

Application for SUP Amendment
Permit No. PL202220003
Permittee – Duksa Family, LLC

Permittee submits this Application for SUP Amendment to address certain Specific Conditions of Permit No. PL20220003 (the “Permit”). After consultation with Routt County Planner Alan Goldich, Permittee believes that the following Specific Conditions are suitable for amendment:

21. Any required permits from the Routt County Environmental Health, Public Works, or Building Department shall be obtained and any inspections completed by August 1, 2023.

- Permittee believes that it has already made complete applications for all required permits associated with its planned use of the site under the Permit: an onsite wastewater treatment system, building permit for the existing office modular, and onsite stormwater controls. Permittee understands that the existing cease and desist orders from the County prevent it from constructing anything on the site, including the OWTS and stormwater controls, already approved. Permittee understand that Public Works does not permit work from November 1 – May 1. Additionally, Planning Staff has withheld commenting on its completed building permit application, see attached, and such permit cannot be issued until Planning Staff provides review comments. These circumstances highlight aspects of the permitting process that are beyond Permittee’s reasonable control. Permittee believes it has already submitted completed applications for all permits required by this Special Condition. Accordingly, rather than state a deadline for completion of construction and inspection as previously provided, Permittee requests an amendment providing that Permittee diligently pursue its applications, promptly respond to any comments raised by the County, including the Planning Department, if any, and construct permitted facilities as soon as reasonably practicable following approval, which will likely occur no sooner than June 1, 2024.

22. The proposed stormwater controls shall be installed by August 1, 2023.

- Further to the discussion above, Permittee requests an amendment providing that Permittee will construct permitted facilities and obtain inspections as soon as reasonably practicable following County withdrawal of existing barriers to construction, including, among other things perhaps, the existing cease and desist order, which will likely occur no sooner than June 1, 2024.

23. A Floodplain Development Permit for the storage of materials in the floodplain shall be obtained by December 31, 2022.

- As County staff is aware, Permittee, in consultation with Four Points Engineering, has determined that Permittee's operations are not located in the floodplain, largely as a result of earth berms adjacent to the site, constructed many years ago. Permittee and Four Points Engineering are working with FEMA to amend the floodplain map for the subject property to properly account for the impact of the berms. Planner Goldich indicated that if FEMA amends the floodplain map, a Floodplain Development Permit will not be necessary, and that this condition can be contingent on FEMA's review of the floodplain. Permittee request an amendment to this condition providing that Permittee promptly submit and diligently pursue appropriate application(s) with FEMA for modification of the floodplain maps with all commercially reasonable speed. If FEMA finally determines not to amend the maps, Permittee should then promptly apply for a Floodplain Development Permit under then-existing County standards, and diligently pursue that applicable to completion. As a result of FEMA involvement, no specific deadlines should be imposed.

24. A screening plan shall be developed by the Permittee to mitigate the visual impacts of the operation. Such screening plan shall be approved by the Planning Director and be implemented by August 1, 2023.

- Permittee request an amendment to the deadline to mitigate visual impacts until August 1, 2024. Permittee has worked with the Planning Department to develop a suitable screening plan, which is in final form, that includes limiting the scrap pile height to 30 feet and installing chain link fencing, with wooden slats, in an approximately north-south orientation along the eastern property boundary from a point slight south of the earth berm to a location south of the present materials drop off area, and in an approximately east-west orientation from the termination of the boundary fence on the east to the property boundary on the west. Since these arrangement have been agreed upon already, Permittee requests the elimination of this Specific Condition.

29. The permittee shall enter into a Reclamation Agreement for cleanup and reclamation of the site as appropriate for the site's continued use as an industrially zoned property. Such agreement shall require surety in the amount of 150% of the cost of cleanup and reclamation of the site. Surety shall be in compliance with the Routt County Insurance and Surety policy and shall be in favor of Routt County. Items covered under this requirement include, soil testing, soil remediation, tire and trailer removal, and miscellaneous items.

- Permittee has previously provided bids for anticipated remediation work that might potentially be required in the event the site were abandoned. County staff requested updated bids with additional details addressing the matters specifically identified in this Specific Condition, which are included with this narrative. Based on the bids supplied, Permittee anticipates that a Reclamation Agreement meeting the requirements of this Specific Condition can be promptly drafted, finalized and executed, eliminating the need for this Specific Condition, which Permittee requests be eliminated.