

Washington County Development Code

CHAPTER SEVEN MINING REGULATIONS

ORDINANCE 209
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REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER SEVEN

MINING REGULATIONS

ORDINANCE NO. 209

**REVISED WASHINGTON COUNTY
DEVELOPMENT CODE**

Pursuant to MSA Ch 394, Washington County has adopted official controls for areas and activities enumerated below. These official controls are compiled into and hereafter known as the Revised Washington County Development Code which consists of the following chapters each adopted through Ordinance.

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|------|---------------|--|
| (1) | Chapter One | Administration |
| (2) | Chapter Two | Zoning Regulations |
| (3) | Chapter Three | Subdivision Regulations |
| (4) | Chapter Four | Subsurface Sewage Treatment System Regulations |
| (5) | Chapter Five | Lower St. Croix River Bluffland and Shoreland Management Regulations |
| (6) | Chapter Six | Shoreland Management Regulations |
| (7) | Chapter Seven | Mining Regulations |
| (8) | Chapter Eight | Buffer Regulations |
| (9) | Chapter Nine | Floodplain Management Regulations |
| (10) | Chapter Ten | Official Map Regulation and Designation |

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

**CHAPTER SEVEN
MINING REGULATIONS**

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Summaries in this column are for commentary and/or interpretive purposes only.

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER SEVEN

MINING REGULATIONS

This Chapter of the Washington County Development Code shall be known as the Washington County Mining Regulations and may be referred to within this Chapter as “this Ordinance”. This mining regulation applies within the unincorporated areas of the County and is adopted by Washington County Ordinance No. 209 pursuant to the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

SECTION 1. INTENT AND PURPOSE

1.1 Purpose.

The purpose of this Ordinance is to provide for mining of materials, establish regulations, reduce potential for pollution, establish locations for mining operations, ensure compliance with regulations and that all mining operations obtain a permit.

This Ordinance 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 Washington 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 Ordinance on those mining operations presently operating in Washington County.
- (6) Distinguishing between operations operating with a permit prior to the effective date of this Ordinance and operators who do not have a permit prior to the effective date of this Ordinance. Those operators with a permit are allowed to continue according to the terms and conditions of their pre-existing permit. Those operators without permits are allowed to continue, subject to obtaining a preliminary permit and are allowed to expand or continue their operation only if they comply with the terms and conditions of this Ordinance. The purpose of the preliminary permit is to bring operators without a permit into compliance with the performance standards of this Ordinance and establish a time frame within which they must apply for a Conditional Use Permit.

SECTION 2. SCOPE AND APPLICABILITY

2.1 Adoption of the Washington County Mining Ordinance.

This Ordinance applies to all lands within the unincorporated areas of the County.

There is hereby adopted, for purposes of regulating the removal and processing of sand, gravel, rock, soil or other deposits, the Washington County Mining Ordinance. This Ordinance applies to all lands within the unincorporated areas of Washington County. It is not intended by this Ordinance to repeal, amend, or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants governing the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control. In the event of conflicting provisions in the text of this Ordinance, or any other County Ordinance, the most restrictive shall apply. If any township within the County has more restrictive provisions than this Ordinance, the more restrictive provision shall apply.

SECTION 3. GENERAL PROVISIONS

3.1 Pre-permitted Uses.

Mining operations may not expand without a new Conditional Use Permit.

Mining operations operating with a valid Conditional Use Permit issued by Washington County and in compliance with the terms and conditions of said Conditional Use Permit are allowed to continue subject to the following:

- (1) Such uses are not permitted to expand, either in size or use, beyond the limits set forth in the Conditional Use Permit without first obtaining a new Conditional Use Permit.

3.2 Conditional Use Permit for Mining.

Operating a mine without a Conditional Use Permit is unlawful.

All mining operations require a Conditional Use Permit for mining and are subject to the following:

- (1) The operation of a mining operation without a valid Conditional Use Permit or an operation in violation of Section 3.2 (2) is declared to be a nuisance, and it is unlawful for any person, partnership, company or corporation to engage in mining in violation of this Section, or for any property owner to permit a person to mine property in violation of this Section.
- (2) Preliminary Permit. All mining operations within Washington County without a valid Conditional Use Permit issued by Washington County as of the effective date of this Ordinance shall apply for a preliminary permit within ninety (90) days following the effective date of the Ordinance. The application shall be in writing on forms provided. Upon receipt of an application and proof that the operation is in compliance with the reporting and payment of aggregate removal tax requirements of Washington County Ordinance No. 33, Washington County will issue a preliminary permit for the

Preliminary Permit

existing operation.

- (3) The permit shall stipulate that the operational standards contained in this Ordinance Sections 5.5, Protection of Water Tables; 5.12, Abandoned Wells; 6.1 (1), Setbacks; 6.1 (2), Fencing; 6.1 (3), Hours of Operation; 6.1 (5), Dust Control; 6.1 (6), Noise; 6.1 (7), Depth of Excavation; 6.1 (8), Site Clearance; 6.1 (9), Appearance/Condition; 6.1 (14), Processing; 6.1 (15), Recycling; 6.1 (17), Asphalt and Concrete Ready Mix Plants; 6.1 (18), Fuel Storage; 7.2, Timing of Restoration; and 7.7, Topsoil must be complied with. Issuance of the preliminary permit shall not be binding on the County with regard to approval of a Conditional Use Permit. Preliminary permits shall restrict the operator to the same type of operation as existed on the effective date of this Ordinance and the amount of material that may be removed annually prior to the issuance of a Conditional Use Permit shall not exceed the highest quantity of material removed in any one (1) of the last five (5) years, as evidenced by the reports filed with Washington County pursuant to Section 3 of Washington County Ordinance No. 33, the Aggregate Removal Tax Ordinance.
- (4) The information contained in the preliminary permit shall be used by the Zoning Administrator to prioritize existing mining operations as to their potential aesthetic and environmental impacts. The impacts shall be the basis on which the Zoning Administrator provides notification to existing operations of the need for a Conditional Use Permit. Existing operations must apply for a Conditional Use Permit within ninety (90) days of being notified by the Washington County Zoning Administrator of the need for a permit. If no permit is applied for and/or subsequently issued, all mining operations shall cease and the property restored in accordance with the provisions of this Ordinance.
- (5) A Conditional Use Permit issued by Washington County is valid for a maximum of five (5) years. If the operator seeks to continue beyond expiration, an application for a new permit must be applied for at least ninety (90) days prior to the expiration of the current permit. An annual permit issued by the local township is required each year as specified below. An annual report must be submitted to the Washington County Zoning Administrator each year specifying the amount of material removed, area in which mining took place, restoration performed, area proposed to be mined within the next year, and evidence the required bond and insurance is valid.
- (6) Prior to Washington County issuing a Conditional Use Permit for a new mining operation or the expansion or change in use of an existing operation, whether under permit or not, all of the following criteria must be met:
 - (A) The subject property is in a zoning district where mining is permitted by the local township;
 - (B) The property is at least forty (40) acres in size;
 - (C) All other standards for approval of a Conditional Use Permit contained in Chapter One, Section 9, of the Washington County

Conditional Use Permits for mining are valid for 5 years.

Criteria which must be met prior to issuance of a Conditional Use Permit for mining.

Development Code are met;

- (D) The operation is consistent with the Washington County Comprehensive Plan; and
- (E) Compliance with all provisions of this Ordinance.

Provided however that operations existing on the effective date of this Ordinance that are not pre permitted uses and that do not seek to expand their operation beyond the standards set forth in their preliminary permit, need only comply with performance standards contained in this Ordinance.

3.3 Township Permit.

Township Annual Permit.

The town board of the township within which the property being mined is located shall issue an annual permit as required by this Ordinance subject to the following:

- (1) Prior to the issuance of the annual permit, a copy thereof shall be submitted to the Washington County Zoning Administrator for review to verify that it complies with the requirements of this Ordinance and the existing County permit. If the permit conforms to the requirements of this Ordinance and any more restrictive conditions set forth by the Township, the annual permit may be issued. If the township annual permit does not conform to the County Permit, the Washington County Zoning Administrator shall refer it to the Washington County Planning Advisory Commission for review.
- (2) If the local town board chooses not to be involved with the issuance of annual permits as required by this Ordinance, the town board shall so notify the Washington County Zoning Administrator. The Washington County Planning Advisory Commission shall then administer all of the provisions of this Ordinance. If the Washington County Planning Advisory Commission is the administering agency, any action taken with respect to the issuance or denial of an annual permit may be appealed to the Washington County Board of Commissioners by the applicant or any affected property owner.

SECTION 4. DEFINITIONS

- 4.1 Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

For the purpose of these regulations, certain terms and words are hereby defined as follows:

- (1) **Bond:** Any form of security including a cash deposit, surety bond, collateral, or instrument of credit in an amount and form satisfactory to Washington County. All bonds shall be approved by Washington County wherever a bond is required by these regulations.
- (2) **Conditional Use:** A land use or development as defined by ordinance that may not be appropriate generally, but may be allowed with appropriate

Unless specifically defined here, interpretation of words and phrases shall be consistent with common usage.

restrictions as provided by official controls upon a finding that (1) certain conditions exist as detailed in the Washington County Development Code, (2) the use or development conforms to the Comprehensive Plan of the County and (3) is compatible with the existing neighborhood.

- (3) **Confined Aquifer:** An aquifer overlain by a confining layer of impermeable material.
- (4) **Contour Map:** A map on which land surface topography is shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.
- (5) **County:** Washington County, Minnesota
- (6) **Fence:** A partition, structure, wall, or gate erected as a dividing marker, visual or physical barrier or enclosure.
- (7) **Grading:** The removal, depositing, or moving of more than fifty (50) cubic yards of sand, gravel, rock, soil, clay or other deposits in less than a one (1) year period on any parcel.
- (8) **Holiday:** New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
- (9) **Local Governing Body:** Town Board of respective community.
- (10) **Mining:** The excavation, removal, storage or processing of sand, gravel, rock, soil, clay, or other deposits. Mining does not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:
 - (A) Excavation for the foundation, cellar, or basement of a pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal or storage.
 - (B) On site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government, agriculture or conservation purposes, sod removal, or other public utilities.
 - (C) Landscaping purposes on a lot used or to be used as a building site.
 - (D) Grading/excavation of less than one (1) acre of land in conjunction with improvement of a site for lot development, providing activities will be completed in one (1) year.
- (11) **Operator:** The person, partnership, company, corporation or other business entity engaged in or proposing to engage in a mining operation.
- (12) **Overburden:** Those materials which lie between the surface of the earth and the mineral deposit to be mined.

- (13) **Owner:** An individual, firm, association, syndicate, co-partnership, corporation, trust, estate, lessee, or any other legal entity having sufficient proprietary interest in the land sought to be mined to commence and maintain proceedings to mine the same under this Ordinance.
- (14) **Person:** Any individual, firm, association, syndicate or partnership, corporation, trust, estate, or any other legal entity.
- (15) **Planning Advisory Commission:** The Washington County Planning Advisory Commission.
- (16) **Performance Standards:** Those standards, operating conditions, reclamation standards, and other requirements contained in Section 6, Section 7, and Section 8 of this Ordinance.
- (17) **Processing:** Any activity which may include the crushing, washing, stockpiling, compounding, mixing, or treatment of sand, gravels, rocks, or similar mineral products into consumable products such as construction grade sand, gravel, concrete, asphalt, and other similar products.
- (18) **Reclamation, Restoration, Rehabilitation:** To renew land to a self-sustaining, long term use which is compatible with contiguous land uses and such process shall include the reestablishment of vegetation, soil stability and establishment of safe conditions appropriate to the intended use of the land in accordance with the County's Comprehensive Plan and the Conditional Use Permit conditions allowing for excavation and/or processing on the site.
- (19) **Stockpiling:** Storage of processed or raw materials on the site of the sand, gravel or rock operation.
- (20) **Survey, Land:** The process of determining boundaries and areas of tracts of land.
- (21) **Topsoil:** That portion of the overburden which lies within the "A" and "B" horizon of soil closest to the surface and which supports the growth of vegetation.
- (22) **Unconfined Aquifer:** An aquifer not naturally protected by a confining bed, also known as the water table aquifer.

SECTION 5. APPLICATION

5.1 Conditional Use Permit Application.

The application for a Conditional Use Permit for a mining operation must be filed with the Washington County Zoning Administrator. The Zoning Administrator shall follow procedures prescribed in Chapter One, Section 9, Conditional Uses, of the Washington County Development Code. Application for renewal of a permit must be made ninety (90) days prior to the termination of the current permit. The

*Application for a
Conditional Use Permit.*

Contents of Conditional Use Permit application.

application must be made in the name(s) of the operator of the mine and owner of the land to be mined.

5.2 Application Contents.

The application shall contain the following:

- (1) The name and address of the operator and fee owner of land. The fee owner's consent is required if the operator is not the fee owner.
- (2) An accurate legal description of the property where the mining shall occur.
- (3) Names of the adjacent landowners including all those within a one half (1/2) mile radius of the property.
- (4) Survey indicating location of property boundaries certified by a licensed Land Surveyor.
- (5) A map of the property where the mining is to occur that clearly indicates the property lines and the limits of the proposed excavation. Topographic data, including contours at two (2) foot vertical intervals. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. Interpolated topographic data from U.S.G.S. Quadrangle maps is not permitted.
- (6) A narrative outlining the type of material to be excavated, mode of operation, estimate of amount of material to be removed, plans for blasting, and other pertinent information to describe the request in detail.
- (7) A fee as established by resolution of the Washington County Board of Commissioners.
- (8) A general location map showing the proposed mining site in relation to the community.
- (9) A map showing access routes between the property and the nearest arterial road.
- (10) Roads or streets: the map shall show the name, right of way width and travelled portion width.
- (11) Easements: the map shall show widths and identify utility or other purposes.
- (12) Natural land features: the map shall show locations of watercourses and drainage ways, flood of record, wetlands, sinks, basins, and wooded areas.
- (13) Man-made features: the map shall show buildings and other structures, dams, dikes, and impoundments of water.
- (14) Adjacent land features: all of the standards above shall apply to delineation

- of the area within three hundred (300) feet of the perimeter of the mined area. In addition, the map shall show all platted subdivision lots, metes and bounds parcels, and all homes within one-quarter (1/4) mile of the property boundaries.
- (15) Groundwater: a plan for groundwater quality protection shall be submitted with the application. The plan shall include a minimum of three (3) borings showing depth to groundwater. If groundwater is not encountered at a depth of fifteen (15) feet below the bottom of the proposed pit floor, the applicant need not extend borings any deeper.
 - (16) Cross sections: A minimum of three (3) cross sections showing the extent of overburden, extent of sand and gravel deposits, the water table, and any evidence of the water table in the past. The Planning Advisory Commission reserves the right to require additional borings if necessary.
 - (17) Processing areas shall be identified and boundaries shown to scale.
 - (18) Access road to processing and mining areas shown to scale.
 - (19) Sequences of operation showing approximate areas involved shall be shown to scale and serially numbered with a description of each.
 - (20) Location of screening berms shall be shown to scale with an indication of when the berms will be used as reclamation material. Overburden storage areas shall be identified and labeled in the same manner.
 - (21) Fences and gates shall be shown on the site map together with a description of type of construction.
 - (22) Proposed location of principal service or processing buildings or enclosures shall be shown together with the location of settling basins and process water ponds.
 - (23) Site drainage features shall be shown and flow directions indicated.
 - (24) Lighting: The planned lighting of the area and any other equipment or structures that will be installed or built shall be indicated.
 - (25) Reclamation plan in conformance with Section 7 of this Ordinance.
 - (26) Blasting: The operator must indicate if blasting is proposed as part of the mining operation and frequency of blasting.
 - (27) Any other information or reports the Planning Advisory Commission deems necessary for purposes of evaluating environmental or aesthetic impacts.
 - (28) Township Review: Upon submittal of an application to the County, the County shall send the application to the township in which the property to be mined is located for review. For purposes of establishing the County's public hearing date on the application, the application shall be deemed complete upon the expiration of thirty (30) days from the date the application

is sent to the township or receipt of comments from the township, whichever occurs first.

An Environmental Assessment Worksheet is required for excavation of 40 acres or more to a depth of 10 feet or more.

5.3 Environmental Assessment Worksheet.

An Environmental Assessment Worksheet is required for development of a facility for the extraction or mining of sand, gravel, stone or other nonmetallic minerals which will excavate forty (40) or more acres of land to a mean depth of ten (10) feet or more during its existence. Washington County is the responsible governmental unit for the preparation of the Environmental Assessment Worksheet. Costs associated with the preparation of an Environmental Assessment Worksheet are the responsibility of the applicant.

An Environmental Impact Statement is required for excavation of 160 acres or more to a depth of 10 feet or more.

5.4 Environmental Impact Statement.

An Environmental Impact Statement is required for the development of a facility for the extraction or mining of sand, gravel, stone or other nonmetallic minerals, which will excavate one hundred sixty (160) acres of land or more to a mean depth of ten (10) feet or more during its existence. Washington County is the responsible governmental unit for the preparation of the Environmental Impact Statement. Costs associated with the preparation of an Environmental Impact Statement are the responsibility of the applicant.

Depth of excavation will be established to protect the water table.

5.5 Protection of Water Tables.

The maximum depth of excavation shall be established to protect groundwater quality. The depth of excavation shall be established by the Planning Advisory Commission and shall be based, in part, upon soil characteristics, depth to water table, nature of mining proposed and local use of the aquifer. Mining shall not occur in confined aquifers. Excavation into unconfined aquifers must be closely monitored and conducted according to the conditions of the permit.

Extraction operations shall not be conducted in such a manner as to permanently lower the water table of surrounding inhabited properties or any other water body. An Environmental Assessment Worksheet is required for any operation in which mining is proposed below the groundwater level.

MN EQB shall be complied with.

5.6 Minnesota Environmental Quality Board Review.

All provisions of the Minnesota Environmental Quality Board Environmental Review Program must be complied with.

MN PCA permits may be required.

5.7 Minnesota Pollution Control Agency Permit.

Permits from the Minnesota Pollution Control Agency may be required for a mining operation in relation to air and water quality. An air quality permit may be necessary for smoke stack discharges from processing plants or fugitive dust from operating areas. If the mining operation discharges water (from pit de watering and/or gravel washing), a State Disposal System permit or a National Pollution Discharge Elimination permit may be necessary from the Minnesota Pollution Control Agency. As a condition of any permit issued pursuant to this Ordinance,

MN DNR permits may be required.

mining will not be allowed until satisfactory evidence has been submitted indicating that these permits have been obtained or that none are necessary.

5.8 Minnesota Department of Natural Resources/Department of Health Permit.

Permits from the Minnesota Department of Natural Resources may be required if any type of work is proposed in public waters or if there is a need for de watering the pit to gain access to sand, gravel and rock. A permit from the Minnesota Department of Natural Resources and/or Minnesota Department of Health may also be required for a well in connection with a washing facility. As a condition of any permit issued pursuant to this Ordinance, mining will not be allowed until satisfactory evidence has been submitted indicating that these permits have been obtained or that none are necessary.

Township permit or evidence that a permit is not required is necessary.

5.9 Township Mining Permit.

A mining permit must be secured from the township in which the property to be mined is located or the applicant must present evidence that a permit is not needed.

A permit for accessing State or County highways is required.

5.10 Highway Access Permit.

Any mining operation having access from a State or County highway 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 is the responsibility of the mine operator.

WCD and WD or WMO must approve Grading and rehabilitation plans.

5.11 Washington Conservation District and Watershed District.

As part of the original application for a mining permit and any subsequent renewals, the applicant shall submit grading plans and phased rehabilitation plans to the Washington Conservation District and the appropriate Watershed District or Water Management Organization for approval. These approvals shall be obtained prior to adoption by the Planning Advisory Commission.

Abandoned wells must be sealed.

5.12 Abandoned Wells.

Abandoned wells must be sealed in accordance with State and County requirements.

SECTION 6. OPERATING CONDITIONS

Operating conditions and standards for mining operations.

6.1 Operating Conditions.

The following operating conditions and standards must be met for all mining operations:

Setbacks.

- (1) Setbacks. Mining, stockpiling or land disturbance shall not take place within:
 - (A) Fifty (50) feet of adjoining property lines;

- (B) Two hundred (200) feet of any existing occupied structures not owned by the operator or owner;
- (C) One hundred (100) feet of any contiguous property subdivided into residential lots;
- (D) One hundred (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 fifty (50) feet of the road right of way provided the property is restored to one hundred (100) feet within one (1) mining season period as set forth in the approved reclamation plans, and;
- (E) If two (2) or more mining operations are contiguous to one another, the common boundary may be mined provided the Planning Advisory Commission approves the respective restoration plans.

Fencing.

- (2) Fencing. Where deemed necessary by the Planning Advisory Commission for the protection of the general public, a fence shall be constructed prior to the commencement of the operation, enclosing the area authorized by permit to be mined. Said fence shall be at a minimum, a three (3) strand wire fence posted with warning signs. The Planning Advisory Commission reserves the right to require alternative fencing standards as conditions warrant. The fence shall be maintained and shall remain until reclamation is complete.

Hours of operation.

- (3) Hours of Operation. Those portions of the mining operation consisting of excavating, stockpiling, processing, or hauling shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless other hours or days of operation are specifically authorized by the local governing body. Such operations are not allowed on

Holidays unless approved by the local governing body. Retail sale of products is allowed on Saturdays between the hours of 8:00 a.m. and 5:00 p.m. unless otherwise prohibited by the local governing body. Retail sales for purposes of this section means the sale of products to individuals for personal use and excludes commercial hauling. Blasting shall only take place between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Blasting is prohibited on Holidays.

Screening.

- (4) Screening. Extracting and processing operations shall be screened or located in a manner that minimizes visual impact on surrounding properties. If necessary, an opaque screen shall be installed and maintained along the street or along the perimeter of the visible portion of the operation to minimize visual impact on surrounding properties. Required screening shall be installed prior to commencement of operations.

The following are the minimum performance standards and may be varied by the Planning Advisory Commission:

- (A) The screen shall have a total height of not less than six feet. A screen

shall consist of one or a combination of the following types:

- (1) Walls. A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material a minimum of four (4) inches thick.
- (2) Berms. A berm shall be constructed of earthen materials, and it shall be landscaped.
- (3) Fences, Solid. A solid fence shall be constructed of wood and shall form an opaque screen.
- (4) Fences, Open. An open weave or mesh type fence, when not used in combination with a berm, shall be combined with plant materials to form an opaque screen.
- (5) Planting. Plant materials, when used as a screen, shall consist of dense evergreen plants. They shall be of a type or used in such a manner so as to provide a continuous opaque screen within twenty-four (24) months after commencement of operations in the area to be screened. Plant materials are not limited to a maximum height. The design shall be prepared by a licensed landscape contractor or architect.

The Planning Advisory Commission shall require that either one (1), two (2), or three (3) above be installed if after twenty four (24) months following commencement of operations in the area to be screened, plant materials have not formed an opaque screen or if an opaque screen is not maintained.

- (6) Required screening shall be setback at least twenty (20) feet from the point of intersection of:
 - a. A vehicular access way or driveway and a street;
 - b. A vehicular access way or driveway and a sidewalk; and
 - c. Two (2) or more vehicular access ways, driveways or streets.

Dust Control.

- (5) Dust Control. The 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 State Pollution Control Agency. The driveway access to the mining operation must be setback at least twenty-five (25) feet from neighboring property lines. The operator shall maintain all ways and roads within the site in a dust free condition, providing such surfacing or other treatment as may be deemed necessary by the Planning Advisory Commission, provided that the treatment produces no potential pollution hazards to the ground and surface waters of the area. All mining operation access roads shall be maintained with a dustless non oiled surface not less than twenty two (22) feet wide from the connection with a public road to a point within one hundred (100) feet of the loading area. Access roads shall also be constructed and maintained in such a manner that the deposit of earth materials on public roads is minimized.

	<p>The Planning Advisory Commission may require a paved road if deemed necessary.</p>
Noise	<p>(6) <u>Noise</u>. All equipment and other sources of noise must operate in accordance with Federal, State and County noise standards.</p>
Excavation depth.	<p>(7) <u>Depth of Excavation</u>. The maximum depth of excavation may be regulated based on groundwater protection and/or the ability to restore the property.</p>
Site clearing.	<p>(8) <u>Site Clearance</u>. All stumps and other debris resulting from excavation or related activities shall be disposed of by methods approved by the Washington County Department of Public Health and Environment and all other applicable agencies.</p>
Appearance and condition of site.	<p>(9) <u>Appearance/Condition</u>. The operator must maintain buildings and plants 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 rights of way shall be preserved, maintained and supplemented within the depth of the setback or as stipulated in the Conditional Use Permit.</p>
Sewer.	<p>(10) <u>Sewer</u>. The operator shall provide for adequate drainage to sanitary sewer and storm sewer including lift stations, if necessary.</p>
Waste disposal.	<p>(11) <u>Waste Disposal</u>. Any waste generated from the mining operation, including waste from vehicle or equipment maintenance, shall be disposed of in accordance with Federal, State and County requirements.</p>
Water quality monitoring.	<p>(12) <u>Water Quality Monitoring</u>. Water quality monitoring when required shall conform to the following standards:</p> <p>Water from monitoring wells and water collected or discharged from the mining area shall be analyzed until one year after reclamation is completed. Samples from monitoring wells shall be taken and testing results submitted prior to the annual permit renewal. More frequent monitoring may be required by the Planning Advisory Commission. Sampling and testing shall be performed by an independent testing laboratory or an agency selected by the Planning Advisory Commission. 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 Planning Advisory Commission.</p>
Additional provisions.	<p>(13) <u>Added Provisions</u>. The operator must comply with such other requirements that Washington County adopts for protection of the health, safety, welfare and prevention of nuisance in the area.</p>
Processing of materials.	<p>(14) <u>Processing</u>. Any mining operation in which processing is proposed must meet the following performance standards:</p> <p>(A) A Conditional Use Permit is required for any new or existing mining</p>

- operation which desires to add processing equipment on site.
- (B) The application must include a description of the planned operation together with a description of the processing and equipment, location of the plant, source of water, disposal of water, and reuse of water.
- (C) Operators who propose to have processing equipment on site on a temporary basis (processing to be done no more than fifteen (15) working days per calendar year, excluding time for assembly and disassembly) shall meet the following criteria:
- (1) Only materials removed on site are allowed to be processed. Materials may not be hauled onto the property for processing, unless all material can be processed during the fifteen (15) day time period.
 - (2) Setbacks as outlined in Section 6.1 (1) of this Ordinance must be met.
 - (3) All Federal, State and local air, water and noise standards must be met.
 - (4) Operator must notify Washington County and the local township one (1) week in advance and obtain a Certificate of Compliance from the Washington County Zoning Administrator.
 - (5) Processing shall not take place more than fifteen (15) working days per year.
 - (6) Crushing equipment must be placed in the bottom of the pit area if practical, otherwise located in such a manner as to have the least environmental and aesthetic impact.
- (D) Operators who propose permanent processing equipment (more than fifteen (15) days per year) on site must meet the following standards:
- (1) All Federal, State and local air, water, and noise quality standards must be met.
 - (2) Mining operations established after the effective date of this Ordinance must encompass at least forty (40) acres of land area under permit.
 - (3) Processing equipment must be screened from view from property lines and the road.
 - (4) Machinery must be buffered and all noise standards of the State and County must be met.
 - (5) Crushing equipment must be placed in the bottom of the pit if practical, otherwise located in such a manner as to have the least environmental and aesthetic impact.

Recycling of materials.

- (6) Setback requirements as set forth in Section 6.1 (1) of this Ordinance must be met.
- (E) A temporary processing plant in conjunction with a specific road project, located in the right of way or very close proximity to the subject road, may be allowed subject to the following conditions:
 - (1) All Federal, State and local air, water and noise quality standards must be met.
 - (2) A Certificate of Compliance must be obtained from the Washington County Zoning Administrator.
 - (3) The processing equipment must be located so as to minimize the effect on surrounding property owners.
 - (4) Site selection shall not have a negative effect on the public health, safety and welfare.
 - (5) The local governing body must approve the request.
 - (6) The processing plant shall not be on the property for more than one hundred twenty (120) calendar days.
 - (7) Materials outside of the designated right of way may not be excavated or removed from the site without a Conditional Use Permit for mining.
 - (8) A bond, in an amount determined by the Washington County Zoning Administrator, must be posted to assure restoration of the site.
- (15) Recycling. The crushing/processing of used aggregate, concrete and asphalt is permitted subject to the following conditions:
 - (A) Recycling in conjunction with a specific road project and within the right of way or in very close proximity to the subject road is permitted for a maximum of one hundred twenty (120) days subject to the following standards:
 - (1) A Certificate of Compliance is obtained from the Washington County Zoning Administrator.
 - (2) The processing equipment must be located so as to minimize the effect on surrounding property owners.
 - (3) Site selection shall not have a negative effect on the public health, safety and welfare.
 - (4) The local governing body must approve the request.

- (5) If the Washington County Zoning Administrator denies the Certificate of Compliance, appeal of this decision may be made to the Washington County Planning Advisory Commission.
- (6) All Federal, State and local air, water and noise quality standards must be met.
- (B) Recycling in conjunction with an approved mining Conditional Use Permit is allowed subject to the following conditions:
- (1) Standards contained in Section 6.1 (15) of this Ordinance must be met.
- (2) An estimate of the amount of material to be processed must be submitted. The stockpile of material to be recycled shall be limited to the amount that can reasonably be processed in two consecutive mining seasons.
- (3) Washington County Planning Advisory Commission approves the recycling as part of the Conditional Use Permit.
- (C) Recycling not in conjunction with a specific road project or permitted mining operation is only permitted in an Industrial Zoning District.
- Trucking operations.* (16) Trucking Operations. All new mining operations must have access to the pit area from a nine (9) ton rated blacktop road unless the applicant can demonstrate to the Planning Advisory Commission that conditions are such that access to a road other than a nine (9) ton rated blacktop road will not adversely affect the public health, safety or welfare. The operator shall ensure that all loads leaving any pit regulated by this Ordinance are loaded in compliance with State Law.
- Asphalt and concrete ready mix plants.* (17) Asphalt Plants and Concrete Ready Mix Plants. A Conditional Use Permit is required for any new or existing mining operation that proposes a permanent asphalt plant and/or concrete ready mix plant. These plants are limited to the manufacture of bituminous asphalt mix and concrete mix for distribution off-site. On-site retail sale of product is prohibited. Temporary asphalt plants and concrete ready mix plants may be allowed if the following conditions are met:
- (A) Temporary asphalt plants and/or concrete ready mix plants must meet the following standards:
- (1) Temporary asphalt plants and concrete ready mix plants must not be on the property for more than fifteen (15) days per year.
- (2) All setbacks contained in Section 6.1 (1) of this Ordinance must be met.
- (3) All Federal, State and local air, water and noise quality standards

- must be met. An air quality permit must be obtained from the Minnesota Pollution Control Agency.
- (4) The plant must have a definitive plan to prevent surface and groundwater contamination or be equipped with a bag house to prevent water discharge from the plant.
 - (5) Equipment must be located in a manner that minimizes environmental and aesthetic impact.
 - (6) Approval of the local township and the Washington County Zoning Administrator is required.
 - (7) A Certificate of Compliance must be obtained from the Washington County Zoning Administrator.
- (B) Permanent asphalt plants and/or concrete ready mix plants (more than fifteen (15) days per year) must meet the following standards:
- (1) Asphalt operations established after the effective date of this Ordinance must encompass at least forty (40) acres under permit.
 - (2) All setbacks contained in Section 6.1 (1) of this Ordinance must be met unless the plant existed as a permanent asphalt plant on the effective date of this Ordinance; in which case, expansion of the plant is prohibited without compliance with the setbacks contained in Section 6.1 (1).
 - (3) All Federal, State and local air, water and noise quality standards must be met. An air quality permit must be obtained from the Minnesota Pollution Control Agency.
 - (4) The plant must have a definitive plan to prevent surface and groundwater contamination or be equipped with a bag house to prevent water discharge from the plant.
 - (5) Equipment must be screened and located in a manner that minimizes environmental and aesthetic impact.
- (C) A temporary asphalt plant in conjunction with a specific road project is allowed subject to the following conditions:
- (1) All Federal, State and local air, water and noise quality standards must be met. An air quality permit must be obtained from the Minnesota Pollution Control Agency.
 - (2) A Certificate of Compliance must be obtained from the Washington County Zoning Administrator.
 - (3) The processing equipment must be located in a manner that minimizes environmental and aesthetic impact.

	<ul style="list-style-type: none"> (4) Site selection shall not have a negative effect on the public health, safety and welfare. (5) The local governing body must approve the request. (6) The asphalt plant shall not be on the property for more than one hundred twenty (120) days. (7) The plant must have a definitive plan to prevent surface and groundwater contamination or be equipped with a bag house to prevent water discharge from the plant. (8) Excavation or removal of materials outside of the designated right of way is prohibited without a Conditional Use Permit for mining. (9) A bond, in an amount determined by the Washington County Zoning Administrator must be posted to assure restoration of the site. (10) Asphalt plants not associated with a permitted mining operation or temporary road project or not in existence on the effective date of this Ordinance are allowed in Industrial Zoning Districts only.
<i>On site fuel storage.</i>	<ul style="list-style-type: none"> (18) <u>Fuel Storage.</u> All on site storage of fuel must meet Federal, State and local standards.
<i>Temporary Mining Permit.</i>	<ul style="list-style-type: none"> (19) <u>Temporary Permit.</u> A temporary permit for mining in conjunction with a specific road project may be allowed with a Certificate of Compliance provided all of the following conditions are met: <ul style="list-style-type: none"> (A) All mining and restoration shall be completed within one year from the date of permit issuance. (B) A maximum of fifteen thousand (15,000) cubic yards may be removed from any individual property. A Conditional Use Permit must be obtained and Mining Ordinance regulations must be complied with for projects involving the removal of more than fifteen thousand (15,000) cubic yards.. (C) The proposed mining area must be within one-half (1/2) mile of the road project. (D) The property on which the mining is to occur must be at least ten (10) acres in size, zoned Agricultural, and be in an unplatted area. (E) Access to the mining area must be adjacent to the highway construction project or be from a nine (9) ton rated road or a financial guarantee posted to repair any damage to a road built to a lesser standard. Approval from the local road authority must be obtained. (F) Mining is prohibited where there are significant stands of trees or where

in the opinion of the Zoning Administrator, significant view sheds would be impacted.

- (G) A restoration plan and erosion control plan must be submitted and approved by the Zoning Administrator. The plan shall show existing and proposed contours of the mined area. The Zoning Administrator shall submit the erosion control plan and restoration plan to the Watershed District and the Washington Conservation District for comments and recommendations. Said recommendations will be the basis of conditions of the permit, as appropriate.
- (H) The depth of excavation shall not exceed twenty (20) feet from the lowest point of the area approved for mining. The lowest point of the proposed excavated area must be at least ten (10) feet above the groundwater elevation.
- (I) Notice shall be given to adjacent property owners and any property owners adjacent to any road used to access the operation from a public road. Special conditions may be attached to the permit to address concerns of adjacent property owners and property owners adjacent to any access road.
- (J) Permits must be obtained from all other applicable agencies and the local unit of government if necessary.
- (K) The following setbacks from any area on the site that is disturbed; including topsoil storage, mined area, access road, etc. must be met:
 - Fifty (50) feet from property lines other than the road right of way.
 - Two hundred (200) feet from any dwelling on adjacent property.
 - Seventy five (75) feet from wetlands.
- (L) A financial guarantee must be posted with the Zoning Administrator to assure restoration of the site.
- (M) Hours of hauling and mining: 7:00 am to 7:00 pm, Monday through Friday

SECTION 7. RECLAMATION

7.1 Reclamation Plan.

The applicant must submit a reclamation plan containing the following elements:

- (1) Intent of reclamation.
- (2) Methods and processes of reclamation.

A reclamation plan containing these elements must be submitted.

- (3) Initial condition of mining site.
- (4) Limits of various operational areas.
- (5) Phasing and timing of operations and reclamation including areas to be stripped of overburden.
- (6) Final condition of site, including proposed contours and potential development plan.
- (7) Relation of final site condition to adjoining land forms and drainage features.
- (8) Relation of reclaimed site to planned or established uses of surrounding land
- (9) A plan for maintenance of reclaimed area.
- (10) A detailed cost estimate of reclamation.

7.2 Reclamation Timing.

Reclamation shall proceed in a continuous manner throughout the duration of the mining operation and is subject to review and approval at each annual inspection and at the end of the permit period.

7.3 Water Accumulations.

Excavations resulting in the accumulation of substantial water areas after reclamation must meet the following requirements:

- (1) The water depth must not be less than three (3) feet measured from the low water mark, unless a plan for creation of a wetland or marsh has been approved.
- (2) All banks shall be sloped to the water line at a slope which shall not be steeper than four (4) feet horizontal to one (1) foot vertical.
- (3) All banks shall be surfaced with topsoil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least four (4) inches; sodding or seeding and mulching is also required. Mulch must be properly anchored.
- (4) Topsoil required by Section 7.3 (3) above shall be planted with trees, shrubs, legumes or grasses;
- (5) Slopes on reclaimed areas shall not be steeper than four (4) feet horizontal to one (1) foot vertical, except in cases where non erodible conditions are present and the Planning Advisory Commission approves the reclamation plan.
- (6) In man-made groundwater lakes, the bottom contour shall be gradually sloping from the shoreline to the deepest portion of the water body at a maximum slope of six (6) feet horizontal to one (1) foot vertical for at least

Reclamation shall proceed concurrently with mining activities.

Water accumulations following reclamation must meet these requirements.

one hundred (100) feet from the shoreline toward the center of the water body. Beyond one hundred (100) feet horizontal distance from the shoreline, the slope of the bottom may be no steeper than three (3) feet horizontal to one (1) foot vertical.

- (7) All groundwater lakes or wetlands created as part of the reclamation plan for a mined area are subject to the Washington County Shoreland Management Ordinance. Such lakes and wetlands are classified as "Natural Environment (LS-1)" shoreland areas. Department of Natural Resources guidelines for surface water creation shall be complied with.

7.4 Grading and Backfilling.

Areas to be graded or backfilled shall comply with these requirements.

Excavations not resulting in water areas after reclamation but which must be graded or backfilled, shall meet the following requirements:

- (1) Fill shall be inspected and certified as being clean (free of volatile organic compounds and heavy metals) before being used for reclamation. Only organic soil shall be used for topsoil.
- (2) Fill shall consist of non-noxious, nonflammable, noncombustible solids;
- (3) The graded or backfilled area shall not collect or permit stagnant water to remain therein;
- (4) 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;
- (5) Graded or backfilled areas shall be surfaced to a depth of at least four (4) inches with topsoil of a quality at least equal to the topsoil of immediately surrounding areas;
- (6) Topsoil required by Section 7.4 (5) above shall be planted with trees, shrubs, legumes or grasses.
- (7) Slopes on reclaimed areas shall not be steeper than four (4) feet horizontal to one (1) foot vertical, except in cases where non erodible conditions are present and the Planning Advisory Commission approves the reclamation plan.
- (8) All reclamation areas which are planned for building purposes shall have a final elevation at least ten (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 and approved by a licensed soils engineer.

7.5 Drainage.

Natural storm water

Reclamation shall proceed in a manner that preserves natural and storm drainage

drainage shall be maintained.

entering and leaving the premises. Said drainage shall be altered to the least extent necessary for carrying out reclamation and related activities. Natural and storm drainage shall not be altered in a manner that adversely affects public roads or neighboring uses.

Reclaimed areas shall be planted with vegetation to prevent erosion and provide screening.

7.6 Cover and Planting.

The reclamation area shall be planted with grass, trees, shrubs, or other vegetation to prevent erosion and provide screening and improved aesthetics. Technical assistance and soils data should be obtained from the county agricultural agent, appropriate state and federal officials, conservation districts, and the nearest soil conservation service office.

Topsoil shall be stockpiled and re-spread over excavated area.

7.7 Topsoil.

Topsoil that is stripped or removed must be stockpiled and set aside on the site for re-spreading over the reclaimed area. Topsoil shall not be sold or removed from the property and shall be re-spread to minimize the effects of erosion, wind and water upon public roads, streams, or adjacent land uses.

All structures not allowed per the Development Code shall be removed during reclamation.

7.8 Removal of Structures.

All buildings and other structures not otherwise allowed per the Washington County Development Code shall be removed from the property and the property shall be restored in conformance with the reclamation plan within six (6) months after expiration of a mining permit or termination of a mining operation or within six (6) months after a mining operation has been abandoned for six (6) months.

SECTION 8. INSURANCE, FINANCIAL GUARANTEES, FEES & INSPECTIONS

Proof of insurance shall be provided.

8.1 Insurance.

The operator shall provide proof of bodily injury, property damage, and public liability insurance and blasting insurance when appropriate, in the amount of \$1,000,000 for any occurrence.

A bond, cash deposit or other security must be posted.

8.2 Bond.

An operator must post a bond, cash deposit or other security, in such form and sum as the County requires, with the County as beneficiary, to cover the cost of reclamation of the property. The bond amount shall not exceed \$10,000 per acre of ground to be stripped of overburden. Bonds shall be for a minimum of one (1) year, and shall include a provision for notification to the County at least thirty (30) days prior to cancellation or non-renewal.

Permit fees are established by the County Board.

8.3 Fees.

Permit fees are adopted by resolution of the Washington County Board of Commissioners. Fees shall cover all administrative costs associated with the permit application, annual review, and costs of inspections.

The County has the right to perform inspections.

8.4 Inspections.

The approval of a mining Conditional Use Permit also provides Washington County staff with the right to enter the subject property to perform inspections after providing reasonable notice to the operator.

SECTION 9. VIOLATIONS & PENALTIES

Violation of this Ordinance is a misdemeanor.

9.1 Violations.

Any firm, person or corporation who violates any provisions of this Ordinance is guilty of a misdemeanor and upon conviction thereof is subject to a fine and/or imprisonment as provided by law. Each day that a violation exists constitutes a separate offense.

The County may take action to enforce this Ordinance if there is a violation or threat of a violation.

9.2 Enforcement.

In the event of a violation or threatened violation of any of the terms of this Ordinance, the County may take appropriate action to enforce this Ordinance, including application for injunctive relief, action to compel performance or other appropriate action necessary to prevent, restrain, correct or abate such violations or threatened violations. Upon motion, the court may award costs, disbursements and reasonable attorney's fees and witness fees, which costs and fees may be assessed against the land.

The County has the right to enter the property to perform inspections or any duties imposed by this Ordinance.

9.3 Entry.

Whenever necessary to enforce any of the provisions of this Ordinance or whenever there is reasonable cause to believe that a violation of this Ordinance has occurred or is about to occur, an authorized agent of the County may enter any building or upon any premises at all reasonable times to inspect the same or to perform any duties imposed by this Ordinance, provided that if such building or premises is occupied, the authorized agent shall first present proper credentials and demand entry and if such building or premises is unoccupied, shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry, including administrative and judicial search warrants.

SECTION 10. TERMINATION OF PERMIT

A permit may be revoked for violating the permit or this Ordinance.

10.1 Revocation.

Any permit granted pursuant to this Ordinance may be revoked for a violation of any provisions of this Ordinance or any conditions of the permit.

10.2 Notice of Revocation, Appeal.

Revocation shall not occur earlier than ten (10) County working days from the time

Notice of revocation shall be served.

An appeal of a permit revocation must follow this procedure.

written notice of revocation is served upon the permittee or if a hearing is requested, until written notice of the Planning Advisory Commission action has been served on the permittee. Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred and a statement that if the permittee desires to appeal, the permittee must, within ten (10) working days, exclusive of the day of service, file a request for a hearing. The hearing request shall be in writing, stating the grounds for appeal and served personally or by registered or certified mail on the Washington County Public Works Department by midnight of the tenth (10th) County working day following service. Following the receipt of a request for hearing, the Washington County Public Works Department shall set a time and place for the hearing, which shall be conducted in accordance with the procedures set forth in Chapter One, Section 9.7 of the Washington County Development Code.

SECTION 11. EFFECTUATION

11.1 Separability.

If any portion or application of this Ordinance is found to be invalid the remainder of the Ordinance is not affected.

It is hereby declared that the several provisions of this Ordinance are separable in accordance with the following:

- (1) If any court of competent jurisdiction adjudges any provision of this Ordinance to be invalid, such judgment does not affect any other provisions of this Ordinance not specifically included in said judgment.
- (2) If any court of competent jurisdiction adjudges invalid the application of any portion of this Ordinance to a particular property, building, or other structure, such judgment does not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

shall not be removed unless the area is filled and is contiguous to non-floodplain land.

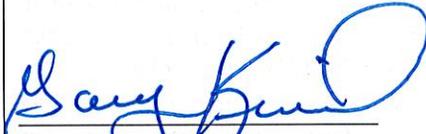
Changes to Floodplain Map must be approved by FEMA

elevation at or above the Regulatory Flood Protection Elevation and is contiguous to lands outside of the floodplain. Changes in the Floodplain Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of the Department of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

SECTION 16. EFFECTIVE DATE

The regulations contained in this Ordinance shall become effective immediately upon passage by the County Board and upon publication according to law.

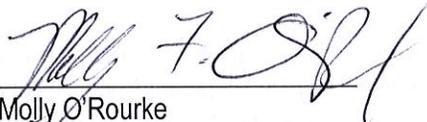
Passed by the Board of County Commissioners of Washington County, Minnesota, this 5th day of June, 2018.



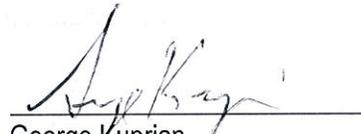
Gary Kriesel, Chair
Board of County Commissioners

Attest:

Approved as to form:



Molly O'Rourke
Washington County Administrator



George Kuprian
Assistant Washington County Attorney

Ordinance prepared by:

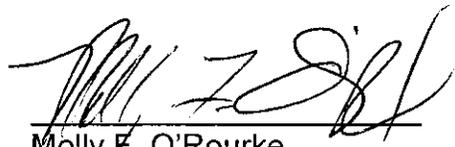
Washington County
Public Works Department
11660 Myeron Road North
Stillwater, MN 55082

STATE OF MINNESOTA)
)
COUNTY OF WASHINGTON)

I, Molly F. O'Rourke, qualified County Administrator for the County of Washington, State of Minnesota, do hereby certify that I have compared the foregoing copy of Resolution No. 2018-054 with the original minutes of the proceedings of the Board of Commissioners, Washington County, Minnesota, at its session on the 5th day of June, 2018, now on file in my office and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Stillwater, Minnesota, this 27th day of June, 2018.





Molly F. O'Rourke
County Administrator

DATE June 5, 2018
MOTION
BY COMMISSIONER Miron

DEPARTMENT Public Works
SECONDED BY
COMMISSIONER Karwoski

**REPEAL OF CURRENT ZONING/LAND USE ORDINANCES AND ADOPTION OF NEW
ZONING/LAND USE ORDINANCES.
AND
REPEAL OF EXISTING DEVELOPMENT CODE AND ADOPTION OF THE REVISED
DEVELOPMENT CODE**

ZONING/LAND USE ORDINANCE NUMBERS 203, 204, 205, 206, 207, 208, 209, 210, 211 & 212

WHEREAS, Washington County is authorized to carry on County planning and zoning activities in the unincorporated areas of the County pursuant to Minn. Stat. Chapt. 394; and

WHEREAS, the Washington County Comprehensive Plan was adopted by the Washington County Board of Commissioners on April 22, 1997 and became effective October 1, 1997 as Washington County Ordinance No. 124, amended on September 7, 2010 to the Washington County Comprehensive Plan 2030 as Washington County Ordinance No. 184, and amended on August 16, 2016 as Washington County Ordinance 198; and

WHEREAS, pursuant to Minn. Stat. 473.865 the Washington County Comprehensive Plan is the implement by which the County's regulation of land use is devolved through adoption of official controls under Chapter 394.

WHEREAS, the current official controls as reflected in the Washington County Development Code were adopted by the Washington County Board of Commissioners and became effective on October 20, 1997 as Washington County Ordinance No. 127; and

WHEREAS, all the townships in Washington County have assumed regulatory control of land use through adoption of the Comprehensive Land Use Plans under the 2030 Regional Development Framework pursuant to the authority contained in Minn. Stat. 473.861 and the County's relinquishment of such controls; and

WHEREAS, such transformation has been found by the Metropolitan Council to conform to the regional system plans for transportation, water, resources management and parks; and

WHEREAS, the Township's plans are consistent with the Washington County 2030 Comprehensive Plan and are compatible with the plans of adjacent and affected jurisdictions; and

WHEREAS, the recasting of the County's official controls necessitate revision of the Washington County Development Code; and

WHEREAS, the forty-three (43) current zoning/land use ordinances, attached as Exhibit A, are determined to be anachronistic and must be repealed; and

WHEREAS, ten (10) new zoning/land use ordinances, attached as Exhibit B, must be enacted; and

WHEREAS, the existing Washington County Development Code must be repealed and the ten (10) new zoning/land use ordinances must be codified as the Revised Washington County Development Code.

WHEREAS, on April 24, 2018 a public hearing was held before the Washington County Planning Advisory Commission (PAC) to consider an action to do the following: 1) repeal the existing forty-three (43) zoning/land use ordinances as set forth in Exhibit A; 2) the adoption of ten (10) new zoning/land use ordinances as set forth in Exhibit B; and 3) repeal the existing Washington County Development Code and adopt a revised Washington County Development Code attached as Exhibit C.

WHEREAS, on April 24, 2018 the PAC recommended the Washington County Board of Commissioners approve the following: 1) the repealing of the forty-three (43) existing zoning/land use ordinances as set forth in Exhibit A; 2) adoption of ten (10) new zoning/land use ordinances attached as Exhibit B; 3) repealing of the existing Washington County Development Code and adoption of the Revised Washington County Development Code as set forth in Exhibit C.

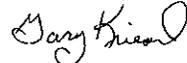
WHEREAS, the records of the public hearing consists of the minutes of both the Washington County Board of Commissioners and the Planning Advisory Commission meetings, staff reports, a presentation by the Washington County Public Works Department, and comments from members of the public.

NOW, THEREFORE IT BE RESOLVED, that the Washington County Board of Commissioners hereby adopts the findings and recommendations of the Washington County Planning Advisory Commission.

BE IT FURTHER RESOLVED, based upon the hearing record, the Washington County Board of Commissioners hereby repeals the existing forty-three (43) zoning/land use ordinances attached and incorporated herein as Exhibit A.

BE IT FURTHER RESOLVED, the Washington County Board of Commissioners hereby adopts the ten (10) new zoning/land use ordinances attached as Exhibit B, which is attached hereto and incorporated herein.

BE IT FURTHER RESOLVED, the Washington County Board of Commissioners hereby codifies the ten (10) new zoning/land use ordinances into the Revised Washington County Development Code as fully set forth in Exhibit C, which is attached hereto and incorporated herein.

ATTEST: 
COUNTY ADMINISTRATOR

COUNTY BOARD CHAIR

	YES	NO
MIRON	X	___
KARWOSKI	X	___
KRIESEL	X	___
LAVOLD	X	___
WEIK	X	___