

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
January 28, 2020**

Commissioner Tim V. Corrigan, Chair, called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Douglas B. Monger, Deputy County Manager Dan Weinheimer, and County Manager Tom Sullivan were also present. Those present recited the Pledge of Allegiance. Deanna Sanchez recorded the meeting and prepared the minutes. Commissioner Beth Melton was absent.

**EN RE: WARRANTS**

Commissioner Monger moved to approve and authorize the Commissioners to sign the Warrants Sheets that included:

Accounts Payable Check- Cycle Date:	1/20-1/24	\$1,172,182.90
Accounts Payable Check: Manuals	-	\$
Accounts Payable Wires:	-	\$
<b>Total:</b>		<b>\$1,172,182.90</b>
Payroll Checks- Cycle Date:	-	\$
Payroll Checks- Manuals	-	\$
Payroll – IRS & State Income Tax	-	\$
<b>Total:</b>		<b>\$</b>
Total Disbursements Approved:	1/20/2020-1/24/2020	<u>\$1,172,182.90</u>

Commissioner Corrigan seconded.

Mr. Sullivan advised of the 2019 and 2020 Accounts Payable items of note for run date January 23, 2020.

Vendor	Amount	Department
ACTION SERVICES INC	12,069.00	Milner Sanitation System: camera inspection and location of manholes, and cleaning of some lines, finish in

		Spring 2020
DUCKELS CONSTRUCTION INC	55,033.13	Road and Bridge: Capital Infrastructure Budget – Green Truss Bridge replacement \$72,974.84 remaining contract of \$1,173,637.50 Total
JVIATION INC	40,213.98	YVRA AIP 44 Airside Ramp Improvement Project Management
POWDER RIVER CONSTRUCTION INC	353,185.79	YVRA AIP 44 Ramp Expansion Construction
<b>2019 Run Date Jan 23, 2020 Total</b>	<b>536,548.25</b>	
BASELINE ENGINEERING CORP	17,558.32	Road & Bridge: COW CREEK CULVERT Engineering
COLORADO COUNTIES CASUALTY & PROPERTY POOL	446,842.00	HR – 2020 Insurance Coverage
Dept. Of Interior-USGS	18,704.00	Environmental Health: 4 <sup>th</sup> Qtr. 2019 Water Quality Monitoring
<b>2020 Run Date Jan 23, 2020 Total</b>	<b>627,116.07</b>	

The motion carried 2-0.

**EN RE: CONSENT AGENDA**

The following items were presented for consideration, approval, and signing on the consent agenda:

- A. Approval of County Commissioners Minutes: Meetings of December 17, 2019, and December 30, 2019;
- B. Approval to donate old lockers from the Sheriff’s department scheduled for disposal;
- C. Approval of and authorization for the Chair to sign the correspondence acknowledging the Yampa Valley Land Trust merger;
- D. Approval of and authorization for the Chair to sign a liquor license renewal for Hahn’s Peak Roadhouse LLC for a FMB license off premises;
- E. Approval and authorization for the Chair to sign a liquor license renewal for Hahn’s Peak Roadhouse LLC for a tavern license.

**MOTION**

Commissioner Monger moved to approve items A, B, C, D, and E on the consent agenda and authorized the Chair to sign the related documents.

Commissioner Corrigan seconded; the motion carried 2-0.

**EN RE: PUBLIC COMMENT**

No members of the public were present for comment.

**EN RE: PUBLIC WORKS DEPARTMENT / RAY DUBOIS**

Mike Mordi, Road and Bridge was also present.

**2019 HIGHWAY USERS TAX FUND MILEAGE CERTIFICATION**

Mr. Mordi stated his request for the Board to review, approve, and sign the annual mileage certification required by the Colorado Department of Transportation (CDOT) to support receiving HUTF funding. The Certification officially identifies any changes to the County's road system during the year. Information in the Mileage Certification is used by the State of Colorado in calculating the County's HUTF distributions and the Colorado counties are required to keep the information current.

No new road paving (outside of the negligible length aprons) or maintenance modifications were made in 2019. There were no changes in mileage from 2018 to 2019.

**MOTION**

Commissioner Monger moved to approve and authorized the Chair to sign the 2019 HUTF Mileage certification.

Commissioner Corrigan seconded; the motion carried 2-0.

**EN RE: TREASURER/ LANE IACOVETTO**

**STRIKE OFF UN-COLLECTIBLE TAX AND VOID COUNTY HELD LIENS  
30 YEARS AND OLDER**

Ms. Iacovetto stated her request to strike off taxes determined un-collectible and to cancel County held liens 30 years and older. Upon being presented with such list, the Commissioners shall determine that the tax liens were struck off to the County, that such certificates of sale relating thereto have been held by the County for 30 years or more, and that no tax deed has been obtained or applied for as provided in this section. Upon making such determination, the Commissioners may declare that such certificates are void, and an order to

that effect shall be duly entered in the recorded proceedings of the Board, which order shall direct the Treasurer to cancel such certificates of sale.

The Commissioners and Ms. Iacovetto discussed the requests.

#### **MOTION**

Commissioner Monger moved to approve resolution 2020-03, a resolution canceling tax lien certificates held by the County.

Commissioner Corrigan seconded; the motion carried 2-0.

#### **MOTION**

Commissioner Monger moved to approve resolution 2020-04, a resolution canceling taxes determined to be uncollectable.

Commissioner Corrigan seconded; the motion carried 2-0.

### **EN RE: HUMAN RESOURCES/ KATHY NELSON**

Stephanie Pearce, Human Resources was also present.

#### **PUBLIC HEALTH NURSE - PAY SCALE APPROVAL**

Ms. Nelson stated her request for approval of the Public Health Nurse pay scale. Kari Ladrow, Director of Public Health, is requesting approval of the updated Public Health Nurse pay scale to reflect local market salaries and offer a more competitive salary to job hunters.

The initial posting of this Public Health Nurse position was unsuccessful. In December 2019, it posted in the newspaper and Colorado Workforce for 1 month. During that time, only one applicant applied for the job. After researching comparable jobs at UC Health, Summit County and Moffat County, Ms. Ladrow identified that the starting salary range was well below what others were being paid in similar roles with minimum experience. In light of the unsuccessful job posting in December and the newly acquired local salary data, Ms. Ladrow requested an update to the pay scale.

The original pay scale was developed based on Employers Council 2019 Public Employers (EC) salary survey data and benchmarked against the EC Public Health Nurse II occupation using the mid-point of the average minimum and the average maximum of "Resort Areas" data.

The County Manager has reviewed this request and approved placing this request on the agenda for your consideration and approval.

## **MOTION**

Commissioner Monger moved to approve the salary for the Public Health Nurse pay scale for the amounts of \$31.59 per hour starting and \$42.75 per hour at the top of the pay scale.

Commissioner Corrigan seconded; the motion carried 2-0.

## **EN RE: NORTHWEST LOAN FUNDS/ TOM SULLIVAN**

Mr. Sullivan stated North West Colorado Council of Governments (NWCOG) is applying to the Colorado Office of Economic Development and International Trade for Community Development Block Grant Business Loan Funds. NWCOG is seeking the funds to take on administration of the Northwest Loan Fund program ("NLF") in 9 northwest Colorado Counties. The amount of the grant application is \$650,000 that includes \$140,000 in current NLF cash reserves and \$104,000 to administer the NLF.

Along with the CDBG Loan Funds application and the Intergovernmental Agreement (IGA) which authorizes the NLF to provide loans to businesses in Routt County, the other documents that are included are the Application Statement of Assurances and Certifications for Community Development Block Grant (CDBG) Business Loan Funds, Citizen Participation Plan for CDBG Business Loan Funds, and the Residential Anti-displacement and Relocation Assistance Plan for CDBG Business Loan Funds.

All borrowers for the CDBG or Micro-Enterprise Program (MEP) Creation/Retention Method will be required to demonstrate how they will create or retain jobs. The goal of the NWCCOG and the NLF is to create or retain 1 job for every \$20,000 loaned. The ratio of 1 job/\$20,000 loaned may be flexible as long as the overall State contract requirements of jobs per NLF dollars loaned is met.

Loan application fees shall be 2% of the loan amount as an origination fee to assist in loan package preparation, payable from loan proceeds at the time of closing. Funds for the CDBG and MEP programs can be used to finance the following: capital equipment, inventory, working capital, purchase of existing buildings, other fixed assets, equity participation in exchange for business shares or royalty payments, refinance of existing debt (must demonstrate special need), and construction of new facilities and renovation of interiors and exteriors (discouraged due to David-Bacon Wage and other Federal Requirements).

The Commissioners and Mr. Sullivan discussed the request.

## **MOTION**

Commissioner Monger moved to approve and authorize the Chair to sign all documents related to Routt County's participation with the North West Colorado Council of Governments

and 8 other counties for the multijurisdictional application to the Community Development Block Grant Multijurisdictional application for the business loan funds.

Commissioner Corrigan seconded; the motion carried 2-0.

### **EN RE: PLANNING/ KRISTY WINSER**

David Zehner, Precision Excavating Inc., Brian Ripley, Agent of King Creek Ranch, George Eck, Attorney, Scott Cowman, Environmental Health, Alan Goldich and Tegan Ebbert; Planning were also present.

### **KING CREEK RANCH, LLC; PL-19-184**

Ms. Ebbert stated King Creek Ranch, LLC is 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 whom 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 and each has their single-family residence on a privately held 35+ acre parcel.

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.

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. No public use or the property, structures, or amenities exists.

All of the structures and uses being requested are already in existence and the applicant is seeking retroactive approval. The permit boundary contains three main activity areas (the Ranch Center, Washburn Area, and Chester Camp) that are described in detail in the staff report.

The Staff Report covers many uses by right within the permit boundary however the only permitted uses being proposed are the communal lodge (Bison Hall), the golf driving range in the Washburn Area, and the glamping area in Chester Camp.

A number of the structures and septic systems were constructed without the necessary permits from the Building and Environmental Health Departments. The applicant has been in communication with both departments and been given a deadline for compliance of July 1, 2020.

During the 1/16/20 Routt County Planning Commission meeting there was discussion regarding the referral response from the Routt County Regional Building Department. The Building Department indicated that the one-room cabins in the Chester Camp area are considered "temporary structures" and exempt from the Building Code therefore they need to be removed from their current location every six-months. Members of the Routt County Planning Commission indicated that they wanted to have the cabins deemed as "removable" and moved

at the request of the County if necessary in order to prevent unnecessary damage to the vegetation in the area. The Routt County Planning Commission structured Special Condition 1.C.iv to reflect that the cabins must comply with the Routt County Building Department standards however they removed any clause requiring the seasonal removal of the cabins.

In a follow-up discussion after the Planning Commission Hearing with Todd Carr, Routt County Building Official, he provided the following options for the one-room cabins:

1. If unpermitted the one-room cabins must be physically removed every 180 days (similar to the Book Trails Yurts).
2. If permanent, the one-room cabins must be permitted and meet structural code requirements.  
- In this scenario, the cabins must be classified as detached accessory buildings, must be clearly recognized under the SUP to be used as camping structures only on a limited basis year-round, and stated that they are not to be used for dwelling purposes.

Todd Carr was invited to attend the BCC hearing on 1/28/2020 however he is unavailable.

Mr. Ripley stated he was the manager at King Creek for 12 years up until 2016 and does consulting now. He reiterated that the property is not intended for public use and the owners are working hard to be in compliance with the County. The property is in compliance with the established conservation easement. The owners would like to see the camping cabins approved as is to prevent environmental destruction by having to remove them seasonally.

Ms. Ebbert noted the cabin removals pertain to condition number 22, in tandem with condition 15 C.

Commissioner Corrigan asked how much of the property is under conservation easement.

Mr. Ripley stated 3,630 acres.

Ms. Ebbert noted an error in the Commissioners' communication form. The special conditions started at number one, which they should not have.

#### **ROUNDTABLE:**

The Commissioners, Ms. Ebbert, Mr. Ripley, and Mr. Eck discussed how to ensure that a new owner of the property would not have the ability to develop areas of the property without coming back to the Commissioners for approval. The Commissioners gave direction to Ms. Ebbert to include language in condition number 19 along the lines of, "...this SUP is appurtenant to the 7 lots."

#### **ROUNDTABLE:**

The Commissioners, Ms. Ebbert, Mr. Ripley, and Mr. Eck discussed the property owner's desire to not remove the camping cabins seasonally. The Commissioners gave direction to Ms. Ebbert to add language to condition number 22 that specifies that the Chester

Cabin area is to be used during a six-month basis and for camping purposes only. The structures are considered temporary and only require removal if the permit is to cease.

### **ROUNDTABLE:**

The Commissioners, Ms. Ebbert, Mr. Ripley, Mr. Cowman, and Mr. Eck discussed the waste facilities in the camping area. The Commissioners agreed that there needs to be a functioning waste water system that meets the Environmental Health Department's requirements.

Mr. Ripley stated the vault on the property would be abandoned and the owners would work with the Environmental Health Department to obtain a permit for the waste water system.

### **MOTION**

Commissioner Monger moved to approve of the Special Use Permit for a Private Recreational Facility with Overnight Accommodations with the findings of fact that the proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations. This approval is subject to the following conditions:

#### **General Conditions:**

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 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
  - 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. This special use permit is appurtenant to the seven existing residences.

20. All structure and on site waste water systems must obtain proper permitting by July 1, 2020. An extension to this deadline may be granted administratively.

21. Any Special Events may be approved through an amendment to this permit or through a separate Special Events permit.

22. The one-room cabins in the Chester Camp Area are to be used on a six-month basis for leisure camping only and not to be used for dwelling purposes. The structures are considered temporary and only require removal if the permit is to cease.

Commissioner Corrigan seconded; the motion carried 2-0.

### **CAMILLETTI MILNER #2 GRAVEL PIT; PL-19-194**

Mr. Goldich stated the Planning Commission reviewed this application at their January 16, 2020 hearing. They recommended approval of the application with a 9-0 vote. The bulk of the conversation was spent educating Planning Commission on the history, layout, and operation of the pit. The request to modify COA #17 of the existing permit (bi-weekly groundwater monitoring and reporting) was also discussed. The applicant was requesting that the frequency of the monitoring be reduced. The area adjacent to the vegetation that this condition is meant to protect has not been mined and the groundwater levels in the wells have remained relatively constant for the past 10 years. Colorado Parks and Wildlife (CPW) supported the relaxation of these requirements and stated that the wells should be monitored seasonally. CPW did not define seasonally so Planning Commission decided upon June 1st, August 1st, and September 1st. CPW stated that they are comfortable with the dates that Planning Commission recommended. A new condition was added stating that once the area near this vegetation is to be mined, the permittee must notify the Planning Department and the bi-weekly monitoring would be re-instituted.

There were no members of the public at the hearing. Planning Commissioner Brookshire noted how the lack of public was far different from when the pit has been in front of Planning Commission in the past. He attributed this to a well-run operation. Mr. Ed Camilletti stated that the bypass around Milner (CR 178) took a lot of the impacts off of the Town of Milner since haul traffic was not traveling through the town.

### **ROUNDTABLE:**

The Commissioners, Mr. Goldich, Ms. Winser, and Mr. Zehner discussed a protection plan for the cottonwood area that is not being monitored through the Cottonwood program. Mr. Zehner agreed to create a cut-off near the cottonwood area to protect the vegetation.

Mr. Cowman stated there were changes in the language about a requirement to submit any reports with other permitting agencies. There is a permit report that is sent to Division of Reclamation Mining and Safety (DRMS) that should be sent to the County too.

There are a few different ways the County can do oversight. The County can inspect the site annually, require self-reporting, or require all other permitting agencies who require an annual report to submit those reports to the County with a County process in place for documenting the reports.

Commissioner Monger pointed out that condition number 22 fulfills the last option that Mr. Cowman stated.

Mr. Cowman suggested that County staff accompany DRMS on their inspections. He emphasized the importance of maintaining forest health at this location.

The Commissioners agreed and noted the conditions would not need to be modified to allow County staff to accompany DRMS on their inspections. The Commissioners also agreed to the reduction on the monitoring requirements.

Mr. Cowman stated that Routt County should be included in the correspondence from permitting agencies, including DRMS.

Mr. Goldich confirmed that that is part of the acceptance of this SUP.

### **MOTION**

Commissioner Monger moved to approve the renewal of the Special Use Permit for the Camilletti Milner #2 Gravel Pit with the **following findings of fact**:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 9 of the Routt County Zoning Regulations.
2. The Special Use Permit with the following conditions will not adversely affect the public health, safety, and welfare.
3. The proposal with the following conditions is compatible with the immediately adjacent and 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.

This approval is subject to the following conditions:

### **General Conditions:**

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, 6, and 9.
2. The SUP is limited to uses and facilities presented in the approved project plans. Any additional uses or facilities must be applied for in a new or amended application.
3. Any complaints or concerns which may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. No junk, trash, or inoperative vehicles shall be stored on the property.
6. 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. Any

- spills of fuels or hazardous materials shall be reported to the Routt County Planning Department within three days of occurrence.
7. All exterior lighting shall be downcast and opaquely shielded.
  8. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in 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.
  9. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director without notice.
  10. 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.
  11. 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.
  12. 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 permitThe 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.
  13. 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:**

14. The Special Use Permit (SUP) is valid for ten years from the BCC approval date, provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
15. 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
16. 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.
17. 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.
18. 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.
19. Any proposed amendments to the DRMS permit must be approved by Planning Administrator and may be cause for a review of the SUP.
20. 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.
21. 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:**

- 22. Operator shall submit DRMS Annual Report for the pit to the Planning Department by August 15<sup>th</sup> of each year for compliance verification.
- 23. 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.
- 24. Permittee shall conduct an annual inventory of weeds on site each spring including but not limited to species identification and map locations. Inventory

shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.

25. Permittee shall submit an annual report prior to December 31 of each year to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied.
26. Permittee shall notify the Routt County Environmental Health Department of any written or verbal notice of violation or citation issued to the Permittee by DRMS, CDPHE, or any other permitting agency. Copies of inspection reports, annual reports, 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:**

27. Permittee shall coordinate with the school districts to eliminate truck hauling from the pit south on County Road 179 during school bus hours.
28. The operator shall immediately remove all products, fill material or sediments spilled, dropped, washed, or tracked onto County Roads 178 and 179.
29. 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.
30. 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:**

31. 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.
32. 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.
33. 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.
34. Minimum setbacks to all cottonwood and willow stands outside the mine area shall be 100 feet. Permittee shall monitor groundwater monitoring wells on June 1st, August 1st and September 1st, annually, and submit such data to the Planning Department. Permittee shall 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.
35. 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 per COA #17 of Permit PP2009-006. Groundwater levels shall be submitted annually to the Routt County Planning Department.
36. 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.
37. Permittee shall continue to implement the irrigation plan for the cottonwood and wetland areas outside of the mine area.
38. 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 pre-mining condition.
39. 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.
40. No berms or stockpiles associated with the perimeter drainage ditch located outside the active mine area shall be permitted.
41. 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.
42. All stockpiles and equipment, except for the 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.

**Reclamation:**

43. 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.

**Air and Water Quality:**

44. 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.

45. 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.

**Noise:**

46. 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.

47. Noise from all on-site sources and from haul trucks shall be in compliance with the performance standards in the State noise statute (C.R.S. 25-12-103). 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.

48. 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.

**Miscellaneous:**

49. 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.

50. 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.



Commissioner Corrigan seconded; the motion carried 2-0.

**EN RE: COMMISSIONERS' WORK SESSION**

The following items will be discussed, and the Commissioners may provide staff direction or take action regarding these items.

The Commissioners, Kevin Booth, Yampa Valley Regional Airport, Robert Felinzak, IT, Kendra Alfieri, Commissioners' Office, Ray DuBois, Public Works, Chris Cooper, Stacey McDowell, Randa Walters, and Dan Strnad; Accounting were present.

**BUDGET IMPROVEMENT DISCUSSION**

The individuals noted above discussed budget improvements.

No further business coming before the Board, same adjourned sine die.

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Kim Bonner, Clerk and Recorder

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Timothy V. Corrigan, Chair

\_\_\_\_\_  
Date