



PLANNING REPORT

TO: Planning Commission
FROM: Brad Scheib and Jason Zimmerman, Consulting City Planners
DATE: March 5, 2025
PLANNING CASE NO: 25-01E – Crow Pit Gravel Mine Expansion CUP
SUBJECT: Conditional Use Permit
LOCATION: 6815 Harff Rd, Greenfield, MN 55357
PID 1011924240001
MEETING DATE: March 11, 2025
COMPREHENSIVE PLAN: Rural Residential
CURRENT ZONING: Rural Residential

Background

In 2024, SSG (Superior Sand and Gravel) applied for a conditional use permit to expand the existing Crow Pit sand and gravel mining operation (located generally at the southwest quadrant of Harff Road and Greenfield Road in Greenfield MN) to an adjacent parcel (6815 Harff Rd) west of the existing gravel mine area and adjacent the Crow River. That application had a public hearing at the Greenfield Planning Commission and was officially withdrawn on February 11 prior to the planning commission meeting scheduled for that evening. The initial application was to amend the existing gravel pit CUP, expand the mining and extraction to a phase two (westerly parcel), and continue using the current pit for operations or processing under the revised or amended CUP. That 2024 CUP application included use for an Asphalt Plant and bringing in concrete for recycling purposes using on-site crushers. (Note: Staff has reviewed the historical background information on file and concluded that both the Asphalt Plant and crushing/processing of recycled concrete are not permitted uses within the Rural Residential Zoning District and are thus not permitted uses through the CUP.)

New 2025 Application

After withdrawing the application, SSG submitted a new application that splits the proposed phase two expansion of sand and gravel extraction from the existing Crow Pit CUP. The new application does not include the asphalt plant or request for processing of recycled concrete. The new application is focused on requesting a CUP for sand and gravel extraction and associated processing on the phase two parcel only. Primary operations of the phase two expansion CUP include: overburden stripping and stockpiling, mining, screening, crushing, processing, washing, stockpiling, and hauling of aggregate materials. The current Crow Pit will continue to operate under the existing conditional use permits as has been documented in prior staff reports and available on the city web page. This report will not address compliance matters or status of the

existing CUP. That will be done through a separate process in the near future. However, it should be noted that there are a number of circumstances where mining operations on the phase two parcel will interface with the phase one parcel, both of which are currently owned by the same entity. The most notable connection is the use of the existing haul road for access to the site. This can be addressed through a shared driveway easement and agreement of sorts. Other areas that link the operations of the two phases include use of water for washing and dust control through an existing DNR water appropriations permit and the fact that the parcels share a common boundary with proposed mining extraction activities happening up to the shared boundary.

Key Differences with the new application

While the revised 2025 application materials are substantially similar to the phase two proposed operations in the 2024 application, there are some differences. The primary differences include the following:

1. **Mining Processing:** Mining processing activities are described in section 2.3 of the CUP application to include: screening, crushing, and washing. The processing as proposed will be located entirely on the expansion Phase 2 parcel within an area defined as 200' from lot lines not shared with the existing Pit operations.
2. **Volume of excavated materials.** The overall volume of excavated materials has increased by approximately 34,200 cubic yards. This materials is part of the mineable aggregate materials. Overburden materials remain the same. Staff's understanding is that this was a result of a calculation error from the initial application.
3. **The anticipated operating life of the mine.** The anticipated operating life of the mine has changed from 5-8 years to 7-12 years. Operating life continues to be factor of market demand for aggregate materials. CUP's run with the property and do not have an end date. CUP's can be revoked only by Council action when conditions are no longer being met or when a property owner voluntarily requests Council to revoke a CUP.
4. **Total reclamation fill.** The total amount of fill estimated to be needed to reclaim the site per the proposed reclamation plan has increased by 36,700 cubic yards.
5. **Mining Limits and setbacks.**
 - a. Setbacks for areas where '*processing*' occurs are proposed to be 200' from property boundaries except where the Phase two parcel shares a boundary with the Phase one parcel. A line representing this 200' distance is shown on sheets 2 (existing conditions) and 3 (the mining plan) of the application. Processing equipment is generally mobile and not permanently fixed on-site. Locating the equipment on site will be subject to site conditions at a specific point in time, the product being processed, the location of aggregates, the areas being reclamation, or other site factors. However, processing will be contained within the 200'

setback noted on the plan sheets.

- b. The mining limits/boundary remain the same as the prior applications within one exception. The southerly limits are shown offset 200 feet northerly of an existing overhead transmission line. The applicants are in the process of completing a formal site survey that will include review of existing easements. The applicant is proposing to extend the southerly limit of the mining area as may be allowed depending on the language of the transmission line easement. This expansion will also affect the volume of materials estimated and likewise the other material estimates and lifetime of operations.

6. Access to the site.

The expansion parcel (phase two parcel) has a limited amount of frontage on Harff Road; however, access to the pit is proposed to use the haul road that is currently used for the existing Crow Pit. This is the same as the prior application. Because the request is for a separate CUP that would run with the phase two parcel, an easement and driveway agreement will need to be drafted to ensure the haul road is maintained for access through the duration of the CUP (mining and reclamation). In addition, the agreement needs to contain assurances that the ongoing monitoring and compliance matters associated with both CUP's are properly managed. This will be a condition of approval. As both phase one and phase two parcels are currently under the same ownership, this easement and agreement should be able to be drafted to achieve the desired effect. This agreement and easement must be executed and recorded on both parcels prior to issuing the CUP.

Relevant Supporting Materials

The applicant provided a thorough explanation of the project and the site conditions through the completion of an EAW (on file), the 2024 CUP application (since withdrawn) and the most recent CUP application received on February 11, 2025. For the purposes of this report, and for Planning Commission review, all prior materials are relevant in reviewing this CUP request including the following:

- a) Crow Pit EAW
- b) Crow Pit EAW Findings and Record of Decision (Council Resolution 24-55)
- c) December 10, 2024 Planning Commission Staff Report
- d) January 9, 2025 Planning Commission Staff Report and associated attachments
- e) [February 5, 2025 Planning Commission Staff Report and associated attachments](#)
- f) [Crow Pit Background files found on the City Development Web Page](#)

Site Overview and Analysis

For a full overview of the site and an analysis of the gravel mine expansion, see the staff report in the December Planning Commission agenda packet.

CUP Process Summary

When a use is permitted or conditionally permitted within a district and a proposed use satisfies the standards set in code, a city may not deny that use. A city may, however, attach reasonable conditions relating to the ordinance standards and the unique impacts of the use based upon factual evidence contained in public record. These conditions are established through the formal CUP process as set forth in the city zoning code.

In Greenfield, nonmetallic mining is a permitted conditional use in the Rural Residential zoning district.

Additional Neighborhood Response

Since December Planning Commission meeting, a number of additional neighborhood letters have been submitted. The majority of the issues and suggested/requested mitigation measures in these letters have been addressed through staff analysis and a number are reflected in the proposed conditions of approval. We recognize not all suggestions are included in the proposed conditions. These additional mitigation measures can be discussed as needed by the Planning Commission. The additional neighborhood letters are included in the February 5, Planning Commission agenda. Any additional letters or correspondence received will be included as an additional attachment or provided at the meeting.

60-Day Process

The CUP application was received on February 11, 2025. At this time the application has not yet been deemed complete pending an official site survey of phase two. The City does have the statutory authority to extend the deadline an additional 60 days, with sufficient reasoning. We will continue to review the application in the meantime.

Staff Recommendation

The Planning Commission should conduct a new public hearing for the 2025 application. Following the public hearing, the Planning Commission should discuss further any aspects of the project as well as the conditions that have been proposed by staff. Following discussion, the Commission has the following options:

1. Recommend approval of the CUP with conditions as noted in the staff report or with any modifications or additions requested by the Planning Commission.
2. Table the application and request additional information. In the event Commissioners feel key information is missing to inform the recommendation, such information should be clearly identified and be able to be assembled with a reasonable level of effort and time. The tabled action would allow this additional information to be gathered and presented at a future meeting.
3. Recommend denial of the request. If the Planning Commission feels that there are no reasonable mitigation measures or conditions of approval to address the standards for granting a CUP, the Commissioners can recommend denial. Clear findings of fact should

be stated in support of such denial.

Staff recommends approval of the requested CUP with proposed conditions. The principal use of gravel mining is consistent with the comprehensive plan, is a permitted conditional use with the RR zoning district, and reasonable conditions can be applied to the CUP that address the potential impacts.

Staff offers the following conditions of approval for Planning Commission discussion and consideration:

Conditions of Approval

Legal Compliance

1. This permit is issued to the Applicant/Operator for the property at 6815 Harff Rd and as shown on Sheets 1 through 4 of the plan set. Sheets 1 through 4 include an index sheet, existing conditions, Phase 2 mining plan, and Phase 2 reclamation plan. Any mining beyond the area indicated within the plan set is prohibited without an amendment to this CUP.
2. Prior to the start of any activities and initial work at the site, Applicant or Operator shall obtain all required Federal, State, County, City, and other local permits for each operation and/or construction activity, including but not limited to permits from the Minnesota Pollution Control Agency ("MPCA"), Minnesota Department of Natural Resources ("DNR"), Mine Safety and Health Administration ("MSHA"), Hennepin County, City, and any other applicable government agency. On an annual basis, evidence of having all required permits in place and subsequent reporting and compliance requirements shall be submitted to the City for its review and records retention.
3. The applicant shall provide to the city an executed and recordable easement granting access to the site from Greenfield Road following the haul road. The easement shall be accompanied by a driveway agreement ensuring adequate maintenance, repair, and CUP compliance related matters during the lifetime of the CUP. . The agreement shall also secure Operator's right to maintain permanent signage at entry points which communicates operation and noise restrictions of this and any other applicable CUP. The City shall be included as a beneficiary of this agreement and granted the right to enforce the terms of the same. Such agreement shall be reviewed by City Staff and approved by the City Council prior to issuance of the CUP.
4. The applicant will work with the City to establish, follow, and keep current a process for a rapid response plan to address issues related to compliance and nuisances as may be reported from time to time. This plan shall include key contact info for the Pit Manager and a City contact. The applicant will incur all costs to correct any issue reported that is determined by the City to be substantive. The rapid response plan will allow direct communication with the applicant so that the applicant directly addresses the complaint.

The applicant shall document the complaint and corrective action taken and provide such documentation to the City. The rapid response plan must be approved by City staff prior to issuance of the Conditional Use Permit.

5. The City shall perform an annual site visit and records review to determine continued compliance with CUP requirements. If the City determines that work on the Subject Property is not in compliance with specific CUP requirements, the City shall provide notice to the Operator specifying any asserted non-compliance and the Operator shall prudently work to take corrective action and bring the site operations into compliance. In the event insufficient progress is made towards corrective actions within a reasonable time period as determined by City staff, the City may enforce its rights within any applicable contract and/or may initiate actions to revoke the CUP consistent with state laws. The City Council's failure to enforce this provision shall not waive the right to address any future violations.
6. The Operator shall provide an annual escrow to be retained by the City in an amount sufficient to cover the cost of the annual site visit as well as any noise testing, analysis, or monitoring that is deemed necessary to address sustentative complaints.
7. The Operator will be permitted to haul clean fill onto the site for reclamation. Other materials, such as construction debris, concrete, or others for the purpose of crushing and creating recycled aggregate, may not be brought onto the site. The Operator shall only be permitted to haul aggregate product from the site. The Operator shall comply with all State and Federal regulations and procedures with respect to the use and storage of fuel and oil.
8. The Operator shall not store any equipment, materials, or other product not directly associated with the uses permitted through this CUP on the Subject Property.

Noise

9. The Operator will be required to continuously meet the noise standards and the monitoring standards required by the Minnesota Pollution Control Agency and the State of Minnesota. If the City obtains substantive evidence that the noise standards are being violated, the City may retain the services of a qualified entity to conduct noise tests on-site at a time as determined by the City and the qualified entity. The cost of said monitoring and analysis shall be borne by the Operator and shall be included in the annual cost estimate for the escrow fund to be retained by the City.
10. Processing equipment (crusher) shall be located as per the note on Sheet 2 Existing Conditions of the plan set and shall be no closer than 800 feet from any single family residential structure existing at the time of the CUP approval.
 - *Staff recommends planning commission discuss this provision. The proposed*

setback for processing is 200 feet from property lines which is approximately 465 Feet from the nearest residential parcel located across the Crow River in Hanover.

11. The Operator shall restrict the use of Jake brakes on all vehicles it owns or controls (including contractors) and maintain signs noting the restriction at locations approved by the City. The Operator shall communicate the restrictions to all contractors and enforce the restrictions as a condition of doing business at the Subject Property.
12. Operating hours shall be limited to 7:00am to 7:00pm, Monday-Friday, and 7:00am to 4:00pm Saturdays except for legal holidays. No processing (crushing, screening, washing), mining, or excavation, shall occur on Saturdays.
 - *Staff recommends Planning Commission discuss this condition. Is it reasonable to restrict hours of operation more than the adjacent Pit operations and requested hours of operation?*
13. The Operator will be required to maintain the mining limits as demonstrated on the phase two Mining Plan (sheet 3 of the plan set). Mining activities shall be no closer than 50 feet to the property line of the perimeter of the phase two parcel except where it shares a common property line with the phase one parcel. All mining activities must be contained within the phase two parcel property boundary and compliant with the phase two Mining Plan (sheet 3 of the plan set), phase two Reclamation Plan (sheet 4 of the plan set), and the terms of this CUP; however, use of the haul road is permitted in compliance with the terms of this CUP and the City-approved easement agreement. Operation of processing equipment that crushes material originating on-site will be limited to twenty (20) consecutive pit operation days (excludes Sundays and holidays) two (2) times a year. The operator shall notify the City at least five (5) business days prior to running the crusher.
14. Mining and processing equipment shall be maintained in good working order.
15. Truck traffic will be looped when practical to minimize backup alarms and white noise backup alarms will be used by mining and excavation equipment.

Air

16. The Operator shall maintain compliance with all permits and regulations including the MPCA Air Permit, Nonmetallic Mining Stormwater Permit, regulations enforced by the state of Minnesota, as well as MSHA regulations. Proof of conformance with permit requirements shall be submitted to the city upon completion of permit renewals and agency inspections.
17. "Dust control" shall be applied as often as weather and site conditions warrant it and include the phase two parcel (the Subject Property), the haul road and any areas affected by the Operator's use; and if requested by the City, dust control shall be applied within a

24-hour period.

18. Chloride dust suppressants shall only be used in a very limited manner or as a last resort for high-traffic areas.
19. If fugitive dust control measures are concluded by the City to be consistently insufficient based on the frequency and number of complaints received and validated by the City, additional action may be taken to control the dust which may include (but not be limited to) such requirements as slower speeds within the pit, increasing water applications (to stockpiles and unvegetated areas or in frequency), using chemical dust suppressant on the loop haul road internal to the gravel pit, or in the case of extremely dry or windy conditions limiting operations. Paving the access/haul road may be required as a last resort if other means of dust control prove to be consistently insufficient as determined by the City. Such mitigation shall be the responsibility of the Operator.
20. New technologies will be explored by the applicant from time to time that would reduce noise and vibrations, or improve air quality.
21. The size of the active mine area (the area that is disturbed at any one time) will be limited to the smallest area reasonably feasible and unworked areas will be stabilized with topsoil and vegetation.

Visual

22. The Operator shall construct a berm as shown on Sheet 3 Mining Plan along the Crow River that provide visual relief to adjacent residential uses from the mining operation. Berms shall be seeded with MnDOT 25-131, a rapidly establishing, low maintenance, durable product and maintained to ensure vegetative cover. Constructed berms shall be limited to a maximum 3:1 slope on the outward facing slopes of the berms.
23. The height of stockpiles shall be limited to 30 feet and stockpile storage shall be on the floor of the mine.
24. Any lighting used on the site must be downcast and recessed dark-sky compliant in alignment with City Code.

Water Quality

25. The Pollution Prevention (P2) plan shall be reviewed for consistency with the approved Blanding's turtle avoidance plan and adequate avoidance and mitigation practices shall be adhered to.
26. Material storage will be prohibited within environmentally sensitive areas including floodplain areas, shoreland impact zones, and wetlands.

27. Plans shall comply with any Pioneer-Sarah Watershed Management District development standards.
28. A drainage and erosion control plan shall be submitted for review and approval by the City Engineer that includes silt fencing be placed along the perimeter of the disturbed property including protections of the Crow River consistent with state shoreland rules and guidance.
29. The Operator shall follow best management practices identified in the P2 (Pollution Prevention) plan including using silt fencing, establishment of diversion swales or berms, establishment of temporary sediment basins, and establishment of vegetation.
30. Wash water shall be treated in sedimentation ponds and recirculated back to the processing plant and not discharged to surface water.

Habitat

31. The Blanding's turtle avoidance plan will be followed and attached to the Pollution Prevention plan.
32. All non-essential lighting shall be turned off during the Mayfly hatch as well as following the Audubon Society's Lights Out program darkening all buildings and structures during the bird migration from midnight until dawn March 15 - May 31 and August 15 - Oct 31.
33. A raptor survey shall be conducted by a third party to identify if there are any raptors present in the project to ensure that no nests are present prior to the commencement of mining operations and specifically any tree removal in compliance with the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. If raptors are detected, operations shall halt until a course of action can be established.
34. Existing vegetative setback areas shall be maintained and kept free of invasive species and suitable for full health of the natural habitat.

Traffic

35. The Operator shall perform outreach to drivers and customers that enter the pit by installing and maintaining signage on the phase two parcel (Subject Property) and at all entry points to the property containing the haul road and installing, at Operator's cost signs along Harff Road and Greenfield Road as directed by the City. All contracts shall include notification on the truck traffic route, operation and noise requirements, and safety standards (obeying stop signs and speed limits on public streets and within the pit operations) as part of contracting standards. The Operator shall reasonably enforce these standards.
36. The Operator shall be responsible for maintaining warning signs related to traffic safety

and a stop sign at the intersection of the haul road and Greenfield Road and for direct follow-up with drivers or customers identified as not driving safely.

37. The Operator shall be responsible for wear and tear maintenance costs attributable to the applicant's use of Greenfield Road. Routine road maintenance shall be the obligation of the City. The wear and tear maintenance costs will be attributable to the expected and actual (to the degree known) proportional amount of equivalent single axle loads (ESALs) on the portion of Greenfield Road from the road on the applicant's property (the haul road) to Woodland Trail. As part of the annual review of conformance with CUP standards, the applicant shall share accurate load logs into and out of the pit with the City.
38. The applicant shall limit unnecessary traffic and place signs controlling the speed of traffic throughout the active mine area and at entry point to the haul road.

Reclamation

39. The reclamation plan shall include a cover crop on areas to be farmed and permanent native vegetation for any areas not to be farmed.
40. Fill material brought in to the site for reclamation purposes shall be clean fill suitable for growing cover crops. The Operator shall keep records of the number of loads of fill brought in to the site for reclamation purposes and shall provide those records to the City as part of the City's annual CUP review.
41. To guarantee final restoration and reclamation of the site, the Operator shall file an annual bond with the City equal to the estimated cost of reclamation and restoration of the site to be determined by the City Engineer.
42. Reclamation will occur as mining progresses and is completed. This will include placing reclamation backfill materials as need to establish the approximate grades shown on Sheet 3 of the Mining Plans. Final restoration of reclaimed areas shall be completed within 6 months after termination of backfill operations.

Attachments

1. CUP Application dated February 11, 2025