GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, August 2, 2013

DRAFT

12:50 p.m.

- **Call to order; determine quorum**
- **Approval of Minutes**
- **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.

1:00 p.m. **Gunnison Valley Properties, LLC**, joint public hearing/no action, Preliminary/Final Plan; request for a year-round sand and gravel operation on 109-acres of a 220-acre parcel; 62-acres of which will be excavated. The operation will include the extraction, crushing, screening, washing and stockpiling of approximately 200,000 tons of sand and gravel per year. Asphalt and concrete batching is also proposed to be conducted at the facility. The property is located approximately ½ mile east of the City of Gunnison, south of Highway 50 to Tomichi Creek, legally described as a being located in the NE/4 SE/4 NW/4 Section 4 and the NE/4NE/4 Section 5, Township 49 North, Range 1 East, N.M.P.M., 43188 Highway 50. Possible direction to staff.

End of Meeting

- Report of actions taken by BOCC.
- A brief period in which Commission debriefs on the day's processes, etc. No discussion or action on any specific Land Use Change Permit applications will take place at this time.

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
August 2, 2013
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The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission meeting room. **Present were:**

Chairman- Kent Fulton
Vice-Chairman- Jim Seitz
Commissioner-A.J. Cattles
Commissioner-Susan Eskew
Alternate Commissioner- Jeremy Rubingh

Assistant Director of Community Development- Neal Starkebaum
Planner-Cathie Pagano
Community Development Department Services Manager-Beth Baker
BOCC- Phil Chamberland
BOCC-Jonathon Houck

Absent Commissioners- Tom Venard and Warren Wilcox

Others present as listed in text

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With a quorum present Chairman Kent Fulton opened the regular meeting of the Planning Commission.

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Moved by: Cattles seconded by Seitz to approve Planning Commission minutes dated July 19, 2013, as amended. The motion passed unanimously.

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Dan Vader was concerned with the Signal Peak Industrial Park and their lack of a property owners' association. He would like the Sheriff's office respond to calls and deal with the Industrial Park when called.

GUNNISON VALLEY PARTNERS- TOMICHI GRAVEL PIT: The Gunnison County Planning Commission (Planning) and the Board of County Commissioners (BOCC) conducted a joint public hearing, on the Preliminary/Final Plan; request for a year-round sand and gravel operation on 109-acres of a 220-acre parcel; 62-acres of which will be excavated. The operation will include the extraction, crushing, screening, washing and stockpiling of approximately 200,000 tons of sand and gravel per year. Asphalt and concrete batching is also proposed to be conducted at the facility. The property is located approximately ½ mile east of the City of Gunnison, south of Highway 50 to Tomichi Creek, legally described as a being located in the NE/4 SE/4 NW/4 Section 4 and the NE/4NE/4 Section 5, Township 49 North, Range 1 East, N.M.P.M., 43188 Highway 50.

Commissioner Warren Wilcox has recused himself from review of the application.

With a quorum present Chairman Kent Fulton opened the joint public hearing.

Community Development Department Services Manager Beth Baker confirmed adequate public hearing notice. The applicants submitted the proof of posting and certified mailing receipts, and the Planning office had the notice published in the Gunnison Country Times and the Crested Butte News.

The applicant Dick Bratton, and the applicant's representative Ben Langenfeld of Greg Lewicki and Associates, were present for the joint public hearing. Garland Cox and Ann Cox members of the Gunnison Valley Partners were present in the audience.

Community Development Assistant Director Neal Starkebaum was present for the discussion.

Langenfeld gave a power point presentation. He explained the project could take approximately 27 years to complete. He said they have addressed the conditions placed on the project at Sketch Plan approval in their Preliminary plan proposal. He said Colorado Parks and Wildlife (CPW) has submitted comments concerning possible impacts to the fishery by the gravel operation. The comments indicated the infusion of water from the gravel operation could possibly help the fishery.

Langenfeld said they had decided to install two monitoring devices for noise and dust; they will conduct annual noise and dust monitoring. The applicants will use best management practices when addressing the dust and the berms issues used for noise mitigation.

Langenfeld said one of their water augmentation plans has been approved. He noted the City of Gunnison has expressed their concerns with the irrigation water rights. He also said the Gunnison Three Mile Plan has been addressed. Bratton added this project could benefit the City and the County by helping to clean up the entrance to the valley. Bratton added competition is needed in the county gravel industry.

Langenfeld showed illustrations of the proposed pit, five years into operation. There will be permanent berms; one to the east and the second along the highway. They will help mitigate the view of the pit from the highway. Most of the mining will be complete when the berms are well vegetated. He added when the mining in the second pit is complete the berm will be removed. They will finish mining in the processing area, and finally the lakes will be filled.

Langenfeld explained the berming will be used to obscure the view of the pit. There will be four berms only two will be permanent. The height of the berms will not be over 10 ft. He showed illustrations of what the berms could look like. He said there will be many years when the meadow will not be touched.

Langenfeld reiterated the CPW has submitted comments. CPW cannot be certain but has indicated generally an impact from dewatering can help keep the water cool. It is also good to have another water source when the water is low.

Langenfeld explained why the traffic counts had been taken in April as opposed to June. He had questioned the timing and was informed that in a traffic study what matters is how much more traffic you are running through your access. They were able to study it in April because how many cars turning in and out of the access is the important thing.

Neighbor Aaron MacLennan said because of the direction the wind blows it may be beneficial to move the monitoring stations or add another one.

BOCC commissioners Phil Chamberland and Johnathon Houck were present for the discussion. Houck asked if the methods used to mitigate visual impacts would mesh with the mitigation already in place. Langenfeld said it will not be done all at once.

Rubingh asked about the traffic study; the study being done in April is still alarming. He noted his concern with the visual line of sight and the berming areas. Langenfeld pointed out when determining the size of access, it is what is going in and out of the access, not the traffic going by on the highway.

Chamberland and Fulton agreed with Rubingh's concerns with a traffic study conducted in April and the visual impacts of the berming.

Rubingh asked about the monitoring locations. He questioned why the stations would not be mobile to address each area of operation. Langenfled explained monitoring stations remain in the same location so the effects can be compared throughout the years. They have picked the two areas where they anticipate the worst impacts.

Cattles asked if noise became a concern somewhere else on the site could the monitors be moved; Langenfeld said the experts would recommend adding another one temporarily. There is one by the highway to monitor the traffic noise and dust. They are berming around the processing area to mitigate noise and will be monitoring there too.

Fulton suggested a third location near the mining area. Langenfeld agreed more data is always a good thing.

Rubingh asked if Langenfeld had spoken to Trout Unlimited and Western State University's Kevin Alexander. Langenfeld had not heard back from Alexander. Langenfeld reiterated the CPW comments were the most important. Assistant Director of Community Development had spoken to Trout Unlimited representative Jessie Kruthaupt. Kruthaupt said Trout Unlimited was not aware of potential negative impacts and added the additional water could be positive.

The commissioners discussed the effects of berming. Bratton acknowledged the neighbors above the pit would not benefit much from the berming. Langefeld said from a practical standpoint there is not much that can be done to hide the pit from the neighbors' views. Chamberland suggested tress on the berms. Fulton said without a water source the trees will not live.

Seitz agreed the traffic count being conducted in April is problematic. He said if later there is a traffic accident they will feel badly; it does not make sense. There is a lot of fast moving traffic on the highway and slow moving trucks pulling out

onto the highway is very dangerous. Seitz was not convinced the need for competition in the gravel industry could be controlled. He asked Bratton if he would "put it in writing- they will not sell gravel to United Gravel."

Seitz was concerned with the location of the pit. The gravel will be needed primarily in the Crested Butte area. This will have gravel trucks going through the city on Main St. He said the negative impacts to downtown Gunnison could be significant. It makes a lot more sense to mine it north of town where the construction will likely take place. The silos and operations have been moved away from the highway. He said the scales should move too. He emphasized this would be a benefit to a few that should be carefully considered.

Cattles asked if a different access on the highway had been considered: Bratton answered yes but it was not practical.

Neighbor Robert Belahay voiced many concerns including;

- the Land Use Resolution (LUR) states a mining operation shall not cause adverse impacts to residential areas
- the applicant must submit a visual impact assessment; it has not been done sufficiently
- any violations to the National Ambient Air quality would require the project to shut down and immediate correction would be required
- the most advanced technology should be used to monitor the neighbors' wells- if impacted the applicants must agree to address it
- the wetlands could be polluted
- negative visual impacts are not being adequately addressed
- acceleration and deceleration lanes should be considered

Neighbor Steve Fry concerns included;

- the pit could lower the water table-impacting his well
- questioned if another gravel pit was really needed
- a gravel pit will devalue the private property close to the pit
- noise and air pollution are already concerns with the existing plant.

Neighbor Arron Maclean concerns included;

- agreed with both Fry and Belahay's concerns
- needs assurance his well will not be impacted
- visually he will be effected quite a bit
- the view was the reason he bought the property- now he will likely sell his home (if he can)
- the existing operation is busy and the smell is unpleasant already, adding more will greatly compound it
- the process should be made mobile and stay in the far south corner
- the stock piles of material in the existing operation are at least 30 ft. high and very dusty
- need for a third monitor
- acceleration and deceleration lanes are needed

Neighbor Mary Kay Fry concerns included:

- asked if written comments can be submitted later
- gravel truck traffic going through on Main St.
- the operation will have a significant negative impact to the adjacent residential area
- the view, dust, noise and smell will change the use of her home
- concerned with the possible impacts to her health and her children's health
- the water from Valco is very dirty- not sure this water would be any different
- did not see any piles of dirt on the illustrations- there will be many
- 134 acres is double the 70 acres of the existing operation

Ramon Reed was concerned with the berms and the safety aspects of slow trucks exiting and entering the highway. He asked what the height of the berms will be relative to the highway. He suggested planting Cottonwood trees on the berms because they grow naturally there. The neighbors across the highway will be adversely effected, he suggested local screening. He said there could be individual mitigations done on the effected owners' sites. A mitigation fund from the developer could help. He has many concerns. He focused on the impacts of a sediment pond.

Jack Cullinan was in favor of the application; it is hard to grow the community without the gravel competition piece.

Aaron Maclean said he understands need for competition. He questioned how any money is put in the people's pockets. He did not see a big improvement to everyone's economy. He asked how he can be helped.

Mary Kay Fry questioned if the benefit of competition will be going to her also. The traffic at her entrance is already unsafe; an increase in activity will only compound the problem.

Fulton allowed written comments to August 9, 2013.

Langenfeld addressed;

- The protection of neighboring wells; we must demonstrate we will not injure neighboring wells; if injured they have to compensate the owners. Bratton said they could agree to extend the 600 ft. boundary. They are willing to potentially protect the neighbors across the road wells.

- The dust of the existing operation: the BMP and management technology can control the dust. They can run a full time water truck to keep the dust down. He pointed out the air quality control office responds to citizen complaints, and they would hold the operator to the standards of the permits

- The visual impacts – local screening and working with neighbors could be beneficial. The cottonwood trees could be good but sustainability is a concern. Their plans are based on sustainability. The visual protection is part of bigger approach with the entry way to the City of Gunnison.

- The water discharge, quality and sediment pond; there are water discharge control structures, ensuring good quality water discharge. The water coming out of the aquifer is very clean. Gravel filter systems can be installed. The pond acts a control point to ensure the State requirements have been met. It is a site specific requirement.

- The total area is 135 acres, it includes the disturbed and undisturbed areas. The asphalt plants on site should be fixed. At completion dewatering would have to been done all the time.

Bratton agreed with Reed and will consider local berming to improve individual aesthetics. Cottonwood and willow trees could be used.

Bratton is concerned with the visual of the overall area; the property values could increase by improving the Signal Peak entrance.

Bratton said the impact to property value is a relative thing. He said the traffic would more likely be split than doubled. He agreed to work with the neighbors.

Langenfeld said he will do more to prove the traffic study works.

Reed said the City has an open house this month on the City's access plan, he recommended everyone express their concerns.

Chamberland noted CDOT will meet with the BOCC on September 22, 2013.

Chamberland asked if there will be filtration system: Lagenfeld said there will be a bag house- he will provide information on it.

Chamberland commented north of town could be a better location, but the same situation will exist wherever it goes. There is a possibility of conflict with residential areas almost anywhere.

Eskew pointed out much of the expense when purchasing gravel is how far it travels to get to your site. The trucking is very costly. She was troubled by the safety aspects for the benefit of a few. Public safety and the cleanliness of it will impact us all for many years. This is very visible and the traffic concerns are a big problem.

Houck said there are always impacts to someone but the job is to make the best result. He thanked the audience for their comments.

Fulton continued the public hearing to September 6, 2013 @ 1:00 P. M.

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Fulton adjourned the meeting at 1: 15 P.M.

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/S/ Beth Baker
Community Development Department Services Manager
Gunnison County Community Development Department