

Cerise Gravel Pit

June 2014 – Volume 1

Garfield County Land Use Change Major Impact Amendment

By

Clifford Cerise Ranch Company, LLLP

Represented by:



United Companies

&



Greg Lewicki And Associates, PLLC

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Introduction

The Cerise Gravel Pit is a sand and gravel pit located on the Clifford Cerise Ranch Co, LLLP (Cerise) property north of Highway 82 and east of County Road 103. The landowner is submitting an amendment to the Major Impact permit (Resolution 2011-44) with Garfield County to reduce the scale of overall activities at the mine. This includes a reduction of full time employees, a reduction of the amount of equipment present most of the year, a new berm layout, a new mine plan, and a reduction of the maximum disturbed area. The reason for these reductions is the operator's desire to reduce the impacts of the operation as part of operational costs savings.

United Companies (United) will be the operator of the pit. The landowner and operator are both represented in this application by Greg Lewicki and Associates (GLA) of Parker, CO.

General Description

United Companies is developing the Cerise Gravel Pit to supply Garfield County and surrounding communities with construction materials. The production of construction materials such as concrete, asphalt, and road base requires a source of quality rock. The Cerise property is such a source. It will be operated over the course of 15 to 20 years as a supplier for United's operations in the area. The entire operations will be contained within the 65.48 acres approved in Resolution 2011-44.

The Cerise Gravel Pit will be operated as a rock source, as opposed to a final product supplier. It will send crushed and cleaned rock to facilities at other, already permitted, sites. No asphalt or concrete will be produced at the Cerise Gravel Pit. Therefore it will only require two full time employees year around to maintain the site. During activities in the production season additional United employees will be on site as needed. The reduction in employees from the approved resolution 2011-44 will eliminate several of the facilities in the original approval. The potable water and septic systems will no longer be needed, along with the large employee parking lot.

Equipment and Facilities

Below is a revised list of equipment and structures anticipated to be used at the Cerise Gravel Pit. This is an estimate, and may change over the course of operations in order to facilitate the mining and reclamation plans.

<u>Equipment</u>		<u>Structures</u>	
<i>Full time</i>			
Loaders	1	Scale	1
<i>Temporary</i>			
Loaders	3	Portable crushing plant	1
Dozers	1	Portable wash plant	1
Scrapers	2-4	Trash dumpster	1
Grader	1	Portable toilets	2-4
Water truck	1		

Only a loader and scale will be located on site full time, as most of the year the pit will not need to be running at full production. Equipment needed to produce material during the construction season will all be portable, and only present for the time needed to satisfy demands at the time. This will also serve to reduce the number of full time employees needed on site to two. The potable water well and septic system will not be needed due to United providing portable toilets and bottled water to employees on site during operations. Process water and dust control water needs will be satisfied by leased BWCD water.

Consistent with the Garfield County Code, the Cerise Gravel Pit will operate 7:00 a.m. to 8:00 p.m. Monday through Saturday with crushing, digging, and heavy hauling allowed from 7:00 a.m. to 5:00 pm allowing for administrative and maintenance activities to take place until 8:00 p.m. No operations except emergency maintenance to ensure the integrity of operating equipment will take place on Sunday.

Mining Plan

Reducing the ongoing impacts of mining activities at the Cerise Gravel Pit will be accomplished primarily by reducing the ongoing mining footprint. Mining will be conducted over the course of six phases. The first three phases (1A, 1B, & 1C) will all have disturbance during the initial mining, and are therefore grouped (see Mining Map 1). Overburden from these first three phases will be stored in a pile located on the northern two-thirds of Phase 1C. Topsoil from these areas will be stored in a topsoil storage berm and pile along the southwest sides of Phase 1A, 1B, & 1C.

Processing equipment will be placed in Phase 1B initially, once the topsoil and overburden has been stripped. Mining will be conducted in Phase 1A initially, in a benching style down 25 feet at a time. Once mining in Phase 1A has been completed to the first bench, stockpiles and processing equipment will be moved into Phase 1A to facilitate the mining of the first bench (25 feet deep) of gravel in Phase 1B. This procedure will be repeated, transferring mining and processing operations back and forth between Phase 1A and 1B until reaching 6224' in elevation, roughly 65 feet from the existing surface. See Mining Maps 1 and 2.

Once mining of Phases 1A and 1B is complete, most the overburden stockpile will be removed and used to backfill Phase 1A to the original topography. A portion of the overburden will remain as a 15 foot tall berm on the north side of the Phase 1C mining area. This berm will provide a visual buffer between the active mining area and neighbors north of the operation. Mining of Phase 1C will proceed in a similar bench fashion as previous phases, 25 vertical feet at a time. Once mining in Phase 1C reaches the same floor level Phase 1B and 1A, processing equipment and stockpiles will be moved onto the Phase 1C floor to allow for mining of further benches in Phase 1A and 1B. Processing equipment and stockpiles will be replaced in Phase 1B once it has been mined to its maximum depth of roughly 100 feet (elevation 6190'). Ground water is expected to be near 105 feet, but the operator commits to staying two feet above ground water. In the event it is encountered, exposed ground water will be buried with at least two feet of material. Processing facilities and stockpiles will remain at that location in Phase 1B & 1C for the remainder of the mine's life. Phase 1C will then be mined to match the Phase 1A and 1B floor elevation of 6190'. See Mining Map 2.

Phase 2, 3, and 4 will be mined in benches to the final floor elevation of 6190' (see Mining Maps 4-6 in The Site Plan). As mining progresses through the site, reclamation will be conducted behind the mining. The backfilling of Phase 1A is an example of this. The northern highwalls of the pit (north side of Phases 1B, 1C, & 2) will be backfilled to the final reclaimed slopes of 3H:1V. This reclamation will be conducted concurrently with mining, to minimize the ongoing disturbed area. Due to overburden quantity limits, the east and south side of the mining area will be mined to 3H:1V, and as such will only require topsoiling and seeding for reclamation (in The Site Plan, see Mining Maps, the Cross Sections, and the Reclamation Map).

An overburden berm will be built along the north side of Phase 2 to provide visual screening (see Mining Maps 4-6 in The Site Plan). This will be a continuation of the berm built during the mining of Phase 1C, and be 15 feet tall. Overburden stored in this berm will be used in final reclamation. Most of the original topsoil berm will remain in place until final reclamation, since topsoil stripped from most mining will be immediately used in reclamation in mined out areas. Both the overburden and topsoil berms will be used in final reclamation to complete backfilling and topsoiling as needed.

Reclamation Plan

Reclamation will occur concurrently with mining activities during most of the mine's life. This will help to minimize ongoing disturbance area of the operation, which will limit the impacts at any given time. The ongoing disturbance area fluctuates as seen in the table below.

	<u>Area (acres)</u>	<u>See Map</u>
End of mining in Phase 1A	22.2	Mining Map 1
End of mining in Phase 1B	22.2	Mining Map 2
End of mining in Phase 1C	19.9	Mining Map 3
End of mining in Phase 2	29.7	Mining Map 4
End of mining in Phase 3	31.4	Mining Map 5
End of mining in Phase 4	28.2	Mining Map 6

Based on these areas, the peak of disturbance is at the end of mining of Phase 3, when 31.4 acres of ground are disturbed as part of all operations. This is significantly less than the nearly 60 acres of maximum disturbance in Resolution 2011-44.

Mining and reclamation will take place over a period of roughly 18 years, but will likely fluctuate based on market demands for material. Table 1 - Mining and Reclamation Timetable shows the reclamation quantities and sequence at the Cerise Gravel Pit. Based on mining beginning in 2014, the Cerise Gravel Pit operation will complete mining and reclamation 2032. This is based on approximately 375,000 to 500,000 tons per year (average of 437,000 tons per year), which is the same rate as in Resolution 2011-44.

Table 1 - Mining and Reclamation Timetable

Description	Years of Mining
Build topsoil berm and overburden stockpile. Revegtate berm and pile immediately upon completion. Mine out Phase 1A and 1B.	1.7
Mine out Phase 1C phase after backfilling Phase 1A. Topsoil and revegetate Phase 1A.	3.4
Reclaim most of Phase 1B and some of Phase 1C while mining Phase 2.	5.9
Reclaim Phase 2 while mining Phase 3.	4.7
Reclaim Phase 3 while mining Phase 4.	2.2
Reclaim remaining disturbed areas such as berms and the scale area.	0.3
	18.2

10. RESPONSES TO ARTICLE VII APPLICABLE STANDARDS AND CRITERIA

This section contains the Article VII standards applicable to the Cerise Gravel Pit and responses to those applicable standards by the applicant.

Following is a listing of the applicable standards/criteria found in Article VII of the Garfield County Land Use and Development Code (Garfield County Code). Portions of code are quoted in italics, with the response following. Inapplicable portions of Article VII are not included.

Section 7-101 Compliance with Zone District Use Restrictions.

The land use change complies with applicable zone district use restrictions and regulations in Article III, Zoning.

The Cerise property is in the Rural Zoning District and a gravel extraction facility is considered a permitted use subject to Major Impact Review.

Section 7-102 Compliance with Comprehensive Plan and Intergovernmental Agreements.

The land use change is consistent with applicable provisions of the Garfield County Comprehensive Plan and any intergovernmental agreements between the County and a municipality that applies to the area where the use will occur.

The Cerise Gravel Pit will be consistent with the Garfield County Comprehensive Plan 2030. The Cerise property is zoned Rural. However, according to CRS 34-1-305(1), “no board of county commissioners, governing body of any city and county, city, or town, or other governmental authority which has control over zoning shall, by zoning, rezoning, granting a variance, or other official action or inaction, permit the use of any area known to contain a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.” Therefore, per State law, the mining of the aggregate mineral resource must occur prior to any other developed use, which, in this case, the County indicates should be residential.

In addition, below is a listing of the applicable provisions from Section III, Part 9 (Mineral Extraction) of the Garfield County Comprehensive Plan 2030 followed by an explanation of how the Cerise Gravel Pit will comply with the stated goal, objectives, policies and programs.

The Clifford Cerise Ranch Co, LLLP owns the Cerise property and they want to exercise the right afforded them by CRS 34-1-305(1) (as quoted above) to mine the sand and gravel resource found on their property. Therefore, they signed a lease with United Companies to have them mine the property.

The Cerise Gravel Pit plan has incorporated the following mitigation measures into their plan to address the impacts of mineral extraction on surrounding private property owners:

Access to the site will be onto County Road 103, south of any residential streets or driveway access, so the majority of trucks coming and going to the site on County Road 103 will not pass

any existing homes (the only time trucks will drive north on County Road 103 would be to deliver materials to a site in that direction).

There is a significant elevation difference between Highway 82 and the elevation of the Cerise property where the mining will occur. As a result, this ridge will serve as a screening “berm” between the mining activity and the highway and all other land south, southeast and southwest of the site.

Berms will be built using topsoil and overburden from Phase 1(A-C). These berms can be seen on Mining Maps 1-6 located under Site Plan.

United will use portable crushing and wash plants throughout the mine’s life. These plants will be located on the pit floor close to the mining activity. No asphalt or concrete plant will be part of the Cerise Gravel Pit.

All State and County noise standards will be met.

All State air quality standards will be met and the appropriate air quality permits will be obtained.

The site will operate during the hours of operation as permitted by the Garfield County Code.

Topsoil and overburden piles and berms will be constructed at the beginning of the mine life. These berms and piles will be part of visual screening that will evolve over the course of the operation to reduce visual, dust, and noise impacts while maximizing the area that can remain in operation as agricultural as mining takes place. The activities at the Cerise Gravel Pit will be conducted in a manner that minimizes their impact.

Garfield County, to the extent legally possible, will require adequate mitigation to address the impacts of mineral extraction on adjacent land owners. These measures may include the following:

- A. Landscaping and screening;*
- B. Modification of phasing or area to be mined;*
- C. Roadway improvements and signage;*
- D. Safe and efficient access routes;*
- E. Drainage improvements to project surface and groundwater.*

The Cerise Gravel Pit is proposing each of the above described measures as follows:

- A. Vegetated berms will be provided on the north and west edges of the property to help screen the mining activities from off-site.
- B. Crushing operations will take place near the active mining highwall on the pit floor throughout the life of the mine. Mining will progress in a phased manner that will facilitate concurrent reclamation and a minimization of ongoing disturbed area.

- C. A traffic study was prepared for the project and all improvements and signage recommended in the study will be installed.
- D. The site will access onto County Road 103 which connects to Highway 82. The access is located along County Road 103 where there is good site distance and trucks using the access will not need to pass any existing homes as they travel to and from Highway 82. United did not propose a direct access to Highway 82 as that could generate safety concerns.
- E. A drainage report was prepared for the property to ensure that surface water will be properly handled so as to not create an impact on surrounding property owners. No groundwater will be exposed with the mining of the site.

Garfield County, in coordination with relevant special districts, authorities and municipalities, will require that developers of energy or mineral extraction projects finance the construction and operation of any public improvements which, now or in the future, will be required by their projects.

United will enter into a public improvements agreement with the County to address United's financial obligations for public improvements required as a result of the Cerise Gravel Pit.

Dust, odors and fumes should be contained within the extraction site generating such emissions and should not negatively affect any surrounding land use.

United will meet all applicable State and County regulations pertaining to dust, odor and fumes.

Any proposal regarding mineral extraction that cannot mitigate adverse impacts may be denied based on a finding of incompatibility, for the following reasons:

- A. *Adversely affecting the desirability of the immediate neighborhood or the entire community.*
- B. *Impairing the stability or value of existing adjacent properties;*
- C. *Adversely affecting the quality of life of existing adjacent residences;*
- D. *Showing a lack of quality or function in operational planning and/or design;*
- E. *Creating a public danger or nuisance to surrounding areas;*
- F. *Altering the basic character of adjacent land uses or the entire community.*

United will mitigate potential adverse impacts and has taken steps to make the Cerise Gravel Pit compatible with adjacent land uses. We respond as follows to items A-F above:

- A. Prior to purchase by United, Lafarge West had been operating the Powers Mine (which is right next to the Cerise Gravel Pit site) for the last several years and has a record of being a good neighbor, having not received complaints about the Powers operation from neighbors. In addition, the Powers Mine existed prior to the residential development that has occurred around it and so the homeowners knew that mining was in the area when they purchased their homes. Mining will be complete at the Powers Mine prior to start up at Cerise. Therefore, the character of the area will not be changed by the Cerise Gravel Pit. Instead, United's aggregate mining activities will just continue in the area. However,

it is very important to point out that the way that United will mine the Cerise site will be different than how the Powers site was mined. New techniques and technology will be utilized so that the mining activities will result in less impact and the mine site will be easier to reclaim.

- B. The Cerise Gravel Pit will not impair the stability or value of existing adjacent residences because mining existed in the area before the residences were built. Mining as a land use is just continuing in the area because that is where the gravel resource in the County is located. The Comprehensive Plan for the County clearly indicates that the property has “Aggregate, Sand and Gravel Potential”. While home owners have a choice as to where to buy or build a home, the gravel industry cannot decide where the aggregate resource is located and State law indicates that the resource must be mined prior to using the land for any other use.
- C. United is taking steps to mitigate potential impacts of the mine on surrounding property owners so that the mining operation doesn’t diminish the quality of life those property owners have always had since their homes were built in an area with active aggregate mining.
- D. United will utilize their best management practices to mine the Cerise site so that they are good neighbors as they operate in a manner that is both efficient and environmentally conscientious. United always strives to exceed industry practices and stand out as a world leader in their mining practices. In laying out the mine plan, United’s goal was to maximize the amount of reserve mined from the property while minimizing the impacts of mining on surrounding properties. Following are some specific ways that United will demonstrate high quality operational planning and design at the Cerise Gravel Pit.
- E. Mining of the Cerise Gravel Pit will be conducted in a phased fashion to minimize the disturbance of the existing agricultural fields on the site. While these fields will obviously be disturbed by excavation at some point, until it is necessary to remove the gravel under a specific field, it will be left in place as active agricultural space. As can be seen in the Site Plan, this approach will create an ongoing operation that is a combination of undisturbed fields, active mining area, and reclaimed area behind the mining. Concurrent reclamation will take place to accomplish this. This approach reduces the ongoing impacts created by the operation.
- F. Concurrent reclamation will consume overburden and topsoil as quickly as is practically possible. The need for large semi-permanent stockpiles of overburden is reduced by this method, and therefore the visual negative of such large stockpiles is not present. Topsoil generated by the initial mining (that will be used in final reclamation) will be stored in berms that will be vegetated immediately on construction to minimize their visual disturbance.

United will utilize the latest mining and processing techniques at the Cerise Gravel Pit and there will be no lack of quality or function in operational planning and/or design.

As is described above and throughout this narrative, significant steps will be taken by United to mitigate potential negative impacts; no public danger to surrounding areas will be created by the Cerise Gravel Pit and all nuisance related issues will be mitigated.

The basic character of the community will not be altered with the mining of the Cerise property. Aggregate mining is an existing land use in the area that has existed longer than most of the adjacent residential uses in the area. United will be reclaiming most of the Powers Mine when they begin to mine the Cerise site and Western Slope Aggregates will be concurrently reclaiming the Blue Pit as they proceed through their mining operation. Therefore, the overall acreage of land that will be exposed for mining will be very similar to what it has historically been in this area.

In addition, according to Section 9 of the October 9, 2013 version of the Garfield County Comprehensive Plan 2030 document, the Mineral Extraction Vision states:

“Resource extraction, including oil and gas development, has been encouraged to remain in the county due to their contribution they make to the county’s overall goal of having a diverse and stable economy. While resource industries are welcomed in the county, they have been expected to fairly mitigate negative impacts that might have resulted due to their operations.”

United has been positively contributing to the Garfield County economy for many years. They currently operate at various mines throughout Garfield County. The Cerise Gravel Pit, will allow United to continue to provide employment to the current employees of the Powers Mine (which is reducing in operations) as well as many third party employers who utilize United products in their work. The Cerise Gravel Pit will allow United to continue to provide aggregate construction materials needed in the County.

In addition, as stated above in response to the Garfield County Comprehensive Plan 2030 Objectives, United will be taking steps to mitigate potential negative impacts associated with the Cerise Gravel Pit to prevent impacts on the surrounding properties.

Section 7-103 Compatibility.

The nature, scale, and intensity of the proposed use are compatible with adjacent land uses and will not result in an adverse impact to adjacent land.

Please refer to the “Section 7-840, G: Compatibility with Surrounding Land Uses” response on page 36 of this Narrative for a complete explanation of how the Cerise Gravel Pit will be compatible with other uses in the area.

Section 7-104 Source of Water.

All applications for Land Use Change Permits shall have an adequate, reliable, physical, long-term, and legal water supply to serve the use, except for land uses that do not require water, or that contain Temporary Facilities served by a licensed water hauler.

United has an agreement with Basin Ditch Company Water for Basin Ditch water to be used to supply processing and dust suppression needs of the Cerise Gravel Pit. Bottled water will be used for employees during operations. The Water Supply and Distribution section of this application contains more detail on this topic.

A. BOCC Determination.

The BOCC, pursuant to C.R.S. § 29-20-301, et seq., shall not approve an application for a Land Use Change Permit, including divisions of land, unless it determines in its sole discretion, after considering the application and all of the information provided, that the Applicant has satisfactorily demonstrated that the proposed water supply will be adequate. Nothing in this section shall be construed to require that the Applicant own or have acquired the proposed water supply or constructed the related infrastructure at the time of the application.

B. Determination of Adequate Water.

The BOCC's sole determination as to whether an Applicant has an Adequate Water Supply to meet the water supply requirements of a proposed development shall be based on consideration of the following information:

The documentation required by the Water Supply Plan per section 4-203.M.;

A letter from the State engineer commenting on the documentation provided in the Water Supply Plan per section 4-203.M.;

Whether the Applicant has paid to a Water Supply Entity a fee or charge for the purpose of acquiring water for or expanding or constructing the infrastructure to serve the proposed development; and

Any other information deemed relevant by the BOCC to determine, in its sole discretion, whether the water supply for the proposed development is adequate, including without limitation, any information required to be submitted by the Applicant pursuant to this Code or State statutes.

To meet the needs of the operational consumptive uses at the Cerise Gravel Pit site, United will lease water from the Basalt Water Conservancy District for use at the Cerise Gravel Pit. Please see Water Supply and Distribution for documentation that the Basalt Water Conservancy District approved United's request to lease water. In addition, as part of United's lease to mine the Cerise property, they have access to 33 acre feet of Basin Ditch water. A copy of the lease between United and Clifford Cerise Ranch Co, LLLP with information about the availability of the Basin Ditch water is also included in Water Supply and Distribution. The Basin Water Conservancy District has also agreed to allow United to deliver leased water needed via the Basin Ditch.

Bottled water and portable toilets will be brought in to serve the potable water needs of employees.

Section 7-105 Central Water Distribution and Wastewater Systems.

A. Water Distribution Systems.

- a. *The land use shall be served by a water distribution system that is adequate to serve the proposed use and density.*

- b. *Where water service through a Water Supply Entity is not physical or economically feasible, a central well and distribution system is preferred over individual wells.*
- c. *A Central Water Distribution System is required if:*
 - i. *The property is located within 400 feet of Central Water System, the system is available and adequate to serve the proposed development, and connection is practicable and feasible; or*
 - ii. *The residential development consists of 15 or more dwelling units.*

Process and dust water will be delivered to the site via the Basin Ditch, which runs along the north side of the site. Potable water for employees will be brought on site by United in the form of bottled water and portable toilets. See Section 29: Water Supply and Distribution for more information. No other water requirements exist for this site.

A. Wasterwater Systems.

- a. *The land use shall be served by a wastewater system that is adequate to serve the proposed use and density.*
- b. *Every effort shall be made to secure a public sewer extension. Where connections to an existing public sewer are not physically or economically feasible, a central collection system and treatment plant is preferred.*
- c. *A central wastewater system is required if*
 - i. *The property is located within 400 feet of a Sewage Treatment Facility, the system is available and adequate to serve the proposed development, and connection is practicable and feasible.*
 - ii. *The property is not suitable for an OWTS. Septic systems are not permitted on parcels less than 1 acre in size.*

The Cerise Gravel Pit will have portable toilets for the use of employees on site. See the Wastewater Management Section for more details.

Section 7-106 Public Utilities.

A. *Adequate Public Utilities.*

Adequate Public Utilities shall be available to serve the land use.

B. *Approval of Utility Easement by Utility Company.*

Utility easements shall be subject to approval by the applicable utility companies and, where required, additional easements shall be provided for main switching stations and substations. The Applicant shall work with the utility companies to provide reasonably- sized easements in appropriate locations.

C. *Utility Location.*

Unless otherwise provided in this Code, the following conditions shall apply to the location of utility services.

Underground Location. All utilities except major power transmission lines, transformers, switching and terminal boxes, meter cabinets, and other appurtenant facilities shall be located underground throughout the development unless it is demonstrated to the satisfaction of the BOCC that compliance is impractical or not feasible and will result in undue hardship.

Easement Location. As applied to Subdivisions and Exemptions, all utility lines, including appurtenances, shall be placed either within roads or public rights-of-way.

D. *Dimensional Requirements.*

Easements centered on common Rear Lot Lines shall be at least 16 feet wide.

Where an easement abuts a Rear Lot Line that is not the Rear Lot Line of another lot, or that is on the perimeter of the development, the easement width shall be a minimum of 10 feet.

Where inclusion of utilities within the Rear Lot Line is impractical due to topographical or other conditions, perpetual unobstructed easements at least 10 feet in width shall be provided alongside Lots Lines with satisfactory access to the road or Rear Lot Line.

Where easements are combined with a water course, drainage way, channel, or stream and the use would be in conflict with drainage requirements or Wetlands, an additional utility easement of at least 10 feet in width shall be provided.

Multiple use of an easement is encouraged to minimize the number of easements.

E. *Dedication of Easements.*

All utility easements shall be dedicated to the public. Drainage easement may be dedicated to either the public or to an HOA.

F. *Construction and Installation of Utilities.*

Applicants shall make the necessary arrangements with each service utility for the construction and installation of required utilities. Utilities shall be installed in a manner that avoids unnecessary removal of trees or excessive excavations, and shall be reasonably free from physical obstructions.

G. *Conflicting Encumbrances.*

Easements shall be free from conflicting legal encumbrances.

No new public utilities are to be constructed as part of the mining and reclamation plans at the Cerise Gravel Pit. Existing utility easements are shown on the Pre Mining Map found under the Site Plan section.

Section 7-107 Access and Roadways.

All roads shall be designed to road design standards set forth in Section 7-307 and all roads shall be reviewed by the County Engineer.

A. Access to Public Right-of-Way.

All lots and parcels shall have access to a public right-of-way.

A new lot or parcel is not proposed with this Major Impact Review application; however, the Cerise Gravel Pit will have access onto County Road 103.

B. Safe Access.

Access to and from the use shall be safe and in conformance with access standards set forth in the [title of new road/bridge standards]. Where the land use change causes warrant(s) for improvements to State or federal highways, the developer shall be responsible for paying for those improvements.

The site access into the Cerise Gravel Pit site is located along County Road 103 in a place that will allow for safe site distances. United will be responsible for improvements to the County Road 103 and Highway 82 intersection and all other improvements that, according to the traffic study, are required to accommodate the Cerise Gravel Pit.

C. Adequate Capacity.

Access serving the proposed use shall have the capacity to accept the additional traffic generated by the use safely and efficiently. The use shall not cause traffic congestion or unsafe traffic conditions, and all impacts to the County and state roadway system shall be mitigated through roadway improvements or impact fees, or both.

The proposed access into the Cerise Gravel Pit has been designed with the appropriate radii and width to accommodate the truck traffic that will be generated on the site. The Traffic Study included with this application addresses the anticipated impacts to County Road 103 and Highway 82 and the improvements that are required to mitigate those impacts. United will work with the County regarding the need for impact fees due to traffic generated by the Cerise Gravel Pit.

D. Road Dedications.

All rights-of-way shall be dedicated to the public and so designated on the Final Plat. They will not, however, be accepted as County roads unless the BOCC specifically designates and accepts them as such.

No public rights-of-way are part of the Cerise Gravel Pit.

E. Impacts Mitigated.

Impacts to County roads associated with hauling, truck traffic, and equipment use shall be mitigated through roadway improvements or impact fees, or both.

Noted.

A. Design Standards.

Roadways, surfaces, curbs and gutters, and sidewalks shall be provided as follows:

- 1. Circulation and Alignment. The road system shall provide adequate and efficient internal circulation within the development and provide reasonable access to public highways serving the development. Roads shall be designed so that alignments will join in a logical manner and combine with adjacent road systems to form a continuous route from 1 area to another.*
- 2. Intersections. No more than 2 streets shall intersect at 1 point, with a minimum of 200 feet between off-set intersections, unless otherwise approved by the County.*
- 3. Street Names. Street names shall be consistent with the names of existing streets in the same alignment. There shall be no duplication of street names in the County.*
- 4. Congestion and Safety. The road system shall be designed to minimize road congestion and unsafe conditions.*
- 5. Continuation of Roads and Dead-End Roads. Roads shall be arranged to provide for the continuation of major roads between adjacent properties when appropriate and necessary for traffic movement, effective fire protection, or efficient provision of utilities.*
 - a. If the adjacent property is undeveloped and the road must be temporarily dead-ended, right-of-way shall be extended to the property line and the BOCC may require construction and maintenance of a turnaround for temporary use. The Final Plat shall include a Plat notation that land outside the normal road right-of-way shall revert to abutting property owners when the road is continued, after compliance with the County road vacation process.*
 - b. Dead-end streets may be permitted provided they are not more than 600 feet in length and provide for a cul-de-sac or a T-shaped turnaround based on the following design standards. The BOCC may approve longer cul-de-sacs for topographical reasons if adequate fire protection and emergency egress and access can be provided.*
 - c. Cul-de-sacs shall have a radius of at least 45 feet measured from the center of the cul-de-sac, and*
 - i. Nonresidential development shall have at least a 75-foot right-of-way where tractor trailer trucks will enter the property; and*
 - ii. Residential development shall have a 50-foot right-of-way;*

- d. *T-shaped Turnaround.*
 - i. *Nonresidential development shall have a minimum turning radius of 75 feet where tractor trailer trucks will enter the property; and*
 - ii. *Residential development shall have a minimum turning radius of 50 feet.*
 - e. *Dead-end streets shall be discouraged, except in cases where the dead-end is meant to be temporary with the intent to extend or connect the right-of-way in the future. If a dead-end street is approved, room for plowed snow storage shall be included by providing a T-shaped turnaround with a minimum turning radius of 50 feet for residential development and 75 feet for commercial/industrial development where tractor trailer trucks will enter the property. A dead-end street is different from a cul-de-sac in that a dead-end street has no permanent turnaround at the end of the street.*
6. *Relationship to Topography. Streets shall be designed to be compatible with the topography, creeks, wooded areas, and other natural features. Combinations of steep grades and curves should be avoided. When, due to topography, hazards or other design constraints, additional road width is necessary to provide for the public safety by cut and/or fill area, drainage area, or other road appurtenances along roadways, then dedication or right-of way in excess of the minimum standards set forth in this Code shall be required.*
7. *Erosion and Drainage. The road system shall minimize erosion and provide for efficient and maintainable drainage structures.*
8. *Commercial and Industrial. The roads and access in commercial and industrial developments shall be designed to minimize conflict between vehicular and pedestrian traffic.*
9. *Emergency Access and Egress. Roads shall be designed so as to provide emergency access and egress for residents, occupants, and emergency equipment. Emergency access shall comply with provisions of the International Fire Code and requirements of applicable emergency services, such as fire protection, ambulance, and law enforcement.*
10. *Traffic Control and Street Lighting. Traffic control devices, street signs, street lighting, striping, and pedestrian crosswalks are to be provided as required by the County Road and Bridge Department or other referral agencies.*
11. *Drainage Structures.*
 - a. *Roadway drainage structures such as bridges, culverts, cross pans, inlets, and curbs and gutters shall be provided as determined by design and in conformance with the County road standards.*
 - b. *Culverts are required where driveways connect to roadways unless specifically exempted by the County Road and Bridge Department. It is the responsibility of the property owners to maintain their culverts free and*

clear of mud, silt, debris, and ice. Water that flows out of driveways must be diverted to ditches. Damage to a road caused by a blocked culvert, lack of culvert, or driveway Runoff is the responsibility of the property owner and costs of repairs by the County may be billed to the property owner as authorized by C.R.S. Title 43, Article 5.

12. Roadside Ditches. Water flowing in roadside ditches shall be diverted away from the road as quickly as possible. In no case shall water travel in a roadside ditch for a distance greater than 800 feet or have a flow greater than 5 cubic feet per second during a 25-year, 24-hour storm event.

The Cerise Gravel Pit access is being constructed according to specifications agreed upon with Garfield County in Resolution 2011-44.

Section 7-108 Use of Land Subject to Natural Hazards.

Land subject to identified Natural and Geologic Hazards, such as falling rock, landslides, snow slides, mud flows, radiation, flooding, or high water tables, shall not be developed unless it has been designed to eliminate or mitigate the potential effects of hazardous site conditions as designed by a qualified professional engineer and as approved by the County.

The proposed Cerise Gravel Pit is not subject to any significant risks from natural hazards nor will it exacerbate any existing natural hazards.

Section 7-109 Fire Protection.

A. Adequate Fire Protection.

Adequate fire protection will be provided for each land use change as required by the appropriate fire protection district.

B. Subdivisions.

All divisions of land must be reviewed and approved by the appropriate fire protection district for adequate primary and secondary access, fire lanes, water sources for fire protection, fire hydrants, and maintenance provisions.

The Carbondale Fire Protection District has reviewed the plans for operations at the Cerise Gravel Pit, and has found them acceptable. Correspondence reflecting this can be found in XXX.

Section 7-201 Protection of Agricultural Lands.

A. No Adverse Affect to Agricultural Operations.

Land use changes on lands adjacent to or directly affecting agricultural operations shall not adversely affect, or otherwise limit the viability of existing agricultural operations. Proposed division and development of the land shall minimize the impacts of residential development on agricultural lands and agricultural operations, and maintain the opportunity for agricultural production on the most productive and viable parcels of land.

The Cerise property is currently used for agricultural purposes (pastureland); however, as is their right per CRS 34-1-305(1), the Clifford Cerise Ranch Co, L.L.L.P. has decided that they would like to have their property mined for the gravel resource and then the land will be returned to agricultural use (pastureland). There are no other agricultural operations that will be adversely impacted by the Cerise Gravel Pit.

A. Irrigation Ditches.

1. *Maintenance. Where irrigation ditches cross or adjoin the land proposed to be developed, the developer shall insure that the use of those ditches, including maintenance, can continue uninterrupted.*

Some lateral ditches that cross the Cerise property will be removed as part of the mining process. However, those laterals do not convey water to other properties and therefore do not need to be maintained. The Basin Ditch which runs along the north edge of the mine site will not be impacted by the Cerise Gravel Pit.

2. *Rights-of-way. The land use change shall not interfere with the ditch rights-of-way.*

The Cerise Gravel Pit operations will all be south of the Basin Ditch.

3. *Maintenance Easement. A maintenance easement of at least twenty-five (25) feet from the edges of the ditch banks shall be preserved and indicated on any final plat for subdivision, or the final development plan for any non-subdivision use. When approved in notarized written form by the ditch owner(s), that distance may be decreased.*

Not applicable; this is not an application to plat the property.

Section 7-202 Protection of Wildlife Habitat Areas.

The applicant shall consult with the Colorado Division of Wildlife or a qualified wildlife biologist in determining how best to avoid or mitigate impacts to wildlife habitat areas. Methods may include, but are not limited to, one or more of the following:

A. Buffers.

Visual and sound buffers shall be created through effective use of topography, vegetation, and similar measures to screen structures and activity areas from habitat areas.

Mining activities will not occur in the Crystal Creek riparian corridor. In addition, there is a significant topographical difference between the Crystal Creek riparian corridor area and the portion of the Cerise property that will be mined. This topographical difference will work to buffer the mining activities from the habitat area. The area being mined is agricultural land, not wildlife habitat.

B. Locational Controls of Land Disturbance

Land disturbance located so that wildlife is not forced to use new migration corridors, and is not exposed to significantly increased predation, interaction with vehicles, intense human

activity, or more severe topography or climate.

As explained in the Natural Habitat Statement (Resolution 2011-44) found in See Section 27: Appendices of the application, a biologist took a look at the site and determined that the Cerise Gravel Pit is proposed on land that is currently used for agricultural purposes and does not provide optimal wildlife habitat; therefore, any disturbance to wildlife will be minimal.

C. Preservation of Native Vegetation.

1. *Proposed land use changes are designed to preserve large areas of vegetation utilized by wildlife for food and cover, based upon recommendations by the Colorado Division of Wildlife.*
2. *When native vegetation must be removed within habitat areas, it shall be replaced with native and/or desirable nonnative vegetation capable of supporting post-disturbance land use.*
3. *Vegetation removed to control noxious weeds is not required to be replaced unless the site requires revegetation to prevent other noxious weeds from becoming established.*

The vegetation used by wildlife is the native vegetation along Crystal Creek which is adjacent to the Cerise Gravel Pit but outside the area that will be impacted by mining (with the exception of a small area that will be impacted by the access that will cross Crystal Creek to get to County Road 103).

Native dryland grasses will be used to re-vegetate the area within the Crystal Creek Corridor that will be disturbed by the Cerise Gravel Pit. Please see the Landscape Plan in Section 13 of the application for details.

D. Habitat Compensation.

Where disturbance of critical wildlife habitat cannot be avoided, the developer may be required to acquire and permanently protect existing habitat to compensate for habitat that is lost to development.

With the exception of the crossing of Crystal Creek for the access road, United will not have any activity in the riparian corridor.

E. Domestic Animal Controls.

The County may require protective covenants or deed restrictions as necessary to control domestic animals by fencing or kenneling.

Domestic animals may be present on the undisturbed portions of the Cerise property before mining reaches these areas. Existing property fencing will be maintained to ensure that these animals are contained on the property as appropriate.

Section 7-203 Protection of Waterbodies.

A. Minimum Setback.

A setback of thirty-five (35) feet measured horizontally from the typical and ordinary high water on each side of a waterbody is required.

With the exception of where the site access road will cross Crystal Creek, the Cerise Gravel Pit is over 35 feet away from the ordinary high water mark and wetlands associated with Crystal Creek.

B. *Structures Permitted In Setback.*

Irrigation and water diversion facilities, flood control structures, culverts, bridges and other reasonable and necessary structures requiring some disturbance within this setback may be permitted.

The access road is the only structure that will infringe into this area.

A. *Structures and Activity Prohibited in Buffer Zone.*

Unless otherwise permitted or approved, the following activities and development shall be prohibited in the 35 foot setback:

- 1. Removal of any existing native vegetation or conducting any activity which will cause any loss of riparian area unless it involves the approved removal of noxious weeds, nonnative species, or dead or diseased trees.*
- 2. Disturbance of existing natural surface drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics by any means, including without limitation grading and alteration of existing topography. Measures taken to restore existing topography*

Noted

B. *Compliance with State and Federal Laws.*

Any development impacting a Waterbody shall comply with all applicable state and federal laws, including, but not limited to, CDPHE water quality control division regulations and the Army Corp of Engineers regulations and permitting for waters of the U.S.

United obtained a Nationwide Permit to allow for the filling that occurred as a result of constructing the access road across Crystal Creek. It is permit number NWP-14SPK-2013-00167.

Section 7-204 Drainage and Erosion.

A. *Erosion and Sedimentation.*

Excluding Grading activities for agricultural purposes, development disturbing 1 acre or more is subject to the CDPHE National Pollutant Discharge Elimination System Permit, unless otherwise exempted by CDPHE.

Noted

B. *Drainage*

1. *Site Design to Facilitate Positive Drainage. Lots shall be laid out to provide positive drainage away from all buildings.*
2. *Coordination with Area Storm Drainage Pattern. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.*
 - a. *Drainage ditches shall have a minimum Slope of no less than 0.75%. Energy dissipaters or retention ponds shall be installed in drainage ditches where flows are in excess of 5 feet per second. Ditches adjacent to roads shall have a maximum Slope of 3:1 on the inside and outside edges, except where there is a cut Slope on the outside edge, in which case the edge of the ditch shall be matched to the cut Slope.*
 - b. *Subdrains shall be required for all foundations where possible and shall divert away from building foundations and daylight to proper drainage channels.*
 - c. *Avoid Drainage to Adjacent Lots. Drainage shall be designed to avoid concentration of drainage from any lot to an adjacent lot.*

The Cerise Gravel Pit will drain, in general, to the mine pit during mining activities. Undisturbed portions of the site will maintain their current drainage patterns. Reclaimed areas will either drain to the reclaimed pit or will be restored to the pre mine drainage patterns. There will be no increase in off site drainage created by operations at the Cerise Gravel Pit. Further information can be found in the Section 13: Grading and Drainage Plans section.

C. *Stormwater Run-Off.*

1. *These standards shall apply to any new development within 100 feet of a Waterbody and to any other development creating 10,000 square feet or more of impervious surface area.*

The Cerise Gravel Pit operations will not create any impervious surfaces, with the exception of the paved access road. The mining areas will have a gravel floor beneath them, which will drain, while the berms, undisturbed, and reclaimed areas will be vegetated.

Section 7-206 Wildfire Hazards.

The Cerise Gravel Pit is not in a wildfire hazard area.

Section 7-207 Natural and Geologic Hazards.

The Cerise Gravel Pit is not in a natural or geologic hazard area. The Geotechnical Information section contains a slope stability analysis for the Cerise Gravel Pit.

Section 7-208 Reclamation.

A. *Applicability.*

1. *These standards shall apply to any development that requires a Land Use Change Permit, including divisions of land, as well as to the following activities:*

2. *Installation of ISDS. Installation of a new or replacement ISDS.*
3. *Driveway Construction. Any driveway construction that requires a Garfield County Access Permit or a CDOT Access Permit.*
4. *Preparation Area. All areas disturbed during development that do not comprise the longer-term functional areas of the site but are those areas used for the short-term preparation of the site.*

B. Reclamation of Disturbed Areas.

Areas disturbed during development shall be restored as natural-appearing landforms that blend in with adjacent undisturbed topography.

1. *Contouring and Revegetation. Abrupt angular transitions and linear placement on visible Slopes shall be avoided. Areas disturbed by Grading shall be contoured so they can be revegetated, and shall be planted and have vegetation established and growing based on 70% coverage as compared with the original on-site vegetation within 2 growing seasons, using species with a diversity of native and/or desirable nonnative vegetation capable of supporting the post-disturbance land use. To the maximum extent feasible, disturbed areas shall be revegetated to a desired plant community with composition of weed-free species and plant cover typical to that site.*
2. *Application of Top Soil. Top soil shall be stockpiled and placed on disturbed areas.*
3. *Retaining Walls. Retaining walls made of wood, stone, vegetation, or other materials that blend with the natural landscape shall be used to reduce the steepness of cut Slopes and to provide planting pockets conducive to revegetation.*
4. *Slash Around Homes. To avoid insects, diseases, and wildfire hazards, all vegetative residue, branches, limbs, stumps, roots, or other such flammable lot-clearing debris shall be removed from all areas of the lot in which such materials are generated or deposited, prior to final building inspection approval.*
5. *Removal of Debris. Within 6 months of substantial completion of soil disturbance, all brush, stumps, and other debris shall be removed from the site.*
6. *Time Line Plan. Every area disturbed shall have a time line approved for the reclamation of the site.*

The Cerise Gravel Pit will be reclaimed as mining progresses throughout the site. Reclamation will consist of backfilling and grading slopes to 3H:1V or shallower, placing topsoil onto all disturbed areas, and revegetating said disturbed areas. Table 1 in the Section 9: Project Description section shows the mining and reclamation timeline anticipated for this project.

Section 7- 301 Compatible Design.

The design of development associated with the land use change shall be compatible with the existing character of adjacent uses.

A. Site Organization.

The site shall be organized in a way that considers the relationship to streets and lots, solar access, parking, pedestrian access, and access to common areas.

The site is organized in a manner that will facilitate construction materials production.

B. Operational Characteristics.

The operations of activities on the site shall be managed to avoid nuisances to adjacent uses relating to hours of operations, parking, service delivery, and location of service areas and docks.

- 1. Dust, odors, gas, fumes, and glare shall not be emitted at levels that are reasonably objectionable to adjacent property.*
- 2. Noise shall not exceed State noise standards pursuant to C.R.S., Article 12 of Title 25, unless the use is regulated by the COGCC. In this case, the use shall be subject to COGCC Rules regarding noise abatement.*
- 3. Hours of operation shall be established to minimize impacts to adjacent land uses.*

The Cerise Gravel Pit will operate from 7:00 a.m. to 8:00 p.m. Monday through Saturday with crushing, digging, and heavy hauling allowed from 7:00 a.m. to 5:00 pm allowing for administrative and maintenance activities to take place until 8:00 p.m. No operations except emergency maintenance to ensure the integrity of operating equipment will take place on Sunday. Noise will be limited to stay within State noise standards as described by law. Dust, odor, and other elements of air quality are addressed in detail in the air portion of the Section 19: Impact Analysis.

C. Buffering.

Buffering shall be installed to mitigate visual, noise, or similar impacts to adjacent property whenever adjacent uses are in a different zone district.

The topography of the site will provide buffering for impacts. The location of the high impact operations such as mining and crushing will take place at the bottom of the mining pit. During the period of time that the floor of the mining pit is close to the surface, a large overburden berm will be in place to provide buffering.

D. Materials.

Exterior facades shall be constructed with materials that do not detract from adjacent buildings or uses.

Exterior facades will not be used as part of the Cerise Gravel Pit.

Section 7-302. Off-Street Parking And Loading Standards.

A. Off-Street Parking Required.

All land uses shall be required to provide the number of off-street parking spaces set forth in

Table 7-302.A. Any use not specifically listed in Table 7-302.A. shall be determined by the Director.

As shown in the site plan, a set of 12 parking spots will be located near the access to the site. These spots will be graveled and more than sufficient for the two full time employees at the site.

Section 7-303 Landscaping Standards

Accessory dwelling units, Industrial Uses and all uses located fully within a parcel of land in an Industrial Zone District are exempt from this section. ..

A. *General Standards.*

All portions of the site where existing vegetative cover is damaged or removed, that are not otherwise covered with new improvements, shall be successfully revegetated with a mix of native, adaptive, and drought-tolerant grasses, ground covers, trees and shrubs. The density of the re-established vegetation must be adequate to prevent soil erosion and invasion of weeds after 1 growing season.

Landscaping shall not obstruct fire hydrants or utility boxes and shall be installed so it will not grow into any overhead utility lines. Trees and shrubs shall not be planted within 4 feet of existing overhead or underground lines

All disturbed areas within the Cerise Gravel Pit will be revegetated using a seed mix approved by both Garfield County and the Colorado Division of Reclamation, Mining, and Safety.

No fire hydrants are present on the Cerise Property.

Section 7-304 Lighting Standards

Any exterior lighting shall meet the following conditions:

A. *Downcast Lighting.*

Exterior lighting shall be designed so that light is directed inward, towards the interior of the Subdivision or site.

B. *Shielded Lighting.*

Exterior lighting shall be fully shielded or arranged in a manner so that concentrated rays of light will not shine directly onto other properties.

C. *Hazardous Lighting.*

The direct or reflected light from any light source shall not create a traffic hazard. Colored lights shall not be used in such a way as to be confused or construed as traffic control devices.

D. *Flashing Lights.*

Blinking, flashing, or fluttering lights, or other illuminated device that has a changing light intensity, brightness, or color, shall be prohibited in all zone districts.

E. *Height Limitations.*

Light sources which exceed 40 feet in height shall not be permitted except for temporary holiday displays or as required by local, State or Federal regulations.

No mining activities will take place after 5 pm at the Cerise Gravel Pit. Maintenance activities make take place as late as 8 pm, and any lighting required for these activities will follow the standards listed above.

7-305. Snow Storage Standards.

All residential uses except for multi-family are exempt from this section, unless the residential use includes a common outdoor parking area.

A. *Minimum Area.*

A designated area sufficient to store snow from the entire parking area shall be provided. As a general guideline, and considering the varying elevations and snowfall amounts throughout the County, it is anticipated that a minimum area equivalent to 2.5% of the total area of the required off-street parking and loading area, including access drives, shall be designated to serve as a snow storage area.

B. *Storage in Parking Spaces Prohibited.*

Required off-street parking and loading areas shall not be used for snow storage.

C. *Storage in Yards and Open Space Permitted.*

Snow stored in a yard or Open Space shall not be located in a manner that restricts access or circulation, or obstructs the view of motorists.

D. *Storage on Public Roadways Prohibited.*

Public roads shall not be used for snow storage.

E. *Drainage.*

Adequate drainage shall be provided for the snow storage area to accommodate snowmelt and to ensure it does not drain onto adjacent property.

Snow from the parking areas near the scale facilities at the Cerise Gravel Pit will be stored in the mining pit.

7-1001. Industrial Use.

These standards shall apply to all industrial uses:

A. *Residential Subdivisions.*

Industrial uses shall not occupy a lot in a platted residential Subdivision.

B. *Setbacks.*

All activity associated with these uses shall be a minimum of 100 feet from an adjacent residential property line, unless the use is on an industrially zoned property.

The Cerise property and all surrounding properties are zoned Rural.

C. Concealing and Screening.

When an industrial use is not located on an industrial zoned property, all storage, Fabrication, service, and repair operations shall be conducted within an enclosed building or have adequate provisions, based on location and topography, to conceal and screen the facility and/or operations from adjacent property(s).

D. Storing.

- 1. Materials shall be stored on the property in a form or manner that will not be transferred off the property by any reasonably foreseeable natural cause or force.*
- 2. All products shall be stored in compliance with all national, State, and local codes.*
- 3. Shall be a minimum of 100 feet from an adjacent property line.*
- 4. Petroleum and hazardous products shall be stored in an impervious spill containment area(s).*

All excavation and processing will take place in the mine pit, well away from the property lines and below the surrounding topography for the vast majority of the operation's life. Fueling of equipment will take place near the scale facilities and site access, over 300 feet from the property line.

E. Industrial Wastes.

All industrial wastes shall be disposed of in a manner consistent with Federal and State statutes and requirements of CDPHE. Flammable or explosive solids or gases and other hazardous materials including wastes shall be stored according to the manufacturer's standards and shall comply with the national, State, and local fire codes and written recommendations from the appropriate local fire protection district.

Noted

F. Noise.

Noise shall not exceed State noise standards pursuant to C.R.S., Article 12, Title 25, unless the use is regulated by the COGCC. In this case, the use shall be subject to COGCC rules in regard to noise abatement.

Noted

G. Ground Vibration.

Every use shall be operated so that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point of any boundary line of the property.

Noted

H. Hours of Operation.

Any activity that will generate noise, odors, or glare beyond the property boundaries will be

conducted between the hours of 7:00 a.m .to 7:00 p.m. Monday through Saturday, or as approved by the decision-making authority.

Noted

I. Interference, Nuisance, or Hazard.

Every use shall be so operated that it does not emit heat, glare, radiation, or fumes that substantially interfere with the existing use of adjoining property or that constitutes a public nuisance or hazard. Flaring of gases, aircraft warning signal, and reflective painting of storage tanks, or other legal requirements for safety or air pollution control measures, shall be exempted from this provision.

Noted

Section 7-1002 Gravel Extraction

A. Water Quantity & Quality Impacts / Floodplain Impacts

Every application for gravel extraction shall address the following:

- 1. No application shall be accepted by the County without a letter from the applicable fire protection district stating that the proposed project has been adequately designed to handle the storage of flammable or explosive solids or gases and that the methods comply with the national, State, and local fire codes.*

A letter from the Carbondale Fire Protection District is attached in Section 27.

- 2. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by any reasonably foreseeable natural causes or forces.*

All materials stored or deposited the Cerise Gravel Pit will be secured against transfer off the property by any reasonably foreseeable natural cause.

- 3. When the proposal is near a river or stream, the Applicant is required to submit an analysis by a professional engineer showing the boundaries of the Floodplain and the Floodway in the area of the pit.*

The Cerise Gravel Pit site is located outside of the floodplain and floodway of the Roaring Fork River. The mine site is separate from the river and floodplain by both Highway 82 and a ridge that is over 100 feet higher than the Roaring Fork River Base Flood Elevation (BFE) based on the FEMA Flood Insurance Rate Mate for Garfield County, CO (unincorporated areas) Community Panel 080205 1880B.

Crystal Creek is a smaller stream that runs along the western border of the mining site. This creek is not included in the FEMA mapping for the area. However, the river is over 25 feet lower than any adjacent mining activity and over 60 feet from the closest grading extents. There will be no mining in the floodplain of the creek, which has a 100-year discharge of approximately 300 cfs.

4. *All gravel extraction operations shall comply with the applicable standards of section 3-301, Floodplain Overlay Regulations, and will be subject to section 4-109, Development in 100-Year Floodplain.*
 - a. *In all cases, there shall be no storage of fuel or hazardous materials including concrete/asphalt Batch Plants within the Floodway.*
 - b. *All applications shall provide a dewater/discharge plan that provides a detailed graphic representation of how dewatering operations shall occur. This plan shall demonstrate that the discharge will not exceed State standards for discharge into a water course of Wetland.*

No asphalt or concrete batch plant will be located at the Cerise Gravel Pit.

B. Air Quality.

No application shall be approved until the Applicant submits evidence that uses shall have current CDPHE air pollution permits and shall meet current CDPHE emissions standards for air and water.

The Cerise Gravel Pit will have all applicable CDPHE permits in place prior to operations commencing. Copies of the air permit applications, along with CDPHE correspondence can be found in Section 19: Impact Analysis.

C. Noise/Vibration.

Gravel extraction operations shall be conducted in a manner such that the volume of sound generated does not constitute a public nuisance or hazard. Gravel extraction operations shall comply with the standards set forth in C.R.S., Article 12, Title 25, except as such standards are modified as follows:

1. *An Applicant shall submit a noise study that demonstrates the proposed gravel operation can meet the requirements in the matrix below based on measuring the sound levels of noise radiating from a property line at a distance of 25 feet or more beyond the subject property, except as excluded for construction activities per C.R.S. § 25-12-103 et seq., that allows up to 80 db(A).*
2. *The dB(A) threshold shown in Table 7-1002 shall be that of the receiver and not that of the emitter. For example, while the gravel operation would be considered an industrial operation, the dB(A) levels shown below are measured according to the neighboring uses so that if a residential use was located adjacent to the operation, sound levels could not exceed 55 dB(A) from 7:00 a.m. to 7:00 p.m. and 50 dB(A) from 7:01 p.m. to 6:59 a.m.*

Table 7-1002: dB(A) Threshold per Neighboring Use

<i>Use</i>	<i>7 am to 7 pm</i>	<i>7 pm to 7 am</i>
<i>Residential</i>	<i>55 dB(A)</i>	<i>50 dB(A)</i>
<i>Commercial</i>	<i>60 dB(A)</i>	<i>55 dB(A)</i>

<i>Light Industrial</i>	<i>70 dB(A)</i>	<i>65 dB(A)</i>
<i>Industrial</i>	<i>80 dB(A)</i>	<i>75 dB(A)</i>

The dB(A) threshold of the receivers will not exceed the thresholds identified in the table above. This threshold standard is addressed in the Noise Analysis report.

3. *Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point of any boundary line of the property on which the use is located.*

United will not conduct any activities within the Cerise Gravel Pit permit boundary that causes perceptible ground vibration at any point along the boundary line of the Cerise property.

D. *Visual Mitigation.*

All applications for gravel extraction shall address the following:

1. *All gravel operations proposed to mine areas greater than 30 acres shall be designed in multiple phases in order to minimize the visual impact of the Gravel Pit primarily by logical “sequencing” and “overall layout” of the pit’s design.*

The Cerise Gravel Pit is designed to operate in phases that minimize the size of disturbance at any given time. The sequence of these phases is in a logical progression, as shown in the Site Plan section.

2. *Screening, Berming and Buffering.*
 - a. *The operation shall be organized on the site to minimize impact on adjacent land uses and protect established neighborhood character through installation of screen fences, berming, and/or landscape materials, as well as by the location of access points, lighting, and signage.*
 - b. *Visual screening shall be in place prior to the commencement of the commercial mining activity of each phase. Site preparation activity such as removal of overburden shall be allowed prior to the construction of the visual screening if material will be used for the creation of the necessary screening.*

The visual impact to adjacent properties will be minimized by the intelligent use of berms and the topography of the site. Said berms will be built prior to mining activity whenever possible. See the Berming and Screening portion of the Impact Analysis section for more information.

3. *Unless otherwise determined by the BOCC, mining operations shall be allowed to progress so long as the previous phases have been reclaimed within 6 months after the commencement of the new phase. If the reclamation has not commenced in 6 months, or has not been completed within 18 months, all mining operations on the property shall stop until the reclamation/revegetation has occurred to the satisfaction of the County.*

All reclamation activity will take place concurrently with mining, or immediately following mining in a phase.

E. *County Road System.*

1. *All applications shall submit a Traffic Impact Study consistent with section 4-203.L.*
2. *Any required improvements shall either be in place prior to or shall be constructed in conjunction with the proposed use.*
3. *Truck traffic will not access the mining operation through residential or commercial areas, or such traffic will be mitigated.*
4. *Proposed haul routes from the extraction operation will be upgraded to withstand the additional traffic, if determined by the Traffic Study or recommended by the County Engineer, and the permittee will prevent road damage and mitigate dust, under the supervision of the Road Supervisor.*
5. *If a driveway access permit is required by the County Road and Bridge Department, Applicant must comply with all permit conditions. The owner or operator of a gravel extraction operation is responsible for any damage caused by the operation's traffic to a County Road. Repair or replacement of road surface will be determined by the Road Supervisor.*

The access to the Cerise Gravel Pit is currently under construction according to the approved existing resolution 2011-44. A revised Traffic Study can be seen in the Traffic Study section.

F. *Compatibility with Surrounding Land Uses.*

The proposed operation will be located so as to mitigate cumulative impacts to roads, air, and water quality.

The Cerise Gravel Pit is located in an area with existing gravel pits. The Powers Pit to the west is being reduced in scope and size, since its reserves are mined out. The Cerise Gravel Pit is replacing the activity of the Powers Pit, as opposed to adding to it.

G. *Revegetation.*

All revegetation efforts shall occur as part of phased reclamation. The Applicant shall provide locations of County-listed noxious weeds on a map. Once the inventory is provided, the Applicant shall develop a Weed Management Plan that addresses all County-listed noxious weeds found on site. This Weed Management Plan shall be submitted to the County Vegetation Manager for approval prior to the issuance of a Land Use Change Permit

Please see the Natural Habitat Statement in Section 27: Appendices of the application regarding the weeds found on-site.

H. *Reclamation.*

All applicants shall submit a reclamation plan that complies with the standards of the Colorado Division of Reclamation, Mining and Safety (CDRMS) and meets the following

design criteria:

1. *The Reclamation Plan approved by the County as part of the Land Use Change Permit shall be resubmitted to the DRMS to become the only reclamation plan (tasks/timetables) used by both the County and DRMS. Additionally, a bond shall need to be calculated to cover this plan and secured with DRMS to cover its implementation.*

Noted

2. *Wetland and Dryland Slopes. Wetland and Dryland Slopes are illustrated in Figure 7-1002.*

a. Wetland Slope Areas:

No portion of the Cerise Gravel Pit will involve wetland slopes.

b. Dryland Slope Area.

- i. For the purposes of this section, the Dryland Slope area is defined as any area above a Wetland Slope in the post-mine land use that will predominately be used for rangeland grazing and wildlife habitat.*
- ii. Dryland Slopes shall be predominantly 5:1 with at least 85% of the Slopes 5:1 or shallower.*
- iii. An alternate Slope plan for the Dryland area which modifies the standards above may be proposed by an Applicant to accommodate special needs when:*
 - a. The existing terrain Slope is steep (greater than 5:1); or*
 - b. Where there is little or no available on-site backfill material.*

United proposed to reclaim all mining slopes to 3H:1V. This “alternate slope plan” is proposed because following the mining of the site, there will not be enough overburden material available to backfill the site to a less steep slope. In addition, the property owners, have agreed to 3:1 slopes and have asked United to re-vegetate their property with pasture grasses to continue the agricultural use that currently exists on their property. If shallower reclamation slopes were used, the amount of flat pasture area at the bottom of the slopes would be significantly reduced and not meet the needs of the property owners for how they want their land reclaimed.

3. *Vegetation.*

a. Wetland Criteria.

Not applicable.

- b. Dryland Criteria. All Dryland areas on a Reclamation Plan shall include revegetation with appropriate Dryland plant species including a mixture of grasses, forbs, and shrubs, based on the written recommendation of a*

qualified professional.

Revegetation of the site will be conducted according to the Reclamation Plan and Landscape Plan of this application, along with the meeting the standards of Garfield County and the CDRMS.

- 4. Reclamation with multiple ponds or lakes shall provide islands or peninsulas that make up at least 20% of total lake surface in order to break up the surface and provide undulation of shorelines in a natural-like appearance.*

Not applicable.

- 5. To the extent permitted by law, unless all disturbance created by the mining operation is covered by a reclamation bond under jurisdiction of the DRMS, or by the Federal government on federally-owned lands, a bond or other acceptable financial performance guarantee shall be submitted in favor of the County in an amount of at least 150% of the cost of restoration of the site and access roads. The required amount of such financial performance guarantees may be increased at the discretion of the BOCC to account for inflation. A bid for site restoration acceptable to the permittee and the County shall be submitted to the Community Development Department as evidence of the cost of reclamation for bond setting purposes.*

All of the disturbance of the Cerise Gravel Pit is covered by a reclamation bond administered by the CDRMS. Section 31: DRMS Reclamation Bond Discussion shows the currently approved bond, and the proposed new one.

I. *Enforcement.*

- 1. The County shall not issue a Land Use Change Permit until all required local, State, and Federal permits have been obtained and submitted to Garfield County including, but not limited to, the municipal watershed permit, CDPHE, USACE, NPDES, Division of Water Resources (approved well permits and plan for augmentation), etc.*
- 2. The Operator acknowledges that the County has performance standards in place that could lead to revocation of the Land Use Change Permit if continued violations of the permit occur over a period of time.*
- 3. The County can request a site inspection with 1 day's notice to the Operator. The owner or Operator must grant full access to any part of the site will be granted. On request, all paperwork must be shown. The County cannot request a large number of inspections that would interfere with normal operation without cause.*
- 4. Prior to contacting the appropriate agency, the County commits to notifying the Operator of any compliance concern identified during a site inspection.*
- 5. Any person at any time can call any permitting agency directly and request an inspection if they believe a condition of that agency's permit is being violated.*
- 6. To ensure that certain conditions of a permit are complied with, the BOCC may*

require a financial performance guarantee in addition to that required by the DRMS. The required amount of such financial performance guarantees may be increased at the discretion of the BOCC to account for inflation. The County will not require financial guarantees that are duplicative of that required by the DRMS.

- 7. The County will be invited to any bond release inspection of the DRMS. The County inspector will have the opportunity to demonstrate that any item of the permit has not been complied with and that bond should not be released.*

United Companies acknowledges the above listed enforcement items of the Garfield County code.

Introduction

United Companies will conduct mining in a six phase fashion (Phase 1A, 1B, 1C, 2, 3, & 4) that reduces the size of ongoing disturbance at the site. This will facilitate concurrent reclamation, and allow for continued irrigation and agricultural operations during mining.

This section contains a sequence of maps (Phase 1, Phase 2, Phase 3, and Phase 4) showing the Cerise Gravel Pit activity over time in the context of the neighboring Powers Pit and Blue Pit. Phases 1A-1C have been combined into one map for this discussion since these three areas will be disturbed at the same time.

Existing Conditions

The Powers Pit (operated by United) and Blue Pit (operated by Western Slope Aggregates) are currently active aggregate mines on either side of the Cerise property. These two pits add up to roughly 120 acres of land currently disturbed for mining.

Phase 1

During the disturbing of Phase 1 in the Cerise Gravel Pit, the Powers Pit will see a significant reduction in its disturbance area, as the Cerise reserve becomes the primary source for United's construction materials production in the area. It is anticipated that during this time the Blue Pit will complete their Area 1 mining. With 6 acres of the Powers Pit remaining disturbed for concrete production operations, roughly 53 acres of disturbance in the Blue Pit, and roughly 20 acres of disturbance in the Phase 1 activity of the Cerise Mine, it is estimated that there will be 79 acres of total aggregate operation disturbance in the area.

By limiting the disturbance to the western portion of the mining area during Phase 1, most of the Cerise property can remain irrigated and be used for agriculture. The size and location of the overburden pile will reduce the visual impact of mining activities for neighbors north and west of the operation. The overburden pile will be vegetated soon after completion to reduce the visual impact of the berm itself.

Phase 2

The mining of Phase 2 will lead to the largest cumulative disturbance of 100 acres. This based on the roughly 30 acres of Cerise disturbance combined with 6 acres of the Powers Pit and an estimated 64 acres of the Blue Pit. The Blue Pit disturbance is based on the anticipated mining of Area 2.

The overburden pile will be reduced to a 15 foot tall berm at this point in the Cerise Mine life. This berm will partially shield views from the north of mining operations. Mining and processing activities will be taking place on the pit floor, far below natural grade. Additionally, the undisturbed portions of the property south of Phase 2 will continue to be used for agriculture, which is what neighbors currently see at the site.

Phase 3

At the end of mining of Phase 3, roughly 31 acres of the Cerise Gravel Pit will be disturbed. The Powers Pit will still have 6 acres of disturbance to support concrete production, and the Blue Pit will have 52 acres of disturbance. This gives 89 acres of combined aggregate disturbance between the three operations at this stage of the Cerise Gravel Pit.

The overburden berm built at the start of Phase 2 will still be in place, providing partial visual shielding. The operation will have moved south into Phase 3, and will enter the stage of being the most visible. However, concurrent reclamation will keep the disturbed area to a minimum. Mining and processing activities will be taking place on the pit floor, far below natural grade. As with prior phases, the undisturbed Phase 4 will continue to operate as an agricultural field.

Phase 4

Roughly 15 years into the mining operations at the Cerise Gravel Pit there will be about 52 acres of disturbance at the Blue Pit. This, combined with 6 acres at the Powers Pit and approximately 28 acres at the Cerise Mine gives a cumulative disturbance in the area of 86 acres.

In the last phase of mining, most of the pit area will be reclaimed. The overburden berm will be used to complete backfilling in areas at the end of mine life, but will still provide some visual shielding during the mining of Phase 4. Mining and processing activities will be taking place on the pit floor, far below natural grade. While no irrigated fields remain at this stage, the disturbed area is dwarfed in size by the reclaimed portions of the Cerise Mine.