

# MINUTES

## ADAMS COUNTY PLANNING & ZONING COMMISSION

Regular Meeting

October 28, 2019

7:00 p.m.

**Members Present:** Royce Bauer, Julie Burkhardt, Kip Kamerdula, Dennis Nau, Joe Warner

**Members Absent/Excused:** Al Becker, Mark Peterson

**Others Present:** P&Z Administrator Wendy Green

**Public Present:** Claus White, Jr.; Davide & Deana Hockman; Lyle Sall, *The Record*; Steve Wisman; Carrie Westby; Dave Westby; Anne Briggs; Jeff Briggs; Shelly & Dave Obermeyer; *(Other members of the public were present but did not sign in.)*

- 1. Call to Order:** Chairman Nau called the meeting to order at 7:03 p.m.
- 2. Approval of Agenda:** Julie Burkhardt moved to accept the agenda as presented; Joe Warner seconded; passed.
- 3. Approval of Minutes of September 2019 regular meeting with public hearings:** Julie Burkhardt moved to accepted the minutes as presented; Joe Warner seconded; passed.
- 4. New Business:** At 7:08, Chairman Nau opened the public hearing on the J.I. Morgan application for a Conditional Use Permit to expand an existing rock pit near New Meadows. Nau asked if any commissioners wished to recuse themselves due to conflicts of interest; there were none. Nau reminded all those present that comments must address the merits of the proposed use as to compliance or lack of compliance with the County Comprehensive Plan and Zoning Ordinance. Administrator Wendy Green presented the staff report (attached). The Zoning Ordinance allows commercial rock pits in the Agriculture, Timber and Grazing Zone under permitted conditional uses. This pit was approved in 1993, prior to the current ordinance that requires a one-mile buffer from the nearest residence and prior to the development of Van Dorn and Whisphering Pines subdivisions. Claus White, Jr., VP of J.I. Morgan, explained the need to expand the footprint of the existing pit, as the available rock is being exhausted. White noted that this pit provided rock for road construction and development of many of the subdivisions in the New Meadows area, including Van Dorn Estates, Whispering Pines, West Pine, Canyon Creek and others, and the pit continues to provide rock for road maintenance in Whitney Ranch and Walker Ranch subdivisions. The planned 13-acre expansion to the east, farther from the nearby subdivisions, will not increase traffic, noise or dust above current levels. Approximately one million tons of rock have been extracted from this pit, and White anticipates the expansion to produce about that same volume over the next 25-30 years. JI Morgan does not operate the crusher or asphalt plant; those are operated by contractors who determine their work schedule, depending on demand for materials. At 7:17 p.m., Chairman Nau opened the hearing to public comment. David Obermeyer of Van Dorn Estates opposed the application. He said they knew when they bought their property that there were active rock pits nearby. However, he expected the rock pit to scale down over time until the resource is exhausted. This application is for expansion to thirteen acres of new development and

should be evaluated based on the current zoning ordinance, including the requirement that rock pits be located at least one mile from residences. His biggest concern is the effect that blasting may have on domestic wells in the vicinity. Obermeyer pointed out that Van Dorn Estates was zoned Rural Residential by the Board of County Commissioners in 2005. Jeffrey Briggs of Whispering Pines opposed the application because it does not comply with the 2006 Zoning Ordinance requirement that rock pits be located one mile from residences. He lives across Highway 95 from the pit but is affected by blasting, noise, dust and floodlights, as his home is approximately one-half mile from the pit. He noted the criteria for approval of Conditional Use Permits listed in Section 4-2-B of the Ordinance (attached). He moved to the area in 2010 and for the next several years, activity at the pit was light. Within the last two years, activity has increased significantly, including operating through the night with the use of floodlights. He acknowledged that rural communities need gravel, but asked the Commission to consider the six conditions suggested in written comments from his neighbors (see comment letters on file) and that the County be clear about what the permit does and does not allow. Chairman Nau offered the applicant an opportunity to rebut. Claus White agreed that some reasonable conditions on operation of the rock pit could be acceptable in maintaining a viable operation while mitigating effects on the neighbors. He noted the rock pits were there before the residential developments and his original permit had no conditions or restrictions on operations, including bringing in asphalt plants on a temporary basis. The ability to bring in an asphalt plant is part of a quarry operation producing product, in his view, and having to haul rock to an asphalt plant will drive up the cost of materials in the county. The rock in the JI Morgan pit is certified by the state as acceptable for use in asphalt and concrete. He believes it is one of only three pits in the county that meet those specifications. As residential development increases in the Meadows Valley, it will be more difficult to locate rock pits at least a mile from residences. **Chairman Nau closed the public hearing at 7:31.** The Commission had reviewed the condition for approval of Van Dorn Estates that potential buyers be apprised of the existence of nearby rockpits and sign a disclosure notice to that effect. The Commission discussed possible conditions on the expansion that could reduce impacts of the quarry operation on the neighbors. Julie Burkhardt moved to recommend approval of the CUP with the following conditions: 1) Hours of operation be 7:00 a.m. to 9:00 p.m., Monday-Saturday, excluding holidays, except in times of emergency as declared by Adams Board of County Commissioners; 2) Operator perform adequate dust abatement on crusher, pit floor and haul roads; 3) No floodlights be used; Kip Kamerdula seconded; passed by a vote of 4 in favor, 1 opposed.

- 5. Old Business: At 7:56, the Commission considered the application for a Conditional Use Permit by David & Deana Hockman for Bear Den cabin rentals and RV parking on Council-Cuprum Road.** Commissioners discussed the concerns expressed by neighbors during the two public hearings that had been held on this application. Commissioners felt it was up to local residents to notify the Adams County Sheriff's Office of illegal activities. Otherwise, the best way to mitigate nuisance to neighbors would be to have an owner's representative on site whenever the cabins or RV spaces are occupied by renters to ensure owners' rules are being followed. Owners will need to comply with the occupancy limits set by Jeff Batten of Southwest District Health, based on the effluent capacity of the septic systems. Kip Kamerdula moved to recommend approval of the CUP with the following conditions: 1) An owner's representative be on site whenever the cabins or RV spaces are rented; 2) Abide by occupancy limits set by Southwest District Health to comply with design of the septic systems; 3) Owners will have seven (7) days to correct reported violations. Julie Burkhardt seconded; passed with 3 in favor, 1 abstained; Joe Warner recused.

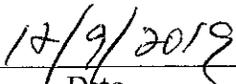
The Commission reviewed the online community survey and Administrator Green updated them on the logistics. A printed version of the survey will not be included with property tax notices due to the cost of printing. Instead, an invitation to participate online will be included in the mailing for a fraction of the cost. Julie Burkhardt moved to proceed with the community survey as presented; Kip Kamerdula seconded; passed.

**6. Upcoming Meetings:**

Next regular meeting: Monday, December 9, 2019 at 7:00 p.m.; review split guidelines in the Zoning Ordinance.

**7. Adjournment:** The meeting was adjourned at 8:31 p.m..

  
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Dennis Nau, Chairman

  
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Date

