

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE No. 2937**

**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**

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 reclamation of extracted land. Gravel extraction and/or processing activities should be located and conducted on parcels of sufficient size so that extraction and reclamation can be undertaken while still protecting the health, safety, and welfare of the area and the City. Where the location of the use abuts other zoning or land uses, excavation may be restricted and/or reclamation may be accelerated to be compatible with and protect the adjoining use.

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

The commercial extraction of mineral deposits with necessary accessory uses shall not begin or occur until an excavation and land reclamation plan has been approved in writing. Any plan approved and being followed under previous regulations fulfills 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 reclamation 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 information.
- C. A detailed reclamation plan showing proposed reclamation 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 relevant information.
- 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 both during excavation and as a component of rehabilitation.
- F. The operator's estimated cost at each of the following segments of the reclamation process, including where applicable, backfilling, grading, reestablishing topsoil, planting, revegetation management, 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 reclamation such that the proposed reclamation and excavation will have no adverse effect in excess of natural conditions. (Where applicable, the Administrator 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 required by the City Community Development Department.

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

#### 5-15-3 OPERATION AND RECLAMATION 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 reclamation 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 is not permitted within 30 feet of a boundary of an adjacent property, an easement, an 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 an existing residence is not permitted unless by written agreement of the owners and occupants of the residence. No excavation involving the use of rock crushers, asphalt plant, cement batch plant or other similar equipment shall take place within 250 feet of any portion of a residence.

D. At a minimum, a 100 foot greenbelt setback shall be provided from watercourses for protection of valuable plant life and wildlife areas. This standard may be varied by the Administrator 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 prior to any hauling. The Director of Public Works may consider, among other factors, the load limit, dust, right-of-way and pavement width and condition. The Director of Public Works may place restrictions on such right-of-way use. If permission is not received, the applicant shall prepare alternative haul route(s) which shall 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 shall be restricted to 6:00 a.m. to 7:00 p.m.. The Administrator may authorize different hours, however, the Administrator may also restrict the hours of operation near residential or urbanized areas, as a part of the conditional use permit.

H. In no event shall a slope of steeper than 2:1 be left for dry pits. A pit with a slope of 3:1 or steeper shall not exceed a depth of 10 feet.

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 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. Required fencing, screening, and/or buffering shall not be removed until reclamation 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 applicable

standards and requirements including those of the City of Grand Junction.

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 Health Department and the State of Colorado.

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

P. Revegetation plans are required and shall meet the standards of the Colorado Mine Land Reclamation Board.

Q. All areas shall be revegetated after extraction is completed. After initial revegetation, 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. Such a 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 Conditional Use Permit 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 may be imposed as a part of the granting of any extension.

2) Requests for extensions up to five years and appeals of the Administrator's decision will be submitted to the Grand Junction Planning Commission to be considered 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 permit for mineral extraction and a request for extension has not been received and approved by the Grand Junction Planning Commission, the Conditional Use Permit will expire. A new application and extraction plan will need to be submitted and reviewed in the manner described in this section.

l) 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 Permit: The Grand Junction Planning Commission shall have the power after hearing to revoke any conditional use permit for violation of any of these regulations or conditions imposed. 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 reclamation of the land.

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

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

/s/ Linda Afman  
Mayor

ATTEST:

/s/ Stephanie Nye  
City Clerk