

August 29, 2022

Sent via email to: [agoldich@co.routt.co.us](mailto:agoldich@co.routt.co.us); [kwinser@co.routt.co.us](mailto:kwinser@co.routt.co.us)

Kristy Winser, Planning Director  
Alan Goldich, Planner II  
Routt County Planning Department  
136 6th St., Suite 200  
Steamboat Springs, CO 80487

**RE: Sanders Pit Special Use Permit Application**

Dear Ms. Winser and Mr. Goldich:

Thank you for the email of August 10, 2022 addressing our letter of August 8, 2022 which summarized the meeting held on July 28, 2022. That meeting was held to discuss a number of outstanding issues with our application and to better understand the Routt County review and hearing process. This letter is written in response to the email and to request that we move forward with the hearing process.

To be clear, DRMS is no longer requiring Ms. Sanders to get a permit, but in fact has issued a Mining and Reclamation Permit (DRMS File M-2021-066, approved on January 31, 2022 and final permit issued on April 21, 2022) to Ms. Sanders for this site, including posting of a Financial Warranty in the amount of \$39,125.00. The mine plan not only represents the landowner's desired layout but is a binding part of the DRMS permit. As we discussed in our meeting, the first phase of this plan was developed with the sole intent of complying with the MLRB Order by stabilizing the highwall so as to safeguard the site and achieve successful reclamation. We appreciate that the County shares this view. The foundation for successful reclamation is geotechnical stability. In developing Phase I, our objective was to pick a point that would provide enough space to safely operate equipment to reduce or knock down the existing highwall, while creating final slopes that would achieve initial geotechnical stability. Further objectives were to manage surface hydrological considerations, while blending into the adjacent undisturbed areas, so as to have a seamless transition that is aesthetically pleasing upon final reclamation. And finally, this cut will provide enough topsoil to properly cover the slopes with enough growth medium to allow successful revegetation. In other words, Phase I covers only the area necessary to achieve successful safeguarding and reclamation of the existing highwall.

We appreciate that the County agrees that off-site haulage is necessary to properly reclaim the site. The amount of material removed from the site to meet this goal is secondary to achieving safety and proper reclamation. However, our analysis concludes that it will require a minimum cut of approximately 50,000 cubic yards in Phase I in order to achieve the desired final slopes that will

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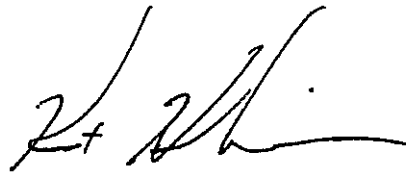
lead to a stable post-mining configuration. This is about the same amount of material that was removed by the previous landowner without permits being issued by either the state or the county. However, this action will be properly conducted under a state permit that requires the site to be reclaimed to a beneficial use and a county permit mitigating the impacts to surrounding landowners during extraction and reclamation.

The County has stated it is not obligated to issue a permit to authorize mining and hauling of material to achieve the landowner's desired layout, however, the county is obligated to fairly consider our client's application as revised relative to zoning to improve the overall appearance and safety of the site as it exists today. The County is also obligated to interpret and apply the County's Master Plan and zoning regulations consistently, objectively, and unambiguously. To do otherwise would be arbitrary and capricious. Relative to your new request for additional analysis relative to the scaled-down application, we believe such further analysis to be unnecessary and unduly burdensome and hereby request that you provide a schedule for the hearings before both the Planning Commission and the Board of County Commissioners along with a clear agenda of how this hearing will proceed before both.

Thank you for your consideration and we look forward to hearing from you with a schedule and agenda.

Sincerely,

HOLSINGER LAW, LLC

A handwritten signature in black ink, appearing to read 'K. Holsinger', with a stylized flourish at the end.

Kent Holsinger

cc: Tara Sanders  
Tony Waldron