

ORDINANCE NO. 103

STILLWATER TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE REGULATING MINING

THE BOARD OF SUPERVISORS OF STILLWATER TOWNSHIP ORDAINS:

Section 1. Chapter 6 of the Washington County Model Code, as adopted by the Washington County Board of Commissioners as Ordinance No. 85 on December 18, 1990, is hereby adopted and incorporated herein by this reference with the following amendments:

1. Section 402.01 is amended by adding the following:

(22) Soil Borings - A drill or auger hole used for logging, sampling, or testing in geologic investigations or for construction purposes.

(23) Core Sample - A cylindrical-shaped rock sample collected by any of several diamond-bit or carbide-bit drilling methods for underground investigations.

2. Section 501 is amended in its entirety to read:

Section 501.

The application for a Conditional Use Permit for mining operation must be filed concurrently with the Washington County Zoning Administrator and the Stillwater Township. The Zoning Administrator shall follow procedures prescribed in Section 505 of the Washington County Zoning Ordinance. Application for renewal for a permit must be made 90 days prior to the termination of the previous permit. The application must be made in the name(s) of the operator of the mine and owner of the land to be mined, and must be signed and dated.

3. Section 502.(3) is amended in its entirety to read:

(3) Names and addresses of adjacent land owners within one-half (1/2) miles of the property, and the names and addresses of land owners abutting proposed haul roads.

4. Section 502.(5) is amended by adding the following:

All required drawings shall be to scale of not less than one inch equals one hundred feet.

5. Section 501.(7) is amended in its entirety to read:

A fee as established by resolution of the Stillwater Township Board of Supervisors.

6. Section 502.(14) is amended in its entirety to read:

502.(14). Adjacent Land Features.

All of the standards above shall apply to delineation of the area within 300 feet as measured from the perimeter of the property. In addition, show all platted subdivision lots, metes and bounds parcels, and all homes within one-quarter mile of the property boundaries.

7. Section 502.(15) is amended in its entirety to read:

502.(15). Groundwater.

A plan for groundwater quality protection shall be submitted with the application. The plan shall include a minimum of 2 borings per 5 acres, said borings to be a sufficient depth to determine 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 further.

8. Section 503.08 is amended in its entirety to read:

503.08.

Any mining operation having access from a State or County highway or Township road must obtain an access permit from the respective agency. A turn lane and/or bypass lane may be required by the respective agency to reduce the risk of traffic safety hazards. The cost of construction of a turn or bypass lane shall be the sole expense of the operator.

9. Section 601.01 is amended in its entirety to read:

601.01. Setbacks.

No mining, stockpiling, or land disturbance shall take place within:

- (1) 250 feet of adjoining property lines;
- (2) 100 feet of any road right-of-way of any existing or platted street, except the amount of material stockpiled on the effective date of this Ordinance may continue but not be expanded. Mining may be allowed up to 50 feet of the road right-of-way so long as the property is restored to 100 feet within one mining season period as set forth in the approved reclamation plans.
- (3) If two or more mining operations are contiguous to one another, the common boundary may be mined if the Planning Commission approves the respective restoration plans.

10. Section 601.02 is amended in its entirety to read:

601.02. Fencing.

Prior to commencing of mining operations, a fence shall be constructed enclosing the area authorized by permit to be mined. Stillwater Township shall determine the proper height, structure, and components of the fence giving due consideration to the characteristics of the mining operation, relative to safety and health precautions. Warning signs must also be posted as approved by the Stillwater Town Board. Fencing shall remain until reclamation is determined to be completed.

11. Section 601.03 is amended by deleting "7:00 p.m." and replacing it with "5:00 p.m.".
12. Section 601.05 is amended in its entirety to read as follows:

601.05. Dust Control. The owner 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 State Pollution Control Agency. The driveway access to the sand and gravel operation must be set back at least 250 feet from neighboring property lines.

The mine operator must construct a 24 foot wide blacktop access road to Township standards, 300 feet in length, plus dustless non-oiled road from blacktop to not less than 100 feet of any loading area. The operator shall maintain all ways and roads within the sight in a dust free condition, providing such surfacing or other treatment as may be deemed necessary by the Planning Commission, provided that the treatment produces no potential pollution hazards to the ground and surface waters of the area. Access roads shall be constructed and maintained in such a manner that the deposit of earth materials on public roads is minimized.

13. Section 601.09 is amended by adding the following:

(09) Open mine areas shall not exceed a total of five acres.

14. Section 601.16 is amended in its entirety to read:

601.16. Trucking Operation.

All new mining operations must have access to the pit area from a nine ton blacktop road unless the applicant can demonstrate to the Stillwater Town Board that conditions are such in a particular area that access via a gravel road will not adversely affect the public health, safety or welfare. The operator shall insure that all loads leaving any pit regulated by this ordinance are loaded so as to comply with state law.

15. Section 601.17 (1)(d) is amended in its entirety to read:

(1)(d) In the absence of a definitive plan to prevent surfacing groundwater contamination, asphalt plants must be equipped with a bag house to limit discharge of airborne material.

16. Section 701.06 is amended in its entirety to read:

701.06. Cover and Planting.

The reclamation area shall be planted with grass, trees, shrubs or other vegetation to prevent erosion and provide for screening and natural beauty. Technical assistance and soils data shall be obtained from appropriate State and Federal officials, conservation districts, and the nearest soil conservation office.

17. Section 804 is amended in its entirety to read:

804. Inspection.

A representative of Stillwater Township shall inspect any property with a mining permit every ninety (90) days. Said inspections can be waived by the Town Board if there is no mining activity. An inspection fee to cover the cost of periodic inspections and administering the provisions of the annual permit must be paid to Stillwater Township. The inspection fee shall be based on the actual and estimated costs which are incurred by the Township such as charges made by an engineering firm, geologists, legal services, or any other consultant of the town of Stillwater, and any indirect, internal, actual and computed costs incurred by the Township such as mileage and computed charges for time spent by the community officials or their staff. Township will estimate these charges at the time that the annual permit is issued and the applicant shall make a cash deposit with the Township equal to their estimate when the annual permit is issued. If at the expiration date of the annual permit there are any funds still available, they will be refunded or applied to the next years inspection. If the cost exceeds the estimate, the applicant shall pay the additional cost. Failure to pay the inspection fee will be the cause for revocation of the mining permit. The annual permit fee will be set by resolution of the Town Board.

18. Section 601.19 is added as follows:

Section 601.19. Erosion Control/Natural Resource Protection.

Discharge that will result in higher concentrations of silt that existed in off-site water prior to mining operations is prohibited. Erosion must be controlled on site by constructing properly designed retention basins, settling ponds, ditches, diking, and revegetation of slopes. No mining shall be done within 500 feet of wetlands or ordinary high water mark of water bodies.

Section 2. Stillwater Township Ordinance No. 91 is hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication according to law.

ADOPTED by the Board of Supervisors of Stillwater Township this 10 day of December, 1992.

STILLWATER TOWNSHIP

BY: *William O'Byrne*
Its Chairperson

ATTEST: *Pat Bantli*
Pat Bantli, Clerk