

**Planning Commission Meeting Minutes**  
**April 24, 2019**

Planning Commission Members in Attendance: Angela Mackey, Kim Shay, Tate Locke, Steve Shea, Steve Schrock, Layne Brones, Lucinda Stanley, Tom Kay, Jacob Gray, Eli Wolcott

Absent Members:

Planning Staff in Attendance: Community & Economic Development Director, Elyse Casselberry; Current Planning Manager, Kelly Yeager; Administrative Assistant, Vivian Archuleta.

Chairman Mackey opened the meeting at 5:30 with introductions.

**Item #1: Approve Previous Meeting Minutes for April 10, 2019**

Amendment to minutes: Only self-contained RV's allowed

**Motion:** Kim Shay moves to approve minutes as presented

**Second:** Tate Locke

**Unanimous Ayes – Motion Carries Minutes Approved**

**Item #2: SUB19-003 Hallock Place Subdivision**  
**Owner: Robert & Patricia Stewart**

**Ms. Casselberry read the proposal:**

This project will subdivide 51.2 acres into two lots. Lot #1 will be approximately 1.3 acres and will include an existing residence and out buildings. Lot #2 will include approximately 49.9 acres and will remain agricultural. Water is proved by one Gunnison Valley Water Users tap. An existing OWTS provides septic to the existing residence. Access will be from 2075 Road. The applicant intends to sell Lot 1 but continue to farm Lot 2. The Density Standard for this subdivision is 4.76. The maximum number of lots within this subdivision is 5. Impacts on adjacent property, service providers, and County Roads: No impacts have been identified to adjacent property as no new uses are anticipated beyond those already in existence. Delta County Engineering visited the site. The applicant is proposing to deed .6 acres to Delta County for road right-of-way. The applicant needs to confirm that the right of way dedication will be sufficient to provide 30' of right of way. A 10' easement outside of the right of way must also be provided. The existing OWTS does not appear to be permitted. No obvious problems with the system have been observed. At the time when repairs are required or a new system installed, soil testing and permits are required to be obtained. Uncompahgre Valley Users Association has requested they be contact prior to any new construction. Water is provided to Lot #1 by an existing Gunnison Valley Water Users Association tap. Lot #2 will need to be deed restricted to agricultural only or an additional domestic water tap acquired. Irrigation is provided by an existing supply and wastewater ditch on the west side of the property known as the Relief Ditch. One share of Relief Ditch water will be transferred to Lot #1. Staff finds that the Sketch Plan for SUB19-003 Hallock Place Subdivision is feasible and recommends the concept of the feasibility of the application be approved by the BoCC with the directions given for Final Plat with the findings, conditions /issues as presented and those elements of the attached check list. Conditions or Issues to be addressed: A plat note indicating that Lot #2 is restricted to agricultural use only unless an adequate water supply is provided shall be included along with a deed restriction addressing the same. 30' of ROW and 10' for a utility easement shall be provided. An irrigation plan shall be provided.

Questions to Planning Staff from Planning Commission Members:

Q: Why wasn't the Fire mitigation fee not added to this subdivision application?

A: It is a requirement for all subdivisions, I just must've left it off of the report

Questions to applicant:

Q: Is the relief ditch part of the UVWUA?

A: No

Q: Why was the Uncompahgre Users notified?

A: I don't know

Q: And you will transfer 1 share?

A: Correct

Q: Where will they get their water?

A: From the ditch. From the head gate.

Q: And the other users just get it out of the head gate there?

A: Yes

Q: Are you willing to put the irrigation plan in writing?

A: Yes, the water has always come down right there.

Q: Across 2075 Rd, there is a structure, what is it?

A: It's a little gas plant. A small chain link facility.

Proponents:

Shane Lance Lives nearby – no concerns

Patrick Winner lives a half mile from property – no concerns

Opponents: none

Final Comments from the Applicant:

Final Questions from the Planning Commission to the Applicant/Planning Staff:

Deliberations of the Planning Commission: Deed restriction on Lot #2 keeping it Ag.

**Motion: Lucinda Stanley recommends approval subject to the conditions recommended by the Planning staff**

**Second: Tate Locke**

**Unanimous Ayes – Motion carries**

**Item #3: SUB19-004 Justman Subdivision  
Owner: Robert Parker Justman**

**Ms. Casselberry read the proposal:**

The project proposes to subdivide the original 22.42 acres (per Assessor's records) into two lots. Lot 1 will be approximately 1.3 acres, and Lot 2 will be approximately 21.12 acres. There is an existing mobile home on Lot 1 and an existing residence on Lot 2. The subdivision is located off of Peony Lane just west of the Town of Paonia. Water is proposed to be provided by Cedar Spring. There are two existing onsite waste water treatment systems (OWTS). The northern portion of the property lies within the floodplain from the North Fork. Staff Findings, Utilities issues - Domestic water is to be provided from a private spring. The final plat shall identify the location of easements for the pipeline that delivers water from the private spring to the subdivision. The

applicant will need to complete necessary water quality and quantity testing to demonstrate that this water supply is sufficient in terms of quality, quantity, and dependability. The applicant shall contact the Delta County Public Health Department prior to final plat to complete appropriate testing. Any requirements of the Public Health Department shall be met prior to final plat.

- Irrigation plan: The applicant does not intend to transfer any irrigation water to Lot 1. No irrigation plan is necessary since irrigation water will not be transferred.

– Septic: There are two existing OWTS located on the property, each issued permits from Delta County. The permit numbers for these systems are #152-03 and #040-14.

- Access issues - County road standards: The application was reviewed by Delta County Engineering and Delta County R&B District #3. Peony lane is classified as a Local Service Road with a 60' ROW width from Matthews Lane until 14569 Peony Lane. It then switches to a private gravel road and continues to the already existing access for this property. 30' of ROW, or the necessary amount of ROW to create a total of 60' of ROW for Peony lane, and a 10' utility easement need to be provided for the extension of Peony Lane onto Lot 2. The ROW shall be deeded to Delta County. Additionally, a hammerhead or other turnaround shall be provided at the termination of Peony Lane for emergency access. Access: The applicant needs to identify the existing location of the access for Lot 2 on the sketch plan.

- Mapping indicates the northern portion of the property is both in the floodplain and is ranked as Level 4 High Priority wildlife habitat. The northern portion of the property is in potential Yellow Billed Cuckoo habitat. Approximately 2/3 of the area including the mobile home on lot #2 and the barn on Lot #1 are located in the AE Zone within the floodplain. The 100-year floodplain elevation and boundary shall be drawn on the final plat. Any new construction or development within the AE Zone shall require a Delta County Floodplain Permit which must be obtained prior to construction. The final plat needs to address corrections identified by the Delta County Engineering Department, see attached, including correction of the northern property line location, removal of the property north of the river also owned by Mr. Justman as it is not part of the subdivision, and showing all utility easements.

Staff finds that the Sketch Plan for SUB19-004 Justman Subdivision is feasible and recommends the concept of the feasibility of the application be approved by the BOCC with the directions given for Final Plat or Preliminary Plat with the findings, conditions /issues as presented and those elements of the attached check list.

- Conditions or Issues to be addressed: That the applicant must demonstrate a domestic water supply that as is adequate in terms of quantity, quality, and dependability prior to final plat. This includes a final court decree that allows Cedar Spring to be utilized for two residences, a water quality report that passes water quality drinking parameters as outlined in the Delta County Public Health referral comments, and demonstration that Cedar Spring produces sufficient water on a consistent basis to meet the domestic water needs of two residences. The location of the spring and access easements to the spring shall also be identified on the final plat.
- The applicant shall provide a management agreement for the maintenance and distribution of domestic water.
- The applicant shall draw the 100 year floodplain boundary and floodplain elevation on the final plat. A plat note identifying that any future development in the AE Zone associated with the floodplain requires a Delta County Floodplain Permit. 30' of ROW, or the necessary amount of ROW to create a total of 60' of ROW for Peony lane, and a 10' utility easement need to be provided for the extension of Peony Lane onto Lot 2. The ROW shall be deeded to Delta County. Additionally, a hammerhead or other turnaround shall be provided at the termination of Peony Lane for emergency access.
- The final plat needs to address corrections identified by the Delta County Engineering Department, see attached, including identifying the access location for Lot 1, correction of the northern property line location, removal of the property north of the river also owned by Mr. Justman as it is not part of the subdivision, and showing all utility easements.

- \$500 fire mitigation fee per lot
- An adequate access easement shall be provided to the property located immediately north of the proposed subdivision as this property is land locked with no legal access.

Questions to Planning Staff from Planning Commission Members:

Q: Was there a water quality test that came back questionably?

A: No, they've done a report, further testing will be done as well.

Q: Are you familiar with what we got from Tracy Wilmore? Showing easements?

A: Yes, we asked the applicant to show where the easements are & he's provided the irrigation permit & plan

Q: With the river involved, are they notified?

A: The Corps of engineers are notified when the river is involved. It is up to them to reply or not

Q: Is flood insurance required?

A: We don't require that but a lender will require that.

Questions to applicant:

Q: Are you subdividing for any particular reason?

A: There is just a trailer with a septic & a separate address there.

Q: How long has it been like that?

A: About 7 years

Q: Are you transferring any shares from the ditch?

A: I can, the spring water is adequate to water the yard.

Q: How long have you lived there?

A: 18 years

Q: How was it last year?

A: Good, it always runs

Q: Will you provide shares?

A: Probably not with the spring running.

Q: Do you own all rights to the spring?

A: Yes

Q: Do you own other property around there?

A: I previously did, I no longer do.

Q: Our records show you own this other chunk of ground to the north, do you?

A: Yes

Q: What is this structure north of the property?

A: It's a bus

Q: Does somebody live in it?

A: Yes, temporarily

Q: Are they on this spring?

A: Yes, temporarily

Q: What is the OSWW?

A: Composting

Q: How long has it been there?

A: 5 years

Q: Has the Health Department been there?

A: Yes

Q: Are you putting all of this land into a conservation easement?

A: I am not, that is for a piece of property that I sold.

Q: Your property goes into the river, you ever gravel from it?

A: No, Cecil owns it, he used to mine out of the river every year. I haven't seen him in a while.

Q: The gentleman in the bus, is he a worker for you?

A: No, he is a retired solar expert

Q: When was the decree filed? & for how much water?

A: 2002 & I run a 2 inch line to the house from it & T off a 1 inch line to the trailer.

Q: For CSF or gallons per

A: CSF

Proponents: none

Opponents: none

Final Comments from the Applicant:

Final Questions from the Planning Commission to the Applicant/Planning Staff:

Deliberations of the Planning Commission: There has got to be a domestic water plan. Flood plain issue. Consider tabling until the health department has looked at the school bus. The Health Department will only look at the waste side of this & the water supplying another property is up to the State.

**Motion: Kim Shay recommends tabling the application pending review by the Health Department on the septic system & review by the State of Colorado concerning the water. Motion withdrawn**

**Motion: Lucinda Stanley motions to recommend approval subject to the conditions proposed by Planning Staff**

**Motion amended that the owner removes the water from the school bus**

**Second: Layne Brones**

**Angela Mackey, Kim Shay, Steve Shea, Layne Brones, Lucinda Stanley, Tom Kay, Jacob Gray & Eli Wolcott all vote to recommend approval**

**Tate Locke & Steve Schrock vote Nay**

**Motion Carries**

**Item #4: SUB19-007 Buck Horn Subdivision  
Owner: Kirk & Sarah Morgan**

**Mr. Yeager read the proposal:**

The 34 acre parcel has a 1.30 acre parcel located on the east side of Stevens Gulch Road. The Applicants would like to subdivide this area and create a lot. Delta County requires a one (1) acre minimum exclusive of easements lot size. The net acreage of this area is 1.02 acres. Therefore this is a natural subdivision created by the location of Stevens Gulch Road splitting the property.

A Pitkin Mesa Water Company has existing water line close and has taps for sale. Pitkin Mesa Water Company has the Applicant on their next meeting for approval of water taps, two (2) one for each lot. DMEA electrical to the lot line is required for both Lot 1 and 2. Ralph Clark, District 3 Road and Bridge, has approved the access from Stevens Gulch Road for Lots 1 & 2 with the following criteria: Install a minimum 15" X 30' corrugated metal pipe on approach. Approach should slope slightly downward for a minimum of 10' before it starts to climb. Lot 1 is the 31 acre residual with no single family dwelling. A Pitkin Mesa Domestic Water Tap, DMEA electrical, Access approve (right across from the access for Lot 2). Onsite waste water treatment systems are not required until a single family dwelling is constructed. Staff Findings: Utilities issues,

Domestic water – two (2) Pitkin Mesa Domestic Water Taps. Irrigation plan – No irrigation water. Septics – installed when a single family dwelling is constructed. Planning Staff Recommendation: Staff finds that the Sketch Plan for SUB19-007 Buck Horn Subdivision is feasible and recommends the concept of the feasibility of the application be approved by BoCC with the directions given for Final Plat with the findings, conditions /issues as presented and those elements of the attached check list. Conditions or Issues to be addressed: Fire Mitigation Fee is \$500/Lot.

Questions to Planning Staff from Planning Commission Members:

Q: Did you get any indication if fire hose was available for a fire hydrant?

A: I'm not sure

Q: Where is the nearest fire hydrant?

A: About 2 & 1/2 miles.

Q: You are approved for 3 taps?

A: We already have 2, we can get another one if needed. I've already taken it to the board.

Q: Do you have fire flow capability nearby?

A: not really

Q: Is there a quota?

A: We haven't sold that many

Q: View mitigation?

A: No

Questions to applicant:

Q: Is there any irrigated water?

A: No

Proponents: none

Opponents: none

Final Comments from the Applicant: Off to the right, there is a power line & DMEA will be crossing both properties & bring fiber & electric underground. Going up the north boundary.

Final Questions from the Planning Commission to the Applicant/Planning Staff:

Deliberations of the Planning Commission:

**Motion: Kim Shay recommends approval with the addition of a water tap**

**Second: Lucinda Stanley**

**Unanimous Ayes – Motion Carries**

**Item #5: SUB19-006 Bradley Subdivision  
Owner: Charles Bradley**

**Mr. Yeager read the proposal:**

The subject property is shaped like an "L" and contains 35 acres. The Applicant would like to subdivide his parcel into two (2) lots. He would retain Lot 1 which is 19.05 acres in size and contains his single family dwelling, existing shop, and existing barn. He accesses off 1600 Road and has a gravel driveway. All utilities are existing which include DMEA electrical, City of Delta

water tap, and onsite waste water treatment system. Health Department is unable to locate the permit. The surveyor shows it on the Sketch plan being located south of the existing single family dwelling. The Uncompahgre River crosses Lot 1 west of the existing barns. Lot 2 is located north of Lot 1. The boundary line between Lot 1 and Lot 2 is the second crossing of the Uncompahgre River as shown on the sketch plan. Lot 1 is 15.89 acres in size. Lot 1 is going to be sold to the neighbor to the east who owns the 69 acre parcel that has the same configuration as the Bradley parcel. The 69 acre parcel is located in the City of Delta. Access to Lot 2 will be a driveway from 1600 Road shown on the sketch plan and labeled as a 60' proposed driveway & utility easement for Lot 2 located on the adjoining parcel. DMEA states electric service is currently not available for Lot 2. The Applicant will have to contact DMEA since electric service is needed for final plat. A City of Delta Water tap will be required for Lot 2. The development is located in a flood plain and the flood way as mapped on panel #0829C0604D of the National Flood Insurance program, FEMA maps dated August 19, 2010. Most of Lots 1 and 2 are in Zone AE and the Floodway of the Uncompahgre River. Any construction development within the AE Zone will require a Delta County Floodplain Permit which must be obtained from this office prior to construction. DEVELOPMENT IN A FLOOD WAY IS PROHIBITED. 1600 Road is classified as a Minor Arterial Road with a 100' of right of way. Delta County requests a minimum of 50' of right of way be deeded to Delta County and shown on the final plat. Colorado Parks and Wildlife suggests minimizing damage to the cottonwood tree gallery which numerous wildlife species depend on. The small scale of this project near irrigated farm lands indicate that potential wildlife impacts are minimal. Compliance with Density Standard: The Density Standard for this subdivision is .39 lots. The Density Standard for this subdivision is waived pursuant to Resolution 2018-R-012. Staff Findings: Utilities issues: Domestic water - one City of Delta Water Tap for Lot 2. Irrigation plan – Approximately 20 ft. from existing east property line 18.25 shares will remain with Lot 1 – Delta Canal Company. Septics – the sketch plan shows the location of the onsite waste water system for Lot 1. Planning Staff Recommendation: Staff finds that the Sketch Plan for SUB19-006 Bradley Subdivision is feasible and recommends the concept of the feasibility of the application be approved by BoCC with the directions given for Final Plat with the findings, conditions /issues as presented and those elements of the attached check list. Conditions or Issues to be addressed: Fire Mitigation Fee is \$500/Lot.

Questions to Planning Staff from Planning Commission Members:

Q: There appears to be a ditch

A: There is no ditch

Q: There is no irrigation water taken out to irrigate?

A: No

Q: All of the shares are staying with lot 1?

A: Yes

Questions to applicant:

Q: Is there a new access for Lot 2?

A: It would be accessed from Cindy Watson's property

Q: Cindy Watson also the engineer as well as the adjacent property owner?

A: No, she is just a client

Proponents: a few folks – none that spoke

Opponents: none

Final Comments from the Applicant: Lot 2 does not flow well with the property, you'd have to cross the river twice to be able to use Lot 2. So it flows better with the potential buyer Cindy Watson & they'd like to have more river frontage.

Final Questions from the Planning Commission to the Applicant/Planning Staff:

Q: Is there a new access for Lot 2?

A: The new access is a proposed 60' access easement across the existing parcel that Cindy owns. I'd also like to narrow it down to a 30' access.

Deliberations of the Planning Commission:

**Motion: Steve Schrock recommends approval with the addition with respect to river material disturbance needing a permit noted on the plat  
No Second**

**Motion: Lucinda Stanley Motions to recommend approval subject to conditions proposed by Planning Staff**

**Second: Kim Shay  
Unanimous Ayes – Motion carries**

**Item #6: SD19-004 Best Rock, Sand & Gravel Pit 1 (BRS&G)  
Owner: Jared Graff Enterprises, LLC  
Representative: Ben Langenfeld, P.E.  
Greg Lewicki and Associates, PLLC**

**Mr. Yeager read the proposal:**

This Application covers two parcels: 345714100001 & 319520100007 for a total acreage of 256.2 acres. It is located at the confluence of the Gunnison and Uncompaghre River. The pre mining land use is cropland.

Development Type:

The Best Rock Sand & Gravel Pit 1 (BRS&G Pit 1) is a major Specific Development according to Article II, Section 4 of the Specific development Regulation. It is located at 6450 Graff Road, Delta, Co. The Best Rock Sand & Gravel Pit I is a Major Specific Development according to Article II Section 4 of the Specific Development Regulations. It is located at 6450 Graff Road, Delta, CO 81416.

**SPCC Plan:**

The purpose of the Spill Prevention, Control, and Countermeasure (SPCC) Plan is to describe measures implemented by J Graff Enterprises, LLC to prevent oil and fuel discharges from occurring and to prepare J Graff Enterprises LLC to respond in a safe, and timely manner to mitigate the impacts of a discharge. Oil storage of diesel fuel for the plant and onsite off-highway equipment. Small quantities of oil and grease is also stored onsite for equipment maintenance. This Plan has been prepared to meet the requirements of Title 40, Code of Federal Regulations, Part 112 (40 CFR part 112).

In addition to fulfilling requirements of 40 CFR part 112, this SPCC Plan is used as a reference for oil storage information and testing records, as a tool to communicate practices on preventing and responding to discharges with employees, as a guide to facility inspections, and as resource during emergency response.

J Graff Enterprises LLC management has determined that this facility does not pose a risk of substantial harm under 40 CFR part 112, as recorded in the Substantial Harm Determination included in this Plan.

If anyone is interested, the Applicant provided a copy of the 50 page Spill Prevention, Control and Countermeasure (SPCC) Plan. Just let me know and I will make copies.

**The Colorado Division of Reclamation, Mining, and Safety 112(c) Reclamation Permit Application Package:**

Also included with the Specific Development Application was a copy of the 112(c) Application to the Colorado Division of Reclamation, Mining, and Safety. The Representative mentions in the Specific Development section that the proposed Colorado Division of Reclamation, Mining and Safety 112(c) Reclamation Permit application package attached in Appendix 4 contains details regarding mining and reclamation activities proposed at the BRS&G Pit 1. He also states this DRMS application will be revised if needed prior to its submittal to reflect commitments made or conditions imposed related to the Delta Specific Development Permit. (Copies of 112(c) Application to the Colorado Division of Reclamation, Mining, and Safety are attached)

**Staff Findings:**

The Planning Staff has reviewed the Specific Development and based on the review the application appears to meet the intent of the Delta County Specific Development Regulation.

1. The application is for a mineral resource extraction gravel pit.
2. The site of the proposed BRS&G Pit #1 is currently used to grow alfalfa and corn on six fields located between the North Fork of the Gunnison River, the Uncompaghre River and the Union Pacific Railroad.
3. A small private airstrip, residence, and agricultural structures can be found in the central portion of the site.
4. City of Delta property is located north and east of the site. These properties consist of agriculture and industrial parcels north, across the river, and Confluence Park to the east. Confluence Park is zoned Agriculture (A-1) and is a public park. Properties to the south of the proposed operation are almost entirely agriculture with residences on the farms. The Union Pacific Railroad runs between these neighbors and the subject property. A sand and gravel pit can be found up on the mesa to the southwest on the Fedler and Reynolds properties. The City of Delta sewer line is located on the north end of the property.
5. The permit area for this operation is 256.2 acres.
6. The BRS&G Pit 1 is located west of Delta, Co. The site will consist of a sand and gravel pit, crusher/screener, a wash plant, concrete plant, and an asphalt plant. Mining and processing of sand and gravel will take place on site.
7. Portable processing plants will be used in the gravel operation.
8. Nuisances from this development are noise, visual, dust, traffic, and wildlife.
9. Two lakes will exist when the mining is complete. The west lake will be 64.4 acres and the east lake will be 80.8 acres
10. The proposed BRS&G Pit 1 will operate Monday through Saturday from half an hour before sunrise to half an hour after sunset.
11. The anticipated mine life of the BRS&G Pit 1 will be roughly 50 years.
12. For the first, roughly 20 years of mine life, it will be confined entirely to the west pit. Agricultural activities will continue to take place on all areas of the property until the mine reaches them.
13. During the mining season, typically April to October, the groundwater within the active mining area will be pumped out to the North Fork of the Gunnison River to maintain a dry operating area. All such water handled will be under the purview of the Colorado Division of Water Resources and the Colorado Department of Public Health and Environment. A substitute water supply plan and water augmentation plan will be needed from the Division of Water Resources along with a Gravel Well Permit. These permits ensure the protection of water rights on the North fork and Uncompaghre. A discharge permit with Colorado Department of Public Health and Environment will protect the quality of all downstream waters from potentially harmful discharges.
14. Air and dust pollution will be strictly controlled under a CDPHE fugitive dust permit. The material being mined is below water table and therefore the material mined and processed will be wet and thus less dust.
15. There are no geological hazards within this site.
16. Traffic will consist mostly of trucks hauling material from the pit to market via the existing property entrance on Graff Road. From Graff Road the traffic will access Confluence Road/Gunnison River Drive. At full production the traffic will consist of approximately 20 trucks a day. Parking for employees will be provided in the facilities area within the site.

17. The BRS&G Pit 1 is located within 1,000 foot of Confluence Park. Due to this proximity, a visual mitigation plan is required prior to operation of the pit. The BRS&G Pit 1 will be obscured from view by people in Confluence Park predominantly by distance during the pit's life. Significant tree growth along the Uncompaghre River between property and Confluence Park will further block the view of pit activity.
18. No night mining will take place.
19. Noise Impacts - Sand and gravel pits generate two main sources of noise: equipment noise and processing noise. Equipment noise is minimized and mitigated with the following rules at the BRS&G Pit 1: No J-brakes used on haul trucks onsite, quiet back up alarms, all equipment engine mufflers maintained in good working order, internal speed limit of 10 mph.
20. Processing noise is created by loading, crushing, washing and other rock processing activities. It is minimized and mitigated with the following rules: No rock processing or excavating outside of the hours of operation, Maximum 6-foot drop height of any material from mobile equipment (loaders, backhoes excluding stacking conveyors, All processing equipment is located on the pit floor, below natural grade and all equipment mufflers in good working order.'
21. All activities at the BRS&G Pit 1 will have to operate within the Colorado State Noise Stature (CRS 25-12-103)
22. Dust Impacts - The entirety of the sand and gravel deposit is below the water table. This will minimize dust generation in mining areas. Water sprays on the crusher will maintain the moisture in material during processing. Twice daily watering of the pit floor will prevent dust generation by equipment. Magnesium chloride will be used to prevent dust generation on the pit access road. Colorado Dept of Public Health and Environment (CDPHE) Fugitive Dust Permit will be in place for the site during operations.
23. The use of the property for irrigated crops over many decades has limited the access and use of the property by local wildlife. The impact of mining on any wildlife in the area is likely to minimal.
24. No explosives will be used in conjunction with the mining and reclamation.
25. Several hazardous material will be stored and used onsite throughout the project. These materials include product which are associated with diesel motors, and product associated with asphalt and concrete production. All such materials will be stored in a safe manner consistent with the site's Spill Prevention, Control and Countermeasure Plan.
26. There will be no new fences around the operation, since it is inside private property.
27. Any topsoil or overburden stockpile that is to be in place longer than 90 days will be vegetated to prevent wind erosion.
28. Reclaimed Areas are when mining is complete is 12.1 acres of fields, 145.2 acres of lakes, 3 acres of roads, 95.9 undisturbed for a total of 256.2 acres.
29. As described in the mining plan, reclamation will occur concurrently with mining. Topsoil and overburden from the current mining area will be used to reclaim the mined out areas
30. All reclamation slopes will be 3H:1V or shallower, No more than 2,000' of high-wall will remain un-backfilled at any time.
31. The access to the site will remain following mining and reclamation as it is the only property access.
32. Weed control of any noxious weed species. The object is to control undesirable plants and any plant identified through the Colorado Noxious Weed act (C.R.S 35-55.5 and Delta County list as undesirable and designated for management within the county will be removed. A weed control plan will be utilized as follows: 1. Each April, a weed survey will be taken of the permit area. 2. If any patched or plants have been identified, they will be sprayed by backpack sprayer or 4-wheeler using chemical approved for use by the weed control staff of Delta County. 3. After reclamation, weed surveys and spraying will continue until the perennial cover and production of the site have met DRMS requirements and bond release has been obtained.

33. Revegetation success will be deemed adequate when the dryland vegetation has been established in order to control erosion and noxious weeds are not present in any significant amounts and all of the conditions of Rule 3.1.10 have been met.
34. Land Use Plans. No state land use plans are in place for this property. Local land use plans will be addressed with the Delta County Specific Development Permit.
35. Larry Records comments on Graff Road are attached and his concerns are the 10 residences in ½ mile. The road is gravel and extremely dusty. Access point at G road is real difficult to approach at a right angle with trucks. Access Point is located as far as feasible away from rail road tracks for safety and visual approaching trains from the west.
36. During the very beginning of operations, plants and stockpiles will be on natural grade. This is until the first pit area is big enough to move them down below.

**Ben Lewicki presented application via slideshow**

Questions to Planning Staff, Applicant & Representative from Planning Commission Members:

Q: Bonding for anything for reclamation, does it include the vegetation as well, or just reclamation?

A: We'll come back around to that

Q: How much mag chloride do you expect to use & will it get into the waterway?

A: We are paving Graff Rd. so will cut it down. It will be water sprays going off of the other pit it was about 500 gallons & that was twice a year.

Q: Is there a mosquito control plan?

A: It does move, it is not stagnant sitting water.

Q: What will the dewatering look like to neighboring parcels & the water table?

A: We have to get our graveling permit plus anyone within 600 feet, they'll have to be contacted & in general because of the proximity to the rivers, you'd have to pump at a really quick rate to make a difference & to keep up. This water flow is so intense the water table will drop right off. The down side is we have to pump it back but it will be evaluated & if there is a concern about affecting someone's irrigation water, we are more interested in moving the water out of the way.

Q: & that is required under the permitting?

A: Yes

Q: Who inspects the dust?

A: The Air Pollution Control division gives us the dust limits through an issued permit.

Q: You reclaim around the SW corner?

A: We mine out away from there & eventually we'll have to haul it

Q: What about the asphalt manufacturing?

A: We will have a concrete batch plant & hot mix asphalt batch plant.

Q: Is there monitoring of odor?

A: There is not a standard for that. They limit the opacity

Q: Is it all one parcel?

A: No, it is 2

Q: Is the 50 foot setback from the sewer line enough?

A: All of the geddies have been reinforced with concrete & the Army Corps were all involved with that & other concrete improvements to the river bank as well.

Q: On the Reynold's mine, is it a similar operation?

A: It's identical but dry

Q: They do the processing the same?

A: Yes, they finished 1 pond & are on the second one

City of Delta – Betsy Suerth, Public Works Director & Community Development Director

- We request time to review the application regarding the proposed development
- Lighting be addressed

- Road & Bridge Traffic study – we request that it be addressed for the intersection at Confluence Dr. & 5<sup>th</sup> Street which is also G Rd. We'd like to be a little bit more comprehensive in scope.
- We'd like to see that analysis of range of trip count – including the plants with seasonal break downs
- We'd like to request a copy of the geotechnical & hydrological analysis that assures that the water surface elevation of Confluence lake will not be affected.

Proponents:

Patrick Winner – 18424 F Rd – We use a portion of confluence Park for Disc Golf. There is no dust or noise from the current gravel pits. I also do fishing there & those concerns were addressed

Opponents:

Thomas Whitby 6160 Graff Rd. – I was never notified, we found out about it on the Rec Center Facebook post & none of our neighbors were notified. I work in sewers in Montrose & being that close to it one thing but we're looking at 50 years of traffic on it & I'm concerned. Will there be additional taxes for maintenance on the newly paved road? The semi-trucks push us off of the road & they are missing blinkers & lights. How will it change our view?

Tori Whitby – We have 10 acres & we can see from our 1 story house all of the way to Confluence lake. We were not properly notified. Vandals & trespassers are a constant issue. We are concerned about no signage posted. We found out it was by their mail boxes. We are concerned with the water table. The water that they use is on a conservation easement that goes through our property as well.

Q: You have water rights with your property?

A: 2<sup>nd</sup> oldest on the Uncompaghre river water

A: Mesano Ditch

Jana Hudson – 6158 Graff Rd.

There are several bald eagles out there & what about our view. I also have kids & those trucks are awful & do not follow the speed limit. Is the road going to be widened? I found out from Facebook about this, it is not ok.

Virgie Ramos – 6074 Graff Rd.

Traffic on the road is a major issue & the speed limit is 30 but they go way faster & we received no notification

Q: Regarding the water table going down, would there be irrigation water to share?

A: Yes, absolutely.

Q: Who is the conservation easement with?

A: It's not on mine, it's on theirs. But most around here are with Black Canyon Conservation Trust

A: There is not a conservation easement on the Graff property, we will look it up & bring that info to attention

Q: On the trucks, there seems like there needs to be some kind of plan to work with the neighbors. The route the traffic & the safety

A: It will be paved from Jared's house to the bridge.

Q: & you have up to a year, would you be willing to do that sooner?

A: Within a year from breaking ground would come into account.

Q: Are all of the trucks out there yours?

A: Not just me, they are family run trucks. & as far as the safety stuff on those, every day they go through DOT. They would have citations on those, we don't put them on the road if they fail.

Q: For your current operation?

A: Yes, those will all go away as soon as the gravel pit opens

Q: & that's over a 50 year time period?  
A: No, as soon as the pit opens up, the compost business leaves.  
Q: Will you be do planting mitigation?  
A: You get it back immediately to minimize loss.  
Q: How often have you been fined for breaking regulations?  
A: Jared - Zero  
A: Ben – 6 maybe 7 CDPHE fines. I'm the engineer running to solve those problems, I did not personally cause those problems.  
Q: Where is the city boundary?  
A: Along the river  
Q: Does the city have a Master Plan?  
A: I don't know if they do or not but we approached them early on last fall.  
Q: How many mines are there active in Delta County?  
A: I'm not sure off the top of my head, there are quite a few  
Q: What are the life expectancies? Like Reynold's, are they almost done? 5 years, 10 years? 50 years?  
A: I think the Reynold's mine is close to being done  
Q: How long has it been operating?  
A: They've decided that they don't want to mine any longer.  
Q: How many tons are coming out of all of the mines? Where is it going?  
A: A lot of the mines near Hotchkiss & Paonia go very slow. It depends on how many jobs they get & how much it produces  
Q: Is this a competitive rate?  
A: The reason why I got into this was because I've also gave united more money than I want to.  
Q: Do you have any intention to RR it out?  
A: If I can, it would be ideal  
Q: So can we limit this to 20 trucks & if it goes higher than that, you come back to planning?  
A: That is the process  
Q: If you get a big job that requires more, you'd want to do it right?  
A: They will be limitations. We can only produce so much in a day & there is a production limit for the first few years.  
Q: What about bonding for vegetation reclamation?  
A: It's all submitted to the state through the landscape plan. It's a state permit  
Q: What goes into making asphalt?  
A: Hoppers with power & outside material. Crushed rock & a little bit of tar  
Q" Is that managed by the state as well?  
A: Yes & the EPA  
Q: Does Elam do asphalt?  
A: Elam chooses not to do too much asphalt out here as oppose to their Grand Junction operations  
Q: Can we address Confluence from dewatering?  
A: I can't touch their water rights. I'd have to be upriver from them to be able to take that water. I also offered to the City to discharge my water into Confluence so they got nice clean ground water instead of dirty river water for better fishing & wildlife  
Q: You could send your trucks strait out to highway 50 & not go through Delta, right?  
A: I suspect that once I open, United will drop their prices. To compete, United will have to service their side of town & I will service my side.  
Q: Where is Benson?  
A: They do a different type of rock.  
Q: Do you have to be bonded for hazmat clean up?  
A: That falls back on the transportation companies bringing it, the contract to purchase & bring it in. Once it's on site it's under the SPCC Plan with a contract & list of contacts for any problem  
Q: What other materials would you import?  
A: Diesel fuel & import materials  
Q: Is that in your truck count?  
A: Yes but those sort of deliveries are rare

Q: Will you be shut down in the winter?

A: You usually do back fill & reclamation or prep areas for next year in the winter.

Q: Is this within the City of Delta IGA?

A: Yes & what that says is there will be a pre meeting with taking the City's comments into serious consideration.

Q: Did you permit another gravel permit on 1800 Rd?

A: No, that was Mason, I did mine on Homestead.

Q: What is the status?

A: I sold it to Mark from Whitewater.

Q: How many notifications went out within the 1000 feet & is that something we should be concerned about?

A: It's based off a generated report. We will verify that before the Commissioners meeting.

Final Comments from the Applicant: Jared Graff offered to pay/provide fencing to the adjacent property owners that live on Graff Rd.

Final Questions from the Planning Commission to the Applicant/Planning Staff:

Deliberations of the Planning Commission: The Master Plan is specific about preserving ag.

**Motion: Lucinda Stanley motions to recommend approval with the recommended conditions as set forth by the County Staff**

**Amended that approval is consistent with the Master Plan section 2.4 Economic Development, section 2.5 Land Use & Development & section 2.6 Public Infrastructure Services & Assets. As well as insure the safety of the practices of their truck's egress & ingress**

**Second: Steve Shae seconds the motion**

**10 Ayes 1 Nay – Tom Kay votes Nay  
Motion carries**

To BoCC: May 7, 2019 @ 10:00 a.m.

**Meeting adjourned at: 10:55 pm**

Respectfully submitted by:  
Vivian Archuleta