

New Rifle Uranium Mill Site Environmental Covenant (Ordinance) Summary

Covenant ID: HMCOV00001

Covenant Information:

Covenant Date: October 8, 2001

Self Reporting: No

Media of Concern:

Surface Water: No

Groundwater: Yes

Air: No

Soil: No

Other: No

Contaminants of Concern: uranium, vanadium, nitrate

Property Restrictions:

1. Potable use of groundwater prohibited

Site Information:

ID: N/A

Name: New Rifle Uranium Millsite

Address: See legal description

City: Rifle

State: CO

Zip Code: 81650

Legal Description: Portions of Sections 13, 14, 22, 23, R94W T6S and Section 18
R93W T6S

County: Garfield

Site Contact Information:

Rifle City

Name: Selby Myers

Address: PO Box 1908

202 Railroad Ave

City: Rifle

State: CO Zip Code: 81650

NEW RIFLE MILL SITE

107° 49' 0" W

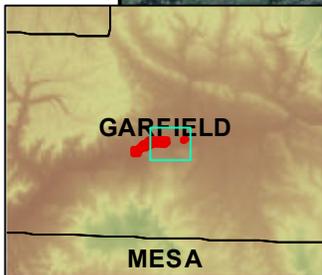
107° 48' 30" W

Featured Institutional Control



39° 31' 30" N

39° 31' 30" N



Copyright © 2013 Esri, DeLorme, NAVTEQ, TomTom, Source: Esri, DigitalGlobe, GeoEye, I-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

107° 49' 0" W

107° 48' 30" W

HMCOV00001

0

320

640

Meters



**CITY OF RIFLE, COLORADO
ORDNANCE NO. 24
SERIES OF 2001**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
TITLES 10,16,AND 17 OF THE RIFLE MUNICIPAL CODE PROHIBITING
THE USE OF GROUNDWATER FOR POTABLE PURPOSES WITHIN THE
URANIUM MILL TAILINGS REMEDIATION PROJECT RIFLE
INSTITUTIONAL CONTROL BOUNDARY.

WHEREAS, past uranium mining activities in the vicinity of the City of Rifle resulted in a plume of contaminated groundwater, which plume is shown on the Rifle Institutional Control Boundary Map; and

WHEREAS, to ensure that contaminated groundwater is not consumed for potable purposes, it is necessary for the public health to prohibit such use; and

WHEREAS, the Rifle City Council finds and determines that amending the Rifle Municipal Code to require owners of property within the Rifle Institutional Control Boundary to connect to the City's potable water supply is in the best interest of the citizens of Rifle.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The City Council incorporates the foregoing recitals as findings by the City Council.
2. Amendment. Title 10 of the Rifle Municipal Code is hereby amended as follows:

10.04.010 Definitions

[in the correct alphabetical order]

- "DOE" means the United States Department of Energy.
- "Rifle Institutional Control Boundary" means the boundary of a geographic area in and adjacent to the City of Rifle that has been identified and mapped by the United States Department of Energy within which lands are subject ton on-potable polluted groundwater.
- "Rifle Institutional Control Boundary Map" means a map recorded with the Garfield County Clerk and Recorder as Reception No. ____ that depicts the Rifle Institutional Control Boundary and subject lands.

10.04.050 Service Outside City-Policy

It is the policy of the City to decline to extend water service to property lying outside the corporate limits of the City, except for areas located within the Rifle Institutional Control Boundary, unless(a) the lack of municipal water creates a real hardship upon the owner of the property, (b) the property is capable of being annexed to the City within a reasonable time, as determined by the City

This is an electronic reproduction of the original document. This is not an official copy.

Council, and (c) the owners, for themselves, their successors and assigns, sign a binding agreement to annex the property to the City at such time as it becomes eligible for annexation. The City expressly reserves the right, as may be limited by state or federal law, to impose such conditions as it may see fit relative to the furnishing of such service and to refuse such service in its discretion. All provisions of this chapter apply to those areas outside the corporate limits of the City, except those areas covered by a contract which expressly establishes other rules for the area served under the contract.

All of the provisions of this chapter also apply to those areas which were located within the boundaries of the Rifle Village South Metropolitan District on June 1, 1988, except as expressly modified by an agreement between the City and the District incorporated into Ordinance No.1, Series of 1988 and areas which are located within the Rifle Institutional Control Boundary.

10.04.080 Connection Required

The owner of any house or other building occupied for business or residence purposes, situated within the City and abutting any street, alley or right-of-way in which there is now located or may in the future be located a water distribution main of the City, is required at such owner's expense to connect such building by means of a service line directly with the distribution main in accordance with the provisions of this chapter. Further, any such owner located within the Rifle Institutional Control Boundary is prohibited from accessing groundwater for potable purposes or from connecting groundwater in any way to the municipal water system. The point or points at which connection is made to the distribution main shall be determined by the City Manager.

10.04.090 Connection Requirement - Exception

Except for property located within the Rifle Institutional Control Boundary, connection to the water supply system of the City shall not be required for any property which is served by an existing well or other water supply system, which system is approved by the Garfield County Health Department and which system serves said property in substantially the same manner as it would be served by the water supply system of the City

This section shall apply solely to property located outside of the Rifle Institutional Control Boundary served by an existing well or other water supply system prior to connection to the water supply system of the City, and shall not be construed to permit any person already connected to the water supply system of the City, whose property may subsequently be served by a well or other water supply system to disconnect from the water supply system of the City.

10.04.230 Disconnection

For the purposes of this section, "customer" shall mean the person designated on City records as the person responsible for payment of charges incurred for the use at his premises of the water supply system of the City.

Except for property located within the Rifle Institutional Control Boundary, the City shall disconnect the service line of any premises at the curb stop, upon request of the customer.

10.04.530 Unlawful Acts

It shall be unlawful for any person to connect a surface or groundwater source or otherwise create a water connection or cross connection to the municipal water system.

It shall be unlawful for any person located within the area identified as the Rifle Institutional Control Boundary to access groundwater for potable purposes or in any way connect a groundwater source to the municipal water system.

3. Amendment. Title 16 of the Rifle Municipal Code is hereby amended as follows:

16.06.020 Amendments

(2)Section 106.4.1 entitled “Issuance” is amended to include the following paragraphs:

A building permit will not be issued in the City of Rifle jurisdiction until all construction drawings, applications, and Permit fees are submitted and approved, including those for plumbing, and mechanical portions of the project. Additionally, a building permit will not be issued in the city of Rifle jurisdiction within the Rifle Institutional Control Boundary unless the plans indicate a connection to the to the Rifle municipal water system with no access to groundwater for potable purposes. Notwithstanding the foregoing, a footing and foundation permit may be issued prior to reception of other permit information if adequate structural and site plan information is provided.

16.20.060 Prohibitions

F. No person shall occupy any new building, factory-built housing unit, home or mobile home until sewage disposal facilities, meeting the minimum standards of the Colorado Department of Health and the ordinances of the City have been installed and have been approved. No person shall occupy any building, factory-built housing unit, home or mobile home unless potable domestic water facilities have been installed and have been approved, in writing, by the City.

G. No person within be Rifle Institutional Control Boundary and within the Rifle municipal limits shall construct or occupy any structure, building, factory built housing unit, manufactured home or mobile home that requires or utilizes a water source without first connecting to the city of Rifle municipal water system.

16.22.020 Waiver of Permit Requirements

Except for property within the Rifle Institutional Control Boundary, the Building Official may waive any permit requirements contained within this title or the codes adopted by reference thereunder only after a determination is made that the effect of such a waiver is minor and will not affect the health, safety and welfare of the citizens of the City.

This is an electronic reproduction of the original document. This is not an official copy.

16.22.060 Permits-General Conditions

D. All structures within the Rifle Institutional Control Boundary that require potable water service shall be connected to the Rifle potable municipal water system.

16.22.100 Issuance of Certificate of Occupancy

In addition to the requirements for the issuance of a certificate of occupancy contained in the codes adopted by reference in this title, no certificate of occupancy shall be issued until the following improvements have been installed in the development where the building or structure is located and have been approved by the Public Works Director or his/her designee:

I. For property within the Rifle Institutional Control Boundary, a connection is made to the Rifle potable municipal water system and no access is made to groundwater sources for potable purposes.

4. Amendment. Title 17 of the Rifle Municipal Code is hereby amended as follows:

17.01.200 Definitions

[in the correct alphabetical order]

- "DOE" means the United States Department of Energy.
- "Rifle Institutional Control Boundary" means the boundary of a geographic area in and adjacent to the City of Rifle that has been identified and mapped by the United States Department of Energy within which lands are subject to non-potable polluted groundwater.
- "Rifle Institutional Control Boundary Map" means a map recorded with the Garfield County Clerk and Recorder as Reception No. ____ that depicts the Rifle Institutional Control Boundary and subject lands.

17.02.140 Pre-annexation Agreements for Property within the Rifle Institutional Control Boundary.

Any owner of property that requests municipal services within the Rifle Institutional Control Boundary, as shown on the Rifle Institutional Control Boundary Map, and outside the Rifle municipal limits, shall enter into a pre-annexation agreement with the City, which agreement shall prohibit the property from utilizing groundwater for potable purposes and require connection to the municipal water supply. Any owner of property within the Rifle institutional Control Boundary that enters into a pre-annexation agreement will be eligible to receive water service from the city when available.

INTRODUCED on September 5, 2001, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on September 19, 2001, passed without amendment, approved, and ordered published in full as required by the Charter.

This is an electronic reproduction of the original document. This is not an official copy.

**GARFIELD COUNTY ORDINANCES
REGARDING THE COMMERCIAL DRINKING WATER CONSTRAINT ZONE DISTRICT**

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Courthouse, in Glenwood Springs on Monday, the 17th of December, 2001, there were present:

John Martin	Commissioner Chairman
Larry McCown	Commissioner
Walt Stowe	Commissioner
Don DeFord	County Attorney
Mildred Alsdorf	Clerk of the Board
Ed Green	County Manager

when the following proceedings, among others were had and done, to-wit:

RESOLUTION No. 2001 – 99

A RESOLUTION CONCERNED WITH AMENDING THE GARFIELD COUNTY ZONING, RESOLUTION OF 1978 BY THE ADDITION OF SECTION 3.15, COMMERCIAL DRINKING WATER CONSTRAINT (CDWC) ZONE DISTRICT.

WHEREAS, on the 2nd day of January, 1979, the Board of County Commissioners of Garfield County, Colorado, adopted Resolution No. 79-1 concerning a Zoning Resolution for the County of Garfield, State of Colorado; and

WHEREAS, the Board is authorized by the provisions of Sections 30-28-109 through 30-28-116, C.R.S. 1973, as amended, to provide for the approval of amendments to such Zoning Resolution, and the Board has so amended the said Resolution; and

WHEREAS, on December 16, 1991, the Board adopted a codified version of the Garfield County Zoning Resolution of 1978 and all subsequent amendments; and

WHEREAS, on October 10, 2001, the Garfield County Planning Commission recommended approval of the proposed text amendment;

WHEREAS, a public hearing was held on the 29th day of October 2001, before the Board of County Commissioners of Garfield County, Colorado, at the Commissioners meeting room, Suite 301, Garfield County Courthouse, 109 8th Street, Glenwood Springs, Colorado, as to which hearing, public notice was given in accordance with requirements of Section 10 of the Garfield County Zoning Resolution;

WHEREAS, the Board on the basis of evidence produced at the aforementioned hearing has made the following determination of fact:

This is an electronic reproduction of the original document. This is not an official copy.

1. That an application for a zone district text amendment was made consistent with the requirements of Section 10.00 of the Garfield County Zoning Resolution of 1978, as amended;
2. That the Board of County Commissioners is authorized by the provisions of Section 30-28-116, C.R.S. 1973, as amended, to provide for the approval of amendments to the Garfield County Zoning Resolution;
3. That the public hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at the hearing;
4. That the Garfield County Planning Commission has reviewed the proposed zone district text amendment and made a recommendation as required by Section 10.04 of the Garfield County Zoning Resolution of 1978, as amended;
5. That the proposed text amendment are in the best interest of the health, safety, morals convenience, order, prosperity and welfare of the citizens of Garfield County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that the Garfield County Zoning Resolution, adopted on the 2nd day of January, 1979, and identified as its Resolution No. 79-1, as subsequently amended by this Board, shall be and hereby is amended and said language will be incorporated into the codified Garfield County Zoning Resolution adopted by the Board on December 16, 1991 as follows:

3.15 CDWC - COMMERCIAL DRINKING WATER CONSTRAINT ZONE

3.15.01 Uses by right: Any use, by right, of the C/L district subject to all conditions listed thereunder;
 General service establishment including lumberyard, motor freight depot and storage.

3.15.02 Uses, conditional: Any conditional use of the C/L district subject to all conditions listed thereunder;
 Plant for fabrication of goods from processed natural resources.

3.15.03 Uses, special- Any special use of the C/L district subject to all conditions listed thereunder;
 Plant for processing natural resources and agricultural materials into food and beverages; communication facility, correction facility. (97-60)

 Salvage yard, water impoundments, automobile racetrack and material handling; recreation support facilities.

3.15.04 Minimum Lot Area: Seven thousand five hundred (7,500) square feet and as further provided under Supplementary Regulations.

- 3.15.05 Maximum Lot Coverage: Seventy-five percent (75%), except for commercial uses which shall be eighty-five percent (85%).

The County Commissioners may require adequate screening of all parking and roadway areas in commercial uses from adjoining residential uses and public streets. A maximum of ten percent (10%) of the total parking and roadways areas may be required to be devoted exclusively to landscaping of trees, shrubs, and ground cover to reduce visual impacts. (A. 8 1 -99)

- 3.15.06 Minimum Setback:

(1) Front yard. (a) arterial streets: seventy-five (75) feet from street centerline or fifty(50) feet from front lot lone, whichever is greater; (b) local streets: fifty (50) feet from street centerline or twenty-five (25) feet from front lot line, whichever is greater;

(2) Rear yard: Twenty-five (25) feet from rear lot line for lots occupied by residential uses; seven and one-half (7.5) feet for lots with no residential occupancy;

(3) Side yard: Ten (10) feet from side lot fine or one-half (1/2) the height of the principal building, whichever is greater.

- 3.15.07 Maximum Height of Building: Thirty-five (35) feet.

- 3.15.08 Maximum Floor Area Ratio: 0.50/1.0 and as further provided under Supplementary Regulations.

- 3.15.09 Additional Requirements: All uses shall be subject to the provisions under Section 5 (Supplementary Regulations).

All of the uses listed a use by right, conditional use or special use, will be allowed provided any use that includes the human consumption of ground water, shall have an approved domestic water supply. An approved domestic water supply shall be either an approved community water system as defined by the Colorado Department of Health and Environment, Drinking Water Standards or from a ground water source on the property that is treated by a reverse osmosis water treatment system that meets the water quality standards promulgated under the criteria cited in CRS § 25-8-204 (1)&(2).

Dated this 17th Day of December, A.D. 2001.

This is an electronic reproduction of the original document. This is not an official copy.

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Courthouse, in Glenwood Springs on Monday, the 8th of October, 2001, there were present:

John Martin	Commissioner Chairman
Lary McCown	Commissioner
Walt Stowe	Commissioner
Don DeFord	County Attorney
Mildred Alsdorf	Clerk of the Board
Ed Green	County Manager

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 2001-73

A RESOLUTION CONCERNED WITH AMENDING THE GARFIELD COUNTY ZONING RESOLUTION OF 1979 BY THE ADDITION OF SECTION 3.14, DRINKING WATER CONSTRAINT (DWC) ZONE DISTRICT.

WHEREAS, on the 2nd day of January, 1979, the Board of County Commissioners of Garfield County, Colorado, adopted Resolution No. 79-1 concerning a Zoning Resolution for the County of Garfield, State of Colorado; and

WHEREAS, the Board is authorized by the provisions of Sections 30-28-109 through 30-28-116, C.R.S. 1973, as amended, to provide for the approval of amendments to such Zoning Resolution, and the Board has so amended the said Resolution; and

WHEREAS, on December 16, 1991, the Board adopted a codified version of the Garfield County Zoning Resolution of 1978 and all subsequent amendments; and

WHEREAS, on September 14, 2001, the Garfield County Planning Commission recommended approval of the proposed text amendment;

WHEREAS, a public hearing was held on the 17th day of September 2001 and continued to the 24th day of September, 2001, before the Board of County Commissioners of Garfield County, Colorado, at the Commissioners meeting room Suite 301, Garfield County Courthouse, 109 8th Street, Glenwood Springs, Colorado, as to which hearing, public notice was given in accordance with requirements of Section 10 of the Garfield County Zoning Resolution;

WHEREAS, the Board on the basis of evidence produced at the aforementioned hearing has made the following determination of fact:

1. That an application for a zone district text amendment was made consistent with the requirements of Section 10.00 of the Garfield County Zoning Resolution of 1978, as amended;

This is an electronic reproduction of the original document. This is not an official copy.

2. That the Board of County Commissioners is authorized by the provisions of Section 30-28-116, C.R.S. 1973, as amended, to provide for the approval of amendments to the Garfield County Zoning Resolution;
3. That the public hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at the hearing;
4. That the Garfield County Planning Commission has reviewed the proposed Zone district text amendment and made a recommendation as required by Section 10.04 of the Garfield County Zoning Resolution of 1978, as amended;
5. That the proposed text amendment are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that the Garfield County Zoning Resolution, adopted on the 2nd day of January, 1979, and identified as its Resolution No. 79-1, as subsequently amended by this Board, shall be and hereby is amended and said language will be incorporated into the codified Garfield County Zoning Resolution adopted by the Board on December 16, 1991 as follows:

3.14 Drinking Water Constraint Zone (DWC)

3.14.01 Uses, by right:

Agricultural, including farm, garden, greenhouse, nursery, orchard, ranch, small animal farm for production of poultry, fish, fur-bearing and other small animals, and customary accessory uses including buildings for shelter and enclosure of persons, animals or property employed in any of the above uses; retail establishment for sale of goods processed from raw materials produced on the lot;

Buildings for shelter and enclosure of persons employed in any of the uses by right, kennel riding stable and veterinary clinic, guiding and outfitting;

Manufactured home as the principal use of the lot meeting standards contained in Section 5.03.01(2);

Single-family dwelling; customary accessory uses only where it is accessory to the uses listed above.

3.14-02 Uses, conditional

Aircraft landing strip, airport-utility, salvage yard, sanitary landfill and storage,
Home occupation

This is an electronic reproduction of the original document. This is not an official copy.

3.14.03 Uses, special:

Pumping facilities, electrical distribution water impoundments, access routes, utility lines, pipelines;

Camper park, agriculture-related business, resort, airport - air carrier, plant for fabrication of goods from processed natural resources, material handling, warehouse facilities/staging areas, fabrication areas, storage areas, extraction, processing; public gatherings; commercial park; recreational support facilities; guest houses.

3.14.04 Maximum Lot Area: Two (2) acres.

3.14.05 Maximum Residential Lot Coverage: fifteen percent (15%).

3.14.06 Maximum Setback: (Unless otherwise permitted by special use permit.)

- 1) Front yard: (a) arterial streets: seventy-five (75) feet from centerline or fifty (50) feet from lot line, whichever is greater; (b) local streets: fifty (50) feet from street centerline or twenty-five (25) feet from front lot line, whichever is greater;
- 2) Rear yard: twenty-five (25) feet from rear lot line;
- 3) Side yard: ten (10) feet from side lot line, or one-half (1/2) the building height, whichever is greater.

3.14.07 Maximum Height of Buildings: Forty (40) feet. (Unless otherwise permitted by special use permit.)

3.14.08 Additional Requirements. All uses shall be subject to the provisions of Section 5 (Supplementary Regulations).

All of the uses listed as a use by right, conditional use or special use, will be allowed provided any use that includes the human consumption of ground water, shall have an approved domestic water supply. An approved domestic water supply shall be either an approved community water system as defined by the Colorado Department of Health and Environment, Drinking Water Standards or from a ground water source on the property that is treated by a reverse osmosis water treatment system that meets the water quality standards promulgated under the criteria cited in CRS § 25-8-204 (1) & (2).

Dated this 8th day of October, 2001.

This is an electronic reproduction of the original document. This is not an official copy.

At a meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Courthouse, in Glenwood Springs on Monday, the 8th day of October, 2001, there were present:

John Martin	Commissioner Chairman
Larry McCown	Commissioner
Walt Stowe	Commissioner
Don DeFord	County Attorney
Mildred Alsdorf	Clerk of the Board
Ed Green	County Manager

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 2001-72

A RESOLUTION CONCERNED WITH THE APPROVAL OF A ZONE DISTRICT AMENDMENT FOR AN AREA WEST OF RIFLE, TO DRINKING WATER CONSTRAINT (DWC).

WHEREAS, the Board of County Commissioners of Garfield County proposed to rezone the herein described property in Garfield County to Drinking Water Constraint (DWC).

WHEREAS, the Board of County Commissioners of Garfield County have heretofore adopted and enacted a Zoning Resolution for Garfield County, Colorado, including as a part thereof, certain zoning maps regulating permitted uses upon the lands within Garfield County, Colorado; and

WHEREAS, sections 30-28-109 through 30-28-116 C.R.S.. as amended, provide for the approval of all zoning plans and the adoption and amendment of regulations and resolutions to implement such zoning plans by the Board of County Commissioners of a given county; and

WHEREAS, the County has given notice of public hearing upon such application by publication in a newspaper of general circulation in Garfield County and provided notice of said hearing to all property owners adjacent to said property subject to the zone district amendment, and such hearing having been held on September 17, 2001, which was continued to September 24, 2001 and this Board having given full consideration to the evidence; and

WHEREAS, based upon the evidence, testimony, exhibits, review of the Comprehensive Plan for the unincorporated area of the County, recommendation from the Garfield County Planning Commission, comments of the Garfield County Planning Department, comments of public officials and agencies and comments from all interested parties in connection with said application this Board makes the, following finding in respect thereto, to-wit:

1. That all applicable regulations regarding a Zone District Amendment have been complied with including, but not limited to, Section 10.00 of the Garfield County Zoning Resolution of 1978, as amended.

This is an electronic reproduction of the original document. This is not an official copy.

2. That proper publication and public notice was provided as required by law for the hearing before the Board of County Commissioners.
3. That the public hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested parties were heard at the meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that the following described area and the property included therein be rezoned Drinking Water Constraint (DWC).

LEGAL DESCRIPTION

All of that property located north of the northern bank of the Colorado River located in the S 1/2 of Section 18, T. 6 S., R. 93 W.; and the S 1/2 of Section 13; the E 1/2 SE 1/4; SW 1/4 SE 1/4, SE 1/4 SW 1/4 of Section 14; the SE 1/4 NE 1/4, SE 1/4, E 1/2 SW 1/4 of Section 22; N 1/2 of Section 23 and the NW 1/4 of Section 24, T. 6 S., R 94 W. of the 6th P. M.

Dated this 8th day of October, A.D. 2001