



# PUEBLO COUNTY

C O L O R A D O

Planning and Development Department

February 14, 2020

Mr. John P. Ary  
Fremont Paving & Redi-Mix, Inc.  
P.O. Box 841  
Canon City, Colorado 81215

Re: Special Use Permit No. 2016-007 (2020 Administrative Review)

Dear Mr. Ary:

As you are aware, the above referenced special use permit allowing for mineral and natural resource extraction and mining operation excepting therefrom any processing within the special use permit boundary within a 1,508± acre permit boundary area in the A-1, Agricultural (minimum 35 acre) Zone District was formally approved on March 22, 2019 with the following conditions and directive to staff:

1. Special Use Permit No. 2016-007 is approved for mineral and natural resource extraction and mining operation, excepting therefrom any processing, within a 1,508± acre permit boundary in the A-1 Zone District as described in that legal description on page 1 of the attachment labeled Exhibit 1 and depicted generally in the maps on pages 2 through 4 of said Exhibit. Extraction and mining shall be conducted in the general locations and in the phases shown in Exhibit 2.
2. The boundary for Special Use Permit No. 2016-007 can't be amended and/or expanded to include those 80± acres described as the W ½ of the SW ¼ of Section 20, Township 21 South, Range 62 West of the Sixth Principal Meridian.
3. The boundary for Special Use Permit No. 2016-007 can't be amended and/or expanded to include any other haul roads.
4. The access easements shall be revised to be the same width as the special use permit boundary encompassing the haul roads. Copies of the draft easements shall be submitted to the Department of Planning and Development for review.
5. Stockpiling shall be restricted to materials excavated from the site.
6. No hot plant, concrete batch plant and processing of extracted materials shall be allowed for the life of the mine within Special Use Permit No. 2016-007 and the permit can't be amended to include any of these activities.

7. There shall be NO blasting permitted in association with the mineral extraction activities.
8. The hours of operation (including maintenance and repair of equipment) and hauling of materials shall be limited to Monday through Friday from 7:30 a.m. to 5:00 p.m., except that no hauling of materials on public roads shall occur before 8:00 a.m. The permit can't be amended to change these hours. A sign shall be posted at the entrance to the main mining area regarding these restrictions.

These hours shall not apply to emergency situations that require immediate maintenance or repair to protect the site and surrounding environment, or immediate response to a government directive to supply materials to protect the health, safety, and welfare of the surrounding community.
9. During the hours of 2:30 p.m. to 3:30 p.m. there shall be no loaded trucks departing and traveling on public roads on days that school is in session. Should the applicant provide evidence from local schools that these hours need to be changed due to changes in school hours; these hours can be amended through the regular special use permit application procedure.
10. The number of truck loads leaving the site shall be limited to 70 loads per day.
11. The applicant shall meet annually, for the life of the mine, with the Pueblo County Department of Engineering and Public Works to review any issues that may be occurring, on 36<sup>th</sup> Lane or the truck crossing on 40<sup>th</sup> Lane. The annual date for this meeting shall occur every March and a report of this meeting shall be included in the status report required for the annual staff administrative review. If the Department of Engineering and Public Works determines that there has been damage to these roads as a result of the Applicant's activities, the Applicant shall comply with the Department's reasonable requests to assist in repairing the roads. The Applicant may file a written objection to any findings and recommendations made by the Department of Engineering and Public Works.
12. The applicant shall contact the Pueblo County Department of Engineering and Public Works regarding the installation of real time flashing truck crossing signs on 40<sup>th</sup> Lane. Signs are furnished and installed by the Department of Engineering and Public Works and the applicant is responsible for payment of the cost of the signs and installation.
13. The applicant shall contact the Pueblo County Department of Engineering and Public Works regarding advisory signs warning of trucks entering and exiting the area on the north and south side of the entrance to the haul road on 36<sup>th</sup> Lane. The type of advisory signs are to be determined by the Department of Engineering and Public Works. These signs are to be furnished and installed by the Department of Engineering and Public Works and the applicant is responsible for payment of the cost of the signs and installation.
14. All excavation shall be shall maintain a distance of 1000 feet or greater from the centerline of the Bessemer Ditch.
15. All vendor and customer traffic accessing the site will use the designated haul road.
16. Mining operations will cease on the site should there be any steady wind conditions that are above 30 miles per hour until the conditions change. An anemometer shall be installed on the site and maintained during the life of the mine. A plot plan shall be submitted depicting the location of the anemometer. The Applicant shall submit a dust containment plan to the Department of Planning and Development for its approval and review, and the Applicant shall comply with reasonable requests to modify such plan as recommended by the Department.

17. The amendment to Special Use Permit No. 709 was submitted to the Department of Planning and Development on July 5, 2017 and approved by the Pueblo County Planning Commission on August 16, 2017. Therefore, the route shown on the map constituting Exhibit 3 shall serve as the main haul road and the alternative route will be used in closure or emergency situations only.
18. The applicant shall contact the Department of Planning and Development if any technical revisions and/or amendments have been submitted to the Division of Mining, Reclamation and Safety regarding Permit No. M-2016-009. The Applicant shall provide the Department with copies of the same. Staff will review the documents and determine whether any further action to amend or modify this permit is necessary. The Applicant shall cooperate with staff to this end.
19. Special Use Permit No. 2016-007 shall meet the rules and regulations as outlined in Title 17, Chapter 17.105 *MINERAL RESOURCE EXTRACTION REGULATIONS* of the Pueblo County Code, such as, but not limited to:
  - Section 17.105.060 Operational Restrictions
  - Section 17.106.070 Specific Development and Performance Standards
  - Section 17.105.090 Procedures and Policies Following Approval of a Special Use Permit for Mining Operation and Processing by the Planning Commission.
20. Prior to commencing any mining activities, the applicant shall submit to the Department of Planning and Development:
  - Copies of the recorded easement agreements along with any described attachments (i.e. easement description, drawing).
  - Photographs of the following signs installed at the site: speed limit, truck crossing, private road, 24-hour call number for complaints and hours of restriction.
21. 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 revocation of the special use permit.
22. Should there be a Succession of Operator submitted and/or approved by the Division of Reclamation, Mining and Safety, these conditions and/or any notations and directive to staff will also transfer to and be binding upon the new operator.
23. The Applicant shall cooperate with the Department of Engineering and Public Works and with the Colorado Department of Transportation, whichever is applicable, in considering possible improvements to the road near Vineland Elementary School and the intersection of 36<sup>th</sup> Lane and U.S. Highway 50. The Applicant shall comply with reasonable requests to improve these specific locations made through reports or otherwise by the above-named entities.
24. The Applicant shall submit a drainage containment plan to the Department of Planning and Development for that Department's review and approval. The Applicant shall comply with reasonable requests to modify such plan.
25. Conditions 8 and 9 of Resolution No. PCPC 17-010 are further clarified as provided in this Condition. The restrictions on operations and hauling imposed by those conditions 8 and 9 apply to any person or entity (not just Fremont) operating at, or hauling any material originating in part at, the site.

Furthermore, even though this application involves the site at issue here, Fremont acknowledges that the material will be transported to and further processed at a different location (the "State Pit"). Any restrictions applying to hauling shall also apply to trucks leaving the State Pit.

**DIRECTIVE TO STAFF:** The Department of Planning and Development is directed to conduct an administrative review of the property during the month of March, 2020 and to present a report to the Pueblo County Planning Commission at its March, 2020 meeting. If the use is not established and/or the property is not in full compliance with the Pueblo County Code and/or all of the conditions of approval, the Commission may, at its discretion, direct staff to schedule the permit for a public hearing at the April, 2020 meeting. The Commission, at its discretion, may also direct staff to conduct an administrative review and/or schedule the permit for public hearing at an earlier date, if deemed necessary. **THIS DIRECTIVE TO STAFF IS NOT INTENDED AS A CONDITION OF APPROVAL.**

As outlined above with the staff directive, the Department of Planning and Development is required to conduct an administrative review of the property in March 2020 and to present a report to the Pueblo County Planning Commission at its December 2019 meeting. The meeting date for the administrative review is scheduled for March 18, 2020.

In order to prepare the required administrative report and provide updated information to the Planning Commission members, staff is respectfully requesting you provide a **written status report** on the establishment of the approved use of the property as well as the pending finalization of any outstanding conditions and/or stipulations associated with the development. A response by **March 4, 2020** would be greatly appreciated.

Thank you in advance for your cooperation. If you should have any questions, please do not hesitate to contact me.

Sincerely,



Gail L. Wallingford-Ingo, Deputy Director  
[gailwi@pueblounty.us](mailto:gailwi@pueblounty.us)

GLI

c: Steve Chisholm, A & S Construction\*  
Jodi Schreiber, Fremont Paving & Redi-Mix, Inc.\*  
Patrick Lennberg, Environmental Protection Specialist, Colorado Division of Mining & Reclamation\*  
Marci Day, Assistant Pueblo County Attorney\*  
Dominga Jimenez-Garcia, General Services Engineer, Pueblo County Department of Engineering and Public Works\*

\* sent via email only