
Sanders Gravel Pit

ACTIVITY #:	PL20210004
HEARING DATES:	Planning Commission – December 1, 2022 Board of County Commissioners – December 20, 2022
PETITIONER:	Tara Sanders
PETITION:	Special Use Permit - Mining for a Gravel Pit less than 10 acres
LEGAL DESCRIPTION:	PT OF LOTS 2 & 10, PT OF TRS 105 & 106 SECS 28 & 33-8-85. TOTAL: 35.01 AC
LOCATION:	26650 WHEELER CREEK LN, ROUTT, CO 80487 approximately 3,300' south/southeast of the intersection of CR 129 and CR 54
ZONE DISTRICT:	Agriculture/Forestry (A/F)
HAUL ROUTE:	Private Easement to CR 129
PIT AREA:	Existing area of disturbance: approximately 2 acres Phase 1 area: approximately 4.33 acres
STAFF CONTACT:	Alan Goldich, agoldich@co.routt.co.us
ATTACHMENTS:	<ul style="list-style-type: none">• Narrative and follow up letters• Mining Plan• Reclamation Plan• Pictures of site• DRMS application• Traffic study• Adjacent Property Owner comments• Colorado Parks and Wildlife comments• Road and Bridge comments

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

Site Description:

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

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.

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 12' 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.

The Applicant is requesting a Special Use Permit to allow for the mining and export of 50,000 cubic yards (approximately 75,000 tons) 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 4.3 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.

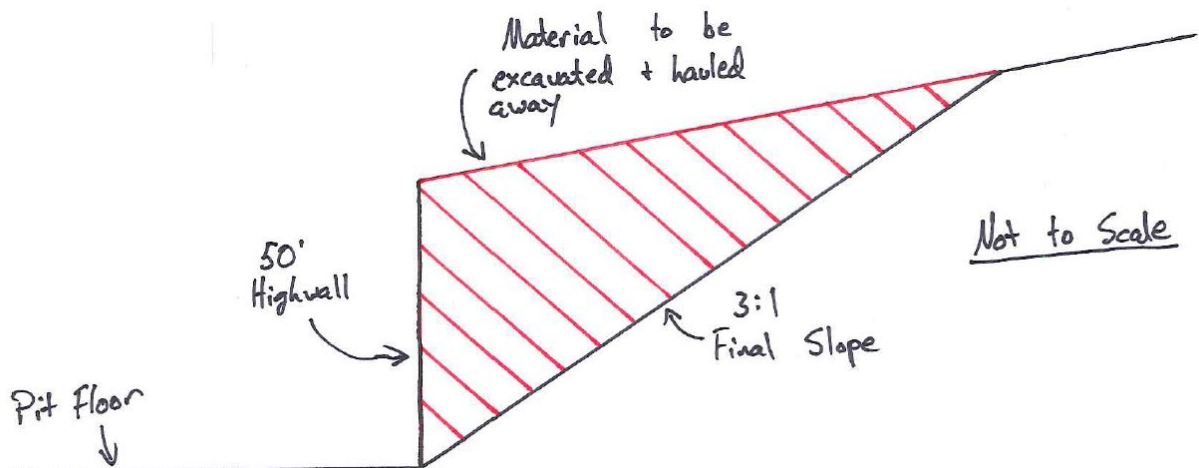
Equipment will be fueled by a portable fuel trailer or truck. If fuel is stored on site it will be in a portable vessel that is double lined and used only for short periods of time. Equipment to mine and load product will remain on site and will not leave nor enter the site.

Staff Recommendation

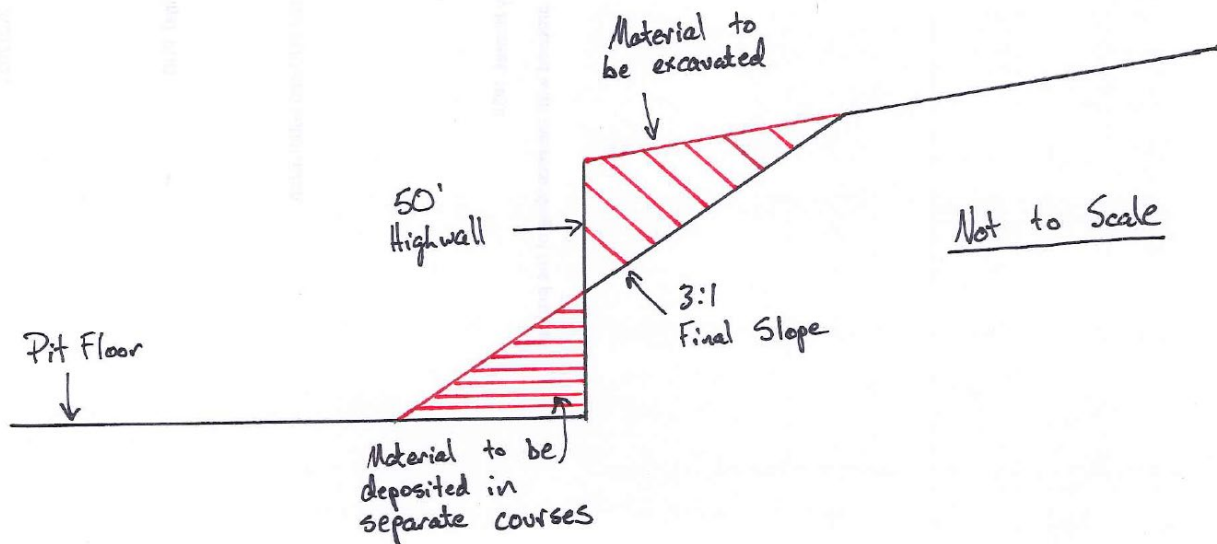
Staff recommends that the application be **RECOMMENDED FOR DENIAL** to the Board of County Commissioners.

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.
- The stated goal of the applicant's proposal is to make the site safe. Staff shares the same goal with the applicant, however staff's opinion on the method to make the site safe, while meeting the regulations and policies of the Master Plan, differs from the applicant. The applicant is proposing to remove the 50' highwall by excavating (cutting) 50,000 cubic yards out of the hill side to achieve a 3:1 slope. This material is proposed to then be hauled off of the site. The applicant has stated that a, "*sloped foundation of native material...is much less subject to erosion and settling than a fill slope.*" A illustrative representation of their proposal is provided below.



Based on the County's regulations and Master Plan, it is staff's position that a gravel pit in this location is not an appropriate use on this site, however there is a dangerous situation that needs to be remedied. The dangerous situation should be remedied based on the minimum amount of mining and hauling required. The way to do this is to balance the excavation (cuts) and deposition in other areas (fills) which would limit and minimize the amount of mining and hauling. Staff agrees that a soil foundation of native material is subject to less erosion and settling, however stable soil foundations can be accomplished with fill slopes as well. This is achieved by laying down a single course of material, and then watering and compacting it. This process is repeated until the desired height and slope of the fill slope is achieved. A illustrative representation of this method to balance the cuts and fills is below.



- 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 SUP application to 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 consulted with 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.
- 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 recommended that the pit only be operated from July 1st – November 14th. Please see their letter for additional details.
- The hours and season of operation in the project description is based on the narrative provided by the applicant. The hours and seasons of operation in the conditions of approval are based on CPW's recommendation and do not match what is proposed by the applicant. Staff recommends that operations be restricted to week days only to minimize impacts to

neighbors. These restrictions provide for a four and a half month (18 week or 90 day) operating season.

- The applicant is proposing to mine and haul 50,000 cubic yards. A standard dump holds approximately 10 cubic yards. It would take approximately 5,000 trucks (10,000 trips) to hauls this amount of material. Taking the seasonal restrictions and 2 year recommended time frame into consideration, it would require approximately 27 trucks (54 trips) a day to haul this amount of material.
- A traffic impact study was submitted with the application, however it is based on the original scope of the application. 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.
- The State of Colorado Division of Reclamation, Mining, and Safety (DRMS) reviews mining operations for compliance with state rules and regulations. Their 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.
- 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.
- If Planning Commission is inclined to recommend approval of this application, staff recommends the permit period be limited to two years. This will limit the long term impacts of this application. This timeframe includes time for reclamation of the site. Two years is based on how long it would take to mine 50,000 cubic yards (75,000 tons). The applicant's permit with the State allows them to mine up to 70,000 tons per year. Two years will give the applicant time to mine the material and reclaim the site.
- 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">• Spread across 2 parcels• Max 25 acre disturbance• Direct access to Hwy 131• Both parcels are vacant	2013

Elam Fetcher/Vale	674 acres	33.3 acres	<ul style="list-style-type: none"> • Spread across 2 parcels • One parcel is vacant • One parcel contains 3 residences and 9 accessory structures • Max 25.3 acre disturbance • Direct access to CR 62 	Started in 1940's. Permitted in 1988.
Duckels	1,069 acres	<ul style="list-style-type: none"> • Hogue Pit – 62.7 acres • Bettger Pit – 87.5 acres 	<ul style="list-style-type: none"> • 2 pits on the same parcel • 3 residences and 14 accessory structures • Max 35 acre disturbance between both pits • Direct access to Hwy 40 	1978
Old Castle (United) Camilletti	301 acres	<ul style="list-style-type: none"> • Funk Pit – 47.6 acres • Camilletti Pit – 94.9 acres 	<ul style="list-style-type: none"> • 2 pits on the same parcel • Vacant • Max 56 acre disturbance between both pits • Direct access to Hwy 40 	2013
Peabody Red Rock	40.1 acres	23.3 acres	<ul style="list-style-type: none"> • Vacant • Max 23.3 acre disturbance • Direct access to CR 53 	1978
Frentress	830.7 acres	9.9 acres	<ul style="list-style-type: none"> • Vacant • Direct access to CR 65 • Pays \$.06 per ton hauled for road maintenance costs 	2011
Precision Camilletti	1,042 acres	118.35 acres	<ul style="list-style-type: none"> • Max 60 acre disturbance • Direct access to CR 179 • One residence and 15 accessory structures (on north side of Hwy 40) • Pays \$.03 per ton hauled for road maintenance costs 	2001

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

1. Is this use compatible with the surrounding residential and agricultural land uses? In other words, is this use appropriate on this site?
2. Does the proposed mine plan present the minimum amount of mining and hauling required to make the site safe?
3. Is this pit sufficiently “within the vicinity of designated growth centers?” (MP policy 3.3.A)
4. Is there adequate separation between this pit and the other ones located in the area to prevent cumulative significant negative impacts to roads and surrounding areas? (MP policy 7.3.T)
5. Can this pit be operated in a manner that is safe to the public traveling on CR 129 and the other users of the access road?
6. 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 included. 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.

Noise is a concern. There are four residences (one is the applicant's) within 2000' of the extraction site. The closest is approximately 1200' to the east. 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 an 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.

Staff has concerns with traffic safety. Other users of the access road have also expressed these safety concerns. As stated earlier, the travel surface of the access road is approximately 12' wide. This is not wide enough for two vehicles to pass each other or 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 but Road and Bridge also recommends that the access road to be widened to 22' to allow for safe passage of other road users. Condition of approval #33 supports Road and Bridge's referral.

***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. Staff's recommendation for denial is based on non-compliance with the Master Plan and Zoning Regulations. If the petition is approved, a condition is included 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 included.

***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.

Applicable Policies – Routt County Master Plan

- 2.4.4.8 Gravel extraction can continue in areas that minimize the impact on residents, visitors and the natural environment including the location of the facility.

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 staff recognizes some level of 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.”* 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 also 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, visual mitigation may not be necessary. The standard condition addressing lighting is included.

***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.

Applicable Policies – Routt County Master Plan

- 2.2.4.5 The cumulative impacts of additional uses should be considered when determining their appropriateness.

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 a restriction on the 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, 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. (above).

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, impacts to water quality, quantity, or wetlands are not a concern. Due to concerns regarding the impacts on wildlife from the proposed operation, CPW recommends that the pit only be operated from July 1st – November 14th. These restrictions are included 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 included requiring that reclamation be done concurrently with mining.

Diesel fumes and dust are 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 #43 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 included.

Proposed hours of operation are limited to 7:00 am – 5:00 pm which is a shorter working day than most pits in the County. If approved, staff recommends 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, there is not enough room to install features that would mitigate noise impacts. The applicant has 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 included. 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 included.

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

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.

Conditions

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 intended purpose of the conditions may be approved by the Planning Director, without public notice prior to the decision, in accordance with Section 32.11 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 (2) 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 mining, loading and hauling shall be Monday through Friday from 7:00 a.m. to 5:00 p.m. July 1st – November 14th. 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:

22. Operator shall submit DRMS Annual Report for the pit to the Planning Department within two weeks of due date each year for compliance verification.

23. The operator shall submit 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 15th of the following month.
24. Permittee shall conduct an annual inventory of weeds on site each spring including but not limited to species identification and map locations. Inventory shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.
25. Permittee shall submit an annual report prior to December 31 of each year to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied.
26. Permittee shall notify the Routt County Environmental Health Department of any written or verbal notice of violation or citation issued to the Permittee by DRMS, CDPHE, or any other permitting agency. Copies of inspection reports, annual reports, and any other documentation required to be submitted to DRMS, CDPHE, or any other permitting agency for any permits obtained through those agencies shall be submitted to the Routt County Environmental Health Department.
27. Copies of all financial guarantees related to the project shall be submitted to the Planning Director prior to issuance of the Special Use Permit.

Reclamation:

28. A SUP shall be in place through the end of reclamation. The permittee shall engage in phased reclamation during the life of the permit, and is required to proceed with due diligence upon the closing of the pit. Disturbed area is land not covered by substantially noxious weed free vegetation, water, pavement, or seed and mulch sufficient to resist wind and water erosion.
29. All reclamation shall be completed prior to the expiration of this permit.
30. The permittee shall be responsible for reclamation as set forth by DRMS gravel mining guidelines and the approved reclamation plan.
31. 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:

32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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.
39. 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.
40. 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
41. 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.
42. The use of tractor trailers is prohibited.

Air and Water Quality and Noise

43. 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.
44. 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.

45. 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.
46. 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.
47. 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.*¹
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

¹ 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 disking 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:

Kind	% Mix	PLS Lbs / A
Mountain Brome grass	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.

June 22, 2022

Sent via email to: agoldich@co.routt.co.us and via Routt County Portal

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

RE: Applicant's Response to County's Review Letter dated 6/1/2022

Dear Alan:

Tara Sanders, the Applicant, hereby submits the following responses to the County's review letter dated June 1, 2022. Pursuant to the June 4, 2021 Notice of Violation ("NOV"), Applicant was "to obtain a Special Use Permit for your operation." Accordingly, as soon as Applicant was made aware of the need to obtain permitting (both state and county), Applicant ceased all mining operations and has since diligently pursued obtaining all required permitting including the Section 110(c) permit from the Colorado Division of Reclamation Mining and Safety ("DRMS") as well as related permits and approvals relative to air quality and stormwater. Applicant has gone to great trouble and expense throughout this process. We sincerely hope that Routt County Planning Department ("Planning") does not deny a very remedy it proposed in the NOV.

Please note that, even if a county permit is not issued, DRMS requires that the site be reclaimed. Therefore, while extraction and hauling of materials would not occur in that instance, essentially the same earth-moving operations would be required to reclaim the existing site as will be needed to extract resources pursuant to the Applicant's SUP application ("Application"). Furthermore, if the site is reclaimed, valuable resources needed in Routt County, and for which there is much demand, will then be unavailable for extraction or use. Accordingly, we urge you to re-refer to the Application and reconsider your proposed denial.

The County's items to be addressed are listed below in bold, italicized font. Applicant's responses are provided in blue below each item. We believe nearly every issue raised has already been addressed in the Application and supporting documentation. Please carefully review the following and refer back to the Application and all other submitted documentation prior to further action.

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

P: (303) 722-2828
F: (303) 496-1025
www.holsingerlaw.com

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

1800 Glenarm Place
Suite 500
Denver, CO 80202



Holsinger Law, LLC

Planning Review (Reviewed By: Alan Goldich)

1. Will there be a water truck on-site? If not, how will you respond to high wind periods when the pit and access road will need to be watered to keep the dust down?

In its May 6, 2022 response to questions posed by Planning and Road and Bridge, Applicant previously stated that: “A water truck will be used to manage dust at the site.” The water truck may or may not be kept at the site. During high dust generating periods, the Applicant will ensure the road is kept watered to keep the dust down.

The Applicant described its dust suppression plan in ¶(f) to Exhibit 4 of the Application, “Detailed description of subject site and proposed use” (“SUP Exhibit 4”): “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.” This plan applies to both the access road and the Extraction Site.

In addition, the access road has a gravel surface which will be maintained to decrease blowing dust. As described in submitted documentation, topsoil stockpiles will be seeded as necessary, which will decrease both erosion and blowing dust.

2. Your response does not address the use of "jake brakes" on the access road. Please indicate how you intend to mitigate noise associated with their use. You also mention that pit walls will be on the north and west side of the pit to help mitigate noise. The mining plan does not show walls in these location. It is questionable whether there is enough room to build these walls and maintain a looped vehicular flow pattern. Please provide specifics on locations of the walls, the size of them, and where they will be located in relation to the looped vehicular pattern.

The Applicant does not intend to use “jake” brakes in any location. Therefore no noise mitigation for “jake” brakes is necessary.

In addition, as described in the Application, the Extraction Site consists of a natural depression. As mining operations continue, the pit walls on the west, south and east will form and grow. The particular locations and dimensions of the features of the Extraction Site, including the outline of the walls (formed by the slopes to be mined out) have already been detailed on the Mining Plan Maps submitted with the Application (for both Phase 1 and 2). Furthermore, as previously indicated, product stockpiles will be strategically placed so as to be used as temporary sound barriers along the northern boundary of the extraction site. This will initially be a seasonal occurrence as stockpiling will occur as extraction is conducted early in each season and then, the stockpiles will be removed as the product is hauled away. As the pit

expands, some stockpiles may be left until near the end of mining to act as both a visual and trespass screen as well as a sound barrier.

Public Works Review (Reviewed By: Mike Mordi)

1. See attached letter.

Applicant's Response to the Public Works Review is provided in a separate letter appended hereto.

Colorado Parks and Wildlife (Reviewed By: Kris Middledorf)

1. See attached letter.

Applicant's Response to the CPW letter is provided in a separate letter appended hereto.

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

1. The proposal does not comply with the following policies of the Routt County Master Plan:

a. 3.3.A – Growth Center proximity

→ Section §3.3.A of the Master Plan states:

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.

The proposed activity which is the subject of the Application (i.e., resource extraction) is not a residential, commercial, or industrial development or use. The site will be a private gravel pit, from which the Applicant will mine materials to sell on demand. It is important to note that the gravel pit has been in existence and unpermitted on this land for decades. In response to the NOV, Applicant merely seeks to follow the rules and permit this gravel pit so some economic value can be realized and needed resources can be provided to the community. The gravel pit existed long before our client owned the property. The proposed activity falls within the uses allowed for properties zoned for Agriculture and Forestry. *See Zoning Regulations, §4.4, §4-8; see also Applicant's Answer to Items b. 4.3.B and c. 4.3.C, below.* This concern was also addressed in the Applicant's May 6, 2022 Response.

In addition, based on satellite imaging, the extraction site has been in existence--and growing since at least 2005--well before the Applicant acquired the property in 2020. Applicant is merely obtaining permitting for an existing site in accordance with local and state directives.

Therefore, the Application is in compliance with §3.3.A of the Master Plan.

b. 4.3.B – Altering historical use

c. 4.3.C – Historical ag use

Applicant hereby addresses both of the above points together.

→ Section 4.3.B of the Master Plan states: *“Use Permits that significantly alter the historical use, intensity of use, or character of an area may be deemed incompatible with this plan.”*

→ Section 4.3.C of the Master Plan states: *“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 historical use of the property has been isolated to grazing livestock on portions of the property, as described in SUP Exhibit 4, ¶ a(3): “Parts of the subject property are occasionally used for agricultural purposes.” Portions of the property will continue to be used for grazing both during extraction operations, as well as during and after reclamation of the Extraction Site. The remainder of the property consists of rangeland. Furthermore, given the on-and off use of the Extraction Site since at least 2005, resource extraction is not a new activity on the property.

The property is zoned AF (Agriculture and Forestry). Pursuant to the Routt County Zoning Regulations (Adopted March 7, 1972, Amended and Restated on September 27, 2011), this zoning use is described as:

This Zone District is created for the purpose of providing the productive agricultural and forested lands of Routt County and preserving the visual, productive, and cultural values associated with agriculture and agricultural lifestyles in rural, unincorporated areas of Routt County. The Zone District also provides for other uses including resource extraction, most requiring permits.

Zoning Regulations, §4.4. *See also* Zoning Regulations at §4-8 (Emphasis added).

Pursuant to the zoning regulations, resource extraction is a use permitted for the property. 1) The limited agricultural use of the property will continue in the same manner it has historically and will not be altered, and 2) the historic agricultural operation and stewardship of the land will be maintained or enhanced. The historical use, intensity of use, or character of the area will not be affected.

Therefore, the Application is in compliance with §§ 4.3.B and 4.3.C of the Master Plan.

d. 5.3.B – Degradation of environment

→ Section 5.3.B. of the Master Plan states:

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.

The DRMS mining and reclamation standards are rigorously protective of the environment. Applicant has described, in both the Applicant's DRMS and County applications, the extensive mitigation measures the Applicant will follow in accordance with the DRMS and County standards. The Applicant has also submitted to the County a Grading and Excavation Permit Application providing the Applicant's Storm Water Management Plan, and has also submitted an Air Pollutant Emission Notice (APEN) to the Colorado Department of Public Health and Environment. The Applicant has also submitted a Level 2 Traffic Impact Study, as revised. The Applicant has also provided the County with copies of the Applicant's DRMS permit application, which was approved by DRMS on January 31, 2022. All applicable mitigation standards will be followed during the proposed operations.

Therefore, the Application is in compliance with §5.3.B of the Master Plan.

e. 5.1.1 and 7.3.C – Significant safety concerns

→ Section 7.3.C of the Master Plan states: "*Routt County discourages mining that would cause significant health or safety problems to people.*"

The proposed activity poses no significant health or safety problems to people. The Applicant has described the safety standards and protocols it will employ and/or follow, in its Application, DRMS application, the Grading and Excavation Permit Application, and other responses to the County. Safety concerns were also addressed in the Applicant's May 6, 2022 Response.

Therefore, the Application is in compliance with §7.3.C of the Master Plan

f. 7.3.T – Sufficient separation distance from other mines

→ Section 7.3.T of the Master Plan states: “*Routt County encourages the separation and sufficient spacing of mining operations to prevent cumulative significant negative impacts to roads and to surrounding areas.*” The Zoning Regulations at §9.2(B) state: “*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.*”

Based on the DRMS mine mapping function (map attached here to as Exhibit A), the nearest active mine (of any type) is over 6 miles to the north of the Extraction Site. Every other active mine in Routt County is located at an even further distance from the Extraction Site. Furthermore, as is also shown on Exhibit A, there are a number of active mines in Routt County in much closer proximity to each other. The Extraction Site is demonstrably separate from other mining operations.

Therefore, the Application is in compliance with §7.3.T of the Master Plan.

g. 7.3.Z – Land Use Compatibility

→ Section 7.3.Z of the Master Plan states:

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.

The Extraction Site is located in a natural depression and is not visible to the nearest residences or from County Road 129. In fact, the nearest residence to the gravel pit is owned and occupied by the Applicant herself. As discussed above, the property zoning of AF allows resource extraction. The use of the remainder of the property will be unaltered before, during, and after the proposed activities. In addition, the post-reclamation use of the Extraction Site, as described in the Applicant’s applications, will likewise be compatible with the surrounding uses. This concern was also addressed in the Applicant’s May 6, 2022 Response.

Therefore, the Application is in compliance with §7.3.Z of the Master Plan.

2. The proposal does not comply with the following standards of the Routt County Zoning Regulations:

a. 6.1.2 – Consistency with Master Plan

→ Section 6.1.2 of the Zoning Regulations states: *“The proposal shall be consistent with applicable Master Plans and sub-area plans.”*

As the Applicant has described hereinabove, the Application is in compliance with the Master Plan and therefore is in compliance with § 6.1.2 of the Zoning Regulations.

b. 6.1.7.I - Noise

→ Section 6.1.7.I of the Zoning Regulations states:

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: . . . Noise.

→ Section 9.2(D) of the Zoning Regulations states that resource extraction uses *“[s]hall be operated such that noise generated by the use does not exceed State of Colorado residential noise standards within 150 feet of any residence.”*

Pursuant to C.R.S. § 25-12-103: *“Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance...”* The sound levels for residential areas (agriculturally-zoned areas are not discussed in the statutes) are as follows: Between the hours of 7:00 a.m. to 7:00 p.m., sound levels shall not exceed 55 db(A); and between the hours of 7:00 p.m. to 7:00 a.m., sound levels shall not exceed 50 db(A).

As described in ¶1 of SUP Exhibit 4: *“Detailed description of subject site and proposed use”* to the Applicant’s SUP application, *“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.”* The distance from the nearest residences, in addition to the

topography of the Extraction Site, will extensively minimize noise. The mining operations will not exceed State of Colorado residential noise standards within 150 feet of any residence.

In addition, the Applicant revised the hours of operation for mining, processing, and hauling as described in Applicant's May 6, 2022 Response: "The hours of operation will be from 8-4 from November through March and from 7-5 from April through October." These hours are intended to provide the maximum window when operations *may* be occurring, but are not intended to mean that mining operations will be constant and continuous during those hours.

Therefore, the Application is in compliance with §6.1.7.I of the Zoning Regulations.

c. 6.1.7.K, 6.13.B, and 9.2.A – Land Use Compatibility

→ Section 6.1.7.K of the Zoning Regulations states:

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: ...Land Use Compatibility.

As described hereinabove and in the Application, the DRMS permit and other supporting documentation submitted to the County, the impact of the mining operations will not have a significant negative impact on surrounding areas. Any other impacts, which will be within regulatory and/or generally accepted performance and environmental standards, will be mitigated by the Applicant as described in the Application, the DRMS permit and the supporting documentation. Any impacts resulting from the mining operations, which will also be within regulatory and/or generally accepted performance and environmental standards, will be primarily localized to the Extraction Site and will be mitigated by the Applicant throughout the mining and reclamation processes.

Therefore, the Application is in compliance with § 6.1.7.K of the Zoning Regulations.

→ Section 6.13.B of the Zoning Regulations states:

- A. Avoid recreation areas and residential areas.*
- 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.*
- C. Practice continued mitigation of noise, dust, and other environmental impacts.*
- D. Route haul truck traffic away from residential and recreation areas.*
- E. Limit traffic generation and/or provide customer shuttles.*

A) As described hereinabove and in other submitted documentation, the proposed operations will not be located in or near recreational or residential areas (*see* response to Item b. 6.1.7.I (Master Plan) – Noise, above, with regard to distance from the nearest residences). B) The use (resource extraction) is allowed for and is compatible with the AF zoning of the property and is therefore consistent with the uses of the surrounding properties. C) The Applicant has addressed mitigation of noise, dust, and other environmental aspects, as may be needed, in these responses and in other submitted documentation. D) Haul truck traffic (consisting of small dump trucks, as described in the Applicant’s May 6, 2022 Response, will not be routed through residential or recreational areas. E) The amount of traffic as described in Applicant’s revised TIS will not be excessive.

Therefore, the Application is in compliance with § 6.13.B of the Zoning Regulations.

→ Section 9.2.A of the Zoning Regulations states:

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.

The Application was prepared to be in compliance with Routt County’s zoning regulations. Furthermore, as described herein, the proposed resource extraction operations are compatible with the surrounding agricultural land uses. The isolated location, and mitigation of impacts, further ensures the use is compatible with surrounding uses. This concern was also addressed in the Applicant’s May 6, 2022 Response.

Therefore, the Application is in compliance with § 9.2.A of the Zoning Regulations.

d. 6.10.J and 9.2.B – Sufficient separation distance from other mines

→ Section 6.10.J of the Zoning Regulations states: *“Place the operation a sufficient distance from residences, commercial areas, and recreation areas to minimize noise impacts to those areas.”*

The Applicant has addressed the distance of the Extraction Site from residences and recreational areas, hereinabove. No commercial areas are located near to the Extraction Site.

Therefore, the Application is in compliance with § 6.10.J of the Zoning Regulations

→ Section 9.2.B of the Zoning Regulations states: *“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.”*

See Applicant’s Response to Item f. 7.3.T (Master Plan) – Sufficient separation distance from other mines” As discussed and shown on Exhibit A, the nearest active mine (of any type) is over 6 miles to the north of the Extraction Site. Every other active mine in Routt County is located at an even further distance from the Extraction Site. Furthermore, as is also shown on Exhibit A, there are a number of active mines in Routt County in much closer proximity to each other than the Extraction Site is to any other mine. The Extraction Site is demonstrably separate from other mining operations. There will be no cumulative impacts to roads, air and water quality, or other resources and amenities.

Therefore, the Application is in compliance with § 9.2.B of the Zoning Regulations.

e. 6.10.P – Use of “jake” brakes

As stated above (*see* response to Planning Review, Item 2 re “jake” brakes), “jake” brakes will not be used.

Therefore, the Application is in compliance with § 6.10.P of the Zoning Regulations.

As you can see, the Applicant has endeavored to minimize and mitigate any environmental and health impacts associated with approval of this request through a series of actions including:

1. Seeking and receiving approval for a Mining and Reclamation Permit from DRMS, including posting of a financial warranty in the amount of \$39,125.00, which will ensure that the site is mined in an orderly manner and reclaimed to a beneficial use at the conclusion of mining.

2. Making application for an APEN from CDPHE which will ensure air quality standards are met during mining and reclamation.
3. Working with Routt County to make application for a conditional use permit and a grading and excavation permit which addresses a series of steps to properly minimize or mitigate impacts from the proposed activity including, preparing a traffic study which identified the best way to export materials off site, creating a stormwater management plan to address any potential off site sedimentation, committing to reasonable hours of operation, developing traffic flow plans, creating noise buffering with strategic development of the site and stockpiling of materials and commitments to not use “jake” brakes, and committing to utilizing water trucks to mitigate off-site dust impacts.

Through these steps, we believe any potential impacts have been appropriately minimized and/or mitigated and respectfully request that this application be approved as it has met the requirements of applying for a Conditional Use Permit. We are available to answer any questions and look forward to hearing from you.

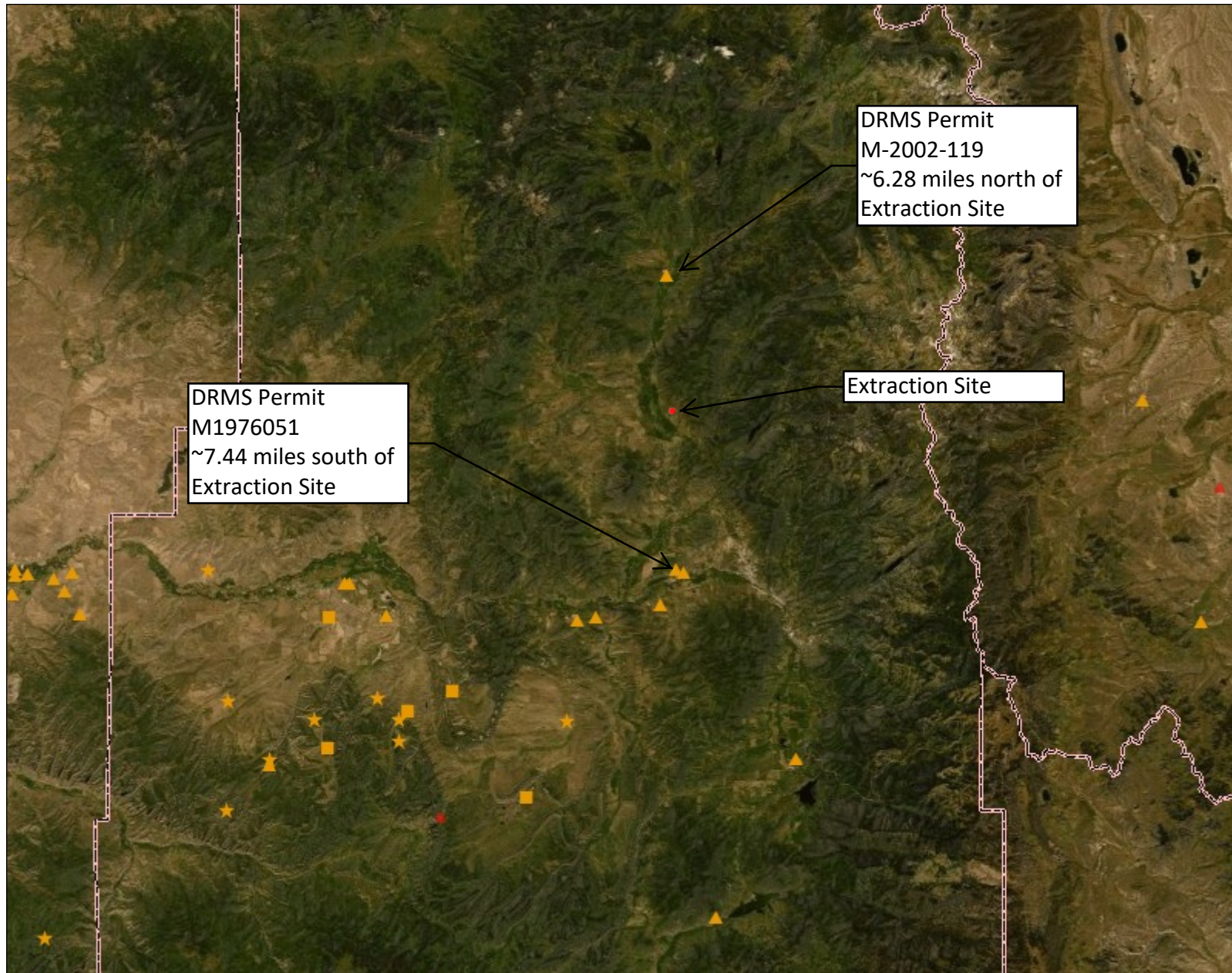
Sincerely,

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



Legend

- ▲ Active Construction Permit
- Active Hardrock Permit
- Active Coal Permit
- ★ Active Coal Exploration Permit
- ▲ CO_AML_Mine_Fire_Location
- County
- State Border

Location



Notes

14.17 0 7.09 14.17 Miles

1: 449,028



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date Prepared: 6/15/2022 11:45:38 AM

June 22, 2022

Sent via email to: agoldich@co.routt.co.us and via Routt County Portal

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

**RE: Applicant's Response to County's Review Letter dated 6/1/2022
Public Works Department Memorandum**

Dear Alan:

This letter is in response to the Routt County Public Works Department's ("PW") memorandum dated May 31, 2022, reviewing the Traffic Impact Study dated 3/1/2022 and revised 4/28/2022 ("Revised TIS"). PW's comments are provided in bold, italicized font. Applicant's responses to PW's memorandum are provided in blue font below PW's comments. Generally, Applicant believes the Revised TIS speaks for itself and requires little additional elaboration. Applicant believes nearly every issue raised has been addressed already in the Revised TIS and its responses to date.

1. Project Location and Description - Provide description of CR 129 in terms of surface material(s) and width(s), speed limit and County roadway classification.

Surface materials: Paved (asphalt concrete).

Width and speed limit: Provided on page 13 of the Revised TIS: "2-lane roadway with a posted speed limit of 45 mph."

County roadway classification: "1 – Main" per the Road Maintenance Classes map.¹

2. Trip Generation – The current Trip Generation is not consistent with Owner-provided data or typical calculation of Design Hourly Volume. The proposed aggregate operation is anticipated to produce 67,000 tons of aggregate annually. Using other regional gravel operation data, the percent sales by month is estimated in the following example tabulation. DHV is based on peak-season operation hours of 7 am to 5 pm (April through September). Trips are distributed equally through period of operations. [table omitted here] Using the peak seasonal months of May-September, assuming side or belly trailer trucks at 25 T/load, DHV is converted to PCE's (3) plus 50% of staff trips during DHV (mid-day) for DHV of 16, as an example.

¹ <https://www.co.routt.co.us/DocumentCenter/View/4873/Road-Maintenance-Level-Map?bidId=>

As stated in the Applicant's 5/6/2022 Response, Applicant will not be using side or belly trailer trucks, but will be using smaller, tandem axel trucks (i.e., dump trucks). The trip generation calculations provided in the Revised TIS are consistent with how the Applicant intends to use the Extraction Site.

3. Trip Assignment – Assigned trips must consider whole PCE vehicles in multiples of 3.

Applicant proposes a maximum of approximately 11am trips and 15pm trips during operations (see Revised TIS at 16). We are unsure we understand the request relative to PCEs in multiples of three. However, if that were applied, then Applicant's projection would be for approximately 12am trips.

4. Auxiliary Turn Lane Evaluation – Provide reassessment using above trip generation methodology plus background traffic for design year(s).

As stated in the Applicant's 5/6/2022 Response, Applicant will not be using side or belly trailer trucks, but will be using smaller, tandem axel trucks (i.e., dump trucks). The auxiliary turn lane evaluation provided in the Revised TIS confirms an auxiliary turn lane is unnecessary consistent with how the Applicant intends to use the Extraction Site.

5. Intersection Sight Distance - Provide reassessment using a WB-50 design vehicle and recommendation for appropriate safety measures.

As stated in the Applicant's 5/6/2022 Response, Applicant will not be using side or belly trailer trucks, but will be using smaller, tandem axel trucks (i.e., dump trucks). The sight distance calculations and safety recommendations provided in the Revised TIS are consistent with how the Applicant intends to use the Extraction Site.

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

June 22, 2022

Sent via email to: agoldich@co.routt.co.us and via Routt County Portal

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

**RE: Applicant's Response to County's Review Letter dated 6/1/2022
Colorado Parks and Wildlife Comments**

Dear Alan:

This letter is in response to the Colorado Parks and Wildlife ("CPW") letter dated May 20, 2022. CPW's comments are provided in bold, italicized font. Applicant's responses to CPW's letter are provided in blue font below CPW's comments.

Applicant notes that the questions and requested information for the County's SUP Application form ("Application") and the Division of Reclamation, Mining and Safety application form varies. Therefore, while the Applicant's responses to the two applications are not identical (in order to respond to the specific questions of each application form), the two applications are consistent with each other.

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.

Applicant is unsure when or why DRMS staff may have communicated to CPW that the mining operation was a "short-term property improvement initiative with reclamation occurring in as little as two years." Language to that effect is not included in the Notice of Consideration of 110c Construction Materials Reclamation Permit Application DRMS sent to CPW on November 24, 2021.¹ Applicant has been unable to find a response from CPW to DRMS with regard to this notice in the DRMS permit file.² In both the DRMS and County SUP applications, the Applicant

¹ Available at: [https://dnrweblink.state.co.us/DRMS/PDF/npwmda3e2q0d0rp44n5gqj2j/2/2021-11-24_PERMIT%20FILE%20-%20M2021066%20\(2\).pdf](https://dnrweblink.state.co.us/DRMS/PDF/npwmda3e2q0d0rp44n5gqj2j/2/2021-11-24_PERMIT%20FILE%20-%20M2021066%20(2).pdf)

² Permit file available at: <https://dnrweblink.state.co.us/drms/search.aspx?dbid=0>. Specifically, see the list of comment letters received by DRMS as noted in DRMS' adequacy review letter dated December 20, 2021, available

has clearly and straightforwardly communicated its intentions to excavate resources from the Excavation Site to the extent they are available. Review of the applications will evidence this.

Furthermore, DRMS permits are in effect for the life of the mine (as long as resources may be extracted), as long as the Applicant is in compliance with DRMS requirements. As Routt County only allows a permit to be issued for 10 years, however, before it must be renewed, Applicant, by necessity, stated that the permit would be for 10 years, with the intention of renewing upon expiration of the permit.

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.

These hours were revised in Applicant's May 6, 2022 response, but CPW appears to not be aware of that revision. As noted in the letter to the County's review to which this response is appended, these hours are intended to provide the maximum window when operations *may* be occurring, but are not intended to mean that mining operations will be constant and continuous during those hours. Routt County's Resource Extraction (Mining) Submittal Checklist asks for "hours of operation (mining, processing, hauling)." In addition, the trip generation has also been revised per the 4/28/2022 revised Traffic Impact Study (TIS) and Applicant's May 6, 2022 response to the County's questions.

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...[table omitted here] To avoid impacts to the above wildlife populations, CPW recommends that mining activities and truck hauling only occur from July 1 – November 14th, 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***

Applicant has reviewed CPW maps showing the spatial data for the referenced wildlife ranges/areas and understands elk population numbers are generally above goals. Furthermore, Applicant has first-hand experience with the elk's habituation to activities on the property and believes timing restrictions are inappropriate and unnecessary for elk or other species.

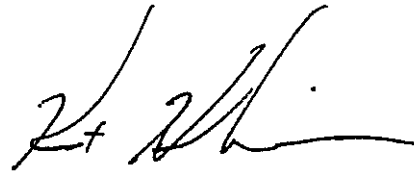
Moreover, such restrictions would just prolong the operation of the pit in terms of number of years in operation.

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.

In the County SUP Application and the approved DRMS application, the Applicant has provided the seed mixture to be used on the site, which was approved by DRMS and which is consistent with the rangeland grass found on the property. Applicant will comply with DRMS requirements as to the height of stockpiles.

Regards,

HOLSINGER LAW, LLC

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

Kent Holsinger

cc: T. Waldron
T. Sanders

August 29, 2022

Sent via email to: agoldich@co.routt.co.us; kwinser@co.routt.co.us

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

RE: Sanders Pit Special Use Permit Application

Dear Ms. Winser and Mr. Goldich:

Thank you for the 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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1800 Glenarm Place
Suite 500
Denver, CO 80202



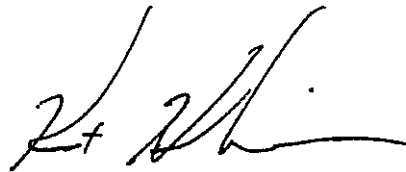
lead to a stable post-mining configuration. This is about the same amount of material that was removed by the previous landowner without permits being issued by either the state or the county. However, this action will be properly conducted under a state permit that requires the site to be reclaimed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

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

RE: Sanders Pit Special Use Permit Application

Dear Ms. Winser and Mr. Goldich:

Thank you for the emails of August 29 and September 7th, 8th, 21st, and 22nd, 2022 addressing our letter of August 29, 2022. This letter is written in brief response to the emails and to acknowledge the proposed hearing dates of October 20 and November 8, 2022 for the Planning Commission and the Board of County Commissioner meetings, respectively.

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

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

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

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

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

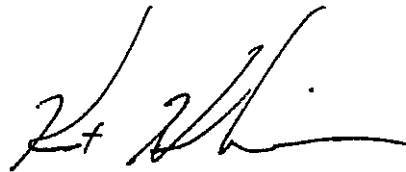
With respect to Routt County Public Works' most recent letter, the applicant agrees to comply with conditions outlined in the letter as consistent with Routt County standards. Just as a point of clarification, many of the latter conditions (6 & 10-14) have already been addressed via other permits (in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

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

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

Sincerely,

HOLSINGER LAW, LLC

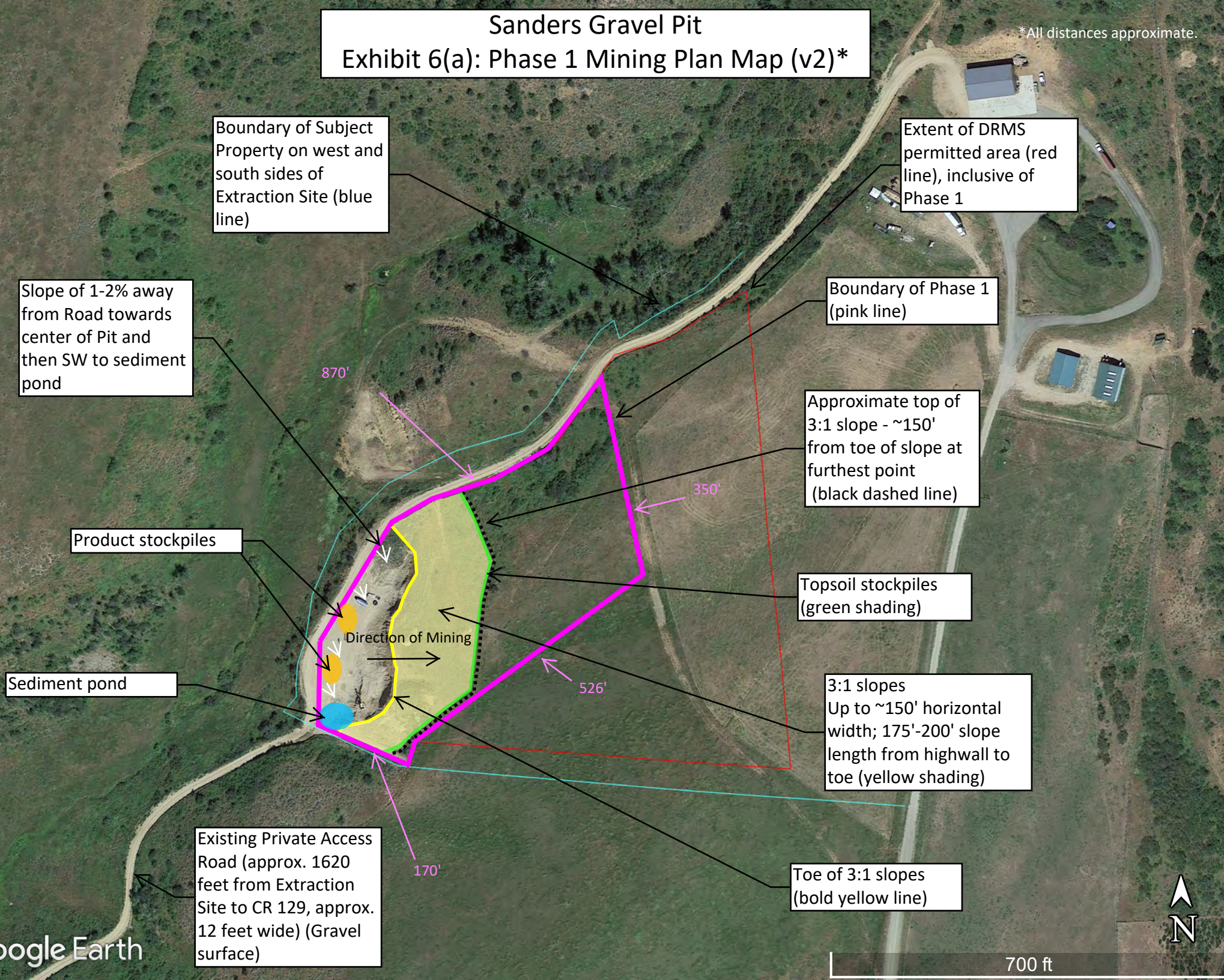
A handwritten signature in black ink, appearing to read 'KH' followed by a stylized surname.

Kent Holsinger

cc: T. Sanders
T. Waldron

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

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☐ There is a File Number Already Assigned to this Operation
Permit # M - - - - - (Please reference the file number currently assigned to this operation)
☒ New Application (Rule 1.4.5) ☐ Amendment Application (Rule 1.10)
☐ Conversion Application (Rule 1.11)
Permit # M - - - - - (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Limited Impact (110) Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-J, Exhibit L, Addendum 1, any sections of Exhibit 6.5 and Geotechnical Stability Exhibit, as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.5, and 1.6.2(1)(b); and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-J, Exhibit L, Addendum 1, and appropriate sections of 6.5 (Geotechnical Stability Exhibit), as required, and a check for the application fee described under (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, **ALL** information described below.

1. **Applicant/operator or company name (name to be used on permit):** Tara Sanders
 - 1.1 Type of organization (corporation, partnership, etc.): Individual
2. **Operation name (pit, mine or site name):** Sanders Gravel Pit
3. **Permitted acreage (new or existing site):** 9.95 permitted acres
 - 3.1 Change in acreage (+) 0 acres
 - 3.2 Total Acreage in Permit Area 9.95 acres
4. **Fees:**
 - 4.1 New Application: \$1258.00 application fee
 - Amendment Fee (C.R.S. 34-32.5-125(II)): \$827.00 application fee
5. **Primary commodity(ies) to be mined:** sand gravel
 - 5.1 Incidental commodity(ies) to be mined: 1. Borrow / 1000 lbs/Tons/yr 2. n/a / lbs/Tons/yr 3. n/a / lbs/Tons/yr
4. n/a / lbs/Tons/yr 5. n/a / lbs/Tons/yr
 - 5.2 Anticipated end use of primary commodity(ies) to be mined: construction materials
Anticipated end use of incidental commodity(ies) to be mined: construction materials

11. Correspondence Information:

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: Tara Sanders Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: 771932
City: Steamboat Springs
State: Colorado Zip Code: 80477
Telephone Number: (970) - 481-6732
Fax Number: (n/a) - _____

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Kent Holsinger Title: _____
Company Name: Holsinger Law, LLC
Street/P.O. Box: 1800 Glenarm Place, Ste. 500 P.O. Box: _____
City: Denver
State: Colorado Zip Code: _____
Telephone Number: (303) - 722-2828
Fax Number: (303) - 496-1025

INSPECTION CONTACT

Contact's Name: Tara Sanders Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: 771932
City: Steamboat Springs
State: Colorado Zip Code: 80477
Telephone Number: (970) - 481-6732
Fax Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: n/a
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: n/a
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

7. Name of owner of the subsurface rights of affected land: Tara Sanders Sole Proprietor 401k PSP
8. Name of owner of the surface of affected land: Tara Sanders Sole Proprietor 401k PSP
9. Type of mining operation: ☒ Surface ☐ Underground ☐ In-situ
10. Location information: The center of the area where the majority of mining will occur:

COUNTY: Routt

PRINCIPAL MERIDIAN (check one): ☒ 6th (Colorado) ☐ 10th (New Mexico) ☐ Ute

SECTION (write number): S 33

TOWNSHIP (write number and check direction): T 8.0 ☒ North ☐ South

RANGE (write number and check direction): R 85.0 ☐ East ☒ West

QUARTER SECTION (check one): ☐ NE ☒ NW ☐ SE ☐ SW

QUARTER/QUARTER SECTION (check one): ☐ NE ☐ NW ☒ SE ☐ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): ~6.36 miles northwest of Steamboat Springs; elevation: ~ 7060ft

11. Primary Mine Entrance Location (report in either Latitude/Longitude OR UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg 40 min 36 sec 43.74.00 (2 decimal places)

Longitude (W): deg 106 min 55 sec 44.67.00 (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) _____ (5 decimal places)

Longitude(W) _____ (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) NAD83 Zone 13

Easting _____

Northing _____

12. **Primary future (Post-mining) land use (check one):**

<input type="checkbox"/> Cropland(CR)	<input type="checkbox"/> Pastureland(PL)	<input checked="" type="checkbox"/> General Agriculture(GA)
<input type="checkbox"/> Rangeland(RL)	<input type="checkbox"/> Forestry(FR)	<input type="checkbox"/> Wildlife Habitat(WL)
<input type="checkbox"/> Residential(RS)	<input type="checkbox"/> Recreation(RC)	<input type="checkbox"/> Industrial/Commercial(IC)
<input type="checkbox"/> Developed Water Resources(WR)		<input type="checkbox"/> Solid Waste Disposal(WD)

13. **Primary present land use (check one):**

<input type="checkbox"/> Cropland(CR)	<input type="checkbox"/> Pastureland(PL)	<input checked="" type="checkbox"/> General Agriculture(GA)
<input type="checkbox"/> Rangeland(RL)	<input type="checkbox"/> Forestry(FR)	<input type="checkbox"/> Wildlife Habitat(WL)
<input type="checkbox"/> Residential(RS)	<input type="checkbox"/> Recreation(RC)	<input type="checkbox"/> Industrial/Commercial(IC)
<input type="checkbox"/> Developed Water Resources (WR)		<input type="checkbox"/> Mining (MN)

14. If this operation will use designated chemicals, or will result, or presently has acid mine drainage - you cannot use this application form. You must submit either a 110d or 112d application form for Designated Mining Operations. In either case, you must list any acidic or toxic-forming materials, exposed or disturbed as a result of the mining operation, and whether the operation will result in or presently has acid mine drainage:

n/a

15. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s):

n/a

Maps & Exhibits:

Submit two (2) complete, unbound copies of the following application exhibits:

- 6.3.1 EXHIBIT A - Legal Description and Location Map
- 6.3.2 EXHIBIT B - Site Description
- 6.3.3 EXHIBIT C - Mining Plan
- 6.3.4 EXHIBIT D - Reclamation Plan
- 6.3.5 EXHIBIT E - Maps, to include the location of any recorded easements
- 6.3.6 EXHIBIT F - List of Other Permits and Licenses Required
- 6.3.7 EXHIBIT G - Source of Legal Right-to-Enter
- 6.3.8 EXHIBIT H - Municipalities Within a Two-mile Radius
- 6.3.9 EXHIBIT I - Proof of Filing with County Clerk
- 6.3.10 EXHIBIT J - Proof of Mailing Notices of Permit Application
- 6.3.12 EXHIBIT L - Permanent Man-Made Structures
- 1.6.2(1)(b) ADDENDUM 1 - Notice Requirements (sample enclosed)
- 6.5 Geotechnical Stability Exhibit (as required)

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

TBS

1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;

TBS

2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;

TBS

3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;

TBS

4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;

TBS

5. It is your responsibility to notify the Office of any changes in your address or phone number;

TBS

6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):

a. the name of the operator;

b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,

c. the permit number.

TBS

7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance;

TBS

8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Mineral Rules and Regulations in effect at the time the permit is issued.

TBS

9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

TBS

10. For joint venture/partnership permittee: the signing representative is authorized to sign when document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office review and decision or appeals process, you may contact the Office at (303) 866-3567.

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. All necessary approvals from local government have been applied for (Section 34-32.5-110(1)(a)(VIII)).
2. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.). (NOTE: For 110 operations, the affected area includes all lands delineated by the permit boundary.)
3. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.).
4. As the applicant/operator, I do not have any mining/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.).
5. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S. 1984.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-110, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this 4th day of October, 2021.

Tara Sanders
Applicant/Operator

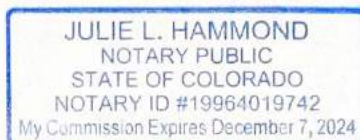
Signed: Tara Sanders

Title: Applicant/Operator

State of Colorado)

County of Route) ss.

The foregoing instrument was acknowledged before me this 4th day of October, 2021,
by Tara Sanders as Applicant/Operator of _____.



Julie L. Hammond
Notary Public

My Commission expires: 12-7-2024

SIGNATURES MUST BE IN BLUE INK

ADDENDUM 1 - NOTICE REQUIREMENTS

NOTICE

Rule 1.6.2(1)(b)

This site is the location of a proposed mining operation. Tara Sanders, whose address and phone number are P.O. Box 771932, Steamboat Springs, Colorado 80477; (970) 481-6732, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the Routt County Clerk and Recorder's Office, 522 Lincoln Ave, Steamboat Springs, CO 80487, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, Colorado 80203.

Certification:

I, Tara Sanders, the Applicant, hereby certify that I posted a sign containing the above notice for the proposed permit known as the Sanders Gravel Pit at the location of the proposed access to the site on October _____, 2021. See Addendum 2-A documenting placement of the said notice.

By: _____
Tara Sanders, Applicant

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing Certification was signed, sworn to (or affirmed), and acknowledged before me this ____ day of October, 2021, by Tara Sanders, the Applicant.

Witness my hand and official seal:

[SEAL]

Notary Public
My commission expires: _____

ADDENDUM 1 - NOTICE REQUIREMENTS

NOTICE OF FILING APPLICATION FOR COLORADO MINED LAND RECLAMATION PERMIT FOR CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS ROUTT COUNTY

Tara Sanders (the "Applicant/Operator"), has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Routt County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to rangeland/pastureland use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

ADDENDUM 1 - NOTICE REQUIREMENTS

NOTICE OF FILING APPLICATION FOR COLORADO MINED LAND RECLAMATION PERMIT FOR CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION

NOTICE TO THE BOARD OF SUPERVISORS OF THE LOCAL CONSERVATION DISTRICT ROUTT COUNTY CONSERVATION DISTRICT

Tara Sanders (the "Applicant/Operator"), has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Routt County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

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If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

ADDENDUM 1 - NOTICE REQUIREMENTS

PUBLIC NOTICE [*Steamboat Pilot & Today*]

Tara Sanders (P.O. Box 771932, Steamboat Springs, Colorado 80477; (970) 481-6732), has filed an application for a Construction Materials Limited Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Sanders Gravel Pit, and is located at or near Section 33, Township 8 North, Range 85 West of the 6th Prime Meridian.

The proposed date of commencement is October 1, 2021, and the proposed date of completion is October 1, 2031. The proposed future use of the land is rangeland/pastureland.

Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Routt County Clerk and Recorder's office (522 Lincoln Ave, Steamboat Springs, CO 80487), or the abovenamed applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on _____, 2021.

Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.

ADDENDUM 1 - NOTICE REQUIREMENTS

PUBLIC NOTICE [*Landowners*]

Tara Sanders (P.O. Box 771932, Steamboat Springs, Colorado 80477; (970) 481-6732), has filed an application for a Construction Materials Limited Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Sanders Gravel Pit, and is located at or near Section 33, Township 8 North, Range 85 West of the 6th Prime Meridian.

The proposed date of commencement is October 1, 2021, and the proposed date of completion is October 1, 2031. The proposed future use of the land is rangeland/pastureland.

Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Weld County Clerk and Recorder's office (522 Lincoln Ave, Steamboat Springs, CO 80487), or the abovenamed applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on _____, 2021.

Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.

NOTICE
Rule 1.6.2(1)(b)

ADDENDUM 2-A
Documentation of Placement of Sign





ADDENDUM 3
STATEMENT OF AUTHORITY
(§ 38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity named: Tara Sanders Sole Proprietor 401(k) PSP.
2. The type of entity is a 401(k) profit-sharing plan.
3. The entity is formed under the laws of the State of Colorado.
4. The mailing address for the entity is: PO Box 771932, Steamboat Springs, CO 80477.
5. The name of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is: Tara Sanders, Trustee.
6. The authority of the foregoing person to bind the entity is not limited.
7. Tara Sanders Sole Proprietor 401(k) PSP hereby grants Tara Sanders, Applicant, the right of ingress and egress to the property known as 26650 Wheeler Creek Lane, Steamboat Springs, CO 80487 for any and all lawful purposes, including but not limited to the purpose of the permitted gravel mining activities which are the subject of this Application.
7. There are no other applicable matters concerning the manner in which the entity deals with interests in real property.
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of § 38-30-172, C.R.S.
9. This Statement of Authority amends and supersedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Tara Sanders Sole Proprietor 401(k) PSP

October 4th, 2021

BY:

Tara Sanders, Trustee
Tara Sanders, Trustee

STATE OF COLORADO)

COUNTY OF Route)

) ss.

Subscribed, sworn to, and acknowledged before me by Tara Sanders, as Trustee of the Tara Sanders Sole Proprietor 401(k) PSP, on October 4, 2021.



Witness my hand and official seal:

Julie L. Hammond
Notary Public
My commission expires: 12-7-2024

ADDENDUM 4

October 4th, 2021

By: Tara Sanders
Tara Sanders, Applicant

STATE OF COLORADO

COUNTY OF Routt

The foregoing Statement of Authority was signed, sworn to (or affirmed), and acknowledged before me this 4th day of October, 2021, by Tara Sanders, the Applicant.



Julia L Hammond
Notary Public
My commission expires: 12-7-2024

Notary Public
My commission expires: 12-7-2024

Addendum 5
LETTER GRANTING LEGAL RIGHT TO ENTER

September 28, 2021

TARA SANDERS SOLE PROPRIETOR 401(k) PSP
PO Box 771932,
STEAMBOAT SPRINGS, CO 80477

Tara Sanders, Applicant
PO Box 771932,
Steamboat Springs, CO 80477

RE: Grant of Right of Ingress and Egress

To Tara Sanders and All Interested Persons:

Please take notice that Tara Sanders Sole Proprietor 401(k) PSP, Landowner, hereby grants Tara Sanders, Applicant, the right of ingress and egress to the property known as 26650 Wheeler Creek Lane, Steamboat Springs, Colorado 80487 for any and all lawful purposes, including but not limited to the purpose of the proposed gravel mining activities which are the subject of the Applicant's Division of Reclamation, Mining & Safety and Routt County permitting applications.

Tara Sanders Sole Proprietor 401(k) PSP, Landowner

October 4th, 2021

BY: Tara Sanders, Trustee
Tara Sanders, Trustee

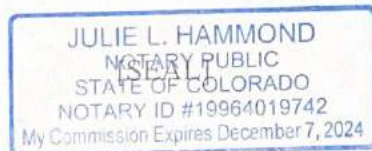
STATE OF COLORADO)

COUNTY OF Routt)

) ss.

Subscribed, sworn to, and acknowledged before me by Tara Sanders, as Trustee of the Tara Sanders Sole Proprietor 401(k) PSP, on October 4th, 2021.

Witness my hand and official seal:



Julie L. Hammond
Notary Public
My commission expires: 12-7-2024

EXHIBIT A

Rule 6.3.1

Legal Description and Location Maps

Legal Description of Gravel Pit Site:

The proposed gravel pit site (“Extraction Site”) is located within a property legally described as follows:

Portions of Lots 2 and 10, Part of Tracts 105 and 106, Sections 28 and 33, Township 8 North, Range 85 West of the 6th P.M., Routt County, Colorado, a/k/a 26650 Wheeler Creek Lane, Steamboat Springs, Colorado 80487,

Containing 35 acres, more or less.

More specifically, the Extraction Site will be located in the SE1/4NW1/4, Sec. 33, Twp. 8 N, Range 85 W, 6th P.M., Routt County, Colorado. The total proposed permitted area will be approximately 9.95 acres.

See Exhibits A-1 – A-3, C-1 – C-2.

Main Entrance to Gravel Pit Site:

The main entrance to the Extraction Site will be located at the following point:

Latitude: 40°36'43.74"N

Longitude: 106°55'44.67"W

Access to the subject property and the Extraction Site will be by:

The existing private access road/driveway located on the subject property (“Existing Access Road”) (**incorrectly identified on some maps as U.S. Forest Service Trail 1180**), which connects to Routt County Road 129. *See Exhibits A-1 and A-2.* The use of the Existing Access Road is pursuant to that certain Agreement for Access and Utility Easement and Improvements recorded on June 23, 2005, in the records of the Routt County Clerk and Recorder at Reception No. 620829 and that certain Certificate of Correction recorded on December 20, 2005, in the records of the Routt County Clerk and Recorder at Reception No. 630837. *See Exhibit A-5.*

The entirety of the Existing Access Road can be, has been, and will continue to be used for the landowner's private use as well as for the permitted gravel pit activities. The Existing Access Road will be maintained by the landowner and is not included as part of the total permitted area. The road will be permanent and will remain after reclamation as access for the parcel. The road will be repaired and maintained as necessary. The road has a gravel surface. If necessary, additional gravel for this road will be produced at the site.

Adjacent landowners:

The attached Exhibit A-4 identifies all immediately adjacent surface owners of record.

Attachments:

Exhibit A-1: Sanders Subject Property Location Map

Exhibit A-2: Sanders Gravel Pit Location Map

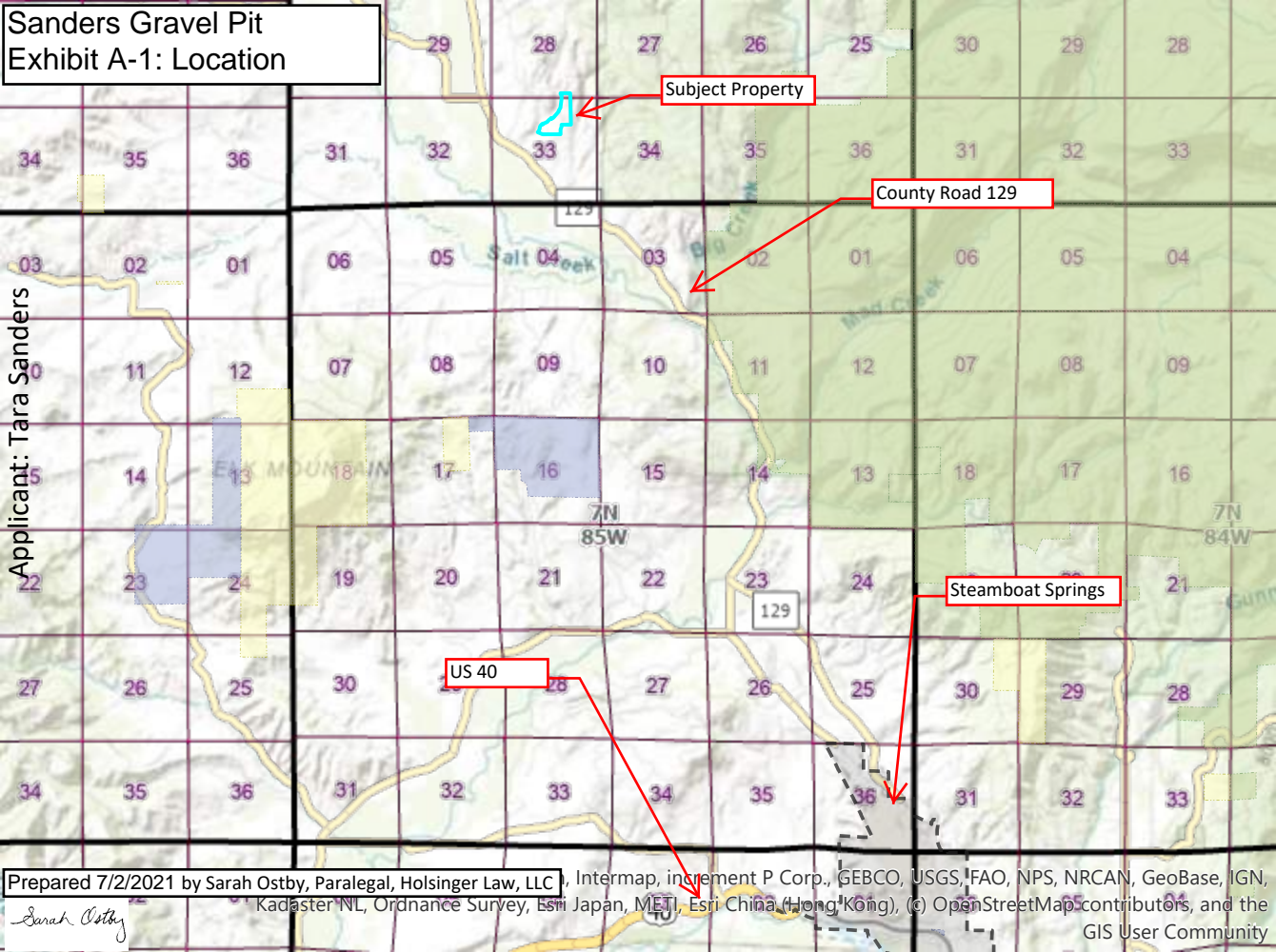
Exhibit A-3: Sanders Gravel Pit Location Map (USGS Topo Map)

Exhibit A-4: Adjacent Landowners Map

Exhibit A-5: Easement for Existing Access Road

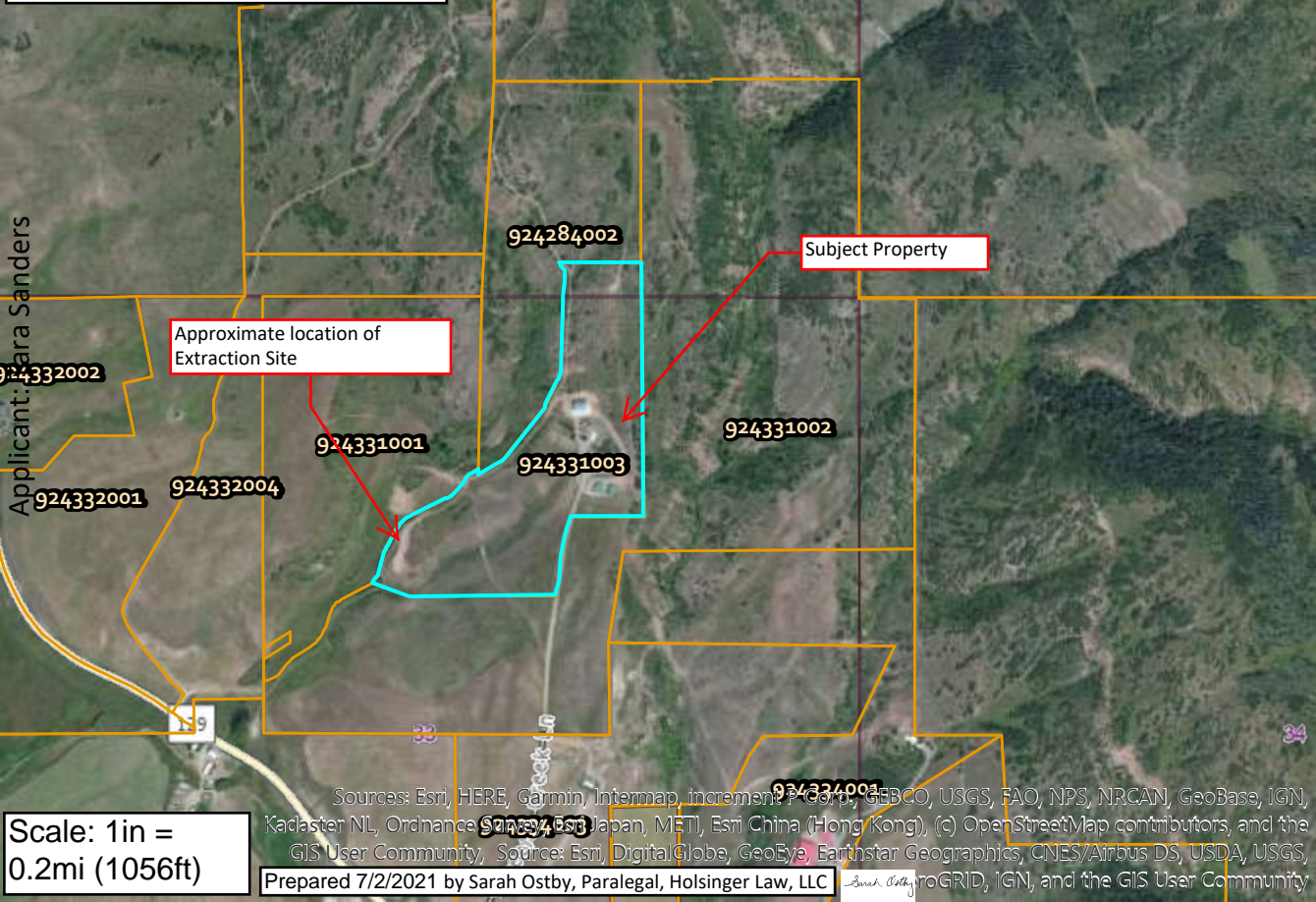
Sanders Gravel Pit
Exhibit A-1: Location

Applicant: Tara Sanders



Sanders Gravel Pit
Exhibit A-1: Location (cont.)

Applicant: Para Sanders



Approximate location of
Extraction Site

Subject Property

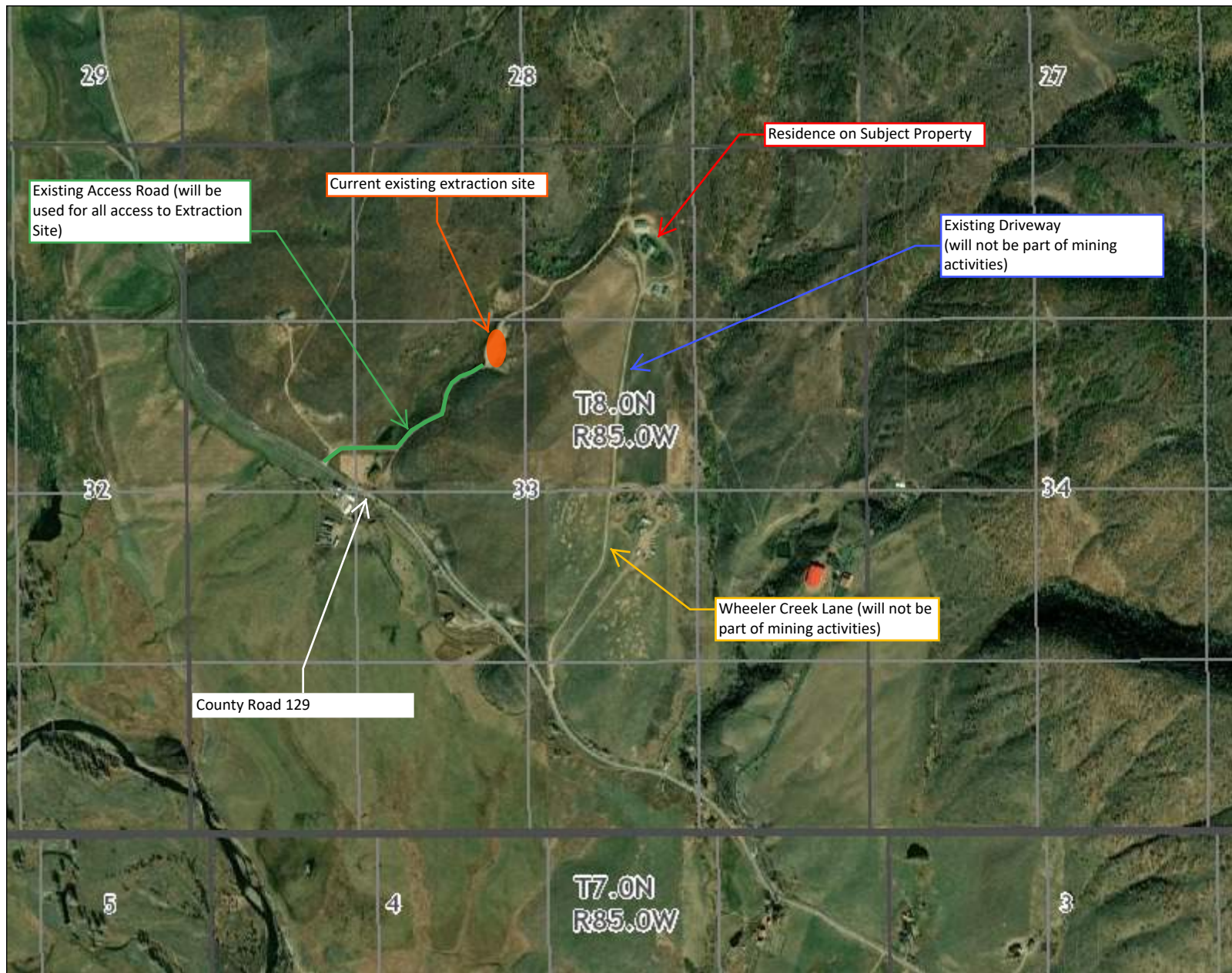
Scale: 1in =
0.2mi (1056ft)

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Prepared 7/2/2021 by Sarah Ostby, Paralegal, Holsinger Law, LLC



Sanders Gravel Pit - Exhibit A-2: Location Map



Legend

- Township
- Section
- Q40
- County



Notes

2,339 0 1,169 2,339 Feet

1: 14,032

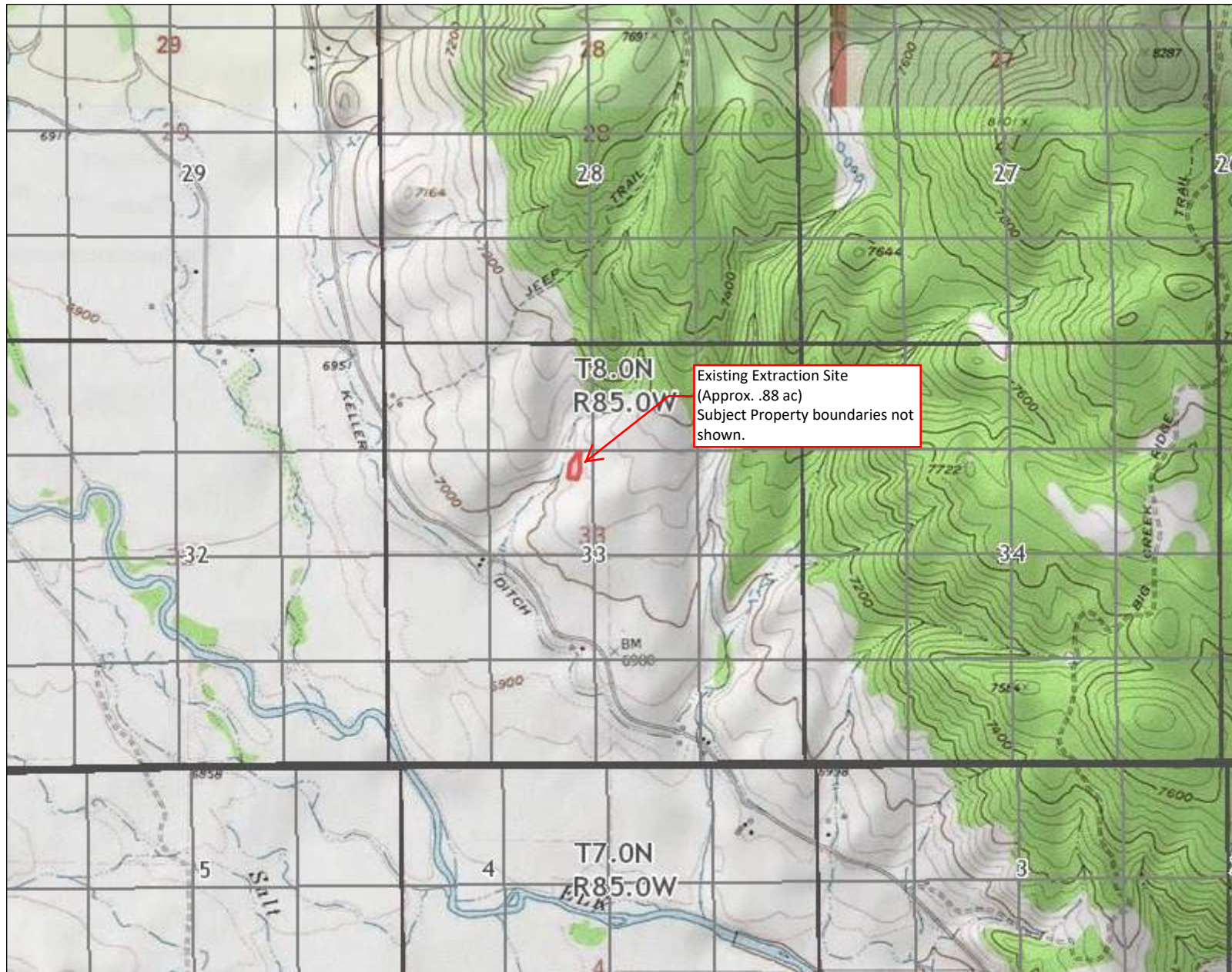


This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date Prepared: 7/2/2021 12:04:38 PM



Sanders Gravel Pit - Exhibit A-3: USGS Topo Map



Existing Extraction Site
(Approx. .88 ac)
Subject Property boundaries not shown.

Legend

- Township
- Section
- Q40
- County

Location



Notes

3,813 0 1,907 3,813 Feet

1: 22,881

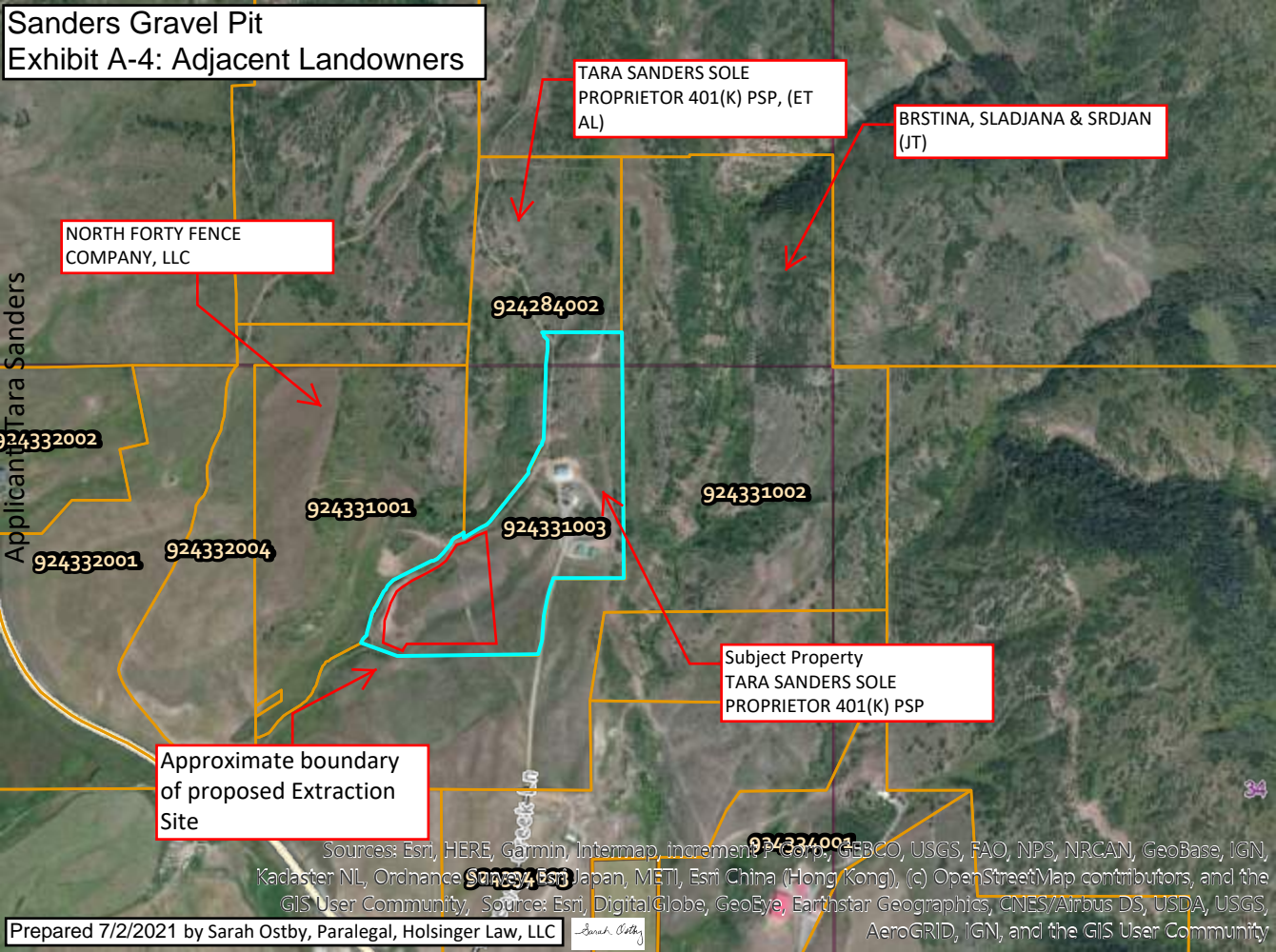


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Date Prepared: 7/2/2021 11:51:44 AM

Sanders Gravel Pit

Exhibit A-4: Adjacent Landowners



TARA SANDERS SOLE
PROPRIETOR 401(K) PSP, (ET
AL)

BRSTINA, SLADJANA & SRDJAN
(JT)

NORTH FORTY FENCE
COMPANY, LLC

Applicant Tara Sanders

924284002

924332002

924331001

924331002

924332001

924332004

924331003

Subject Property
TARA SANDERS SOLE
PROPRIETOR 401(K) PSP

Approximate boundary
of proposed Extraction
Site

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

AGREEMENT FOR ACCESS AND UTILITY EASEMENT AND IMPROVEMENTS

THIS AGREEMENT FOR ACCESS AND UTILITY EASEMENT AND IMPROVEMENTS ("Agreement") is made as of the 10th day of JUNE, 2005, by and among WARREN RANCH, INC., a Colorado corporation ("Warren Ranch"), PAUL HOSTETLER, also known as PAUL E. HOSTETLER ("Hostetler"), TROY R. BROOKSHIRE (Troy Brookshire"), JAMES L. BROOKSHIRE ("James Brookshire") and THE BROOKSHIRE FAMILY TRUST, a/k/a The Family Trust, a Testamentary Trust created under the Last Will and Testament of Donald E. Brookshire, Deceased, dated April 28, 1980, as amended August 25, 1993, admitted to probate on November 21, 1997 in Case No. 97PR33, Routt County District Court ("Brookshire Trust"). In this Agreement, Troy Brookshire, James Brookshire and the Brookshire Trust are sometimes collectively referred to as the "Brookshires." The address of Warren Ranch is P.O. Box 770041, Steamboat Springs, Colorado 80477, the address of Hostetler is P.O. Box 1967, Nokomis, Florida 34274, the address of the Brookshires is P.O. Box 771301, Steamboat Springs, Colorado 80477.

EXPLANATORY STATEMENT

The parties own parcels of real property in Routt County, Colorado with certain common boundaries. Warren Ranch owns the parcels described on **Exhibit A** (the "Warren Ranch Property"), Hostetler owns the parcels described on **Exhibit B** (the "Hostetler Property"), Troy Brookshire owns the parcel described on **Exhibit C** (the "Troy Brookshire Property") and Troy Brookshire, James Brookshire and the Brookshire Trust own the parcels described on **Exhibit D** (the "Brookshire Family Property"). The Troy Brookshire Property and the Brookshire Family Property are sometimes referred to in this Agreement collectively as the "Brookshire Properties." By this Agreement, the parties desire to establish an easement for ingress and egress and utilities, and also desire to set forth their agreements with respect to the construction and maintenance of access and utility improvements within such easement.

IN CONSIDERATION of the explanatory statement, which is incorporated into this Agreement, and the promises, covenants and conveyances set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree and convey as follows:

1. Certain Definitions. In addition to terms defined elsewhere in this Agreement, for purposes of this Agreement the following terms shall have the meanings indicated:

(a) "Benefited Owner" or "Benefited Owners" shall mean the Owner or Owners of one or more of the Benefited Properties, including their heirs, devisees, assigns and other successors in title.

(b) "Benefited Property" shall mean a property that is benefited by the Easement. Each of the Properties is a Benefited Property.



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Page: 1 of 28
06/23/2005 12:00

Key Weiland Routt County, CO EASEMENT R 131.00 D 0.00

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(c) "Common Road" shall mean the common private road and related improvements (including the Entry Gate) constructed and maintained within the Easement Area pursuant to this Agreement. The Common Road shall not include Connecting Private Driveways and associated improvements.

(d) "Common Improvements" shall mean the Common Road and Common Utilities, if any.

(e) "Common Utilities" shall mean utility improvements installed within the Easement Area that are designed, sized and intended to provide service to more than one of the Properties. Common Utilities shall include only that portion of the utility improvements intended to provide service to more than one Property. For example, utility lines shall be Common Utilities only for the length of the line intended to provide service to more than one Property, and separate connections to Common Utilities, together with associated switches, valves, meters and similar improvements, shall not be part of Common Utilities. Metered Common Utilities shall be designed to accommodate separate meters and other facilities to allow the discontinuation of service to one party utilizing Common Utilities without interrupting service to others using Common Utilities.

(f) "Connecting Private Driveway" shall mean a private driveway that intersects with the Common Road, together with related improvements for vehicular or other access from the Common Road to an Owner's Property.

(g) "Easement Area" shall mean the area described on *Exhibit E*.

(h) "Entry Gate" shall mean a gate constructed and maintained within the Easement Area restricting public access to the Common Road from Routt County Road 129. The Entry Gate shall be placed in a location on Parcel 3 of the Brookshire Family Property within the Easement Area, as selected by mutual agreement of the Owners of the Hostetler Property, the Warren Ranch Property and Parcel 3 of the Brookshire Family Property.

(i) "Exit Point" shall mean the point on the Common Road that a Connecting Private Driveway intersects with the Common Road.

(j) "Owner" or "Owners" shall mean the respective Owner and/or Owners of a Property (including a subdivided portion of a Property), including their heirs, devisees, assigns and other successors in title, as the context may require.

(k) "Permanent Dwelling" shall mean a permanent residential structure designed to be used for year-round occupancy containing 1,000 or more square feet of interior floor space and that is constructed on a property after the date of this Agreement. The parties acknowledge that as of the date of this Agreement there is one Permanent Dwelling on the Hostetler Property and there are no other Permanent Dwellings located on any of the Properties.

(l) "Property" or "Properties" shall mean the Warren Ranch Property, the Hostetler Property, the Troy Brookshire Property and/or the Brookshire Family Property, as the



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context may require. References to a "Property" shall include each legally subdivided portion of such Property.

2. Establishment of Easement. The Brookshires hereby create, declare, establish and sell and convey to the Brookshires for the benefit of the Brookshire Properties, to Hostetler for the benefit of the Hostetler Property and to Warren Ranch for the benefit of the Warren Ranch Property, and Hostetler hereby creates, declares, establishes and sells and conveys to Hostetler for the benefit of the Hostetler Property, to Warren Ranch for the benefit of the Warren Ranch Property and to the Brookshires for the benefit of the Brookshire Properties a perpetual non-exclusive easement, on the terms and conditions set forth in this Agreement, for access and for a common private road and for underground utilities and underground and surface facilities associated with underground utilities (the "Easement"). The Easement is located in the Easement Area.

3. Purposes, Uses and Limitations of the Easement.

(a) The Easement shall be perpetual and irrevocable and shall run with the Benefited Properties. Subject to the terms, conditions and restrictions set forth in this Agreement, the Easements shall benefit Owners of the Benefited Properties, their respective successors in title to the Benefited Properties and the entities providing utility services to the Benefited Properties, whether public or private, provided that utility service providers shall benefit from the Easement and may use the Easement only for the purpose of providing utility services to the Benefited Properties. The parking or storing of vehicles, equipment or materials of any sort in the Easement Areas is prohibited. Further, except for the Entry Gate and except for one gate that may be constructed on the boundary between Parcel 3 of the Brookshire Family Property and the Hostetler Property and one gate that may be constructed on the boundary between the Hostetler Property and the Warren Ranch Property, gates shall not be constructed across the Common Road within the Easement Area.

(b) Subject to the provisions of this Agreement, the purposes of the Easement are:

- A. To provide a way for vehicular, pedestrian and livestock access (within the Easement Area only) between Routt County Road 129 and the northern boundary of the Hostetler Property, for the benefit of each of the Properties benefited by the Easement. Without limiting the generality of the foregoing, subject to the provisions of this Agreement the Easement includes rights (i) to construct, maintain, reconstruct, improve, repair and use within the Easement Area the Common Road and Connecting Private Driveways, together with related improvements including the Entry Gate, shoulders, culverts, ditches, drainage facilities, perimeter fences, landscaping and similar improvements, and (ii) to plow, store and remove snow and ice which may fall or accumulate within the Easement Area.
- B. To provide a way for underground utilities of any type serving each of the Properties benefited by the Easement. Without limiting the generality of



Handwritten signature/initials

the foregoing, subject to the provisions of this Agreement the Easement includes rights (i) to construct, maintain, reconstruct, improve, repair and use within the Easement Area underground utility lines of any type providing service to the Properties benefited by the Easement, including, without limitation, water, sewer, electricity, telecommunications, cable television and natural gas, and (ii) to construct, maintain, reconstruct, improve, repair and use within the Easement Area underground and surface improvements and facilities associated with such underground utility lines including, without limitation, meters, meter pits, taps, transformers, relays, junctions, switches, valves, gates, manholes and pumps.

4. Provisions Regarding Construction and Maintenance of Common Road Improvements within the Easement Area.

(a) Unless otherwise agreed by the Owner of the Warren Ranch Property and the Hostetler Property, the Common Road shall be constructed during the 2005 building season. Unless otherwise agreed by the Owners of the Warren Ranch Property and the Hostetler Property, when the Common Road is constructed it shall extend the entire length of the Easement Area, from County Road 129 to the northern boundary of the Hostetler Property, and shall include associated culverts, ditches, drainage facilities and the Entry Gate. The Common Road shall be well constructed in accordance with Routt County standards for rural private roadways serving more than two single-family residential parcels. The initial construction of the Common Road shall be performed by the Owners of the Warren Ranch Property and the Hostetler Property or by a professional road-building contractor selected by mutual agreement of such Owners. Each of the Owners shall cooperate as reasonably requested to allow initial construction of the Common Road. At the time of initial construction, the Common Road shall be covered with sufficient gravel to be suitable for use by passenger and other light vehicles, pedestrians and horses on a year-round basis. The Owner of the Warren Ranch Property and the Owner of the Hostetler Property shall be responsible for the payment of fifty percent (50%) of the actual cost of the initial construction of the Common Road. Actual costs of initial construction shall include the reasonable value of labor and equipment contributed by the Owners of the Warren Ranch Property and the Hostetler Property. Each such Owner shall pay (or reimburse to the paying Owner on demand) their respective shares of such costs.

(b) After initial construction, the Common Road shall be kept, maintained and repaired in a safe, neat, attractive and functional condition. The Common Road shall be maintained to allow travel along the entire length of the Common Road within the Easement Area, and except as provided in Section 4(c) with respect to the plowing and removal of snow, the cost of such maintenance shall be paid or reimbursed by the Owners of the Properties benefited by the Easement as follows:

(i) Maintenance costs shall be paid or reimbursed by the Owners of the Warren Ranch Property, the Hostetler Property, the Troy Brookshire Property and Parcel 1 of the Brookshire Family Property. As long as there is not more than one Permanent Dwelling on any of such Properties and none of such Properties have been



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legally subdivided, the cost of maintaining the Common Road shall be payable by the Owners of such Properties in the following proportions:

Warren Ranch Property	33.33%
Hostetler Property	33.34%
Troy Brookshire Property and Parcel 1, Brookshire Family Property, collectively	33.33%

(ii) After either the construction of more than one Permanent Dwelling on either the Warren Ranch Property, the Hostetler Property, the Troy Brookshire Property or Parcel 1 of the Brookshire Family Property or the legal subdivision of any of such Properties, the cost of maintaining the Common Road shall be allocated to and payable by the Owners of such Properties as follows: One equal share shall be allocated to each of such Properties and to each legally subdivided portion of such Properties, and if any of such Properties (or legally subdivided portion thereof) has constructed thereon more than one Permanent Dwelling, an additional equal share shall be allocated to each such Property (or subdivided portion thereof) with more than one Permanent Dwelling. The allocated shares shall be payable by the Owners of the Properties in question. For example, if the Warren Ranch Property, although not legally subdivided, contains two Permanent Dwellings, two equal shares shall be allocated to and payable by the Owner of the Warren Ranch Property, or if the Hostetler Property is legally subdivided into two parcels, one equal share shall be allocated to and payable by the Owner of each of such subdivided parcels. Notwithstanding the foregoing, for purposes of applying this part (ii) only, the Troy Brookshire Property and Parcel 1 of the Brookshire Family Property shall collectively be considered a single Property, provided that if either of such Properties is subdivided, the subdivided portion shall be a separate Property.

(iii) The Owners of Parcel 2 and Parcel 3 of the Brookshire Family Property shall not be obligated to contribute to the cost of maintaining the Common Road pursuant to this Section 4(b), but nothing herein shall limit the obligation of such Owners pursuant to other provisions of this Agreement.

(c) Notwithstanding Section 4(b), the following provisions shall be applicable to the plowing and removal of snow from the Common Road:

(i) Until the construction of the second Permanent Dwelling which uses the Common Road for access, the Owner of the Hostetler Property may from time to time cause the portion of the Common Road between Routt County Road 129 and the Exit Point of the Connecting Private Drive for the existing Primary Residence on the Hostetler Property to be plowed and shall pay one hundred percent (100%) of the cost associated therewith, except to the extent one or more of the other Owners may agree to pay a portion of such costs. Any other Owner of a Property benefited by the Easement may cause additional portions of the Common Road to be plowed from time to time and shall pay one hundred percent (100%) of the cost associated therewith, except to the extent one or more of the other Owners may agree to pay a portion of such cost.



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(d) At the time of the initial construction of the Common Road, a ranch-style Entry Gate shall be installed unless the Owners of the Hostetler Property and the Warren Ranch Property agree to install at that time an automatic Entry Gate as described below. Any ranch-style Entry Gate shall be kept closed but not locked unless otherwise agreed by all of the Owners of Properties benefited by the Easement. If a ranch-style Entry Gate was installed, at the time of the construction of the second Permanent Dwelling utilizing the Common Road for access, the Entry Gate shall be replaced with an automatic gate and appropriate landscaping. The automatic Entry Gate shall be capable of being operated from vehicles and Permanent Dwellings, and each of the Owners of Properties benefited by the Easement shall be provided with a means for operating such gate. The design and construction of such automatic gate and associated landscaping shall be as mutually approved by the Owners of the Warren Ranch Property and the



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Hosteller Property, and the costs of installing and maintaining such gate shall be paid by such Owners in the percentages specified in Section 4(a).

(e) After initial construction of the Common Road, the location of the Common Road shall be surveyed and, if the Common Road is not wholly within the Easement Area, the parties agree to amend the description of the Easement Area to reflect the actual location of the Common Drive, by appropriate recorded instrument. The cost of the survey shall be paid by the Owners of the Hosteller Property and the Warren Ranch Property in the percentages specified in Section 4(a).

(f) Notwithstanding Section 4(a) or Section 4(b), the Owner of the Hosteller Property may elect to pave any portion of the Common Road located on the Hosteller Property, and any such paving shall be installed and maintained at the sole expense of the Owner of the Hosteller Property.

5. Provisions Regarding Construction and Maintenance of Utility Improvements Within the Easement Area.

(a) Any Owner of a Property benefited by the Easement (the "Installing Owner") may install Common Utilities within the Easement Area at such Owner's expense. No Owner shall be obligated to install or connect to Common Utilities. If after an Owner has installed Common Utilities another Owner of a Property benefited by the Easement (the "Connecting Owner") desires to connect to such Common Utilities to provide service to the Connecting Owner's Property, the Connecting Owner may make connection to the Common Utilities at the Connecting Owner's expense, including the installation of improvements and facilities to provide separate service to the Connecting Owner's Property. As a condition to making the connection, the Connecting Owner shall pay to the Installing Owner the Connecting Owner's proportionate share of the Installing Owner's actual cost of installing the Common Utilities. The Connecting Owner's proportionate share is determined by the number of connections to the Common Utilities. For example, the Installing Owner shall pay one hundred percent (100%) of the cost of initial installation of the Common Utilities. Thereafter, if a second Owner desires to connect to the Common Utilities, the Connecting Owner shall pay all the costs of the connection and fifty percent (50%) of the amount paid by the Installing Owner for the initial installation of the Common Utilities. Upon such payment to the initial Installing Owner, the Connecting Owner shall be deemed an Installing Owner for purposes of the application of this paragraph upon subsequent connections by other Owners to the Common Utilities. Thereafter, if a third Owner desires to connect to the Common Utilities, such Connecting Owner shall pay all the costs of the connection and shall pay one-third of the costs of the initial installation, which amount shall be paid in equal shares to the prior Installing Owners.

(b) Prior to connection to Common Utilities by more than one Owner, maintenance of the Common Utilities shall be at the sole expense of the Owner utilizing the utilities. After the connection of more than one Owner to Common Utilities, each of the Owners connected to Common Utilities shall be obligated to pay an equal share of the actual and reasonable costs incurred to maintain the Common Utilities. Each Owner shall be solely



responsible for all charges for utility service to such Owner's Property and the improvements thereon.

6. Damage. Ordinary wear and tear to Common Improvements resulting from normal use by light passenger vehicles, light equipment, pedestrians and livestock shall be the joint responsibility of the Owners, and the cost for maintaining and repairing the same shall be paid by the Owners in the proportions specified in Sections 4(b) and 5 above, as applicable. Notwithstanding any other provision of this Agreement, any damage to the Common Improvements other than such ordinary wear and tear (including, for example, damage from heavy truck traffic or construction equipment) caused by an Owner or such Owner's occupants, guests, invitees, contractors or similar parties shall be repaired at the sole cost of such Owner. Any Owner responsible for damage other than ordinary wear and tear shall promptly arrange for such damage to be repaired at such Owner's expense, and if such Owner fails to do so within three (3) days after notice from any other Owner (or immediately if the Common Improvement is inoperable as a result of the damage), such other Owner may arrange for the repair of such damage, and the responsible Owner shall promptly pay or reimburse the cost thereof, with interest as provided in Section 7(b).

7. Enforcement and Remedies.

(a) General Provisions. This Agreement is intended to benefit and may be enforced by the Benefited Owners and is not intended to benefit and may not be enforced by any other party. Any benefited party may enforce this Agreement by any appropriate means, including, without limitation, an action for damages, injunctive relief and/or specific performance. In any arbitration or legal proceeding (including appellate proceedings) to interpret or enforce the provisions of this Agreement, the prevailing party shall be awarded such party's reasonable attorney fees and costs incurred in asserting or defending the claim. The rights and remedies for enforcement of this Agreement shall be cumulative, and the exercise of any one or more of such rights and remedies shall not preclude the exercise of any of the others.

(b) Monetary Obligations. As a condition to any payment or reimbursement by one Owner to another Owner of costs incurred in connection with the construction or maintenance of Common Improvements, the Owner incurring the cost shall provide to any requesting Owner reasonable evidence of the costs incurred and payment thereof, if applicable. No Owner is obligated to advance any other Owner's share of the costs of constructing or maintaining Common Improvements. If any Owner fails to pay when due its share of any construction or maintenance costs or any other amount for which such Owner is obligated pursuant to this Agreement, the delinquent Owner shall be obligated to pay to the party entitled to receive the unpaid amount interest on the unpaid amount from the date such amount was due until paid at the rate of eighteen percent (18%) per annum. The delinquent Owner shall also be obligated to pay all costs incurred by the party entitled to payment in collecting the amount due from the delinquent Owner, including costs of suit or arbitration and reasonable attorneys' fees, including costs and fees incurred in arbitration, suit and appellate proceedings.

(c) Lien. If any Owner fails to pay any amount due pursuant to this Agreement within thirty (30) days after receipt of notice from another Owner stating the intent to implement the lien provided for in this paragraph, the Owner who has not been paid may record a statement of lien



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against the Property owned by the delinquent Owner with respect to which the past due amount is owing. The lien statement shall specify the amount due from the delinquent Owner for which a lien is claimed, provided that any error or misstatement of the amount due shall not affect the validity of the lien with respect to the amount actually due. From and after the date of recording of the statement of lien, a lien shall exist on the Property owned by the delinquent Owner in favor of the Owner filing the lien statement, which lien shall include all amounts owing by the delinquent Owner, including interest, costs of collection and attorneys' fees. Such lien may be foreclosed as a mortgage on real property, and in any foreclosure proceeding the foreclosing party or parties shall be entitled to purchase the Property of the delinquent Owner at the foreclosure sale.

(d) Personal Obligations. Each Owner shall be personally obligated to pay all amounts owing pursuant to this Agreement attributable to the Property owned by such Owner. If there is more than one Owner of a Property, all such Owners shall be jointly and severally personally obligated to pay all amounts owing pursuant to this Agreement attributable to such Property. Each Owner shall be obligated to pay amounts attributable to a Property incurred from and after the date such Owner acquires title to a Property. No Owner shall be relieved from any obligation to pay amounts due pursuant to this Agreement as a result of such Owner's failure to use the Common Improvements or conveyance or abandonment of such Owner's Property. In the event any Owner transfers its Property (or any portion thereof), such Owner shall remain liable for amounts accruing prior to the date of transfer, but shall have no obligation for amounts accruing with respect to the transferred Property after the date of transfer. A successor Owner shall not be liable for unpaid amounts owing by a predecessor Owner unless a statement of lien with respect to amounts owing by the predecessor Owner has been recorded pursuant to Section 8(c) prior to the recording of the instrument of transfer to the successor Owner.

8. General Provisions.

(a) Covenants are Cumulative. Each provision of this Agreement is cumulative and independent and is to be construed without reference to any other provision dealing with the same subject matter or imposing similar or dissimilar restriction.

(b) Waivers. No provision of this Agreement may be waived except by an instrument in writing signed by the party to be charged with the waiver. No waiver shall be a continuing waiver unless expressly so stated in the instrument of waiver. The failure to enforce any provision of this Agreement shall not constitute a waiver of or impair the effectiveness of this Agreement.

(c) Duration; Successors. The Easement and the provisions of this Agreement shall be perpetual, shall run with the land and shall bind and benefit the heirs, devisees, assigns and other successors in title to the Properties burdened and benefited by the Easement.

(d) Amendment. This Agreement may be amended only with the consent of all the Owners of the Benefited Properties. Any amendment shall be effective upon recording in the real property records of Routt County written instruments (which may be executed in counterparts) setting forth the amendment executed by all the Owners of the Benefited Properties.



[Handwritten signature]

(e) Headings and Exhibits. The captions and headings used in this Agreement are intended solely for convenience of reference, and shall not be considered in construing any of the provisions of this Agreement. All of the Exhibits attached hereto are incorporated into this Agreement by reference.

(f) Gender and Number. In this Agreement, the singular number shall include the plural, the plural the singular, and use of any gender shall include all other genders, as appropriate.

(g) Governing Law. This Agreement shall be governed by and construed under the laws of the state of Colorado, without regard to conflict of laws principles.

(h) Owners' Addresses. Each Owner shall notify the other Owners of its address for purposes of this Agreement. Billings, notices and other communications to Owners from the other Owners shall be sent to such addresses. Any Owner may change its address for purposes of this Agreement by giving notice to the other Owners at the addresses specified pursuant to this Section. In the event any Owner shall not specify its address for purposes of this Agreement, the address of such Owner reflected on the property tax records of the Routt County, Colorado assessor shall be used for purposes of this Agreement. Notices shall be deemed received the earlier of actual receipt or five (5) business days after deposit in United States mail, postage prepaid and addressed as indicated above.

(i) Arbitration. Except as otherwise provided in this Section 8(i), any dispute, controversy or claim arising out of or relating to this Agreement, or the breach thereof, or the rights or obligations of the parties hereto shall be determined and decided through binding arbitration in Routt County, Colorado before a single neutral arbitrator. The arbitration proceeding shall be subject to the provisions of the Colorado Uniform Arbitration Act, Colo. Rev. Stat. §13-22-201, *et seq.* or the corresponding provisions of any subsequent law. The arbitrator shall be selected by mutual agreement of the parties to the arbitration, provided that if the parties fail to agree on a single neutral arbitrator within fifteen (15) days after the initial demand for arbitration, any party may petition a court of competent jurisdiction in Routt County, Colorado to appoint a single neutral arbitrator, and the arbitrator selected by the court shall conduct the proceedings. Judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. Notwithstanding the foregoing, the parties shall not be required to arbitrate proceedings in which the relief claimed includes the foreclosure of a lien pursuant to Section 7(c), and in any such proceeding brought in court the court shall have authority to decide all issues in the controversy.



REV

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first above written.

WARREN RANCH, INC., a
Colorado corporation

By

(Title)

Paul E. Hostetler

Paul Hostetler, also known as Paul E. Hostetler

Troy R. Brookshire

Troy R. Brookshire

James L. Brookshire

James L. Brookshire

THE BROOKSHIRE FAMILY TRUST, a/k/a The
Family Trust, a Testamentary Trust Created Under
the Last Will and Testament of Donald E.
Brookshire, Deceased, dated April 28, 1980
and amended August 25, 1993

By

Ardys J. Brookshire as
Ardys J. Brookshire, Trustee trustee



REV

STATE OF COLORADO)
) ss.
COUNTY OF ROUTT)

The foregoing instrument was acknowledged before me this 16 day of May, 2005, by Stephen G. Cavanagh as President of Warren Ranch, Inc., a Colorado corporation.

Witness my hand and official seal.

My commission expires: My commission expires October 28, 2006

{SEAL}



Cheryl M Antalek
Notary Public

STATE OF FLORIDA)
) ss.
COUNTY OF Sarasota)

The foregoing instrument was acknowledged before me this 27 day of APRIL, 2005, by Paul Hostetler, also known as Paul E. Hostetler.

Witness my hand and official seal.

My commission expires: September 9, 2007

{SEAL}



Caroline H. Taylor
My Commission DD248307
Expires September 09 2007

Caroline H Taylor
Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF ROUTT)

The foregoing instrument was acknowledged before me this 10th day of June, 2005, by Troy R. Brookshire.

Witness my hand and official seal.

My commission expires: MY COMMISSION EXPIRES 7/28/06

{SEAL}



M Teresa Vestal
Notary Public

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STATE OF COLORADO)
) ss.
COUNTY OF ROUTT)

The foregoing instrument was acknowledged before me this 10th day of June, 2005, by James L. Brookshire.

Witness my hand and official seal.

My commission expires: MY COMMISSION EXPIRES 06/23/2005

{SEAL}

M. Teresa Vestal
Notary Public



STATE OF Colorado)
) ss.
COUNTY OF Route)

The foregoing instrument was acknowledged before me this 10th day of June, 2005, by Ardys I. Brookshire as Trustee of The Brookshire Family Trust, a/k/a The Family Trust, a Testamentary Trust created under the Last Will and Testament of Donald E. Brookshire, Deceased, dated April 28, 1980 and amended August 25, 1993.

Witness my hand and official seal.

My commission expires: MY COMMISSION EXPIRES 06/23/2005

{SEAL}

M. Teresa Vestal
Notary Public





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Kay Weinland Routt County, CO EASEMENT R 131.00

**EXHIBIT A
TO
AGREEMENT FOR ACCESS AND
UTILITY EASEMENTS AND IMPROVEMENTS**

Warren Ranch Property

Parcel 1:

Township 8 North, Range 85 West of the 6th P.M.:

Original Survey

Resurvey

Section 21: SE1/4 SE1/4	Tract 79D
Section 22: SW1/4 SW1/4	Tract 79C
Section 27: SW1/4 NE1/4 NW1/4	Tract 78A
Section 27: S1/2 NW1/4 NW1/4	Tract 78B
Section 28: NE1/4 NE1/4	Tract 78C
Section 28: SE1/4 NE1/4	Tract 78D
Section 27: SW1/4 NW1/4	Tract 78E
Section 27: NW1/4 SE1/4 NW1/4	Tract 78F
Section 28: NE1/4 NW1/4, W1/2 NE1/4, NW1/4 SE1/4	Tract 87

EXCEPTING and excluding from said Tract 87, Section 28, a tract of land conveyed in the Deed recorded in Book 208 at Page 173 and being more particularly described as follows: All that portion of Tract 87 in NE1/4 NW1/4 of Section 28, Township 8 North, Range 85 West of the 6th P.M.

Together with, and not as an exception:

Township 8 North, Range 85 West of the 6th P.M.

Section 27: Lots 3, 4, 5, 6 and 7, W1/2 E1/2, S1/2 SW1/4

Section 28: Lot 6

County of Routt, State of Colorado.

Parcel 2:

A tract of land in the Southeast corner of Tract 103 located in the West 1/2 of Section 33, Township 8 North, Range 85 West of the 6th P.M., Routt County State of Colorado according to the Supplemental Plat of Sections 15, 19, 20, 21, 28, 29, 30, 31, 32 and 33 Independent Resurvey accepted August 22, 1922 and recorded in Routt County records Book 140, Page 345 on December 29, 1925; more particularly described as follows:



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Beginning at a point, the same being an iron post which is the corner 4 of tract 104 and corner 3 of tract 105 of the resurvey of Section 33, Township 8 North, Range 85 West of the 6th P.M. and running northerly on a line between said tract 103 and 105 for a distance of 208.7 feet; thence angling left 90° or westerly at a distance of 417.5 feet; thence angling left 90° or southerly for 208.7 feet; thence angling left 90° or easterly for 417.5 feet to the place of beginning. All of said parcel of land being situate within Section 33, Township 8 North, Range 85 West of the 6th P.M.

TOGETHER WITH a portion of Tract 104 located in the SW ¼ of Section 33, Township 8 North, Range 85 West of the 6th P.M., Routt County State of Colorado according to the Supplemental Plat of Sections 15, 19, 20, 21, 28, 29, 30, 31, 32 and 33 Independent Resurvey accepted August 22, 1922; more particularly described as follows: All of said Tract 104 lying northerly and easterly of the west prescriptive easement and right of way of Routt County Road 129, the east line being west line of Tract 107 of the said resurvey and the intersection of said Routt County Road 129 westerly right of way; thence N00°27'04"W, 248.75 feet along said west line of Tract 107 to Angle point 2 of said Tract 107; thence continuing along said west line of Tract 107 N00°34'00"W, 1319.11 feet to angle point 1, Tract 104 of said Resurvey.

County of Routt, State of Colorado



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**EXHIBIT B
TO
AGREEMENT FOR ACCESS AND
UTILITY EASEMENTS AND IMPROVEMENTS**

Hostetler Property

Parcel 1:

A parcel of land located in Lot 11 and Lot 10, SE1/4, Section 28, Township 8 North, Range 85 West, of the 6th P.M., Routt County, Colorado, more particularly described as follows:

Beginning at corner 2 Tract 106, Section 33;

Thence N 02°57'53" E 1296.79 feet across Lot 10, Section 28, to corner 5 Tract 87;

Thence N 89°44'41" E 1320.00 feet to corner 6 Tract 87;

Thence N 00°02'26" E 16.94 feet to a point on the North line of Lot 11 said Section 28;

Thence along the North line of said Lot 11, N 89°55'08" E 900.42 feet, to a point on the East line of said Section 28;

Thence S 00°04'17" E 1324.05 feet to the correction corner common to Section 33, Section 34, and Tract 106 (also being the SE corner of Lot 11 and the SE corner of Section 28);

Thence N 89°51'26" W 1509.39 feet to a point on the North line of Tract 106;

Thence N 89°54'45" W 779.77 feet to the POINT OF BEGINNING.

EXCEPT a portion of Lot 10, SE1/4, Section 28, Township 8 North, Range 85 West, of the 6th P.M., Routt County, Colorado, as conveyed in the deed recorded at Reception 546903, more particularly described as follows:

A parcel of land located in Lot 10, SE1/4, Section 28, Township 8 North, Range 85 West, of the 6th P.M., Routt County, Colorado, more particularly described as follows:

Beginning at corner 2 Tract 106, Section 33, Township 8 North, Range 85 West, of the 6th P.M.

Thence N 02°57'53" E 1296.79 feet across said Lot 10, Section 28, to the corner 5 (SW corner) of Tract 87;

Thence along South line of Tract 87, N 89°44'41" E 713.38 feet;



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Thence S 00°01'46" W 1299.43 feet, to a point on the North line of said Tract 106, Section 33;

Thence N 89°54'45" W 779.77 feet to the TRUE POINT OF BEGINNING.

Parcel 2:

A parcel of land located in Section 33 (Tract 105 and 106), Township 8 North, Range 85 West of the 6th P.M., Routt County, Colorado, more particularly described as follows:

Beginning at corner 4 said Tract 105;

Thence N 89°36'12" W 1168.16 feet to corner 3 Tract 105;

Thence N 00°02'09" E 2637.13 feet to corner 2 Tract 105;

Thence N 89°46'41" E 974.52 feet to the N1/4 corner said Section 33;

Thence S 89°39'42" E 355.56 feet to corner 1 Tract 105;

Thence S 89°54'45" E 779.77 feet to a point on the north line of Tract 106;

Thence S 00°01'46" W 2652.23 feet;

Thence N 89°36'12" W 942.00 feet to the POINT OF BEGINNING.

EXCEPT a tract of land in said Tract 105 bounded by a line described as follows:

Beginning at a point on the West line of said Tract 105, 444 feet North of corner 3 of said Tract 105;

Thence N 59°00' E 190 feet;

Thence running northerly and parallel with said West line of said Tract 105, 68 feet;

Thence S 59°00' W 190 feet to an intersection with the West line of said Tract 105;

Thence southerly along the said West line of said Tract 105, 68 feet to the POINT OF BEGINNING, conveyed to Bennett Savage by deed recorded in Book 140 at Page 571.



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Parcel 3:

A parcel of land located in Lot 10, SE1/4, Section 28, Township 8 North, Range 85 West of the 6th P.M., Routt County, Colorado, more particularly described as follows:

Beginning at corner 2 Tract 106, Section 33, Township 8 North, Range 85 West of the 6th P.M.

Thence N 02°57'53" E 1296.79 feet across said Lot 10, Section 28, to the corner 5 (SW corner) of Tract 87;

Thence along South line of Tract 87 N 89°44'41" E 713.38 feet;

Thence S 00°01'46" W 1299.43 feet, to a point on the North line of said Tract 106, Section 33;

Thence N 89°54'45" W 779.77 feet to the TRUE POINT OF BEGINNING.

Parcel 4:

A parcel of land located in Sections 33 and 34 (Tract 105 and Tract 106), Township 8 North, Range 85 West of the 6th P.M., more particularly described as follows:

Beginning at AP2 of Tract 106, said AP2 being on the north line of a tract of land as described in instrument recorded at Reception No. 557830, Routt County records;

Thence S 89°54'45" E 779.77 feet along the north line of Tract 106 and the tract described at said Reception No. 557830 to the TRUE POINT OF BEGINNING;

Thence S 89°51'26" E 1509.39 feet to the correction corner common to Section 33, Section 34 and Tract 106;

Thence N 89°50'49" E 343.57 feet to AP1 of Tract 106;

Thence S 00°01'46" W along the east line of said Tract 106, 1821.52 feet to the northernmost corner point of a parcel of land described in deed recorded in Book 640, Page 1258, Routt County records, being also the northernmost point of Tract A of the Plat of Randall & Wheeler Land Exemption, File No. 10,787, Routt County records;

Thence along the west boundary of said parcel of land and said Tract A S 24°55'55" W 304.13 feet;

Thence N 89°36'12" W 1724.94 feet to a point on the east line of the tract of land as described in instrument recorded at Reception No. 557830, Routt County records;



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Thence N 00°01'46" E along the east line of said tract of land a distance of 2088.21 feet to the True Point of Beginning, containing 88.6 acres, more or less.

Basis Bearing: Assumed per Nereson Legal Description of N 89°36'12" W along the south line of Tract 105, between AP4 and AP3, both found GLO brasscaps.



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**EXHIBIT C
TO
AGREEMENT FOR ACCESS AND
UTILITY EASEMENTS AND IMPROVEMENTS**

Troy Brookshire Property

A tract of land located in Lots 6 and 7, W1/2 W1/2 SW1/4 SE1/4, and W1/2 W1/2 NW1/4 SE1/4, of Section 22, Township 8 North, Range 85 West of the 6th P.M., Routt County, Colorado, being more particularly described as follows:

Said tract being all that part of Lots 6 and 7, W1/2 W1/2 SW1/4 SE1/4, and W1/2 W1/2 NW1/4 SE1/4, of Section 22 lying south of the following described line:

BEGINNING at a point on the line between AP 1 and AP 6 of Tract 79 from which AP 1 Tract 79 bears N 00deg 31min 54sec W 2637.98 feet; thence N 86deg 24min 32sec E 1216.15 feet to a point on the east line of the W1/2 W1/2 NW1/4 SE1/4 of Section 22.

Bearings are based upon the line between AP 1 and AP 6 of Tract 79 being N 00deg 31min 54sec W (true north).

County of Routt, State of Colorado.



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**EXHIBIT D
TO
AGREEMENT FOR ACCESS AND
UTILITY EASEMENTS AND IMPROVEMENTS**

Brookshire Family Property

Parcel 1:

Township 8 North, Range 85 West, 6th P.M.

SECTION 22: Lots 4, 5 and 8, NE1/4, E1/2 NW1/4 SE1/4, E1/2 W1/2 NW1/4 SE1/4,
E1/2 SW1/4 SE1/4, and E1/2 W1/2 SW1/4 SE1/4

SECTION 23: Lot 2, and W1/2 W1/2 of Lot 1

Parcel 2:

Township 8 North, Range 85 West, 6th P.M.

Section 28: Lots 4, 5, 7, 8 and 9, all that portion of Lot 10 lying west of a line (if drawn)
between corner 5 of Tract 87 and corner 2 of Tract 106, and all that portion of
Tract 87 in NE1/4 NW1/4

TOGETHER WITH a parcel of land located in Tract 88 of Section 28, T8N, R85W, of the 6th
P.M., Routt County, Colorado.

Beginning at a point on the south line of Tract 88 from which AP 4 of Tract 88 bears S
89°35'03" E 160.59 feet. Said point being in a fence line;

Thence N 76°53'09" E 20.43 feet along said fence;
Thence N 70°04'00" E 28.94 feet along said fence;
Thence N 01°10'11" E 102.83 feet along said fence;
Thence N 00°12'22" E 242.30 feet along said fence;
Thence N 00°06'37" E 90.41 feet along said fence;
Thence N 00°13'16" E 135.17 feet along said fence;
Thence N 00°24'57" E 131.51 feet along said fence;
Thence N 00°03'01" W 219.40 feet along said fence;
Thence N 00°27'22" E 167.92 feet along said fence;
Thence N 02°02'35" E 20.64 feet along said fence;
Thence N 00°04'10" E 90.85 feet along said fence;
Thence N 00°06'35" E 79.02 feet along said fence;
Thence N 00°16'53" W 48.78 feet along said fence;

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Thence N42°43'18"E 286.49 feet along a fence line to a fence corner,
Thence S89°11'41"E 358.34 feet along a fence line to a fence corner,
Thence N11°20'16"W 328.15 feet,
Thence N78°39'44"E 182.58 feet,
Thence N11°20'16"W 488.80 feet to the northern boundary of said Tract 103,
Thence S89°29'00"W 560.25 feet along said northern boundary of Tract 103 to the point
of beginning.

Bearings are based on the south line of said Tract 88 bearing S89°29'00"W.

AND EXCLUDING THEREFROM all that part of Tract 103, Sections 32 and 33, T8N, R85W,
6th P.M., lying westerly of the west right of way of Routt County Road 129 and south of the right
of way of Routt County Road 54.



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**EXHIBIT E
TO
AGREEMENT FOR ACCESS AND
UTILITY EASEMENTS AND IMPROVEMENTS**

Driveway/Utility Easement Area

A non-exclusive driveway and utility easement sixty (60) feet in width being thirty (30) feet on each side of said centerline located in a portion of Tracts 104, 105 and 106 of Section 33 and Lot 10 in the South ½ of Section 28, Township 8 North, Range 85 West of the Sixth Principal Meridian, Routt County, State of Colorado according to the Supplemental Plat of Sections 15, 19, 20, 21, 28, 29, 30, 31, 32 and 33 Independent Resurvey accepted August 22, 1922 more particularly described as follows:

Commencing at angle point 3 of Tract 105 as monumented by a found 2 ½" GLO brass cap from which angle point 4 of Tract 105 bears S89°36'12"E, 1168.16 feet as monumented by a found 2 ½" GLO brass cap, said line being the basis of bearing for this legal description; thence N74°24'16"W, 568.24 feet to a point on the northeast line of the prescriptive easement and right of way of Routt County Road 129 based upon the surveyed centerline, said point being the point of beginning for this legal description; thence the following forty-four courses:

1. N34°42'23"E, 56.02 feet to a point of curvature;
2. thence 120.31 feet along a curve to the right, having a radius of 130.00 feet, a delta angle of 53°01'24" and a chord which bears N61°13'06"E, 116.06 feet to a point of tangency;
3. thence N87°43'48"E, 259.57 feet to a point of curvature;
4. thence 23.14 feet along a curve to the left, having a radius of 250.00 feet, a delta angle of 5°18'11" and a chord which bears N85°04'42"E, 23.13 feet to a point of tangency;
5. thence N82°25'37"E, 156.99 feet to a point of curvature;
6. thence 109.54 feet along a curve to the left, having a radius of 150.00 feet, a delta angle of 41°50'25" and a chord which bears N61°30'24"E, 107.12 feet to a point of tangency;
7. thence N40°35'12"E, 73.36 feet to a point of curvature;
8. thence 89.84 feet along a curve to the right, having a radius of 300.00 feet, a delta angle of 17°09'28" and a chord which bears N49°09'55"E, 89.50 feet to a point of tangency;
9. thence N57°44'39"E, 78.36 feet to a point of tangency;
10. thence 174.94 feet along a curve to the left, having a radius of 250.00 feet, a delta angle of 40°05'39" and a chord which bears N37°41'50"E, 171.40 feet to a point of tangency;
11. thence N17°39'01"E, 73.20 feet to a point of curvature;



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Kay, Mainland, Routt County, CO EASEMENT R 131.00

12. thence 100.31 feet along a curve to the right having a radius of 130.00 feet, a delta angle of $44^{\circ}12'30''$ and a chord which bears $N39^{\circ}45'16''E$, 97.84 feet to a point of tangency;
13. thence $N61^{\circ}51'31''E$, 191.45 feet to a point of curvature;
14. thence 122.12 feet along a curve to the left having a radius of 150.00 feet, a delta angle of $46^{\circ}38'51''$ and a chord which bears $N38^{\circ}32'05''E$, 118.78 feet to a point of tangency;
15. thence $N15^{\circ}12'40''E$, 130.12 feet to a point of curvature;
16. thence 39.20 feet along a curve to the right having a radius of 150.00 feet, a delta angle of $14^{\circ}58'24''$ and a chord which bears $N22^{\circ}41'52''E$, 39.09 feet to a point of tangency;
17. thence $N30^{\circ}11'04''E$, 96.49 feet to a point of curvature;
18. thence 136.43 feet along a curve to the right having a radius of 225.00 feet, a delta angle of $34^{\circ}44'33''$ and a chord which bears $N47^{\circ}33'20''E$, 134.35 feet to a point of tangency;
19. thence $N64^{\circ}55'37''E$, 208.70 feet to a point of curvature;
20. thence 106.14 feet along a curve to the left having a radius of 225.00 feet, a delta angle of $27^{\circ}01'43''$ and a chord which bears $N51^{\circ}24'45''E$, 105.16 feet to a point of tangency;
21. thence $N37^{\circ}53'53''E$, 72.87 feet to a point of curvature;
22. thence 99.26 feet along a curve to the right having a radius of 225.00 feet, a delta angle of $25^{\circ}16'38''$ and a chord which bears $N50^{\circ}32'12''E$, 98.46 feet to a point of tangency;
23. thence $N63^{\circ}10'31''E$, 138.26 feet to a point of curvature;
24. thence 61.82 feet along a curve to the right having a radius of 150.00 feet, a delta angle of $23^{\circ}36'48''$ and a chord which bears $N51^{\circ}22'08''E$, 61.38 feet to a point of tangency;
25. thence $N39^{\circ}33'44''E$, 358.38 feet to a point of curvature;
26. thence 42.48 feet along a curve to the left having a radius of 175.00 feet, a delta angle of $13^{\circ}54'31''$ and a chord which bears $N32^{\circ}36'28''E$, 42.38 feet to a point of tangency;
27. thence $N25^{\circ}39'12''E$, 158.31 feet to a point of curvature;
28. thence 71.54 feet along a curve to the left having a radius of 175.00 feet, a delta angle of $23^{\circ}25'26''$ and a chord which bears $N13^{\circ}56'29''E$, 71.05 feet to a point of curvature;
29. thence $N02^{\circ}13'46''E$, 397.82 feet;
30. thence $N04^{\circ}44'22''E$, 47.85 feet to a point on the north line of Section 33 from which the angle point 2 of Tract 106 bears $N89^{\circ}54'45''W$, 517.28 feet as monumented by a found $2\frac{1}{2}''$ GLO brass cap;
31. thence continuing in Lot 10 in the South $\frac{1}{2}$ of Section 28 $N04^{\circ}44'22''E$, 102.16 feet to a point of curvature;
32. thence 100.46 feet along a curve to the left having a radius of 130.00 feet, a delta angle of $44^{\circ}16'28''$ and a chord which bears $N17^{\circ}23'52''W$, 97.97 feet to a point of tangency;
33. thence $N39^{\circ}32'06''W$, 133.85 feet to a point of curvature;



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34. thence 59.35 feet along a curve to the right having a radius of 150.00 feet, a delta angle of $22^{\circ}40'15''$ and a chord which bears $N28^{\circ}11'58''W$, 58.97 feet to a point of tangency;
35. thence $N16^{\circ}51'50''W$, 170.18 feet to a point of curvature;
36. thence 115.26 feet along a curve to the left having a radius of 175.00 feet, a delta angle of $37^{\circ}44'11''$ and a chord which bears $N35^{\circ}43'56''W$, 113.19 feet to a point of tangency;
37. thence $N54^{\circ}36'02''W$, 140.09 feet to a point of curvature;
38. thence 102.63 feet along a curve to the right having a radius of 150.00 feet, a delta angle of $39^{\circ}12'11''$ and a chord which bears $N34^{\circ}59'56''W$, 100.64 feet to a point of tangency;
39. thence $N15^{\circ}23'50''W$, 23.87 feet to a point of curvature;
40. thence 208.84 feet along a curve to the right having a radius of 350.00 feet, a delta angle of $34^{\circ}11'13''$ and a chord which bears $N01^{\circ}41'46''E$, 205.75 feet to a point of tangency;
41. thence $N18^{\circ}47'22''E$, 146.51 feet to a point of curvature;
42. thence 70.93 feet along a curve to the left having a radius of 150.00 feet, a delta angle of $27^{\circ}05'32''$ and a chord which bears $N05^{\circ}14'37''E$, 70.27 feet to a point of tangency;
43. thence $N08^{\circ}18'09''W$, 46.71 feet to a point of curvature;
44. thence 43.09 feet along a curve to the right having a radius of 150.00 feet, a delta angle of $16^{\circ}27'29''$ and a chord which bears $N00^{\circ}04'25''W$, 42.94 feet to a point of terminus with south line of Tract 87, both sides of sixty (60) foot driveway and utility easement terminating on said south line of Tract 87 from which angle point 5 of Tract 87 bears $S89^{\circ}55'54''W$, 75.46 feet.

Legal Description
By: Greg Eldridge, PLS 30093
Landmark Consultants, Inc.
141 9th Street
Steamboat Springs, CO 80477



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CERTIFICATE OF CORRECTION

THIS CERTIFICATE OF CORRECTION ("Certificate") is made as of the 31st day of August, 2005, by PAUL HOSTETLER, also known as PAUL E. HOSTETLER ("Hostetler"), whose address is P.O. Box 1967, Nokomis, Florida 34274.

EXPLANATORY STATEMENT

Hostetler and others are parties to that certain Agreement for Access and Utility Easement and Improvements dated June 10, 2005 and recorded June 23, 2005 at Reception No. 620829 of the Routt County, Colorado real property records (the "Easement Agreement"). Among other things, the Easement Agreement established an access and utility easement (the "Easement") burdening and benefiting certain parcels of real property in Routt County, Colorado more fully described in the Easement Agreement. Without limitation, the Easement pursuant to the Easement Agreement burdens and benefits property described therein as the "Hostetler Property," which is more fully described on Exhibit B to the Easement Agreement. Subsequent to the recording of the Easement Agreement, it was determined that certain minor strips of land had been omitted from the description of the Hostetler Property in Exhibit B to the Easement Agreement, and that as a result of such omission the legal description of the Hostetler Property on Exhibit B to the Easement Agreement and the legal description of the Easement Area on Exhibit E to the Easement Agreement required correction. Hostetler is executing and recording this Certificate to effect such corrections.

In consideration of the foregoing explanatory statement, the Easement Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Hostetler agrees and certifies as follows:

1. The description of the Hostetler Property set forth on Exhibit B to the Easement Agreement is hereby corrected to include the following additional parcels in Routt County, Colorado:

Township 8 North, Range 85 West of the 6th P.M.:

Section 33: Lots 1, 2, 3

2. Exhibit E to the Easement Agreement is hereby corrected to read in its entirety as set forth on Exhibit E attached hereto and incorporated herein. Exhibit E attached hereto corrects the description of the easement area as it crosses the Hostetler Property, taking into account the additional parcels referenced in paragraph 1 above.

3. As corrected by this Certificate, the Easement Agreement and the Easement thereby granted are ratified and confirmed in all respects. All of the terms and provisions of the Easement Agreement, as corrected by this Certificate, are incorporated into this Certificate by reference. Without limitation, Hostetler acknowledges and agrees that the description of the Hostetler Property for purposes of the Easement Agreement and the Easement (including without



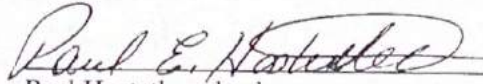
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Kay Weinland Routt County, CO EASEMENT R 26.00

limitation for purposes of the granting clauses set forth in Section 2 of the Easement Agreement) includes the parcels described in paragraph 1, and that the parcels described in paragraph 1 are benefited by the Easement, and burdened by the Easement where such parcels intersect with the Easement Area described on Exhibit E attached hereto.

IN WITNESS WHEREOF, Hostetler has executed this Certificate as of the day and year first above written.


Paul Hostetler, also known as
Paul E. Hostetler

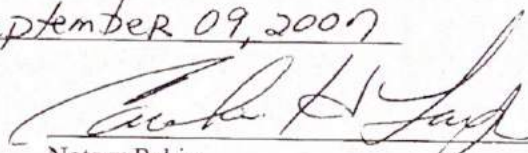
STATE OF FLORIDA)
) ss.
COUNTY OF SARASOTA)

The foregoing instrument was acknowledged before me this 31st day of August, 2005, by Paul Hostetler, also known as Paul E. Hostetler.

Witness my hand and official seal.

My commission expires: September 09, 2007

{SEAL}


Notary Public



Caroline H. Taylor
My Commission DD248307
Expires September 09 2007

Caroline H. Taylor



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Kay Weinland Routt County, CO EASEMENT R 25.00

Legal Description Exhibit E

A non-exclusive driveway and utility easement sixty (60) feet in width in a portion of Lot 2, Tracts 103, 105 and 106 of Section 33 and Lot 10 in the South ½ of Section 28, Township 8 North, Range 85 West of the Sixth Principal Meridian, Routt County, State of Colorado

A non-exclusive driveway and utility easement sixty (60) feet in width being thirty (30) feet on each side of said centerline located in a portion of Lot 2, Tracts 103, 105 and 106 of Section 33 and Lot 10 in the South ½ of Section 28, Township 8 North, Range 85 West of the Sixth Principal Meridian, Routt County, State of Colorado according to the Supplemental Plat of Sections 15, 19, 20, 21, 28, 29, 30, 31, 32 and 33 Independent Resurvey accepted August 22, 1922 more particularly described as follows:

Commencing at angle point 3 of Tract 105 as monumented by a found 2 ½" GLO brass cap from which angle point 4 of Tract 105 bears S89°36'12"E, 1168.16 feet as monumented by a found 2 ½" GLO brass cap, said line being the basis of bearing for this legal description; thence N74°24'16"W, 568.24 feet to a point on the northeast line of the prescriptive easement and right of way of Routt County Road 129 based upon the surveyed centerline, said point being the point of beginning for this legal description; thence the following forty-four courses:

1. N34°42'23"E, 56.02 feet to a point of curvature;
2. thence 120.31 feet along a curve to the right, having a radius of 130.00 feet, a delta angle of 53°01'24" and a chord which bears N61°13'06"E, 116.06 feet to a point of tangency;
3. thence N87°43'48"E, 259.57 feet to a point of curvature;
4. thence 23.14 feet along a curve to the left, having a radius of 250.00 feet, a delta angle of 5°18'11" and a chord which bears N85°04'42"E, 23.13 feet to a point of tangency;
5. thence N82°25'37"E, 156.99 feet to a point of curvature;
6. thence 109.54 feet along a curve to the left, having a radius of 150.00 feet, a delta angle of 41°50'25" and a chord which bears N61°30'24"E, 107.12 feet to a point of tangency;
7. thence N40°35'12"E, 73.36 feet to a point of curvature;
8. thence 89.84 feet along a curve to the right, having a radius of 300.00 feet, a delta angle of 17°09'28" and a chord which bears N49°09'55"E, 89.50 feet to a point of tangency;
9. thence N57°44'39"E, 78.36 feet to a point of tangency;
10. thence 174.94 feet along a curve to the left, having a radius of 250.00 feet, a delta angle of 40°05'39" and a chord which bears N37°41'50"E, 171.40 feet to a point of tangency;
11. thence N17°39'01"E, 73.20 feet to a point of curvature;
12. thence 100.31 feet along a curve to the right having a radius of 130.00 feet, a delta angle of 44°12'30" and a chord which bears N39°45'16"E, 97.84 feet to a point of tangency;
13. thence N61°51'31"E, 191.45 feet to a point of curvature;



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14. thence 122.12 feet along a curve to the left having a radius of 150.00 feet, a delta angle of $46^{\circ}38'51''$ and a chord which bears $N38^{\circ}32'05''E$, 118.78 feet to a point of tangency;
15. thence $N15^{\circ}12'40''E$, 130.12 feet to a point of curvature
16. thence 39.20 feet along a curve to the right having a radius of 150.00 feet, a delta angle of $14^{\circ}58'24''$ and a chord which bears $N22^{\circ}41'52''E$, 39.09 feet to a point of tangency;
17. thence $N30^{\circ}11'04''E$, 96.49 feet to a point of curvature;
18. thence 136.43 feet along a curve to the right having a radius of 225.00 feet, a delta angle of $34^{\circ}44'33''$ and a chord which bears $N47^{\circ}33'20''E$, 134.35 feet to a point of tangency;
19. thence $N64^{\circ}55'37''E$, 208.70 feet to a point of curvature;
20. thence 106.14 feet along a curve to the left having a radius of 225.00 feet, a delta angle of $27^{\circ}01'43''$ and a chord which bears $N51^{\circ}24'45''E$, 105.16 feet to a point of tangency;
21. thence $N37^{\circ}53'53''E$, 72.87 feet to a point of curvature;
22. thence 99.26 feet along a curve to the right having a radius of 225.00 feet, a delta angle of $25^{\circ}16'38''$ and a chord which bears $N50^{\circ}32'12''E$, 98.46 feet to a point of tangency;
23. thence $N63^{\circ}10'31''E$, 138.26 feet to a point of curvature;
24. thence 61.82 feet along a curve to the right having a radius of 150.00 feet, a delta angle of $23^{\circ}36'48''$ and a chord which bears $N51^{\circ}22'08''E$, 61.38 feet to a point of tangency;
25. thence $N39^{\circ}33'44''E$, 358.38 feet to a point of curvature;
26. thence 42.48 feet along a curve to the left having a radius of 175.00 feet, a delta angle of $13^{\circ}54'31''$ and a chord which bears $N32^{\circ}36'28''E$, 42.38 feet to a point of tangency;
27. thence $N25^{\circ}39'12''E$, 158.31 feet to a point of curvature;
28. thence 71.54 feet along a curve to the left having a radius of 175.00 feet, a delta angle of $23^{\circ}25'26''$ and a chord which bears $N13^{\circ}56'29''E$, 71.05 feet to a point of curvature;
29. thence $N02^{\circ}13'46''E$, 397.82 feet;
30. thence $N04^{\circ}44'22''E$, 47.85 feet to a point on the north line of Section 33 from which the angle point 2 of Tract 106 bears $N89^{\circ}54'45''W$, 517.28 feet as monumented by a found $2\frac{1}{2}''$ GLO brass cap;
31. thence continuing in Lot 10 in the South $\frac{1}{2}$ of Section 28 $N04^{\circ}44'22''E$, 102.16 feet to a point of curvature;
32. thence 100.46 feet along a curve to the left having a radius of 130.00 feet, a delta angle of $44^{\circ}16'28''$ and a chord which bears $N17^{\circ}23'52''W$, 97.97 feet to a point of tangency;
33. thence $N39^{\circ}32'06''W$, 133.85 feet to a point of curvature;
34. thence 59.35 feet along a curve to the right having a radius of 150.00 feet, a delta angle of $22^{\circ}40'15''$ and a chord which bears $N28^{\circ}11'58''W$, 58.97 feet to a point of tangency;
35. thence $N16^{\circ}51'50''W$, 170.18 feet to a point of curvature;



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36. thence 115.26 feet along a curve to left having a radius of 175.00 feet, a delta angle of $37^{\circ}44'11''$ and a chord which bears $N35^{\circ}43'56''W$, 113.19 feet to a point of tangency;
37. thence $N54^{\circ}36'02''W$, 140.09 feet to a point of curvature;
38. thence 102.63 feet along a curve to the right having a radius of 150.00 feet, a delta angle of $39^{\circ}12'11''$ and a chord which bears $N34^{\circ}59'56''W$, 100.64 feet to a point of tangency;
39. thence $N15^{\circ}23'50''W$, 23.87 feet to a point of curvature;
40. thence 208.84 feet along a curve to the right having a radius of 350.00 feet, a delta angle of $34^{\circ}11'13''$ and a chord which bears $N01^{\circ}41'46''E$, 205.75 feet to a point of tangency;
41. thence $N18^{\circ}47'22''E$, 146.51 feet to a point of curvature;
42. thence 70.93 feet along a curve to the left having a radius of 150.00 feet, a delta angle of $27^{\circ}05'32''$ and a chord which bears $N05^{\circ}14'37''E$, 70.27 feet to a point of tangency;
43. thence $N08^{\circ}18'09''W$, 46.71 feet to a point of curvature;
44. thence 43.09 feet along a curve to the right having a radius of 150.00 feet, a delta angle of $16^{\circ}27'29''$ and a chord which bears $N00^{\circ}04'25''W$, 42.94 feet to a point of terminus with south line of Tract 87, both sides of sixty (60) foot driveway and utility easement terminating on said south line of Tract 87 from which angle point 5 of Tract 87 bears $S89^{\circ}55'54''W$, 75.46 feet.

Legal Description

By: Greg Eldridge, PLS 30093

Landmark Consultants, Inc.

141 9th Street

Steamboat Springs, CO 80477

EXHIBIT B

Rule 6.3.2 Site Description

(a) Description of the vegetation and soil characteristics in the area of the proposed operation:

The area surrounding the Extraction Site currently consists of rangeland/pastureland. Vegetation in the area of Extraction Site consists of Mountain Shrub/Rangeland on unimproved side-slopes and improved pastureland on fenced upland areas. No timber is located on the area of the proposed operation. *See* Exhibit B-1¹, Land Cover Map.

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 on the sideslopes and Lintim loams on the upland areas. *See* Exhibit B-2, NRCS Soil Resources Report.²

The subject property is located within the Routt County Conservation District.

(b) Permanent man-made structures within two hundred (200) feet of affected area and owner of each structure (structures identified on Exhibit A-2)

There are two permanent man-made structures within 200 feet of the affected area: 1) the Existing Access Road, and 2) miscellaneous livestock fences. Both are owned by the Applicant/Owner of the Subject Property.

(c) Water resources in area of proposed operation

- Goose Creek runs through the E1/2 of Sec. 33, T8N, R85W, 6th P.M., in which the subject property and the Extraction Site are located. At the closest point, Goose Creek is approximately 1,656 feet east of the Extraction Site. The topography of the area separates the Extraction Site from Goose Creek.
- Well Permit No. 318358- (Applicant: BRSTINA, SLADJANA) is located approximately 1,260 feet east/northeast of the Extraction Site. The topography of the area separates the Extraction Site from this well.
- Well Permit No. 167801- (Applicant: TARA SANDERS SOLE PROPRIETOR 401(K) PSP (SANDERS, TARA)) is located approximately 1,423 feet east/northeast of the Extraction Site. The topography of the area separates the Extraction Site from this well.
- Brookshire Res. No. 5 (WDID 5803618) is located approximately 833 feet southwest of the Extraction Site.
- Well Permit No. 302459- (Applicant: MEYER, CLAY) is located approximately 1,392 feet west of the Extraction Site. The topography of the area separates the Extraction Site from this well.

¹ NRCS/Multi-Resolution Land Characteristics Consortium, 2019 CONUS Land Cover.

² NRCS Web Soil Survey.

- Brookshire Res. No. 4 (WDID 5803617) is located approximately 1,517 feet northwest of the Extraction Site. The topography of the area separates the Extraction Site from this reservoir.
- Brookshire Spring 2 (WDID 5800972) is located approximately 876 feet northwest of the Extraction Site. The spring location is upslope from the Extraction Site.
- Hostetler Spring #2 (WDID 5802778) is located approximately 546 feet north of the Extraction Site. The spring location is upslope from the Extraction Site.
- Hostetler Spring #1 (WDID 5802777) is located approximately 916 feet northeast of the Extraction Site. The spring location is upslope from the Extraction Site.
- Elk Spring (WDID 5802565) is located approximately 1020 feet northeast of the Extraction Site. The spring location is upslope from the Extraction Site.

Based upon the drilling reports for Well Permit Nos. 302459- and 318358- (attached as Exhibits B-5 and B-6), the area of proposed operation is underlain by bedrock aquifer at a depth of approximately 150 feet. The proposed operation will not result in a discharge into any streams, springs, lakes, stock water ponds, ditches, reservoirs, or aquifers.

Information as to flow rates and water quality conditions is not applicable.

(d) Wildlife Assessment

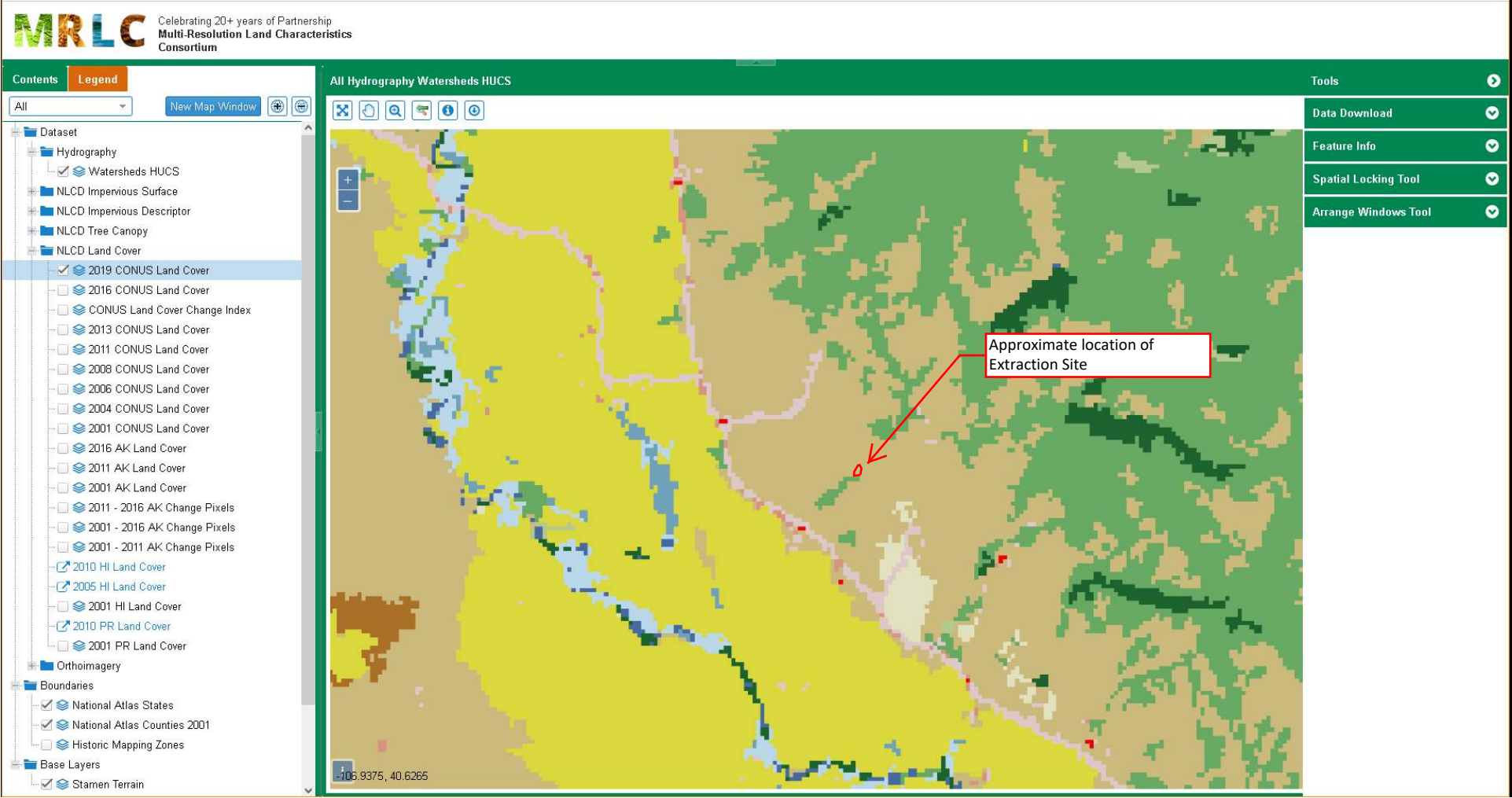
Not required for 110 Limited Impact Operations per Rule 6.3.2(d).

Attachments:

Exhibit B-1: Land Cover Map (MRLC 2019 CONUS)
 Exhibit B-2: Soil Resources Report and Map
 Exhibit B-3: Water Resources Map (Aerial)
 Exhibit B-4: Water Resources Map (Topo)
 Exhibit B-5: Well Permit No. 302459- Documentation
 Exhibit B-6: Well Permit No. 318358- Documentation

Sanders Gravel Pit
Exhibit B-1: Land Cover Map





















Applicant: Tara Sanders



Sarah Ostby

**Sanders Gravel Pit
Exhibit B-1: Land Cover Map**

Legend:

	Open Water (11)
	Perennial Ice/Snow/ (12)
	Developed, Open Space (21)
	Developed, Low Intensity (22)
	Developed, Medium Intensity (23)
	Developed, High Intensity (24)
	Barren Land (Rock/Sand/Clay) (31)
	Unconsolidated Shore (32)
	Deciduous Forest (41)
	Evergreen Forest (42)
	Mixed Forest (43)
	Dwarf Scrub(AK only) (51)
	Shrub/Scrub (52)
	Grasslands/Herbaceous (71)
	Sedge/Herbaceous(AK only) (72)
	Lichens (Ak only) (73)
	Moss (AK only) (74)
	Pasture/Hay (81)
	Cultivated Crops (82)
	Woody Wetlands (90)
	Emergent Herbaceous Wetlands (95)



A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Routt Area, Colorado, Parts of Rio Blanco and Routt Counties



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

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scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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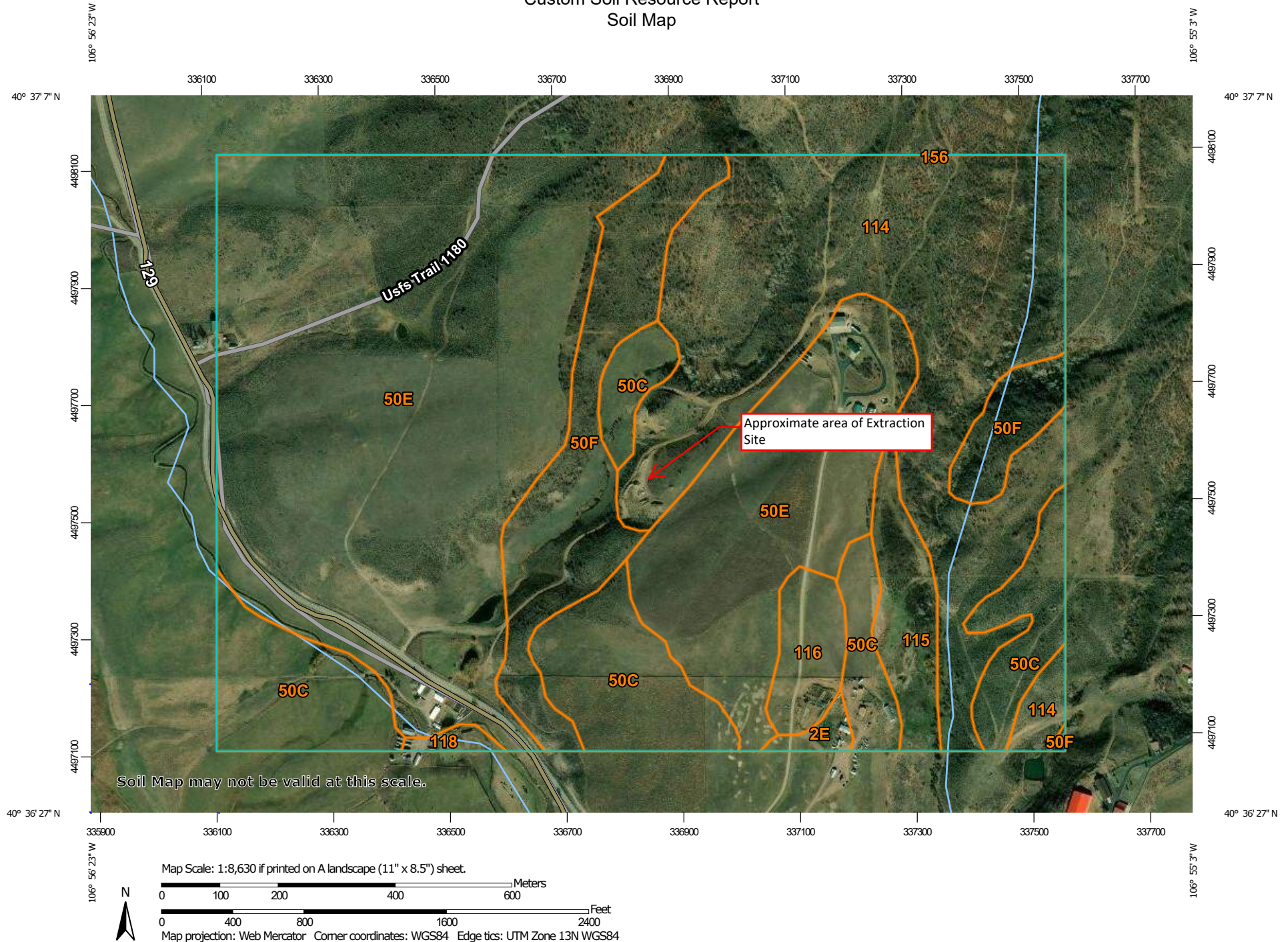
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Sanders Gravel Pit
Exhibit B-2: Soil Resources Report and Map
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Soil Map


Applicant: Tara Sanders



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MAP LEGEND


Area of Interest (AOI)

 Area of Interest (AOI)

Soils


 Soil Map Unit Polygons


 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water


 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot


 Sinkhole

 Slide or Slip


 Sodic Spot

 Spoil Area

 Stony Spot


 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals


Transportation

 Rails


 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Routt Area, Colorado, Parts of Rio Blanco and Routt Counties
Survey Area Data: Version 10, Jun 5, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 10, 2012—Nov 8, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

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MAP LEGEND

MAP INFORMATION

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

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Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2E	Routtskin loam, 12 to 25 percent slopes	1.7	0.5%
50C	Lintim loam, 3 to 12 percent slopes	50.4	13.7%
50E	Lintim loam, 12 to 25 percent slopes	172.9	47.0%
50F	Routt loam, 25 to 65 percent slopes, very stony	34.4	9.4%
114	Rogert gravelly loam, 35 to 80 percent slopes	89.5	24.4%
115	Gateview cobbly loam, 30 to 75 percent slopes, very bouldery	10.0	2.7%
116	Gateview loam, 10 to 30 percent slopes, extremely stony	7.3	2.0%
118	Hahnspeak silt loam, 0 to 5 percent slopes	1.3	0.4%
156	Egeria clay, 0 to 3 percent slopes	0.0	0.0%
Totals for Area of Interest		367.5	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different

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management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Routt Area, Colorado, Parts of Rio Blanco and Routt Counties

2E—Routtskin loam, 12 to 25 percent slopes

Map Unit Setting

National map unit symbol: k0ds
Elevation: 6,560 to 8,530 feet
Mean annual precipitation: 20 to 24 inches
Mean annual air temperature: 38 to 41 degrees F
Frost-free period: 30 to 70 days
Farmland classification: Not prime farmland

Map Unit Composition

Routtskin and similar soils: 90 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Routtskin

Setting

Landform: Hills
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Slope alluvium and/or colluvium derived from sandstone and shale

Typical profile

A1 - 0 to 5 inches: loam
A2 - 5 to 14 inches: loam
Bt1 - 14 to 23 inches: gravelly clay loam
Bt2 - 23 to 39 inches: cobbly clay
Bt3 - 39 to 60 inches: clay loam

Properties and qualities

Slope: 12 to 25 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: High
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.07 to 0.21 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water capacity: High (about 9.3 inches)

Interpretive groups

Land capability classification (irrigated): 6e
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: C
Ecological site: R048AY247CO
Hydric soil rating: No

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Minor Components

Jerry

Percent of map unit: 5 percent
Landform: Hills
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R048AY247CO
Hydric soil rating: No

Lintim

Percent of map unit: 5 percent
Landform: Hills
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Concave
Ecological site: R048AY247CO
Hydric soil rating: No

50C—Lintim loam, 3 to 12 percent slopes

Map Unit Setting

National map unit symbol: k0g9
Elevation: 6,560 to 8,200 feet
Mean annual precipitation: 20 to 24 inches
Mean annual air temperature: 38 to 41 degrees F
Frost-free period: 30 to 70 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Lintim and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lintim

Setting

Landform: Hills
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Slope alluvium derived from shale

Typical profile

A1 - 0 to 5 inches: loam
A2 - 5 to 20 inches: loam

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Bt1 - 20 to 30 inches: clay

Bt2 - 30 to 40 inches: clay

BC - 40 to 65 inches: clay

Properties and qualities

Slope: 3 to 12 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Runoff class: Medium

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.07 to 0.21 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Available water capacity: High (about 10.2 inches)

Interpretive groups

Land capability classification (irrigated): 6c

Land capability classification (nonirrigated): 6c

Hydrologic Soil Group: C

Ecological site: R048AY247CO

Hydric soil rating: No

Minor Components

Evna

Percent of map unit: 10 percent

Landform: Hills

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Linear

Ecological site: R048AY237CO - Stony Loam

Hydric soil rating: No

Venable

Percent of map unit: 5 percent

Landform: Drainageways

Down-slope shape: Linear

Across-slope shape: Concave

Ecological site: R048AY241CO

Hydric soil rating: Yes

Impass

Percent of map unit: 5 percent

Landform: Hills

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Linear

Ecological site: R048BY296CO

Hydric soil rating: No

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50E—Lintim loam, 12 to 25 percent slopes

Map Unit Setting

National map unit symbol: k0gb
Elevation: 6,560 to 8,200 feet
Mean annual precipitation: 20 to 24 inches
Mean annual air temperature: 38 to 41 degrees F
Frost-free period: 30 to 70 days
Farmland classification: Not prime farmland

Map Unit Composition

Lintim and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lintim

Setting

Landform: Hills
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Colluvium derived from shale

Typical profile

A1 - 0 to 5 inches: loam
A2 - 5 to 20 inches: loam
Bt1 - 20 to 30 inches: clay
Bt2 - 30 to 40 inches: clay
BC - 40 to 65 inches: clay

Properties and qualities

Slope: 12 to 25 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: High
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.07 to 0.21 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 1 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water capacity: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): 6e
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: C

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Ecological site: R048AY247CO

Hydric soil rating: No

Minor Components

Routt

Percent of map unit: 5 percent

Landform: Hills

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Side slope

Down-slope shape: Concave

Across-slope shape: Linear

Ecological site: F048AY449CO

Hydric soil rating: No

Venable

Percent of map unit: 5 percent

Landform: Drainageways

Down-slope shape: Linear

Across-slope shape: Concave

Ecological site: R048AY241CO

Hydric soil rating: Yes

Evna

Percent of map unit: 5 percent

Landform: Hills

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Linear

Ecological site: R048AY237CO - Stony Loam

Hydric soil rating: No

Impass

Percent of map unit: 5 percent

Landform: Hills

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Linear

Ecological site: R048BY296CO

Hydric soil rating: No

50F—Routt loam, 25 to 65 percent slopes, very stony

Map Unit Setting

National map unit symbol: k0gc

Elevation: 6,890 to 8,200 feet

Mean annual precipitation: 20 to 24 inches

Mean annual air temperature: 38 to 41 degrees F

Frost-free period: 30 to 70 days

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Farmland classification: Not prime farmland

Map Unit Composition

Routt, very stony, and similar soils: 85 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Routt, Very Stony

Setting

Landform: Hills

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Colluvium derived from sandstone and shale

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material

A1 - 1 to 12 inches: loam

A2 - 12 to 22 inches: loam

A3 - 22 to 27 inches: loam

B/E - 27 to 29 inches: clay loam

B/E - 29 to 31 inches: loam

Bt1 - 31 to 46 inches: clay

Bt2 - 46 to 65 inches: clay

Properties and qualities

Slope: 25 to 65 percent

Surface area covered with cobbles, stones or boulders: 1.0 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Runoff class: Very high

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.07 to 0.21 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Available water capacity: High (about 10.6 inches)

Interpretive groups

Land capability classification (irrigated): 7e

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: C

Ecological site: F048AY449CO

Hydric soil rating: No

Minor Components

Impass

Percent of map unit: 5 percent

Landform: Hills

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Linear

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Ecological site: R048BY296CO

Hydric soil rating: No

Slater

Percent of map unit: 5 percent

Landform: Hills

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Concave

Ecological site: F048AY449CO

Other vegetative classification: ASPEN (null_3)

Hydric soil rating: No

Venable

Percent of map unit: 5 percent

Landform: Drainageways

Down-slope shape: Linear

Across-slope shape: Concave

Ecological site: R048AY241CO

Hydric soil rating: Yes

114—Rogert gravelly loam, 35 to 80 percent slopes

Map Unit Setting

National map unit symbol: k0jh

Elevation: 6,890 to 9,180 feet

Mean annual precipitation: 20 to 24 inches

Mean annual air temperature: 38 to 41 degrees F

Frost-free period: 30 to 70 days

Farmland classification: Not prime farmland

Map Unit Composition

Rogert and similar soils: 75 percent

Minor components: 25 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Rogert

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Mountainflank

Down-slope shape: Linear

Across-slope shape: Convex

Parent material: Colluvium over residuum weathered from granite and gneiss

Typical profile

A1 - 0 to 3 inches: gravelly loam

A2 - 3 to 12 inches: very cobbly sandy loam

C - 12 to 16 inches: extremely cobbly sandy loam

R - 16 to 18 inches: bedrock

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Properties and qualities

Slope: 35 to 80 percent
Depth to restrictive feature: 12 to 20 inches to lithic bedrock
Drainage class: Well drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Low to moderately high
(0.01 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water capacity: Very low (about 1.5 inches)

Interpretive groups

Land capability classification (irrigated): 8
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: D
Ecological site: R048AY237CO - Stony Loam
Hydric soil rating: No

Minor Components

Skyway

Percent of map unit: 10 percent
Landform: Mountain slopes
Landform position (three-dimensional): Mountainflank
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R048AY238CO
Hydric soil rating: No

Evna

Percent of map unit: 10 percent
Landform: Mountain slopes
Landform position (three-dimensional): Mountainflank
Down-slope shape: Linear
Across-slope shape: Concave
Ecological site: R048AY237CO - Stony Loam
Hydric soil rating: No

Rock outcrop

Percent of map unit: 5 percent
Hydric soil rating: No

115—Gateview cobbly loam, 30 to 75 percent slopes, very bouldery

Map Unit Setting

National map unit symbol: k0jj
Elevation: 6,560 to 8,530 feet
Mean annual precipitation: 24 to 28 inches

Custom Soil Resource Report

Mean annual air temperature: 37 to 40 degrees F

Frost-free period: 30 to 70 days

Farmland classification: Not prime farmland

Map Unit Composition

Gateview, very bouldery, and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Gateview, Very Bouldery

Setting

Landform: Mountain slopes

Landform position (three-dimensional): Mountainbase

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Colluvium derived from igneous and sedimentary rock

Typical profile

A1 - 0 to 1 inches: cobbly loam

A2 - 1 to 14 inches: bouldery loam

AC1 - 14 to 18 inches: very stony loam

AC2 - 18 to 33 inches: very stony sandy loam

C - 33 to 60 inches: very stony sandy loam

Properties and qualities

Slope: 30 to 75 percent

Surface area covered with cobbles, stones or boulders: 2.0 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Runoff class: Very high

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.71 to 2.13 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Available water capacity: Low (about 5.6 inches)

Interpretive groups

Land capability classification (irrigated): 8

Land capability classification (nonirrigated): 8

Hydrologic Soil Group: B

Ecological site: F048AY449CO

Hydric soil rating: No

Minor Components

Coutis

Percent of map unit: 10 percent

Landform: Mountain slopes

Landform position (three-dimensional): Mountainbase

Down-slope shape: Linear

Across-slope shape: Concave

Ecological site: R048AY238CO

Hydric soil rating: No

Custom Soil Resource Report

Rouff

Percent of map unit: 5 percent
Landform: Mountain slopes
Landform position (three-dimensional): Mountainbase
Down-slope shape: Linear
Across-slope shape: Concave
Ecological site: F048AY449CO
Hydric soil rating: No

Rogert

Percent of map unit: 5 percent
Landform: Mountain slopes
Landform position (three-dimensional): Mountainbase
Down-slope shape: Linear
Across-slope shape: Convex
Ecological site: R048AY237CO - Stony Loam
Hydric soil rating: No

116—Gateview loam, 10 to 30 percent slopes, extremely stony

Map Unit Setting

National map unit symbol: k0jk
Elevation: 6,890 to 8,360 feet
Mean annual precipitation: 24 to 28 inches
Mean annual air temperature: 37 to 40 degrees F
Frost-free period: 30 to 70 days
Farmland classification: Not prime farmland

Map Unit Composition

Gateview, extremely stony, and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Gateview, Extremely Stony

Setting

Landform: Mountain slopes
Landform position (three-dimensional): Mountainbase
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Slope alluvium and/or colluvium derived from igneous and sedimentary rock

Typical profile

A1 - 0 to 1 inches: loam
A2 - 1 to 12 inches: bouldery loam
A3 - 12 to 20 inches: very stony loam
AC - 20 to 37 inches: very stony sandy loam
C - 37 to 60 inches: very stony sandy loam

Custom Soil Resource Report

Properties and qualities

Slope: 10 to 30 percent
Surface area covered with cobbles, stones or boulders: 5.0 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: High
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.71 to 2.13 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water capacity: Low (about 5.6 inches)

Interpretive groups

Land capability classification (irrigated): 7s
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: B
Ecological site: F048AY449CO
Hydric soil rating: No

Minor Components

Routt

Percent of map unit: 10 percent
Landform: Mountain slopes
Landform position (three-dimensional): Mountainflank
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: F048AY449CO
Hydric soil rating: No

Foidel

Percent of map unit: 5 percent
Landform: Mountain slopes
Landform position (three-dimensional): Mountainflank
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R048AY238CO
Hydric soil rating: No

Coutis

Percent of map unit: 5 percent
Landform: Mountain slopes
Landform position (three-dimensional): Mountainflank
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R048AY238CO
Hydric soil rating: No

Custom Soil Resource Report

118—Hahnspeak silt loam, 0 to 5 percent slopes

Map Unit Setting

National map unit symbol: k0jm

Elevation: 6,630 to 7,220 feet

Mean annual precipitation: 20 to 24 inches

Mean annual air temperature: 38 to 41 degrees F

Frost-free period: 30 to 70 days

Farmland classification: Not prime farmland

Map Unit Composition

Hahnspeak and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hahnspeak

Setting

Landform: Alluvial fans

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from igneous and sedimentary rock

Typical profile

A1 - 0 to 7 inches: silt loam

A2 - 7 to 12 inches: silt loam

AB1 - 12 to 24 inches: silt loam

AB2 - 24 to 34 inches: silt loam

Bt1 - 34 to 39 inches: silt loam

2Bt2 - 39 to 60 inches: gravelly clay loam

Properties and qualities

Slope: 0 to 5 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Runoff class: High

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.21 to 0.71 in/hr)

Depth to water table: About 24 to 39 inches

Frequency of flooding: RareNone

Frequency of ponding: None

Calcium carbonate, maximum content: 1 percent

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Available water capacity: High (about 10.1 inches)

Interpretive groups

Land capability classification (irrigated): 5c

Land capability classification (nonirrigated): 5c

Hydrologic Soil Group: C

Ecological site: R048AY241CO

Custom Soil Resource Report

Hydric soil rating: No

Minor Components

Handran

Percent of map unit: 5 percent
Landform: Alluvial fans
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R048AY237CO - Stony Loam
Hydric soil rating: No

Venable

Percent of map unit: 5 percent
Landform: Flood plains
Down-slope shape: Linear
Across-slope shape: Concave
Ecological site: R048AY241CO
Hydric soil rating: Yes

Elkhead

Percent of map unit: 5 percent
Landform: Drainageways
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R048AY245CO
Hydric soil rating: No

Slocum

Percent of map unit: 5 percent
Landform: Flood-plain steps
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R048AY241CO
Hydric soil rating: No

156—Egeria clay, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: k0lt
Elevation: 7,280 to 8,530 feet
Mean annual precipitation: 20 to 24 inches
Mean annual air temperature: 38 to 41 degrees F
Frost-free period: 30 to 70 days
Farmland classification: Not prime farmland

Map Unit Composition

Egeria and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Custom Soil Resource Report

Description of Egeria

Setting

Landform: Flood plains
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from sandstone and shale

Typical profile

A1 - 0 to 8 inches: clay
A2 - 8 to 24 inches: clay
C1 - 24 to 42 inches: clay
C2 - 42 to 65 inches: cobbly clay

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.07 to 0.21 in/hr)
Depth to water table: About 0 to 6 inches
Frequency of flooding: NoneFrequent
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water capacity: High (about 9.5 inches)

Interpretive groups

Land capability classification (irrigated): 6w
Land capability classification (nonirrigated): 6w
Hydrologic Soil Group: C/D
Ecological site: R048AY241CO
Hydric soil rating: Yes

Minor Components

Tanella

Percent of map unit: 10 percent
Landform: Flood plains
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R048AY245CO
Hydric soil rating: No

Slocum

Percent of map unit: 5 percent
Landform: Flood plains
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R048AY241CO
Hydric soil rating: No

Sanders Gravel Pit
Exhibit B-2: Soil Resources Report and Map
Custom Soil Resource Report

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Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

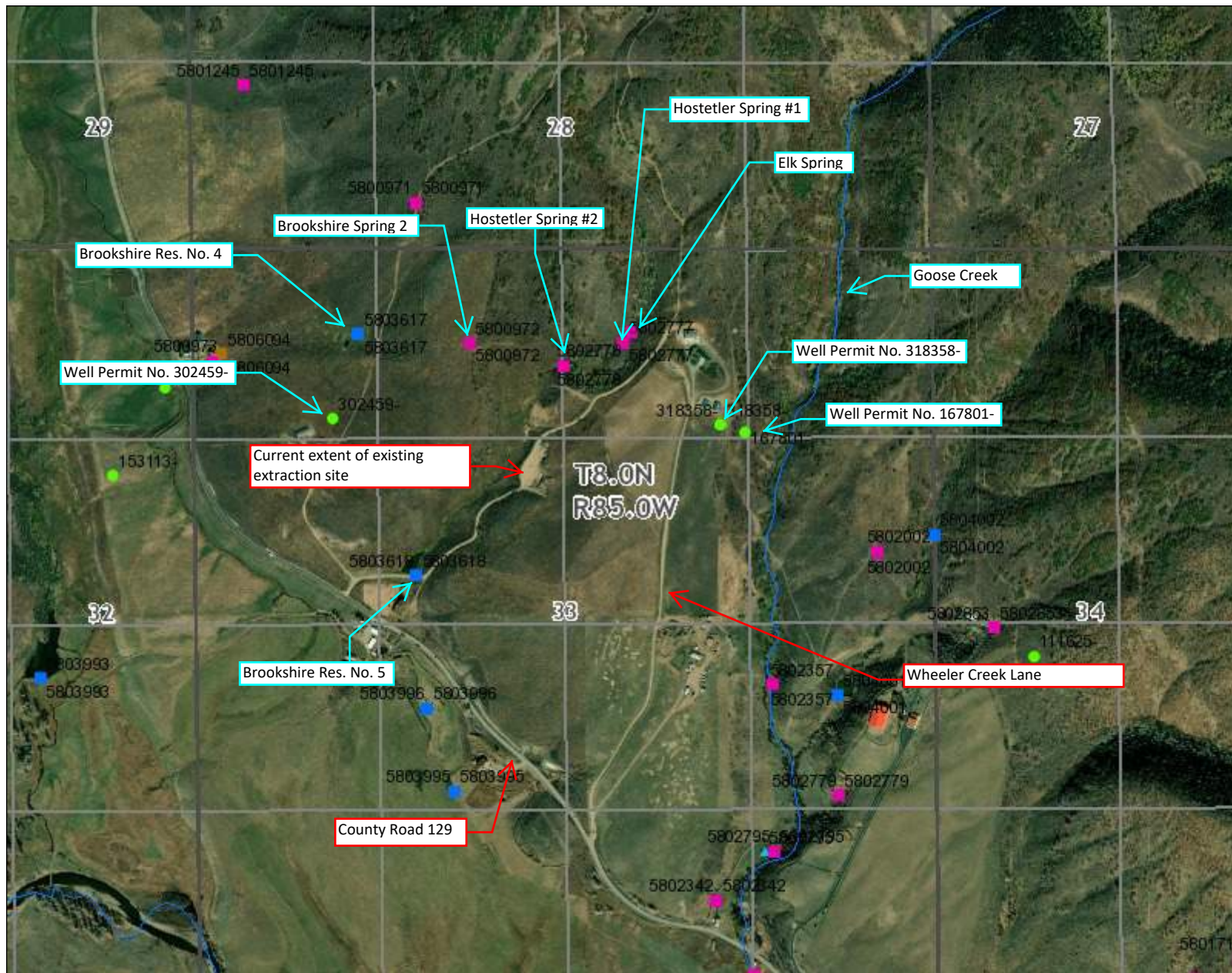
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Sanders Gravel Pit

Exhibit B-3: Water Resources Map



Legend

All Structures

- Surface Water
- Ground Water
- Reservoir
- Minimum Flow
- Other

- Surface Water
- Ground Water
- Reservoir
- Minimum Flow
- Other
- All Points of Interest
- Well Constructed
- Final Permit
- Geophysical Log
- Confluence Point
- Source Water Route Framework

Location



Notes

2,151 0 1,076 2,151 Feet

1: 12,906



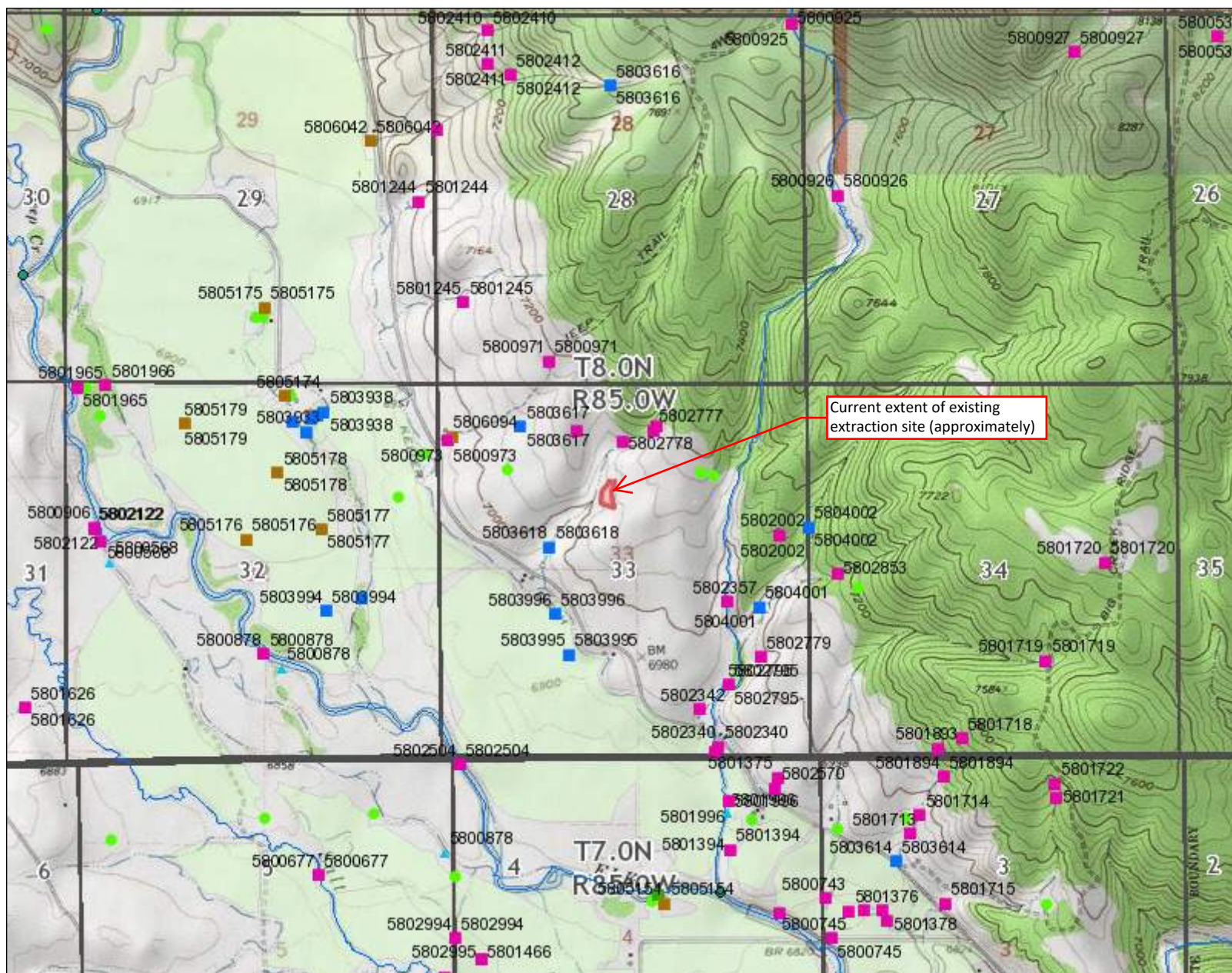
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date Prepared: 7/2/2021 3:17:49 PM



Sanders Gravel Pit

Exhibit B-4: Water Resources Map (Topo)



Legend

- All Structures
 - Surface Water
 - Ground Water
 - Reservoir
 - Minimum Flow
 - Other
- Surface Water
- Ground Water
- Reservoir
- Minimum Flow
- Other
- All Points of Interest
 - Well Constructed
 - Final Permit
 - Geophysical Log
 - Confluence Point
- Source Water Route Framework



Notes

4,302 0 2,151 4,302 Feet

1: 25,813



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date Prepared: 7/2/2021 3:32:10 PM

Form No. GWS-32 10/2016	PUMP INSTALLATION AND PRODUCTION EQUIPMENT TEST REPORT State of Colorado, Office of the State Engineer 1313 Sherman St., Room 821, Denver, CO 80203 303.866.3581 www.water.state.co.us and dwrpermitsonline@state.co.us	For Office Use Only <div style="font-size: 1.5em; font-weight: bold; margin: 5px 0;">RECEIVED</div> <div style="font-size: 1.2em; font-weight: bold; margin: 5px 0;">FEB 12 2018</div> <div style="font-size: 0.8em; font-weight: bold; margin: 5px 0;">WATER RESOURCES STATE ENGINEER COLORADO</div>																								
1. Well Permit Number: 302459 Receipt Number: 3675872		WATER RESOURCES STATE ENGINEER COLORADO																								
2. Owner's Well Designation:																										
3. Well Owner Name: CLAY MEYER																										
4. Well Location Street Address:																										
5. GPS Well Location: <input type="checkbox"/> Zone 12 <input checked="" type="checkbox"/> Zone 13 Easting: _____ Northing: _____ County: _____																										
6. Legal Well Location: <u>nw 1/4</u> , <u>nw 1/4</u> , Sec. <u>33</u> Twp. <u>8</u> <input checked="" type="checkbox"/> N or S <input type="checkbox"/> , Range <u>85</u> <input type="checkbox"/> E or W <input checked="" type="checkbox"/> Distances from Section Lines: _____ ft. from <input type="checkbox"/> N or S <input type="checkbox"/> sec. line, and _____ ft. from <input type="checkbox"/> E or W <input type="checkbox"/> sec. line Subdivision: _____, Lot _____, Block _____, Filing (Unit) _____																										
7. Check Installation Type: <input checked="" type="checkbox"/> Initial Pump Installation <input type="checkbox"/> Replacement Pump <input type="checkbox"/> Change in Depth Only <input type="checkbox"/> Repair																										
8. Pump Data: Type: <u>SUBMERSIBLE</u> Date Installed(mm/dd/yyyy): <u>07/12/2017</u> Pump Manufacturer: <u>GRUNDFOS</u> Pump Model No. <u>5507-18</u> Design GPM: <u>5</u> at RPM <u>3450</u> HP <u>0.75</u> Volts <u>230</u> Full Load Amps <u>6.8</u> Pump Intake Depth: <u>346</u> Feet, Drop/Column Pipe Size Inches, <u>1</u> Kind of Drop Pipe <u>SCH 80 PVC W/SSC</u> Additional Information for Pumps Greater Than 50 GPM: Turbine Driver Type: <input type="checkbox"/> Electric <input type="checkbox"/> Engine <input type="checkbox"/> Other _____ Design Head: _____ feet Number of Stages: _____ Shaft size: _____ inches																										
9. Other Equipment: Airline Installed: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, Orifice Depth ft. _____ Monitor Tube Installed: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, Depth ft. _____ Flow Meter Mfg. _____ Meter Serial No. _____ Meter Readout: <input type="checkbox"/> Gallons, <input type="checkbox"/> Thousand Gallons, <input type="checkbox"/> Acre feet Beginning Reading: _____																										
10. Cistern Information: Material: <u>CONCRETE</u> Capacity: <u>2400</u> gallons Date Installed: <u>06/01/2017</u>																										
11. Production Equipment Test Data: <input type="checkbox"/> check box if data is submitted on Form Number GWS-39 Well Yield Test Report. <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 15%;">Date:</th> <th style="width: 15%;">7/13/17</th> <th style="width: 15%;">7/13/17</th> <th style="width: 15%;"></th> <th style="width: 15%;"></th> </tr> </thead> <tbody> <tr> <td>Total Well Depth: <u>375</u> ft.</td> <td>Time:</td> <td><u>12:00</u></td> <td><u>01:00</u></td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Static Level: <u>60</u> ft.</td> <td>Rate (gpm):</td> <td><u>7</u></td> <td><u>5</u></td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Date Measured: <u>07/12/2017</u></td> <td>Pumping Level (ft):</td> <td><u>60</u></td> <td><u>150</u></td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>				Date:	7/13/17	7/13/17			Total Well Depth: <u>375</u> ft.	Time:	<u>12:00</u>	<u>01:00</u>	_____	_____	Static Level: <u>60</u> ft.	Rate (gpm):	<u>7</u>	<u>5</u>	_____	_____	Date Measured: <u>07/12/2017</u>	Pumping Level (ft):	<u>60</u>	<u>150</u>	_____	_____
	Date:	7/13/17	7/13/17																							
Total Well Depth: <u>375</u> ft.	Time:	<u>12:00</u>	<u>01:00</u>	_____	_____																					
Static Level: <u>60</u> ft.	Rate (gpm):	<u>7</u>	<u>5</u>	_____	_____																					
Date Measured: <u>07/12/2017</u>	Pumping Level (ft):	<u>60</u>	<u>150</u>	_____	_____																					
12. Disinfection: Type: <u>GRANULAR HTH</u> Amt. Used: <u>8 OZ</u>																										
13. Notification: Was Advanced Notification Required Prior to Installation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, Date Notification Given: _____																										
14. Water Quality analysis available: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please submit with this report.																										
15. Remarks:																										
16. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed (or name entered if filing online) and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. The filing of a document that contains false statements is a violation of section 37-91-108(1)(e), C.R.S., and is punishable by fines up to \$1,000 and/or revocation of the contracting license. If filing online, the State Engineer considers the entry of the licensed contractor's name to be compliance with Rule 17.4.																										
Company Name: AZTEC DRILLING COMPANY	Email: aztec@aztecdrillingco.com	Phone w/area code: (970) 879-5252	License Number: 1198																							
Mailing Address: PO BOX 772771 STEAMBOAT SPRINGS, CO 80477																										
Sign (or enter name if filing online) KEITH BRANSTETTER	Print Name and Title	Date: 02/12/2017																								

[illegible]

EXHIBIT C
Rule 6.3.3
Mining Plan

(a) Commencement and Duration of Gravel Pit Operation:

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. The Applicant has discontinued all mining operations until receipt of all necessary permits. The mining operations will commence upon receipt of approval from the Division of Reclamation, Mining, and Safety and receipt of other necessary permits. As gravel excavation and processing will be seasonal, this operation is intended to be an intermittent operation and used for less than one hundred and eighty days per year pursuant to the provisions of C.R.S. § 34-32.5-103(11)(b). The operation will last approximately 10 years from commencement.

The site will be mined in two phases labeled as Phase 1 and Phase 2 on the Mine Plan Maps attached as Exhibits C-1 and C-2. Dependent upon the composition of the remaining resource at the conclusion of Phase 1, a decision will be made at that time whether to proceed with mining of Phase 2 or proceed with reclamation of the site at that point. The reclamation liability will be calculated as if both phases are being mined to completion as the disturbance present at the end of Phase II mining would be the point of greatest reclamation liability. If mining ceases at the end of Phase I, the financial warranty will be more than adequate to complete reclamation at that point.

(b) Topsoil replacement depth:

Approximately 12 inches of topsoil will be removed from the sideslopes and flanks along the western side of the site and stored on the Phase 1 boundaries of the site as shown in Exhibits C-1 and C-2, the Mining Plan Map, and replaced during reclamation. Approximately 20 inches of topsoil will be removed from the upland areas and stored in the same location and manner. If Phase 2 is mined, topsoil will be stockpiled in the northern floor of Phase 1 and along the perimeter of Phase 2 as shown in Exhibit C-2.

All removed topsoil will be seeded as necessary to protect from erosion if it remains in place for more than 180 days. Any necessary seeding will utilize the seed mix below. Topsoil stockpiles will be stored in places and configurations to minimize erosion and located in areas where disturbance by ongoing mining operations will be minimized. Once stockpiled, the topsoil shall be rehandled as little as possible until replacement on the regraded slopes and floor of the disturbed area.

Kind	% Mix	PLS Lbs / A
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

Kind	% Mix	PLS Lbs / A
Sandberg Bluegrass	5.00	0.2
Prairie Junegrass	5.00	0.12
Tufted Hairgrass	5.00	0.2
Totals	100.00	20.84

As the rate specified in the table above applies to drill seeding, Applicant will double the rate should the broadcast seeding method be used.

(c) Thickness of overburden:

Approximately ten (10) to twenty (20) feet of overburden may be removed in advance of deposit removal and mixed in with the lower cobble deposit to create a pitrun product.

(d) Thickness of deposit to be mined:

The Applicant currently estimates that the deposit to be mined may be approximately twenty (20) to thirty (30) feet thick. This deposit consists of two source materials, a silty-clay overburden (as described in (c) above) and a glacial till cobbly base material. The end products of this mining operation will be unprocessed pit run to be used as general fill in construction projects. Some minor screening may occur if a more cobbly product is requested but the major product will be a mixture of the clayey overburden and the cobbly deposit to create a general pit run product.

(e) Major Components of Mining Operations:

As depicted in Exhibits A-2, C-1, and C-2, the Extraction Site will be accessed via the Existing Access Road. The Existing Access Road will not be part of the permitted acreage. The Existing Access Road will not be substantially upgraded but will be maintained as necessary by the landowner/Applicant. The road has a gravel surface. If necessary, gravel for the road will be produced at the site. The Existing Access Road has been constructed with appropriate drainage for the area. This Existing Access Road will be used for all access to the subject property and hauling to and from the property.

The Applicant anticipates that extraction will occur in one to two phases:

- i. **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 C-1 (Phase 1 Mining Map).* The extracted material will be stored in temporary product stockpiles as shown on the mining plan map where it will then be mixed and loaded onto trucks for transport off-site,
- ii. **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 D-1 (Phase 1 Reclamation Map).

- iii. **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, mainly along the northern portion of Phase 1. This will allow for removal and placement of the stockpiled topsoil along the perimeter of the Phase 1. The Applicant will then continue excavation to the east and south of the Phase 1 eastern boundary beginning with topsoil removal and stockpiling in berms along the south, east and north perimeters of Phase 2 along with a smaller stockpile on the northern floor of Phase 1 as depicted on the mine plan map. *See Exhibit C-2 (Phase 2 Mining Map).*
- iv. **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 D-2 (Phase 2 Reclamation Map).

Gravel materials will be placed into semi-trailers and/or dump trucks for transportation. A rented portable toilet may be present at the site if needed. There will be no other structures constructed on or present at the site, including but not limited to offices, shop/maintenance buildings, plants, processing facilities, and any underground openings such as adits or ventilation facilities.

(f) Dimensions of Land Disturbance:

The approximate dimensions of the Extraction Site (including excavation area, stockpiles, etc.) are shown on the Mining Plan Map. Applicant will continue extraction at the southwestern end of the extraction area and continue extraction in a northeasterly direction as material dissipates, as shown on the Mining Plan Map.

(g) Road Dimensions:

The dimensions of the Existing Access Road are shown on Exhibits C-1 and C-2. This road will not be included in the permitted acreage. There will be no new drainage and runoff conveyance structures associated with the Existing Access Road.

(h) Operation Water Use:

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.

(i) Groundwater/Surface Water Disturbance:

Groundwater will not be exposed by the mining activities. The Applicant expects that there will be no impact to groundwater from the proposed operation as, based on the drilling records for the domestic water well located on the subject property (*see Exhibit B, section (c)*), the nearest depth to groundwater is approximately 150 feet, and the aquifer is isolated with an overlying aquiclude. In addition, the proposed operation will not result in any impact to surface waters. Stormwater runoff from disturbed areas will drain into the gravel pit and will seep into the ground within 72 hours. The gravel pit floor will be graded as extraction occurs at a 1-2% slope in order to direct

runoff into the sediment pond at the southwestern end of the Extraction Site. Applicant plans to manage storm water by utilizing best management practices based on guidance from the Colorado Department of Transportation Erosion Control and Storm Water Quality Guide.¹ Sediment transport from storm water will be minimal. Management practices can be found in Exhibit C-3, Storm Water Management Plan.

(j) Existing Water Rights:

Existing water rights will not be affected by the mining activities.

(k) Refuse and Acid or Toxic Materials:

There are no known refuse, acid, or toxic- producing materials in the area of the proposed gravel pit. If they are encountered, operations will cease and the materials will be contained in accordance with applicable laws and regulations.

(l) Measures to Minimize Disturbance to Hydrologic Balance, Off-Site Damage, and Provide for a Stable Configuration of the Reclaimed Area Consistent with the Proposed Future Land Use:

Hydrologic Balance – The proposed operation impacts on the hydrologic balance will be minimal. Groundwater will not be encountered.

Off-site Damage – The boundaries of the site will be clearly marked to prevent off-site damage during the excavation activities.

Stable Configuration –During mining, side slopes to the pit will be graded for stability and will be revegetated as needed to meet the reclamation plan.

(m) On-Site Processing:

No crushing is expected to occur at this time. Some minor screening may occur from time to time but primarily, extracted materials will simply be stockpiled and blended prior to export off site. Products will be placed into semi-trailers and/or dump trucks for transportation off site. No other facilities or chemicals of any sort will be utilized during any portion of the excavation, processing, or loading/transport processes.

(n) Commodities to be Extracted and their Use:

The only commodities to be extracted at this site will be sand, gravel, and borrow material. These materials will be used for construction purposes.

(o) Incidental Products:

¹ <https://www.codot.gov/programs/environmental/water-quality/documents/erosion-storm-quality>.

Minimal quantities of screened rock may be produced, which would be transported off-site for specialized uses such as erosion control, landscaping, etc. No other incidental products are expected to be mined or produced from the site.

(p) Explosives:

No explosives will be used at the site.

Attachments:

Exhibit C-1: Phase 1 Mining Plan Map

Exhibit C-2: Phase 2 Mining Plan Map

Exhibit C-3: Stormwater Management Plan

Sanders Gravel Pit Exhibit C-1: Phase 1 Mining Plan Map*

*All distances approximate.

Not Current Proposal

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

Perimeter of Phase 1 Pit Bottom (within yellow line(s))

Boundary of Phase 1 (pink line)

1162' (full extent)

870' (Phase 1)

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

Direction of Mining

350'

826'

Extraction Site (full extent, inclusive of Phase 1) (red line)

Topsoil stockpiles
20' width

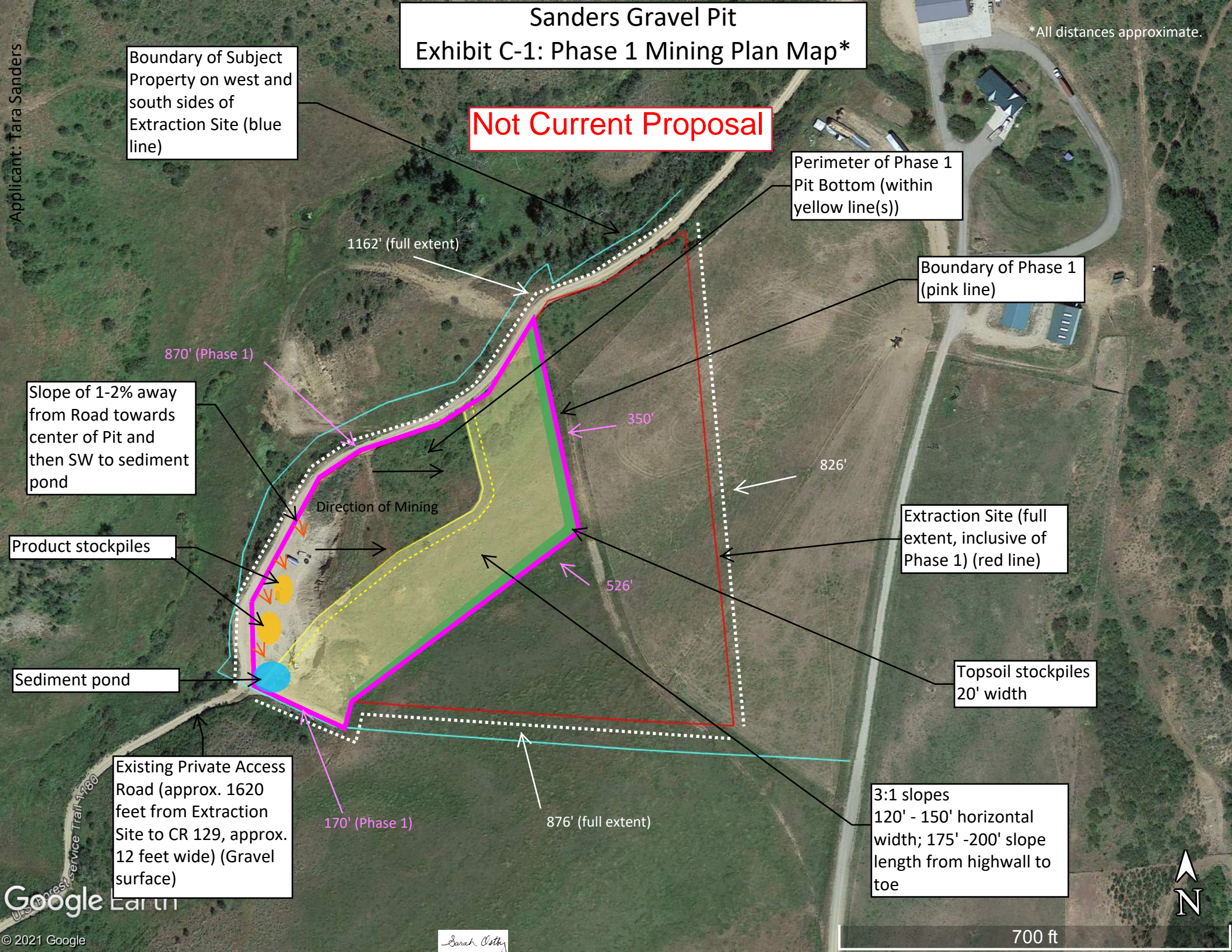
526'

3:1 slopes
120' - 150' horizontal width; 175' -200' slope length from highwall to toe



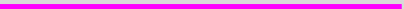

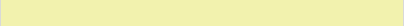
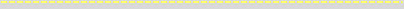





876' (full extent)

170' (Phase 1)

700 ft



Phase 1 Mining Plan Map Legend:

	Boundary of Subject Property on west and south sides of Extraction Site
	Boundary of Proposed Extraction Site
	Phase 1 Boundary
	Topsoil stockpiles
	3:1 sideslopes
	175' slope length from highwall to toe of 3:1 sideslopes
	200' slope length from highwall to toe of 3:1 sideslopes
	Product stockpiles
	Sediment pond
	Direction of mining
	1-2% slope from Road to center of Pit

Sanders Gravel Pit Exhibit C-2: Phase 2 Mining Plan Map*

*All distances approximate.

Not Current Proposal

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

Reclaimed Areas (from Phase 1)

826'

Perimeter of Phase 2 Pit Bottom (within yellow line(s))

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

1162'

Possible topsoil stockpiles

Topsoil stockpiles 20' width

Extraction Site (full extent) (red line)

Product stockpiles

Sediment pond

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

876'

Previous Boundary of Phase 1 (dark blue line)

3:1 slopes
120' - 150' horizontal width; 175' -200' slope length from highwall to toe

Google Earth

© 2021 Google

Sarah Kelly

700 ft



Phase 2 Mining Plan Map Legend:






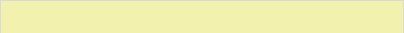
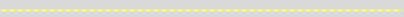





	Boundary of Subject Property on west and south sides of Extraction Site
	Boundary of Proposed Extraction Site
	Reclaimed area from Phase 1
	Topsoil stockpiles
	Topsoil stockpiles
	3:1 sideslopes
	175' slope length from highwall to toe of 3:1 sideslopes
	200' slope length from highwall to toe of 3:1 sideslopes
	Sediment pond
	Product stockpiles
	Direction of mining
	1-2% slope from Road to center of Pit

Exhibit C-3

Stormwater Management Plan

I. Best Management Practices during Mining Activities:

- The Existing Access Road is already covered with gravel to minimize erosion.
- Stormwater runoff from disturbed areas will drain into the gravel pit and will seep into the ground within 72 hours.
- The gravel pit floor will be graded as extraction occurs. Furthermore, the gravel pit floor will be graded at a 1-2% slope in order to direct runoff into the sediment pond at the southwestern end of the Extraction Site. This sediment pond will be constructed with a coarse material bottom to allow for infiltration of any stormwater that reports to this pond.
- Stockpiled topsoil and overburden will be seeded with the seed mix identified in Exhibit C, section (b) in order to stabilize the stockpiles.
- 3:1 side slopes will be maintained around the pit perimeter during mining and will be seeded with the seed mix identified in Exhibit C, section (b) as needed to prevent erosion.
- Where there is a potential for storm water to erode material off of the site, sediment control measures will be installed that could include a combination of berms, silt fence, or erosion control logs.

II. Best Management Practices for Final Site Reclamation (see Exhibit D for detailed reclamation process):

- All disturbed areas will be reseeded with the seed mixture identified in Exhibit D, section 1(c)(iii).
- Site grading will be developed so that concentrated drainage that could result in scour does not occur.

EXHIBIT D
Rule 6.3.4
Reclamation Plan

As the previously attached maps and images show and according to the Routt County Assessor's property record, the Subject Property is currently zoned agriculture/forest and consists of rangeland/pastureland with mountain shrub and/or scrub vegetation on the flanks of the Extraction Site and improved pasture on the upland fenced areas. Applicant does not intend to change the current land use.

The Applicant's Reclamation Plan Map is attached as Exhibits D-1 and D-2. *See* Exhibit C (Mining Plan) regarding potential phasing of reclamation activities depending on the amount of material available. Reclamation of the Extraction Site will return the site to a post-mining land use of rangeland/pastureland with a graded and gravel surfaced building envelope in the southwest corner which is consistent with the surrounding area. Grading will be done, as necessary, to create a grade that conforms to the adjacent topography and natural landforms. Grading will also be done in a manner to control erosion and siltation of the affected lands, and to protect areas outside the affected land from slides and other damage. The existing highwall will have been graded down during the mining process to attain side slopes of 3:1.

Topsoil from the site will be replaced on all 3H:1V slopes and the pit bottom with the exception of the building envelope. These areas will be reseeded as needed with a mixture of native grasses to conform with the condition of the site prior to the operation. Seeding will occur during the first favorable season following topsoil replacement.

No timber is present on the permitted site.

Applicant will take into account the safety and protection of wildlife on the site, at the processing site and along all access roads.

The Existing Access Road will continue to be used by the landowner and other entities during and after the mining activities, and thus need not be reclaimed (*see* section 1(d) below).

Reclamation will occur contemporaneously to the extent possible, however, the majority of the reclamation will commence immediately upon final extraction of the materials and prior to permit expiration.

The site will be monitored seasonally on a monthly basis to determine revegetation success and to evaluate the site stability, as necessary. All necessary steps will be taken to control soil erosion and repair damaged lands. If after one season the seeding looks to be a failure, reseeding will be done in accordance with this plan.

Trash will be removed from the site. Vegetation cleared from the site will be properly disposed of or dispersed.

(1) Details of the Reclamation Plan are as follows:

(a) Overburden Replacement:

Approximately two (2) to fifteen (15) feet of overburden may be removed in advance of deposit removal and used as pitrun. Soils and waste rock unsuitable for construction materials will be separated from the gravels and may be stockpiled at the site. These soil stockpiles will be utilized for excavation backfill and site reclamation.

(b) Reclaimed slope gradient:

The extraction site currently exists as a roughly 35-80% slope where disturbance has already occurred. Upland area slopes are more gentle consisting of 5-10% slopes pre-mining. 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 and as a potential building/equipment storage site. 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 as a 1-2% slope on pit bottom to the southwest. A gentle swale at the toe of the 3H:1V sideslopes will transport water from the upland pasture to the sediment pond in the southwest corner of the Extraction Site. The potential building/equipment storage site will be leveled and covered with a gravel surface.

Applicant will follow stormwater management best practices published by state and local authorities. The Applicant anticipates that any stormwater will collect at the bottom of the extraction pit and will be absorbed into the soil. Site grading will be developed so that concentrated drainage that could result in scour does not occur.

(c) Revegetation Measures to Reclaim the Site

Applicant has consulted with Tony Waldron, former supervisor of the DRMS Minerals Program regarding recommendations and specifications for reseeding disturbed ground.

(i) Any topsoil previously removed will be replaced as plant growth medium. Applicant expects 12-20 inches of topsoil will be removed, as practicable. All topsoil will be evenly distributed over the areas from which it was removed in thicknesses equal to the original topsoil depths found at the site. Prior to removing topsoil, Applicant shall sample and analyze available soils sufficiently to establish quantity and quality in order to ensure consistency during reclamation.

(ii) The site will be seeded upon completion of the permitted mining activities. The seedbed will be prepared to eliminate compacted conditions by disking 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. Soil amendments will only be utilized if testing indicates deficiencies but it is anticipated that none will be necessary given the short amount of time the topsoil will be stored. If deemed necessary based upon soil tests, the type, application rate, and soil incorporation

methods of fertilizer application shall be as recommended by the CSU Soil Testing Laboratory.

(iii) Trees are not present on the site. The following seed mixture will be used during reclamation:

Kind	% Mix	PLS Lbs / Acre
Mountain Brome grass	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

(iv) As the rate specified in the table above applies to drill seeding, Applicant will double the rate should the broadcast seeding method be used. As the site is not irrigated, reseeding will occur between October 15 to April 15 (e.g., dormant seeding). Applicant will follow general recommendations with regard to reseeding native grasses. If the seedbed has not been adequately roughened prior to seeding, the seed shall be raked or harrowed after broadcast application (if applicable).

(v) If needed, Applicant will use straw mulch to ensure weed control. Applicant will employ the disc crimping method. Mulch shall be applied at a rate of 2 tons per acre.

(vi) As trees and shrubs are not present on the site, no planting of any trees or shrubs need occur during reclamation.

(vii) 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. As necessary, the Applicant will consult with the Routt County Weed Program Supervisor regarding weed control recommendations. Applicant will spray and control noxious weeds throughout the year 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.

(d) Remaining Structures:

As discussed in Exhibit A, the site contains the Existing Access Road, which connects to Routt County Road 129. The landowner owns the Existing Access Road, which is necessary for landowner to access the subject property. The landowner has been using, and will continue to use, the Existing Access Road for landowner's private use. The landowner may investigate

converting the sediment pond into a livestock pond at the conclusion of mining but no other features are anticipated at this time.

(e) Other:

All features of the reclamation plan have been previously addressed.

(2) Reclamation Cost Estimates:

The site will have reached a point of maximum disturbance when rock material to be mined is depleted. The following tasks, including unit and total costs, may be necessary to accomplish reclamation.

Reclamation Task and Quantity	Unit Cost	Total Cost
Grading¹		
Finish Grading (Rough grading will occur during mining as excavation will proceed at 3H:1V slopes, therefore, only a small amount of finish grading will remain at the conclusion of mining)	\$200/acre @ 10 acres	\$2,000.00
Topsoil Replacement -21,425 cubic yards-(20 inches/acre) (2 acres will not be topsoiled in preparation for building site; 4 acres are slopes; 4 acres are pit floor, 2 of which will be replaced using a dozer and 2 will be loader and truck)		
16,069 cu yds (Push downslope and across bottom of pit not to exceed 300 feet)	\$1.00/yd	\$16,069.00
5,356 cu yds (Haul and place using front end loader and truck)	\$2.00/yd	\$10,712.00
Topsoil Preparation for Seedbed		
Disc/Harrow 8 acres	\$50.00/ac	\$400.00
Seeding		
Seed Cost \$10.00/lb @ 20 lbs/acre	\$200.00/ac	\$1,600.00
Drill Seeding-\$50.00/acre @ 8 acres	\$50.00/ac	\$400.00
%25 Failure rate replacement seeding	\$500.00	\$500.00
Total Direct Costs		\$31,681.00
DRMS Indirect Cost	23.5% of Direct Cost	\$7,445.00
Total Financial Warranty		\$39,126.00

Attachments:

Exhibit D-1: Phase 1 Reclamation Plan Map

Exhibit D-2: Phase 2 Reclamation Plan Map

¹ 3H:1V slopes will be maintained around pit perimeter during mining and pit floor will be graded as extraction occurs, therefore only finish grading is included in grading cost.

Sanders Gravel Pit

Exhibit D-1: Phase 1 Reclamation Plan Map*

*All distances approximate.

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

Not Current Proposal

Extraction Site (full extent, inclusive of Phase 1) (red line) (see Mining Maps for dimensions)

Upper Pit

Boundary of Phase 1 (pink line)

Potential Building/Equipment Storage Site

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 Upper Pit will be regraded, topsoiled, and revegetated.
- The Phase 1 Pit Floor will slope 1-2% to swale at toe of 3:1 slope.

870' (Phase 1)

350'

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

526'

170' (Phase 1)




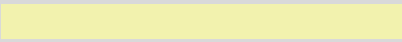
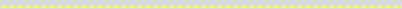





3:1 slopes
~150' horizontal width;
175'-200' slope length from highwall to toe

Swale at toe of slope

Sediment pond



Phase 1 Reclamation Plan Map Legend:

	Boundary of Subject Property on west and south sides of Extraction Site
	Boundary of Proposed Extraction Site
	Phase 1 Boundary
	3:1 sideslopes
	175' slope length from highwall to toe of 3:1 sideslopes
	200' slope length from highwall to toe of 3:1 sideslopes
	Swale at toe of 3:1 sideslopes
	Upper pit
	Potential Building/Equipment Storage Site
	Sediment pond

Sanders Gravel Pit Exhibit D-2: Phase 2 Reclamation Plan Map*

*All distances approximate.

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

Not Current Proposal

3:1 slopes
~150' horizontal width; 175'-200' slope length from highwall to toe

Upper Pit

Potential Building/Equipment Storage Site

Swale at toe of slope

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

Sloping to SW at 2% grade

Reclamation of Phase 2:
-3H:1V slopes will be topsoiled and revegetated.
-The gentle swale at toe of 3:1 slope will transport drainage from pasture to Sediment Pond in SW corner of reclaimed Extraction Site.
-The Upper Pit will be regraded, topsoiled, and revegetated. Upper Pit floor will slope to SW at 2% grade.
-The Potential Building/Equipment Storage Site will be leveled and covered with gravel surface.

Sediment pond

Extraction Site (full extent, inclusive of Phase 1) (red line)



Phase 2 Reclamation Plan Map Legend:


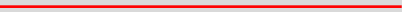
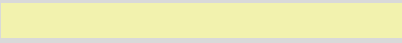
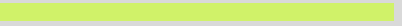



	Boundary of Subject Property on west and south sides of Extraction Site
	Boundary of Proposed Extraction Site
	3:1 sideslopes
	Swale at toe of 3:1 sideslopes
	Upper pit
	Potential Building/Equipment Storage Site
	Sediment pond

EXHIBIT E
Rule 6.3.5
Maps

Maps included with this application are attached to other Exhibits to this Application as follows:

- Exhibit A-1: Sanders Subject Property Location Map
- Exhibit A-2: Sanders Gravel Pit Location Map
- Exhibit A-3: Sanders Gravel Pit Location Map (USGS Topo Map)
- Exhibit A-4: Adjacent Landowners Map
- Exhibit B-1: Land Cover Map (MRLC 2019 CONUS)
- Exhibit B-2: Soil Resources Report and Map
- Exhibit B-3: Water Resources Map (Aerial)
- Exhibit B-4: Water Resources Map (Topo)
- Exhibit C-1 – Mining Plan Phase 1 Map
- Exhibit C-2 – Mining Plan Phase 2 Map
- Exhibit D-1 – Reclamation Plan Phase 1 Map
- Exhibit D-2 – Reclamation Plan Phase 2 Map

EXHIBIT F
Rule 6.3.6
List of Other Permits and Licenses Required

The County is seeking a Routt County Special Use Permit and Grading/Extraction Permit for the Extraction Site concurrently herewith. As the Applicant intends to mine less than 70,000 tons per year of product material, an air quality permit will not be required. The Applicant will file a Mining Operations APEN prior to starting construction. All stormwater will drain into the extraction pit and will be absorbed into the ground within 72 hours. As there will be no discharge of stormwater into surface waters, no stormwater permit is required. No other state permits are required.

EXHIBIT G
Rule 6.3.7
Source of Legal Right-to-Enter

Pursuant to the Special Warranty Deed attached hereto as Exhibit G-1, Tara Sanders, the Applicant, is the Trustee of the Tara Sanders Sole Proprietor 401(k) PSP, the owner of the subject property. Furthermore, pursuant to Addendum 3 (Statement of Authority), Addendum 5 (Letter Granting Legal Right to Enter), and Exhibit A-5 (Easement for Existing Access Road), the Applicant has been granted the right of ingress and egress to the subject property for the purpose of the permitted gravel mining activities.

Attachments:

Exhibit G-1 – Special Warranty Deed

SPECIAL WARRANTY DEED

THIS DEED, made this 17th day of June, 2020, between

LAWRENCE M. BELTON AND CHRISTY S. BELTON

whose address is P.O. Box 773025, Steamboat Springs, CO 80477, GRANTOR(S), and

TARA SANDERS SOLE PROPRIETOR 401(K) PSP

whose address is P.O. Box 771932, Steamboat Springs, CO 80477, GRANTEE(S):

WITNESS, that the grantor(s), for and in consideration of the sum of Eight Hundred Fifty Thousand and 00/100 Dollars (\$850,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee(s), grantee's heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Routt and State of Colorado, described as follows:

FOR LEGAL DESCRIPTION

SEE EXHIBIT "A" ATTACHED HERETO AND FORMING A PART HEREOF

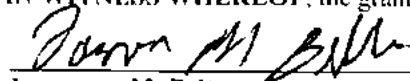
also known by street and number as: **26650 Wheeler Creek Lane, Steamboat Springs, CO 80487**

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appurtenant, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances:

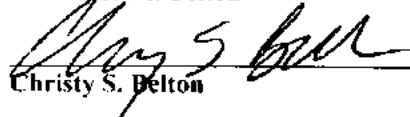
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, grantee's heirs and assigns forever. The grantor(s), for the grantor, grantor's heirs, and personal representatives or successors, does covenant and agree that grantor shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee, grantee's heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under the grantor, except for general taxes for the current and subsequent years, and except easements, covenants, conditions, restrictions, reservations, and rights of way of record, if any: subject to Statutory Exceptions as defined in C.R.S. §38-30-113, Revised.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.



Lawrence M. Belton



Christy S. Belton

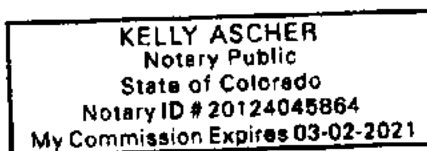
STATE OF: Colorado

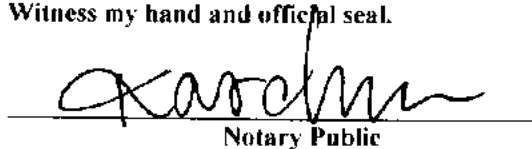
COUNTY OF: Routt

The foregoing instrument was subscribed, sworn to, and acknowledged before me this 17th day of June, 2020 by Lawrence M. Belton and Christy S. Belton.

My Commission expires:

Witness my hand and official seal.




Notary Public

Return: Grantee

EXHIBIT "A"

Attached to and forming a part of
SPECIAL WARRANTY DEED
between

GRANTOR: **LAWRENCE M. BELTON AND CHRISTY S. BELTON**

GRANTEE: **TARA SANDERS SOLE PROPRIETOR 401(K) PSP**

LEGAL DESCRIPTION

PARCEL I:

35.01 ACRES & IMPROVEMENTS

Legal Description of the Parcel of land located in portions of Lots 10 & 11, Tracts 105 and 106, Sections 28, & 33, Township 8 North, Range 85 West, of the 6TH PM, Routt County, Colorado, and more particularly described as follows,
Beginning Angle Point Number 5 of Tract 87,
thence South 03 ° 55' 22" West a distance of 1296.32 feet to
Angle point 2 Tract 106;
thence South 02 ° 28' 31" West a distance of 1045.96 feet to the True Point of Beginning,
thence along a curve to the left having a radius of 255.00 feet
108.11 feet along said curve along said, curve having a chord direction of South 51 ° 00' 11" West and a chord length of 107.30 feet;
thence South 38 ° 51' 27" West a distance of 72.87 feet;
thence along a curve to the right having a radius of 195.00 feet
91.99 feet along said curve along said curve having a chord direction of South 52 ° 22' 17" West and a chord length of 91.14 feet;
thence South 65 ° 53' 08" West a distance of 208.70 feet;
thence along a curve to the left having a radius of 255.00 feet
154.62 feet along said curve along said curve having a chord direction of South 48 ° 30' 53" West and a chord length of 152.26 feet;
thence South 31 ° 08' 38" West a distance of 96.49 feet;
thence along a curve to the left having a radius of 180.00 feet
47.04 feet along said curve along said curve having a chord direction of South 23 ° 39' 26" West and a chord length of 46.91 feet;
thence South 16 ° 10' 14" West a distance of 130.12 feet;
thence along a curve to the right having a radius of 120.00 feet
70.07 feet along said curve along said curve having a chord direction of South 32 ° 53' 57" West and a chord length of 69.08 feet;
thence South 68 ° 20' 23" East a distance of 232.01 feet;
thence South 89 ° 14' 24" East a distance of 892.01 feet;
thence North 09 ° 27' 11" East a distance of 92.69 feet;
thence North 09 ° 27' 11" East a distance of 148.68 feet;
thence North 11 ° 16' 04" East a distance of 119.70 feet;
thence North 14 ° 28' 41" East a distance of 53.26 feet;
thence North 16 ° 54' 12" East a distance of 72.40 feet;
thence South 88 ° 26' 58" East a distance of 354.79 feet;
thence South 88 ° 26' 58" East a distance of 95.13 feet;



SPECIAL WARRANTY DEED -

0501942
June 17, 2020
11:23 AM

thence North $00^{\circ}00'00''$ West a distance of 1539.13 feet;
 thence North $89^{\circ}22'59''$ West a distance of 465.73 feet;
 thence South $38^{\circ}34'32''$ East a distance of 6.56 feet;
 thence along a curve to the right having a radius of 13633 feet
 100.22 feet along said curve along said curve having a chord direction of
 South $16^{\circ}26'21''$ East and a chord length of 97.98 feet;
 thence South $05^{\circ}41'56''$ West a distance of 102.16 feet;
 thence South $05^{\circ}41'56''$ West a distance of 47.85 feet;
 thence South $03^{\circ}11'20''$ West a distance of 397.82 feet;
 thence along a curve to the right having a radius of 175.00 feet
 71.54 feet along said curve along said curve having a chord direction of
 South $14^{\circ}54'06''$ West and a chord length of 71.04 feet;
 thence South $26^{\circ}36'46''$ West a distance of 158.31 feet;
 thence along a curve to the right having a radius of 175.00 feet
 42.48 feet along said curve along said curve having a
 chord direction of South $33^{\circ}34'04''$ West and a chord length of 4/38 feet;
 thence South $40^{\circ}31'18''$ West a distance of 35838 feet;
 thence along a curve to the right having a radius of 147.03 feet
 61.84 feet along said curve along said curve having a chord direction of
 South $52^{\circ}19'41''$ West and a chord length of 6138 feet;
 thence South $64^{\circ}08'05''$ West a distance of 138.26 feet;
 thence along a curve to the left having a radius of 225.00 feet
 21.11 feet along said curve along said curve having a chord direction of
 South $61^{\circ}26'46''$ West and a chord length of 21.10 feet;
 thence North $02^{\circ}28'31''$ East a distance of 35.17 feet, to the True.
 Point of Beginning, containing 35.01 acres more or less.

BEARINGS ARE BASED UPON THE LINE BETWEEN
 AP 1 TR 109 GLO BRASS CAP AND AP 6 TR 106 A GLO BRASS CAP AS
 BEING $588^{\circ}55'43''$ E ASSUMED BASED UPON A RTK GPS SURVEY

COUNTY OF ROUTT
 STATE OF COLORADO

County of Routt, State of Colorado.

also known by street and number as: 26650 Wheeler Creek Lane, Steamboat Springs, CO 80487



SPECIAL WARRANTY DEED - PHOTOGRAPHIC
RECORD

0501942
 June 17, 2020
 11:23 AM

EXHIBIT H
Rule 6.3.8
Municipalities Within a Two-mile Radius

There are no municipalities within a two-mile radius of the proposed permit area.

Attachments:

- No attachments.

EXHIBIT I
Rule 6.3.9
Proof of Filing with County Clerk

This Application was provided to the Clerk and Recorder of Routt County, Colorado for public inspection on October 21, 2021. Proof of this delivery is attached hereto as Exhibit I-1.

Attachments:

- Exhibit I-1 – Proof of Filing from Routt County Clerk and Recorder

OCT 21 2021
RECEIVED

EXHIBIT I-1
Proof of Filing with the Clerk and Recorder of Weld County, Colorado

RECEIPT:

I, Sarah Sullivan (print name), as Deputy Clerk (title) for the Office of the Clerk and Recorder of Routt County, Colorado, hereby acknowledge receipt via hand-delivery of the Application of Tara Sanders for a Construction Materials Limited Impact (110) Reclamation permit, on October 21, 2021.

OFFICE OF THE CLERK AND RECORDER OF ROUTT COUNTY, COLORADO

By Kim Bonner By Bullen
Deputy




EXHIBIT J
Rule 6.3.10
Proof of Delivery of Notices of Permit Application
to Board of County Commissioners and Conservation District

A copy of the Notice required by Rule 1.6.2(1)(a), along with a copy of this Application, was hand-delivered to the Board of County Commissioners of Routt County, Colorado on October 21, 2021. Proof of delivery is attached hereto as Exhibit J-1.

A copy of the Notice required by Rule 1.6.2(1)(a), along with a copy of this Application, was hand-delivered to the Board of Supervisors of the local conservation district, Routt County Conservation District, Routt County, Colorado on October 26, 2021. Proof of such delivery is attached hereto as Exhibit J-2.

Attachments:

- Exhibit J-1 – Proof of Delivery to Board of County Commissioners of Routt County, Colorado.
- Exhibit J-2 – Proof of Delivery to the Board of Supervisors of the Local Conservation District, Routt County Conservation District, Routt County, Colorado.

EXHIBIT J-1
Proof of Delivery to Board of County Commissioners of Routt County, Colorado

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS
ROUTT COUNTY

Tara Sanders (the "Applicant/Operator"), has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Routt County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to rangeland/pastureland use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

RECEIPT:

I, Tim Corrigan (print name), as Chair (title) for the Board of County Commissioners of Routt County, Colorado, hereby acknowledge receipt via hand-delivery of the above Notice and the related Application of Tara Sanders for a Construction Materials Limited Impact (110) Reclamation permit, on October 21, 2021.

BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY, COLORADO

By: _____

EXHIBIT J-2

Proof of Delivery to the Board of Supervisors of the Routt County Conservation District

**NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION**

**NOTICE TO THE BOARD OF SUPERVISORS
OF THE LOCAL CONSERVATION DISTRICT
ROUTT COUNTY CONSERVATION DISTRICT**

Tara Sanders (the "Applicant/Operator"), has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Routt County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to rangeland/pastureland use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

RECEIPT:

I, Nadine Arroyo (print name), as Board Supr (title) for the Board of Supervisors of the Routt County Conservation District, hereby acknowledge receipt via hand-delivery of the above Notice and the related Application of Tara Sanders for a Construction Materials Limited Impact (110) Reclamation permit, on October 26, 2021.

BOARD OF SUPERVISORS of the ROUTT COUNTY CONSERVATION DISTRICT

By: Nadine Arroyo

EXHIBIT L
Rule 6.3.12
Permanent Man-Made Structures

There are two permanent man-made structures within two hundred (200) feet of the affected area, which are the Existing Access Road and livestock fences. As both the Existing Access Road and the livestock fences are owned by the Applicant/Owner of the Subject Property, no Structure Agreement is necessary.

Attachments:

- None.

SANDERS GRAVEL PIT

LEVEL 2 TRAFFIC IMPACT STUDY

Project Location: 26650 Wheeler Creek Ln
Routt County, CO

Prepared By: APEX Consulting Engineers, LLC
1000 N 9th Street, Suite 44
Grand Junction, CO 81501

Report Date: March 1, 2022

Revised Date: April 28, 2022



APEX
CONSULTING ENGINEERS
CIVIL ENGINEERS • MANAGEMENT • DEVELOPMENT



Sanders Gravel Pit, Routt County, CO
Traffic Impact Study

Contents

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Appendix

- A. Gravel Pit & Mining Questionnaire
- B. Intersection Turning Movement Count Traffic Summaries
- C. Trip Generation

1. Introduction

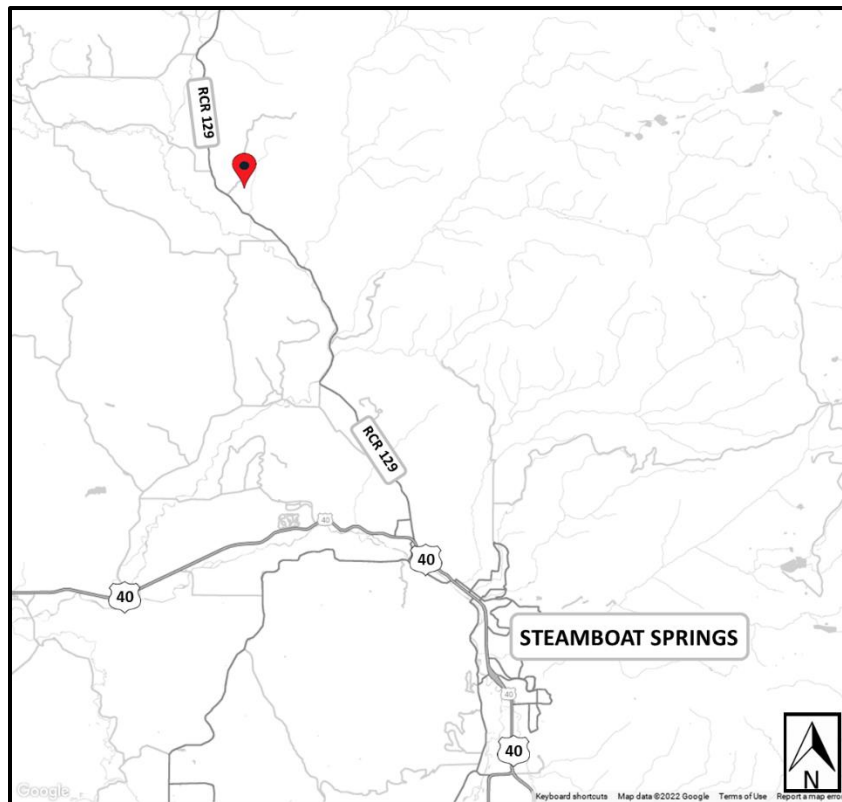
APEX Consulting Engineers, LLC prepared this Traffic Impact Study (Study) for the proposed Sanders Gravel Pit (Project), located at 26650 Wheeler Lane, Routt County, CO, accessing County Road 129 from an existing access west of US Forest Service Trail 1180. The following sections describe the Project, traffic volumes, auxiliary turn lane assessments, access spacing, and sight distance evaluation for this intersection.

2. Project Location and Description

As shown in Figure 1, the proposed Project will be located north of Steamboat Springs, along Routt County Road 129. The Project will include a small gravel pit which will operate year-round with seasonal fluctuations to their production rate. The production rate is expected to be lowest from November to March. The site is expected to produce approximately 67,000 tons per year from 2022 to 2033.

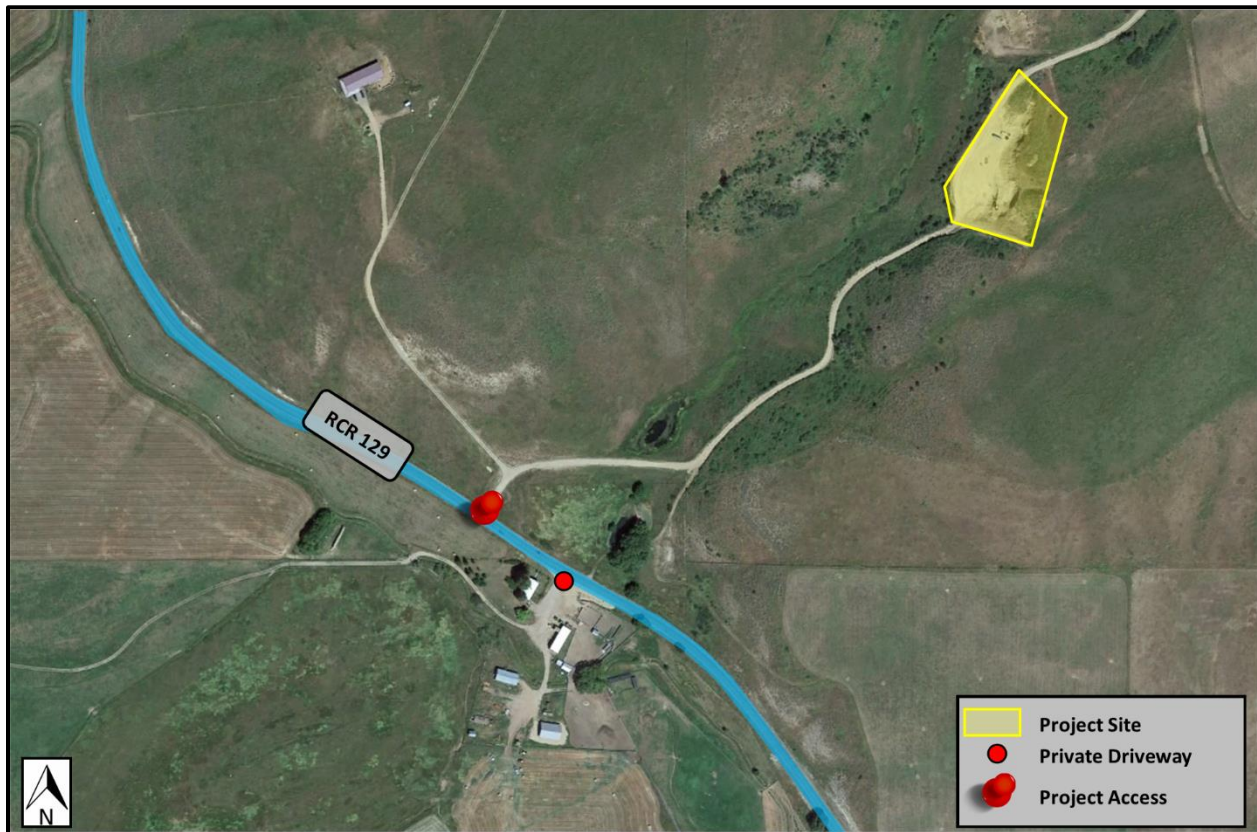
The site is expected to go through two production phases before closure. The first phase is from 2022 through 2027 while the second phase is from 2028 to 2033. Although the production of the gravel pit will likely decrease during phase two, this report will assume the production stays constant for both phases. A detailed Gravel Pit & Mining Production Questionnaire, completed by the operator, is attached in Appendix A.

Figure 1 - Site Location Map



The existing Project extents and site access location and adjacent private driveways are shown in Figure 2.

Figure 2 – Project Site Access Locations and Adjacent Access Points



3. Trip Generation & Distribution

3.1 Trip Generation

The ITE Trip Generation Manual does not include a land use code and trip data for gravel pit operations. Project trips were estimated from the Gravel Pit & Mining Production Questionnaire provided by the operator. The Project is expected to have two production periods throughout the year. Trip Generation is broken into low production and high production to accurately model the Project as trip distribution is expected to differ from high and low production.

Traffic engineering standards require conversion from trucks to passenger car equivalents (PCE). The following table shows the Project peak hour traffic volume calculation for the final Project phase.

Project Traffic Volume Calculations are summarized in Tables 1, 2 and 3 as passenger car equivalent vehicles per hour (PCE-VPH). Complete calculations are provided in Appendix C. The traffic volumes in the table represent the estimated number of passenger car equivalents per hour of operation. Note that all staff will arrive within the same hour and not staggered throughout the day. Additionally, the number of trips per hour calculation, rounds up to the next integer to be conservative in the peak hour calculations. Additional trips to the site for maintenance, deliveries, fueling, etc. are assumed to occur outside of the peak hour and are not considered in the peak hour trip generation for the Project.

Table 1 – Low Production Project Peak Hour Traffic Volumes (PCE-VPH)

Traffic Type	Period	AM	PM	ADT
Staff	Entry	1	0	1
	Exit	0	1	1
Small Trucks	Entry	-	-	1
	Exit	-	-	1
Medium Trucks	Entry	0	0	0
	Exit	0	0	0
TOTAL		1	1	4



Table 2 – Average Production Project Peak Hour Traffic Volumes (PCE-VPH)

Traffic Type	Period	AM	PM	ADT
Staff	Entry	0	0	4
	Exit	0	4	4
Small Trucks	Entry	-	-	1
	Exit	-	-	1
Medium Trucks	Entry	2	2	14
	Exit	2	2	14
TOTAL		4	8	38

Table 3 – High Production Project Peak Hour Traffic Volumes (PCE-VPH)

Traffic Type	Period	AM	PM	ADT
Staff	Entry	0	0	4
	Exit	0	4	4
Small Trucks	Entry	-	-	2
	Exit	-	-	2
Medium Trucks	Entry	4	4	40
	Exit	4	4	40
TOTAL		8	12	92

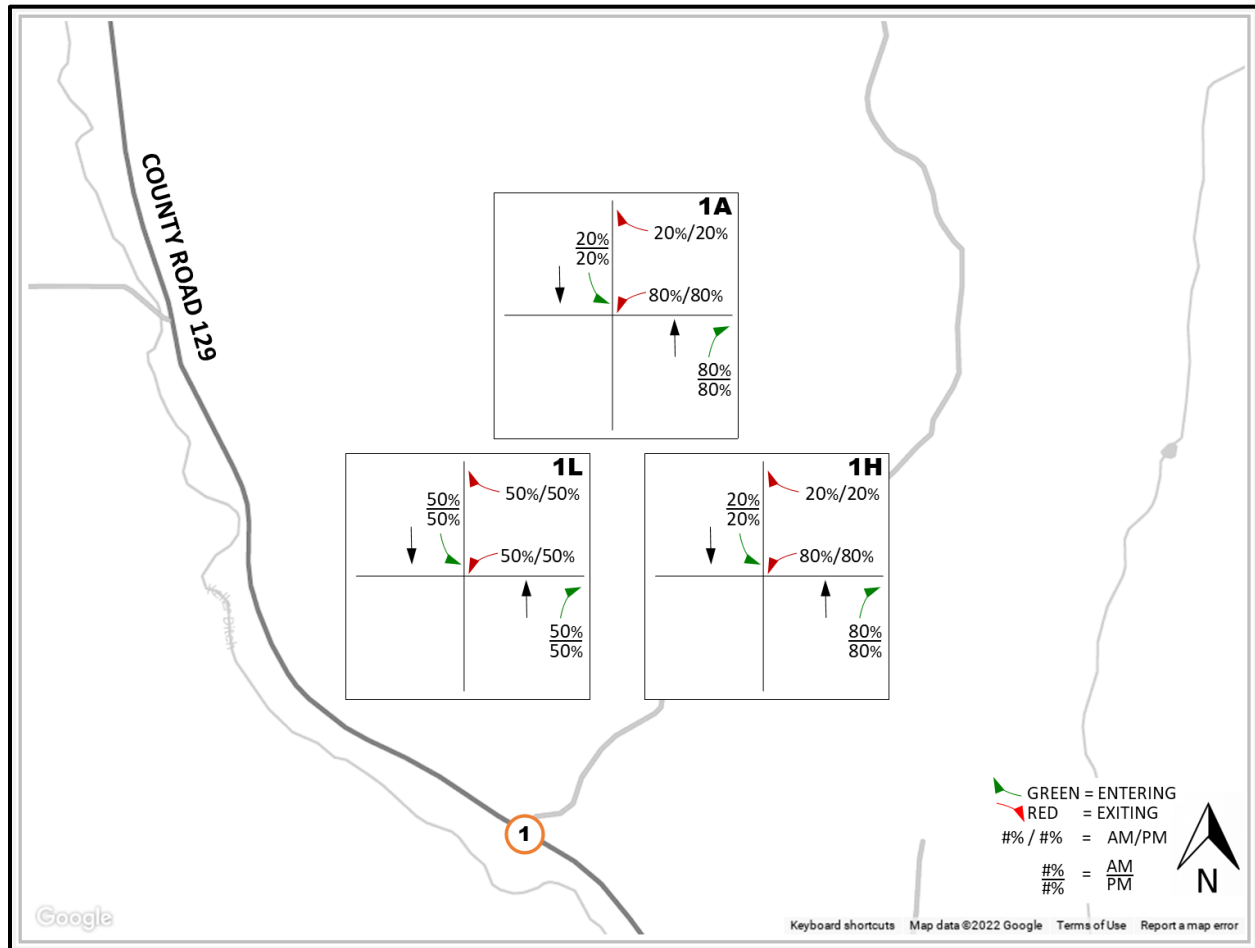
4. Trip Distribution & Assignment

4.1 Determination of Trip Distribution

The Project site had been operating as a gravel pit for a short period of time. Project trip distribution for the gravel pit is assigned to the Project accesses from the Gravel Pit & Mining Production Questionnaire provided by the owner. The detailed Project trip distribution is shown in Figure 3. Note that the L in each figure represents the low production conditions, the A represents average production, and the H represents high production conditions.



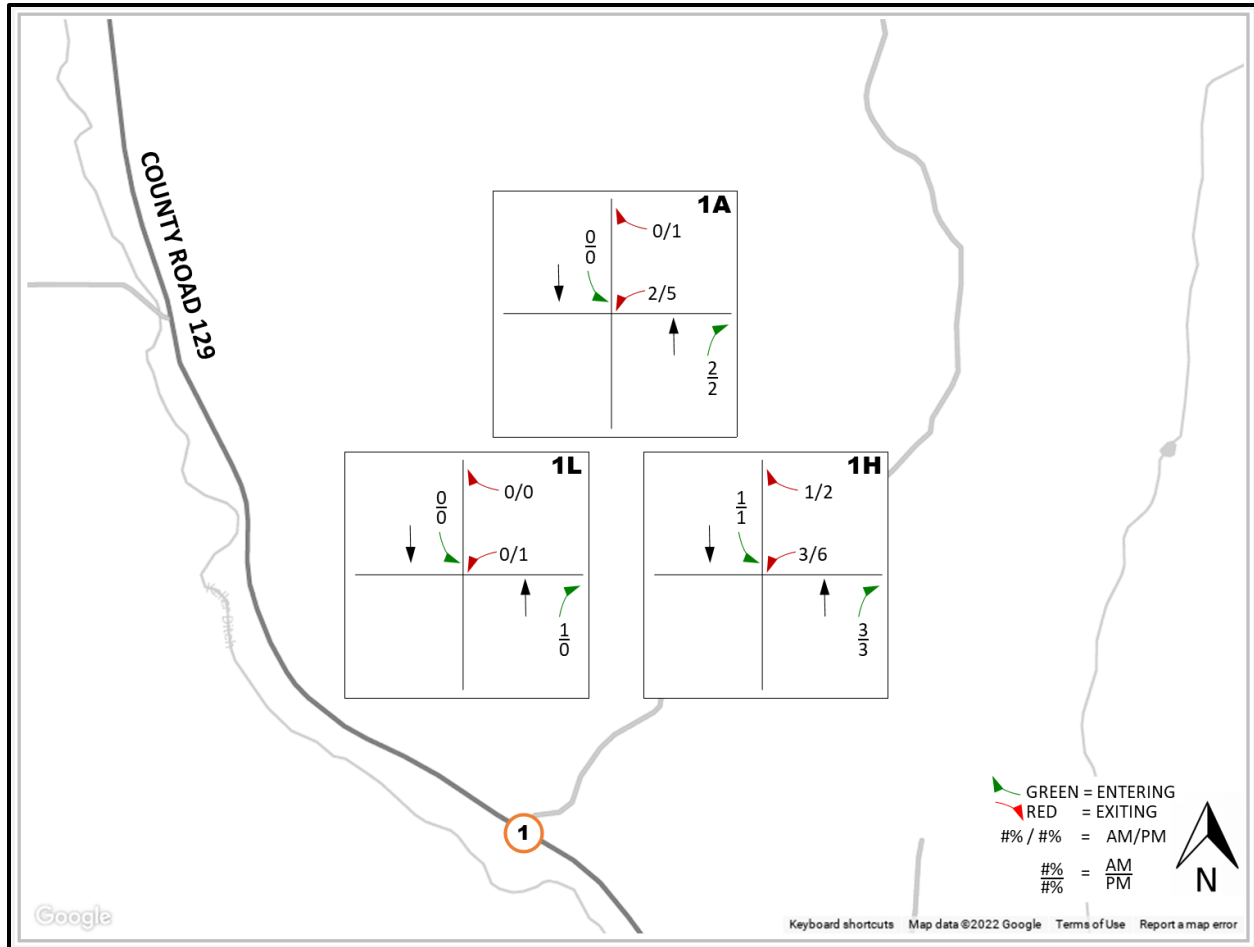
Figure 3 – Project Trip Distribution



4.2 Assignment of Project Traffic

Project traffic determined from the trip generation calculation is assigned to the existing traffic network using the distributions from Figure 3. The resulting Project trip assignment is shown in Figure 4.

Figure 4 – Project Peak Hour Trip Assignment (PCE VPH)



5. Existing & Future Traffic Volumes

Peak hour intersection turning movement counts were conducted at Routt County Road 129 & Project Access on October 26, 2021.

Peak seasonal adjustment of 1.41 was used for existing through volumes for the average and high productivity period on Routt County Road 129 to account for the traffic counts being completed in October. The low productivity period will not use a seasonal adjustment factor.

Table 4 shows the monthly peak seasonal adjustments using a similar roadway with a CDOT continuous counting station.



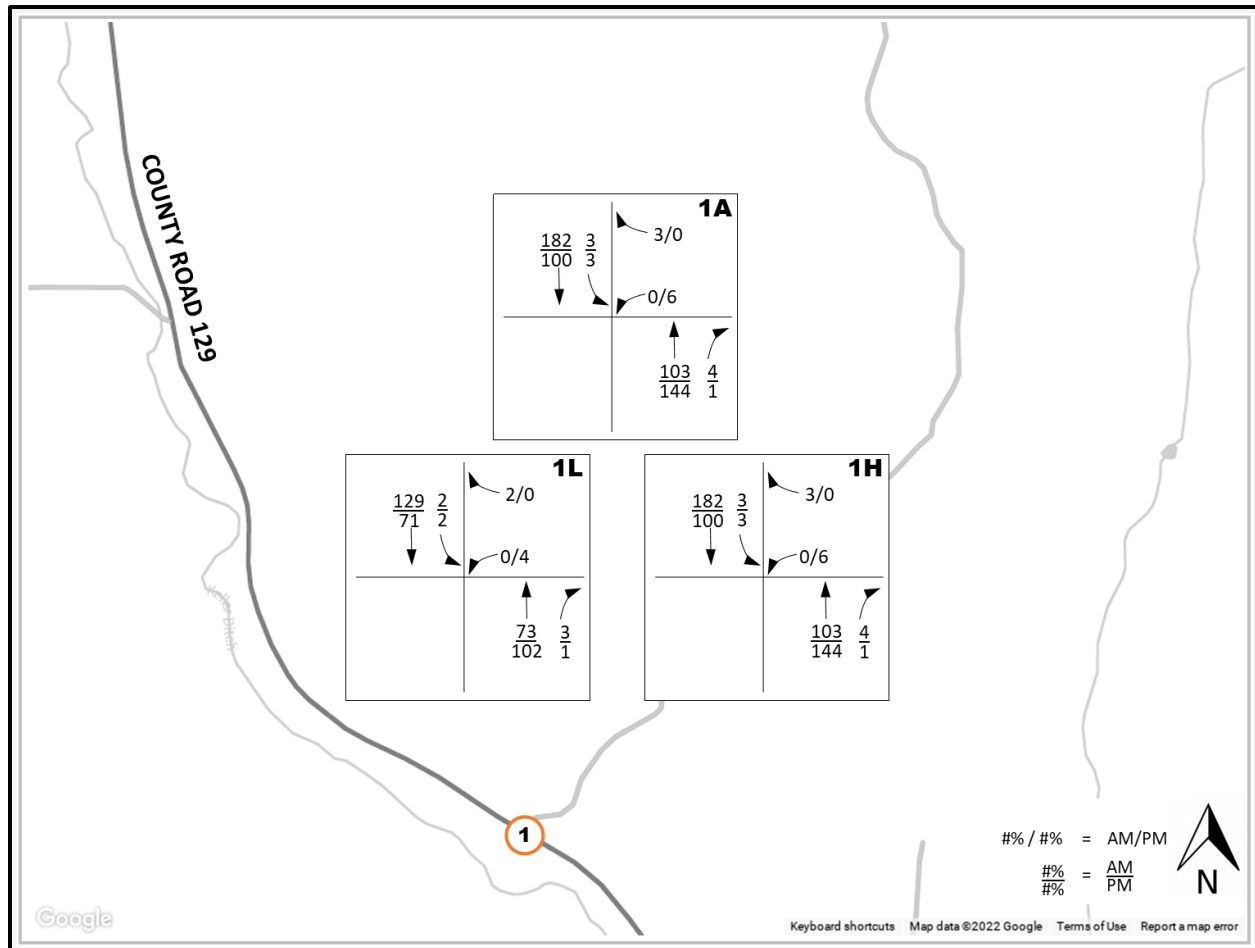
Table 4 – Peak Season Adjustment Factors by Month

Seasonal Adjustments													
CDOT Count Station ID 15: SH 040A Traffic Data - South of Steamboat Springs													
STATION ID	CAL YR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
209	2022	8680											
209	2021	8443	8597	9089	7860	9578	12318	14291	11914	11917	9499	8413	8135
209	2020	8857	8695	6700	4600	7169	10503	12590	13276	11639	9694	7485	7795
209	2019	8812	9299	8753	7009	8129	10730	12616	11968	11242	8719	7819	8459
209	2018	8575	9001	9015	7557	7850	9745	11587	11847	10351	8610	7822	8586
209	2017	8017	8765	8710	7364	8539	11665	13180	12078	11207	9264	7887	8392
209	2016	7869	9108	8460	6141	8311	11309	12262	10855	9629	7910	7798	7789
209	2015	7550	8014	8289	7097	7649					8561	6975	7153
209	2014	7111	7438	7711	6345	7642	10334	11791	10689	9498	7942	6573	7342
209	2013	6871	7516	7530	6086	7470	9974	11357	10760	9185	7615	6772	7186
209	2012	6781	6915	7374	6460	7610	9132	8425	9558	9117	7539	6714	6362
209	2011	6756	6827	7196	5848	6706	9242	10800	10456	9277	7561	6365	6987
209	2010	7113	7043	7803	6244	7075	9255	11036	10276	9043	7542	6390	6934
209	2009	7671	7760	7801	6806	7966	10070	11558	10723	9660	7792	6726	7022
209	2008	7817	7709	8114	7001	7978	10535	11974	11263	9994	9028	7397	7738
209	2007	7509	7507	7996	6906	8758	10925	12053	11647	10265	8945	7995	7605
209	2006	7188	7538	7705	6702	8058	10710	11964	10327	9533	8254	7314	7651
209	2005	7290	7482	7506	6373	7782	10187	11770	10804	9652	8066	7009	7217
209	2004	7041	7164	7586	6625	7684	10147	11600	10503	9654	8169	7267	7731
209	2003	7134	6870	7061	6473	7730	10283	11429	10774	9412	8649	6444	7254
Average		7,654	7,855	7,916	6,605	7,878	10,392	11,794	11,095	10,015	8,387	7,219	7,544
% of highest month		65%	67%	67%	56%	67%	88%	100%	94%	85%	71%	61%	64%
Peak Season Factor		1.54	1.50	1.49	1.79	1.50	1.13	1.00	1.06	1.18	1.41	1.63	1.56

The existing peak hour traffic, adjusted for peak season, is represented in Figure 5. Count summaries are included in Appendix B.



Figure 5 – Existing Peak Hour Traffic adjusted for Peak Season
(From counts 8/26/2021)



6. Study Years Traffic Volumes

Future background traffic is determined in this section.

The study years are 2022 and 2033. Routt County Road 129 is assumed to have a similar growth pattern as Highway 40 in Steamboat Springs. The Online Transportation Information System (OTIS) was used to find ADT values for 2019 counts & 2045 projected counts which are the basis for the following road segment growth factors:

Table 5 – Road Segment Growth

Road	Segment	ADT		Period Growth Factor	Avg. Annual Growth Rate	1 - year growth factor (2021-2022)	12 - year growth factor (2021-2033)
		2020	2045				
SH 40	Both Sides	9,200	11,155	1.213	0.78	1.008	1.098



These growth factors were used to determine future peak hour background traffic volumes on Routt County Road 129.

7. Study Period Volumes

Figures 6 and 8 demonstrate the future background traffic volumes by adjusting the traffic in Figure 5 with the growth factors from Table 3. Figures 7 and 9 show total peak hour traffic which consist of future background traffic with Project traffic.

Figure 6 – Background Peak Hour Future Traffic (Year 2022)

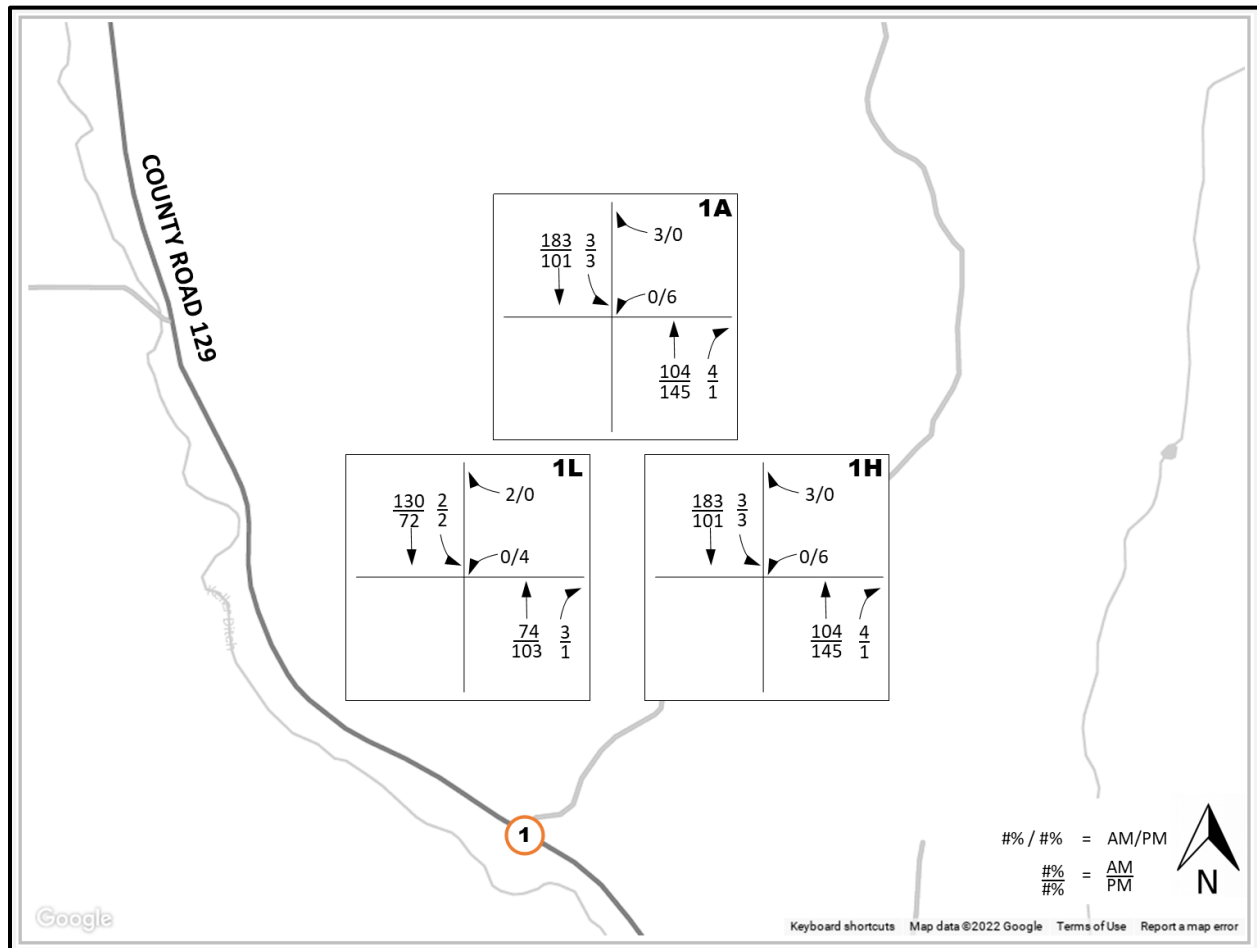
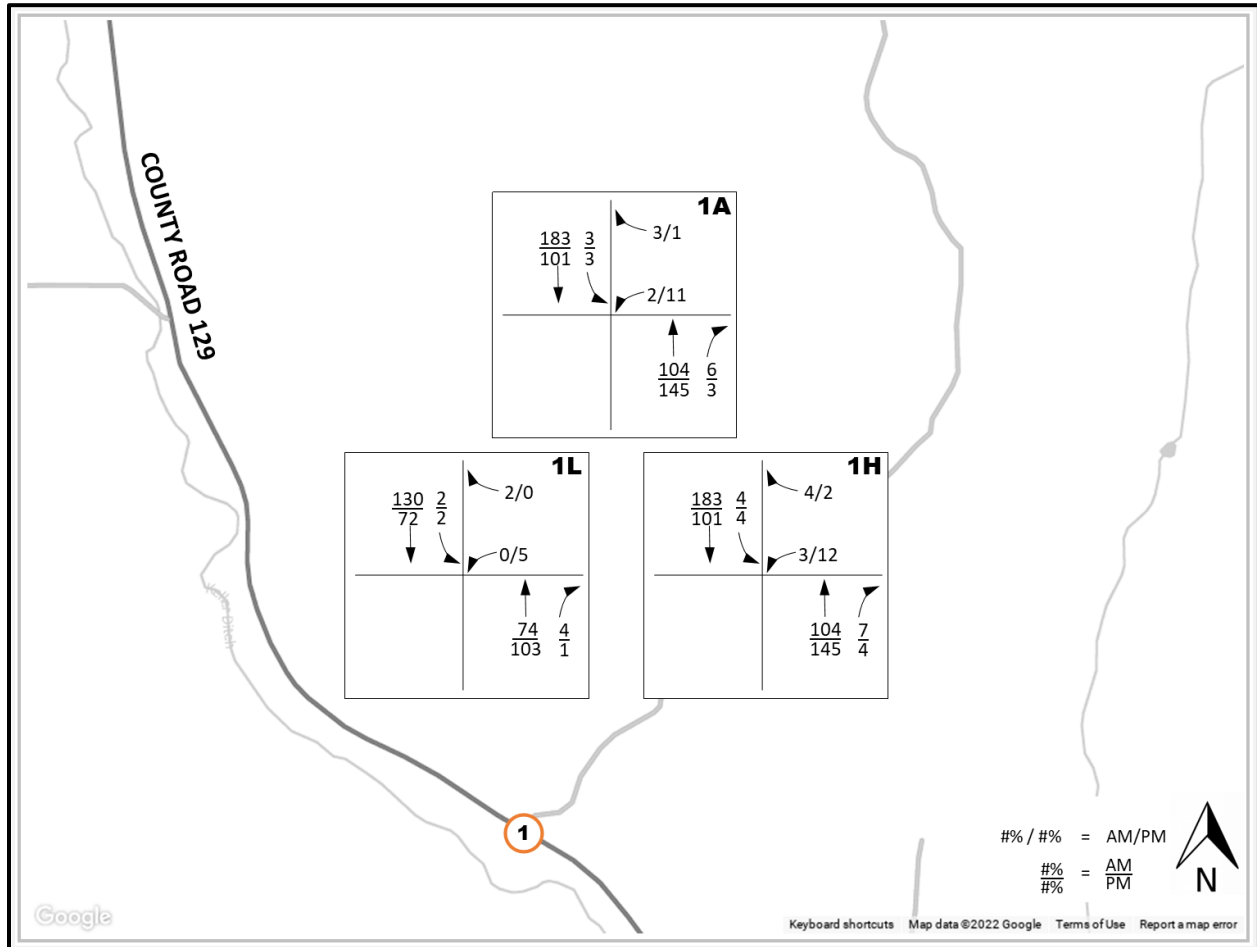


Figure 7 –Total Peak Hour Future Traffic (Year 2022 PCE VPH)



Figures 8 and 9 show the predicted traffic volumes for year 2033.

Figure 8 – Background Peak Hour Future Traffic (Year 2033)

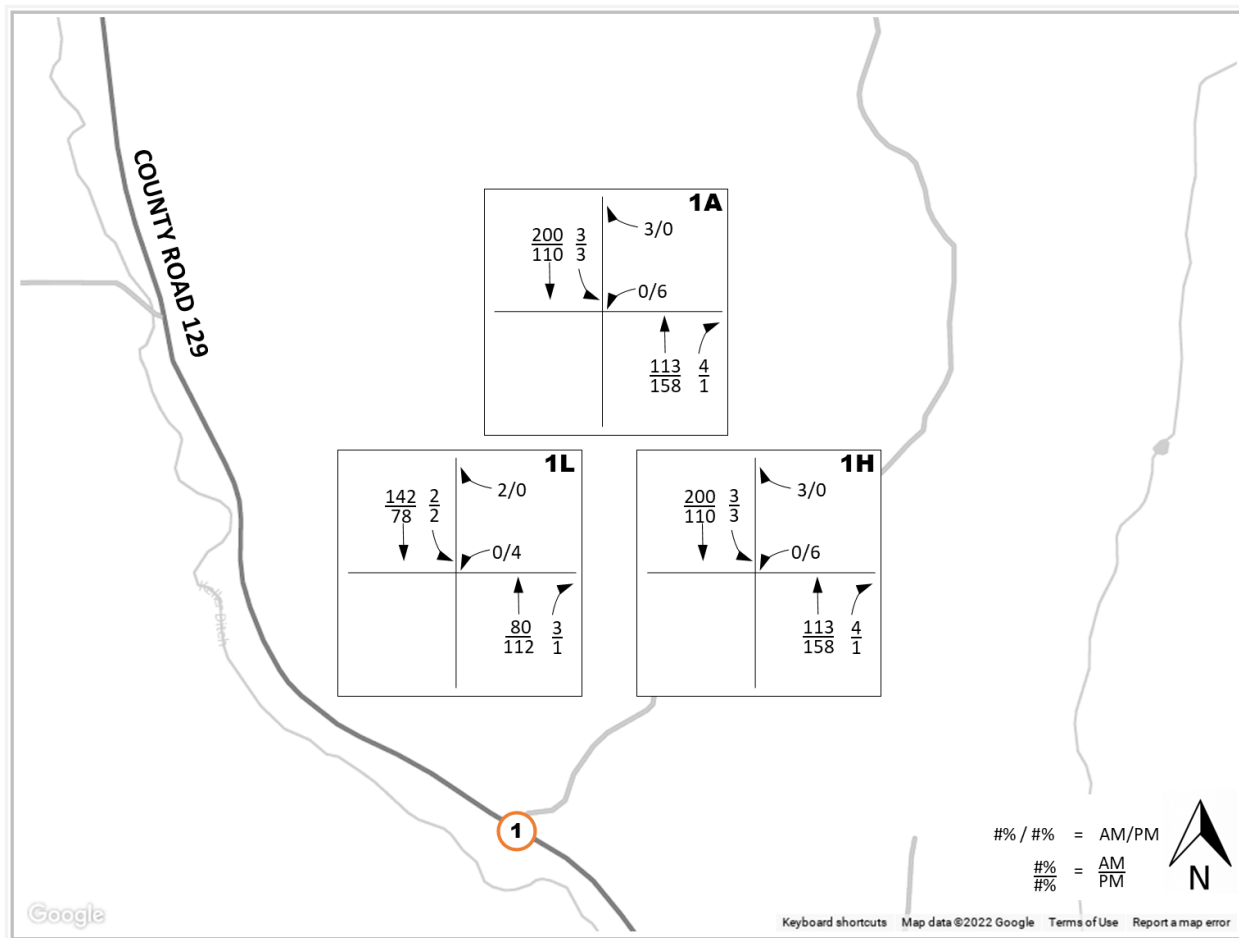
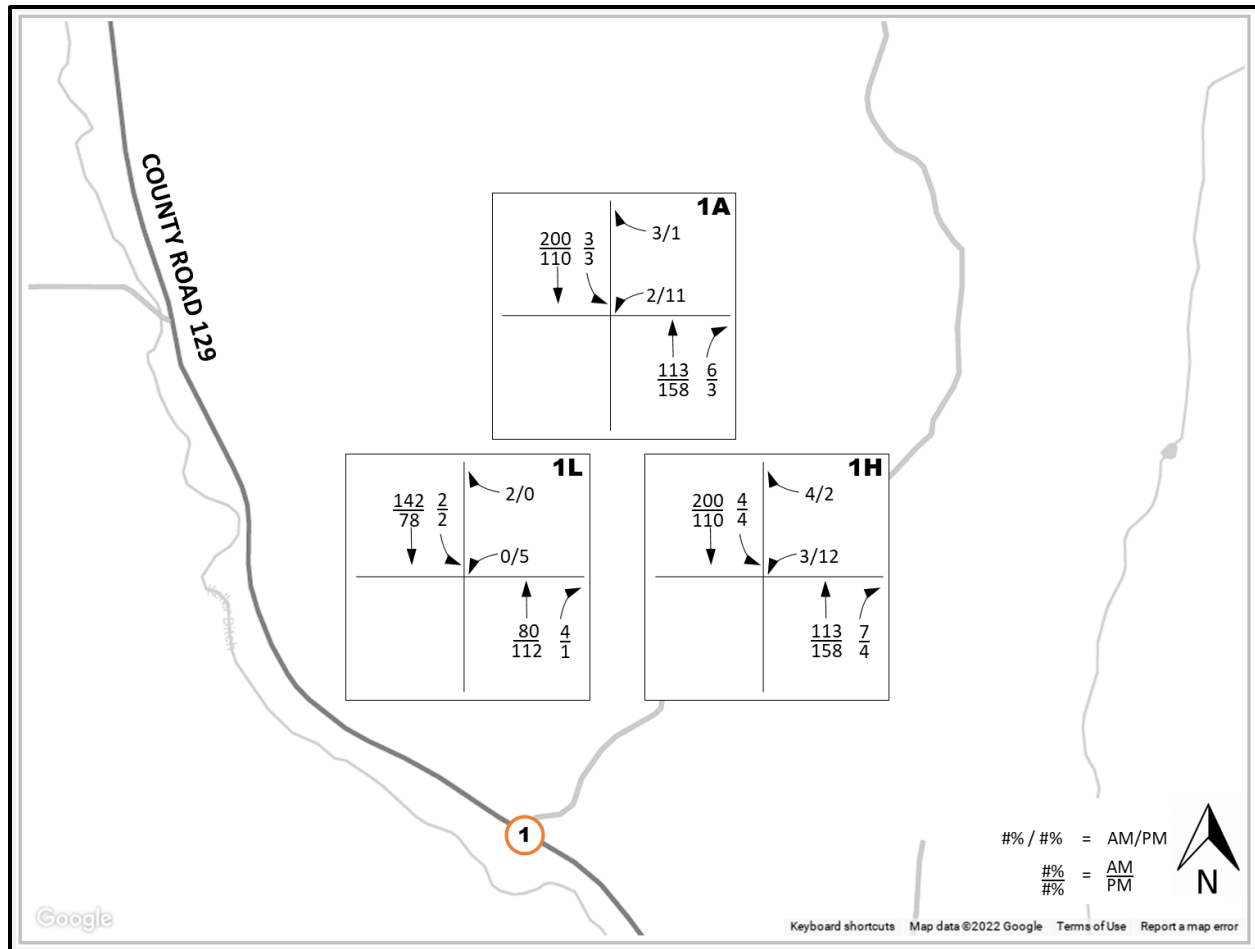


Figure 9 – Total Peak Hour Future Traffic (Year 2033 PCE VPH)



8. Auxiliary Turn Lane Evaluation

Routt County Road 129 is a north south road with milepost markings increasing from south to north and matches the CDOT classification of R-B (Rural Highway).

The need for auxiliary lanes was based on the turn lane warrants listed in the SHAC for roadways classified as R-B. The following table shows the data and criteria necessary to identify the need for exclusive right-turn and left-turn deceleration lanes at the intersections in the Study area.

Note that all turning volumes are in terms of Passenger Car Equivalents (PCE).

**Table 6 – Comparison of Turning Volumes to
Turn Lane Requirements**

Routt County Road 129 & Project Access Year 2033 Condition Speed Limit = 45 mph			
Auxiliary Lane	Turning Volume (VPH)	CDOT Auxiliary Lane Requirements	Lane Required?
SB Left Turn Deceleration Lane (inbound)	4 (PM)	Greater than 10 vph	NO
NB Right Turn Deceleration Lane (inbound)	7 (AM)	Greater than 25 vph	NO
WB Left Turn Acceleration Lane (outbound)	12 (PM)	May be req'd if benefit to safety and operations. Generally not required if speed < 45 mph	NO
WB Right Turn Acceleration Lane (outbound)	4 (AM)	More than 50 vph, with speed limit over 40 mph	NO

Auxiliary turn lanes are not required for this Project.

9. Intersection Sight Distance

Routt County Road 129 is a 2-lane roadway with a posted speed limit of 45 mph with a varying grade from 0% up to 7%. Although most of the roadway has a grade less than 3%, a reduction in sight distance will be used for the section of road south of the access since it is the only section with grades greater than 3%. The study will not use increases in sight distance that are allowed for grades greater than 3%. The sight distance analysis is based on a single unit truck.

The required sight distance for a vehicle traveling on the highway toward the access is 400 feet for a 45 mph speed limit (from Table 4-1 SHAC). The required sight distance with the adjustment factor is 320 feet. The observed sight distance is greater than 400 feet while travelling north and south to the access. Refer to Images 1 through 4.



Note that the sight distance along the south side of the access is not maintained for the entirety of the roadway. Recommendations on how to improve the existing access are in the next section of this report.

Image 1 – Looking North Along Routt County Road 129



Image 2 – Looking South Along Routt County Road 129



The expected traffic includes less than two multi-unit truck trips per day so the sight distance will use single unit trucks for the evaluation. The required sight distance for single unit trucks entering the roadway with a posted speed limit of 45 mph is 585 feet per SHAC, Table 4-2. The required sight distance with the adjustment factor is 468 feet. The observed sight distance is greater than 585 feet in both directions, shown in Images 3 and 4.

Image 3 – Looking North from Project Access



Image 4 – Looking South from Project Access



10. Summary and Recommendations

- The proposed Project will increase the traffic volumes during peak hours by 11 AM trips and 15 PM trips. Note that these volumes are in Passenger Car Equivalents (PCE).
- Auxiliary turn lanes are not required at the Project Access.
- The tall brush/vegetation circled in Image 1, on the east side of the road and within the right of way, for a distance 400' south of the access, should be cleared to provide a wider view of the access road for northbound traffic.
- Installation of MUTCD sign W8-6 (TURCK CROSSING) or W11-10 (graphic of truck entering) south of the Project Access is recommended to improve the safety of the intersection by providing northbound traffic notice of the upcoming intersection. The location of the sign should be along the section of roadway where sight distance is not maintained, which is roughly 500 feet from the access.



Gravel Pit & Mining Production Questionnaire

Please provide as much information as possible and attach appropriate documents.

Project Name: Sanders Gravel Pit

Project Location/Address: 26650 Wheeler Creek Lane
Steamboat Springs, CO 80477

Company Name: Tara Sanders

Person Completing this Form:

Name: Tony Waldron

Title: Project Consultant

Phone Number: 303-263-6902

Date: 9/29/21 Amended 4/20/22

Legal Description
T8N, R85W, S33 in Routt County
Parcel # 924331003

Overall Production Schedule

- How many different production phases will occur before pit closes? 2
- What are the years and production amounts?

Phase	Range of Years	Production Amount (Tons per Year)
1	<u>2022</u> thru <u>2027</u>	<u>67,000</u>
2	<u>2028</u> thru <u>2033</u>	<u>67,000</u>
3	_____ thru _____	_____

Please complete one of the following pages of detailed information for each Phase

Information from Similar Sites

Please provide any information or data from similar sites that could be used to support the information on these data sheets.

Due to site location, weather will likely be a limiting factor for production from November thru MARCH/April. Therefore, most production will occur from April thru October.

Detailed Information – Phase 1

Production Years: 2022 thru 2027

Limiting Factor for annual production (permit, etc):
(please attach appropriate document if available)

Market conditions / Demand / Weather

Does the Production Rate vary over the course of the year:

Yes, production will mostly occur from April - October due to weather constraints (snow pack) and construction season

If so, provide the following information for three possible production periods

If not, put your answers in the average column

Months of the year for each period:

Production Periods

Low

Average

High

NOV thru MARCH APRIL thru OCT MAY thru Sept.

Daily Trip Generation

Number of on-site workers per day:

On-site worker arrival time (s):

On-site worker departure time (s):

Number of other site visits per day
(Maintenance, deliveries, fueling, customers, supervisors, etc)

Number of large dump trucks per day
(greater than 40-ft long)

Number of medium dump trucks per day
(between 20-ft & 40-ft long)

Number of small trucks per day (less than 20-ft long)

Number of Work days per week

Number of Work hours per day

Trip Distribution

% of trips to/from North

% of trips to/from South

% of trips to/from East

% of trips to/from West

<u>0-1</u>	<u>2</u>	<u>4</u>
<u>8:00 AM</u>	<u>7:00 AM</u>	<u>7:00 AM</u>
<u>4:00 PM</u>	<u>5:00 PM</u>	<u>5:00 PM</u>
<u>1/WK</u>	<u>1</u>	<u>2</u>
<u>N/A</u>	<u>0</u>	<u>0</u>
<u>N/A</u>	<u>7</u>	<u>20</u>
<u>N/A</u>	<u>0</u>	<u>0</u>
<u>4</u>	<u>5</u>	<u>5</u>
<u>8</u>	<u>10</u>	<u>10</u>
<u>50%</u>	<u>20%</u>	<u>20%</u>
<u>50%</u>	<u>80%</u>	<u>80%</u>
=100%	=100%	=100%

Detailed Information – Phase 2

Production Years: 2028 thru 2033

Limiting Factor for annual production (permit, etc):
 (please attach appropriate document if available)

Limited reserves, Market conditions, Demand, Weather

Does the Production Rate vary over the course of the year:

Yes, production will mostly occur from April to October due to weather constraints and construction season.

If so, provide the following information for three possible production periods

If not, put your answers in the average column

	Production Periods		
	Low	Average	High
Months of the year for each period:	<u>Nov thru March</u>	<u>April thru October</u>	<u>May thru Sept</u>
Daily Trip Generation			
Number of on-site workers per day:	<u>0-1</u>	<u>2</u>	<u>4</u>
On-site worker arrival time (s):	<u>8:00 AM</u>	<u>7:00 AM</u>	<u>7:00 AM</u>
On-site worker departure time (s):	<u>4:00 pm</u>	<u>5:00 pm</u>	<u>5:00 pm</u>
Number of other site visits per day (Maintenance, deliveries, fueling, customers, supervisors, etc)	<u>1/WK</u>	<u>1</u>	<u>2</u>
Number of large dump trucks per day (greater than 40-ft long)	<u>N/A</u>	<u>0</u>	<u>0</u>
Number of medium dump trucks per day (between 20-ft & 40-ft long)	<u>N/A</u>	<u>7</u>	<u>20</u>
Number of small trucks per day (less than 20-ft long)	<u>N/A</u>	<u>0</u>	<u>0</u>
Number of Work days per week	<u>4</u>	<u>5</u>	<u>5</u>
Number of Work hours per day	<u>8</u>	<u>10</u>	<u>10</u>
Trip Distribution			
% of trips to/from North	<u>50%</u>	<u>20%</u>	<u>20%</u>
% of trips to/from South	<u>50%</u>	<u>80%</u>	<u>80%</u>
% of trips to/from East			
% of trips to/from West			
	<u>=100%</u>	<u>=100%</u>	<u>=100%</u>

Appendix B – Count Summaries
Intersection Turning Movement Count Summary

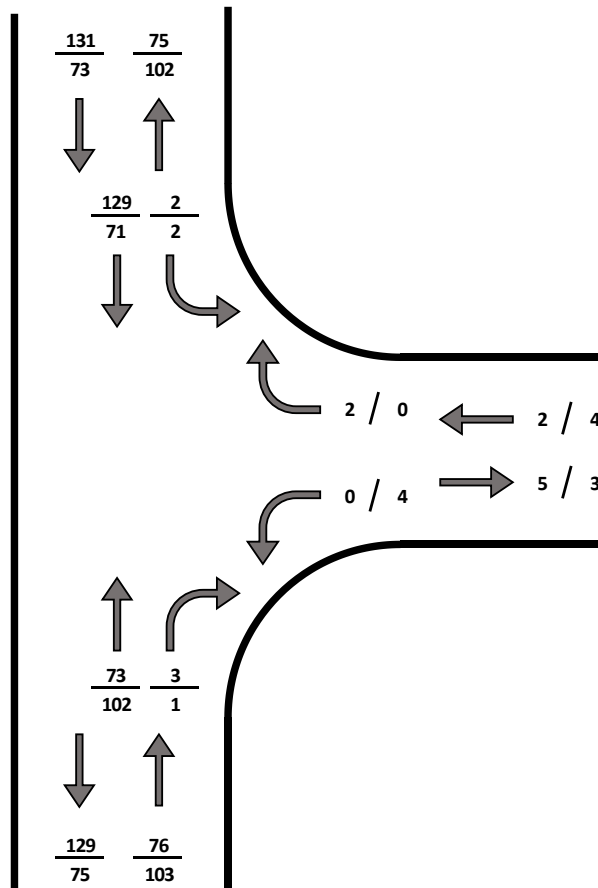
Project: Sanders Gravel Pit
Location: Routt County
EB/WB Road: Project Access
NB/SB Road: Routt County Rd 129

APEX
CONSULTING ENGINEERS
CIVIL ENGINEERS • MANAGEMENT • DEVELOPMENT

Counted By: APX
Count Date: 10/27/2021

Intersection 1 - Project Access & Routt County Rd 129

		Project Access - (EB)			Project Access - (WB)			Routt County Rd 129 - (NB)			Routt County Rd 129 - (SB)			Sums
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
AM	7:00	-	-	-	0	-	0	-	18	0	0	20	-	38
	7:15	-	-	-	0	-	0	-	10	0	0	22	-	32
	7:30	-	-	-	0	-	0	-	19	0	0	49	-	68
	7:45	-	-	-	0	-	0	-	22	3	1	26	-	52
	8:00	-	-	-	0	-	0	-	16	0	1	31	-	48
	8:15	-	-	-	0	-	2	-	16	0	0	23	-	41
	8:30	-	-	-	1	-	1	-	25	0	0	22	-	49
	8:45	-	-	-	0	-	0	-	12	0	0	17	-	29
	Peak	-	-	-	0	-	2	-	73	3	2	129	-	209
	Sums	-	-	-	2	-	-	76	-	-	131	-	-	209
PM	16:00	-	-	-	0	-	0	-	28	0	0	17	-	45
	16:15	-	-	-	0	-	0	-	24	0	0	22	-	46
	16:30	-	-	-	0	-	0	-	19	0	0	19	-	38
	16:45	-	-	-	2	-	0	-	26	1	2	14	-	45
	17:00	-	-	-	2	-	0	-	33	0	0	16	-	51
	17:15	-	-	-	0	-	0	-	28	1	0	11	-	40
	17:30	-	-	-	0	-	0	-	29	0	0	12	-	41
	17:45	-	-	-	0	-	0	-	25	0	0	6	-	31
	Peak	-	-	-	4	-	0	-	102	1	2	71	-	180
	Sums	-	-	-	4	-	-	103	-	-	73	-	-	180



Appendix C – Trip Generation

Low Production Project Average Daily Traffic (ADT) Calculations Hours of Operation 8:00 am -4:00 pm

Trip Information	Purpose		Workers	Other Visits	Material Handling	Total Peak Hour Trips
	Vehicle Type		Passenger Vehicle	Small Trucks <20 ft long	Medium Trucks 20 ft - 40 ft long	
	Passenger Car Equivalent Factor		1	1	2	
Low Production	Number of Vehicles / Day		1	1	N/A	
	PCE Number of Vehicles / Day		1	1	N/A	
	Trucking Hours / Day		N/A	8	8	
	PCE Number of Vehicles / Hour		1	N/A	N/A	
	PCE Number of Trips / Hour		1	-	-	
	AM Peak Period Trip (2 trips/veh)	PCE in	1	-	-	1
		PCE out	0	-	-	0
	PM Peak Period Trips (2 trips/veh)	PCE in	0	-	-	0
		PCE out	1	-	-	1

Average Production Project Traffic Volume Calculations Hours of Operation 7:00 am -5:00 pm

Trip Information	Purpose		Workers	Other Visits	Material Handling	Total Peak Hour Trips
	Vehicle Type		Passenger Vehicle	Small Trucks <20 ft long	Medium Trucks >40 ft long	
	Passenger Car Equivalent Factor		1	1	2	
Low Production	Number of Vehicles / Day		4	1	7	
	PCE Number of Vehicles / Day		4	1	14	
	Trucking Hours / Day		N/A	10	10	
	PCE Number of Vehicles / Hour		4	N/A	2	
	PCE Number of Trips / Hour		4	-	4	
	AM Peak Period Trip (2 trips/veh)	PCE in	0	-	2	2
		PCE out	0	-	2	2
	PM Peak Period Trips (2 trips/veh)	PCE in	0	-	2	2
		PCE out	4	-	2	6

Appendix C – Trip Generation
High Production Project Traffic Volume Calculations
Hours of Operation 7:00 am -5:00 pm

Trip Information	Purpose		Workers	Other Visits	Material Handling	Total Peak Hour Trips
	Vehicle Type		Passenger Vehicle	Small Trucks <20 ft long	Medium Trucks >40 ft long	
	Passenger Car Equivalent Factor		1	1	2	
Low Production	Number of Vehicles / Day		4	2	20	
	PCE Number of Vehicles / Day		4	2	40	
	Trucking Hours / Day		N/A	10	10	
	PCE Number of Vehicles / Hour		4	N/A	4	
	PCE Number of Trips / Hour		4	-	8	
	AM Peak Period Trip (2 trips/veh)	PCE in	0	-	4	4
		PCE out	0	-	4	4
	PM Peak Period Trips (2 trips/veh)	PCE in	0	-	4	4
		PCE out	4	-	4	8



John P. Holloway, Jr., Esq.
George M. Eck III Esq.

330 South Lincoln Avenue, Suite 222 (Physical)
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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.



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 ~~MINING~~ 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 Staff Planner
c/o Routt County Planning Department
136 6th 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;

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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.

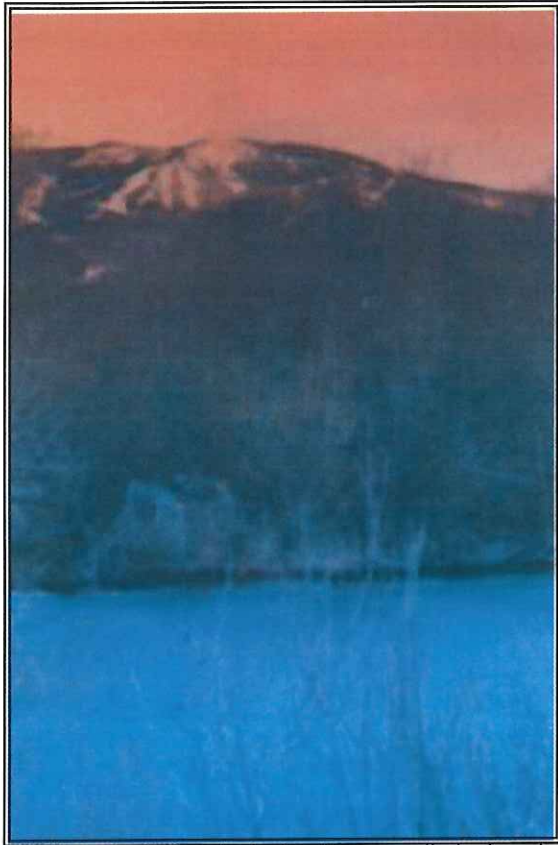
7.3.H. Where two minerals are in the same geologic environment, and when extraction of one mineral will prevent the mining of another secondary mineral or destroy the secondary mineral, both minerals should be extracted.

- 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.

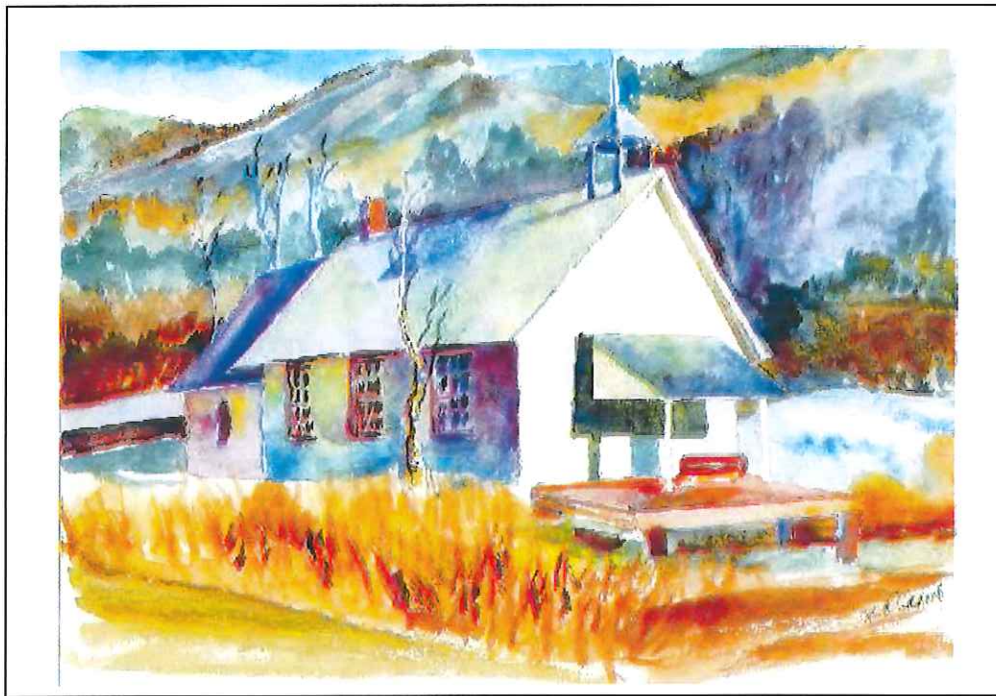
12.3.E. The County encourages the retention of neighborhoods with full-time residents to enhance livability for families.

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.

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.

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;

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 1996⁹. 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

⁹ 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 balance¹⁰.

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

¹⁰ 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.¹¹

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.¹² 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.

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

¹¹ Mike Tetreault, The Nature Conservancy. Letter dated December 21, 1998

¹² Colorado Department of Natural Resources

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.¹³

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.

¹³ 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



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.

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

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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

List Office ID: **M5923**

Buyer Agent

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

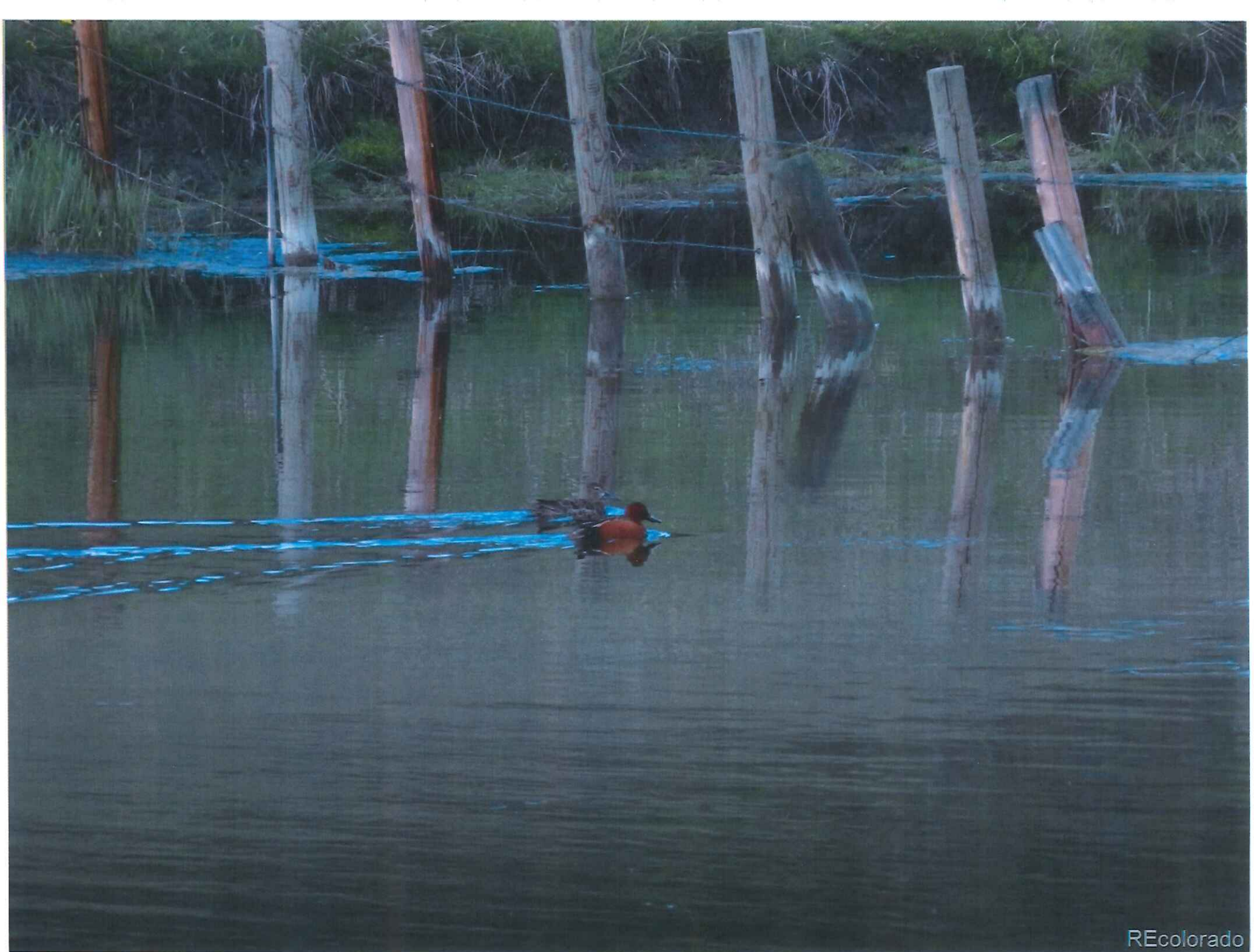
This country home is private but only 9 miles north of Steamboat in the scenic Elk River Valley. The home has sweeping views of several miles of the Elk River corridor, Sleeping Giant and the Flattops. The property is loaded with wildlife; deer, moose, bear and smaller game frequent the property. A resident 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.

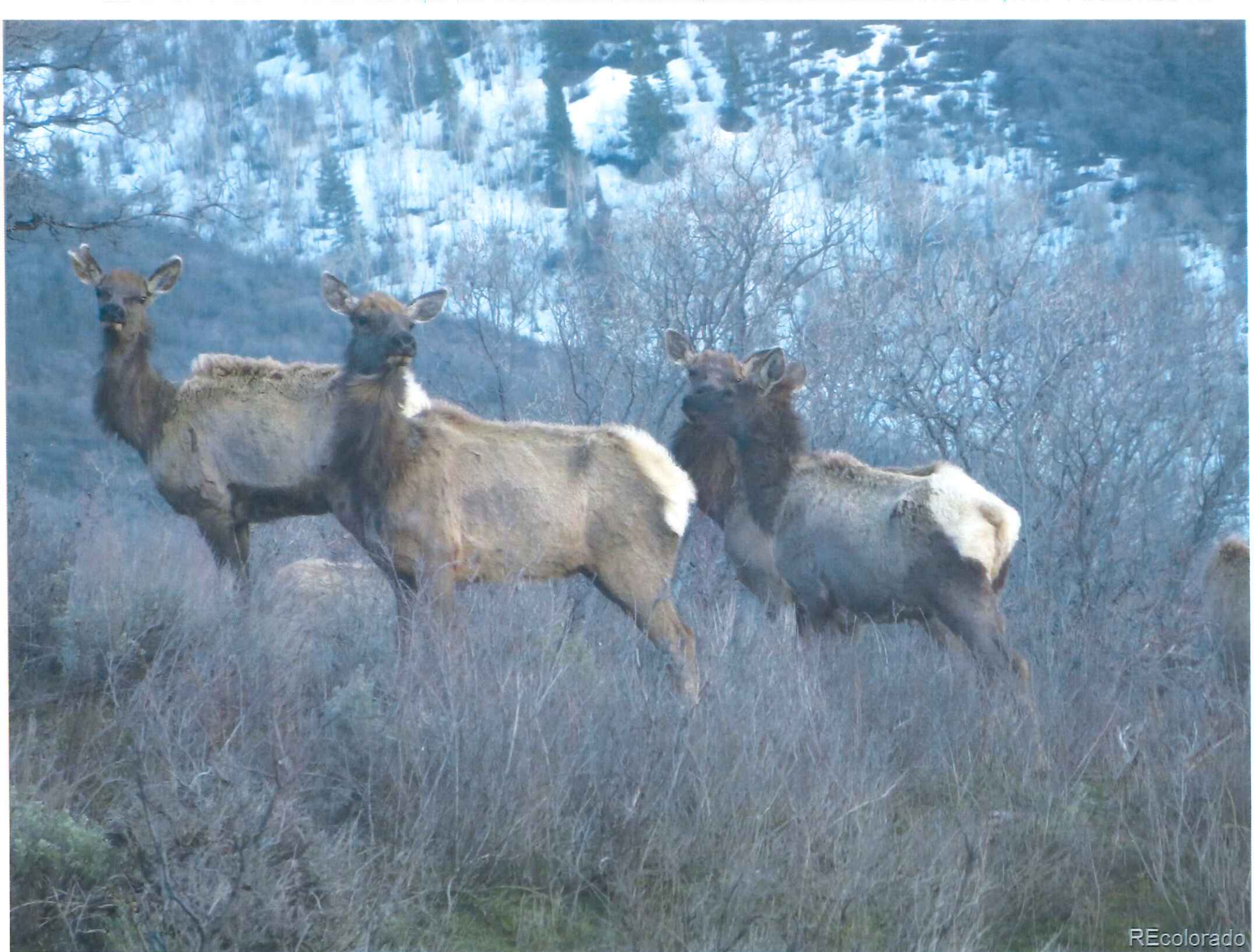
Directions:

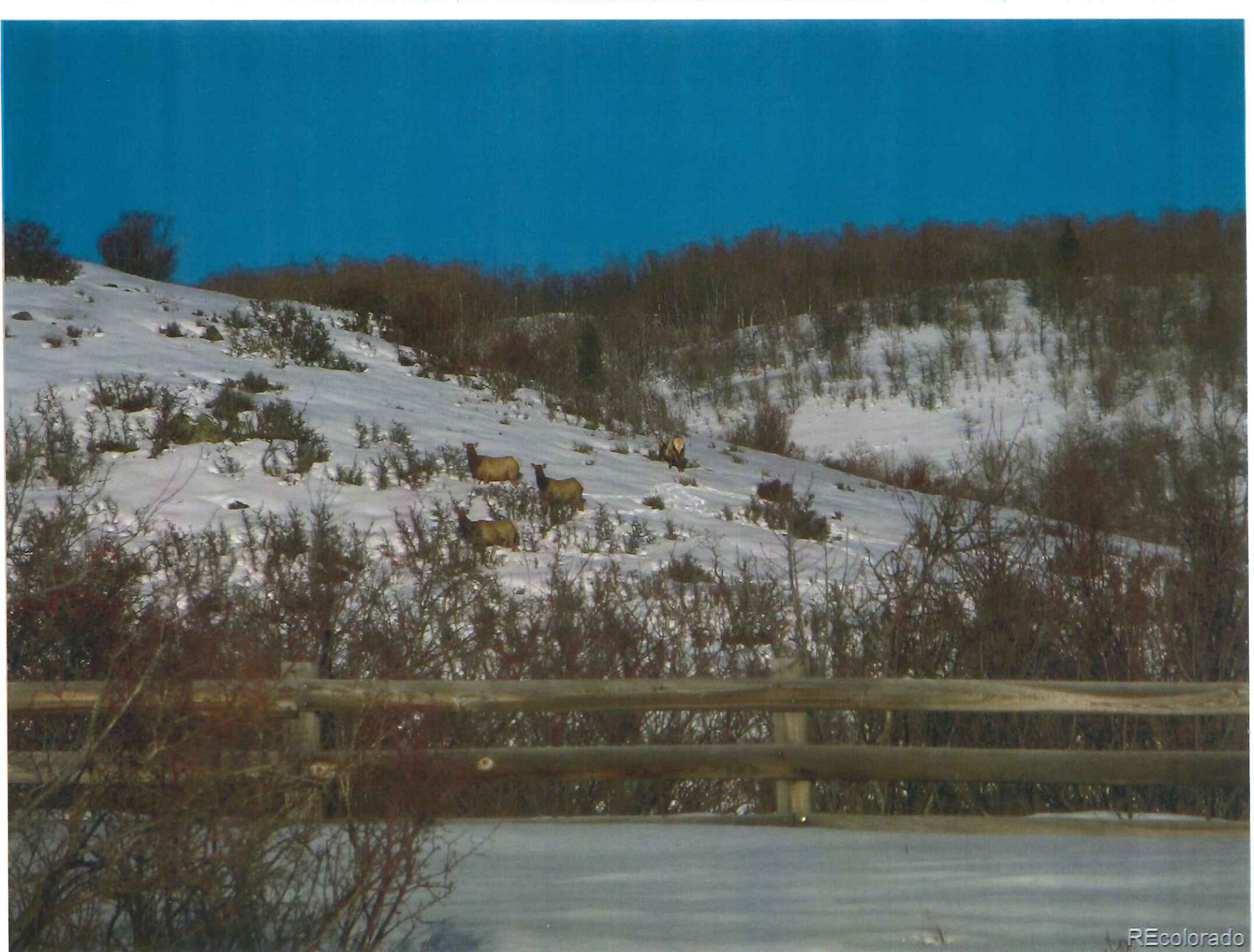
The address is Wheeler Creek Lane but we installed an alternate driveway with no gates. Take RCR 129 toward Clark and Steamboat Lake. Between mile marker 9 and 10, across 129 from the large wood windmill, take a right on the unmarked driveway. It immediately forks, take the right fork. There are ponds 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 6th 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 14th, 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 6th 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