

6.16 Excavation and Mining of Sand, Gravel, Rock, Stone, Scoria and Clay

All mining and excavation sites shall be located so as to protect and preserve agricultural land and to minimize the traffic, noise, dust, fumes, vibration impact on adjoining uses, and disruption of known water sources. The provisions of this section shall not apply to any excavations for agricultural purposes or for uses requiring less than five thousand (5,000) cubic yards of aggregate.

An applicant for a conditional use permit to excavate or mine sand, gravel, rock, stone, scoria, or clay shall meet the following requirements:

- 1) Provide the County Zoning Administrator with a site plan for operation and reclamation of the mined land, including maps showing the location of the land to be mined; the location of roads and points of access to the site; adjacent residences with one mile of the site, maps showing the existing and proposed contours after the land is mined; and a timetable for operation of the site.
- 2) Provide the County Zoning Administrator with evidence of written agreement between the applicant and property owner that excavation or processing shall not take place within three hundred (300) feet of an adjacent property line or within five hundred (500) feet of an existing residence.
- 3) Provide documentation that the site has been inspected for invasive and/or noxious weeds by the County Weed Officer or a North Dakota Certified Weed Seed Free Forage (WSFF) Inspector before mining and excavation commences. The inspection shall occur at a time determined by the County Weed Officer. The Weed Officer shall provide the applicant with documentation of the inspection and the Applicant shall submit such documentation with the Conditional Use Permit Application. If during the inspection it is determined that site is infested with invasive and/or noxious weeds, the Applicant shall be required to submit a weed treatment plan that has been reviewed and approved by the County Weed Officer. The plan shall, at a minimum, include the following components:
 - a. Pit Opening Plan, which would include an inspection prior to opening of the pit;
 - b. Overburden Material Stockpile Plan;
 - c. Active Pit Mining Plan;
 - d. Buffer Zone Area Plan;
 - e. Mine Area Reclamation Plan; and
 - f. Yearly Inspection Proposal Plan which would include annual inspections by the County Weed Officer.

The plan shall be submitted as part of the conditional use application.

Weed control treatments shall be completed and a reinspection by the Weed Officer or a WSFF certified inspector shall be completed prior to the commencement of mining operations. A written reinspection report shall be filed with the Stark County Zoning Administrator prior to the commencement of mining operations.

- 4) Demonstrate compatibility with the existing landform including the vegetation, surface, and ground water resources.
- 5) All mining and excavation sites must have at least a 3-to-1 slope.
- 6) Provide the County Zoning Administrator with written evidence of a reclamation agreement between the applicant and the surface owner.
- 7) Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted to natural protected vegetation.
- 8) Post bond as follows in an amount to be determined by the County Commission

Mining activities within a within a two-mile radius of a jurisdictional limits of any incorporated city within the County shall be prohibited.