CARVER COUNTY PLANNING COMMISSION

Regular Meeting – **May 20, 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 April 15, 2025 .....**2-5**

2. **Agenda**

    2.1. File #20250017 - Public hearing on application by Dillon Derner for a Conditional Use Permit.
    (Contractor's Yard)
    Watertown Township **6-19**

    2.2. File #20250018 - Public hearing on application by Nick Koktavy, representing Carver County
    for an amendment to a Conditional Use Permit.
    (County Owned Property - Public Works Headquarters Master Plan)
    Benton Township **20-38**

    2.3. File #20250012 - Public hearing on application by Tim Mueller, representing Wm Mueller & Sons, Inc., for an Interim Use Permit.
    (Mining/Land Reclamation)
    Camden Township.....**39-94**

3. **Other Business**

4. **Adjourn**

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 12, 2025

TO: Carver County Planning Commission & Watertown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Contractor's Yard)

FILE #: PZ20250017
APPLICANT: Dillon Derner
OWNER: Dillon Derner
SITE ADDRESS: 5580 County Road 10 N, Waconia, MN 55387
PERMIT TYPE: Conditional Use Permit - Contractor's Yard
PURSUANT TO: County Code, Chapter 152, Section 152.079 (C)(10)
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 10-034-0310

BACKGROUND:

1. Dillon Derner owns and homesteads an approximately 6.50-acre property located in the East Half (E½) of the Northwest Quarter (NW¼) of Section 34, Watertown Township. The property is improved with an existing single-family home with a detached garage, a 44-foot x 60-foot (2,640 sq. ft.) personal storage shed, and a 50-foot x 25-foot (1,250 sq. ft.) barn. The site is located within the Agricultural Zoning District and the Carver County Water Management Organization (CCWMO) - Crow River watershed.

2. According to Section 152.079(C)(10)(b) of the County Zoning Code, a contractor's yard must maintain a minimum setback of 500 feet from any neighboring residence not located on the same parcel. As the nearest residence is located approximately 421 feet from the proposed operational area, the applicant submitted a variance request (V-PZ20250008) to reduce the required setback. The variance was reviewed and approved on April 2, 2025.

3. The applicant is requesting a Conditional Use Permit to operate a residential irrigation and snow removal business from the subject property as a contractor's yard, pursuant to Section 152.079 (C)(10) of the Carver County Zoning Code, which reads as follows:

   § 152.079 CONDITIONAL USES–ACTIVITIES CENTERED AROUND A HOME OR A HOME/FARM COMBINATION.
   (A) Minimum criteria for issuance of permit:
   (1) Minimum five-acre lot size; unless another size is specified under a particular provision;
   (2) Sewage can be managed in accordance with Chapter 52 of this code of ordinances;
   (3) Land is not subject to the land use restrictions of an AG preserve covenant;
   (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless written 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) There is a single-family home on the parcel occupied as a homestead by a principal of the activity; or a single-family home will be constructed or homesteaded before the CUP for the activity is issued;
   (6) The scale and 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. A change in ownership, operations or operator shall be cause for the permit to be reviewed to determine whether an application for an amendment or similar consideration is necessary.

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

(3) Outside storage is prohibited unless the storage area is adequately screened from nearby roads and residences.

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

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

(6) All buildings utilized by the operation must meet the State Building Code.

(C) Activities.

(10) Contractor's yards.

(a) This subsection is intended to provide for contractor's yards established after January 1, 1989. A contractor's yard is a site used for storage of equipment and supplies by a contractor in the operation of his or her business. For purposes of this subsection a contractor is a person whose business is contracting work in any of the building trades, landscaping, road building, sewer installation, or has at least two trucks, but fewer than ten used to supply a service to local communities.

(b) The business shall be located at least 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.

(c) Site shall not be located within the Shoreland Overlay District or the Floodplain Overlay District.

(d) Employees, except office personnel, report to the site only for the purpose of picking up equipment and supplies, necessary fabrication, and general maintenance.

STAFF ANALYSIS:

1. The proposed location of the contractor's yard is in a rural area of Watertown Township, with the nearest residence located approximately 421 feet south of the operational area, as shown on the submitted site plan. The applicant has received approval for a variance to reduce the 421-foot setback from the neighboring residence located to the south. A Conditional Use Permit is being requested to operate a residential irrigation and snow removal business within an existing 44-foot by 60-foot (2,640 sq. ft.) accessory structure. In accordance with the residency standard for home-based businesses, the business owner, Dillon Derner, resides on the property.

2. The submitted operational plan (dated April 21, 2025) describes Mr. Derner's request for a Conditional Use Permit to operate a family-run contractor's yard for lawn sprinkler system installation and maintenance at his residence. The business, originally started by his parents, serves residential and light commercial clients throughout Carver County. It includes six field employees and two remote office staff, with eight work vehicles generating 6–12 daily trips during the busy season. Operations run Monday through Friday, from 7:00 AM to 6:00 PM during the warmer months, with limited winter activity focused on snow plowing. Equipment and materials are stored in an existing 2,640 sq. ft. shed, and there are plans to construct an approximate 6,000 sq. ft. accessory structure west of the current structure, situated outside the 500-foot setback from nearby residences. Outdoor storage will include work-related materials such as pipe, fittings, sand, gravel, and irrigation parts, and will be screened in accordance with zoning requirements. The site benefits from existing natural screening and will be further buffered with two staggered rows of arborvitae trees to be planted in spring 2025. No public access or retail sales will occur on-site, and the only signage will be a 4-foot x 8-foot winter service sign located outside the road right-of-way.

3. The site plan (dated March 7, 2025) illustrates the current layout of the property and the proposed commercial development. It identifies the private residence, three personal storage buildings, and a designated area for commercial storage. The existing shed, currently used for personal storage, will be temporarily repurposed for commercial use following the recently approved variance, until the construction of the new commercial area is complete. The proposed 6,000-square-foot commercial building is planned west of the existing structures, with development anticipated in 2027 or later. The plan also designates areas for work vehicle parking, operational activities, and future screening installations, all designed to comply with Section 152.041 of the County Zoning Code. Two 500.2-foot radius setback lines—one to the south and one to the northeast—are shown to illustrate compliance with required separation distances from neighboring residences. Site access will continue to utilize the existing driveway from County Road 10.

4. Jacob McLain, Senior Environmentalist with Carver County Environmental Services, reviewed the application materials and, in an email dated April 29, 2025, indicated that he had no comments. This was based on the applicant's clarification that employees are not stationed on-site and that the existing septic system is for personal use only. Mr. McLain also noted that the septic system passed a compliance inspection in 2024.

5. The subject property falls under the jurisdiction of the Carver County Water Management Organization (CCWMO). The application was forwarded to the CCWMO for review and comment on April 29, 2025. As of the preparation of this staff report, no comments have been received. Any additional information from the CCWMO will be provided prior to or during the meeting, if available.

6. The contractor's yard is accessed via a single driveway on County Road 10. In an email dated May 7, 2025, Drew Pflaumer, Transportation Planning Manager with Carver County Public Works, indicated there are no concerns regarding the use of the existing structure for equipment and material storage, nor with the construction of a future structure for the same purpose.

7. The Watertown Town Board reviewed the request at its March 3, 2025, meeting and expressed support, stating, "Per the description of the request above, all good."

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Conditional Use Permit application for a Contractor's Yard on the parcel legally described in Exhibit A, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The Permittee shall homestead and occupy the property. Any change in ownership, operations, or operator shall prompt a review by the Land Management Department to determine if an amendment or similar application is necessary. Proposed owners and/or operators are encouraged to contact the Land Management Department as early as possible in the process of the proposed change.

2. The operation shall be substantially in accordance with the submitted operational plan (dated April 21, 2025) and site plan (submitted March 7, 2025). These plans shall be attached to and become part of this permit. The operation hours shall generally follow 7:00 AM to 6:00 PM on weekdays, during spring, summer, and fall. Winter hours will be minimal, mostly limited to snow plowing. Outdoor storage shall be screened and contained within the approved operational area.

3. All structures used in conjunction with the contractor's yard operation shall comply with the Minnesota State Building Code. The proposed shop building shall require review and approval from the Carver County Building Official, along with the necessary permits. Any future construction of new structures for the business shall also undergo review and receive the appropriate building permit(s) prior to commencing construction.

4. All business-related trucks, equipment, and supplies shall be stored within approved structures or the approved operational area. Any expansion of this area will be considered an expansion of the use and may require a review by the Land Management Department to determine if an amended Conditional Use Permit is necessary. All outside storage shall be screened from neighboring properties and the public road.

5. The Permittee shall comply with all Carver County Public Works access requirements. There shall be no parking within the public right-of-way.

6. Any grading and/or filling activity on the property shall comply with the Carver County Water Management Organization (CCWMO) and, if applicable, the Wetland Conservation Act (WCA). Any site improvements shall adhere to Chapter 153 – Water Resource Management. Stormwater management review and approval are required before construction or building permits can be issued.

7. The Permittee shall comply with all applicable County regulations, including Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Minnesota State Building Code requirements, and all other applicable local, state, and federal regulations. No signage shall be allowed within the public road right-of-way.

8. The Permittee shall submit a Certificate of Workers' Compensation Insurance and/or an appropriate affidavit (if no employees are involved) to the Land Management Department. The insurance or affidavit shall be maintained for the duration of the Conditional Use Permit.

OR

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.

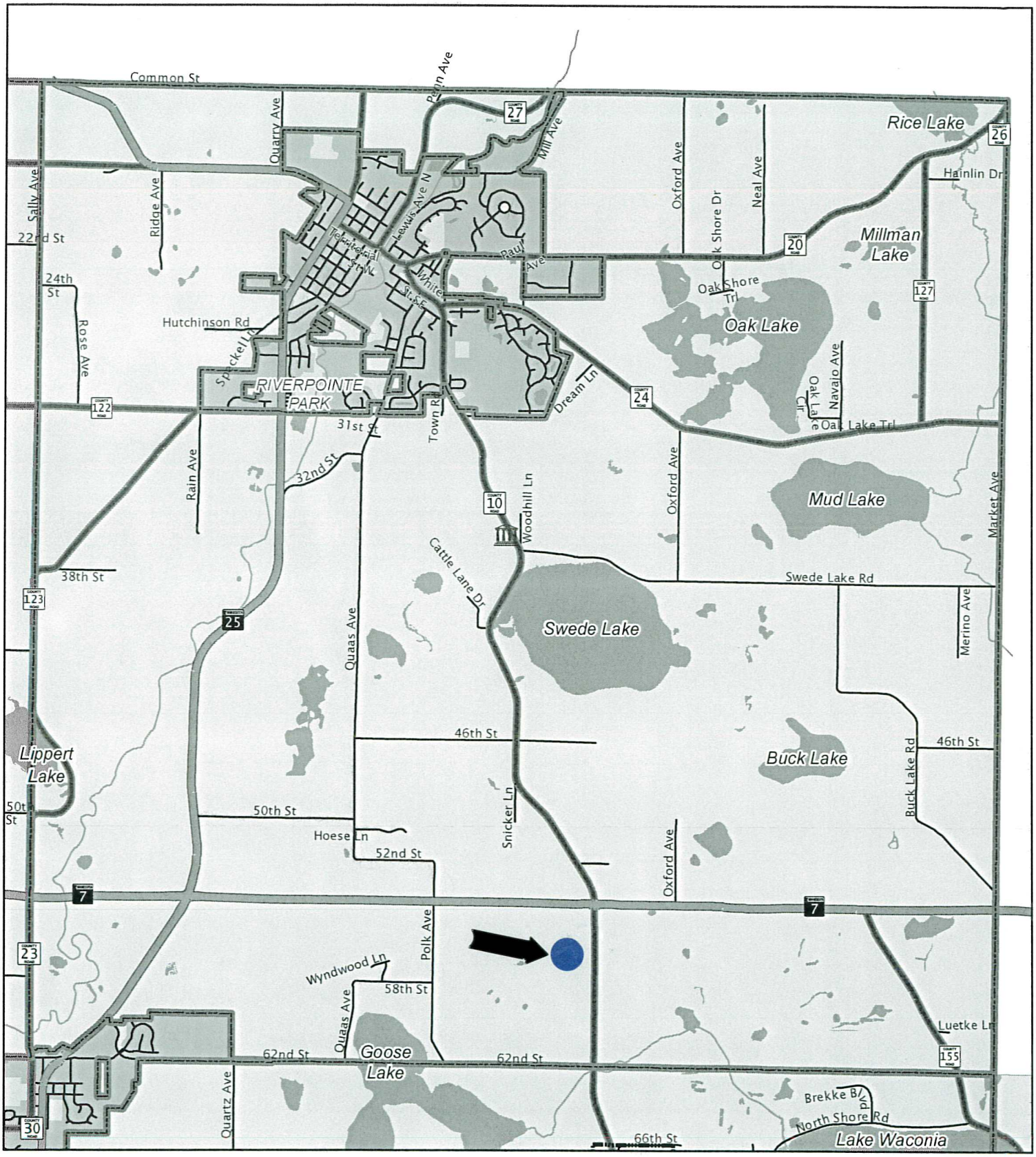
(G) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance if these measures are applicable.

(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.

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.

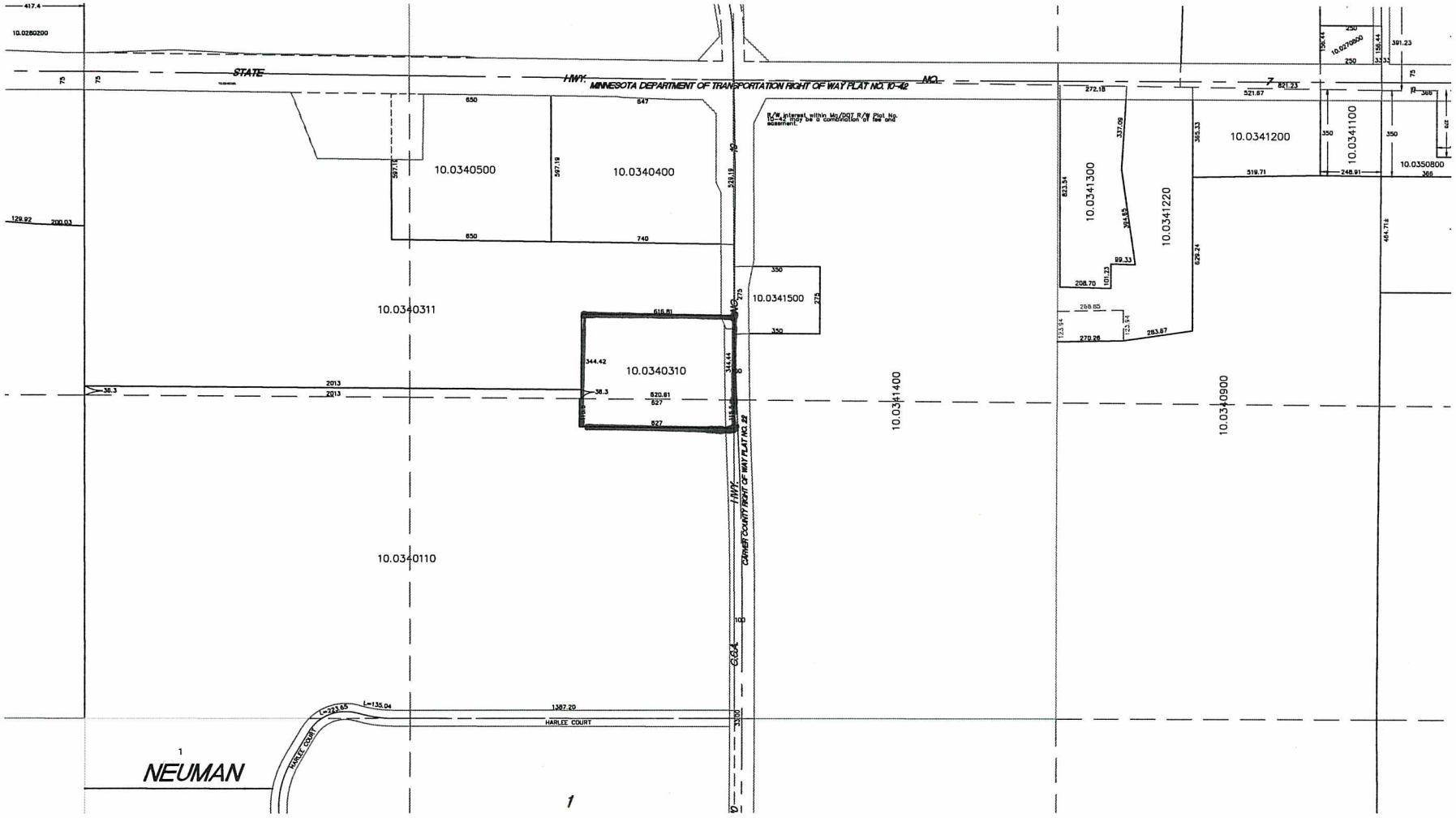
0 1 2 Miles

N W E S

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. 34, T.117, R.25



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

Mar 04, 2025

Applicant: Dillon Derner
Property Address: 5580 County Road 10 N, Mayer, MN
Application Type: Conditional Use Permit – Contractor's Yard
Application Date: 4/21/2025

Dear Planning Commission,

I am submitting this narrative in support of my application for a Conditional Use Permit to operate a Contractor's Yard at my home located at 5580 County Road 10 N, Mayer, MN. I recently received a variance (V-PZ20250008) allowing the operation of a contractor's yard within 500 feet of a neighboring residence, and now I am seeking CUP approval to formalize the use of my property for this purpose.

Description of Operation:

This is my family-run business (started by my parents) focused on the installation, maintenance, and seasonal servicing of lawn sprinkler systems. The business operates primarily in residential and light commercial settings throughout Carver County and surrounding areas. The property will be used to store equipment and materials. Some staff arrive at the property in the morning to load up for job sites. Most staff take their work vehicles home with them and will only come to the shop to stock roughly once per week.

Hours of Operation:

Operations will typically occur Monday through Friday from 7:00 AM to 6:00 PM during the spring, summer, and fall months. Hours during the winter will be minimal and mostly limited to snow plowing.

Employees:

The business owned and operated by me, in addition to myself I have six field employees and two remote office staff members that work from home.

Vehicles and Traffic:

- **Work Vehicles:** 8
- **Daily Vehicle Trips:** 6–12 trips in and out per day
- **Parking Spaces:** 8 designated spaces for work vehicles; no customer parking required

Use of Structures:

We are currently using the existing 40’ x 60’ pole building for equipment and material storage. And in the future, we plant to build the proposed 60' x 100' pole building further to the west of side of the property to get our work area outside of the 500’ set back.

Material Storage:

Outdoor and indoor storage will include work-related materials such as pipe, fittings, sand, gravel, and irrigation parts. All outdoor storage will be screened in accordance with zoning requirements.

Water and Sewage Services:

The existing septic mound system will remain in place and continue to serve the property. Bathroom facilities are for my personal use only, as employees are not stationed on-site and only stop briefly to load and unload equipment.

Access and Parking:

All access will utilize the existing driveway from County Road 10 N. No additional driveways or customer parking areas are proposed. In the future design proposal there is an additional roadway and parking area to get to the new operation area.

Screening:

The site benefits from natural screening, including existing tree cover and buildings. Additional screening (as shown on the site plan) will be installed where necessary to meet code requirements and minimize visibility from adjacent properties. Additional screening will consist of 2 staggard rows of arborvitae trees (2-3ft in height) planting will begin this spring, maybe even this week.

Signage:

We do currently have one sign. It is outside of the road right-of-way, is 4’x8’ and advertises our winter time snow blowing services.

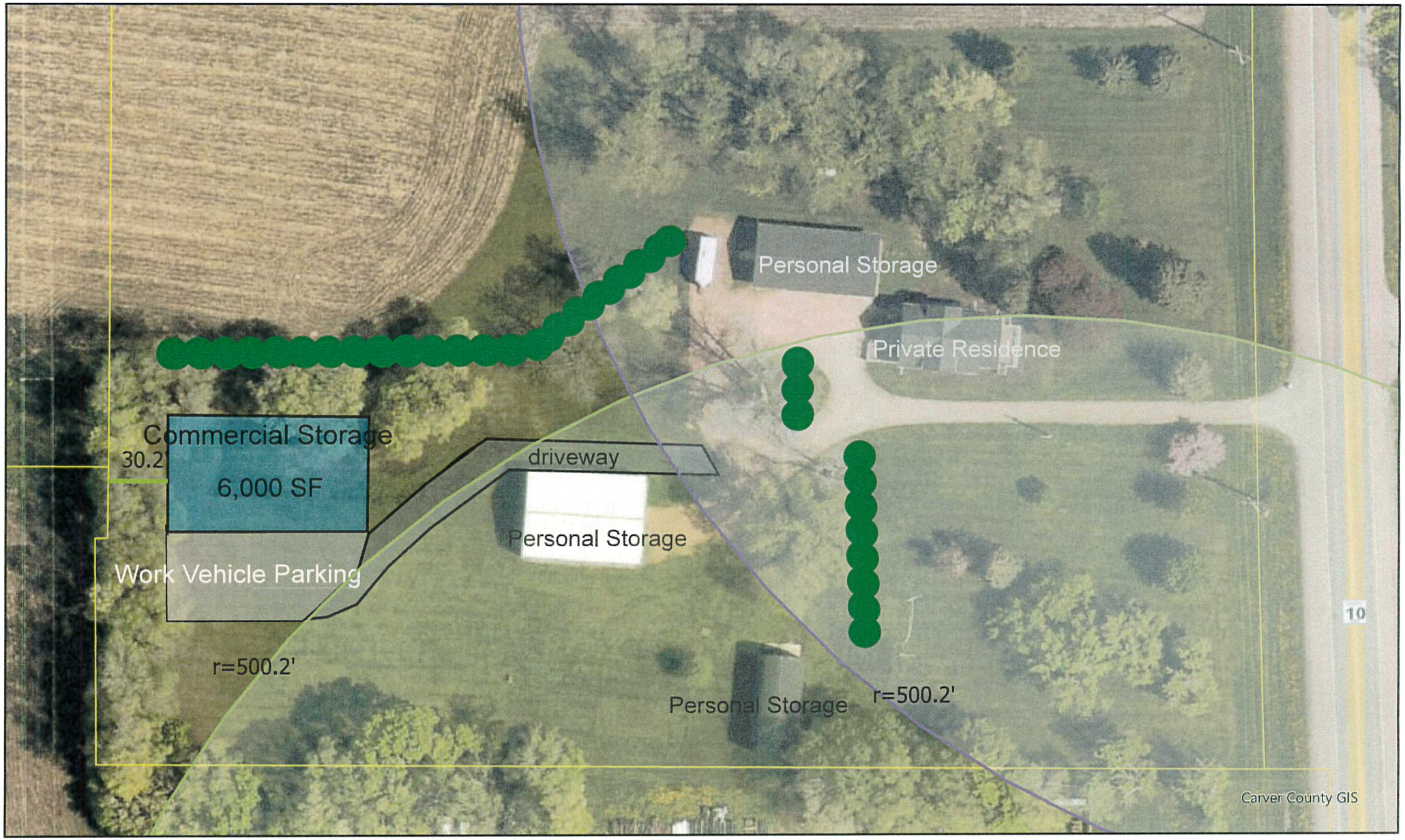
Site Access:

Other than myself, and my employees, no customers or public would be accessing the site.

I am committed to complying with all requirements outlined in the Land Use Ordinance and to maintaining a well-screened, low-impact contractor’s yard that is compatible with the surrounding rural residential and agricultural character. Thank you for your time and consideration.

Sincerely,
Dillon Derner

DERNER CUP SITE PLAN

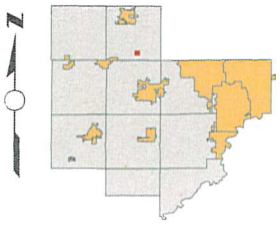


Date: 3/7/2025

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- Operational area screening (to be installed)

0 25 50 100 150 200 ft



CARVER COUNTY

CUP

Township Presentation & Recommendation Form

PARCEL # 10.0340310 **Permit #** PZ20250017

Owner's Name: Dillon Derner

Owner's Mailing Address: 5580 County Rd. 10N Waconia

City: Waconia (Watertown Township)

Owner State: Minnesota

Owner Zip: 55387

Applicant (if other than owner):

Site Address: 5580 County Rd. 10N Waconia 55387

Type of Request: [X] CUP [ ] IUP [ ] Preliminary Plat [ ] Final Plat [ ] Variance [ ] Appeal

Description of Request:

CUP to operate small home service business At 420 ft. from neighboring residence. (typically 500 ft)

Date of County Public Hearing: 5/20/2025 **Date of Township Meeting:** 3/3/2025

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:

Per the desc of request above.

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.

Dillon Derner Date 3.3.25

Signature of Applicant

Scott Hoese Date 3-3-25

Signature of Township Official

CARVER COUNTY

COUNTY OF CARVER
State of Minnesota

COPY

FILE #: PZ20250008
OWNER: Dillon Derner
APPLICANT: Dillion Derner
SITE ADDRESS: 5580 County Rd 10, 55387
VARIANCE TYPE: Reduced setback for a Contractor's Yard to a neighboring residence
PURSUANT TO: Carver County Code: Section 152.079 (C)(10)(b)
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 10-034-0310

Drafted by: Land Management
Return to: Land Management

BOARD OF ADJUSTMENT
FINDINGS OF FACT AND ORDER

A public hearing was held on this matter on April 2, 2025, by the Carver County Board of Adjustment. Upon the evidence presented at said hearing by the applicant and other persons named and all the files, records, and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. Dillon Derner owns and resides on an approximate 6.5-acre parcel in the East Half (E½) of the Northwest Quarter (NW¼) of Section 34, Watertown Township. The property is homesteaded and includes a residence and several accessory buildings. The site is located in the Agriculture Zoning District and within the Carver County Water Management Organization (CCWMO) - Crow River watershed.

2. The applicant is requesting a variance to reduce the required setback for a Contractor's Yard from 500 feet to approximately 421 feet from the nearest neighboring residence to the south. If approved, this variance would allow the applicant to apply for a Conditional Use Permit (CUP) to operate a Contractor's Yard for a residential irrigation and snow removal business. According to Section 152.079 (C)(10)(b) of the County Zoning Code, a Contractor's Yard must be at least 500 feet any neighboring residence not located on the same parcel. Therefore, a variance to reduce the required setback has been requested.

3. The County Code requires that the operational area of a Contractor's Yard maintain a 500-foot setback from the nearest neighboring residence on an adjacent parcel. The applicant is requesting a variance to operate a Contractor's Yard within an existing 44-foot x 60-foot (2,640 sq. ft.) accessory building, which is approximately 421 feet from the neighboring residence located to the south. If approved, this variance would reduce the required setback.

4. The applicant has submitted a letter (dated March 2, 2025) providing detailed information about the variance request and the scale and operation of the business. In the letter, Mr. Derner states: "The existing shed's location predates my ownership and sits about 421 feet from the southern neighbor. Rebuilding or relocating the shed immediately to meet the full 500-foot setback would create an undue hardship given existing site constraints." The accessory building used for the business must comply with all applicable Minnesota State Building Code standards. Mr. Derner also reports that his business currently operates with eight work vehicles, some of which are already stored on the property.

5. The applicant has submitted a variance site plan (dated March 7, 2025) outlining the existing property layout. The plan includes the existing shed, which is proposed for commercial storage, and a work vehicle storage area, most of which is within the 500-foot required setback from the neighboring residence to the south. The site plan also identifies the applicant's residence and two accessory structures, which are not part of the variance request. Additionally, it acknowledges the 500-foot required setback from a residence to the northeast of the proposed operational area. The work vehicle parking area was positioned to comply with this setback, helping to limit the scope of the variance request.

6. If the variance is approved, the applicant plans to apply to the Planning Commission for a CUP to establish a Contractor's Yard in accordance with the Zoning Code. The CUP site plan (dated March 7, 2025) would be reviewed by the Planning Commission as part of a CUP request. The applicant intends to relocate the business – if the variance and subsequent CUP are approved - to a new 6,000 square-foot shed in the future (year 2027+) that would be situated outside the 500-foot setback from nearby residences. The proposed operational area, including the vehicle parking area, would also comply with the setback requirements. A driveway leading to the operational area is located within the 500-foot setback, but it would not be included in the CUP operational area. The operational area would be screened by existing trees, proposed vegetation, structures and distance from neighbors and public view. Once the new commercial structure is completed, the existing shed would revert to personal storage use for the property owner.

7. The accessory building and proposed operational area are screened from the nearest neighbor by a row of trees along the common property boundary. Additionally, there is an existing Contractor's Yard on the neighboring property, and the residence on this property is the subject of this variance request.

8. Mr. Derner believes that his practical difficulty is the location of the existing accessory structure, which was built by a previous owner. He states: "Rebuilding or relocating the shed to fully meet the 500-foot setback would create an undue hardship due to the existing site constraints." He also adds, "This variance request will allow me to gradually move all contractor-related activities to a more suitable location on the property..." Aside from the distance to the neighboring home, the property appears to meet all other permit conditions for a Contractor's Yard.

9. Jacob McLain, Senior Environmentalist with Carver County Environmental Services, reviewed the application materials and, in an email dated March 11, 2025, stated: "I see no issues. The system was inspected on April 4, 2024, and is compliant until April 4, 2027." Mr. McLain also noted that if the proposed structure includes a bathroom, sink, or floor drain, septic compliance will be required as part of the construction.

10. Drew Pflaumer, Transportation Planning Manager with Carver County Public Works, reviewed the application materials and in an email dated March 12, 2025, stated that Public Works has no comments on the variance request. He wrote, "We're all 100% good with it."

11. Tim Sundby, Water Resources Supervisor with Carver County Planning & Water, reviewed the application materials and in an email dated March 11, 2025, stated that the area of disturbance appears to be under an acre, so no Erosion & Sediment Control permit is required. He recommended perimeter control around any grading activity.

12. The granting of the variance does not appear to conflict with the intent of the Comprehensive Plan or County Ordinances and should not alter the character of the neighborhood.

13. The neighborhood is comprised of agriculture uses, residences, and a utility facility (a Great River Energy electrical substation). There are also two conditional use home-based businesses in the immediate vicinity: a contractor's yard and farmstand. Granting the variance should not materially or adversely affect the health or safety of persons residing or working in the area adjacent to the property, nor should it be detrimental to the public welfare or injurious to property or improvements in the surrounding area.

14. The Watertown Town Board reviewed the application request during their March 3, 2025, meeting and recommended approval with the following comment: "Per the desc. of request. All good!"

15. The Board of Adjustment has considered all the factors required by Section 152.215 of the Carver County Code and finds that the grounds for a variance are hereby satisfied.

ORDER #PZ20250008

IT IS HEREBY ORDERED: That the application of Dillon Derner for a reduced setback from the required 500 feet for a contractor's yard from the nearest residence on an adjacent parcel, pursuant to Section 152.079 (C)(10)(b) of the Carver County Code, for property legally described on the attached Exhibit "A", is hereby **approved**. The Board of Adjustment further orders approval subject to the following condition:

1. A Conditional Use Permit (CUP) application for a Contractor's Yard shall be submitted, reviewed, and approved. If the County Board denies the CUP application, the variance shall be deemed null and void. The Contractor's Yard and property must comply with all other requirements of the Carver County Zoning Code and the Minnesota State Building Code.

2. If the future CUP application is approved, the operational area shall not extend closer than approximately 421 feet to the neighboring residence located to the south.

Gerald Bruner
Gerald Bruner (Apr 3, 2025 15:56 CDT)

Gerald Bruner, Chairman
Carver County Board of Adjustment

State of Minnesota
County of Carver
I certify that the foregoing document, BOARD OF ADJUSTMENT FINDINGS OF FACT AND ORDER, dated April 2, 2025, and containing four (4) pages is a true and correct copy of an electronic document bearing one or more electronic signatures this 3rd day of April, 2025.

Nancy K Buckentine
Signature of Notary Public

(Seal)

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-034-0310 File# PZ20250017

APPLICANT/OWNER: Dillon Derner

* *

All that part of Section 34, Township 117, Range 25, described as follows: Commencing at the Northeast Corner of the South Half of the northwest Quarter of Section 4, running thence south 7 Rods; thence West 38 Rods; thence north 7 rods; thence east 38 rods to the point of beginning.

AND

Beginning at the southeast corner of the North Half of the Northwest Quarter of Section 34, Township 117, Range 25; thence north 89 degrees 35 minutes 26 seconds west, assumed bearing along the south line of the said North Half a distance of 620.61 feet to a point 122 rods east of the southwest corner of said North Half; thence north 0 degrees 24 minutes 34 seconds east a distance of 344.42 feet; thence south 89 degrees 35 minutes 26 seconds east a distance of 616.81 feet to the east line of the North Half of the Northwest Quarter; thence south 0 degrees 13 minutes 21 seconds east a distance of 344.44 feet to the point of beginning and there terminating. EXCEPT all that part of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 10-42, Carver County, Minnesota.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 12, 2025

TO: Carver County Planning Commission & Benton Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Public/Quasi Public Facility)

FILE #: PZ20250018
APPLICANT: Nick Koktavy, representing Carver County
OWNER: Carver County
SITE ADDRESS: 11360 Hwy 212 Cologne, MN 55322
(Carver County Public Works Facility)
PERMIT TYPE: Public/Quasi Public Facility
PURSUANT TO: County Code, Chapter 152, Section 152.054
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCELS #: 01-015-0200

STAFF ANALYSIS:

1. Carver County's Public Works Headquarters is located on a 45-acre property in the Northeast Quarter (NE¼) of Section 15, Benton Township. The facility includes multiple buildings used for offices, vehicle maintenance, and the storage of vehicles, supplies, and equipment. These buildings also house office space for the County Public Works Division, the Carver Soil & Water Conservation District (SWCD), the University of Minnesota Extension, Benton Township, among other County and community partners, and provide storage space for those entities as well as the County Parks Department and the County Sheriff's Department. The property was previously issued a Master Plan Conditional Use Permit (CUP #12405) in 2001 for development, as well as a Variance (#11791) and Conditional Use Permit (CUP #11792) in 2000 for a wireless communications tower. The site is located within the Agricultural Zoning District and the Carver County Water Management Organization (CCWMO) – Carver Creek watershed.

2. Nick Koktavy, Assistant County Administrator, representing Carver County, is proposing a Long-Term Master Plan amendment to guide future development of the public facility and address anticipated space and facility needs for several County departments and agencies with jurisdiction in the County. As part of the current Highway 212 project, the facility's driveway is being relocated to the east, along with the installation of J-turns on the highway to facilitate safer vehicle access to the site. Additionally, the highway reconstruction project includes the construction of an "L-shaped" screening berm along the western and southern perimeters of the property.

3. The 2040 Comprehensive Plan accommodates "Essential Services, Public and Quasi-Public Services, and Limited Private Uses That Serve a Community Purpose" (LU-20) as allowable land uses. The Public Works Headquarters is recognized as an essential service land use, appropriately located in the agricultural area due to its need for a large site to store equipment and materials, and its desirability for separation from nearby residences that could be affected by noise, dust, and extended operating hours. Carver County's application for a Long-Range Master Plan Conditional Use Permit (CUP) is submitted pursuant to Sections 152.050, 152.052, and 152.054 of the Zoning Code, which read as follows:

§ 152.010 DEFINITIONS

ESSENTIAL SERVICE. Public, quasi-public, limited private uses, and uses that serve a community purpose such as utilities, transportation, government operations, communication, energy production, water management, waste treatment or disposal, public parks and similar uses that serve a public need, or are deemed beneficial or essential to the public health and safety, welfare, or serving a public good of the community as determined by the County Board.

ESSENTIAL SERVICES

§ 152.050 SCOPE.

(A) Land uses that serve a public need or are deemed beneficial or essential to the public health and safety, welfare, or serving a public good of the community as determined by the County Board. These land uses, being necessary for the public health, safety, and welfare, and serving a public good, may be located in any area where it is essential to perform their function, provided the applicant demonstrates that the location is essential to perform the function and an appropriate siting process is utilized. The factors to be considered in the siting process include those set forth in the comprehensive plan and other factors applicable to the nature of the activity being proposed. The provisions of the zoning and overlay districts may be given consideration when considering an application for a conditional use permit when one is required, but the provisions shall not prohibit the location of essential services in any district.

(B) An essential service would typically fall into one or more of the following categories of activities:

(1) *Governmental uses, buildings, and storage*. Governmental services such as office buildings, garages, temporary open space, open storage when not a principal use, fire and police stations, parks and recreational areas, training centers, correctional facilities, or other essential uses proposed by federal, state, county, local, special districts, and school districts.

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 97-2021, passed 7-20-21)

§ 152.052 CONDITIONAL USE PERMIT REQUIRED.

(A) Unless specifically exempted herein, all activities in this section shall be conducted only under a conditional use permit issued pursuant to this chapter. A conditional use permit is not needed under this section to maintain, reconstruct, or relocate existing lines or facilities where the general line and confirmation thereof remains essentially the same unless the construction is within the traveled roadway. When the proposed activity is within the traveled roadway, a permit or other authorization shall be obtained from the responsible road authority. Emergency work otherwise requiring a filing or application shall be accomplished provided filing or application is made as soon thereafter as possible.

(B) A pre-application meeting with county land management staff is required prior to submitting an application for all activities in this section that requires a public hearing.

(C) Any application for a conditional use permit shall outline the siting process that was utilized to select the site and shall address the relationship of the site to the following factors:

(1) Site requirements for the facility;
(2) Use of prime agricultural land and environmentally sensitive areas;
(3) Traffic generation, road access;
(4) Adverse effects on the environment, especially those that cannot be mitigated and/or reversed;
(5) Potential for the pollution of air, groundwater, surface water;
(6) Agricultural preserve status of the land. Agricultural preserve land may be used for essential services only if no other alternatives exist, and then only after an eminent domain proceeding ordering the land removed from agricultural preserve. When ten or more acres of agricultural preserve land will be used, the procedure in the statute will be followed in making the determination. In cases where the Environmental Quality Board review provisions of the statute do not apply (the land is less than ten acres), the need shall be considered as part of the consideration of the conditional use permit or other approval process. Release from agricultural preserve will be accomplished by the filing of the appropriate court documents indicating that the use is in fact a public purpose and ordering termination of the preserve;
(7) Effects on existing and planned land uses in the area;
(8) Need for services and infrastructure;
(9) Any additional information specified under a particular provision in this section.

(Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21)

§ 152.054 PUBLIC/QUASI-PUBLIC FACILITIES.

The following shall be considered public or quasi-public facilities requiring a conditional use permit:

(A) Municipal, township or county structures or uses of land except roads and their appurtenances and drainage systems established pursuant to M.S. Chapter 106, as it may be amended from time to time;

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

STAFF ANALYSIS:

1. Developed in 2001, this property has served as the principal facility for Carver County Public Works, housing administrative offices and large structures for equipment maintenance and the storage of materials, vehicles, and equipment. The Public Works Division oversees the maintenance and administration of public rights-of-way and parks, with operations including snowplowing, patching, sealcoating, signage, traffic signal operations, pavement markings, spraying, mowing, and culvert repair. The division maintains approximately 250 vehicles and equipment units and includes engineering staff, project and construction management, surveyors, GIS personnel, and other support staff. The original Conditional Use Permit (CUP) outlined the site's operations, including permitted uses, agency offices housed on-site, hours of operation, access points, security measures, traffic generation, signage, and screening/landscaping requirements. A private force main connects the facility to the City of Cologne's wastewater treatment plant to serve its sanitary sewer needs.

2. The submitted document titled *"Site Plan – Exist (With Proposed 212 Entry Re-Alignment)"*, dated January 6, 2025, illustrates ingress and egress via a newly proposed County Road 127, which is scheduled for construction by Fall 2025. The plan identifies various designated areas, including space for K-9 training, a vehicle impound lot, stormwater treatment areas, warm and cold storage buildings, the main headquarters building, the Sheriff's Office building, a brine/wash bay, a fuel island, a salt shed, a fiber optics shed, and a conservation easement surrounding a wetland located in the northwest portion of the property. A utility easement runs diagonally through the northern part of the site. The plan also depicts a wireless communication tower, previously approved by conditional use (#11791), allowing a height of 255 feet.

3. The facility's monument sign, which was the subject of a variance (PZ20120042), allows for a 208-square-foot sign. The Long-Range Master Plan proposes relocating the sign to a position near the access drive leading to the public and County employee parking areas. The original variance request for the larger sign was justified by the need to provide "better identification to a critical 24/7 facility that serves the public."

4. The applicant's narrative (dated April 24, 2025) describes current operations and outlines existing and planned site improvements. Currently, 72 employees report to the facility. The narrative lists the square footage of the existing buildings and areas as follows: Headquarters Building (approx. 56,000 sq. ft.), Cold Storage (approx. 14,300 sq. ft.), Warm Storage (approx. 11,500 sq. ft.), Sheriff's Office Building (approx. 15,000 sq. ft.), Fiber Optics Shed (approx. 225 sq. ft.), Salt Shed (approx. 5,100 sq. ft.), and the Impound Lot area (approx. 30,000 sq. ft.). The wireless communications tower is located within a fenced area of approximately 9,000 sq. ft.

   The facility is generally open to the public during regular County business hours, Monday through Friday from 7:30 AM to 4:00 PM, excluding holidays. Public Works operations staff typically work from 6:00 AM to 4:30 PM during the non-snow season and from 7:00 AM to 3:30 PM during the winter months. The facility is also used for evening and weekend meetings as needed. Due to the nature of certain essential functions—such as snow plowing, emergency road maintenance, and Sheriff's Department duties—the site operates on an as-needed basis, 24 hours a day, 365 days a year. As stated in the 2001 Master Plan, the projected 10-year estimate for traffic generation related to the facility was approximately 500–700 vehicle trips per day, a figure that continues to remain accurate.

The plan includes a proposed Special Events Area to host collection events where residents can dispose of materials such as oil, batteries, electronics, paint, appliances, and tires. While there are storage buildings for vehicles, approximately 10–20 vehicles are stored outside. The County also regularly stockpiles materials—such as gravel, seal coat chips, wood chips, and dirt—amounting to roughly 1,000 cubic yards, in the gravel area between the Cold Storage building and the Salt Shed. A total of 134 parking spaces are available for employees and the public.

The narrative further describes proposed changes outlined in the submitted Long Range Master Plan and the Potential Expansion Areas site plan. These include modifications to site ingress/egress, relocation of the monument sign, construction of screening berms, relocation of the fuel island, pavement replacement, expanded parking areas, installation of perimeter fencing and gates, a three-bay brine salt and material bunker, future public service areas, three storage expansion zones, a Sheriff's Office expansion area, and potential updates to stormwater treatment facilities.

5. The submitted document titled *"Site Plan – Long Range Master Plan"* (dated January 6, 2025) outlines the long-term vision for the Carver County Public Works site. The existing buildings will remain in place. The plan proposes re-striping of the employee parking lot to provide 138 parking spaces southwest of the Headquarters Building, as well as pavement replacement and relocation of the covered fuel island. A future three-bay brine salt/material bunker is also included.

   With the exception of the parking areas located south of the Headquarters Building, the plan proposes the installation of security gates and perimeter fencing to enclose non-public portions of the facility.
   The most prominent feature of the plan, in terms of area, is the *"Special Collection Area (Events)"* located in the northeast portion of the site. This area, within the fenced boundary, is designated for public collection events and includes a *"Future Paved Sign/Signal Shop, Storage, and Racking"* area. A berm is planned around the northeast corner to screen this expanded use. Additionally, the plan includes the construction of a 10- to 25-foot-tall berm along the western and southern edges of the property, which will be built as part of the Highway 212 project.

   Finally, the plan identifies an expanded visitor parking area and an alternate route to the relocated fuel island, both situated to the east and southeast of the Headquarters Building.

6. The submitted document titled *"Site Plan – Long Range Planning – Potential Expansion Areas"* (dated January 6, 2025) outlines possible future expansion areas to accommodate Public Service and Sheriff's Department operations. Building upon the previously submitted **Long Range Master Plan,** this planning document highlights additional development areas using orange boxes. Identified areas include a designated Sheriff's Expansion Area in the northeast portion of the site, three potential **Warm Storage Building** locations (Options 1, 2, and 3) clustered near the Headquarters Building, a potential expansion of the Headquarters Building itself, and two Public Service Expansion Areas located south of the current facility. The plan also shows a proposed expansion of the employee parking lot, situated west of the existing parking area in front of the buildings.

7. The subject property is located within the jurisdiction of the Carver County Water Management Organization (CCWMO). In an email dated May 6, 2025, Abigail Ernst, Water Resources Program Analyst, confirmed approval of the new driveway and the screening berm along the western and southern boundaries. She stated, *"The CCWMO has already approved the Highway 212 realignment and the entrance to the public works building."* Additionally, Ms. Ernst noted, *"The Long Range Master Plan will need to return for permitting by the CCWMO as the plans are developed."*

8. This request was forwarded to the Carver SWCD for review and comment. As of the time of printing, no comments or concerns have been received. However, any comments that are submitted would be considered in alignment with the CCWMO review.

9. In an email dated May 7, 2025, Drew Pflaumer, Transportation Planning Manager with Carver County Public Works, indicated the County Public Works Division has no concerns and would like to voice support for the project.

10. At their meeting on May 8, 2025, the Benton Township Board reviewed the request and recommended approval, with the following comment: *"Unanimously approved with County staff recommendations."*

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the amendment to the Carver County Public Works Facility Long Range Master Plan Conditional Use Permit application as a Public/Quasi Public Facility on the property legally described in the attached Exhibit "A," the previous CUP (#12405) would be terminated upon final approval (and recording) of the new CUP (#PZ20250018). Therefore, CUP #PZ20250018 would supersede any prior approvals. The following conditions should be attached to the permit:

1. The permit is subject to administrative review. Facility development shall be considered approved from a land use perspective if it substantially conforms to the Long-Range Master Plan. A change in the use of the property or scale of site improvements shall trigger a review by the Land Management Department to determine whether an amendment or similar application is necessary.

2. Operations shall be conducted substantially in accordance with the submitted narrative (dated April 24, 205) and Site Plans (dated January 6, 2025).

3. The permittee shall comply with the conditions of the signage variance (PZ20120042).

4. A Landscaping Plan shall be prepared and implemented to reduce the visual impact of the facility as viewed from Highway 212, existing neighboring properties, and potential future development areas to the north and northeast. The plan should incorporate appropriate plantings, berms, or other visual screening elements to help break up the facility's visual profile and enhance site aesthetics.

5. Any grading and/or filling activity on the property shall comply with the regulations of Chapter 153 - Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. This includes obtaining an Erosion and Sediment Control Permit, Stormwater Permit, and Wetland Delineation. Reviews and approvals must be completed prior to the issuance of construction and/or building permits, if applicable.

6. Any structures constructed on the property shall meet the applicable requirements of the Carver County Zoning Code, State Building Code, and Fire Code. Required building permits must be applied for and issued before construction begins.

7. The permittee shall comply with all applicable regulations, including those outlined in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, the Minnesota State Building Code, and all other relevant local, state, and federal regulations.

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

OR

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.

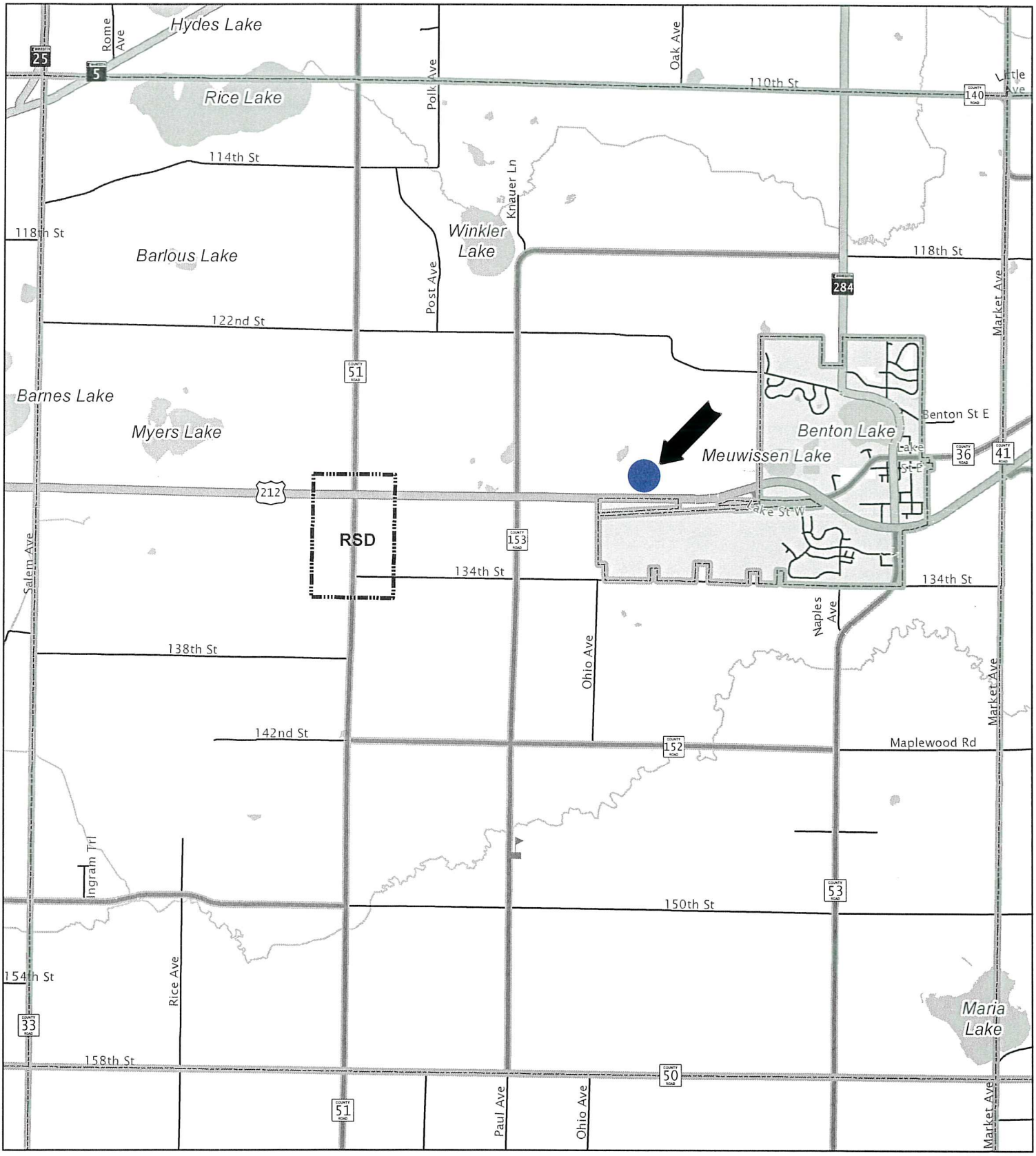
§ 152.251 REQUIRED FINDINGS.

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.

BENTON 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.

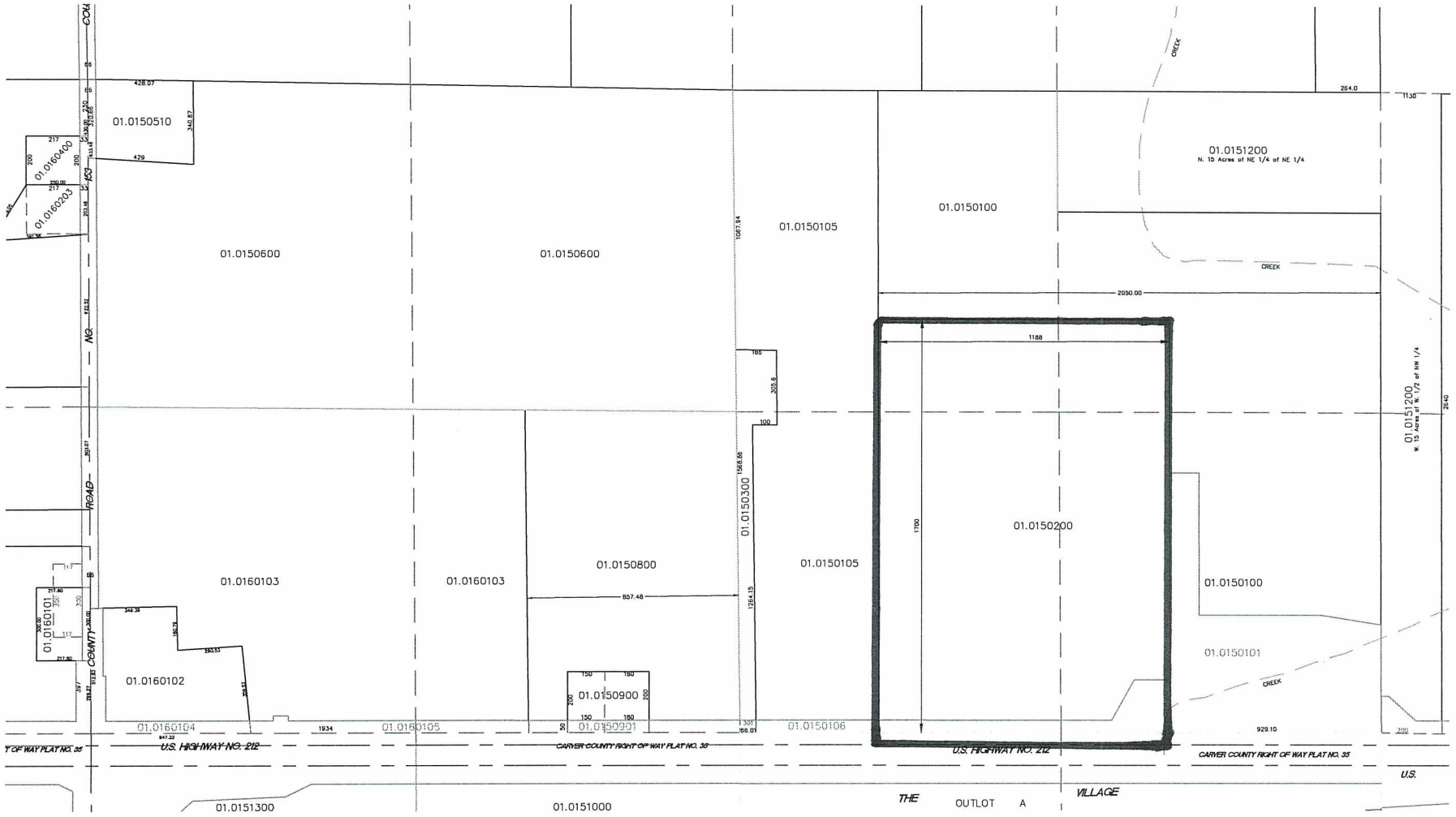
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N W E S

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. 15, T.115, R.25



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

Mar 04, 2025

Carver County Public Works Headquarters
Information for CUP Application
April 24, 2025

Executive Summary

On July 10, 2001, Carver County was issued a Conditional Use Permit (CUP) for the Public Works Headquarters located at 11360 Highway 212 in Cologne, Minnesota (see attached). The permit was issued pursuant to Carver County Ordinance #32, Section 3.0306. As part of CUP, the County submitted a Master Plan dated June 11, 2001. The County has a desire to update and amend the Master Plan and its CUP to meet future needs of the site.

About Carver County

The Minnesota Territorial Legislature established Carver County in March of 1855. The County encompasses an area of about 376 square miles and contains 11 cities and 10 townships. Part of the seven-county Twin Cities Metropolitan area, Carver County is a blend of suburban and rural populations. The 2023 population estimate for Carver County is 111,057, according to U.S. Census estimates. The County is experiencing rapid growth and is typically listed as one of the fastest growing Counties in Minnesota.

About the Site

The primary focus of the site is to serve as the headquarters for Carver County Public Works. The Public Works Division administers all functions associated with the County Highway and County Parks systems. This includes snowplowing, patching, sealcoating, signing, traffic signal operations, pavement markings, spraying, mowing, crack-filling, culvert repair, etc. The division is responsible for the service and repair on about 250 vehicle/equipment units. The division includes engineering staff, project and construction management, survey staff, GIS, right-of-way, etc.

Other services or departments that operate on the site include the Carver County Soil and Water Conservation District, University of Minnesota Extension, Sheriff's Office, Benton Township, and other County and community partners.

Hours of Operation

The facility is generally open to the public during regular Carver County business hours from 7:30am to 4:00pm., Monday through Friday excluding holidays. Public works operations staff typically work 6:00am to 4:30pm during the non-snow season and 7:00-3:30 during winter. The facility is also used for evening and weekend meetings and events. In addition, functions such as snow plowing, emergency road maintenance, sheriff's office, etc. require the site to be operational on an as needed basis 24 hours a day, 365 days per year. The 2001 master plan noted the 10-year estimate for increased vehicle traffic related to this facility at about 500-700 vehicle trips per day. The County estimates that this count is still accurate.

Current Site

The current site includes the following improvements (also see attached site plan "Exist with Proposed 212 Entry Re-Alignment"):

1. Headquarters Building – the footprint of the main building is about 56,000 square feet and is a pre-cast concrete structure. Within the building, there is an office area, vehicle/equipment maintenance section, sign shop, warm storage for vehicles/equipment and brine/wash bay. The office space also includes conference rooms, restrooms and support spaces for Public Works, Engineering, Parks, Soil and Water Conservation District, Extension, and other county services and community partners. Currently, 72 employees report to the site (excluding seasonal staff). The number of employees is expected to expand as the County grows.
2. Cold Storage - the approximately 14,300 square foot metal building is used for vehicle and equipment storage.
3. Warm Storage – the approximately 11,500 square foot metal building is used for vehicle and equipment storage.
4. Sheriff's Office Building – the approximately 15,000 square foot metal building is used by the Sheriff's Office to store vehicles, equipment and inventory.
5. Fuel Island – the County has underground fuel tanks on the site and a fuel island with two pumps and a small structure. In the future, the County may relocate slightly and add a canopy.
6. Fiber Optics Shed – the approximately 225 square foot structure is used to house fiber optic technology and equipment for CarverLink.
7. Salt Shed – the approximately 5,100 square foot structure is used to store salt for de-icing roadways.
8. Impound Lot – the approximately 30,000 square foot fenced area is managed by the Sheriff's Office for impounded vehicles. The lot is strategically located at the back of the site to limit visibility.
9. K-9 training – the Sheriff's Office uses a portion of the site for K-9 training and there is a small shed to store equipment.
10. Tower – Carver County leases about 9,000 square feet of land to a private company that operates a communications facility including 255-foot tower structure, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, and related improvements and structures.
11. Monument Sign – the County currently has a monument sign at the entrance point of the facility near Highway 212 that identifies the facility. As noted below, with the re-alignment of the entrance, the location of the sign will be moving.
12. Special Collection Area (events) – Carver County Environmental Services holds special collection events where residents can property dispose of material such as oil, batteries, electronics, paint, appliances, tires, etc. In addition, they operate a program for agricultural, marine and greenhouse plastic recycling.
13. Outside Storage – the County keeps outside storage behind the front façade of the site. Storage includes:
    a. Public Works tries to keep most of the equipment in storage buildings. Some (about 10-20) vehicles, trailers, and equipment are stored outside.
    b. The County stockpiles material (gravel, seal coat chips, wood chips, dirt, etc.) on site. Typically, about 1,000 cubic yards is stored outside (note: this is in addition to

material in the salt shed) on the gravel area between cold storage and the salt shed (occasionally stockpiles are also placed on the paved area).

c. The County stores some parts, supplies, snowplow blades, signs, barricades, roll-offs, etc. outdoors. Views of these items are generally blocked by the buildings.

14. Parking – the main parking lot of the site contains 134 parking stalls for the public and employees. The parking lots and driving areas also include lighting. In addition, parking stalls near the Sheriff's Office building are available for staff. Also, parking stalls near the warm storage is available for cars/pickups and soil and water equipment.
15. Utilities
    a. Sanitary Sewer – the County has a private force main system that connects with the City of Cologne sewer system.
    b. Well – the County utilizes a private well for water on the site.
    c. Waste Management – waste is behind a screen and is hauled by a commercial vendor – currently Waste Management.
16. Landscaping – the front of the main building has mulch with plants. In addition, there are about a dozen established trees and a row of bushes.
17. Screening – The main facility, land topography, and landscaping screen the yard/outdoor storage and impound lot areas from Highway 212. Screening for the other sides of the site will be provided as deemed necessary.
18. Storm Water Management – the attached site plan identifies areas for stormwater management and treatment along with the conservation easement and wetland.

Proposed Changes to the Site

Due to the reconstruction of Highway 212, the site ingress and egress will shift from Highway 212 to a new County Road 137 in 2025. The site will have two access points from CR137 – one focused on public access and the other focused on operations. With that change, the existing monument sign will be removed, and a new sign (or reused) will be placed near the public entrance. Note that the County currently has a variance for signage and that will continue on the property.

Also, with the Highway 212 project, screening berms will be placed on the property per the attached site plan – long range master plan. Note, this is the maximum amount of screening berms that will be placed. Depending on the amount of excess soil from the road project and current and future needs, not all of the screening berms may be constructed now or in the future.

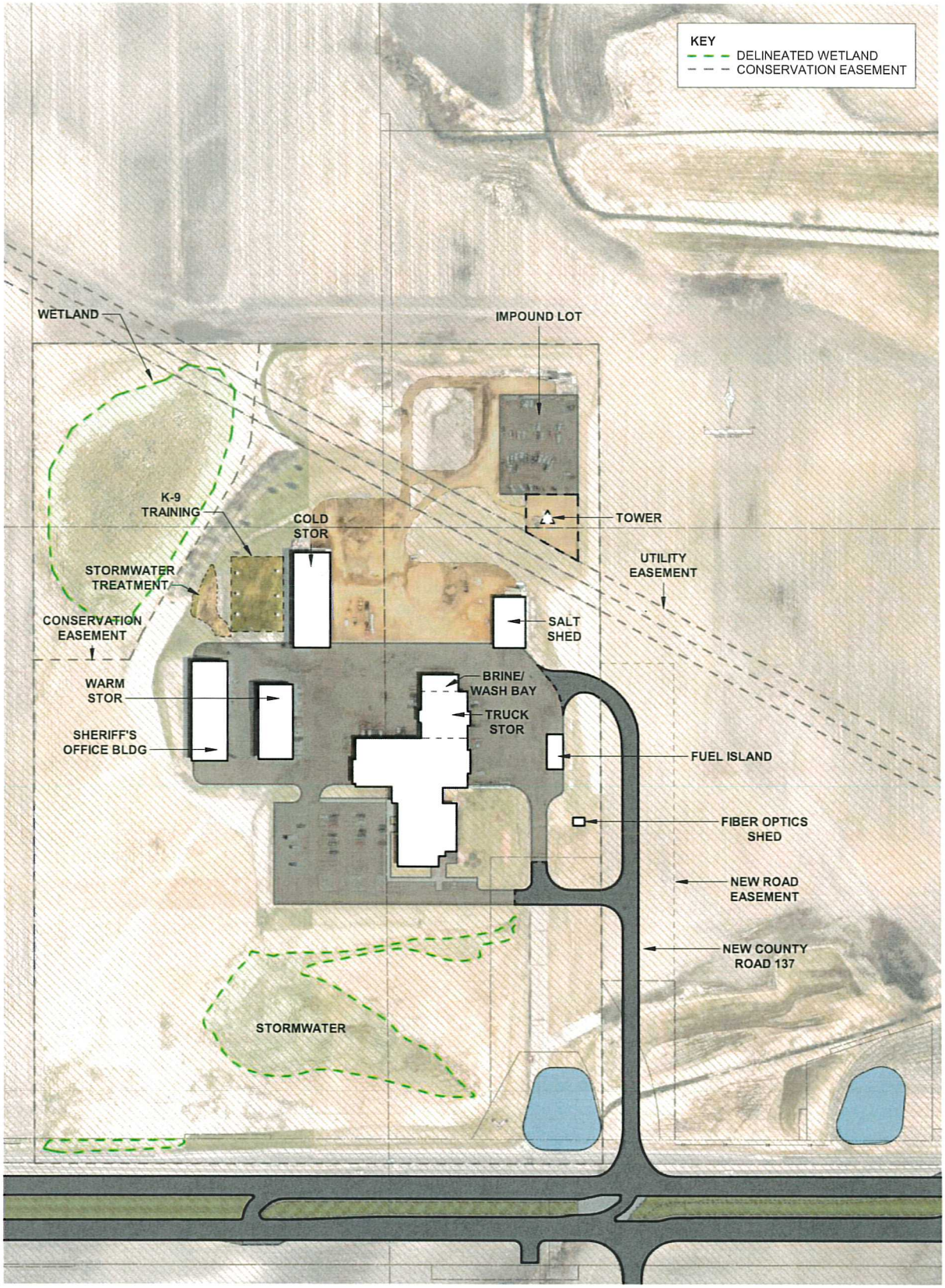
The asphalt on the site is currently at end of life. The County is looking to replace the pavement soon. With that project, we will make minor adjustments to the paved areas, review storm sewer needs and stormwater treatment, and relocate the fuel island and possibly add a canopy.

Future Master Plan

The attached site plans for the long-range master plan and potential expansion areas highlight the potential growth of the site. Highlights of the plans include:

1. Security fence and gates – the County may add security fencing and gates as show per the plan for additional security on the site.

2. Expanded pavement for visitor parking and parking expansion area – as the site and/or number of employees and/or public visiting the site expands, the County has identified expansion areas.
3. 3-Bay Brine Salt and Material Bunker – as the use of brine expands, the County has identified areas where the bring making and storage may occur. The brine making facility may be incorporated into one of the warm storage buildings or a separate structure.
4. Public Services Expansion Areas – as the County continues to grow, there may be a need to add additional Carver County services in this portion of the County and potentially on this site.
5. Sheriff's Expansion Area – as the County continues to grow, the Sheriff's Office needs on the site may expand. The site plan identifies the potential growth area for their future needs.
6. Expansion Areas for Storage (Options 1, 2 and 3) – as the County continues to grow and more equipment and vehicles are needed to support this growth, the County has identified three locations for expanding storage.
7. Public Works Office Area Expansion – as the County continues to grow, the need for engineers, project managers and other office staff may grow. The County has identified growth areas on the building to support this potential growth.

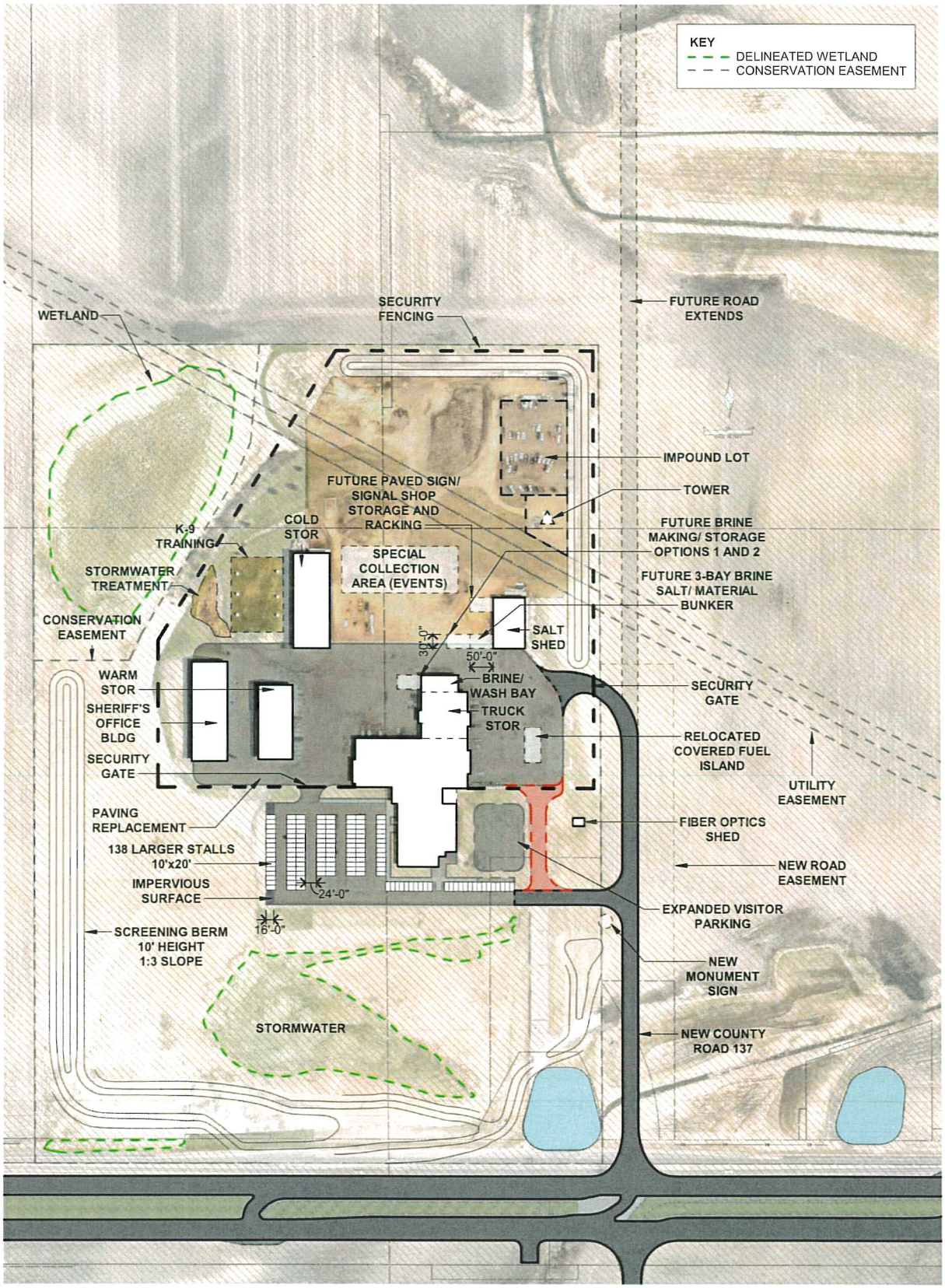


1 SITE PLAN - EXIST (WITH PROPOSED 212 ENTRY RE-ALIGNMENT)
1" = 200'-0"
0 150' 300'

3/20/2025 2:32:05 PM
Autodesk Docs://242179 - Public Works Site Master Planning/242179 - Public Works Site Master Planning R24.rvt

SITE PLAN
UG 1

Comm No: 242179



1 SITE PLAN - LONG RANGE MASTER PLAN

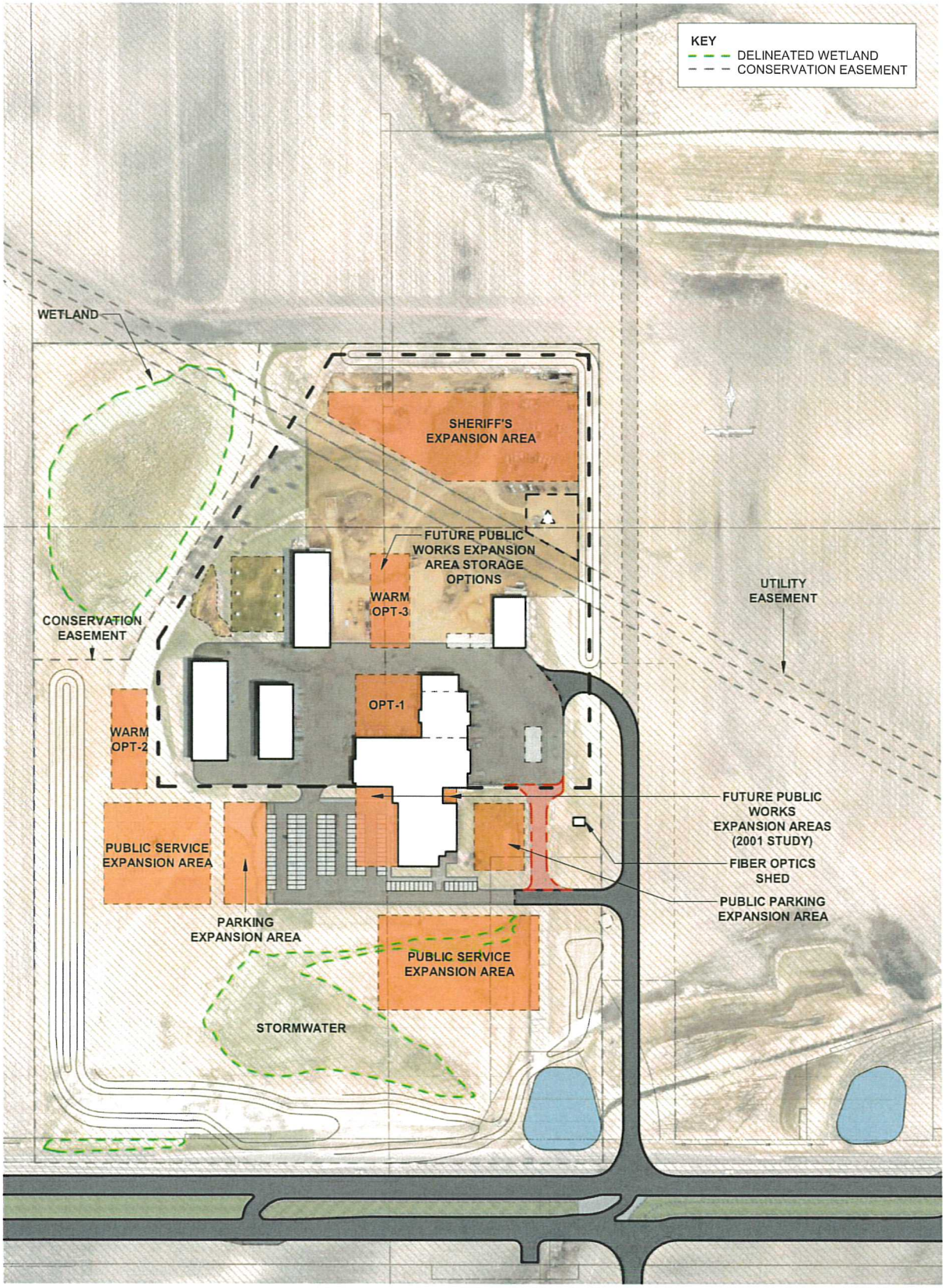
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SITE PLAN
UG 2

Comm No: 242179



1 SITE PLAN - LONG RANGE PLANNING - POTENTIAL EXPANSION AREAS

1" = 200'-0"

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SITE PLAN
UG 3

Comm No: 242179

CARVER COUNTY

Township Presentation & Recommendation Form

PARCEL # 010150200	**Permit #** PZ 20250018
Owner's Name: Carver County	Owner's Mailing Address: 600 E 4th st
City: Chaska	Owner State: MN / Owner Zip: 55318
Applicant (if other than owner):	Site Address: 11360 HWY 212

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

Description of Request: Updated CUP for Carver County Public Works Headquarters.

Date of County Public Hearing: May 20, 2025 **Date of Township Meeting:** May 8, 2025

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:

Unanimously approve with Co Staff recommendations

**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 5/9/25 Date 5-8-25

Signature of Township Official Date

CARVER COUNTY

COUNTY OF CARVER

State of Minnesota

Document No. A291916

OFFICE OF THE COUNTY RECORDER
CARVER COUNTY, MINNESO

Filing Fee: $ 00 Check#: 00

Certified filed and recorded on 07-18-2001 at 12:00 ☐ AM ☒ P

07-18-01

Carl W. Hanson, Jr.
County Recorder

FILE #: 12405
APPLICANT: Carver County (Dave Hemze, Assistant County Administrator)
SITE ADDRESS: 11360 Hwy 212
PERMIT TYPE: County Structures and Uses of Land
PURSUANT TO: Ordinance No. 32S, Section 3.0306
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 01-015-0110, 01-015-0120, 01-015-0200
Drafted by} Planning & Zoning
Return to } Planning & Zoning

CONDITIONAL USE PERMIT #12405

PLANNING COMMISSION RESOLUTION #: 01-21 **ORDER #: 12405**

DATE ISSUED: July 10, 2001

This permit is issued for property legally described on Exhibit "A", pursuant to Carver County Ordinance #32S.

THE CARVER COUNTY PUBLIC WORKS HEADQUARTERS IS AUTHORIZED BY COUNTY BOARD ORDER #12405, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #12405. THIS PERMIT IS ISSUED PURSUANT TO CARVER COUNTY ORDINANCE #32S, SECTION 3.0306 FOR A CARVER COUNTY FACILITY ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A. THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. Development of the site, with the exception of the wetland restoration, shall occur only on land that is not encumbered by the Metropolitan Agricultural Preserves Covenant. Land abutting the site may be held for planned expansion, however, it must be maintained as agricultural land until the Agricultural Preserves Covenant expires on February 28, 2002.

2. The Carver County Public Works Headquarters Master Plan, dated June 11, 2001, shall be attached to, and become part of, the conditional use permit. Facility development shall be considered approved from a land use standpoint if it essentially conforms to the Master Plan. Any substantial changes in the operation or design, as determined by the Zoning Administrator, would require submittal of an application for an amendment.

3. Any required building permits must be obtained prior to construction.

4. An Access Permit(s) must be obtained from the MN Department of Transportation.

5. The Storm Water Management Plan, Grading Plan and Erosion/Sediment Control Plan shall be prepared and implemented in accordance with the Carver County Water Management Plan.

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6. Wetland mitigation shall be provided in accordance with the MN Wetland Conservation Act.

7. A Landscaping Plan shall be prepared and implemented in an effort to break-up the visual profile of the facility from State Hwy 212 and neighboring properties in general.

8. The permit is subject to annual administrative review

Steve Just
Deputy Planning Director

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT

Applicant signature block

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT UNLESS SUBSTANTIAL ACTION IS TAKEN PURSUANT TO THIS PERMIT WITHIN SIX (6) MONTHS OF THE ISSUANCE OF THE BOARD ORDER THE PERMIT SHALL AUTOMATICALLY BE NULL AND VOID. THE TIME PERIOD CAN BE EXTENDED ONLY BY ACTION OF THE COUNTY BOARD OF COMMISSIONERS. A PETITION FOR EXTENSION MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE.

I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.

Signature of Applicant

Date 7/18/01

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-015-0200 File# PZ20250018

APPLICANT/OWNER: Carver County

* *

The South 1700.00 feet of the West 1188.00 feet of the East 2050.00 feet of the Northeast Quarter of Section 15, Township 115, Range 25, Carver County, Minnesota, subject to an easement over the South 50.00 feet thereof for Highway 212.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 12, 2025

TO: Carver County Planning Commission & Camden Town Board

FROM: The Land Management Department

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

FILE #: PZ20250012
APPLICANT: Timothy Mueller (W.M. Mueller & Sons, Inc.)
OWNER: Jon Dammann
SITE ADDRESS: 19090 84th Street, NYA, MN 55397
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 #: 02-018-0100

BACKGROUND:

1. Jon Dammann owns an approximately 101.21-acre parcel located in the Northwest Quarter (NW¼) of Section 18, Camden Township. The property is currently developed with a single-family dwelling, along with several accessory and agricultural structures. A mining Conditional Use Permit (CUP #5289) was previously issued for the property but was terminated in December 1994. The parcel is located within the Agricultural Zoning District, the Shoreland Overlay District and Floodplain Overlay District of the Crow River, and the Carver County Water Management Organization (CCWMO) – Crow River watershed.

2. Timothy Mueller of W.M. Mueller & Sons, Inc. ("WMS") is requesting an Interim Use Permit (IUP) for the operation of a new mining site in accordance with the County Zoning Code. The proposed project would involve the extraction of sand and gravel resources from an approximately 22-acre area. These materials would be processed on-site for use as base material in both private and public construction projects within the region. According to the project narrative, the anticipated annual production is between 15,000 and 25,000 cubic yards, with an estimated total resource volume of approximately 250,000 cubic yards—sufficient to support operations for roughly 10 to 17 years.

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.

STAFF ANALYSIS:

1. The applicant's engineer, Sunde Engineering, PLLC, has submitted the Interim Use Permit (IUP) application along with all supporting documentation and site plans. The project description, dated April 25, 2025, outlines the proposed mining operations and reclamation plan. Mining activities are planned to progress from north to south across the site.

   Proposed activities include topsoil stripping, sand and gravel excavation, material screening and crushing, stockpiling, and site dewatering. Stockpiled soil will be used to construct perimeter berms, which will be seeded and remain in place until reclamation. Material processing equipment will be located within recessed portions of the mine floor, to the extent practical, and at least 1,000 feet from the nearest residence.

   Typical site equipment will include excavators, front-end loaders, backhoes, haul trucks, skid loaders, and other standard machinery. Portable processing equipment may include crushing and screening plants, conveyors, stackers, and other ancillary equipment. Excavation will be performed using a backhoe to an approximate depth of 20 to 30 feet below the water table, reaching about 918 feet above mean sea level. A DNR water appropriations permit will be obtained for dewatering purposes.

   The project description also includes operational procedures addressing site safety, housekeeping, erosion control, noise mitigation, and dust control. Dust control measures include the application of calcium chloride as needed on interior haul roads and on 84th Street, which provides access to the site at the property's southwest corner.

Operating hours are proposed as Monday through Friday from 6:00 AM to 7:00 PM, and Saturday from 7:00 AM to 12:00 PM. During active mining periods, the site will be staffed by no more than five WMS employees.

No non-granular material will be removed from the site. Any non-granular material encountered during mining will be used in the reclamation process. If necessary, imported material may be brought to the site to meet final product specifications, though this will comprise less than 10 percent of the total aggregate volume.

2. The Mining Site Plan, dated April 25, 2025, identifies the proposed 22-acre excavation area, which includes approximately 3 acres within the Shoreland Overlay District and 7 acres within the Floodplain Overlay District. No excavation is proposed within the designated Floodway. Material stockpiles located in the Floodplain will not exceed 1,000 cubic yards.

   Approximately 250,000 cubic yards of material are expected to be extracted from the site. The proposed mining pit will maintain the required 300-foot setback from all Type 3 through Type 8 wetlands. Additionally, processing equipment will not be located closer than 100 feet from the Ordinary High Water Level (OHWL) of Silver Creek.

   No mining activities are proposed within the required 50-foot setback from property lines. The operational area will be substantially screened by a 5-foot-tall, vegetated berm and by the recessed elevation of the mine floor where active operations will occur.

3. Wetlands are present on the property. According to the project engineer, all proposed mining activities are located outside the required 300-foot setback from wetlands, as identified using U.S. Fish & Wildlife Service mapping. A wetland delineation report has been submitted and is currently under review by Carver County.

   In an email dated May 6, 2025, Tim Sundby, Water Resources Supervisor, stated: *"The Wetland Conservation Act (WCA) process is not complete for assessing wetland boundaries, types, and impacts. Wetland assessments are currently under review. The application impact mitigation has not initiated the formal WCA process. Potential negative wetland impacts may necessitate changes to the proposed mining operations, depending on how the applicant chooses to proceed. Additionally, descriptions of activities and submitted plan sets provided to both the Carver County Water Management Organization and Carver County Land Management are conflicting, which adds uncertainty to the review process."*

4. The applicant has submitted a Proposed Dewatering Plan, dated May 2, 2025, outlining the intended dewatering operations. According to the narrative, pumps will be used to lower the water table by approximately 5 to 10 feet to allow access to deeper sand and gravel deposits within the mining area. Pumping is expected to occur only for a few weeks per year, avoiding periods of seasonal flooding or high groundwater levels. The narrative also states that when pumps are not in use, "the water table would be allowed to fully recover to pre-pumping levels."

   W.M. Mueller & Sons (WMS) will be applying for a Minnesota Department of Natural Resources (DNR) Water Appropriations Permit to allow pumping at a rate of up to 2,000 gallons per minute, with a maximum annual volume of 25 million gallons. Pump discharge will be directed to a sedimentation pond, which will overflow into Silver Creek.

   The applicant anticipates no indirect impacts to nearby wetlands. However, if any impacts do occur, they are expected to be *"temporary and reversible in nature due to the relatively short period of time needed for dewatering (4–6 weeks per year), as opposed to a continual, season-long, or year-round dewatering operation."*

5 The project narrative includes a table estimating the average daily trips (ADT) generated by the proposed mining operation. Based on projected annual exports of approximately 20,000 to 25,000 tons of aggregate, the average number of haul trips is estimated at 20 trips per day. On the high end, the applicant anticipates up to 150 trips per day, though such volumes are expected to occur infrequently and only for limited periods over the life of the mine.

The ADT estimates are based on an average load size of 18 tons and assume hauling will occur on approximately 180 days per year. Actual production rates and associated vehicle traffic will vary depending on market demand. The estimated a.m. peak-hour traffic is 16 trips per hour, while the average hourly traffic throughout the day is projected to be approximately 2 trips per hour.

4. The Reclamation Plan, dated April 25, 2025, illustrates the proposed final contours of the site following completion of aggregate extraction. Upon the conclusion of mining activities, the topsoil previously used to construct the screening berm will be redistributed across the former operational area.

   In the northern section of the pit, located within the Floodplain Overlay District, post-mining elevations will fall below the 100-year regulatory floodplain elevation, thereby increasing the site's overall floodwater storage capacity. In the southern portion of the mining area, finished land elevations will be approximately 7 to 13 feet lower than pre-mining conditions. The proposed maximum finished slope along the perimeter of the mined area will be 5:1 (horizontal to vertical.

5. The property is currently enrolled in the Agricultural Preserve program. In accordance with Interim Use Permit (IUP) standards, mining is permitted provided that the land is reclaimed and returned to agricultural use. The project narrative states: *"Reclamation will bring the excavated area above the water table, and overburden and topsoil will be placed to return the area to agricultural land use."*

   The proposed reclamation plan appears to meet applicable zoning code requirements and will undergo further review by the Carver Soil & Water Conservation District (SWCD) and the Carver County Water Management Organization (CCWMO) to ensure compliance with all relevant agency standards.

6. The Interim Use Permit (IUP) will terminate upon the occurrence of the first of the following events: a change in ownership or the exhaustion of aggregate resources. However, Permit #PZ20250012 will not be considered terminated until all reclamation work is completed to the satisfaction of the Carver County Water Management Organization (CCWMO) and in compliance with Zoning Code standards. Additionally, termination is contingent upon the release of any applicable financial security.

7. The proposed mining site is located on the border of Bergen Township in McLeod County. Although the site has direct vehicle access to 84th Street, haul trucks will immediately travel west to 165th Street, which is under the jurisdiction of Bergen Township, the road authority for that gravel road. The applicant has submitted a Temporary Haul Road Designation Route agreement with Bergen Township, dated February 12, 2025. This agreement details dust control measures and road maintenance practices for 165th Street.

8. A CCWMO permit is required, and the applicant must meet Stormwater Management standards for the reclamation of all aggregate mining areas. To establish an appropriate restoration phasing plan, the applicant will need to secure a permit from the Planning and Water Management Department. The applicant has already submitted a Pollution Prevention Plan for review.

   The permittee must submit a stormwater management application, provide the required financial security, and comply with all permit requirements, including topsoil depth standards for restoration and preservation.

9. Mike Wanous, District Manager with the Carver SWCD, was sent the application materials. As of the time this staff report was written, the Land Management Department had not yet received comments from him.

10. Garry Bennett, Floodplain Hydrologist with the Minnesota Department of Natural Resources (MNDNR), submitted comments via an email on April 8, 2025. Mr. Bennett stated that, *"based on a high-level review of the site plans, the proposed mining limits are partially located in the mapped flood fringe but do not encroach into the floodway, as shown on Sheet C2 of the draft plans. He confirmed that commercial extraction is a permitted use in the flood fringe and noted that the applicant proposes to conduct wet mining and locate stockpiles outside of the mapped floodplain, which the MNDNR recommends."*

Mr. Bennett emphasized that all development within the floodplain must use construction methods that minimize flood damage, must not negatively impact adjoining areas, and must protect exposed materials from erosion, discharge, and sediment entering surface waters through vegetative cover or other methods as soon as possible.

He concluded that there are no major floodplain restrictions that would prevent mining in the proposed area.

11. Sheryl Blaisdell, a resident near the proposed mining site at 8040 Yale Avenue, emailed a letter to the Land Management Department on May 12, 2025. In her letter, she expressed concerns regarding the impacts of noise, air quality, and dust from the operations on her property, as well as the potential effects of the mining activities on wildlife and the Crow River.

12. The Camden Township Town Board reviewed and recommended approval of this request during their meeting on February 13, 2025, subject to the following conditions: *"All road maintenance will be the responsibility of W.M. Mueller & Sons, which includes new gravel, grading, and dust control as needed. The road must be maintained in as good a condition as, or better than, its current state."*

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. This permit is subject to compliance review. The Interim Use Permit (IUP) is issued to W.M. Mueller & Sons and authorizes extraction within the approximately 22-acre operational area. The permit is non-transferable to another property owner and cannot be leased. The permit shall terminate upon the exhaustion of the aggregate resources or a change in ownership, whichever occurs first. However, Permit #PZ20250012 will not be considered terminated until all reclamation areas are completed to the satisfaction of the approved Carver County Water Management Organization (CCWMO) permit and Zoning Code standards, and any applicable financial security has been released.

2. The Permittee shall comply with all Camden Township access requirements. Mining and similar activities shall not occur within 50 feet of the public right-of-way. The Permittee must obtain all required permits for work within the public right-of-way prior to commencing construction activities.

3. The Permittee shall comply with the conditions of the Temporary Haul Road Designation Route agreement with Bergen Township, dated February 12, 2025. No haul route traffic shall use Camden Township roads unless necessary to reach the mining site.

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

5. The 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 comply with all County standards as specified in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage for signage on the property.

7. The Permittee agrees to defend, indemnify, and hold harmless the County, its officers, and employees against any and all liability, loss, costs, damages, and expenses that the County, its officers, or employees may sustain, incur, or be required to pay, arising out of the Permittee's performance or failure to adequately perform its obligations under this permit, or arising out of any dispute regarding 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 be conducted in accordance with the submitted Project Description (dated April 25, 2025), Site Plan and Reclamation Plans (dated April 25, 2025), Temporary Haul Road Designation Route agreement with Bergen Township (dated February 12, 2025), Proposed Dewatering Plan (dated May 2, 2025), and any and all Carver County Water Management Organization (CCWMO) permit approvals (including stormwater infiltration, Best Management Practices (BMPs), site vegetation and plantings, and site reclamation). The mining operation shall also comply with all Camden Township conditions, Bergen Township (McLeod County) conditions, and right-of-way standards. In the event of any inconsistencies between previously submitted documents, the terms of the most recent submission shall prevail and be considered requirements of this permit. The mining activity shall operate in accordance with the Carver County Zoning Code (e.g., screening, noise mitigation, etc.). These plans shall be attached to and considered part of this permit.

2. The hours of operation shall be from 6:00 AM to 7:00 PM, Monday through Friday, and 7:00 AM to 12:00 PM on Saturdays. Mining and processing operations shall not occur on Sundays or federally observed holidays, unless for emergency purposes (e.g., flooding, etc.).

3. The construction equipment on-site includes, but is not limited to, excavators, front-end loaders, backhoes, haul trucks, skid loaders, etc. Portable processing equipment may include crushing and screening plants, conveyors, stackers, and other ancillary equipment.

4. Existing drainage patterns shall be maintained where possible. If alterations to drainage patterns are unavoidable, the changes must not adversely affect surrounding properties or cause erosion or sedimentation.

5. The Permittee shall submit quarterly tonnage reports to the Land Management Department to document the amount of aggregate material removed from the site.

6. Vertical faces of the mining area shall be kept to a minimum except during the actual mining operation, and in accordance with the County Zoning Code. Mining below the water table shall only occur in compliance with Minnesota Pollution Control Agency (MPCA), Minnesota Department of Natural Resources (DNR), and other applicable State or Federal regulations.

7. If internal access roads generate dust that affects surrounding properties, the access roads shall be treated with water or other similar dust control measures.

8. All equipment and materials used in the operation shall be stored within the designated operational area to minimize visual exposure from outside the mining area.

9. The Permittee shall comply with the noise pollution requirements of Minnesota State Rules Chapter 7030. White noise backup alarms shall be installed and maintained on all Permittee-owned mining equipment operating at the site. Circular traffic patterns for loading shall be established to reduce backup movements.

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

RESTORATION REQUIREMENTS:

1. The design of the restored areas shall comply with the standards outlined in the Zoning Code and CCWMO Water Management Rules. Restoration shall, to the extent possible, be staged so that exhausted phases of the operation are stabilized and have established turf. The restoration design may be subject to revisions and modifications by the Land Management Department and the Carver SWCD.

2. The Permittee must preserve existing vegetation wherever feasible and implement required erosion control measures in accordance with the CCWMO Rules. The Permittee is responsible for obtaining a CCWMO Permit regarding stormwater management and site reclamation for all aggregate mining areas. If a CCWMO Permit is not obtained within six (6) months of the County Board's approval, File #PZ20250012 shall be suspended until the appropriate permit is secured. A financial security for erosion control and 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 protected from erosion or other loss. Only material necessary for restoration may be hauled to the site. Such material shall either be incorporated into site restoration immediately or stockpiled according to the approved site plan.

PERFORMANCE SECURITIES & INSURANCE REQUIREMENTS:

1. The 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 performance security shall be effective for at least 3 months after the annual anniversary date of the permit. The required performance surety amount shall be $10,000.00 per acre of open mining activities (i.e., mining, staging, and restoration areas).

2. The conditions of the surety are 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 perform restoration as required by this permit, the County may utilize the performance security to reimburse for any and all expenses incurred to remedy the Permittee's failure to comply.

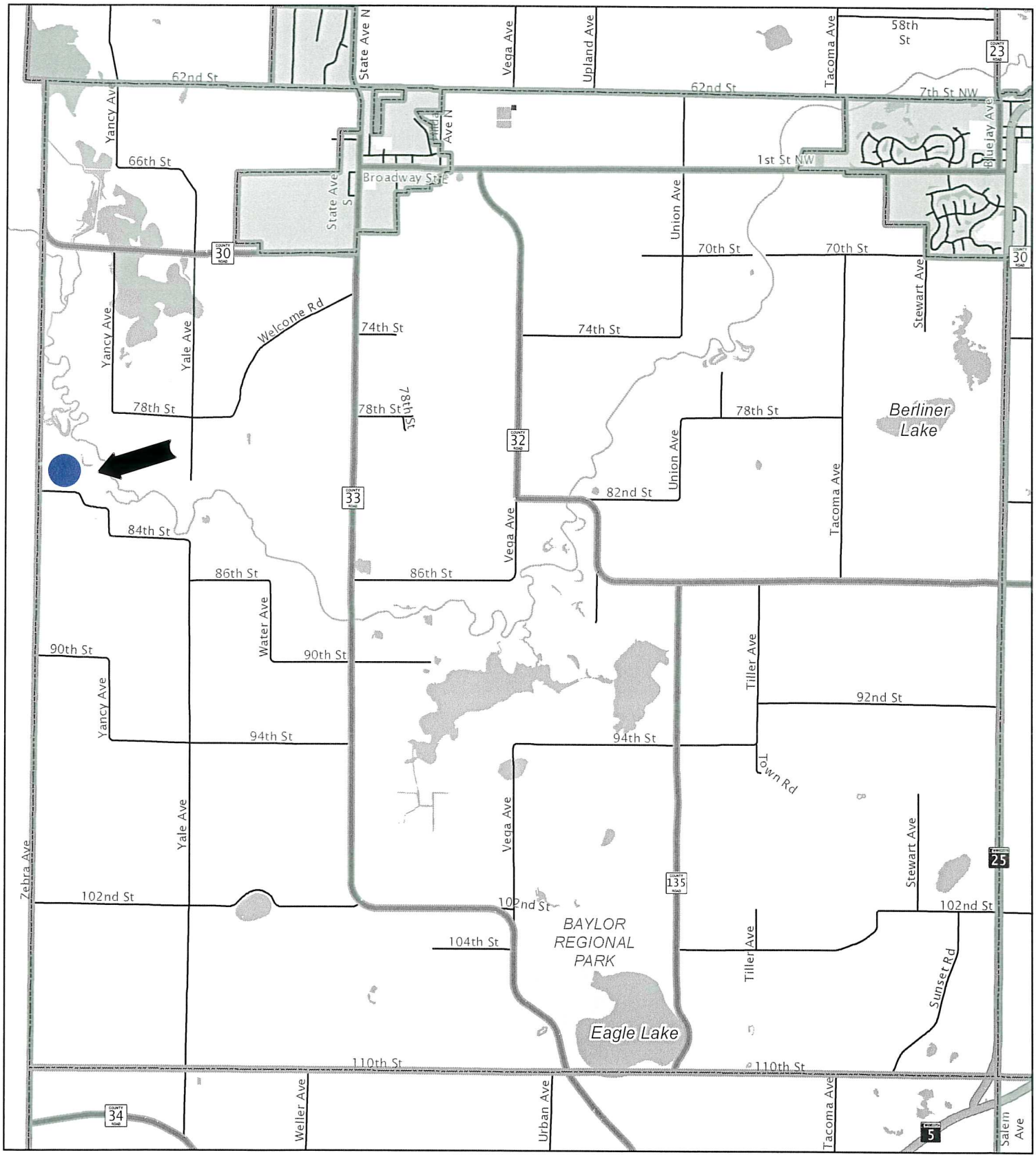
3. The Permittee shall submit a Certificate of Insurance with coverage provided by an insurance company duly licensed by the State of Minnesota. The Certificate shall confirm that the Permittee has coverage for General Liability, Automobile Liability, Loading and Unloading, Completed Operations Liability,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

4. The insurance coverage required in item 3 shall be kept in effect for the duration of the permit. If the permit is terminated, insurance coverage shall be maintained until the completion of restoration and the return of the performance security.

5. The obligor and its sureties hereby indemnify and hold the County harmless from all losses, costs, and charges that may occur to the County due to default by the Permittee.

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

CAMDEN 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.

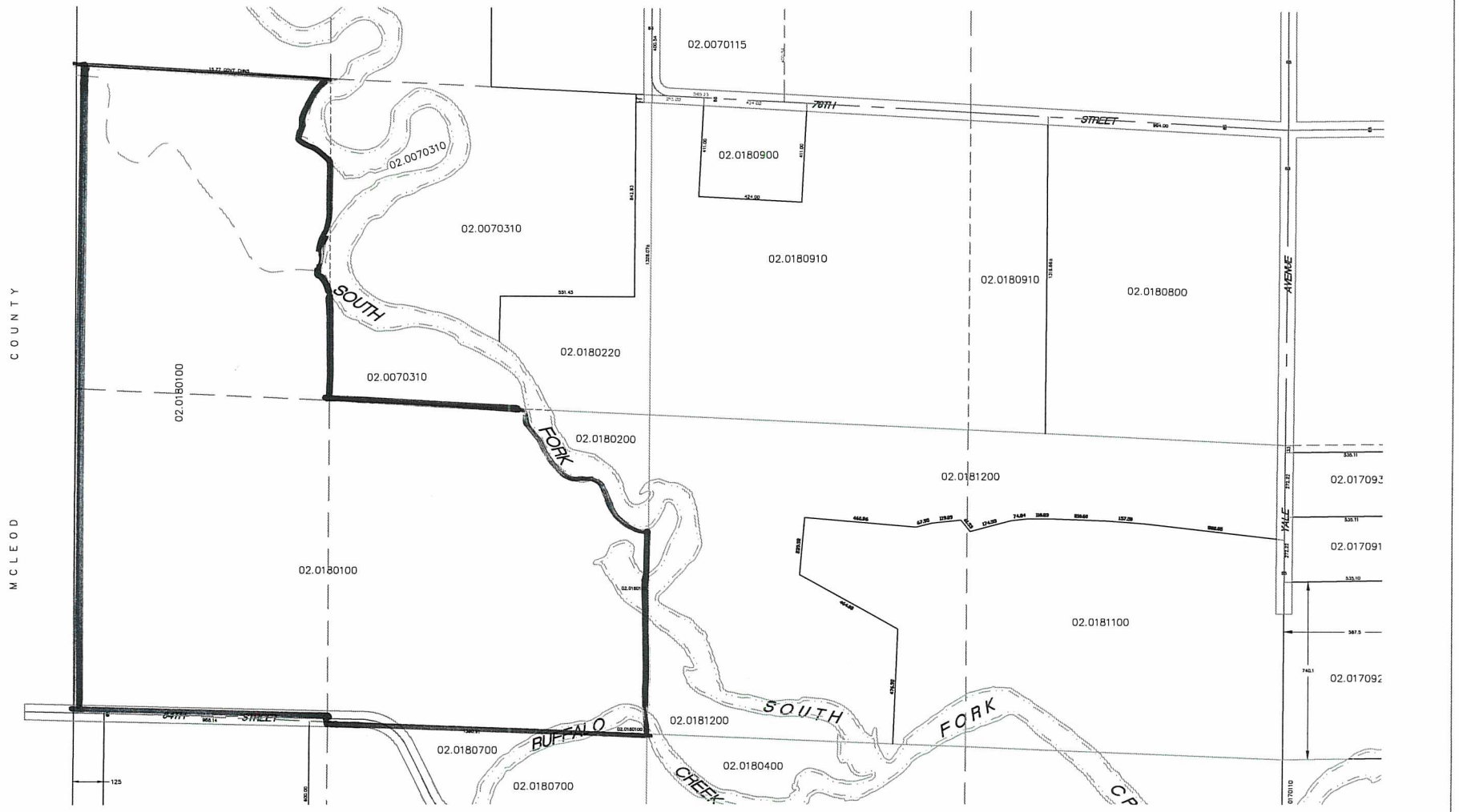
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N W E S

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. 18, T.116, R.26



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

Mar 04, 2025

APRIL 2025

Wm Mueller & Sons Inc.

Dammann Mine

Interim Use Permit Application

Sand and Gravel Mining Operation

Camden Township
Carver County, Minnesota

SUNDE ENGINEERING, PLLC.
10830 Nesbitt Avenue South
Bloomington, MN55437-3100
Phone: (952) 881-3344

Wm. Mueller & Sons, Inc.
INTERIM USE PERMIT APPLICATION
Dammann Mine
Camden Township, Carver County, MN

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Wm. Mueller and Sons, Inc.
INTERIM USE PERMIT APPLICATION
Dammann Mine
Camden Township
Carver County, MN

1.0 PROJECT DESCRIPTION

1.1. Project Overview:

Wm. Mueller & Sons, Inc. (WMS) is applying for an Interim Use Permit to develop and operate a new sand and gravel mine on property owned by Jon Dammann located in Camden Township, Carver County, MN. The property consists of one parcel of approximately 99 acres, excluding right-of-way (Site), with a proposed excavation area of ±22 acres zoned "A" Agricultural District. Mineral extraction is an allowed use in this zoning district. The western boundary of the Site is located on the Carver County /McLeod County line. Access to the Site will be to the west onto 84th Street which turns into 165th Street in McLeod after crossing the county line. Figure 1 illustrates the general location of the Site within the County location of the Site.

Silver Creek flows easterly through the northern portion of the Site. The confluence of Silver Creek with the South Fork Crow River is located just outside of the northeastern corner of the Site. The South Fork of the Crow River flows along the eastern boundary of the Site. The proposed mine area is located in the southwestern portion of the Site. A portion of the proposed mine area is located within the Shoreland Overlay District (3 acres) and a portion of the proposed mine area is located within the 100 yr-Regulatory Floodplain (7 acres). Mining is a permitted Interim Use in the Agricultural zoning district. According to the Carver County Zoning Code, any use permitted in the underlying district is permitted within the Shoreland Overlay District and the Flood Fringe District. Mineral extraction is only proposed to occur within the flood fringe and not the floodway. Figure 2 is a USGS Quad Map excerpt that illustrates the Site and proposed mine area with respect to the surrounding natural features and plan Sheet C2 Water Resources illustrates in more detail the location of these features with respect to the Site and proposed mine area.

Mining activity will progress across the Site from north to south. As the mine area is opened, topsoil and overburden will be removed and used to construct perimeter berms or in reclamation of a previously mined area. Perimeter berms will be seeded and mulched upon completion of construction to establish vegetation and provide erosion control. Perimeter berms also help to minimize potential dust, noise, and visual impacts. Perimeter berms will be established as mining progresses across the Site and will remain in place during active mining to screen mining and processing operations. Ultimately the berms will be removed and the material used in final reclamation activities. 22 acres are proposed to be mined, therefore mining will meet the ordinance standard of a maximum 35 acres of active mining and operations area open at any one time.

Mining may occur to approximately 20 to 30 feet below the water table depending on quality of material encountered and the mining methods utilized. Material mined below the water table will be extracted with a backhoe or if a DNR water appropriations permit is obtained, the mine area

may be dewatered to allow dry mining (extraction of aggregate using front end loaders from the bank). If a water appropriations permit is obtained from the DNR and dewatering is used to extract material below the normal water table, the dewatering discharge to Silver Creek will subject to permitting and regulation under the MPCA's General Non-Metallic Mineral Mining and Associated Activities NPDES permit (General Permit).

The majority of granular materials is located in the northern three-quarters of the property. Material will be excavated and screened and the fine sands will be used as backfill as part of Site reclamation. Reclamation will bring the excavated area above the water table and overburden and topsoil will be placed and the area returned to agricultural land use. Reclamation will leave the portion of the Site that is situated in the floodplain at or below the existing elevation so that available flood storage capacity will be negatively impacted. The portion of the Site currently outside of the floodplain will be reclaimed to elevations above the 100-year floodplain or separated from the floodplain by a berm to prevent floodwaters from entering the non-floodplain lands. Clean fill may be hauled to the Site and used to backfill and reclaim mined areas of the Site. Once reclamation grades are achieved, topsoil will be spread over the backfilled area to a depth at least equivalent to the pre-mining condition. The reclaimed area will be returned to agricultural production.

Sand and gravel extracted from the Site will be processed to produce aggregates that meet a variety of specifications. Processing activities will include crushing and screening. Processing equipment will be portable in nature and move across the mine as the mining advances. Processing equipment is subject to an MPCA Option D General Air Emissions Permit. No stockpiling or storage of product or equipment will occur within the floodplain.

The Site is located in an area surrounded by agricultural land use. There is one, unoccupied residential structure located on the Site. Mine limits are setback a minimum of 500 feet from the nearest residence located off site. Figure 3 is an aerial photograph that illustrates the Site and surrounding area, including the residences within one-half mile of the proposed mine limits.

1.2. Name and Address of Person Requesting the Permit:

Name:	William Mueller and Sons, Inc.
Contact:	Tim Mueller
Address:	831 Park Ave. P
	PO Box 247 Hamburg, MN 55339
Telephone (office):	(952) 467-2720
Fax:	(952) 467-3894
Email:	TimM@wmmueller.com

1.3. Land Ownership:

Name:	Jon & Carol Dammann
Address:	4677 165TH St Lester Prairie, MN 55354
Site Address:	19090 84th St Norwood Young America, MN 55397

WMS will operate the Site under a lease agreement with the Dammanns.

1.4. Legal Description of the Site:

Parcel ID: 020180100: The West Half of the Northwest Quarter (W½ NW¼) and the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 18, Township 116, Range 26, lying in Carver County, Minnesota, except that portion of the SE¼ NW¼ containing approximately 2 acres, which lies northeasterly of the Crow River.

1.5. Site Maps:

The following plan set is provided:

Sheet C1: Existing Conditions - This map illustrates the existing conditions of the Site and surrounding area. This plan shows two-foot topographic contours. Topography of the surrounding area is from Twin Cities Metro LiDAR data collected during the spring and fall of 2011. This sheet also includes an excerpt from the U.S.G.S Quad Map which illustrates topographic information of the Site and surrounding area.

Sheet C2: *Water Resources* - This map depicts the Site in relation to nearby water resources nearby the Site including NWI and delineated wetlands, public waters, shoreland overlay, and the regulatory floodplain.

Sheet C3: Mine Operations Plan - This map illustrates the proposed mining limits, operational areas, setbacks, phasing, mine activities, berms, and access road. Portable processing equipment and stockpile areas will move across the mine as mining progresses.

Sheet C4: Reclamation Plan - This plan shows the Site in a generally reclaimed state. It includes requirements for backfill and soil erosion and sediment control measures. Mining will occur below the water table. The excavation will be backfilled with screened sand and overburden from the site and reclaimed to an upland condition suitable to return to agricultural use.

2.0 OPERATIONAL STANDARDS

The proposed mine operation is located in a rural agricultural area. The following operational standards will apply to this mine operation to mitigate potential nuisance conditions adverse impact to surrounding properties.

2.1 Hours of Operation:

Proposed hours of operation from 6 am to 7 pm Monday – Friday, Saturday 7 am to 12 pm, with no mining on federally observed holidays or Sundays.

2.2 Quantity and Depth of Excavation:

The estimated depth of excavation will be 20-30 feet below the water table. The depth of excavation will be no lower than 918.0 feet above mean sea level (msl). The annual production rates anticipated at the Site is 15,000-25,000 cy and is expected to vary based on market demand. The total volume of material to be sold from the Site is anticipated to be approximately 250,000 cy.

2.3 Dust Control:

The Site will generate fugitive dust. Primary sources of dust will be from vehicle travel on unpaved haul roads within the mine, stripping operations (when vegetation is removed and fine soil particles associated with topsoil and overburden are exposed), processing operations that crush rocks creating a component of finer particles that may become airborne, stockpiled materials, and backfilling and grading operations associated with reclamation activities prior to establishment of vegetation. Dust control treatments will include using calcium chloride when watering haul roads and 84th street as it accesses the Site. WMS

The Site will operate under the following proven effective Best Management Practices (BMPs) to minimize the generation of fugitive dust from these sources:

- Application of dust control treatments on the gravel road accessing the Site per agreement with Bergen and Camden Townships;
- Application of water to unpaved internal haul roads using a front-end loader bucket or water truck;
- Limiting speed of trucks on internal haul roads;
- Constructing perimeter berms and establishing vegetation on the berms to reduce dust migration off-site and to minimize erosion and sedimentation potential;
- Limiting the size of topsoil and overburden removal to limit the area and length of time of exposed soils; and
- Locate material stockpiles and conduct processing operations on the recessed floor of the mine to use topography to minimize off-site travel of fugitive dust.

2.4 Noise

The Site is located in a rural agricultural area of the County. Portable processing equipment may be brought to the Site to crush and screen the excavated sand and gravel. Diesel generators will be used to power processing equipment. Loading operations and back up alarms may also produce noise at the Site. The following measures will be utilized to minimize

noise levels associated with the mining and processing operations, avoid creating nuisance conditions, and be protective of surrounding land uses. These measures are industry practices that have proven effective at other similar aggregate mining operations.

- Provide a setback of 1,000 between a residence and processing equipment. Conduct processing activities on recessed portions of the mine floor to the extent practical. Position portable processing equipment adjacent to mine faces to help absorb, block, and deflect sound energy. Construct perimeter berms to serve as barriers that block the direct sound path between source and a receivers. The floor of the mine will be below the surrounding grade. The mine faces will provide topographic shielding of sound emissions. The closer a topographic feature is to the noise source, the more effective it is at reducing noise levels at receptors. Therefore, portable processing equipment will be operated as close to the mine face as practical to maximize the reduction in sound level emissions;
- Establish a circular traffic pattern for trucks entering the facility to load and haul from the Site minimizing back up alarms;
- Utilize broad band (white noise) back up alarms on excavators and loaders operating within the Site if traditional back up alarms are audible and create a nuisance beyond the Site boundary;
- Maintain mining and processing equipment in good working order and with standard noise reduction equipment such as mufflers; and
- Discourage the use of jake brakes.

The closest residence is located 500 feet to the southeast of the proposed mine limits. The southern portion of the mine will be used primarily to obtain reclamation fill material and will have only limited activity at the end of the life of the mine. This house is located just over 1,000 feet from the proposed Site access. There are two residences located west of the Site are located between 970 and 1100 feet from the proposed mine limits.

2.5 Good Housekeeping:

The Site will employ good housekeeping practices. These include:

- Litter Control: Trash receptacles will be provided for employees and customers to prevent litter and waste around the facility.
- Materials Storage: Materials such as grease, paints, detergents, pesticides and herbicides are not stored on site.
- Training: Routine employee training is conducted on good housekeeping practices and spill prevention and response.
- Equipment/vehicle washing is only conducted without detergents in a designated area where the washwater is directed internally and allowed to infiltrate.

2.6 Erosion Control Measures:

The Site will apply for and operate under an MPCA NPDES general permit for nonmetallic mineral mines and associated activities. The general permit requires a site-specific stormwater pollution prevention plan which includes erosion control measures. The mining operation creates internal drainage of active mining areas minimizing the potential for off-site erosion.

Perimeter controls will be used along the outer edge of perimeter berms until vegetation is established. Screening berms to be constructed so as to not interfere or block drainage into the Site. Perimeter controls will be implemented as needed in stages as stripping, overburden removal, and excavation advances through the mine phases. Perimeter controls must be established before earth any up-gradient earth moving or disturbance occurs in any given phase or mine progression. Silt fence must remain in place and be maintained until vegetation is established on the upslope areas (70% or greater coverage) or screening berms, or the area converts to internal drainage.

2.7 Non-Granular Material:

No non-granular material will be removed from the Site. Non granular material that is excavated within the mine limits may be used on-site as reclamation backfill.

2.8 Vertical Faces

Vertical faces will be kept to a minimum. The active mine face is typically maintained at a slope between 1:1 and 2:1 (horizontal to vertical).

2.9 Mining and Processing Setbacks:

Mining setbacks will be maintained as follows:

- 50 feet from any property line
- 50 feet from any road right-of-way
- 500 feet from residential structures existing at the time the IUP is issued
- 300 feet from Type 3 through 8 wetlands

Processing equipment will meet the above setbacks as well as an increased setback of 1,000 feet from any residential structure existing at the time of permitting and 100 feet from the Ordinary High Water (OHW) level of Silver Creek. Sheet C3 Mine Plan illustrates the mining limits with the above-described setbacks.

2.10 Operations and Equipment:

Equipment operated at the site will include front end loaders, backhoes, excavators, skid loaders, and mine trucks. Other similar type specialty equipment may be brought to the Site from time to time as needed. Where aggregate material exists below the water table, it will be removed with a backhoe. Portable processing equipment may include crushing and screening plants, conveyors, stackers and other ancillary equipment.

2.11 Maximum Operational Area:

The maximum operational area will be 22 acres for mining, processing and stockpiling. Reclamation will be ongoing so that as mining progresses across the Site, mined areas will be backfilled and reclaimed in general accordance with the reclamation plan. Mine phasing is illustrated on Sheet C4 Reclamation Plan.

2.12 Floodplain Overlay District:

Extraction will occur within a portion of the regulatory floodplain. Stockpiles within the Floodplain Overlay District will not exceed 1,000 cy. A screening berm will be established along the western

property line that will encroach into the floodplain approximately 250 feet. The berm will utilize no more than 800 cy of materials and will be 5 feet tall and be extend approximately 250 feet into the floodplain. The berm will be vegetated. The berm will be temporary and removed as part of reclamation of the Site. Small aggregate material piles created during the excavation process will be limited to no more than 200 cy of material at any time within the floodplain area to maintain floodwater storage capacity. No equipment will be stored in the floodplain. The mining and processing area located within the floodplain overlay district is illustrated on Sheet C3 Mine Plan.

2.13 Proximity to Wetlands:

The wetland complex on the east side of the Site extends beyond the Site boundary further to the east. Wetlands on the Site were identified during a field wetland delineation performed by Anderson Engineering in April of 2025. Table 1 below summarized the wetland types and sizes of the on-site wetlands within the complex. Mine limits are established outside of wetland boundaries and no direct impacts to wetlands are proposed. In accordance with the County Zoning ordinance, mining will be setback at minimum of 300 feet from any Type 3-8 wetland boundary. Sheet C2 Water Resources depicts the delineated and NWI wetlands on and adjacent to the Site and their Cowardin Classifications. The Anderson Engineering Wetland Delineation Report is included as Attachment 1.

TABLE 1 WETLAND SUMMARY

Resource ID	Resource Type	Resource Classifications				Acres Within Review Area	Lineal Feet within Review Area
		Circular 39	Cowardin	Eggers & Reed	HGM		
1	Wetland	Type 1	PEM1A	Seasonally Flooded	Depression	0.10	
2-1	Wetland	Type 1	PFO1A	Floodplain	Riverine	0.16	
2-2	Wetland	Type 1/2/5/6	PABH/EM1B/SS1A/FO1A	Floodplain Forest / Fresh Wet Meadow / Open Water / Scrub-Shrub	Riverine	39.15	
2-3	Wetland	Type 1	PFO1A	Floodplain	Riverine	6.73	
2-4	Wetland	Type 1	PFO1A	Floodplain	Riverine	2.05	
3	Wetland	Type 3	PEM1A	Seasonally Flooded	Depression	0.09	
A-1	Tributary	Type 90	R2UBH	Riverine	Riverine	0.55	335
A-2	Tributary	Type 90	R2UBH	Riverine	Riverine	0.11	97
A-3	Tributary	Type 90	R2UBH	Riverine	Riverine	3.61	2867

2.14 Traffic:

Traffic volumes will be directly related to market demand and the amount of development in the surrounding communities. The estimated average daily haul trucks accessing the Site are based on an average production rate of 20,000 to 25,000 tons per year, 180 hauling days per year) and an average of 18 tons/load. Each load generates two trips to account for travel to and from the Site. These are annual averages, however it is expected that the Site will not be active every day and hauling will occur only as needed. During larger hauls, it is expected that a maximum of 75 loads per a day could occur. This is the worst-case traffic generation and it would occur infrequently and for limited durations throughout the life of the mine.

Peak hourly traffic is estimated to be 8 loads per hour, or 10% of the Peak average daily traffic (ADT). The average hourly traffic is estimated to be 1 load per hour, or 10% of the ADT.

Average Daily and Peak Daily Trucks Accessing the Facility	
Average haul trucks/day	10 loads/day (20 truck trips/day)
Peak trucks accessing the facility	75 loads/day (150 truck trips)
Peak Hourly	8 loads/hour (16 truck trips)
Avg. Hourly	1 load/hour (2 truck trips)

2.15 Watershed Management Rules:

The Site is subject to the Carver County Watershed Management Organization (Carver County WMO) Rules and will require an erosion control and stormwater permit. An application will be submitted to the Carver County WMO and it is assumed that a condition of the IUP will be to obtain the watershed permit.

3.0 RECLAMATION PLAN

This reclamation plan includes the following specifications for grading, topsoil replacement, seeding, mulching, erosion and sediment control, and end use plan upon final reclamation.

3.1 Topography:

The final grading of the site will reduce peaks and depressions to create a surface of gently rolling topography in substantial conformity to the land area immediately surrounding and will minimize erosion due to rainfall. Backfilled and graded slopes will not exceed a 5:1 (horizontal to vertical) slope. Reclamation grading will begin at the mine setback line except berms located within the setback area will be removed and used in final reclamation. The final grade slope shall commence at the setbacks. Berms will be removed to the original elevation. Reclamation grades within the regulatory floodplain to be at or below pre-mining grade to ensure no reduction in storage

capacity or impact to flood elevations. Sheet C4, reclamation Plan, illustrates the general topography of the reclaimed Site.

3.2 Reclamation Standards:

The reclamation of the site will meet the following standards:

- All materials used for backfilling shall be free of all 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.
- The graded or backfilled area shall be surfaced to a depth of 4 inches with soil of a quality at least equal to the topsoil of land areas immediately surrounding areas.
- The Site is planned to return to agricultural production. A native seed mix will be used in any areas that are permanently seeded and not returned to agricultural production.
- Soil restoration, seeding, and mulching will occur within each phase after final grades have been established.
- Final grades will be generally consistent with the grades shown on C4, Reclamation Plan.
- Reclaimed areas will be returned to an agricultural land use.
- Soil erosion and sedimentation control measures shall be consistent with the MPCA's publication entitled "Protecting Water Quality in Urban Areas" and the Stormwater Pollution Prevention Plan (SWPPP) that will be developed for the Site.
- Perimeter controls, such as vegetated filter strips, sediment logs, or silt fence will be used to secure the perimeter until permanent vegetation is established.
- 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 will be removed from the Site.
- Reclamation will be progressive, and in proportion with advances of mining to maintain areas open for mining and processing at 35 acres or less at all times.
- Reclamation will not result in an increase of impervious area.

3.3 Soil and Water Conservation District and Watershed Review:

WMS will submit the Reclamation Plans to the Carver County Soil and Water Conservation District and the Carver County WMO for review and recommendations. The recommendations may be included as conditions of the IUP.

4.0 CERTIFICATION

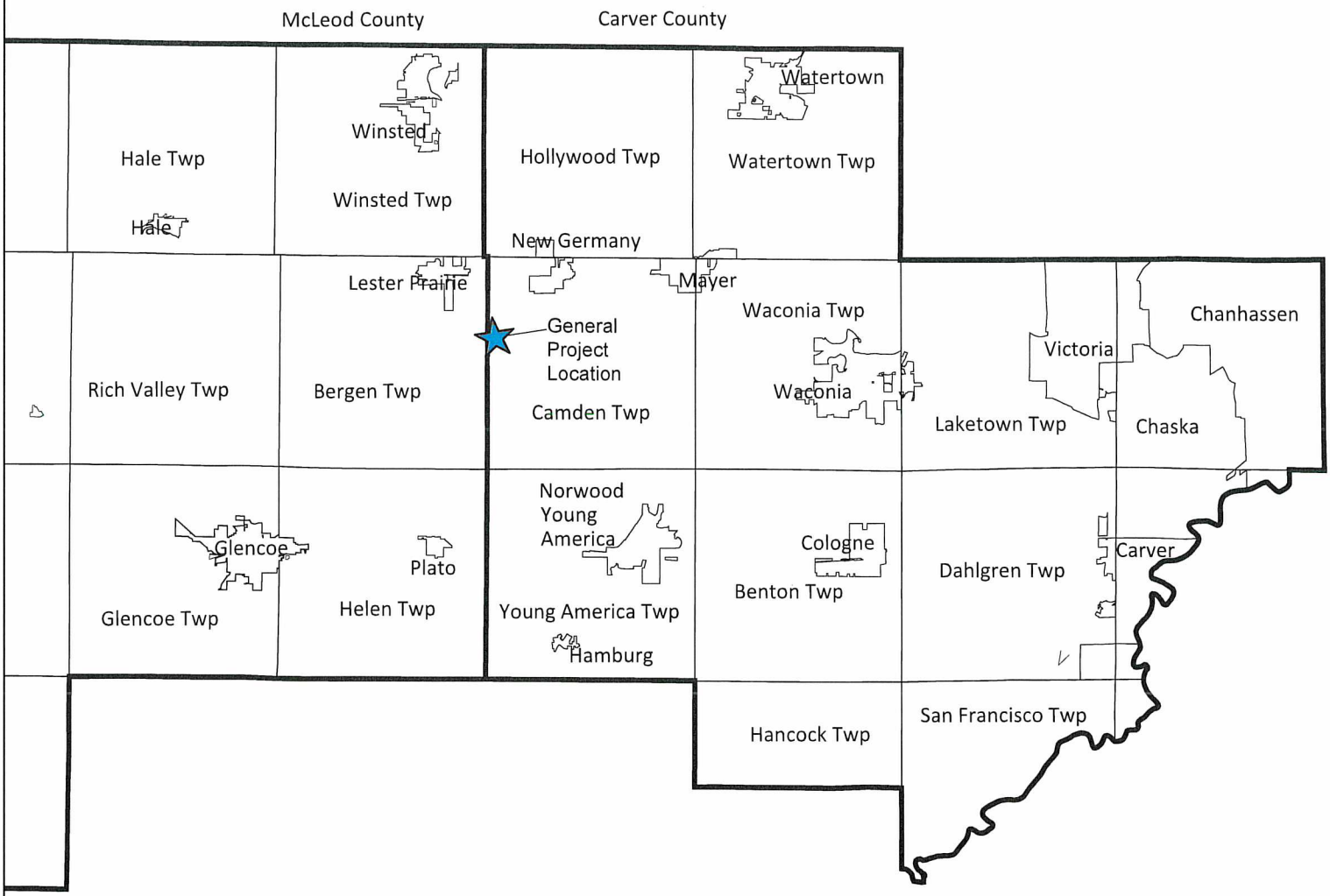
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer and Professional Geologist under the laws of the state of Minnesota.

Kirsten Pauly, P.E., P.G.

Date 4/25/2025 Reg. No. 21842

FIGURES

2025 IUP Application
Dammann Mine



N

Not to Scale

Figure 1
General Location Map

Dammann Mine
Wm. Mueller & Sons
Carver County, Minnesota

Sunde Engineering, PLLC.

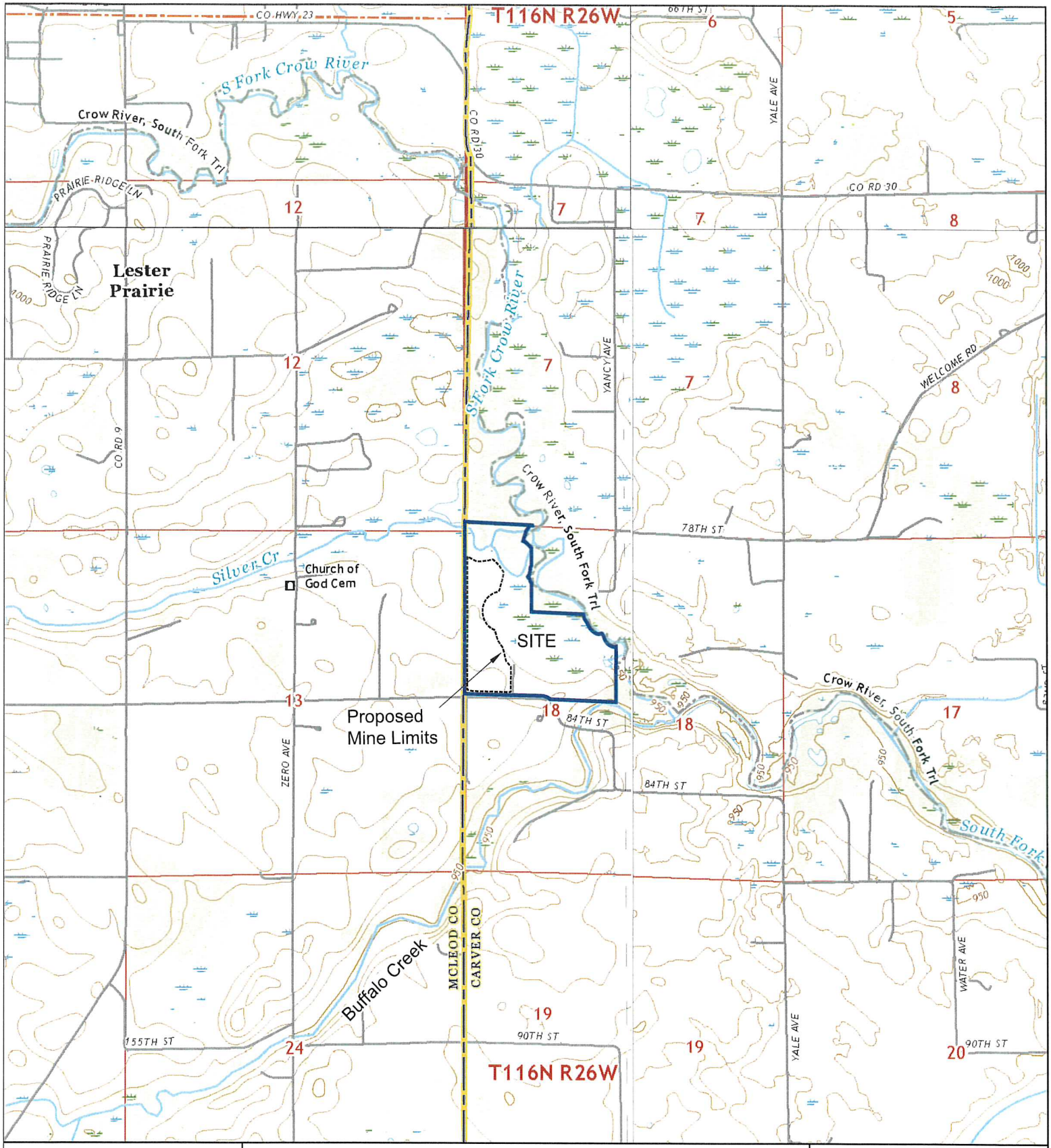
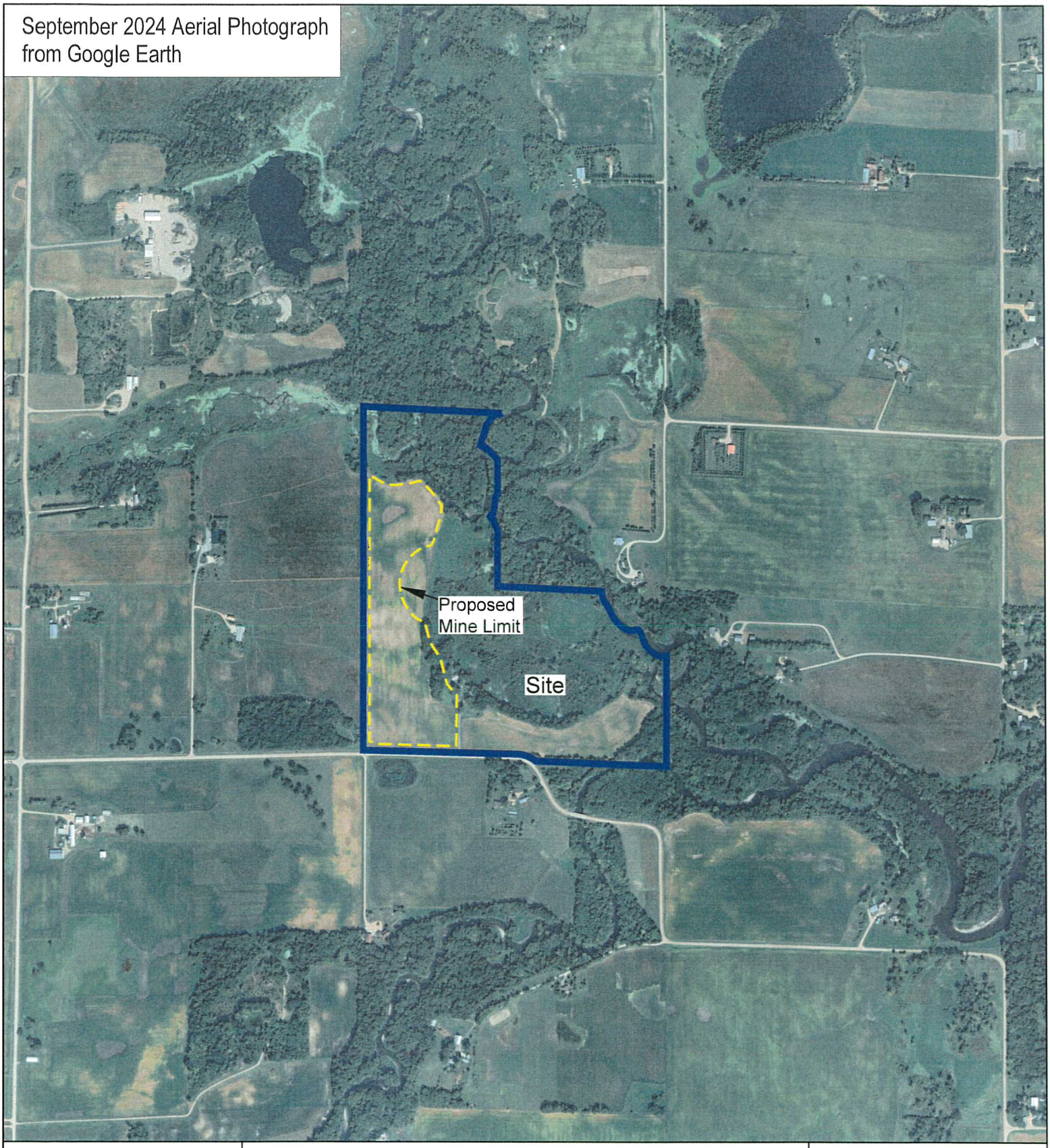


Figure 2
U.S.G.S. Quad Map Excerpt

Dammann Mine
Wm. Mueller & Sons
Carver County, Minnesota

Sunde Engineering, PLLC.



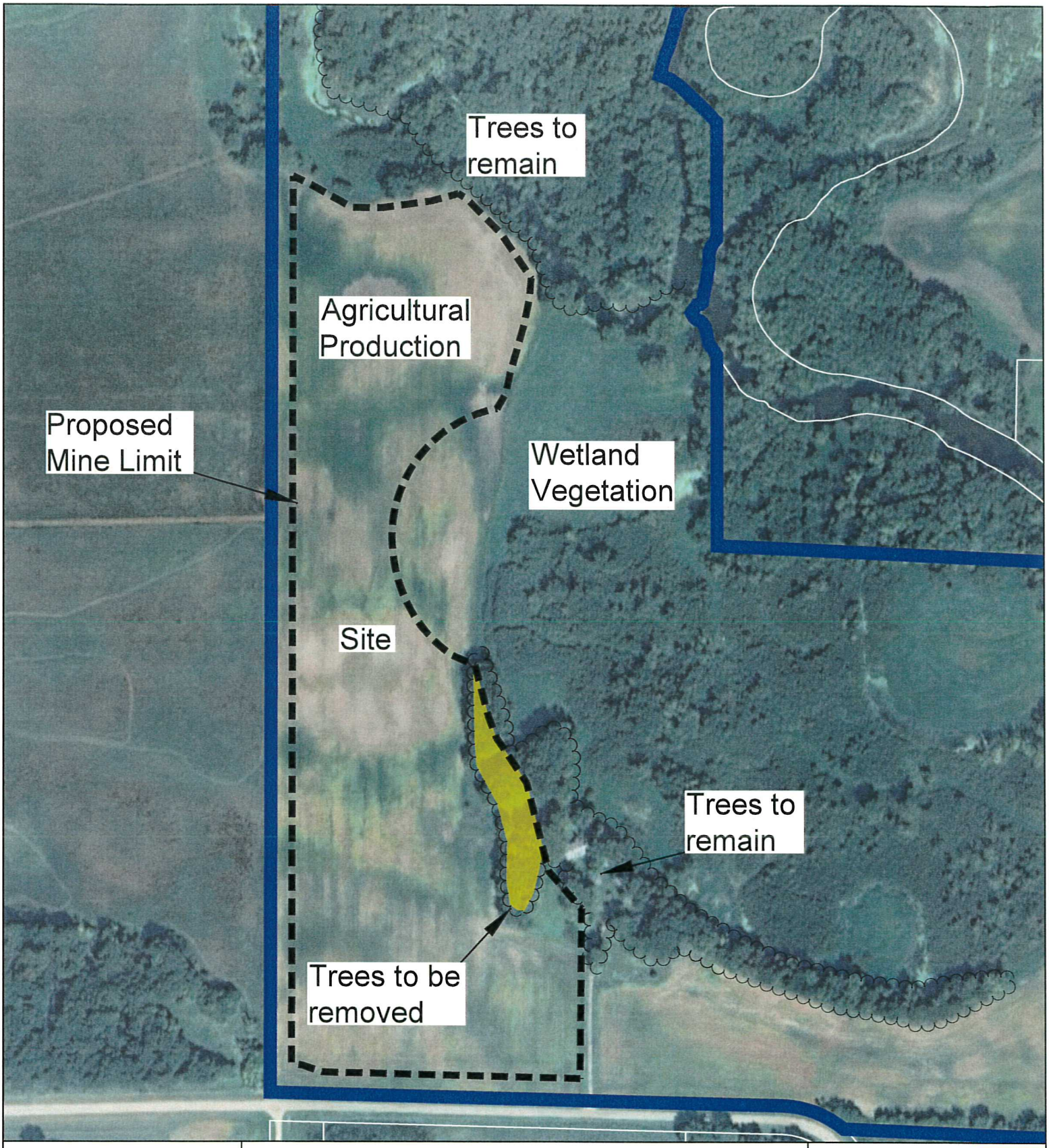
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SCALE IN FEET

Figure 3
Aerial Photograph

Dammann Mine
Wm. Mueller & Sons
Carver County, Minnesota

Sunde Engineering, PLLC.



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SCALE IN FEET

Figure 4
Vegetation Map

Dammann Mine
Wm. Mueller & Sons
Carver County, Minnesota

Sunde Engineering, PLLC.

PLANS

2025 IUP Application
Dammann Mine



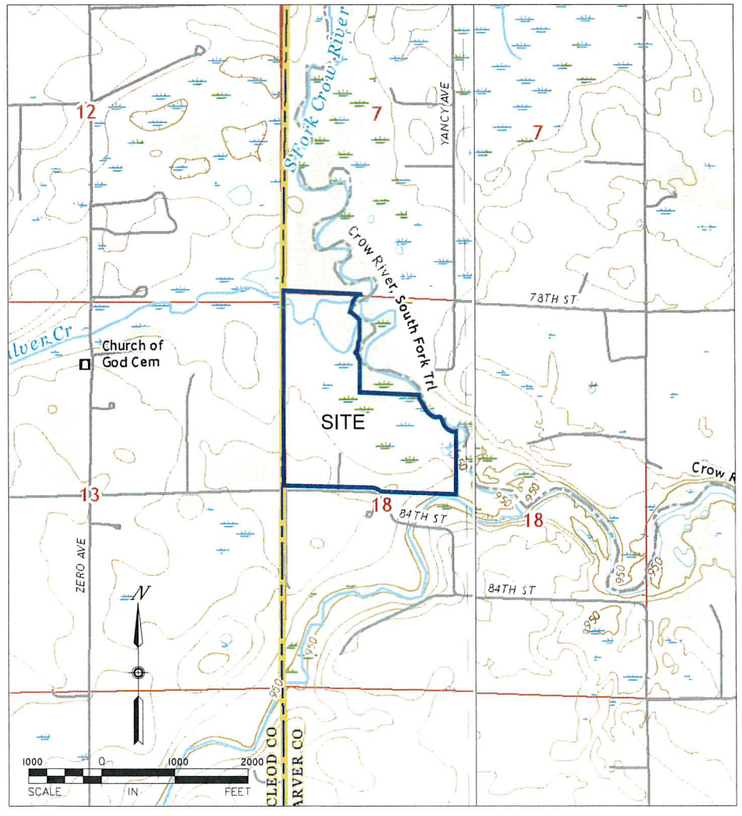
Notes:

1. Google Earth Air Photo dated 09/2024.
2. Parcel Data from Carver County GIS.
3. Parcel: 99 Acres
4. Proposed Mine Limits: 22 Acres

N

300 0 300 600
SCALE IN FEET

U.S.G.S Quad Map Excerpt



Sunde Engineering, PLLC.
CONSULTING CIVIL ENGINEERS
10830 NESBITT AVENUE SOUTH
BLOOMINGTON, MINNESOTA 55437
(952) 881-3344 TELEPHONE
(952) 881-1913 FAX
www.sundecivil.com

Wm. Mueller & Sons.

Dammann Mine

Camden Township
Carver County, MN

DATE	REVISION

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.

Kirsten Pauly
DATE: 4/25/2025 REG. NO.: 21842

INFORMATION:

PROJECT NO.: 25-505
DRAWN BY:
CHECKED BY:
APPROVED BY:
SCALE:
DATE:

DESCRIPTION:

Existing Conditions

SHEET NO:

C1

1 of 3

Key:

- Shoreland Overlay District
- Residence
- FEMA Floodway
- FEMA Flood Fringe
- Stormwater Flow Direction
- Public Water
- McLeod / Carver County County Line
- Tree Line

Notes:

1. Topographic Information from Twin Cities Metro Region LiDAR data collected during the Spring and Fall of 2011.

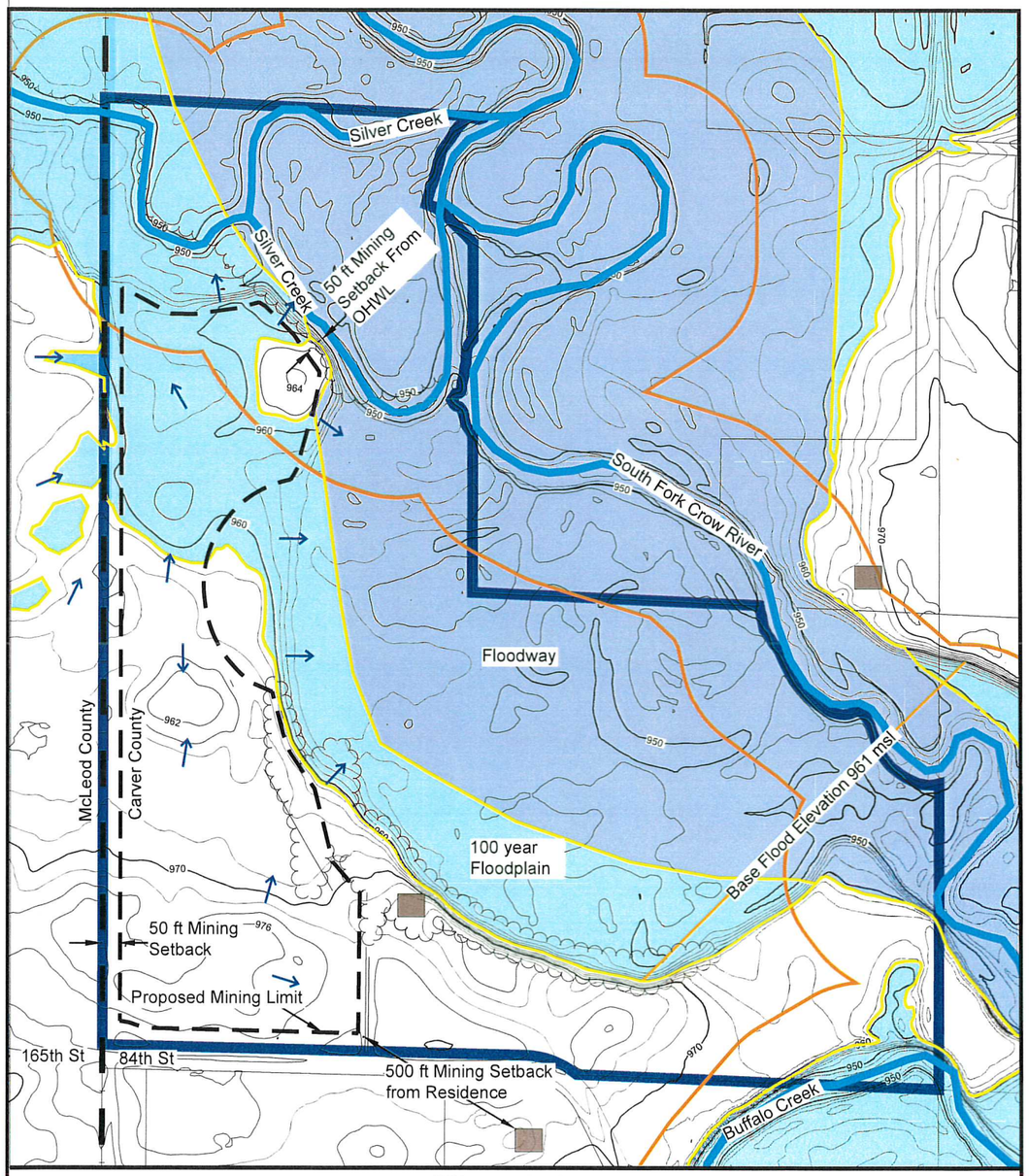
2. Shoreland Overlay District from Carver County GIS. Shoreland District may extend to the landward extent of the floodplain.

3. Wetlands derived from USFWS National Wetland Inventory (NWI) Mapper and April 23, 2025 Wetland Delineation by Anderson Engineering.

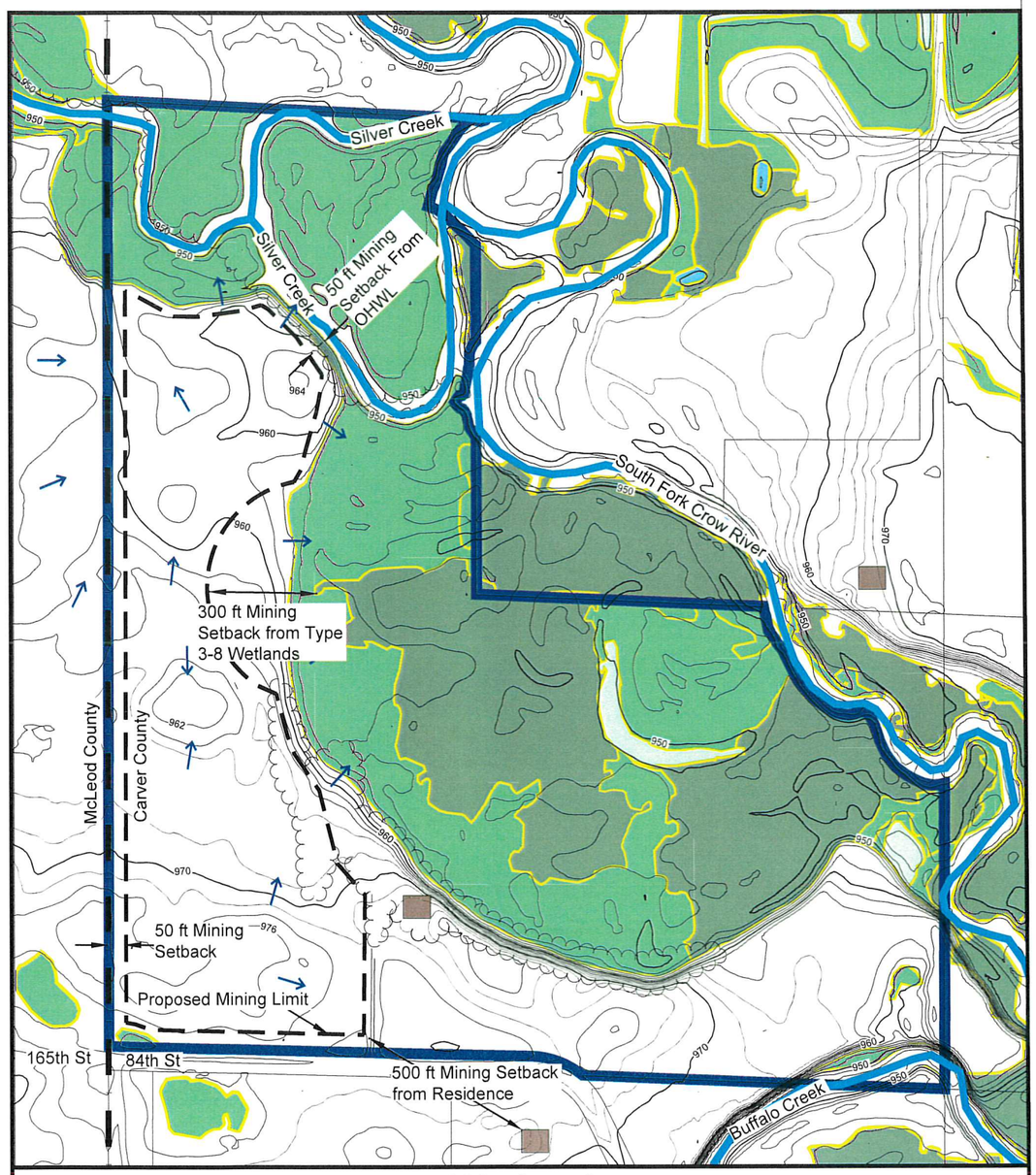
Wetlands	Cowardin Classification	Circular 39
	PEM1A/ PF01A/PEM1C	Type 1
	PUBH/PABH	Type 5
	PSS1A	Type 6

N

200 0 200 400
SCALE IN FEET



Floodplain



Wetlands

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Wm. Mueller & Sons.

Dammann Mine

Camden Township
Carver County, MN

DATE	REVISION

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.

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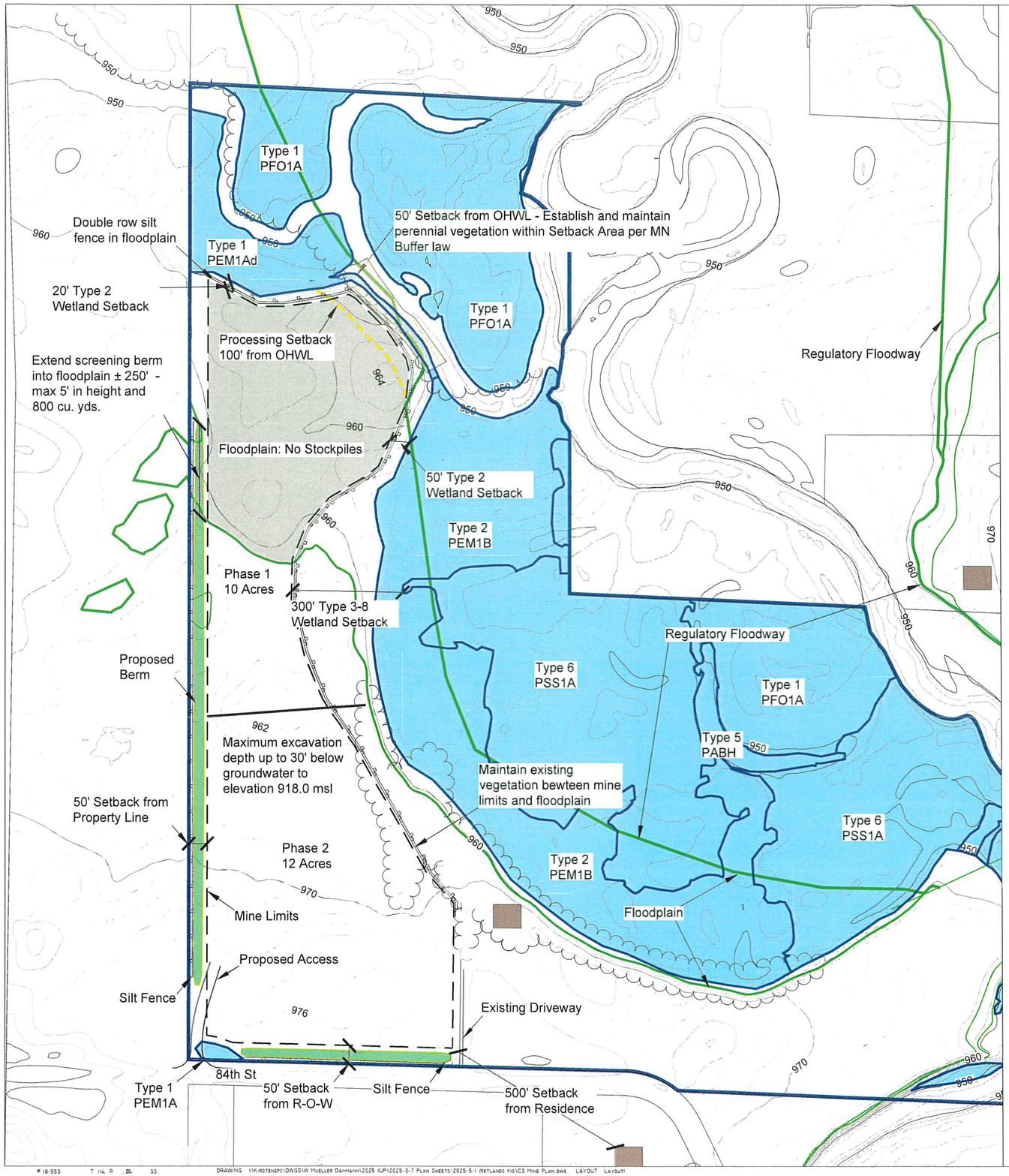
Water Resources

SHEET NO:

C2

1 of 3

18-553 T. 114, R. 25, 33 DRAWING \\KIRSTENSPC\DWGS\W Mueller Dammann\2025 IUP\2025-3-7 Plan Sheets\2025-4-23 Plan Sets Wetland Delineation\C2 Water Resources.dwg LAYOUT: Layout1



Notes:

1. Stockpiles and processing equipment will be recessed on the mine floor once a large enough mine floor is excavated.
2. Stockpiles and processing equipment locations will move as mining and reclamation progress across the mine Site.
3. Mining will progress from north to south.
4. Mining may occur 20 to 30 feet below the water table depending on quality of material encountered as mining progresses. Material mined below the water table will be extracted with a backhoe or if a DNR water appropriations permit is obtained, dewatering will occur and the mine will be redeveloped to allow dry mining.
5. Total area open for mining and processing will not exceed 35 acres (the mine is only 21 acres).
6. Mining setbacks per Carver County Zoning Code as follows:
   - 50 feet from a property line.
   - 50 feet from road right of way.
   - 50 feet from Ordinary High Water Level (OHWL).
   - 500 feet from residential homes.
   - 300 feet from Type 3 through 8 wetlands
9. Processing to be setback 100 feet from ordinary high water level of Silver Creek
10. Stockpiles not to exceed 1,000 cy within floodplain overlay
11. There will be no mining or processing within regulatory floodway
12. Screening berms to be constructed around the perimeter of the Site using topsoil and overburden removed during preparation of a mine phase. Screening berms will be located within the setback areas. Screening berms will be constructed with a 3:1 outer slope.
13. All Slopes at the property line will be kept at a 2.5:1 slope or flatter.
14. Screening berms will be shaped and seeded and mulched to establish vegetation.
15. Perimeter controls, such as vegetated filter strips, sediment logs, silt fence, or other will be used along the outer toe of perimeter berms until vegetation has become established.
16. Lighting will be limited to hooded and downcast security lighting as needed. Portable light kits may be brought to the site on an as needed basis during the early spring or late fall if needed to safely facilitate processing during early morning or evening operations.
17. Stormwater runoff from disturbed portions of the site to be directed to low areas of mine floor where infiltration will occur. The Site will be operated under a MPCA NPDES General Permit for non-metallic mineral mining and a site-specific pollution prevention plan

Erosion Control Notes:

1. Delineate the location of areas not to be disturbed (e.g. with flags, stakes, signs, silt fence, etc.) on the development site before work begins.
2. Avoid removal of trees and surface vegetation wherever possible. Schedule construction in order to expose the smallest practical area of soil at any given time.
3. Install silt fence at outside perimeter of screening berms.
4. Install a one-foot diversion berm downgradient of of Phase 1 and Phase 2 to prevent stormwater runoff from entering floodway.
5. Vegetate screening and diverson berms.
6. All temporary erosion and sediment control measures shall be properly maintained and repaired as needed.

Key:

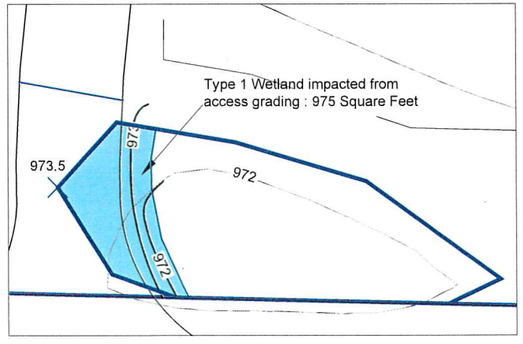
Residence

Tree Line

On Site Delineated Delineated Wetlands

Portion of Mine within Floodplain (7 Acres)

Access Grading Detail



N

150 0 150 300
SCALE IN FEET

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Wm. Mueller & Sons.

Dammann Mine

Camden Township
Carver County, MN

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Kirsten Pauly

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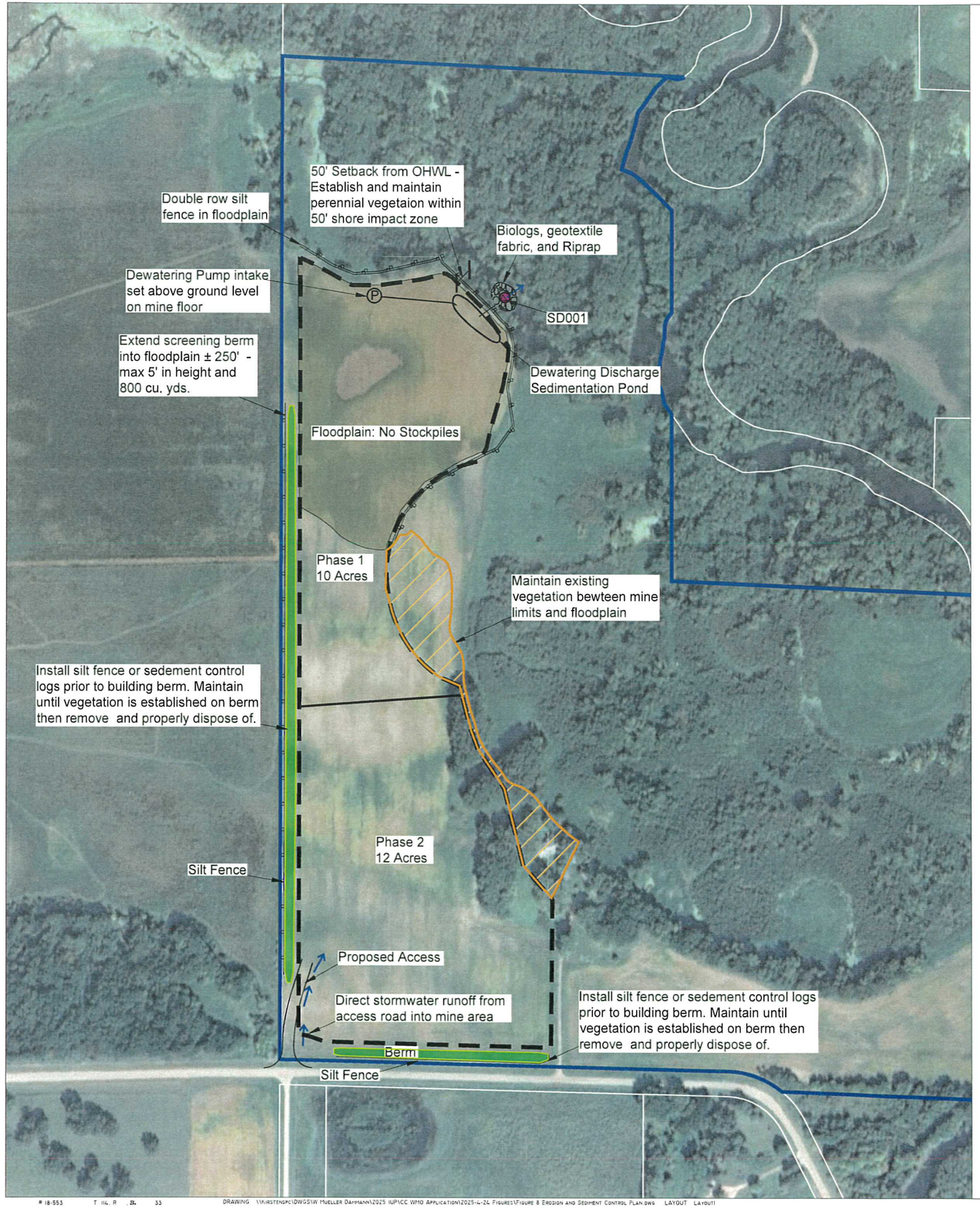
DESCRIPTION:

Mine Plan

SHEET NO:

C3

1 of 3



18-553 T 114, R 24, 33 DRAWING \\KIRSTENSPC\DWGS\W Mueller Dahmann\2025 IUP\CC WMO Application\2025-4-24 Figures\Figure 8 Erosion and Sediment Control Plan.dwg LAYOUT Layout1

Notes:

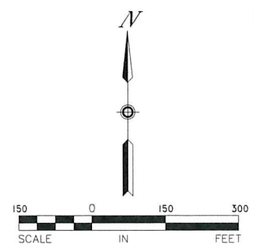
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5. Vegetate screening and diverson berms.
6. All temporary erosion and sediment control measures shall be properly maintained and repaired as needed.

BMP Notes:

1. Silt Fence
2. Berms
3. Vegetated Filter Strip
4. Designated Fueling Location (Floor of Mine)
5. Recessed Operations/Internal Drainage
6. Temporary Mine Floor Infiltration Basin (As Needed)
7. Water Haul Roads for Dust Control (As Needed)



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Wm. Mueller & Sons.

Dammann Mine

Camden Township
Carver County, MN

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Kirsten Pauly

Kirsten Pauly
DATE: 4/25/2025 REG. NO.: 21842

INFORMATION:

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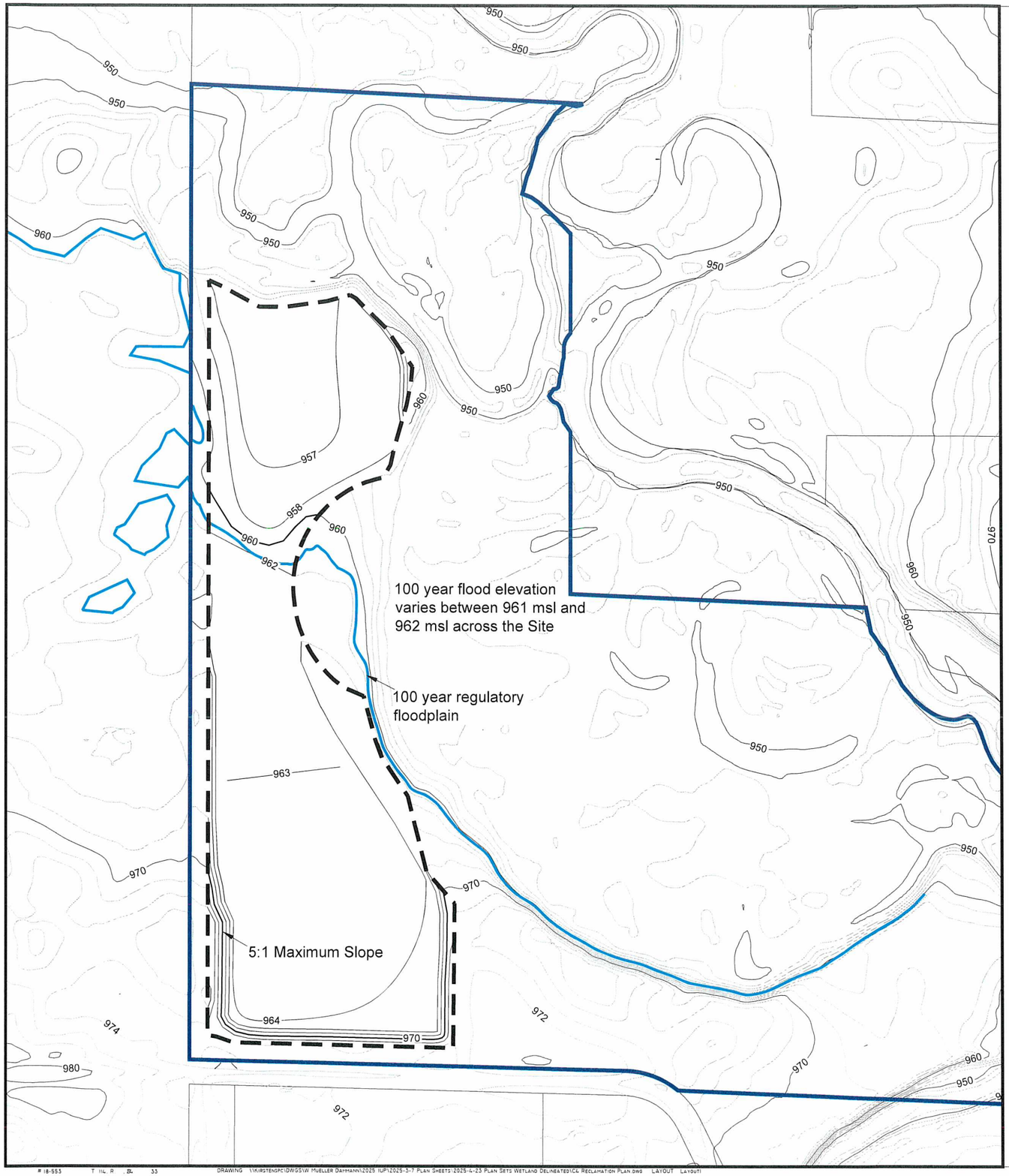
DESCRIPTION:

Erosion and Sediment Control Plan

SHEET NO:

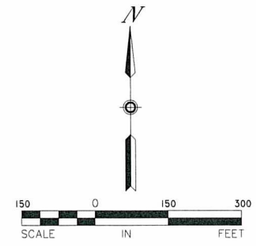
Figure 8

1 of 3



Reclamation Notes:

1. The mined area shall be reclaimed in general accordance to the grades illustrated on this plan.
2. Reclamation grades will be established as follows:
   a.) Reclamation grades within regulatory floodplain to be at or below pre-mining grade to ensure no reduction in storage capacity of floodplain or impact to flood elevations.
   b.) Reclamation grades in remainder of site to be above regulatory floodplain elevation which varies from 961 msl to 962 msl across the site so area will remain outside of floodplain.
3. Reclamation will begin in a timely fashion and will include backfilling to grades suitable to return the site to agricultural production.
4. No graded slope shall exceed a 5:1 ratio and will commence at the setback.
5. Reclamation grades to be established between three to five feet above the water table.
6. Berms will be removed to the original elevation of the land.
7. All temporary erosion and sediment control measures shall be properly maintained and repaired as needed.
8. All temporary erosion and sediment control measures will be disposed of within 30 days after final site stabilization is achieved or after the temporary measures are no longer needed.



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Dammann Mine

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Kirsten Pauly

Kirsten Pauly
DATE: 4/25/2025 REG. NO.: 21842

INFORMATION:

PROJECT NO.: 25-505
DRAWN BY:
CHECKED BY:
APPROVED BY:
SCALE:
DATE: 7/29/2024

DESCRIPTION:

Reclamation Plan

SHEET NO:

C4

1 of 3

April 2025

Wm. Mueller and Sons Inc.

Dammann Mine

Application for Water Management Rules Conformance and Approval

Sand and Gravel Mining Operation

Camden Township
Carver County, Minnesota

SUNDE ENGINEERING, PLLC.
10830 Nesbitt Avenue South
Bloomington, MN55437-3100
Phone: (952) 881-3344
Fax: (952) 881-1913

Wm. Mueller and Sons, Inc.

APPLICATION FOR EROSION CONTROL AND STORMWATER PERMIT
Dammann Mine
Camden Township, Carver County, MN

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	3.2 Impervious Area:	2
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Figure 2: *Topography of Site*
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Figure 5: *Water Resources*
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Figure 7: *Proposed Subwatershed Boundaries*
Figure 8: *Erosion and Sediment Control Plan*
Figure 9: *Soil Testing Locations Map*

ATTACHMENTS:

Attachment 1: *2025 Wetland Delineation Report*
Attachment 2: *Stormwater Pollution Prevention Plan*

WM Mueller and Sons, Inc.
APPLICATION FOR
EROSION CONTROL AND STORMWATER PERMIT
Dammann Mine
Camden Township, Carver County, MN

1.0 PROJECT DESCRIPTION

Wm. Mueller & Sons, Inc. (WMS) is applying for an Interim Use Permit to develop and operate a new sand and gravel mining operation in Camden Township, Carver County, MN. The property consists of one parcel of approximately 99 acres, excluding right-of-way (Site), with a proposed excavation area of ±22 acres. The project will disturb more than five acres and requires a combined erosion control and stormwater permit in accordance with Carver County Chapter 153 Water Resource Management Rules.

2.0 REQUIRED MAPS

2.1 Figure 1: Location Map illustrates the site location with property lines in relation to surrounding roads, other geographic features, buildings and other structures.

2.2 Figure 2: Site Topography illustrates topography showing two-foot contours for the Site.

2.3 Figure 3: Subwatershed Topography illustrates topography using ten-foot contours for subwatersheds upstream and downstream of the project site.

2.4 Figure 4: Vegetation Map illustrates existing vegetation and trees intended to be retained. A natural resource inventory has not been conducted. Site vegetation is agricultural production and wetland vegetation types associated with Silver Creek and South Fork Crow River. Some trees will be removed as a part of mining and they are indicated on Figure 4. Vegetation will be disturbed across the Site and returned to agricultural production in phases as mining and reclamation advances across the site.

3.0 STORMWATER MANAGEMENT PLAN

3.1 Existing and Proposed Sub-Watersheds:

Figure 5: Water Resources illustrates existing on-site water features and their associated floodplains, shoreland, wetland information, drainage patterns, and flow directions. Figure 6: *Existing Subwatershed Boundaries* illustrates the Site's existing subwatershed drainage areas, upstream and downstream flow paths.

Figure 7: *Proposed Subwatershed Boundaries* illustrates the Site's post reclamation subwatershed drainage areas, upstream and downstream flow paths, on site water features, drainage patterns, and flow directions.

Silver Creek, South Fork Crow River, and Buffalo Creek are on-site water features. A wetland delineation was performed by Anderson Engineering in April of 2025 and is included as Attachment 1 2025 Wetland Delineation Report.

3.2 Impervious Area:

The on-site impervious is limited to the existing driveway and the abandoned residence and outbuildings on the Site and is illustrated on Figure 8: *Erosion and Sediment Control Plan*. New impervious area introduced to the Site will be limited to the proposed gravel mine access to 84th St. This area would be considered impervious on an interim basis and would be restored to pervious as a part of final reclamation activities.

3.3 Stormwater Facilities

There are no proposed permanent stormwater facilities.

3.4 Construction plans and specifications

The project plans are included in the IUP application.

3.5 Hydrologic Calculations

The project adds no new impervious area and is not required to meet the treatment requirements for rate, water quality, or volume

3.6 Demonstration of Conformance

The Project adds no new impervious area and is not required to meet the treatment requirements for rate, water quality or volume.

3.7 Curve Numbers

The project adds no new impervious area and is not required to meet the treatment requirements for rate, water quality, or volume.

3.8 Water Levels

Mining is not expected to affect normal or high water levels of the surface waters that intersect the Site. There are no existing emergency overflow elevations on the Site.

3.9 Extended Detention

The Site does not require extended detention.

4.0 EROSION AND SEDIMENT CONTROL PLAN

4.1 Proposed area of grading or other land-disturbing activities.
Figure 8: *Erosion and Sediment Control Plan,* shows the limits of excavation and land-disturbing activities. Where vegetation exists outside of the mining limits and provides screening it will be left in place.

4.2 Quantity of Soil or Earth Material to be Removed, Placed, Stored, or Otherwise Moved.
The project will move, remove, place, or store approximately 1,000,000 cubic yards of soil or earth material from within the mining limits shown on Figure 8.

4.3 Locations and Descriptions of Proposed Runoff Control, Erosion Prevention, Sediment Control, and Temporary and Permanent Soil Stabilization Measures
Locations and descriptions of proposed runoff control, erosion prevention, sediment control, and temporary and permanent soil stabilization measures are located in Attachment 2: Stormwater Pollution Prevention Plan.

4.4 Sequence of Land Alteration
Figure 8 shows the phases of the mining project. The mine activity will be ongoing, and as mining activity advances, corresponding perimeter controls, screening, and other stabilization measures will occur and are further described in Attachment 2. Permanent stabilization and permanent re-vegetation will take place after final reclamation.

5.0 STORMWATER POLLUTION PREVENTION PLAN

A Stormwater Pollution Prevention Plan (SWPPP) was prepared for the Site, and is included as Attachment 2.

6.0 WETLAND PROTECTION

6.1 Wetland Delineation:
A wetland delineation was performed by Anderson Engineering of Minnesota LLC. In April of 2025. The delineation established the locations and types of wetlands on the Site.

6.2 Wetland Transition Setbacks:
Mining will be setback from all wetlands at a minimum of 20 feet. However, mining is an activity meeting the exemption requirements of Minnesota Rule 8420 described in section 153.57 of the Water Resource Management Ordinance and thus is exempt from these setback requirements.

6.3 Wetland Protection:
The Mining Plan and Stormwater Pollution Prevention Plan have been developed to protect offsite wetlands or other surface waters from sediment discharges from the Site. If any sediment is discharged offsite, to a wetland or other surface water, it will be removed and the area restored.

7.0 TOPSOIL MANAGEMENT PLAN

The purpose of this topsoil management plan is to establish the existing topsoil quality, manage topsoil removal and storage so that sufficient quantities and qualities are available for reclamation, and verify quality of topsoil at time of reuse when reclaiming completed portions of the mine. As reclamation reaches final stages in each phase, a minimum of six inches of topsoil will be restored to all pervious areas.

7.1 Establish Existing Topsoil Quality:

Based on information from the NRCS Soil Survey, there are two predominant soil types present on site, the Wadena Loam and the Le Sueur-Lester Complex. Prior to any mining activity on the site, Wadena soils represented approximately 69% of the Site and Le Sueur-Lester Complex soils represented approximately 25%.

Topsoil quality will be established through soil testing of onsite soils. Mining activity will progress across the site over time and soil testing will be performed in each phase prior to initiating stripping activity in any given phase. Two soil samples per phase will be collected and tested for material passing the ¾ in sieve, material passing the No 4 inch sieve, clay content, silt content, sand content, organic matter content, compaction, and pH. There are two phases totaling ±10 acres each, so a total of four to five topsoil samples will be analyzed over the life of the mine in accordance with the onsite testing standard two samples per five acres disturbed.

Frequency: 2 samples per phase		
Requirement	Range	Test Method
Material Passing the ¾ in.	100 %	ASTM D 422
Material Passing No 4 in.	≥ 85%	-
Clay	5% – 33%	ASTM D 422
Silt	5% - 35%	ASTM D 422
Sand	30% - 75%	ASTM D 422
Organic Matter	2.5% – 15%	ASTM D 2974
pH	6.1 – 8.0	ASTM G 51
Compaction	-1,400 kilopascals (kPa) / 200 pounds per square inch (psi) in the upper 12 inches of soil, or -bulk density of less than 1.4 grams per cubic centimeter (g/cm3) in the upper 12 inches of soil	Field Test

Testing results will be maintained at the office of WMS and used to verify that the topsoil used in reclamation is of similar quality as the pre-mining topsoil.

Test locations should be chosen to obtain representative samples from both the Wadena Soils and the Le Sueur-Lester Complex soils. Approximate soil sample locations are indicated on Figure 9 *Soil Testing Locations Map.*

7.2. Topsoil Removal and Storage:

A combination of scrapers, bulldozers, excavators and haul trucks will be used to remove topsoil from each phase to be mined. Removal will be performed with the goal of recovering as much of the topsoil as possible while preventing mixing the topsoil with underlying subsoils and overburden.

The stripped topsoil will either be placed over a reclaimed area that has been brought to final grade and is ready for topsoil and vegetation establishment or it will be stored onsite in perimeter screening berms. Perimeter screening berms will be seeded and mulched to establish vegetation and minimize erosion and sedimentation. Perimeter berms will be constructed in phases as subsequent portions of the mine are stripped.

Overburden must be stockpiled separately from the topsoil.

7.3 Testing of Stockpiled Topsoil Prior to Redistribution:

Prior to redistributing topsoil that has been stockpiled for more than one year, the topsoil must be tested to verify that it is of similar quality as the original topsoil. Variation in the testing results of the original topsoil is expected. Stockpiled topsoil should be within 1% of the range of values for organic matter, clay, silt, and sand content and within 0.5 pH units of the range of values obtained from the pre-mining tests. Soils not meeting these criteria will need to be amended (compost etc.) and retested.

Frequency of testing should correlate to one test per 6,500 cy of stockpiled topsoil that has been stored for more than one year prior to redistribution.

Topsoil that is stripped and redistributed within one year of the source stripping operation does not need to be retested.

Keep records of topsoil testing locations, stockpile locations correlated to test locations, and testing results on file until final site reclamation is approved by County.

7.4 Redistribution of Topsoil:

As mining is completed across portions of the mine, reclamation fill will be placed to bring the mined area up to final grade. Overburden may be used as the uppermost layer of backfill in the upper portion of the reclamation fill area. Avoid compaction in the upper five feet of backfill. Subsoil will be de-compacted to a depth of six inches prior to placement of topsoil.

Disk, chisel plow, rip, or scarify compacted subsoil as necessary prior to distributing topsoil evenly over the prepared subgrade. Redistribute onto the prepared site only during dry conditions using appropriate equipment to minimize compaction.

Spread topsoil to a depth sufficiently greater than 6 inches so that after light rolling and natural settlement the completed work will provide a minimum of 6 inches of topsoil. Where adequate soil volumes exist, topsoil will be redistributed to depths of up to 18 inches.

Soil compaction not to exceed 1,400 kPa/200 psi for a minimum of the top 12" of soil.

7.5 Verification of Sufficient Topsoil for Reclamation:

All topsoil to be retained on-site. No topsoil may be hauled from the site or sold.

Volume of topsoil needed for redistribution at minimum 6" depth.

Phase	Area (ft^2)	In place topsoil volume (Cubic Yards)
Phase 1	435,600	8,066 cy
Phase 2	522,720	9,679 cy
Total	958,320	17,745 cy

Using average depths of A horizon soils from the NRCS Web Soil Survey, an estimated 44,000 cy of topsoil is estimated to be available to be removed, stockpiled and reclaimed as part of final reclamation. This is sufficient to meet the minimum six inch requirement and should result in topsoil depths that average closer to 12" which will be desirable as the land will be returned to agricultural production.

If needed, topsoil may be imported to the Site and tested to meet the Carver County Topsoil Standards.

8.0 RECLAMATION

8.1 Reclamation of the Site will meet the standards provided in the William Mueller and Sons Inc. Dammann Mine, Sand and Gravel Mining Operation Interim Use Permit Application, April 2025. Reclamation standards include the following:

- All materials used for backfilling shall be free of all 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.
- The graded or backfilled area shall be surfaced to a depth of 6 inches with soil of a quality at least equal to the topsoil of immediately surrounding areas.
- The Site is planned to return to agricultural production. A native seed mix will be used in any areas that are permanently seeded and not returned to agricultural production.

- Soil restoration, seeding, and mulching will occur within each phase after final grades have been established.
- Final grades will be generally consistent with the grades shown on C4, Reclamation Plan.
- Reclaimed areas will be returned to an agricultural land use.
- Soil erosion and sedimentation control measures shall be consistent with MPCA's publication entitled "Protecting Water Quality in Urban Areas" and the Stormwater Pollution Prevention Plan (SWPPP) for the Site.
- Perimeter controls, such as vegetated filter strips, sediment logs, or silt fence will be used to secure the perimeter until permanent vegetation is established.
- 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 will be removed from the Site.
- Reclamation will be progressive, and in proportion with advances of mining to maintain areas open for mining and processing at 35 acres or less at all times.
- Reclamation will not result in an increase of impervious area.

9.0 CERTIFICATION

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 and Professional Geologist under the laws of the state of Minnesota.

Kirsten Pauly, P.E., P.G.
Date 4/25/2025 Reg. No. 21842

Proposed Dewatering - Supplemental Information
Wm. Mueller & Sons
Dammann Mine
Camden Township
Carver County, Minnesota Received May 2, 2025

Wm. Mueller & Sons (WMS) is proposing to periodically dewater at their proposed Dammann Mine site. This supplemental information is supplied to further describe the proposed dewatering operations and provide an assessment of the potential effects to adjacent wetlands.

Dewatering would occur on a periodic basis only and would consist of pumping to lower the water table by 5 feet to up to 10 feet to allow access to the deeper deposits of sand and gravel encountered across the proposed mine area. The area to be dewatered would be limited to three to five acres of the site at any given time. Dewatering itself would only occur for a limited amount of time. Typically, the area will be pumped continuously for a period of a few days to lower the water table and then only periodically for a few hours in the morning or as needed to maintain the water level during the extraction activities.

Dewatering would not occur throughout the entire mining season but rather only for a period of approximately 4-6 weeks a year. Outside of this period of temporary dewatering, the pumps would not be operating, and the water table would be allowed to fully recover to pre-pumping levels. Dewatering will not occur during periods of high groundwater elevations or during spring flooding. Dewatering will typically occur midsummer to late fall, avoiding the spring and early summer when groundwater is at a seasonal high or when the area is experiencing flooding. Dewatering is always avoided at these times because high water or flooding events result in having to pump higher volumes of water which increases costs considerably.

WMS conducts similar dewatering operations at other mines. The dewatering is subject to the Minnesota Department of Natural Resources (MDNR) Water Appropriations Permit (WAO). This permit regulates the maximum pumping rate allowed and the maximum volume of water that can be pumped on an annual basis. WMS operates other mines with dewatering operations that are anticipated to be very similar to the Dammann Mine. WMS intends to apply for a permit to allow pumping up to 2,000 gpm and an annual volume of 25 million gallons per year (mgy). This amounts to the pump running for up to 208 hours a season.

Dewatering discharge would be directed to a sedimentation pond that would overflow back to Silver Creek. Dewatering discharge is subject to the Minnesota Pollution Control Agency regulations regarding discharges to surface waters regulated through the NPDES/SDS General Permit for Non-Metallic Mineral Mining and Associated Activities. Under this permit, the off-site discharge of the dewatering water is subject to water quality monitoring

including Total Suspended Solids and other parameters and subject to intervention limits established in the Permit. The monitoring results are required to be submitted to the Minnesota Pollution Control Agency on an annual basis.

Potential Indirect Impacts to Wetlands: Anderson Engineering conducted a wetland delineation in April 2025 and verified the location of wetlands associated with the floodplain of Silver Creek and the South Fork of the Crow River which flow through the Site. Proposed mine limits are setback at least 300 feet from a Type 3-8 Wetland, in accordance with the County Ordinance, and a minimum of 20-foot setback from Type 1 (seasonally flooded) wetlands located along the northern boundary of the mine area, and a 50-foot minimum setback from the Type 2 (fresh wet meadow) wetlands along the eastern boundary of the mine area.

The Type 1 wetlands are usually well drained during much of the growing season but are subject to temporary and periodic flooding. The Type 2 wetlands are also located entirely within the floodplain and their source water includes precipitation, surface water runoff, and groundwater discharge. The hydrology of Type 2 wetlands is influenced by seasonal water fluctuations and typically experience temporary to seasonal flooding. They may be saturated for extended periods but not necessarily inundated year-round.

Because dewatering will be conducted on only a periodic and limited basis indirect impact to the wetlands is not likely and if at all, temporary and reversible in nature due to the relatively short period of time needed for dewatering (4-6 weeks a year) as opposed to a continual season long or year-round dewatering operation. Spring flooding and seasonal saturation of the wetlands will continue to occur on a routine basis.

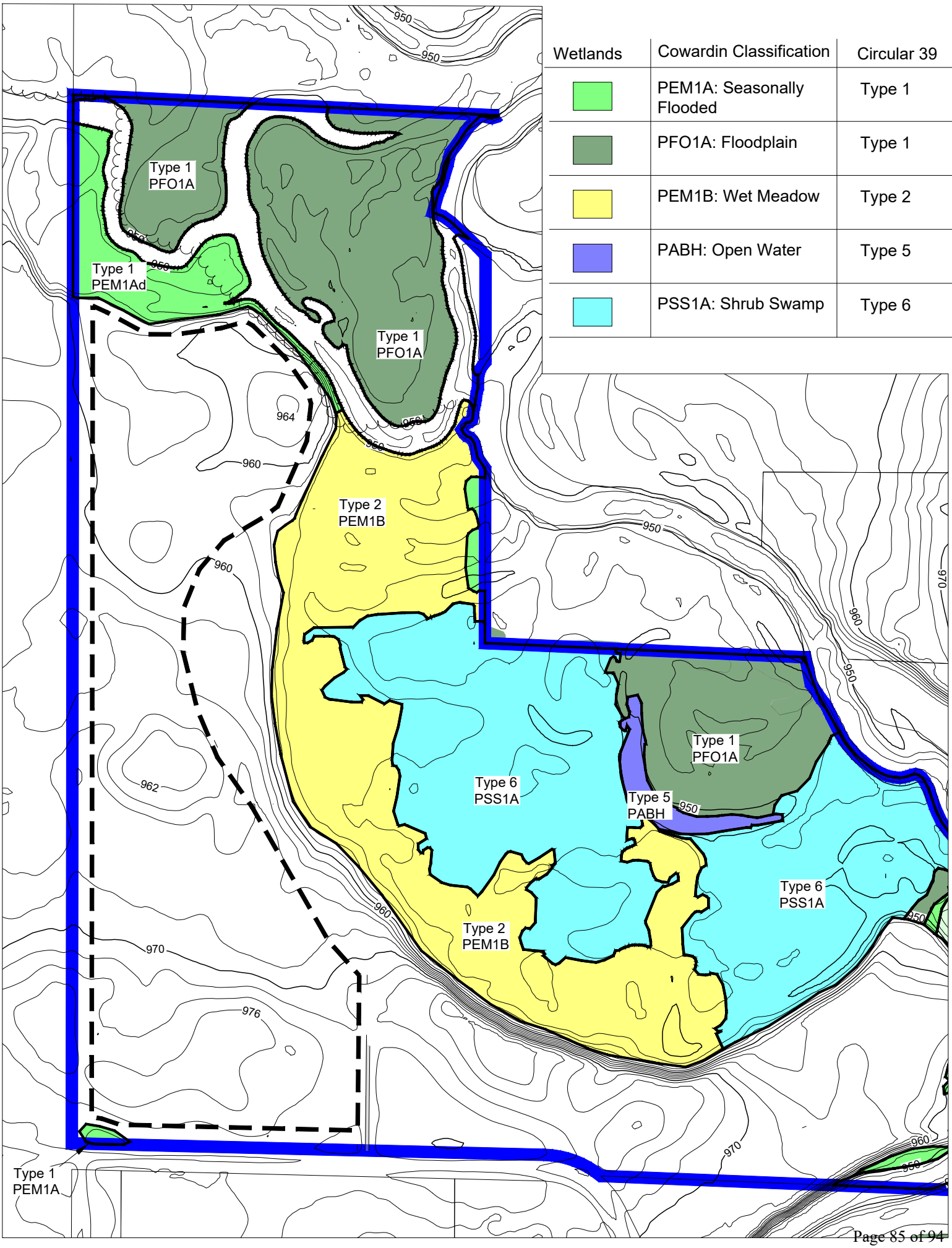
WMS proposes conditions to the IUP to mitigate the potential for indirect impacts to onsite wetlands.

1. A MDNR Water Appropriations Permit must be obtained before any dewatering may occur. All dewatering must comply with the terms and conditions of the WAP.

2. WMS must submit a copy of the MDNR annual water use report to Carver WMO by March 15 each year.

3. The Site must be added to the MPCA's multi-site NPDES/SDS nonmetallic mineral mining and associated activities permit. Discharge of the dewatering effluent must be in accordance with the terms and conditions of the general permit including monitoring and reporting to the MPCA.

4. The Site will be subject to annual inspections by Carver County Staff and may include periodic field verification of wetland boundaries to verify no indirect impacts have occurred.


Wetlands
Cowardin Classification
Circular 39
PEM1A: Seasonally Flooded
Type 1
PFO1A: Floodplain
Type 1
PEM1B: Wet Meadow
Type 2
PABH: Open Water
Type 5
PSS1A: Shrub Swamp
Type 6
Type 1 PFO1A
Type 1 PEM1Ad
Type 1 PFO1A
Type 2 PEM1B
Type 1 PFO1A
Type 6 PSS1A
Type 5 PABH
Type 6 PSS1A
Type 2 PEM1B
Type 1 PEM1A
950
960
964
962
970
976

CARVER COUNTY

Township Presentation & Recommendation Form

PARCEL # 020180100 **Permit #** PZ20250012

Owner's Name: Jon Dammann

Owner's Mailing Address: 4677 165th St.

City: Lester Prairie

Owner State: MN

Owner Zip: 55354

Applicant (if other than owner): WM. Mueller + Sons, Inc.

Site Address: 19090 84th St. NW, MN 55397

Type of Request: ○ CUP ◉ IUP ○ Preliminary Plat ○ Final Plat ○ Variance ○ Appeal

Description of Request:

WM. Mueller + Sons is seeking a permit to mine Sand + Gravel on Appox 28 Acres of the property listed above. Processing would include Crushing + Screening of aggregate material. Property to be filled in + restored to farmland when Mining is complete.

Date of County Public Hearing:

Date of Township Meeting: 2-13-2025

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:

All Maintance of Road will be WM. Mueller + Sons responcibility, which includes, new gravel, grading and dust control when needed. Road needs to stay in as good of or as better.

**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.

Timothy Mueller, WM. Mueller + Sons. Date 2-13-2025

Signature of Applicant

William Devine Date 2-18-25

Signature of Township Official

McLeod County and Local Road Authority
Temporary Haul Road Designation Route

It is hereby ordered, in accordance with the McLeod County Zoning Ordinance for Mining within Section 15, Subdivision 6, that the following route be designated as a haul road for the transportation of mined or excavated materials for Project CUP#_____ within Section 13 of Bergen Township, McLeod County, Minnesota.

PRIMARY HAUL ROUTE FROM THE MINED AREA:

Township Road 165th St. to Co. Rd. # 9 to St. Hwy. # 212/7

SECONDARY HAUL ROUTE:

Township Road _____ to Co. Rd. # _____ to St. Hwy. # _____

~ Please attach a highway map showing the intended haul routes ~

THE DESIGNATED HAUL ROUTE SHALL HAVE THE FOLLOWING DUST CONTROL MEASURES AND ROAD MAINTENANCE CONDITIONS:

Dust Control Methods:

500' East + West Calcium Chloride at intersection of 165th St. + Zero Ave.

Road Maintenance Agreement:

Blade road as directed by the township when the road becomes rough from truck traffic related to Pit operations

Bond or Escrow Financial Amount:

The designation of this haul road will become effective on the date that the contractor or landowner begins either the hauling of material or mining and excavation operation. It will remain in effect until the mining operations have been completed or the mining permit has expired. The local road authority shall not release any bond or other financial securities until the satisfaction of restoration of the haul route has been made to the agreed condition of both the contractor/landowner and the local road authority. This statement will become part of special conditions attached to the McLeod County Mining Conditional Use Permit.

WM. Mueller + Sons by Timothy Mueller — Contractor/Landowner
2-12-2025 — Date

Paula Mathews — Local Road Authority/Title
2-12-2025 — Date

HAUL ROAD INSPECTION

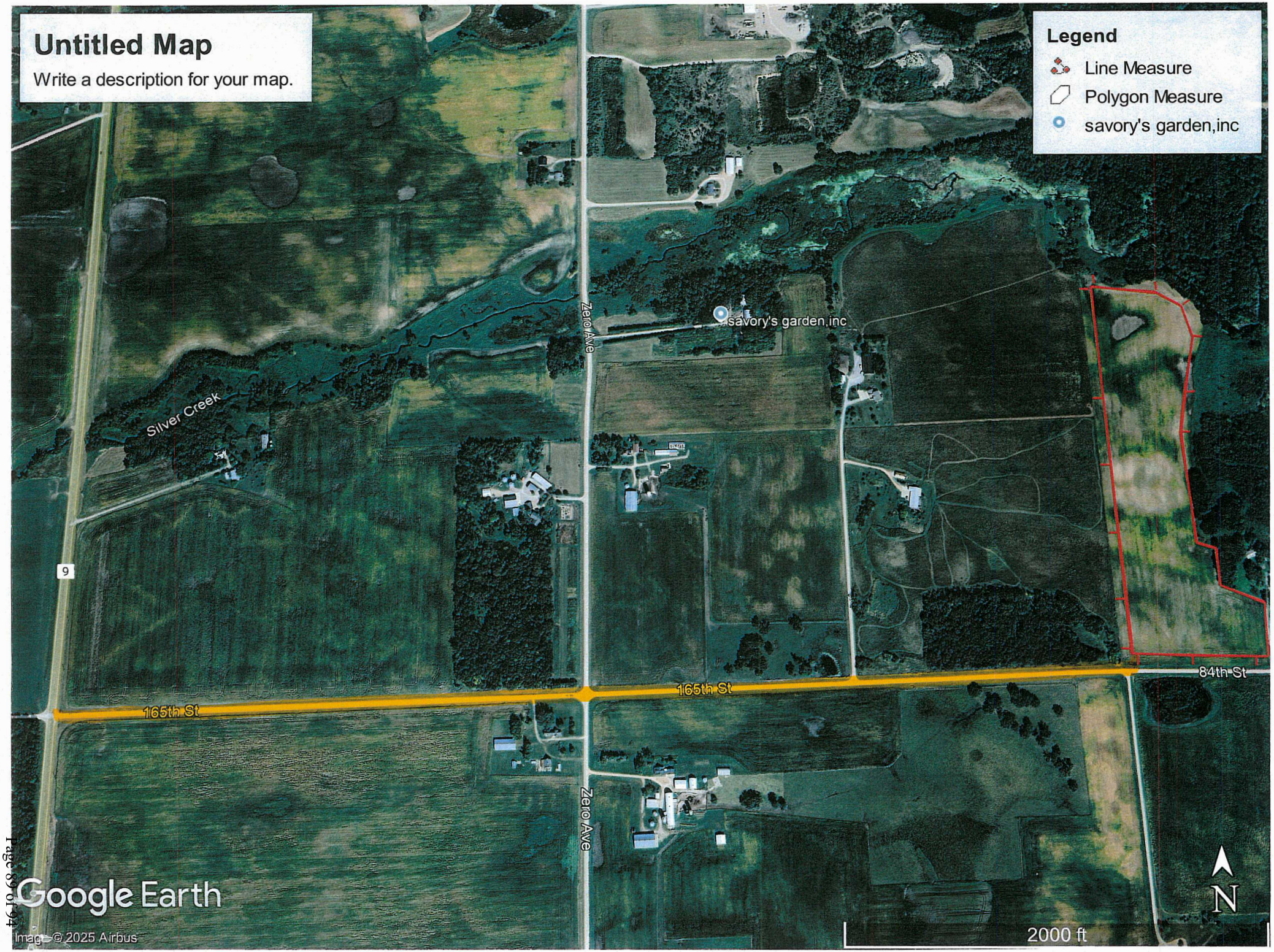
The haul road has been inspected and it has been found that it has been restored to a condition as good as when it was taken over as the designated haul route.

Local Road Authority/Title — Date

HAUL ROAD and FINANCIAL SECURITY RELEASE

It is hereby agreed to that the haul road has been restored to the condition prior to when it was designated as a haul road. Therefore, future road maintenance shall be the responsibility of the local road authority, and is hereby requested that the financial security provided to the local road authority be released and terminated as of this date.

Contractor/Landowner — Date


Untitled Map
Write a description for your map.
Legend
Line Measure
Polygon Measure
savory's garden,inc
Zero Ave
savory's garden,inc
Silver Creek
9
165th St
165th St
84th St
Zero Ave
Google Earth
Image © 2025 Airbus
2000 ft
N

Land Management Department
Public Services Division
Carver County Government Center
600 East Fourth Street | Chaska, MN 55318
Office (952) 361-1820 | Fax (952) 361-1828| www.carvercountymn.gov

May 1, 2025

Timothy Mueller
W.M. Mueller & Sons, Inc
PO Box 247
Hamburg, MN 55339

RE: LAND USE APPLICATION #PZ20250012
PID#: 02-018-0100

Dear Mr. Mueller,

I'm writing in reference to the requirement that the County Board of Commissioners must make decisions on planning & zoning requests within 60 days of the application, as dictated by State Statute (MS. 15.99). The law states that the County may extend the timeline by providing written notice of the extension to the applicant. It also states that the notification must state the reasons for the extension and its anticipated length, which may not exceed the additional 60-days (i.e. 120 days total) unless approved by the applicant.

I want to take this opportunity to inform you of a 60-day extension for the decision on your request (File #PZ20250012) for a Mining Interim Use Permit in Camden Township. This extension is based on the date your application was considered complete (March 21, 2025). The initial 60-day deadline for a final decision on your request was May 20, 2025.

The 60-day extension for the decision is prompted by the need to complete a wetland delineation and additional time needed to complete the Carver County Water Management Organization application submittal.

This letter shall serve as the written notice of a 60-day extension (120 days), reflecting a July 19, 2025, County Board deadline for a final decision on your request. The 120-day time period will not be extended in the future without your approval.

If you have any questions, please feel free to contact me at 952-361-1815.

Sincerely,

Donovan Hart
Senior Planner

To: Carver County Planning Commission *received May 12, 2025*

From: Sheryl Blaisdell, owner of 8040 Yale Ave., New Germany

You are considering approval of an Interim use Permit to allow sand and gravel mining, including crushing and screening of aggregate materials on the property to the west of my property line. This would be located directly west of my property and in visual view of my property on the west side of the Crow River. I am hoping you decline this use permit and I will explain my reasoning as follows.

I moved to this property 10 years ago after living closer to the city. I moved knowing that this is where I would retire and be my last home. I looked for property that was away from the city activities and quiet. If the permit is allowed the gravel pit would bring the extreme noise of rock crushing, large machinery engine noise, the beeping of the back- up bells, the dumping of the loaders and the slamming of dump truck tail gates. I am retired and am home all day, my quiet would now be invaded by listening to this on-going noise that I was trying to get away from. I have also developed a lung condition in my older age that makes me vulnerable to poor air quality. The gravel pit would bring an increase in dust and exhaust fumes that could impact my quality of life. Part of my daily activities of living on the Crow River is photographing the many animals that live and stop at the river such as nesting Eagles and migrating Pelicans. I worry that the noise of the gravel pit and change of vegetation and water flow will keep the animals that I photograph, and use for extra income, to relocate. At this time in my life, I would be unable to move and I fear that the view and noise of the gravel pit will eventually lower my property value.

In regards to scientific effects of gravel pits on rivers, a 2014 survey by Anthony Ladson and Dean Judd, the authors had said their survey showed that gravel pits near rivers lead to:

River bed degradation

Bank erosion

Channel widening

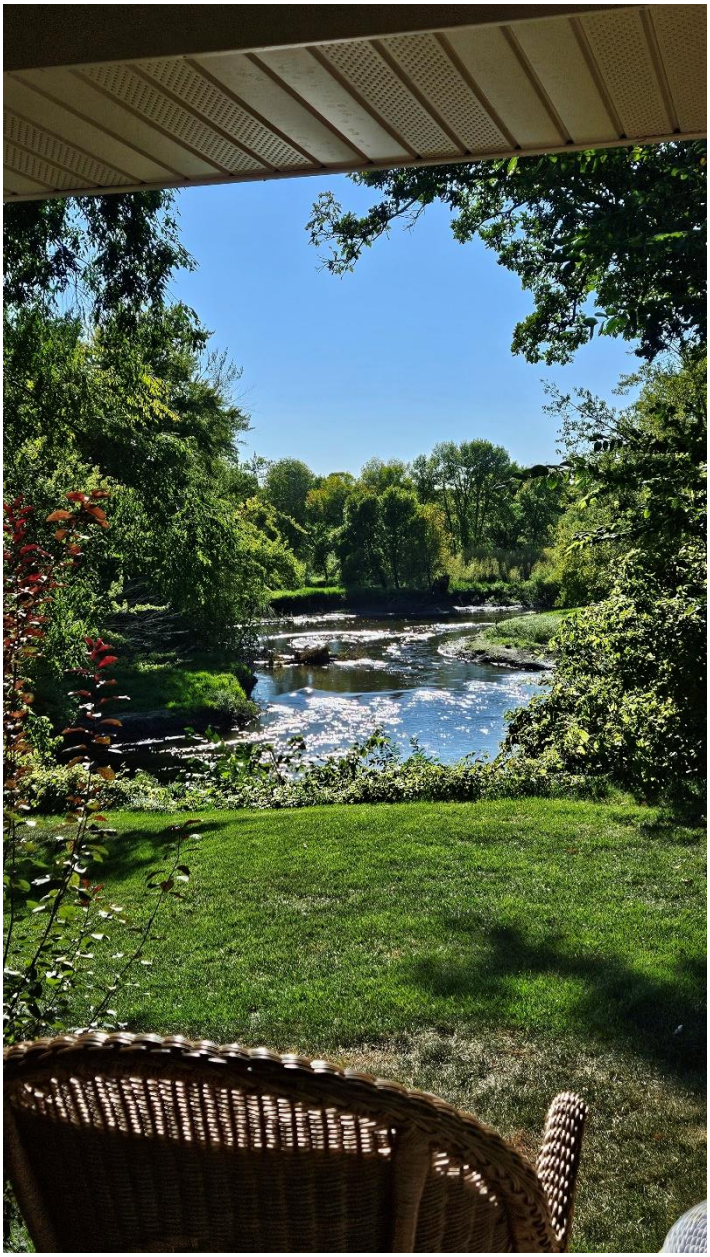
Infrastructure damage or destruction

Habitat damage

Degradation of water quality

In summary, by allowing this permit to go through, you will forever be changing a peaceful farming environment with clean air and a beautiful view of the Crow River with plentiful wildlife to a dusty, noisy barren land that may or not recover.

My view will go from this:



To:



EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 02-018-0100 File# PZ20250012

APPLICANT: Tim Mueller, representing Wm Mueller & Sons, Inc.
OWNERS: Carol Jean Dammann
Jon E Dammann

* *

Tract 1:
The West Half of the Northwest Quarter (W½ of NW¼) of Section 18, Township 116 North, Range 26 West of the 5th Principal Meridian.

Tract 2:
The Southeast Quarter of the Northwest Quarter (SE¼ of NW¼) of Section 18, Township 116 North, Range 26 West, EXCEPTING therefrom the following described tract of land: Beginning at the northeast corner of said Southeast Quarter of the Northwest Quarter (SE¼ of NW¼); thence westerly along the north line of said Southeast Quarter of the Northwest Quarter to the centerline of the South Fork of the Crow River; thence southeasterly along said centerline to the east line of said Southeast Quarter of the Northwest Quarter; thence northerly along said east line to the point of beginning.

DRAFTED BY: Carver County Land Management Department