

Section 9 EXTRACTION OF MINERALS, MATERIALS,
OPEN PITS AND IMPOUNDING

Subdivision 1: INTENT

It is the intent of this section to provide for the orderly extraction of mineral resources which are located within the City, and to provide for the reclamation of land disturbed by such extraction in order to encourage productive use. The reclamation of such areas is necessary to eliminate safety hazards. The reclamation of such areas may include, but not be limited to, the planting of forests; the seeding of grasses and legumes for grazing purposes; the planting of crops for harvest; the enhancement of wildlife and aquatic resources; the establishment of recreational, residential and industrial sites; the aid in maintaining the quality of the landscape; the improvement of the tax base, and providing for management of the affected areas of the City.

Subdivision 2: DEFINITIONS:

- A. Excavations: Any artificial alteration of the earth, excavated or made by the removal from the natural surface of the earth of soil, sand, gravel, stone, or other matter.
- B. Operator: Any owner or lessee of mineral rights engaged in or preparing to engage in mining operations.
- C. Reclamation: Activity which is taken during and following a mining operation to return the area to a natural state as much as possible or take actions that would substantially reduce adverse environmental effects from occurring.
- D. Quarry: Any pit or excavation made for the purpose of searching for or removal of any soil, earth, clay, sand, gravel, granite, or other nonmetallic minerals.

Subdivision 3: CONDITIONAL USE PERMIT REQUIRED

No person, firm or corporation shall hereafter engage in the mining and processing of sand, gravel, granite, or other minerals on any land within the City, without first obtaining from the City a Conditional Use Permit as regulated in Section 8 of this Ordinance.

Any excavation, quarrying, or removal of surface material for the purpose of extracting minerals, stone, gravel, sand, soil, clay, or other material as the function of such excavation shall be conducted subject to the requirements of this

section. Excavations for purposes of residential, commercial or industrial development or land alterations for agricultural purposes shall be exempt from the provisions of this section.

Subdivision 4: APPLICATION FOR PERMIT

Any person, firm, or corporation desiring to begin a new mining operation, beginning mining an existing but dormant quarry shall make an application for a Conditional Use Permit on the form provided by the City and containing the additional items hereinafter described. Said form shall be accompanied by a list of the property owners within three hundred fifty (350) feet of the parcel involved plus the fee as established by the City Council. The procedure for handling the conditional use permit shall be the same as all conditional use permits as set forth heretofore. In addition to the information to be included on an application for a conditional use permit, the following information shall be supplied:

- A. Applicant's true name and address.
- B. Description of the tract, or tracts of land. and the number of acres to be mined by the applicant. The complete legal description shall include the Section, Township, Range, and County in which the land is located with sufficient clarity so that it may be located and distinguished from other lands.
- C. A statement that the applicant has the right by ownership or lease to mine and to reclaim that land described.
- D. A statement containing an estimate of the life expectancy of the proposed operation. The estimate shall include a starting and completion date except that any operation which the applicant estimates a life expectancy of over fifteen (15) years shall not be required to submit a completion date.
- E. In addition to the application, the following must accompany the request for a Conditional Use Permit.
 1. A bond meeting the requirements set forth in this Ordinance.
 2. A detailed map or maps of the land drawn at a scale of 1" = 100' or larger showing at least the following specifics:
 - a. Existing topographical features at ten (10) foot contour intervals.

- b. Locations of water courses, drainage systems, and impounded waters.
- c. Outline of the maximum area to be excavated.
- d. Vertical profile of area to be excavated indicating overburden and other geological layers to the extent known.
- e. The proposed location of any buildings, equipment storage areas, operation areas, and any other uses incorporated in the excavation process.
- f. Location and names of existing roads, trails, railroads, buildings, utility rights-of-way, vegetation and other cultural features within and immediately adjacent to the proposed excavation area.

F. For any operation a planned after-use of affected areas and the nature and extent of reclamation. A detailed reclamation map drawn at a scale of 1" = 100' or larger shall be provided designating which parts of the land shall be reclaimed for forest, pasture, crop, homesite, recreational, industrial, or other uses including food, shelter, and groundcover for wildlife. The reclamation plan and map shall contain:

1. Proposed contours after any proposed filling.
2. Depth of restored topsoil if restoration is proposed.
3. Type of fill, if fill is proposed.
4. Type of planting of reforestation. Planting shall be in accordance with the desires of the property owner. If natural revegetation is proposed, it shall be so stated.
5. Estimated progress and completion dates. Reclamation activities shall progress on a phased basis, that is, for every ten (10) acres of additional mining operations. the previous, exhausted ten (10) acres must be reclaimed.

In the event the operator finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original reclamation

plan by mutual consent of the operator and the Planning Commission. Such change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables.

G. A written statement containing an explanation of the character of the site to be mined and of the character of the surrounding territory; and explanation of the reclamation plan; and an explanation of the schedule of development which shall include phase development. If a development schedule cannot feasibly be prepared, it shall be so stated and written reasons submitted.

H. The Zoning Administrator shall determine whether the requirements of filing a reclamation plan have been met. Applications which propose no reclamation and reuse of an area shall be submitted to the Planning Commission accompanied by a report concerning the desirability of such reuse. The City Council shall have the ultimate authority to require a revised reclamation plan and reuse. If the proposed excavation involves an area which is greater than the number of acres specified in rules promulgated by the State of Minnesota, the applicant shall prepare and file with the City and such other entities that said rules and/or the City shall require, an environmental assessment worksheet which meets the guidelines promulgated by the State of Minnesota and is approved by the City together with such other entities as the City or such rules may require.

Subdivision 5: TERM OF PERMIT: RENEWAL

Each Conditional Use Permit approved shall be effective for a period of five (5) years from and after the date of approval, provided the requirements of operation and reclamation, as are set forth under the operator's permit and application, shall be met. An examination of the premises can be made by the Zoning Administrator at any time during the term of the operation. Each Conditional Use Permit shall be renewable for a period of five (5) years upon written application to the Zoning Administrator and with the concurrence of the Planning Commission. However, upon determination by the zoning Administrator, or the City Council, that the operation is in violation of the provisions of the Conditional Use Permit or other ordinances, a hearing may be held to review the existence of any alleged violations.

Subdivision 6: MINING OPERATION REQUIREMENTS

Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon lands described in the license, subject to the following regulations:

A. The mining operations shall be conducted in compliance with the ordinances and resolutions of the City of Rice, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.

B. Clearing of the mining site shall conform to the development and reclamation plan whenever possible. Existing trees and shrubs shall remain in their natural state and not be prematurely stripped.

C. Adequate planting and fencing shall be provided along all public roads adjacent to the property involved, sufficient to screen the operation from public view.

D. 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. All access points must be approved by the appropriate Highway Agency having jurisdiction, and shall preferably be located along a secondary road. All access points shall be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. Precautions must be taken to minimize the deposit of dirt and mined material from trucks onto the public roads or highways.

E. Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public highways. Any spillage resulting from overloading or from adhering to truck tires shall be removed at regular intervals.

F. The amount of overburden to be removed shall not be in excess of that required to undertake operations in an economically feasible manner. Less than ten (10) acres shall be considered economically feasible. Development toward the final plan shall be carried on as excavation progresses. Where ground cover or other planting is indicated on approved plan, such planting shall be made in areas where excavation is completed and land is not being used for material storage.

G. Existing trees and groundcover along public road frontage shall be preserved, maintained, and supplemented for the depth of the required roadside setback.

H. When explosives are used, the operator shall use the utmost care and take all necessary precautions not to endanger life and damage or destroy property. The method of storing and handling explosives shall conform with all laws and regulations relating thereto. A permit shall be obtained from the County Sheriff.

I. Proposed graded or backfilled areas or banks as conforming to the approved reclamation plan shall be covered with sufficient topsoil to provide for revegetation. When backsloping is proposed on the reclamation plan, the rate of slope shall not be less than three feet horizontal to one foot vertical. Proposed banks shall be covered with topsoil and seeded, except where such banks provide a beach area to a proposed recreational area as indicated on the approved reclamation plan.

J. When the topsoil is replaced, trees, shrubs, legumes, grasses, or other groundcover shall be planted upon the area in order to avoid erosion, in accordance with approved reclamation plan.

K. Upon completion of excavation, all buildings, plants, and equipment shall be removed within six (6) months, unless such buildings, plants, and equipment will be used in the reclamation process.

L. Operating procedures will be utilized to control dust and noise so as to be in minimum conflict with adjoining property.

Subdivision 7: SETBACK REQUIREMENTS

Mining operations shall not be conducted closer than two hundred & fifty (250) feet to the boundary of an adjoining property residentially zoned unless written consent of the owner of such property is first secured. Excavating or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way line of any existing or platted street or highway, where such activity may create a traffic or line of site problem.

Subdivision 8: BOND

The bond herein required to be filed with the City Council shall be in such form as the City Council shall prescribe, payable to the City and shall guarantee that either upon termination of the permit or of the operations, the ground surface of the land used shall be restored in conformity with the reclamation plan filed with the mining permit application.

When and if the portions of the bonded property are completely rehabilitated in accord with the reclamation plan, and such restoration is certified by the City Clerk, the performance bond protecting the restored acreage shall be returned to the applicant.

Subdivision 9: EXEMPTIONS

Any active operation begun prior to the adoption of this section shall be exempt from the provisions of this section for a period of five years after adoption of this Ordinance.

Subdivision 10: REVOCATION OF PERMIT

Upon failure by the holder of a mining permit, issued pursuant to the provisions of this section to fully comply with the provisions contained herein and when same has been certified by the Zoning Administrator to the City Council, the Council shall be given notice to said permit holder and owner of the land setting forth the provisions of this section being violated. The Council shall set a time and place of a hearing to be held by the Council to consider such violation of provisions of this section. If the Council shall find that provisions of this section have not been complied with by the permit holder, then the mining operations permit may be suspended or terminated by the Council.