

GRAND JUNCTION PLANNING COMMISSION
August 22, 2023, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:30 p.m. by Commissioner Teske.

Those present were Planning Commissioners; Ken Scissors, Sandra Weckerly, Shanon Secrest, Melanie Duyvejonck, Kim Herek, and Keith Ehlers.

Also present were Jamie Beard (City Attorney), Niki Galehouse (Planning Supervisor), Kristen Ashbeck (Principal Planner), Trenton Prall (Public Works Director) and Madeline Robinson (Planning Technician).

There were 21 members of the public in attendance, and 1 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from August 8, 2023.

REGULAR AGENDA

1.

C 1/2 Road Gravel Pit CUP

CUP-2021-616

Consider a Request by M & D Enterprises for a Conditional Use Permit to Allow Sand and Gravel Extraction on a total of 27.8 acres in a CSR (Community Services and Recreation) Zone District located at 2855 C 1/2 Road.

Staff Presentation

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a presentation in conformity with her staff report regarding the request.

Trenton Prall, Kathleen Fisher with Colorado Parks and Wildlife, and Scott May the Mesa County Public Works Director were present for any questions.

Mark Austin with Austin Civil Group provided a presentation on behalf of the applicant M & D Enterprises, LLC. He began with a description of the background of the project as it progressed through the City's process: general meeting, two neighborhood meetings, Annexation and Zone of Annexation. He indicated it has taken them almost four years to get to this point and more steps to accomplish after the meeting.

He explained that the project will provide a minimum ten-foot-tall berm with 3 to 1 slopes and landscaping along the street frontage and the adjacent properties. The berm is taller than required by the Code to buffer the development from the neighbors. There are some limitations

on the south end due to the floodplain requirements. The buffer will be a visual amenity for the residential neighbors.

Additional buffers include a 125-foot excavation buffer and a 250-foot separation from the crusher equipment to the five existing homes adjacent to the development. Four of the homes are 200 feet from the excavation. The applicant will not generate more noise than 65 decibels at the property line. There will be a 100-foot buffer along the Colorado River with no disturbance from the development. Trees and vegetation shall be preserved in the buffer areas.

The project will include a trail along the Colorado River with an easement for use by the public.

As required by the Code, a traffic study was provided to the City from the applicant and the applicant has addressed all of the City's concerns. The operation will have only three employees working regularly at the site. On average five medium sized, smaller dump trucks will be coming and going from the site each day, but there are also five large gravel trucks. Basically, ten gravel trips per day. C $\frac{1}{2}$ Road currently has peak hours in the morning of 65 trips and 56 trips in the afternoon. The gravel pits operation will only be adding 7% capacity to C $\frac{1}{2}$ Road. This is a low amount of traffic on that road. C $\frac{1}{2}$ Road to 28 Road to the Riverside Parkway will be the primary route from the site. Only rights turns are allowed by the Public Works Director on 29 Road. The applicant has agreed to keep the haul routes cleaned and maintained. The applicant is paying \$155,000.00 towards the improvements to be made to C $\frac{1}{2}$ Road and will construct the public trail along the Colorado River.

Normal hours of operation will be 7:00 AM to 5:30 PM Monday through Friday. On occasion it may require some trips outside those hours on weekends and to support the City's requirements of doing construction work at night. Applicant knows that the Code restricts hours of operation to 6:00 AM to 6: PM but has agreed to even more limited hours.

Applicant is in support of the excavation, noise and vibration standards, emission standards of the Code. The applicant will make sure these are followed along with the staff's timetable for reclamation. The applicant has agreed to expedite the reclamation to a two-year period. (Kristen Ashbeck had informed the Commission that reclamation would also occur as portions of the permit area are mined with final reclamation occurring after all mining activities were completed.) Mr. Austin stated that the City has the right to revoke the permit if the standards are not met or the applicant does not meet schedules.

A brief explanation was provided as to what will be required by the State for its permits: mining, air, and water. There will be oversight and accountability from various state agencies and the City has the right to revoke its permit if the State requirements are not followed. An annual report will be made to the State with a map showing the extent of disturbance of affected land and reclamation accomplished to date. The applicant has financial warranty requirements to the State Mining Board to make sure that the reclamation permit is adequate to cover the work. The mining operations will be inspected each year to ensure compliance with laws and division rules.

Mr. Austin presented photographs of an eight-foot berm from another site, the Ute Water/Grand Valley Power site off 22 Road where it was clear one could not see what was on the other side of

the berm at 8 feet, but an air photo showed the storage behind the berm. He wrapped up his presentation with a summary of everything he explained that the applicant would be doing as a part of the project, everything required by the Code as well as some elements that are more restrictive, and how the applicant has had other projects over the years in the city and has done what was required and the City has been a major consumer of its gravel.

Questions for staff/applicant

Trent Prall clarified in response to a question from Commissioner Weckerly that the City is as close as it has ever been to actually bringing the riverfront trail to fruition along the Colorado River in this area. There are two properties left. One is this development and then one further to the west that Colorado Parks and Wildlife (CPW), Mesa County (County), and the City have been working very hard with the family who has the property. He explained that he expected an agreement where the City we'll be closing with them in January. Design of the trail from The Eddy to 29 Road is to begin with CPW. The design is anticipated to be completed about March-April 2024. Application for funding to Great Outdoors Colorado will occur timely and ideally construction will begin late 2024 with opening sometime in 2025 for the trail.

Kristen Ashbeck assured Commission Duyvejonck that the 100-foot setback is from the bank, not from the property line included within the river.

Kristen Ashbeck responded to Commission's Scissors inquiry that the criterion regarding adjoining properties has been met by virtue of what staff has seen from the reclamation plan and the operation plan and how they will proceed with the operations on the site. More detailed requirements will be addressed in greater detail with the state plan or the state permit.

Jamie Beard explained to Commissioner Ehlers that according to State statutes the Commission could not approve a development that would interfere with the present or future of extraction of the mineral deposits on the property. The request of the applicant is the opposite in that it is asking to extract the gravel with the approval of the CUP.

Mark Austin assured Commissioner Weckerly that a reclamation bond through the State of Colorado, through the Division of Mining Resource is the typical means to secure reclamation of the property. He explained that the sand and gravel mining operations will be for ten years, and then an additional two years for final site reclamation. He also answered for her that the pond that will be a part of the reclamation is sized larger than some because of the southern third of the property being in a floodway. Nothing could be built there anyway so the pond will be an amenity to the property.

Commissioner Secrest had questions about the pond and the water for the pond. Mark Austin explained that the groundwater is already there so the pond should not create additional water issues for the surrounding properties. The applicant will need to go through Court regarding the water rights but understands this may happen more easily on this section of the Colorado River.

Commissioner Scissors expressed concern that the river trail may not be built before the gravel pit opened for the bicyclists and pedestrians using C½ Road. Mr. Austin explained that C½ Road is not the responsibility of the applicant so it will be up to the City and the County when those

improvements occur. It will take the applicant at least a year to work through the state requirements so more time is available for the river trail to be completed.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, August 15, 2023, via www.GJSpeaks.org.

Sharon Bradshaw presented a video while expressing her concerns with the gravel pit. Showing a truck coming out of the pit with much dust created. She showed photos of various gravel pits in the area expressing concerns about the way the gravel pits looked, not maintained as they should be, and not being a land use that one would want to have as a neighbor. She was not pleased with the pond with reclamation as it will be a mosquito haven.

Jack Byrom asked for clarification on the number of trucks entering and exiting the gravel pit per day. He also requested clarification on the required street improvements for C ½ Rd.

Suzanne Daniels shares a fence line with the proposed gravel pit and expressed her concerns with the increased traffic and homeless camps along the river. She was not happy that the people who reside nearby are affected with the additional traffic including the children who wait in the dark for school buses, children riding their bikes along C ½ Road, or run into the street to retrieve an errant soccer ball. The road is in disrepair and already has issues, such as potholes, large cracks, and low and high spots, without more traffic added. She expressed disbelief that the traffic study was accurate and concern that the river trail will not solve all the problems.

Thaddeus Wilcox expressed disbelief that the Skinners were going to sell out or give an easement for the riverfront trail. He noted his concerns with the traffic and the size of the trucks on the road. There is not enough room for the trucks and a bicyclist on the road at the same time. He questioned whether the study was conducted when a concert was letting out at Las Colonias.

Ken Heinecke expressed his concerns about the wildlife and increased traffic creating danger for his grandchildren. He stressed that the road improvements be completed before any construction occur with the development.

Hanna Costanzo seconded all previously made comments, including that the traffic study was insulting and questioned that it considered the apartments, the campgrounds, and the park at full capacity, and expressed concerns about the hours of operation of the gravel pit. She wanted assurance that the gravel pit would be held to the requirements not just that the applicant was going to "try."

Michelle Wilcox seconded concerns about the increased traffic and dust from the gravel pit. She indicated she was making an emotional plea as the traffic is tremendous already. Cars speed through the area. An accident happened with a car landing on her neighbor's roof because of the speed it was traveling. Cars are parked on the edge of the streets, and it is worse by The Eddy apartments. The residences are putting up with much now and the development is adding to it.

Glen Bishard shared concerns about the additional impact to the road. He expressed that the truck numbers and the weight of the vehicle on the road will be significant. It is not clear enough regarding the number of trips and size of loads.

Charles Guenther made comments about the impact to the community. He is a flatland bicyclist and recognized that many of the ponds he passes when riding were originally gravel pits. He was pleased to hear the riverfront trail has moved along as well as it has with surprise at how far it is meant to reach. He was in favor of the development because its short term impacts with long terms benefits to the community.

Greg Mueller indicated he owns a neighboring property to the development but doesn't live there. It is agricultural land. He spoke in favor of the development as bringing employment opportunities for the community and the tax benefits for the city. He encouraged looking at the long term and the benefits to the city. The road will be improved. A property that was not allowing the river trail will be added with donation to the river trail construction. He would like to see a parking lot where the trail will lead from the riverfront portion to C ½ Road so people can park there to access the trail.

Sean Malone seconded comments about improving C ½ Road.

Keith Ensel commented on the need for another gravel pit and the benefit to the community. He has been in the construction industry for 30 years and resources are running out and more are needed. Local gravel is less expensive meaning less expense for completing local projects. He explained that he lives elsewhere in Orchard Mesa next to a gravel pit. He does put up with dust but it is an important asset to the community.

Terri Heinecke seconded previously made comments about the safety of C ½ Road. She questioned who is going to keep the residents safe.

Ken Ehlenberger participating online stated that the traffic survey needed to be redone. He was at home on C ½ Road and observed 25 to 30 bikes go by during the meeting.

Mark Austin responded to the public's comments. He expressed that the Code today has requirements which are more stringent than the Codes that were in place when the gravel pits in the video were approved. As explained earlier there will be landscaping and it will be irrigated. The gravel pit is a wet pit and the concerns for dust are less likely with a wet pit. The dust is much reduced because the pit is in water. He explained that the traffic study is based on peak hours. The recent numbers gathered indicated that the 2021 study was not off. The numbers increased but not more than 10%. The study considers conditions for 20 years. The five medium truck trips and five large truck trips have been the numbers planned from the beginning of the proposed project and are still the numbers. The gravel pit will be fenced to keep people out and at the time of reclamation the State will have input for fencing that is wildlife friendly.

Commissioner Ehlers asked if the individuals that conducted the studies pertaining to the gravel pit were licensed and Mark assured him that they were.

The public hearing was closed at 7:27 p.m. on August 22, 2023.

Discussion

Commissioner Weckerly expressed that her biggest concern is the road and the traffic. She inquired how road improvements are prioritized by the City and more specifically when the City requires developers to contribute payment does that payment definitely go to the road and does it raise the construction to a higher level of priority?

Trent Prall explained how the City prioritizes projects. There are many roads in similar conditions. In this instance the City and County will split the costs. It is recognized that the condition of the road needs to be upgraded. There will be a 2inch overlay which is the developer's contribution will be included in. The overlay is the additional structure that's needed to be able to handle that additional load and smoothing of the entire road. The widening of C ½ Road would be up to the city and the county to do at some point in the future. The City is expecting the river trail in early 2025 to be a key element in conveying the bicyclists. As there is more demand the multi-modal movements, concrete walks and so forth, would happen over time and will be done by the city, not by the developer. More development in the area will need to occur to justify the additional improvements. The density of vehicles on the road with this development even if the numbers were doubled in the traffic study is within the capacity of the road. He wants to see the improvements completed before many trucks hit the road as the additional surface is needed to handle the truck traffic.

Mr. Prall explained once the improvements are done maintenance will follow for C ½ Road in accordance with the improvements made and the City's regular maintenance schedule.

Kristen Ashbeck addressed Commissioner Secret's concerns of the gravel pits shown in the video. He also inquired of methods to employ if the applicant does not do what is required. Ms. Ashbeck explained that the gravel pits shown may not be in the City. She was not certain where they all were located, but the City has only a few gravel pits. She assured the Commissioner that the City has the ability to shut the operations down if the requirements of the City are not being met or if the State permit requirements are not being met. There are various mechanisms the City may utilize to be certain the requirements are met.

Commissioner Ehlers stated that when he looked at the criteria with what's been proposed and was trying to understand how the impacts of a gravel mine are being mitigated, because it is not lost on him that a gravel mine is a very, very different use than what is in the area. And yet there's a lot of State, regional, local interests in making sure that extraction of those kinds of minerals are preserved and made possible. He stressed that the, the berm, the larger than necessary buffers, the more stringent requirements that the City applies to these kinds of uses met the criteria.

Commissioner Secret stressed to the public that their voice has been heard. Properties are going to change. There will be impacts with the change. He thinks the benefit to the community with the development is great and he will vote in favor of the request.

Commissioner Scissors explained that most of the criteria are clearly met, but he was hung up with “minimal negative impacts on the use and enjoyment of the adjoining property” and that all “elements of the plan coexist in a harmonious manner with nearby existing and anticipated development”. There is much uncertainty. When the road improvements will be completed, when the riverfront trail will be completed, and when the gravel operations will begin. He was questioning adding conditions to address the uncertainties.

Commissioner Weckerly agreed with Commissioner Scissors’ concerns. I think three out of the four criteria are pretty easily met by this application. Her concern was the compatibility with the adjoining properties. It’s very subjective. She expressed that the possible development of 200 dwelling units on the property would not be compatible either and yet that would be allowed. She would like a condition that the reclamation begin immediately upon the gravel operations ending not waiting the 10 years before reclamation.

Commissioner Teske questioned that everything included in the presentation be a condition of the approval as they were not specifically included within the conditions of the staff report.

Kristen Ashbeck explained that some of them are included and that she believed the applicant would have to start the reclamation immediately upon operations ending. She believed it was a requirement of the State permit.

Commissioner Teske wanted it clarified that the berm, the buffer, the landscaping requirements, hours of operation, traffic count limitations, the timeframes, that those are all addressed by the State permit or the City requirements and Ms. Ashbeck indicated that they were as a part of the permit or the operations plan provided to the City.

Kristen Ashbeck clarified for Commissioner Duyvejonck that the applicant is limited to hours of operation of 7AM to 5:30 PM, except for the infrequent nighttime and weekend, when necessary.

Commissioner Duyvejonck agreed she had concerns with the information provided by the public particularly the traffic. She also believed from what she heard during the hearing is that more development must happen before improvements would occur. Approving the development would provide more push to get the road widened and to make some of the other changes. Considering this plan, with the options that are provided in our Comprehensive Plan and this conditional use permit versus other options that may happen, may be a good option for our community going forward.

Commissioner Herek struggled with the compatibility but believed that the benefits outweigh the uncertainties expressed and the things that were addressed and mitigated did indicate that the compatibility is being met.

Commissioner Teske began with consideration of the state statutory requirement that there is to be no interference with present or future extraction. Keeping that in mind, he asked are steps being taken to make this impact minimal? He stated that the applicant has certainly demonstrated many, many efforts along those lines to go above and beyond what the minimum requirements

would be for this activity and to provide buffers and various protections for the neighbors to minimize that impact and to coexist in a harmonious manner with the nearby neighbors. He sympathized with the commissioner who mentioned sort of the overall community benefit here, and it's easy to get focused on truck traffic on C ½ Road, but if this gravel pit is not on C ½ Road, then there's going to be truck traffic somewhere else generating these same trips through our city to get to the same construction projects that need this aggregate. And if it comes from 30 or 60 or 90 miles away, that's heavier truck traffic somewhere, whether it's going to be along C ½ Road where the conditions are known and may be addressed versus not within the City's control. Conditions four and five, which at least to the extent that they are within the reasonable control of the applicant addressed the concerns of the traffic conditions. The applicant has to pay for the cost of the river trail construction through the applicant's property and provide a bond and development improvement agreement for that and pay its share of the C ½ Road improvements all prior to the commencement of mining operations on the site. So those are the things that the applicant specifically can control. Beyond that, there are things that the city rightfully can and should control. The rest of the acquisition of the right-of-way, construction of the rest of the of the pathway connections, and the improvements of C ½ Road themselves. So those things seem to be the result of either long deferred maintenance along C ½ Road or long-term planning from the city, which is sort of rightfully the city's burden. So at least from his point of view, those couple of additional conditions are addressed by this proposal as drafted.

Commissioner Scissors indicated he was persuaded by the Commissioner's comments to reconsider his position but was still concerned for safety on the road.

Commissioner Ehlers agreed with the safety concern but saw the issue as one for the City to resolve not the applicant. Commissioner Duyvejonck also considered it an undue burden for the applicant.

Questions and suggestions were made as to what could the City do. Mr. Prall explained that some bicyclists will continue to use the road, but signage may be used warning of the conditions and to provide awareness of alternative routes. He also pointed out that sidewalks were available on the Riverside Parkway and on 29 Road between D Road and C½ Road.

Before proposing a motion Commissioner Ehlers questioned if there were additional conditions to be addressed. He was not willing to consider a condition of holding operation for the gravel pit until after the C ½ Road improvements were complete as suggested by Commissioner Scissors who was uncertain if it should be a condition. Commissioner Ehlers felt this was holding the applicant hostage. There were no other indications from Commissioners for additional conditions.

Motion and Vote

Commissioner Ehlers made the following motion "Mr. Chairman, on the C ½ Road Gravel Pit to establish a Conditional Use Permit for a mining excavation operation, file number CUP-2021-616, I move that the Planning Commission approve the CUP with the findings of fact and conditions listed in the staff report."

Commissioner Duyvejonck seconded; motion passed 7-0.

OTHER BUSINESS

ADJOURNMENT

Commissioner Secret moved to adjourn the meeting.

The vote to adjourn was 7-0.

The meeting adjourned at 8:47 p.m.