

**\*Potential Movable Area.** The area within the subject property that can be mined/excavation that meets the conditions and setbacks as described in this ordinance. This area includes any existing mined area and any virgin land that meets the conditions and setbacks within the subject property.

**\*Prohibited Zone for Mining Operations.** The area within the subject property that cannot be mined/excavated as it does not meet the conditions and setbacks as described in this ordinance.

Potential movable area should also exclude wetlands and other areas that cannot be legally mined under any local, county, state or federal laws, rules or regulations. For example if I have a 100 acre parcel including of 50 acres of wetland this wording may allow me to excavate the entire 50 acres of dry land.

**Subject Property.** The real property on which Mineral Extraction Facilities, Processing Plant, Asphalt Plant and/or Ready-Mix Plant is sought to be permitted.

Since we are applying a percentage to this we need to define real property as it relates to this ordinance. Is it a single parcel, can it be multiple parcels or is it something the applicant needs to identify in its permit application?

14. Phasing plan which provides no more than ten (10) acres of the site to be open to active mining at any one time. Before any additional land may be mined, the applicant must reclaim portions of the site to the condition that is indicated on the approved reclamation plan.

14. Phasing plan which provides no more than 50% of the total potential movable area shall be open to active excavation at any one time. Before any additional land may be mined, the applicant must reclaim portions of the potential movable area to the condition that is indicated on the approved reclamation plan.

I would like to know why the original ordinance had the 10 acre limit. It seems to me we are adding this provision for the benefit of the current pit. This ordinance is also for future pits. Prior city council must have had a reason for the 10 acres limit. We should be prepared to explain to the public and to city council why we feel the 10 acre limit is inappropriate.

15 Minimum Potential Movable Area. No permits shall be granted for lots with less than thirty (30) Acres of potential movable area.

We need to define lots or replace it with subject property which is defined

#### 151.73 BOND.

The bond shall remain in effect for *at least one year after the expiration of the permit or until reclamation of the subject property*. The bond shall guarantee the required *restoration* of the entire site.

Is this the later or earlier of the two events? Replace restoration with reclamation.

151.77.08. Maximum slopes. **During the entire period of operations**, all excavations other than the **working face** shall be sloped on all sides at a maximum ratio of one foot horizontal to one foot vertical, unless a steeper slope shall be approved by the city. **Where excavations are adjacent to a public roadway or other right-of-way, or the property adjacent to the excavation, the excavation shall have a maximum four to one slope.** Slopes adjacent to or contiguous to bodies of water shall be sloped at a maximum of six to one.

Is the current pit in violation of this ordinance? What is the definition of “the working face”? What slope is allowed on the working face? We need to ensure the safety of this pit and future pits.