

## ROUTT COUNTY PLANNING COMMISSION AGENDA

January 16, 2020  
6:00 PM

County Commissioners Hearing Room, Historic Courthouse  
522 Lincoln Avenue, 3rd Floor, Steamboat Springs, Colorado  
Live audio is available by calling (970) 870-5499

### 1. CALL TO ORDER

### 2. PUBLIC COMMENT

Members of the public may address the Planning Commission on items not on the agenda. (Comments regarding items on the agenda will be taken during that agenda item.)

### 3. APPROVAL OF MINUTES

#### A. Minutes From The November 7, 2019 Planning Commission Meeting

Documents:

[110719-pc-corrected.pdf](#)

#### B. Minutes From The December 5, 2019 Planning Commission Meeting

Documents:

[120519-pc-corrected.pdf](#)

#### C. Minutes From The December 19, 2019 Planning Commission Meeting

Documents:

[121919-pc-corrected.pdf](#)

### 4. CONSENT AGENDA

There will be no discussion of this item. If any Planning Commission member requests that the item be removed from consent agenda, this item will be scheduled for review and discussion at the next available hearing.

#### A. Sunshine Resolution

Consideration to for the approval of and authorization for the Chair to sign the 2020 Sunshine Resolution for the Routt County Planning Commission designating posting locations for public meeting notices.

Documents:

[Planning.Comm.pdf](#)

#### B. Zirkel Wireless; PL-19-189 - Request To Table To February 20, 2020

Request to table the consideration of a Conditional Use Permit for a Telecommunications tower for wireless internet service to February 20, 2020.

#### C. Lucky 8 Ranch; PL-19-195 - Rescheduled To February 20, 2020

The consideration to amend Special Use Permit PL-17-102 has been rescheduled to February 20, 2020.

### 5. ITEMS FOR CONSIDERATION

## A. King Creek Ranch - Tabled From November 7, 2019 And December 5, 2019

Activity #: PL-19-184  
Petition: Special Use Permit for a Private Recreation Facility  
Applicant: King Creek Ranch, LLC  
Legal: Land that consists of three parcels located in Sections 25, 26, 27, 34, 35, and 36 Township 1 North, Range 84 West, and Section 31, Township 1 North, Range 83 West; Totaling 1,785.54 acres.  
Location: Approximately 3.5 miles south of Toponas  
Documents:

[Staff report KCR pl-19-184 final 1.16.20.pdf](#)

## B. Camilletti Milner #2 Gravel Pit

Activity #: PL-19-194  
Petition: Renewal of Special Use Permit PP2010-001 and modification of condition of approval #17  
Applicant: Precision Excavating, Inc.  
Legal: SE ¼ SE ¼ Section 9, SW ¼ SW ¼, E ½ W ½, W ½ NE ¼, SE ¼ (LESS TR) Section 10, ALL (LESS TOWN OF MILNER & US 40 ROW, LESS 8.38A TO ROUTT COUNTY) Section 15, ALL IN 6-86  
Location: Approximately 2,700' southeast of the Town of Milner  
Documents:

[Staff Report Camilletti\\_Precision 1.16.20.pdf](#)

## 6. ADMINISTRATOR'S REPORT

Administrator's Report may include the reading of future Planning Commission agendas and recent Board of County Commissioner decisions.

## 7. ADJOURNMENT

WiFi access is available in the Hearing Room, and agenda packets can be accessed at [www.co.routt.co.us/AgendaCenter](http://www.co.routt.co.us/AgendaCenter).

All programs, services and activities of Routt County are operated in compliance with the Americans with Disabilities Act. If you need a special accommodation as a result of a disability, please call the Commissioners' Office at (970) 879-0108 to assure that we can meet your needs. Please notify us of your request as soon as possible prior to the scheduled event. Routt County uses the Relay Colorado service. Dial 711 or TDD (970) 870-5444.

# ROUTT COUNTY PLANNING COMMISSION

## MINUTES

NOVEMBER 7, 2019

The regular meeting of the Routt County Planning Commission was called to order at 6:00 p.m. with the following members present: Acting Chairman Troy Brookshire, Roberta Marshall, Bill Norris, Billy Mitzelfeld, Greg Jaeger and Andrew Benjamin. Commissioners Geoff Petis, Brian Kelly, John Merrill, Peter Flint and Steve Warnke were absent. Planning Director Kristy Winser and Assistant Planning Director Kristy Winser also attended. Sarah Katherman prepared the minutes.

### **PUBLIC COMMENT**

There was no public comment.

**ACTIVITY: PL-19-184**

**PETITIONER: King Creek Ranch**

**PETITION: Special Use Permit (to be tabled)**

**LOCATION: McCoy, CO**

### **MOTION**

Commissioner Benjamin moved to table the Special Use Permit hearing to November 21, 2019. Commissioner Norris seconded the motion. **The motion carried 6 - 0, with the Chair voting yes.**

**ACTIVITY: PL-19-141**

**PETITIONER: Routt County**

**PETITION: Discussion regarding Residential Treatment Facility Standards**

**LOCATION: County-wide**

Ms. Winser stated that the Board of County Commissioners (BCC) had just recently discussed this matter, so minutes of their meeting were not yet available. She reviewed the history of the proposed creation of a process for treatment facilities and discussed the Foundry application, which came through as a use by right, based on the definition of "family." She also reviewed the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA). She stated that while Routt County has remained in compliance with the law, adding a permit process specifically for treatment facilities would improve transparency. Ms. Winser reviewed staff's survey of other communities and how they process applications for treatment facilities of different types and sizes. The review included examples from Gunnison County, Pitkin County and the City of Steamboat Springs. She noted that there is a broad spectrum of standards, but a higher level of review is almost always required for large facilities that would allow for more residents that are allowed under the definition of family.

Commissioner Marshall asked how the proposed new line item would differ from the existing "Senior Center or Nursing Home" line item. Ms. Winser reviewed the proposed definition of treatment facility, which is based on the state's website definition for residential treatment facility. The facility would be specific to substance abuse, mental illness or behavioral problems. Ms. Winser said that once some parameters are defined, drafting the proposed definition would be coordinated with the County Attorney's Office. Ms. Winser clarified that Senior Centers or Nursing Homes are not allowed in the A/F or MRE zone districts. Mr. Phillips stated that no applications for Senior Centers or Nursing Homes had ever been submitted. Ms. Winser stated that the BCC had directed staff to draft standards for residential treatment facilities. She added that the BCC stated their support for allowing small facilities in any zone district where single family residences are allowed, with more robust review required for larger facilities.

Ms. Winser expressed support for standards that would require facilities to obtain and maintain appropriate licenses. She discussed locational standards to avoid high concentrations of facilities within a single neighborhood. She also recommended requiring facilities to be in keeping with the residential and rural character of the area to ensure that the facilities could be reverted to another compatible and conforming use in the future if the treatment use ends. Ms. Winser presented some sample standards, one of which would require the primary and secondary uses to abide by the same standards of primary and secondary dwelling units. She noted that one of the problems with using the definition of family to process small facilities is that any accessory structures would be limited to those that are customary as accessory to a single family home. Another proposed standard would require the use to be in proportion to the size of the parcel. Mr. Phillips stated that staff is looking for direction draft regulations to guide draft regulations for consideration at the next discussion. Mr. Phillips offered that criteria should be established for what residential and rural character actually means.

In response to the question of whether treatment facilities should be allowed in all zone districts, Commissioner Jaeger offered that only the mining district would be inappropriate, but that proximity to services should be considered. He said that visual character suitable for the neighborhood would be the most important factor. Commissioner Marshall agreed that proximity to services is important as well as licensing requirements. She stated her support for an administrative process for small facilities. She offered that the size of the facility in relation to the size of the property would be very important to consider.

Regarding the proximity to services, Commissioner Benjamin offered that a residential care facility could also have a recreational/therapeutic aspect such as cross-country skiing or horseback riding that are more suitable for remote areas. He supported regulations based on intensity of use. He agreed with the licensing requirements, locational standards and visual appearance standards, as well as consideration of scale and context.

Chairman Brookshire stated that he was not certain that residential treatment facilities in the A/F zone district are supported by the Master Plan. He offered that “near a growth center” needs to be better defined. He stated that a provision for future reversion to another conforming use should be a requirement of the regulations. Commissioner Brookshire stated his support for employing the term “group home” rather than “treatment facility.”

Commissioner Mitzelfeld stated that proximity to services needs better definition. He added that reversion to another use is also an important consideration.

Regarding the question of a size threshold that would trigger a higher level of review, Commissioner Jaeger suggested that facilities of 12 or fewer should be administratively reviewed, with a higher level of review for larger facilities. Regarding an acreage threshold, he said that none was needed for a small facility. For a larger facility, it would depend on the character of the zone district. Mr. Phillips noted that better defining intensity of use is on the list for items to be included in the update of the Master Plan.

Commissioner Norris stated that the larger facilities should be restricted to areas within a certain distance of growth areas. Commissioner Benjamin suggested that it would be appropriate for ranch-based therapeutic activities to be located on larger parcels in rural areas, provided that the structures could be reverted to regular ranch use. Commissioner Mitzelfeld suggested that if an SUP were required for a larger facility, the intensity of use could be considered without specific regulations regarding the size of the parcel. Commissioner Marshall offered that larger facilities need to look like ranches, with specific architectural design standards. The building should be clustered like a ranch compound, and screened from the neighboring properties. Regarding the size of a small facility, Ms. Winser noted that the threshold of 12 persons mirrors the state definition of family. Chairman Brookshire noted that there seems to be agreement that a small (12 person) facility should be located in a single family residence. The setbacks and other standards of the zone district would apply.

There was a discussion of limiting the proximity of one facility to another and whether that was an important criteria. Ms. Winser stated that in Eagle County a group home cannot be located within 750 ft. of another group home. Commissioner Mitzelfeld offered that the distance between should be different in different zone districts. Mr. Phillips stated that a minimum distance might not be necessary in the A/F zone district where the facilities must be relative to the size of the parcel.

There was no public comment.

Ms. Winser stated this item would be discussed again by the BCC on November 26<sup>th</sup>. She said that following that meeting another discussion with Planning Commission would be scheduled, likely for consideration to adopt the amendments.

Commissioner Marshall stated her support for allowing small group homes/treatment centers in the same zone districts that apply to senior centers and nursing homes. Large facilities would be allowed in the A/F zone district within proximity of services (police, fire, ambulance. Chairman Brookshire agreed that small facilities might not be appropriate in the A/F zone district. Commissioners Jaeger and Benjamin felt that it would be okay to allow them in all zone districts other than Mining. Commissioner Benjamin offered that a higher level of construction should be required than for a single family residence. Mr. Phillips confirmed that this would be required by the Building Department. Commissioner Norris stated that more restrictions should be required for larger facilities.

**ACTIVITY: PL-19-164**

**PETITIONER: Routt County**

**PETITION: Routt County Recreational Facility Standards**

**LOCATION: County-wide**

Ms. Winser said that this item had been considered by the BCC in October. She reviewed the history of the issue, noting that the overnight accommodations component of Recreational Facilities came into focus following the approval of the STARS application under the CUP process. The initial feedback indicated that any Recreational Facility with overnight accommodations should require an SUP, regardless of the size or complexity of the operation. Ms. Winser reviewed the changes that elevated all facilities with overnight accommodations to an SUP. She said that the primary use of a Recreational Facility must be the recreation; the overnight accommodations are secondary. She said that this was important to prevent private property owners from needing a permit to recreate on their own property. Ms. Winser reviewed the other uses requiring a permit that allow overnight accommodations. She noted that the goal is to improve transparency by ensuring that applications are processed under a category that accurately describes the use and not squeezed into a category that does not quite fit. She offered that heretofore the Recreational Facility category (like the PUD category) has been used as a catch-all for uses that are not otherwise listed in the use chart. Ms. Winser suggested that this discussion could be an opportunity to review all of the uses that allow overnight accommodations. Ms. Winser stated that that the BCC and Planning Commission agree that whether facilities are public or private should not matter; the standards should be based on intensity of use. She described the existing private Recreational Facilities with shared amenities (generally in conjunction with an LPS development) that would require an SUP under the current regulations.

Ms. Winser reviewed the existing use categories that allow overnight accommodations. These uses and the standards that apply to them are listed in the memorandum dated November 7, 2019. Regarding the employment of a PUD for overnight accommodations, Ms. Winser stated that the concern is what

happens if the use goes away. There was a discussion of whether the accommodations or the ranching was the actual primary use on many of the properties permitted as Guest Ranches. Ms. Winser stated that the BCC supports amending the regulations for uses that allow overnight accommodations, including Bed & Breakfasts, Recreational Facilities and Agritourism Enterprises.

Regarding Bed & Breakfasts, the BCC supports removing the requirement that all guest rooms be located within the principal dwelling unit, provided that a full-time manager/owner is on site. She said that there would also be limits on the length of stays. She added that the BCC directed staff to work with the County Attorney's Office to draft a definition of "overnight accommodations."

For Recreational Facilities, Ms. Winser discussed the concept of distinguishing between active and passive recreation. She suggested that facilities with active recreation could require an SUP and facilities with passive forms of recreation could require a CUP, regardless of whether they had overnight accommodations. Active recreation could be separated into the high-impact and low-impact categories. Ms. Winser reviewed draft definitions and examples of each proposed category, as listed in the memorandum.

In response to a question from Chairman Brookshire, Ms. Winser clarified that under this scheme, the level of review would be determined by the type of recreation. Overnight accommodations could be requested, but would not determine the level of review and would be accessory and normally incidental to the overall permitted use of the land. Chairman Brookshire offered that it might be better to separate out the overnight accommodations in the event that the recreational activity was appropriate for a particular site, but the overnight accommodations were not. Mr. Phillips stated that the issue is what types of applications should be reviewed by the BCC. He added that the distinction in the proposed categories is based on the likelihood of off-site impacts.

Commissioner Benjamin suggested that it would be impossible to list and accurately categorize all potential activities. Chairman Brookshire stated that riding stables can be small or large and that the impacts vary accordingly. Ms. Winser said that the site plan and the narrative would help staff to determine which category was the best match for the proposal. She noted that at many Recreational Facilities involve more than one activity. She asked if Planning Commission is supportive of this paradigm.

Chairman Brookshire stated that if the general public is allowed, a higher level of review is needed. Ms. Winser reiterated that intensity of use and off-site impacts should be the determining factors, even if the facility is private. Commissioner Marshall suggested a threshold for review of private facilities could be based on the number of participants or the frequency of events. Commissioner Mitzelfeld suggested that a matrix or flow chart could be developed with private/public and type of use as decision criteria, rather than trying to list each activity.

**Public Comment**

Mr. Paul Hoffmann offered that the challenges have been Recreational Facility proposals that have been squeezed into categories requiring a lower level of review than seemed appropriate. He suggested that all Recreational Facilities should require an SUP, which would eliminate the hair-splitting and abuse of the system, and allow the County to evaluate the intensity of use based on the particulars of the application.

Chairman Brookshire expressed tentative agreement, and added that such a system would be supported by the Master Plan. He added, however, that many proposals may not merit this level of review. Mr. Phillips noted that when the regulations were amended in the early 2000s with the focus on expediting processes, some uses were reduced to CUP review, with the provision for a call up to the BCC. That provision has not been used. The emphasis now is more on clarification and transparency. Ms. Winser offered that a single level of review might merit consideration, and would simplify what is otherwise a judgement call for staff.

Regarding additional thresholds, Commissioner Jaeger stated his support for a trigger based on number of participants/frequency of events. He added, however, that there was merit to eliminating the need for categorizing every activity in terms of impacts. He suggested having a few types of activities listed as very low-impact (CUP), with most falling into the SUP category. Commissioners Norris and Marshall agreed. Commissioner Benjamin agreed that Mr. Hoffmann's suggestion would simplify the process.

There was a discussion of the pros and cons of PUDs for Recreational Facilities, and how they could revert to conforming uses.

Chairman Brookshire asked staff for a list of activities that could be considered for CUPs in pretty much all circumstances. Possible triggers for an SUP, even for these uses, could be commercial use, overnight accommodations, public access, frequency and numbers of users. Ms. Winser offered that frequency and numbers of participants could push a private use into a use requiring a permit due to intensity of use. The goal would be to require mitigation to offset the impacts on the neighbors.

Mr. Phillips noted that the most common application under the Recreational Facility - Outdoor Rural without overnight accommodations is for a wedding venue. He asked if this use should continue to be processed as a Recreational Facility. Chairman Brookshire suggested that wedding/special event venues (indoor or outdoor) should be a separate line item in the use chart, requiring an SUP. Planning Commission agreed.

Ms. Winser reviewed the Agritourism Enterprise definition. She asked if overnight accommodations should be allowed. There was general agreement that such facilities should be allowed, with an added level of review. Regarding Bed &

Breakfasts, there was agreement that eliminating the requirement that all rooms be located within the primary residence was okay, but that it should not extend beyond a secondary unit and that B&Bs must have an on-site manager living there at all times. Chairman Brookshire stated that this change would effectively circumvent the nightly rental prohibition. Ms. Winser added that no kitchens would be allowed in the rooms. She reviewed the other proposed standards. There was general agreement on Planning Commission that no limit on the length of stay was needed.

#### **ADMINISTRATOR 'S REPORT**

Mr. Phillips reviewed the upcoming agendas.

**The meeting was adjourned at 9:00 p.m.**

# ROUTT COUNTY PLANNING COMMISSION

## MINUTES

DECEMBER 5, 2019

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, Bill Norris, Troy Brookshire, Brian Kelly, Peter Flint, Billy Mitzelfeld and Andrew Benjamin. Commissioners John Merrill, Roberta Marshall and Greg Jaeger were absent. Planning Director Chad Phillips and Assistant Planning Director Kristy Winser also attended. Sarah Katherman prepared the minutes.

New Planning Commission member Billy Mitzelfeld introduced himself and reviewed his background.

### **PUBLIC COMMENT**

There was no public comment.

### **MINUTES - October 17, 2019**

Commissioner Kelly moved to approve the minutes of the Routt County Planning Commission meeting cited above, as written. Commissioner Brookshire seconded the motion. **The motion carried 7 - 0.**

**ACTIVITY: PL-19-184 (to be tabled)**

**PETITIONER: King Creek Ranch**

**PETITION: Special Use Permit**

**LOCATION: South Routt County**

### **MOTION**

Commissioner moved to table the King Creek Ranch petition to the January 2, 2020 Planning Commission hearing, at the request of the applicant. Commissioner Brookshire seconded the motion. **The motion carried unanimously.**

### **REVIEW AND DISCUSSION OF THE MASTER PLAN PROJECT PLAN**

Mr. Phillips discussed population growth globally, nationally and locally. He noted that at the current rate of growth, Routt County's population will double in 31 years. He presented graphic representations of how big Steamboat Springs would be in terms of land area if it grows to the size of various communities in Colorado. Mr. Phillips reviewed the history of planning and zoning in Routt County, noting that the idea of directing growth to designated growth centers began with the County's first Master Plan in 1980. He also reviewed the highlights and foundational policies of the existing Routt County Master Plan.

Mr. Phillips reviewed the Master Plan update project timeline and its proposed phases, as presented in the “Navigate your Routt” document dated November 22, 2019. He stated that the length of time allocated for each element of the project plan is an estimate and will depend on the feedback from the community. He said that the estimates assume the update will be significant in scope. Mr. Phillips stated that the draft “Community Vision and Goals Document” included in phase 2 would be used to create the scope of work for a consultant and guide the development of the RFP. He said that a grant application requesting \$100,000 had been submitted to DOLA. The County would match this amount for a total project budget of \$200,000.

Ms. Winser reviewed staff’s activities to date related to the Master Plan update. She discussed the community survey and the involvement of communications consultant Slate. She offered that the first phase of the project is focused on education, building excitement and encouraging everyone to take the survey. Ms. Winser said that 385 responses have been received since the survey went live in early November. Staff anticipates another surge in responses when meetings out in the community begin after the New Year. There was a discussion of target response rates and strategies for maximizing involvement. How long to leave the survey open will be discussed at the next Steering Committee Meeting.

Commissioner Brookshire reviewed the email he had sent out to all Planning Commissioners asking for input/direction on the project plan. Commissioners Marshall and Jaeger, who were unable to be at the meeting, had submitted their responses in writing.

Chairman Warnke stated that he had struggled with undertaking a major update and had felt that some tweaks and additions might be all that was needed. He added, however, that engaging the public is really important, and that public input should guide the scope of the update. He offered that once public outreach had been done, it may turn out that only a minor revision is necessary.

Commissioner Brookshire suggested that the extent of the outreach and the level of engagement with stakeholders may be beyond what is fair to Planning Commission. He offered that the community needs to understand that there will be a deadline for input. He expressed concern with the growth of the project into something that is now scheduled to take 1.5 years and \$200,000. Commissioner Brookshire stressed that the Master Plan is Planning Commission’s document.

Commissioner Flint expressed concern that the questions being asked do not extend far enough into the future to address the problems that are likely to occur in the next 50 years. He cited housing, the reluctance of Steamboat Springs to annex land, and shortages in service industry workers.

Commissioner Benjamin agreed, but stated that gathering input to direct the project was really important. He stated his support for continuing to direct growth to the growth centers. He agreed with Commissioner Brookshire that the

timeframe proposed for the update may be too long, particularly given that the Master Plan is supposed to be reviewed and updated every 5 years.

Commissioner Norris stated his agreement with Commissioners Brookshire and Marshall that the timeline is too long. He expressed concern regarding the expansion of the project.

Commissioner Mitzelfeld stated his support for a limited tune-up, focused on the identified items and the big issues.

Commissioner Kelly noted that number of approved and platted, but not built-out, subdivisions in the County. He offered that the County could do more to promote the build-out of these areas by assisting with infrastructure development and providing resources that would help the owners of these lots get the services that they need.

Commissioner Flint expressed concern with the tendency of consultants to drive projects. He stressed the importance of managing a consultant and of considering the cost/benefit before engaging one.

Commissioner Brookshire stated that the original Steamboat 700 area would accommodate 2400 units. He said that the County should be asking if the UGB needs to be expanded.

Regarding the 1.5 year timeline for the project, Chairman Warnke said that it might be premature to decide if this was excessive, and suggested that the issue could be revisited after community input had been gathered.

### **Public Comment**

Mr. Ben Beall asked why the Board of County Commissioners is listed as the co-creator of the Master Plan. He said that he thought that state statute grants the Planning Commission authority over the Master Plan. He also commented on the importance of ensuring that Steamboat Springs and Routt County maintain their character and continue to be great places, as those attributes are what drive the economy. He offered that the opportunities for growth to the west are better than they seem, and that the County needs to take a stand in support of directing growth to the growth centers.

Mr. Phillips acknowledged that the Planning Commission adopts the Master Plan, and the Board certifies it. He stressed the importance of ensuring the update process involves both bodies so that when the process is over, the Board supports the plan. He said that the existing plan was developed in this way, with Planning Commission and the Board operating jointly with a high level of cooperation and communication.

Mr. Jay Gallagher said that he was initially concerned that the projected timeline was 1.5 years. He added that, in terms of community response, a 2% return rate

to a blind mailing is considered good. Mr. Gallagher stated that even if the timeline is reduced, it is important to perform each of the tasks identified to ensure that the community is heard and that there is no perception that the process has shut anyone out. He cited the philosophy of planning in Routt County outlined in Section 1.2 of the existing Master Plan and suggested that if no major departures from this are identified through the survey, it may turn out that the existing document does not need more than a few tweaks and additions.

Commissioner Flint asked why a consultant is needed, and what they could do that Planning staff could not. Mr. Phillips said that capacity constraints and workload would be the issue. He said that care would be taken in the selection process to hire a consultant that would do what they were directed to do. Commissioner Flint stated that he would expect staff to drive the project.

Mr. Bob Woodmansee reported that the Upper Yampa Water Conservancy District had undertaken a big survey in 2017 in conjunction with the development of its Strategic Plan. He said that the survey had demonstrated a vision that looks a lot like the existing Routt County Master Plan. He stated that the survey was more directed toward water issues, but that the respondents expressed strong support for keeping the lands to the north and south of Steamboat Springs open and rural, and for not allowing water to be diverted to the Front Range. Mr. Woodmansee cautioned, however that the District was strongly criticized for conducting insufficient outreach and for its process not being transparent enough.

Mr. Woodmansee stated that since 2003 when the existing Master Plan was written, significant strides in land management and ecosystem science had been made. He offered that the update to the Master Plan should reflect these scientific developments regarding the understanding of watersheds. The Plan should rely heavily of the current science of water and land management. Mr. Woodmansee stated that water is really the key to the future, economically and otherwise, and emphasized the importance of maintaining the health of the watershed.

Chairman Warnke noted that adding a section on water had been identified as a priority for the update. He noted that much of the basin is over-appropriated, and that this would determine growth patterns. Mr. Phillips stated that including a section on water is a requirement. Mr. Woodmansee stated that it is not only about protecting the water, but also the landscape that provides the water.

Mr. Gallagher asked if the update would address climate change. He offered that at a minimum the plan should refer to the body of knowledge now available regarding climate change and its ramifications. Commissioner Brookshire wondered about what Routt County could do to address the problem, and whether it would be possible to identify specific policies and action plans.

## **ADMINISTRATOR 'S REPORT**

Mr. Phillips reviewed the upcoming agendas. Regarding recent decisions by the Board, he stated that the Wunsch subdivision had advanced to final plat, which is an administrative approval.

Ms. Winser stated that the Board had supported Planning Commission's recommendations regarding Recreational Facilities and Residential Care Facilities.

Returning to the Master Plan update process, Mr. Phillips discussed the make-up of the project management team and the focus groups. There was also some discussion of the message to be publicized in the community outreach.

Mr. Phillips announced that Commissioner Petis was resigning his position on Planning Commission. He reviewed the process of advertising for a new member.

**The meeting was adjourned at 8:00 p.m.**

# ROUTT COUNTY PLANNING COMMISSION

## MINUTES

DECEMBER 19, 2019

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, Bill Norris, Troy Brookshire, Billy Mitzelfeld, John Merrill, Roberta Marshall and Greg Jaeger. Commissioners Brian Kelly, Peter Flint and Andrew Benjamin were absent. Planning Director Chad Phillips and staff planner Alan Goldich also attended. Sarah Katherman prepared the minutes.

### **PUBLIC COMMENT**

There was no public comment.

Commissioner Jaeger disclosed that he works for the City of Steamboat Springs, but not in the same department as Ms. Carr. He stated the he could make an impartial and unbiased decision. There were no objections to the participation of Commissioner Jaeger.

**ACTIVITY: PL-18-184, PL-18-185 and PL-18-186**

**PETITIONER: City of Steamboat Springs**

**PETITION: 1. Special Use Permit for a Major Facility of a Public Utility  
2. Waterbody Setback Permit for water lines associated with the west side water tank  
3. Division of Land for Public Purposes for the west side water tank**

**LOCATION: East side of Elk River Road, across from the Steamboat Springs airport**

Mr. Goldich reviewed the petition and noted that it includes three parts: the Special Use Permit (SUP), the Waterbody Setback Permit and the Division of Land for Public Purposes. He stated that because the project is being evaluated as a whole, Planning Commission would be making a recommendation to the Board of County Commissioners regarding each of the three parts.

Mr. Goldich presented a vicinity map and a detailed site plan. He said that the proposed site is approximately 1000 ft. outside the City limit, and overlooks CR 129. He described the proposed tank, which would be partially buried. He indicated the location of the water lines that would be associated with the tank. Mr. Goldich stated that the tank is intended to improve the overall operation of the City water system, increasing fire flows, improving water pressure and facilitating growth on the west side of the City.

Mr. Goldich reviewed a map of the alternate sites that were considered. He stated that all of the sites are outside of the City limit, and as such would be

required to go through the same process as the proposed location. Mr. Goldich indicated the location of the drainage that qualifies as a waterbody, requiring the applicant to obtain a Waterbody Setback Permit for the pipe that would be within 50 ft. of the drainage. He stated that the applicant had submitted a Stormwater Management Plan that meets the criteria for obtaining a Grading and Excavation Permit.

Mr. Goldich reviewed the proposed plat. He said that the property owner has requested that Lot 1, which will contain approximately 33.5 acres following the division of land, be allowed to retain all of the development rights of a 35 acre parcel. He noted that the only difference in the development rights between a parcel of 35 acres and a smaller one is the distance allowed between the primary and secondary units.

Mr. Goldich said that the proposal was reviewed under the 1041 regulations regarding matters of state interest. The review resulted in a finding of no significant impact, provided that an SUP was obtained. Mr. Goldich reviewed the referral agency comments, as summarized in the staff report. He stated that the Colorado Parks and Wildlife recommendations had been included in the suggested conditions of approval (COAs).

Mr. Goldich stated that the City had entered into an agreement with the landowner, who also owns two other nearby parcels, to provide residential water taps for each of these lots.

Mr. Goldich asked Planning Commission for input regarding the visual impact and whether the proposed mitigation measures were sufficient, and regarding the request for Lot 1 to retain the same rights as if it were a 35-acre parcel.

Commissioner Brookshire stated that he had some concerns regarding the City's proposal to extend services outside of the district to three lots. He also questioned whether the water tank was needed.

Ms. Michelle Carr, Distribution and Collection Manager for the City of Steamboat Springs, stated that the proposed tank would initially store water from existing sources, but that eventually the City would like to develop a water treatment plant and utilize water rights that it holds on the Elk River. She stated that although the Elk River project has been discussed for many years, it is not on the 20 year horizon. Ms. Carr stated that the water tank is needed now, based on the water supply master plan, which is reviewed every 10 years. The water storage tank will push farther into the future the need to develop new water sources. The tank will also allow the development of phase 3 of the Sunlight subdivision without the need for residential sprinkler systems.

Mr. Goldich said that the Planning Department is generally consulted when the City wants to provide service outside the City limit. He said that no such requests have been received in recent years. Regarding the potential density of the area to

which the City is proposing to extend water service, Mr. Goldich said that it is unlikely to increase, based on the Routt County Master Plan and the Steamboat Springs Area Community Plan (SSACP) which state that all urban level density shall occur inside the Urban Growth Boundary (UGB). He reviewed the growth management policies in the SSACP.

In response to a question from Commissioner Brookshire regarding the potential for the water taps to serve a higher density development, Ms. Carr stated that the water taps will be small diameter lines which would only be sufficient to serve one primary and one secondary dwelling. She stated that the City would also like to offer a water tap to the Schraders, who maintain the road, but added that their property is higher up and may be a challenge.

Commissioner Brookshire asked why the proposed tank is only partially buried. Ms. Carr stated that the project was designed to balance the cut and fill. She stated that the retaining wall is designed to make the tank as inconspicuous as possible. She described the retaining wall and stated that it would be colored to match the existing background.

Commissioner Merrill asked about the long-term need for additional water supply. Ms. Carr stated that the City does not have a site for a new water treatment plant and the project to develop one is not included on the 20 year plan. Commissioner Merrill asked about monitoring of the tank. Ms. Carr stated that the controls would employ wireless technology and not be subject to the problems that have occurred at the tank off of Fish Creek Falls Road. She added that the City is working on upgrading the controls on that tank.

Commissioner Marshall asked about a "future house" included on the site plan. Ms. Carr said that the house was the property owner's original plan, and that the house is not part of the current application.

Mr. Goldich described the proposed division of land. He noted that no alternative reconfiguration of the Deline properties would result in three 35-acre parcels in addition to the site for the tank. The proposed 33.5-acre parcel would be a legal non-conforming lot on which a primary and a secondary dwelling could be built. The request to retain the rights of a 35-acre parcel would allow the primary and secondary dwelling to be 300 ft. apart instead of 200 ft. apart.

In response to a question from Commissioner Marshall, Ms. Carr reviewed the proposed grass mix to be used for revegetation. She noted that the land currently also has some sagebrush and some gambles oaks. Ms. Carr described how the grass would be planted on the tops of each level of the retaining wall. Any exposed retaining wall would be colored to match the surroundings.

Commissioner Brookshire asked about the road maintenance agreement. Mr. Carr said that the City intends to enter into the road maintenance agreement that covers the private road and provides access to the Deline and Schrader

properties. She stated that the City has an easement through the YVEA property for the water line. She clarified that the water line crossing CR 129 was previously installed to create a looped system.

There was a discussion of the proposal to cover the chain link fence with fabric.

Commissioner Brookshire asked why the tank could not be buried deeper. Mr. Goldich described the difficulties of the cut and fill.

### **Public Comment**

Mr. Clay Schrader, the owner of the lot above the tank, clarified that he holds an easement to use the road, which he maintains, through the Deline property. He stated that his only concern with the water tank project is that the access to his property will remain open throughout the construction of the tank. He added that getting a water tap would be very beneficial to him, as the water from his well is not potable. He said that he would not be able to see the tank from his house.

Seeing no further comment, Chairman Warnke closed public comment.

Ms. Marshall said that she was okay with the proposed landscaping plan, but would prefer if oak and other shrubs were included in the plantings. Commissioner Merrill agreed, and asked about dust mitigation prior to the growth of the grasses. Mr. Goldich discussed the Grading and Excavation Permit that includes measures to control erosion. The mat used for revegetation will control dust.

Commissioner Mitzelfeld suggested that better screening of the tank should be required and that the retaining wall should be textured. Following further discussion of the retaining wall, Mr. Goldich reviewed a new possible COA to address the color and texture of the retaining wall. He added that gambles oak are very slow growing, but that other types of landscaping could help to mitigate the visual impact of the tank.

Regarding the visual impact and the need for additional mitigation, Commissioner Brookshire noted that CR 129 is designated as a gateway into Steamboat Springs. He said that COA #10 should include a requirement that each bench of the wall be planted. He also noted that SSACP policy CF 1.7 states that municipal services will not be extended or expanded outside of the UGB. He said that the taps offered to the Delines and the Schraders are out of compliance with the SSACP. Commissioner Brookshire added that City Council has stated that the City has sufficient water supply to serve the development described in the West of Steamboat Springs Area Plan. He said that he does not understand why the tank is needed.

Ms. Carr cited the City's water supply master plan and infrastructure master plan regarding the need for the tank. Regarding the extension of water taps, Ms. Carr cited the Municipal Code that states that properties outside the City limit would

not be served without approval by City Council. She offered that because the tank is needed for fire flows and future developments, City Council was likely to approve the taps.

Commissioner Brookshire suggested that the permit should state that the taps may only be used for four lots.

There was additional discussion of the proposed fence.

Commissioner Jaeger stated that he feels that the tank is needed, given the limitations on the Fish Creek tank and the need for redundancy in the system, as well as future growth to the west. He said that the proposed planting on each bench of the retaining wall and requiring the color of the wall to blend in would provide sufficient screening, and that other landscaping would look unnatural and wouldn't be effective. Commissioner Jaeger added that if the County receives complaints about the visual impact of the tank, the permit could be reviewed and additional mitigation measures could be required.

Commissioner Brookshire asked if the tank could provide water for pumper trucks, in the event of wildland fire. Ms. Carr said that it could, but also pointed out that there is a hydrant at CR 129.

Chairman Warnke said that he was okay with the proposed landscaping. He reviewed the new suggested COA #19. Ms. Carr said that none of the concrete of the tank should be visible.

Ms. Marshall suggested that in the future, requiring the submittal of a colors and materials board would streamline the review process for such facilities.

Commissioner Mitzelfeld expressed concern with the vehicles that would be required to maintain the tank. Ms. Carr stated that regular pick-up trucks would be used, and that keeping the road open would be included in the road maintenance agreement.

#### **MOTION**

Commissioner Marshall moved to approve the Special Use Permit for the west side water tank 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 properties.

This approval is subject to the following conditions:

**General Conditions:**

1. The Special Use Permit (SUP) is valid for the life of the use 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.
2. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, 6, and 8.
3. 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. Accessory structures/uses associated with this permit can be administratively approved by the Planning Director.
4. 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.
5. 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.
6. No junk, trash, trailers, equipment, or inoperative vehicles shall be stored on the property.
7. This approval is contingent upon any required federal, state and local permits being obtained and complied with; 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 operations.
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. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Routt County shall be named as an additional insured on the policy. Permittee shall notify the Routt County Planning Department of any claims made against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
10. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. Seeding shall take place in between the individual retaining walls. See the Colorado State University Extension Office for appropriate grass seed mixes.
11. **The Permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act as amended in 2013 and Routt County noxious weed management plan.**

**Specific Conditions:**

12. Permittee shall obtain a Grading and Excavation permit for the onsite construction activities.
13. Erosion and sediment from land disturbance activities associated with this project shall be controlled to the greatest practical extent through the use of **appropriate Best Management Practices (BMPs)**.
14. Prior to issuance, the permittee shall provide Routt County with a bond or other surety in the amount of 150% of the cost of the work to ensure site restoration. Such surety shall be payable to or drawable by, and held by the Routt County Board of County Commissioners. Prior to the release of the surety, permittee shall show that the revegetation is equal to or better than pre-construction vegetation.
15. Interagency Grizzly Bear Committee bear resistant trash containers shall be made available for use on the project site during construction activities.
16. Construction activities shall not take place from December 1 - April 30 to avoid disturbing wintering elk.
17. Permittee's contractor shall maintain the site, storage areas, and active construction areas in a manner to minimize access and impact by and to wildlife.
18. In collaboration with the local CPW District Wildlife Manager, a nesting raptor and migratory bird survey shall be conducted two weeks prior to the start of construction. If nesting raptors or migratory birds are located in the project area, the permittee shall work with CPW to plan construction activities to avoid disturbance.
19. The retaining wall and fence shall be a neutral color similar to the surrounding vegetation. The color and texture of the retaining wall and the fencing shall be approved by the Planning Director prior to the commencement of construction.

Commissioner Merrill seconded the motion.

**The motion carried, 6 - 1 with the Chair voting yes .**

Commissioner Brookshire stated that his dissenting vote was based on his concerns regarding the negative visual impact of the proposed tank. He said that the structure was out of character with the area. He added that he did not think the tank was necessary and stated that supplying water service to four lots outside of the district is contrary to SSACP policy CF 1.7.

**MOTION**

Commissioner Marshall moved to approve the Water Body Setback Permit for the west side water tank with the following findings of fact:

1. The proposal with the following conditions meets the standards of Section 5.11 of the Routt County Zoning Regulations (Waterbody Setback Standards and Permits), as construction outside of the waterbody setback is not technically feasible.
2. The placement of the pipeline in the waterbody setback is necessary in order to be located in an already disturbed area, being in the vicinity of other utilities, ease of access for construction and maintenance, ease of access for future connections, and the favorable slope of the existing road which is preferred for hydraulic reasons.

This approval is subject to the following conditions:

1. This permit is limited to the project presented in the plans. Any changes must be applied for in a new or amended application.
2. A Grading and Excavation permit shall be obtained from Routt County Public Works prior to the commencement of construction. Evidence of an approved state stormwater permit shall be submitted prior to the commencement of construction.
3. Accessory structures/uses associated with this permit can be approved administratively by the Planning Director.
4. Revegetation of disturbed areas shall occur within one growing season with a seed mix which contains vegetation indigenous to the area and that avoids the use of aggressive non-native grasses.
5. This approval is contingent upon 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.

Commissioner Merrill seconded the motion.

**The motion carried 7 - 0, with the Chair voting yes.**

#### **MOTION**

Commissioner Marshall moved to approve the division of land for public purposes for the west side water tank with the following findings of fact:

1. The Routt County Master Plan does not specifically address this type of application however the proposal with the following conditions is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 3 and 4 of the Routt County Subdivision Regulations.
2. The proposal with the following conditions is in general conformance with the Steamboat Springs Area Plan.

This approval is subject to the following conditions:

#### **General Conditions:**

1. All property taxes must be paid prior to the recording of the plat.

2. Address signage shall be in conformance with the Routt County Addressing, Naming, and Signage Policy shall be located at the entrance to the driveway.
3. A plat finalizing this subdivision shall be recorded within 12 months of approval. Extensions of this timeframe may be approved administratively.
4. Documentation for the legal access to the site shall be submitted to the Planning Department prior to the recordation of the plat.
5. Lot 1 shall retain all of the rights of a 35-acre parcel.
6. The plat shall contain a note stating that Lot 2 has not been approved for residential uses.

Commissioner Merrill seconded the motion.

### **Discussion and friendly amendments**

There was a discussion of the access to the site. Mr. Goldich said that he had reviewed an un-signed terms sheet stating that access would be granted. Ms. Carr explained that the City would join an existing road maintenance agreement. It was suggested that a condition should be added requiring the petitioner to submit documentation of the legal access. This condition was approved, as indicated above.

Mr. Phillips suggested that a condition be added clarifying that the 33.5-acre parcel would retain all of the development rights associated with a 35-acre parcel. This recommendation was accepted, as indicated above.

Following a discussion of what would become of Lot 2 if the tank is not built, Planning Commission agreed to add a condition stating that the lot was not approved for residential uses.

### **The motion carried 7 - 0, with the Chair voting yes.**

Following the vote, Commissioner Mitzelfeld suggested that when the project is reviewed by the Board of County Commissioners, motion sensitive lighting should be considered, given that no lighting would be needed except when people were present.

### **ADMINISTRATOR 'S REPORT**

Mr. Phillips reviewed the upcoming agendas. He noted that the March 5<sup>th</sup> meeting would be a joint meeting with the Board to discuss progress on the Master Plan update and review of the initial public engagement. Mr. Phillips said that the community survey would remain open until February 14<sup>th</sup>.

**The meeting was adjourned at 8:00 p.m.**



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# King Creek Ranch Private Rec Facility

## Special Use Permit

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**ACTIVITY #:** PL-19-184

**HEARING DATES:** Planning Commission: 1/16/20 at 6:00 pm  
Board of County Commissioners: 1/28/20 at 1:30 pm

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**PETITIONER:** King Creek Ranch, LLC

**PETITION:** Private Recreational Facility with Overnight Accommodations

**LEGAL:** Land that consists of three parcels located in Sections 25, 26, 27, 34, 35, and 36 of Township 1 North, Range 84 West, and Section 31, Township 1 North, Range 83 West; totaling 1,785.54 acres

**LOCATION:** Approximately 3.5 miles south of Toponas

**ZONE DISTRICT:** A/F

**AREA:** 1,785.54 acres

**STAFF CONTACT:** Tegan Ebbert [tebbert@co.routt.co.us](mailto:tebbert@co.routt.co.us)

**ATTACHMENTS:**

- Applicant narrative
- Site plan for each activity area
- Referral from Colorado Parks and Wildlife
- Referral from the Routt County Regional Building Department

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### **History:**

King Creek Ranch started in the 1980's as an agricultural operation that raised yearling cattle. In the 1990's the ranch evolved into a partnership of a small group of owners who share in the operations and financing of the ranch. Today the number of owners is seven, all of who do not reside full time at the ranch, and the applicant indicated that they do not intend to increase the number of owners. Each of the seven owners holds an equal interest in King Creek Ranch, LLC, no controlling interest exists. Over the years, each of the seven owners constructed personal single family homes on individually held 35+ acre parcels adjacent to the ranch.

In 1998 King Creek Ranch partnered with Colorado Open Lands in order to place a large majority of the property under a conservation easement. Colorado Open Lands conducts annual monitoring of the property in order to verify compliance with the terms of the conservation easement.

King Creek Ranch has amassed over 5,000 acres of land to date. The permit boundary being considered for this application consists of 1,785 acres. The remaining 3,200 acres are used for cattle and haying operations as well as open space for wildlife habitat.

Over the past four decades the ranch has evolved into more than just an agricultural operation. On the King Creek Ranch, LLC owned land the owners and their private guests have access to a number of recreational and shared amenities such as the use of Bison Hall Lodge, horse stables and riding, snowmobiling, fishing, a shooting range, a driving range, hunting, and a developed camping area also called “glamping”.

The amenities and property are only accessible to the seven owners, their private guests, and ranch employees. No rentals, public access, or memberships are allowed.

### **Site Description:**

King Creek Ranch is located in South Routt between the unincorporated areas of McCoy and Toponas. The ranch spans the Egeria Canyon and borders both USFS and BLM property as well as a handful of private ranches.

King Creek Ranch consists of over 5,000 acres however the proposed permit boundary only contains the 1,785 acres that house the common amenities accessed by the owners.

The majority of the development, including the owner’s private homes, is located west of Egeria Canyon. The roads area east of Bison Hall and the Ranch Center are not plowed in the winter making the majority of the permit boundary inaccessible in the winter, except on snowmobiles.

### **Project Description:**

The applicant is requesting a Special Use Permit for the private recreational facility with overnight accommodations for the common amenities available to the seven owners of King Creek Ranch, LLC. All of the structures and uses being requested are already in existence and the applicant is seeking retroactive approval.

The applicant has identified three activity areas on the ranch that contain the common amenities available to the owners. The three activity areas are described in detail below:

#### **Ranch Center**

This area is utilized to house and care for horses, store recreational equipment, and manage the ranch operations from the main barn. This is also an area that the owners can ride horses in the arena and relax at the bar / lounge area within the main barn.

Many of these structures were initially constructed without building permits under an agricultural exemption however some of them are no longer solely and exclusively used for agricultural operations. The applicant is working with the Routt County Regional Building Department to pursue the necessary permits.

Following is a list of the structures in this area:

- 2,800 sqft main barn – Used for tack, feed, and veterinary storage. Contains a small bar/lounge area.
- 2,250 sqft secondary barn – Used as a horse stable for the owners’ horses and horses associated with the agricultural operation.
- 1,575 sqft storage barn (garage) – Used for storage of recreational and agricultural vehicles and equipment.

- 720 sqft arena storage structure – Used for arena equipment storage and houses the agricultural irrigation controls.
- 2,280 sqft owner garage – Contains seven bays, one for each owner to store recreational equipment

Adjacent to the Ranch Center is Bison Hall Lodge that was constructed in 1995. It contains three bedrooms and five bathrooms. The owners use this structure to gather with each other, their families, or their private guests for meals prepared by a private chef. The bedrooms are available for their private guest to use. The applicant indicated that there is no history or intent to hold special events at the lodge. The lodge is not available to be rented or used by members of the public.

#### Washburn Area

The activities in this area of the ranch are seasonally used and only accessible from approximately May through October depending on weather. There is no public use of these amenities.

This area contains the following amenities:

- 1.5 acre fishing pond
- 5 acre golf driving range
- 1.25 acre irrigation store pond
- 1,161 sqft cabin – Proposed to be demolished and replaced in kind. Used primarily as bathroom facility and day use.
- Shotgun shooting stands – Will require building permits retroactively, closes in advance of hunting season so it doesn't impact hunting potential in the area.

#### Chester Camp

This "glamping" (glamorous camping) area is a location for the owners and their private guest to camp overlooking Hadley Reservoir. This area is used seasonally and only accessible from about May through October depending on weather. All of the structures are winterized and closed up prior to October. All of the structures in this area were constructed without building permits however the applicant is working with the Routt County Regional Building Department to gain compliance.

This area contains the following amenities:

- 300 sqft generator enclosure – Provides power to the Chester Camp area.
- 1,200 sqft pavilion with kitchen – Open sided dining area with kitchen. Private chef can prepare food for owner's onsite in this structure.
- 600 sqft bath house – Provides the bathrooms and showers for the Chester Camp area.
- Six 150 sqft tent platforms – Wall tents are placed on platforms seasonally for camping use.
- Four 150 sqft miniature cabins – One room cabins with no water or toilets.
- Three horse corals – For use of the owners if they elect to ride horses to the camp site.

#### Additional activities available to owners

- Snowmobiling – Owners are able to snowmobile on the existing internal ranch roads once they become snow packed. The applicant indicated that the snowmobiles are used recreationally and typically total less than five occurrences a winter, with no use occurring in some recent years.

- Hunting – The owner’s elk hunt in the fall on the property. Hunting tours are not open to the public and commercial outfitters do not hunt on the property.
- Fishing – In addition to fishing in the Washburn Area of the ranch, Egeria Creek and numerous other small ponds throughout the property are used for fishing.
- Horseback riding – Many equestrian trails are located on the property for recreational riding.

Additional structures within permit boundary

- 650 sqft home – Address 6100 HWY 131, constructed in 1929, used as ranch hand housing.
- 1,500 sqft home – Address 34125 King Creek Rd, constructed in 1992, used as ranch hand housing, still attempting to determine if this structure has been permitted.

Typical usage of recreational amenities

The applicant indicated that none of the seven owners are full time residence of the ranch. They typically visit periodically from Memorial Day through Labor Day and during hunting season therefore nearly all of the recreational activities take place in that time frame.

Ranch staff

The ranch typically has four full time staff members. These staff manage ranching operations, care for the horses, perform maintenance, and prepare for owners to visit. Additionally, the ranch contracts with a private chef that is available when the owners are visiting to prepare meals onsite. The ranch hires seasonal workers to assist with the agricultural operation in the summer.

**Staff Comments:**

As previously mentioned, all of the amenities are only available to the seven owners and their private guests. No memberships are available to access the ranch amenities and it is not open to the public.

Many of the common amenities on the property are uses by right in the Agriculture / Forestry Zone District such as camping, hunting, fishing, use of the stables, and the agricultural operation. The common amenities that triggered the need for the Special Use Permit are the permanent structures associated with the Chester Camp, the golf driving range, and the common lodge with overnight accommodations for guests. All uses, both uses by right and uses that require permitting, are included in this review to demonstrate the intensity of use on the property.

All of the structures associated with this application already exist. No new structures are being proposed.

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

The Routt County Master Plan, Sub Area plans and Zoning Regulations 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.

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 six (6) major categories:

1. Health, Safety and Nuisances
2. Regulations and Standards
3. Recreation and Tourism
4. Community Character and Visual Impacts Roads, Transportation and Site Design
5. Natural Environment
6. Mitigation

Interested parties are encouraged to review the Master Plan, Sub Area plans and Zoning Regulations 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 about which 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

**Staff comments: The uses being proposed are only privately available to the property owners and their private guest therefore they do not pose a danger to the general public. The gun range has the potential to produce noise however it is located over a mile from the nearest residence.**

**Some areas within the permit boundary show high wildfire potential however none of the activity areas are located in those sections.**

**The internal ranch roads east of Bison Hall are not maintained in the winter months therefore that section of the property is inaccessible for a large part of the year cutting off access to Chester Camp and the Washburn Area.**

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

## Regulations and Standards

### Applicable Regulations – Routt County Zoning Resolution

- 5.2 Dimensional Standards:
- 5.3 Secondary Dwelling Unit Standards
- 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).

### Applicable Policies – Routt County Master Plan

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

**Staff comments: The applicant is working with the Routt County Regional Building Department to permit the illegally constructed structures on the property. Some of the parcels within the permit boundary have multiple dwelling units, however these properties are eligible for a Large Lot Agreement in order to be in compliance with the number of homes allowed per parcel or employee dwellings can be approved as part of this permit. Some of the structures in the permit boundary, such as the bathhouse and the small cabins in Chester Camp, are only allowed to remain on the property with the issuance of a Special Use Permit.**

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

## Recreation and Tourism

### Applicable Policies – Routt County Master Plan

- 6.3.A. Recreation and Tourist-based development and use intensity should be comparable to traditional agricultural use intensity. Intensity of permitted use should be proportional to permitted acreage.
- 6.3.J. New permitted recreational uses should avoid the construction of new, permanent structures.

**Staff comments: The proposed permit boundary for the Special Use Permit is 1,785 acres however the three activity areas where concentrated use is directed makes up less than 20 acres. Additionally, the only individuals that have access to these areas are the seven owners, their private guests, and the ranch employees. Most recreational amenities on the ranch are available on a seasonal basis, not year round. Overall the intensity of use is minimal and further diluted due area of the permit boundary.**

King Creek Ranch has installed a number of permanent structures for their recreational amenities however they have intentionally clustered the structures to minimize the impact on the land, the agricultural operation, and to maintain compliance with the conservation easement. All of the structures in Chester Camp were constructed on platforms to make removal easier if it becomes necessary in the future.

*\*\*Is the application in compliance with the Policies and Regulation 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
- 5.9 Sign Standards
- 5.10 Standards for Structures within mapped Skyline Areas
- 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.

### Applicable Policies – Routt County Master Plan

- 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.

**Staff comments:** None of the identified activity areas are visible from adjacent homes. The existing structures on the property are consistent with agricultural and western architectural aesthetic. All of the proposed amenities lend themselves to the maintenance of open, scenic land. A staff site visit revealed a clean operation, free of inappropriate outdoor storage.

The unpermitted structures are required to go through the building permit process and will be required to comply with outdoor lighting standards.

Most of the permit boundary is encumbered by a conservation easement through Colorado Open Lands and therefore development is significantly limited. Colorado Open Lands indicated that the application meets the conditions of the conservation easement and that they perform annual monitoring of the property. The proposed recreational amenities do not take away from the historical agricultural use of the property, instead they appear to coincide.

The property has a ranch entry sign at entrance located on Highway 131 which is exempt from permitting under section 5.9.3.K of the Routt County Zoning Regulations. No other signs or advertising exists onsite or offsite.

*\*\*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
- 5.6 Access to Buildable Lot Standards
- 5.7 Right of Way Access Standards: A Right of Way Access Permit is required prior to construction of any new access point onto a County Road or other Local Public Road or Right of Way.
- 5.8 Road Construction Standards
- 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.
- 6.1.7.A Public Roads, Services and Infrastructure
- 6.1.7.B Road Capacity, traffic, and traffic safety
- 6.1.7.N Snow Storage

**Staff comments: Some of the structures need to apply retroactively for building permits and will be addressed appropriately at that time however the majority of the structures meet addressing standards.**

**Each activity area has adequate parking and snow storage areas. No special events are being proposed, therefore parking for large groups was not evaluated. These amenities are not open to the public therefore no increase in traffic is anticipated.**

**In a referral response, CDOT indicated that they have no comment on the Special Use Permit as there isn't much change from the existing use, however they want to be clear that the access is for private, not public, use. The applicant is not proposing any public or commercial access to the amenities or property.**

*\*\*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.

### **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.

**Staff comments: No waterbody setback encroachments have been discovered. None of the proposed amenities have significant impacts on the natural environment. The applicant is working with the Routt County Environmental Health Department to gain compliance for their onsite waste water treatment systems.**

**Colorado Open Lands, the conservation easement holder for King Creek Ranch, has provided comment indicating that the proposed Special Use Permit complies with the terms of their conservation easement.**

**Conditions of approval have been suggested to address noxious weeds.**

**Colorado Parks and Wildlife (CPW) provided comment indicating that they support the proposed Special Use Permit and the efforts of King Creek Ranch. CPW also noted that there is a known Greater Sage-Grouse lek on the north end of King Creek Ranch, outside of the permit boundary. CPW requests to be involved if any additional development or amendments to the Special Use Permit are proposed.**

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

## **Mitigation Techniques**

### **PLANNING COMMISSION / BOARD OF COUNTY COMMISSIONERS OPTIONS:**

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.
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. Make specific findings of fact, citing 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.

**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, and 6 of the Routt County Zoning Regulations.

**CONDITIONS** that may be appropriate may 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 5, and 6.
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. No junk, trash, or inoperative vehicles shall be stored on the property.
6. 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.
7. 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.
8. All exterior lighting shall be downcast and opaquely shielded.
9. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles
10. Prior to the issuance of the permit, the Permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Routt County shall be named as an additional insured on the policy. Permittee shall notify Routt County Planning Department of any claims made against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
11. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.

12. The permit shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be charged on an hourly basis for staff time required to review and/or implement conditions of approval.
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 Colorado Noxious Weed Act as amended in 2013 and Routt County noxious weed management plan.

### **Specific Conditions:**

15. The Special Use Permit (SUP) is valid for the life of the use 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. Approved uses are identified in the project plan and narrative. Uses and structures approved that required this Special Use Permit include:
  - A. Bison Hall Lodge; Used for private guest accommodations, common cooking, dining, and lounging amenities.
  - B. Golf driving range; located in the Washburn Area
  - C. Chester camp – Used for recreation and private overnight accommodations. Consisting of the following structures:
    - i. Generator house structure
    - ii. Bath house structure
    - iii. Cooking and dining pavilion
    - iv. Four (4) one room cabins that will be removed
    - v. Six (6) tent platforms
16. Any structures deemed to be non-conforming without this permit must be removed, converted to a conforming use, or seek the necessary permit to allow the structures if this permit ceases to exist.
17. Any accidents shall be reported to the Planning Department.
18. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grasses. See the Colorado State University Extension.

19. The activities and amenities approved in this permit are limited for the use of only the property owners and their private guests. No nightly rentals, memberships, or public access is permitted.
20. All structure and on site waste water systems must obtain proper permitting by July 1, 2020.
21. Any Special Events may be approved through an amendment to this permit or through a separate Special Events permit.



## Triad Property Services LLC

September 15, 2019

Routt County Planning Department  
c/o Chad Phillips  
PO Box 773749  
Steamboat Springs, CO 80477

**RE: King Creek Ranch S.U.P. – Application Attachment**

Dear Mr. Phillips,

This letter serves as an attachment to the Land Use and Zoning Application Form to provide the necessary information pertaining to the Special Use Permit application for King Creek Ranch LLC. King Creek Ranch LLC (KCR) has employed me, Brian Ripley of Triad Property Services, to act as agent on their behalf in order to fulfill the requirements of the application process. Dr. Peter Millett, Managing Partner of KCR, confirmed this in his email to you on September 4, 2019, and has signed the application form as further approval. Therefore, please accept this letter as a summary of the pertinent information regarding the application.

### PRIMARY CONTACT

Brian Ripley  
Triad Property Services LLC  
27705 Silver Spur St  
Steamboat Springs, CO 80487  
(970) 688-1464  
Ripley.TriadServices@gmail.com

### APPLICANT and PROPERTY OWNER

King Creek Ranch LLC  
PO Box 181  
6100 Hwy 131  
McCoy, CO 80463

Dr. Peter Millett  
Managing Partner – King Creek Ranch LLC  
(970) 376-8517  
drmillett@thesteadmanclinic.com

### RANCH MANAGER

Travis Snowden  
Hm (970) 653-4010  
Cell (970) 456-9733  
Travis@kcrstaff.net

**Brian Ripley – (970) 688-1464 – 27705 Silver Spur St. – Steamboat Springs, CO 80487**  
**Ripley.TriadServices@gmail.com**

## PROPERTY INFORMATION

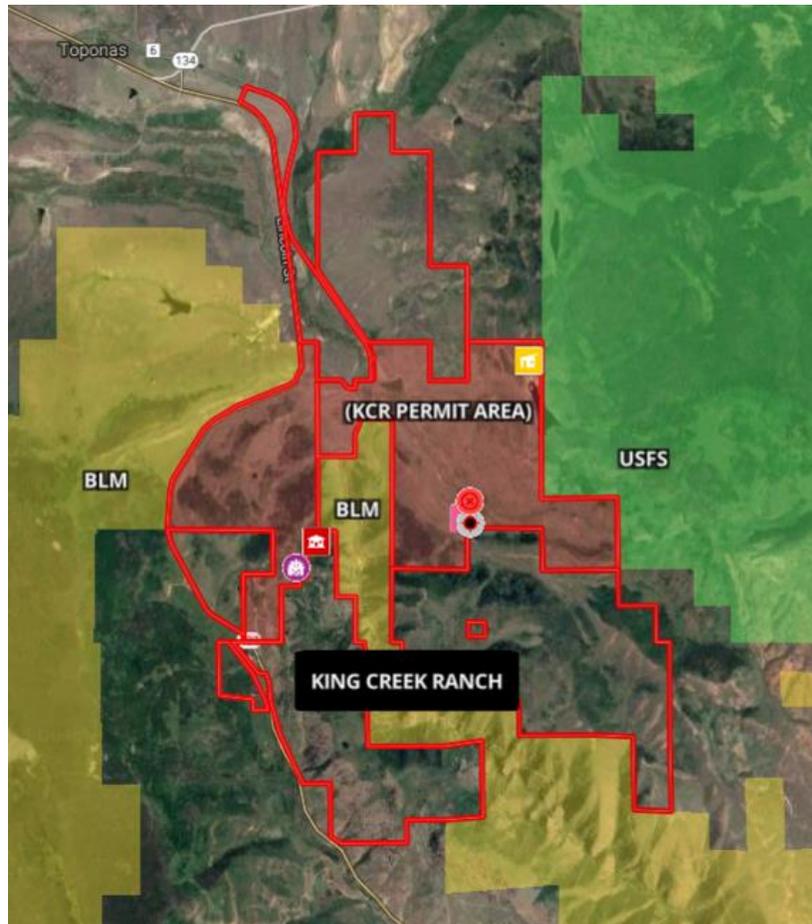
King Creek Ranch sits in the far southern end of Routt County with the main entrance sitting roughly 5 miles south of Toponas and 8 miles north of McCoy. The ranch is accessed off of State Highway 131, with the primary physical address being 6100 Highway 131. The ranch is in one of the most rural locations in the county alongside some of the larger ranches in our region. The ranch borders BLM and USFS with only a very limited amount of property line shared with other private land owners. The ranch is zoned for Agriculture and Forestry, and has historically operated as a livestock and hay operation. As with all the ranches in the same vicinity, typical recreational uses include hunting, fishing, horseback riding, and shooting sports. Snowmobiling is a winter activity at times when the snow is suitable.

King Creek Ranch was formed in the 1980s with the formal LLC being filed in Wyoming in 1992. The ranch began as a yearling cattle operation and evolved into a bison operation before taking an approach to preserve the property. A conservation easement was placed on the majority of the ranch in 1998 with Colorado Open Lands holding and monitoring the easement.

The vision of the ranch in the 1990's was to bring a very limited number of like-minded partners together to pool resources in order to preserve, steward, and improve the property over time while allowing owners to enjoy the amazing property. The LLC is made up of and limited to 7 partners who each own an equal share in the ranch property (both real property and personal property). So, each partner owns the deeded acreage (5,084 acres), the water rights, the facilities and infrastructure, etc. (unlike "shared ranches" near Steamboat that deed small acreages and provide use of common areas). All of the owners of KCR are then the operators, investors, stewards, stakeholders, sole users, and decision makers. The ranch is fully private and exclusive to only the 7 owners with no commercial activity beyond cattle grazing and hay production.

Over time, the ranch has refined and improved features for private recreational use. In addition to hunting, fishing, horseback riding, shooting, and snowmobiling, a small golf driving range was constructed (5 acres) and a "glamping" area was developed above Hadley Reservoir. The ranch has utilized a lodge ("Bison Hall"), a horse barn, a basic cabin ("Washburn Cabin") and seasonal camping facilities built on temporary decks (no foundations; summer only). Three Routt County parcels make up 1,785.54 acres associated with the recreational activities and listed facilities:

- 969253001 – 1,164.88 acres
  - LOTS 1 & 2 E2NW4 SEC 31-1N-83 E2, W2W2, SE4NW4, E2SW4 SEC 25-1-84 NW4SE4, SE4NE4 .374A TR IN SE4NW4, SW4NE4 S OF RCR #4, NE4NE4 E OF RR, NE4NW4 E OF HWY 131, (LESS 4.55A RR-ROW) SEC 26-1-84 NW4, N2NE4 SEC 36-1-84 (CE#691633) TOTAL 1164.88A
- 969263001 – 486 acres
  - LANDS IN 1N-84W: SW4, S2NW4 SE OF HWY 131 SEC 26 SE4 & SE4NE4 SE OF HWY 131 SEC 27 N2NE4 E OF HWY 131 SEC 34 N2NW4 SEC 35 (CE#691633) TOTAL 486A
- 969353001 – 134.66 acres
  - TRS IN SE4NW4, SW4NW4, NE4SW4, NW4SW4 ALL OF SE4SE4 SEC 35-1N-84W TOTAL: 134.66 AC
- See the following map identifying the 1,785.54 acres:



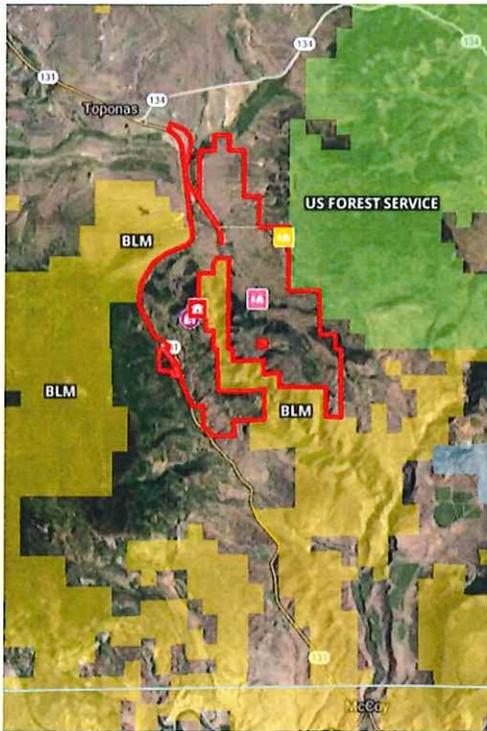
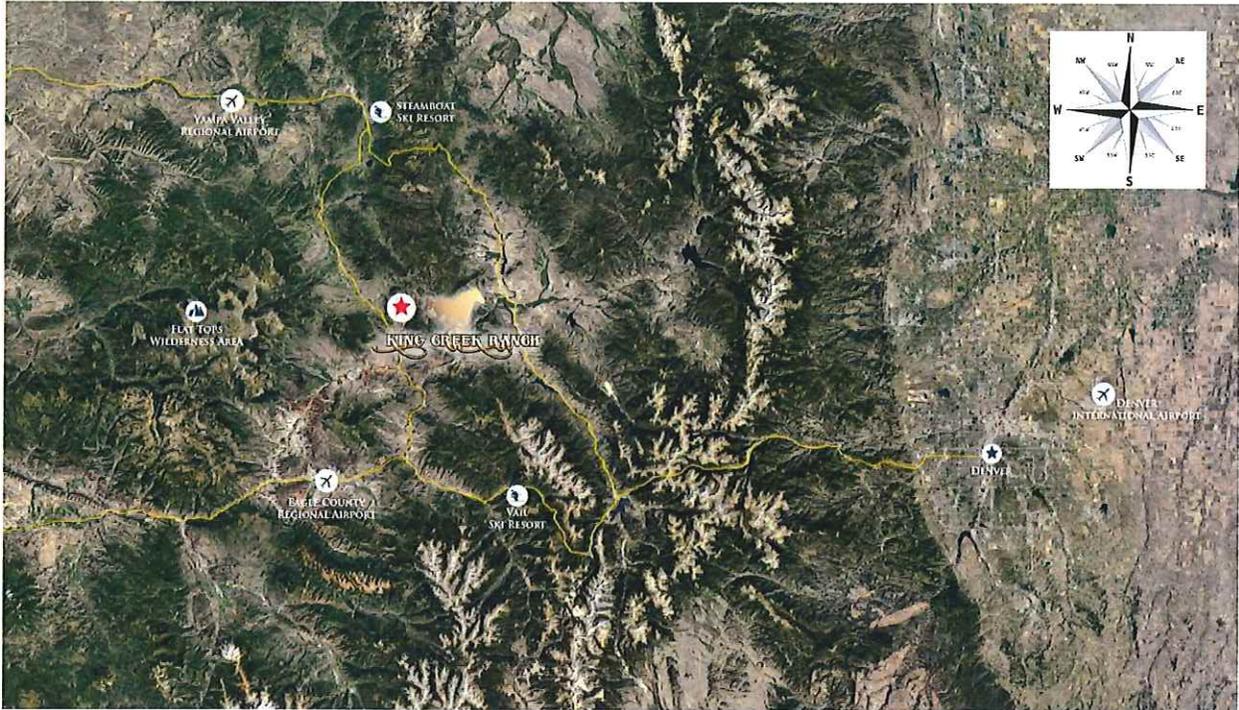
The management and ownership desires to comply and ensure good standing with Routt County. Previously, there was confusion over the need for a large, private, rural ranch to permit non-commercial uses. This application is submitted with the intent of allowing King Creek Ranch to continue the current private, ranch-based recreational uses through obtaining the necessary permitting and complying with Routt County regulations. Thank you for your assistance, consideration, and understanding in this process.

Sincerely,



Triad Property Services LLC

### King Creek Ranch S.U.P. – Vicinity Map



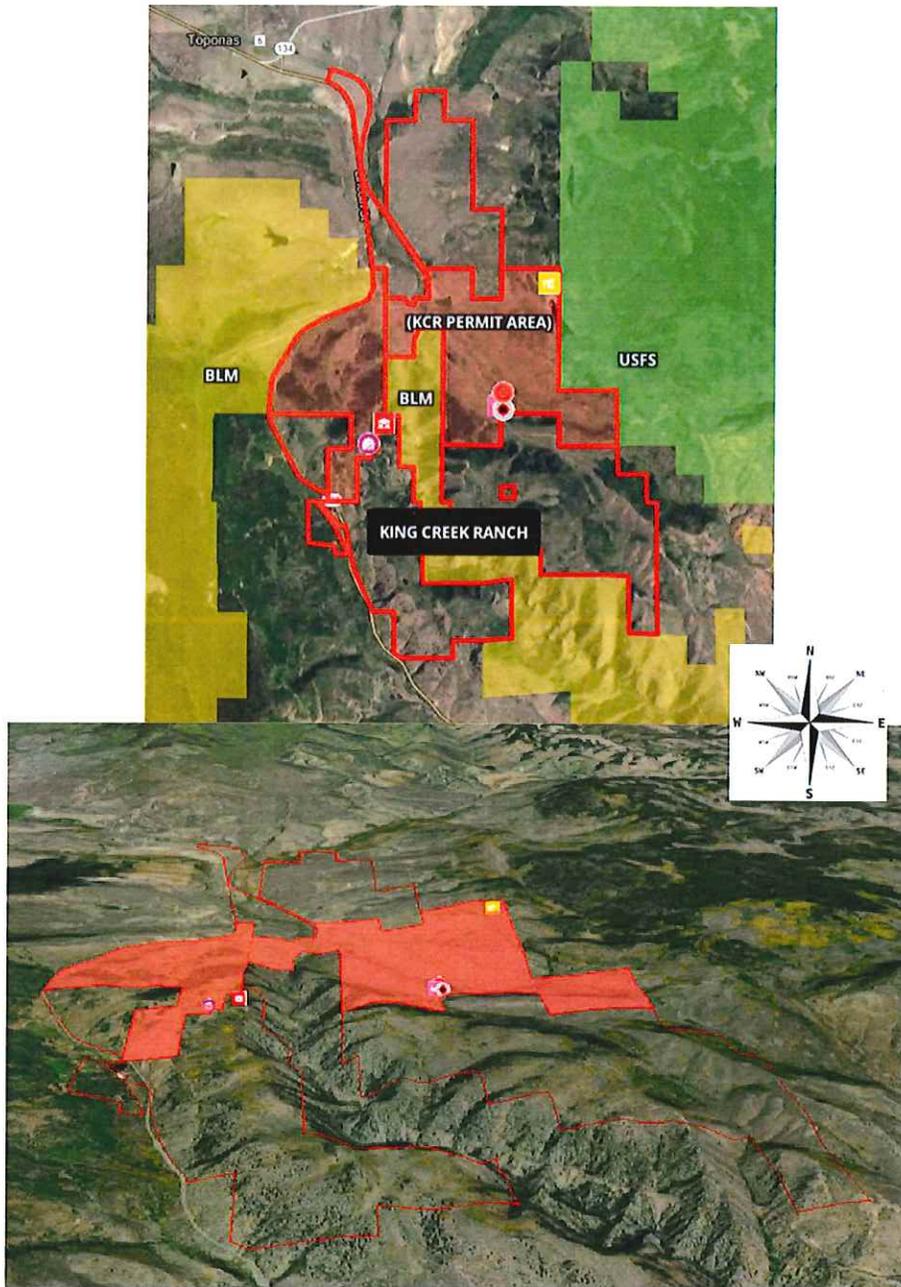
Brian Ripley – (970) 688-1464 – 27705 Silver Spur St. – Steamboat Springs, CO 80487  
Ripley.TriadServices@gmail.com



Triad Property Services LLC

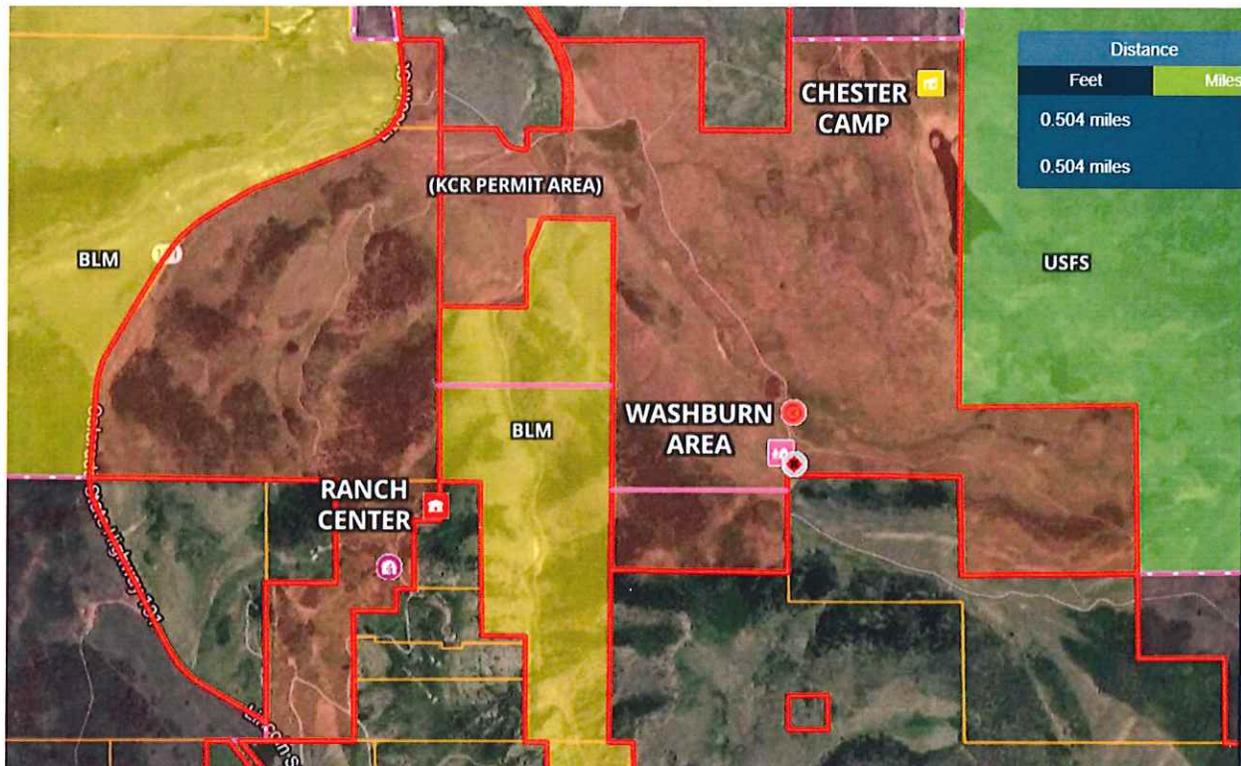
## King Creek Ranch S.U.P. – Site Plan and Narrative

King Creek Ranch is made up of over 5,000 acres managed as one contiguous property. This includes all of property under King Creek Ranch LLC and some deeded to individual owners, who are exclusively the same owners of the LLC. The location in far southern portion of Routt County (5 miles north of the Eagle County line), is bordered by public land on multiple sides, and includes topography (a deep canyon, valleys, and mountains) that provide a protected, private, rural setting.



Brian Ripley – (970) 688-1464 – 27705 Silver Spur St. – Steamboat Springs, CO 80487  
Ripley.TriadServices@gmail.com

For ease of understanding and scale, the site plan has been broken into 3 zones based on infrastructure and use – “Ranch Center”, “Washburn Area”, “Chester Camp”



Scale for the map above:

- The pink lines are .5 miles

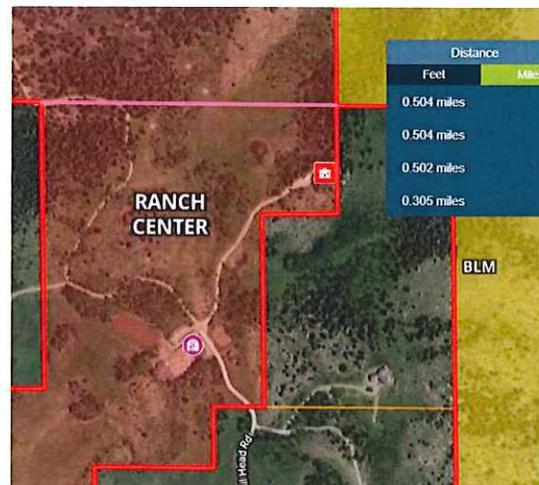
### Ranch Center

The “Ranch Center” includes the barn, a lodge, and associated storage structures. The buildings are surrounded by cross-fenced pastures for grazing.

Scale for the map to the right:

- The pink line is .3 miles

Like many ranches, the barn is a central feature. The barn on King Creek Ranch is a pole barn structure (2,800 sqft) built in 1992 with a concrete floor and includes hay storage, tack rooms, a vet and feed room, an office/tack repair room, storage, and gathering/lounge area. The corral system connects to the main barn and a secondary structure with stalls and runs for horses. The outdoor riding arena and an additional storage barn is immediately adjacent to the rest of the barn structures. The barn and horse facilities are private and for the sole use of ranch ownership. Use of the barn is seasonal based on weather conditions.





Scale for map to the left:

- The area of the outdoor riding arena is 1/2 acre (length of the riding arena is 250 feet; width is 100 feet)
- Main barn is 56 feet long and 50 feet wide
- Secondary barn is 45 feet long and 50 feet wide
- Storage barn is 45 feet long and 35 feet wide
- Arena storage barn is 30 feet long and 24 feet wide
- Owner garage building – 7 one-car garage bays; building is 95 feet long and 24 feet wide

Just down the road from the barn, with grazing pastures in-between, is the lodge structure, “Bison Hall”. As county records show, the building was constructed in 1995. Bison Hall is designed for the private dining needs of the ranch ownership and occasional lodging of ranch owner’s guests.

Scale for map to the right:

- Bison Hall is 110 feet long and 40 feet wide

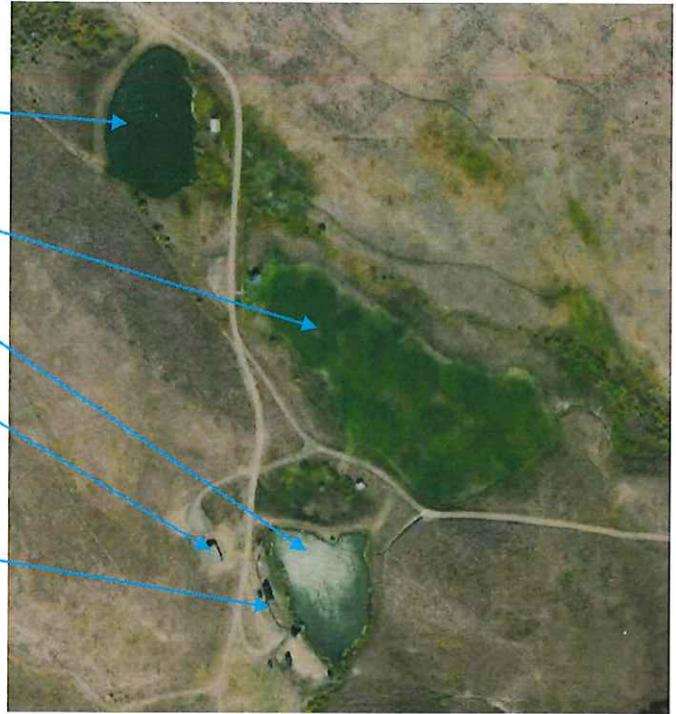


### Washburn Area

This area is named after the owner of a pre-existing cabin (listed in county records as having been built in 1982) creating a landmark for that region of the ranch. In addition to the existing cabin, there are fishing and irrigation ponds, a small golf driving range, and an area for shooting shot guns (skeet and 5-stand). The acreage surrounding this area is open space with hay meadows and grazable ground. The use is seasonal, based on allowable weather conditions.

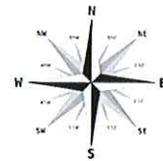
Scale for map to the right:

- Fishing pond is 1.5 acres
- Golf driving range is 795 feet long and 5 acres in area
- Irrigation pond stores water for sprinklers and downstream uses; pond is 1.25 acres
- Existing cabin is 1161 sqft; 40 feet long by 30 feet wide - \*(It should be noted that KCR has submitted a request to Routt County for a building permit to replace this cabin)
- Shotgun shooting area with stands and clay pigeon throwers



Scale for the map below:

- Pink line is .5 miles



## Chester Camp

In contemporary vernacular, the use of this area would be for “glamping”. This area is designed to provide a comfortable area on the ranch to camp overnight and enjoy the views and fishing in Hadley Reservoir. It is important to note:

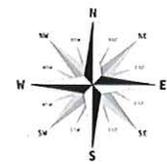
- Use is private and only for ranch owners and their guests
- All structures are built on deck platforms. There are no foundations.
- The use is seasonal. Due to the non-permanent structures, use is limited to the summer season (Memorial Day weekend to October 1<sup>st</sup>)

The camp includes tent platforms, bunk facilities, a covered dining area, and a “bath house”. There are corrals, parking areas, as well as a walking trail. Water is obtained from a well and electricity, if needed, is from an enclosed generator (enclosed to minimize noise).



Scale for the map to the left:

- Generator enclosure is 20 feet long by 15 feet wide
- 10 tent platforms and bunk houses built on decks. Each is 15 feet long by 10 feet wide
- The open-sided, covered dining deck is 50 feet long and 24 feet wide



- The “bath house” is 30 feet long by 20 feet wide
- The whole area, including parking, corrals, trails, etc. is 3.75 acres
- From the western deck structure to the eastern deck structure is 417 feet
- The pink line is .5 miles
- The area of Hadley Reservoir is 18 acres



### Concluding Summary

King Creek Ranch embraces the history of the region and its own heritage as a western ranch. The private activities and uses of the ranch are consistent with the historical uses of the large properties in the region. The ranch grazes cattle, grows hay, cares for a horse herd, and allows for typical recreational activities like horseback riding, fishing, big game hunting, and occasional snowmobiling, shooting, and camping. The ranch partners, who own the land, water, and infrastructure, are dedicated to the stewardship and preservation of the property while investing in the quality of their property. The ranch also invests in the community and is actually one of the largest local employers for those residing in the southern portion of Routt County (providing a lot of seasonal jobs to teens attending SOROCO, for example). The owners desire to be good neighbors and comply with the regulations and permitting requirements of Routt County. King Creek Ranch desires to continue the private, seasonal recreational uses and continue agricultural and preservation practices.



Ranch Center photos

Main barn



Interior of main barn



Seven bay storage garage for owners recreational items



Arena maintenance storage structure and riding arena



Secondary barn used for horse stables



Bison Hall Lodge



Bison Hall interior



Washburn Area photos

Cabin (to be removed and a replacement to be constructed in same general location)



Shooting range structures



Chester Camp area photos

Generator house



Dining and kitchen pavilion (Closed up and winterized in this photo)



Bath house



Tent platform



One room cabin exterior



One room cabin interiors





# COLORADO

## Parks and Wildlife

Department of Natural Resources

Hot Sulphur Springs Service Center  
PO BOX 216 | 346 Grand County Road 362  
Hot Sulphur Springs, Colorado 80451  
P 970.725.6200 | F 970.725.6217

November 12, 2019

Tegan Anderson  
Routt County Planning Department  
PO Box 773749  
Steamboat Springs, CO 80477

RE: King Creek Ranch, LLC - Special Use Permit

Dear Ms. Anderson,

Thank you for the opportunity to comment on the King Creek Ranch, LLC application for a private land Special Use Permit (SUP). Colorado Parks and Wildlife (CPW) is statutorily responsible for the stewardship of all wildlife species in Colorado; this responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the State's wildlife resources for the people of Colorado, its visitors, and future generations. In coordination with many other efforts, CPW strives to fulfill this mission by consulting on land use activities that may impact wildlife and habitat.

CPW has reviewed the King Creek Ranch SUP application. The property is located approximately 5 miles south of Toponas in southern Routt County, and is accessed by State Highway 131. The property is bounded primarily by BLM and USFS lands and a few private parcels. The ranch is zoned for Agriculture and Forestry, and has a historical livestock and hay operation. Colorado Open Lands holds a conservation easement on a majority of the ranch. The proposed SUP area is approximately 1,785.54 acres and includes three Routt County parcels (Ranch Center, Washburn Area and Chester Camp) located within the central portion of the entire King Creek Ranch property.

The ranch is co-owned by 7 owners, and recreational uses already occur on the proposed SUP area. The recreational activities and facilities are exclusively private, and include hunting, fishing, horseback riding, snowmobiling, shooting range, golf driving range, seasonal camping and glamping facilities, lodge, basic cabin, horse barn and riding arena. CPW understands that the current recreational uses of the property are not intended to change with the SUP, and will remain private, not commercial. The SUP will bring King Creek Ranch into compliance with Routt County regulations.



King Creek Ranch provides valuable habitat for many species of wildlife, and CPW supports the ranch's goal of conservation, stewardship and property improvement. A documented Greater Sage-Grouse (GrSG) lek is present on the north end of King Creek Ranch, and the proposed SUP area falls just outside the 1-mile buffer surrounding the lek. The northern portion of the ranch also provides valuable sage grouse production habitat (nesting and brood rearing), as well as winter range habitat that extends south to the permit area. The sage grouse found here are part of the greater Northern Eagle/Southern Routt GrSG population. CPW supports the proposed SUP area as it falls outside the existing lek buffer, and continuation of current practices will have minimal impact on sage grouse. CPW would be interested in consulting with King Creek Ranch in the future if there are changes to the SUP, new development, or habitat manipulation that occur within one mile of the lek, which could impact the local sage grouse population.

CPW supports the SUP and the efforts of King Creek Ranch to incorporate stewardship and conservation into their practices, and appreciates the opportunity to be actively involved in this planning process. If you have any questions, please contact me at 970-513-1072.

Sincerely,

A handwritten signature in black ink that reads "Lyle H. Sidener". The signature is written in a cursive, flowing style.

Lyle H. Sidener  
Area Wildlife Manager

CC: JT Romatzke, NW Regional Manager (CPW)  
Gene Abram, District Wildlife Manager (CPW)  
Rachel Sralla, District Wildlife Manager (CPW)  
Libbie Miller, Wildlife Biologist (CPW)  
Elissa Slezak, Land Use Specialist (CPW)



Proudly Serving Rural Routt County \* City of Steamboat Springs \* Town of Hayden \* Town of Oak Creek \* Town of Yampa \* Routt County School

## Plan Review Comments for Application TPL-19-184

Date: 10/28/2019

Subject Property Address: 6100 Highway 131 McCoy  
Project Name: King Creek Ranch LLC  
Applicant: Brian Ripley

Dear Applicant,

The Routt County Regional Building Department has provided the following Plan Review Comments for your application with the Routt County Planning Department.

1. This application is being reviewed under the 2015 ICC Building Codes and the 2017 NEC State Adopted Electrical Code.
2. The Building Department has reviewed the Narrative and Site Plan provided to the Routt County Planning Department for all details and information related to Building or Structures on this site and applicable to your Special Use Permit.

The Building Department has done a Permit Search for the King Creek Ranch to see what permits have been applied for and Issued in the past, please review the below permits for your information.

B-98-064 was a Building Permit for a new single family dwelling at the address of 34480 N. Long Ridge Drive, this permit also received a Certificate of Occupancy on April 22<sup>nd</sup>, 1999 and was fully approved. This Building appears to have; 5 Water Closets, 3 bathtubs, 8 lavatories, 1 shower, 1 kitchen sink, 1 dishwasher, 1 clothes washer, 1 water heater, with a total of 3706 square feet finished as living space, with 657 square feet of basement space, and 1172 square feet of deck space.

CB-05-548 Building Permit on file for an addition to the above existing single family dwelling.

CE-97-116 Electrical Permit: This permit was for an Electrical Meter to be installed on a Barn.

CE-09-046 Electrical Permit: This permit was for an Underground Electrical Feed from existing electrical box to the Pump House.

Routt County Regional Building Department

136 Sixth Street, PO Box 773840 Steamboat Springs, CO 80477 PH: 970-870-5566 Fax 970-870-5489 Email:

The Building Department has provided a short list of Buildings or other structures that are exempt from Building Permits for you to review. Please also review our Agricultural Building Permit Exemption in the attached resolution, as this only pertains to Buildings used for sole purpose Agricultural Use and nothing more.

Please note, even when an Agricultural Building is exempt from a Building Permit, they are not exempt from any Electrical, Plumbing, or Mechanical Permits for this type of worked that may have been performed inside the buildings, so these Permits are always required.

- 1. One-story detached accessory structure used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
- Fences not over 6 feet high.
- Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling do not serve the exit door required by Section R311.4.
- Routt County un-incorporated areas only: Agricultural buildings which are used for the *sole purpose* of providing shelter for agricultural implements, farm and ranch products, livestock, or poultry.

Based on the Information provided in your Narrative and Site Plan we feel there are several Buildings that are currently out of Compliance due to not being Permitted Buildings. Other Buildings on the site may meet our Agricultural Building Permit Exemption and will let you respond on these to provide more clarity if they are used 100% for Sole Agricultural Use or not.

**Ranch Center:**

**1. Outdoor Riding Area or Arena:** No Building Permit is required based on information provided, this appears to be an open field area with no roofs over the riding area.

**2. Main Barn 56'x50:** This appears to be used for all Agricultural Use, minus you mention a gathering lounge area in this barn in the narrative. This type of use if this is like a bar/kitchen area where people gather in an assembly type environment, will not meet the exemption status. This Building will need a Building Permit applied for, or if the owners elect they may get a demolition permit and remove the bar area.

NOTE: This Building would need Plumbing, Electrical, and possibly Mechanical Permits for any Electrical, Plumbing, or Mechanical work that was done inside this Barn. Please note that Electrical Permit CE-97-116 was a permit for an Electrical Meter to be installed on the Barn, but may not have included all the interior wiring within the Barn.

**3. Secondary Barn 45' x 50':** Brian Ripley stated this barn is purely used for Agricultural Use per our Resolution, no Building Permit is required.

This Building will need an Electrical Permit Applied for and Issued, due to Electrical wiring being installed within the Barn. Brian Ripley stated no plumbing or mechanical work was done in the barn.

**4. Storage Barn 45' x 35':** Brian Ripley stated this building is used to store toys, not Agricultural Use. This Building will need a Building Permit applied for and obtained.

This Building will need an Electrical Permit Applied for and Issued, due to Electrical wiring being installed within the Barn. Brian Ripley stated no plumbing or mechanical work was done in the barn.

**5. Arena Storage Barn 30' x 24':** Brian Ripley stated this barn is purely used for Agricultural Use per our Resolution, no Building Permit is required.

This Building will need an Electrical Permit Applied for and Issued, due to Electrical wiring being installed within the Barn. Brian Ripley stated no plumbing or mechanical work was done in the barn.

**6. Owner Garage Building:** This Building will need a Building Permit applied for and would be viewed as a Detached Accessory Storage Building. It also would need Plumbing, Electrical, and possibly Mechanical Permits for any Electrical, Plumbing, or Mechanical work that was done inside this garage.

**7. Bison Hall/Residential Dwelling 110' x 40':** This Building has permits.

B-98-064 was a Building Permit for a new single family dwelling at the address of 34480 N. Long Ridge Drive, this permit also received a Certificate of Occupancy on April 22<sup>nd</sup>, 1999 and was fully approved. This Building appears to have; 5 Water Closets, 3 bathtubs, 8 lavatories, 1 shower, 1 kitchen sink, 1 dishwasher, 1 clothes washer, 1 water heater, with a total of 3706 square feet finished as living space, with 657 square feet of basement space, and 1172 square feet of deck space.

CB-05-548 Building Permit on file for an addition to the above existing single family dwelling.

### **Washburn Area:**

**8. Washburn Area Existing Cabin:** Existing Cabin 40' x 30' will need to a Building Permit approved. Currently Building Permit Application B-19-599 has been submitted but is on hold while the SUP Application is reviewed by County Planning for approval.

Permits will be required for Plumbing, Electrical, and Mechanical work associated with Permit B-19-599.

**9. Washburn Area, The fishing Pond, Irrigation Pond, and Shotgun Shooting Area:** Per our discussion on this area with Brian Ripley, there is a roof structure or shooting pavilion that was built, this will need a Building Permit applied for and issued through the Building Department. There may be a need for possible Electrical Permit, however we can confirm this during an inspection to see if what type of electric has been ran, Brian mentioned the clay pigeon thrower might be all solar powered. The also there is a storage shed in this area, if the shed is larger than 200 square feet it will need a Building Permit applied for and issued, and also an Electrical Permit if any wiring is ran within or outside the building.

**Chester Camp:**

**10. Generator Enclosure:** This Building will need a Building Permit applied for and an Electrical Permit applied for and issued.

**11. Open Sided Dining Deck 50'x 24':** This Deck will need a Building Permit applied for, also will also need Electrical, Plumbing, and Mechanical Permits for any work done within these trades.

**12. Bath House 30' x 20':** This Building will need a Building Permit applied for, it also will also need Electrical, Plumbing, and Mechanical Permits for any work done within these trades.

**13. Deck Platforms/Tent Platforms/Bunk House Platform:** The Building Department has provided the Owners and Brian Ripley with an option to be viewed as Camping below. Brian Ripley felt the owners would rather make some minor modifications to the existing Bunk Houses so they can be viewed as removable and meet the definition of camping per County Zoning regulations, and also remove any electrical within these tents or platforms and install a permitted electrical pedestal that can be plugged into during camping season.

- Total Number of Bunk Houses on Platforms = 4  
Total Number of Tents you set on Platforms = 6

The Building Department will not require Building Permits on the Platforms, Tents on Platforms, or Bunk Houses on a Platforms if these structures or buildings are physically removed once the camping season is over. We can allow Platforms, Tents on Platforms, or Bunk Houses on Platforms to be used for camping or on a Temporary Basis only if they are physically removed and stored elsewhere for a period of six months out of the year. Camping is a defined term in the Routt County Planning and Zoning Department, which states for a maximum of 6-months or less camping is allowed. Essentially you would need to pick up the Bunk Houses and store them off the platform for a minimum of 6 months out of the year, so they are not being used. This is obviously a lot easier for you to take down a tent off a platform, then physically move a building, but both items would need to be taken down an moved off the platform to meet the camping regulations and avoid a Building Permit.

If you choose to have these Bunk House Platforms remain in place year round, then we will need you to apply for a Building Permit, and the only way to Permit a Building such as this with sleeping quarters inside of it, is through either the 2015 Residential Building Code and view it as a Single Family Dwelling, or possibly through the 2015 International Building Code and define it as a Commercial Building and select an appropriate Occupancy Type under the Residential Group. This also would then mean you need to provide heat and condition the space per these two building codes, plus sanitation inside the buildings, and insulation per the Energy Code as well.

At this time you have several Buildings that are out of Compliance, the Building Department is liable to provide you with a Notice of Violation per Building that is out of compliance. However we are willing to work with you and provide you adequate time to submit each Building Permit Application to bring your property into compliance, along with sub permits for Electrical, Plumbing, and Mechanical as needed.

The Building Departments goal is to work with you and provide you adequate time to create quality permit submittals per building or structure. The Building Department will not assess any Fines or Double Permit Fees to your projects as long as you meet the deadlines that will be provided to you on the Notice of Violations. The Building Department is going to provide you until July 1<sup>st</sup>, 2020 to submit all necessary permit application listed above and attached to the Notice of Violation letter. This provides you adequate time to work through the SUP Application, and if granted approval adequate time to work with a professional to create plans, drawings, and permit applications for the above buildings or items out of compliance.

Thank you in advance for your time in reviewing the above Plan Review Letter, please feel free to call with any questions. The Building Department is willing to meet in advance of the Permit Application submittal to discuss any design questions or concerns to help the professional and owner save time on the design. We look forward to working with you on this project and appreciate your time in reading this letter.

Sincerely,



Todd Carr, Building Official

Routt County Regional Building Department

December 3, 2019

To whomever it concerns,

I am writing this letter to express my thankfulness for King Creek Ranch and their involvement in our local community. The ranch employs several local community members. My four daughters all had the privilege of working at King Creek. Their work experience at King Creek was their first job experience outside working for our family ranch.

They valued the professional growth in our children and we really appreciated that. They started off the experience with a job application and interview and taught them workplace etiquette; requiring them to clock in and out, request in advance for time off and required them to be self-starters in their tasks. In my opinion the King Creek ownership along with their full-time staff created such a wonderful environment for the seasonal staff. I am very grateful for King Creek and the role they have played in our daughters' lives.

A handwritten signature in cursive script that reads "Ceena L. Rossi". The signature is written in black ink and is positioned above the printed name.

Ceena Truax Rossi (Third generation of Routt County)

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# Camilletti Milner #2 Gravel Pit

## Special Use Permit

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**ACTIVITY #:** PL-19-194

**HEARING DATES:** Planning Commission: 1/16/20 at 6:00 pm  
Board of County Commissioners: 1/28/20 at 1:30 pm

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**PETITIONER:** Precision Excavating, Inc.

**PETITION:** Renewal of Special Use Permit PP2010-001 and modification of condition of approval #17

**LEGAL:** SE ¼ SE ¼ Section 9, SW ¼ SW ¼, E ½ W ½, W ½ NE ¼, SE ¼ (LESS TR) Section 10, ALL (LESS TOWN OF MILNER & US 40 ROW, LESS 8.38A TO ROUTT COUNTY) Section 15, ALL IN 6-86

**LOCATION:** Approximately 2,700' southeast of the Town of Milner

**HAUL ROUTE:** CR 179

**STAFF CONTACT:** Alan Goldich; [agoldich@co.routt.co.us](mailto:agoldich@co.routt.co.us)

**ATTACHMENTS:**

1. Vicinity map
2. Narrative
3. Current Permit
4. Vegetation Monitoring Report
5. Groundwater monitoring summary
6. Mine, site, and reclamation plans

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### **History:**

1. PP2000-003: The first SUP for this pit was issued to Precision Excavating and Camilletti and Sons, Inc. (landowner) in 2001. The expiration date for this permit was June 5, 2011. This permit was for the pit that is on the northeast side of Trout Creek and south of the Yampa River.
2. PP2009-006: A new SUP was issued for the expansion of the pit to the other side of Trout Creek. The expiration date of this permit was December 22, 2019.

Multiple conditions of approval are present in the current permit that address the vegetation around the pit that serve as visual screens. There was concern that the dewatering operations (pumping of accumulated water out of the pit as the floor of the pit goes below the water table) of the pit would lower the water table that these plants were accustomed to, and require, for survival. In response to this, a cutoff wall was constructed on the north and southeast portions of the pit to help maintain the groundwater level outside of the pit. The

following is a brief description of the individual conditions that relate to the surrounding vegetation. Please see the current permit (attached) for the full language.

10. No pit expansion within 600' of the cottonwoods and willows on the east side of the pit unless documented evidence that the cutoff walls are preserving vegetative health and vigor.
  14. Berm and landscaping on east side of pit. Plantings shall be willows at least 6' tall.
  17. Cottonwood and willow health monitoring plan.
  18. Vegetative screening on the north side of the pit.
  19. Detailed irrigation plan for cottonwood, willow, and wetlands outside of the pit boundary.
  20. 50' buffer from all wetlands outside of the pit boundary.
3. PP2010-001: An amendment to the mine plan was approved in 2010. The conditions of approval and expiration date of this permit remained the same as PP2009-006, based on the Zoning Regulations which restrict permit periods for gravel pits to ten (10) years.
  4. Historical sales volume consists of the following:

Year	Sales Volume
2009	130,813 tons
2010	92,768 tons
2011	89,639 tons
2012	78,229 tons
2013	120,276 tons
2014	86,278 tons

Year	Sales Volume
2015	99,704 tons
2016	64,084 tons
2017	61,217 tons
2018	37,826 tons
2019	42,793 tons

**Site Description:**

The site is located approximately half a mile south of the Town of Milner, CO. It is south of the Yampa River on County Road 179. The original pit area is east of Trout Creek and the expansion area is west of Trout Creek. There is a powerline that runs approximately east/west through the original pit. Except for a small area on the northern boundary of the pit, the area north of the powerline has not been mined. The active mining area is located in the expansion area on the west side of Trout Creek. The scale, scale house, staging area, sanitary facilities, processing area, stockpiles and sediment ponds are located in the original pit on the east/northeast side of Trout Creek. The Yampa River ranges between 200' and 300' from the pit boundary. The pit is surrounded by wetlands due to its close proximity to the confluence of the Yampa River and Trout Creek. There are mature cottonwood trees on the north side of the two pit areas that provide a visual screen as viewed from the Town of Milner and on the portions of CR 179 north of the pit. On the east side of the pit, there are willows and other wetland vegetation that provides a visual screen to the more southern sections of CR 179. There is a berm on the east side of the pit that provides additional screening to CR 179. In 2010 a blowdown of cottonwoods that provided a visual screen to the southeast portion of the pit occurred. Surrounding land uses include grazing/pasture land. The Saddle Mountain Ranchettes subdivision is located approximately .75 miles to the southeast of pit on a hillside that overlooks the pit.

Pit Area Calculations			
	Total Area	Original Pit	Expansion Area
Permit boundary	118.35 acres	42.35 acres	76 acres
Total disturbance restriction	60 acres	35 acres	25 acres
Total disturbance	43.46 acres	23.95 acres	19.51 acres
Reclaimed area	12.24 acres	9.62 acres	2.62 acres

### **Project Description:**

This application is to renew the existing permit for a period of 10 additional years. The applicant is requesting that specific condition of approval #17 from PP2009-006 be modified or removed. Specific condition #17 requires a vegetation monitoring plan for the areas to the north and west of the original pit and provide visual screens. Although the application materials do not specify what kind of modification is being requested, conversations with the applicant indicates that they are looking for relief from the biweekly monitoring and monthly reporting. Specific condition #17 reads:

*Minimum setbacks to all cottonwood and willow stands outside the mine area shall be 100 feet. Permittee shall undertake biweekly groundwater monitoring program as approved by the Planning Administrator. Monitoring well locations (up to 16) shall be substantially as shown in the irrigation plan from Water Resources Consultants dated May 30, 2001. Groundwater levels shall be submitted monthly (or as required by Planning Administrator) to the Routt County Planning Department for the life of the mine. Permittee shall also institute a cottonwood health-monitoring program, as approved by the Planning Administrator. Minimum setbacks may be increased or decreased by the Planning Administrator based on the results of the monitoring programs. In no case shall the setbacks be reduced to less than 100 feet. Permittee shall endeavor to maintain groundwater levels at the seasonal baseline levels established through the approved monitoring program. If the monitoring wells show a groundwater level decrease under the cottonwoods of 12"- 18", corrective action by the permittee shall be required. If the monitoring wells show a decrease of 18" or more the permittee shall cease dewatering as soon as is practical or within 7 days whichever is sooner.*

This condition only applies to the original pit on the east side of Trout Creek. The purpose of this condition was to ensure that the health of the cottonwoods on the north side of the original pit and other surrounding vegetation was maintained. Nothing to the north of the existing overhead electric line has been mined except for a small portion on the north boundary. This is one of the areas that the groundwater cutoff wall has been constructed in. See the attached map. The permittee does not plan on mining this area in the near future.

The monitoring wells referenced in condition #17 were installed and have been monitored. Results from this monitoring has been submitted to the Planning Department, however from 2012 to 2014, monitoring did not take place at the frequency required by the SUP. Monitoring since 2015 has been conducted at the frequency specified in the SUP. The information submitted has readings for the individual wells as well as averages for all of the wells. These averages do not show a drop of 18" has occurred. There is an irrigation system that pumps water from the settling ponds on the west side of the original pit to the cottonwood areas to the north of the pit to help maintain the groundwater level.

Western Bionomics has been conducting health assessments of the surrounding vegetation since the pit has been in existence. They submitted a report with this application stating that the health of the surrounding vegetation has remained relatively constant, indicating that vegetative health has been maintained. Western Bionomics has stated that they support relaxation of this condition.

### **Staff Comments:**

- In 2001 when this pit was originally permitted, the floodplain in the pit area was not mapped by FEMA. Revised floodplain maps were issued in 2005. This resulted in the original pit being located in the mapped floodplain. The pit expansion is also contained with the mapped area. During the review for the expansion of the pit, floodplains were not taken into consideration. A Floodplain Development permit will have to be obtained for the expansion area only since the original pit was permitted prior to this area being mapped. A condition of

approval requiring this is suggested. It is suggested that the Floodplain Development permit be in place by July 1, 2020.

- No complaints have been filed with the Planning Department since the expansion of the pit in 2009.
- The current Weed Management Plan (submitted in 2001) does not contain the same level of detail that is currently required for gravel pits. The Weed Department suggested additional conditions be included requiring a new plan be developed and additional monitoring and reporting requirements.
- Due to the time of year this application was submitted, staff was not able to confirm compliance with several conditions of approval. Those include:
  - Independent confirmation of the findings on the health of the vegetation surrounding the pit.
  - Amount of disturbed area
  - Confirmation of a water truck for dust suppression on site
  - Spray bars on all processing equipment
  - Presence of irrigation system in working order
  - Weed control
  - Maximum amount of disturbed highwall
  - Maintenance of 50' undisturbed buffer from Trout Creek and surrounding wetlands
  - Stockpiles and equipment located below top of highwall
- All of the conditions of approval for reporting to the County have been complied with since the most recent permit was issued, although not in a timely manner. No other compliance issues were identified on the site visit conducted in conjunction with this application.
- The latest DRMS inspection of the pit took place in August of 2016. There were no issues identified during the inspection and the operation was not out of compliance in any way. According to the inspection report, the bond amount that the State holds for reclamation of the pit is up to date.
- Since the most recent approval, none of the applicable Master Plan or Zoning Regulations have changed. Since this operation has already been determined to be in compliance with the applicable policies and regulations, a full review of this application was not completed. A review of the regulations that relate to the modification of specific condition #17 only was completed.

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

1. Should the requirement to track and report the groundwater level in the monitoring wells continue as currently approved?

## **Compliance with the Routt County Master Plan and Zoning Resolution**

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

- 6.1.7.D Wildlife and Wildlife Habitat.
- 6.1.7.I Noise
- 6.1.7.G Visual Amenities and Scenic Qualities.

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

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

- 6.9.E Provide effective screening of equipment and stockpile areas:
  - 3) Maintain landscaping, weed control and vegetation viability for the life of the project.
  - 4) Proposed landscaping, screening, fencing and other visual impact mitigation shall be approved by the Planning Director, Planning Commission or Board of County Commissioners prior to operation.
  - 7) Significant vegetation shall be preserved whenever possible.
- 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.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**

- 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, 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.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.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.

**Staff comments: The cottonwoods provide habitat for multiple species of wildlife and provide significant visual and noise mitigation of the pit, so maintaining the health of this vegetation is important. Maintaining this screen is vital to keeping the pit compatible with the surrounding uses. Equipment is visible from surrounding residences due to the fact that those residences are on a hill that overlook the pit, however these residences are to the south of the pit and are not affected by the cottonwoods the monitoring program is meant to protect. Since the area immediately adjacent to the cottonwoods has not been**

mined, the concern for these trees still exists. Conditions of approval suggested by staff relieve the permittee from bi-weekly documentation of the groundwater levels in the monitoring wells and submission of this information until mining of this area is proposed. Notification to the County of intent to mine this area is part of the proposed condition.

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

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## Planning Commission and Board of County Commissioners Options

1. **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.
2. **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.
3. **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.
4. **Table the Special Use Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.

### Findings of Fact

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

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 9 of the Routt County Zoning Regulations.
2. The Special Use Permit with the following conditions will not adversely affect the public health, safety, and welfare.
3. The proposal with the following conditions is compatible with the immediately adjacent and neighboring properties.
4. Due to the time of year this application was processed, staff was unable to conduct a thorough inspection of the site and operation.

### Conditions

Conditions that may be appropriate include the following (Language with a strike through it is proposed to be removed. Language that is bold is proposed to be added.):

**General Conditions:**

1. ~~The Special Use Permit (SUP) is valid for ten years from the date of issuance of the amended SUP, 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.~~
2. 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.
3. The SUP is limited to uses and facilities presented in the approved project plans. Any additional uses or facilities must be applied for in a new or amended application.
4. 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.
5. 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.
6. No junk, trash, or inoperative vehicles shall be stored on the property.
7. Fuel, flammable materials, or hazardous materials shall be kept in a safe area ~~as approved by the Chief Building Inspector and Department of Environmental Health~~ **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.
8. All exterior lighting shall be downcast and opaquely shielded.
9. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. ~~with either unlimited aggregate or a policy endorsement requiring notice to Routt County of all claims made.~~ **Routt County shall be named as an additional insured on the policy. Permittee shall notify Routt County Planning Department of any claims make against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.**
10. **Accessory structures/uses associated with this permit may be administratively approved by the Planning Director without notice.**
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 operator shall prevent the spread of weeds to surrounding lands and shall eradicate any noxious weeds occurring on the site in accordance with an approved Weed Control Management Plan approved by the Routt County Extension Office. Confirmation of the approved plan is required prior to issuance of the permit. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses.~~
- 13. The permittee shall prevent the spread of weeds to surrounding lands and shall comply with the Colorado Noxious Weed Act as amended in 2013 and the Routt County approved noxious weed management plan. A weed mitigation plan shall be developed by the Permittee and reviewed and approved by the Weed Supervisor prior to issuance of the Special Use Permit.**
- ~~14. Routt County has the authority to close any county road at its discretion if such road surface is in poor condition and would be further damaged by additional use.~~
- ~~15. The operation will be reviewed every 2 years by planning staff; if there are violations then it will be forwarded with a staff report to Planning Commission, and/or Board of County Commissioners.~~
- ~~16. This permit is contingent upon permits being obtained for air and water emissions, reclamation, and other appropriate permits from all involved agencies. Including, but not limited to CDMG Mined Land Reclamation permit, Colorado Department of Health Air Pollution Emission Notices, CDOT access permit, Army Corps of Engineers wetland permit and NPDES permit. All applicable permits shall be submitted to the Planning Department prior to issuance of the SUP and shall be consistent with Routt County SUP approval.~~
- 17. 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) 112 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**
  - d) Army Corps of Engineers (ACOE) wetland permits**
  - e) Routt County Public Works Grading & Excavating permit**
  - f) Colorado Department of Transportation (CDOT) access permit**
- 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 operations.**
- ~~18. All applicable standards set forth by the Colorado Department of Health and the Routt County Department of Environmental Health shall be complied with. The operation shall comply with all Federal, State and local laws.~~
- 19. Copies of all financial guarantees related to the project shall be submitted to the Planning Director prior to issuance of the Special Use Permit.**

**Specific Conditions:**

20. The Special Use Permit (SUP) is valid for ten years from the **BCC approval date** ~~date of issuance of the amended SUP~~, 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.

**21. Approved uses include:**

- a) **Extraction of gravel deposits**
- b) **Crushing and processing of gravel deposits**
- c) **Stockpiling of topsoil, overburden, and extracted and processed gravel**
- d) Scale, scale house (approximately 500 sq ft), office building (approximately 1,000 sq ft), a maintenance shed (40'x60'), fuel tanks, crusher, conveyance system and related equipment, and toilet
- e) **Recycling of soil and concrete rubble**
- f) **Reclamation**

**20. The operation consists of:**

- a. Sales from the gravel pit shall not exceed 850,000 tons in any twelve consecutive months.
- b. Hours of operation for loading and hauling shall be from 7:30 am a.m. to 7:00 p.m. Monday through Saturday. Hours of operation for operation of the crusher shall be 7:00 a.m. to 7:00 p.m. **Operation, as used in this condition, shall include the firing up and operation of the crusher, loading, hauling, extraction, sorting and crushing of gravel and other materials, reclamation activities, and shipping and receiving of non-aggregate materials.**
- c. There shall be no operation 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.
- d. **Warming of equipment is allowed 15 minutes prior to startup.**
- e. **A waiver of hours and/or days of operation for public projects or for projects with special technical requirements may be approved by the Planning Director without notice.**

~~22. Prior to recordation of this Permit the Permittee shall execute an agreement acceptable to the Routt County Attorney outlining the details of the permittee's contribution of a~~ **Permittee shall continue to contribute \$0.03 per ton fee for each ton hauled out of the Milner Pit #2 for the costs of maintenance, dust control or improvements to the County Road 179, the bridge over the Yampa River, and County Road 178.**

23. A maximum of 60 acres, 35 acres in the Existing Pit and 25 acres in the Expansion Area, shall be disturbed at any time. Disturbed acreage is defined as all areas not covered by water, pavement or substantially noxious weed free vegetation, but does not include areas of temporary disturbance related to construction of cutoff walls in advance of mining. Reclamation according to approved plans including grading, topsoiling and seeding shall occur concurrently with mineral extraction in each area.

24. Any proposed amendments to the ~~Mine Land Reclamation Division~~ **DRMS** permit must be approved by Planning Administrator and may be cause for a review of the SUP.

25. 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.
26. Topsoil and overburden stockpiles shall have a minimum of 3:1 slopes, and shall be revegetated if left undisturbed for more than six months.

Reporting:

27. Operator shall submit ~~Division of Minerals and Geology~~ **DRMS** Annual Report for the pit to the Planning Department **by August 15<sup>th</sup>** of ~~within two weeks of due date~~ each year for compliance verification.
- 28. The operator shall submit an annual report to the Planning Department and the Assessor's office that details total materials hauled, remaining reserves, and total number of truck trips by February 15<sup>th</sup> of the following year.**
- 29. 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.**
- 30. 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.**
- 31. 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, asphalt plant and crusher relocation notices, 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.**

Access and Traffic:

32. Permittee shall coordinate with the school districts to eliminate truck hauling from the pit south on County Road 179 during school bus hours.
33. The operator shall immediately remove all products, fill material or sediments spilled, dropped, washed, or tracked onto County Roads 178 and 179.
- 34. 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.**
- 35. All trucks and equipment accessing from the private access drive shall be able to exit and be located on private property and off of State Highway 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 the length of the longest vehicle.**

The following conditions only apply to the Original Pit:

36. Expansion of the pit into an area affecting the cottonwoods and willows on the east side of the property shall not take place within 600 feet of the cottonwoods and willows

on the east side of the property until there is documented evidence that the cutoff walls or other measures are effective in preserving the health and vigor of the cottonwood stands.

37. ~~Landscaping to provide visual screening from County Road 179 shall be completed prior to any sales from the mine. Willow planting areas shown on the landscape plan shall be a minimum of 6 feet in height. Permittee shall ensure landscaping used to provide a visual screen to CR 179 is alive and healthy.~~ Permittee will be required to replace any vegetation that dies. ~~Slopes on the berm that screens office and scales shall not exceed 5:1 facing County Road 179.~~
38. Minimum setback of the disturbed area from County Road 179 shall be 100 feet from the edge of the widened pavement but in no case shall be less than that shown on the approved mine plan.
39. Minimum setbacks to all cottonwood and willow stands outside the mine area shall be 100 feet. ~~Permittee shall undertake biweekly groundwater monitoring program as approved by the Planning Administrator. Monitoring well locations (up to 16) shall be substantially as shown in the irrigation plan from Water Resources Consultants dated May 30, 2001. Groundwater levels shall be submitted monthly (or as required by Planning Administrator) to the Routt County Planning Department for the life of the mine.~~ Permittee shall also institute a **continue the** cottonwood health-monitoring program, as approved by the Planning Administrator. Minimum setbacks may be increased or decreased by the Planning Administrator based on the results of the monitoring programs. In no case shall the setbacks be reduced to less than 100 feet. Permittee shall endeavor to maintain groundwater levels at the seasonal baseline levels established through the approved monitoring program. If the monitoring wells show a groundwater level decrease under the cottonwoods of 12"- 18", corrective action by the permittee shall be required. If the monitoring wells show a decrease of 18" or more the permittee shall cease dewatering as soon as is practical or within 7 days whichever is sooner.
40. **Permittee shall inform the Planning Department of its intent to mine the northern area of the original pit on the east side of Trout Creek. Once this activity begins, permittee shall undertake a biweekly groundwater monitoring program as previously instituted. Groundwater levels shall be submitted annually to the Routt County Planning Department.**
41. The applicant shall implement a revised landscape plan for all of those portions of the riparian area to the north of mine block 2 covering the area between the Yampa River and the north portion of the mine pit area where cottonwood seedlings will be transported into those areas currently devoid of cottonwoods or willows. The density of these plantings shall be based upon monitoring data collected in connection with #16 above and shall be determined based upon the naturally occurring spacing between mature cottonwood trees found in this area. Survival of these transplanted seedlings will be reported to the Planning Administrator in the Annual Report.
42. **Permittee shall continue to implement the irrigation plan for the cottonwood and wetland areas outside of the mine area.** ~~Concurrent with the cottonwood tree monitoring plan described above, the applicant shall submit a detailed irrigation plan~~

~~for both cottonwood and wetlands areas outside the mine area to be approved by the Planning Administrator, documenting the methods, quantities and frequency of irrigation. Sub-surface irrigation may be required if surface irrigation proves ineffective in maintaining cottonwood health & vigor. In addition, the applicant's Stormwater Management Plan shall be modified with the Colorado Department of Health; showing that this cottonwood treed area has been modified to be an approved discharge point for this mine.~~

43. Permittee shall maintain a 50' undisturbed buffer from all jurisdictional wetlands outside the mine boundary. Permittee is required to maintain existing wetlands vegetation through irrigation or other means. The Planning Administrator may increase the setback if required to maintain wetlands in premining condition.
44. A minimum 50' undisturbed buffer shall be maintained from the wetlands surrounding Trout Creek. No mining activity or equipment shall be allowed in the buffer area. Light vehicle use within this buffer along the existing ranch road to access the property to the west of this site or to maintain and service the electric pumps located in the sediment pond in the southwestern portion of the mine area shall not be considered to meet the definition of mining activity or equipment.
45. No berms or stockpiles associated with the perimeter drainage ditch located outside the active mine area shall be permitted.
46. A maximum of 1000 lineal feet of disturbed high wall is allowed at any time, except as necessary to construct cutoff walls in advance of mining. All other high wall areas shall have either permanent or temporary revegetation actively in progress. This requires the placement of suitable soils and seeding. Irrigation will be required as necessary to establish vegetation.
47. All stockpiles and equipment, except for the truck scale, office trailers, toilet, maintenance shed and scale house shall be located below the top of the pit highwall dependent on the area available on the pit floor where the equipment is visually screened.
48. ~~Applicant shall submit a revised mine plan for approval by Planning Administrator showing the relocation of the dewatering outfall, and changes to the mine area depicting increased setbacks as required prior to the issuance of the Special Use Permit.~~

Reclamation:

49. **The permittee shall be responsible for reclamation as set forth by DRMS gravel mining guidelines and approved reclamation plan. All buffer zones required by the DRMS permit shall be included as a part of this permit, if they are more stringent than those set forth herein.**
50. ~~Permittee shall work with and obtain approval from Planning Administrator of a revised reclamation plan prior to the issuance of the SUP. Lakeshore reclamation shall consist of undulating shorelines, and seeding/revegetation shall include water-tolerant plants, cottonwoods, willows, and other appropriate vegetation. Shoreline revegetation should be developed for waterfowl and wetland areas with native plants; revegetation plans should follow guidelines of the Colorado Division of Wildlife. Slope configurations along~~

~~with water depths in the proposed ponds shall be variable and generally slopes should not exceed 6:1 from existing grade to the shoreline area. Slopes in the shoreline area shall average 10:1. Creation of straight shorelines shall not be acceptable as reclamation. (This condition applies to the Existing Pit only.)~~

~~51. The reclamation plan for the Expansion Area, dated May 14, 2009, shall be the revised plan entitled, DOW Comments, Reclamation Plan Map, C-2, Sheet 2 of 3.~~

#### Air and Water Quality

**52. A Floodplain Development permit shall be obtained by July 1, 2020. This deadline may be extended administratively without notice if due diligence on obtaining the permit has been demonstrated that is acceptable to the Planning Director.**

**53. 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 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.**

~~54. The Special Use Permit is contingent upon the petitioner complying with the applicable requirements of Regulation III.D of the Colorado Air Quality Control Commission, as a minimum standard, with the following stipulations:~~

~~A) The operation shall establish a fugitive dust control plan approved by the Planning Administrator for the sand and gravel operation. Periodic inspections by the State and County will be used to determine compliance with the plan.~~

~~B) The dust control plan shall be formulated by the petitioner in cooperation with the planning staff, then forwarded to the Colorado Air Quality Control Division, and is subject to control and administration by Routt County, i.e., Planning Department staff and/or Department of Environmental Health. Routt County Environmental Health Department approval of plan shall be required prior to any grading activity.~~

~~C) The dust control plan can be amended by Planning Commission and the Board of County Commissioners if found to be necessary.~~

~~D) The dust control plan shall address site specific issues of concern, such as the topsoil stockpiles, revegetation, wind breaking, watering and/or stabilization of haul roads and stockpiles. Temporary closures may be required during times of high wind. Windbreaking shall occur as necessary by placement of gravel stockpiles or other material in a manner so as to~~

~~prevent blowing of material from such piles. This condition will apply to stockpiles, disturbed areas, and any berms that may be developed.~~

### Noise

55. 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 County Road 178 from US Highway 40 shall avoid using “jake brakes” except in cases of emergency. **Operator shall encourage drivers to not use their “jake brakes” while entering or leaving the site.**
56. Noise from all on-site sources and from haul trucks shall ~~not exceed the performance standards in the State noise statute, C. R. S. 25-12-101~~ **be in compliance with the performance standards in the State noise statute (C.R.S. 25-12-103).** 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. ~~Noise monitoring will be performed at the property line semi-annually by Planning staff.~~
57. Emphasis shall be placed on using only electric pumps connected to line power. In the event of a power failure or other emergency condition, or during the construction of cutoff walls in advance of mining, engine-driven diesel pumps may be used, provided that the Planning Administrator is notified before such pumps are installed. In the Expansion Area, if line power is not available, one diesel electric generator may be used provided that the installation plan of the generator, which may include additional noise suppression and other requirements, is approved by the Planning Director.
58. ~~If allowed by federal regulations, the permittee is required to install proximity-sensitive backup alarms on all loaders.~~

### Miscellaneous:

59. ~~Prior to recordation of this permit, the Landowner shall execute a development agreement acceptable to the Routt County Attorney to ensure that the 80-acre land “set aside” in compliance with the conservation mitigation requirements of Section 9.4.1.D of the Routt County Zoning Regulations shall be preserved from all future residential or commercial development.~~
60. **The operator shall use the use of the mostly technologically advanced and proved procedures and equipment to mitigate the significant impacts of mining operations and associated uses.**
61. **County staff shall conduct a thorough and complete inspection of the site and operation by July 1, 2020. Any issues identified in the inspection may be cause for review by Planning Commission and/or the Board of County Commissioners.**



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## Routt County SUP2009-006 Renewal

### Vicinity Map



October 22, 2019

Camilletti Milner Pit #2

Precision Excavating, Inc. has been operating this gravel mine since 2001. Our current permit issued on December 22, 2009 is expiring and we are applying to renew the permit. We are not requesting any boundary expansion, but would request removal / adjustment of condition 17.

This gravel mine provides numerous aggregate products to the valley. Examples range from large asphalt paving projects at Y.V.R.A., concrete aggregates to local batch plants, gravels for public and private roads and small home owner drives and landscaping.

Hours of operation are 7:00 am to 7:00 pm Monday through Saturday. Hauling does not start until 7:30 am during school hours. We average 3 employees year round at this mine. They operate our crushing and washing equipment during the summer and mining equipment late fall/early winter.

Traffic is typically light on most days since the recession, and only increases noticeably in the event of larger projects, usually with durations of 1-2 months. Equipment at this site, in addition to crushing and washing equipment, are loaders, haul trucks and track excavators.

This operation has been a good neighbor in the area and has followed the permit conditions continually. We are in good standing, as well, with the Colorado Division of Reclamation Mining and Safety. An inspection report by the State is attached.

Precision Excavating Inc.

A handwritten signature in blue ink that reads "David L. Zehner".

President



# ROUTT COUNTY

Board of County Commissioners

P.O. Box 773598  
Steamboat Springs, CO 80477

(970) 879-0108  
fax (970) 879-3992

## SPECIAL USE PERMIT Routt County, Colorado

**Permit No.:** PP2009-006 (replaces PP2005-078)

**Project Name:** Camilletti Milner Pit Expansion

**Land Owner:** Camilletti & Sons Inc

**Permittee:** Precision Excavating, Inc.

**Address:** P.O. Box 790  
Hayden, CO 81639

**Type of Use:** Gravel Pit, Crusher and associated Facilities; Camilletti Milner Pit #2

**Location/Legal Description:** Expansion Area: An 80-acre tract of land located within the South 1/2 of Section 15 and the North 1/2 of the North 1/2 of Section 22, T6N;R86W

**Existing Gravel Pit:** A portion of the South East 1/4 of Section 15, Township 6 North, Range 86 West

**Period of Permit:** December 22, 2009 – December 22, 2019

**Board Approval Date:** May 26, 2009

This approval is subject to the following conditions:

### General Conditions:

1. The Special Use Permit (SUP) is valid for ten years from the date of issuance of the amended SUP, 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.
2. 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.

3. The SUP is limited to uses and facilities presented in the approved project plans. Any additional uses or facilities must be applied for in a new or amended application.
4. 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.
5. 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.
6. No junk, trash, or inoperative vehicles shall be stored on the property.
7. 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.
8. All exterior lighting shall be downcast and opaquely shielded.
9. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence with either unlimited aggregate or a policy endorsement requiring notice to Routt County of all claims made. Routt County shall be named as an additional insured on the policy.
10. The operator shall prevent the spread of weeds to surrounding lands and shall eradicate any noxious weeds occurring on the site in accordance with an approved Weed Control Management Plan approved by the Routt County Extension Office. Confirmation of the approved plan is required prior to issuance of the permit. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses.
11. Routt County has the authority to close any county road at its discretion if such road surface is in poor condition and would be further damaged by additional use.
12. The operation will be reviewed every 2 years by planning staff; if there are violations then it will be forwarded with a staff report to Planning Commission, and/or Board of County Commissioners.
13. This permit is contingent upon permits being obtained for air and water emissions, reclamation, and other appropriate permits from all involved agencies. Including, but not limited to CDMG Mined Land Reclamation permit, Colorado Department of Health Air Pollution Emission Notices, CDOT access permit, Army Corps of Engineers wetland permit and NPDES permit. All applicable permits shall be submitted to the Planning Department prior to issuance of the SUP and shall be consistent with Routt County SUP approval.
14. All applicable standards set forth by the Colorado Department of Health and the Routt County Department of Environmental Health shall be complied with. The operation shall comply with all Federal, State and local laws.

**Specific Conditions:**

1. Sales from the gravel pit shall not exceed 850,000 tons in any twelve consecutive months.

2. Prior to recordation of this Permit the Permittee shall execute an agreement acceptable to the Routt County Attorney outlining the details of the permittee's contribution of a \$0.03 per ton fee for each ton hauled out of the Milner Pit #2 for the costs of maintenance, dust control or improvements to the County Road 179, the bridge over the Yampa River, and County Road 178.
3. Facilities included as part of this gravel pit include a scale house (approximately 500 sf), office trailer (approximately 1000 sf) to be located near the active pit area, a 40'x 60' maintenance shed, fuel tanks, crusher, conveyance system and related equipment.
4. Any proposed amendments to the Mine Land Reclamation Division permit must be approved by Planning Administrator and may be cause for a review of the SUP.
5. Days of operation shall be Monday through Saturday. No mining, reclamation, or crushing activities shall occur on Sundays or the following national holidays: Christmas, Thanksgiving, New Year's Day, Fourth of July, Presidents' Day, Memorial Day, and Labor Day, except as may be approved by the Planning Administrator or Board of County Commissioners for emergency situations.
6. Hours of operation for loading and hauling shall be from 7:30 a.m. to 7:00 p.m. Hours of operation for the crusher shall be 7:00 a.m. to 7:00 p.m. Equipment warming is allowed 15 minutes prior to beginning operations in the morning. "Operation", as used in this condition, shall not include the use of the office or maintenance building.
7. A maximum of 60 acres, 35 acres in the Existing Pit and 25 acres in the Expansion Area, shall be disturbed at any time. Disturbed acreage is defined as all areas not covered by water, pavement or substantially noxious weed free vegetation, but does not include areas of temporary disturbance related to construction of cutoff walls in advance of mining. Reclamation according to approved plans including grading, topsoiling and seeding shall occur concurrently with mineral extraction in each area.
8. 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.
9. Operator shall submit Division of Minerals and Geology Annual Report for the Pit to the Planning Department within two weeks of due date each year for compliance verification.
10. Expansion of the pit into an area affecting the cottonwoods and willows on the east side of the property shall not take place within 600 feet of the cottonwoods and willows on the east side of the property until there is documented evidence that the cutoff walls or other measures are effective in preserving the health and vigor of the cottonwood stands. (This condition applies to the Existing Pit only.)
11. Permittee shall coordinate with the school districts to eliminate truck hauling from the pit south on County Road 179 during school bus hours.
12. Permittee shall work with and obtain approval from Planning Administrator of a revised reclamation plan prior to the issuance of the SUP. Lakeshore reclamation shall consist of undulating shorelines, and seeding/revegetation shall include water-tolerant plants, cottonwoods, willows, and other appropriate vegetation. Shoreline revegetation should be developed for waterfowl and wetland areas with native plants; revegetation plans should follow guidelines of the Colorado Division of Wildlife.

Slope configurations along with water depths in the proposed ponds shall be variable and generally slopes should not exceed 6:1 from existing grade to the shoreline area. Slopes in the shoreline area shall average 10:1. Creation of straight shorelines shall not be acceptable as reclamation. (This condition applies to the Existing Pit only.)

13. The reclamation plan for the Expansion Area, dated May 14, 2009, shall be the revised plan entitled, DOW Comments, Reclamation Plan Map, C-2, Sheet 2 of 3.

14. Landscaping to provide visual screening from County Road 179 shall be completed prior to any sales from the mine. Willow planting areas shown on the landscape plan shall be a minimum of 6 feet in height. Permittee will be required to replace any vegetation that dies. Slopes on the berm that screens office and scales shall not exceed 5:1 facing County Road 179. (This condition applies to the Existing Pit only.)

15. Minimum setback of the disturbed area from County Road 179 shall be 100 feet from the edge of the widened pavement but in no case shall be less than that shown on the approved mine plan. (This condition applies to the Existing Pit only.)

16. The operator shall immediately remove all products, fill material or sediments spilled, dropped, washed, or tracked onto County Roads 178 and 179.

17. Minimum setbacks to all cottonwood and willow stands outside the mine area shall be 100 feet. Permittee shall undertake biweekly groundwater monitoring program as approved by the Planning Administrator. Monitoring well locations (up to 16) shall be substantially as shown in the irrigation plan from Water Resources Consultants dated May 30, 2001. Groundwater levels shall be submitted monthly (or as required by Planning Administrator) to the Routt County Planning Department for the life of the mine. Permittee shall also institute a cottonwood health-monitoring program, as approved by the Planning Administrator. Minimum setbacks may be increased or decreased by the Planning Administrator based on the results of the monitoring programs. In no case shall the setbacks be reduced to less than 100 feet. Permittee shall endeavor to maintain groundwater levels at the seasonal baseline levels established through the approved monitoring program. If the monitoring wells show a groundwater level decrease under the cottonwoods of 12"- 18", corrective action by the permittee shall be required. If the monitoring wells show a decrease of 18" or more the permittee shall cease dewatering as soon as is practical or within 7 days whichever is sooner. (This condition applies to the Existing Pit only.)

18. The applicant shall implement a revised landscape plan for all of those portions of the riparian area to the north of mine block 2 covering the area between the Yampa River and the north portion of the mine pit area where cottonwood seedlings will be transported into those areas currently devoid of cottonwoods or willows. The density of these plantings shall be based upon monitoring data collected in connection with #16 above and shall be determined based upon the naturally occurring spacing between mature cottonwood trees found in this area. Survival of these transplanted seedlings will be reported to the Planning Administrator in the Annual Report. (This condition applies to the Existing Pit only.)

19. Concurrent with the cottonwood tree monitoring plan described above, the applicant shall submit a detailed irrigation plan for both cottonwood and wetlands areas outside the mine area to be approved by the Planning Administrator, documenting the methods, quantities and frequency of irrigation. Sub-surface

irrigation may be required if surface irrigation proves ineffective in maintaining cottonwood health & vigor. In addition, the applicant's Stormwater Management Plan shall be modified with the Colorado Department of Health; showing that this cottonwood treed area has been modified to be an approved discharge point for this mine. (This condition applies to the Existing Pit only.)

20. Permittee shall maintain a 50' undisturbed buffer from all jurisdictional wetlands outside the mine boundary. Permittee is required to maintain existing wetlands vegetation through irrigation or other means. The Planning Administrator may increase the setback if required to maintain wetlands in premining condition. (This condition applies to the Existing Pit only.)

21. A maximum of 1000 lineal feet of disturbed high wall is allowed at any time, except as necessary to construct cutoff walls in advance of mining. All other high wall areas shall have either permanent or temporary revegetation actively in progress. This requires the placement of suitable soils and seeding. Irrigation will be required as necessary to establish vegetation. (This condition applies to the Existing Pit only.)

22. A maximum of 1000 lineal feet of disturbed high wall is allowed at any time, except as necessary to construct cutoff walls in advance of mining. All other high wall areas shall have either permanent or temporary revegetation actively in progress. This requires the placement of suitable soils and seeding. Irrigation will be required as necessary to establish vegetation. (This condition applies to the Expansion Area only.)

23. All stockpiles and equipment, except for the truck scale, office trailers, toilet, maintenance shed and scale house shall be located below the top of the pit highwall dependent on the area available on the pit floor where the equipment is visually screened. (This condition applies to the Existing Pit only.)

24. Topsoil and overburden stockpiles shall have a minimum of 3:1 slopes, and shall be revegetated if left undisturbed for more than six months.

25. No berms or stockpiles associated with the perimeter drainage ditch located outside the active mine area shall be permitted. (This condition applies to the Existing Pit only.)

#### Air and Water Quality

26. All haul roads 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. Environmental Health Director may require temporary closure of facility if dust control measures are not effective.

27. The Special Use Permit is contingent upon the petitioner complying with the applicable requirements of Regulation III.D of the Colorado Air Quality Control Commission, as a minimum standard, with the following stipulations:

A) The operation shall establish a fugitive dust control plan approved by the Planning Administrator for the sand and gravel operation. Periodic inspections by the State and County will be used to determine compliance with the plan.

B) The dust control plan shall be formulated by the petitioner in cooperation with the planning staff, then forwarded to the Colorado Air Quality Control Division, and is subject to control and administration by Routt County,

i.e., Planning Department staff and/or Department of Environmental Health. Routt County Environmental Health Department approval of plan shall be required prior to any grading activity.

C) The dust control plan can be amended by Planning Commission and the Board of County Commissioners if found to be necessary.

D) The dust control plan shall address site-specific issues of concern, such as the topsoil stockpiles, revegetation, wind breaking, watering and/or stabilization of haul roads and stockpiles. Temporary closures may be required during times of high wind. Windbreaking shall occur as necessary by placement of gravel stockpiles or other material in a manner so as to prevent blowing of material from such piles. This condition will apply to stockpiles, disturbed areas, and any berms that may be developed.

28. A minimum 50' undisturbed buffer shall be maintained from the wetlands surrounding Trout Creek. No mining activity or equipment shall be allowed in the buffer area. Light vehicle use within this buffer along the existing ranch road to access the property to the west of this site or to maintain and service the electric pumps located in the sediment pond in the southwestern portion of the mine area shall not be considered to meet the definition of mining activity or equipment. (This condition applies to the Existing Pit only.)

29. Applicant shall submit a revised mine plan for approval by Planning Administrator showing the relocation of the dewatering outfall, and changes to the mine area depicting increased setbacks as required prior to the issuance of the Special Use Permit. (This condition applies to the Existing Pit only.)

#### Noise

30. 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 County Road 178 from US Highway 40 shall avoid using "jake brakes" except in cases of emergency.

31. Noise from all on-site sources and from haul trucks shall not exceed 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 Planning Department and may be cause for a review of the SUP by Planning Commission and/or the Board of County Commissioners. Noise monitoring will be performed at the property line semi-annually by Planning staff.

32. Emphasis shall be placed on using only electric pumps connected to line power. In the event of a power failure or other emergency condition, or during the construction of cutoff walls in advance of mining, engine-driven diesel pumps may be used, provided that the Planning Administrator is notified before such pumps are installed. In the Expansion Area, if line power is not available, one diesel electric generator may be used provided that the installation plan of the generator, which may include additional noise suppression and other requirements, is approved by the Planning Director.

33. If allowed by federal regulations, the permittee is required to install proximity-sensitive backup alarms on all loaders.

34. Prior to recordation of this permit, the Landowner shall execute a development agreement acceptable to the Routt County Attorney to ensure that the 80-acre land "set aside" in compliance with the conservation mitigation requirements of Section



# Cottonwood Tree and Riparian Vegetation 2019 Monitoring Report Camilletti-Milner Pit #2

November 20, 2019



**WESTERN BIONOMICS, INC.**  
*Natural Resource Management Services*  
31040 Willow Lane Steamboat Springs, Colorado 80487  
970-846-8223 • [kscolfer@westernbionomics.com](mailto:kscolfer@westernbionomics.com)

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# 1. INTRODUCTION

Since 2001, Precision Excavating, Inc. (PEI) has operated the Camilletti Milner Pit # 2 (CMP #2) located just outside of Milner, in unincorporated Routt County, Colorado. In accordance with PEI's Routt County Special Use Permit (SUP) PP2005-078, the health of cottonwood stands and riparian shrubs is documented in this report. The Routt County Planning Department (RCPD) required the monitoring as a condition of approval due to the visual screening provided by riparian vegetation on the east and north sides of the facility.

# 2. METHODOLOGY

Western Bionomics conducted vegetation monitoring on September 13, 2019 to assess the health and vigor of cottonwood and willow stands that surround the site. Cottonwood trees and riparian shrubs were grouped into stands by position relative to the mine limits. The overall condition of each stand was assessed via a qualitative drive-through survey. Health and vigor was assessed at the stand-level based upon a qualitative assessment of percent dead crown, percent live leaves, crown ratio, crown diameter, presence or absence of chlorotic leaves, and bole appearance.

# 3. RESULTS

## *3.1 NARROWLEAF COTTONWOOD TREES*

### **3.1.1 East Side Cottonwood Stand**

PEI constructed a subsurface barrier wall between the East Stand and the gravel pit during winter 2006/2007. The intent of the barrier wall was to inhibit the migration of groundwater from the East Stand area to the pit and to help maintain groundwater elevations at historical levels with the goal of providing sufficient groundwater hydrology to maintain or improve the health and vigor of trees and shrubs in this stand. From 2006 through 2009, the status of trees in this stand remained constant with 22% of trees in good shape, attesting to the barrier's ability to maintain adequate subsurface water for these trees.

In 2010 the stand took on a different appearance in response to a severe wind event that blew down hundreds of cottonwoods in the Yampa Valley between Craig and Steamboat Springs. The Camilletti

Milner Pit did not escape damage from the winds, which blew down 28 trees in the East Stand. Most of the trees that blew over had been rated in previous exams as possessing good indicators of health and vigor. The blowdown was a function of the greater sail area (more leaves and branches) possessed by healthy trees. The small diameter of the stand contributed to the stand's inability to withstand the high winds. The drought of 2012 posed additional stress on the remaining stand.

The stand has since completely died off. Hundreds of cottonwood and willow seedlings and saplings are successfully regenerating at the location of the East Stand, providing recruitment that will eventually replace the stand. The canopies of these recruitment trees and shrubs already provide visual screening from CR 179. These regenerating trees and shrubs will ensure the survival of this stand well into the future.

### **3.1.2 North Side Cottonwood Stand**

In late November 2007, PEI began constructing an additional subsurface groundwater barrier wall at the west side of the north pit boundary. The purpose of the barrier wall is the same as the wall located at the southeast pit boundary (i.e. to inhibit the migration of groundwater from the North Stand area to the pit and to help maintain groundwater elevations at historical levels). Construction of the barrier wall has progressed coincident with the extension of the mine area to the east.

The results of Western Bionomics' 2019 qualitative examination revealed that the overall health of the cottonwoods in the North Stand has remained consistent since 2015. Cottonwoods and willows in the north stand are regenerating in the understory. An estimated 200 volunteer willow seedlings and several dozen cottonwood seedlings were observed in the north stand during the 2019 survey.

### **3.1.3 West Side Cottonwood Stand**

During the fall and winter of 2005/2006, PEI constructed a subsurface groundwater barrier wall between the West Stand and the gravel pit. The intent of the barrier wall was to inhibit the migration of groundwater from the West Stand area to the pit and to minimize potential groundwater elevation declines from pit dewatering operations. Monitoring conducted since construction of the barrier wall suggests that the condition of this stand has improved since its initial dieback in 2003. Monitoring conducted in 2019 demonstrated continued improvement in cottonwood health and vigor.

Based upon Western Bionomics' observations of surface water since 2007, the barrier wall appears to be functioning as intended. Standing water has been observed at low points throughout the cottonwood stand and flowing water has been observed in a swale that is located within the stand. Because of improved water retention in the West Stand area, natural regeneration continues to increase and survival of regenerated trees and shrubs is occurring from year to year.

## **3.2 RIPARIAN SHRUBS**

Riparian shrubs on the property within 200 feet of the mine limits are distributed individually and in random groups and clumps. Geyer willow (*Salix geyeri*), planeleaf willow (*Salix planifolia*), sandbar willow (*Salix exigua*) red-osier dogwood (*Swida sericea*), hawthorn (*Crataegus rivularis*), white-stem gooseberry (*Ribes inerme*), and dusky willow (*Salix melanopsis*) are present in the shrub canopy in various proportions in each stand.

### **3.2.1 East Shrub Stand**

The east shrub stand is sparsely stocked with Geyer, planeleaf, and dusky willow. Naturally occurring shrubs range from 6 feet to 15 feet in height and from 8 feet to 15 feet in width. Not including

transplanted willows, approximately 15% of the crown exhibits dead stems and branches and 100% of the foliage of native willows was alive. Chlorotic leaves were not observed. The characteristics exhibited by this stand have remained consistent since the onset of mining.

### ***3.2.1.1 Transplants***

PEI began transplanting willows in 2002. In 2004, upland trees and shrubs were planted along the eastern edge of the property as well. Three spruce trees were planted in 2004 and several lilac bushes were planted in 2005. Health and vigor of transplants has continued to improve since 2002. In 2012, a slight decline was observed, most likely due to the drought. Monitoring in 2018 suggests that shrub health and vigor apparent within this stand remains steady. In addition, natural regeneration has increased dramatically since 2006, as described in the following section. It is apparent that the plan to establish a vegetative screen for the east side of the mine is working, and can be expected to improve over time.

### ***3.2.1.2 Volunteer Shrubs and Seedlings***

Cottonwoods and willows are regenerating via apparent suckering and/or by seed adjacent to the east side cottonwood stand. Prior to 2007, naturally regenerating willows or cottonwoods were not observed. Abundant regeneration is now apparent, demonstrating that adequate hydrology is present in this area to foster natural regeneration.

## **3.2.2 Northeast Shrub Stand**

Shrubs in the Northeast Stand include Geyer, planeleaf, and dusky willows, white-stem gooseberry, red-osier dogwood, and hawthorn. Height ranges from 2 foot tall recruitment shrubs to mature 15 foot clumps of all species. Some extremely old planeleaf willows that exhibit almost 6 inch diameter trunks at the root collar were observed. Shrub clumps vary from individual shrubs with 4 foot diameter crowns to large shrub clumps made up of several individuals (and various species) exhibiting 50 foot diameter crowns.

The northeast shrub stand exhibited approximately 10% dead crown. However, 100% of foliage was alive and chlorotic foliage was not observed. Overall vigor of the shrub stand has appeared stable and in good condition since 2002.

## **3.2.3 North Shrub Stand**

Shrubs in the North Stand primarily include dusky willow and sandbar willow. Shrub height ranges from 4 feet to 15 feet. All shrubs are arranged in a single large clump located in a shallow abandoned overflow channel that trends east to west.

North Stand shrubs exhibited approximately 30% dead crown. However, 100% of remaining foliage was alive and chlorotic foliage was not observed. Based upon historical data, stand vigor was stable until a decrease of health in 2005. Since 2005, further decrease in vigor has not been observed and the stand appears stable and in good condition.

## **3.2.4 Northwest Shrub Stand**

Northwest Stand shrubs include Geyer willow, planeleaf willow, sandbar willow, and cottonwood shrubs. Shrub clumps range in height from 2 feet to 20 feet and are generally associated with abandoned overflow channels. Approximately 15% of the crown was dead, while 100% of the foliage was alive. Chlorotic foliage was not observed. Since 2002, overall vigor of the stand has been stable and in excellent condition.

### 3.2.5 West Shrub Stand

A shrub die-off occurred concurrent with the cottonwood decline at this location. Approximately 10% of the willows in the West Stand survive. Since 2008, standing and flowing water has been observed each year at low points throughout the area. Natural regeneration in this area has been observed to be increasing from year to year.

## 4. SUMMARY

Since PEI began operating the CMP #2 in 2001, cottonwood tree and shrub stands have been monitored for health and vigor. The programs were in response to Routt County Planning Department concerns regarding visual screening of the pit provided by riparian vegetation. Dewater operations are routinely conducted at the pit. Therefore, potential adverse impacts to cottonwood tree stands from groundwater level drawdown had been a concern.

In order to inhibit the migration of groundwater from cottonwood stands to the pit and help maintain water elevations at historical seasonal levels, PEI constructed subsurface groundwater barrier walls. Walls were constructed in the following areas:

- 1) At the southeast corner of the facility adjacent to the East Stand,
- 2) At the west side of the pit adjacent to the West Stand.
- 3) At the northern pit boundary adjacent to the North Stand.

Standing water present in swales and other isolated depressions suggest that the barrier walls are helping to keep groundwater levels at historic or higher levels. In addition, improved natural regeneration in the East Stand and slowing of the downward trend in the West Stand cottonwoods suggests that trees and shrubs are responding to the increased availability of water following barrier wall installations.

In summary, the general health of trees and shrubs in the cottonwood stands is as follows.

- The overall health and vigor of cottonwood trees in the East Stand declined from the beginning of monitoring in 2002 through 2005. Starting in 2006 the stand demonstrated an upward trend until 2010 when a windstorm toppled 28 trees in the stand. Trees that survived the wind were poorer quality trees with less sail area. Most of these trees had succumbed to mortality by the time monitoring was conducted in 2019. Conversely, volunteer shrubs and cottonwood seedlings are abundant and in excellent condition in the east stand area. These new trees and shrubs are expected to continue development and should adequately replace the visual screen lost to the cottonwood blowdown and subsequent mortality.
- Based upon the relative difference between 2015 and 2019 visual examinations, overall health of the North Stand has remained stable.
- Since construction of the west groundwater barrier wall, the decline in health of the West Stand has slowed. Cottonwood health characteristics improved in 2006 and have remained stable to slightly increasing since that time.

Tree health and mortality trends at the Camilletti Milner Pit appear to significantly associate with factors such as age and precipitation trends, in addition to groundwater level drawdown from pit dewatering activities. Barring continued drought, the health and vigor in the West Stand is expected to continue to stabilize. Higher groundwater levels at the East, West, and North Stands, as a result of the barrier walls, should assist natural regeneration and reforestation efforts, as well as facilitate increased health and vigor of the cottonwood trees and shrubs.

## 5. RECOMMENDATIONS

The following recommendations should help manage cottonwood tree and shrub habitat and health.

- Continue to use discharge water from gravel pit operations to irrigate the north, east, and west cottonwood tree stands.
- Continue to plant cottonwood seedlings and saplings directly in constructed ditch banks and adjacent to natural swales where irrigation water will flow. Newly established cottonwood stands would be a benefit to the riparian ecosystem of the Yampa Valley, as young regenerating stands are currently not present at a frequency that is thought to have occurred historically. Establishing young cottonwoods would be a direct benefit to the Yampa Valley riparian ecosystem beyond that which would have existed in the absence of the CMP #2.
- Soil disturbances associated with transplanting at the east side of the pit and with irrigation ditch construction and salvage logging to the west have led to a substantial invasion of Canada thistle. Weed control should be continued aggressively with additional planting of desirable plant species in order to help reduce the influence and competitive advantage of thistles.
- Scarification treatment of topsoil could potentially enhance natural regeneration of cottonwood trees and shrubs in the West Stand. Scarification exposes mineral earth and fosters prolific cottonwood sprouting following seed fall in the early summer. However based upon the current thistle infestation, scarification would likely only prepare the seedbed and result in expansion of the thistle invasion. Thistles would have to be controlled before conducting scarification.



November 21, 2019

Routt County Planning Department  
ATTN: Chad Phillips, Planning Director  
136 6th Street, Suite 200  
Steamboat Springs, CO 80487

**RE: Camilletti Milner Pit #2 Vegetation and Groundwater Monitoring**

Dear Chad:

Since 2002, as a condition of the Pit's Routt County Special Use Permit (SUP), Western Bionomics has been monitoring the health and vigor of cottonwood and willow stands surrounding the Camilletti Milner Pit #2. Precision Excavating has similarly been monitoring groundwater levels surrounding the Pit, as another requirement of the Pit's SUP. The vegetation and groundwater monitoring was required by the SUP due to the County's desire that woody vegetation be maintained on the North and East of the Pit to provide a visual screen as viewed from the Community of Milner and from County Road 179. Dewater operations are routinely conducted at the pit; therefore, potential adverse impacts to cottonwood tree stands from groundwater level drawdown had been a concern during the permitting process.

As a summary of Western Bionomics' 17 year vegetation monitoring project, cottonwood and willow stands on the East and North of the Pit have retained their function as a vegetation screen. During this period Precision Excavating has demonstrated the ability to mine gravel while simultaneously preventing adverse groundwater impacts from damaging the health and vigor of tree and shrub stands adjacent to the Pit.

In 2006, Precision began installation of subterranean groundwater barrier walls around the active mining/processing cell that have since prevented groundwater drawdowns adjacent to the Pit. The results of their groundwater monitoring effort are demonstrated by their most recent groundwater monitoring data (see attachment), which indicates that groundwater levels have been maintained and perhaps even improved since Precision began constructing barrier walls.

The benefits of the barrier walls are also evident in the persistence of cottonwood and willow stands on the north and east of the Pit (see attached oblique aerial photograph). The east willow stand in particular exhibits healthy and vigorous growth each year. The over-mature north cottonwood stand, while exhibiting a decline in the health of over-mature trees between 2002 and 2015, has remained in a state of equilibrium since 2015 and retains its vegetative screening function. Regenerating seedlings as saplings are apparent in the understory of the North and East stands, and are expected to eventually develop as mature replacement trees that will continue to function as a vegetative screen.

The foregoing information has been well-documented in my yearly *Cottonwood Tree and Riparian Vegetation Monitoring Reports*. Overall, the healthy and vigorous status of woody vegetation to the East and North of the Pit, in combination with the information in their groundwater monitoring data, demonstrates that Precision's groundwater management is working and will continue to benefit woody vegetation surrounding the Pit.

Based on my years of monitoring the Pit, it is my professional opinion that Precision has maintained groundwater levels surrounding the Pit, which has fostered continued health and vigor of vegetation that provides a vegetative screen. Precision has demonstrated that they can conduct mining operations while simultaneously fostering healthy cottonwood and willow stands adjacent to the Pit.

I understand that Precision would like some relief from the cost and effort of producing these yearly monitoring reports. After the beneficial results documented in 17 years of monitoring, I am confident that Precision can continue to maintain woody vegetation for a screen, and I would be comfortable with relaxation of the County's requirement for yearly monitoring. If I can provide further information, please feel free to contact me directly.

Sincerely,

**Western Bionomics Inc.**

A handwritten signature in black ink, appearing to read "Kelly Colfer". The signature is fluid and cursive, with the first name "Kelly" and last name "Colfer" clearly distinguishable.

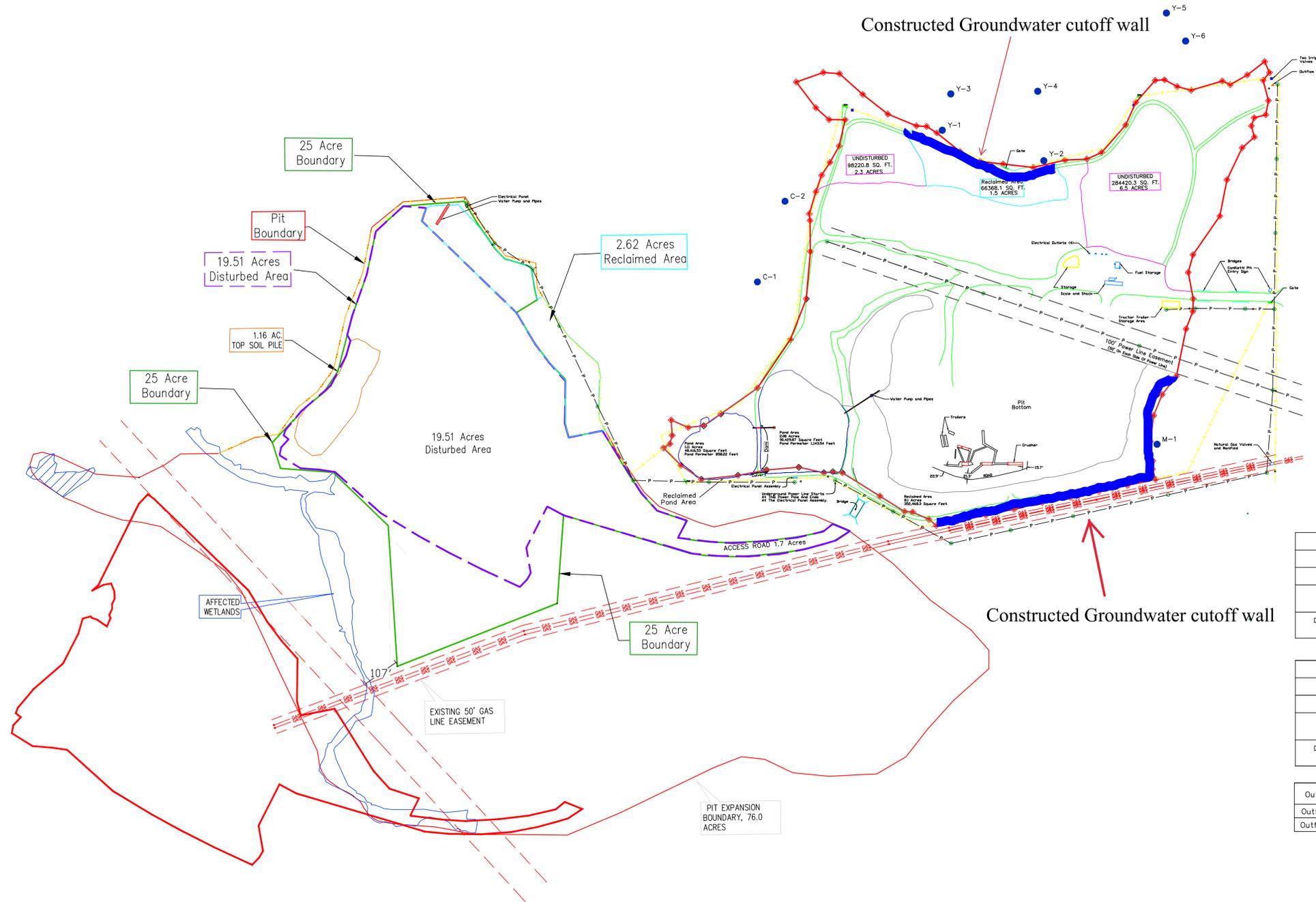
**Kelly Colfer**  
Principal

Attachments:    Groundwater Monitoring Data  
                      Aerial Photograph

cc:                 David Zehner



CAMILLETTI - MILNER PIT NUMBER TWO AMENDED  
 COUNTY OF ROUTT, STATE OF COLORADO



Legend

- Pit Boundary
- Pit Boundary Point
- Pit Control Area
- Fence Line
- Power Pole
- Power Line
- Power Pole Restraint
- Outflow Point
- Irrigation Valve
- Underground Water Monitoring Well
- Pit Road
- Disturbed Area
- Reclaim Area
- Undisturbed Area
- Topsoil

Notes

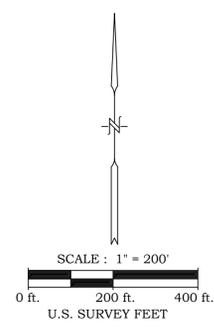
CAMILLETTI-MILNER PIT NUMBER TWO		
Pit Areas Were Calculated On Dec. 01, 2016.		
Pit Surveyed Nov. 30, 2016.		
Pit Boundary Area 42.35 Acres		
Disturbed Area 23.95 Acres	Undisturbed Area 8.78 Acres	Reclaimed Area 9.62 Acres

CAMILLETTI-MILNER PIT EXPANSION		
Pit Areas Were Calculated On July 29th, 2019.		
Pit Surveyed Nov. 30, 2016.		
Pit Boundary Area 76.00 Acres		
Disturbed Area 19.51	Undisturbed Area 53.87 Acres	Reclaimed Area 2.62 Acres

Outflow	Latitude	Longitude	Date Measured
Outflow 1	40° 28' 33.16463" N	107° 01' 14.67913" W	3/27/2007
Outflow 2	40° 28' 35.26802" N	107° 00' 42.92658" W	1/25/2007



<p><b>PRECISION EXCAVATING, INC.</b></p> <p>EMAIL: dzeiner@precisionexcavatinginc.com</p>	<p>REVISIONS:</p>	<p>CAMILLETTI - MILNER PIT NUMBER TWO                  AMENDED                  COUNTY OF ROUTT, STATE OF COLORADO</p>
	<p>F.W.12/10/14</p>	
<p>JOB: 197</p>	<p>DATE: 7/29/19</p>	<p>E.F.B.MILNER PIT 2014</p>
<p>DRAFTING: FSE</p>	<p>FIELD: SAY</p>	<p>SHEET: 1 of 1</p>

# Original Pit Reclamation Plan

## LEGEND

-  PROPOSED SHORELINE WITH 4:1 SLOPES
-  PROPOSED SHORELINE WITH 6:1 SLOPES
-  PROPOSED WETLAND CREATION AREAS WITH 10:1 SLOPES ON SHORELINE
-  UPLAND RECLAMATION AREAS PLANTED TO GRASSES
-  SHALLOW WATER HABITATS >3 FEET & 6.6 FEET IN DEPTH
-  DEEP WATER HABITATS >6.6 FEET IN DEPTH PLANTED TO GRASSES
-  PROPOSED SHORELINE ISLAND
-  PROPOSED SUBSURFACE STRUCTURES
-  HABITAT DIVERSITY AREA TO BE ESTABLISHED WITH COTTONWOODS AND WILLOWS WITH PASSIVE REVEGETATION VIA ROOTS SPROUTING PER RICHTER STUDY AT A WOODY PLANT DENSITY STANDARD OF 1 PLANT/2500 SQ.FT. AND 1/2 ACTIVE TREE & SHRUB PLANTINGS PER TEXT
-  PROPOSED COTTONWOOD VEGETATION SCREEN TO BE PLANTED. TRANSPLANTS TO BE A MINIMUM OF 6' HIGH
-  PROPOSED WILLOW VEGETATION SCREEN TO BE PLANTED DENSITY TO BE BASED UPON THE DENSITY OF EXISTING COTTONWOOD TREES AS DETERMINED FROM SAMPLING OF UNDISTURBED COTTONWOOD STANDS. SIZE OF TRANSPLANTS AS OUTLINED IN RECLAMATION PLAN TEXT.
-  EXISTING COTTONWOOD TREE VEGETATION SCREEN
-  EXISTING WILLOW VEGETATION SCREEN
-  EXISTING JURISDICTIONAL WETLANDS
-  PROPOSED RECLAMATION CROSS-SECTION

PROPOSED HABITAT DIVERSITY AREA NARROWLEAF COTTONWOOD, GEYER'S WILLOW, PACIFIC WILLOW & SAND BAR WILLOW TO BE ESTABLISHED IN ALL HABITAT DIVERSITY AREAS AT THE WOODY PLANT DENSITY OF 1 PLANT/2500 SQ.FT. SEEDLINGS AND/OR CUTTINGS TO BE PLANTED IF NECESSARY AS OUTLINED IN TEXT.

PROPOSED HABITAT DIVERSITY AREA NARROWLEAF COTTONWOOD, GEYER'S WILLOW, PACIFIC WILLOW & SAND BAR WILLOW TO BE ESTABLISHED IN ALL HABITAT DIVERSITY AREAS AT THE WOODY PLANT DENSITY OF 1 PLANT/2500 SQ.FT. SEEDLINGS AND/OR CUTTINGS TO BE PLANTED IF NECESSARY AS OUTLINED IN TEXT.



PROPOSED HABITAT DIVERSITY AREA NARROWLEAF COTTONWOOD, GEYER'S WILLOW, PACIFIC WILLOW & SAND BAR WILLOW TO BE ESTABLISHED IN ALL HABITAT DIVERSITY AREAS AT THE WOODY PLANT DENSITY OF 1 PLANT/2500 SQ.FT. SEEDLINGS AND/OR CUTTINGS TO BE PLANTED IF NECESSARY AS OUTLINED IN TEXT.

THIS MAP WAS PREPARED BY

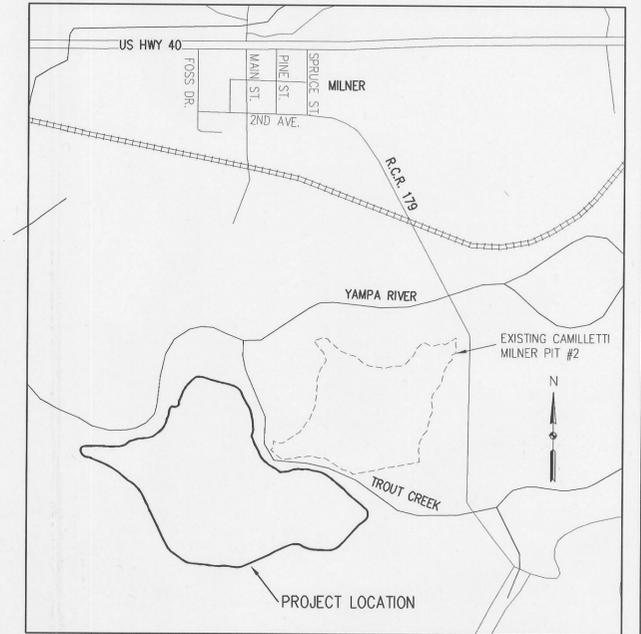
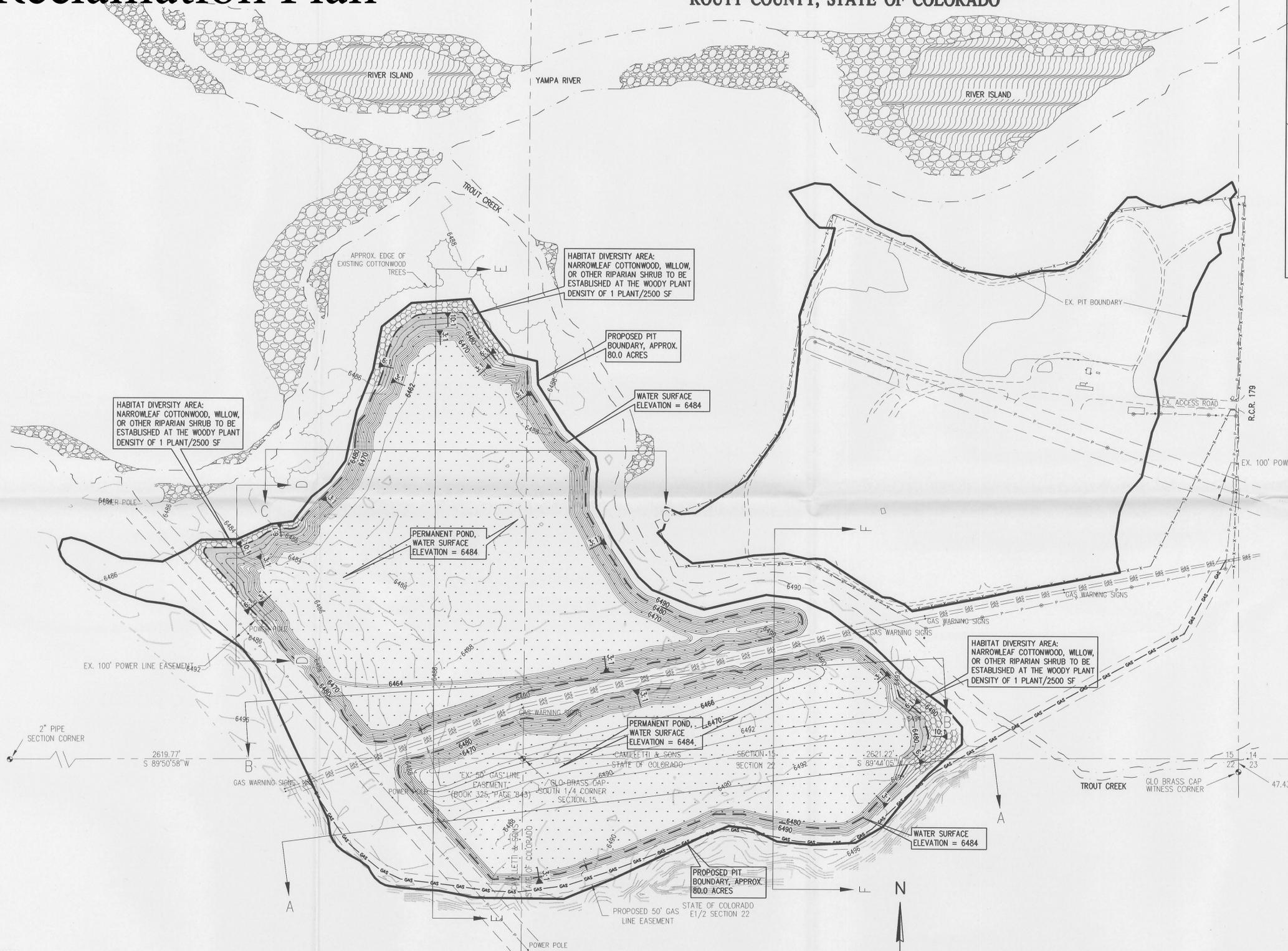
REVISED: 23 JULY, '01 MODIFIED SHORELINE FINGERS AND CROSS SECTIONS  
MAP 4B 35 of 36

Scale: 1" = 100'

CAMILLETTI MILNER PIT NO. 2  
RECLAMATION PLAN MAP

# Expansion Area Reclamation Plan

## CAMILLETTI - MILNER PIT NUMBER TWO AMENDED LOCATED IN THE SOUTH 1/2 OF SECTION 15 & THE NORTH 1/2 OF THE NORTH 1/2 OF SECTION 22, TOWNSHIP 6 NORTH, RANGE 86 WEST OF THE 6TH P.M., ROUTT COUNTY, STATE OF COLORADO

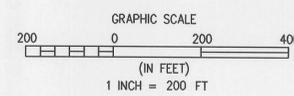


**LEGEND**

- PIT BOUNDARY
- SECTION LINE
- SECTION CORNER
- EX. FENCE LINE
- EX. POWER POLE
- EX. POWER LINE
- EXISTING PIT ROAD
- EXISTING/PROPOSED EASEMENT
- EX. GAS LINE
- PROPOSED GAS LINE
- PERMANENT POND
- HABITAT DIVERSITY AREA
- SHALLOW WATER HABITAT (LESS THAN 6 FT. IN DEPTH)
- RIVER/CREEK SANDBAR
- RIVER ISLAND
- NORMAL HIGH WATER MARK IN RIVER/CREEK
- CROSS SECTION LOCATION
- 2:1 NOMINAL SLOPE ON FILL OR CUT
- 6470 EXISTING CONTOUR
- 6470 PROPOSED CONTOUR

- NOTES:**
- FLOODPLAIN INFORMATION IS INCLUDED IN A SEPARATE DOCUMENT AND PREPARED BY WATER RESOURCE CONSULTANTS.
  - EXISTING CONDITIONS SURVEY INFORMATION, MINING AND RECLAMATION PLAN LAYOUT PROVIDED BY PRECISION EXCAVATING.
  - WETLANDS DELINEATION PROVIDED BY WESTERN BIONOMICS. SEE NARRATIVE BY WESTERN BIONOMICS FOR WETLANDS IMPACT MITIGATION.
  - THE SEQUENCING AND DIRECTION OF MINING WILL DEPEND ON THE OUTCOME OF NEGOTIATIONS WITH XCEL REGARDING RELOCATION OF THE EXISTING GAS LINES AND THE CONDITIONS SET FORTH WITHIN THE MINERAL LEASE AGREEMENT FOR THE STATE OWNED PROPERTY.
  - IN THE EVENT THAT THE EXISTING POWER LINE IS RELOCATED, THE MINING OPERATIONS AND ASSOCIATED RECLAMATION WILL EXTEND FURTHER TO THE SOUTH AND WEST TO THE PROPOSED PIT BOUNDARY.
  - FINAL RECLAMATION MAY VARY DEPENDING ON THE AVAILABILITY OF CLEAN, IMPORTED FILL.
  - THE ANTICIPATED GRAVEL RESERVES IN THE PROPOSED 80 ACRE MINE AREA IS 4 TO 5 MILLION TONS.
  - THE AVERAGE TOPSOIL DEPTH IS 1 FOOT AND THE AVERAGE OVERBURDEN DEPTH IS 3 FEET.
  - 25% OF THE SHORELINE IN THE EXPANSION AREA WILL BE RECLAIMED TO SLOPES BETWEEN 6:1 AND 10:1. THIS 25% OF SHORELINE WILL BE A HABITAT DIVERSITY AREA WITH RIPARIAN PLANTINGS AS CALLED OUT ON THIS PLAN. THE REMAINING 75% OF THE SHORELINE IN THE EXPANSION AREA WILL BE RECLAIMED TO 3:1 SLOPES. ALL DISTURBED AREAS WILL BE REVEGETATED USING SEED MIXTURES. SPECIFIC DETAILS FOR REVEGETATION AND PLANTINGS ARE PROVIDED IN THE "REVISED RECLAMATION PLAN FOR THE CAMILLETTI MILNER PIT #2 GRAVEL MINE" BY IME DATED JULY 23, 2001.
  - PRECISION EXCAVATING, INC. HAS COMMITTED TO NOT MINE WITHIN 200 FEET OF THE XCEL GAS LINE AND YVEA POWER LINE UNTIL STRUCTURE AGREEMENTS ARE PROVIDED TO THE COLORADO DIVISION OF RECLAMATION, MINING, AND SAFETY IN ACCORDANCE WITH RULE 6.4.19.

1  
C2/C2 RECLAMATION PLAN MAP



**RECEIVED**  
JUL 23 2009  
Division of Reclamation,  
Mining and Safety

Permit# M-2001-023 Confidential? N  
 Class Revision Type Seq AM-01  
 MV# \_\_\_\_\_  
 Inspection Date \_\_\_\_\_  
 Doc Date 7-23-09  
 Doc Name Reclamation Plan Map  
 From DRMS/Other Baseline Corporation  
 To DRMS/Other DRMS  
 Recipients PSN

 BASELINE engineering corporation 2740 ACRE LANE, SUITE 201 SEASBROOK SPRINGS, CO 80487 (303) 875-0254 FAX (303) 242-9105 DR. C. RUNDALL DR. C. ACKLAW CH. ENR. SUBMITTED BY (FIRM MEMBER - TITLE) SUPV.	PREPARED BY C. RUNDALL DATE 3-12-09	APPROVED C. RUNDALL DATE 5-14-09	
	ADDRESS COUNTY COMMENTS C. RUNDALL DATE 6-12-09	WELL PERMIT APPLICATION C. RUNDALL DATE 7-21-09	ADDRESS STATE COMMENTS C. RUNDALL DATE 7-21-09
	OFFICER IN CHARGE		
	DATE		

PRECISION EXCAVATING CAMILLETTI - MILNER PIT NO.2 AMENDED R.C.R. 179 RECLAMATION PLAN MAP	TOWN OF MILNER ROUTT COUNTY CAMILLETTI - MILNER PIT NO.2 AMENDED R.C.R. 179 RECLAMATION PLAN MAP
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SEAL AREA  7/19/2009 INITIAL SUBMITTAL	DRAWING SIZE 24" x 36" SURVEY INFO PRECISION EXC. 2007 DRAWING NAME c02102-New Pit Mining Plan.dwg SHEET 2 OF 3 C2
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