

**SUBDIVISION 5. EXTRACTION OF MINERALS, MATERIALS, OPEN PITS AND IMPOUNDING**

- A. Purpose. All excavations, extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall conform to the provisions of this Subdivision and any other ordinance or regulations of Redwood County.
- B. Definitions.
1. Excavation, as used in this Subdivision, shall mean any artificial excavation of the earth, within the County dug, excavated, or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth.
  2. Borrow Sites, as used in this subdivision, shall mean an area located within the construction easement from which material is extracted for use in conjunction with a Federal, State, County, City, or Township road construction project.
  3. Temporary Grading as used in this subdivision, shall mean any temporary grading, excavating, or filling that meets the following criteria:
    - a. Grading, excavating, or filling of at least 500 and not more than 10,000 cubic yards of material; and
    - b. Grading, excavating, or filling that is temporary in nature, to be returned to a natural state within a one year time limit; and
    - c. Grading, excavating, or filling that is not located in a Floodplain, Shoreland, Wild and Scenic River, or Project Riverbend District. Grading, excavating, or filling in these districts shall be regulated under the appropriate sections of the Redwood County Zoning Ordinance.
- C. Exceptions. The following excavations are excepted from the terms and conditions of this subdivision:
1. Excavations that are ancillary to the construction of permitted structures, provided such structure is constructed immediately following such excavation and the areas surrounding such structure are backfilled immediately following completion; and
  2. Excavations for permitted impounding of water for agricultural purposes and wildlife ponds.
- D. Conditional Use Permit Required. No person shall hereafter dig, excavate, enlarge, make, maintain or allow to be maintained, upon property owned or used by him, any

open pit or excavation or any impounded water except for borrow sites and temporary sites as defined by this ordinance, without first making an application for and obtaining from the Board of County Commissioners and the County Planning Commission a Conditional Use Permit therefore.

E. Grading and Filling Permit Required. No person shall operate a borrow site or temporary site as defined in this ordinance without first making application for and obtaining a grading and filling permit from the Redwood County Zoning Administrator. If the proposed project poses issues to the general health and safety of the public, the Redwood County Zoning Administrator reserves the right, after reviewing the application, to require that the applicant apply for a Conditional Use Permit.

F. Application.

1. In addition to applying for a Grading and Filling Permit or Conditional Use Permit as regulated in Section 25 of this Ordinance the applicant shall furnish the following:

- a. Applicant's name and address.
- b. Description of the tract, or tracts of land and the number of acres to be mined by the applicant. Description shall include the Section, Town, 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.

2. In addition to the application, the following shall accompany the request for a Grading and Filling Permit or Conditional Use Permit:

- a. A detailed map or maps of the land drawn at a scale of 1" = 100' or larger showing the following specifics:
  1. Existing topographical features at ten (10) foot contour intervals.
  2. Location of water courses, drainage systems and impounded waters.
  3. Outline of the maximum area to be excavated.
  4. Vertical profile of the area to be excavated indicating overburden and other geological layers to the extent known.

5. The proposed location of any buildings, equipment storage areas, operation areas, and any other uses incorporated in the excavation process.
  6. 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.
  7. An estimate or bid of the reclamation costs of each phase of the restoration process or of the restoration of the entire site if phasing is not planned.
3. For any operation a description of 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, home-site, recreational, industrial or other uses including food, shelter, and groundcover for wildlife. The reclamation plan shall include the final grades of the proposed site including elevations and contour lines at five (5) foot intervals.
- F. Conditions of Permit. The Board of County Commissioners, as a prerequisite to the granting of a permit or after a permit has been granted, may require the applicant to whom such permit issues or the owner or user of the property on which the open pit or excavation or impounded waters are located to:
1. Properly fence any pit or excavation.
  2. Slope the banks and otherwise properly guard and keep any pit or excavation in such condition as not be dangerous from caving or sliding banks.
  3. Properly drain, fill or level any pit or excavation, after created, so as to make the same safe and healthful as the Board shall determine.
  4. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted.
  5. Remove excavated material from any pit or excavation, away from the premises, upon and along such highways, streets or other public ways as the Board shall order and direct.
  6. Provide for the restoration of highway, street or other public way, which may be damaged due to transportation of materials from any pit or excavation.
  7. Provide for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition.

8. Grade site after extraction is completed so as to render it usable, seeding where required to avoid erosion and an unsightly mar on the landscape.
- G. Insurance. The applicant shall provide proof of bodily injury, property damage, and public liability insurance in the amount of at least \$1,000,000 per occurrence. The Redwood County Board of Commissioner's reserves the right to require additional amounts of coverage, including blasting insurance, if blasting is to be allowed as part of the permit.
- H. The applicant shall post a bond, cash deposit, irrevocable letter of credit or other security to Redwood County in the amount of \$2,000.00 per acre, a minimum of \$10,000.00, or 125% of the estimated or bid value supplied by the applicant in Subdivision F, Subpart 2(a)(7), whichever is greater. The Redwood County Board of Commissioner's reserve the right to require a higher surety amount, if in the reasonable discretion of the County, the unique characteristics of the proposed project will require more substantial restoration or reclamation.
- I. This surety is required to assure proper operation and reclamation of the site.
1. Sureties shall be for a minimum of one year beyond the ending date of the Conditional Use Permit.
  2. The surety shall be used to reimburse the County for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit.
  3. The surety shall be used after non-renewal of the permit or the failure to execute the restoration plan.
  4. The surety shall be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit.
  5. 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 zoning administrator, the zoning administrator shall contact the applicant and the surety protecting the restored acreage shall be returned or cancelled.