



Public Works Administration

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Having been duly posted on the \_\_\_ day of October 2006 and the public having the opportunity to comment on the propriety of the following regulation; it will be duly promulgated on October \_\_\_, 2006

**ADMINISTRATIVE REGULATION NO. 06-06**

City of Grand Junction Public Works and Utilities Department

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| ISSUED BY: | /s/ Mark Relph<br>_____<br>Mark Relph, Public Works & Utilities<br>Director              | 10/5/06<br>_____<br>Date |
|            | /s/ Katherine M. Portner<br>_____<br>for Sheryl Trent, Community Development<br>Director | 10/5/06<br>_____<br>Date |

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|-----------------|---|--------------------------|
| RECOMMENDED BY: | /s/ Tim Moore<br>_____<br>Tim Moore, Assistant Public Works<br>& Utilities Director | 10/5/06<br>_____<br>Date |
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**Background**

The City Public Works and Utilities Department regularly uses its equipment to excavate and transport earthen materials including topsoil, rock, gravel, sand and processed and unprocessed aggregate products (“rocks and dirt”) from one City owned property to another both during and in anticipation of construction. Excavation and hauling of rocks and dirt routinely occurs during construction projects that may or may not be performed by City forces but which projects are being performed for the City’s Capital Improvement Program (CIP). Generally the CIP projects are for the construction of streets, water and sewer lines, bridges and other public facilities.

The Zoning and Development Code (“Code”) regulates most land use activities within the City but it does not regulate street and bridge construction that is not part of a subdivision or land development project. Because the City is about to begin Phase III of the Riverside Parkway project, which requires the excavation and transportation of a very large amount of rocks and dirt and which is a project that the Code does not regulate, the Director has determined that the rules applicable to excavation and hauling of dirt and rock for the project must be clarified.



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Extraction of mineral resources that are sold or stockpiled for sale to consumers is regulated by the Code. The Code does not address public owners' and the excavation and hauling of dirt and rocks that are not for sale and therefore the specific requirements of the Code pertaining to mineral extraction are inapplicable.

### **Administrative Interpretation**

By and through this Administrative Regulation the Director clarifies, interprets and construes the Code regarding excavation and transportation of dirt and rock for construction from one City owned site to another City owned site. The Director includes the Background as part of the rationale for his interpretation.

Furthermore, it is the Director's finding that the circumstances of excavation and hauling rock and dirt for City capital construction projects are separate and apart from commercial extraction and mining of mineral resources and therefore a process other than identified in section 4.3K of the Code shall apply.

Furthermore, the Director recognizes the importance of the safeguards and standards identified in the Code and therefore does make the excavation and hauling of rock and dirt for City capital construction projects subject to the following conditions:

1. The City must own the property on which the excavation occurs and the property on which the dirt and rock are placed.
2. All dirt and rock materials must be utilized by the City for a City project.
3. The distance between any excavation and the location at which the rock and dirt are placed shall be no more than 5 miles.
4. The City shall obtain a Colorado Mined Land Reclamation Board approval if applicable.
5. A reclamation plan, including a schedule for borrow site excavation shall be prepared within 12 months of completion of the project.
6. A drainage plan and report shall be prepared by a Colorado registered professional engineer. The plan and report shall consider natural drainage, drainage during excavation and drainage after reclamation.
7. A traffic analysis that generally conforms to and addresses TEDS standards shall be prepared for any off site haul route(s).



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8. An erosion control plan for runoff and wind-blown sediments shall be provided for the excavation, operation and reclamation of the project area.

End of Administrative Regulation No. 06-06