

20.26.000

EXTRACTIVE OPERATIONS.

20.26.010 RESTRICTED. Quarrying, the removal of any sand or gravel, stripping of topsoil, mining of minerals or any other extractive operation as defined in this Ordinance shall not be permitted except as follows:

- A. Extractive operations incident to or pre-requisite to the preparation of the site for a permitted use may be permitted provided such operation does not involve the sale or commercial disposal of the material removed and for a period of no longer than 30 days.
- B. The following may be permitted in any district subject to approval of the Plan Commission:
 - 1. Operations incident to another permitted use of the premises where the material removed is sold or otherwise commercially disposed of or for a period in excess of 30 days.
 - 2. Sod removal provided no such operation shall be permitted which adversely affects the drainage of the area and provided adequate provision is made to prevent erosion.
 - 3. Topsoil removal, except that no such operation shall be permitted except as incidental to another permitted use of the premises, and provided such operation will not adversely affect the drainage of the area, or exceed 18 inches in depth, and provided adequate provision is made to prevent erosion.

20.26.020 PERMIT. No extractive operation shall take place in any district until a permit has been secured from the Building Inspector.

20.26.030 APPLICATION. Application for a permit shall be made directly to the Building Inspector and shall be accompanied by:

- 1. A fee of \$50.00 to defray the cost of notification and holding of public hearing and administrative processing.
- 2. A full and adequate description of all phases of the contemplated operation and the specific mention of type of machinery and equipment which will be or might be necessary to carry on the operation.
- 3. A legal description of the proposed site with a map showing its location with indications of private access roads, existing or proposed, and of public highways adjacent to the site which will be affected by the operation.
- 4. A topographic map of the area at a minimum contour interval of 5 feet extending beyond the site to the nearest public street or highway or to a minimum distance of 300 feet on all sides.
- 5. A restoration plan as hereinafter required.

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20.26.040 REFERRAL TO PLAN COMMISSION & PUBLIC HEARING. Where the application is for a use permitted only with Plan Commission approval, the application and all data and information pertaining thereto shall be referred to the Plan Commission for public hearing. The Plan Commission shall hold such public hearing within 30 days after an application has been referred to it. In addition to the normal posting and publishing, notices also shall be sent through the mail or otherwise placed in the hands of all owners within a half mile radius of the approximate center of the proposed operation. These notices shall be mailed or delivered at least 10 days prior to the date of hearing. Substantial compliance with the notice requirements of this section shall be deemed sufficient.

20.26.050 CRITERIA. The Plan Commission in making its determination shall give particular consideration to the following factors:

1. The effect of the proposed operation on drainage and water supply.
2. The possibility of soil erosion as a result of the proposed operation.
3. The degree and effect of dust and noise as a result of the proposed operation.
4. The practical possibility of restoration of the site.
5. The effect of the proposed operation on the natural beauty, character, tax base, land value and land uses in the area.

20.26.060 ADDITIONAL CONDITIONS. Any conditions accessory to the granting of a permit shall be in writing and copies made a part of the permit and a part of the records of the City.

20.26.070 RESTORATIVE REQUIREMENTS.

- A. In order to insure that the area of extractive operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall prior to the issuance of a permit submit to the Plan Commission a plan for such restoration in the form of the following:
1. An agreement with the City whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the City.
 2. A physical restoration showing the proposed contours after restoration, plantings and other special features of restoration, and the method by which such restoration is to be accomplished.
 3. A bond, written by a licensed surety company, a certified check, or other financial guarantee satisfactory to the City in an amount sufficient in the opinion of the Plan Commission to secure the performance of the restoration agreement.

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- 4. Such agreement and financial guarantee shall be in a form approved by the City Attorney.
- B. In the event of the applicant's failure to fulfill this agreement, such bond, check or other financial guarantee shall be deemed forfeit for the purpose of enabling the City to perform the restoration.
- C. Restoration shall proceed as soon as practicable and at the order and direction of the Plan Commission. However, the owner or operator may, at his option, submit a plan for progressive restoration as the operation is being carried on. The required financial guarantee in such case may cover progressive stages of the restoration for periods of not less than 2 years.
- D. At any state during the restoration the plan may be modified by mutual agreement between the City and the owner of the operation.
- E. Where there is any backfilling, the material used or the method of fill shall not be such as to create a health hazard nor which would be objectionable because of odor, combustibility, or unsightliness. In any case the finished grade of the restored area except for rock faces, outcroppings, water bodies, or areas of proposed building or paving construction, shall be of sufficient depth of earth to support plant growth.

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EXISTING OPERATIONS.

- A. Permit: Within 60 days after the adoption of this Ordinance all existing extractive operations shall be required to register with the City Administrator submitting data relative to the present operation, including the boundaries of the actual operation and of the ownership. A permit shall be granted to such existing operation subject to compliance with the Operational Requirements, Section 20.26.090 where they can be reasonably applied under existing circumstances.
- B. Plan for Restoration: There shall be required within one year after the adoption of this Ordinance, the submission of a plan for restoration of the site of existing extractive operation as provided by Section 20.26.070 (9) where they can be reasonably applied under existing circumstances.
- C. Renewal Permit: Within 3 years after the date of this Ordinance, any such existing operation unless permitted as a use by right shall be required to make application for a renewal permit the same as for re-application for the renewal permit the same as for re-application in the case of a new operation under this Ordinance.

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OPERATIONAL REQUIREMENTS.

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- A. Fencing or other suitable barrier shall be erected and maintained around the site where in the determination of the City Council such fencing or barrier is necessary for the protection of the public, and shall be of a type approved by the Plan Commission.
- B. All machinery and equipment used in the extractive operation be constructed, maintained and operated in such a manner as to minimize dust, noise and vibration. Access and haulage roads on the site shall be maintained in a dust-free condition by surfacing or treatment as directed by the Council.
- C. The crushing, washing, refining or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of permit or as otherwise provided in an Industrial District.
- D. The manufacture of concrete building blocks or similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing process which might be related to the extractive operation shall not be permitted except as otherwise provided in an Industrial District.
- E. The washing of sand and gravel shall be prohibited in any operation where the source of water is of doubtful capacity or where the quantity of water required will seriously affect the supply for other uses in the area, or where disposal of water required will seriously affect the supply for other uses in the area, or where disposal of water will result in contamination or pollution or excessive silting.
- F. The planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Plan Commission to screen the operation so far as practical from normal view to enhance the general appearance from the public right-of-way, and to generally minimize the damaging effect of the operation on the beauty and character of the surrounding countryside. Such planting shall be started as soon as practicable, but no later than 1 year after extractive operations have begun and shall be done according to the recommendations of the Plan Commission.