

Sec. 22.15. - Mineral and material extraction.

Any person, firm or corporation desiring to commence, expand or enlarge a commercial mining, processing or similar activity shall comply with the requirements of this section (22.15). This includes, but is not limited to, the following types of commercial or processing operations:

- I. Sand;
 - II. Gravel;
 - III. Crushing;
 - IV. Washing;
 - V. Other minerals or earthen materials;
 - VI. Any similar production or manufacturing process related to the above activities.
- A. *Interim use permit.*
1. No person, firm, or corporation shall dig, excavate, enlarge, or maintain an operation listed above in section 22.15, subsections I—VI, upon property owned or used by said person, firm or corporation without an interim use permit (article 6B). An interim use permit shall not be required if the operation consists only of aggregate mining, the mining consists of 1,000 cubic yards or less of material per calendar year and all cubic yards of material shall be used on property owned by the individual doing said aggregate mining and who owns said aggregate mining pit.
 2. An interim use permit shall not be required for the operation of a borrow pit utilized in conjunction with a federal, state or local road construction project. Said borrow pit shall be open no longer than six months, the borrow pit shall meet all of the requirements of section 22.15 of the Meeker County Zoning Ordinance and the applicant shall complete and submit all of the information required in the Meeker County Mining and Reclamation Permit Application portion of the zoning ordinance a minimum of 20 business days prior to commencing operation of said borrow pit.
 3. Persons requesting an interim use permit for a mining operation shall submit the following information as part of the application:
 - a. A complete mining and reclamation plan application as provided by the zoning administrator (see letter I of section 22.15). This application must be signed by both the primary applicant (landowner) and secondary applicant (operator); however, the ultimate responsibility for executing the mining and reclamation plan and the interim use permit rests with the landowner.
 - b. The mapping and site plan requirements of the mining and reclamation plan application shall be used in place of the mapping and site plan requirements of the interim use permit as found in article 6B of this ordinance.
 4. *Notice.* All property owners of record within one-half mile of the affected property, or to the

ten properties nearest to the affected property, whichever is greatest, shall be provided with a written notice of the time, place and purpose of the public hearing on the proposed interim use permit.

5. *Application revisions.* In the event the applicant finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original mining and reclamation plan by mutual consent of the applicant, operator and the county board. Such changes shall preserve, as much as possible, the original reclamation plan, and shall also provide for the previously unknown variables.
 6. *Change of landowner.* All gravel mining interim use permits expire once a property changes ownership. The new landowner must receive a new interim use permit if any gravel mining activities occur on the property. However, all reclamation and other responsibilities identified in the expired interim use permit are transferred to the new landowner.
 7. *Change of operator.* A landowner who has a gravel mining interim use permit may change operators on said property without obtaining a new interim use permit provided:
 - a. The new operator fulfills all of the requirements set forth in the mining and reclamation application; and
 - b. The new operator meets all the requirements and/or conditions of the site's interim use permit.
- B. *Time limit.*
1. All mining and reclamation activities shall be completed within six years from the issuance of the interim use permit. A new interim use permit and mining and reclamation application must be approved to continue any mining activity beyond the six year time limit. Reclamation activities may continue after the permit expires with written permission from the planning and zoning administrator for a period of time not to exceed one year.
 - a. There shall be an inspection by Meeker County Planning and Zoning which shall occur at approximately three or mid-point of the duration of the permit whichever is least.
- C. *Use restrictions.* Activities other than the initial mining, crushing, washing and screening of material shall be considered as a separate interim use as required in section 22.29 of this ordinance. Such uses shall include but are not limited to the following:
1. Concrete block, drain tile or similar concrete product manufacture;
 2. Production or manufacture of ready-mixed concrete;
 3. Hot mix plant, including related bituminous recycling;
 4. Concrete/bituminous recycling; and
 5. Any similar production or manufacturing processes related to the mining operation.

Exception for existing gravel pits operating with a conditional/interim use permit. The stockpiling of recycled bituminous may be allowed if it is to be used within one calendar year after obtaining written permission from the zoning administrator. If stockpiling occurs for over one calendar year

or if the combined total of recycled bituminous exceeds 1,000 cubic yards, an interim use permit is required as per section 22.29.

D. *General requirements.*

1. *Setback.* Mining operations shall not be conducted within the following minimum distances:
 - a. Within 500 feet of R-1, R-2, C-1, C-2 zoned property, a COD (Conservation Subdivision Overlay District) or within 500 feet of a residential structure located in any other zoned property.
 - (1) Except the residential structure of the owner or operator of the mining operation.
 - b. 65 feet to the centerline of any existing or platted street, road, or highway; but at least 30 feet from the right-of-way line, provided the slope is at least four feet horizontal to one foot vertical.
 - c. 100 feet to the property line of any other adjoining property.
 - d. All equipment and stockpiling must be at least 100 feet from the centerline of any existing or platted township or county road; at least 130 feet from the centerline of any existing or platted state or federal highway; or where such use may create traffic or line-of-site problems.
2. *Clearing.* Clearing of the mining site shall conform to the development and reclamation plan. Existing trees and shrubs shall not be prematurely removed. The amount of overburden to be removed shall not be in excess of that required to undertake operations in an economically feasible manner and in no instance shall this be greater than ten acres at any one time.
3. *Screening.* Adequate planting, fencing or berming sufficient to screen the operation from public view shall be provided along all public roads adjacent to the property involved. Where possible, existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented for the depth of the required road setback except where traffic safety requires cutting and trimming.
4. *Safety fencing.* Any mining operation adjacent to a residential district or within 300 feet of two or more residential structures shall comply with the following requirements:
 - a. A fence at least four feet high shall be placed around all collections of water that are 1½ feet or more in depth, occupy an area of 700 square feet or more, and exist for any period of at least one month.
 - b. A fence of at least four feet in height shall bar access to all excavated slopes steeper than one foot vertical to three feet horizontal existing for a period of one month or more.
5. *Access roads.* Ingress and egress access points from or onto any road or highway shall be clearly indicated, and only those indicated access points shall be utilized. The location of the

intersection of mining access roads with any public roads shall be selected so that traffic on access roads will have a sufficient distance of the public road in view so that any turns onto the public road can be completed with a margin of safety. All access points must be approved by the appropriate highway agency having jurisdiction, and shall preferably be located along a secondary road.

6. *Nuisances.*

- a. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.
- b. The mining operation shall not adversely affect the quality of surface or subsurface water resources.
- c. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practical, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
- d. All access roads from mining operations to public highways shall be paved or otherwise maintained so as to minimize dust conditions.
- e. Precautions shall be taken to minimize the deposit of dirt and mineral material from truck tires and spillage onto the public roads or highways. Any spillage resulting from overloading or from adhering to truck tires shall be removed from road surfaces at regular intervals.

7. *Hours of operation.* Those portions of the mining operation consisting of excavating, stockpiling, processing or hauling shall be conducted only between the hours of 6:00 a.m. to 9:00 p.m., Monday through Friday and 6:00 a.m. to 6:00 p.m. on Saturdays, and no processing or stockpiling on Sunday or holidays. The Meeker County Board may authorize different hours of operation, either more or less restrictive, if proven to be necessary on a case-by-case basis.

8. *Dust control.*

- a. The owner/operator must construct, maintain and operate all equipment in such a manner as to minimize on-site and off-site dust conditions. All operations shall meet the standards of the Minnesota Pollution Control Agency. The driveway access to the sand and gravel operation must be set back at least 25 feet from neighboring property lines.
- b. The owner/operator shall take all appropriate actions to minimize the amount of dust generated by the mining operation, provided that the treatment produces no potential pollution hazards to the ground and surface waters of the area. In addition, all gravel pit access roads shall be provided and maintained by the owner/operator with an approved method. Access roads shall also be constructed and maintained in such a manner that the deposit of earth materials on public roads is minimized. With township board approval, the county board may require a hard-surfaced road at the

owner/operators expense if the operation is dependent upon a township road for hauling.

- c. If a gravel tax is implemented and collected by the county for over one year, the county or appropriate township may help control dust on public roads used for hauling.
 9. *Disposal.* Any waste generated from the mining operation, including sewage, hazardous waste or waste from vehicle or equipment maintenance, shall be disposed of in accordance with federal, state and county requirements.
 10. *Trucking operations.* The operator shall ensure all loads leaving any pit regulated by this ordinance are loaded so as to comply with state law.
 11. *Fuel storage.* All on-site storage of fuel must meet federal, state and local standards.
 12. *Miscellaneous.* All mining operations shall be conducted in compliance with the applicable laws of the State of Minnesota, the federal government, local ordinances and resolutions and any conditions made a part of the interim use permit.
- E. *Reclamation.* All mining sites shall be rehabilitated within one year after mining operations cease according to the mining and reclamation plan application. The following standards shall apply:
1. All peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding. To minimize erosion no slope shall exceed 23 percent in grade.
 2. Graded and backfilled areas shall be covered with sufficient topsoil to provide re-vegetation of ground cover, trees, shrubs, etc.
 3. Trees, shrubs, legumes, grasses or other ground cover shall be planted upon the area in accordance with the approved reclamation plan. Such planting shall adequately retard soil erosion.
 4. The finished rehabilitation shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.
 5. Upon completion of excavation, all buildings, plants and equipment shall be dismantled and removed. A temporary variance to this provision may be granted for those buildings, plants and equipment required to process previously mined materials stored on the site.
 6. Within 60 days of completion of the reclamation of the mining site the property owner shall notify Meeker County Planning and Zoning of said reclamation. An inspection shall take place by the zoning administrator or his/her designee upon notification of completion of said reclamation to ensure reclamation has been completed appropriately.
- F. *Environmental assessment worksheets, environmental impact statements and other permits.*
1. A mandatory environmental assessment worksheet shall be required for development of a facility for the extraction or mining of sand, gravel, stone or other nonmetallic minerals which will excavate 40 or more acres of land to a mean depth of ten feet or more during its

existence. Meeker County will be the responsible governmental unit for the preparation of the environmental assessment worksheet. Costs associated with the preparation of an environmental assessment worksheet shall be borne by the applicant.

2. A mandatory environmental impact statement shall be required for the development of a facility for the extraction or mining of sand, stone or other nonmetallic minerals, which will excavate 160 acres of land or more to a mean depth of ten feet or more during its existence. Meeker County will be the responsible governmental unit for the preparation of the environmental impact statement. Costs associated with the preparation of an environmental impact statement shall be borne by the applicant.
 3. All provisions of the Minnesota Environmental Quality Board Environmental Review Program must be complied with.
 4. *Protection of water tables.* The maximum depth of excavation may be established by the county board so that groundwater quality can be protected when such concerns arise during the application process. This depth of excavation shall be based, in part, upon soil characteristics, depth to water table, nature of mining proposed, local use of the aquifer and in all cases, expert advice. Mining shall not occur in confined aquifers. Excavation into unconfined aquifers must be closely monitored and conducted according to the conditions of the permit.
 5. Permits from the Minnesota Pollution Control Agency may be required for a mining operation in relation to air and water quality. An air quality permit may be necessary for smokestack discharges from processing plants or fugitive dust from operating areas. If the mining operation discharges water (from pit dewatering and/or gravel washing), a state disposal system permit or a national pollution discharge elimination permit may be necessary from the Minnesota Pollution Control Agency. As a condition of any permit issued pursuant to this ordinance, no mining will be allowed until evidence is shown the operator has obtained these permits or that none are necessary.
 6. Permits from the Minnesota Department of Natural Resources may be required in the event any type of work is proposed in public waters or if there is a need for de-watering the pit to gain access to sand, gravel and rock. A permit may also be needed for well in connection with a washing facility. As a condition of any permit issued pursuant to this ordinance, no mining will be allowed until evidence is shown the operator has obtained these permits or that none are necessary.
 7. Any mining operation having access from a state or county highway must obtain an access permit from the respective agency. A turn lane and/or bypass lane may be required by the respective agency to reduce the risk of traffic safety hazards. The cost of construction of a turn or bypass lane shall be the sole expense of the operator.
 8. Abandoned wells must be sealed in accordance with state and county requirements.
- G. *Gravel tax.* All aggregate producers, contractors and retailers in Meeker County are subject to the

aggregate material production tax as provided in Minnesota State Statutes § 298.75, upon action by the Meeker County Board.

H. *Existing mining operations.*

1. Existing mining operations operating with a valid conditional use permit issued prior to the adoption of this ordinance, may continue operating under the terms and conditions of the conditional use permit, but are subject to the following provisions:
 - a. The operation shall not be permitted to expand, either in size or use, beyond the limits set forth in the approved and recorded conditional use permit without first obtaining a new interim use permit.
 - b. The operation shall be required to follow the general requirements of this article (section 22.15, subsection D) in order for the county to best manage the public's safety, health and general welfare.
2. Existing mining operations operating with a conditional use permit that was issued without a time limit condition should complete a mining and reclamation plan application to be filed with the original conditional use permit within two years from the adoption of this ordinance in order for the county to best manage the public's safety, health and general welfare.