



A regular meeting of the City of Delta Planning Commission was held on Monday, July 7, 2014 at 6:30 p.m. in the City Council Chambers of City Hall at 360 Main Street, Delta, Colorado. Said meeting was posted in accordance with the Sunshine Law.

**PRESENT:** Richard Simmons, Chairman; Terry Osborne, Vice-Chairman; Lynn Williams, Commissioner; Carl Jahn, Commissioner; Ginni Selby, Commissioner; Tish Oelke, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

**ABSENT:** Gerald Roberts, Commissioner (excused).

**GUESTS:** Elmer Heinrich, Jack and Carolyn Hawkins, Lynn French, Zane Wright.

### **CHANGES TO THE AGENDA**

There were no changes to the agenda.

### **MINUTES**

A motion was made by Ginni Selby, seconded by Carl Jahn to approve the minutes of the Planning Commission held on Monday, June 2, 2014 as written. All voted yes. Motion passed.

### **CITIZEN COMMENTS**

None

### **PUBLIC HEARING 1221 HWY 50, HAWKINS SUBDIVISION ONE, LOT 1 CONDITIONAL USE (continued)**

Chairman Simmons introduced the agenda item. A motion was made by Lynn Williams, seconded by Carl Jahn to take off the table the request for a conditional use at 1221 Hwy 50, Hawkins Subdivision One, Lot 1 to allow for mineral extraction. All voted yes. Motion passed.

Chairman Simmons reopened the public hearing regarding the conditional use request at 1221 Hwy 50, Hawkins Subdivision One, Lot 1 to allow for mineral extraction.

Glen Black, Community Development Director, informed the Planning Commission that the applicant has addressed a lot of the concerns of the Planning Commission with a written narrative that was included in the packet. Additionally, staff informed the Planning Commission that an updated version has been distributed at the meeting. Mr. Black reviewed the conditional use requirements with the Planning Commission. Additionally, Mr. Black stated that the rezone recommendation was considered by the City Council and the rezoning ordinance has been adopted and published, so the rezoning of the property is essentially complete.

The Planning Commission requested additional information regarding how close the residential areas are to the area where the mineral extraction will be taking place. Staff stated that the operation appears to be over 100'

from the residential areas that the Municipal Code addresses. Staff stated that most of the activity will be occurring behind the hillside, which will help to mitigate noise.

Elmer Heinrich, applicant, gave a brief history of the company and an overview of the operations that will be occurring at the Delta site. The operations include a backhoe operating one day every week or every other week, a front end loader, a bobtailed truck, leaching of the mancos shale with pure water, drying/evaporating the minerals out of the shale. Additionally, there will be the equivalent of three truck loads of material taken out of the site over the entire period of operations. Mr. Heinrich also stated that there will not be any odor from the site. Shipping of the product will be with Fed Ex on pallets. The operation will employ 6-10 people, not including the construction of the site.

There was a question of heavy ATV traffic at the end of Falcon Road. The applicants responded that this was unusual activity due to a family gathering for the 4<sup>th</sup> of July weekend. Additionally, Mr. Heinrich informed the Planning Commission that a portion of the hill will be saved as a buffer between the operation and the residential area until the end of the project, and that the road will be extended around the hill when they take off about a 10' x 50' strip at the end of the hill to widen and extend the road to the operation site.

Mr. Heinrich stated that the approval process with the State has not started, but after they submit the request it should take about four weeks to receive a reclamation permit. The applicants anticipate producing product by the end of the year.

Lynn French, representative of the property owners, stated that the Hawkins would pursue an agreement for the maintenance and construction of the road to the site after approvals are received from the City and State. Mr. French stated that signs would be placed on the road regarding aircraft having the right of way. Traffic for the operation would be mainly in the morning and evening when employees would be coming to work and leaving work. The hours of operation would be 8:00 a.m. to 5:00 p.m. It will be proposed that the operation/company would be responsible for the maintenance and construction of the road, until the operation closes.

There was a question regarding if a title commitment has been received and who owns the mineral rights. Mr. French stated that Hawkins own the property and the title company is working on who own the mineral rights. There is no doubt that Jackie Hawkins owns half the minerals, and possibly another ¼ with Sky Fairlamb owning the other ¼.

Staff summarized the discussion by stating that signs could be placed on the road, agreement regarding the use and maintenance of the road will be pursued and could be required in the motion, CDOT application and permit, reclamation permit could all be required before the operation begins.

Chairman Simmons closed public hearing and reopened the regular meeting.

A motion was made by Carl Jahn, seconded by Lynn Williams to approve the conditional use request to allow mineral extraction and processing at Hawkins Subdivision One, Lot 1 with the following conditions: according to State regulations and that staff receive a copy of the State mining permit before mineral extraction and processing commences, access agreements from CDOT and West Winds Subdivision and/or Delta County and any other conditions. All voted yes. Motion passed.



**COMMISSIONER COMMENTS**

None.

**STAFF COMMENTS**

None.

**ADJOURNMENT**

A motion was made by Ginni Selby, seconded by Terry Osborne to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 7:21 p.m. with no further action taken.

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Sharleen R. Walker, Planning Technician