

USE BY SPECIAL REVIEW (USR) - MINING SUPPLEMENTAL REQUIREMENTS

The supplemental submittal requirements and review procedures are stated in Chapter 23, Article IV, Division 4 of the County Code. The Weld County Code is available online at www.weldgov.com (Useful Links > Weld County Code).

Submit all the application components as separate documents, in PDF format, in the order outlined in the checklist below.

- _____ Mining Questionnaire. (See attached).
- _____ In addition to the standard USR map requirements, the draft map set shall incorporate the requirements per Section 23-4-270 of the Weld County Code.
- _____ A summary fact sheet of the proposed mine, providing an overview of the proposed mining, processing and storing activities, phases, annual amount of excavated material, typical pit depth, acreage, etc.
- _____ A complete and accurate legal description of the parcels for which the USR and DRMS permits will encumber.
- _____ Documentation of the applicant's legal rights to enter and to mine on the land affected by the permit.
- _____ The DRMS permit Decision Letter including Financial and Performance Warranty obligations.
- _____ A copy of the Mining Permit application as submitted to the DRMS including any responses to DRMS Adequacy Reviews.
- _____ Crossing Agreements, Easement Agreements, Setback Agreements and Structure Agreements, as amended between the applicant and any surface and subsurface interests whose property is located on or adjacent to the subject parcels to be mined.
- _____ Water Demand and Replacement Analysis detailing the amount of water required for each phase of the operation and how that water will be distributed between components of the operation, source of water (including agreements, well permits) and method to protect groundwater and wells, if applicable. Detail plans for obtaining water supplies to replace water consumed by mining or processing of the material, including dust control, consumed for domestic purposes by employees, and consumed by evaporative losses from exposed groundwater. Refer to Section 23-4-260.G.14 of the Weld County Code for additional detail.
- _____ Provide Plan, Profile and Elevation drawings for each structure, demonstrating that the structure is located outside of County right-of-way.

**USE BY SPECIAL REVIEW (USR)
MINING QUESTIONNAIRE**

Answer the following questions per Section 23-4-260 of the Weld County Code. Please type on a separate sheet. If a question does not pertain to your proposal, please respond with an explanation – do not leave questions blank.

1. Describe any active mining permits that the applicant holds within Weld County.
2. Describe the types, numbers and purpose of structures (offices, warehouses, scales, mechanical, trailers, silos, fuel stations, maintenance buildings, etc.) that will be built on-site and any operation and processing equipment and vehicles to be utilized, including overhead and below-surface conveyors and whether temporary or permanent.
3. Describe the number of shifts and/or rotations to be worked and the average and maximum number of employees.
4. Describe any groups of persons who may access the site on a typical, expected basis including visitors, deliveries, etc.
5. Explain if the operation will involve a wet or dry pit and/or a slurry wall.
6. Describe the size of the area (by acreage and depth) to be worked at any one time.
7. Describe the estimated timeframe that will be required for the various stages of the operation including site preparation, site construction, pit and stockpile development, mining and reclamation.
8. Describe the type of material and the depth and thickness of the mineral deposit to be mined and the thickness of growth medium and/or overburden to be removed and stockpiled.
9. Describe the proposed use of reclaimed lands and an explanation of the reclamation process, including if any water storage is proposed post-reclamation.
10. Explain and justify any request to operate beyond the standard Mining Operations Policies per Section 23-4-290.A and/or B of the Weld County Code. Such waivers may be considered and approved by the Board of County Commissioners.
11. List any County, Municipal or CDOT roads and bridges to be utilized along with site entrance/exit points.

USE BY SPECIAL REVIEW (USR) - MINING CODE REQUIREMENTS

OPERATIONS POLICIES

Per Section 23-4-290 of the Weld County Code.

An applicant for a Special Review Permit for Mining shall demonstrate conformance with the following Operations Policies in the Special Review Permit application to the extent that the standards affect location, layout and design of the Use by Special Review prior to construction and operation. Once operational, the operation of the uses permitted shall conform to these standards. The policies outlined below represent a minimum model for operations standards for the proposed use. Stricter standards may be imposed by the Board of County Commissioners during the review process to ensure the protection of the health, safety and welfare of the inhabitants of the County.

- A. No excavation or processing of sand and gravel shall be permitted nearer than ten (10) feet to the boundary of ADJACENT property, easement or irrigation ditch or right-of-way, nor nearer than one hundred twenty-five (125) feet to any existing residence, unless by written agreement the owners of such ADJACENT property consent to a lesser distance and the Planning Commission approves such lesser distance. The Planning Commission may set a greater distance than mentioned above when, in its opinion, it is justified.
- B. All sand and gravel operations shall be conducted during the hours of daylight except in the case of public or private emergency, or to make necessary repairs to equipment. This restriction shall not apply to operation of administrative and executive OFFICES or repair facilities located on the property. Upon request, the Board of County Commissioners may authorize additional hours of operation for sand and gravel operations when the Board deems appropriate.
- C. Weeds and any other unsightly or NOXIOUS WEEDS shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.
- D. Existing trees and ground cover along PUBLIC road frontage and drainage ways shall be preserved, maintained and supplemented if necessary, for the depth of the SETBACK in order to protect against and reduce noise, dust and erosion.
- E. Insofar as practicable, all means of access to the property from any STREET shall be located and designated as to avoid the routing of vehicles to and from the property over STREETS that primarily serve residential DEVELOPMENT.
- F. All access roads from sand and gravel operations to PUBLIC highways, roads or STREETS, or to adjoining residential STRUCTURES, shall be paved or otherwise treated to minimize dust conditions on all parts of such access roads which are located within one-fourth (¼) mile of the PUBLIC highway, road, STREET or adjoining residential STRUCTURE.
- G. Prior to starting excavation in certain specific instances, as first determined by individual investigation by the Board of County Commissioners, where excavations are considered hazardous or otherwise harmful to nearby residents or to their property, the Board of County Commissioners may require the excavations to be fenced or that some other action be taken on the part of an operator in order to minimize the hazardous situation. Chain link fencing to keep out young children, three-strand barb wire to keep out LIVESTOCK, acceleration/deceleration lanes to facilitate the safe/smooth flow of traffic, and water augmentation to compensate for water losses caused by evaporation are examples of actions which may be required by the Board.
- H. Where topsoil is removed, sufficient arable soil shall be set aside, for re-spreading over the excavated area.
- I. Rock crushers and similar accessory facilities and equipment, but not including batching (concrete and asphalt) facilities may be allowed. However, the Planning Commission or Board of County Commissioners may set out additional conditions under which these operations may be permitted; and said conditions may vary by location due to abutting land USES. Concrete and asphalt batch plants shall meet the requirements of Section 23-3-40.
- J. Insurance. The operator shall furnish evidence that he or she is insured to the extent of not less than one hundred thousand dollars (\$100,000.00) against liability for any negligent act or omission by the operator from the operation or maintenance of the sand and gravel pit and the extraction and production of sand and gravel and all activities connected with or incidental thereto.
- K. The USE will not cause injury to vested or conditional water rights. If the USE may result in injury to vested or conditional water rights, the applicant shall present a copy of a well permit to the Department of Planning Services prior to recording the Plat or at a time designated by the Board of County Commissioners, either supported by a plan of exchange or substitute supply approved by the State Engineer or a decreed plan for augmentation approved by the District Court for Water Division No. 1 which prevents injury to vested and conditional water rights.

USE BY SPECIAL REVIEW (USR) - MINING CODE REQUIREMENTS

RECLAMATION POLICIES

Per Section 23-4-300 of the Weld County Code.

An applicant for a Special Review Permit for Mining shall demonstrate conformance with the following Reclamation Policies in the Special Review Permit application to the extent that the standards affect location, layout and design of the Use by Special Review prior to construction and operation. Once operational, the operation of the uses permitted shall conform to these standards.

- A. Reclamation plans shall be reviewed to determine the compatibility of the proposed USE with surrounding land USES.
- B. Following the completion of operations, the land shall be left in a safe condition.
- C. Sufficient drainage shall be provided so as to prevent water pockets or undue erosion. Grading shall be accomplished in such a manner that stormwater leaves the property at the original, natural drainage points. Runoff at any one (1) such point shall not normally be increased over historic flows. Increases over historic flows shall be allowed only when it is shown that the increased flows will not adversely impact USES or lands affected by such flows.
- D. All excavated areas shall finally be graded in substantial conformity to the USE of the land proposed in the reclamation plan. Ridges, banks and mounds shall be graded so as to minimize erosion. Trees, shrubs, legumes, grasses or other ground cover shall be replaced in order to avoid erosion insofar as is practicable.

INTENT AND APPLICABILITY

Before mine construction or the commencement of mining operations, the Board of County Commissioners must approve the Use by Special Review Permit, unless as defined in Section 23-3-20.J of the Weld County Code.

Per Section 23-1-90 of the Weld County Code, MINING is defined as: "The act of recovering mineral, sand, gravel, quarry, coal or other resources from the ground. MINING shall include, but not be limited to, recovery of the resources by processing on site (including "in-situ," solution, and other extractive methods), open pit excavation, wet or dry pit excavation and subterranean excavation."

Per Section 23-3-40.S of the Weld County Code, a USR permit is required for: "Open MINING and processing of minerals." outside of subdivisions and historic townsites in the A (Agricultural) Zone District.

Per Section 23-3-210.F.5 of the Weld County Code, a USR permit is required for: "Open MINING and processing of minerals." in the C-1 (Neighborhood Commercial) Zone District.

Per Section 23-3-220.F.3 of the Weld County Code, a USR permit is required for: "Open MINING and processing of minerals." in the C-2 (General Commercial) Zone District.

Per Section 23-3-230.F.5 of the Weld County Code, a USR permit is required for: "Open MINING and processing of minerals." in the C-3 (Business Commercial) Zone District.

Per Section 23-3-310.F.8 of the Weld County Code, a USR permit is required for: "Open MINING and processing of minerals." in the I-1 (Light Industrial) Zone District.

Per Section 23-3-320.F.9 of the Weld County Code, a USR permit is required for: "Open MINING and processing of minerals." in the I-2 (Medium Industrial) Zone District.

Per Section 23-3-330.F.8 of the Weld County Code, a USR permit is required for: "Open MINING and processing of minerals." in the I-3 (Heavy Industrial) Zone District.

CANCELLATION OF PERMIT

Per Section 23-4-310 of the Weld County Code, the Board of County Commissioners shall have the power to cancel permits for violation of any of these regulations or conditions imposed by the Board. The Board of County Commissioners shall cause to be served written notice upon the permittee at the address contained in the permit setting out a clear and concise statement of the violations, and directing the permittee to correct such violation within thirty (30) days. If the violations have not been corrected, the Board of County Commissioners shall direct the permittee to appear before the Board of County Commissioners, not less than ten (10) days nor more than thirty (30) days after the date of service notice. The Board of County Commissioners shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power, upon good cause being shown, to cancel or revoke the permit heretofore issued to the permittee, to require the County or its agents to enter upon the premises and to take the corrective measures required by the Board of County Commissioners; the cost to be assessed against the permittee and his or her sureties.