

August 14, 2007
FIFTEENTH MEETING

1

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 14, 2007, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward H. Norden called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Larry Lasha	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Kris Lang, Deputy Clerk.

Pastor Larry Kettle of the Bridge to Life Assembly gave the Morning Prayer.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

APPROVAL OF AGENDA

Commissioner Stiehl moved to approve the Agenda. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

Commissioner Norden announced CDBG Starpoint Building Acquisition Sub-Item #2 of Item #4 Scheduling of Public Hearings for September 11, 2007 be removed and listed as Item #5 for a Public Hearing on August 28, 2007.

Commissioner Lasha made a motion to approve the Consent Agenda as amended.

1. Approval of Minutes July 24, 2007
2. Approval of Bills, August 14, 2007 /\$1,273,827.35
3. LIQUOR LICENSE
CAT'S CORNER LLC
411 BROADWAY
PENROSE, CO.81240
RETAIL LIQUOR STORE LICENSE RENEWAL – MALT, VINOUS, AND SPIRITUOUS
4. SCHEDULING OF PUBLIC HEARINGS FOR SEPTEMBER 11, 2007
 1. REQUEST: ZC 07-001 LIPPIS REZONE
Request approval of a **Zone Change from the Low Density Residence Zone District to the Business Zone District, Department file #ZC 07-001 Lippis Zone Change, in conjunction with a site development plan**, by Vicky Dixon Lippis, for her property which is *located at the northwest corner of the intersection of Colorado State Highway 115 and Walnut Street in the Lincoln Park Area.*
 2. Receive Public Input Regarding the Designation of Fremont County Flood Hazard Areas as a Matter of State Interest and Regarding the Proposed Administration and Regulation of Fremont County Flood Hazard Areas by Adoption of Flood Damage Prevention Regulation.
5. SCHEDULING OF PUBLIC HEARING FOR AUGUST 28, 2007
Project Closeout CDBG Starpoint Building Acquisition

The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Stiehl commented the public hearing schedule for September 11, 2007 will address the FEMA Flood Plain Analysis and advised public input regarding flood hazard areas would be welcomed.

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Pat McFarland, Fremont County Treasurer & Public Trustee, submitted the Treasurer's Semi-Annual Report January 1 thru June 30 of 2007 and the Public Trustee's Quarterly Report April 1 thru June 30 of 2007. She reported an increase in Fremont County foreclosures and advised her office has commenced 200 foreclosures to date for 2007 and that mark was not hit until mid-November last year, putting the county a full three months ahead of its 2006 foreclosure rate. She advised there is a reduction in the Release Deeds of Trust for Fremont County following the trend of the national average. The beginning balance on April 1, 2007 was \$32,088.80 and the balance as of June 30, 2007 was \$47,329.50. She remarked the Treasury Department has received the senior taxpayers homestead exemption monies from the State in April of 2007.

Commissioner Stiehl commented the Board of County Commissioners often receives complaints from the public stating the County is foreclosing on their property. He explained the County is the statutory designated entity to process the foreclosure; however it is the mortgage holder who initiates a foreclosure. **Ms. McFarland** stated the County Public Trustee was setup to be the liaison between the mortgage holder and the borrower. She commented that the State of Colorado is the only State that has a Public Trustee System. **Commissioner Lasha** moved to approve the Treasurer's Semi-Annual Report and the Public Trustee's Quarterly Report. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's Report for the month of July and stated that the revenues earned were \$764,327.79 which was up by \$77,338.82 from a year ago. The sales tax collected was \$79,279.34 which was up from over a year ago by \$19,505.00 Money collected for distribution among the entities was \$421,768.26 and that was an increase of \$15,009.20 from a year ago. **Commissioner Stiehl** moved to approve the Clerk's Report for July 2007. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

Commissioner Lasha complimented the Fair Board and everyone who participated in the Fremont County Fair this year.

Commissioner Norden asked that all citizens exercise extra precaution against the increased threat of the West Nile Virus and exercise vigilance to protect themselves particularly during the dawn and dusk hours. He encouraged property owners to take inventory of holding water areas that serve as breeding grounds for mosquitos.

Commissioner Norden advised the Colorado Department of Local Affairs has notified Fremont County that following review by the State Energy Mineral Impact Advisory Committee the county will receive a \$200,000.00 grant to help built salt-sand sheds for the Road and Bridge Department. The Mineral Impact grant application was prepared by foremen in the Road and Bridge Department with guidance from Judy Lohnes of the Upper Arkansas Area County for Governments. He advised key to securing the grant is \$25,000 in matching cash funds from the Cripple Creek and Victor Gold Mine. In awarding the grant the advisory committee did express concern about the low matching funds from the county. Commissioner Stiehl noted that the county's continuing fiscal problems and low cash reserve prevents the county from supporting many grant applications with an adequate level of matching cash dollars

2. Citizens Not Scheduled / None

OLD BUSINESS:**CORRECTION TO THE JULY 10, 2007 MINUTES RE: LINCOLN CENTER SALOON**

Commissioner Lasha stated there was a Public Hearing at the BOCC Meeting of July 10, 2007 for SDP #07-001 Lincoln Center Saloon. He advised following discussion and review, he made a motion to deny the request for a Site Development Plan #07-001 Lincoln Center Saloon and the denial was seconded by Commissioner Norden. Upon vote the denial was unanimous 3 – 0. Commissioner Lasha stated the minutes reflect nay votes and made a motion that the terminology should be corrected to aye votes in support of the denial. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

NEW BUSINESS:**FREMONT COUNTY ECONOMICAL DEVELOPMENT REPORT**

Bruce Redus, Executive Director of Fremont Economic Development Corporation gave an updated Fremont County report. He thanked the Commissioners for their continued support of FEDC. He stated a letter to support the anti-terrorism first hazardous response training facility in southern Colorado has been completed. Mr. Redus advised he attended an Action 22 workshop concerning regional economic development issues and policies. He stated the economic development district is at 10% volume of the SBA program, however the volume has dropped. He advised there were three loans in progress outside Fremont County. He explained that previous certification was within thirteen counties, however the SBA now states that certified development companies can operate state-wide.

PETITION FOR ABATEMENT SCHEDULE #27110-P AND #56400-P

Fremont County Assessor, Stacey Seifert presented two (2) abatement petitions for leasing companies that lease large pieces of equipment that are licensed through the motor vehicle department creating a double taxation situation. Schedule #27110-P Citicorp Vendor Financing is for the tax year 2005 in the amount of \$1200.83. Schedule #56400-P GE Commercial Equipment is for the tax year 2006 in the amount of \$1549.78.

Commissioner Lasha made a motion to approve **Resolution #36 Citicorp Vendor Financing** in the amount of \$1200.83 and **Resolution #37 GE Commercial Equipment** in the amount of \$1549.78. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #36** and **Resolution #37**.

REQUEST: EXTENSION OF PAVING REQUIREMENTS FOR COYOTE'S COFFEE DEN

Pete Mugasis, Owner stated he was requesting approval of a three (3) year extension to allow completion of the paving of the Coyote's Coffee Den, parking lot. The property is addressed as 675 Highway 115 which is *located at the southwest corner of 6th and Colorado State Highway 115, Penrose, Colorado*. The subject property is located in the Business Zone District. Mr. Mugasis had previously requested a waiver of the code required paving. A two (2) year extension was granted on April 12, 2005 by the Board of County Commissioners. Mr. Mugasis remarked that the business is still not in a financial position to support the investment. He proposed rejuvenating the parking lot with rock to satisfy the dust control code requirement until they are able to fund the hard surfacing and paving.

Planning and Zoning Director, Bill Giordano remarked previous extensions have been approved and this has been a continuing situation since 1998.

Commissioner Lasha sympathized with the financial hardship and said he would consider a final extension. **Commissioner Lasha** made a motion to approve a two (2) year extension to complete the paving of the Coyote's Coffee Den, parking lot. The motioned was seconded by Commissioner Stiehl who commented that he was not in favor of dust control hard surfacing unless it was absolutely necessary due to the storm water impact and felt the applicant adequately addresses dust control. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

PUBLIC HEARING
REQUEST: CUP 07-001 HOLCIM INC.-COALDALE GYPSUM QUARRY
10:00 A.M. AUGUST 14, 2007

Commissioner Lasha disclosed that he is a member of the Community Relations Board at Holcim in Florence. He stated this was an informational disclosure and there were no monetary investments or compensations involved. Commissioner Lasha stated he would not have any conflict of interest on decision making.

Michael Toelle, Quarry/Raw Materials Manager for the mountain region for Holcim (US), Inc. stated they were requesting approval of a Conditional Use Permit, Department file #CUP 07-001 Holcim, Inc. – Coaldale Gypsum Quarry, to allow surface mining of gypsum, by Holcim (US) Inc. for property which is located *approximately 0.65 miles south of the intersection of US Highway 50 and County Road #6, aka Hayden Creek Road, on the west side of the County Road #6 is the haul road (included in the permit acreage) then approximately 0.5 miles west along the haul road to the mining site, in the Coaldale area.* He stated the property has been mined since 1907 and most recently was mined by Domtar, Inc. until 1990 when operations were ceased and the property was in temporary cessation with the Colorado Division of Reclamation, Mining and Safety. The operation was acquired by Georgia Pacific in 1996 and all State permits were transferred. Reclamation was initiated and continued by Georgia Pacific until 2006 when the property was purchased by Holcim (US) Inc. The current State permit is under temporary cessation until September 24, 2007. In February 2007, Holcim (US) submitted an amendment to the permit and no conditional use permit was issued for the previous mining since it was pre County regulation, however since the mining has been inactive for more than a year the mining is no longer considered a non-conforming use and Conditional Use Permit is required. The property is zoned Agricultural Forestry and contains 494.03 acres. The permitted area will contain 89.79 acres. He said the majority of the property has been reclaimed and only 15 percent of the reclaimed property would be affected. Holcim would mine 50,000 tons of gypsum per year for transportation to the cement plant east of Florence. Mr. Toelle expressed concerns on several of the recommended conditions proposed by the planning commission. He addressed the condition stating that only the named party on the permit shall be allowed to operate the CUP and any other person or entity requires Board approval. He stated that although hauling contractors would be used, Holcim would maintain complete responsibility for all operations. He addressed the access permit requirement for intersection of US Highway 50 and County Road 6 from the Colorado Department of Transportation. He stated the application has been completed and is ready for submission to CDOT following the County's signature as property owner of County Road 6. The access permit addresses the volume of traffic going from US Highway 50 onto County Road 6 and they are stating there will be approximately eight (8) hauling vehicles, six (6) employee vehicles and an estimated four (4) additional Holcim personnel vehicles per day. Mr. Toelle advised a traffic study was completed from Holcim's property onto County Road 6 revealing no significant traffic impact to the area. Mr. Toelle stated as a result of the traffic study and analysis they objected to the paving requirement of County Road 6 from the mine site entrance to US Highway 50. He reported the property has a sewage disposal source on-site that was installed in the late 1980's and they are in the process of obtaining the registration documentation. He said the well permit number and all the transfer documentation to Holcim were submitted to the Colorado State Water Resource Division. Holcim was advised the change of ownership and address would be recorded; however, they would not issue a revised permit. He requested a revision on the dust suppressant language to state the application of dust suppressant since there is not a permanent dust suppressant application available. He proposed that only the mining and crushing portion of the operation cease operations during times of high winds. He reported in compliance with the air quality permit at the Portland plant an anemometer is used to monitor wind speed with a threshold of 35 miles per hour. He clarified that the Colorado Division of Mining, Reclamation and Safety requires that Holcim maintain complete blasting records and have them available for review but does not require the submittal of the blasting reports.

Planning and Zoning Director, Bill Giordano stated the posting, publication and property owner notification along with the additional notification requirements have been met. He stated public comments and letters were submitted to the department prior to receiving the application. Following a consultation with the County Attorney, these letters

were incorporated into the review by the planning commission. He said the Board of Commissioners would need to decide if these letters would be part of their consideration. Mr. Giordano said the applicant proposed the term of the CUP for 32 years; however the department noted the CUP would be for the life of the mine to coincide with the State Reclamation guidelines. He said the department is required to provide an annual review as well as investigate any concerns or complaints when received. He advised the department had originally received a letter from CDOT stating they had no comment or concerns and now that CDOT is asking for an access permit, the department will need documentation from CDOT on any requirements to ensure that accurate information is being submitted. The requirement will be added to the applicant's conditions. He clarified the environmental health department would need to issue acceptance of the existing sewage disposal source. He stated the county would accept the Colorado State Water Resource Divisions recordation and non-issuance of a new well permit in the name of the applicant and said the condition could be removed. He advised documentation as to compliance with the recommendations of John Grieve, Colorado State Forest Service and John Walker, Fire Chief, Coaldale Fire Department would be required. Mr. Giordano agreed with the terminology change from permanent dust suppressant to application of dust suppressant on a need basis. He expressed concern to establish a precedence regarding the definition of a high wind along with the monitoring and documentation. He agreed that as long as Holcim maintains the blasting records and has them available for review the criteria would be met. He acknowledged the recommended contingency for documentation as to compliance with the recommendations from Jim Aragon, Colorado Division of Wildlife. He advised the planning commission did waive the surfacing, lighting and landscaping and approved CUP 07-001 Holcim Inc., Coaldale Gypsum Quarry with a 5 to 1 vote at the Planning Commissioner Meeting on July 3, 2007. Mr. Giordano clarified the Conditional Use Permit would be issued to Holcim, Inc. as the operator and they would assume responsibilities for all site operations.

Commissioner Norden noted that the Board of Commissioners received via e-mail and subsequently in yesterdays mail a letter from James Potter, Attorney at Law in Canon City requesting a supplemental or continuation of the public hearing on behalf of the concerned citizens of Coaldale. The letter addressed the access permit requirement by the Colorado Department of Transportation and pending their decision the time to allow the citizens of Coaldale to conduct and submit to the Board a traffic impact analysis of the trucking operations of County Road 6 in the Town of Coaldale. **Commissioner Norden** stated the public hearing was scheduled and advertised through publication and posting. He remarked after the completion of today's public comment he will address several of the issues and then give the Board a chance to make a decision on where a supplemental hearing would be necessary and scheduled. He asked if Mr. Potter was in attendance and he was not.

Commissioner Norden asked anyone wishing to speak for or against to come forward.

Bob Parker, US Highway 50 Coaldale Resident presented a power point presentation and spoke on behalf of several area citizens against the re-opening of the quarry. He said the main concern is the transportation of the gypsum through the community of Coaldale and addressed concerns of safety, dust, road deterioration and increased traffic going through the main portion of community offering resident public services. He suggested that Holcim, Inc. commit to infrastructure upgrades, including rebuilding county roads and adding turn lanes and merge lanes.

Rolf Sigford, Hamilton Creek Road Coaldale Resident continued with the slide show presentation and stated he was originally against the project but now feels indifferent. He inquired how the re-opening of the mine would help the community of Coaldale. He said he did not feel the project would create new jobs in the area since the gypsum that will be mined only replaces the present gypsum being used. He said the tax revenue from the applicant would decrease due to the active production status and the property values would not be harmonious with the neighborhood. He felt the noise factor would have a negative affect on tourism and proposed limited days and hours of operation. He proposed having the applicant rebuild County Road 6 and maintain it in the future. Additionally he asked for a limit of ten years on the CUP and that a protective barrier around the Coaldale playground installed. He submitted letters from Laura Assemany, Harold Hansen, Joseph Russo and Sylvia Gilman against the project

Raymond and Dena Edwards, Hamilton Creek Road Coaldale Residents are against the project and had assigned their allotted time to speak to Ron Parker.

Dick Carney, Coaldale Resident agreed with all the opposition and felt the applicant should install a turn lane for the westbound traffic on US Highway 50 and a merge lane on the east bound US Highway 50. Additionally a two way stop at County Road 6 and County Road 45 and the community building of Coaldale. He further stated the threshold for the wind speed should be twenty miles per hour.

Janet Engel, Arrowhead Lane Resident Coaldale stated she is in support of everything that is on the record against the re-opening of the mine.

Susan Patterson, Coaldale Resident said she was against the re-opening the mine/quarry. She stated she is a professional fact checker and research revealed that Holcim, Inc. exceeds emissions and is a high priority violator. She reference several publications and had previously submitted a lengthily and detailed letter with additional references. Ms. Patterson requested the denial of the CUP but if it was approved asked for annual re-qualifications by the applicant.

Linda Batt, Hamilton Creek Road Coaldale Resident explained that a high priority violator according to the EPA is based on violations or non-compliance events at a given facility. She stated that Holcim, Inc. has maintained the priority status for three years. Ms. Batt stated the applicant should comply with all the laws and regulations of Fremont County, the State of Colorado and the United States of America. She asked for denial of the CUP until the applicant can prove they have changed their practices at the facility.

Commissioner Norden announced that **Valerie Sword** and **Carl Buford of the Colorado Department of Transportation** were in attendance at the request of the public to answer questions.

Kay Parker, US Highway 50 Coaldale Resident strongly supported all the opposition against the reopening of the Coaldale Quarry.

Sharon McCafferty, Highlands Ranch Road Coaldale Resident agreed with all the opposition expressed against the reopening of the Coaldale Quarry.

Mike McCafferty , Highlands Ranch Road Coaldale Resident supported all the issues addressed in the power point presentation and was against the reopening of the quarry. He shared concern regarding the number of blasts and the magnitude. He asked what procedure would be following regarding the pre-blast inspection of resident wells.

Suzanne Folke, Coaldale Resident stated she was attending the meeting for informational purposes and was indifferent at this time.

Donna Nicholas-Griesel, Coaldale Resident said she did not have anything further to add but for the record stated she was not against the reopening of the quarry but was concerned about the safety issues.

Bruce Redus, Fremont Economic Development Corporation said Fremont County has always been mineral rich with a long-standing mining heritage of economics and investments. He said this was an opportunity for the gypsum material to be incorporated and added into the manufactured product that is exported out of Fremont County. He remarked the international corporation has been a good neighbor with a positive effect on the community and was in support of the reopening of the mine.

Karen Kennedy Martellaro, County Road 45 Coaldale Resident stated she was against the reopening of the quarry and expressed concerns regarding the decrease of property values, dust, noise, and safety and health issues. She presented a map indicating all the additional homes built since the closure of the mine. She shared concerns regarding dust and air quality and requested additional traffic studies for County Roads 6 and County Road 45. She inquired whether the Board of Commissioners had received and read the previous twenty eight (28) submitted letters against the operation and was assured the

Board has reviewed all the letters and documentation submitted. She submitted ten (10) additional signature names on the petition against the reopening of the quarry.

Carl Buford, Colorado Department of Transportation stated they would be focusing on the intersections of County Road 6 and US Highway 50. He remarked they have not received a specific traffic study for that projected area; however, the traffic study from the Mine Site to County Road 6 would be a good indication of the traffic impact continuing to US Highway 50.

Valerie Sword, Colorado Department of Transportation explained the State Highway Access Code requires the review of vehicle lengths to determine the vehicle number equivalents and consideration of the submitted traffic volumes for determination. Increased traffic of 20% or more will warrant a re-evaluation to determine if additional information is needed.

Michael Toelle, Holcim (US) Inc. asked for clarification regarding the 20% increased traffic determination. Ms. Sword responded that total traffic (not just the increased mine traffic) would be considered and calculated. Mr. Toelle stated the access permit application is complete and was pending the Boards signatures prior to submission to CDOT. He requested approval of the CUP pending the CDOT access authorization.

Kris Shurr, CR 45 Resident, Coaldale Resident remarked that CDOT should be aware that traffic is considerably different in the summer than it is in the winter months. During the summer season tourists frequent the camping and recreational sites in the area. She expressed concerns regarding; health, air quality, noise disturbances, ground and storm water. Ms. Shurr stated she was against the blasting and reopening of the mine.

Pete Mugasis, Penrose Resident is a member of the Community Advisory Council and remarked that Holcim, Inc. has been a great corporate partner to the community and the county addressing and acknowledging citizen concerns. He felt Holcim has been a good corporate neighbor on the eastern side of the county and has no reason to believe they would not act accordingly with the Coaldale Quarry project. Mr. Mugasis stated he was in support of the reopening of the quarry.

Stacey Seifert, Fremont County Assessor reported under the current value and mill levy taxes for year 2007 Holcim's responsibility is \$9,105. If the mine goes into production the 89.798 permitted acreage would be deducted from the total value of the land and taxed under a production assessment. The remainder of the land would be left at the current value. At the projected 50,000 tons per year the tax debt on the production is approximately \$4,000 resulting in an overall increase of property taxes between \$2,200 – 2,500 over and above what is paid at the present time.

Tom Doxey, Penrose Resident and Member of the Planning Commission remarked the quarry has been in cessation for seventeen years and felt the time has passed for Holcim, Inc. to open that area up for mining. He feels it is a bad location for the mining operation due to the increased traffic and dangerous intersections.

Commissioner Norden asked Mr. Parker if there was any indication that a traffic study for the County Road 6 and US Highway 50 intersection has been initiated by the citizens of Coaldale as referenced in the letter from Attorney, James Parker. He responded a video tape from 7:48 AM to 8:49 AM and 4:48 PM to 5:50 PM revealed substantial numbers exceeding the regulations; however, CDOT requires a report of a Colorado certified traffic engineer. The video tapes were not available for submission. He stated the traffic study completed by Holcim, Inc. was from where the entrance of the mine joins with County Road 6. He said the study was completed in February when there is virtually no traffic in the area other than the mine and the study did not monitor County Road 45. Commissioner Norden stated the County engineer will review the traffic number listed in the CDOT access application prior to the Board's signatures.

Commissioner Lasha stated he did not wish to delay the public hearing with a continuation or supplemental hearing. **Commissioner Stiehl** was indecisive. **Commissioner Norden** stated the citizens of Coaldale are on record following the public hearing and felt the necessary information and resources for review were available to the Board.

Commissioner Norden closed the Public Hearing and returned to Regular Session.

Michael Toelle, Holcim (US), Inc. clarified six (6) consecutive months or less would be necessary for the drilling, blasting, mining, crushing and stockpiling of 50,000 tons of gypsum. He advised the dust control measures would include water sprays, watering of roads and dust pickups and bag houses as a requirement of the air permit. He stated Holcim, Inc. will complete a pre-blast assessment on all man-made structures which include the resident's wells. Mr. Toelle advised they would contract with a third party structural engineer expert. He explained a baseline assessment includes the geologic structure of the area and condition of the well. If necessary a camera would be lowered into the well to observe the condition. He stated a total of 100,000 to 150,000 tons would need to be blasted to yield 50,000 tons of gypsum. At five blasts a year, each blast would be approximately 25,000 to 30,000 tons per blast. At ten blasts a year, each blast would be less since the total number of blasted tons remained the same. This would all be governed by the Bureau of Mines standards and it is Holcim's intend to stay well below the guidelines. Mr. Toelle said there are sophisticated means of blasting calculations to acquire the desired fragmentation with the minimal vibration. He advised the State guidelines not only requires monitoring of every blast but also between blasts and the nearest structure.

Commissioner Norden reported that a letter received from resident Susan Patterson indicated many area wells ran dry during the drought of 2002 and others alleged to have collapsed from prior mine dynamiting. Mr. Toelle responded to their knowledge there was no indication of collapsed wells due to blasting. It has been established and documented with the State that there are two different geologic settings between the mine and the resident wells on the flats of Coaldale.

Commissioner Lasha said October through March are generally the non-tourist months and proposed operations during that period. He suggested the applicant coordinate operations around community special events when possible. He proposed Holcim, Inc. establish a Community Relations Board in the Coaldale area. Commissioner Lasha asked the applicant if they would be willing to install a three way stop at the intersection of County Road 6 and County Road 45 and Mr. Toelle responded yes.

Commissioner Stiehl remarked that he felt the wind velocity of 35 mile per hour appeared excessive. The applicant responded that the limits are calculated based on overall facility emissions and the fugitive activity from the public roads. Commissioner Stiehl said passing on US Highway 50 can be difficult when two haul trucks follow closely and requested a stipulation on the haulers to maintain a 1000 foot distance between the trucks. Mr. Toelle responded they would manage the haulers in distance and speed limits with zero tolerance. He addressed light pollution and the applicant responded they were not anticipating any night time operations and other than some lights at the shop area did not feel it would be an issue. Commissioner Stiehl reminded the applicant of the county regulations that light cannot spill off the property and should be appropriately shielded. He remarked that due to the significant changes and characteristics of the residential area suggested the CUP be issued for fifty (50) years and not for the life of the mine.

Commissioner Norden made a motion to approve the CUP07-001 Holcim, Inc. Coaldale Gypsum Quarry postponing the adoption of conditions until the August 28, 2007 Board of Commissioner Meeting. He stated the time will enable county staff to closely examine the concerns expressed and address them with adequate language and conditions. He assured the public that the CDOT access permit would not be signed until the conditions were adopted at the August 28, 2007 meeting. The motion was seconded by Commissioner Lasha. Commissioner Stiehl stated he was going to vote against the CUP because he does not feel it is compatible with the area and it is at odds with the vision for the future including tourism. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, nay. The motion carried with a 2-1 vote.

NEW BUSINESS:

REQUEST: EXTENSION OF VPR 06-001 BRILL

Marianne Hamilton stated they were requesting approval of, **at least six (6) month extension** to allow completion of the required contingencies and to **waive the requirement** of inclusion of the Holcim parcel (**Tract 38 lying south of US Highway 50**, as part of the Lot Line Adjustment) for approval of a vacation of a portion of the platted right-of-way commonly known as 13th Street between I and J Streets and east of US Highway 50 in the Beaver Park Area, by Jerry & Marilyn Brill. All the above streets are fifty (50) foot wide dedicated rights-of-way. The west portion of 13th Street, as described, is zoned Industrial on both sides of the street and the east portion if Agricultural Rural on both sides of the street.

Commissioner Lasha made a motion to approve a six (6) month extension to allow completion of the required contingencies and waive the requirement of inclusion of the Holcim parcel south of Highway 50. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

REQUEST: RESOLUTION #38 APPROVAL OF A SCHEDULE OF ZONING FEES

Bill Giordano, Planning and Zoning Director stated they were requesting approval of a Schedule of Zoning Fees for Conditional Use Permit (delinquent & penalty)of \$150.00; Special Review Use Permit (delinquent & penalty) of \$150.00 and kennel license (annual inspection) of \$200.00. Any application for a use permit or change of zoning that has been initiated after the use requiring a permit or change has been established on the property shall be subject to a penalty fee in addition to the set application fee for such permit or change. The penalty fee will be the same amount as the application fee set for such permit or change. In effect a double application fee shall be charged at the time of application in such circumstances. Mr. Giordano advised the Zoning Fees have been revised to read penalty if delinquent instead of penalty/delinquent.

Commissioner Stiehl made a motion to approve **RESOLUTION #38 SCHEDULE OF ZONING FEE'S** as revised. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden adjourned the meeting at 1:10 PM

County Clerk

August 14, 2007

10