

ARTICLE 14 MINERAL EXTRACTION

SECTION 1. PURPOSE

The purpose of this section is to protect the public health, safety and welfare through the following:

- Subd. 1. Identify areas in County where mineral extraction is most appropriate and minimizes conflicts with other land uses.
- Subd. 2. Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
- Subd. 3. Establish standards that prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the County as a whole.
- Subd. 4. Establish standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties and suitable for future uses that are compatible with the Goodhue County Comprehensive Plan.

SECTION 2. DEFINITIONS

- Subd. 1. **ACCESSORY USES:** Accessory uses of a mineral extraction facility include the manufacture, storage and sale of products made from minerals on the premises and storage and sale of minerals, recycled asphalt, recycled concrete and topsoil not extracted on the premises. In addition, the storage and manufacture of explosive may be permitted as an accessory use of a mineral extraction facility-subject to approval of a conditional use permit.
- Subd. 2. **BOARD:** The County Board of Commissioners of Goodhue County.
- Subd. 3. **COMMISSION:** The Planning Advisory Commission of Goodhue County.
- Subd. 4. **COMPREHENSIVE PLAN:** The Goodhue County Comprehensive Plan.
- Subd. 5. **COUNTY:** The County of Goodhue, Minnesota.
- Subd. 6. **DUST:** Airborne mineral particulate matter.
- Subd. 7. **EXCAVATION:** The removal of soil and minerals from the ground.
- Subd. 8. **MINERAL:** Sand, gravel, rock, clay, and similar higher density non-metallic natural minerals.
- Subd. 9. **MINERAL EXTRACTION:** The removal of sand, gravel, rock, clay and other minerals from the ground and off the site.
- Subd. 10. **MINERAL EXTRACTION FACILITY:** Any area that is being used for removal, stockpiling and storage of minerals.
- Subd. 11. **MINERAL EXTRACTION PERMIT:** The permit required for mineral extraction facilities.
- Subd. 12. **OPERATOR:** Any person or persons, partnerships, or corporations or assignees, including public or governmental agencies, engaging in mineral extraction.
- Subd. 13. **PRINCIPAL USE:** The principal use of mineral extraction facility is the extraction, processing, storage and sale of minerals from the facility.
- Subd. 14. **PROCESSING:** Any activity which may include the crushing, screening 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, or other similar products.
- Subd. 15. **REHABILITATION:** To renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this ordinance.
- Subd. 16. **SOIL:** A natural three-dimensional body of the earth's surface.

- Subd. 17. **SUBJECT PROPERTY:** The land on which mineral extraction is permitted.
- Subd. 18. **TOPSOIL:** The upper portion of soils present that is the most favorable material for plant growth.
- Subd. 19. **ZONING ORDINANCE:** The Goodhue County Zoning Ordinance.

SECTION 3. EXCEPTIONS FROM PERMIT REQUIREMENTS

A mineral extraction permit shall not be required for the following:

- Subd. 1. Excavation for structure if a building permit has been issued.
- Subd. 2. Excavation in a right-of-way, temporary easement, or utility corridor by state, county, city or township authorities in connection with construction or maintenance of public improvements.
- Subd. 3. Excavations not exceeding four hundred (400) cubic yards annually.
- Subd. 4. Excavation for agricultural purposes if the excavated material is not moved off-site.
- Subd. 5. Excavation for public utility purposes.
- Subd. 6. Temporary excavations involving mining operations associated with road construction, commonly known as temporary borrow pits, used exclusively for public infrastructure construction projects if the project is under the administration of a public entity and the contract requires erosion control, sediment containment and site restoration provisions at least as strict as those in the MPCA's NPDES General Storm Water Permit. These temporary borrow pits must be closed and restored within 24 months of the first date of work on the project.

SECTION 4. MINERAL EXTRACTION PERMIT REQUIRED

- Subd. 1. Conditional Use Permits
Owners and operators of any mineral extraction facility commencing on or after the adoption of this Ordinance shall obtain a conditional use permit and shall be processed in accordance with Article 4 of this Ordinance and the additional procedures and requirements of this Article.
- Subd. 2. Land Use Permits/Registration of Existing Mineral Extraction Facilities
Persons, firms, partnerships, association, corporations, or other entities that commenced mineral extraction prior to the enactment of this Ordinance shall not be required to obtain a conditional use permit, but rather register the mineral extraction facility by obtaining a Land Use Permit from the Goodhue County Zoning Administrator. An existing mineral extraction operation shall be registered on a form as provided by the Land Use Management Department and submitted to the Zoning Administrator six (6) months after ordinance adoption of all existing Mineral Extraction Facilities.

The following items shall be submitted to the Zoning Administrator no later than eighteen (18) months after ordinance adoption:

- A. Name, address, phone number of contact person for the operator and landowner.
- B. Property boundaries by a Minnesota Licensed Land Surveyor.
- C. Existing structures.
- D. Existing drainage and permanent water areas.
- E. Existing vegetation.
- F. Existing wells and private sewer systems.
- G. Acreage and complete legal description of the subject property on which the facility is located, including all contiguous property owned by the landowners.
- H. A narrative outlining the type of material to be excavated mode of operation, estimated quantity of material to be extracted, plans for blasting, and other pertinent information to describe the existing Mineral Extraction Facility request in detail.
- I. Estimated time frame facility has been operated, to include hours per day, days per week, months per year, number of years in operation.
- J. A general description of surface waters, existing drainage patterns and groundwater conditions within one-quarter (1/4) mile of the subject property.
- K. Copies of all applicable state and federal application documents and operating permits, including but not limited to, MPCA permits, wetland permits, historical and archeological

permits, storm water permits issue for the existing Mineral Extraction Facility.

- L. A description of site screening, landscaping, and security fencing.
- M. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction including plans to control erosion, sedimentation and water quality of storm water runoff.
- N. Excavation Setbacks: No excavation shall take place within:
 - 1. Fifty (50) feet of adjoining property lines, unless written consent of the owner of the adjoining property is first secured, recorded with the County Recorder, and a copy submitted to the Zoning Administrator.
 - 2. Three hundred (300) feet of any existing dwelling or platted residential subdivision, not owned by the operator or owner, unless written consent of the owner of the adjoining property is first secured, recorded with the County Recorder and a copy submitted to the Zoning Administrator. This paragraph is not applicable for Mineral Extraction Facilities in operation before and has been used annually since a subdivision within 300 feet of the Mineral Extraction Facilities was platted.
 - 3. Fifty (50) feet to the boundary of any zone where such operations are not permitted.
 - 4. Fifty (50') feet of any road right-of-way line of any existing or platted street, road, or highway, unless written consent by the adjacent road authority with jurisdiction over right-of-way and a copy submitted to the Zoning Administrator.
 - 5. No mining activities, (including stockpiling) shall take place within fifty (50) feet of adjoining property lines, except for visual screening, reclamation, and berming of overburden material, unless written consent of the owner of the adjoining property is first secured, recorded with the County Recorder, and a copy submitted to the Zoning Administrator; fifty (50) feet of any road right-of-way of any existing or platted street, road or highway, unless written consent by the adjacent road authority having jurisdiction over the right-of-way. Only berm construction and vegetative screening maintenance activities may occur in the 50 ft. buffer.

Subd. 4. As a condition of registration, Goodhue County staff has the right to access the subject property after providing reasonable notice to the operator.

Subd. 5. Mining operations shall be conducted so active extraction operation of the existing Mineral Extraction Facility exposes no more than forty (40) acres at any one time, unless approved by county staff.

SECTION 5. CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS FOR NEW MINERAL EXTRACTION FACILITIES

Subd. 1. Application Form: An application for a mineral extraction permit shall be submitted to the County on a form supplied by the County. Information shall include but not be limited to the following:

- A. The following maps of the entire site and to include areas within five hundred feet (500') of the site. All maps shall be drawn at a scale of one-inch (1") to two hundred feet (200') unless otherwise stated below:

Map A- Existing conditions to include:

- 1. Property boundaries to be surveyed by a Minnesota Licensed Land Surveyor.
- 2. A survey which provides contour lines at five (5) foot intervals.
- 3. Existing vegetation.
- 4. Existing drainage and permanent water areas.
- 5. Existing structures.
- 6. Existing wells and private sewer systems.
- 7. Existing pipelines, power lines and other utilities.
- 8. Easements affecting the permitted property.
- 9. Adjacent public road right-of-way.
- 10. Existing access points to public roads.

Map B – Proposed operations to include:

- 1. Property boundaries to be surveyed by a Minnesota Licensed Land Surveyor.
- 2. Structures to be erected.
- 3. Location of sites to be mined showing depth of proposed excavation.

4. Location of tailing (strippings or overburden) deposits showing maximum height of deposits.
5. Location of processing areas and machinery to be used in the mining operation.
6. Location of storage of mined materials, showing height of storage deposits.
7. Location of vehicle parking.
8. Location of storage of explosives.
9. Erosion and sediment control structures.
10. Vehicle Weight leaving the Mineral Extraction Facility.
11. Drainage Plan (if revising existing drainage patterns).
12. Proposed internal road system including typical cross sections.
13. Proposed new access points to adjacent public roads.
14. Proposed haul routes of vehicles removing material from the pit including current spring weight restrictions on the proposed routes.

Map C – Restoration plan to include:

1. Property boundaries to be surveyed by a Minnesota Licensed Land Surveyor.
 2. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.
 3. Location and species of vegetation to be replanted.
 4. Location and nature of any structure to be erected in relation to the end use plan.
 5. Proposed improvements such as roads, paths, ponds, etc.
- B. Name, address, phone number, of contact person for the operator.
 - C. Name, address, phone number of landowner.
 - D. Acreage and complete legal description of the subject property, on which the facility will be located, including all contiguous property owned by the landowners.
 - E. A narrative outlining the type of material to be excavated, mode of operation, estimated quantity of material to be extracted, plans for blasting, and other pertinent information to explain the request in detail.
 - F. Estimated time frame to operate facility, to include hours per day, days per week, months per year, number of years in operation.
 - G. A description of all vehicles and equipment estimated to be used by the operator in the operation of the facility.
 - H. A description of the estimated average daily and peak daily number of vehicles assessing the facility. If more than one access to the pit is proposed to the Mineral Extraction facility, provide a breakdown of anticipated average daily and peak number of vehicles using each access.
 - I. Any other information or documentation required for issuance of a conditional use permit under Article 4 of this Ordinance.

Subd. 2. Supporting Documentation. Every application for a mineral extraction permit shall include submission of supporting documentation, which shall include, but is not limited to the following:

- A. A description of existing land uses on the subject property.
- B. A description of land use designations in the Comprehensive Plan and zoning classifications of the subject property.
- C. A description of the soil, vegetation, mineral content and topography of the subject property. A minimum of three (3) soil boring logs representative of the site and a description of the subsurface materials on the subject property must be submitted.
- D. A general description of surface waters, existing drainage patterns and groundwater conditions within one-quarter (1/4) mile of the subject property.
- E. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.

- F. Copies of all applicable state and federal application documents and operating permits, including but not limited to, MPCA permits, wetland permits (Minnesota Wetland Conservation Act and/or Corps. of Engineers), Historical and Archeological permits Storm Water Permits, and the required EAW for subject property over forty (40) acres.
- G. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction including plans to control erosion, sedimentation and water quality of storm water runoff.
- H. If there are any proposed changes to the existing drainage patterns, include proposed mitigation plans to control down stream off site damage caused by any increase to the natural flow of water or any diversion of the existing natural flow of water.
- I. A description of actions to be taken to mitigate potential impacts resulting from mineral extraction and processing, including potential impact related to; wetlands, erosion, noise, air pollution, surface water contamination, traffic, dust or vibrations.
- J. A description of site screening, landscaping and security fencing.
- K. Site rehabilitation plans for each phase of operation and upon completion of mineral extraction on the subject property.
- L. A description of the method in which complaints about any aspect of the mineral extraction facility operation or off-site transportation are to be received and the method which complaints are to be resolved.
- M. A plan for groundwater quality protection. 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 further. The Planning Commission reserves the right to require additional borings if necessary.
- N. A minimum of three (3) cross-sections showing the extent of overburden, extent of mineral deposits, the water table, and any evidence of the water table in the past.
- O. Description of methods to control the weight of the vehicles leaving the pit and the methods to insure vehicles do not travel on roads with weight limits lower than the weight of the vehicles.
- P. Description of methods to prevent mud and debris from being tracked onto public roads.

Subd. 3. Permitting Procedure for Conditional Use Permits:

- A. Application. A request for a mineral extraction conditional use permit, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form, the required application fee shall be paid, and a deposit made to reimburse the County for its out-of-pocket costs in processing the application. The application shall also be accompanied by twenty four (24) copies of detailed written and graphic materials fully explaining the proposed change, development, or use as specified under Section 5. The Zoning Administrator shall refer the application along with all related information, to the County Planning Advisory Commission for consideration.
- B. Notice. The Zoning Administrator shall notice a public hearing as specified in Section 3 of Article 4 of this Ordinance.
- C. Additional Information. The Planning Commission and County staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the County to review the request or to establish performance conditions in relation to this Ordinance.
- D. Referrals. The Planning Commission, County staff, and County Board may refer the application for review and comment to other agencies, including but not limited to the Soil and Water Conservation District and the Minnesota Pollution Control Agency.

Amended December 4, 2008

- E. Recommendation. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the County Board. The County may impose such additional restrictions or conditions as deemed necessary to protect the public interest. These conditions may include, but are not limited to the following:
1. Matters relating to the appearance of the Mineral Extraction Facility.
 2. Hours of operation.
 3. Increasing setbacks.
 4. Blasting notifications and frequency.
 5. Limiting the height, size or location of buildings and stockpiles.
 6. Controlling the location and number of vehicle access points.
 7. Increasing street width and improving access conditions, including turn lanes, bypass lanes, etc.
 8. Increasing the number of required off street parking spaces.
 9. Limiting the number, size, location, or lighting of signs.
 10. Requiring diking, berming, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
 11. Designating sites for open space.
 12. Delineating the area to be mined, total size and open area at any one time.
 13. Requiring phased rehabilitation.
 14. Requiring financial security to guarantee compliance with the conditions of approval.
 15. Water quality monitoring.
 16. On and off site improvements to mitigate impacts caused by revisions to the natural flow of surface waters.
- F. County Board's Action and Findings. The County Board shall approve, modify, or deny the request and state the findings of its actions. Approval of a Conditional Use Permit shall require passage by majority vote of the full County Board. The Zoning Administrator shall notify the applicant of the County Board's action.
- G. Reapplication/Lapse of Conditional Use Permit. The Board shall not accept reapplication for the same or substantially same Conditional Use Permit within six (6) months of denial.
- H. Amended Conditional Use Permit. Any change to the operations or use of the land approved under a current conditional use permit shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

SECTION 6. APPLICATION REQUIREMENTS FOR REGISTRATION/LAND USE PERMITS AND CONDITIONAL USE PERMITS

- Subd. 1. Security. The County shall require the applicant or owner of the property on which the mineral extraction is occurring, to post a letter of credit, bond, or cash escrow in such form and sum as determined by the Board as part of the permit. The security shall be sufficient to reimburse the following costs:
- A. Costs of bringing the operation into compliance with the mineral extraction permit requirements including site monitoring and enforcement costs.
 - B. Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation.
 - C. Site restoration.
 - D. Costs the county may incur in enforcing the terms of the conditional use permit, and land use permit, including attorney's fees.
 - E. 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.
- Subd. 2. Annual Registration. Annual registration of all mineral extraction facility permits is required. The purpose of the annual registration is to maintain an updated listing of active mineral extraction

facilities in the County, to decertify any permits where the activity has ceased, to monitor compliance with the conditions of approval and to review the applicability of the conditions and to review bonding requirements. Permit holders must complete and return registration forms provided by the County. Failure to maintain registration shall be cause for revocation of the permit. Other Goodhue County conditional use permits may expire if there is no activity authorized under the permit within one (1) year of permit approval. Conditional use permits and land use permits for mineral extraction facilities will not automatically expire because there is no activity as authorized within in a year's time as long as the permittee complies with the annual registration specified herein. Annual registration is done administratively by the Zoning Administrator and will not require a review by the Planning Commission or the Board of Commissioners provided all conditions are being met and the activity meets all standards as outlined in this Ordinance.

- Subd. 3. Use Restrictions. The following uses are prohibited unless specifically authorized in the mineral extraction permit:
- A. The production or manufacturing of veneer stone, sills, lintels, out flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site.
 - B. The manufacture of concrete building blocks or other similar blocks permanent ready-mixed concrete, or permanent asphalt production plants and any similar production or manufacturing processes.
- Subd. 4. Mineral Extraction Facilities Performance Standards . The following performance standards apply to all mineral extraction facilities in the County:
- A. Recommended Hours of Operation. Mineral extraction facilities shall operate only between the hours of 6:00 a.m. and 10:00 p.m., Monday through Saturday unless specified otherwise in the conditional use permit for the facility.
 - 1. Operators are allowed a maximum of five (5) one-day extensions to the hours of operation for evening work in a calendar year. Operators must notify the County three working days in advance of the proposed extension.
 - 2. Other exceptions to the hours of operation must be approved by the County Zoning Administrator. Approval may only be granted in conjunction with the furnishing of material for a public improvement, public safety or a public good project, that is underway during hours that the mineral extraction facility is not otherwise allowed to operate. Approval will be limited to those functions that cannot occur during normal hours of operation.
 - B. Fencing. Fencing, signs, and barriers are required around ponding areas and steep sloped excavation areas unless, because of their location they are not deemed to create a safety hazard.
 - C. Access. The permittee must obtain a permit from the road authority for all proposed new access points to public roads. The road authority may restrict the weight of vehicles allowed to use any permitted access.
 - D. Roadway Dust Control. Operators shall be responsible for providing dust control on gravel roads that are the primary routes to or from a mineral excavation facility. Unless waived by the County 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 excavation facility exceeds three (3) per hour.
 - E. Mineral Extraction Facility Dust Control. The County may require dust control in a facility when it is determined that airborne dust from extraction areas, processing activities, stockpiles or internal roadways creates a public nuisance. Other remedies to control dust may include berming, landscaping, and enclosures for processing equipment. All equipment used for mining operations shall be constructed, maintained, and operated in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred feet (600') of the mining operations lot line. All internal roads and access roads from mining operations to public highways, roads, or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

- F. Noise. Maximum noise levels at the facility will be consistent with the standards established by the Minnesota Pollution Control Agency,
- G. Vibration. Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment according to all Federal and State laws, rules and statutes.
- H. Air Quality/Water Quality. All activities on the mineral extraction facility will be conducted in a manner consistent with the Minnesota Pollution Control Agency's operating permits.
- I. Water Resources. The mineral extraction operation shall not allow surface water to leave the site in a manner that causes flooding, erosion, or alteration of natural drainage patterns. The mineral extraction operation shall not adversely affect the quantity and quality of surface or subsurface water. Surface water leaving the site shall be of equal quality as water originating off site before it passes through the site. The operator shall perform any water treatment necessary to comply with this provision.
- J. Screening. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties. A screening barrier may be required between the mineral extraction facility and any public road. Screening barriers shall be subject to the approval of the permitting authority.
- K. Unauthorized Storage. Vehicles, equipment, or materials not associated with the mineral extraction facility or not in operable condition may not be kept or stored at the facility.
- L. Setbacks. The following minimum setbacks shall be maintained from property boundaries:
 - 1. Fifty (50) feet of adjoining property lines, unless written consent of the owner of the adjoining property is first secured recorded with the county recorder and a copy submitted to the Zoning Administrator.
 - 2. Three hundred (300) feet of any existing dwelling or platted residential subdivision, not owned by the operator or owner, unless written consent of the owner of the adjoining property is first secured, recorded with the county recorder and a copy submitted to the Zoning Administrator. This paragraph is not applicable for Mineral Extraction Facilities in operation before and has been used annually since a subdivision within 300 feet of the Mineral Extraction Facilities was platted.
 - 3. Fifty (50) feet to the boundary of any zone where such operations are not permitted.
 - 4. Fifty (50') feet of any road right-of-way line of any existing or platted street, road, or highway, unless written consent by the adjacent road authority with jurisdiction over right-of-way and a copy submitted to the Zoning Administrator.
 - 5. No mining activities, (including stockpiling) shall take place within fifty (50) feet of adjoining property lines, except for visual screening, reclamation, and berming of overburden material unless written consent of the owner of the adjoining property is first secured recorded with the county recorder and a copy submitted to the Zoning Administrator; fifty (50) feet of any road right-of-way of any existing or platted street, road or highway, unless written consent by the adjacent road authority having jurisdiction over the right-of-way. Only berm construction and vegetative screening maintenance activities may occur in the 50 ft. buffer.
- M. Phasing. Phasing plans must be prepared for all mineral extraction facilities. The proposed size of the extraction, processing, staging, and stockpiling operations are to be identified. Size of each operation may be limited by the permit approving authority.
- N. Weed Control. The operators shall be required to control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.
- O. Waste Disposal. 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.

1. Portable asphalt and concrete plants to be approved on a per project basis by the permitting authority.
 2. An estimate of the amount of recycled concrete and asphalt material to be processed must be submitted. An estimate of the time required and the amount required to be stockpiled before being processed must be submitted.
- P. Water Quality Monitoring. Water Quality monitoring shall be performed when required by the MPCA.
- Q. General Compliance. The operators must comply with all other federal, state, regional, county, and local laws and regulations applicable to the operation of the mineral extraction facility, including but not limited to floodplain management regulations, shoreland management regulations, and Zoning Ordinance regulations.
- R. Additional Regulations. The County may impose additional regulations and requirements to the mineral extraction facility to protect the public health, safety, and welfare.
- S. Land Rehabilitation. Land rehabilitation plans for mineral extraction permits must include the grading plans, topsoil replacement, seeding, mulching, erosion control, and sedimentation control specifications for each phase and the final restoration. The following minimum standards and conditions apply:
1. For gravel pits, final grades may not exceed one (1) vertical to three (3) horizontal slope except for rehabilitated areas in existence at the time of adoption of this Ordinance. In completing final grading in each phase, the top of the slope may begin twenty (20) feet from property lines.

For rock quarries, the permittee shall submit a plan to explain how the quarries are to be rehabilitated.
 2. A minimum of three (3) inches of topsoil shall be placed on all graded surfaces.
 3. Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Areas returned to agricultural production are exempt from the seeding and mulching requirements.
 4. Soil restoration, seeding, and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached.
 5. Soil erosion and sedimentation control measures shall be consistent with MPCA's Protecting Water Quality in Urban Areas and MPCA's General Storm Water Permit.
 6. Unless otherwise amended or approved by the County, all final grades and site restoration efforts shall be consistent with the Rehabilitation Plan.
 7. Within twelve (12) months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, and debris shall be removed from the subject property.
 8. Within twelve (12) months after completion of mineral extraction or after termination of the permit, site rehabilitation must be completed. Failure to annually register the mineral extraction facility will be considered termination of the mineral extraction facility and the twelve (12) month period begins.
 9. All water areas resulting from excavation shall be addressed upon rehabilitation of the site. In unique instances where the County Board has reviewed proposals for water bodies at the time of approval of the overall plan and has determined that such would be appropriate as an open space or recreational amenity in subsequent reuse of the site, water bodies may be permitted.

T.

Violations and Penalties.

1. Any firm, person or corporation who violates any of the provisions of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law. Each day that a violation is permitted to exist shall constitute a separate offense.
2. 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 exercising the performance bonds application for injunctive relief, action to compel performance, or other appropriate action to court if 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 can be assessed against the property.

SECTION II. Effective date. This Ordinance shall be effective December 1, 2002.