for nearby receptors.
12. The Interim Use Permit (IUP) will terminate upon the occurrence of the first of the following events: a change in ownership, the exhaustion of aggregate resources, or August 6, 2032, whichever occurs first. However, Permit #PZ20250010 shall not be considered fully terminated until all reclamation activities have been completed to the satisfaction of the approved Carver County Water Management Organization (CCWMO) permit and zoning code standards, and the release of any applicable financial security.

13. Matthew Steele, Carver County Feedlot Officer, reviewed the plans and expressed concerns regarding the location of manure spreading. In response, Mr. Luebke, feedlot owner and operator, has provided adequate land application records of manure management for his feedlot considering of 100 to 299 animal units.
14. Darin Mielke, Deputy County Engineer with Carver County Public Works, reviewed the original submitted materials and, in a letter dated July 5, 2024, raised concerns about the proximity of the proposed gravel pit's driveway to Highway 7. He recommended relocating the access point further north. In response, the applicant revised the mining plan to relocate the driveway northward, as depicted in the updated plan dated July 8, 2024.
15. The application materials were reviewed by Minnesota Department of Transportation (MnDOT) staff to access any necessary safety measures for trucks entering Highway 7 at the County Road 123/Highway 7 intersection. In a response dated September 5, 2024, MnDOT provided the following comments:
 - *Trucks are recommended to be covered, and the owner shall be responsible for cleaning up gravel spilled on the right-of-way.*
 - *The ditch on the MnDOT right-of-way will need to be regraded and at a minimum, a culvert will need to be installed. This requires a drainage permit through MnDOT.*
16. A Carver County Water Management Organization (CCWMO) permit is required, and Stormwater Management standards would need to be met for the reclamation of the aggregate mining area. The applicant would need to secure a permit with the Planning and Water Management Department to establish an appropriate restoration phasing plan. A Pollution Prevention Plan has been submitted by the applicant for review. The permittee would need to submit a stormwater management application for review, along with the required financial security, and must comply with all permit conditions, including topsoil depth requirements for restoration and preservation. Tim Sundby, Water Resources Supervisor, provided comments via email dated April 4, 2025, outline the following requirements:
 - *Temporary sediment basin to treat runoff from crushing mixing of aggregate with asphalt, and new crushed aggregate stockpile.*
 - *Silt fence outside of floodplain.*
 - *Tracking shall be assessed daily and will be removed if observed. Removal of sediment will not be brushed or moved into existing road ditches or shoulders.*
 - *Payment of Application Fee is Required prior to issuance of Permit.*
 - *Payment of Surety is Required prior to start of operations.*
17. Mike Wanous, District Manager with the Carver County Soil & Water District (Carver SWCD), reviewed the submitted materials and, in an email dated April 3, 2025, indicated that he had no concerns with adding crushing operations to the site.
18. Taylor Huinker, Area Hydrologist with the Minnesota Department of Natural Resources (MNDNR), reviewed the submitted materials and provided the following 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."*
 - DNR did not have any additional comments regarding crushing being added to the site.
19. The Watertown Township Town Board reviewed the request and recommended approval during their March 3, 2025, meeting, noting in their statement, *"Per the applicant's request, all good."*

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Interim Use Permit application for mining, crushing, and processing activities on the property legally described on the attached Exhibit "A," the previous IUP (#PZ20240025) would be terminated upon final approval (and recording) of the new IUP (#PZ20250010). Therefore, IUP #PZ20250010 would supersede any prior approvals. 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 mining activities shall cease by December 31, 2026 (with restoration occurring in Spring 2027), which occurs first. However, Permit #PZ20250010 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 and MnDOT 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. To justify the proposed 70-foot wetland setback proposed in proximity to the Type 4 wetlands to the northeast of the mining area, the permittee shall submit a plan to improve public value(s), in conjunction with any Wetland Conservation Act requirements, of the wetland resource.
6. 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.
7. 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.
8. 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), Narrative (dated: March 17, 2025), Site Plan and Reclamation Plans (dated July 8, 2024, updated March 17, 2025), Haul Route Map (dated: July 16, 2024), Processing Plan (submitted March 18, 2025) 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.). Crushing

of recycled materials shall take place for no more than 6 weeks per calendar year, during regular hours of operation. Crushing and processing of material may only occur during the 2025 and 2026 construction seasons.

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 includes: classifying screens, crushers, and conveyors.
4. No township (gravel) roads shall be used in the haul route for trucks involved with the proposed mining and/or crushing activity.
5. 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.
6. The permittee shall submit to the Land Management Department quarterly tonnage calculations, in order to document all aggregate material(s) removed from the site.
7. 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)
8. 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 and calcium chloride.
9. 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.
10. 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.
11. No trash, garbage, waste, construction debris, or other similar materials shall be deposited in or near the operational area.

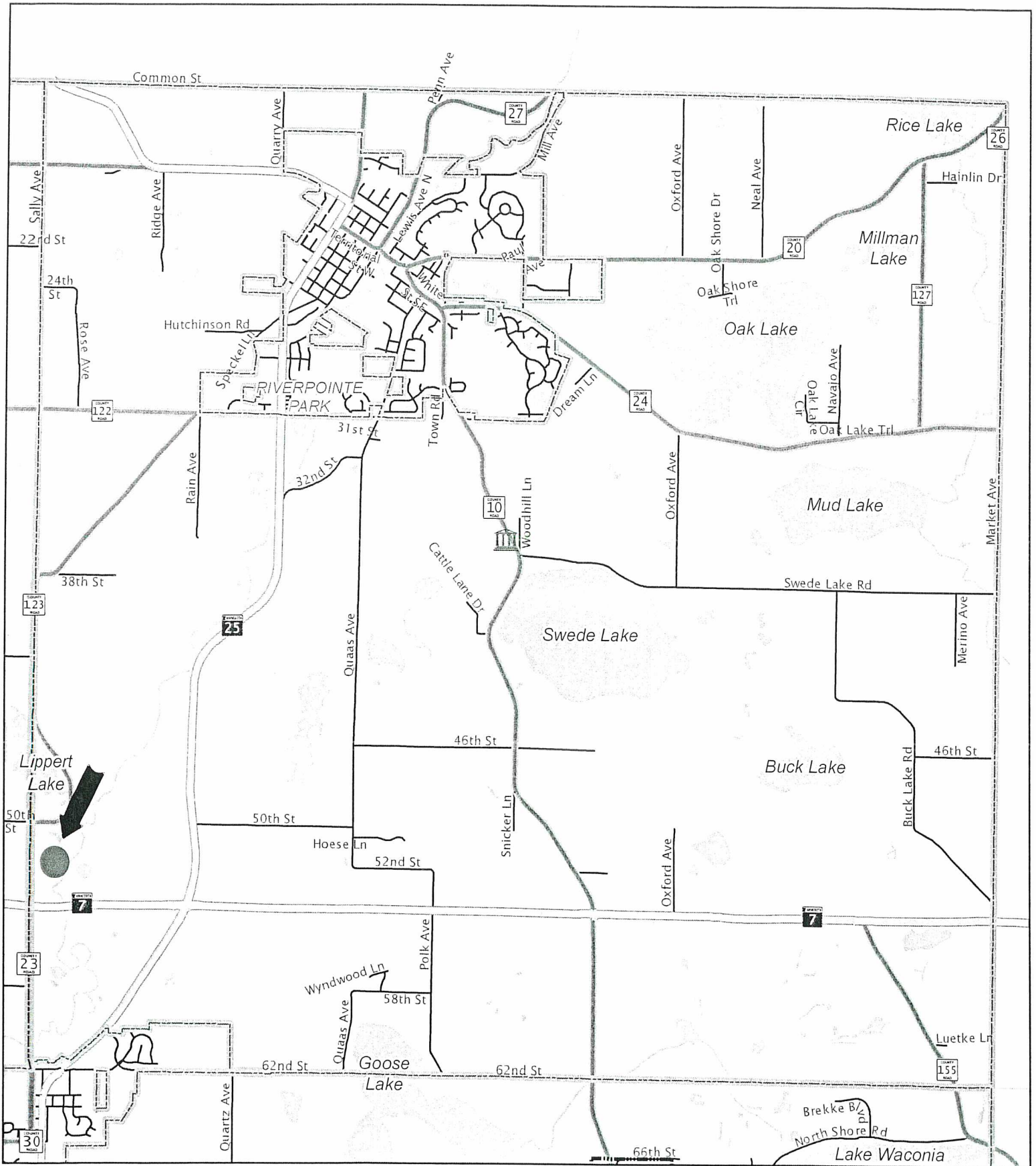
RESTORATION REQUIREMENTS:

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 #PZ20250010 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.

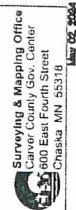
WATERTOWN TOWNSHIP



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.



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



B.H. Aggregate Services Inc.

10492 135th Street Kimball, MN 55353 Phone 320-557-6015 Email: Whitefarmjoe@gmail.com

Date: March 17, 2025

To: Carver County Planning Commission

RE: Luebke North Pit Material Processing

BH Aggregate Services Inc. is proposing to utilize the Luebke North Pit for other projects potentially during the same time frame as the Highway 212 project as was requested during original permit. As part of this we are also requesting to Crush materials on site for a maximum of 6 weeks per year for both the 2025 and 2026 construction season. conveyor

The Hours of operation will be the same as the original permit request.

Equipment used for processing will be a variety of crushing equipment, including a Primary Crusher, a secondary crusher as well as conveyors and a stacking conveyor to put materials in a stockpile.

The material processed will be the gravel materials removed in the original mining proposal, with a possibility of adding some imported recycled concrete or asphalt to meet specifications.

Haul routes will depend on projects but will travel south on Cty Rd 123 to State Highway 7 and proceed east or west from there. We will not use Cty Rd 23 going south into Mayer.

The Crushing will require 2 extra employees on site. These employees will work the same hours as the mining permit allows, Monday through Saturday, but will be a maximum of 6 weeks each year 2025, 2026. The timeframe for the crushing will depend on project needs.

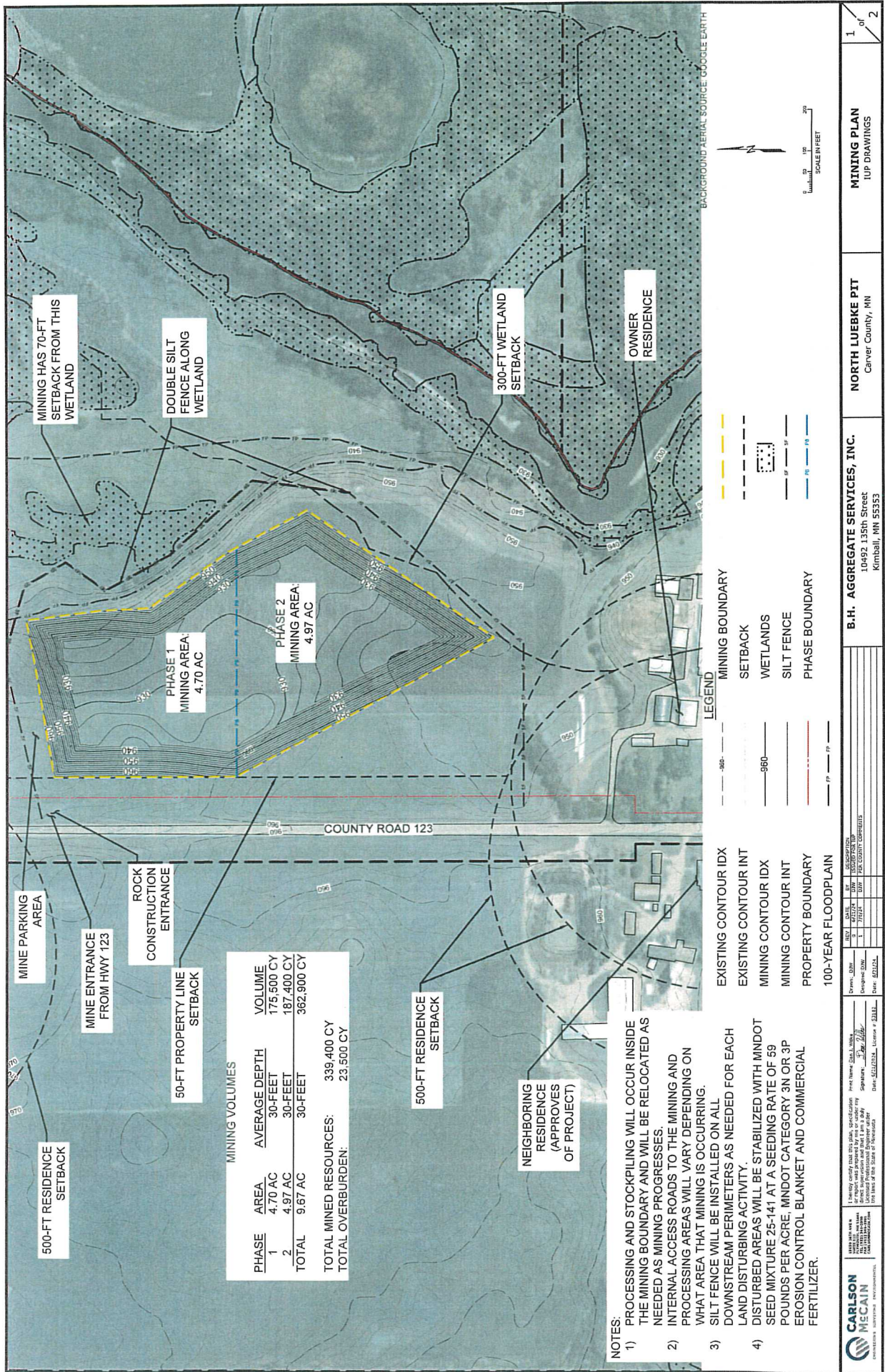
The Average vehicle trips in and out will be the same as projected with the mining permit. The volume of materials exiting the pit will not change with this modification. The materials may just be crushed prior to leaving the site. Additional recycled materials could add approximately 15,000 CY per year however will not exceed the maximum daily hauling rates from original permit.

Due to some wetland issues that were not resolved on the south Luebke property some of our timing and staging, as well as types of materials needed for the Hwy. 212 project, have changed our needs for the North Luebke property, as well as the desire of the Landowner to utilize all materials available from the property and to be removed during the Hwy. 212 construction project and the closure of this site forever at the completion of the Hwy. 212 project at the end of the 2026 construction season.

Sincerely,

Joe White

B.H. Aggregate Services Inc.



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.

CARLSON MECAIN
CONSULTING SURVEYORS & ENGINEERS

Project Name: 25-141 MNDOT
 License No.: 25-141 MNDOT
 Date: 02/12/24
 Scale: 1" = 200'

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

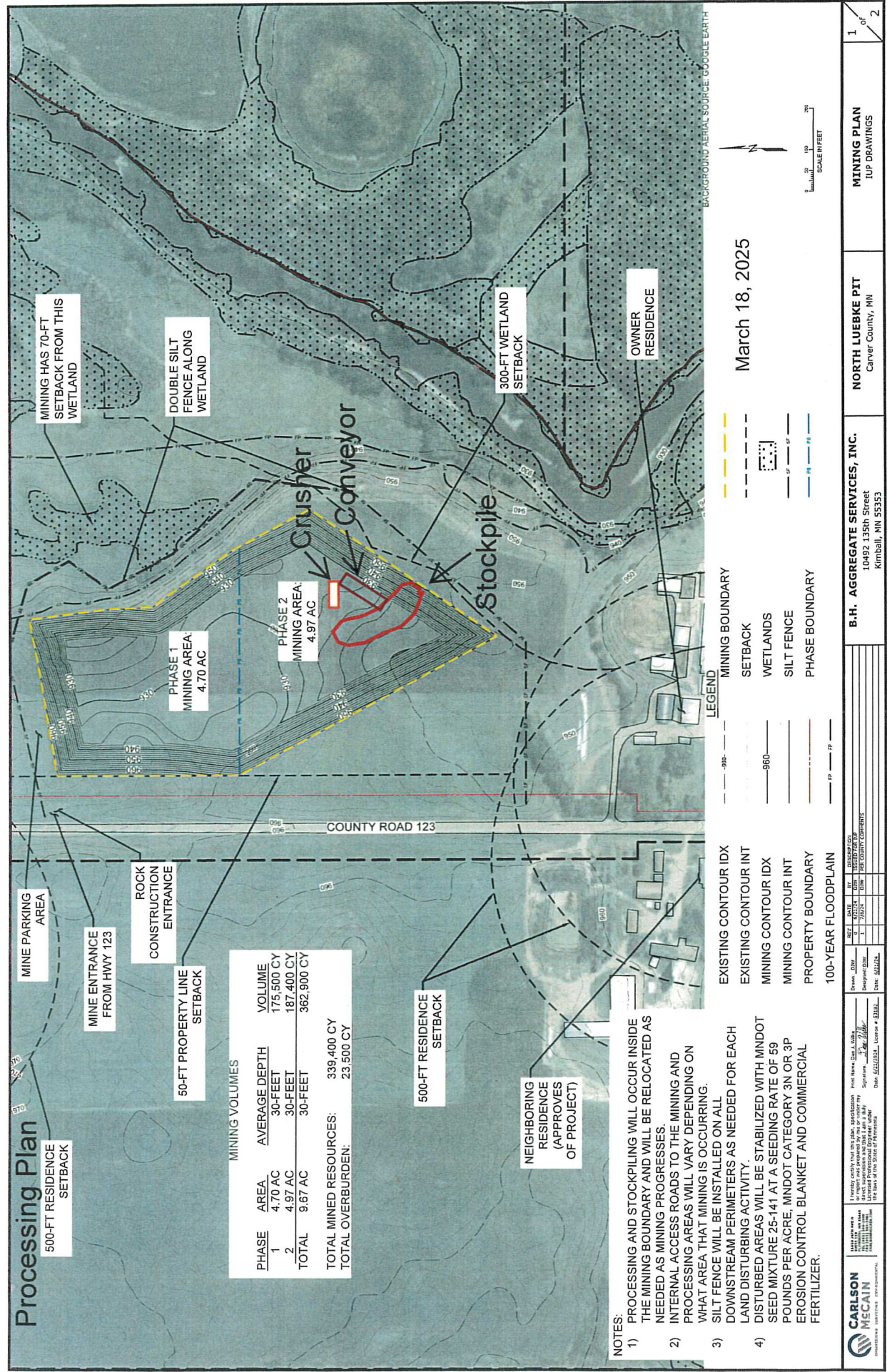
NORTH LUEBKE PIT
 Carver County, MN

MINING PLAN
 IUP DRAWINGS

DATE: 02/12/24
 DRAWN BY: JH
 CHECKED BY: JH
 DATE: 02/12/24

DATE: 02/12/24
 DRAWN BY: JH
 CHECKED BY: JH
 DATE: 02/12/24

Processing Plan



MINING VOLUMES

PHASE	AREA	AVERAGE DEPTH	VOLUME
1	4.70 AC	30-FOOT	175,500 CY
2	4.97 AC	30-FOOT	187,400 CY
TOTAL	9.67 AC	30-FOOT	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
 - EXISTING CONTOUR INT
 - MINING CONTOUR IDX
 - MINING CONTOUR INT
 - PROPERTY BOUNDARY
 - 100-YEAR FLOODPLAIN
 - MINING BOUNDARY
 - SETBACK
 - WETLANDS
 - SILT FENCE
 - PHASE BOUNDARY

March 18, 2025

CARLSON MCCAIN PROFESSIONAL SURVEYING & ENGINEERING		B.H. AGGREGATE SERVICES, INC. 10492 135th Street Kimball, MN 55353		NORTH LUEBKE PIT Carver County, MN		MINING PLAN IUP DRAWINGS	
Project Name: North Luebke Pit Date: 3/18/25 Drawn By: SMZ/L Checked By: SMZ/L Date: 3/18/25	Project No: 2025-001 Date: 3/18/25 Drawn By: SMZ/L Checked By: SMZ/L Date: 3/18/25	Project Name: North Luebke Pit Date: 3/18/25 Drawn By: SMZ/L Checked By: SMZ/L Date: 3/18/25	Project No: 2025-001 Date: 3/18/25 Drawn By: SMZ/L Checked By: SMZ/L Date: 3/18/25	Project Name: North Luebke Pit Date: 3/18/25 Drawn By: SMZ/L Checked By: SMZ/L Date: 3/18/25	Project No: 2025-001 Date: 3/18/25 Drawn By: SMZ/L Checked By: SMZ/L Date: 3/18/25	Project Name: North Luebke Pit Date: 3/18/25 Drawn By: SMZ/L Checked By: SMZ/L Date: 3/18/25	Project No: 2025-001 Date: 3/18/25 Drawn By: SMZ/L Checked By: SMZ/L Date: 3/18/25

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



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

TEL 763.489.7900
FAX 763.489.7959

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 Carver 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

IUP Application
North Luebke Pit

The granular deposits are prevalent through the entire depth of the subsurface. Mining will occur utilizing a backhoe, the estimated average depth of 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 year. 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.

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 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 3/4"	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.

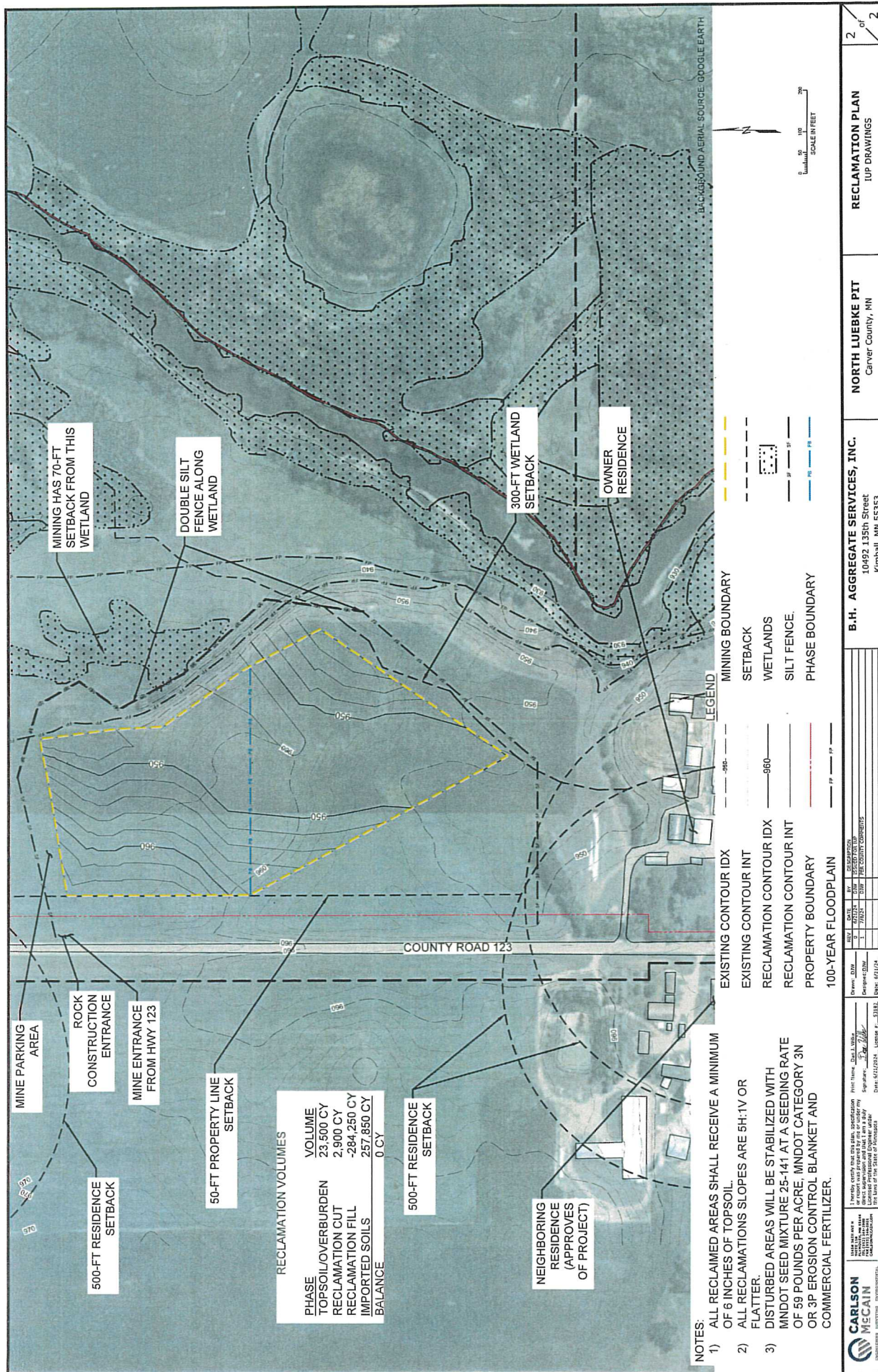
4.0 SITE RECLAMATION

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)





Township Presentation & Recommendation Form

PARCEL #	100 301100	Permit #	PZ 20250010
Owner's Name:	Thomas Luebke	Owner's Mailing Address:	5385 County Road 103
City:	Mayer	Owner State:	MN
		Owner Zip:	55360
Applicant (if other than owner):	B.H. Aggregate Services Inc.		
	Site Address: 5385 County Road 103		

Type of Request:	☐ CUP	☒ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:	Modify existing Conditional Use permit to allow for taking materials out for other projects during the 212 Project, and for allowing crushing for a maximum 6 weeks					
Date of County Public Hearing:	4-15-25	Date of Township Meeting:	3-3-25			

Actions:

Township Action Taken:

- ☒ 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:

Per the applicant's request,
all good.

****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]

Signature of Applicant

[Signature]

Signature of Township Official

Date

3-3-25

Date

3-3-25

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-030-1100

File# PZ20250010

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