



Archuleta County
Development Services—Planning Department
1122 HWY 84
P. O. Box 1507
Pagosa Springs, Colorado 81147
970-264-1390
Fax 970-264-3338

25 June 2018

RECEIVED

NOTICE OF VIOLATION
BY CERTIFICATE OF MAILING

FEB 14 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

Dale & Ellen Schmidt
472 Meadows Dr.
Pagosa Springs, CO 81147

Dear Mr & Mrs Schmidt;

This letter serves as notice that your property, **Lot 6, Block 5, Aspen Springs Subdivision 3**, at 355 River Run Dr., Pagosa Springs, CO, is in apparent violation of the *Archuleta County Land Use Regulations*. Your property is zoned Agricultural Estate (AE). In 2014, the Archuleta Board of County Commissioners approved a Conditional Use Permit on the property for "for the underground storage building to mitigate mining" with conditions, including:

4. The project does not create a negative impact on the surrounding properties.

In April, we received written complaints alleging mining had exceeded the approved mining plan and excavation crossed property lines. I was able to join you, Dale, and Lucas West of the Colorado Division of Reclamation on site on May 2, 2018. On May 10, 2018, I asked for a survey of the property boundary and improvements to assure conformance with the approved mining plan, within 30 days (by 6/11/18). I understand from Nathan Barton that you were working to secure a survey, but we have not received that documentation yet.

The *Archuleta County Land Use Regulations* and Colorado Revised Statutes provide for penalties of \$500-\$1,000 and \$100 for each day each violation continues. This matter may be referred to the County Attorney for legal enforcement. I look forward to hearing from you within 15 days to clear up the situation on your property. (Reference case file ENF18-00004.)

Sincerely,

A handwritten signature in blue ink, appearing to read "John C. Shepard".

John C. Shepard, AICP
Planning Manager

Cc: Archuleta County Attorney