



## PLANNING COMMISSION SPECIAL MEETING AGENDA

February 28, 2023 at 2:00 PM  
Meeting will take place on Zoom

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

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### Join via Zoom:

<https://us02web.zoom.us/j/83429735658?pwd=S2ZlSENWk0ZHR3Y0RkxBOEp3c2xGdz09>

**Meeting ID:** 834-2973-5658 | **Passcode:** 915234

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. ACTION ITEMS
  - a. [23-06 CUP Gravel Pit Siete Recommendation](#)
4. ADJOURNMENT



## Huerfano County Planning Commission Staff Report – Permit #23-06 Gravel Pit Siete

Joint Public Hearing Date: February 28, 2023

### **Request**

With this Application Siete, Inc(the Applicant) requests the following:

Conditional Use permit pursuant to LUR Section §1.06 to establish a gravel pit to serve as a material source for two large projects at first then various other projects over time. The parcel is the school section located at Section 36, Township 25S, Range 67. The SE corner of the section is at the intersection of County Road 650 and I-25.

This application is for a permit to mine for gravel anywhere in the school section, though initial plans are limited to a 30-acre area in the northwest quadrant of the section. The 30-acre site is expected to produce gravel for 5-10 years, and the life-span of the project may be 20-30 years. Mining would be expected to take place intermittently as projects arise.

The subject property is zoned Agricultural Zoning standards for this district are set forth in LUR Section §1.03.

### **Site Description**

There is an arroyo cutting through the section, and some rolling hills near where the 30-acre quarry site is proposed.

### **Code References**

The following Code Sections are applicable to this application and may be referenced by the Huerfano County in their evaluation of the request:

§1.06 Conditional Use Permits

§1.05 Use Table Reference

This proposal falls under 1.05.57 in the Use Table, and is a conditional use in the Agricultural zone.

1.05.57: Rock quarries, sand and gravel excavating pits, pipelines, strip and underground coal mines and all appurtenances and accessory uses thereto.

### **Background**

On February 9, 2023, an Application for a Conditional Use Permit, Application Fees, a letter of interest, and site plan were received by the County. Missing from the application at the time of writing this staff report were proof of ownership and copies of other permits granted in association with this project. It is believed that the State Land Board owns the land, and a gravel mining operation does receive oversight from other state agencies.

Siete has submitted a Special 111 permit application to the Division of Reclamation Mining and Safety, as well as the Air Pollution Emissions Notice to the Department of Public Health and Environment.

### Application Materials 1.06.01

Required Submittals for a CUP:

1. Letter of intent
  - a. Current and proposed uses
  - b. Impacts of proposed use on roads, traffic, safety, services, environment.
  - c. Comprehensive Plan compliance statement
  - d. Proof of ownership
  - e. List of other state or federal permits granted or applied for.
  - f. List of names and mailing addresses of all listed owners of adjacent property
2. Site Plan
3. Vicinity map – area within 500 ft of property, description of any plats and improvements on property within 500 ft.

Completeness: Proof of ownership was not submitted with application materials.

### Criteria/Findings

In order for an Conditional Use Permit to be issued, the criteria set forth in LUR Section 1.06 must be met. An analysis of these criteria is provided below:

Planning commission shall determine if a public hearing is required per **1.06.02**:

1. That the proposed conditional use conforms to the requirements and provisions of this zoning regulation.
2. That the proposed conditional use is consistent with the goals, objectives and policies of Huerfano County, as contained in the County comprehensive plan.
3. That the proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area.
4. That the proposed conditional land use will not result in overly intensive use of the land relative to current use of the surrounding land.
5. That the proposed conditional use will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic and its roads will meet the requirements of Subdivision County Road Standards and Specifications.
6. That the proposed conditional use not unnecessarily scar the land on which such use would be located and that the proposed use provide all measures necessary to mitigate negative impacts upon agricultural lands, critical wildlife habitat, seasonal wildlife migration corridors, scenic views and existing cultural and historical resources.
7. That the proposed conditional use will not be likely to prove detrimental to the public health, safety or welfare of County residents nor cause hardship for neighboring persons.

### Analysis

2. No specific mention of the Comprehensive Plan was made in the applicant's letter. Gravel pits are a necessary infrastructure component to support road construction and maintenance.

Harmony with neighboring land uses and future land uses. Gravel mining has the potential to produce noise, vibrations, dust, and a long term impression upon the land. There no apparent structures or uses other than grazing within 500 feet of the proposed site.

Relative to nearby uses, gravel mining is a more intense use. The Planning Commission should consider how to interpret criterion #4.

**Traffic:** The proposed use will result in approximately 15 trucks per day. This will have an impact on the roads, and the Planning Commission should consider a condition attached with this application related to road maintenance. Road and Bridge Department should consider whether proposed access is adequate.

**Scarring the land:** A gravel mine will leave a permanent mark on the land. This mine will dig up to 20' deep over an area eventually to cover 30 acres. The attached map depicts the change to the topography after the mine scar has been capped and mitigated. Mitigation efforts for this project will include capping mined areas with topsoil and re-planting.

An access road to the gravel pit may have to be built. No details were provided on this aspect of the project.

**Detriment to health, safety and welfare, and hardship for neighboring persons:** It is not apparent to staff that this project will have a direct impact on any individuals, as there are not homes or businesses in the immediate area.

### **Referral Comments**

Referral agencies contacted on February 14, 2023:

Huerfano County Emergency Management Department: [rwalsh@huerfano.us](mailto:rwalsh@huerfano.us)

Colorado Division of Parks and Wildlife: [cody.purcell@state.co.us](mailto:cody.purcell@state.co.us), [mike.brown@state.co.us](mailto:mike.brown@state.co.us) [joshua.bonar@state.co.us](mailto:joshua.bonar@state.co.us)

Huerfano County Health Department: [rsykes@la-h-health.org](mailto:rsykes@la-h-health.org), – No Comment

Huerfano County Road and Bridge Department: [dhribar@huerfano.us](mailto:dhribar@huerfano.us), [cbechaver@huerfano.us](mailto:cbechaver@huerfano.us)

Huerfano Fire protection District: [fixitsammo@gmail.com](mailto:fixitsammo@gmail.com)

Huerfano County Sheriff's office: [BRUCENEWMAN@BRESNAN.NET](mailto:BRUCENEWMAN@BRESNAN.NET)

Spanish Peaks Regional Health Center: [dmcgraw@sprhc.org](mailto:dmcgraw@sprhc.org)

CDOT – contacted 2/23 – Michele Regalado and others: [michelle.regalado@state.co.us](mailto:michelle.regalado@state.co.us).

### **Staff Comment**

At the time of updating this staff report, only the Health Department responded, stating that they had no comment.

CDOT was not contacted on Feb. 14. As of the updating of this staff report on February 24, comment from CDOT was still pending.

The Planning Commission will meet via Zoom at 2:00 on February 28, following the Joint Public Hearing for the purpose of making a recommendation to the Board of County Commissioners.

### **Commission Action Options:**

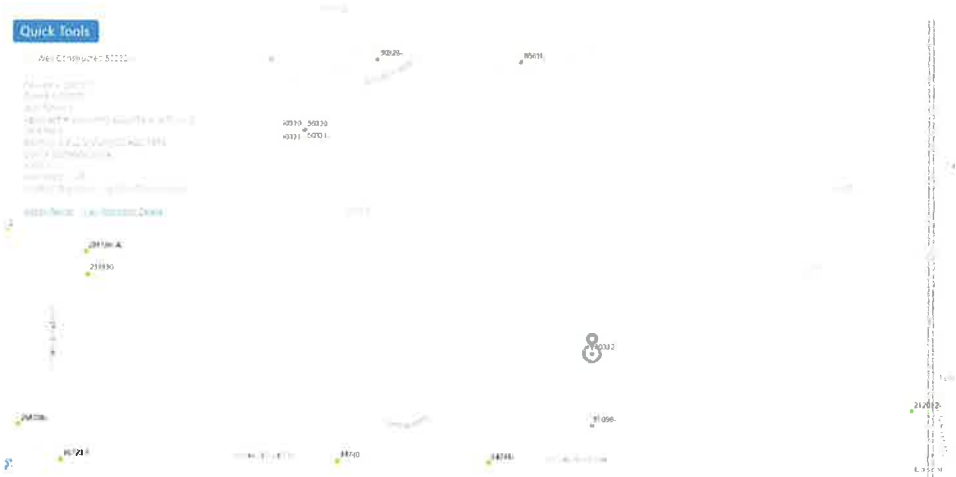
1. **Approval** without any special conditions.
2. **Conditional** Approval with a description of the special conditions.
3. **Denial**, indicating for the record the reason(s) for such action.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

### **Enclosures**

- Application Materials



**PFM Consulting LLC**



Siete is working to get a Colorado Division of Reclamation, Mining and Safety 111 Permit for this site, as well as an APEN (fugitive air emissions permit) through the Colorado Department of Public Health and Environment.

- The adjacent landowners are as follows:
- Paula Bezona Williams
  - Richard L and Nancy C Reding
  - Great Western Land & Cattle Inc.
  - Trustee of Yelena Choin
  - Tri Crown LLC
  - Marksheffel-Woodmen Investments

Warm Regards,

  
Jodi Schreiber  
Owner, PFM Consulting LLC

1774 N. Cougar Drive  
Pueblo West, CO 81007  
(719) 529-0916  
pfmconsultingcompany@gmail.com  
www.pfmconsultingllc.com



### GENERAL LAND USE APPLICATION

Application File No.: \_\_\_\_\_

**1. ACTION(S) REQUESTED:**

- X Conditional Use Permit Application
  - Conditional Use Application / Marijuana
  - Conditional Use Application / Oil, Gas or Uranium Exploration and/or Development
  - Rezoning
  - Variance
  - Subdivision Exemption
  - Plat Amendment
  - Plat Correction
  - Road Right-of-Way or Easement Vacation
  - Lot Consolidation
  - Other Actions (specify): \_\_\_\_\_
- Sign Permit
  - Temporary Use or Assembly Permit
  - H.B. 1041 Text Amendment
  - H.B. 1041 Development Permit
  - H.B. 1041 Flood Plain Exemption
  - Comprehensive Plan Text of Map Amendment
- PUD or non-PUD Subdivision Approval:
- Sketch Plan
  - Preliminary Plan
  - Final Plat / Subdivision Improvement Agreement
  - Re-hearing of Denied Application

**2. APPLICATION STATUS (for County use only):**

Date Application Received: \_\_\_\_\_ Application Fees Required: \_\_\_\_\_  
Received By: \_\_\_\_\_ Date Application Fees Paid: \_\_\_\_\_

**3. APPLICATION AND OWNER INFORMATION:**

Name of Applicant: Siete, Inc.  
Applicant's Mailing Address: 8155 Park Road, PO Box 202, Rye, CO 81069  
Applicant's Telephone and/or FAX: 719-529-0916  
Applicant's E-Mail Address: pfmconsultingcompany@gmail.com  
Name of Land Owner: Colorado State Land Board  
Land Owner's Mailing Address: 1127 Sherman Street, Suite 300, Denver, CO 80203  
Land Owner's Telephone and/or FAX: 303-866-3454

**4. SUMMARY OF APPLICATION:**

Land Area included within the scope of this Application: 640  Square Feet or  X Acres  
Parcel (Schedule) Number (Available from Assessor): \_\_\_\_\_  
Legal description of land on which action is proposed (please attach the legal description to this Application)  
Existing Zoning District(s): \_\_\_\_\_  
Proposed New District(s): Not Applicable  
Number of Existing Lots: 1  
Number of Proposed Lots: 1  
Number of Proposed Dwelling Units: 0

Huerfano County Land Use Department  
401 Main Street, Suite 304  
Walsenburg, Colorado 81089  
(719) 738-3000 ext. 108



Item 3a.

### GENERAL LAND USE APPLICATION

Proposed Average Lot Size: Not Applicable

If a Variance Request, please state the reason for the Variance(s): \_\_\_\_\_

Is all or a portion of the subject land located in a potential flood plain area, or are there areas with slopes in excess of twenty percent (20%)?  YES  NO

If YES, which of these conditions exist? \_\_\_\_\_

Value of proposed new development: Not Applicable

Will the proposed project require any State or Federal permits? If  YES  NO

YES, please list all permits or approvals required: \_\_\_\_\_

Colo. Division of Reclamation Mining and Safety Permit, Colo. Dept. of Public Health APEN

If a H.B. 1041 permit is required, for what matters of local concern and state interest? \_\_\_\_\_

Not Applicable

Please list any additional pertinent information: \_\_\_\_\_

#### 5. CERTIFICATION BY THE APPLICANT:

I hereby certify that this Application is made with full knowledge of the design standards, all fees, procedures, public hearing and meeting requirements contained in the Huerfano County Land Use Regulations. Furthermore, I understand that all land use permits are non-transferable, unless specifically approved by the Huerfano County Board of County Commissioners. The Board of County Commissioners may impose permit transfer fees as it deems appropriate. I also understand that issuance of a permit does not relieve me of the requirement to comply with all federal, state, and local laws as well as all relevant subdivision regulations, declarations, and covenants. All documents submitted may be subject to internet publishing.

Signature of Applicant: [Signature] Date: 2-8-23

Printed Name: Baxter Kirkland

#### 6. ACTION (by the authorized permitting authority):

- Final Approval       Conditional Approval       Denial

Name \_\_\_\_\_ Signature \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_



Permit Boundaries  
 (30 Acres)

- Legend**
- Permit Boundary (30.0 Acres)
  - Existing Fence Line
  - 10' Erosion Berms
  - Present Boundaries
  - Erosion Berm Stockpile of Topsoil & Overburden

**Scale**  
 200'-0"



1. Pit floor depth will be determined in the field.  
 2. Erosion berm height will be 10 feet.  
 3. Erosion berm width will be 10 feet.

Land Owner: REDDING RICHARD L & MARGIE C

Land Owner: COLORADO STATE TRUST LAND

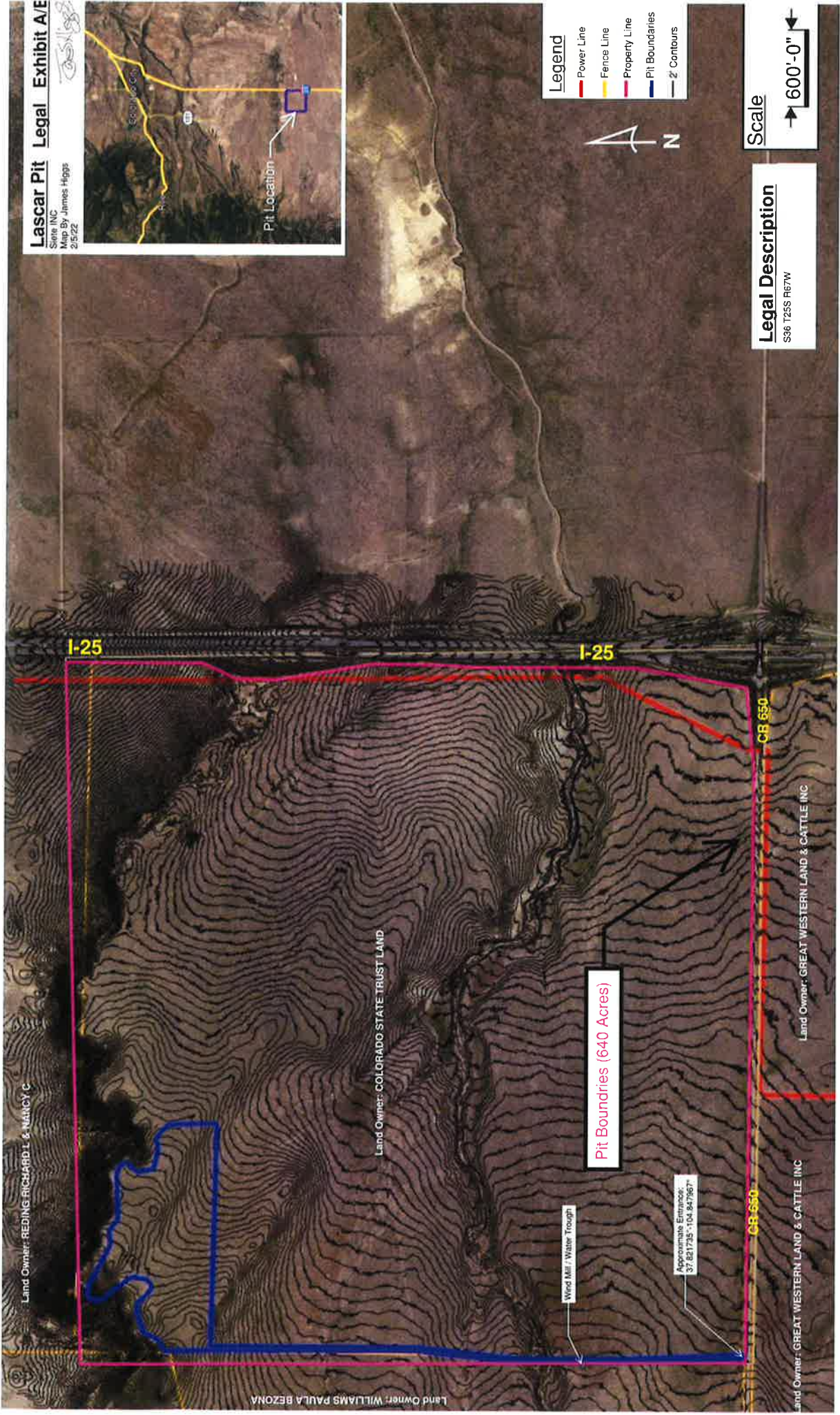
Land Owner: COLORADO STATE TRUST LAND

Land Owner: COLORADO STATE TRUST LAND

Land Owner: WILLIAMS PAULA BEZOM



**Lascar Pit Legal Exhibit A/E**  
 Site INC  
 Map By James Higgs  
 2/3/22



- Legend**
- Power Line
  - Fence Line
  - Property Line
  - Pit Boundaries
  - 2' Contours



**Scale**  
 600'-0"

**Legal Description**  
 S36 T25S R67W

**Pit Boundaries (640 Acres)**

Item 3a.



## PFM Consulting LLC

Huerfano County Land Use Department  
401 Main Street  
Suite 304  
Walsenburg, CO 81089

RE: Lascar Pit

February 9<sup>th</sup>, 2023

To Whom It May Concern,

Siete Inc. is requesting a Conditional Use Permit for Section 36, Township 25 South, Range 67 West (640 acres) in Huerfano County, Colorado to establish a gravel pit to serve as a material source for one Colorado Department of Transportation and one Federal Highway Administration project, as well as various other projects within and around Huerfano County. The site is 13 miles north of Walsenburg and sits north of County Road 650. The Colorado State Land Board is the land and mineral owner. Siete has a lease for mining operations for this site and is attached for review. The site is currently used for agricultural purposes and is zoned Agricultural.

The site will progress in two phases. The first phase is a 30-acre area that will supply aggregate for the two above-referenced projects. These two projects will be completed by the Fall of 2023. It is anticipated that the 30-acre phase will have remaining aggregate and will continue to be used for local projects for up to 5-10 years based upon demand and local economic conditions. As mining occurs, the floor of the site will be reclaimed back to 3H:1V or shallower and will occur concurrently with mining. All reclaimed areas will be sloped, topsoil will be replaced, and will then be reseeded with an approved seed mix.

The remaining 610 acres will be utilized once all mining has been completed on the first 30-acre area. Aggregate deposits will be located within the remaining acreage and mined in a similar fashion to the initial 30-acre phase. It is not anticipated that aggregate deposits will be found throughout the entire site. Understanding the unknown aggregate deposit locations, depths and local demand along with economic conditions, it is hard to anticipate the timeframe needed to extract all aggregate onsite. The site could be operational for up to 20-30 years based on the above information. However, the site will only be utilized as needed for projects and will only operate intermittently throughout this time.

All royalties that are paid to the State Land Board in connection with this lease are used to benefit K-12 schools in Colorado. According to their website (<https://slb.colorado.gov/education-resources/trust-land-access-for-k-12>), 95% of all lease payments support Colorado Schools through the BEST Program. This includes the schools in Huerfano County and is a great added benefit to this project. Not only will there be an aggregate source that

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## PFM Consulting LLC

has easy access to I-25 and can be transported easily throughout the county for projects, but it also helps fund local school districts.

Portable aggregate processing equipment will be used onsite. This equipment uses portable generators to operate and will not need any local power supply. Portable toilets will be used for employees. All structures will be portable and no setbacks will be necessary. Water for dust suppression will be purchased from Colorado City and hauled onsite for use. Haul trucks will use I-25 and County Road 650 to access the site. It is anticipated that less than 150 trucks per day would utilize this route when the site is operational. Over a 10-hour period, this would equate to roughly an extra 15 trucks per hour on County Road 650.

The site is currently used as rangeland, as are all surrounding properties. Typical vegetation on the site is composed of Western Wheatgrass, Blue Grama, Sand Dropseed, etc. Prior to processing operations beginning, topsoil will be reserved to reclaim the site back to its previous rangeland used. The following seed mix will be used to reestablish the typical vegetation.

### Native Grass Seed Mix

<b>SPECIES</b>	<b>APPLICATION RATE (drilled)</b>
Western Wheatgrass	16 pounds of pure live seed per acre
Blue Grama	1.2 pounds of pure live seed per acre
Galleta	1.6 pounds of pure live seed per acre
Sand Dropseed	0.1 pounds of pure live seed per acre
Winter Fat	0.1 pounds of pure live seed per acre

Environmental conditions, such as food and cover availability, is limited due to the climate. Small animals (rabbits, coyotes, etc.) are found in the surrounding environment. The site may also see white tail deer, antelope, prairie dog, various snakes and lizards. Impacts to wildlife will be mitigated through a weed management plan and reseeding all mined areas with a native rangeland seed mix.

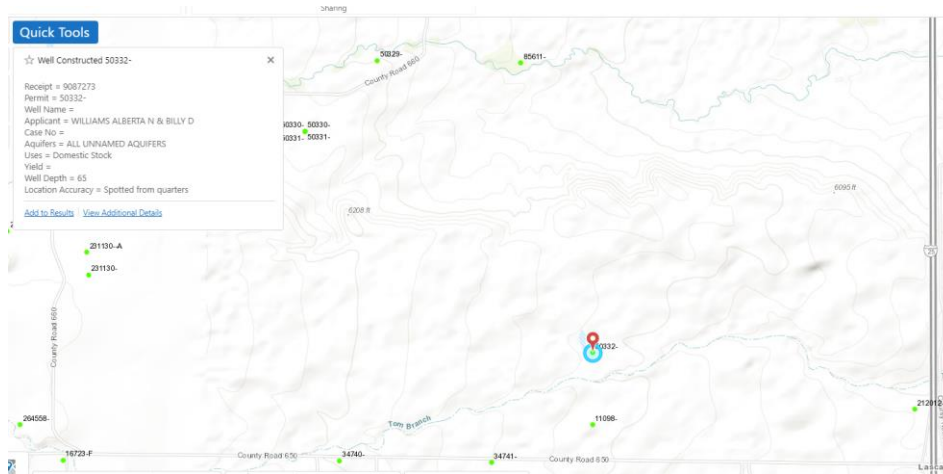
All runoff on the undisturbed site runs to the south. Stormwater will be kept from leaving any disturbed area by using topsoil and overburden stockpiles which will surround the active mining site following the perimeter. Stormwater that occurs on site will remain on site. The soils should allow for stormwater to infiltrate the site and pit floor within 72 hours. As mining progresses throughout the site, disturbed acreage will be reclaimed as stated above and the newly disturbed acreage will use the same method as above to contain stormwater runoff. Essentially, the site will continually migrate through aggregate deposits and reclaim as they work.

Based on data from the Division of Water Resources Well Permit Search map, groundwater is not anticipated to be encountered during any phase of mining. A structure depicted on the map below shows the well depth near the site at 65 feet. Mining is not anticipated to be deeper than 20 feet. If groundwater is encountered, excavation will be stopped. The area will then be backfilled with at least two feet of material and no mining will occur beyond that depth.

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## PFM Consulting LLC



Siete is working to get a Colorado Division of Reclamation, Mining and Safety 111 Permit for this site, as well as an APEN (fugitive air emissions permit) through the Colorado Department of Public Health and Environment.

The adjacent landowners are as follows:

Paula Bezona Williams – 2747 Co Road 660, Rye, CO 81069

Richard L and Nancy C Reding – PO Box 19708, Colorado City, CO 81019

Great Western Land & Cattle Inc. – 4415 Star Ranch Rd, Colorado Springs, CO 80906

Trustee of Yelena Choin – The Choin Family Survivor’s Trust, 49953 Gamegam Way, Oakhurst, CA 93644

Tri Crown LLC – 102 E. Pikes Peak Ave., Colorado Springs, CO 80930

Marksheffel-Woodmen Investments – 102 e. Pikes Peak, Suite 200, Colorado Springs, CO 80903

Warm Regards,

Jodi Schreiber  
 Owner, PFM Consulting LLC

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Land Owner: REDING RICHARD L & NANCY C

Land Owner: WILLIAMS PAULA BEZONA



Permit Boundaries  
(30 Acres)

Land Owner: COLORADO STATE TRUST LAND

6140

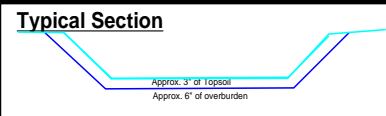
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Land Owner: COLORADO STATE TRUST LAND

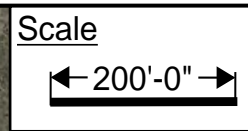
6110

Land Owner: COLORADO STATE TRUST LAND



**Legend**

- Permit Boundary (30.0 Acres)
- Existing Fence Line
- 2' Existing Contours
- Property Boundaries
- Erosion Berm/Stockpile of Topsoil & Overburden



- Notes:
- 1) Floor depth will be determined in the field.
  - 2) All slopes will be mined at a 3:1, except for the working face.
  - 3) Entrance Location: 37.821735° -104.847967°

Haul Road