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**PUEBLO COUNTY  
DEPARTMENT OF PLANNING AND DEVELOPMENT**

August 25, 2017

Matt Welte  
Summit Brick Company  
P.O. Box 533  
Pueblo, Colorado 81003

RE: Fox No. 1 Clay Pit (M-1977-219)

Mr. Welte:

The Department of Planning and Development has received a copy of your notification regarding an amendment to Reclamation Permit No. M-1977-219 for Fox No. 1 Clay Pit. The amendment containing 1,006.5± acres is located within the A-1, Agricultural (minimum 35 acre) Zone District and "Mineral and natural resource extraction, mining operation and processing" is listed as a use-by-review in this zone district. Staff has reviewed the legal description for the amendment and has found that a portion is within Certificate of Non-Conformance No. 91-10 (Also Known As Certificate of Non-Conformance No. 1991-010) and a copy has been attached. That portion of the amendment located outside of this non-conforming area will need a special use permit. There is a special use permit application for Natural Deposits, Extraction and Processing that can be found online at <http://county.pueblo.org/government/county/departments/planning-and-development/download-applications>. You will also find in the Pueblo County Code, Title 17, Chapter 17.105 MINERAL RESOURCE EXTRACTION REGULATIONS. This section outlines, operational restrictions and procedures and policies following approval of a special use permit for mining operation and processing.

If you should have any questions regarding the Special Use Permit Application procedure, please feel free to contact me.

Sincerely,

Dominga Jimenez-Garcia  
Planner II  
[jjimenezd@pueblocounty.us](mailto:jjimenezd@pueblocounty.us)

attachment

c: Elliott Russell, Division of Reclamation, Mining and Safety

12:04 PM

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BOOK 2537 PAGE 580

CERTIFICATE OF NONCONFORMANCE NO. 91-10

COUNTY OF PUEBLO  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
PUEBLO, COLORADO

This is to certify that proof of NonConformance under Section 34 "Non-Conforming Uses, Parcels, and Structures" of the Zoning Resolution or of subdivision of property prior to the enactment of the Subdivision Regulations has been filed for the following property:

\*\*\*\*\*

Street Address: 5115 S. Siloam Road Zone District: A-1

**Non-Conforming Description:**

Extraction and Processing of Mineral Deposits (i.e., Refractory Clay) in an A-1 Zone District.

**Legal Description:**

The Southwest quarter (SW $\frac{1}{4}$ ) of the Northeast quarter (NE $\frac{1}{4}$ ); the Northwest quarter (NW $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ); the Northeast quarter (NE $\frac{1}{4}$ ) of the Southwest quarter (SW $\frac{1}{4}$ ) and the Southwest quarter (SW $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ); all in Section 30, Township 22 South, Range 67 West.

Also; the West one-half (W $\frac{1}{2}$ ) of the Northeast quarter (NE $\frac{1}{4}$ ); and the Northeast quarter (NE $\frac{1}{4}$ ) of the Northwest quarter (NW $\frac{1}{4}$ ) of Section 31, Township 22 South, Range 67 West.

\*\*\*\*\*

NonConformance Limited to:

- (x) Land Use
- ( ) Principal Structure
- ( ) Accessory Structure
- ( ) Parcel (e.g., area, depth, width)
- ( ) Parcel(s) of Record (Subdivision)
- ( ) Other

\*\*\*\*\*

Questionnaire Filed By:

Name: James P. Hanratty

Approved:

Charles J. Finley  
Director

Dept. of Planning and Development

Address: 5115 S. Siloam Road

March 29, 1991  
Date

Interest in Property: Owner

\*\*\*\*\*

**NOTICE:**

The Zoning Resolution provides that a Certificate of Nonconformance be recorded in the office of the County Clerk and Recorder within thirty (30) days of its issuance.

This Certificate does not guarantee nonconformance beyond the date of issuance. Significant requirements are imposed by the Zoning Resolution to ensure the continuance of nonconformance.

To verify the current validity of this Certificate on Nonconformance, or if you have any questions, please contact the Department of Planning and Development.