

**RESOLUTION OF THE BOARD OF COMMISSIONERS,  
SAN MIGUEL COUNTY, COLORADO,  
APPROVING A MINING SPECIAL USE PERMIT FOR UNITED COMPANIES  
SKELTON PIT IN THE WRIGHT'S MESA (WM) ZONE DISTRICT**

**Resolution 2022-03**

**WHEREAS**, J Ben Langenfield, Lewicki & Associates, on behalf of the United Companies and Skelton, Inc., PO Box 125, Norwood, CO 81423 ("Applicant"), has submitted an application seeking a Mining Special Use Permit for the extraction of sand and rock, and processing gravel on a vacant unimproved 25-acre parcel, #429513300013 the ("Property"), more specifically described in Exhibit A, Legal Description, zoned Wright's Mesa (WM) located off CR 44Z N just south of the Montrose County line approximately 2 miles northeast of the Town of Norwood;

**WHEREAS**, a Wright's Mesa Zone District Mining Special Use Permit (SUP) requires Two-step Planning Commission and Board of County Commissioner Review, per Land Use Code (LUC) Section 5-319 G VII, pursuant to the standards contained in LUC Sections 5-319 K, Review Standards for all WM Zone District Special Uses, 5-1002, Special Uses, and 5-16 Mining; and to policies contained in LUC Sections 2-8, Natural and Man-made Hazard and Resource Areas, 2-11 Erosion, 2-34 Revegetation with Native Species, 2-35 Mining and Mineral Processing Operations;

**WHEREAS**, the application was referred to the County Manager, County Attorney, County Building Official, County Road and Bridge Director, County Government Affairs and Natural Resources Director, County Sheriff, County Site Inspector, County Vegetation Manager, Colorado Department of Transportation, Colorado Division of Reclamation Mining and Safety, Colorado Department of Public Health & Environment, Colorado State Patrol, Colorado Division of Water Resources, Colorado Parks and Wildlife, Montrose County Planning Department, Norwood Fire District, and the Town of Norwood for review and comment;

**WHEREAS**, at its regular meeting held on Thursday, October 14, 2021 the County Planning Commission (CPC) considered and continued the application to November 18, 2021 with direction to the applicant to provide additional information and respond to questions raised by the CPC;

**WHEREAS**, at its regular meeting held on Thursday, November 18, 2021 the CPC continued its review of the application and recommended approval to the Board of County Commissioners of a Mining Special Use Permit (SUP) to the United Companies for the extraction of sand and gravel, and processing of gravel on a vacant unimproved 25-acre parcel, #429513300013 the ("Property"), zoned Wright's Mesa (WM) as presented, based on the finding that the proposed use complies with the following Land Use Code (LUC) standards: Section 5-319 G VII, Uses allowed subject to Two-step Planning Commission and Board of Commissioners SUP review; Section 5-319 K, Review Standards for all WM Zone District Special Uses, Section 5-1002, Special Uses, and Section 5-16 Mining; and to the LUC policies contained in Sections 2-8, Natural and Man-made Hazard and Resource Areas, 2-11 Erosion, 2-34 Revegetation with

Native Species, 2-35 Mining and Mineral Processing Operations, subject to certain conditions, by a vote of 4-1;

**WHEREAS**, the CPC's recommendations are set forth in the minutes from the November 18, 2021 CPC meeting;

**WHEREAS**, the Applicant sent Notice of the application and the Board of County Commissioners (BOCC) Public Hearing to be held on January 19, 2022, to all property owners within 1,500 feet of the subject parcel per LUC Section 5-1605. Additional notice was provided to all property owners further south along CR 44Z N to State Highway 145, and a sign was placed on the property and a second sign at the intersection of CR 44ZN and SH 145 to provide notice concerning this application and the BOCC Public Hearing to be held on-line, Wednesday, January 19, 2022;

**WHEREAS**, a legal notice for the Wednesday, January 19, 2022 Board of County Commissioners Public Hearing was published in the Norwood Post and Telluride Daily Planet on January 5, 2022;

**WHEREAS**, a list of the items included in the Public Hearing Record is attached to this resolution as Exhibit "B";

**WHEREAS**, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing held on-line on Wednesday, January 19, 2022.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of San Miguel County, Colorado, approves the proposed Mining Special Use Permit (SUP) to the United Companies for the extraction of sand and gravel, and processing of gravel on a vacant unimproved 25-acre parcel, Parcel No. 429513300013, zoned Wright's Mesa (WM) as shown on the site plan attached as Exhibit C, based on the finding that the proposed use complies with the following Land Use Code (LUC) standards: Section 5-319 G VII, Uses allowed subject to Two-step Planning Commission and Board of Commissioners SUP review; Section 5-319 K, Review Standards for all WM Zone District Special Uses, Section 5-1002, Special Uses, and Section 5-16 Mining; and to the LUC policies contained in Sections 2-8, Natural and Man-made Hazard and Resource Areas, 2-11 Erosion, 2-34 Revegetation with Native Species, 2-35 Mining and Mineral Processing Operations, and subject to the following specific terms and conditions:

General Conditions:

1. This Special Use Permit (SUP) is issued to the Applicant and also runs with the land.
2. This SUP Approval is subject to all written representations of the applicant, in the original application submittal and all supplements, letters and emails, are deemed to be conditions of approval, except to the extent modified by this Motion.

Specific Conditions:

3. The Special Use Permit shall only be valid as long as the applicant holds the following current State permits (Colorado Department of Public Health and Environment (CDPHE) Air Quality Permit, CDPHE Stormwater Discharge Permit, and Colorado Division of Reclamation, and Mining Safety (CDRMS) Mining and Reclamation Permit) relative to the approved use and complies with all state and county requirements and regulations at all times. The applicant is requested to engage a rangeland specialist for the preparation of a reclamation plan for the site.
4. The applicant shall enter into a new road agreement with San Miguel County Road and Bridge (R&B) for hauling related to the pit and for the maintenance of County Road 44Z N, and/or shall apply for and secure hauling permit(s) from R&B, prior to commencing mining activity on the site.
5. The applicant shall submit a landscaping plan providing for the screening of the existing United Norwood Gravel Pit office/scales within sixty (60) days of BOCC approval of this SUP, and shall implement the plan within one (1) year.
6. The applicant is to submit to the Planning Department in a timely manner a copy of all plans and applications submitted to, and permits issued by, the state, county or any other government agency required by this SUP.
7. The permitted hours of operation are Monday through Friday 7:00 am to 6:00 pm during daylight hours. The Planning Director may allow the mine to operate outside of the hours and days of 7:00 am and 6:00 pm Monday through Friday for a limited period of time for publicly funded projects. Such a request is to be submitted to the Planning Director for review. The Director may require that any such request to temporarily expand operating hours include plans to mitigate the impacts of the activity to the surrounding neighbors, i.e. use of the hot mix asphalt batch plant, jake brakes, or any other relevant impacts or concerns. The Director may approve, approve with conditions, or deny such a request.
8. The following production activities: concrete mixing and hot mixed asphalt are prohibited at the Skelton Pit. Mining of sand and gravel rock, sand screening, road base, and washed rock is authorized on the site. Crushing of gravel shall only be permitted at the Skelton Pit site if it is not occurring at the Montrose pit, and all sound analysis for proposed crushing has been submitted to Planning and the sound mitigation plan has been subsequently approved by the county.
9. The Applicant shall provide written notice to the Planning Department prior to the commencement of mining activities at the site.
10. Provide a list of onsite United Companies contacts for the Skelton Pit operation to the Planning Department, Sheriff's Office and Road and Bridge Department. Update the contact list annually.

11. This Special Use shall commence within three (3) years of this approval. If mining activity does not commence in that time frame, this Special Use approval shall be reviewed by the Board of Commissioners and the approval may be rescinded and terminated or extended, and may be subject to additional modifications or conditions.
12. The wildlife habitat improvement plan, which shall include a timeline for implementation, shall be submitted prior to commencement of mining activities at the site and shall be reviewed by the Planning Department and deemed appropriate for the scale of the impact.

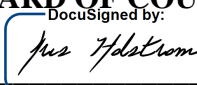
**Review Period:**

13. There shall be an annual review following approval in January 2023, and every year thereafter, and after the first full calendar year following commencement of mining activities at the site. Prior to these annual reviews by the Planning Commission, notice will be provided to the neighbors and individuals and review agencies who received notice for this SUP application, prior to the scheduled public meeting so they may make their comments, questions or concerns known to the CPC. The CPC shall then make its recommendation to the BOCC as to any recommended changes to the approved SUP, if any.

The BOCC may then take action to allow the SUP to continue as approved, modify or add conditions, or even revoke the SUP for non-compliance with the BOCC Resolution terms and conditions of approval, or if there are unintended substantial impacts to neighbors adjacent to the site. As a part of its consideration the BOCC may make a determination in its discretion if there is a need for additional annual reviews, or periodic reviews of the terms and conditions of the SUP in the future or not.

**DONE AND APPROVED** by the Board of County Commissioners of San Miguel County, Colorado, on January 19, 2022.

**SAN MIGUEL COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS**

DocuSigned by:  
By:   
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Kris Holstrom, Chair

Vote:	Hilary Cooper	<u>Aye</u>	Nay	Abstain	Absent
	Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
	Lance Waring	<u>Aye</u>	Nay	Abstain	Absent

**ATTEST:**

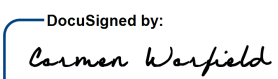
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By:   
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Carmen Warfield, Chief Deputy Clerk



EXHIBIT “A” Legal Description  
EXHIBIT “B” Public Hearing Record  
EXHIBIT “C” Site Plan

EXHIBIT “A”

**Legal Description**

N2 NE4 SW4 N2 N2 S2 NE4 SW4 SEC 13 T45 R13 25 ACRES MOL TOTAL ASSESSED  
ACRES 25 AC, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

ALSO KNOWN AS, PARCEL #: 429513300013.

EXHIBIT “B”

**Public Hearing Record**

San Miguel County Board of County Commissioners

Application: United Companies – Skelton Pit, Mining Special Use Permit, application –  
Wright’s Mesa Zone District

Date: January 19, 2022

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of County Commissioners from John Huebner, Senior Planner dated January 19, 2022.
4. Draft Board of County Commissioners Resolution #2022-03.
5. Draft San Miguel County Planning Commission November 18, 2021 Meeting Minutes.
6. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated November 18, 2021.
7. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated October 14, 2021.
8. Application and Supplements submitted by Ben Langenfeld, P.E., Lewicki & Associates received July 25, 2021, August 16, 2021 and November 10, 2021.
9. Applicant’s Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 and CRS § 24-65.5-103(1) dated October 7, 2021 and October 5, 2021; and December 22, 2021.
10. Emails from Ben Langenfeld, P.E., Lewicki & Associates to County Planning and Road and Bridge staff, dated September 14-29, 2021.
11. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on September 29, 2021, Meeting Notices on October 6, 2021 and November 10, 2021.
12. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on January 5, 2022.
13. Response to Planning Commission Questions.
14. Emails from Jason Burkey, United Companies to County Planning and Road and Bridge staff, dated November 23, 2021.

## EXHIBIT “B”

15. Email strings from Ben Langenfeld, P.E., Lewicki & Associates to County Planning and Road and Bridge staff, dated December 20, 2021 – January 11, 2022.

### AGENCY COMMENTS

16. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated September 2, 2021.
17. Email from John Bockrath, Norwood Fire Protection District, to John Huebner, Senior Planner, dated September 2, 2021.
18. Email from Patti Grafmyer, Town of Norwood, to County Planning Commission dated September 7, 2021.
19. Email string from Lucas West, Colorado Division of Reclamation, Mining and Safety to John Huebner, Senior Planner, dated September 7, 2021.
20. Email from Matt Gonzales, County Building Official, to John Huebner, Senior Planner, dated September 9, 2021.
21. Email from Greg Powers, Colorado Division of Water Resources, to John Huebner, Senior Planner, dated September 14, 2021.
22. Letter received from Ryan Righetti, County Road and Bridge Director to County Planning Department dated September 24, 2021.
23. Letter received from Mark W. Caddy, Colorado Parks and Wildlife, to John Huebner, Senior Planner, dated October 3, 2021.
24. Emails received from Steve White, Montrose County Planning and Development Director, to John Huebner, Senior Planner, dated October 14 & 15, 2021.

### PUBLIC COMMENT

25. Email received from Jackson Ordean to County Planning Commission dated September 11, 2021.
26. Letter received from James Fournery, 4Knee Ventures, LLC to County Planning Department dated September 13, 2021.
27. Letter received from Martha P. Whitmore, Esq., on behalf of Ken Crouse, to County Planning Commission dated September 23, 2021.
28. Letter received from Mary Ann Gaston to John Huebner, Senior Planner, dated September 26, 2021.



EXHIBIT “B”

29. Email string with Madeline Gardner with John Huebner, Senior Planner, dated September 15, 2021.
30. Email from Madeline Gardner to John Huebner, Senior Planner, dated October 6, 2021.
31. Email from Peggy Smelt-Day to John Huebner, Senior Planner, dated October 7, 2021.
32. Letter from member of the Wright’s Mesa Coalition for Quality of Life to County Planning Department, received November 3, 2021.
33. Email received from Jackson Ordean to John Huebner, Senior Planner dated November 19, 2021.
34. Email received from Vicky Ordean to John Huebner, Senior Planner dated November 19, 2021.
35. Emails received from Mary Ann Gaston to John Huebner, Senior Planner, and others dated November 19-24, 2021.
36. Email received from James Fournery, 4Knee Ventures, LLC to County Planning Department dated December 10, 2021.
37. Email received from Jackson Ordean to John Huebner, Senior Planner dated January 10, 2022.
38. Email received from Jackson Ordean to John Huebner, Senior Planner dated January 13, 2022.
39. Email from Madeline Gardner to John Huebner, Senior Planner, dated January 14, 2022.
40. Letter received from John Williams to Planning Department dated January 3, 2022.
41. Letter received from Mary Ann Gaston to SMC BOCC dated January 17, 2022.

OTHER

42. Planning Commission Resolution 1992-11 Approving SUP County Norwood Gravel Pit, dated September 16, 1992.
43. Board of Commissioner Memorandum of Understanding with Skelton regarding 44Z N road reconstruction dated July 7, 1993.
44. SMC Gravel Task Force Recommendations, dated October 27, 1998, pp 1-30.
45. Montrose County Gravel Mining Mitigation Standards, pp. 49-54.
46. Response to Wright’s Mesa Coalition for Quality of Life Questions.

EXHIBIT “C”

Site Plan

