



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

Joint Public Hearing Date: February 28, 2023; Continued on March 14, 2023; Planning Commission Recommendation March 23; Board of County Commissioners decision March 28.

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 640-acre 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

1. This is a conditional use in this zone, thus this is the appropriate course to pursue.
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.
3. *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.

4. Relative to nearby uses, gravel mining is a more intense use. The Planning Commission should consider how to interpret criterion #4.
5. *Traffic:* The proposed use will result in approximately 15 trucks per hour at peak hours, generating around 70 trips 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 and require applicant to obtain an access permit.
6. *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 will have to be built. No details were provided on this aspect of the project. State permits will require dust mitigation on the access road.
7. *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.

Previous CUP applications for gravel pits have included the following conditions:

1. Road maintenance agreements for County roads and for on-site haul roads, including magnesium chloride application frequency, maintaining or providing material to maintain or improve County roads impacted, and improving or replacing cattle guards.
2. Widening corners on a County road.

3. Require all permits to be approved and in place prior to commencement of operations. Copies of permits shall be provided to the Land Use Office.
4. Secondary containment for fuels stored on site.
5. Weed control plan approved by Huerfano County. (In one case, this applied to along a County Road).
 - a. Reclamation Bond in the amount of \$10,000 shall be required, and site inspections will be performed by the Huerfano County Weed Manager.
 - b. County will perform baseline weed monitoring study.
 - c. Noxious weed inspection min. 4x per year.
6. Truck restrictions (which roads they will/will not use)
7. Mining to begin within one year of approval.
8. Permanent truck turning signs placed on both sides of the access location.
9. Applicant shall address dust mitigation and potential water runoff/soil erosion prior to starting the project.
10. 09-30 required renewal every six years.

Scope of operations of previous gravel mining CUPs

02-043 Blasi and Son Trucking and Earthmoving: maximum disturbance 9.5 acres at one time; 5 acres excavated and 4.5 acres for stockpile and processing.

04-011 Franciscotti Pit: 250-acre site mining in seven phases between 30 and 60-acres disturbed in each phase. Only 10-acres to be disturbed at a time in phases 2-7, 30-acres of Phase 1 (60 acres, including 5-acre operations/stockpile area) was previously mined and plan includes re-grading and mining; plan states that reclamation will be concurrent with mining in all phases.

14-004 Peak View Gravel Pit: Processed material not to exceed 69,999 tons/year; 40-acre parcel with mining plan to mine in three phases including between 10 and 14.8 acres each. Total of 200 acres to be disturbed.

09-30 Leone Sand and Gravel: Mining plan indicated phasing including mining on 175 acres in 8 phases ranging from 14.5 acres to 22.4 acres each with each phase covering a time span of five years.

17-008 JW Cattle Ranch: Disturbed area not to exceed 5.6 acres at any time. Three to four phases lasting 1.5 years from 4.1-5.6 acres to be mined at one time.

17-015 Colorado Crushing – Perrino Pit: On 96 acre site, a max of 90 acres to be disturbed by mining. 20 acres to be disturbed at any one time, with stockpile/pricessing area to cover 15 acres and up to five-acres to be actively mined.

17-018 – HCWCD: Pit area 7.7 acres, processing/stockpile area 4.8 acres.

18-002 – Aught Six Ranch: Total 10-acres.

20-020 – Walsenburg Sand and Gravel: 46.91 ac; 2013 CUP permitted mining on 20.18 acres, 20-020 added 26.73 acres.

Submittals included in previous CUPs for gravel pits:

- Letter from Colorado Parks and Wildlife (CPW). A CPW letter is required for a 112 permit, but not for a 111 permit.
- Soils report (ranging from one page to 33 pages in length) – used to determine that sufficient soil can be salvaged to reclaim disturbed lands.
- Soils and vegetation map
- Mining plan and map
- Reclamation plan and map

- Timetable for reclamation
- Exemption letter from need for state reclamation permit from CDRMS

Recommended Conditions to Consider

1. Traffic Control Plan – signage, lower truck speed limit, Access Permit Lascar to access road.
2. Road Maintenance: Mag Chloride on Lascar Rd. and access rd. once per year or as needed as determined by the Road and Bridge Department; yearly grading and application of gravel to keep road up to County standards.

NOTE: As of the preparation of this report, staff is waiting on an opinion from Bruce Roscoe on how to most effectively address road maintenance.

3. Letter from Colorado City Metro District that they are authorized to haul up to 4,000 gal (or certain amount per day).
4. Noxious weed plan with security bond.
5. Acreage/scope of operations: This application describes a Phase I to develop 30-acres for mining. There are implied subsequent phases that are not described that would increase the scope and scale of operations. Siete’s lease is for whole 640-acre section and intent is for CUP conditions to apply to entire section so they can expand their scope as they see fit. The amount of bonding required by state permits is a function of the scale/impact of operations (acreage, depth, etc.), so there is some state oversight of how much would be mined at any given time, though this may only be limited by the amount for which Siete is bonded.
6. One-year Review: review performance vis-à-vis conditions of permit. (Upon complaint and/or as a letter from applicant attesting to compliance with each condition and describing any changes that have taken place).
7. Hours of operation. In the application materials, hours of operation were stated as 7am to 5pm. Whether this is intended to apply to all aspects of the operation is not clear and needs clarification. Does this apply only to the crusher, to the loading of trucks, to the operation of mining equipment?
8. At the March 14 continuation of the public hearing, Commissioner Galusha suggested consideration of a condition that the access off of Lascar Rd. be located closer to I-25 to reduce truck traffic on Lascar to a shorter section.

Other considerations:

- Since the scope of future operations in this application is undefined and unknown, considering conditions to include in this CUP that would pertain to impacts from a scope of operations not described herein presents a challenge. One possible approach would be to include a condition that the CUP be presented to Commissioners with each proposed “significant” change in scope so that conditions could be reviewed and amended as needed.

- The Tom Branch Apache Creek, an intermittent stream, runs through the section. If more than the thirty acres initially proposed is to be permitted for mining, consider 200 ft. setbacks between mining operations and intermittent streambeds.
- Another approach to limit the impact of the mine could be to limit the total acreage to be mined at any one time.
- If the ultimate scale of mining is not something the County wants to condition, the County should consider requiring updates to the CUP to include changes to scope and up-to-date copies of all state-issued permits.
- In their letter of intent, the applicant stated that mining would be to a depth up to 20 ft. This could be considered as a condition of the permit.
- How the rock will be extracted is not described – will explosives be used?
- Magnesium chloride vs. chip seal on County road 650 – the first mitigates dust, the second would mitigate both dust and potential for rocks kicked up that could damage windshields, etc.

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
- Traffic Memo
- CDOT response to Traffic Memo
- Division of Reclamation Mining and Safety preliminary adequacy review, 111 Construction Materials New Permit Application Lascar Pit, Permit No. M-2023-005
- Updated Special Operations 111 Permit Application submitted to Division of Reclamation Mining and Safety.