



Planning Commission Memorandum

To: Planning Commission
From: Justin Fortney, City Planner
Date: December 14, 2015
Item: SUP - 2015-43 - Mining – 2800 Ravenna Trail

Planning Commission Action Requested: The Planning Commission is asked to hold a public hearing and review a Special Use Permit to operate a sand mine and soil processing, east of the intersection of Highways 54 and 91 (Glendale Rd). The current application is the same as applications made in the past that have all been approved with similar conditions, with the exception of the concrete debris.

Background Information

The original application was granted in 1978 to Donald Kluende. It was transferred in 1983 to Holst Excavating, Inc. From 1991-1999, Holst Excavating received renewals to the Special Use Permit for soil processing. In 1999, the site moved $\frac{1}{4}$ miles north to its current location and has continued to receive SUP renewals as a soil processing and mining operation. The site is currently used for removing sand and gravel. The applicant has proposed to mine 996,925.6 cubic yards of sand on the property. The intention is to begin mining above the water table. If demand necessitates, a pond/sand pit on the property will be excavated which would vary in depth from 20-50 feet. The sand pit would go below the water table and part of the pit would eventually fill up with water, creating a pond. The slope of the pond to the water would be 3:1 with a 10 foot bench above the water level. The pond would have a 5:1 slope below the water level which is the slope required by the city for all wet ponds.

If orders are received, the site may be used to wash sand and gravel. The attached Exhibit A shows the phases the work will be completed in.

An Environmental Assessment Worksheet was completed in July 1999 and the City Council adopted the conclusions and findings of facts in October 1999. It was also declared that an Environmental Impact Statement was not required.

Notification

Notification of the request was mailed to property owners within 350 feet. Staff received a complaint from a neighboring property owner that the large pile of concrete debris is an eyesore and they want to know when it will be removed.

The concrete debris is likely from road projects during the bridge project in 2013. The debris was likely trucked there under an arraignment between the landowner and the contractor (Lunda/ Ames). The recycling of the stored concrete could be done under the soil processing SUP, but the SUP does not allow for the long term storage of debris. Staff has also noticed that according to aerial photography, the debris extends about 65-feet onto a neighboring property.

The owner of the site is currently out of the country until Monday the 14th. Staff will contact him for comment at that time. Staff may have more specific recommendations after discussing the matter with the owner, but there should be a timeline set for the disposal of the concrete as a condition of approval.

Comprehensive Plan Classification

The use conforms to the 2030 Comprehensive Plan. The subject property is classified R-Rural. The site is not planned for sewer service in the 2030 Comprehensive Plan.

Comprehensive Plan Classification

The subject property is zoned A-Agriculture. Soil processing and mining are designated special uses in the district. Health, safety and general welfare concerns shall be examined in determining the appropriateness of the use. Reasonable conditions can be added to the special use permit to ensure compatibility with surrounding land uses and address project concerns.

Special Use Permit Review

Performance Bond- City Code requires the submission of a performance bond by the applicant. The amount of the performance bond has been equal to \$75,000.

Dewatering- If dewatering is intended to be used, a plan must be submitted for review along with proof of a \$100,000 bond for well possible well damage within a one mile radius of the site.

Access- Access to the site is located 400 feet south of the intersection of County Road 54.

Operating Hours- Operating hours will be from 7:00 am to 5:00 pm.

Truckloads- The traffic will be dependent on demands. At a maximum, it is estimated that 10-15 loads a day would occur, or 3,000 or 4,000 loads a year annually.

Critical Areas- The entire site is located in the Rural Open Space district of the Minnesota River Critical Area Corridor. The following conditions are to be added to the permit in accordance with state critical area requirements:

1. The site contains trees along the western property boundary with the neighbors. These trees shall be protected in accordance with State critical area requirements. The applicant shall identify a tree buffer area on a map that indicated locations that will not be disturbed.

2. The applicant shall stay at least 40 feet back from the toe of the bluff when grading that portion of the project. The applicant shall submit a modified site indicating the toe of the bluff when grading is proposed in this part of the site.
3. The earthen berms shall immediately be seeded with a native grass mixture after they are constructed.
4. The site above the water table shall also be planted with native vegetation at the end of mining activities on the site.

RECOMMENDED ACTION

Approval of the Special Use Permit is recommended subject to the following conditions:

1. Expiration of the permit shall be December 21, 2018.
2. No more concrete or asphalt debris may be brought to the site until the existing debris is recycled and removed.
3. The existing debris must be recycled and removed prior to the expiration of the current SUP on December 21, 2018.
4. Holst Excavating shall file an annual report each January with the City Council to provide an update on activities and operation on the site.
5. All MPCA requirements shall be met and all permits received before the operation of the plant.
6. The site must be watered as necessary to control dust.
7. Holst Excavating shall continue in full force and affect an irrevocable bond or other form of security acceptable to the City in the amount of \$75,000 for the estimated cost of restoring the site covered by soil pursuant to City Code.
8. That the requirements of the city code concerning soil processing plants be attached as conditions for permit approval and be adhered to by the applicant.
9. The applicant shall file with the local fire authority a material safety data sheet for a flammable combustible liquid storage permit.
10. The applicant shall operate the facility with due regards to the rights of the easement holders on the property. Mining operations shall not conflict with pipelines and power lines as established within easements on the property.
11. The applicant shall provide the city with a letter from the pipeline company stating their awareness of the proposed gravel pit and any concerns they have.
12. Reclamation of each mining phase shall begin as part of the condition of moving on to the next mining phase.
13. The site is to be restored upon completion of the mining operations.
14. The earthen berms shall be immediately seeded with a native grass mixture after they are constructed/ altered. This native grass mixture shall be approved by the DNR.
15. The remainder of the site above the water table shall also be planted with native vegetation at the end of mining activities on the site. This native grass mixture shall be approved by the DNR.

16. The applicant shall plant native trees in the shoreland impact zone that has been affected by historic farming practices (pre-mining) as part of the reclamation of this site.
17. The applicant shall retain and protect all the existing trees in the wetland and shoreland impact zone.
18. Any abandoned on-site wells shall be abandoned according to Dakota County Ordinance No. 114.
19. Holst Excavating shall notify the City Planning Department if any excavation of previously undisturbed areas reveals the presence of historic artifacts.
20. Operating hours are not to be in excess of 7:00 am to 5:00 pm Monday through Saturday except holidays. In addition, Holst Excavating shall refrain from at all times using CSAH 54 and HWY 91 for hauling purposes between the hours of 5:00 pm and 7:00 am. In cases of emergency, Holst Excavating may operate during hours other than those noted upon approval by the City Administrator or the Public Works Director. This Special Use Permit can be revoked if the applicant is found working beyond these hours and does not have authorization to do so.
21. All accesses to this property shall be gated or chained to prevent unauthorized access to the site. Dakota County shall approve any new accesses.
22. Holst Excavating shall provide to the City a Liability insurance policy or certificate of insurance from an insurance company authorized to write casualty insurance in the State of Minnesota as will protect the applicants, its agents, and the city from claims of bodily injury, death, or property damage which may arise from operations under the soil processing permit. The amounts of the insurance shall not be less than that which is required by the City Code.
23. Vegetative cover as required by the City of Hastings Storm Water Management Ordinance shall be restored on the steeply sloped portions of the site. Appropriate erosion control measures as determined by the Public Works Director shall be undertaken to ensure establishment of vegetative cover on steeply sloped portions of the site where mining is complete according to the approved plan.
24. As applicable, the applicant shall be responsible for obtaining any water appropriations or dewatering permits required from the State DNR.
25. The applicant shall follow the State's DNR well dispute resolution system set up to handle well interference problems. The applicant shall correct interference with existing wells by modification of pumping operations, replacing wells, or lowering impacted wells.
26. If dewatering is intended to be used, a plan must be submitted for review along with proof of a \$100,000 bond to cover possible well damage within a one mile radius of the site.
27. The applicant shall notify well owners within a one mile radius of the gravel pit of their contact name, address, and phone number.

28. The City of Hastings shall be informed of the results of the most recent inspection of the mining operation by the Mine Safety and Health Association.

ATTACHMENTS

- Location Map
- Exhibit A
- Photographs

Location



Exhibit A



