

## ARTICLE 14 MINERAL EXTRACTION

### SECTION 1. PURPOSE

The purpose of this section is to protect the public health, safety and welfare through the following:

- Subd. 1. Identify areas in County where mineral extraction is most appropriate and minimizes conflicts with other land uses.
- Subd. 2. Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
- Subd. 3. Establish standards that prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the County as a whole.
- Subd. 4. Establish standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties and suitable for future uses that are compatible with the Goodhue County Comprehensive Plan.

### SECTION 2. DEFINITIONS

- Subd. 1. **ACCESSORY USES:** Accessory uses of a mineral extraction facility include the manufacture, storage and sale of products made from minerals on the premises and storage and sale of minerals, recycled asphalt, recycled concrete and topsoil not extracted on the premises. In addition, the storage and manufacture of explosives may be permitted as an accessory use of a mineral extraction facility-subject to approval of a conditional use permit.
- Subd. 2. **BOARD:** The County Board of Commissioners of Goodhue County.
- Subd. 3. **COMMISSION:** The Planning Advisory Commission of Goodhue County.
- Subd. 4. **COMPREHENSIVE PLAN:** The Goodhue County Comprehensive Plan.
- Subd. 5. **COUNTY:** The County of Goodhue, Minnesota.
- Subd. 6 **DEWATERING:** The pumping, extraction or removal of surface and subsurface water
- Subd. ~~67~~. **DUST:** Airborne mineral particulate matter.
- Subd. ~~78~~. **EXCAVATION:** The removal of soil and minerals from the ground.
- Subd. ~~89~~. **MINERAL RESOURCE:** Sand, gravel, rock, clay, topsoil, and similar higher density non-metallic natural minerals.
- Subd. ~~910~~. **MINERAL EXTRACTION:** The removal of sand, gravel, rock, clay, topsoil, and other minerals from the ground and off the site.
- Subd. ~~4011~~. **MINERAL EXTRACTION FACILITY:** Any area that is being used for removal, stockpiling, processing, transferring, or and storage of minerals.
- Subd. ~~4412~~. **MINERAL EXTRACTION PERMIT:** The permit required for mineral extraction facilities.
- Subd. 123. **Mining Technical Evaluation Panel.** A panel of two or more professional experts in the fields of mining, engineering, geology, hydrology, ecology, and landscape architecture that are retained for the purpose of reviewing and evaluating mining proposals, requesting pertinent information necessary for the application review, and reporting findings to staff, the Planning Advisory Commission, and the County Board. The panel's fees and expenses shall be paid for by the applicant.
- Subd. ~~4214~~. **OPERATOR:** Any person or persons, partnerships, or corporations or assignees, including public or governmental agencies, engaging in mineral extraction.
- Subd. ~~4315~~. **PRINCIPAL USE:** The principal use of mineral extraction facility is the extraction, processing,

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storage and sale of minerals from the facility.

- Subd. ~~416~~. **PROCESSING:** Any activity which may include the crushing, screening, washing, stockpiling, compounding, mixing, concentrating, or treatment of sand, gravels, rocks, or similar mineral products into consumable products such as construction grade sand, gravel, concrete, asphalt, proppant, glass, or other similar products.
- Subd. ~~167~~. **REHABILITATION/RECLAMATION:** To renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this ordinance.
- Subd. ~~178~~. **SOIL:** A natural three-dimensional body of the earth's surface.
- Subd. ~~189~~. **SUBJECT PROPERTY:** The land on which mineral extraction is permitted.
- Subd. ~~1920~~. **TOPSOIL:** The upper portion of soils present that is the most favorable material for plant growth.
- Subd. ~~201~~. **ZONING ORDINANCE:** The Goodhue County Zoning Ordinance.

### SECTION 3. EXCEPTIONS FROM PERMIT REQUIREMENTS

A mineral extraction permit shall not be required for the following:

- Subd. 1. Excavation for structure if a building permit has been issued.
- Subd. 2. Excavation in a right-of-way, temporary easement, or utility corridor by state, county, city or township authorities in connection with construction or maintenance of public improvements.
- Subd. 3. Excavations not exceeding four hundred (400) cubic yards annually.
- Subd. 4. Excavation for agricultural purposes if the excavated material is not moved off-site.
- Subd. 5. Excavation for public utility purposes.
- Subd. 6. Temporary excavations involving mining operations associated with road construction, commonly known as temporary borrow pits, used exclusively for public infrastructure construction projects if the project is under the administration of a public entity and the contract requires erosion control, sediment containment and site restoration provisions at least as strict as those in the MPCA's NPDES General Storm Water Permit. These temporary borrow pits must be closed and restored within 24 months of the first date of work on the project.

### SECTION 4. MINERAL EXTRACTION PERMIT REQUIRED

- Subd. 1. Conditional/Interim Use Permits  
Owners and operators of any mineral extraction facility commencing on or after the adoption of this Ordinance shall obtain a conditional/interim use permit and shall be processed in accordance with Article 4 of this Ordinance and the additional procedures and requirements of this Article.
- Subd. 2. Land Use Permits/Registration of Existing Mineral Extraction Facilities  
Existing mining extraction facilities shall not be required to obtain a conditional/interim use permit provided that the facility has been continuously registered with the County since 2005 July 2004 and provide the following information:  
Persons, firms, partnerships, association, corporations, or other entities that commenced mineral extraction prior to the enactment of this Ordinance shall not be required to obtain a conditional use permit, but rather register the mineral extraction facility by obtaining a Land Use Permit from the Goodhue County Zoning Administrator. An existing mineral extraction operation shall be registered on a form as provided by the Land Use Management Department and submitted to the Zoning Administrator six (6) months after ordinance adoption of all existing Mineral Extraction Facilities.

The following items shall be submitted to the Zoning Administrator ~~no later than eighteen (18) months after ordinance adoption:~~

- A. Name, address, phone number of contact person for the operator and landowner.
- B. Property boundaries by a Minnesota Licensed Land Surveyor.
- C. Existing structures.
- D. Existing drainage and permanent water areas.
- E. Existing vegetation.
- F. Existing wells and private sewer systems.
- G. Acreage and complete legal description of the subject property on which the facility is located, including all contiguous property owned by the landowners.
- H. A narrative outlining the type of material to be excavated mode of operation, estimated quantity of material to be extracted, plans for blasting, and other pertinent information to describe the existing Mineral Extraction Facility request in detail.
- I. Estimated time frame facility has been operated, to include hours per day, days per week, months per year, number of years in operation.
- J. A general description of surface waters, existing drainage patterns and groundwater conditions within one-quarter (1/4) mile of the subject property.
- K. Copies of all applicable state and federal application documents and operating permits, including but not limited to, MPCA permits, wetland permits, historical and archeological permits, storm water permits issue for the existing Mineral Extraction Facility.
- L. A description of site screening, landscaping, and security fencing.
- M. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction including plans to control erosion, sedimentation and water quality of storm water runoff.

~~Subd. 3 — N. Excavation Setbacks shall be in compliance with Section 6, Subdivision 4, L of this Article. No excavation shall take place within:~~

- ~~1. Fifty (50) feet of adjoining property lines, unless written consent of the owner of the adjoining property is first secured, recorded with the County Recorder, and a copy submitted to the Zoning Administrator.~~
- ~~2. Three hundred (300) feet of any existing dwelling or platted residential subdivision, not owned by the operator or owner, unless written consent of the owner of the adjoining property is first secured, recorded with the County Recorder and a copy submitted to the Zoning Administrator. This paragraph is not applicable for Mineral Extraction Facilities in operation before and has been used annually since a subdivision within 300 feet of the Mineral Extraction Facilities was platted.~~
- ~~3. Fifty (50) feet to the boundary of any zone where such operations are not permitted.~~
- ~~4. Fifty (50) feet of any road right-of-way line of any existing or platted street, road, or highway, unless written consent by the adjacent road authority with jurisdiction over right-of-way and a copy submitted to the Zoning Administrator.~~
- ~~5. No mining activities, (including stockpiling) shall take place within fifty (50) feet of adjoining property lines, except for visual screening, reclamation, and berming of overburden material, unless written consent of the owner of the adjoining property is first secured, recorded with the County Recorder, and a copy submitted to the Zoning Administrator; fifty (50) feet of any road right-of-way of any existing or platted street, road or highway, unless written consent by the adjacent road authority having jurisdiction over the right-of-way. Only berm construction and vegetative screening maintenance activities may occur in the 50 ft. buffer.~~

Subd. 4. As a condition of registration (Section 6, Subd.2 of this Article), Goodhue County staff has the right to access the subject property after providing reasonable notice to the operator.

Subd. 5. Mining operations shall be conducted so active extraction operation of the existing Mineral Extraction Facility exposes no more than forty (40) acres at any one time, unless approved by county staff.

#### SECTION 5. CONDITIONAL/INTERIM USE PERMIT APPLICATION REQUIREMENTS FOR NEW MINERAL EXTRACTION FACILITIES

Subd. 1. Application Form: An application for a mineral extraction permit shall be submitted to the County on a form supplied by the County. The required maps and application Information shall include but not be limited to the following:

- A. Site maps of the proposed operations will show the entire site (s) and include areas within 600 feet of the site. The following maps of the entire site and to include areas within five hundred feet (500') of the site. All maps shall be drawn at a scale of one-inch (1") to two hundred feet (200') unless otherwise stated below:

Map A- Existing site conditions to include:

1. Property boundaries ~~to be~~ surveyed by a Minnesota Licensed Land Surveyor.
2. A survey which provides contour lines at five (5) foot intervals.
3. Existing vegetation including plant community, evaluation of condition of plant community, and dominate species-
- ~~4. Existing drainage and permanent water areas.~~
- ~~5. Existing structures.~~
- ~~6. Existing wells and private sewer systems.~~
- ~~7. Existing pipelines, power lines and other utilities.~~
- ~~8. Easements affecting the permitted property.~~
- ~~9. Adjacent public road right-of-way.~~
- ~~10. Existing access points to public roads.~~
9. Existing Bluff Impact zones according to Article 12 of this ordinance
10. Test borings and monitoring wells used to characterize the site.
11. Threatened and Endangered Species on the site and within ¼ mile of the site
12. Distribution, thickness and type of existing topsoil and subsoil
13. Location of existing historical, cultural, and archeological features identified in the SHPO and County's databases and those not identified but discovered onsite
14. Location of areas previously affected by mining on site, including location of stockpiles, wash ponds, and sediment basins

#### GEOLOGY

15. Geologic units and contacts.
16. Depth to bedrock (if applicable).
17. Confining units (clays, shale, siltstone)
18. Fracture patterns and traces (for rock quarries)
19. Location of any known caves, joints, fractures, sinkholes, stream sinks, and springs

#### HYDROLOGY

20. Drainage patterns and permanent water areas within 600 feet of the property lines
21. Water-table elevations with ground water flow direction
22. Wells within one mile radius of the property lines showing location, depth, static water-Level, age, and construction
23. Location and elevation of any known springs within 600 feet of the property lines
24. General location of septic systems within 600 feet of the property lines
25. Location of designated trout streams within 600 feet of the property lines

Map B – Proposed operations to include:

1. Property boundaries ~~to be~~ surveyed by a Minnesota Licensed Land Surveyor.
2. Vegetation protection plan for vegetation remaining on site
- 4.3. Soil salvage plan, including storage areas, methods of protection from erosion, compaction and weeds
- 4.4. Structures to be erected.
5. Location of sites to be mined showing depth of proposed excavation.
- 6.4. Location of tailing (strippings or overburden) deposits showing maximum height of deposits.
- 5.7. Location of processing areas and machinery to be used in the mining operation.
- 6.8. Location of storage of mined materials, showing height of storage deposits.
- 7.9. Location of vehicle parking.
- 8.10. Location of storage of explosives.
11. Location of fuel storage
- 9.12. Erosion and sediment control structures.
13. Water retention ponds

~~10. Vehicle Weight leaving the Mineral Extraction Facility.~~

~~1414.~~ Drainage Plan including (if revising revisions to existing drainage patterns).

~~14215.~~ Proposed internal road system including typical cross sections.

~~14316.~~ Proposed new access points to adjacent public roads.

~~14417.~~ Proposed haul routes of vehicles removing material from the pit including current spring weight restrictions on the proposed routes.

Map C – ~~Restoration~~ Reclamation plan. The Reclamation Plan must take into account the Performance Standards listed in this Article in addition to include:

1. Property boundaries ~~to be~~ surveyed by a Minnesota Licensed Land Surveyor.

2. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.

~~3.~~ Proposed land use after mining

~~3-4.~~ Location, ~~and species, rate, and density~~ of vegetation to be seeded and replanted.

~~54.~~ Location and nature of any structure to be erected in relation to the end use plan.

~~56.~~ Proposed improvements such as roads, paths, ponds, etc.

~~7.~~ Topsoil restoration plan

~~8.~~ Rates, kinds, and location of soil amendments

~~9.~~ Mulching, erosion control fabric, and other soil stabilization methods

~~10.~~ Include the grading plans, topsoil protection and replacement, seeding, revegetation, mulching, erosion control, and sedimentation control specifications for each phase and final restoration.

~~11.~~ Including quantified performance standards for the reclamation and maintenance of each plant community to be restored. These shall be based on a minimum percent cover of acceptable vegetation, maximum percent cover of unacceptable vegetation, and minimum species diversity at reclamation milestones: 0-24 months, 2-5 years, 6 years or more after substantial completion. Acceptable and unacceptable vegetation shall be defined in the plan.

B. Name, address, phone number, of contact person for the operator.

C. Name, address, phone number of landowner.

D. Acreage and complete legal description of the subject property, on which the facility will be located, including all contiguous property owned by the landowners.

E. A narrative outlining the type of material to be excavated, mode of operation (including any screening, drying, and storage of material), estimated quantity of material to be extracted, plans for blasting, and other pertinent information to explain the request in detail.

F. Estimated time frame to operate facility, to include hours per day, days per week, months per year, number of years in operation.

G. A description of all vehicles and equipment estimated to be used by the operator in the operation of the facility.

H. A description of the estimated average daily and peak daily number of vehicles accessing ~~assessing~~ the facility. If more than one access to the pit is proposed to the Mineral Extraction facility, provide a breakdown of anticipated average daily and peak number of vehicles using each access.

I. Any other information or documentation required for issuance of a conditional/interim use permit under Article 4 of this Ordinance.

Subd. 2. Supporting Documentation. Every application for a mineral extraction facility permit shall include submission of supporting documentation. The documentation must take into account the Performance Standards listed in this Article and may be presented in descriptive or map form. Supporting documentation, which shall include, but is not limited to the following:

A. A description of existing land uses on the subject property.

B. A description of land use designations in the Comprehensive Plan and zoning classifications

of the subject property.

- C. A description of the soil, vegetation, mineral content and topography of the subject property. A minimum of three (3) soil boring logs representative of the site and a description of the subsurface materials on the subject property must be submitted.
- D. A general description of surface waters, existing drainage patterns and groundwater conditions within one-quarter (1/4) mile of the subject property.
- E. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
- F. Copies of all applicable state and federal application documents and operating permits, including but not limited to, MPCA permits, wetland permits (Minnesota Wetland Conservation Act and/or Corps. of Engineers), Historical and Archeological permits, Storm Water Permits, Mine Safety and Health Administration permits, and the required EAW for subject property over forty (40) acres.
- G. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction including plans to control erosion, sedimentation and water quality of storm water runoff.
- H. If there are any proposed changes to the existing drainage patterns, include proposed mitigation plans to control down stream off site damage caused by any increase to the natural flow of water or any diversion of the existing natural flow of water.
- I. A description of actions to be taken to mitigate potential impacts resulting from mineral extraction and processing, including potential impact related to; wetlands, erosion, noise, air pollution, surface water contamination, traffic, dust or vibrations.
- J. A description of site screening, landscaping and security fencing.
- ~~K. Site rehabilitation plans for each phase of operation and upon completion of mineral extraction on the subject property.~~
- ~~KL. A description of the method in which complaints about any aspect of the mineral extraction facility operation or off-site transportation are to be received and the method which complaints are to be resolved, such as neighbor notifications, meetings, or property value guarantees.~~
- ~~LM. A plan for groundwater quality protection. The plan shall include a minimum of three (3) borings showing depth to groundwater. If washing or processing are not proposed, and If groundwater is not encountered at a depth of fifteen (15) feet below the bottom of the proposed pit floor, the applicant need not extend borings any further. If washing/processing operation is proposed a minimum of three (3) monitoring wells shall be installed to evaluate the hydrogeologic environment. The County Planning Commission reserves the right to require additional borings or monitoring wells if necessary.~~
- ~~MN. A minimum of three (3) cross-sections showing the extent of overburden, extent of mineral deposits, the water table, and any evidence of the water table in the past.~~
- ~~NO. Description of methods to control the weight of the vehicles leaving the pit and the methods to insure vehicles do not travel on roads with weight limits lower than the weight of the vehicles.~~
- ~~OP. Description of methods to prevent mud and debris from being tracked onto public roads.~~
- P. If a mineral extraction facility proposes to dewater the site, a plan must be submitted that includes:
- dewatering points and their elevations
  - hydrogeologic parameters of the unit dewatered including hydraulic conductivity, transmissivity, and storativity
  - proposed volume and rate of dewatering

- discharge point
- duration of dewatering

Q. Contingency Plans. A plan for responding to spills and berm/earthen dam failure, or accidental release of chemicals, process water, or tailings.

R. Seismic Monitoring. If a mineral extraction facility proposes using explosives, a pre-blast survey performed by a Minnesota Licensed Engineer of surrounding dwellings and buildings within one half mile shall be conducted prior to initial blasting. Yearly seismic surveys will be offered and conducted by the applicant's engineer if blasting has occurred within the previous year.

S. Description of site security and property boundary signage to be utilized at the facility.

Subd. 3 Additional Requirements for Underground Mining Extraction Facilities

A. A description of the stability of lands overlaying the underground workings

B. Locations of adits, ventilation shafts, and other surface openings

C. Detailed description of water handling procedures, including dewatering and processing water

D. A detailed description of the fate and transport of groundwater into and out of the mine workings.

E. Residential and farm wells will be centered inside a 500 foot radius of undisturbed ground

F. Designs for mining under public roads require approval of the road authority

G. Mining or tunneling must maintain a 200 foot vertical extension setback from permanent surface structures

Subd. 34. Permitting Procedure for Conditional/Interim Use Permits:

A. Application. A request for a mineral extraction conditional/interim use permit, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form, the required application fee shall be paid, and a deposit made to reimburse the County for its out-of-pocket costs in processing the application.

1. The application shall also be accompanied by twenty ~~four (24)~~ four (2420) hard copies and one electronic copy of the detailed written and graphic materials fully explaining the proposed change, development, or use as specified in this Article.

2. If a Mining Technical Evaluation Panel report is required, it must accompany the application in order for the application to be considered complete.

3. The Zoning Administrator shall refer the application along with all related information, to the County Planning Advisory Commission for consideration.

B. Notice. The Zoning Administrator shall notice a public hearing as specified in Section 3 of Article 4 of this Ordinance.

C. Additional Information. The Planning Commission and County staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the County to review the request or to establish performance conditions in relation to this Ordinance.

D. Referrals. The Planning Commission, County staff, and County Board may refer the application for review and comment to other agencies, including but not limited to the Soil and Water Conservation District, the Minnesota Pollution Control Agency, or the Mining Technical Evaluation Panel.

E. Recommendation. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the County Board. The County may impose such additional restrictions or conditions as deemed necessary to protect the public interest. These conditions may include, but are not limited to the following:

1. Matters relating to the appearance of the Mineral Extraction Facility.
2. Hours of operation.
3. Increasing setbacks.

4. Blasting notifications and frequency.
  5. Limiting the height, size or location of buildings and stockpiles.
  6. Controlling the location and number of vehicle access points.
  7. Increasing street width and improving access conditions, including turn lanes, bypass lanes, etc.
  8. Increasing the number of required off street parking spaces.
  9. Limiting the number, size, location, or lighting of signs.
  10. Requiring diking, berming, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
  11. Designating sites for open space.
  12. Delineating the area to be mined, total size and open area at any one time.
  13. Requiring phased ~~rehabilitation~~reclamation.
  14. Requiring financial security to guarantee compliance with the conditions of approval.
  15. Water quality monitoring.
  16. On and off site improvements to mitigate impacts caused by revisions to the natural flow of surface waters.
- F. County Board's Action and Findings. The County Board shall approve, modify, or deny the request and state the findings of its actions. Approval of a Conditional Use Permit shall require passage by majority vote of the full County Board. The Zoning Administrator shall notify the applicant of the County Board's action.
- G. Reapplication/Lapse of Conditional Use Permit. The Board shall not accept reapplication for the same or substantially same Conditional/Interim Use Permit within six (6) months of denial.
- H. Amended Conditional/Interim Use Permit. Any change to the operations or use of the land approved under a current conditional use permit shall require an amended conditional/interim use permit and all procedures shall apply as if a new permit were being issued.

#### SECTION 6. APPLICATION REQUIREMENTS FOR REGISTRATION/LAND USE PERMITS AND CONDITIONAL/INTERIM USE PERMITS

- Subd. 1. Security. The County shall require the applicant or owner of the property on which the mineral extraction is occurring, to post a letter of credit, bond, or cash escrow in such form and sum as determined by the Board as part of the permit. The security shall be sufficient to reimburse the following costs:
- A. Costs of bringing the operation into compliance with the mineral extraction permit requirements including site monitoring and enforcement costs.
  - B. Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation.
  - C. Site restoration.
  - D. Costs the county may incur in enforcing the terms of the conditional use permit, and land use permit, including attorney's fees.
  - E. Bonds shall be for a minimum of one (1) year and shall include a provision for notification to the County at least thirty (30) days prior to cancellation or non-renewal.
- Subd. 2. Annual Registration. Annual registration of all mineral extraction facility permits is required. The purpose of the annual registration is to maintain an updated listing of active mineral extraction facilities in the County, to decertify any permits where the activity has ceased, to monitor compliance with the conditions of approval and to review the applicability of the conditions and to review bonding requirements.
- A. Permit holders must complete and return registration forms provided by the County. Failure to

maintain registration shall be cause for revocation of the permit. Other Goodhue County conditional/interim use permits may expire if there is no activity authorized under the permit within one (1) year of permit approval.

- B. Conditional/Interim use permits and land use permits for mineral extraction facilities will not automatically expire because there is no activity as authorized within a year's time as long as the permittee complies with the annual registration specified herein.
- C. Annual registration is done administratively by the Zoning Administrator and will not require a review by the Planning Commission or the Board of Commissioners provided all conditions are being met and the activity meets all standards as outlined in this Ordinance, other permits, Road Impact Agreements, and Development Agreements.
- D. For underground mineral extraction facilities, a map prepared by a Minnesota Licensed Land Surveyor showing the property boundaries, the location, depth, size, and elevation of the tunnels and extent of the area mined must be submitted with the annual registration fee.

Subd. 3. Use Restrictions. The following uses are prohibited unless specifically authorized in the mineral extraction permit:

- A. The production or manufacturing of veneer stone, sills, lintels, out flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site.
- B. The manufacture of concrete building blocks or other similar blocks permanent ready-mixed concrete, or permanent asphalt production plants and any similar production or manufacturing processes.

Subd. 4. Mineral Extraction Facilities Performance Standards . The following performance standards apply to all mineral extraction facilities in the County:

- A. Recommended Hours of Operation. Mineral extraction facilities shall operate only between the hours of 6:00 a.m. and 10:00 p.m., Monday through Saturday unless specified otherwise in the conditional use permit for the facility.
  - 1. Operators are allowed a maximum of five (5) one-day extensions to the hours of operation for evening work in a calendar year. Operators must notify the County three working days in advance of the proposed extension.
  - 2. Other exceptions to the hours of operation must be approved by the County Zoning Administrator. Approval may only be granted in conjunction with the furnishing of material for a public improvement, public safety or a public good project, that is underway during hours that the mineral extraction facility is not otherwise allowed to operate. Approval will be limited to those functions that cannot occur during normal hours of operation.
- B. Fencing. Fencing, signs, and barriers are required around ponding areas and steep sloped excavation areas unless, because of their location they are not deemed to create a safety hazard.
- C. Access. The permittee must obtain a permit from the road authority for all proposed new access points to public roads. The road authority may restrict the weight of vehicles allowed to use any permitted access.
- D. Roadway Dust Control. Operators shall be responsible for providing continuous dust control during facility operation on gravel roads that are the primary routes to or from a mineral excavation facility. ~~Unless waived by the County Board in lieu of other remedies, watering roadways will be required when conditions warrant it and the number of one-way truck trips from a particular mineral excavation facility exceeds three (3) per hour. Watering roadways or other dust control measures along paved roads accessing the facility such as pavement sweeping and wheel washing may be required.~~
- E. Mineral Extraction Facility Dust Control and Air Quality. To mitigate public nuisances and public health concerns ~~the County shall~~ may require dust control in a mineral extraction

facility, ~~when it is determined that airborne dust from extraction areas, processing activities, stockpiles or internal roadways creates a public nuisance.~~

~~1. Other Remedies to control dust may include methods such as berming, landscaping, and enclosures for processing equipment, and watering stockpiled materials and all roads within the site.~~

~~2. All equipment used for mining operations shall be constructed, maintained, and operated in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred feet (600') of the mineral extraction facility mining operations lot line.~~

~~3. All internal roads and access roads from mining operations to public highways, roads, or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.~~

~~4. The County may require air quality/air particulate monitoring of a mineral extraction facility. Monitoring equipment shall should be in accordance with MPCA or the Goodhue County best practices standards, whichever are is more stringent.~~

~~a) If required, the operator shall begin air quality/air particulate and weather monitoring at least six months prior to operation to create a baseline of the area.~~

~~b) Stationary monitors shall be located at strategic locations along the mineral extraction facility property lines, within the site, and may also be required to be located at neighboring residences within 600 feet of the facilities property lines.~~

~~c) Continuous remote readings shall be taken and reported to the County when requested; a summary report shall accompany the operations annual renewal documentation and fees.~~

F. Noise. Maximum noise levels at the facility will be consistent with the standards established by the Minnesota Pollution Control Agency. To mitigate public nuisances, the facility shall use Best Management Practices including building berms, enclosing generators, and leaving existing trees at the property boundaries to minimize noise impacts.

G. Vibration. Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment according to all Federal and State laws, rules and statutes.

H. Blasting. Seismic blasting records shall be submitted to the Zoning Administrator within 10 days of receiving the blast analysis.

~~H. Air Quality/Water Quality. All activities on the mineral extraction facility will be conducted in a manner consistent with the Minnesota Pollution Control Agency's operating permits.~~

I. Water Resources. The mineral extraction operation shall not allow surface water to leave the site in a manner that causes flooding, erosion, or alteration of natural drainage patterns. The mineral extraction operation shall not adversely affect the quantity and quality of surface or subsurface water. Surface water leaving the site shall be of equal quality as water originating off site before it passes through the site. The operator shall perform any water treatment necessary to comply with this provision.

J. Screening. Screening barriers shall be subject to the approval of the permitting authority.

~~1. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties.~~

~~2. A screening barrier may be required between the mineral extraction facility and any public road. Screening barriers shall be subject to the approval of the permitting authority.~~

~~3. A screening barrier may be required to mitigate visual impacts of the mineral extraction facility from existing historical, cultural, recreational features and dwellings, including but not limited to trails, navigable waters, and sites identified in the State Historic Preservation Office (SHPO) and County's cultural databases.~~

- K. Unauthorized Storage. Vehicles, equipment, or materials not associated with the mineral extraction facility or not in operable condition may not be kept or stored at the facility.
- L. Setbacks. The following minimum setbacks shall be maintained from property boundaries at the surface and their vertical extensions below the surface:
1. ~~Fifty (50) feet of adjoining property lines, unless written consent of the owner of the adjoining property is first secured recorded with the county recorder and a copy submitted to the Zoning Administrator. No mining activities, (including stockpiling) shall take place within fifty (50) feet of adjoining property lines, except for visual screening, reclamation, and berming of overburden material unless by written consent of the owner of the adjoining property is first secured and recorded with the county recorder and a copy submitted to the Zoning Administrator.~~
  2. Three hundred (300) feet of any existing dwelling or platted residential subdivision, not owned by the operator or owner, unless written consent of the owner of the adjoining property is first secured, recorded with the county recorder and a copy submitted to the Zoning Administrator. This paragraph is not applicable for Mineral Extraction Facilities in operation before and has been used annually since a subdivision within 300 feet of the Mineral Extraction Facilities was platted.
  3. Fifty (50) feet to the boundary of any zone where such operations are not permitted.
  4. Fifty (50') feet of any road right-of-way line of any existing or platted street, road, or highway, unless written consent by the adjacent road authority with jurisdiction over right-of-way and a copy submitted to the Zoning Administrator.
  5. ~~No mining activities, (including stockpiling) shall take place within fifty (50) feet of adjoining property lines, except for visual screening, reclamation, and berming of overburden material unless written consent of the owner of the adjoining property is first secured recorded with the county recorder and a copy submitted to the Zoning Administrator; No mining activity shall take place within~~ fifty (50) feet of any road right-of-way of any existing or platted street, road or highway, except for berm construction, vegetative screening, or maintenance activities unless by written consent by-of the adjacent road authority having jurisdiction over the right-of-way. ~~Only berm construction and vegetative screening maintenance activities may occur in the 50 ft. buffer.~~
  6. The Planning Commission or County Board may increase the setbacks based upon residential locations, social or economic concerns, type of mining, or to mitigate public nuisance concerns.
- M. Phasing. Phasing plans must be prepared for all mineral extraction facilities. The proposed size of the extraction, processing, staging, and stockpiling operations are to be identified. Size of each operation may be limited by the permit approving authority.
- N. Weed Control. The operators shall be required to control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.
- O. Waste Disposal. Any waste generated from the mining operation, including waste from vehicle or equipment maintenance, shall be disposed of in accordance with Federal, State, and County requirements.
1. Portable asphalt and concrete plants to be approved on a per project basis by the permitting authority.
  2. An estimate of the amount of recycled concrete and asphalt material to be processed must be submitted. An estimate of the time required and the amount required to be stockpiled before being processed must be submitted.
- P. Water Quality Monitoring. ~~Water Quality monitoring shall be performed when required by the MPCA. Water Quality monitoring shall be performed when a mineral extraction facility is:~~

- Mining below the water table
  - If the property lines are within 600 feet of known Karst features, springs, streams, or lakes
  - If the operation is proposing to dewater the site
  - If the site is using chemicals as part of the washing or ponding process
  - If otherwise required by the County Board or the MPCA
1. If washing/processing operation are proposed a minimum of three (3) monitoring wells shall be installed to evaluate the hydrogeologic environment. The County reserves the right to require additional borings or monitoring wells if necessary.
  2. A Water Monitoring Plan shall include placing a sufficient number of monitoring wells in strategic locations along the property lines and within the site to adequately characterize and monitor surface and groundwater.
  3. Monitoring of residential wells within 600 feet of the property lines may also be required
  4. Continuous remote readings shall be taken and reported to the County when requested; a summary report shall accompany the operations annual renewal documentation and fees.
- Q. General Compliance. The operators must comply with all other federal, state, regional, county, and local laws and regulations applicable to the operation of the mineral extraction facility, including but not limited to floodplain management regulations, shoreland management regulations, and Zoning Ordinance regulations.
- R. Additional Regulations. The County may impose additional regulations and requirements to the mineral extraction facility to protect the public health, safety, and welfare.
- S. Land Rehabilitation/Reclamation. ~~Land rehabilitation plans for mineral extraction permits must include the grading plans, topsoil replacement, seeding, mulching, erosion control, and sedimentation control specifications for each phase and the final restoration.~~—The following minimum standards and conditions shall apply:
1. For gravel pits, final grades may not exceed one (1) vertical to three (3) horizontal slope except for rehabilitated areas in existence at the time of adoption of this Ordinance. In completing final grading in each phase, the top of the slope may begin twenty (20) feet from property lines.
    - i. Proposed topography shall fit in with regional topography and mirror landforms typical of Goodhue County
    - ii. For rock quarries, the permittee shall submit a plan to explain how the quarries are to be rehabilitated.
  2. A minimum of three (3) inches of topsoil shall be placed on all graded surfaces.
  3. Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Areas returned to agricultural production are exempt from the seeding and mulching requirements.
  4. Soil restoration, seeding, and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached.
    - a. Land shall be reclaimed to native vegetation unless inconsistent with final proposed land use.
    - b. Proposed land uses shall be consistent with the Comprehensive Plan, Zoning requirements and applicable local, state, and federal regulations in effect at the time the plan is submitted, and may be required to be amended over time.
  5. Soil erosion and sedimentation control measures shall be consistent with MPCA's Protecting Water Quality in Urban Areas and MPCA's General Storm Water Permit.
  6. Unless otherwise amended or approved by the County, all final grades and site restoration efforts shall be consistent with the Rehabilitation/Reclamation Plan.

7. Within twelve (12) months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, and debris shall be removed from the subject property.
8. Within twelve (12) months after completion of mineral extraction or after termination of the permit, site ~~rehabilitation~~reclamation must be completed. Failure to annually register the mineral extraction facility will be considered termination of the mineral extraction facility and the twelve (12) month period begins.
9. All water areas resulting from excavation shall be addressed upon ~~rehabilitation~~reclamation of the site. In unique instances where the County Board has reviewed proposals for water bodies at the time of approval of the overall plan and has determined that such would be appropriate as an open space or recreational amenity in subsequent reuse of the site, water bodies may be permitted.

T. Violations and Penalties.

1. Any firm, person or corporation who violates any of the provisions of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law. Each day that a violation is permitted to exist shall constitute a separate offense.
2. In the event of a violation or threatened violation of any of the terms of this Ordinance, the County may take appropriate action to enforce this Ordinance, including exercising the performance bonds application for injunctive relief, action to compel performance, or other appropriate action to court if necessary to prevent, restrain, correct or abate such violations or threatened violations. Upon motion, the court may award costs, disbursements and reasonable attorney's fees and witness fees, which costs and fees can be assessed against the property.

Subd. 5. Mineral Extraction Facilities may be required to enter into Road Impact and Development Agreements as conditions of their permit and registration.

A. Road Impact Studies and Agreements: When a proposed or amended Conditional/Interim Use Permit is requested, the County may require a Road Impact Study and a Road Impact Agreement to alleviate the additional burden on the County's financial resources associated with the road infrastructure maintenance affected by granting the request.

B. Development Agreements. When a proposed or amended Conditional/Interim Use Permit is requested, the County may require a Development Agreement.

SECTION 7. MINING TECHNICAL EVALUATION PANEL PROCEDURES.

Subd. 1 The members of the Mining Technical Evaluation Panel shall consist of two or more professional experts in the fields of mining, engineering, geology, hydrology, ecology, and landscape architecture.

Subd. 2 The Zoning Administrator will advertise every five years, or as needed, for Request for Qualifications for the Mining Technical Evaluation Panel professionals. The Zoning Administrator shall maintain a list of qualified professionals from which to choose for evaluation of individual proposals.

Subd. 3 Mining Technical Evaluation Panel members must not have a pecuniary interest in the project, including any present financial relationship from the applicant company, or worked on the mineral extraction facility proposal and must disclose potential conflict of interest for each proposal they review.

Subd.4 When the Zoning Administrator determines that a proposal warrants a review by the Mining Technical Evaluation Panel, the applicant must submit the information required in Sections 5 and 6 of this Article to the Zoning Administrator to distribute to the Panel. The Zoning Administrator will

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assemble the Panel and distribute the material. The material shall also be distributed to the County engineer and SWCD staff.

Subd. 5 The applicant shall respond to any questions or requests for more information or clarification from the Mining Technical Evaluation Panel in a timely manner.

Subd. 6 The Mining Technical Evaluation Panel shall have 30 days after the material is distributed to review the proposal in accordance with this Article and report the results of their review. The report will be submitted to the Zoning Administrator and made part of the application.

SECTION II. Effective date. This Ordinance shall be effective December 1, 2002.

DRAFT