



KAPLAN KIRSCH ROCKWELL

May 14, 2018

VIA ELECTRONIC MAIL AND UNITED STATES MAIL

Tim Cazier, P.E.
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street
Room 215
Denver, Colorado 80203

Re: Response to Technical Revision (TR-05) Preliminary Adequacy Review; Permit No. M-1977-559, Canon City East Pit

Dear Mr. Cazier:

On behalf of South Forty Recreation LLC ("South Forty"), below please find the additional information requested in your Preliminary Adequacy Review letter dated April 2, 2018 (the "Adequacy Review Letter"). This information is intended to supplement the Technical Revision (TR-05) request filed with your office on March 30, 2018 ("TR-05 Request").

The Adequacy Review Letter stated as follows:

The following clarification is required. Attachment #1 lists four concrete pavement areas to remain. The Division could not match the dimensions of these four concrete pads with those listed in the Structure Table on Exhibit SRUP-46.1. To assist the Division in understanding which concrete paved areas are to remain, please provide the Structure Map Sym. and clarification on the dimensions for each of the following:

- *Concrete pavement/parking area, north of shop (approximately 25' x 180')*
- *Concrete pavement/parking area, east of shop (approximately 25' x 40')*
- *Concrete pavement/parking area, north of bunkers (approximately 30' x 60')*
- *Concrete slab by original gate (landscape parking antique dump truck)*

Response:

The Structure Map Symbols that correspond to each of these four concrete pavement areas are provided in the following table. The descriptions provided below for each of these areas match those given in the TR-05 Request. However, the dimensions previously provided for these areas were approximations (as noted in the TR-05 Request); the dimensions provided in the following table are consistent with Exhibit SRUP-46.1.

Pavement Area Description	Structure Map Symbol	Dimensions
Concrete parking/paving area, north of the shop	6	111' x 25'
Concrete parking/paving area, east of the shop	7	57' x 22'
Concrete pavement/parking area, north of bunkers	2	50' x 28'
Concrete slab by original gate (landscape parking antique dump truck)	3	15' x 30'

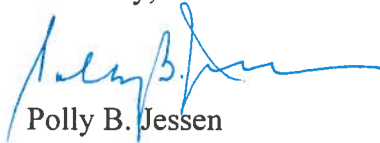
Additionally, please note that there are two additional existing concrete pavement areas on the property, which do not appear on Exhibit SRUP-46.1 but are in the locations indicated on Exhibit A. Photographs of the existing slabs, which measure approximately 10' x 10' and 11' x 23', are attached as Exhibit B. A letter to the Fremont County Department of Planning and Zoning and associated letter in response, confirming that these pavement areas are considered incidental to the use of the property and are permitted to remain under the Special Review Use Permit granted by the Fremont County Board of County Commissioners on October 24, 2017, are attached as Exhibit C.

These two concrete slabs were present when South Forty acquired the property and are not currently in use. While South Forty does not have any immediate plans for the slabs, they may eventually place a picnic table on the slab by the water, or apply to place a water well in the location of the slab by the main shop building.

May 14, 2018
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Please do not hesitate to contact me if you have any questions regarding the information provided in this letter.

Sincerely,



Polly B. Jessen

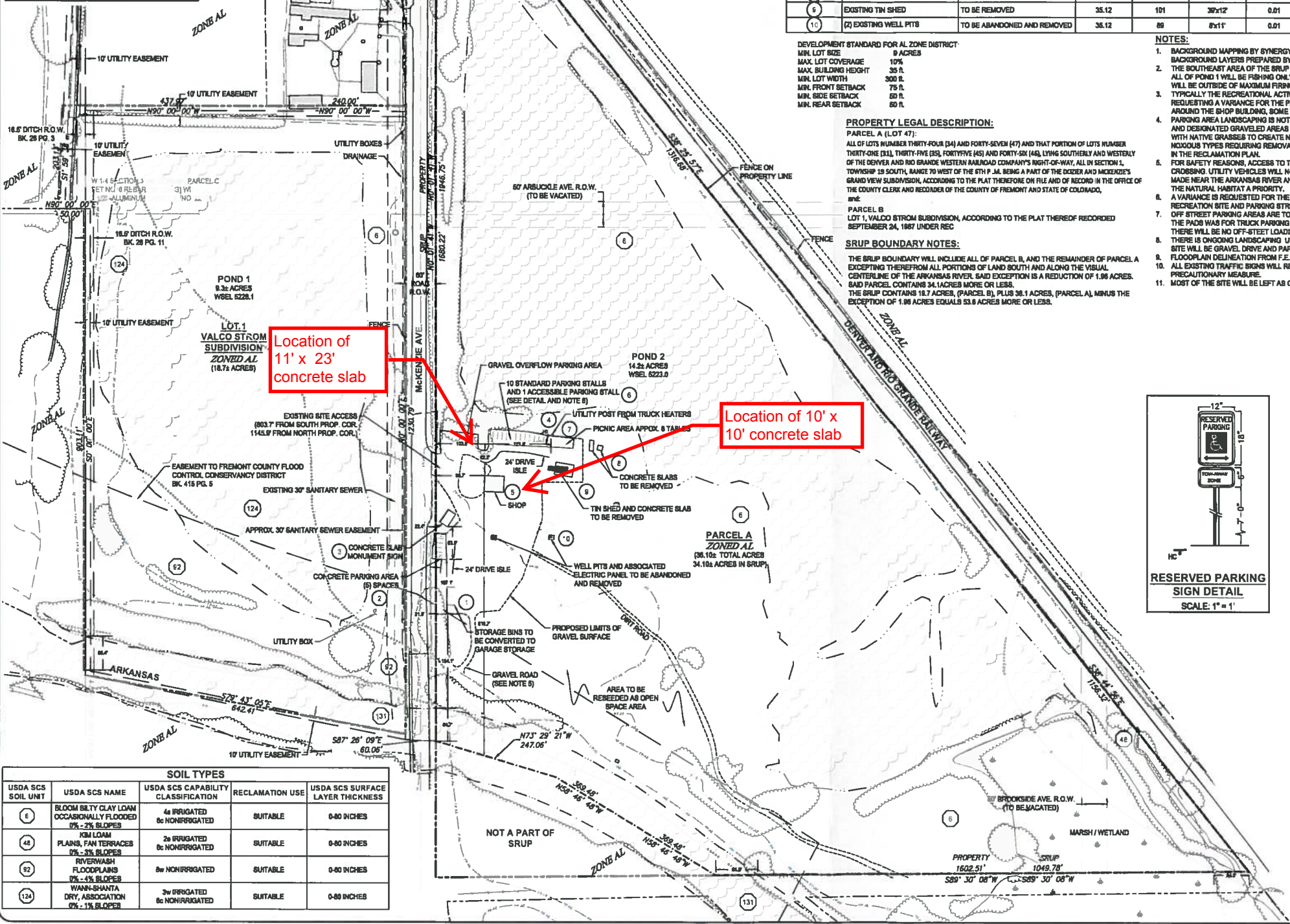
Enclosures

cc: Steve Lindner
Travis Lindner

Exhibit A

Site plan indicating approximate size and location of additional
pavement areas provided on the following page.

PARKING TABLE			
USE	REQUIRED SPACES	SPACES PROVIDED	AGGREGATE TOTAL
ACCESSIBLE	1	1	1
CAMP/POUND	1	5	6
SHOOTING FACILITY	1	5	11
FISHING	3	8	17



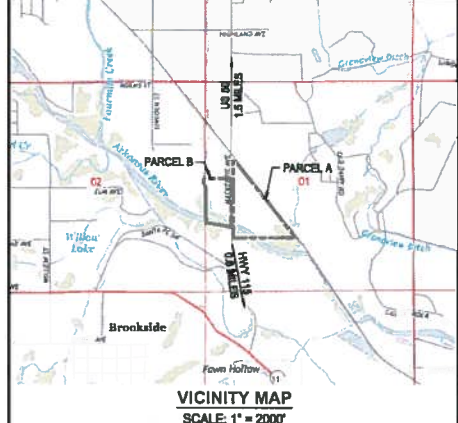
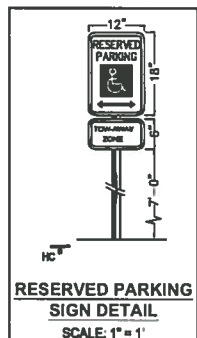
STRUCTURE TABLE										
STRUCTURE MAP SYM.	BUILDING DESCRIPTION	PROPOSED USE	LOT SIZE (ACRES)	FOOTPRINT (sq. ft.)	OVERALL DIMENSIONS	LOT COVERAGE (%)	HEIGHT (ft.)	LOT WIDTH (ft.)	FRONT SETBACK (ft.)	REAR SETBACK (ft.)
1	EXISTING STORAGE BINS	CONVERTED TO GARAGE STORAGE	35.12	742	53'x14'	0.05	14	1802	21	240
2	EXISTING CONCRETE SLAB	CONCRETE PARKING AREA, (S) SPC	35.12	1,283	50'x26'	0.08	0	1802	0	401
3	EXISTING CONCRETE SLAB	USED FOR MONUMENT SIGN	35.12	450	15'x30'	0.03	0	1802	0	405
4	TRUCK HEATER POWER SUPPLY	UTILITY POST	35.12	15	3'x3'	0.00	3	1802	228	658
5	EXISTING SHOP	REMAN SHOP	35.12	1,248	32'x39'	0.08	18	1802	96	506
6	EXISTING CONCRETE SLAB (PART 1)	OFF STREET PARKING	35.12	3,151	111'x29'	0.21	0	1802	103	811
7	EXISTING CONCRETE SLAB (PART 2)	PICNIC AREA (8 TABLES)	35.12	1,188	57'x22'	0.08	0	1802	173	811
8	EXISTING CONCRETE SLABS	TO BE REMOVED	35.12	185	21'x8'	0.02	0	1802	NA	NA
9	EXISTING TIN SHED	TO BE REMOVED	35.12	101	30'x12'	0.01	0	1802	NA	NA
10	(2) EXISTING WELL PITS	TO BE ABANDONED AND REMOVED	35.12	85	8'x11'	0.01	2	1802	NA	NA

DEVELOPMENT STANDARD FOR AL ZONE DISTRICT:
 MIN. LOT SIZE: 8 ACRES
 MAX. LOT COVERAGE: 10%
 MAX. BUILDING HEIGHT: 35 ft.
 MIN. LOT WIDTH: 300 ft.
 MIN. FRONT SETBACK: 75 ft.
 MIN. SIDE SETBACK: 50 ft.
 MIN. REAR SETBACK: 50 ft.

PROPERTY LEGAL DESCRIPTION:
 PARCEL A (LOT 47):
 ALL OF LOTS NUMBER THIRTY-FOUR (34) AND FORTY-SEVEN (47) AND THAT PORTION OF LOTS NUMBER THIRTY-ONE (31), THIRTY-FIVE (35), FORTY-FIVE (45) AND FORTY-SIX (46), LYING SOUTHERLY AND WESTERLY OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY'S RIGHT-OF-WAY, ALL IN SECTION 1, TOWNSHIP 19 SOUTH, RANGE 70 WEST OF THE 6TH P.M., BEING A PART OF THE DODGE AND MCKENZIE'S GRAND VIEW SUBDIVISION, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDS OF THE COUNTY OF FREMONT AND STATE OF COLORADO, and

SRUP BOUNDARY NOTES:
 THE SRUP BOUNDARY WILL INCLUDE ALL OF PARCEL B, AND THE REMAINDER OF PARCEL A EXCEPTING THEREFROM ALL PORTIONS OF LAND SOUTH AND ALONG THE VISUAL CENTERLINE OF THE ARKANSAS RIVER. SAID EXCEPTION IS A REDUCTION OF 1.98 ACRES. SAID PARCEL CONTAINS 34.1+ ACRES MORE OR LESS. THE SRUP CONTAINS 18.7+ ACRES, (PARCEL B), PLUS 38.1+ ACRES, (PARCEL A), MINUS THE EXCEPTION OF 1.98 ACRES EQUALS 53.9+ ACRES MORE OR LESS.

NOTES:
 1. BACKGROUND MAPPING BY SYNERGY MAPPING, INC. TITLED VALCO PROPERTY - CANON CITY, CO., AND DATED 7/28/08.
 2. THE SOUTHEAST AREA OF THE SRUP WILL OCCASIONALLY BE USED FOR HUNTING. THE NORTHERN PORTIONS OF POND 2 AND ALL OF POND 1 WILL BE FISHING ONLY. NO HUNTING WITHOUT PERMISSION OF THE NEIGHBOR. ALL NEIGHBOR STRUCTURES WILL BE OUTSIDE OF MAXIMUM FIRING RANGE OF TRADITIONAL SHOTGUNS USED FOR DUCK HUNTING.
 3. TYPICALLY THE RECREATIONAL ACTIVITIES ON THIS SITE WILL BE DAWN TO DUSK AND THEREFORE THE APPLICANT IS REQUESTING A VARIANCE FOR THE PARKING AREA LIGHTING. LIGHTING WILL NOT BE NEEDED. SECURITY LIGHTS WILL BE ADDED AROUND THE SHOP BUILDING, SOME WITH MOTION DETECTION.
 4. PARKING AREA LANDSCAPING IS NOT REQUIRED. THE APPROVED RECLAMATION PLAN ALLOWS THE EXISTING CONCRETE SLABS AND DESIGNATED GRAVELED AREAS TO REMAIN FOR PARKING AND DRIVING AREAS. SURROUNDING AREAS WILL BE RESEED WITH NATIVE GRASSES TO CREATE NATURAL OPEN SPACE AND WILDLIFE AREAS. EXISTING TREES WILL REMAIN, IF NOT NOXIOUS TYPES REQUIRING REMOVAL. SO THE FINAL "LANDSCAPING" IS NATURAL LOOKING, WILDLIFE HABITAT, AS APPROVED IN THE RECLAMATION PLAN.
 5. FOR SAFETY REASONS, ACCESS TO THE ARKANSAS RIVER, UNDER THE MCKENZIE AVE. BRIDGE, ALLOWS FOR A UTILITY VEHICLE CROSSING. UTILITY VEHICLES WILL NOT NEED TO INTERFERE WITH TRAFFIC ON MCKENZIE AVE. NO IMPROVEMENTS WILL BE MADE NEAR THE ARKANSAS RIVER AND UTILITY VEHICLES WILL ONLY DRIVE ON NATURAL GROUND, KEEPING THE SAFETY OF THE NATURAL HABITAT A PRIORITY.
 6. A VARIANCE IS REQUESTED FOR THE STRIPING FOR THE TWO PARKING AREAS. THIS APPLICATION IS FOR A PRIVATE RECREATION SITE AND PARKING STRIPS WILL NOT BE NEEDED.
 7. OFF STREET PARKING AREAS ARE TO BE ON EXISTING PAD. THE THICKNESS OF THESE PADS IS UNKNOWN. THE FORMER USE OF THE PADS WAS FOR TRUCK PARKING INDICATING THAT THE THICKNESS OF PAD IS SUFFICIENT TO SUPPORT SMALLER VEHICLES. THERE WILL BE NO OFF-STREET LOADING AREAS.
 8. THERE IS ONGOING LANDSCAPING UNDERWAY AS PART OF THE DRMS RECLAMATION PLAN. THE PROPOSED SURFACES ON THE SITE WILL BE GRAVEL DRIVE AND PARKING, DIRT ROADS, AND NATURALLY RE-SEEDING GROUND.
 9. FLOODPLAIN DELINEATION FROM F.E.M.A. MAP PANEL 08043L0841G DATED JULY 3, 2012.
 10. ALL EXISTING TRAFFIC SIGNS WILL REMAIN. PRIVATE HUNTING SIGNS WILL BE POSTED AROUND THE PROPERTY AS A PRECAUTIONARY MEASURE.
 11. MOST OF THE SITE WILL BE LEFT AS OPEN SPACE. SEE AREAS LABELED ON THIS MAP.



LEGEND	
---	SECTION LINE
---	SRUP BOUNDARY
---	PROPERTY LINE
---	ADJACENT PROPERTY LINE
---	EASEMENT / R.O.W.
---	EDGE OF PAVEMENT
---	DIRT ROAD
---	EDGE OF CONCRETE
---	EXISTING WATER MAIN
---	EXISTING SANITARY SEWER LINE
---	EXISTING STORM DRAIN
---	EXISTING OVERHEAD UTILITY
---	EXISTING FENCE
---	WATER EDGE
---	INTERMITTENT DRAINAGE
---	FEMA FLOODPLAIN ZONE AE
---	SOIL UNIT BOUNDARY
---	TREE / BRUSH LINE
---	DECIDUOUS TREE
---	CULVERT
---	POWER POLES
---	MARSH
---	UTIL. VAULT/BOX
---	BUILDING
---	WATER VALVE
---	SANITARY SEWER MANHOLE

SOIL TYPES			
USDA SCS SOIL UNIT	USDA SCS NAME	USDA SCS CAPABILITY CLASSIFICATION	USDA SCS SURFACE LAYER THICKNESS
6	BLOOM BLTY CLAY LOAM OCCASIONALLY FLOODED 0% - 2% SLOPES	4a IRRIGATED 8c NONIRRIGATED	SUITABLE 0-80 INCHES
48	KIM LOAM PLAINS, FAN TERRACES 0% - 3% SLOPES	2a IRRIGATED 8c NONIRRIGATED	SUITABLE 0-80 INCHES
92	RIVERMASH FLOODPLAINS 0% - 4% SLOPES	8a NONIRRIGATED	SUITABLE 0-80 INCHES
124	WANN-SHANTA DRY, ASSOCIATION 0% - 1% SLOPES	2w IRRIGATED 8c NONIRRIGATED	SUITABLE 0-80 INCHES

SPECIAL REVIEW USE PERMIT
PRIVATE RECREATION USE
SOUTH FORTY RECREATION, LLC
 FREMONT COUNTY, COLORADO

CASTLE ROCK CONSULTING LLC
 LAKESWOOD, COLORADO
 (303) 582-3888

CCWRE
 LAKESWOOD, COLORADO
 (303) 582-3888

d2CAD Consulting
 (720) 722-2396
 http://www.d2cad.com

EXHIBIT
SRUP-46.1
 1766001

Exhibit B

Concrete slab measuring approximately 10' x 10' located to the east of the shop building.



Concrete slab measuring approximately 11' x 23' located to the northwest of the shop building.



Exhibit C

Zoning confirmation letter provided on the following page.



KAPLAN KIRSCH ROCKWELL

April 25, 2018

VIA ELECTRONIC MAIL AND UNITED STATES MAIL

Matt Koch
Planning Director
Fremont County Planning & Zoning Department
615 Macon Avenue, Room 210
Canon City, CO 81212

Re: Request for Confirmation of Zoning Requirements

Dear Mr. Koch:

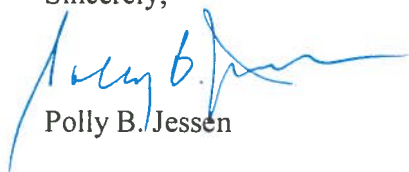
On behalf of South Forty Recreation LLC ("South Forty"), I am writing to request confirmation that the two concrete slabs shown on the site plan attached as Exhibit A are permitted to remain on the property located at 730 S. MacKenzie Avenue, Canon City, Colorado 81212 (the "Property"). Photographs of the existing slabs, which measure approximately 10' x 10' and 11' x 23', are attached as Exhibit B.

The Property is subject to a Special Review Use ("SRU") Permit, which was granted by the Fremont County Board of County Commissioners on October 24, 2017. The SRU Permit allows for the Property to be used for private recreational purposes and wildlife habitat. The slabs were present when South Forty acquired the Property and are not currently in use. While South Forty does not have any immediate plans for the slabs, they may eventually place a picnic table on the slab by the water, or apply to place a water well in the location of the slab by the main shop building.

This letter is intended to seek confirmation that the existing slabs are considered incidental to the use of the Property and permitted to remain under the SRU Permit, as discussed by telephone on April 18, 2018.

Thank you for your consideration and please do not hesitate to contact me if you have any questions regarding this confirmation request.

Sincerely,



Polly B. Jessen

April 25, 2018
Page 2

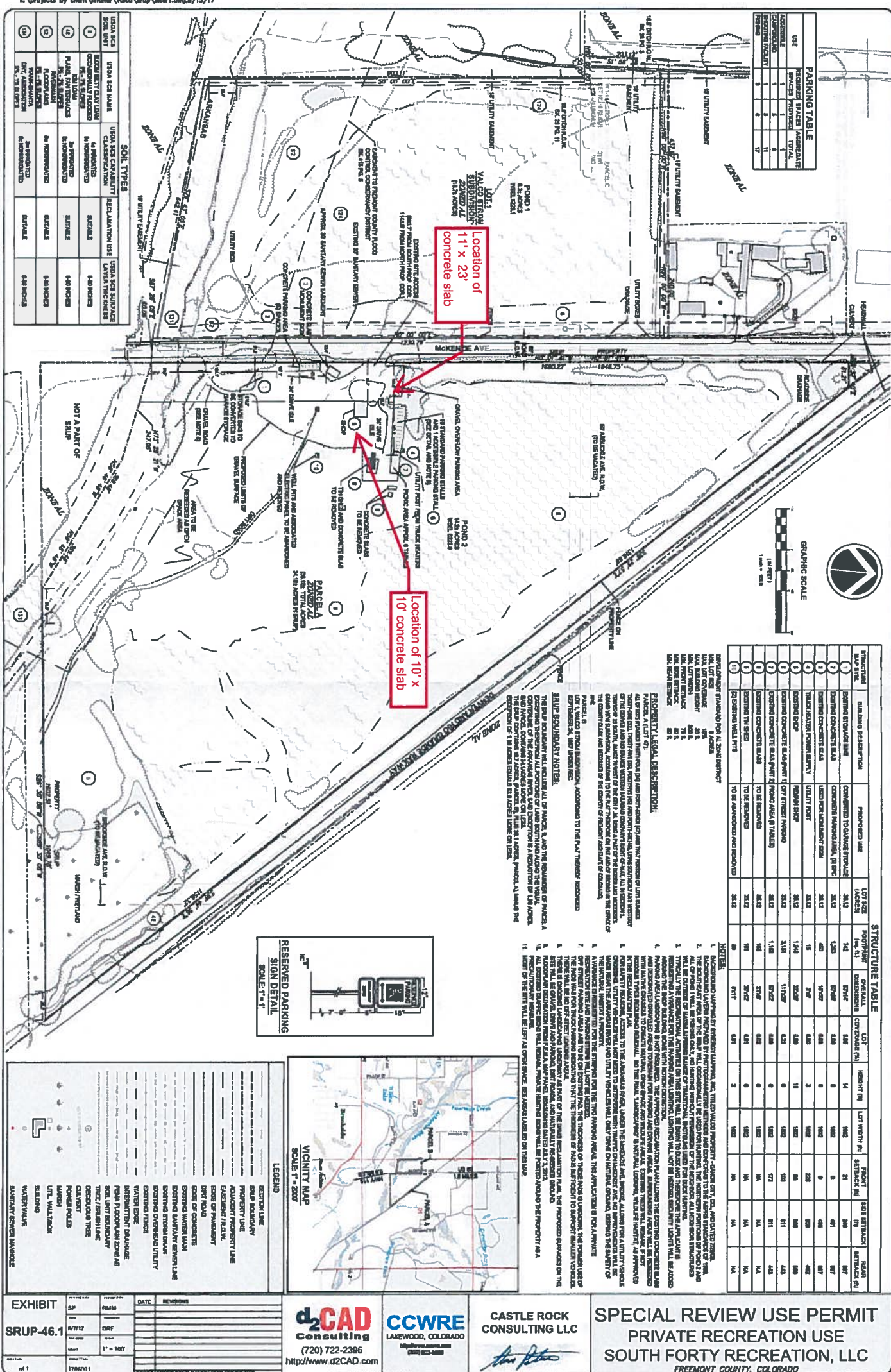
Enclosures

cc: Steve Lindner
Travis Lindner

April 25, 2018
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EXHIBIT A

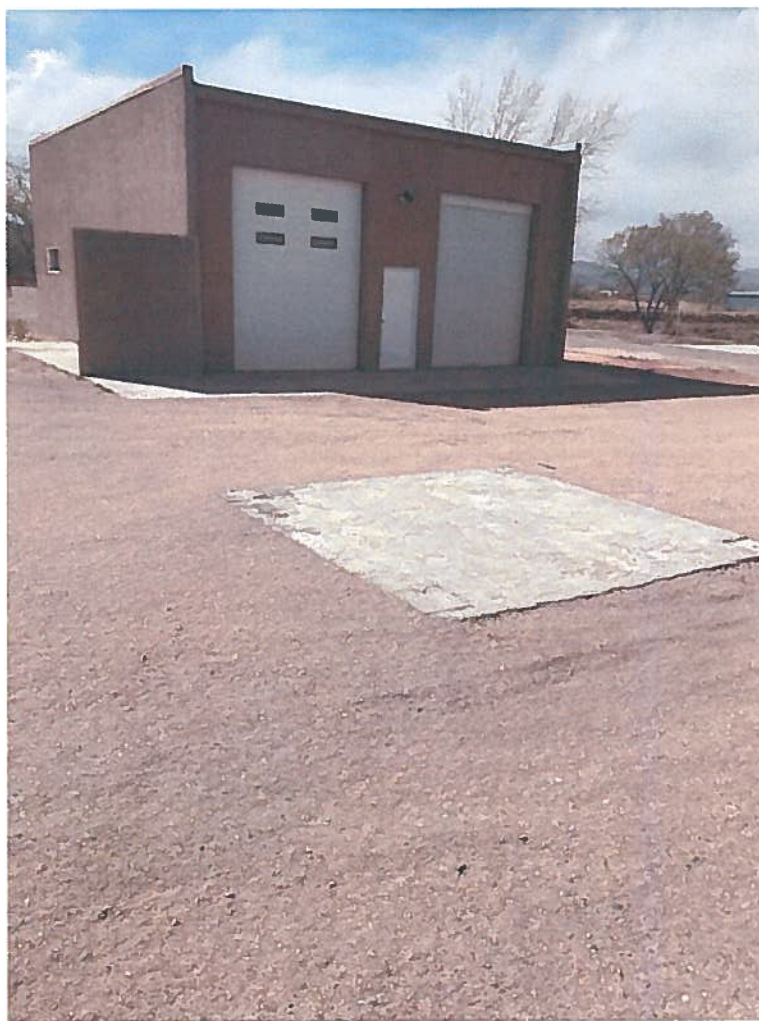
(Site Plan provided on the following page.
Please note that the sizes given are approximate.)



April 24, 2018
Page 4

EXHIBIT B

Concrete slab measuring approximately 10' x 10' located to the east of the shop building.



April 24, 2018
Page 5

Concrete slab measuring approximately 11' x 23' located to the northwest of the shop building.





Planning and Zoning Department

615 Macon Avenue Room 210, Canon City, Colorado

Telephone (719) 276-7360 / Facsimile (719) 276-7374

Email planning@fremontco.com

5-14-2018

Polly Jessen
Kaplan Kirsch Rockwell
1675 Broadway, Suite 2300,
Denver, CO 80202

Polly,

Upon review of the information provided, the existing concrete slabs remaining on the property at 730 South Mackenzie Ave., in Canon City and approved by Special Review Use Permit 17-005 have no impact on the approval and may remain on the property.

Matt Koch – Director
Fremont County Planning and Zoning

STATE OF
COLORADO

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

Response to Technical Revision-05 Preliminary Adequacy Review; Permit No. M-1977-559, Canon City East Pit

1 message

Polly B. Jessen <pjessen@kaplankirsch.com>

Mon, May 14, 2018 at 6:28 PM

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

Cc: Travis Lindner <travislindner@yahoo.com>, "Hanna R. Gustafsson" <hgustafsson@kaplankirsch.com>

Tim,

Attached is South Forty Recreation, LLC's response to you preliminary adequacy review. Please do not hesitate to contact Hanna or me with questions.

Thank you!

Polly

**Polly B. Jessen** | bio

O 303.825.7000 F 303.825.7005

pjessen@kaplankirsch.com www.kaplankirsch.com

1675 Broadway, Suite 2300, Denver, CO 80202

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From: Cazier - DNR, Tim [mailto:tim.cazier@state.co.us]**Sent:** Thursday, April 12, 2018 3:30 PM**To:** Polly B. Jessen <pjessen@kaplankirsch.com>**Subject:** Re: TR Application Follow Up

Thanks

Tim Cazier, P.E.

Environmental Protection Specialist

P 303.866.3567 x8169 | F 303.832.8106 | C 303.328.5229

1313 Sherman St., Room 215, Denver, CO 80203

tim.cazier@state.co.us | www.mining.state.co.us

On Thu, Apr 12, 2018 at 2:54 PM, Polly B. Jessen <pjessen@kaplankirsch.com> wrote:

We will plan to request an extension then. Thank you and have a good trip.

Sent from my iPhone. Please excuse informalities. This message may be a confidential communication. If you have received it in error, please delete it and notify me immediately. Thank you.



Polly B. Jessen | bio

O 303.825.7000 F 303.825.7005

pjessen@kaplankirsch.com www.kaplankirsch.com

[1675 Broadway, Suite 2300, Denver, CO 80202](#)

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On Apr 12, 2018, at 2:26 PM, Cazier - DNR, Tim <tim.cazier@state.co.us> wrote:

Thanks Polly. Please note I will likely not get to the review of their response until the 30th as I am leaving the country tomorrow and will be deeply involved with this month's Board hearing (April 25 - 26) upon my return.

Tim Cazier, P.E.

Environmental Protection Specialist

P 303.866.3567 x8169 | F 303.832.8106 | C 303.328.5229

1313 Sherman St., Room 215, Denver, CO 80203

tim.cazier@state.co.us | www.mining.state.co.us

On Thu, Apr 12, 2018 at 2:11 PM, Polly B. Jessen <pjessen@kaplankirsch.com> wrote:

Tim,

My clients have received the attached letter and we understand the question. You should receive South Forty's response shortly and we do not expect to need an extension of time for response at this time.

Thank you!

Polly

Polly B. Jessen | bio

O 303.825.7000 F 303.825.7005

pjessen@kaplankirsch.com www.kaplankirsch.com

1675 Broadway, Suite 2300, Denver, CO 80202

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 **TR-05 Response to Adequacy Review.pdf**
2008K