

02022-36

Presented By:
President Brent Johnson

Material Site Ordinance 2018-19 rewrite, Ordinance 2019 Mayor's Substitute
review: Substance Comparisons

- Increased buffer by 26 feet. Former buffer could be up to 74-feet (50-foot buffer of undisturbed vegetation + six foot berm with 2:1 slope + six foot fence). New buffer would be 100-feet, unless reduced by special circumstances.
- No disturbing vegetation or ground within 200 feet of water bodies. (formerly 100 feet)
- Set noise limits at the property boundary of the gravel pit parcel. The noise limits were specific decibels (75 with variations for certain durations). [For reference, OSHA limit for acceptable noise before ear protection is 85 decibels. In addition, Bruce Wall tested during the summer and didn't find pits that were exceeding the limits].
- Set requirements for "white noise" new technology back up alarms.
- Increased vertical separation from water table to 4 feet from 2 feet
- Retained the "purchase to development" concept. In other words, if a pit operator buys a piece of property, meets all the criteria for a material site, the Planning Commission has no choice but to approve the permit. For adjacent property owners, this is like holding an election in China or Russia. These property owners and many members of the Planning Commission voiced a desire to have the option to turn down a permit if they think a specific potential pit is in an area that is too residential or too near a campground, park or other considerations.
On the other hand, pit developers pointed out the need to have clear, defined rules so they could know that if they bought a piece of property and met all the permit requirements, a permit would be granted. The Legal Department pretty much shied away from giving the Planning Commission power to decide cases apart from specific language.
- Required bonding for the developed area of a pit, for the purpose of reclamation. A 5 year site plan for reclamation is required.
- Did not address visual considerations for elevated adjacent private home owners.
- 2:1 slope on pit sidewalls. Material from the 2:1 slope may be removed if replaced with stable material within 30 days.
- Buffers can't overlap easements
- Buff area may be reduced by Planning Director or Planning Commission or they can be waived. There is no requirement for a buffer zone when neighboring uses commence after approval of permit.

- No processing between 7:00 pm – 6:00 am, but exceptions may be granted
- Planning Director or Planning Commission may determine the points of ingress and egress.
- Dust suppression shall be required.
- Surface water protection measures need to be approved by a licensed civil engineer.
- 250-foot setback from the property boundaries of any local option zoning district, public or private school ground, college campus, child care facility, senior center, assisted living home, and licensed health care facility.