

**STATE OF
COLORADO**

Cazier - DNR, Tim <tim.cazier@state.co.us>

SUP 1999-007

1 message

Blanco, Sandy <Blanco@co.pueblo.co.us>

Wed, Oct 16, 2013 at 12:23 PM

To: "eai@bresnan.net" <eai@bresnan.net>, "tim.cazier@state.co.us" <tim.cazier@state.co.us>

Attached please find the Staff Review for the following case. The meeting is scheduled on October 22, 2013 at 5:00 p.m., in the Commissioners' Chambers at the Pueblo County Courthouse, 215 West 10th Street. Please retain a copy for your records. I have also attached an agenda for your review.

If you have any questions, please do not hesitate to contact the Department at 583-6100.

- Special Use Permit No. 1999-007 Continuance

Sandy J. Blanco

Office Service Specialist IV

Pueblo County Department of

Planning and Development

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2 attachments**SUP 1999-007 Cont_Adjcnts.pdf**

5691K

**10-22-2013PCPC_AGENDA.pdf**

63K

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CHAIRMAN
DISTRICT 1

LIANE "BUFFIE"
MCFADYEN
CHAIR PRO TEM
DISTRICT 2



SAL PACE
COMMISSIONER
DISTRICT 3

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DIRECTOR
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**PUEBLO COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Pueblo County Planning Commission

FROM: Dominga Jimenez-Garcia, Planner II *DJA*

THROUGH: Joan Armstrong, Director *ja*

DATE: October 10, 2013

SUBJECT: **SPECIAL USE PERMIT NO. 1999-007 CONTINUANCE**
Stonewall Springs Quarry LLC (Owner)
Fremont Paving and Redi-Mix Inc. (Applicant)
Environmental Alternatives Inc., c/o Angela Bellantoni (Representative)
Located west of Nyberg Road, between East State Highway 96 and East U.S.
Highway 50

PURPOSE

This is an amendment of Special Use Permit No. 1999-007 which was originally approved by the Pueblo County Planning Commission on May 25, 1999. The special use permit allowed sand and gravel extraction, crushing, screening, washing, and stockpiling within 448± acres in an A-1, Agricultural Zone District with a proposal to reclaim 300 surface acres to a permanent (unlined) lake for recreation. The applicant requests an amendment to change the reclamation plan to construct lined water storage reservoirs with an approximate capacity range of 3,210-8,140 acre feet, open space, and/or wetlands as final reclamation. (**Exhibit 1** – Letter of Request with Reclamation Plan and **Exhibit 2** – Map with Phases and Reclamation areas outlined)

On August 5, 2013 the Department of Planning and Development received Notice of 112 Construction Materials Reclamation Permit Amendment Application Consideration from the Division of Reclamation, Mining and Safety (DRMS). A brief narrative describing the change in the application states in part:

Final reclamation is changing from unlined Evans Lake to lined water storage reservoir with wetlands and open space for recreation.

On August 30, 2013, staff met with the representative, Angela M. Bellantoni, Environmental Alternatives, Inc. and the property owner to review the amendment and Special Use Permit No. 1999-007. It was found that unlined Evans Lake is being changed to a lined water storage reservoir with wetlands and open space. Based upon these changes it was determined the applicant will need to submit an amendment to the special use permit, more specifically the reclamation plan. At said meeting questions regarding water rights and water usage of the proposed water storage reservoir were discussed as well as the requirement of 1041 permit. The representative submitted on September 11, 2013 an amendment to the special use permit.

Staff reviewed the application and although it was explained at the meeting that mining is strictly the applicant (Fremont Paving and Redi-Mix Inc.) and construction of the lined water storage reservoir is the property owner (Stonewall Springs Quarry LLC) after the site has been mined out, it states in the letter of request:

Parcel 4, the majority of Phase I, final reclamation is lined water storage reservoir, approximate maximum capacity 3019 acre-feet. Reclamation will occur in two stages: interim reclamation as water storage reservoir excavation and final reclamation as reservoir construction.

Ultimately as described above mining is being conducted in a way to create the base for the end goal being a lined water storage reservoir and the questions regarding water rights and usage should be answered.

While staff was preparing the review, the DRMS completed their Preliminary Adequacy Review (**Exhibit 3** – DRMS Preliminary Adequacy Review for Amendment 1 (AM-01)) which had thirty (30) items to be addressed of which item No. 14 states in part, “*The proposed final reclamation plan is inadequate.*” Planning and Development will be monitoring closely those items that are required by the DRMS and perhaps wait until the Mined Land Reclamation Board makes their final decision before proceeding with hearing the amendment to Special Use Permit No. 1999-007

RECOMMENDATION

Therefore based upon the above information staff recommends the Pueblo County Planning Commission **CONTINUE** Special Use Permit No. 1999-007 to the December 17, 2013 meeting to allow staff and legal counsel time to further review the creation of the water storage reservoir, obtain more information from the owner about the water rights and usage and time to review the final action to be taken by the Mined Land Reclamation Board on October 29, 2013.

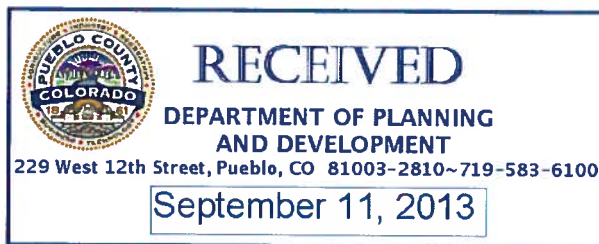
Based upon this continuance, all parties to the special use permit shall be made aware that current mining activity shall be within the original conditions of Special Use Permit No. 1999-007 (**Exhibit 4** – May 2001 Action Letter) and anything outside of said conditions will be a basis for show cause hearing. Should any parts of the submitted letter of request or maps be changed based upon comments from the DRMS, revised documents should also be submitted to the Department of Planning and Development.

DJG

Attachments: Exhibit 1 Letter of Request with Reclamation Plan
Exhibit 2 Map with Phases and Reclamation areas outlined

Exhibit 3 DRMS Preliminary Adequacy Review for Amendment 1 (AM-01)
Exhibit 4 May 2001 Action Letter

c: Stonewall Springs Quarry LLC
Fremont Paving and Redi-Mix Inc.
Environmental Alternatives Inc., c/o Angela Bellantoni
John Sliman
Division of Reclamation, Mining and Safety, c/o Tim Cazier (M-2000-041)



September 6, 2013

Department of Planning and Development
Pueblo County
229 West 12th Street
Pueblo, Colorado 81003

RE: SUP 1999-007 Evans Pit #2
Fremont Paving & Redi-Mix Inc.
Amendment

To Whom It May Concern;

Fremont Paving & Redi-Mix Inc. respectfully submits the following Amendment to the above reference Special Use Permit (SUP) regarding post-mining land use for sand and gravel extraction and processing operation on approximately 448 acres in A-1 Agricultural Zone District.

Stonewall Springs Quarry LLC, owner, intends to construct water storage reservoirs, open space and/or wetlands as final reclamation. The 448 acre permitted area is divided into three phases with final reclamation described in Table 1. Approximately 75 acres make up the Riparian Area and Nyberg Road buffer zone which will remain undisturbed during the life of the mine.

Phase I

Parcels 1, 2 and 3 are the processing area, product stockpile area and sedimentation pond which will remain during mining. Final reclamation is proposed as open space or wetlands with interim reclamation as open space. To achieve interim reclamation, the area will be backfilled to a minimum of three feet above static groundwater level with sides sloped no steeper the 3H:1V, blending with surrounding topography. The area will be seeded with the previously approved seed mix provided in Table 2 and mulched with two tons/acre of straw, crimping the straw into the soil. Reclamation of Parcels 1, 2 and 3 is not anticipated until all phases are mined out approximately 15 years.

Final reclamation as open space/wetlands will occur at the discretion of Stonewall Springs. Topsoil and overburden will be placed a maximum of three feet deep above static water. Slopes will be constructed no steeper than 3H:1V foot. The area will be seeded with a wetlands species seed mix including bulrushes, sedges, rushes, pondweed, smartweeds, duckweeds, spike rushes, watercress, cattail and dock as recommended by Colorado Parks and Wildlife.

SPECIAL USE PERMIT NO. 1999-007
STONEWALL SPRINGS QUARRY LLC (OWNER)
FREMONT PAVING AND REDI-MIX INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 10-10-2013

Environmental Alternatives Inc.

1107 Main Street, Cañon
www.envalternatives.com • e-mail: ea
Phone: 719-275-8951 • Fax

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Table 1: Phase and Parcel Interim and Final Reclamation

Phase	Parcel	Acres	Interim Reclamation	Final Reclamation
I	1	12	Open space	Open space/Wetlands
I	2	9	Open space	Open space/Wetlands
I	3	25	Open space	Open space/Wetlands
I	4	96	Water storage reservoir excavation	Water storage reservoir
II	5	29	Open space	Open space/Wetlands
II	6	8	Undisturbed	Reservoir bank
III		194	Water storage reservoir excavation	Water storage reservoir
	Buffer Zone	75		Undisturbed

Table 2: Seed Mix

Species-Variety	Drilled Seed Rate (Pls/Acre)
Western Wheatgrass	4.8
Sideoats Grama	2.7
Alkali Sacaton	0.3
Sand Dropseed	0.1
Yellow Sweetclover	0.7
Fourwing Saltbush	0.5

Parcel 4, the majority of Phase I, final reclamation is lined water storage reservoir, approximate maximum capacity 3019 acre-feet. Reclamation will occur in two stages: interim reclamation as water storage reservoir excavation and final reclamation as reservoir construction. Interim reclamation will remove material to a false floor ranging in depth between three and six feet and side slopes no steeper than 2H:1V foot. This area is mined out and interim reclamation is complete. Final reclamation as lined water storage reservoir will be designed and constructed by qualified reservoir construction firm.

ASI Constructors, Inc. (ASI) will lead the design of the Stonewall Springs Reservoir, a project in a design/build arrangement with a local engineering firm. This reservoir will require permitting through the Office of the State Engineer. The application for a new, jurisdictional reservoir in Colorado will require the following items:

1. Application Form
2. Construction Plans
3. Construction Specifications
4. Hazard Classification Report
5. Hydrology Report
6. Geotechnical Report
7. Design Report
8. Instrumentation Plan
9. Cost Estimate
10. Filing Fee

Phase II

Phase II is comprised of **Parcels 5 and 6**. As **Parcel 5** is mined to a false floor ranging in depth between three and six feet, mined out areas will be backfilled to a minimum of three feet above static groundwater levels for interim reclamation as open space. Final reclamation is open space/wetlands, backfilling to a maximum of three feet above static groundwater levels and vegetating as described for Phase I.

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 ENVIRONMENTAL ALTERNATIVES INC.
 (REPRESENTATIVE)
 STAFF REVIEW 10-10-2013

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Parcel 6 will not be mined but will be overburden stockpile area. Stockpile slopes will be constructed and maintained at 3H:1V foot. Upon completion of Parcel 5 mining, if an overburden stockpile is present, it will be seeded with Table 1 seed mix, mulched and crimped consistent with reclamation methods for open space.

Phase III

Interim reclamation for Phase III is water storage reservoir excavation, approximate capacity range 3210-8140 acre-feet. As mining progresses from south to north, naturals and reject material will be placed as a false floor ranging in depth between three and six feet and side slopes no steeper than 2H:1V foot for interim reclamation. Final reclamation is lined water storage reservoir with construction by qualified reservoir construction firm consistent with final reclamation of Phase I, Parcel 4.

Please contact me directly at 719-275-8951 with any questions.

Respectfully submitted,



Angela M. Bellantoni

Cc: John P. Ary
Denise Gonzales
Mark Morley

SPECIAL USE PERMIT NO. 1999-007
STONEWALL SPRINGS QUARRY LLC (OWNER)
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STAFF REVIEW 10-10-2013

Environmental Alternatives

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STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



October 7, 2013

Mr. John P. Ary
Fremont Paving & Redi-Mix, Inc.
839 Mackenzie Avenue
P.O. Box 841
Cañon City, CO 81215

Ms. Angela M. Bellantoni
Environmental Alternatives, Inc.
1107 Main St.
Cañon City, CO 81212

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

**Re: Evans #2 Pit, File No. M-2000-041,
Preliminary Adequacy Review for Amendment 1 (AM-01)**

Dear Mr. Ary and Ms. Bellantoni:

The Division of Reclamation, Mining and Safety (Division) has completed its preliminary adequacy review of your 112 construction materials reclamation permit amendment application. The application was received on July 30, 2013 and called complete for review on July 31, 2013. The decision date for this application is October 29, 2013. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, **it will be your responsibility to request an extension of the review period.** If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this application.

The review consisted of comparing the application content with specific requirements of Rules 3.1, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

The primary objective of this amendment is to provide the Division with a comprehensive understanding of the mining and reclamation plans for this project for the purpose of documenting these plans for the Division, the Operator and the Land Owner; and establishing sufficient financial warranties in the event the State may be required to complete reclamation. As such, the majority of the comments are aimed at providing additional clarification of these plans.

SPECIAL USE PERMIT NO. 1999-007
STONEWALL SPRINGS QUARRY LLC (OWNER)
FREMONT PAVING AND REDI-MIX INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 10-10-2013

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The following items must be addressed by the applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

APPLICATION

This application form is adequate as submitted.

6.4 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS

Rule 1.10.1(1) includes a provision that the Applicant is not required to submit exhibits as part of an amendment application that have not changed or would present new information with respect to the original application, or previous amendments. Item 16 on page 4 of the amendment application states only Exhibits C, D, E and F need to be updated and have been submitted. The discussion indicates the remaining Exhibits A, B, G, H, I, J, K, M, N, O, P, Q, R and S are consistent with the approved application. The Division concurs that Exhibits A, B, H, I, J, K and P likely won't require updates for this amendment application. However, we believe Exhibits G, L, M, N, O, Q and R require clarification, if not updates. The comments below are therefore limited to Exhibits C, D, E, F, G, L, M, N, O, Q, R and S.

6.4.3 EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands

1. Rule 6.4.3(a) requires adjoining surface owners of record be labeled on submitted maps. Based on the comparison of information presented in Exhibit F and the information shown on Exhibit C in the approved application, at least some of the land owners have changed since the permit was originally approved. Please include updated surface owners on Exhibit C.
2. Pursuant to Rule 6.4.3(c), the mine plan map should show the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land. As a minimum, please include contour lines for areas not yet disturbed as part of the mining process for comparison with the contours on the Reclamation Plan Map, Exhibit F.
3. Rule 6.4.3(f) requires water information in conjunction with Exhibit G. The current substitute water supply plan approved by the Colorado Division of Water Resources limits groundwater exposure to: "5 acres of pond area, 0.3 acre of dewatering trenches, 0.1 acre of collection area, and 0.1 acre of return trench" for a total of 5.5 acres of exposed ground water. In conjunction with information to be provided in an updated Exhibit G requested in Comment #17, please explain how the Operator intends to limit the exposed groundwater to 5.5 acres both during interim operations and final reclamation.
4. Parcel 6 is not labeled on Exhibit C, Mine Plan Map as it is on Exhibit F, Reclamation Plan Map. Please use consistent labeling for phases and Parcels of both Exhibits.
5. Arrows are shown only in Phase II pointing from west to east in the submitted Exhibit C Mine Plan Map as prepared by ASI. The Phase II area is shaded green. No explanation is provided for either of these features. Please include a legend explaining these two

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features and the difference between the “dash-dot-dot”, “dashed”, “solid”, and “bold solid” boundary lines depicted on Exhibit C.

6. Rule 6.4.3(g) requires permanent manmade structures within 200 feet of the permit boundary be located on the Exhibit C map and their respective owners identified. Exhibit F shows overhead power lines in parcels 2 and 4; and a ditch paralleling the southwest permit boundary, continuing into parcels 5 and 6. The Division is aware of fence lines which are also described in Exhibit S of the approved permit. Please show these and other permanent structures on Exhibit C and identify the current owners. If the owners are different than those listed in the approved permit, Exhibit S will require an update as well.

6.4.4 EXHIBIT D – Mining Plan

7. The current approved mining plan indicates mined material is “excavated in dewatered cells by front-end loaders or scrapers from the pit face, and transported to the operator's processing plant primarily by truck”. The Division's recent inspections indicate conveyors are used to transport a significant portion of the excavated material. Please revise the method of mining to reflect current methods.
8. The recent approval of TR-03 allows a maximum area disturbed at one time to 158 acres. Please clarify what the size of any are to be worked at one time and explain how the maximum allowed disturbed area will be limited to 158 acres.
9. Pursuant to Rule 6.4.4(e), an approximate timetable to describe the mining operation is required for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. The Division assumes the Operator wishes to implement a phased bonding approach to the required reclamation financial warranty.
 - a. Please confirm the desire for a phased bonding approach.
 - b. Please provide a time table for various phases of the operation, or define events, milestones, etc. so that it is clear to both the Operator and the Division when the reclamation bond needs to be reviewed and increased prior to proceeding with the next phase of the operation.
10. The revised mining plan states “Material will be extracted to a false pit floor.” This elevation is critical with respect to the reclamation elevation being three feet above groundwater elevation. Please provide some discussion as to how this false floor relates to the prevailing groundwater elevation and the underlying Pierre Shale, and whether or not survey control points will be used to verify elevations.

6.4.5 EXHIBIT E – Reclamation Plan

The proposed reclamation plan includes both interim and final reclamation measures. However, no time table or discussion as to when either the interim or final reclamation is to begin or end is provided. Pursuant to C.R.S. 34-32.5-102(1), “reclamation of land affected by such extraction [of construction materials] are necessary and proper activities that are compatible”. Furthermore, “those persons involved in extraction operations [shall] reclaim land affected so that it may be put to a use beneficial to the people of this state”. In addition, Rule 3.1.3 requires reclamation be completed within five years of the completion of each

phase of the operation. As such, the Division requires the area disturbed by mining activities be reclaimed to a beneficial use within five years of the completion of each phase of mining. The purpose of the following comments is to ensure the Division and the Operator have a clear and common understanding of when and what reclamation is required throughout the life of the mine and that a beneficial use can be attainable within the five-year time frame.

11. The proposed reclamation plan lists "Open Space" as the interim reclamation for Parcels 1, 2, 3, and 5; further designating the seed mix presented in Table 2 for the interim vegetation. The only species discussed for final reclamation are wetland species.
 - a. Please provide some discussion clarifying whether or not non-wetland plants are planned for anywhere (e.g., lake perimeter slopes, etc.) during final reclamation.
 - b. In order to estimate final reclamation liability, the Division requires specific seed mixes (quantity of each grass and forb species as pounds of pure live seed per acre, or number of stock plantings per acre). Please provide specific rates or quantities for final wetland reclamation.
12. Please provide additional information to clarify when interim reclamation will be initiated and when final reclamation will be initiated, keeping in mind that reclamation as a beneficial use is required within five years of the completion of mining operations for each phase of the project. This information is critical to developing a phased bonding approach and the Division can ensure adequate bond is held during the life of the mine.
13. The proposed interim reclamation for Parcel 4 and Phase III is unacceptable. Pursuant to Reclamation Performance Standard Rule 3.1.10(4), revegetation is required to stabilize slopes. Furthermore, the Division does not allow slopes steeper than 3H:1V for final (or interim) reclamation. (Note, pursuant to Rule 3.1.5(7), all slopes shall be no steeper than a ratio of 2H:1V, except from 5 feet above to 10 feet below the expected water line where slopes shall be not steeper than 3H:1V). Please revise the reclamation plan for Parcel 4 and Phase III to:
 - a. Be seeded, mulched, etc. in a similar fashion as Parcels 1, 2, 3, and 5.
 - b. Be sloped no steeper than 3H:1V.
14. The proposed final reclamation plan is inadequate. In order for the Division to ensure adequate bond is available, quantities for earth works stockpiling and grading, reservoir lining, revegetation, reservoir appurtenances, riprap protection for banks and/or spillways, etc. need to be provided. The Division acknowledges that it is likely infeasible to provide this information at this time. However, if the Operator wishes the Division to approve water storage as the final reclamation, it must be provided. Other acceptable options might be: 1) changing the proposed interim reclamation plan to final reclamation and eliminating the water storage aspect for final reclamation, or 2) propose the interim reclamation plan (with the above required changes) for now and provide the Division with consent to commit to submitting a technical revision application to address the specifics required for water storage when they become available.
 - a. Option 1 would allow the Division to release the Operator from reclamation liability once satisfactory reclamation is achieved. After which, the landowner could pursue the water storage option without oversight from the Division.

- b. Option 2 would eliminate the need for detailed information related to the water storage at the current time, but leave water storage as the final reclamation plan. However, the required technical revision (TR) could not be approved until the Division of Water Resources Dam Safety approved the designs and all ten items listed at the bottom of page 2 of the Amendment 1 submittal are included in said TR. The Division will also require the Operator commit to submitting this TR as a condition to approving the current amendment application.
- c. Please address the inadequacy of the final reclamation plan discussed above in Option 1 or Option 2.

6.4.6 EXHIBIT F – Reclamation Plan Map

15. There are several discrepancies in the Parcel areas shown on the Exhibit F Mine Plan Map when compared to Table 1 – Phase and Parcel Interim and Final Reclamation, and Exhibit C, Mine Plan Map. Exhibit C and Table 1 list Parcels 4, 5, and 6 (Phase III) as 96, 29, and 194 acres, respectively; Exhibit F shows 94, 26, and 154 acres, respectively. Please make appropriate corrections to make Exhibits C and F consistent.
16. Please clarify whether the existing stockpile west of Parcel 5 is included as part of Parcel 4 to the north, or Parcel 5.

6.4.7 EXHIBIT G – Water Information

17. Rule 6.4.7(2) states if the operation is expected to directly affect surface or groundwater systems you shall: (a) Locate on the map in Exhibit C tributary water courses wells springs stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations; (b) Identify all known aquifers; and (c) Submit a brief statement or plan showing how water from dewatering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation. Please provide the Division with a hydrologic impact analysis model to demonstrate the radius of influence of the dewatering operation for current, and future mining and reclamation phases. In lieu of pre-dewatering groundwater level data, this model shall also include a demonstration of the expected static groundwater elevation assuming no dewatering, or losses due to exposed groundwater. This information will be used to verify the proper backfill elevation to establish three feet of fill above groundwater level. (*Note: the Division can provide the Operator with acceptable methods upon request*).
18. Please provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project. These should be included in the model requested in Comment 17.
19. Please indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation (both interim and final). This should be considered in the model requested in Comment 17.

20. Please provide a list and locations of all registered alluvial wells within 600 feet of the permit boundary. These may be identified based on SEO records and/or field inspections. Please identify all wells within 600 feet of the permit boundary on Exhibit C, Mine Plan Map.
21. Please note the Division will require the Operator to mitigate all impacts to permitted wells affected by the dewatering activities, not just the wells within 600 feet of the mining limit.
22. The amendment does not identify groundwater monitoring locations along the north, east or west boundaries of the site.
 - a. Please commit to installing monitoring piezometers along these boundaries.
 - b. Please commit to providing the Division with a copy of the monthly groundwater levels as part of the annual report for the site.

6.4.12 EXHIBIT L – Reclamation Costs

23. The current bond held by the Division for this site is \$568,483.00 based on the original reclamation plan and adjusted for the currently allowed 158 acres of disturbance. As both the mine plan and the reclamation plan are being modified, please provide the Division with an updated Exhibit L. Pursuant to Rule 6.4.12(1), the information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. The information provided by the Operator must be sufficient to calculate the cost of reclamation that would be incurred by the State. The Division will review the bond calculations based on responses to this adequacy review letter.

6.4.13 EXHIBIT M – Other Permits and Licenses

24. The originally approved Exhibit M states no Corps of Engineers (COE) 404 Permit will be required. The attached comment from the COE indicates “a Department of the Army permit is required”. Please resubmit Exhibit M to include this and any other required permits, including the dam safety permit required by the Office of the State Engineer.

6.4.14 EXHIBIT N – Source of Legal Right to Enter

25. The originally approved Exhibit N references a lease between C.R. Evans and Mineral Reserves, Inc. Neither of these two parties are involved in the Legal Right to Enter. Please submit an updated Exhibit N.

6.4.15 EXHIBIT O – Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

26. Please submit an updated Exhibit O to reflect changes in land ownership since the application was originally approved.

6.4.17 EXHIBIT Q – Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District

SPECIAL USE PERMIT NO. 1999-007
STONEWALL SPRINGS QUARRY LLC (OWNER)
FREMONT PAVING AND REDI-MIX INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
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27. Pursuant to Rule 1.6.2(1)(a)(ii), Proof of notice shall be in the form of a return receipt of a Certified mailing or a date-stamped copy of the notice acknowledging receipt by the appropriate local Board. Please provide the return receipt for the Certified mailing.

6.4.18 EXHIBIT R – Proof of Filing with County Clerk and Recorder

28. Please provide the return receipt for the Certified mailing.

6.4.19 EXHIBIT S – Permanent Man-Made Structures

29. Based on the response to Comment # 6 above, additional structures agreements may be required.

Other Concerns

30. The Division has received comments that need to be addressed from several entities. The following is a summary of other concerns:

- a. US Army Corps of engineers – Department of the Army permit is required.
- b. Pueblo County Department of Planning and Development – an amendment to the special use permit is required.
- c. Southwest Farms, Inc. – address adverse effect on the balance of groundwater.
- d. Division of Water Resources – reservoir lining.
- e. Please be sure to address these concerns in your adequacy response. Copies of each of the above letters are attached, along with responses from the State Historic Preservation Office and Colorado Parks and Wildlife.

Please remember that the decision date for this application is October 29, 2013. As previously mentioned if you are unable to provide satisfactory responses to any inadequacies prior to this date, **it will be your responsibility to request an extension of time to allow for continued review of this application.** If there are still unresolved issues when the decision date arrives and no extension has been requested, the application will be denied. If you have any questions, please contact me at (303) 866-3567, ext. 8169.

Sincerely,



Timothy A. Cazier, P.E.
Environmental Protection Specialist

Enclosures

ec: Tom Kaldenbach, DRMS
Angela Bellantoni, EAI

SPECIAL USE PERMIT NO. 1999-007
STONEWALL SPRINGS QUARRY LLC (OWNER)
FREMONT PAVING AND REDI-MIX INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 10-10-2013

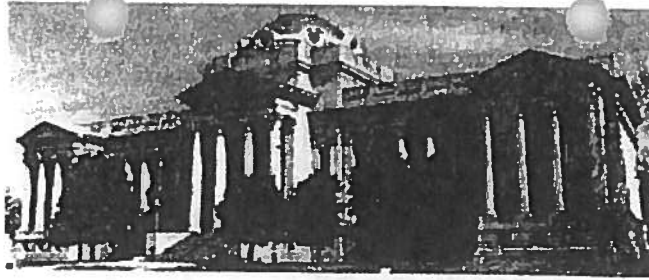
PCPC
EXHIBIT NO.

3 cont'
10-22-2013

Matt J. Peulen
District 3
Chairman 2001

John L. Klomp
District 1

Loretta Kennedy
District 2



Kim B. Headley
Planning and Development
Director
planning@co.pueblo.co.us

BOARD OF COUNTY COMMISSIONERS
DEPARTMENT OF PLANNING AND DEVELOPMENT

May 23, 2001

Mr. Eric Reckentine
Lafarge, Inc.
1590 West 12th Avenue
Denver, Colorado 80204-3410

Re: PUEBLO COUNTY PLANNING COMMISSION
Compliance Report for Special Use Permit No. 1999-007 Allowing a Sand and
Gravel Extraction and Processing Operation in an A-1 Zone District.

Dear Mr. Reckentine:

Please be advised the Pueblo County Planning Commission, at its public hearing held on
May 22, 2001, voted to accept and approve the compliance report thereby authorizing the
permit to continue with the following conditions as recommended by staff:

1. Special Use Permit No. 1999-007 shall be for sand and gravel extraction, crushing, screening, washing and stockpiling only within the proposed 448± acres. There shall be no blasting permitted in association with the mineral extraction activities.
2. Approval of this special use permit does not guarantee a right to reclaim and/or use the site as a permanent lake, or to 'grandfather' activities or uses of the lake itself. Should the Mined Land Reclamation Board and the State Engineer's Office approve the proposed reclamation to a permanent lake, the applicant and all future operators and land owners are hereby advised the use of the lake must comply with all Federal, State, and local regulations in application at the time of, and following, complete reclamation of the site. Such regulations may include, but not be limited to land use activities, water rights, wetlands, special use permits, access permits, and flood plain permits.
3. Should the Mined Land Reclamation Board and/or the State Engineer's Office deny the proposed reclamation of the site to a permanent lake, the applicant shall apply for an amendment to this Special Use Permit pursuant to the *Pueblo County Zoning Resolution*. Said amendment application shall include submittal of a revised Mining Plan and Reclamation Plan.

SPECIAL USE PERMIT NO. 1999-007
STONEWALL SPRINGS QUARRY LLC (OWNER)
FREMONT PAVING AND RED-MIX INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 10-10-2013

81003-2810 ☐ (719) 583-6100 ☐ FAX (719) 583-6376

PCPC
EXHIBIT NO.


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10-22-2013

4. Access for on-site mining activities shall be restricted to existing haul roads on adjacent property owned by the applicant. Use of Nyberg Road for access to or from the leased property area for mining activities shall be prohibited.
5. Hours of operation for the permitted use shall be limited to Monday through Saturday, and sunrise to sunset. Should the applicant wish to extend the hours or days of operation, the applicant must apply for and obtain an amendment to this special use permit, through the public hearing process.
6. The mining operation shall not encroach within 200 feet of the road right-of-way of Nyberg Road, and 200 feet of the dynamic north bank of the Arkansas River, **at any given time**. A fifty (50) foot safety buffer shall be maintained along the existing west fence line depicted on the applicant's Pre-Mining Map and Mining Plan Map (Exhibits 3-4).
7. The applicant shall provide the Department of Planning and Development with a copy of all other required Federal, State, and local permit applications, approvals, amendments, or releases (e.g., air quality, MLRB, augmentation, etc.) pertaining to Special Use Permit No. 1999-007 within 30 days of their submittal to the respective agency, and approval by the respective agency.
8. The applicant shall file a copy of their Annual Mined Land Reclamation Report with the Department of Planning and Development at the time it is submitted to the State of Colorado, Department of Natural Resources, Mined Land Reclamation Division. Said report shall contain an addendum that addresses compliance with the conditions of this Special Use Permit.
9. The applicant shall develop, operate, and manage the mining-related activity according to the rules, regulations, plans and permits administered by the applicable federal, state, and local agencies. Any violation of a rule, regulation, permit, or plan may result in the scheduling of a Show/Cause Hearing to consider the revocation of Special Use Permit No. 1999-007.
10. As long as the property is found to be in compliance with all of the Conditions of Approval, future review of Special Use Permit No. 1999-007 will be on a complaint-basis only.

Lafarge, Inc.
Re: PCPC/Special Use Permit No. 1999-007
May 23, 2001
Page 3

If you should have any questions, please do not hesitate to contact this Department at
(719) 583-6100.

Sincerely,


Ann Cotton
Planner I

sjb

c: Rusty Cochran, Operations Manager, LaFarge, Inc.
Steve Burnside, Aggregate/Asphalt Manager, LaFarge, Inc.
C. R. Evans
Jim Stevens, Mined Land Reclamation Board
John Sliman

SPECIAL USE PERMIT NO. 1999-007
STONEWALL SPRINGS QUARRY LLC (OWNER)
FREMONT PAVING AND REDI-MIX INC. (APPLICANT)
ENVIRONMENTAL ALTERNATIVES INC.
(REPRESENTATIVE)
STAFF REVIEW 10-10-2013

PCPC
EXHIBIT NO.

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10-22-2013

PUEBLO COUNTY ZONING PROOF OF COMPLIANCE

Stonewall Springs Quarry, LLC (Owner), Fremont Paving and Redi-Mix Inc. (Applicant/Operator)
Environmental Alternatives, Inc., c/o Angela Bellantoni (Representative), Located west of
Nyberg Road, between East State Highway 96 and East U.S. Highway 50
Applicant, Address of Premises Involved

Special Use Permit No. 1999-007 Amended
Zoning Action Number

I, Joan Armstrong, Pueblo County Zoning Administrator, as Secretary of the
_____ x _____ (1) Pueblo County Planning Commission
_____ (2) Board of County Commissioners
_____ (3) Pueblo County Zoning Board of Appeals

do hereby certify that I gave notice of the above numbered and designated hearing by depositing the same in the United States mail on September 26, 2013 to the following owners of real property and other persons as provided in the Pueblo County Code, Title 17, at the following addresses:

(Applicant), Fremont Paving and Redi-Mix, Inc., 839 Mackenzie Avenue, Canon City, CO 81212

(Representative), Environmental Alternatives, Inc., c/o Angela Bellantoni, 1107 Main Street Canon City, CO 81212

(Owner), parcels in bold below:

333000048, Martin Marietta Materials, Inc., P.O. Box 8040, Fort Wayne, IN 46898-8040

334000014, Southwest Ready-Mix, Inc., 214 39th Lane, Pueblo, CO 81006-9348

335000001, Douglas, Troy V. + Gail Rebecca, 219 41st Lane, Pueblo, CO 81006-9314

335000010, Kirchner, Kent Alan + Paula J., 222 41st Lane, Pueblo, CO 81006-9314

335000012, Stonewall Springs Quarry, LLC, 1485 Garden of The Gods Road, Ste. 160, Colorado Springs, CO 80907-3306

335000014, Stonewall Springs Quarry, LLC, 1485 Garden of The Gods Road, Ste. 160, Colorado Springs, CO 80907-3306

335000016, Southwest Ready-Mix, Inc., 214 39th Lane, Pueblo, CO 81006-9348

335001001, Stueve, Cathie E. + Gary E., 216 41st Lane, Pueblo, CO 81006-9314

335001002, Evans, Leta A. Trust, 212 41st Lane, Pueblo, CO 81006-9314

336000008, Stonewall Springs Quarry, LLC, 1485 Garden of The Gods Road, Ste. 160, Colorado Springs, CO 80907-3306

336000009, Stonewall Springs Quarry, LLC, 1485 Garden of The Gods Road, Ste. 160, Colorado Springs, CO 80907-3306

1301000002, Jack D. England, DOPC, PSP, 5400 E. Willow Creek Road, Castle Rock, CO 80104-9769

1301000003, Sibigtroth, David H., 991 Nyberg Road, Pueblo, CO 81006-9603

1301000004, Rose, Pauline, 995 Nyberg Road, Pueblo, CO 81006-9603

1301000005, Vigil, Praxie O. + Mary Ann, 880 41st Lane, Pueblo, CO 81006-9339

1301000006, Leach, Richard F., Jr. + Cindy, 31914 E. U.S. Highway 50, Pueblo, CO 81006-9516

1301000011, Stonewall Springs Quarry, LLC, 1485 Garden of The Gods Road, Ste. 160, Colorado Springs, CO 80907-3306

1301000023, Pete Lien + Sons, Inc., 3401 Universal Drive, Rapid City, SD 57702-9360

1301000024, Pete Lien + Sons, Inc. P.O. Box 440, Rapid City, SD 57709-0440

1302000002, Stonewall Springs Quarry, LLC, 1485 Garden of The Gods Road, Ste. 160, Colorado Springs, CO 80907-3306

1302000009, Steele, Craig + Deni, 42025 E. U.S. Highway 50, Pueblo, CO 81006-9320
1302000020, Stonewall Springs Quarry, LLC, 1485 Garden of The Gods Road, Ste. 160,
Colorado Springs, CO 80907-3306
1302000033, Stonewall Springs Quarry, LLC, 1485 Garden of The Gods Road, Ste. 160,
Colorado Springs, CO 80907-3306
1302000035, Stonewall Springs Quarry, LLC, 1485 Garden of The Gods Road, Ste. 160,
Colorado Springs, CO 80907-3306
1302000037, T.R. Bessemer, LLC, 2000 S. Colorado Blvd., Ste. 420 Anex, Denver, CO 80222-
7907
1302000045, Vigil, Praxie O. + Mary Ann, 880 41st Lane, Pueblo, CO 81006-9339
1302000052, Vigil, Thomas + Denise, 880 41st Lane, Pueblo, CO 81006-9339
1302000051, Vigil, Prasedio Orlando, Vigil, Mary Ann, 880 41st Lane, Pueblo, CO 81006-9339
Colorado Department of Transportation, P. O. Box 536, Pueblo, CO 81002
Alf Randall, Acting Director/County Engineer, Department of Engineering and Public Works,
33601 United Avenue, Pueblo, CO 81001
Ken Williams, Interim Director, Pueblo City-County Health Department, Environmental Health
Division, 101 West 9th Street, Pueblo, CO 81003
United States Department of the Interior, Bureau of Land Management, District Manager, 3028
East Main Street, Canon City, CO 81212-2731
Marci Day, Assistant County Attorney, County Attorney's Office, 215 West 10th Street, Room
312, Pueblo, CO 81003
Gary J. Raso, P.C., Special Assistant County Attorney, 215 East Pitkin Avenue, Pueblo, CO
81004

It is further certified that Legal Notice be published as required in the Pueblo County Code, Title
17, and given as evidence by Publisher's Certification retained and preserved in the office of
the Zoning Administrator.



Zoning Administrator

This map displays a complex land parcel with several distinct boundary lines. A red line outlines a large central area, while a blue line follows a more irregular path along the left and bottom edges. A green line runs horizontally across the top. Numerous numerical labels are scattered throughout the map, likely representing land survey identifiers or coordinates. These labels include 335000001, 335000010, 335000004, 335000002, 335000012, 335000014, 335000016, 336000008, 336000009, 130200002, 130200003, 130200004, 130200005, 130200006, 130200007, 130200008, 130200009, 130200010, 130200011, 130200012, 130200013, 130200014, 130200015, 130200016, 130200017, 130200018, 130200019, 130200020, 130200021, 130200022, 130200023, 130200024, 130200025, 130200026, 130200027, 130200028, 130200029, 130200030, 130200031, 130200032, 130200033, 130200034, 130200035, 130200036, 130200037, 130200038, 130200039, 130200040, 130200041, 130200042, 130200043, 130200044, 130200045, 130200046, 130200047, 130200048, 130200049, 130200050, 130200051, 130200052, 130200053, 130200054, 130200055, 130200056, 130200057, 130200058, 130200059, 130200060, 130200061, 130200062, 130200063, 130200064, 130200065, 130200066, 130200067, 130200068, 130200069, 130200070, 130200071, 130200072, 130200073, 130200074, 130200075, 130200076, 130200077, 130200078, 130200079, 130200080, 130200081, 130200082, 130200083, 130200084, 130200085, 130200086, 130200087, 130200088, 130200089, 130200090, 130200091, 130200092, 130200093, 130200094, 130200095, 130200096, 130200097, 130200098, 130200099, 130200100. A road labeled '96' is visible on the left side, and a river or water body is on the right side.

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215 W 10th St, Pueblo CO 81003
 719.583.9240 (v) 719.583.6249 (f)

AGENDA
PUEBLO COUNTY PLANNING COMMISSION
Commissioners' Chambers, Pueblo County Courthouse
215 West 10th Street
October 22, 2013
5:00 P.M.

(The Record: The Planning Department staff report and the application submitted by the applicant for each agenda item and any supplemental information distributed by staff at the meeting are automatically incorporated as part of the Record unless specific objections are raised and sustained at the public hearing. Any additional materials used by the applicant or others in support of or in opposition to a particular agenda item may, at the discretion of the person or entity using the materials, be submitted for inclusion in the Record. Such materials for which a request for inclusion in the Record is made shall, at the discretion of the administrative body, be made a part of the Record. Note: Any materials including documents and/or instruments submitted for inclusion in the Record and admitted by the administrative body must be left with the Clerk.)

1. Roll Call and Declaration of Quorum.
2. Approval of September 24, 2013 Minutes.
3. Chairperson's Report.
4. Director's Report:
 - (a) Acceptance of Map Amendments.
 - (b) Correspondence.
 - (c) Continuance.
 - SPECIAL USE PERMIT NO. 1999-007 Amendment, Stonewall Springs Quarry, LLC (Owner), Fremont Paving & Redi-Mix, Inc. (Applicant/Operator), Environmental Alternatives, Inc., c/o Angela Bellantoni (Representative), located west of Nyberg Road, between East State Highway 96 and East U.S. Highway 50. This is an amendment of Special Use Permit No. 1999-007 which was originally approved by the Pueblo County Planning Commission on May 25, 1999. The special use permit allowed sand and gravel extraction, crushing, screening, washing, and stockpiling within 448± acres in an A-1, Agricultural Zone District with a proposal to reclaim 300 surface acres to a permanent (unlined) lake for recreation. The applicant requests an amendment to change the reclamation plan to construct lined water storage reservoirs with an approximate capacity range of 3,210-8,140 acre feet, open space, and/or wetlands as final reclamation. The property is located north of the Arkansas River and west of Nyberg Road, between East State Highway 96 and East U.S. Highway 50.

Staff requests the amendment of Special Use Permit No. 1999-007 be continued to the December 17, 2013 Planning Commission meeting.

(d) Withdrawals:

- TEXT AMENDMENT NO. 2013-005, Pueblo County Department of Planning and Development (Applicant). An amendment is proposed to Title 17, Land Use, Division II. Areas and Activities of State and Local Interest (1041 Regulations) of the Pueblo County Code. Chapter 17.152, NATURAL HAZARD AREAS AND MINERAL RESOURCE AREAS, would be removed in its entirety. Additionally, various references throughout the 1041 Regulations which refer to the Colorado Land Use Commission and the Land Use Advisory Committee would be removed. The Colorado Land Use Commission and the Land Use Advisory Committee are no longer in existence.

Staff requests Text Amendment No. 2013-005 be withdrawn.

(e) Board of County Commissioners' Action.

(f) Administrative Reviews.

- Special Use Permit No. 1999-002 Amended, State Land Board and GCC Rio Grande, Inc. (Owners), GCC Rio Grande, Inc. (Operator/Applicant), Adam DeVoe/Lori Baker of Brownstein, Hyatt, Farver, Schreck, LLP (Representative), 3372 Lime Road. This is an administrative review of an amended special use permit, which allows for "natural deposits, extraction, and processing" (mineral extraction and cement manufacturing) in an A-1, Agricultural (minimum 35 acre) Zone District. The property contains 6,000± acres, and is located approximately 8.7± miles south of Pueblo, east of Interstate 25.

5. Statement of Hearing Procedures by Chairperson.

6. Hearing of Cases.

CONSENT ITEMS:

The Consent Agenda contains items for which staff is recommending approval and as of the publication of the agenda, there was no known opposition and the applicants are in agreement with staff's recommended conditions of approval. Staff will present the Consent Agenda in a summary format. If any member of the Commission or a member of the audience wants to remove an item from the Consent Agenda to facilitate an individual, full public hearing regarding that item, they must request the item be removed from the Consent Agenda following the summary presentation of the Consent items. The item will be removed from the Consent Agenda and placed at the end of the Regular Agenda. Upon completion of the summary of the Consent Agenda items and the removal of any items requested for individual, full public hearing, the Commission will take action regarding the remaining items on the Consent Agenda in the form of a single vote.

- 1) SPECIAL USE PERMIT NO. 2013-012 - New Farms Agricultural Services (Applicant)
Pueblo County School District 70 (Owner)
Wayne Snider (Representative)

Applicant requests approval of a special use permit to establish two uses in an A-1, Agricultural Zone District. One use is "Farm Products, Processing, Manufacture, Storage and Wholesale", and the other is "Private School." The proposal involves establishing a "Food Hub" with a commercial kitchen and cold/frozen storage facility, along with processing, storage, marketing, and distribution of agricultural products. The facility would also be used for agricultural-related workshops, meetings, and events. The facility would be located in the Pueblo County Department of Planning & Development • 719-583-6100 • E-mail: planning@co.pueblo.co.us

Excelsior Middle School building, located at the southeast corner of the intersection of Highway 50 and Asbury Lane.

REGULAR ITEM:

- a) SPECIAL USE PERMIT NO. 287 - Charles B. and Sophia Murillo (Original Owners)
(also known as SUP 1976-019) Charles B. and Sophia Murillo and James and
Renee C. Murillo (Current Owners)
Department of Planning and Development (Applicant)
Portion of Section 10, Township 21 South, Range
62 West of the 6th P.M.

Pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.140.070 D. of the Pueblo County Code, the Department of Planning and Development is requesting the Pueblo County Planning Commission issue a Declaration of Abandonment of Special Use Permit No. 287 due to the special use permit being established but thereafter discontinued for a period of five (5) years or more. The special use permit allowed extraction and processing of rock, sand and gravel, and mobile hot mix plant in an A-1, Agricultural (minimum 40 acres at the time) Zone District. The property is located within a portion of the S½ of the NW¼ and a portion of the N½ of the SW¼ of Section 10 lying north of the northerly right-of-way line of U.S. Highway 50 and U.S. Highway 50 Bypass, Township 21 South, Range 62 West of the Sixth Principal Meridian.

- b) TEXT AMENDMENT NO. 2013-001 - Pueblo County Department of Planning and Development
(Applicant)

The Pueblo County Department of Planning and Development is proposing a Text Amendment to regulate telecommunication towers in the unincorporated area of Pueblo County. Specifically, this request will:

- ♦ Amend Title 17, LAND USE, Division I. ZONING, Chapter 17.12 and Chapter 17.16 of the Pueblo County Code, titled AGRICULTURAL ONE (A-1) AND TWO (A-2) DISTRICTS and AGRICULTURAL THREE (A-3) AND FOUR (A-4) DISTRICTS, respectively, to include telecommunication towers as a use-by-review in these zone district classifications and to remove the reference to Broadcasting Station, Transmitter or Tower; and
- ♦ Amend Title 17, LAND USE, Division I. ZONING, Chapter 17.120 of the Pueblo County Code, titled SUPPLEMENTARY REGULATIONS to include performance standards and submittal requirements for telecommunication towers; and
- ♦ Amend Title 17, LAND USE, Division I. ZONING, Chapter 17.04.040 of the Pueblo County Code, titled DEFINITIONS to include a specific definition for telecommunication towers and to remove the reference to Broadcasting Station, Transmitter or Tower.

- c) TEXT AMENDMENT NO. 2013-003 - Pueblo County Department of Planning and Development
(Applicant)

The Pueblo County Department of Planning and Development is proposing a Text Amendment to amend the Pueblo County Code, Title 16, Subdivision and Title 17, Land Use to revise the Floodplain Regulations to comply with National Flood Insurance Program (NFIP) standards.

d) COLORADO CANNIBIS PLANNED UNIT –
DEVELOPMENT NO. 2013-003

Robert Lucero (Applicant/Owner)
Gagliano Engineering, Inc.,
c/o Joseph V. Gagliano, P.E. (Representative)
748 East Industrial Boulevard

Applicant requests approval of Colorado Cannabis Planned Unit Development (PUD) rezoning the property from the I-2, Light Industrial Zone District to the Colorado Cannabis PUD. The Colorado Cannabis PUD is to accommodate a Medical Marijuana Center, Medical Marijuana-Infused Products Manufacturer, Medical Marijuana Contiguous Optional Premises Cultivation, Medical Marijuana Non-Contiguous Optional Premises Cultivation Operation, Marijuana Establishments (per Text Amendment No. 2013-004 if approved), Retail Liquor Store, Spa/Wellness Center, Private Club, Barber/Beauty Salon, Retail Hydroponics Sales, all the I-1, Special Industrial Zone District Uses-by-Right as currently listed, and all the I-2, Light Industrial Zone District, Uses-by-Right as currently listed.

7. Unfinished Business.
8. New Business.
9. Reports of Committees.
10. Adjournment.