
Ordinance No. 27-B
An Ordinance Amending Ordinance No. 27
Carlton County Zoning Ordinance

The Board of Commissioners of Carlton County ordains as follows:

SECTION I Article 5, Section 13, Subd. I. is amended in its entirety to read:

Subd. I. Nonconforming Gravel and Mineral Extractions.

1. Gravel and mineral extraction mining operations (topsoil, sand, gravel, and other materials) in existence prior to May 3, 1984 shall be considered legal nonconforming operations subject to the provisions of Article 3, Section 8 and the following:
 - A. Land contiguous to nonconforming gravel and mineral extraction operations and acquired after May 3, 1984, shall not be considered part of the nonconforming or “grandfathered” operations and shall be subject to all of the provisions of this Ordinance pertaining to gravel and mineral extraction.
 - B. No gravel and mineral extraction mining operation which has been inactive for a period of five (5) years shall continue to operate without obtaining a conditional use permit and complying with Article 5, Section 13 of this Ordinance.
 - C. Inactive means that less than 100 cubic yards of material shall have been removed from the mining operation in at least one calendar year of the previous five (5) years.
 - D. It is the mineral extraction facility operation owner’s or operator’s responsibility to provide documentation verifying that the pit has not been inactive. Verification can be in the form of surveyed cross-sections, invoices, photos, or other approved methods.
2. No legal nonconforming extraction operations in existence prior to May 3, 1984, and which are not inactive as defined in Subdivision I.1. above, shall continue to operate after March 31, 2007 unless operated in compliance with the following:
 - A. Hours of operation, including crushing, shall be limited to the hours between 6:00 a.m. and 10:00 p.m., Monday through Saturday. Extraction facilities may be operated on Sundays, excluding crushing, from 8:00 a.m. to 8:00 p.m.

- B. In each calendar year, for a maximum of twenty-one (21) consecutive days, crushers may be operated twenty-four (24) hours per day, excluding Sundays. Written notice of the intent to operate twenty-four (24) hours per day must be delivered to the Zoning Administrator at least ten (10) business days prior to start of extra-hour operations.
 - C. Site grading and material extraction must be setback 50 feet from all property lines and road easements. The County may waive all or a portion of the setback requirements upon written consent of adjoining property owners or abutting roadway authority. Interim slopes of all excavated areas, excluding the working face of current extraction areas, shall not exceed 2:1.
 - D. Existing vegetation in setback areas shall remain undisturbed as a screen between the operation and surrounding residences and roadways. Required setback areas shall be protected from sedimentation and erosion from site grading and extraction activities, consistent with the requirements of Article 5, Section 13, Subdivision H.2.B.
 - E. Crushing equipment, screeners, wash plants, and hot mix plants must be set back at least 500 feet from the nearest residence.
 - F. Mining operations shall conform with the safety precautions and performance standards included in Article 5, Section 13, Subdivision G.
 - G. Areas depleted of resources and not used for stock piling or processing shall be reclaimed within three (3) years of the date of adoption of this Ordinance, and thereafter annually by site grading with final slopes not exceeding 3:1 and by seeding and mulching the disturbed areas with native grasses or other vegetation sufficient to hold soil and prevent erosion, consistent with the requirements of Article 5, Section 13, Subdivision H.2.B. Extensions for site restoration may be granted by the Zoning Administrator if appropriate progress toward compliance is documented. The Board of Adjustment may consider exceptions to reclamation required in this subsection, upon findings including but not limited to the size of the unreclaimed area, the amount of time lapsed since extraction occurred, the amount of aggregate resources remaining on the site, and other potential hardships imposed on the property owner or operator.
 - H. During final site restoration, the top of the slope of the finished grade may be set back 20 feet from property lines and road easements. Pre-existing areas closer than 20 feet from any property line or road easement are not required to meet the 20 feet final setback standard. Final slopes shall not exceed 3:1. All disturbed areas shall be seeded and mulched with native grasses or other vegetation sufficient to hold soil and prevent erosion, consistent with the requirements of Article 5, Section 13, Subdivision H.2.B. Mining operators must notify the Zoning Administrator prior to any final restoration work within setback areas and such final extraction and restoration must be completed within the same season the restoration was initiated. The Zoning Administrator may extend the site restoration deadline to the following season if appropriate progress toward compliance is documented and circumstances warrant such an extension.
3. This Subdivision shall not apply to a mineral extraction operation used to provide material solely for private land owned by the owner of the mineral extraction operation.

SECTION II This Ordinance shall be in full force and effective after its passage and publication according to law.

Approved and adopted by the Board of Commissioners of Carlton County this 13th day of March, 2007.

/s/ Gordon Aanerud
Gordon Aanerud, Board Chair

ATTEST:

/s/ Paul G. Gassert
Paul G. Gassert, County Auditor

Published in the Arrowhead Leader, this 5th day of April, 2007.