

Commissioner Sheehan moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF JEFFERSON
STATE OF COLORADO
RESOLUTION NO. CC99-677

Case No.	98015173RZP1	Map No. 164
Applicant:	Keller Farm Property, LLC	
Location:	11532 Plainview Road (Sections 2 and 3, Township 2 South, Range 71 West)	
From:	Agriculture-One (A-1) District	
To:	Planned Development-Mining (PD- Mining) District	
Purpose:	Aggregate quarry	
Approximate Area:	378.0 Acres	

WHEREAS, Keller Farm Property, LLC filed an application with the Planning and Zoning Department of Jefferson County to rezone the herein described property in Jefferson County from Agriculture-One Zone District to Planned Development-Mining Zone District; and

WHEREAS, a public hearing was held by the Jefferson County Planning Commission on February 24, 1999, which hearing was continued for additional testimony and evidence to April 7, May 12, July 14, August 11, August 25, and September 8, 1999, at which time the Planning Commission, by formal resolution, recommended approval of the subject rezoning application with conditions; and

WHEREAS, after notice as provided by law, a public hearing was held by this Board on September 16, 1999, which hearing was continued for additional testimony and evidence to September 21, October 19, October 26, November 2, and November 9, 1999; and

WHEREAS, based on the study of the Jefferson County Comprehensive Plan, recommendations of the Jefferson County Planning Commission, recommendations of

the Jefferson County Planning Department, comments of public officials and agencies, and testimony, written comments, and documentary evidence from all interested parties, this Board finds as follows:

1. That proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of Jefferson County.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted, and that all interested parties were heard at those hearings.
3. That the proposal does not substantially conform with the Jefferson County Comprehensive Plan, including its constituent plans. Specifically, the proposal does not conform with the policies of the General Land Use Plan in the areas of sensory resources (landscape visibility, noise), water quality and water quantity, and hazards; the proposal does not conform with the policies of the Mineral Extraction Policy Plan in the areas of noise pollution, water quality, water quantity, air quality, site safety, and visual impact; the proposal does not conform with the recommendations of the Aggregate Resources Roundtable Report in the areas of noise pollution, water quality and quantity, air quality, visual impact, and blasting; and the proposal does not conform with the policies of the North Mountains Community Plan in the areas of noise, water quality, water quantity, air quality, visual resources, and hazards. Substantive areas of nonconformance with the Comprehensive Plan are discussed below.
 - a. Noise. The proposal provides for mining and/or processing up to 6 days a week, 12 hours a day, with additional hours of operation for government contracts. Noise from blasting and other mining activities would have a significant and sustained negative impact upon surrounding residential and recreational uses. Projected noise levels are substantially higher than ambient levels. These elevated noise levels would exceed the rural community's threshold of annoyance, stress, and dissatisfaction, would interfere with normal residential and recreational activities in the surrounding area, would result in significant noise degradation in the surrounding area, and would intrude upon and decrease the area's valued quietness. Moreover, the noise impacts associated with the quarry would adversely affect the desirability of the surrounding residential area.

- b. **Water Quantity.** The proposed quarry would permanently remove rock that is presently below the groundwater table. As a result, the quarry is expected to lower the groundwater table at least within the Official Development Plan boundary, and likely in the area surrounding the quarry. Lowering of the groundwater table would present a significant risk to water wells in the neighboring communities. The applicant has failed to adequately rebut evidence that wells in neighboring communities could be adversely affected by the proposed quarry operations. Moreover, the applicant has failed to propose adequate protections against the risk of a groundwater drawdown affecting wells in neighboring communities.
- c. **Water Quality.** Drawdown of the groundwater table due to quarry operations poses a risk of contamination of drinking water in the surrounding area by radioactive elements. Lower groundwater levels would increase the risk of radioactive elements entering surrounding well water. The applicant has not demonstrated that such impacts could be reversed or mitigated without undue harm to public health and a possible decrease in property values.
- d. **Air Quality.** Quarry operations would produce fugitive dust from blasting and other mining operations, which would degrade air quality in the surrounding area. Even with controls in place, dust generated by the quarry operation would negatively impact the health and wellbeing of area residents. Increased vehicular emissions associated with quarry operations would also result in deterioration of air quality in the surrounding area and negative effects to the health and wellbeing of nearby residents. The applicant has failed to demonstrate that quarry operations will not degrade existing air quality and will not negatively impact the health and well-being of area residents.
- e. **Geology and Blasting.** Earth movement from blasting operations would increase the risk of rock fall in the surrounding residential communities and parklands. The applicant has not demonstrated through test blasting, inventory of potential rock fall, and monitoring that standards proposed in the Official Development Plan can be met, or that meeting the standards would preclude damage to surrounding properties and injury to human life. Moreover, the proposal does not provide adequate rock fall mitigation measures. Use of standard rock fall mitigation measures would result in visual, safety, and environmental impacts to private and public lands not controlled by the applicant. Such mitigation measures would adversely affect the desirability of this area for residential and recreational use.

- f. Visual Impacts. The proposed quarry site is surrounded by residential and recreational lands of high scenic values, and quarry operations would negatively impact these values. The quarry would be visible to homes, parks, and open space east and north of the quarry site. The quarry area and resultant scars would not blend with existing tree covered slopes and natural rock outcroppings, and would be highly visible even after reclamation. Night lighting of the project area would produce light glare which would intrude on the privacy of neighboring residences.
4. That based on consideration of the foregoing factors and the evidence and testimony submitted, the proposed use would not be compatible with existing and allowable land uses in the surrounding area in all directions. Specifically, the proposed quarry operation would be incompatible with adjacent mountain residential communities and with surrounding open space and parklands.
5. That the proposal does not comply with Section 15 of the Zoning Resolution because it does not adequately identify and assess potential impacts of mining activities on the surrounding area and does not identify adequate mitigation measures to offset such impacts.
6. That the existing zoning, which allows use of the property for low-density mountain residential and agricultural uses, allows the applicant reasonable use of its property, and such uses are consistent with the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Jefferson County.
7. That, for the above-stated reasons, the applied-for rezoning is not in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Jefferson County.
8. That each of the factors set forth above is adequate independently to support this resolution.

NOW, THEREFORE, BE IT RESOLVED that Rezoning Application Case No. 98015173RZP1 to amend Jefferson County Zoning Map No. 164 to rezone the Agricultural-One Zone District to Planned Development-Mining Zone District for the following described unincorporated area of Jefferson County, be and hereby is DENIED.

Commissioner Holloway seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Richard M. Sheehan	Aye
Commissioner Michelle Lawrence	Absent
Commissioner Patricia B. Holloway, Chairman	Aye

The Resolution was adopted by majority vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: December 7, 1999