

LAPAC Minutes 6/19/2018

Call to Order: Ed

Roll Call: Alison Schonoff, Cordelia Stone, Ed Stoner, John Schmid, Kathleen Hollerbach, Noah Dalton, Mandy Kotzman (not currently voting)

County Officials Present: Rob Helmick, Savannah Benedick-Welch,

Approval of minutes from the last meeting - Mandy motions, Cordelia seconds Unanimous approval - Minutes Approved

Staff communication: No communication items to discuss

Committee Communication: No committee items to discuss

Laporte Pit Special Review:

Staff Presentation: Rob Helmick Initial Presentation

Applicant - Loveland Ready Mix Concrete

- This is a 123 acre plot current zoned open, proposed use is sand and gravel mining.
- Existing land use agriculture and single family.
- Proposed Access of CR54G
- Estimated 366 trips per day
- Mining should be about 10 years
- 6 days a week work hours
- 24 hour special approval option to work
- Reclaimed land would be dry pasture land
- Batch plant to be installed onsite and removed once land is reclaimed
- Other proposed uses previously, but nothing stuck
- No zoning change required.

- Reclaimed land retains low and medium residential

Proposal generated vast public interest - 240 people initially in attendance.

Many citizen concerns regarding groundwater, noise, traffic, dust, school safety, and impact of other mining uses in the Laporte community.

Comments from LAPAC are encouraged on whether or not it fits within the Laporte plan, not on technical details.

Committee Questions and Comments

- Cordelia question about whether batch plant is onsite. Rob clarifies batch plant will only be removed once mining is complete.
- Kathleen question about emergency use and what that means: Rob says that depends on building projects, but generally planning director must authorize in advance.
- Noah question about concerns about emergency use for Glade reservoir and times of operation for emergency use. Rob is unsure whether Glade will have any bearing at all.
- Ed asks about times of operation and how they seem to have changed. 7 AM to 6 PM with half hour for heat up and cool down.
- Further question about weekends. Saturday delivery only without mining and nothing on Sunday.
- Question about earliest truck entry - Rob clarifies 7 AM.
- Question about previous mining and whether it's been a problem or not. Rob says historically mining has been successful in Laporte with very few complaints. Stegner pit reviewed in 1997 did create problems with the operation dragging on well beyond 7 years from the market going soft. This greatly colored the communities view of mining.
- Question about cement plant vs batch plant. Rob says cement plant is a full dirty operation with kilns, byproducts etc, whereas batch plants are relatively clean and small and not very noisy.
- Question about what the county did regarding the Stegner pit. Rob says the county didn't do a whole lot, but also didn't have many options. The reclaiming can't be done until the mining is done.
- Question if the county changed any rules since then. Rob says not really, but does say most operations go by without a hitch and few complaints. Rob adds that gravel is rather precious in Larimer and doubts there will any issues.

Applicant Presentation: Loveland Ready Mix

Kent Bruxvoort - from Telesto

PowerPoint presentation given detailing how the pit fits into the Laporte Area Plan.

- Kent reviews Laporte area plan
- Details off what Rob said regarding land details, reclamation, etc.
- Kent reviews how special review approval works.
- Details off land uses on each side of the property
- Kent details how Laporte area plan recognizes mining as a valid land use if it meets approval.
- Reviews history of LRM, family owned by Brad and Stephanie
- Details how keeping gravel where it is most likely to be used limits vehicle trips and costs
- Details how the Larimer special review is just one component of the many reviews that must be completed to allow for mining.
- Clarifies 7:30 - 5 PM are current proposed hours, but subject to change and not set in stone.
- Batch plant would be located 2000-3000 feet from closest residents
- Details how batch plants are clean and quiet without dust
- Reviews three stage process of mining and how they mine one area at a time.
- Details what buildings remain - an office or outbuilding, but batch plant would be removed.
- Shows a reclaimed area at Namaqua road in Loveland.

Kent makes the case that this plan will meet the Laporte Area plan and goals.

Committee Questions to Applicant

- Ed asks about open space once the area is reclaimed. Applicant said they will keep it open space at reclamation, but it is private property and could be sold.
- Noah asks about reclaimed area in Loveland near Namaqua and if there were any previous issues with any of the reclaimed areas. Rob says no known issues have occurred.
- Laurie - question about if resource must be mined before the property is developed. Applicant says resource mining proposal must be given first option
- 2nd question about noise, traffic, dust and citizen complaint process. Applicant says they are part of the community and want to stay connected to the community with all its concerns.
- 3rd question about worker safety. Question about safety. Brad says safety is paramount and national awards have been won.
- 4th question about hiring Laporte residents. Brad says they would like to hire local Laporte.
- Cordelia questions about hours: Brad says hours stipulated by county.
- 2nd question about size and if it could change. Brad says the bond is based on size and the bond is very expensive to procure and bond dictates strictly how the site is reclaimed. If applicant fails, bond money is used to reclaim.
- Alison question about dust mitigation and if water is used to control it. Brad says yes and conveyors typically generate very little dust anyways.
- 2nd question about traffic and where it goes. Brad says most should go east on CR54, but some would go west or wherever needed.
- 3rd question about auxiliary lanes and who is responsible for the cost. Brad says they are responsible for the lanes and incur the cost.
- 4th question regarding air quality, what is current, what is permissible, etc. Kent says air quality standards have been made by federal, state, etc. Kent says they have exceeded all those standards.
- 5th question about dB mitigation levels. Kent says white noise generators, berms, and mentions that most of the mining is below grade and would be far, far less than 80 dB most of the time. Also mentions less than 50 dB must be maintained at night.

No Laporte Gravel Presentation

Peter Waack: Presentation will give systematic approach to land use code and how that fits in to current application. Each member will address a specific part of the Laporte Area Plan

Linda Sawyers - Section A and E

Linda request information on french drains and is very concerned about them. Linda worked and lived in Laporte for over 33 years, raised a family, etc. Donations and humanitarian work given to people in Laporte. People take care of each other in Laporte.

Linda believes batch plant and mining will not fit the Laporte land use code and makes it feel industrial.

Mixed group of people in Laporte and believes land should be use for agricultural uses only.

Says Timberline Resources entrance on 54G does not add beauty or attractiveness to Laporte.

Ruth Wallack - Section B

Discussing on rights of property owners being honored. Concerns of Potential rise in groundwater of 2 feet that can cause flooding.

Pumps on french drains must run continuously even after project is complete. Asks who is responsible for enforcement.

Ruth also concerned about noise and smell of asphalt. Says this mining operation will add to this.

Says this is an existing community and the community should be given first right.

Patty Mcelwaine - Section C

Live in Laporte for 39 years. Says noise and traffic will not add to the community well-being. She does not feel this will enhance the appearance of our community.

Says last time Laporte was this united was 1989 last fight to shut down Holcim from burning trash.

Says Laporte was named because it meant gateway to the mountains. Says pit will not enhance this image and will be an eyesore. Historically, this has been farm and pastureland.

Says if this is passed with the community being against it, they will lose faith in the county leadership.

School concerns - believes mining creates pollutants and will hinder education and traffic control

Erika Daniell - Section D

Erika says she has lost faith in process of county commissioners. Says LAPAC was not listened to in the Timberline Resources review. Says changes need to be made so the commissioners can listen to LAPAC.

Says if CDOT allows access for them on 287, they would have to use that instead of 54G and community should work to that end.

Poudre Valley Community farms - worked hard to create community farmers, could not operate next to the Loveland Ready Mix. Gave up the property as Loveland Ready Mix bought the property next to them.

Concerned about Native Hill Farms, concerned about Tapestry house, concerned about other local businesses. Concerned about this industry driving further industry like it in Laporte. Not going to help for bicycle friendly environment.

Note about the reclamation process taking 10-15 years. Concerns about what will happen until then?

Peter Waack - Section G:

#1 concern from residents was safety with the trucks and number of trips per day. Lives in Fairview neighborhood. Says speed is high and stopping distance is long. Says drivers will be hustling down the road.

Says this proposal is undercutting reasons for why 287 was constructed in the first place.

Says this is a 2 lane road and not built for high truck traffic. Says toll on roads will be high.

Says LRM should address traffic beyond access road.

Robert Havis - Section 8:

PE from CSU, addressing Poudre River Flood Plain, says development will change wildlife at this property forever.

LRM requests construction level noise ordinance which is far higher than residential limits.

Says 80 dB noise limit requested is because they can't meet residential limits. Says this indicates a construction industrial project

Robert says pure shale will indicate problems in water quality later on from other minerals.

Robert says this shale water will contaminant rivers.

Robert says this project will transmit dust off site.

Robert says air quality LRM air study is wrong. Says emissions estimates are wrong.

Peter Waack ends and encourages LAPAC to make strong decision and follow through on decision.

Says we should recommend no batch plant.

Says we should request setbacks to 2000 ft.

Says berm heights should be 16 feet.

Says to add additional conditions if it's approved like 7 year cap.

Community Comments

Jack Wisbon

Discussion about schools attendance and keeping proper funding. Says big problem is lack of new families in area and pit will create less families in the area.

Erin Hayhow

13 years old, mom grew up less than 100 feet along the pit. Says this will create problems for families, dust concerns, education detraction, and lasting effect on children for a lifetime. Biking concerns. Urges LAPAC to oppose LRM pit.

David Hollerbach

Says Laporte doesn't want this in downtown Laporte. Says this doesn't maintain small town, Ag use etc. Says open space will not be preserved long term. Says this could be a park.

Terry Waters

Says 3000+ signatures and 500 letters were made opposing this. Says reasonable person would conclude this is not compatible. Concerns about being receptive to neighbor complaints or concerns. Says LRM has not been responsive to neighbor complaints. Concerns about location of batch plant.

Mandy Kotzman

Member of LAPAC, but because she has a vested interest, she is voicing concerns as a private citizen. Important to remember that LAPAC was created in 1980. Deemed necessary because Laporte was unique and needed special attention. Part of the county process. Zoned open land currently. Use by right and use by special review. Many special review options. Suggest putting conditions on approval.

Jayme Patrick

Move here 2012, loves Laporte, looked at Laporte area plan, knew there was a range of things that could happen on that property. Really concerned about living there and home value by being near there. Nervous about county commissioners going against LAPAC yesterday night. Says mining is not ideal on this site.

John Gross

Laporte resident since 1991. Question about mining precluding housing. Says that is not the case. French drain concerns.

Says LAPAC is charged to evaluate benefits to Laporte Area Plan and not financial benefit or any other purpose. Said no one yesterday was in favor of Timberline Resources, but county commissioners sided with them.

Said it is next to impossible as far as compatibility to neighboring houses.

Doctor Luke Day

Addressing potential health risks. CNG trucks and diesel trucks are going to be used as well. Diesel exhaust bad for human respiratory system. Concerns about chronic silicosis. Standing water concerns and west Nile from mosquitoes and mosquito transmitted diseases. Number of potential health effects. Recommend to deny LRM based on health reasons.

Susanne Cordery

Speaking to air quality issues. 28 tons per year suspended particulate. Says this will not maintain current air quality. Says number is low and erroneous. 125 cubic yards per hour versus capacity sheet that says 150-200 per hour. Says hours are not consistent based on what was said tonight. Says 50 feet tall batch plant is eyesore.

Quinn Robinson

Lives in Laporte, appreciates that LRM is trying to abide by quality standards. Agrees with Terry's comments about how this can be compatible with general mining. Says county commissioners are likely going to approve this and that fight must continue.

Tess Reyes

Medical research, retired cardiovascular nurse. References EPA clear air acts. Everyone's concerns are embodied in this document. Public has right to be respected when it comes to health, economic values, particulates, noise, traffic. Appeals to LAPAC to pay heed to national air quality standards.

Amy Greenwell

Says Laporte has done its duty to provide gravel and resources to surrounding areas. Says concerns about keeping the batch plant permanent and permanently industrializing the area. Says we are not getting a fair shake based on conflict of interest. Says money has been given to the county commissioners from mining operations.

Craig Greenwell

Says county usually doesn't care a lot about LAPAC's opinion. Says decision should be pointed and clear. Says diplomacy does not matter. Larimer County is biggest consumer of this application. Worried about enforcement issues and who is actually responsible for ensure enforcement.

Rebuttal of Applicant

Applicant says direct questions from LAPAC are best to direct how they address concerns.

- Noah question about french drains and how they operate. Applicant says it aids subsurface draining and how that moves groundwater around. They are meant to return groundwater to correct levels and are very reliable.
- Says pits have huge value to future landowners regarding ground water use. Those pits tend to be maintained because they are useful and valuable and are maintained.
- Community question about school safety in regard to the Laporte pit. Applicant responds. Concerns about kids being hit with large trucks.
- Question about berm height, mist dust control. Kent says questions and concerns go directly to Stephanie. Says 16 foot berm height unreasonable.
- Question about response to county or LRM not being responded to. Terry waters said comments were emailed and then returned.
- Applicant finishes saying they are concerned about what LAPAC says.

LAPAC Discussion

- Ed says we have a lot of gravel mines in the Laporte area. Says he is not happy with a gravel mine in the middle of Laporte. Disgusted that mine is permitted in Laporte.
- Noah says he would like to find a way to make it work as we can't control where natural resources are. Doesn't like the idea of it being in downtown.
- Alison says it is literally in the downtown area and there are effects that not able to be mitigated. Eyesore issues. Says it is just not compatible.
- Kathleen thanks everyone that comes out. Says LRM is trying to make it compatible, but she doesn't believe it is possible.
- Cordelia says no outright. Poudre Valley Farms, Native Hill, Tapestry House. Presentation was excellent, but says all the potential risks are just too great. 3000+ signatures are just too convincing.
- John Schmid - Suggests making suggestion about getting access from Hwy 287. Question about access with auxiliary lanes.

Alison Motion - LAPAC recommends denying applicant's approval as it's not consistent with overall Laporte Area Plan.

Cordelia seconds.

Motion passes 4 to 2.

John Schmid and Noah Dalton opposed. All others in favor.

FINAL DECISION- LAPAC recommends denying applicants' approval as it's not consistent with overall Laporte Area Plan.

The reasons for this decision are....

1. **LAPAC's biggest concern is just that it doesn't belong in the middle of Laporte.**

2. **Environmental concerns**
3. **Health and community well-being.**
4. **Traffic concerns**
5. **Overall appearance of Laporte**
6. **Negative effects of local Laporte businesses**
7. **Water concerns**
8. **Air concerns**
9. **Noise concerns**
10. **Effect on local school**

Alison changes her motion

Noah asks about email approval of minutes for larger projects so they can be obtained before they are adopted at the next meeting, especially when large public opinion is present. Savannah promises to look into this as an option

Discussion: Ten Bears Winery

Rob gives history of Ten Bears.

Approval was for wine production but no public access to the property. Added value added Ag expansion was given later; roughly 5 acres of vines were added. Crops are sketchy here and may have to import grapes if crops fail. Plans were revised again to request events three large events per year which is what this tentative change is for.

Rob says one neighbor has complained slightly, but not a huge amount of public interest in this either way.

Ed asks about restroom. They have one. He asks about importing juice vs grapes. Rob says they import juice. Ed asks about type of grapes growing there.

Noah asks about number of events personally allowed. Rob says three for businesses maximum per year.

John asks about number of trips permitted, specifically for the events. 100-150 people max are permitted.

Questions about the Pope property and whether berries were grown there.

Noah motions approval of Ten Bear's amended special review to permit up to three public events per calendar year as requested.

Kathleen second

Unanimous approval - motion passes