



Land Use

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August 15, 2011

City of Boulder Fleet Services
Attn: Joe Castro
PO Box 791
Boulder, CO 80306

Dear Applicant:

This letter certifies that a hearing of the Board of County Commissioners, County of Boulder, State of Colorado, was duly called and held on June 27, 2011, in consideration of the following request:

**Docket LU-11-0005: CITY OF BOULDER VALMONT BUTTE PROPERTY
REMEDICATION**

Request: Request for Limited Impact Special Use Review for an estimated 304,000 cubic yards of earthwork and demolition of selected industrial structures associated with the proposed remediation of a former mill, industrial and debris disposal site.

Location: At 3000 63rd Street and 6680 Valmont Drive, approximately 1.5 miles east of the intersection of Valmont Road and Foothills Parkway, south of and adjacent to Valmont Road and northeast and adjacent to 63rd Street, in Sections 22 & 23, Township 1N, Range 70W.

Zoning: Agricultural (A) and General Industrial (GI)

Applicant: Joe Castro, City of Boulder

Agent: Paul Casey, Casey Resources, Inc.

The Board of County Commissioners has determined that the request is CONDITIONALLY APPROVED, subject to the terms in the attached resolution.

Your approval may have included certain conditions that must be met. Please contact the planner who processed your docket for more information on any requirements that will need to be met.

If you have any additional questions, please feel free to contact me at (303) 441-3930 or via email at bharding@bouldercounty.org

Sincerely,



Bryan Harding, Planner II
Planning Division

c.c. Paul Casey, Casey Resources, Inc.

RESOLUTION 2011-76

A RESOLUTION CONDITIONALLY APPROVING BOULDER COUNTY LAND USE DOCKET #LU-11-0005 ("CITY OF BOULDER - VALMONT BUTTE PROPERTY REMEDIATION"): A REQUEST FOR A LIMITED IMPACT SPECIAL USE REVIEW FOR GRADING INVOLVING THE MOVEMENT OF AN ESTIMATED 304,000 CUBIC YARDS OF EARTH MATERIAL AND DEMOLITION OF SELECTED INDUSTRIAL STRUCTURES ASSOCIATED WITH THE PROPOSED REMEDIATION OF A FORMER MILL AND INDUSTRIAL AND DEBRIS DISPOSAL SITE, PER THE VOLUNTARY CLEANUP PLAN APPROVED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, ON THE CITY OF BOULDER'S PROPERTY KNOWN AS THE "VALMONT BUTTE" PROPERTY, LOCATED APPROXIMATELY 1.5 MILES EAST OF THE INTERSECTION OF VALMONT ROAD AND FOOTHILLS PARKWAY, SOUTH OF AND ADJACENT TO VALMONT ROAD AND NORTHEAST OF AND ADJACENT TO 63RD STREET, IN SECTIONS 22 AND 23, T1N, R70W, UNINCORPORATED BOULDER COUNTY

WHEREAS, the City of Boulder ("Applicant" or "City") has requested approval pursuant to Article 4 of the Boulder County Land Use Code ("the Land Use Code") for a limited impact special use permit for grading in excess of 500 cubic yards of earth material, to move approximately 304,000 cubic yards of earth material and demolish selected industrial structures as part of an environmental remediation effort (Voluntary Cleanup Plan, or "VCUP") approved on September 1, 2010 by the Colorado Department of Public Health and Environment ("CDPHE"), involving the approximately 103-acre property which is located as described in the caption to this Resolution, above, in the Agricultural and General Industrial Zoning Districts in unincorporated Boulder County; and

WHEREAS, the project area is located on two adjacent parcels that are owned by the City of Boulder and currently occupied by an abandoned ore milling complex and associated tailings pond sites, including a parcel at 3000 63rd Street identified by parcel identification number 146322400019 (25.92 acres), and a parcel at 6680 Valmont Drive identified by parcel identification number 146323000019 (76.30 acres) (collectively, "the Property"); and

WHEREAS, the project proposes to complete remediation of soils impacted with heavy metals and low-level, naturally occurring radioactive materials, to limit the risk of human and wildlife exposure; and

WHEREAS, milling of mineral ore began on the Property in 1936, when gold ore was processed on the site, and then, from 1941 to 1973, the mill complex was expanded and converted to process fluor spar, generating approximately 400,000 cubic yards of tailings which contain naturally occurring radioactive materials and heavy metals, including lead and arsenic; and

WHEREAS, the tailings were generally deposited within two impoundments east of the mill complex, that are referred to as the primary and secondary tailings ponds; and

WHEREAS, from approximately 1977 through 1985, the mill was converted to again process gold ore, and during this time an additional 45,000 cubic yards of tailings were deposited on top of the fluorspar tailings in the primary tailings pond; and

WHEREAS, after the cessation of mining activity the Property was utilized intermittently by various operators for industrial uses through September, 2000, when it was purchased by the City of Boulder, after which time the Property has remain unused and does not have an established principal use; and

WHEREAS, while milling uses were discontinued on the Property in 1985, the historic mill site and other associated structures remain; and

WHEREAS, in addition to the Property's historic significance in association with mining activities, Valmont Butte and the surrounding area, including the Property, have additional historic ties to Native American communities and to the original settlers of the Valmont area, with Valmont Butte being considered a sacred site among Native American tribes, and the surrounding areas understood to contain archaeological features and cultural resources linked to historic Native American inhabitants; and

WHEREAS, the Property is also adjacent to the Valmont Pioneer Cemetery, which dates to the late 1800's and is linked to the original settlers of the area; and

WHEREAS, in response to the Property's recognized historical and cultural values, the Boulder County Historic Preservation Advisory Board ("HPAB") held several public meetings to discuss the historical significance of the Property with the Applicant and to hear public comment regarding the remediation proposal; and

WHEREAS, the proposed project aims to remediate the tailings pond areas, as well as 14 additional areas outside the tailings ponds that were discovered to have high lead concentrations, with the remediation strategy being driven by the need to construct a properly engineered cap on the primary tailings pond, and to properly manage mining residuals located outside of the tailings pond area; and

WHEREAS, the 14 mining residual areas, totaling 15.6 acres, are planned to be excavated and placed within the confines of the primary tailings pond, and, once graded, the primary tailings pond area will capped with two feet of clean soil overlain by 1.5 feet of

rock to prevent prairie dog migration onto the tailings pond area; and

WHEREAS, disturbed areas outside the tailings pond will be regraded to promote drainage and then be revegetated; and

WHEREAS, the remediation project will include the deconstruction of several buildings located on the Property, to reduce public health and safety concerns and/or to perform remediation work on soils around and beneath existing structures; and

WHEREAS, all proposed remediation work will be completed following the CDPHE-approved VCUP application, and is regulated under the CDPHE's Air Quality Control Division; and

WHEREAS, the above-described request was processed and reviewed as Boulder County Land Use Docket #LU-11-0005 ("the Docket"), all as further described in the Boulder County Land Use Department Planning Staff's Memorandum and written recommendation to the Boulder County Board of County Commissioners ("the Board") dated June 27, 2011, with its attachments ("the Staff Recommendation"); and

WHEREAS, on June 27, 2011, the Board held a duly-noticed public hearing on the Docket ("the Public Hearing"), at which time the Board considered the Staff Recommendation, and also considered the documents and testimony presented by the County Land Use Department Planning Staff, representatives of the Applicant, spokespersons for Historic Boulder, Rocky Mountain Peace and Justice Center, Rural Historic Valmont, Valmont Butte Heritage Alliance, and Valmont Cemetery Association, in addition to other members of the public being present to speak to the Docket, all as reflected on the Board's official record of the Public Hearing; and

WHEREAS, based on the Public Hearing, the Board finds that the Docket meets the criteria for special use approval for grading in excess of 500 cubic yards as set forth in Article 4-600 of the Land Use Code, and can be approved, subject to the conditions listed below.

NOW, THEREFORE, BE IT RESOLVED that the Docket is hereby approved, on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. PRESERVATION OF HISTORIC AND CULTURAL RESOURCES

Mill Complex Landmarking

- a. **Prior to issuance of building or grading permits**, the Applicant shall provide to the Land Use Department for review and approval a revised grading plan illustrating

the protection of significant structures and the preservation of the existing site access road to the scale house and extending to the mill's ore bins. This plan should include a narrative clearly describing how determinations will be made regarding the potential to preserve existing structures deemed marginally important.

- b. **Upon completion of remediation work**, the Applicant shall provide to the Land Use Department written verification that remediation work, not including revegetation, is complete.
- c. **Within four months after the CDPHE's revisions to the VCUP environmental covenants**, the Applicant shall submit an application to the County under Article 15 of the Land Use Code for landmark designation of the Mill Complex along with a site area encompassing these resources. The buildings and features to be included in the landmark designation shall include:
 - the mill structure
 - water clock building
 - cistern
 - rail spur
 - scale house
 - concrete well
 - road to the scale house

If feasible, the pump house, storage tanks, fire hydrants and office/lab/assay office buildings (#2 & #3) should also be retained. Additionally, the cistern should not be filled with dirt as proposed but protected and preserved through other methods.

Balance of Property Landmarking

Within four months after the CDPHE's revisions to the VCUP environmental covenants, the Applicant shall apply under Article 15 of the Land Use Code for landmark designation for the balance of the Property, defined as the entire Property *excluding* the Mill Complex (which is covered in the separate landmarking required above), *and excluding* the 12.5 acres constituting the primary tailings pond. The purpose of this landmarking shall be to evaluate thoroughly the historical significance of the balance of the Property based on its association with Native American inhabitants and tribes, the Valmont settlers, and the Property's past mining and milling activities. Through this landmarking process the County may exclude specific areas of this balance of the Property (such as the secondary tailings pond), but only if deemed not to meet the Land Use Code's criteria for historic landmark designation.

Additional Conditions

Except as provided otherwise in this approval, the Applicant

shall comply with all other recommendations of the Boulder County HPAB's referral letter dated June 9, 2011, which is part of the official Docket file, including but not limited to Discovery Plan requirements.

2. TRANSPORTATION

Prior to issuance of building or grading permits, the Applicant shall provide to the County Transportation Department for review and approval an on-site road design that will support the expected vehicle traffic; information regarding proposed truck routes; and a traffic control/traffic management plan.

Prior to issuance of building or grading permits, documentation of the existing conditions of Valmont Road and associated striping near the proposed access must be submitted to the Transportation Department. The Applicant must ensure that any damage or degradation of the roadway or striping is brought to existing conditions or better at the completion of the project.

Additionally, the Applicant must adhere to the following conditions regarding the use of Valmont Road for construction traffic during remediation efforts:

- a. Construction schedule shall allow for construction traffic on roads only between the hours of 9:00am and 4:00pm, Monday through Friday.
- b. A vehicle tracking pad must be installed per the Applicant's construction drawings at the Valmont Road access.
- c. Daily street sweeping of Valmont Road is required.
- d. The Applicant must verify the status of legal access to N. 63rd Street. Should legal access to N. 63rd Street be available, the Valmont Road access shall be restricted to use for construction vehicles only.

3. RE-VEGETATION

Prior to issuance of building or grading permits, the Applicant shall submit to the Land Use Department for review and approval one copy of a Revegetation Plan indicating a final seed mix selection.

One year from remediation work completion, the full installation of the approved Revegetation Plan must be inspected and approved by the Land Use Department. All areas of exposed soil must be revegetated.

4. WEED CONTROL

Prior to issuance of building or grading permits, the Applicant shall submit two copies of a Weed Control Plan for review and approval by the County Land Use Department and the Parks and Open Space Department. The Weed Control Plan should identify what County-listed noxious weeds are known to be on the Property, their location, and the proposed method of weed control. For assistance in the development of this plan the Applicant is encouraged to contact the County's weed management coordinator (at 303-678-6110) or the CSU Weed Extension Agent (at 303-776-4865).

5. CAP ROCK COLOR REQUIREMENT

Prior to issuance of building or grading permits, the Applicant shall submit to the Land Use Department for review and approval, a sample of the proposed cap rock material.

At the final inspection, the Land Use Department must inspect and verify that the approved color was used on the rock-capped area.

6. Future development on the Property shall comply with all applicable requirements of the Land Use Code.
7. The Applicant shall be subject to the terms, conditions, and commitments of record for the Docket.

A motion to approve the Docket (#LU-11-0005), as stated above, was made by Commissioner Domenico, seconded by Commissioner Toor, and passed by a 3-0 vote.

ADOPTED as a final decision on this 9th day of August, 2011.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**

Ben Pearlman

Ben Pearlman, Chair

Cindy Domenico

Cindy Domenico, Vice Chair

Will Toor

Will Toor, Commissioner



ATTEST:

Cecilia J. Lacey
Clerk to the Board