

October 4, 2022

Sent via email to: agoldich@co.routt.co.us; 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 emails of August 29 and September 7th, 8th, 21st, and 22nd, 2022 addressing our letter of August 29, 2022. This letter is written in brief response to the emails and to acknowledge the proposed hearing dates of October 20 and November 8, 2022 for the Planning Commission and the Board of County Commissioner meetings, respectively.

There still appears to be some confusion about desired layout versus required (and safe) layout. To be clear, our desired layout would have been much larger if we were discussing full mine out of the plan that has been approved by DRMS. That plan included two phases, however, as we agreed in previous meetings and correspondence with county staff, only Phase I of this plan will be completed. The approved mining and reclamation plan from DRMS included this option--that the site may be fully reclaimed at the conclusion of Phase I. Phase I also fully complies with the corrective actions outlined in the Mined Land Reclamation Board Order requiring the landowner to permit the location to complete proper reclamation. Phase I safely reclaims the site and leaves a desirable building envelope for a future ag building. The mining plan was originally designed with two phases to draw a clear distinction between what was necessary (required) to properly reclaim the site as it exists today, versus expanding the site if, at the conclusion of Phase I, the mining deposit was of sufficient quantity and quality to expand beyond Phase I.

Therefore, to complete Phase I and properly and safely reclaim the site as it exists today, a minimum cut of approximately 50,000 cubic yards would be necessary to lay back the high walls to a 3H:1V or flatter slope (see our August 29, 2022 letter). This will provide a sloped foundation of native material which is much less subject to erosion and settling than a fill slope. However, to achieve this, most of this cut material will need to be transported off site and put to a beneficial use at other locations. This plan also provides enough growth medium to have a sufficiently deep soil profile on which to establish a desirable vegetative community over these regraded slopes. This layout maintains a small building envelope and provides enough area to

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create sufficient stormwater management at the lowest point or exit point of the site, thereby minimizing hydrologic impacts. All of this was clearly detailed in the DRMS permit application.

Therefore, the minimum excavation required to have a safe layout does match our present desired layout, thereby lending itself to receiving support from staff to approve this application.

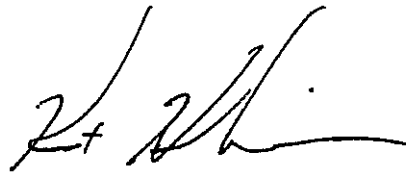
With respect to Routt County Public Works' most recent letter, the applicant agrees to comply with conditions outlined in the letter as consistent with Routt County standards. Just as a point of clarification, many of the latter conditions (6 & 10-14) have already been addressed via other permits (in addition, the Applicant submitted a grading and excavation permit application on 8/18/2021) and seem to be unnecessarily redundant, however, if it is determined that these conditions are still required, we will incorporate them into our plan.

Lastly, as to the hearing schedule, it is our understanding that the hearing before the Planning Commission will occur on Thursday, October 20, 2022 beginning at 6:00 P.M. and the hearing before the Board of County Commissioners will occur on Tuesday, November 8, 2022 beginning at 9:30 A.M. Both dates are acceptable to us. Please send us the Hearing Agendas when they are published and provide a schedule or outline as to how the hearings will proceed, including presentation order and time allotments along with follow-up questions or discussion for all parties involved. It is our understanding that we can appear remotely and will have an opportunity to make a presentation, but further clarification on these matters would be greatly appreciated.

Thank you for your consideration and we look forward to hearing from you.

Sincerely,

HOLSINGER LAW, LLC

A handwritten signature in black ink, appearing to read 'KH' followed by a stylized surname.

Kent Holsinger

cc: T. Sanders
T. Waldron