

RESOLUTION #08-18

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN**

**RESOLUTION REGARDING SPECIAL USE REVIEW PERMIT APPLICATION
SUR 07-05, BRANNAN SAND AND GRAVEL COMPANY, APPLICANT**

WHEREAS, Applicant requests approval of a Special Use Permit for the construction and operation of an open cut rock quarry (“MMRR Quarry”) on 530 acres located on Colorado State Highway 119, approximately one mile east of the Highway 119-Highway 6 intersection; and

WHEREAS, a public hearing on the application in this matter was held by the Board of County Commissioners (“Board”) on June 17, 2008 and June 23, 2008 in Central City, Colorado; and

WHEREAS, the Board has considered all evidence submitted by Applicant, by members of the public and by other public agencies in support of, and in opposition to the proposed MMRR Quarry; and

WHEREAS, the Gilpin County Planning Commission conducted public hearing(s) on the Application and submitted written recommendations to Board; and

WHEREAS, the Board has also reviewed the Planning Commission recommendations, which recommendations are not binding upon the Board; and

WHEREAS, in reviewing this Application, the Board has considered all relevant provisions of the Gilpin County Master Plan, adopted December 8, 1992 and relevant provisions of the September 29, 1999 Intergovernmental Agreement, which constitutes a mutually binding comprehensive development plan between the County and the Cities of Central and Black Hawk (“IGA”); and

WHEREAS, the Board has considered relevant provisions of the Gilpin County Zoning Resolution, in particular, §6.1.4 dealing with mining operations and *Exhibit A* thereto, SUR Mining Limits, Tier 4 (Open Cut Mining/Rock Quarry); and

WHEREAS, the proposed MMRR quarry is inconsistent with the clear objectives of the Gilpin County Master Plan, which is incorporated in the 1999 IGA; and

WHEREAS, C.R.S. §34-1-304, and §34-1-305, requiring adoption of a County Master Plan for the preservation and extraction of commercial mineral deposits, apply only to counties with populations in excess of 65,000 inhabitants and thus have no application to the County of Gilpin; and

WHEREAS, the offsite impacts of the MMRR Quarry on County residents, visitors, and neighboring communities will adversely affect the public health safety and welfare, even with mitigation proposed by Applicant; and

WHEREAS, Offsite impacts, which cannot be adequately mitigated, include the following:

- (a) **Increased traffic congestion and truck traffic on the principal access to Gilpin County.** The record confirms that there will be a substantial increase in heavy truck traffic on Colorado 119 and 6 from the quarry site through Gilpin County and Jefferson County. These will be double trailer trucks carrying crushed aggregate, as well as other vehicles associated with the quarry operation. Highway 119 is the only thoroughfare in the County and carries significant commercial and private vehicle traffic related to tourism and the gaming industry, as well as county residents commuting to metro area employment. This increase in heavy truck vehicle trips from an open cut mining operation is not consistent with the Master Plan goal of encouraging high quality access systems compatible with the rural heritage of the county or preservation of the natural environment, and the introduction of heavy truck traffic near the intersection of 6 and 119 is not in interest of the public health safety and welfare of the residents of Gilpin County. In addition, the introduction of heavy truck traffic in a forestry zone district is detrimental to the highest and best uses by right in such a district.
- (b) **Air Quality.** Dust levels generated by quarry operations will increase beyond pre-mining background in the immediate vicinity of the quarry. This impact will not be adequately mitigated.
- (c) **Water Rights.** The MMRR Quarry will intercept and expose groundwater. Gilpin County is largely dependent upon groundwater for the major portion of its domestic water supply and impacts upon neighborhood wells and Sanitation District have not been adequately addressed. Water quality issues have been raised by The City of Golden and The Upper Clear Creek Watershed Association, and not adequately addressed or mitigated by Applicant.
- (d) **Wildlife.** Elk, deer and bighorn sheep habitats exist in the MMRR quarry vicinity. There will be offsite impacts on such wildlife. The truck traffic, dust, noise associated with an open pit quarry operation is not compatible with the natural environment in a forest zone district.
- (e) **Noise.** Noise impacts from increased heavy truck traffic and mining operations will exceed background in residential areas in the quarry vicinity including Douglas Mountain Estates, and such increase in noise is not consistent with the natural environment in this forestry zoned district.
- (f) **Visual Impact.** The MMRR quarry is located in large part within ½ mile of the State Highway 119 Visual Character Protection Area. The prime

access to Gilpin County will be visually impacted as quarry operations progress; and

WHEREAS, the MMRR quarry is inconsistent with the Gilpin County Master Plan in the following particulars:

- (a) Offsite impacts from noise, wildlife habitat destruction, water supply degradation, dust and visual intrusiveness will adversely affect existing residents and the natural environment.
- (b) Approval of the MMRR quarry will not result in preservation of the existing visual character of the area.
- (c) Approval of MMRR quarry is not consistent with protecting and respecting the natural environment.
- (d) Approval of MMRR quarry is not consistent with encouraging a high quality access system for the County, compatible with preserving the natural environment.
- (e) Approval of the MMRR Quarry is inconsistent with the County entertaining working relationships with Black Hawk, Central City, and Adjacent communities. The City of Black Hawk, The City of Central, The City of Golden, The County of Jefferson, The Black Hawk Central City Sanitation District, The Black Hawk Business Improvement District, the Silver Dollar Metropolitan District, and the Upper Clear Creek Watershed Association all registered objections to the MMRR Quarry; and

WHEREAS, an open pit quarry at the proposed location will have socioeconomic impacts on the County and residents, by discouraging economic diversity in the lower Highway 119 corridor, and by interfering with the free and unobstructed flow of commercial vehicles, tourists, and gaming visitors in the Highway 119 corridor; and

WHEREAS, it is the finding of this Board that the operation of an open cut rock quarry with the associated off site impacts identified, is not a compatible land use in a forestry district and is more detrimental to the highest and best use of property within a forestry district, than the uses permitted by right under §3.1 of the Gilpin County Zoning Resolution;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN:

That Special Use Permit Application SUR 07-05, Brannan Sand and Gravel Company, Applicant, is hereby denied by the following vote:

Commissioner Nicholson AYE

Commissioner Whitman AYE

Commissioner Slinger AYE

Dated this 19th day of August 2008.

Attest:

Board of County Commissioners
County of Gilpin

Deputy Clerk to the Board

Jeanne Nicholson, Chair