

**CITY OF HANOVER  
PLANNING COMMISSION MEETING  
DECEMBER 12, 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: 6:30 p.m.**
- 2. Approval of Agenda**
- 3. Approval of Minutes from November 27, 2017, Regular Meeting**
- 4. Citizen's Forum**
- 5. Public Hearing**
- 6. Unfinished Business**
  - a. Amendments to the Zoning Ordinance Related to Mining and Extraction**
- 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  
NOVEMBER 27, 2017  
DRAFT 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:**

---

Amy L. Biren

Administrative Assistant

# Collaborative Planning, LLC

## Memorandum

To: Hanover Planning Commission  
From: Cindy Nash, AICP, EDFP  
Date: December 7, 2017  
Subject: Draft Mining Ordinance

Attached for your consideration, please find a revised draft mining ordinance. A redlined copy that compares to the version that was at the November Planning Commission meeting is also attached.

### Enclosures:

1. Draft Mining Ordinance
2. Redlined Mining Ordinance

**CITY OF HANOVER  
COUNTIES OF WRIGHT AND HENNEPIN  
STATE OF MINNESOTA**

**ORDINANCE NO. 2017-**  

**AN ORDINANCE AMENDING CHAPTER 10, ~~SECTIONS 10.01 & 10.32~~  
PERTAINING TO MINERAL EXTRACTION**

THE CITY COUNCIL OF THE CITY OF HANOVER ORDAINS AS FOLLOWS:

**Section 1. Certain definitions in Section 10.01 of the City of Hanover Code of Ordinances are repealed in their entirety as follows:**

*Mining.*

**Section 2. New definitions are added to Section 10.01 of the Hanover Code of Ordinances as follows:**

*Blasting.* The practice or occupation of removing, by means of explosives, any mass, especially rocks, buildings, etc.

*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.

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.5"

*Explosives.* Any chemical or other substance intended for the purpose of producing an explosion or that contains oxidizing or combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion or by detonation may produce an explosion capable of causing injury to persons or damage to property. The term "explosive" includes, but is not limited to, the following: black powder (all varieties), dry gun cotton, nitroglycerine, dynamite, chlorates, fulminates, all sensitized ammonium nitrate compositions and any other of their compounds or mixtures, smokeless powder, wet gun cotton and wet nitrostarch.

**Section 3. Section 10.25 and Section 10.27 are amended as follows:**

Mineral Extraction is added as an Interim Use in all zoning districts.

**Section 4. A new Section 10.72 is added as follows:**

**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 Section, 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 ~~or through downtown Hanover~~. 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. Haul Routes. Haul routes on city collector roads shall be identified and shall be located in a manner that provides the closest proximity from a haul road to the nearest county or state road. The city collector road designated as the haul route must be constructed as 10-ton roads. In the event that a collector road does not meet these requirements, the project proposer shall upgrade the roads at their sole expense.
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~~A viewshed analysis shall be

submitted with the application includes the development of a model of site specific conditions such as topography, vegetation, equipment, stockpiles and proposed site structures. Key view areas shall be represented through drawings, photos, cross-sections or other imaging methods. The screening barrier shall consist of berms 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.
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~~five hundred ~~fifty~~ (250)(500) 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)~~ ten (10) feet of separation shall be maintained between the lowest grade mining at which mining is permitted and the water table.

14. Blasting/Explosives. Blasting is prohibited.

15. Noise. The operator shall exercise its best efforts to control noise to minimum practical levels. Backup horns, bells, strobe lights, and other warning devices shall be adjusted to the minimum level required by law. Operator shall use broadband or white noise backup alarms on all its mobile equipment.

#### 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.

**Section 4.** This Ordinance shall be in force and effect after adoption and publication in summary form in the official newspaper of the City of Hanover in accordance with applicable law. Staff is directed to prepare a summary form of the ordinance.

Adopted by the Hanover City Council this \_\_\_\_th day of \_\_\_\_\_, 2017.

**CITY OF HANOVER**

---

Chris Kauffman, Mayor

Attest:

---

Brian Hagen, City Administrator

**CITY OF HANOVER  
COUNTIES OF WRIGHT AND HENNEPIN  
STATE OF MINNESOTA**

**ORDINANCE NO. 2017-**

**AN ORDINANCE AMENDING CHAPTER 10  
PERTAINING TO MINERAL EXTRACTION**

THE CITY COUNCIL OF THE CITY OF HANOVER ORDAINS AS FOLLOWS:

**Section 1. Certain definitions in Section 10.01 of the City of Hanover Code of Ordinances are repealed in their entirety as follows:**

*Mining.*

**Section 2. New definitions are added to Section 10.01 of the Hanover Code of Ordinances as follows:**

*Blasting.* The practice or occupation of removing, by means of explosives, any mass, especially rocks, buildings, etc.

*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.

*Explosives.* Any chemical or other substance intended for the purpose of producing an explosion or that contains oxidizing or combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion or by detonation may produce an explosion capable of causing injury to persons or damage to property. The term "explosive" includes, but is not limited to, the following: black powder (all varieties), dry gun cotton, nitroglycerine, dynamite, chlorates, fulminates, all sensitized ammonium nitrate compositions and any other of their compounds or mixtures, smokeless powder, wet gun cotton and wet nitrostarch.

**Section 3. Section 10.25 and Section 10.27 are amended as follows:**

Mineral Extraction is added as an Interim Use in all zoning districts.

**Section 4. A new Section 10.72 is added as follows:**

**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 Section, 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 or through downtown Hanover. 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. **Haul Routes.** Haul routes on city collector roads shall be identified and shall be located in a manner that provides the closest proximity from a haul road to the nearest county or state road. The city collector road designated as the haul route must be constructed as 10-ton roads. In the event that a collector road does not meet these requirements, the project proposer shall upgrade the roads at their sole expense.
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. A viewshed analysis shall be submitted with the application includes the

development of a model of site specific conditions such as topography, vegetation, equipment, stockpiles and proposed site structures. Key view areas shall be represented through drawings, photos, cross-sections or other imaging methods. The screening barrier shall consist of berms 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.
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 five hundred (500) 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 ten (10) feet of separation shall be maintained between the lowest grade mining at which mining is permitted and the water table.
14. Blasting/Explosives. Blasting is prohibited.
15. Noise. The operator shall exercise its best efforts to control noise to minimum practical levels. Backup horns, bells, strobe lights, and other warning devices shall be adjusted to the minimum level required by law. Operator shall use broadband or white noise backup alarms on all its mobile equipment.

#### 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.

**Section 4.** This Ordinance shall be in force and effect after adoption and publication in summary form in the official newspaper of the City of Hanover in accordance with applicable law. Staff is directed to prepare a summary form of the ordinance.

Adopted by the Hanover City Council this \_\_\_th day of \_\_\_\_\_, 2017.

**CITY OF HANOVER**

---

Chris Kauffman, Mayor

Attest:

---

Brian Hagen, City Administrator