

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. 2020-16**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO, SUPPORTING THE DESIGNATION OF MINERAL RESOURCE AREAS AS AREAS OF STATE INTEREST AND THE ADOPTION OF ADDITIONAL REGULATIONS RELATING TO MINING OPERATIONS BY THE GARFIELD COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS.

WHEREAS, the Town of New Castle, Colorado (the “Town”) is located within Garfield County, Colorado (the “County”); and

WHEREAS, local governments in Colorado have the authority to regulate Areas and Activities of State Interest pursuant to HB 74-1041, codified at C.R.S. § 24-65.1-101 (“1041 Powers”) to regulate land uses in a manner to promote the health, safety, and welfare of their residents, and protection of the environment; and

WHEREAS, Garfield County has designated and enacted regulations governing Areas and Activities of State Interest under its 1041 Powers within Article 14 of its Land Use and Development Code (the “LUDC”);

WHEREAS, the existing LUDC does not distinguish between gravel extraction and mining operations even though these extractive processes create vastly different health, safety, and environmental impacts; and

WHEREAS, the Garfield County Board of County Commissioners will be considering a text amendment to the LUDC that designates Mineral Resource Areas as Areas of State Interest and further regulate mining operations pursuant to its 1041 Powers; and

WHEREAS, large-scale mining operations within the County can create impacts, including hazardous mine waste and tailings, extensive excavation, blasting noise and vibrations, odors and dust, and heavy industrial traffic that should be analyzed and reviewed based on standards tailored to the local socioeconomic and natural conditions that may be impacted, including air quality, visual resources, water quality and quantity, geothermal resources, floodplains, wetlands, riparian areas, wildlife, plant life, soils, geological conditions, and natural hazards; and

WHEREAS, County’s proposed text amendment to the LUDC will provide the County with reasonable and appropriate regulatory authority to permit mining operations while requiring certain mitigation measures to ensure the public health and safety of the residents and protection of the environment as it relates specifically to mining operations; and

WHEREAS; the County’s proposed text amendment to the LUDC will specifically exempt sand and gravel extraction which is separately regulated within the LUDC from the regulation of mining operations; and

WHEREAS, the Town Council finds that it is in the best interest of the health, welfare, and safety of the residents of the Town of New Castle to support the Garfield County Board of County Commissioners' designation of a Mineral Resource Area as an Area of State Interest and further adoption of regulations relating to mining operations within such areas.

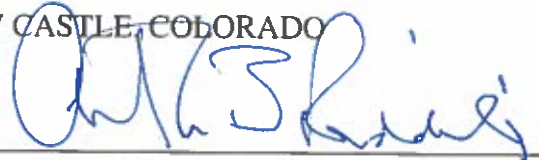
NOW, THEREFORE, IT IS RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO, THAT:

Section 1. The above recitals are hereby incorporated as findings by the Town Council of the Town of New Castle.

Section 2. The Town Council hereby endorses and urges the adoption of the text amendment to Garfield County Land Use and Development Code Article 14 forwarded by Garfield County Community Development Department staff regarding gravel and mining extraction regulations in Garfield County.

INTRODUCED, PASSED AND ADOPTED by a vote of 7 to 0 at a regular meeting of the New Castle Town Council held on April 21, 2020.

TOWN OF NEW CASTLE, COLORADO



Mayor Art Riddile

ATTEST:


Town Clerk Melody L. Harrison, CMC

