



MR. INGRAM

moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT
OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION

CASE NO: M79-1-A-1

APPLICANT: Coal Creek Sand and Gravel,
sand and gravel mining operator
Lakewood Brick and Tile Company,
clay mining operator
Marcus F. Church Estate, mineral
rights owner
Department of Energy, surface owner

LOCATION: Parcel of land located in Section 9,
Township 2 South, Range 70 West of
the 6th P.M., Jefferson County,
Colorado, as more fully described in
the application, containing 75.74
acres, more or less.

REQUEST: Request for amendment of special
exception to mine clay and sand and
gravel in a Mineral-Conservation
(M-C) Zone District for the Life of
the Mine operation.

WHEREAS, ON April 17, 1985, the Lakewood Brick and Tile Company and Marcus F. Church Estate were granted a special exception for the continuation of the clay mining operation in a Mineral-Conservation (M-C) Zone District and for a special exception to mine sand and gravel in a Mineral-Conservation (M-C) Zone District for the Life of the Mine operation, subject to the conditions and restrictions which were enumerated in the Resolution for Case No. M79-1-A; and

WHEREAS, on November 21, 1986, Coal Creek Sand and Gravel Company, Lakewood Brick and Tile Company, and the Marcus F. Church Estate filed Board of Adjustment Case No. M79-1-A-1 requesting certain amendments to the conditions and

1/8

restrictions which were enumerated in the Resolution for Case No. M79-1-A; and

WHEREAS, on January 21, 1987, and March 18, 1987 full and complete hearings were held before the Board of Adjustment, with all parties having a right to call witnesses, introduce exhibits, and cross-examine all witnesses called to testify; and

WHEREAS, the subject property was properly posted, as shown by the Jefferson County Zoning Department's Affidavit of Posting in the file and by testimony of the applicant and Board Members; and

WHEREAS, the Board of Adjustment took final testimony on March 18, 1987 and continued the matter to the 15th day of April, 1987 for decision only, with no further testimony to be received; and

WHEREAS, based on testimony, the file, and exhibits, the Board of Adjustment makes the following findings of fact:

1. That the subject property was properly posted for the required fifteen (15) days immediately preceding the January 21st, 1987 hearing and the March 18th, 1987 hearing.

2. That the subject property is presently owned by the Department of Energy (surface) and Marcus F. Church Estate (minerals), as evidenced by documents in the file and testimony of the witnesses.

3. That the public hearing was extensive and complete, with all pertinent facts, matters and issues being discussed and all interested parties being heard at the hearing.

4. That the Board of Adjustment specifically incorporates all the testimony and exhibits of the hearings under the Board of Adjustment Case Number M79-1-A-1.

5. That this application concerns 75.74 acres, more or less, of land and includes the clay mining operation and the sand and gravel mining operation which will both be carried out over the life of the mine.

6. That all conditions and restrictions imposed by the Board of Adjustment in the Resolution approving the special

exception in Case M79-1-A shall continue in full force and effect, except as amended by this Resolution.

7. That paragraph 16 of the conditions and restrictions set forth in the Resolution approving the special exception in Case No. M79-1-A provides as follows:

The main access to the site shall be the haul road indicated on the application to the Board of Adjustment unless the applicant negotiates an access on the south side of the mining operation and directly off the Rocky Flats Entrance Road. If such change in access is to occur, the applicant shall advise the Board of Adjustment through its Executive Secretary prior to the actual relocating of the access road.

8. That the applicants request an amendment to paragraph 16 to allow the operator to construct a new access road approximately five-eighths (5/8) of a mile north of the Rock Flats West Entrance Road. This access would require construction of a new road from Highway 93 to the pit boundary.

9. That such access to Highway 93, as requested, would have to be granted by the Colorado State Department of Highways.

10. That the applicants testified at the hearing on March 18, 1987 that the Colorado State Department of Highways would not deny the requested access five-eighths (5/8) of a mile north of the Rocky Flats West Entrance Road although such approval may require shifting that access road plus or minus two hundred feet (± 200 feet) north or south from the requested location.

11. That on March 18th, 1987, the Colorado State Department of Highways had not formally approved the applicants' request for access as described above.

12. That paragraph 24 of the conditions and restrictions set forth in the Resolution approving the special exception in Case No. M79-1-A provides as follows:

Sand and gravel truck hauling routes: There will be thirty sand and gravel trucks at a maximum to exit the mine during a peak operation day, between 85% and 95% of

the trucks will exit onto Highway 93 to the south toward U.S. 6 to make connections with I-70. Of the southbound trucks, 5 to 10% will use Highway 72 into Arvada and surrounding communities, the remaining 5% to 15% of the total trucks will go north on Highway 93 into Boulder and Broomfield to get to the Boulder Turnpike. Any change in the and and gravel truck hauling routes shall not occur until after a rehearing before the Board of Adjustment.

13. That the applicants request an amendment to Paragraph 24, to allow the operator to have an average of twelve (12) trucks per hour entering and leaving the pit (option I) or twenty-five (25) trucks per hour entering and leaving the pit (Option II).

14. That the applicants' proposal for an amendment to the special exception indicates that Option II was developed to allow the operator to aggressively bid on contracts to supply large amounts of material to the new airport, and would be implemented only if contracts to supply large amounts of material for the new airport, or a similar large material demand project were obtained.

15. That the applicants testified that the number of trips per day proposed in Option II would not be necessary for at least one year.

16. That the applicants testified that the request for amendment of the special exception described as Option I would be reduced to 120 trucks per day entering and leaving the pit.

17. That the applicant has agreed that 75% of all trucks leaving the pit shall leave in a northerly direction.

18. That the traffic study submitted by the applicants indicates that the additional traffic generated by the applicants under the proposed amendments to the special exception can be easily accommodated by the existing roadways in the vicinity, and that this additional traffic will not be detrimental to Highway 93.

19. That the first paragraph of paragraph 26 of the conditions and restrictions set forth in the resolution approving the special exception in Case No. M79-1-A provides as follows:

Mining and reclamation shall occur according to the time tables as set forth on the maps and diagrams submitted with the application. The sand and gravel operator shall mine Stage A first, Stage B second, followed by Stage C and Stage D as the final stage. When Stage A is complete, mining will start in Stage B with reclamation starting in Stage A when enough room is available in Stage B to move the processing equipment. This procedure will follow for each stage until the mining is complete. Based on the removal estimate of 150,000 tons per year, each mining stage would last between three and five years. Each reclamation phase shall be completed within five years.

20. That the applicants request an amendment to paragraph 26 to allow the operator to mine the sand and gravel in the following order: Stage B, the southeast quadrant, first; Stage C, the northeast quadrant, second; Stage A, the southwest quadrant, third; and Stage D, the northwest quadrant, last. The letters used in this Paragraph 20 correspond to the stages as set forth in the Resolution for Case No. M79-1-A.

21. That the applicants testified that optimal extraction procedures support such a change in procedures.

22. That the applicants have agreed that they must refile an Air Pollution Emission Notice with the Air Pollution Control Division, Colorado State Health Department.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the powers vested in it by Section 13-D-5 of the Jefferson County Zoning Resolution, the Board of Adjustment hereby GRANTS AND APPROVES the Amendment to the Special Exception granted under Case No. M79-1-A subject to the following conditions and restrictions, each and every one of which shall be strictly complied with:

1. That all conditions and restrictions set forth in the resolution granting the special exception, dated April 17th, 1985, shall continue in effect and each and every one of those conditions and restrictions shall be strictly complied with except as they shall be amended below:

- a. Paragraph 2 is hereby amended to read as follows:

The applicants have requested an access road directly off Highway 93 located approximately five-eighths (5/8) of a mile north of the Rocky Flats West Entrance Road.

If the request for the new access is denied by the Colorado State Department of Highways, truck traffic on the access roads shall be as follows:

On Monday through Friday, between the peak hours of 7:00 a.m. and 7:30 a.m. and between 4:00 p.m. and 4:30 p.m., no trucks shall enter or leave the mine. During all other operating hours no more than six trucks per hour shall enter or leave the mine Monday through Friday, except that the total number of trucks entering the mine shall not exceed 36 trips in one day, and the total number of trucks leaving the mine shall not exceed 36 trips in one day.

If the request for the new access is granted by the Colorado State Department of Highways, no trucks shall enter or leave the mine via the Rocky Flats West Entrance Road. Furthermore, truck traffic on the new access road shall be restricted as follows:

On Monday through Friday, between the hours of 7:00 a.m. and 8:00 a.m. and between the hours of 4:00 p.m. and 6:00 p.m., a maximum of four (4) trucks per hour shall enter or leave the mine.

- b. Paragraph 16 is hereby amended to read as follows:

The applicants have requested an access road directly off Highway 93 located approximately five-eighths (5/8) of a mile north of the Rocky Flats West Entrance Road.

If the request for the new access is denied by the Colorado State Department of Highways, the main access to the site shall continue to be from the south side of the mining operation and directly off the Rocky Flats West Entrance Road.

If the request for the new access is granted by the Colorado State Department of Highways, the applicants shall

submit written evidence of such approval to the Executive Secretary of the Board of Adjustment prior to the actual relocating of the access road.

c. Paragraph 24 is hereby amended to read as follows:

The applicants have requested an access road directly off Highway 93, located approximately five-eighths (5/8) of a mile north of the Rocky Flats West Entrance Road.

If the request for the new access denied by the Colorado State Department of Highways, sand and gravel truck hauling routes shall be as follows:

Sand and gravel truck hauling routes: There will be thirty sand and gravel trucks at a maximum to exit the mine during a peak operation day, between 85% and 95% of the trucks will exit onto Highway 93 to the south toward U. S. 6 to make connections with I-70. Of the southbound trucks, 5 to 10% will use Highway 72 into Arvada and surrounding communities, the remaining 5% to 15% of the total trucks will go north on Highway 93 into Boulder and Broomfield to get to the Boulder Turnpike. Any change in the sand and gravel truck hauling routes shall not occur until after a rehearing before the Board of Adjustment.

If the request for the new access is granted by the Colorado State Department of Highways, sand and gravel truck hauling routes shall be as follows:

Sand and gravel truck hauling routes: There will be one hundred twenty sand and gravel trucks at a maximum to exit the mine during a peak operation day, 25% of the trucks will exit onto Highway 93 to the south toward U. S. 6 to make connections with I-70. Of the southbound trucks, 5 to 10% will use Highway 72 into Arvada and surrounding communities. The remaining 75% of the total trucks will go north on Highway 93 into Boulder and Broomfield to get to the Boulder Turnpike. Any change in the sand and gravel truck hauling routes shall not occur until after a rehearing before the Board of Adjustment.

d. The first paragraph of paragraph 26 is hereby amended to read as follows:

Mine and reclamation shall occur according to the time tables as set forth on the maps and diagrams submitted with the application for amendment of the special exception. The following letters for stages correspond to the new letters proposed in the Amendment Application. The sand and gravel operator shall mine Stage A, the southeast quadrant, first, Stage B, the northeast quadrant, second, followed by Stage C, the southwest quadrant, and Stage D, the northwest quadrant, as the final stage. When Stage A is complete, mining will start in Stage B with reclamation starting in Stage A when enough room is available in Stage B to move the processing equipment. This procedure will follow for each stage until the mining is complete. Based on the estimate of 150,000 tons per year, each mining stage would last between three to five years. Each reclamation phase shall be completed within five years.

WARNING: Any violation of the terms of this resolution or any actions contrary to the testimony or the exhibits received from the applicant or its representatives will result in a rehearing and possible revocation of this special exception.

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

Mr. Ingram:	"aye"
Mr. Kay:	"aye"
Mr. Bowers:	"aye"
Ms. Perrenoud:	"aye"
Mr. James:	"aye"

The foregoing Resolution was adopted by unanimous vote of the Board.

DATED: April 15, 1987



Trisha Wright, Executive Secretary
Jefferson County Board of Adjustment