A Special meeting of the Board of Commissioners was held on Monday, June 19, Tuesday June 20, and Wednesday June 21, 2017 at the Chaffee County Fairgrounds in Poncha Springs. Board members present were Chairman Dave Potts, Commissioner Keith Baker, and Commissioner Greg Felt.

Others present were Director of General Administration Bob Christiansen, County Attorney Jennifer Davis, Planning Manager Jon Roorda, Director of Development Dan Swallow, and Administrative Assistant Patty Baldwin.

Following the Pledge of Allegiance, Chairman Potts called the meeting to order at 5:30 p.m.

County Attorney Davis gave an overview of how the hearings will proceed, and the process the Board of County Commissioners will follow during the three scheduled hearings. County Attorney Davis also asked if anyone felt any of the Commissioners had a conflict.

The following individuals provided comment on Monday, June 19, 2017.

- John Hegerty  1515 Wyncoop, Denver
- Shannon Allen  13580 County Road 140, Salida
- Shelly Stein  8750 Antlers Trail, Salida
- Chris Leydon  13676 Hidden Valley Trail, Salida
- Commissioner Felt
- Commissioner Baker

**Public Hearing – Major Impact Review - Name of Applicant:** ACA Products/Frank Holman

**Location:** 14110 County Road 140, Located in the SW1/4SE1/4SW1/4, Section 36, Township 50 N, Range 7 E, NMPM, Salida. **Zone:** Rural **Request:** Surface mining of construction aggregates (continued from the June 13, 2017 meeting)

The public hearing started at 5:48 p.m.

County Attorney Davis reviewed with the Board the documents included in the hearing packet, and submitted all of the documentations presented into the record.

Planning Manager Roorda presented the staff report dated June 14, 2017, and answered questions from the Board of Commissioners.

The Board of Commissioners asked Road and Bridge Manager Mark Stacy, several questions related to the safety and condition of the road.
Sheila Moore, 11463 Ruby Mt. Lane, Nathrop and Thomas Moltz, 2350 W Main, Castle Rock, representing ACA Products, were sworn in, presented a PowerPoint presentation, and answered questions from the Commissioners.

Chairman Potts entered the PowerPoint into the record.

Comment was received from Mike Coleman, 215 Palmer Ave., Poncha Springs, representing ACA Products.

Tom Marcin, with Marcin Engineering in Edwards, Colorado, was sworn in and presented the traffic study. Mr. Marcin answered questions from County Attorney Davis and the commissioners.

Chairman Potts entered the traffic study and drawings into the record.

The following individuals provided comment:

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The following individuals provided comment:

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>Shannon Allen</td>
<td>13580 County Road 140, Salida</td>
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<tr>
<td>Wayne Somers</td>
<td>8750 Antlers Trail, Salida</td>
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<tr>
<td>John Hegerty</td>
<td>1515 Wyncoop, Denver</td>
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<td>Shelly Stein</td>
<td>8750 Antlers Trail, Salida</td>
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<td>Dominic Gorie</td>
<td>13656 Hidden Valley Trail, Salida</td>
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<td>Terry Porter</td>
<td>8801 Antlers Trail, Salida</td>
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<tr>
<td>Pat DeLuca</td>
<td>1415 F St., Salida</td>
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<tr>
<td>Cynda Green</td>
<td>412 E. 2nd St., Salida</td>
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<tr>
<td>Joel Scott</td>
<td>14410 US Highway 285, Salida</td>
</tr>
<tr>
<td>Maggie Campbell</td>
<td>Address not provided</td>
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<tr>
<td>David McAdow</td>
<td>Address not provided</td>
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<tr>
<td>Joe DeLuca</td>
<td>11575 W. US Highway 50, Salida</td>
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The Board continued the meeting to June 20, 2017.

June 20, 2017
Special Meeting continued from June 19, 2017

Public Hearing – Major Impact Review - Name of Applicant: ACA Products/Frank Holman
Location: 14110 County Road 140, Located in the SW1/4SE1/4SW1/4, Section 36, Township 50 N, Range 7 E, NMPM, Salida. Zone: Rural Request: Surface mining of construction aggregates.

County Attorney Davis gave an overview of how the hearing will proceed, and the process the Board of County Commissioners will follow during the scheduled hearings.

County Attorney Davis addressed the concerns received from Mark Anderson, 1127 Ouray Ave., Poncha Springs, regarding Chairman Potts and a conflict of interest.
The following individual also provided comment:

Shannon Allen     13580 County Road 140, Salida

County Attorney Davis requested the letters received today from Matthew Allen, Tim and Belinda Seligman, John Hegerty, John McNeil, and Jeanne Everett be entered into the record. No objections were made and they were added to the record.

Planning Manager Roorda summarized the traffic study report that was submitted at Monday’s hearing (June 19, 2017) by Tom Marcin, with Marcin Engineering. The summary was entered into the record.

Chairman Potts swore in applicants Thomas Moltz, Sheila Moore, Frank Holman, and Mike Coleman. Mr. Moltz shared his comments related to the traffic study.

The following individuals also provided comment:

John Hegerty     1515 Wyncoop, Denver  
Chris Leydon       13676 Hidden Valley Trail, Salida  
Dominic Gorie     13656 Hidden Valley Trail, Salida  
Tom MacKelvie    7985 County Road 250, Salida  
Mary Boardman   13400 County Road 140, Salida  
Joe DeLuca       11575 W. US Highway 50, Salida  
Craig Donaldson  12595 Country Meadow Lane, Salida  
Warren Van Kampen 12485 Eagle Meadows Trail, Salida  
Luz Diaz Porter  8801 Antlers Trail, Salida  
Patrick Brennan  14721 Quartz Circle, Salida  
Jane Brennan    14721 Quartz Circle, Salida  
Tim Sundgren    13740 County Road 220, Salida

The following group presented a 1.5 hour PowerPoint presentation.

Wayne Somers   8750 Antlers Trail, Salida  
Shelley Stein    8750 Antlers Trail, Salida  
Tom Syzek       8977 Antlers Trail, Salida  
Joe DeLuca     11575 W Hwy 50, Salida  
Wendy Gorie    13656 Hidden Valley Lane, Salida  
Dominic Gorie  13656 Hidden Valley Lane, Salida

The PowerPoint presentation and a petition with signatures of opposition were entered into the record.

The following individuals were sworn in and participated in the hearing.
Frank Holman read a prepared statement that was entered into the record.

Chris Leydon read a prepared statement that was entered into the record.

The Board continued the meeting to June 21, 2017.

June 21, 2017
Special Meeting continued from June 20, 2017

County Attorney Davis gave an overview of how the hearing will proceed, and the process the Board of County Commissioners will follow during the hearing.

County Attorney Davis reviewed the standards from the Land Use Code that will need to be considered related to the gravel pit.
County Attorney Davis reviewed the following documents that were presented at the meeting/hearing held on June 20, 2017, and entered them into the record: PowerPoint presentation and petition, and the prepared statements from Frank Holman, and Chris Leydon.

Sheila Moore with ACA presented a letter from the Archaeology and Historic Preservation.

Thomas Moltz presented examples of properties that were not devalued by any ACA pits.

County Attorney Davis stated the letter and examples will become part of the record.

Commissioner Felt made a motion to go into Executive Session to discuss the issue. Commissioner Baker seconded the motion. Discussion was held. On the question, the motion carried 3-0.

The Board went into Executive Session at 6:40 p.m.
I, Jennifer A. Davis, Chaffee County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive session held June 21, 2017 constituted privileged attorney-client communications.

Jennifer A. Davis, Chaffee County Attorney

I, Dave Potts, Chairman of the Chaffee County Board of County Commissioners, do hereby attest that the unrecorded statements and discussions that took place during the executive session held June 21, 2017 were confined to the topic and authorized by the provisions of CRS 24-6-402(4)(b).

Dave Potts

The Board came out of Executive Session at 6:57 p.m. having confined the session to legal advice regarding legal questions and strategy involving the ACA Products/Frank Holman gravel pit, and no decisions were made.
The meeting resumed at 6:58 p.m.

The meeting was opened up to public testimony, and those individuals who were sworn in at the meeting on Tuesday, June 20th were not required to be re-sworn in.

The following individuals provided comments.

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<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Melissa Jory</td>
<td>8701 Antlers Trail, Salida</td>
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<td>Rita Leydon</td>
<td>13676 Hidden Valley Trail, Salida</td>
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<td>Patrick Brennan</td>
<td>14721 Court Circle, Salida</td>
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<tr>
<td>Jane Aebersold</td>
<td>8996 Antlers Trail, Salida</td>
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<tr>
<td>Peggy Askins</td>
<td>10473 Table Rock Court, Poncha Springs</td>
</tr>
</tbody>
</table>
The public comment portion related to traffic concerns/issues was closed.

Thomas Moltz presented the study from LSC Transportation Consultants, Inc., and the traffic counts that were included in Sheila Moore’s PowerPoint presentation.

County Attorney Davis reviewed Purpose & Intent of the Land Use Code Sections 1.1.3, and 7.1.1.

The Board of County Commissioners and County Attorney Davis reviewed Land Use Code Section 7.1 “Basic Standards for All Land Use Change Permits”.

Commissioner Baker made a motion that the Commissioners consider the sufficiency of adequate legal access, the applicant provide a traffic study for 20 in and 20 out tandem axle trucks, the study conducted by a professional engineer to show the safety of the proposal for tandem axle trucks, considering the bike route and such of proposal include signage, stripping, advisory speeds, lights if need be, signage to include such things as what types of trucks and tonnage are allowed, and that the plan be reviewed by another professional engineer for completeness and accuracy. Motion did not receive a second.

Chairman Potts recommended adding the perimeters of the roadways from County Road 140 west of U.S. Highway 285 to the entrance of the mining commercial access, and also from Highway 50 north on County Road 250 to the intersection of County Road 140. Commissioner Baker accepted the amendment. The Amendment did not receive a second.

No vote was called for on the amendment or the motion.

The Board discussed clarification and additional traffic plans are needed to determine the safety of the applicant’s proposal to run tandem trucks on the existing right of way, and potential road improvements such as signage, stripping, etc.

County Attorney Davis reviewed with the Board the following issues remain unresolved:
  1. 7.1.1 coupled with 7.8.23B regarding required road improvements
  2. 7.2.3 site planning and designing issues

Chairman Potts made a motion that in regards to the application of ACA Products, New Construct Materials 112 Mining Permit on 27.6 acres, the applicant has satisfied the standards as requested and required for a major impact review for this permit, except for section 7.1.1 and
section 7.8.23B. Commissioner Felt seconded the motion. On the question, the motion carried 2 to 1, with Commissioner Baker voting no.

The Board held discussion.

Commissioner Felt made a motion to continue this hearing to a date uncertain, with the intention to reconvene once the applicant has submitted engineer conceptual drawings of the road improvement access scheme and accompanying road improvements scheme, and once those conceptual drawings are submitted that they are available to the public, and the county will have those drawings peer reviewed at the applicants expense. Commissioner Baker seconded the motion.

Discussion was held, Commissioner Baker withdrew his second, and Commissioner Felt withdrew the motion.

Commissioner Felt made a motion to continue the hearing to the County Commissioner meeting on Tuesday, June 27th at which time there will be an agenda item to develop a motion for engineering studies to direct the applicant on how to satisfy the concerns for mitigation. Commissioner Baker seconded the motion. On the question, the motion carried 3-0.

The meeting was adjourned at 10:45 p.m.

Attest:

Lori Mitchell, County Clerk