



CHAFFEE COUNTY
Development Services Department
P.O. BOX 699 PHONE (719) 539-2124
SALIDA, CO 81201 FAX (719) 530-9208
WEBSITE www.chaffeecounty.org

Exhibit: NESTLE WATERS 1041 PERMIT
Summary of compliance with 1041 standards

TO: Chaffee County Board of County Commissioners
FROM: Planning & Legal
DATE: October 13, 2020
RE: Nestle Waters Extension of 1041 Permit

3-303(1) Action on Permit Application

a. service area is located within or partially within the boundaries of the County, the need for the proposed project can be substantiated

- **Applicant Submittals (from 2009):** Criterion is not directly applicable to this application, and the project is motivated by reducing fuel consumption in its current corporate operating plan
- **Staff:** Applicant has not provided any specific alternatives to this project other than continue their current practices. The applicant has not provided any specific information substantiating the need for the project. Standard is **not** satisfied
- **App proposed Condition: None**
- **Staff proposed Condition: None**

b. consistent with relevant provisions of adopted land use or comprehensive plans

- **Applicant Submittal:** Criterion addressed by original permit.
- **Staff:** The following provisions are not satisfied:
 - Minimize the tax burden on citizens. Require development to assess impacts on public facilities and to pay fair share of costs for necessary services. (Comprehensive Plan, Objective E, page 3).
 - Promote economic diversity and economic development based on passive recreation, ranching/agriculture, and “light” industry to lessen the gap between incomes and cost of living in the County. (Comprehensive Plan, Objective F, page 3).
 - Provide a safe and efficient transportation system for all county residents. (Comprehensive Plan, Objective J, page 3).

- Provide access to public lands and river/stream corridors. (Comprehensive Plan, page 37).
- Note: The previous Land Use Code (LUC) included a requirement for a Special Land Use Permit (SLUP), and the Nestle Waters application included a SLUP concurrently with the 1041 permit. The SLUP process has been removed from the 2014 (current) LUC. Specifically, the items addressed in the SLUP were the construction of the facilities, which have been completed. A SLUP is no longer required for this development.

Standard is **not** satisfied

- **App proposed Condition:** Continued compliance with original permit.
- **Staff proposed Condition:** The following conditions in the original permit address this standard: Public fishing access to the river. Dedication of 60-foot right of way for CR 300 on Ruby Mtn and Bighorn parcels. Cooperate with the County to encourage CDOT to make improvements, specifically to include climbing lanes, on US 24 / 285 between Johnson Village and the top of Trout Creek Pass. Primarily utilize local firms in both construction and operation of the project to support local economy. Limit truck traffic to no more than two trucks per hour of any given day, 25 trucks total. Route loaded trucks through Leadville to I-70. Require trucks to pull over if blocking traffic. Project impacts mitigation fund to cover any expense to the County related to the project, including legal expenses.

c. efficient use of water; prevent the pollution of aquifer recharge areas

- **Staff:** Standard is satisfied

d. state and federal water supply, in-stream flow, and water quality requirements

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

e1. Surface water: Changes to existing water quality.

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

e2. Changes in non-point and point source pollution.

- **Staff:** Standard is satisfied.

f1. Project shall not significantly degrade groundwater quality; Changes in aquifer recharge rates, groundwater levels and aquifer capacity

- **Staff:** Standard is satisfied.

f2. Changes in capacity and function of wells within the Source Development Area

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

f3. Changes in quality of well water within the Source Development Area

- **Staff:** Standard is satisfied

g. Construction of structures, buildings, and improvements will not significantly impact and will be consistent with the County's regulations and ordinances

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

h1. Project will not significantly deteriorate Air Quality

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** The trucks utilized in the operations are required to meet state and federal emissions standards. Those standards include maximum emissions rates for various pollutants and each type of vehicle, and as such, an annual volume of pollutants contributed by the project can be estimated. Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

h2. Project will not significantly deteriorate Wetlands and floodplain areas

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

h3. Project will not significantly deteriorate Terrestrial or aquatic animal life or its habitats

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

h4. Terrestrial plant life or plant habitat

- **Staff:** Standard is satisfied

h5. Soils and geologic conditions

- **Staff:** Standard is satisfied

h6. Existing visual quality

- **Staff:** Standard is satisfied

i. Project will not cause significant noise, vibrations or odors

- **Staff:** Standard is satisfied.

j. Project is not subject to significant risk from natural hazards

- **Staff:** Standard is satisfied

k. The proposed Project will not have a significantly adverse net effect on any segment of the local economy (e.g. recreation, tourism, agriculture, and mining) within the County or any portion of the impact area

k1. Changes to projected revenues generated from each economic sector (including recreation, tourism, agriculture, and mining)

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Changes to recreation and tourism revenues are directly tied to the aesthetic of the area and recreational facilities available. Application reduces opportunities for agriculture and development. Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

k2. Changes to existing and projected amounts of recreation visitation in the impact area

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Recreation and Tourism. Changes to revenues are directly tied to the aesthetic of the area and recreational facilities available. Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

k3. Changes in the quality or quantity of the recreation experiences available

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

k4. Changes in the value of agricultural, grazing, recreational, and other lands, and the loss of tax revenues caused by such lands being removed from production or becoming unavailable for those uses

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Application reduces opportunities for agriculture and development. Standard is **not** satisfied
- **Potential conditions:** Applicant continue to comply with conditions in original permit and address housing issue.

k5. Changes in opportunities for economic diversification

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Application reduces opportunities for agriculture and development. Standard is **not** satisfied
- **Potential conditions:** Applicant continue to comply with conditions in original permit and address housing issue.

k6. The benefits accruing to the County and its citizens from the Project outweigh the losses [of] any natural, agricultural, or recreational resources within the County, or the losses of opportunities to develop such resources

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Application reduces opportunities for agriculture and development. Standard is **not** satisfied
- **Potential conditions:** Applicant continue to comply with conditions in original permit and address housing issue, address housing issue and address recycling issues raised by public comment.

9-303(1) – Action on Permit Application

a1. The proposed Activity will not disturb or harass individual animals, groups of animals or wildlife species.

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

a2. The proposed activity will not disrupt necessary life-cycle function resulting in stress to the extent that physiological damage is done to an individual animal, group of animals or wildlife species. Examples include, but are not limited to, introduction of non-native vegetation, excessive use of fertilizers and other chemicals, placement of structures in close proximity to nesting and feeding areas and excessive exterior lighting.

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

b1. The proposed activity will not significantly deteriorate wildlife habitat or other wildlife protection areas, aquatic habitats, big game migratory routes, calving grounds, migratory ponds, nesting areas and the habitats of rare and endangered species: revegetation plans.

- **Staff:** Standard is satisfied

b2. Adequate water supplies are available for successful implementation of revegetation plans

- **Staff:** Standard is satisfied

b3. Vegetation/habitat removal and/or alteration within the development site.

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

b4. The effect on surface and subsurface water quantity and quality.

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

c1. significant adverse net effect on wildlife movement patterns/displacement and adaptation of wildlife populations: preventing wildlife from using habitat they would normally use

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

c2. causing wildlife to find new routes that expose them to significantly increased predation, interaction with vehicles, intense human activity, or more severe topography and climactic conditions

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

c3. species to adapt to significant alteration of their current habitat

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

c4. Ability of the specie or species to find a new habitat that is sufficient to sustain the species over the long term

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

d. development is designated and will be administered, controlled and regulated to allow man to function in harmony with, rather than be destructive to, significant wildlife habitats

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.

e. The proposed development has been reviewed and received favorable comment from the Area Wildlife Manager

- **Applicant Submittals:** Criterion addressed by original permit.
- **Staff:** Standard is satisfied **provided** applicant continue to comply with conditions in original permit.