

MEETING MINUTES OF THE GILPIN COUNTY
PLANNING COMMISSION
Special Meeting

January 12, 2008

The Gilpin County Planning Commission convened, at the Gilpin County Community Center, 250 Norton Drive, Gilpin County, Colorado

This written description of the minutes are general in nature. This meeting was recorded and that recording is the official record of this proceeding. If there is any question or discrepancy with these written minutes versus the recording - the recording shall usurp this written record.

Call to Order: Chair Del Johnson called the meeting to order at 9:01 a.m.

Quorum Call: Present: Chair Del Johnson, Don Harvey, Scott Belonger, Laura Jeney, Leslee Alexander, Rob Dutcher and Ron Saeger. Absent: None. Also present Community Development Director Tony Petersen, County Planner Ray Rears & County Attorney Rick Fendel.

Minutes: continued to the next meeting.

Public Hearing - SUR 07-05 - MMRR Quarry. 9:06 a.m.

Chris Hayes, presented for the applicant, began their presentation by describing their complete submittal and recapping all preceding material and meetings to date. Mr. Hayes and others described and discussed:

- Location
- Operation
- Reason for Location
- Economic Benefits to the County
 - Community Reinvestment Fund
 - Off Site Improvements
- Traffic
 - Expected accident predictions
- Air Quality
- Ground Water
- Surface Water
- Noise
- Visual Impact
- Ground Vibration
- Wildlife
- Social-economic Impact

Mr. Hayes concluded the Recap and then addressed the project compliance with the Master Plan Goals, staff concerns raised, and proposed conditions to mitigate project. Mr. Hayes request that the Planning Commission recommend to the Board of County Commissioners that this SUR application be approved.

Planning Commission then posed questions to the applicant, regarding the following:

- Neighboring Well Water Compensation
- CDOT letter regarding status of the roadway.
- Dust Controls
- Capacity of Highway 119
- Community Reinvestment Fund
- Jefferson County and the City of Golden's comments
- Explanation of the existing litigation regarding this application

Public Questions for the applicant concerned the following:

- Traffic Study
 - Number of trucks per minute
 - Windshield replacement
 - Quality of roadway
 - The time a closure of a roadway takes to clear
- Noise
- Emergency Services
- Owner's outstanding violations
- Dust
- Intersection of Douglas Mountain Drive
- Water - well

Sheriff Hartman responded to emergency response questions posed.

Community Development Director, Tony Petersen presented his staff report

- Staff recommended that the Gilpin County Planning Commission forward a recommendation to deny the proposed MMRR Quarry SUR to the Gilpin County Commissioners based on the following:
 - The proposed SUR is inconsistent with pertinent Gilpin County Master Plan goals.
 - The proposed SUR could not exist in harmony with its surrounding neighborhood.
 - The proposed SUR could be better located in an area deemed more suitable.
 - The proposed SUR has no compelling need.
 - The proposed use is inconsistent with the existing Growth IGA.

Public Questions for staff concerned the following:

- Worker traffic
- Water Wells
- Cows on the road
- Cumulative effect with Frei's Quarry regarding air quality
- Independent research performed versus use of applicants data
- Overall water budget
- Noise, sound of trucks
- Is there a benefit
- Wind

Public Presentation - City of Black Hawk

- State Permitting Process
- County regulations
- IGA (Inter-governmental Agreement)
- State Mining Permit
- Wildlife areas
- Water Rights
- Environmental Impact
- Impact on Water table
- Impact of the start of construction along Highway 119
- Truck Traffic
- Wildlife crossing area
- Ground water - wells - water consumption - Must prevent damage to existing wells
- Use of water for dust suppression
- Joint resolution of the Black Hawk and Central City to deny this application
- Petition of Black Hawk and Gilpin County residents requesting to deny this application

Planning Commission questions of the Black Hawk presenters included

- State disagreed with application impact

Public Presentation - Estella Leopold

- Conservation easement on her neighboring land
- Zoning Regulations cited
- Wildlife in the area
- Noise - effect on wildlife and the damage to structures
- Existing unnamed drainages

Public Comment (Names and addresses of those who spoke can be found in the official recording or on the Public Comment Sign in Sheet) addressed the following:

- Don't trust Frei - letter read into record
- Opposing projects - speaking on behalf of a neighbor as well
- Light Pollution
- Noise Pollution
- Douglas Mountain Homeowners' petition against this project was submitted
- Negative impacts
- Noise of breaks
- Water tests in fractured bedrock mean nothing
- Enforcement of timeframe the quarry will be in use
- Amplifying effect of the quarry
- Indemnification for the neighbors
- Intersection of Douglas Mountain Drive and Hwy 119 should be studied
- Effect on resale
- Stewards of Land
- Deny application
- Enforcement
- Traffic
- Safety
- Negative economic impact
- Black Hawk Sewer and Sanitation District, including safety of chemicals transported to their site, enforcement of conditions of approval, damage to wetlands and damage to equipment due to blasting.
- Traffic, quality of vehicles
- Personal injuries, and Black Hawk must respond to calls in that area, which is a cost and may spread their services to greatly
- Effect of these trucks in front of Frei's quarry
- Car damage
- Noise
- Connection between this application and the Frie quarry
- Traffic
- Connection between CCCC and District Water Providers LLC - Why a water company is working on a quarry project
- Noise
- Traffic, capacity of the road is too high, safety, trucks take longer to stop
- Radioactive enrichment area - Uranium, Alpha and Radon is high in this area and the potential health hazard of this dust in the air.
- Negative traffic, economic impact and tourist impact on the City and County
- Jobs will be affected in Black Hawk due to a decrease in traffic
- Physical separation of the gaming industry from their customers makes this road very important.
- Few benefits for the County
- Dust, Noise, Traffic
- Environmental Concerns
- Economic Impacts on County budget, enforcement and traffic concerns
- Visible operation
- Traffic accidents
- Traffic, large number of trucks

Applicant response to the public comments

- Traffic figures presented by staff can not be recreated
- There would be more of an impact if it was located in a Mineral Resource Area
- Wolf does not have a violation
- Water requirement are met per State requirements
- Wildlife - did submit application to the State for review
- Radioactive dust - no deposit found on site
- Meets the goals of the Master Plan

Planning Commission questions of the applicants

- Legally how can the County approve this application
- Difference between voluntary commitments and Condition of Approval

Planning Commission questions of staff

- Status of Wolf violation

Ron Saeger moved to recommend for denial to the Board of County Commissioners based on the reasons identified by staff, including:

- The proposed SUR is inconsistent with pertinent Gilpin County Master Plan goals.
- The proposed SUR could not exist in harmony with its surrounding neighborhood.
- The proposed SUR could be better located in an area deemed more suitable.
- The proposed SUR has no compelling need.
- The proposed use is inconsistent with the existing Growth IGA.

Don Harvey seconded the motion. Motion passed 7-0 by a show of hands. Public Hearing ended at 4:04 p.m.

Respectfully submitted,

Del Johnson
Chair