

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

ORDINANCE #2018-1

INTRODUCED BY: COMMISSIONERS FRANKLIN, PORTER, AND LEVENGOOD

INTRODUCED ON: FEBRUARY 13, 2018

ATTEST:



LARRY C. PORTER, PRESIDENT

PUBLIC HEARING: MARCH 27, 2018, BEGINNING AT 6:15 PM
COURTHOUSE, 109 MARKET STREET, ROOM 106,
DENTON, MARYLAND

THIRD READING:

ENACTED:

EFFECTIVE:

Chapter 175 – Zoning – Mineral Extraction Facilities

AN Act concerning Mineral Extraction Facilities;

FOR the purpose of establishing permitting requirements;

BY adding to §175-8 and repealing and replacing §175-27 of the Code of Public Local Laws of
Caroline County, Maryland.

Short Title

This Act may be referred to as Chapter 175 – Zoning – Mineral Extraction Facilities.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and § 9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general; and

WHEREAS, the County Commissioners are authorized under the Land Use Article, Title 4 of the Annotated Code of Maryland to enact and administer zoning and land use ordinances; and

WHEREAS, the County Commissioners have received the positive recommendation of the Planning Commission the staff of the Caroline County Department of Planning and Codes regarding amending §175-27 as proposed in this Ordinance, as reflected herein; and

WHEREAS, the County Commissioners have determined this Bill is necessary and appropriate to protect and improve the general health, safety, and welfare of the County and its residents; and

WHEREAS, this Ordinance may also be known by its short title “Chapter 175 – Zoning – Mineral Extraction Facilities.”

NOW, THEREFORE, be it enacted by the County Commissioners of Caroline County, Maryland, that:

SECTION 1. Chapter 175 – Zoning, of the Code of Public Local Laws of Caroline County, Maryland is hereby amended as follows:

Article II
Definitions

§ 175-8 Word usage; terms defined.

EXTRACTION

THE OPERATIONS NECESSARY TO EXCAVATE OR TO REMOVE FROM THE EARTH AND TO STOCKPILE EARTHEN MATERIALS SUCH AS SAND, GRAVEL, AGGREGATE, ROCK OR OTHER MINERAL RESOURCES. THE LEVELING, GRADING, FILLING, OR REMOVAL OF MATERIALS DURING NORMAL SITE PREPARATION FOR AN APPROVED USE (E.G., RESIDENTIAL SUBDIVISION, COMMERCIAL DEVELOPMENT, ETC.) DOES NOT CONSTITUTE A MINING OR EXTRACTION OPERATION, IF: PROCESSING OF THE MATERIAL DOES NOT OCCUR ON THE PROPERTY; DOES NOT OCCUR OVER AN EXTENDED TIME, ON-SITE STOCKPILES ARE TEMPORARY AND FULLY DEPLETED MOVED OR UTILIZED IN A REASONABLY SHORT PERIOD OF TIME; AND, A FEDERAL OR STATE MINERAL EXTRACTION PERMIT IS NOT REQUIRED.

(A) “MINOR MINERAL EXTRACTION” SHALL MEAN AND INCLUDE MINERAL EXTRACTION THAT OCCURS IN THE PROCESS OF DEVELOPING A POND FOR IRRIGATION OR RECREATIONAL USE ON A PERMITTED AREA THAT IS LESS THAN OR EQUAL TO FIVE (5) ACRES IN SIZE.

(B) “MAJOR MINERAL EXTRACTION” SHALL MEAN AND INCLUDE MINERAL EXTRACTION THAT OCCURS ON A PERMITTED AREA OF MORE THAN 5 ACRES FOR THE PURPOSE OF MARKETING THE MINERALS EXTRACTED.

PROCESSING

THE MOVING, SORTING, BREAKING, BENEFICIATION, STORAGE OR COMPOUNDING OF MINERAL RESOURCES. PROCESSING INCLUDES THE

CLEANING, MIXING, SORTING, WASHING, AND OTHER PROCESSING OF EXTRACTED MATERIAL, INCLUDING BUT NOT LIMITED TO CEMENT MIXING. PROCESSING DOES NOT INCLUDE THE MANUFACTURE OF ASPHALT. THE RETAIL, WHOLESALE, OR CONTRACTUAL PURCHASE, SALE OR TRANSFER OF MINERAL PRODUCTS IS WITHIN THE SCOPE OF THIS DEFINITION. THE LEVELING, GRADING, FILLING, OR REMOVAL OF MATERIALS DURING NORMAL SITE PREPARATION FOR AN APPROVED USE (E.G., RESIDENTIAL SUBDIVISION, COMMERCIAL DEVELOPMENT, ETC.) DOES NOT CONSTITUTE A MINERAL PROCESSING OPERATION, IF: PROCESSING OF THE MATERIAL DOES NOT OCCUR ON THE PROPERTY; DOES NOT OCCUR OVER AN EXTENDED TIME: ON-SITE STOCKPILES ARE FULLY DEPLETED, MOVED OR UTILIZED IN A REASONABLY SHORT PERIOD OF TIME; AND, A FEDERAL OR STATE MINERAL EXTRACTION PERMIT IS NOT REQUIRED.

WASH PLANT

A FACILITY WHERE MINERALS ARE SEPARATED/SORTED AND/OR WASHED DURING PROCESSING.

Article V. Supplementary Regulations

§ 175-27 ~~Sand, Gravel and~~ MINERAL EXTRACTION FACILITIES.

THE FOLLOWING REGULATIONS SHALL APPLY TO ~~Sand, Gravel and~~ MINERAL EXTRACTION FACILITIES.

~~A. Accessory uses permitted:~~

~~(1) The following accessory uses may be permitted:~~

~~(a) The storage, stockpiling, distribution and sale of sand, gravel, earth, clay and similar products extracted on the premises.~~

~~(b) The crushing, treating, washing, mixing or processing of materials extracted on the premises.~~

~~(2) The bringing of material from off premises for mixing or similar purposes shall be permitted in the I-2 Zoning District only.~~

~~B. Control standards for excavation site. The location of the excavation, extraction or filling with respect to property lines, the depth of excavation or filling and relation to the water table or flood criteria and the slope of the sides of the excavation shall be controlled to prevent a continuing, unsightly, hazardous or wasteful condition of the land.~~

§ 175-27.1 SITE PLAN – PRELIMINARY SITE PLAN APPLICATION.

A. REQUIRED. A PERSON WHO INTENDS TO ENGAGE IN MINERAL EXTRACTION SHALL FIRST SUBMIT A PRELIMINARY SITE PLAN APPLICATION TO THE DEPARTMENT OF PLANNING AND CODES FOR REVIEW BY THE PLANNING COMMISSION (FOR MAJOR MINERAL EXTRACTION FACILITIES) AND/OR ZONING ADMINISTRATOR (FOR MINOR MINERAL EXTRACTION FACILITIES). THE APPLICATION SHALL INCLUDE A PRELIMINARY SITE PLAN, AN OPERATIONS PLAN, AND ANY OTHER INFORMATION REASONABLY REQUESTED BY THE ZONING ADMINISTRATOR OR THE PLANNING COMMISSION (WITH RESPECT TO AN APPLICATION FOR MAJOR MINERAL EXTRACTION). THE PRELIMINARY SITE PLAN SHALL BE REVIEWED BY THE TECHNICAL ADVISORY COMMITTEE (TAC) FOR THE PURPOSE OF OBTAINING THE PRELIMINARY COMMENTS AND CONCERNS, IF ANY, OF TAC MEMBERS. APPLICANT SHALL PROVIDE SUFFICIENT COPIES OF APPLICATION MATERIALS (ELECTRONICALLY OR OTHERWISE) FOR EACH TAC MEMBER AS WELL AS FOR THE ZONING ADMINISTRATOR AND THE PLANNING COMMISSION WITH RESPECT TO A PROPOSED MAJOR MINERAL EXTRACTION FACILITY. THE PLANNING COMMISSION AND/OR ZONING ADMINISTRATOR SHALL PROVIDE A STAFF REPORT WITH RECOMMENDATIONS AND CONCERNS RELATIVE TO THE APPLICATION TO THE BOARD OF ZONING APPEALS BASED ON THE INFORMATION PROVIDED DURING THE PRELIMINARY SITE PLAN APPROVAL PROCESS IF THE APPLICANT APPLIES FOR A SPECIAL USE EXCEPTION OR A SPECIAL USE EXCEPTION AND VARIANCES. IF THE BOARD OF ZONING APPEALS APPROVES A SPECIAL USE EXCEPTION, AN APPLICANT THEN SHALL APPLY FOR FINAL SITE PLAN APPROVAL.

B. CONTENTS OF PRELIMINARY SITE PLAN.

THE PRELIMINARY SITE PLAN SHALL INCLUDE THE INFORMATION REQUIRED BY SECTION 175-123 AND:

- A. THE UNDISTURBED BUFFERS REQUIRED BY SECTION 175-27.5.**
- B. ANY PARCELS THAT THE APPLICANT NEEDS TO CONSOLIDATE SO THAT THE MINING FACILITY AND ALL MINING OPERATIONS WILL BE CONDUCTED ON ONE PARCEL.**
- C. ANY AREAS WHERE TOPSOIL OR OVERBURDEN WILL BE STOCKPILED, INCLUDING THE MAXIMUM HEIGHT OF SUCH STOCKPILES.**
- D. ANY AREAS WHERE MINED MATERIAL WILL BE STOCKPILED, INCLUDING THE MAXIMUM HEIGHT OF SUCH STOCKPILES.**

- E. ANY STRUCTURE(S) ASSOCIATED WITH THE EXTRACTION, PROCESSING AND/OR WASH PLANT OPERATIONS, INCLUDING THE MAXIMUM HEIGHT OF SUCH STRUCTURE(S).**
- F. ANY DRAINAGE DITCHES LOCATED ON ANY AREAS IMPACTED BY EXTRACTION, PROCESSING OR WASH PLANT OPERATIONS.**
- G. THE APPROXIMATE LOCATION OF ANY PONDS THAT WILL BE CREATED AS THE RESULT OF EXTRACTION.**
- H. THE PRELIMINARY SITE PLAN SHALL INCORPORATE FEATURES THAT WILL BE REQUIRED AND THAT APPLICANT PROPOSES TO PROVIDE PURSUANT TO § 175-27.5.**

§ 175-27.2 OPERATIONS PLAN.

- A. OPERATIONS PLAN REQUIRED. A PERSON WHO INTENDS TO ENGAGE IN MINERAL EXTRACTION SHALL SUBMIT AN OPERATIONS PLAN TO THE DEPARTMENT OF PLANNING AND CODES IN CONJUNCTION WITH THE SUBMITTAL OF A PRELIMINARY SITE PLAN.**
- B. OPERATIONS PLAN CONTENT. EVERY OPERATIONS PLAN SHALL DESCRIBE:**
 - 1. THE TOTAL ACREAGE OF EACH PARCEL ON WHICH EXTRACTION OR PROCESSING WILL OCCUR AND/OR ON WHICH A WASH PLANT WILL BE OPERATED.**
 - 2. THE TOTAL ACREAGE OF THE AREA(S) WHERE EXTRACTION WILL OCCUR.**
 - 3. HOW TOPSOIL AND OVERBURDEN WILL BE HANDLED AND DISPOSED.**
 - 4. HOW AND WHEN BERMS AND BUFFER YARDS WILL BE CONSTRUCTED, ANY LANDSCAPING THAT WILL BE PROVIDED AND HOW ANY LANDSCAPING PROVIDED WILL BE MAINTAINED SO AS TO ENSURE THAT SUCH LANDSCAPE PLANTING LIVES AND MATURES, INCLUDING THE WIDTH, SIDE SLOPES AND HEIGHT OF ANY BERMS AND THE CALIBER AND SPECIES OF LANDSCAPE TREES, THE SPECIES, AGE OF LANDSCAPING OF BUSHES OR GRASSES, AND ANY SOIL AMENDMENT AND WATERING THAT WILL BE PROVIDED TO ENHANCE THE SURVIVAL RATE OF LANDSCAPE PLANTINGS.**

5. **THE VOLUME AND CAPACITY OF TRUCK TRAFFIC FOR HAULING MATERIALS TO AND FROM THE SITE THAT IS ANTICIPATED ON A DAILY BASIS AND THE TYPE(S) OR TRUCK TRAFFIC THAT IS ANTICIPATED, INCLUDING THE UNLOADED AND LOADED WEIGHTS OF SUCH ANTICIPATED TRUCK TRAFFIC.**
6. **THE ANTICIPATED VOLUME OF TRUCK TRAFFIC ON THAT/THOSE ROAD(S) ON A DAILY BASIS.**
7. **THE CONDITION OF THE COUNTY ROADS THAT TRUCK TRAFFIC HAULING MATERIALS TO OR FROM THE PROPOSED FACILITY IS ANTICIPATED TO TRAVEL, INCLUDING:**
 - A. **THE WIDTH OF THE PAVED PORTION OF SUCH ROAD(S).**
 - B. **THE WIDTH OF ANY TRAVELABLE PORTION OF ANY SHOULDERS TO SUCH ROAD(S).**
 - C. **ANY TRAFFIC CONTROL DEVICES ON SUCH ROAD(S).**
 - D. **THE TYPE OF SURFACE CURRENTLY ON SUCH ROAD(S).**
 - E. **ANY ACCELERATION, DECELERATION, AND LEFT HAND TURN LANES ON SUCH ROAD(S) AND ON THE STATE ROAD(S) THAT INTERSECT WITH SUCH ROAD(S).**
 - F. **THE SPEED LIMIT ON SUCH ROAD(S) AND THE SPEED LIMIT ON ANY STATE ROAD AT THE POINT OF INTERSECTION WITH THE COUNTY ROAD(S).**
 - G. **THE SIGHT DISTANCE AT ALL INTERSECTIONS.**
 - H. **SWALES, DITCHES, OR OTHER STORMWATER MANAGEMENT FEATURES, IF ANY, WITHIN THE SHOULDERS OF SUCH ROADS.**
8. **ANY DRAINAGE DITCHES OR PUBLIC DRAINAGE COURSES THAT HANDLE OFFSITE STORMWATER RUN-OFF THAT TRAVERSE OR CROSS ANY PORTION OF THE PROPERTY WHERE MINING WILL OCCUR AND WHAT ACTIONS WILL BE TAKEN TO ENSURE THAT THE PROPOSED EXTRACTION FACILITY WILL NOT IMPACT OFF-SITE DRAINAGE THAT FLOWS ONTO OR THROUGH THE PARCEL(S) BEING MINED.**
9. **ANY WATER THAT WILL BE DISCHARGED IN CONJUNCTION WITH EXTRACTION, PROCESSING OR WASH PLANT OPERATIONS, WHERE SUCH WATER WILL BE DISCHARGED, WHAT ACTIONS WILL BE**

TAKEN TO CONTROL STORMWATER/WATER RUN-OFF/DISCHARGE TO DRAINAGE SYSTEMS OR STREAMS, WHAT ACTIONS WILL BE TAKEN TO ENSURE THAT STORMWATER/WATER DISCHARGES DO NOT ADVERSELY IMPACT NEIGHBORING PROPERTIES, AND WHAT ACTIONS WILL BE TAKEN TO MAINTAIN THE QUALITY OF STORMWATER RUN-OFF/WATER DISCHARGES SO THAT THE SEDIMENTS AND NUTRIENTS IN SUCH DISCHARGES ARE CONTROLLED AND MINIMIZED.

- 10. MEASURES THAT WILL BE TAKEN TO MINIMIZE THE CREATION OF DUST AND AIRBORNE PARTICULATE DURING EXTRACTION, PROCESSING AND/OR WASH PLANT OPERATIONS.**
- 11. METHODS OF NOISE MITIGATION AND MEASURES THAT WILL BE TAKEN TO MINIMIZE NOISE GENERATED BY THE FACILITY.**
- 12. METHODS OF SCREENING EXTRACTION, PROCESSING AND WASH PLANT OPERATIONS FROM THE PUBLIC VIEW.**
- 13. ANY SITE ACCESS/ENTRANCE IMPROVEMENTS THAT WILL BE MADE BY APPLICANT.**
- 14. THE ANTICIPATED DURATION OF EXTRACTION, PROCESSING AND/OR WASH PLANT OPERATIONS.**
- 15. HOW THE APPLICANT ANTICIPATES THAT AREAS OF EXTRACTION WILL BE RECLAIMED AT THE CONCLUSION OF MINING AND THE ANTICIPATED USE OF THE SITE AT THE CONCLUSION OF MINING.**

C. ADDITIONAL REQUIREMENTS FOR MAJOR MINERAL EXTRACTION OPERATIONS PLAN. IN ADDITION TO THE REQUIREMENTS OF SUBSECTION B, THE OPERATIONS PLAN OF AN APPLICANT PROPOSING TO ENGAGE IN MAJOR MINERAL EXTRACTION SHALL ALSO INCLUDE THE FOLLOWING:

- 1. THE ANTICIPATED SIZE AND SEQUENCE OF THE DIFFERENT PHASES OF EXTRACTION ACTIVITY.**
- 2. ANY PHASING OF CONSTRUCTION OF BUFFERS OR BUFFER YARDS.**
- 3. SANITARY FACILITIES TO BE ESTABLISHED AND MAINTAINED.**
- 4. ANY BACKFILL THAT WILL BE TRANSPORTED TO THE SITE.**
- 5. ANY EXPLOSIVES THAT WILL BE USED DURING EXTRACTION.**

6. **SUCH OTHER AND FURTHER INFORMATION AS THE COUNTY DEEMS NECESSARY TO EVALUATE THE NOISE, DUST, ODOR, TRAFFIC AND/OR ESTHETIC IMPACTS OF THE PROPOSED OPERATIONS.**

§ 175-27.3 SPECIAL USE EXCEPTION REQUIRED.

A PERSON DESIRING TO USE PROPERTY FOR MINERAL EXTRACTION SHALL BE REQUIRED TO OBTAIN A SPECIAL USE EXCEPTION FROM THE BOARD OF ZONING APPEALS AFTER RECEIVING A PRELIMINARY SITE PLAN RECOMMENDATION FROM THE ZONING ADMINISTRATOR OR THE PLANNING COMMISSION. NOTICE OF THE HEARING BEFORE THE BOARD OF ZONING APPEALS ON THE SPECIAL USE EXCEPTION APPLICATION SHALL BE PROVIDED TO THE NAME AND ADDRESS ON RECORD WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF EVERY PROPERTY OWNER WHOSE PROPERTY, OR AN PORTION THEREOF, IS WITHIN 1,000 FEET FOR MAJOR MINERAL EXTRACTION OR 500 FEET FOR MINOR MINERAL EXTRACTION OF THE BOUNDARY LINE OF ANY PROPERTIES ON WHICH MINERAL EXTRACTION OPERATIONS OR AN ACCESSORY USE OR OPERATIONS RELATED TO SUCH MINERAL EXTRACTION OPERATIONS ARE TO BE CONDUCTED. APPLICANT SHALL PROVIDE A LIST OF THE NAMES AND ADDRESS OF ALL SUCH PROPERTY OWNERS.

- A. **THE BOARD OF ZONING APPEALS SHALL REVIEW THE APPROVED SITE PLAN AS PART OF THE APPLICATION FOR SPECIAL USE EXCEPTION AND MAY MAKE MODIFICATIONS OR IMPOSE ADDITIONAL REQUIREMENTS DEEMED NECESSARY BY THE BOARD TO SATISFY THE SPECIAL USE EXCEPTION CRITERIA (SEE §175.142 & §175-143).**
- B. **NOTWITHSTANDING §175-144, AN APPLICANT SHALL HAVE 18 MONTHS FROM FINAL SITE PLAN APPROVAL TO OBTAIN A ZONING CERTIFICATE AND/OR BUILDING PERMIT AND TO COMMENCE DEVELOPMENT OF THE MINING FACILITY BEFORE SUCH SPECIAL USE EXCEPTION SHALL BECOME NULL AND VOID. APPLICANT SHALL BE ABLE TO OBTAIN UP TO AN ADDITIONAL SIX (6) MONTH EXTENSION BEFORE THE APPROVAL IS VOIDED IF APPLICANT, TO THE SATISFACTION OF THE BOARD, ESTABLISHES THAT IT HAS DILIGENTLY PURSUED NECESSARY STATE APPROVALS BUT HAS BEEN DELAYED FOR REASONS BEYOND ITS CONTROL IN OBTAINING SUCH STATE APPROVALS.**
- C. **IF THE STATE VOIDS THE PERMITS ISSUED TO APPLICANT THAT ALLOW APPLICANT TO ENGAGE IN MINERAL EXTRACTION OR REFUSES TO ISSUE APPLICANT NECESSARY PERMITS FOR PHASED WORK; ANY SPECIAL USE EXCEPTION GRANTED BY THE BOARD SHALL AUTOMATICALLY EXPIRE AND APPLICANT SHALL BECOME OBLIGATED TO CLOSE AND RECLAIM THE SITE IN ACCORDANCE WITH STATE LAW AND REGULATIONS AND ANY BOND OR PERMIT FOR SUCH PURPOSES SUBMITTED BY APPLICANT.**

D. ANY FINAL DECISION OF THE BOARD MAY BE APPEALED TO THE CIRCUIT COURT FOR CAROLINE COUNTY BY PETITION FOR JUDICIAL REVIEW.

§ 175-27.4 FINAL SITE PLAN APPROVAL.

A. MINOR MINERAL EXTRACTION. A SITE PLAN FOR MINOR MINERAL EXTRACTION APPROVED BY THE ZONING ADMINISTRATOR SHALL MEET THE FOLLOWING CONDITIONS AND REQUIREMENTS:

- 1. APPLICANT SHALL PAY THE FEE ESTABLISHED BY THE COUNTY COMMISSIONERS FOR SITE PLAN REVIEW AND APPROVAL.**
- 2. THE ZONING ADMINISTRATOR SHALL PROVIDE WRITTEN NOTICE TO EACH ADJOINING PROPERTY OWNER (BASED ON SDAT RECORDS) WITHIN 500 FEET OF THE PARCEL(S) ON WHICH MINOR MINERAL EXTRACTION WILL OCCUR (OTHER THAN APPLICANT) ADVISING OF THE PROPOSED FACILITY AND WHERE SUCH ADJOINING PROPERTY OWNER MAY GO WITHIN 30 DAYS OF THE DATED OF THE NOTICE TO REVIEW THE PROPOSED SITE PLAN AND/OR TO MAKE ANY COMMENTS THERETO.**
- 3. THE ZONING ADMINISTRATOR SHALL NOT APPROVE ANY SITE PLAN AND OPERATIONS PLAN UNTIL 35 DAYS AFTER THE DATE OF MAILING OR THE NOTICE REQUIRED IN SUBPARAGRAPH 2. UPON APPROVAL OF THE SITE PLAN, THE ZONING ADMINISTRATOR SHALL MAIL NOTICE OF APPROVAL TO EACH ADJOINING PROPERTY OWNER WITHIN 500 FEET OF THE PARCEL(S) ON WHICH MINOR MINERAL EXTRACTION WILL OCCUR (OTHER THAN APPLICANT) ADVISING THAT THE SITE PLAN HAS BEEN APPROVED AND ADVISING OF THE RIGHT OF SUCH ADJOINING PROPERTY OWNER TO SEEK JUDICIAL REVIEW OF THE DECISION OF THE ZONING ADMINISTRATOR TO CONFER SITE PLAN APPROVAL.**

B. MAJOR MINERAL EXTRACTION. A FINAL SITE PLAN FOR EACH MAJOR MINERAL EXTRACTION OPERATION APPROVED BY THE PLANNING COMMISSION SHALL MEET THE FOLLOWING CONDITIONS AND REQUIREMENTS:

- 1. IN ADDITION TO THE INFORMATION REQUIRED BY SUBSECTION §175-27.1.B, A FINAL SITE PLAN FOR MAJOR MINERAL EXTRACTION SHALL INCLUDE:**
 - A. THE PROPOSED PHASES OF EXTRACTION OPERATIONS AND THE SEQUENCE OF EACH PHASE.**

- B. THE DIFFERENT PHASES OF BUFFER AND/OR BUFFER YARD DEVELOPMENT AND DETAILS RELATIVE TO THE TYPES, SPACING AND MATURITY OF PLANTS THAT WILL BE INCLUDED IN ANY LANDSCAPING.**
- C. IF MATERIAL STOCKPILES AND/OR TOPSOIL AND OVERBURDEN STOCKPILES WILL BE LOCATED IN DIFFERENT AREAS DURING THE DIFFERENT PHASES OF OPERATIONS, SEPARATE PLANS SHOWING WHERE SUCH STOCKPILES WILL BE LOCATED DURING THE DIFFERENT PHASES OF OPERATION.**
- D. IF THE WASH PLANT IS TO BE LOCATED IN DIFFERENT AREAS DURING EXTRACTION, EACH AREA WHERE THE WASH PLANT WILL BE LOCATED.**
- E. THE COUNTY ROADS THAT WILL BE USED BY TRUCK TRAFFIC THAT WILL HAUL MATERIALS FROM OR TO THE FACILITY AND THE TYPE AND CAPACITY OF TRUCKS THAT WILL BE USED TO HAUL MATERIALS FROM OR TO THE FACILITY.**
- F. DETAILS OF ANY SYSTEMS THAT WILL BE UTILIZED TO ENSURE THAT DRAINAGE FROM OFF-SITE PROPERTIES THAT CURRENTLY FLOWS ONTO OR THROUGH THE PROPERTY ON WHICH THE FACILITY WILL BE LOCATED WILL NOT BE ADVERSELY IMPACTED.**
- G. DETAILS RELATIVE TO STORMWATER MANAGEMENT AND THE MANAGEMENT OF WATER EXTRACTED OR USED DURING EXTRACTION, PROCESSING OR WASHING OPERATIONS.**
- H. THE DETAILS OF ENTRANCE IMPROVEMENTS THAT WILL BE MADE.**
- I. THE LOCATION OF ANY RESIDENTIAL DWELLINGS OR INSTITUTIONAL BUILDINGS OR STRUCTURES WITHIN ONE THOUSAND (1,000) FEET OF THE BOUNDARIES OF THE PARCEL WHERE EXTRACTION, PROCESSING AND/OR ANY WASH PLANT WILL BE LOCATED AND THE LOCATION OF ANY OFF-SITE FEATURES OR LANDSCAPING THAT CURRENTLY WOULD SHIELD OR BUFFER SUCH RESIDENTIAL DWELLINGS AND/OR INSTITUTIONAL BUILDINGS OR STRUCTURES FROM THE PROPOSED EXTRACTION, PROCESSING AND WASH PLANT OPERATIONS.**
- J. ADDITIONAL REQUIREMENTS. THE PLANNING COMMISSION MAY REQUEST MODIFICATIONS TO THE FINAL SITE PLAN OR OPERATIONS PLAN THAT IT DEEMS NECESSARY TO MITIGATE THE VISUAL IMPACTS AND/OR THE ANTICIPATED IMPACTS OF NOISE, DUST, ODOR**

OR TRAFFIC ON NEIGHBORING PROPERTIES. SUCH ADDITIONAL CONDITIONS AND REQUIREMENTS MAY INCLUDE:

- K. IMPROVEMENTS TO THE ROADS, DRAINAGE, AND/OR INTERSECTIONS THE EXTRACTION FACILITY WILL USE OR IMPACT. SUCH REQUIREMENTS SHALL NOT SUPERSEDE OR REPLACE ANY REQUIREMENTS IMPOSED BY THE DEPARTMENT OF PUBLIC WORKS.**
 - L. ANY PERFORMANCE BOND OR LETTER OF CREDIT THAT APPLICANT WILL PROVIDE TO THE COUNTY FOR THE PURPOSE OF MAKING ROAD/INTERSECTION IMPROVEMENTS OR REPAIRS OR OTHER PUBLIC INFRASTRUCTURE IMPROVEMENTS OR REPAIRS THAT ARE REQUIRED AS A RESULT OF THE IMPACTS AND OR POTENTIAL DAMAGE OR EXCESSIVE WEAR AND TEAR THAT WILL OR COULD BE CAUSED BY AN EXTRACTION FACILITY TO PUBLIC INFRASTRUCTURE.**
 - M. RESTRICTIONS ON HOURS AND/OR DAYS OF OPERATION IN THE SITE PLAN APPROVAL PROCESS WHERE THE EXTRACTION, PROCESSING OR WASH PLANT OPERATIONS ARE WITHIN 1,000 FEET OF A RESIDENTIAL DWELLING.**
 - N. HAUL ROUTE REQUIREMENTS OR RESTRICTIONS FOR THE TRUCK TRAFFIC THAT WILL BE USED TO HAUL MATERIALS OR EQUIPMENT TO OR FROM THE FACILITY SO AS TO MINIMIZE THE EXTRA WEAR AND TEAR TO COUNTY ROADS AND THE PUBLIC HEALTH, SAFETY AND WELFARE IMPACTS OF SUCH TRUCK TRAFFIC TO NEIGHBORING PROPERTIES.**
- 2. THE PLANNING COMMISSION SHALL NOT REVIEW AND APPROVE THE FINAL SITE PLAN UNTIL:**
- A. THE TECHNICAL ADVISORY COMMITTEE HAS REVIEWED THE SITE PLAN AND THE OPERATIONS PLAN AND MADE RECOMMENDATIONS RELATIVE THERETO PURSUANT TO SECTION 175-122.**
 - B. THE DEPARTMENT OF PLANNING AND CODES HAS DETERMINED THAT THE SITE AND OPERATIONS PLANS ARE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE.**
 - C. THE ZONING ADMINISTRATOR HAS PROVIDED WRITTEN NOTICE TO EACH ADJOINING PROPERTY OWNER (BASED ON SDAT RECORDS) WITHIN 1,000 FEET OF THE PARCEL(S) ON WHICH MAJOR MINERAL EXTRACTION WILL OCCUR (OTHER THAN APPLICANT) ADVISING OF**

THE PROPOSED FACILITY AND WHERE SUCH ADJOINING PROPERTY OWNER MAY GO WITHIN 30 DAYS OF THE DATED OF THE NOTICE TO REVIEW THE PROPOSED SITE PLAN AND/OR TO MAKE ANY COMMENTS THERETO.

D. THE PLANNING COMMISSION SHALL CONSIDER THE INFORMATION PROVIDED ON THE SITE PLAN AND IN THE OPERATIONS PLAN, THE GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN, AND THE STANDARDS AND REQUIREMENTS OF THIS TITLE.

§ 175-27.5 MINIMUM REQUIRED STANDARDS.

A PERSON ENGAGED IN EXTRACTION, PROCESSING AND/OR THE OPERATION OF A WASH PLANT SHALL MEET THE FOLLOWING MINIMUM STANDARDS:

- A. NO LAND DISTURBANCE, EXCEPT FOR THE PURPOSE OF CONSTRUCTING A BUFFER YARD, E.G., BERMS AND LANDSCAPING THAT HAS BEEN APPROVED BY THE ZONING ADMINISTRATOR (FOR MINOR MINERAL EXTRACTION) OR THE PLANNING COMMISSION (FOR MAJOR MINERAL EXTRACTION), SHALL OCCUR WITHIN 200 FEET OF THE RIGHT-OF-WAY (ROW) LINE OF ANY PUBLIC ROAD. ABSENT AN ESTABLISHED RIGHT-OF-WAY LINE, THE DISTANCE SHALL BE MEASURED FROM THE EDGE OF THE TRAVELED PORTION OF THE ROADWAY.**
- B. NO LAND DISTURBANCE, EXCEPT FOR THE PURPOSE OF CONSTRUCTING A BUFFER YARD THAT HAS BEEN APPROVED BY THE ZONING ADMINISTRATOR OR THE PLANNING COMMISSION, SHALL OCCUR WITHIN 200 FEET OF A PROPERTY LINE REGARDLESS OF THE OWNERSHIP OF THE PARCELS.**
- C. STORAGE OF MATERIALS OR EQUIPMENT SHALL NOT OCCUR WITHIN 200 FEET OF THE RIGHT-OF-WAY LINE OF ANY PUBLIC ROAD OR WITHIN 200 FEET OF A PROPERTY LINE, REGARDLESS OF THE OWNERSHIP OF THE PARCELS.**
- D. ANY STRUCTURES USED OR ASSOCIATED IN ANY MANNER WITH EXTRACTION, PROCESSING OR A WASH PLANT SHALL NOT BE ERECTED WITHIN 200 FEET OF ANY PROPERTY LINE OR WITHIN 200 FEET OF ANY PUBLIC ROAD. THIS SETBACK TO ADJOINING PROPERTY LINES SHALL NOT APPLY WHERE THE ADJOINING PROPERTY IS USED FOR MINERAL EXTRACTION OR HEAVY INDUSTRY.**
- E. EXTRACTION AND/OR PROCESSING SITES SHALL PROVIDE A MINIMUM 100-FOOT BUFFER OF NATURAL VEGETATION BETWEEN THE OPERATION AND EDGES OF STREAMS. WASH PLANTS, INCLUDING PONDS AND SPOIL PILES**

SHALL NOT BE LOCATED AND EQUIPMENT SHALL NOT BE STORED WITHIN THIS BUFFER AREA.

- F. EXTRACTION SITES IN THE CRITICAL AREA SHALL BE REFERRED TO THE CRITICAL AREA COMMISSION FOR REVIEW. ANY REQUIREMENTS ESTABLISHED BY THE CRITICAL AREA COMMISSION SHALL BE INCLUDED IN THE FINAL SITE PLAN.**

§ 175-27.6 STUDIES REQUIRED.

AS A CONDITION OF APPROVAL, THE ZONING ADMINISTRATOR OR THE DIRECTOR OF PUBLIC WORKS MAY REQUIRE STUDIES TO BE PERFORMED TO EVALUATE THE IMPACT OF A PROPOSED MAJOR MINERAL EXTRACTION OPERATION FACILITY ON AND/OR TO PUBLIC INFRASTRUCTURE. SUCH STUDY SHALL BE CONDUCTED BY A LICENSED ENGINEERING FIRM RETAINED BY THE COUNTY. THE APPLICANT SHALL PAY FOR ALL COSTS ASSOCIATED WITH ANY REQUIRED STUDIES. SUCH STUDIES MAY INCLUDE BUT ARE NOT LIMITED TO:

- A. TRAFFIC IMPACT STUDIES ON ROADS OR AT INTERSECTIONS THAT WILL CARRY TRAFFIC FROM STATE ROADS TO AND FROM THE MINING FACILITY;**
- B. ROADWAY AND INFRASTRUCTURE STRUCTURAL ANALYSES ON ROADS THAT WILL CARRY TRAFFIC FROM STATE ROADS TO AND FROM THE MINING FACILITY; AND**
- C. SUFFICIENCY OF EXISTING INTERSECTION CONTROLS, AND ACCELERATION, DECELERATION AND TURN LANES ON ROADS THAT WILL CARRY TRAFFIC FROM STATE ROADS TO AND FROM THE MINING FACILITY FOR VEHICULAR TRAFFIC CONTEMPLATED BY FACILITY OPERATIONS.**

§ 175-27.7 ZONING CERTIFICATE REQUIRED.

BEFORE COMMENCING DEVELOPMENT OR THE EXPANSION OF A MINERAL EXTRACTION FACILITY, THE PROPERTY OWNER SHALL OBTAIN A ZONING CERTIFICATE FROM THE ZONING ADMINISTRATOR.

§ 175-27.8 CESSATION OF OPERATIONS.

THE OWNER OF PROPERTY ON WHICH A MINERAL EXTRACTION FACILITY IS OPERATED AND THE OPERATOR OF A MINERAL EXTRACTION FACILITY SHALL NOTIFY THE ZONING ADMINISTRATOR IN WRITING OF CESSATION OF OPERATIONS. ANY FACILITY AT WHICH MINERAL EXTRACTION OPERATIONS HAVE NOT OCCURRED DURING THE PRECEDING EIGHTEEN (18) MONTHS WILL BE DEEMED TO HAVE CEASED OPERATIONS. ANY STRUCTURES (INCLUDING

TEMPORARY PROCESSING PLANTS AND EQUIPMENT USED FOR EXTRACTING, PROCESSING, STOCK PILING OR WASHING MINERALS SHALL BE DEEMED TEMPORARY. SUCH STRUCTURES AND/OR EQUIPMENT SHALL BE DISMANTLED AND REMOVED WITHIN A PERIOD OF FOUR MONTHS FOLLOWING CESSATION OF OPERATIONS.

§ 175-27.9 ACCESSORY USES PERMITTED.

THE FOLLOWING ACCESSORY USES MAY BE PERMITTED ON A PROPERTY WHERE AN EXTRACTION FACILITY IS APPROVED:

- A. THE STORAGE, SORTING, STOCKPILING, DISTRIBUTION AND SALE OF MATERIALS EXTRACTED ON THE PREMISES.**
- B. THE CRUSHING, TREATING, WASHING, MIXING OR PROCESSING OF MATERIALS EXTRACTED ON THE PREMISES.**
- C. THE STORAGE, MAINTENANCE AND REPAIR OF VEHICLES AND EQUIPMENT USED IN THE MINERAL EXTRACTION OPERATIONS.**

SECTION 2. Matter deleted is shown by ~~strike through~~. Matter added is shown in **BOLD CAPITALIZATION**.

SECTION 3. The Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Bill.

SECTION 4. The provisions of this Ordinance are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Ordinance, it being the intent of the County that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code") in consultation with and subject to the approval of the County shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 7. This Ordinance shall take effect on _____.

Enacted this ____ day of _____ 2018.

ATTEST:

**COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND**

Jennifer M. Farina
Administrative Coordinator

Larry C. Porter, President

(SEAL)

Wilbur Levensgood, Jr., Vice President

Daniel J. Franklin, Commissioner