

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

**Call to Order/Pledge of Allegiance**

Stan Kolasa called the November 27, 2017, Planning Commission Meeting to order at 8:05 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: Chris Kauffman, Erin Meyer and daughter Aurora.

**Approval of Agenda**

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

**Motion carried unanimously.**

**Approval of Minutes from the September 25, 2017, Regular Meeting**

**MOTION** by Armstrong to approve the September 25, 2017, minutes as presented, seconded by Kuitunen.

**Motion carried unanimously.**

**Citizen's Forum**

None

**Public Hearing**

**Amendments to the Zoning Ordinance Related to Mining and Extraction**

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

Nash gave a brief review of the amendments being presented related to mining and extraction in the City of Hanover: inclusion of definitions, what minerals can and cannot be extracted, no explosives may be used, and yearly compliance requirements.

Armstrong asked about the difference between mining and processing. Nash replied that mining was extracting the minerals from the ground and the processing would include making them suitable for sale. Processing tends to be longer in duration and is also louder than extraction.

Kuitunen asked Schendel if 500 feet from residential structures is a good distance for processing. Schendel confirmed that this was fine. Nash added that the City could require silencing mechanisms if the noise of backing vehicles and processing equipment was a concern.

Hammerseng asked questions about requiring heights for the screening barriers. Nash explained that having a specific height requirement is too limiting in case equipment is higher or buildings are at a height where they can still be seen over the barrier. She added that she would make additions to this section so that everything was screened.

Nash reviewed the setback requirements, acknowledging that they are strict, but that allows for better protection over the length of the parcel being mined. She also pointed out the clause which states that the setbacks apply to current residential zoning boundaries in place at the time of the interim permit is approved, and not to those that may follow in the future.

Armstrong asked about the requirement for a minimum of 20 feet of separation from the water table. Schendel replied that Nash had determined this number. He went on to say that this is restrictive and would not allow for much mining to be permitted. He acknowledged that this would be a problem for any future mining permits.

Nash went on to the reclamation requirements in the amendment, explaining that this has been an issue in the past. The goal is to ensure the property being mined is usable for future development. The reclamation requirements are in stages so the mining company has to keep on track and are not allowed to walk away from the mine after everything is extracted. In some cases, there have been large “lakes” created that make the area not able to be developed. The problem with today’s mines is that there were not reclamation plans in place, or were limited, and the land is left as is. The reclamation requirements really depend on what the City wants the end result to be and makes the assumption that re-development will occur. Another requirement is for soil to be put back in the mined area and the final grade will be determined by looking at what is going around the area being mined. Also, the mining company would have to give an end use plan.

Kuitunen asked how this ordinance would be applied within the comprehensive plan and then zoning. Nash said that the zoning districts where mining would be allowed need to be identified. Mining theoretically can happen in any zoning district, but that Hanover has certain areas where aggregate is known to be present. Schendel stated that the area south of the existing gravel pit, the Ruter farm, and the area north of the Industrial Park, Schendel’s farm, both contain aggregate. He also said that some of the aspects of this ordinance would create issues for future mines.

Hammerseng stated that water has played a key part in decisions being made over the past years, particularly with the stormwater run off and Hanover becoming an MS4 city. He also said that it doesn’t make sense to be mining next to the river when work has been done to protect it. He questioned whether or not care was needed when mining is involved so as not to have a negative impact on area wells and septic systems. Nash said that in a mining process where redevelopment is planned and well and septic areas are needed, the mining company will need to set aside these areas and preserve them from heavy machinery. Schendel agreed, but said that it is rarely done as the company wants to extract the aggregate and not confine the heavy machinery to certain areas.

Schendel referred to the Schendel farm and how difficult it would be to mine it and stay within the 20 foot separation from the water table as the parcel is actually lower than the land that City Hall is on. Nash said that if Planning Commission wants to add a requirement that states that 20 percent of the parcel being mined could be a lake, she would add it.

Hammerseng asked why there is not a current mining ordinance. Nash said that there was a mining ordinance in place prior to re-codification. She was hired in the middle of the process of re-codification and does not know the history of why it was removed or if it was forgotten. Hammerseng stated that it needs to be included in the current code.

Kuitunen asked about the Industrial Park being in the floodplain and if that would impact future mining. Nash replied yes, it is in the floodplain and she purposefully made it a requirement that no mining could take place in the floodplain or shoreland management areas. Pollution occurs within the mining process and it can easily enter the water in these areas. It is difficult to protect the water if mining is taking place.

Schendel said that the zoning districts that make the most sense would be industrial, residential agriculture, and neighborhood residential.

Hammerseng asked how mining would be restricted in these zones. Nash said that the 20 foot separation from the water table would be an issue, but optional requirements could be added such as 20 percent being left as a water body and becomes a feature of the re-development.

Hammerseng reiterated his concern regarding protecting the water supply in the area.

Nash explained that environmental reviews are not required for smaller areas being mined, but thinks that if the same company that is currently mining the Mahler Pit expands southward, that would constitute a large enough area that an assessment would be required.

The zoning districts that mining would be allowed in are the industrial, the residential agriculture, and the neighborhood residential. Nash also said that aggregate is in high demand, so having options within the zoning districts may be desirable.

Christenson asked if the ordinance is in place and active, and aggregate becomes a highly desired commodity, would it be possible for a mining company to ask for changes to the ordinance. Nash said that changes, or variances, would not be allowed.

Schendel said that the water table is variable, so instead of a 20 foot separation from the water table, could the separation number be lowered to 10 feet? Kolasa said that since the water table varies, how about a 6 foot separation?

Hammerseng stated that the Board must do what is right for the community.

Christenson said that he would like a smaller percentage of water that is exposed at the end of the process.

Nash also reviewed the roads that may be used in the mining process and the past reclamation procedures for fixing the damage to the roads. She said that she could work on the sections regarding the roads so that the roads will not be as damaged after the mining has ended. Members agreed that 15<sup>th</sup> Street is an example of what can happen and would like to avoid that in the future.

Nash was directed to make changes to the ordinance and bring it back for review at the December meeting.

Kolasa closed the Public Hearing at 9:05 pm and reopened the Planning Commission meeting.

**MOTION:** Kuitunen moved to table the draft mining ordinance until the next meeting when changes suggested could be reviewed by Board members, seconded by Schendel.

**Motion carried unanimously.**

#### **Unfinished Business**

None

#### **New Business**

None

#### **Reports:**

**Staff:** Biren said that staff has been meeting with potential developers for several properties in Hanover including the Hamblin Orchard and the seven acres next to the Crow River on the Hennepin County side. The Bechtold Pit has been officially divided into two parcels. Duininck Pit is in the process of being surveyed and a wetland delineation has been done. Three new homes, one for each of the three builders, are in the process of being constructed in Crow River Heights West Third Addition.

#### **Adjournment**

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

Meeting adjourned at 9:18 pm.

#### **ATTEST:**

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Amy L. Biren

Administrative Assistant