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**PUEBLO COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT**

June 22, 2017

Greg Gulley
ASI Construction LLC
1850 East Platteville Boulevard
Pueblo West, CO 81007

Sent via email: ggulley@asidams.com

Re: Stonewall Springs Quarry Sand and Gravel Mine
Southwest Reservoir Slurry Wall

Dear Mr. Gulley,

I've reviewed the email and attached materials you recently submitted. You propose, as part of the reclamation of the Stonewall Springs Quarry Sand and Gravel Mine, to excavate a portion of the mined area and construct a slurry wall. According to the materials you submitted, this project is called the "Stonewall Springs Quarry Southwest Reservoir Slurry Wall" (Project). The total area of the Project would be 86.3 acres, with a potential capacity of 1961 acre feet of storage. It is understood that initially, you propose this Project will be to prevent groundwater intrusion, and no inlet and outlet facilities would be constructed at this time.

The Project involves reclamation for a use that was conditionally approved by the Pueblo County Planning Commission on May 25, 1999, under Special Use Permit No. 1999-007. This approval was for sand and gravel extraction, crushing, screening, washing and stockpiling only, within a 448± acre site located north of the Arkansas River, approximately ½ mile south of State Highway 50 East, west of Nyberg Road. The Permit approval included a "...proposal to reclaim 300 surface acres to a permanent lake." With reclamation approved as a private and unlined lake, the Permit included a condition of approval which reads:

"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."

I note that all materials associated with Special Use Permit No. 1999-007 are available for view online. Please contact me, and I can assist you in accessing the link to those materials.

An application was submitted in late 2013, proposing to amend the special use permit, "...to construct water storage reservoirs, open space and/or wetlands as final reclamation."

Various issues regarding the amendment were identified by staff at that time. With that, the amendment proposal was continued, and later withdrawn by the applicant.

With the issues surrounding the proposed amendment, a meeting was held involving staff and the applicant. Subsequent to that meeting, a letter, from the Pueblo County Department of Planning and Development, written by Ms. Jimenez-Garcia, was sent to the applicant with suggestions for moving forward. I've enclosed a copy of that letter, to Mr. John Ary of Fremont Paving and Ready Mix, Inc., dated January 6, 2014.

It appears the current Project proposal is in line with suggested option No. 2 in Ms. Jimenez-Garcia's letter, in which it is stated a special use permit amendment will be required in order to proceed with a "dry lined pit." This still holds true. In order to proceed with your Project, an amendment to Special Use Permit No. 1999-007 must be reviewed and approved by the Pueblo County Planning Commission.

Any amendment would involve this Department referring your proposal to review agencies for comment. This will include the Colorado Division of Reclamation, Mining and Safety (DRMS) and the Colorado Division of Water Resources. It is advisable to contact them up front to determine what their requirements are, and what their approach to the Project will be.

Your submittal includes a request that "...there be no 1041 permit process until such time as the inlet and outlet facilities are ready to be constructed in preparation for water storage."

If approved, the required amendment to the special use permit (consistent with option No. 2 in Ms. Jimenez-Garcia's letter) might permit reclamation as a dry lined pit, with no 1041 Permit required unless and until such time as an alternate reclamation is later proposed and approved for a reservoir used for water storage.

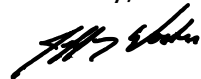
Prior to any inlet and outlet facilities being constructed as an alternative reclamation to any approved dry lined pit, the reservoir definitely would be subject to approval of a rezoning, as a reservoir is not a permitted use in the A-1, Agricultural Zone District. Also, there would be a requirement for review pursuant to Pueblo County's 1041 Regulations, specifically under the

Pueblo County Code, Title 17 – Areas and Activities of State and Local Interest (aka 1041 Regulations), Chapter 17.172, Regulations for Efficient Utilization of Municipal and Industrial Water Projects, and/or Chapter 17.164, Regulations of Site Selection and Construction of Domestic Water and Sewage Treatment Systems. The 1041 Regulations are available online. I can direct you to that link as well.

I anticipate that any favorable recommendation regarding the required amendment to the special use permit to allow a dry lined pit would involve a condition of approval where, prior to moving forward with any construction of inlet and outlet facilities for an alternative reclamation as a reservoir, review and approval of a rezoning, as well as a 1041 Permit would be required.

Please contact me with questions or comments.

Sincerely,



Jeffrey Woeber, AICP
Planner II

Attachment – Letter Re. SUP No. 1999-007, d. 1/6/14

c: Joan Armstrong, Pueblo County Planning Director
Marci Day, Assistant County Attorney
Ray Petros, Pueblo County Special Counsel
Gary Raso, Pueblo County Special Counsel
Tim Cazier, Colorado DRMS
Dominga Jimenez-Garcia, Pueblo County Planning and Development
Mark Morley, Stonewall Springs Quarry, LLC

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**PUEBLO COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT**

January 6, 2014

Mr. John P. Ary
Fremont Paving & Redi-Mix, Inc.
839 MacKenzie Avenue
Canon City, Colorado 8125

RE: Special Use Permit No. 1999-007

Dear Mr. Ary:

At the meeting of December 26, 2013 various alternatives were discussed regarding the amendment to Special Use Permit No. 1999-007. On December 27, 2013 the application was further discussed and in order to clarify some questions Tim Cazier, Environmental Protection Specialist, with the Division of Reclamation, Mining and Safety (DRMS) was contacted. Based upon said discussions the Department of Planning and Development makes the following suggestions to the applicant:

1. Withdraw Special Use Permit 1999-007 Amended and submit a 1041 Application identifying all the water users for the water reservoir in addition to all the other required information and documents. The map amendment for rezoning to S-1, Public Use can be submitted simultaneously with the special use permit for recreation site.
2. Withdraw the current Special Use Permit 1999-007 Amended application and submit another Special Use Permit 1999-007 Amended for final reclamation of a dry lined pit together with all the technical data as required by the DRMS and Division of Water Resources including the following information but not limited to: life of the liner and who is responsible for the maintenance of the liner, how long is the reclamation, the use of the pit, what will the pit look like (size, slopes, depth), the use of the pit if any such as farming, seed mixture for re-vegetation, insect control, proper drainage.
3. Continue with the current application which is currently recommended for denial.

A special use permit will not be needed for the gravel extraction in the S-1 Zone District because it is a use-by-right in existence and then the zoning changes, therefore the use can be "grandfathered" as a non-conforming use with an application from the landowner for the certificate. Please be aware that Chapter 17.124.070 Enlargement or expansion of a nonconforming use or structure of the Pueblo County Code states:

*A nonconforming use within a structure may be extended throughout the same structure devoted to such use at the time of adoption of this resolution or prior to any subsequent amendments thereto, which cause such use to become nonconforming. **Any enlargement or expansion of a nonconforming use is strictly prohibited.***

The above three (3) suggestions are only possible alternatives; **no inference of a favorable staff recommendation nor of a planning commission approval should be made.**

Pueblo County does not manage reclamation, but will be closely reviewing what the DRMS may approve for reclamation as a land use that will continue into the future and also as a direct impact on the land as a component part of the special use (gravel extraction).

Should you have any questions, please feel free to contact me.

Sincerely,



Dominga Jimenez-Garcia
Planner II

c: Stonewall Springs Quarry, LLC., c/o Mark Morley
Environmental Alternatives, Inc., c/o Angela Bellantoni
Marci Day, Assistant County Attorney
Ray Petros, Pueblo County Special Counsel
Gary Raso, Pueblo County Special Counsel
Greg Severance
Division of Reclamation, Mining and Safety c/o Tim Cazier