

Provisions for Excavation and Mining of Sand, Gravel, Rock, Stone, Scoria and Clay

The provisions of this section shall not apply to any excavation for agricultural purposes or excavation by Emmons County and its incorporated municipalities or for uses requiring less than 5,000 cubic yards of excavation. The applicant for a permit shall submit the following:

- 1) Written evidence of reclamation agreement with the surface owner.
- 2) Evidence of a 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) The applicant shall conform to all requirements regarding preservation, removal or relocation of historical or archeological artifacts.
- 4) Evidence of meeting all site approval requirements. All Excavation sites require approval by the County Commission.
- 5) Data Submission Requirements:
 - a) A site plan for operation and reclamation of the mined land including maps showing the location of the land to be mined, location of roads and points of access to the site, adjacent residences within one mile of site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site. There will be a minimum 1 to 3 slope. All top soil shall be replaced and planted to natural protected vegetation.
 - b) Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned or closure of the operation of the site.
 - c) Proof of compatibility with the existing landform including the vegetation, surface, and ground water resources.
 - d) Bonding required as follows:

0-19 acres	No Bond
20-39 acres	\$50,000
40 + acres	\$100,00
- 6) Proximity to Existing Uses:
 - a) The operation of sand, gravel, rock, stone, scoria, or clay sites shall not be nearer than five hundred (500) feet from any residential uses.
- 7) Permit Requirements:
 - i) Any person who operates sand, gravel, rock, stone, scoria or clay operation shall obtain a permit from the Planning and Zoning Commission before starting any mining or excavation of the sand, gravel, rock, stone, scoria, or clay sites, and only after review by the Planning and Zoning Commission and approval by the County Commission.
 - ii) Applicant shall have the site inspected for invasive and or noxious weeds by the Emmons County Weed Officer or ND Certified Weed Seed Free Forage Inspector before excavation commences. The Inspector shall provide the applicant documentation of the inspection and Applicant shall submit such documentation with the Conditional Use Permit Application.

_____ Cover letter stating what the project will be, what will be mined and how many acres will be mined.

_____ Written Agreement (Lease Agreement) from all Property Owners to include the following: (1) area being excavation will not take place within three (300) feet of an adjacent property line or five hundred (500) feet of existing residence.

_____ Survey stamped site plan of pit showing: (1) egress and ingress roads must show 2 accesses on site plan, (2) topographical information, (3) pits location in conjunction to county roads and state highway, (4) pits distance to adjacent property lines and residence within one mile on site plan.

_____ Plat map (from plat book) where pit is located and roads used for trucking.

_____ Copy of Certificate of Good Standing in the State of North Dakota or North Dakota Certificate of Authority if Certificate of Good Standing is from a different State.

_____ Certificate of Liability Insurance

_____ Notify adjacent landowners

_____ Dust Control Plan

_____ Written Reclamation Plan and 3 year Weed Control Plan (if weeds are present)

_____ Reclamation Bond if over 19 acres

_____ Noxious weed inspection report (set up appointment with Emmons County Weed Officer for inspection).

_____ Road Haul Agreement with the County – Must meet with Emmons County Road Superintendent for approval.

