

LAPAC Minutes 3/20/2018

Call to Order: Ed Stoner

Roll Call: Ed Ott, David Rose, Ed Stoner, Noah Dalton, John Schmid, Kathleen Hollerbach, Laurie Evans, Mandy Kotzman, Alison Schonoff (not present at roll call, but arrived about 15 minutes after meeting start)

County Officials Present: Rob Helmick, Savannah Benedick

Guests Present: ~40 guests in attendance with comments regarding Timberline Resources Special Review Amendment, 6th Ed.

Staff Liaison, consultant, and Owners of Timberline Resources

Adoption of Agenda: Ed Stoner Adopts Agenda

Approval of minutes from the February, 20 2018 meeting - executive session, Laurie motion to approve, second Mandy, passes unanimously

Communications Items:

COMMITTEE DISCUSSION

None

County Communication on Upcoming Agenda Items

1. *Ocon heading to final approval tomorrow*

Guest Discussion

Chris Bebo- Requests speed indicator for Overland Trail

Main Community Development Item to Discuss

Timberline Resources Amended Review: 6th Amendment

Relocating Access Point

Rob explains access has been reviewed and is meeting guidelines for approval

Applicant has petitioned CDOT for access on the bypass, applicant was required to make upgrades to ensure compatibility.

Extension filed previously severed relationship with Aggregate Industries. This changed conditions of access and CDOT had since made upgrades to Overland Trail and Hwy 287. Since then, further studies have been done and found that access from Overland is directly compatible without the need for Hwy 287 access.

Mandy asks about number trucks per day.

Rob says it will be roughly 500 trucks per day.

Discussion regarding 1000 dump trucks equates to 100 trucks per hour.

Stephanie Hansen liaison with Timberline resources clarifies total trips in and out per day is now limited 322.

Rob mentions approval has not lapsed since 2005 and we are only discussing access changes.

Mandy asked question about access points to the site and Rob clarifies no trips are permitted through town.

Mandy asks about business impact in town and if it could bring more retail sales.

Rob says traffic study didn't anticipate any retail sales. Trips are only for commercial trucking in and out of the site.

Stephanie Hansen presentation. Clarifies this is just for access changes, Special review was already approved. Trips per day reduces down to 322.

CDOT prefers to have direct access to the site instead of using the highway. CDOT no longer allows trips using 287 directly given the upgrades.

Stephanie clarifies different options for access that were looked at

Stephanie clarifies how they make sure trucks go north instead of south by steep fines and traffic control devices.

Mandy asks how trucks are fined if they break access rules. Stephanie says the trucker are required to pay the site owners or no longer gain access.

15 minutes Interruption regarding complaints that room isn't big enough to fit all the guests present.

Rob clarifies applicant has a right to get a meeting now.

Stephanie talks with various citizens frustrations and concerns with the access and approval conditions for Timberline.

Stephanie continues presentation regarding bike access and how they would access Laporte from the neighborhood.

Stephanie talks about noise control and berms used to mitigate noise and eye pollution.

Access and berms drops 30 feet to hide site.

Mandy question asks how they reduce from 500 trucks to 322 trucks without increasing truck weight, number of trips, etc. Maximum number of allowed trips over 10 years.

Stephanie says this number of trucks is deemed sufficient to meet goals without an extension

Mandy asks about plans for dealing with dragout. Applicant mentions county already has enforceable requirements for dragout.

Rob clarifies conditions that operator is required to cleanup spills

Mandy asks about 10 year cap on mining aggregate timeline.

Rob believes it was absolute.

Noah asks what will happen if variance is denied. How will applicant proceed?

Rob clarifies Noah's question about how CDOT will allow or deny further requests if this access variance is denied. Noah mentions applicants number of trips will be insignificant compared to Glade Reservoir project coming up.

Rob is unsure if legally the applicant has a right to access their property if denied access by CDOT.

Question if direct access was allowed from future mining would this property be allowed to have access through that same route. Rob says he is unsure.

Question about staging, where the trucks are going to be before 7 AM. Clarifies gate is supposed to be closed till 7 AM. Applicant is unsure where trucks would stage.

Guests ask why CDOT can't allow access on 287. CDOT wants access points 1 mile apart on 287. Site is ½ mile from bypass.

Mandy asks about noise and whether berms are there already or going to be added. Applicant says berms are existing.

Community Discussion and Question time.

Guest questions about who the miner is. Timberline is the owner of the lot, but not the miner. Miner at this point has not been selected.

Question about the Larimer resiliency plan and how this affects Laporte.

Rob clarifies saying it has no bearing on this project.

Question about CLP school district access. Stephanie did full traffic study. Said no problems with school bus access.

Still concerns about kids schedules.

Guest concern about safety with trucks turning onto 287 and safety.

Stephanie said road plans / traffic study accounts for pollution as well.

Guest concerns about fire department access and trucks turning

Stephanie agrees access points are not great for bikes.

Guest says shoulder should be required for bikes / bike lanes

Guest concerns about emission controls. Too much pollution on diesel engines.

Guest question about cumulative effects of multiple mines approved at the same time. Stephanie clarifies that first come first serve basis where previous approval has to be taken into account.

Guest concern about outside operators with asphalt and concrete recycling. Concern about enforcement for turning the wrong way.

Rob says enforcement will take place. Rob mentions camera enforcement option.

Applicant says camera is definitely part of the application. Rob says county can only take complaints from signed members of the public for something like this.

Guest concern that state law requires trucks require 3 feet clearance from bicycles. Trucks will have to pull into another lane to pass.

Guest concern about fines and how they are assessed and enforced. Rob clarifies that contract can contain certain conditions. Recommendations on that enforcement be stipulated in the condition for access.

Guest concern about time getting out of town and how much time it will take. - John Gross

Guest question about how to lower speed limit. (Rob says can't be done easily)

Guest question about when traffic study was done. Concern that it was done at the wrong time of year. Rob clarifies that these studies account for entire year traffic and seasonal changes.

Guest concern about access into the site.

Lime hydrator located at that point, bus stop near there. How the bus stop will be addressed. Says there is no berm. Guest concerned about other unnamed pit using same access.

Guest concern about county versus state enforcement. Recommended enforcement by the contract and not the county.

Guest concern about Overland trail is a historic access and that no lack of berms or protections will keep it sacred.

Guest question about 322 trucks including everything and employees into the site. (it does)

Terry Waters, sent letter, concerned about the original approval by the county commissioners didn't have the current road access in place.

Applicant says nothing has changed per original conditions.

Terry says ramp onto Overland (acceleration lane is too short), said lane can only hold one truck at a time anyways.

Mandy asks about even distribution of trucks. Says this is unlikely and back piling of trucks will likely happen.

Guest question about why CDOT didn't permit the original access point. ½ mile from bypass rule previously mentioned applies.

Guest question about having access from 287 appeal to CDOT. Applicant said CDOT recommends and encourages access on Overland. Said operators want it cheap, said citizens want it good and don't care about cost. Guest says 287 is a better option.

Guest says Laporte might lose business from truck traffic. Mandy asks time to get a truck to 65 mph on incline. Stephanie is unsure, but says she will get that information. Applicant says intersection at 287 and Overland is rated Grade A.

Ed asks questions to owners about propane cement trucks and if they are to be used. Owners say some will likely be used.

Noah asks about number of employees and whether it's a significant number on the 322 limit. Only about 15 employees.

BOARD FINAL DISCUSSION

Ed Ott likes no parking on Overland requirement. Bicycles are a big concern. Getting a vehicle up to speed also seems unlikely at Overland and 287.

Ed mentions taking fines and passing to the county is a good option.

Ed says requiring making right turns out is easy and no concern.

David says 287 and Overland will not support the truck acceleration. Noah agrees, but says there is no good solution.

Mandy asks if the county has any weight to throw at CDOT. Rob says not really, no.

Cordelia agrees with Mandy about making suggestion to go back to CDOT and keep access on 287.

Kathleen recommends going back and seeing if county can pull or use any CDOT weight to keep original access.

Alison say traffic study may not tell the whole story

Rob say they are usually accurate.

John Schmid recommends they find a different access

Ed Stoner says CDOT will not change their mind either per Noah's suggestion that CDOT rarely agrees to variances.

Mandy says it is better to say no now and compromise later

David is concerned for more deaths at the Overland and 287 intersection. Thinks denying it now is a better idea.

Ed says we need verbiage of a motion

Noah lists possible Motion - Given the concerns of safety at the intersection of Overland Trail and 287, we recommend denial of the alternative access point and recommend the applicant and county make a second attempt to keep the original access point off of 287 with CDOT.

Other LAPAC Concerns to Include:

- 1. Inadequacy of the auxiliary lanes in all directions on 287 and Overland Trail**
- 2. Potential parking of trucks on Overland Trail**
- 3. Inadequacy of the bike lane on Overland Trail**
- 4. Prevention of truck traffic onto overland trail south and enforcement**

5. **Concerns about air quality**
6. **Concerns about dragout and load spill on shoulder**
7. **Concerns about noise pollution**
8. **Concerns about school bus stop on Bridget lane**

Mandy moves, David seconds,

Noah opposes, all other in favor. Motion passes.

FINAL MOTION: (also please reference additional concerns above)

Given the concerns of safety at the intersection of Overland Trail and 287, we recommend denial of the alternative access point and recommend the applicant and county make a second attempt to keep the original access point off of Hwy 287 with CDOT.