

**SAN MIGUEL COUNTY PLANNING COMMISSION
MINUTES – REGULAR MEETING**

October 14, 2021

On-line Meeting

Present: Lee Taylor, Chair
Pamela Hall, Vice-chair
M.J. Schillaci, Secretary
Ian Bald, Member
Josselin Lifton-Zoline, Member
Matthew Bayma, Sr. Alternate
Tobin Brown, Jr. Alternate

Planning Staff Present: Kaye Simonson, Planning Director
John Huebner, Senior Planner
Troy Hangen, Senior Planner

County Staff Present: Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant, County Attorney's Office

9:01 a.m. Chair called the meeting to order.

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson is working on the Affordable Housing Zone District.
Planning expects to receive a Society Turn PUD Preliminary Plan application in December.

APPROVAL OF MINUTES:

Discussion of the August 19, 2021 minutes and the intent of Josselin Lifton-Zoline's motion regarding the impound lot and condition item, #5. Item continued to the next meeting.

MOTION by MJ Schillaci to approve the September 9, 2021 minutes as presented.
SECONDED by Ian Bald. **VOTE PASSED 5-0.**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	Aye	Nay	Abstain	Absent
Tobin Brown	Aye	Nay	Abstain	Absent

PUBLIC HEARING: REVIEW OF LAND USE APPLICATION

Applicant: Ben Langenfield, Representative; Skelton Inc.
Location: (Parcel #429517300003) South of Montrose County line off CR 44Z N
Parcel size: 25-acre
Zone District: Wright's Mesa (WM)
Proposal: Mining Special Use Permit for expansion of United Materials Norwood Gravel Pit

Those who addressed the commission:

Jason Burke, Applicant

Ben Langenfield, United Companies

Tyra Bartuska, United Companies

John Huebner, Senior Planner, shared a power point presentation with a virtual site visit of the proposed Skelton Gravel pit to be located on a vacant unimproved 25-acre parcel zoned Wright's Mesa (WM) located off CR 44Z N just south of the Montrose County line approximately 1.75 miles northeast of the Town of Norwood.

The property owner, Skelton, Inc. owns the surface and mineral rights for the 25-acre vacant parcel. Skelton has leased the property to United Companies. United proposes to mine the sand and gravel resources on this parcel and to process the mined materials (gravel crushing and other refining) also on this parcel to lengthen operating life of the United Norwood Pit in Montrose County.

The existing United Norwood Gravel Pit, located in Montrose County north of the proposed Skelton Pit expansion parcel, is an active sand and gravel pit operation opened in 1989. It produces construction material, i.e. sand and gravel, road base, ready-mixed concrete, hot mixed asphalt and washed rock for use in projects in western Montrose County and San Miguel County. The United Norwood Gravel Pit operates under a land use permit from Montrose County and a reclamation permit from the Colorado Division of Reclamation, Mining and Safety. The Colorado Department of Public Health and Environment has issued permits for the control of dust/diesel emissions and for water quality protection.

San Miguel County Road and Bridge operates a 19.22 acre parcel gravel pit in San Miguel County under a Special Use Permit (SUP) granted by the Planning Commission (CPC Resolution 1992-11). It is located directly south of the existing United Norwood Pit and directly west of the proposed expansion parcel.

Access to both pits is over a 9.72-acre parcel, owned by the Skelton, Inc., located in San Miguel County. United Materials has its office for its pit and operates a weigh station for incoming and outgoing gravel trucks on this parcel.

The proposed mining operation on the Skelton Pit would commence after the remaining mining reserves north of the subject property is depleted. The primary commodity to be mined is sand and gravel for the purpose of producing construction materials. Fill dirt may be incidentally produced during the operation. The duration of mining activity is dependent on demand, with 25 years of extraction predicted to occur before all the commercially viable materials are removed.

No traffic will go directly from the subject property to the county road. All trucks and equipment related to the gravel extraction will move directly between the subject property, the gravel

processing plant, and the existing pit in Montrose County. All employees associated with the gravel mining and gravel production will enter the subject property from the existing pit property.

The Skelton Pit will be mined using loaders, backhoes, dozers and off-highway haul trucks. Hours of operation are proposed to be 7 am to 7 pm Monday through Saturday.

No blasting will take place at the Skelton Pit. No refuse, acid producing or toxic materials are expected to be encountered in this operation. The site in general will be mined from northwest to southeast. The gravel extraction would occur initially in a 13 acre portion of the site. Gravel processing operations will also occur on the site. Processed gravel will be transported through the existing pit property located to the north in Montrose County.

Once the extractable materials have been depleted on the subject property, the site will be remediated. The proposed remediation plan returns the property to rangeland. The mining and reclamation on the parcel is proposed to be done concurrently. Mining will occur to the bottom of the gravel deposit, an average depth of 25-40 feet. After about 13 acres are mined out, the mined area will be top soiled and revegetated according to the reclamation plan. The applicant will need to obtain a reclamation permit for the subject property from the Colorado Division of Reclamation, Mining and Safety, and also be issued permits for the control of dust/diesel emissions and for water quality protection on the subject property from the Colorado Department of Public Health and Environment.

Key issues associated with gravel pit applications include visual screening, noise mitigation, truck traffic, and dust control for the gravel extraction operation. Visual impacts to the proposed pit are minimized due to the existing pits to the north and west, and the natural topography and landscape to the south and east. The properties directly surrounding the pit to the north and west are industrial in nature (existing United and County pits). The parcels directly to the east and south are used agriculturally. There are residences located within 1200 ft. to the west and 200 ft. to the south of the proposed pit.

The United Norwood Pit is geographically situated to provide asphalt paving services for CDOT and local governments. The expected annual average production is 100,000 tons, which the applicant states is equivalent to the average production over the past five years. Actual production rates will fluctuate based on market conditions.

Traffic at the United Norwood Pit has averaged roughly 30 trucks a day for the past five years based on a 200-day annual operating season. 2020 was a peak traffic year with 46 daily average trucks per day due to the paving of Colorado State Highway 141. The applicant is in discussions with County Road and Bridge on a new road use agreement for its use of CR 44Z N and to share in the cost maintenance of the road.

The applicant stated that approving a Special Use Permit for the Skelton Pit, as an addition of reserve to an existing sand and gravel operation and being adjacent to two existing sand and gravel operations, will not lead to significant adverse impacts. Any impact associated with the Skelton Pit will be of the same type and intensity as those currently occurring from the existing sand and gravel mines. The net effect is the clustering of mining operations in an area with infrastructure and impact mitigation systems already in place.

The property will be mined in a manner to maintain a 40 foot tall berm between CR 44 Z N and the operation until the final years of mining. No structures will be built at the Skelton Pit. The applicant added that while potential air, water, noise and visual impacts do exist with a sand and gravel mine like the Skelton Pit, these impacts will be mitigated. Noise levels will not be above the applicable limit at the property line.

Night time activity will be restricted to emergency maintenance of the site or equipment. Any lighting needed for this activity will be minimal, and downcast.

The applicant is required to submit a 112 (c) reclamation permit application for the proposed Skelton Pit to the Colorado Division of Reclamation, Mining and Safety (CDRMS) for a construction materials extraction operation affecting 10 acres or more. The applicant included a draft copy of their proposed reclamation application to the State with their SUP application. United Companies has existing Storm Water Management Plan and Air Permits from (CDPHE) for the existing site. It proposes to incorporate the proposed pit location into these permits. The applicant states that no groundwater will be interacted by this operation as it is greater than 100 ft. below the surface. Water application for dust control is anticipated to consume 1.36 acre-feet of water a year and there is magnesium chloride available as an option.

The applicant, as part of the reclamation permit application process with the Colorado Division of Reclamation and Mining Safety, is required to post a Financial Warranty that is sufficient to cover the calculated reclamation costs to reclaim the site.

Staff commented that while the San Miguel County Comprehensive Plan recommends low density rural residential for this area on Wright's Mesa it does not preclude the location of heavy industrial uses on property outside of the Norwood Master Plan Area.

The application was sent to referral agencies for comment, and the legal public notice was completed. Numerous public comments were received regarding view impacts, environmental concern, noise, hours of operation, traffic increased activity.

Planning Commission members asked if the material would be hauled through San Miguel or Montrose County. The majority of hauling will be in San Miguel County and some in west Montrose County. Members asked how long the pit is anticipated to be used. It will depend on the market for gravel resources. The Commission also asked about assurances that proper weed control will occur, and requirements that an adequate reclamation bond is in place.

Ian Bald asked about jake breaking, which will be complaint driven. Most complaints were about night hauling activity occurred during road construction on the west Hwy 145 spur to Telluride. A proposed condition of approval for the proposed pit is allowing work during daylight hours only; and requiring special approval and notification for any exceptions.

The Commission also asked about the property tax implications, which will change as the subject property use changes from agricultural to commercial. It was also asked how much use the San Miguel County gravel pit is used. It depends on the Road & Bridge road maintenance schedule, but activity is limited in the county pit compared to the United Pit.

Matt Bayma asked about the status of negotiations of a road agreement between the applicant and County Road and Bridge. Kaye Simonson, Planning Director said Road & Bridge hauling permits are not activated until work is happening. Any agreements would be a condition to be met before any activity could commence.

Ben Langenfield, on behalf of the applicant, stated that many local truck drivers use the United Norwood Pit. The drivers are asked to maintain good neighbor relationship with our community and all drivers are asked to acknowledge these policies in writing.

The Commission asked the applicant about the possibility of removing proposed gravel crushing from the subject property as it is very noise intensive. Crushing is usually limited to once a year for a couple months. The applicant was asked if they would be willing to do a sound study, which the applicant said they would look into. The commission also asked if traffic could be limited to off-peak time of day to mitigate traffic impacts.

11:15 a.m. Opened Public Comment

Laureen Kozey, adjoining property owner- concerned with maintaining existing water drainage to preserve significant ponderosa tree on her property, excessive noise and dust from gravel crushing operations that lasts for months.

Madeline Gardner, property owner- concerns about gravel crushing and Saturday hours of operation.

Alex Drake, hours of operation, enforcement of violations

Mary Anne Gaston, property owner- concerns of water, visual impacts, wants M-F hours

Peggy Smelt-Day, property owner- concerns of traffic, impact on the land, dust, hours of operation

11:36 a.m. Closed Public Comment

Lee Taylor asked if the United Norwood Pit is in good standing with Montrose County. Montrose County planning did review the application and added no comments.

Commission asked for clarification on location of the existing United Companies weigh station and office, which are located on a separate parcel than the subject property. The structures have been located there for several decades and there was no requirement in any past San Miguel county pit approvals that the office or scales be moved, and there are no existing commitments to move those buildings. It was discussed that perhaps the berm could be enhanced with additional vegetation as a screen.

The Commission prepared a list including: a 5 year review, review of available water, gravel crushing locations, discuss habitat impacts with CPW, hours of operation as Monday-Friday with neighbors being notified of any exceptions, and information needed from CDOT regarding traffic and projections at SH 145/CR 44Z intersection. The Commission concluded that any mining operations and approval would last for a long time and asked that the applicant strengthen and refine its application.

MOTION by Josselin Lifton-Zoline for a continuance to November 18, 2021 meeting of the Planning Commission with direction to the staff and the applicant as the commission is interested in more information on gravel crushing, an agreement for a project with CPW, hours of operation, information from CDOT about traffic, water use, existing agreements with Montrose County, screening the office and scales, and any other items that come up.

SECONDED by Toby Brown. **VOTE PASSED 5-0.**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	Aye	Nay	Abstain	Absent
Toby Brown	Aye	Nay	Abstain	Absent

12:08 p.m. Recessed

12:13 p.m. Reconvened

DISCUSSION OF MASTER PLAN AMENDMENT FOR AFFORDABLE HOUSING

Kaye Simonson, Planning Director talked about updating the Master Plan and creating an Affordable Housing Zone District. As drafted, the new zone district makes 15 units per acre a one-step review process and over 15 units a two-step process, both dependent on the ability to be served by water and sewer. This is subject to further review and discussion. There will be a Master Plan amendment that supports the affordable housing goals and the proposed zone district.

There was discussion on the wording about ‘low cost housing’ as it does not exist in this area and other refinement of the wording in the Master Plan. There was further discussion on Short Term Rentals, permitting and what is the value to the community. Josselin added that she would like

reference to essential workforce, i.e. teacher, workers, first responders, etc. Pam Hall is concerned with the new person who just moved here versus people who have been here 20+ years and how to balance that fairly, as well as how to incentivize the creation of affordable housing.

The BOCC wants Planning to move quickly on this item and Kaye will be sending the amendments out to review agencies for consideration. There will be one more work session before the November 17, 2021 meeting.

PLANNING COMMISSION AND STAFF COMMENTS CONTINUED:

Pam Hall submitted a resignation letter to Planning Commission. Senior Alternate, Matt Bayma will be advanced to a regular member, and Tobin Brown from a Junior Alternate to Senior Alternate position.

There is now seats open on both the Planning Commission and the Board of Adjustment.

1:14 p.m. Adjourned.

Respectfully Submitted,

Nancy Hrupcin, Legal Assistant, County Attorney

Approved on _____, 2021.

SAN MIGUEL COUNTY PLANNING COMMISSION

M.J. Schillaci, Secretary

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