



Archuleta County
Development Services Department
Planning Department
1122 Highway 84
P. O. Box 1507
Pagosa Springs, Colorado 81147
970-731-3877
Fax 970-731-3881

May 27, 2009

Steve and Joyce Wright
2913 Meadows Drive
Pagosa Springs, CO 81147

RE: Arboles Sand and Stone, LLC, and Lob Lolly Lumber

Dear Mr. and Mrs. Wright,

As you know, the Board of County Commissioners conditionally approved the "Lob Lolly Gravel Pit" major gravel operation. The permit will become effective when staff is able to confirm that all pre-construction conditions, such as all required permits, are in effect. The conditions of approval are:

1. **Wildlife:** Follow DOW's buffer zones outlined in their document: **RECOMMENDED BUFFER ZONES AND SEASONAL RESTRICTIONS FOR COLORADO RAPTORS**
2. **Road and Bridge:** All new or existing internal haul roads associated with this application must be constructed to County Road and Bridge Standards for the appropriate classification.
3. **Access permit:** The applicant must obtain an access permit from CDOT. If obtaining that permit will significantly alter the plan for the site as determined by the Planning Department and/or the Planning Commission the proposal will need to go back in front of the Planning Commission. The operation is limited to hauling 412 tons per day off the property via State Highway 151. Additional gravel may be used for construction of internal roads or gravel pads, on-site or on adjacent properties, and not sold to the general public. An increase may be considered with an amendment request to the existing permit and concurrence with CDOT permit.
4. **Noxious weeds:** the property shall be examined for noxious weeds in the spring/summer, and the applicant shall be required to mitigate any weed problems identified. Contact Frank Ratliff, County Weed and Pest Manager at 264-6773 for an inspection. After Frank inspects the site, he will submit an inspection form to Planning which needs to be on file prior to permit commencement.
5. **Renewal:** There will be annual reviews for compliance with an automatic renewal if staff is able to determine compliance with all conditions of approval and operation. County Staff shall have reasonable access to property to perform inspections for compliance.
6. **Term:** The permit shall run for a 10-year term; renewal after 10 years may be granted after submitting an application for an amendment to the existing permit.
7. **Commencement:** The applicant shall notify the Planning Department when all conditions have been met and upon Staff's written verification, the permit shall commence.
8. **Transferability:** The permit shall apply only to the owners for which it was granted and shall not be transferred to other property owners or operators; transfer may be granted by the Board of County Commissioners.
9. **Phasing:** For approval and continued compliance and renewal of the Conditional Use Permit, each phase of the excavation shall be reclaimed, or in substantial process of

reclamation to its current state prior to excavation or to a compatible or higher land use, specifically agricultural or residential, and follow Division of Reclamation Mining and Safety recommendations, requirements and guidelines (if none are applied by the DRMS then Division of Wildlife "best practices" shall be applied). The applicant can provide a reclamation plan with either a timeframe acceptable to staff and such justification(s) for the timeframe, or bond to secure that such work is completed in a timely matter in lieu of completion of all reclamation work from an initial phase before starting a subsequent phase. All earlier phases must be mitigated entirely or bonded for such mitigation prior to the implementation of the final phase of excavation.

Failure to meet the mutually agreed to timeframes for mitigation, violation of one or more of the conditions of the approval, or if in default to provide a remedial plan within 10 days to the County Planning Department shall result in subsequent revocation of the Conditional Use Permit and any and all approvals by the County and all work shall immediately cease upon serving of notice to the owner and/or operator of the operation.

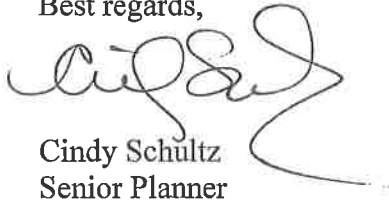
Nothing in this agreement precludes the rights of the County to monitor, evaluate or take any actions or seek any legal remedies within its powers to correct or cease any operations found to be in violation as a condition of this permitted activity or not.

Nothing in this agreement shall restrict the right of the applicant to use the subject land identified in this agreement or as part of this permit for any use currently permitted or restricts in any way the applicant from applying to the County for other permits and uses of the property subsequent to the issuance of this permit.

10. **Other permits:** owners and/or operators are responsible for applying, obtaining, and complying with all terms and conditions of any other permits as applicable or required.

You may wish to assemble the required permits or clearances for Planning to expedite the final commencement of the permit. When the pre-construction requirements have been met, please contact Planning to verify and commence the permit in writing. If you have any questions, please contact me.

Best regards,



Cindy Schultz
Senior Planner

cc: Nathan Barton