

ROUTT COUNTY PLANNING COMMISSION

MINUTES

August 18, 2022

The regular meeting of the Routt County Planning Commission was called to order at 6:00 p.m. with the following members present: Chairman Steve Warnke and Commissioners Brian Kelly, Bill Norris, Jim DeFrancia, Greg Jaeger, Linda Miller, Andrew Benjamin, and Ren Martyn. Commissioner Paul Weese was absent. Planning Director Kristy Winser and staff planner Alan Goldich also attended. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

MINUTES – July 21, 2022

Commissioner Kelly moved to approve the above cited minutes, as written. Commissioner DeFrancia seconded the motion. **The motion carried 8 – 0, with the Chair voting yes.**

ACTIVITY: PL20220043
PETITIONER: Alpine Aggregates
PETITION: Special Use Permit – Mining for sand and gravel
LOCATION: 32199 Fisker Trail; located approximately .5 miles south of the intersection of State Highway 131 and County Road 20 on the east side of the highway

Mr. Ed McArthur, the petitioner, stated that the petition is for a renewal and update of the existing permit. He said that since the staff report was published he had received a call from one of his neighbors, Sue Thompson, who asked that water well testing continue. Mr. McArthur said that he had requested elimination of the well testing requirement on the Special Use Permit (SUP). He said that he had agreed to continue the testing of her well and the well of another neighbor, but said that he would request that the conditions of approval (COAs) remain as presented. He said that written agreements to continue testing the wells on these two properties would be provided to the County.

In response to a question from Chairman Warnke, Mr. McArthur stated that the testing is for flow, water level and water quality.

Mr. Goldich stated that staff is recommending approval of the petition with the suggested conditions. He noted that some COAs from the existing permit had been updated or eliminated because they no longer apply. In addition, the petitioner had requested some changes to the COAs. Mr. Goldich reviewed the operation, noting that the permitted mine is on 105 acres, with a 42-acre buffer parcel between mining operations and Highway 131. He stated that the operator is currently mining in phase 2, which is located in the northeast corner of the mine. Phases 1A and 1 have been mined. Phase 1A is being used for processing and stockpiling and phase 1 is being reclaimed and has been allowed to partially fill with water.

Mr. Goldich reviewed the history of the mine site. He stated that in 2005 a permit was issued to LaFarge for this site, but it was never acted upon. Alpine Aggregates was issued a permit in 2010 with a start time of 10 a.m. due to safety concerns related to morning fog. In 2013, based on fog data, the permit was amended to allow a start time of 8 a.m. Mr. Goldich said that no complaints have been received regarding this operation. He reviewed the requested changes to the COAs, most of which have to do with traffic. He said that the petitioner is requesting that most of these traffic related conditions be removed, and that the start time be modified to 7:30 a.m. Mr. Goldich said that the reason for most of the traffic related conditions were due to fog concerns and school bus schedules. He said that the petitioner had submitted fog data, which is included in the fact packet, to document why an earlier start time is justified. Mr. Goldich said that the Steamboat Springs School District had been contacted, and they have no concern with the requested new start time. Mr. Goldich reviewed the crash data from Hwy 131 and said that he had consulted with the Colorado State Patrol, which wants the fog testing condition to remain – but only on foggy days. Mr. Goldich reviewed the fog test condition, which states that if a 2'x2' marker cannot be seen from a specified distance on the road, the mine cannot open. The proposed amended condition will require that this test be performed only on foggy days.

Regarding the water well testing on adjacent properties, Mr. Goldich said that staff agrees that the COA is no longer needed because it addressed a pre-development condition. The groundwater monitoring COA required the testing to be done by an independent third-party. In addition to the independent third party, one of the applicant's employees has also been conducting these tests. He said that he had compared the third-party data to the data collected the operator, and that all results were within reasonable margins. He said that the operator will continue to conduct testing on the two neighboring properties, as discussed earlier, but no third-party testing will be required. Mr. Goldich reviewed the request to change the condition regarding which phases of mining must employ conveyors. He said that the requested change is to eliminate the required use of the conveyor in locations where it would have to cross the Yampa River Bypass twice. Crossing the waterbody with a conveyor increases the likelihood of material falling into the waterway. Mr. Goldich indicated the location of the Yampa River Bypass on a site plan and indicated the phases that would be excluded from the conveyor requirement.

Mr. Goldich reviewed the updates to the General COAs and stated that this site is located in the watershed protection zone, so a Watershed Protection Permit from the City of Steamboat Springs will be required. A COA has been added to address this requirement. Mr. Goldich stated that one comment had been received after the fact packet had been assembled. That comment was from Ms. Thompson and concerned the water well testing as previously described by Mr. McArthur. Mr. McArthur has agreed to continue testing the wells once per year.

In response to a question from Commissioner Martyn, Mr. Goldich confirmed that the fog restriction applies only to hauling of material, not to other operations at the mine. In response to a question from Commissioner Norris, he said that only loading and hauling is allowed on Saturdays.

Commissioner Jaeger asked if COA 37 (of the staff report) was to be modified or removed. Mr. Goldich clarified that the petitioner had requested its removal, but that after consulting with the Colorado State Patrol, staff is recommending that the COA remain. A modification to COA 36 (of the staff report) will require that testing only be conducted on foggy days. Commissioner Miller

noted that COA 20.d (of the staff report) should be corrected to reflect the changes to the COA numbering.

Commissioner Miller asked about the importation of asphalt and concrete. Mr. Goldich clarified that the addition to COA 19 (of the staff report) is a clarification of normal operations. These materials enter the site as part of the concrete recycling operations. He said that he had consulted with CDPHE, which confirmed that COA 21 (of the staff report) was not necessary. Chairman Warnke suggested adding “for recycling purposes” to COA 19 (of the staff report).

In response to a question from Chairman Warnke, Mr. McArthur said that there is a ratio greater than 1:1 of the wetlands purchased to the wetlands destroyed by the operation. The ratio was determined to be 1.5:1. Chairman Warnke asked how the bond held by the state for reclamation was calculated. Mr. McArthur stated that the state has a complex formula based on an estimate of material that would need to be moved, the trucks and equipment required, etc.

Commissioner Benjamin asked if the on-site production of asphalt and concrete would ever be considered in the future. Mr. McArthur stated that uses are not allowed as part of the original agreement for the land. He said that there were many objections and concerns when LaFarge had requested these uses, so he did not pursue them.

There was no public comment.

Commissioner Benjamin said that he had opposed the petition for safety concerns when it was originally proposed, but acknowledged that those concerns were unfounded. He commended the operator.

MOTION

Commissioner DeFrancia moved to recommend approval of item PL20220043, an SUP for mining sand and gravel, with the following findings of fact:

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 neighborhood properties.

This approval is subject to the following conditions:

General Conditions:

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, 6 and 9.
2. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application. Minor amendments may be approved by the Planning Director subject to Section 3.2.10 of the Zoning Regulations.

3. Any complaints or concerns which may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. No junk, trash, or inoperative vehicles shall be stored on the property.
6. This permit is contingent upon any required permits being obtained and complied with from all involved agencies including, but not limited to the following:
 - a) Division of Reclamation, Mining and Safety (DRMS) 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

7. Fuel, flammable materials, and hazardous materials shall not be kept on the site. Any spills of fuels or hazardous materials shall be reported to the Routt County Planning Department within three days of occurrence.
8. All exterior lighting shall be downcast and opaquely shielded, as per Section 6.3 of the Routt County Zoning Regulations.
9. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety Requirements policy then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.
10. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
11. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
12. Transfer of this SUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, Transferee shall submit written consent to the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
13. The permittee shall prevent the spread of weeds to surrounding lands, and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds.

14. Any land survey monuments shall be recorded in the Colorado Land Survey Monument Records prior to commencement of mining, and if removed, shall be replaced following Reclamation.
15. Copies of all financial guarantees related to the project shall be submitted to the Planning Director prior to issuance of the Special Use Permit. The Board of County Commissioners may require a financial performance guarantee to insure restoration of the site and access roads and compliance with other conditions of this permit. The County will not require financial guarantees that are duplicative of that required by the State.

Specific Conditions:

Operations Plan:

16. The Special Use Permit (SUP) is valid for ten (10) years from the BCC approval date, provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
17. Approved uses include:
 - a) Mining
 - b) Crushing, processing, and washing of material and associated equipment
 - c) Stockpiling of gravel
 - d) Importation of used asphalt and concrete for recycling purposed
 - e) Neither an asphalt plant nor a concrete batch plant is allowed.
18. The operation consists of:
 - a. Sales from the gravel pit shall not exceed 400,000 tons in any twelve consecutive months.
 - b. Extraction and reclamation: 7:30 a.m. to 7:00 p.m., Monday through Friday. No extraction and reclamation on Saturdays.
 - c. Crushing and processing of material: 8:00 a.m. to 6:00 p.m., Monday through Friday. No mining or processing on Saturdays.
 - d. Loading and hauling of material: 7:30 a.m. to 6:00 p.m., Monday through Friday; 8:00 a.m. to 5:00 p.m. on Saturdays subject to fog restrictions as reflected in Specific Conditions 36 - 39.
 - e. No extraction, hauling, or operation of trucks or other equipment shall occur on Sundays and national holidays, which are Christmas Day, Thanksgiving Day, New Year's Day, Fourth of July, Presidents' Day, Memorial Day, and Labor Day.
 - f. Warming of equipment is allowed 15 minutes prior to startup.
 - g. The Board of County Commissioners may grant temporary waiver of hours and/or days of operation for public projects or for projects with special technical requirements, by special hearing with at least 24 hours notice to adjacent property owners.
 - h. The hours of operation may be amended at the Board of County Commissioners' discretion to avoid conflicts with school buses. Permittee shall work with the Planning Department on a system to educate haulers/drivers regarding the potential conflicts with school buses.
19. Any proposed amendments to the DRMS permit must be approved by the Planning Director and may be cause for a review of the SUP.

20. A maximum of 25 acres within the permit limits shall be disturbed at any time. "Disturbed acreage" is defined as any area that is not covered by water, substantially noxious weed-free vegetation, paving, or other stabilized road surface.
21. This SUP approval does not confer any pre-approvals for final site development, rezoning of the site, subdivision, or any other development that would normally receive separate Planning review. Any such plans for development shall be submitted to the Planning Department for appropriate review.
22. The use of conveyors will be required on all phases except Phases 1, 2, 3, 4, 5, and 6.
23. The permittee shall incorporate the most technologically advanced procedures and equipment to mitigate any significant negative impacts from the mining operation and associated uses.
24. Permittee shall obtain all necessary County and Federal Emergency Management Agency (FEMA) approvals and permits for both mining and final reclamation related alterations to the floodplain, prior to issuance of this SUP. No increase in base flood elevation on adjoining properties shall be allowed as part of any such permit. Required approvals include but are not limited to a Routt County Floodplain Development Permit, a FEMA Conditional Letter of Map Revision (CLOMR) prior to any mining related construction, a FEMA Letter of Map Revision (LOMR) for as-built mining related construction, and a LOMR for as-built final reclamation.

Reporting:

25. The operator shall submit the current DRMS Annual Report for the pit to the Planning Department within two weeks of due date each year for compliance verification.
26. The operator shall submit an annual report to the Planning Department on or before February 15th of each year. The annual report shall detail total materials imported and exported, remaining reserves, and total number of truck trips to and from the site.
27. Permittee shall conduct an annual inventory of weeds on site each spring including but not limited to species identification and map locations. Inventory shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.
28. Permittee shall submit an annual report prior to December 31 of each year to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied.
29. Any written or verbal notice of violation or citation issued to the Permittee by DRMS, CDPHE, MSHA, or any other permitting agency will be provided to the Routt County Environmental Health within 7 business days of the violation. Any other inspection reports, annual reports, asphalt plant and crusher relocation notices, and any other documentation required to be submitted to DRMS, CDPHE, or MSHA for any permits obtained through those agencies shall be available to the Routt County Environmental Health Department upon request.

Reclamation:

30. A SUP shall be in place through the end of reclamation. Permittee shall implement the Reclamation Plan in a manner concurrent with the phased mining plan to insure the maximum disturbed area is not exceeded. Final reclamation shall include measures to prevent the proliferation of non-native species as required in the Army Corps of Engineers 404 permit as approved by the Colorado Parks and Wildlife or U.S. Fish and Wildlife Service.

31. 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.

Access and Traffic:

32. No trucks entering or leaving the operation shall use County Road 20 unless delivering material to a site accessible only by County Road 20. The permittee will be responsible for enforcing this condition with all trucks using its operation.
33. On foggy mornings, an initial fog/visibility check will be conducted at the pit entrance one hour before the pit is scheduled to open. If poor visibility conditions persist, subsequent fog/visibility checks will be performed throughout the day at 30 minute intervals.
34. Fog/visibility checks will consist of the Mine Superintendent traveling to the pit entrance to determine visibility along Highway 131. If visibility is deemed to be less than adequate, as determined by the visibility of a 2' x 2' orange marker placed 771' from the pit entrance to the north and south, pit operators will initialize an email/telephone notification system alerting customers that the pit will be closed until further notice and will activate the site closure sign. If the Mine Superintendent is unavailable, the replacement site manager will execute the standard operating procedure.
35. A list of Alpine Aggregates customer and contact information including email addresses and mobile numbers will be maintained and updated quarterly. This list will be used to send out email and telephone message notifications about delayed pit openings.
36. Notification signs shall be placed on the permittee's property at the pit entrance and exit notifying customers of the pit's fog visibility notification system and related policies, including the potential for delayed openings due to poor visibility.
37. Signs shall be placed 1200' in advance of the pit entrance along Highway 131 (to the north and south) alerting drivers of the presence of turning truck traffic (subject to CDOT approval).

Visual Mitigation:

38. Permittee shall maintain buffering and screening in accordance with the Landscape Plan approved as part of this SUP throughout mining operations. Screening berms not natural to the area or desired by adjacent landowners will be removed at the completion of mining.
39. Maximum stockpile height during at-grade Phase IA operations shall be 25 feet. During all other phases, stockpiles shall be located in the bottom of the pit and shall not protrude more than 10 feet above the original ground elevation.

Air and Water Quality and Noise

40. Permittee shall work with and obtain approval from Planning Director and Army Corps of Engineers through a Section 404 permit of a mitigation and monitoring plan to ensure that wetlands on-site are maintained in a healthy condition during the life of the mine. Plan may require annual sample plot and photo monitoring, turbidity monitoring, and water-depth monitoring at key points.
41. The permittee shall conduct groundwater level monitoring monthly at the locations shown on the mine plan. Monitoring reports shall be made available to Routt County Planning

Department on request. The Planning Director, in consultation with the Environmental Health Department, may authorize changes in the testing regimen, including frequency.

42. Permittee is required to immediately mitigate and rectify impacts to nearby wells that are reasonably attributable to dewatering on the site. Planning Director (or designated expert) will use baseline pump data, groundwater monitoring information, and any other pertinent information to determine whether mine dewatering has affected nearby wells. The State Engineer's Office will be consulted prior to any mitigation being required.
43. The Division of Water Resources approved water supply plan only accounts for 47.9 acres of exposed groundwater in the ponds. The reclamation plan indicates 56.6 acres of exposed groundwater will exist. Prior to the closing of the pit the permittee shall either submit documentation showing that enough water rights exist for the full 56.6 acres of exposed groundwater or demonstrate that the size of the ponds does not exceed the 47.9 acres covered under the approved water supply plan.
44. The permittee is responsible for adequately conveying all adjudicated water rights to downstream users, complying with the Settlement Agreement between parties, and obtaining and complying with all applicable permits from the Division of Water Resources.
45. Permittee is responsible for maintaining historic flows to downstream users of all affected ditches on the property.
46. The 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. The permittee shall comply with the Colorado Parks and Wildlife recommendations to properly screen all connecting irrigation channels as well as the Yampa River bypass to prevent Northern pike ingress and egress.
48. Prior to issuance of the SUP, A Watershed Protection Permit shall be obtained from the City of Steamboat Springs.
49. Fugitive dust will be controlled by the use of a water truck and other control measures as appropriate, as often as necessary, to reduce, control and minimize all dust generated by traffic, material processing and other activities that occur at the site. Dust suppression operations shall be increased immediately in response to periods of high wind. The Planning Director or Environmental Health Director may require temporary closure of the facility if dust control measures are not effective.
50. No off-site transport of visible dust emissions shall be allowed.
51. 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. 25-12-101). Violations of performance standards shall be enforceable by the Routt County Environmental Health Department and may be cause for a review of the SUP by Planning Commission and/or the Board of County Commissioners.

52. All permanent dewatering pumps on-site shall be connected to line electric power. Temporary dewatering pumps may be used for up to two months at the start of each phase. Temporary pumps may be powered by generators, which shall use best available technologies (BATs) to reduce noise.

Commissioner Kelly seconded the motion. **The motion carried 8 – 0, with the Chair voting yes.**
MASTER PLAN ADOPTION

Ms. Winser reviewed the community outreach that had begun in 2020 and the process that resulted in the final adoption draft of the Master Plan. She noted that input had been received by the community, the municipalities, the technical advisory committee, Planning Commission, the Board of County Commissioners and a variety of interest groups. She also presented a detailed review of the public process timeline.

Ms. Winser reviewed how the draft Plan was disseminated to the public for comment. She then reviewed how the comments that were received were catalogued, categorized, and addressed. Ms. Winser noted that many valuable comments were received and that most of them led to additions or modifications to the draft. She reviewed the comments from the joint meeting, including those made by Ben Beall, and presented how those comments resulted in a new policy and related action items.

Ms. Winser stated that many comments were received that recommended including some policies in multiple chapters because a lot of issues are inter-related. She said that in the interest of avoiding redundancy and keeping the Master Plan concise, staff, in conjunction with the Executive Management Team had decided to maintain the organizational principle of keeping issues within their respective chapters. She offered that this will make the plan easier to use and to navigate. She noted that links are provided in the Implementation Matrix that will direct users back to the areas of the plan where specific topics are addressed.

Ms. Winser stated that staff is recommending adoption of Master Plan, as presented. The Plan will then be ratified by the Board of County Commissioners on August 30, 2022. Beginning in September, the new Plan will be presented to the municipalities, the public, community groups, homeowners' associations and other stakeholders.

Ms. Winser reviewed the Implementation Matrix, which is the "to do" list of action items. She stated that the most significant action item directs the County to update its Subdivision and Zoning Regulations to reflect the policies of the Master Plan. Ms. Winser stated that she is applying for grant funding from DOLA to support that process. She said that an RFP would be put out for consultant in the fall and estimated that the update of the regulations could take up to a year to complete. She reviewed the public outreach that will be done for the update of the regulations, adding that it will be similar to that conducted for the Master Plan update.

There was no public comment.

Chairman Warnke commended the time, effort and commitment that staff put into the update. Commissioner DeFrancia echoed that comment and Commissioner Benjamin stated his appreciation that the Plan is concise and straight-forward. In response to a question from

Commissioner Jaeger regarding the sub-area plans, Ms. Winser stated that the City would be taking the lead on the update of the Steamboat Springs Area Community Plan, which will begin in 2023. She said that the Stagecoach Plan is fairly recent and will only require a few changes. That update would probably be done in 2024. The Future Land Use Map for Stagecoach included in the Master Plan was slightly modified from what is in the current Stagecoach Plan. The Sarvis Creek Plan is in good shape. Ms. Winser offered that the Upper Elk River Valley Plan should be updated in the next few years.

MOTION

Commissioner DeFrancia moved to adopt the Routt County Master Plan, as presented. Commissioner Martyn seconded the motion. **The motion carried 8 – 0, with the Chair voting yes.**

ADMINISTRATOR'S REPORT

Ms. Winser reviewed the upcoming agendas

Mr. Goldich reported that the Board of County Commissioners had denied the Heritage Village Conceptual PUD. He said that following the Planning Commission hearing a Development Agreement signed in 2012 in conjunction with the previous PUD amendment was discovered. This Development Agreement, which had not been mentioned by the petitioner, limits the use of Parcels A and B to athletic fields. A meeting with the petitioner and his architect has been scheduled to discuss next steps.

Ms. Winser said that the Planner II and Planner Tech positions had been filled.

The meeting was adjourned at 7:15 p.m.