

Phillips recommended retaining the standard language as written and noted that the County Attorney could suggest alternative wording. Commissioner Ayer recommended that “to include a forb or sagebrush component and rangeland seed mix as recommended by the Colorado Division of Wildlife” be added to the end of the last sentence in Condition 11. Commissioner Ayer asked that an additional final sentence be added to Condition 14 to read, “Any prolonged departure from the typical hours must be administratively reviewed and approved by the Planning Director.” He asked that a new condition be added to read, “All required or necessary access fencing will be put in place as part of project completion, and any reclaimed areas grazed early on in the reclamation process will be fenced according to the Colorado Division of Wildlife’s specifications.” Commissioner Fry asked whether reclamation occurred at the end of the life of the plant. Mr. Stewart stated that reclamation was ongoing, and noted that three-quarters of the site had already been reclaimed. Thus, the new seed mix would be used on the remaining quarter of the area yet to be reclaimed.

Commissioners Arel and Fry agreed to all of the suggested changes.

The motion carried 7-0, with the Chair voting yes.

**ACTIVITY:** PP2011-007  
**PETITIONER:** Peabody Sage Creek Mining, LLC  
**PETITION:** Pre-Application Conference for a Special Use Permit (SUP) for an expansion of an existing gravel pit  
**LOCATION:** West side of County Road 53, approximately ten miles south of Hayden in the SW ¼ of Section 20, Township 5 North, Range 88 West

Commissioner Gallagher explained that at a pre-application hearing the Commissioners provided input as to what the petitioner needed to do in order for the petition to move forward; no vote on the pre-application would occur this evening.

Scott Cowman, Senior Environmental Specialist for Peabody Sage Creek Mining, LLC, presented a PowerPoint presentation for continued operation and a proposed future expansion of an existing gravel extraction operation at the Red Rock Gravel Pit. Mr. Cowman noted that the County Road and Bridge Department had previously operated the pit and transferred its permit to Sage Creek. The purpose of the operation was to provide road base material for road development associated with Sage Creek Mine and to continue supplying the Road and Bridge Department with road material that Road and Bridge would crush and screen for its use and leave 25% for Peabody Sage Creek use. The pit would primarily be a truck/shovel/dozer operation that would extract rock with dozers and backhoes; excavated materials would be loaded into haul trucks with a front-end loader. Some extracted material might be crushed and stockpiled. Other permits required for the operation included a CDRMS Operation

Reclamation Permit and a Department of Health and Environment Air and Stormwater Discharge Permit. The anticipated start time would be spring or summer of 2011; termination would be in 2021. The material was a layered sandstone overlying thin coal seam outcrops that had been exposed to oxygen and burned. Heat produced from this exothermic reaction had altered the sandstone to create red rock, or scoria. The thickness varied in correspondence to the slope, thickness of overburden, and distance above the coal outcrop. The permit area was 41.8 acres; the mining area was 23.3 acres; reserve was estimated to be 300,000 tons. The operation would occur in Phases: Phase 1 was occurring presently with approximately half of the 8.3 acres already mined and would last between two and five years; Phase II would involve approximately 8.6 acres and last between three and five years; Phase II would mine 6.5 acres and last between three and five years. He indicated on a map the areas to be mined associated with each phase and noted the location of the nearest residence across from the pit on County Road 53. He stated that the property owner had only expressed concern about dust created from haul trucks and wanted assurance that the road would be watered when hauls occurred. He explained that approximately one mile of gravel road existed from the south end of the permit boundary to the pavement and stated that water and magnesium chloride would be used on that portion of the road. Water would also be used at the pit for dust mitigation. Gates would be installed to prevent public access to the pit. Mr. Cowman stated that the number of haul trucks would vary significantly from year-to-year. Approximately 900 loads would be hauled to the Peabody Sage Creek Mine in 2011 to construct a 14.5-mile road, after which truck traffic would be considerably lessened. Traffic volume on the County Road was unknown at present. He indicated the haul route on a map from County Road 53 to 27A and noted that Twentymile Coal hauled to the Hayden Station on County Road 27 and from County Road 27 to Highway 40 for the Stoker coal haul. He stated that Sage Creek proposed to preserve the required acres for wildlife and grazing in an area adjacent to the operation. The applicant was still working with Planning staff to resolve the issues associated with this requirement. He indicated the probable location of the conserved area on a map and added that the total acreage of the pit area was approximately 35 acres.

Ms. Bessey stated that the existing Red Rock Gravel Pit did not operate under a County Special Use Permit. Routt County had held a State permit since approximately 1978 that was transferred earlier this year to Peabody. A new lease with the County would allow the County to continue mining, crushing, and hauling material from the pit. The existing pit area on which mining had previously occurred was approximately five acres. The existing access point onto the County road had been located there for a number of years. No alterations to that access were proposed at present; if changes were to occur, they would need to be approved by Road and Bridge. Road and Bridge anticipated no truck-hauling impacts to the County road system should the proposal go forward. A referral request had been sent to the Division of Wildlife (DOW) but to date no response had been received. The applicant had consulted

with the DOW and had received a written response that indicated that the DOW anticipated no impacts to wildlife in the area as a result of the operation. No critical wildlife habitat existed within the project's boundaries although Colombian Sharp-Tailed Grouse were in the area. Notice as to this evening's pre-application hearing had been sent to property owners; no responses had been received. Planning staff's main concerns with the proposal pertained to noise and visual impacts to the area's residents and travelers on County Road 53. She showed photographs that depicted the historic and current access point as being immediately off of County Road 53 and the mined area as being on a shelf of land directly behind that point. The conclusion was that mitigation of the visual impacts would be difficult. She noted that Road and Bridge had stated that some reclamation had occurred at the site.

Commissioner Ayer asked how much deeper into the slope excavation would go. Mr. James replied that the proposal was to go from the edge of the County Road right-of-way into the hillside a maximum of 200 feet, depending on the quality of the rock excavated. Commissioner Arel noted that, based on the map, proposed excavation appeared to stop at the treeline. Mr. James agreed but noted that some sloping of the hillside would have to occur.

Commissioner Goldich asked who would operate the pit. Mr. Karo, an employee of Peabody who had been involved with the pit for fifteen years, replied that the County had crushed the available red rock at various times and then hauled it. Peabody had a lease agreement that it would excavate and haul gravel and the County would crush and haul what had been crushed. Commissioner Goldich asked whether the County would crush the gravel for the 900 anticipated Peabody loads. Mr. Karo stated that pit-run gravel would be used for the Sage Creek Mine road underlayment. That gravel would be dug and hauled without being crushed. Mr. Cowman reiterated that in 2011 Peabody would take 25% of the County-crushed material for its new road. Commissioner Fry asked whether the County would crush for the mine. Mr. Cowman said that Peabody would probably not use any crushed material this year, nor did the County intend to crush any this year.

Commissioner Fry asked about noise and commented that crushing would probably be the noisiest aspect of the operation. In regard to the visual impacts, he stated that on a busy day, perhaps forty cars traveled County Road 53, so not many people would see the pit.

Commissioner Ayer observed that the pit seemed to be a shallow one. He asked how deep the extraction areas would be. Mr. James answered that mining would start where the County had been working. Phase I would extend the operation south to the permit boundary and would go deeper to create a trench. Phases II and III would proceed north of the existing mined area, remain at the same elevation as the County road, and create a bench into the hillside that would be topsoiled and revegetated. He commented that mining would be tight because

the hillside was steep and the permit area was long but narrow. He noted that the red rock was essentially exposed.

Commissioner Ayer said that given the topography and the location of the crusher on the surface, there was little opportunity for noise mitigation. He asked about berms or stockpiling to reduce noise. Mr. James replied that since the operation was at a higher elevation than the nearby residence, that would be a natural noise mitigation.

Commissioner Ayer asked about truck loading. Mr. James said that they would be loaded on the existing access road to the pit or the maximum 200-foot width.

Commissioner Gibson asked whether the phases could be shorter to start reclamation sooner. Mr. James said that reclamation would occur as a phase was finished. During Phases I and II, the County access would be used for staging and loading. Since only one access was allowed at a time, the proposal was to gate wherever the access was at that time, to close off any other access points, and to create a new access point as the operation moved. Commissioner Fry noted that Road and Bridge had stated that no additional access points would be permitted. Mr. Karo thought that that was a matter of semantics. Mr. Cowman stated that only one access would exist at a time, but that point might move. Mr. James added that previous access points would either be bermed or fenced. He understood the Commissioners' point and stated that that issue would be clarified.

Commissioner Gibson asked the location of other gravel pits in the area. Mr. Cowman stated that Mesa Gravel Pit was the closest, but it was not of the type of material needed for Peabody's road base. Ms. Bessey explained that the application was not for a commercial pit so the use of the pit was not comparable to other pits in the area. Commissioner Gibson wanted to ensure that other opportunities for gravel resources were not being overlooked.

Commissioner Ayer asked about ownership of the haul trucks. Mr. Ludlow thought that all hauling would be sub-contracted since Peabody did not own the trucks to be used. Commissioner Ayer said that since the operation was not commercial, he anticipated that haul trucks would have no schedule pressures or need to speed. He noted that no condition of approval required that trucks be numbered. Mr. Cowman said that County Road 32 going west was a former haul road from Seneca so the road was well constructed and could accommodate loaded trucks.

Commissioner Goldich asked whether the road being a former haul road was the reason no upgrades to the road were being required. Mr. Cowman said that that was part of the reason; the other was that the road had been built to accommodate a larger traffic volume and surface mining that occurred to the south.

**PUBLIC COMMENT**

Commissioner Gallagher called for public comment. None was forthcoming. Commissioner Gallagher closed public comment.

**ROUNDTABLE DISCUSSION**

Mr. Karo asked whether the mitigation and conservation acreage of ten acres or more applied to the proposed project. Commissioner Gallagher stated that that requirement did apply, and the proposal indicated that the requirement would be met using land on the back side of the hill from the operation. Mr. Cowman said that he intended to study the regulations and talk with Planning staff because he thought that gravel used for a coal operation did not need to meet that requirement. Commissioner Gallagher said that the direction to the applicant would be to clarify that issue with Planning staff prior to submitting a full application.

Commissioner Ayer saw no major problems with the proposal proceeding through the application process. He said that to honor past applications, for the sake of consistency with other gravel pit permits, and in deference to the nearby homeowner and the weekend traveling public, he asked that a condition specifying times of crushing and hauling, excluding Sundays and national holidays, and reducing operations on Saturdays be included and specify hours of operations and exclusions. He stated that in regard to fencing, the proposal had mentioned barbed wire fencing, and the DOW wanted wildlife-friendly fencing, so that issue should be resolved. Also, in the fact packet, staff had commented on issues that needed additional information, such as the school bus routes. He said to respond to those issues would satisfy the additional information needed for a complete application.

Commissioner Fry said that the petitioner should verify whether the County would crush for the operation because that would relieve the applicant of any noise mitigation requirement. Thus, crushing should be separated in the application so the applicant would not be blamed when the County was crushing for its own use. Another issue to resolve was the access permit and its rolling nature. He noted that the material was good quality road base if capped with other material.

Commissioner Gibson said that no reclamation plan was included in the material provided by the applicant. She commented that a steep slope would remain after mining, and she was concerned about effective erosion control. She would like the seed mix to be specified as well and a landscaping and a reclamation plan included in the application.

Commissioner Goldich recommended that Phase I be completely reclaimed as Phase II was initiated to keep the disturbed acreage to a minimum.

Commissioner Arel was concerned about the residents in the area even though they had had no issues in the past. Mr. Karo said that he had spoken with Ms. Brandenburg the previous day, and she had asked about dust control. He had explained that magnesium chloride and water would be used. She had expressed no issues with the County's past crushing operations. Mr. Cowman added that being a good neighbor was important to Peabody so any issues that arose would be addressed.

Commissioner Fry commented that Peabody did a good job on reclamation. Mr. James stated that the majority of the site was high rock wall so little erosion would occur but the slope would be completely seeded.

In addition to the comments regarding access and reclamation, Commissioner Gallagher stated that the applicant should review the Mineral Resources chapter of the Routt County Master Plan and the zoning regulations, which were statutory and included negative impacts as outlined in Section 6.1.7, particularly E, F, I, and Q, which related to air quality, visual amenities, and noxious weeds, as well as 6.2.3, which addressed roads, and 6.6, which covered mitigation standards.

Ms. Bessey added that when a formal application was submitted, complete information as to the County's operation would be provided. She thought that the manner in which Peabody and the County worked together and crushing occurred were stipulated in the lease agreement. Commissioner Gallagher added that hopefully Road and Bridge adhered to noise standards and operations timeframes.

#### **ADMINISTRATOR'S REPORT**

Mr. Phillips reminded Planning Commission that the Sweetwood Ranch site visit would occur on April 7, 2011. That application and a pre-application for the Frentress gravel pit west of Hayden would be the two agenda items for the April 7<sup>th</sup> Planning Commission meeting. On April 21, 2011, the agenda would include an application for expansion of the Betger gravel pit and an expansion of the Hogue pit.

Commissioner Fry said that gravel pit applications for hauls for use only by an applicant did not seem to be a public benefit. Mr. Phillips said that no conservation mitigation was required, but it was often confused public benefit.

Ms. Bessey said that on April 24, 2011, a joint City/County Planning Commission meeting regarding the presentation to be taken to the public pertaining to the update of the Steamboat Springs Area Community Plan would begin at 5:30 p.m. The presentation would include an interactive poll to encourage feedback about the presentation. After the joint meeting, the presentation would be given the City Council and the County Commissioners; the presentation would be modified to incorporate suggestions offered, then taken to the public in community meetings throughout the County. The goal was to obtain information in order to