

June 01, 2022

Tara Sanders  
c/o Holsinger Law, LLC  
1800 Glenarm Place, Ste. 500  
Denver, CO 80202

**Re: Sanders Gravel Pit at 26650 WHEELER CREEK LN, SFR, ROUTT, CO 80487**

Dear Applicant,

Following are the comments regarding the Routt County's plan review for the above referenced project. We have noted several concerns and/or issues regarding the application. These items must be addressed through revised drawings and/or addendum in order for us to complete the project review for the above referenced project.

**Planning Review** (Reviewed By: Alan Goldich)

1. Will there be a water truck on-site? If not, how will you respond to high wind periods when the pit and access road will need to be watered to keep the dust down?
2. Your response does not address the use of "jake brakes" on the access road. Please indicate how you intend to mitigate noise associated with their use. You also mention that pit walls will be on the north and west side of the pit to help mitigate noise. The mining plan does not show walls in these location. It is questionable whether there is enough room to build these walls and maintain a looped vehicular flow pattern. Please provide specifics on locations of the walls, the size of them, and where they will be located in relation to the looped vehicular pattern.

**Public Works Review** (Reviewed By: Mike Mordi)

1. See attached letter.

**Colorado Parks and Wildlife** (Reviewed By: Kris Middledorf)

1. See attached letter.

There are a few things that I would like to bring to your attention. Staff always supports our referral agencies and any restrictions that they request. The trip distribution numbers do not take into account the seasonal restrictions that are requested by CPW. We are not going to require you to take these into consideration but this will be pointed out in the staff report and Planning Commission or the Board of County Commissioners may request that the traffic study be revised to take these restrictions into consideration.

Staff does not believe that this use is appropriate on this site. Findings of fact for denial will be included in the staff report. Those findings are as follows:

1. The proposal does not comply with the following policies of the Routt County Master Plan:
  - a. 3.3.A – Growth Center proximity
  - b. 4.3.B – Altering historical use
  - c. 4.3.C – Historical ag use
  - d. 5.3.B – Degradation of environment
  - e. 5.1.1 and 7.3.C – Significant safety concerns
  - f. 7.3.T – Sufficient separation distance from other mines
  - g. 7.3.Z – Land Use Compatibility
2. The proposal does not comply with the following standards of the Routt County Zoning Regulations:
  - a. 6.1.2 – Consistency with Master Plan
  - b. 6.1.7.I - Noise
  - c. 6.1.7.K, 6.13.B, and 9.2.A – Land Use Compatibility
  - d. 6.10.J and 9.2.B – Sufficient separation distance from other mines
  - e. 6.10.P – Use of “jake” brakes

Since this application is reviewed by both Planning Commission and the Board of County Commissioners, they can disagree with staff. Because of this, conditions of approval will be included in the staff report as well. Attached to this letter are the suggested conditions of approval. Depending on the additional information that is submitted, certain conditions may be added or removed.

Once you have uploaded answers to these questions in portal, please let me know that you have done so. It is suggested that we meet in the next week or so to discuss staff’s position and the conditions of approval. Please let me know what your availability for a meeting is to discuss these concerns. Please contact me at (970) 879-2704 or by email at [agoldich@co.routt.co.us](mailto:agoldich@co.routt.co.us) to set up this meeting.

Sincerely,



Alan Goldich, Senior Planner  
Routt County Planning Department

Encl: Proposed conditions of approval  
RC Public Works comments  
CPW comments

**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. No junk, trash, or inoperative vehicles shall be stored on the property.
6. 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) 110 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

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.

7. 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.
8. All exterior lighting shall be downcast and opaquely shielded.
9. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety Requirements policy then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.
10. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.

11. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
12. 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.
13. The Permittee shall prevent the spread of weeds to surrounding lands and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds. A Noxious Weed Control Plan shall be developed by the Permittee and reviewed and approved by the County Weed Supervisor prior to issuance of the Special Use Permit.

**Specific Conditions:****Operations Plan:**

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) Screening of gravel deposits
  - c) Stockpiling of topsoil, overburden, and extracted and screened gravel
  - d) Reclamation
16. The operation consists of:
  - a) Sales from the gravel pit shall not exceed 70,000 tons in any twelve consecutive months.
  - b) Hours of operation for loading and hauling shall be Monday through Friday from 7:00 a.m. to 5:00 p.m. July 1<sup>st</sup> – November 14<sup>th</sup>. Operation, as used in this condition, shall include the firing up and loading, hauling, extraction, and screening of gravel and other materials, and reclamation activities.
  - c) There shall be no operation on Saturdays, Sundays and national holidays, which are Fourth of July and Labor Day.
  - d) Warming of equipment is allowed 15 minutes prior to startup.
17. This permit does not allow for crushing. If crushing is desired, a full review by Planning Commission and the Board of County Commissioners will be required.

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.
21. Topsoil stockpiles shall not exceed 1.5 meters (5 feet) in height and shall be seeded with desirable seeds such as western wheatgrass, Indian ricegrass (White River or Rimrock varieties), slender wheatgrass (preferably San Luis), dryland alfalfa, and/or Utah sweetvetch.
22. The operation shall meet or exceed accepted industry standards and Best Management Practices.

**Reporting:**

22. Operator shall submit DRMS Annual Report for the pit to the Planning Department within two weeks of due date each year for compliance verification.
23. 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 15<sup>th</sup> of the following year.
24. 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.
25. 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.
26. 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.
27. Copies of all financial guarantees related to the project shall be submitted to the Planning Director prior to issuance of the Special Use Permit.

**Reclamation:**

28. A SUP shall be in place through the end of reclamation. 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.

29. The permittee shall be responsible for reclamation as set forth by DRMS gravel mining guidelines and the approved reclamation plan.

#### **Access and Traffic:**

30. 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.
31. 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.
32. 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.

#### **Air and Water Quality and Noise**

33. 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, stockpiles, 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.
34. 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 or exiting County Road 129 shall avoid using "jake brakes" except in cases of emergency.
35. 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) and shall be operated such that noise generated by the use does not exceed State of Colorado

residential noise standards within 150 feet of any residence. 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.

36. 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.
37. Prior to operation, permittee shall submit a drainage study that details the size of the sediment pond located in the southwest portion of the site.

**Miscellaneous:**

38. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License.