

AGENDA
PUEBLO COUNTY PLANNING COMMISSION
SANGRE DE CRISTO ARTS AND CONFERENCE CENTER
JACKSON ROOM, 210 NORTH SANTA FE AVENUE
OCTOBER 20, 2021
5:30 P.M.

NOTICE REGARDING COVID-19 (Novel Coronavirus): The Pueblo County Planning Commission meeting will be held virtually and in person and may be viewed live on Facebook Page <https://www.facebook.com/PuebloCounty/>. Those that wish to address the Commission virtually may request the Zoom link by e-mail to planning@pueblounty.us or in person must register through Pueblo County's Website by filling out the form under Meetings and Appointments at <http://county.pueblo.org>, Public Testimony in writing in support of or in opposition to an application, when applicable, must be submitted by e-mail to planning@pueblounty.us no later than 5:00 p.m., Monday, October 18, 2021.

(Notice to Readers: This agenda is for informational purposes only and is subject to change. Accommodations for individuals with sight or hearing impairment may be made by contacting Patsy Cresswell at 583-0500 or TDD at 583-6550.)

1. Roll Call and Declaration of Quorum.
2. Approve Agenda of October 20, 2021 Meeting.
3. Approval of September 15, 2021 Meeting Minutes.
4. Chairperson's Report.
5. Director's Report:

(a) Acceptance of Map Amendments and Planned Unit Developments:

- [Map Amendment No. 2021-017](#) on behalf of Mountain States Sheet Metal, c/o Rene Brown, Vice President and Colorado Water Protective and Development Association, c/o Kent Ricken, General Manager, requesting a map amendment to rezone a proposed 2.67± acre parcel from an A-2 to an I-2 Zone District. The map amendment request has been submitted in anticipation of the reconfiguration of two (2) existing parcels (1.0± acres and 42± acres) of land into two (2) new parcels, containing 2.67± acres and 40± acres. The property is located on the east side of Lane 27¼ at the northeast corner of its intersection with Lane 27, south of Colorado State Highway 50/96 East frontage road.



(b) Correspondence.

(c) Continuances:

- [Text Amendment No. 2021-004](#) on behalf of Pueblo County Planning and Development proposing a Text Amendment to amend specific Chapters and/or Sections in Title 17 Land Use, Division I. Zoning of the Pueblo County Code. The purpose of this text amendment is to bring greater clarity and specificity for how the County reviews, provides guidance for siting facilities and potentially authorizes solar energy facilities. The amendments add definitions and performance standards to the Pueblo County Code. The applicable Chapters and/or Sections are as follows:

“17.04.040 Definitions, 17.90.010 Definitions, 17.120.130 Public utilities, 17.168.020 Definitions, Add new section “17.168.050. Solar Facilities” specifically addressing medium-scale and utility-scale solar facilities and ancillary battery facilities to Pueblo County Code, Title 17, Division II.”

~This item was continued from the September 22, 2021 PCPC Special Meeting.~

~Staff is requesting continuance to a PCPC Special Meeting on November 9, 2021 at the Sangre de Cristo Arts and Conference Center, Jackson Room, at 5:30 p.m..~



(d) Withdrawals.

(e) Board of County Commissioners' Action.

(f) Administrative Reviews:

- [Special Use Permit No. 2016-007](#)-Amended on behalf of Fremont Paving & Ready-Mix, Inc. This is an administrative review of a special use permit which allows mineral and natural resource extraction and mining operation excepting therefrom any processing and temporary scale house/office within a 1,517± acre permit boundary area (including four (4) mining phases with an affected mining area of 307± acres and a proposal to reclaim the mined area to its post mining use of rangeland) in the A-1, Agricultural (minimum 35 acre) Zone District.



- [Special Use Permit No. 2016-009](#) on behalf of Nicholas and Josie Rudd. This is an administrative review of a special use permit which allows the establishment and operation of a “Home, Elderly” in an A-3 Zone District. The property location is approximately 300 feet east of the intersection of Purcell Boulevard and Rugby Drive and is physically address as 750 East Rugby Drive in Pueblo West.



6. Statement of Hearing Procedures by Chairperson.

7. Hearing of Cases.

a) **CONSENT ITEMS:**

The **Consent Agenda** contains items for which staff is recommending approval and as of the publication of the agenda, there was no known opposition and the applicants are in agreement with staff's recommended conditions of approval. Staff will present the **Consent Agenda** in a summary format. If any member of the Commission or a member of the audience wants to remove an item from the **Consent Agenda** to facilitate an individual, full public hearing regarding that item, they must request the item be removed from the **Consent Agenda** following the summary presentation of the Consent items. The item will be removed from the **Consent Agenda** and placed at the end of the **Regular Agenda**. Upon completion of the summary of the **Consent Agenda** items and the removal of any items requested for individual, full public hearing, the Commission will take action regarding the remaining items on the **Consent Agenda** in the form of a single vote.

- 1) [EASEMENT VACATION NO. 2021-001](#) - Doug Proal, Proal Homes, Inc. (Owner/Applicant)
Cardinal Points Surveying, Inc., c/o Randy Reeves
(Representative)
Lots 2, 3, 4, and 5, Block 1, Casa Del Mar
Subdivision along South Jibbsam Way



The applicant requests to vacate the East 5 feet of a platted 20-foot utility easement located in Lots 2 through 5, Block 1, Casa Del Mar Subdivision in order to create a more buildable area within the lots, noting most of the utility easement on Lot 2 was vacated with a previous application. The properties are within the R-5 Zone District and are located on the west side of South Jibbsam Way, north of its intersection with West Glenrose Drive in the community of Pueblo West.

- 2) [MAP AMENDMENT NO. 2021-017](#) - Mountain States Sheet Metal
c/o Rene Brown, Vice President (Owner/Applicant)
Colorado Water Protective and Development
Association
c/o Kent Ricken, General Manager (Owner/Applicant)
Cardinal Points Surveying, Inc., c/o Randy Reeves
(Representative)
Two (2) Parcels South of 27350 Colorado State
Highway 96 East



The owners/applicants request a map amendment to rezone a proposed 2.67± acre parcel from an A-2 to an I-2 Zone District. The map amendment request has been submitted in anticipation of the reconfiguration of two (2) existing parcels (1.0± acres and 42± acres) of land into two (2) new parcels, containing 2.67± acres and 40± acres. The property is located on the east side of Lane 27¼ at the northeast corner of its intersection with Lane 27, south of Colorado State Highway 50/96 East frontage road.

b) **REGULAR ITEMS:**

None.

8. Unfinished Business.
9. New Business.
10. Reports of Committees.
11. Adjournment.

SMS



PUEBLO COUNTY

C O L O R A D O

Planning and Development Department

MEMORANDUM

TO: Pueblo County Planning Commission

FROM: Gail L. Wallingford-Ingo, Deputy Director *GLI*

THROUGH: Carmen Howard, Director *CH*

DATE: October 14, 2021

SUBJECT: **SPECIAL USE PERMIT NO. 2016-007 (AMENDED) – ADMINISTRATIVE REVIEW**
Fremont Paving & Redi-Mix, Inc. c/o John P. Ary, President (Applicant)
State of Colorado, Pritekel Brothers Farm, LLC and Danny J. and Cindy L. Henrichs
(Owners within mine area and adjacent haul road - Permit Boundary Parcel No. 2)
Pikes Peak Home Center Inc., Douglas G. Thacker, Public Service Company,
Fremont Paving & Redi-Mix, Inc. and State of Colorado
(Owners within haul road – Permit Boundary Parcel No. 3 - Route A and Permit
Boundary Parcel No. 1 – Route B)

PURPOSE

This Administrative Review serves to update the Pueblo County Planning Commission on the status of Special Use Permit No. 2016-007 (Amended). The special use permit allows 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 which is composed of the mine area (including four (4) mining phases with an affected mining area of 307± acres and a proposal to reclaim the mined area to its post mining use of rangeland) and two haul roads/routes which are located entirely on private property with the only exception of a single crossing at Lane 40 in an A-1, Agricultural (minimum 35 acre) Zone District.

LOCATION

The general area of the overall boundary which encompasses the area of the permit and the new haul roads is located south of Olson Road, west of Wheeler Lane if extended southerly and east of Lane 36 being a portion of Sections 24, 25, 27, 28, 33, 34, 35, and 36, Township 21 South, Range 63 West and Sections 19 and 30, Township 21 South, Range 62 West of the Sixth Principal Meridian, Pueblo County, Colorado.

BACKGROUND / STAFF COMMENTS

On December 5, 2016, Fremont Paving and Redi-Mix, Inc. applied for a special use permit (SUP 2016-007) 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 with a proposed southwest haul road and alternate haul road by use of private roads (easements) and Lane 36 in an A-1, Agricultural (minimum 35 acre) Zone District.

The application indicated the mine area included four (4) mining phases with an affected mining area of 307± acres, a life expectancy of the permit being 10 to 15 years and a proposal to reclaim the mined area to its post-mining use of rangeland.

The Pueblo County Planning Commission approved the special use permit with conditions on April 24, 2017. Following the approval, various persons and entities who had testified in opposition to the permit filed an appeal (Special Use Permit Appeal No. 2017-001) with the Board of County Commissioners. On June 14, 2017, the Board of County Commissioners decided to hear the appeal.

Fremont Paving and Redi-Mix, Inc. challenged the Board's decision to hear the appeal in District Court. The District Court sustained the Board's decision to hear the appeal; Fremont Paving and Redi-Mix, Inc. appealed to the Colorado Court of Appeals which upheld the District Court ruling, and the previous stay issued on further administrative proceedings was lifted on February 12, 2019. Under the Court mandate, the Board of County Commissioners was required to hear and decide the appeal no later than March 23, 2019.

The Board of County Commissioners held a de novo hearing on whether the Planning Commission's decision to issue the permit should be affirmed, reversed or modified on March 19, 2019. On March 21, 2019, the Board of County Commissioners deliberated and ultimately voted to affirm and modify the Planning Commission's decision. The Board of County Commissioner's decision was made effective and final upon the approval of Resolution No. 19-077 executed by the Chair and attested to by the Pueblo County Clerk on March 22, 2019.

In order to fully effectuate the Board of County Commissioner's decision and to comport with the relevant provisions of the Pueblo County Code, including Section 17.140.103, the Office of the Pueblo County Attorney has advised that the matter of Special Use Permit No. 2016-007 as modified by the Board of County Commissioners in Special Use Permit Appeal No. 2017-001 be remanded to the Pueblo County Planning Commission with an order directing the Planning Commission to enter a decision vacating its previous Resolution No. PCPC 17-010 and approving Special Use Permit No. 2016-007 as modified in pertinent part by the Board of County Commissioners Resolution No. 19-077.

On December 19, 2019, pursuant to Resolution No. 19-356, the Board of County Commissioners ordered and remanded to the Pueblo County Planning Commission for entry and approval a resolution approving Special Use Permit No. 2016-007 as modified on appeal.

The Pueblo County Planning Commission adopted Resolution No. PCPC 20-005 on February 19, 2020 approving Special Use Permit No. 2016-007 as modified on appeal with the same conditions of approval as adopted by the Board of County Commissioners on March 22, 2019 pursuant to Resolution No. 19-077.

On April 1, 2020, Fremont Paving and Redi-Mix, Inc. submitted an amendment request to modify the conditions of approval due to the change in the designated haul roads/routes which are now located entirely on private property with the only exception of a single crossing at Lane 40.

Pueblo County participated in the amendment request, as a separate applicant, to modify Condition No. 25, as originally approved, due to legal concerns expressed by the County Attorney's Office that the original condition imposed restrictions on operations associated with a different special use permit (SUP 709) that was not before the hearing body and, therefore, not subject to review and consideration under Special Use Permit No. 2016-007 (**Exhibit 1**). All other aspects of Special Use Permit No. 2016-007, specifically the previously approved use, remained unchanged and were not subject to the amendment request. Due to the implications and limitations imposed by the COVID-19 pandemic, the application was not accepted for processing until October 2, 2020.

Special Use Permit No. 2016-007 (Amended) was approved by the Pueblo County Planning Commission on October 28, 2020 (pursuant to the adoption of Resolution No. PCPC 20-012) with twenty-one (21) conditions and a Directive to Staff.

The 2017, 2019 and 2020 staff reports/memorandums, corresponding exhibits and other relevant file documents associated with Special Use Permit No. 2016-007 and Special Use Permit Appeal No. 2017-001 are lengthy; therefore, staff is not including them within this administrative review. All documents can be viewed electronically at:

<http://www.co.pueblo.co.us/cgi-bin/webformbroker.wsc/cases3.p?caseNum=SUP%202016-007>

<http://www.co.pueblo.co.us/cgi-bin/webformbroker.wsc/cases3.p?caseNum=SUPA%202017-001>

STATUS OF CONDITIONS

The following is a listing of the twenty-one (21) conditions and Directive to Staff with staff comments thereafter, if necessary or applicable, in bold face type:

1. Special Use Permit No. 2016-007 Amended 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 3 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. Attached **Exhibits 2 and 3** are incorporated herein by this reference.
2. The boundary for Special Use Permit No. 2016-007 Amended can't be amended and/or expanded to include those 80± acres described as the W½ of the SW¼ of Section 20, Township 21 South, Range 62 West of the Sixth Principal Meridian.
3. The access easements shall be revised to be the same width as the special use permit boundary encompassing the haul roads/routes. Copies of the draft easements shall be submitted to the Department of Planning and Development for review.
4. Stockpiling shall be restricted to materials excavated from the site.
5. 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 Amended and the permit can't be amended to include any of these activities.
6. There shall be NO blasting permitted in association with the mineral extraction activities.
7. The hours of operation (including maintenance and repair of equipment) shall be limited to Monday through Friday from 7:30 a.m. to 5:00 p.m. The permit can't be amended to change these hours.

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.

8. The number of truck loads leaving the site shall be limited to 70 loads per day.
9. 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 at the truck crossing on 40th Lane. The annual date for this meeting shall occur every October 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 this crossing 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.

10. The applicant shall contact the Pueblo County Department of Engineering and Public Works regarding the installation of approximately 48" x 48" MUTCD approved flashing truck crossing signs on 40th Lane and stop signs on the haul route at the 40th Lane crossing. 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.
11. All excavation shall maintain a distance of 1,000 feet or greater from the centerline of the Bessemer Ditch.
12. All vendor traffic accessing the site shall use the designated haul roads/routes.
13. 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.
14. The routes shown on the map attached hereto and incorporated herein by this reference labeled Exhibit 3 depict Permit Boundary Parcel No. 3 – Route A and Permit Boundary Parcel No. 1 - Route B. Permit Boundary Parcel No. 3 - Route A shall be used only to transport the first three million tons of material. Permit Boundary Parcel No. 1 - Route B shall be used to transport all material for the remainder of the mining activity. All other options and alternatives for haul roads/routes, whether previously referenced in Special Use Permit 2016-007 or otherwise, are removed from consideration and shall not be a part of this permit. No current or future haul roads/routes shall travel upon or otherwise utilize any public roads or rights of way, including any County Road, with the exception of the crossing at 40th Lane.
15. 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.
16. Special Use Permit No. 2016-007 Amended 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

17. 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.
18. 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.
19. 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.
20. 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.
21. Fremont Paving & Redi-Mix, Inc. acknowledges that the material mined at the site governed by this permit will be transported to and further processed at a different location governed by the terms of a previously issued Pueblo County Special Use Permit, commonly referred to as the "State Pit".

STAFF COMMENTS: The applicant has not initiated the proposed use as of the date of preparation of this staff report; therefore, staff comments on the status of each condition is not being provided.

In a letter dated September 20, 2021, staff requested the applicant and/or their representative provide a written "status report" on the establishment of the approved use and cited conditions of approval.

The applicant provided the requested status report on October 4, 2021 (Exhibit 4) which states (in part), *"Fremont Paving and Redi Mix, Inc. received your request for a written status report on the above referenced Special Use Permit. The 44th Lane site has yet to begin operation. Fremont Paving and Redi Mix, Inc. continues to work on various pre-operation tasks but anticipate being fully operational later this fall or early winter. Most of the conditions listed in your request letter relate to operational activities and cannot be addressed until that time"*.

Specific comments were also provided on Condition Nos. 10, 13, 16, and 17.

DIRECTIVE TO STAFF: The Department of Planning and Development is directed to conduct an administrative review of the property during the month of October 2021 and to present a report to the Pueblo County Planning Commission at its October 2021 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 November 2021 meeting of the Planning Commission. 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.**

STAFF COMMENTS: This administrative review is being prepared and presented to the Pueblo County Planning Commission as required in the **DIRECTIVE TO STAFF**.

RECOMMENDATION

Staff acknowledges during the preparation of this Administrative Review that:

- The approved use has not been established;
- The applicant has addressed some of the conditions of approval (Condition Nos. 10, 13, 16 and 17) and continues to work on various pre-operation tasks; and
- The applicant has indicated their intent to be in compliance with and an all remaining conditions and requirements prior to commencing the approved use which is anticipated in late fall/early winter of 2021.

Therefore, staff recommends the Pueblo County Planning Commission accept this Administrative Review, thereby approving the continuance of this permitted use with the same twenty-one (21) conditions of approval as referenced above and a new Directive to Staff as follows:

DIRECTIVE TO STAFF: The Department of Planning and Development is directed to conduct an administrative review of the property during the month of September/October 2022 and to present a report to the Pueblo County Planning Commission at its October 2022 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 November 2022 meeting of the Planning Commission. 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.**

GLI

Attachments: Exhibit 1 Applicant's Letter of Request for Amendment
Exhibit 2 Revised Mining-Processing Map showing permit boundary and pit areas in phases (1 page)
Exhibit 3 Regular 112 Permit- Permit Boundary Description, Map of Haul Routes (4 pages), Legal Description Permit Boundary Parcel No. 3 - Route A (1 page), Legal Description Permit Boundary Parcel No. 1 - Route B (1 page) and Legal Description Option C Parcel No. 2 (2 pages)
Exhibit 4 Letter from Ary Corporation, d. 10-04-2021

c: Ary Corporation / Fremont Paving & Redi-Mix, Inc. c/o John P. Ary, President*
Ary Corporation / Fremont Paving & Redi-Mix, Inc. c/o Jodi Schreiber, Chief of Operations*
Marci Day, Assistant Pueblo County Attorney*
Gary J. Raso, Assistant County Attorney*
Tanis Manseau, Director, Pueblo County Department of Engineering & Public Works*
Dominga Jimenez-Garcia, General Services Engineer, Pueblo County Department of Engineering & Public Works*
Clara Lucero, Land & Right of Way, Colorado Interstate Gas Company (Kinder Morgan)*
State of Colorado
Pritekel Brothers Farm, LLC
Danny J. and Cindy L. Henrichs
Pikes Peak Home Center, Inc.
Douglas G. Thacker
Public Service Company

* sent via email only

Gary J. Raso, P.C.

Gary J. Raso Attorney at Law

Anthony J. Pullaro Legal Assistant

215 E. Pitkin • Pueblo, Colorado 81004 • Phone (719) 543-1700 • Fax (719) 545-0123 • E-mail graso@rasopc.com

September 23, 2020

Carmen Howard, Director
Dept. of Planning and Development
229 W. 12th St.
Pueblo, CO 81003

SENT VIA E-MAIL
howardca@pueblocounty.us
gailwi@pueblocounty.us

RE: Request for Amendment to Special Use Permit 2016-007 as Adopted on February 19, 2020 by the Pueblo County Planning Commission, Resolution No. PCPC 20-005.

Submitted by:

**Pueblo County, Gary J. Raso, Assistant County Attorney for Land Use Matters.
Representative**

Dear Ms. Howard:

The proposed amendment to Special Use Permit 2016-007 is now set for a hearing before the Pueblo County Planning Commission on October 28, 2020 at the Sangre De Cristo Arts and Conference Center to commence at 5:30 P.M. While we appreciate the offer to review the original materials submitted in our request for the amendment and to provide any updates for additional information, Pueblo County has no such updates or additional information and, accordingly, we would incorporate by reference into this letter our original request for the amendment which was hand delivered to your office on April 1, 2020. I spoke with Jodi Schreiber at Fremont Paving and she indicated her agreement that no additional updates and/or information need be included. I believe she also sent an e-mail to your office on this same date indicating the agreement of Fremont Paving.

We appreciate your efforts and those of your staff in reviewing this matter and getting it before the Planning Commission. I would be glad to answer any questions and/or to provide any additional information which you feel would be helpful to your review and determination.

Respectfully Submitted,

PUEBLO COUNTY

BY:


Gary J. Raso, Assistant County Attorney for Land Use

SPECIAL USE PERMIT NO. 2016-007 (Amended)
2021 Administrative Review

Original Letter of Request for Amendment

10-14-2021 Staff Report

5 pages total

**PCPC
EXHIBIT**

1

10-20-2021

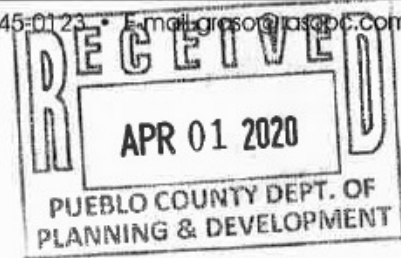
Gary J. Raso, P.C.

Gary J. Raso Attorney at Law

Anthony J. Pullaro Legal Assistant

215 E. Plitkin • Pueblo, Colorado 81004 • Phone (719) 543-1700 • Fax (719) 545-0123 • E-mail: gjaso@jasopc.com

April 1, 2020



Carmen Howard, Director
Dept. of Planning and Development
229 W. 12th St.
Pueblo, CO 81003

HAND DELIVERED
AND ALSO SENT
VIA E-MAIL TO
howardca@pueblocounty.us

RE: Request for Amendment to Special Use Permit 2016-007 as Adopted on February 19, 2020 by the Pueblo County Planning Commission, Resolution No. PCPC 20-005.

Submitted by:

**Pueblo County, Gary J. Raso, Assistant County Attorney for Land Use Matters.
Representative**

**Fremont Paving and Redi-Mix, Inc., John Paul Ary and Rick Ranson,
Representatives.**

Dear Ms. Howard:

**PCPC
EXHIBIT**

1 (con't)

10-20-2021

Pueblo County (PCO) and Fremont Paving and Redi-Mix, Inc., in its capacity as the Applicant/Permittee (Fremont) hereby submit a joint request for an Amendment to SUP 2016-007. The Amendment requested is more specifically set forth on **Attachment 1** submitted herewith and incorporated herein by this reference. **Attachment 1** is a redline of the current Permit, showing proposed changes, additions, and deletions

The Amendment is prompted by two principal reasons. First, the haul roads for removal of the mined material from the permitted site to an off-site processing center are now located entirely on private property. The only exception is at 40th Lane where the trucks will travel from a haul road on private land, directly across 40th Lane, to an extension of the haul road, also on private land. The haul roads are entirely on land either owned by or subject to easements held by Fremont. Even on private land, the roads are some distance from all structures of any kind and, specifically, from residences. The haul routes are significantly more than 300' from any structure. Temporary Route A will be used only to transport the first 3 million tons of mined material to the off-site processing center; thereafter Permanent Route B will be used to transport all material for the

remaining life of the mine (see proposed Condition 14). These haul routes are depicted on **Exhibit 3**. **Exhibit 2**, a revised mining processing map showing permit boundary and pit areas in phases, remains the same as was attached to the current Permit. **Exhibit 3** includes depictions of both Temporary Route A and Permanent Route B, and also includes full legal descriptions of each route. **Exhibits 2 and 3** are also attached hereto for reference and are proposed to be incorporated into the Amendment by reference.

The second reason for the requested Amendment is prompted by the legal concerns of the Office of the Pueblo County Attorney. More specifically, original Condition 25, (now Condition 22), purported to alter and impose new conditions on a previously issued Pueblo County Special Use Permit at another site known as SUP 709 (aka SUP 1990-016) and commonly referred to as the "State Pit". From the commencement of the proceedings on Special Use Permit 2016-007 before the Pueblo County Planning Commission, and thereafter as appealed to the Board of County Commissioners, the permit for the State Pit was not properly before either body for consideration of any type, including for an amendment or imposition of additional restrictions. A separate legal process including notice to the Permittee and to land owners in the area of the State Pit, and an opportunity to be heard would have been, at a minimum, necessary to bring the terms and conditions of the State Pit permit before either body. Accordingly, certain of the provisions of original Condition 25 to the extent that they purported to impose restrictions on operations at the State Pit were and are *ultra vires*, i.e. unauthorized; beyond the scope of the power allowed or granted by law. This Amendment purports to correct that error.

Given the reasons for the Amendment as stated above, and along with new **Exhibit 3**, the need for the specific changes, additions, and deletions proposed on **Attachment 1** should become obvious.

Condition 3 is proposed to be eliminated as there is no need for any other haul roads. In addition, new Condition 14 specifically prohibits future haul routes from traveling upon or otherwise utilizing public roads or rights of way.

Condition 8, now renumbered to be Condition 7, need not restrict the hauling of materials to certain hours as there will be no hauling of material on public roads at all. There is no need for a sign at the site to inform of restrictions, the need for which no longer exists.

Condition 9 is proposed to be deleted as there will be no loaded trucks traveling on public roads at all, let alone on days that school is in session. There is no need to check with local schools on changes in their hours as, again, there will be no trucks on public roads.

Condition 11, now Condition 9, concerning potential damaged public roads need only examine the 30 or 40 feet of public road at the 40th Lane crossing.

Condition 12, now Condition 10, reflects the fact that Fremont and the Pueblo County Department of Engineering and Public Works have agreed to a specific type of flashing truck crossing signs which will alert drivers traveling on 40th Lane to the truck crossing, and also to the agreement that stop signs on the private haul roads at the 40th Lane crossing will be installed by the Department at the expense of Fremont.

Condition 13 is proposed to be deleted as there will be no trucks from the permitted site entering and exiting on the north and south sides of 36th Lane. There simply is no haul road serving the permitted site on 36th Lane and no potential for such a haul road in the future, and therefore no advisory signs are needed at that location.

Condition 17, now Condition 14, simply reflects the only haul roads as being those put forth on new Exhibit 3. The new language specifically states that all other options and alternatives for haul road routes, whether previously referenced in SUP 2016-007 or otherwise are removed and shall not be a part of this Permit. It goes even further to state that no current or future haul routes from the permitted site shall travel upon or utilize any public roads or rights of way.

Finally, Condition 25, now Condition 22, is proposed for change for the legal reasons explained above.

In terms of the exhibits, Exhibit 1 is proposed for elimination as there is no longer an Option C boundary description. **Exhibit 2** is unchanged, and new **Exhibit 3** contains a map of the new haul routes and specific legal descriptions of each route.

Attachment 2 and **Attachment 3** are also included for your consideration in evaluating the proposed Amendment. **Attachment 2** contains an Easement Agreement between Douglas G. Thacker ("Grantor") and Fremont Paving and Redi-Mix, Inc. ("Grantee") dated March 24, 2016 and recorded in the records of the Pueblo County Clerk and Recorder at Reception No. 2116123, the First Amendment to the Easement Agreement dated September 12, 2019 and recorded at Reception No. 2153340, and the Second Amendment to the Easement Agreement dated January 20, 2020 and recorded at Reception No. 2167953. The easement, as amended, is specifically granted to benefit Fremont's mining activity at the permitted site. The term of the easement is tied to the economic life of the mine. It terminates when the reclamation has been approved and the bond to secure that reclamation is released by the State Division of Reclamation, Mining, and Safety. Alternatively, it terminates when Fremont has determined that the economic life of the mine has concluded and the mining operation shut down. In the latter instance, Fremont is also required to pay a termination fee to the Grantor. The easements granted are 60 foot wide.

Attachment 3 contains an Easement Agreement between Pikes Peak Home Center, Inc. ("Grantor") and Fremont Paving and Redi-Mix, Inc. ("Grantee") dated February 6, 2019. It is an access easement not to exceed 75 feet in width across the land of the Grantor and grants Fremont the unrestricted right to use the easement as a haul road in order to facilitate the transport of aggregate material from the permitted site. It terminates only when mining operations at the permitted site are concluded and Grantee has determined that mining operations are no longer economically feasible. This first agreement was essentially an option for the easement which was then exercised pursuant to a subsequent agreement entitled "Easement Description" dated June 25, 2019.

The Easement Agreements, along with other lands owned by Fremont, provide uninterrupted access for the transport of aggregate material mined at the permitted site and to the off-site processing center. It is important for Fremont to have this access as SUP 2016-007 is approved only for mineral and natural resource extraction (see Condition 1). No hot plant, concrete batch plant, and processing of the extracted materials is allowed for the life of the mine within SUP 2016-007, nor can the Permit ever be amended to include any such activities (see new Condition 5).

We look forward to your consideration and review of this Amendment request and are willing to provide any information which you think is necessary or will aid in your review. We are also willing to address any questions which you may have. We are mindful of the current and ever-changing circumstances which impose restrictions on all of us. We respectfully request that following your review, this matter be scheduled for a hearing before the Planning Commission at its meeting in May of 2020 if possible.

Respectfully submitted,

PUEBLO COUNTY

By: 
Gary J. Raso, Assistant County Attorney for Land Use

FREMONT PAVING AND REDI-MIX, INC.

By: 
Name: _____
Representative

2021 Administrative Review

10-14-2021 Staff Report

8 pages total (Page 1)

SUP 2016-007 EXHIBIT 3

REGULAR 112 PERMIT

PERMIT BOUNDARY DESCRIPTION

LEGAL DESCRIPTION: PERMIT BOUNDARY PARCEL NO. 1 - ROUTE 2

BASIS OF BEARING: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 83 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, BEING MONUMENTED ON THE WESTERLY END BY A 3-1/4" ALUMINUM CAP STAMPED "94.5 3300" AND AT THE EASTERLY END BY

CONTAINING A CALCULATED AREA OF 802,309 SQ. FEET, OR 14,286 ACRES.

LEGAL DESCRIPTION: PERMIT BOUNDARY PARCEL NO. 2

AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 62 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF SOUTHERN PLATEAU, OKLAHOMA, BEING A MEASUREMENT ON THE INTERSECTING E. 1/4

QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24 A DISTANCE OF

LEGAL DESCRIPTION: HERMIT BOUNDARY PARCEL NO. 3 - ROUTE A

BASE OF BEARING: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 8TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, BEING MONUMENTED ON THE WESTERLY END

SUMMARY STATEMENT

11.0



EDWARD R. FISHER, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 28942
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

THIS DRAWING DOES NOT REPRESENT A
MONUMENTED LAND SURVEY AND IS ONLY
INTENDED TO DEPICT THE LEGAL DESCRIPTION.

***NOTE:** full sized map attached for clarity

**PCPC
EXHIBIT**

3

10-20-2021

SUP 2016-007 EXHIBIT 3
REGULAR 112 PERMIT
PERMIT BOUNDARY DESCRIPTION

LEGAL DESCRIPTION: PERMIT BOUNDARY PARCEL NO. 1 - ROUTE B

A TRACT OF LAND BEING A PORTION OF SECTION 27 AND THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, BEING MONUMENTED ON THE WESTERLY END BY A 3-1/4 ALUMINUM CAP STAMPED "PLS 33200" AND AT THE EASTERLY END BY A 3-1/4 ALUMINUM CAP STAMPED "PLS 33200" ASSUMED TO BEAR N89°14'28"E A DISTANCE OF 2,616.27 FEET.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27, THENCE S00°39'57"E A DISTANCE OF 2,200.37 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27, SAID POINT BEING THE POINT OF BEGINNING; THENCE N88°49'34"E A DISTANCE OF 2150.33 FEET TO A POINT OF CURVE, THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 90°59'35", A RADIUS OF 500.00 FEET, AND A LENGTH OF 794.07 FEET TO A POINT 60.00 FEET EAST OF THE WEST LINE OF THE EAST HALF OF SAID SECTION 27; THENCE S00°10'50"E AND PARALLEL TO SAID WEST LINE A DISTANCE OF 2639.02 FEET; THENCE S01°36'28"E AND PARALLEL TO AND 60.00' EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 2013.18 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 89°15'00", A RADIUS OF 440.00 FEET, AND A LENGTH OF 685.39 FEET; THENCE N89°08'32"E A DISTANCE OF 2089.75 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 40TH LANE; THENCE S00°49'42"E ON SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 60.00 FEET; THENCE S89°08'32"W A DISTANCE OF 2089.72 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 89°15'00", A RADIUS OF 500.00 FEET, AND A LENGTH OF 778.85 FEET TO A POINT ON THE SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 34; THENCE N01°36'28"W, ON SAID WEST LINE, A DISTANCE OF 2013.93 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 34; THENCE N00°10'50"W ON THE SAID WEST LINE OF THE EAST HALF OF SECTION 27, A DISTANCE OF 2639.77 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 90°59'35", A RADIUS OF 440.00 FEET, AND A LENGTH OF 698.78 FEET; THENCE S88°49'34"W A DISTANCE OF 2150.86 FEET TO A POINT ON THE SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 27; THENCE N00°39'57"W ON SAID WEST LINE, A DISTANCE OF 60.00' TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 622,309 SQ. FEET, OR 14.286 ACRES.

LEGAL DESCRIPTION: PERMIT BOUNDARY PARCEL NO. 2

A TRACT OF LAND BEING A PORTION OF SECTIONS 24, 25, 35 AND 36, TOWNSHIP 21 SOUTH, RANGE 63 WEST AND SECTIONS 19 AND 30, TOWNSHIP 21 SOUTH, RANGE 62 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, BEING MONUMENTED ON THE WESTERLY END BY A 3-1/4 ALUMINUM CAP STAMPED "PLS 33200" AND AT THE EASTERLY END BY A 3-1/4 ALUMINUM CAP STAMPED "PLS 33200" ASSUMED TO BEAR N89°14'28"E A DISTANCE OF 2,616.27 FEET.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 35, THENCE S01°31'51"E A DISTANCE OF 2446.76 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 40TH LANE, SAID POINT BEING THE POINT OF BEGINNING; THENCE N89°08'32"E A DISTANCE OF 2726.51 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 28°08'47", A RADIUS OF 360.00 FEET, AND A LENGTH OF 176.85 FEET TO A POINT OF REVERSE CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 99°25'28", A RADIUS OF 2698.01 FEET AND A LENGTH OF 4681.81 FEET; THENCE N17°51'51"E A DISTANCE OF 902.73 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 15°27'21", A RADIUS OF 1030.00 FEET, AND A LENGTH OF 277.85 FEET; THENCE S73°37'40"W A DISTANCE OF 414.73 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE S88°38'45"W ON SAID SOUTH LINE A DISTANCE OF 1344.55 FEET TO THE SOUTHWEST CORNER OF SECTION 25; THENCE N00°50'21"W ON THE WEST LINE OF SAID SECTION 25 A DISTANCE OF 2641.69 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 25; THENCE N00°47'12"W ON THE WEST LINE OF SAID SECTION 25 A DISTANCE OF 2589.05 FEET TO THE NORTHWEST CORNER OF SAID SECTION 25; THENCE N01°08'54"W ON THE WEST LINE OF SECTION 24 A DISTANCE OF 2656.28 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE N00°17'28"W ON THE WEST LINE OF SAID SECTION 24 A DISTANCE OF 694.64 FEET; THENCE N80°00'00"E A DISTANCE OF 3980.95 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24; THENCE S00°10'25"E ON SAID WEST LINE A DISTANCE OF 596.55 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24; THENCE S00°12'23"E ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24 A DISTANCE OF 754.91 FEET; THENCE N89°05'41"E A DISTANCE OF 1720.71 FEET; THENCE N00°04'15"E A DISTANCE OF 576.54 FEET; THENCE N89°05'41"E A DISTANCE OF 3489.85 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 19 TOWNSHIP 21 SOUTH, RANGE 62 WEST; THENCE S00°35'31"E ON SAID WEST LINE A DISTANCE OF 2406.07 FEET TO THE SOUTHWEST CORNER OF EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 19; THENCE S00°35'19"E ON THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SECTION 30 A DISTANCE OF 3278.83 FEET; THENCE S74°27'09"W A DISTANCE OF 7565.57 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE TURNING TO THE LEFT HAVING A DELTA OF 19°47'58" A RADIUS OF 970.00 FEET A CHORD BEARING OF S27°45'50"W A CHORD DISTANCE OF 333.63 AND A LENGTH OF 335.20 FEET THENCE; S17°51'51"W A DISTANCE OF 902.73 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 99°25'28", A RADIUS OF 2758.01 FEET, AND A LENGTH OF 4785.92 FEET TO A POINT OF REVERSE CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 28°08'47", A RADIUS OF 300.00 FEET AND A LENGTH OF 147.37 FEET; THENCE S89°08'32"W A DISTANCE OF 2726.54 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF 40TH LANE; THENCE N00°49'42"W ON SAID EASTERLY RIGHT-OF-WAY OF 40TH LANE A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 65,603,490 SQ. FEET, OR 1,506.049 ACRES.

LEGAL DESCRIPTION: PERMIT BOUNDARY PARCEL NO. 3 - ROUTE A

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 28, THE NORTHEAST QUARTER OF SECTION 33, AND THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, BEING MONUMENTED ON THE WESTERLY END BY A 3-1/4 ALUMINUM CAP STAMPED "PLS 33200" AND AT THE EASTERLY END BY A 3-1/4 ALUMINUM CAP STAMPED "PLS 33200" ASSUMED TO BEAR N89°14'28"E A DISTANCE OF 2,616.27 FEET.

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 28, THENCE N08°51'43"E A DISTANCE OF 2,637.50 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 28, SAID POINT BEING THE POINT OF BEGINNING; THENCE S00°04'06"E A DISTANCE OF 2623.75 FEET TO A POINT OF CURVE, THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 89°52'52", A RADIUS OF 285.00 FEET, AND A LENGTH OF 447.09 FEET; THENCE N89°27'01"E A DISTANCE OF 1938.60 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 38°27'14", A RADIUS OF 1030.00 FEET, AND A LENGTH OF 691.28 FEET; THENCE S52°05'45"E A DISTANCE OF 112.41 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE S01°36'28"E ON SAID EAST LINE, A DISTANCE OF 77.77 FEET; THENCE N52°05'45"W A DISTANCE OF 161.90 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 38°27'14", A RADIUS OF 970.00 FEET, AND A LENGTH OF 651.01 FEET; THENCE S89°27'01"W A DISTANCE OF 1938.60 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 89°52'52", A RADIUS OF 345.00 FEET, AND A LENGTH OF 541.21 FEET; THENCE N00°40'06"W A DISTANCE OF 2623.46 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 28; THENCE N89°03'10"E ON SAID NORTH LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 351,879 SQ. FEET, OR 8.078 ACRES.

SURVEYOR'S STATEMENT:

I, EDWARD R. FISHER, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS PERMIT BOUNDARY DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECT RESPONSIBLE CHARGE IN MARCH OF 2020 AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



EDWARD R. FISHER, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 38042
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

NO.	REVISIONS	DESCRIPTION	DATE

EDWARD-JAMES
SURVEYING, INC.
926 Elktion Drive
Colorado Springs, CO 80907
Office: (719) 576-1216
Fax: (719) 576-1206
4732 Eagleridge Circle
Pueblo, CO 81008
Office: (719) 545-6240
Fax: (719) 545-6247



SUP 2016-007 EXHIBIT 3
REGULAR 112 PERMIT
PERMIT BOUNDARY DESCRIPTION
PUEBLO COUNTY AGGREGATE PROJECT
FREMONT PAVING AND RED-MIX INC.

DRAWN BY	ERF
CHECKED BY	ERF

H-SCALE	N/A
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JOB NO.	1518-00
DATE CREATED	3/14/17
DATE ISSUED	3/23/20
SHEET NO	1 OF 4

THIS DRAWING DOES NOT REPRESENT A
MONUMENTED LAND SURVEY AND IS ONLY
INTENDED TO DEPICT THE LEGAL DESCRIPTION.

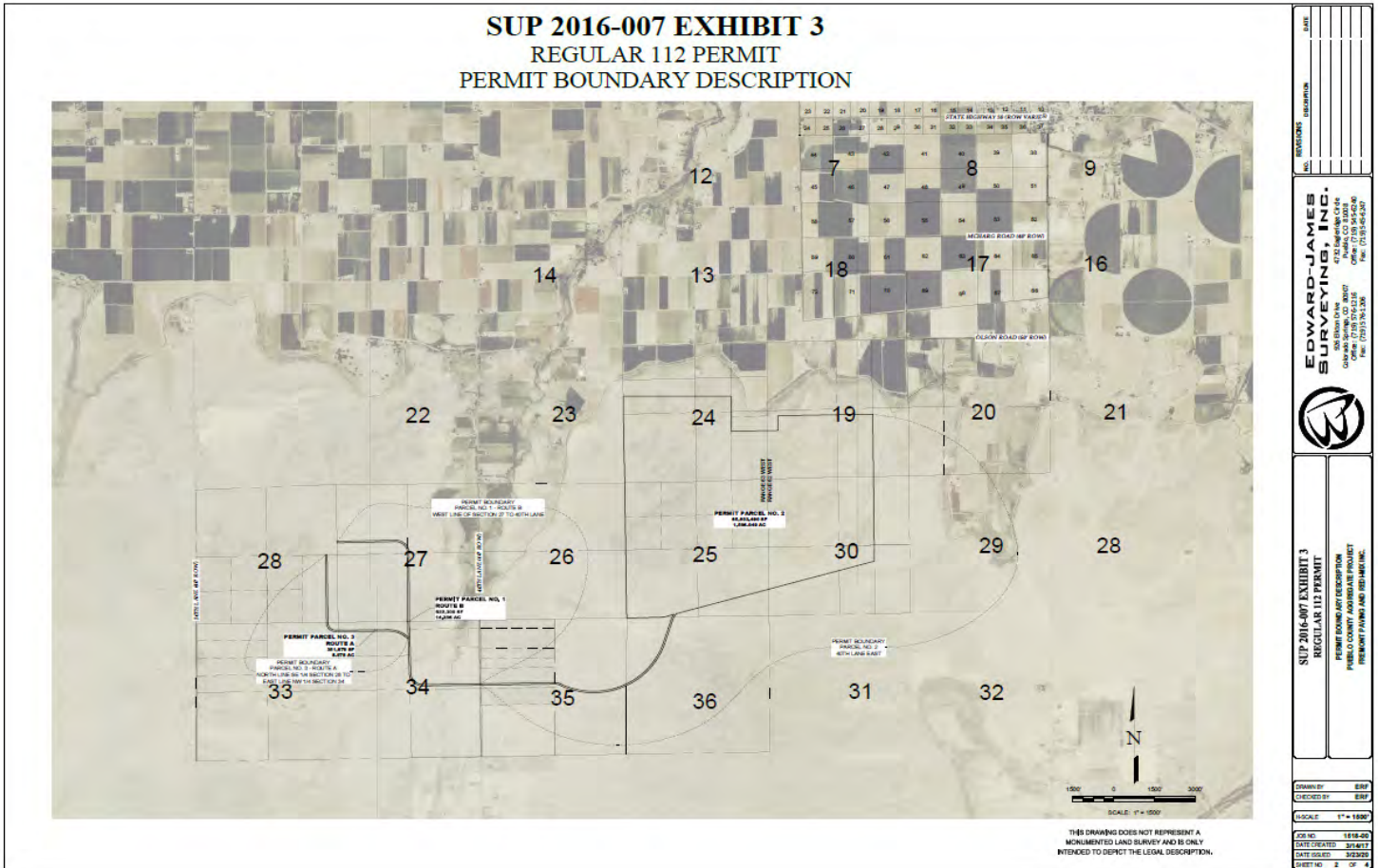
SPECIAL USE PERMIT NO. 2016-007 (Amended)

2021 Administrative Review

Regular 112 Permit- Permit Boundary Description, Map of Haul Routes (4 pages), Legal Description Permit Boundary Parcel No. 3 - Route A (1 page), Legal Description Permit Boundary Parcel No. 1 - Route B (1 page) and Legal Description Option C Parcel No. 2 (2 pages)

10-14-2021 Staff Report

8 pages total (Page 2)



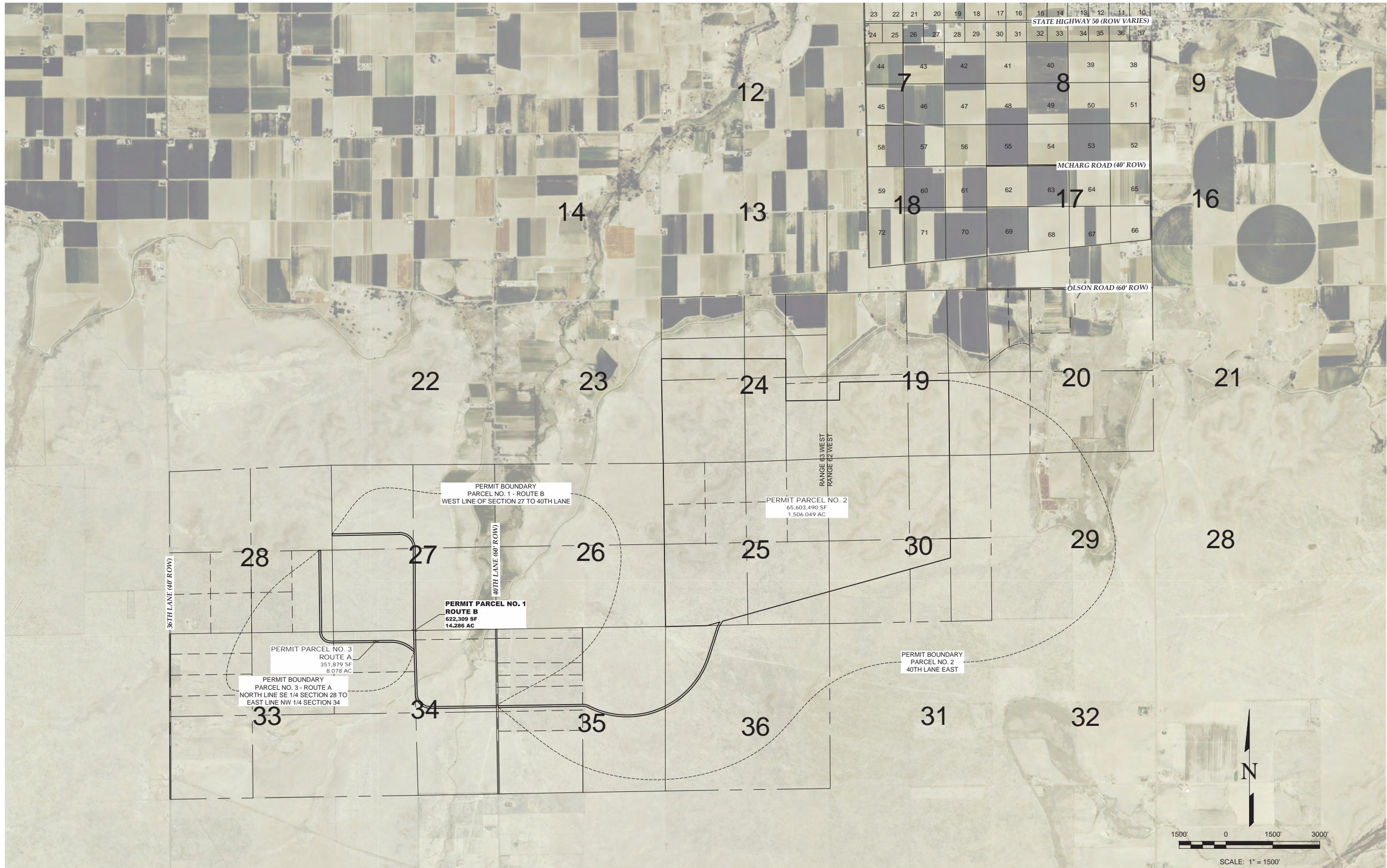
***NOTE:** full sized map attached for clarity

**PCPC
EXHIBIT**

3 (con't)

10-20-2021

SUP 2016-007 EXHIBIT 3
REGULAR 112 PERMIT
PERMIT BOUNDARY DESCRIPTION



REVISIONS		DATE
NO.	DESCRIPTION	

**EDWARD-JAMES
SURVEYING, INC.**
926 Elkon Drive
Colorado Springs, CO 80907
Office: (719) 576-1216
Fax: (719) 576-1206
4732 Eagle Ridge Circle
Pueblo, CO 81008
Office: (719) 545-6240
Fax: (719) 545-6247



SUP 2016-007 EXHIBIT 3
REGULAR 112 PERMIT
PERMIT BOUNDARY DESCRIPTION
PUEBLO COUNTY AGGREGATE PROJECT
FREMONT PAVING AND RED-MIX INC.

DRAWN BY **ERF**
CHECKED BY **ERF**

H-SCALE **1" = 1500'**

JOB NO. **1518-00**
DATE CREATED **3/14/17**
DATE ISSUED **3/23/20**
SHEET NO. **2** OF **4**

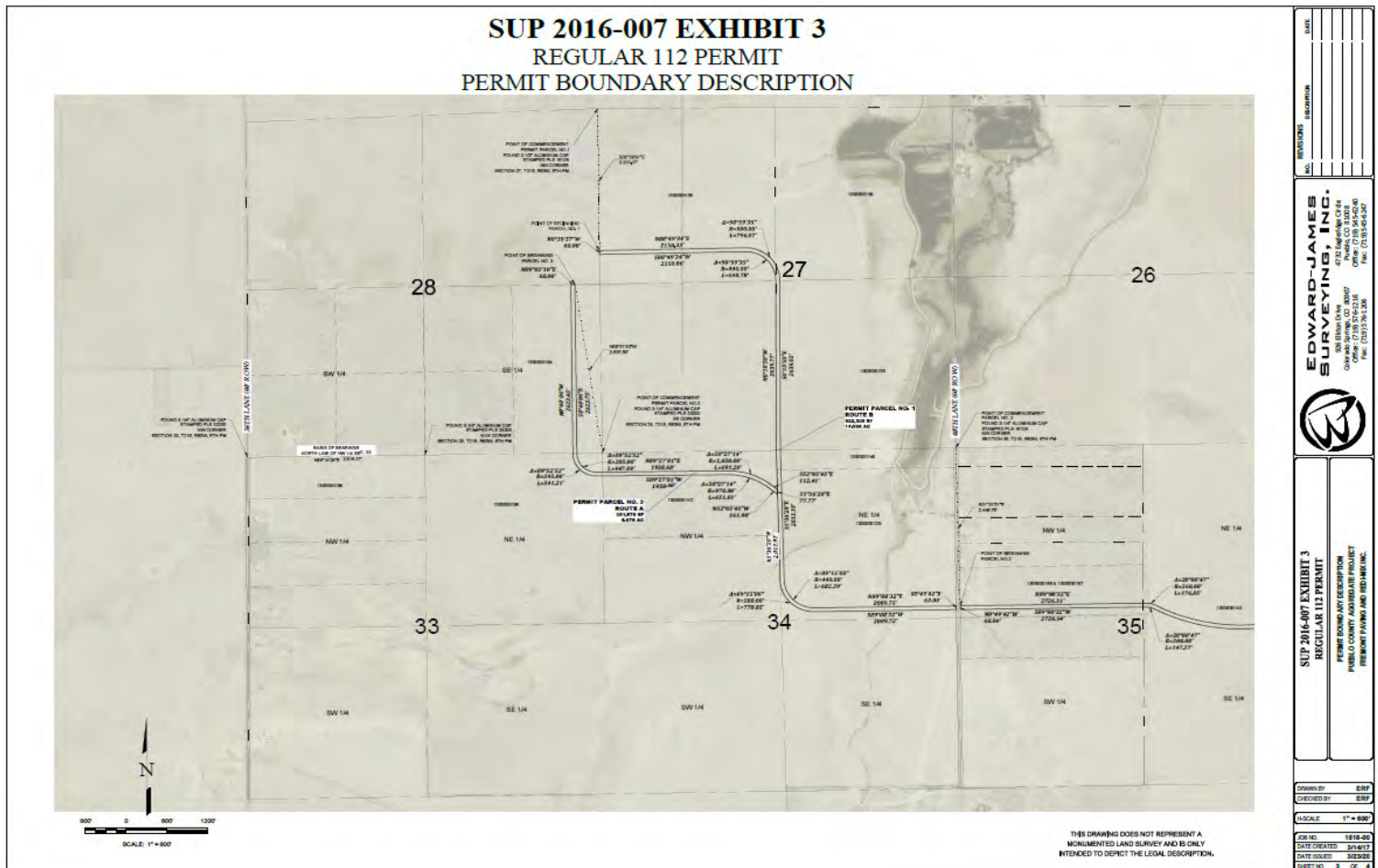
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2021 Administrative Review

Regular 112 Permit- Permit Boundary Description, Map of Haul Routes (4 pages), Legal Description Permit Boundary Parcel No. 3 - Route A (1 page), Legal Description Permit Boundary Parcel No. 1 - Route B (1 page) and Legal Description Option C Parcel No. 2 (2 pages)

10-14-2021 Staff Report

8 pages total (Page 3)



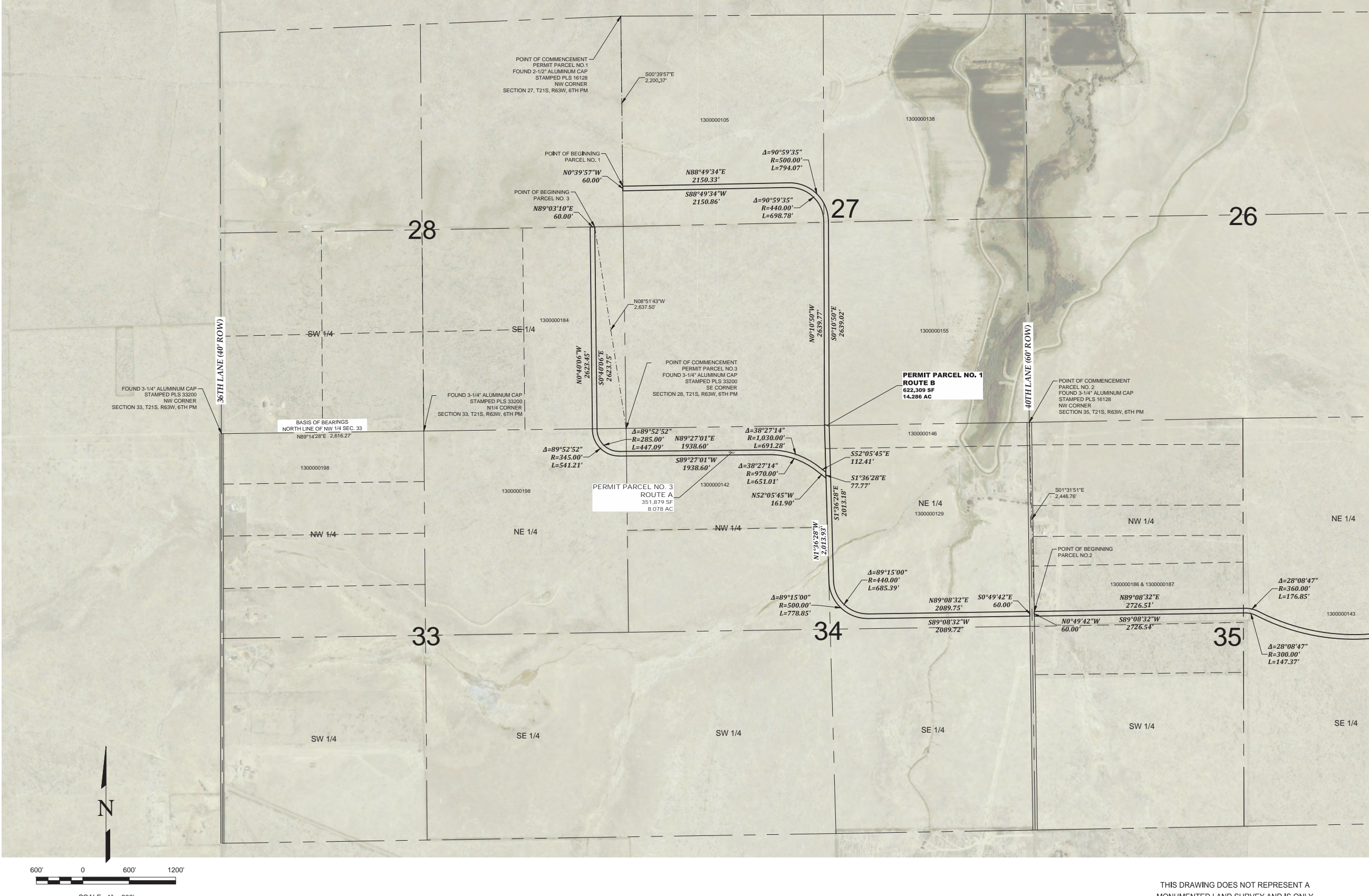
***NOTE:** full sized map attached for clarity

**PCPC
EXHIBIT**

3 (con't)

10-20-2021

SUP 2016-007 EXHIBIT 3
REGULAR 112 PERMIT
PERMIT BOUNDARY DESCRIPTION



THIS DRAWING DOES NOT REPRESENT A
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[illegible]

**EDWARD-JAMES
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4732 Eagleridge Circle
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Fax: (719) 545-6247



SUP 2016-007 EXHIBIT 3
REGULAR 112 PERMIT

DRAWN BY	ERF
CHECKED BY	ERF

SCALE 1" = 600'

DB NO.	1518-00
DATE CREATED	3/14/17
DATE ISSUED	3/23/20
SHEET NO	3 OF 4

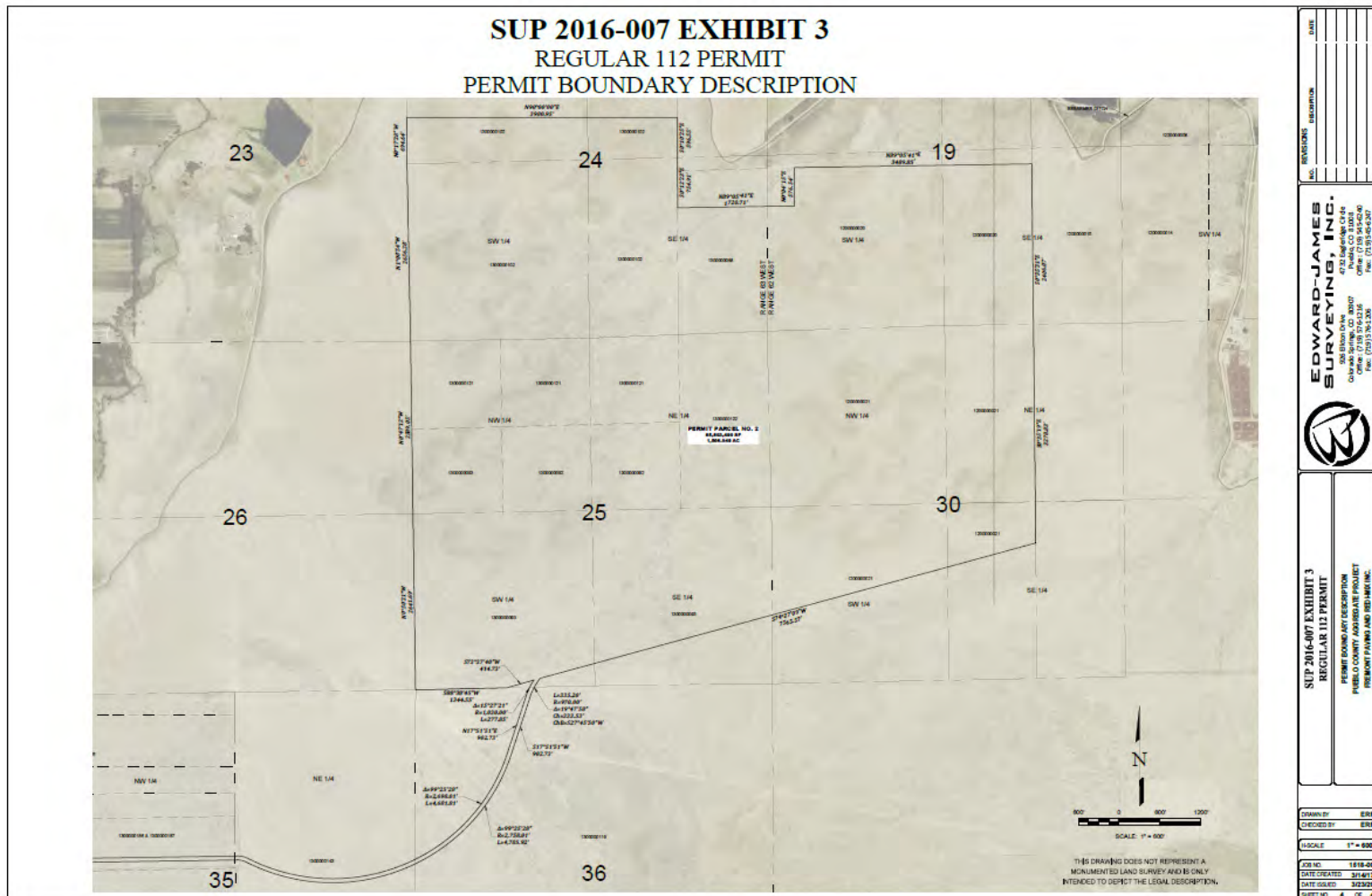
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10-14-2021 Staff Report

8 pages total (Page 4)



***NOTE:** full sized map attached for clarity

**PCPC
EXHIBIT**

3 (con't)

10-20-2021

SUP 2016-007 EXHIBIT 3
REGULAR 112 PERMIT
PERMIT BOUNDARY DESCRIPTION



NO.	REVISIONS	DESCRIPTION	DATE

EDWARD-JAMES
SURVEYING, INC.

926 Elkton Drive
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Office: (719) 576-1216
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SUP 2016-007 EXHIBIT 3
REGULAR 112 PERMIT

PERMIT BOUNDARY DESCRIPTION
PUEBLO COUNTY AGGREGATE PROJECT
FREMONT PAVING AND RED-MIX INC.

DRAWN BY	ERF
CHECKED BY	ERF
H-SCALE	1" = 600'
JOB NO.	1518-00
DATE CREATED	3/14/17
DATE ISSUED	3/23/20
SHEET NO	4 OF 4



SUP 2016-007 EXHIBIT 3

LEGAL DESCRIPTION: PERMIT BOUNDARY PARCEL NO. 3 – ROUTE A

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 28, THE NORTHEAST QUARTER OF SECTION 33, AND THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 28, THENCE N08°51'43"E A DISTANCE OF 2,637.50 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 28, SAID POINT BEING THE POINT OF BEGINNING; THENCE S00°04'06"E A DISTANCE OF 2623.75 FEET TO A POINT OF CURVE, THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 89°52'52", A RADIUS OF 285.00 FEET, AND A LENGTH OF 447.09 FEET; THENCE N89°27'01"E A DISTANCE OF 1938.60 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 38°27'14", A RADIUS OF 1030.00 FEET, AND A LENGTH OF 691.28 FEET; THENCE S52°05'45"E A DISTANCE OF 112.41 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE S01°36'28"E ON SAID EAST LINE, A DISTANCE OF 77.77 FEET; THENCE N52°05'45"W A DISTANCE OF 161.90 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 38°27'14", A RADIUS OF 970.00 FEET, AND A LENGTH OF 651.01 FEET; THENCE S89°27'01"W A DISTANCE OF 1938.60 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 89°52'52", A RADIUS OF 345.00 FEET, AND A LENGTH OF 541.21 FEET; THENCE N00°40'06"W A DISTANCE OF 2623.45 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 28; THENCE N89°03'10"E ON SAID NORTH LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 351,879 SQ. FEET, OR 8.078 ACRES.

LEGAL DESCRIPTION STATEMENT

I, EDWARD R. FISHER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.

Page 5



**PCPC
EXHIBIT**

3 (con't)

10-20-2021



SUP 2016-007 EXHIBIT 3

LEGAL DESCRIPTION: PERMIT BOUNDARY PARCEL NO. 1 – ROUTE B

A TRACT OF LAND BEING A PORTION OF SECTION 27 AND THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, BEING MONUMENTED ON THE WESTERLY END BY A 3-1/4 ALUMINUM CAP STAMPED "PLS 33200" AND AT THE EASTERLY END BY A 3-1/4 ALUMINUM CAP STAMPED "PLS 33200" ASSUMED TO BEAR N89°14'28" E A DISTANCE OF 2,616.27 FEET.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27, THENCE S00°39'57"E A DISTANCE OF 2,200.37 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27, SAID POINT BEING THE POINT OF BEGINNING; THENCE N88°49'34"E A DISTANCE OF 2150.33 FEET TO A POINT OF CURVE, THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 90°59'35", A RADIUS OF 500.00 FEET, AND A LENGTH OF 794.07 FEET TO A POINT 60.00 FEET EAST OF THE WEST LINE OF THE EAST HALF OF SAID SECTION 27; THENCE S00°10'50"E AND PARALLEL TO SAID WEST LINE A DISTANCE OF 2639.02 FEET; THENCE S01°36'28"E AND PARALLEL TO AND 60.00' EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 2013.18 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 89°15'00", A RADIUS OF 440.00 FEET, AND A LENGTH OF 685.39 FEET; THENCE N89°08'32"E A DISTANCE OF 2089.75 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 40TH LANE; THENCE S00°49'42"E ON SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 60.00 FEET; THENCE S89°08'32"W A DISTANCE OF 2089.72 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 89°15'00", A RADIUS OF 500.00 FEET, AND A LENGTH OF 778.85 FEET TO A POINT ON THE SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 34; THENCE N01°36'28"W, ON SAID WEST LINE, A DISTANCE OF 2013.93 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 34; THENCE N00°10'50"W ON THE SAID WEST LINE OF THE EAST HALF OF SECTION 27, A DISTANCE OF 2639.77 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 90°59'35", A RADIUS OF 440.00 FEET, AND A LENGTH OF 698.78 FEET; THENCE S88°49'34"W A DISTANCE OF 2150.86 FEET TO A POINT ON THE SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 27; THENCE N00°39'57"W ON SAID WEST LINE, A DISTANCE OF 60.00' TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 622,309 SQ. FEET, OR 14.286 ACRES.

LEGAL DESCRIPTION STATEMENT

I, EDWARD R. FISHER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.



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**PCPC
EXHIBIT**

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10-20-2021



SUP 2016-007 EXHIBIT 3

LEGAL DESCRIPTION: PERMIT BOUNDARY OPTION C PARCEL NO. 2

A TRACT OF LAND BEING A PORTION OF SECTIONS 24, 25, 35 AND 36, TOWNSHIP 21 SOUTH, RANGE 63 WEST AND SECTIONS 19 AND 30, TOWNSHIP 21 SOUTH, RANGE 62 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, BEING MONUMENTED ON THE WESTERLY END BY A 3-1/4 ALUMINUM CAP STAMPED "PLS 33200" AND AT THE EASTERLY END BY A 3-1/4 ALUMINUM CAP STAMPED "PLS 33200" ASSUMED TO BEAR N89°14'28"E A DISTANCE OF 2,616.27 FEET.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 35, THENCE S01°31'51"E A DISTANCE OF 2446.76 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 40TH LANE, SAID POINT BEING THE POINT OF BEGINNING; THENCE N89°08'32"E A DISTANCE OF 2726.51 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 28°08'47", A RADIUS OF 360.00 FEET, AND A LENGTH OF 176.85 FEET TO A POINT OF REVERSE CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 99°25'28", A RADIUS OF 2698.01 FEET AND A LENGTH OF 4681.81 FEET; THENCE N17°51'51"E A DISTANCE OF 902.73 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 15°27'21", A RADIUS OF 1030.00 FEET, AND A LENGTH OF 277.85 FEET; THENCE S73°37'40"W A DISTANCE OF 414.73 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE S88°38'45"W ON SAID SOUTH LINE A DISTANCE OF 1344.55 FEET TO THE SOUTHWEST CORNER OF SECTION 25; THENCE N00°50'21"W ON THE WEST LINE OF SAID SECTION 25 A DISTANCE OF 2641.69 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 25; THENCE N00°47'12"W ON THE WEST LINE OF SAID SECTION 25 A DISTANCE OF 2589.05 FEET TO THE NORTHWEST CORNER OF SAID SECTION 25; THENCE N01°08'54"W ON THE WEST LINE OF SECTION 24 A DISTANCE OF 2656.28 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE N00°17'28"W ON THE WEST LINE OF SAID SECTION 24 A DISTANCE OF 694.64 FEET; THENCE N90°00'00"E A DISTANCE OF 3980.95 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24; THENCE S00°10'25"E ON SAID WEST LINE A DISTANCE OF 596.55 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24; THENCE S00°12'23"E ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24 A DISTANCE OF 754.91 FEET; THENCE N89°05'41"E A DISTANCE OF 1720.71 FEET; THENCE N00°04'15"E A DISTANCE OF 576.54 FEET; THENCE N89°05'41"E A DISTANCE OF 3489.85 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 19 TOWNSHIP 21 SOUTH, RANGE 62 WEST; THENCE S00°35'31"E ON SAID WEST LINE A DISTANCE OF 2406.07 FEET TO THE SOUTHWEST CORNER OF EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 19; THENCE S00°35'19"E ON THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SECTION 30 A DISTANCE OF 3278.83 FEET; THENCE S74°27'09"W A DISTANCE OF 7565.57 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE TURNING TO THE LEFT HAVING A DELTA OF 19°47'58" A RADIUS OF 970.00 FEET A CHORD BEARING OF S27°45'50"W A CHORD DISTANCE OF 333.53 AND A LENGTH OF 335.20 FEET THENCE; S17°51'51"W A DISTANCE OF 902.73 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 99°25'28", A RADIUS OF 2758.01 FEET, AND A LENGTH OF 4785.92 FEET TO A POINT OF REVERSE CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 28°08'47", A RADIUS OF 300.00 FEET AND A LENGTH OF 147.37 FEET; THENCE S89°08'32"W A DISTANCE OF 2726.54 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF 40TH LANE; THENCE N00°49'42"W ON SAID EASTERLY RIGHT-OF-WAY OF 40TH LANE A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 65,603,490 SQ. FEET, OR 1,506.049 ACRES.



March 23, 2020
Job No. 1518.00
Page 2 of 2

LEGAL DESCRIPTION STATEMENT

I, EDWARD R. FISHER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.



EDWARD R. FISHER, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 38402
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.



**SPECIAL USE PERMIT NO. 2016-007
(Amended)
2021 Administrative Review**

October 4, 2021

Pueblo County
Planning and Development
229 West 12th Street
Pueblo, CO 81003-2810

Applicant's Status Report

10-14-2021 Staff Report

7 pages total

RE: Special Use Permit No. 2016-007 (Amended) – 2021 Administrative Review

Ms., Wallingford-Ingo,

Fremont Paving and Redi Mix, Inc. received your request for a written status report on the above-referenced Special Use Permit. The 44th Lane site has yet to begin operation. Fremont Paving and Redi Mix, Inc. continues to work on various pre-operation tasks but anticipate being fully operational later this fall or early winter. Most of the conditions listed in your request letter relate to operational activities and cannot be addressed until that time.

Condition 10 refers to the truck crossing sign installation. That has been completed, with the approval of the Department of Engineering and Public Works.

Condition 13 refers to the anemometer that is required prior to mining operations commencing. The anemometer has been purchased and we are working to get it operational for onsite monitoring. Attached, you will also find the Colorado Department of Public Health and Environment's APEN permit for the site.

Condition 16 refers to the Title 17 Rules and Regulations. Fremont Paving and Redi Mix, Inc. has hired Core Consultants to conduct a weed survey of the site, which was completed on September 30th, 2021. A copy of that survey will be sent when Core Consultants completes their work.

If additional information is necessary, please feel free to contact me directly.

Sincerely,

Jodi Schreiber
Chief of Operations
719-275-3264
719-529-0916
jodi@arycorp.com

ARY CORPORATION

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EXHIBIT**

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10-20-2021

A&S Construction Co.
Fremont Paving and Redi-Mix, Inc.
Ary Brothers Trucking, Inc.
All-Rite Paving & Redi-Mix, Inc.
Hard Rock Paving and Redi-Mix, Inc.

839 Mackenzie Ave.
Cañon City, CO 81212
719.275.3264



CONSTRUCTION PERMIT

Permit number: **16PB0707F**

Issuance: **1**

Date issued: May 25, 2021

Issued to: **Fremont Paving & Redi-Mix, Inc.**

Facility Name: Pueblo County Aggregate Project
Plant AIRS ID: 101-1187
Physical Location: 38° 10' 58.97" N, 104° 25' 24.27" W
County: Pueblo County
General Description: Sand and gravel pit

Equipment or activity subject to this permit:

AIRS Point	Description
001	Material extraction, handling, stockpiling, and hauling.

THIS PERMIT IS GRANTED SUBJECT TO ALL RULES AND REGULATIONS OF THE COLORADO AIR QUALITY CONTROL COMMISSION AND THE COLORADO AIR POLLUTION PREVENTION AND CONTROL ACT C.R.S. (25-7-101 et seq), TO THOSE GENERAL TERMS AND CONDITIONS INCLUDED IN THIS DOCUMENT AND THE FOLLOWING SPECIFIC TERMS AND CONDITIONS:

REQUIREMENTS TO SELF-CERTIFY FOR FINAL APPROVAL

1. Point 001: YOU MUST notify the Air Pollution Control Division (Division) no later than fifteen days after commencement of operation under this permit by submitting a Notice of Startup (NOS) form to the Division. The Notice of Startup (NOS) form may be downloaded online at <https://www.colorado.gov/pacific/cdphe/air/manage-permit>. Failure to notify the Division of startup of the permitted source is a violation of AQCC Regulation Number 3, Part B, Section III.G.1 and can result in the revocation of the permit.
2. Within one hundred and eighty days (180) after commencement of operation or issuance of this permit, whichever is later, compliance with the conditions contained on this permit must be demonstrated to the Division. It is the permittee's responsibility to self-certify compliance with the conditions. Failure to demonstrate compliance within 180 days may result in revocation of the permit or enforcement action by the Division. Information on how to certify compliance was mailed with the permit or can be obtained from the Division's website. Search for "Colorado air permit self-certification" in a search engine to find self-certification info. (Reference: Regulation Number 3, Part B, III.G.2).



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3. This permit will expire if the owner or operator of the source for which this permit was issued: (i) does not commence construction/modification or operation of this source within 18 months after either the date of issuance of this initial approval permit or the date on which such construction or activity was scheduled to commence as set forth in the permit application associated with this permit; (ii) discontinues construction for a period of eighteen months or more; or (iii) does not complete construction within a reasonable time of the estimated completion date. Upon a showing of good cause by the permittee, the Division may grant extensions of the permit. (Reference: Regulation Number 3, Part B, III.F.4.)
4. Within thirty (30) days after commencement of operation or issuance of this permit, whichever is later, the AIRS ID (example: 101/1187/001) number must be posted in an easily visible location for ease of identification. (Reference: Regulation Number 3, Part B, III.G.2.) (State only enforceable)

EMISSION LIMITATIONS AND RECORDS

5. Emissions of air pollutants must not exceed the following limitations. (Reference: Regulation Number 3, Part B, II.A.4)

Annual Emission Limits:

Facility Equipment ID	AIRS Point	Tons per Year			Emission Type
		PM	PM ₁₀	PM _{2.5}	
Mining and Hauling Operations	001	6.7	2.1	-	Fugitive

Note: In the absence of credible evidence to the contrary, compliance with the emission limits is demonstrated by complying with the production limits listed below and by following the attached particulate emissions control plan.

PROCESS LIMITATIONS AND RECORDS

6. This source must be limited to the following maximum consumption, processing and/or operational rates as listed below. Annual records of the actual process rate must be maintained by the applicant and made available to the Division for inspection upon request. (Reference: Regulation Number 3, Part B, II.A.4)

Production Limits:

AIRS Point	Production Parameter	Annual Limit (tons/year)
001	Sand and gravel extraction	500,000

OPERATING & MAINTENANCE REQUIREMENTS

7. This source is not required to follow a Division-approved operating and maintenance plan.

COMPLIANCE TESTING AND SAMPLING

Periodic Testing Requirements

8. Periodic testing is not required for this source.



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Air Pollution Control Division
Department of Public Health & Environment

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ADDITIONAL REQUIREMENTS

9. The AIRS ID number must be posted in an easily visible location for ease of identification. (Reference: Regulation Number 3, Part B, III.E.) (State only enforceable)
10. The particulate emission control measures listed on the attached page (as approved by the Division) must be applied to the particulate emission producing sources as required by Regulation Number 1, III.D.1.b.
11. This permit is for the activities specified above; any additional process equipment (i.e. crushers, screens, etc.) to be located at this site must have a separate permit from the Division. (Reference: Regulation Number 3, Part B, III.E.)
12. A Revised Air Pollutant Emission Notice (APEN) must be filed: (Reference: Regulation Number 3, Part A, II.C.)
 - a. By April 30 of the year following a significant increase in emissions. A significant increase in emissions is defined as follows:

For any criteria pollutant:

For sources emitting less than 100 tons per year, a change in annual actual emissions of five (5) tons per year or more, above the level reported on the last APEN; or

For sources emitting any amount of lead, a change in actual emissions of fifty (50) pounds of lead above the level reported on the last APEN submitted.

For any non-criteria reportable pollutant:

If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.
 - b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
 - c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment; or
 - d. Whenever a permit limitation must be modified; or
 - e. No later than 30 days before the existing APEN expires.

GENERAL TERMS AND CONDITIONS:

13. This permit and any attachments must be retained and made available for inspection upon request. The permit may be reissued to a new owner by the Division as provided in Regulation Number 3, Part B, II.B upon a request for transfer of ownership and the submittal of a revised APEN and the required fee.



COLORADO
Air Pollution Control Division
Department of Public Health & Environment

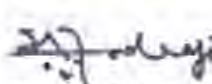
**PCPC
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14. If this permit specifically states that final approval has been granted, then the remainder of this condition is not applicable. Otherwise, the issuance of this construction permit is considered initial approval and does not provide "final" approval for this activity or operation of this source. Final approval of the permit must be secured from the APCD in writing in accordance with the provisions of 25-7-114.5(12)(a) C.R.S. and AQCC Regulation Number 3, Part B, III.G. Final approval cannot be granted until the operation or activity commences and has been verified by the APCD as conforming in all respects with the conditions of the permit. Once self-certification of all points has been reviewed and approved by the Division, it will provide written documentation of such final approval. Details for obtaining final approval to operate are located in the Requirements to Self-Certify for Final Approval section of this permit. The operator must retain the permit final approval letter issued by the Division after completion of self-certification with the most current construction permit.
15. This permit is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon conduct of the activity, or construction, installation and operation of the source, in accordance with this information and with representations made by the applicant or applicant's agents. It is valid only for the equipment and operations or activity(ies) specifically identified in this permit. If subsequent operations or testing at the source indicate the information supplied to obtain this permit and relied upon in the creation and issuance of this permit is inaccurate, the source must submit an application to modify the permit to address the inaccuracy(ies). (Reference: Regulation Number 3, Part B III.E.)

By: 
Jonathan Brickey, P.E.
Permit Engineer

By: 
For: K.C. Houlden
Construction Permits Unit Supervisor

Permit History

Issuance	Date	Description
Issuance 1	This Issuance	Issued to Fremont Paving & Redi-Mix, Inc.

Notes to Permit Holder (as of permit issuance):

- 1) The production or raw material processing limits and emission limits contained in this permit are based on the production/processing rates requested in the permit application. These limits may be revised upon request of the permittee providing there is no exceedance of any specific emission control regulation or any ambient air quality standard. A revised air pollutant emission notice (APEN) and application form must be submitted with a request for a permit revision. (Reference: Regulation Number 3, Part B II.A.4.)
- 2) This source is subject to the Common Provisions Regulation Part II, Subpart E, Affirmative Defense Provision for Excess Emissions During Malfunctions. The permittee must notify the Division of any malfunction condition which causes a violation of any emission limit or limits stated in this permit as soon as possible, but no later than noon of the next working day, followed by written notice to the Division addressing all of the criteria set forth in Part II.E.1. of the Common Provisions Regulation. See: <https://www.colorado.gov/pacific/cdphe/aqcc-regs>.



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Department of Public Health & Environment

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- 3) In accordance with C.R.S. 25-7-114.1, each Air Pollutant Emission Notice (APEN) associated with this permit is valid for a term of five years from the date it was received by the Division. A revised APEN must be submitted no later than 30 days before the five-year term expires. Please refer to the most recent annual fee invoice to determine the APEN expiration date for each emissions point associated with this permit. For any questions regarding a specific expiration date call the Division at (303)-692-3150.

- 4) This facility is classified as follows:

Applicable Requirement	Status
Operating Permit	Minor source
PSD/NANSR	Minor source

- 5) The permit holder is required to pay fees for the processing time for this permit. An invoice for these fees will be issued after the permit is issued. Failure to pay the invoice will result in revocation of this permit. The permit holder must pay the invoice within 30 days of receipt of the invoice (Reference: Regulation Number 3, Part A, VI.B.).
- 6) Unless specifically stated otherwise, the general and specific conditions contained in this permit have been determined by the Division to be necessary to assure compliance with the provisions of Section 25-7-114.5(7)(a), C.R.S.
- 7) Each and every condition of this permit is a material part hereof and is not severable. Any challenge to or appeal of a condition hereof must constitute a rejection of the entire permit and upon such occurrence, this permit must be deemed denied *ab initio*. This permit may be revoked at any time prior to self-certification and final authorization by the Division on grounds set forth in the Colorado Air Pollution Prevention and Control Act and regulations of the AQCC including failure to meet any express term or condition of the permit. If the Division denies a permit, conditions imposed upon a permit are contested by the applicant, or the Division revokes a permit, the applicant or owner or operator of a source may request a hearing before the AQCC for review of the Division's action. (Reference: Regulation Number 3, Part B III.F.)
- 8) Section 25-7-114.7(2)(a), C.R.S. requires that all sources required to file an Air Pollutant Emission Notice (APEN) must pay an annual emission fee. If a source or activity is to be discontinued, the owner must notify the Division in writing requesting a cancellation of the permit. Upon notification, annual fee billing will terminate.
- 9) Violation of the terms of a permit or of the provisions of the Colorado Air Pollution Prevention and Control Act or the regulations of the AQCC may result in administrative, civil or criminal enforcement actions under Sections 25-7-115 (enforcement), -121 (injunctions), -122 (civil penalties), -122.1 (criminal penalties), C.R.S.



PARTICULATE EMISSIONS CONTROL PLAN FOR MINING AND PROCESSING ACTIVITIES

THE FOLLOWING PARTICULATE EMISSIONS CONTROL MEASURES MUST BE USED FOR COMPLIANCE PURPOSES ON THE ACTIVITIES COVERED BY THIS PERMIT, AS REQUIRED BY THE AIR QUALITY CONTROL COMMISSION REGULATION NUMBER 1, III.D.1.b. THIS SOURCE IS SUBJECT TO THE FOLLOWING EMISSION GUIDELINES:

- a. **Mining and Processing Activities** - Visible emissions not to exceed 20%, no off-property transport of visible emissions.
- b. **Haul Roads** - No off-property transport of visible emissions must apply to on-site haul roads, the nuisance guidelines must apply to off-site haul roads.
- c. **Haul Trucks** - There must be no off-property transport of visible emissions from haul trucks when operating on the property of the owner or operator. There must be no off-vehicle transport of visible emissions from the material in the haul trucks when operating off of the property of the owner or operator.

Control Measures

1. Adequate soil moisture must be maintained in topsoil and overburden to control emissions during removal. Watering must be implemented if necessary.
2. Topsoil and overburden stockpiles must be watered as necessary to control fugitive particulate emissions such that the above guidelines are met.
3. Emissions from material handling (i.e. removal, loading, and hauling) must be controlled by watering at all times unless natural moisture is sufficient to control emissions.
4. Vehicle speed on unpaved roads and disturbed areas must not exceed a maximum of 10 miles per hour. Speed limit signs must be posted.
5. Haul roads must be watered as often as needed to control fugitive particulate emissions such that the above guidelines are met.
6. Reclamation works and sequential extraction of material must be initiated to keep the total disturbed areas at any one time to a minimum.
7. All disturbed areas must be watered as often as needed to control fugitive particulate emissions such that the above guidelines are met, and revegetated within one year.

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4 (con't)

10-20-2021