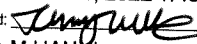


Certified, Filed, and or Recorded on:  
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 Signed:  Deputy  
 LISA M HANNI  
 GOODHUE COUNTY RECORDER  
 Fee Amount: \$46.00

**HAY CREEK TOWNSHIP**  
**GOODHUE COUNTY, MINNESOTA**  
 Ordinance No. 2022-003

**AN ORDINANCE AMENDING THE HAY  
 CREEK TOWNSHIP ZONING ORDINANCE**

The Board of Supervisors of the Town of Hay Creek ordains:

**Section I. Legislative Findings.** The Town Board hereby finds and determines as follows with respect to mining and related activities:

- (a) In 2013, the Town Board (the "Town Board") of Hay Creek Township (the "Town") adopted the Hay Creek Township Zoning Ordinance (the "Zoning Ordinance") pursuant to its authority under Minnesota Statutes, sections 462.351 to 462.364, and such other law as may apply;
- (b) Shortly after adopting the Zoning Ordinance, the Town Board adopted amendments to the ordinance with regard to citation updates, mining operation setbacks, and interim use permit procedures;
- (c) As is set forth in the Zoning Ordinance, the Town determined that the best method for controlling the potential negative impacts from mining operations is to prohibit Large-Scale Commercial Mining Operations (as that phrase is defined in the Zoning Ordinance), limit where Commercial Mining Operations (as that phrase is defined in the Zoning Ordinance) may be established in the Town, and to limit what may occur as part of a Commercial Mining Operation so that it does not cross any of the thresholds established as constituting a prohibited Large-Scale Commercial Mining Operation;
- (d) Pursuant to the Zoning Ordinance, Commercial Mining Operations are limited solely to the Town's A-1, Agricultural Protection District, which limits Commercial Mining Operations to only two sections of the Town, specifically Section 16 and 17;
- (e) The limitation of Commercial Mining Operations to two sections in the Town, as well as the application of certain mining operation setbacks that are significantly greater than those imposed by Goodhue County and its zoning regulations, significantly limits the ability of property owners in the Town to conduct Commercial Mining Operations and limits the benefits to the Town that a certain amount of excavation, grading, and removal of mineral materials creates, such as assisting with the repair and improvement of roads and building projects; and
- (f) The Town Board determines that bringing certain mining operation setbacks in closer alignment with Goodhue County regulations and allowing for Commercial Mining Operations in an additional Town zoning district, specifically A-2

Agriculture, will not have significant impacts upon the Town as the Town (1) will continue to impose certain setbacks that are more restrictive than Goodhue County, (2) will continue to prohibit Large-Scale Commercial Mining Operations, (3) will continue to prohibit Mineral Processing Facilities (as that phrase is defined in the Zoning Ordinance), and (4) will continue to prohibit mining operations in bluff impact zones.

**Section II. Purpose.** Article II, Section 2.2 of the Hay Creek Township Zoning Ordinance is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

2.2. **Purpose.** The purpose of this Article is to allow for Noncommercial Mining Activities throughout the Town without a Town permit, allow Commercial Mining Operations within the A-1, Agricultural Protection District and A-2, Agriculture District of the Town with the issuance of an interim use permit from the Town, and to prohibit Large-Scale Commercial Mining Operations and Mineral Processing Facilities throughout the Town.

**Section III. Commercial Mining Operations.** Article II, Section 2.6(a) and (b) of the Hay Creek Township Zoning Ordinance are hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

- (a) Allowed. Commercial Mining Operations are only allowed within the A-1, Agricultural Protection District and the A-2, Agriculture District. No new Commercial Mining Operation, or an expansion of a Noncommercial Mining Activity into a Commercial Mining Operation, shall occur unless it is located in the A-1, Agricultural Protection District or the A-2, Agriculture District and an interim use permit is first obtained from the Town Board pursuant to the interim use permitting procedures established in this Ordinance.
- (b) Existing Operations. A Commercial Mining Operation existing as of the effective date of this Ordinance, or any amendments thereto, that is located within the A-1, Agricultural Protection District or the A-2, Agriculture District shall not be allowed to expand the operation beyond the boundaries established in the permit issued for the mining operation or, if there is no permit, beyond the current boundaries of the property without first obtaining an interim use permit from the Town Board. A Commercial Mining Operation existing as of the effective date of this Ordinance, or any amendments thereto, that is not located within the A-1, Agricultural Protection District or the A-2, Agriculture District is a nonconforming use subject to the limitations imposed by this Ordinance on nonconforming uses.

**Section IV. Setbacks.** Article II, Section 2.6(d)(3) and (4) of the Hay Creek Township Zoning Ordinance is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

(3) Setbacks established in Subd. 4(L)(1) & (2) are replaced with the following, which shall apply to all new mining operations and to the expansion of any existing mining operations:

(a) No mining operations or activities (including stockpiling) shall take place within ~~two~~ one thousand, ~~six hundred and forty~~ (2,640,000) feet of any existing dwelling, occupied structure, or platted residential subdivision, not owned by the mining operator or owner, or within ~~1,000~~ 50 feet of a property line of any adjoining property not owned by the mining operator or owner. For the purposes of applying this setback, an occupied structure includes commercial, non-commercial, recreational, religious, and other structures in which members of the public may be present as part of the regular or customary use of the structure. This setback requirement may be reduced by approval of the Town Board if the mining operation and affected property owners reach a buyout agreement, "property value guarantee" for possible sale of their property or properties, or a written consent agreement.

(4) Setbacks established in Subd. 4(L)(7) are replaced with the following, which shall apply to all new mining operations and to the expansion of any existing mining operations:

(a) No mining operations or activities (including stockpiling) shall take place within ~~five thousand, two hundred and eighty three thousand, nine hundred and sixty~~ (5,280-3,960) feet (~~1 mile~~) of a State designated trout stream.

(b) The Town may impose additional or expanded setback requirements as a condition of an interim use permit it issues if any of the following circumstances exist with respect to the particular proposed mining operation:

(1) The elevation of the mining operation or activities in relationship to a public water feature is such that it creates an increased risk of negatively impacting the public water feature. For the purposes of this Section, public water feature includes shoreland areas, lakes, rivers, streams, sinks, springs, and seeps; or

(2) The location of the proposed mining operation or activities, or the surrounding topography, is such that it creates a special or enhanced risk to public water features.

(c) No mining operations may be conducted within twenty-five (25) feet of the water table.

**Section V. Building Permits.** Article III, Section 3.1 of the Hay Creek Township Zoning Ordinance is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

3.1 **Building Permit Required.** Article 2, Section 43 of the County Ordinance regarding building permits is hereby adopted by reference. Anyone intending to construct, build, erect, place, enlarge, or structurally alter any building must first obtain a building permit from the Town. A building permit shall not be issued unless the applicant demonstrates compliance with all applicable setback, height, and other standards and requirements established in the County Ordinance, which are hereby adopted by reference, for the particular zoning district in which the building or structure is located. For the purposes of this Ordinance, the term building permit is descriptive and does not indicate the Town has adopted or is administering any portion of the Minnesota State Building Code.

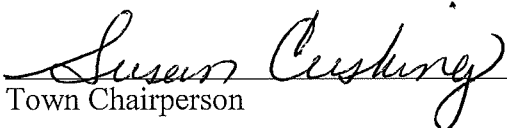
**Section VI. Incorporation of Amendments.** The Town Board hereby directs and authorizes as follows:

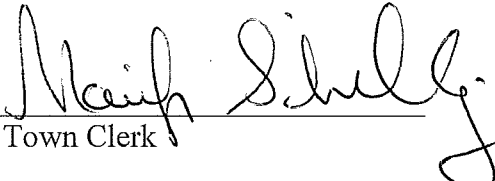
1. The Town Attorney is authorized to incorporate these amendments into the text of the Hay Creek Township Zoning Ordinance, including renumbering sections and making non-substantive corrections as needed;
2. The Chairperson and Clerk are authorized to execute the updated Hay Creek Township Zoning Ordinance, which shall constitute the official copy of the ordinance; and
3. The Clerk shall maintain an official copy of the amended Hay Creek Township Zoning Ordinance in the office of the Clerk.

**Section VII. Effective Date.** This ordinance shall be effective upon the first day of publication after adoption.

Adopted on the 14<sup>th</sup> day of September, 2022.

**BY THE TOWN BOARD**

  
Town Chairperson

Attest:   
Town Clerk

