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# Steamboat Sand and Gravel Mine & Subsequent Land Preservation Subdivision *Pre-Application Conference*

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**ACTIVITY #:**           **PP2009-028**

**HEARING DATES:**    Planning Commission (PC):       9/17/2009 at 6:00 pm  
                                  Board of County                       10/13/2009 at 6:00 pm  
                                  Commissioners (BCC)

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**PETITIONER:**           Alpine Aggregates

**PETITION:**            Pre-Application Conference for a Gravel Mine and subsequent  
                                  Land Preservation Subdivision for 5 lots

**LOCATION:**             Approximately 6 miles south of Steamboat Springs on the east  
                                  side of State Hwy 131

**ZONE DISTRICT:**       Agriculture/Forestry (AF)

**ACREAGE:**             147 acres 78 to be mined

**STAFF CONTACT:**      Ross Easterling, Staff Planner

**ATTACHMENTS:**

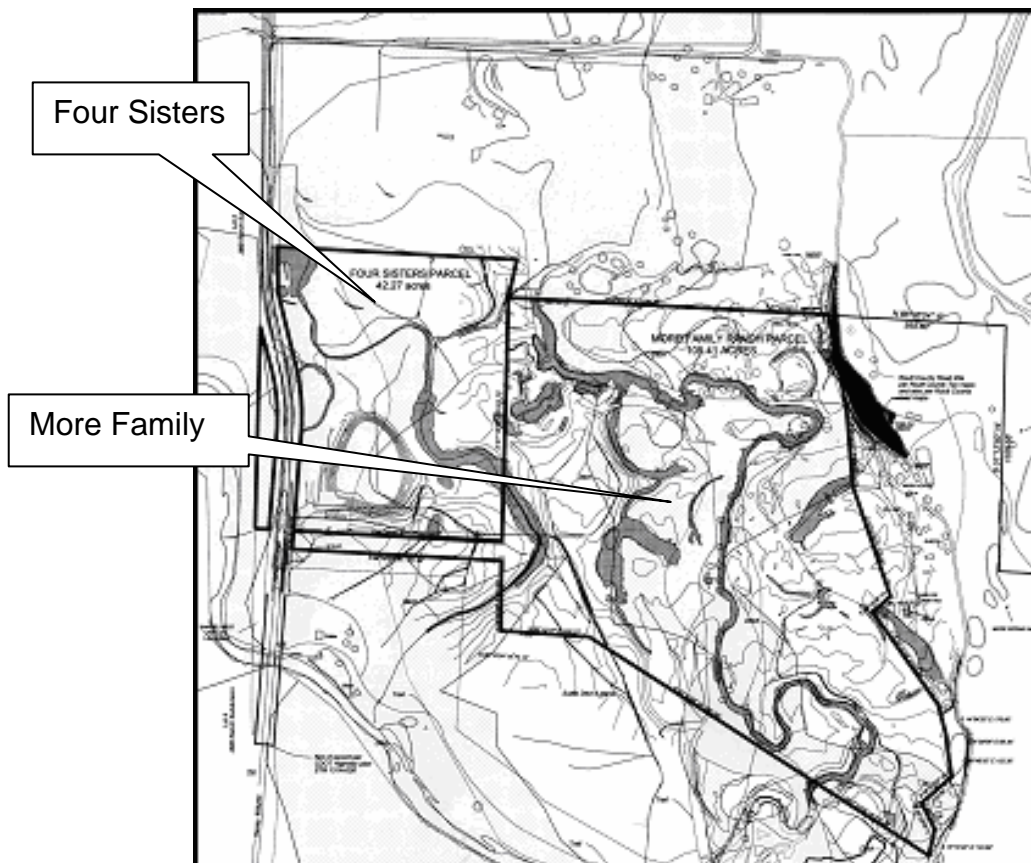
- Permit -- PP2002-041 LaFarge River Valley Resource
- BCC Minutes May 16, 2005 (LaFarge)
- Applicant's Project Narrative
- Western Bionomics Wildlife Report
- Fox Higgins – Traffic Study Report
- Wetland Compensatory Mitigation Plan
- DOW Referral Response
- CDOT Referral Response
- Letter from Randy Rowe 9/8/2009
- Gravel Matrix
- Project Maps
- Visual Analysis

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**SITE/PHYSICAL DESCRIPTION:**

This portion of the More Family Ranch property is located 6 miles South of Steamboat Springs. The Yampa River traverses the southern part of the More Family Ranch property. The mine site area includes the “Four Sisters” parcel that abuts Hwy 131 on the west. The parcel is lowland meadow with significant wetlands areas. This area is currently used to raise hay and livestock. The proposed 128-acre mining site abuts the Martin and Romick properties to the north. To the South are Windwalker Tours (Yampa Tailwaters Partners Limited Partnership parcel). To the West is the R&S Ranch, LLC (Rowe Residence) and to the east are the dilapidated buildings of the More Ranch Headquarters.

Steamboat Sand and Gravel, LLC, represented by Chip Coe and Jarle Halsnes and a 42 acre adjacent property (known as the Four Sisters parcel), which was recently purchased by Steamboat Sand and Gravel, LLC (see graphic below). The applicant for the gravel mine is Alpine Aggregates, LLC of which Ed MacArthur is the Managing Partner. Alpine Aggregates, LLC has an agreement with Steamboat Sand and Gravel, LLC to lease the land for the gravel operation.



**Project (site) History:**

The land in this proposal is essentially the same project site approved by the Board of County Commissioners for LaFarge Inc. in May of 2005. This petition, however, brings in the 40 acre “Four Sisters” parcel and eliminates 20 acres of the More Family Ranches property to the southeast of the proposed mine site. A brief synopsis of the site history follows.

On August 3, 2000 Jarle Halsnes presented a proposal for a gravel mine on the More property at a pre-application hearing with Planning Commission. The proposal at that time was for a 110-acre site, limited to 20 acres disturbance at a time and no asphalt or concrete plants.

In October 2000 Jarle Halsnes, Elam Construction and Native Excavating filed an application for a Conceptual Special Use Permit review on the More property. The plan included mining on 89 acres as well as a concrete and asphalt plant. The application was withdrawn prior to being considered by Planning Commission.

On August 24, 2001 Western Mobile Northern, Inc., a subsidiary of Lafarge Corp., applied for a Pre-Application or Conceptual Special Use Permit (SUP) for a Gravel Pit, Asphalt plant, Concrete plant, Crusher, Wash Plant, Shop and associated facilities

On January 15, 2003 LaFarge West Inc. applied for a Final Special Use Permit (SUP) for a gravel pit, asphalt plant, concrete plant, crusher, wash plant, shop, office trailer and associated facilities PP2002-041. That SUP petition was conditionally approved by the Board of County Commissioners on May 16, 2005.

On September 30, 2005 LaFarge West, Inc., filed a complaint in the Routt County District Court against the Routt County Board of County Commissioners challenging the requirement of the conservation easement, the elimination of the concrete batch plant, fog mitigation and restrictions on the hours of operation of the mine, and the limitation of the maximum are of site disturbance. The Court found in favor of the County and LaFarge prepared a brief to appeal the decision but then later dropped the appeal.

### **Near-Term *and* Long-Term Proposals:**

The land *uses* proposed by Steamboat Sand and Gravel for consideration in this pre-application submittal have both near-term and long-term elements. Initially, and with a project horizon of approximately 18-20 years, is a gravel mine operation. Additionally, the petitioner is seeking vesting from the County beyond that potential 20-year period for a five (5) lot Land Preservation Subdivision Exemption (LPSE) on the reclaimed gravel mine land.

### **Conservation Mitigation:**

In this proposal from Steamboat Sand and Gravel, the petitioner is requesting a broader interpretation of the “local public benefit” standard, which is set out in subsection 2 of Section 9.4.1.D of the zoning regulations. The regulation describes Routt County’s requirement for “conservation mitigation” for any new, or expansion of, surface mines that exceed 10 acres or are permitted over 5 years.

The intention of the regulation is to provide future relief to neighboring landowners that endure the negative impacts of a gravel mining operation over many years only to have increased residential density and construction impacts following the gravel mining operation. An excerpt from the Zoning Regulations of the 9.4.1 D. is below.

**9.4 Mining Operations that exceed 9.9 acres of cumulative surface disturbance**

**9.4.1 Standards**

The following standards apply to any individual permit, or combination of permits that are part of a single project, and are in addition to the applicable Standards and Mitigation Techniques of Section 5, Section 6, and Section 9.2 of these Zoning Regulations:

- A. New long-term mining operations shall be located a minimum of 1,000 feet from any property that is zoned for residential use (MRE, LDR, MDR, HDR, GR, PUD).
- B. Final Reclamation shall be designed to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred.
- C. Final Reclamation shall be designed to limit the amount of exposed groundwater in order to minimize the cumulative impacts of evaporative water loss from reclaimed mine sites.
- D. Any new surface mine or expansion of the permit boundary of an existing surface mine, that is permitted for a time period of 5 years or greater, and results in a new cumulative surface disturbance greater than 10 acres, shall be required to enter into a development agreement with the County to provide conservation mitigation. Such conservation mitigation shall include one of the following:
  - 1. For each acre in excess of 10 acres of surface disturbance an acre of undeveloped land within a 5-mile radius of the mine site will be preserved from future residential or commercial development; OR
  - 2. Local public benefit such as open space, trails, hunting or fishing access, wildlife or agricultural conservation easements that in the determination of the Board of County Commissioners provide an equivalent public benefit to the reduced development rights provided for in subsection 1.

Local Public Benefit

Since the adoption of this regulation, gravel-mining operators have complied with the conservation mitigation requirement as follows:

PP2008-030 Hayden Pit Expansion, Connell Camilletti: In this application, the petitioner modified the petition for a period to be less than 5-years to avoid the requirement.

PP2009-006 Camilletti Milner Pit Expansion, Precision Excavating, Inc: In this case, the development rights to 80-acres were set aside within

the required 5-mile radius. The public benefits in this case were wildlife and skylining.

Steamboat Sand and Gravel's proposal in lieu of 9.4.1 D. (2) is a "donation" of \$0.10 per extracted ton of gravel from Steamboat Sand and Gravel to the Yampa Valley Housing Authority (YVHA) and an additional donation from Alpine Aggregates, inc of \$0.10 per ton to the YVHA for a total of \$0.20 per ton.

**PROJECT DESCRIPTION / OPERATIONS PLAN:**

The following is intended to provide an overview of the proposal. For more detailed information refer to the application submittal.

**Permit Boundary:** 147 acres

**Mine Area:** 78 acres

**Maximum Disturbed Area at any one time:** 5 acres active mining  
5 acres reclaimed  
18.5 acre processing area

**Projected Sales:** up to 300,000 tons/yr

**Access:** Directly to Hwy 131.

**Truck Traffic:** Applicant estimates 24,800 truck trips (one-way) annually with the peak extraction months from July through October.

**Land Preservation Subdivision:** 5, 5 acre lots  
107 acre remainder parcel of which 37 acres is in lakes

**RECLAMATION PLAN:**

The proposed plan shows 6 irregularly shaped ponds/lakes with a total surface area of approximately 37.3 acres. The proposal calls for an "esthetically pleasing environment." The reclamation proposed includes the creation of five (5) 5-acre LPSE homesites and a 107 acre remainder parcel.

It is unclear that there will be enough fill to reclaim the pit as proposed. The LaFarge south pit has nearly 50 acres of surface water in their reclamation so this leads staff to believe that there may be a shortage of clean fill. In discussing the reclamation of the Precision Milner #2 gravel pit the petitioner said that reclaiming the pit without a lake would require creating another big hole somewhere else to fill it in. The gravel resource that is proposed for mining will is approximately 30 feet thick, so a great deal of clean fill would be needed to reclaim the area. The applicant needs to provide further evidence that the reclamation, as proposed, can be accomplished.

**WETLANDS:**

In 2005, the USACOE wetland mitigation requirements (permit #200075350 expired) for the LaFarge proposal cited a permanent loss of 4.92 acres. This proposal approximates impacts to 6 acres of wetlands. The applicant proposes to enhance the wetlands associated with the Four Sisters gravel pit and the reclamation area and site development

of the LPSE lots. Staff will be meeting with the USACOE and others on September 18, 2009 to gain a better understanding of the wetlands proposal.

**STAFF COMMENTS – GRAVEL MINE PROPOSAL:**

Although this is a pre-application conference, that is intended to give the petitioner feedback from the Planning Commission, the Board of County Commissioners and the public, there exists, in the context of this site, a great deal of political history and technical analysis archived in the county and reflected in the minutes. Though the County is now operating under different Zoning Regulations that existed during the LaFarge Petitions it is appropriate to discuss technical elements associated with the site and bring forth concerns of the decision-making bodies had for mining operations, at this location, in the past. This is not intended to be an exhaustive list of all the dialogues and comments of the numerous public meetings associated with the prior petitions nor to bias the new application, with its new participants, but rather to serve as a general review of technical elements and other consideration that will need to be addressed should the petitioner proceed with an application for a SUP.

Hydrology: This is a hydrologically complex site, which is bisected by a cutoff of the Yampa River. A large portion of the proposal is in the 100 year floodplain and floodway. Additionally, three irrigation ditches pass through the property. The Summer Goldsworthy, a lateral of the Suttle Ditch and the Weiskopf Ditch. The applicant has stated that the Suttle Ditch will be realigned. The condition of approvals regarding the Suttle Ditch in the LaFarge SUP is as follows:

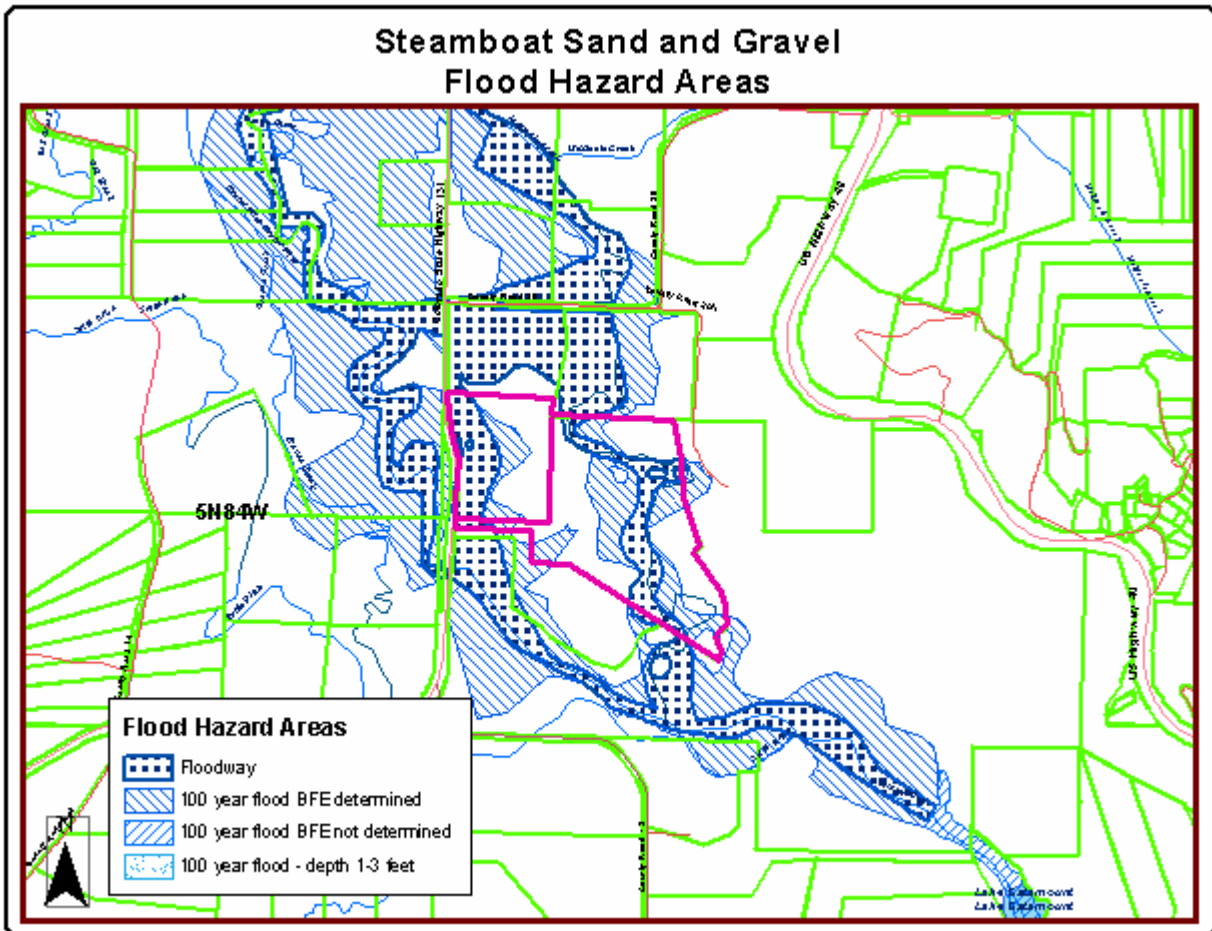
1. The permittee is responsible for ensuring relocated Suttle Ditch Lateral is constructed to adequately convey all adjudicated water rights to downstream users, complies with the Settlement Agreement between parties, and all applicable permits from the Division of Water Resources are obtained.
2. Permittee is responsible for maintaining historic flows to downstream users of all affected ditches on the property.

The FEMA Conditional Letter of Map Revision (CLOMR) was based on floodplain analysis for the Lafarge River Valley Resource site. The January 14, 2003 study by William B. Taylor cites the LaFarge mine plan as the basis of the study. The current mine plan is different from that plan. At this time the applicant has not submitted any hydrologic studies for the project so the relationship to the proposed mine plan and the existing CLOMR is not clear. The Floodplain Impact Analysis for the Lafarge pit mentions a “protection berm” (protection from flood events) but the berming discussed in this current proposal appears to address visual impacts of the pit. There is a statement in the project narrative that the berms will be placed outside of the floodway. That statement may be to demonstrate compliance with the new Routt County Floodplain Resolution but it is not clear to Staff as to whether the berming proposed in this petition is strictly for visual screening or has a dual purpose as a “protection berm” for the mining operation as considered in the CLOMR issued for the LaFarge operation.

The LPSE portion of the proposal is discussed in a separate portion of this Staff Report, but floodplain development is a concern for the future LPSE proposal as well because,

even though discharges to the Yampa River from Catamount Lake reduce the variability of the hydrograph the hydrology of the Yampa could change over the next twenty years.

Water Body Setback Permits and a Floodplain Development Permit will be required in conjunction with the Special Use Permit application. The floodplain mapping from the County's GIS is depicted below.



Additionally, the impact on the Suttle Ditch as a result of dewatering the pits is not clear to staff. It would seem that, and it has discussed in the minutes of the LaFarge petitions, that dewatering the pits would cause the water in the onsite ditches to cease functioning by creating a cone of depression. An agreement was reached between the water rights holders of the Suttle Ditch and LaFarge but the manipulation of the groundwater in this proposal may be different from that proposed in the earlier LaFarge proposal.

Another concern that will need to be addressed regarding hydrology, should this project move forward, will be the impacts of dewatering the pits to the private wells of Romick and Martyn to the north.

Visual Impacts: A visual impact analysis has been made and Staff was involved in discussing the methodology for creating that analysis, but the visual impacts of the pit

operation during the initial phases of the operation and with respect to stockpiles and the conveyor system are not clear to Staff and need further discussion. A detailed presentation of the gravel matrix results will be made by Planning Staff at the Planning Commission and Board of County Commissioners hearings.

Fog Mitigation: The hours of operation of the mine and a Fog Mitigation Plan were required during the permitting of the LaFarge gravel mine. Due to surface waters of the Yampa, Catamount Lake and lakes from prior mine reclamation fog is a problem in this vicinity when there is a temperature inversion. The current project proposal and traffic study from Fox Higgins are silent as to the safety concerns due to the frequent presence of fog in this area.

State Highway 131 Improvements: The only improvement to CO 131 in this proposal is the construction of a southbound left turn lane as per the recommendation of the Fox Higgins. The CDOT access permit for the LaFarge pit, at the recommendation of Transportation Initiatives of Lakewood Colorado, suggested a southbound median left turn decel lane, a northbound accel lane. The LaFarge traffic study also recommended an optional northbound decel lane and a left and right turn lanes for access to CO 131. Due to the presence of temperature inversions and fog in the area it is the recommendation of Staff that careful consideration of access improvements for this project.

Conservation Mitigation: As stated above, the petitioner seeks to avoid the land dedication requirement of 9.4.1 D. (2) with a \$0.20/ton contribution to the YVHA. Assuming full production, 300,000 tons/year, over a 20-year life of the mine this would mean a \$1,200,000 contribution to the housing authority. This would allow the principals of the venture to avoid up-front land purchase costs within the 5-mile radius of the pit and insure a future development right on the reclaimed mine property. It is staff's position that the "local public benefit" cited in the regulation is to provide some future relief to neighbors who will endure the externalities of living and owning property near a gravel mine for an extended (20-year) period of time.

## **STAFF COMMENTS -- LPSE PROPOSAL**

The intention of Routt County's Land Preservation Subdivision Exemption process is to maintain rural character by provide an opportunity for ranching families to generate income by creating lots in clusters that allow the preservation of agricultural uses and/or open space and wildlife values. The process is an innovative alternative 35-acre exempt subdivision.

The petitioner in this case is seeking vesting from the County for the creation of a Land Preservation Subdivision on the 147 acre site after reclamation of the mine in approximately twenty (20) years. Twenty years is a long period of time.

Twenty-seven years ago the 1990 census count for Routt County's population was 14,088. In 2000 it was 19,690 and DOLA's estimate for 2007 is 23,060. Staff's concern with granting such a long-term development right is that it cannot be known what the communities' vision will be or what community plans will be in place in 20 years and how those plans will be reflected in the County's zoning and subdivision regulations. For



example, 20 years ago the minimum lot size in the AF zone district was 15 acres now it is 35. This area was once part of the South Steamboat Area Plan, Catamount was once a proposed ski area. 13 years ago there was no Steamboat Springs Community Plan or West Steamboat Springs Plan. Vision 2020, which is now 2030, did not exist. A list of the area and community plans that have been developed in Routt County over the last twenty years is below.

AREA USE PLAN	ADOPTED
South Steamboat Springs Plan	01/15/2009
Steamboat Springs Area Community Plan	8/15/1995 + 05/2004
West Steamboat Springs Area Community Plan	11/16/1999 + 6/19/2006
Upper Elk River Community Plan	2/4/1999 - 8/4/2005
Sarvis Creek Area Plan	11/05/1999
Stagecoach Community Plan	1999 with update in progress
Open Lands Plan	6/01/1995
Upper Elk River River Valley Protection Plan	8/01/1994
Master Plan	04/03/2009
Vision 2020	1994
Vision 2030	3/2009

Vesting any proposal for such a distant future does would negate the area from future planning processes and perhaps set an undesirable land use precedent.

Floodplain: River basins are not static systems. The hydrograph of the Yampa has been normalized due to the reservoir at Lake Catamount but that does not mean that the Yampa’s course cannot change over the next 18 years. There may also be unanticipated channel shifts due to the proposed mining operation.

The CLOMR letter, issued by FEMA, submitted for this proposal was based on hydraulic modeling for the LaFarge River Valley Pit which has a different mine plan than the plan for Steamboat Sand and Gravel. That CLOMR did not consider this LPSE proposal. The applicant proposes to work in the channel of the Yampa and develop homesites for the reclamation. Two of the homesites are in the 100-year floodplain. Routt County discourages over lot grading to manipulate the floodplain to meet the floodplain standard. The LPSE standards are stricter than the floodplain resolution; the LPSE standards do not allow building sites in the floodplain. (See 5.1.6 C)

Wildlife: James Haskins, the Division of Wildlife area manager, said that “it is very difficult to comment on a generalized LPS plan that will not be constructed for another 18-20 years. Changes in wildlife population, surrounding land ownership, and future land uses are just some of the things that could drastically impact the comments the CDOW would provide on this proposed development. Additionally, the petitioner’s plans for the LPS itself could [change] substantially during this long time span.”

Remainder Parcel: As for the value of the Remainder Parcel; Staff questions the value or intent of that land. First it will be a portion of a reclaimed gravel mine. Filling the pit in with various materials of varying porosities and permeabilities cannot guarantee a hay meadow that will support wildlife. Also, is this remainder parcel to benefit wildlife or is it an amenity to the homesites.

## Compliance with the Routt County Master Plan

The Routt County Master Plan and Sub Area plans contain dozens of policies regarding land use. The following checklist was developed by Planning Staff to highlight the policies most directly applicable to this petition. Interested parties are encouraged to review the Master Plan and Sub Area plans to determine if there are other policies that may be applicable to the review of this petition.

### Chapter 4 – Rural Development

Complies		Section	Policies (staff comments in bold)
Yes	No		
_____	_____	4.3.B	Special/Conditional Use Permits that significantly alter the historical use, intensity of use, or character of an area shall be deemed incompatible with this plan. <b>This proposal would significantly alter the historical use, intensity of use and the character of the area. However, the Board of County Commissioners approved a similar gravel mining operation at this location in May 2005.</b>
_____	_____	4.3.C	Special/Conditional Use Permits for projects located on traditional ranch lands may be approved when the petitioner has demonstrated that the historic agricultural operation and stewardship of the land will be maintained. <b>The mining proposal would end the historic agricultural operation. See Staff Comment 4.3.B above.</b>

### Chapter 5 – Environmental Impacts

_____	_____	5.3.F	Routt County will continue to consider the impacts of development and uses on view corridors, water, wetlands, and air. <b>Air and water quality permits would be required for a SUP permit. A visual impact analysis has been made and Staff was involved in discussing the methodology for creating that analysis, but the visual impacts of the pit operation during the initial phases of the operation and with respect to stockpiles and the conveyor system are not clear and require further discussion.</b>
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### Chapter 7 – Mineral Resources

Complies		Section	Policies (staff comments in bold)
Yes	No		
_____	_____	7.3.A	Exploration and extraction of minerals from Known and Probable

- \_\_\_\_\_ Mineral Resource Areas should occur prior to any other developments being constructed at said Mineral Resource Areas that would permanently prevent extraction of the mineral. **The LPSE proposal following mining reclamation is in accordance with this criteria.**
- \_\_\_\_\_ 7.3.C Routt County discourages mining that would cause significant health or safety problems to people. **Gravel mining is a relatively clean activity. In addition to Health and safety concerns will be addressed in the access permitting process and the Mine Safety Health Administration.**
- \_\_\_\_\_ 7.3.K Routt County desires to ensure that new long-term (more than one year) mineral extraction operations shall be mitigated for visual impacts along entryways to growth centers, and to ensure that visual impacts of existing operations are mitigated to the maximum extent feasible. **A visual impact analysis has been submitted for review by the Planning Commission and Board of County Commissioners, but the visual impacts of the pit operation during the initial phases of the operation and with respect to stockpiles and the conveyor system need further discussion.**
- \_\_\_\_\_ 7.3.O Routt County discourages the placement of mining operations that would permanently harm significant wildlife habitat, permanently displace wildlife populations or interfere with migration corridors. **The DOW does not foresee and significant impacts to wildlife associated with the gravel operation, but did mention habitat fragmentation, disruption to migration and habitat corridors as well as a diminished value to buffer zone that this property divides.**
- \_\_\_\_\_ 7.3.P Routt County requires the use of the most technologically advanced procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses. **Permitting would require the use of Best Management Practices (BMP's) and Best Available Technologies (BAT's) designed to mitigate wetlands, floodplain, noise, visual, and air pollution impacts.**
- \_\_\_\_\_ 7.3.R Routt County encourages the limitation of haul distances. **Proposed site could provide a proximate source of gravel for the significant residential, commercial and public works projects in the south valley and south Steamboat Springs area over the next 20 years.**
- \_\_\_\_\_ 7.3.T Routt County encourages the separation and sufficient spacing of mining operations to prevent cumulative significant negative impacts to roads and to surrounding areas. **Proposed location would be the only gravel pit for 10 miles (by road) in any direction. Nearby South and North pits will be closed in conjunction with the opening of the proposed pit. Existing pits west of Steamboat are located within a five mile radius of each other, but are 14 miles from this site.**

- \_\_\_\_\_ 7.3.U Routt County encourages the payment of impact fees, ton-mile fees, up-front road improvement fees, or other fee system to be used to offset costs for maintenance and improvements to roads used for hauling or minerals. **Proposed site has direct access to 131.**
- \_\_\_\_\_ 7.3.V Routt County encourages the completion and reclamation of existing mining operations and abandoned mines, prior to development of new mining operations, and discourages the permitting of new mining operations in areas where there are existing mining operations that have not been completed or reclaimed. **Gravel mines in the vicinity are closed and reclaimed.**
- \_\_\_\_\_ 7.3.W Routt County encourages the timely completion and reclamation of mining operations. If a mining operation is inactive, the mine should be reclaimed as soon as practicable. **The petitioner represents that reclamation will be an ongoing process.**
- \_\_\_\_\_ 7.3.X Routt County encourages the reclamation of mining operations for beneficial uses. Where reclamation for wildlife habitat is appropriate, techniques recommended by the Colorado Division of Wildlife should be used. **The reclamation proposed does have elements in accordance with this criteria. See also staff (DOW) comment 7.3.P on Page 11**
- \_\_\_\_\_ 7.3.Y Reclamation should be done to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas. **The reclamation proposed includes the creation of 5 homesites.**
- \_\_\_\_\_ 7.3.Z Long term mining operations and associated uses should be located in areas where they do not greatly impact scenic vistas, where there are compatible agricultural and industrial uses, and where they are not in proximity to residential neighborhoods, recreational, or other incompatible uses. Areas with parcels of 35 acres and greater are not considered residential neighborhoods.  
**See staff comment 7.3.K on page 11**
- \_\_\_\_\_ 7.3.BB Routt County encourages the development and use of haul roads which route haul traffic away from areas of residential, recreational or other incompatible uses. **Direct access to Hwy 131 minimizes haul traffic conflicts with residential areas.**
- \_\_\_\_\_ 7.3.CC Routt County encourages reclamation of mine operations to reduce the amount of exposed groundwater. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred. **The applicant proposes to reclaim the area to benefit wildlife, but at the same time proposes to develop 5 homesites and 38 acres of surface water.**
- \_\_\_\_\_ 7.3.DD Reductions of future residential density is encouraged for a new or extended mining operation. **The 5-lot LPS proposal does not comply with this planning objective.**

- |       |       |        |  |
|-------|-------|--------|--|
| _____ | _____ | 7.3.EE | The provision of local, public benefits such as open space, trails, hunting and fishing access, recreational, or agricultural use as a condition for the mining operation is encouraged as part of an end use of the mining activity. <b>The 5-lot LPS proposal does not comply with this planning objective.</b>                        |
| _____ | _____ | 7.3.FF | The provision of wildlife parks, reserves, wetland mitigation sites, or other beneficial environmental use is encouraged as an end result of the mining activity. <b>The 5-lot LPS proposal does not comply with this planning objective.</b>  |
| _____ | _____ | 7.3.GG | Routt County will require that aggregate be recycled whenever possible and will strive to be current on the best available recycling techniques. <b>The reclamation portion of this proposal will require a great deal of fill. It is important that fill and other materials brought into the site do not impact neighboring wells.</b> |
| _____ | _____ | 7.3.HH | Routt County discourages the exportation of gravel to surrounding counties. <b>The expectation is, that aggregate products produced at this site would be used in Routt County due to its location and transportation costs.</b>   |
| _____ | _____ | 7.3.II | Routt County requires that any mining operations established within a 100-year floodplain as identified on the National Flood Insurance Rate maps comply with applicable FEMA regulations and the Routt County Floodplain Resolution/regulations. <b>Further information will be required for the SUP submittal.</b>                     |

**COMPLIANCE WITH SOUTH OF STEAMBOAT SPRINGS AREA PLAN #1**

There are ten pages of goals in the plan, many of which apply to this application. The list below is only compiled from the items contained under goal #14: **“To encourage mineral extraction operations that are consistent with the other goals of this area plan.”**

Complied With    Not Complied With

- |       |       |    |  |
|-------|-------|----|--|
| _____ | _____ | 1. | Ensure that all mineral extraction operations are designed and managed to be consistent with the other goals and objectives of this area plan.   |
| _____ | _____ | 2. | Discourage mineral extraction operations that create unmitigatable impacts even if those impacts occur outside the study area. <b>The mitigation measures proposed are sufficient to meet this planning goal.</b>  |
| _____ | _____ | 3. | Ensure that new mineral extraction operations will not be visible along entryways to existing and potential growth centers and to ensure that visual impacts of existing operations are mitigated to the maximum extent possible. <b>Per the Steamboat Springs Area Community Plan (SSACP) Preferred Direction Map the is outside the designated roadway protection areas. This could be interpreted to mean the proposed location is not an entryway to Steamboat Springs (due to large setbacks from both Hwy 131 and Hwy 40). Operation will be somewhat visible from Hwy 131 but distance, berming and landscaping should mitigate the view once operations are located in the bottom of the pit</b> |

- \_\_\_\_\_ 5. Ensure mineral extraction operations are compatible with other uses in the study area. **Surrounding uses include horse ranches, second homes, recreational facilities (Catamount and The Timbers). Closest Residential Neighborhood areas are The Timbers (1 mile away) and Fox estates (1.5 miles away).**

## COMPLIANCE WITH STEAMBOAT SPRINGS AREA COMMUNITY PLAN (SSACP)

**MAPS:** The SSACP contains numerous maps that identify Natural Resources, Development Hazards, Future Land Use etc. Planning Staff compiled the following list based on map information is directly applicable to the proposed development.

**Preferred Direction Map:** Proposed site is outside the designated roadway protection areas. A portion of the proposed site is designated as a Key Open Space Parcel. There are no specific policies related to the Preferred Direction Map however on page VII-2 in the Open Lands, Recreation, and Trails section the SSACP notes that protection of open lands is founded on several principles including “Providing compensation to landowners for the removal of development rights”.

**Future Land Use Map:** Land Use is shown as Agricultural/ Rural Residential.

**Visual Unit Management Classes Map (appendix 1):** The proposed development is within the Class 1 Valley Preservation Area. However there are no specific policies related to the visual units map.

Definition of Class 1 – Valley Preservation Area from SSACP: This includes the most visible portions of the South Valley, Strawberry Park and smaller but highly visible areas within the study area. Within this classification, the visual resources are highly exposed and sensitive with regard to visual degradation.

## SSACP POLICIES AND DIRECTIONS

### Section Three – Natural and Scenic Resources

Complied With	Not Complied With
------------------	----------------------

- |     |     |     |  |
|-----|-----|-----|--|
| ___ | ___ | 8.  | Minimize development impacts within riparian areas, wetlands and floodplains. <b>See Staff comments on pages 6-7 on hydrology.</b>   |
| ___ | ___ | 10. | Require Revegetation on disturbed areas. <b>Phased reclamation and revegetation as well as limits on allowable disturbed acreage are standard requirements for all new gravel pit approvals.</b> |

### Section Four – Land Use and Growth

- |     |     |    |   |
|-----|-----|----|---|
| ___ | ___ | 4. | Ensure that all mineral extraction operations are designed and managed to be consistent with the other policies in the plan. Within the South area, it is appropriate to discourage mineral extraction operations that create unmitigatable impacts. New mineral extraction operations should minimize visual impacts along entryways to the community and existing and potential growth centers. The visual impacts associated with existing operations should be mitigated to the maximum extent possible. The reclamation of abandoned mineral extraction sites should be encouraged. <b>There are a number of issues that require careful scrutiny to ensure that mitigation is adequate. Visual impact is limited by the distance from Hwy 131, the topography of Hwy 40/Rabbitt Ears pass, existing vegetation and the size of the parcel relative to the proposed mine area.</b> |
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## Compliance with Routt County Zoning Resolution

The following checklist was developed by Planning Staff to highlight the sections of the Routt County Zoning Regulations most directly applicable to this petition. The following section contains a list of the applicable sections of the Routt County Zoning Regulations. Staff Comments are included in italics where the public, referral agencies, or planning staff have questions/comments regarding the proposal.

### **Section 5- General Performance and Development Standards**

These standards are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties. These standards shall apply in all Zone Districts and to all land uses unless otherwise noted:

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	5.1.1	Every use shall be operated so that it does not pose a danger to public health, safety or welfare.
_____	_____	5.1.2A	Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any Land Use Approval granted pursuant to these Regulations.
_____	_____	5.1.4	Outdoor storage of materials which might cause fumes, odors, dust, fire hazard, or health hazards is prohibited unless such storage is within enclosed containers or unless a determination is made that such use will not have a detrimental impact on the environment
_____	_____	5.11	Waterbody Setback Standards <b>Any SUP application for this site would require a floodplain development permit and a waterbody setback permit.</b>

### **Section 6.1.7 – Significant Negative Impacts**

The proposal shall not create any significant negative impact in surrounding areas. Significant negative impacts are generally considered to be impacts that do not meet regulatory and/or generally accepted performance and environmental standards. If the Planning Director, Planning Commission or County Commissioners determine a proposed Land Use Change has the potential to create a significant negative impact in the surrounding area mitigation may be required, any such mitigation shall meet the Standards of Sections 6.4 through 6.13. If adequate mitigation cannot be accomplished, the use shall not be permitted.

Issues that may be reviewed for potentially significant negative impacts include, but are not limited to:

Complies		Section	Issue (staff comments in bold)
Yes	No		
_____	_____	6.1.7 A	



Complies		Section	Issue (staff comments in bold)
Yes	No		
_____	_____		Public Roads, Services and Infrastructure <b>For CO-131, the CDOT access permit for the LaFarge approval required a southbound deceleration lane for turning left into the pit a southbound acceleration lane a northbound acceleration lane. This proposal only proposes the southbound left deceleration lane.</b>
_____	_____	6.1.7 B	Road Capacity, traffic, and traffic safety <b>See staff comment 6.1.7.A above and discussion regarding the CDOT access permit and fog on p. 8.</b>
_____	_____	6.1.7 C	Natural Hazards <b>Aside from floodplain and floodway issues the Routt County GIS does not indicate any geologic hazards on the site.</b>
_____	_____	6.1.7 D	Wildlife and Wildlife Habitat <b>See staff (DOW) comment 7.3.P on Page 11 and DOW referral response in attachments.</b>
_____	_____	6.1.7 E	Water Quality and Quantity <b>The only water discharged from the site will be from mine dewatering, process water for washing gravel which will be recirculated through settling ponds but will not be discharged from the site. Dewatering water is naturally clean.</b>
_____	_____	6.1.7 F	Air Quality <b>The SUP will require a state Air Quality permit. The petition narrative sites numerous dust mitigation techniques that would become conditions to the SUP.</b>  Applicant Response: The primary source of air quality impacts will be dust from the access road that is created by trucks entering and exiting the site. The access road will be paved back to the processing area to help mitigate dust. To properly mitigate those impacts, a watering truck will be used to water the access road on a daily basis. The excavated material is handled in a moist state so little fugitive dust will be created by the material. New berms and landscaping areas that will be created to help mitigate visual impacts into the site and to create and enhance on site wetlands will be revegetated as soon as possible to limit potential air quality impacts.
_____	_____	6.1.7 G	Visual Amenities and Scenic Qualities <b>There are a number of issues that require careful scrutiny to ensure that mitigation is adequate. Visual impact is limited by the distance from Hwy 131, the topography of Hwy 40/Rabbitt Ears pass, existing vegetation and the size of the parcel relative to the proposed mine area.</b>
_____	_____	6.1.7 I	Noise <b>The applicant represents that berming and tree planting will mitigate noise impacts of the pit. The SUP will go further to require line power as opposed to diesel for various facilities, traffic patterna to reduce backup alarm noise and other measures.</b>

Complies		Section	Issue (staff comments in bold)
Yes	No		
_____	_____	6.1.7 J	Wetlands <b>The applicant proposes to mitigate the wetland impacts at the Four Sisters parcel and by creating wetlands in conjunction with the reclamation of the mined areas</b>
_____	_____	6.1.7 K	Land Use Compatibility <b>With the temporary gravel extraction by Connell Resources and the LaFarge South Pit, the immediate area has a history gravel extraction. Now all of the adjacent properties are used for agricultural purposes. Nearby uses include some residential and recreational areas like, Fox Estates, The Timbers, Sky Valley Lodge, and the Lake Catamount Planned Unit Development all of which are located between 1 and 2 miles from the proposed site.</b>
_____	_____	6.1.7 L	Odors <b>Odors are not expected to be a problem as a result of the operation. No asphalt plant is proposed.</b>
_____	_____	6.1.7 M	Vibration <b>No blasting is proposed. Mining will be done with loaders, trackhoes and dozers.</b>
_____	_____	6.1.7 N	Snow Storage <b>Snow storage is not contemplated or permitted due to potential negative effects to groundwater.</b>
_____	_____	6.1.7 P	Reclamation and Restoration <b>The objective of the reclamation is the creation of wildlife habitat for waterfowl and the creation of 37 acres of ponds. Staff is concerned that there will not be sufficient clean fill to accomplish the proposed reclamation.</b>
_____	_____	6.1.7 Q	Noxious Weeds <b>A noxious weed control plan would be a condition of the SUP.</b>

**Section 9.2 - General Standards for all Mining, Resource Extraction & Accessory uses**

All Mining and accessory uses shall comply with the applicable Standards and Mitigation Techniques of Section 5 and Section 6 of these Zoning Regulations. In addition, all Mining and accessory uses shall comply with the following standards:

Complies		Section	Issue (staff comments in bold)
Yes	No		
_____	_____	9.2.A	Shall be compatible with surrounding agricultural, residential, and recreational land uses by selection of location and/or mitigation.
_____	_____	9.2.B	The proposed operation will be located a sufficient distance from

Complies		Section	Issue (staff comments in bold)
Yes	No		
_____	_____		other mining operations so as not to create cumulative impacts to roads, air and water quality, or other resources and amenities. The Planning Commission and the Board of Commissioners will determine sufficiency of distance. <b>The next closest gravel pits are the Redmond pit located 9 miles away (10 miles by road) at the west end of Stagecoach Reservoir, and the Duckels Hogue pit located 10 miles away (14 miles by road) west of Steamboat II. By comparison there are six gravel pits within 5 miles of one another on the west side of Steamboat Springs (Duckels-Hogue, Duckel-Bettger, Connell-Tellier, Connell-Thompson, Bear River, and Precision-Camilletti).</b>
_____	_____	9.2.C	Equipment used for the operation will not be visible from adjacent or surrounding residences, or will be mitigated to the extent possible to reduce visual impacts. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation. <b>See staff comment 5.3.F on page 10 above.</b>
_____	_____	9.2.D	Shall be operated such that noise generated by the use does not exceed State of Colorado residential noise standards within 150 feet of any residence. <b>See staff comment 6.1.7 on page 17 above.</b>
_____	_____	9.2.E	New long-term (more than one year) mining operations will minimize visual impacts along entryways to growth centers or potential growth centers as defined in the Routt County Master Plan. Planning Commission and/or the Board of County Commissioners will determine sufficiency of minimization. <b>See staff comment 6.1.7.(G) on page 16 above.</b>
_____	_____	9.2.F	Truck traffic will not access the mining operation through residential, or commercial areas, or such traffic will be mitigated. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation. <b>Access from the pit is directly to CO 131.</b>
_____	_____	9.2.G	Shall submit evidence of insurance for a minimum of \$1,000,000 to cover any damages to public and private property, and Routt County shall be named as an additional insured. <b>This is a standard condition of approval.</b>
_____	_____	9.2.H	Unless all disturbance created by the mining operation is covered

Complies		Section	Issue (staff comments in bold)
Yes	No		
_____	_____		by a reclamation bond under jurisdiction of the Colorado Division of Minerals and Geology, or by the federal government on federally owned lands, a bond or other acceptable financial performance guarantee shall be submitted in favor of Routt County in an amount of at least 150 percent of the cost of restoration of the site and access roads. The required amount of such financial performance guarantees may be increased at the discretion of the Planning Director to account for inflation. A bid for site restoration acceptable to the permittee and Routt County shall be submitted to the Planning Department as evidence of the cost of reclamation for bond setting purposes. <b>The reclamation for this project, since it could include site development of homesites may require additional bonding beyond the normal State requirements.</b>
_____	_____	9.2.I	The Board of County Commissioners may require a financial performance guarantee in addition to that required by the Colorado Division of Minerals and Geology (CDMG) to insure that certain conditions of a permit will be complied with. The required amount of such financial performance guarantees may be increased at the discretion of the Planning Director to account for inflation. The County will not require financial guarantees that are duplicative of that required by the CDMG. Copies of all financial guarantees related to the project shall be submitted to the Planning Department prior to permit issuance; including but not limited to those required by the CDMG, BLM, Colorado State Land Board, and Routt County. <b>See Staff comment 9.2.H above.</b>
_____	_____	9.2.J	Any land survey monuments shall be recorded in the Colorado Land Survey Monument Records prior to commencement of mining, and if removed, shall be replaced following reclamation.
_____	_____	9.2.K	Routt County requires the use of the most technologically advanced and proven procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses.
_____	_____	9.2.L	In-stream mining is not permitted. <b>The mine plan may not be in compliance with this standard.</b>

**Section 9.4.1 – Standards for Mining Operations that exceed 9.9 acres of cumulative surface disturbance**

The following standards apply to any individual permit, or combination of permits that are part of a single project, and are in addition to the applicable Standards and Mitigation Techniques of Section 5, Section 6, and Section 9.2 of these Zoning Regulations:

Complies		Section	Issue (staff comments in bold)
Yes	No		
_____	_____	9.4.1.A	New long-term mining operations shall be located a minimum of

Complies		Section	Issue (staff comments in bold)
Yes	No		
_____	_____		1,000 feet from any property that is zoned for residential use (MRE, LDR, MDR, HDR, GR, PUD). <b>The mine is located in compliance with this standard.</b>
_____	_____	9.4.1.B	Final Reclamation shall be designed to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred. <b>The lakes or ponds associated with the reclamation of this project will likely be aesthetically pleasing and may serve as waterfowl habitat; however, Staff is concerned that there will not be sufficient clean fill to accomplish the proposed reclamation.</b>
_____	_____	9.2.C	Final Reclamation shall be designed to limit the amount of exposed groundwater in order to minimize the cumulative impacts of evaporative water loss from reclaimed mine sites. <b>The reclamation proposed is in contradiction to this standard. The reclamation proposes leaving 37 acres of groundwater exposed to evaporative loss.</b>
_____	_____	9.2.D	<p>Any new surface mine or expansion of the permit boundary of an existing surface mine, that is permitted for a time period of 5 years or greater, and results in a new cumulative surface disturbance greater than 10 acres, shall be required to enter into a development agreement with the County to provide conservation mitigation. Such conservation mitigation shall include one of the following:</p> <ol style="list-style-type: none"> <li>1. For each acre in excess of 10 acres of surface disturbance an acre of undeveloped land within a 5-mile radius of the mine site will be preserved from future residential or commercial development; OR</li> <li>2. Local public benefit such as open space, trails, hunting or fishing access, wildlife or agricultural conservation easements that in the determination of the Board of County Commissioners provide an equivalent public benefit to the reduced development rights provided for in subsection 1.</li> </ol> <p><b>This petition seeks a broader interpretation of the “local public benefit” as called out in 9.2.D (2) above. See Staff comments on page 2 above.</b></p>

## PART 2

### LAND PRESERVATION SUBDIVISION EXEMPTION

#### Compliance with Routt County Subdivision Regulations

Section 2.11.1.E states that any Land Preservation Subdivision Exemption (LPS) amendment which does not qualify as an Administrative Amendment, Lot Line Adjustment, Plat Correction, or other process as defined in Section 2.1.1 will be reviewed as a Major or Minor LPS, as applicable. This petition qualifies for review under the Major LPS criteria.

#### Chapter 2 – Section 2.1 Procedure

Complies		Section	Regulations (staff comments in italics)
Yes	No		
_____	_____	2.1.J	Land Preservation Subdivision approvals that are reviewed by Planning Commission as Consent Agenda items shall be voted on without discussion unless one of the following occurs:
_____	_____	2.1.J.1	The applicant or a member of the public files a written notice of objection pertaining to the application of the Design Standards by the Planning Director. Any such objection shall include a statement of the basis for such objection, and shall be submitted at least three (3) calendar days before the day on which the application has been set for handling as a Consent Agenda item. (The failure of the applicant or any other member of the public to submit a written notice of objection and statement within the specified time period shall be a basis for disregarding such objection by the Planning Commission.) <b>AND/OR</b>
_____	_____	2.1.J.2	Prior to the matter being approved on the Consent Agenda, the Planning Commission, by a majority vote, requires the matter to be fully reviewed identifying the specific Design Standards to be discussed.

The Planning Commission’s review, if any, hereunder shall be limited to a determination as to whether the Planning Director has properly applied these Regulations and the Design Standards set forth in Section 5.1.

#### Chapter 2 – Section 2.10 Major Land Preservation Subdivision Exemption

Complies		Section	Regulations (staff comments in italics)
Yes	No		
_____	_____	2.10.1	Applicability:
_____	_____	2.10.1.A	All of the land subject to the application is within the Agriculture and Forestry zone district, is at least 70 acres in size and, unless the application is made under the Non-contiguous Parcel Process set forth in Section 2.12, is Contiguous. <b>The proposal is in compliance with this standard.</b>
_____	_____	2.10.1.B	The Owner is willing to execute a Development Agreement

**Chapter 2 – Section 2.10 Major Land Preservation Subdivision Exemption**

Complies		Section	Regulations (staff comments in italics)
Yes	No		
			restricting further development and subdivision of the subject property so that the maximum number of Dwelling Units permitted on the property shall not exceed the number approved through the Land Preservation Subdivision Exemption process. <b>The petitioner represents that the More Family would be willing to execute a development agreement restricting further development.</b>
			Applicant Response: The owner is willing to execute a Development Agreement restricting further development on the property so that the maximum number of lots will not exceed what's permitted by the LPS process.
		2.10.2	Standards:
_____	_____	2.10.2.A	The development proposed by the applicant, including the location of Building Envelopes and the configuration of the proposed lots, and the location and configuration of any Contingent Lots proposed pursuant to Section 2.12 is acceptable under the Design Criteria as set forth in Section 5.1 hereof and the applicable requirements of the Routt County Zoning Regulations. <b>Two of the lots proposed are in the 100-year floodplain. The applicant is proposing to manipulate the floodplain to increase the grades to bring them into compliance with the Routt County Floodplain Resolution. Routt County, however discourages over lot grading to manipulate slopes and elevations.</b>
_____	_____	2.10.2.B	The maximum number of Buildable Lots proposed, except any Contingent Lots, will be that number which is equal to total acreage divided by 35, plus any bonus Buildable Lots allowed pursuant to subparagraph C, below, unless the applicant declines to accept the Planning Administrator's requests for mitigation changes made pursuant to Section 2.1.3.J.
_____	_____	2.10.2.C	Subject to the provisions of Section 5.1, the applicant shall be entitled to one additional Buildable Lot (bonus Buildable Lot) for each 100 acres of land placed in the Remainder Parcels.

**Land Preservation Subdivision Exemption Design Standards.**

The application shall demonstrate that the proposed division of land and development of the land meets all of the Objectives set forth below by use of the Design Guidelines and Standards (the "Design Standards") set forth opposite the Objectives. The Design Standards set forth opposite a particular Objective are intended to be alternative means of satisfying the Objective unless the Design Standards are followed by the word "and". The applicant may also propose other alternatives to satisfy the Objectives that may be accepted by the Planning Director if such alternatives satisfy the Objective that they address.

**5.1.1 AGRICULTURAL LANDS**

Objectives	Design Guidelines and Standards
<p>A. Minimize the direct, indirect and cumulative impacts of residential development on agricultural lands and agricultural operations. Maintain open rural grazing areas.</p>	<ol style="list-style-type: none"> <li>1. Reserve commercially viable enclaves of large scale agricultural operations. OR</li> <li>2. Site and size lots and building sites to minimize impact on and from existing agricultural activities. OR</li> <li>3. Consolidate, through leases or purchase, adjacent properties to combine into adequately sized parcels for a commercial operation. AND</li> <li>4. The Remainder Parcel(s) must have physically feasible, legal access to public roads that is appropriate to the likely uses of the parcel.</li> </ol> <p><b>This gravel mine proposal seeks to change the use of this parcel from agriculture use to a gravel mine and then develop the reclaimed mine into an LPS. There would be legal access to the parcel.</b></p> <p><i>Applicant Response: The site will be utilized for gravel mining for 15 years prior to the LPS construction, so there will be no existing agricultural activities at the time of LPS. The Remainder Parcel will have the required access.</i></p>
<p>B. Maintain the opportunity for agricultural production on the most productive and viable parcels of land.</p>	<ol style="list-style-type: none"> <li>1. Protect areas of irrigated hay meadow especially those that connect with and/or are adjacent to other irrigated meadows. AND</li> <li>2. Reserve adequate water supply to ensure irrigated meadows will remain irrigated with an adequate amount of water as identified by the State Division of Water Resources or the Routt County Extension Office or one cubic feet per second for every 35 acres, whichever is greater. Such decreed water rights shall not be severed from the land. There shall be no removal of adequate water supply to continue the historic application of water to the Remainder Parcel. AND</li> <li>3. Protect upland grazing areas needed for agricultural uses. OR</li> <li>4. Site and size lots and building envelopes to minimize impact on agricultural activities. AND</li> <li>5. To the extent practicable, avoid crossing and dividing irrigated lands with roads, fences, development and utilities.</li> <li>6. Provide adequately sized and appropriately placed culverts when crossing agricultural ditches.</li> </ol> <p><b>This proposal would remove the hay meadow, mine the gravel resource and then try to restore the hay meadow during reclamation. The hay meadows and agricultural production would cease for approximately twenty years and then, the plan is, the reclamation would serve as wildlife habitat and as an amenity to lakeside homes in an LPS. Staff questions the value of such a remainder parcel.</b></p> <p><i>Applicant Response: An existing hay meadow in the central portion of the site will be restored following mining activities, bringing the site back, at least partially, to its existing character. Adequate water rights will be retained for the hay meadow and other uses within the LPS.</i></p>



<p>C. Minimize residential disturbance on ranching and farming land.</p>	<ol style="list-style-type: none"> <li>1. Ensure that the residential property owners have responsibility for fence construction and maintenance and weed control. If no complete and structurally sound fencing exists, then:</li> <li>2. The applicant must agree in the Development Agreement to build a perimeter fence within one year after the approval. The applicant shall construct perimeter fencing at the property lines for the entire length where there exists actively used agricultural lands on any one side of the property line. Maintenance of perimeter fencing shall be completed on an ongoing annual basis by the development's Homeowners Association; a partnership of the development's lot owners who own the property along the perimeter of the subdivision, or other method and party identified within the Development Agreement. There shall be a separate fund set up equal to 2 years maintenance costs by the Applicant and administered by the Homeowners Association or other entity as established in the Development Agreement at time of signature of the Board on the final plat. If agricultural use on adjacent property ceases permanently (i.e., development occurs) then ongoing maintenance can cease upon notification to and inspection by the Planning Department and amendment of the Development Agreement.</li> <li>3. Developers shall provide residential property owners within their development the County Extension Service's "Guide to Small Scale Agriculture and Rural Living" at time of real estate closing.</li> </ol> <p><b>The petitioner represents that the More Family would be willing to execute a development agreement restricting further development.</b></p> <p>Applicant Response: The Applicant will comply with all fencing requirements. Residential property owners will be provided with the "Guide to Small Scale Agriculture and Rural Living" at time of real estate closing.</p>
<p>D. Create an open lands system that provides substantial interconnected acreage for commercially viable agricultural lands production.</p>	<ol style="list-style-type: none"> <li>1. Locate Remainder Parcels so that they are nearby or are adjacent to (if possible) other agricultural lands, other Remainder Parcels, conservation easements, public open lands, and natural resource areas, and</li> <li>2. To the extent practicable, Cluster Buildable Lots and Residential Building Envelopes.</li> </ol> <p><b>At this time, 20 years prior to the proposed execution of the LPSE final plat, the proposed Remainder Parcel is located adjacent to other agricultural lands.</b></p> <p>Applicant Response: Building envelopes are clustered in the eastern portion of the site to preserve a large, connected Remainder Parcel adjacent to State Highway 131 and adjacent large parcel residential uses to the north, and agricultural use to the south.</p>

<b>5.1.2 Visual Resources</b>	
<b>Objectives</b>	<b>Design Guidelines and Standards</b>
<p>E. Minimize negative visual impact from public rights-of-way including roads, and public open spaces.</p>	<ol style="list-style-type: none"> <li>1. Site and size building lots and building envelopes to minimize visual impacts. AND</li> <li>2. All Buildable Lots within a Cluster should be between five (5) and seven (7) acres. AND</li> <li>3. Limit the height, amount of fixtures and direction of lighting. Require opaquely shielded, downcast lighting fixtures to protect views and the night sky from light pollution. No general floodlighting of buildings shall be allowed. AND</li> <li>4. To the extent practicable, use topographic breaks to shield building envelopes and roads from view. AND</li> <li>5. To the extent practicable, utilize the landscape or landscaping treatments to minimize visual impacts. OR</li> <li>6. For larger Clusters greater than 10 units and/or Clusters where houses are set apart by minimum setbacks, increase the distance so that both of the Clusters will have limited visibility from a point on Federal and State highways and County Roads at the same time.</li> </ol> <p><b>It is difficult to visualize the visual impacts of the proposed LPSE twenty years prior to its effective date. The proposed homesites would not skyline and if the vegetative screening, for the gravel operation, prospers then it is unlikely that the homesites would be visible from CO 131. It is Staff’s understanding that berms employed during the mining phase will be removed.</b></p> <p>Applicant Response: The 5 building sites are clustered on the far eastern part of the site, far away from SH 131, to minimize visual impacts. Berms and landscaping created for the mining operation will further screen the homes from SH 131. Lighting restrictions will be included in project covenants.</p>
<p>F. Keep structures off of highly visible places and design them so they are not obtrusive and do not “loom out” over the landscape.</p>	<ol style="list-style-type: none"> <li>1. For ridgelines which are “skylined” from public rights-of-way:</li> <li>2. Where necessary, height of structures shall be limited so the structure will not project into the skyline when viewed from public roads.</li> </ol> <p><b>The proposed homesites would not skyline.</b></p>
<p>G. Select sites that are appropriately scaled for the type of proposed development without major alterations to the natural landscape. Protect natural land forms.</p>	<ol style="list-style-type: none"> <li>1. Replace topsoil and revegetate the landscape with native plant materials of adequate quantity and quality within one growing season after disturbance of the area.</li> <li>2. Minimize the removal of existing trees.</li> <li>3. Minimize the disturbance outside of Building Envelopes.</li> </ol> <p><b>It is Staff’s understanding that berms employed during the mining phase will be removed.</b></p> <p>Applicant Response: The landscape will be altered during gravel mining operations and then reclaimed based on the approved reclamation plan.</p>

<p>H. Maintain the rural character and scale of the area. Minimize the cumulative impact of development on adjacent rural properties.</p>	<ol style="list-style-type: none"> <li>1. Generally presume that 10 or fewer lots per cluster are rural in character. If more than 10 lots are proposed to be in one cluster, the applicant shall demonstrate that the rural character of the area can be maintained (including the cumulative impact of development on adjacent properties) and visibility from federal and state highways, and county roads can be mitigated. AND</li> <li>2. Avoid long, uninterrupted rows of houses lining major roadways.</li> </ol> <p><b>Five (5) lots are proposed. The LPSE would have direct access to CO 131.</b></p> <p>Applicant Response: Again, visibility from SH 131 will be minimized due to location of building envelopes far to the east as well as screening provided by landscaped berms and buffers. Only 5 homesites are proposed. A large open space parcel adjacent to SH131 will be enhanced with landscaping and wetland creation, providing a more aesthetically pleasing landscape along the highway.</p>
<p><b>5.1.3 Rivers, Lakes, Wetlands, and Riparian Areas</b></p>	
<p><b>Objectives</b></p>	<p><b>Design Guidelines and Standards</b></p>
<p>I. Provide adequate buffers between water bodies and development to protect water quality, enhance wildlife habitat and improve visual quality of rivers, lakes, wetlands and irrigation ditches.</p>	<ol style="list-style-type: none"> <li>1. All structures shall meet with the requirements of the Routt County Water Body Setback Regulations, as described in the Routt County Zoning Regulations. AND</li> <li>2. Place all roads and structures other than bridges, fences, ditches, flood control devices, and other water-related uses at least fifty (50) feet from all wetlands, unless the applicant can demonstrate that the critical riparian areas are not negatively impacted.</li> </ol> <p><b>Submission of an LPSE proposal would require detailed hydrology and floodplain studies to evaluate the homesites, septic systems, and access to the homesites.</b></p> <p>Applicant Response: Lakes will be created as part of the reclamation plan. Homesites will maintain a 50' setback from the edge of the lakes. Criteria 2 will be complied with.</p>
<p>J. Avoid sedimentation and runoff impacts during and after development including those that impact irrigation ditches.</p>	<ol style="list-style-type: none"> <li>1. Use appropriate Best Management Practices during construction, siting and development. Avoid sedimentation with acceptable water management techniques during and after development.</li> </ol> <p><b>Best Management Practices would be required for the LPSE development.</b></p> <p>Applicant Response: BMP's will be utilized as will acceptable water management techniques.</p>
<p>K. Protect the riparian environment with its diverse habitat.</p>	<ol style="list-style-type: none"> <li>1. To the extent practicable, locate Remainder Parcels to protect the maximum amount of riparian and wetland areas.</li> </ol> <p><b>This proposal does not seek to protect riparian and wetland areas but to create them.</b></p> <p>Applicant Response: The primary preserved riparian/wetland area will continue to be preserved in the LPS by locating it in the Remainder Parcel or within open space on a residential lot.</p>

5.1.4 Infrastructure	
Objectives	Design Guidelines and Standards
<p>A. Reduce internal road construction costs while minimizing environmental impacts. Design lots and building sites to minimize impacts on public roads and services including snow plowing and maintenance.</p>	<ol style="list-style-type: none"> <li>1. Minimize redundant road construction by placing and orienting new residential construction toward existing roads. Use existing infrastructure to the greatest extent possible. AND</li> <li>2. Require a minimum road width, turning radius, and grade that is less than the existing County standards and based upon Section 1100 of the CDOT low volume standards, as based on the American Association of State Highways and Transportation Officials (AASHTO) standards. AND</li> <li>3. Minimize the amount of curb cuts and driveways onto County Roads. AND</li> <li>4. Mitigate visual impacts of switchbacks and roadcuts. AND</li> <li>5. Set back roads from adjacent adjoining landowner fences an adequate amount to insure minimal damage from road maintenance activities.</li> <li>6. Construct internal roads pursuant to an approved Road Construction Permit.</li> </ol> <p><b>Staff cannot predict as to what road standards would apply at the future date when development is proposed.</b></p> <p>Applicant Response: No County roads will be used for access. No switchbacks or road cuts are proposed. No roads, other than single driveways are proposed near adjacent properties. Roads will be designed based upon CDOT low volume standards.</p>
<p>B. Avoid adversely impacting the condition of public roads where their capacity is insufficient to carry the additional traffic.</p>	<ol style="list-style-type: none"> <li>1. Make improvements to public roads to meet County or CDOT requirements. AND</li> <li>2. No LPS's shall be approved on Minimal Maintenance Roads as defined in the Routt County Road Maintenance Plan.</li> </ol> <p><b>It is anticipated that CO 131 will have adequate capacity to serve the proposed LPSE</b></p> <p>Applicant Response: Intersection improvements on SH 131 will be constructed for the gravel mine. These improvements will remain for the LPS which will have greatly reduced traffic.</p>
<p>C. Ensure that new roads will be designed in accordance with the Master Plan and sub-area plans and will provide a logical and convenient extension to the road network in the area.</p>	<ol style="list-style-type: none"> <li>1. The arrangements, classification, extent, width, grade and location of all streets shall conform to the Master Plan and any sub-area plan and shall be designed in relation to existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of land to be served by such streets. OR</li> <li>2. Where such is not shown in the Master Plan and any sub-area plan, the arrangement of streets in a subdivision shall either:                         <ol style="list-style-type: none"> <li>a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or</li> <li>b. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impractical.</li> </ol> </li> </ol> <p><b>Staff cannot predict as to what road standards would apply at the future date when development is proposed.</b></p>
<p>D. Ensure that adequate water</p>	<ol style="list-style-type: none"> <li>1. Size lots according to State and local Health Department standards. Meet all</li> </ol>

<p>and sewer facilities can be developed.</p>	<p>location standards. Minimum lot size is 5 acres on well and septic. AND</p> <ol style="list-style-type: none"> <li>2. All sanitation systems and domestic water wells should be placed within the designated lot or within the Residential Building Envelope on the Remainder Parcel.</li> <li>3. If a central sewer system is contemplated then it must be designed and constructed to ensure that it is adequately sized to accommodate the development at build-out.</li> <li>4. The applicant shall provide an engineer’s report establishing the availability of an adequate supply of water to serve the development.</li> <li>5. Where a public water system is proposed all the following requirements shall be met:                     <ol style="list-style-type: none"> <li>A. The availability of water sources including quality, quantity and dependability shall be explained in a written report and certified by a registered professional engineer or geologist and an attorney if necessary to substantiate water rights.</li> <li>B. Representative samples of the water source must be analyzed by a reputable laboratory to confirm satisfactory chemical quality</li> <li>C. Water supply, treatment and distribution facilities must be provided in conformance with the requirements of the Colorado Department of Public Health and Environment, the local health authority, and the Board through their designated representatives.</li> <li>D. The minimum size of a water main shall be six (6) inches in diameter unless otherwise stated by state regulations or the Uniform Fire Code (if applicable).</li> <li>E. An organization shall be formed to own and operate this system. Administration shall be by an incorporated town, homeowners association, or an approved special district whose service plan has been submitted and approved by the County.</li> </ol> </li> </ol> <p><b>Staff cannot predict what State and Local health standards would apply at the date of the proposed LPSE. At this time the minimum lot size for a septic system is 5 acres.</b></p>
<p>E. Minimize the intrusion of subdivision infrastructure on the Remainder Parcel.</p>	<ol style="list-style-type: none"> <li>1. To the extent practicable, infrastructure shall be positioned so that they do not traverse or significantly damage the qualities of the Remainder Parcel.</li> </ol> <p><b>The roads and driveways are infrastructure that will intrude on the Remainder Parcel. As for the “qualities of the Remainder Parcel” criteria, Staff questions the value or intent of the proposed Remainder Parcel, is it to benefit wildlife or is it an amenity to the homesites?</b></p> <p>Applicant Response: Since there will no central water or sewer system, there will no intrusion of these facilities on the Remainder Parcel.</p>
<p><b>5.1.5 Wildlife</b></p>	
<p><b>Objectives</b></p>	<p><b>Design Guidelines and Standards</b></p>

<p>A. To the extent practicable, avoid areas used by Threatened or Endangered Species if the areas are critical to survival or production.</p>	<ol style="list-style-type: none"> <li>1. Limit development within known Critical Habitat of Threatened and/or Endangered species sites including nesting, roosting, mating, birthing, and feeding areas.</li> </ol> <p><b>At this time, no “Critical Habitats” are called out in the County GIS for this immediate area. It is sited as Columbian Sharptail Grouse Habitat and has a Bald Eagle winter concentration area to the south.</b></p> <p><b>The DOW stated that is is “very difficult to comment on a generalized LPS plan that will not be constructed for another 18-20 years.”</b></p> <p>Applicant Response: There is no critical habitat for threatened or endangered species on or adjacent to the parcel. The mining operation will enhance wildlife habitat on the 43 acre parcel near SH 131. This area will be part of the LPS Remainder Parcel. Additional lakes and wetlands will be created as elements of the reclamation plan, further enhancing riparian and wetland habitats. All of these natural features will be preserved with the LPS.</p>
<p>B. To the extent practicable, avoid Critical Winter Habitat of elk, deer, moose, bald eagles, golden eagles, sharptail grouse, and sage grouse.</p>	<ol style="list-style-type: none"> <li>1. Restrict activities including construction, maintenance and special events to avoid seasonally critical habitat during sensitive seasons. AND</li> <li>2. Limit development allowed within these areas to the greatest extent possible. OR</li> <li>3. Submit a Wildlife Mitigation Plan and/or other legally enforceable agreement for development in Critical Habitat Areas.</li> </ol> <p><b>See staff comment 5.1.5 (1) above.</b></p> <p>Applicant Response: There is no critical wildlife habitat on the parcel. Wildlife habitat will be enhanced with the LPS as it will mean the end of mining operations and the natural features created through the mining reclamation plan will continue and/or begin to mature. The DOW will be involved with wildlife enhancements as part of the mining plans.</p>
<p>C. Locate development to permit wildlife movement and migration of elk, deer and moose. Maintain wildlife corridors of such animals and avoid fragmentation of habitat.</p>	<ol style="list-style-type: none"> <li>4. Restrict any fences that obstruct historical movement patterns of wildlife. Use fences which allow free wildlife movement, as specified by the Division of Wildlife. AND</li> <li>5. No outdoor lighting adjacent to movement corridors other than what is necessary for security purposes. No general flood lighting in these areas.</li> </ol> <p><b>See staff comment 5.1.5 (1) above.</b></p> <p>Any fencing will be in compliance with DOW fence specifications. There are no identified migration corridors on the site.</p>
<p>D. To the extent practicable, avoid areas that are Critical Wildlife production areas.</p>	<ol style="list-style-type: none"> <li>1. Limit development within Critical Wildlife Habitat production areas including mating, nesting, and rearing area, calving, fawning, leks, and staging areas to the greatest extent. OR</li> <li>2. Submit a Wildlife Mitigation Plan and/or other legally enforceable agreement for development in Critical Habitat Areas.</li> </ol> <p><b>See staff comment 5.1.5 (1) above.</b></p> <p>Applicant Response: DOW will be consulted with as part of the mining special use permit. DOW has previously stated that there are no Critical Wildlife production areas on the site.</p>

<p>E. Limit wildlife harassment by domestic predators.</p>	<ol style="list-style-type: none"> <li>1. Limit the number of domestic predators on a case by case basis to fit habitat using Development Agreements to limit wildlife harassment. Provide effective enforcement in the Development Agreement. AND</li> <li>2. Construct effective physical restraints for domestic predators such as fencing in areas near homes that are close to Critical Wildlife Habitat.</li> </ol> <p><b>A wildlife mitigation plan, addressing control of domestic predators, would be a requirement of the LPS approval.</b></p> <p>Applicant Response: Domestic predators will be limited if DOW believes this is necessary for the LPS.</p>
<p><b>5.1.6 Geologic, Fire, Flood and Slope Hazards</b></p>	
<p><b>Objectives</b></p>	<p><b>Design Guidelines and Standards</b></p>
<p>A. To the extent practicable, locate all development outside known and/or active hazard areas. These include: Ground subsidence, potential rock fall, fault or fault zone, unstable slopes, slope failure complex, landslide, mudflow, and earthflow.</p>	<ol style="list-style-type: none"> <li>1. Locate all residential structures outside of hazard areas as necessary to eliminate impacts to hazard areas. AND</li> <li>2. To the extent practicable, place all utilities and infrastructure outside of hazard areas.</li> </ol> <p><b>There are no mapped geologic hazards on the site.</b></p> <p>Applicant Response: There are no known geologic hazards on the site.</p>
<p>B. Provide adequate and explicit notice for development in potentially hazardous areas including potentially unstable slopes.</p>	<ol style="list-style-type: none"> <li>1. Put potential purchasers of property on notice through legal disclosures on the plat and in the Development Agreement. For building envelopes at the edge or fringe of the hazard boundary, special studies may be required at submittal to determine the most accurate boundary. AND</li> <li>2. Mitigate with best engineering practices if possible and practical.</li> </ol> <p><b>This standard is very important for this site. See also staff comment 5.1.6 (A) above.</b></p> <p>Applicant Response: There are no known geologic hazards on the site.</p>

<p>C. Limit the impact to people and structures, on and off site, from flood damage.</p>	<ol style="list-style-type: none"> <li>1. Locate residential structures outside of the 100-year floodplain. AND</li> <li>2. Other non-residential improvements shall meet with the requirements of the Routt County Floodplain Resolution 92-069 or any successive resolution.</li> </ol> <p><b>Flood hazard potential of the site is not clear to staff and has not been evaluated with respect to future residential use of this site.</b></p> <p><b>Staff suggests that all Building sites be moved out of the 100-year floodplain. The intent of this requirement is to <u>not</u> impact the floodplain.</b></p> <p>Applicant Response: The applicant will protect building envelopes within the 100 year floodplain by raising the level of the ground within the building envelopes to an elevation at least 2' above the base flood elevation. No building envelopes will be located in a floodway.</p>
<p>D. Minimize the risk of wildfires in severe hazard areas. Minimize the cost of fire fighting in these areas.</p>	<ol style="list-style-type: none"> <li>1. Place structures outside of severe hazard areas. OR</li> <li>2. Comply with Colorado State Forester recommendations for mitigation including thinning of all nearby trees to their standards and establishing a 30' clear zone around structures. AND</li> <li>3. Use non-flammable building materials, including treated roofing materials; AND</li> <li>4. Provide on-site storage areas of at least 1000 gallon capacity (irrigation, springs, ponds, cisterns and/or underground storage tanks) for fire suppression purposes.</li> </ol> <p><b>The site is mapped as a “low” wildfire risk area.</b></p> <p>Applicant Response: The LPS will be located in a low risk area for wildfires.</p>
<p><b>5.1.7 Remainder Parcel(s)</b></p>	
<p><b>Objectives</b></p>	<p><b>Design Guidelines and Standards</b></p>
<p>A. Limit number of Remainder Parcels and establish minimum size of Remainder Parcels to receive a Density Bonus.</p>	<ol style="list-style-type: none"> <li>1. The minimum size of a Remainder Parcel which may be used to support the Density Bonus is 100 acres, except as provided for Non-contiguous Remainder Parcels created pursuant to the Non-contiguous Parcel Process set forth in Section <a href="#">2.12</a>. However, if Remainder Parcel contiguity is broken by a significant natural feature, topographic break, river, lake or other physical boundary such as roads or railroads or other compelling reason, smaller Remainder Parcels totaling 100 acres or more may be considered in calculating the Density Bonus. Except as provided in Section <a href="#">2.12</a>, Remainder Parcels smaller than 100 acres are allowed but cannot be used toward the calculation of the Density Bonus, and</li> <li>2. There is no maximum size for Remainder Parcels, and</li> <li>3. Long gerrymandered Remainder Parcel boundary lines are discouraged for the purpose of determining the density bonus. Such lots may be considered as the basis for denial, and</li> <li>4. All Remainder Parcels qualifying for the Density Bonus shall be required to be held under a single owner, except as provided for Non-contiguous Remainder Parcels created pursuant to the Non-contiguous Parcel Process set forth in Section <a href="#">2.12</a>. Areas shown as road easements or rights-of-way shall not be counted towards the Density Bonus.</li> </ol> <p><b>The proposal meets these planning objectives and standards.</b></p> <p>No applicant comment</p>



<p>B. Allow for limited Residential Use on Remainder parcels consistent with a traditional ranch headquarters</p>	<p>1. One (1) Building Envelope is allowed on a single Remainder Parcel within the Subdivision Exemption.</p> <p>2. Any Dwelling Unit on the Remainder Parcel shall be located within a residential Building Envelope of between five (5) and seven (7) acres as shown on the plat. The acreage contained in the residential Building Envelope shall not be counted towards the Density Bonus.</p> <p><b>The proposal meets these planning objectives and standards.</b></p> <p>No applicant comment</p>
<p>C. Limit the award of a density bonus to lands not already subject to development restrictions</p>	<p>1. Land subject to a pre-existing agreement such as conservation easement which prohibits development shall not be used toward the calculation of a Density Bonus. Land subject to a conservation easement to be granted concurrently with the Land Preservation Subdivision Exemption process need not be excluded in the calculation of the Density Bonus.</p> <p><b>There is no pre-existing agreement or conservation easement at this time.</b></p> <p>No applicant comment</p>
<p>D. Require additional acreage in the Remainder Parcel for certain uses that are not in keeping with the historic character of the landscape.</p>	<p>1. Land used for paid commercial recreational activities shall not be counted in calculating the Density Bonus. Exclude all acreage that is used for those commercial purposes in the calculation. Any residential Building Envelopes within Remainder Parcels shall be excluded from the Density Bonus calculation</p> <p><b>The proposal meets these planning objectives and standards.</b></p> <p>No applicant comment</p>
<p>E. To encourage Trail corridors for public access if the applicant so desires</p>	<p>1. Do not subtract acreage for trail corridors in calculating the Density Bonus. Subtract acreage for trails used for paid commercial rides and/or tours in calculating the Density Bonus</p> <p><b>Trail corridors are not a consideration of the LPSE proposal</b></p>

**PLANNING COMMISSION OPTIONS**

Since this is a pre-application hearing, the Planning Commission should provide feedback to the applicant and staff regarding these project. Such feedback could include general support or opposition and specific concerns that will have to be addressed in the Final SUP application for the gravel mining operation and LPS application.



**SPECIAL USE PERMIT**  
**Routt County**  
**Board of County Commissioners**

Permit No.: PP2002-041

Project Name: River Valley Resource gravel pit

Owner: Lafarge Inc

Address: 1590 W 12th Avenue  
Denver, CO 80204-3410

Type of Use: Gravel pit, crusher, wash plant, shop, office trailer and associated facilities

Location/Legal Description: Approximately 5 miles south of Steamboat Springs on the east side of Hwy 131/ Portion of Section 21, Township 5 North, Range 84 West

Period of Permit: 10 years

Board Approval Date: May 20<sup>th</sup>, 2005

**Conditions of Approval:**

1. The operator shall comply with all applicable conditions of the Routt County Zoning Resolution.
2. The SUP is limited to uses and facilities as presented in the approved project plan with the elimination of Phase III. Any additional uses or facilities must be applied for in a new or amended application.
3. Any complaints or concerns that may arise from this operation may be cause for review of the SUP at any time, and amendment or addition of conditions or revocation of the permit if necessary.
4. The permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence with either unlimited aggregate or a policy endorsement requiring notice to Routt County of all claims made. Routt County shall be named as an additional insured on the policy.
5. Routt County has the authority to close any County road at its discretion, if such road surface is in poor condition and would be further damaged by additional use.

6. The operator shall prevent the spread of noxious weeds to surrounding lands; a noxious weed management plan approved by the Routt County weed supervisor shall be obtained prior to the issuance of the SUP.
7. In the event Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action, including, without limitation, attorney fees.
8. This permit is contingent upon permits being obtained, on file with the County and complied with for air and water emissions, reclamation, and other appropriate permits from all involved agencies, including, but not limited to, a Colorado Division of Minerals and Geology (DMG) Mined Land Reclamation Permit, an Army Corps of Engineers 404 permit, Colorado Department of Public Health and the Environment Air Pollution permits, Colorado Department of Transportation access permit, a State Engineers Office gravel mine well permit, and an NPDES permit. The operator shall comply with all Federal, State and local laws. No construction shall begin on-site until this condition is met.
9. Fuel, flammable materials, and hazardous materials shall be kept in a safe area. Any spills of fuels or hazardous materials shall be reported to the Routt County Planning Department within three days of occurrence.
10. The permittee will work with CDOT to install truck entrance signs at appropriate locations both north and south of the pit on Highway 131, prior to any outside sales from the mine.

## **Specific Conditions**

### **Duration of Permit, Phasing and Operations**

1. The SUP is valid for ten years provided it is acted upon within one year of approval. A full performance review by Planning Commission and the Board of County Commissioners shall be conducted after five years of operation.
2. Required Highway 131 access improvements and visual landscaping berms shall be completed prior to any outside sales from the mine. The access improvements shall comply with the approved CDOT Access Permit.
3. Importation of gravel materials is not allowed as part of this permit. Importation of inert fill and asphalt paving and concrete to be recycled is allowed.
4. Approved uses include mining, crushing, processing, recycling, washing, and stockpiling of gravel, maintenance of equipment, shop, office trailer, crusher and associated equipment, and annual sales of a maximum of 460,000 tons. Neither an asphalt nor a concrete batch plant is allowed.
5. Any amendments to the Mined Land Reclamation Division permit must be approved by the Planning Administrator and may be cause for a review of the SUP.
6. The hours and days of operation shall not exceed the following:
  - a) Extraction and reclamation: 7:30 a.m. to 7:00 p.m., Monday through Friday, 7:30 am to 2:00 p.m. on Saturdays.
  - b) Crushing and processing of material: 8:00 a.m. to 6:00 p.m., Monday through Friday, 8:00 a.m. to 2:00 p.m. on Saturdays.
  - c) Loading and hauling of material from August 15<sup>th</sup> through May 31: 10:00 a.m. to 6:00 p.m., Monday through Friday; 10:00 a.m. to 2:00 p.m. on Saturdays. Loading and hauling of material from June 1<sup>st</sup> through August

- 14<sup>th</sup>: 8:30 a.m. to 6:00 p.m., Monday through Friday; 9:00 a.m. to 2:00 p.m. on Saturdays.
- d) No extraction, hauling, or operation of trucks or other equipment shall occur on Sundays and national holidays, which are Christmas Day, Thanksgiving Day, New Year's Day, Fourth of July, Presidents' Day, Memorial Day, and Labor Day.
  - e) Warming of equipment is allowed 15 minutes prior to startup.
  - f) The Board of County Commissioners may grant temporary waiver of hours and/or days of operation for public projects or for projects with special technical requirements, by special hearing with at least 24 hours notice to adjacent property owners.
  - g) The hours of operation may be amended at the Board of County Commissioners' discretion to avoid conflicts with school busses. Permittee shall work with the Planning Department on a system to educate haulers/drivers regarding the potential conflicts with school buses.
7. The operator shall submit the current DMG Annual Report for the pit to the Planning Department on or before February 15<sup>th</sup> each year.
  8. The operator shall submit an annual report that details total materials hauled, remaining reserves, and total number of truck trips to the Planning Department by February 15<sup>th</sup> of the following year.
  9. A maximum of 25 acres within the permit limits shall be disturbed at any time. "Disturbed acreage" is defined as any area that is not covered by water, substantially noxious weed-free vegetation, paving, or other stabilized road surface. Disturbance caused by the initial construction of the State Highway 131 intersection will not be included in disturbed acres.
  10. This SUP approval does not confer any pre-approvals for final site development, rezoning of the site, subdivision, or any other development that would normally receive separate Planning review. Any such plans for development shall be submitted to the Planning Department for appropriate review.
  11. No trucks entering or leaving the operation shall use County Road 20 unless delivering material to a site accessible only by County Road 20. Lafarge will be responsible for enforcing this condition with all trucks using its operation.
  12. Permittee shall obtain all necessary County and Federal Emergency Management Agency (FEMA) approvals and permits for both mining and final reclamation related alterations to the floodplain. No increase in base flood elevation on adjoining properties shall be allowed as part of any such permit. Required approvals include but are not limited to a Routt County Floodplain Development Permit, a FEMA Conditional Letter of Map Revision (CLOMR) prior to any mining related construction, a FEMA Letter of Map Revision (LOMR) for as-built mining related construction, and a LOMR for as-built final reclamation.

#### Reclamation

1. Permittee shall implement the amended reclamation plan in a manner concurrent with the phased mining plan to insure the maximum disturbed area is not exceeded. Final Reclamation shall include measures to prevent the proliferation of non-native species as required in the Army Corps of Engineers 404 permit as approved by the Colorado Division of Wildlife or U.S. Fish and Wildlife Service. This amended

Reclamation Plan shall be approved by the DMG as the final Reclamation Plan for this site prior to the issuance of the SUP.

2. The permittee shall engage in phased reclamation during the life of the permit, and is required to proceed with due diligence upon the closing of the pit.
3. Prior to any sales, permittee shall acquire, conserve, and donate to a qualified conservation easement holder a conservation easement to protect from any residential development on a contiguous 128-acre parcel of land located in an area covered by the Steamboat Springs Area Community Plan.

#### Landscaping/Visual Screening

1. Permittee shall work with and obtain approval from the Planning Administrator of a revised landscaping plan prior to the issuance of this SUP. Revised plan shall include visual screening berms along north and west sides of property substantially as shown on the amended landscaping plan dated 11/13/04, which will be located to avoid wetlands and allow passage of floodwaters while screening view corridors from Highway 131 and neighboring properties. Berm heights of up to 15 feet may be required, and final berm elevations shall be determined during on-site consultations with Planning staff. Permittee shall submit a watering plan to ensure first and subsequent year survival of the plantings.
2. Maximum stockpile height during at-grade Phase I operations shall be 25 feet. During all other phases, stockpiles shall be located in the bottom of the pit and shall not protrude more than 10 feet above the original ground elevation.
3. All exterior lighting shall be downcast and opaquely shielded.

#### Air & Water Quality

1. Permittee shall work with and obtain approval from Planning Administrator and Army Corps of Engineers through a Section 404 permit of a mitigation and monitoring plan to ensure that wetlands on-site are maintained in a healthy condition during the life of the mine. Plan may require annual sample plot and photo monitoring, turbidity monitoring, and water-depth monitoring at key points.
2. Permittee is responsible for conducting pumping and recovery tests on all existing wells (if landowner grants permission) within 2,500' of the permit boundary and north of the Yampa River prior to any excavation on site that exposes the groundwater. Tests will be used to determine baseline well information.
3. Lafarge shall conduct groundwater level monitoring monthly at the locations shown on the mine plan. Monitoring reports shall be made available to Routt County Planning Department on request.
4. Permittee is required to mitigate and rectify impacts to nearby wells that are reasonably attributable to dewatering on the site. Planning Administrator (or designated expert) will use baseline pump data, groundwater monitoring information, and any other pertinent information to determine whether mine dewatering has affected nearby wells. The State Engineer's Office will be consulted prior to any mitigation being required.
5. The permittee shall comply with the Stormwater Management Plan (SWMP) submitted as part of the application. The permittee shall comply with all conditions of any applicable discharge permits and shall not permit drainage onto adjacent

properties greater than historic flows thereon unless approved by the terms of any discharge permit or by separate agreement with affected property owners.

6. All haul roads shall be chemically stabilized or paved; all disturbed sites shall be watered or chemically stabilized to minimize dust. Watering operations shall be increased immediately in response to periods of high wind. The operator shall take all appropriate actions to mitigate and control dust from all sources, including stockpiles. The Planning Administrator or Environmental Health Director may require temporary closure of the facility if dust control measures are not effective.
7. No off-site transport of visible dust emissions shall be allowed.

### **Irrigation Ditches**

3. The permittee is responsible for ensuring relocated Suttle Ditch Lateral is constructed to adequately convey all adjudicated water rights to downstream users, complies with the Settlement Agreement between parties, and all applicable permits from the Division of Water Resources are obtained.
4. Permittee is responsible for maintaining historic flows to downstream users of all affected ditches on the property.

### **Noise**

1. Noise from all on-site sources and from haul trucks shall not exceed the performance standards in the State noise statute (C. R. S. 25-12-101). Violations of performance standards shall be enforceable by the Routt County Environmental Health Department and may be cause for a review of the SUP by Planning Commission and/or the Board of County Commissioners.
2. All permanent dewatering pumps on-site shall be connected to line electric power. Temporary dewatering pumps may be used for up to 3 months at the start of each phase. Temporary pumps may be powered by generators, which shall use best available technologies (BATs) to reduce noise.

Permit Issued by the Routt County Board of County Commissioners:

\_\_\_\_\_  
Daniel R. Ellison, Chairman

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Kay Weinland, Clerk and Recorder

\_\_\_\_\_  
Date

ACCEPTED:

\_\_\_\_\_  
Permittee

\_\_\_\_\_  
Date

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
May 16, 2005**

Chairman Daniel R. Ellison called the Routt County Board of County Commissioners meeting to order. Commissioner Douglas B. Monger; County Manager Tom Sullivan; County Attorney John Merrill; Caryn Fox, John Eastman, and Jim Goossens, County Planning; Heather McLaughlin, Road and Bridge; Mike Zopf, Environmental Health; Marv Doherty, Roger Kenworthy, David Strode, Jeff George, Sterling Carrithers, Bill Anderson, Luke Sobeski, Rod Harris, Gary Tuttle, Steve Wood, Bruce McDaniel, Kelly Colfer, Joe Kohler, and Dave Bailey, Lafarge; Donald Walling, Fred and Karen Hughes, Gerald Rudolph, Marian Marti, Rosemary and Lula Post, Lynn and Chuck Abbott, Gary Miller, Bill Wallace, Janie Romick, Diane Wallace, Stuart Orzach, Carolyn Corogin, Deb and John Holloway, Dori Weiss Allen, Ann Marie Casey, Betty Leipold, Diane and Joel Anderson, Valerie Perea, Susan and Ken Solomon, Nancy Graves, Cheryl Busby, Kent Dawkins, Jim Meyers, Anne Jeckel, Tony Connell, Karen Pereira, Marion Good, Chancie Gall, Mary Ewing, Amy Hanson, Tracy Penner, Chris Allen, David Eiland, Gillian Pierce, Carol Iverson, Valerie Piper, Ryan Stafford, Jessica Manney, Meghan Hanson, Steve Clark, James Winter, Melanie and Joe Terry, Dana Colgan, Karen Post, Willow Post, Dave Glantz, Don Schwartz, Chula Wheby, Stewart Beall, Gigi Walker, Johnny Walker, Chan Coyle, Rod Hanna, Joseph Remillard, Maury Bunn, Sherry and Greg Kammerer, William Meyers, William James Jr., Adam and Lisa Specter, Diane Maltoy, Cathryn Wohlfert, Tressa and Dave Moulton, Fred Matzdorf, Todd Hagenbuch, Donald Iken, Danna McDonough, Diane Holly, John Moffitt, Channing Reynolds, Allan White, Bruce Johnson, Don and Karen Richards, Natalie Smith, Dennis Hopkins, Howard McDonald, Ken Brenner, Linda Kakela, John Kerst, Hal Schlicht, Loris and Deb Werner, David and Alicia Josfan, Dale Keith, Rosemary Farrell, Scott McDonald, Paddy Ferrell, Rob Hartman, Sheila Packard, Bea Westwater, Jim Winter, Katie Weeks, Chris Rupp, Valerie McLaren Clark, Wren Martin, and Lester Crawford, citizens; Lori Potter, Concerned Citizens attorney; Sean McAllister, attorney; Michael Claffey, Claffey Ecological Consulting; Jim Jehn, Jehn Water Consultants, Inc.; Mike Jones, King Mt. Gravel; and Christine Metz, Steamboat Today, were present. Commissioner Nancy J. Stahoviak was present via telephone. Diana Bolton recorded the meeting and prepared the minutes.

**EN RE: LAFARGE WEST, INC. SPECIAL USE PERMIT PETITION**

Commissioner Ellison stated that this evening's hearing was a continuation of the Routt County Board of County Commissioners' review of the Lafarge application that was tabled April 22, 2003. He said that Commissioner Stahoviak was at the Doak Walker Care Center and had received all of the materials relevant to the hearing. He asked whether anyone objected to Commissioner Stahoviak's participation via telephone.

Bill Wallace stated that he objected because at the King Mt. Gravel hearing, Commissioner Stahoviak did not have all of the materials available, was unable to see

portions of the presentations, and could not see the character of the discussion or the people in attendance, and the same conditions existed this evening.

David Josfan stated that the hearing this evening and the decision to be made were important and would affect County residents for the next fifteen years. Commissioner Stahoviak represented the part of the County most affected by that decision, and she should be present to see the proceedings and the number of people who attended to discuss the issue.

Mr. Merrill explained that the decision as to whether Commissioner Stahoviak be allowed to participate should be made by the other two Board members after all objections had been heard.

In response to a question from a member of the public, Commissioner Monger stated that the hearing should go forward. He believed that Commissioner Stahoviak had reviewed all of the information, and the rest of the Board would review all relevant information presented in visual form and verbally describe it to Commissioner Stahoviak. He felt that the applicant and affected residents should have resolution on the petition before the Board.

Commissioner Ellison said that Commissioner Stahoviak was recovering from a leg amputation but had participated frequently in regular Board meetings. Commissioner Monger stated that Commissioner Stahoviak was of sound mind and was well aware of the feelings of the citizens she served.

**MOTION—ACKNOWLEDGEMENT OF COMMISSIONER STAHOVIK**

Commissioner Monger moved to acknowledge the presence of Commissioner Stahoviak via telephone and to authorize her participation in and voting on the evening's proceedings and noted that she had received all of the information pertinent to the petition to be heard this evening.

Commissioner Ellison seconded; the motion carried 2-0.

Commissioner Ellison said that presentations regarding applications that had been previously tabled were limited to review of additional information that was requested at the tabling. Items enumerated at the tabling on April 22, 2003 were issuance of the Army Corps of Engineers 404 wetlands permit; the potential impact of lakes on groundwater levels and resultant changes to those levels and reclamation; the Suttle Ditch relocation and effects to the mining and reclamation; the potential air pollution related to dust, odors, and air quality monitoring; Lafarge's environmental policy and operation plan; information on suitability of on-site aggregate for concrete production; access issues and water and fog-blocking views; length of the accel/decel lanes; and other agency permits related to the Special Use Permit (SUP) timeframe. He noted that the request for an asphalt plant on the proposed site had been withdrawn and was not a part of this evening's hearing.



Commissioner Stahoviak requested that a time be established at which the Board would evaluate the status of the hearing process and determine whether to continue or postpone the remainder of the discussion. Commissioner Ellison agreed to assess the proceedings at 9:30 p.m.

Mr. Eastman said that the petition was Activity Number PP2002-041, a Special Use Permit (SUP) request, which was the highest use permit in the Routt County Zoning Resolution. The original proposal was for a gravel pit, concrete plant, asphalt plant, crusher, wash plant, and accessory uses. The only major change in the application was that the request for an asphalt plant had been withdrawn. The proposal was for a 128-acre site with 90 acres to be mined and sales of up to 460,000 tons per year. The application was reviewed by the Planning Commission at a conceptual level in October, 2001 and by the Board of County Commissioners on November 13 and 20, 2001. The Planning Commission's final review was April 3 and 7, 2003. At the April 7<sup>th</sup> hearing, the Planning Commission voted to recommend approval of the application with conditions. The County Commissioners heard the petition on April 22, 2003, and voted unanimously to table the petition to obtain additional information on the eight items noted earlier this evening by Commissioner Ellison.

Mr. Eastman reviewed the materials that had been compiled and that the Board of County Commissioners had reviewed through Wednesday, May 11, 2005. He noted that Lafarge and the Concerned Citizens Group had received the same assembled materials. Additional letters and telephone calls received to 4:00 p.m. this day from citizens opposed to the permit included Ann Varoonous, Charity (no last name recorded), Jim Meyers, Joel Anderson, Candice Lombardo, John Cole, Ashley Edinberg, and Jonathan Wheby. Correspondence received in favor of the application being approved came from the Town of Oak Creek, Wendy from Yampa, Lee Cox, Christine Worthy, and Mary Kay.

Mr. Eastman addressed the items for which the application had been tabled. In regard to the wetlands issue, he stated that at the April 22<sup>nd</sup> hearing, Michael Claffey had presented a report that raised several issues including concerns about a cone of depression that would result from the final reclamation. The County had written to the Army Corps of Engineers, which issues 404 wetlands permits, and requested that the concerns presented in the Claffey Report be addressed. The 404 Wetlands Permit was issued by the Army Corp of Engineers in October, 2004. In regard to the Suttle Ditch lateral, a settlement had been reached, a copy of which was included in the materials presented and available to the public. Air pollution was also a concern that had required additional information. The asphalt plant aspect of the proposal had been withdrawn. Mr. Eastman had consulted with Jonathan Aiken, Colorado Department of Public Health and Environment (CDPHE), regarding the concrete batch plant, which remained a part of the application. Mr. Aiken had sent a letter that stated that emissions from a concrete plant were sufficiently low and did not meet the threshold at which a permit from the Department of Public Health and Environment was required. Mr. Eastman contacted the City of Steamboat Springs and asked about the TransColorado Concrete Plant that operated on the west side of town. No complaints related to that plant had been received. Pertaining to Lafarge's Environmental Policy and Environmental Plan, a comprehensive policy has been submitted. The issue would be whether it was implemented properly. Whether the

on-site aggregate was suitable for concrete was another topic on which the Board wanted further information. A substantial report was received from Lafarge that described sample tests taken. The conclusion was that the aggregate material on-site was suitable for making concrete. The Commissioners had asked for additional information pertaining to Lafarge's Fog Mitigation Plan. Section T of the original application included a comprehensive overview of that plan. In terms of the length of the accel/decel lane being reduced and the way in which it related to the Yampa River Bridge, located on Colorado Highway 131 directly south of the proposed access point, Mr. Eastman said that the Colorado Department of Transportation (CDOT) had approved an access permit with a reduced deceleration lane. Other agency permits that had not been obtained at the time of the April 2003 hearing included the Army Corps of Engineers' 404 permit and the Department of Public Health and Environment's discharge permits for water leaving the site. Both of those permits had since been obtained and copies were on file. No other outstanding permits were required. Mr. Eastman said that various referral agencies had been consulted prior to this meeting, one of which was the Colorado Division of Wildlife. He spoke with the Steamboat Springs representative of the Division of Wildlife regarding the Great blue heron rookery located in a grove of cottonwoods on Colorado Highway 131 close to the proposed access point. Herons had been sighted in the area, but the DOW would not state definitively that the heron rookery was currently an active one. Mr. Eastman noted that a report in the newspaper had claimed that there were 203,924 permitted acres for sand and gravel pits in Routt County and 41 sand and gravel operations in the County. The Planning Department had researched the permits issued and determined that 1,200 acres was the current total number of permitted acres in the County, and the number of active pits was 23. He said that the Colorado Division of Minerals and Geology kept lists of gravel operations for ten to fifteen years. Only 14 of the 23 currently active pits were open to the public, the rest were operated by Routt County, CDOT, or other agencies. The total permitted acreage of the active commercial sand and gravel operations in Routt County was 896 acres, and in Summit County, the total permitted acreage of active pits was 871 acres.

Gary Tuttle, representing Lafarge, stated that the administrative submittal of the permit application was complete. He declared that the proposal met the goals and policies of the Routt County Master Plan and the regulations in the Zoning Resolution. All of the issues raised during public meetings and by neighboring landowners at private meetings had been addressed. The full conceptual and final phases of the Special Use Permit process had been gone through, and all requirements as to additional information requested had been submitted. Mr. Tuttle said that the Environmental Policy submitted was the Lafarge policy that pertained to mining in North America and related to Lafarge's ambitions and methods of attaining environmental goals. He said that the quality of the material at the site was extensively tested and determined to be as good or of better quality than was mined at Lafarge's South Pit location and would meet all specification requirements and perform well as concrete. The full access permit had been obtained from CDOT, and a state-of-technology fog system to measure visibility would be installed on-site. In relation to future development after reclamation had been completed, Mr. Tuttle stated that Lafarge was a mining company, not a land development company. The land would be mined to the fullest extent allowed under the permits issued. Mr. Tuttle showed a diagram that was a mosaic of lakes and wetlands, which, he said, would be permanently

preserved and deed-restricted. He noted that any future development would have to go through the County's development process and would undoubtedly require another 404 permit to build interior access roads. He stated that to resolve a court case between the landowner and another party, Lafarge had made contractual agreements. Those agreements required that Lafarge grant purchase options to both of the parties involved in the court case. He said that the site was in the same situation as the Steamboat North Site was in the early 1990s in that Lafarge's predecessor bought the property, the seller demanded a purchase option, and after Lafarge was finished, the purchase option was given to the seller. Subsequently, the City of Steamboat Springs bought the purchase option, which allowed it to negotiate with Lafarge prior to final reclamation, and last year the land was purchased jointly by the City, GOCO, and the Division of Wildlife. Similar options to purchase would be available on the proposed site. Mr. Tuttle said that in regard to air pollution issues, the asphalt plant had been eliminated from the application, and no major combustion was used in connection with the other aspects of the operation. Also, the elimination of the asphalt plant decreased the number of disturbed acres by five acres. The initial air quality permit, which had strict dust and particulate matter control plans, had been obtained from the Department of Health. To obtain such a permit, it must be demonstrated that emissions from the facility, nearby sources, and ambient concentrations would not exceed the health standards set by the federal government. Thus employees, the environment, and the neighborhood would be protected. Changes to the groundwater hydrology that would impact the wetlands on and off the site was another concern. Those issues included a cone of depression in groundwater, health of the surrounding wetlands, Lafarge's ability to create new wetlands, and disruption of groundwater flow. The Planning staff had asked that the Army Corps of Engineers address those issues, which had occurred over a two-year period, and ultimately the 404 permit was issued. The Army Corps of Engineers had determined that the effects to groundwater from the operation would be minimal and would not alter the wetland plant communities on or near the proposed site. The permit required extensive groundwater well monitoring of the thirteen wells on-site as well as the wetlands plant communities for the life of the mine plus three years after reclamation has been completed. The main mitigation measure in the 404 permit was the movement of water from the mining pits into wetland areas to replicate the flood irrigation that currently occurred on the property. Water put on the wetlands would also recharge the groundwater. He noted that impacts to groundwater were also addressed in the DMG permit that was issued to Lafarge for the proposed site. For example, the DMG permit required that the hydrologic balance of the area not be disturbed, and the DMG scientists had determined that the groundwater would not be affected by the mining operation. The relocation of the lateral of the Suttle Ditch was the final item to be addressed. A Supreme Court case established that the relocation of a ditch was to be resolved by either agreement among the water rights owners or by court order. An agreement with the appropriate parties was reached on April 24, 2005. The agreement contained a full engineering design that pertained to alignment, flow, and the construction of the new lateral and provided assurances that the new lateral would perform properly and the water entering and leaving the ditch could be monitored. Lafarge agreed to leave the old lateral in place until the new one had been deemed to function satisfactorily for two full irrigation seasons. Issue and concern resolution procedures were also part of the agreement and required Lafarge to pay engineering costs that might be

needed to resolve such issues. Two domestic wells owned by lateral owners would be protected.

Commissioner Stahoviak said that the report regarding the suitability of the aggregate for concrete was favorable, yet Lafarge was asking to import up to 150 truckloads of material for concrete in the first year. Mr. Tuttle said that the request related to the timing of the permit. If a permit were approved by the Board and the heron rookery issue resolved, the concrete plant might be constructed but no sand and gravel might be processed and ready for use. The importation of aggregate material would keep the concrete plant running until materials could be processed on-site. He noted that the CDOT access permit allowed for up to 64 asphalt trucks per day, which created far more truck traffic than would the importation of aggregate material on a temporary basis.

Commissioner Stahoviak requested more detail as to the refinement of the fog mitigation plan that would indicate that the fog issue had been substantially mitigated. Mr. Dale Keith said that the system proposed was a visibility sensor system that was used by airports and that had been proven successful. The system could measure visibility from 60' to ten miles in small increments. So the fog mitigation would address the fog issue with proven technology. He said that the sensor would be mounted off of Highway 131 at the entrance to Lafarge at a height comparable to the drivers merging onto Highway 131. When the criteria arrived at 1,105' sight distance, a red light would go on and the plant would be shut down. At 1,500' visibility, orange caution lights would be turned on that would signify that the visibility limit was close. The 1,105' came from speed and sight distance charts provided by CDOT.

Ms. Lori Potter, attorney representing Concerned Citizens, introduced Mike Claffey, a water scientist, who would critique the Army Corps of Engineers permit, and Jim Jehn, a water consultant, who would speak to the drawdown of water and the impacts on wetlands on-site and the diminution of wells within 600' and beyond. Ms. Potter noted that the air quality study requested at the tabling related to the concrete plant as well as the asphalt plant. In a June 3, 2003 letter from Caryn Fox, the Planning Director, to Gary Tuttle, she indicated that the local office of the United States Forest Service had offered to assist Routt County in analyzing air pollution dispersion characteristics for the area. The letter further stated that the proposed change to eliminate the asphalt plant, combined with the efforts of the Forest Service, appeared to eliminate the need for an outside consultant. The study had not been presented in the context of the permit proceeding at hand. Ms. Potter stated that since the area was characterized by temperature inversions, cold air traps, and dust near the ground, the study was important and should be completed. She said that a building industry study related to concrete and environmental considerations stated that both concrete and cement production generated considerable quantities of air pollutants, and dust was usually the most visible of these. She re-asserted that the air quality study should still be performed. She said that in relation to the Army Corps of Engineers 404 permit, Condition 5 stated, "You shall establish and maintain a preserve to include the compensatory wetland mitigation area and avoided wetlands. The purpose of this preserve is to assure that functions and values of the aquatic environment are protected. To insure that the preserve is properly managed, you shall develop a specific and detailed preserve management plan for the on-site mitigation preserve and avoid this area. This plan shall be submitted to the District Engineer no later than 120 days from the

date of this permit. The Corps shall approve the plan in writing.” That time period, from October 19, 2004, was February 18, 2005. According to the Corps, no plan had been submitted as of May 12, 2005. She presented written confirmation of that assertion in the form of an e-mail from Tony Curtis. She noted that effective mitigation at the Camilletti pit and the Lafarge South Pit had been difficult to achieve. She stated that the proposed site was too important an area to be subjected to uncertain mitigation procedures, and was an area that would be negatively impacted and continued to have unresolved mitigation issues.

Commissioner Monger said that the tabling had occurred to avert disputes as to which engineer had the best information. The Commissioners were not engineers; the decision had been left to the Army Corps of Engineers. Mr. Claffey’s concerns had prompted the County to ask the Corps to address those concerns, and the Board would rely on the Corps’ decision. Ms. Potter said that rather than dispute the permit, Mr. Claffey would demonstrate what the permit did not include.

Mr. Claffey said that often local governments relied on the Army Corps of Engineers. He said that the Corps had been asked to specifically evaluate the dewatering issues that he had raised at the last hearing. He declared with certainty that the wetlands would be dewatered, and noted that the Corps had not addressed that issue. He stated that the wetlands were groundwater-fed, and although they would be flood-irrigated, they were wet before any water had been applied. The water chemistry in the groundwater and the hydrologic regime of rising and falling water levels would alter the plant communities. Also, the water chemistry would change and would not maintain the same type of wetlands, nor would irrigation reach and replenish all of the wetlands. He expected that the wetlands would dry up completely. He said that the method of watering the wetlands was to pump water into the river, so the wetlands area would not absorb the water, rather it would run down the slope, flow for a short distance, and develop ponds. Some water would permeate into the aquifer, but it would be removed when it had drawn down into the 27’ gravel pits. Mr. Claffey said that the Army Corps permit required additional monitoring of the wetlands, and stated that if the wetlands dried up, additional mitigation would be needed, which suggested that the Corps expected the wetlands to dry up. He said that mitigation of 14 acres of wetlands on-site, plus adjacent properties’ wetlands, would require extensive mitigation measures. He said that surface water from ponding could be pumped to the wetlands, but the water chemistry would be changed, the hydrologic regime would change, the wetlands would not be the same type, and the entire wetlands area would not be properly irrigated. He stated that the mitigation plan did not create the diverse and high-functioning wetlands that existed on the property currently.

James Jehn, representing the Concerned Citizens Group, stated that he had reviewed the Army Corps of Engineers permit. He said that dewatering a series of 27’-deep pits would cause the water table to drop in the pit as well as in the area surrounding the pit. The creation of the pit caused a cone of depression, which functions like a well. As water was drawn from the pit, drawdown to the water table at 600’ from the pit would be 15’ and at 1,000’ from the pit, 10’ or more of drawdown would occur. Thus, area wells would be affected by dewatering, which might lead to the restriction or reduction of the permitted amount of water allowed to be pumped. If the present water table was 25’,

residences would have 10' or less of aquifer water from which to draw. The cone of depression would drop below the wetlands: a one-foot drop in water level would change the plant communities; a two-foot drop would dry up the wetlands. Recharging from the surface would not recreate the groundwater table in the area. The applicant contended that no wells were located within 600' of the proposed pit, but well #137652, owned by the Shelbys, was plotted to be within 600' of the pit. Wells outside the 600' limit were not required by the State to be monitored, but those wells could still be affected. Lafarge had said that it would pump test any well within 2,500' of the pit, but no list alluding to that test was included in the materials presented, nor was a well mitigation plan that would compensate owners for damage to water supplies submitted with the application. Mr. Jehn suggested that to protect adjacent landowners, a bond should be required, and the Board should require a well mitigation plan that would state the mitigation measures that would be taken if well water supplies were diminished.

Commissioner Stahoviak asked whether the fog mitigation plan described this evening satisfied the Concerned Citizens Group. Ms. Potter stated that the Group had no fog mitigation experts in attendance. However, many members of the group had had personal experience with fog issues and could relate those during public comment.

Commissioner Stahoviak asked for what the types of specialty rocks listed in one of the conditions of approval would be used. Mr. Eastman said the rocks would be used in custom concrete work and exposed aggregate finishes. Salt would be used to make salt/sand mix for which CDOT contracted with various gravel pits throughout the County.

Commissioner Stahoviak asked whether groundwater monitoring had been done on the South Pit that was near the proposed site, whether any dewatering had occurred on that site, and whether any area wells had been monitored at other gravel operations. Mr. Eastman said that none of the County's conditions of approval required such testing and practices for the South Pit. He was unsure whether any of the other required permits addressed those activities. He noted that the new Camilletti pit was the only one in the County that had had extensive groundwater monitoring done on it. As for the South Pit A few houses had wells closer than the one indicated by Mr. Jehn. Some of the homes were on the opposite side of the river from the pit and some wells were in the middle of the u-shaped pit area. He noted that groundwater hydrology was very site-specific, but he was not aware of any complaints from those residents regarding decreased water supply.

Commissioner Stahoviak said that a letter from Susan Solomon included in the information binders listed several suggested conditions of approval, some of which were addressed by the County's standard conditions. Others were more stringent. Commissioner Stahoviak asked whether any of those conditions had been included in the suggested conditions presented by Planning staff. Mr. Eastman said that the conditions before the Board were those recommended by the Planning Commission, staff had made suggestions for some minor technical changes to those conditions but did not feel it was appropriate to recommend substantive changes; none of Ms. Solomon's suggestions had been included.

Commissioner Stahoviak asked how many acres of lakes the reclamation project would create. Mr. Tuttle said that 63 to 65 acres of open water lakes would be created, plus there would be 8 to 10 acres of undisturbed wetlands.

**PUBLIC COMMENT**

Mr. Gerry Rudolph, a long-time resident, stated that he was familiar with the area being considered for the mine operation. He completely opposed any digging of sand or gravel or the removal of those materials. He also opposed the establishment of a concrete plant, a wash plant, or any other needed facilities.

Mr. Stewart Beall, who had worked in the mining industry for twenty-five years, said that if the application were denied, it would not hurt Lafarge because it was the largest mineral mining company and the largest concrete and aggregate producer in the world. He said that everyone came to live in the most beautiful valley, yet because people were informed that they could only speak this evening about the tabled items, he must be a terrorist. He did not understand a process that restricted public comment to certain topics. He agreed with Mr. Rudolph in that coming down Rabbit Ears Pass to his home and seeing a concrete plant and gravel pit would be devastating because when something was done to something, it was never the same, and the Valley would never be the same, regardless of the mitigation proposed. He said that bonding was generally ten or twenty years or an indefinite time. He stated that when rock was exposed to air, it oxidized and heavy metals filtered into the water. He said that Lafarge could create lakes, but the Valley would be permanently altered, and the reclamation period of two years was inadequate. He concluded that he was proud to be a terrorist if people in attendance could only speak to tabled items.

Mr. Scott McDonald said that he was a proponent of affordable housing in Steamboat Springs. He did not own a house, but everyone present had concrete under their homes; everyone had rock around their buildings. If it were not for Lafarge, the community would not be as lively as it was. The experts had been consulted; he hoped mitigation and reclamation would provide additional water to the proposed site. He stated that the Great blue herons might be inconvenienced for a short time, but they would return and nest in the area in the future. He said that increasing the mitigation made the price of gravel, sand, and concrete more expensive. He said that rocks were not in the mountains but in the valleys where they were needed and accessible. He felt that the petition should be approved, even though it would be located in an area that had \$2,000,000 houses, the cost of which could have built five affordable houses. Resources should be used in a more equitable fashion: if everyone shared, the earth would not have to be dug up as much.

Commissioner Monger said that people could speak, and the Board would listen to whatever people had to say, but that would take time and delay the hearing. Commissioner Stahoviak said that a previous speaker had stated that the Commissioners had called people terrorists. She was offended that one comment made inappropriately by one Commissioner was attributed to the entire Board. Comments about that issue were not part of the present hearing.

Ms. Rosemary Farrell said that she had been present when 300 people spoke against the Lake Catamount ski area development proposal. She asked Commissioner Utterback why the petition had been approved. He said that the property was privately owned, and the County had no zoning laws. Requirements were imposed on the developers, and if they met those requirements, the Board had no legal authority to deny a permit for development. She felt that this evening was the same circumstance. She would prefer to see what Lafarge had proposed to seeing the area developed into 35-acre parcels with huge houses, hay barns, machinery barns, and riding arenas, all of which could be built without approval of the County Commissioners under State law. She would rather see water than roofs when coming down Rabbit Ears Pass. She felt that the land currently being reclaimed by Lafarge had a more attractive lake than Lake Catamount.

Ms. Marian Marti stated that there were abundant discrepancies between the conditions of the Routt County Planning Commission, the Board of County Commissioners, and Lafarge's proposal and amendments. The Planning Commission's General Condition 6 stated that a noxious weed management plan approved by the Routt County Weed Supervisor should be obtained prior to the issuance of the Special Use Permit, yet the May 3, 2005 weed management plan did not indicate that it had been approved by the Weed Supervisor. The plan stated, on Page 2, Paragraph 3, "In the event this agency [the Extension Office] is used by River Valley Resource, they may amend the plan based on specific site inspections." She asked where that plan was. In the April 7, 2003 motion of the Planning Commission, Condition 8 stated, "SUP is contingent upon permits being obtained --- with County and complied with on all permits for all involved agencies. No construction shall begin on-site until this condition is met." Ms. Marti said that only one permit was on file in the County Clerk's Office for public viewing. She stated that Lafarge was required to have a well permit for each of the five phases of mining and dewatering and lacked four of those permits. She asked why Lafarge had not changed its well permit from the Colorado Division of Minerals and Geology that included an allocation of one acre foot of water use in asphalt production. She thought that that condition should be eliminated. She stated that Lafarge lacked the CDOT Notice to Proceed. She asked where the final approved plan for the accel/decel lane was and what the fog mitigation plan entailed and whether the plan would provide safety for the County's citizens. She asked who would operate and maintain the fog system, where would it be located, and where the plan was available for public viewing. She asked about the Colorado Division of Wildlife's report on the status of the Great blue herons. She stated that written permission to proceed had to be obtained if the Highway 131 rookery had been abandoned. She noted that if the rookery were active, construction had to be delayed per the 404 permit and the CDOT permit. She asked where the permit from the County engineer for developing in the County floodplain and the final approval for a revision to the Yampa River floodplain were. The April 22, 2003 motion made by the County Commissioners stated that an aggregate study regarding gravel resources available on the site and material suitable for concrete had to be submitted. On Page 5 of that study it stated that, "In the before mentioned reasons, in my professional opinion, I believe that the potential aggregate produced from River Valley Resource's pit will provide at least equal, but most likely higher quality aggregate than the existing Steamboat South Pit." No percentage of aggregate that would be at least equal to the South Pit or the percentage expected to be of higher quality was included in the report. Also, no data on the distribution of the aggregate types and no soil



boring reports were provided. Further studies should be conducted and the data on the North and South Pits and the River Valley Resource site should be compared, and maps should indicate the location of the samples taken and the result of each sampling site. The County Commissioners' Condition 3 stated, "Concrete plants shall be a maximum of 45' above grade," but the intention was to build a 65' tall concrete batch plant on ground level. Because it was intended to be built in the 100-year floodplain, it must have added to its height one foot above the flood level at least 2-3 feet of additional space for the maximum flood level itself. The total would render the plant 69' from ground level and 24' higher than the condition allowed. She said that the National Flood Insurance Program required that batch plants shall not be located within 100-year floodplains unless all requirements could be complied with. She said that the documentation of such compliance was not evident. She said that the tabling motion also required Lafarge to conduct an air flow study of the Valley in relation to batch plants, but the study had not been presented. She asked whether it was legal for Ms. Fox to waive the requirement. She said that Ms. Fox's letter also stated that the United States Forest Service would conduct an air flow study but that study and its results had not been submitted. Ms. Marti asked where the air pollution from the operation would drift and who would be at risk from the drift. She said that the Colorado Department of Public Health and the Environment Air Pollution Control Division required in its permit that production of sand and gravel be limited to 350,000 tons per year, whereas Lafarge was requesting 110,000 tons beyond that limit. The September 3, 2002 letter from Mr. Tuttle to the DMG stated that Lafarge anticipated accepting approximately 10,000 cubic yards of fill per year to backfill the pit. Specific Condition 4.3 stated that the importation of 30 loads per year of specialty rock, rock salt, lime, and marble were the only importations allowed. Since Lafarge had failed to comply with the conditions listed, the permit should be denied.

Commissioner Stahoviak asked that the letter that the County received this day from FEMA be discussed. Mr. Eastman said that the letter stated that FEMA had approved the conditional Letter of Map Revision, which is required by FEMA if changes to the floodplain are proposed. The original Lafarge application documented the changes that would be made. Those changes included the removal of the material in the area designated for the location of the concrete plant and Phase I of the operation from the floodplain to construct low berms. FEMA determines whether the proposed changes would create adverse impacts on adjacent property owners. The letter provides conditional approval. When construction is completed, an as-built study is conducted, and a Final Letter of Map Revision is issued. He added that a floodplain development permit was required for the operation. Lafarge had requested the permit almost two years ago, but the County had felt that it was inappropriate to grant the permit until the SUP had been approved. The proposed changes were acceptable to FEMA, and the County could issue the floodplain development permit upon receipt of the letter received this day if the SUP is approved.

Mr. Paddy Farrell, a long-time resident of Routt County, stated that over the years he had seen periods in which there were no jobs available. When the ski area was established, old businesses thrived; new businesses started; and the economy was good. He estimated that over 50,000 projects had been completed in Routt County since the early 1960s, and all of them used some form of gravel. He felt that it would be a big

mistake to deny the application for a gravel pit on the east side of Steamboat Springs since the demand was great and the proposed location ideal. The City of Steamboat Springs would benefit because there would be less dust, noise, air pollution, and traffic problems. He agreed that everyone in the County would be directly or indirectly affected by the gravel operation, but future generations would benefit, and the proposed location would be better than it was at present since land, wetlands, wildlife, ponds, and potentially public access would be on the property. He wished that Butcherknife Canyon had been preserved thirty years ago.

Ms. Dori Weiss Allen stated that she resented the implication that the issue was a battle between the rich and the workforce. She was an area resident who lived in a modest home and who would be directly affected by the proposed operation. She was concerned about the adequacy of the proposed fog mitigation plan. She said that the location was unsafe. The last time she had appeared before the Board, she was protesting the paving of a road that led to a wilderness area. The road was paved; people were speeding on the road; and pets were being killed on the road. She did not want the same situation to occur. It was time that Lafarge looked for a more appropriate site.

Mr. Bill Wallace stated that he had worked with Lafarge on the World Business Council for Sustainable Development. For his five-year tenure in that position, Lafarge had touted sustainability and sustainable development. He felt that the Environmental Policy before the Board was not indicative of that principle. He stated that sustainability was a balance and enhancement of the social, economic, and environmental needs of a community. The policy presented was a minimum proposal even less generous than one provided a third world country. Lafarge was not giving back to the community or working with it, which is what a world class industrial leader should be expected to do. The industry should select the best location, design the best facilities, and contribute something substantial to the community in exchange for extracting and selling its non-renewable resources. He noted that contributions to European countries were twice those given to states and countries in North America. The industrial eyesore that would be created would affect the economy in the County and hurt economic development in the area. Since the Environmental Policy did not reflect the goals that Lafarge supported around the world, Mr. Wallace had contacted Lafarge representatives and the Concerned Citizens Group to set a time to meet. A problem statement, a plan, and criteria for evaluating an alternative site were presented, but after six weeks, Lafarge withdrew from the discussions citing a breach of confidentiality since the County and the Army Corps had not been informed about the negotiations. He felt that more should be expected of Lafarge than a few lakes. New, advanced technologies that reflected sustainable principles should be employed rather than conventional methods. Also, contributions should be made that reflect Lafarge's purported values of cooperation and sustainability. He stated that the proposal was not a good deal for Steamboat Springs or Routt County and he hoped that the petition would be denied.

Mr. Chris Allen stated that he had been in the construction business for twenty years. He appreciated the beauty of the Yampa Valley and felt privileged to live in it. He said that many people were concerned with environmental issues; he was concerned about economic issues. He said that if there were no construction or gravel available to

build buildings and maintain roads, he could not live in the Valley that he loved. He proposed that if no pit were on the east side of Steamboat Springs, safety issues would be a problem due to the increased number of trucks going through town. He said that truck drivers had families and did not intentionally cause accidents. If the area were to continue growing, enough economic activity to sustain the area was needed, and working people like him depended on that. He said that it was unwise to pave the entire Valley, but if Lafarge met all applicable standards, abided by the laws, and compliance was monitored by all appropriate agencies, he proposed that the pit be approved with full mitigation as described with an additional clause that protected people's wells. He stated that the two gravel pits on the east side of Steamboat Springs had not diminished his quality of life. He asked that the Board not be swayed by the histrionics and hyperbole of the public comment and soberly consider the proposal and ensure that compliance was maintained so that he and others could continue to live in the Yampa Valley.

Mr. Ken Solomon said that he appreciated the amount of information that the Board had been presented regarding an industrial complex over the last four years. He hoped that the information, some of which was dated, irrelevant, deleted, or changed had been digested. To absorb the new information submitted, he had raised several questions and researched the answers, which follow. The number of tons of fugitive dust allowed the Lafarge industrial complex by the Colorado Air Pollution Division was 45 tons annually. The operation would be allowed to emit 23 tons of Pm10 particles. The last fog event on Highway 131 along the Yampa River was May 12, 2005; visibility was less than 100', and ice formed on windshields. He wondered how, in such an event, truck drivers would know that the pit would be closed. No southbound accel lane existed. The proposed pit would be built in the 100-year floodplain, and an active pit would fill should a flood event occur. In regard to Lafarge's environmental policy, the scope, prevention, control, and countermeasures contained therein were the same as the North Pit's, and when diesel spills had occurred, they were exposed and not cleaned up for years. Yet, diesel fuel spills were not reported to any governmental agency. The Mores had stated that they needed the gravel operation to continue ranching. There is a contract to sell the rest of the ranch for \$19,000,000. The Zoning Resolution allowed a concrete batch plant as an accessory to a gravel mining operation. To allow 150 truckloads of material to be imported per month would be the reverse of that use. The combined number of conditions of approval incorporated in all of the required permits was more than 250. Mr. Solomon asked who would have the funds to monitor the proposed facility. Changes in the conditions that Lafarge had requested included allowing hours of operation that conflicted with the school bus schedule, increasing the area of disturbance by 33%, and excluding the concrete plant from the area of disturbance. Section 8.3.1.3.d.2.e of the Routt County Zoning Resolution states that "new, long-term, more than one year mining operations will not be visible along entryways to growth centers and potential growth centers as defined in the Routt County Master Plan." That law is far-sighted. The answers to his questions should be considered by the Board in its deliberations; the laws must be followed; the community must be considered; and the successful conservation easement program, open space, and land preservation should be considered in relation to the future of the area south of Steamboat Springs as a result of the decision made regarding the proposal before the Board. He requested that the petition be denied.

Ms. Lula Post said that she was eleven years old. She considered herself lucky to live in Steamboat Springs and attend school there. She viewed the South Valley floor often because her grandmother lived there. She did not want to see a gravel pit in the area because when she went to college and returned home, the area would be destroyed. She wanted the valley preserved.

Ms. Diane Holly said that she lived on the west side of Steamboat Springs 30' from an accel/decel lane and within four miles of five gravel pits. The area had prime elk and riparian habitat and nesting Bald eagles, similar issues raised in relation to Lafarge's proposal. She stated that West Routt was saturated with gravel operations, and if no pit were allowed on the East side of Steamboat Springs, she would probably file a discrimination suit.

Mr. Channing Reynolds stated that the Concerned Citizens had written propaganda that was not specific to the proposed location: the issues raised could apply to any gravel operation in Routt County. He asked where the Concerned Citizens were when trucks accessing the highway at the Duckels pit was an issue; or when the water table, the cottonwoods, and wetlands issues were discussed in regard to the Camilletti pit; or when air pollution that affects the Valley's airshed more than the South Valley would be discussed in regard to TCC's batch plant permit, and when visibility issues had been debated in virtually every gravel pit application submitted. He stated that the Concerned Citizens Group had not only not fought other applications, it had supported the King Mountain gravel application. Thus, the Group was a well-funded campaign designed to pluck the emotional and environmental heartstrings of the community rather than to consider many of the issues and concerns raised by others this evening. Most of the people he knew supported the Lafarge gravel pit because they understood the complex issues related to balancing aggregate and construction material production proximal to the area in which it would primarily be used for the next decade.

Mr. Rob Hartman, a local contractor, supported the proposed permit. He stated that approximately 85% of his jobs had been on the East side of Steamboat Springs. His contracts alone annually generated 584 trucks going through town. He said that equal amounts of gravel and concrete were used to construct a new house, which meant 1,100 trucks through downtown only in relation to his business. That traffic put a strain on tourists and restaurants in the downtown area. He said that a pit had been in the proposed area for more than thirty years, and a pit was needed there due to the development of the Catamount and Stagecoach areas. He said that at present, concrete trucks waited 1.5 hours to be loaded, and that created an unacceptable business situation.

Ms. Sheila Packard, a long-time resident, was concerned about whether water quality and soil stabilization had been an issue with other gravel pits, particularly in regard to testing for heavy metals and other contaminants. She said that water ran through the soil, percolated through it, and traveled downstream. She asked whether tests and documented results were available and whether landowners were aware that gravel operations might affect wells and fish in rivers. She said that the Summitville Mine, a gold mine, had wells established to monitor flooding and pits to contain water during snowmelt. When flooding occurred, water had leached into the river and killed all life in the river for

fifteen miles downstream of the mine. She was concerned about the water in the Yampa River that went through Steamboat Springs. She asked whether any tests had been made, and whether the public had been informed as to the ways in which water was affected when a gravel pit was developed. Mr. Eastman said that all gravel pits, prior to any water discharging, were required to obtain a Colorado Discharge Permit from the Colorado Department of Public Health and the Environment, which implements the regulations in the Clean Water Act. All gravel pits in operation were required to test the water, but testing for heavy metal contaminants had not been deemed a problem in relation to gravel pits so was not required at present. Ms. Packard said that the tests were important, and the public should be informed as to the possible contaminants that could be leached into the Yampa River. Trucks generated dust, which had particulate matter in it that entered the river, and chemicals applied to reduce dust were washed into rivers. She asked whether any tests could be required as part of the Lafarge permit.

Mr. Donald Walling, a long-time resident, requested that the entire Lafarge application be denied. He presented an article from the May 13, 2005 edition of the Steamboat Today, in which the reasons for his request for denial were elaborated.

Mr. David Josfan stated that he opposed the Lafarge proposal and noted that the Steamboat Springs Planning Commission and the City Council had both voted unanimously to oppose the pit. He said that many changes, such as hours of operations, more disturbance, and the elimination of the accel lane, were proposed by Lafarge and only made available three days before this evening's hearing. He said that trucks merging onto Highway 131 created a dangerous situation because traffic was moving at 55 miles per hour, fog and ice were frequently present in the area, and the road was on the school bus route. He felt that a \$1,000,000 bond certificate of liability insurance requirement was absurd given the type of operation proposed and the mitigation required. He stated that the operation provided no public benefit, and the mitigations would only take effect during reclamation. No ponds or lakes would be in place during mining; rather, the pit would create a scar on the landscape.

Ms. Bea Westwater asked that the Board compare the submittals received. She said that a complete application for a shopping mall, a landfill, or a gravel pit was evident because it addressed the items required by the County. She said that the sightline was disappearing and mountains were being removed. She had not complained about the Redmond pit because the majority of its gravel was used regionally on dirt roads. The demand for affordable housing had been raised. Stagecoach had housing that was affordable but would be priced out of that market. She said, 'The buck stops here' should be applied when considering Lafarge's proposal: the issues at hand should be addressed. The 404 permit and the air quality permit were obtained; the suitability of gravel for concrete had been confirmed; DOT had approved the project. Lafarge has worked with the County and had a plan. The application should be approved.

Mr. Jim Winter, a long-time resident of Steamboat Springs, sympathized with those who felt that their jobs were threatened and that growth would stop. Those arguments were faulty because they hinged on the approval of the Lafarge pit. The Rocky Mountains contained a lot of gravel, and many of those areas were in places that would affect few

people. The proposed pit was in the most densely populated area of the County in an area enjoyed by and viewed by the majority of the general public. A location with no access problems, no visual impacts, and no traffic had not been selected because it would be too costly. A parallel situation was trash removal. The communities in Routt County had decided to haul trash at considerable expense to manage waste disposal responsibly at an appropriate site. If that decision had been based on cost without considering the negative effects of that choice, money might be saved but litter would abound and create the same negative impact to the community that the proposed Lafarge pit would.

Mr. John Holloway, a nearby resident to the proposed location, stated that some issues have changed and some had not. The most recent change in circumstances was the silica concept that was raised at the recent King Mountain hearing. He said that when dust was created, silica particles, some of which had a cancerous effect, were released into the atmosphere. Whether the silica that would be created by the Lafarge operation was the harmful type warranted research, and the public should be informed of the results of those studies. He said that the recently proposed fog mitigation system might work well in the controlled environment of an airport, but the system being proposed was for an uncontrolled environment in which traffic was moving; heavy trucks were merging at a dangerous intersection; the nearby bridge was narrow; the access point was inadequately designed; and fog was often present. The Pilot reported on April 28, 2005 that water quality hearings were scheduled to occur soon due to rising concerns regarding discharge into the rivers and streams throughout the State, and current standards might not be stringent enough. The restrictions for the Lafarge proposal might not be adequate. To ensure that the highest quality standards were practiced, the approval of the application should be delayed. This day's Steamboat Today reported that the Lafarge pit would be the first ever in Routt County to be permitted in the floodway. Mr. Eastman stated that he had said that no other existing pit was in the floodway; currently that was true, but not in the past. Mr. Holloway said that as of May 11<sup>th</sup>, a new weed plan, a new watering plan, a new mining plan, and new FEMA information had been presented. The Planning Commission had not reviewed this and other material for over two years, and others had not had time to review the new information submitted. Also, last Thursday, the City of Steamboat Springs had approved the Yampa Valley Meadows gravel pit, which would be closer to the market. That pit should be allowed to operate before another pit was approved.

Mr. Holloway stated that several items had not changed. Among them was that the monitoring plan would only occur for three years after the Lafarge operation had concluded. No bond or monitoring plan covered future contingencies beyond the three year period. Also, no public access, parks, conservation easements, no contribution to affordable housing, or any public benefit had been proposed by the applicant. The applicant should provide compensation for the public having to breathe the poor air and drink the water. The air quality study that related to the entire operation, not just the asphalt plant, had not been done and should be required because dust would be emitted. No building elevations or designs had been submitted other than general locations. Also, a seasonal asphalt plant was included on the plan received by the public. In regard to future development and the double-dipping issue, future landowners would have to deal with development after Lafarge had mined the site, of which 40 to 50 acres could still be developed. Thousands of letters from the community and thousands of signatures on

petitions have stated opposition to the application. That fact needed to be considered when making a decision about the proposal. The Planning Commission has had no further input regarding all of the changes made to the application. No new conservation easements had been granted in the South Valley since he had first expressed concern that the pit might stop applications for conservation easements. He said that the operation was too big; had a bad plan; had dangerous safety, health, and welfare issues; would create irreconcilable damages; had unresolved safety issues; and it should be denied. He said that Lafarge could revise its plan and resubmit a better one. Waiting would be worthwhile and the community could continue to provide input.

Ms. Deb Holloway said that no fog mitigation system could measure in an uncontrolled environment wildlife, bicyclists, school buses, pedestrians, and vehicular traffic. She stated that she passed the Great blue heron rookery every day. Herons were present and on the nests—the rookery was active. She urged that an updated report from the experts as to whether the rookery was active be obtained. She asked that the petition be further considered. The new gravel resource in the area eliminated the urgency of a decision on the present proposal.

Katie Weeks stated that a reclaimed Lafarge gravel pit was on Highway 287 north of Fort Collins. No birds whatsoever were in the area. Nesting Bald eagles were in the area of the proposed pit. When ground-fed wetlands were removed and a lake created, the plant life as well as wildlife species would be affected and changed. She agreed with those who had proposed an alternative site.

Mr. Chris Rupp, a graduating senior from Steamboat Springs High School, said that he would be going to college in the Fall. He did not want to return home to be greeted by the scar on the landscape that everyone could see. He asked that the Lafarge permit be denied for the benefit of everyone.

Ms. Valerie McLaren Clark said that a gravel pit on the South Valley floor was an issue for everyone in Routt County due to its visibility from Highways 131 and 40. Also, it was an issue for everyone who respected nature and appreciated clean air in the Valley. She said that as stewards of the land, the County Commissioners should leave the land in better environmental condition than when they were elected.

Mr. Todd Hagenbuch said that as an agricultural producer, he understood the Mores' need to derive value from the property when the proposal was originally submitted. Every agricultural producer has had to find different ways to make agriculture work. What has changed since the tabling was that the property had been placed on the market for sale. When a long-standing agricultural family was attempting to survive, he had thought that no one had a right to deny the permit. But if the residuals and profits went to Lafarge and a new owner, the players had changed and the Board should consider that prior to voting on the permit.

Ms. Alicia Josfan believed that emotional heartstrings and the environment were part of the reason why people chose to live in the Yampa Valley. She understood the economic arguments, but stated that tourism was a viable aspect of the area's economy,

and when the first view of the area was a gravel pit, that would make a bad first impression. Also, it was not an attraction for living in the Valley. She hoped that the application would be denied, but if it were approved, she requested that inspectors monitored the site to ensure that mitigations promised were implemented.

Mr. Ren Martin, an adjacent landowner to the proposed pit, had been involved in the Suttle Ditch negotiations, which was a long, costly, and difficult process intensified by Lafarge's corporate attorneys. Mr. Martin urged that the application be tabled and further research conducted on a number of issues including silica exposure. The safety issues were evident: Highway 131 in the morning when fog was present or it was slippery created a dangerous intersection, as did a heavy truck merging from a stopped position from County Road 20. The issue of the width of the accel/decel lane should be revisited, and if the road were widened, wetlands would be impacted, and the Army Corps would have to revise its permit. The hydrological studies performed were outdated and should be redone since the hydrological component in the area had changed drastically: the river was high at present, and pits that had been empty were now full. Phase III, which was the closest to the neighbors, should be moved due to dust, noise, and well concerns. Moving Phase III might alleviate the cone of depression and protect his and his neighbors' domestic wells. Mr. Martin said that if the application were approved, he urged that the County immediately consider a conservation easement and financial assurances. Otherwise, reclamation would look like the South Pit in twenty years and be a scar. He stated that he did not agree with the Board's decision on the King Mountain Gravel application, but he was impressed by the Board's consideration of the South Routt people. He stated that a mining operation on the proposed location would affect ten times more people as well as tourists, the lifeblood of Steamboat Springs and Routt County. He said that the County's statement in the Community Indicators was, "We're looking out for you." He urged the Board to practice that slogan and consider his needs as well as the community's for the present and the future.

Ms. Carol Iverson said that she lived above the North Pit, and when Lafarge tried to extend the area to the Werner pit, Lafarge had stated that moving South up the river the quality of the aggregate worsened. She asked that an independent study, including maps of the area and samplings, be conducted. She did not trust Lafarge's statement that the material was acceptable. In the North Pit, material had illegally been hauled in for two years. If the Board approved the application without a condition that restricted the importation of material, it would be breaking the law. She said that the proposal was contrary to the Master Plan, and the issue was not the rich against the poor, it was a matter of preserving what the community valued.

Mr. Mike Zopf, Environmental Health, reported that at the request of Mr. Martin he had researched the silica issue. He said that air pollution was regulated at the State and federal levels. The EPA had developed the National Ambient Air Quality Standards for particulate matter, oxides, and nitrogen, among other categories. Routt County, several years ago, had been in non-attainment for particulate matter, but had since achieved attainment status and currently met all of the air quality standards. He said that silica was a hazard and a significant air pollutant, but it was not currently regulated by the State and required no monitoring since there were no regulations. He had learned from the Lafarge



website in the material safety data sheet that apparently silica was a workplace concern rather than one that would affect surrounding areas. In regard to particulate matter, the State had issued a permit for the proposed facility, and general standards would apply such as 20% maximum was allowed from any piece of equipment or handling of sand and gravel at the site. No off-site transport of particulate matter was allowed, and no fugitive dust should be seen leaving the site. The State Health Department had stated that determination of the presence of silica meant analyzing the rocks and minerals present on a specific site. He said that he struggled with the issue because the State and federal governments could not provide guidance.

Mr. Wallace appreciated the information. He said that it was important to know that silica was not regulated, but, like asbestos in the past, the lack of regulation did not mean that at some point it might be considered hazardous and could be a harbinger of things to come. He noted that silica was an exclusion listed by insurance companies, which could indicate that it was already acknowledged as a risk. He stated that silica dust might be able to be confined to a site. If not, it could be a hazard because the proposal was for a large facility.

Commissioner Ellison called for further public comment. None was forthcoming. Commissioner Ellison closed public comment.

Mr. Tuttle said that silica, the second most common mineral in the world, was not regulated at the State level. Lafarge had its own permissible levels, had a silica control plan, and tested its employees regularly. At the Steamboat Springs operations, daily readings were taken from an instrument worn by employees. He stated that silica was a workplace situation: it took long exposure to develop silicosis and rarely occurred outside the workplace. No one in the area should be concerned; no one would get the disease as a result of Lafarge's operation. Lafarge was well aware of the issue and took measures to protect its employees.

In regard to the Army Corps of Engineer permit, Mr. Claffey's remarks were the same ones that had been raised before. Those points, including the cones of depression, effects on hydrology, survival of wetlands plants, and survival of adjoining wetlands, had been presented to the Corps by the County. The Corps' experts had addressed those issues. If Mr. Claffey thought that the permit approval was flawed, he should challenge the issuance of the permit. Mr. Jehn discussed drops in water level and cones of depression. Information gathered at the new Camilletti pit indicated that groundwater was depressed, but at 600', the drawdown on water was insignificant. Testing along the Front Range that Lafarge had conducted substantiated that finding. Every gravel pit was different, and only at the newer ones was well monitoring required. With owners' permission, Lafarge has volunteered to monitor all domestic wells within one-half mile of the pit. Thirteen monitoring wells on the proposed site will be regularly checked and information provided to the DMG, the Army Corps of Engineers, and the Routt County Planning Department. If a problem arose, it would be taken care of, as Lafarge had always done. Mr. Tuttle stated that in regard to the well within 600' of the operation, a site visit had been conducted. No path to the site, no electrical line, and no other evidence was present to indicate that the well existed, even though a permit for a well had been issued. He noted that in the Suttle

Ditch Agreement, protection of wells was ensured. In regard to plans, the weed management plan and the watering plan had been submitted, but the plans would not be approved until the Special Use Permit had been approved. The Notice to Proceed from CDOT would come after a contractor had been hired. Bids had been sent, but the SUP had to be issued first. The CDOT permit was valid until April, 2006. The Division of Wildlife will inspect the Great blue heron rookery and state in writing when the nesting season was complete and the young had fledged, after which construction on the intersection could occur. Construction could begin earlier if the Division of Wildlife deemed the rookery abandoned or inactive. The statement regarding the height of the concrete plant was incorrect: the concrete plant would be 45' high. The Conditional Letter of Map Revision had only been received this day and addressed the fact that a portion of the operation would be in the floodway. FEMA engineers had determined that the effect on the floodplain and the floodway was minimal enough that Lafarge could proceed with its project. He stated that Lafarge has had two operations in the immediate vicinity of the proposed operation so it had dealt with fog and school buses. He said that truck volumes would also be the same as the present pits. No accidents had occurred in the fifteen years during which Lafarge had been at those sites. In response to a question from Commissioner Stahoviak, Mr. Tuttle stated that the compensatory wetlands mitigation plan had been submitted to the Army Corps of Engineers on time. He did not know why the plan's receipt had not been acknowledged.

Mr. Kelly Colfer, Lafarge's wetlands consultant, stated that he did not have an answer, either. He said that on February 15, 2005, Nathan Green, the local Army Corp representative, had received the plan and sent it to Tony Curtis.

Mr. Dave Bailey, Lafarge's water attorney, said that his letter was responding to the suggestion that the River Valley Resource project should have an augmentation plan. Lafarge had a well permit issued by the Colorado Engineer's Office that was renewed in January, 2005 and would expire in January, 2006. The permit stated that Lafarge had applied for a gravel pit well permit at a location at which ground water and water were available for appropriation, which negated the need for an augmentation plan to augment streams from evaporative loss resulting from the pit or through the reclamation process. Should circumstances change on the Yampa River, the Division Engineer would publish conjunctive use regulations related to the interaction between groundwater and surface water, which would be the first step toward requiring groundwater appropriations. The current legal framework indicated that neither a plan for augmentation nor a temporary substitute supply plan was necessary.

Commissioner Monger asked about the CDOT accel lane issue. Mr. Eastman said that the CDOT access coordinator for the area had stated that Lafarge had submitted a letter from a transportation consultant stating why the left, accel, southbound accel lane was inappropriate, and the access coordinator had agreed with the rationale so had stated that the lane was not required.

Commissioner Monger asked about reclamation bond posting. Mr. Tuttle said that a \$270,000 bond had been posted with the DMG. He added that the liability policy was required by the County and related to the SUP.

Commissioner Monger asked what Mr. Tuttle thought about the comments made regarding public benefit. Mr. Tuttle said that the public benefits to Routt County were that Lafarge supplied a construction material that was needed at a site that was close to end use, and the operation created minimal health impacts.

Commissioner Monger asked for additional detail regarding the fog mitigation system. Mr. Tuttle said that the 1,105' distance came from CDOT and represented the distance it would take a vehicle to stop if it were traveling at 65 miles an hour. When visibility went below that distance, a red light went on; trucks stopped; and the loading of trucks was discontinued. At 1,500' a yellow light would go on as a warning that fog conditions were worsening, and if that continued, trucks would not be allowed to leave the pit. Mr. Kohler, who prepared the traffic study for Lafarge, said that the 1,105' distance was the sight distance for a tractor trailer to pull onto the highway without affecting opposing traffic. A passenger car's stopping distance was 650'.

Mr. Tuttle said that every issue had been reviewed by federal, State, and County regulators; every potential impact had been identified, analyzed, and mitigated; alternate sites had been investigated, especially by the Army Corps, which had determined that there was no alternate site that would duplicate the proposed site and the products to be produced; the operation would create no anticipated impacts because the County, the Army Corps, the DMG the Health Department, CDOT, and the State Engineer had all reviewed the application. He said that the process demonstrated that the review works because it resulted in refinements and improvements throughout the process. The need for aggregate products in South Steamboat and South Routt had been documented. The site would provide the best product for the least cost with a minimum impact. Positive comments had been received at the conceptual stage from the Planning Commission and the County Commissioners, and a positive vote on the final phase had been given by the Planning Commission in April, 2003. Since the present hearing was announced, emotions had been high. The site was carefully selected and would be prudently excavated, and naturalistic lakes would be left. Concrete and aggregate would be close to its end use; highway safety would be maintained; the scenic corridor on Highway 131 would be preserved by generous setbacks and screening; the scenic beauty of the United States Highway 40 entrance would be maintained by keeping the facility at the base of the hill and limiting site disturbance; 2,800 plants would be installed in the reclamation process as per the landscaping plan; air and noise pollution would be minimized, and groundwater levels would be maintained. The right location, the right operator, and the best operation plan were presented and Lafarge requested approval of its application.

#### **ROUNDTABLE DISCUSSION**

Commissioner Stahoviak said that at this point in a hearing, each Commissioner made comments related to the input received. Since that might take an extended time, she recommended that the hearing be continued. Commissioner Monger and Ellison agreed.

#### **MOTION—LAFARGE SPECIAL USE PERMIT (PP2000-041)**

Commissioner Stahoviak moved to continue the hearing on Friday, May 20, 2005, at 6:30 p.m. at which time the Board would begin deliberations regarding the Lafarge gravel pit application.

Commissioner Monger seconded.

Under discussion, Mr. Tuttle asked whether further public comment would be taken. Commission Ellison said that no further public comment would be taken. Mr. Tuttle asked whether his consultants should be in attendance. Commissioner Monger said that if the Board decided not to move forward with the application, the consultants would not be needed; if the permit process were to move forward, the consultants might be available to answer the Board's questions.

The motion carried 3-0.

No further business coming before the Board, same adjourned sine die.

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Kay Weinland, Clerk and Recorder

Daniel R. Ellison, Chairman



***STEAMBOAT SAND AND GRAVEL  
MINE & SUBSEQUENT LAND  
PRESERVATION SUBDIVISION  
PROJECT DESCRIPTION FOR PRE-APPLICATION  
SUBMITTAL DATE: 7/13/09***

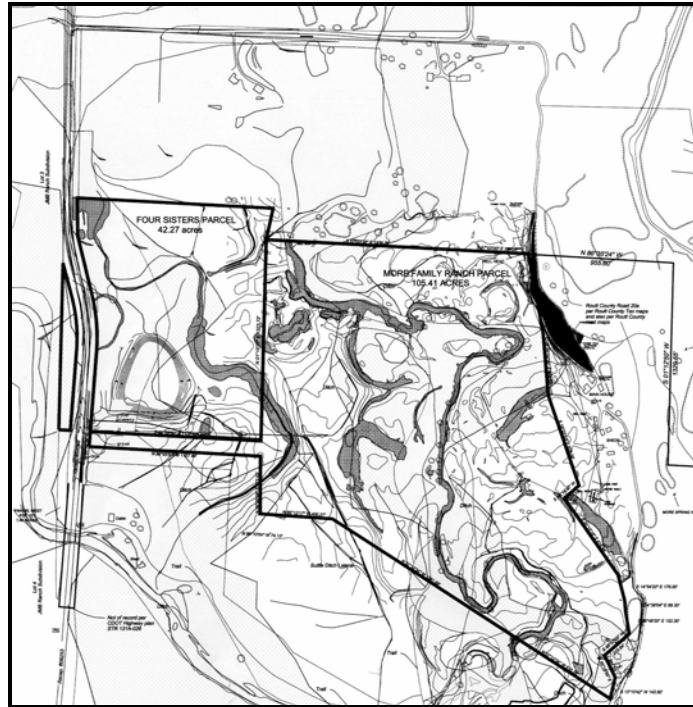
**INTRODUCTION**

A. PROJECT DESCRIPTION:

This is a Pre-Application proposal for Steamboat Sand and Gravel Pit, a new gravel mine to be located on approximately 147 acres of land located about six miles south of Steamboat Springs along State Highway (SH) 131 (see vicinity plan below) and a Subsequent Land Preservation Subdivision (LPS).



**The 147 acres consists of 105 acres currently owned by the More Family Ranches, LLC, but under contract for purchase by Steamboat Sand and Gravel, LLC, represented by Chip Coe and Jarle Halsnes and a 42 acre adjacent property (known as the Four Sisters parcel), which was recently purchased by Steamboat Sand and Gravel, LLC (see graphic below). The applicant for the gravel mine is Alpine Aggregates, LLC of which Ed MacArthur is the Managing Partner. Alpine Aggregates, LLC has an agreement with Steamboat Sand and Gravel, LLC to lease the land for the gravel operation.**



LaFarge, Inc. received approval on portions of the subject site in 2005 for mining. The Steamboat Sand and Gravel Mine proposal utilizes the same land as was proposed by LaFarge, Inc. with the exception of adding the Four Sister parcel and subtracting out a 20 acre portion of More Family Ranches, LLC land to the south of the 105 acres.

Gravel mining will be conducted only on the More Family Ranch parcel and not the Four Sisters parcel, which is closest to and most visible from SH 131. Instead, the Four Sisters parcel will be utilized solely for the creation of new wetlands and landscaping, as well as enhancement of existing wetlands to mitigate for wetland disturbance occurring as part of the mining operation.

The proposal is for an 18-20 year mining life that will mine an estimated 300,000 tons of gravel per year. To limit the impacts of the mine, the mining phasing plan proposes that at any given time there will be no more than 10 acres of disturbed area at any given time (not including the processing area). The ten acres would consist of about five acres of mining and five acres of reclamation. Reclamation will occur simultaneous to mining. An extensive berming and tree planting plan will focus on limiting views into and sounds emanating from the operation. Access to the site will be solely from SH 131, away from existing residential uses and a deceleration lane will be added to SH 131 for southbound vehicles turning into the property.

The ultimate plan for the property once the gravel mining has ceased is to reclaim a significant amount of the mined area by importing clean fill from around the County to recreate the hay meadow and a series of smaller ponds in naturally undulating shapes. All of the wetland mitigation will occur on the Four Sisters parcel, closer to SH 131. After reclamation is complete, Steamboat Sand and Gravel, LLC is proposing a five lot Land

Preservation Subdivision (LPS). Planning for the LPS has been done concurrent with the mining planning and five, approximately 6,000 square foot building envelopes have been located around the future ponds and will not be mined.

There are multiple public benefits associated with the proposed gravel operation, including:

- Ensuring the provision of sand and gravel products to the growing community for the future.
- Lessening truck impacts through downtown Steamboat Springs by locating the gravel operation south of town and providing ease of delivery to South Steamboat Springs and South Routt County, as well as other parts of the County.
- Enhancement of existing wetlands and construction of new wetlands on the portion of the site closest to SH 131 to provide improved habitat.
- Extensive new tree and willow planting around the site to improve habitat.
- Donation by Steamboat Sand and Gravel, LLC of 10 cents per extracted ton of gravel to the Yampa Valley Housing Authority (YVHA) for the life of the project (to comply with Section 9.4.1.D-Mining Operations that exceed 9.9 acres of cumulative surface disturbance).
- Additional donation by Alpine Aggregates, Inc. of 10 cents per ton to YVHA.

A conceptual mining plan, landscape plan, and reclamation plan have been created to demonstrate the concept of the gravel mining operation, berming and screening during the operation, and plan for the ultimate use and appearance of the land when the reclamation is complete (See Submittal Plans and the remainder of the Project Narrative for more detail).

Once the Pre-Application phase is complete, the applicant will submit for a Special Use Permit (SUP) from Routt County. Requisite permits from the State of Colorado and other agencies will be applied for concurrent to the SUP. The application for LPS will occur separately.

Prior to this submittal, the applicant has communicated with the immediate neighbors of the operation to introduce the proposal and solicit input. Some of the input has already been incorporated into the plan. For example, the applicant initially planned to mine the Four Sisters parcel until meeting with one of the neighboring property owners. In response to those concerns, the proposal was modified to preserve and enhance the Four Sisters parcel as open space.

## **B. BACKGROUND INFORMATION:**

The project site has an extensive history related to potential and actual gravel mine operations. Lafarge West, Inc. applied for and eventually received approval for the River Valley Resource gravel mine. Starting in the fall of 2001, LaFarge submitted for a



Conceptual Special Use Permit (SUP) to operate a gravel mine, concrete batch plant and asphalt plant and received approval for the mine in 2005. LaFarge never acted on the SUP approval and it recently lapsed.

Most recently, the Four Sisters parcel was approved on May 31, 2006 with an Administrative Special Use Permit for a temporary gravel mine used for SH 131 highway widening purposes. The approval was for a 9.9 acre gravel mine and the removal of 350,000 tons of gravel. A pond from that operation remains on the property.

## **SITE DESCRIPTION**

### **A. EXISTING CONDITIONS:**

The property has historically been used for grass hay production and as livestock pasture. Most of the parcel is upland hay meadow, interspersed with emergent herbaceous and/or willow riparian wetland. The property provides similar natural resource value to those that exist on ranch land throughout the south Yampa Valley. An approximately 4 acre pond is located on the Four Sisters parcel from the recent gravel mining operation. A total of 16.83 acres of wetland have been delineated on both development parcels - Four Sisters has 3.74 acres east of SH 131 and 1.8 acres on a small sliver of land west of SH 131 and the More Family Ranch, LLC parcel includes 11.29 acres. No structures exist on the subject site, but there are barbed wire fences delineating property boundaries.

There is an existing watercourse, known locally as the Little River, running approximately south to north through the property and is a tributary of the Yampa River. According to the Flood Insurance Rate Maps (FIRM) dated February 4, 2005, the tributary is referred to as the Yampa River Bypass. The FIRM indicates that there are 100 year floodway and floodplain boundaries associated with the tributary.

In addition, there are three irrigation ditches that pass through the property –the Summer Goldsworthy, a lateral of the Suttle Ditch and the Weiskopf Ditch. A short stretch of the Suttle Ditch will be slightly adjusted to the westerly boundary of the More Family Ranch, LLC parcel to accommodate the mining operation. No other changes to on-site ditches are proposed and their operation will continue unabated during the mining operation.

### **B. EASEMENTS:**

The More Family Ranch, LLC also owns a 35 acre parcel immediately to the south of the subject site. As part of an agreement between the More Family Ranch, LLC and Jarle Halsnes of Steamboat Sand and Gravel, LLC, there is a reciprocal easement of 100 feet on either side of the joint common boundary of the 35 acre parcel and the Four Sisters parcel for the purposes of ingress and egress to the two properties. The easement extends 1,122 feet from the easterly right of way of State Highway 131. In addition, there is a 20 foot wide easement along the existing driveway that crosses the northeast corner of the 105 acre parcel for access to the old ranch house on the Yampa Tailwaters Partners Limited Partnership land.

**C. SURROUNDING USES:**

Uses and structures immediately surrounding the property include:

1. *North of the site:* A single family residence on 36.1 acres owned by Warren L. Martyn and a single family residence owned by Jace R. and Kimberly L. Romick on 50 acres
2. *West of the site:* A single family residence owned by R & S Ranch, LLC on 264 acres
3. *South of the site:* a 35 acre parcel owned by More Family Ranches, LLC (used for agriculture)
4. *South and East of the site:* 515 acres owned by Yampa Tailwaters Partners Limited Partnership-this parcel was previously approved for an LPS, but the approval has lapsed; most of the land is undeveloped, but does include an old ranch house and various ranching outbuildings previously owned by the More Family and a cabin structure used for dinner and sleigh rides in the winter.

**D. DISTANCES TO SURROUNDING RESIDENCES:**

The following are the approximate distances between the Steamboat Sand and Gravel mine and the immediately surrounding residences:

Direction from the mine:	Residence/Use:	Distance from Residence to closest edge of Gravel Mine (approx.):	Distance from Residence to edge of Gravel Mine processing plant (approx.):
1. North	Warren L. Martyn Residence	1,100'	3,055'
	Jace R. and Kimberly L. Romick Residence	1,150'	2,600'
2. West	R&S Ranch, LLC (Rowe Residence)	3,750'	5,515'
3. South	Windwalker Tours (Yampa Tailwaters Partners Limited Partnership parcel)	1,000'	2,400'
4. East	Old More Family ranch house and outbuildings on Yampa Tailwaters Partners Limited Partnership parcel	235'	1,050'



### **III. MINING PLAN**

#### **A. MINING PLAN**

The Mining Plan is to extract approximately 300,000 tons of gravel on an annual basis for a period of between 18-20 years (depending on market conditions) from the start of operation, which is targeted for spring 2010. If the market for gravel is slower than predicted, the timeline may need to be extended. It is estimated that 4.3 million tons of gravel exist on the site. The mine will be open year round Monday through Friday between 7AM to 5:30PM and Saturdays between 8AM-5:30PM (as needed). Peak extraction will occur in the months of June through October.

Mining of the site will be conducted in a phased manner to limit the amount of exposed ground at any one time (see Mining Phasing Plan in Sheet No. MP.100). At this time, there will be fifteen (15) different mining phases, ranging in size from 3.2 to 5.3 acres in size. Phase 1 of mining is to establish the 16.3 acre processing area in the southeast corner of the site, which includes about twelve acres for processing and stockpiling the gravel material and four acres of ponds for wash water and sediment control. The location for this function is as far away from existing residences and SH 131 as possible, to limit the visual and noise impacts. The processing area will be bermed and planted with trees on the south, west, and north sides and the crusher plant will be recessed below grade to screen its view from neighboring vantage points. There are no plans for accommodating a concrete batch, asphalt plant or any service shop on site at this time or in the future and these functions will occur off-site. The operation will use fuel trucks brought into the site for fueling vehicles and use electricity provided by YVEA for pumps, conveyors, etc. to keep fuel usage to a minimum. The only structure on the site will be a 900 square foot scale house (with a 30' x 60' scale), which will be located about 1,200 feet into the site from SH 131.

Phase 2 will occur in the northwest corner of the mining site then move in a clockwise manner before proceeding to the western edge of the mining parcel and working back to the processing area in the later phases. This phasing approach will allow areas closer to existing residences to the north to be mined and reclaimed as soon as possible. By using this phased approach, the total area of disturbance at any one time can be minimized. After mining has been exhausted on a phase, the operation will move onto the next phase at the same time commencing reclamation efforts on the phase just completed. Excluding the Phase I processing area, which will be used for the life of the mine, the maximum disturbance during most of the mine life will be about 10 acres. To visually screen the operation and to mitigate noise coming from the site, berming (done in a more natural, undulating pattern versus the traditional linear design) and planting (in excess of 350 cottonwood trees will be planted) will surround the operation on the west, north, and south sides of the operation (See the Landscape Plan in Sheet No. LPS.100). To maximize their effectiveness, all of the berms and trees will be planted within one year of commencement of the operation.

Mitigating visual impacts from public vantage points and neighboring properties are of paramount importance to maintaining good relationships with neighbors and the community. A Landscape Plan has been prepared and is included in the submittal package of plans demonstrating the applicant's commitment to this issue. Natural-looking berms and extensive tree plantings designed by local landscape architecture firm, MGC Design, Inc., are proposed around the perimeter of the

property and will incorporate irrigation systems to ensure the long term viability of the vegetation. There will be a second landscaped berm closely surrounding the processing area to further bolster the visual screening from outside the site looking in. This berming and landscaping, coupled with locating the material stockpiles and crusher about 10-15 below existing grade, will help to lessen the impact of the operation.

Access to the site will be from a new entry point from SH 131 located approximately 2,500 feet north of Routt County Road (CR) 18 (which accesses Lake Catamount) and 2,600 feet south of CR 20, which is a gravel road connecting between CO 131 and US 40. The access drive will be located approximately 750 feet north of the centerline of the Yampa River and 550 feet north of the north end of the bridge guardrail. The access road through the site will be paved and lead to the processing area. Vehicles entering the site will first stop at the scale house located about 1,200 feet from SH 131 to be weighed, then proceed to the processing area for loading and then be weighed again prior to leaving the site. A conveyor system (similar to one used at the LG Everest Mine in Silverthorne, CO.) is planned to be used on the site to transport material from the mine area to the crusher, where feasible. The conveyor system will allow the operation to limit the construction of internal haul roads and keep truck traffic and dust to a minimum. A water truck will be on site to handle any small dust problems.

A Traffic Study has been prepared for the proposal by the Fox Higgins Transportation Group to meet the requirements of a Colorado Department of Transportation (CDOT) Level Two-Auxiliary Turn Lane Assessment (See attached report). The State Highway Access Code requires that auxiliary turn lanes be provided to a site access when certain peak hour access traffic thresholds are exceeded. In this case, the mine will warrant the construction of an inbound or southbound left turn deceleration lanes on SH 131 (See Highway 131 Improvements on Sheet No. C.100). According to the report, the site traffic does not warrant the addition of either a right turn lane deceleration lane or acceleration lane. The left turn deceleration lane has been designed to be consistent with the geometric recommendations of the State Highway Access Code. A CDOT Access Permit will be necessary to gain the access to SH 131. The applicant will submit this application in the near future.

Site distance for vehicles exiting the gravel mine site was also conducted as part of the Traffic Study. The site distance along the highway for a 65 mph speed limit is 725 ft. The “Entering Site Distance” for multi-unit trucks and a 65 mile per hour speed limit highway is a minimum of 1,105 feet. The Study shows the site distance along the highway is clearly met in both directions. The Study shows the minimum entering site distance was easily met for vehicles traveling northbound on SH 131 towards the mine entrance and the site distance in the southbound direction is nearly met as is and can be exceeded with trimming of some of the willows within the highway right of way.



## **RECLAMATION PLAN**

### **A. RECLAMATION PLAN:**

As the gravel operation is being proposed and operated by local residents with long standing roots in the community, it is their goal to reclaim the land from the mining operation into an aesthetically pleasing environment that will leave little trace of its use for gravel mining and, hopefully provide a model for future reclamation projects. A Reclamation Plan has been prepared for the proposal that depicts how the site will appear after the mining is complete. The Reclamation Plan will accomplish the following goals:

- Filling in a substantial amount of mined area with imported fill material to reduce the size of the resulting ponds (clean fill from constructions sites around Routt County will be transported to the site)
- Creating a series of smaller, connected ponds (there will be 37.3 acres of ponds-smaller then what Lafarge, Inc. was approved for, which was 70 acres of ponds) and sculpting them into naturally occurring and undulating shapes and replanting them with native vegetation
- Creating new wetlands, including planting of willows and a significant amount of Cottonwood trees
- Enhancement of existing wetlands to improve their function and aesthetics.
- Possible removal of the screening berms, which are not natural to the area.

Approximately six (6) acres of wetlands will be impacted by the operation. To mitigate the impacted wetlands, a combination of new wetlands and enhancement of existing wetlands will occur entirely on the Four Sisters parcel. The impacted wetlands will be mitigated at a 1.5:1 ratio for newly created wetlands and a 4:1 ratio for enhanced wetlands. A Wetland Mitigation Plan has been prepared by Western Bionomics (see attached drawings) and the Army Corps of Engineers is in the process of reviewing the delineation. The mitigation on the Four Sisters parcel will include enhancement of the existing pond created by a temporary gravel operation conducted in 2007.

Where shown on the drawings (See Wetland Impact/Mitigation Plan in Sheet No. W.100), wetlands will be created by grading the existing ground surface to a point that intercepts the mid-summer water table. Wetland herbaceous and woody vegetation will be established by transplanting sod and vegetation obtained from wetlands that will be disturbed within the mine limits. Wetland hydrology will be provided for the mitigation site via a combination of the seasonal, naturally occurring high water table and supplemented with irrigation return flows. In addition to the created wetlands, existing wetlands will be enhanced via planting of willows, alders, cottonwoods, and other hydrophytic trees and shrubs. Such enhancement will increase the ecological value of the existing wetlands by increasing wildlife habitat, flood flow attenuation, aquatic food chain production, and pollutant filtering.

## **V. LAND PRESERVATION SUBDIVISION (LPS)**

**A. LPS PROPOSAL:**

At the conclusion of mining operations and once reclamation has occurred, the land owners, Steamboat Sand and Gravel, LLC represented by Chip Coe and Jarle Halsnes, propose the creation of a five (5) lot Land Preservation Subdivision (LPS) (See LPS Plan Sheet No. LPS.100). The 5 small building envelopes will be preserved during the mining operations. A portion of the future access roads for the LPS will be constructed during and shared with the mining process and connections from that road to the individual lots will occur after the mining process.

Building envelopes will be clustered on the east portion of the property to provide a large open space and visual buffer from SH 131. Homesites will be located adjacent to lakes created as part of the mining reclamation plan. Homesites have been carefully located to be sensitive to residential uses to the north and potentially to the east.

A significant riparian corridor flowing north/south will be retained through the mining operation and be preserved as part of the LPS, with a trail for homeowners added as part of the LPS. Individual wells and septic systems will serve each LPS lot.

Steamboat Sand and Gravel, LLC will be requesting approval of long term vesting (15+/- years) through the LPS Development Agreement.

**B. LAND USE TABLE:**

The following is the Land Use Table for the Alpine Aggregates LPS:

LAND USE	NO.	APPROX # OF ACRES	LINEAL FT	COMMENTS
<b>Total Site</b>		147		
Residential Lots by Right	4			
Proposed Area of Residential Lots		34		
Area of Road Easements		6		60 ft. wide easements
Remainder Parcel	1	107		
Density Bonus Lots	1			
Total Residential Lots	5	34		
Average Building Envelope Size		6,000 sf		

## **VI. ZONING COMPLIANCE**

### **A. EXISTING ZONING:**

**The existing zoning on the property is AF (Agriculture Forestry), which allows Mining, Resource Extraction and Accessory Uses as Use Permitted by Special Use Permit.**

### **B. GENERAL PERFORMANCE AND DEVELOPMENT STANDARDS (SECTION 5, ZONING CODE)**

**The following standards are from Section 5.1 of the Routt County Zoning Regulations and apply to all zone districts and land uses. Following each standard is an applicant response detailing how the proposal complies:**

#### **5.1 General Performance Standards**

- Applicant Response: The proposal complies with all applicable criteria, especially with regard to complying with all federal, state and local regulations and standards and operating the mine to “not pose a danger to public health, safety or welfare.”

#### **5.2 Dimensional Standards**

- Applicant Response: The proposal will comply with all applicable dimensional standards in the AF zone district with regard to any structures.

#### **5.3 Secondary Dwelling Unit Standards**

- Applicant Response: This provision is not applicable as no secondary dwelling units are proposed.

#### **5.4 Parking Standards**

- Applicant Response: The proposal will provide adequate parking spaces for the number of employees expected and in conformance with the code requirement of two spaces/three employees.

#### **5.5 Addressing Standards**

- Applicant Response: The project will comply with the addressing standards prior to request for appropriate permits from the County.

**5.6 Access to Buildable Lot Standards - All Buildable Lots shall have access to the public road system pursuant to this Section 5.6. All building permits or other permits required by Routt County for any building, structure, or use on any Buildable Lot, if approved, shall be approved only if or on the condition that such Buildable Lot, structure, or use has access to the public road system consistent with this Section 5.6**



- Applicant Response: All structures in the processing area will comply with this policy. Access is provided directly to the public road system (SH 131).

**5.7 Right of Way Access Standards - A Right of Way Access Permit is required prior to construction of any new access point onto a County Road or other Local Public Road or Right of Way.**

- Applicant Response: Not applicable. No access is proposed to a County Road. An access is proposed to State Highway 131 and a Colorado Department of Transportation Access Permit is currently being applied for.

**5.8 Road Construction Standards - Prior to the construction of any Common Road, a Road Construction Permit pursuant to this Section 5.8 shall be required which shall be issued by the Road and Bridge Department.**

- Applicant Response: The applicant will apply for a Road Construction Permit after SUP approval, but prior to construction of any common roads.

**5.9 Sign Standards - Any exterior sign erected or maintained in Routt County outside of incorporated areas shall be governed by the regulations of this Section 5.9.**

- Applicant Response: All signs will be constructed in compliance with this section.

**5.10 Standards for Structures within mapped Skyline Areas**

- Applicant Response: According to the Skyline Area Map, none of the project area is in a Mapped Skyline Area.

**5.11 Waterbody Setback Standards**

- Applicant Response: A Waterbody Setback Permit will likely be necessary to permit the proposed mining operation and access roads, which will likely be within 50' of the sites waterbodies. Such permit will be applied for with the SUP application.

**5.12 Airport Overlay Zone District Standards**

- Applicant Response: The Airport Overlay Zone District is not applicable to the proposal.

**C. GENERAL STANDARDS AND MITIGATION TECHNIQUES FOR LAND USE APPROVALS (SECTION 6):**



**General Approval Standards.** The following standards shall apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions that come before Planning Staff, Planning Director, Planning Commission or County Commissioners for action. These standards do not apply to Uses by Right.

**6.1.1 Health, Safety, and Welfare.** The proposal shall be consistent with public health, safety and welfare.

- Applicant Response: The proposal will be consistent with public health, safety and welfare by properly mitigating impacts created, including noise, air, water, traffic, and visual impacts and by meeting and exceeding the criteria in Sections, 5, 6, and 9 of the Routt County Zoning Code.

**6.1.2 Master Plans.** The proposal shall be consistent with applicable Master Plans and sub-area plans.

- Applicant Response: The proposal is consistent with the Routt County Master Plan (see analysis later in narrative).

**6.1.3 Local, State, and Federal Regulations and Standards.** It is the intent of Routt County to avoid unnecessary and duplicative regulations. Where other local, state, or federal regulations adequately address local land use issues Routt County has chosen not to enact additional regulations.

- A. Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any Land Use Approval granted pursuant to these Regulations.

- Applicant Response: The proposal will comply with all applicable federal, state and local regulations and standards, including securing federal wetland and floodplain permits, state mining permits and local special use permits.

**6.1.4 Public Road Use Performance Standards.** The proposal shall comply with the Public Road Use Performance Standards in Section 6.2 of these Regulations.

- Applicant Response: The policy is not applicable as it applies only to development that will increase traffic on the Routt County road system. The proposal does not include any direct access onto Routt County roads.

**6.1.5 Industry Standards.** The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's).

- Applicant Response: The proposal will meet or exceed accepted industry standards and applicable Best Management Practices (BMP's).

**6.1.6 Outdoor Lighting.** The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.

- Applicant Response: Any proposed outdoor lighting will comply with the applicable standards.

**6.1.7 Significant Negative Impacts. The proposal shall not create any significant negative impact in surrounding areas. Significant negative impacts are generally considered to be impacts that do not meet regulatory and/or generally accepted performance and environmental standards. If the Planning Director, Planning Commission or County Commissioners determine a proposed Land Use Change has the potential to create a significant negative impact in the surrounding area mitigation may be required, any such mitigation shall meet the Standards of Sections 6.4 through 6.13. If adequate mitigation cannot be accomplished, the use shall not be permitted. Issues that may be reviewed for potentially significant negative impacts include, but are not limited to:**

- A. Public Roads, Services and Infrastructure**
- B. Road Capacity, traffic, and traffic safety**
- C. Natural Hazards**
- D. Wildlife and Wildlife Habitat**
- E. Water Quality and Quantity**
- F. Air Quality**
- G. Visual Amenities and Scenic Qualities**
- H. Wildland Fire**
- I. Noise**
- J. Wetlands**
- K. Land Use Compatibility**
- L. Odors**
- M. Vibration**
- N. Snow Storage**
- O. Historical Significance**
- P. Reclamation and Restoration**
- Q. Noxious weeds**

- Applicant Response: See Analysis of Sections 6.4 through 6.13 below to find responses to 6.1.7

**6.1.8 Approval Criteria for Specific Land Uses. In addition to the general approval criteria, uses must meet all applicable specific Land Use Approval criteria contained in Sections 8 and 9 of these Regulations.**

- Applicant Response: See Analysis of Sections 8 and 9 later in the narrative.

**6.2 Public Road Use Performance Standards - The purpose of this section is to protect the Routt County road system, and to allow use of Routt County roads at a minimum cost to county taxpayers for upkeep, by requiring that all users pay a fair share for maintenance and upgrading of said roads.**

- Applicant Response: The policy is not applicable as it applies only to development that will increase traffic on the Routt County road system. The proposal does not include any direct access onto Routt County roads.



### 6.3 Outdoor Lighting Standards

- A. All fixtures, exclusive of those exempt under paragraphs D and E below shall be fully downcast and opaquely shielded. For purposes of this section, fully downcast and opaquely shielded shall mean fixtures constructed so that light rays emitted are projected below, and not above, the fixture.
  - B. Lighting shall be so placed as to prevent their light rays or illumination from being cast beyond property lines, and the light source (bulb) shall not be visible beyond property lines.
  - C. No light source shall be directly visible to any motor vehicle operated from a road or street or from any residential area within a distance of 300 feet measured from the light source.
  - D. Upward lighting to illuminate flags, is exempt provided the light fixture uses a narrow cone beam of light that will not extend substantially beyond the flag.
  - E. Lights used for holiday decorations are exempt from the requirements of this section.
- Applicant Response: Proposed outdoor lighting will comply with the above requirements to the greatest extent possible.

### 6.4 Mitigation Standards in General

- A. Methods of mitigation of natural hazards and potentially significant negative impacts shall not shift the hazard or impact to another property, or to another area on the same property that has been previously developed.
- B. Methods of mitigation shall be directed toward a permanent minimization of the hazard or impact.
- C. Methods of mitigation shall not be terminated after transfer of ownership or final approval of the development.
- D. The mitigation techniques listed in Sections 6.5 through 6.13 of these Regulations are the minimum standards. Additional mitigation techniques may be required if warranted by local conditions.
- E. Routt County recognizes that state and federal agencies have programs in place to permit, inspect, and enforce operational and administrative programs to assure protection of certain environmental resources. It is the intent of Routt County to assure that the local land use planning and zoning requirements are addressed without duplication of, or contradiction with, the pertinent state and federal requirements. Routt County reserves the right to enforce more stringent standards and/or mitigation requirements than may be required by state or federal agencies if necessary to address local land use concerns.
- F. Monitoring of certain uses may be required to establish whether required mitigation is being implemented and/or compliance with local, state or federal regulations and standards are being achieved.

**G. Warning and disclaimer of liability:** The provisions of these Regulations shall not create a liability on the part of or be a cause of action against the County or any officer or employee thereof, of any technical advisor for the County for any personal or property damage that may result from reliance on these Regulations or from damages occurring in areas which for any reason have not been determined to be natural hazard areas. The provisions of these Regulations do not in any way imply that areas that have not been determined to contain natural hazards, or land uses permitted within natural hazard areas, will be free from possible adverse effects of natural hazards.

- Applicant Response: The applicant believes that the proposals in place will comply with the above provisions and more than adequately mitigate the possible impacts, but acknowledges the above policies.

## **6.5 Mitigation Techniques for Development Within a Natural Hazard Area**

### **6.5.1 Avalanche Areas**

- A. Artificial release of avalanche by explosive control**
- B. Design structures to support snow in the starting zone**
- C. Structural control such as avalanche deflection structures**

- Applicant Response: Not applicable.

### **6.5.2 Landslide Areas**

- A. Engineered design and construction based upon on-site investigation**
- B. Avoid removal of support material beneath the slide area**
- C. Add artificial support such as rock or earth fill, retaining walls or cribbing, rock bolting and reinforced pilings.**
- D. Control surface and subsurface drainage**
- E. Stabilize the slide area by chemical treatment, bridging wet zones, removal of unstable material, and avoidance of loading on unstable slopes.**

- Applicant Response: Not applicable.

### **6.5.3 Rockfall Areas**

- A. Stabilization of rocks by bolting, cementing, cribbing or retaining walls.**
- B. Removal of unstable rocks**
- C. Use of rock fences, screening, channeling and dams, concrete barriers, or covered galleries.**
- D. Install physical barriers against rock impact areas.**

- Applicant Response: Not applicable.

### **6.5.4 Mudflow Areas**

- A. Use of channelization, diversion dikes, or debris catchment basins to redirect mudflows.**
- B. Special foundations may be used on buildings.**

- Applicant Response: Not applicable.

#### **6.5.5 Geologic Hazard, Unstable or Potentially Unstable Slopes**

- A. Ensure development does not create or increase geologic hazard or subject adjacent properties to geologic hazard.**
- B. Use of engineered design for buildings in areas where instability is moderate.**
- C. Do not locate new subdivisions in areas of slope failure complex, landslide and other highly unstable areas and prevent removal of soils below these types of unstable slopes.**

- Applicant Response: Not applicable.

#### **6.5.6 Seismic Areas**

- A. Use of engineered designs for buildings.**
- B. Avoid areas of faulting to the greatest extent practicable.**
- C. Avoid blasting in fault areas.**

- Applicant Response: Not applicable.

#### **6.5.7 Radioactive Areas**

- A. Relocate mine wastes, tailings piles or other radioactive sources to approved hazardous waste disposal sites.**
- B. Avoid radioactive areas.**

- Applicant Response: Not applicable.

#### **6.5.8 Wildfire Hazard Areas**

- A. Avoid development in areas with great distance to fire fighting apparatus.**
- B. Avoid development and use extreme caution when working in areas listed as high or extreme wildfire hazard areas.**
- C. Have fire extinguishing equipment on the site.**
- D. Use grazing, thinning, pruning and slash removal to minimize wildfire hazards.**
- E. Use roads as fuel breaks and to provide access for fire fighting equipment.**
- F. Use fireproofing measures on buildings, and provide sufficient separation of buildings to prevent fire spread.**
- G. Comply with the requirements and guidelines of the Colorado State Forest Service and the U.S. Forest Service.**

- Applicant Response: The applicant does not believe that the subject site is in a high or extreme wildfire hazard area.

#### **6.5.9 Flood Hazard Areas**

- A. Ensure development does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties.**
- B. Avoid development in flood way areas or flood channel zones.**
- C. Reduce or eliminate potential flood damage.**

- D. **Alteration of flood channels, or changing direction or velocity of flow shall not be considered adequate mitigation.**
  - E. **Protect shallow wells, solid waste disposal sites, septic tanks and sewage disposal systems from floodwaters.**
  - F. **Limit development to non-dwelling uses that will not be damaged when flooded.**
- Applicant Response: According to Federal Emergency Management Agency (FEMA) maps, there are special flood hazard areas (floodway and 100-yr floodplain) areas on the site. The processing area will be protected from the floodway through the construction of a berm surrounding the appropriate portions of the processing area. The berm will be constructed outside the floodway. Mining will occur in the floodplain and portions of the floodway. Generally, final reclamation grading will be at or below existing elevations. No fill will be placed in the floodway. Adequate flood storage will remain. The processing will be located out of the FEMA mapped floodway. No structures are proposed to be located in the floodway. The mapped floodway will be mined, but at no time during the mining will the elevation be increased to cause a flood hazard above or below the property.

#### 6.6 Mitigation Techniques for Development Within Critical Wildlife Areas

- A. **Avoid areas during seasons of use by the wildlife species.**
- B. **Create buffer zones between wildlife habitat and areas of development.**
- C. **Require domestic predator control in sensitive wildlife areas in accordance with DOW guidelines.**
- D. **Limit recreational or other use of wildlife concentration areas during the seasons of wildlife concentration, staging, and/or nesting.**
- E. **Limit density of adjacent development.**
- F. **Avoid new road construction or other development through critical habitat areas and migration routes.**
- G. **Retain existing land use and vegetation.**
- H. **Close roads not used for residential access in critical areas.**
- I. **Avoid disturbance of streambeds, stream banks and streamside vegetation.**
- J. **Place catchment basins to avoid siltation of streams.**
- K. **Use stream alteration techniques in accordance with the Colorado Division of Wildlife guidelines to enhance fish habitat.**
- L. **Construct game-proof or lay-down fencing, one-way gates and game underpasses or other structures to minimize hazards.**
- M. **Develop additional or improved habitat to compensate for habitat losses.**
- N. **Reclaim disturbed areas for use by wildlife and waterfowl upon completion of mining or development.**
- O. **Use slopes flatter than 3:1, and create islands and irregular shorelines for reclamation of wet site excavations.**
- P. **Develop a wildlife mitigation plan for the project in coordination with the Colorado Division of Wildlife.**
- Q. **Provide bear and/or rodent proof trash containers as warranted.**

- Applicant Response: According to Western Bionomics, the project wildlife biologist, the proposed location of the Steamboat Sand and Gravel Mine is not in a critical wildlife habitat. Western Bionomics is coordinating with Colorado Division of Wildlife (CDOW) on this proposal.

#### 6.7 Mitigation Techniques to Reduce Water Quality and Quantity impacts

- A. **Create on-site sediment ponds to prevent erosion into waterways.**
- B. **Lining of sediment, water or waste disposal ponds with impervious material may be required based upon:**
  - 1) **Site conditions;**
  - 2) **Distance to groundwater;**
  - 3) **Quality of the water or materials being disposed of; and**
  - 4) **Input from the Colorado Department of Health, and other pertinent factors which may affect the use.**
- C. **Limit the size of the excavated or disturbed area.**
- D. **Place monitoring wells upstream and downstream of the use, on the permittee's property and/or adjacent properties with landowner consent, to test impacts to ground water and/or stream water quality and quantity:**
  - 1) **Where the use is located in a high ground water table area; and**
  - 2) **Where it has the potential to pollute nearby waterways**
- E. **Test nearby water wells, with the landowner's permission, to ensure the operation is not negatively affecting water quality or flow.**
- F. **Submit proof of sufficient water rights or a water augmentation plan.**
- G. **Avoid sites that would present a high probability of surface or ground water pollution.**
- H. **Provide buffers from waterbodies, rivers, streams, wetlands etc; buffers/setbacks in excess of 50 feet may be required depending on site conditions and proposed use.**

- Applicant Response: The applicant is proposing sediment ponds in the processing area to handle any silt laden waters. All water will be handled to eliminate any contamination from leaving the site. Best management practices will be used throughout the life of the mine.

#### 6.8 Mitigation Techniques to Reduce Air Quality Impacts

- A. **Limit area of disturbance to reduce dust generation. Minimize overlot grading for projects and phase grading with construction.**
- B. **Gravel, water or chemically stabilize public and private access roads, stripped areas, transfer points and excavations to minimize dust.**
- C. **Limit hours of operation of batch plants to prevent cold weather firing during early morning inversions.**
- D. **Increase watering operations immediately in response to periods of high wind conditions or dust complaints.**
- E. **Revegetate disturbed areas as soon as possible. Plant stripped areas and soil stockpiles that are planned to remain uncovered for more than one season with rapid growing vegetative cover to minimize dust, erosion and weeds.**
- F. **Overburden and topsoil stockpiles shall be contoured and conditioned to a slope conducive to establishing vegetative cover.**
- G. **Place air emissions monitors upwind and downwind of the use and on the permittee's property, to assure that the employed mitigation methods are effective.**

- H. **Cease aeration operations at commercial wastewater ponds during periods of high wind.**
- I. **If the proposed use has the potential to negatively impact a sensitive airshed, a background study with baseline data may be required.**

- Applicant Response: The primary source of air quality impacts will be dust from the access road that is created by trucks entering and exiting the site. The access road will be paved back to the processing area to help mitigate dust. To properly mitigate those impacts, a watering truck will be used to water the access road on a daily basis. The excavated material is handled in a moist state so little fugitive dust will be created by the material. New berms and landscaping areas that will be created to help mitigate visual impacts into the site and to create and enhance on site wetlands will be revegetated as soon as possible to limit potential air quality impacts.

### 6.9 Mitigation Techniques to Reduce Impacts to Scenic Quality



- A. **Limit the number of acres disturbed at one time. Minimize overlot grading for projects and phase grading with construction.**

- Applicant Response: The applicant proposes to significantly limit the amount of disturbed acres at any one time to approximately ten acres (five acres being mined and five acres being reclaimed) through carefully planned phasing.

- B. **Conduct reclamation operations concurrently with the mining operation.**

- Applicant Response: Reclamation of a disturbed site will occur immediately after mining is complete and concurrently with moving on to the next phase of mining.

- C. **Phase mining or other operations to minimize the amount of disturbed ground at any given time.**

- Applicant Response: See response above in A.

- D. **Plan reclamation to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas through careful grading and the use of appropriate native species for revegetation.**

- Applicant Response: The focus of the Reclamation Plan is to reclaim the site to blend in with the surrounding areas. This will be accomplished by 1.) Filling in portions of the created ponds into natural, undulating shapes and 2.) Planting a significant amount of native vegetation, including cottonwood trees, willows, shrubs and other groundcover and, 3.) Mitigating all wetland impacts on the Four Sisters parcel (i.e. the area closest to SH 131).

- E. **Provide effective screening of equipment and stockpile areas:**

- 1) **Limit the height of stockpiles; and**



- 2) **Use low profile permanent equipment, and/or permanent equipment painted to "blend with the surroundings." Permanent equipment shall be construed as that equipment left in place for one (1) year or more. Color selection shall be reviewed and approved by the Planning Director.**
- 3) **Maintain landscaping, weed control and vegetation viability for the life of the project.**
- 4) **Proposed landscaping, screening, fencing and other visual impact mitigation shall be approved by the Planning Director, Planning Commission or Board of County Commissioners prior to operation.**
- 5) **Berms or other screening techniques may be used to effectively screen the area.**
- 6) **Berms must be contoured to a slope conducive to establishing vegetative cover.**
- 7) **Significant vegetation shall be preserved wherever possible.**

Applicant Response: Heights of stockpiles will be limited to approximately 30', but because the base of the stockpiles will be located 15-20' below grade and screened behind a 8-10' berm, the view of the piles will be very limited if seen at all. Permanent equipment will consist of a crusher that will be placed below grade in an excavated area (about 15-20' below grade) in the southeast corner of the site-as far away as possible from the majority of residences and from SH 131. Doing so will effectively screen the crusher from most surrounding views. Berms will be constructed along with tree planting around the processing area to provide additional visual screening. Berms and tree planting will also occur along the southern, western and northern boundary of the mining area (See Landscaping Plan on Sheet No. LA.100 for detail).

**F. Setbacks of the project area from property boundaries, and height limitations of facilities and equipment, and colors and screening of equipment and facilities shall be determined by the Board of County Commissioners on a project-specific basis, dependent upon:**

- 1) **The constraints of topography and other natural features;**
- 2) **Geologic information, site location and surrounding uses; and**
- 3) **The nature of the operation, and other pertinent factors that may affect the proposal.**

➤ Applicant Response: Acknowledged.

#### **6.10 Mitigation Techniques to Reduce Noise impacts**

**A. Limit hours of operation.**

➤ Applicant Response: See response below in C.

**B. Limit hours and days of equipment operation to reduce noise effects to adjacent or nearby residents.**

➤ Applicant Response: See response below in C.

**C. Limit hours of hauling.**

➤ Applicant Response: See response below in C.

**D. Route haul truck traffic away from residential, commercial and recreation areas.**

- Applicant Response: The mine will be open year around Monday through Friday 7AM to 5:30PM and on Saturday from 8AM to 4:30PM during the summer as needed, but peak extraction will occur between June and October. The daily hours of mining operation and hauling are planned to limit impacts to neighboring properties. Haul traffic will be routed completely away from neighboring residential properties and will not share any County Roads for access.

**E. Place processing areas behind berms or soil stockpiles, or at the bottom of the excavation.**

- Applicant Response: See response below in F.

**F. Use landscaping to muffle or redirect sound including berms, fencing, soil stockpiles, or vegetation.**

- Applicant Response: Landscaping and berms will be planted and constructed strategically around the site to muffle and redirect sounds and the source of the greatest noise – the crusher- will be located well below grade to muffle its sounds.

**G. Locate equipment in an enclosed and acoustically insulated structure.**

- Applicant Response: It is not feasible to locate the crusher inside an enclosed structure so it will be located below grade with berms to muffle and redirect sounds.

**H. Use electric pumps for water where feasible, and use "quiet design mufflers" where electricity is not available.**

- Applicant Response: The applicant intends to power the facility as much as possible with power from YVEA.

**I. Use latest equipment approved by OSHA and MSHA to reduce or eliminate equipment back-up alarms.**

- Applicant Response: The operation will use state of the art equipment that meets OSHA (Occupational Safety and Health Administration) standards.

**J. Place the operation a sufficient distance from residences, commercial areas, and recreation areas to minimize noise impacts to those areas.**

- Applicant Response: The operation will be located at least 1,100 feet from the residences to the north of the operation, 300 feet to the old More Family farm house (currently unoccupied), 1,000 feet to the existing cabin used for sleigh rides (owned by Yampa Tailwaters Partners Limited Partnership and about 1,800 feet to the residence across SH 131 to the west.

**K. Install acoustically insulated housing or covers enclosing any motor or engine;**

- Applicant Response: The operation will use state of the art equipment to minimize noise as much as possible.
  
- L. Install a solid wall or fence of acoustically insulating material surrounding all or part of the facility.**
  
- Applicant Response: See response above in E.
  
- M. Require a noise management plan specifying the hours of maximum noise and the type, frequency, and level of noise to be emitted; and**
  
- Applicant Response: A noise management plan will be prepared for the Special Use Permit submittal addressing the applicant's proposal for the required items.
  
- N. Any noise mitigation measures as required by the Colorado Oil and Gas Conservation Commission.**
  
- Applicant Response: Not applicable, as the Colorado Oil and Gas Conservation Commission does not regulate gravel mining.
  
- O. Construction of insulated buildings or other enclosures may be required where facilities create otherwise unmitigatable noise impacts.**
  
- Applicant Response: See response above in G.
  
- P. Eliminate or reduce the use of compression "jake" brakes on haul trucks, when possible, at the entries of or within sites located near residential areas.**
  
- Applicant Response: The operation will eliminate or reduce the use of compression "jake" brakes on haul trucks, when possible, at the entries of or within sites located near residential areas.
  
- Q. The location and grade of any proposed access will be considered in relation to the noise that may be created by vehicles using such access.**
  
- Applicant Response: The proposed access will be constructed slightly above grade, but a considerable distance (1,100 feet) away from the nearest occupied residence, which should adequately mitigate the impact of the access road.
  
- R. Limit traffic generation and/or provide customer shuttles.**
  
- Applicant Response: The Traffic Study prepared for the project estimates that there will be a total of 200 truck trips per day (50% entering the site and 50% leaving the site) and that the surrounding streets (in this case, SH 131) can adequately accommodate the traffic with the proposed deceleration lane. No County Roads will be directly used to access the operation. Only visitors or employees on official business will be allowed on site, thus limiting the traffic generation on site. Due to the nature of the business, customer shuttles are not feasible.

**6.11 Mitigation Techniques to Reduce Wetlands impacts. All uses must comply with applicable Environmental Protection Agency (EPA) and Army Corps of Engineers (ACOE) standards and regulations for wetlands.**

- A. **Avoid wetland areas.**
  - B. **Develop sediment ponds and drainage swales to prevent pollution of nearby wetlands.**
  - C. **Replace disturbed wetland areas in-kind, and on-site.**
  - D. **Preserve existing significant vegetation within and surrounding wetland areas.**
- Applicant Response: Because gravel deposits typically accumulate in alluvial formations in associated with rivers, wetland impacts are difficult, if not impossible to avoid when mining gravel. Mitigation for wetland impacts will occur entirely on site in the form of constructing new wetlands and enhancing existing ones. Enhanced and constructed wetlands will possess higher ecological value than those which will be disturbed. Existing vegetation along secondary channels of the Yampa River that pass through the property will be maintained. The berm that will be built around the processing area will serve as both visual screening and to keep floodwater out of the processing area. The berm will also serve to protect sediment from flowing into the wetlands.

**6.12 Mitigation techniques to reduce impacts to Agricultural Uses**

- A. **Prevent spread of weeds to surrounding agricultural and residential lands. An enforceable noxious weed management plan may be required.**
- Applicant Response: A weed management plan will be drafted and submitted with the SUP submittal providing specific details.
- B. **Fence the site to prevent access by humans and animals.**
- Applicant Response: Fencing of the perimeter will be utilized to prevent access by humans and animals.
- C. **Submit proof of water rights and plans for use and disposal of water prior to any operations. Comply with requirements of the Division of Water Resources applicable to the proposed operation.**
- Applicant Response: A full assessment of water rights will be submitted at SUP.
- D. **Protect and maintain flows of all affected irrigation ditches.**
- Applicant Response: Several irrigation ditches pass through the site. The proposal will protect and maintain flows in the ditches by avoiding them and providing adequate buffer. The Suttle Ditch will be adjusted to the westerly property line.
- E. **Buffers may be required between agricultural and non-agricultural uses to ensure compatibility.**

- Applicant Response: A significant buffer of between 300-1,800 feet exists between the mine and nearest residences.

### 6.13 Mitigation Techniques to Reduce Impacts to Residential and Recreation Uses

#### A. Avoid recreation areas and residential areas.

- Applicant Response: The site is not immediately adjacent to any recreation areas, but is in the vicinity of the Windwalker Tours (a winter only operation offering sleigh rides and dinners) and several single family homes. A significant buffer between the operation and these uses will exist.

#### B. Locate uses incompatible with residential or recreation and tourism uses a sufficient distance from such areas. Planning Commission and the Board of County Commissioners will determine sufficiency of distance.

- Applicant Response: See Response A. above.

#### C. Practice continued mitigation of noise, dust, and other environmental impacts.

- Applicant Response: The applicant is committed to mitigating noise, dust, and other environmental impacts.

#### D. Route haul truck traffic away from residential and recreation areas.

- Applicant Response: Truck traffic will be routed away from residential and recreation areas by accessing SH 131 directly from the site.

#### E. Limit traffic generation and/or provide customer shuttles.

- Applicant Response: Traffic into the site will be limited to only necessary vehicles, such as dump trucks and employee vehicles.



## D. REGULATIONS AND STANDARDS FOR MINING AND RELATED USES (SECTION 9):

Purpose: Routt County recognizes that state and federal agencies have programs in place to permit, inspect, and enforce operational and administrative programs to assure protection of environmental resources associated with exploration, oil/gas production and mining operations. It is the intent of Routt County to assure that the local land use planning and zoning requirements are addressed without creating operational conflict with the pertinent state and federal requirements. Routt County reserves the right to assume the functions of external agencies involved with mining and resource extraction if such agencies are eliminated or their operations are curtailed. Routt County reserves the right to impose more stringent standards than other agencies as necessary to mitigate land use impacts. Routt County may require bonding for reclamation and other activities if the appropriate agencies do not require or administer such bonding.

9.2 General Standards for all Mining, Resource Extraction and Accessory Uses. All Mining and accessory uses shall comply with the applicable Standards and Mitigation Techniques of Section 5 and Section 6 of these Zoning Regulations. In addition, all Mining and accessory uses shall comply with the following standards:

- A. Shall be compatible with surrounding agricultural, residential, and recreational land uses by selection of location and/or mitigation.
  - Applicant Response: The applicant has selected a site and committed to mitigation that is compatible with surrounding uses. The primary mitigation measure is maintaining a significant buffer between the operation and most residences as well as other uses. The closest distance between the operation and the two residences to the north is about 1,100 feet. The nearest distance to the Rowe residence to the west is at least 3,750 feet and to the vacant More Family Ranch, LLC home and barns is about 300 feet. Windwalker Tours operates a sleigh ride and dinner tour business on land owned by the Yampa Tailwaters Partners Limited Partnership and is about 1,000 feet to the nearest point of the mine.
- B. The proposed operation will be located a sufficient distance from other mining operations so as not to create cumulative impacts to roads, air and water quality, or other resources and amenities. The Planning Commission and the Board of Commissioners will determine sufficiency of distance.
  - Applicant Response: The nearest other mining operation is the Redmond Mine, approximately 12-15 miles south of this proposed mine along CR 14 near Stagecoach Reservoir.
- C. Equipment used for the operation will not be visible from adjacent or surrounding residences, or will be mitigated to the extent possible to reduce visual impacts. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation.
  - Applicant Response: The equipment used for the operation includes a crusher and wash plant and scale house. The scale house is small in size and will not be very

noticeable from neighboring properties. The crusher and washer plant are of significant size, so they will be located partially below ground in the southeast corner of the site tucked next to the hillside. Therefore, visibility from surrounding residences should be very limited, if visible at all. A visual simulation will be submitted shortly after the Pre-Application submittal depicting exactly the appearance of the site from different view angles.

D. Shall be operated such that noise generated by the use does not exceed State of Colorado residential noise standards within 150 feet of any residence.

➤ Applicant Response: The mine will comply with all applicable standards related to noise.

E. New long-term (more than one year) mining operations will minimize visual impacts along entryways to growth centers or potential growth centers as defined in the Routt County Master Plan. Planning Commission and/or the Board of County Commissioners will determine sufficiency of minimization.

➤ Applicant Response: The 42 acre Four Sisters parcel, which is located between the actual mine and SH 131 will not be mined and will actually be enhanced over its current state through construction of new wetlands and enhancement of existing wetlands. The existing pond left over from a previous gravel operation will be sculpted and planted to make it appear more natural. In addition, extensive berming and tree planting will occur around a large portion of the mining perimeter to help screen the operation from surrounding highways, roads, and residences. These efforts will minimize visual impacts from community gateways, such as SH 131.

F. Truck traffic will not access the mining operation through residential, or commercial areas, or such traffic will be mitigated. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation.

➤ Applicant Response: Truck traffic will not access the operation through any residential or commercial area and will access directly on SH 131.

G. Shall submit evidence of insurance for a minimum of \$1,000,000 to cover any damages to public and private property, and Routt County shall be named as an additional insured.

➤ Applicant Response: Evidence of insurance will be provided with the SUP submittal.

H. Unless all disturbance created by the mining operation is covered by a reclamation bond under jurisdiction of the Colorado Division of Minerals and Geology, or by the federal government on federally owned lands, a bond or other acceptable financial performance guarantee shall be submitted in favor of Routt County in an amount of at least 150 percent of the cost of restoration of the site and access roads. The required amount of such financial performance guarantees may be increased at the discretion of the Planning Director to account for inflation. A bid for site restoration acceptable to the permittee

and Routt County shall be submitted to the Planning Department as evidence of the cost of reclamation for bond setting purposes.

- Applicant Response: A reclamation bond will be under the jurisdiction of the Colorado Division of Minerals and Geology and will be addressed in more detail later in the process.
- I. The Board of County Commissioners may require a financial performance guarantee in addition to that required by the State of Colorado to insure that certain conditions of a permit will be complied with. The required amount of such financial performance guarantees may be increased at the discretion of the Planning Director to account for inflation. The County will not require financial guarantees that are duplicative of that required by the State. Copies of all financial guarantees related to the project shall be submitted to the Planning Department prior to permit issuance; including but not limited to those required by the State, BLM, and Routt County.
  - Applicant Response: Acknowledged.
- J. Any land survey monuments shall be recorded in the Colorado Land Survey Monument Records prior to commencement of mining, and if removed, shall be replaced following reclamation.
  - Applicant Response: Acknowledged.
- K. Routt County requires the use of the most technologically advanced and proven procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses.
  - Applicant Response: Visual simulations have been prepared for the submittal (to be provided after submittal) using technologically advanced methods to demonstrate visual impacts and to help with mitigation to ensure that what is proposed provides the most effective method of mitigation. Other technologically advanced methods include overland conveyors, electric pump systems, and state of the art crushers and wash plants.
- L. In-stream mining is not permitted.
  - Applicant Response: In-stream mining is not proposed.

9.2.1 Permit Term. The Board of County Commissioners may approve a permit for a mining operation or related use for a specific period of time, not to exceed ten (10) years without a renewal. The compatibility and size of the project will be considered in determining the appropriate permit length for the mining operation or related use. Renewals of the permit may be granted upon a new permit review, and subject to new or additional conditions.

- Applicant Response: The applicant requests a 20 year term due to the scale of the project and to allow fluctuation in the market demand. Once the significant buffer of berming and



landscaping is established within initial two years of operation, the operation will mitigate its impacts and be a compatible neighbor.

### 9.3 Isolated Mining and Accessory Uses

- Applicant Response: Not applicable as the proposal does not technically meet the definition of an “Isolated Mining and Accessory Uses”.

### 9.4 Mining Operations that exceed 9.9 acres of cumulative surface disturbance

9.4.1 Standards. The following standards apply to any individual permit, or combination of permits that are part of a single project, and are in addition to the applicable Standards and Mitigation Techniques of Section 5, Section 6, and Section 9.2 of these Zoning Regulations:

A. New long-term mining operations shall be located a minimum of 1,000 feet from any property that is zoned for residential use (MRE, LDR, MDR, HDR, GR, PUD).

- Applicant Response: The proposal is located at least 1,000 feet from property zoned MRE, LDR, MDR, HDR, GR and PUD.

B. Final Reclamation shall be designed to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred.

- Applicant Response: See Reclamation Plan for final reclamation concept, which will create a very aesthetically pleasing site with mature landscaping and wetlands that were created within the first two years of the operation. From a wildlife perspective, the applicant’s proposal for constructed/enhanced wetlands and open water lakes as a component of the final Reclamation Plan will provide high quality habitat for waterfowl and aquatic wildlife species according to Western Bionomics.

C. Final Reclamation shall be designed to limit the amount of exposed groundwater in order to minimize the cumulative impacts of evaporative water loss from reclaimed mine sites.

- Applicant Response: See Reclamation Plan (Sheet RE.100) for plan for exposed groundwater in the form of ponds. The total acreage of the ponds will be 37.3 acres which is significantly less than what LaFarge received approval for in 2005 (70 acres).

D. Any new surface mine or expansion of the permit boundary of an existing surface mine, that is permitted for a time period of 5 years or greater, and results in a new cumulative surface disturbance greater than 10 acres, shall be required to enter into a development agreement with the County to provide conservation mitigation. Such conservation mitigation shall include one of the following:

1. For each acre in excess of 10 acres of surface disturbance an acre of undeveloped land within a 5-mile radius of the mine site will be preserved from future residential or commercial development; OR
  2. Local public benefit such as open space, trails, hunting or fishing access, wildlife or agricultural conservation easements that in the determination of the Board of County Commissioners provide an equivalent public benefit to the reduced development rights provided for in subsection 1.
- Applicant Response: In lieu of providing conservation mitigation in accordance with #1. or #2. above, the landowners, Steamboat Sand & Gravel, LLC proposes to donate 10 cents per ton of extracted gravel over the life of the mine to the Yampa Valley Housing Authority (YVHA) to use towards facilitating affordable housing in Routt County. Alternatively, if this proposal is not acceptable to the County, the applicant will purchase a parcel of land and conserve it in accordance with #1. above. An additional donation by the mining operator, Alpine Aggregates, Inc. of 10 cents per ton to YVHA for additional public benefit is also proposed.

**9.4.2 Annual Reports.** An annual report is required for all new and existing mining operations that exceed 9.9 acres in cumulative surface disturbance. Annual reports shall be due on a date determined by the Planning Director. Failure to submit annual reports required as either a condition of approval or as required by this section may result in revocation of the applicable Administrative, Conditional or Special Use Permit. The report shall include the following information:

- 1) Copy of most recent Colorado Department of Natural Resources, Division of Minerals and Geology (DMG) annual report.
- 2) Total sales of all products mined at the site for the previous calendar year.
- 3) Total disturbed acreage on the site
- 4) Other information as required as a condition of approval.

➤ Applicant Response: Acknowledged.

## 9.5 Asphalt and Concrete Plants and Accessory Uses

**9.5.1 Standards.** The following Standards for Asphalt and Concrete plants are in addition to the applicable Standards and Mitigation Techniques of Section 5, Section 6, and Section 9.2 of these Zoning Regulations:

- A. New long-term (greater than one-year) asphalt and concrete plants located outside of an Industrial Zone District shall obtain at least 90% (measured on an annual basis) of the aggregate used in the plant from on-site.
- B. Asphalt and concrete plants and fuel tanks shall not be located within a 100-year floodplain unless all requirements of the National Flood Insurance Program will be complied with.
- C. All plants and processing equipment shall have current Colorado Department of Public Health and the Environment (CDPHE) Air Pollution Permits and shall meet current CDPHE and Routt County emissions standards for air and water. The Board of County Commissioners may set more stringent requirements in certain locations.

- Applicant Response: Not applicable. No asphalt or concrete plant is proposed on site.



## **VII. LAND PRESERVATION SUBDIVISION (LPS) CRITERIA**

### **A. COMPLIANCE WITH MAJOR LAND PRESERVATION SUBDIVISION EXEMPTION:**

#### **2.10 Major Land Preservation Subdivision Exemption**

##### **2.10.1 Applicability: Divisions of land qualify as a Major Land Preservation Subdivision Exemption if they meet all the following standards:**

- A. All of the land subject to the application is within the Agriculture and Forestry zone district, is at least 70 acres in size and, unless the application is made under the Non-contiguous Parcel Process set forth in Section 2.12, is Contiguous; and**
  - Applicant Response: All land is within the AF zone district and is at least 70 acres.
- B. The Owner is willing to execute a Development Agreement restricting further development and subdivision of the subject property so that the maximum number of Dwelling Units permitted on the property shall not exceed the number approved through the Land Preservation Subdivision Exemption process;**
  - Applicant Response: The owner is willing to execute a Development Agreement restricting further development on the property so that the maximum number of lots will not exceed what's permitted by the LPS process.

##### **2.10.2 Standards**

- A. The development proposed by the applicant, including the location of Building Envelopes and the configuration of the proposed lots, and the location and configuration of any Contingent Lots proposed pursuant to Section 2.12 is acceptable under the Design Criteria as set forth in Section 5.1 hereof and the applicable requirements of the Routt County Zoning Regulations.**
  - Applicant Response: The development complies with the appropriate Design Criteria (see analysis later in narrative).
- B. The maximum number of Buildable Lots proposed, except any Contingent Lots, will be that number which is equal to total acreage divided by 35, plus any bonus**

**Buildable Lots allowed pursuant to subparagraph C, below, unless the applicant declines to accept the Planning Administrator’s requests for mitigation changes made pursuant to Section 2.1.3.J.**

➤ Applicant Response: Criteria met. See Land Use Table on page 8 of the narrative.

**C. Subject to the provisions of Section 5.1, the applicant shall be entitled to one additional Buildable Lot (bonus Buildable Lot) for each 100 acres of land placed in the Remainder Parcels.**

➤ Applicant Response: Criteria met.

**B. COMPLIANCE WITH THE LPS EXEMPTION DESIGN STANDARDS:**

**Per Section 5.1 of the Routt County Subdivision Regulations (Land Preservation Subdivision Exemption Design Standards), the application shall demonstrate that the proposed division of land and development meets all of the Objectives set forth below by use of the Design Guidelines and Standards set forth opposite the Objectives. Below is an analysis of how the proposed LPS complies with the Design Guidelines and Standards:**

<b>I. AGRICULTURAL LANDS</b>	
<i>Objectives</i>	<i>Design Guidelines and Standards</i>
<p><b>A. Minimize the direct, indirect and cumulative impacts of residential development on agricultural lands and agricultural operations. Maintain open rural grazing areas.</b></p>	<p>1. Reserve commercially viable enclaves of large scale agricultural operations. OR                      2. Site and size lots and building sites to minimize impact on and from existing agricultural activities. OR                      3. Consolidate, through leases or purchase, adjacent properties to combine into adequately sized parcels for a commercial operation. AND                      4. The Remainder Parcel(s) must have physically feasible, legal access to public roads that is appropriate to the likely uses of the parcel.</p> <p><b>Applicant Response: The site will be utilized for gravel mining for 15 prior to the LPS construction, so there will be no existing agricultural activities at the time of LPS. The Remainder Parcel will have the required access.</b></p>
<p><b>B. Maintain the opportunity for agricultural production on the most productive and viable parcels of land.</b></p>	<p>1. <b>Protect areas of irrigated hay meadow especially those that connect with and/or are adjacent to other irrigated meadows. AND</b>                      2. <b>Reserve adequate water supply to ensure irrigated meadows will remain irrigated with an adequate amount of water as identified by the State Division of Water Resources or the Routt County Extension Office or one cubic feet per second for every 35 acres, whichever is greater. Such decreed water rights shall not be severed from the land. There shall be no removal of adequate water supply to continue the historic application of water to the Remainder Parcel. AND</b>                      3. <b>Protect upland grazing areas needed for agricultural uses. OR</b>                      4. <b>Site and size lots and building envelopes to minimize impact on</b></p>

	<p><b>agricultural activities. AND</b></p> <p><b>5. To the extent practicable, avoid crossing and dividing irrigated lands with roads, fences, development and utilities.</b></p> <p><b>6. Provide adequately sized and appropriately placed culverts when crossing agricultural ditches.</b></p> <p>Applicant Response: An existing hay meadow in the central portion of the site will be restored following mining activities, bringing the site back, at least partially, to its existing character. Adequate water rights will be retained for the hay meadow and other uses within the LPS.</p>
<p><b>C. Minimize residential disturbance on ranching and farming land.</b></p>	<p><b>1. Ensure that the residential property owners have responsibility for fence construction and maintenance and weed control. If no complete and structurally sound fencing exists then:</b></p> <p>The applicant must agree in the Development Agreement to build a perimeter fence within one year after the approval. The applicant shall construct perimeter fencing at the property lines for the entire length where there exists actively used agricultural lands on any one side of the property line. Maintenance of perimeter fencing shall be completed on an ongoing annual basis by the development’s Homeowners Association; a partnership of the development’s lot owners who own the property along the perimeter or other method and party identified within the Development Agreement. There shall be a separate fund set up equal to 2 years maintenance costs by the Applicant and administered by the Homeowners Association or other <i>entity</i> as established in the Development Agreement at time of signature of Board of County Commissioners on the final plat. If agricultural use on adjacent property ceases permanently (i.e., development occurs) then ongoing maintenance can cease upon notification to and inspection by the Planning Department.</p> <p><b>2. Developers shall provide residential property owners within their development the County Extension Service’s “Guide to Small Scale Agriculture and Rural Living” at time of real estate closing.</b></p> <p>Applicant Response: The Applicant will comply with all fencing requirements. Residential property owners will be provided with the “Guide to Small Scale Agriculture and Rural Living” at time of real estate closing.</p>
<p><b>D. Create an open lands system that provides substantial interconnected acreage for commercially viable agricultural lands</b></p>	<p><b>1. Locate Remainder Parcels so that they are nearby or are adjacent to (if possible) other agricultural lands, other Remainder Parcels, conservation easements, public open lands, and natural resource areas.</b></p> <p><b>2. To the extent practicable, Cluster Buildable Lots and Residential Building Envelopes.</b></p> <p>Applicant Response: Building envelopes are clustered in the eastern portion of the site to preserve a large, connected Remainder Parcel adjacent to State Highway 131 and adjacent large parcel residential uses to the north, and</p>

production.	agricultural use to the south.
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**II. VISUAL RESOURCES**

<i>Objectives</i>	<i>Design Guidelines and Standards</i>
<p><b>A. Minimize negative visual impact from public rights-of-way including roads, and public open spaces.</b></p>	<ol style="list-style-type: none"> <li>1. <b>Site and size building lots and building envelopes to minimize visual impacts. AND</b></li> <li>2. <b>All Buildable Lots within a Cluster should be between five (5) and seven (7) acres. AND</b></li> <li>3. <b>Limit the height, amount of fixtures and direction of lighting. Require opaquely shielded, downcast lighting fixtures to protect views and the night sky from light pollution. No general floodlighting of buildings shall be allowed. AND</b></li> <li>4. <b>To the extent practicable, use topographic breaks to shield building envelopes and roads from view. AND</b></li> <li>5. <b>To the extent practicable, utilize the landscape or landscaping treatments to minimize visual impacts. OR</b></li> <li>6. <b>For larger Clusters greater than 10 units and/or Clusters where houses are set apart by minimum setbacks, increase the distance so that both of the Clusters will have limited visibility from a point on Federal and State highways and County Roads at the same time.</b></li> </ol> <p>Applicant Response: The 5 building sites are clustered on the far eastern part of the site, far away from SH 131, to minimize visual impacts. Berms and landscaping created for the mining operation will further screen the homes from SH 131. Lighting restrictions will be included in project covenants.</p>
<p><b>B. Keep structures off of highly visible places and design them so they are not obtrusive and do not “loom out” over the landscape.</b></p>	<p>For ridgelines which are “skylined” from public rights-of-way:</p> <ol style="list-style-type: none"> <li>1. Where necessary, height of structures shall be limited so the structure will not project into the skyline when viewed from public roads.</li> </ol> <p>Applicant Response: There is no skylining on the site due to the high mountains behind (to the east) of the homesites.</p>
<p><b>C. Select sites that are appropriately scaled for the type of proposed development without major alterations to the natural landscape. Protect natural</b></p>	<ol style="list-style-type: none"> <li>1. <b>Replace topsoil and revegetate the landscape with native plant materials of adequate quantity and quality within one growing season after disturbance of the area.</b></li> </ol> <p>Applicant Response: The landscape will be altered during gravel mining operations and then reclaimed based on the approved reclamation plan.</p>

land forms.	
<p><b>D. Maintain the rural character and scale of the area. Minimize the cumulative impact of development on adjacent rural properties.</b></p>	<p><b>1. Generally presume that 10 or fewer lots per cluster are rural in character. If more than 10 lots are proposed to be in one cluster, the applicant shall demonstrate that the rural character of the area can be maintained (including the cumulative impact of development on adjacent properties) and visibility from federal and state highways, and county roads can be mitigated. AND</b></p> <p><b>2. Avoid long, uninterrupted rows of houses lining major roadways;</b></p> <p>Applicant Response: Again, visibility from SH 131 will be minimized due to location of building envelopes far to the east as well as screening provided by landscaped berms and buffers. Only 5 homesites are proposed. A large open space parcel adjacent to SH131 will be enhanced with landscaping and wetland creation, providing a more aesthetically pleasing landscape along the highway.</p>

**III. RIVERS, LAKES, WETLANDS, and RIPARIAN AREAS**

<i>Objectives</i>	<i>Design Guidelines and Standards</i>
<p><b>A. Provide adequate buffers between water bodies and development to protect water quality, enhance wildlife habitat and improve visual quality of rivers, lakes, wetlands and irrigation ditches.</b></p>	<p><b>1. All structures shall meet with the requirements of the Routt County Water Body Setbacks, as described in Section 8.10 of the Zoning Resolution. AND</b></p> <p><b>2. Place all roads and structures other than bridges, fences, ditches, flood control devices, and other water-related uses at least fifty (50) feet from all wetlands, unless the applicant can demonstrate that the critical riparian areas are not negatively impacted.</b></p> <p>Applicant Response: Lakes will be created as part of the reclamation plan. Homesites will maintain a 50’ setback from the edge of the lakes. Criteria 2 will be complied with.</p>
<p><b>B. Avoid sedimentation and runoff impacts during and after development including those that impact irrigation ditches.</b></p>	<p><b>1. Use appropriate Best Management Practices during construction, siting and development. Avoid sedimentation with acceptable water management techniques during and after development.</b></p> <p>Applicant Response: BMP’s will be utilized as will acceptable water management techniques.</p>
<p><b>C. Protect the riparian environment with its diverse</b></p>	<p><b>1. To the extent practicable, locate Remainder Parcels to protect the maximum amount of riparian and wetland areas.</b></p> <p>Applicant Response: The primary preserved riparian/wetland area will</p>

<b>habitat.</b>	continue to be preserved in the LPS by locating it in the Remainder Parcel or within open space on a residential lot.
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**IV. INFRASTRUCTURE**

Objectives	Design Guidelines and Standards
<p>A. Reduce internal road construction costs while minimizing environmental impacts. Design lots and building sites to minimize impacts on public roads and services including snow plowing and maintenance.</p>	<ol style="list-style-type: none"> <li><b>1. Minimize redundant road construction by placing and orienting new residential construction toward existing roads. Use existing infrastructure to the greatest extent possible. AND</b></li> <li><b>2. Require a minimum road width, turning radius, and grade that is less than the existing County standards and based upon Section 1100 of the CDOT low volume standards, as based on the American Association of State Highways and Transportation Officials (AASHTO) standards. AND</b></li> <li><b>3. Minimize the amount of curb cuts and driveways onto County Roads. AND</b></li> <li><b>4. Mitigate visual impacts of switchbacks and roadcuts. AND</b></li> <li><b>5. Set back roads from adjacent adjoining landowner fences an adequate amount to insure minimal damage from road maintenance activities.</b></li> </ol> <p>Applicant Response: No County roads will be used for access. No switchbacks or road cuts are proposed. No roads, other than single driveways are proposed near adjacent properties. Roads will be designed based upon CDOT low volume standards.</p>
<p>B. Avoid adversely impacting the condition of public roads where their capacity is insufficient to carry the additional traffic.</p>	<ol style="list-style-type: none"> <li><b>1. Make improvements to public roads to meet County or CDOT requirements. AND</b></li> <li><b>2. No LPS's shall be approved on Minimal Maintenance Roads as defined in the Routt County Road Maintenance Plan.</b></li> </ol> <p>Applicant Response: Intersection improvements on SH 131 will be constructed for the gravel mine. These improvements will remain for the LPS which will have greatly reduced traffic.</p>
<p>C. Ensure that adequate water and sewer facilities can be developed.</p>	<ol style="list-style-type: none"> <li><b>1. Size lots according to State and local Health Department standards. Meet all location criteria. Minimum lot size is 5 acres on well and septic. AND</b></li> <li><b>2. All sanitation systems and domestic water wells should be placed within the designated lot or within the Residential Building Envelope on the Remainder Parcel.</b></li> <li><b>3. If a central sewer system is contemplated then it must be designed and constructed to ensure that it is adequately sized to accommodate the development at build-out.</b></li> <li><b>4. The applicant should provide an engineer's report establishing the availability of an adequate supply of water to serve the development.</b></li> </ol>



	<p>Applicant Response: Individual wells and septic systems will be installed by homeowners at each LPS homesite. An engineer’s report will be provided indicating an adequate supply of water.</p>
<p><b>D. Minimize the intrusion of subdivision infrastructure on the Remainder Parcel.</b></p>	<p><b>1. To the extent practicable, infrastructure shall be positioned so that they do not traverse or significantly damage the qualities of the Remainder Parcel.</b></p> <p>Applicant Response: Since there will no central water or sewer system, there will no intrusion of these facilities on the Remainder Parcel.</p>

**V. WILDLIFE**

<i>Objectives</i>	<i>Design Guidelines and Standards</i>
<p><b>A. To the extent practicable, avoid areas used by Threatened or Endangered Species if the areas are critical to survival or production.</b></p>	<p><b>1. Limit development within known Critical Habitat of Threatened and/or Endangered species sites including nesting, roosting, mating, birthing, and feeding areas.</b></p> <p>Applicant Response: There is no critical habitat for threatened or endangered species on or adjacent to the parcel. The mining operation will enhance wildlife habitat on the 43 acre parcel near SH 131. This area will be part of the LPS Remainder Parcel. Additional lakes and wetlands will be created as elements of the reclamation plan, further enhancing riparian and wetland habitats. All of these natural features will be preserved with the LPS.</p>
<p><b>B. To the extent practicable, avoid Critical Winter Habitat of elk, deer, moose, bald eagles, golden eagles, sharptail grouse, and sage grouse.</b></p>	<p><b>1. Restrict activities including construction, maintenance and special events to avoid seasonally critical habitat during sensitive seasons. AND</b></p> <p><b>2. Limit development allowed within these areas to the greatest extent possible. OR</b></p> <p><b>3. Submit a Wildlife Mitigation Plan and/or other legally enforceable agreement for development in Critical Habitat Areas.</b></p> <p>Applicant Response: There is no critical wildlife habitat on the parcel. Wildlife habitat will be enhanced with the LPS as it will mean the end of mining operations and the natural features created through the mining reclamation plan will continue and/or begin to mature. The DOW will be involved with wildlife enhancements as part of the mining plans.</p>
<p><b>C. Locate development to permit wildlife movement and migration of elk, deer and moose. Maintain wildlife corridors of such animals and</b></p>	<p><b>1. Restrict any fences that obstruct historical movement patterns of wildlife. Use fences which allow free wildlife movement, as specified by the Division of Wildlife. AND</b></p> <p><b>2. No outdoor lighting adjacent to movement corridors other than what is necessary for security purposes. No general flood lighting in these areas.</b></p> <p>Any fencing will be in compliance with DOW fence specifications. There are no identified migration corridors on the site.</p>

<p>avoid fragmentation of habitat.</p>	
<p><b>D. To the extent practicable, avoid areas that are Critical Wildlife production areas.</b></p>	<p><b>1. Limit development within Critical Wildlife Habitat production areas including mating, nesting, and rearing area, calving, fawning, leks, and staging areas to the greatest extent. OR</b>  <b>2. Submit a Wildlife Mitigation Plan and/or other legally enforceable agreement for development in Critical Habitat Areas.</b></p> <p>Applicant Response: DOW will be consulted with as part of the mining special use permit. DOW has previously stated that there are no Critical Wildlife production areas on the site.</p>
<p><b>E. Limit wildlife harassment by domestic predators.</b></p>	<p><b>1. Limit the number of domestic predators on a case by case basis to fit habitat using Development Agreements to limit wildlife harassment. Provide effective enforcement in the Development Agreement. AND</b>  <b>2. Construct effective physical restraints for domestic predators such as fencing in areas near homes that are close to Critical Wildlife Habitat.</b></p> <p>Applicant Response: Domestic predators will be limited if DOW believes this is necessary for the LPS.</p>

**VI. GEOLOGIC, FIRE, FLOOD and SLOPE HAZARDS**

<i>Objectives</i>	<i>Design Guidelines and Standards</i>
<p><b>A. To the extent practicable, locate all development outside known and/or active hazard areas. These include: ground subsidence, potential rock fall, fault or fault zone, unstable slopes, slope failure complex, landslide, mudflow, and earthflow.</b></p>	<p><b>1. Locate all residential structures outside of hazard areas as necessary to eliminate impacts to hazard areas. AND</b>  <b>2. To the extent practicable, place all utilities and infrastructure outside of hazard areas.</b></p> <p>Applicant Response: There are no known geologic hazards on the site.</p>
<p><b>B. Provide adequate and</b></p>	<p><b>1. Put potential purchasers of property on notice through legal disclosures on the plat and in the Development Agreement. For</b></p>

<p><b>explicit notice for development in potentially hazardous areas including potentially unstable slopes.</b></p>	<p><b>building envelopes at the edge or fringe of the hazard boundary, special studies may be required at submittal to determine the most accurate boundary. AND</b></p> <p><b>2. Mitigate with best engineering practices if possible and practical.</b></p> <p>Applicant Response: There are no known geologic hazards on the site.</p>
<p><b>C. Limit the impact to people and structures, on and off site, from flood damage.</b></p>	<p><b>1. Locate residential structures outside of the 100-year floodplain. AND</b></p> <p><b>2. Other non-residential improvements shall meet with the requirements of the Routt County Floodplain Resolution 92-069 or any successive resolution</b></p> <p>Applicant Response: The applicant will protect building envelopes within the 100 year floodplain by raising the level of the ground within the building envelopes to an elevation at least 2’ above the base flood elevation. No building envelopes will be located in a floodway.</p>
<p><b>D. Minimize the risk of wildfires in severe hazard areas. Minimize the cost of fire fighting in these areas.</b></p>	<p><b>1. Place structures outside of severe hazard areas. OR</b></p> <p><b>2. Comply with Colorado State Forester recommendations for mitigation including thinning of all nearby trees to their standards and establishing a 30’ clear zone around structures. AND</b></p> <p><b>3. Use non-flammable building materials, including treated roofing materials; AND</b></p> <p><b>4. Provide on-site storage areas of at least 1000 gallon capacity (irrigation, springs, ponds, cisterns and/or underground storage tanks) for fire suppression purposes.</b></p> <p>Applicant Response: The LPS will be located in a low risk area for wildfires.</p>

## **VIII. ROUTT COUNTY MASTER PLAN:**

Special Use Permits and Section 5 of the Routt County Zoning Regulations require that applications be in compliance with the Routt County Master Plan (“the Master Plan”). An analysis of how the proposal complies with the applicable policies follows:

### **CHAPTER 3 – DEVELOPMENT**

3.3.A New residential, commercial and industrial developments and uses should occur within the vicinity of designated growth centers and in compliance with the adopted comprehensive plans of those areas.

- Applicant Response: The gravel mine is approximately six miles south of Steamboat Springs, which is a designated growth center.

### **CHAPTER 4 – RURAL DEVELOPMENT**

**4.3.I Routt County encourages adjoining property owners to work together for proposed land use changes. Adjoining landowners should be consulted and encouraged to participate if the project results in preservation of large tracts of agricultural land, preservation of wildlife habitat, access to public lands, more efficient infrastructure (roads), and/or large conservation easements.**

- Applicant Response: The applicant has met with most of the immediate neighbors to introduce the proposal and solicit input, some of which has already been incorporated into the plan. As an example, the applicant initially planned to mine the Four Sisters parcel until a neighboring property objected. The proposal has been modified to preserve and enhance the Four Sisters parcel as open space.

## **CHAPTER 5 – ENVIRONMENTAL IMPACTS**

**5.3.B** While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate Sub-area Plans, Zoning Resolution, and Subdivision Regulations.

- Applicant Response: Through extensive mitigation techniques, the application adequately mitigates its impacts.

**5.3.D** *Require Best Management Practices and grading plans and strongly discourage overlot grading.*

- Applicant Response: The applicant will incorporate Best Management Practices into all activities to the extent feasible.

**5.3.E** **Routt County requires that all new developments do not contribute to light pollution.**

- Applicant Response: All outdoor lighting will be in conformance with all Routt County lighting standards and generally be shielded and downcast so as to not contribute to light pollution.

**5.3.F** **Routt County will continue to consider the impacts of development and uses on view corridors, water, wetlands, and air.**

- Applicant Response: Through extensive mitigation techniques, the application adequately mitigates its impacts.

## **CHAPTER 7 – MINERAL RESOURCES**

**7.3.A.** **Exploration and extraction of minerals from Known and Probable Mineral Resource Areas should occur prior to any other developments being constructed at said Mineral Resource Areas that would permanently prevent extraction of the mineral.**

- Applicant Response: Exploration and extraction of minerals from this site will occur prior to the LPS development being constructed.

**7.3.B. If it can be shown through sufficient technical or other evidence that the economic or other value of a surface use would be more than the minerals present, then the surface development of said site should not be discouraged.**

- Applicant Response: Surface development after mineral development is proposed through an LPS.

**7.3.C. Routt County discourages mining that would cause significant health or safety problems to people.**

- Applicant Response: The gravel mine will operate under strict safety guidelines and proposes mitigation of all impacts to avoid health or safety problems to people.

**7.3.D. Routt County encourages mitigation of significant health and safety dangers resulting from proposed mines.**

- Applicant Response: See response above.

**7.3.E. Where applicable, according to County, State and Federal regulations, Routt County encourages the surface and mineral right owners to come to an agreement for any proposed use prior to said use commencing.**

- Applicant Response: Steamboat Sand and Gravel, LLC have an option to purchase the More Family Ranch, LLC parcel and already owns the Four Sisters parcel. Once the More Family Ranch, LLC parcel is purchased, SS&G will own both the surface and mineral rights.

**7.3.F. If extraction of one mineral prevents extraction of another mineral, the mineral which is requested to be removed first should receive first priority.**

- Applicant Response: Acknowledged.

**7.3.G. If it is determined that two or more minerals can be extracted from the same area, an agreement indicating how extraction will occur should be made by the mineral extractors prior to applying for permission to mine.**

- Applicant Response: Sand and gravel are the only known minerals available for extraction on the site.

**7.3.H. Where two minerals are in the same geologic environment, and when extraction of one mineral will prevent the mining of another secondary mineral or destroy the secondary mineral, both minerals should be extracted.**

- Applicant Response: Sand and gravel are the only known minerals available for extraction on the site.

**7.3.I. Routt County will review mining operation plans and mitigation plans to ensure that the plans adequately address significant negative impacts and local zoning concerns.**

- Applicant Response: Acknowledged.

**7.3.J. Where mitigation is not possible, or where mitigation is not sufficient to alleviate significant negative impacts to the surrounding areas, Routt County shall deny permits in those areas altogether until adequate mitigation measures are available to remedy significant negative impacts.**

- Applicant Response: As expressed in other parts of the Project Narrative, the applicant has proposed an extensive plan for adequately mitigated all potential impacts.

**7.3.K. Routt County desires to ensure that new long-term (more than one year) mineral extraction operations shall be mitigated for visual impacts along entryways to growth centers, and to ensure that visual impacts of existing operations are mitigated to the maximum extent feasible.**

- Applicant Response: Visual impacts into the site from SH 131 will be adequately mitigated by a.) setting back the operation approximately 1,200 feet from the highway, b.) through an extensive and undulating berm between the operation and the highway and c.) from significant tree planting along edges of the berms.

**7.3.L. Routt County desires to ensure that existing mineral extraction operations are brought into substantial conformance with the other goals and objectives of this Master Plan, as amended.**

- Applicant Response: By adequately mitigating impacts through berming, landscaping, setbacks, proper siting of the processing area, and prompt reclamation, the proposed operation will be in conformance with the goals and objectives of the Master Plan.

**7.3.M. Routt County desires to ensure that mineral extraction operations within the boundaries of the county subject to Area Plan #1 of this Master Plan are compatible with other uses in that area.**

- Applicant Response: Area Plan #1 is the South of Steamboat Area Land Use Plan. There is no boundary for that plan, but according to County Planning staff, it is assumed that the subject site is included within that boundary. Through extensive mitigation measures, the SS&G proposal is compatible with other uses in the area.

**7.3.N. Routt County desires to ensure that all mineral extraction operations within the boundaries of the county subject to Area Plan #1 of this Master Plan are designed and managed to be consistent with the other goals and objectives of the Area Plan.**

- Applicant Response: The proposal is designed and will be managed to be consistent with the other goals and objectives of the Area Plan, many of which are the same as those found in the Routt County Zoning Code and the Routt County Master Plan and are addressed in this narrative.

**7.3.O. Routt County discourages the placement of mining operations that would permanently harm significant wildlife habitat, permanently displace wildlife populations or interfere with migration corridors.**

- Applicant Response: According to Western Bionomics, there is no critical wildlife habitat on the property. The applicant's proposal for constructed/enhanced wetlands and open water lakes as a component of the final Reclamation Plan will provide high quality habitat for waterfowl and aquatic wildlife species.

**7.3.P. Routt County requires the use of the most technologically advanced procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses.**

- Applicant Response: The operation will incorporate the most technologically advanced procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses

**7.3.Q. If the regulatory functions performed by external agencies are seriously compromised by budget cuts, statutory changes, or other action, the Board of County Commissioners may determine that such functions will be undertaken by the County.**



- Applicant Response: Acknowledged.

**7.3.R. Routt County encourages the limitation of haul distances.**

- Applicant Response: The benefit of having a gravel mine on the south side of Steamboat Springs is that there is the potential to serve a wide area of Routt County thereby reducing travel through the clogged, narrow Lincoln Avenue corridor in downtown Steamboat Springs and adding extra noise to that pedestrian area.

**7.3.S. Routt County encourages the temporary location of mining operations in the vicinity of certain projects, if there are no mining operations within working distance of such projects, to prevent increased significant negative impacts to the roads accessing the project sites.**

- Applicant Response: Not applicable.

**7.3.T. Routt County encourages the separation and sufficient spacing of mining operations to prevent cumulative significant negative impacts to roads and to surrounding areas.**

- Applicant Response: The nearest mining operation to the Steamboat Sand and Gravel Mine site is the Redmond Mine located approximately 12-15 miles away near Stagecoach Reservoir.

**7.3.U. Routt County encourages the payment of impact fees, ton-mile fees, up-front road improvement fees, or other fee system to be used to offset costs for maintenance and improvements to roads used for hauling or minerals.**

- Applicant Response: There will be no direct impacts to Routt County roads based on this operation as access will be directly onto State Highway 131.

**7.3.V. Routt County encourages the completion and reclamation of existing mining operations and abandoned mines, prior to development of new mining operations, and discourages the permitting of new mining operations in areas where there are existing mining operations that have not been completed or reclaimed.**

- Applicant Response: As stated above, the nearest existing mine is located approximately 12-15 miles away near Stagecoach Reservoir.

**7.3.W. Routt County encourages the timely completion and reclamation of mining operations. If a mining operation is inactive, the mine should be reclaimed as soon as practicable.**

- Applicant Response: Reclamation will occur as mining is completed by phase (see Mining Phasing Plan on Sheet No. MP.100) which will result in the minimum area of disturbance at any one time.

**7.3.X. Routt County encourages the reclamation of mining operations for beneficial uses. Where reclamation for wildlife habitat is appropriate, techniques recommended by the Colorado Division of Wildlife should be used.**

- Applicant Response: Reclamation will include enhanced wildlife habitat through newly created and enhanced wetlands and additional ponds. The project wildlife biologist will work closely with the Colorado Division of Wildlife in this regard.

**7.3.Y. Reclamation should be done to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas.**

- Applicant Response: See Responses above.

**7.3.Z. Long term mining operations and associated uses should be located in areas where they do not greatly impact scenic vistas, where there are compatible agricultural and industrial uses, and where they are not in proximity to residential neighborhoods, recreational, or other incompatible uses. Areas with parcels of 35 acres and greater are not considered residential neighborhoods.**



- Applicant Response: The project complies with the above criteria. See multiple responses on the subject above for more detail.

**7.3.AA. Routt County encourages the expedited completion and reclamation of existing mining operations and abandoned mines that are located in proximity to incompatible uses.**

- Applicant Response: The project complies with the above criteria. See multiple responses on the subject above for more detail.

**7.3.BB. Routt County encourages the development and use of haul roads which route haul traffic away from areas of residential, recreational or other incompatible uses.**

- Applicant Response: The project complies with the above criteria. See multiple responses on the subject above for more detail.

**7.3.CC. Routt County encourages reclamation of mine operations to reduce the amount of exposed groundwater. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred.**

- Applicant Response: The project complies with the above criteria. See multiple responses on the subject above for more detail.

**7.3.DD. Reductions of future residential density is encouraged for a new or extended mining operation.**

- Applicant Response: A low density, LPS of five lots is proposed after the mining operation.

**7.3.EE. The provision of local, public benefits such as open space, trails, hunting and fishing access, recreational, or agricultural use as a condition for the mining operation is encouraged as part of an end use of the mining activity.**

- Applicant Response: Consideration will be given to the above public benefits when the project comes back through the SUP process.

**7.3.FF. The provision of wildlife parks, reserves, wetland mitigation sites, or other beneficial environmental use is encouraged as an end result of the mining activity.**

- Applicant Response: The Four Sisters parcel will be the wetland mitigation site for impacted wetlands.

**7.3.GG. Routt County will require that aggregate be recycled whenever possible and will strive to be current on the best available recycling techniques.**

- Applicant Response: Acknowledged.

**7.3.HH. Routt County discourages the exportation of gravel to surrounding counties.**

- Applicant Response: Acknowledged.

**7.3.II. Routt County requires that any mining operations established within a 100-year floodplain as identified on the National Flood Insurance Rate maps comply with applicable FEMA regulations and the Routt County Floodplain Resolution/regulations.**

- Applicant Response: The proposal will comply with the applicable FEMA and Routt County floodplain requirements.

**7.3.JJ. Coal bed methane test sites and production operations shall be required to receive a County Special Use Permit.**

- Applicant Response: Not applicable.

## CHAPTER 8 – HAZARDS TO DEVELOPMENT; ENVIRONMENTAL CONSTRAINTS

### 8.3 Flooding

**8.4.A. Routt County strongly discourages buildings in the 100-year floodplain and in flood prone areas. When an owner chooses to build in a 100-year flood plain, Routt County is not responsible for assisting the owner during a flood event or preventing floods in the area.**

- Applicant Response: No buildings will be located in the 100 year floodplain during the mining operation. Lots 2 and 4 of the proposed LPS lots will be raised at least two feet above the base flood elevation in accordance with the Routt County Flood Damage Prevention Regulations.

**8.4.B. Where development in a flood prone area or 100-year floodplain occurs, the county encourages:**

- \* all structures to be built above expected high flood water levels,
- \* flood-proofing of all construction in the flood prone area, and
- \* other techniques for construction that would prevent damage to said structure and would not raise the flood elevation for downstream residents.

- Applicant Response: See above response.

**8.4.C. Routt County discourages the placement and storage of materials in flood prone areas and 100-year floodplains which could significantly obstruct flows, thereby creating additional damage to others or cause damaging debris to be carried downstream.**

- Applicant Response: The processing area of the mining operation will be protected by a berm constructed outside of, but adjacent to the floodway for the Yampa River Bypass that will help prevent stored materials from being impacted. No spoils will be allowed in the floodway during a major water event. The pit will be bermed off and closed until water subsides.

**8.4.D. Routt County encourages the Federal Emergency Management Agency (FEMA) to complete 100 year flood plain maps for all major drainages throughout Routt County.**

- Applicant Response: The property is included in the current Routt County Flood Insurance Study.

**8.4.E. Routt County encourages flood control devices such as retention ponds that reduce runoff to adjacent downstream properties.**

- Applicant Response: Per the Reclamation Plan, 37 acres of new ponds will be created when the mining and reclamation are complete to help reduce runoff to downstream properties.

**8.4.F. Routt County encourages that all structures in a flood prone area and 100-year floodplain be securely anchored.**

- Applicant Response: Acknowledged.

**8.4.G. Utility and service lines should be constructed to withstand the effects of flooding when placed in flood prone areas.**

- Applicant Response: Acknowledged.

**8.4.H. Routt County encourages the professional design and construction of hydrologic control features to prevent flooding hazards on and adjacent to mining operations.**

- Applicant Response: A professionally designed berm will be constructed around the processing area to limit flood impacts into that area.

**8.4.I. Routt County requires that any mining operations established within a 100-year floodplain as identified on the National Flood Insurance Rate maps comply with applicable FEMA regulations and the Routt County Floodplain Resolution/regulations.**

- Applicant Response: Acknowledged. FEMA regulations allow gravel mining in the floodplain as long as there is no fill placed into the floodway.

**8.4.J. Flood Insurance Rate Maps (FIRM's) will be utilized to determine 100-year flood limits. In the event that mapping does not exist, all available data should be considered while determining the suitability of a parcel for the proposed development or use.**

- Applicant Response: FIRM's exist for this property and have been used to determine the extent of the floodplain and floodway.

**8.4.K. Routt County requires the seller to disclose of the possibility of flooding conditions to the prospective buyers of affected subdivisions and to Routt County.**

- Applicant Response: Acknowledged. This will occur at time of LPS.

### **8.5 Unstable and Potentially Unstable Slopes**

- Applicant Response: Not applicable.

### **8.6 Landslides and Rockfalls**

- Applicant Response: Not applicable.

### **8.8 Erosion and Deposition**

- Applicant Response: All applicable Best Management Practices will be utilized to prevent erosion and deposition into adjacent waterways.

### **8.9 Mud and Debris Flows, Debris Fans, and Floodplains**

#### **8.10.A. Routt County strongly discourages development in a potential mudflow path, potential debris flow path and on a debris fan flood plain.**

- Applicant Response: Not applicable. The proposed site is not in a potential mudflow path, potential debris flow path and on a debris fan flood plain.

### **8.11 Ground Subsidence**

- Applicant Response: Not applicable.

### **8.13 Seismic Effects**

- Applicant Response: Not applicable.

### **8.15 Avalanches**

- Applicant Response: Not applicable.

### **8.17 Wildfire Hazards**

- Applicant Response: Not applicable.

## **CHAPTER 9 – WILDLIFE**

#### **9.3.A. Resolve that wildlife species and their habitats are important and should be protected.**

- Applicant Response: See Applicant Response on page 16 of the Project Narrative.

#### **9.3.B. Recognize that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Routt County.**

- Applicant Response: See Applicant Response on page 16 of the Project Narrative.

**9.3.C. Utilize wildlife habitat and species information, including new information as it becomes available, in land use and site plan decision making.**

- Applicant Response: See Applicant Response on page 16 of the Project Narrative.

**9.3.D. Encourage land use practices that will minimize conflicts between wildlife and human uses.**

- Applicant Response: See Applicant Response on page 16 of the Project Narrative.

**9.3.E. Review the impacts on wildlife caused by recreational use, residential developments, and other developments and permits, then adjust, amend, terminate, or revoke as may be deemed beneficial to wildlife.**

- Applicant Response: See Applicant Response on page 16 of the Project Narrative.

**9.3.F. Include a Wildlife Mitigation Plan that is reviewed and approved by the Colo. District Wildlife Manager, as part of major subdivisions or major subdivision exemptions (more than 4 lots).**

- Applicant Response: See Applicant Response on page 16 of the Project Narrative.

**9.3.G. Minimize the cumulative impacts of development on wildlife and wildlife habitat.**

- Applicant Response: See Applicant Response on page 16 of the Project Narrative.

**9.3.H. Protect and/or improve the diversity of native vegetation.**

- Applicant Response: As part of the Reclamation Plan, the applicant will replace the native vegetation lost with the operation and enhance what is already there to result in an improvement of native vegetation on the site.

**9.3.I. Protect and improve riparian and aquatic habitats, because they are rich in biological diversity.**

- Applicant Response: As part of the Reclamation Plan, a series of partially interconnected lakes will be created with native vegetation to create a high quality riparian and aquatic habitat.

## **CHAPTER 11 - TRANSPORTATION**

**11.3.F New rural residential developments should be encouraged to occur in areas that have improved access to accommodate the projected traffic. Proposed developments should have traffic analysis to ensure that adequate access exists.**

- **Applicant Response:** The pit will access directly onto SH 131. A traffic analysis was conducted that found the existing access can accommodate the projected traffic with the addition of a southbound deceleration lane for vehicles entering the site from that direction.

**11.3.L Roadways should be designed to minimize the impact on the rural mountain character of the county while providing safe, free-flowing, effective and convenient transportation. Roadway design should be compatible with topography, soils, vegetation, geology, visual and other natural opportunities and limitations.**

- **Applicant Response:** Roadway design is compatible with topography, soils, vegetation, geology, visual and other natural opportunities and limitations.

**11.3.O Ensure that future development occurs where roads can accommodate projected traffic volumes and patterns**

- **Applicant Response:** See response above.

**11.3.AA Avoid excessive intersections onto the County road system**

- **Applicant Response:** No intersections are proposed onto the County road system.

