

**LOUISVILLE TOWNSHIP ORDINANCE # _____
LOUISVILLE TOWNSHIP MINING REGULATIONS**

SECTION ONE Purpose and Intent

The purpose of these additional standards THAT ARE MORE RESTRICTIVE THAN ALLOWED IN THE COUNTY ORDINANCE are to extend the standards of Chapter 10 of the County Ordinance IN THE AREAS OF LOUISVILLE TOWNSHIP ON THE EAST SIDE OF HWY 169 AND ALL AREAS LOCATED SOUTH OF AN EAST/WEST LINE TANGENT TO THE MOST SOUTHERLY EDGE OF THE CUL DE SAC OF DEM-CON DRIVE OCCURRING AT APPROXIMATELY 133RD ST EXTENDED by establishing permitting requirements, environmental review procedures and performance standards to regulate mineral extraction, prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the community as a whole and restore extracted land to a condition compatible with adjacent properties and suitable for future uses which are compatible with the Scott County Comprehensive Plan and the Township Land Use Policies.

Following the organization of the “Aggregate Resources Inventory of the Seven-County Metropolitan Area, Minnesota: Minnesota Geological Survey Information Circular 46”, the regulation of mining is organized in two parts, regulation of the mining (quarrying) of bedrock aggregate resources - limestone, and regulation of the mining of natural aggregate deposits - sand and gravel.

The Ordinance also distinguishes between longer-term, bedrock, and shorter-term, sand and gravel, primarily sand mining / mineral extraction activities. This distinction is based upon the mineral resource available for mining, the absence of identified County or regional level gravel deposits, the present and predicted conditions of Hwy 169 including recent MNDOT comments restricting new or increased access and the constraints of the relatively small sites available for natural aggregate deposit mining / mineral extraction created by the proximity of Hwy 169, the Refuge, and the railway lines in that part of the Corridor in Louisville Township. Mining of natural aggregate deposits will continue to be permitted in the Township on a temporary, seasonal basis, not to exceed ~~two~~ FIVE years in operation, allowing the opportunity for mineral extraction on land which is in close proximity to projects of short duration in or near the Township, such as road construction, and to allow the opportunity for site grading which will enhance the ultimate development and use of property.

SECTION TWO Mining of Bedrock, Limestone Aggregate Resources

Mining of bedrock aggregate resources will be regulated by the provisions of the County Zoning Ordinance with the additional requirement that any proposal, modification or amendment of the plan or plans for the reclamation of those parcels south and north of 145th St and the now being quarried area of Bryan Rock and Valley Mining (1993-406-C-8) extending north from these parcels must provide for a coordinated and continuous plan for the sustaining development of these contiguous parcels.

Similarly, a coordinated and continuous plan for the sustaining development and for any mining and future reclamation of any other contiguous parcels that are mined must be developed for the County and the Township as part of the application for mining of those parcels.

SECTION THREE Mining of Natural, Sand and Gravel, Aggregate Deposits

A. Information and materials required in addition to or in conjunction with the materials required by the County Ordinance for an application to be considered complete.

1. Description of the Area Surrounding the Proposed Mining

- a. The acreage and complete legal description of the property on which the facility will be located, including all contiguous property owned by the landowners
- b. An additional Map A (1) that will provide at an appropriate scale the information provided on Map A plus all features located within 1320 ft of the site, including but not limited to: elevations and contours, buildings, roads, watercourses, vegetation, railroads and haul roads
- c. A description of existing land uses on the subject property and all properties within 1320 ft.
- d. A general description of surface waters, existing drainage patterns and groundwater conditions within one-half (1/2) mile of the subject property.
- e. A description of the haul routes within the Township to be used in the operation of the facility.
- f. A description of the potential impacts to adjacent properties resulting from mineral extraction and off-site transportation, including but not limited to noise, dust, surface water runoff, groundwater contamination, traffic and aesthetics.

2. Description of the Proposed Mining Operation

- a. An estimate of the type and quantity of material to be extracted.
- b. An estimate of the time frame of operation of the facility.
- c. A description of all vehicles and equipment estimated to be used by the operator in the operation of the facility.
- d. A description of the estimated average daily and peak daily number of vehicles accessing the facility, including a breakdown of operator owned and non-operator owned vehicles.
- e. A phasing plan which illustrates the sequencing of mineral extraction, the locations of processing equipment, mineral stockpiles, staging areas, accessory uses and access routes
- f. A description of site screening, landscaping and security fencing.
- g. A description of the method complaints about any aspect of the facility operation or off-site transportation are to be received and the method that complaints are to be resolved.

3. Description of the Affected Natural Resources

- a. Copies of MPCA application documents and operating permits
- b. Copies of comment from U. S. Fish and Wildlife on identification and recommended mitigation of potential impacts on the Refuge.
- c. A description of the site hydrology and drainage characteristics during extraction for each phase. Identify any locations where drainage of any disturbed areas will not be controlled on the subject property and plans to control erosion, sedimentation and water quality of the runoff.

d. A list of all Best Management Practices available for use at this the site and the Practices selected for use at this site.

4. Description of Mitigation / Rehabilitation & Reclamation Plans

a. A description of the plan to mitigate potential impacts, including impacts on any affected residential use, resulting during mineral extraction.

b. A description of the plan to mitigate potential impacts resulting from mineral extraction including an End Use Plan to rehabilitate the site and prepare it for subsequent development for non extractive use.

c. In addition to Map C illustrating the rehabilitation plan, the proposal shall include an additional Map C (1) that will provide at an appropriate scale the information provided on Map C plus all features located within 1330 ft of the site, including but not limited to: buildings, roads, watercourses, vegetation, and railroads.

d. A description of site rehabilitation in each phase of operation and upon completion of mineral extraction on the subject property.

e. A location and reservation of competent septic sites to serve development after reclamation.

5. Subsequent Applications

A mineral extraction permit application denied by the Town Board may not be reapplied for, whether the same or modified application, for a period of twelve (12) months from the date of denial.

B. Duration and Review of Mining Operations

1. Duration

a. No Interim mining permit shall be granted for a period longer than ~~two~~ FIVE years. All mining must be accomplished during this period. To continue mining at the site beyond the initial two years, a new Interim Use Permit must be granted.

b. Within 6 months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials and debris not actively used in the reclamation process shall be removed from the subject property.

c. Within 12 months after completion of mineral extraction or after termination of the permit site, rehabilitation must be completed

2. Review and Renewal of Interim Mining Permits

a. All mineral extraction permits shall be reviewed annually for renewal. Operators shall submit to the Township annual renewal fees, along with current aerial topography or field surveys illustrating the extent of the mineral extraction, facility operations, material stockpiles, extraction areas, and any site rehabilitation, between January 1 and March 1 of the year following the first year of operation. Operators shall also furnish the company's annual material sales reports for the permit facility and a record of any complaints received at the facility during the previous year and a summary of each complaint resolution.

Within 30 days of receipt of annual review data and renewal fees, the Township shall review the information for compliance with the terms and conditions of the permit and shall make one of the following findings:

- 1) The Interim Use Permit shall be renewed for its final year according to the original permit conditions; or
- 2) The Interim Use Permit shall be renewed for its final year according to modified permit conditions; or
- 3) A violation of the permit has occurred which requires a remedy, and permit renewal will not be considered until such remedy is completed; or
- 4) Termination of the permit is appropriate.

~~b. Inactivity. In the event less than 50,000 cubic yards of material has been removed from the facility in any calendar year, the Township may terminate the mineral extraction permit.~~

e. b. Operation by person other than applicant. The applicant shall not permit any other person to operate the pit, other than hauling to or from the pit, without first obtaining the written consent of the Township and an appropriate acknowledgement of such others that they will be bound by an agreement in effect.

C. Use of Access Roads/ Haul Roads

1. All trucks traveling to or from the mineral extraction facility shall utilize 9-ton or public greater roads within the Township that implement the Hwy 169 Frontage/Backage Road Plan. Operators may be granted a special permit to utilize roadways temporarily posted under 9-tons, provided adequate surety is guaranteed to cover the costs of repairing any damage to roadways.
2. All trucks traveling to or from the mineral extraction facility and Hwy 169 shall utilize an implemented segment of the necessary frontage backage roadways in the Corridor. No mining shall commence until such roadway connection has been completed.
2. No mineral extraction facility may have direct connection to Hwy 169 by a private road or entrance.
3. Roadway Dust Control. Operators will be responsible for providing water trucks to control dust on all gravel roads utilized by trucks hauling to or from a mineral extraction facility. Unless waived by the Town 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 extraction facility exceeds three (3) per hour.

D. Standards for Mining Operations

1. Depth of Mining

a. It is the goal of the Township that no mining shall occur below the adjacent elevation of Hwy 169 or of any railway on or adjacent to the parcel to preserve the maximum opportunity for sustaining development once the extraction at the site is complete.

b. If any part of the mining site is now below the adjacent elevation of Hwy 169 or railway it shall be returned to that elevation with engineered fill unless designated as part of the storm water management plan for this site.

c. The Township may approve a plan to allow extraction below the adjacent elevation of Hwy 169 or railway when the extracted natural aggregates are replaced with engineered fill to restore the site's elevation to the adjacent elevation of Hwy 169 or railway. The proposer shall deposit with the Township funds equal to the Town Engineer's estimate of the entire cost of review and approval of the plan for replacement of the extracted natural aggregates below the desired elevation with engineered fill and the supervision of its implementation. The plan for restoration shall be to the specifications of the Town Engineer, and at a minimum shall specify use of non-organic, debris free mineral soil that can be compacted to a minimum of 95% of the Standard Proctor Density within three percentage points of optimum moisture. The implementation of the plan for engineered fill shall be observed, supervised and tested at each 2-foot interval by the Town Engineer. At the completion of process of filling the Town Engineer shall provide a "mass grading/as built report" detailing the restoration of the site.

2. Permitted Activities

a. Accessory uses, such as concrete, concrete products, asphalt or concrete production at portable or permanent facilities and stockpiling and sale of materials not extracted on the subject property are not permitted

b. No vehicles, equipment or materials not associated with the mineral extraction facility or not in operable condition may be kept or stored at the site.

c. Hours of Operation. Mineral extraction processing and the staging and loading of vehicles hauling extracted materials shall occur only between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday. No evening activities are permitted. The Town Board, subject to a review of the operator's mine plan, site logistics, and impact mitigation plans may approve extension of the hours of operation. If impact mitigation is found by the Town Board to be ineffective, the Town Board may revoke any permission for extended hours of operation at any time.

E. Buffers, Screening and Minimum Spacing from Sensitive Receptors

1. A Mitigation Plan for impact on the Refuge shall be prepared and implemented

F. Phasing

1. Extraction and reclamation phasing plans must be prepared for all mineral extraction facilities. Mineral extraction properties shall be delineated between plant area, stockpile area, and extraction area. Portions of the extraction area where extraction has been completed shall be rehabilitated according to the provisions of this Ordinance and the terms of the Interim Use Permit, and shall be subject to annual review.

2. Within twelve 12 months after completion of mineral extraction or after termination of the permit, site rehabilitation must be completed.