

ST AUGUSTA MINING ORDINANCE DRAFT 1

Definitions:

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, 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 (8) inches. 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 _____ 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 under a separate Interim Use Permit subject to conditions including, but not limited to, the following:
 - a. The Interim Use Permit for asphalt and concrete recycling facilities may only be issued as an accessory use to an Interim Use Permit for mining operations.
 - b. A Stearns 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).
 - c. 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.
 - d. Processing of recycled material shall be done in compliance with paragraph D of this Section.
 - e. The maximum volume of recycle material on the site shall not exceed 50,000 cubic yards at any one time.
 - f. Payment of a road use fee as determined by the City Council.

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. Public Notification 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.

Commented [CN1]: What distance would you prefer for public hearing notices?

Commented [CN2]: Do you want an annual update from the operator?

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 Commission and City Council.

D. PERFORMANCE STANDARDS

For mining operations approved or amended 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. Internal haul roads shall have direct access to public 10-ton roads. 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 City Engineer.
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.
6. 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, stockpiling or processing operation. A viewshed analysis shall be submitted with the application including 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 of heights documented through the viewshed analysis to be sufficient to provide screening which shall be planted with a species of fast growing trees. The tree species must be approved by the Zoning Administrator.
7. 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.
8. 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.

Commented [CN3]: What is the appropriate setback distance?

- 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.
- 10. 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.
- 11. Hours of Operation. All mining operations shall only be conducted between the hours of 7:00 a.m. and 7:00 p.m. on weekdays or 7:00 a.m. and 2:00 p.m. on Saturdays.
- 12. 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.
- 13. Mining Operations Within the Shoreland District. Mining and processing operations shall not be located in the shoreland district.
- 14. Mining Operations Within the Floodplain or Floodway. Mining and processing operations shall not be located in the floodplain or floodway.
- 15. 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.
- 16. Blasting/Explosives. Blasting is prohibited.
- 17. 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.
- 18. Term of Permit. The IUP shall be issued for a term not to exceed 10 years. The operator may apply for a new IUP prior to the expiration of the

Commented [CN4]: Distance?

Commented [CN5]: Distance?

Commented [CN6]: What is the appropriate hours and days of operation?

Commented [CN7]: Not required, but more protective of natural resources. Keep?

Commented [CN8]: Not required, but more protective of natural resources. Keep?

Commented [CN9]: Do you want to permit them to mine into the water?

Commented [CN10]: 10 years ok?

original IUP and shall supply all information required for a new IUP for mining as required by the ordinances in effect at the time that the extension is requested.

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.

