

DON'T FORGET REGULATION 3.6.F CONFLICTING STANDARDS

Regulation 3.6.F says: “*When two or more differing standards are provided in these Regulations for any use, the most restrictive provision shall apply.*”

- 1) **DUST.** Regulation 8.16.D.2 says, “... *the work will not be a source of dust, pollution, and/or siltation.*” In referencing 8.16.D.2, GFI has tried to distract us by stating that “*The regulation says ... 9.2.C.1 ... so as to endanger public health and safety.*” In doing so, GFI appeared to be arguing that the black & white “*dust*” language in 8.16.D.2 should be subordinated to the **less restrictive** language in regulation 9.2.C.1.
- 2) **VIBRATION.** Regulation 9.2.C.4 says, “... *no vibration shall be transmitted beyond the boundaries of the lot on which it originates.*” In referencing 9.2.C.4, GFI has communicated, “*Compare that to ... Section 9.2.C: uses shall be designed to minimize any injury or nuisance to nearby premises by reason of ... vibration ... that may be caused by the use.*” Again, it seemed that GFI was arguing that the black & white “*vibration*” language in 9.2.C.4 should be subordinated to the **less restrictive** language in regulation 9.2.C.

Whether my interpretation of GFI's above statements is accurate, I bring 3.6.F to the Commission's attention as a reminder that, when evaluating compliance with ANY pertinent regulatory issue, you must use the MOST RESTRICTIVE language found within our zoning regulations. Therefore, you must conclude that, at the very least, regulations 8.16.D.2 and 9.2.C.4 will absolutely be violated and therefore this application must be denied.

... AND DON'T FALL FOR THE “PERMISSIVE LANGUAGE” FALLACY.

Roughly transcribed from the 10/10/24 public hearing Zoom recording, GFI stated:

“... *in section 8.16.I dealing with excavations. “The use of explosive devices and rock crushing equipment may be limited as a condition of the permit.” The language is permissive and assumes that under the proper conditions, explosive devices can be utilized.*”

I believe that GFI is arguing that this so-called “permissive” language in 8.16.I is sufficient to compel you to approve an operation that consists **primarily** of blasting and rock processing. If my interpretation is correct, that is massively flawed logic. [Note: this same flawed argument is repeated in GFI's 12/19/24 responses to Commissioners' questions.]

For example, consider another use of “permissive” language in our zoning regulations ... under regulation 8.5 regarding large-scale events, it says: “*The Commission may limit the number of events per year and/or prohibit the use or the locations of amplified music outdoors.*” If we use GFI's flawed logic from above, then 8.5's “permissive” language could compel you to approve an unlimited number of large events with amplified outdoor music, on multiple days a week for up to 10 years!

Under 9.9.3, it says, “*Discourage uncoordinated strip commercial development consisting of small, individual, unrelated uses varying unpredictably in type, size, style, access arrangements and environmental impact.*” Because 9.9.3 discourages such strip malls, GFI could argue that the mere mention of them is “permissive” and therefore could compel you to approve 10 years of nothing BUT this type of strip mall construction?

I recognize that these arguments are illogical, but so is asking you to approve blasting and rock crushing as a primary or even an accessory use simply because there is a casual mention of limiting those operations in 8.16.I. Quarrying, blasting, rock crushing ... none of these are permissible as primary or accessory uses in our use tables and therefore this application must be denied out of hand.

TWO MORE FALLACIES WHILE WE'RE ON THE SUBJECT

- **7.10**- Contrary to what GFI has argued [including within their 12/19/24 replies to Commissioners' questions], regulation 7.10 is not pertinent to this application because the site is not “**actively being developed**”.
- **9.3.B.3**- GFI has argued that 9.3.B.3 charges this Commission with the protection of exposed ledge faces, but the ledge faces referenced in 9.3.B.3 are “**existing**” ledge faces, not those created by quarrying.