



## DEPARTMENT OF COMMUNITY DEVELOPMENT

308 BYERS AVE • P.O. BOX 239 • HOT SULPHUR SPRINGS • COLORADO • 80451  
970-725-3347 EXT 140 OR FAX 970-725-3303

### Grand County Board of Commissioners

Staff Report March 17, 2015

**PROJECT NAME:** Kirkland Construction – Blue Valley Gravel Operation Special Use  
**APPLICANT:** Kirkland Construction, LLLP  
**LOCATION:** West side of SH 9, approximately 7-miles south of the Town of Kremmling and 550 feet north of CR 1001/SH 9 intersection (being the north access to Blue Valley Acres Subdivision #1) in the SE1/4 of Section 16, Range 80 West of the 6<sup>th</sup> P.M., Grand County, Colorado

**APPLICABLE REGULATIONS:** Zoning Regulations  
**EXHIBITS:** Application Packet, Visibility Analysis, Submitted Public Comments and PC Resolution No. 2015-1-5 (Access to all application material is at <http://co.grand.co.us/600/Projects-Under-Review>)

**STAFF PLANNER:** Bill Gray, Senior Planner

**REQUEST:** Special Use Permit for a temporary gravel operation that will provide aggregate material directly to SH9 Wildlife and Safety Improvements Project

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#### I. DISCUSSION

The proposed gravel operation site is 30-acres in area, located on the west side of State Highway 9 ("SH 9") a distance of 7-miles south of the town of Kremmling and 550' north of the CR1001/SH 9 Intersection. CR 1001 is the northernmost access for Blue Valley Acres #1 Subdivision.

Kirkland Construction ("Applicant" or "KC") has made application to Grand County for a "Sand and Gravel Operation" Special Use pursuant to Section XVI, Uses Permitted by Special Review, County Zoning Regulations. The operation is being proposed in direct connection to the SH9 Wildlife and Safety Improvements Project ("SH9 Project") as Applicant is the successful bidder. On January 7, 2015, Colorado Department of Transportation ("CDOT") officially awarded the contract for the construction of this project to Kirkland Construction. Kirkland Construction is a Colorado company from Rye, CO. A component of their proposal was to source gravel from within the construction limits of the highway project. This is what necessitates a special use permit from Grand County and also a mining permit from the State of Colorado.

The 30-acre site is owned by Galloway SG, LLC ("Blue Valley Ranch"). Blue Valley Ranch and Applicant have entered into an agreement that allows use of the property for the purpose of accessing, mining and processing aggregate material in support of only the SH9 project. Blue Valley Ranch has a mineral lease with Colorado State Land Board for the use of sand and gravel material.

SH 9, between Kremmling and Silverthorne, is a major traffic route in Grand and Summit Counties. It is also a significant highway that provides primary access to other regions of the state. It is a narrow, windy, and in some

instances, steep section of highway as it runs through this area especially between Green Mountain Reservoir and the Colorado River Bridge. This stretch of road also bisects an active wildlife habitat. As a result of both the physical alignment and dimension of the highway and its location in an active wildlife corridor this stretch of road has had numerous wildlife-vehicle collisions and accident related fatalities.

To address these issues, a partnership of CDOT, Grand County, CPW and Blue Valley Ranch was developed. This relationship allowed CDOT to identify and design safety improvements and wildlife habitat features to improve the roadways safety for both the travelling public and the wildlife that utilize this important corridor.

The project design includes features that improve the safety and habitat issues that have contributed to the many problems, accidents and fatalities which have occurred on this 11-mile stretch of highway between mile marker 126 (the north edge of Summit County) to mile marker 137 (just south of Colorado River Bridge near Kremmling) as follows: 1) minor highway widening (adding 8' shoulders); 2) improving highway alignment to bring up to current design standards; 3) straightening severe roadway curves; 4) flattening steep hills to improve drivers' sight distance; 5) making access and intersection improvements; and 6) implementing wildlife mitigation features such as fencing, underpasses and overpasses to allow wildlife to migrate and to reduce collisions.

Project funding was approved by the State Transportation Commission on December 18, 2014, in the amount of \$51,719,000. Financing is from CDOT's Responsible Acceleration of Maintenance and Partnerships ("RAMP") funding and with additional funds of over \$9.2 million coming from local sources, including Grand and Summit counties, the town's of Kremmling and Silverthorne and over 175 private individuals and organizations. This fundraising effort was led by the Citizens for a Safe Highway 9 Committee. The project is a result of a tremendous partnership formed for the purpose of ensuring that an important local and regional need is provided to the people and businesses this highway serves and supports.

Construction of the project is divided into multiple seasons, beginning in spring 2015 and continuing through to spring 2017. The first season of major work on the project is scheduled to begin in March 2015 and continue to November 2015. There will be a winter shut down between November 2015 and February 2016. KC is proposing to work through the winter on activities that do not affect traffic, but this is dependent on weather conditions.

The second season of major work will resume again in the spring of 2016 with the goal of reaching substantial completion of the improvements by November 2016. If this goal is achieved, all major work will have been completed and the only activities remaining will involve seeding and reclamation and striping and signage. This 2017 work will begin in March and end in July. If substantial completion is not reached by fall 2016, there will be road work in 2017 along with seeding, reclamation, striping and signage.

Implementing this project includes utilizing a gravel operation within the construction limits of the SH9 Improvement Project. From an impact and cost stand point this operation, because of its location in the construction corridor, will reduce the extent and reach of the highway project's impacts. It will be most evident with traffic, especially construction traffic into both the Kremmling and Silverthorne areas, as it will contain the transport of material to primarily the construction limits. Additionally, the project can be built within the financial means of the funding partners by utilizing the Blue Valley Pit.

This aspect of the project has raised concern within the community about lack of local business participation. Bidding and awarding of this project was through formal public bid procedures. There is however real local business participation and benefit as a result of this project. KC and CDOT are utilizing a county business for concrete traffic barriers. Employees working on the project are likely to stay in Kremmling and KC has also leased space in Kremmling as a testing laboratory.

Much of the concern raised seems more about the award of the SH 9 project to KC than the short term impacts of the proposed Blue Valley Pit. The legitimate concerns for this application are those that are being expressed by the nearby residences of Blue Valley Acres #1. For the purposes of this hearing, the public process for awarding of the highway project has no application or bearing in the consideration of this proposal.

## II. MASTER PLAN

The County Master Plan encourages and supports natural resource based industry that compliments and/or enhances the county's rural character and sustains the quality of life for its residents. In the case of a gravel operation, these uses provide the necessary material to build and maintain community infrastructure (i.e., roads, sidewalks, trails, foundations, etc.).

All gravel operations in the county, to varying degrees, serve a public need. It is the same for the proposed Blue Valley Pit. This temporary gravel operation will be providing aggregate resources to the highway improvement project that addresses a real community need, which is to have a safe highway corridor for the traveling public and that better unifies wildlife habitat for feeding and watering and reduces the possibility/frequency of vehicle/animal collisions.

Rural character is most often qualified as the open and uninterrupted landscapes of mountain vistas and pastoral hay meadows. It is that. The proposed use certainly impacts this aspect of rural character but only for a temporary period of time, which is approximately 2 ½ years --- the time it will take to construct the highway project. Upon completion of the highway improvements or shortly thereafter the site will be restored to rangeland like it is today with the ground vegetation being a variety of native grasses.

Rural character is also about creating, supporting and developing a safe, healthy and quality community for those that live in the county and travel to and through the county. The proposed application is being proposed to support the SH9 Improvement Project, which is being constructed to improve traffic safety and habitat.

In a real way this project is supporting rural character in that it is making efficient and effective use of a local natural resource that exists in the middle of the SH 9 project. This allows a reduction in construction traffic throughout project implementation. Most important, use of this site in support of the SH 9 project contributes to improved traffic safety, enhanced wildlife habitat and temporarily disrupts the beauty of the landscape for only a short period before it is restored to a natural and native character.

The Master Plan also provides guidance to require new development to address its impacts to such things as scenic quality, wildlife, land use compatibility, traffic and air and water quality. Generally, these criteria are the impacts or issues that we deal with when a gravel operation special use permit is reviewed. The master plans guidance is based more on development that will exist for long periods of time. In the case of the proposed application it will develop and be returned to a natural condition within 30-months or less.

This application for a temporary gravel pit, in staff's opinion, is in compliance with the Grand County Master Plan.

Grand County's zoning regulations for special uses and more specifically sand and gravel operations require that these impacts, as stated above, are considered in determining if a special use is to be permitted. The proposed gravel operation and its specific impacts are fully addressed in the following section.

## II. REGULATIONS

### A. ZONING - Section XVI, Uses Permitted by Special Review

Review of the special use requires the Board of County Commissioners to consider the provisions of Sections 11.2, review criteria applicable to all special uses that are considered by the county and 11.8, criteria that is specific to sand and gravel operations. The referenced criteria are shown below:

#### 11.2 CONDITIONS AND GUARANTEES

Prior to issuance of a Special Use Permit pursuant to this section, the Board of County Commissioners shall consider the following:

- a. The visual, environmental, physiographic and socioeconomic characteristics of the land to be used;
- b. Evaluation of the broad ecosystems, topography, soils, hydrology, geology, vegetation, wildlife, climate and unique fractures so that approved special use shall result in the least possible adverse impacts within any zoning district;
- c. Such uses shall serve an obvious public need;
- d. Satisfactory proof shall be given that areas will be properly maintained. Storage of this additional

#### 11.8(1) Lumber and ore mills, mines, quarries and sand and gravel operations subject to the following additional provisions:

- a. Truck traffic to and from such uses shall not create hazards in developed Estate, Residential, Accommodations and Tourist areas;
- b. Truck traffic to and from such uses shall not unduly damage public roads;
- c. A satisfactory general rehabilitation plan for the land shall be submitted prior to the start of operations and implemented thereafter.
- d. Quarry, sand and gravel operations shall require a well permit issued by the Office of the State Engineer if groundwater is exposed or water is required for operations.
- e. A CDOT access permit is acquired, if necessary.

Reviewing gravel pits is a complex and difficult task undertaken by the Board of County Commissioners. It is not unusual to have disagreements between the Applicant, neighbors and planning staff about what constitutes a significant impact or issue that needs to be addressed.

The following staff evaluation is an analysis of the proposed gravel mining use and its visual, air/water, traffic, noise, wildlife habitat, drainage and other land use impacts to surrounding Forestry and Open Zoned lands and natural features, such as the Blue River.

## LAND CHARACTERISTICS

The site is currently used as agricultural rangeland and wildlife habitat and sits on a terrace above the Blue River adjacent to SH 9.

The landscape is covered with grasses, forbs and sage brush. Vegetation, in combination with the location next to the Blue River and intermittent tributaries to the Blue River, make this property a valuable wildlife habitat.

From SH 9 the site slopes gently down in elevation to the top of the embankment above the Blue River. It is this characteristic that forms the terrace where this property lies and where mining will occur.

It is also adjacent to a developed subdivision known as Blue Valley Acres #1.

## LAND AND MINERAL USE AGREEMENTS

Blue Valley Ranch and Kirkland Construction, LLP have executed a lease agreement for use of the site as a gravel operation in conjunction with the SH Project. It is Staff's understanding from both the Applicant and BVR that the lease is not a public document. Therefore, the Applicant shall:

- Submit signature page from executed land lease with Blue Valley Ranch to be submitted to verify agreement is finalized.

A mineral lease is in place between Blue Valley Ranch and Colorado State Land Board and a copy has been provided with the application. The land use agreement between BVR and KC extends the rights of BVR to KC for use of resources for SH9 Project

## GRAVEL OPERATIONS & MINING PLAN

- The proposed mine site is 30-acres in areas.
- Access is via a haul road from SH 9 at mile marker 130.5. A vehicle tracking pad is being constructed at the entrance/exit point to reduce mud and dirt from being tracked onto the highway.
- Construction storage is planned in the northeast corner
- Concrete Batch Plant and Asphalt Plant are located in the northwest quadrant.
- Crusher and associated equipment will be located in the northwest portion of the site and will move as mining progresses east and south.
- Processed aggregate will be stored in the northwest area of the gravel pit.
- A minimum 4.5' x 18" erosion/diversion berm of compacted soil (or coarse aggregate) will be constructed around the perimeter of the site. To stabilize the berm it will be seeded, rip rapped or stabilized by other appropriate measures to prevent erosion.
- 6" to a 1' of top soil will be removed from the site. The top soil will be stored on the southern boundary and southeast corner of the pit. Topsoil storage will be as a visual and wildlife habitat impact berm 15' in height with 2:1 side slopes the entire length of the pits south boundary and north 300' along the east boundary of the pit.

- 15" to 30" of overburden will be stripped from the land. Overburden will be stored around the perimeter of the site in the form of a berm 6' in height with 2:1 side slopes to aid in the screening of the operation.
- Site excavation in connection with the gravel mining will be graded to ensure that all water that falls, runs or is used on-site is contained within the mining area. All drainage will be contained on-site throughout the life of this operation.
- Mining will occur from north to south across the site in three stages as depicted by the mining maps, stages 1-3, in the application,
- No concrete wash out will take place in the pit area as 15 – CDOT approved concrete wash out pits are being constructed in the highway corridor.
- Washing of material is not anticipated with the operation.
- A temporary water storage pond is being constructed to support dust control for the gravel operation and the highway project.
- Water supply for the project is from BVR and the town of Kremmling.
- Upon completion of aggregate material production for the SH 9 the project will be reclaimed to a natural landscape conditions.

To ensure erosion and sediment control and storm drainage, and visual and habitat impacts are addressed immediately upon any site activity the following conditions shall be made a part of the special use:

- Vehicle tracking pad is constructed simultaneously with the access road and it shall be at least 20' wide and a minimum length of 70', excavated to a depth of 12", covered with a geotextile and 12" of aggregate greater than 3".
- Sediment fencing or erosion wattles shall be installed along the perimeter of the site to reduce erosion and sediment impacts from the on-set of mining activity and the installation of the erosion/diversion berm, overburden berm and top soil berm.
- The erosion/diversion berm is required to be constructed before or with the top soil and overburden removal to ensure that top edge of the westerly embankment is protected, sediment is trapped and drainage can be contained on-site. This berm shall be stabilized immediately with seeding, rip-rap or other appropriate measure to ensure protection against erosion.
- Overburden berm will be constructed with removal of top soil and overburden. This berm shall be stabilized immediately.
- In the event washing of material is necessary in the aggregate production process, the applicant shall notify the county immediately of this change. An Aggregate material wash plan shall be submitted for review and approval by the county. The plan shall address equipment required, water supply, procedures, and demonstrate the washing process is contained, sealed and/or lined to allow total clean-up and disposal of the soils after the washing process is completed. If flocculants or chemicals are used in the process, all materials will be documented safe for the environment.
- All portable plants, which include the crusher, asphalt plant and concrete batch plant, are required to be self-contained or placed on a clay pad to reduce or eliminate any soil contaminants.



During winter shutdown work that does not affect traffic may be performed, based on weather conditions. The gravel operation is temporarily shut down during this period not to resume until March 1, 2017.

Night work will take place for all precast erection and deep culvert work to avoid traffic conflicts and for maintenance and security activities. Both of these circumstances will occur on highway and gravel operation site.

- SH 9 Project is planned to be substantially complete by fall 2016. It also marks the culmination of gravel operation. Gravel operation work in 2017 will include only land reclamation activities.

#### **2017 Schedule**

- Seeding and Reclamation of SH 9 (March 1 to July 31)
- Roadway Striping, signing & other final appurtenances on SH 9 (March 1 to July 31)
- Aggregate Pit Reclamation (March 1 to July 31)

Reclamation shall commence only when ground is dry. It may be April or May before reclamation begins. It is strongly recommended that reclamation commence as early as practical and feasible.)

No night time work will be necessary in 2017, except for maintenance and security activities or project delays

#### **Gravel Operation Work Hours**

- Weekly Gravel Operation Proposed Work Hours:
  - a. 6:00 a.m. to 8:00 p.m., Monday through Saturday, no work on Sunday and designated no work days.
  - b. Minor maintenance activity is planned between the hours of 8:00 p.m. and 6:00 a.m.

The Applicant is required to define minor maintenance activities. This element of the work is not the regular routine of the use but may happen when equipment breaks down or when maintenance is due, as a result of the number of hours a piece of equipment has been operated or manufacturer's specifications. It seems it is appropriate for this use to be allowed as part of permit as proposed by the Applicant. The main impact of this would be lighting and the permit has night lighting standards.

- ©Winter season closure schedule of gravel operation is from December 1 to February 28 for both the 2015/16 construction season and 2016/2017.

Highway construction will be reduced to those activities that do not impact traffic flow during the winter. This means that the gravel operation can be temporarily closed. Applicant will be permitted to undertake office, maintenance and security activities related to the SH 9 and gravel operation within the permit area throughout the winter season.

- Designated no work day closures for the gravel operation includes:
  - a. Memorial Day (May 22, 2015 - May 25, 2015)
  - b. Fourth of July (July 2, 2015 – July 6, 2015)
  - c. Labor Day (September 4, 2015 – September 7, 2015)

- d. Thanksgiving (November 26, 2016)
- e. Christmas (December 24, 2015 – January 3, 2016)
- f. Memorial Day (May 27, 2016 – May 30, 2016)
- g. Fourth of July (July 1, 2016 – July 5, 2016)
- h. Labor Day (September 2, 2016 – September 5, 2016)
- i. Thanksgiving (November 24, 2016 – November 27, 2016)
- j. Christmas (December 23, 2016 – January 1, 2017)
- k. Memorial Day (May 26, 2017 – May 29, 2017)
- l. Fourth of July (June 30, 2017 – July 5, 2017)

The required completion date for the SH 9 Project is August 31, 2017. It is KC's goal to complete this project before this date. The nature of these projects makes them susceptible to many challenges, from equipment breakdowns, weather delays, holidays, special events and contract deadlines. All of which impact schedule and work hours. ©To address, the permit shall include provisions which allow extended work hours or days subject to the following:

- Emergency, weather, special event and night work activities are exempt from weekly work hours of operation subject to the following notification requirements:
  - a. Emergency activities may take place with a minimum 24-hour notice to the County and Blue Valley Acres Subdivision #1.
  - b. Special event and night work may take place with a minimum of 5-day notice to the County and to the residents of Blue Valley Acres Subdivision #1.

### ACCESS & TRAFFIC

Access to gravel operation is from a new haul road that will be constructed from SH9 near milepost 130.5 to the permit area. No CDOT access permit is required as the new road is located within the highway project construction limits. It is also not required as the proposed gravel operation is an aspect or key element of the highway construction project.

Traffic control will be necessary at the intersection with SH9 to ensure safety for the travelling public. A Traffic Control Plan is a requirement of the SH9 project. An approved Traffic Control Plan is required. The plan will be incorporated into the permit issued by Grand County. The issue as it relates to this use is the safe coordination of construction traffic in and out of the gravel operation and the safety of public traffic on SH9.

The traffic control plan, pertinent to the gravel operation, must clearly address or demonstrate through signage, flagging, signalization or other appropriate traffic control that construction traffic and SH9 public traffic through the SH9/Gravel Mine Access intersection will be safely coordinated.

Vehicle tracking in place prior and erosion sediment control measure shall be installed with the construction of the access.

Traffic impacts associated with the proposed gravel operation are significantly reduced as a result of locating the gravel operation within the construction limits of the highway project. It reduces and limits the extent of traffic impact to the construction zone. The applicant has estimated that trip reduction is approximately 38,000 fewer loaded trips on County Roads and SH9 as a result of this proposal. So there is really very little impact to

county roads. It should also allow construction to be more expedient and efficient which results in a much quicker construction timeframe.

## VISIBILITY

The proposed gravel pit is located to the north of Blue Valley Subdivision #1 and it ranges in distance from within 500 feet to a neighboring residence to well over 6,300 feet to other residences of Blue Valley Subdivision #1. Staff has conducted on-site inspections and performed a balloon test to analyze the temporary visual impacts of the proposed use.

Overall, the temporary gravel pit is potentially visible from the residences within Blue Valley Acres #1 and the 3 lots on the north side of CR 1001. A total of 27 homes are within 1-mile of the proposal. It is Staff's opinion that homes within one-mile of the proposed gravel pit will have varying degrees of visual impacts. In this case, the most highly impacted homes are the eight homes located within ½ mile of the pit due to the elevations of their homes being slightly higher than the gravel pit or their close proximity which give them a clear sight line into the operation.

In an analysis of the homes in Blue Valley Acres #1, a predominant characteristic is the orientation of outdoor spaces, such as decks or patios, or large view framing windows to the east and south toward the Gore Range. One home, however, has been clearly oriented to take advantage of the view down the Blue River valley. It is the home closest to the operation. From all vantage points no equipment or machinery will skyline because of the mountain backgrounds. Having this background will also aid in making the equipment appear less massive because from distances and locations where they will be viewed they are set against mountains as tall as 9,000' to 10,000'.

The Applicant is also constructing a 15' berm along the full length of the south boundary of the gravel pit and a 6' berm around the remaining perimeter. It is staff's conclusion that these berms will further assist to visually buffer or screen the operation. In addition, aggregate material as it is produced will be placed on the southwesterly side of the concrete batch plant and asphalt plant location to provide additional screening, but its size will fluctuate frequently.

Looking at the construction schedule it appears that it's a possibility that the concrete batch plant and asphalt plant could move into the site in conjunction with stage 2 mining. If feasible, these 2 mobile plants, which are the tallest pieces of equipment, could be sited in the proximity of where the access road enters the construction storage area as depicted in Mining Map Stage 2. This location would further screen and buffer the operation. In addition, the operation does have a winter closure and the silos for both the concrete batch plant and asphalt plants could be lowered to reduce visibility during periods when project activity will be minimal.

The measures that are being taken by the Applicant and the additional recommendations proposed should result in visual impacts being addressed.

There are certainly more specific and expensive measures that could be taken to address visual impacts and completely screen the operation. However, this is a temporary gravel permit that exists only for the period it takes to construct the highway improvements. Upon completion the site will be reclaimed to a natural character and the wildlife value of the entire area should be much higher than it is today.

There have been concerns raised that the gravel operation will have a negative impact on property values. Staff met with the County Assessor regarding this concern. Grand County information showed that gravel permit operations have not caused or contributed to a decline in property value. In this assessment we considered gravel uses that had been or will be in use for longer than 15-years or more.

It is staff's recommendation that visual impact mitigation as proposed and conditioned, is reasonable to sufficiently address the temporary visual impacts associated with the proposed gravel operation.

### OUTDOOR NIGHT LIGHTING

The gravel operation will include nighttime work in coordination with the highway project when pre-cast erection or deep culvert work takes place to avoid traffic conflicts. Other nighttime work would also include equipment maintenance and building and equipment security. Due to the fluid nature of the operation, KC's application does not include a lighting plan that designates exact locations, directions for where light will be focused or height of fixtures.

The applicant is committed to lighting that avoids nuisance issues and directs light downward toward work areas on all construction equipment and vehicles equipped with lighting and the temporary office facility. This is apparent from the materials provided with the application.

To ensure lighting is addressed with the operation the following standards are recommended:

- All fixtures shall be fully downcast and opaquely shielded. For the purpose of this use, fully downcast and opaquely shielded means fixtures constructed so that light rays emitted are projected below, and not above the fixture.
- Lighting shall be so placed as to prevent light rays or illumination from being cast beyond property lines, and the light source shall not be visible beyond property lines and this standard is also applicable to security lighting. Standard equipped vehicle headlights, tail lights and directional lights are exempt from this requirement.
- Any lighting concerns, problems or issues expressed by the County, CDOT or Blue Valley Homeowners Association #1 shall be addressed immediately.

### WILDLIFE IMPACT

The proposed use has been reviewed by CPW. This entire parcel has a wildlife habitat value for deer, elk and antelope. It is also within a ½- mile of a sage-grouse breeding area. To address, the Applicant is implementing the following:

- Reestablishing the habitat value of the site through its reclamation plan. The plan addresses noxious weed control and specifies a native plant mix.
- Building a berm on the southern boundary and southeast corner of the site to provide a buffer between the operation and the breeding area.
- Implementing an erosion and sediment control plan that includes constructing an erosion berm to contain all sediment, storm drainage and processing water on-site.

To further ensure the operation impacts are addressed the following wildlife habitat requirements need to be included with the special use:

- The location of all crushing equipment, Asphalt Plant and Concrete Batch Plant shall not extend beyond a limit line drawn out and across the gravel pit in the same alignment and direction of the south line of the access road or no closer than the crusher location as depicted on Mining Map Stage 2.
- CPW will be monitoring the activities of this use. If habitat disturbances are identified KC will implement additional habitat controls as specified by CPW.

### WATER USE

The water supply for the gravel operation is from Blue River Ranch. The agreement and right-to-use are not finalized at this time. In addition, KC has obtained a Bulk Water Permit from the town of Kremmling to serve as an interim water supply. A copy of the approved Water Supply Agreement is required to be submitted and will be incorporated into the permit as proof of authority to use the water for the operation.

KC anticipates needing 60 acre feet of water for the entire highway construction project and gravel pit operations. Blue Valley Ranch water will be drawn directly from the Blue River through a temporary pipeline to a storage pond. The pump and pipeline will be located in approximately the same location and alignment when this site was an irrigated meadow. The proposed water storage pond is located near the office along the entry road and is a 40 mil HDPE lined construction pond.

- The construction pond is required to be installed prior to or with the commencement of any mining activity.
- Approved Water Supply Agreement from Town of Kremmling will be incorporated into the permit.
- Approved Water Supply Agreement with BVR is provided and will be incorporated into the permit.

### WATER QUALITY

Ground water is not anticipated

The implementation of applicant's proposed storm water drainage and erosion control measure should ensure that water quality is not impacted significantly as a result of this operation. In addition, certain elements of the plan are specifically be required upfront and prior to mining activity to better ensure that water quality is protected through all aspects of this proposed operation.

### AIR QUALITY

All portable plants are required to meet State Air Quality Standards. State permits have been included with the application. These permits will be incorporated into the permit for this operation.

### STORMWATER MANAGEMENT & EROSION AND SEDIMENT CONTROL

A storm water management plan and permit application have been submitted. A CDPHE approved storm water management plan is required to be submitted and will be incorporated into the county permit.

A component of this plan is a fuel storage and spill prevention plan. The fuel storage and hazardous chemical storage areas need to be depicted on the mining maps. A containment area equaling 150% of storage capacity is required to be constructed prior to mining activity commencing or arrival of fuel and/or hazardous chemical to the site.

### NOISE & DUST CONTROL

A noise study has been provided. Due to the distances residences are from the gravel operation (nearest residence is over 500 feet from the south boundary) noise would be characterized as a potential impact. The applicant is constructing berms that are proposed to buffer noise to nearby residences and habitat.

Dust is an impact. The Applicant has submitted plans where dust control is a frequent daily routine. Water for dust control will be provided through Blue Valley Ranch and the town of Kremmling. Water trucks will be utilized as the mechanism of dust control. Frequency of watering will be dependent upon the amount of activity, weather and when it just needs to be done.

This review does not assess noise or dust issues within the SH 9 right-of-way as this will be administered by KC and CDOT.

As dust is a potential impact the following requirement will be an element of the county permit:

- KC shall not allow dust to create a nuisance to adjoining and surrounding properties. If dust becomes a problem that is brought to the county's attention it will be addressed immediately through appropriate corrective actions.

Additionally, the applicant through the permit will be required to adhere to all applicable local, state and federal regulations.

### NOXIOUS WEED CONTROL

Noxious weed control is a component of the Applicant's proposal. The reclamation plan as proposed adequately addresses introduction and control of noxious weeds.

The Applicant should also, using best management practices, prevent the introduction of weeds during the period of time the gravel pit is in operation.

The following conditions are required to be added as a condition of the special use:

- Best efforts shall be used to prevent the introduction of weed seeds or other stock. Prior to commencing work in the gravel pit, in any calendar year, all equipment and machinery entering the site shall be or have been thoroughly washed and cleaned of any dirt or material from previous jobs. If not washed before entering the site it shall be washed at a designated spot in the existing gravel pit before commencing work.
- The aggregate site and the constructed on-site berms shall be treated for noxious weeds upon completion of all clearing and grubbing, top soil and over burden removal, berm construction.

## UTILITIES

Mountain Parks Electric, Inc. (“MPE”) has a disconnected electric line running across the northern section of the Blue Valley Pit. The State of Colorado requires a certification agreement in connection with the proposed gravel operation. A copy of the executed agreement has been submitted. The agreement will be made part of the permit.

Applicant states they are exploring the utilization of the electric line on a temporary basis for certain aspects of the operation. Use of electric line power could reduce noise and emissions as it would reduce the reliance on diesel generators. Both noise and emissions are probable impacts of this use and the use of line power is practical due to its location on-site and if it is possible to energize this line for a temporary timeframe. To this, KC needs to:

- Inform the county on the status for the use of line power
- Identify the aspects of the operation that could utilize this power
- Identify the number of generators proposed and the corresponding reduction if line power is utilized.
- Define temporary timeframe as it relates to the use of line power.

If it is determined that if this line can be re-energized, then it shall be used by KC in connection with the use for the purpose of reducing both noise and air quality impacts.

Western Area Power Authority (“WAPA”) has an electric transmission line adjacent to SH9 and the eastern limits of the gravel operation site. The gravel operation entryway traverses under the power lines. An easement is required in order to traverse underneath this transmission line. KC has submitted a right-of-way application to WAPA.

- An approved right-of-way agreement between WAPA and the Applicant is required before operations begin.

## RECLAMATION

A detailed reclamation plan has been included with the application. The plan will be incorporated into the special use permit.

The Applicant will restore and contour the site to be compatible with surrounding topography, have a natural appearance and be suitable for a rangeland land use setting where livestock and wildlife feeding will occur. Finished slopes shall not be steeper than 3:1 and final grading shall minimize or prevent off-site stormwater discharge over the embankment above the Blue River. A native grass mix, at least 5 species, shall be used for seeding, along with a winter wheat to act as a nurse crop to help control erosion to steeper slopes, and Ladak variety dry land alfalfa. Watering shall be required with the reclamation to ensure desirable and quality revegetation of the site. More specifically, the reclamation plan between BVR and KC as provided in the application is incorporated in the special use permit

Site reclamation shall start at the time the highway improvements are substantially complete or earlier if practical. Regrading shall be done only when soil is dry. Perimeter erosion and sediment control shall be

maintained or new temporary measures installed to control erosion and sediment until such time that an adequate

Grand County and BVR are both required to sign off on final reclamation prior to release of State Bond..

### PUBLIC NEED

SH 9 improvements are necessary to improve the safety and bring it up to current design standards due to years of vehicle/wildlife collisions, including several fatalities. The proposed gravel pit operation supports that construction of this improvement. Based on this, it is staff's determination that the proposed gravel pit operation serves and clear and obvious public need.

### III. STAFF COMMENTS

In the procedures required for reviewing this application concerns and issues pertaining to the proposal have been raised in emails, written letters and public comment taken at the Planning Commission's review meeting. This application was presented to the Planning Commission as an incomplete application. It was done so because of the need to meet the contract completion date for the SH 9 project. Even so, this application was scrutinized like any other permitted gravel pit in the county. The difference, the duration of this operation is two years not 20-30 years as is the case with most gravel operations.

The Planning Commission recommended approval of the proposed use by PC Resolution No. 2015-1-4.

Issues and concerns raised included visual, water quality, air quality, noise, dust, lighting, drainage, erosion and sedimentation. It is Staff's professional assessment that the applicant as proposed and as is being conditioned addresses the impacts that have been identified through this review process.

Other concerns have been raised about the use of other gravel pits in the area and the use of an existing Blue Valley Ranch pit. There are many active gravel pits in the vicinity of the proposed pit. It would have been a tremendous result if these local companies were providing the aggregate materials for this project. The proposed Blue Valley Pit is a result of the bidding and award process with the SH 9 improvement project. It's quite simple and unfortunate for local aggregate businesses but on the day of bidding Kirkland Construction had the best costs and was awarded the project. The review of this application cannot affect the outcome of that process. It is also not a review criteria to be considered with this type of application.

As for the existing BVR pit it just didn't have a sufficient amount of material for the job and they use that site for ranch needs.

### IV. STAFF RECOMMENDATION

Staff recommends approval of the Kirkland Construction, LLLP – Blue Valley Pit Special Use Permit for a temporary "sand and gravel operation" in the Forestry and Open District with the following conditions:

1. Submit signature page from executed land lease with Blue Valley Ranch to be submitted to verify agreement is finalized.

2. Vehicle tracking pad is constructed simultaneously with the access road and it shall be at least 20' wide and a minimum length of 70', excavated to a depth of 12", covered with a geotextile and 12" of aggregate greater than 3".
3. Sediment fencing or erosion wattles shall be installed along the perimeter of the site to reduce erosion and sediment impacts from the on-set of mining activity and the installation of the erosion/diversion berm, overburden berm and top soil berm.
4. Erosion/sediment berm is constructed before or with top soil and over burden removal to ensure that the top edge of the embankment is protected, sediment is trapped and all drainage on-site contained. This berm shall be stabilized immediately with seeding, rip-rap or other appropriate measures to ensure protection against erosion.
5. Overburden berm will be constructed with removal of top soil and over burden. This berm shall be stabilized immediately.
6. If washing of material is necessary in the aggregate production process, the applicant shall notify the county immediately of this change. An aggregate material wash plan shall be submitted for review and approval by the county. The plan shall address equipment required, water supply, procedures, and demonstrate that the washing process is contained, sealed and/or lined to allow total clean-up and disposal of the soils after the washing process is completed. If flocculants or chemicals are used in the process, all materials will be documented safe for the environment.
7. All portable plants, which include the crusher, asphalt plant and concrete batch plant, are required to be self-contained or placed on a clay pad to reduce or eliminate any soil contaminants.
8. Uses permitted as part of the gravel operation include:
  - a. Mining of aggregate material
  - b. Processing of aggregate material
  - c. Production of aggregate, concrete and asphalt
  - d. Use of equipment and vehicle commonly associated with a gravel operation, including crusher, screening and washing equipment, concrete batch plant, and asphalt plant.
  - e. Equipment and vehicle storage and maintenance
  - f. Construction materials storage
  - g. Fuel and Hazardous Chemical storage
  - h. Office
9. Applicant defines the meaning of the term, "minor maintenance activities."
10. Gravel Operation permitted hours of operation and terms of operation be as set as follows:
  - a. 6:00 a.m. to 8:00 p.m., Monday through Saturday, no work on Sunday and designated no work days.
  - b. Minor maintenance activity is permitted between the hours of 8:00 p.m. and 6:00 a.m.
  - c. Winter season closure schedule of gravel operation is from December 1 to February 28 for both the 2015/16 construction season and 2016/2017.
  - d. Designated no work day closures for the gravel operation include:

- Memorial Day (May 22, 2015 - May 25, 2015)
  - Fourth of July (July 2, 2015 – July 6, 2015)
  - Labor Day (September 4, 2015 – September 7, 2015)
  - Thanksgiving (November 26, 2016)
  - Christmas (December 24, 2015 – January 3, 2016)
  - Memorial Day (May 27, 2016 – May 30, 2016)
  - Fourth of July (July 1, 2016 – July 5, 2016)
  - Labor Day (September 2, 2016 – September 5, 2016)
  - Thanksgiving (November 24, 2016 – November 27, 2016)
  - Christmas (December 23, 2016 – January 1, 2017)
  - Memorial Day (May 26, 2017 – May 29, 2017)
  - Fourth of July (June 30, 2017 – July 5, 2017)
- e. The gravel operation use shall end August 31, 2017.
- f. Emergency, weather, special event and night work activities are exempt from weekly work hours of operation subject to the following notification requirements:
- Emergency activities may take place with a minimum 24-hour notice to the County and Blue Valley Acres Subdivision #1.
  - Special event and night work may take place with a minimum of 5-day notice to the County and to the residents of Blue Valley Acres Subdivision #1.
- g. This gravel operation may not be converted or changed to a permanent special use by the Applicant, property owner or any other party.
11. An approved Traffic Control Plan is provided.
12. Applicant is required to locate the asphalt plant and concrete batch plant to the eastern edge of the "Aggregate Stockpile/Major Plant Location Area" near where the access road enters the "Construction Storage Area" as depicted on Mining Map Stage 2.
13. During winter closure (December 1 to February 28) the silos for both the concrete batch plant and asphalt plants shall be lowered to reduce visibility during periods when project activity is at a minimum.
14. All lighting fixtures shall be fully downcast and opaquely shielded. For the purpose of this use, fully downcast and opaquely shielded means fixtures constructed so that light rays emitted are projected below, and not above the fixture.
15. Lighting shall be so placed as to prevent light rays or illumination from being cast beyond property lines, and the light source shall not be visible beyond property lines and this standard is also applicable to security lighting. Standard equipped vehicle headlights, tail lights and directional lights are exempt from this requirement.
16. Any lighting concerns, problems or issues expressed by the County, CDOT or Blue Valley Homeowners Association #1 shall be addressed immediately.
17. The location of all crushing equipment, Asphalt Plant and Concrete Batch Plant shall not extend beyond a limit line drawn out and across the gravel pit in the same alignment and direction of the south line of the access road or no closer than the crusher location as depicted on Mining Map Stage 2.

18. CPW will be monitoring the activities of this use. If habitat disturbances are identified KC will implement additional habitat controls as specified by CPW.
19. Dust shall be controlled so that it does not create a nuisance to adjoining and surrounding properties. If dust becomes a problem that is brought to the county's attention it will be addressed immediately through appropriate corrective actions.
20. A copy of the approved Water Supply Agreement with BVR is required to be submitted and will be incorporated into the permit as proof of authority to use the water for the operation.
21. The water use agreement with the town of Kremmling will be incorporated into the permit.
22. The construction pond is required to be installed prior to or with the commencement of any mining activity.
23. All portable plants are required to meet State Air Quality Standards and the State permits provided will be incorporated into the permit for this operation.
24. The fuel storage and hazardous chemical storage areas need depicted on the mining maps. A containment area equaling 150% of storage capacity is required to be constructed prior to mining activity commencing or arrival of fuel and/or hazardous chemical to the site.
25. Best efforts shall be used to prevent the introduction of weed seeds or other stock. Prior to commencing work in the gravel pit, in any calendar year, all equipment and machinery entering the site shall be or have been thoroughly washed and cleaned of any dirt or material from previous jobs. If not washed before entering the site it shall be washed at a designated spot in the existing gravel pit before commencing work.
26. The aggregate site and the constructed on-site berms shall be treated for noxious weeds upon completion of all clearing and grubbing, top soil and over burden removal, berm construction.
27. Inform the county on the status for the use of line power; identify the aspects of the operation that could utilize this power; identify the number of generators proposed and the corresponding reduction if line power is utilized; and define temporary timeframe as it relates to the use of line power.
  - a. If it is determined that this line can be re-energized, then it shall be used by KC in connection with the use for the purpose of reducing both noise and air quality impacts.
28. An approved right-of-way agreement between WAPA and the Applicant is required before operations begin.
29. The Applicant will restore and contour the site to be compatible with surrounding topography, have a natural appearance and be suitable for a rangeland land use setting where livestock and wildlife feeding will occur. Finished slopes shall be not steeper than 3:1 and final grading shall minimize or prevent off-site stormwater discharge over the embankment above the Blue River. A native grass mix, at least 5 species, shall be used for seeding, along with a winter wheat to act as a nurse crop to help

control erosion to steeper slopes, and Ladak variety dry land alfalfa. Watering shall be required with the reclamation to ensure desirable and quality revegetation of the site. More specifically, the reclamation plan between BVR and KC as provided in the application is incorporated in the special use permit

30. Site reclamation shall start at the time the highway improvements are substantially complete or earlier if practical. Regrading shall be done only when soil is dry. Perimeter erosion and sediment control shall be maintained or new temporary measures installed to control erosion and sediment until such time that an adequate
31. Grand County and BVR are both required to sign off on final reclamation prior to release of State Bond.
32. An approved State of Colorado 111 Permit is required to be provided to Grand County before any activity related to the operation is started.
33. A State of Colorado approved Storm Water Discharge Plan and Permit is provided.
34. All standard county special use permit conditions are included in the permit:
  - a. Control of Site. Permittee shall be responsible for controlling and maintaining the site in attractive condition at all times. No junk or other debris shall be allowed to accumulate on the site.
  - b. Right to Enter Site. Grand County reserves the right to enter the site during regular business hours and any breach of this Permit shall result in the permit being immediately reviewed by the Board of County Commissioners for possible revocation and the site(s) being immediately restored to its original condition.
  - c. Compliance with County, State and Federal Regulations. Permittee will be responsible for insuring compliance with all applicable County, State and Federal Regulations. This permit in no way relieves Permittee from complying with said laws and regulations and any violation of any County, State or Federal regulations or statutes relating to this operation shall be grounds for immediate termination of this Permit.
  - d. Limitation of Liability. The Board of County Commissioners by the issuance of this Permit assumes no responsibility for the operation of the site and Permittee hereby covenants and agrees to hold Grand County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation contemplated by this Permit. Permittee warrants that appropriate liability and hazard insurance to compensate any individuals who may be injured or damaged in any manner by the conduct of this use will be obtained. Permittee further warrants and agrees to compensate Grand County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Permittee's operation of this use.
  - e. Alteration of Terms and Conditions. The terms and conditions of this permit cannot be altered without proper notice, and review by the Grand County Board of County Commissioners.

- f. Binding Contract. This permit shall become a binding contract between the parties hereto upon the execution hereof as provided for below. Said contract shall be binding upon and inure to the benefit of the successors, heirs, assigns and personal representatives of the parties.
  
- g. Violation of Terms and Conditions. In the event of violation of any of the restrictions or conditions on the use of this Permit, or in the event of failure to fulfill any of the conditions required by this Permit, the Board of County Commissioners may, upon not less than ten (10) days notice in writing to Permittee at the above address, hold a public hearing to consider the revocation of this Permit or to take such other action as the Board of County Commissioners, in its sole discretion, deems appropriate. Notice to Permittee shall be complete upon mailing at the following address: