

Box Elder County Land Use Management & Development Code

Article 3: Zoning Districts

Chapter 3-9 Mining, Quarry, Sand & Gravel Excavation Zone (MG-EX)

Box Elder Zoning Ordinance 318 as Adopted September 29, 2009

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3-9-010. Purpose.

- A. The mining, quarry, sand, and gravel excavation zone (MG-EX) is a zoning district which allows and protects the mining, quarry, sand, and gravel excavation industry while protecting the environment. This zone is to assure that the operations of such sites do not impact adjoining uses, and are not encroached upon by surrounding non-compatible land uses.
- B. This chapter regulates the location, operations and reclamation of mining, quarries, and gravel pits to provide safe conditions and protection of the environment in Box Elder County. These regulations are to protect the owner, employees and the public at large.

3-9-020. Permitted and Conditional Uses.

The conditional use permit required by this chapter shall be obtained prior to the commencement of use of any sand or gravel pit, mine or quarry within Box Elder County. No presumption of approval shall be made regarding an application. All applications for conditional use permits made to the Planning Department shall include all drawings, maps, specifications, statements and records as required by the Box Elder County Land Use Management & Development Code and this chapter. All applications that are incomplete upon submission shall be returned to the submitter. The landowner and operator shall be responsible to ensure all conditions are complied with.

3-9-030 Operation categories.

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All mining, quarry, sand, and gravel excavation operations shall fit into one of the three following categories:

- A. Commercial operations are those that supply materials to the public. A commercial operation may be approved by the Planning Commission with the minimum requirements listed in this ordinance. If it is determined by the Planning Commission that the minimum requirements do not adequately mitigate potential or actual impacts to surrounding properties, the Planning Commission may place other conditions on the proposed operation to do so. All commercial pit operations shall work under an approved five year operation plan. Upon expiration of the previous plan, a new five year plan shall be submitted; otherwise closure and reclamation operations shall begin within six months. The conditional use permit shall remain in effect until such time that full reclamation has been made on the site.
- B. Legal non-conforming or historic excavation used by the County Roads Department to maintain County Roads. Historic excavations may be reopened and used by the County Roads Department upon approval of the County's Engineer.
- C. Incidental excavations where a conditional use permit would not be required under Chapter 4-8: Landfill & Land Excavation Overlay, of this code shall continue to be regulated only as outlined in that chapter.

3-9-040. Application.

- A. All applications for conditional use permits shall be accompanied by the following materials:
 - 1. application form for a conditional use permit;
 - 2. evidence of ownership or control over the land and a legal description of the property where the pit will be located;
 - 3. evidence of capability to complete the project, which includes:
 - a. a statement of the applicant's ability to post performance bonds or other financial assurance;
 - b. cost estimates for reclamation costs to include removal of roads, buildings, overburden, etc.;
 - c. liability insurance coverage;
 - 4. a site plan showing:
 - a. all prominent manmade and geologic features within the surrounding areas that will be affected by the operation;
 - b. dimensions;
 - c. locations, clearances, and rights-of ways, easements, utility lines; and

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- d. property lines and names of adjoining property owners;
 - e. ingress and egress;
 - f. general geologic and topsoil's data from a qualified source as approved by the County Engineer; and
 - g. a contour map in intervals of five feet showing existing water courses, drainage and calculations.
5. a reclamation plan addressing:
- a. types of existing dominant vegetation;
 - b. segregation and stockpiling of materials capable of supporting vegetation as determined by soils analysis or practical re-vegetation experience;
 - c. figures outlining depths of and volumes of topsoil to be stockpiled, measures to protect topsoil from wind and water erosion, and pollutants;
 - d. method of depths, volumes, removal and storage of other overburden, plus a description of the procedures to be used in overburden replacement and stabilization and high wall elimination, including:
 - (i) slope factors;
 - (ii) lift heights;
 - (iii) terracing; and
 - (iv) any testing procedures employed.
 - e. methods of processing and disposing of waste and reject material, including toxicity analysis explaining in detail means for containment and long range stability;
 - f. existing site and post-contour cross sections typical of regarding designs;
 - g. redistribution of topsoil and subsoil on the re-graded area, indicating final depth of soil cover;
 - h. re-seeding, types or species to be used, the rate of application per acre, the season planting will occur, fertilizers or soil amendments required to aid re-vegetation, providing, however, that seed types, rates of application and suitability of area to reseeded shall be based upon recommendations from the Soil Conservation District;
 - i. a description of the reclamation which shall include reasoning for the leaving of roads, pads or other similar structures and features; and
 - j. a list all parties responsible for various stages of reclamation.
6. an operations plan that outlines:
- a. proposed hours of operation;
 - b. traffic safety measures proposed on existing roads and streets adjoining the site;
 - c. the location, arrangement and dimensions of loading and processing facilities;
 - d. projected figures for quantities of materials to be removed from specified locations;
 - e. an open and closure plan stating the phasing, acreage and duration of the operation involved, with the maps and narratives that describe the expected sequence of disturbed areas, processing and material treatment;

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- f. the extent of the land previously disturbed as well as the proposed extent of land disturbance;
 - g. areas of overburden and/or topsoil removal and storage areas, also the location of disposal and stockpile areas for reject materials, waste, and useable materials;
 - h. information on known test drilling, locations and status. and plans for any future test drilling and areas where that will occur;
 - i. appropriation and use of necessary water rights;
 - j. the design, construction and maintenance of access and haul roads, including cross sections showing drainage, erosion control, and profiles of road grades, and
 - k. onsite control of surface and storm water drainage.
 - l. evidence that all required federal and state requirements for environmental health, occupational safety, and reclamation are completed and approved as required by each of the following entities:
 - (i) Box Elder County Health Department;
 - (ii) OSHA, State of Utah OGM, and MSHA;
 - (iii) Soil Conservation District;
 - (iv) Utah Department of Transportation; and
 - (v) the State archeologist and paleontologist.
 - m. A statement identifying mitigation of hazards to the public safety and welfare, including test hole closures, fencing, slopes, disposal of trash, scrap metal, wood, extraneous debris, waste oil, solvents, fuels, chemicals, explosives and sewage;
 - n. access to county or state road design, to include acceleration, deceleration and left turn lanes; and
 - o. methods of fugitive dust suppression for processing and site operations.
- B. Applications for conditional use permits shall have a design review by the County Engineer completed before being placed on the Planning Commission agenda. The applicant shall schedule a meeting with the County Engineer, roads, and planning department. The county planner may make a site visit with the applicant as part of the review.

3-9-050. Minimum Requirements.

All operations shall comply with the following requirements:

- A. warning signs, fences, trees, and berms shall be placed on the perimeter of the property to protect the public and act as barriers to access, fugitive dust, noise, glare, and/or view shall be indicated;
- B. no adverse drainage which would create soil instability or erosion shall be permitted. All drainage shall be contained on site;

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- C. maximum slopes shall be in accordance with the applicant's mining permit issued through the State Division of Oil, Gas and Mining as well as MSHA standards. If the operation is exempt from State permits maximum slopes shall not exceed 2:1;
- D. the applicant shall post a reclamation guarantee for the area of disturbance giving financial assurance in a form approved by Box Elder County, guaranteeing the satisfactory reclamation of all disturbed areas. The amount of reclamation for permanent commercial operations shall not be less than \$1,000.00 per acre, with a \$10,000.00 minimum and shall be adjusted upon the renewal of the operations plan to meet projected costs of reclamation based upon time, material and equipment needed to clean-up and remove structures, backfill, slopes (to include mine dumps) shall be graded to no greater than a 3:1 finished slope or in relation to the contour of adjacent undisturbed land, contour, redistribute and stabilize topsoil, re-vegetate, monitor, and reseed if necessary. The release of the financial assurance and obligations for reclamation shall not be made until the County Engineer, county planner, and County Attorney approves the release in writing.
- E. All facilities and activities shall comply with applicable land use, health, building, plumbing, mechanical, and electrical codes. All structures erected, placed, built, or installed shall have a building permit;
- F. All fuel tanks and flammable materials shall be located above ground, in such locations, with containment, and under such conditions as to conform to the requirements of the national fire codes (NFPA);
- G. All crossing of state and county roads shall be done in such a manner as to hold Box Elder County harmless from any and all legal proceedings as a result of the applicant's use of such roads. The applicant shall make provisions to place suitable road signs, restraints and flagging personnel at work-sites and road crossings as approved by the Manual on Uniform Traffic Control Devices and the Department of Engineering;
- H. All damage to state and county roads shall be repaired at the applicant's expense under the direction of the Department of Engineering;
- I. The applicant shall maintain on file, proof of liability insurance for the operation in the county planning office;
- J. Box Elder County reserves the right to limit and restrict the time activities of the operation should the Planning Commission deem those activities are a public nuisance;
- K. The owner or operator shall install such improvements to access county or state roads, to include acceleration, deceleration and left turn lanes as approved prior to operation;

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- L. All activities shall be maintained and operated in such a way as to minimize fumes, dust, and smoke emissions;
- M. Sufficient restroom facilities shall be provided at each location for employee use; and
- N. the applicant shall not begin operations until such time that they enter into a mitigation agreement with Box Elder County addressing the upgrade, construction and maintenance of infrastructure.

3-9-060. Codes and symbols.

- A. In this Part are tables describing uses of land or buildings that are allowed in the various districts as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit issued by a Planning Commission are indicated by a "C" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a "C1" in the appropriate column.
- B. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".
- C. If a regulation applies in a given district, it is indicated in the appropriate column by an alphanumeric character that will show the linear feet or square feet or acres required or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

3-9-070. Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial, industrial or hazardous industries zoning districts except as provided in this Part.

Table 3-9-070.1 Mining, quarry, sand, and gravel excavation and support uses.		
	USE	(MG-EX)
a	Accessory uses buildings customarily incidental to conditional uses	C1
b	Agriculture, grazing of animals, raising of crops	P
c	Automobile and truck service station	C1
d	Cast stone, cement, cinder, terra cotta; tile, brick, synthetic cast stone, brick, block pumice stone and gypsum products	C1
e	Coffee shop	P
f	Construction equipment and supply trailer, temporary	C1
g	Construction filed office, temporary	C1

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h	Convenience store with gasoline sales	C1
i	Gravel and sand excavation	
	(1) Commercial operations	C1
	(2) Temporary project specific operations	C1
j	Machine shop	C1
k	Mines	C
	Chemicals & fertilizers (mineral) mining	C
l	Quarries	C
m	Parking lot incidental to a use conducted on the premises	C1
n	Parking lot not incidental to a use conducted on the premises	C1
o	Pottery, plaster, incidental plaster, plaster of Paris, ceramic, and clay	C1
p	Power generation (electrical) for on-site use	
	1. Solar	P
	2. Wind under 5.9 kva	P
	3. Auxiliary, temporary, wind, with more than 6 kva, but less than 10 kva output	C
	4. Fuel cells, steam, hydro, or reciprocating engine with more than 10.05 kva, but less than 150 kva output	C1
	5. Steam, hydro, or reciprocating engine with more than 150 kva	C1
q	Rock crusher/concrete batch plant	C1
r	Truck and freighting operation	C1
s	Truck and heavy equipment service station and repair facility	C1
t	Truck wash	C1

Table 3-9-070.2. Manufacturing, curing, compounding, processing, packaging, production and treatment. Such uses are to be located no closer than 1,300 feet from a zoning district boundary.

Use		(MG-EX)
a	Accessory uses buildings customarily incidental to conditional uses	C
b	Asphalt plant	C
e	Coal	C
f	Gasoline, natural gas, and petroleum	C
g	Iron	C
h	Lime	C
i	Lubricating grease, oil, oilcloth and oiled rubber goods	C
j	Metal ore mining/Ore smelting	C
l	Precious or semiprecious stones or metals/Dimension stone	C
m	Tar	C