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# Sanders Gravel Pit

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<b>ACTIVITY #:</b>	PL20210004
<b>HEARING DATES:</b>	Planning Commission - November 03, 2022 Board of County Commissioners - November 15, 2022
<b>PETITIONER:</b>	Tara Sanders
<b>PETITION:</b>	Special Use Permit - Mining for a Gravel Pit less than 10 acres
<b>LEGAL DESCRIPTION:</b>	PT OF LOTS 2 & 10, PT OF TRS 105 & 106 SECS 28 & 33-8-85. TOTAL: 35.01 AC
<b>LOCATION:</b>	26650 WHEELER CREEK LN, ROUTT, CO 80487 approximately 3,300' south/southeast of the intersection of CR 129 and CR 54
<b>ZONE DISTRICT:</b>	Agriculture/Forestry (A/F)
<b>HAUL ROUTE:</b>	Private Easement to CR 129
<b>PIT AREA:</b>	Area of disturbance: approximately 2 acres Phase 1 area: approximately 4.3 acres
<b>STAFF CONTACT:</b>	Alan Goldich, agoldich@co.routt.co.us
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"><li>• Narrative and follow up letters</li><li>• Mining Plan</li><li>• Reclamation Plan</li><li>• Pictures of site</li><li>• Adjacent Property Owner comments</li><li>• Colorado Parks and Wildlife comments</li><li>• Road and Bridge comments</li></ul>

## **History:**

The current landowner purchased the property in June of 2020. Anecdotal accounts and historic aerial photography shows that this area has been used for mineral extraction since at least 2006. Since the product was never offered for sale in the past or taken off of the site, a permit from Routt County was never required. Routt County Road and Bridge stated that they had discussions with the previous landowner about possibly buying product from this site, as long as the landowner obtained all proper permits. This was never pursued.

In the summer of 2021, the Planning Department received a complaint that material was being excavated and taken off site. Staff investigated and determined that a violation existed, and posted a Cease and Desist Order requiring them to stop work and to obtain the proper permitting. The operator was transporting a large amount of material from the pit to the Home

Ranch for a riding arena. After notification, the operation ceased and the landowner began working on obtaining the proper permits.

### **Site Description:**

#### **Parcel**

The parcel is located approximately 2.3 miles north of the Mad Creek Canyon and approximately 3,300' south/southwest of the intersection of CR 129 and CR 54 on the east side of CR 129. It is a 35.01 acre parcel that is roughly in the shape of a backward 'L'. Structures on the property include:

- 3,300 sq ft residence
- 900 sq ft garage
- 1,800 sq ft barn
- 2,400 sq ft barn
- 3,700 sq ft barn

These are located in the central portion of the parcel. Open rangeland appears to exist north of the structures. The area to the south of the structures is a hay meadow.

#### **Pit**

The pit is in the far southwest portion of the site, immediately adjacent to the neighboring properties. Currently, the highwall (the vertical face of excavation) is approximately 50' tall.

#### **Access Road**

The access is via a private driveway which lies within a 60' access and utility easement. It comes off of CR 129 where an unnamed drainage crosses CR 129. The travel surface is approximately 15' wide and has an approximately 20' wide driveway apron off of CR 129. A short distance up the access drive the drainage has been dammed to create a water storage pond. The driveway continues up to the extraction site, which is on the southeast side of the access drive. On the opposite side of the road is a drainage mapped by GIS.

### **Project Description:**

The Applicant is requesting a Special Use Permit to allow for the mining and export of 50,000 cubic yards of material in order to bring the existing 50' highwall down to a 3:1 slope (3' of horizontal run for every 1' of vertical rise). The total footprint of the mine would be approximately 2 acres. Mining activities is proposed to occur 50 weeks a year, 5 days a week. Hours of operation for April-October is proposed to be 7:00 a.m. and 5:00 p.m. and 8:00 a.m. and 4:00 p.m. November-March. There will be one employee working the pit using a front end loader and track hoe. The proposed pit would be mined commencing in the southwest corner and proceed to the northeast. Reclamation will be ongoing. The proposed operation is not expected to expose groundwater. Access to and from the pit will be via a private easement across neighboring property to CR 129.

Screening and mixing is proposed to occur on-site. No crushing or washing of product is proposed. Product that will be available is pit run (un-sorted/un-processed material). State regulations require that adequate topsoil and overburden remain to allow reclamation of the site in accordance with the Reclamation Plan. Stockpiles are proposed to be 10'-20' tall.

The applicant estimates the use of approximately 2,000 gallons of water per day for dust control. If required, a portable toilet will be placed on site. The site will be graded so that stormwater will be directed away from the drainage on the west side of the road and towards a retention pond in the southwest corner of the site. The post-mining land use will be grazing land/agriculture and a future building/equipment storage site. Equipment will be fueled by a portable fuel trailer or truck. If fuel is stored on site it will be in a portable vessel that is double lined and used only for short periods

of time. Equipment to mine and load product will remain on site and will not leave nor enter the site.

### **Staff Recommendation**

Staff recommends that the application be **RECOMMENDED FOR APPROVAL** to the Board of County Commissioners.

### **Staff Comments:**

- This application was submitted prior to the adoption of the 2022 Master Plan. As such, staff reviewed this application against the policies contained in the 2003 Master Plan. This site does not fall within the boundaries of the Upper Elk River Community Plan.
- The goal of this application is to remedy the 50' tall highwall that exists on site to make the site safe. The applicant proposes to do this by mining the highwall back to a 3:1 slope and exporting that material off of the site. Staff has taken the position that a gravel pit in this location is not an appropriate use, however there is a dangerous situation that needs to be remedied. It is staff's position that the minimum amount of mining and hauling should be utilized to accomplish the goal of making the site safe. Cuts and fills can be balanced in order to minimize the amount of material that must be exported off site.
- The original application that was submitted was for a 10 acre pit to be mined in two phases. This mine plan is what was approved by the State of Colorado Division of Reclamation, Mining, and Safety (DRMS). After hearing staff's concerns with the proposal, the applicant amended the application to greatly reduce the size and scope of the project. The revised scope is detailed in the Project Description above. Below are additional comments as they relate to the amended application.
  - CPW's comments are based on the original scope. Following the amendment, staff reached back out to them to see if it would change any of their comments. They replied that all of their comments are still relevant.
  - Road & Bridge's comments are based on the revised scope.
  - All of the neighbor's comments are based on the original 10 acre, two phase proposal.
- DRMS reviews mining operations for compliance with state rules and regulations. This review is limited to operation of the pit. It does not take into consideration any off-site impacts such as traffic, noise, visual impact, etc. The County is responsible for review of those items. DRMS has approved a permit for this operation and evidence of this approval has been submitted and a condition of DRMS' permit is obtaining and complying with all local permitting requirements.
- A traffic impact study was submitted with the application, however it was based on the original scope of the application. It is available upon request and can be viewed through the [City View Portal](#). The study indicates that the operation will increase traffic but that dedicated turn lanes are not required and site distances at the intersection of CR 129 are adequate. There is a bush 400' to the south of the intersection, on the east side of the road, that is in the right of way for CR 129. The study suggests that this bush be removed to provide a wider view of the access road to northbound traffic. The other recommendation is that a sign be placed south of the intersection to alert northbound drivers of the intersection. Comments on the traffic study and its conclusions and an analysis of compliance with the regulations is in the 'Transportation' section below.
- Colorado Parks and Wildlife (CPW) stated that they have concerns with the proposed operation. This area is mapped as elk production, elk severe winter range, elk winter concentration area,

and Columbian sharp-tailed grouse winter range. Each one of these classifications has its own seasonal restriction to mitigate impacts to these species. CPW has suggested that the pit only be operated from July 1<sup>st</sup> – November 14<sup>th</sup>. Please see their letter for additional details.

- The Colorado Dam Safety Division was sent a referral. They said that the dam does not fall under their jurisdiction because of its small size.
- The proposed pit will be located approximately 1,600 feet from CR 129. The mined area is visible from CR 129; however, due to the surrounding topography it is only visible for a short amount of time.
- For comparison, below is information on other pits permitted by Routt County. Some notable observations about these pits:
  - The average parcel size of these pits is 586 acres.
  - All of them have direct access to a county road or highway and no haul traffic passes any residences when accessing the county road or highway.

Pit Name	Parcel Size	Permitted Mine Area	Other considerations	Original Permit date
Steamboat Sand and Gravel	147 acres	105 acres	<ul style="list-style-type: none"> <li>• Spread across 2 parcels</li> <li>• Max 25 acre disturbance</li> <li>• Direct access to Hwy 131</li> <li>• Both parcels are vacant</li> </ul>	2013
Elam Fetcher/Vale	674 acres	33.3 acres	<ul style="list-style-type: none"> <li>• Spread across 2 parcels</li> <li>• One parcel is vacant</li> <li>• One parcel contains 3 residences and 9 accessory structures</li> <li>• Max 25.3 acre disturbance</li> <li>• Direct access to CR 62</li> </ul>	Started in 1940's. Permitted in 1988.
Duckels	1,069 acres	<ul style="list-style-type: none"> <li>• Hogue Pit – 62.7 acres</li> <li>• Bettger Pit – 87.5 acres</li> </ul>	<ul style="list-style-type: none"> <li>• 2 pits on the same parcel</li> <li>• 3 residences and 14 accessory structures</li> <li>• Max 35 acre disturbance between both pits</li> <li>• Direct access to Hwy 40</li> </ul>	1978
Old Castle (United) Camilletti	301 acres	<ul style="list-style-type: none"> <li>• Funk Pit – 47.6 acres</li> <li>• Camilletti Pit – 94.9 acres</li> </ul>	<ul style="list-style-type: none"> <li>• 2 pits on the same parcel</li> <li>• Vacant</li> <li>• Max 56 acre disturbance between both pits</li> <li>• Direct access to Hwy 40</li> </ul>	2013
Peabody Red Rock	40.1 acres	23.3 acres	<ul style="list-style-type: none"> <li>• Vacant</li> <li>• Max 23.3 acre disturbance</li> <li>• Direct access to CR 53</li> </ul>	1978



Frentress	830.7 acres	9.9 acres	<ul style="list-style-type: none"><li>• Vacant</li><li>• Direct access to CR 65</li><li>• Pays \$.06 per ton hauled for road maintenance costs</li></ul>	2011
Precision Camilletti	1,042 acres	118.35 acres	<ul style="list-style-type: none"><li>• Max 60 acre disturbance</li><li>• Direct access to CR 179</li><li>• One residence and 15 accessory structures (on north side of Hwy 40)</li><li>• Pays \$.03 per ton hauled for road maintenance costs</li></ul>	2001

**\*\*\*Issues for Discussion\*\*\***

1. Does the proposed mine plan present the minimum amount of mining required to make the site safe?
2. Can off site impacts be appropriately mitigated through the conditions of approval?

## **Compliance with the Routt County Master Plan, Sub Area Plans and Zoning Resolution**

The Routt County Master Plan, Sub Area plans and Zoning Resolution contain dozens of policies and regulations regarding land use. Section 5 of the regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties, and shall apply in all Zone Districts and to all land uses unless otherwise noted. Section 6 Regulations apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions. Section 9 Regulations apply to all mining operations and uses.

The following checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this petition. The checklist is divided into seven (7) major categories:

1. Health, Safety and Nuisances
2. Regulations and Standards
3. Miscellaneous Mineral Extraction Regulations and Standards
4. Community Character and Visual Issues
5. Roads, Transportation and Site Design
6. Natural Environment
7. Mitigation

Interested parties are encouraged to review the Master Plan, Sub Area plans and Zoning Resolution to determine if there are other policies and regulations that may be applicable to the review of this petition.

Staff Comments are included at the end of each section, highlighting items where the public, referral agencies, or planning staff have expressed questions and/or comments regarding the proposal. **Staff comments regarding compliance with regulations and policies are noted in bold below.**

## Public Health, Safety and Nuisances

### Applicable Regulations – Routt County Zoning Resolution

- 5.1.1 Every use shall be operated so that it does not pose a danger to public health, safety or welfare.
- 5.1.2 Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any Land Use Approval granted pursuant to these regulations.
- 6.1.7.C Natural Hazards
- 6.1.7.H Wildland Fire
- 6.1.7.I Noise
- 6.1.7.L Odors
- 6.1.7.M Vibration
- 9.2.D 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.

### Applicable Policies – Routt County Master Plan

- 7.3.C Routt County discourages mining that would cause significant health or safety problems to people.
- 7.3.D Routt County encourages mitigation of significant health and safety dangers resulting from proposed mines.
- 7.3.I Routt County will review mining operation plans and mitigation plans to ensure that the plans adequately address significant negative impacts and local zoning concerns.
- 7.3.J Where mitigation is not possible, or where mitigation is not sufficient to alleviate significant negative impacts to the surrounding areas, Routt County shall deny permits in those areas altogether until adequate mitigation measures are available to remedy significant negative impacts.

**Staff comments: A permit from DRMS has been obtained and the standard condition requiring compliance with all laws and regulations is suggested. County GIS shows a mapped fault where the sediment pond is proposed to be located. Colorado Geologic Survey stated that as long as the pit and associated pond are operated and reclaimed as proposed, they have no objections. The extraction site is mapped as having a low wildfire risk with the haul road being mapped as a moderate risk. A referral was sent to the N. Routt Fire Dpt. They stated that they have no issues or concerns. Diesel fumes from equipment will be present during operation.**

**There are four residences (one is the applicant's) within 2000' of the extraction site. The closest is approximately 1200' to the east. Due to the topography and direction of mining, no noise impacts are anticipated to this residence. Another residence exists approximately 1700' to the west, across the drainage from the extraction site. The owner of this parcel, Clay Meyer, stated that noise was a major issue when the pit was operating in the summer of 2021. The applicant has stated that a looped vehicular pattern will be utilized by haul trucks but that**

back-up alarms will be required on equipment working in the pit. Regulation 9.2.D requires noise to meet the residential noise standards within 150' of a residence.

Concerns about the safety of other users of the access road have been expressed. As stated earlier, the travel surface of the access road is approximately 15' wide. This is not wide enough for two vehicles to pass each other. It also does not provide much room for pedestrians, horses, and ranching equipment to get off of the road in case a truck or other piece of equipment is encountered. The applicant has stated that signage and speed limit signs should mitigate these concerns. Road and Bridge suggested a condition requiring the access road to be widened to 22' to allow for safe passage of other road users.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Regulations and Standards

### Applicable Regulations – Routt County Zoning Resolution

- 6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.
- 6.1.5 The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's).
- 9.2.G Shall provide liability insurance in compliance with the County's insurance and surety requirements policy then in effect, to cover any damages to public and private property.
- 9.2.K Routt County requires the use of the most recent technologically advanced and proven procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses.

### Applicable Policies – Routt County Master Plan

- 7.3.P Routt County requires the use of the most technologically advanced procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses.

**Staff comments: Planning Commission and the Board will have to determine compliance with the Master Plan. It is staff's opinion that the proposal is not in compliance, but since some level of mining is required to make the site safe, staff is supporting the application since it represents the minimum required to achieve a safe site. If the petition is approved, a condition is suggested requiring insurance and the most technologically advanced procedures and equipment.**

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Miscellaneous Mineral Extraction Regulations and Standards

### Applicable Regulations – Routt County Zoning Resolution

- 9.2.H Unless all disturbance created by the mining operation is covered by a reclamation bond under the jurisdiction of the Colorado Division of Minerals and Geology, or by the federal government on federally owned lands, a bond or other acceptable financial performance guarantee shall be submitted in favor of Routt County in an amount of at least 150 percent

- of the cost of restoration of the site and access roads. The required amount of such financial performance guarantee may be increased at the discretion of the Planning Director to account for inflation. A bid for site restoration acceptable to the permittee and Routt County shall be submitted to the Planning Department as evidence of the cost of reclamation for bond setting purposes.
- 9.2.I The Board of County Commissioners may require a financial performance guarantee in addition to that required by the State of Colorado to insure that certain conditions of a permit will be complied with. The required amount of such financial performance guarantees may be increased at the discretion of the Planning Director to account for inflation. The County will not require financial guarantees that are duplicative of that required by the State. Copies of all financial guarantees related to the project shall be submitted to the Planning Department prior to permit issuance; including but not limited to those required by the State, BLM, and Routt County.
- 9.2.J 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.

**Staff comments: The applicant is required to post a bond with the state that covers reclamation costs. Staff has not identified a reason for any additional bonding to occur. A condition requiring the submission of all financial guarantees related to the project required by other agencies is suggested.**

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Community Character and Visual Concerns

### Applicable Regulations – Routt County Zoning Resolution

- 5.1.4 Outdoor storage of materials which might cause fumes, odors, dust, fire hazard, or health hazards is prohibited unless such storage is within enclosed containers or unless a determination is made that such use will not have a detrimental impact on the environment
- 5.2 Dimensional Standards:
- 6.1.6 Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.
- 6.1.7.G Visual Amenities and Scenic Qualities.
- 6.1.7.K Land Use Compatibility.
- 6.1.7.O Historical Significance.
- 9.2.A Shall be compatible with surrounding agricultural, residential, and recreational land uses by selection of location and/or mitigation.
- 9.2.C Equipment used for the operation will not be visible from adjacent or surrounding residences, or will be mitigated to the extent possible to reduce visual impacts. The Planning Commission and the Board of Commissioners will determine sufficiency of mitigation.

- 9.2.E New long-term mining operations will minimize visual impacts along entryways to growth centers or potential growth centers as defined in the Routt County Master Plan. Planning Commission and the Board of Commissioners will determine sufficiency of minimization.

### **Applicable Policies – Routt County Master Plan**

- 3.3.A New residential, commercial and industrial developments and uses should occur within the vicinity of designated growth centers and in compliance with the adopted comprehensive plans of those areas.
- 4.3.B Use Permits that significantly alter the historical use, intensity of use, or character of an area may be deemed incompatible with this plan.
- 4.3.C Use Permits for projects located on traditional ranch lands may be approved when the petitioner has demonstrated that the historic agricultural operation and stewardship of the land will be maintained or enhanced.
- 5.3.E Routt County requires that all new developments do not contribute to light pollution.
- 5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetland, and air.
- 7.3.K Routt County desires to ensure that new long-term mineral extraction operations shall be mitigated for visual impacts along entryways to growth centers, and to ensure that visual impacts of existing operations are mitigated to the maximum extent feasible.
- 7.3.Y Reclamation should be done to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas.
- 7.3.Z Long term mining operations and associated uses should be located in areas where they do not greatly impact scenic vistas, where there are compatible agricultural and industrial uses, and where they are not in proximity to residential neighborhoods, recreational, or other incompatible uses.
- 7.3.CC Routt County encourages reclamation of mine operations to reduce the amount of exposed groundwater. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred.

**Staff comments:** Except for equipment and stockpiles, no outdoor storage is proposed. The subject parcel is 35 acres, which is the minimum parcel size in the A/F zone district. As a measure of intensity use, uses on a typical 35-acre parcel include a primary dwelling, secondary dwelling, accessory structures, and various other low impact uses (ranching/farming, home day cares, trails, etc.) The subject parcel has a residence and four detached structures. The intensity of use of this operation on a 35-acre parcel with the existing residential and agricultural uses and structures is not appropriate. Surrounding historical and current uses are limited to residential and agricultural activities. Adding a high impact use, such as a gravel pit, is not compatible with these surrounding uses, however some mining must occur to make the site safe. The applicant has stated that the following considerations will make this use compatible with those surrounding land uses: orientation of the operation, the limited size of the pit, no material processing, and reclamation of the site.

**Master Plan policy 3.3.A states, “New residential, commercial and industrial developments and uses should occur within the vicinity of designated growth centers.”** It is staff’s opinion that this new industrial development is not within the vicinity of a designated growth center.

The pit is visible from CR 129, but for only a very short amount of time. It is visible from the residence on the west side of CR 129. Based on the pit's orientation, how the access road enters the pit, and the limited amount of time the pit is visible, it is staff's opinion that these visual impacts do not need to be mitigated. The standard condition addressing lighting is suggested.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## **Roads, Transportation and Site Design**

### **Applicable Regulations – Routt County Zoning Resolution**

- 5.4        Parking Standards
- 5.5        Addressing Standards
- 6.1.7.A    Public Roads, Services and Infrastructure
- 6.1.7.B    Road Capacity, traffic, and traffic safety
- 6.1.7.N    Snow Storage
- 6.2.4.B    Projects shall mitigate their impacts to public roads such that all public roads used for access to a project or development will remain in as good as or better than existing condition.
- 6.2.4.D    Payment of impact fees, ton-mile fees, up-front road improvement fees, or other fees may be required by the Board of County Commissioners for projects to offset costs for public road improvements and maintenance due to the proposed uses.
- 6.2.4.E    Requirements for repairs, upgrades, development, and maintenance of public roads may be included as a condition of any Land Use Approval. Such roadwork will be at the proponent's expense, unless otherwise determined by the Board of County Commissioners.
- 6.2.4.N    Project shall be designed to prevent cumulative impacts of haul trucks along county roads.
- 6.2.4.O    Projects may be required to limit hours of operation to minimize conflicts with peak traffic hours and school bus hours.
- 6.2.4.P    Projects may be required to limit hours of operation to minimize the effect of poor visibility, fog, or other environmental or road condition.
- 6.2.4.Q    Project may be required to route haul trucks to prevent significant impacts to commercial, residential, or recreation areas and/or prevent significant impacts to sensitive wildlife areas.
- 9.2.B       The proposed operation will be located a sufficient distance from other mining operations so as not to create cumulative impacts to roads, air and water quality, or other resources and amenities. The Planning Commission and the Board of Commissioners will determine sufficiency of distance.
- 9.2.F       Truck traffic will not access the mining operation through residential or commercial areas, or such traffic will be mitigated. Planning Commission and the Board of Commissioners will determine sufficiency of mitigation.

### **Applicable Policies – Routt County Master Plan**

- 4.3.D Rural developments and uses should be limited to areas that have adequate access to accommodate the projected traffic.
- 7.3.R Routt County encourages the limitation of haul distances.
- 7.3.T Routt County encourages the separation and sufficient spacing of mining operations to prevent cumulative significant negative impacts to roads and to surrounding areas.
- 7.3.U Routt County encourages the payment of impact fees, ton-mile fees, up-front road improvement fees, or other fee system to be used to offset costs for maintenance and improvements to roads used for hauling minerals.
- 7.3.BB Routt County encourages the development and use of haul roads which route haul traffic away from areas of residential, recreational or other incompatible uses.
- 7.3.HH Routt County discourages the exportation of gravel to surrounding counties.
- 11.3.P Discourage new use permits and zone changes that increase density that will exceed acceptable traffic levels.

**Staff comments:** The industrial parking standards require 2 spaces for every three employees. There is adequate room on site to accommodate this. There is adequate room for snow storage since this pit will have minimal operation in the winter time. As previously mentioned, there are several residences in the area. Due to the location of the pit and the access road, there is no way to route haul traffic to avoid impacting the neighbors that live off of and use this access. Mitigation techniques proposed, or suggested to be required if approved, include no use of “jake” brakes and widening the access to 22’.

Although some of the product from this pit will be distributed in the immediate vicinity of the pit, most of it will likely go to the Clark area and north, and south to the Steamboat Springs area. Operating pits exist in both of these areas and are able to supply these needs. Based on this, it is staff’s opinion that this pit will add unnecessary heavy truck traffic to the busiest road in the County, which is not in compliance with Master Plan policy 7.3.T.

According to the submitted traffic study, CR 129 can handle the traffic that is associated with this pit. The only improvements suggested by the study are the installation of advance warning signage as well as removing a bush that is located 400’ south of the intersection. Road and Bridge supports all efforts to increase site distance for the traveling public, however, it remains to be determined if the bush is located in the right of way or not. Due to the limited scope of the pit, no other improvements or impact fees are necessary.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## **Natural Environment**

### **Applicable Regulations – Routt County Zoning Resolution**

- 5.11 Waterbody Setback Standards
- 6.1.7.D Wildlife and Wildlife Habitat.
- 6.1.7.E Water Quality and Quantity.
- 6.1.7.F Air Quality.

- 6.1.7.J Wetlands.
- 6.1.7.P Reclamation and Restoration.
- 6.1.7.Q Noxious Weeds.
- 6.2.4.L Permittee shall undertake dust control resulting from project related traffic as may be required by the Routt County Road and Bridge Department and/or the Routt County Environmental Health Department.
- 9.2.L In-stream mining is not permitted.

### **Applicable Policies – Routt County Master Plan**

- 5.3.B While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate sub-area plans, Zoning Resolution, and Subdivision Regulations.
- 5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetlands, and air.
- 7.3.O Routt County discourages the placement of mining operations that would permanently harm significant wildlife habitat, permanently displace wildlife populations or interfere with migration corridors.

**Staff comments: Disturbance is taking place outside of the 50' Waterbody setback. As long as the pit is operated correctly, there should be no impacts to water quality, quantity, or wetlands. Due to concerns regarding the impacts on wildlife from the proposed operation, CPW has suggested that the pit only be operated from July 1<sup>st</sup> – November 14<sup>th</sup>. These restrictions are suggested in the conditions of approval.**

**The State has reviewed the applicant's reclamation plan and has approved it. One of the State requirements is that a bond be posted to ensure reclamation of the pit. Because of this, no additional bonding for reclamation is required. A condition is suggested requiring that reclamation be done concurrently with mining.**

**Diesel fumes and dust are the two major impacts to air quality. The applicant has stated that they will use water to keep the dust down. The applicant has stated she will purchase water for this purpose. The applicant has not provided information on when water will be applied, nor if a water truck will be present on site. Prevailing winds are from the west which would push dust towards the residence directly to the east. Condition #46 addresses dust concerns.**

***\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No***

## **Mitigation Techniques**

### **Applicable Regulations – Routt County Zoning Resolution**

#### **Mitigation Techniques for Development Within Critical Wildlife Areas**

- 6.6.A Avoid areas during seasons of use by the wildlife species.



### **Mitigation Techniques to Reduce Water Quality and Quantity Impacts:**

- 6.7.A Create on-site sediment ponds to prevent erosion into waterways.
- 6.7.C Limit the size of the excavated or disturbed area.

### **Mitigation Techniques to Reduce Air Quality Impacts:**

- 6.8.A Limit area of disturbance to reduce dust generation.
- 6.8.B Gravel, water or chemically stabilize public and private access roads, stripped areas, transfer points and excavations to minimize dust.
- 6.8.D Increase watering operations immediately in response to periods of high wind conditions or dust complaints.
- 6.8.E Revegetate disturbed areas as soon as possible. Plant stripped areas and soil stockpiles that are planned to remain uncovered for more than one season with rapid growing vegetative cover to minimize dust, erosion and weeds.
- 6.8.F Overburden and topsoil stockpiles shall be contoured and conditioned to a slope conducive to establishing vegetative cover.

### **Mitigation Techniques to Reduce Impacts to Scenic Quality:**

- 6.9.A Limit the number of acres disturbed at one time. Minimize overlot grading for projects and phase grading with construction.
- 6.9.B Conduct reclamation operations concurrently with the mining operation.
- 6.9.E.1 Limit the height of stockpiles
- 6.9.E.3 Maintain landscaping, weed control and vegetation viability for the life of the project.
- 6.9.E.7 Significant vegetation shall be preserved wherever possible.

### **Mitigation Techniques to Reduce Noise Impacts:**

- 6.10.A Limit hours of operation
- 6.10.D Route haul truck traffic away from residential, commercial and recreation areas.
- 6.10.F Use landscaping to muffle or redirect sound including berms, fencing, soil stockpiles, or vegetation.
- 6.10.I Use latest equipment approved by OSHA and MSHA to reduce or eliminate equipment back-up alarms.
- 6.10.J Place the operation a sufficient distance from residences, commercial areas, and recreation areas to minimize noise impacts to those areas.
- 6.10.L Install a solid wall or fence of acoustically insulating material surrounding all or part of the facility.
- 6.10.P Eliminate or reduce the use of compression “jake” brakes on haul trucks, when possible, at the entries of or within sites located near residential areas.

### **Mitigation Techniques to Reduce Wetland Impacts:**

- 6.11.B Develop sediment ponds and drainage swales to prevent pollution of nearby wetlands.

### **Mitigation Techniques to Reduce Impacts to Agricultural Uses:**

- 6.12.A Prevent spread of weeds to surrounding agricultural and residential lands. An enforceable noxious weed management plan may be required.

### **Mitigation Techniques to Reduce Impacts to Residential and Recreational Uses:**

- 6.13.B Locate uses incompatible with residential or recreation and tourism uses a sufficient distance from such areas. Planning Commission and the Board of County Commissioners will determine sufficiency of distance.
- 6.13.C Practice continued mitigation of noise, dust, and other environmental impacts.

**Staff comments:** The applicant has stated that they will water the access road and pit to reduce dust, however, a detailed dust suppression plan was not submitted. A condition requiring topsoil piles to be graded and vegetated within one growing season is suggested.

Hours of operation have been limited to 7:00 am – 5:00 pm which is a shorter working day than most pits in the County. Staff is suggesting that the term of the permit be limited to two years to limit the long term impacts of this proposal. This timeframe includes time for reclamation of the site. Due to the limited space for operation, it is staff's opinion that there is not enough room to install features that would mitigate noise impacts. The applicant stated that a looped circulation for dump trucks will be employed, however, back-up beepers will be used on equipment. They also stated that "jake" brakes will not be used and a condition of approval restricting their use is suggested. Because of the pit location and the access, there is no way to route haul traffic a different way without impacting more residences or to place it any further away from existing residences.

The standard conditions requiring a weed mitigation plan, monitoring, and reporting are suggested.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

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## **Planning Commission and Board of County Commissioners Options**

### **PC / BCC Options for Approval / Denial / Tabling:**

1. **Approve the Special Use Permit request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning Regulations and complies with the guidelines of the Routt County Master Plan and sub area plans.
2. **Deny the Special Use Permit request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning Regulations and/or the Routt County Master Plan and sub area plans. Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan and the Routt County Zoning Regulations.
3. **Table the Special Use Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Special Use Permit request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent

and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning Regulations and Routt County Master Plan and sub area plans.

## **Denial**

### **Findings of Fact**

Findings of Fact that may be appropriate if the Special Use Permit is **DENIED**:

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. 5.1.1 and 7.3.C – Significant safety concerns
  - d. 7.3.T – Sufficient separation distance from other mines
  - e. 7.3.R – Limitation of haul distances
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. 6.2.4.N, 6.2.4.Q, 9.2.F – Haul routes
3. The application does not represent the minimum amount of mining and hauling necessary to achieve a safe site.

## **Approval**

### **Findings of Fact**

Findings of Fact that may be appropriate if the Special Use Permit is **APPROVED**:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 9 of the Routt County Zoning Regulations.
2. The Special Use Permit with the following conditions will not adversely affect the public health, safety, and welfare.
3. The proposal with the following conditions is compatible with the immediately adjacent and neighboring properties.
4. What is proposed is the minimum amount of mining and hauling required to achieve a safe site.

**Conditions that may be appropriate include the following:**

**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. 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.
3. 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.
4. No junk, trash, or inoperative vehicles shall be stored on the property.
5. 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 issuance of the SUP.

6. 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.
7. All exterior lighting shall be downcast and opaquely shielded.
8. 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.
9. Accessory structures/uses and minor corrections or clarifications to the site specific development plan that do not increase the scope or extent of the approval or change the intended purpose of the conditions may be approved by the Planning Director, without public notice prior to the decision, in accordance with Section 3.2.11 of the Zoning Regulations.
10. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
11. 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.

12. 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:**

13. The Special Use Permit (SUP) is valid for two 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.
14. The SUP is limited to the facilities presented in the Site Specific Development Plan (mining and reclamation plans). 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. 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
15. The operation consists of:
- a) Mining and exportation of up to 50,000 cubic yards over the life of the mine.
  - 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 Routt County Weed Program shall be permitted to do an existing conditions inspection to identify noxious and nuisance weeds which may be present and to make specific recommendations for control.
23. The operation shall meet or exceed accepted industry standards and Best Management Practices.
24. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License.

**Reporting:**

25. Operator shall submit DRMS Annual Report for the pit to the Planning Department within two weeks of due date each year for compliance verification.
26. The operator shall submit monthly reports during the operating season to the Planning Department and the Assessor's office that details total materials hauled and total number of truck trips by the 15<sup>th</sup> of the following month.
27. 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.
28. 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.
29. 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, 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.
30. 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:**

31. 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.
32. All reclamation shall be completed prior to the expiration of this permit.
33. The permittee shall be responsible for reclamation as set forth by DRMS gravel mining guidelines and the approved reclamation plan.
34. Permittee shall provide Road and Bridge Department with a reclamation plan for the final configuration of the pit. Plan shall include, proposed final reclamation seed mix, slope stabilization measures, and final erosion control measures until vegetation is established.

**Access and Traffic:**

35. Overweight and over length permits for vehicles shall be obtained from the Routt County Road and Bridge Director prior to the use of such vehicles.
36. Prior to issuance of the SUP, all haul roads shall be built to a minimum of 22' wide to accommodate haul traffic and other users of the easement.
37. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect Permittee's operations, Routt County will cooperate with Permittee to allow operations to be continued in a safe and practicable stopping point.
38. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance (if possible), who may then require:

- a. The Permittee or Permittee's contractor/sub-contractor to place traffic control signage along County Road 129 and at the haul road intersection as specified by the Routt County Road and Bridge Director and at Permittee's expense; and
  - b. Flaggers to be placed at the intersection of affected county road as specified by the Routt County Road and Bridge Director and at Permittee's expense; and
  - c. The Permittee or Permittee's contractor/sub-contractor to supply regular dust control efforts by application of a dust palliative, as approved by the Routt County Road and Bridge Director and Routt County Department of Environmental Health and at Permittee's expense.
39. Permittee shall provide and post advance warning signs of truck traffic turning from and entering CR 129. Types and placement of signs shall be in conformance with the Model Traffic Code and the submitted traffic study and shall be coordinated with Routt County Road and Bridge at the permittee's expense.
40. Applicant will need to acquire a Routt County Grading and Excavation Permit for the improvements proposed to be made to complete the 3:1 slope per the reclamation plan.
41. Routt County roads affected by this SUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any road damage shall be repaired by a third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Permittee shall solely bear the costs of repairs.
42. 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 in its sole discretion and at Permittee's expense. Maintenance may include ditching, asphalt patching, roadway striping, sweeping or cleaning access points, and application of a dust palliative to the haul road as approved by the Routt County Road and Bridge Director and Routt County Department of Environmental Health.
43. All trucks and equipment accessing from CR129 shall be able to exit and be located on private property and off of County 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 of the length of the longest vehicle
44. 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.
45. The use of tractor trailers is prohibited.

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

46. 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.

47. 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 not use “jake” brakes except in cases of emergency.
48. 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.
49. 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.
50. Prior to issuance, permittee shall submit a drainage study that details the size of the sediment pond located in the southwest portion of the site.



## Exhibit 4

### Detailed description of subject site and proposed use

#### (a) Description of existing conditions:

1. **Soils:** According to the National Cooperative Soil Survey/Natural Resources Conservation Service, soil in the general area of the Extraction Site consists of Rogert gravelly loam. *See Exhibit 4(b), NRCS Soil Resources Report.*<sup>1</sup>
2. **Vegetation:** Site consists of rangeland and pastureland. Vegetation consists of shrub/scrub brush with native grass understory on ridges and sideslopes and improved grasses on upland pasture areas.
3. **Land Uses:** The subject property is zoned Agriculture and Forestry. A residence owned by the Applicant is situated on the subject property. Parts of the subject property are occasionally used for agricultural purposes. The Extraction Site was in use prior to the Applicant's purchase of the subject property. Historical satellite images accessed via Google Earth Pro indicate that the Extraction Site was initially developed as early as 2005.
4. **Wildlife Habitat:** Wildlife such as deer, moose, elk, mountain lions, marmots, pikas, bears, skunks, ermines, raccoons, coyotes, porcupines, beavers, foxes, rabbits, and various species of birds are present in Routt County. The Extraction Site is dryland hillside and is not productive wildlife habitat. Much of the Extraction Site is dryland sideslopes with limited productive wildlife habitat. The remainder is improved pasture also with limited wildlife habitat.
5. **Geologic Hazards:** Based on the Routt County GIS map, no geologic hazards are present at the Extraction Site or in the vicinity within 500 feet.

#### (b) Description of mining operation (method of extraction; hours of operation (mining, processing, hauling); number of employees; phasing; maximum area to be disturbed; type of equipment and vehicles; expected volume of resource per year and life of mine; etc.)

1. **Mining operation:** The Applicant will use track hoes and front-end loaders to excavate gravel material from the pit. The hours of operation for mining, processing, and hauling will be 8 hours per day, 5 days per week, and 50 weeks per year.
2. **Number of employees:** The brother of the Applicant's will undertake mining operations at the Extraction Site.
3. **Phasing:** The Applicant will remove material beginning at the southwest corner and west side of the site and moving in an east-northeasterly direction. Extracted materials may be

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<sup>1</sup> NRCS Web Soil Survey.

screened and mixed onsite. No crushing is expected to occur at this time. Products will be placed into semi-trailers and/or dump trucks for transportation off site. The Applicant anticipates that extraction will occur in one to two phases:

- a. **Phase 1 Mining:** Currently, a 50-foot highwall is located along the eastern boundary of the Extraction Site. Applicant will grade down the highwall to attain 3:1 side slopes around the perimeter of the Phase 1 Extraction Site, which will be maintained during mining operations. Using loaders, the Applicant will remove gravel material beginning at the southwest side of the site and moving in an easterly direction. *See Exhibit 6(a) (Phase 1 Mining Map).*
  - b. **Phase 1 Reclamation:** Should the Applicant determine that the gravel material deposits do not continue substantially past the Phase 1 eastern boundary, Applicant will cease excavation activities and will reclaim the Phase 1 Extraction Site pursuant to the reclamation plan depicted in Exhibit 6(b) (Phase 1 Reclamation Map).
  - c. **Phase 2 Mining:** Should the Applicant determine that the gravel material deposit continues substantially past the Phase 1 eastern boundary, Applicant will reclaim a portion of the Phase 1 excavation area. The Applicant will then continue excavation to the east and south of the Phase 1 eastern boundary. *See Exhibit 6(c) (Phase 2 Mining Map).*
  - d. **Phase 2 Reclamation:** Upon completion of the Phase 2 mining activities, the Applicant will reclaim the entirety of the Extraction Site pursuant to the reclamation plan depicted in Exhibit 6(d) (Phase 2 Reclamation Map).
4. **Maximum area to be disturbed:** The maximum area to be disturbed will be ~9 acres or less.
  5. **Type of equipment and vehicles:** The Applicant will use track hoes and front-end loaders to excavate materials and semi-trailers or dump trucks for transportation.
  6. **Expected volume of resource per year and life of mine:** The Applicant anticipates that less than 70,000 tons will be excavated per year.

**(c) Description of haul route and anticipated traffic**

The excavated materials will be hauled from the Excavation Site via County Road 129 to the north and south. The Applicant anticipates approximately 20 vehicles per day arriving at and leaving from the Extraction Site.

**(d) Waste disposal plan**

Applicant does not anticipate that mining activities will generate substantive amounts of trash. Any trash produced by contractors and their employees will be collected in designated trash cans and disposed of with the Applicant's scheduled trash pickup. If necessary, a rented portable toilet will be present at the site.

**(e) Weed control plan (during operations and reclamation).**

1. **During operations:** Weed control shall be employed for all prohibited noxious weeds. The Applicant will consult with the Routt County Weed Program Supervisor regarding weed control recommendations as necessary. If needed during reclamation, Applicant will use straw mulch during reclamation to ensure weed control. Applicant will employ the disc crimping method. Mulch shall be applied at a rate of 2 tons per acre. Applicant will spray and control noxious weeds throughout the year during operations in accordance with all treatment recommendation. Applicant will also contact the Routt County Weed Program Supervisor as necessary regarding a weed-growth inspection at the site. Applicant will then perform follow-up treatment and continue to monitor the site in accordance with the Routt County Weed Program Supervisor's recommendations.
2. **During reclamation:** Applicant has consulted with Tony Waldron, former supervisor of the DRMS Minerals Program, regarding recommendations and specifications for reseeding disturbed ground. The site will be seeded with a native seed mix upon completion of the permitted mining activities. The seedbed will be prepared to eliminate compacted conditions by discing or shallow ripping followed by harrowing to level and firm up seed bed. Seeding will occur utilizing a grass seed drill or by broadcasting. If broadcasting is utilized, the seed rate will be doubled and the seed will be incorporated by harrowing following seed application. Weed control shall be employed for all prohibited noxious weeds and whenever invasion of a reclaimed area by other weed species seriously threatens the continued development of desired vegetation.

**(f) Dust control plan.**

As necessary, Applicant will purchase water for dust suppression and other nonsubstantive industrial uses on the site. Applicant estimates that it may use approximately 2,000 gallons of water per operating day for these purposes.

**(g) Emergency response and wildland fire plan.**

With regard to emergency responses, the Applicant will contact 9-1-1 as necessary in the event of an emergency. With regard to the Applicant's wildland fire plan, the Applicant will utilize the water truck and will employ available extraction equipment as necessary. Fire danger on site will be minimized since vegetation will be stripped in advance of mining.

**(h) Reclamation plan (final land use; timing; topsoil/overburden salvage, redistribution, and/or disposal; and NRCS and/or DRMS seeding and revegetation recommendations).**

1. Final land use: Upon completion of mining, the applicant intends to reclaim the mined area to grazing land/agricultural with native vegetation.
2. Topsoil/overburden salvage: Topsoil and/or overburden will be removed and stockpiled in advance of mining and in accordance with the approved DRMS Reclamation Plan and also replaced in accordance with that plan. Topsoil and/or overburden stockpiles will be reseeded as needed with the mixture of native grasses identified in the table below to conform with the condition of the site prior to the operation. Seeding will occur during the first favorable season following topsoil replacement.  
Native Grasses seed mixture:

<b>Kind</b>	<b>% Mix</b>	<b>PLS Lbs / A</b>
Mountain Bromegrass	20.00	8.00
Streambank Wheatgrass	20.00	4.40
Slender Wheatgrass	20.00	4.40
Blue Wildrye	15.00	3.0
Big Bluegrass	5.00	0.2
Rocky Mountain Fescue	5.00	0.32
Sandberg Bluegrass	5.00	0.2
Prairie Junegrass	5.00	0.12
Tufted Hairgrass	5.00	0.2
Totals	100.00	20.84

3. Redistribution and/or disposal: The only commodities to be extracted at this site will be sand, gravel, and borrow material. These materials will be used for construction purposes. During reclamation, and as required by 2 CCR 407-4 Rule 3.1.5(1), Applicant will grade the site to conform with the natural gradient and contours of the slope and the surrounding area in order to ensure that the site complies with the intended post-reclamation use as rangeland. Applicant will mine and grade the site so as to leave the graded area at no more than a 3H:1V on the sideslopes and 1-2% slope on pit bottom.

**(i) Air and water pollution control measures.**

1. Air pollution: See Section (f) above for dust suppression efforts during the life of the mine.
2. Water pollution: The topography of the area separates the Extraction Site from any nearby water resources. No water resources in the area of the Extraction Site will be impacted. Mining and post-mining slopes will be maintained at a drainage gradient which will direct water into the disturbed area. All disturbed area drainage will report to the sediment pond in the SW corner of the pit where it will be allowed to infiltrate into the ground within 72 hours of any storm event.

**(j) Water use and water rights.**

See Section (f) above for water use during operations during the life of the mine. The topography of the area separates the Extraction Site from any nearby water resources. Existing water rights will not be affected by the proposed gravel pit.

**(k) Visual impacts and proposed mitigation measures.**

The Extraction Site is not visible from County Road 129 or any nearby residences. Therefore, no mitigation measures will be necessary.

**(l) Noise mitigation measures.**

The nearest residences are approximately 1514 (separated from the Extraction Site by topography and County Road 129), 1541 (separated from the Extraction Site by topography), and 1632 feet (separated from the Extraction Site by topography) from the Extraction Site. The Applicant does not anticipate that noise mitigation measures will be necessary.

**(m) Conservation mitigation plan, if required.**

The Applicant does not anticipate that a conservation mitigation plan will be necessary.

## **Exhibit 5**

### **Mitigation Plan for any Significant Negative Impacts**

The Routt County Zoning Regulations state that: “The proposal shall not create any significant negative impact in surrounding areas.” *Significant Negative Impacts* are defined as “impacts that do not meet regulatory and/or generally accepted performance and environmental standards.”

The Applicant does not anticipate that the proposed mining operations will create any significant negative impacts.

1. MITIGATION TECHNIQUES FOR DEVELOPMENT WITHIN A NATURAL HAZARD AREA (Avalanche Areas, Landslide Areas, Rockfall, Mudflow Areas, Geologic Hazard, Unstable or Potentially Unstable Seismic Areas, Radioactive Areas, Wildfire Hazard Areas Flood Hazard Areas) (Zoning Regulations Section 6.5)
  - a. The Excavation Site and the surrounding areas are not situated in any of the natural hazard areas listed above.
2. MITIGATION TECHNIQUES FOR DEVELOPMENT WITHIN CRITICAL WILDLIFE AREAS (Zoning Regulations Section 6.6)
  - a. The Excavation Site and the surrounding areas are not situated in any of the natural hazard areas listed above.
3. MITIGATION TECHNIQUES TO REDUCE WATER QUALITY AND QUANTITY IMPACTS (Zoning Regulations Section 6.7)
  - a. As discussed in Exhibit 5, sections (i) and (j), the topography of the area separates the Extraction from any nearby water resources. No water resources in the area of the Extraction Site will be impacted. Mining and post-mining slopes will be maintained at a drainage gradient which will direct water into the disturbed area. All disturbed area drainage will report to the sediment pond in the SW corner of the pit where it will be allowed to infiltrate into the ground within 72 hours of any storm event.
4. MITIGATION TECHNIQUES TO REDUCE AIR QUALITY IMPACTS (Zoning Regulations Section 6.8)
  - a. As discussed in Exhibit 5 section (f), Applicant will purchase water as necessary for dust suppression and other nonsubstantive industrial uses on the site.
5. MITIGATION TECHNIQUES TO REDUCE IMPACTS TO SCENIC QUALITY (Zoning Regulations Section 6.9)

- a. As discussed in Exhibit 5, section (k), the Extraction Site is not visible from County Road 129 or any nearby residences. Therefore, no mitigation measures to reduce visual impacts or impacts to scenic quality will be necessary.
6. MITIGATION TECHNIQUES TO REDUCE NOISE IMPACTS (Zoning Regulations Section 6.10)
  - a. As discussed in Exhibit 5, section (l), the nearest residences are approximately 1514 (separated from the Extraction Site by topography and County Road 129), 1541 (separated from the Extraction Site by topography), and 1632 feet (separated from the Extraction Site by topography) from the Extraction Site. The Applicant does not anticipate that noise mitigation measures to reduce noise impacts will be necessary. Furthermore, the site will be reclaimed to rangeland after completion of mining activities.
7. MITIGATION TECHNIQUES TO REDUCE WETLANDS IMPACTS (Zoning Regulations Section 6.11)
  - a. The U.S. Fish and Wildlife Service National Wetlands Inventory has classified a 1.62 acre section of Freshwater Emergent Wetland to the west of the Extraction Site (using color infrared imagery from 1983). *See* Exhibit 7(d) of this Application. The wetland is classified as PEM1A. Among other characteristics, this means that the wetland is temporarily flooded: Surface water is present for brief periods (from a few days to a few weeks) during the growing season, but the water table usually lies well below the ground surface for most of the season. The mining activities at the Extraction Site will have no impact to these wetlands.
  - b. There are no wetlands within boundaries of the proposed Extraction Site and the mining activities at the Extraction Site are not expected to impact any off-site wetlands.
8. MITIGATION TECHNIQUES TO REDUCE IMPACTS TO AGRICULTURAL USES (Zoning Regulations Section 6.12)
  - a. No significant agricultural uses occur at or immediately near the Extraction Site. Therefore, no mitigation techniques to reduce impacts to agricultural uses will be necessary, as the the site will be reclaimed to rangeland after completion of mining activities.
9. MITIGATION TECHNIQUES TO REDUCE IMPACTS TO RESIDENTIAL AND RECREATION USES (Zoning Regulations Section 6.13)
  - a. As discussed in section (5(a)) above, the Extraction Site is not visible from County Road 129 or any nearby residences. No residential use will be impacted. Furthermore, no recreational use occurs at or near the Extraction Site. Thus no mitigation for these uses will be necessary.

**Responses to County Planning Questions**  
**Sanders Gravel Pit Application**  
May 6, 2022

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

1. What are the specific hours of operation?

Hours of operation will be 7:00 a.m.-5:00 p.m. from April-October and 8:00 a.m.-4:00 p.m. November-March.

2. In section (h)3 you mention borrow materials. What is this? Topsoil and overburden?

Borrow material is a term applied to un-sorted and un-processed pit run and is generally considered the material below the topsoil and above any commercial gravel deposit. It is typically used for general fill or sub-base road construction.

3. How will equipment be fueled? Will there be any fuel stored on-site?

Equipment will be fueled by a portable fuel trailer or truck. If fuel is stored on site it will be in a portable vessel that is double lined and only for short periods of time.

4. How tall will the stockpiles be?

10-20 feet.

5. Will a loop vehicular flow pattern be employed to prevent the use of back up alarms?

Yes for highway trucks, however, back-up alarms will be required on loaders, dozers, scrapers and in pit mining trucks that may be used.

6. NO QUESTION PROVIDED HERE.

7. Will the agricultural operation on the property continue? If so, in what manner? Please be specific.

Yes. The upper pasture (all areas above the pit) will continue to be used for seasonal grazing of horses and cattle. It may also be used to graze other animals such as sheep & llamas.

8. 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?



A water truck will be used to manage dust at the site.

9. Noise has been expressed as a concern. How do you intend to mitigate the noise created by the operation of the pit and the use of "jake" brakes by loaded haul trucks approaching CR 129?

Noise abatement will occur with strategic placement of stockpiles on the north and expanding pit walls on the west, south and east as the pit is developed. Equipment operation will occur mostly below the crest of these walls thereby dampening noise associated with the mining activity.

10. Concerns about the safety of other users of the easement while the pit is in operation have been expressed. How do you intend to make sure that the use of the access easement will not result in safety concerns when a conflict between passenger vehicles, agricultural equipment, pedestrians, etc. occurs?

The current use of the road is very limited, but signage and speed limits will be used to reduce impacts during hours of operation and limited hours of operation will allow usage by the restricted number of the other authorized users of this private right-of-way.

11. There are concerns about whether this use is compatible with surrounding land uses. Please explain how this use is compatible with the surround agriculture and residential uses.

Mining, as is low density residential, is an allowable use on land zoned for agriculture. The active portion of the proposed operation is situated such that it is facing away from any established residential properties thereby limiting impact to these properties to the extent possible. The limited size and lack of processing will make this operation as minimally impactful as possible and the proposed reclamation plan returns the land to rangeland with a small building envelope for an shop/barn which is 100% compatible with the pre-mining land use.

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

Kent Holsinger, *Manager*  
Jack Silver, *Of Counsel*

David L. Kueter, *Of Counsel*  
Terry Jo Epstein, *Of Counsel*

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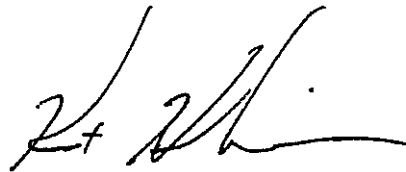
lead to a stable post-mining configuration. This is about the same amount of material that was removed by the previous landowner without permits being issued by either the state or the county. However, this action will be properly conducted under a state permit that requires the site to be reclaimed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

October 4, 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 emails of August 29 and September 7<sup>th</sup>, 8<sup>th</sup>, 21<sup>st</sup>, and 22<sup>nd</sup>, 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

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.

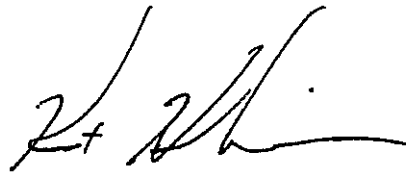
With respect to Routt County Public Works' most recent letter, the applicant agrees to comply with conditions outlined in the letter as consistent with Routt County standards. Just as a point of clarification, many of the latter conditions (6 & 10-14) have already been addressed via other permits (in 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.

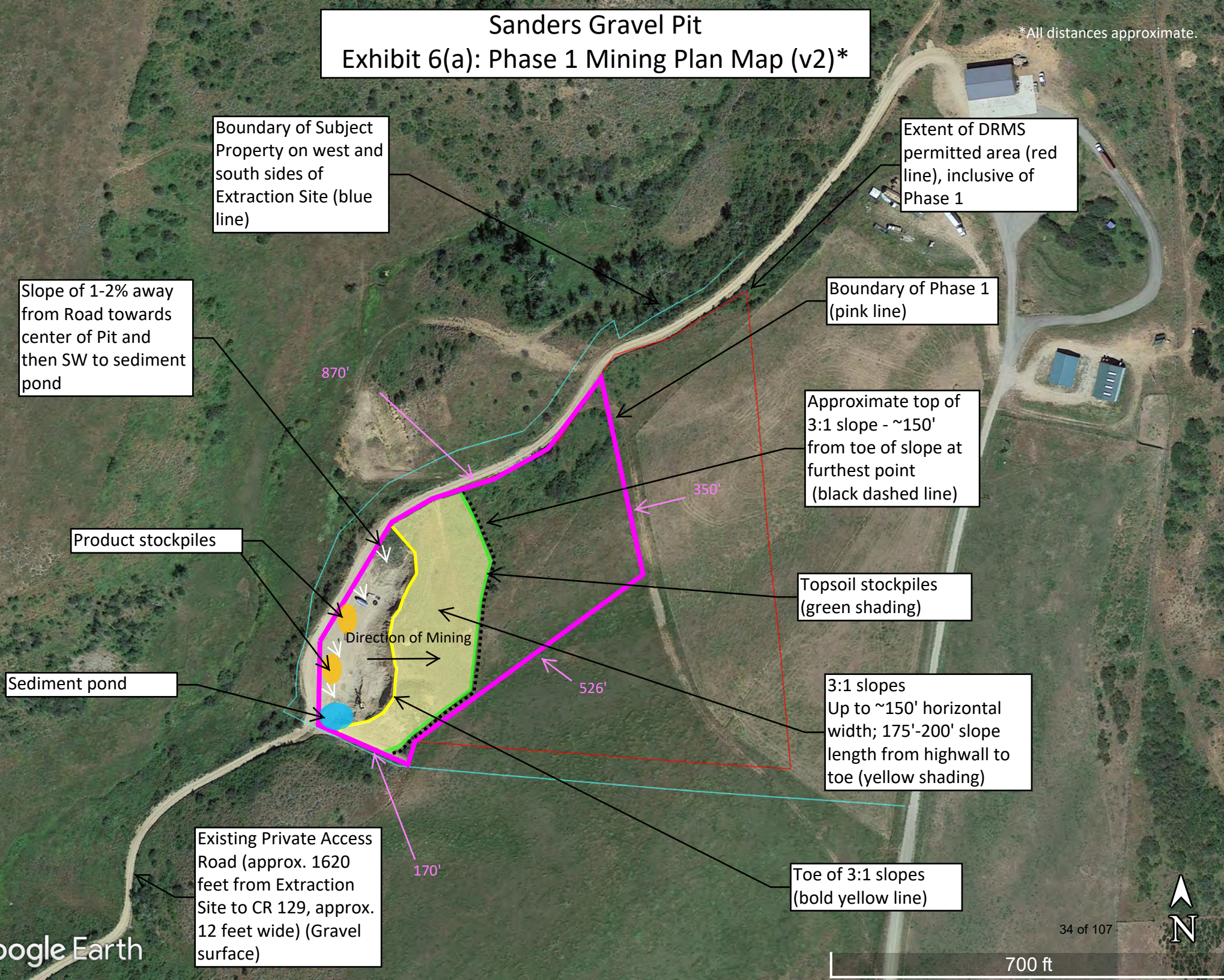
Kent Holsinger

cc: T. Sanders  
T. Waldron



# Sanders Gravel Pit Exhibit 6(a): Phase 1 Mining Plan Map (v2)\*

\*All distances approximate.





# Sanders Gravel Pit

## Exhibit 6(b): Phase 1 Reclamation Plan Map (v2)\*

\*All distances approximate.

**Reclamation of Phase 1:**

- 3H:1V slopes will be topsoiled and revegetated.
- The Potential Building/Equipment Storage Site will be leveled and covered with gravel surface.
- The swale at the toe of the 3:1 slope will drain water to sediment pond in SW corner of reclaimed Extraction Site.
- The Phase 1 pit floor will slope 1-2% to swale at toe of 3:1 slope.

Boundary of Subject Property on west and south sides of Extraction Site (blue line)

Extent of DRMS permitted area (red line), inclusive of Phase 1

Boundary of Phase 1 (pink line)

Approximate top of 3:1 slope - ~150' from toe of slope at furthest point (black dashed line)

Slope of 1-2% away from Road towards center of Pit and then SW to sediment pond

Potential Building/Equipment Storage Site

3:1 slopes  
Up to ~150' horizontal width; 175'-200' slope length from highwall to toe (yellow shading)

Sediment pond

Existing Private Access Road (approx. 1620 feet from Extraction Site to CR 129, approx. 12 feet wide) (Gravel surface)

Swale at toe of 3:1 slopes (bold yellow line)







North end of the pit looking southwest



North end of pit looking towards the highwall





South end of pit looking north



North end of pit looking southeast



View from Hoogendorn residence on south west of CR 129

330 South Lincoln Avenue, Suite 222 (Physical)  
PO Box 770908 (mailing)  
Steamboat Springs, CO 80477

Phone: 970.879.4389  
ElevationLawGroup.com

January 6, 2022

Routt County Planning Department  
Via email

Re: PL20210004

Planning Department:

I represent Scott Eckburg, Aria Hoogendoorn, and Troy Brookshire, property owners adjacent to or near to the proposed Sanders Gravel Pit, PL20210004. My clients are deeply concerned with the proposal, and wishes to inform Planning Staff, the Planning Commission, and the Board of County Commissioners of the same.

The application seeks Special Use Permit approval to operate a 9.95 acre gravel pit. It is important to note that if the size of the gravel pit was .04 acres larger, a mere 1,750 square feet, it would be subject to much more stringent standards pursuant to the Land Use Regulations. In my opinion, the larger operation would likely be outright prohibited because of adjacency standards to residential homes. So, it is important to understand that the applicant is seeking the absolute largest, with the maximum amount of adverse impacts, that the applicant can legally seek.

The project site is directly off CR129 between Clark and Steamboat Springs. As you know, CR129 is the sole connection between Clark / North Routt and Steamboat Springs. It is used daily by numerous commuters, agricultural operators, and recreational cyclists. The project site is surrounded by many residential parcels with operating agriculture.

The applicant's traffic study states that 92 trips per day will be generated from the operation of the gravel pit. However, per Colorado Parks & Wildlife requirements, the operator will only be allowed to operate for approximately 1/3 of the year. Therefore, it is reasonable to conclude that during operations the actual trips generated from the gravel pit will be three times as much as shown in the study, that being nearly 300 trips per day, almost all of which would be large trucks.

The applicant would access the site from CR129 via a private access road, which is shared with and used by the surrounding residences. Therefore, if this application is approved, the neighbors would be forced to essentially drive through a large



industrial operation to get to or from their homes, together with all the industrial truck traffic.

This application is for a Special Use Permit. As you know, pursuant to the Zoning Regulations, “these uses receive the highest level of scrutiny of any of the five categories of uses.”

First, the proposal does not comply with Zoning Regulations Section 9.2 - General Standards for all Mining, Resource Extraction and Accessory Uses. The standards contained in this section are mandatory; the use must comply with them, it or cannot be allowed. Per the section, all Mining uses shall comply with the following standards:

A. Shall be compatible with surrounding agricultural, residential, and recreational land uses by selection of location and/or mitigation.

**For all the reasons stated later in this letter, this proposal is completely incompatible with the surrounding agricultural and residences uses. As such, the application must be denied.**

B. The proposed operation will be located a sufficient distance from other mining operations so as not to create cumulative impacts to roads, air and water quality, or other resources and amenities. The Planning Commission and the Board of Commissioners will determine sufficiency of distance.

**The Fetcher/Vale Pit 6 miles north of site, also on CR129. The Project is not sufficiently distance from the established operation, and will create cumulative impacts, particularly to CR129 and traffic. As such, the application must be denied.**

C. Equipment used for the operation will not be visible from adjacent or surrounding residences, or will be mitigated to the extent possible to reduce visual impacts. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation.

**The applicant has not proven that the equipment used for the operation will not be visible from the surrounding residences. The applicant should be required to submit proof of same. If the applicant cannot sufficiently prove compliance with this requirement, the application must be denied.**

F. Truck traffic will not access the mining operation through residential or commercial areas[.]

**The Project proposed to have trucks access the mining operation through a private access easement. The easement runs through and to multiple developed residential parcels. As such, the application must be denied.**

Second, this application must be denied because it does not comply with the policies of the Routt County Master Plan, with the Upper Elk River Valley Community Plan, or with the other provision of the Routt County Zoning Regulations. A list of reasons that the application does not comply is as follows:

**Routt County Master Plan:**

3.3.A – New residential, commercial and industrial development and uses should occur within the vicinity of designated growth centers (Steamboat Springs, Hayden, Oak Creek, and Yampa)[.]

**The Project is not within, or even close, to a designated growth center. As such, the application must be denied.**

4.3.B – Use Permits that significantly alter the historical use, intensity of use, or character of an area may be deemed incompatible with the plan.

**The Project requests a Special Use Permit. The Project would significantly alter the historical use from agriculture, with immensely increase the intensity of use of the site, with heavy equipment and substantial and frequent hauling gravel, and would alter the character of the area, from quiet residential and agricultural, to an industrial mining area. As such, the application must be denied.**

4.3.C. – Use Permits for projects located on traditional ranch lands may be approved when the petitioner has demonstrated that the historic agricultural operation and stewardship of the land will be maintained or enhanced.

**The Petitioner has not demonstrated maintenance or enhancement of the historical agricultural operation or stewardship of the land; it would be impossible to due so. The proposed gravel pit inevitably disrupt and reduce the agricultural operations, and mining the land can not be described as maintaining stewardship of the land. As such, the application must be denied.**

4.4.D Rural development and uses should be limited to areas that have adequate access to accommodate the projected traffic.

**Despite the proposed conditions of approval from Road & Bridge, both CR129 and the private access road cannot adequately accommodate the Project. It will create inevitable conflicts with local residential traffic, for people traveling from Steamboat to Clark / North Routt, and cyclists. As such, the application must be denied.**

**In the event this application is not denied, the application should be required to update the traffic study to reflect the true traffic volumes to meet its production requirements during the limited months of operation, and Road & Bridge should be allowed to impose additional conditions. In addition, in the event the Project is approved, it should be required to access CR129 from Wheeler Creek Trail, to limit residential conflicts.**

4.3.I – Routt County encourages adjoining property owners to work together for proposed land use changes.

**Planning Staff requested that the applicant reach out to the surrounding landowners submitting this letter. The applicant did not do so. As such, the application must be denied.**

5.3.B – While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate Sub-area Plans, Zoning Regulations, and Subdivision Regulations.

**An open gravel is a degradation to the environment. Sufficient mitigation does not exist to bring this proposal into compliance with the required Plans and Regulations. As such, the application must be denied.**

7.3.C. – Routt County discourages mining that would cause significant health or safety problems to people.

**This project poses significant health and safety risks to the surrounding property owners, and all users of CR129, due to the excessive heavy truck traffic the project will generate. As such, the application must be denied.**

7.3.J – Where mitigation is not possible or where mitigation is not sufficient to alleviate significant negative impacts to the surrounding areas, Routt County shall deny permits in those areas altogether[.]

**It is not possible to sufficiently alleviate the significant negative impacts of this project to the neighbors and to the public at large. Even if every possible mitigation technique provided for in the Regulations was required, the project would constitute a nuisance and undue burden to the neighbors and public. As such, the application must be denied.**

7.3.K – Routt County desires to ensure that new long-term mineral extraction operations shall be mitigated for visual impacts along entryways to growth centers, and to ensure that visual impact of existing operations are mitigated to the maximum extent feasible.

**The applicant has stated that the operation will not be visible from CR129 or from surrounding residences. We are unaware of anything submitted by the applicant proving this statement. The applicant should be required to submit proof of same. If the operation is visible from CR129 or the surrounding residences, ever relevant mitigation technique from the Zoning Regulations should be required. As such, the application must be denied.**

7.3.R. Routt County encourages the limitation of haul distances.

**We are unaware of any limitation on hauling distances for the proposal. If this application is approved, an appropriate haul distance limitation should be imposed.**

7.3.T – Routt County encourages the separation and sufficient spacing of mining operations to prevent cumulative significant negative impacts to roads and to surrounding areas.

**The Fetcher/Vale Pit 6 miles north of site, also on CR129. The Project is not sufficiently distance from the established operation, and will create cumulative impacts, particularly to CR129 and traffic. As such, the application must be denied.**

9.3.A, D, and G – Resolve that wildlife species and their habitats are important and should be protected... Encourage land use practice that will minimize conflicts between wildlife and human uses... Minimize the cumulative impacts of development on wildlife and wildlife habitat.

**The site and the surrounding area are elk habitat. There is already conflict between the elk and the residential uses. While some**

**conditions of approval are proposed to mitigate the impacts of the proposal on wildlife, there is no reason this Special Use needs to occur. The negative impacts would be eliminated if the application was denied. As such, the application must be denied.**

10.3.I – Discourage development that changes the rural character or historic agricultural uses and/or practices.

**This proposal eliminates or reduces the historic agricultural use on-site. It changes the area from a quiet, productive agricultural and residential area, to an industrial mining area. As such, the application must be denied.**

#### **Upper Elk River Valley Community Plan:**

2.1.4.2 - Agricultural activities are encouraged and supported, and should be preserved and protected from nuisance complaints, trespass and other impacts from residential population, recreation and tourism.

**This project reduces or eliminate agricultural activities on-site. It negatively effects the surrounding agriculture operations due to traffic, noise, dust, etc. As such, the application must be denied.**

2.3.4.4 - Strongly encourage building and development outside of riparian areas, critical wildlife habitat and wildlife movement corridors within the planning area.

**The site and the surrounding area are elk habitat. There is already conflict between the elk and the residential uses. While some conditions of approval are proposed to mitigate the impacts of the proposal on wildlife, there is no reason this Special Use needs to occur. The negative impacts would be eliminated if the application was denied. As such, the application must be denied.**

2.4.7.2 Gravel extraction activities should be located and developed in a manner that will not adversely impact adjoining properties, recreational users and tourists, nor the road system that provides access to the facility.

**We make the same comments as we've brought forth throughout this letter.**

#### **Routt County Zoning Regulations**

5.1.1 General Performance Standards – Health, Safety, and Welfare: Every use shall be operated so that it does not pose a danger to public health, safety or welfare.



**It is impossible, even with ever mitigation technique possible, to operate an industrial mining operation in a residential/agricultural area, particularly when using shared access on a private neighborhood road. As such, the application must be denied.**

#### 6.1.1 General Approval Standards -Health, Safety, and Welfare

**Same as prior comment.**

6.1.7 General Approval Standards - Significant Negative Impacts. The proposal shall not create any significant negative impact in surrounding areas.... Issues that may be reviewed for potentially significant negative impacts include, but are not limited to: A. Public Roads, Services and Infrastructure; B. Road Capacity, traffic, and traffic safety; D. Wildlife and Wildlife Habitat; G. Visual Amenities and Scenic Qualities; I. Noise; K. Land Use Compatibility; M. Vibration

#### 6.2 General Approval Standards - Public Road Use Performance Standards

**As previously stated, there is significant reason to believe that the traffic study provided by the applicant does not present an accurate representation of the traffic generated by the project, as the applicant is required to increase peak usage during certain months of the year. If the application is not denied, a new traffic study should be required, to allow Planning and Road & Bridge to determine if the standards provided for in 6.2.4 are met, and what additional conditions of approval would be appropriate.**

#### 6.6 General Approval Standards - Mitigation Techniques for Development within Critical Wildlife Areas

**Pursuant to CPW, this site is a critical wildlife area for elk and grouse. While a proposed condition of approval is to limit operations to certain times of the year, the best mitigation technique would be 6.6.G – Retain existing land use and vegetation – meaning deny the application and retain the existing use. As such, the application must be denied.**

#### 6.9 General Approval Standards - Mitigation Techniques to Reduce Impacts to Scenic Quality

**The applicant has stated that the operation will not be visible from CR129 or from surrounding residences. We are unaware of anything**

**submitted by the applicant proving this statement. The applicant should be required to submit proof of same. If the operation is visible from CR129 or the surrounding residences, every relevant mitigation technique from the Zoning Regulations should be required.**

6.10 – General Approval Standards – Mitigation Techniques to Reduce Noise impacts

**While Staff has recommended noise mitigation techniques, it is impossible for a gravel operation to sufficiently mitigate noise impacts to the surrounding agricultural and residential properties. As sufficient mitigation cannot be achieved, this application must be denied.**

6.13 Mitigation Techniques to Reduce Impacts to Residential and Recreation Uses

**The only relevant mitigation technique – 6.13.B Locate uses incompatible with residential uses... a sufficient distance from such area – is impossible to achieve in this case. The proposal is on a small lot adjacent to numerous residential uses. As sufficient mitigation cannot be achieved, this application must be denied.**

Thank you for your consideration to these comments and concerns. The surrounding property owners are deeply concerned by this proposal, and the inevitable significant negative impacts it will cause on their existing residential and agricultural uses. We look forward to and appreciate your denial of this application.

Sincerely,

ELEVATION LAW GROUP, P.C.



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George M. Eck III, Esq.

November 9, 2021

Routt County Clerk and Recorder's Office  
522 Lincoln Avenue  
Steamboat Springs, CO 80487

Division of Reclamation, Mining & Safety  
1313 Sherman Street  
Room 215  
Denver, CO 80203

To whom it may concern. My name is Arie L. Hoogendoorn and am the owner of the Circle Bar Ranch (formerly known as the Warren Ranch) and doing business as SHELLSTEVE, LLC. My ranch is located at 47545 and 47325 CR 129. As you are probably aware my ranch is in conservation with the Colorado Cattlemen's Agricultural Land Trust.

As per posted notice ...Notice Rule 1.6.2 (1) (b) I was invited to make comments regarding the request by Tara Sanders to obtain a Reclamation Permit with the Colorado Mined Land Reclamation Board for a mining operation.

The mining operation site in question is located adjacent to a driveway and utility easement which was established in 2005. It was recorded June 25, 2005 at reception No. 620829 as a certain Agreement for Access and Utility Easement and Improvements.

At that time and for several years thereafter it was a two-track ranch road serving access to CR 129 for several homes and my ranch from CR 129 to my upper Big Creek Ridge Parcel.

Since it was a two-track ranch road and difficult to navigate by car one of the home owners improved it (the easement) for easier access but still a one lane trail. This owner sold his property to I believe Tara Sanders about 2 years ago and this spring a small sand and gravel pit grew into a full blown sand and gravel mining operation.

When in operation relatively old dump trucks were used for transport which created a lot of noise, a large big hole, traffic challenges on the easement and the intersection between the easement and CR 129. We were relieved at the discontinuation of this operation by the authorities but it appears this may not be permanent. But what holds for the future?


The eye sore of the large hole in the ground with the adjacent elevated land scape and the excess noise are relatively minor to the serious safety issues this operation exposes to us all. For example this easement is used by my family and ranch personnel for hiking, biking , small farm vehicles, horseback riders and the movement of cattle between the ranch compound on CR 129 and the Big Creek Ridge Parcel. Also as mentioned before homeowners use this easement to and from their homes. The easement has some significantly sloping parts and an out of control truck could create havoc to say the least!

I will not further address the inadequate link between the easement and CR 129.

Last but not least is zoning. Does present zoning allow the presence of an industrial enterprise in a residential and ranching area?

In conclusion I am very concerned if an official mining /reclamation permit would be issued for future use!

Thank you for the opportunity to comment. I can be reached at 970-879-1750.



Arie L. Hoogendoorn  
PO Box 776370  
Steamboat Springs, CO 80477

To whom it may concern.

March 18, 2022

I am writing to you (representing myself, Mr. Eckburg, Mr. Meyer and Mr. Brookshire) regarding the Mining Pit Application submitted by Tara Sanders. Present details for this Application are fluid and some of the following information could and will change with time.

Throughout this document I will refer to "easement" which represents a "certain Agreement for Access sand utility Easement and Improvements". No mention is made regarding its' use for an industrial enterprise.

All of us share this easement which would be dominated by Tara Sanders to haul mined materials via a number of various sized trucks generally representing many years of service. Trucks will use this easement to haul mined materials from the pit onto CR 129.

I unfortunately do not know what exactly the most recent details of the Mining Application are! We are aware of three different versions:

- 1) Heard last fall that the Permit Application requested a 70,000 ton yearly extraction over a 200 day period each year for 10 years.
- 2) After receiving a copy of the January 31, 2022 correspondence from Tabetha Lynch, Colorado Division of Reclamation, Mining and Safety, I called and we discussed the Mining Permit in question. They (the State of Colorado) were in ongoing discussion with Tara Sanders to work out a Permit which would zero in on the serious safety issues at the present mining site. To achieve that goal would possibly create some excess material which could be shipped. Main goal was safety and returning the landscape back to some normalcy. Tabetha Lynch also noted that there only interest concerned the mine and not the easement and the entry on CR 129.
- 3) Re. the Sanders Gravel Pit Level 2 Traffic studies. Living across the mining site on CR 129 I question most of the findings of this study which was performed on October 26, 2021 which is one of the least traffic density periods of the year. Adjustments were made but I still question its' validity. Am not an expert! I was most interested in the so-called "small gravel pit " information. I assume this was provided by Tara Sanders. It states that the small gravel pit will operate year around to provide 67,000 tons per year from FY 2022-2033..... 10/11 years. There will be two production phases...FY2022-2027 and 2028-2033.

Considering the three versions we are aware of we would like to know what the most recent permit request to the County entails which will concern us. Also, it intrigued me that the State would only address the mining site and some information from the County noted it would do the same. However, the County later indicated that they would get involved with the easement and entry onto CR 129 as needed.

Next how many trucks would visit the industrial mining site per day if we evaluate the 70,000 tons per year data over 200 days. Using an average of 12 Tons per truck equates as follows.

70,000 tons over 200 days equates to 350 tons per day. 350 tons per day equals to about 29 truckloads. Going in and out means that 58 trucks will be present on the easement at some time during the day, Assuming an 8 hour work day means that on the average there will be a truck on the easement every 8 minutes. No doubt this timeframe will vary significantly.

Last summer when the ~~pit~~ pit was being operated the state of the easement was significantly negatively damaged (potholes). Also there is a waterline crossing the easement near the small pond on the northside providing water to the small ranch house and corals. Needless to say I assume that damage repairs would be the responsibility of the pit owner.

Considering what I have discussed so far there is nothing more important than "SAFETY"! We know that presently the easement is shared between property/home owners and the conservation ranch owner/personnel which "surrounds" the easement to the North, East and South. Home owners can come and go as they wish and ranch personnel use the easement daily for ranch activities to move cattle, make repairs and tend to the animals daily. Family members of the ranch owner hike, bike, ride horseback and use small vehicles between the upper Big Creek Parcel and the ranch headquarters. There is no doubt that considering the integration of the afore discussed truck traffic generated by a mining pit and the use by the home/property owners and ranch activities of the same easement could lend itself to "SERIOUS ACCIDENTS" resulting in "BODILY HARM or even FATALITIES". To minimize the possibility of such events occurring will require significant safety requirements. Simply speaking a "flag person" who may or not show up will not suffice. It appears that an acceptable avenue could be the presence of a sophisticated warning system which would be activated to warn the user that a truck is moving on the easement between the mining pit and the access onto CR 129. Like a traffic light system of some sorts. This must be "THE" minimum to provide a certain degree of safety to the daily users of this easement and it must be installed before mining can begin. I trust that you may know or have thought about other ways to achieve the above goal.

In summary the proposed shared use of the easement between home/property/ranch owners and an industrial enterprise like a mining pit is "SHOCKING"! The more I think about this intrusion of the industrial enterprise on an daily basis over a 10 year period I cannot help to realize that we the Home/Property owners will be "HELD HOSTAGE" for 10 YEARS. Not a pleasant thought.

Finally, my last concern is insurance. Scott Eckburg is an expert and am sure he will visit to discuss our requirements.

At last .... thank you for the opportunity to comment and your consideration.

..... ARIE HOOGENDOORN

March 30, 2022

Routt County Planning Commission  
c/o Alan Goldich [Agoldich@co.routt.co.us](mailto:Agoldich@co.routt.co.us) Staff Planner  
c/o Routt County Planning Department  
136 6<sup>th</sup> St. Suite 200  
Steamboat Springs, Co. 80477

RE: Project # PL20210004, Sanders gravel pit

Dear Planning Commission and Alan,

I would like to provide my comments regarding the above referenced gravel mining permit, while I am not an adjoining property owner my brother and I own a 36 acre parcel virtually adjacent to the subject pit application and do share the proposed access road to access the 36 acre parcel plus several other hundreds of acres.

#### **TRIP GENERATION/IMPACTS**

There seems to be some discrepancy between Exhibit 4 on the permit application and the APEX traffic study. Originally via the State mining permitting process I think it was stated that the operation would operate 200 days per year, the application indicates 250 days per year (50 weeks....5 days per week), and the APEX report does not reference how many days per year, at least that I could decipher. The number of days is important because we can then determine how many trips per day impact the access road and the RCR #129 intersection.

The following calculations are based on using 250 days of operation and the removal of 67,000 tons per year, and an 8 hour day.

67,000 tons divided by 250 days gives 268 tons hauled per day. A Tandem Dump truck hauls ~15 tons 268 tons divided by 15 tons (truck) means 18 one- way trips, 36 in and out trips per day, or one trip appx. every 15 minutes for 250 days out of a year or 9,000 in and out trips per year for 10 years.

Using a calculation for the tractor/trailer configuration and 24 tons per load looks like this:

268 tons hauled per day equals 22 trips in and out per day or 2.75 per hours or appx. 1 trip every 45 minutes for 8 hours per day 5 days per week, or 250 days per year or 5,500 trips per year for 10 years.

This is provided to give some context of the impacts to the common road and all of it's users but also to impacts to RCR #129. The applicant states that these numbers will be higher from April through October. What does that mean? I have no clear picture as to what that looks like.

I believe the paved surface of RCR #129 at the location of the intersection of the private access road and #129 is 22 feet. I could not find in the APEX traffic study any reference to turning radius either entering the private drive or exiting the private drive on to RCR #129. However, it appears very apparent that trucks and tractor/trailers in excess of 40' will have to encroach to the south bound lane of 129 when turning north, or they will take out the neighbor's mailbox and possibly get stuck in the borrow ditch



with the tires of the trailer.

Another point which I am sure Routt County will look at is the time and distance required to get a fully loaded Tandem or Tractor/trailer up to travel speed once the hauling trucks enter RCR#129.

Unbelievable that a professional consulting firm does not include this information in their report??

### **PRIVATE ACCESS ROAD**

I am keenly aware that Routt County has no interest in the road that accesses this proposed mine but in fairness to the decision makers I feel a couple of points should be voiced.

- 1) Paragraph 2 of the Easement document, titled Establishment of Easement clearly states that the Easement is for a common **PRIVATE** road. This delineation would appear to prohibit its use by a commercial gravel pit operation and those public commercial haulers.
- 2) The access easement document also clearly allows for a gate to be installed on the property line between what is now the Brookshire and Eckberg property boundary. In the event that gate is installed it would make it very cumbersome for commercial gravel haulers to open and close that gate going in and coming out.
- 3) To date all documents I have seen reference the address to this site as 26650 Wheeler Creek Lane. Wheeler Creek Lane is not the name of the access road the applicant is using for this gravel mine per their application. I wonder if for the sake of safety and emergency responders if the road they are proposing to use should not have its own name and the pit its own address.
- 4) On the applicants own submittal on an aerial photograph labelled Exhibit 6(a) Mining Plan Map the private access road is labelled as being 12' wide. It should be very easy for anyone to see that a 12' wide road cannot work with a full blown commercial gravel pit as is being applied for along with the daily trips. It seems that the County has pretty strict driveway access requirement for single family homes, grade, width, turning radius, etc.. It is incomprehensible that the County would permit this operation without extensive road improvements to protect the neighbors, their guests and invitees, friends and families from the risks of combining their use with heavy commercial truck traffic.

### **ROUTT COUNTY ZONING RESOLUTION** (Attachment A)

I have included in this report eleven relevant pages from Sections 5, 6 and 9 of the Zoning resolution of Routt County and highlighted for easier reference provisions where questions have not been addressed, criteria has not been met, or concerns have not been mitigated. While I have highlighted many I would like to point out a few which based on their own language support denial of this application.

- 1) Section 5.1 **General Performance Standards**.....5.1.1 "Every use shall be operated so that it does not pose a danger to public health, safety or welfare." Given the traffic and vehicles in use I believe there is a danger to public health, safety and neighbors welfare.
- 2) Section 6.1.7 **Significant Negative Impacts**.....The last sentence says "If adequate mitigation cannot be accomplished, the use shall not be approved. Then lists the issues which may be reviewed: **Public Roads** (intersections?), **wildlife and wildlife habitat** (See MLS listing for this property) specifically **Owners/Brokers remarks** stating "**The property is loaded with wildlife..... A resident elk herd can be spotted almost daily during fall, winter, spring and early summer.**"



With accompanying photographs of wintering elk, mule deer in the meadow, and a herd of about 40 head of elk in the immediately adjoining meadow directly opposite of the mine site in what is now Mr. Eckberg's property. This photo shows how the elk depend on the new green grass of spring and how that grass helps with the calving and survival of those newborn calves.

#### **ROUTT COUNTY MASTER PLAN** (Attachment B)

I have included 13 pages from the Routt County Master Plan, demonstrating firsthand 37 provisions where the application is not supported by the Master Plan and or not in compliance with the Master Plan.

#### **UPPER ELK RIVER VALLEY COMMUNITY PLAN** (Attachment C)

The Upper Elk Plan has assisted for over 25 years in maintaining what the residents in that area have tried to protect and provide a context for how they hoped this area of the County would evolve. Stated themes throughout this plan are rural character, responsible (respectful maybe?) public and private land use, wildlife and wildlife habitat (food on winter range). Even recognizing gravel extraction **developed in a manner that will not adversely impact adjoining properties, nor the road system that provides access**. Biking and cycling we should all agree upon is very popular along Highway 129, yet the Upper Elk Plan calls out that large sections of this road do not have shoulders and again mining trucks cannot escape that inherent risk of trying to avoid those uses along the road and the danger that mixing represents, why add to it?

#### **MLS INFORMATION SHEET** (Attachment D)

I include this documentation as to prima facie evidence of the wildlife that do use this property and as rebuttal to the applicant's complete silence found on their Exhibit 5 "Mitigation Plan for any Significant Negative Impacts" page 1 of 2, paragraph 2. In this document it appears the applicant simply is ignoring wildlife. I submit this MLS information as very powerful indication that wildlife is and should be an issue the applicant needs to mitigate, and/or further basis for denial of this application. This information does not come from me but the prior owner of the property.

#### **COUNTY MAPPING**

The subject parcel is clearly shown on Routt County Wildlife mapping as being in Elk Severe Winter Range and Elk Winter Concentration Area. Mapping also shows Bald Eagle nesting sites within one mile from the site.

### **ECONOMICS** (Attachment E)

I have provided actual 2021 Pit Prices from 5 operating gravel pits the rough average for pit run is about \$12.88 per ton an average for various size road base is about \$14.00 per ton.  
 $67,000 \text{ tons per year} \times \$12.88 = \$862,960.00 \text{ per year} \times 10 \text{ yrs. Production} = \$8,629,600.00$   
This is not a small operation.

### **SUMMARY, CONCLUSIONS, AND CONCERNS**

I hope that I have provided you with relevant information and documentation that clearly illustrates not only my issues and concerns but those of other neighbors affected by this application.

**\*\*If this application gets County approval a very real concern is that it will never go away and this is one of the bigger reasons the application should be denied. The current owner might possibly lease or sell the operation to a larger operator who could apply to the County to amend the permit for adding a crusher, or maybe the applicant decides to limit their annual income over more years by decreasing production and ask for an amendment to extend the term, or more reserves are discovered and trips and term need to be increased and expanded through a permit amendment. It is commonly acknowledged that it is much easier to amend an existing permit than to obtain a new permit.....so quite possibly this pit will be around much longer than perhaps County Planning staff, County Planning Commissioners, and Board of County Commissioners.**

I have pointed out the impacts of haul trucks sharing a common road with other users, I have referenced what appears to be an unresolved legal issue regarding commercial gravel trucks using an easement which they may not have any legal right to use on a common private road. I have provided visual evidence of wildlife using the subject property throughout the year. My family has owned the neighboring property for 94 years and hope to continue to provide open space, grazing land for cattle, and winter range for elk. I hope that you can agree that a commercial gravel pit in this location is not supported by the Routt County Master Plan, County Zoning regulations, the Upper Elk River Community Plan, and certainly not the neighboring land owners.

Thank-you for your time and forbearance with this lengthy document, and thank-you for donating your time to the citizens of Routt County with little if any expression gratitude or appreciation for what you give.

I know that saying no is sometimes hard to do but I am respectfully asking you to stand up, do the right thing and deny this application.

Thank-you,



Troy Brookshire



## SECTION 5. GENERAL PERFORMANCE AND DEVELOPMENT STANDARDS

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### 5.1. General Performance Standards

These standards are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties. These standards shall apply in all Zone Districts and to all land uses unless otherwise noted.

#### 5.1.1. Health, Safety and Welfare

Every use shall be operated so that it does not pose a danger to public health, safety or welfare.

#### 5.1.2. Local, State, and Federal Regulations and Standards

It is the intent of Routt County to avoid unnecessary and duplicative regulations. Where other local, state, or federal regulations adequately address local land use issues Routt County has chosen not to enact additional regulations.

Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any Land Use Approval granted pursuant to these Regulations.

#### 5.1.3. Building Construction and Enforcement

##### A. Building Permits

No building shall be erected, occupied, moved or structurally altered until the Building Official has issued any permits required under building codes adopted by Routt County for such work; and no permits shall be issued unless the proposal is in full compliance with these Regulations, except in those instances where the Board of Adjustment has granted a variance. All applications for building permits shall be accompanied by a drawing showing the location of all improvements in relation to the lot and indicating the height of all structures relative to both existing and proposed finish grade. No building permit may be issued without a building permit signoff following the procedures laid out for a Minor Use Permit in the Review Process Chart, Section 3.2.1 of these Regulations.

relief may be granted if the owner demonstrates that the historic nature of the building would be damaged if strict compliance were required and that strict compliance is not necessary to protect the safety, health or welfare of the public.

- F. Secondary Dwelling Units subject to registration under the SDU Control Chart, Section 5.3.1, which are either not registered prior to November 1, 1998, or which have not been determined to be in compliance with the criteria within the applicable time period, may thereafter be registered as Secondary Dwelling Units only upon payment of a registration fee of \$100. Any such unit must also be brought into compliance with the then-applicable Routt County Building Code in accordance with the procedures for the review, approval and inspection of buildings constructed without building permits, including, without limitation, the payment of a \$500 inspection fee, plan review fees and use taxes based on the then-current value of the improvements. Any such unit, otherwise in compliance with Section 5.3.1, may not be used as a Secondary Dwelling Unit unless and until it has been registered and passed final inspection by the Building Department.

#### **5.3.4. Reconstruction of Registered Secondary Dwelling Units**

Secondary Dwelling Units registered or eligible to be registered, in conformance with Sections 5.3.1 and 5.3.3 of these Regulations may be reconstructed provided the reconstructed unit meets all of the following standards:

- A. No change in location, except as approved by the Planning Director to bring the reconstructed Secondary Dwelling Unit into greater conformance with the required setbacks of the applicable zone district
- B. No increase in building footprint.
- C. No increase in total building square footage.

### **5.4. Parking Standards**

In order to reduce or prevent traffic congestion and shortage of on-street parking areas, off-street parking and loading facilities shall be provided in accordance with these Regulations in proportion to the need for such facilities created by the particular type of use. Off-street parking and loading areas are to be designed, maintained, and operated in a manner that will ensure their usefulness, protect the public safety, and insulate surrounding land uses from their impacts.

#### **5.4.1. Applicability**

Off-street parking and loading spaces shall be provided for any new building, for any addition to an existing building, or for any new Land Use Approval. For additions to an existing building or new uses or changes in use that would increase the total number of parking spaces required for such building, the additional parking shall be required for only such addition, new use, or change in use and not for the entire building or use. If an old building is replaced by a new building housing the same use, parking shall be provided for the net increase in square feet.

#### **5.4.2. Location**

Parking spaces, aisles, and turning areas shall be entirely within lot lines and shall not encroach on any public right-of-way. For parking facilities



inspect the road, such period not to exceed 30 days, the Road and Bridge Department shall issue a completion certificate.

- C. A building or other permit may be issued prior to the completion of the road pursuant to this Section 5.8 only if the applicant enters into an agreement in a form substantially similar to the form of a subdivision improvements agreement and submits to the Board of County Commissioners adequate security to guarantee the construction of the road, in a form acceptable to the Board and in the amount of 125% of the cost to complete the road.
- D. Where a Fire District has adopted these Common Road standards as a part of a Fire Code enforceable in such District, the interpretation by the District of such Fire Code provisions relating to the adequacy of a common road for emergency access and the reasonableness of required mitigation measures may be reviewed by the Fire Code Board of Appeals as set forth in and established by such Fire Codes. Any decision of the Fire Code Board of Appeals may be appealed to the Board of County Commissioners for final decision.

## **5.9. Sign Standards and Permits**

### **5.9.1. Purpose and Objectives**

- A. Promote the use of signs that are aesthetically pleasing, of appropriate scale and integrated with the rural landscape, in order to meet the County's Master Plan objectives related to the quality and character of the rural landscape;
- B. Protect the public welfare and enhance the appearance and economic value of the rural landscape by protecting scenic views and avoiding visual clutter and pollution that can compromise the character and quality of the rural landscape;
- C. Ensure that signs are compatible with their surroundings and prevent the placement of signs that are a nuisance to occupants of adjacent and contiguous properties and the traveling public;
- D. Promote the safety of persons and property by ensuring that signs do not create a hazard by confusing or distracting motorists or impairing motorists' ability to see obstacle or other vehicles or to read traffic signs;
- E. Assist in wayfinding; and
- F. Provide fair and consistent permitting and enforcement.

### **5.9.2. Applicability**

- A. All construction, relocation, enlargement, alteration, and modification of signs within the unincorporated areas of Routt County shall be in compliance with the regulations of this Section 5.9, all State and Federal laws and regulations concerning signs and advertising, and applicable building codes.
- B. No sign or part of a sign, lighting for a sign, may be constructed, relocated, enlarged, altered, or modified without a Minor Use Permit pursuant to Section 3.2.1, unless specifically exempted by this Section 5.9.

portion of a circle, or any combination thereof which creates the smallest continuous single perimeter enclosing the extreme limits of the display surface or faces of the sign excluding reasonable frames or non-structural trim, bracing and support structure. The measured area shall include only one side of the sign, and one additional sign face is authorized, provided it is attached to the approved sign, identical to the approved sign, and separated from the approved sign, by an angle of at least 270 degrees on a horizontal plane.

- F. **Metallic Signs.** Signs with metallic surfaces shall be treated to reduce reflection, whether from sunlight or artificial illumination, on nearby residential properties and the vision of passing motorists.
- G. **Lighting.** Illuminated signs shall conform to the following standards:
  - 1) Signs illuminated from an exterior source shall be downcast and opaquely shielded.
  - 2) Signs illuminated from an interior light source shall be allowed provided that the light source is not visible from the exterior of the sign and provided the wattage does not exceed the following requirements:
    - a. Fluorescent lights not to exceed five (5) watts per square foot of sign area;
    - b. Incandescent lights not to exceed twenty-five (25) watts per square foot of sign area;
    - c. Gas-fired lights not to exceed thirty (30) milliamps per eight (8) linear feet of tube. Such gas-fired lights may include but are not restricted to: neon, argon, and mercury.
  - 3) None of the foregoing provisions shall be construed to allow sign illumination that constitutes a traffic hazard.

#### 5.9.5 Prohibited Signs and Sign Elements

This section identifies signs and sign elements that are not allowed anywhere in the County.

##### A. Prohibited Signs and Content:

- 1) Off-Site Commercial Signs;
- 2) Signs with blinking, moving, or animate features;
- 3) Signs with more than two sign faces;
- 4) Signs with manually or electronically changeable text or graphics;
- 5) Signs that are a traffic hazard because they simulate or imitate any traffic sign or signal;
- 6) Portable signs, except as specifically identified in this section and Section 5.9.2;
- 7) Signs erected, painted or maintained on trees, rocks, or natural features;
- 8) Text or graphics of an indecent or immoral nature and harmful to minors;
- 9) Text or graphics that advertise unlawful activity;



## SECTION 6. GENERAL STANDARDS AND MITIGATION TECHNIQUES FOR LAND USE APPROVALS

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### 6.1 General Approval Standards

The following standards shall apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions that come before Planning Staff, Planning Director, Planning Commission or County Commissioners for action. These standards do not apply to Uses by Right.

Anyone considering an application for any land use change is encouraged to meet with County planning staff as early in the process as possible. The County Planning Department has resources available that can help identify issues related to the proposed land use change. These resources include copies of various federal, state, and local studies and planning documents; natural hazard, floodplain, wildlife, and other maps; and archives of previous land use applications and approvals.

**6.1.1 Health, Safety, and Welfare**

The proposal shall be consistent with public health, safety and welfare.

**6.1.2 Master Plans**

The proposal shall be consistent with applicable Master Plans and sub-area plans.

**6.1.3 Local, State, and Federal Regulations and Standards**

It is the intent of Routt County to avoid unnecessary and duplicative regulations. Where other local, state, or federal regulations adequately address local land use issues Routt County has chosen not to enact additional regulations.

Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any Land Use Approval granted pursuant to these Regulations.

**6.1.4 Public Road Use Performance Standards**

The proposal shall comply with the Public Road Use Performance Standards in Section 6.2 of these Regulations.

**6.1.5 Industry Standards**

The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's).

**6.1.6 Outdoor Lighting**

The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.

**6.1.7 Significant Negative Impacts**

The proposal shall not create any significant negative impact in surrounding areas. Significant negative impacts are generally considered to be impacts that do not meet regulatory and/or generally accepted performance and environmental standards. If the Planning Director, Planning Commission or County Commissioners determine a proposed Land Use Change has the potential to create a significant negative impact in the surrounding area mitigation may be required, any such mitigation shall meet the Standards of Sections 6.4 through 6.13. If adequate mitigation cannot be accomplished, the use shall not be permitted.

Issues that may be reviewed for potentially significant negative impacts include, but are not limited to:

- A. Public Roads, Services and Infrastructure
- B. Road Capacity, traffic, and traffic safety
- C. Natural Hazards
- D. Wildlife and Wildlife Habitat
- E. Water Quality and Quantity
- F. Air Quality
- G. Visual Amenities and Scenic Qualities
- H. Wildland Fire



- I. Noise
- J. Wetlands
- K. Land Use Compatibility
- L. Odors
- M. Vibration
- N. Snow Storage
- O. Historical Significance
- P. Reclamation and Restoration
- Q. Noxious weeds

**6.1.8 Approval Criteria for Specific Land Uses**

In addition to the general approval criteria, uses must meet all applicable specific Land Use Approval criteria contained in Sections 8 and 9 of these Regulations.

**6.1.9 Construction of Improvements Required as Condition of Permit and Fair Share Reimbursement**

- A. For the purposes of this section, the term "Permit" shall mean a Special Use Permit, a Conditional Use Permit, a Minor Use Permit, or an Administrative Permit. The term "Authority" shall mean the Planning Director in the case of an Administrative Permit or a Minor Use Permit, the Planning Commission in the case of a Conditional Use Permit, or the Board of County Commissioners in the case of a Special Use Permit. However, in the event that a decision is appealed, the term "Authority" shall mean the person or body issuing the final decision in connection with the permit application. The term "Permittee" shall mean an applicant for a Permit or a Permit Holder.

If, as a condition for the issuance of Permit, the Permittee is required to make improvements to publicly owned infrastructure (the "Required Improvements"), the Permittee shall also be required to enter into a Public Improvements Agreement in the form provided by the Routt County Planning Department. As a part of the Permit review process, the Authority shall determine the percentage of the capacity of the public improvements added by the Required Improvements that are or will be required by the activity allowed under the Permit and the useful life of those improvements.

- B. The Public Improvements Agreement shall contain the following:
- 1) The Permit number;
  - 2) The name of the applicant or permit holder;
  - 3) A description of the Required Improvements to be completed by the permit holder;
  - 4) The total cost of the Required Improvements;
  - 5) The deadlines for completion of the Required Improvements;
  - 6) Provision for the security required for completion of the Required Improvements if the Permit is to be issued before completion of the Required Improvements;
  - 7) The terms of reimbursement; and

can be accomplished following receipt of the notice of Determination.

**B. Submittal Requirements**

To request a Determination by the Planning Director, the applicant shall submit the following:

- 1) Signed, written request for a Determination of Level of Review
- 2) Vicinity map illustrating the location of the proposed project and its proximity to surrounding non-federal lands.
- 3) Scaled drawing illustrating the boundary of the proposed activity, its relationship to surrounding topographical and cultural features such as roads, streams, and existing structures, and location of proposed buildings, infrastructure, and other improvements.
- 4) A written summary of the proposed project that describes compliance with the standards of Sections 5, 6, 8, and 9 of these Regulations as they relate to the impacts of the proposed activity on non-federal lands.

**C. Finding of No Significant Impact**

Based upon review of information provided by the applicant and in consideration of the standards of Sections 5, 6, 8, and 9 of these Regulations, the Planning Director may determine that construction or operation of the proposed project, without additional mitigation, is unlikely to have any significant adverse impacts to non-federal lands within Routt County, and therefore, a permit under these Regulations will not be necessary.

**D. Full Permit Review**

If the Planning Director determines that a Finding of No Significant Impact is not appropriate, then the Director shall determine that a full permit review of off-site impacts is required and the party proposing such development must apply for the type of permit which would be required for the same type of development on non-federal land. The application shall be reviewed using the same standards as used for the same type of development on non-federal land except that the review will be limited to off-site impacts of such development within Routt County and the impacts on federal lands will not be reviewed.

## **6.2 Public Road Use Performance Standards**

### **6.2.1 Purpose**

The purpose of this section is to protect the Routt County road system, and to allow use of Routt County roads at a minimum cost to county taxpayers for upkeep, by requiring that all users pay a fair share for maintenance and upgrading of said roads.

### **6.2.2 Applicability**

Any projects that have one or more of the following characteristics are subject to this section:

- A. Any type of development or project that will increase traffic or change the type of traffic on existing public roads.



B. Project includes mining operations and related uses.

C. Project includes haul truck traffic.

#### 6.2.3 Review

The Board of County Commissioners, Planning Commission, Board of Adjustment, or Planning Director may require, at the applicant's expense, the submission or completion of a study (e.g., a Traffic Impact Study or Road Engineering Study) to evaluate compliance with these Public Road Use Performance Standards.

#### 6.2.4 Standards

- A. New roads shall meet currently adopted Routt County Road Standards.
- B. Projects shall mitigate their impacts to public roads such that all public roads used for access to a project or development will remain in as good as or better than existing condition.
- C. All public roads under the County's jurisdiction used to access the proposed project must be able to accommodate the anticipated traffic with regard to all of the following:
  - 1) Road structure (including drainage)
  - 2) Road width
  - 3) Geometry of road
  - 4) Sight distance
  - 5) Condition of surface
  - 6) Intersections
  - 7) Road capacity and/or level of service
  - 8) Acceleration/deceleration lanes
  - 9) Non-vehicular uses
- D. Payment of impact fees, ton-mile fees, up-front road improvement fees, or other fees may be required by the Board of County Commissioners for projects to offset costs for public road improvements and maintenance due to the proposed uses.
- E. Requirements for repairs, upgrades, development, and maintenance of public roads may be included as a condition of any Land Use Approval. Such roadwork will be at the proponent's expense, unless otherwise determined by the Board of County Commissioners.
- F. Contractor and/or permittee may be required to maintain County roads used for the project to accommodate the additional truck traffic, as required through the approval process.
- G. Overweight and overlength permits shall be obtained from the Routt County Road and Bridge Department prior to any operation.
- H. Routt County has the authority to close any county road for up to 60 days and/or establish weight limits at its discretion if such road surface is in poor condition and would be further damaged by additional use.
- I. Acceleration/deceleration lanes shall be developed as required by the Colorado Department of Transportation (CDOT) and/or the Routt County

- Road and Bridge Department. A review of the CDOT or County Access Permit will be requested by the County based upon complaints, hazardous conditions, accident records, pertinent new information, or any other concerns or changes in the area or use that may affect traffic to and from the project.
- J. All road cuts shall be revegetated upon completion. Seeding with native species shall be performed in accordance with state and federal requirements where applicable, or based upon guidelines of the local office of the Natural Resources Conservation Service.
  - K. If deemed necessary by the Routt County Road and Bridge Department the following conditions will be activated:
    - 1) The permittee or contractor shall place traffic control signs along haul routes and at intersections, as specified by the Routt County Road and Bridge Department.
    - 2) Flaggers will be placed at the intersections of affected county roads, as specified by the Routt County Road and Bridge Department.
  - L. Permittee shall undertake dust control resulting from project related traffic as may be required by the Routt County Road and Bridge Department and/or the Routt County Environmental Health Department.
  - M. Haul trucks associated with the project or development shall not exceed county legal load limits as set forth in the Routt County Road Standards. The Routt County Engineer may require that a scale be set to determine that weight limits are being met.
  - N. Project shall be designed to mitigate cumulative impacts of haul trucks along county roads.
  - O. Project may be required to limit hours of operation to minimize conflicts with peak traffic hours and school bus hours.
  - P. Project may be required to limit hours of operation to minimize the effects of poor visibility, fog, or other environmental or road conditions.
  - Q. Project may be required to route haul trucks to mitigate significant impacts to commercial, residential, or recreation areas and/or to prevent significant impacts to sensitive wildlife areas.
  - R. Permittee may be required to enter into cooperative agreements with other operators and/or the County to develop haul truck routing away from urban, recreation or residential areas.
  - S. Permittee may be required to develop temporary or borrow pits to be located near the project site, if no gravel mines are located in the vicinity and the haul distance from an established pit would create significant impacts to the road system.
  - T. Routt County roads shall not be completely blocked at any time. Traffic shall be directed by use of adequate signage and flaggers if necessary, according to standards of the Manual on Uniform Traffic Control Devices.
  - U. Project may be required to limit traffic generation and/or provide customer shuttles to limit impacts to County Roads.



- 3) The nature of the operation, and other pertinent factors that may affect the proposal.

#### **6.10 Mitigation Techniques to Reduce Noise impacts**

- A. Limit hours of operation.
- B. Limit hours and days of equipment operation to reduce noise effects to adjacent or nearby residents.
- C. Limit hours of hauling.
- D. Route haul truck traffic away from residential, commercial and recreation areas.
- E. Place processing areas behind berms or soil stockpiles, or at the bottom of the excavation.
- F. Use landscaping to muffle or redirect sound including berms, fencing, soil stockpiles, or vegetation.
- G. Locate equipment in an enclosed and acoustically insulated structure.
- H. Use electric pumps for water where feasible, and use "quiet design mufflers" where electricity is not available.
- I. Use latest equipment approved by OSHA and MSHA to reduce or eliminate equipment back-up alarms.
- J. Place the operation a sufficient distance from residences, commercial areas, and recreation areas to minimize noise impacts to those areas.
- K. Install acoustically insulated housing or covers enclosing any motor or engine;
- L. Install a solid wall or fence of acoustically insulating material surrounding all or part of the facility.
- M. Require a noise management plan specifying the hours of maximum noise and the type, frequency, and level of noise to be emitted; and
- N. Any noise mitigation measures as required by the Colorado Oil and Gas Conservation Commission.
- O. Construction of insulated buildings or other enclosures may be required where facilities create otherwise unmitigatable noise impacts.
- P. Eliminate or reduce the use of compression "jake" brakes on haul trucks, when possible, at the entries of or within sites located near residential areas.
- Q. The location and grade of any proposed access will be considered in relation to the noise that may be created by vehicles using such access.
- R. Limit traffic generation and/or provide customer shuttles.

#### **6.11 Mitigation Techniques to Reduce Wetlands impacts**

All uses must comply with applicable Environmental Protection Agency (EPA) and Army Corps of Engineers (ACOE) standards and regulations for wetlands.

- A. Avoid wetland areas.
- B. Develop sediment ponds and drainage swales to prevent pollution of nearby wetlands.
- C. Replace disturbed wetland areas in-kind, and on-site.
- D. Preserve existing significant vegetation within and surrounding wetland areas.

## SECTION 9. REGULATIONS AND STANDARDS FOR MINING AND RELATED USES

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### 9.1. Purpose

Routt County recognizes that state and federal agencies have programs in place to permit, inspect, and enforce operational and administrative programs to assure protection of environmental resources associated with exploration, oil/gas production and mining operations. It is the intent of Routt County to assure that the local land use planning and zoning requirements are addressed without creating operational conflict with the pertinent state and federal requirements. Routt County reserves the right to assume the functions of external agencies involved with mining and resource extraction if such agencies are eliminated or their operations are curtailed. Routt County reserves the right to impose more stringent standards than other agencies as necessary to mitigate land use impacts. Routt County may require bonding for reclamation and other activities if the appropriate agencies do not require or administer such bonding.

### 9.2. General Standards for all Mining, Resource Extraction and Accessory Uses

All Mining and accessory uses shall comply with the applicable Standards and Mitigation Techniques of Section 5 and Section 6 of these Zoning Regulations. In addition, all Mining and accessory uses shall comply with the following standards:

- A. Shall be compatible with surrounding agricultural, residential, and recreational land uses by selection of location and/or mitigation.
- B. The proposed operation will be located a sufficient distance from other mining operations so as not to create cumulative impacts to roads, air and water quality, or other resources and amenities. The Planning Commission and the Board of Commissioners will determine sufficiency of distance.
- C. Equipment used for the operation will not be visible from adjacent or surrounding residences, or will be mitigated to the extent possible to reduce visual impacts. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation.
- D. 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.
- E. New long-term (more than one year) mining operations will minimize visual impacts along entryways to growth centers or potential growth centers as defined in the Routt County Master Plan. Planning Commission and/or the Board of County Commissioners will determine sufficiency of minimization.
- F. Truck traffic will not access the mining operation through residential or commercial areas, or such traffic will be mitigated. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation.



# Attachment B

13 pages ATTACHED  
MASTER PLAN

37 Highlighted Provisions showing  
where the Application is not in conform-  
ANCE.  
environment. It was no longer acceptable to have growth without responsible limits.

## CHAPTER 1 - INTRODUCTION

### 1.1. ROUTT COUNTY: AN OVERVIEW



The history of the Routt County people started even before the advent of the first white settlers. Ute Indians camped in the valley as long as 1,000 years ago. During the summers, they migrated from Utah to hunt, fish and bathe in the healing waters of the many springs found in the area. By 1820, trappers had visited the valley, looking for beaver. They came but left no written trace.

The discovery of gold at Hahn's Peak in 1861; the area's great coal reserves; the fertile valleys, sheltered on three sides by high mountain ranges---these led the way to the "modern" development of Routt County.

In the late 1800s, heavy wooden wagons, loaded with household furnishings, migrated west into the valley of the Yampa River and its tributaries. These first settlers came to ranch the rich, fertile valleys. They were soon joined by entrepreneurs hoping to find fortunes in coal. The 1909 arrival of the first train into Steamboat Springs opened the coal fields for production and a new era for this section of the state.

Northwest Colorado was now accessible and ready for development. New communities formed to serve those coming here to work on the ranches and mine the coal. For the first decades of the Twentieth Century, mining and agriculture formed the economic base of the county. More recently, tourism began to be an important part of the local economy.

As more people arrived, more homes were needed, more public services were demanded. Commerce grew. Pressures for land development led to a growing concern for protection of Routt County's delicate natural

In 1972 the county adopted a Zoning Resolution and Subdivision Regulations to guide this growth.

Although the Zoning Resolution and Subdivision Regulations continued to serve the citizens of the county, planning goals changed and became more sophisticated. During the 1970s, recreation and tourism assumed an increasingly important place in the county's economy.

### NATURE OF THE PLAN

The Routt County Master Plan is structured to respect the rights of private property owners while considering the best ways to solve problems of future county growth and development. The Master Plan outlines policies that will guide future development in the unincorporated portions of the County. The general goal of the Plan is to ensure the rural character while accommodating appropriate development.

A product of both new efforts and of earlier planning efforts completed for Routt County, this plan is intended to address many needs and requirements for the future. They include those of agriculture and ranching; energy production; natural resource extraction, recreation; housing; public utilities; transportation; and services such as fire, police and emergency. The plan is also intended to include concerns for the land and natural resources, the history of the County and the people who live here.

Statements of County policy in the Master Plan help the Routt County Planning Commission and the Routt County Board of County Commissioners make fair and proper day-to-day regulatory decisions about land use change or new development. The plan also aids governing bodies in making decisions that fit overall and long-term objectives that will best serve the community.

The plan is general. It gives broad recommendations for use of land in the County. The plan is made for flexible guidance --- rather than rigid control. It addresses county-wide issues, problems and policies. Detailed maps, graphs and charts, along with important statistical data, are found in a second document, supplementing the Master Plan.



## **1.2. PHILOSOPHY OF PLANNING IN ROUTT COUNTY**

### **PROCESS AND PUBLIC PARTICIPATION**

1.2.A. Changes in land use should not interfere with another person's reasonable use of their property.

1.2.B. All development proposals should be reviewed except for proposals of no impact as defined in the land use regulations of Routt County.

1.2.C. A change in land usage may be allowed anywhere in Routt County subject to the Routt County Master Plan and Sub-area Plans, and land use regulations such as the Zoning Resolution and Subdivision Regulations.

1.2.D. Reviews should be in proportion to the complexity or size of the proposal and impacts generated. Each development plan should be evaluated on the basis of its individual and unique resources, circumstances and terrain.

1.2.E. The valid concerns of the residents should receive consideration in the evaluation of changes in land use and new developments.

1.2.F. It is the policy of Routt County that land use within the County's jurisdiction should remain within its control. Federal and State proposals for changes in land use should be subject to the same land use controls that apply to residents of private lands within the County.

1.2.G. The County encourages regional and intergovernmental cooperation in planning.

### **GROWTH**

1.2.H. Growth in the County should be consistent with the rural character and should not promote sprawl.

1.2.I. When appropriate, Urban growth should occur in designated Growth Centers as identified and defined in the Master Plan and Sub-Area Plans.

1.2.J. Development of rural areas outside of designated Growth Centers should be at a density consistent with agricultural zoning or less.

1.2.K. The preferred pattern of rural residential growth is clustered development with protected parcels of open land.

1.2.L. The developers of new projects, will assist in providing facilities to the extent that they are reasonably related to the needs of the development and the future residents thereof. Such services and facilities should include, but are not limited to, basic services such as roads, sewer, water, emergency services, and schools.

1.2.M. Proposals for development should minimize public and quasi-public service expenditures and promote the general welfare of the citizens of Routt County.

1.2.N. Project developers shall provide the necessary internal and external infrastructure to support their projects and future connections as development occurs.

1.2.O. Routt County discourages new development that would adversely affect wildlife habitat, recreation, tourism, agriculture, mineral resource extraction, and timber production. Where development proposals create conflict between two or more of these, the proposal that is found to be most beneficial to the community will be preferred.

1.2.P. Development proposals should be planned in context with other nearby development. Development outside of a Growth Center is discouraged. The resulting cumulative impacts associated with such developments should factor in all potential developments.

### **RURAL DEVELOPMENT**

1.2.Q. The County supports an interconnected system of open lands to protect the rural character of the County.

### **ENVIRONMENTAL IMPACTS**

1.2.R. Development in the County should not contribute to the degradation of the natural environment by adding to water, noise, air, light, and visual pollution.

1.2.S. Development in the County should not negatively impact our rivers, streams, and their 100-year floodplains.

1.2.T. Development on prominent land features and ridges is discouraged in order to preserve the aesthetic character of the area.

### **RECREATION AND TOURISM**

1.2.U. Recreation and tourism are an economic generator in the County and should be accommodated. However, activities that conflict with agriculture and wildlife will be directed to certain areas such as (Stagecoach, Steamboat Springs, Steamboat Lake, Elk Head Reservoir, Emerald Mtn.) and away from prime agriculture and critical wildlife areas.

### **MINERAL RESOURCES**

1.2.V. Routt County recognizes that mineral exploration and development are important factors in the economic well-being of the County. It is not the intent of Routt County to discourage mineral exploration and development where the policies of this Master Plan and

the Routt County Zoning Resolution can be satisfied.

Exploration and extraction of minerals should take place prior to other developments being approved or constructed that would permanently prevent mineral exploration and extraction unless:

1.2.V.1. Such exploration and extraction would cause significant danger to public health and safety, or

1.2.V.2. the economic value of the mineral present is less than the value of another existing or requested use, or

1.2.V.3. the negative effects of the mining operation, such as noise, dust, odors, and visual impacts cannot be reasonably mitigated, or

1.2.V.4. mitigation does not substantially eliminate the negative effects of the mining operation, such as noise, dust, odors, water quantity and quality, and visual impacts, so that these effects would be apparent at the entryways to proposed and existing growth centers, or  
1.2.V.5. the effects of subsidence created by the mining operation would pose a danger to the health, safety, and welfare of the residents in the area.

1.2.W. Routt County encourages beneficial future land use of reclaimed mine sites. Reduction in future residential density may be an appropriate beneficial land use in certain areas.

## HAZARDS TO DEVELOPMENT

1.2.X. All development proposals should be planned to best promote the health and safety of the residents of Routt County by avoiding natural hazards.

## WILDLIFE RESOURCES

1.2.Y. Routt County insures that development and uses are planned and designed to be non-destructive to critical wildlife habitat, as shown in the Routt County Wildlife Maps on file in the Routt County Planning Department.

## AGRICULTURAL LANDS

- 1.2.Z. Protecting the rural character, ranchland, and open space is a high priority in Routt County.

1.2.AA. Agriculture of a scale and scope traditional to Routt County provides food, represents a stabilizing economic base for all of Routt County, allows most natural ecological processes to continue and provides the predominant character of Routt County. The County's heritage as rural and western is largely due to the

agricultural lands and ranches that shape its landscape.

- A high value is placed on the preservation of agricultural lands and heritage. Routt County encourages the protection of productive agricultural lands and ranching and farming activities.

## TRANSPORTATION

1.2.BB. The County encourages flexible multi-modal plans for transportation alternatives to maximize mobility and economy, while minimizing pollution and safety hazards.

1.2.CC. New growth should minimize impacts on transportation (county-wide).

## HOUSING

1.2.DD. Diverse housing opportunities should be available to the citizens of Routt County in designated growth centers.



that contain more detailed goals and objectives may apply. Developers of land within sub-area plan boundaries should consult the applicable plan, as well as the County-wide plan. The following areas of Routt County have planning studies that have been approved by the County through the public hearing process.

1. Steamboat Springs Area Community Plan
2. South of Steamboat Area Plan #1
3. Oak Creek Town Plan
4. Yampa Town Plan
5. Hayden Town Plan
6. West of Steamboat Springs Area Plan
7. Stagecoach Community Plan
8. Upper Elk River Valley Community Plan
9. Sarvis Creek Plan
10. Emerald Mountain Area Plan (presently under review)

\* For items 1 - 5 above, the governing bodies of incorporated areas have the authority to review and approve land use and development plans within their corporate limits and within the plan area.

The goals and objectives stated in this Plan should not be in conflict with those listed in the sub-area plans. In the event that a conflict should arise, it is the responsibility of the Planning Commission and the Board of County Commissioners to determine which shall override. Information used to make this decision should be the result of public input, type and impact of proposed development or use, and any other disclosures presented through the public hearing process.

### 2.3. IMPLEMENTATION

This Plan applies to changes in land use that involve the Planning Commission and Board of County Commissioners' hearing processes as well as administrative decisions. Existing structures and uses that were legally created in the past have certain historic rights. The goals of the Master Plan and Sub-Area Plans are intended to be used as guidelines for the decisions made during public hearings.

When an applicant requests a change in land use to something other than what is allowed "by-right," the new development should be approved only when it complies with the Plan's goals and objectives, maps and supporting documentation, along with other County regulations. Under this scenario, "implementation" of the Plan (through the County's Zoning and Subdivision Regulations) is triggered by the landowners of Routt County who desire a change in specific land uses, and

not the County government. In the future, successful implementation will be judged by land use decisions made by the Planning Commission and the Board of County Commissioners.

The Plan is intended to provide a vision for the County reaching 15 - 20 years into the future. As the outlook of the citizens of Routt County and the political climate changes, so must the Plan. To ensure an accurate representation of the needs and desires of Routt County, the Plan should be amended as needed. The amendment process can be initiated by the Planning Commission, Board of County Commissioners, or citizens and landowners of Rout County. Requests/applications for Plan amendment can be initiated through the Planning Department.

As a master plan, this plan is not regulatory or binding upon private land use activities until enforced through regulatory mechanisms such as zoning and subdivision regulations and has immediate binding effect only upon public activities as required by C.R.S. 30-28-110. This master plan is not a zoning plan (C.R.S. 30-28-133). Accordingly, the use herein of the words "shall," "must," "require," etc., are not to be interpreted as mandatory or regulatory except with respect to the public activities described at C.R.S. 30-28-110 or where zoning and subdivision regulations require.

## CHAPTER 3 - DEVELOPMENT



Figure 2 - New Construction

### 3.1. BACKGROUND

Dispersed and random residential, commercial and industrial developments and uses contribute to urban sprawl and consequently increase the cost of public and quasi-public service costs, environmental costs and personal costs. These costs include basic infrastructure, schools, emergency services, pollution, increased travel time and traffic congestion, visual blight, and the elimination of prime farm land and critical wildlife areas.



New residential subdivisions located outside of growth boundaries would contribute to urban sprawl. Low density residential subdivisions may occur on land which is immediately adjacent to urban growth boundaries.

## DELINEATION OF GROWTH CENTERS

### Growth Center Definition:

A Growth Center is an incorporated area that generally has, or is planned for, an intensive and significant amount of development and uses at a higher density and intensity. These areas include land within cities and towns and are adjacent to these incorporated communities. In addition, a growth center should provide all of the following:

- \* concentrated residential development; center of commerce and civic activities;
- \* detailed, adopted Community Comprehensive Plan;
- \* access ways which can safely accommodate expected traffic flows in and out of the Growth Centers; and
- \* fiscal capacity to provide essential services to the residents of their communities.

The current growth centers in Routt County include Steamboat Springs, Hayden, Oak Creek, and Yampa. The depiction of Growth Centers as shown on the map on page 14 is a composite of Growth Centers taken from the associated comprehensive plans. The comprehensive plans adopted by these cities and towns should be consulted for a more detailed description of designated land uses in their respective areas. The unincorporated communities Steamboat Lake, Phippsburg, Milner, Hahn's Peak, Clark, Toponas, and McCoy could be considered designated growth centers if they meet the criteria listed in the definition of a growth center.

Stagecoach should be considered a potential Growth Center because, while not meeting the strict definition, it does have existing platting, zoning (including commercial), a special district, and an approved sub-area plan. To be considered a potential Growth Center, an existing/approved project area must have, or have planned, access which can safely accommodate expected traffic flows in and out of the growth center, central water and sewer facilities which can accommodate the planned growth, have physical features which will complement the type and intensity of growth proposed, and a County-approved Sub-area or Community Plan. If the citizens of an Unincorporated Community desire an upgrade to the "town" designation

(thus a Growth Center designation), the proponent must also show that:

- \* all characteristics necessary for the "town" designation exist;
- \* a demonstrated community need is fulfilled by the new Growth Center;
- \* the new Growth Center will be in the best interest of the community;
- \* incorporation shall occur; and
- \* assurance for all proposed services and amenities can be developed or expanded within an acceptable time period.

## 3.2. GOAL

3.2.A. To protect the viability of the County's agricultural lands, critical wildlife areas, and rural character, locate new urban development and compatible uses within Growth Centers as reflected in the appropriate sub-area plan.

## 3.3. POLICIES

- 3.3.A. New residential, commercial and industrial developments and uses should occur within the vicinity of designated growth centers and in compliance with the adopted comprehensive plans of those areas.

3.3.B. Routt County supports infill development and redevelopment within the boundaries of growth centers.

3.3.C. New residential subdivisions should be encouraged to occur only when the demand exists for the type of improved, residential dwelling units proposed.

3.3.D. Residential densities should generally decrease as the distance from Growth Centers increase.

3.3.E. Without further study (sub-area plans), Routt County will only consider minor expansions and use permits in Phippsburg and Milner if the community need, infrastructure, services, and conformance with the Master Plan, zoning and subdivision regulations are proven to exist.

## 3.4. ACTION ITEM

3.4.A. Revise the County's zoning and subdivision regulations to support the policies and goals of this Master Plan.

3.4.B. Create a system to establish and implement impact fees.



agricultural land creating additional unnecessary problems for the owner of the adjacent land. Rural residential subdivision development in an area likely to be developed for natural resource extraction may prevent economically feasible extraction of such resources due to incompatibility issues.

- Some uses listed as allowed by permit are not always in the best interest of the local community. Operation of these uses may impact agricultural land, critical wildlife lands, and/or view corridors and may adversely impact existing residential developments. The cumulative effects of multiple uses can also lead to an unwanted situation, even if each of the individual uses appears to be low-impact. People choose to live in the country for residential privacy, peace, and quiet - and conflicts can arise when commercial enterprises are located within their vicinity. The County has adopted the "Right-to-Farm" ordinance to protect productive agricultural lands and operators from nuisance complaints from nearby developments and uses as a result of common agricultural practices.

Under state statute, thirty-five acre subdivisions are developed without any public input or review. Often, these projects have been located in areas of the County where adequate infrastructure is not available (roads for year-round residential use). Such projects without public review have lead to Skylined (as defined in Chapter 14) lots and buildings and visible road cuts, as well as increased costs to Routt County and its residents.

## **4.2. GOALS**

4.2.A. To protect land outside of designated Growth Centers from suburban or urban-type sprawl and the impacts of the cumulative effects of smaller residential developments and/or commercial uses.

4.2.B. To encourage sensitive development and uses that preserve the rural character, wildlife habitat, and agricultural uses.

4.2.C. To concentrate development and uses in or near Growth Centers.

## **4.3. POLICIES**

4.3.A. All new urban-type developments and appropriate uses are encouraged to occur within designated Growth Centers.

- 4.3.B. Use Permits that significantly alter the historical use, intensity of use, or character of an area may be deemed incompatible with this plan

4.3.C. Use Permits for projects located on traditional ranch lands may be approved when the petitioner has demonstrated that the historic agricultural operation and stewardship of the land will be maintained or enhanced.

4.3.D. Rural developments and uses should be limited to areas that have adequate access to accommodate the projected traffic.

4.3.E. Routt County will strongly encourage the Land Preservation Subdivision Exemption as an alternative to the 35-acre subdivision that results in the clustering of lots along with the preservation of large tracts containing agricultural lands or important wildlife areas.

4.3.F. The design of rural residential Land Preservation Subdivisions and other uses must address and mitigate these potential problems:

Wildlife conflicts and habitat reduction

Agricultural land conflicts and loss

Rivers, lakes, wetlands, floodplains, and riparian area impacts

Adequate infrastructure (water, sewer, & roads)

Geologic, fire, flood, and slope hazards

Visual impacts

Impact on irrigated hay meadows.

4.3.G. The design of rural residential land preservation subdivisions and other uses should take into account problems which may be created, including:

- \* the application of insecticides and herbicides on adjoining agricultural lands,

- \* road maintenance. All roads in rural residential subdivisions should be privately maintained but may be accepted, at the option of the Board of County Commissioners, as public right-of-ways. This should be reflected in the restrictive covenants of the subdivision. Emergency access on all roads and driveways is necessary and should be indicated on final subdivision plats. Routt County strongly discourages new development and uses that are accessed by remote and minimal maintenance roads, as defined in the Routt County Road and Bridge Road Maintenance Plan,

- \* installation/maintenance of perimeter fences.

These restrictive covenants shall be enforced by the homeowners association,

- \* irrigation ditch damage by:

  - dedicating of a minimum right-of-way for access
  - installing fences

  - constructing berms, where applicable

- \* interface with critical wildlife areas, unless a plan for the mitigation of impacts to wildlife and wildlife habitat is developed (that is acceptable to the County and other agencies having jurisdiction),



- \* Weeds. Where protective covenants are filed with the subdivision plat, they should require that noxious weeds be controlled.
- \* Dogs and cats. Routt County prohibits allowing all domestic predators to run at large.
- \* Future mineral extraction. Routt County strongly discourages the development of rural residential subdivisions adjacent to and/or within the view of areas likely to be developed for mineral extraction, as shown on Routt County Mineral Maps.
- \* Cumulative impacts. When reviewing land use proposals, Routt County will consider the cumulative impacts of all uses in the surrounding area.

In extreme cases, subdivisions should be prohibited.

4.3.H. Routt County encourages the consolidation of non-conforming lots or platted lots not served by water, sewer, and utilities throughout the County that were originally planned, but never developed. Adequate proof of water and sewer shall be required for consolidated lots five acres and greater in the estate (MRE) zone district.

4.3.I. Routt County encourages adjoining property owners to work together for proposed land use changes. Adjoining landowners should be consulted and encouraged to participate if the project results in preservation of large tracts of agricultural land, preservation of wildlife habitat, access to public lands, more efficient infrastructure (roads), and/or large conservation easements.

4.3.J. The County will require site plan review on 35+ acre developments as part of the building permit process.

4.3.K. Driveways and roads shall be designed to minimize erosion, cuts and scarring. When scarring of hillsides is unavoidable, prompt revegetation shall occur with native plant species.

4.3.L. Clusters of parcels 35 acres and greater are not considered residential neighborhoods.

#### 4.4. ACTION ITEMS

4.4.A. Routt County will establish incentives that address development on large parcels (greater than 160 acres).

4.4.B. Draft and approve new Zoning and Subdivision Regulation language that protects the owners/operators of productive agricultural land from complaints associated with common agricultural practices made by neighbors.

4.4.C. Routt County will continue to pursue agricultural land and wildlife habitat preservation measures such as

Purchase of Development Right (PDR) and Transfer of Development Right (TDR) programs, agricultural districts, the Land Preservation Subdivision Exemption, and others.



## CHAPTER 5 - ENVIRONMENTAL IMPACTS

Figure 5 - Lighting Impacts in the US

### 5.1. BACKGROUND

County residents have clearly indicated that they want prominent land features, broad expansive valleys and historical sites preserved. New development is encouraged to build within Growth Centers, avoiding sprawl. The county continues to discourage development that cannot be served by efficient and safe public services, such as police, fire, ambulance and roads. The subsequent economic cost of sprawl to the residents will increase inordinately as more services are demanded.

Since the adoption of the County's Zoning Resolution and Subdivision Regulations in the early 1970's, the County Planning Commission has heard numerous comments from the citizens of the County regarding the negative impacts of development on the environment. At the same time, the Planning Commission has received many comments regarding the protection of private property rights. With increasing development pressure and the threat of losing Routt County's rural character, preservation of the landscape has become a paramount issue.

Pollution from development can take many different shapes including:



- \* visual - from the interruption of scenic vistas by the placement of structures on skylines and scarring of hillsides or development on barren hillsides,
- \* water - that can result from sediment in stormwater runoff and from contaminants in groundwater aquifers from uncontrolled erosion,
- \* air - from a wide variety of factors including vehicle exhaust, particulates from sanding roads, and smoke from woodstoves and fireplaces,
- \* noise - by locating incompatible or unmitigated uses too close to neighbors, and
- \* light - commonly caused by flood-lighting of property that spills over onto adjoining property. Light pollution often causes a "halo" effect on the clouds at nighttime, and can also make it difficult to see the stars on clear nights. Unshielded outdoor lighting clearly defines the extent of development at nighttime, and detracts from rural character.

Prominent ridgelines in Routt County are being altered with large structures that are visible for miles. The scars from roads and driveways leading to these structures are also visible from great distances. These structures negatively affect the rural mountain landscape and character of our remote areas.

## **5.2. GOAL**

**5.2.A.** To ensure that new development does not detract from the rural character of the County or create air, water, noise, visual, and light pollution.

## **5.3. POLICIES**

**5.3.A.** The County encourages the use of "green" building techniques that lead to the conservation of energy and overall reduction of pollution in our environment.

**5.3.B.** While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate Sub-area Plans, Zoning Resolution, and Subdivision Regulations.

**5.3.C.** Discourage development on ridges that result in skylining.

**5.3.D.** Require Best Management Practices and grading plans and strongly discourage overlot grading.

**5.3.E.** Routt County requires that all new developments do not contribute to light pollution.

**5.3.F.** Routt County will continue to consider the impacts of development and uses on view corridors, water, wetlands, and air.

## **5.4. ACTION ITEMS**

**5.4.A.** The County will pursue the adoption of new regulations or enhance existing regulations that preserve the natural landscape and prevent overlot grading.

**5.4.B.** The County will require BMP's for erosion and sedimentation control and grading plans.

**5.4.C.** Pursue the incorporation of lighting standards in the Zoning Regulations to limit the amount of light pollution from exterior lighting.

**5.4.D.** The County will pursue the incorporation of skyline/ridgeline mapping and standards and/or guidelines into the Zoning Regulations to limit or mitigate the placement of structures on skylined ridgelines.

# **CHAPTER 6 - RECREATION AND TOURISM**



## **6.1. BACKGROUND**

Routt County has become increasingly popular in all seasons, and the traditional "shoulder seasons" (mud seasons) in spring and fall have become shorter and shorter. The desire for ever-larger second homes has fueled the real estate economy and caused a construction boom in the 1990's which shows little sign of slowing. Tourist and part-time resident dollars have and will continue to pay for a wider range of recreational amenities than a community this size would otherwise support.

The Steamboat Ski Area has remained the largest single commercial recreation amenity in the County. Demand has increased for snowmobiling and other activities,



- \* Resource mining often provides the area with energy or materials essential for the development and maintenance of the community,
- \* Surface owners being hindered from using their land for new land uses where a mineral owner is waiting for market changes to make extraction of a mineral economically viable,
- \* Mining causing health and safety problems to residents and wildlife in the vicinity,
- \* Mineral and surface rights being held by separate owners. These owners may have conflicting desires for the same area,
- \* Mining of one mineral can prevent mining of another mineral,
- \* A series of mines creating cumulative impacts,
- \* Mining operations have created some negative impacts to the quality of life of the citizens of Routt County, including but not limited to impacts to visual and scenic quality, air quality, water quality and quantity, wildlife, wetlands, floodplains, recreation and tourism, and condition of the roads in certain areas,
- \* Mining operations requiring significant haulage of mine products to the site of end use can create negative impacts to roads used to access such projects and add to traffic congestion along such routes,
- \* Unreclaimed mining operations,
- \* Mining operations and associated uses have been located in areas where they disrupt scenic vistas and where there are residential and recreational uses that are incompatible with mining activities,
- \* Reclaimed Sand and Gravel mines often result in large areas of open water that result in large evaporative water loss that cumulatively can negatively effect the available water in the associated drainage,
- \* Reclamation of successive sand and gravel mining operations in a limited river corridor have resulted in a series of geometric shaped lakes that lack habitat diversity and visual interest.
- \* Reclamation of mining operations can provide an enhanced agriculture or improved wildlife habitat,
- \* Reclamation of mining operations can provide recreational opportunities.
- \* Oil and gas wells may negatively impact surface and ground water.

## 7.2. GOAL

- 7.2.A. Extraction of minerals in Routt County should occur with as little impact as possible to the people and ecology of the area.

## 7.3. POLICIES

7.3.A. Exploration and extraction of minerals from Known and Probable Mineral Resource Areas should occur prior to any other developments being constructed at said Mineral Resource Areas that would permanently prevent extraction of the mineral.

7.3.B. If it can be shown through sufficient technical or other evidence that the economic or other value of a surface use would be more than the minerals present, then the surface development of said site should not be discouraged.

- 7.3.C. Routt County discourages mining that would cause significant health or safety problems to people.

7.3.D. Routt County encourages mitigation of significant health and safety dangers resulting from proposed mines.

7.3.E. Where applicable, according to County, State and Federal regulations, Routt County encourages the surface and mineral right owners to come to an agreement for any proposed use prior to said use commencing.

7.3.F. If extraction of one mineral prevents extraction of another mineral, the mineral which is requested to be removed first should receive first priority.

7.3.G. If it is determined that two or more minerals can be extracted from the same area, an agreement indicating how extraction will occur should be made by the mineral extractors prior to applying for permission to mine.

7.3.H. Where two minerals are in the same geologic environment, and when extraction of one mineral will prevent the mining of another secondary mineral or destroy the secondary mineral, both minerals should be extracted.

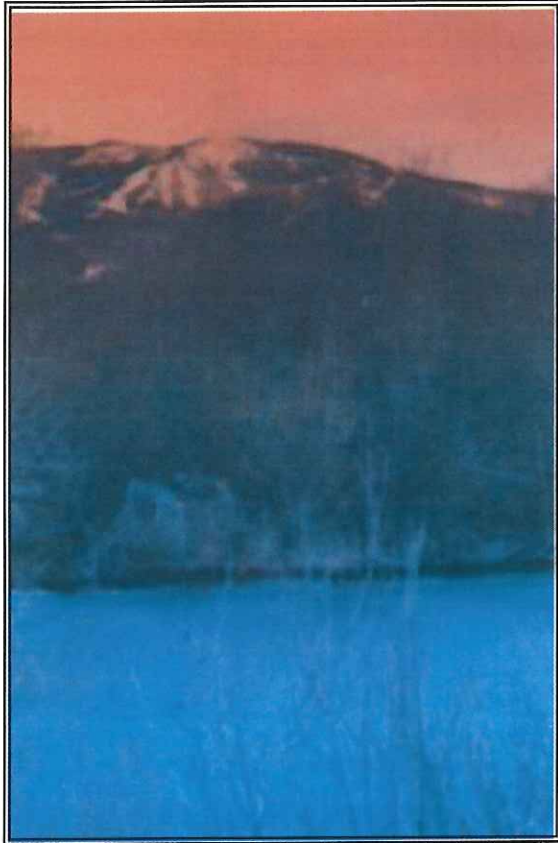
- 7.3.I. Routt County will review mining operation plans and mitigation plans to ensure that the plans adequately address significant negative impacts and local zoning concerns.

- 7.3.J. Where mitigation is not possible, or where mitigation is not sufficient to alleviate significant negative impacts to the surrounding areas, Routt County shall deny permits in those areas altogether until adequate mitigation measures are available to remedy significant negative impacts.

7.3.K. Routt County desires to ensure that new long-term (more than one year) mineral extraction operations shall be mitigated for visual impacts along entryways to growth centers, and to ensure that visual impacts of existing operations are mitigated to the maximum extent feasible.

7.3.L. Routt County desires to ensure that existing mineral extraction operations are brought into substantial conformance with the other goals and objectives of this Master Plan, as amended.





7.3.M. Routt County desires to ensure that mineral extraction operations within the boundaries of the county subject to Area Plan #1 of this Master Plan are compatible with other uses in that area.

7.3.N. Routt County desires to ensure that all mineral extraction operations within the boundaries of the county subject to Area Plan #1 of this Master Plan are designed and managed to be consistent with the other goals and objectives of the Area Plan.

7.3.O. Routt County discourages the placement of mining operations that would permanently harm significant wildlife habitat, permanently displace wildlife populations or interfere with migration corridors.

7.3.P. Routt County requires the use of the most technologically advanced procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses.

7.3.Q. If the regulatory functions performed by external agencies are seriously compromised by budget cuts, statutory changes, or other action, the Board of County Commissioners may determine that such functions will be undertaken by the County.

7.3.R. Routt County encourages the limitation of haul distances.

7.3.S. Routt County encourages the temporary location of mining operations in the vicinity of certain projects, if there are no mining operations within working distance of

such projects, to prevent increased significant negative impacts to the roads accessing the project sites.

7.3.T. Routt County encourages the separation and sufficient spacing of mining operations to prevent cumulative significant negative impacts to roads and to surrounding areas.

7.3.U. Routt County encourages the payment of impact fees, ton-mile fees, up-front road improvement fees, or other fee system to be used to offset costs for maintenance and improvements to roads used for hauling or minerals.

7.3.V. Routt County encourages the completion and reclamation of existing mining operations and abandoned mines, prior to development of new mining operations, and discourages the permitting of new mining operations in areas where there are existing mining operations that have not been completed or reclaimed.

7.3.W. Routt County encourages the timely completion and reclamation of mining operations. If a mining operation is inactive, the mine should be reclaimed as soon as practicable.

7.3.X. Routt County encourages the reclamation of mining operations for beneficial uses. Where reclamation for wildlife habitat is appropriate, techniques recommended by the Colorado Division of Wildlife should be used.

7.3.Y. Reclamation should be done to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas.

7.3.Z. Long term mining operations and associated uses should be located in areas where they do not greatly impact scenic vistas, where there are compatible agricultural and industrial uses, and where they are not in proximity to residential neighborhoods, recreational, or other incompatible uses. Areas with parcels of 35 acres and greater are not considered residential neighborhoods.

7.3.AA. Routt County encourages the expedited completion and reclamation of existing mining operations and abandoned mines that are located in proximity to incompatible uses.

7.3.BB. Routt County encourages the development and use of haul roads which route haul traffic away from areas of residential, recreational or other incompatible uses.

7.3.CC. Routt County encourages reclamation of mine operations to reduce the amount of exposed groundwater. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred.

7.3.DD. Reductions of future residential density is encouraged for a new or extended mining operation.

7.3.EE. The provision of local, public benefits such as open space, trails, hunting and fishing access, recreational, or agricultural use as a condition for the



## 8.19 ACTION ITEMS FOR HAZARDS TO DEVELOPMENT; ENVIRONMENTAL CONSTRAINTS

8.19.A. Routt County shall evaluate the need for mitigation regulations for development in high wildland fire areas.

8.19.B. The County will update its Floodplain Resolution upon completion of the FEMA map revisions and additions.

## CHAPTER 9 - WILDLIFE RESOURCES



### 9.1. BACKGROUND

Wildlife in Routt County is subject to habitat diminution and degradation and other negative impacts from human development for recreation and housing.

As more of rural Routt County is developed for recreation, housing, and commercial uses, wildlife habitat is destroyed or fragmented. This effect is cumulative.

Various resources should be utilized to assist in decision making, which include the Division of Wildlife, and adequate identification through mapping, the Div. of Wildlife Species Matrix, and other information as it becomes available.

Impacts to wildlife are caused by various developments and human activities, including recreational activities and residential or other developments. Humans are often unaware of the sensitivity of the natural environment in which they are building or recreating. Cumulative impacts may be caused by multiple developments preventing movement of wildlife in historical patterns.

Certain species of wildlife are also impacted by human habitation or activities by becoming acclimated to humans. These animals can become nuisances. Animals that are readily adaptable often create costly damage to property. The animals may have to be destroyed because they too readily adapt to human habitat and activities. In these situations, humans must take actions to prevent the animals from eating trash and take steps to ensure their property is not attractive to the animals.

Wildlife species and habitats are negatively impacted by free-roaming dogs and house cats.

### 9.2. GOALS

9.2.A. To conserve and preserve critical wildlife habitats, including movement/migration corridors in order to maintain the diversity of wildlife species and their habitats in Routt County.

9.2.B. Land uses and development should be planned and designed to minimize impacts to wildlife habitat and the species that depend on this habitat, and should be designed to protect the full range of habitats in Routt County. Development and associated human activity should minimize conflicts between wildlife and domestic nuisance animals.

### 9.3. POLICIES

- 9.3.A. Resolve that wildlife species and their habitats are important and should be protected.
- 9.3.B. Recognize that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Routt County.
- 9.3.C. Utilize wildlife habitat and species information, including new information as it becomes available, in land use and site plan decision making.
- 9.3.D. Encourage land use practices that will minimize conflicts between wildlife and human uses.
- 9.3.E. Review the impacts on wildlife caused by recreational use, residential developments, and other developments and permits, then adjust, amend, terminate, or revoke as may be deemed beneficial to wildlife.
- 9.3.F. Include a Wildlife Mitigation Plan that is reviewed and approved by the Colo. District Wildlife Manager, as part of major subdivisions or major subdivision exemptions (more than 4 lots).
- 9.3.G. Minimize the cumulative impacts of development on wildlife and wildlife habitat.
- 9.3.H. Protect and/or improve the diversity of native vegetation.
- 9.3.I. Protect and improve riparian and aquatic habitats, because they are rich in biological diversity.



### **10.3. POLICIES**

10.3.A. Rural residential developments are discouraged in areas that are significant agricultural protection lands.

10.3.B. Prime agricultural areas should be protected from the impacts of developments and commercial recreation.

10.3.C. Approval of development should be kept in or near growth centers.

10.3.D. The restrictive covenants of subdivisions should have specific wording that addresses the maintenance of perimeter fences. These restrictive covenants shall be enforced by the homeowners association.

10.3.E. The design of rural residential subdivisions should take into account problems that may be created for the application of insecticides and herbicides on adjoining agricultural lands.

10.3.F. Agricultural irrigation ditches can be adversely affected by rural residential subdivision. Developers should address potential irrigation ditch damage by:

- \* Dedication of a minimum right-of-way access and setbacks,
- \* Appropriate culverts and access road with maintenance agreements,
- \* Fences,
- \* Berms where applicable, and
- \* In extreme cases, subdivisions should be restricted

10.3.G. Noxious weeds should be controlled at the expense of the landowner. Subdivision covenants will require that noxious weeds be controlled

10.3.H. Domestic predators running at large are not accepted in Routt County. Not only are they a threat to livestock, but also to wildlife and humans.

10.3.I. Discourage development that changes the rural character or historic agricultural uses and/or practices.

10.3.J. The County strongly discourages scattered development and 35 acre subdivision.

### **10.4. ACTION ITEMS**

10.4.A. Revise Zoning and Subdivision regulations to support Agricultural Zones.

10.4.B. Support the Community Agriculture Alliance efforts.

10.4.C. Provide incentives for preservation of wetlands, scenic areas and other sensitive lands.

10.4.D. Encourage cluster development and use of Land Preservation Subdivision Exemptions by discouraging and reducing the desirability of 35 acre subdivisions.

10.4.E. Encourage innovative planning techniques for preservation of irrigated hay meadows, hay production and agriculture operations. Promote the education and use of programs such as conservation easements, Purchase of Development Rights (PDR's) and pursue a Transfer of Development Rights (TDR) program.

10.4.F. Develop requirements for buffer areas between urban development, non-agricultural uses and agricultural lands.

10.4.G. Encourage outreach programs to new residents to educate them to activities associated with ranching and their responsibilities to maintain rural lands.

10.4.H. Actively support a policy statement to assist the smooth interaction of people in the agriculture community. This support should refer to or be a part of the Right-to-Farm legislation, the Routt County Open Lands Plan, A Guide to Rural Living and Small-scale Agriculture, Land Preservation Subdivision and PDR program.

## **CHAPTER 11 - TRANSPORTATION**

### **11.1. BACKGROUND**

Generally, existing County roads constructed as farm-to-market routes without engineering design, adequate subgrade or drainage are experiencing significant increases in traffic volume. Seasonal tourism creates peak capacity problems for transportation infrastructure - particularly the Yampa Valley Regional Airport in the winter and Highway 40 through Steamboat in the summer.

County maintenance of rural residential roads is difficult and costly since they are often in remote locations and have low densities. New rural residential developments do not contribute sufficient revenue to the County to cover the cost of increased road maintenance. Dispersed and random residential developments outside of designated growth centers increase public and quasi-public service costs.

Often, difficulties occur when people from urban areas expect an urban-level of services in remote areas. Even if constructed to appropriate standards, rural subdivision roads may not be maintained and plowed to allow adequate emergency access. The increasing popularity of recreational destination areas on remote roads adds to the problem of road maintenance. Increasing traffic on rural residential roads can cause air and water pollution. Dust suppression also continues to be a problem.

Increasing real estate prices in and around Steamboat Springs have resulted in a trend towards workers living in outlying communities and commuting to work. Long commutes, particularly in Single Occupancy Vehicles, have negative environmental and social consequences.



11.3.BB. All County roads used for natural resource extraction shall be restored to their original condition or better.

#### **11.4. ACTION ITEMS**

11.4.A. Update County road access standards to provide minimum road standards for all types of subdivisions in the County including: Land Preservation Subdivisions, 5 acre consolidations, 35 acre subdivisions, high density development in designated growth areas (Stagecoach etc). Provide alternatives for reducing standards where appropriate with input from emergency response agencies.

11.4.B. Amend Zoning Resolution to create standard threshold of car/truck trips at which a comprehensive traffic study and road improvements will be required.

11.4.C. Update the Zoning Resolution and Subdivision Regulations to include mitigation measures for dust abatement and revegetation.

11.4.D. Educate the public and development community on the benefits of a multi-modal transportation system and transit-oriented development.

11.4.E. Create a system to establish and implement impact fees.

## **CHAPTER 12 - HOUSING**



### **12.1. BACKGROUND**

The topic of affordable housing has been discussed for decades in Routt County, yet limited progress has been made as the problem increasingly becomes worse. The West of Steamboat Springs Area Plan was approved in 1999 which adds a level of predictability to the development approval process. Several incentives were

negotiated as part of the effort to help jump-start residential developments adjacent to the City of Steamboat Springs. The challenge is to gain the cooperation of the development community in the implementation of the housing items in the plan. If that fails to produce the desired result, other areas of the County will bear the burden for the provision of affordable housing.

Families continue to be displaced. The creation of bedroom communities impact our transportation system. It also has severe social consequences, such as not being close to day care and school facilities and reducing the opportunity for commuters to participate in community and civic activities. Growth within the community continues to be high. This offers a chance to increase the housing supply through the implementation of development projects.

### **12.2. GOAL**

12.2.A. To ensure the healthy growth of the communities within Routt County by creating and implementing measures that lead to diversification of the housing stock.

12.2.B. To concentrate housing in existing or potential Growth Centers.

### **12.3. POLICIES**

12.3.A. Routt County supports a broad range of housing opportunities in every Growth Center. Affordable housing should be integrated into existing neighborhoods and communities, preferably close to civic/social amenities.

12.3.B. Where appropriate, encourage mixed use residential and commercial infill in new developments

12.3.C. Routt County shall encourage the exclusion of deed restricted units in the calculation for the overall density for residential projects within Growth Centers.

12.3.D. The County encourages the Dispersal of mid-size to smaller projects throughout the Growth Centers.

A single, big project solution to affordable housing should be discouraged.

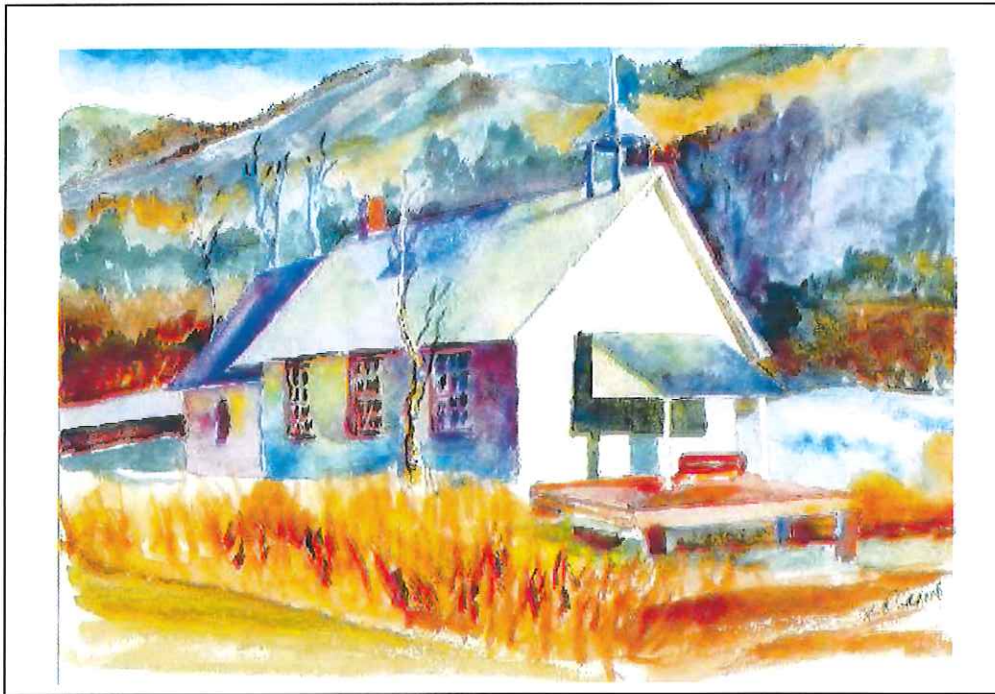
12.3.E. The County encourages the retention of neighborhoods with full-time residents to enhance livability for families.

12.3.F. The County encourages consistency regarding Steamboat Springs, and other incorporated towns (County Growth Centers) on secondary units and other housing policies.

12.3.G. The County encourages a fair and equitable distribution of the burden of providing affordable housing among all elements of the community. A committed

# UPPER ELK RIVER VALLEY COMMUNITY PLAN

ROUTT COUNTY, COLORADO



Adopted February 4, 1999

*13 Pages Submitted, illustrating how gravel mining is not consistent with the plan as it would be unable to mitigate impacts to the character, neighbors, and wildlife of the area.*



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agreed-to policies and action items are consolidated. There was absolutely no disagreement that the Upper Elk River Valley is a desirable place exactly the way it is today. Thus, much of the public process emphasized ways to preserve the existing character and mix of land uses.

### 1.3 ORGANIZATION OF THE PLAN

- Chapter One: Introduction – This Chapter provides the context and basis for developing this plan, the process by which the plan was developed, and recommendations for how the plan should be utilized.
- Chapter Two: The Community Plan: Goals and Policies Background and Issues – Descriptions of current conditions, opportunities and challenges associated with development in the Upper Elk River Valley are included. Goals and policies derived from the public workshop process are presented for seven elements. These elements are Agriculture; Housing and Development; Recreational Uses and Public Lands; Business, Industry and Commercial Uses; Wildlife and Natural Resources; Transportation; Public Infrastructure, Facilities and Services; and Steamboat Lake Subdivision. For each set of goals and policies, any existing known implementation tools are described and new implementation methods are recommended as action items. Each section also provides a description and matrix and summary of priority actions to implement the Upper Elk River

Valley Community Plan. Key components include developing intergovernmental agreements and joint planning with federal, state and County or District agencies, and modifications to the County's zoning and subdivision regulations.

### 1.4 PLAN BOUNDARIES

*The Upper Elk River Community Plan* boundaries have been defined to include the private lands along Routt county Road (RCR) 129 corridor and the adjacent public lands. The planning area corresponds to the North Routt Fire District boundaries and county tax areas 16 and 17. Although different areas within the boundaries of the planning area are experiencing different challenges, the level of pressure from growth is consistent throughout the planning area. Geographically, the area is roughly defined by the Sand Mountain divide on the west; the Continental Divide on the east; an east-west line passing above Columbine on the north and a line passing east-west below Big Creek on the south.

Over 220,000 acres or 74% of the area is public land, including those of the Routt National Forest, Steamboat Lake and Pearl Lake State Parks, Colorado State Land Board (SLB) and Bureau of Land Management (BLM). Because such a large portion of the area is public lands, the recommendations for public lands can have influence beyond the set boundaries of the planning areas. For example, a recommendation for Forest Service land outside the planning area can generate impact within the planning area itself.

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At the community workshops, the participants considered but rejected the concept of dividing the Plan Area into smaller, sub-regions. Participants concluded after extended debate that the issues facing the Upper Elk River Valley should not be compartmentalized based upon geography.

### 1.5 EFFECT OF THE PLAN

A master plan describes the common vision for growth of a community or area. By agreeing to and documenting the community's vision for the future, decision-makers can act more consistently, thereby avoiding arbitrary or politicized land use and zoning actions. Individual land use and zoning petitions must still be considered on their own merits.

A master plan should describe the desired community's preferred character of the future as well as identify specific, practical actions to achieve those ends. Additionally a master plan should offer mitigation measures for the impact of development.

Under Colorado law, a master-planning document is advisory only, unless plan elements have been adopted as regulatory provisions within zoning, subdivision, or other land use regulations. Presently, there are several County land use regulations that require compliance with the *Routt County Master Plan* as a condition of land use approval. For example, the County will not approve requests for special use permits, subdivision or Planned Unit

Developments (PUDs) unless the application conforms to the *Master Plan*. To get approval for a rezoning, the applicant must show that they have complied with one of three requirements. Two of the three require compliance with the *Master Plan*. This means that under the current regulatory scheme, and the status of an adopted Plan, none of the subsequent requests should be approved unless they conform to this Plan, the Countywide Master plan and the Zoning Resolution.

### 1.6 STATEMENT OF VALUES

The Upper Elk River Valley Statement of Values is a set of overall goals to pursue for the future growth and development of the area. The Vision statement is broad and long-term, establishing the framework for guiding more specific policies and actions by the County. The statement provides a snapshot of the important elements of the community and the character or attributes of these elements that are to be achieved.

The statement of values describes a community where:

- The western heritage is preserved and promoted in historic buildings, historic sites, historic open lands, historic towns and historic activities and events;
- The rural character is maintained in a relaxed, friendly atmosphere and a clean, safe environment throughout the area;



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After much public involvement, the Forest Service adopted one of these alternatives.

To address issues of local importance, the USFS has initiated studies to analyze the capacity and impacts of recreational activities. The USFS will consider the recommendations of this Plan in its effort to recognize local concerns.

USFS also signed a Memorandum of Understanding (MOU) with Routt County that requires each entity to inform the other regarding land use planning and decision making.

**Steamboat Lake and Pearl Lake State Parks.** Visitation at Steamboat Lake State Park increased 26% between 1993 and 1996<sup>9</sup>. The Master Plan for the Park outlines improvements and additions to Park facilities in the future as funding becomes available. Included among these planned improvements are more improved camping areas providing hookups for recreational vehicles. Short-term plans do not show an increase in the number of campsites.

### **2.2.3 Goal.**

Encourage responsible public and private land use management to maintain the open space and rural character of the Upper Elk River Valley while recognizing the shift in the Valley's economy from agriculture and mineral extraction to outdoor recreation and tourism.

### **2.2.4 Policies.**

1) Encourage and support the Routt National Forest Division to continue to seek the input of the local community as to future policies, projects and permits affecting the Upper Elk River portion of the National Forest.

2) Encourage and support Routt National Forest's and other agencies' efforts to enforce its regulations on National Forest lands especially during heavy use periods such as hunting season.

3) Discourage development of permanent commercial structures on National Forest lands.

4) Encourage alternate dispersed recreational trailheads and access to relieve congestion.

5) Continue dialogue between the Routt National Forest and State Parks to communicate problems, opportunities, and concerns regarding each other's facilities and find solutions where needed.

6) Encourage a partnership with the Routt National Forest and other agencies in providing educational facilities and programs that will inform visitors about proper use of public lands and trespass issues.

7) Encourage Routt National Forest to continue to work with local recreation groups to designate non-motorized winter use areas. Balance the need for motorized and non-motorized opportunities.

8) Support public land manager's efforts to acquire buffer zones and/or place conservation

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<sup>9</sup> Steamboat Lake State Park



## 2.2.7 Action Plan Summary

RECOMMENDED ACTION	TIME FRAME	EST. COST	RESPONSIBILITY/ FUNDING SOURCE	PLANNING SCHEDULE	IMPLEMENTATION SCHEDULE
Schedule agency meetings	Short	In-house	SLB, BLM, County, USFS	Year 1+	Year 1+
Refer petitions to public agencies	Short	In-house	County	Year 1+	Year 1+
State Park/County cooperative planning effort	Short	In-house	County, State	Year 1+	Year 1+
State Park buffer purchase	Short	\$ 100,000	State	Year 3+	Year 3+
State Park help in resolving of Filing 7 camping	Short	\$ 150,000	State	Year 3+	Year 3+
State Park additional management of private campground	Middle	\$ 25,000	State	Year 3+	Year 3+
Conduct recreational carrying capacity analysis	Short	\$ 100,000	County, USFS, State Parks, SLB, BLM	Year 2+	Year 5+
Implement recreational carrying capacity recommendations	Middle	\$ 100,000	State Parks, USFS, SLB, BLM	Year 4+	Year 6+

## 2.3 WILDLIFE AND NATURAL RESOURCES

### 2.3.1 Background

The Valley is known for its abundant wildlife and wildlife habitat. The planning area features an estimated 14 different ecosystems from high alpine to river/ riparian zones. About 300 species of wildlife live in these areas for at least part of the year. The area's big game, such as deer and elk, attract hunters and fishermen from all over the world. Although not as widely sought after, a variety of birds, amphibians, fish and smaller mammals are just as

important to the area's ecological balance<sup>10</sup>.

Some species of plants and animals in the Upper Elk are considered sensitive, threatened or endangered by state and/or federal agencies. Ecological inventories conducted by the Nature Conservancy and the Colorado Natural Heritage Program determined that the Elk River contains healthy remnant riparian ecosystems of global

<sup>10</sup> Colorado Division of Wildlife

significance. Unlike most tributaries in the Colorado River basin, the Elk River does not have a major, main stem dam. Therefore, the Elk River system supports the flooding and meandering necessary to maintain these rare forests.<sup>11</sup>

The banks of the Elk River are relatively undeveloped, offering excellent riparian habitat for the many species. Riparian areas comprise only about 3% of Colorado lands, yet over 80% of wildlife species depend on riparian habitat at some time during the year.<sup>12</sup> The health of the riparian zone of the Elk River directly effects water quality and the survival of many wildlife species as well as the human inhabitants of the Valley.

Big game currently flourish in the area due to game management, the lack of predators and the availability of food on winter ranges. Thousands of hunters come to the Upper Elk region in the fall to enjoy the hunting opportunities. Big game hunting is vital to the economy of Routt County and the Upper Elk River area. In 1990 hunting related business brought in \$24 million to Routt County's economy. The Colorado Division of

Wildlife (DOW) has been working on mapping habitats, ranges and movement corridors throughout the county, including the Upper Elk.

### 2.3.2 Challenges and Opportunities

Wildlife movements and use of

habitats have changed over the years due to settlement patterns and increased human activity. The Colorado Division of Wildlife's (DOW) mapping of

wildlife habitats is important information for planning and wildlife management purposes. This information is available through the County as well as over the Yampa Valley Information Utility website [yampa.com](http://yampa.com).

The increase in new homes has resulted in requests to remove elk from livestock feeding areas. Elk and deer feed on landscaping materials such as small aspen trees, creating more conflicts with landowners. The DOW has established a Habitat Partnership that offers financial assistance to property owners for fencing and other improvements that help alleviate some of the conflicts caused by elk drawn to private property. In winter, elk gather on south and southwestern-oriented slopes where lower snow depth allows

<sup>11</sup> Mike Tetreault, The Nature Conservancy. Letter dated December 21, 1998

<sup>12</sup> Colorado Department of Natural Resources



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for better forage. Winter range area is a small fraction of the normal range area and is critical to the viability of big game populations. Disturbance to these areas can stress elk, making winter survival difficult. One of the most important elk habitat and movement corridors in the Valley lies on a section of State School Lands near Moon Hill.

Much of the riparian habitat along the rivers and creeks in the planning area lies within private agricultural lands. Loss of these private agricultural lands could negatively effect riparian habitat and the species it supports. The biggest single threat to the Elk River system is residential development in the flood plain. This is due mainly to the flood protection and bank stabilization homeowners in the flood plain are forced to construct. These structures can alter or stop the river's natural ability to flood and meander and therefore affect the riparian habitat that depends on these natural processes. Devegetation of stream banks can also be a problem by increasing the sediment load in the river and straightening the channel.<sup>13</sup>

Development and recreation within elk habitat and corridors make maintaining a naturally self-sustaining herd more difficult. Elk herds once migrated in winter to the drier open areas west of Craig. Today, however, with the increase of highways, roads, fences and homes in the area, elk must

tolerate harsher winters on limited winter range.

The problem of pets interfering with wildlife has increased with development and tourism. Routt County has a leash law and shares animal control services with the City of Steamboat Springs. There has not been successful enforcement of this law.

### **2.3.3 Goal.**

To maintain existing critical riparian areas and wildlife habitats, movement corridors, and calving areas and conserve the natural resources of the Upper Elk River Valley.

### **2.3.4 Policies**

1) Inform realtors, property owners, designers, land planners and developers about the Colorado Division of Wildlife (DOW) mapping of wildlife habitats, calving areas and movement corridors. Encourage DOW to refine its mapping and provide information on their use.

2) Encourage landowners to be more responsible in the feeding of horses and other livestock, use better landscaping techniques and fencing which discourages conflicts between wildlife, livestock and crops.

3) Direct winter recreation activities away from critical winter wildlife habitat and movement areas. One of the most important elk habitat and movement corridors in the Upper Elk area lies on a section of State School Lands near Moon Hill. This section should be managed to allow the Elk movement to continue unhindered.

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<sup>13</sup> Mike Tetreault, The Nature Conservancy. Letter dated December 21, 1998

4) Strongly encourage building and development outside of riparian areas, critical wildlife habitat and wildlife movement corridors within the planning area. If this is not possible, encourage mitigation of impacts to wildlife with appropriate lighting, fencing and pet control provisions.

5) Discourage winter recreational use in critical elk winter habitat and movement corridors.

6) Encourage existing federal land permittees to continue to maintain trails and operations outside of wildlife areas.

7) Encourage landowners to continue low impact grazing practices that protect and enhance river and riparian habitat.

8) Encourage landowners to participate in DOW's Habitat Partnership program to assist in alleviating big game conflicts between big game and property owners.

9) Encourage other agencies to provide educational and financial assistance to eligible landowners for habitat protection and enhancement.

10) Discourage proposals for dams on the Upper Elk River by working with the appropriate agencies and other affected parties.

### **2.3.5 Existing Implementation Measures.**

1) Land Preservation Subdivision Exemption (LPS) and Subdivision policies discourage building in critical wildlife areas.

2) Routt National Forest and Routt County "Special" and "Conditional" use permit and rezoning process(es).

### **2.3.6 Action Items**

1) Develop recommendations that will assist in enhancing and sustaining wildlife and plant communities in Upper Elk.

2) Create maps of wildlife habitat, riparian areas, and movement corridors for the entire Upper Elk planning area available to the general public and agencies via hard copy and the Internet.

3) Develop better pet enforcement standards for Upper Elk River Valley neighborhoods. Prepare and distribute materials that educate pet-owners of their responsibilities. Explore funding mechanisms for more/improved enforcement of the pet control regulations.

4) Work with DOW and ranchers to develop voluntary fencing standards that protect riparian corridors. Involve Colorado Division of Wildlife's Habitat Partnership.

5) Prepare and distribute educational materials concerning new grazing and riparian protection techniques.

6) Pass a resolution of the Routt County Board of Commissioners banning dams on the Elk River.

### **2.3.7 Locational Criteria**

1) The policies and actions regarding wildlife and natural resources are recommended for application



throughout the planning area.

### 2.3.8 Action Plan Summary

RECOMMENDED ACTION	TIME FRAME	EST. COST	RESPONSIBILITY/ FUNDING SOURCE	PLANNING SCHEDULE	IMPLEMENTATION SCHEDULE
Develop wildlife recommendations	Middle	\$ 20,000	Consultant, County, DOW, USFS	Year 3+	Year 5+
Distribute wildlife maps on internet and to the public	Short	In-house	County, DOW	Year 1+	Year 2+
Develop pet enforcement standards & educational materials	Short	In-house	DOW	Year 2+	Year 3+
Partner with DOW to develop voluntary fencing guidelines along riparian acres	Short	In-house	Nature Conservancy & Legacy	Year 2+	Year 3+
Prepare and distribute grazing & riparian educational materials	Middle	In-house	Nature Conservancy & Legacy	Year 3+	Year 3+
Initiate resolution banning dams	Short	In-house	County	Year 1+	Year 1+

## 2.4 BUSINESS, INDUSTRY, AND COMMERCIAL ISSUES.

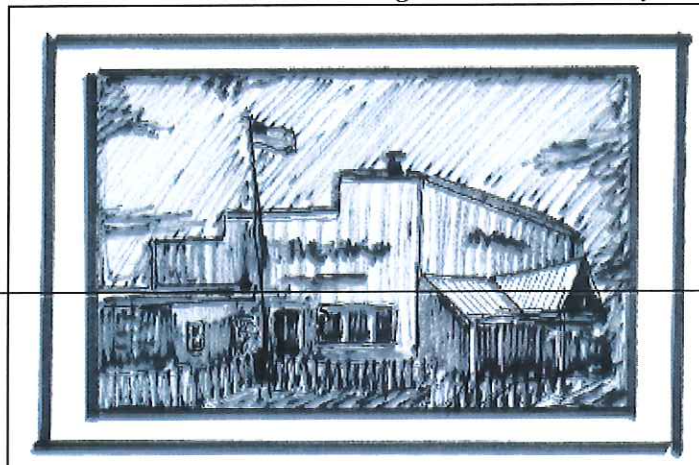
### 2.4.1 Background.

Hahn's Peak was the first settlement in Routt County, created in response to the mining boom. Joseph Hahn arrived in 1861, and the community grew to 75 residents by 1876. The town served as the Routt County seat from 1879 until 1912. Mining continued

through the 1920s and reopened sporadically in the 1950s and 1960s.

Mining evolved from prospecting, to placer mining to dredge and hard rock mining in 1906. Agriculture initially supported local

miners by providing vegetables, grains, dairy products, and meat. Ranching



Routt National Forest and the County in application of this Plan's Policies and Action Items.

4) Initiate a economic database or indicators project to help business determine a sustainable economic direction.

#### 2.4.7 Locational Criteria:

1) The area in and around

#### 2.4.8 Action Plan Summary

RECOMMENDED ACTION	TIME FRAME	EST. COST	RESPONSIBILITY/ FUNDING SOURCE	PLANNING SCHEDULE	IMPLEMENTATION SCHEDULE
Devise Growth Recommendations	Middle	\$ 50,000	County, consultant	Year 3+	Year 5+
Amend Zoning Regulations to Clarify Recreation and Tourism Issues.	Middle	\$ 20,000	County, consultant	Year 3+	Year 5+
Review Community Plan	Middle	In-house	County	Year 4+	Year 5+
Initiate database for economic project.	Short	\$ 20,000	Business Community, County	Year 2+	Year 2+
Conduct Community Economic Indicators Project	Middle	\$ 20,000	Business, Community, County	Year 3+	Year 5

the existing villages is well suited for development.

2) Gravel extraction activities should be located and developed in a manner that will not adversely impact adjoining properties, recreational users and tourists, nor the road system that provides access to the facility.

## 2.5 RESIDENTIAL HOUSING AND DEVELOPMENT

### 2.5.1 Background.

The villages of Clark, Hahn's Peak and Columbine have been residential centers since

their beginnings. In the 1960's, tourism began to capture a greater portion of

Routt County's economy. The creation of the nearby Steamboat Ski Area and Steamboat Lake and Pearl Lake State Parks





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lands. A land use strategy that encourages diversity and the concentration of mixed uses will reduce dependency on vehicular travel.

### 2.7.2 Challenges and Opportunities

Automobile traffic on RCR 129 is increasing in proportion to residential and recreational growth in the Upper Elk Valley. Throughout the year, thousands of weekend tourists use this route to access the many recreational opportunities in the area.

**Trails: Bicycle, Pedestrian, Equestrian and Snowmobile.** In recent years RCR 129 has become a popular bicycling and snowmobiling route. While some stretches of the road have adequate shoulders for safe cycling, other areas are narrow with little or no shoulder presenting an unsafe situation for both motorists and cyclists.

Parking, especially for winter recreationists, is a growing problem as this use continues to increase. Trucks pulling snowmobiles need room to park and unload. Parking for recreation is limited to designated areas.

Trails linking commercial lodging areas and public lands offer a safe alternative for bicycle, pedestrian, snowmobile and equestrian travel on the County roads. Such trails would accommodate the growth of recreational use. Several potential trail connections will be addressed, including a trail linking Steamboat Lake and Pearl Lake with Hahn's Peak and Columbine and Hahn's Peak. RCR 129 through Clark is narrow with no shoulders, yet this area has the highest pedestrian traffic in the

Upper Elk planning area and a off-road trail between Clark and Glen Eden should be a high priority.

**Transit.** Many residents of the Upper Elk Valley commute to Steamboat Springs for work and general services. If the demand is shown to exist, a link into the regional public transit system might be possible. Currently, commercial taxi transportation is permitted by the Forest Service to deliver visitors to the National Forest. This offers the opportunity for multi-day backcountry trips between the Seedhouse corridor and Steamboat Springs without the need for a vehicle.

### 2.7.3 Goal

To provide a safe and adequate transportation and road system with a variety of modes, minimizing potential modal conflicts and the cumulative environmental and community impacts.

### 2.7.4 Policies

1) Discourage new road building and extension of County maintenance service on to additional County roads.

2) Continue the policy of classifying internal subdivision roads as private, outside of the County's responsibility.

3) Resolve parking and traffic problems for snowmobiles and other recreationists and minimize impact on residential areas.

4) Provide a variety of alternative transportation modes to minimize impact of vehicular traffic.



5) Develop a trail system for alternative transportation modes (e.g. bicycle, pedestrian, equestrian, snowmobile) in the Upper Elk River Valley. Consider trails that link recreational concentrations in parks and a trail along RCR 129.

6) Encourage the use of public transit. Share shuttle service between schools, locals and tourists.

7) Widen those sections of RCR 129 between Mad Creek and Columbine not yet completed.

8) Connect appropriate trails to create an integrated system.

9) Do not pave RCR 129 beyond Columbine.

#### 2.7.5 Existing Implementation Measures

1) Existing Subdivision regulations.

2) Special and Conditional Use permits for tourist related business.

#### 2.7.6 Action Items

1) Seek cost sharing with other agencies, user groups to pay for construction and maintenance of parking small, sensitively located scattered parking areas for recreational users. Ensure County supports grant

#### 2.7.8 Action Plan Summary

RECOMMENDED ACTION	TIME FRAME	EST. COST	RESPONSIBILITY/ FUNDING SOURCE	PLANNING SCHEDULE	IMPLEMENTATION SCHEDULE
Conduct parking study including location, construction and maintenance	Short	\$ 10,000	State Parks, County, USFS	Year 2+	Year 4+

seeking effort for development of these sites.

2) Alert all potential developers, realtors, homeowners and landowners that the County is not receptive to accepting additional maintenance or plowing.

3) Continue to end winter maintenance and paving of RCR 129 at Columbine to discourage through traffic to and from Baggs and the Little Snake River Valley, to maintain Columbine's lodging, ambiance, and historic character.

4) Investigate the feasibility of public transit in the Upper Elk River Valley.

5) Continue widening RCR 129 between Mad Creek and Columbine to provide a safer road system.

6) Develop a trail system plan and implementation strategy including a trail along RCR 129.

7) Provide an alternative to snowmobile traffic on RCR 129.

#### 2.7.7 Locational Criteria

These policies and action items apply throughout the Upper Elk River Valley; many are in the Steamboat Lake influence area.

5) Develop a trail system for alternative transportation modes (e.g. bicycle, pedestrian, equestrian, snowmobile) in the Upper Elk River Valley. Consider trails that link recreational concentrations in parks and a trail along RCR 129.

6) Encourage the use of public transit. Share shuttle service between schools, locals and tourists.

7) Widen those sections of RCR 129 between Mad Creek and Columbine not yet completed.

8) Connect appropriate trails to create an integrated system.

9) Do not pave RCR 129 beyond Columbine.

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2) Alert all potential developers, realtors, homeowners and landowners that the County is not receptive to accepting additional maintenance or plowing.

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4) Investigate the feasibility of public transit in the Upper Elk River Valley.

5) Continue widening RCR 129 between Mad Creek and Columbine to provide a safer road system.

6) Develop a trail system plan and implementation strategy including a trail along RCR 129.

7) Provide an alternative to snowmobile traffic on RCR 129.

#### 2.7.7 Locational Criteria

These policies and action items apply throughout the Upper Elk River Valley; many are in the Steamboat Lake influence area.



# 26650 Wheeler Creek Lane

Steamboat Springs, CO 80487

Routt County

Steamboat Springs RE-2 School District

Attachment D



**\$850,000**

[View Public Record](#)

**Closed**

Listing Contract Date: **04/25/20**

Close Date: **06/17/20**

List Price: **\$899,000**

Listing ID: **4547064**

**Single Family Residence / House**

**6 Beds**

**3,360** Living Area(SqFt Fin)

**35.00** Lot Size Acres

Built in **1999**

Walkscore: **0**

**4 Baths**

**2** Garage Spaces / **2** Total Spaces

**1,524,600** Lot Size SqFt

HOA: **No**



Occupant Type:

**Owner**

List Agent

List Agent: **Christy Belton**  
List Agent ID: **55043547**



Phone: **970-734-7885**  
Mobile: **970-734-7885**  
Office: **970-734-7885**  
Email: **christy@ranchresortrealty.com**

Buyer Agent

List Office: **Ranch and Resort Realty**

List Office ID: **M5923**

93 of 107

Buyer Agent: **Christy Belton**  
Buyer Office: **Ranch and Resort Realty**



Phone: **970-734-7885**  
Email: **christy@ranchresortrealty.com**

Buyer Agent ID: **55043547**

Buyer Office ID: **M5923**





1 / 40

This country home is private but only 9 miles north of Steamboat in the scenic Elk River Valley. The home has sweeping views of several miles of the Elk River corridor, Sleeping Giant and the Flattops. The property is loaded with wildlife; deer, moose, bear and smaller game frequent the property. A resident elk herd can be spotted almost daily during the fall, winter, spring and early summer before traveling to the higher reaches on the nearby conservation ranches. Improvements consist of a 3,360 s.f. home with plenty of windows, a new roof, and Zirkel wireless high speed internet. The horse barn has 6 stalls and a tack room with water. A 40x60 building provides ample room for hay and equipment storage or indoor riding. Water is piped to a corral near the arena and to two pastures south of the home. The 3,750 s.f. shop has heated concrete floors, hot/cold water, 1/2 bath, upper platform storage, 220 electricity and three 14-ft. doors. An outdoor exterior wood boiler provides an excellent, inexpensive alternative heat source. The 10 GPM domestic well supplies the home, outbuildings and pastures. The property is quiet and private but is only 9 miles from Steamboat and 7 miles from Clark. Recreation is close: Christina fishing area and the Red Dirt trailhead are only 2 miles south; Mad Creek trailhead is 4 miles south; Greenville Mine and Sand Mountain USFS access points are 7 miles north. The views are really spectacular; nearly all of the land in the view area is conserved and will not be developed. The variety and prevalence of wildlife is unlike anything in the area; there is little to no pressure on the wildlife as they move from the 2M acre Routt National Forest through the large, conservation ranches to the lower elevations of the Elk River Valley. More acreage can be available and the Seller is a licensed Colorado agent. Google maps incorrectly shows the alternate access as a USFS trail. It is a private road with no public access.

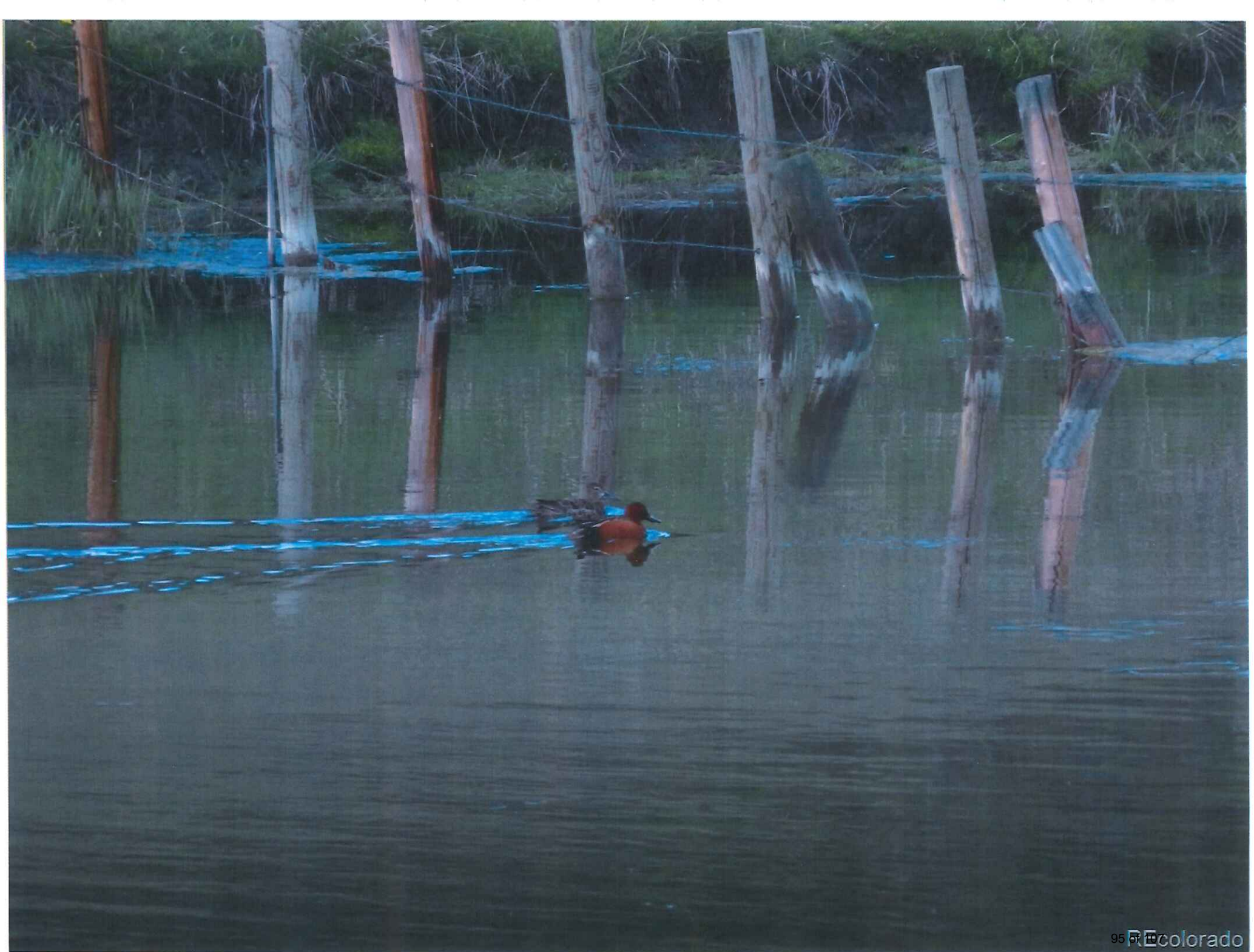
#### Directions:

The address is Wheeler Creek Lane but we installed an alternate driveway with no gates. Take RCR 129 toward Clark and Steamboat Lake. Between mile marker 9 and 10, across 129 from the large wood windmill, take a right on the unmarked driveway. It immediately forks, take the right fork. There are ponds on both sides of driveway. Head to the tan buildings/green roofs at the top of the hill, about 3/4 mile. To access via Wheeler Creek Lane, take a right just after mile marker 9. Go through the first gate and stay to the left. Keep gates closed unless already open.

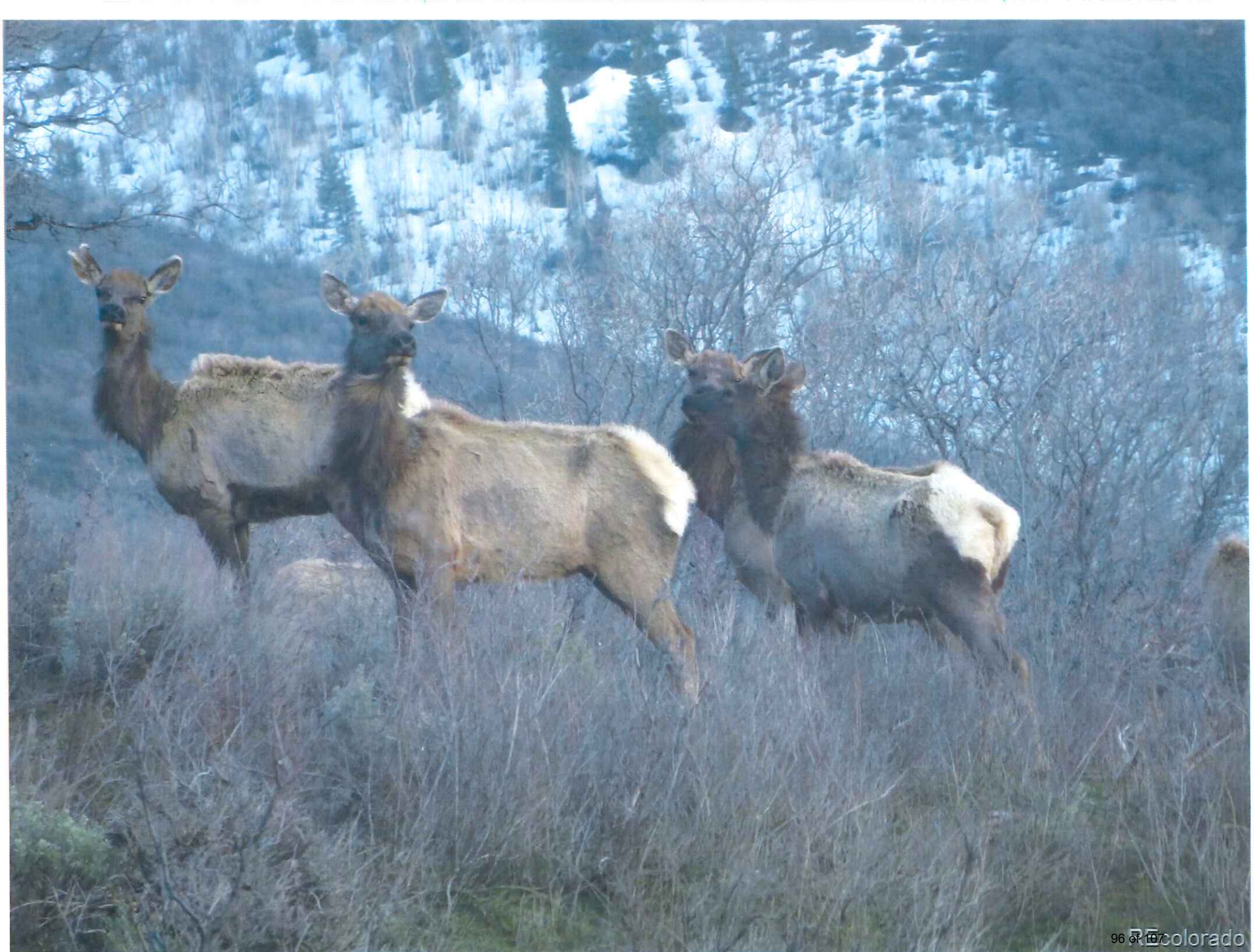
### General Description

Original List Price:	\$899,000
Close Date:	06/17/2020
Listing Contract Date	04/25/2020
Special Listing Conditions	None Known
Tax Legal Description	35 acres in S2 Section 28 and N2 S33 T8N R85W. Exact legal to be determined. This acreage is part of a larger parcel. Additional acreage is available.
Parcel Number	multiple

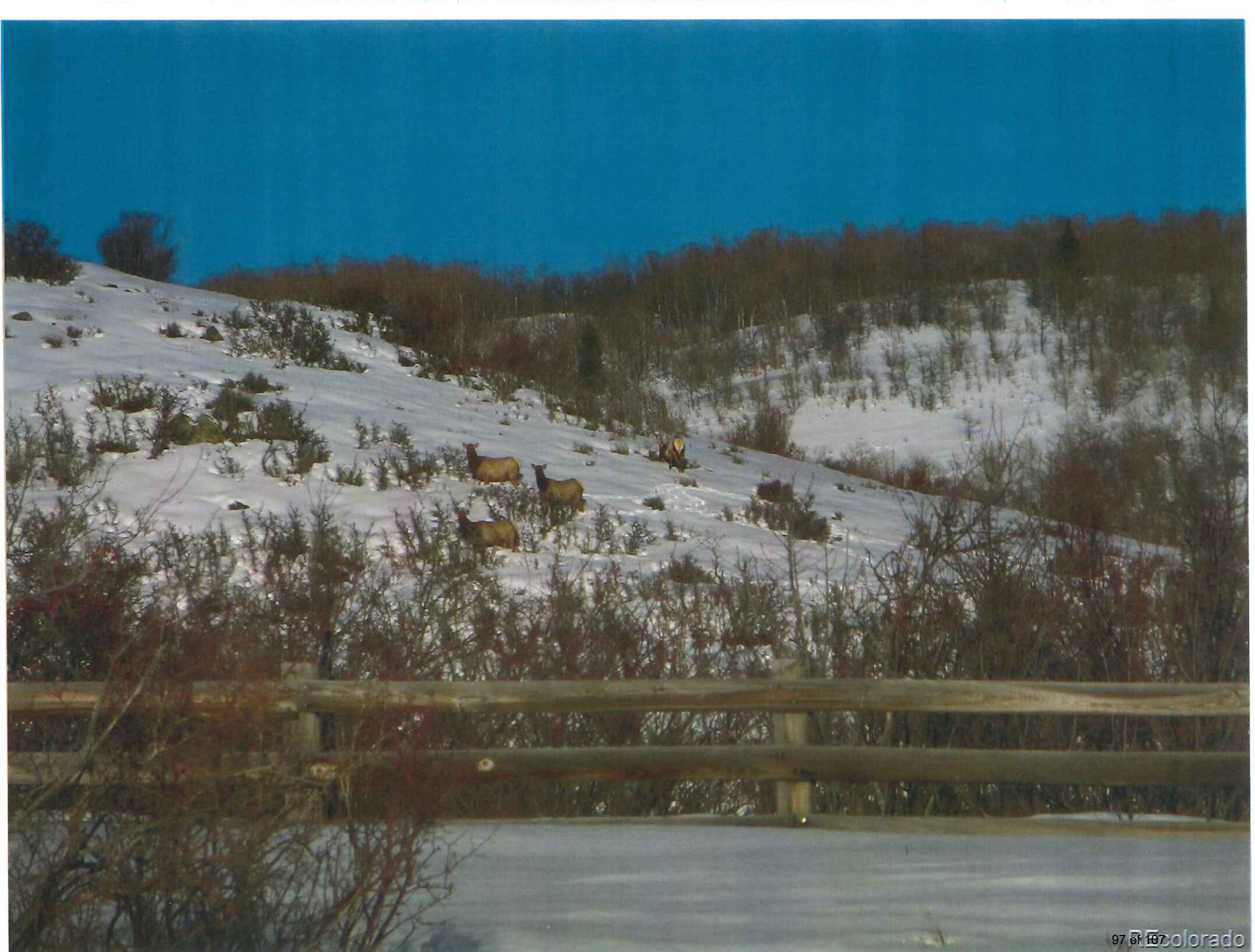




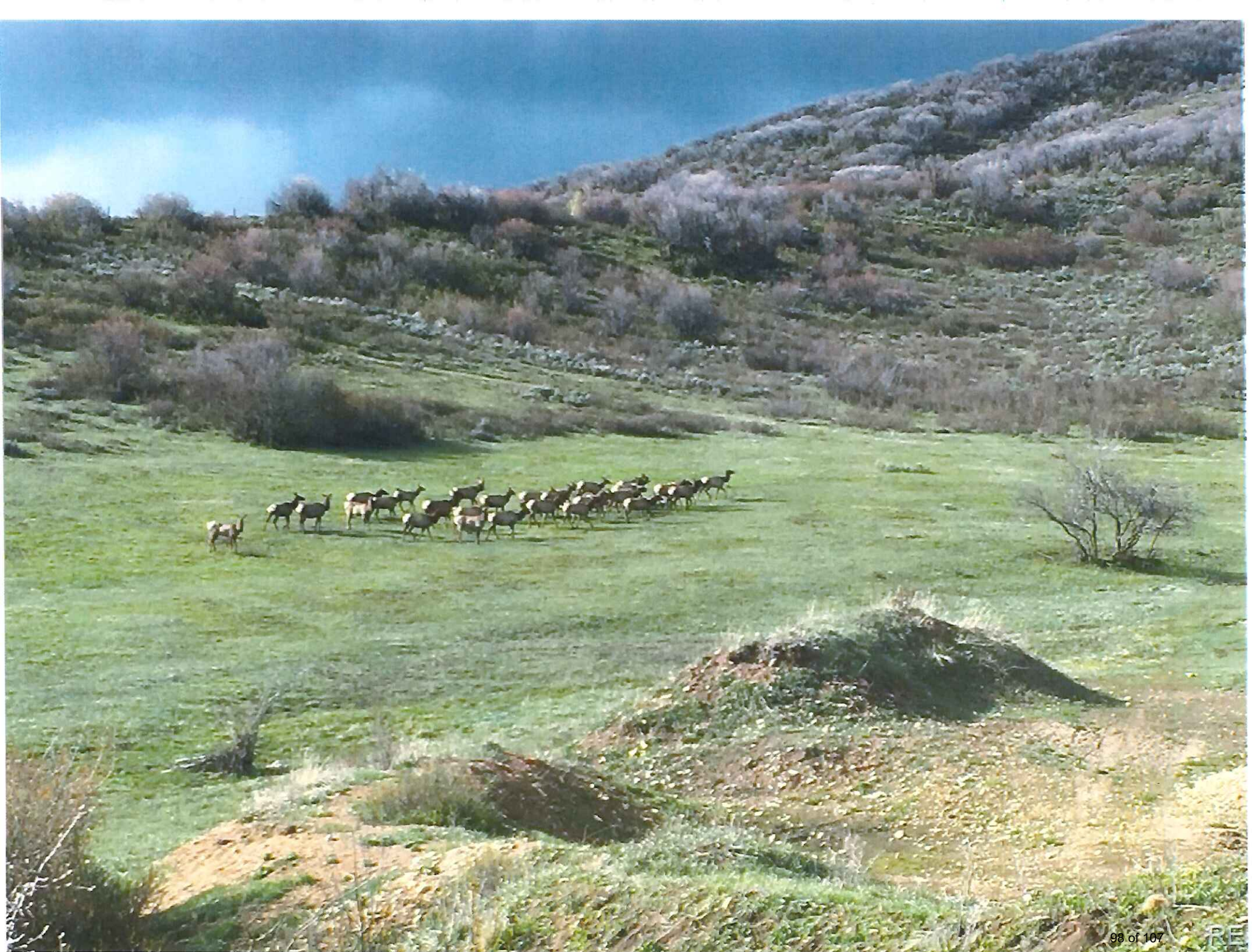


















## Pit Prices 2021

Precision Excavating, Inc.				Alpine Aggregates			
		970-276-3359				970-846-4701	
Product	Price/Ton	UOM	Marked Up Price	Product	Price/Ton	UOM	Marked Up Price
Pit Run	\$11.50	tn	\$13.10	Pit Run	\$12.00	tn	\$13.70
3/4" Road Base - Class 6	\$13.00	tn	\$14.85	3/4" Road Base - Class 6	\$14.00	tn	\$16.00
1 1/2" Road Base - Class 5	\$13.00	tn	\$14.85	1 1/2" Road Base - Class 5	\$14.00	tn	\$16.00
1 1/2" Screened Rock/Washed Rock	\$19.00	tn	\$21.65	3/4" Screened Rock	\$18.50	tn	\$21.10
3/8" Washed Rock	\$23.00	tn	\$26.20	1 1/2" Screened Rock	\$18.50	tn	\$21.10
3/4" Concrete Rock/Washed Rock	\$18.50	tn	\$21.10	3/4" Recycled Asphalt	\$14.50	tn	\$16.55
Concrete Sand	\$10.00	tn	\$11.50	6" minus Crushed Asphalt	\$14.00	tn	\$16.00
Crusher Fines	\$15.00	tn	\$17.10	6" minus Crushed Concrete	\$15.00	tn	\$17.10
Reject Sand	\$12.50	tn	\$14.25	Crusher Fines	\$14.00	tn	\$16.00
Squeegee	\$12.00	tn	\$13.70	1/2" minus Screened Topsoil	\$27.00	tn	\$31.00
1 1/2" Concrete Base	\$12.00	tn	\$13.70	Unscreened Topsoil	\$18.00	tn	\$20.60
Crushed Concrete 6" minus	\$12.00	tn	\$13.70	3" to 12" Cobble	\$40.00	tn	\$45.60
Concrete Blocks	\$60.00	ea	\$66.00	Boulders Over 12"	\$60.00	tn	\$68.50
Hauled in Clean Dirt	\$10.00	cy	\$11.00	Hauled in Clean Dirt	\$4.00	cy	\$4.40
Hauled in Clean Asphalt	\$10.00	cy	\$11.00	Hauled in Rock - 8" & Up	\$3.00	cy	\$3.30
Minimum Charge	\$50.00	ea		Hauled in Clean Asphalt	\$6.00	cy	\$6.60
Delivery Charge - Tandem	\$95.00	hr		Hauled in Clean Concrete	\$10.00	cy	\$11.00
Delivery Charge - Belly Dump	\$125.00	hr		Hauled in Trees & Slash	\$10.00	cy	\$11.00
				Minimum Charge	\$30.00	ea	
				Delivery Charge - Tandem	\$115.00	hr	
				Delivery Charge - Belly Dump	\$140.00	hr	

Attachment E

## Pit Prices 2021

Redmond Brothers, Inc				Elam - Fetcher Vale			
970-736-1137				970-824-9491			
Product	Price/Ton	UOM	Marked Up Price	Product	Price/Ton	UOM	Marked Up Price
3/4" Road Base	\$14.50	tn	\$16.60	Commercial Road Base	\$17.16	tn	\$19.60
1 1/2" Road Base	\$14.50	tn	\$16.60	1 1/2" Road Base	\$16.64	tn	\$19.00
3" Road Base	\$14.50	tn	\$16.60	2 1/2" Road Base	\$15.08	tn	\$17.20
3" Screend Rock	\$18.50	tn	\$21.10	1 1/2" Screened Rock	\$20.54	tn	\$23.45
Pit Run	\$12.00	tn	\$13.70	3/4" minus Screened Rock	\$22.10	tn	\$25.20
6" Screened Rock	\$18.50	tn	\$21.10	1/4" Crusher Fine	\$13.78	tn	\$15.75
3/4" Screened Rock	\$20.50	tn	\$23.50	Naturals	\$11.44	tn	\$13.10
1 1/2" Screened Rock	\$20.00	tn	\$22.80	Unsize Cobble	\$39.52	tn	\$45.10
3/8" Crusher Fine	\$13.50	tn	\$15.40	Pit Run	\$14.56	tn	\$16.65
12" Rip-Rap	\$34.00	tn	\$38.75	Minimum Charge	\$30.00	ea	
Landscape Boulders	\$51.00	tn	\$58.10	**\$5.00 Environmental fee per load			

## Pit Prices 2021

Duckels Construction				Bear River Sand & Gravel			
970-879-6072 Ext 314				970-242-5370			
Product	Price/Ton	UOM	Marked Up Price	Product	Price/Ton	UOM	Marked Up Price
Overburden-Fill	\$6.00	tn	\$6.85	2 1/2" Road Base	\$12.90	tn	\$14.70
3/4" Road Base	\$17.00	tn	\$19.40	3/4" Road Base - Class 6	\$13.45	tn	\$15.35
1 1/2" Road Base	\$13.00	tn	\$14.85	1 1/2" Road Base	\$12.90	tn	\$14.70
Screened Topsoil	\$28.00	tn	\$31.95	Pit Run	\$11.20	tn	\$12.80
Pit Run	\$12.50	tn	\$14.25	Concrete Sand	\$20.15	tn	\$23.00
Topsoil	\$16.00	tn	\$18.25	3/4" Washed Rock	\$20.15	tn	\$23.00
Cobble 4"-10"	\$40.00	tn	\$45.60	Fill Dirt	\$6.70	tn	\$8.30
3/8" Rock / Chips / Pea Gravel	\$21.00	tn	\$24.00	3/4" Minus Screened Rock	\$17.95	tn	\$20.45
3/4" Rock	\$21.00	tn	\$24.00	1/4" Crusher Fines	\$14.55	tn	\$16.60
1 1/2" Screened Rock	\$17.00	tn	\$19.40	Naturals	\$11.20	tn	\$12.80
Coarse Sand / Pipe Bedding	\$10.00	tn	\$11.40	3/8" Washed Rock	\$22.40	tn	\$25.55
Rip Rap (8" - 60")	\$69.00	tn	\$78.60	Hauled in Fill Dirt	\$9.00	tn	\$9.90
Concrete Sand	\$17.00	tn	\$19.40	Hauled in Asphalt	\$10.00	tn	\$11.00
3/4" Concrete Aggregate	\$21.00	tn	\$24.00	Minimum Charge	\$40.00	ea	
Pit Run at Lower Pit	\$13.00	tn	\$14.85				
Millings - Asphalt	\$21.00	tn	\$24.00				
Delivery Charge - Tandem	\$110.00	hr					
Delivery Charge - Belly Dump	\$140.00	hr					
Hauled in Concrete - NO Rebar	\$20.00	tn	\$22.00				
Hauled in Dirt - Tandem	\$40.00	tn	\$44.00				
Hauled in Dirt - Belly Dump	\$50.00	tn	\$55.00				
Slop	\$20.00	tn	\$22.00				
David 970-819-4032							



December 1, 2021

Routt County Clerk and Recorder's Office  
522 Lincoln Avenue  
Steamboat Springs, CO 80487

Division of Reclamation, Mining & Safety  
1313 Sherman Street  
Room 215  
Denver, CO 80203

To Whom It May Concern:

This letter is in response to a notice posted - Notice Rule 1.6.2 (1) (b)

I live at 47600 County Road 129 and the proposed reclamation permit applied for by Tara Sanders would be using my driveway. The access to the mine is not on a county road – it's use is as an easement for access to property owners. It is NOT a road. Again, it serves basically as my driveway. It is not wide enough for family vehicles and dump trucks to pass by each other safely. Currently, my mailbox has been hit twice and there is serious concern for the safety of our mail carrier in addition to our daily access by this proposed permit. Prior to applying for this permit, they were heavily running dump trucks in and out of the property without communicating with any neighbors. During this time, it was extremely dangerous for us to even check our mailbox. The noise, dust and wear on my driveway is not what I moved up here for.

A mining operation would make it a very dangerous situation for the families that use this as access to their properties. I certainly didn't move here to live next to a mining operation with all that it brings and ultimately will reduce our property values and severely impact our quality of life.

I can be reached at:  
47600 County Road 129  
Steamboat Springs, CO 80487  
claymeyer61@gmail.com  
970.566.1380

Thank you for your time.



Clay Meyer



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Steamboat Springs (Area 10) Service Center  
PO Box 775777 | 925 Weiss Drive  
Steamboat Springs, Colorado 80487  
P 970.970.2197

May 20, 2022  
Routt County Planning  
Attn: Alan Goldich  
136 6<sup>th</sup> St., Suite 200  
Steamboat Springs, CO 80477

Re: Sanders Gravel Pit PL-2021-0004

Dear Mr. Goldich,

Thank you for the opportunity to comment on the Special Use Permit for the Sanders Gravel Pit. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado; this responsibility is fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors.

When this application went through the Division of Reclamation, Mining, and Safety, it was CPW's understanding that the applicant inherited a high wall of gravel with the purchase of this location. Since the applicant traded gravel from this high wall with a neighbor for topsoil, with the intention of grading the site to safe slope, they technically engaged in commercial mining operations. This exchange resulted in the need for permits with the Division of Reclamation, Mining, and Safety (DRMS) and Routt County. This mining effort was initially described to CPW by DRMS staff as a short-term property improvement initiative with reclamation occurring in as little as two years. DRMS issued the applicant their smallest permit, 110(C), which allows mining of up to 9.9 acres and annual production of 70,000 tons. This permit covers a 10-year period of activity and requires a reclamation process.

The current proposed application to Routt County describes the excavation of gravel material from a pit 8 hours per day, 5 days per week, and 50 weeks per year. The applicant anticipates approximately 20 vehicles per day to access the site. CPW has concerns with these activities. Routt County has the ability to place restrictions that will limit the Sander's mining activities. CPW recommends that Routt County consider regulating how many gravel trucks per day may access this property and applying seasonal timing limitations to protect wildlife resources. The Sanders' property is located within the following High Priority Habitats, which are habitats for which CPW has sound spatial data and scientifically-backed recommendations:



- Elk production, defined as: That part of the overall range of elk occupied by the females from May 15 to June 15 for calving. Only known areas are mapped, so these maps do not include all production areas for the Elk Data Analysis Unit.
- Elk severe winter range, defined as: That part of the range of a species where 90% of the individuals are located when the annual snow pack is at its maximum and/or temperatures are at a minimum in the worst 2 winters out of 10.
- Elk winter concentration area, defined as: That part of the winter range of a species where densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average 5 winters out of 10.
- Columbian sharp-tailed grouse winter range, defined as: Observed winter range of sharp-tailed grouse, usually in a tall shrub vegetative type (greater than or equal to 2 meters) within 5 kilometers of lek sites. Shrub height should allow feeding on buds by birds above normal snow depths.

To avoid impacts to the above wildlife populations, CPW recommends that mining activities and truck hauling only occur from July 1 - November 14<sup>th</sup>, annually, to accommodate the following recommended timing limitations.

- Columbian sharp-tailed grouse winter range: November 15 - March 15
- Elk winter ranges: December 1 - April 30
- Elk production: May 15 - June 30

Additionally, CPW requests that the applicant utilize CPW and DRMS approved seed mixes during the reclamation process. Any topsoil piles to be used during reclamation activities should be stored in piles no more than 1.5 meters tall and 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. Top soil piles should be monitored for the establishment of noxious weeds. Soils stored more than 2 meters tall cause anaerobic conditions which kill the soil organisms necessary for plant support.

CPW appreciates the opportunity to be involved in Routt County's planning process. Please contact Kyle Bond, District Wildlife Manager, at (970) 457-0075.

Sincerely,



Kris Middledorf  
Area Wildlife Manager

Cc. Kyle Bond, District Wildlife Manager  
Danielle Neumann, NW Region Land Use Specialist





**136 6<sup>th</sup> Street, #103  
Steamboat Springs, CO 80487  
970-870-5552**

September 21, 2022

Alan,

The applicant has stated that tractor trailers will not be used to transport equipment to or from the site. The CDOT access manager for the region has stated that he would not allow a commercial operation like this to be analyzed for traffic without the use of them. Upon inspection of the internal haul road, the travel surface was measured at approximately 15' wide. This is inadequate for two vehicles to safely pass each other in opposite directions. A road serving one dwelling unit per Routt County Specifications shall be 12'. If the road serves two units, it should be at a minimum of 16' wide. If the road serves three or more units it is considered a common road and the road should be at a minimum of 22' wide. In this case, the road is serving two units, provides access to properties beyond the gravel pit and supporting a gravel pit operation so the road shall be constructed to the common road standard, as indicated in condition #2 below.

Based on the above, the Routt County Public Works Department would like to submit the following conditions of approval on the revised Sanders' Gravel Pit SUP application.

1. Overweight and over length permits for vehicles shall be obtained from the Routt County Road and Bridge Director prior to the use of such vehicles.
2. All haul roads shall be built to a minimum of 22' wide to accommodate commercial haul traffic and other users of the easement.
3. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect Permittee's operations, Routt County will cooperate with Permittee to allow operations to be continued in a safe and practicable stopping point.
4. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance (if possible), who may then require:
  - a. The Permittee or Permittee's contractor/sub-contractor to place traffic control signage along County Road 129. and at the haul road intersection as specified by the Routt County Road and Bridge Director and at Permittee's expense; and
  - b. Flaggers to be placed at the intersection of affected county road as specified by the Routt County Road and Bridge Director and at Permittee's expense; and
  - c. The Permittee or Permittee's contractor/sub-contractor to supply regular dust control efforts by application of a dust palliative, as approved by the Routt County Road and Bridge Director and RCDEH and at Permittee's expense.
5. Permittee shall provide and post advance warning signs of truck traffic turning from and entering CR 129. Types and placement of signs shall be in conformance with the Model Traffic Code and shall be coordinated with Routt County Road and Bridge at the permittees expense.
6. Applicant will need to acquire a Routt County Grading and Excavation Permit for the improvements proposed to be made to complete the 3:1 slope per the reclamation plan.

7. Routt County roads affected by this SUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any road damage shall be repaired by a third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Permittee shall solely bear the costs of repairs.
8. 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 in its sole discretion and at Permittee's expense. Maintenance may include ditching, asphalt patching, roadway striping, sweeping or cleaning access points, and application of a dust palliative to the haul road as approved by the Routt County Road and Bridge Director and RCDEH.
9. All trucks and equipment accessing from CR129 shall be able to exit and be located on private property and off of County 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 of the length of the longest vehicle
10. The Routt County Weed Program shall be permitted to do an existing conditions inspection to identify noxious and nuisance weeds which may be present and to make specific recommendations for control.
11. 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.
12. 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.
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.
14. Permittee shall provide Road and Bridge Department with reclamation plan for the final configuration of the pit. Plan shall include, proposed final reclamation seed mix, slope stabilization measures, final erosion control measures until vegetation is established.

Please let me know if you have any questions.

Thanks,

A handwritten signature in blue ink, appearing to read "M. Mordi".

Mike Mordi, P.E.  
Director  
Routt County Public Works