



Huerfano County Planning Commission Staff Report – Permit #23-06 Gravel Pit Siete

Joint Public Hearing Date: February 28, 2023

Request

With this Application Siete, Inc(the Applicant) requests the following:

Conditional Use permit pursuant to LUR Section §1.06 to establish a gravel pit to serve as a material source for two large projects at first then various other projects over time. The parcel is the school section located at Section 36, Township 25S, Range 67. The SE corner of the section is at the intersection of County Road 650 and I-25.

This application is for a permit to mine for gravel anywhere in the school section, though initial plans are limited to a 30-acre area in the northwest quadrant of the section. The 30-acre site is expected to produce gravel for 5-10 years, and the life-span of the project may be 20-30 years. Mining would be expected to take place intermittently as projects arise.

The subject property is zoned Agricultural Zoning standards for this district are set forth in LUR Section §1.03.

Site Description

There is an arroyo cutting through the section, and some rolling hills near where the 30-acre quarry site is proposed.

Code References

The following Code Sections are applicable to this application and may be referenced by the Huerfano County in their evaluation of the request:

§1.06 Conditional Use Permits

§1.05 Use Table Reference

This proposal falls under 1.05.57 in the Use Table, and is a conditional use in the Agricultural zone.

1.05.57: Rock quarries, sand and gravel excavating pits, pipelines, strip and underground coal mines and all appurtenances and accessory uses thereto.

Background

On February 9, 2023, an Application for a Conditional Use Permit, Application Fees, a letter of interest, and site plan were received by the County. Missing from the application at the time of writing this staff report were proof of ownership and copies of other permits granted in association with this project. It is believed that the State Land Board owns the land, and a gravel mining operation does receive oversight from other state agencies.

Siete has submitted a Special 111 permit application to the Division of Reclamation Mining and Safety, as well as the Air Pollution Emissions Notice to the Department of Public Health and Environment.

Application Materials 1.06.01

Required Submittals for a CUP:

- 1. Letter of intent**
 - a. Current and proposed uses
 - b. Impacts of proposed use on roads, traffic, safety, services, environment.
 - c. Comprehensive Plan compliance statement
 - d. Proof of ownership
 - e. List of other state or federal permits granted or applied for.
 - f. List of names and mailing addresses of all listed owners of adjacent property
- 2. Site Plan**
- 3. Vicinity map – area within 500 ft of property, description of any plats and improvements on property within 500 ft.**

Completeness: Proof of ownership was not submitted with application materials.

Criteria/Findings

In order for an Conditional Use Permit to be issued, the criteria set forth in LUR Section 1.06 must be met. An analysis of these criteria is provided below:

Planning commission shall determine if a public hearing is required per **1.06.02:**

1. That the proposed conditional use conforms to the requirements and provisions of this zoning regulation.
2. That the proposed conditional use is consistent with the goals, objectives and policies of Huerfano County, as contained in the County comprehensive plan.
3. That the proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area.
4. That the proposed conditional land use will not result in overly intensive use of the land relative to current use of the surrounding land.
5. That the proposed conditional use will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic and its roads will meet the requirements of Subdivision County Road Standards and Specifications.
6. That the proposed conditional use not unnecessarily scar the land on which such use would be located and that the proposed use provide all measures necessary to mitigate negative impacts upon agricultural lands, critical wildlife habitat, seasonal wildlife migration corridors, scenic views and existing cultural and historical resources.
7. That the proposed conditional use will not be likely to prove detrimental to the public health, safety or welfare of County residents nor cause hardship for neighboring persons.

Analysis

2. No specific mention of the Comprehensive Plan was made in the applicant's letter. Gravel pits are a necessary infrastructure component to support road construction and maintenance.

Harmony with neighboring land uses and future land uses. Gravel mining has the potential to produce noise, vibrations, dust, and a long term impression upon the land. There no apparent structures or uses other than grazing within 500 feet of the proposed site.

Relative to nearby uses, gravel mining is a more intense use. The Planning Commission should consider how to interpret criterion #4.

Traffic: The proposed use will result in approximately 15 trucks per day. This will have an impact on the roads, and the Planning Commission should consider a condition attached with this application related to road maintenance. Road and Bridge Department should consider whether proposed access is adequate.

Scarring the land: A gravel mine will leave a permanent mark on the land. This mine will dig up to 20' deep over an area eventually to cover 30 acres. The attached map depicts the change to the topography after the mine scar has been capped and mitigated. Mitigation efforts for this project will include capping mined areas with topsoil and re-planting.

An access road to the gravel pit may have to be built. No details were provided on this aspect of the project.

Detriment to health, safety and welfare, and hardship for neighboring persons: It is not apparent to staff that this project will have a direct impact on any individuals, as there are not homes or businesses in the immediate area.

Referral Comments

Referral agencies contacted on February 14, 2023:

Huerfano County Emergency Management Department: rwalsh@huerfano.us

Colorado Division of Parks and Wildlife: cody.purcell@state.co.us, mike.brown@state.co.us joshua.bonar@state.co.us

Huerfano County Health Department: rsykes@la-h-health.org, – No Comment

Huerfano County Road and Bridge Department: dhribar@huerfano.us, cbechaver@huerfano.us

Huerfano Fire protection District: fixitsammo@gmail.com

Huerfano County Sheriff's office: BRUCENEWMAN@BRESNAN.NET

Spanish Peaks Regional Health Center: dmcgraw@sprhc.org

CDOT – contacted 2/23 – Michele Regalado and others: michelle.regalado@state.co.us.

Staff Comment

At the time of updating this staff report, only the Health Department responded, stating that they had no comment.

CDOT was not contacted on Feb. 14. On February 24, CDOT responded with a letter stating that they would require a Traffic Memo to give additional information on the types of trucks being used and whether there will be additional trip generation, such as from employees commuting to the site. Additionally, CDOT will require an access permit to document traffic generated at CR 650 and I-25.

The Planning Commission will meet via Zoom at 2:00 on February 28, following the Joint Public Hearing for the purpose of making a recommendation to the Board of County Commissioners.

Commission Action Options:

1. **Approval** without any special conditions.
2. **Conditional Approval** with a description of the special conditions.
3. **Denial**, indicating for the record the reason(s) for such action.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

Enclosures

- Application Materials
- Letter from CDOT