GUNNISON COUNTY, COLORADO
PLANNING DEPARTMENT STAFF REPORT for MINOR IMPACT
Pride of America Mine (Yule Marble Quarry)

Land Use Change Permit Application:	Pride of America Mine
Application No.:2016-00006	LUC #2016-00006
Date application scheduled with Planning Commission:	May 20, 2016
Prepared by:	Neal Starkebaum, Assistant Director

APPLICANT:	Colorado Stone Quarries, Inc. Daniele Treves 1 Marble Quarry Road Marble, CO 81623
REPRESENTATIVE:	Ben Miller Greg Lewicki and Associates 11541 Warrington Court Parker, CO 80138
STATUS OF APPLICATION:	Work session on May 20, 2016
ATTACHED EXHIBITS:	▪ Application ▪ CO Division of Reclamation and Mining Safety 112 Permit Application ▪ CO Parks and Wildlife Comments, Perry Will, Area Wildlife Manager, letter of April 11, 2016 ▪ Gunnison County Public Works, Marlene Crosby, letter of February 24, 2016
PREVIOUS LAND USE APPROVALS:	• Board of County Commissioners Resolution No. 24, Series 1989 approved LUC 1989-29, reopening the Yule Marble Quarry.
PLANNING COMMISSION TASKS AT INITIAL WORK SESSION:	— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Hear applicant presentation — Identify and consider issues — Determine an initial impact classification, considering both by definition and criteria of Section 3-111: B. 1. — Create list at end of meeting of items to be addressed at next meeting, and the date by which related information is to be submitted — Determine if application is ready to be set for public hearing, or if other work session is required

PROJECT DESCRIPTION:		The request is for the expansion of the existing, permitted quarry operation at the Pride of America Mine (formerly the Yule Marble Quarry). The operation will expand the quarrying operations by approximately 23.5-acres. The applicant is processing a concurrent 112 Permit application with the Division of Reclamation and Mining Safety to expand the permit area.
INITIAL IMPACT CLASSIFICATION:		**MAJOR Impact Project**, based upon classification found in *Section 7-101: Projects Classified as Major Impact Projects D.* **LARGE NEW OR EXPANDED MINING OPERATIONS.** New or expanded mining operations that operate for more than 180 days per year, produces more than 10,000 tons of ore/waste per year, or affects more than two surface acres of land, pursuant to Division 9-400: Exploration, Extraction and Processing of Minerals and Construction Materials. Please see letter from applicant requesting reduction in impact classification. Staff supports the request.
OTHER CRITERIA OF IMPACT CLASSIFICATION (SEC. 3-111. B. 1.)		**Demand for public services.** The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services. **Impacts on impact area and the environment.** The proposed land use change is expected to generate a minor or a major impact on the impact area. **Impacts related to all existing and proposed development and proposed development in impact area.** The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.
AGENCY AND DEPARTMENT REVIEWS:		➢ Carbondale Fire Protection District ➢ Colorado Parks and Wildlife ➢ Gunnison County Public Works Department
PROPERTY LOCATION:		The property is located approximately 3 miles south of the Town of Marble, legally described as a being located in the Sections 1 and 12, Township 12 South, Range 88 West, 6th .P.M.
SURROUNDING LAND USES:		The property is surrounded by National Forest.
EA or EIS is required for this project	☐ Yes ☒ No	
Project located in Special Geographic Area	☐ Yes ☒ No	
Phasing proposed	☐ Yes ☒ No	

Is a Partially Exempted land use change (Section 1-106)	☐ Yes ☒ No	
PRE-APPLICATION CONFERENCE:		A pre-application conference was conducted with the applicant on January 21, 2016.
APPLICABILITY OF *LAND USE RESOLUTION* STANDARDS:		
STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	**Plan complies, or compliance will be determined during review**	**Staff Comments/ References to specific documentation**
9-101: E. and F.: Secondary residences	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-102: Home occupations	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-103: Bed and breakfast	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-203: Mobile home communities	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-302: Farm or ranch stand	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-303: Dude ranches and resorts	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-304: Adult-oriented uses	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-305: Seasonal recreational vehicle parks and campgrounds	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
Division 9--400 Minerals and Construction Materials		This request is an expansion of the existing, historic construction materials processing operation.
9-404: Site Location and Setbacks		
B. Compatibility	B. ☐ Yes ☐ No ☒ TBD	B. Compliance with standard will be determined during the review process.
C. Use of Best Management Practices		
1. No Interference with Lateral Support	C.1. ☐ Yes ☐ No ☒ N/A	C. 1. Not mandated.
D. Setbacks		
1. Setbacks for Construction Processing Operations		

a. Centerline of Public Road (500', unless screened, then 50')	D.1. a. ☐ Yes ☐ No ☒ NA	D. 1. a. Existing road runs through the active mining operation.
b. Standards for Specific Road Project	D.1. b. ☐ Yes ☐ No ☒ N/A	D.1.b. Not applicable.
c. No Storage within Setbacks (140' from centerline of road)	D.1. c. ☐ Yes ☐ No ☒ N/A	D.1.c. Not applicable.
d. Water Body Setback (100' from water body)	D.1. d. ☐ Yes ☐ No ☒ TBD	D.1.d. On-going site stability management and reclamation will encroach into the 100-foot setback along Yule Creek. See letter requesting waiver.
e. Federal Wilderness, National Park (1000')	D.1. e. ☐ Yes ☐ No ☐ TBD	D.1.e. The southern end of the property is adjacent to the Ragged Wilderness Area. The operation cannot meet the 1000' setback. See letter from applicant requesting waiver.
f. Dedicated Open Space (1000')	D.1.f. ☐ Yes ☐ No ☒ N/A	D.1.f. No Open Space within 1000'
g. Residential Structures (125') from asphalt/batch plant (250')	D.1.g. ☒ Yes ☐ No ☐ N/A	1.g. No residential structures within 125'. No residential structures within 250'.
h. Public and Civic Buildings (1,000')	D.1.h. ☐ Yes ☐ No ☒ N/A	1.h. No public or civic buildings within 1000'
i. Cemetery (300')	D.1.i. ☐ Yes ☐ No ☒ N/A	1.i. No Cemeteries within 300'
j. Sensitive WL Habitat	D.1.j. ☐ Yes ☐ No ☒ N/A	1.j. No sensitive WL habitat identified. See comments from CPW.
k. Adjacent Property, Ditch, Road R-O-W (30')	D.1.k. ☐ Yes ☐ No ☒ N/A	1.k. Not applicable.
l.- t. Only applicable to Mining Operations Other than Construction Materials Processing		Not applicable.
2. Waiver to Reduce Setback Requirements	2. ☐ Yes ☐ No ☒ TBD	The southern end of the property is adjacent to the Ragged Wilderness Area. The operation cannot meet the 1000' setback. See letter from applicant requesting waiver.
9-405: General Development Standards for Mining Operations		
A. Access and Transportation Plan 1. Road Damage and Maintenance		
a. Vehicle Weight.	A.1.a. ☒ Yes ☐ No ☐ N/A	A.1.a. Applicable.
b. Applicant Bears Cost.	A.1. b. ☒ Yes ☐ No ☐ N/A	A.1.b. Applicable.

c. Seasonal Traffic Limitation	A.1. c. ☒ Yes ☐ No ☐ N/A	A.1.c. Applicable.
2. Routing. a. Avoidance of Developed Areas. 1. Review by Affected Agency b. Timing of Haul Traffic	A.2.a. ☒ Yes ☐ No ☐ N/A a. 1 ☒ Yes ☐ No ☐ N/A	A.2.a. Existing haulage route. a.1. See comments from Marlene Crobsy, Gunnison County Public Works
3. Mitigation to Provide Dust Control/Effects of Load Loss. a. Air Quality Monitoring	A.3. ☒ Yes ☐ No ☐ N/A A.3.a. ☐ Yes ☐ No ☐ N/A	A.3. No generation of dust with marble slabs A.3.a. Not applicable.
4. Truck and Crusher Noise	A.4. ☐ Yes ☐ No ☐ TBD	A.4. Historical noise generated by the operation will be confined to the site.
B. Rock Crusher, Asphalt Plant, Cement Batch Plant.	B. ☐ Yes ☐ No ☒ N/A	B. Not applicable.
C. Impacts on Environmental and Cultural Resources.		
1. Water a. Water Quality b. Water Quantity c. Hydrologic Balance d. Augmentation Plan e. Wells f. Recycling g. Hazardous Materials	C.1.a ☒ Yes ☐ No ☐ N/A C.1.b ☒ Yes ☐ No ☐ N/A C.1.c ☒ Yes ☐ No ☐ N/A C.1.d ☐ Yes ☐ No ☒ N/A C.1.e ☐ Yes ☐ No ☒ N/A C.1.f ☒ Yes ☐ No ☐ N/A C.1.g ☒ Yes ☐ No ☐ N/A	C.1.a Compliance required with EPA, CDMRS, CDPH&E, CDWR C.1.b Required C.1.c Required C.1.d N/A C.1.e N/A C.1.f Required to maximum extent C.1.g One 10,000 gallon fuel tank is used on site and is double walled, with secondary containment. SPCC plan required

2. Avoidance of Sensitive Areas.	C.2. ☒ Yes ☐ No ☐ N/A	C.2. The Yule Creek drainage is a high alpine, headwaters environment. The applicant is cognizant of this environment and is using best management practices into consideration to protect the creek corridor.
3. Air Quality. a. Air Quality Monitoring	C.3. ☒ Yes ☐ No ☐ N/A	C.3.a State permit, if required.
4. Significant Cultural, Historical & Archeological Resources. a. Resources to be preserved. b. Resources identified during operation	C.4.a. ☒ Yes ☐ No ☐ N/A C.4.b. ☒ Yes ☐ No ☐ N/A	C.4.a. The site is a historic mining operation and quarry. C.4.b. Applicable/Required
D. Mine Wastes.	D. ☒ Yes ☐ No ☐ N/A	D. Mine waste, in the form of low quality marble has been and will continue to be generated by the operation. The use of the material will be utilized to create mine waste landforms to assist in stabilizing the existing mining operation and to minimize erosion and sedimentation. Petroleum products used on site, will be addressed under SPCC plan.
E. Visual Impacts.	E. ☐ Yes ☒ No ☒ TBD	E. The site is not visible from any public highway.
F. General Operations. 1. Compliance with MSHA. 2. Hours of Operations. 3. Phasing. 4. Fire Protection. 5. Fencing. 6. Noise.	F.1. ☒ Yes ☐ No ☐ N/A F.2. ☒ Yes ☐ No ☐ N/A F.3. ☒ Yes ☐ No ☒ N/A F.4. ☒ Yes ☐ No ☐ N/A F.5. ☐ Yes ☐ No ☒ N/A F.6. ☐ Yes ☐ No ☒ TBD	F. 1. Required. F.2. Applicable. F.3. Additional quarrying phases are proposed and are related to completion of mining F.4. Fire Protection Plan in application. F.5. Not applicable. F.6. Compliance to be determined.
G. Post-Operational Land Use. 1. State and Federal Reclamation. 2. County Priorities. 3. Reclamation pursuant to MLRD Plan 4. Revegetation.	G.1. ☒ Yes ☐ No ☐ N/A G.2. ☒ Yes ☐ No ☐ N/A G.3. ☒ Yes ☐ No ☐ N/A G.4. ☒ Yes ☐ No ☐ N/A	G. 1-4. All required by DRMS. The applicant indicates post mining land use could be a tourist mine.

9-406: Additional Financial Security.	☐ Yes ☐ No ☒ N/A	Not applicable. No blasting proposed.
9-501: Special events	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-502: Temporary structures	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-503: Satellite dishes	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-504: Attached wireless communications devices	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-505: Freestanding wireless communications structures	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-506: Child care center	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-507: Group home	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-508: Keeping of livestock not on an agricultural operation	☐ Yes ☐ No ☒ N/A	Not affected by this application
9-509: Camping on individual parcel	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-600: Essential housing	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
10-102: Locational standards for residential development	☐ Yes ☐ No ☒ N/A	Not applicable.
10-103: Residential density	☐ Yes ☐ No ☒ N/A	Not applicable.
10-104: Locational standards for commercial, industrial or other non-residential uses	☐ Yes ☐ No ☒ N/A	Section 9-404: Site Location and Setbacks for Mining Operation A. Supersedes Locational Standards.
11-102: Voluntary best management practices	Found within the DRMS permit	
11-103: Development in flood hazard areas	☐ Yes ☐ No ☒ N/A	The property is not within a flood hazard area.
11-104: Development in geologic hazard areas	☐ Yes ☐ No ☒ N/A	The property is within an identified geologic hazard area. Unstable slopes. Mine waste, in the form of low quality marble has been and will continue to be generated by the operation. The use of the material will be utilized to create mine waste landforms to assist in stabilizing the existing mining operation
11-105: Development in wildfire hazard areas	☐ Yes ☐ No ☒ N/A	The site is in a low wildfire hazard area.

11-106: Protection of wildlife habitat areas	☒ Yes ☐ No ☐ N/A	See CPAW letter. No conflicts.
11-107: Protection of water quality	☒ Yes ☐ No ☐ N/A	Partially exempt. Meets 25' setback from water bodies. Wetlands delineated Appendix E
11-108: Standards for development on ridgelines	☐ Yes ☐ No ☒ N/A	The property is not a ridgeline project.
11-109: Development that affects agricultural lands	☐ Yes ☐ No ☐ N/A	There are no agricultural lands in the immediate area.
11-110: Development beyond snowplowed access	☐ Yes ☐ No ☒ N/A	Not beyond snowplowed access.
11-111: Development on Inholdings in national wilderness	☐ Yes ☐ No ☒ N/A	The property is not an inholding within national wilderness area.
11-112: Development above timberline	☐ Yes ☐ No ☒ N/A	The property is not above timberline.
12-103: Road system	☐ Yes ☐ No ☒ TBD	Existing truck traffic will continue access onto County Road 3. No increase in traffic proposed. See comments from Marlene Crosby.
12-104: Trails	☐ Yes ☐ No ☒ N/A	No trails currently exist on the property.
12-105: Water Supply	☐ Yes ☐ No ☒ N/A	Water supply is addressed in the Mining section.
12-106: Wastewater treatment	☐ Yes ☐ No ☒ N/A	No wastewater treatment is necessary for the use. Portable toilets will be utilized for employees.
12-107: Fire protection	☒ Yes ☐ No ☐ N/A	The property is within the Carbondale Fire Protection District, with response from the Carbondale Fire District. Referral was sent to the District. No comments were received. Fire suppression for the quarry is available on site.
13-102: B.: Location within municipal three-mile plan area	☐ Yes ☐ No ☒ N/A	Not applicable.
13-103: General Site Plan Standards And Lot Measurements	☐ Yes ☐ No ☒ N/A	Not applicable.
13-104: Setbacks From Property Lines And Road Rights-Of-Way	☐ Yes ☐ No ☒ N/A	Not applicable.
13-105: Residential Building Sizes And Lot Coverages	☐ Yes ☐ No ☒ N/A	Not applicable.

13-106: Energy And Resource Conservation	☐ Yes ☐ No ☒ N/A	Not applicable.
13-107: Installation Of Solid-Fuel-Burning Devices	☐ Yes ☐ No ☒ N/A	Not applicable.
13-108: Open Space And Recreation Areas	☐ Yes ☐ No ☒ N/A	Not applicable.
13-109: Signs	☐ Yes ☐ No ☒ N/A	No signs have been requested with this application.
13-110: Off-Road Parking And Loading	☐ Yes ☐ No ☒ N/A	Not applicable.
13-111: Landscaping And Buffering	☐ Yes ☐ No ☒ N/A	Not applicable.
13-112: Snow Storage	☐ Yes ☐ No ☒ N/A	Not applicable.
13-113: Fencing	☐ Yes ☐ No ☒ N/A	Not identified in the application.
13-114: Exterior Lighting	☐ Yes ☐ No ☒ N/A	Not applicable.
13-115: Reclamation And Noxious Weed Control	☒ Yes ☐ No ☐ N/A	Compliance with this Section is required by the Colorado Division of Reclamation Mining and Safety
13-116: Grading And Erosion Control	☒ Yes ☐ No ☐ N/A	Reclamation identified in DRMS Application. Compliance with this Section is required by the Colorado Division of Reclamation Mining and Safety
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	☒ Yes ☐ No ☐ N/A	Compliance with this Section is required by the Colorado Division of Reclamation Mining and Safety. The operation has a State Stormwater Permit – February 2014
13-118: Water Impoundments	☐ Yes ☐ No ☒ N/A	No water impoundments are included in this application
13-119: Standards To Ensure Compatible Uses	☒ Yes ☐ No ☐ N/A	The site is a historic operating marble quarry. The property is surrounded by National Forest.