

October 25th, 2025

BECKER COUNTY BOARD OF ADJUSTMENTS SETS A SPECIAL MEETING

Notice is hereby given that the Becker County Board of Adjustments will conduct a **special meeting on November 5th, 2025, at 6:00 P.M. in the 1st Floor Commissioner's room in the Becker County Courthouse, 915 Lake Ave, Detroit Lakes, MN, to consider an appeal for an approved Land Alteration Permit.**

The general purpose of the special meeting is as follows:

1. Appeal: Administrative Approval of Land Alteration Permit number LALT2025-359.

Kyle Vareberg, Planning & Zoning Administrator



Becker County Planning & Zoning
915 Lake Ave
Detroit Lakes, MN 56501
(218) 846-7314
www.co.becker.mn.us

Land Alteration Permit

Permit #: LALT2025-359

Owner & Property Information

Parcel #:	170368043	Site Address:	Heimark Ave
Owner Name:	PRAIRIE LAKE INVESTMENTS LLC	Township - Sec/Twp/Rng:	LAKE EUNICE - 31/138/042
Mailing Address:	PRAIRIE LAKE INVESTMENTS LLC 2604 LONG LAKE RD DETROIT LAKES MN 56501	In Shore Impact Zone?	No
Phone #:	218-841-9791	Lake/River Name/Class:	
		Distance from OHW:	N/A

Project Summary

Authorized Agent (if any):		Project Start-End Date:	08/05/2025-08/04/2026
Project 1 Type: Grade and Fill		Project 2 Type:	
Project 1 Type Description: Road construction for new subdivision and grade/fill for future building lots.		Project 2 Type Description:	
Project 1 Purpose: Driveway or Road		Project 2 Purpose:	
Project 1 Purpose Description: Road construction for new subdivision.		Project 2 Purpose Description:	
Area to be Cut/Excavated:	See construction drawing from Apex.	Erosion Control Method 1:	Seed & Mulch
Area to be Filled:	See construction drawing from Apex.	Erosion Control Method 2:	
Type of Fill Material:	Gravel	Erosion Control Additional Info:	See construction drawing from Apex.
Total Cubic Yds Moved:		Additional Projects/Info/Summary:	Applicant is responsible to obtain any required permits from the MPCA or other applicable agencies.

Becker County Planning & Zoning Approval

Notes: Applicant is responsible to acquire all required permits from the MPCA and any other applicable agencies.			
Date Approved:	08/04/2025	Zoning Office Signature:	
Permit Fee:	\$100.00		
Receipt Number:	1047		
Date Paid:	08/04/2025 3:18 PM CDT		

PERMIT MUST BE POSTED AT JOB SITE!
PERMIT EXPIRES ONE YEAR FROM DATE PAID!

Becker County Board of Adjustment

Dave Douglas, Monica Douglas,
Jeff Zeltinger, Sue Zeltinger,
Mike Smithwick, Dennis Smithwick,
JoAnn Smithwick, Dean Miller,
Sue Spitzer, and Scott Askerooth,
Appellants,

In Re: Administrative Approval of Land Alteration Permit # LALT2025-359

TO: BECKER COUNTY BOARD OF ADJUSTMENT
ZONING DIRECTOR KYLE VAREBERG
BECKER COUNTY ATTORNEY BRIAN MACDONALD
BECKER COUNTY COURTHOUSE
915 LAKE AVENUE
DETROIT LAKES, MN 56501

NOTICE

You are hereby notified that an appeal has been filed in the administrative approval of the above-referenced Land Alteration Permit No. LALT2025-359. The Appellant seeks to be heard at the October 9, 2025 Board of Adjustment meeting or thereafter as scheduled by the Board of Adjustment.

APPEAL

[¶1] Applicant Prairie Lake Investments, LLC (“Developer”) sought and was administratively issued Land Alteration Permit # LALT2025-359, dated August 4, 2025 (“LAP Permit”), from Becker County Zoning Director Kyle Vareberg, one day before the County Board considered a Conditional Use Permit (“CUP”) on the Developer’s gravel mining CUP on the northern 20 acres of a larger 90 acre parcel of land, identified as Becker County Parcel 170368043. The LAP Permit includes diagrams evidencing that excavation

and roadbuilding will be conducted on the southern 70 acres of this same parcel. Despite the fact that a LAP Permit must be issued in connection with an approved plat or CUP, the Zoning Administrator issued it without any community safeguards, any dust or noise control, any aesthetic considerations or operational schedule, and importantly, without having either an approved plat or CUP that it was issued as part of.

[¶2] A true and correct copy of the LAP Permit is attached as Exhibit A.

[¶3] The application for a CUP to open a gravel mining and crushing operation is limited to the northern 20 acres of the parcel. This 20 acre parcel sought to be opened as a gravel mine and crushing operation is directly in the midst of three residential subdivisions, with neighboring homes located 100 and 200 feet from the proposed gravel mining operation. Based upon encouragement and incorrect legal direction from the Zoning Director on the impact of a LAP Permit, the County Board issued the CUP on August 5, 2025.

[¶4] This Appeal is brought by owners of nearby properties, including Dave and Monica Douglas (10655 Meadows Lane, Audubon), Jeff and Sue Zeltinger (10346 Heimark Ave, Audubon), Mike Smithwick (10850 Heimark Ave, Audubon), Dennis and JoAnn Smithwick (Becker County Parcel Number 170368003), Dean Miller and Sue Spitzer (10724 Heimark Ave, Audubon) and Scott Askerooth (51454 225th Ave, Detroit Lakes) (collectively "Appellants"), all of whom have been aggrieved by the LAP Permit. Each of the Appellants is adversely impacted by the dust, noise, health hazards, property devaluation, nuisance conditions and traffic conditions that will arise from the gravel mine.

[¶5] To site locations for gravel mines in Becker County, a CUP is required to be approved by the Becker County Board of Commissioners, regardless of whether the gravel is to be personally used or sold. To the contrary, the Zoning Director specifically advised the County

Board that he could personally grant approval for entities to locate and initiate gravel mines through a LAP Permit as long as they planned to use the gravel themselves and did not sell it commercially. Counsel for the Appellants objected to that on the record. A Zoning Director does not have the authority to regulate siting of gravel mines and crushing operations in the County. If he did, then his siting a gravel mining operation without any community safeguards for health, safety, noise, property valuation, dust, and road safety was arbitrary and capricious and beyond the scope of his authority as the Zoning Director. In fact, the LAP Permit at issue has no reference in it to any gravel mining or crushing and no specific reference to the northernmost 20 acres of the Developer's property where the purported gravel mine is to be located. Instead, the LAP Permit specifically allows the removal of material to the elevations and in the amounts identified on the attachments thereto, which are solely in the southernmost 70 acres of the Developer's property, which is subject to a preliminary plat for a subdivision. In short, the LAP Permit does not authorize any excavation or mining in the northern 20 acres of the Developer's land, despite the Zoning Director repeatedly advising the County Board to the contrary one day after he issued the LAP Permit. The Permit language only allows grading and filling (see page one of Exhibit A), and the attachment shows precisely what portion of the property is subject to grading and filling and at what elevation levels (see page 2-19 of Exhibit A).

[¶6] On August 5, 2025, the Becker County Board of Commissioners considered the Developer's CUP, which sought a CUP for a gravel mining and crushing operation associated with the northernmost 20 acres of the Property. At that hearing, the County Board was advised by the Zoning Director that he already issued the Developer a LAP Permit and that the Developer could mine and crush gravel for its own purposes on site with the LAP Permit

regardless of whether the County decided to issue a Conditional Use Permit. The Zoning Director and Commissioner Vareberg actively urged the County Board to issue the CUP since the County could then add safeguards and conditions that would be protective of the neighbors. Without a CUP, both Varbergs advised that there would be no limiting conditions or safeguards on the LAP Permit and the Developer could go ahead and mine all the gravel he wanted on site, at any hour, in any manner, with no neighborhood safeguards. Dovetailing the Varebergs' comments to the County Board, the Developer boldly advised the County that he would be mining the 20 acres without a CUP and crush the rock on site if for his own purposes without any safeguards if the County Board did not issue a CUP. (See County Board meeting at 3:10:50 as an example of one such exchange.) With the advice from the Zoning Director and the threat from the Developer that he would move forward with mining with the LAP Permit if there was no CUP issued, the County Board ultimately issued a CUP for Gravel Mining in favor of the Developer. The references that the Developer could start excavating a gravel mine based solely on the August 4 LAP Permit is simply untrue and that permit is not allowed to be issued pursuant to Becker County Ordinances.

[¶7] A true and correct copy of the August 5, 2025 CUP is attached hereto as Exhibit B.

[¶8] A true and correct copy of the Comments made at the County Commission meeting on July 15, 2025 can be seen at <https://youtu.be/TfxNYCqNELs?si=xwbsKzJ9wSxscKXs> and a true and correct copy of the August 5, 2025 County Commission meeting can be seen at <https://www.youtube.com/watch?v=X6ODOV91uwQ&t=8622s> .

[¶9] On August 12, 2025, Lake Eunice Township approved Prairie Lake Investments LLC's preliminary plat to create a residential subdivision in the southern 70 acres of the larger 90 acre parcel of land, identified as Becker County Parcel 170368043. There has been no final

approval of a plat for the 70 acre southern portion of the 90 acre parcel. As such, the LAP Permit could not be issued incident to the approved plat of that subdivision. Further, the 20 acres where the excavation is proposed is not part of the 70 acre preliminary plat, so the LAP Permit could not be incident to an approved plat even if the 70 acre plat was formally platted.

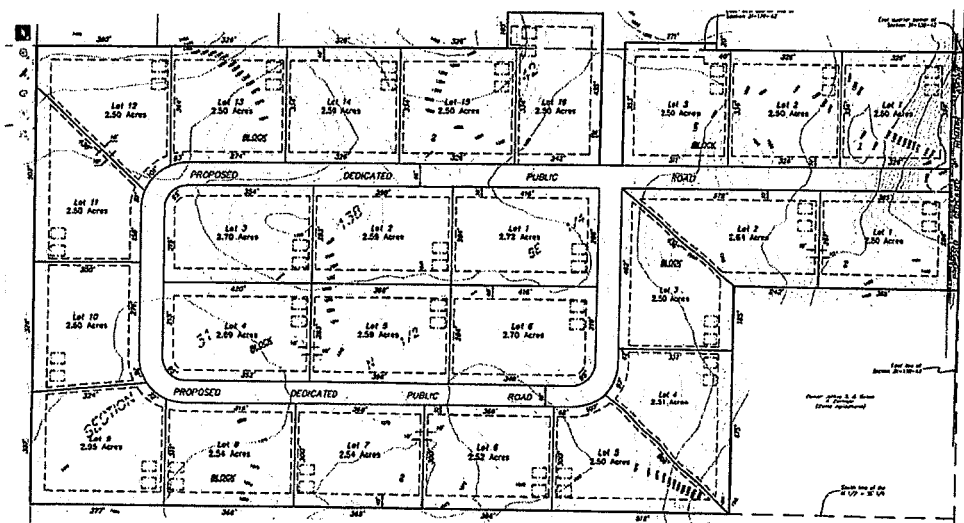
[¶10] Zoning Director Vareberg's administrative approval of the LAP Permit is challenged in this appeal as arbitrary, capricious and contrary to the law and facts. Zoning Director Vareberg had no legal authority to administratively issue the LAP Permit purportedly allowing the Developer to mine and crush all the gravel it wants to as long as it was for the Developer's own use and not for commercial sale. That is simply not consistent with the law. In fact, Becker County Ordinances, Chapter 8, Section 3(c) requires any land alteration permit moving this much material must be issued **"incident to a permitted or conditional use."** As such, the instant LAP Permit can only be issued as part of either an approved subdivision plat or a County approved CUP. The Zoning Director, on his own, does not have the legal authority to allow a new gravel mine to open or allow a developer to start excavation of material for subdivision roads without the subdivision being formally platted. In this case, on August 4, 2025, there was neither a CUP for gravel mining and crushing, nor was there an approved subdivision plat. The LAP Permit was issued administratively, without legal authority possessed by the Zoning Director. Then, at the CUP hearing, the Zoning Director used the existence of the LAP Permit as a reason that the County Board should approve the CUP, since otherwise the Developer could simply mine and crush gravel for its own use without any restrictions. This is simply not an accurate representation of the law or the facts. It begs the question of why the Zoning Director would have issued a LAP Permit with no restrictions, only to strongly urge the County Board a day later, to approve a CUP since

otherwise the Developer would have no restrictions on the gravel mining operations they would be conducting for their own gravel (based on the mistaken advice provided by the Zoning Director to the County Board.)

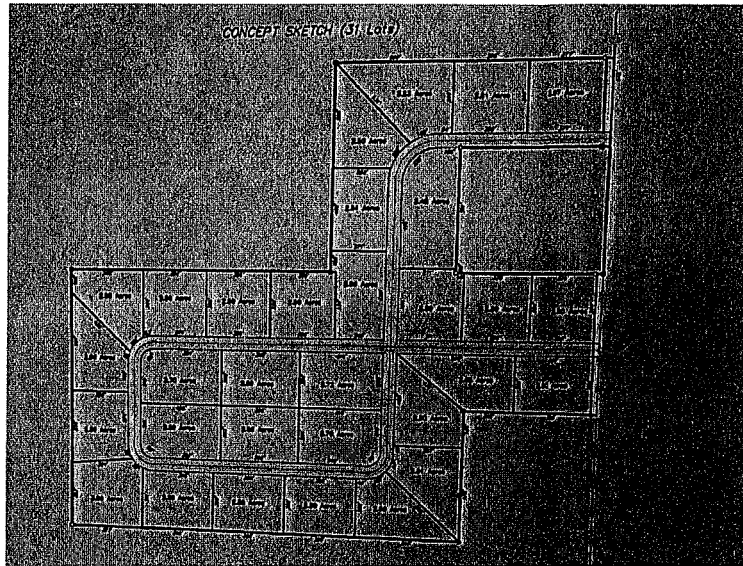
[¶11] Zoning Director Vareberg was well aware that this is a controversial issue, yet he independently issued a LAP Permit in favor of the Developer one day before the County Board meeting on the CUP to tip the scales in the Developer's favor. There would be no reason to issue a LAP Permit the day before the County Board was to consider the CUP, except in attempt to influence the outcome of the CUP Hearing. Not only was the Zoning Director's actions in excess of his legal authority, it reflects questionable judgment of the Zoning Director attempting to manipulate the County Board's decision on the CUP.

[¶12] During the CUP hearing, the Developer repeatedly stated that this gravel mining CUP was not really a gravel pit, but was part of a subdivision. (See August 5, 2025 County Board Hearing at 2:06:50;) There had been no subdivision final plat approved, so any issuance of a LAP Permit for earth moving associated with a subdivision is premature and without any legal authority. The Zoning Director should have denied any LAP Permit until a subdivision including those 20 acres was platted by the County and Township. Additionally, the excavation of gravel in this northernmost 20 acres is undisputedly for the purposes of a subdivision and not a gravel mine, so any LAP Permit should be only issued incident to a subdivision plat that includes that 20 acres. The current plat being pursued does not include the 20 acres where the Developer seeks to mine gravel, so the Developer needs to pursue a plat for that 20 acres before it can get a LAP Permit to excavate any gravel from the northern 20 acres.

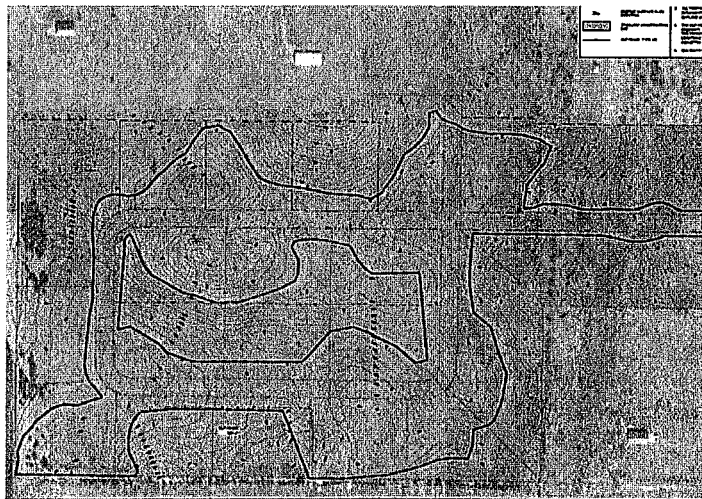
[¶13] The LAP Permit application includes the actual excavation cuts and elevations expected for grading and filling property, depicting only the southernmost 70 acres. It is concerning that the LAP Permit also says it is for grading and filling unidentified and unreferenced “future lots,” which apparently the Zoning Director may interpret to include the 20 acres on the northern end of the 90 acre parcel. While the Developer advised that they intend to develop the northern 20 acres someday, that was not included in the preliminary plat application and no LAP Permit for excavation on that property can be issued since it is not issued in conjunction with the platted subdivision. The 70 acres proposed to be platted include the following diagram:



[¶14] The Developer provided an ultimate concept to the Planning Commission that included a long-term plan that also includes platting of the northern 20 acres on top of the 70 acres, as follows:



[¶15] All attachments to the LAP Permit solely relate to the 70 acre proposed subdivision per the plat and the APEX drawings below, and does not include the 20 acres on which the gravel mining CUP was being requested. The earth moving identified in the LAP Permit is only the 70 acres identified in the plat (below) and does not include any reference to the 20 acre northern area that is otherwise proposed to be a gravel mine. So the Zoning Director's affirmations to the County Board that the LAP Permit allowed mining and crushing operations already [at the 20 acre parcel that was being requested for a CUP] is not remotely supported by the excavation drawings authorized in the LAP Permit.



[¶16] Yet, the Zoning Director advised the County Commission on August 5, 2025 that his issuance of the LAP on August 4 allowed **gravel mining and crushing** on the northernmost 20 acres of the parcel, despite not having any approved excavation plans for that in the LAP Permit attachments. There is a vague reference in the LAP Permit to “grading and filling for future building lots”, yet the attachments do not reflect any proposed excavation in the northernmost 20 acres, nor is there any reference to any mining or crushing in the LAP Permit. The Zoning Director grossly misrepresented these facts to the County Board to influence their approval of the CUP. To the extent the Zoning Director intends the LAP Permit to allow gravel mining and crushing operations in the northernmost 20 acres based upon this application and issuance of a LAP Permit, that is outside his legal authority and was not included in any of the construction drawings provided by Apex as the areas of excavation. See the Permit terms below, which do not include any mining or crushing operations on site and included no plans for any excavation on any portion of the northernmost 20 acres:

Project 1 Type: Grade and Fill	
Project 1 Type Description: Road construction for new subdivision and grade/fill for future building lots.	
Project 1 Purpose: Driveway or Road	
Project 1 Purpose Description: Road construction for new subdivision.	
Area to be Cut/Excavated:	See construction drawing from Apex.
Area to be Filled:	See construction drawing from Apex.

[¶17] It is noteworthy that through the LAP Permit, the Zoning Director authorized the excavation work depicted on its attached drawings, which included the proposed preliminary plat for a residential subdivision in the southern 70 acres, yet that authorization was well in advance of even presenting the Preliminary Plat to the the Township or County Board. How could a Zoning Director authorize excavation work for a subdivision that has not yet been

platted? He can't. Any LAP Permit can only be issued incident to (after) a final plat is approved. The LAP Permit must be vacated.

[¶18] This Developer makes it quite clear repeatedly that he does not want a gravel pit. The material he wants to remove and crush is for a subdivision. (See Becker County Board Meeting, August 5, 2025, at 2:06:05.) The Zoning Administrator should be advised that any LAP Permit can only be issued incident to a final plat on that 20 acre parcel.

[¶19] County Board Member Richard Vareberg announced during a July 15, 2025 hearing that the Applicant's gravel pit would benefit him personally financially. Despite being asked to recuse himself, he did not do so and cast the deciding vote in favor of the Conditional Use Permit. Commissioner Vareberg is a septic system installer who uses gravel in his business. He specifically stated in the July 15 hearing that this gravel pit would benefit him and his business financially, stating, "Instead of bringing a truck all the way from Richwood, which is where I have to go now because there is nobody selling gravel down in that area...There is one and that's Aggregate and that's very expensive... So there's no competition down there. So when I go down to Lake Lida, or Ida, I'm not going to have to go to Richwood to get my rock. There are so many benefits to this gravel out. It's huge." (July 15 Hearing at 2:41:42.) He also suggested that the County would be able to buy gravel if they issued the Conditional Use Permit. Despite being asked to recuse himself, Commissioner Vareberg tried to minimize how much gravel he buys, despite a conflict of interest.

[¶20] Upon information and belief, Commissioner Vareberg is the father of Zoning Director Vareberg. Due to the close familial relationship and the fact that Commissioner Vareberg admitted he would financially benefit from the Developer's gravel pit, Zoning Director

Vareberg should not have been involved in the Developer's application for a CUP nor should he have issued the LAP Permit that would financially benefit his father.

[¶21] It may also be relevant that the Developer was a long-term member of the Becker County Planning Commission until he proposed the development that is subject to this dispute. Just because someone sat on the Planning Commission should not cause anyone to stretch legal authority or attempt to unduly influence a County Board's decision.

[¶22] The Appellants appeal all issues of law and fact relating to the LAP.

WHEREFORE, Appellants pray for judgment determining that:

1. The approval of the LAP was arbitrary, capricious and otherwise not in accordance with the law, since it was not issued pursuant to a Conditional Use Permit nor platted subdivision, as required by Becker County Ordinance.
2. Zoning Director Vareberg has a conflict of interest given the relationship with his father and should have referred this matter to another County's Planning Director to handle this controversial set of applications for the Petition for an EAW, the Conditional Use Permit and the Plat Hearings.
3. The LAP Permit be terminated and vacated.
4. For such other relief that is warranted on these facts.

Dated August 29, 2025.

VOGEL LAW FIRM

/S/ TAMI L. NORGARD

BY: Tami L. Norgard (#0262237)

218 NP Avenue

PO Box 1389

Fargo, ND 58107-1389

701.237.6983

Email: tnorgard@vogellaw.com

ATTORNEY FOR APPELLANTS

EXHIBIT A



Becker County Planning & Zoning
915 Lake Ave
Detroit Lakes, MN 56501
(218) 846-7314
www.co.becker.mn.us

Land Alteration Permit

Permit #: LALT2025-359

Owner & Property Information

Parcel #:	170368043	Site Address:	Helmark Ave
Owner Name:	PRAIRIE LAKE INVESTMENTS LLC	Township - Sec/Twp/Rng:	LAKE EUNICE - 31/138/042
Mailing Address:	PRAIRIE LAKE INVESTMENTS LLC 2604 LONG LAKE RD DETROIT LAKES MN 56501	In Shore Impact Zone?	No
Phone #:	218-841-9791	Lake/River Name/Class:	
		Distance from OHW:	N/A

Project Summary

Authorized Agent (if any):		Project Start-End Date:	08/05/2025-08/04/2026
Project 1 Type: Grade and Fill		Project 2 Type:	
Project 1 Type Description: Road construction for new subdivision and grade/fill for future building lots.		Project 2 Type Description:	
Project 1 Purpose: Driveway or Road		Project 2 Purpose:	
Project 1 Purpose Description: Road construction for new subdivision.		Project 2 Purpose Description:	
Area to be Cut/Excavated:	See construction drawing from Apex.	Erosion Control Method 1:	Seed & Mulch
Area to be Filled:	See construction drawing from Apex.	Erosion Control Method 2:	
Type of Fill Material:	Gravel	Erosion Control Additional Info:	See construction drawing from Apex.
Total Cubic Yds Moved:		Additional Projects/Info/Summary:	Applicant is responsible to obtain any required permits from the MPCA or other applicable agencies.

Becker County Planning & Zoning Approval

Notes: Applicant is responsible to acquire all required permits from the MPCA and any other applicable agencies.		Zoning Office Signature:
Date Approved:	08/04/2025	
Permit Fee:	\$100.00	
Receipt Number:	1047	
Date Paid:	08/04/2025 3:18 PM CDT	

PERMIT MUST BE POSTED AT JOB SITE!
PERMIT EXPIRES ONE YEAR FROM DATE PAID!

BECKER
AUDUBON

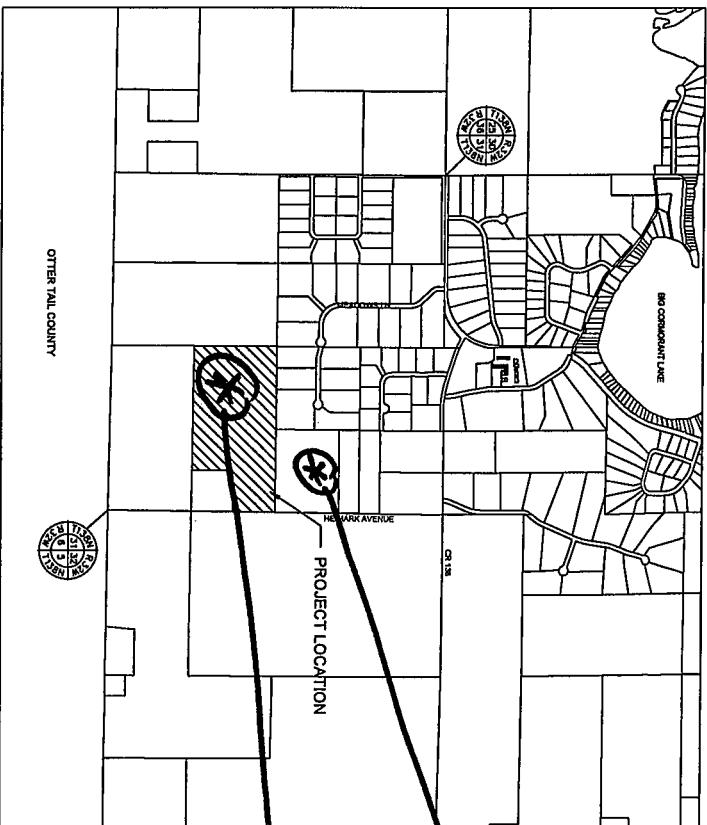
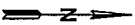
EXISTING PLAN SYMBOLS

SECTION LINE	①
RIGHT-OF-WAY LINE	②
BASEMENT LINE	③
FENCE	④
PAVING - STREET, SIDEWALK	⑤
WATER, SEWER, ELECTRIC	⑥
TELEPHONE	⑦
RAILROADS	⑧
POWER OPTIC	⑨
POWER CABLE	⑩
UNDERGROUND POWER	⑪
0-5	⑫
CARS & TRUCKS - EXISTING	⑬
COMMUNICATIONS MANHOLE	⑭
ELECTRICAL MANHOLE	⑮
SEWER MANHOLE	⑯
STORM MANHOLE	⑰
HYDRANT	⑱
DATE VALVE	⑲
INLET	⑳
STREET SIGN	\u2193
POWER POLE	\u2194
STREET LIGHT	\u2600
TRAIL	\u2600
UTILITY TRANSFORMER	\u2600
ADJACENT	\u2194

IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN MPCA STORMWATER PERMIT(S) PRIOR TO ANY CONSTRUCTION ACTIVITY.

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL COVER, AS MODIFIED BY THE PROJECT SPECIFICATIONS AND SPECIAL PROVISIONS.

NO SCALE



LOCATION MAP

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL "D". THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CAVIS 38-22, ENTITLED "STANDARD GUIDELINES FOR THE INVESTIGATING AND DOCUMENTING EXISTING UTILITY DATA".

Apex
Engineering Group

**Bismarck - Detroit Lakes
Dickinson - Fargo - St. Cloud
520 McKinley Ave
Detroit Lakes, Minnesota 56501
Office: 218-844-2580
www.apexengrroup.com**

SHEET NO.	TITLE
01	COVER SHEET
02-05	STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
06	GENERAL DETAILS
07-08	SITE GRADING PLAN
09-10	STREET PROFILES
10-16	CROSS SECTIONS

APPELLANT
COUNSEL:
ADDED NOTE: where
20 Acres CUP
gravel mining
is located.

— 70 ACRES
where preliminary
plat for subdivision
AND this LAP
References.

THIS PLAN CONTAINS 18 SHEETS

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

Signature/Engineer / Apex Engineering Group, Inc.

Name - Engineer / Apex Engineer

7/30/2025
Date
47561
License No.

SJR	JSO, JAB	JSO
DRAWN BY	CHECKED BY	APPROVED BY

25.698.0130

L:\Projects\2025\25.698.0130 - Prairie Lake Investments\Design\Drawings\25.698.0130 - A - COVER SHEET.dwg

1

Apex-
Engineering Group

800 MacOrsley Ave.
Detroit Lakes, Minnesota 56601
Office: 218-844-2565
www.apwatergroup.com

Project # 25,000,013
Date AUGUST 1, 2025
By SA

REVISIONS

Sl. No.	Description	

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

DATE 1/28/2025 LICENSE NUMBER 475

PRAIRIE LAKE INVESTMENT

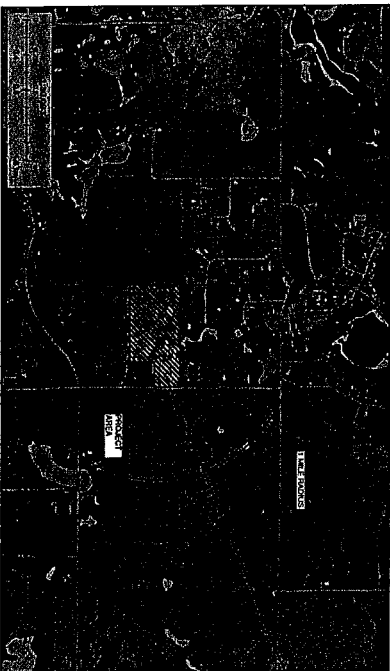
GENERAL NARRATIVE

Sheet:

02 OF 18

Drawing 25.698.0130 - SWPP

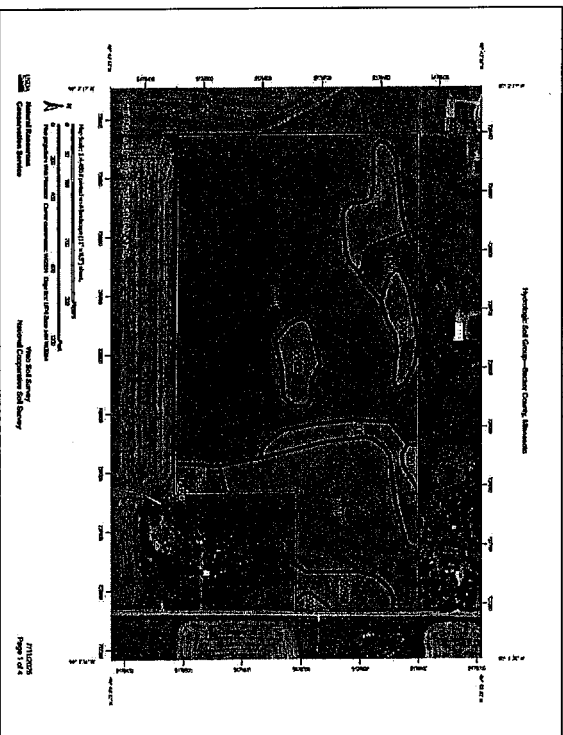
1

Prairie Lake Investments

July 11, 2025	
Wetlands	
25	Estuarine and Marine Deposit
26	Estuarine and Marine Wetland
27	Freshwater Emergent Wetland
28	Freshwater Forest/Shrub Wetland
29	Freshwater Pond
30	Riverine
31	Lake
32	Other

NATIONAL WETLAND INVENTORY MAP (5.10)

THE BECKER COUNTY HAS DETERMINED THAT THE SUPPOSED EXISTING WETLANDS SHOWN ON SITE, ARE NOT WETLANDS AND CAN BE DISTURBED.



NIPCS WEB SOIL SURVEY MAP (5.9)

GENERAL SOIL NOTES

- [illegible]

Apex
Engineering Group

Blumhark - Detroit Lakes
Hedstrom - Fargo - St. Cloud
920 McCarty Ave.
Detroit Lakes, Minnesota 56501
Office: 218-844-2586
www.apexsteelgroup.com

Agree Project # 25-6582-0130
 Date: AUGUST 1, 2005
 Drawn By: SJR
 Checked By: JSD, JAB
 Approved By: JSD

REVISIONS		
Issue #	Description	Date

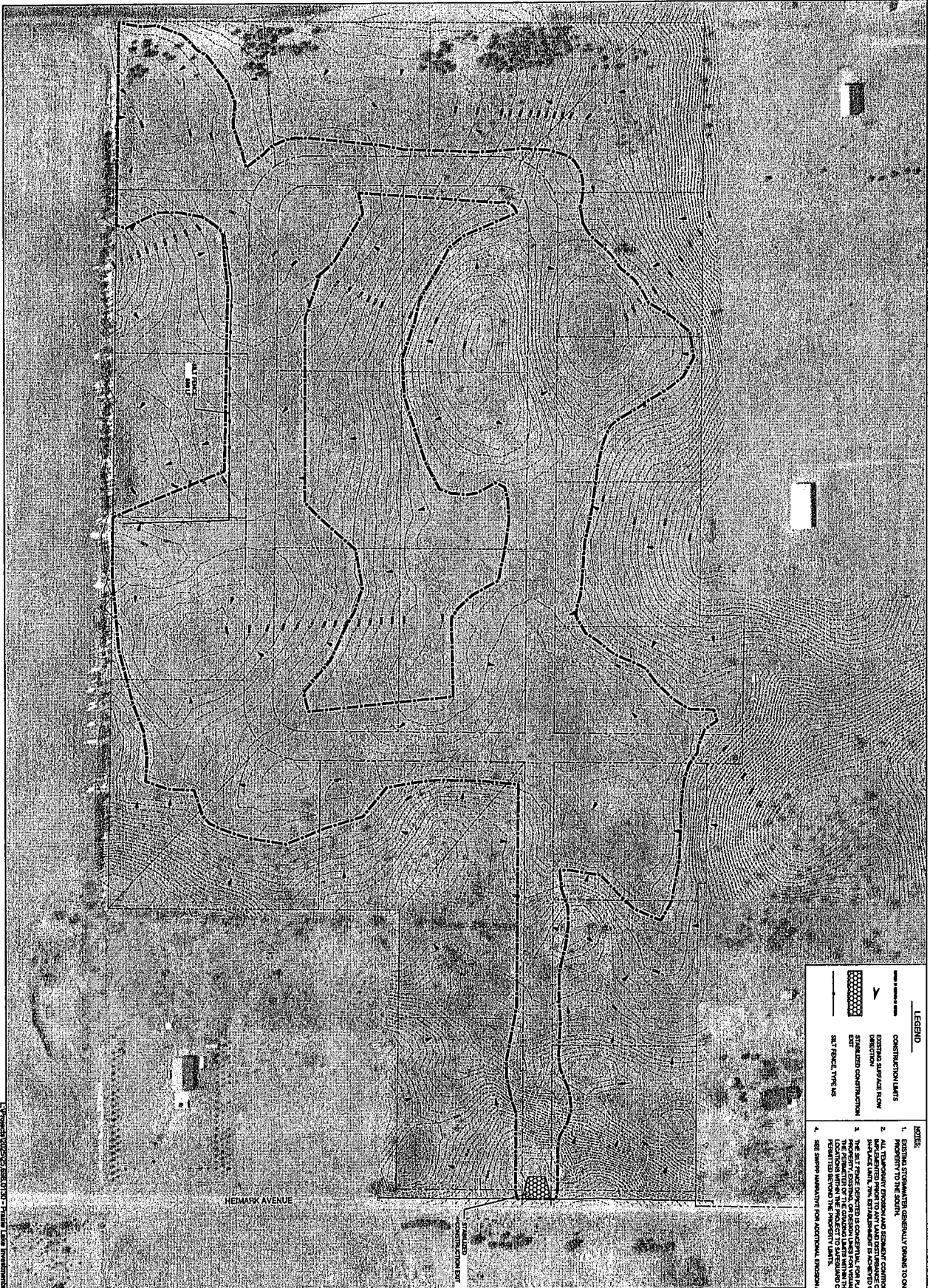
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Mississippi.

Print Name: Jonathan S. Olson

Signed: [Signature]

Date: 8/1/2005 License Number: 47561

Sheet:
03 OF 18



LEGEND

EXISTING CONSTRUCTION LIMITS

EXISTING SURFACE FLOW DIRECTION

PROPOSED CONSTRUCTION LIMIT

PROPOSED TYPE 1/2

- NOTES:**
- EXISTING SETBACKS ARE GENERALLY BASED ON ONE OF THE LOW AREAS ON SITE ON THE EXISTING PROPERTY TO THE SOUTH.
 - ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THIS SHEET SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBANCE ACTIVITIES AND SHALL REMAIN IN PLACE UNTIL THE PROJECT IS COMPLETED.
 - THE SETBACKS SHOWN ARE CONSERVATIVE. IF ANY CLARITY REMAINS IT MAY BE CLEARED FROM THE PROPERTY. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBANCE ACTIVITIES AND SHALL REMAIN IN PLACE UNTIL THE PROJECT IS COMPLETED.
 - SEE SHEET INDICATIVE FOR ADDITIONAL EROSION AND SEDIMENT CONTROL REQUIREMENTS.

Apex4
Engineering Group

Bismarck - Detail Lakes
Dakota - Fargo - St. Cloud

200 Main Ave
St. Cloud, MN 56301
Phone: 218.444.2200
www.apex4eng.com

Apex Project # _____ 20180720

Date: _____ AUGUST 1, 2022

Drawn By: _____ SLM

Checked By: _____ JLO, JAB

Approved By: _____ JLO

REV	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	08/01/22

Landmark Survey Data has been updated and is available for review. The survey was conducted on 08/01/22 and the data was updated on 08/01/22. The survey was conducted by Apex4 Engineering Group and the data was updated by Apex4 Engineering Group.

Print Name: _____ J. Cloud

Signature: _____

Date: _____ 08/01/22 License Number: _____ 0781



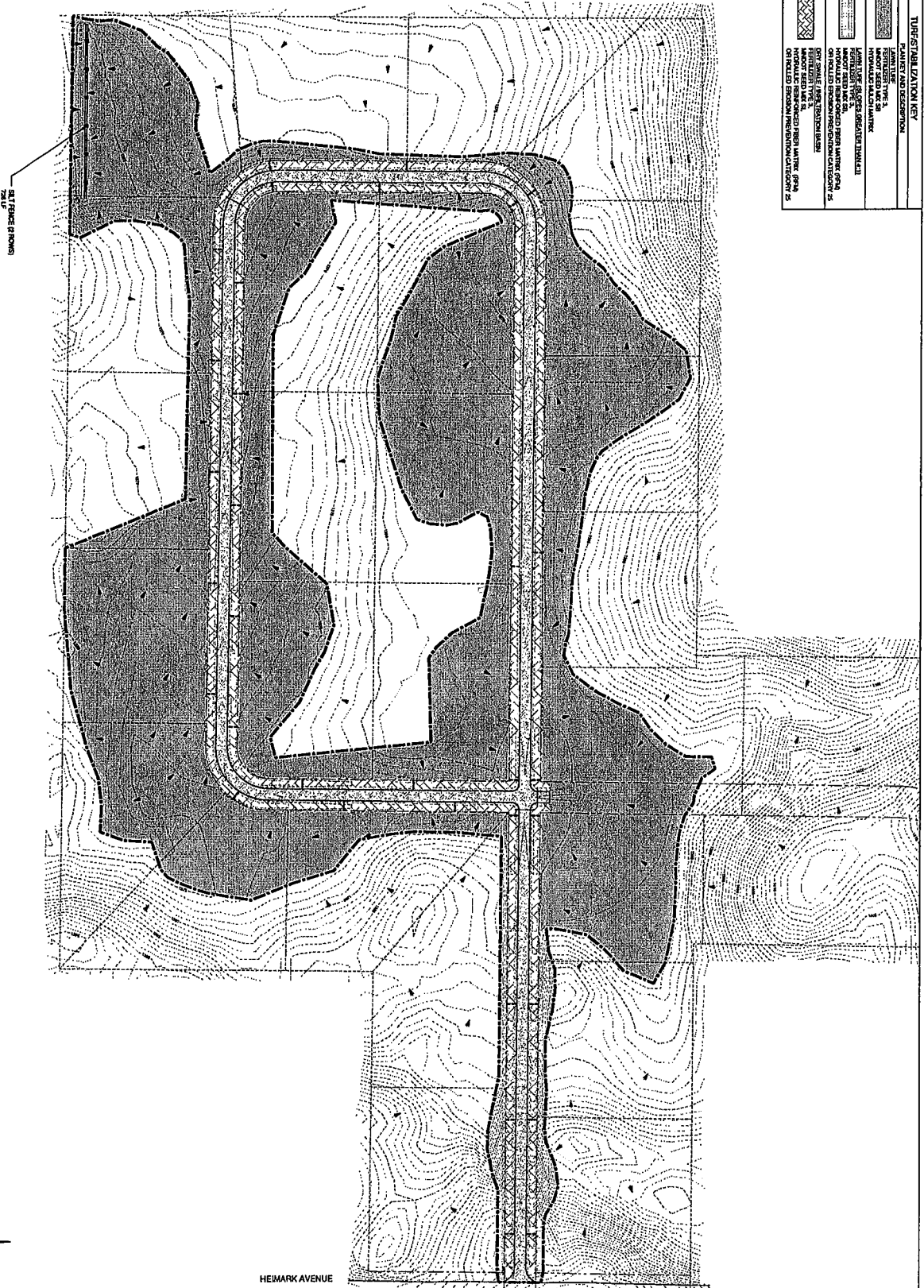
PRairie Lake Investments

SWPPP
TEMPORARY EROSION AND
SEDIMENT CONTROL PLAN

Sheet:
04 OF 18

C:\projects\2022\08\01\22\PRairie Lake Investments\SWPPP\TEMPORARY EROSION AND SEDIMENT CONTROL PLAN - SWPPP-04.dwg

TYPE/STABILIZATION KEY	
	EROSION CONTROL
	RIPRAP
	GRAVEL
	SAND
	CLAY
	SILT
	ORGANIC MATTER
	FERTILIZER
	HERBICIDE
	PESTICIDE
	INSECTICIDE
	FUNGICIDE
	RODENTICIDE
	MOLLUSCICIDE
	NEMATOCIDE
	ANTIFUNGAL
	ANTIBACTERIAL
	ANTIVIRAL
	ANTI-PARASITIC
	ANTI-CANCER
	ANTI-COAGULANT
	ANTI-THROMBOTIC
	ANTI-SPASMODIC
	ANTI-CHOLINERGIC
	ANTI-HISTAMINIC
	ANTI-DEPRESSANT
	ANTI-PSYCHOTIC
	ANTI-ANXIOLYTIC
	SEDATIVE
	HYPNOTIC
	ANESTHETIC
	ANALGESIC
	ANTI-PYRETIC
	ANTI-FEVER
	ANTI-TUSSIVE
	ANTI-COUGH
	ANTI-DIARRHEAL
	ANTI-SPASMODIC
	ANTI-CHOLINERGIC
	ANTI-HISTAMINIC
	ANTI-DEPRESSANT
	ANTI-PSYCHOTIC
	ANTI-ANXIOLYTIC
	SEDATIVE
	HYPNOTIC
	ANESTHETIC
	ANALGESIC
	ANTI-PYRETIC
	ANTI-FEVER
	ANTI-TUSSIVE
	ANTI-COUGH
	ANTI-DIARRHEAL



PROJECT: 2020-2021 PRAIRIE LAKE INVESTMENTS - EROSION CONTROL - SWPPP - 18

1. STORMWATER WILL BE DRAIN TO THE PROPOSED ROAD DITCH BATTERY LOT WILL DRAIN TO AN INLETATION BASIN.
2. NORMAL, WETTED PERMITTER OF OTHERS AND SHALL BE ESTABLISHED WITHIN 24 HOURS OF PERMITTING. THE PERMITTER SHALL BE NOTIFIED BY THE PERMITTING AGENCY. THE PERMITTER SHALL BE NOTIFIED BY THE PERMITTING AGENCY.

Apex
Engineering Group

Bismarck - Daniel Lakes
Oxbow - Fargo - St. Cloud
Dakota Lakes, Minnesota 55001
Phone: 218.444.2200
www.apexengr.com

Apex Project #: 2020-2021
Client: ALBERT 1, 2021
Drawn By: JAS
Checked By: JAS
Approved By: JAS

REVISIONS	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

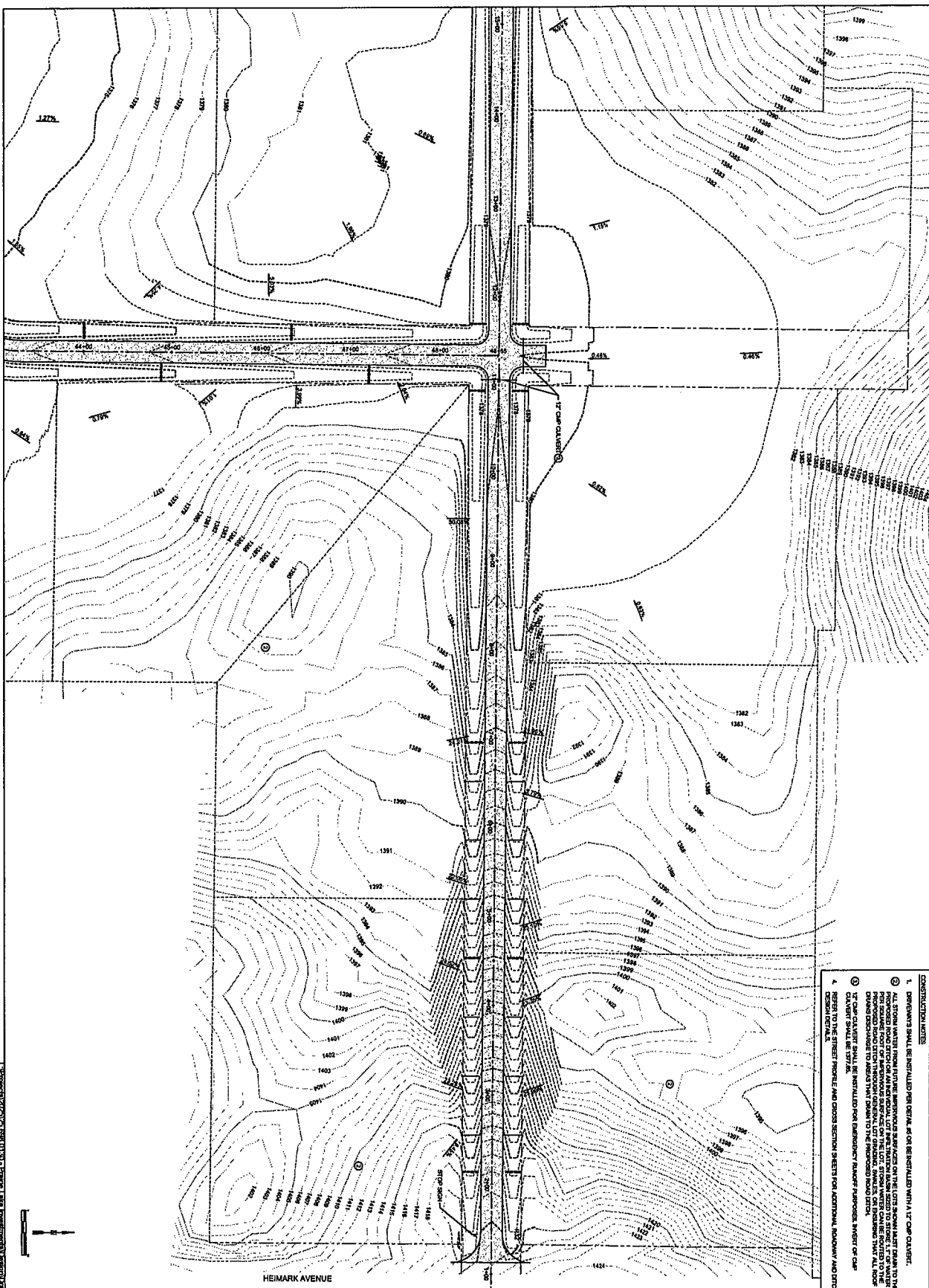
Project Name: Daniel Lakes
Client: ALBERT 1, 2021
Drawn By: JAS
Checked By: JAS
Approved By: JAS

LEGEND
SURFACE FLOW DIRECTION
CONSTRUCTION LIMITS
DITCH CHECK
SILT FENCE, TYPE 1A

PRAIRIE LAKE INVESTMENTS

SWPPP
PERMITTING AND
SEDIMENT CONTROL PLAN

Sheet:
05 OF 18



- [illegible]

EARTHWORK SUMMARY*		
CUT	FILL	NET
54,096 CU YD	73,283 CU YD	FILL - 20,227 CU YD

*A FILL FACTOR OF 1.2 WAS USED WHEN CALCULATING THE EARTHWORK QUANTITIES.

Apex
Engineering Group

**Bismarck - Detroit Lakes
Dickinson - Fargo - St. Cloud**
320 McChesney Ave
Detroit Lakes, Minnesota 56601
Office: 218-844-2560
www.agencygroup.com

Agree Project # 25-608,0120
 Date AUGUST 1, 2025
 Drawn By SJR
 Checked By SJO, JAB
 Approved By SJO

REVISIONS		
Issue #	Description	Date

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

Print Name: Jonathan S. Olson

Signature: [Signature]

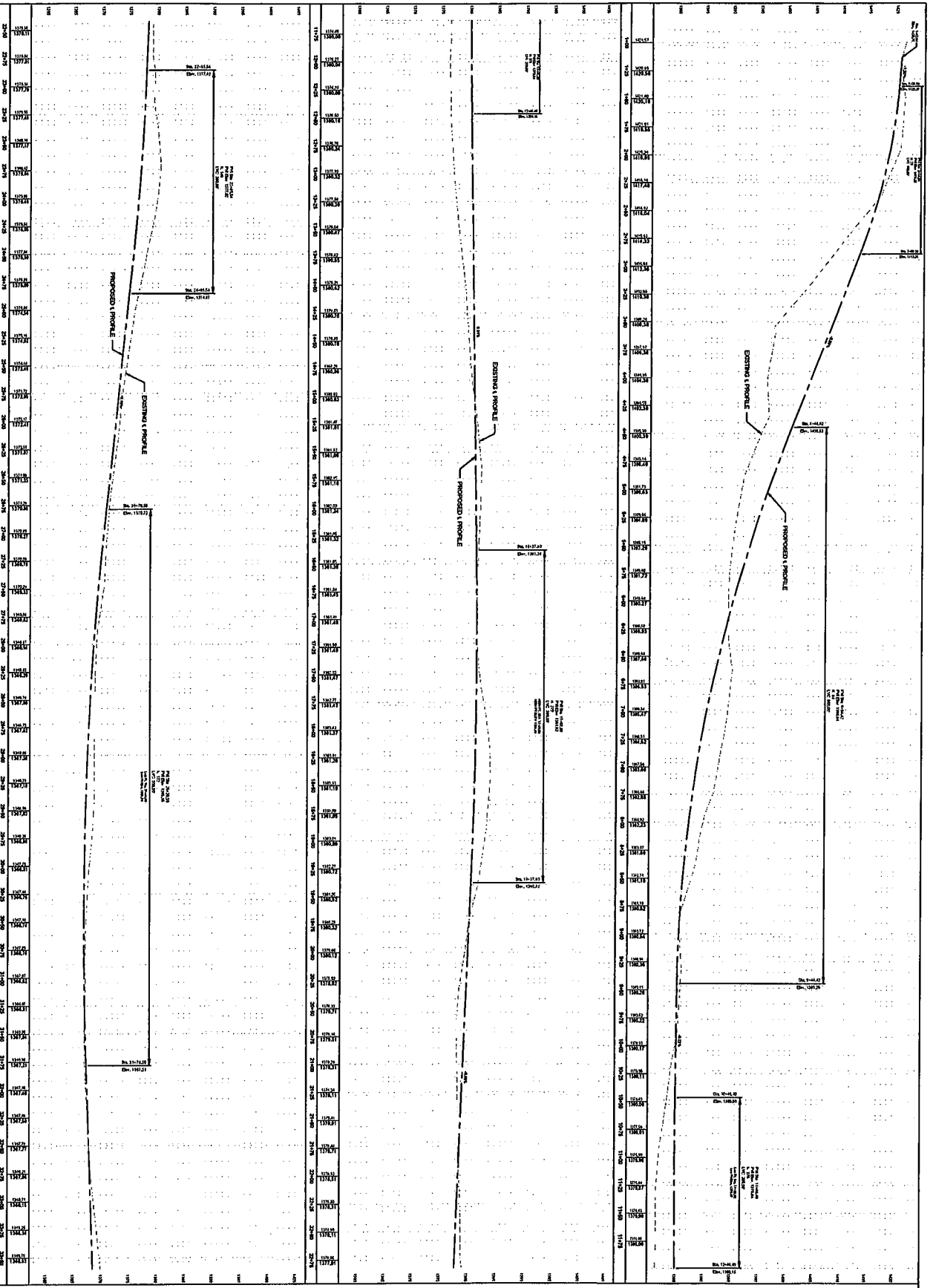
Date: 6/17/2015 License Number: 47961

LEGEND

	X-BOX		SLOPE
	1500		CONTOUR ELEVATION
	DITCH CHECK		GRAVEL
	OUTLET		SWALE

PRAIRIE LAKE INVESTMENTS

Sheet:
07 OF 18



Apex Engineering Group
 Bureau - Detroit Lakes
 1000 Jackson Ave
 Detroit Lakes, MN 56501
 Office: 218.844.2500
 www.apexengr.com

Project Information

Project Name: ALBERTA 1, 2025

Drawn By: SAT

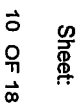
Checked By: MO, JAB

Approved By: MO

Scale: AS SHOWN

Date: 8/20/25

Sheet: 09 OF 18



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STREET PROFILES

PRAIRIE LAKE INVESTMENTS

Apex
Engineering Group

Blamarch - Detroit Lakes
Dickinson - Fargo - St. Cloud
620 McKinley Ave
Detroit Lakes, Minnesota 56507
Office: 218-844-2580
www.springsongroup.com

Agree Project # 25-688-0139
 Date: AUGUST 1, 2005
 Drawn By: SAR
 Checked By: SSO, JAB
 Approved By: SSO

[illegible]

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

Print Name: Jonathan S. Olson

Signature: [Signature]

Date: 2/17/2025 License Number: 47561

Apex-2
Engineering Group

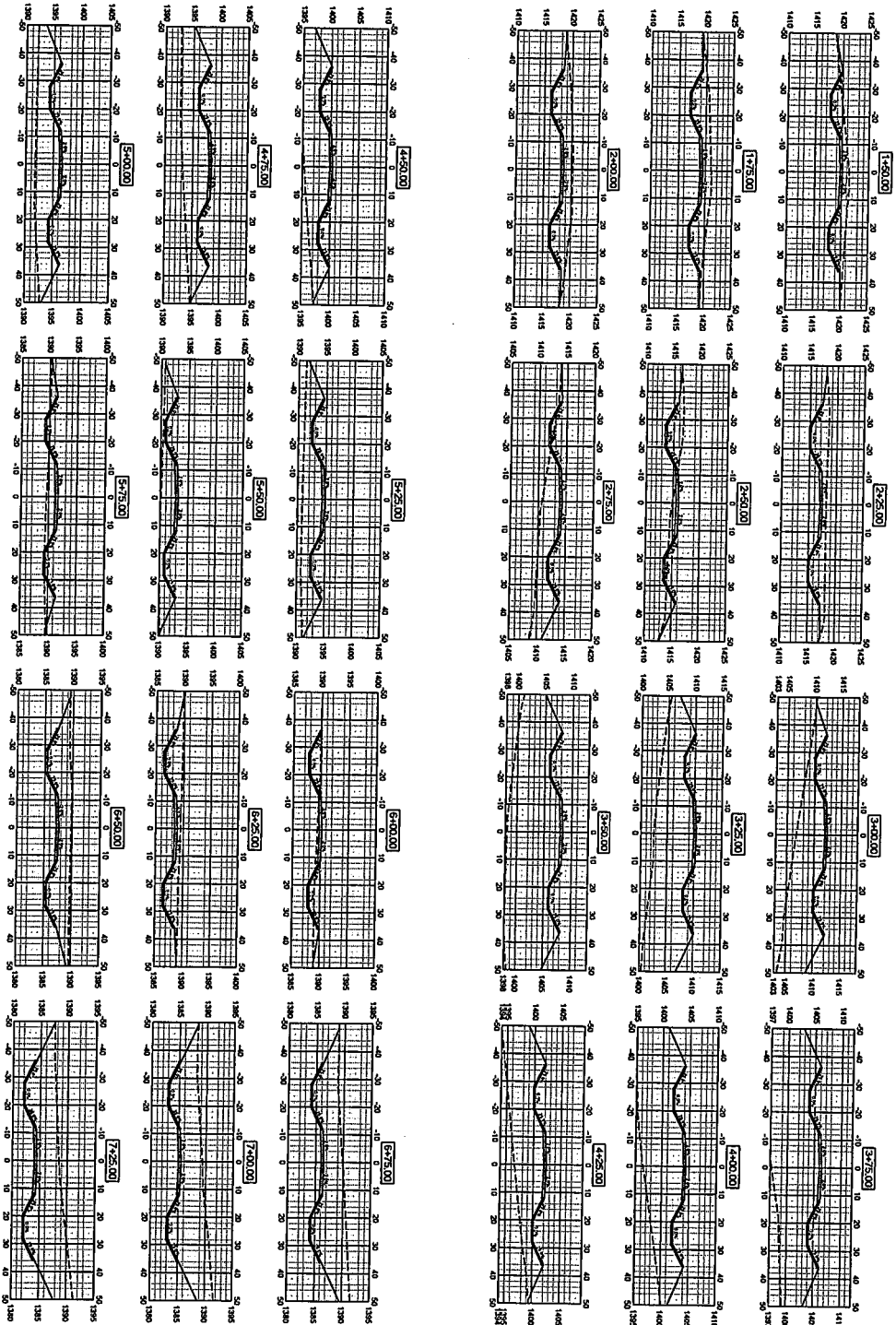
Bismarck - Derek LaRue
Dickinson - Fargo - St. Cloud
Grand Forks - Minn. - Moorhead
Duluth - Lake Superior
Office: 218.844.2200
www.apex2eng.com

Apex Project # 20-000-0732
Date: AUGUST 11, 2025
Drawn By: JMS
Checked By: JMS
Approved By: JMS

REVISIONS	DATE	DESCRIPTION

I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota. I will be the person responsible for the design of this project.

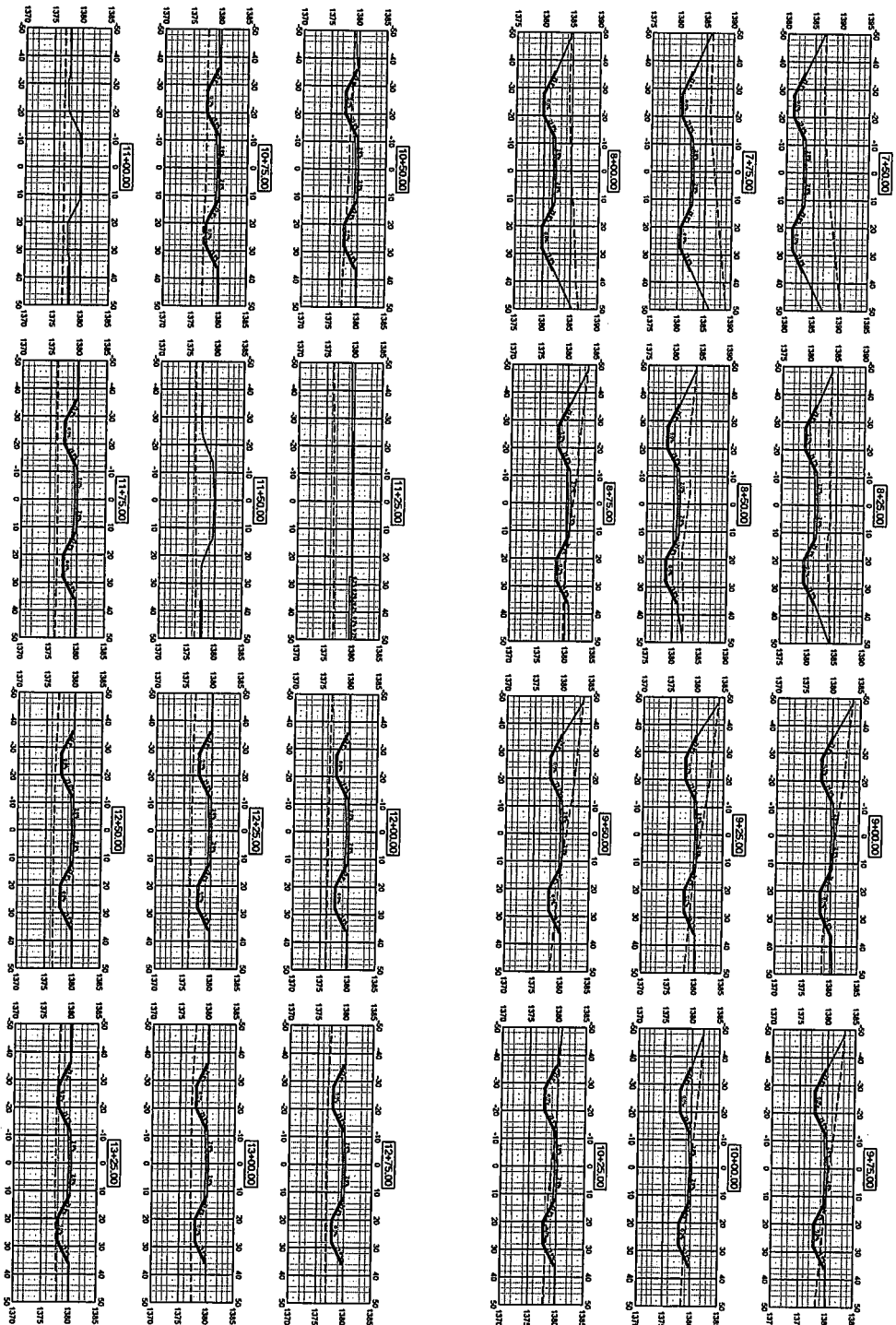
Print Name: Jonathan G. Chubb
Signature: *[Signature]*
Date: 8/11/2025 License Number: 22951



PRairie Lake Investments

CROSS SECTIONS

Sheet:
11 OF 18



Apex
Engineering Group

Blomquist - Detroit Lakes
Duckhorn - Fargo - St. Cloud
Detroit Lakes, Minnesota 56501
Phone: 218-844-2200
www.apexengr.com

Apex Project # 20-088-0722
Date: AUGUST 1, 2025
Drawn By: JLS
Checked By: JLS
Approved By: JLS

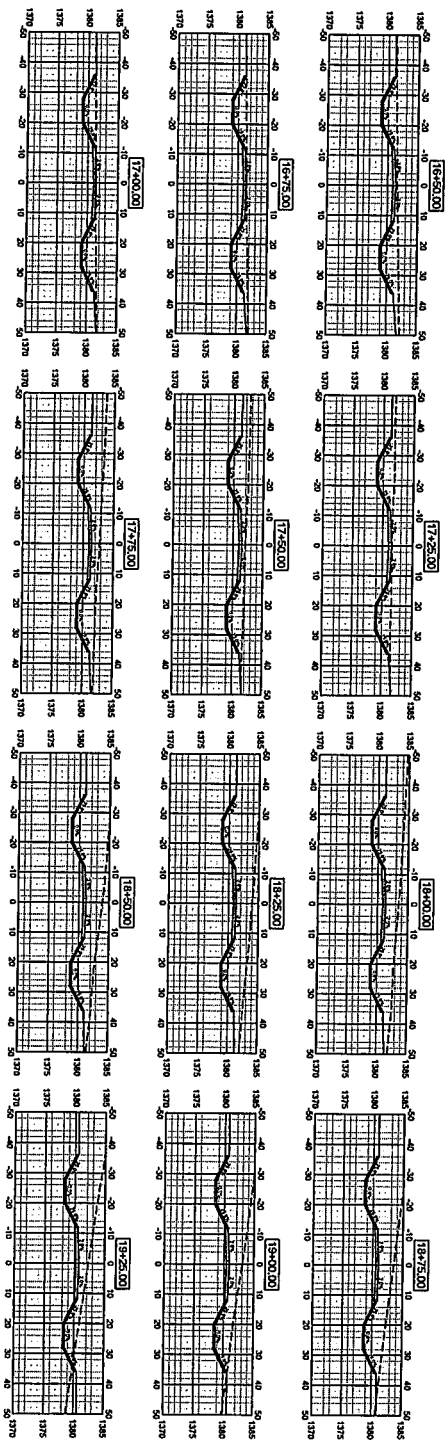
REVISIONS

I hereby certify that this engineering report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Print Name: JAMES T. CHASE
Signed: [Signature]
Date: 8/2/2025, License Number: 07951

PRairie Lake Investments

CROSS SECTIONS

Sheet:
12 OF 18



Sheet:
13 OF 18

CROSS SECTIONS

PRAIRIE LAKE INVESTMENTS

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

Print Name: Jonathan S. Olson

Signature: [Signature]

Date: 9/12/05 License Number: 47561

REVISIONS		
Issue #	Description	Date

Apex Project #: 25.680.0120
 Date: JULY 1, 2025
 Drawn By: SLR
 Checked By: JSO, JAB
 Approved By: JSO

Apex
Engineering Group

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Dickinson - Fargo - St. Cloud
520 Midway Ave
Detroit Lakes, Minnesota 56601
Office: 218-844-2590
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Apex
 Engineering Group
 Brimack - David Lakes
 Dickerson - Fargo - St. Cloud
 803 Marbury Ave
 Duluth, Minnesota 55801
 Office 218.444.2260
 www.apexeng.com

Apex Project # 25,880,0250
 Date: AUGUST 1, 2005
 Drawn By: S.B.
 Checked By: J.D.
 Approved By: J.D.

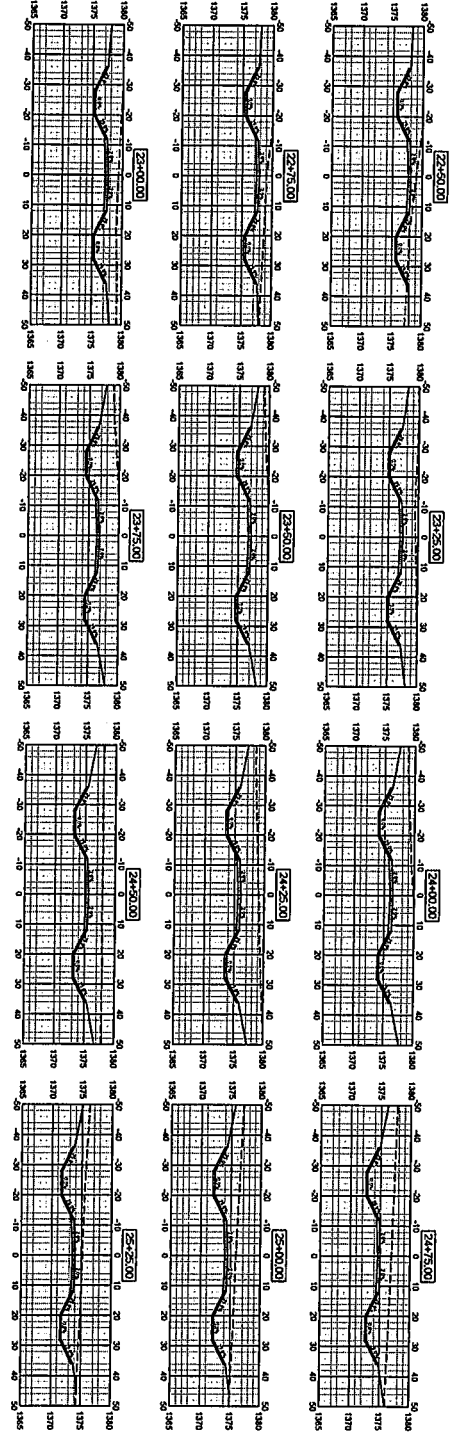
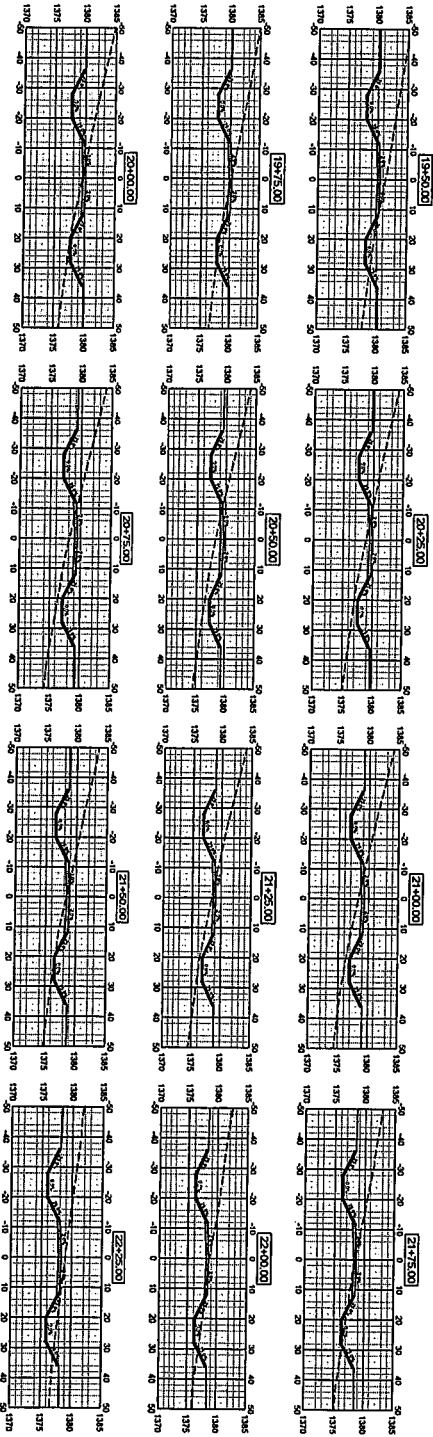
REVISIONS	
Rev #	Description

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed and Registered Engineer under the laws of the State of Minnesota.
 Print Name: Jonathan S. Olson
 Signature: 
 Date: 8/2/05 License Number: 47951

PRIVATE LAKE INVESTMENTS

CROSS SECTIONS

Sheet:
 14 OF 18



Apex
Engineering Group

Bismarck - Daniel Lakes
Dickinson - Fargo - St. Cloud
Grand Forks - Minot - Moorhead
Office: 218-844-4200
www.apexengr.com

Apex Project # 28-08-0732
Date: 10/15/11
Drawn By: S.E.
Checked By: J.E.
Approved By: J.E.

Revision	Description
1	Issue

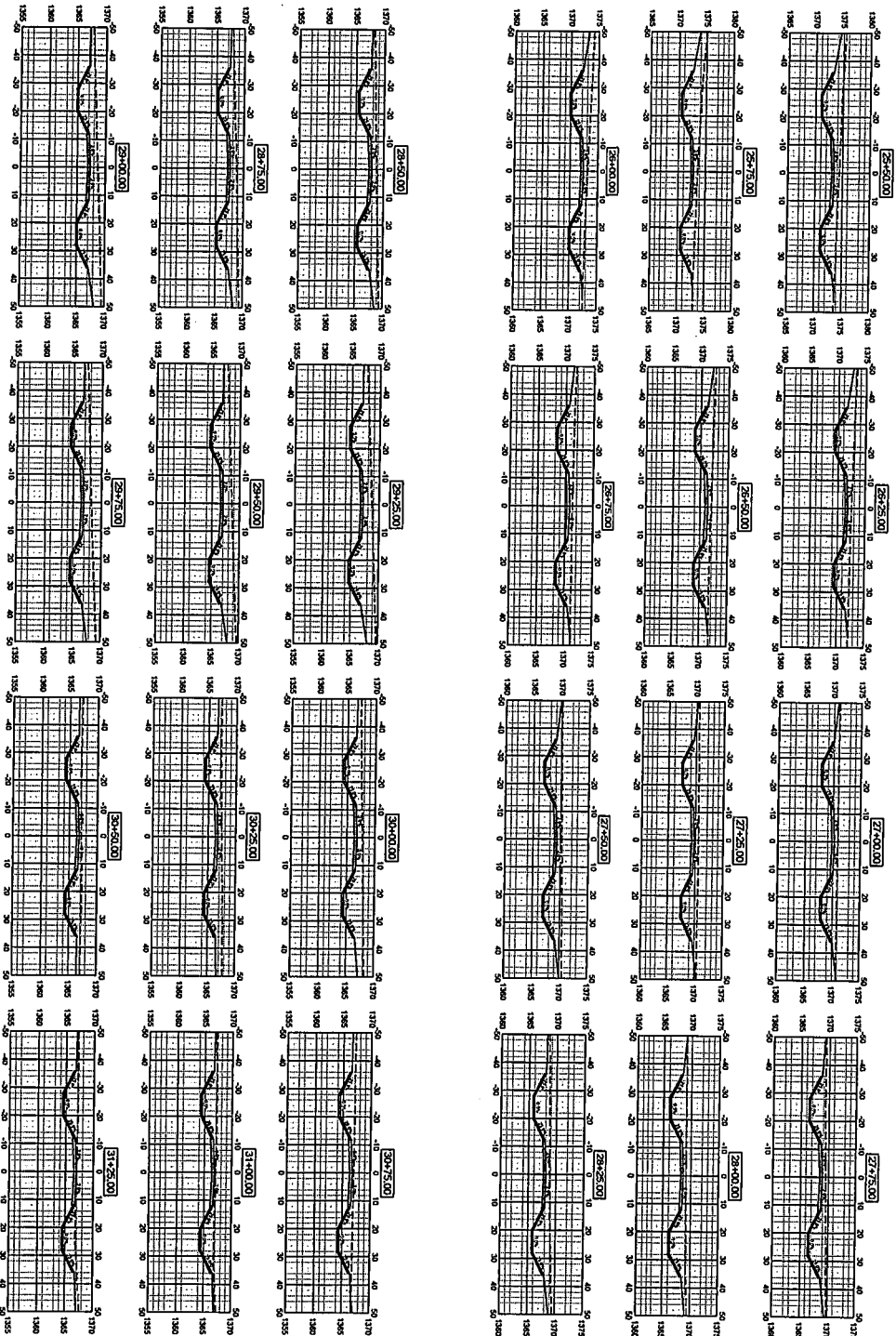
I hereby certify that this is a true and correct copy of the report as prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Print Name: Jonathan E. Olson
Signature: [Signature]
Date: 10/15/11 License Number: 07951

POINTE LAKE INVESTMENTS

CROSS SECTIONS

Sheet:

15 OF 18



Apex
Engineering Group

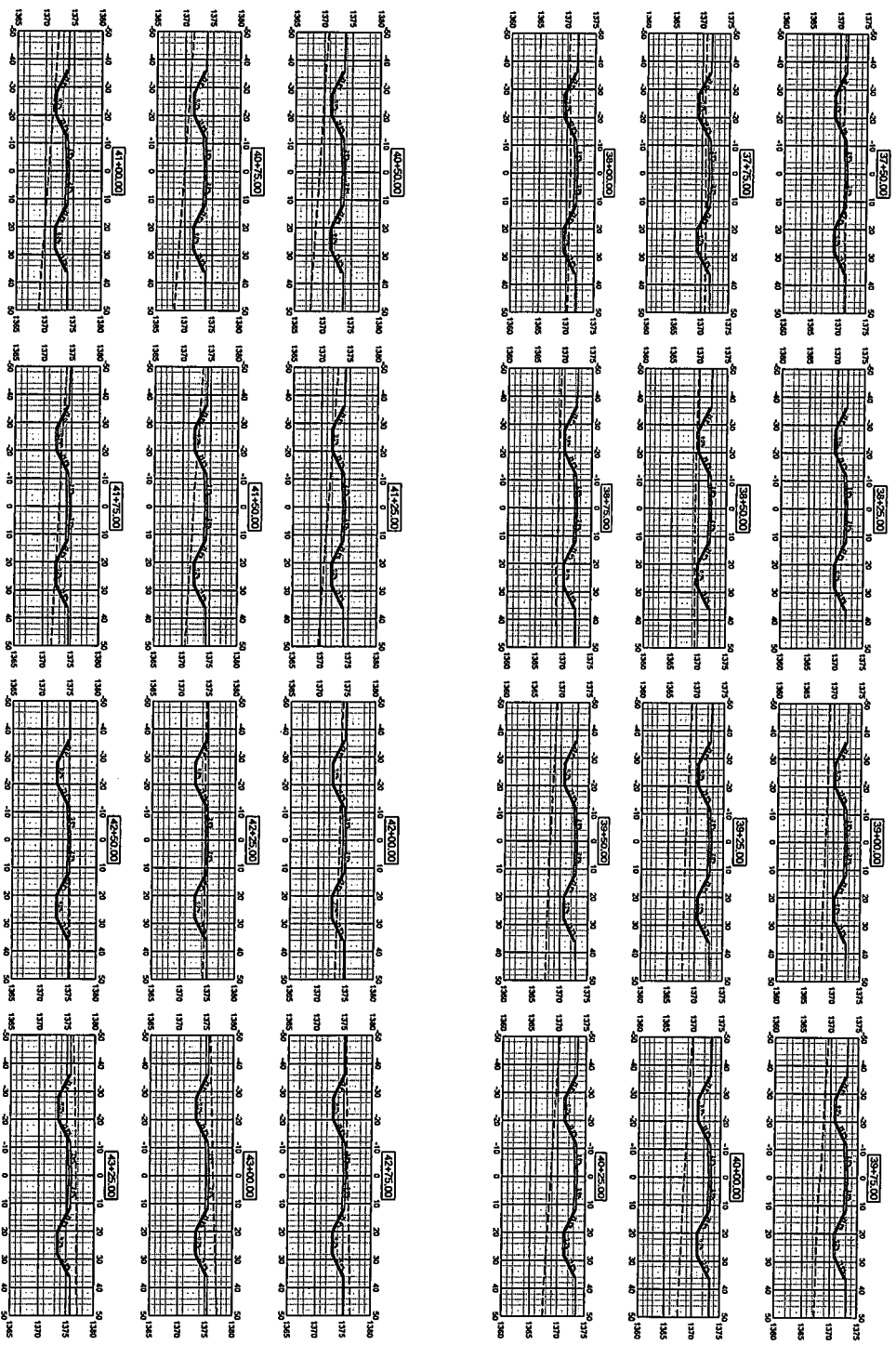
Branch - Detroit Lakes
Dekker - Papp - St. Clair
603 Main Street
Detroit Lakes, Minnesota 56601
Office: 218-844-2500
www.apexengr.com

Apex Project # _____ ALBERT 1, 2005
 Date: _____
 Drawn By: _____
 Checked By: _____
 Approved By: _____

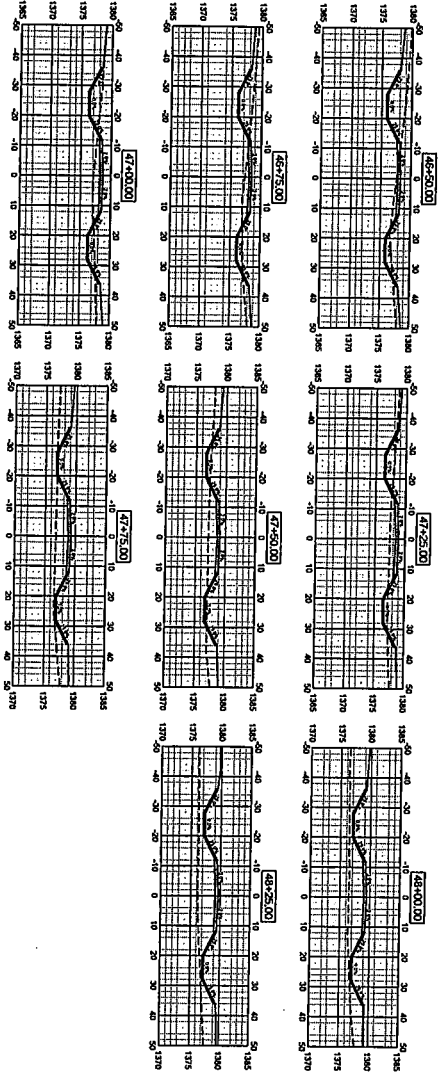
Rev	Description	Date

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

Print Name: _____
 License No.: _____
 Date: 3/10/05 License Number: 47551



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Sheet:
18 OF 18

CROSS SECTIONS

PRAIRIE LAKE INVESTMENTS

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

Print Name: Jonathan E. Olson

Signature: [Signature]

Date: 8/21/2005 License Number: 4756

REVISIONS		
Issue #	Description	Date

Apex Project # 25,680,0130
 Date AUGUST 1, 2025
 Drawn By: SAR
 Checked By: JSO, JAB
 Approved By: JSO

Apex
Engineering Group

Bismarck - Detroit Lakes
Dickinson - Fargo - St. Cloud
520 Broadway Ave
Detroit Lakes, Minnesota 56501
Office: 218-844-2580
www.apexengrpgroup.com

EXHIBIT B

FINDINGS OF FACT AND DECISION OF THE BECKER COUNTY BOARD ON PRAIRE LAKE INVESTMENTS' CUP APPLICATION

1. By application dated May 15, 2025 ("application"), Prairie Lake Investments LLC ("Prairie Lake") requested a Conditional Use Permit ("CUP") to allow for operation of a mine consisting of 20 acres within approximately 90 acres of land in Section 31, Township 138, Range 042 in Becker County. The proposed site is in Lake Eunice Township in Becker County. The application was deemed complete on May 22nd, 2025, when Prairie Lake submitted its application fee.
2. On May 28, 2025, the Becker County Planning Commission ("Commission") held a public hearing on the application. Prairie Lake was represented at the hearing by contractor Torrey Sonnenberg. Several members of the public spoke or submitted written comment in opposition to the project.
3. Following the public hearing, the Commission discussed the application and the CUP criteria in the Becker County Zoning Ordinance. The Commission passed a motion to recommend approval of the CUP to the Becker County Board of Commissioners ("Board") and to reconvene to consider conditions and findings of fact consistent with the Commission's motion and discussion.
4. On June 11, 2025, the Commission held a meeting to further consider the application and approve the Findings, Report, and Recommendation to the Becker County Board. With this, the Commission recommended nine conditions. In its findings, the Commission recognized that the project is subject to oversight and permitting requirements from the Minnesota Pollution Control Agency ("MPCA"), the Mine Safety and Health Administration, the Becker County Highway Department, and the Minnesota Department of Transportation.
5. On June 16, 2025, the Environmental Quality Board ("EQB") received a petition requesting that an Environmental Assessment Worksheet ("EAW") be prepared for the project. The EQB determined that Becker County was the responsible governmental unit to make the decision on the need for an EAW and forwarded the petition to the County on June 17, 2025.
6. The petition stated a variety of allegations regarding Prairie Lake's proposed mining operations, both environmental and non-environmental in nature. The petition asserted that the requested CUP should be denied or a discretionary EAW ordered.

7. The Becker County Board considered the EAW petition at its July 15, 2025 meeting, specifically reviewing the allegations in the petition related to potential environmental effects of the proposed mining operations. At that meeting, the Board adopted Findings of Fact, Conclusions, and Decision of Becker County Board of Commissioners on the Petition for an EAW in Regard to Prairie Lake Investments' CUP Application ("EAW Petition Decision"). With this, the Board denied the petition, having determined the evidence failed to demonstrate that the project may have the potential for significant environmental effects.
8. On July 15, 2025, the County issued written notice to Prairie Lake that it was extending the deadline to make a decision on its CUP application consistent with Minnesota Statutes Section 15.99.
9. On July 29, 2025, Prairie Lake submitted an updated Mining and Reclamation Plan related to the application.
10. The application came before the County Board for consideration on August 5, 2025.
11. Chapter 8, Section 11 of the County Zoning Ordinances identifies the decisional criteria that apply to this CUP request. Subpart F of this Section indicates:

No conditional use shall be recommended by the County Planning Commission or granted by the Board of County Commissioners unless the Commission and the Board shall find that all of the following criteria are met:

1. **Affect on surrounding property.** That the conditional use will not harm the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
2. **Affect on orderly, consistent development.** That establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominate in the area.
3. **Adequate facilities.** That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. **Adequate parking.** That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use.
5. **Not a nuisance.** That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will

constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

6. Additional criteria for shoreland areas. In Shoreland areas, it shall be found that adequate measures have been or will be taken to assure that:

- a. Pollution. Soil erosion or other possible pollution of public waters will be prevented, both during and after construction;
- b. View from public waters. That the visibility of structures and other facilities as viewed from public waters will be limited;
- c. Adequate utilities. That the site is adequate for water supply and on-site sewage treatment; and
- d. Watercraft. That the types, uses, and number of watercrafts that the project will generate can be safely accommodated.

12. In reviewing the application, the Board considers the following information:

- a. The CUP application and all other information and submissions from Prairie Lake related to its application, including the updated Mining and Reclamation Plan.
- b. All written comments submitted to the County on this application prior to or at the public hearing and the testimony received at the public hearing.
- c. The Commission's Findings, Report, and Recommendation to the Becker County Board.
- d. The EAW petition and all information received during the County's consideration of that petition, as well as the EAW Petition Decision, the findings from which are fully incorporated into the Board's findings and decisions on the CUP application.
- e. Mining operations similar to the project already existing in the County and known, observed, and reported impacts of such existing operations.
- f. The authority of and standards and regulations overseen and enforced by the Minnesota Pollution Control Agency, the Mine Safety and Health Administration, the Minnesota Department of Natural Resources, the Minnesota Department of Transportation, and the Becker County Highway Department, among other agencies and entities.
- g. Staff input and recommendations.

- h. Information received at the July 15, 2025, County Board meeting.
 - i. All other information the County has gathered or received into the record to date related to Prairie Lake's proposed mining operations.
13. Based on review of the record evidence, the Becker County Board makes the following findings of fact and conclusions on the decisional criteria that apply to this CUP application:
- a. **Prairie Lake has demonstrated that the proposed mining operations will not harm the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity for the following reasons.**
 - i. Prairie Lake's proposed mining operations will occur on approximately 20 acres of parcel 170.368.043 ("project site"). The total parcel is approximately 90 acres and is irregularly shaped. The project site will be the northern most 20 acres of the parcel as shown in the materials submitted by Prairie Lake and corresponding with the plat application presented to the County Board. The remaining 70 acres to the south are not subject to the project proposal or otherwise proposed to be used for mining operations.
 - ii. Prairie Lake's parcel is located in a rural area of the County. Property uses in the area include vacant agricultural land with some residential and seasonal residential use. There are four parcels adjacent to the project site, other than the remaining portion of Prairie Lake's parcel, and two of them have residences. The closest residence to the project site that objected to this application is located to the north, sharing a common property line.
 - iii. The proposed mining operations do not include any blasting or washing of aggregate on site. Some crushing will be necessary to Prairie Lake's mining operations.
 - iv. Prairie Lake has proposed to engage in mining operations following the spring thaw and ceasing after the fall freeze. While such occurrences vary each year, the County reasonably expects this means Prairie Lake's mining operations would occur from April to October. Prairie Lake has confirmed that crushing activities will be minimal, likely occurring for a total of one to

two weeks per year. Prairie Lake anticipates mining of the project site to occur for no more than five years.

- v. Prairie Lake intends to construct 7- to 9-foot-tall berms on the northern and western borders of the project site using soils removed from the mine areas.
- vi. The County received comments from the public opposed to the application on the basis that dust and noise from the proposed mining operations would harm the use and enjoyment of other properties and diminish property values. To the extent opponents of the application submitted evidence regarding possible impacts from mining operations on neighboring or nearby properties, such information relates to much larger mining operations that appear dissimilar from the project at issue here in terms of size, location, and nature and scope of mining operations.
- vii. There are other mines in the County of a similar nature to that proposed by Prairie Lake and others that are larger and more intensive in use. There is no evidence in the record before the County or otherwise known to the County based on similarly situated mining operations that would reasonably support an adverse finding on this criterion.
- viii. The County acknowledges that crushing and equipment on the property may create noise and that crushing may produce dust emissions. The County Board determines that any impacts related to such dust or noise will be mitigated by conditions imposed on the proposed mining use, including, but not limited to, limits on hours and months of operations and screening and setback requirements, as set forth below.
- ix. Dust emissions due to the project's mining operations are also subject to mitigation by state air emissions laws, including permitting as required by law, and noise is limited by state law and overseen by the MPCA. The County Board determines that these standards and the MPCA's oversight are appropriate to address any issues with such conditions not otherwise addressed by the conditions imposed here. Further dust control conditions are set forth below.
- x. Notably, the conditions imposed on the CUP will ensure that crushing will occur during periods when residences in the general vicinity of the project site are less likely to be occupied. Further, noise will be limited and similar to other land uses in rural areas of the County.

- xi. Based on the record before it, the Board finds the proposed mining operations will not harm the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity for the following reasons
- b. **Prairie Lake has demonstrated that the proposed mine would not impede the normal and orderly development and improvement of surrounding properties for the following reasons:**
 - i. The area of the proposed site is rural in nature. Use in the area is vacant agricultural land, with some residential and seasonal residential use.
 - ii. The proposed mining operation is expected to last for no more than five years and to operate on a seasonal basis to create adequate development elevations within the 20-acre portion of Prairie Lake's property, with some of the material remaining on site to establish roads for future development. The future desired use of the project site is residential lots, like those existing in the Plat of Cormorant Meadows adjacent to the property.
 - iii. The County received comments from the public opposed to the application on the basis that diminished property values from the proposed mining operations would impede the normal and orderly development and improvement of surrounding properties. Opponents referenced the impacts on the County's tax base and traffic safety concerns in support of this position. The County's land use decisions are not based on tax considerations, but rather on the particular use being proposed as compared to the CUP criteria. As noted above, to the extent opponents of the application submitted evidence regarding possible impacts from mining operations on neighboring or nearby properties, such information relates to much larger mining operations that appear dissimilar from the project at issue here in terms of size, location, and nature and scope of mining operations, and there is no evidence before the County based on similarly situated mining operations that would reasonably support an adverse finding on this criterion.
 - iv. Though the County expects that truck traffic will increase as a result of mining operations, truck traffic will be variable, and no substantial sustained traffic increase is expected. There is no evidence in the record that traffic will exceed reasonable threshold for the roads at issue or reasonably present new

or unique safety issues. Further, the County expects that the conditions imposed herein, including requiring Prairie Lake to enter into a road agreement with Lake Eunice Township, will adequately address any traffic-related issues that could arise from the temporary increase in truck traffic from the proposed mining operations. Further, Prairie Lake will be required to comply with all road restrictions provided by the Township, County, and State.

- v. The County Board determines that any impacts on orderly development that might otherwise arise from mining operations are mitigated by conditions imposed on the proposed mining use, including, but not limited to, limits on hours and months of operations, screening and setback requirements, as set forth below.
 - vi. Based on the record before it, the Board finds the operation of a temporary mine completely within the bounds of land owned by Prairie Lake will not affect the orderly development and improvement of surrounding properties.
- c. **Prairie Lake has demonstrated that the proposed mine operation will have adequate utilities, access roads, drainage, and other necessary facilities.**
- i. Utility use will be minimal for the project. Prairie Lake will have a portable toilet on-site provided by a licensed professional.
 - ii. Access roads to the site exist and are sufficient to handle truck traffic and are regularly used by trucks serving other uses common in this area, including agricultural uses. Prairie Lake will be required to apply for an approach to the site from the existing Heimark Ave through Lake Eunice Township. As noted above and in the conditions below, Prairie Lake must enter into a road agreement with Lake Eunice Township. The County expects that this will ensure access on the roads serving the project site, which are under the Township's road authority, will remain adequate throughout the operations of this temporary mining operation. Again, Prairie Lake will also be required to comply with all road restrictions provided by the Township, County, and State.
 - iii. Any drainage, erosion, and stormwater issues will be subject to a Stormwater Pollution Prevention Plan regulated by the MPCA, which the Board expects will provide appropriate oversight of any such issues.

- iv. Based on the record before it, the Board finds through the requirements of the MPCA for stormwater, existing road restrictions and traffic laws, and the lack of need of utilities that Prairie Lake has demonstrated these needs are met.
- d. **Prairie Lake has demonstrated that there would be adequate parking at the project site.**
 - i. Prairie Lake has a very small need for parking. The project site includes many acres that will allow for adequate parking to serve the proposed mining use.
 - ii. Based on the record before it, the Board finds there will be adequate parking to serve the proposed mining use.
- e. **Prairie Lake has demonstrated that there would be no offensive odor, fumes, noise, vibrations, or other nuisances from the operation that could adversely affect neighboring properties for the following reasons:**
 - i. As noted above, the project site is approximately 20-acres in size in a rural area of the County with two adjacent properties with residences. The mining operations, as proposed and required by the conditions herein, will be limited in hours and months of operation and screened and setback from the residence to the north and properties to the west.
 - ii. The project site is not located in the shoreland area and does not contain any known wetlands or surface waters. Prairie Lake's mining operations will not occur at or below the water table and will not include dewatering or washing aggregate on site.
 - iii. The County received comments from the public opposed to the application on the basis that mining operations could create noise, vibrations, dust, truck traffic, and groundwater contamination. To the extent opponents of the application submitted evidence regarding such possible conditions from mining operations, such information relates to much larger mining operations that appear dissimilar from the project at issue here in terms of size, location, and nature and scope of mining operations. As addressed above, the proposed mining operations, as presented and conditioned herein, are not expected to produce offensive conditions offsite that are otherwise inconsistent with other uses in rural areas of the County or likely to adversely affect neighboring properties.

- iv. There is no evidence in the record before the County or otherwise known to the County based on similarly situated mining operations that would reasonably support an adverse finding on this criterion.
- v. The County has consulted with the DNR and SWCD to confirm no likely impacts on water based on Prairie Lake's proposed mining operations. Nonetheless, Prairie Lake will remain subject to the Wetland Conservation Act, stormwater management requirements overseen by the MPCA, and appropriations permitting administered by the DNR, which the County finds to be reasonable means to appropriately protect groundwater and prevent nuisance-like conditions from arising related to water that could impact neighboring properties.
- vi. The County Board determines that any impacts related to dust, noise, vibration, or other nuisance-type concern will be mitigated by conditions imposed on the proposed mining use, including, but not limited to, limits on hours and months of operations and screening, dust control in the project site and on Heimark Avenue and setback requirements, as set forth below. The Board has specifically reviewed the conditions imposed herein and has determined that they are adequate to address any potential nuisance conditions at all times. Among other things, these conditions ensure that noise and dust-generating activities are limited to normal business hours and other times when residential properties are less likely to be occupied and outdoor residential activities are less common. The County's efforts to mitigate potential effects on neighbors by limiting hours, months, or location of operations reflects a balancing of potentially competing land uses and reasonably address the concern of any adverse effect on neighboring properties.
- vii. Further, the proposed mining operation will be subject to regulations and oversight by the MPCA related to air emissions and noise. The permit(s) issued would require compliance for dust created by crushing and the handling of material on site. The County Board determines that these standards and the MPCA's oversight are appropriate to address any issues with such conditions not otherwise addressed by the conditions imposed here. The Board also finds that Prairie Lake is subject to oversight by the Mine Safety and Health Administration, which will further ensure that any potential adverse effects on neighbors are mitigated.

viii. Based on the record before it, the Board finds that through compliance with all applicable laws, regulations, and the conditions herein, there will be no offensive odors, fumes, noise, vibration or other nuisances from the operation that will adversely affect neighboring properties.

f. Additional criteria for shoreland areas are not applicable to this request due to the fact the project site is not within 1000' of a lake or 300' of a river or stream.

In light of the findings above and in consideration of all information in the record and reasonably available to the County, even if not specifically referenced in the findings, and the law, the County grants Prairie Lake's requested conditional use permit to engage in mining operations on the identified project site consistent with its application and submissions, subject to the following conditions:

1. Prairie Lake and any successor in interest must comply with the Mining and Reclamation Plan submitted on July 29, 2025, except as specifically modified by these conditions.
2. Normal mining operations are restricted to 7:00 AM to 5:00 PM, Monday through Friday. Crushing hours are restricted to 7:00 AM to 6:00 PM – Monday through Friday.
3. Crushing may only occur before Memorial Day or after Labor Day.
4. Berms no less than seven feet in height from the existing average grade of the property must be placed along the entire north and west perimeter of the project site, consistent with the site plan, before any mining or crushing activities may occur. Removal of soil from the project site specifically for purposes of constructing the berms shall not constitute mining activities for purposes of this condition. Berms must be maintained so as to avoid erosion and to comply with state and local law on noxious weeds.
5. No mining may take place within 500 feet of the residence located on parcel 17.0368.006 between the holidays of Memorial Day and Labor Day.
6. Prairie Lake and any successor in interest must enter into a road agreement with Lake Eunice Township addressing increased wear and tear on Heimark Avenue, dust control, and placement of truck traffic warning signs for the area.

7. Dust control measures must be utilized on the project site designed to reasonably prevent dust from reaching neighboring residences.
8. Low frequency back up alarms must be placed and used on any of the equipment required to have alarms in accordance with MSHA and any other applicable agency.
9. Prairie Lake must provide signs indicating truck traffic for the area.
10. Prairie Lake and any successor in interest must comply with all federal, state, and local laws, including all permitting requirements and conditions imposed on such permits, related to operations on the project site.
11. All mining operations must cease no more than three (3) years after commencement. Prairie Lake or any successor in interest must provide written notice to the County in advance of commencing mining operations on the project site and upon termination of mining activities.
12. All reclamation must be completed in accordance with the reclamation plan and within no more than one year after mining operations on the project site have ceased.
13. No outside material will be brought onto the site for crushing.
14. Mining operations to be restricted to three hundred and fifty thousand (350,000) cubic yards of earth.

Dated the 5th day of August 2025.



Chairperson
Becker County Board of Commissioners