

# **RENVILLE COUNTY LAND USE ORDINANCE**

## **CHAPTER SEVEN**

### **MINING REGULATIONS**

This chapter of the Renville County Land Use Ordinance shall be known as the Renville County Mining Regulations except as to herein where it shall be known as “this chapter.”

#### ***SECTION 1. INTENT AND PURPOSE***

These mining regulations are adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapter 103A-I and the planning and zoning enabling legislation in Minnesota Statutes Chapter 394. This chapter is adopted for the purposes of:

1. Providing for the economic availability and removal of sand, gravel, rock, soil, and other materials vital to the continued growth of Renville County.
2. Establishing regulations, safeguards, and controls in the unincorporated areas of the County regarding noise, dust, traffic, drainage, groundwater quality, and other factors which will minimize the environmental and aesthetic impacts on mined or adjacent property.
3. Reducing the potential for pollution caused by wind, soil erosion, and sedimentation.
4. Establishing locations, orderly approval process, and operating conditions under which mining operations will be allowed in the unincorporated areas of the County and to establish conditions which ensure the restoration of mined areas consistent with the existing and planned land use patterns.
5. Ensuring compliance with the regulations established in this chapter on those mining operations presently operating in Renville County.
6. Bringing operations without a permit into compliance with the performance standards of this chapter.

#### ***SECTION 2. PERMIT REQUIREMENTS***

1. No person, firm, or corporation shall hereafter engage in the mining and extraction on any land within the unincorporated areas of Renville County without first obtaining an Interim Use Permit.
2. Mining and extraction operations, operating with a valid Conditional Use Permit issued by Renville County prior to the adoption of this chapter, which remain in

compliance with the terms and conditions of the Conditional Use Permit shall be permitted to continue until the permit has expired.

3. All legal, nonconforming mining and extraction operations currently operating within the unincorporated areas of Renville County without an Interim Use Permit as of the effective date of this chapter may continue provided the mining and extraction use does not expand beyond the boundaries of the legally described parcel in which the mining operation was established prior to the time it became nonconforming as recorded in the office of the County Recorder. The legal, nonconforming mining and extraction operation shall comply with all setback, performance, and land reclamation standards set forth in Sections 4, 5, and 6 of this chapter. All mining and extraction operations currently operating in Renville County and legally commenced prior to the adoption of this chapter shall submit a reclamation plan completed in conformance with Section 6 of this chapter to the Zoning Administrator for review and approval upon demand.
4. Any existing legal, nonconforming mining and extraction operation determined by the Department to pose a potential or real environmental hazard; a potential or real negative impact on the health, safety, or welfare of the residents of the County; or that fails to comply with the setback, performance, and land reclamation standards set forth in Sections 4, 5, and 6 of this chapter shall be subject to the provisions of this chapter and the owner shall apply for an Interim Use Permit.
5. Any permitted or existing legal, nonconforming mining and extraction operation currently operating within the unincorporated areas of Renville County that wishes to process aggregate, concrete, asphalt, or other materials on the site must first obtain an Interim Use Permit.
6. Any permitted or existing legal, nonconforming mining and extraction operation currently operating within the unincorporated areas of Renville County that wishes to add a temporary asphalt plant or concrete batch plant on the site must first obtain an Interim Use Permit.
7. An Interim Use Permit for a new mining operation or the expansion or change in use of an existing mining operation, whether under permit or not, must meet the following criteria:
  - A. The mining and extraction operation must be located in an agricultural or commercial/industrial land use district.
  - B. The property must be at least 20 acres in size.
  - C. The mining and extraction operation must comply with all standards for approval of an Interim Use Permit as contained in this Ordinance.

- D. The mining and extraction operation is consistent with the Renville County Comprehensive Plan (Resource Extraction – Goals and Policies) and is in compliance with all provisions of this Ordinance.

### ***SECTION 3. PERMIT APPLICATION***

In addition to the submittal requirements required for an Interim Use Permit elsewhere in this Ordinance, all proposed mining/extraction uses shall submit the following additional information. The Interim Use Permit application must be made in the name(s) of the operator of the mine and owner of the land to be mined when applicable.

- 1. General Information.
  - A. The name and address of the applicant.
  - B. The name and address of the owner of the land.
  - C. The address and legal description of the land involved in the application.
  - D. The total area (in acres) of the land to be affected by the project. Include mining areas and future expansion areas, stockpiling and processing areas, haul roads, settling basins, berms, topsoil storage areas, and parking areas.
  - E. A copy of all other permits necessary for this project indicating their status.
- 2. Pre-Mining Conditions.
  - A. Describe current land uses within one-half mile of the project area.
  - B. Indicate if the project is located within 1,000 feet of the shoreline of a lake or within 300 feet from the bank of a watercourse or the landward extent of a flood plain designated by local ordinance.
  - C. Indicate the observed or estimated groundwater elevation in the project area and reference that depth to a permanent benchmark. An elevation benchmark shall be established in an area not to be disturbed by the mining operation.
  - D. The following maps of features within 100 feet of the site drawn to scale:
    - i. Map A – Existing Conditions. Indicate the following noted features:
      - a. Property lines and limits of proposed mining and extraction areas.

- b. Contours at 10-foot vertical intervals.
  - c. Existing vegetation and wooded areas.
  - d. Existing surface water drainage patterns.
  - e. Existing buildings and structures.
  - f. Existing wells.
  - g. Existing rock outcrops.
  - h. Existing flood plain.
  - i. Existing wetlands, lakes, or watercourses.
  - j. Existing trails and road and railroad rights-of-way.
  - k. Existing utility easements.
- ii. Map B – Proposed Operation. Indicate the following noted features:
- a. Property lines and limits of proposed mining/extraction areas.
  - b. Future buildings and structures.
  - c. Location of areas to be mined including depth of proposed excavation.
  - d. Location of machinery to be used in the mining operation.
  - e. Location of screening berms and storage areas of recycled and mined materials showing maximum height of storage deposits.
  - f. Location of vehicle parking and road access to the mining area.
  - g. Location of storage areas for explosives.
  - h. Location of erosion and sediment control structures.
  - i. Location of processing areas.

- j. Location of the leak containment structure(s) for servicing trucks and machines in the event of a petrochemical leak or spill.
    - k. Location of settling basins and process water ponds.
    - l. Location of fences, gates, and portable scales.
  - iii. Map C – End Use Plan. Indicate the following noted features:
    - a. Final grade of proposed site showing elevations and contour lines at 10-foot intervals.
    - b. Location of water features, agricultural and open areas, and species of vegetation or seed mixture to be replanted.
    - c. Reclamation staging plan and intended use of the reclaimed site.
- E. A plan describing the methods to be used for soil erosion and sediment control.
- F. A plan describing the methods to be used for dust and noise control.
- G. A complete description of all phases of the proposed mining operation to include an estimate of duration of each phase, location and approximate acreage of each stage, and time schedule for reclamation.
- H. A map indicating the haul route between the mining area and nearest arterial road in the County upon and along which any material is to be hauled or carried.
- I. A general location map indicating any city within two miles of the mining operation.
- J. A plan indicating methods to be used to ensure groundwater quality protection. The plan shall include a minimum of three borings showing depth to groundwater. If groundwater is not encountered at a depth of 15 feet below the bottom of the proposed pit floor, the applicant need not extend borings any farther.
- K. A written right-of-entry given by the owner and operator to the Department to enter the land at any time for the purpose of determining compliance with all applicable conditions imposed on the operation.

- L. A minimum of three cross-section sketches showing the extent of overburden, extent of material deposits, the water table, and any evidence of the water table in the past. The Department reserves the right to require additional borings if necessary.
  - M. An approved reclamation plan in conformance with Section 6 of this chapter.
  - N. A plan for blasting at the mining site, if required.
  - O. A safety plan addressing safety issues with regard to parking, traffic control, and access of the mining driveway and the township road.
  - P. Any other information or reports the Zoning Administrator or Planning Commission deems necessary for purposes of evaluating environmental or aesthetic impacts.
3. Mitigating Impacts.
- A. List the air, land, and water resources that may be impacted by this project, identify impacts, and describe measures that will be taken to mitigate those impacts including, but not limited to, noise, volatile organic compounds (VOC), dust, and particulate matter.
  - B. Describe measures that will be taken to screen the operation from view of surrounding land uses or an explanation of why such measures are not needed.
  - C. Describe erosion control practices that will be used during mining. If no measures will be used, explain why none are needed.
4. Proposed Mining Methods.
- A. Describe the material that will be mined from the project area.
  - B. Describe how the material will be mined and what equipment will be used.
  - C. Describe how the material will be transported from the site and the proposed route of transport to the nearest arterial road.
  - D. Describe the methods that will be used to retain topsoil.
  - E. Estimate the volume of material in cubic yards to be mined in the period covered by this permit.

- F. List the months, days, and hours in which mining activities are expected to occur.
  - G. Describe the methods used to control dust on haul roads.
  - H. Identify the number of employees expected to work at the site and the facilities that will be provided.
  - I. Describe dewatering activities and estimate the volume of water to be discharged from the site.
5. Proposed Processing Methods.
- A. Describe the processing methods, including equipment, which will be used at the site.
  - B. List the proposed hours of operation for the processing facilities.
  - C. Describe the volume of water needed for gravel washing activities, the source of the water, the disposal of water, and methods to re-use water.
  - D. Describe how chemical substances will be stored on the site.
6. Staging of Operations.
- A. Describe the projected life of the operation including beginning and ending of operations and any phases or stages.
  - B. Describe the progressive reclamation activities that will occur over the life of the operation.
  - C. Describe the methods that will be used at the cessation of seasonal operations to stabilize slopes from erosion.
  - D. Describe the interim reclamation methods that will be used if the site will become inactive at the close of current operations for unspecified periods of time.
7. Proposed Reclamation Plan.
- A. Describe the proposed reclamation process including planned end use.
  - B. Describe anticipated topography, water impoundments, artificial lakes, and future land use of the site.

- C. Describe plans for the disposal of surface structures, roads, and related facilities after completion of mining.
  - D. Describe the methods proposed for the disposal or reclamation of oversize and undersize materials.
  - E. Describe or attach a copy of a seeding plan that includes methods of seedbed preparation, seed mixtures, seeding rates, mulching, and other techniques needed to accomplish site stabilization.
  - F. Describe long-term maintenance needed to support reclamation.
  - G. Provide an estimate of the reclamation cost of each phase of the project or the entire site if phasing is not planned.
8. An application fee as established by the Renville County Board of County Commissioners.

#### ***SECTION 4. SETBACKS***

The following minimum setbacks are required for all mining and extraction operations:

- 1. No mining or extraction operations shall take place within:
  - A. 30 feet of adjoining property lines unless there is an agreement between the owner(s) of the adjoining property and the mining operator. A copy of the written agreement and a restoration plan of the common boundaries must be submitted to the Zoning Administrator for review and approval.
  - B. 500 feet of any non-dilapidated dwelling. The setback shall not apply to a dwelling owned by the property owner.
  - C. 100 feet to the boundary of any district where such operations are not permitted.
  - D. 500 feet to the boundary of an adjoining property residentially zoned or contiguous property subdivided into residential lots.
  - E. 30 feet to the right-of-way line of any existing or platted street, road, or highway. Excavating may be allowed within the required setback area upon a written agreement between the property owner(s) and/or the mining operator and the Road Authority. A copy of the written agreement and an engineered road reconstruction design plan indicating final roadbed grades must be submitted to the Zoning Administrator for review and approval.



- F. 50 feet from the berm of any public or private ditch system.
- G. 100 feet from any wetland or the ordinary high water level of any public water.
- H. 50 feet from agricultural lands used for crop production. The setback area shall be planted with a grass buffer, preferably native vegetation, designed to infiltrate water and remove sediment and pollutants. The use of fertilizer, pesticides, and animal manure near the mining area shall be applied using best management practices to minimize the impact on surface and groundwater.

***SECTION 5. PERFORMANCE STANDARDS***

The following performance standards shall apply to all mining and extraction operations:

1. **Hours of Operation.** Those portions of the mining operation consisting of excavating, stockpiling, processing, or hauling shall be conducted only between the hours of sunrise to sunset, Monday through Saturday, unless other hours or days of operation are specifically authorized by the County Board. Blasting shall only take place between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday.
2. **Dust Control.** The property owner(s) and/or mining 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 must be set back at least 25 feet from neighboring property lines unless the property owners agree in writing to a lesser distance. A copy of the written agreement must be submitted to the Zoning Administrator for review and approval.

The property owner(s) and/or mining operator shall maintain all roads within the site in a dust-free condition provided that the treatment causes no potential pollution hazards to the ground and surface waters of the area. Access roads shall also be constructed and maintained in such a manner that the deposit of earth materials on public roads is minimized.

3. **Noise.** All equipment and other sources of noise must operate so as to be in accordance with federal, state, and County noise standards.
4. **Site Clearance.** All stumps and other debris resulting from the excavation or related activities should be disposed of by approved methods.
5. **Protection of Groundwater.** Mining shall not occur in confined aquifers. Excavation into unconfined aquifers must be closely monitored and conducted according to the conditions of the permit. The maximum depth of excavation

shall be established so that groundwater quality is protected. This depth of excavation shall be established by the County Board and will be based, in part, on a groundwater protection study provided by the owner and/or mining operator that takes into account the soil characteristics, depth to water table, nature of mining proposed, and local use of the aquifer.

No extraction operations shall be conducted in such a manner as to permanently lower the water table of surrounding inhabited properties or any other water body.

6. **Appearance/Condition.** The property owner(s) and/or mining operator must maintain buildings and structures in a neat condition. Weeds and other unsightly or noxious vegetation shall be controlled as necessary to preserve the appearance of the landscaped area. Existing trees and topsoil along existing public right-of-way shall be preserved, maintained, and supplemented for the depth of the setback or as stipulated in the Interim Use Permit or excavation permit.
7. **Waste 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.
8. **Water Quality Monitoring.** Water from monitoring wells and water collected or discharged from the mining area shall be analyzed until one year after reclamation is completed. At a minimum, samples from monitoring wells shall be taken and testing results submitted prior to the permit renewal. Sampling and testing shall be done by an independent testing laboratory or an agency chosen by the County Board. Monitoring wells shall be sealed one year after reclamation efforts are complete if the site is determined to be uncontaminated. Water samples shall be analyzed to determine the level of nitrates, pesticides, herbicides, and volatile organic compounds specified by the County Board.
9. **Mining Access Roads.** The location of the intersection of mining access 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 within a margin of safety as determined by the Public Works Director. Access roads connecting to public roads shall be sufficiently wide to accommodate two-way hauling traffic. Ingress and egress points from or onto any public road or highway shall be clearly signed "TRUCKS HAULING" advising traffic in both directions of this activity. Intersections of public roads with access roads shall be maintained by the mining operator and shall be kept clean and free from excessive mud or debris tracked out from the mining site. Intersections of public roads with access roads shall be repaired by the mining operator if the public road surfaces or shoulders in the mining area have broken down due to repeated traffic by mining trucks or equipment. Turn lanes shall be constructed on public roads at the entrance to the mining site if determined necessary by the Road Authority.

10. Fuel Storage. All on-site storage of fuel must meet federal, state, and local standards.
11. Road Maintenance. The property owner(s) and/or mining operator shall be responsible for providing a baseline condition of all haul routes, including analysis of all bridges by the County engineer, to determine their capacity to support oversized vehicles prior to use of the roads by the mining operation. The property owner(s)/mining operator of the mining operation shall be responsible for extraordinary maintenance and restoration of all County/township roads and bridges leading to the mining site that may be damaged due to activities involving the mining operation. A financial guarantee in the form of a performance bond, letter of credit, cash deposit, or other security shall be submitted to ensure all haul routes and bridges have been repaired/restored to the Road Authority's approval and satisfaction.
12. Other Regulations. All mining operations shall be in compliance with applicable federal, state, and County regulatory permits, rules, regulations, and ordinances.
13. Insurance. The mining operator shall provide proof of bodily injury, property damage, and public liability insurance in the amount of \$1,000,000 for any occurrence.
14. Recycled Material Storage. The temporary storage of recycled material (including used aggregate, concrete, and asphalt) in a permitted mining site or a currently operating legal, nonconforming mining site is permitted. An Interim Use Permit is required for any new or existing mining operation that wishes to process recycled materials.
15. Site Reclamation. Restoration of the site shall be completed in accordance with the approved reclamation plan and is subject to review and approval by Renville County Division of Environment and Community Development staff at the end of the permit period. All reclamation shall be completed within one year after the Interim Use Permit expires unless the permit is renewed. If the mining operation is abandoned prior to expiration of the Interim Use Permit, all reclamation shall be completed within 365 days.
16. Safety. The operator shall erect and maintain traffic control devices leading to and from the site to ensure the safety of area residents and must comply with all Minnesota Department of Transportation requirements for signage and safety issues. Access to and hauling of materials from the operation site shall be limited to a project-specific haul route. All vehicles hauling materials to and from the mining operation site shall not exceed legal gross weight limitations.
17. Water Resources. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation. Surface water originating outside and passing through the mining district shall, at its point

of departure from the mining site, be of equal quality of the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision such as culverts, berms, etc. The mining operation shall also not adversely affect the quality of subsurface water resources.

18. Dewatering. If dewatering becomes necessary, a DNR Appropriation Permit must be obtained, and a copy of the permit must be submitted to the Department. All conditions of the permit must be followed. The permit must remain in effect for the duration of the Interim Use Permit.
19. Tile Lines and Intakes. No tile lines or intakes shall be located within, or allow discharge of water into, the mining area.

### ***SECTION 6. LAND RECLAMATION***

All mining sites shall begin reclamation immediately after mining operations cease. All reclamation shall be completed within one year. The following performance standards shall apply:

1. Staging. Restoration should proceed in a continuous manner and must be subject to review and approval at each inspection and at the end of the permit period.
2. Excavations resulting in the accumulation of substantial water areas after rehabilitation must meet the following requirements:
  - A. The water depth must not be less than three feet measured from the low water mark, unless a plan for creation of a wetland or marsh has been reviewed and approved by the local government unit administering the Minnesota Wetland Conservation Act.
  - B. All banks shall be sloped to the water line at a slope that shall not be steeper than four feet horizontal to one foot vertical. Reclaimed areas shall be surfaced with soil of equal quality as the topsoil of land areas immediately surrounding the mining operation. The minimum depth of the topsoil shall be at least four inches.
  - C. The topsoil as required by subsection B above shall be planted with trees, shrubs, legumes, or grasses native to the area.
  - D. Slopes on reclaimed areas shall not be steeper than four feet horizontal to one foot vertical. Exceptions may be made in cases where non-erodible conditions are present.
  - E. In man-made groundwater lakes, the bottom contour shall be gradually sloping from the shoreline to the deepest portion of the water body a

maximum slope of three feet horizontal to one foot vertical for at least 30 feet from the proposed shoreline toward the center of the water body.

- F. All protected waters shall be subject to Chapter Five (Minnesota Scenic River Regulations), Chapter Six (Shoreland Management Regulations), Chapter Nine (Flood Plain Regulations), and Chapter Fourteen (Project River Bend Management Regulations) of the Land Use Ordinance.
3. Excavations not resulting in water areas after rehabilitation but which must be graded or backfilled shall meet the following requirements:
- A. Fill shall be inspected and certified as being clean (free of volatile organic compounds and heavy metals) before being used for reclamation. Organic soil shall be used only for topsoil.
  - B. Such grading or backfilling shall be made with non-noxious, nonflammable, noncombustible solids.
  - C. The graded or backfilled area shall not collect or permit stagnant water to remain therein.
  - D. The peaks and depressions of the area shall be reduced to a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.
  - E. Such graded or backfilled area shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth at least four inches. The topsoil shall be planted with trees, shrubs, legumes, or grasses native to the area.
  - F. Slopes on reclaimed areas shall not be steeper than four feet horizontal to one foot vertical. Exceptions may be made in cases where non-erodible conditions are present.
  - G. All reclaimed areas that are planned for building purposes shall have a final elevation at least 10 feet above the normal ordinary groundwater level. If public sewer is not available, plans for on-site septic systems must be considered. If the area is backfilled for purposes of future development, the soil must be compacted and subsequently tested by a registered soils engineer and approved.
4. Finished Grade. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site. The finished plan 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. Drainage. Reclamation shall proceed in such a way that natural and storm drainage, where it enters and leaves the premises, shall be altered only to the least degree necessary to carry out excavation and related activities. Any alteration of natural and storm drainage shall not adversely affect public roads or neighboring uses.
6. Cover and Planting. The reclamation area shall be planted with grass, trees, shrubs, or other vegetation native to the area to prevent erosion and provide for screening and natural beauty. Technical assistance and soils data should be obtained from appropriate state and federal officials, conservation districts, and the nearest soil conservation service office.
7. Topsoil. When topsoil is stripped or removed, an adequate amount must be retained and set aside on the site for re-spreading over the excavated area according to the reclamation plan. These overburden stockpiles must be used to minimize the effects of erosion of wind or water upon public roads, streams, or adjacent land uses and shall not be sold or removed from the property.
8. Final Restoration/Removal of Structures. Within a period of 12 months following the termination of a mining operation, or the abandonment of a mining operation, or the expiration of an existing Conditional Use Permit or Interim Use Permit, all buildings and other structures, equipment, and access roads not otherwise allowed under this Ordinance must be removed from the property and the property restored in conformance with the approved reclamation plan.
9. Plan Review and Approval. All reclamation plans shall be submitted for review and approval to the Renville County Soil and Water Conservation District prior to submittal to the Zoning Administrator.

#### ***SECTION 7. ENVIRONMENTAL REVIEWS***

The provisions of the rules for the Environmental Review Program, Minnesota Rules Chapter 4410, or as amended are hereby adopted, together with the other provisions of this Ordinance, as the environmental review operating procedures Renville County will follow in implementing the provisions of Minnesota Statutes, Chapter 116D, relating to the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board.

The applicant of a mining or extraction use for which an environmental review is required, either by state law or by the Board, shall pay all costs of preparation and review and shall supply all information reasonably requested by the Renville County Division of Environment and Community Development to complete the document.

No mining or extraction use for which an environmental review is required shall be issued any County permits until all costs for preparation and review are paid by the applicant, all information required is supplied, and until the environmental review

process has been completed as provided in this Ordinance and Minnesota Rules Chapter 4410.

***SECTION 8. ENFORCEMENT***

Enforcement of the Mining Regulations shall be done in accordance with process and procedures established in Chapter One (Administration), Section 14, of the Renville County Land Use Ordinance.

***SECTION 9. INTERPRETATION, SEPARABILITY, AND COMPLIANCE***

Administration of the Mining Regulations with regard to rules of interpretation, separability, and compliance shall be done in accordance with policies established in Chapter One (Administration), Section 3, of the Renville County Land Use Ordinance.

***SECTION 10. EFFECTIVE DATE***

The regulations contained in this chapter shall become effective from and after their publication according to law.