



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: November 1, 2022	ITEM TIME: 9:35 am

FROM:	Alan Goldich
TODAY'S DATE:	October 25, 2022
AGENDA TITLE:	Peabody Temporary Workforce Housing; PL20220085

CHECK ONE THAT APPLIES TO YOUR ITEM:
<input checked="" type="checkbox"/> ACTION ITEM
<input type="checkbox"/> DIRECTION
<input type="checkbox"/> INFORMATION

I. DESCRIBE THE REQUEST OR ISSUE:
 Consideration of a Special Use Permit for Peabody Coal Company for Temporary Workforce Housing.

II. RECOMMENDED ACTION (motion):

I move to approve item PL20220085, a Temporary Workforce Housing Special Use Permit for Peabody Coal Company with the findings of fact that 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 8 of the Routt County Zoning Regulations. Such approval is subject to the following general and specific 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 8.
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.
3. Any complaints or concerns that 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. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
6. No junk, trash, or inoperative vehicles shall be stored on the property.
7. This approval is contingent upon the acquisition of and compliance with any required federal, state and local permits. 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 the commencement of operations.



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8. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
9. All exterior lighting shall be downcast and opaquely shielded.
10. All trash and wildlife attractants shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles.
11. 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.
12. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
13. 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 for 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.
14. 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.

Specific Conditions:

15. The Special Use Permit (SUP) is valid for three years, including the reclamation phase, from the date of Board approval 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. Extensions shall only be approved by the Board of County Commissioners.
16. This permit allows for:
 - a. 16 structures with 3 bedrooms each,
 - b. Maximum of 48 residents at any one time
17. All housing structures and associated infrastructures shall be removed and the land shall be reclaimed to the satisfaction of the Planning Director.
18. TWH units or rooms shall be for workers and families employed by Twentymile Mine and shall not be available for general rental.
19. Fire extinguishers shall be placed in each unit.
20. All disturbed area(s) must be reclaimed within one growing season as nearly as practicable to the original condition and shall be maintained to control dust, weeds and minimize erosion. A seed mix approved by CPW shall be utilized.



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21. Topsoil piles to be used during reclamation shall not be stored in piles more than 1.5 meters tall.
22. No pets are allowed on site.
23. 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.
24. 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 method of handling traffic in accordance with the Manual on Uniform Traffic Control Devices and approved by the Road and Bridge Director.
25. 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 repair or maintenance needs above and beyond typical maintenance, attributable to this use, shall be made by the County, or a third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Road and Bridge shall inform permittee of such maintenance or repair activities prior to work being performed. Permittee shall solely bear the costs of repairs.
26. Permittee shall use and maintain the existing access to the property to minimize impacts to the County road system during the life of the Operations. No additional accesses will be granted. If another access is desired, an amendment to the permit shall be required.
27. There shall be no parking on County Road 51B or the corresponding right-of-way at any time. Parking shall be onsite only.
28. All trucks and equipment accessing from CR51B 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.
29. In order not to create an upset situation at the wastewater treatment plant, a maximum of 6,400 gallons of waste per day shall be hauled off of the site. If an upset condition at the wastewater treatment plant occurs from the waste, an alternate facility shall be utilized until the upset condition has been resolved. A backup plan for the disposal of wastewater in case the primary place of disposal is unable to accept the waste.
30. The applicant shall furnish surety in the amount of 150% of the cost of restoration of the site to guarantee site restoration. Such surety shall be in compliance with Routt County's Insurance and Surety Requirements Policy. An engineered cost estimate shall be provided for basis of the bond.
31. It is recommended that the permittee provide recycle and compost **receptacles** for the use of residents.



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III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
PROPOSED REVENUE <i>(if applicable)</i> : \$
CURRENT BUDGETED AMOUNT: \$
PROPOSED EXPENDITURE: \$
FUNDING SOURCE:
SUPPLEMENTAL BUDGET NEEDED: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Explanation:
IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):
V. BACKGROUND INFORMATION:

Planning Commission (“PC”) heard this item at their October 20, 2022 hearing. PC recommended approval with a vote of 6-0.

PC did not have any major concerns with the application. The applicant has proposed to take the wastewater to the City of Craig for processing. Referencing condition #29, Commissioner Miller asked if the applicant had a back-up plan in case they were not able to take their wastewater to the City of Craig. The applicant stated that they evaluated whether the wastewater treatment plant that exists at the Twentymile Mine could be the backup. They stated that their system is rated for 15,000 gallons a day and that they only contribute 6,000 gallons a day. The language of condition #29 included a reference to a back-up plan needing approval by the Planning Director. This language has been removed from the condition #29 and is reflected in the conditions above.

The only issue for discussion identified by staff was whether a reclamation bond should be provided to ensure the site is properly reclaimed. The site disturbance is 4 acres. Most other large scale disturbance in Routt County is covered by a bond through a different agency (DRMS or CDPHE). In this case, there is no outside agency that covers this. PC determined that a bond in the amount of 150% of the cost of reclamation should be required.

Commissioner Miller also discussed policies in the Climate Action Plan that address waste diversion. She asked about the ability to recycle and compost at the facility. Since this issue was not brought up to the applicant by staff, PC was hesitant to make this a requirement. The applicant stated that they would look into the possibility of being able to accommodate this request. In the end, PC recommended a condition that recommends that the applicant provide these services to the residents. This is reflected by condition #31 above.

At the hearing, the applicant stated that pets will not be allowed on the site. This resulted in the modification of condition #22 and is reflected above.

Public comment was provided by Ted and Kimberly Akers who own and reside on a property to the west of the proposed site. They had concerns with the notice that was provided. Staff ensured that all notice requirements were met prior to moving forward with scheduling this application for hearings. They also noted concerns with noise, road, water quality, and wildlife impacts. During the review process, staff referred this application to the appropriate agencies to determine if the proposal



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had any significant impacts to these elements. Through that review it was determined that, with the conditions of approval, it will not have a significant impact.

VI. LEGAL ISSUES:
N/A
VII. CONFLICTS OR ENVIRONMENTAL ISSUES:
N/A
VIII. SUMMARY AND OTHER OPTIONS:
<ol style="list-style-type: none">1. Deny2. Table for additional information
IX. LIST OF ATTACHMENTS:
<ul style="list-style-type: none">• DRAFT Planning Commission minutes from October 20, 2022• Planning Staff Report

ROUTT COUNTY PLANNING COMMISSION

MINUTES

October 20, 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, Linda Miller, Andrew Benjamin, Paul Weese and Ren Martyn. Commissioners Bill Norris, Jim DeFrancia, and Greg Jaeger were absent. Planning Director Kristy Winser and staff planner Alan Goldich also attended. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

ACTIVITY: PL20220085
PETITIONER: Peabody Energy
PETITION: Special Use Permit – General for a “man camp” for mine employees
LOCATION: 12793 CR 51B

Mr. Nick Armando, Manager of Technical Services for Peabody, reviewed the petition to install 16 skid-mounted temporary housing trailers for mine employees for a period of three years. He said that the local shortage of housing has exacerbated the mine's difficulties in recruiting and retaining employees. He presented an aerial photo of the site and reviewed the access. He presented a site plan and indicated the location of the housing units, water storage tanks, transformers, wastewater collection tanks, and snow storage. He said that the site would be graded and the units, which do not require foundations, would sit on gravel pads. Mr. Armando stated that the site would be fully reclaimed when the use was no longer necessary. He said that a reclamation plan had been submitted. He presented floor plans, elevations and photos of the housing units. He said that they are working with YVEA to provide power to the site utilizing the existing power poles. Electricity will be the only utility. Water will be hauled to the site from Craig and wastewater will be disposed of at the Craig facility. The wastewater tanks will be pumped at least once per week, or more often if needed. Mr. Armando stated that the housing units would be used 24 hrs. per day, as there are both day and night shifts at the mine. He provided the name of the company that would manage the man camp facility.

In response to a question from Commissioner Martyn, Mr. Armando stated that the mine employs a total of about 200 miners, but that 80 positions are currently open. Commissioner Miller asked if there are female miners, and if so, if there would be accommodations for them in the proposed housing. Mr. Armando stated that there are, and that some housing units would be designated for women. He added that only single workers would be allowed. No families, partners or pets would be allowed on site. Mr. Armando explained that many workers would be staying on site for periods of work and returning to their homes during their “off” times.

Mr. Goldich stated that staff is recommending approval of the petition with the suggested conditions of approval (COAs). He described the location and noted the adjacent uses which include Hayden Station, a storage operation, and Yampa Valley Regional Airport. The site is

approximately one mile from CR 27 and 15 miles from the mine. It is located within Hayden's 3-mile plan boundary. Several high voltage power lines cross the site. Mr. Goldich stated that there is one residence located approximately 1300 ft. from the proposed site. He stated that one of the issues identified by staff is the disposal of the wastewater that will be collected. He said that a referral was sent to the City of Craig, who responded that the Craig wastewater treatment facility could handle a maximum of 6400 gallons of this type of effluent per day. Mr. Goldich said that while it is unlikely that the proposed use would reach this limit, a COA to address this issue has been included. He added that another issue for discussion is reclamation bonding. He stated that staff is recommending that the applicant be required to post a bond equal of 150% of the estimated cost to reclaim the site. This bond would be secured through a separate agreement with the County and would be released once the reclamation is complete.

Commissioner Martyn asked whether the 6400 gallon disposal limit was specific to this operation or whether that was cumulative. Mr. Goldich said that the limit is specific to this operation, and added that he was uncertain if there was another system in the vicinity that could accept this quantity of waste. Commissioner Miller suggested that it would be appropriate for the applicant to have a back-up plan in the event that Craig could not accept the effluent. Ms. Miranda Kawcak, the Environmental Manager for the applicant, stated that there is currently no alternate plan, but that they could investigate. Mr. Pat Sollars, General Manager of Twentymile Mine, stated that the mine has an under-utilized wastewater system, but that he would need to verify if it has the capacity to serve as a back-up to the Craig facility.

Public Comment

Mr. Ted Akers, whose residence on CR 51B is the nearest to the proposed use, stated that his property shares about 100 ft. of border with the site. He indicated the location of his home and the proposed man camp on an aerial photo. He also indicated the location of a reservoir on his property and stated that there are five springs that flow into the reservoir. He also indicated the location of his water supply and the drainage through the property. He expressed concern that the proposed use could negatively impact the watershed. Mr. Akers said that they did not receive notification of the proposal in time to submit written comments, and stated that the site was not posted. Mr. Akers stated that when they purchased their property they thought it was unlikely that there would be development on the neighboring parcel as it is unsuitable for residential development. He said that the proposed use is as close to their home as it could be on the large subject parcel and asked why this site was chosen instead of one farther away. He cited a large flock of sandhill cranes that nest in the vicinity and the other wildlife that are common in the area. He said that the proposed sediment pond would drain onto their property. He stated that an Environmental Impact Study was needed. Mr. Akers also expressed concern with the additional traffic on CR 51B that the proposed use would generate. He said that the proposed use would negatively impact their quality of life, the water in their reservoir and the wildlife in the area. He expressed concern that the man camp could become permanent. Mr. Akers suggested that a better location for the man camp would be along the haul road to the mine.

Ms. Kim Akers asked who would be responsible for managing the housing facility, including the cleaning, trash pick-up, etc. She also asked about turn-over and families and visitors. She suggested that allowing this use on this site would open the door to a permanent housing project. Ms. Akers also expressed concern with the lack of posting and asked why the project could not be located closer to CR 27. She asked if the residents would be paying for rent, utilities, cleaning,

trash pick-up, waste disposal, etc., or whether these would be handled by the mine. Ms. Akers also expressed concern with the impact of the proposal on their property value.

Seeing no further comment, Chairman Warnke closed public comment.

In response to the comments, Mr. Goldich stated that Colorado Park and Wildlife had been sent a referral and their comments and recommendations had all been incorporated into the suggested COAs. He suggested that COA #22 should be modified to state that pets are not allowed. Regarding the notice and posting, Mr. Goldich confirmed that the Akers had been sent a notification and provided a photo of the poster on the site. He also stated that the application had been reviewed by the Routt County Road and Bridge Department, and that they had no concerns.

Commissioner Miller suggested that although this application is only for a temporary housing facility, it might be an opportunity for the County to require recycling and composting receptacles on site, provided that they were enclosed. Mr. Goldich said that Planning Commission has the authority recommend such COAs to the Board of County Commissioners, but that the final decision would be made by the Board. Ms. Winser offered that these requirements are supported by the 2022 Master Plan, but that the standards and regulations have not yet been updated. She said that the issue could be discussed with the Board. Ms. Kawcak stated that trash would be collected in a locking dumpster rather than in bins inside an enclosure. Chairman Warnke suggested that it was late in the planning process to require recycling and composting collection of this applicant, but that he would be okay with recommending it.

Ms. Winser reviewed the changes that had been discussed to the suggested COAs, including a prohibition on pets, a back-up plan for waste disposal and a recommendation regarding recycling and composting.

Mr. Sollars stated that most residents would be on site for three or four consecutive nights, then would return home. Cleaners would come in between stays. He said that he could discuss recycling and composting with the management company.

Chairman Warnke asked for a clarification of the suggested reclamation bonding. Mr. Goldich said that this petition is unique in that for most operations that involve this much disturbance on sites that will need to be reclaimed, bonding is a requirement of another regulatory agency. In this case, there is no other regulatory agency, so the County would secure the bond.

In response to a question from Commissioner Miller, Mr. Goldich confirmed that a Grading and Excavation Permit would be required from the Department of Public Works, but that Building Permits would be not be required.

Commissioner Martyn asked why this particular location was chosen. Mr. Sollars stated that the ease of access and availability of power were among the considerations. Ms. Kawcak added that they wanted to ensure that the site was outside of the Mesa Gravel Pit mine permit boundary. She stated that an application for a stormwater permit from the State had been submitted.

There was general consensus to recommend approval of the project. Commissioner Benjamin expressed his understanding with the concerns of the neighbors, but said he also understands why the applicant would not want the man camp to be located within the mine permit boundary.

MOTION

Commissioner Weese moved to recommend approval of item PL20220085, a Special Use Permit for a man camp for mine employees with the findings of fact that 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 8 of the Routt County Zoning Regulations.

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 8.
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30. The applicant shall furnish surety in the amount of 150% of the cost of restoration of the site to guarantee site restoration. Such surety shall be in compliance with Routt County's Insurance and Surety Requirements Policy. An engineered cost estimate shall be provided for basis of the bond.
31. It is recommended that the permittee provide recycle and compost facilities for the use of residents.

Commissioner Kelly seconded the motion.

The motion carried 6 – 0, with the Chair voting yes.

ADMINISTRATOR'S REPORT

Mr. Goldich reviewed the upcoming agendas. Ms. Winser reviewed the Planning items recently heard by the Board, including the Thunderstruck application for a storage and staging area for snowmobile tours. She noted that in response to the review of this item, permits for all types of operations will include more detailed information regarding exactly what uses are allowed.

In response to an inquiry from Ms. Winser, Planning Commission agreed that reimbursement for mileage could be done at year-end. Ms. Winser said she would review the accounts to ensure that mileage reimbursement for 2021 was correct. She added that she would be working on scheduling the annual appreciation dinner for December.

Ms. Winser discussed the Master Plan outreach and said she would schedule presentations with Rotary.

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