

Special Use Permit

Permit No. PL20220010

Project Name: Red Rock Gravel Pit SUP Renewal

Permittee: Peabody

Property Owner: AMERICAN LAND HOLDINGS OF COLORADO, LLC

Type of Use: Special Use Permit - Mining

Property Address: 31305 COUNTY ROAD 53, ROUTT, CO 81639

Legal Description: TRS IN SE4NW4, SW4NE4, N2SW4, NW4SE4, SW4SW4 SEC 20-5-88 TOTAL: 40.1 AC

Expiration Date: October 04, 2032

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. 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) 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

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. 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 the Routt County regulations for noxious weeds. 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.
14. 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.

15. 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:

16. The SUP is valid for ten (10) 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.

17. Approved uses include:

- a) Production from the gravel pit shall not exceed 30,000 tons per year
- b) Extraction of sand and gravel deposits
- c) Crushing and processing of gravel
- d) Stockpiling of topsoil, overburden, and extracted and processed gravel
- e) Reclamation

18. The operation consists of:

- a) Sales from the gravel pit shall not exceed 30,000 tons per year
- b) Extraction, reclamation, crushing, processing, loading, and hauling shall be from 7:00 a.m. to 7:00 p.m. Monday through Friday.
- c) Extraction, reclamation, crushing, processing, loading, and hauling shall be from 7:00 a.m. to 4:00 p.m. Saturday.
- d) No extraction, processing, hauling, or operation of trucks or other equipment 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.
- e) Warming of equipment is allowed 15 minutes prior to startup.
- f) 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.
- g) The hours of operation may be amended to avoid conflicts with school busses at the Planning Director's discretion.

19. Any proposed amendments to the DRMS permit must be approved by the Planning Director and may be cause for a review of the SUP.

20. Soil and vegetation shall not be stripped in excess of an area required for one year of mining

21. Topsoil and overburden stockpiles shall have a minimum of 3:1 slopes, and shall be

revegetated if left undisturbed for more than six-months.

22. A maximum of 23.3 acres within the permit boundary shall be disturbed at any time.

Reporting:

23. The permittee shall submit the current DRMS Annual Report for the pit to the Planning Department within two weeks of due date each year for compliance verification.

24. The operator shall submit an annual report to the Planning Department and the Assessor's office on or before February 15th of each. The annual report shall detail total materials imported and exported, remaining reserves, and total number of truck trips to and from the site.

25. 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.

26. 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.

27. Any written or verbal notice of violation or citation issued to the Permittee by DRMS, CDPHE, MSHA, or any other permitting agency will be provided to the Routt County Environmental Health within 7 business days of the violation. Any other inspection reports, annual reports, asphalt plant and crusher relocation notices, and any other documentation required to be submitted to DRMS, CDPHE, or MSHA for any permits obtained through those agencies shall be available to the Routt County Environmental Health Department upon request.

Reclamation

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

29. 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.

Access and Traffic:

30. The permittee shall obtain a Right of Way Access Permit from the Road and Bridge Department prior to any change to the site access.

31. 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.

32. Gravel loads shall be tarped if required by the Road & Bridge Department or by the State of Colorado.
33. Permittee shall install signage along the haul route indicating heavy truck traffic, if determined to be necessary by the Road & Bridge Department.

Air Quality and Noise:

34. 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. If applicable, 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.
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). 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.

Miscellaneous:

36. The operator shall use the use of the mostly technologically advanced and proven procedures and equipment to mitigate the significant impacts of mining operations and associated uses.
37. Any fencing shall comply with recommendations of Colorado Parks and Wildlife.



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Permit Issued by the Routt County Board of Commissioners:

M. Elizabeth Melton, Chair

Date

ATTEST:

Jenny L. Thomsas, Routt County Clerk and Recorder

ACCEPTED:

Patrick K. Sollars, Permittee
on behalf of American Land Holdings of Colorado, LLC

Date