

EUREKA TOWNSHIP
Dakota County, State of Minnesota
AGENDA
PLANNING COMMISSION MEETING
June 3, 2025 – 7:00 P.M.

I. Call to Order and Pledge of Allegiance

Thank you to everyone who is attending the Planning Commission meeting tonight in person and on zoom. I would like to remind you that this meeting is open to the public to attend and observe the working of the Planning Commission, but it is not for public comment. However, the Chair does reserve the right to call on residents who are present if they may have information relevant to the topic being discussed.

II. Approval of the Agenda

III. Permit Requests

- A. Smith, David, 6675 245th St. W., PID13-01500-07-010 *Solar (ground-mounted) **pp 2-6**

IV. PUBLIC HEARING(s) (Procedure pg. 7)

- A. Derrick Warren, LTS Communications, on behalf of property owner **pp 8-43**
Nicolai, Michelle, PID13-02300-76-030, *Conditional Use Permit

The request is for a conditional use permit to allow an essential service equipment station to be constructed at the subject property. The proposed installation is an unmanned fiberoptic equipment shelter and utility compound, which will serve to boost the signal for LTS Communications' fiber network.

- B. OMG Midwest dba Minnesota Paving & Materials (MPM), *Text Amendment **pp 44-84**

The request by OMG Midwest dba Minnesota Paving and Materials, on behalf of LeRoy Chard, is for a text amendment to Chapter 165 of the Eureka Town Code, related to Mining.

V. Unfinished Business

- A. Planning Commission Activity Tracker (**TABLE pg. 85**)
1. Home Extended Business-*WSB Draft/Performance Standards* **pp 86-89**
 2. Definition of a Front Yard (front yard setbacks)- *Commissioner Wheeler*
 3. Community Event-*Commissioner Palmquist*
 4. Indoor Agriculture-*Chair Melanie Storlie, Commissioner Brian Storlie*

VI. New Business

- A. Round Table Discussion
1. Items to add to all future PC regular meeting agendas:
Town Board Liaison- *meeting summary (Chair Melanie Storlie)*
Town Board Liaison- *questions to bring to the next Board meeting*
(Commissioner Wheeler)
 2. Written report requested from outside meetings (Airlake, NCRWMO)
 3. Moving monthly meeting dates to the last Tuesday of the month
(RESOLUTION pg. 90)

VII. Approval of Meeting Minutes

- A. May 6, 2025, Planning Commission meeting minutes.

VIII. Adjournment

A quorum of the Town Board may be in attendance. No Town Board discussion or action will be taken.

You can join the Zoom Meeting one of the following ways:

1. Navigate to <https://zoom.us/j/3134376987?pwd=V3VRRKjKbIUxeUY1eIJBdmVNUmUrdz09>
Meeting ID: 313 437 69872. One tap mobile: dial 1-312-626-6799, 3134376987#

EUREKA TOWNSHIP

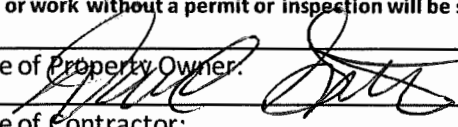
BUILDING PERMIT APPLICATION

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024
Phone: (952) 469-3736 / Email: deputyclerk@eurekatownship-mn.us

SITE INFORMATION Eureka Township		PIN# 13-01560-07-010		Permit#	
Site Address: 6675 245th St W		City Farmington		Zip 55024	
PROPERTY OWNER INFORMATION					
Name Dave Smith		Email dsmith7089@gmail.com		Phone 952-250-9055	
Address 6675 245th St W		City Farmington		State MN	Zip 55024
APPLICANT/CONTRACTOR INFORMATION					
Applicant Name Dave Smith				License Number	
Contact Person Dave Smith		Email dsmith7089@gmail.com			
Address 6675 245th St W		City Farmington		State MN	Zip 55024
Cell Phone 952-250-9055		Day Time Phone		Fax	
TOWNSHIP / LOCAL GOVERNMENT					
Permit complies with the Wetland Conservation Act subject to the following conditions:					
<input type="checkbox"/> Dakota County Shoreland/ Letter or Permit		<input checked="" type="checkbox"/> Vermillion River Watershed/ Letter or Permit		Date 5/19/25	
PLEASE INDICATE PROJECT TYPE			PROVIDE THE FOLLOWING FOR NEW HOME AND AS NEEDED		
<input checked="" type="checkbox"/> Residential or <input type="checkbox"/> Commercial/ Industrial			<input type="checkbox"/> Signature from Township on Building Permit Application		
<input type="checkbox"/> New Home Construction	<input type="checkbox"/> Private Dog Kennel	<input type="checkbox"/> Building Plans (Cross Section, Elevations, Floor Plan) – 2 copies			
<input type="checkbox"/> Deck	<input type="checkbox"/> Public Utility Structure	<input type="checkbox"/> Heat Loss, Combustion Air & Make-up Air Calculations– 2 copies			
<input type="checkbox"/> Accessory Bldg/Pole Shed	<input type="checkbox"/> Signs*	<input type="checkbox"/> Energy Certificate – 2 copies			
<input type="checkbox"/> Remodel	<input type="checkbox"/> Govt Bldg/Facility*	<input type="checkbox"/> Driveway Permit (Required for access to State, County, Twp. Roads)			
<input type="checkbox"/> Demolition	<input type="checkbox"/> Church/Religious Bldg*	<input type="checkbox"/> Survey / Detailed Site Plans – 2 copies			
<input type="checkbox"/> Swimming Pool	<input checked="" type="checkbox"/> Solar Energy*	<input type="checkbox"/> Erosion and Sediment Control Plans			
<input type="checkbox"/> Moving a Building	<input type="checkbox"/> Communication Tower*	<input type="checkbox"/> Complete Septic Design			
<input type="checkbox"/> Aircraft Hangar	* CUP also required	<input type="checkbox"/> New Home Checklist			
<input type="checkbox"/> Other:					
Estimated Cost of Labor & Materials: 15,000					
Project Description: ground Solar Array					

Applicant hereby agrees that, upon issuance of this permit, all work shall be done and all materials used shall be in compliance with all applicable township, city and county ordinances. The applicant agrees to abide by all zoning regulations and to utilize this structure for its permitted use. Signature of this application by the legal property owner or owner's representative is required and authorizes the Township Zoning Administrator or designee and the Building Official or designee to enter upon the property to perform needed inspections. Entry may be without prior notice.

The property owner agrees to pay all plan review fees even if he/she chooses not to proceed with the work. Permit expires when work is not commenced within 180 days from date of permit, or if work is suspended, abandoned or not inspected for 180 days. Work beyond the scope of this permit, or work without a permit or inspection will be subject to penalty.

Signature of Property Owner: 	Date:
Signature of Contractor:	Date:

EUREKA TOWNSHIP

BUILDING PERMIT APPLICATION

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024
Phone: (952) 469-3736 / Email: deputyclerk@eurekatownship-mn.us

Township Use Only

The property has an existing: ☐ CUP ☐ IUP ☐ Nonconforming registration

Applicant is requesting a 60-day extension until: _____

Deputy Clerk: Amym Liberty Date: 5/20/25
☐ Complete Date: _____ ☐ Incomplete Notification sent: _____
Application Fee \$ 45.00 Paid on 5/20/25 Receipt # 154665 Check # 1017
Notes: _____
Zoning Administrator: _____ Date: _____

Planning Commission: _____ Date: _____
Recommendation to Town Board: ☐ Approve ☐ Deny
Notes: _____

Town Board: _____ Date: _____
☐ Approved ☐ Denied
Notes: _____

FEES AND ESCROWS	
Permit Valuation	\$
Site Inspection	\$
Land Use Permit	\$
Septic Permit	\$
Plumbing Permit	\$
-State Surcharge	\$
Mechanical Permit	\$
-State Surcharge	\$
Building Permit	\$
-State Surcharge	\$
Plan Review	\$
Penalty / Other	\$
Total Fees	\$

Building Official Approval:

Signature Date

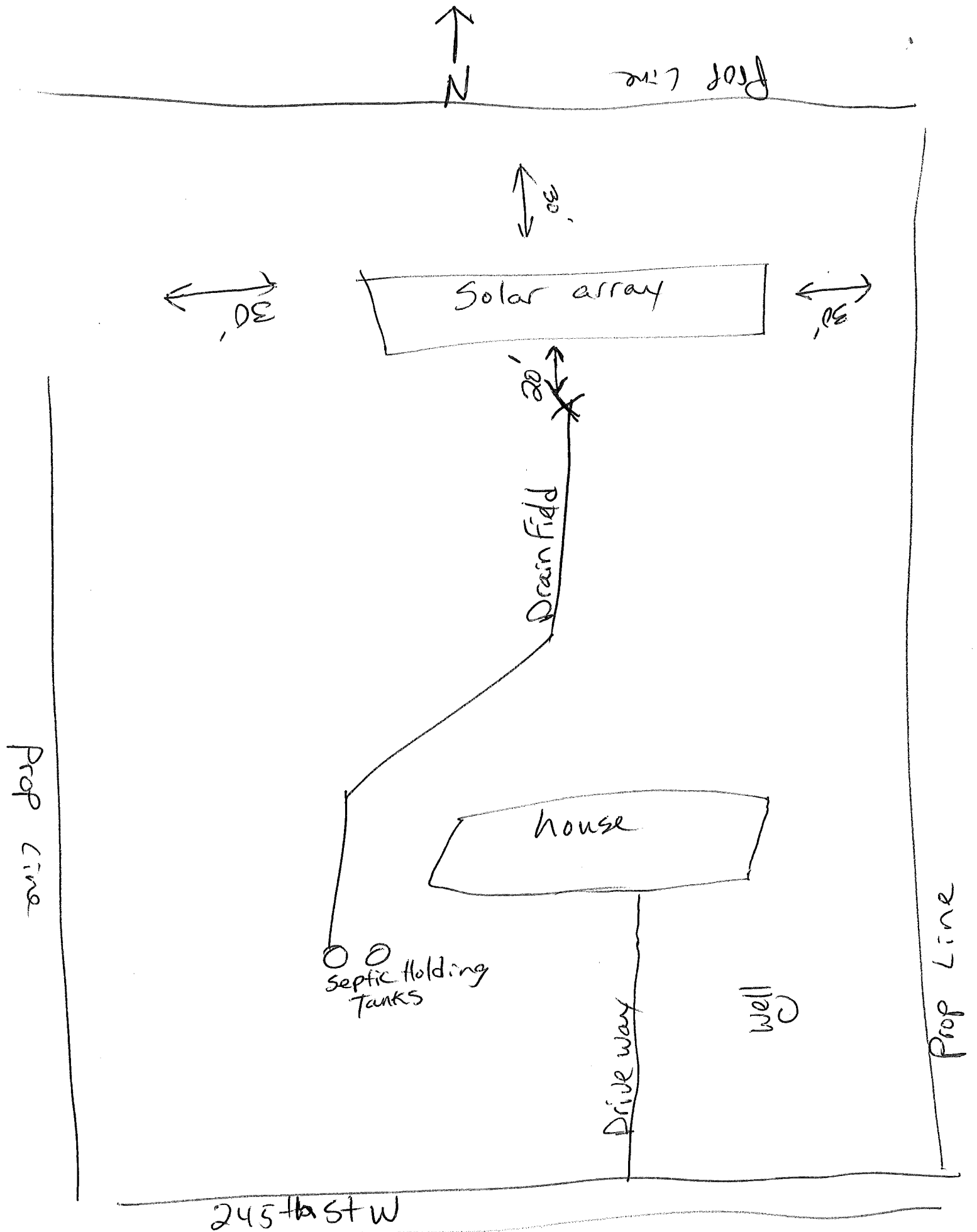
Occupancy Type: _____

Construction Type: _____

Code Used: _____

Building Sprinkled ☐ Yes ☐ No

Total Fees Paid on _____ Receipt # _____ Check # _____



Eureka Township Deputy Clerk

From: Dunn, Jeff <Jeff.Dunn@CO.DAKOTA.MN.US>
Sent: Monday, May 19, 2025 9:32 AM
To: Eureka Township Deputy Clerk
Cc: dsmith7089@gmail.com
Subject: VRWJPO Review: Solar array at 6675 245th
Attachments: image002.jpg

Hi Amy,

Based on the information that Dave Smith has provided, the proposed use as detailed on the attached will not require a Watershed and Land Disturbance permit from the VRWJPO described in the following standards:

- Land disturbing activities on slopes greater than six percent. N/A
- Greater than 100 cubic yards of imported or stockpiled material. N/A
- New public or private roads or driveways greater than 125 feet in length. N/A
- Land disturbing activities greater than 10,000 square feet of land if commercial, industrial, or recreational use development. N/A
- Filling, draining, or altering of natural or artificial stormwater storage, retention, or watercourses. N/A
- Land disturbing activities located within 150 feet of wetlands identified on or adjacent to the land disturbing activities. N/A
- Land disturbing activities that could reasonably be expected to deliver sediment to adjacent properties, wetlands, or water resources. Not anticipated

If you have any questions regarding this [exemption for a Watershed and Land Disturbance Permit](#), please let me know.

Thank you.

Jeff

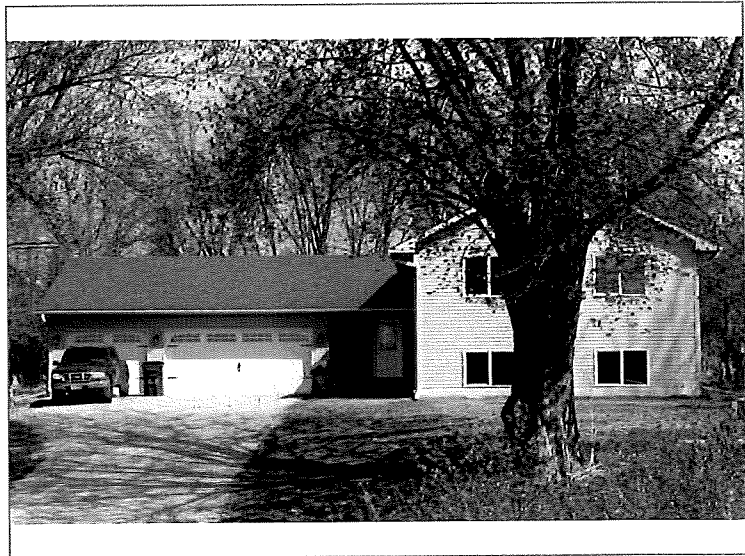
Jeff Dunn, Water Resources Engineer
Vermillion River Watershed Joint Powers Organization
Dakota County Extension & Conservation Center
4100 220th St W, #103, Farmington, MN 55024
952.891.7140 | jeff.dunn@co.dakota.mn.us
vermillionriverwatershed.org



From: Dave Smith <dsmith7089@gmail.com>
Sent: Monday, May 19, 2025 9:05 AM

Property Card	Parcel ID Number 13-01500-07-010
----------------------	----------------------------------

Owner Information
Fee Owner DAVID W SMITH
Mailing Address 6675 245TH ST W FARMINGTON MN 55024-8004



Property Address
Address 6675 245TH ST W
Municipality EUREKA TWP

Parcel Information	
Sale Date	Total Acres 0.93
Sale Value \$0.00	R/W Acres 0.10
Uses RESIDENTIAL	Water Acres
	Plat SECTION 15 TWN 113 RANGE 20
	Lot and Block 15 113 20
	Tax Description PT OF S 1/2 OF NE 1/4 BEG 840 FT W OF SE COR N 300 FT W 135 FT S 300 FT E 135 FT TO BEG

2025 Building Characteristics (payable 2026)*					
Building Type	S.FAM.RES	Year Built	2015	Bedrooms	3
Building Style	SPLIT LEVL	Foundation Sq Ft	1,340	Bathrooms	2.00
Frame	WOOD	Above Grade Sq Ft	1,340	Garage Sq Ft	720
Multiple Buildings		Finished Sq Ft	1,340	Other Garage	

Miscellaneous Information					
School District	Watershed District	Homestead	Green Acres	Ag Preserve	Open Space
192	VERMILLION RIVER	FULL HOMESTEAD			

Assessor Valuation		
	Taxable	Estimated
2025 Land Values (payable 2026)	\$86,733.00	\$89,300.00
2025 Building Values (payable 2026)*	\$293,997.00	\$302,700.00
2025 Total Values (payable 2026)*	\$380,730.00	\$392,000.00
2024 Total Values (payable 2025)*	\$382,801.00	\$393,900.00

Property Tax Information		
Net Tax (payable 2025)	Special Assessments (2025)	Total Tax & Assessments (2025)
\$3,636.00	\$0.00	\$3,636.00

* Manufactured Homes Payable the Same Year as Assessment.

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Procedure for Public Hearing

At a regular Planning Commission Meeting

1. Call on the WSB Planner to give a summary report.
2. Applicant to give a summary of request.
3. Planning Commission to ask any initial questions of the WSB Planner.
4. Chair to officially Open the Public Hearing.

5. Public Hearing Instructions

- The Public Hearing allows for public comment on the proposed amendment.
- To speak, please sign the **Speaker's List** at the back table. Sign-up closes **10 minutes after the first speaker begins**
- If there are no speakers, the Chair will ask 3 times before closing the sign-up sheet.
- Speakers will be called **in the order listed**.
- Before commenting, please **state your full name and address**.
- Speak **clearly and loudly** for recording purposes.
- All comments must be directed to the **Chairperson**. This is a forum to gather public input, not for debate.
- **Comments are limited to 5 minutes**. A timer will be used.
- Please be **courteous**: no interruptions, side conversations, or disrespectful remarks.
- **No second turns** to speak will be permitted.
- If you decline to speak when your name is called, you **forfeit your opportunity**.
- Written Comments submitted and included with the Packet will not be read.

6. Public Comments

- a. Deputy Clerk to read any submitted written comments from citizens not in attendance.
- b. Call each citizen in order of the Speaker's List to give their comments.

7. Close public hearing:

- Chair officially closes the Public Hearing.

8. Closing Statement:

The public is welcome to remain and observe as the Planning Commission continues discussion. However, no further public comments will be accepted on this application. This process would repeat if multiple applications are submitted for Public Hearing.

EUREKA TOWNSHIP MEMORANDUM

To: Planning Commission Members

From: Hannah Rybak, WSB

Date: May 28, 2025
Planning Commission Regular Meeting June 3, 2025

WSB Project No. 027571-000, Phase 003

Request: **Request for approval of a conditional use permit to allow a fiberoptic utility compound to be constructed at the property located at PID: 130230076030.**

GENERAL INFORMATION

Applicant: Sam Davis, LTS Communications

Owner: Michelle Nicolai

Location: Southwest of the intersection of 255th St. W and Essex Ave.
PID: 13-02300-76-030

Existing Land Use / Zoning: Agriculture; zoned Agricultural District

Surrounding Land Use / Zoning:
North: Agriculture; zoned Agricultural District
East: Residential; zoned Agricultural District
South: Agriculture; zoned Agricultural District
West: Agriculture; zoned Agricultural District

Comprehensive Plan: The Comprehensive Plan 2040 guides this property for Agricultural land use.

Deadline for Agency Action:

Application Date:	05-01-25
60 Days:	06-29-25
Extension Letter Mailed:	N/A
120 Days:	08-28-25

CONSIDERATIONS RELATING TO THE REQUEST

1. Overview.

The Applicant is requesting a conditional use permit (CUP) to allow the construction of an unmanned fiber optic utility compound. The proposed use would fall under “public utility and public service structures” which are conditional uses in the Agricultural District. Public utility is defined in the Town Code as follows: “Persons, corporations, or governments

supplying gas, electric, transportation, water, or landline telephone service to the general public.”

The MN Commerce Department approved a Certificate of Authority for LTS Telecommunications Services Inc. to offer “Local Niche Service” on a statewide basis. “Local Niche Service” is defined as follows: *“Local niche service” refers to point-to-point connections between end-user locations within a service area and any telecommunications services under the commission’s jurisdiction that do not fall within the definition of local service or the definition of interexchange service.*

The purpose of the proposed installation is to construct an Integrated Line Amplifier (ILA) station to provide a quality signal between data centers. The Applicant provided the following statement related to the purpose of the application:

The fiber infrastructure requires placement of line amplifiers that helps improve the network by providing additional signal stability, help carry information, and reduce latency. These routes are part of the fiber optic backbones that help facilitate modern day communications. This purpose of this application is to place a utility compound and fiber optic equipment shelter for the line amplifying equipment.

This fiber infrastructure can be viewed in a similar way to the previous telephone lines using copper to carry information and data. Communication infrastructure has now turned to fiber to be able to handle the capacity and speeds required by current technology. Most people and operations today use all kinds of internet applications to communicate (i.e. phone calls, video calls, streaming, emails, messaging).

This project would not be a direct fiber connect for Eureka residents, however overall data services would be enhanced by the in-line-amplifier (ILA).

The Applicant will be leasing a 300’ x 300’ easement area from the property owner. The proposed infrastructure is located in the northeast corner of the easement area. The site plan shows a proposed building pad and a secondary building pad for a future building. The current proposed building is 23’ 8” x 36’, and will be approximately 13 feet tall. The future building will be the same size or slightly smaller than the proposed first building.

The proposed installation includes a proposed generator and associated pad, as well as a secondary generator pad for a future generator. The generators would be utilized only in emergency situations or loss of power. The generators would be tested quarterly for a short period of time during each test. The generators would not be contained inside of a structure. The project also includes connections into the right of way for an electrical power source and fiber optics.

The 300’ x 300’ easement area would be enclosed by a security fence. The fence would consist of a 8-foot chain link fence with three strands of barb wire at the top. Overall fence height would be 9 feet. The proposed fencing is compliant with Article IX: Fences.

The proposed site lighting includes building mounted lighting over each access door. The lighting would be hooded and directed downward, and the lighted area would not exceed the boundaries of the easement area. The proposed lighting is compliant with Section 240-55: Lighting.

2. Ordinance Authority.

Chapter 240, Section 7 Agricultural District provides the allowable uses in the Agricultural District.

Chapter 240, Section 12 Setbacks and Lot Dimensions, provides minimum setback requirements.

Chapter 240, Section 31 Conditional Use Permits provides requirements for the issuance of conditional use permits.

Chapter 240, Article IX provides requirements for fences.

3. Consistency of the Request with the Standards for Granting a Conditional Use Permit

- 1) *The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.*

The proposed utility compound will not create a burden on any public facilities or utilities. The installation of the in-line amplifier would enhance overall data services. **Criterion met.**

- 2) *The use will be sufficiently compatible with or separated by adequate distance or screening from adjacent agriculturally or residentially zoned or used land so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land.*

The easement area is located over 500 feet from the only immediately adjacent dwelling. In addition to the distance, there is a stand of existing trees on the residential property that will add a visual barrier.

The generators on site would be used only in emergency or power outage situations, and the noise level is minimal. Documentation for the proposed model of Generac generator provided indicate noise levels of between 72 and 77 dB(A), which is comparable to a vacuum cleaner or the noise created by a vehicle driving 65 mph, from a distance of 25 feet away.

It is not anticipated that the utility compound will negatively impact any adjacent properties. **Criterion met.**

- 3) *The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.*

The visual impact of the chain link fence surrounding the easement area will be minimal. Each proposed building totals 846 square feet. The color of the buildings will be neutrals; either gray or tan. This is a small installation in the context of the 39 acre site. **Criterion met.**

- 4) *The use is reasonably related to the existing land use.*

The proposed public utility use is an allowable conditional use within the Agricultural District. **Criterion met.**

- 5) *The use is consistent with the purpose of this chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.*

The plans for the utility compound comply with all relevant Zoning Ordinance requirements. **Criterion met.**

- 6) *The use is not in conflict with the Comprehensive Plan of the Township.*

Criterion met.

- 7) *The use will not cause traffic hazards or congestion.*

The compound will be unmanned, so vehicle trips to and from the site will be extremely minimal. **Criterion met.**

4. Review by Other Jurisdictions

The plans were provided to the following jurisdictions:

- Dakota County Physical Development Division – No permits necessary from the county.
- North Cannon River Watershed – The NCRWMO does not issue grading permits. Be sure to follow Eureka Township Ordinance Chapter 120 related to erosion control and stormwater management.
- Dakota County Access Permit required
- Dakota County ROW Permit required

RECOMMENDATION

Based on the criteria in this report, staff recommends **approval** of the requested conditional use permit to allow the proposed fiberoptic compound to be constructed at the subject property, subject to the following conditions:

1. A building permit shall be obtained prior to construction of the equipment shelter.
2. A separate building permit shall be required prior to construction of the second equipment shelter. The second equipment shelter must be in substantial conformance with the plans provided with this application. The size shall not exceed 852 square feet and 13 feet in height, unless a conditional use permit amendment has been approved.
3. The fencing shall be installed as shown, and shall comply with all requirements of Article IX: Fences.
4. The lighting shall be installed as shown, and shall comply with Section 240-55: Lighting.
5. The noise generated from the site shall comply with all requirements of Chapter 173: Noise, and MPCA noise requirements.
6. Any generator malfunction or damage should be immediately addressed by LTS Communications, to ensure that noise generated does not exceed allowable levels.

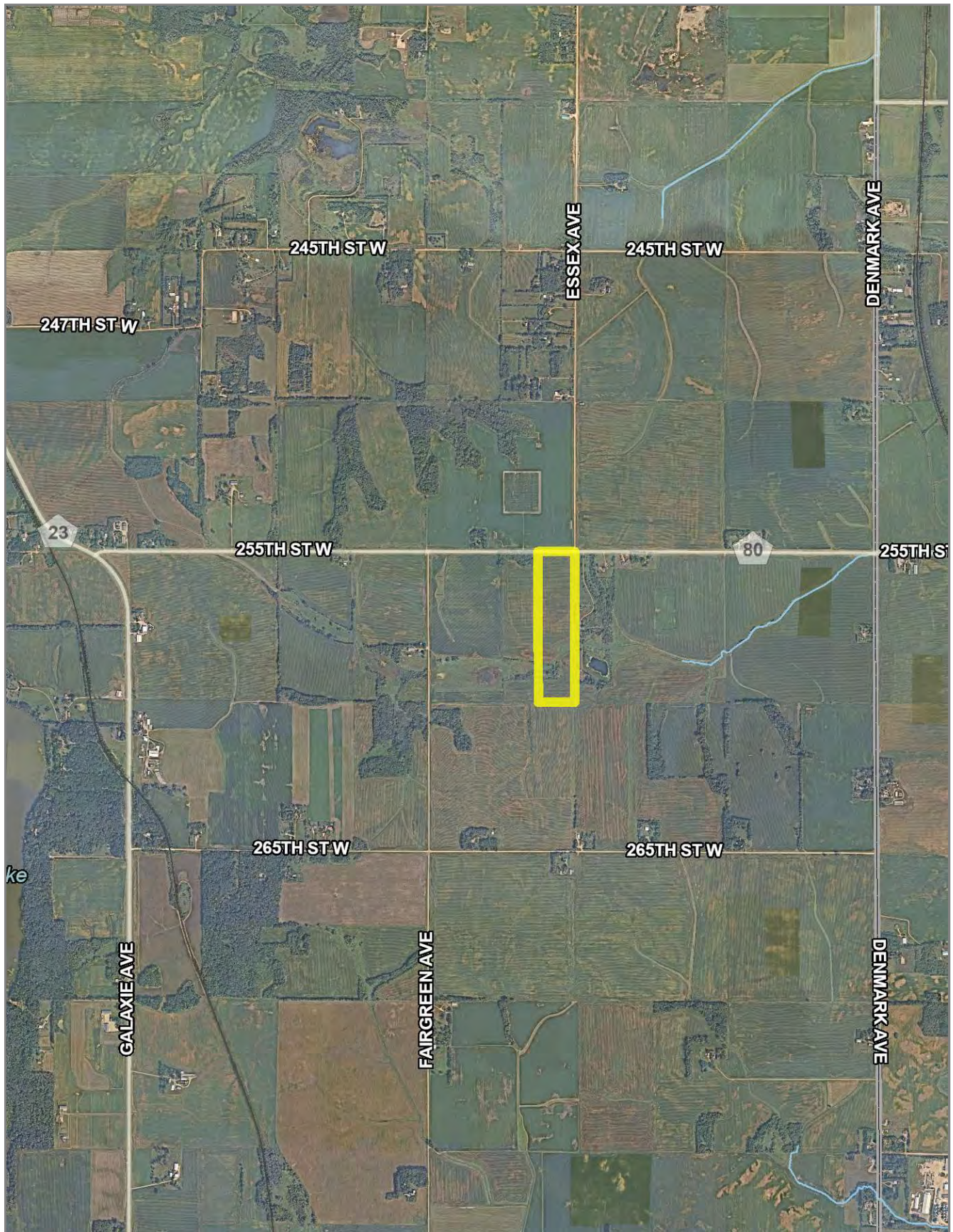
RECOMMENDED MOTION LANGUAGE

Motion to recommend approval of the the requested conditional use permit, subject to the six conditions outlined in the staff report.

ATTACHMENTS

Exhibit A: Location Map
Exhibit B: Application Packet

LTS Communications CUP



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed.
This is not a legal document and should not be substituted for a title search, appraisal, survey, or
for zoning verification.

Map Scale
1 inch = 2400 feet
5/28/2025

EUREKA TOWNSHIP

LAND USE / ZONING REQUEST APPLICATION

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024
Phone: (952) 469-3736 / Email: deputyclerk@eurekamn.gov

SITE INFORMATION Eureka Township		PIN# 130230076030		Permit#
Site Address: 255th St W		City Eureka		Zip 55024
PROPERTY OWNER INFORMATION				
Name Michelle Nicolai		Email michelleanicolai@gmail.com		Phone 651-402-4117
Address 23380 AUDREY AVE		City FARMINGTON	State MN	Zip 55024
Cell Phone 651-402-4117		Day Time Phone		Fax
PLEASE INDICATE TYPE OF REQUEST				
<input checked="" type="checkbox"/> Conditional Use Permit (CUP) <input type="checkbox"/> Interim Use Permit (IUP) <input type="checkbox"/> Variance		<input type="checkbox"/> Non-Conforming Use <input type="checkbox"/> Expansion <input type="checkbox"/> Alteration		
NATURE OF REQUEST				
Specific description of request and reason for request (number and attach additional sheets if necessary): <p>The proposed easement will be used to for an in-line-amplifier hut to boost the signal to the MMI internet network in conjunction with the fiber optic cables within the right of way. The only utilities that are proposed will be connection to a power source from the nearest power supplier and fiber optics to the ROW. All utilities will be contained within the MMI easement area.</p> <p>Cite the specific ordinance(s) under which you are making your request:</p> <p>240-7,C:3 - Public utility and public service structures including electric transmission lines and distribution substations, gas regulator stations, communications and equipment and buildings, pumping stations and reservoirs.</p> <p>Describe the present use(s) of the property:</p> <p>Agricultural</p>				

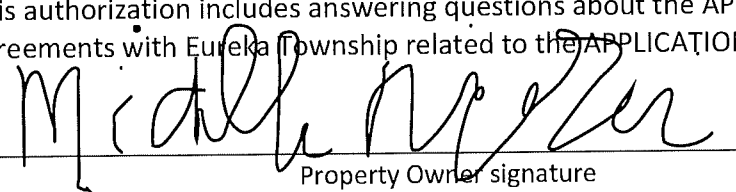
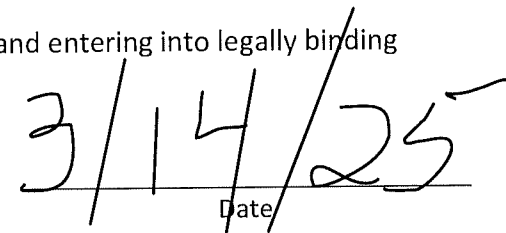
Signature of Applicant: *Michelle Nicolai MN* Date: 03/10/2025

Printed name of Applicant: Michelle Nicolai

EUREKA TOWNSHIP

Representative Authorization Form

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024
Phone: (952) 469-3736 / email: deputyclerk@eurekatownship-mn.us

SITE INFORMATION Eureka Township		PIN# 130230076030		Permit#	
Site Address: 255th St W		City Farmington		Zip 55024	
PROPERTY OWNER INFORMATION					
Name Michelle Nicolai		Email michelleanicolai@gmail.com		Phone 651-402-4117	
Address 23380 Audrey Ave		City Farmington		State MN	Zip 55024
REPRESENTATIVE INFORMATION					
Name LTS - Derrick Warren		Email derrick.warren@ledcor.com			
Address 1300 Timber Row		City Murrells Inlet		State SC	Zip 29576
Cell Phone 803-960-1135		Day Time Phone		Fax	
<p>By signing this document, I/We the above-named PROPERTY OWNER(S) hereby legally authorize the REPRESENTATIVE named above to act on my/our behalf before Eureka Township Planning Commission, Town Board and/or Board of Adjustments and Appeals in all matters related to my/our APPLICATION for:</p> <p style="text-align: center;">Conditional Use Permit - March 10 2025</p> <p style="text-align: center;">(Include Type and date of application for the property involved)</p> <p>This authorization includes answering questions about the APPLICATION and entering into legally binding agreements with Eureka Township related to the APPLICATION.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  _____ Property Owner signature </div> <div style="text-align: center;">  _____ Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;"> _____ Property Owner signature </div> <div style="text-align: center;"> _____ Date </div> </div>					

Township Use Only	
<p>Received by:</p> <p>Zoning Administrator: _____ Date: _____</p> <p>Notes:</p>	

Property Card	Parcel ID Number 13-02300-76-030
----------------------	----------------------------------

Owner Information	
Fee Owner MICHELLE NICOLAI	
Mailing Address 23380 AUDREY AVE FARMINGTON MN 55024	
Property Address	
Address	
Municipality EUREKA TWP	

Parcel Information		
Sale Date	Total Acres	39.30
Sale Value \$0.00	R/W Acres	0.49
Uses AG-AG PRESERVE	Water Acres	
	Plat	SECTION 23 TWN 113 RANGE 20
	Lot and Block	23 113 20
	Tax Description	E 1/2 OF E 1/2 OF SE 1/4

2025 Building Characteristics (payable 2026)*		
Building Type	Year Built 0	Bedrooms
Building Style	Foundation Sq Ft	Bathrooms
Frame	Above Grade Sq Ft	Garage Sq Ft
Multiple Buildings	Finished Sq Ft	Other Garage

Miscellaneous Information					
School District 192	Watershed District NORTH CANNON RIVER	Homestead NON HOMESTEAD	Green Acres	Ag Preserve Y	Open Space

Assessor Valuation		
	Taxable	Estimated
2025 Land Values (payable 2026)	\$353,500.00	\$353,500.00
2025 Building Values (payable 2026)*	\$0.00	\$0.00
2025 Total Values (payable 2026)*	\$353,500.00	\$353,500.00
2024 Total Values (payable 2025)*	\$336,800.00	\$336,800.00

Property Tax Information		
Net Tax (payable 2025) \$1,564.00	Special Assessments (2025) \$0.00	Total Tax & Assessments (2025) \$1,564.00

* Manufactured Homes Payable the Same Year as Assessment.

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Sam Davis

From: McDaniels, Dee <Dee.McDaniels@CO.DAKOTA.MN.US>
Sent: Wednesday, April 23, 2025 1:17 PM
To: Sam Davis
Cc: Tim Miller; Derrick Warren; Braxton Doshier; Greg Warford
Subject: RE: Dakota County, North Cannon Watershed - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

Follow Up Flag: Follow up
Flag Status: Completed

Categories: CRITICAL

CAUTION: This email was sent from outside of Ledcor's network. Please be careful while clicking links, opening attachments, or replying to this email.

Sam:

No permits are necessary from the County; however, you will need to contact the North Cannon River Watershed to see if they require a grading permit at victoria.ranua@co.dakota.mn.us or 651-480-7717.

Dee McDaniels
Environmental Specialist, Water Resources



Physical Development Division

P 952-891-7024
W www.dakotacounty.us
A 14955 Galaxie Avenue, Apple Valley, MN 55124



From: Sam Davis <Sam.Davis2@ledcor.com>
Sent: Wednesday, April 23, 2025 12:45 PM
To: McDaniels, Dee <Dee.McDaniels@CO.DAKOTA.MN.US>
Cc: Sam Davis <Sam.Davis2@ledcor.com>; Tim Miller <Tim.Miller@ledcor.com>; Derrick Warren <Derrick.Warren@ledcor.com>; Braxton Doshier <Braxton.Doshier@ledcor.com>; Greg Warford <C.Greg.Warford@ledcor.com>
Subject: Dakota County, North Cannon Watershed - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hi @dee.mcdaniels@co.dakota.mn.us – we are in the process starting a CUP with Eureka Township for our project. They indicated that our project is in the North Cannon River Watershed and directed me to contact you to determine if any permits would be necessary. Please let me know if you have any questions or if we can provide any additional information.

Location: County Road 80 / 255th St W (address TBD)
Coordinates: 44.579432, -93.177685

Our project is for an unmanned fiber optic equipment shelter and utility compound. Attached is a site plan sketch of the project – our compound area would be grubbed, graded and leveled with an aggregate/graveled base.

What's being built?

Sam Davis

From: Ranua, Victoria <Victoria.Ranua@CO.DAKOTA.MN.US>
Sent: Wednesday, April 23, 2025 2:28 PM
To: Sam Davis
Cc: Tim Miller; Derrick Warren; Braxton Doshier; Greg Warford
Subject: RE: North Cannon Watershed, Grading permit question - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

Categories: CRITICAL





CAUTION: This email was sent from outside of Ledcor's network. Please be careful while clicking links, opening attachments, or replying to this email.

Sam,

Thanks for reaching out and being proactive. The North Cannon River Watershed Management Organization does not issue grading permits, however, please review Eureka Township Ordinance Chapter 120 relayed to erosion control and stormwater management. <https://ecode360.com/EU4016/search?query=grading&scope=all&sortOrder=relevance&selections=>

Thanks,

Victoria Ranua

Watershed Coordinator | Dakota County SWCD
Administrator via SWCD | E-IGHWMO and NCRWMO
Office: (651) 480-7717 | Cell: (218) 750-3386
victoria.ranua@co.dakota.mn.us
4100 220th Street West | Farmington, MN 55024 | www.dakotaswcd.org
Partners in Land & Water Conservation    



From: Sam Davis <Sam.Davis2@ledcor.com>
Sent: Wednesday, April 23, 2025 1:44 PM
To: Ranua, Victoria <Victoria.Ranua@CO.DAKOTA.MN.US>
Cc: Sam Davis <Sam.Davis2@ledcor.com>; Tim Miller <Tim.Miller@ledcor.com>; Derrick Warren <Derrick.Warren@ledcor.com>; Braxton Doshier <Braxton.Doshier@ledcor.com>; Greg Warford <C.Greg.Warford@ledcor.com>
Subject: North Cannon Watershed, Grading permit question - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hi @victoria.ranua@co.dakota.mn.us – Dee McDaniels directed me to contact you to ask if any grading permits would be needed for our project in Eureka Township. Dee informed me that no permits would be required from Dakota County and I am working on a CUP application with Eureka Township.

Location: County Road 80 / 255th St W (address TBD)
ParcelID: 130230076030
Coordinates: 44.579432, -93.177685

Our project is for an unmanned fiber optic equipment shelter and utility compound. Attached is a site plan sketch of the project – our compound area would be grubbed, graded and leveled with an aggregate/graveled base.

What's being built?

Sam Davis

From: Bentley, Todd <Todd.Bentley@CO.DAKOTA.MN.US>
Sent: Thursday, April 24, 2025 2:23 PM
To: Sam Davis
Subject: FW: Dakota County Rd 80, Access Driveway - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN
Attachments: Castle Rock MN - Michelle Nicolai 255th St W 300'x300' PRELIM LE - Copy.pdf; aerial-rd80.jpg
Categories: CRITICAL

CAUTION: This email was sent from outside of Ledcor’s network. Please be careful while clicking links, opening attachments, or replying to this email.

Hi Sam,

All you need from Dakota County is an access permit on our online permit system and submit a drawing.

Todd (T.J.) Bentley
Right of Way and Permits Manager


Transportation
2800 160th St. W
Rosemount, MN 55068
952-891-7115
todd.bentley@co.dakota.mn.us

From: Laberee, Erin <Erin.Laberee@CO.DAKOTA.MN.US>
Sent: Wednesday, April 23, 2025 2:43 PM
To: Bentley, Todd <Todd.Bentley@CO.DAKOTA.MN.US>
Cc: Howard, Todd <Todd.Howard@CO.DAKOTA.MN.US>
Subject: FW: Dakota County Rd 80, Access Driveway - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

Hi TJ,

Could you look into this request below?

Thank you,

Erin

From: Sam Davis <Sam.Davis2@ledcor.com>
Sent: Wednesday, April 23, 2025 9:50 AM
To: Hwy <Hwy@CO.DAKOTA.MN.US>
Cc: Laberee, Erin <Erin.Laberee@CO.DAKOTA.MN.US>; Tim Miller <Tim.Miller@ledcor.com>; Sam Davis <Sam.Davis2@ledcor.com>; Derrick Warren <Derrick.Warren@ledcor.com>; Greg Warford <C.Greg.Warford@ledcor.com>; Braxton Doshier <Braxton.Doshier@ledcor.com>
Subject: Dakota County Rd 80, Access Driveway - Unmanned ILA shelter, MMI-Nicolai-Castle Rock MN-SD to MN

WARNING: External email. Please verify sender before opening attachments or clicking on links.

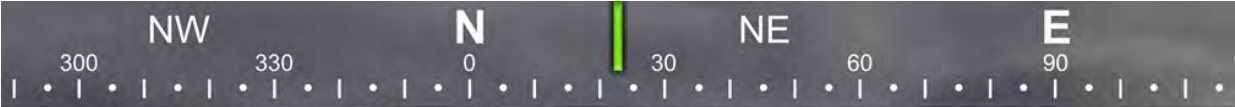
Good morning – we are in process of initiating a CUP with Eureka Township and they directed us to contact Dakota County regarding a driveway permit for our project. Below is more project detail – but

please give me an email or call back so we can confirm if a permit is needed. And, if needed, what additional detail you need for review. Please let me know if you have any questions.

Location: County Road 80 / 255th St W (address TBD)
Coordinates: 44.579432, -93.177685

Our project is for an unmanned fiber optic equipment shelter and utility compound. The access driveway would be for initial construction and then occasional maintenance as required at the site. Attached is a general site plan and a few images of current conditions. We are proposing to utilize the current field access drive from the RoW to the property.

Initial site plan is for a 16’ aggregate driveway. No water or sewer utilities are needed at the site. Power will be coordinated and brought to the site (TBD). There is an existing fiber line here as well.



POS: 44.579947°, -93.178943° ±9ft ALT: 1031ft



Nicolai SCIP

Castle Rock, MN
17 Dec 2024, 12:18:53



POS: 44.579943°, -93.178498° ±13ft ALT: 1028ft



Nicolai SCIP

Castle Rock, MN
17 Dec 2024, 12:19:25

Thank you,

Sam J. Davis
Project Permitting – Site Infrastructure
LTS Managed Technical Services
14400 The Lakes Blvd. Suite 100 Bldg C, Pflugerville, TX 78660
w 859-286-8160
www.ledcor.com

FORWARD. TOGETHER.

Note: This email and its attachments may contain information protected by state or federal law or that may not otherwise be disclosed. If you received this in error, please notify the sender immediately and delete this email and its attachments from all devices.

CUP Application narrative: The fiber infrastructure requires placement of line amplifiers that helps improve the network by providing additional signal stability, help carry information, and reduce latency. These routes are part of the fiber optic backbones that help facilitate modern day communications. This purpose of this application is to place a utility compound and fiber optic equipment shelter for the line amplifying equipment.

This fiber infrastructure can be viewed in a similar way to the previous telephone lines using copper to carry information and data. Communication infrastructure has now turned to fiber to be able to handle the capacity and speeds required by current technology. Most people and operations today use all kinds of internet applications to communicate (i.e. phone calls, video calls, streaming, emails, messaging).

This project would not be a direct fiber connect for Eureka residents, however overall data services would be enhanced by the in-line-amplifier (ILA).

SITE INFORMATION:

SITE ADDRESS: 255TH STREET W
FARMINGTON, MN 55024

PROPERTY OWNER: MICHELLE NICOLAI
23380 AUDREY AVENUE
FARMINGTON, MN 55024

ZONING:
JURISDICTION: EUREKA TOWNSHIP
ZONE: AGRICULTURAL DISTRICT
SETBACKS:
FRONT: 110' FROM CENTERLINE OF COUNTY ROAD
SIDE: 30'
REAR: 30'

ZONING DATA OBTAINED FROM THE EUREKA TOWNSHIP WEBSITE.

SURVEYOR'S NOTES:

THIS SPECIFIC PURPOSE ALTA SURVEY IS FOR THE LEASE PREMISES AND EASEMENTS ONLY.

SUBJECT PROPERTY HAS ACCESS TO 255TH STREET W, A DULY DEDICATED PUBLIC RIGHT-OF-WAY VIA AN ACCESS EASEMENT.

NO PARKING SPACES WERE OBSERVED ON SURVEYED LAND.

ALL FIELD MEASUREMENTS MATCHED RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/NSPS SPECIFICATIONS UNLESS OTHERWISE SHOWN.

BEARING BASIS: MINNESOTA DOT DAKOTA COUNTY, NAD 83 (2011).

ELEVATIONS ARE BASED ON NAVD88.

SURVEYOR IS NOT AWARE OF ANY CURRENT OR FUTURE RIGHT OF WAY CHANGES. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED AT TIME OF SURVEY.

AT THE TIME OF SURVEY, NO EVIDENCE OF RECENT EARTH MOVING WORK, DRILLING OR BUILDING CONSTRUCTION WERE OBSERVED.

THE SURVEYOR WAS NOT PROVIDED WITH EVIDENCE OF ANY APPURTENANT OFFSITE EASEMENT(S).

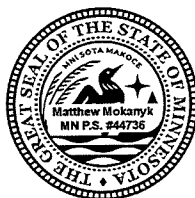
ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS. A ZONING LETTER WAS NOT PROVIDED.

NO ADDRESS OBSERVED AT TIME OF SURVEY.

CERTIFICATION:

TO LEDCOR TECHNICAL SERVICES; MIDDLE MILE INFRASTRUCTURE, LLC; AND FIDELITY NATTILE INSURANCE CO.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2021, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7A, 7(B)(1), 7(C), 8, 9, 13, 14, 16, 17, 18, 19 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 18, 2025. I HEREBY CERTIFY THAT THIS SURVEY PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.



04/10/2025
DATE



MANAGED BY:



LTS Telecommunications
Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78650

PREPARED FOR:



MICHELLE NICOLAI

255TH STREET W.
FARMINGTON, MN 55024

LEGAL DESCRIPTIONS:

PARENT PARCEL (AS PROVIDED, DEED INSTRUMENT NO. 3430092)
REAL PROPERTY IN DAKOTA COUNTY, MINNESOTA, LEGALLY DESCRIBED AS FOLLOWS:

THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 113, RANGE 20, DAKOTA COUNTY, MINNESOTA.

M.M.I. EASEMENT AREA (AS SURVEYED):

PART OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 113 NORTH, RANGE 20 WEST, EUREKA TOWNSHIP, DAKOTA COUNTY, MINNESOTA DESCRIBED AS: COMMENCING AT A 4 INCH STEEL MONUMENT FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 00°16'49" EAST ALONG THE EAST LINE OF SAID 1/4 SECTION A DISTANCE OF 110.00 FEET; THENCE SOUTH 89°48'59" WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 300.00 FEET; THENCE SOUTH 89°48'59" WEST A DISTANCE OF 300.00 FEET; THENCE NORTH 00°11'01" WEST A DISTANCE OF 300.00 FEET; THENCE NORTH 89°48'59" EAST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING. CONTAINING 90,000 SQUARE FEET OR 2.066 ACRES.

M.M.I. ACCESS EASEMENT - (AS SURVEYED):

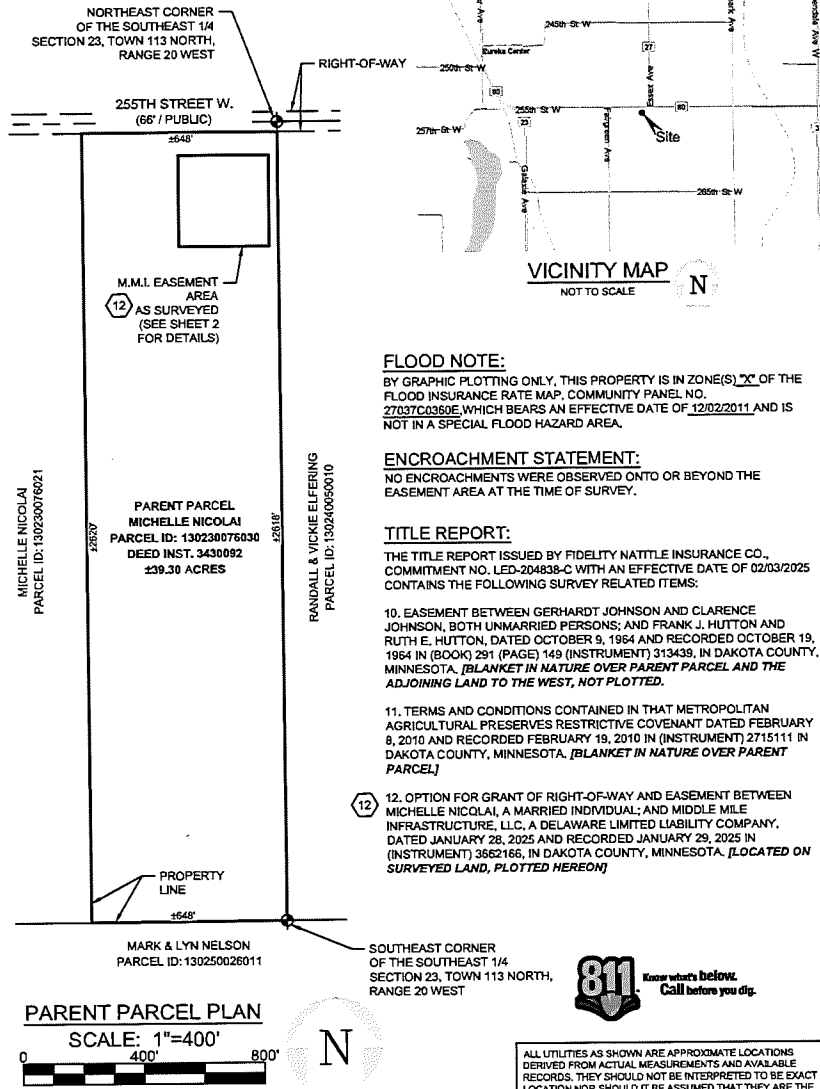
A 30 FOOT WIDE EASEMENT FOR INGRESS/EGRESS OVER AND ACROSS ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 113 NORTH, RANGE 20 WEST, EUREKA TOWNSHIP, DAKOTA COUNTY, MINNESOTA DESCRIBED AS: COMMENCING AT A 4 INCH STEEL MONUMENT FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 00°16'49" EAST ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 110.00 FEET; THENCE SOUTH 89°48'59" WEST A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF THE EASEMENT AREA; THENCE CONTINUING SOUTH 89°48'59" WEST ALONG THE NORTHERLY LINE OF SAID EASEMENT AREA A DISTANCE OF 250 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°48'59" WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 30.00 FEET; THENCE NORTH 00°11'01" WEST A DISTANCE OF 77.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 255TH STREET W. (66 FOOT WIDE/PUBLIC); THENCE NORTH 89°48'59" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 30.00 FEET; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 77.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2,310 SQUARE FEET OR 0.053 ACRES.

M.M.I. UTILITY EASEMENT "A" (AS SURVEYED):

A 10 FOOT WIDE EASEMENT FOR INGRESS/EGRESS AND THE INSTALLATION & MAINTENANCE OF UTILITIES OVER/UNDER AND ACROSS ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 113 NORTH, RANGE 20 WEST, EUREKA TOWNSHIP, DAKOTA COUNTY, MINNESOTA DESCRIBED AS: COMMENCING AT A 4 INCH STEEL MONUMENT FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 89°48'59" WEST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 119.81 FEET; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 33.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 255TH STREET W. (66 FOOT WIDE/PUBLIC) AND THE POINT OF BEGINNING; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 77.00 FEET TO THE NORTHERLY LINE OF THE EASEMENT AREA; THENCE SOUTH 89°48'59" WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 10.00 FEET; THENCE NORTH 00°11'01" WEST A DISTANCE OF 77.00 FEET TO SAID SOUTHERLY RIGHT-OF-WAY; THENCE NORTH 89°48'59" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 770 SQUARE FEET OR 0.018 ACRES.

M.M.I. UTILITY EASEMENT "B" (AS SURVEYED):

A 10 FOOT WIDE EASEMENT FOR INGRESS/EGRESS AND THE INSTALLATION & MAINTENANCE OF UTILITIES OVER/UNDER AND ACROSS ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 113 NORTH, RANGE 20 WEST, EUREKA TOWNSHIP, DAKOTA COUNTY, MINNESOTA DESCRIBED AS: COMMENCING AT A 4 INCH STEEL MONUMENT FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 89°48'59" WEST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 39.81 FEET; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 33.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 255TH STREET W. (66 FOOT WIDE/PUBLIC) AND THE POINT OF BEGINNING; THENCE SOUTH 00°11'01" EAST A DISTANCE OF 77.00 FEET TO THE NORTHERLY LINE OF THE EASEMENT AREA; THENCE SOUTH 89°48'59" WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 10.00 FEET; THENCE NORTH 00°11'01" WEST A DISTANCE OF 77.00 FEET TO SAID SOUTHERLY RIGHT-OF-WAY; THENCE NORTH 89°48'59" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 770 SQUARE FEET OR 0.018 ACRES.

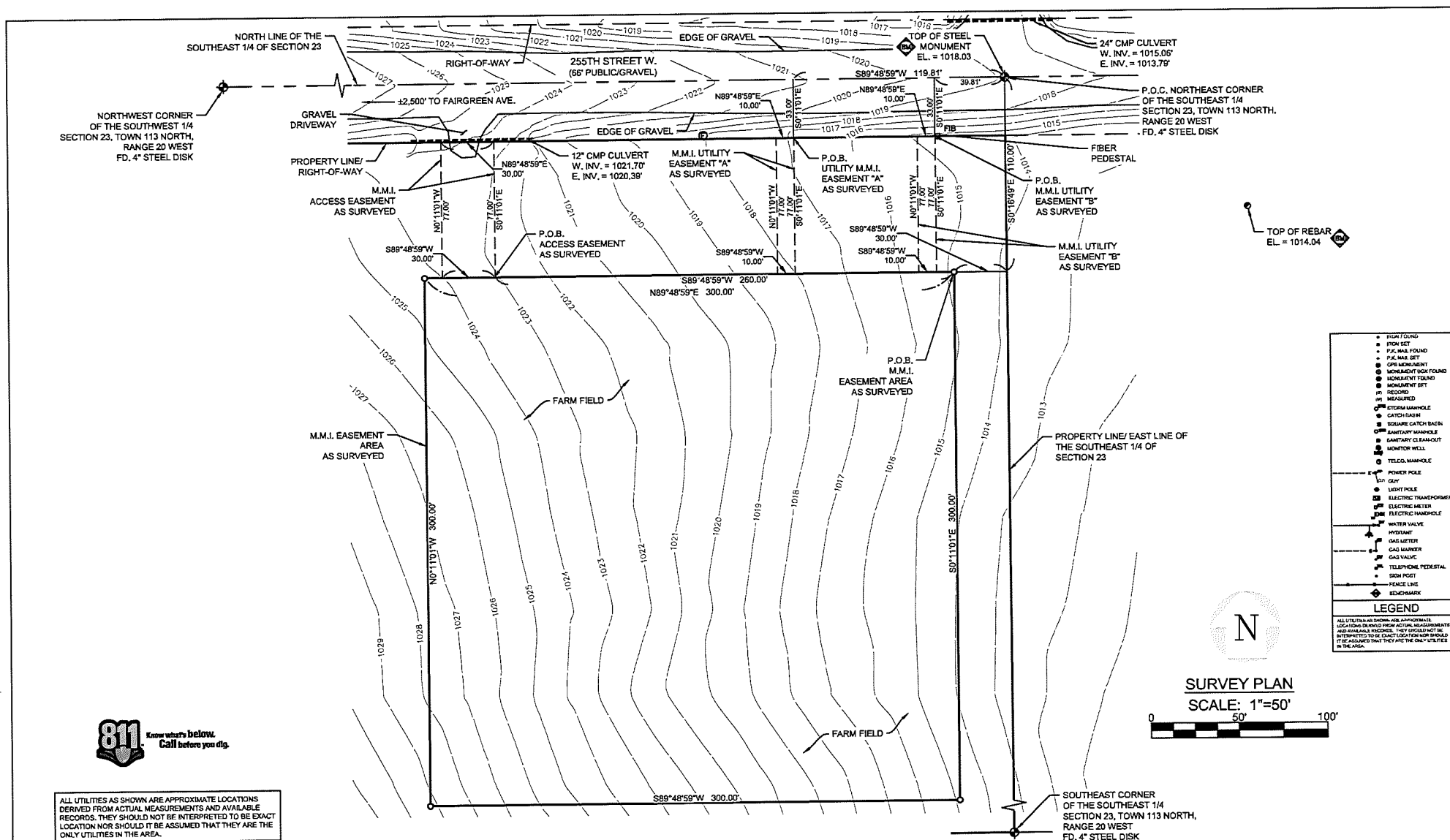


SHEET 1

SPECIFIC PURPOSE ALTA SURVEY

DRAWING NUMBER

25433001



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.



LANDTECH
PROFESSIONAL SURVEYING & ENGINEERING
ALL AM, AZ, CO, IL, IN, IA, MI, MN, MO, NE, ND, RI, SD, TN, TX, VA, WI, WY
221-943-0050 ph 221-943-0051 fax 877-520-LAND toll free
www.landtechs.com www.townsurveyors.com

MANAGED BY:



LTS Telecommunications
Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78660

PREPARED FOR:

MMI
Middle Mile Infrastructure

MICHELLE NICOLAI
255TH STREET W.
FARMINGTON, MN 55024

REVISIONS				DRAWING NUMBER			
NO.	DATE	REVISIONS	BY	CHK	APPD	25433001	
1	04/11/25	ADD TITLE	TJW	MM	MM	25433001	
0	04/10/25	ISSUED FOR REVIEW	TJW	MM	MM		
SCALE: AS SHOWN			DRAWN BY: TJW			25433001	

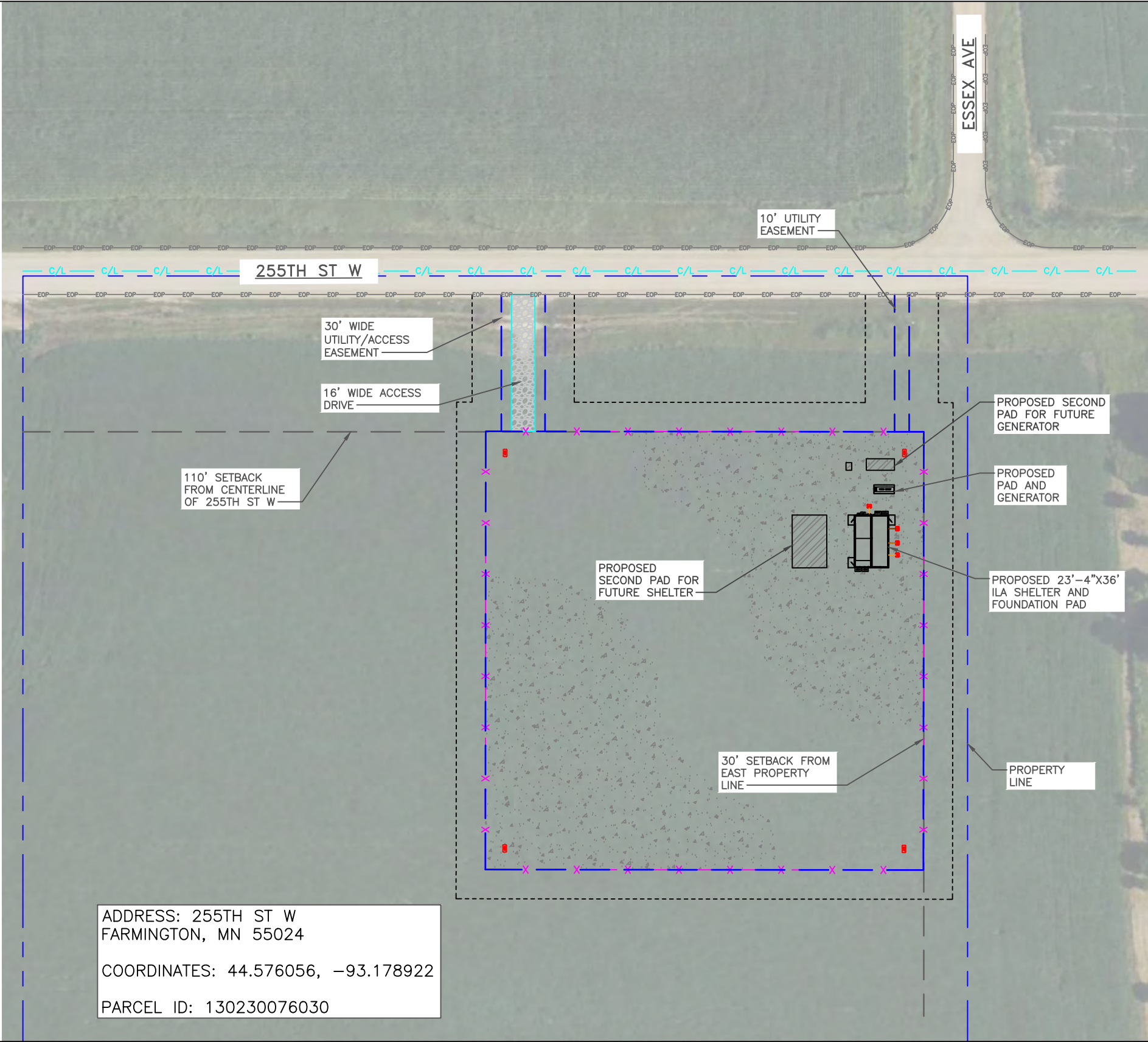
SURVEY NOTE

THIS SITE PLAN WAS GENERATED WITHOUT THE USE OF A SURVEY. PROPERTY LINES AND EASEMENTS SHOWN ON THESE PLANS ARE ESTIMATED.

EXHIBIT A OPTION AGREEMENT

EASEMENT PREMISES TO MIDDLE MILE INFRASTRUCTURE LLC

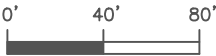
DAKOTA COUNTY MN PROPERTY ID: TBD
OWNER INITIALS:



LEASE EXHIBIT



SCALE: 1" = 40'



COORDINATES:

44.576056, -93.178922

NOT FOR CONSTRUCTION

REFERENCE DRAWINGS									REVISIONS								DIGALERT		PREPARED FOR:		SHEET DESCRIPTION:	
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP														
		0	04/29/2025	PRELIM -- NE CORNER 300X300	H.R	H.R																
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R																
		2																				
		3																				
		4																				

CALL TOLL FREE
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
(811)

PREPARED BY:

MMI

Middle Mile Infrastructure

PREPARED BY:

LEDOR

LTS Telecommunications Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78660

MICHELLE NICOLAI
255TH ST W
FARMINGTON, MN 55024

SHEET NUMBER
LE-01

REVISION
127

ENLARGED
SITE PLAN

DRIVE ACCESS

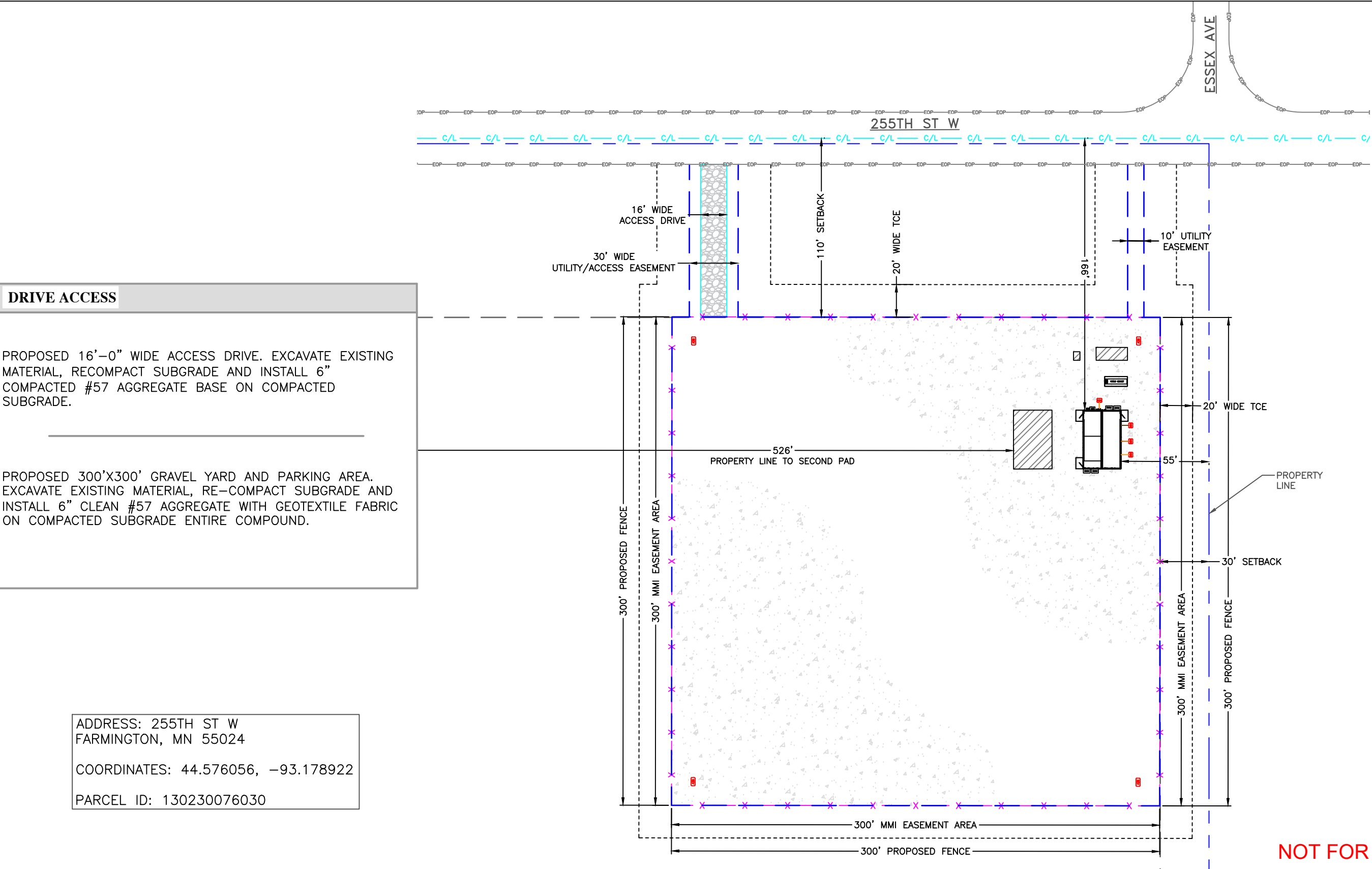
PROPOSED 16'-0" WIDE ACCESS DRIVE. EXCAVATE EXISTING MATERIAL, RECOMPACT SUBGRADE AND INSTALL 6" COMPACTED #57 AGGREGATE BASE ON COMPACTED SUBGRADE.

PROPOSED 300'X300' GRAVEL YARD AND PARKING AREA. EXCAVATE EXISTING MATERIAL, RE-COMPACT SUBGRADE AND INSTALL 6" CLEAN #57 AGGREGATE WITH GEOTEXTILE FABRIC ON COMPACTED SUBGRADE ENTIRE COMPOUND.

ADDRESS: 255TH ST W
FARMINGTON, MN 55024

COORDINATES: 44.576056, -93.178922

PARCEL ID: 130230076030



SCALE: 1" = 30'



NOT FOR CONSTRUCTION

REFERENCE DRAWINGS		REVISIONS						
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
		0	04/29/2025	PRELIM - NE CORNER 300X300	H.R	H.R		
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

DIGALERT
CALL TOLL FREE
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
(811)

PREPARED FOR:
MMI
Middle Mile Infrastructure

PREPARED BY:

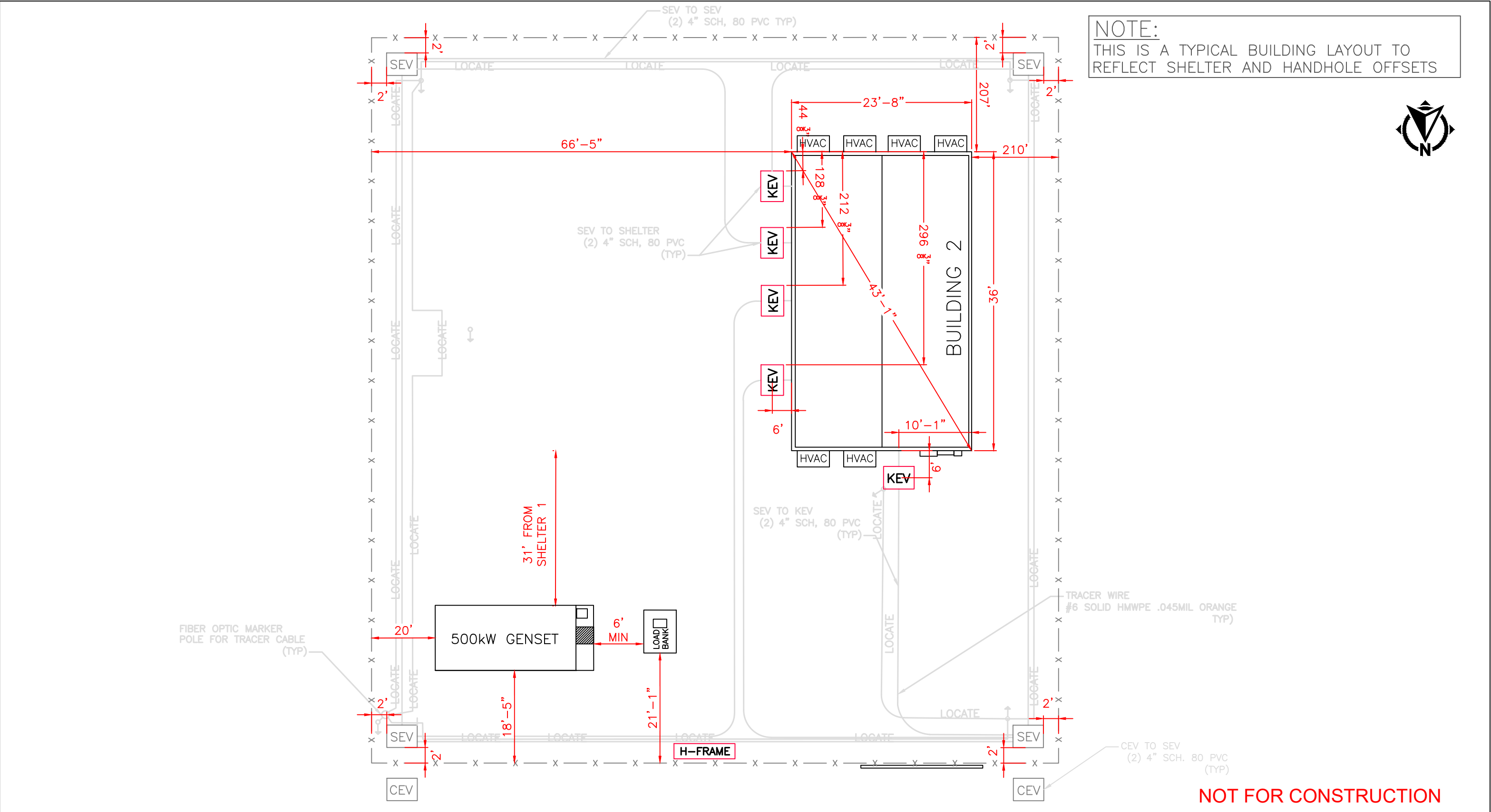
LTS Telecommunications
Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78660

SHEET DESCRIPTION:
OVERALL SITE PLAN

MICHELLE NICOLAI
255TH ST W
FARMINGTON, MN 55024

SHEET NUMBER
C-01

REVISION
128



NOT FOR CONSTRUCTION

REFERENCE DRAWINGS		REVISIONS						
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
		0	04/29/2025	PRELIM -- NE CORNER 300X300	H.R	H.R		
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

DIGALERT

CALL TOLL FREE
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
(811)

PREPARED FOR:

MMI

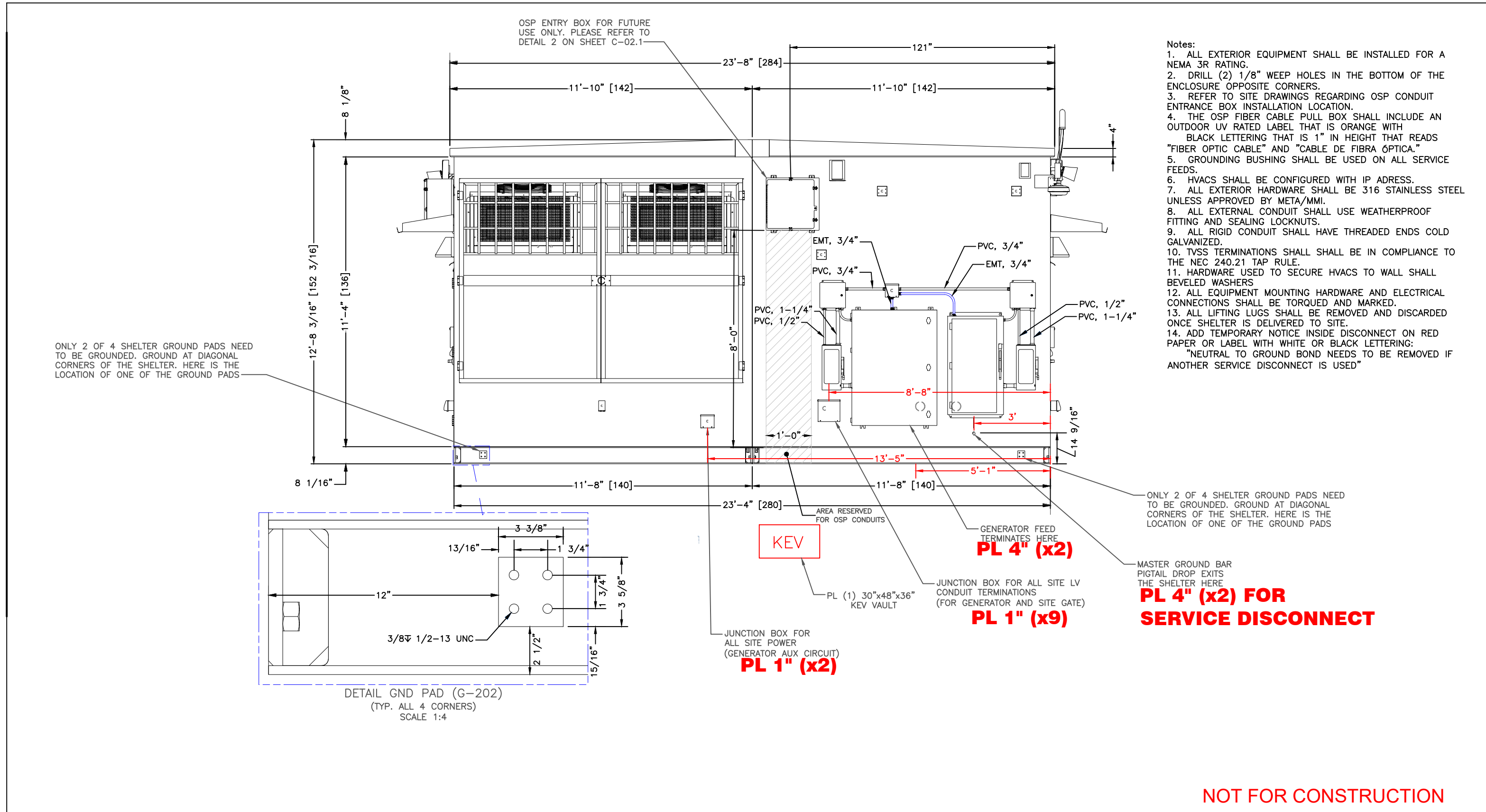
Middle Mile Infrastructure

PREPARED BY:

LEDOR

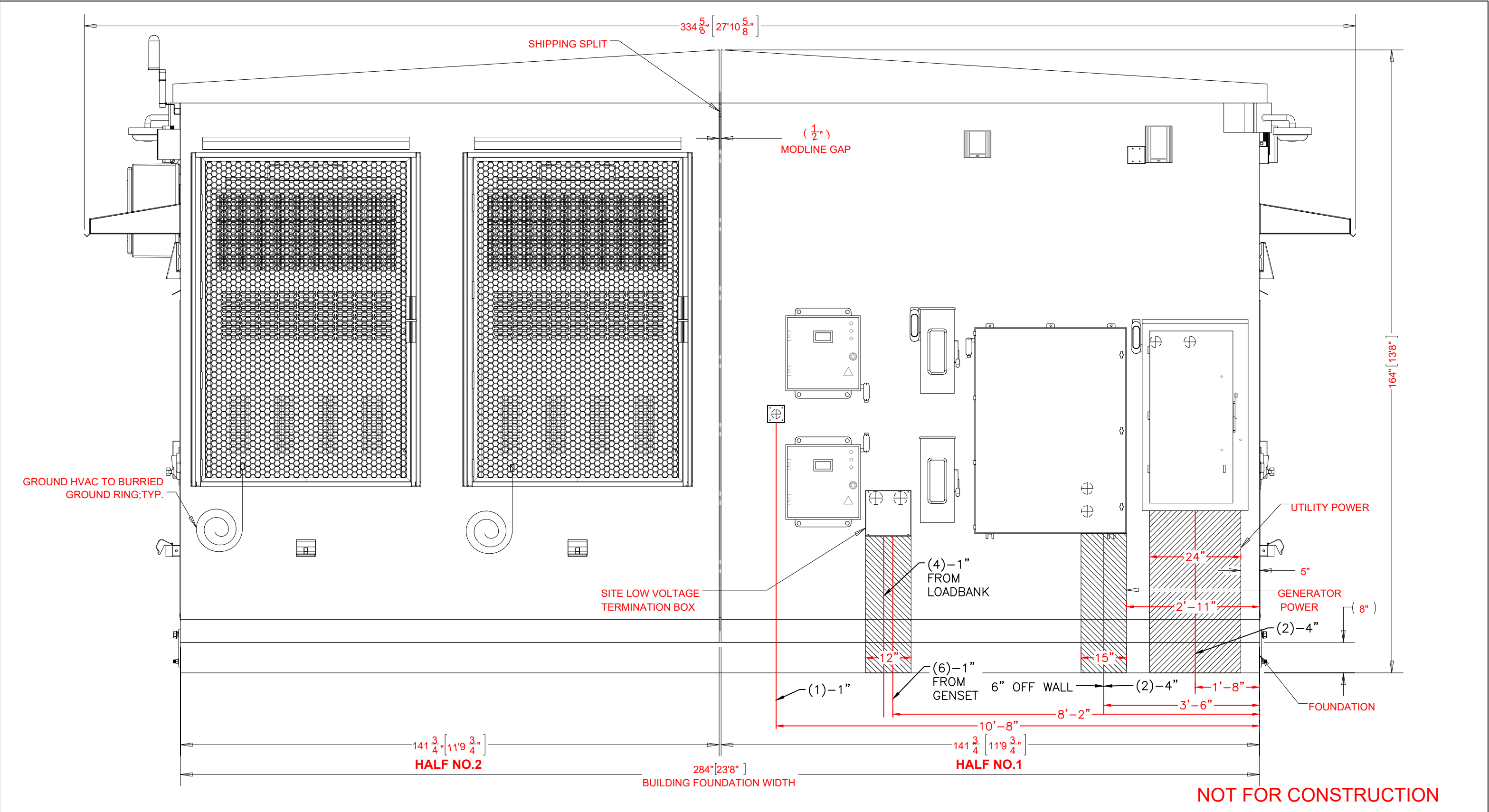
LTS Telecommunications Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78660

SHEET DESCRIPTION:	
SHELTER AND HANDHOLE DISTANCES	
MICHELLE NICOLAI 255TH ST W FARMINGTON, MN 55024	
SHEET NUMBER C-02.3	REVISION 129



REFERENCE DRAWINGS								
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
		0	04/29/2025	PRELIM -- NE CORNER 300X300	H.R	H.R		
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

DIGALERT CALL TOLL FREE 48 HOURS BEFORE YOU DIG UNDERGROUND SERVICE ALERT (811)		PREPARED FOR: MMI Middle Mile Infrastructure	SHEET DESCRIPTION: EXTERIOR ELEVATION "B" KEY PLACEMENT	
		PREPARED BY: LEDOR LTS Telecommunications Services (USA) Inc. 14400 The Lakes Blvd. Pflugerville, TX 78660	MICHELLE NICOLAI 255TH ST W FARMINGTON, MN 55024	
			SHEET NUMBER C-09	REVISION 130



REFERENCE DRAWINGS		REVISIONS						
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
		0	04/29/2025	PRELIM -- NE CORNER 300X300	H.R	H.R		
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

DWG 11 x 17

DIGALERT
CALL TOLL FREE
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
(811)

PREPARED FOR:
MMI
Middle Mile Infrastructure

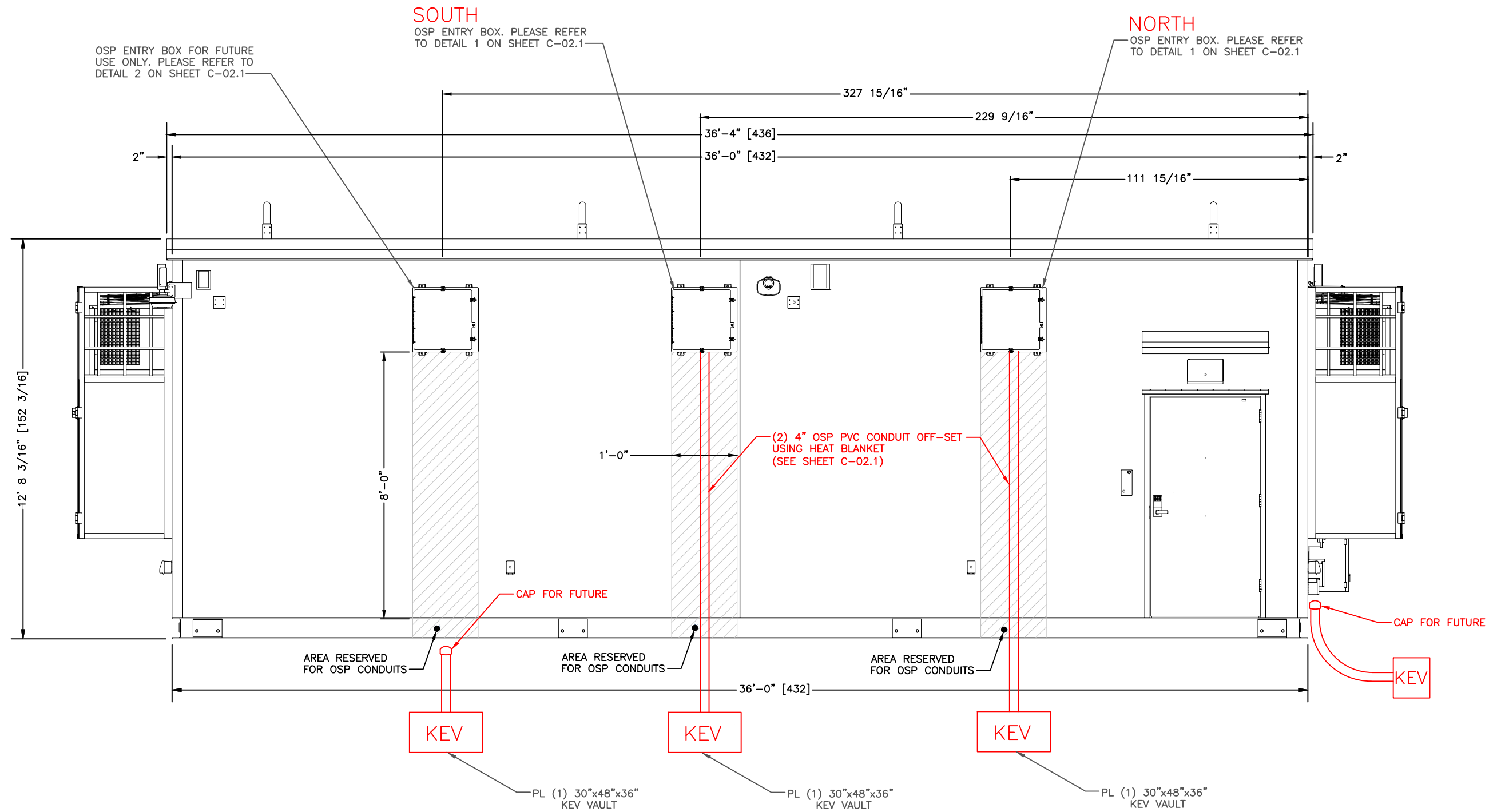
PREPARED BY:
LEDOR
LTS Telecommunications
Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78660

SHEET DESCRIPTION:
EXTERIOR ELEVATION "B" KEY PLACEMENT

MICHELLE NICOLAI
255TH ST W
FARMINGTON, MN 55024

SHEET NUMBER
C-09.1

REVISION
131



NOT FOR CONSTRUCTION

REFERENCE DRAWINGS		REVISIONS						
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
		0	04/29/2025	PRELIM -- NE CORNER 300X300	H.R	H.R		
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

DIGALERT
CALL TOLL FREE
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
(811)

PREPARED FOR:
MMI
Middle Mile Infrastructure

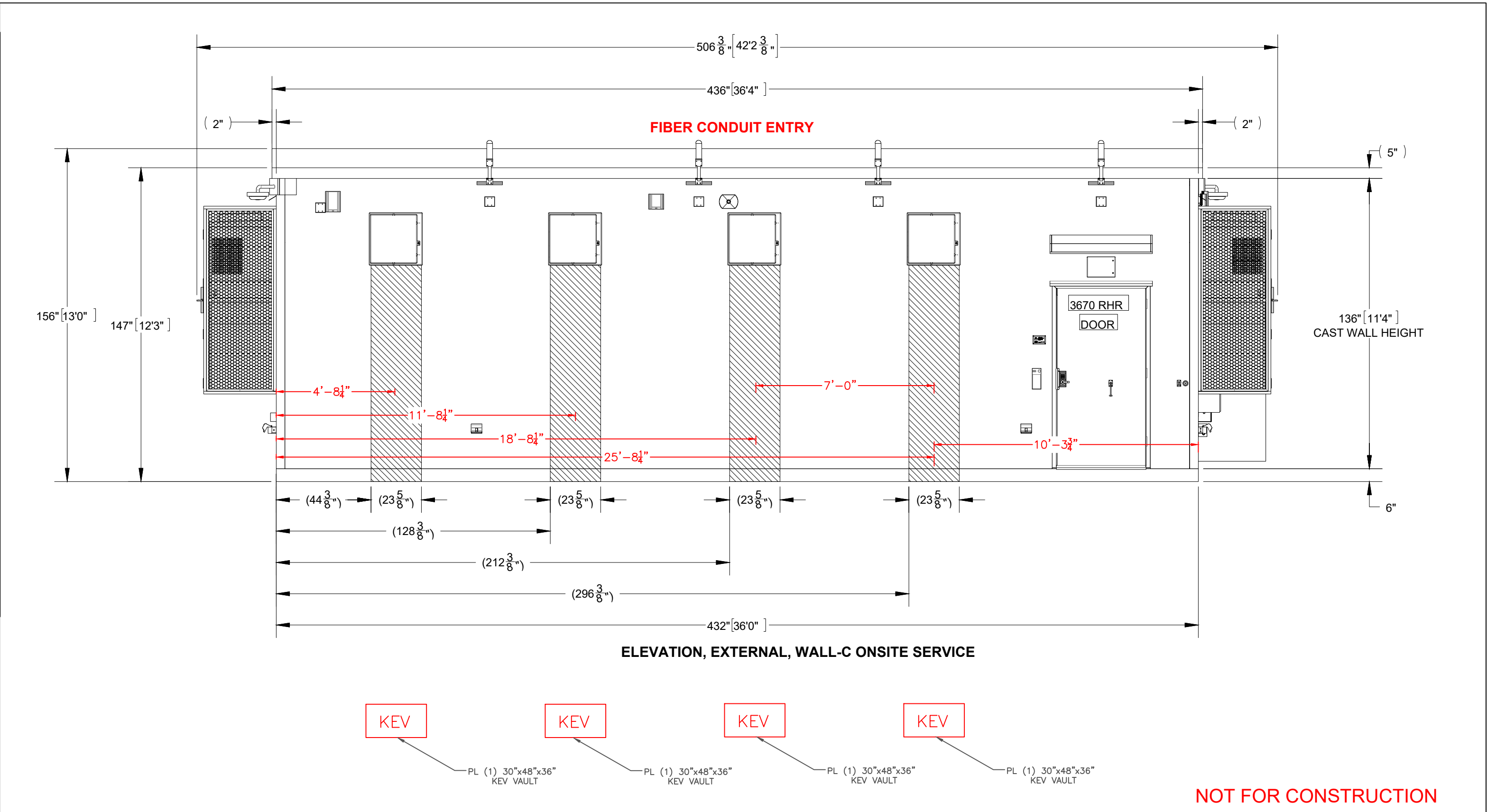
PREPARED BY:
LEDOR
LTS Telecommunications
Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78660

SHEET DESCRIPTION:
EXTERIOR ELEVATION "C" KEV PLACEMENT

MICHELLE NICOLAI
255TH ST W
FARMINGTON, MN 55024

SHEET NUMBER
C-10

REVISION
132



REFERENCE DRAWINGS		REVISIONS						
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP
		0	04/29/2025	PRELIM -- NE CORNER 300X300	H.R	H.R		
		1	05/08/2025	ADDED SHELTER TYPICALS	H.R	H.R		
		2						
		3						
		4						

DIGALERT
CALL TOLL FREE
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
(811)

PREPARED FOR:
MMI
Middle Mile Infrastructure

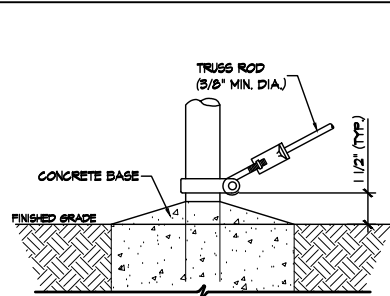
PREPARED BY:
LEDOR
LTS Telecommunications
Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78660

SHEET DESCRIPTION:
EXTERIOR ELEVATION "C" KEV PLACEMENT

MICHELLE NICOLAI
255TH ST W
FARMINGTON, MN 55024

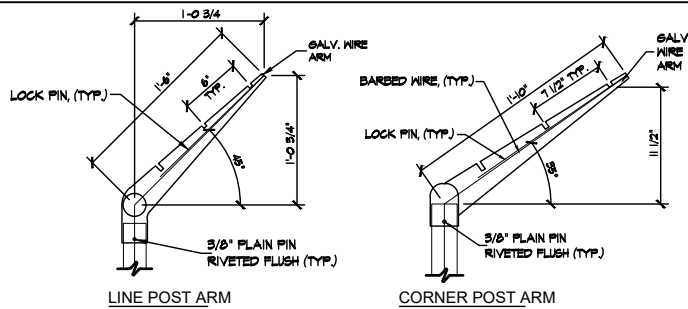
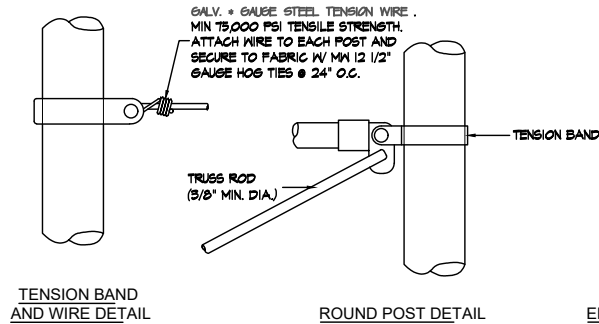
SHEET NUMBER
C-10.1

REVISION
133



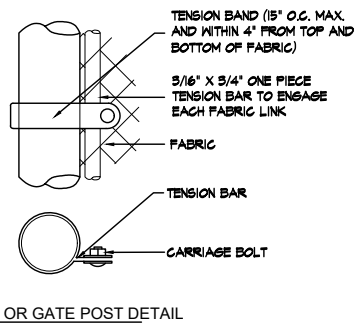
5 TRUSS ROD AND BAND

C200 SCALE: N.T.S.



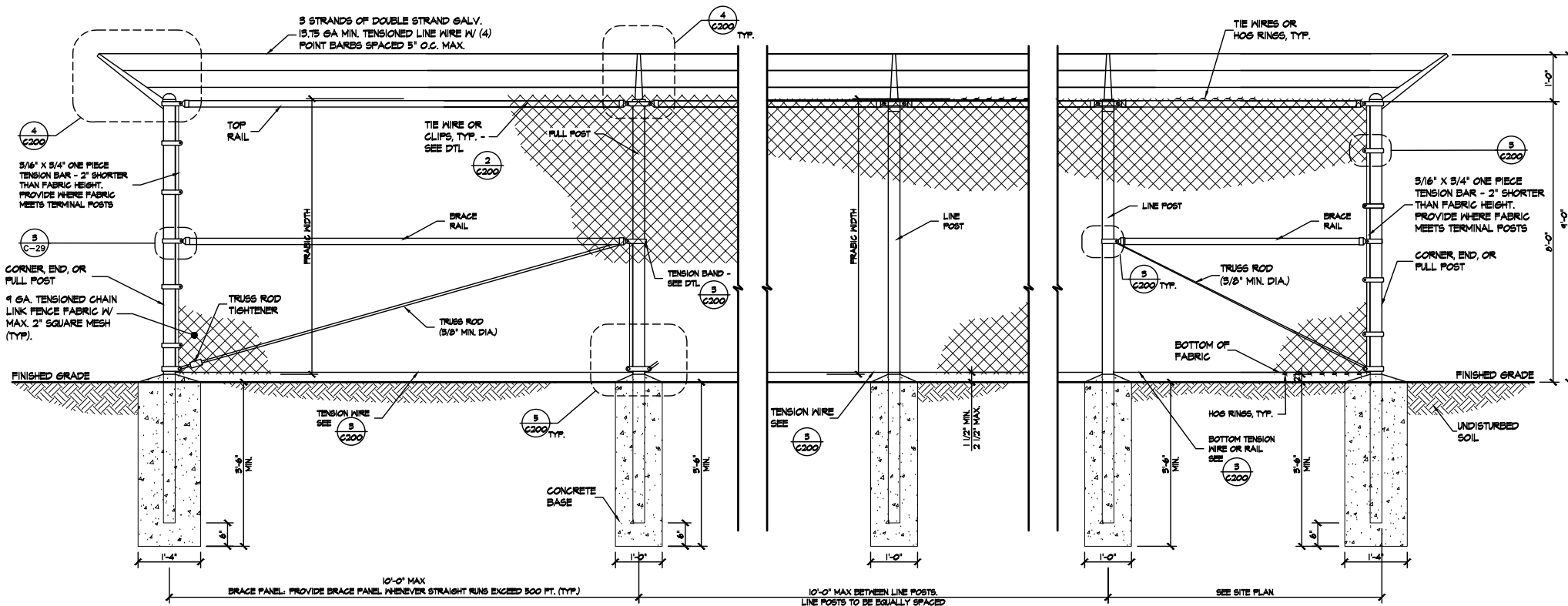
4 EXTENSION ARM DETAILS

C200 SCALE: N.T.S.



3 POST ATTACHMENT DETAILS

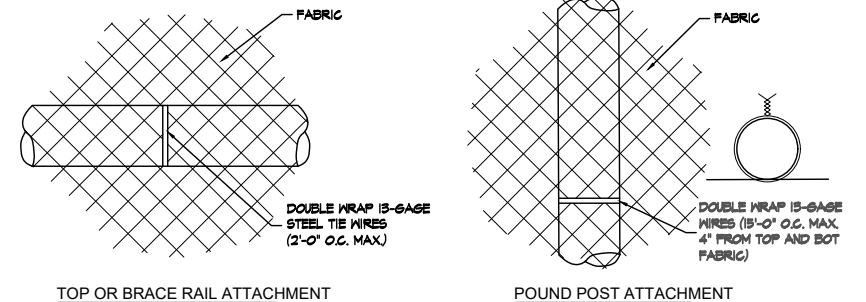
C200 SCALE: N.T.S.



1 CHAIN-LINK FENCE DETAIL

C-29 SCALE: N.T.S.

USE AND SECTION	STEEL POST SCHEDULE		
	MINIMUM OUTSIDE DIMENSIONS (NOMINAL)		
	FABRIC WIDTH 72" OR LESS	FABRIC WIDTH 84" TO 96"	FABRIC WIDTH 108" AN
CORNER, END, & PULL POSTS			
TUBULAR - ROUND	2.375" O.D.	2.875" O.D.	4.00" O.D.
TUBULAR - SQUARE	2.00" SQ.	2.50" SQ.	3.00" SQ.
C-SECTION (ROLL-FORMED)	3.50" x 3.50"	3.50" x 3.50"	-----
LINE POSTS			
TUBULAR - ROUND	1.90" O.D.	2.375" O.D.	2.875" O.D.
H - SECTION	2.25" x 1.70"	2.25" x 1.70"	2.25" x 1.70"
C-SECTION (ROLL-FORMED)	1.875" x 1.625"	2.25" x 1.70"	-----
TOP, BOTTOM & BRACE RAILS			
TUBULAR - ROUND		1.66" O.D.	
TUBULAR - SQUARE		1.50" SQ.	
H-SECTION		1.625" x 1.50"	
C-SECTION (ROLL-FORMED)		1.625" x 1.25"	



2 FABRIC FASTENING DETAILS

C200 SCALE: N.T.S.

NOT FOR CONSTRUCTION

REFERENCE DRAWINGS							
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK APP

DIGALERT
CALL TOLL FREE
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
(811)

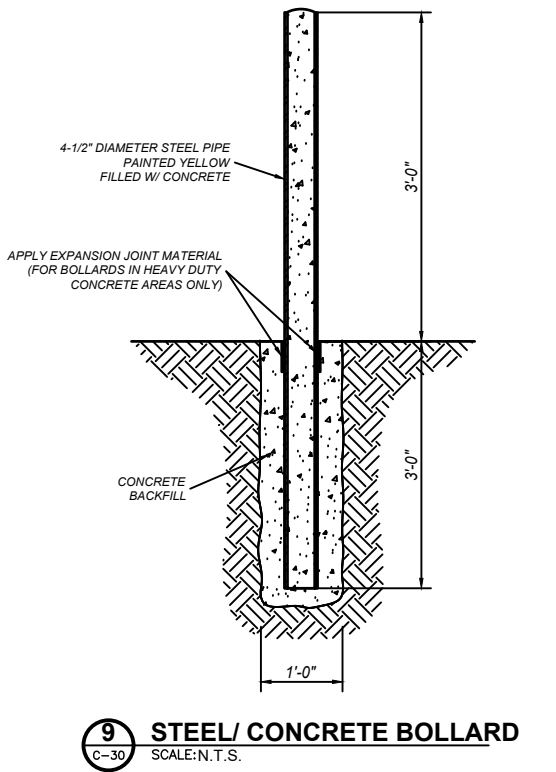
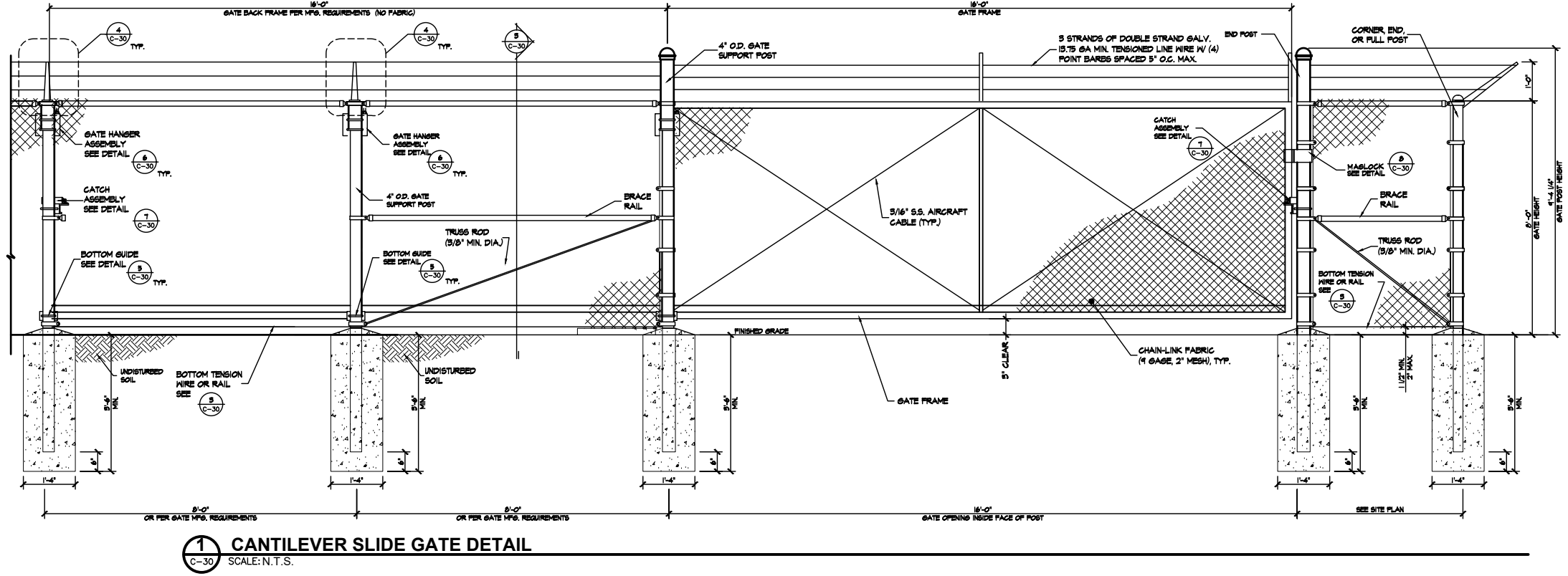
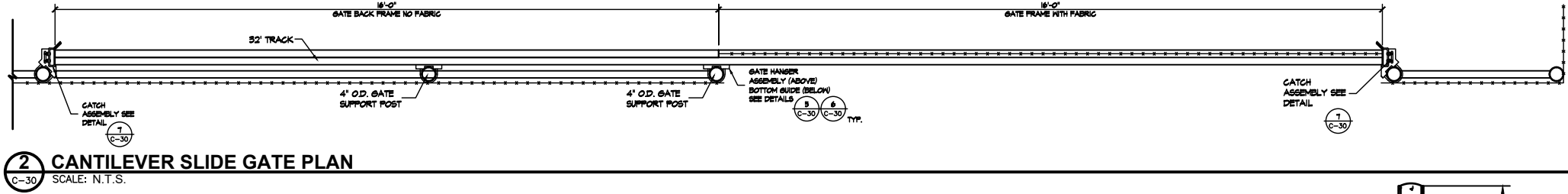
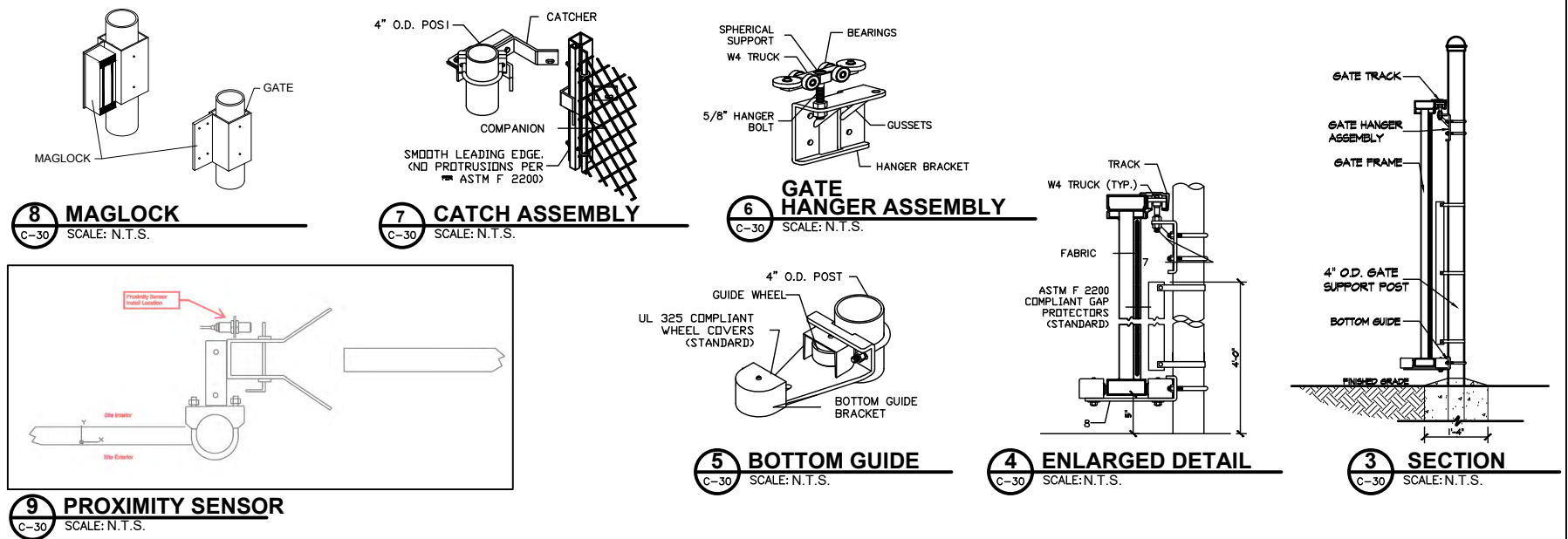
PREPARED FOR:
MMI
Middle Mile Infrastructure
PREPARED BY:
LEDOR
LTS Telecommunications
Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78660

SHEET DESCRIPTION:
FENCE DETAILS

SHEET NUMBER
C-06

REVISION
34

GATE / SITE ACCESS CONTROL				
#	PART #	MANUFACTURER	DESCRIPTION	SOURCED BY
1	M82FGBD	ASSA ABLOY	SECURITRON M82 MAGNALOCK	SITE G.C
1	E-NL22-18	DF SUPPLY, INC. VEHICLELOOPS.COM	18 GAUGE PREFORMED CONTINUOUS DIRECT BURIAL 6" X 16" LOOP WIRE (PAVE OVER) E-NL22-18-VEHICLE DETENTION SAFETY LOOP	SITE G.C
1	DSP-6LP	DIABLO CONTROLS, INC.	DSP-6LP, LOW POWER VEHICLE DETECTOR FOR EXIT LOOP	SITE G.C
1	SPM-200	NEWMAR	SITE POWER MONITOR (FOR GATE OPERATOR BATTERIES	SITE G.C
1	2BXC	MMTC INC.	OPEN-CLOSE PUSH BUTTON WITH PROTECTIVE COVER FOR WET LOCATIONS, METAL ENCLOSURE H=4-1/2", W-2-3/4", D-2-3/4"	SITE G.C
X	8760	BELDEN	18/2 TP CABLE	SITE G.C
X	8770	BELDEN	18/3 TST CABLE	SITE G.C
X	6302UE	BELDEN	18/4 TP CABLE	SITE G.C
X	X	X	CAT6, SHIELDED, OUTDOOR RATED	SITE G.C
1	CL-7234	Nationwide Industries	Cantilever Gate Receiver, 4",Ps, W/Locking Bar	SITE G.C
1	SASM	Securiton	Shock Absorbing Strike Mount Kit (SASM)	SITE G.C
1	PNK-AP-4A	Automation Direct	Proximity sensor, tubular, 18mm dia x 65mm body, PNP, N.O Output	SITE G.C
1	U20302	IFM	IFM L-Bracket: 18mm dia Proximity Sensor, Stainless Steel	SITE G.C



NOT FOR CONSTRUCTION

REFERENCE DRAWINGS							
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK

REVISIONS			
DESCRIPTION	DES	DFT	CHK

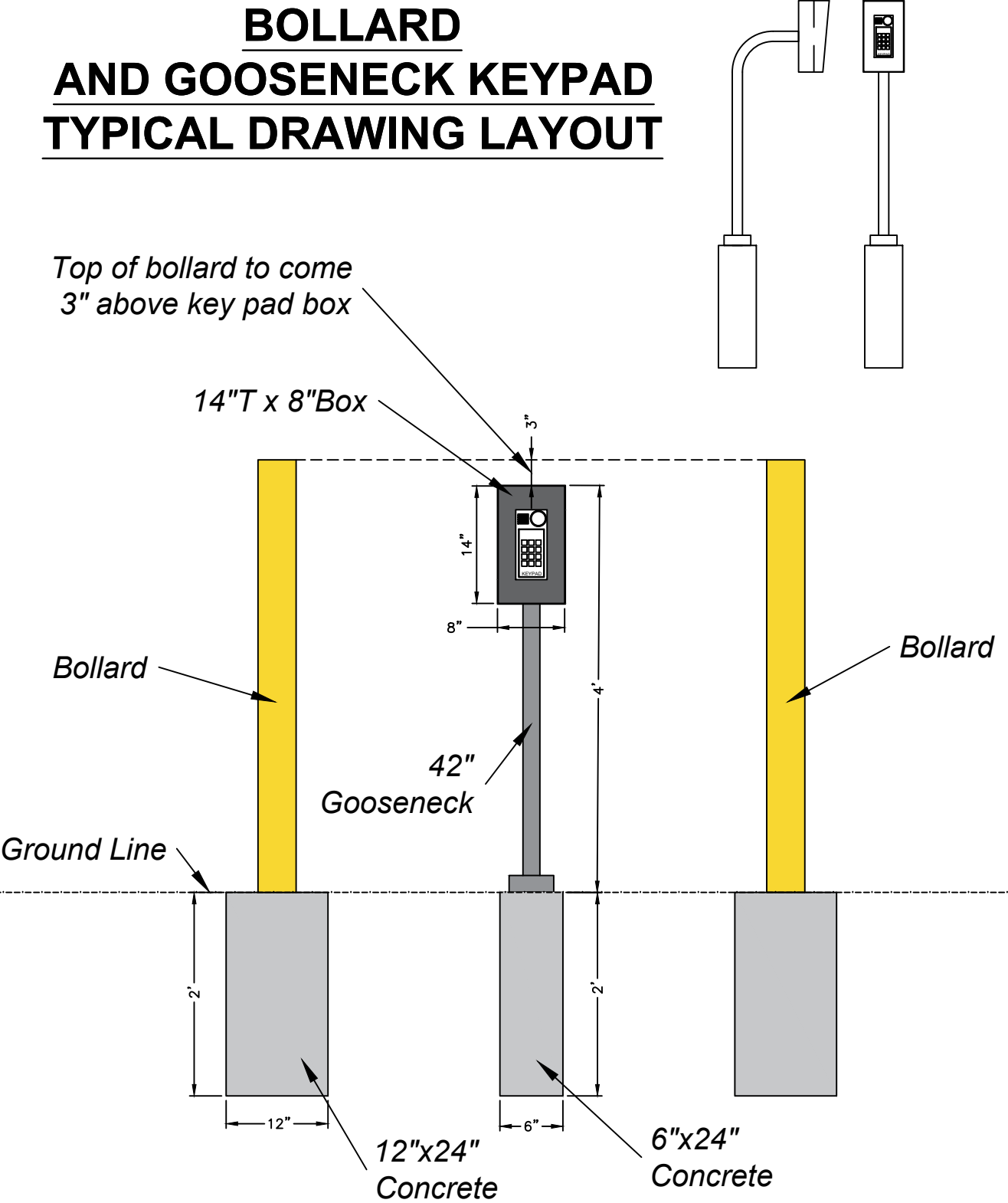
DIGALERT
CALL TOLL FREE
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
(811)

PREPARED FOR:
MMI
Middle Mile Infrastructure

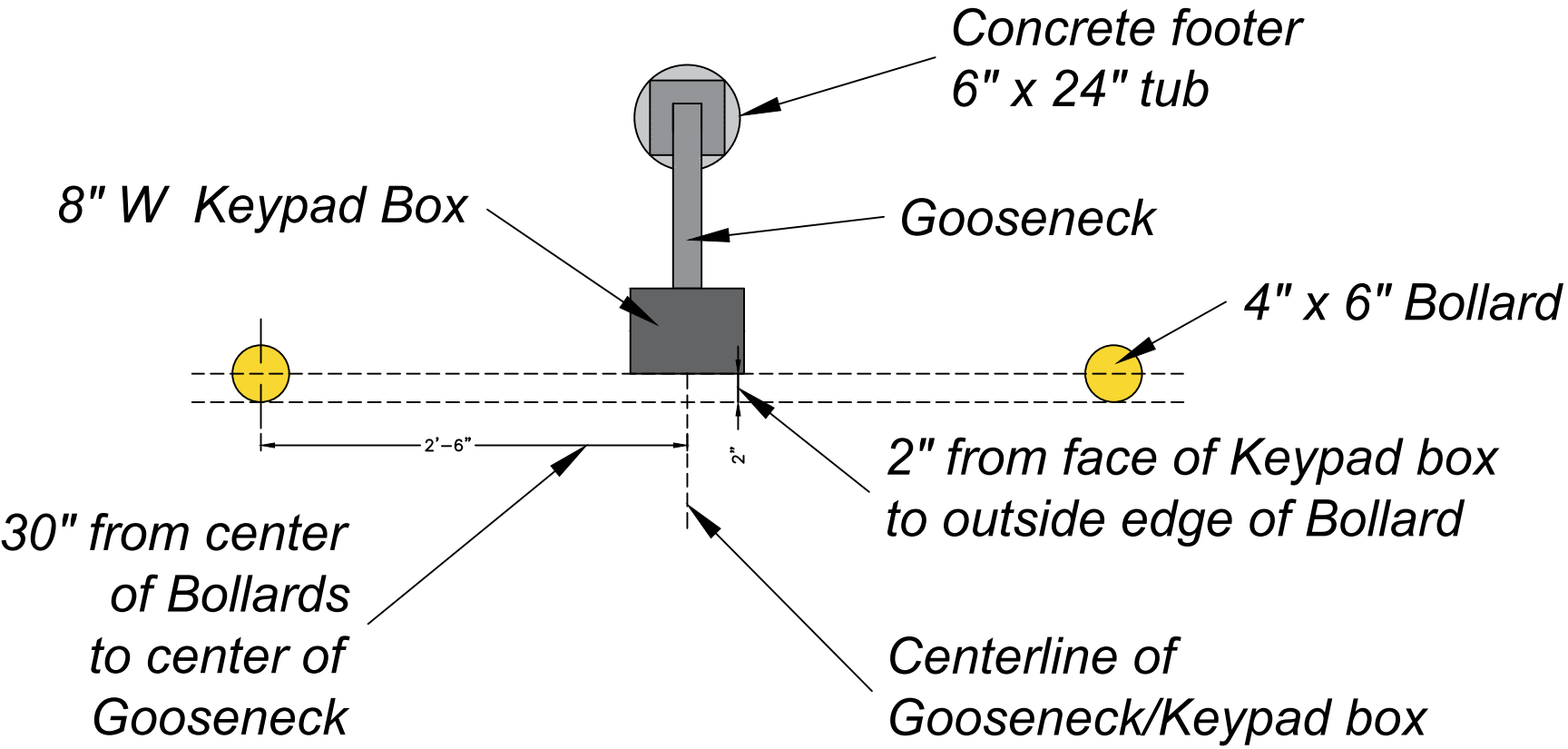
PREPARED BY:
LEDOR
LTS Telecommunications
Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78660

SHEET DESCRIPTION:	
GATE DETAILS	
SHEET NUMBER C-07	REVISION 35

**BOLLARD
AND GOOSENECK KEYPAD
TYPICAL DRAWING LAYOUT**



LOOKING DOWN BOLLARD TYPICAL DRAWING LAYOUT



NOT FOR CONSTRUCTION

REFERENCE DRAWINGS				REVISIONS				
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP

DIGALERT
CALL TOLL FREE
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
(811)

PREPARED FOR:
MMI
Middle Mile Infrastructure

PREPARED BY:
LEDOR
LTS Telecommunications
Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78660

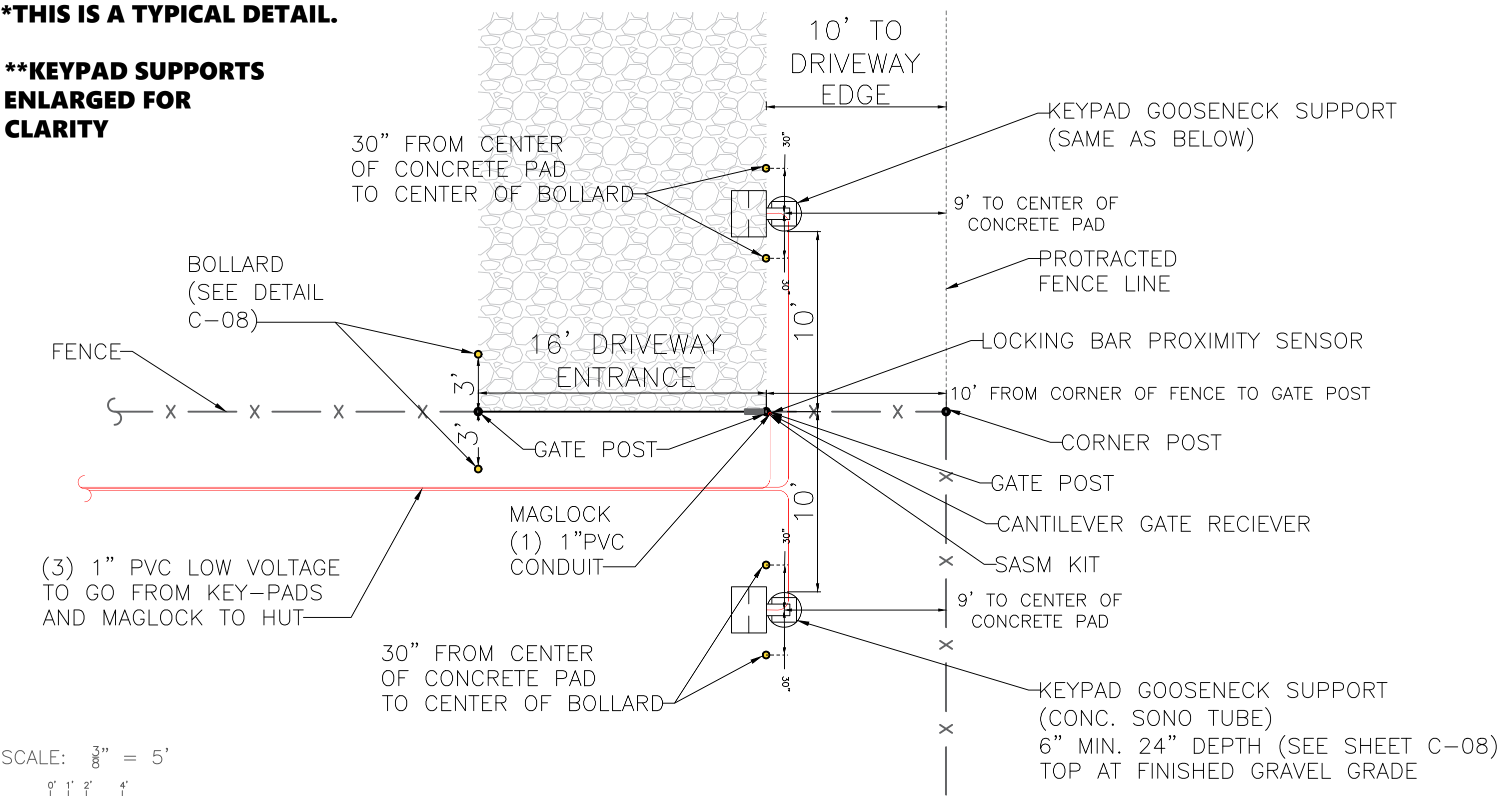
SHEET DESCRIPTION:
BOLLARDS DETAIL

SHEET NUMBER
C-08

REVISION
36

***THIS IS A TYPICAL DETAIL.**

****KEYPAD SUPPORTS
ENLARGED FOR
CLARITY**



NOT FOR CONSTRUCTION

										<div>DIGALERT</div> <div>CALL TOLL FREE</div> <div>48 HOURS BEFORE YOU DIG</div> <div>UNDERGROUND SERVICE ALERT</div> <div>(811)</div>		<div>PREPARED FOR:</div> <div>MMI</div> <div>Middle Mile Infrastructure</div> <div>PREPARED BY:</div> <div><div></div><div>LTS Telecommunications Services (USA) Inc. 14400 The Lakes Blvd. Pflugerville, TX 78660</div></div>		SHEET DESCRIPTION: CONCRETE GOOSENECK DETAIL	
REFERENCE DRAWINGS			REVISIONS												
DRAWING No.	DESCRIPTION		REV	DATE	DESCRIPTION	DES	DFT	CHK	APP						

SHEET NUMBER C-08.1	REVISION 37
------------------------	----------------

Examples of Similar Compounds

City TX



Standby Power Rating

500 kW, 625 kVA, 60 Hz

Prime Power Rating*

450 kW, 563 kVA, 60 Hz



*Assembled in the USA using domestic and foreign parts

*EPA Certified Prime ratings are not available in the US or its Territories

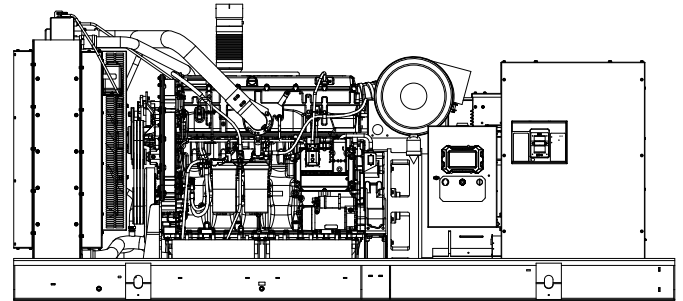


Image used for illustration purposes only.

Codes and Standards

Not all codes and standards apply to all configurations. Contact factory for details.



UL2200, UL6200, UL1236, UL489, UL142



CSA C22.2, ULC S601



BS5514 and DIN 6271



SAE J1349



NFPA 37, 70, 99, 110



NEC700, 701, 702, 708



NEMA ICS10, MG1, 250, ICS6, AB1



ANSI C62.41

Powering a Smarter World

For over 65 years, Generac has been at the forefront of power generation, pioneering innovative solutions and unparalleled manufacturing excellence. At the heart of our reputation for superior quality lies our commitment to meticulously designing and manufacturing key components of our generators—ranging from alternators and enclosures to base tanks, control systems, and cutting-edge communications software.

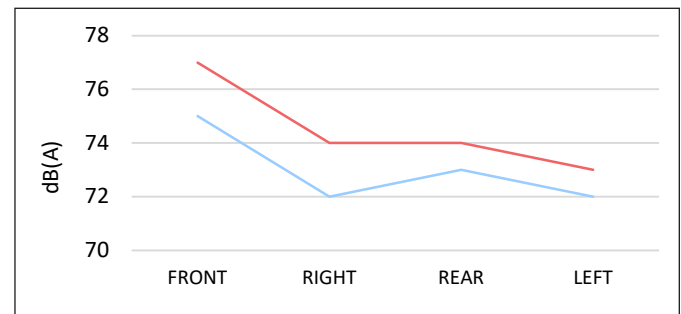
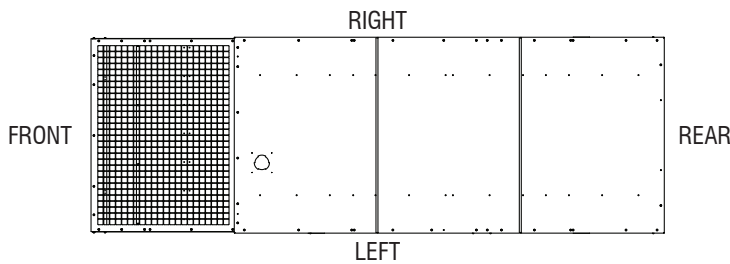
Generac's gensets stand out for their unparalleled versatility and reliability. Engineered to offer a wide range of options and configurations, they are tailored to meet the unique demands of virtually any application, seamlessly adapting to its complexity. Our commitment to reliability drives us to globally source only the most dependable engines, selected through stringent criteria to ensure they perform optimally under the toughest industrial conditions.

Beyond the sale, Generac's dedication to our customers extends to comprehensive service support, for peace of mind and reliability long after your purchase. Our commitment is to not only provide state-of-the-art power solutions but also to ensure the enduring success and satisfaction of our customers through ongoing support and service excellence.

LEVEL 2 SOUND ATTENUATED ENCLOSURE D15.2L Perkins, SD/MD500, SB/MB500

60Hz NO-LOAD, dB(A)										DISTANCE: 7 METERS
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)									
	31.5	63	125	250	500	1,000	2,000	4,000	8,000	dB(A)
FRONT	36	46	60	69	69	69	65	62	52	75
RIGHT	36	43	55	61	63	62	58	52	45	72
REAR	35	46	53	59	64	64	60	56	44	73
LEFT	35	43	55	61	66	65	62	57	47	72
AVERAGE	36	44	56	62	66	65	61	57	47	73

60Hz FULL-LOAD, dB(A)										DISTANCE: 7 METERS
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)									
	31.5	63	125	250	500	1,000	2,000	4,000	8,000	dB(A)
FRONT	43	51	62	68	73	71	71	66	64	77
RIGHT	43	49	63	64	70	64	62	57	56	74
REAR	41	49	59	63	69	65	62	57	51	74
LEFT	41	51	65	64	71	63	64	61	54	73
AVERAGE	42	50	62	65	71	66	65	60	56	75



- All positions at 23 feet (7 meters) from side faces of generator set.
- Test conducted on a 100 foot diameter asphalt surface.
- Sound pressure levels are subject to instrumentation, installation and testing conditions.
- Sound levels are ± 2 dB(A).

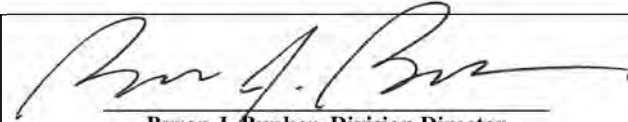


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2025 MODEL YEAR
CERTIFICATE OF CONFORMITY
WITH THE CLEAN AIR ACT

OFFICE OF TRANSPORTATION
AND AIR QUALITY
ANN ARBOR, MICHIGAN 48105

Certificate Issued To: Caterpillar Inc.
(U.S. Manufacturer or Importer)
Certificate Number: SCPXL15.2NZS-026

Effective Date:
08/05/2024
Expiration Date:
12/31/2025


Byron J. Bunker, Division Director
Compliance Division

Issue Date:
08/05/2024
Revision Date:
N/A

Model Year: 2025
Manufacturer Type: Original Engine Manufacturer
Engine Family: SCPXL15.2NZS

Mobile/Stationary Indicator: Stationary
Emissions Power Category: 560<kW<=2237
Fuel Type: Diesel
After Treatment Devices: No After Treatment Devices Installed
Non-after Treatment Devices: Electronic Control, Engine Design Modification

Pursuant to Section 111 and Section 213 of the Clean Air Act (42 U.S.C. sections 7411 and 7547) and 40 CFR Part 60, and subject to the terms and conditions prescribed in those provisions, this certificate of conformity is hereby issued with respect to the test engines which have been found to conform to applicable requirements and which represent the following engines, by engine family, more fully described in the documentation required by 40 CFR Part 60 and produced in the stated model year.

This certificate of conformity covers only those new compression-ignition engines which conform in all material respects to the design specifications that applied to those engines described in the documentation required by 40 CFR Part 60 and which are produced during the model year stated on this certificate of the said manufacturer, as defined in 40 CFR Part 60.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 1068 and authorized in a warrant or court order. Failure to comply with the requirements of such a warrant or court order may lead to revocation or suspension of this certificate for reasons specified in 40 CFR Part 60. It is also a term of this certificate that this certificate may be revoked or suspended or rendered void *ab initio* for other reasons specified in 40 CFR Part 60.

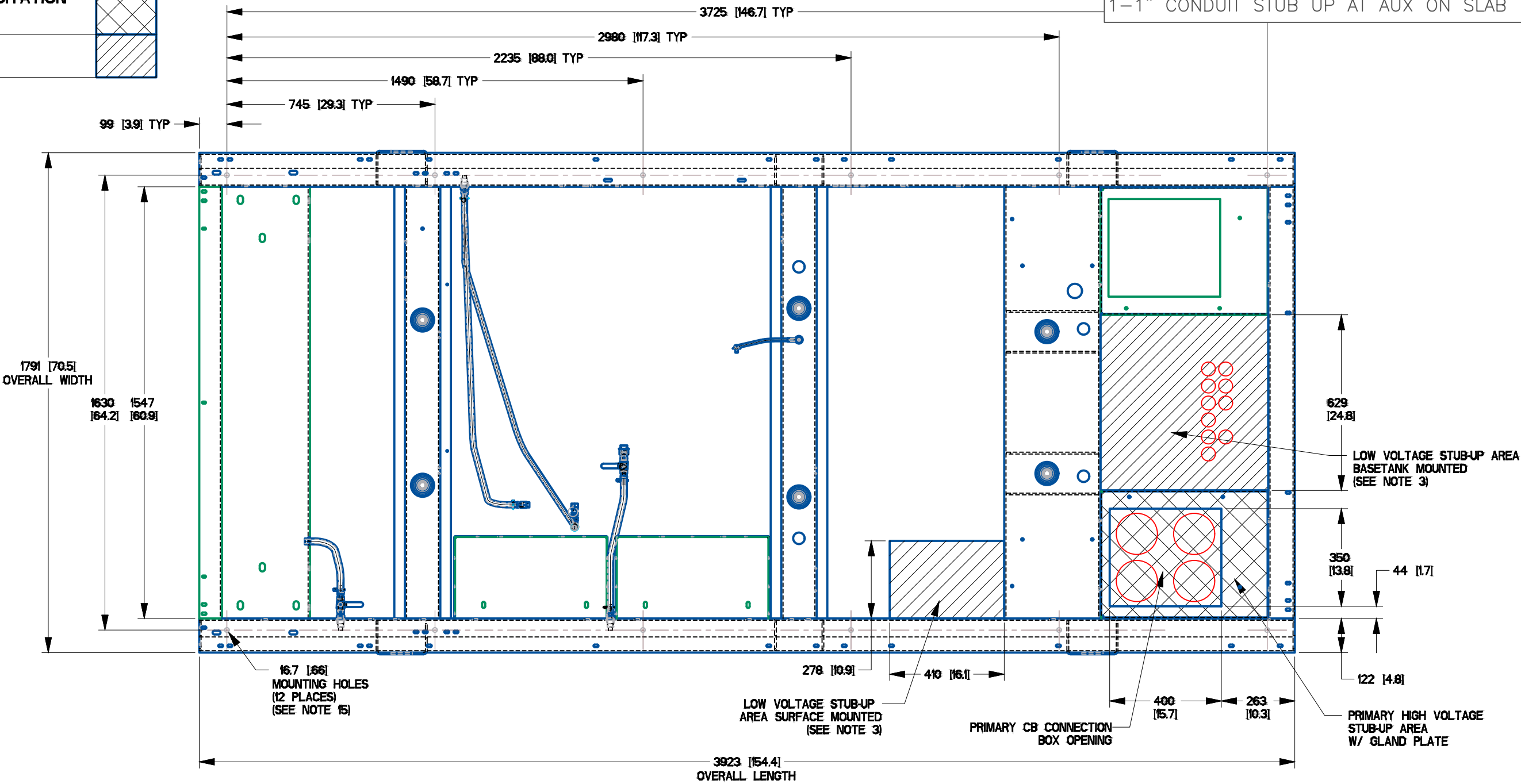
This certificate does not cover engines sold, offered for sale, or introduced, or delivered for introduction, into commerce in the U.S. prior to the effective date of the certificate.

RECOMMENDED ELECTRICAL STUB-UP

(HIGH VOLTAGE STUB-UP)
AC LOAD LEAD CONDUIT FOR
PERMANENT MAGNET EXCITATION
CONNECTION BOX

(LOW VOLTAGE STUB-UP)

NOTE:
6-1" CONDUITS STUB UP AT LV BOX ON
SLAB
3-1" CONDUITS TO LOAD BANK
1-1" CONDUIT STUB UP AT AUX ON SLAB



NOT FOR CONSTRUCTION

REFERENCE DRAWINGS				REVISIONS				
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP

DIGALERT
CALL TOLL FREE
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
(811)

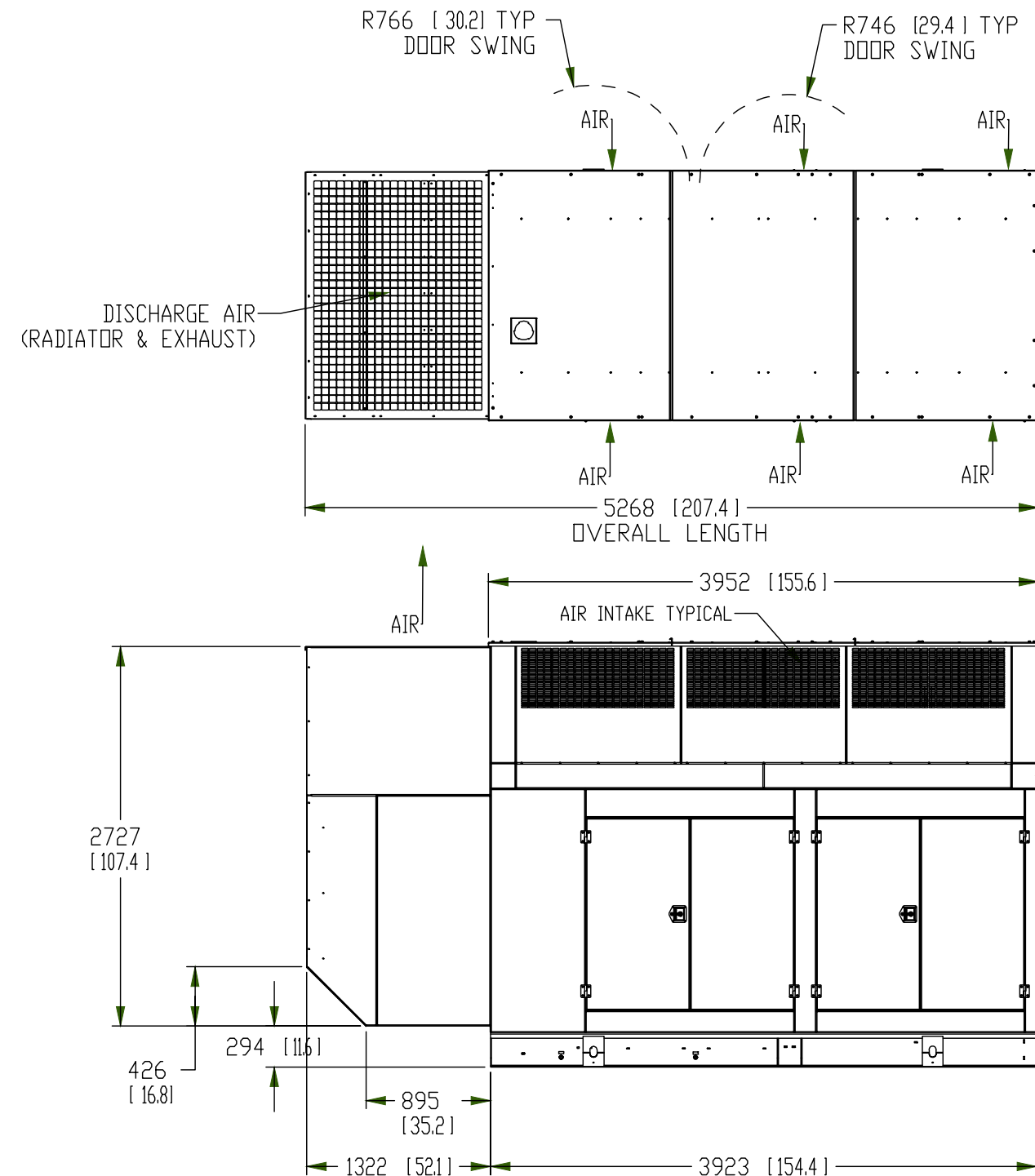
PREPARED FOR:
MMI
Middle Mile Infrastructure

PREPARED BY:
LEDCOR
LTS Telecommunications
Services (USA) Inc.
14400 The Lakes Blvd.
Pflugerville, TX 78660

SHEET DESCRIPTION:
GENERATOR DIMENSIONS

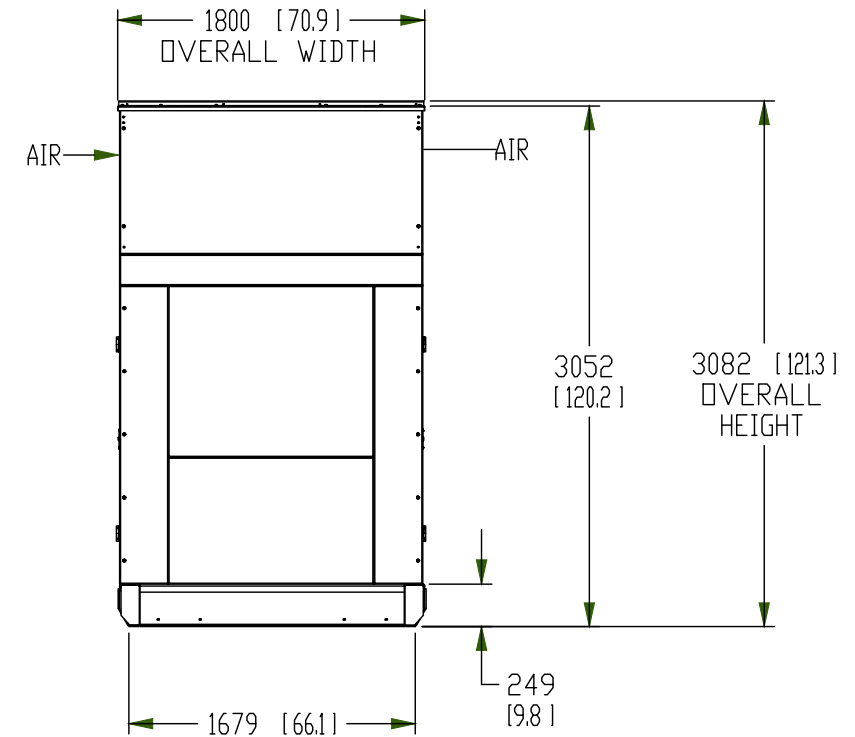
SHEET NUMBER
REF-01

REVISION
42



FOR ALL STUB-UP, WEIGHT, AND COG DETAILS, SEE OPEN-SET DRAWING
FOR SPECIFIED GENSET.

WEIGHT AND COG VALUES SUBJECT TO CHANGE BASED ON GENSET OPTIONS.



DIMENSIONS ARE IN MILLIMETERS [INCHES]

NOT FOR CONSTRUCTION

													<div>DIGALERT</div> <div>CALL TOLL FREE</div> <div>48 HOURS BEFORE YOU DIG</div> <div>UNDERGROUND SERVICE ALERT</div> <div>(811)</div>				<div>PREPARED FOR:</div> <div>MMI</div> <div>Middle Mile Infrastructure</div> <div>PREPARED BY:</div> <div>LTS Telecommunications Services (USA) Inc. 14400 The Lakes Blvd. Pflugerville, TX 78660</div>		<div>SHEET DESCRIPTION:</div> <div>GENERATOR DIMENSIONS</div>			
REFERENCE DRAWINGS		REVISIONS																				
DRAWING No.	DESCRIPTION	REV	DATE	DESCRIPTION	DES	DFT	CHK	APP														

EUREKA TOWNSHIP MEMORANDUM

To: Planning Commission Members
From: Hannah Rybak, WSB
Date: May 28, 2025
 Planning Commission Regular Meeting June 3, 2025
WSB Project No. 027571-000, Phase 004
Request: Request for a text amendment to Chapter 165 Mining

GENERAL INFORMATION

Applicant: OMG Midwest, dba Minnesota Paving and Materials
Property Owner: LeRoy Chard

OVERVIEW

The Applicant provided a narrative describing several sections of Chapter 165: Mining that they desire to amend. WSB staff has evaluated the proposed revisions in the context of the existing Mining Ordinance. A comparison table outlining the same or similar provisions found within the codes of other communities has also been created and is included in your packet. The full reasoning provided by the Applicant can be found in the Applicant's narrative. Staff offers an evaluation for each proposed amendment below.

Note:

Text the Applicant has proposed to be removed is indicated with ~~strikethrough~~ text.

Text the Applicant has proposed to be added is indicated with underlined text.

AMENDMENT 1

Request: Removal of the below provision.

~~165-4 B. No new Level 3 mines will be permitted until an existing Level 3 mine in the Township has ceased operating and completed all reclamation.~~

Staff Analysis: In Eureka Township, Level 3 mines are defined as: "operations that will exceed 10 acres of excavated area to a maximum depth to be determined by the approved site plan but not to exceed one foot above the highest water table elevation expected unless the end use is to be a lake or a wetland. In addition, the proposed mining plan must undergo a technical review by the Department of Natural Resources, Division of Lands and Minerals. Compliance with reclamation standards is required. An EAW is required for this level of permit."

The prohibition on additional Level 3 mines appears to be a mechanism for Eureka Township to limit the number of the highest impact mines within the community. This is not uncommon for communities to do this. For example, some communities allow mining only within a specific

overlay district, which is a limited area of the community. Eureka Township does not limit mining geographically in this manner; as it is permitted as a conditional use permit in nearly all areas of the community due to the single-district zoning. Staff finds that it is perfectly reasonable and common to cap the number of Level 3 mines. When a Level 3 mine closes, a new property owner, anywhere within the community, could apply and go through the approval process.

In the future, Eureka Township could explore the idea of adopting a mining overlay district if desired. This may be a more appropriate manner in which the Town could exercise discretion on the locating of new mines, as this would be through Comprehensive Plan and Zoning Amendment processes.

AMENDMENT 2

Request: Allow a prior EAW to be utilized for a new IUP on a previous mining site.

165-6, A, 3. Level 3 permit. This permit applies to operations that will exceed 10 acres of excavated area to a maximum depth to be determined by the approved site plan but not to exceed one foot above the water table unless the end use is to be a lake or a wetland. In addition, the proposed mining plan must undergo a technical review by the Department of Natural Resources, Division of Lands and Minerals. Compliance with reclamation standards is required. An EAW is required for this level of permit. A prior EAW may be utilized for purposes of this section.

Staff Analysis: The proposed provision to be added is not reasonable. Conditions may change over time. If mining operations have ceased and there is intent to re-establish mining operations, all requirements of establishing a new mine are applicable. This is the only way to ensure that current conditions and impacts are evaluated prior to any approval.

AMENDMENT 3

Request: State that an EAW is required only for mines 40 acres in size or greater.

165-11, F. Within 30 days of receipt of the registered engineer's findings and recommendations, the Planning Commission, together with the engineer, shall prepare an environmental assessment worksheet (EAW), according to Minnesota Rules, Chapter 4410. An EAW shall be required on any mines larger than 40 acres in size. After this process is completed, the Town Board shall determine within 30 days whether an environmental impact statement (EIS) is required.

Staff Analysis: The Applicant's request in this case is consistent with MN Rules and with the other communities evaluated in the attached spreadsheet. EAWs are generally not required for mines under 40 acres in size. However, a community is able to impose stricter standards than State Statute provides. Eureka Township contains sensitive natural resources, and also does not have a mining overlay district to ensure that mining is consolidated into specific geographic areas. Given these considerations, staff finds the requirement for the Level 3 mine classification to complete an EAW, regardless of size, to be reasonable. It should be noted, however, that the State only requires a mandatory EAW when a mine is 40 acres in size and such an EAW would have to be discretionary.

AMENDMENT 4

Request: Add a variance as an option rather than satisfying all interim use permit (IUP) procedural requirements for a mining permit.

165-11, L. The Town Board shall approve the permit application or variance, deny the permit application or variance or approve the permit application or variance with modification. Modifications may include additional restrictions.

Staff Analysis: A variance is not intended to be utilized to subvert requirements of another land use approval. Each requirement for an IUP serves a purpose and are an important part of the review process. Further, granting of a variance requires a finding that there is a practical difficulty associated with the request. The definition within the Town Code of a practical difficulty is as follows: *"Practical difficulty," as used in connection with the granting of a variance, means the **land in question cannot be put to a reasonable use if used under the conditions of this article; the plight of the applicant is unique to the land and not created by the applicant; and the variance, if granted, will not adversely affect the essential character of the locality or other adjacent land. Economic consideration alone shall not constitute a practical difficulty.*** A variance should not be utilized for a procedural requirement, as there would be no practical difficulty to be found.

AMENDMENT 5

Request: Add a provision allowing recyclable materials to be crushed and mixed on site for up to 100 working days per year, and remove the 25% cap on imported materials.

165-13 B. B. Source of materials. Only minerals from the site shall be processed at the mineral extraction facility; subject, however, to the following exceptions:

(1) Recyclable concrete and recyclable asphalt may be crushed and mixed on site if the crushing and mixing do not exceed 100 working days per calendar year.

~~(2) The operator may import off-site minerals onto the subject property for the purpose of mixing with minerals from the subject property, provided the imported minerals on an annual basis do not exceed 25% of the minerals extracted from the subject property on an annual basis. Accessory uses may not exceed 25% off-site materials used in conjunction with each specified accessory use; therefore off-site minerals may not be aggregated to a single accessory use, allowing a specific accessory use to exceed 25% of off-site minerals used in conjunction with the specific accessory use.~~

Staff Analysis: Importing of recycled and off-site materials for processing greatly increases the intensity of operations at a mining site. In terms of the communities compared in the attached spreadsheet, there are a mix of regulations:

- Waterford Township: prohibits all processing

- May Township: processing is subject to an additional CUP approval, applicant must provide an estimate of the amount of materials to be processed and limits stockpiling based on processing capacity
- Rosemount: Minimum of 70% aggregate processing and 30% recycled aggregate processing

A community is able to impose limits on processing based on the needs of the community. Given that Eureka Township does not limit mining to a specific area, it is understood that mining can be located near incompatible uses, such as residential dwellings. Processing of an unlimited amount of off-site materials and the crushing and mixing of concrete and asphalt lends itself to the creation of nuisances that could negatively impact adjacent property owners. The allowance of 25% off-site materials is more than some communities allow and on par with some others.

AMENDMENT 6

Request: Change the required mining setback from a dwelling from 1,000 feet to 300 feet.

165-13, M. Setbacks. No extraction activity may occur within 300 ~~1,000~~ feet of any dwelling (absent approval of the neighboring landowner) and within 50 feet of any adjacent property line, road right-of-way or public utility. Screeners, crushers, other processing equipment and manufacturing equipment may not be located closer than ~~1,000~~ 300 feet from a dwelling (absent approval of the neighboring landowner) nor closer than 100 feet from any adjacent property line, road right-of-way or public utility. Setbacks from an existing dwelling shall take precedence over setbacks for road right-of-way, adjacent property line and public utility. If the processing equipment is placed within an enclosed structure, the Town Board may consider shorter setback distances. Grading plans affecting pipelines or powerline corridors will be evaluated on a case-by-case basis. The Town Board may waive setback requirements when the common boundary area of an adjoining property is also a legal mining operation, the common boundary is not within 300 ~~1,000~~ feet of a residence (absent approval of the neighboring landowner), and both property owners of adjacent mining operations have agreed to a common reclamation plan and have a written agreement with the Township establishing responsibility for reclamation. Any existing approved setback reduction in an existing approved interim use permit continues to have approved status.

Staff Analysis: The requested setback reduction is similar to the communities in the comparison table, whose setbacks from dwellings range from 100 to 500 feet. Some communities have an increased setback for processing. A key difference here is the utilization of a mining overlay district. Because Eureka Township does not have a specific area of the township where mining is allowable, additional safeguards for adjacent land uses are appropriate. The 1,000 foot setback requirement is not from an adjacent property line, it is from an adjacent dwelling. Given Eureka Township's current density (1 unit per 40 acres), the mining setback from a residential dwelling could be viewed as reasonable.

AMENDMENT 7

Request: Reduce the instances where berming is required by the cod.

165-13, O. Berming. Earthen berms shall be constructed in accordance with the Mine Safety and Health Administration standards. ~~along all road rights-of-way. In the instance where the setback from a residence applies under §165-1GM, then, in addition, earthen berms shall be constructed along the adjoining property line.~~ Berms shall provide screening of the mining activity from the right-of-way and any adjoining property line on which a berm is required. A combination of berms and other screening which has no written objection from any owners of real property located within ~~300~~ 1,000 feet of the proposed extraction activity may satisfy this requirement, subject to Town Board approval of the design. In the absence of such an alternate design, berms shall be a minimum of eight feet in height. All berms shall have a minimum slope of 3:1 and have a silt fence at the base on the side closest to adjacent property. The silt fence shall be maintained until vegetation is established, at which time it shall be removed.

Staff Analysis: The berming standards are in place to minimize the effects of mining operations from view of public rights-of-way and adjacent properties. All other communities researched included berming requirements, and some even require a full viewshed analysis due at the time of an application for a mining permit. Staff finds value in the berming ordinance, as written.

AMENDMENT 8

Request: Removal of the below provision.

~~165-13, P. Heights. The maximum height of any excavation, temporary crushing equipment, or temporary stockpiles located less than 1,000 feet from the property line shall be a minimum of eight feet below the average height of the adjacent berms within the mandatory setback.~~

Staff Analysis: This height limitation applies only to equipment and temporary stockpiles that are located within 1,000 feet of the property line; there is no height limitation for these items if they are located outside of the required setback. This requirement is reasonable in the context of the lot sizes within Eureka Township. Items that can be seen from public right-of-way and neighboring properties should be appropriately screened if they do not meet the minimum setback.

AMENDMENT 9

Request: Increase the amount of time to remove structures and grade the site following termination of excavation operations.

165-13, T, 2, c. Within ~~twelve~~ three months after the termination of excavation operations or within ~~six~~ three months after the expiration of the interim use permit, the operator or landowner shall dismantle buildings and structures incident to mining operation and shall grade the excavation site as well as complete all rehabilitation on the site as provided in the approved reclamation plan.

Staff Analysis: It is a reasonable expectation that a mining operation that has an expired permit, ceased activity, or closed would engage in the proper steps to remove the equipment and structures related to mining in a prompt amount of time. This is required in a variety of durations in other communities' ordinances. The intent of these requirements is to not let an inactive mine

remain in a state of disuse for a lengthy period of time. It is noted that three months is on the shorter side of the range in area codes but was determined to be a reasonable duration by Eureka's policy officials. Six, twelve, and eighteen months are also fairly common standards. The Town may wish to review this code in the future to ensure that adequate time is given to permittees to re-establish the site to the Township's satisfaction. As it stands, it appears that the timelines established by code were intentional to ensure a swift resolution to these processes.

AMENDMENT 10

Request: Remove requirement of at least 4 inches of topsoil to "a depth sufficient to establish vegetation to prevent erosion"

165-13, U, 4, C. All banks shall be surfaced with topsoil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth sufficient to establish vegetation to prevent erosion at least four inches. All banks shall also be surfaced with sodding or seeding and mulching. Mulch must be properly anchored.

Staff Analysis: Waterford Township has a similar requirement to the requested amendment: Topsoil material shall consist of suitable plant growth materials, organic matter content, and thickness to support adequate plant growth. May Township required a topsoil depth of 4-8 inches. Scott County and Rosemount require a topsoil depth of 6 inches. The current Eureka Township requirement is consistent with most other communities in the table.

RECOMMENDATION

Based on the evaluation contained in this report, staff recommends **denial** of the requested text amendment package.

The Township may wish to review some of the Town's overall mining policies in a separate endeavor but Staff finds that the amendments, as proposed, conflict with the Township's current expressed policies and goals related to balancing mining operations with other uses within the Town.

MOTION LANGUAGE

Motion to recommend denial of the amendment request based on the proposed amendments being inconsistent with the Town's desired policies related to the regulation of mining operations and the balancing of these uses with the other uses within the Town.

ATTACHMENTS

Exhibit A: Application Packet
Exhibit B: Comparison Table

Eureka Current Requirement	Proposed Change	Waterford Township	May Township/Washington Co.	Scott County	Rosemount
No new Level 3 mines will be permitted until an existing Level 3 mine in the Township has ceased operating and completed all reclamation.	Remove this provision to allow unlimited Level 3 mines	Levels of mines not designated. Mining limited to land within the overlay district	Levels of mines not designated	Levels of mines not designated	
EAW required for Level 3 mine permit.	Allow a prior EAW to be utilized.	Nothing relevant on this.	Nothing relevant on this.	Nothing relevant on this.	LARGE SCALE MINERAL EXTRACTION: Mineral extraction at a scale that would require a mandatory environmental impact statement as described in Minnesota Rules, part 4410.4400 subpart 9 nonmetallic mineral mining.
EAW required for any Level 3 mine permit.	Require an EAW for level 3 mine permits 40 acres or larger in size	EAW/EIS required per MN Rules 4410	EAW required to excavate 40+ acres to a mean depth of 10 feet or more EIW required to excavate 160+ acres to a mean depth of 10 feet or more	Mitigation plans outlined in any EAW or EIS may be required as minimum conditions in any IUP.	EAW/EIS required per MN Rules 4410
Only minerals from the site shall be processed at the facility, except for imported materials up to 25% of the minerals extracted from the site annually	Allow recyclable concrete and asphalt to be crushed and mixed on site of the crushing and mixing do not exceed 100 working days per calendar year Remove 25% cap for imported materials	Ancillary Uses Prohibited: Any uses of the site that are not mineral extraction or one of the accessory uses listed are expressly prohibited, including but not limited to: Storage and processing of recycled asphalt and/or aggregate products Asphalt or concrete production Casting yard Retail sales of product to the public	Processing subject to an additional CUP approval Processing equipment must be screened No requirements related to sourcing of materials Recycling allowed with approved CUP, estimate of amount of materials to be processed must be submitted. Stockpiling limited to the amount that can be reasonably processed in two consecutive mining seasons.	Nothing relevant on this.	Minimum of 70% aggregate processing and 30% recycled aggregate product processing.
1000 foot setback from dwellings	300 foot setback from dwellings, allow for lesser setback with permission from neighboring property owner	500 foot setback from dwellings	200 feet from occupied structures not owned by the operator or owner 100 feet from any contiguous property subdivided into residential lots	Mining setback 100 feet from the boundary of any adjoining zoning district where such operations are not permitted and 30 feet from adjoining zoning district where such operations are permitted. Processing setback 500 feet from a residential dwelling. Setbacks from residential structures located on the property for which a waiver is signed by the property owner are exempt from this requirement. Processing setback 500 feet from the property line of any property that is located in a rural residential, suburban or urban expansion district.	Residential Zoning District: 350 feet Industrial, Commercial or Inst: 150 feet Ag: 30 feet Inhabited residence not located in a Res. Zoning District: 200 feet
Berms required along all road rights-of-way and adjoining residences	Require berming in accordance with "Mine Safety and Health Administration standards", remove berm requirement from all ROW and adjoining residences	The mining shall be screened from any public ROW and adjacent residences through a combination of existing stands of trees, berming and installed landscaping designed by a licensed professional. Viewshed analysis required.	Screening is discretionary to "minimize visual impact on surrounding properties"	To minimize problems of dust and noise and to shield Mining Operations from public view, a screening barrier may be required between the Mining Operations and abutting rural residential, residential, suburban or urban expansion districts. A viewshed analysis is required.	The mining shall be screened from any public ROW or urban development through a combination of existing stands of trees, berming and installed landscaping.
The maximum height of any excavation, temporary crushing equipment, or temporary stockpiles located less than 1000 feet from the property line shall be a minimum of 8 feet below the average height of the adjacent berms within the mandatory setback.	Remove this provision	The height of all equipment, stockpiles and all other operations, except those described in subsections F4b and F4c of this section, within the permitted mineral extraction operation shall not exceed 60 feet	No height requirements in ordinances	No height requirements in ordinance	Height of all equipment, stockpiles, and all other operations shall not exceed 60 feet. The City Council may approve a limited number of stationary conveyors no taller than 65 feet. The floating dredge shall not exceed 75 feet.
Within three months after the termination of excavation operations or within three months after the expiration of the IUP, the operator or landowner shall dismantle buildings and structures incident to mining operation and shall grade the excavation site as well as complete all rehabilitation on the site as provided in the approved reclamation plan.	Change 6 months to 12 months and 3 months to 6 months	Within 18 months of the reclamation of each phase, all buildings, structures and plants incidental to that phase of operation shall be dismantled and removed, unless utilized in a future phase.	All buildings or other structures not otherwise allowed per the Washington County Development Code shall be removed from the property and the property restored in conformance with the reclamation plan within 6 months after expiration or abandonment	Within 3 months after final termination of a mining operation, within three months after abandonment of such operation for a period of six months, within three months after the expiration of a mining permit, all buildings, structure and lands incidental to such operation shall be dismantled and removed. An extension may be granted upon agreement between County and operator.	Within 18 months of the reclamation of each phase, all buildings, structures and plants incidental to that phase of operation shall be dismantled and removed, unless utilized in a future phase.
All banks shall be surfaced with topsoil of a quality of at least equal to the topsoil of land areas immediately surrounding and to a depth of at least 4 inches.	Change 4 inches to "a depth sufficient to establish vegetation to prevent erosion"	Topsoil material shall consist of suitable plant growth material, organic matter content, and thickness to support adequate plant growth.	Min topsoil depth depends on slope. Range from 4 to 8 inches.	Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas surrounding and to a depth of at least 6 inches.	Additional topsoil may be retained to ensure that a minimum of six (6) inches of topsoil is placed on all areas reclaimed and restored as dry ground


EUREKA TOWNSHIP

TEXT AMENDMENT APPLICATION

Eureka Township / 25043 Cedar Avenue, Farmington MN 55024
Phone: (952) 469-3736 / Email: deputyclerk@eurekatownship-mn.us

SITE INFORMATION Eureka Township		PIN#		Permit#
Site Address: PROPERTY ID NUMBER: 13-01200-011-50		City		Zip
PROPERTY OWNER INFORMATION				
Name OMG Midwest dba Minnesota Paving & Materials		Email jemch@minnnp.com		Phone 763-428-8886
Address 14475 Quiram Dr		City Rogers	State MN	Zip 55374
Cell Phone 419-349-3019		Day Time Phone 763-428-8886		Fax
NATURE OF REQUEST				
<p>Application is hereby made to amend the Zoning Ordinance <u>Chapter 165 - Mining</u>, Section <u>various</u>.</p> <p>Proposed Text: See attached document noting proposed revisions to the current text, and rationale for the same.</p>				
<p>Is the text amendment consistent with the Eureka Township Comprehensive Plan? <u>X</u> Yes or <u> </u> No</p>				
<p>Reason for requesting the text amendment (Explain):</p> <p>See attached document noting proposed revisions to the current text, and rationale for the same.</p>				

I hereby certify that the information provided in this application is true, correct and complete. I understand that this is an application for a zoning ordinance text amendment only, and that approval does not absolve me from obtaining all other applicable permits, such as land use or building permits. I understand that I shall be responsible for all expenses and outside fees incurred by the Town Board in processing this application; that the Town Board shall require escrow of funds for fees for attorneys, professional services, and/or other outside expenses prior to incurring such costs/ and that I shall be permitted to withdraw this application at any time in writing, but shall not be entitled to refund of escrow funds already expended.

Signature of Applicant: 

Date: 4/18/25

Printed name of Applicant:
Jason Emch

Eureka Township Clerk

From: Lchard1 <lchard1@aol.com>
Sent: Monday, April 21, 2025 12:59 PM
To: Phillips, Chad (Minnesota Paving & Materials)
Subject: [EXT] Eureka Permit Response

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and know the contents are safe. If you believe this email may be phishing or malicious, please use the Report Phish button.

To whom it may concern:

This email is in regards to Minnesota Paving & Materials (MPM) request to re-establish a mining permit in Eureka Township.

As the owner(s) of the property located at 5100 235th St W, Farmington, MN 55024 in Eureka Township, I approve MPM pursuing the reestablishment of the mining permit and the text amendment.

Thanks,
LeRoy Chard

ATTENTION: Ce courriel vient de l'exterieur de l'entreprise. Ne cliquez pas sur les liens, et n'ouvrez pas les pièces jointes, à moins que vous ne connaissiez l'expéditeur du courriel et savez que le contenu est sécuritaire. Si vous pensez qu'il s'agit d'un courriel d'hameçonnage ou malveillant, veuillez cliquer sur le bouton Signaler une tentative d'hameçonnage.

Proposed Redline Revisions to Chapter 165 – Mining.

165-4(B)

A. It is unlawful for any person, firm, company, or corporation to extract or process minerals in the Township without first obtaining an interim use permit required in this chapter. A previously permitted mineral extraction facility is not required to obtain an interim use permit but is required to comply with all of the requirements of Article XI of this chapter. Penalties for operating without a permit will be strictly applied according to Article VI, Termination; Violations and Penalties, hereof.

B. ~~No new Level 3 mines will be permitted until an existing Level 3 mine in the Township has ceased operating and completed all reclamation~~

Rationale: This provision of the ordinance appears to be an attempt by a past Town Board to restrict future Town Boards from granting a particular type of new permit. As permits are requested, the current Town Board has the discretion to approve or deny them. We recommend removing this provision from the ordinance to allow the Town Board to exercise the role that they were elected to perform, without unreasonable restrictions from prior board members.

165-6(A(3))

Level 3 permit. This permit applies to operations that will exceed 10 acres of excavated area to a maximum depth to be determined by the approved site plan but not to exceed one foot above the water table unless the end use is to be a lake or a wetland. In addition, the proposed mining plan must undergo a technical review by the Department of Natural Resources, Division of Lands and Minerals. Compliance with reclamation standards is required. An EAW is required for this level of permit. A prior EAW may be utilized for purposes of this section.

Rationale: If a prior EAW has already been performed on a site, then an additional EAW is a redundant and expensive requirement.

165-11(f)

Within 30 days of receipt of the registered engineer's findings and recommendations, the Planning Commission, together with the engineer, shall prepare an environmental assessment worksheet(EAW), according to Minnesota Rules, Chapter 4410. An EAW shall be required on any mines larger than 40 acres in size. After this process is completed, the

Town Board shall determine within 30 days whether an environmental impact statement (EIS) is required.

Rationale: The supporting documentation required by items a-s of the application is extensive. Any environmental concerns that would otherwise be addressed in an EAW will be identified in this required documentation. To require that an EAW be performed prior to knowing anything about the location, geology, hydrology, means and methods is an undue restriction. This 40 acre threshold is recommended because it is the threshold contained within MN Rules 4410.4300 subp. 12(b).

165-11(l)

The Town Board shall approve the permit application or variance, deny the permit application or variance or approve the permit application or variance with modification. Modifications may include additional restrictions.

Rationale: revision is to just reference the approval of either an application or a variance for procedure.

165-13 (B)(1) and (2)

B. Source of materials. Only minerals from the site shall be processed at the mineral extraction facility; subject, however, to the following exceptions:

(1) Recyclable concrete and recyclable asphalt may be crushed and mixed on site if the crushing and mixing do not exceed 100 working days per calendar year.

(2) The operator may import off-site minerals onto the subject property for the purpose of mixing with minerals from the subject property, ~~provided the imported minerals on an annual basis do not exceed 25% of the minerals extracted from the subject property on an annual basis. Accessory uses may not exceed 25% off-site materials used in conjunction with each specified accessory use; therefore off-site minerals may not be aggregated to a single accessory use, allowing a specific accessory use to exceed 25% of off-site minerals used in conjunction with the specific accessory use.~~

Rationale: The restriction on crushing may make mines unworkable from a practical standpoint, particularly if the imported material is necessary to meet specified gradation requirements. The number of days could be up for discussion, but 100 seems reasonable. Also, limiting the ability to import materials originating from the Township also is an undue

restriction, as it may make mines unworkable. The 25% restriction on importation of materials on an annual basis is an arbitrary line that reduces mine productivity significantly, which could lead to mines being open longer before reclaiming the land, if there is limited ability to use the materials without mixing with offsite materials to meet spec and gradation requirements. We would propose a revision to either get rid of this restriction entirely, or modify it to 50%, which would also make this provision in line with 165-13 (K).

165-13(M)

Setbacks. No extraction activity may occur within ~~300~~ 1,000 feet of any dwelling (~~absent approval of the neighboring landowner~~) and within 50 feet of any adjacent property line, road right-of-way or public utility. Screeners, crushers, other processing equipment and manufacturing equipment may not be located closer than ~~1,000~~ 300 feet from a dwelling (~~absent approval of the neighboring landowner~~) nor closer than 100 feet from any adjacent property line, road right-of-way or public utility. Setbacks from an existing dwelling shall take precedence over setbacks for road right-of-way, adjacent property line and public utility. If the processing equipment is placed within an enclosed structure, the Town Board may consider shorter setback distances. Grading plans affecting pipelines or powerline corridors will be evaluated on a case-by-case basis. The Town Board may waive setback requirements when the common boundary area of an adjoining property is also a legal mining operation, the common boundary is not within ~~300~~ 1,000 feet of a residence (~~absent approval of the neighboring landowner~~), and both property owners of adjacent mining operations have agreed to a common reclamation plan and have a written agreement with the Township establishing responsibility for reclamation. Any existing approved setback reduction in an existing approved interim use permit continues to have approved status.

Rationale: The setback distance is too restrictive, and is not in line with what we see most jurisdictions doing. Most jurisdictions (Benton County, LeSueur County, Blue Earth County, Wright County, Stearns County, Nicolett County) we work in have a maximum 300' setback from residential structures, unless there is an agreement between the operator and the landowner to reduce that distance.

165-13(O)

Berming. Earthen berms shall be constructed ~~in accordance with the Mine Safety and Health Administration standards. along all road rights-of-way. In the instance where the setback from a residence applies under §165-13M, then, in addition, earthen berms shall be constructed along the adjoining property line.~~ Berms shall provide screening of the mining activity from the right-of-way and any adjoining property line on which a berm is required. A

combination of berms and other screening which has no written objection from any owners of real property located within ~~300~~^{1,000} feet of the proposed extraction activity may satisfy this requirement, subject to Town Board approval of the design. In the absence of such an alternate design, berms shall be a minimum of eight feet in height. All berms shall have a minimum slope of 3:1 and have a silt fence at the base on the side closest to adjacent property. The silt fence shall be maintained until vegetation is established, at which time it shall be removed.

Rationale: Revision is to bring the Township in line with other jurisdictions and to provide a more common and workable standard.

165-13(P)

~~Heights. The maximum height of any excavation, temporary crushing equipment, or temporary stockpiles located less than 1,000 feet from the property line shall be a minimum of eight feet below the average height of the adjacent berms within the mandatory setback.~~

Rationale: This is too restrictive and makes mines unworkable. We recommend removing this restriction entirely. Alternatively, we would recommend a modification to the setback and height restrictions.

165-13(T)(2)(c)

Within ~~twelve~~^{three} months after the termination of excavation operations or within ~~six~~^{three} months after the expiration of the interim use permit, the operator or landowner shall dismantle buildings and structures incident to mining operation and shall grade the excavation site as well as complete all rehabilitation on the site as provided in the approved reclamation plan.

Rationale: within our climate in Minnesota, 3 months is often an unreasonable timeframe due to winter, frozen earth, etc. Additionally, excavation and removal of materials within Minnesota is highly market dependent on account of our construction season. Revisions are intended to reflect a more reasonable timeframe.

165-13(U)4(C)

U. 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 the final site restoration. The operator and owner must follow the reclamation plan approved by the Town Board. The following minimum standards and conditions apply:

...

(3) Excavating not made to a water producing depth, but which must be graded or backfilled, shall meet the following requirements:

...

(c) (c) All banks shall be surfaced with topsoil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth sufficient to establish vegetation to prevent erosion ~~at least four inches~~. All banks shall also be surfaced with sodding or seeding and mulching. Mulch must be properly anchored.

Rationale: A uniform 4 inch depth requirement is prone to measurement issues and strict compliance. The intent of the provision is to reclaim the property with enough topsoil to promote vegetation growth. This revision is intended to make the intent more clear.

*Township of Eureka, MN
Tuesday, April 8, 2025*

Chapter 165. Mining

[HISTORY: Adopted by the Town Board of the Town of Eureka 6-7-2005 (Ordinance 6 of the 2005 Code); amended in its entirety 3-7-2023 by Ord. No. 2023-03. Subsequent amendments noted where applicable.]

Article I. General Provisions

§ 165-1. Title.

This chapter shall be known and cited as the "Township of Eureka Mineral Extraction Ordinance," except as referred to herein as "this chapter."

§ 165-2. Purpose.

The purpose of this chapter is to protect the public health, safety and welfare through the following:

- A. Identify areas in the community where mineral extraction is most appropriate and minimizes conflicts with other land uses.
- B. Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
- C. Establish standards that distinguish between longer-term and shorter-term mineral extraction activities.
- D. Establish standards that prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the community as a whole.
- E. Establish standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties and suitable for future uses that are compatible with the Eureka Township Comprehensive Plan and Chapter 240, Zoning.

§ 165-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USES

Uses of a mineral extraction facility that are incidental to mining and are not included as an authorized principal use. Accessory uses might include, and are expressly limited to, the manufacture, storage and sale of products made from minerals on the premises, and storage and sale of minerals mixed or to be mixed with minerals from the premises, and storage of topsoil and common borrow (the use of which is consistent and approved for reclamation plan) to be used in reclamation on site whether or not extracted on the premises. No other materials are permitted to be imported nor stored. The term does not include the placement or use of ready-mix concrete plants.

ACTIVE MINING FACILITY

Mine extraction location from which at least 5,000 cubic yards have been excavated and removed from the facility each calendar year. Moving material around the site does not satisfy this requirement. The movement or stockpiling of material excavated at the site does not count toward the 5,000 cubic yards until it is removed from the site.

AGRICULTURAL

As defined by Chapter 240, Zoning.

COMMISSION or PLANNING COMMISSION

As defined by Chapter 1, Article I, § 1-4, Definitions.

COMMON BORROW

Material that includes any type of soil (clay, sand or gravel) that is commonly removed and relocated before mining activities begin or that is removed from one location and used as fill material in another location.

COMPREHENSIVE PLAN

As defined by Chapter 1, Article I, § 1-4, Definitions.

DEVELOPMENT AGREEMENT

A written contract between the operator, the landowner and Eureka Township which outlines all the terms of the permit for a mineral extraction facility, including any additional terms outside this chapter that are imposed by the Town Board.

DEWATERING

The pumping, extraction or removal of subsurface water in order to lower the water table temporarily to access more aggregate.

DUST

Airborne mineral particulate matter.

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW)

A document specified in Minnesota Rules 4410.0200, subpart 24.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

A document specified in Minnesota Rules 4410.0200, subpart 26.

EXCAVATION

The movement of soil and minerals or the removal of minerals.

EXTRACTION AREA

Any nonagricultural artificial excavation of earth exceeding 50 square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning or breaking or undermining the surface of the earth.

FILL

As used in this chapter, see "soil."

FLOODPLAIN

As used in this chapter, the beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood.

HAUL ROUTES

Roads used for transport to and from a mineral extraction facility.

INTERIM USE PERMIT

A permit to use land in a manner approved by the Township for a specified period of time.

LANDOWNER

See Chapter 1, Article I, § 1-4, Definitions.

LEVEL 1 PERMIT

- A. A mineral extraction permit issued to an operation satisfying the description for a level 1 permit in § 165-6 of this chapter. A mineral extraction facility issued a level 1 permit is considered a level 1 mine.
- B. A mineral extraction facility established prior to 2002 with a reclamation plan consistent with a level 1 permit in § 165-6 of this chapter is considered a level 1 mine.

LEVEL 2 PERMIT

A mineral extraction permit issued to an operation satisfying the description for a level 2 permit in § 165-6 of this chapter. A mineral extraction facility issued a level 2 permit is considered a level 2 mine. A mineral extraction facility established prior to 2002 with a reclamation plan consistent with a level 2 permit in § 165-6 of this chapter is considered a level 2 mine.

LEVEL 3 PERMIT

A mineral extraction permit issued to an operation satisfying the description for a level 3 permit in § 165-6 of this chapter. A mineral extraction facility issued a level 3 permit is considered a level 3 mine. A mineral extraction facility established prior to 2002 with a reclamation plan consistent with a level 3 permit in § 165-6 of this chapter is considered a level 3 mine.

MINERAL

Sand, gravel, rock, clay, peat, and similar higher density nonmetallic natural materials.

MINERAL EXTRACTION

The removal of sand, gravel, rock, clay, peat, and similar higher density nonmetallic natural minerals from the ground.

MINERAL EXTRACTION FACILITY

Any area that is being used for removal, stockpiling, storage, and processing of minerals.

MINERAL EXTRACTION PERMIT

The interim use permit required for mineral extraction by surface excavation activities that will specify a time period for operation. All mineral extraction permits in Eureka Township are limited to Level 1-3 mines as described in § 165-6 of this chapter.

MINING SUPERINTENDENT

The expert consultant retained by the Town Board to assist in enforcing the terms of this chapter. The expense of the Mining Superintendent will be paid according to the terms of this chapter.

OPERATOR

Any person or persons, partnerships, corporations, or assignees, including public or governmental agencies, engaging in mineral extraction.

OVERBURDEN

The soil or rock layer which lies above, and that needs to be removed to reach, the materials being mined as part of a mining operation.

PREVIOUSLY PERMITTED MINERAL EXTRACTION FACILITY

Those mineral extraction facilities operating under special mining licenses prior to 2002 that were permitted to continue as legal nonconforming uses under Minn. Stat. § 462.357, Subdivision 1e without obtaining the interim use permit first required in 2002, so long as the previously permitted mineral extraction facility complied with conditions and performance standards found in Chapter 13, sections 3 through 9 (repealed) and now found in Article XI of this chapter. Only mineral extraction

facilities that have been continually operated as required in Minn. Stat. § 462.357, Subdivision 1e are within this term.

PRINCIPAL USE

The principal use of a mineral extraction facility is the extraction, crushing, screening, mixing, processing, washing, storage and sale of minerals from the facility. The principal use does not include a concrete block plant or a ready-mix concrete plant or an asphalt production plant or a concrete recycling plant or an asphalt recycling plant, except as stated in Article V, § 165-13B and K, and in Article XI, § 165-300.

PROCESSING

Any activity which may include the on-site crushing, washing, stockpiling, compounding, or mixing of sand, gravel, rocks, or similar mineral products from the site into consumable products, such as construction grade sand, gravel, and other similar products.

READY-MIX CONCRETE PLANT

Refers to a facility at which ingredients are mixed to precise specification and then loaded into truck-mounted mixers for delivery to off-site construction projects.

RECLAMATION

To renew land to self-sustaining long-term use that is compatible with contiguous land uses, present and future, in accordance with the standards set forth in Chapter 240, Zoning, and in the Comprehensive Plan.

RECLAMATION PLAN

The plan for reclaiming a mineral extraction facility consistent with this chapter and approved by the Town Board.

RECYCLABLE ASPHALT

Asphalt originated from a road demolition or road repair project in the Township of Eureka.

RECYCLABLE CONCRETE

Concrete originated from a road demolition or road repair project in the Township of Eureka.

SETBACK

As used in this chapter, the area of property surrounding a mineral extraction facility intended as a buffer zone in which no mining activity may take place.

SHORELAND

As used in this chapter, land located within the following distances from public waters: 1,000 feet from the ordinary high-water level of any lake, pond or reservoir, and 300 feet from rivers and streams, or the landward extent of a floodplain designated by the ordinances on a river or stream, whichever is greater.

SOIL

As used in this chapter, the loose surface material that covers most land.

STAGING

Preparation for daily hauling activities, including weigh-in, warm-up, and lining up of trucks.

SUBJECT PROPERTY

The land on which mineral extraction is permitted.

TOPSOIL

The upper portion of the soils present that is the most favorable material for plant growth.

TOWN BOARD OR BOARD

As defined by Chapter 1, Article I, § 1-4, Definitions.

TOWNSHIP

As defined by Chapter 1, Article I, § 1-4, Definitions.

WATER TABLE

- A. The upper surface of the zone of saturation. The zone of saturation is where the pores and fractures of the ground are saturated with water as indicated by average water levels in nearby lakes and wetlands that are not perched, water table wells or piezometers emplaced for the purpose of monitoring, or exploration drilling on the subject property. This level fluctuates with changes in precipitation, and it is the highest water table level that is protected.
- B. The surface of the groundwater at which the pressure is atmospheric. Generally, this is the top of the saturated zone.

WETLANDS

A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39(1971), or its equivalent, or otherwise classified as a wetland under Chapter 240, Zoning.

ZONING ADMINISTRATOR

See § 240-64.

ZONING ORDINANCE

See Chapter 240.

Article 11. Permits**§ 165-4. Permit required.**

- A. It is unlawful for any person, firm, company, or corporation to extract or process minerals in the Township without first obtaining an interim use permit required in this chapter. A previously permitted mineral extraction facility is not required to obtain an interim use permit but is required to comply with all of the requirements of Article XI of this chapter. Penalties for operating without a permit will be strictly applied according to Article VI, Termination; Violations and Penalties, hereof.
- B. ~~No new Level 3 mines will be permitted until an existing Level 3 mine in the Township has ceased operating and completed all reclamation.~~

§ 165-5. Criteria for granting permits.

In granting a permit, the Eureka Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants and owners of surrounding lands. Among other things, the following standards shall be considered:

- A. The use must not create an excessive burden on existing parks, schools, streets and other public facilities and utilities that serve or are proposed to serve the area.
- B. The use must be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- C. The structure and site must have an appearance that will not unreasonably create an adverse effect upon adjacent residential properties.
- D. The use must be reasonably related to existing land use.

- E. The use must be consistent with the purposes of Chapter 240, Zoning, and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- F. The use must be in conformance with the Eureka Township Comprehensive Plan.
- G. The use must not cause traffic hazards or congestion.
- H. Existing land uses nearby must not be adversely affected unreasonably by intrusion of noise, glare, dust or general unsightliness.
- I. The use must not cause significant adverse impact to surface water or groundwater resources.
- J. Dewatering to obtain materials intersecting the groundwater shall not be allowed. The use of equipment such as draglines, track hoes and backhoes to obtain materials intersecting groundwater shall be allowed.
- K. Depth of excavation. Excavation and extraction shall not occur beyond the depth set by the Board in the permit. In setting the depth of excavation, the Town Board shall consider the standards stated herein (Article II, § 165-5), as well as recommendations from Dakota County, the Soil and Water Conservation District and the independent engineering firm selected by the Town Board under Article IV, § 165-11E. In addition, the Town Board will consider whether the application is a renewal of an expired permit where the depth was consistent with a previously approved permit.

§ 165-6. Levels of permits.

- A. Interim use permits for mineral extraction will be issued according to the following levels of permits:
 - (1) Level 1 permit. This is an expedited permit to meet the needs of short-term construction projects. It applies to operations that will not exceed five acres of excavated area to a maximum depth of 20 feet but not to exceed one foot above the water table and will be active for only one operating season. Compliance with reclamation standards is required. The Town Board may waive the environmental assessment worksheet (EAW) requirement in the event there are clearly no environmental concerns. Should an operator desire to expand or extend, the operator will have to apply for a Level 2 or Level 3 permit; in such case the area of the mineral extraction covered by the Level 1 permit will be included in the overall mining area for the required Level 2 or Level 3 permit.
 - (2) Level 2 permit. This permit applies to operations which will be active for more than one operating season and that will not exceed 10 acres of excavated area to a maximum depth to be determined by the approved site plan but not to exceed one foot above the highest, expected water table elevation. Compliance with reclamation standards is required. An EAW is required for this level of permit. There is a limit of one Level 2 permit for any landowner and/or operator.
 - (3) Level 3 permit. This permit applies to operations that will exceed 10 acres of excavated area to a maximum depth to be determined by the approved site plan but not to exceed one foot above the highest water table elevation expected unless the end use is to be a lake or a wetland. In addition, the proposed mining plan must undergo a technical review by the Department of Natural Resources, Division of Lands and Minerals. Compliance with reclamation standards is required. An EAW is required for this level of permit. A prior EAW may be utilized for purposes of this section.
- B. Ready-mix concrete plants are not permitted under any level of mineral extraction permit as either a principal use or an accessory use.

§ 165-7. Zoning.

Mineral extraction as specified in this chapter shall be allowed in all agricultural-zoned districts, as

4/8/25, 9:05 AM

Township of Eureka, MN Mining

identified in the Eureka Comprehensive Plan and in Chapter 240, Zoning.

§ 165-8. Exceptions.

A mineral extraction permit shall not be required for any of the following:

- A. Excavation for a foundation, cellar or basement of a structure or for residential landscaping if a building permit has been issued.
- B. Excavation conducted directly by state, county, city, or Township authorities in connection with construction or maintenance of roads, highways, or utilities, conducted solely within permanent easement areas or rights-of-way.
- C. Curb cuts, utility hookups or street openings for which another permit has been issued by the Township.
- D. Excavation or removal of less than 400 cubic yards of material per year for use on the owner's property.
- E. Excavation or grading for agricultural purposes.

Article III. Mineral Extraction Permit Application

§ 165-9. Application requirements.

An application for a mineral extraction permit shall include but not be limited to the following information:

- A. Name, address, phone number, contact person for the operator and signature of a legally authorized representative.
- B. Name, address, phone number and signature of the landowner.
- C. Level of permit for which the application is being made.
- D. Acreage and complete legal description of the property on which the mineral extraction will be located, including all contiguous property owned by the landowners.
- E. Acreage and complete legal description of the property on which the mineral extraction permit will apply.
- F. Type and estimated quantity of material to be extracted.
- G. The estimated time required to complete the proposed operation and reclamation, including starting and completion dates.
- H. A description of all vehicles and equipment proposed to be used by the operator in the operation of the facility.
- I. A description of the estimated average daily and peak daily number of haul trucks accessing the facility, including a breakdown of operator-owned and nonoperator-owned vehicles.
- J. The total estimated amount of all other daily vehicle traffic from workers, customers, and service vehicles.
- K. A description of the haul routes within the Township to be used in the operation of the facility.
- L. All information necessary to complete an environmental assessment worksheet (EAW).

§ 165-10. Supporting documentation.

Every application for a mineral extraction permit shall include submission of supporting documentation provided by a registered engineer licensed within the State of Minnesota which shall include, but may not be limited to, the following:

- A. A description of existing land uses on the subject property and all properties within 1/2 mile of the boundaries of the tax parcel on which the subject property exists.
- B. A description of land use designations in the Comprehensive Plan and zoning classifications of the subject property and all properties within 1/2 mile of the boundaries of the tax parcel on which the subject property exists.
- C. A description of the soil, vegetation, and mineral content of the subject property. A minimum of three soil boring logs representative of the site and an analysis of the subsurface materials on the subject property must be submitted.
- D. A general description of surface waters, existing drainage patterns, site-specific groundwater conditions and depth to water tables on and within 1/2 mile of the boundaries of the tax parcel on which the subject property exists.
- E. A general description of any wells or private sewer systems of record, pipelines, power lines and other utilities or appurtenances on the subject property and adjacent properties.
- F. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
- G. A map of current topography of the subject property, illustrated by contours not exceeding ten-foot intervals.
- H. A plan showing proposed topography of the subject property after mineral extraction has been completed, illustrated by contours not exceeding two-foot intervals.
- I. A phasing plan which illustrates the sequencing of mineral extraction, the locations of processing equipment, mineral stockpiles, staging areas, accessory uses and access routes.
- J. Copies of Minnesota Pollution Control Agency (MPCA) application documents, EAW documents, EIS documents if required, and operating permits.
- K. A description of the site hydrology and drainage characteristics during extraction for each phase. Identification of any locations where drainage of any disturbed areas will not be controlled within the boundaries of the subject property and plans to control erosion, sedimentation and water quality of the runoff. This includes holding ponds, with standards to be determined by the Town Board.
- L. A description of the potential impacts to adjacent properties resulting from mineral extraction and off-site transportation, including but not limited to noise, dust, surface water runoff, groundwater contamination, traffic and aesthetics.
- M. A description of the plan to mitigate potential impacts resulting from mineral extraction.
- N. A description of site screening, landscaping and security fencing.
- O. An end use plan.
- P. A description of site reclamation in each phase of operation and upon completion of mineral extraction on the subject property.
- Q. Recommendations from the Dakota County Soil and Water Conservation Service and the appropriate watershed management organization as required in Article V, § 165-13U(5).
- R. A description of the method by which complaints about any aspect of the facility operation or off-site transportation are to be received and the method by which complaints are to be resolved.
- S. A general description of any lakes, wetlands, shoreland or floodplain areas located within 1,000 feet of the proposed mining site. For project sites that include any of these water features within the

proposed mining area, a delineated boundary describing size and location will be required.

- T. A summary of any accommodations from current ordinance requirements requested by the applicant in order to continue previous physical limits such as depths, slopes, and setbacks, approved in the prior interim use permit, development agreement or reclamation plan for the site which the applicant considers onerous to adjust under the requested new permit.

Article IV. Permitting Procedure

§ 165-11. Interim use permit.

- A. Mineral extraction permits shall be considered and processed by the Town Board as interim use permits. The procedures are defined in Chapter 240, Zoning, Article IV, § 240-32. If the Town Board grants the interim use permit, the Town Board shall specify the particular date or the occurrence of the particular event when the permit is to expire. The Town Board may attach conditions to the interim use permit in addition to those set forth in this chapter.
- B. Before making a formal application, applicants shall appear before the Town Board at a regularly scheduled meeting to make a preliminary presentation on the conceptual nature of the proposed extraction activity. The Town Board will provide the applicant with a copy of this chapter, outlining the application process and permit requirements.
- C. The application and required supporting information shall be filed with the Planning Commission at its regularly scheduled meeting. If the application is incomplete, the Commission, in writing, within 15 days, will notify the applicant of the additional information required for the application to be complete.
- D. Once the application is deemed complete, the Zoning Administrator shall provide landowners within 1,000 feet of the applicant's property with notification of the application for an interim use permit for mineral extraction via first-class mail.
- E. A registered engineer licensed by the State of Minnesota and qualified in this field shall review the application. The Town Board shall select the engineering firm. The engineer will submit the results of his or her findings, along with any recommendations for actions, to the Planning Commission.
- F. Within 30 days of receipt of the registered engineer's findings and recommendations, the Planning Commission, together with the engineer and Mining Superintendent, shall prepare an environmental assessment worksheet (EAW), according to Minnesota Rules, Chapter 4410. An EAW shall be required on any mines larger than 40 acres in size. After this process is completed, the Town Board shall determine within 30 days whether an environmental impact statement (EIS) is required.
- G. Upon completion of the environmental review process, the Planning Commission, at its next regularly scheduled meeting, shall process the mineral extraction permit application as an application for an interim use permit, following the procedures for interim use permits defined in Chapter 240, Zoning, Article IV, § 240-32. The Planning Commission may require that the applicant submit additional information to address or clarify any issues raised in the environmental review. The Planning Commission will use the assistance of the Mining Superintendent as it deems necessary. The formal interim use permit application review process shall commence only after completion of the environmental review and upon receipt of additional information required.
- H. Within 30 days of receipt of all additional required information and upon completion of the environmental review process, the Planning Commission shall schedule, provide notice of, and hold a public hearing for the mineral extraction permit, following the procedures defined for interim use permits in Chapter 240, Zoning, Article IV, § 240-32.
- I. After the public hearing, the Planning Commission shall make findings on the permit application and submit recommendations to the Town Board, following the procedures defined for interim use

4/8/25, 9:05 AM

Township of Eureka, MN Mining

permits in Chapter 240, Zoning, Article IV, § 240-32.

- J. If the Town Board, registered engineer, or Planning Commission cannot act upon the permit application within the permitting time frames specified herein and by state law, the Town Board shall notify the applicant in writing to request an extension of time and stating the reasons for the extension.
- K. Any application that is inconsistent with the Comprehensive Plan will be denied. The applicant has the right to submit an application to the Town Board to amend the Comprehensive Plan, according to procedures established in the Eureka Township Code of Ordinances.
- L. The Town Board shall approve the permit application or variance, deny the permit application or variance or approve the permit application or variance with modification. Modifications may include additional restrictions.
- M. When a permit is approved, the Town Board or its designee shall complete a development agreement, signed by representatives of the Town Board, the landowner and the operator (if different from landowner). Landowner and operator, if different, are jointly responsible for complying with the requirements in the interim use permit. If the identity of either the landowner or the operator changes, the Township must approve the change and the new landowner or operator must sign on and agree to all obligations in the interim use permit and all financial obligations in order for the interim use permit to stay in place. Failure to agree to the terms and conditions of the interim use permit or the development agreement will constitute a terminating event for the interim use permit. The Township may undertake an enforcement action against the operator or landowner, or both, if there is a violation.
- N. A mineral extraction permit application denied by the Town Board may not be reapplied for, whether the same or modified application, for a period of 12 months from the date of denial. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the interim use permit issued shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. If the amendment does not include any change involving structural alterations, enlargement, intensification of use, or similar change of the primary use(s), the applicant may amend the originally filed supporting documentation, including a registered engineer's finding stating whether an amended EAW/EIS is required. Upon approval of an amended interim use permit, the development agreement shall also be amended to reflect the amended permit. The Zoning Administrator shall maintain a record of all interim use permits issued, including information on the use, location, and conditions imposed by the Planning Commission and Town Board, time limits, review dates, and such other information as may be appropriate.

§ 165-12. Review of permit.

- A. In February of each year, the Town Board will review all mineral extraction facilities whether the facility operates under a permit issued under this chapter or is classified as a legal nonconforming use under this chapter. By January 31 of each year, the operator will provide the following information to the Planning Commission and the operator must pay the review fees referenced in Article VIII:
 - (1) Evidence of the amount of material removed and any amount of material imported from off site; evidence should include reports to Dakota County for aggregate taxes as well as company's annual material sales reports for the facility. Evidence must substantiate that the mineral extraction facility meets minimum tonnage removal requirement to be considered an active mining facility. Failure to do so may trigger requirements for reclamation and/or revocation of continued status as a permitted mine or a nonconforming use as determined by the Town Board.
 - (2) Amount of material remaining to be removed;
 - (3) Evidence that bonding and insurance are still in force and effect;

- (4) A summary list of all complaints and violations during prior year with responses and implemented corrective actions;
 - (5) History of compliance with the mineral extraction regulations within the ordinances and other governmental regulations relating to mining;
 - (6) Each instance of exposure of water table unless the report is for a Level 3 permit;
 - (7) Status of phasing plan;
 - (8) Status of reclamation;
 - (9) Up-to-date list of all vehicles and equipment on site; estimated number of vehicles accessing the facility;
 - (10) Report on condition of haul roads that serve or abut the facility;
 - (11) Status of erosion control measures;
 - (12) Any change in ownership and/or operator; and
 - (13) Other items of information requested by the Town Board.
 - (14) A listing of MSHA violations and their levels and penalties with measures taken in the previous year.
- B. In conjunction with the Mining Supervisor's initial review and report, the Planning Commission will jointly review the mining facility reports and interview representatives of each facility at a meeting to be held in February. After its review, the Planning Commission will make recommendations to the Town Board. In its March review, the Town Board shall examine the information provided by the operator and the Town Board shall determine whether the mineral extraction facility is in compliance with this chapter, the conditions imposed by the permit and the development agreement. If the Board determines the mineral extraction facility is not in compliance it will take further steps as provided in this chapter.

Article V. Mineral Extraction Performance Standards

§ 165-13. Performance standards.

The following performance standards apply to all mineral extraction facilities in the Township:

- A. Hours of operation. Mineral extraction facilities shall operate only between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. A mineral extraction facility may be opened one hour before hours of operation to allow for staging. No Sunday or holiday operations will be allowed. The holidays are New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas. When New Year's Day, July Fourth, Thanksgiving or Christmas fall on a Sunday, the following Monday shall be considered the holiday. When New Year's Day, July Fourth, Thanksgiving or Christmas fall on a Saturday, the previous Friday shall be considered the holiday.
- (1) Operators are allowed extensions to the hours of operation for emergencies only. Operators must notify the Township Clerk or a Town Board member in advance of the proposed exception.
 - (2) The Town Board must approve other exceptions to the hours of operation, such as Saturday operation, government agency contracts and other evening work.
- B. Source of minerals. Only minerals from the site shall be processed at the mineral extraction facility; subject, however, to the following exceptions:

(1) Recyclable concrete and recyclable asphalt may be crushed and mixed on site if the crushing and mixing do not exceed 100 working days per calendar year.

Formatted: Font color: Custom Color(RGB(56,56,56))

(4)(2) The operator may import off-site minerals onto the subject property for the purpose of mixing with minerals from the subject property, provided the imported minerals on an annual basis do not exceed 25% of the minerals extracted from the subject property on an annual basis. Accessory uses may not exceed 25% off-site minerals used in conjunction with each specified accessory use; therefore, off-site minerals may not be aggregated to a single accessory use, allowing a specific accessory use to exceed 25% of off-site minerals used in conjunction with the specific accessory use.

- C. Site security. Security must be sufficient to protect the community from attractive nuisances. The burden to design and install sufficient security is on the operator and owner who are expected to stay current with industry practices and to stay aware of all risks at the mining facility. If not already included in the security system put in place by the mine, fencing may be required by the Town Board around any section and/or the entire mineral extraction area. When used, fencing at a minimum must be three wires with posts a maximum of 12 feet apart and at least four feet high and in good repair. Berming, no trespassing signs, locked gates at access points, security cameras and lighting including motion sensitive units, and any other site security can also be considered by the Town Board to mitigate the need for fencing on certain areas. The Town Board may require fencing, signs and/or barriers around ponding areas and steeply sloped excavations.
- D. Access. All mineral extraction facilities shall have direct access to a nine-ton or greater capacity road. The Town Board shall set minimum roadway improvements and maintenance obligations as a condition of the permit. The point of the mining site access shall be at least 300 feet from any intersection or residential driveway, or as determined by the Town Board under special circumstances. Circumstances will include, but not be limited to, topography, safety, traffic, and existing land use.
- E. Haul routes. All trucks traveling to or from the mineral extraction facility shall utilize nine-ton or greater road capacity within the Township. Operators may be granted a special permit to utilize roadways temporarily posted under nine tons, provided adequate surety is provided to cover the costs of repairing any damage to roadways. The Town Board may allow a Level 1 permit holder to use roads that are not nine-ton. Level 2 and Level 3 permits will require any substandard roads utilized by the mineral extraction facility as haul routes to be brought up to a MnDOT standard for nine-ton paved roads. The operator will bear the cost of such an upgrade. The Township reserves the right to require road maintenance paid by the operator on any haul route within the Township or those bordering the Township. Traffic control to assure safety must be maintained. Trucks shall not queue on public roads while waiting to enter or exit facility. Turn lanes shall be constructed on public roads if deemed necessary by the appropriate road authority, at landowner and/or operator expense. Sufficient truck staging area shall be provided on mineral extraction facility property.
- F. Roadway dust control. Operators will be responsible for dust control on all gravel roads utilized by trucks hauling to or from the mineral extraction facility. Dust control will be required when conditions warrant it and the number of one-way truck trips from the mineral extraction facility exceeds three per hour. The Township reserves the right to require the operator to pay for dust control on any haul route within the Township or those bordering the Township. An operator will consult with, and receive permission from, the Road Supervisor prior to adding gravel or grading a Township road.
- G. Mineral extraction facility dust control. The Township shall require dust control in a facility when it is determined that airborne dust from extraction areas, processing activities, stockpiles or internal roadways creates a public nuisance or otherwise adversely impacts surrounding lands. Remedies to dust control may include watering, berming, landscaping and enclosures for processing equipment, and any other means deemed necessary by the Town Board.
- H. Noise. Maximum noise levels at the facility will be consistent with the most current standards established by the Minnesota Pollution Control Agency (MPCA) and as deemed necessary by the Town Board.
- I. Vibration. Operators shall use all available means deemed necessary by the Town Board to

4/8/25, 9:05 AM

Township of Eureka, MN Mining

eliminate adverse impacts of vibration from equipment on adjacent properties.

- J. Air quality/water quality. All activities on the subject property will be conducted in a manner consistent with operating permits issued by state and federal agencies. The Town Board may require other standards it deems reasonably necessary. Increased runoff must be retained on site with retention or detention ponds.
- K. Accessory uses. Accessory uses must be identified in the permit. Accessory uses not identified in the permit are not allowed. The accessory uses of a concrete block production plant, a ready-mix concrete production plant, a concrete recycling plant asphalt production plant, or an asphalt recycling plant shall be strictly prohibited. The storage, stockpiling, sale and mixing of minerals that have been excavated off site are strictly prohibited, except for the mixing of minerals as provided in § 165-13B, as limited to minerals. Accessory uses will terminate when the principal use terminates. Accessory uses may not collectively account for more than 25% of the total mine operations based upon the volume of minerals extracted from the subject property, so that primary uses account for greater than 25% of the total mine operation as measured by volume.
- L. Unauthorized storage. Any vehicles, equipment or materials not associated with the mineral extraction facility or not in operable condition may not be kept or stored at the facility.
- M. Setbacks. No extraction activity may occur within 300-1,000 feet of any dwelling (absent approval of the neighboring landowner) and within 50 feet of any adjacent property line, road right-of-way or public utility. Screeners, crushers, other processing equipment and manufacturing equipment may not be located closer than 1,000-300 feet from a dwelling (absent approval of the neighboring landowner) nor closer than 100 feet from any adjacent property line, road right-of-way or public utility. Setbacks from an existing dwelling shall take precedence over setbacks for road right-of-way, adjacent property line and public utility. Grading plans affecting pipelines or power line corridors will be evaluated on a case-by-case basis. The Town Board may waive setback requirements when the common boundary area of an adjoining property is also a legal mining operation, the common boundary is not within 300-1,000 feet of a residence (absent approval of the neighboring landowner), and both property owners of adjacent mining operations have agreed to a common reclamation plan and have a written agreement with the Township establishing responsibility for reclamation. Any existing approved setback reduction in an existing approved interim use permit continues to have approved status.
- N. Phasing. Phasing plans must be prepared for all mineral extraction facilities. The operator and landowner must follow the phasing plan approved by the Town Board. No more than 10 acres of land may be exposed to extraction at any one time. A maximum of 25 acres may be utilized at any one time for extraction, processing, staging and stockpiling. Areas where extraction has been completed shall be reclaimed according to the provisions of this chapter, except for that area currently being used in the maximum twenty-five-acre operational area.
- O. ~~Berming. Earthen berms shall be constructed in accordance with the Mine Safety and Health Administration standards, along all road rights-of-way. In the instance where the setback from a residence applies under § 165-13M, then, in addition, earthen berms shall be constructed along the adjoining property line. Berms shall provide screening of the mining activity from the right-of-way and any adjoining property line on which a berm is required. A combination of berms and other screening which has no written objection from any owners of real property located within 300-1,000 feet of the proposed extraction activity may satisfy this requirement, subject to Town Board approval of the design. In the absence of such an alternate design, berms shall be a minimum of eight feet in height. All berms shall have a minimum slope of 3:1 and have a silt fence at the base on the side closest to adjacent property. The silt fence shall be maintained until vegetation is established; at which time it shall be removed.~~
- ~~P. Heights. The maximum height of any excavation, temporary crushing equipment, or temporary stockpiles located no less than 1,000 feet from the property line shall be a minimum of eight feet below the average height of the adjacent berms within the mandatory setback.~~
- ~~Q.P. Weed control. The operator shall be required to control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.~~
- ~~R.Q. Explosives. If the operator desires the use of explosives, a separate interim use permit shall be~~

4/8/25, 9:05 AM

Township of Eureka, MN Mining

required for each incident to provide adequate public notice and input.

S.R. General compliance. The operator must comply with all other federal, state, regional, county and local laws and regulations applicable to the operation of the mineral extraction facility, including but not limited to mine safety and health rules, floodplain management regulations, shoreland management regulations and zoning regulations. No use or structure shall be operated or occupied in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use of other property by any person of normal sensitivities or to otherwise create a public nuisance.

T.S. Additional regulations. The Township may impose additional regulations and requirements on the mineral extraction permit to protect the public health, safety, and welfare.

U.T. Reclamation. The operator must meet the following minimum standards and conditions regarding reclamation.

(1) Reclamation plan. The operator must submit a reclamation plan containing the following elements:

- (a) Intent of reclamation;
- (b) Methods and processes of reclamation;
- (c) Initial condition of mining site;
- (d) Limits of various operational areas;
- (e) Phasing and timing of operations and reclamation including areas to be stripped of overburden;
- (f) Grading plans, on-site topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications;
- (g) Final condition of site, including proposed contours and absolute elevation with respect to the average annual water table, and a potential development plan, if applicable;
- (h) Relation of final site condition to adjoining landforms and drainage features;
- (i) Relation of reclaimed site to planned or established uses of surrounding land;
- U) A plan for maintenance of reclaimed area; and
- (k) A detailed cost estimate of reclamation.

(2) Reclamation timing. The timing of reclamation activities shall comply with the following:

- (a) It is expected that reclamation will be occurring in phases. Reclamation shall also be completed in step with the opening of new excavation areas of the facility. As-built surveys, soil borings, water table elevation determination, or other testing may be required as part of the review to ensure phased reclamation is completed according to the approved reclamation plan.
- (b) Reclamation shall proceed in a continuous manner throughout the duration of the mining operation and is subject to review and approval at each annual inspection and at the end of the permit period.
- (c) Within ~~twelve~~three months after the termination of excavation operations or within ~~six~~three months after the expiration of the interim use permit, the operator or landowner shall dismantle buildings and structures incident to mining operation and shall grade the excavation site as well as complete all rehabilitation on the site as provided in the approved reclamation plan.

(3) Water accumulations. Excavations in a Level 3 mine, resulting in the continued exposure of substantial water areas after reclamation must meet the following requirements (all other levels of mines shall not result in water table exposure):

- (a) The water depth must not be less than three feet measured from the average annual water table elevation as measured by piezometer or monitoring well unless a plan for creation of a wetland or marsh has been approved.
 - (b) All banks shall be sloped to the water line at a slope which shall not be steeper than four feet horizontal to one foot vertical.
 - (c) All banks shall be surfaced with topsoil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth sufficient to establish vegetation to prevent erosion of at least four inches. All banks shall also be surfaced with sodding or seeding and mulching. Mulch must be properly anchored.
 - (d) All topsoil required by the subsection U(3)(c) above shall be planted with trees, shrubs, grasses, or native vegetation, or return to agricultural use.
 - (e) Slopes on reclaimed areas shall not be steeper than four feet horizontal to one foot vertical, except in cases where nonerodible conditions are present, and the Planning Commission approves the reclamation plan.
 - (f) In man-made groundwater lakes, the bottom contour shall be gradually sloping from the shoreline to the deepest portion of the water body at a maximum slope of six feet horizontal to one foot vertical for at least 100 feet from the shoreline toward the center of the water body. Beyond 100 feet horizontal distance from the shoreline, the slope of the bottom may be no steeper than three feet horizontal to one foot vertical.
 - (g) All groundwater lakes or wetlands created as part of the reclamation plan shall comply with state, county, and local laws, regulations, ordinances, requirements, and guidelines, including Minnesota Department of Natural Resources guidelines for surface water creation.
- (4) Grading and backfilling. Excavations not resulting in surface water creation after reclamation, but which must be graded or backfilled, shall meet the following requirements:
- (a) Fill of soil shall be inspected and certified as being clean (free of volatile organic compounds, contaminants, noxious weed seeds and heavy metals) before being used for reclamation; only organic soil shall be used for topsoil.
 - (b) Fill of soil shall consist of nonnoxious, nonflammable, noncombustible solids.
 - (c) The graded or backfilled area shall not collect or permit stagnant water to remain therein.
 - (d) The peaks and depressions of the area shall be reduced to a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.
 - (e) Graded or backfilled areas shall be surfaced to a depth of at least four inches with topsoil of a quality at least equal to the topsoil of immediately surrounding areas.
 - (f) Topsoil required by Subsection U(4)(f) above shall be planted with trees, shrubs, grasses, or native vegetation, or return to agricultural use; and inspected to be free of noxious weeds.
 - (g) Slopes on reclaimed areas shall not be steeper than four feet horizontal to one foot vertical, except in cases where non erodible conditions are present, and the Planning Commission approves the reclamation plan.
 - (h) All reclamation areas which are planned for building purposes shall have a final elevation at least 10 feet above the normal ordinary groundwater level. If public sewer is not available, plans for on-site septic systems must be considered. If the area is backfilled for purposes of future development, the soil must be compacted, and subsequently tested and approved by a licensed soils engineer.

- (j) Drainage. Reclamation shall proceed in a manner that preserves natural and storm drainage entering and leaving the premises. Said drainage shall be altered to the least extent necessary for carrying out reclamation and related activities. Natural and storm drainage shall not be altered in a manner that adversely affects public roads or neighboring uses.
- U) Cover and planting. The reclamation area shall be planted with grass, trees, shrubs, or other vegetation to prevent erosion and provide screening and improved aesthetics. Technical assistance and soils data should be obtained from the county agricultural agent, appropriate state and federal officials, conservation districts, and the nearest soil conservation service officer.
- (k) Topsoil. Topsoil that is stripped or removed must be stockpiled and set aside on the site for re-spreading over the reclaimed area unless the quantity is sufficiently in excess of need that the Town Board approves plans for its removal.
- (l) Removal of structures. All buildings and other structures not otherwise allowed per the development agreement shall be removed from the property and the property shall be restored in conformance with the reclamation plan within three months after expiration of a mining permit or termination of a mining operation or within three months after a mining operation has been abandoned for six months.
- (m) Best practices for preservation and restoration of soil. In order to protect the environment and the public's health, safety, and welfare, applications shall incorporate best practice standards into the design, operation, and reclamation of mineral extraction facilities. A list of best management practices for the preservation and restoration of soil is available through the Minnesota Department of Natural Resources at: https://www.dnr.state.mn.us/water_access/bmp/soil_retention_bmp.html. The Town Board reserves the right to supplement these standards as appropriate.
- (5) Soil and Water Conservation District and watershed review and recommendations. As a part of the original application for an interim use permit, the operator shall submit grading plans, phased reclamation plans and water control plans to the Dakota County Soil and Water Conservation District and to the governing bodies of the Township's watersheds for review and recommendations. Said recommendations on the phased reclamation, grading, soil, and water retention plans shall be reviewed annually by the Town Board and may be included as conditions of the interim use permit.

Article VI. Termination; Violations and Penalties

§ 165-14. Termination.

The mineral extraction permit or the right to continue a legal nonconforming use shall be terminated on the happening of any of the following events unless a different process or terms are specified in its interim use permit:

- A. The date or event of termination specified in the interim use permit.
- B. Upon a violation of any applicable laws, rules, or Township Code, or of a condition under which the permit was issued or the right to continue the use was conditioned, but only after the Town Board has first provided written notice to the operator and landowner (if different from the operator) describing the specific violation and steps necessary to be in compliance with the permit or condition and after having been given a reasonable opportunity to remedy the violation. The notice of violation shall inform the operator that failure to correct the violation as directed in the notice may result in the revocation of the interim use permit or right to continue the legal nonconforming use and the time period in which the violation must be corrected.

- C. If the operator fails to correct the violation as described in a notice of violation within the identified correction period, the Town Board may undertake a process to consider and act on the revocation of the interim use permit issued for the operation or the permission for the legal nonconforming use. The Township shall provide the operator and landowner (if different from the operator) at least 10 days' written notice of a public hearing before the Town Board to consider the revocation of the interim use permit. The notice shall identify the violation or violations resulting in the proposed revocation. The operator and any other interested party will have an opportunity to be heard during the hearing. The Town Board may revoke the interim use permit or the right to continue the legal nonconforming use if it determines a violation occurred and the operator failed to correct it as directed in the notice of violation. As an alternative to immediate revocation, the Town Board may, in its sole discretion, allow the operator to enter into a correction agreement with the Township to allow the operation to continue provided it complies with the terms and conditions of the agreement. The correction agreement shall identify any corrective actions the operator must take, may require the posting of a bond or other security related to the performance of the required corrective actions, and may set out such other terms, conditions, and requirements as the Town Board determines are reasonable to ensure the operator corrects any existing violations and remains in compliance with the permit or nonconforming use conditions and all applicable laws, rules, regulations, and ordinances.
- D. Each day that a violation continues beyond the allotted time to repair constitutes a new violation.

§ 165-15. Misdemeanor penalty.

Any person who violates or fails to comply with any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished to the maximum extent authorized in Minnesota Statutes, as amended from time to time. Each day the violation continues shall constitute a separate offense. If the violations are not remedied to the satisfaction of the Town Board, the permit will be terminated.

§ 165-16. Immediate cessation of mining upon contamination of drinking water.

If at any time it is proven that the mining operation is contaminating drinking water as proscribed by the Minnesota Department of Health Safe Drinking Water Standards or any natural spring, the Town Board will notify the operator and landowner (if different from the operator) in writing and mining will cease immediately. If this cannot be resolved to the satisfaction of the Town Board, the permit will be terminated.

§ 165-17. Complaints.

All complaints must be in writing and available for public viewing unless the Township determines, in its discretion, to keep the identity of the complainant confidential pursuant to the Minnesota Data Practices Act.

Article VII. Enforcement

§ 165-18. Inspection and enforcement.

The operator grants the Township's officers and representatives, including the Mining Superintendent and Planning Commission, access to the facility during normal operation hours to inspect the mineral extraction facility and enforce the provisions of this chapter. The Township's officers and representatives

will check in at the mine office to execute safety work forms and meet any escort required by law. All operators will provide an emergency contact number that the Mining Superintendent can call to arrange escorted access to the mine outside normal business hours if an emergency condition requires immediate access. The initial investigation of any violations of mining ordinances will commence at the Mining Superintendent and Planning Commission level for fact finding and report with recommendations to the Town Board.

§ 165-19. Responsibility for repair and maintenance.

The operator shall be responsible for the repair and maintenance of public and private property which is damaged by it, its agents or employees in conducting business or any other activity associated with the mineral extraction facility.

§ 165-20. Development agreement.

A development agreement will be required for all mineral extraction permits, including seasonal extraction permits.

Article VIII. Fees

§ 165-21. Application fee.

Before an application will be processed, the applicant will pay a nonrefundable application fee in an amount established by the Town Board and reviewed annually.

§ 165-22. Escrow.

The applicant must pay for all estimated expenses to be incurred by the Township before an application will be processed. The Town Board will determine estimated expenses within 30 days of the filing of the application. The applicant will make such payments into an escrow account with the Township. The prepayment amounts shall be a credit toward the costs of the attorney, planners, engineers and other professional consultants that the Township uses to review the application, to prepare documents, to inspect the facility, to make recommendations and to enforce this chapter; all such costs are the obligation of the applicant, and the applicant must reimburse the Township for such costs. All such costs, if not already paid by the escrow, shall be paid by the applicant within 30 days of final action on the matter by the Town Board. If such costs are less than the escrowed amount, such escrow will be returned to the applicant within 30 days of final action on the matter by the Town Board.

§ 165-23. Reimbursement of costs.

The applicant shall reimburse the Township for all out-of-pocket expenses as incurred by the Township in the review of the initial and review applications, public hearing, preparation of documents, inspections and enforcement of this chapter, whether a permit is issued or not.

§ 165-24. Fees.

The Town Board shall establish fees by ordinance for the issuance of mineral extraction permits. All mines, including legal nonconforming mines, will be assessed fees for the annual review and the cost of enforcing this ordinance. The review fee shall be based on the previous year's production in tons or

yards times a dollar amount, with an established minimum amount, and set by ordinance. Fees and expenses must be paid at the time of issuance and thereafter on or before January 31 of each year for the permits that have not been terminated. Failure to pay review fees and expenses shall be a violation of this chapter. If additional inspections or enforcement actions are required, the cost of that work will be assessed against the mine requiring the work.

§ 165-25. Future impositions.

If in the future the state law enables the Town to impose a host community fee, tax, mineral extraction charge or other governmental imposition to compensate the Town for the effects of a mineral extraction facility, then the Township reserves the right to impose such fees, taxes, charges or other governmental impositions on all mineral extraction facilities, including, but not limited to, those that exist at the time the fees, taxes, charges or impositions are established.

Article IX. Financial Guaranty

§ 165-26. Bonds; cash escrow; letter of credit.

The operator must provide and maintain a performance bond, cash escrow or a letter of credit, in a form acceptable to the Township, to guarantee compliance with this chapter and the terms and conditions of the development agreement. The Township shall have the right to use the financial guaranty to remove stockpiles, complete site reclamation, and correct other deficiencies or problems caused by the operator, in the event the operator is in default of the obligations under this chapter. The amount of financial guaranty shall not exceed \$10,000 per acre of the mining operation used for extraction, stockpiling, and processing activities. This amount may be increased by the Town Board with reference to the increase in the Consumer Price Index (CPI) for the Minneapolis-St. Paul Area. The financial guaranty shall remain in full force and effect for a minimum period of nine months or after reclamation or cleanup of the site is complete, whichever is longer.

Article X. Liability Insurance; Indemnification

§ 165-27. Liability insurance.

- A. The operator shall at all times procure and maintain at the operator's expense general public liability insurance, automobile liability insurance and workers' compensation insurance. This insurance shall cover claims for bodily injuries, wrongful death, and property damage occurring as a result of the operator's performance of its duties under the development agreement and under this chapter. Such insurance shall afford protection to a limit of not less than \$1,000,000 in respect to injuries or death to a single person, to a limit of not less than \$5,000,000 in respect to any one accident or occurrence, and to a limit of not less than \$500,000 in respect to property damage. The Township shall be a named additional insured on all such policies of insurance. The operator shall file with the Township a certificate evidencing coverage before the commencement date of the term of the mineral extraction permit.
- B. The certificate shall provide that the Township must be given 30 days' written notice of the cancellation of insurance.

§ 165-28. Indemnification.

The operator shall hold the Township harmless against all claims by third parties for damage or costs arising out of, resulting from or related to mineral extraction, processing and reclamation on the subject

property or incurred in the development of the subject property. The operator shall indemnify the Township for all costs, damages, or expenses incurred by the Township arising from such claims, including attorneys' fees.

Article XI. Preexisting Mineral Extraction Facilities

§ 165-29. Preexisting mineral extraction facilities as lawful nonconforming uses.

All mineral extraction facilities that were lawfully established prior to the effective date of this chapter, and that were not discontinued for a period of more than one year since establishment, are subject to the provision of Article I of this chapter and those portions of Articles 11-V specified in this article as well as Articles VI-X of this chapter. The Town Board determines the application of these provisions to lawful nonconforming mineral extraction facilities is necessary in order to address potential nuisances created by the facilities and to protect the public health, safety, and welfare. Any nonconforming operation when it was originally established is required to apply for and obtain an interim use permit from the Township prior to expanding the operation.

- A. Two mineral extraction facilities hold IUPs as of the effective date of this chapter. Those facilities will continue to operate under their respective IUPs as legal nonconforming uses. When the IUPs expire, new applications and development agreements fully compliant with Articles II-IV of this chapter must be completed. Beginning in January 2024, these mineral extraction facilities must file reports that satisfy the requirements of § 165-12 and must operate in compliance with the performance standards in Article V, except for § 165-13N, Phasing plan and U, Reclamation plan, unless those performance standards conflict with its existing interim use permit, development agreement or approved phasing and reclamation plans. If requested by the Mining Superintendent or the Town Board, the holder of a permit will discuss necessary changes to its operations if immediately important to abate a nuisance or to protect public health, welfare, or safety even if its practices are consistent with previous standards or approved plans. If the Town Board cannot reach agreement with the mineral extraction facility, it may take steps to enforce the standards of this chapter as needed to address nuisances created by the noncompliant facility. An operator of one of these mineral extraction facilities may request a reasonable extension of time to comply with any updated performance standards in Article V. The Town Board will grant the request if in its sole judgement good cause is shown.
- B. One mineral extraction facility formerly owned by the State of Minnesota was acquired by another owner after 2002, however the Township has not yet required an application for an interim use permit be filed. The legal property description for this mine is at § 165-31. By December 2028 the operator and/or landowner of this mineral extraction facility must have fully complied with Articles II to IV and Article X, § 165-13N and U of this chapter. Beginning in January 2024, these mineral extraction facilities must file reports that satisfy the requirements of § 165-12 and must operate in compliance with Article V except for § 165-13N and U. The landowner and/or operator of this mine may request a reasonable extension of time to comply with any enhanced performance standard in Article V. The Town Board will grant the request if in its sole judgement good cause is shown.
- C. There are four mineral extraction facilities that existed prior to 2002 and have continued as lawful nonconforming uses since that time. The legal descriptions for these previously permitted mineral extraction facilities are in § 165-31. Notwithstanding Article 11, § 165-4, those mineral extraction facilities in the Township that exist as of the effective date of this chapter and obtained from the Town Board an annual mining permit prior to calendar year 2002, shall have the right to continue as mineral extraction facilities under the original licenses and as legal nonconforming uses without first obtaining an interim use permit for a mineral extracting facility required by § 165-4, as long as there is compliance with the conditions of this article. Compliance with performance standards in Article V, § 165-13U, Reclamation plan, is not required and for a facility that has a reclamation plan and phasing plan approved by the Township and is in compliance with those plans as of the effective date of this chapter. If requested by the Mining Superintendent or the Town Board, the holder of a

permit will discuss necessary changes to its reclamation plan and phasing plan if immediately important to abate a nuisance or to protect public health, welfare, or safety even if its reclamation plan and phasing plan are consistent with previous standards or approved plans. If the Town Board cannot reach agreement with the mineral extraction facility, it may take steps to enforce the reclamation plan and phasing plan standards of this chapter as needed to address a nuisance or to protect public health, welfare, or safety issues created by the nonconforming facility. The mines will provide a comparison of their 2002 reclamation plans in effect versus the 2023 requirements, as outlined in § 165-13U, highlighting any key differences, in their opinion, within 12 months of new text, for joint discussion with mining superintendent and Planning Commission to better understand related necessity and costs. This right shall run with the applicable property and this right shall be subject to Minn. Stat., § 462.357, Subdivision 1e.

§ 165-30. Performance standards.

The following performance standards shall apply to all existing mineral extraction facilities in the Township that are permitted to operate by § 165-29B of this chapter. These performance standards are either identical to or are updates to the standards previously required in Or. 6, Ch. 13 (repealed):

- A. Hours of operation. Previously permitted mineral extraction facilities shall operate only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. Truck loading and hauling of material shall be allowed on Saturdays only between the hours of 7:00 a.m. and 3:00 p.m. A mineral extraction facility may be open one hour before and one hour after the hours of operation to allow for staging and equipment repair. No Sunday or holiday operations will be allowed. The holidays are New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas. When New Year's Day, July Fourth, Thanksgiving or Christmas fall on a Sunday, the following Monday shall be considered the holiday. When New Year's Day, July Fourth, Thanksgiving or Christmas fall on a Saturday, the previous Friday shall be considered the holiday.
 - (1) Operators are allowed extensions to the hours of operation for emergencies only. Operators must notify the Town Clerk or a Town Board member in advance of the proposed exception.
 - (2) The Town Board must approve other extensions to the hours of operation, such as Saturday operation, government agency contracts and other evening work.
- B. Setbacks. Production or processing of minerals shall not be closer than 30 feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than 20 feet to the boundary of any adjoining property line, nor closer than 200 feet to any adjoining structures, unless the written consent of the fee owner of such adjoining property is first secured. Mineral extraction shall not be made closer than 30 feet to the right-of-way line of any existing or platted street, roadway or highway, except that excavating may be conducted in such limits in order to reduce the elevation thereof in conformity with the existing or platted street, road or highway.
- C. Accessory uses. No accessory use will be allowed in conjunction with the mineral extraction facility unless the accessory use, by separate voting action of the Town Board, is approved by the Town Board. The accessory uses of a concrete block production plant or ready-mix concrete production plant or asphalt production plant shall be strictly prohibited. A concrete recycling plant and an asphalt recycling plant are also prohibited, except as stated in § 165-30D. The storage, stockpiling, sale, and mixing of materials that have been excavated off site are strictly prohibited except for the mixing of materials as provided in § 165-30D.
- D. Source of materials. Only minerals from the site shall be processed at the mineral extraction facility; subject, however, to the following exceptions:
 - (1) Recyclable concrete and recyclable asphalt may be crushed and mixed on site if the crushing and mixing do not exceed 15 working days per calendar year and if the recyclable concrete and recyclable asphalt originated from a road demolition or road repair project in the Township of Eureka.

- (2) The operator may import off-site minerals onto the subject property for the purpose of mixing with minerals from the subject property provided the imported minerals on an annual basis do not exceed 25% of the minerals extracted from the subject property on an annual basis.
- E. Surface water. The mining operation shall in no way be allowed to negatively interfere with surface water drainage nor shall the mining operation be allowed to affect the quality of surface or subsurface water.
- F. Black dirt and topsoil. The excavation or removal of black dirt or topsoil for sale or for use other than on the premises from which the soil is taken, except in connection with the construction or alteration of a building on the premises and the excavation or grading incidental thereto, is prohibited.
- G. Dewatering. Dewatering to obtain minerals intersecting the groundwater shall not be allowed. The use of equipment, such as draglines, track hoes and backhoes, to obtain minerals intersecting groundwater shall be allowed.
- H. No expansion without obtaining interim use permit. The mining area may not be expanded beyond the boundaries for the mining area that were approved in the annual mining permit for 2002 (previously issued by the Township under now repealed Township Ordinance No. 13). If the operator seeks to expand the mining area, the operator must obtain an interim use permit for the entire mineral extraction facility under Article 11, § 165-4, including those portions previously mined as well as the proposed expanded mining area.
- I. The following performance standards in Article V must be met by previously permitted mineral extraction facilities. Any mine may request a reasonable extension of time to comply with any enhanced performance standard. The Town Board will grant the request if in its sole judgement good cause is shown: § 165-13C, D, E, F, G, H, J, L, Q, R, and T.

§ 165-31. Legal descriptions of previously permitted mineral extraction facilities.

The preexisting mineral extraction facilities that meet the requirements of § 165-29 are only the following four properties in the Township of Eureka, Dakota County, Minnesota, legally described as follows:

- A. Facility No. 1 legal description. The south one-half of the northeast quarter of Section 7, Township 113 North, Range 20 West, containing 80 acres, more or less.
- B. Facility No. 2 legal description. That part of the northeast quarter of the northwest quarter of Section 7, Township 113 North, Range 20 West, containing 40 acres more or less. The actual area to be mined will be approximately 24 acres.
- C. Facility No. 3 legal description. That part of the south half of the northwest quarter of Section 7, Township 113 North, Range 20 West, Dakota County, Minnesota, described as follows:
 - (1) Beginning at the southeast corner of the west 1,716 feet of the said S 1/2 of the NW 1/4 of the said Section 7; thence north along the east line of the west 1,716 feet of the said S 1/2 of the NW 1/4, a distance of 600 feet, more or less, to the north line of the south 600 feet of the said S 1/2 of the NW 1/4; thence west along the said north line of the south 600 feet, a distance of 726 feet, more or less, to the east line of the west 990 feet of the said S 1/2 of the NW 1/4; thence north along the said east line of the west 990 feet, a distance of 720 feet, more or less, to the north line of the said S 1/2 of the NW 1/4; thence east along the said north line to the west line of the east 630 feet of the said S 1/2 of the NW 1/4; thence south along the said west line of the east 630 feet, a distance of 930 feet, more or less, to the south line of the north 930 feet of the said S 1/4 of the NW 1/4; thence east along the said south line of the north 930 feet, a distance of 580 feet, more or less, to the west line of the east 50 feet of the said S 1/2 of the NW 1/4; thence south along the said west line of the east 50 feet, a distance of 390 feet, more

or less, to the south line of the said S 1/2 of the NW 1/4; thence west, along said south line to the point of beginning.

D. Facility No. 4 legal description.

- (1) The existing ten-acre site where mining has occurred surrounding and including the following parcels: Beginning at the SW corner of Section 6, Township 113 North, Range 20 West, thence east along the south line 600 feet, thence north 200 feet, thence east 355 feet, thence south 200 feet to the south line of Section 6, Township 113, Range 20, then back to the point of beginning; and
- (2) Beginning at the NW corner of Section 7, Township 113, Range 20, thence east along the north line 600 feet, thence south 400 feet, thence east 355 feet, thence north 400 feet to the north line of Section 7, Township 113, Range 20, thence west to the point of beginning.

E. Facility No. 5 legal description.

- (1) Tract A: The northerly 930 feet of the easterly 630 feet of the SE 1/4 of the NW 1/4 of Section 7, Township 113, Range 20 West; together with the easterly 50 feet of the SE 1/4 of the NW 1/4 of said Section 7, lying southerly of Tract A hereinbefore described, to be used for haul road purposes only; excepting therefrom the existing highway; containing 13.95 acres, more or less, of which 13.50 acres are for pit, and 0.45 acre is for haul road purposes only.

Article XII. Validity

§ 165-32. Validity; severability.

Should any provision of this chapter be declared by the courts to be invalid, such decision shall not affect the validity of this chapter as a whole or any other part thereof, unless so specified in the judgment. If the courts declare the application of any of the provisions of this chapter to any individual, use, property or structure to be invalid, such judgment shall not affect the validity of said application of any provision to any other individual, use, property or structure, unless so specified in the judgment.

EUREKA TOWNSHIP PLANNING COMMISSION ACTIVITY TRACKER

Updated 5/29/2025

PROJECT NAME	PROJECT DESCRIPTION	DATE INITIATED	PRIMARY CONTACTS	PRIORITY INDICATORS	P C	T B	PUBLIC HEARING	ORD CHANGE	CURRENT STATUS	NEXT STEPS	COMP
HOME EXTENDED BUSINESS REVIEW	Determine feasibility of allowing “low impact” extended business in accessory buildings	Nov 2021	D Palmquist 2024 PC	Citizens pro & cons Quality of life / Property values	Y	Y	Yes		WSB reviewed and recommended edits	WSB provide performance standards for PC to review	
COMMERCIAL/ INDUSTRIAL BUSINESS	-Define zoning changes -Placement of proposed changes in Township	April 2024	PC Members	Citizens pro & cons Quality of life / Property values	Y	Y	Yes		WSB recommended amendments to Comp Plan	Public Hearing held, PC recommended approval with modifications	
DEFINITION OF A FRONT YARD	Found a gap in the ordinance when looking at a ground-mounted solar array permit application. (Depth could be an issue)	April 2024	D. Wheeler		y	y	Yes		Gathering information	Commissioner Wheeler to investigate “front yard” vs “front yard setbacks”	
INDOOR AGRICULTURE	Large Agriculture Building may need more restrictions.	April 2024	B.Storlie M.Storlie		y	y	Yes		Gathering information	PC to discuss	
NIGHT TO UNITE	Community event	April 2024	D Palmquist	Citizens enjoyed the event and would like to continue with gatherings.	Y	Y	No	No	Date Set for July 22nd	Planning Stages	
ACCESSORY DWELLING UNITS	Determine if allowing ADU's is beneficial to Township residents	March 2025	D Heyda	Public interest in adding Mother-in-Law units,					Gathering information	Clerks to create a survey to share at a future community event	
MINING ANNUAL REVIEWS	Documents submitted by Mining Companies	Jan 2025	PC Members	No longer have Mining Superintendent, PC responsible per ordinance	Y	Y	No	No	Recommended approval to renew to Town Board	Town Board Approved	<input checked="" type="checkbox"/>
ANIMAL PERFORMANCE STANDARDS	Citizen-led concern with limitations	Dec 2024	PC Members	Looking at animal units and what would benefit the whole Township	Y	Y	YES	Chapter 240 Article VII.	Town Board approved amendments	PC to hold Public Hearing, TBD	

EUREKA TOWNSHIP

PLANNING MEMO

28, 2025

To: Eureka Township Planning Commission

From: Nate Sparks

Re: Home Extended Business Ordinance

BACKGROUND

The Planning Commission has been discussing ordinance amendments related to an allowance for “home extended businesses.”

HOME BASED BUSINESSES

Typically, townships and cities regulate home based businesses in such a manner to ensure that the business activity remains a secondary use on the property and is not detrimental to the general neighborhood. In Eureka, the intention of the Zoning Ordinance is to preserve the rural character of the community, as expressed by the Comprehensive Plan. Therefore, extra care must be taken to ensure that the introduction of business uses on residential and agricultural property does not impair the character of the area.

Home based businesses are considered to be home occupations in Eureka’s Zoning Ordinance are business uses within the home that cannot be detected. A second category of home based businesses are “home extended businesses” which are like home occupations but can be conducted outside the home, typically in an accessory building.

HOME OCCUPATIONS

There are limited performance standards in the Town Zoning Ordinance about home occupations. Many communities give home occupations some form of permit to ensure that they stay limited and are not detrimental to other area residents. For example, many codes state that a home occupation cannot have customers visit the site.

HOME EXTENDED BUSINESSES

Since home extended businesses are, by nature, not always within the house, there needs to be more strict performance standards. Such business uses are typically allowed via an interim use permit that terminates after disuse and/or transfer of property ownership.

PERFORMANCE STANDARDS

The framework previously discussed by the Planning Commission includes many appropriate performance standard concepts. These ordinances generally focus on the following areas for establishing performance standards:

Uses Permitted

The uses permitted via a home extended business permit may be limited by creating a list of uses to be excluded.

Other codes simply have performance standards and view the business use to be acceptable provided it meets all the requirements.

Property Ownership

Home extended businesses are restricted to be conducted by the property owner only. This prevents somebody from renting out an accessory building to somebody seeking to conduct an unrelated business use. This assists in keeping the activity to be truly an accessory function on the property.

Building Usage

It would be appropriate to state that only buildings meeting the building code are permitted to house business activity. In some ordinances, the use is restricted to be no greater than 50% of one structure.

Number of Employees

Ordinances typically restrict the number of employees to ensure that the business use does not become too out of character with the area. Some ordinances tie the number of employees to the lot size (larger parcel, more employees). Others do not allow employees at all. A common range is from zero to 5. The higher number of employees, the more parking spaces are needed and the greater the exterior impact from the use.

Minimum Lot Size

In rural areas, a Township may wish to have a larger lot size before allowing an exterior business use to be conducted on site. It is common to state that a minimum lot size of 5 or 10 acres in order to property contain the use and allow for greater setbacks.

Exterior Storage & Parking

Having exterior storage can be out of character with the residential nature of the community. Stating that all equipment must be stored within a building is not uncommon. Limiting parking to be similar to that of a site where a business use is not conducted is also commonplace.

Lighting

Lighting that is not typical of a residential use is also commonly prohibited. For example, a business use that requires extra exterior lighting could be viewed as not acceptable.

Signage

Some communities will disallow signage for home based businesses. Others will have a minor allowance. In any case allowing full business signage would be viewed as incompatible with a residential use.

Customer Visits

Somewhat related to the discussion of types of uses permitted, there can also be a restriction on customer visits to the site. This could be a “by appointment only” arrangement or that no customers are permitted to visit the site. When stating that retail is a disallowed use for a home extended business, it is getting at the point that customer traffic is incompatible with the area and should not be allowed. Some codes limit traffic by limiting the trips per day but this can be difficult to enforce.

ORDINANCE CONCEPT

The following is based on the Planning Commission’s previous discussion draft for review and comment.

HOME EXTENDED BUSINESS. Any gainful occupation or profession engaged in by the occupant of a dwelling in the dwelling or in an accessory building not meeting the strict definition of a home occupation including such uses as professional offices, repair services, photo or art studios, dressmaking/tailor, barber/beauty shop, crafts, music lessons, educational services.

HOME EXTENDED BUSINESSES. A home extended business shall require approval of an Interim Use Permit. The applicant for the home extended business shall submit to the Township a description of the business, including the type of business, hours of operation, number of employees, expected traffic generation, a site plan, parking plan, screening plan, or other information deemed relevant by the Township staff based on the type of business activity. Any such use shall comply with the following standards:

- (1) The business shall be clearly incidental and subordinate to the residential use of the property.
- (2) The business shall be conducted primarily by persons residing on the premises. Up to two employees may be permitted.
- (3) Employee parking shall be provided in areas typical of residential accessory parking.
- (4) A maximum of 25% of the principal dwelling or 50% of one accessory building may be dedicated to the use.
- (5) No exterior storage of materials is permitted.
- (6) The business shall not generate more than 10 trips per day of customer or client traffic. Such traffic shall be by appointment only.
- (7) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- (8) The business shall not generate hazardous waste.
- (9) The business shall only generate normal domestic household waste.
- (10) No exterior signage is permitted.
- (11) No alterations to the house or accessory building that in anyway alters the residential character of the premises.
- (12) No exterior lighting related to the business may cast light upon neighboring properties.
- (13) No noise may be detected from off-site and noise levels shall be consistent with Town Code and PCA standards.

- (14) The minimum lot size to receive an interim use permit shall be 10 acres.
- (15) The following shall not be permitted as home extended businesses: retail stores, restaurants, lodging, auto body work, industrial manufacturing, trucking businesses.

SUMMARY/ACTION REQUESTED

The Planning Commission should review the proposed expansion on the previous concept and provide further direction.

Eureka Township
Dakota County
State of Minnesota

RESOLUTION NO. 2025-21

RESOLUTION 2025-21

RESOLUTION TO AMEND RESOLUTION 2025-09

WHEREAS, the Board of Supervisors of Eureka Township approved resolution 2025-09;

WHEREAS, Township Ordinance Part I: Administrative provisions, Chapter 62 Planning Commission, 62-5 Time and Place of meetings states: The Planning Commission shall have monthly regular sessions at the times and on the days shown by the schedule of regular meetings. The schedule shall be adopted by resolution of the Board of Supervisors at the reorganizational meeting and shall be kept on file at the Town Hall.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Eureka Township, Dakota County, Minnesota hereby amends the following schedule of Planning Commission meetings:

July 1, 2025	November 25, 2025
July 29, 2025	December 30, 2025
August 26, 2025	January 27, 2026
September 30, 2025	February 24, 2026
October 28, 2025	March 31, 2026
	April 28, 2026

*Typically the last Tuesday of each month.

All Regular Scheduled Planning Commission Meetings shall commence at 7:00 p.m.

Whereupon the Chairperson declared the Resolution to be duly passed and adopted on _____, 2025 by the Eureka Town Board.

Town Board Chair

Liz Atwater, Clerk/Treasurer

EUREKA TOWNSHIP
Dakota County, State of Minnesota
PLANNING COMMISSION MEETING MINUTES
May 6, 2025

Call to Order

Chair Melanie Storlie called the Planning Commission meeting to order at 7:00pm and the Pledge of Allegiance was given.

Commissioners Present: Melanie Storlie (Chair)
Dan Heyda (Vice Chair)
Dave Wheeler (Commissioner)
Brian Storlie (Commissioner)

Others present: Amy Liberty (Deputy Clerk), Matt Mettling, John Rivisto, Jim Aiken, Kelly Brosseth, Lauren Maybee, Brandon Romann, Linda Ripley

Zoom participants: Donovan Palmquist, Ralph Fredlund, Jeff Otto, Julie Larson, Deb Burkhardt

Elect Planning Commission Chair and Vice Chair

Commissioner Brian Storlie nominated Melanie Storlie to continue as Chair.

Commissioner Wheeler seconded the motion. *Motion carried 4-0.*

Commissioner Wheeler nominated Dan Heyda to continue as Vice Chair.

Chair Melanie Storlie seconded the motion. *Motion carried 4-0.*

Approval of the Agenda

One addition to **New Business**: B. Airlake Airport Advisory Commission Meeting

Motion: Chair Melanie Storlie moved to accept the agenda as amended. Vice Chair Heyda seconded the motion. *Motion carried 4-0.*

Permit Requests

Romann, Brandon, 23535 Jersey Ct., PID 13-64000-02-011, *Building Permit

The Commissioners noticed the placement of the new septic was listed as 8ft from property line and shared that it should be at 10ft.

Mr. Romann stated the proposed red iron building size may change once he ordered materials, however it will not be any larger than 2400 sq ft as shown on the site map.

Motion: Chair Melanie Storlie moved to recommend to the Board that they approve the Building Permit application from Brandon Romann at 23535 Jersey Ct., PID 13-64000-02-011. Vice Chair Dan Heyda seconded. *Motion carried 4-0.*

Land Use Request

Dakota Aggregates, 23334 Dodd Blvd., IUP Permit Amendment Request

Matt Mettling, Operations Director of Dakota Aggregates, along with Jim Aiken, Vice President and Senior Hydrogeologist at Barr Engineering Company, discussed an amendment request with the Planning Commission to increase the depth of excavation in their mining permit from 30 feet below average groundwater elevation to the extent of usable material above bedrock, which is approximately an 80-to-90-foot range. The increased depth raised concerns about potential impacts on well water and the aquifer. The Planning Commission asked for WSB to conduct further review.

Motion: Chair Melanie Storlie moved to delegate the Planning Commission's requirement under 165-11, C to WSB regarding notification of application status. WSB will need to notify the applicant of additional information required for the application to be complete. Vice Chair Dan Heyda seconded. *Motion carried 4-0.*

Unfinished Business

Comp Plan Amendments for May 27th Public Hearing

Commissioners reviewed the proposed new language to the Comprehensive Plan which would allow the Township to explore zoning changes. Pending Town Board approval, a public hearing is tentatively scheduled for Tuesday, May 27th. All Commissioners responded that they would be available to conduct the special meeting.

Home Extended Business draft ordinance

The Planning Commission discussed the suggested changes WSB submitted and had a few concerns.

Motion: Chair Melanie Storlie moved for WSB to continue to work on the Home Extended Business and help develop additional performance standards. Commissioner Wheeler seconded the motion. *Motion carried 4-0.*

Definition of a front yard

Commissioner Wheeler will expand his research and compare "front yard" and "front yard setbacks" references in the ordinances.

Community Event

The Commissioners talked briefly about holding a community event and the reasoning of the July 22, 2025, date. Commissioner Palmquist plans to contact Beth Eilers, who organized the previous event, for assistance with contacting local resources.

Indoor Agriculture

Chair Melanie Storlie and Commissioner Brian Storlie determined more research is needed.

Accessory Dwelling Units

Vice Chair Heyda provided a written analysis that evaluated a variety of ordinances and codes regarding accessory dwelling units in different communities. Debate took place if this is something that is wanted in Eureka Township. It was suggested to have the clerks create a survey and have information displayed at the Community Event.

New Business

Assign Town Board Meeting Liaisons

May 13, 2025	Melanie Storlie
June 10, 2025	Dave Wheeler
July 8, 2025	Dan Heyda
August 12, 2025	Brian Storlie
September 9, 2025	Melanie Storlie
October 14, 2025	Dan Heyda
November 12, 2025 (Wednesday)	Dave Wheeler
December 9, 2025	Donovan Palmquist
January 13, 2026	Brian Storlie
February 10, 2026	Donovan Palmquist
March 11, 2026 (Wednesday)	Dan Heyda
April 14, 2026	Dave Wheeler

Airlake Airport Advisory Commission Meeting

Commissioner Palmquist gave a quick recap of the Airlake meeting. He suggested everyone check out the Lakeville Economic Development website. (www.lakevillebusiness.com)

Approval of Meeting Minutes

Motion: Chair Melanie Storlie moved to approve the Planning Commission meeting minutes from the April 1, 2025, meeting as written. Vice Chair Heyda seconded. *Motion carried 4-0.*

Motion: Vice Chair Dan Heyda moved to approve the April 3, 2025, Planning Commission special meeting/public hearing meeting minutes as written. Chair Melanie Storlie seconded. *Motion carried 4-0.*

Adjournment

Motion: Chair Melanie Storlie motioned to adjourn. Commissioner Wheeler seconded. *Motion carried 4-0.*

The meeting ended at 9:11PM.

Respectfully submitted,

Amy Liberty, Deputy Clerk

Minutes Officially Approved by: _____ on: _____
Planning Commission Chair Date