

**WINONA COUNTY
ZONING ORDINANCE AMENDMENT
REGARDING THE MINING AND PROCESSING OF INDUSTRIAL MINERALS IN WINONA COUNTY**

CHAPTER 4: RULES AND DEFINITIONS

4.2 Definitions- AMEND TO ADD THE FOLLOWING:

CONSTRUCTION MINERALS: The term "construction minerals" includes natural common rock, stone, aggregate, gravel and sand that is produced and used for local construction purposes, including road pavement, unpaved road gravel or cover, concrete, asphalt, building and dimension stone, railroad ballast, decorative stone, retaining walls, revetment stone, riprap, mortar sand, construction lime, agricultural lime and bedding sand for livestock operations, sewer and septic systems, landfills, and sand blasting. The term "construction minerals" does not include "industrial minerals" as defined below.

INDUSTRIAL MINERALS: The term "industrial minerals" includes naturally existing high quartz level stone, silica sand, quartz, graphite, diamonds, gemstones, kaolin, and other similar minerals used in industrial applications, but excluding construction minerals as defined above. [REMOVE THIS: Industrial minerals may be used, among several industrial uses, as a proppant for the hydraulic fracturing of shale for the exploration, drilling, production, and recovery of oil and gas.]

Silica sand is categorized as an industrial mineral by the Minnesota Department of Natural Resources and the North American Industry Classification System under classification no. 212322.

[ADD THIS]: Silica sand" has the meaning given in Minnesota Statutes, section 116C.99, subd. 1 (d): " 'Silica sand' means well-rounded, sand-sized grains of quartz (silicon dioxide), with very little impurities in terms of other minerals. Specifically, the silica sand for the purposes of this section is commercially valuable for use in the hydraulic fracturing of shale to obtain oil and natural gas. Silica sand does not include common rock, stone, aggregate, gravel, sand with a low quartz level, or silica compounds recovered as a by-product of metallic mining." Minn. Stat. Section 116C.99, subd. 1 (d).

[ADD THIS]: "Silica sand project" has the meaning given in Minnesota Statutes, section 116C.99, subd. 1 (e): 'Silica Sand project' means the excavation and mining and processing of silica sand; the washing, cleaning, screening, crushing, filtering, drying, sorting, stockpiling, and storing of silica sand, either at the mining site or at any other site; the hauling and transporting of silica sand; or a facility for transporting silica sand to destinations by rail, barge, truck, or other means of transportation. Minn. Stat. Section 116C.99, subd. 1 (e).

PROCESSING OF INDUSTRIAL MINERALS. The term "processing of industrial minerals" includes the processing, washing, cleaning, screening, filtering, sorting, stockpiling and storage of all excavated or mined industrial minerals, whether at the mining site or other place in Winona County.

INDUSTRIAL MINERAL OPERATIONS: Includes each and all of the following:

- (a) Excavation, extracting, and mining, including but not limited to any process or method of digging, excavating, mining, drilling, blasting, tunneling, dredging, stripping or removing industrial minerals from the land surface or underground. Excavation, extraction, and mining applies to all activities occurring at excavation, extraction, or mining sites, including sites commonly identified as quarries and sand or extraction pits within Winona County that are under the jurisdiction of Winona County Zoning authority.
- (b) Processing, including but not limited to preparation, processing, washing, cleaning, screening, filtering, crushing, drying, sorting, and refining of all excavated, mined, stockpiled, stored, or other industrial minerals either at the mining site or at another site within Winona County.
- (c) Storing or stockpiling of all excavated, extracted mined, or other industrial minerals either at the mining site or at any other site within Winona County.
- (d) Hauling or transport, including but not limited to the loading, unloading, transfer, hauling, moving and transporting of industrial minerals extracted from a mine located in Winona County that are at that mining site, a transfer facility, or other site within Winona County by truck, or other means of transport [NOTE CHANGES MADE IN THIS SECTION TO AVOID INTERSTATE COMMERCE PROHIBITIONS].

REPLACE THE DEFINITION OF "MINING" TO THE FOLLOWING:

EXCAVATION, EXTRACTION, AND MINING: The terms "excavation, extraction, and mining" include but are not limited to (i) any process or method of digging, excavating, mining, drilling, blasting, tunneling, dredging, stripping, or removing metals, minerals, or materials from the land surface or underground, (ii) the processing, washing, cleaning, screening, filtering, sorting, stockpiling and storage or all excavated, extracted, or mined minerals and materials, and (iii) the removal and transportation of all excavated, extracted and mined minerals and materials. The terms "excavation, extraction, and mining" apply to all activity occurring at excavation, extraction, or mining sites, including sites identified as quarries and sand pits.

CHAPTER 9.10 EXTRACTION PITS/LAND ALTERATIONS-AMEND THE FOLLOWING SECTIONS TO READ AS FOLLOWS:

AMEND 9.10 TO READ AS FOLLOWS:

CHAPTER 9.10 EXCAVATION, EXTRACTION PITS, MINING AND LAND ALTERATIONS

9.10. A. PURPOSE: Winona County developed and adopted an extensive comprehensive land use plan in 2014. The Comprehensive Plan requires Winona County to among, other things, recognize the cultural and economic importance of agriculture to the community, support, maintain and sustain the vitality of family farms, promoting policies that support Winona County's strong tradition of locally owned agricultural operations and the administration of best management practices that consider the conservation of soil, water quality, economic viability, innovative practices, the promotion of local food systems and the stewardship of the land and its resources to retain the viability of agriculture for future generations. The Comprehensive Plan also requires Winona County to value the importance of sound environmental practices that promote the efficient use of all natural resources. The use of resources should promote responsible stewardship through sound conservation practices, regulate exploration and drilling operations to minimize pollution problems and the impact on agricultural areas and

environmentally sensitive areas, maintain, protect and improve the quality of groundwater resources particularly the high-yielding aquifers used for drinking water and connected to surface hydrological features and promote land management practices by all levels of government that protect the natural resources in the County, including streams, rivers, wetlands, aquifers recharge areas, woodland and forests, bluffs and agricultural areas. This section on excavation, extraction pits, and mining is to protect natural landscapes from excessive excavation and mining activity; protect water resources, aquifers, streams, and rivers from excessive contamination and appropriation; minimize soil erosion; protect agricultural land and farming activity; protect existing recreational and tourism businesses; protect residents' health, safety and general welfare, prevent the industrialization of agricultural, open space and residential communities; minimize road and bridge damage from high volume and heavy truck traffic hauling industrial minerals, and minimize land use conflicts.

[ADD THIS LANGUAGE:] Minnesota Statutes Section 116C.99 Subd. 2(a) recognizes that standards and criteria for mining, processing, and transporting silica sand "The standards and criteria shall be different for different geographic areas of the state. The unique karst conditions and landforms of southeastern Minnesota shall be considered unique when compared with the flat scoured river terraces and uniform hydrology of the Minnesota Valley. The standards and criteria developed shall reflect those differences in varying regions of the state."

9.10. B. Industrial Mineral Operations are Prohibited. Industrial mineral operations, which includes the excavation, extraction, mining and processing of industrial minerals are prohibited in Winona County. This prohibition does not apply to any use legally established prior to the adoption of this Section 9.10.B. Any change to an established use shall, however, be done in accordance with the provisions of this section and or Section 10.11.

CHAPTER 10: ZONING DISTRICTS—AMEND TO ADD THE FOLLOWING:

10.11 Uses Prohibited in All Districts

1. The following uses are prohibited in all zoning districts:

(a) Industrial Mineral Operations

2. This section does not apply to any use legally established prior to the adoption of this Section 10.11. Any change to an established use shall, however, be done in accordance with the provisions of this Section 10.11.