



PUEBLO COUNTY

C O L O R A D O

Planning and Development Department

February 19, 2021

Clinton D. Beck, Environmental Coordinator
Pete Lien & Sons, Inc.
P.O. Box 440
Rapid City, South Dakota 57709-0440

Re: PUEBLO COUNTY PLANNING COMMISSION

Administrative Review of Special Use Permit No. 2004-004 Amended Changing the Post-Mining Land Use from Unlined Ponds and Wildlife Habitat to "Developed Water Storage" in an A-1 Zone District

Dear Mr. Beck:

Please be advised the Pueblo County Planning Commission, at its public hearing held on February 17, 2021, voted to accept staff's Administrative Review of Special Use Permit No. 2004-004 Amended, thereby allowing the permitted use to continue with the following existing conditions and modified Directive to Staff:

1. The special use permit shall be approved for extraction and processing (crushers, screens, conveyor belts, wash plant), stockpiles, scale house, site office, and employee parking. Processing and stockpiling shall be restricted to materials excavated from the site, and shall not include materials from other sites. There shall be no blasting permitted in association with the mineral extraction activities.
2. Approval of this special use permit does not guarantee a right to reclaim and/or use the site as permanent ponds, or to "grandfather" activities or uses of the ponds. Should the Mined Land Reclamation Board and the State Engineer's Office approve the proposed reclamation to permanent ponds, the applicant and all future operators and landowners are hereby advised the use of the ponds must comply with all Federal, State, and local regulations in effect 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 floodplain permits.

3. A) Prior to establishing any developed water storage (ponds, reservoirs, or the like) on the subject properties, approval of a Permit pursuant to the applicable Chapter(s) of Pueblo County's Regulations for Areas and Activities of State and Local Interest (a.k.a. 1041 Permit) shall be required. Any plans/proposals for developed water storage shall be submitted to the Pueblo County Department of Planning and Development in order to determine and apply Permitting requirements that may be required pursuant to any Pueblo County regulations.

B) Any reclamation on the subject properties, including establishing developed water storage, shall involve, to the extent possible, accommodating wildlife, especially by maintaining and improving wildlife habitat per the recommendations of the Colorado Division of Wildlife and/or a qualified wildlife biologist.
4. Hours of operation for the permitted use shall be limited to Monday through Saturday, and sunrise to sunset. Should the applicant wish to extend the hours or days of operation, the applicant must apply for and obtain an amendment to this special use permit through the public hearing process.
5. The applicant and/or property owner shall apply and maintain effective weed control on the parcel, to prevent the establishment and/or spread of noxious weeds, and to maintain a vegetative cover compatible with surrounding rangeland, cropland, and/or riparian habitat.
6. Prior to commencement of mining activities, the applicant shall provide to this Department the following items:
 - a. Documentation of approved plans and permits, or approved waivers as follows:
 - Mined Land Reclamation Board - 112 Construction Materials Reclamation Permit
 - Colorado Department of Health, Air Pollution Control Division - Fugitive Dust Permit
 - Water Quality Control Division - Stormwater Discharge Permit
 - Pueblo County Public Works - Access Permit
 - Division of Water Resources - Approval of water source for operation, and substitute water supply plan for pond augmentation

The applicant shall provide to the Department of Planning and Development a copy of all other required Federal, State, and local permit applications, approvals, amendments, waivers, or releases (e.g., air quality, MLRB, etc.) pertaining to Special Use Permit No. 2004-004 within 30 days of their submittal to the respective agency, and approval by the respective agency.

7. The applicant shall file with the Department of Planning and Development an annual mining operation and reclamation activities report that addresses compliance with the conditions of this Special Use Permit. Said report shall be submitted by the first day of the anniversary month of the approval date of this Special Use Permit.
8. 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.
9. The haul route from the site shall be limited to Nyberg Road, from the pit entrance north to State Highway 96/50 East.

10. The applicant shall apply to Pueblo County Public Works for an access permit for their proposed access point on Nyberg Road. All conditions associated with said permit shall be complied with prior to commencing operation of the pit. An approved access permit shall be deemed as compliance with this condition.

DIRECTIVE TO STAFF: The Department of Planning and Development is directed to conduct an administrative review of the property during the month of January/February 2026 and to present a report to the Pueblo County Planning Commission at its February 2026 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 March 2026 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.**

If you should have any questions, please do not hesitate to contact me at (719) 583-6100.

Sincerely,



Rachel Gaffney, Planner I
gaffneyr@pueblounty.us

SMS

- c: Dominga Jimenez-Garcia, General Services Engineer, Pueblo County Engineering and Public Works Department*
Tanis Manseau, Director, Pueblo County Engineering and Public Works Department--Facilities*
Marci Day, Assistant Pueblo County Attorney*
Gary Raso, Assistant Pueblo County Attorney*
Greg Pedroza, Interim Director of Aviation, Pueblo Memorial Airport*
Michael Cunningham, Senior Environmental Protection Specialist, Colorado Dept. of Natural Resources*
Tickler

*sent via e-mail only