

Commissioner Norris seconded the motion.

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

ACTIVITY: PL-19-194

PETITIONER: Precision Excavating, Inc.

PETITION: Renewal of Special Use Permit #PP2010-001 with a modification of Condition of Approval #17

LOCATION: Approximately 2,700 ft. southeast of the Town of Milner

Mr. Goldich reviewed the petition to renew the Special Use Permit (SUP) for the gravel pit and to amend Condition of Approval (COA) #17 (COA #39 in the revised list of suggested conditions contained in the staff packet). He presented a site plan and aerial photo of the pit and the surrounding area and indicated the pit boundary. He reviewed the history of the pit and described the successive expansions that have occurred. He indicated the location of the power line, the equipment and facilities, stock piles and sediment settling ponds. Mr. Goldich reviewed the suggested changes to COA #17. He described the groundwater cut-off walls and indicated their location on the aerial photo. He also indicated the location of the groundwater monitoring wells. Mr. Goldich noted that COA #17 only applies to the original pit area. He stated that because no policies or regulations have changed since the pit was last permitted, the staff comments are limited to the requested changes to the permit.

Mr. Goldich indicated the stand of cottonwood and willow trees to which COA #17 refers. He said that the operators have no plan to mine this area in the near future. He said that because no mining of the area adjacent to the stand of trees is planned at this time, the applicant is asking for relief from the bi-weekly monitoring of the groundwater wells and the associated reporting requirement. Mr. Goldich cited the letter submitted by Colorado Parks and Wildlife, stating support for a relaxation of the COA, provided that the 100 foot setback is maintained, that the groundwater levels be maintained, that corrective action be taken when the monitoring wells indicate a decrease in water level of 12" – 18", and that dewatering cease when levels drop more than 18". CPW stated that monitoring and reporting could be relaxed. Mr. Goldich noted that the trigger for reinstating the existing monitoring and reporting would be when mining occurs in the area within the original pit near the cottonwoods.

Mr. Goldich stated that the floodplain along this area of the Yampa River was mapped by FEMA in 2005. In 2009, when the pit was expanded, the floodplain was left out of the review and no floodplain development permit was obtained. He said that a floodplain development permit will be required for the expansion area but not for the original pit area, which was permitted prior to the area being mapped. Mr. Goldich added that a weed management plan needs to be submitted and approved. He said that the Division of Reclamation and Mine Safety (DRMS) last visited the site in 2016 and found no issues. DRMS plans to visit again this year.

Mr. David Zehner of Precision Excavating (PEI) said that they had been operating the pit since 2001. He explained that all of the equipment and stockpiles at the pit are located in the original pit area, and will remain there while the harder areas to access are mined. He said it would be many years before any mining occurs in the area near the cottonwoods. Mr. Zehner reviewed the operation of the settling ponds. Samples of the water for discharge are sent to the Colorado

Department of Public Health and the Environment (CDPHE) weekly. He also described the ground water cut-off walls that slow the seepage into the pit. He said that mining occurs while the cottonwood trees are dormant, and the groundwater level is allowed to rise when the trees are active. He said that because no mining is occurring in the vicinity of the cottonwoods, nothing should change from the way it has been for the past ten years. He said that the monitoring has shown that the ground water level does not drop. He said that this is why they are requesting a relaxation of the monitoring and reporting. Mr. Zehner stated that Western Bionomics will continue to provide an annual report on the health and vigor of the cottonwood stand. The trigger for additional monitoring would be if this report indicates any lack of vigor in the vegetation. There was a discussion among Planning Commission members on when it would be best to monitor the ground water wells. Mr. Goldich said that staff would consult with CPW regarding the suggested June 1st, August 1st and September 1st dates.

There was no public comment.

In response to a question from Chairman Warnke, Mr. Zehner indicated the resource reserves on an aerial photo. Chairman Warnke asked about the 3¢ per ton fee and how it is used. Mr. Zehner said that the money had been spent on the overlay of the road into Milner.

In response to a question from Commissioner Mitzelfeld, Mr. Goldich reviewed the floodplain mapping issue. The floodplain development permit would show if there is any increase to flood risk upstream and downstream as a result of mining activity. The mapping will analyze the risk based on the changes to the landscape. Mr. Zehner stated that in the past 20 years there have been several high water events. The area across Trout Creek remained dry during those events. The water did flow slightly into the cottonwoods along the Yampa River one time in the past 20 years. Mr. Zehner said that PEI had constructed a berm just inside the permit boundary to prevent flooding of the mine.

Commissioner Brookshire noted the lack of public attendance at the meeting in comparison to past hearings for this pit. Mr. Zehner said that PEI works closely with the community. Mr. Ed Camilletti, the property owner, added that Milner residents really like the by-pass road that eliminates gravel truck traffic through town. Commissioner Brookshire offered that the lack of complaints and concerns is testament to the quality of the operation.

MOTION

Commissioner Marshall moved to recommend approval of the Special Use Permit for the Camilletti Milner #2 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 neighboring properties.

4. Due to the time of year this application was processed, staff was unable to conduct a thorough inspection of the site and operation.

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 plans. Any additional uses or facilities must be applied for in a new or amended application.
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. 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.
5. No junk, trash, or inoperative vehicles shall be stored on the property.
6. Fuel, flammable materials, or 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.
7. All exterior lighting shall be downcast and opaquely shielded.
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. Routt County shall be named as an additional insured on the policy. Permittee shall notify Routt County Planning Department of any claims made against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
9. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director without notice.
10. Transfer of this SUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, transferee shall submit written consent to the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
11. The permittee shall prevent the spread of weeds to surrounding lands and shall comply with the Colorado Noxious Weed Act as amended in 2013 and the Routt County approved noxious weed management plan. A weed mitigation plan shall be developed by the Permittee and reviewed and approved by the Weed Supervisor prior to issuance of the Special Use Permit.

12. This permit is contingent upon any required permits being obtained and complied with from all involved agencies including, but not limited to the following:
- a) Division of Reclamation, Mining and Safety (DRMS) 112 Construction Materials Permit
 - b) Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division (APCD) Air Quality Permit
 - c) CDPHE Stormwater Management Plan
 - d) Army Corps of Engineers (ACOE) wetland permits
 - e) Routt County Public Works Grading & Excavating permit
 - f) Colorado Department of Transportation (CDOT) access permit

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 operations.

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.

Specific Conditions:

14. The Special Use Permit (SUP) is valid for ten years from the BCC approval date, provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
15. Approved uses include:
- a) Extraction of gravel deposits
 - b) Crushing and processing of gravel deposits
 - c) Stockpiling of topsoil, overburden, and extracted and processed gravel
 - d) Scale, scale house (approximately 500 sq ft), office building (approximately 1,000 sq ft), a maintenance shed (40'x60'), fuel tanks, crusher, conveyance system and related equipment, and toilet
 - e) Recycling of soil and concrete rubble
 - f) Reclamation
20. The operation consists of:
- a. Sales from the gravel pit shall not exceed 850,000 tons in any twelve consecutive months.
 - b. Hours of operation for loading and hauling shall be from 7:30 am a.m. to 7:00 p.m. Monday through Saturday. Hours of operation for operation of the crusher shall be 7:00 a.m. to 7:00 p.m. Operation, as used in this condition, shall include the firing up and operation of the crusher, loading, hauling, extraction, sorting and crushing of gravel and other materials, reclamation activities, and shipping and receiving of non-aggregate materials.
 - c. There shall be no operation 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.
 - d. Warming of equipment is allowed 15 minutes prior to startup.
 - e. A waiver of hours and/or days of operation for public projects or for projects with special technical requirements may be approved by the Planning Director without notice.

16. Permittee shall continue to contribute \$0.03 per ton fee for each ton hauled out of the Milner Pit #2 for the costs of maintenance, dust control or improvements to the County Road 179, the bridge over the Yampa River, and County Road 178.
17. A maximum of 60 acres, 35 acres in the Existing Pit and 25 acres in the Expansion Area, shall be disturbed at any time. Disturbed acreage is defined as all areas not covered by water, pavement or substantially noxious weed free vegetation, but does not include areas of temporary disturbance related to construction of cutoff walls in advance of mining. Reclamation according to approved plans including grading, topsoiling and seeding shall occur concurrently with mineral extraction in each area.
18. Any proposed amendments to the DRMS permit must be approved by Planning Administrator and may be cause for a review of the SUP.
19. Soil and vegetation shall not be stripped in excess of an area required for one year of mining except as required to construct cutoff walls in advance of mining.
20. Topsoil and overburden stockpiles shall have a minimum of 3:1 slopes, and shall be revegetated if left undisturbed for more than six months.

Reporting:

21. Operator shall submit DRMS Annual Report for the pit to the Planning Department by August 15th of each year for compliance verification.
22. The operator shall submit an annual report to the Planning Department and the Assessor's office that details total materials hauled, remaining reserves, and total number of truck trips by February 15th of the following year.
23. Permittee shall conduct an annual inventory of weeds on site each spring including but not limited to species identification and map locations. Inventory shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.
24. Permittee shall submit an annual report prior to December 31 of each year to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied.
25. Permittee shall notify the Routt County Environmental Health Department of any written or verbal notice of violation or citation issued to the Permittee by DRMS, CDPHE, or any other permitting agency. Copies of inspection reports, annual reports, asphalt plant and crusher relocation notices, and any other documentation required to be submitted to DRMS, CDPHE, or any other permitting agency for any permits obtained through those agencies shall be submitted to the Routt County Environmental Health Department.

Access and Traffic:

26. Permittee shall coordinate with the school districts to eliminate truck hauling from the pit south on County Road 179 during school bus hours.
27. The operator shall immediately remove all products, fill material or sediments spilled, dropped, washed, or tracked onto County Roads 178 and 179.
28. Overweight and over length permits for vehicles shall be obtained from the Routt County Road and Bridge Director prior to the use of such vehicles.

29. All trucks and equipment accessing from the private access drive shall be able to exit and be located on private property and off of State Highway road right of way before encountering a fence, gate, or cattleguard. At a minimum, the distance from the County road right of way to any gate, fence, or cattleguard shall be 1.5 times the length of the longest vehicle.

The following conditions only apply to the Original Pit:

30. Expansion of the pit into an area affecting the cottonwoods and willows on the east side of the property shall not take place within 600 feet of the cottonwoods and willows on the east side of the property until there is documented evidence that the cutoff walls or other measures are effective in preserving the health and vigor of the cottonwood stands.
31. Permittee shall ensure landscaping used to provide a visual screen to CR 179 is alive and healthy. Permittee will be required to replace any vegetation that dies.
32. Minimum setback of the disturbed area from County Road 179 shall be 100 feet from the edge of the widened pavement but in no case shall be less than that shown on the approved mine plan.
33. Minimum setbacks to all cottonwood and willow stands outside the mine area shall be 100 feet. Permittee shall monitor groundwater monitoring wells on June 1st, August 1st and September 1st, annually, and submit such data to the Planning Department. Permittee shall continue the cottonwood health-monitoring program, as approved by the Planning Administrator. Minimum setbacks may be increased or decreased by the Planning Administrator based on the results of the monitoring programs. In no case shall the setbacks be reduced to less than 100 feet. Permittee shall endeavor to maintain groundwater levels at the seasonal baseline levels established through the approved monitoring program. If the monitoring wells show a groundwater level decrease under the cottonwoods of 12" - 18", corrective action by the permittee shall be required. If the monitoring wells show a decrease of 18" or more the permittee shall cease dewatering as soon as is practical or within 7 days whichever is sooner.
34. Permittee shall inform the Planning Department of its intent to mine the northern area of the original pit on the east side of Trout Creek. Once this activity begins, permittee shall undertake a biweekly groundwater monitoring program as previously instituted per COA #17 of Permit PP2009-006. Groundwater levels shall be submitted annually to the Routt County Planning Department.
35. The applicant shall implement a revised landscape plan for all of those portions of the riparian area to the north of mine block 2 covering the area between the Yampa River and the north portion of the mine pit area where cottonwood seedlings will be transported into those areas currently devoid of cottonwoods or willows. The density of these plantings shall be based upon monitoring data collected in connection with #16 above and shall be determined based upon the naturally occurring spacing between mature cottonwood trees found in this area. Survival of these transplanted seedlings will be reported to the Planning Administrator in the Annual Report.
36. Permittee shall continue to implement the irrigation plan for the cottonwood and wetland areas outside of the mine area.
37. Permittee shall maintain a 50' undisturbed buffer from all jurisdictional wetlands outside the mine boundary. Permittee is required to maintain existing wetlands vegetation through

irrigation or other means. The Planning Administrator may increase the setback if required to maintain wetlands in pre-mining condition.

38. A minimum 50' undisturbed buffer shall be maintained from the wetlands surrounding Trout Creek. No mining activity or equipment shall be allowed in the buffer area. Light vehicle use within this buffer along the existing ranch road to access the property to the west of this site or to maintain and service the electric pumps located in the sediment pond in the southwestern portion of the mine area shall not be considered to meet the definition of mining activity or equipment.
39. No berms or stockpiles associated with the perimeter drainage ditch located outside the active mine area shall be permitted.
40. A maximum of 1000 lineal feet of disturbed high wall is allowed at any time, except as necessary to construct cutoff walls in advance of mining. All other high wall areas shall have either permanent or temporary revegetation actively in progress. This requires the placement of suitable soils and seeding. Irrigation will be required as necessary to establish vegetation.
41. All stockpiles and equipment, except for the scale, office trailers, toilet, maintenance shed and scale house shall be located below the top of the pit highwall dependent on the area available on the pit floor where the equipment is visually screened.

Reclamation:

42. The permittee shall be responsible for reclamation as set forth by DRMS gravel mining guidelines and approved reclamation plan. All buffer zones required by the DRMS permit shall be included as a part of this permit, if they are more stringent than those set forth herein.

Air and Water Quality

43. A Floodplain Development permit shall be obtained by July 1, 2020. This deadline may be extended administratively without notice if due diligence on obtaining the permit has been demonstrated that is acceptable to the Planning Director.
44. The Special Use Permit is contingent upon the petitioner complying with the applicable requirements of Regulation 1, Section III.D.1.b of the Colorado Air Quality Control Commission, as a minimum standard. The operation shall maintain a State-approved fugitive dust control plan for the sand and gravel operation. In addition, no off-site transport of visible dust emissions shall be allowed. The Planning Administrator may require temporary closure of the facility if dust control measures are not effective. All haul roads and disturbed sites shall be watered and/or chemically stabilized to minimize dust. Watering operations shall be increased immediately in response to periods of high wind. The operator shall take all appropriate actions to mitigate and control dust from all sources, including stockpiles. Environmental Health Director may require temporary closure of facility if dust control measures are not effective.

Noise

45. Noise from associated equipment and trucks shall be muffled as much as possible. Operations plan shall include a loop system for trucks and equipment to reduce backup requirements. Trucks entering County Road 178 from US Highway 40 shall avoid using "jake brakes" except in cases of emergency. Operator shall encourage drivers to not use their "jake brakes" while entering or leaving the site.

46. 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. 25-12-103). Violations of performance standards shall be enforceable by the Routt County Planning Department and may be cause for a review of the SUP by Planning Commission and/or the Board of County Commissioners.
47. Emphasis shall be placed on using only electric pumps connected to line power. In the event of a power failure or other emergency condition, or during the construction of cutoff walls in advance of mining, engine-driven diesel pumps may be used, provided that the Planning Administrator is notified before such pumps are installed. In the Expansion Area, if line power is not available, one diesel electric generator may be used provided that the installation plan of the generator, which may include additional noise suppression and other requirements, is approved by the Planning Director.

Miscellaneous:

48. The operator shall use the use of the mostly technologically advanced and proved procedures and equipment to mitigate the significant impacts of mining operations and associated uses.
49. County staff shall conduct a thorough and complete inspection of the site and operation by July 1, 2020. Any issues identified in the inspection may be cause for review by Planning Commission and/or the Board of County Commissioners.

Commissioner Jaeger seconded the motion.

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

ADMINISTRATOR'S REPORT

Mr. Phillips reviewed the upcoming agendas and Master Plan Update public outreach meetings. He reviewed the update process.

The meeting was adjourned at 8:00 p.m.