

Section 36 - Mineral Conservation District

(orig. 3-23-76; am. 2-6-84; am. 7-2-97; am. 12-17-02; am. 7-11-06; am. 4-20-10)

A. Intent and Purpose

1. The Mineral Conservation Zone District (M-C) is intended to provide conservation of a mineral resource. No land shall be rezoned to M-C after June 1, 1993. (orig. 6-1-93)
2. Contained in this section are the allowed land uses and other general requirements specified for this District. (orig. 6-1-93)

B. Permitted Uses

1. Conservation of any mineral deposit. (orig. 1-13-75)
2. Agricultural uses as allowed in the Agricultural-One and Agricultural-Two Zone Districts, public parks and/or recreation areas, provided such use does not include any permanent structures or otherwise permanently preclude the extraction of commercial mineral deposits. (orig. 6-1-93)
3. Oil and gas drilling and production, subject to the Drilling and Production of Oil and Gas Section of this Zoning Resolution. orig. 10-17-83; am. 12-17-02; am. 7-11-06)

C. Special Uses

1. The following uses shall be permitted as an approved special use only upon review by the Planning Commission and approval by the Board of County Commissioners. (orig. 6-1-93)
 - a. Mining operations and accessory uses. (orig. 6-1-93)
 - b. Inert landfills. (orig. 6-1-93)
 - c. Modification to any previously approved Special Exception granted by the Board of Adjustment for mining or attendant operations in the M-C Zone District; however, the Special Use hearing and resolution shall only address the provisions sought to be modified and shall not reopen the entire special exception. (orig. 6-1-93)
2. The Planning Commission in reviewing Special Use applications for the purpose of mining any mineral deposit within the M-C Zone District, and the Board of County Commissioners in making its decision upon such applications, shall consider the following. (orig. 6-1-93)
 - a. The consistency of the proposed use and operations with the goals and policies of the Mineral Extraction Policy Plan, authorized by 34-1-304, C.R.S., 1973 or as amended. (orig. 6-1-93; am. 12-17-02)
 - b. All provisions of the Administrative Provisions Section of this Zoning Resolution, (Criteria for Decisions in Special Use Cases). (orig. 6-1-93; am. 7-11-06)
3. All Special Use mining operations and Special Exceptions previously approved by the Board of Adjustment shall meet the following minimum standards unless specifically modified by the Board of County Commissioners. (orig. 2-20-80; am. 6-1-93)
 - a. Fencing: Safety fencing, as deemed necessary by the Board of County Commissioners, shall surround the entire site of mining operations. Such fencing must surround the entire area of operations and be maintained throughout the life of the mining operation. (orig. 1-13-75; am. 2-20-80; am. 6-1-93)
 - b. Roadway Construction and Maintenance: All roadways longer than 100 feet, used for ingress and egress from the public roadway to the area of mining operations, shall be paved to County standards for the local street template and cleaned and maintained to minimize fugitive dust generated by vehicles. Such cleaning will also be accomplished, with approval of the appropriate highway agency, at the point along the public roadway where this ingress/egress road is located. (orig. 2-20-80; am. 12-17-02)

- c. Excavation Shape, Setback, and Safety:
 - (1) The outer limits of excavation must be at least 30 feet from the property line and at least 200 feet from occupied dwellings. (orig. 1-13-75; am. 2-20-80; am. 6-1-93)
 - (2) Ridges or peaks created by the mining activity shall not be narrower than 30 feet in width at any point. (orig. 1-13-75; am. 2-20-80)
 - (3) All final slopes created by the mining operations, where a lake is the proposed after use, shall rise at a rate no greater than 1 vertical foot per 3 horizontal feet. (orig. 1-13-75; am. 2-20-80; am. 6-1-93)
- d. Water: All water resources used for mining and/or reclamation purposes shall be identified by the applicant and submitted to the State Engineer for review. (orig. 2-20-80; am. 6-1-93)
- e. Air Quality: All activities shall meet applicable air quality standards as set by the Colorado Air Quality Control Commission. Any violation of such standards shall be certified to the Board of County Commissioners by said commission or its designated representative. (orig. 2-20-80; am. 6-1-93)
- f. Hours of Operation: Hours of operation for open mining activities, maintenance excepted, shall not exceed 6:00 a.m. to 6:00 p.m., Monday through Saturday, for any operation within 1,500 feet of a residence. (orig. 12-6-71; am. 1-13-75; am. 2-20-80)
- g. Blasting: All blasting shall be conducted in a manner which will not cause a peak particle velocity on any adjacent or nearby property which exceeds 1/2 inch per second. (orig. 1-13-75; am. 2-20-80; am. 6-1-93)
- h. Noise Pollution: In every case, mining and all associated activities and uses must meet County, State of Colorado, and federal regulations regarding noise pollution. Any violation of such regulations shall be certified to the Board of County Commissioners by the responsible administrative agency. (orig. 1-13-75; am. 2-20-80; am. 6-1-93)
- i. Monitoring: Monitoring may be required by the Board of County Commissioners for any of the above standards as a condition of the Special Use permit. (orig. 6-1-93)

D. Annual Report

The operator shall prepare an annual report for any previously approved Special Exception and, unless waived by the Board of County Commissioners, for a Special Use which report shall comply with the requirements of the Enforcement and Administrative Provisions Section of this Zoning Resolution. (orig. 6-1-93; am. 7-11-06)