



SPECIAL USE PERMIT

Routt County, Colorado

PERMIT NO.: PP2011-018

PROJECT NAME: Red Rock Gravel Pit

PERMITTEE: Peabody Sage Creek Mining, LLC

ADDRESS: PO Box 250, 36600 RCR 27, Hayden, CO 81639

TYPE OF USE: 23.3-acre gravel mine within 41.8-acre permit boundary. No commercial gravel sales.

LOCATION/LEGAL DESCRIPTION: Approximately 10 miles south of Hayden on RCR 53. Township 5 North, Range 88 West, Section 20: portions of NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, all lying north and west of Routt County Road 53.

DATE OF BOARD APPROVAL: June 28, 2011

DATE OF EXPIRATION: June 28, 2021

CONDITIONS OF APPROVAL:

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.
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. 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.
6. 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.
7. The permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act as amended in 2003 and Routt County 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.
8. 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.
9. Fuel, flammable materials, and hazardous materials shall be kept in a safe area. Any spills of fuels or hazardous materials shall be reported to the Routt County Planning Department within three days of occurrence.
10. No junk, trash, or inoperative vehicles shall be stored on the property.
11. 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.
12. 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.

Specific Conditions:

13. The SUP is valid for ten (10) years provided it is acted upon within one year of approval.
14. The permittee shall obtain a Right-of-Way Access Permit from the Road and Bridge Department prior to any change to the site access.
15. Any amendments to the DRMS permit must be approved by the Planning Director and may be cause for a review of the SUP.
16. The hours and days of operation shall not exceed the following:
 - a) Extraction, reclamation, crushing, processing, loading, and hauling: 7:00a.m. to

- 7:00 p.m., Monday through Friday.
- b) Extraction, reclamation, loading, and hauling: 7:00 a.m. to 4:00 p.m., Saturday.
 - c) 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.
 - d) Warming of equipment is allowed 15 minutes prior to startup.
 - e) The Board of County Commissioners may grant temporary waiver of hours and/or days of operation for public projects or for projects with special technical requirements, by special hearing with at least 24 hours notice to adjacent property owners.
 - f) The hours of operation may be amended to avoid conflicts with school busses at the Planning Director's discretion.
17. The operator shall submit the current DRMS Annual Report for the pit to the Planning Department on or before February 15th each year.
 18. Permittee shall implement the Reclamation Plan in a manner concurrent with the phased mining plan. The Reclamation Plan shall be approved by the DRMS as the final Reclamation Plan for this site prior to the issuance of the SUP.
 19. Prior to any hauling under the SUP, permittee shall enter into an agreement with Routt County to protect from any future residential or commercial development a 13.3-acre parcel of land located within five miles of the subject site.
 20. All exterior lighting shall be downcast and opaquely shielded.
 21. 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. The Planning Director or Environmental Health Director may require temporary closure of the facility if dust control measures are not effective.
 22. No off-site transport of visible dust emissions shall be allowed.
 23. 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.
 24. The operation shall meet or exceed accepted industry standards and Best Management Practices.
 25. The permittee shall coordinate with the Hayden School District to determine appropriate safety measures for hours that hauling may conflict with school bus routes. Terms and conditions agreed upon by the permittee and Hayden School District shall be submitted to the Routt County Planning Department.
 26. Gravel loads shall be tarped if required by the Road & Bridge Department or by the State of Colorado.
 27. The permittee shall install signage along the haul route indicating heavy truck

