



PACKET MATERIALS

SCOTT CONTRACTING RIFLE PIT NO. 1 MAJOR IMPACT
LAND USE CHANGE PERMIT

EXTENSION REQUEST FOR TIME TO MEET CONDITIONS OF
APPROVAL

APPLICANT & NEW OWNER OF THE PROPERTY NORTH 70
RANCH, LLC/WESTERN SLOPE MATERIALS

BOARD OF COUNTY COMMISSIONER'S AGENDA
APRIL 7, 2025



MEMORANDUM

TO: Board of County Commissioners

FROM: Glenn Hartmann, Director Community Development

DATE: 4/1/25

SUBJECT: Scott Contracting Rifle Pit No. 1 Major Impact Land Use Change Permit Second Extension Request for the Time to Meet Conditions of Approval (File No. MIPA-05-22-8894) with New Ownership

BACKGROUND

The Scott Contracting Rifle Pit No. 1 – Gravel Operation/Pit was approved by Resolution No. 2023-03 (approved on 1/16/23) with Conditions of Approval #1 - #16. Pursuant to the Land Use and Development Code the Applicant requested a first extension of time to meet conditions of approval which was approved by Resolution No. 2024-10 for one year.

During 2024 the property was acquired by North 70 Ranch LLC - Western Slope Materials. The Land Use Change Permit runs with the land and the new owners have applied for a second extension of time to meet conditions of approval for a two-year period.

The Applicant has provided documentation of their ownership, Succession of Ownership Approval from the DRMS (Colorado Division of Reclamation Mining and Safety) and appropriate Statements of Authority.

Some excerpts from the original staff report are attached to provide background. The proposed facility is located east of Rifle and west of the Town of Silt between the Colorado River and the I-70 Frontage Road (also known as North County Road 346)

EXTENSION REQUEST

The Applicant's Extension Request was submitted prior to the time deadline and in accordance with Section 4-101(I) of the Land Use and Development Code. The request includes documentation of the current owners' acquisition of the property along with updated Statements of Authority for the owner's representative.

The Applicant represents that they are making progress working through the conditions of approval and required permits including from the Colorado Division of Reclamation Mining and Safety (DRMS), including obtaining approval of their Succession of Operator.

The Applicants are requesting a two-year extension on the time to complete conditions of approval.

AUTHORITY

Section 4-101(I)(3) – Extensions of Conditional Approval - Additional Extensions provides as follows:

"Requests for longer periods of time, or additional time extensions following the first extension, shall be made to the decision maker that issued the original approval, prior to the expiration of the current approval.

STAFF ANALYSIS – SUGGESTED FINDINGS

- The Applicant's extension request was submitted in a timely fashion in accordance with the Land Use and Development Code, Section 4-101(I).
- The extension request will allow the new owner time to continue making progress toward obtaining all required permits and meeting all required conditions of approval.
- Documentation of the extension request will also allow staff to formalize the new ownership contacts in an appropriate Resolution.
- The following findings are recommended.
 1. The public meeting before the Board was extensive and complete, that all pertinent facts, matters and issues were submitted, and all interested parties were heard at the meeting.
 2. The request for extension was properly set and heard before the Board pursuant to Section 4-101(I) of the Land Use and Development Code as Amended and the request is in conformance with the review criteria contained therein.

3. The Extension Request has been determined to be in the best interest of the health, safety, convenience, order, prosperity and welfare of the citizens of Garfield County.

STAFF RECOMMENDATION

The Staff recommendation is for approval of the Extension Request, for an additional two years to meet the conditions of approval. An appropriate resolution shall be prepared for inclusion on a future consent agenda, subject to the Board's Motion.



REQUEST FOR EXTENSION, MIPA 05-20-8788

03/12/25

Western Slope Materials (WSM) requests consideration for a two year extension for Resolution No. 2023-03 of Approval for a Major Impact Land Use Change Permit for a Gravel Operation recorded February 7, 2023 at Reception No. 983316 (Garfield County File: MIPA-05-20-8788)

The original applicant was IHC Scott (aka Scott Contracting), a civil site contractor that was completing several projects in the region, including the work at the Garfield County Regional Airport and improvements to State Highway 13, North of Rifle. In February of 2024, IHC Scott was granted a one year extension.

In July of 2024, North 70 Ranch LLC, an affiliate company of Western Slope Materials, purchased the property from W. W. Clyde & Co, the parent company of the now defunct IHC Scott. Western Slope Materials and representatives from W.W. Clyde have been working together over the past six months to transfer all permits and approvals with State regulatory agencies including the Colorado Division of Reclamation, Mining and Safety (DRMS, Mine # M-2021-052). DRMS has recently provided WSM with a "Succession of Operators Approval" on February 26th, 2025, the first step in a lengthy process. Per this document (attached), WSM will be the permit holder for this operation.

The primary purpose for the proposed extension is to allow WSM to fully understand all aspects of the approved permit and continue to work through any outstanding items with regulatory agencies at the Federal, State and Local levels. Because the property was sold between obtaining approvals and finishing all of the required conditions and permits before opening, there is a considerable amount of work to be completed before this site can become operational. Timing of this operation has also changed. IHC Scott was highly motivated to obtain approvals and anticipated using materials from this pit to complete the project on State Highway 13 but due to the timing of that project and the permitting process, the pit was never opened in time.

An additional benefit of a longer extension timeframe is that it would provide WSM with time to contemplate and research options to improve the mining plan, operations and resource allocation. This property represents a very important gravel reserve within Garfield County and as a Long-Term stakeholder in the community, WSM wants to ensure that the site meets our standard of care.

Should you have any question, please feel free to contact me anytime.

Sincerely,

Travis Stewart, President of Operations



Attachments:

1. **Succession of Operators Approval- DRMS**
2. **Deed of Ownership**
3. **Statement of Authority for Western Slope Materials**
4. **Statement of Authority for North 70 Ranch, LLC**



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

February 26, 2025

Sean Mello
Western Slope Materials, LLC
sent via email: smello@ws-materials.com

**Re: Rifle Gravel Pit #1, Permit M-2021-052, Succession of Operators Approval,
Revision SO-2**

Dear Sean Mello:

On January 21, 2025, the Division of Reclamation, Mining and Safety approved the succession of operators from W.W. Clyde & Co. to Western Slope Materials, LLC for this operation. Western Slope Materials, LLC is now the permitted operator of the Rifle Gravel Pit #1, and as such, is responsible for all provisions in M-2021-052, as well as those specified in the Rules and Regulations. W.W. Clyde & Co. is relieved of all responsibilities concerning this operation.

Please Note:

1. All of the application materials, as amended and supplemented, are an integral part of your permit. They have been incorporated into the permit by reference. We presume that you have a copy of all of these materials; therefore, none have been enclosed with this mailing. We suggest that you keep a copy of the permit and the permit application at the mining operation as a reference for operation personnel, to help ensure compliance with the terms of the permit.
2. Changes in the mining and reclamation operations that differ from those described in the permit may require a modification to the permit. We suggest consulting the Rules and Regulations and/or contacting us to determine if a modification to the permit is necessary. Rule 1.10 pertains to Amendments, Rule 1.9 to Technical Revisions, and Rule 1.11 to Conversions.
3. On your permit anniversary date each year, you must submit an annual fee and annual report to us. Please consult the Rules, Act, and your permit for specific requirements. Annual reports, maps, and fees must be filed electronically using the Division's ePermitting portal. If you have not done so already, you will need to sign up for electronic filing of your annual report, map, and fee by visiting the Division's web site (<https://drms.colorado.gov>) clicking on "ePermitting" on the home page, and then clicking on the "Sign up for Minerals Annual Report Electronic Filing" link.

Physical Address: 1313 Sherman Street, Room 215, Denver, CO 80203 P 303.866.3567 F 303.832.8106

Mailing Address: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216 <https://drms.colorado.gov>

Jared S. Polis, Governor | Dan Gibbs, Executive Director | Michael A. Cunningham, Director



The transfer of this permit does not result in the transfer of any other permits or licenses with this Division, the State, or Federal agency which might be associated with this operation.

Sincerely,

A handwritten signature in black ink, appearing to be 'Sara Stevenson-Denn', with a stylized flourish at the end.

**Sara Stevenson-Denn
Financial Warranty Specialist**

cc: Todd Jesse, DRMS

SPECIAL WARRANTY DEED

THIS DEED, dated this 2 day of July, 2024, between W. W. Clyde & Co., Grantor of the County of Utah County and State of Utah and NORTH 70 RANCH LLC, Grantee of the County of Pitkin County and State of Colorado, whose legal address is 205 S Mill St., Suite 301A, Aspen, CO 81611.

WITNESS, that the Grantor, for and in consideration of the sum of Three Million, Three Hundred Dollars (\$3,300,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Garfield and State of Colorado, described as follows:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION.

Also known by street and number as: 5127 N 34 County Road, Rifle, Colorado 81650

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and all water and water rights, all mineral rights for oil and gas (to the extent owned by Grantor), and all sand, gravel and rights in and to any sand and gravel located at, on or under the Property; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;


TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself, its successors and assigns, does covenant and agree to and with the Grantee, its successors and assigns, and will WARRANT AND FOREVER DEFEND the above-bargained premises in quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, subject to those items set forth on Exhibit B attached hereto and incorporated herein, by, through or under the Grantor. The singular number shall include the plural, the plural and the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

GRANTOR:

W.W. Clyde & Co.
a Utah corporation

By: 
Dustin Olson, President


24000310078

STATE OF UTAH)
) ss:
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 15th day of July, 2024 by Dustin Olson as President of W.W. Clyde & Co.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 8-30-2026

 ROXANN WEAVER
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 726392
COMM. EXP. 08-30-2026


Roxann Weaver
Notary Public

Recorded Electronically
ID 997650
County Garfield
Date 7-8-24 Time 11:58
460.5657

SPECIAL WARRANTY DEED

THIS DEED, dated this 2 day of July, 2024, between **W. W. Clyde & Co.**, Grantor of the County of Utah County and State of Utah and **NORTH 70 RANCH LLC**, Grantee of the County of Pitkin County and State of Colorado, whose legal address is 205 S Mill St., Suite 301A, Aspen, CO 81611.

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TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and all water and water rights, all mineral rights for oil and gas (to the extent owned by Grantor), and all sand, gravel and rights in and to any sand and gravel located at, on or under the Property; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself, its successors and assigns, does covenant and agree to and with the Grantee, its successors and assigns, and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, subject to those items set forth on Exhibit B attached hereto and incorporated herein, by, through or under the Grantor. The singular number shall include the plural, the plural and the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

GRANTOR:

W.W. Clyde & Co.
a Utah corporation
By: 
Dustin Olson, President


24000310098

STATE OF UTAH)
) ss:
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 1st day of July, 2024 by Dustin Olson as President of W.W. Clyde & Co.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 8-30-2026


ROXANN WEAVER
NOTARY PUBLIC - STATE OF UTAH
COMMISSION # 726392
COMM. EXP. 08-30-2026


Roxann Weaver
Notary Public

EXHIBIT "A"
Legal Description

TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE 6TH P.M.,

SECTION 8: S1/2 SW 1/4

SECTION 17: NE 1/4 NW 1/4 AND NW 1/4 NW 1/4

**LESS AND EXCEPTING THE FOLLOWING TRACTS OF LAND PREVIOUSLY
CONVEYED AND RECORDED:**

**1. A TRACT OF LAND LOCATED IN THE SW 1/4 SW 1/4 SECTION 8, AND THE NW
1/4 NW 1/4 SECTION 17, CONVEYED BY GEORGE YULE BY WARRANTY DEED
RECORDED APRIL 17, 1893 IN BOOK 32 AT PAGE 425.**

**2. A TRACT OF LAND LYING IN THE SE CORNER OF THE NE 1/4 NW 1/4 OF
SECTION 17 AS GRANTED TO SCHOOL DISTRICT 27 OF GARFIELD COUNTY BY
WARRANTY DEED DATED OCTOBER 10, 1891, RECORDED OCTOBER 12, 1891 IN
BOOK 25 AT PAGE 188.**

**3. A TRACT OF LAND LYING IN THE SE 1/4 SW 1/4 SECTION 8, AND N 1/2 NW 1/4
SECTION 17 COMPRISING INTERSTATE HIGHWAY 70 R.O.W. , INCLUDING
THAT PART OF THEN 1/2 NW 1/4 SECTION 17 CONVEYED TO THE BOARD OF
COUNTY COMMISSIONERS OF THE COUNTY OF GARFIELD, STATE OF
COLORADO AND STATE DEPARTMENT OF HIGHWAYS, DIVISION OF
HIGHWAYS, STATE OF COLORADO BY COURT ORDER RECORDED FEBRUARY
24, 1977 IN BOOK 493 AT PAGE 768.**

**4. THAT PORTION OF THE NE 1/4 NW 1/4 AND NW 1/4 NW 1/4 OF SECTION 17,
TOWNSHIP 6 SOUTH, RANGE 92 WEST, SITUATE SOUTHERLY OF THE
INTERSTATE HIGHWAY 70 RIGHT OF WAY, AS CONVEYED TO JACQUE COUEY
BURRIS BY SPECIAL WARRANTY DEED RECORDED OCTOBER 4, 1991 IN BOOK
814 AT PAGE 812.**

**COUNTY OF GARFIELD,
STATE OF COLORADO**

Exhibit "B"
Water Rights

TOGETHER BUT WITHOUT WARRANTY:

TOGETHER WITH WATER AND WATER RIGHTS, DITCH AND DITCH RIGHTS ON 2.66 CUBIC FEET OF WATER PER SECOND FROM THE COLORADO RIVER, ADJUDICATED TO THE RISING SUN DITCH AND HAVING PRIORITY NUMBER 16 AND 64, SAID DITCH BEING NO. 13 IN THE DECREES AT THE DISTRICT COURT IN AND OF WATER DISTRICT NO. 45. TOGETHER WITH BUT NOT LIMITED TO AN INTEREST IN AND THE RIGHT TO MAINTAIN THE IRRIGATION WATER DELIVERY SYSTEM INCLUDING, DITCHES, HEADGATES, WEIRS AND PIPELINES, THE MAINTENANCE OF WHICH SHALL BE A PRO-RATA SHARE OF THE IRRIGATION WATER TO BE CONVEYED.

STATEMENT OF AUTHORITY
(§38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity¹ named NORTH 70 RANCH, LLC

2. The type of entity is a:

- | | |
|---|---|
| <input type="checkbox"/> corporation | <input type="checkbox"/> registered limited liability partnership |
| <input type="checkbox"/> nonprofit corporation | <input type="checkbox"/> registered limited liability limited partnership |
| <input checked="" type="checkbox"/> limited liability company | <input type="checkbox"/> limited partnership association |
| <input type="checkbox"/> general partnership | <input type="checkbox"/> government or governmental subdivision or agency |
| <input type="checkbox"/> limited partnership | <input type="checkbox"/> trust |
| <input type="checkbox"/> | |

3. The entity is formed under the laws of: Colorado

4. The mailing address for the entity is: 14682 Highway 82, Carbondale CO 81623

5. The name position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is: Travis J. Stewart

6. The authority of the foregoing person(s) to bind the entity: is² not limited is limited as follows:
for all permitting processes.

7. Other matters concerning the manner in which the entity deals with interests in real property: _____

8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.³

9. The Statement of Authority amends and supercedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this 12th day of March, 2025

NORTH 70 RANCH, LLC

By: 

Jeremy D. Lynch, Treasurer

¹ This form should not be used unless the entity is capable of holding title to real property.

² The absence of any limitation shall be prima facie evidence that no such limitation exists.

³ The statement of authority must be recorded to obtain the benefits of the statute.

State of PENNSYLVANIA)
) ss
County of YORK)

The foregoing Statement of Authority was acknowledged before me this 12th day of March 2025 by JEREMY D. LYNCH, TREASURER

Witness my hand and official seal.
My commission expires: 4-7-27

Maureen K. Rutter
Notary Public

Commonwealth of Pennsylvania - Notary Seal
Maureen K. Rutter, Notary Public
York County
My commission expires April 7, 2027
Commission number 1143041
Member, Pennsylvania Association of Notaries


WHEN RECORDED RETURN TO:

STATEMENT OF AUTHORITY
(§38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity¹ named WESTERN SLOPE MATERIALS, LLC
2. The type of entity is a:
- | | |
|---|---|
| <input type="checkbox"/> corporation | <input type="checkbox"/> registered limited liability partnership |
| <input type="checkbox"/> nonprofit corporation | <input type="checkbox"/> registered limited liability limited partnership |
| <input checked="" type="checkbox"/> limited liability company | <input type="checkbox"/> limited partnership association |
| <input type="checkbox"/> general partnership | <input type="checkbox"/> government or governmental subdivision or agency |
| <input type="checkbox"/> limited partnership | <input type="checkbox"/> trust |
| <input type="checkbox"/> | |
3. The entity is formed under the laws of Colorado
4. The mailing address for the entity is 14682 Highway 82, Carbondale CO 81623
5. The name position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is Travis J. Stewart and Sean Mello
6. The authority of the foregoing person(s) to bind the entity: is²not limited is limited as follows:
for all permitting processes.
7. Other matters concerning the manner in which the entity deals with interests in real property:
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.³
9. The Statement of Authority amends and supercedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this 12th day of March, 2025

WESTERN SLOPE MATERIALS, LLC

By: 
Jeremy D. Lynch, Treasurer

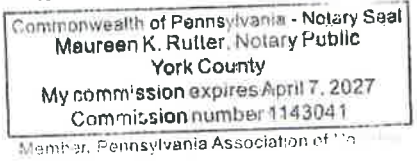
¹ This form should not be used unless the entity is capable of holding title to real property.
² The absence of any limitation shall be prima facie evidence that no such limitation exists.
³ The statement of authority must be recorded to obtain the benefits of the statute.

State of PENNSYLVANIA)
) ss
County of YORK)

The foregoing Statement of Authority was acknowledged before me this 12th day of March, 2025 by JEREMY D. LYNCH, TREASURER

Witness my hand and official seal.
My commission expires: 4-7-27

Maureen K. Rutter
Notary Public



WHEN RECORDED RETURN TO:

Glenn Hartmann

From: Travis J. Stewart <tjs@ws-materials.com>
Sent: Monday, February 3, 2025 8:52 AM
To: Glenn Hartmann
Cc: Sean Mello
Subject: Scott Pit Extension

Good Morning Glenn,
Hope this finds you doing well!

In August of 2024 we acquired the "IHC Scott" pit located at 5127 N CR346. It's been quite a process to get permits and everything transferred, etc. We aren't certain, but think that an extension of the existing permit is in order in the near-future, can you please help me determine this and if so help us begin this process?

We'd be happy to come in and have a meeting regarding this permit and our future plans, etc.

Thanks in advance for your help.

Travis

Travis Stewart

President of Operations

Western Slope Materials | Western Slope Concrete (dba Casey Concrete) | The Stewart Companies

P.O. Box 1319, Carbondale, CO 81623

P: 970.963.2296 | C: 970.309.1515 | tjs@ws-materials.com | F: 970.963.2412

www.ws-materials.com

www.stewartcompanies.com

C. The subject property is located within unincorporated Garfield County in the Rural Zone District, approximately 3 miles east of the City of Rifle, at 5127 North County Road 346.

D. Gravel Operation may be permitted in the Rural zone district with a Major Impact Review Land Use Change Permit.

E. The Board is authorized to approve, deny or approve with conditions a Major Impact Land Use Change permit application resulting in issuance of a Land Use Change Permit pursuant to the Garfield County Land Use and Development Code, as amended.

F. The Garfield County Planning Commission opened a public hearing on the 28th day of September, 2022 for consideration of whether the proposed Land Use Change Permit should be granted or denied, during which hearing the public and interested persons were given the opportunity to express their opinions regarding the request.

G. The Garfield County Planning Commission closed the public hearing on the 28th day of September and approved a motion recommending to the Board of County Commissioners, approval with conditions of the Gravel Operation.

H. The Board of County Commissioners opened a public hearing on the 16th day of January, 2023 for consideration of whether the proposed Land Use Change Permit should be granted or denied, during which hearing the public and interested persons were given the opportunity to express their opinions regarding the request.

I. The Board of County Commissioners closed the public hearing on the 16th day of January, 2023 to make a final decision.

J. The Board on the basis of substantial competent evidence produced at the aforementioned hearing, has made the following determinations of fact:

1. That proper public notice was provided as required for the hearing before the Board of County Commissioners.
2. The hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at that meeting.
3. That for the above stated and other reasons the proposed Land Use Change Permit for the IHC Scott, Rifle Pit No. 1 is in the best interest of the health, safety, convenience, order, prosperity, and welfare of the citizens of Garfield County.
4. That with the adoption of conditions, the application is in general conformance with the 2030 Comprehensive Plan, as amended.

5. That with the adoption of the Conditions of Approval and Waivers from Sections 7-104 Source of Water, 7-105 Central Water Distribution and Wastewater Systems, and 7-203 Protection of Waterbodies, the application has adequately met the requirements of the Garfield County Land Use and Development Code, as amended.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that:

- A. The forgoing Recitals are incorporated by this reference as part of the resolution.
- B. The Land Use Change Permit for a Gravel Operation, also known as the IHC Scott, Rifle Pit #1 is hereby approved subject to compliance with the following conditions:
 - 1. Prior to the issuance of the Land Use Change Permit the Applicant shall revise the site plan as follows:
 - a. Revise site plans to show the standard 35 ft. waterbody setback from all wetland areas. A waiver to allow a temporary disturbance in the first ten feet of the setback is approved during construction and maintenance of the screening berm. Any encroachment shall be reclaimed and revegetated with native riparian vegetation consistent with surrounding vegetation, within 60 days of completion of the berm construction.
 - b. Revise site plan to show the standard 100 ft. Industrial Use setback from all property lines.
 - c. Revise site plan to include additional details on internal vehicle circulation and the office, water and wastewater facilities.
 - d. Revise site plan to show electric utility connection for the site.
 - 2. The operation of the Gravel Operation shall be done in accordance with all applicable Federal, State, and local regulations governing the operation of this type of facility. Prior to the issuance of the Land Use Change Permit, the Applicant shall obtain all required permits or confirm the timing for obtaining said permits. This includes but is not limited to the listing below. Copies of all permits shall be provided to the County.
 - a. Demonstrate compliance with CDOT Access Permit and all conditions of approval.
 - b. Garfield County Floodplain Development Permit
 - c. CDPHE Discharge Permits as may be required
 - d. CDPHE Stormwater Permit – SWMP (complete permit to be provided)

Reception#: 983316
02/07/2023 04:01:34 PM Jacklyn K. Harmon
4 of 10 Rec Fee:\$0.00 Doc Fee:0.00 GARFIELD COUNTY CO

- e. CDPHE Air Pollutant Emissions Notice (APEN) if applicable
 - f. Colorado Division of Reclamation Mining and Safety (DRMS) Construction Materials Regular 112 Operation & Reclamation Permit
 - g. City of Rifle Watershed Permit
3. As part of the Gravel Operations the Applicant shall:
- a. Maintain compliance with U.S. Fish and Wildlife recommendations as outlined in the 12/1/22 Memorandum from SGM including no direct connection between the pond and downstream waters and maintaining a perimeter berm around that portion of the pond that is located in the Colorado River Floodplain.
 - b. Maintain visual screening of the site consistent with the modelling provided in the 12/9/22 SGM Memorandum demonstrating partial screening of equipment, material stock piles, and mining area.
 - c. Maintain compliance with the 12/1/22 Noise Analysis from SGM that demonstrates compliance with County and State noise limitations.
4. Prior to issuance of the Land Use Change Permit, the Applicant shall provide additional documentation on Augmentation Plans to confirm Applicant's ability to comply with applicable water laws and augmentation requirements. This shall address the plans for tailwater discharge into the mine pond and approval of said plans by the Ditch Company.
5. Prior to issuance of the Land Use Change Permit the Applicant shall include in operational plans that they will not stock the reclaimed lake with non-native species at any time. In addition, the Applicant shall obtain and comply with specific U.S. Fish and Wildlife recommendations for protection of outfall/discharge features from fish migration.
6. Prior to issuance of the Land Use Change Permit, the Applicant shall provide will serve letters from their electric service provider.
7. Prior to issuance of the Land Use Change Permit, the Applicant shall address additional information and details on key weed management concerns noted in the Garfield County Vegetation Managers referral letters dated 9/15/22 & 9/1/2020, to include specific time lines for Russian Olive removal prior to operation of the gravel facility and notification to the County of any request for release of reclamation bonds by the

State of Colorado. All Russian Olive and Tamarisk on the property shall be removed prior to active pit operation with approval of a plan by the County Vegetation Manager.

8. All representations made by the Applicant in the application shall be conditions of approval, unless specifically altered by the Board of County Commissioners including utilization of a wet mining plan with no dewatering.
9. The Applicant shall maintain compliance with noise requirements as identified in the Land Use and Development Code and State Statute. If any noise complaints are received or noise compliance issues noted by Staff, the Applicant shall provide actual noise measurements documenting the Gravel Facility's compliance with standards or if compliance cannot be confirmed the Applicant shall provide additional noise mitigation measures to achieve compliance.
10. The gravel operation shall be served by a "vault and haul" type of system for wastewater disposal and the Applicant shall obtain required permits from Garfield County Environmental Health and provide evidence of will serve letters prior to installation and operation. The system design shall include high level alarms, backup power and overflow storage as may be required by County Environmental Health.
11. The gravel operation shall be served by hauled water for employee consumption. The Applicant shall provide adequate water for hand washing and operation during hours of operation. The Applicant shall provide will serve letters prior to operation. Water quality testing shall be done in accordance with Garfield County Environmental Health guidelines/recommendations.
12. The Applicant shall operate the facility in compliance with CPW recommendations, including:
 - a. During winter months operational hours should take place between 7 a.m. and 5 p.m.
 - b. Work equipment should be washed before leaving the area to prevent the spread of noxious weeds.
 - c. Vegetation on newly constructed berms and ditches should be allowed to establish a new base of vegetation before water and with high sediment loads are placed in the ditch, or additional sediment control BMP'S should be used/required.
 - d. Wildlife friendly fencing should be used for the project.
 - e. US Fish and Wildlife should be consulted in regard to Threatened and Endangered species.
 - f. All berms separating the pond from the new ditch should be well maintained and properly enforced to avoid any chance of fish escaping from the recreational pond.

- g. CPW is available for discussions with the property owner regarding fish stocking the recreational pond.
 - h. CPW recommends the seeding and planting of native brush species and several cottonwood trees in any area disturbed by the proposed mining.
 - i. The recreational pond should be constructed with bank slopes of 3H:1V or have several escape ramps to allow for wildlife to escape from the pond.
13. The County has enforcement abilities specifically described in Section 7-1002(I) of the Land Use and Development Code. This operation is specifically subject to those requirements. In addition, and in accordance with Section 7-1002(I)(7), the County shall be invited to any bond release inspection by the DRMS. The County inspector will have the opportunity to demonstrate if any item of the permit has not been complied with and that the bond should not be released.
14. Prior to issuance of the Land Use Change Permit the Applicant shall obtain a Floodplain Development Permit for the gravel operation and comply with all standards in the Land Use and Development Code and conditions of approval including the prohibition on storage of flammable liquids in the floodplain.
15. Hours of operation shall be Monday through Saturday 7 a.m. to 7 p.m. (Mountain Daylight Time, MDT) with no operations on Sunday. During winter months from 11/1 to 3/21 hours of operation shall be Monday through Saturday 7 a.m. to 5 p.m. (Mountain Standard Time, MST).
16. Prior to operation of the Gravel Facility and prior to expiration of the CDOT Access Permit, the Applicant shall provide documentation that all roadway and access improvements including but not limited to paving of the access road in compliance with the conditions of the CDOT Access Permit have been completed.

Dated this 6 day of February, A.D. 2023.

ATTEST:



Jacklyn K. Harmon
Clerk of the Board

GARFIELD COUNTY BOARD OF
COMMISSIONERS, GARFIELD
COUNTY, COLORADO

[Signature]
Chairman

Reception#: 983318
02/07/2023 04:01:34 PM Jacklyn K. Harmon
7 of 10 Rec Fee:\$0.00 Doc Fee:0.00 GARFIELD COUNTY CO

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

COMMISSIONER CHAIR JOHN F. MARTIN , Aye
COMMISSIONER MIKE SAMSON , Aye
COMMISSIONER TOM JANKOVSKY , Aye

STATE OF COLORADO)
)ss
County of Garfield)

I Jacklyn K. Harmon, County Clerk and ex-officio Clerk of the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this 7th day of February, A.D. 2023.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Jacklyn K. Harmon



Reception#: 983316
 02/07/2023 04:01:34 PM Jacklyn K. Harmon
 8 of 10 Rec Fee:\$0.00 Doc Fee:0.00 GARFIELD COUNTY CO

EXHIBIT A
 SITE PLAN (pg. 1 of 2)

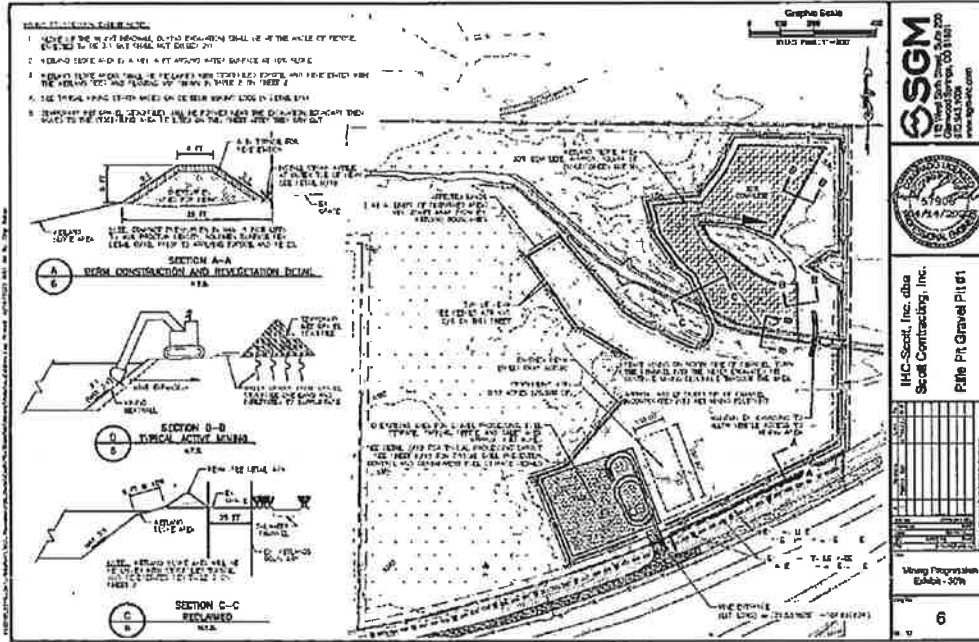


EXHIBIT A
SITE PLAN (pg. 2 of 2)

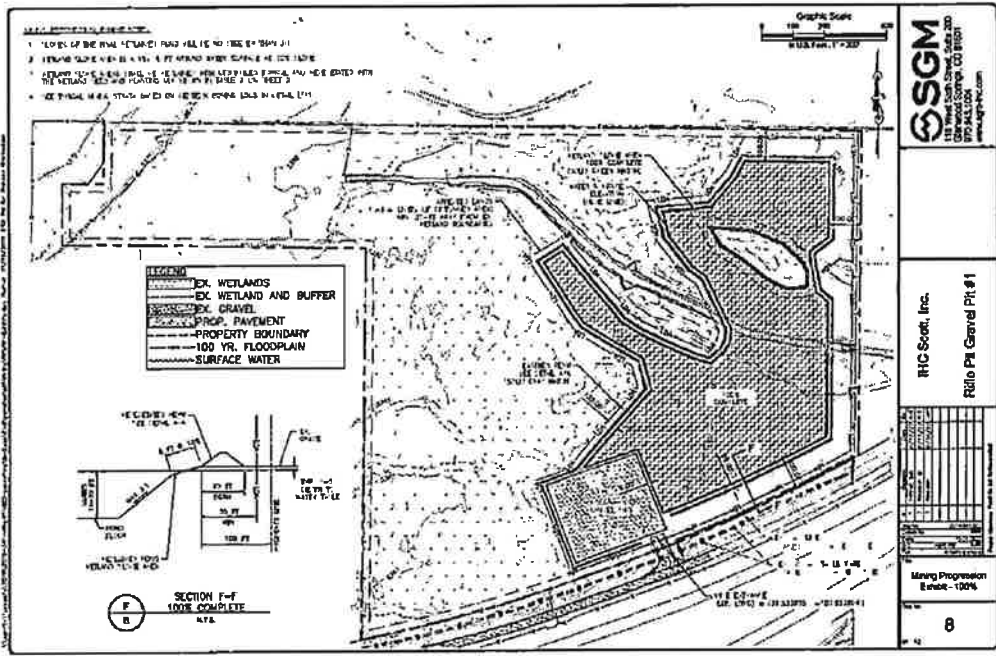


EXHIBIT B
LEGAL DESCRIPTION

Legal Description:

TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE 6TH P.M.,

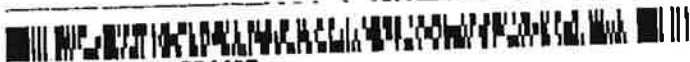
SECTION 8: S1/2 SW 1/4

SECTION 17: NE 1/4NW1/4 AND NW 1/4 NW 1/4

LESS AND EXCEPTING THE FOLLOWING TRACTS OF LAND PREVIOUSLY
CONVEYED AND RECORDED:

1. A TRACT OF LAND LOCATED IN THE SW 1/4 SW 1/4 SECTION 8, AND THE
NW1/4NW1/4 SECTION 17, CONVEYED BY GEORGE YULE BY WARRANTY DEED
RECORDED APRIL 17, 1893 IN BOOK 32 AT PAGE 425.
2. A TRACT OF LAND LYING IN THE SE CORNER OF THE NE 1/4 NW 1/4 OF SECTION
17 AS GRANTED TO SCHOOL DISTRICT 27 OF GARFIELD COUNTY BY WARRANTY
DEED DATED OCTOBER 10, 1891 , RECORDED OCTOBER 12, 1891 IN BOOK 25 AT
PAGE 188.
3. A TRACT OF LAND LYING IN THE SE 1/4 SW 1/4 SECTION 8, AND N 1/2 NW 1/4
SECTION 17 COMPRISING INTERSTATE HIGHWAY 70 R.O.W., INCLUDING: THAT
PART OF THEN 1/2 NW 1/4 SECTION 17 CONVEYED TO THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF GARFIELD, STATE OF COLORADO AND
STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF
COLORADO BY COURT ORDER RECORDED FEBRUARY 24, 1977 IN BOOK 493 AT
PAGE 768.
4. THAT PORTION OF THE NE1/4 NW1/4 AND NW1/4 NW1/4 OF SECTION 17,
TOWNSHIP 6 SOUTH, RANGE 92 WEST, SITUATE SOUTHERLY OF THE INTERSTATE
HIGHWAY 70 RIGHT OF WAY, AS CONVEYED TO JACQUE COUEY BURRIS BY
SPECIAL WARRANTY DEED RECORDED OCTOBER 4, 1991 IN BOOK 814 AT PAGE
812.

COUNTY OF GARFIELD,
STATE OF COLORADO



STATE OF COLORADO)
)ss
County of Garfield)

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Plaza Building, in Glenwood Springs on Monday, the 5th day of February, 2024, there were present:

<u>John Martin</u>	, Commission Chairman
<u>Mike Samson</u>	, Commissioner (
<u>Tom Jankovsky</u>	, Commissioner <i>Absent</i>
<u>Fred Jarman</u>	, County Manager
<u>Heather Beattie</u>	, County Attorney
<u>Kelly Cave</u>	, Assistant County Attorney
<u>Jacklyn K. Harmon</u>	, Clerk of the Board - <i>ABSENT</i>

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 2024-10

A RESOLUTION CONCERNED WITH APPROVAL OF A ONE YEAR EXTENSION OF TIME TO MEET CONDITIONS OF APPROVAL FOR THE SCOTT CONTRACTING RIFLE PIT NO. 1, MAJOR IMPACT LAND USE CHANGE PERMIT FOR A GRAVEL OPERATION, LOCATED EAST OF RIFLE AND WEST OF THE TOWN OF SILT OFF OF THE I-70 NORTH FRONTAGE ROAD AT 5127 NORTH COUNTY ROAD 346

Parcel No. 2179-083-00-103

Recitals

A. Garfield County is a legal and political subdivision of the State of Colorado for which the Board of County Commissioners is authorized to act.

B. On the 5th day of February, 2024, the Board of County Commissioners opened a public meeting upon the question of whether to grant an extension of time to satisfy the conditions of approval for the Scott Contracting Rifle Pit No. 1, Major Impact Land Use Change Permit, approved by Resolution No. 2023-03, File No. MIPA-05-22-8894. The Board considered whether the requested extension should be granted, granted with conditions, or denied at which meeting the public and interested persons were given the opportunity to express their opinions regarding the issuance of said extension.

C. The request for extension was filed by the Applicant W.W. Clyde & Company, as merged with the original Applicant, IHC Scott LLC.

D. In accordance with the Garfield County Land Use and Development Code of 2013, as amended, Section 4-101 (I) the Applicant filed a request to extend the time period to satisfy conditions of approval for an additional one year.

Resolution

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that:

- A. The forgoing Recitals are incorporated by this reference as part of this Resolution.
- B. The public meeting before the Board was extensive and complete, that all pertinent facts, matters and issues were submitted, and all interested parties were heard at the meeting.
- C. The request for extension was properly set and heard before the Board pursuant to Section 4-101(I) of the Land Use and Development Code as Amended and the request is in conformance with the review criteria contained therein.
- D. The Extension Request has been determined to be in the best interest of the health, safety, convenience, order, prosperity and welfare of the citizens of Garfield County.
- E. A one-year extension to meet conditions of approval for the Scott Contracting Rifle Pit No. 1 until February 10, 2025 is hereby approved.

Dated this 18 day of March, A.D. 2024.

ATTEST:



GARFIELD COUNTY BOARD
OF COMMISSIONERS,
GARFIELD COUNTY,
COLORADO

Jacklyn K Harmon 3/18/24
Clerk of the Board Date

[Signature]
Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

John Martin , Aye
Mike Samson , Aye
Tom Jankovsky , Aye ABSENT

STATE OF COLORADO)
)ss
County of Garfield)

I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this ____ day of _____, A.D. 2024

County Clerk and ex-officio Clerk of the Board of County Commissioners

**EXCERPT FROM ORIGINAL
APPLICATION STAFF REPORT**

BOCC
1/16/23
File No. MIPA-05-22-8894
GH

PROJECT INFORMATION AND STAFF COMMENTS

<u>REQUEST</u>	Land Use Change Permit - Major Impact Review for a Gravel Operation
<u>APPLICANT – PROPERTY OWNER</u>	IHC Scott Inc. (dba Scott Contracting Inc.)
<u>ENGINEERS</u>	SGM Inc., Angie Fowler
<u>ASSESSOR'S PARCEL #</u>	2179-083-00-103
<u>PROPERTY SIZE</u>	57.9 acres overall
<u>LOCATION</u>	The property is located north of Interstate 70 & south of the Colorado River, approximately halfway between the Town of Silt and the City of Rifle. The parcel is located within Sections 8 and 17, Township 6 South, Range 92 West of the 6 th PM.
<u>ACCESS</u>	The facility will be accessed off of the CDOT Frontage Road.
<u>EXISTING ZONING</u>	The property is zoned Rural (R)
<u>STAFF RECOMMENDATION</u>	Conditional Approval

I. GENERAL PROJECT DESCRIPTION

The applicant has requested a Major Impact Review – Land Use Change Permit for a Gravel Operation to be located on the approximately 57.9-acre parcel. The project area is 19.63 acres with the planned excavation area of 12.39 acres. The project would be a wet mining operation, with topsoil and mineral overburden removed and stockpiled on site to allow the saturated alluvial gravels to be excavated in a saturated state. No dewatering nor groundwater pumping would occur, and the excavated pit would fill with groundwater. The project phases are outlined below. Approximately 300,000 cu.yds. of material is anticipated to be mined in Phase 3 of the project.

- Site development and grading (Phase 1)
- Mining preparation (Phase 2)
- Mining extraction (limited to non-wetland areas) (Phase 3)
- Reclamation (Phase 4)

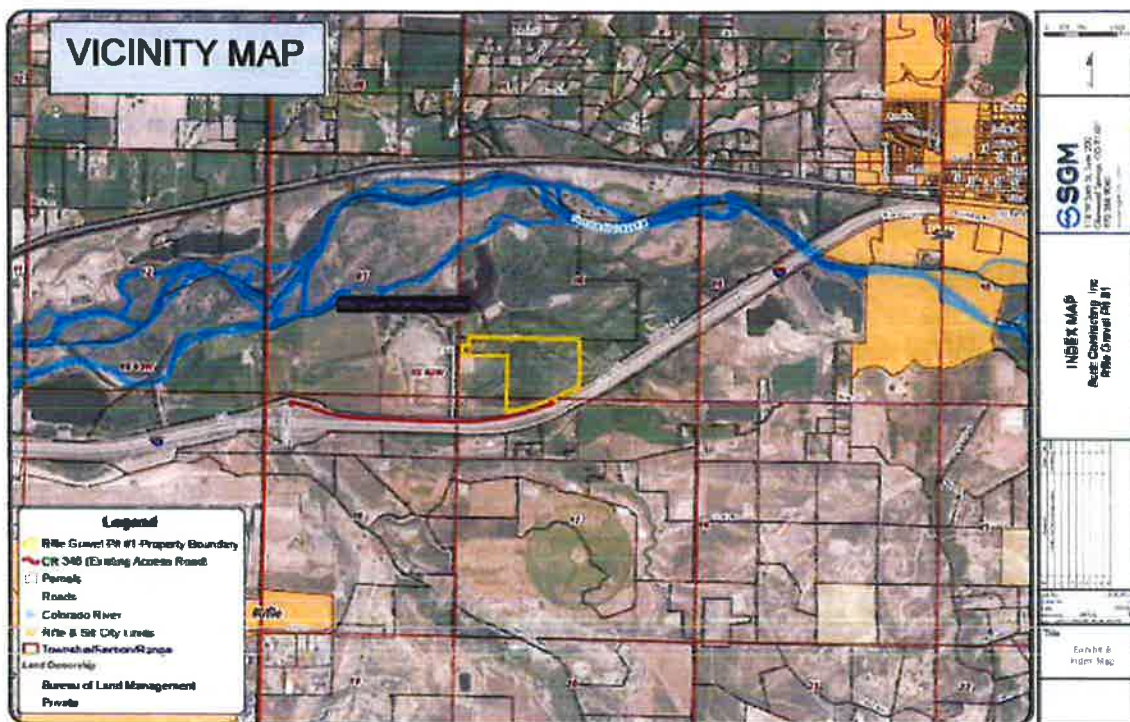


Figure 1. Project Overview and Vicinity Map

Access will be off the I-70 Mamm Creek Interchange via the I-70 Frontage Road. The frontage road is regulated by the Colorado Department of Transportation and in some cases in the submittals is referred to as County Road 346. The applicant has proposed and requested waivers to allow them to haul potable water to the site and to provide a portable vault and haul system for wastewater management.

Table 1. Estimated Areas of Disturbance to Support Gravel Mining for Rifle Pit #1

Mining Operation Components	Area (acres)
Perimeter Berm and Boundary Features	3.90
Excavation Area (Mine Cut)	12.39
Processing and Sales Area	1.93
Ancillary Surface Working Areas	0.78
Total	19.00

Permitting with the State Division of Reclamation, Mining, and Safety (CDRMS) will be required in addition to other permits outlined in the Table below, excerpted from the submittals.

- Garfield County: Land Use Change Permit (Major Impact Review, Major Impact Extraction, Gravel Project).
- Garfield County: Fencing Construction Permit
- Garfield County: Grading/Driveway Construction Permit
- Colorado Department of Transportation: Access Permit
- Colorado Department of Health & Environment (CDPHE): Construction Stormwater Discharge Permit and Stormwater Management Plan
- Colorado Division of Mining, Reclamation, and Safety (DRMS): Construction Material, Regular (112) Operation Permit

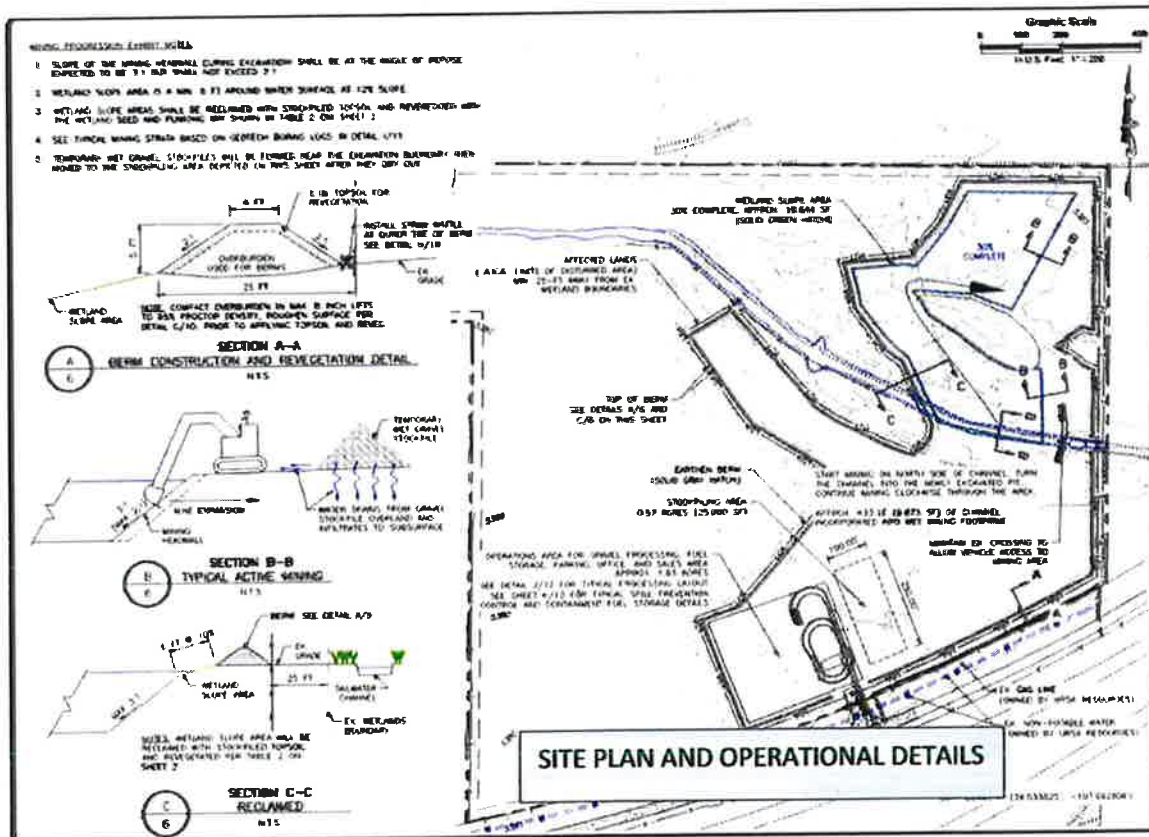


Figure 2. Phase 3 30% Mining Progression

Operational details on the proposal are summarized below:

- Facility construction includes scale house, material stockpiles, loading chute and processor, vehicle parking, staff facilities, water tank work trailer, toilets, and fuel storage
- 3 - 5 employees

- Operational hours Monday – Friday 7 a.m. to 7 p.m. and weekends as needed on a seasonal basis, generally April – November.
- No night-time operations or lighting is proposed with the exception of potential for equipment repair utilizing temporary/portable lighting
- Domestic water to be hauled to site, bottled water provided to employees
- Wastewater provided by portable vault & haul toilet facility
- 5 ft. perimeter berm for visual and noise mitigation
- Reclamation to natural conditions including a pond with perimeter berm and wetland reclamation species.
- Post mining land use is represented to be the same as current, partially vacant and unutilized pasturage.
- Floodplain Development Permit has been applied for and location of floodplain on a portion of the site identified.
- Mining plan does not include any wetland disturbance but does propose a waiver to allow a reduced 25 ft. setback from wetland areas.
- A waiver from the 100 ft. industrial use setbacks is also requested.
- A Spill Prevention Control and Countermeasures Plan (SPCC) has been provided for the operation.

Table 2. Typical Equipment List

Equipment	Make
Generator	CAT
Jaw Crusher	CED
Material Belt	SUP
Screen Plant	Tee
Reticulate Belt	SUP
Cone Crusher	Tee
Stacker	SUP
Parts Trailer	various
Water Truck	Peco
Water Tower (12k gal)	Mega
Fuel Tank (12k gal)	SC Fuels
Bulldozer	CAT
Long-reach Excavator	Volvo/CAT
Sheepsfoot	Bomag
Scraper/Grader	CAT
Feeder	FAB
Stacker	SUP

Table 2. Estimated Timetable for Phases 1-4

Phase/Stage	Estimated Duration	Estimated Depth	Type of Overburden
Phase 1 Site Development & Grading	1-2 months	Approx. 0.5 feet to 1 foot	Clay and silt; about 6" to 1-foot of topsoil, medium stiff, slightly moist, brown
Phase 2 Mining Preparation	2-6 months	N/A	No additional overburden will be removed during this phase.
Phase 3 Mining Extraction	3 - 5 years	17 – 21 feet	Varies
30%	1 – 1.5 years	21 feet (gravel layer thickness)	See Boring 4 Remove estimated 6" of clay and silt; gravel layer estimated at 1 foot to 22 feet below surface.
60%	1 – 1.5 years	21 feet (gravel layer thickness)	See Boring 3. Remove estimated 5.5 feet to 6 feet of clay and silt overburden; gravel layer estimated at 7 feet to 27 feet below surface.
100%	1 – 1.5 years	21 feet (gravel layer thickness)	See Boring 3. Remove estimated 5.5 feet to 6 feet of clay and silt overburden; gravel layer estimated at 7 feet to 27 feet below surface.
Phase 4 (Final Reclamation)	6 months	NA	NA

II. LOCATION - SITE DESCRIPTION

The existing condition of the site is described in the Application as irrigated pastureland with typical upland pasture grasses. It is generally level with modest variation in grade/topography (slope <5%). It is located approximately 0.2 miles south of the Colorado River with no frontage on the river. An irrigation tailwater ditch terminates on the property. Significant portions of the site have been identified with wetland vegetation. A portion of the site contains riparian woodland consisting of Russian Olive and sparse shrub understory.

