

ITEM DATE: April 15, 2014	ITEM TIME: 1:30 pm
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FROM:	Kristy Winser, Planning
TODAY'S DATE:	April 8, 2014
AGENDA TITLE:	Routt County Road and Bridge
CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:

Renewal of existing Special Use Permit for Funk Gravel Pit operations. The County Road and Bridge Department is the applicant who has a lease to operate at the site.

II. RECOMMENDED ACTION:

Approval of renewal request.

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):

PROPOSED REVENUE: NA

PROPOSED EXPENDITURE: NA

FUNDING SOURCE: NA

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):

NA

V. BACKGROUND INFORMATION:

In 2002 the BCC approved to expand the existing mine area for the Funk Pit from 9.9 acres to 47.6 acres for county use only. Then in 2004, the BCC Amended the previously approved Special Use Permit (SUP) PP2002-003 to allow an asphalt plant on the Funk pit site for County paving projects.

The applicant is now requesting a renewal of SUP PP2004-003, approved for 10 years. Currently Routt County is in Phase II gravel mining operations (see mining plan). References to pit expansion relate to the 2002 expansion of the pit. The current proposal is for renewal only-no changes or expansion is requested.

VI. LEGAL ISSUES:

NA

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

NA

VIII. SUMMARY AND OTHER OPTIONS:

Prior to the Planning Commission Public hearing held on April 3, 2014, an adjacent gravel pit operator who happens to be and owner of the Funk Pit addressed concerns in a letter dated April 2, 2014. Staff has attached that letter for your review with a response from the Planning Department that was provided to the Planning Commission for their consideration.

Specific issues brought up in the letter and at the public hearing were mostly related for the most part to the processing of the application and violation claims. These issues are addressed in detail in the Memorandum provided by the Planning Department (attached). Ideally, the adjacent gravel pit operator made a request to table the application to sort out concerns that the County's phasing of the operation has been out of sequence and no updated existing conditions map, alleged weed management violations, not having updated traffic counts and compliance concerns with State and Local permits.

To summarize and also referenced in the attached Planning Memorandum, the application request for a renewal is for an existing gravel pit operation that was previously reviewed and approved in 2004 where there are no changes to the operation being requested. The Planning Department required the same information of the applicant as we would for any other operator requesting a renewal with no changes. Staff reviewed the existing permit for compliance and send referrals to involved interested agencies for comment as well. Staff also relied on our GIS mapping to verify compliance with phasing of the project. Also, for your consideration, staff has attached the minutes from 2004 and also a section of the staff report used in the decision process which clearly notes the location of the asphalt plant location as this was something brought up at the most recent public hearing as a concern that the current request should be tabled for more information.

Last, and mentioned in our memorandum, staff relies on our experts to comment on the technical aspects of applications, while staff reviews existing SUP's for compliance with their conditions of approval. Staff has done their due diligence with the review of this application and has received no word that this operation is not in compliance with their current SUP or related permits.



Planning Department

P.O. Box 773749
Steamboat Springs, CO 80477

(970) 879-2704
fax (970) 879-3992

Memorandum

To: Routt County Planning Commission
From: Kristy Winsor, Assistant Planning Director
Date: April 2, 2014
Subject: Funk Pit Update
Petition: Renewal of existing Special Use Permit for Funk Gravel Pit operations.

Staff wanted to take this opportunity to address and clarify some points raised in the attached letter dated April 2, 2014 regarding the renewal of an existing Special Use Permit for Funk Pit Operations. Staff also forwarded these concerns to the applicant Routt County Road and Bridge for them to address specific items related to their operation such as phasing of the project.

Issue number One: The County is not being held to the same standards with respect to application requirements (incomplete submittals) as other Gravel Pit operators in Routt County.

As you are aware, this petition is for a renewal of an existing SUP and no changes to the operation are being requested which would not impact the overall hauling numbers that were submitted for consideration in 2002. With that, staff would like to note that on page 9 of the staff report provided to you, it was stated that there have been no changes to the operation since 2002. To clarify, an expansion of the operation was granted in 2002. While, the permitted area and phasing of the operation has remained the same as it is today, an asphalt plant operation was included as part of the SUP approved in 2004. As originally presented, the purpose of the asphalt operation was requested that if county projects exhibit a need for asphalt, a plant could be placed at the Funk Pit for that use and the temporary status of the plant would be project specific. It was further noted the possibility of having an asphalt plant in the pit area every year is unlikely because budgetary constraints in the County would only allow for major asphalt projects on an as-needed basis. After careful consideration the BCC approved the 2004 SUP request for 10 years due to expire May 2014.

The request your hearing tonight is to renew that permit with the same phasing plan originally presented whereas, the applicant is still in Phase II of the operation and there is no asphalt operation at the subject site currently but possibly could be in the future.

PP2014-006 Funk Pit Gravel Pit SUP
Page 2 of 2

With that said, in deeming the current application complete for a renewal of their SUP, staff required the same information as we would for any other operator and feel the Planning Department has been consistent with our requirements. Specifically, the traffic counts that were provided are the same ones that each respective body previously reviewed without issue. Staff would also like to point out that as part the staffs review; staff reviewed their CDOT permit which has a cap on their access permit in which they are compliant with. Also to note, is the existing conditions survey the applicant has provided. Although it is dated, again, since this was a renewal with no changes or expansion requested, staff relied on our GIS mapping systems to confirm that the applicant was in compliance with their current SUP permit. Furthermore and to be consistent with other gravel operators, staff included updated Conditions of Approval to their existing SUP permit for the renewal request. As you may noticed conditions in bold are the suggested conditions of approval staff would recommend. Specifically, there were two existing conditions from their prior permit that staff missed to carry over to the suggested conditions of approval for the renewal. However, staff has provided them on the hand-out as numbers 33 and 34 respectively, but staff would suggest combining both as one condition noted as number 35 which would be consistent with recent approvals for an asphalt batch plant.

Last to note, as part of our review of an application, staff sends referral requests for comment to all involved interested agencies as we did for the application before you tonight. Staff relies on our experts such as DMRS, the Routt County Weed Supervisor Coordinator, CDOT, and other pertinent agencies for comment and compliance with existing permits and for the record, no comments came back to advice staff that the applicant was out of compliance with their permits. As a reminder though, staff included has included Condition of Approval Number 7 that states: "This approval is contingent upon all required federal, state and local permits being obtained and complied with; the operation shall comply with all federal, state and local laws".

Issue number two: Violations (this section has been updated from the PC. Meeting)

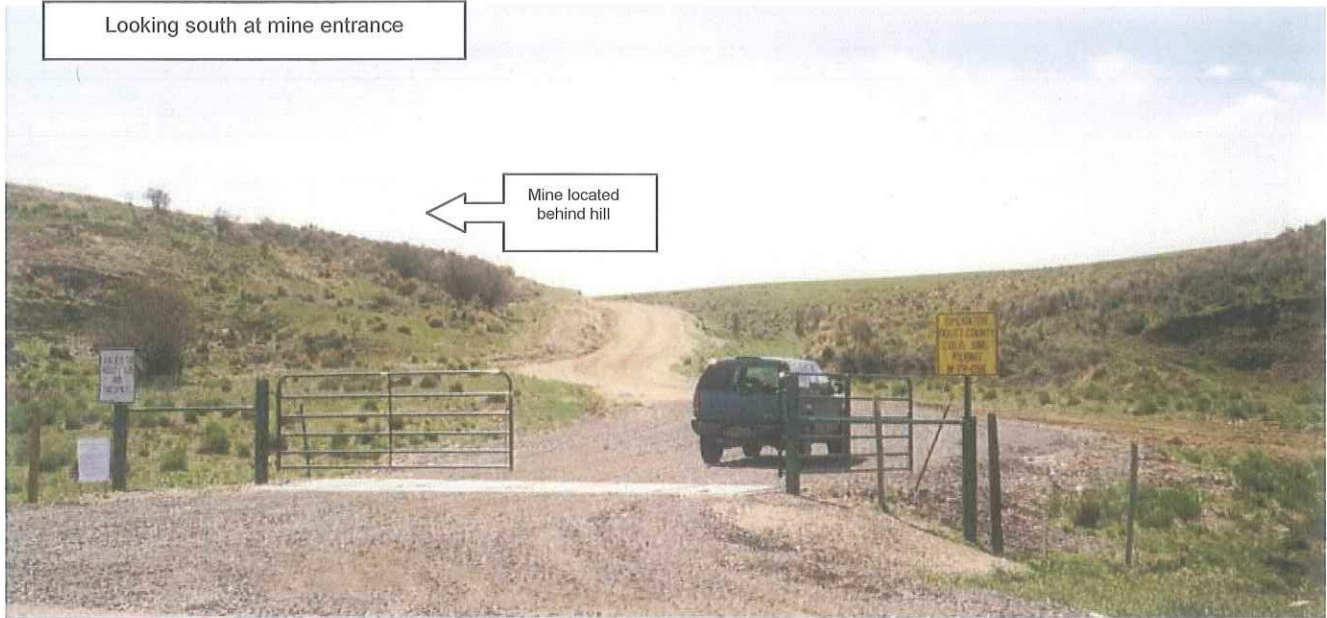
A copy of a site inspection observation from DRMS performed on July 9, 2013 was attached to the letter dated April 2, 2014 and staff would like to address it with respect to code compliance as it was brought to our attention as a "violation" regarding weed management. The inspection report was not a violation but rather an issue that was noted as a problem/possible violation with the described problem and was addressed. Based on the spray log for treatment of weeds for the site, the inspection occurred after no annual spraying at the site was conducted due to reclamation of the site in 2012. After the report, the site was sprayed as scheduled for treatment July 11, 2013. Also for your consideration a comprehensive weed management plan was submitted with the application and includes the detection, prevention, treatment, and monitoring of weeds on site. Staff would like to add that this management plan is one that will be used as a template for other special use applications moving forward.

As stated above, staff relies on our experts to comment on the technical aspects of applications, while staff reviews existing SUP's for compliance with their conditions of approval. Staff has done their due diligence with the review of this application and has received no word that this operation in not in compliance with their current SUP or related permits.

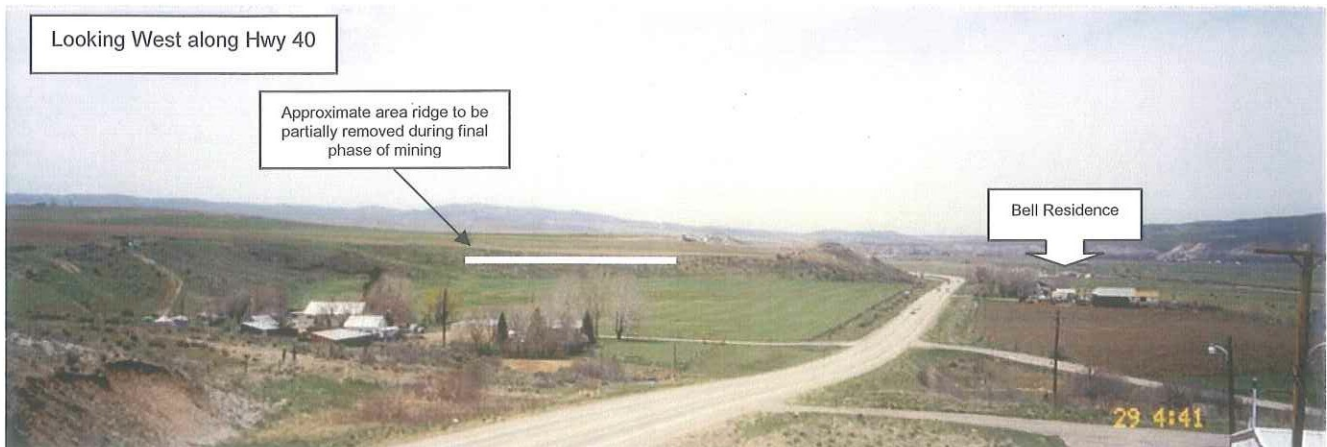
SITE DESCRIPTION

The proposed site is about 2 miles east of Hayden. It is located on the south side of Highway 40 behind a bluff.

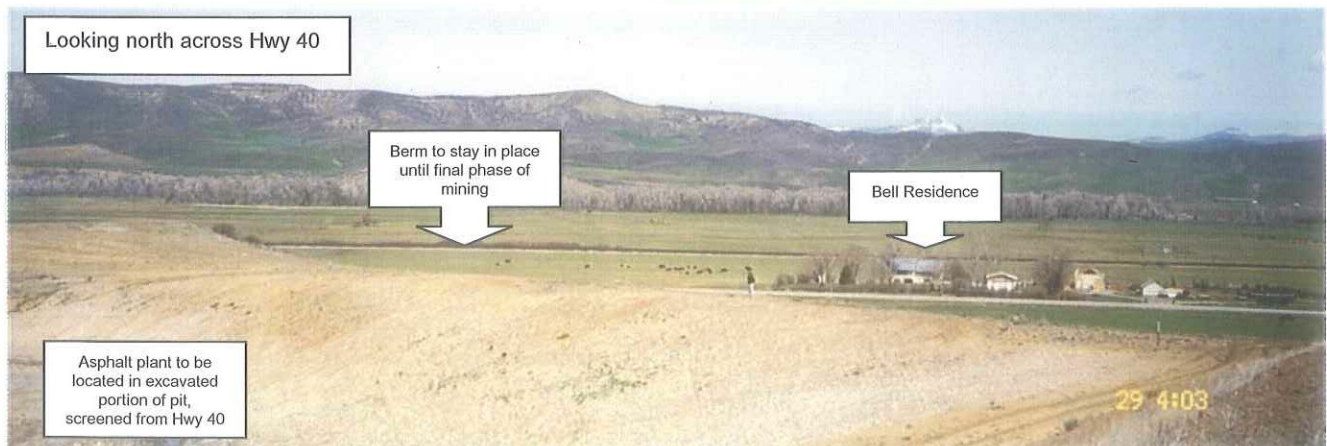
Looking south at mine entrance



Looking West along Hwy 40



Looking north across Hwy 40



April 2, 2014

Routt County Planning

Kristy Winser and Chad Phillips

Routt County Funk Pit Hearing

Kristy and Chad:

I appreciate the time you took yesterday to listen to our concerns. We feel it is very unfortunate that you and Road and Bridge have not chosen to take a path and meet the standards the majority of all other applicants for Special Use Permits are held. Connell Resources Inc. and CWH Properties LLC. believe you could have corrected the deficiencies without a public debate and in an amicable manner and produced mining plans which provided the public with lower costs while providing the compliance you expect from all private entities. However, I believe this may also result in the transparency and debate which results in true process improvement in government which will become very apparent during the hearings.

Following is a list of concerns and the backup information. We as operators with experience in over 20 gravel mining operations believe some of the mining practices and permitting deficiencies technically can rise to the level of violations of the following permits

- Division of Reclamation, Mining, and Safety permit issued to Routt County.
- There are also Stormwater Management issues which would be in violation of typical SWMP plans administered by Colorado Department of Health with Environmental Protection Agency oversight
- Colorado Department of Transportation Access Permit
- Routt County's own Special Use permit
- It is not known if the application has a valid Colorado Department of Health Air Pollution fugitive dust permit which covers the actual mining and proposed asphalt plant operation

Weed Violations and Colorado Division of Minerals and Geology Violation

My goal in yesterday's meeting was to identify problems and reach solutions going forward without a large public meeting. I mentioned to the group that weed control had been a long standing issue between Mr. Funk and the prior county Road and Bridge administration. He had complained for years with deaf ears from the County. I was hoping for a fresh look at that issue given that I was aware of a weed violation which was written by the State during an inspection in the summer of 2013. The Assistant Director informed all of us there was not a citation because Routt County had sprayed **PRIOR** to the inspection so no violation had occurred.

Attached is evidence that that is not a true statement. The Violation resulted from the inspection completed July 9th and Routt County Weed personnel responded and sprayed on July 11th. I applaud you for acting quickly and responding immediately to the violation, but the transparency and defensiveness

does not produce trust on either of our parts. The existing SUP conditions require that this violation should have been reported to Planning Commission and/or Board of County Commissioners.

What you also need to realize is this is not an isolated incident and Mr. Funk the prior owner has had valid issue for years. Attached are photographs of the overburden stockpile berm that was placed north-south orientation at on the eastern side of the County lease area many years ago, likely over 10 years ago. These pictures were taken in November of 2012. The evidence is that seeding did not occur or was unsuccessful. Weed problems exist. I'm sure that the lack of seed success is a violation of Stormwater Water Management Plans with Colorado Department of Health where overburden and topsoil stockpiles need to be seeded and monitored for at least 75% coverage with every inspection. Someone either has not monitored this or ignored the violations. It is obvious the correct seed mixture was not applied in accordance with the requirements.

Incomplete Submittals and Division of Minerals Technical Revisions

- Mining out of sequence – phase 3 first
- Reclamation – not reclaiming phase 2 per plans
- No current existing conditions plan – using 2002 DMG submittal
- No method for handling phase 2 overburden with deeper amount and larger quantities than original submittal
- No method for handling 50% rejects with the special use generated by Asphalt plant operations
- Likely violations of disturbed acreage Special Use limitation before phase 3 reclamation occurred during stripping of phase 2
- No current calculation of disturbed acreage because no existing conditions plan was generated with renewal. Required of all other applicants
- No site plan, phasing, stockpiling, or equipment layout for asphalt plant use which is approved. Knowing that asphalt plant and stockpiles of finished product would typically require at least 5 acres to 10 acres, without the raw gravel mining area and reject sand production; it is unlikely that the permit requirement could be met with that use without a permit modification

Traffic Study and Possible Violations

- Has the current CDOT Access permit been violated even with the low volume of materials Routt County has used from this Pit? CDOT Permit No. 304073 specifies 30 DHV – Total. Page 9 of the staff packet indicate no increases in traffic volumes but the actual data and royalty payments may not support that information.
- No traffic study was completed for this application. The permit and hauling is occurring prior to Connell's new pit development and improvements. All other applicants for special use permits would have to generate an accurate traffic study. Gravel pit operators are required to produce records to the county yearly for verification that they are within their special use limitations. If those numbers go over the limitations, then new traffic studies have to be completed. Routt County produced none of those numbers for this application and have not adequately addressed whether violations to the existing access permit have occurred.
- The asphalt plant or concrete plant use is not included in any traffic count numbers. That use was not included as additive to Connell Resources traffic studies for the future access when it is built, but the historical gravel production from Routt County was included in the analysis.

- CDOT usually has a policy that any new Asphalt or Concrete plant would require a new access permit and turn lanes. Because Routt County Road and Bridge was not required by Routt County Planning to analyze traffic for the use and peak traffic of the approved use in the process, (which is typically a required process for mining, oil and gas, coal, guest ranches, and other special uses) we can only speculate what scenarios might happen and the required improvements and phasing is ignored.
- A portable asphalt plant would generate at least 3 times the truck trips than this application is based on and 5 times more than the 30 truck trips on the current CDOT access permit.
- There is no indicated waste disposal plan as required on the submittal package. What plans are in place for asphalt waste, lime, baghouse fines? We as the landowner need to know those details.

Mining and Reclamation Plan. Phasing Plan. Topsoil, Overburden, and Waste Fines Handling

- Page 9 of the staff packet says there haven't been any changes the existing application from 2002. The addition of the asphalt plant and concrete plant possible operations is one change. The mining and reclamation plan changes documented with the attached pictures show this is an incorrect assumption. A current existing conditions plan would identify other changes.
- Mining of the Funk pit has not occurred as indicated on the submittal and has not been updated with the renewal submittal to match the actual plans. A technical revision with the State of Colorado is required in our opinion and the Routt County permit should also be revised.
- Pictures of the out of sequence are where half of Phase 3 to the top of the ridge was mined early and then reclaimed in 2012 are included. I estimate that at least 75,000 CY of overburden and topsoil were placed back as reclamation of the out of phased mining.
- We advocate that the remaining gravel in Phase 3 and the daylighting of the pit never occur for the visual impacts. That berm would shield and the pit as keep the screening intact which has worked so well on the Camilletti and is in design on the new Hayden pit. There is also the economic accountability to the taxpayer where two – three acres of gravel are mined but 75,000 CY of dirt is handled and moved again to get that gravel. That is likely a \$200,000 additional cost to move twice and reseed successfully. Adequate reserves at current gravel usage rates is available in phase 2. It would also be difficult for the county to visually mitigate our asphalt plant in the last mining phase as the last operation before they complete the pit lease.
- According to the old mining plan reclamation of some of phase 1 should be occurring. Phase 1 needs to remain for processing and stockpiling so the plan needs a technical revision to recognize the current need.
- Where would asphalt and crushing equipment and stockpiles be located if the approved use goes forward. Site plans are inadequate and do not meet the Routt County submittal checklist requirements.
- All of the estimates of quantities for reclamation and overburden handling are significantly incorrect in the plans. The overburden is between 15' to 25' as the mining moves south and creates a much different need for stockpile area or reclamation needs. A technical revision should occur and recognize that the mining and reclamation plans cannot be achieved with the old plan. It is likely the disturbed acreage will have to be increased to recognize these facts and not be in violation.

- Another example is Page 3 of the staff package. It say maximum overburden stockpile is 52,000 CY. The existing overburden stockpile probably is that amount right now. At 24,000 CY per acre where would the overburden from any expansion go and does the county plan on reducing their operating footprint?
- An asphalt plant and/or crushing plant to produce asphalt aggregate takes at least a 5 person crew. The number of employees listed is 2 or 3.

Asphalt Plant Conditions

- An asphalt plant requires a separate Air Pollution Control Permit.
- It is only reasonable that Asphalt Plant operations and requirements for other Routt County operations are incorporated and added to this permitted use now.

Stormwater Management

- A storm water management plan has been required for this gravel operations by the Colorado Department of Health and EPA. In Connell Resources preparation for opening the new area we have done site planning and design we believe storm water control for drainage from the mining bench is sheet flowing into the irrigation ditch near Highway 40. The inspection reports should report what controls and maintenance has been completed, if any.

DMG Violation Report

7/9/13

Routt County Spraying Report

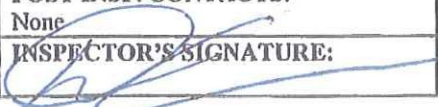
7/11/13



**COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY
MINERALS PROGRAM INSPECTION REPORT
PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

MINE NAME: Funk & Hooker Pit	MINE/PROSPECTING ID#: M-1979-058	MINERAL: Sand and gravel	COUNTY: Routt
INSPECTION TYPE: Monitoring	INSPECTOR(S): Dustin M. Czapla	INSP. DATE: July 9, 2013	INSP. TIME: 14:00
OPERATOR: Routt County	OPERATOR REPRESENTATIVE: Tanner Caroulis	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: NA
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: July 12, 2013

The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.

INSPECTION TOPIC: Vegetation

PROBLEM/POSSIBLE VIOLATION: Problem: There are state-listed noxious weeds present on site. This is a problem for failure to employ weed control methods for state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Section 3.1.10 (6) of the rule.

CORRECTIVE ACTIONS: Implement approved weed control plan and provide proof to the Division that this has been done. If a weed control plan is not already in place, the operator shall develop a weed control and management plan in accordance with Section 3.1.10 (6) of the Rule. This plan should be developed in consultation with the county extension agency, or weed control district office and should include specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan. This weed control plan shall be submitted to the Division as a Technical Revision to the approved plan with the appropriate Technical Revision fee of \$216.00 by the corrective action date.

CORRECTIVE ACTION DUE DATE: 8/12/13

PERMIT #: M-1979-058
INSPECTOR'S INITIALS: DMC
INSPECTION DATE: July 9, 2013

OBSERVATIONS

This inspection was conducted as part of the Division of Reclamation, Mining and Safety's (Division) normal monitoring program. Tanner Caroulis, representing the Operator, was present during this inspection. Photographs are included with this report in order to illustrate some of the conditions observed.

The Funk and Hooker pit is located approximately 2.5 miles east of Hayden and accessed from Hwy 40. The site is a 112c operation that includes a total of 47.6 permitted acres.

Adequate mine identification signage was noted at the entrance to the site.

The affected area was marked by t-posts and fencing that was clearly visible and adequate to delineate the affected area boundary.

Reclaimed slopes along the north side of the pit range from approximately 2H:1V to 3H:1V. They appeared stable and vegetation is becoming well established. The active mine face in the south side of the pit area has been left at approximately 2H:1V. Materials stockpiles were located on the pit floor. Fuel storage was located in a bermed and lined containment.

A significant infestation of Canada thistle was observed on the overburden stockpile located in the southeast part of the site. These weeds should be treated immediately in order to prevent expansion of the infestation.

No other problems or violations were noted during this inspection.

Responses to this inspection report should be directed to Dustin Czapla at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 South 3rd Street, Room 301, Grand Junction, Colorado 81501, phone number (970) 243-6299.

PERMIT #: M-1979-058
INSPECTOR'S INITIALS: DMC
INSPECTION DATE: July 9, 2013

PHOTOGRAPHS



Figure 1: View of the pit from the west side of the access road.



Figure 2: Reclaimed slope on the north side of the pit.



Figure 3: Fuel storage and processing area.



Figure 4: View from on top of the active mine face in the southeast part of the pit, facing northwest.

PERMIT #: M-1979-058
 INSPECTOR'S INITIALS: DMC
 INSPECTION DATE: July 9, 2013



Figure 5: View from on top of the active mine face in the southeast part of the pit, facing north.



Figure 6: Canada thistle infestation on the overburden stockpile in the southeast part of the site.

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <u>Y</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING--- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION--- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN--- <u>N</u>	(SB) COMPLETE INSP--- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>Y</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>

Y = Inspected and found in compliance / N = Not Inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

Inspection Contact Address

Michael Mordi
 Routt County
 P.O. Box 773598
 Steamboat Springs, CO 80477

Rout County Weed Control Daily Log

Date (month, day, and year) July 11, 2013Starting time of application 11:02Ending time JUL 19 2013

Total Billable Hours _____

Name Paul Co.

Phone _____

Location of pesticide application (address, legal or nearest mile markers)

Frank GileGPS: Start _____ End _____ Photo: Yes ☐ No ☐Target weeds: CADR ☒ CANU ☒ CED3 ☒ CEP2 ☒ CER6 ☒ CIAR4 ☒ CIVU ☒ CYOF ☒ EUES ☒
LIDA ☒ LIVU2 ☒ VETH _____Site: 103 Ag. Weed _____ 107 Rangeland _____ 109 ROW/Industrial ☒ 106 Forest _____ 108 Aquatic _____Name of pesticide 1 Hydral EPA registration number 252-654

Application rate (how many ounces of product per acre) _____

Number of ounces put in tank _____

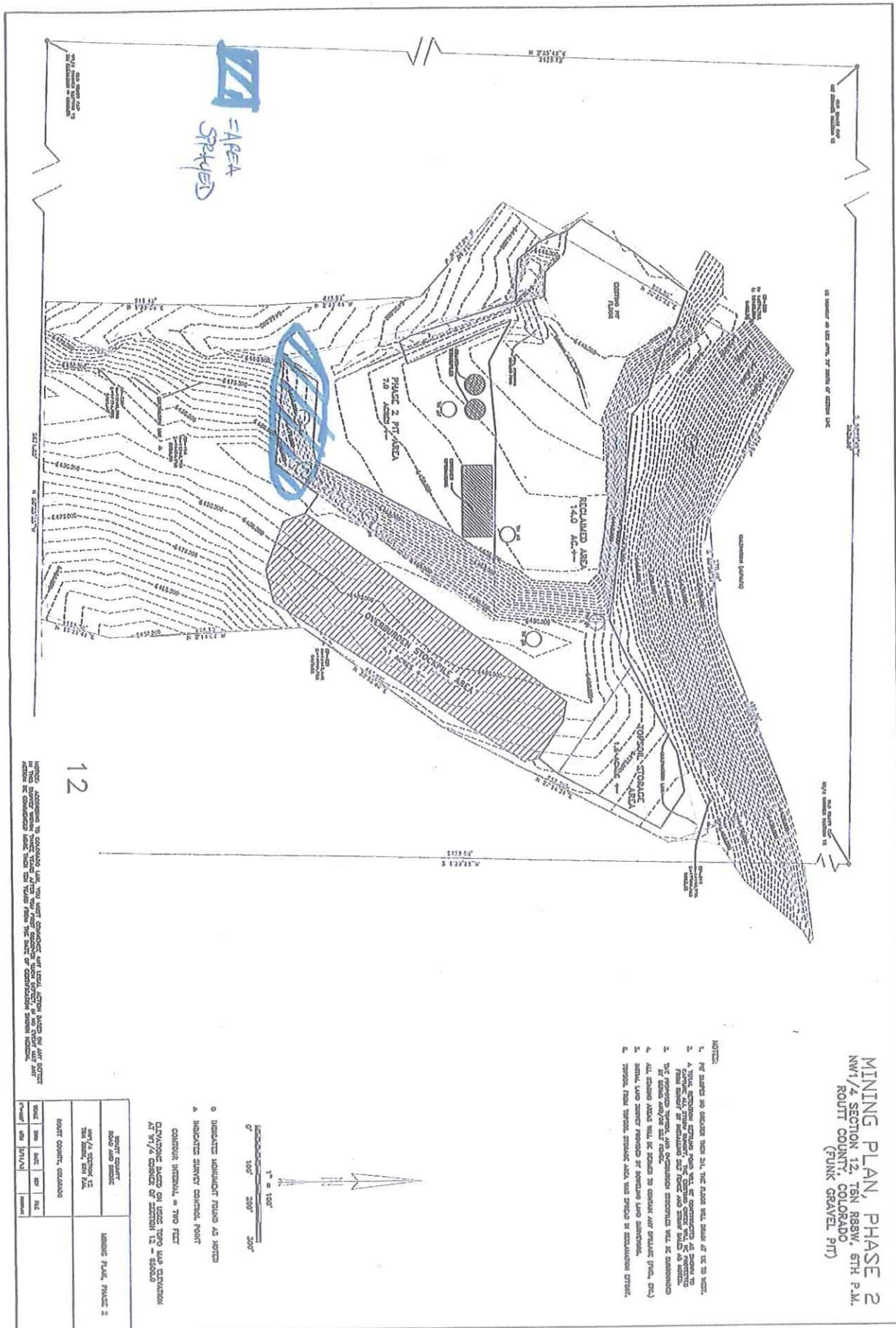
Name of pesticide 2 Unity EPA registration number 7969-137

Application rate (how many ounces of product per acre) _____

Number of ounces put in tank _____

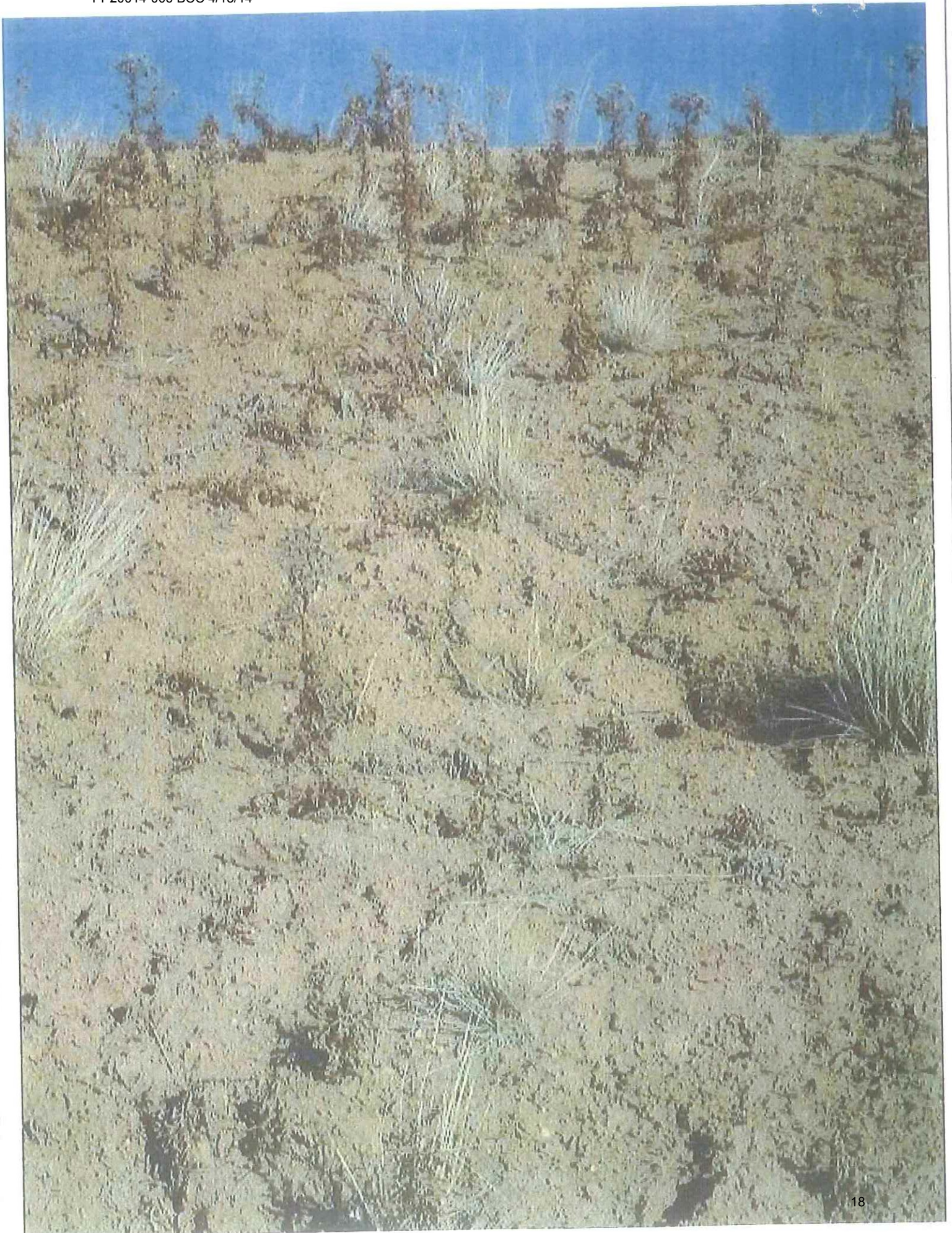
Name of pesticide 3 Alcoa EPA registration number 34704-130Application rate (how many ounces of product per acre) 33.2gNumber of ounces put in tank 138Adjuvant(s) used Brucel 90-10 Ounces put in tank 16Number of gallons of water in tank 380Amount of solution used 30 Number of acres treated 1 1/2Weather Conditions Clear ☒ Partly Cloudy ☒ Cloudy ☒
Estimated wind speed and direction from NW - 12-15
Estimated temperature 90Operator of truck, signature Mike Heger

Notes:

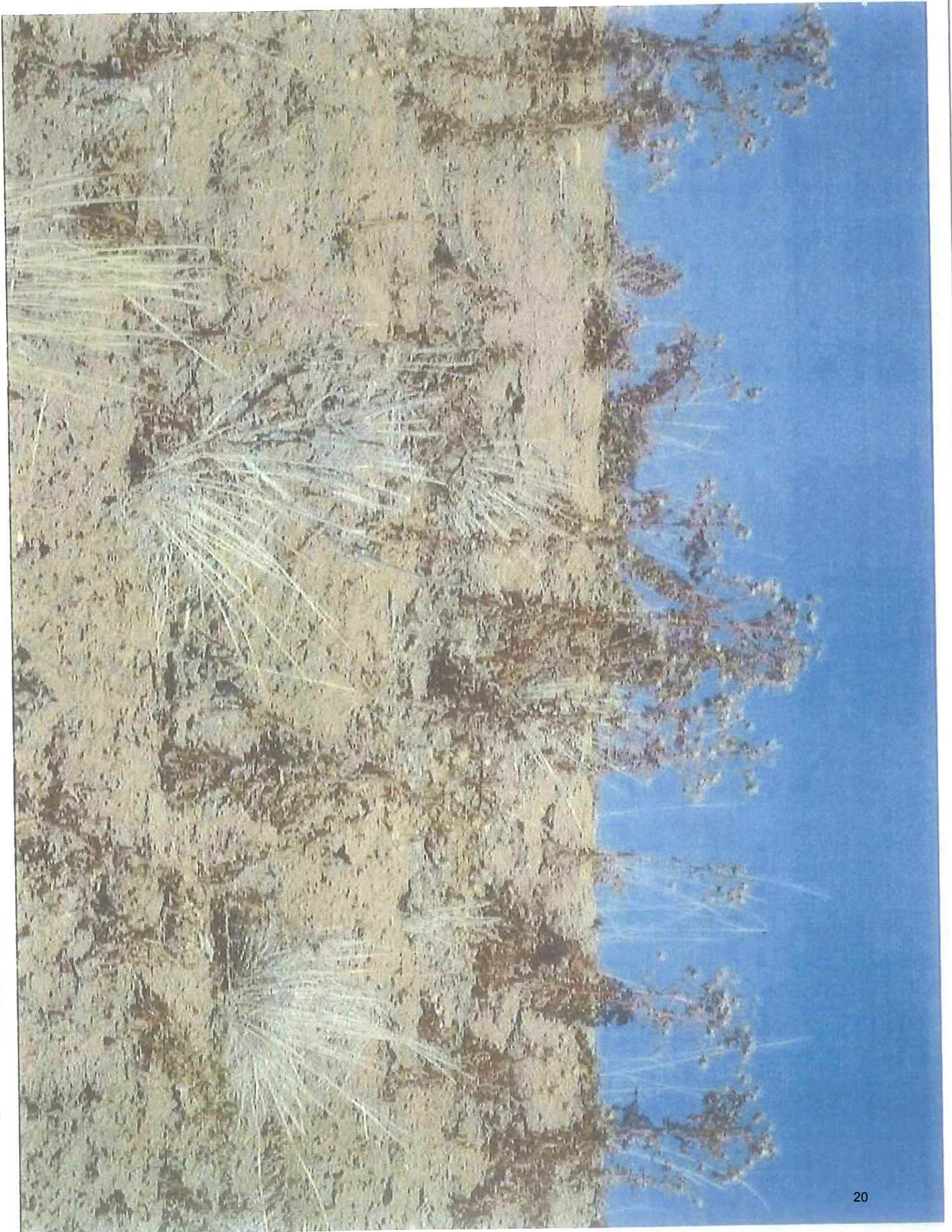


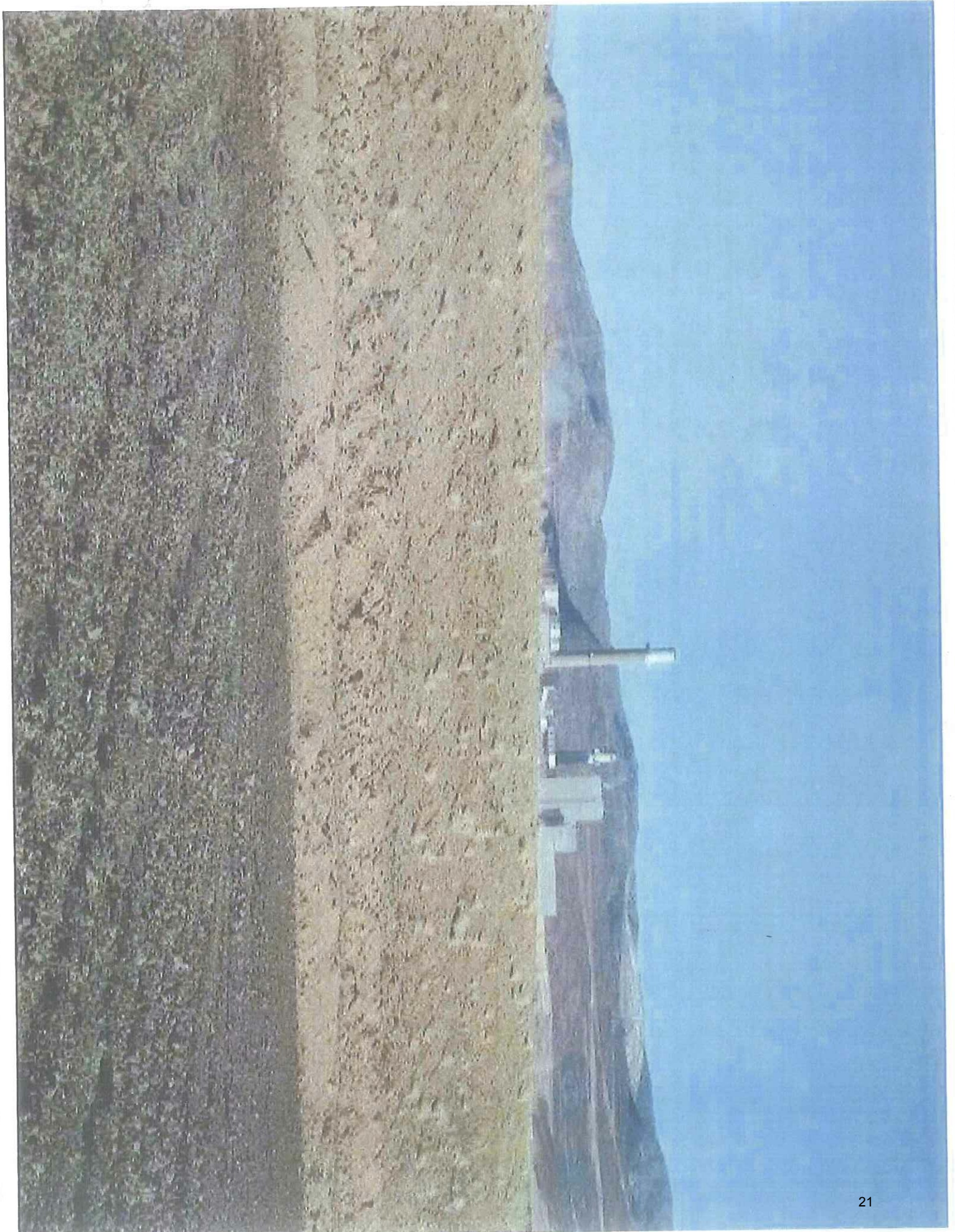
Weeds and Overburden Stockpiles

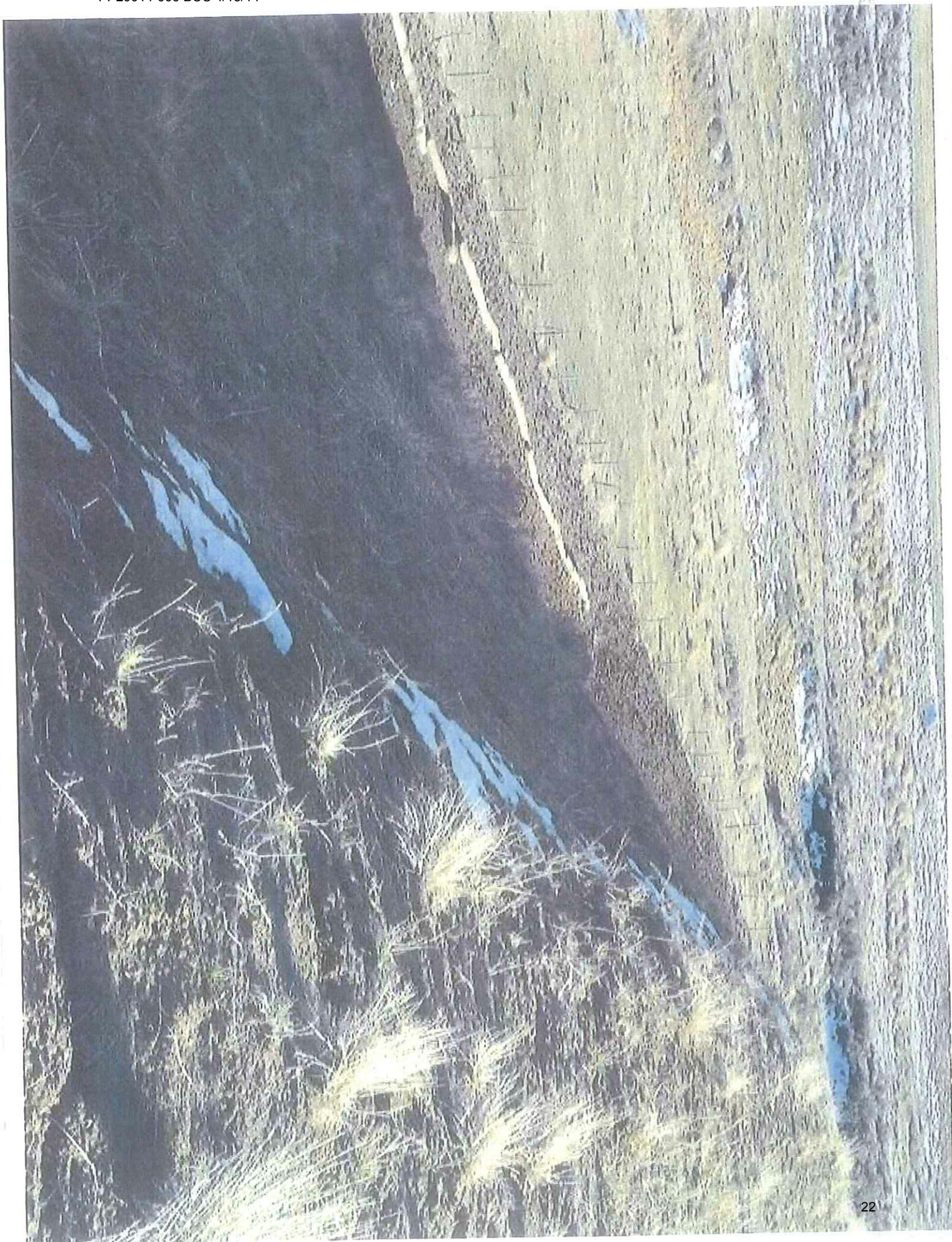
2012 Pictures (4)





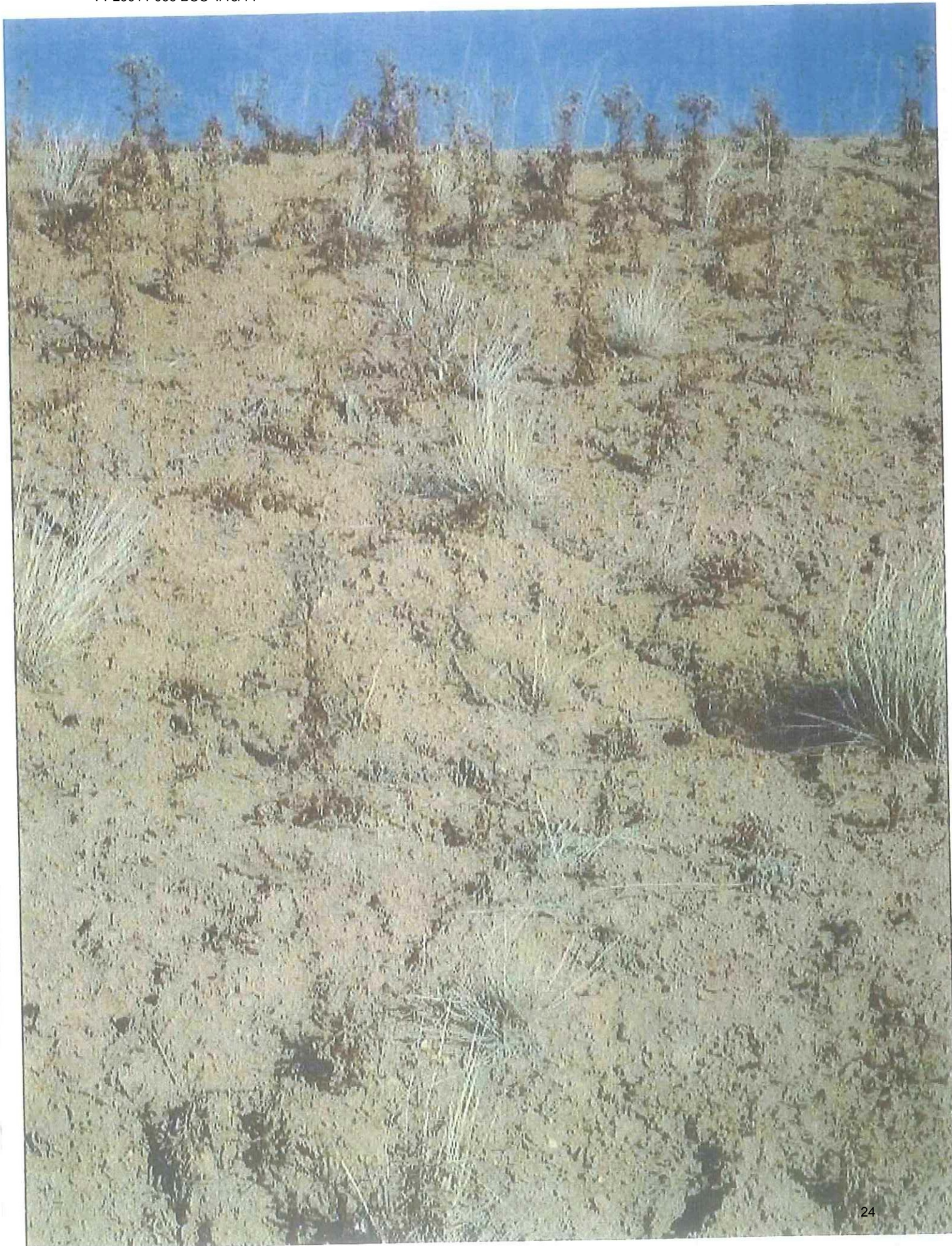


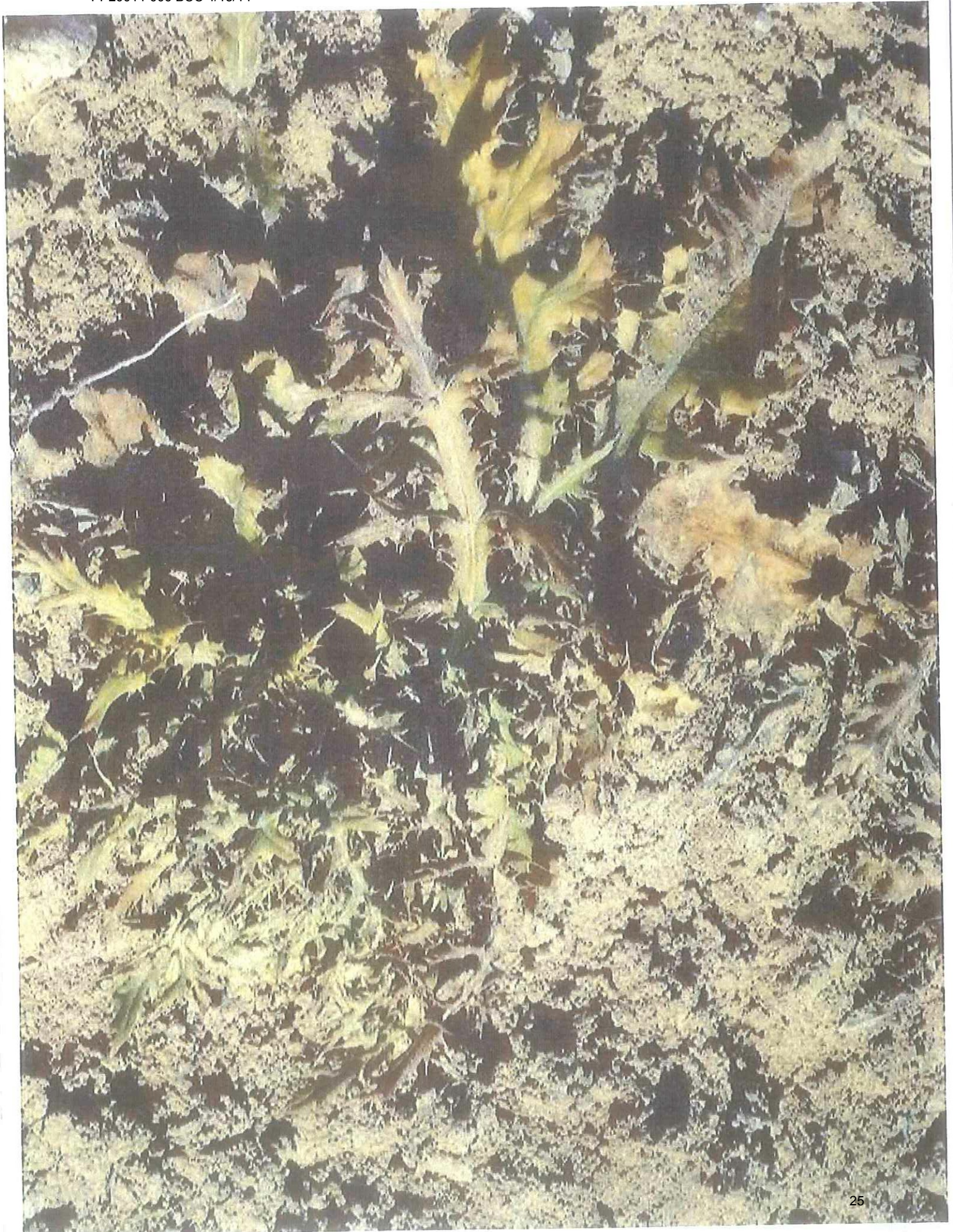


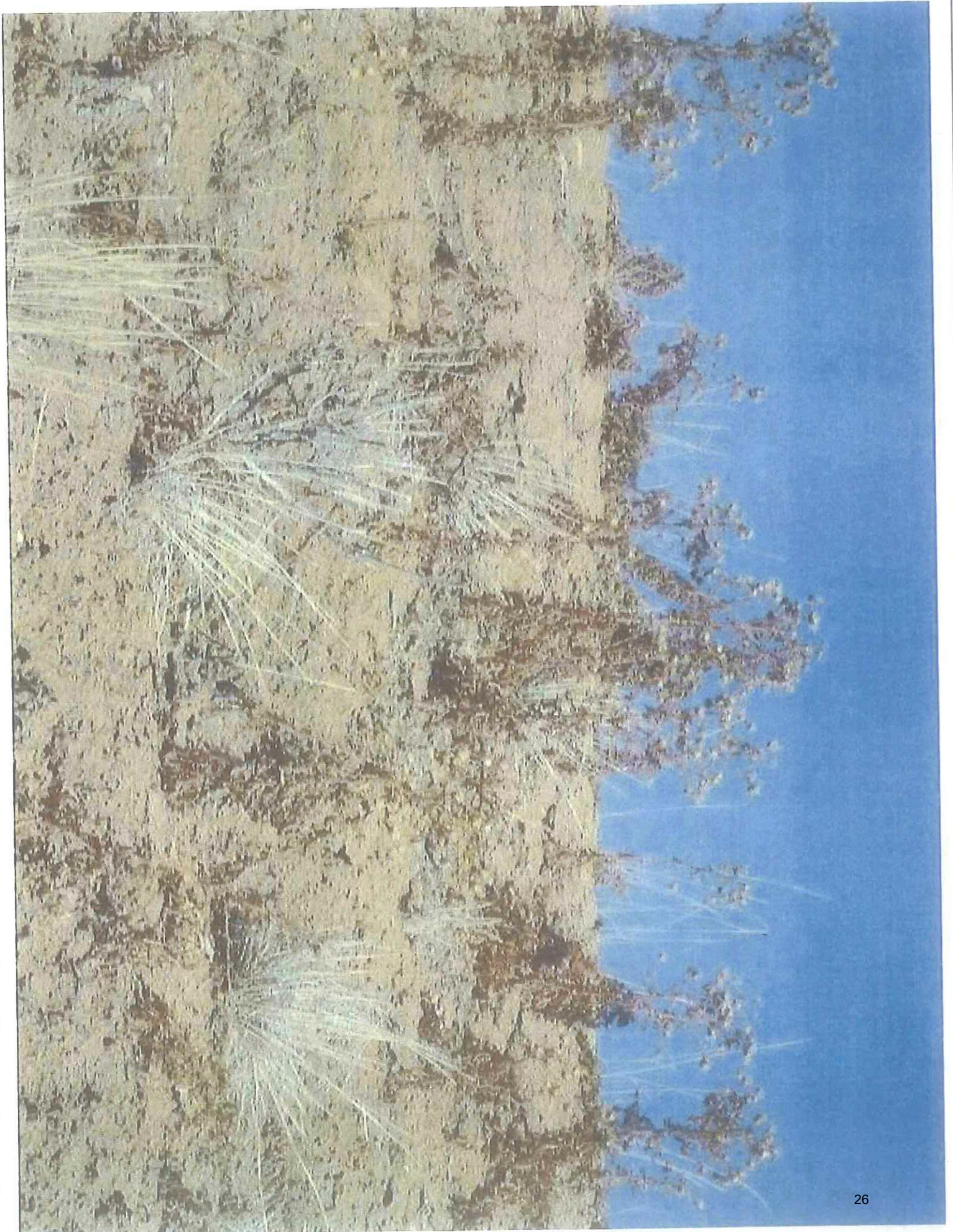


Weeds and Overburden Stockpiles

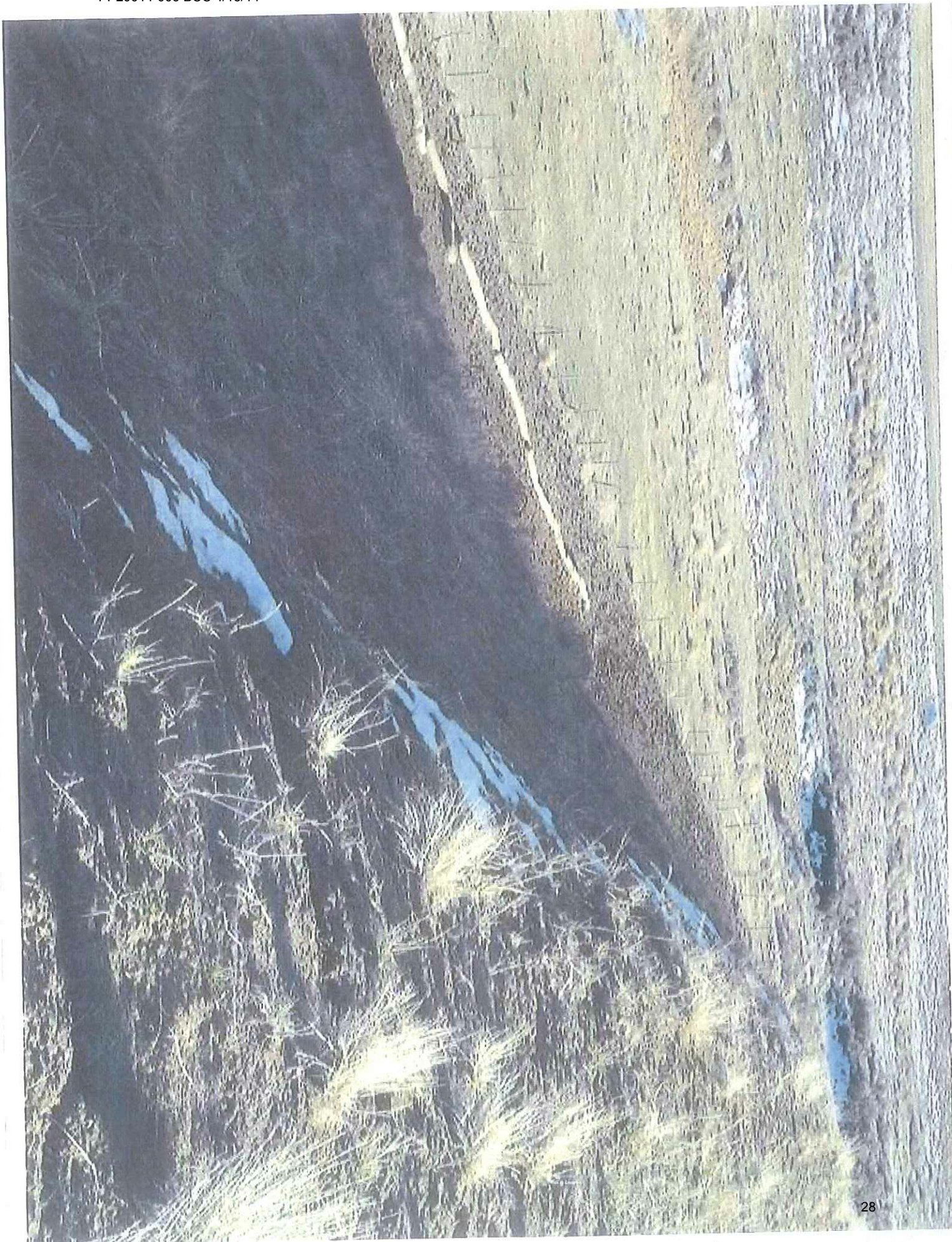
2012 Pictures (4)











Mr. Phillips noted that the homeowners' association for Whitewood Subdivision may be inactive, and that this would nullify the covenants.

Commissioner Norris stated that he supported the petition.

Commissioner Hellyer stated that it appears that all the issues have been addressed. She stated that she would want to add a requirement that all lighting be downcast and opaquely shielded.

Commissioner Taylor stated that he would support the petition, as presented.

Acting Chair Ayer offered that the history of the area supports the subdivision request. He stated that he would support the petition, and commended the petitioners' interest in managing the development of the adjacent lot. Regarding building on these lots, Acting Chair Ayer noted that creating a defensible space around structures is very important, as are minimizing cuts and performing proper revegetation. He encouraged the petitioners to be sensitive to the skyline issue through the use of non-reflective materials and earth tones.

ACTIVITY: PP2004-003
PETITIONER: Routt County
PETITION: Amend Special Use Permit (SUP) #PP2002-003 to allow an asphalt plant on the Funk pit site for County paving projects
LOCATION: Located approximately 2.5 miles east of Hayden on the south side of Hwy 40 in the NW ¼ of Section 12, T6N R88W

Ms. Heather McLaughlin of the Routt County Road & Bridge Department reviewed the petition to allow the installation of a temporary asphalt plant at the Funk pit, which hauls approximately 60,000 cubic yards of gravel annually for County use only. She stated that the pit cannot be seen from the highway, and that the operation will be reviewed prior the initiation of Phase III mining, when the pit will become more visible. Ms. McLaughlin stated that because there is only a single asphalt producer in Routt County at this time, asphalt is very expensive. She stated that the County is hoping that more competitive pricing will be available for County projects if they are allowed to install a batch plant in the Funk pit. She stated that the asphalt produced at the proposed plant would not be sold to other users and would be used only for County projects. Ms. McLaughlin added that the County would still be required to take the lowest bid, but suggested that having the option of multiple bids would be especially helpful when the improvements to CR 27 begin. She noted that the property owners (the Funks) are very supportive of the proposal.

Commissioner Taylor offered that the haul road approach to US 40 needs to be improved. Ms. McLaughlin stated that the approach apron to the highway would

be paved by mid-July as required by the Colorado Department of Transportation (CDOT).

Mr. Eastman stated that he had received one comment from an adjacent property owner who complained about the dust from the operation. He stated that he had referred the complaint to the Road & Bridge Department. Ms. McLaughlin stated that the road would be treated with magnesium chloride in May when the County begins its summer dust mitigation program. Mr. Eastman suggested that in order to comply with the standards applied to all gravel pits, a water truck should be sent to address the problem until the treatment is applied.

Mr. Eastman stated that he had discussed the potential problems associated with asphalt plants with Ms. McLaughlin in an effort to decide the most reasonable way to limit the impacts. He stated that they had decided that the asphalt from the plant should be strictly limited to County projects. He noted that this limitation would not prevent the asphalt plant from remaining in use for a couple of months in the event of several very large County projects, such as an airport overlay, in a single year. Mr. Eastman stated that the requirement for submittal of air pollution permits prior to operation would apply to this plant, as it does to other operators.

Commissioner Hellyer asked if the County planned to construct a secondary access to the airport from the Funk pit. Mr. Eastman stated that a secondary access is included in the airport master plan, but that it would depend on the ability to acquire property, among other issues. He noted that this project is not currently considered a priority.

Commissioner Hellyer asked if the operator would be required to report spills to the Planning Department. Mr. Eastman stated that spill reporting is a standard requirement of the State, but that Routt County has not required it of other operators. He noted that the County does often require that operators report any water discharge permit violations. He stated that Planning Commission has the discretion to require such reporting.

Commissioner Miller asked if a study of the air pollution impact needed. Mr. Eastman stated that the Funk pit is outside the Steamboat Springs area PM 10 non-attainment zone and is located in a very broad valley. He did add, however, that under inversion conditions the plume could affect some nearby residents. He suggested that a study should only be required if the results could change Planning Commission's decision regarding the petition. Mr. Eastman noted that the standard condition regarding complaints and concerns should cover any unforeseen impacts. He also noted that Tony Connell of Connell Resources had expressed concern that the same standards and requirements applied to the Connell asphalt plant be applied to the County plant, particularly regarding the on-site certified opacity reader required under the Connell permit. Mr. Eastman stated that because the proposed plant would be temporary and relatively low-volume, it is more comparable to the temporary asphalt plant permitted for the

Hewes pit in South Routt, which is not required to have an on-site opacity reader. He added that suggested conditions of approval require that all air pollution permits must be in place prior to operation. Commissioner Taylor offered that the discrepancy in conditions could be addressed by adding additional requirements for any single project that is scheduled to take more than six months.

Acting Chair Ayer asked for an explanation of the difference between temporary and permanent asphalt plants. Mr. Eastman stated that all asphalt plants are technically mobile, but that the silos at the Connell plant, for example, are relatively permanent and have three silos with a capacity of between 150 and 200 tons. A typical temporary mobile plant has silo capacity of approximately 25 – 30 tons. He added that every component of a truly mobile plant fits on a tractor trailer.

Commissioners Hellyer and Taylor agreed that their only concern was the odor from the plant. Mr. Eastman suggested that in the absence of strong winds, the odor would move toward Hayden with the prevailing winds in the morning and away from Hayden in the afternoon. He added that another difference between temporary and fixed-operation plants is the re-burners that reduce the odor from more permanent plants. This equipment is not a requirement under State standards, and would be too cumbersome for a truly mobile plant to employ. Mr. Eastman offered that if a large number of complaints regarding the odor are received, the problem would be discussed with the Road & Bridge Department, and if necessary, the permit would be brought up for review.

Public Comment

Mr. Dean Temple stated that he supports the petition. He asked if the County would subcontract all the work at the plant, or whether it would do its own hauling. Ms. McLaughlin stated that the asphalt plant operator would bid on the hauling as well as the production, but that all other aspects of the asphalt work would be done by County staff.

MOTION

Commissioner Norris moved to approve the amendment to Special Use Permit #PP2002-003 to allow an asphalt plant on the Funk pit for Routt County paving projects, with the findings of fact that the petition will not adversely affect the public health, safety or welfare, and the proposed use is compatible with the immediately adjacent properties and uses, and the proposal is in compliance with the Routt County Zoning Resolution and complies with the guidelines of the Routt County Master Plan. This approval is subject to the following conditions:

General Conditions

1. The operator shall comply with all applicable conditions of the Routt County Zoning Resolution, including, but not limited to, Section 8.3.1 (under General Requirements checklist), and Section 8.3.1.3 (Sand and Gravel Requirements).

2. The Special Use Permit (SUP) is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in an amended application approved by Planning Commission and the Board of County Commissioners.
3. Any complaints or concerns that may arise from this operation may be the cause for review of the SUP at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. The operator will prevent the spread of weeds to surrounding lands and comply with the Colorado Noxious Weed Act and Routt County noxious weed management plan.
5. No junk, trash or inoperative vehicles shall be stored or allowed to remain on the property.
6. The operation will be reviewed every 2 years by planning staff. If there are violations they will be forwarded with a staff report to Planning Commission and/or the Board of County Commissioners.
7. This permit is contingent upon permits being obtained for air and water emissions, reclamation, and other appropriate permits from all involved agencies, including, but not limited to, CDMG Mined Land Reclamation Permit, Colorado Department of Health Air Pollution Emission Notices, CDOT access permit and NPDES permit. All applicable permits shall be submitted to the Planning Department prior to any new disturbance to the site.
8. The operation shall comply with all applicable standards set forth by the Colorado Department of Health and the Routt County Department of Environmental Health. The operation shall comply with all Federal, State and local laws.
9. Fuel, flammable materials, and hazardous materials shall be kept in a safe area.

Specific Conditions

1. The SUP is valid for ten years, provided it is acted upon within one year of approval.
2. Material from the gravel pit and asphalt plant shall be used on Routt County projects only. No commercial sales are allowed as part of this SUP.
3. Approved uses included mining, crushing, processing, stockpiling of gravel, and associated equipment.
4. 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.
5. No mining, hauling, reclamation, or crushing activities shall occur on Saturday, Sunday or County-designated holidays except as necessary in the case of a County emergency. In the event of a specific County project that is

time-sensitive, the Planning Administrator may approve additional days of operation.

6. Hours of operation shall be from 6 a.m. to 6 p.m., except as necessary in the case of a County emergency. In the event of a specific County project that is time-sensitive, the Planning Administrator may approve additional hours of operation
7. After the first six months of opening Phase I, a maximum of 13.5 acres shall be disturbed at any time during Phases I and II. During Phase III, the operator shall minimize the disturbed acreage that is visible from US 40. During Phase III of mining, the operator will locate any equipment, including the asphalt plant (if applicable), and stockpiles behind the remaining ridge area to the greatest extent possible. Reclamation and revegetation of visible areas of Phases I and II shall be substantially complete prior to mining Phase III. The operator shall contact the Planning Department and request an inspection prior to mining or operation of an asphalt plant in Phase III. Any area that is not covered by substantially weed free vegetation, water or pavement is considered disturbed. Reclamation including grading, topsoiling, and seeding within 6 months shall occur concurrently with mineral extraction in each area.
8. The operator shall submit a Division of Minerals and Geology (DMG) Annual Report for the Pit to the Planning Department within two weeks of the due date each year for compliance verification.
9. The Stormwater Management Plan and the Dust Control Plan submitted as part of the SUP application shall be complied with.
10. Prior to operation of any asphalt plant in the Funk Pit a current Air Pollution Emission permit for that plant shall be submitted to the Planning Department.
11. A certified on-site opacity reader shall be required for any single project expected to keep the asphalt plant in operation continuously for more than six (6) months.

Commissioner Hellyer seconded the motion.

Discussion and Friendly Amendments

Acting Chair Ayer, citing the issue of equity with other operations, suggested that it would be appropriate to review the permit to address visual impacts when Phase III mining begins. He suggested that this requirement could be added to Condition 10. Mr. Eastman suggested that it would be more appropriate to add this requirement to Condition 7, and offered that "...or the operation of an asphalt plant..." could be added to the fourth sentence in Condition 7. This amendment was accepted, as indicated above.

Commissioner Taylor suggested adding a condition requiring an on-site certified opacity reader for any project expected to take over six months. This amendment was accepted, as indicated in Condition 11, above.

31. Gravel stockpile sizes and heights shall be maintained in conformance with the Mining and Reclamation Plan (Plate 3) submitted with the application. Planning Director may require reductions in stockpile size or height if necessary to limit visual impacts from Highway 40. Gravel crushing operations shall be limited to 8:00 a.m. through 5:00 p.m.
32. Prior to any excavation of Mine Area 2, Knoll 1, permittee shall obtain approval of the Planning Director. Approval will be contingent on completion of reclamation of Mine Area 1 and substantial progress in the reclamation of Mine Area 2, Knoll 2.
33. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.
34. Permittee shall implement the following bulleted items as listed in the Conclusions and Recommendations on Page 9 of the July 11, 2005 Sun Terra, Inc. 'Milner Landfill Subsidence Evaluation':
 1. We recommend that geogrid be considered for subgrade soil reinforcement either during subgrade preparation or immediately prior to placing the first layer of the 3-foot-thick moisture conditioned clay liner in the sump areas of the Expansion Area.
 2. We recommend that a qualified Geotechnical Engineer be on-site to observe soil and ground conditions related to subsidence potential during subgrade inspection.
35. There shall be no exterior lighting at the above ground leachate holding tank except necessary, motion-sensitive, safety and/or security lighting.
36. Once the new office building/scale house is completed, the two existing single-wide office trailers shall be removed from the site or properly disposed of.

Commissioner Arel seconded the motion.

The motion carried 9 - 0, with the Chair voting yes.

ACTIVITY: PP2014-006
PETITIONER: Routt County Road & Bridge Department
PETITION: Renewal of existing Special Use Permit for Funk Gravel Pit operations
LOCATION: Tract in the NW1/4 Section 12, T6N, R88W; located approximately 2.5 miles east of Hayden on the south side of US Hwy 40

Mr. Mike Mordi, Assistant Road and Bridge Director, reviewed the history of the Funk Gravel Pit. He noted that the Funk Pit is the only gravel pit owned by Routt County. He stated that the Road & Bridge Department is in the process of taking a hard look at its gravel needs and sources. He stated that the supply of gravel in Routt County is limited, and that the County uses both private sources as well as gravel from the Funk Pit. Mr. Mordi reviewed the operations at the pit. The

Funk Pit is currently approximately two thirds of the way through Phase II of three mining phases. Phase I was reclaimed in 2012. Mr. Mordi said that the County had recently hired a new crusher foreman for the Funk Pit. He stated that the current request is for an extension of the existing permit, which was issued in 2004. The request includes no modifications or expansion of the operation as it was approved in 2004.

Mr. Mordi stated that prior to submitting the application for renewal he had contacted the Division of Mining, Reclamation and Safety (DRMS) to determine if any modifications to the existing mining plan would be needed. He reported that the DRMS representative had said that an evaluation of the current status of the pit should be conducted to determine if a technical revision of the mining plan was needed. Mr. Mordi said that aerial photos from 2012 had been compared to the existing mining plan, and based on the limited mining that occurred in 2013, it was determined that the pit is still within Phase II of the mining plan. DRMS was provided with the mining plan overlay of the GIS mapping and agreed that no technical revision was necessary. Mr. Mordi said that compliance with the mining plan was confirmed by the most recent DRMS inspection.

Regarding the issue of traffic volume, Mr. Mordi stated that a referral had been sent to the Colorado Department of Transportation (CDOT) access manager. No comments were received in response to the referral. Mr. Mordi stated that the pit is in compliance with all Storm Water Management Plans and fugitive dust permits. He stated that last year the DRMS had identified a weed violation at the Funk Pit site. This was corrected by spraying two days later. Mr. Mordi reviewed the weed control program.

Mr. Mordi reiterated that the request is for an extension of the existing permit, with no proposed changes to the mining plan or production. He stated that the Road & Bridge Department has reviewed and accepts all the proposed conditions of approval.

Ms. Winsor reviewed the proposal to extend the permit for the Funk Pit. She reviewed the pit operations, the history of the site and the permit approvals for the pit. She noted the letter from Tony Connell dated April 2, 2014. In response to complaints regarding how this application was processed by the Planning Department, Ms. Winsor stated that the petition is for a renewal of an existing Special Use Permit (SUP). No changes to the existing permit are proposed, so many of the submittals from 2002 and 2004 still apply. Ms. Winsor noted that on page 2 of the staff report it was stated that no changes had been made to the permit since 2002. This should have stated that no changes had been made since 2004, when permission for an asphalt plant, on an as needed basis for specific projects, was added to the permit. Ms. Winsor clarified that there is not currently an asphalt operation at the pit.

Regarding the complaint expressed in Mr. Connell's letter regarding the submittals required for the application, Ms. Winsor stated that staff requested that same information from this applicant as is it would from any applicant applying for a renewal with no changes. She said that traffic counts and existing conditions maps are the same as those reviewed by Planning Commission and the Board of County Commissioners in 2002 for the overall expansion of the operation. As part of the current review, staff reviewed the CDOT access permit, which places a cap on the truck traffic. Staff also reviewed the existing conditions at the pit via GIS mapping systems to confirm that the pit is in compliance with conditions of the existing permit.

Regarding the concern that no updated traffic analysis had been required, Mr. Phillips reviewed the other gravel pit permits that had been renewed or amended over the past ten years without changes to the number of truck trips requested. No updated transportation analyses were required as part of these applications.

Ms. Winsor reviewed the handout of updated suggested conditions of approval for the permit. The only changes recommended by staff are the deletion of Conditions 33 and 34 and the addition of suggested Condition 35, which addresses the asphalt plant and is more consistent with recently approved permits. Ms. Winsor stated that no comments indicating that there have been any issues or areas of non-compliance had been received from any referral agency. Regarding the concerns with weed control, Ms. Winsor stated that a comprehensive Weed Management Plan had been submitted with the application. This plan will be used as a template for weed management plans in future applications.

Commissioner Merrill asked about the Colorado Division of Mining and Geology (DMG) weed violation cited in the letter submitted by Mr. Connell. Ms. Winsor stated that the report of violation was made to the state during reclamation activities in 2012. Thereafter, the Routt County Weed Coordinator sprayed the site in 2013. The Planning Department was not informed of this complaint by the DMG.

Public Comment

Mr. Tony Connell stated that he is a partner with the landowner that leases the Funk Pit property to Routt County, and noted that he was recently before Planning Commission for permit approval for the pit that lies adjacent to the Funk Pit. He noted the letter and pictures he had submitted regarding the proposed permit renewal. Mr. Connell stated that his concern is with protecting the land, noting that Connell will own the property when the mining is complete. He stated that he wants both pits to maintain the highest standard of operations.

Mr. Connell reviewed the County's submittal requirements for planning review. He asked if Planning Commission really understands how an asphalt plant at this site would affect the permit. He asked if the existing conditions plan provides the necessary information regarding stock piling, processing locations, overburden and top soil stock piles, circulation and other aspects of the operation. He asked about the current disturbed and reclaimed acreages. He stated that all this information should have been included in the application. Mr. Connell suggested that the traffic would be dramatically increased if the asphalt plant is installed. He said that other applicants are not allowed to "deal with it later" regarding proposed future uses.

Mr. Connell stated that Connell Resources tries to partner with Routt County Road & Bridge Department whenever possible. He said that he has no desire to see the permit for the Funk Pit denied, he just wants the County to improve its operations. He acknowledged that gravel pit operation is not the core competency of the Road & Bridge Department, and that the Connell pit produces in two weeks what the Funk Pit produces in a year. He offered, however, that the issues he has cited and the lack of information provided are examples of poor transparency in government and set a bad precedent. Mr. Connell asked if Zoning Regulations Sections 9.4.B (mining and reclamation plan), 6.1.7A& B (traffic and roads) or 6.2 (impact on public roads) were sufficiently addressed in the submittals.

Mr. Connell asked for a revision of the proposal for Phase III mining, which would take out the berm and expose the valley. He said that the berm was well done and that it makes no sense to tear it out for the amount of gravel that would be produced. He suggested that the pit could be expanded to the south instead, with less visual impact.

Commissioner Arel asked staff if any complaints regarding weeds had been received. Ms. Winser said that no complaints had been registered with the County Planning Department. Mr. Mordi said that the weed spray logs going back to 2007 indicated that the site was sprayed once or twice per year every year except during periods of planting for reclamation.

Commissioner Arel asked if the CDOT access manager was aware of the plans for the asphalt plant. Mr. Mordi explained that the access permit is designed around a maximum of 5 belly dump truck trips in and out during peak hours. If the asphalt plant were in operation for a project on the closest paved road in the County, it would be difficult to make the roundtrip in 12 minutes. Mr. Phillips added that the total number of trips allowed by the CDOT access permit would remain constant, so if trucks were carrying asphalt, fewer gravel trucks would be allowed. In response to a question from Commissioner Arel, Mr. Mordi clarified that the DRMS inspects the pit, but that regarding weed control, Routt County provides both oversight and spraying of weeds.

Commissioner Klumker asked how many days the Funk pit operates, on average. Mr. Mordi said that last year the crushing was done approximately 3 days per week, from July through October. In response to a question from Commissioner Klumker regarding the cost effectiveness of producing versus purchasing gravel, Mr. Mordi reviewed the costs associated with gravel, but acknowledged that this year the Road & Bridge Department is engaged in a thorough assessment of the County's gravel needs, sources and operations. He said he does not have current cost estimates.

Commissioner Effinger offered that owning and operating the Fink Pit may be more about convenience than cost. Mr. Mordi noted that the Funk Pit does provide gravel for all the roads in the Hayden area. Road & Bridge Director Janet Hruby offered that the County utilizes a combination of public and private gravel sources, as needed depending on the particular project. She reviewed what other counties do, and suggested that maintaining a mix of private and public gravel sources seems the best plan for the long-term protection of the County Roads. Ms. Hruby stated that in order to improve efficiency in its operations, Road & Bridge is evaluating the County's gravel needs, sources, building demands, equipment and costs. She stated that the County has a 10-year lease on the Funk Pit, with an option to extend the lease another 10 years.

Commissioner Effinger asked whether the information cited by Mr. Connell regarding road impacts, circulation, processing, plant location, reclamation, etc., was reviewed when the asphalt plan was originally approved. Ms. Winser stated that Mr. Connell had submitted a letter at that time, and had expressed similar concerns. She said that these issues were vetted during the application review. She added that an aerial photo was submitted with an arrow indicating the proposed location for the asphalt plant. Commissioner Effinger asked what the Road & Bridge Department would need to submit in order to install the approved asphalt plant. Mr. Mordi stated that revised Storm Water Management Plans, an emissions permit, a fugitive dust plan, and a revised mining plan would all need to be submitted. Mr. Phillips clarified that these would all be required by the state. The current application is for a renewal only, without amendments, and would include an approval of the asphalt plant approved 10 years ago by the Planning Commission and the Board. He stated

that the only changes would be to the conditions of approval to address changes that have occurred in the regulations since the permit was previously approved. Commissioner Effinger offered that this amounts to grandfathering in the asphalt plant, since none of the submittals that would apply to a new plant are being required.

Ms. Winser noted that the asphalt operation was discussed in detail ten years ago. The main issues of discussion were the "best practices" and the emissions of the plant. In response to those concerns Conditions 33 and 34 were added to the permit. Mr. Phillips stated that it is staff's opinion that the permit was properly reviewed and approved in accordance with the regulations in place at the time. The conditions of approval being suggested with the renewal reflect changes that have been made to the regulations since then. Those changes to the conditions are indicated by boldface type in the staff report. Regarding the renewal, Mr. Phillips stated that no complaints or referral comments had been received regarding the operation until the receipt of Mr. Connell's letter. He stated that Mr. Mordi had reviewed the submittals that would be required for a state permit for the asphalt plant.

In response to a question from Commissioner Effinger, Ms. Hruby said that although there are no current plans to install an asphalt plant, there was no reason not to include it in the permit renewal request. Ms. Winser suggested that if Planning Commission has concerns, a condition of approval requiring the submittal of a revised plan for the location of the asphalt plant could be added to the permit. Chairman Warnke reviewed the permits that the state would require for an asphalt plant to be approved for the Funk Pit. These issues are covered by requiring that the applicant to obtain all necessary state and federal permits.

Commissioner Benjamin asked if the County is happy with the reclamation completed so far. Mr. Morsi stated that the 2013 DRMS inspection states that the slopes have been properly graded and the vegetation seems to be well established.

Commissioner Klumker suggested that the issue for the County regarding the operation of the pit comes back to cost. Chairman Warnke stated that it is not within the purview of Planning Commission to evaluate the cost/benefit of the proposal. Ms. Hruby stated that the Road & Bridge Department shares Commissioner Klumker's questions regarding costs and efficiency. She stated that she also agrees with Mr. Connell that the pit should be held to the highest standards, adding that the Road & Bridge Department would seek Mr. Connell's help. She said that she feels the issues of concern have been addressed in the suggested conditions of approval and the permits required by the state.

In response to a question from Commissioner McGee, Ms. Hruby stated that while the County has no plans to install an asphalt permit, the Road & Bridge Department is seeking a renewal without amendment to the existing permit. Any amendment to the permit would require a full review. Ms. Hruby stated that the asphalt plant permit provides the County with options and back-up for the future. She said that if the County ever does install an asphalt plant, it would most likely be operated by an independent party.

Commissioner Norris asked about a noise complaint from a neighbor cited in the staff report. Ms. Winser reviewed that the Williams family, which lives across US 40 from the Funk and Connell gravel pits, had complained about the noise from the haul trucks' jake brakes coming down the hill.

This issue was discussed in the recent review of the Connell Pit. In response to the complaint, a condition of approval was added to the Connell Resources SUP. The same condition is included in the suggested conditions of approval for the Funk Pit.

Commissioner Benjamin questioned whether the permit should be renewed if the gravel pit had not been operated well or efficiently in the past. Ms. Hruby stated that the current staff is evaluating pit operations with "a new set of eyes." She added that an active manager for the pit had been hired and that the cost effectiveness of operating the pit will be assessed. Mr. Mordi noted that the recently hired manager is already making suggestions regarding how to improve operations. Commissioner Benjamin reiterated that the County pit should be held to the highest standards.

Mr. Fred Duckels of Duckels Construction stated that it is a waste of money for the County to haul gravel to distant sites from the Funk Pit. He added that the County often does not do accurate cost accounting to evaluate its operations. Mr. Duckels offered that government entities tend to build empires rather than accurately evaluate their costs.

Seeing no further comment, Chairman Warnke closed public comment.

Commissioner Effinger suggested that maintaining the Funk Pit is valuable to the County for reasons other than the cost of gravel. He offered that it is up to the Board of County Commissioners to evaluate the worth of the pit. Chairman Warnke agreed that the issue of cost effectiveness is not within the purview of the Planning Commission.

MOTION

Commissioner Arel moved to recommend approval of the Special Use Permit for the Funk Gravel Pit with the following findings of fact:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 9 of the Routt County Zoning Regulations.
2. The Special Use Permit with the following conditions will not adversely affect the public health, safety, and welfare.
3. The proposal with the following conditions is compatible with the immediately adjacent and neighborhood properties.

This approval is subject to the following conditions:

General Conditions

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, 6, and 9.
2. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application. Minor amendments may be approved by the Planning Director subject to Section 3.2.10 of the Zoning Regulations. Accessory structures/uses associated with this permit can be administratively approved by the Planning Director **and the Board of County Commissioners.**

3. Any complaints or concerns which 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 operation will be reviewed annually by Planning staff to ensure compliance with permit conditions, with recommendations to Planning Commission as appropriate.
5. The operator will prevent the spread of weeds to surrounding lands and comply with the Colorado Noxious Weed Act and Routt County noxious weed management plan.
6. In the event that 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.
7. This approval is contingent upon all required federal, state and local permits being obtained and complied with; the operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to operation.
8. Prior to the issuance of the permit, 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. Certificate of liability insurance shall include all permit numbers associated with the activity.
9. The Special Use Permit shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be charged on an hourly basis for staff time required to review and/or implement conditions of approval.
10. Fuel, flammable materials, and hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements. Any spills of fuels or hazardous materials shall be reported to the Routt County Planning Department within three days of occurrence.
11. No junk, trash, or inoperative vehicles shall be stored on the property.
12. 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.
13. Copies of all financial guarantees related to the project shall be submitted to the Planning Director prior to issuance of the Special Use Permit. The Board of County Commissioners may require a financial performance guarantee to insure restoration of the site and access roads and compliance with other conditions of this permit. The County will not require financial guarantees that are duplicative of that required by the State.
14. Permits/Approvals shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be

charged on an hourly basis for staff time required to review and/or implement conditions of approval.

15. All exterior lighting shall be downcast and opaquely shielded.

Specific Conditions:

16. The SUP is valid for ten (10) years provided it is acted upon within one year of approval.
17. Any amendments to the DRMS permit must be approved by the Planning Director and may be cause for a review of the SUP.
18. Approved uses include mining, crushing, washing, processing, stockpiling of gravel a County-Project only asphalt plant and associated equipment.
19. The hours and days of operation shall not exceed the following:
 - a) Operation: 6:00 a.m. to 6:00 p.m., Monday through Saturday. **Operation, as used in this condition, shall include the firing up and operation of the crusher and wash plant, loading, hauling, extraction, sorting and crushing of gravel and other materials; it shall not include use of the office, maintenance and repair of equipment, and shipping and receiving of non-aggregate materials.**
 - b) No extraction, processing, 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.
 - c) Warming of equipment is allowed 15 minutes prior to startup of operation.
 - d) The Planning Director may grant temporary waiver of hours and/or days of operation for public projects or for projects with special technical requirements.
 - e) The hours of operation may be amended at the Planning Director's discretion to avoid conflicts with school busses.
20. The operator shall submit the current DRMS Annual Report for the pit to the Planning Department within two weeks of the due date each year.
21. **The operator shall submit an annual report to the Planning Department and Assessor's office that details total materials hauled, remaining reserves, and the number of truck trips. This annual report shall be submitted on the same day as the DRMS Annual Report.**
22. A maximum of 13.5 acres shall be disturbed at any time during Phases I and II. During Phase III, the operator shall minimize the disturbed acreage that is visible from US 40. During Phase III of mining, the operator will locate **any** equipment, **including the asphalt plant (if applicable)**, and stockpiles behind the remaining ridge area to the greatest extent possible. Reclamation and revegetation of visible areas of Phases I and II shall be substantially complete prior to mining Phase III. The operator shall contact the Planning Department and request an inspection prior to mining Phase III. Any area that is not covered by substantially weed free vegetation, water or pavement is considered disturbed. Reclamation including

grading, topsoiling, and seeding within 6 months shall occur concurrently with mineral extraction in each area

23. 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. Disturbed area is land not covered by substantially noxious weed free vegetation, water, pavement, or seed and mulch sufficient to resist wind and water erosion. The Reclamation Plan shall be approved by the DRMS as the final Reclamation Plan for this site prior to the issuance of the SUP.
24. A maximum of 13.5 acres may be disturbed at a time.
25. Permittee shall maintain county roads affected by this SUP during the life of the operations. Maintenance shall be determined by the Routt County Road and Bridge Department at its sole discretion and at the permittee's expense. Maintenance may include, but is not limited to grading and graveling of roadways, restoration of roadway crown, sweeping or cleaning access points, soft spot/damage repair, and application of a dust palliative as approved by the Routt County Road and Bridge Director and the Routt County Department of Environmental Health.
26. Permittee shall secure all necessary permits such as, but not limited to State of Colorado Fugitive Dust Permit, any applicable USACE permits, Routt County Grading and Excavating Permits, and Routt County Right of Way Permit(s).
27. Fugitive dust will be controlled by the use of water and other control measures as appropriate, as often as necessary, to reduce, control and minimize all dust generated by traffic, material processing and other activities related to the gravel mine that occur at the site and along the haul route. Any haul roads or stockpile areas can be paved as a dust control measure without approval or revision to the site plan or SUP. No off-site transport of visible dust emissions shall be allowed. The Planning Director or Environmental Health Director may require temporary closure of the facility if dust control measures are not effective.
28. The permittee shall be responsible for all costs for dust abatement. The Road and Bridge Director will be responsible for designating the dust abatement schedule and requiring of dust mitigation, if necessary.
29. Noise from all on-site sources and from haul trucks shall be in compliance with 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.
30. The operation shall meet or exceed accepted industry standards and Best Management Practices.
31. Permittee shall comply with the approved Stormwater Management Plan (SWMP). 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.

32. Maximum stockpile height during at-grade Phase IA 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.
33. The operator of the asphalt batch plant shall use a "best practices" standard in the operation of the plant, including routine, continual monitoring of the plant operation and having the plant operator become certified to perform opacity testing on an ongoing basis, but at least monthly. The plant operator shall keep records of such testing and make such records reasonably available for inspection by the County. The asphalt batch plant shall be operated so that noxious odors are not emitted beyond the boundary line of the property on which the use is located. The applicant shall also comply with all applicable Colorado odor regulations.

Commissioner Norris seconded the motion.

Discussion

Chairman Warnke asked if the language of Condition 35 should be expanded to better define "best practices." Planning Commission agreed that the suggested language was acceptable, as indicated above.

The motion carried 9 - 0, with the Chair voting yes.

ADMINISTRATOR'S REPORT

Mr. Phillips reviewed the upcoming agendas, including the joint meetings with the City Planning Commission (4/19/14) and the Board of County Commissioners (5/1/14). He noted that the Planning Department had been receiving many inquiries, although not many applications had been submitted yet. Mr. Phillips stated that he and Ms. Winser had conducted phone interviews with candidates for the Planner I position.

The meeting was adjourned at 8:15 p.m.