



STAFF REVIEW

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FILE: #TAC-96-1.10            CODE - SECTION 5-15

DATE: June 11, 1996

STAFF: David Thornton

REQUEST: Text Amendment---Amend the Zoning and Development Code to include a Section 5-15, Mineral Extraction, Washing, Crushing, Cement Batch Plants and Asphalt Plants.

APPLICANT: City of Grand Junction

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EXECUTIVE SUMMARY: Amending the Zoning and Development Code to include a section 5-15, Mineral Extraction, Washing, Crushing, Cement Batch Plants and Asphalt Plants. The purpose of this section is to establish reasonable and uniform limitations, safeguards, and controls in order to achieve conservation and wise utilization of natural resources and rehabilitation of extracted land.

STAFF ANALYSIS: While working on the City zoning for the River Road Annexation area, it came to our attention that the City's Zoning and Development Code does not have a section on mining and mining activities that establishes reasonable and uniform limitations and controls. This text amendment is being proposed now to help guide such activities. With the recent annexation of the River Road corridor, there are several gravel operations now in the City limits and additional areas where gravel extraction and/or related activities may be proposed in the future. Gravel operations require a Conditional Use Permit. Staff is proposing to adopt Section 5-15. This section was taken from the Mesa County Development Code but modified for the City's Zoning and Development Code.

Staff realizes that there are many other deficiencies in the present code that will need to be looked at and considered during the major code re-write as part of the implementation of the City's Growth Plan later this year and in 1997. This text amendment will help make the transition from the County to the City smoother for gravel mining operations since the text is generally the same as currently adopted by Mesa County and familiar to existing gravel operators in the Grand Valley.

STAFF RECOMMENDATIONS:

Staff recommends approval of the proposed text amendment.

PROPOSED PLANNING COMMISSION MOTION: Mr. Chairman, on item #TAC-96-1.10, a text amendment adding Section 15-5 (Mineral Extraction, Washing, Crushing, Cement Batch Plants and Asphalt Plants) to the Zoning and Development Code; I move that we forward this on to City Council with the recommendation of approval.

(mining.txt)

## **5-15 MINERAL EXTRACTION, WASHING, CRUSHING, CEMENT BATCH PLANTS, AND ASPHALT PLANTS**

### **5-15-1 PURPOSE**

It is the purpose of this Section to establish reasonable and uniform limitations, safeguards, and controls in order to achieve conservation and wise utilization of natural resources and for rehabilitation of extracted land. Gravel extraction and/or processing activities should be located and conducted in sufficient size parcels where extraction and rehabilitation can be undertaken while still protecting the health, safety, and welfare of the area and the City. In cases where the location of the use abuts other zoning or land uses, excavation, and rehabilitation may be restricted to be compatible with and protect the adjoining use.

### **5-15-2 PROCEDURE FOR MINERAL EXTRACTION AND SITE REHABILITATION**

The commercial extraction of mineral deposits with necessary accessory uses shall be in conformance with an approved excavation and land rehabilitation plan. Any plan approved and being followed under previous regulations shall fulfill this requirement. Related uses, including but not limited to asphalt plants shall be subject to Conditional Use Permit requirements. A plan shall contain, in addition to those relevant requirements outlined for a Conditional Use Permit, the following:

- A. A detailed description of the method of extraction and rehabilitation to be employed, including any necessary accessory uses such as, but not limited to, crushers, batch plants and asphalt plants.
- B. An extraction plan showing the areas to be mined, location of stockpile area, location of structures, general location of processing equipment, with accompanying time schedules, fencing if applicable, depth of deposit, tons in the deposit, and other pertinent factors.
- C. A detailed rehabilitation plan showing proposed rehabilitation with time schedules including, but not limited to, finish contours, grading, sloping, types, placement, and amount and type of vegetation, post extraction land use plans, and any other proposed factors.
- D. Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application.
- E. Type, character, and density of proposed vegetation.
- F. The operator's estimated cost at each of the following segments of the rehabilitation process, including where applicable, backfilling, grading, reestablishing topsoil, planting, revegetation management, and protection prior to vegetation establishment and administrative cost.

G. A drainage report and drainage plan prepared by a Colorado registered professional engineer with consideration of natural drainage, drainage during excavation and drainage after rehabilitation such that the proposed rehabilitation and excavation will have no adverse effect in excess of natural conditions. (Where applicable, the report may require a floodplain permit (see Section 5-8, Flood Damage Prevention Regulation).

H. Traffic analysis which reviews road and safety conditions in the pit area and in the vicinity of the pit area. This shall include ingress/egress, parking and loading areas, on site circulation, estimate of number of trucks per day on the average and maximum number of trucks per day (ranges are acceptable).

I. Additional information as may be requested by the City Community Development Department.

J. Upon approval, the excavation and rehabilitation plans shall be filed with the City and recorded with the Mesa County Clerk and Recorder. Any change in excavation and rehabilitation plan shall be prohibited unless amended through the Conditional Use Permit process.

### 5-15-3 OPERATION AND REHABILITATION STANDARDS FOR ALL MINING AND MINING-RELATED OPERATIONS

Mining, necessary and appropriate accessory uses and mining-related uses shall be subject to the following conditions and to the approved excavation and rehabilitation plan:

A. A permit to excavate issued by the State of Colorado in conformance with the Open Mining Land Reclamation Act.

B. Excavation or deposit of overburden not permitted within 30 feet of a boundary of adjacent property easement, irrigation ditch or right-of-way unless by written agreement of the owner(s) of such property, easement, irrigation ditch or right-of-way.

C. Excavation within 125 feet of existing residence not permitted unless by written agreement of the owners and occupants of the residence, and no excavation involving the use of rock crushers, asphalt plant, cement batch plant and other similar equipment shall take place within 250 feet of a residence.

D. At a minimum, a 100 foot greenbelt setback will be provided from watercourses for protection of valuable plant life and wildlife areas. This standard may be varied based on Colorado Department of Wildlife comments concerning site specific factors. Existing trees and ground cover along public road frontage and drainageways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against and reduce noise, dust and erosion.

E. The owner or operator shall submit a route plan (haul route) to the Director of Public Works and shall receive permission to use the public right-of-way for hauling.

The Director of Public Works may consider, among others, the load limit, dust, right-of-way or pavement width and/or condition or other relevant factors. The Director of Public Works may place restrictions on such right-of-way use. If permission is not received alternative haul route(s) shall be submitted where haul route(s) impact the health, safety and welfare of the local area to a lesser degree.

F. Haul roads within the premises shall be maintained in a reasonably dust free condition. This may include, depending on local conditions, watering, oiling, or paving as determined by the Administrator.

G. Hours of operation 6:00 a.m. to 7:00 p.m.; additional hours may be considered, however, shorter hours may be imposed in urbanized area, as part of conditional use permit.

H. In no event shall a slope of less than 2:1 be left for dry pits, or on the slope of 3:1 to a depth of 10 feet. On an open pit, in no event shall a slope be less than 2:1.

1) The floor of excavation pits, whether wet or dry, shall be left in a suitable condition.

I. The operator shall not excavate, store overburden, or excavate materials or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage public facilities and/or property.

J. Prior to starting excavation, where the operation is adjacent to subdivided and/or developed commercial, residential, or industrial property, fencing may be required to screen the mining operation; buffering and screening may be required if deemed necessary by the Administrator, subject to appeal to the Planning Commission. Required fencing, screening, and/or buffering shall not be removed until rehabilitation has been completed.

K. Except in the I-1 and I-2 zone districts with approval through the Conditional Use Permit, after mining has been completed, the site is not to be used as an area to stockpile sand or gravel resources. The owner is to reclaim the property as rapidly as possible.

L. Operations shall comply with noise, vibration, and other standards and requirements of the City of Grand Junction as per the City's Code of Ordinances.

M. All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department, and Colorado Air Quality Control Commission.

N. All water uses and discharges shall conform to standards established by the State Water Pollution Control Commission and the laws of the City of Grand Junction, Mesa County and the State of Colorado.

O. All slopes shall be stabilized and land remaining in the natural water level must be revegetated in a manner compatible with the surrounding area.

P. The revegetation plan must meet the standards for the Tri-River Colorado State University Extension Agency.

Q. After revegetation of an area, the area must be maintained for a period of three years or until all vegetation is firmly established in the reclamation area.

R. A time limit for reclamation will be placed on each project. This time limit will be dependent upon the type of reclamation effort.

S. A development schedule shall be submitted describing the life span of the plan in years (ranges are acceptable) and, if applicable, the years per phase. Diligence in meeting this schedule is required. If not, the CUP may be revoked.

1) Up to a two year extension may be granted by the Administrator if a written request is submitted to the Administrator. The request shall include the factors and reasons for the requested extension. New conditions, if any, will be considered.

2) Requests for extensions up to five years and appeals of the Administrator's decision will be submitted to the Grand Junction Planning Commission at a public hearing. Extension requests will be evaluated on the same basis and with the same information as per the Conditional Use Permit process.

T. If the use has not operated or if no material has been extracted within three years of obtaining the conditional use for mineral extraction and a request for extension has not been received and approved by the Grand Junction Planning Commission, the conditional use will expire. A new application and extraction plan will need to be submitted and reviewed in the manner described in this section.

1) Extension request shall provide information in writing detailing the reasons for the request. The Grand Junction Planning Commission will consider these reasons, as well as the extent conditions have changed in the area, if any, in granting extensions.

2) Revocation of conditional use: The Grand Junction Planning Commission shall have the power after hearing to revoke the conditional use for violation of any of these regulations or conditions imposed through the Conditional Use Permit approval process. Upon at least 10 days notice to the owner, the Grand

Junction Planning Commission may hold a hearing to determine the nature and extent of the alleged violation, and shall have the power, upon showing a good cause, to revoke the permit, the plan and to require rehabilitation of the land.

*David Thornton*  
*Changes*

- Needed because of River Road
- Some - County regs.
- Process for what info to provide
- Operational studs
- City Attorney made minor Δ for readability on Monday we'd like to make changes before publishing

STAFF REVIEW

FILE: #TAC-96-1.10 CODE - SECTION 5-15

DATE: July 3, 1996

STAFF: David Thornton

*Passed 7-0*

REQUEST: Text Amendment---Amend the Zoning and Development Code to include a Section 5-15, Mineral Extraction, Washing, Crushing, Cement Batch Plants and Asphalt Plants.

APPLICANT: City of Grand Junction

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Staff realizes that there are many other deficiencies in the present code that will need to be looked at and considered during the major code re-write as part of the implementation of the City's Growth Plan later this year and in 1997. This text amendment will help make the transition from the County to the City smoother for gravel mining operations since the text is generally the same as currently adopted by Mesa County and familiar to existing gravel operators in the Grand Valley.

STAFF RECOMMENDATIONS:

Staff recommends approval of the proposed text amendment.

PLANNING COMMISSION RECOMMENDATION: Planning Commission recommended approval.



## 5-15 MINERAL EXTRACTION, WASHING, CRUSHING, CEMENT BATCH PLANTS, AND ASPHALT PLANTS

### 5-15-1 PURPOSE

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- D. Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application.
- E. Type, character, and density of proposed vegetation.
- F. The operator's estimated cost at each of the following segments of the rehabilitation process, including where applicable, backfilling, grading, reestablishing topsoil, planting, revegetation management, and protection prior to vegetation establishment and administrative cost.

G. A drainage report and drainage plan prepared by a Colorado registered professional engineer with consideration of natural drainage, drainage during excavation and drainage after rehabilitation such that the proposed rehabilitation and excavation will have no adverse effect in excess of natural conditions. (Where applicable, the report may require a floodplain permit (see Section 5-8, Flood Damage Prevention Regulation).

H. Traffic analysis which reviews road and safety conditions in the pit area and in the vicinity of the pit area. This shall include ingress/egress, parking and loading areas, on site circulation, estimate of number of trucks per day on the average and maximum number of trucks per day (ranges are acceptable).

I. Additional information as may be requested by the City Community Development Department.

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A. A permit to excavate issued by the State of Colorado in conformance with the Open Mining Land Reclamation Act.

*Adjacent Property* B. Excavation or deposit of overburden not permitted within 30 feet of a boundary of adjacent property easement, irrigation ditch or right-of-way unless by written agreement of the owner(s) of such property, easement, irrigation ditch or right-of-way.

C. Excavation within 125 feet of existing residence not permitted unless by written agreement of the owners and occupants of the residence, and no excavation involving the use of rock crushers, asphalt plant, cement batch plant and other similar equipment shall take place within 250 feet of a residence.

D. At a minimum, a 100 foot greenbelt setback will be provided from watercourses for protection of valuable plant life and wildlife areas. This standard may be varied based on Colorado Department of Wildlife comments concerning site specific factors. Existing trees and ground cover along public road frontage and drainageways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against and reduce noise, dust and erosion.

Route Plan

E. The owner or operator shall submit a route plan (haul route) to the Director of Public Works and shall receive permission to use the public right-of-way for hauling. The Director of Public Works may consider, among others, the load limit, dust, right-of-way or pavement width and/or condition or other relevant factors. The Director of Public Works may place restrictions on such right-of-way use. If permission is not received alternative haul route(s) shall be submitted where haul route(s) impact the health, safety and welfare of the local area to a lesser degree.

F. Haul roads within the premises shall be maintained in a reasonably dust free condition. This may include, depending on local conditions, watering, oiling, or paving as determined by the Administrator.

Hours of Operation

G. Hours of operation 6:00 a.m. to 7:00 p.m.; additional hours may be considered, however, shorter hours may be imposed in urbanized area, as part of conditional use permit.

Slope

H. In no event shall a slope of less than 2:1 be left for dry pits, or on the slope of 3:1 to a depth of 10 feet. On an open pit, in no event shall a slope be less than 2:1.

1) The floor of excavation pits, whether wet or dry, shall be left in a suitable condition.

Drainage

I. The operator shall not excavate, store overburden, or excavate materials or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage public facilities and/or property.

Screening

J. Prior to starting excavation, where the operation is adjacent to subdivided and/or developed commercial, residential, or industrial property, fencing may be required to screen the mining operation; buffering and screening may be required if deemed necessary by the Administrator, subject to appeal to the Planning Commission. Required fencing, screening, and/or buffering shall not be removed until rehabilitation has been completed.

Storage

K. Except in the I-1 and I-2 zone districts with approval through the Conditional Use Permit, after mining has been completed, the site is not to be used as an area to stockpile sand or gravel resources. The owner is to reclaim the property as rapidly as possible.

Nuisances

L. Operations shall comply with noise, vibration, and other standards and requirements of the City of Grand Junction as per the City's Code of Ordinances.

M. All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department, and Colorado Air Quality Control Commission.

Drainage

N. All water uses and discharges shall conform to standards established by the State Water Pollution Control Commission and the laws of the City of Grand Junction, Mesa County and the State of Colorado.

Revegetation

O. All slopes shall be stabilized and land remaining in the natural water level must be revegetated in a manner compatible with the surrounding area.

P. The revegetation plan must meet the standards for the Tri-River Colorado State University Extension Agency.

Q. After revegetation of an area, the area must be maintained for a period of three years or until all vegetation is firmly established in the reclamation area.

Time Limit

R. A time limit for reclamation will be placed on each project. This time limit will be dependent upon the type of reclamation effort.

S. A development schedule shall be submitted describing the life span of the plan in years (ranges are acceptable) and, if applicable, the years per phase. Diligence in meeting this schedule is required. If not, the CUP may be revoked.

1) Up to a two year extension may be granted by the Administrator if a written request is submitted to the Administrator. The request shall include the factors and reasons for the requested extension. New conditions, if any, will be considered.

2) Requests for extensions up to five years and appeals of the Administrator's decision will be submitted to the Grand Junction Planning Commission at a public hearing. Extension requests will be evaluated on the same basis and with the same information as per the Conditional Use Permit process.

T. If the use has not operated or if no material has been extracted within three years of obtaining the conditional use for mineral extraction and a request for extension has not been received and approved by the Grand Junction Planning Commission, the conditional use will expire. A new application and extraction plan will need to be submitted and reviewed in the manner described in this section.

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Junction Planning Commission may hold a hearing to determine the nature and extent of the alleged violation, and shall have the power, upon showing a good cause, to revoke the permit, the plan and to require rehabilitation of the land.

(mineral.txt)wd

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. \_\_\_\_\_

ADDING SECTION 5-15 MINERAL EXTRACTION, WASHING, CRUSHING,  
CEMENT BATCH PLANTS AND ASPHALT PLANTS TO THE ZONING AND  
DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION

Recitals.

Currently there is a deficiency of regulations governing mineral extraction and associated uses such as washing and crushing of gravel and rock, cement batch plants and asphalt plants in the City of Grand Junction Zoning and Development Code.

The City has recently annexed several gravel operations which had received approval from Mesa County and were regulated under the "Mesa County Land Use and Development Policies" and the "Mesa County Land Development Code" which established reasonable and uniform limitations and controls.

The City desires to establish reasonable and uniform limitations and controls.

The proposed language of proposed text amendment was taken from the "Mesa County Land Development Code", but modified for the city's Zoning and Development Code.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed text amendment.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Grand Junction Zoning and Development code be amended to include the proposed text amendment.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

That Section 5-15, Mineral Extraction, Washing, Crushing, Cement Batch Plants and Asphalt Plants be added to the Zoning and Development Code is hereby amended to include:

5-15 MINERAL EXTRACTION, WASHING, CRUSHING, CEMENT BATCH  
PLANTS, AND ASPHALT PLANTS

5-15-1 PURPOSE

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through the Conditional Use Permit, after mining has been completed, the site is not to be used as an area to stockpile sand or gravel resources. The owner is to reclaim the property as rapidly as possible.

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Introduced on first reading this 19th day of June, 1996.

PASSED and ADOPTED on second reading this 3rd day of July, 1996.

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Mayor

ATTEST:

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City Clerk

(mining.ord)