

GRAND JUNCTION PLANNING COMMISSION
September 14, 2010 MINUTES
6:00 p.m. to 8:52 p.m.

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Wall. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Reginald Wall (Chairman), Rob Burnett, Mark Abbott, Ebe Eslami, Gregory Williams (Alternate) and Lyn Benoit (Alternate). Commissioners Lynn Pavelka (Vice-Chairman), Pat Carlow and Richard Schoenradt were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Lori Bowers (Senior Planner), Brian Rusche (Senior Planner), Scott Peterson (Senior Planner) and Rick Dorris, Development Engineer.

Also present was John Shaver (City Attorney).

Lynn Singer was present to record the minutes.

There were 46 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the June 22 and August 10, 2010 Regular Meetings.

2. Southern Nevada Park Homes – Preliminary Subdivision Plan

Request approval of the Preliminary Subdivision Plan to develop 80.34 acres into 31 lots in an I-1 (Light Industrial) zone district and develop 20.08 acres into 72 lots in an R-4 (Residential 4 du/ac) in 8 phases.

FILE #: PP-2010-026
PETITIONER: Art Pastel – Northwest G.J. LLC
LOCATION: 860 21 Road
STAFF: Lori Bowers

3. McConnell 12th Street Vacation – Vacation of Right-of-Way

Request a recommendation of approval to City Council to vacate an unused portion of South 12th Street Right-of-Way, adjacent to 1101 Winters Avenue.

FILE #: VR-2010-093
PETITIONER: James R. McConnell
LOCATION: 1101 Winters Avenue
STAFF: Lori Bowers

4. Buescher G 1/2 Road Partial Vacation – Vacation of Right-of-Way

Request a recommendation of approval to City Council to vacate a portion of the G 1/2 Road right-of-way west of Golfmore Drive.

FILE #: VR-2010-105
PETITIONER: Louis A. Buescher
LOCATION: 749 Golfmore Drive
STAFF: Scott Peterson

5. Cris-Mar Enclave – Zone of Annexation

Request a recommendation of approval to City Council to zone 265 enclaved parcels totaling 86.68 acres, more or less, to be zoned R-5 (Residential 5 du/ac).

FILE #: ANX-2010-110
PETITIONER: City of Grand Junction
LOCATION: 265 parcels North & East of 29 Road and F Road
STAFF: Brian Rusche

Chairman Wall briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the Consent Agenda items.

MOTION: (Commissioner Eslami) “Mr. Chairman, I move to approve the Consent Agenda.”

Commissioner Benoit seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

Public Hearing Items

6. Schooley-Weaver Partnership – Conditional Use Permit

Request approval of a Conditional Use Permit to establish a Gravel Pit on 16 acres in an R-R (Residential Rural) zone district. The City Council remanded this request to the Planning Commission for further consideration.

FILE #: CUP-2010-008
PETITIONER: Schooley-Weaver Partnership
LOCATION: 104 29 3/4 Road
STAFF: Brian Rusche

1 VERBATIM MINUTES

2 CHAIRMAN WALL: We will now move to our public hearing items.
3 And we have one public hearing item tonight which is the Schooley-Weaver Partnership
4 Conditional Use Permit. This is a request approval of a Conditional Use Permit to
5 establish a gravel pit on 16 acres in a Residential Rural zone district. The City Council
6 has remanded this request to the Planning Commission for further consideration. After
7 reading the notes from the City Council meeting and from the previous or the first
8 Planning Commission meeting, it appears that the issue is mostly based on safety. So I
9 would kind of like to keep the testimony based on the safety measure if we could.

10 MR. RUSCHE: Mr. Chairman, Brian Rusche, Public Works and
11 Planning Department. As you stated, this is a request for a Conditional Use Permit for a
12 gravel extraction facility on 16 acres within a Residential Rural zone. The original public
13 hearing was June 8th. The Council heard an appeal on August 2nd and remanded this
14 matter back for further consideration, specifically regarding the safety concerns that
15 were cited in the previous Commission decision.

16 I'll do kind of a brief synopsis on the application for those who don't have
17 the benefit of the previous hearings; however, all the information from the previous
18 hearing including the verbatim minutes is part of the public record. The property is 16
19 acres and was annexed in 2004. The property is accessible from 29-3/4 Road which
20 terminates at the southern edge of the site. This road previously continued south and
21 east through private property and onto the Mesa County landfill until it was closed by
22 Mesa County. The site rises approximately 100 feet above Orchard Mesa Canal No. 2.
23 North of the canal is a residential neighborhood. There is also three residences on the
24 west side of 29-3/4 Road south of the canal.

1 An existing gravel extraction operation approved by Mesa County in 1994
2 is approximately 600 feet and just off the picture here. An existing construction and
3 trucking operation is also located on 29-3/4 Road. The Comprehensive Plan designates
4 the property as Rural, defined as one dwelling unit for every five acres. It was zoned
5 Rural... Residential Rural in 2004 when it was annexed into the City. The adjacent
6 neighborhood is also designated and zoned as Rural in the County. They use the RSF-
7 R designation except for the trucking operation which has a Planned Development
8 zoning and the existing gravel operation at the south which is an AFT - - Ag Forest
9 Transitional zone. The blended residential map which is part of our Comprehensive
10 Plan designates the property as Residential Low – rural to five dwelling units per acre
11 range of density.

12 The applicant is requesting the Conditional Use Permit to operate a gravel
13 extraction facility. According to the traffic study a maximum of 300 trips per day would
14 be generated by the use. A trip is a coming or a going to the site. All truck traffic would
15 use 29-3/4 Road which has been evaluated by a geotechnical consulting firm for
16 strength in the level of traffic generated. We have also done an evaluation of the road
17 as part of our review. The roadway has two travel lanes and is currently maintained by
18 Mesa County. It is anticipated the City would take over maintenance of this road at
19 some point in the future. It is within the 201 Persigo urbanized area. In...our zoning
20 code provides for...with gravel extraction facilities provides that the applicant shall be
21 responsible for some of the maintenance that's...issues that may be created by their
22 operation.

23 There's currently 21 feet plus or minus of asphalt on 29-3/4 Road. This is
24 the haul route plan showing entrance and exit via 29-3/4 Road to the site. Access to

1 Highway 50 has been granted for three years subject to construction of traffic...of
2 improvements for traffic flow as determined by CDOT. These improvements include
3 acceleration and de-acceleration lanes. There is a two-step process. The first step is
4 getting the access approved which CDOT has done. The second step is for the
5 applicant to obtain a notice to proceed which is...gives them all the details of what
6 improvements they need to make before they can physically use that highway - - access
7 point.

8 The applicant has considered other accesses to and from the gravel site
9 but deemed these not to be viable alternatives either because the roads do not have
10 sufficient right-of-way or required the crossing of private property. As I mentioned, the
11 standards for gravel extraction facilities provide that improvements and maintenance of
12 designated haul routes be a part of...of their application. On 29-3/4 Road as I
13 mentioned also will ultimately be incorporated within our City street network.

14 A few aerial photos. This photo illustrates where 29-3/4 Road has been
15 closed and prevents further access to the site. It also illustrates where 30 Road would
16 be located. There are some overhead power lines here. That right-of-way is un-built.
17 There is no surface there at all. This photo illustrates the three residences on the south
18 side of the canal and the west side of 29-3/4 Road. With the exception of these
19 residences, the remainder of the neighborhood sits below the canal. The property then
20 as you can see rises approximately 100 feet from the property line just back here up
21 to...or actually the front property line - - the canal - - up 100 feet to its peak. More
22 photos. Again you can see the neighborhood sits lower in elevation than the proposed
23 operation which would make any sort of extraction noticeable. The applicant has
24 proposed landscaping along the canal to mitigate some of the visual effects.

1 This is the existing gravel operation operated within Mesa County. The
2 two properties share a common boundary. Somewhere in this range is the property
3 line. The property here extends on both sides of the road; however, no mutual
4 agreement regarding shared use of this road could be reached. Out of the 16 acres, the
5 applicant proposes to mine 7.63 acres. This proposal reflects minimum separation
6 requirements. Our code requires 125 foot separation from existing residences. Over
7 200 feet of separation is provided in this plan as well as a 30-foot separation from the
8 canal. There is no onsite crushing or processing included in this application.

9 The entrance to the site, off 29-3/4 Road, will be asphalted as well as
10 gated. That requires security fencing. As material is removed the slopes will be graded
11 inward. The grading of the slopes will help to mitigate the effects of storm water runoff
12 as well as provide a natural buffer to the operation as it continues mining downward.
13 This is the finished grade.

14 This is a cross-section from three different points. Three of the residences
15 and what they might see as the operation were underway - the existing grade, the
16 interim grade and then the final grade. The proposed final elevations of the site will be
17 reduced by 75 to 90 feet. The landscaping buffer will help to mitigate some of the visual
18 effects of the proposed operation. The landscaping will be irrigated with water trucked
19 in from outside the site. The applicant's proposed time line is five years with the option
20 that is included in our code for a two-year extension if that becomes necessary. Once
21 the material is removed, the property needs to be reclaimed. The proposal is native
22 grasses. This reclamation plan must be approved by the State of Colorado.

23 So in summary, we've got a property that was...has been zoned
24 Residential Rural which requires a Conditional Use Permit to use property for gravel

1 extraction. The requested length of time is five years with the potential extension of two
2 years. Included in the recommendation and conditions is clarification that any extension
3 would be considered using the same criteria that would be considered for the initial
4 request. Access to the site is via 29-3/4 Road. Improvements to the highway... access
5 to the highway has been granted and the improvements are subject to CDOT
6 jurisdiction and approval. The maximum number of trips is 300 per day and again a trip
7 is with a coming and a going.

8 Based on the testimony in the original public hearing, as well as further
9 consideration, the hours of operation as recommended by staff, is 8:30 a.m. to 5 p.m.
10 weekdays. That is a change from the original application. No weekends were ever
11 proposed. This timing is consistent with other operations that have been approved
12 within Mesa County on the periphery of the City. There is no onsite crushing or
13 processing. The code provides that noise cannot exceed 65 decibels at the property
14 line when adjacent to residential. A reclamation plan must be approved by the State.
15 All storm water management must be approved by our 5-2-1 drainage authority. A
16 landscaping plan must be approved and has been submitted. The minimum separation
17 between residences have been met and the review criteria in section 2.13.c. of the 2000
18 Zoning and Development Code, which is the criteria for conditional uses, as well as the
19 criteria for gravel extraction operations in 4.3.k have in my opinion been met. Are there
20 any questions?

21 CHAIRMAN WALL: Any questions for staff at this time? I have a
22 couple. As far as the Conditional Use Permit and the 300 maximum trips per day, are
23 there different variations of Conditional Use Permits as far as those trips or is... was that
24 based on just what the road could... could handle?

1 MR. RUSCHE: That's based on the traffic study that was
2 submitted. It's consistent with other operations I have seen where 150 trucks is sort of
3 what's been proposed. I think that question's better addressed to the applicant though
4 in terms of how many times they might see that maximum number of trips.

5 CHAIRMAN WALL: I was just wondering if there was a different
6 standard in our...

7 MR. RUSCHE: Nope.

8 CHAIRMAN WALL: ...in our... as far as this Conditional Use Permit
9 is for 300 but they could have gone to...

10 MR. RUSCHE: No. No.

11 CHAIRMAN WALL: Okay. And if I understood correctly the
12 applicant will maintain the road from where it's blocked off now or the whole entire?

13 MR. RUSCHE: The County currently maintains 29-3/4 Road as
14 part of their regular maintenance. Ultimately it will be incorporated in the City street
15 network and the City can take over the maintenance of that portion of the road. Our
16 code, for this type of operation, then provides that any breakage or whatever the term
17 is...any maintenance that's necessary because of their operation can be and should be
18 at their cost. So that is included as a condition in this request.

19 CHAIRMAN WALL: Okay.

20 MR. RUSCHE: That would be administered by the Public
21 Works Department in terms of notifying the applicant, gee, there's something that needs
22 to be fixed.

1 CHAIRMAN WALL: And I...I just have one more. The...the
2 Conditional Use Permit's for five years, if... if I think I read correctly that the access from
3 CDOT is only three years?

4 MR. RUSCHE: Correct.

5 CHAIRMAN WALL: So what happens at the end of three years?

6 MR. RUSCHE: Per CDOT policy their access can only be
7 issued for three years. They're considering this to be a temporary access.

8 CHAIRMAN WALL: Okay.

9 MR. RUSCHE: They have the option - they being the applicant
10 – as well as CDOT to re-up that access permit. If for some reason that access permit
11 were turned down, a condition in our recommendation is that all state and federal
12 permits must be maintained. Therefore, if they're denied access of the highway, they
13 would no longer able to operate.

14 CHAIRMAN WALL: Okay.

15 MR. RUSCHE: And five years is what was requested by the
16 applicant. They could have requested six, they could have requested three.

17 CHAIRMAN WALL: Okay, thank you.

18 COMMISSIONER BENOIT: I have one. Regarding trips per
19 day, what would the maximum trips per day exclusive of this operation be on that
20 particular roadway - - for safety reasons?

21 MR. RUSCHE: Oh, currently the...the road has far fewer trips
22 than a thousand ADT is kind of a threshold. Including this request and adding 300 trips,
23 based on the current traffic, we don't get near that point. I'd have to look for the exact
24 numbers prepared by our engineer.

1 COMMISSIONER BENOIT: Is there any history from the...I'm
2 assuming the County on the other operation that was going on in that neighborhood?

3 MR. RUSCHE: When that operation went through the
4 conditional process, I don't know what transpired during the hearings. But the ultimate
5 result was that they were denied the ability to use 29-3/4 for their operation. That was
6 in 1994. In 2005 there is evidence that was presented at the original hearing regarding
7 a request by I believe a different owner to also use the access point through the landfill.
8 That was rejected by the County based primarily on concerns expressed by the waste
9 management official at the landfill at that time.

10 COMMISSIONER BENOIT: So there...there is no other
11 alternate route to get in and out of this proposed operation, is that correct?

12 MR. RUSCHE: The only two routes that were evaluated would
13 require crossing of private property for which they do not have permission or use of an
14 un-built right-of-way that does not have sufficient land even to accommodate in our
15 analysis.

16 COMMISSIONER BENOIT: Thank you.

17 MR. RUSCHE: To answer the question about ADT, I do have
18 some information. There's approximately 26 houses in that neighborhood that might
19 use 29-3/4 Road. Multiplied by 10 is the...the average for a single-family home for
20 round trips a day, so we're looking at 130 round trips a day plus what is proposed here
21 for 300. So we're looking at a total of...do I have that right? I'm sorry... 130 round trips
22 is 260 trips in our nomenclature. So 260 plus 300 is 560. So they're well below a
23 thousand vehicles a day using that roadway. And that's...that's based on some
24 assumption as of what's already developed there which is single-family housing.

1 CHAIRMAN WALL: Thank you.

2 COMMISSIONER ABBOTT: Have you done any actual traffic
3 counts because you're...you're saying assumption? I'm just gonna ask the question.

4 MR. RUSCHE: I'm not aware of any traffic counts that were
5 done.

6 COMMISSIONER ABBOTT: Okay.

7 CHAIRMAN WALL: And the applicant?

8 MR. JONES: Good evening, Mr. Chair, Commission members. My
9 name is Robert Jones II. I'm with Vortex Engineering. Our office address is 2394
10 Patterson Drive, suite 201, in Grand Junction. I'm the applicant's representative. I'll be
11 presenting the Schooley-Weaver CUP project. I'll try and keep this brief since staff has
12 done an excellent job briefing on the background of the application in the staff report
13 and the information presented at the original Planning Commission hearing was quite
14 extensive. I would like to take a few moments to focus first and perhaps better explain a
15 few of the measures taken by the applicant to further understand and attempt to
16 properly mitigate the safety concerns that were originally voiced by the Planning
17 Commission. In addition to continue to work with staff regarding various issues, the
18 applicant conducted a neighborhood meeting on August 13th to hear the concerns of
19 neighbors and discuss mitigating measures available. Several were discussed and an
20 accounting of these was provided for in a project narrative addendum that was supplied
21 in your package.

22 I would like to summarize those that the applicant would like to implement
23 in conjunction with this project should approval be granted. Obviously, the hours of
24 operation have been discussed. The original hours of operation according to code was

1 a 6 a.m. to 6 p.m. and staff and the applicant concurred that the hours of operation for
2 this operation be changed from 8:30 in the morning to 5 in an effort to miss the morning
3 bus schedules that are associated in this neighborhood. The applicant also would work
4 with the school district and neighbors to accommodate alternate locations of bus stops.

5 We did meet with Dave Montoya who's the director of transportation for
6 grounds and building use for School District 51 to further explore options for relocating
7 the bus stops. I prepared a quick exhibit which is unfortunately very hard to read that
8 shows some of the existing or the existing bus stops in the neighborhood. Those in
9 yellow and white are the existing bus stops. There are two existing bus stops on 29-3/4
10 Road. Most all of the other bus stops are located internal to the subdivision. Obviously
11 the reason for importance of this is the afternoon truck traffic. Neighbors had a concern.
12 The applicant also had a concern with children crossing 29-3/4 Road.

13 There's an elementary bus stop that's located here and a high school bus
14 stop that is located here. Internal to the subdivision is a kindergarten bus stop and a
15 middle school bus stop here. Mr. Montoya was very gracious in conversation, very
16 willing to work with the neighbors in relocation of bus stops. We...we as the applicant
17 can't necessarily invoke a relocation of a bus stop. It would have to be something that
18 would be requested from the neighbors. Those...those with children within the
19 subdivision themselves; however, he seemed very willing to do so. There was several
20 options discussed. One was a relocation of the elementary bus stop just to the west.
21 This picks up children from the Redtail Subdivision to the west as well as a few children
22 here within this development. So a relocation of the elementary bus stop over towards
23 the kindergarten and combining the kindergarten and elementary here is a possibility
24 and then they would have an alternate bus stop for those children coming from Redtail

1 farther to the west which would alleviate the elementary bus stop and potential for
2 children crossing 29-3/4 Road. There was also talk of moving the high school bus stop
3 similarly and combining it here with middle or taking it to... to the west.

4 One other issue that was discussed...this resident here has five children.
5 Because there was inadequate turnaround for a bus, Mr. Montoya was unable to take
6 the bus and pick up children from this residence directly past Craig Street. We
7 suggested that a bus stop turnaround be provided on the applicant's property with an
8 easement to accommodate that. He seemed willing to do so. So they would actually
9 stop and pick up the children at this residence, utilize the turnaround and exit back
10 down 29-3/4 Road. There was some other discussion with Mr. Montoya relative to
11 should children need to walk up 29-3/4 Road that a four-foot trail may be necessary
12 adjacent to those few homes. That was reviewed, discussed in length.
13 There's...there's some issues in...in doing so with fence locations that are built right up
14 to the edge of the pavement but we still think that a four-foot trail may be useful on the
15 east side of 29-3/4 Road from A-1/4 to Meeker Street and the applicant would be willing
16 to do that. But again, I...I would like to make it clear that Mr. Montoya will not initiate
17 relocation of bus stops until it's requested by the parents of...of those children affected
18 in the subdivision.

19 There's also concern regarding the dust and airborne contaminants that
20 may be associated with this operation. We did some research and consulted with the
21 acting manager of the Mesa County landfill, Cameron Garcia. The decision was made
22 to implement...implement a policy for this gravel pit that mirrored that of the adjacent
23 landfill. For safety reasons, if the wind blows at 20 miles per hour for 15 to 20 minutes
24 or wind gusts up to 50 miles per hour, the landfill shuts down its operation for one hour

1 and re-evaluates every hour and we would propose to implement the same policy for
2 this operation.

3 With these additional conditions, those already outlined by staff, we
4 believe the applicant has done as much as possible given the current circumstances to
5 mitigate the impact of this development. The Schooley-Weaver Conditional Use Permit
6 meets or can meet all applicable sections of the Grand Junction Zoning and
7 Development Code and goals and policies of the Comprehensive Plan and we would
8 respectfully request your approval of the Conditional Use Permit as presented with
9 these additional conditions. I'd be happy to answer any questions that you may have at
10 this time.

11 CHAIRMAN WALL: Any questions for the applicant?

12 COMMISSIONER WILLIAMS: I have a question. I don't know if
13 this is more for staff the permit that's required to get with CDOT, would you guys be
14 hauling prior to those improvements being made there – on Highway 6 & 50?

15 MR. JONES: No, sir. CDOT has a two-step process. That...the
16 first being the access permit and the second being the notice to proceed. The access
17 permit's been granted. The next step is preparation of the design plans that get
18 submitted to CDOT. Those get approved and then the actual improvements to the
19 roadway which in this case is acceleration and deceleration lanes on Highway 50 will be
20 completed.

21 COMMISSIONER ABBOTT: I have a question, Mr. Chairman. With
22 regards to the irrigation and the dust mitigation of the property and the irrigation of the
23 buffering, where is this water source gonna come from?

1 MR. JONES: There's several hauled water sources available. Ute
2 Water has nine fill stations. The closest one is at 32 and B-1/2 Road and for \$4.72 you
3 can buy a thousand gallons of water so the intent is to haul water into the...the
4 operation to accommodate that.

5 COMMISSIONER ABBOTT: And can you just walk up and
6 stick your credit card in and get the \$4.72 per gallon or do you need to have a contract
7 with them?

8 MR. JONES: Very good question. I don't know the answer to that.
9 As I understand it's available to the public but I don't know the answer to that.

10 COMMISSIONER ABBOTT: Okay, well. Alright. That's what I
11 needed to know right now.

12 COMMISSIONER WILLIAMS: I can answer that question. Ute
13 Water what they do is you start up an account up with them essentially and it is \$4.72
14 per thousand and you're given a PIN number that you put into the fill station and you're
15 able to fill up based on the truck that you've provided Ute Water with that information.

16 COMMISSIONER ABBOTT: So... so has an account been set
17 up with Ute Water at this time?

18 MR. JONES: I do not know that it has.

19 COMMISSIONER ABBOTT: Okay.

20 COMMISSIONER BENOIT: Are the water truck trips included
21 in the total truck count?

22 MR. JONES: It would have to be, yes, sir.

23 COMMISSIONER ESLAMI: Robert, how much water do you
24 anticipate to be used per day or per week?

1 MR. JONES: A gravel operation like this is not a very intensive use
2 of water. For the landscaping, you're talking about zeroscape with desert type shrubs
3 and trees that are on drip systems and then the largest use of water will be for dust
4 mitigation. I can't see that you would use, you know, a thousand gallons of water but
5 every couple of days depending upon conditions. If it's...it's not gonna be that much.

6 CHAIRMAN WALL: Any other questions for the applicant? Thank
7 you.

8 MR. JONES: Thank you.

9 CHAIRMAN WALL: We will now open this hearing up to the public.
10 I know this is a sensitive issue and as I stated before I would like to keep our comments
11 consistent with what the arguments were in the previous hearing and from what City
12 Council wants us to discuss and...and review and that's anything that pertains to safety.
13 So if it's a safety issue that you would like to share your concern, feel free. I believe we
14 have a sign in sheet in the back?

15 MS. COX: Yes, Mr. Chairman, we have a sign in sheet at the
16 back. There's another one at the podium and those wishing to provide testimony can
17 sign up in advance of providing the testimony if they'd like to and that way we'd have an
18 accurate record of who is presenting testimony this evening.

19 CHAIRMAN WALL: So if we can sign in the back and then...then
20 we'll listen to your testimony. Have you signed?

21 MR. PARROTT: Yes I have. Yes I have.

22 CHAIRMAN WALL: You can state your name and address, please.

23 MR. PARROTT: I'm Gary Parrott. I live at 2960 Great Plains
24 Drive here in beautiful downtown Grand Junction. I'm also the president of the Redtail

1 Ridge Homeowners Association and although we're not immediately adjacent to 29-3/4
2 Road, there's only two ways in and two ways out of our subdivision so we have to utilize
3 29-3/4 all the time. Coming here tonight I had to utilize that so I'm very, very familiar
4 with the road and the area surrounding it. Hopefully you all did receive my letter that I
5 sent. This was dated back in May that I had all my issues. Next question would be a
6 rhetorical question is have you ever seen one of these before submitted by a citizen?

7 CHAIRMAN WALL: Letters?

8 MR. PARROTT: Well, not just a letter but the format in which it
9 was prepared.

10 CHAIRMAN WALL: No.

11 MR. PARROTT: This is basically...

12 CHAIRMAN WALL: Not personally.

13 MR. PARROTT: This is an issue paper. The reason it was put
14 in this format is that I'm a retired California highway patrol sergeant that was a
15 supervisor in an area office. When any subdivision, business would build along a
16 highway, you, the City, the County would send it to the highway patrol for approval or
17 recommendations. And so I carefully analyzed all of the safety, legal, environmental
18 issues and put it in this paper. Unlike the majority of my residents... fellow residents
19 they'll probably get into an emotional. This was strictly logical, legal issues. So as a
20 person that was sent this application, if I had seen it, I would have analyzed it the same
21 way and responded the same way saying yes you can have your business but you must
22 do these things first which I outlined in the... outlined in the... the letter.

23 Second, I've also been a commercial enforcement officer for almost 20
24 years and I worked very closely with trucks of all sizes. I've worked at the port of entries

1 and the platform and inspection facilities. I know what trucks do to the roads. Yes, your
2 roadway is approved right now to withstand, you know, the poundage for the vehicles.
3 However, I know that after we have resurfaced the entry ways into the scale houses
4 within one year there's deep grooves and ruts dug into the road just because that is the
5 nature of the beast. They will damage the road which will mean they'll have to be
6 repaired.

7 Second, they have a tendency to have things fall off and drip off of them
8 and so you...we would have to take a sweeper out every week at minimum and sweep
9 off the...the entrance and exits ways of the scale houses just so it would be safe. We're
10 gonna have that on 29-3/4 Road so it's gonna require a sweeper vehicle to go and
11 clean it up. Also they will drip radiator fluid, transmission fluid, hydraulic fluid because
12 specifically the gravel haulers are more messy than any other truck. That's just the
13 nature of the beast and so you will have the accumulation of controlled fluids on the
14 roadway and eventually they'll work their way onto the...to the shoulders in uncontrolled
15 amounts which will be an environmental issue that you'll have to deal with. So I'm just
16 telling you that based upon what I wrote in my issue paper unless there's certain
17 mitigation things are done, I wish that you deny it. This just...if it's not addressed, it is
18 an incident just waiting to happen and we're looking at potential liability for...for the city
19 and the county and we don't want that. An ounce of prevention is worth a ton of cure
20 so...

21 CHAIRMAN ESLAMI: Mr. Chairman, can I ask a question from Brian?
22 Has...have you received this letter?

23 MR. RUSCHE: Yes, it's...

24 CHAIRMAN WALL: It should be in our report.

1 COMMISSIONER ESLAMI:

2 CHAIRMAN WALL: It's in our report.

3 COMMISSIONER ESLAMI: In our report. I see it now so you
4 have answered this question. Thank you.

5 CHAIRMAN WALL: Thank you, Gary.

6 MS. ZEHNER: Hi. How are you guys tonight?

7 CHAIRMAN WALL: Good.

8 MS. ZEHNER: Sorry. I get a little nervous up here.

9 CHAIRMAN WALL: Did you sign in?

10 MS. ZEHNER: I have a PowerPoint. Oh, Carol Zehner, 114...

11 CHAIRMAN WALL: Did you sign, Carol? Okay. Is it a long
12 PowerPoint?

13 MS. ZEHNER: Excuse me?

14 CHAIRMAN WALL: Is it a long PowerPoint?

15 MS. ZEHNER: I hope not.

16 CHAIRMAN WALL: Okay.

17 MS. ZEHNER: I hope not, sorry. Unless I get too nervous and
18 start shaking too much.

19 CHAIRMAN WALL: No need to be nervous.

20 MS. ZEHNER: I do have sheets for the PowerPoint and also a
21 letter that is not on record that I would like to add. Is that a problem?

22 CHAIRMAN WALL: You can give it to us. We won't have time to
23 read it. So if you want to reference it...

1 MS. ZEHNER: It's just City Council. I just want it on the
2 record.

3 CHAIRMAN WALL: Okay.

4 MS. ZEHNER: Okay. It won't take very long if I can get it up
5 there. Well, let me ask you where to find it. Thank you very much. Sorry. Okay.
6 There. And then it'll open up from here?

7 MR. RUSCHE: Yeah.

8 MS. ZEHNER: Alright. Thank you. Any of the information
9 that's on here I do have documents that are attached to the folder. Codes and zoning
10 were set up to promote the health, safety and general welfare of the citizens. In many
11 instances the public's best served when such minimums are exceeded. This helps
12 protect the integrity and character of established neighborhoods. That's why a
13 Conditional Use Permit is not a use by right and there has been...there has been
14 statements that it's...it's a property right and that's not the way I understand it. That's
15 why they have to apply to you for that CUP. And I skipped a page, sorry. At City
16 Council when this was denied later we did some e-mails with Councilman Kenyon and
17 this was the response that he had sent to us. He said that he didn't see any comments
18 or concerns from CDOT, Mesa County or the City. There are letters from the County
19 that have been submitted. He said that he expected to see comments or concerns
20 about hours of operation, the amount of truck traffic, no shoulders on road, no sidewalks
21 for the kids, what about the bus stops, air quality. The amount of the trucks entering
22 Highway 50, road damage, noise. To me the term used for safety on the denial was just
23 a very broad term and they're asking for more information.

1 CHAIRMAN WALL: I just want to correct you real quick. It wasn't
2 denied. It was sent back because the Planning Commission wasn't clear on why they
3 denied it.

4 MS. ZEHNER: Very much so. That it wasn't clear enough and
5 I'm sorry for the terminology on that. So that it sounds to me that's where the
6 Conditional Use Permit, it's not a use by right. That's why we're here. Our
7 neighborhood – the compatibility and protection of the neighborhood needs to be met by
8 providing visual and auditory privacies to ensure minimum negative impact on the use
9 and enjoyment of our neighborhood. Compatible – Schooley-Weaver's statement is it's
10 not feasible to create a buffer because the neighborhood sits significantly lower in
11 elevation making any sort of material extraction noticeable. The absence of good
12 barriers and extreme high traffic is gonna promote dust, noise, odors affecting health,
13 safety and general welfare. Definitely more than minimum negative impact is
14 threatening our serenity and quality of life.

15 Mesa County states 29-3/4 Road is inappropriate. Two different letters
16 that they've stated they put it in that there should be alternate routes. It's too close to
17 residential. 29-3/4 Road Brian Rusche stated that the road, the asphalt width is 21 to
18 22 feet. You can see how narrow it is with the picture of these trucks. These were all
19 staged. A little bit different when you have slow trucks where you can stop them
20 compared to trucks that are gonna be hauling down this road at 25 plus miles an hour.
21 There's no shoulders, no curbs, no gutters, no sidewalks, no roadway markers. There's
22 gonna be high road noise from this. So again, you know, is this compatible – no. this
23 quiet rural road's gonna become an industrial boulevard. It's unsafe for pedestrians, it's
24 extremely noisy and doing a little bit of research, the traffic is gonna increase well our

1 30 decibel rural road is to more of a 90. My house sits right on this road. My door is
2 probably within 30 or 45 feet of... sorry, it's about 45 to 50 feet from the road and with
3 the changes they're making it could possibly be even closer.

4 Contaminants from the leakage and debris from the trucks. The road
5 damage and the congestion at the highway. Those are all gonna be safety issues.
6 Trying to get onto the highway is gonna be less safe than it is now. Sorry. Schooley-
7 Weaver project states they are looking at putting a four-foot trail. A four-foot trail would
8 be useful. They're not talking about crossing that on the canal or taking it all the way
9 down 29-3/4 Road. This road is utilized by many people walking their dogs, riding their
10 horses, hiking to the Old Spanish Trail. The trail would need to be...encompass all of
11 29-3/4 Road plus cross the ditch for safety reasons. The trail that they're talking
12 about... actually I want to hit on something first. He is talking about fences encroaching
13 and not being where they're supposed to be. My understanding is there's a 40-foot
14 right-of-way. If you look at where those electrical poles are they are right about where
15 the right-of-way is. So the fences that they're talking about are actually on their own
16 property. They're not on the right-of-way. And it really stinks for me because the
17 majority of the right-of-way sits on my property to where they're wanting to put this trail.
18 On my property because it's not. But it's on that side of the street and it's gonna affect
19 my property because they're gonna have to do fill. My driveway as you can see is
20 below grade. My house was built in '56. The upstairs was not original there. So they're
21 gonna have to lift that up and then if you look to the left the people down from me I
22 mean it's gonna have to be raised significantly.

23 I talked a little about the school district and Mr. Montoya and in the first
24 Planning Commission meeting, Schooley-Weaver project testified attempted to contact

1 the Mesa County School District 51 transportation coordinator, Mr. Dave Montoya, but
2 simply played phone tag when he was asked further well, what did Mr. Montoya say?
3 Later the story changed in his letter of appeal. They stated that they had testified to
4 having ongoing efforts with Mr. Montoya to relocate the bus stops to relocate the bus
5 stops and the school district is agreeable to the solution and that brought a letter from
6 Mr. Montoya which should be in your packet. In that, he...he does say they spoke with
7 Schooley-Weaver project late spring. They spoke of different ideas. No concrete plan
8 was reached. At that point they had not heard from them since that initial meeting but
9 talking with Mr. Montoya yesterday he did say that yes he has spoken with them but the
10 letter still stands. They're still gonna operate business as usual in that area. Mr.
11 Montoya came out and took a look at the area and from those observations, he
12 was...witnessed very low volume of traffic. Business...the business on the road did not
13 generate traffic during the period that he was there and that the increase in traffic on the
14 road that he would say that they current shoulder of the road is not adequate for
15 separation from vehicular traffic and those students or pedestrians. Here's the bus stop
16 times and I know that they adjusted it in the morning but again in the afternoon we are
17 looking at 2:50, 4:30. Wednesdays those change to 2 and 3:40 and then we have the
18 kindergarteners. Actually I have my mom standing next to the road just down from
19 where the kids stand waiting for the bus. You can see again it's significantly lower and
20 it's not a real safe place for the kids to be standing. They've already gone over the
21 maps as far as where the bus stops are. Again where the truck top picture is, that's at
22 29-3/4 and A-1/4 where the bus stop is and the blue one is on Hayden Street. And I
23 really want to stress here I mean there is a lot of talk about the kids and the bus stops
24 and...and moving those bus stops internally would help. But that's not gonna help the

1 remainder of the pedestrians that utilize this road going up and down or the kids riding
2 their bikes and it's been stated that we need to have more parental controls. I'm a little
3 offended with that because our kids are supposed to ride their bikes on the street.
4 They're supposed to follow the rules of the road. The only place they can walk right
5 now is on the street. So it's a severe safety issue.

6 Mountain Region Corp. has been referred to as a trucking operation. In all
7 actuality they're an industrial construction company. Their trucks stay on project sites
8 for extended periods and rarely travel 29-3/4 Road. The only time these trucks are at
9 the Mountain Regional Corp. shop is between projects for storage or maintenance and
10 repair and to me that was a little bit misleading that they were consistently referred to as
11 using this road in the first hearing when...when they're not. And they speak of an
12 existent gravel extraction at the 600 feet and if you look at the picture on the right, you
13 cannot see the...the Mountain Regional gravel pit from our neighborhood. It's on the
14 other side of the ridge. Completely different from what the Schooley-Weaver one's
15 gonna be. It's sitting in our back door. When I look out my window, the hill's there.
16 They're not gonna be able to cover it. They're not gonna keep the dust down because
17 it's sitting so high above our...our properties. The pit that's 600 feet away was
18 restricted for 29-3/4 Road for safety issues. The County recognized 29-3/4 Road is not
19 a reasonable solution for trucks to be going up and down. The right-of-way that they've
20 talked about they...they said the ultimate right-of-way of 29-3/4 Road is 60 feet;
21 however, that's not true. Burns Subdivision Plat shows it's a 20-foot right-of-way from
22 the surveying pin and that's located about the center of the road. And I'm just...that's
23 from their plat. I'm not a surveyor. So the right-of-way being 40 foot. The old
24 Whitewater Road does have a 60-foot right-of-way but a lot of that has been vacated.

1 So their statement that...that 60-foot there on 29 Road all the way down is not. And if
2 we come back to Councilman Kenyon's e-mail to us, the things that he's expecting to
3 see the hours of operation that yes, they've adjusted them but the amount of truck traffic
4 still there, there's still no shoulders on the road, there's still no sidewalks. The bus
5 stops, the air quality. All those problems are still there and those are the things that
6 they're looking for and that's what we're asking you to address and deny it today and I
7 appreciate your time. Thank you.

8 CHAIRMAN WALL: Thank you very much.

9 MS. ZEHNER: Who would I give this to?

10 CHAIRMAN WALL: To Lisa. And you did good. You don't have to
11 be nervous.

12 MS. ZEHNER: I don't talk in front of people.

13 CHAIRMAN WALL: You did fine.

14 MS. ZEHNER: It made me have to grow a lot. I'm telling you.

15 CHAIRMAN WALL: You did well.

16 MS. ZEHNER: Thank you.

17 MS. FELMLEE: Well, let's see if I do better than Carol at this
18 thing. Can I just pull this out? How do I get...

19 CHAIRMAN WALL: You have another PowerPoint?

20 MS. FELMLEE: I did sign in in the back. My name is Vickie
21 Felmlee. I live at 178 Glory View Drive. I'm a member of the Old Spanish Trail
22 Association and I'm also president of Orchard Mesa Neighbors in Action and if I can find
23 my little arrow down there. There it is. I like this picture. This picture kind of says it all.
24 Again, this is a staged photo. The residents got together with some friends and got two

1 trucks and tried to show what happens when you got two big trucks meeting on this
2 road. We walked about at the last meeting and it has been talked about subsequent
3 and also brought up tonight about 30 Road as an alternative. You have in your packet
4 the memo from the County that Carol referenced talking about 30 Road. This proposal
5 – using 29-3/4 Road – turns an old narrow country road into an industrial boulevard. It's
6 just as simple as that. The petitioner, however, and as I said the county has mentioned
7 this, can utilize 30 Road as almost a private road. There's no other traffic, no kids on
8 the street, no school buses, no bus stops. You know, this gets confusing because I've
9 been talking with a lot of people about this and we're talking about easements and right-
10 of-ways and now trails and bus stops and kids playing in the street and giving the grade
11 up vertically. Expanding the grade horizontally and it's like boy you gotta do a lot to this
12 road to make this even work initially. But with 30 Road it's pretty much a private road.

13 CHAIRMAN WALL: Can I make you a deal?

14 MS. FELMLEE: Sure.

15 CHAIRMAN WALL: Let's not talk about 30 Road but I will promise
16 you when we're doing listening to the public hearing, that I will ask the City to discuss
17 the 30 Road issue. Why it's been considered or not considered.

18 MS. FELMLEE: Okay. Can I say just one more thing?

19 CHAIRMAN WALL: Sure.

20 MS. FELMLEE: ...about it?

21 CHAIRMAN WALL: Sure.

22 MS. FELMLEE: Just...just...just one more real quick. I've
23 been involved with a lot of planning issues over the years and I know that the petitioner
24 talks about 30 Road with a... a 13 percent grade. But I've had several conversations

1 with any number of city staff, city engineers, and when it comes to grades they tell me
2 and they've been telling me for a couple years now that a 10, 11, 12 , 13, even 14
3 percent grade is not unacceptable. It's doable. In fact just a few months ago you
4 unanimously approved a development on Orchard Mesa that has a 12 percent grade
5 without any discussion at all. So I'd like to just point that out.

6 CHAIRMAN WALL: And we'll... I'll ask those questions for you to
7 them because that's something that I couldn't even answer for you.

8 MS. FELMLEE: But we might... keep in mind that the county
9 has already suggested this and there is right-of-way already for 30 Road. The last thing
10 and I have... I have some other slides but I understand that you want to deal with safety
11 only and I understand that and I respect that. But the other issue is also precedent.
12 You know, this is a neighborhood... an established neighborhood that is facing the
13 possibility of a gravel extraction operation in their neighborhood. I talked with Bennett
14 who was a county planner, not city but a county planner many years and he said it's
15 interesting because before the neighborhood – an existing neighborhood – always took
16 precedent over any gravel extraction operation. And we've tried to do some research
17 and we could not find in the area and maybe one exists but we could not find it where a
18 gravel extraction operation was approved so close to – adjacent to – an existing
19 neighborhood. There may be some but we couldn't find them and if there are we'd like
20 to know about them and how it worked for them. I think that's a valid concern especially
21 when you're talking about safety. Especially when you're talking about gravel trucks
22 going through an existing neighborhood. Are you setting a new precedent by this? And
23 what does this mean for other neighborhoods – other subdivisions in the... in the city... in
24 the city limits. I can mention... I'm... I'm a geologist. That's what I did for a living for a

1 long time. One of the things I did with the county years ago was to study these maps
2 and I brought them here tonight to show you there are a lot of gravel... a lot of possible
3 gravel operations in this valley. Orchard Mesa, East Orchard Mesa, Fruita, the
4 Redlands. Now I'm not going to speak to the marketability of these gravel areas or, you
5 know, if they're viable from a viewpoint of quality but a lot of them, hundreds of them
6 exist. Are you setting a precedent that other neighborhoods are going to have to worry
7 about gravel operations coming through their neighborhood? That's my question.
8 Thank you very much for listening tonight. I appreciate it.

9 CHAIRMAN WALL: Thank you very much. And I'll make sure that
10 we discuss the 30 Road when we're done with the public.

11 MS. HERRING: My name is Barbara Herring and I live at 118
12 Whitehead Drive – directly affected by this pit. And I had to almost chuckle to myself
13 when I heard that Mesa County maintains 29-3/4 Road. Because that don't happen. I
14 guarantee you that does not happen. It was not until the late 1980s or early 1990s and
15 some of my neighbors may be able to tell me the specific date before we even got chip
16 and seal. We were gravel up until that point and that's... there's never been any official
17 asphalt put down. It's just chip and seal. That's all there is. That to me is a real safety
18 concern

19 The other real safety concern that I have is the canal. You can't tell me for
20 one minute and I'm dumber than a doorknob and probably in a lot of ways the heavy
21 trucks... the equipment operating on that canal road is not going to cause some kind of
22 breach. Who then is responsible for the flooding of all of the homes down from it?
23 Because it's uphill. We're all downhill. It's gonna happen. It's absolutely going to
24 happen. They blame the ditch to try to prevent leakage. They have been somewhat

1 successful. Other areas not. But it's a real concern. It's a real, real concern. The
2 safety of the kids, the safety of the kids should be first and foremost. My kids grew up
3 at that neighborhood. My granddaughter grew up in that neighborhood. She will not
4 even be able to come visit me anymore because of her asthma. She has very severe
5 asthma and you cannot tell me that there will not be dust and everything else in the air
6 from such an operation.

7 The other issue is the smell. I'm one of the fortunate ones the way my
8 house is located I rarely, rarely get the odor from the landfill. But I've been to some
9 other homes to where it's...it's not real pleasant. You're gonna knock that hill down,
10 you can just bring the odors right on down. The other subdivision next to us they're
11 gonna feel them as well. What comes with the smell then you got flies. I don't want that
12 in my backyard and I'm sure if it was your backyard you wouldn't want it either. The
13 bridge that goes across the canal right now it's a one lane road - - one lane. You
14 cannot even put two cars on it. So what investigation they've done - I don't know. But
15 to get my degree at Mesa State College I guarantee you my investigation in writing
16 papers had to be deeper than just the surface. Thank you.

17 CHAIRMAN WALL: Thank you, Barbara.

18 MR. SCHUERGAR: I signed the paper. My name's Joe Schuergar.
19 The fence in your beautiful picture is mine which borders the canal. Okay? So they're
20 talking about directly behind my house which I'm not too thrilled about for various
21 reasons. One of the things I wanted to say is the noise level. Okay. I can understand
22 that those and all that stuff. One of the questions I have for you is what kind of trucks
23 are you gonna run? Are you gonna run dump trucks with trailers? Are you gonna run
24 belly dumps? I work on trucks for a living, okay? One of the other issues that hasn't

1 been brought up is that it's a pretty good grade there. I've lived there for I don't know
2 17, 18 years on Hayden and in the wintertime it gets pretty slick because you go down
3 the road to where the one road is there the service road and then there's a pretty steep
4 little dip right there. I don't know if any of you guys have gone down there but it's a
5 pretty steep little dip. And the other issue with that is the traction in the wintertime and
6 also the one thing nobody's brought up is engine brakes. Okay, how many towns do
7 you go into where no engine brakes allowed? Right? What do trucks have – engine
8 brakes? There's are they gonna equip their trucks with driveline brakes... driveline
9 retarders? So they're not using engine brakes? I doubt it, okay. So besides all the
10 other – the sidewalk, the kids, everything else – I mean, there's a couple other
11 consideration. If they're using belly dumps the tractor trailer is, you know, depending on
12 the size of the trailer, roughly 80, 90 feet long. So while they're waiting to turn left or
13 right or whichever way they're going, somebody comes up who lives on the service road
14 they have to sit there and wait until the truck moves in order to turn to go down the
15 service road to the left – toward 30 Road. Shall we say the other side of 30 Road. So
16 that's another issue besides the dust, the noise, everything else. So I just thought I'd
17 bring those up because nothing has been mentioned about engine brake noise or the
18 trucks stopping before they wind up in Highway 50 in the middle of the wintertime.
19 Okay?

20 CHAIRMAN WALL: Thank you, Joe.

21 MR. DuCRAY: Charles DuCray, Mountain Region. Number 1,
22 we are not a trucking company. We're a construction company. If you talk to my
23 neighbors they'll tell you it's a rarity to see 5 trucks a week in and out of my yard.
24 Number 2 – the property if this is approved behind that is mine. I would like to see a

1 fence put back there to keep their people off of my property because it's going to open it
2 all up. You've got the buffer. We have to leave a I think it's 20 foot, it might be 30 foot
3 buffer between the brow of the hill and our pit. I think that that should be another
4 stipulation. Keep your corridor to where it's visible. It's beautiful. Why mess it up? I
5 don't have a lot to say. I'm not a very good speaker and understand that and I'm
6 computer illiterate so I have no pictures but our pit is up there. When we're loading and
7 operating we use 4 to 8,000 gallons a day if we're hauling gravel out of there of water to
8 keep it the dust down. You have to have dust control when you're loading trucks.
9 We've got trucks with water canons to keep it down and then you still I get some
10 complaints from my neighbors. I know I do some things they don't like and I'm sure
11 they do things I wouldn't like but we do our best. We try to get along with our neighbors.
12 We try to keep our dust down. I'm talking a lot of water when you do it. That's all I've
13 got to say.

14 CHAIRMAN WALL: Thank you, Charles.

15 MR. DERE: Hi there. My name is Brian Dere, vice president of
16 Moody Valley Insurance speaking on behalf of Merl Weaver and the Schooley-Weaver
17 Partnership. My partner, Jamie Loveless, president, couldn't be here and so I'm
18 speaking on his behalf strictly and I'm just gonna read his letter that he had written. It
19 says dear Planning Commission. I apologize for not being at tonight's meeting in
20 person as I have a prior commitment teaching at Mesa State College. I am writing on
21 behalf of my client, CMC Weaver Trucking, Inc. and would like to address their safety
22 insurance performance since they have been a client of Moody Valley Agency, Inc.
23 beginning in 1998. During this time CMC Weaver has been an excellent customer and
24 more importantly a safe customer. CMC Weaver has not had an accident with their

1 dump trucks in more than 8 years and has proven to be a very safe conscious client.
2 This commitment to safety is demonstrated in the safety checks that are performed
3 each day before the dump truck leaves the CMC yard and when the truck is returned
4 each day. These safety checks are to determine if the trucks are safe to operate or
5 need maintenance each day before the trucks are allowed to go on the road. In
6 addition, great care is taken in the drivers that are hired to drive the CMC Weaver
7 Trucking dump trucks. Each of these drivers are subject to random drug testing by the
8 State of Colorado in order to maintain their commercial driver's license. Also, all drivers
9 have their license reviewed annually and they can be removed from driving any truck if
10 they have more than 2 tickets in the last 36 months. No driver can be employed or have
11 driving privileges if they have...if they have had a driving under the influence charge in
12 the last 60 months. Also all drivers and trucks are insured and have been continuously
13 since CMC Weaver first purchased insurance in 1998 from the Moody Valley Insurance
14 Agency. This is...this is much...much better than the state average of 15 to 20 percent
15 of drivers who are estimated not to have any vehicle insurance. The insured also has
16 been complimented for the emphasis on driver and truck safety by their insurance
17 carrier. I have attached a letter from Mr. Mark Roberts, certified safety professional and
18 loss control representative for United Fire and Casualty. The carrier that has insured
19 CMC Weaver Trucking since 1998. Mark states in his letter you're oversight with regard
20 to safety, supervision being the primary concern at job sites as well as for your fleet
21 safety program is also exemplary. Your efforts and expertise are evident as well as
22 your excellent loss history and also your excellent driver SEA or safety evaluation
23 analysis score. This is on the FMCSA DOT saver system website. I have personally
24 worked with Merl regarding all of the above issues for the past 12 years and can attest

1 that Merl lives and breathes safety and due to his leadership, his employees follow suit
2 and his claims experience reinforces this commitment. I have absolute confidence that
3 Schooley-Weaver gravel operation will be run with the highest commitment to safety,
4 not only for the trucking operation but also in operation of gravel digging. I strongly
5 recommend the Planning Commission approve the Conditional Use Permit as
6 recommended as the CMC Weaver will be an excellent neighbor and operate this pit in
7 a safe and professional manner. Sincerely, Jamie Lummis, CIC, ARM president.

8 CHAIRMAN WALL: Thank you, Brian. Are we done with the
9 PowerPoint? We can shut that off, right?

10 MS. SMITH: Hi.

11 CHAIRMAN WALL: Hi.

12 MS. SMITH: My name is Shelley Smith. I live at 135 29-3/4 Road.
13 Other points that some of the residents have already addressed. My job today was to
14 pick out some of the discrepancies on their application and the things that they have put
15 in before. There were several things stated in the original report for the use of the
16 material that they were taking out of the pit were fraudulent. I know you want to stay on
17 safety so I'll get to that point. There is no lighting on this street. Nobody's addressed
18 that. Nobody's addressed that there is no storm water management on this street.
19 What are they gonna do there? They've not even addressed those issues. They said
20 that they would address the issues around the pit but nothing...no storm inlets, nothing
21 like that. I just want to know why they picked this piece of property for this project. This
22 is an established neighborhood. Why would they do that? And for nothing else they
23 wanted monetary gain. The residents of this neighborhood are going to have to suffer
24 for their gain – with no restrictions. There are several other pits within the area that

1 were also annexed into the city under the 2000 development code that did have to do
2 other restrictions. They had to put in their own curb and gutter. They had to put in their
3 own pavement. They had to put in their own lighting. Here they have not submitted any
4 of those. The bus turnaround at the entrance right by the pit – come on, who’s gonna
5 let their kid go up there and sit and wait? How wide is the turnaround gonna be?
6 Nobody said that that’s can even turn a bus around there. You can’t hardly turn a truck
7 around there now. Who’s gonna do the truck count? If they say there’s only going to be
8 300 trips up and down that road, who’s gonna sit at my house on the corner at the
9 double stop sign and count how many times a truck goes up and down that street?
10 Who’s gonna pay for it? The double stop sign by the street Mr. Schuergar brought that
11 up a little bit ago. There is a significant grade there. Myself I have slipped through the
12 stop sign into Highway 50 just this last winter. We did have a significant winter. We did
13 have a significant amount of...of snow that we haven’t had. But what makes that say
14 that that’s not going to happen again. There are many residents that use 29-3/4 Road
15 not just to get in and out of their street and by the way there is 127 homes...families that
16 use that street between the two subdivisions. With regards to Redtail Subdivision, RTR,
17 they...a lot of their children walk up, they walk around. If you sit on my front porch on a
18 Saturday afternoon by any one time you can count 10, 12, 15 people walking their dogs,
19 riding their horses, the kids playing baseball in the street in the summertime. In the
20 wintertime they’re racing around snowballs or whatever. This is an established
21 neighborhood. This is an established community. Why would anybody want to come
22 up and trample it just for monetary gain? Nobody’s seemed to answer those questions.
23 Thank you.

24 CHAIRMAN WALL: Thank you, Shellie.

1 MS. KIRBY: My name is Linda Kirby and I live at 130 29-3/4 Road
2 and we are at the very end of the road where the trucks are going to be coming down
3 that grade... stopping... crossing a frontage road and stopping again. But more
4 importantly I wanted to tell you that in the early '80s I was part of the myself and another
5 neighborhood a lady that we fought and we got that road changed 'cuz that used to be
6 the road to the dump. The dump consequently got moved. The city or the county at
7 that time they deemed that road unsafe for families, for children and for all the trucks
8 coming up and down and, you know, we stood up on the ridge with one of the
9 commissioners at the time and it was just a mess. So, you know, there was a reason
10 why that road was not... was deemed unsafe and I haven't seen any significant road
11 improvements and we've lived there over 30 years.

12 CHAIRMAN WALL: Thank you, Linda.

13 MR. THOMPSON: Good evening. My name is Art Thompson and
14 I work for CMC Weaver. I'm the spokesperson for all of the drivers and the rest of the
15 hands there today. Today I... we had 4 trucks running and we hauled dirt from 28, 28-
16 1/2 Road to 29 Road and, of course, we had to go through the school zones up there in
17 Broadway. So that was 32 trips we went through with not one single mishap and we've
18 never had a mishap I can tell you right now. Because all of us drivers we pride
19 ourselves in having our CDL licenses. We can't have a drink after work 'cuz we may
20 have a random drug test tomorrow or alcohol test so the only time we can have a drink
21 is on a Saturday or whatever. And, you know, we have high standards the same as
22 these people here that drive buses for their, you know, the kids pickup. They have the
23 same standards as we do. They can't go out and have a drink. And one other item I'd
24 like to bring up a gentleman mentioned snow on the roads. Mr. Weaver parks his trucks

1 when it's snowing. We don't go out. That's what he thinks of his company and his
2 employees. He don't want us on the road and we have never as long as I've been there
3 had a speeding ticket or traffic ticket for any injustice at all. And we're just a growing
4 company and we're just truck drivers trying to make a living in a community and that's
5 all I can say gentlemen and I thank you very much for your time. If you have any
6 questions, I'd appreciate it.

7 CHAIRMAN WALL: Thank you, Mr. Thompson.

8 MR. THOMPSON: Thank you.

9 RYAN (ROCKOW): My name's Ryan. I live at 122 29-3/4 Road.
10 You were talking about questions to be asked. I would like to see an MSDS sheet on
11 mag chloride – material safety data sheet contains all the information and what is taken
12 to produce mag chloride and the affects that it has on the environment or in general. It's
13 all the information on the chemical. The reason why I ask is my child has asthma and
14 the bus stop picture that was recently shown earlier that's directly across the street from
15 our home so these trucks will be traveling up and down 300 times a day in front of my
16 house, passing my front door, kicking up dirt, dust and mag chloride into the air. I don't
17 care how much water you put down eventually it's going to go into the air. So having a
18 child that just a few years ago wound up with pneumonia and RSV at the same time
19 was hospitalized for 8 days. It kind of puts a hamper on that so I would like it if you
20 guys would ask for a material safety data sheets on any chemicals that they will be
21 putting on the ground or that will be produced into water, water that they spray on the
22 ground, water when it rains. Any of that that will runoff into the canal or into our homes.
23 Thanks.

24 CHAIRMAN WALL: Thanks, Ryan.

1 MS. KNISLEY: Good evening. My name is Belinda Knisley
2 and I'm an employee of CMC Weaver Trucking Incorporated and I would like to with
3 your permission read a letter from United Fire Company which is the quote that was
4 given from the letter written by Jamie Lummis, our insurance agent. "Dear Mr. Weaver,
5 on September 1st I met with you regarding an insurance loss control survey. The
6 purpose of the survey was to review your company's loss control activities pertaining to
7 the insurance coverage being provided. Having worked in the field during loss control
8 surveys and service for insurance carriers for over 20 years, I wanted to commend you
9 for the steps you've taken to provide a level of safety beyond what is typically done.
10 The emergency preparedness clipboard chart you developed with contact names and
11 numbers for local authorities having jurisdiction for your work area is unique and
12 something I've not seen being done by other construction companies over the years."
13 And as a side note, he left with one of our clipboards to take back and to give to and
14 present to his company. "In addition, your oversight with regard to safety supervision
15 being of primary concern at job sites as well as for your fleet safety program is also
16 exemplary. Your affects, your efforts and expertise are evident as well in your excellent
17 loss history and also your excellent driver SEA, (Safety Evaluation Analysis) score listed
18 in the FMCSA.savers website. It was a pleasure meeting with someone so focused on
19 safety, not only for yourself and your company employees but your associates in other
20 construction specialty areas. I look forward to meeting you again at future job sites.
21 Sincerely, Mark E. Collins." And you also have a copy of that that was presented to you
22 in your packets. Thank you.

23 CHAIRMAN WALL: Thank you, Belinda.

1 UNIDENTIFIED FEMALE SPEAKER: I have one more thing that
2 I forgot. I'm not very good in speaking in public either. We have a couple of questions
3 for the audience if you don't mind.

4 CHAIRMAN WALL: Excuse me?

5 UNIDENTIFIED FEMALE SPEAKER: We have a couple of
6 questions for the audience if you don't mind.

7 CHAIRMAN WALL: A couple of questions for the audience?

8 UNIDENTIFIED FEMALE SPEAKER: Um, hmm.

9 CHAIRMAN WALL: I'm confused.

10 UNIDENTIFIED FEMALE SPEAKER: How many here in this
11 room.

12 CHAIRMAN WALL: Ma'am, ma'am, no. we're not going to do that.
13 It's not a vote.

14 UNIDENTIFIED FEMALE SPEAKER: I'm not going to vote. I just
15 want to know how many people in this room feel that this is not a safety issue...

16 CHAIRMAN WALL: No,

17 UNIDENTIFIED FEMALE SPEAKER: ...this is just based on a
18 safety issue.

19 CHAIRMAN WALL: If... if we didn't think it was a safety issue we
20 wouldn't be sitting here.

21 UNIDENTIFIED FEMALE SPEAKER: Okay.

22 CHAIRMAN WALL: Okay? Your neighbor's gonna hurt you over
23 there in a minute.

1 UNIDENTIFIED FEMALE SPEAKER: That's okay. That's okay.
2 I'm...I'm a big girl and I can handle it. We don't have street lights in this neighborhood
3 either. Trucks running at 5 o'clock often it's dark at 5 o'clock in the evening. That's a
4 big safety issue in itself. The other think I carry insurance on my car. I carry insurance
5 on my home and I'm sure that you all do because the State of Colorado requires that we
6 do. In case of an accident, they're not called on purposes. They're called accidents
7 and you can talk from now to eternity but they happen. They happen. So you can read
8 letters from insurance companies, from wherever. Accidents happen. Period.

9 CHAIRMAN WALL: Thank you.

10 MS. BOSICK: My name is Rosalie Bosick. I wasn't gonna
11 come up. I thought things were pretty well covered except something did cross my
12 mind. Especially with those...with breathing problems and there are several. Especially
13 this couple's young boy. If Schooley-Weaver does get this and these people end up
14 having health problems, are they gonna be accountable to pay the expenses that
15 they're gonna cost? That doesn't mean that the person's gonna get well. But I would
16 like to know if they're gonna be held accountable.

17 CHAIRMAN WALL: I'll be quite honest with you, that'll be for
18 somebody else to determine. That's way above my knowledge. So they went to school
19 for a long time.

20 MS. BISHOP: Good evening.

21 CHAIRMAN WALL: Hello.

22 MS. BISHOP: My name is Jackie Bishop. I live at 108
23 Whitehead Drive. I spoke with all of you at the least meeting on June 8th. My question
24 is why is this going to be put in a residential established neighborhood with all of the

1 safety issues there is. After the June 8th meeting, I submitted a letter to the editor
2 commending the 4 of you that did such a dynamite job in turning this down. It...you
3 took...I guess I should back up. I then went to the City Council meeting which...I live in
4 the county. A piece of land behind my house is now the city because it was sold. I
5 cannot vote for the City Council people. I could not speak and after all of you
6 deliberated and from your hearts actually saw the safety issues, you put aside your
7 strong belief in your property rights and what these folks could do. Do they have the
8 right? Yes, they have all their ducks in a row. They've got all the legal steps but should
9 they do it – no they shouldn't. and when I sat in the City Council meeting for the first
10 time and I'm 66 years old and I sat there and I felt like I was being really looked down
11 upon because they just push it out of the way. And I sent you a letter I hope Mr.
12 Rusche gave it to you. Did you all get a letter from Jim and Jackie Bishop?

13 CHAIRMAN WALL: We did.

14 MS. BISHOP: Okay. They said "we're sending it back to the
15 Planning Commission so they can do it right this time." You are volunteering your time.
16 You took it to heart and it...this is going to affect hundreds of people. So, yes, the City
17 happened to get their foot in the door on this piece of property, okay? Somebody's
18 gonna make some bucks but it's at the expense of health and emotional happiness of
19 many, many people and I live right there and I have been flooded and everything and
20 I'm sure I'm gonna have dust and everything but my husband so much wanted to come
21 but he gets really upset and his...his hope is that each City Council member can have a
22 gravel pit up their street. Thank you.

23 CHAIRMAN WALL: Thank you, Jackie. I'm glad you kept it clean.

1 MS. BARTON: Hi. My name's Christie Barton. I work for
2 Mesa County Planning at 750 Main and I just wanted to verify tonight that our letters
3 that we had sent during the first hearing were in the record and I did check with Brian
4 and they are in the record – the...the May letters. And also that if the application
5 changes at all in the future that we have a chance to...to review it. Thank you.

6 CHAIRMAN WALL: Thank you, Christie. We've heard a lot of
7 public comments and I appreciate it very much. Sure. Sure.

8 MR. BEAVERS: My name is Jim Beavers. I live at 2977
9 Hayden which is right on the corner of Hayden and 29-3/4 Road. A couple of questions
10 because I'm not clear. Earlier it was said that a thousand gallons of water 2 or 3 days
11 maybe and then I hear what a lot of difference there and this is the man that ought to
12 know I think. You know, that's his business. The other question is there's 300 trips a
13 day up and down that road. I assume that's not 300 round trips – 150 rounds trips is
14 that correct?

15 CHAIRMAN WALL: That's correct.

16 MR. BEAVERS: Okay, so 300 trips. You know, that's more
17 than 1...more than 2 per minute. That sounds a lot heavier than 300 per day. A truck
18 every 30 seconds. And that is a lot of traffic up and down that road for people to have
19 to put up. Regardless of the quality of the road. All those things can be addressed. All
20 of those things can be fixed. But the impact of them is what concerns me more than
21 anything. There was also a question as to the number of homes affected. I heard a
22 number...I think I heard the number 37 and somebody said 127. is that right? That's
23 how many of us that will be affected by all of this. I made a few notes. I didn't wear my
24 glasses. I can write without seeing but I can't read. So I apologize for that. I had a

1 concern about the water runoff and there was somebody made a comment earlier that
2 that would have to be addressed. There would have to be a plan to take care of that
3 that would be presented to you for your approval before this permit would be issued. Is
4 that correct? Prior to the issue of the permit that would have to be addressed.

5 CHAIRMAN WALL: Not necessarily but I'll have our City Attorney
6 comment on that.

7 MR. SHAVER: It would be as a condition of the permit.

8 CHAIRMAN WALL: Yeah.

9 MR. SHAVER: What this is, sir, is that a requirement to, by the
10 5-2-1 Drainage Authority which is a separate body that reviews storm water runoff
11 issues.

12 MR. BEAVERS: Okay. So it would be a condition of the permit
13 and if that condition wasn't met, then the permit would be pulled?

14 MR. SHAVER: That is correct.

15 CHAIRMAN WALL: So we can put that in the condition this evening
16 if...if we deem that necessary.

17 MR. BEAVERS: Okay. One other thing, someone asked who's
18 gonna sit and count the number of trucks that go up and down the road a day to make
19 sure they do not exceed 300. I don't know the answer to that and I hope you all think
20 about it a little bit. But what if we decide if someone decides we need to throw in an
21 extra 10 or 12 trips today in order to make up for bad weather last week. Is there a fine
22 for that? Who fines them? What is the fine? Who has the authority? If I come to you
23 and say I sat in my front yard and I counted 340 trucks today, so what? Do I go to the
24 police department? Do I go to the sheriff's department? Do I come to you?

1 CHAIRMAN WALL: That would be the city.

2 MR. BEAVERS: Okay. What do I do?

3 CHAIRMAN WALL: The City...

4 MR. BEAVERS: And I think that needs to be considered and

5 these gentlemen that are hoping to do this project I assume they're honorable and if

6 they say 300, you know, I expect them not to exceed that. But nevertheless that's why

7 we have laws because there are people who do things that aren't right and that is a

8 concern. Who's gonna count them? And for how long? And we're gonna put up with

9 this for approximately 5 years as I understand it. Is that correct?

10 CHAIRMAN WALL: That's as long as the Conditional Use Permit

11 will last.

12 MR. BEAVERS: Yeah. For 5 years and could possibly be

13 extended. It could be cut short if the highway department doesn't... so it could be cut to

14 3 years and whatever work is done at the end of 3 years has to stop at that point. Am I

15 correct with that if the highway department says you can no longer access Highway 6 &

16 50? Okay.

17 CHAIRMAN WALL: Unless they get another access somewhere

18 else.

19 MR. BEAVERS: Yes. Or then I assume when that operation stops at 3

20 years whatever stage they're in, what happens to it at that point? Do they just drive off

21 and leave a mud hole up there? Or do they landscape it? You know, what is the plan?

22 The landscaping plan that's gonna be done along the irrigation ditch, I assume you will

23 state what has to be done there. There are rules - - trees, bushes, et cetera. They

24 have to be kept watered and...and growing condition. Height makes a difference.

1 Personally from my backyard I like the look of that hill. I'd hate to see it gone. I'd hate
2 to see what comes off of that landfill over there and the eventual use of that land. I
3 don't believe gravel is the purpose of this. That's a personal opinion. The gravel
4 extraction is...there's a lot of places to get gravel in this...in this county. So whatever
5 that...I don't know if that concerns the Planning Department what would be the eventual
6 use of it. I'm not sure if that's something you have to be concerned about now or even
7 would be concerned about now. But if it is within your authority to say what happens
8 after we get the hill cleaned off and after these conditions are made, what's that land
9 gonna be a city park? I don't think so and so those are my concerns and I hope your
10 concerns. I hope it's rejected. I really do. Thank you, sir.

11 CHAIRMAN WALL: Thank you much and I'll make sure that the
12 applicant addresses the intent on what they plan on leaving the condition of the hill if...if
13 it were passed.

14 UNIDENTIFIED FEMALE SPEAKER: I do have another
15 question. I should have brought it up on...on the presentation. I showed you a picture
16 of my house where it comes down and I'm unsure of what happens with my property if
17 you do put this through and your condition is that this trail is put in. Where does that put
18 my driveway and my property because now they're making adjustments to where I live.
19 It's...it's not...does that make sense?

20 CHAIRMAN WALL: It does.

21 UNIDENTIFIED FEMALE SPEAKER: And I don't understand the
22 how that goes about because they would have...my driveway would have to be lifted if
23 they extended a walkway there and so I...I would like that answered.

1 CHAIRMAN WALL: We can have both the city and the applicant
2 answer that.

3 UNIDENTIFIED FEMALE SPEAKER: And again what kind of
4 conditions can be put on there? I mean is it temporary that they do that or do they need
5 to...to put it to where it approves with us? Thank you.

6 CHAIRMAN WALL: That's fair. That's fair.

7 UNIDENTIFIED FEMALE SPEAKER: There's something that
8 hasn't been addressed and it's really been a concern of mine since I've first heard about
9 this. I know that going on 6 & 50 they're saying that they're gonna make some avenues
10 for them to go in and out but I don't know if any of you will remember down on
11 28...anyways it's the first stop after 29 Road they put that stop in because there were
12 some major wrecks where people got killed there, alright? And I really foresee that
13 happening with this kind of traffic coming on 6 & 50 and that's a real concern to me. I
14 don't want it to be anyone I love or in my family.

15 CHAIRMAN WALL: Okay. Thank you.

16 MS. SHIPLEY: Hi.

17 CHAIRMAN WALL: Hi.

18 MS. SHIPLEY: I'm Mary Shipley. I live at 2981 Hayden. One
19 of my safety concerns is that Hayden is one of the only streets in the whole
20 neighborhood that only has one exit. So...and from where I stop to get on to 29-3/4
21 Road, that's where the road curves and angles more to the old entrance to the landfill.
22 So I have very little line of sight there and if there's all this traffic going every minute or
23 30 seconds or whatever, I don't see how I'm ever gonna get out on the road to leave or
24 possibly even get into my house. So it dead ends because of the canal at the east end

1 of it. And so I don't know what the solution to that is. But there are a lot of health
2 issues and so I go along with what people have said along those lines. Thank you.

3 CHAIRMAN WALL: Thank you, Mary.

4 MS. ROCKOW: Hi. My name is Melanie Rockow, 122 29-3/4
5 Road. I just had a quick question for the Weavers that has stated that by one of their
6 truck drivers that when it snows they shut down and they...they don't run. And I'm just
7 wondering, we had a very, very long winter. Will they just be running seasonally? Will
8 they be shutting down our road also because they shut down their other roads when it
9 snows? You know, will...will it be 6 months that they're shut down and then will the
10 trucks exceed to make up for that lost time? So that's just my question for them. You
11 know if they're shutting down and not running their other trucks at other places if they'll
12 also be doing the same in our neighborhood.

13 CHAIRMAN WALL: Well, I'll be very honest I don't know if we'll be
14 able to get that answer tonight just because the nature of this issue is not based on a
15 seasonal business. So we're not able to regulate how they run their business. So I'll be
16 honest, I won't be able to get that. But thank you very much. Anybody else? You're
17 breaking a record tonight. I've never had anybody come up 3 times.

18 UNIDENTIFIED FEMALE SPEAKER: I'm short winded. You
19 know, I know a few people that had voted for Schooley-Weaver saying that he should
20 be able to use his property for what he bought it for. Well everybody in the community
21 where he's going through, we bought that property for a quiet, safe, healthy
22 environment where our kids could play and be safe. So why does one man or should
23 one man have the ability to ruin everybody else's reason they bought their property just
24 so he can make his money?

1 CHAIRMAN WALL: Okay. Thank you. Anybody else?

2 MR. JACOBS: My name is Lacy Jacobs. I live at 3009

3 Highway 50. My neighbors have a myriad of issues and I totally agree because some of

4 them have children. Some have teenagers. I have C-O-P-D. I live there...I don't live in

5 that subdivision but I'm directly to the immediate south of them. What I wanted to bring

6 up was the fact that the prevailing winds come over the top from as a general rule from

7 the south. And with...with any operation that you see and I don't care what...they say

8 that it's not gonna be a shaking operation. It's just gonna be just a bucket and into the

9 trucks just to get rid of the material. There's still gonna be an awful lot of airborne

10 contaminants out there and it's gonna affect a lot of people. Some people who aren't

11 here. There's just obviously a small portion of the people that live there. Some of those

12 people are gonna and it sounds like a metaphor but they're gonna have to wind up

13 sealing their homes off because of all the dust that's gonna be coming into there. I for

14 one don't want to do it to my place. I really enjoy just being able to go out there at 2

15 o'clock in the morning just to look at the stars. That's my greatest joy. But I can see

16 what their concerns are. Everyone of you gentlemen...I've been to each one of these

17 meetings and had enough guts one night to get up and say something which I certainly

18 backed up what they had to say. But everyone of you as I remember and there were

19 some other people, you guys came to a decision and there was a lot of heartfelt parts of

20 your...of your decision that went into it and there was just one little thing we know that's

21 why the justice symbol is blind. He who carries the most weight. I don't want to stop a

22 truck driver from making a living. One thing I do know I ran a company for 21-1/2 years

23 and trucks don't break down inside the yard. They break down outside. Not every

24 driver gets out there and sweeps off his...his spill gate. What's interesting is that there

1 probably hasn't been one of you gentlemen that hasn't been behind a truck and it says
2 stay back 200 feet. I'm not responsible for broken windshields. How many of us can
3 read that at 200 feet? Should we speed up to it so we can be able to so that means
4 that the driver is certainly responsible. I don't know anybody Mr. Weaver's gonna get
5 out there and gonna issue each of these gentlemen a little duster so they can clean out
6 his gates because some of that stuff is gonna wind up on that road and we know that
7 when you have loose gravel what it's gonna do. And it's gonna turn...and even if it
8 doesn't especially in the winter people are gonna slip. There is no sidewalks out there.
9 So all I guess what I'm coming up here to do is to reinforce my thoughts as a member of
10 this community that I did my part to tell you that I... I'm gonna ask you to look inside your
11 hearts once again for the same reason and you will come up with the right answer after
12 you've had some discussion amongst yourselves. I do know one thing, I want to add is
13 that I took it upon myself...I'm not a great guy with that little tool down there but I'm
14 getting better at it. I got into Arizona's air quality control and they have pretty rigid
15 standards out there and I'm sure that we...we like to follow Arizona. I'm gonna ask
16 that...let me ask that you gentlemen consider how much water it's gonna take to keep
17 that stuff down. Because I talked to Matt Schmidt at OMID and this is not hearsay. We
18 actually had a great discussion. He is not here tonight as he's ain't losing his job but he
19 expressed to me that he has no intention whatsoever of agreeing to letting Mr. Weaver
20 or anybody else using Orchard Mesa Irrigation ditch water to...to go ahead and
21 once...whether they use it directly for their operation or after they leave to...for the
22 purpose of watering that buffer landscape that they talk about. And Max said I have no
23 intention whatsoever. He said I've never been approached and I will not agree to any of
24 that. So maybe that's something that to think about. Thank you very much, sir.

1 CHAIRMAN WALL: Thank you, Lacy.

2 MS. CHEYNEY: My name's Gen Cheney. I live at 135 Burns

3 Drive and my property directly is bordering the property we're talking about. I have

4 two...two major concerns with this development happening. Most of it is air quality.

5 Visually, of course, I would be upset not to see the hill there. But the air quality even

6 this past summer I have an evaporative cooling system. When it was in the hottest part

7 of the summer because of the odor from the landfill, I had to turn off the swamp cooler

8 because the house was completely full of just a really bad odor. It made it really

9 miserable. If the hill were not there, it would be a lot worse and, of course, the flies and

10 everything else would be a lot worse. It would be miserable living in my house. I use a

11 lot of incense. But with the dust, I have a sensitivity to dust as well and it would be a

12 major problem for me if...if I had to deal with a lot more dust. I...I couldn't live where

13 I'm living now. Somebody brought up the canal damage. The damage to the canal with

14 trucks crossing, et cetera. There's already a significant amount of canal damage and

15 Ute Water has or the Grand Valley Irrigation District has said time and again that they

16 would fix the canal in the area that's bordering between my property and the property

17 we're talking about. Due to other major breaks that they've had, they haven't been able

18 to do that. Further deterioration of that canal is definitely gonna have a major flooding

19 problems for any of the neighbors bordering...bordering and down below the canal. I

20 also have a concern about the traffic. Like most people in the neighborhood I head into

21 town in morning. If I have to sit behind a belly dump truck which more than likely is

22 going to block the intersection between the two stop signs and if I have to wait, you

23 know, to get into traffic. Sometimes in the morning I'm waiting 3 to 4 minutes to get on

1 the highway to get to work. I...I see this as a significant problem. It's probably gonna
2 require a traffic light or I don't know what. That's about all I have.

3 CHAIRMAN WALL: Thank you, Gen.

4 MS. CHEYNEY: Thank you.

5 CHAIRMAN WALL: I think everybody has...the majority has
6 spoken. Is there anybody else? With that, we will close the public hearing. I was
7 hoping to continue but I have to take a little break. So it'll be just a 5 minute break and
8 then we'll get back and get started again, so thanks.

9 CHAIRMAN WALL: If we could start to take our seats and then
10 we'll continue the meeting. Alright, we'll continue the Grand Junction City Planning
11 Commission meeting. Thank you everybody for your comments and...and getting back
12 from your break quickly. I think now the direction I want to go is I want to have the...the
13 applicant comment on...on a couple items if...if they would prefer maybe answer some
14 of the questions that the public had or concerns. I was gonna leave it just for the City
15 but if they...if you wouldn't mind commenting on it, that would be great would be
16 anything about 30 Road and then any comments that you have on the canal and if I
17 could ask you for one favor that I know you don't have to do but if you could send the
18 one gentleman any data sheets on mag chloride, if you would, please. And I think just
19 the city puts that down or the county. I don't think you guys will be putting any of that
20 down but if you are, if you'd let us know that. Thank you very much.

21 MR. JONES: Thank you, Mr. Chair. I'll do the best I can to address
22 the issues that were brought up and there were quite a few. I guess the first I'd like to
23 start with is 30 Road. And as part of the...as part of the process of obtaining a CDOT
24 access permit, there was a great deal of time spent on between the City engineer, the

1 CDOT engineers, Mesa County, Regional Transportation Planning Office, our office and
2 our client sitting down and fully reviewing the different locations. I'm looking for a slide
3 which will show me...it's in your packets and...bear with me for just a minute. I
4 apologize. If you turn in your packets there was a profile view done of 30 Road
5 extension. There was several...it looks something like this and essentially what we did
6 was analyze different scenarios if 30 Road had to be built. One of the problems with 30
7 Road is there's only a half right-of-way section that exists today and I believe it's
8 approximately 30 feet. So in order to get a haul road in that section given the elevation
9 above the canal that the property sits and the elevation of the frontage road and 30
10 Road subsequent to that, it was gonna require designs of 12 percent with retaining walls
11 over 60 feet high. So what you'd be looking at if you were a neighbor standing in...in
12 any part of the...the subdivision there would almost be like a overpass super structure
13 and it quickly became evident that that was not a very safe alternative for this gravel pit.
14 I heard comments from citizens tonight about the grade on 29-3/4 Road. The grade on
15 29-3/4 Road is between 4 and 5 percent and when you're talking about sending loaded
16 trucks down a 12 percent grade with 16-foot retaining walls on either side, CDOT, I
17 believe the city engineer, myself agreed that that was not a safe alternative which is
18 evident in the fact that a...an access permit was granted from CDOT utilizing 29-3/4
19 Road. We also talked about the improvements on Highway 50. We're actually gonna
20 be adding or extending accel/decel lanes in Highway 50 and improving Highway 50 for
21 access on...into and out of 29-3/4 Road and I...I don't think that that's been given, you
22 know, the full weight. There's a significant amount of work that's gonna be done on
23 Highway 50 in order to accommodate this use as it was outlined in the...the access
24 permit granted by CDOT. In terms of truck types, there's really only primarily gonna be

1 two types of trucks utilized for this operation and those being the smaller tandems which
2 is the...the smaller dump trucks you see that are approximately 29 feet long and then
3 maybe end dumps which are 42-foot trailers and about 18 foot worth of truck... 15 to 18
4 foot so somewhere around 60 foot and definitely not 90. There was also a question
5 raised regarding the...the bus stop and maybe I didn't explain this properly. The intent
6 of the...the bus turnaround here was to accommodate the bus stopping in front of this
7 house and picking up the children and then utilizing the turnaround simply to turn
8 around and leave. Not that there would be children at the entrance to the gravel pit.
9 Mr. Montoya in conversation with him brought a very good point. He says, you know,
10 we have bus stops on Highway 13 or the highway leading out from Loma up over
11 Douglas Pass that sees a tremendous volume of oil and gas field traffic. Our highway,
12 children standing right there. We have bus stops on Highway 6 & 50. He said
13 personally I would prefer that the stop stay on 29-3/4 Road because a school bus
14 stopping with flashing lights and a bar out and a stop sign flashing sends up a very
15 visible and...and big symbol to everyone on the road to stop. That's the reason that
16 they've been designed and constructed the way that they have. So and when I step
17 back and...and thought about that, you know, I travel Highway 6 & 50 and the highway
18 there to Rangely for work and so forth, and, yeah, I see it all the time. There was talk
19 about the trail. The trail was merely a gesture on behalf of the...the applicant to try and
20 improve pedestrian access. There are difficulties with the trail. There's fence lines that
21 are built right up to the...the edge of the pavement; grades as Carol had brought up and
22 we would...we would endeavor to work with...with the neighbors to construct a
23 pedestrian trail if...if it was...if it was able to be done. But again, the pedestrian trail
24 was our thoughts primarily in...in response to concerns regarding children getting off of

1 bus stops and walking along the road. If the bus stops were split and moved, and again
2 when I explain this being located internal to the subdivision this being located more
3 internal to the subdivision, and these...this was not an or, it was an and meaning this
4 bus stop would be split. Mr. Montoya would split the pick up for kids in the Redtail
5 Ridge Subdivision and move that bus stop to the west and then those children in the
6 Burns Subdivision he would accommodate by moving the bus stop internally. And our
7 line of thought was to...to completely remove the...the bus stops on 29-3/4 Road.
8 There was also questions regarding what happens when the applicant is done. What
9 happens if he's done after a year. Well, there's a reclamation plan that's filed with the
10 State of Colorado that identifies exactly what is done with this property and what
11 rehabilitation measures is done in order to reclaim it and that includes reseeding, and
12 there's a bond that's filed with it. If the applicant completely walks away, the State can
13 cash the bond in and go out and do the reclamation work on their own. There's
14 mechanisms in place. The State has thought about this. The City Zoning and
15 Development Code thought about this and the applicant obviously has met these criteria
16 in filing with the State of Colorado and we've met the...the intent as well as the
17 regulations outlined in the Zoning and Development Code. There was talk about
18 frequency. Everyone seems to be fixating on this 150 trips per day and yet you heard
19 an employee talk, you know, today they ran 4 trucks and they ran approximately, you
20 know, 30 loads. I'm not certain that I follow the math on one truck every 30 seconds but
21 30 trucks, you know, is 4 trucks in an hour. 150 trips per day is the absolute maximum
22 that can come out of this pit. And by my calculations, the volume of material to be
23 mined if you ran 150 trips a day, we'd be depleted in 6 to 7 months so I don't anticipate
24 and I don't believe that the applicant anticipates running 150 trucks per day. The 150

1 trips per day when you go in for a CDOT access permit, you're always providing a
2 worse case scenario and that is what was provided to the traffic engineer when a traffic
3 impact study was completed and that carries over into the access permit which is kind
4 of where the 150 trips per day comes from and I...I hope that you understand that that
5 is the absolute worst case scenario for this pit. There will be counting. There's ticket
6 counts done every day, every truck at this operation. There has to be in order for there
7 to be profitability. Every truck is ticketed. So there will be an accounting and a log and
8 a record that will be available should CDOT, should...should the City of Grand Junction
9 request or need to see. There was talk of the canal. The crossing over the canal which
10 that culvert was recently replaced. We would work with city staff to analyze that culvert.
11 29-3/4 Road has an extremely thick pavement section to a point that the geotechnical
12 engineer did some calculations and for this particular road section, they calculated that
13 the road could handle 2 million equivalent single-axle loads, called ESALS. This
14 development with 100 trucks a day would only create 120 thousand. So if you
15 multiplied the trucks out of this at a thousand trucks, you would be at 1.2 million ESAL
16 and you're still well below the capacity of the road and that's in part due to...to its prior
17 use of being the old landfill road. So there's a lot of talk about, you know, the integrity of
18 the road which in essence is almost a moot point because a maintenance agreement is
19 going to be required of the applicant that if there is any road damage that they're going
20 to be required to fix it. They've offered to maintain it in winter conditions. As a condition
21 we can add that to the maintenance agreement. Water was brought up. A lot of things
22 impact water usage – weather, temperature, wind, are you hauling 5 loads a day, 30,
23 150? Whether it takes a thousand gallons or 10 thousand gallons a day, the applicant
24 is gonna utilize the amount of water necessary for proper dust mitigation. That's a

1 requirement and is enforced by the City Code Enforcement Division. Again, there's
2 mechanisms in place to address concerns. So we would again respectfully request
3 your approval of the Conditional Use Permit and if there's something that I haven't
4 addressed or some additional questions you may have, I would be happy to answer.

5 COMMISSIONER WILLIAMS: Can you explain, not just for me,
6 the bus stops and how those are going to be changed?

7 MR. JONES: I can explain the...

8 COMMISSIONER WILLIAMS: What's the process in getting
9 those changed?

10 MR. JONES: It's very simple. It's initiated by the parents who
11 would request a meeting with Dave Montoya and they would go in and sit down with him
12 and do exactly what we did which is brought in an aerial and discuss scenarios. He was
13 very amiable to working with the neighbors in relocating bus stops, splitting kids from
14 the bus stops. Our scenario said there's only 2 bus stops – one here and one here on
15 29-3/4 Road so we said if you combine the middle and the elementary here and split
16 this so that those from Redtail you move this down and then put the high school over
17 here, you've effectively eliminated the...any sort of bus stops to be required on 29-3/4
18 Road with the addition...with the addition of the...the turnaround that we propose. So I
19 don't think it's a overly complicated process.

20 CHAIRMAN WALL: Any other questions for the applicant?

21 COMMISSIONER ESLAMI: How does the bus turn around
22 right now when they pick up those kids there...5 kids?

23 MR. JONES: Presently the bus does not go past Craig
24 Street so this individual sometimes drives their kids down or they walk to the

1 appropriate bus stop and that...that was what Mr. Montoya was speaking about in his
2 letter that they couldn't take the bus past Craig Street without a proper turnaround.

3 COMMISSIONER ESLAMI: Would the turnaround going to be
4 enough to have the bus turn around or big enough?

5 MR. JONES: Yes, we have standard templates that we use for that
6 for fire trucks, school buses.

7 COMMISSIONER BENOIT: The hours of operation as we sit
8 here today? What are the hours of operation?

9 MR. JONES: 8:30 a.m. to 5 p.m.

10 CHAIRMAN WALL: Thank you, Mr. Jones.

11 MR. JONES: Thank you.

12 CHAIRMAN WALL: Are there any questions... actually, Brian, I do
13 have a couple for you so I'll need you... the one question I have is if you could comment
14 on the difference of opinion between the county's assessment of 29-3/4 Road and the
15 current assessment of 29-3/4 Road. If it pertains. If it doesn't pertain. Why?

16 MR. RUSCHE: How long will you be there? Looking at the
17 county's letter of I believe it's May 26th, that's when they made the formal comments.
18 The initial letter was presented actually prior to the May hearing which as you may recall
19 was postponed because of those concerns. So I'm focusing on the second letter. Let's
20 see if I can pull it up. My take on the letter was not that it was not workable but that it
21 was suggesting, as has been suggested by the neighbors, to relook at 30 Road, to
22 relook at those other options that may be available. Under general comments, it should
23 be compatible with Mesa County land development code standards in the operation of
24 distance from residences. The city's and the county's codes are very similar in that

1 regard. They note that a signal was not warranted with this proposal. They indicate
2 that a notice of intent is their procedure for granting access to a public road. We do not
3 have a similar procedure; however, we've already indicated that we would take over
4 essentially the maintenance responsibilities and pass a majority of those along to the
5 applicant due to the dual jurisdiction and how this...how this relates to that. They
6 indicate that there may be more than 5 years worth in there. I...I defer to the applicant
7 in terms of the amount of the material. They asked for 5 years and as you know they
8 have an option to extend for 2 more under the code. They note that the DuCray pit was
9 still active and Mr. DuCray was here this evening. They know that again we've got dual
10 jurisdiction over 29-3/4 Road. They assert that the use is inappropriate due to the
11 proximity and they do not either support traffic down the frontage road due to that issue
12 as well. Regarding 30 Road, they talk about 30 feet of right-of-way exists and that was
13 pointed out in the hearing tonight. They county indicated that essentially a standard...a
14 driveway standard or a different kind of cross-section could be considered for that due
15 to the narrowness of the...of the right-of-way. A question was posed about whether it
16 would be annexed into the city. I frankly didn't understand one of the comments
17 regarding gates but I have to believe that that's tied to the county's original decision a
18 number of years ago that cut off access. What I read into that was that they had the
19 same concerns and the county representative can correct me if I'm wrong but they had
20 to do with the same thing Mr. DuCray brought up and that...if there is something going
21 on it could adversely affect or get folks to illegally cut into the landfill property and
22 fencing is one way to address that. They correctly said that the U. S. Highway 50
23 access control plan adopted by CDOT anticipates a future intersection at 30 Road and
24 indicate that improvements should be made at that area. The reason for the time

1 discrepancy if you will is my understanding with CDOT is that they're viewing this
2 access permit as...as a temporary condition if you will. Whatever their protocol or
3 whatever their analysis is they have agreed to put forth a 3-year access permit subject
4 to all of the improvements that'll have to be approved. I think that in and of itself
5 acknowledges that 29-3/4 Road...that they have longer term plans for access to that
6 highway but that this particular use at that particular point with a modified configuration
7 would work for that amount of time so that's what I can say regarding Mesa County's
8 comments.

9 CHAIRMAN WALL: I'll get back to you in just a second. Mr.
10 Shaver, dual jurisdiction on a road. I mean, that seems pretty clouded to me. Can you
11 make the sun shine a little so I understand that? How that works.

12 MR. SHAVER: Mr. Chairman, I'm not exactly sure what they
13 mean in that regard. I suspect what they're referring to is the fact that the road would
14 remain within Mesa County. That there has not been a specific annexation of the entire
15 width of the road right-of-way. Generally the city when we do annexations will take a
16 portion of a right-of-way and I believe that's the case here so that's probably what that
17 reference is to dual jurisdiction.

18 CHAIRMAN WALL: Okay.

19 MR. SHAVER: It's a condition that exists throughout Mesa
20 County with the advent of the Persigo Agreement and the development of certain
21 properties within the city's jurisdiction after annexation so it's not an unusual condition at
22 all.

23 CHAIRMAN WALL: Okay. Thank you. Brian, if you could clear up
24 there was a concern if a trail was put in specifically with...with one neighbor as far as

1 how that would affect their property, their driveway, how would that work, what...what
2 protections would they have? How would that affect their living conditions?

3 MR. RUSCHE: Can I answer two out of three of those?

4 CHAIRMAN WALL: Sure. We'll get the third somewhere.

5 MR. RUSCHE: If that is... if that's something that's
6 incorporated into the Conditional Use Permit and that's the land use that you're
7 considering tonight, whether that use should be permitted. There are subsequent
8 documents that we need to approve. The grading plans, the drainage plans. All of
9 those things that I gave you copies of those sheets. The planner and the engineer have
10 to sign off on those. In addition, any work in a public right-of-way requires permits and
11 designs – not unlike what CDOT requires for work in their highways. So we would ask
12 the applicants and their engineer to design these cross-sections. Keeping it within the
13 public right-of-way is considered a public improvement. How they work with the
14 neighbor in accommodating that we would leave that to them but ultimately a drawing
15 has to be approved that shows that this trail isn't like this or that it goes out and over or
16 through the front yard or something of that nature. So we would have to approve a
17 drawing showing what that would look like. What that cross-section looks like. For
18 whatever distance they built it.

19 CHAIRMAN WALL: So if I understand correctly, if this is to be
20 approved tonight, there would be another process as far as that part was concerned –
21 the trail and... and the neighbor would be able to have comments and input as far as...

22 MR. RUSCHE: It's not a separate process. It's just part in parcel with
23 reviewing the site plan which we've reviewed all of the documents to date. They would
24 simply submit additional documents saying here's our proposed cross-section. Our

1 engineers would review it. There would have to be a permit out of a different division.
2 It's part of the same process certainly as a public document that's submitted, the
3 neighbor is entitled to come in and take a look at it but we leave it to the professional
4 engineers to do the design work.

5 CHAIRMAN WALL: Anything else for the city? With that being
6 said, thank you, Brian, very much. We'll bring this back to the Commission for any
7 comments. Anybody's free to start.

8 COMMISSIONER ABBOTT: Mr. Chairman, I've got a couple of
9 different comments. On page 51 of 295 of the staff report provided to us, it...it does
10 state that a maximum of 300 trips a day...per day would be generated by the use
11 according to the traffic study and yet when you go to page 55 of the staff report under
12 item number 6 regarding approval of the project being conditional upon these different
13 items - - there's 5 different bullet points - - not one of these bullet points states a
14 maximum of 300 trips per day so if not 300 trips, how many? And then secondly, I have
15 Colorado Revised Statute 29-20-303 states a local government shall not approve a
16 development unless it determines that the applicant has satisfactorily demonstrated the
17 proposed water supply will be adequate. The applicant stated here tonight that they do
18 not currently have a contract to purchase the water needed for this project. Colorado
19 Revised Statute 29-20-303 also states that the local government is required to make
20 this determination only once during the developmental approval process. Therefore,
21 based on this Colorado Revised Statute 29-20-303, unlike the last time we voted on this
22 measure, I will not be able to vote approval for this project and I would urge my fellow
23 Commissioners to also deny the permit.

1 CHAIRMAN WALL: Thank you. Anybody else have a comment on
2 this?

3 COMMISSIONER ESLAMI: I have one comment about the water
4 because even we just approved another subdivision with a hundred lots so we are
5 contradicting ourself with the water supply. I don't think this project takes more than
6 that 100 unit water so I disagree with my colleague.

7 COMMISSIONER ABBOTT: And...and my reply to that Ebi,
8 would be simply that this information was provided to me at the City's community
9 workshop planning workshop on August 27th. It's the 2010 planning law review and
10 frankly just because we make mistakes in the past I don't think validates
11 making...continuing to make mistakes.

12 COMMISSIONER ESLAMI: Well, we just made a mistake to
13 deny in the past. That's my comment.

14 CHAIRMAN WALL: Any other comments?

15 COMMISSIONER BENOIT: I actually have several.

16 CHAIRMAN WALL: Okay.

17 COMMISSIONER BENOIT: Sitting up here you hear everybody's
18 concerns and...and listen very carefully to them. I too own a home in Grand Junction
19 and I live close to noise and pollution. And...and as I listen to each of those I...I listen
20 to the issue of...of traffic on...and I do have some background regarding traffic level is
21 within acceptable parameters. The type of traffic I have a concern about that. I'm just
22 going to go through the bullet points one at a time. But the bus stop issue I believe that
23 can be resolved. That's way beyond the purview of what we're to do here and I think

1 that it can easily be resolved with the parents in this room in cooperation with the
2 applicant.

3 I'm still a little confused or...or concerned maybe about roadway condition
4 or roadway repairs on where the responsibility rests with that. I suspect that a good
5 level of weight in the hands of the applicant. I believe hours of operation will work with
6 the school hours and bus pick up times and if they are in conflict, I suspect...I suspect
7 that's an issue that can be negotiated.

8 Health issues - - dust, things of that nature - - if...if the applicant goes
9 outside the parameters of what's acceptable, I suspect the Health Department will be
10 chatting with them and their application could be and their permit could be in...in
11 jeopardy.

12 Having looked at the...the area myself I...I have one concern that
13 is...deals with I see a lot of looks like ATV traffic, trails, people just kind of cut through
14 fence lines and things of that nature and I haven't heard a response regarding site
15 safety, fencing, et cetera, and I...I suspect that's something that I would feel much more
16 comfortable if there were fencing around the site and there was a way to protect that
17 site because it looks to me like there's a lot of traffic going through there right now and
18 not vehicle traffic.

19 It looks to me like the 30 Road access point is not a viable option and
20 the...the frequency of the trips, you know, I don't know what that's going to be and I
21 suppose that's an issue that is dealt with strictly by the economics of how you take the
22 material out of the ground and who you sell it to and where it goes. The one thing that I
23 am going to consider on this and my decision to vote and quite frankly I've been
24 wrestling back and forth all night here. The issue of where materials come from in the

1 Grand Valley and Grand Junction if we don't take them from there, where do we take
2 them from? Do we go to the 29 Road construction site all the way from Fruita? I don't
3 know where all the gravel pits are. I haven't researched that but I don't know that we
4 would be potentially creating a bigger traffic issue by getting the materials from
5 elsewhere. So I...I don't know the answer to that one but it's certainly something to
6 think about and I don't know regarding the legality of the water issue. But I guess I
7 would defer that to our legal counsel. And if we approve this application, are we
8 violating state law? I don't know the answer to that. There's probably a debatable issue
9 I suspect. So at any rate, those are my comments and my observations.

10 CHAIRMAN WALL: Anybody else?

11 COMMISSIONER WILLIAMS: I just wanted to commend the
12 applicant for making an effort to address all the safety issues from last time to moving
13 the bus stops, the turnaround, through trying to...to get the neighbors together through
14 their meeting and so forth. However, I have the same concern now regarding the
15 legality of this water issue. At the end, I would like some feedback if possible.

16 CHAIRMAN WALL: Are you able to help us out with that at all?

17 MR. SHAVER: Whatever...whatever you want. I didn't
18 know...

19 CHAIRMAN WALL: Is there something specific, Mark, that you
20 would like?

21 MR. ABBOTT: I...I have this here. I just for a point of...of
22 procedure it was my understanding that the hearing was closed and that it was amongst
23 discussion of the Commissioners. If you choose to open that up, you probably have the
24 right. I'm just bringing that out as a point of interest.

1 CHAIRMAN WALL: I think now's as good a time as any if you want
2 to comment on it since we've had two comment and one would like some input.

3 MR. SHAVER: And just as a point of order, by soliciting
4 additional comments from staff you aren't reopening the hearing. We are here for
5 purposes of answering your questions and responding to issues that you may ask us.
6 So it doesn't actually trigger a requirement for any additional testimony. My response to
7 Mr. Abbott's comment about the statute is, yes, there is a statute in Colorado. It is fairly
8 clear that says you have to have water for development of a project. But the City's view
9 of that is that it is a condition that can be satisfied upon approval. There is nothing that
10 requires an applicant to demonstrate to you at this point in a hearing or a proceeding
11 that there is water. What has to be demonstrated is that prior to approval - - prior to
12 initiation of the use - - there has to be water. And so that's how we would interpret that.
13 Like any other utility or commodity - - sewer, for example - - or gas or electricity or other
14 kinds of things that would be necessary for residential development. All of those things
15 must be provided.

16 CHAIRMAN WALL: Does that satisfy you?

17 COMMISSIONER WILLIAMS: Can we ask questions of the
18 applicant at this point?

19 CHAIRMAN WALL: No. Any other comments for Mr. Shaver?

20 COMMISSIONER ABBOTT: Well, I'm...I'm not a lawyer so all
21 I can tell you is...is what I have here, you know, from that workshop and it...it states that
22 the section while short is most...is the most important and it includes the following key
23 elements and it's...it states that a local government shall not approve a development
24 permit unless it determines the applicant has satisfactorily demonstrated that the

1 proposed water supply will be adequate. And frankly the applicant, you know, I asked
2 him directly and he stated that he did not have a contract with anyone to get the water.
3 So, therefore, and I... I understand it's a very tiny technical little merit by... by what I'm
4 reading here he has not satisfactorily demonstrated that he's gonna have the water to
5 take care of the dust mitigation and the... the... the irrigation. So...

6 MR. SHAVER: And I would respond, certainly I'm not
7 intending on any kind of argument with the Commissioner because he is entitled to his
8 opinion on what the statute says. But for purposes of the City and our application of our
9 zoning code requirements, we have generalized that all of those requirements must be
10 met before any approval that you may hypothetically give would be legally effective. So
11 as Brian referred to all of the drawings and all of the other technical requirements that
12 would go along with an approval that would be one of them. And if in fact that you
13 believe based upon the applicant's testimony that they can't or won't provide water, or
14 you think that that is something that... that you would want to base a approval upon, you
15 are perfectly within your lawful rights to do that. But for purposes of the City, and
16 particularly in response to Mr. Benoit's question about is it illegal? The answer is no
17 because we would provide for the applicant to have an opportunity to demonstrate that
18 there would be sufficient water for the purposes that are required.

19 COMMISSIONER WALL: So with that, we'll close again and come
20 back to any final comments from the Commission. Anybody else have any comments?
21 It's been a long time since we've had a meeting of this magnitude so I appreciate
22 everybody that has come out and... and your opinions are very valued. I appreciate the
23 fact that everybody's cordial to everybody and... and it's been a really good meeting. So
24 thank you very much for that.

1 There's a couple things I...I did want to clear up that came out of some of
2 the public comments and...and one of them in particular deals with the City Council
3 sending something back to the Planning Commission to determine if our answers were
4 correct in our judgment before. And the main reason why the City Council will do that is
5 because we as a Planning Commission did not give them enough information and basis
6 for why we made a decision the way we made it. So we didn't apply enough to the
7 Code or...or something so they're perfectly right to send it back to us because we are a
8 voluntary committee. We're supposed to listen to the public and then forward that
9 opinion to them and then they act on it. And if they don't have the information they can't
10 read our minds and so I think it's a good thing that they sent it back to us and say what
11 did you really think and why and then give us something to really base a decision on.
12 So that's...that's why they do that.

13 You know, I think...I...I think the applicant has more than done their fair
14 share of...of making adjustments to their plan. It is...it is an area that is zoned
15 Residential Rural. The type of business that the applicant wants to operate there falls
16 within the zone code. It's their legal right to do that. If everything matches based off the
17 knowledge and experience of...of the City Engineers and the City Planners and the
18 applicant, they're a lot smarter than we are when it comes to things like that. They've
19 spent many years in school and they're not gonna do things just to...I mean they live
20 here too. Their investment is just as much as ours. They meet all the criteria of the...of
21 the code – 2.13.c. They've changed the hours of operation from 8:30 to 5...or to 8:30 to
22 5. They've gotten information of...of the possibility of changing bus stops. And
23 changing bus stops is all based...that's up to the neighborhood to change that. The

1 applicant can't do that. Me being a parent I know that you have to go in and talk to
2 them yourselves and try and get that changed.

3 I think with the hoops that they've had to jump through, CDOT wouldn't
4 have signed off if 29-3/4 Road wasn't a good road and a road that wasn't able to do this.
5 And, you know, I was doing the math in my head as far as how many trucks. I don't
6 know how many trucks the applicant owns but they would have to own an awful lot of
7 trucks in my opinion. This is basically my opinion only to do 150 round trips a day in 8
8 hours. And I will say 8 hours because I know it's 8:30 to 5 but you gotta have lunch. I
9 don't know how long – half hour, 45 minutes, an hour - - whatever it is. So I...I am in
10 favor of...of approving this application. I think based...based on the changes that have
11 been made based off of the plan that's been presented. They've met the code and
12 they've made adjustments. They've done everything they can do to work with the
13 neighborhood and change their plan to meet and...and be a good neighbor. Now there
14 is gonna be dust. I don't know where there's not dust in this valley. So with that being
15 said, I...I would approve this plan.

16 Based off of that, if there are no further comments, I will be open for a
17 motion.

18 MR. DORRIS: Mr. Chairman, I'm Rick Dorris. I'm the
19 Development Engineer for the City on this project and if I could request clarification from
20 the Planning Commission on a couple of things as we proceed forward. There has
21 been a proposal from the applicant to build a cul-de-sac at the end of the road. There's
22 also been the discussion of building a trail along 29-3/4 Road. And at this point in time
23 it's not clear in my mind whether or not either one of those things is required. If it's...if
24 that's something they're saying they will do if...if that's something they're saying they

1 might do and so I'm asking...ask staff to know how to proceed in the future is that
2 something that is a conditional approval or not.

3 CHAIRMAN WALL: I think that's...that's fair because it's not in the
4 approval at all and I know we've discussed it in great detail so I would...I would think if
5 we put that in there, then it would be. If we didn't put it in there as part of our conditions,
6 then it won't be.

7 MR. DORRIS: Okay. Thank you.

8 MR. SHAVER: Mr. Chairman, I might suggest just as a
9 procedural matter how you might want to approach that is you could bifurcate the
10 motions and have a motion on the Conditional Use Permit approval – yes or no. and
11 then a motion on conditions. And if you wanted to articulate in a conditions motion if
12 there were conditions above and beyond what was reflected in the staff report.

13 CHAIRMAN WALL: So if we strictly procedural if we did it that way,
14 would we have to read every condition that's already listed in here or can we just make
15 reference to those conditions also plus...

16 MR. SHAVER: You...you can make references specifically
17 then address Mr. Dorris' comment as to those particular items. But if there were other
18 items you could add those as well. If that's part of what the consideration of the
19 Commission is.

20 CHAIRMAN WALL: Okay. So if I understand correctly, we'll...we'll
21 take a motion based as it's written. If that motion passes, then I will open it up for any
22 motions to add the two specific conditions of the trail and the cul-de-sac for the bus.

23 MR. SHAVER: Correct, and if I may interrupt one more time?

24 CHAIRMAN WALL: You bet.

1 MR. SHAVER: What you can do is you could list one of those,
2 both of those, any combination of those conditions. I just didn't want Mr. Dorris'
3 comment to be sounding like it was required that you do those. You don't have to do
4 those. Those are within your

5 CHAIRMAN WALL: Yep. I like your way best. We'll make it a
6 second one if this one passes. So if we're clear on how we would read the original
7 motion, I'm open for that recommendation.

8 COMMISSIONER BENOIT: Mr. Chairman, I make a motion on the
9 request for a Conditional Use Permit for the Schooley-Weaver gravel pit application,
10 number CUP – 2010 – 008 to be located at 104 29-3/4 Road. I move that the Planning
11 Commission approve the Conditional Use Permit with the findings of fact, conclusions
12 and conditions listed in the staff reports.

13 CHAIRMAN WALL: Do I hear a second?

14 COMMISSIONER ESLAMI: Second.

15 CHAIRMAN WALL: We have a motion and a second. All those
16 approve say aye.

17 COMMISSIONERS Aye.

18 CHAIRMAN WALL: All those not in favor say no.

19 COMMISSIONER ABBOTT: No.

20 CHAIRMAN WALL: So that motion passed 5 to 1. Would any
21 Commissioner like to make any other motions regarding the trail or... and/or the bus cul-
22 de-sac?

23 COMMISSIONER BENOIT: Mr. Chairman, I make a motion
24 that the applicant complete their proposal regarding the cul-de-sac or turnaround as

1 proposed for the bus near the entrance to the project site to facilitate pick up of the
2 children near that location and to make it possible for the bus to return to the other pick
3 up sites in the...in the neighborhood. I also would submit that I don't believe this was
4 covered before but I also submit that the site be fenced and adequately protected from
5 ATV and pedestrian traffic during all non-hours of operation. And as a third condition
6 that adequate access by development of a trail that does not impede the homeowners'
7 right-of-way, their access or whatever to the areas that are currently being accessed by
8 pedestrian and horseback type traffic. Three conditions.

9 CHAIRMAN WALL: Explain the fence.

10 COMMISSIONER BENOIT: Pardon?

11 CHAIRMAN WALL: The fence. I didn't...I'm not clear on the fence.

12 COMMISSIONER BENOIT: The fence is a perimeter fence to protect
13 the property and eventual what will be a pit in the ground from pedestrian traffic and...in
14 other words, you're protecting the site from the public.

15 CHAIRMAN WALL: A fence all the way around the property?

16 COMMISSIONER BENOIT: Perimeter fence, yes.

17 CHAIRMAN WALL: I have a motion. Do I hear a second?

18 COMMISSIONER ESLAMI: Excuse me, the motion I...I agree
19 with those two comments but I do not agree with the fence.

20 CHAIRMAN WALL: If...if this motion doesn't pass if I'm not
21 mistaken, then we can do another motion.

22 MR. SHAVER: A couple of things. If it doesn't get a second, it
23 would die for lack of a second. Then another motion could be restated and that too
24 would then require a second.

1 CHAIRMAN WALL: Okay.

2 MR. SHAVER: If that received a second, then you can vote on
3 that.

4 CHAIRMAN WALL: So not hearing a second, is there another
5 motion – to be made by anybody? Do you want to make a motion, Ebe?

6 COMMISSIONER ESLAMI: No.

7 CHAIRMAN WALL: No?

8 COMMISSIONER WILLIAMS: I don't know how to word these
9 but I would make the motion that the Conditional Use Permit also include the bus
10 turnaround location that was discussed at this time I don't know that we know enough
11 about the fence and I think the path is got too many issues to go with so I would suggest
12 just a motion regarding the bus turnaround.

13 CHAIRMAN WALL: Okay. We have a motion for the bus
14 turnaround. Do we have a second?

15 COMMISSIONER ESLAMI: Second.

16 CHAIRMAN WALL: So we have a motion and a second. All those
17 in favor say aye.

18 CHAIRMAN WALL: Aye. All those opposed, no. If I count
19 correctly, the motion passed 6 to 0. Is there any other business that we have to cover
20 tonight?

21 MS. COX: No, Mr. Chairman, we have no further business.

22 CHAIRMAN WALL: With that being said, we'll adjourn the meeting.
23

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 8:52 p.m.