

**ADMINISTRATIVE REVIEW
STAFF REPORT
August 25, 2017
Teller County Community Development Services**

File No. AUP 0004(06-02)

APPLICANT/OWNER: GILLETTE SAND AND GRAVEL, INC

PROPERTY OWNER: GILLETTE SAND AND GRAVEL, INC [CHRIS AND SUE PYLES]

REQUEST: Pursuant to Section 8.3 B. 3 TC LUR – Request a Temporary Permit for a Lime Slaking batch plant and lime and equipment storage area, located in 4-15-69 PT TRACT E (GILLETT) AKA NORTHERLY POR TR E GILLETT DESC BK 575 PG 123, for temporary use solely in conjunction with a specific street, road, or highway [State Highway 67 S] paving project to be issued for a period of six months from the date of start-up.

LOCATION: [DRMS Approved Mining Site [Gillette Sand and Gravel, Inc – M1992009]

STAFF: Dan Williams, Teller County Planner

LEGAL DESCRIPTION: Pikes Peak Area, 4-15-69 PT TRACT E (GILLETT) AKA NORTHERLY POR TR E GILLETT DESC BK 575 PG 123

PHYSICAL ADDRESS: 2708 COUNTY ROAD 8

ZONE DISTRICT: A-1

STAFF RECOMMENDATION: Approval with conditions

1. SUMMARY OF REQUEST

CDOT began a resurfacing project on US Highway 67 between Cripple Creek and Divide in June 2017. As part of the project, a staging area related to the resurfacing work was proposed and authorized at the DRMS approved M-2000-077 Mule Creek 112C mine site

An additional site is now needed south of this location to assist with road work and additional equipment [staging area] and lime storage and mixing. The sub-contractor for CDOT for this proposed site, Mr. Darren Coughlin [Coughlin Company Inc] has coordinated with the property owner of the Gillette Sand and Gravel site [Mr. Chris Pyles].

DRMS Approval and Conditions

Mr. Elliot Russell, DRMS, via an email sent on August 24, 2017 [enclosed in Appendix B] has given State level permission to proceed at this site subject to the **following conditions:**

- Insure appropriate secondary containment is in place and any spilled materials are promptly and adequately cleaned up.
- Insure all staged materials and disturbances are contained within the permit boundary

- No Technical Revision is needed for the containerized lime and associated operations (slaking) at this time.

Operations Plan

The current proposed period of operations for this temporary use is from August 28, 2017 to September 15, 2017.

Coughlin Company provided a letter to both Teller County and to DRMS describing the process (Lime Slaking) that will occur on site. [Appendix B] DRMS has approved this temporary use without requiring a TR at this time.

Essentially the Lime Slaking operation will consist of two 20,000 gallon slaking tanks which will be located on a very small portion of the 49 acre permit area [inside depicted yellow triangle on site plan]. See letter describing the process in Appendix B.

Including the Lime Slaking operation the following vehicles will be on site:

1. 2 each Lime Slaking Tanks
2. 3 each Lime Transfer Trailers
3. 2 each Emulsion Trailers
4. 1 each loader back hoe
5. 2 each semi tractors
6. 2 each Service Trucks

All other equipment will be located along the section of highway where work will be performed. There will be 3-4 workers on site at any one time. Hours of operation will be M-F, from 6am to 6am.

Visual Mitigation Section 8.3.B.2.a

Pursuant to Section 5.4, Landscaping, of the TCLUR, all stockpiled materials, lime mixing equipment, office trailers and personally owned vehicles, will be to the greatest extent possible, located behind existing earthen berms and stockpiled material already on site.

Permits Section 8.3.B.2.b

An active 112 C DRMS permit exists for this property., permit No. # M1992009. Mr. Elliot Russell, DRMS, was contacted by the applicant on 23 August 2017 and also followed up with the Teller County Planner via telephone on 24 August 2017 to state that a letter would be forth coming for approval. [Appendix B]

The State of Colorado DRMS permit is a 112 Operation Reclamation Permit known as a Construction Materials Permit which authorizes the type of equipment and materials being requested by the Applicant here.

Equipment Section 8.3.B.c

See August 23 letter in Appendix B. No additional heavy equipment, to include loaders, trucks or any heavy equipment associated with the CDOT highway-resurfacing project other than that listed herein, is authorized without a request for amendment or minor deviation made to the Community Development Services Director [CDSD].

Imported Processing Materials 8.3.B.d

Bulk packaged lime will be temporarily stored at the site and mixed using the approved Lime Slaking method as presented to DRMS and Teller County in submittal materials for use on the HWY 67 project.

Operations Plan 8.3.B.e

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Gillette Sand and Gravel Inc, Temporary Batch Plant for CDOT HWY 67 resurfacing project)

A complete operations plan including the estimated period of operations, days and times, and equipment is contained Appendix B. The August 23, 2017 letter at Appendix B states there will be 3-4 workers on site at any one time and the use will be limited to weekdays only from 6 am to 6 pm from August 28, 2017 – September 15, 2017.

Access

Access to the Gillette Sand and Gravel is via 67S then via a private road to the Mining Pit .

Water

No DNR controlled water will be used for this operation. Water for sanitation and drinking will be obtained from an approved source or be bottled and brought to the site for use.

Sanitation

The use of temporary Porta potties will be used for only the period of time of the CDOT approved project and will be removed after operations are completed.

Drainage

No development is proposed as part of this request and historic drainage flows will remain as they are.

Traffic

No other planned mining operations are on-going during this time. 3-4 workers only. Negligible traffic impacts.

2. DISCUSSION OF MAJOR CONCERNS AND ISSUES

Staff has reviewed the Application materials against the general provisions and guidelines contained in TC LUR Section 8.3.B, 8.3.B.3 Temporary Batch Plant and against the standards Special Review Use for Administrative Review Section 8.2.D. The standards contained in this section have been met and Staff has no concerns.

The requested use is located on a site zoned A-1 with large privately owned A-1 parcels to the north and south, and USFS to the east. All of the additional equipment, structures and materials will be outside of the 50-foot setback required in the A-1 zone and will not be visible to the majority of travelers on State Highway 67. Although the permit area is 49 acres, only a small portion will be used for the temporary use [approximately 2 acres]

The State of Colorado Division of Reclamation and Mine Safety has a current permit [112c] and bond for the mining at the Mule Creek Pit, permit number M-199209. DRMS has approved the request [see email in Appendix B]

The Applicant has stated that the additional activity at the site as a result of this request will be far below the normal level of traffic, noise, and visual impact.

3. STAFF FINDINGS

The issuance of an Administrative Review Use Permit is dependent upon finding that the proposed use, as may be conditioned, complies with all Standards of the Teller County Land Use Regulations (LUR) *Section 8.2.D* and LUR *Section 8.3* for the particular use. Administrative Review Use Permits may contain conditions to (1) ensure compliance with these Standards and Regulations including conformity to a specific site plan; (2) require improvements to public infrastructure and/or facilities necessary to serve the

Administrative Review Use; (3) limit the operating characteristics of the use; and/or (4) specify the location or duration of the Administrative Review Use Permit.

STANDARD	STAFF FINDINGS
Section 8.2.D	
<p>1. Consistent with Master Plan. The proposed Special Review Use is appropriate for its proposed location, and is consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s).</p>	<p>This standard is met. This is a low impact use of an already permitted mining operation within the approved mining area for a lime slaking batch plant., will serve a public good (public highway re-surfacing) Staff contends that this use is therefore appropriate for its location, and is consistent with the purposes, goals, objectives and policies of the <u>Teller County Growth Management Plan</u> as legislatively adopted.</p>
<p>2. Compatibility. The proposed Special Review Use is appropriate for its proposed location and compatible with the character of surrounding land uses, and does not create a nuisance.</p>	<p>This standard is met. The site lies in the A-1 zone with USFS to the East and large A-1 parcels to the North and South of the mine. The current operation has been without a complaint and the proposed use of the site is similar in terms of the type of heavy equipment that is currently used on site.. Staff contends that there will be no adverse impact to adjoining property owners and the use is appropriate for its location, compatible with the character of the surrounding land uses and does not create a nuisance.</p>
<p>3. Zone District and Use Standards. The proposed Special Review Use complies with the Standards of the zone district in which it is located and any Standards applicable to the particular use. Where the Standards are different, the more stringent applies.</p>	<p>This standard is met. The use is appropriate for the zone. (A-1)</p>
<p>4. Design Minimizes Adverse Impact. The design of the proposed Special Review Use minimizes adverse impacts to adjoining and/or adjacent and surrounding lands, water and air resources, wildlife habitat, scenic and other natural resources, and existing infrastructure.</p>	<p>This standard is met. Based on the type of additional equipment and material being proposed and the existence of an earthen masking berm, there will be not be an exponential change in any adverse impact. DRMS is satisfied with the proposed temporary use and there is a current DRMS bond in place. The contractor states it will be returned to the former condition at completion.</p>
<p>5. Development Standards. The proposed Special Review Use complies with the appropriate Standards in <i>Chapter 4 Infrastructure, Chapter 5 Site Development, and Chapter 6 Critical Areas</i> of these Regulations.</p>	<p>This standard is met. No new development is requested as part of the staging area or associated equipment or material on site.</p>

4. **ADMINISTRATIVE DECISION**

This Administrative Review Temporary Use Permit for the Gillette Sand and Gravel Permit Area is hereby **APPROVED** for use by CDOT or CDOT approved contractors [Coughlin Company, Inc], for use as a staging area and temporary batch plant for the lime slaking process, in support of the state approved project for resurfacing State Highway 67 only, for the period August 28 – September 15, 2017.

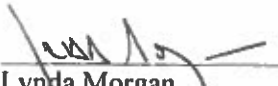
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Gillette Sand and Gravel Inc, Temporary Batch Plant for CDOT HWY 67 resurfacing project)

1. Adherence to the Submitted Operations Plan and equipment list as outlined in letter dated August 23, 2017 contained in Appendix B of this report. Any changes to this plan must be received and approved by the CDSD Director 10 (ten) days in advance of the effected date of the proposed change.
2. Any extension to the September 15, 2017 submitted date_date must be presented to the CDSD Director for consideration no later than 10 (ten) days prior to the expiration of this permit.
3. Only the equipment listed in the application materials and contained herein are authorized on the Gillette Sand and Gravel Site:
 - 2 each Lime Slaking Tanks**
 - 3 each Lime Transfer Trailers**
 - 2 each Emulsion Trailers**
 - 1 each loader back hoe**
 - 2 each semi tractors**
 - 2 each Service Trucks**
4. No **additional** heavy equipment of any kind associated with the CDOT Highway 67 re-surfacing project will be stored at the Gillette Sand and Gravel Mine including but not limited to, heavy trucks, loaders, asphalt mixers, compactor trucks, drills, chip spreaders, rollers or any other item of heavy equipment not specifically contained in condition 3 above. Privately owned vehicles used to transport the 3-4 workers to the batch plant are authorized to be parked on site.
5. The temporary conditions at the site may be audited by Teller County for compliance with these conditions.
6. No additional structures are authorized or changes to the existing site other than the equipment, materials and trailers outlined herein and contained in the submitted 23 August 25, 2017 letter.
7. Notify this office if any spills or incidents requiring DRMS notification for an approved 112 (c) operation occur.
8. Notify this office once operations have ceased and the site is returned to its original condition.

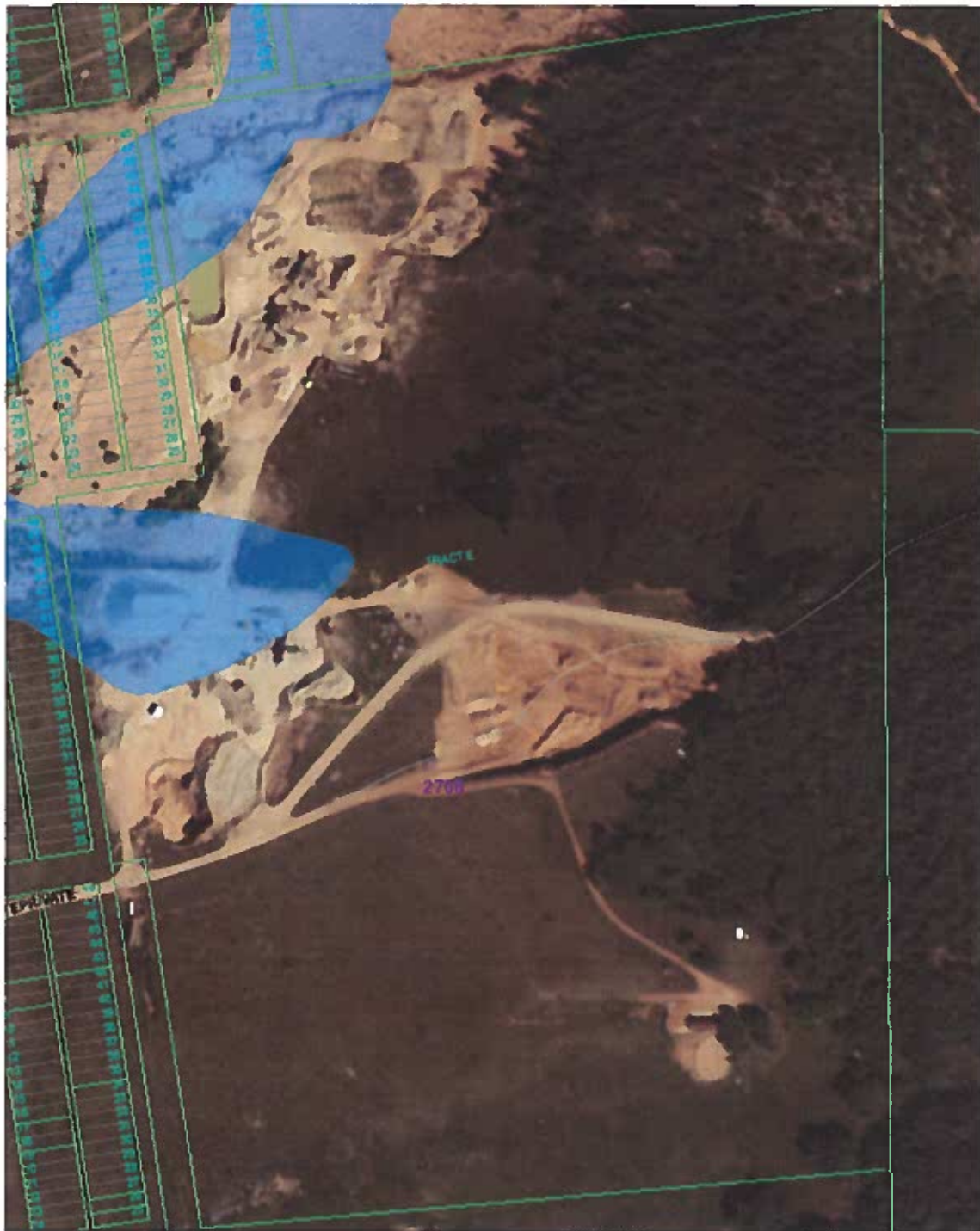
Representations. Unless otherwise modified by these conditions, all material representations of the Applicant in its submittal material and in discussions in CDSD offices with the CDSD Director and the Teller County Planner, shall be binding.


Lynda Morgan
Community Development Director

Appendix A – Map and Site Plan

Lime Slaking
area

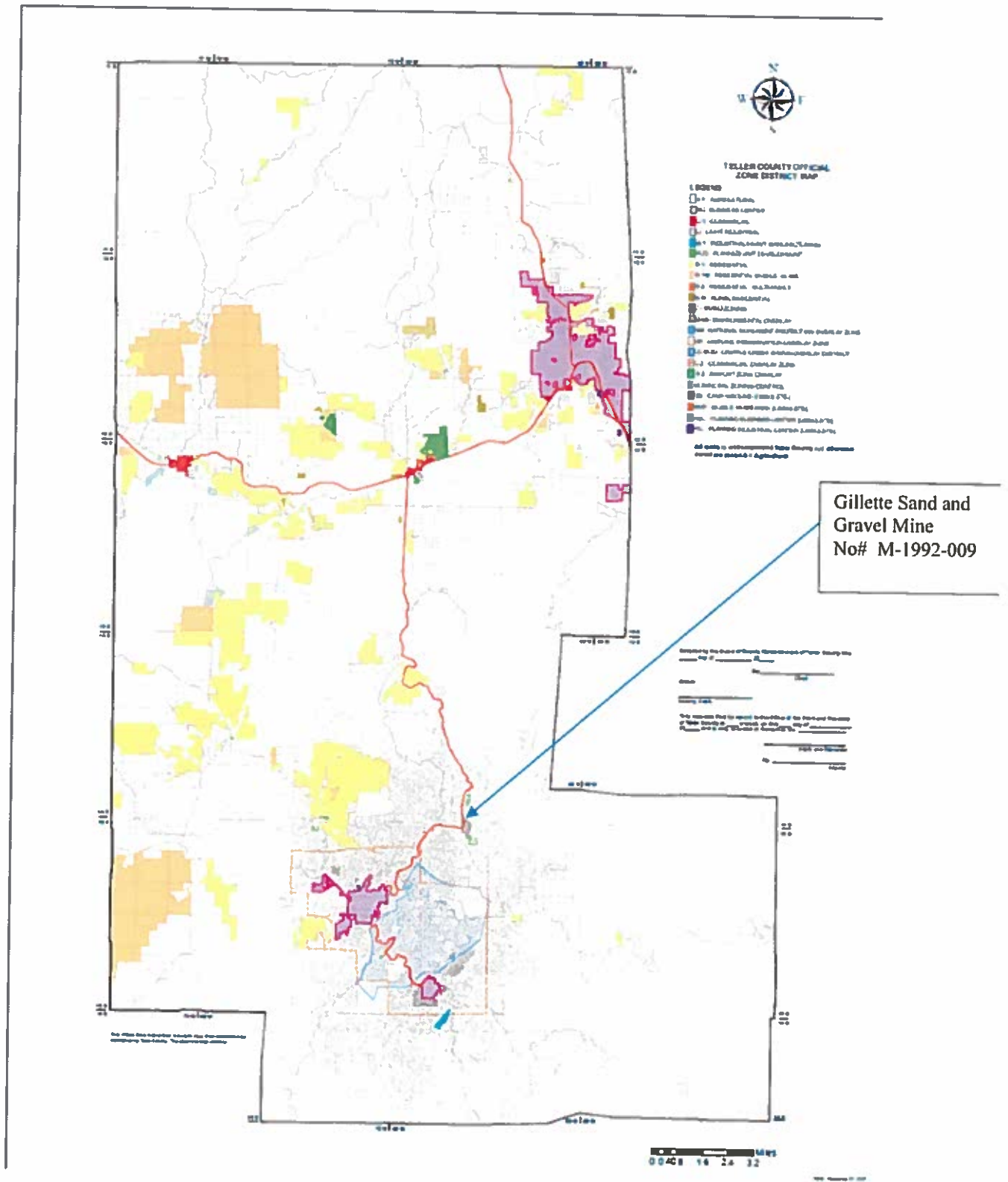




DRMS Permit area Tract E, area north of road bisecting the 49.94 acre parcel

DRMS No. M-1992-2009

MISCELLANEOUS	Cripple Creek & Victor Gold Mining Company	Cresson Project	112d-3	15S	69W	30	6,068.00
M1982044	Jerry Johnston	Glen Johnston Site 1	110c	12S	69W	33	7.00
M1982200	Colorado Quames Inc	Red Jasper Granite	110c	15S	71W	3	4.00
M1988026	Cripple Creek & Victor Gold Mining Company	Chicago Tunnel	110(2)	15S	69W	18	5.20
M1989044	The Clare Corporation	Twin Ck Campground	110c	13S	71W	1	7.90
M1989116	City of Colorado Springs	Crystal Pt	110c	13S	68W	18	9.70
M1991070	J & M Equipment	Roffes-Widhorn Add	110c	12S	71W	25	9.90
M1991080	Russell Van Edmond	Stonies Ranch Grav Pt	110c	14S	70W	29	10.00
M1991082	Estate of Frank Laughrey	Tiger Timber Site	110c	13S	71W	2	5.60
M1992009	Gillette Sand and Gravel, Inc.	Gillette Pt	112c	15S	69W	4	30.72
M1993030	Joseph L. Dorris	Crystelock Mine	110(7)	11S	71W	35	2.00
M1993039	City of Cripple Creek	Midland Gravel Pt	112c	14S	69W	32	21.89
M1994118	Fremont County	Phantom Canyon Pt	110c	16S	69W	16	9.80
M1995059	Crystal Group	Phyllis Ann Claim	110(2)	12S	71W	10	10.00
M1996081	Bad Boys of Cripple Creek Mining Co., Inc.	Bad Boys Pt	110(2)	15S	70W	13	0.90
M2000077	PK Enterprises, Inc.	Mule Creek Pt	112c	13S	69W	30	18.00
M2001070	Wallace F. Butts	Florence Pt	110(2)	15S	70W	13	0.84
M2003030	Joseph L. Dorris	Glacier Peak Mining	110(2)	12S	71W	11	9.90
M2006034	Glacier Peak Mining, LLC	T. D. Minerals	110(2)	12S	71W	2	5.32
M2007031	The Turquoise Connection, Inc.	Scott Blue II	110(2)	15S	70W	13	1.70
M2009096	Quentin H. Good	Dreamtime Mine	110(2)	12S	71W	11	9.90
M2012052	Cripple Creek & Victor Gold Mining Company	Providence Mine	110d	15S	69W	18	9.93
M2013040	Richard Fretford	Godsend Claim- CMC 252626	110(2)	12S	71W	11	9.90
M2013056	Richard Fretford	Ace in the Hole- CMC284074	110(2)	12S	71W	12	9.90
M2014041	Russell Painter	Macanillo #VI & #VIII	110(1)	12S	71W	3	5.00
M2014042	Russell Painter	Amazonites	110(1)	12S	71W	11	5.00



Appendix B
Operations Plan Letter dated August 23, 2017 and MDS
sheets

August 23, 2017

Teller County Community
Development Services Attn: Mr. Dan
Williams
PO Box 1886
Woodland Park, CO 80886

RE: Temporary Use Permit & AUP

Mr. Williams,

Per the Notice of Requirement to obtain a Temporary Use Permit in addition to Permit (M1992-009 Gillette Pit) I would like to offer you the following for your consideration.

Attached you will find the following for your review:

- Land Use Applications Form
- Quit Claim Deed
- List of Adjacent Property Owners
- Site Plan

1. §8.3.B2 d-Imported Materials-The Imported materials that will be staged on the Property are:

- a 2 Each Lime Slaking Tanks
- b 3 Each Lime Transfer Trailers
- c 2 Each Emulsion Trailers
- d 1 Each Loader Backhoe
- e 2 Each Semi Tractors
- f 2 Each Service Trucks

2. §8.3.B 2 e-OperationsPlan

- a The Lime Slaking operation consists of 2 each 20,000 gallon Slaking Tanks. Water is added 17000 gallons to each tank then 25 tons of quicklime is added and mixed together to create lime slurry or hydrated lime. From there the lime slurry is loaded in to tankers and hauled to the recycling equipment on SH 67 then injected in to the recycled material. There will be approximately 3-4 workers onsite at any one time and work hours will be set to Monday through Friday 8am-6pm. The Project is anticipated to be completed by September15, 2017. Unless otherwise noted in this letter, all other recycling equipment will be located along the section of highway where work is being performed. After completion of the Project all staged Equipment and Materials will be removed and the Property will be returned to better then original condition.

August 23, 2017

Colorado Division of Reclamation, Mining & Safety Attn: Mr. Elliott Russell
1313 Sherman St., Room 215
Denver, CO 80203

RE: COOT SH 67 Resurfacing Project-Lime Storage

Mr. Russell,

Please accept this letter as Gillette Sand and Gravels request to let CDOT's subcontractor to store containerized lime within the permitted mining boundary for use in the State Highway 67 resurfacing project. The period of the operations will be from August 28th September 15th. I have attached the following for you review and consideration:

1. Letter outlines type of containers used, secondary containment and the general operation of lime slaking.
2. LHolst Material Safety Data Sheet.

I respectfully request that you, upon your review of the attached materials, contact me your determination regarding the proposed temporary containerized lime storage for project. If you should have any questions or concerns regarding this request please do not hesitate to contact me.



Coughlin Company I, Inc.
809 East Commerce Drive ~ St. George, Utah 84790
Phone 435-834-1288 ~ Fax 435-874-5119

Re: Lime/MSDS- Coughlin Job No. 17-46; CDOT 21254 STA067A-039 ~ SH67 Cripple
Creek to Divide

The Lime Slaking operation consists of 2 each 20,000 gallon Slaking Tanks. Water is added 17000 gallons to each tank then 25 tons of quicklime is added and mixed together to create lime slurry or hydrated lime. From there the lime slurry is loaded in to tankers and hauled to the recycling equipment on SH 67 then injected in to the recycled material. Quicklime is not classified as a hazardous material by the US DOT (Section 14 ~ page 4 of 5). The attached MSDS is from Lhoist - the supplier of the lime. The MSDS provides a detailed explanation and review of the quicklime and should answer most questions. Secondary Spill containment will be accomplished by building a berm around the lime slaking operation. Any spill will be immediately clean up. Please let me know if you need anything further. Thanks.

Sincerely,

Darren Coughlin
CEO Coughlin Company I Inc.

Appendix C

DRMS Approval


Chris,

Proceed as proposed. Please ensure appropriate secondary containment is in place and any spilled materials are promptly and adequately cleaned up. Additionally, please ensure all staged materials and disturbances are contained within the permit boundary. I will add a short memo to the file regarding this temporary project and the Division's determination that no Technical Revision is needed for the storage of containerized lime and associated operations at this time.

Please contact me if you have any questions.

Thank you

Elliott Russell
Environmental Protection Specialist
Minerals Regulatory Program

 Right-click or tap and hold here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the Internet.

P [303.866.3567](tel:303.866.3567) x8132 | F [303.832.8106](tel:303.832.8106) | C [303.903.4456](tel:303.903.4456)

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