

Chapter 17.35

MINERAL EXTRACTION AND MINING OPERATIONS

SECTIONS:

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17.35.010 PURPOSE. The purpose of this Chapter is to establish reasonable and uniform limitations, safeguards, and controls for conservation of natural resources and for rehabilitation of mineral extraction lands. Gravel and other mineral extraction, washing, crushing, cement batch plants, asphalt plants, and processing activities should be located and conducted in sufficiently sized 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 proposed mining use abuts other zoning or land uses, or structures, mineral excavation, extraction, processing and rehabilitation may be restricted in order to be compatible with and protect the adjoining uses.

17.35.020 PROCEDURE FOR EXTRACTION AND REHABILITATION REQUESTS.

The extraction of commercial mineral deposits with necessary accessory uses shall be allowed in the Monument Preservation (MP) zone, Commercial-1 (C-1) zone, Commercial-2 (C-2) zone, and the Industrial (I) zone as a conditional use and in conformance with an approved excavation and rehabilitation plan. Any excavation plan being followed under previous regulations shall fulfill this requirement. A plan shall contain, in addition to those relevant requirements outlined for a conditional use application, the following requirements:

- A. A detailed description of the method of operation of extraction, processing and rehabilitation to be employed, including any necessary accessory uses; such as, but not limited to, crushers, washers, batch plants and asphalt plants;
- B. An extraction plan showing the areas to be mined, location of stockpile areas, location of structures, and general location of processing equipment, with accompanying time schedules, fencing if applicable, depth of deposit, estimated quantity of the deposit, and other pertinent factors;
- C. A detailed rehabilitation plan showing proposed rehabilitation with time schedule including, but not limited to, finish contours, grading, sloping, types, placement and amount of vegetation, reuse 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 amount 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, re-vegetation management, and protection prior to vegetation establishment and administrative costs;
- G. A drainage report and drainage basin plan prepared by a registered engineer in the State of Colorado with consideration of natural drainage, drainage during excavation including erosion and sedimentation controls, drainage after rehabilitation, such that proposed excavation will have no adverse effects in excess of natural conditions. Where applicable, the report shall include a flood plain permit;
- H. A traffic impact 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 the number of trucks per day and the average and maximum number of trucks per day (ranges are acceptable). The analysis shall include the times and location of school bus stops in the vicinity of the haul route and mitigation measures, such as staggering hours of operation, to avoid conflicts between hauling and school children on the haul route; and
- I. Additional information as may be required by the Community Development Department.
- J. Upon approval, the excavation and rehabilitation plans shall be recorded with the County Clerk and Recorder. Any change in the approved excavation and rehabilitation plan shall be prohibited unless amended by approval of the City Council.

17.35.030 OPERATION AND REHABILITATION STANDARDS FOR ALL MINING OPERATIONS.

Mining and necessary accessory uses shall be subject to the following conditions and to the approved excavation and rehabilitation plan:

- A. A permit to extract minerals issued by the Colorado Division of Minerals and Geology (DMG) in conformance with the Open Mining Land Recovery Act and other applicable state laws;
- B. Excavation within one hundred twenty- five (125) feet of an existing residence is not permitted unless by written agreement of the owners and occupants of the residence, and no excavation involving the use of rock crushers, washers, asphalt plant, cement batch plant and other similar equipment shall take place within two hundred fifty (250) feet of a residence;
- C. At a minimum, a one hundred (100) foot greenbelt setback will be provided from watercourses for the protection of valuable plant life, riparian areas and wildlife areas. Erosion and sedimentation controls will be practiced throughout the life of the pit including the maintenance of vegetative buffers, use of straw bales in drainage ways and mulching and reseeding exposed areas adjacent to the active mining area. Existing trees and ground cover along public street frontage and drainage ways shall be preserved,

maintained and supplemented, if necessary, for the depth of the setback to protect against and reduce noise, dust and erosion;

- D. The operator shall submit a haul route plan to the Community Development Department and Department of Public Works Director and receive permission to use for haulage in public rights-of-way not designated for such haulage by reason of load limit, dust, right-of-way or pavement width or other relevant factors. The City Public Works Director may place reasonable restrictions on such right-of-way use. Alternative haul routes shall be developed where hauling impacts the health, safety, and welfare of the local area;
- E. Haulage roads within the premises shall be maintained in a reasonably dust free condition. Dust retardant measures may include the use of watering, application of magnesium chloride, oiling, or paving;
- F. Unless otherwise approved, the hours of operation shall be 6:00 a.m. to 7:00 p.m. normally; shorter hours of operation may be imposed in urbanized areas as part of the conditional use permit;
- G. In no event shall a slope of less than 2:1 be left for dry pits, or the slope of 3:1 for pits deeper than ten (10) feet. In a wet pit, in no event shall a slope be less than 2:1 except as provided herein;
- H. The floor of excavation pits, whether wet or dry, shall be left in a suitable condition;
- I. The operator shall not store, overburden, or excavate materials or construct dikes or levies in such a manner as to increase any drainage or flooding on property not owned by the operator or damage public facilities;
- 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 prevent the visibility of the mining operation, and buffering and screening may be required if deemed necessary by the City Council as part of the conditional use permit. The operator may be required to fence and/or buffer and screen the entire parcel or fence only areas of excavation as it proceeds. None of these fences shall be removed until rehabilitation has been completed;
- K. Where the operation is adjacent to subdivided property, and/or developed commercial or residential property, once mining has been completed, the site shall not be used as an area to stockpile mineral and/or gravel resources, unless otherwise permitted by the conditional use permit. The mining operator shall reclaim mined areas as rapidly as possible;
- L. Operations shall comply with noise, vibration, and other standards of Mesa County and the noise standards contained in Sections 25-12-101, *et. seq.*, C.R.S., as amended;
- M. All air emissions shall comply with standards established by the Colorado Department of Public Health and Environment and the Mesa County Health Department. An air

emissions permit shall be obtained from these agencies prior to commencing the mining operation;

- N. All water uses and discharges shall conform to standards established by the State Water Quality Control Commission and the water laws of the State of Colorado;
- O. All slopes shall be stabilized and re-vegetated. Land shall be reformed to most closely resemble the natural contours of the land before mining commenced. Lakes created, as the result of mining in the river bottom, shall have undulating surfaces, shallow and deep areas, established wetlands, and natural riparian vegetation. Other areas shall be re-vegetated with plant material indigenous to the area;
- P. The re-vegetation plan must meet the standards of the Colorado State University Tri-River Extension Service;
- Q. After re-vegetation of the area, the area must be maintained for a period of three (3) years, or until all vegetation is firmly established in the reclamation area;
- R. A time limit for reclamation will be included in each conditional use permit. This time limit will be dependent upon the type of reclamation effort; and
- S. A development schedule shall be submitted describing the life span of the plan in months and years (ranges are acceptable) and, if applicable, the months and years per phase. Diligence in meeting this schedule is required. Extensions of time may be granted by the City Council with proper justification.
- T. Extensions of time in the development schedule may be granted by the City Council if a written request is submitted outlining the factors and reasons for the extension. New or changed conditions, if any, will be considered.
- U. If no material has been extracted within three (3) years of obtaining the conditional use permit for mineral extraction and a request for extension has not been received and approved by the City Council, the conditional use permit will expire. A new application and extraction plan shall then be submitted and reviewed in the manner described in this Chapter.
- V. An extension request shall provide information concerning the factors and reasons for the request. The City Council will consider these factors and reasons as well as the extent conditions have changed in the area, if any, in granting extensions of the conditional use permit.

17.35.040 REVOCATION OF CONDITIONAL USE PERMIT. The City Council shall have the power after a public hearing to revoke the conditional use permit for violation of this Chapter or conditions imposed by the City Council pursuant to subsection 17.09.030. Upon at least ten (10) days notice to the owner and the operator, the City Council may hold a hearing to determine the nature and extent of an alleged violation, and shall have the power, upon a showing of good cause, to revoke the conditional use permit and to require that immediate reclamation measures be commenced.