

§ X-XX-XX TEMPORARY GRAVEL PITS.

(A) In conjunction with an approved development or subdivision, the Planning Commission may approve a temporary gravel pit and associated crusher. Said gravel pit shall only be permitted in order to provide materials used on the approved development or subdivision site related to infrastructure, improvement installation or individual lot improvements.

(B) The following regulations shall apply.

(1) *Distance to dwellings.* Mining operations (including extraction, stockpiling, staging, crushing) shall be located a minimum of 500 feet from the property line of any existing dwelling dwelling that is permitted at the time of application for a temporary gravel pit

(2) *Hours of operation.* Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday.

(3) *Transportation of materials.* Transporting of materials off-site is prohibited. Only roadways within the development area shall be used for moving materials.

(4) *Safe operation.* Operation must meet any and all county, state and federal requirements for safety, noise, erosion and dust control as applicable.

(5) *Site plan.* The developer shall submit a site plan prepared by a licensed surveyor and/or engineer detailing the location of all proposed uses on the site, proposed berms or landscaping to be used for visual and/or noise buffer, a metes and bounds description of the proposed extraction areas and limits of disturbance, storm drainage, roadways, dust control and any other information as applicable and requested.

(6) *Reclamation plan.* The Developer shall be required to reclaim the site to substantially similar conditions that existed previous to the gravel pit, or to another allowed use in the zone. The developer shall submit a detailed reclamation plan for the entire site, including extraction, staging, stockpiling and crushing areas. Said plan shall be prepared by a licensed surveyor and/or engineer and shall indicate proposed final slopes, placement and depths of topsoil, soil and slope stability calculations and proposed vegetation materials to be used.

(7) *Budget for reclamation.* The developer shall be required to submit an estimated reclamation budget prepared by a qualified individual, taking into account inflation projections based on the proposed length of operation.

(8) *Bond or escrow.* A condition of approval shall be the submittal of a bond or escrow account in favor the city, in a form acceptable to the city, in the amount of 115% of the estimated reclamation budget, as approved by the City Engineer.

(9) *Conditions for partial release.*

(a) Partial release of the escrow or bond shall be approved by the City Engineer as the required reclamation improvements have been completed and inspected.

(b) The 15% amount of the bond or escrow shall be retained for a period of one year from the date of final inspection approval by the City Engineer to guarantee the reclamation from defect in either, slope stability, storm drainage or vegetation. Review by the engineer who prepared the reclamation improvements plan may be required to ensure completion of the plans according to their specifications.

(10) *Time limit for reclamation.* Developer shall be required to reclaim the site in accordance with the approved reclamation plan within six months following the expiration of the temporary period or discontinued use of the pit.

(11) *Applicability to other provisions.* Application under this section shall not void or invalidate any other requirements for a gravel pit or crushing operation as defined in other sections of this chapter.

(12) *Term of approval; extension.*

(a) Approval shall be granted for a period of one year.

(b) The Planning Commission shall grant extension of said approval in one-year increments while the development is ongoing and has not been ceased for longer than one-year. The temporary gravel pit shall be considered abandoned and must be reclaimed or approved as a new temporary gravel pit if, as part of a development agreement, the development agreement has expired. If the temporary gravel pit is in violation of this ordinance, a renewal shall not be granted.

(c) An agreement reflecting the above conditions shall be recorded against the property and shall state that any violations of the terms of this ordinance shall result in a fine, according to the City's feeschedule, that can be recorded against the property as a lien and may be enforced by the City through any other methods available under contract law.