

JEFFERSON COUNTY, COLORADO PLANNING DEPARTMENT • JULY 1987

AGGREGATE
RESOURCES
ROUNDTABLE
REPORT

FINDINGS &
RECOMMENDATIONS

This research document was produced as a part of the Aggregate Resources Roundtable, a joint public-private effort initiated by the Jefferson County Board of County Commissioners in an attempt to help resolve the controversies involved with mining activities in this metropolitan area. Appreciation of the efforts and contributions of all the parties in this program is gratefully acknowledged.

REPORT OF THE JEFFERSON COUNTY
AGGREGATE RESOURCES MINING ROUNDTABLE

Prepared for the
Jefferson County Commissioners

by

The Aggregate Resources Mining Roundtable

July 13, 1987

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TABLE OF CONTENTS

	<u>Page No.</u>
I. Executive Summary.....	1
A. - J. Recommendations.....	1-2
II. Introduction.....	3
A. History of the Roundtable.....	3
B. Description of the Roundtable Process.....	4
C. Recommendations for How This Document Should be Used.....	5
D. Regulatory Functions.....	6
E. Handbooks.....	6
F. Negotiations.....	6
G. Definition of Mining.....	6
III. Aggregate Resources in the Metro-Denver Area.....	7
A. Summary of Supply and Demand Data.....	7
B. Overall Conclusions Regarding Supply and Demand...	8
IV. Recommendations on the Public Involvement Process....	11
A. Notification of Intent to Apply.....	11
B. Informal Meetings.....	12
C. Notification Recommendations.....	13
D. Planning Commission Process.....	15
V. Monitoring and Enforcement.....	17
A. Goal	17
B. Overview of Topic.....	17
C. Regulated Environmental Areas.....	18
D. Monitoring Recommendations.....	19
E. Enforcement Recommendations.....	20
VI. Impacts and Mitigations.....	22
A. Visual Impact.....	23
B. Air Quality.....	27
C. Noise Pollution.....	32
D. Water Quality and Quantity.....	36
E. Wildlife and Vegetation.....	41
F. Archaeological, Paleontological and Historic Resources.....	43
G. Open Space, Tourism, and Geologic Resources.....	46
H. On-Site/Off-Site Safety.....	47

I. Truck Traffic Safety.....	50
J. Reclamation.....	54
K. Blasting.....	56
L. Economic Issues.....	61
VII. References	65
VIII Appendices	66

I. EXECUTIVE SUMMARY

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A. THE INTRODUCTION

In February of 1986, Jefferson County Commissioners convened a Roundtable, giving them the charge to formulate recommendations to guide decision making in Jefferson County regarding rezoning and mining of aggregate. From the outset, the Roundtable members believed that the most effective way to address the problem was to develop a process that would help citizens, operators, and the County make effective, intelligent and responsible decisions. This process would be designed to reduce unnecessary conflict, promote the understanding of common interests and resolve genuine differences. Their recommendations would provide guidance to those involved in decision making on this complex topic.

The Roundtable consisted of people from citizen and homeowner groups, industry, state government, concerned adjacent cities and counties and the Jefferson County Planning Department. The group deliberated by consensus.

The Roundtable intends that this document will serve three purposes: first, as a formal report to the County Commissioners and to the people of Jefferson County; second, as a guide to anyone who is involved in the siting of an aggregate mining operation; third, as a common sense guide, providing recommendations. The report should also be used to form the basis for a handbook for citizens and operators.

If the negotiations resulting from the procedures as recommended in this report result in agreement on standards and mitigation procedures, the agreements should be incorporated into the official

plans. Finally, if any of the regulatory functions performed by external agencies are compromised by budget cuts or statutory changes, and if any of the recommendations in this study are threatened, the County should review the omissions and may desire to assume the new responsibilities.

B. AGGREGATE RESOURCES IN THE METRO DENVER AREA

The Roundtable requested the Jefferson County Planning Staff to solicit the assistance of a contractor who would conduct a supply/demand analysis of aggregates in the Front Range. The goal of the study was to assess the current and potential reserves of aggregate in the Denver metropolitan area and determine the need for aggregate to support future economic development. A summary of the findings and conclusions of this report may be found on pages 7-10 of this report.

C. RECOMMENDATIONS ON PUBLIC INVOLVEMENT

Early on, the Roundtable recognized that initial communications among all parties are especially important in prehearing negotiations. Therefore, the recommendation procedure for the aggregate mining proposal called for the following steps:

- 1) The filing of a notification of an intent to apply by the applicant, and the appointment of an ombudsperson by the County.
- 2) Informal meetings among the applicant, the County, and concerned citizens under the guidance of the ombudsperson.
- 3) Greatly expanded notification procedures, involving newspapers, citizen mailings and posting recommendations.

4) Planning Commission review, including if necessary, technical analysis by an objective panel.

5) Formal hearings conducted by the County Commissioners.

Emphasis must be placed on these early meetings and on the role of the ombudsperson. The purpose of the meetings is to provide the negotiating and dialogue forum that the hearing does not; the goal of these meetings is to gain citizen input before the final plans are developed.

Figure 1, following page 16, gives a time line of the procedures to be followed.

D. MONITORING AND ENFORCEMENT

With special regard for monitoring and enforcement, a goal of the Roundtable was to establish useful procedures and baselines in order to assist all parties in evaluating the impact of aggregate mining activity, and to ensure that regulations and standards are complied with through adequate and consistent enforcement action. To do this, the Roundtable identified nine potential areas for monitoring and enforcement: air; water; noise; impact on wildlife and vegetation; impact on historical, archaeological and paleontological sites; impact on property values and the economy.

Ten recommendations for monitoring and four recommendations for enforcement were presented. These included the need for effective monitoring processes, as well as timely enforcement. Each one was to be identified early and, insofar as possible, resolved in prehearing negotiations and in the hearing process. The Study also recommended continuous and periodic performance reviews based on appropriate standards and procedures, and means for dealing with them positively

and negatively. The ombudsperson should be given the job of overseeing negotiation, monitoring compliance, and enforcement of regulations affecting aggregate mining in the County.

The County should create an oversight or advisory board comprised of individual homeowners and/or business owners in the vicinity of the proposed aggregate mine as well as the operator and the ombudsperson. The companies should designate a representative who is known to the local community, would attend neighborhood meetings and could be contacted when questions or concerns arose. Annual reports should be required, and a registry of violations and complaints should be established to identify patterns of violations; but it is felt that the enforcement process should contain positive dimensions wherever possible, so that companies are encouraged to do a good job. The County should establish concise and firm conditions for operating aggregate mining, and an agency responsibility chart should be prepared by the County, detailing county, state, and federal responsibility for monitoring and enforcement.

Finally, the County should ensure that cost and fee structures are made efficient, fair, and equitable, and it should investigate alternative sources of funding for more effective monitoring and more effective enforcement.

E. IMPACTS AND MITIGATION

Visual Impact

The goal is to protect the visual resource which currently exists in Jefferson County and mitigate visual impacts resulting from aggregate mining operations.

The existing standards regarding visual impact are set by the Mined Land Reclamation Board (MLRB) and the Mineral Extraction Policy Plan (MEPP) of Jefferson County.

Before beginning specific recommendations, two questions need to be answered. First, is this a place where visual impacts are so high that the site is totally incompatible with aggregate mining? The second question relates to unique visual attractions in the County itself. Fourteen recommendations specifically cover the following areas: 1) site locations; 2) methods for mitigating visual impacts; 3) techniques for reclamation; 4) buildings and facilities; and 5) machinery and equipment.

Air Quality

The goal is to minimize impacts on air quality due to aggregate mining operations in the County.

The Colorado Department of Health is responsible for implementing and enforcing requirements of the National Clean Air Act, and the Appendix provides a brief summary of Federal legislation and national ambient air quality standards. Though the County does not have its own standards, it does monitor air quality (County Health Department), and mitigation techniques of various kinds are currently employed by aggregate mine or pit operators.

Five recommendations are made for assessing and monitoring a proposed project's impact on air quality. These cover measurement of ambient air quality at the property line of the proposed location before any aggregate mining begins, then monitoring through the operation of the aggregate mine, and, finally, into reclamation. Specific mitigation measures are proposed, and methods for monitoring and enforcement are proposed.

Noise

The goal is to maintain acceptable levels of noise in urban, residential, rural, mountain, and commercial areas.

Existing standards are included in the Appendix under the Noise Abatement Act of the State of Colorado. Eleven mitigating measures are recommended having to do with time, methods, and recognition of surrounding environment, weather, etc. Furthermore, six specific monitoring-permitting measures were recommended, providing a procedure for assessing and monitoring noise impact. These include procedures to be followed before the project is permitted, and during its operation, both on and offsite.

Water Quality and Quantity

The goal is to assure that aggregate mining activities minimize negative effects on water quality or quantity.

Specific Federal, state, and County standards regarding stream classification, water rights, ground water standards, dredge and fill permits, and land reclamation permit procedures are presented for guiding decisions on water quality and quantity. Special recognition is given to the ways in which aggregate mining operations may impact surface water as well as to effective mitigation of surface water impacts.

Twelve recommendations for assessing and monitoring a proposed project's impact on water are presented. Great emphasis is placed in these recommendations on the need for solid work in the initial stages and on citizen/operator discussion periods for ascertaining all potential effects to water quantity and quality, with recognition for guarantees of quantity and quality protection and the need for

appropriate mitigation to be presented in the water plan. Finally, specific recommendations exist regarding possible pollution, storm run-off, and site drainage.

Wildlife and Vegetation

The goal is to minimize the impacts of aggregate mining operations on wildlife, and on vegetation.

Endangered species are protected under the Federal Endangered Species Act. In the County, wildlife protection is primarily detailed in the County Land Use Plan, local community plans, and control is provided indirectly through MLRB regulations. The Division of Wildlife may be involved,

There are eight recommendations for mitigating impact on wildlife and vegetation. These include the need for pre-permit surveys and planning, the involvement of specialists, and the careful review of all ordinances and surveys.

Archaeological, Paleontological and Historic Resources

The goal is to preserve and protect unique archaeological, paleontological, and historic resources from damage by aggregate mining activities.

Federal regulations and state standards provide for the protection of archaeological, paleontological, and historic resources. Methods are given for cultural resources survey techniques in Class I, Class II, and Class III surveys. Two recommendations are specifically given regarding preapplication surveys and the opportunities for salvaging by experts.