

**CITY OF HANOVER
PLANNING COMMISSION MEETING
NOVEMBER 27, 2017**

CHAIR
STAN KOLASA

COUNCIL LIAISON
DOUG HAMMERSENG

BOARD MEMBERS
JIM SCHENDEL
MICHAEL CHRISTENSON
MICHELLE ARMSTRONG
DEAN KUITUNEN

- 1. Call to Order and Pledge of Allegiance: 7:30 p.m.**
- 2. Approval of Agenda**
- 3. Approval of Minutes from September 25, 2017, Regular Meeting**
- 4. Citizen's Forum**
- 5. Public Hearing**
 - a. Amendments to the Zoning Ordinance Related to Mining and Extraction**
- 6. Unfinished Business**
- 7. New Business**
- 8. Reports and Announcements**
 - a. Planning Commission Reports**
 - b. Liaison Report**
 - c. Staff Reports**
- 9. Adjournment**

**CITY OF HANOVER
PLANNING COMMISSION MEETING
SEPTEMBER 25, 2017
DRAFT MINUTES**

Call to Order/Pledge of Allegiance

Stan Kolasa called the September 25, 2017, Planning Commission Meeting to order at 7:45 pm. Members present were Stan Kolasa, Jim Schendel, Michelle Armstrong, Dean Kuitunen, and Mike Christenson. Also present Council Liaison Doug Hammerseng, City Planner Cindy Nash, and Administrative Assistant Amy Biren. Guests present: Dan and Wendy Schaab, Thomas Larson, Wayne Elam, Douglas Cummings, Tammy Wenz, Jayme and Ted Giese, Chris Kauffman, Jim Zajicek, and MaryAnn Hallstein.

Approval of Agenda

MOTION by Schendel to approve the agenda as presented, seconded by Kuitunen.

Motion carried unanimously.

Approval of Minutes from the June 26, 2017, Regular Meeting

MOTION by Kuitunen to approve the June 26, 2017, minutes as presented, seconded by Christenson.

Motion carried unanimously.

Citizen's Forum

None

Public Hearing

Conditional Use Permit for Manufacturing/Assembly to Allow Welding and Fabrication

Kolasa closed the Planning Commission meeting and opened the Public Hearing at 7:46 pm.

Nash introduced the Conditional Use Permit (CUP) application being submitted for the property located at 11238 River Road NE. The property is located in the B-1, Downtown River Commercial District, and a CUP is necessary in order to allow welding and fabrication. The previous uses of the building did utilize welding, but that was several years ago. The most recent use of the building was the home of Comfort Matters, a heating and cooling company. From a building code perspective, changes may be needed so a building inspection is required. Open and outdoor storage is not allowed in this district. There are no exterior changes to the building being proposed. The zoning ordinance does have minimal standards regarding noise and odors, applicable to both residential and commercial districts. Nash has drafted conditions to be considered by the Planning Commission members, but would like to go through them after the applicant and public have a chance to speak.

Ted Giese, applicant: GP Welding is a business that manufactures and repairs smaller items and also small piece parts that require welding. Employees of the business currently are himself and a part-time bookkeeper. The business is open to the public from 9 am to 5 pm. He tends to be there a little before and after open times. His future plans include having up to five (5) employees. Deliveries are made about once a week and would be able to be made from Church Street. Sometimes the deliveries are made by semi trucks. He needs a dumpster and a scrap metal bin roughly the same size as the garbage dumpster.

Nash reminded him that outdoor storage is not allowed with the exception of a garbage dumpster.

Giese continued that sometimes trailers are dropped off during the weekend to be repaired the following week, so there may be trailers parked at the business. He asked about the doors being open especially when it is hot like it was over the weekend.

Kolasa asked if any members of the audience would like to speak or ask questions.

Chris Kauffmann, 10660 Prairie Lane: Inquired about the square footage of the building which Giese stated was 4400 square feet. He also asked whether Giese was renting or owning the building. Giese said he is purchasing the building.

Doug Cummings, current owner of the property: He has met with Loren Kohlen, Metro West Inspections, who said there shouldn't be any problems with the building and what is being planned. Nash replied that this is pretty standard to have a building inspector look at a property when a CUP application occurs.

Cummings stated that he is still using part of the building and did so when Comfort Matters was occupying the front part of the building. He also said that welding curtains would provide a shield when the doors are open.

MaryAnn Hallstein, 339 Jandel Avenue NE, asked where are the location of the doors. Biren used the Wright County pictometry photos to show the locations of the doors.

Kauffman said he has a similar business, but that it is located in an industrial park. He inquired about the proximity to the River Inn and possible smells coming from the welding shop.

Tammy Wenz, realtor representing Giese: Ted's business is in Maple Plain and is close to a restaurant. There have not been any complaints regarding odors from the welding shop.

Kauffman stated that from the pictures on Giese's website, it is a very clean shop. Kuitunen responded that he, too, had looked at the website earlier today.

Kuitunen asked Giese about the sandblasting system and the plasma cutter and how much noise each produced. Giese said that he has a sandblasting system, but doesn't use it that often. The loudest tool or machine he has is the air compressor.

Kuitunen went on to ask Giese if he is worried about being landlocked and not being able to expand. Giese responded that if that does happen, he would look into getting a bigger building.

Kolasa closed the Public Hearing at 8:06 pm and reopened the Planning Commission meeting.

Nash began to go through the conditions being proposed and explained that these conditions control what happens on the property, now and in the future with other owners.

1. The property operates as depicted on the survey.
2. A periodic review may be required by the City.
3. Hours of operation is between 7:30 am and 6 pm. Doors are not to be open unless deliveries are being made. This is to try to contain noise and odors.
4. Office uses are permitted at any time.
5. The property owner may request modifications to hours of operation. This allows for changes after being in business for a while and make adjustments as needed.
6. Odors cannot cross the property line. This is slightly more restrictive than the ordinances.
7. Noise and vibrations cannot go beyond the property line. This is slightly more restrictive than the noise ordinance.
8. No open or outdoor storage is allowed. This is a standard in the B-1 district.
9. A Certificate of Occupancy is required before the CUP can become effective. This is done by a building inspector and relates to the building being up to current building code.
10. Comply with Federal State or County laws or regulations.
11. All permits and licenses needed shall be acquired and maintained. If this is not current, it can be grounds for revocation.

12. Remains in conformance with performance standards. This keeps it current with ordinance amendments.
13. The owner provides access to City staff and/or agents for compliance inspections.
14. A lapse of one year of the property not being used as stated in the CUP will cause the CUP to expire.

Nash asked the Planning Commission members to respond to the conditions.

Christenson expressed concerns with the deliveries and truck traffic presenting challenges and maybe impacting safety on the roads. He also said he is concerned with the outdoor storage, the odors and the noise from the impact hammering.

Nash replied that she would have to check on the weight requirements for Church Street.

Kolasa asked Christenson what he was looking for in regards to the trailers—the type and size? Christenson responded yes. Giese said that the largest trailer he works on is 24 feet.

Christenson asked Giese if he had a forklift for the deliveries where the semi could not use the driveway and Giese replied yes.

Hallstein inquired about the parking spots being in the right of way of the street. Nash replied that the parking spaces are in the right of way and that may have been how it was planned.

Hallstein also asked about whether or not a garbage dumpster is considered outdoor storage. Nash replied that a garbage dumpster is allowed as long as it was not taking up a parking space.

Nash stated she would like to add a condition regarding the trailers since she was unaware that trailers were going to be on the property. Kuitunen agreed, stating that outdoor storage has been an issue with other properties and CUPs. Nash said that if the Planning Commission is inclined to allow trailers, personally owned or those waiting to be worked on, then that permission needs to be granted in the CUP. The Commission can allow a specific number of trailers and where they can be located. Giese said that he has two 20 foot trailers that he plans to have on the property.

Nash explained that the more clearly the conditions are stated, the better protected the property owner and the City will be.

Giese explained that nothing sits for very long at his shop—repairs are expected to be done promptly. He has not had any repair wait more than a week. He said he would not be in business long if repairs took that long to complete.

The scrap metal bin was brought up and questions asked of Giese. He said that he plans to have it in the back of the building (west side). He is planning on replacing the gate that is located on the northwest corner of the building and the fence along the property line. Armstrong said she would be okay with that as long as it was covered and behind the fence/gate so no one would see it. Kuitunen said that it needs to be safe to prevent anyone from going through the bin. Giese said that he plans on having security cameras on the property. Nash said the location of the scrap bin would need to be put on the site plan to make it be in compliance.

Armstrong asked about the doors being open. Nash said that when the doors are open, the welding would be able to be seen and heard. Christenson said he is concerned with the odors that may be emitted. Giese said he has a smoke eater that takes care of the odors.

Hammerseng asked Nash to review the definition of a CUP. Nash explained that a CUP runs with the land. The conditions of a CUP are built to address a worst-case scenario that may happen in the future. She said that a current property owner may present no issues, but what happens if the property is sold and the next owner does something that was not addressed in the CUP, making it hard to force compliance. Hammerseng said that once the business is there and operating, there isn't a way to turn back. He said that he is concerned about future owners. He also asked if this type of business was desired in the downtown area and does it

speak to the future plans for downtown. Christenson stated he agreed with Hammerseng on all of these points.

Armstrong said that these are valid points, but what says he is not supposed to be in this district.

Schendel said that he doesn't see anyone buying the property and turning it into a restaurant or another retail venture. He feels that something needs to be done with the building and not let it sit empty.

Giese said that he feels having the doors closed is very restrictive. Nash went on to explain that the Planning Commission recommendation goes to Council and this condition can be up for further discussion.

MOTION: Kuitunen moved to recommend granting the CUP to GP Welding with the conditions presented as well as the added conditions regarding trailers (number allowed and locations) and revised site plan to show the locations of the garbage dumpster and the scrap metal bin, seconded by Armstrong.

Motion carried with Kolasa, Schendel, Armstrong, and Kuitunen voting in favor and Christenson voting against the motion.

Unfinished Business

None

New Business

None

Reports:

Liaison: Hammerseng said that the new public works facility is moving along quickly. The Council had a ground-breaking ceremony last week.

Staff: None—see question below.

Board: None

Armstrong had a question about the Crow River Heights West 3rd Addition and the status. Biren said that they are in the process of grading the first phase of 30 homes. Nash said that the developer's agreement had that work commencing by October 31, 2017. Biren confirmed that and said that she attended a preconstruction meeting. The grading will be done by that date and then the small utilities will be installed. She added that the City has yet to receive a new construction permit, even for the few homes that are on Jasmine Court which have utilities already stubbed in.

Adjournment

MOTION by Armstrong to adjourn, seconded by Schendel. **Motion carried unanimously.**

Meeting adjourned at 8:59 pm.

ATTEST:

Amy L. Biren
Administrative Assistant

Collaborative Planning, LLC

Memorandum

To: Hanover Planning Commission
From: Cindy Nash, AICP, EDFP
Date: November 20, 2017
Subject: Draft Mining Ordinance

Attached for your consideration, please find a draft of the mining ordinance. A copy of the City's previous mining ordinance is also included for review and comparison.

Enclosures:

1. Draft Mining Ordinance
2. Former Mining Ordinance

Current Definition – delete the definition below

~~**Mining.** The extraction of sand, gravel, rock, soil or other material from the land in the amount of 1,000 cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building provided such removal is an approved item in the building permit.~~

New Definitions – add the new definitions below

Haul Road. An internal private road used to transport material.

Haul Route. An external public road used to transport material.

Mining. The process of extraction and removal of sand, gravel, rock, aggregate, minerals, or similar materials for financial gain.

Mineral Extraction. Extraction of inorganic materials such as ore, gravel or sand.

Mining, accessory use. Uses customarily incidental to mining located on the same site, such as stockpiling, sorting, screening, washing, crushing, batching, recycling of concrete, asphalt, and related maintenance facilities.

Reclamation/End Use. The process of creating useful landscapes that meet a variety of goals. It includes all aspects of this work, including material placement, stabilizing, capping, regrading, and placing cover soils, revegetation, and maintenance.

Stockpile. A pile or storage location for bulk materials, forming part of the bulk material handling process. Stockpiles are normally created by a stacking conveyor.

Topsoil. The upper outermost layer of soil, usually in the top two (2) to eight inches (8"). It has the highest concentration of organic matter and is where most of the earth's biological soil activity occurs.

Zoning Districts

Need to determine which zoning districts this should be permitted in as an IUP.

SECTION 10.72 MINERAL EXTRACTION

A. PURPOSE

The purpose of this Section is to control mining operations so as to minimize conflicts with adjacent land uses and to ensure that the mining area is reclaimed with a use compatible with the Comprehensive Land Use Plan and completely restored at the completion of the mining operation.

B. ADMINISTRATION

1. Permit Review. An interim use permit shall be required for all mining operations. All existing operations shall obtain a permit within five (5) years following adoption of this Ordinance. The City Council may also require a financial guarantee in a form acceptable to the City from the landowner to ensure that the conditions in this Section are met.
2. Portable asphalt and concrete mixing plants are not allowed as an accessory use to a mining operation.
3. Asphalt and concrete recycling facilities may be allowed as accessory uses in a mining operation with an approved Interim Use subject to the following standards:
 - a. A Wright or Hennepin County Solid Waste License is issued for the facility (conditions may be placed on the license limiting volumes, stockpile height, stockpile location, crushing hours, or any other conditions the County considers necessary to protect the interest of the surrounding area).
 - b. A financial surety in a form acceptable to the City is established to ensure the removal of stockpiled recycle material. The amount of the financial surety shall be established by the City based on the volume of material approved in the IUP to be stored on-site.
 - c. Processing of recycled material shall be done in compliance with paragraph D of this Section.
 - d. The maximum volume of recycle material on any one site shall not exceed 30,000 cubic yards.
4. The operations covered by this Section shall be the mining, crushing, washing, refining, or processing of sand, gravel, rock, black dirt, peat, and soil and the removal thereof from the site.

5. For the purposes of this Chapter, mining shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats, utility or highway construction, agricultural improvements within the property, sod removal and minor wetland impacts under 20,000 square feet of cumulative impacts (previous and proposed) that have received an approved “no loss” or “exemption” determination from the local government unit administering the Wetland Conservation Act.
6. Renewal of Mining Interim Use Permits. All property owners and residents within one quarter (1/4) mile of the mining operation shall be notified of a proposed mining interim use permit renewal request.
7. Annual Certificate of Permit Compliance. As a condition of any mining interim use permit, the property owner and/or applicant shall annually submit graphic and/or narrative information on the mining operation demonstrating compliance with the approved interim use permit, progress on reclamation plans, and related conditions. Said compliance information shall be submitted thirty (30) days prior to the anticipated opening date of the mine each spring. The Zoning Administrator shall review the compliance information and conduct a field inspection to certify that the mining operation is in compliance with the approved interim use permit and the financial surety are adequate to complete the restoration. The certification shall be completed before mining begins. Failure to submit the annual compliance information or violations of the interim use permit may be grounds for revocation of the interim use permit.

C. INFORMATION REQUIRED

The following information shall be provided by the person or agency requesting the interim use permit:

1. Name and address of person or agency requesting the interim use permit.
2. The legal property description and acreage of area to be mined.
3. The following maps of the entire site and including all areas within three hundred fifty (350) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below.

Map A - Existing conditions to include:

- a. Contour map (two (2) foot intervals).
- b. Existing vegetation.
- c. Wetlands and existing surface water drainage patterns.
- d. Existing structures.

- e. Existing wells.

Map B - Proposed Operations to include:

- a. Structures to be erected.
- b. Location of sites to be mined showing depth of proposed excavation.
- c. Location of machinery to be used in the mining operation.
- d. Location of storage of mined materials, showing maximum height of storage deposits.
- e. Location of vehicle parking, access roads and local routes to truck routes.
- f. Staging of mining activity.

Map C - End Use Plan to include:

- a. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
- b. Location and species of vegetation to be replanted.
- c. Reclamation staging plan.
- d. Proposed land use and development plan.

- 4. A plan for dust and noise control.
- 5. A complete description of all phases of the proposed operation to include an estimate of duration of the mining operation, location and approximate acreage of each stage, and time schedule for reclamation.
- 6. A description of haul routes to be utilized.
- 7. Any other information requested by the Zoning Administrator, Planning Advisory Commission and City Council.

D. PERFORMANCE STANDARDS

For mining operations approved after the date of adoption of this Ordinance:

- 1. **General Provisions.** Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to minimize seeding on adjacent property. All equipment used for mining and extraction operations shall be constructed, maintained and operated in a manner to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property.
- 2. **Water Resources.** The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside of the boundaries of the mining operation.

3. Safety Fencing. Safety fencing may be required around all or portions of the mining operation at the discretion of the City.
4. Haul Roads. Haul roads shall have direct access to public roads that are classified as a collector and that do not require access through an area utilized for residential purposes. The location of the intersection of haul roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety as determined by the Zoning Administrator.
5. Screening Barrier. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier shall be required between the mining site and adjacent properties. A screening barrier shall also be required between the mining site and any public road located within five hundred (500) feet of any mining or processing operation. The screening barrier shall consist of a berm which shall be planted with a species of fast growing trees. The tree species must be approved by the Zoning Administrator.
6. Dust. Operators shall utilize all practical means to reduce the amount of dust caused by the operation. In no case shall the amount of dust or other particulate matter exceed the standards established by the Minnesota Pollution Control Agency.
7. Setback. Processing of minerals including recycle materials shall not be conducted closer than two hundred fifty (250) feet to the property line, nor closer than five hundred (500) feet to any residential structures.
 - a. Mining operations shall not be conducted closer than two hundred (200) feet to any residence or residential zoning district boundary existing on the approval date of the mining interim use permit.
 - b. Mining operations shall not be conducted closer than one hundred (100) feet to any property line, or within one hundred feet (100) feet of the right-of-way line of any existing or platted street, road or highway, except that the City Council may permit excavating to be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway engineering plans. Side slopes of the mining operation shall be in conformance with the site plan.
8. Appearance. All buildings, structures and equipment shall be maintained in such a manner as is practical and according to acceptable industrial practice to assure that such buildings, structures and equipment will not become dilapidated.
9. Hours of Operation. All mining operations shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on weekdays only.

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10. Haul Roads. All haul roads from mining operations to public highways, roads or streets shall be paved for a distance of not less than two hundred fifty (250) feet from the point of intersection of the haul road with the public highway, road or street.
11. Mining Operations Within the Shoreland District. Mining and processing operations shall not be located in the shoreland district.
12. Mining Operations Within the Floodplain or Floodway. Mining and processing operations shall not be located in the floodplain or floodway.
13. Mining Operations Near Water Table. Not less than twenty (20) feet of separation shall be maintained between the lowest grade mining at which mining is permitted and the water table.

E. LAND RECLAMATION

All mining sites shall be reclaimed immediately after mining operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

1. Within a period of three (3) months after the final termination of a mining operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. An extension may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Security acceptable to the City shall be required. Such extension may apply for only one (1) year, after which said buildings, structures, machinery and plants shall be removed.
2. No part of the reclamation area which is planned for utilization for uses other than open space shall be at an elevation lower than the minimum required for gravity connection to sanitary and storm sewer. Provision for surface water run-off shall be made. All property shall be graded to properly drain. The peaks and depressions of the area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed twenty (20) percent grade.
3. Reclamation shall begin after the mining of twenty-five percent (25%) of the total area to be mined or ten (10) acres, whichever is less. Once these areas have been depleted of the aggregate deposit they shall be sloped and seeded in compliance with the end use plan.

4. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be seeded, sodded, or planted. Such planting shall adequately retard soil erosion.
5. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site and shall be consistent with the end use plan.

Former Mining Ordinance

ARTICLE 33

MINING

- 20-33-01: Purpose
- 20-33-02: Rules
- 20-33-03: Application Procedures
- 20-33-04: Standards
- 20-33-05: Fees and Performance Bond

20-33-01: PURPOSE: The purpose of this Article is to establish uniform and reasonable standards and review procedures to effectively control noise, dust, hazards, effects on adjacent property and provide for restoration of sites, all as related to extraction, deposition, and processing of sand, gravel, soil, rock, and natural earth products or the impounding of waters. These regulations shall apply to any extraction pit defined in Article 20-02-00 (Rules and Definitions) of this Chapter except:

- A. The excavation, removal or storage of rock, sand, dirt, gravel, clay or other material preparatory to construction of a building thereon including a sewage disposal system pursuant to a duly issued building permit and or on individual sewage disposal system installation permit.
- B. Moving dirt for construction of roads or to provide for surface water drainage as provided on an approved plat.
- C. Moving dirt for landscaping purposes on a lot already occupied by a residential structure.
- D. Minor agricultural excavation, crop tillage, or storage or minor conservation work.

20-33-02: RULES: The following rules shall apply in regulating extraction, deposition, and processing of natural earth materials and impounding of waters:

- A. **Interim Use Permit Required.** Extraction, deposition, and processing of natural earth products regulated herein shall be permitted only upon issuance of an interim use permit as provided for in Article 20-15-00 (Interim Use Permits) of this Chapter. Said interim use permit shall be renewed the first January after issuance and every January thereafter for operations that are approved for more than one (1) year periods.
- B. **Existing Operations.** Persons, parties, or corporations now conducting operations for which Gravel Extraction Permit has been issued, as required by

ordinance, may continue to operate until said permit expires, at which time application for an interim use permit, as required herein, shall be made.

- C. **Records.** Accurate weekly records of site operations shall be maintained. Volume of materials in tons or cubic yards shall be recorded in a manner acceptable to the City and shall include the type of materials extracted, processed or deposited. These records shall be available at all times for review and inspection by the City.

20-33-03: APPLICATION PROCEDURES: The following procedures shall be followed in applying for and in processing the permit application.

- A. Application for an interim use permit for extraction, deposition, or processing in accordance with this Article shall follow the procedure set forth for interim use permits in Article 20-15-00 (Interim Use Permits) of this Chapter.
- B. A public hearing shall be held in the manner prescribed in Article 20-03-00 (General Administration) of this Chapter.
- C. The applicant shall furnish such information as may be required by the City, and shall include as a minimum:
1. The name and address of the operator and owner of the land.
 2. The correct legal description of all property owned by the owner in the vicinity of where the extraction is proposed to occur.
 3. The correct legal description of the property where the extraction is proposed to occur.
 4. The names of all land owners on property within on thousand (1,000) feet of the boundary of the subject site.
 5. Specifications of the following using appropriate maps and surveys:
 - a. Survey of the correct legal description of all property owned by the owner in the vicinity of where the extraction is proposed to occur.
 - b. Survey of the correct legal description of the property where the extraction is proposed to occur.
 - c. Site topography at two (2) feet contour intervals based on sea level datum and natural features within the excavation area where excavation is proposed to occur at a minimum scale of not more than one hundred (100) feet to the inch.

- d. Quantity of materials to be excavated.
- e. Depth of water table throughout the excavated area.
6. The estimated time required to complete the operation.
7. The place of operation including nature of processing and equipment, location of the plant, source of water, and disposal of water, plans for drainage, erosion control, sedimentation control and dust control.
8. Complete grading, drainage, erosion control and surface water pollution control plan.
9. The location of public road access and egress to and from the excavation or deposition site and the anticipated primary routing of all vehicles hauling extracted material within one-half mile of the site.
10. The long range re-use plans of the applicant for the future development of the area for which the permit is requested.
11. A restoration plan providing for the orderly and continuing rehabilitation of all excavated land to include the following:
 - a. Contour of land prior to excavating as specified in Section 20-33-03C(5)(c) above.
 - b. Proposed contour of land after completion of excavation as specified in Section 20-33-03C(5)(c) above.
 - c. Proposed contour of land after completion of restoration as specified in Section 20-33-03C(5)(c) above.
 - d. A schedule setting forth the timetable for excavation and rehabilitation of land where the excavation is proposed to occur.
 - e. Depth of any anticipated bodies of water.
 - f. Description of type and quantity of plantings where re-vegetation is to be conducted.
 - g. Description of proposed topsoil overlay.
 - h. The anticipated total cost of restoration pursuant to such plan, and in accordance with this Article and other applicable laws.

12. A permit shall be issued for a period of up to one (1) year.
13. The interim use permit may be terminated in accordance with the provisions of Article 20-15-00 (Interim Use Permits). Notwithstanding the foregoing, the City shall have the right to immediately revoke an interim use permit to protect the health, safety and /or welfare of the community.
14. It shall be unlawful to conduct extractions after an interim use permit has been terminated pursuant to this Article.
15. Modification of Permits. In event the operator wishes to modify the scope of an interim use permit issued, he shall make application setting forth the modification requested. The Planning Commission and City Council shall review the modifications to the interim use permit and approve, deny or conditionally approve the modifications.
16. Conditions. An interim use permit for extraction may be approved or renewed subject to compliance with conditions in addition to those set forth in this Chapter when such conditions are reasonable and necessary to insure compliance with the requirements and purpose of this Chapter. When such conditions are established, they shall be set forth specifically in the permit. Conditions may, among other matters, limit the size, kind or character of the proposed operation, require the construction of structures, require the staging of extraction over time, require the alteration of the site design to insure compliance with the standards and/or require the provision of a performance bond by the operator to insure compliance with these regulations.
17. Liability: Neither the issuance of a permit nor compliance with the conditions thereof, nor with the provisions of this Chapter shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability on the City of Hanover, its officers, agents, employees or contractors for any injury or damage to persons or property. A permit issued pursuant to this Chapter does not relieve the permittee of the responsibility of securing and complying with any other permit which may be required by any other law, ordinance or regulation.

20-33-04: STANDARDS: The following standards shall apply to regulation of extraction, deposition and processing:

- A. The extraction site shall consist of at least ten (10) acres unless contiguous to an existing permitted mining operation.
- B. **Operation shall not be conducted within:**

1. Fifty (50) feet of an existing street or highway.
 2. Thirty (30) feet of the right-of-way of an existing public utility.
 3. Thirty (30) feet of the boundary of an adjoining property.
- C. **Fencing.** During operations, any area where collections of water are one and one-half (1.5) feet in depth or more, or where excavation slopes are steeper than one (1) foot vertical to one and one-half horizontal, any other areas where obvious danger to the public occurs, shall be fenced when such a situation has existed or will exist for a period of five working days or longer.
- D. **Appearance and Screening.**
1. Abandoned machinery and rubbish shall be removed.
 2. All structures that have not been used for a period of one (1) year shall be removed from the site.
 3. All equipment and temporary structures shall be removed and dismantled not later than six (6) months after termination of mining operation or expiration of permit.
- E. **Operating Standards.**
1. Noise. The maximum noise level at the perimeter of the site shall be within the limits set by the Minnesota Pollution Control Agency and the Environmental Protection Agency of the United States.
 2. Odors. No noxious odors shall be detectable beyond the limits of the property covered by the permit
 3. Hours. All mining operations shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on weekdays only.
 4. Explosives. The use and handling of explosives shall be coordinated with the Police Department. Blasting shall occur only at hours specified in the permit and at no other time.
 5. Dust. Operators shall utilize all practical means to reduce the amount of dust caused by the operation. In no case shall the amount of dust or other particulate matter exceed the standards established by the Minnesota Pollution Control Agency.
 6. Water pollution. Operators shall comply with all applicable Minnesota

Pollution Control Agency regulations and Federal and Environment Protection Agency regulations for the protection of water quality. No waste products or process residue, including untreated wash water, shall be deposited in any lake, stream, or natural drainage system, except that lakes or ponds wholly contained within the extraction site may be so utilized.

F. Restoration Standards.

1. Restoration shall be a continuing operation occurring as quickly as possible after the mining operation has moved sufficiently into another part of the extraction site. In any event, rehabilitation shall commence no later than three (3) months after termination of the extraction operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of an extraction permit.
2. Slopes. All banks and slopes shall be left in accordance with the rehabilitation plan submitted with the permit application. No restoration slopes will be steeper than three (3) feet horizontal to one (1) foot vertical.
3. Cover and planting. Slopes, graded and backfilled areas shall be surfaced with at least three (3) inches of topsoil and planted with ground cover sufficient to hold the soil. Such ground cover shall be tended as necessary until it is self-sustaining.
4. Final elevation. No part of the rehabilitation area which is planned for utilization for uses other than open space or agriculture shall be at an elevation lower than the minimum required for gravity connection to sanitary and storm sewer. Provision for run off shall be made. All property shall be graded to properly drain.

20-33-05: FEES AND PERFORMANCE BOND: The following fees and performance bond are required:

- A. **Fees.** A schedule of fees for the examination and approval of applications for interim use permits for extraction operations and the inspection of extraction operations for compliance with conditions of this Article and the permit shall be determined by Ordinance of the City Council, which may from time to time change such schedule. Prior to the approval and issuance of any renewal of any interim use permit for an extraction operation such fees shall be paid to the City Administrator and be deposited to the credit of the general fund.

B. Financial Performance Security.

1. Prior to the approval and issuance of an interim use permit for an extraction operation, there shall be executed by the operator and submitted to the City Council, an Agreement to comply with such conditions as may have been agreed upon, including such rehabilitation provisions as required by this Chapter, other applicable laws and the performance agreement. Such agreement shall be accompanied by a letter of credit or pother form of financial security acceptable to the City Attorney and the Council in the amount of the established costs of complying with such agreement and applicable laws.
2. The aforesaid financial security shall be provided for guaranteeing completion and compliance with the conditions set forth in the permit within the time to be approved by the City Council.
3. The adequacy, conditions, and acceptability of any financial security hereunder shall be determined by the City Council or any official of the City of Hanover as may be designated by resolution of the City Council.

