



PLANNING COMMISSION AGENDA

March 23, 2023 at 1:30 PM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

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

Join via Zoom: <https://us02web.zoom.us/j/82550511219> | Meeting ID: 825-5051-1219

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. LGD UPDATES**
- 4. READING OF MINUTES**
- 5. ACTION ITEMS**
 - a.** 23-06 Gravel Pit Siete - Recommendation
 - b.** CUP 15-010 Walsenburg Cannabis
 - c.** Manzanares Subdivision Exemption
- 6. DISCUSSIONS**
- 7. ADJOURNMENT**



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

Joint Public Hearing Date: February 28, 2023; Continued on March 14, 2023; Planning Commission Recommendation March 23; Board of County Commissioners decision March 28.

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 640-acre 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

1. This is a conditional use in this zone, thus this is the appropriate course to pursue.
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.
3. *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.

4. Relative to nearby uses, gravel mining is a more intense use. The Planning Commission should consider how to interpret criterion #4.
5. *Traffic*: The proposed use will result in approximately 15 trucks per hour at peak hours, generating around 70 trips 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 and require applicant to obtain an access permit.
6. *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 will have to be built. No details were provided on this aspect of the project. State permits will require dust mitigation on the access road.
7. *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

Colorado Division of Parks and Wildlife: cody.purcell@state.co.us, mike.brown@state.co.us, joshua.bonar@state.co.us

Huerfano County Health Department: rsykes@la-h-health.org, – No Comment

Huerfano County Road and Bridge Department: dhribar@huerfano.us, cbechaver@huerfano.us

Huerfano Fire protection District: fixitsammo@gmail.com

Huerfano County Sheriff's office: BRUCENEWMAN@BRESNAN.NET

Spanish Peaks Regional Health Center: dmcgraw@sprhc.org

CDOT – contacted 2/23 – Michele Regalado and others: 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. On February 24, CDOT responded with a letter stating that they would require a Traffic Memo to give additional information on the types of trucks being used and whether there will be additional trip generation, such as from employees commuting to the site. Additionally, CDOT will require an access permit to document traffic generated at CR 650 and I-25.

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.

Previous CUP applications for gravel pits have included the following conditions:

1. Road maintenance agreements for County roads and for on-site haul roads, including magnesium chloride application frequency, maintaining or providing material to maintain or improve County roads impacted, and improving or replacing cattle guards.
2. Widening corners on a County road.

3. Require all permits to be approved and in place prior to commencement of operations. Copies of permits shall be provided to the Land Use Office.
4. Secondary containment for fuels stored on site.
5. Weed control plan approved by Huerfano County. (In one case, this applied to along a County Road).
 - a. Reclamation Bond in the amount of \$10,000 shall be required, and site inspections will be performed by the Huerfano County Weed Manager.
 - b. County will perform baseline weed monitoring study.
 - c. Noxious weed inspection min. 4x per year.
6. Truck restrictions (which roads they will/will not use)
7. Mining to begin within one year of approval.
8. Permanent truck turning signs placed on both sides of the access location.
9. Applicant shall address dust mitigation and potential water runoff/soil erosion prior to starting the project.
10. 09-30 required renewal every six years.

Scope of operations of previous gravel mining CUPs

02-043 Blasi and Son Trucking and Earthmoving: maximum disturbance 9.5 acres at one time; 5 acres excavated and 4.5 acres for stockpile and processing.

04-011 Franciscotti Pit: 250-acre site mining in seven phases between 30 and 60-acres disturbed in each phase. Only 10-acres to be disturbed at a time in phases 2-7, 30-acres of Phase 1 (60 acres, including 5-acre operations/stockpile area) was previously mined and plan includes re-grading and mining; plan states that reclamation will be concurrent with mining in all phases.

14-004 Peak View Gravel Pit: Processed material not to exceed 69,999 tons/year; 40-acre parcel with mining plan to mine in three phases including between 10 and 14.8 acres each. Total of 200 acres to be disturbed.

09-30 Leone Sand and Gravel: Mining plan indicated phasing including mining on 175 acres in 8 phases ranging from 14.5 acres to 22.4 acres each with each phase covering a time span of five years.

17-008 JW Cattle Ranch: Disturbed area not to exceed 5.6 acres at any time. Three to four phases lasting 1.5 years from 4.1-5.6 acres to be mined at one time.

17-015 Colorado Crushing – Perrino Pit: On 96 acre site, a max of 90 acres to be disturbed by mining. 20 acres to be disturbed at any one time, with stockpile/pricessing area to cover 15 acres and up to five-acres to be actively mined.

17-018 – HCWCD: Pit area 7.7 acres, processing/stockpile area 4.8 acres.

18-002 – Aught Six Ranch: Total 10-acres.

20-020 – Walsenburg Sand and Gravel: 46.91 ac; 2013 CUP permitted mining on 20.18 acres, 20-020 added 26.73 acres.

Submittals included in previous CUPs for gravel pits:

- Letter from Colorado Parks and Wildlife (CPW). A CPW letter is required for a 112 permit, but not for a 111 permit.
- Soils report (ranging from one page to 33 pages in length) – used to determine that sufficient soil can be salvaged to reclaim disturbed lands.
- Soils and vegetation map
- Mining plan and map
- Reclamation plan and map

- Timetable for reclamation
- Exemption letter from need for state reclamation permit from CDRMS

Recommended Conditions to Consider

1. Traffic Control Plan – signage, lower truck speed limit, Access Permit Lascar to access road.
2. Road Maintenance: Mag Chloride on Lascar Rd. and access rd. once per year or as needed as determined by the Road and Bridge Department; yearly grading and application of gravel to keep road up to County standards.

NOTE: As of the preparation of this report, staff is waiting on an opinion from Bruce Roscoe on how to most effectively address road maintenance.

3. Letter from Colorado City Metro District that they are authorized to haul up to 4,000 gal (or certain amount per day).
4. Noxious weed plan with security bond.
5. Acreage/scope of operations: This application describes a Phase I to develop 30-acres for mining. There are implied subsequent phases that are not described that would increase the scope and scale of operations. Siete's lease is for whole 640-acre section and intent is for CUP conditions to apply to entire section so they can expand their scope as they see fit. The amount of bonding required by state permits is a function of the scale/impact of operations (acreage, depth, etc.), so there is some state oversight of how much would be mined at any given time, though this may only be limited by the amount for which Siete is bonded.
6. One-year Review: review performance vis-à-vis conditions of permit. (Upon complaint and/or as a letter from applicant attesting to compliance with each condition and describing any changes that have taken place).
7. Hours of operation. In the application materials, hours of operation were stated as 7am to 5pm. Whether this is intended to apply to all aspects of the operation is not clear and needs clarification. Does this apply only to the crusher, to the loading of trucks, to the operation of mining equipment?
8. At the March 14 continuation of the public hearing, Commissioner Galusha suggested consideration of a condition that the access off of Lascar Rd. be located closer to I-25 to reduce truck traffic on Lascar to a shorter section.

Other considerations:

- Since the scope of future operations in this application is undefined and unknown, considering conditions to include in this CUP that would pertain to impacts from a scope of operations not described herein presents a challenge. One possible approach would be to include a condition that the CUP be presented to Commissioners with each proposed "significant" change in scope so that conditions could be reviewed and amended as needed.

- The Tom Branch Apache Creek, an intermittent stream, runs through the section. If more than the thirty acres initially proposed is to be permitted for mining, consider 200 ft. setbacks between mining operations and intermittent streambeds.
- Another approach to limit the impact of the mine could be to limit the total acreage to be mined at any one time.
- If the ultimate scale of mining is not something the County wants to condition, the County should consider requiring updates to the CUP to include changes to scope and up-to-date copies of all state-issued permits.
- In their letter of intent, the applicant stated that mining would be to a depth up to 20 ft. This could be considered as a condition of the permit.
- How the rock will be extracted is not described – will explosives be used?
- Magnesium chloride vs. chip seal on County road 650 – the first mitigates dust, the second would mitigate both dust and potential for rocks kicked up that could damage windshields, etc.

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
- Letter from CDOT
- Traffic Memo
- CDOT response to Traffic Memo
- Division of Reclamation Mining and Safety preliminary adequacy review, 111 Construction Materials New Permit Application Lascar Pit, Permit No. M-2023-005
- Updated Special Operations 111 Permit Application submitted to Division of Reclamation Mining and Safety.



PFM Consulting LLC

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

RE: Lascar Pit

February 9th, 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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Pueblo West, CO 81007
(719) 529-0916
pfmconsultingcompany@gmail.com
www.pfmconsultingllc.com



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

SPECIES	APPLICATION RATE (drilled)
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.

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

The map displays the Williams area with various well locations marked by green dots. A popup window for well 50332 is open, showing the following details:

- ☆ Well Constructed 50332-
- Receipt = 9087273
- Permit = 50332-
- Well Name =
- Applicant = WILLIAMS ALBERTA N & BILLY D
- Case No =
- Aquifers = ALL UNNAMED AQUIFERS
- Uses = Domestic Stock
- Yield =
- Well Depth = 65
- Location Accuracy = Spotted from quarters

Additional map features include County Road 600, County Road 650, County Road 650, and the town of Williams. A red location pin is also visible on the map.

The adjacent landowners are as follows:

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

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

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

Jodi Schreiber
Owner, PFM Consulting LLC

10



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:

- | | |
|---|---|
| <input checked="" type="checkbox"/> X Conditional Use Permit Application | <input type="checkbox"/> Sign Permit |
| <input type="checkbox"/> Conditional Use Application / Marijuana | <input type="checkbox"/> Temporary Use or Assembly Permit |
| <input type="checkbox"/> Conditional Use Application / Oil, Gas or Uranium Exploration and/or Development | <input type="checkbox"/> H.B. 1041 Text Amendment |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> H.B. 1041 Development Permit |
| <input type="checkbox"/> Variance | <input type="checkbox"/> H.B. 1041 Flood Plain Exemption |
| <input type="checkbox"/> Subdivision Exemption | <input type="checkbox"/> Comprehensive Plan Text of Map Amendment |
| <input type="checkbox"/> Plat Amendment | <u>PUD or non-PUD Subdivision Approval:</u> |
| <input type="checkbox"/> Plat Correction | <input type="checkbox"/> Sketch Plan |
| <input type="checkbox"/> Road Right-of-Way or Easement Vacation | <input type="checkbox"/> Preliminary Plan |
| <input type="checkbox"/> Lot Consolidation | <input type="checkbox"/> Final Plat / Subdivision Improvement Agreement |
| <input type="checkbox"/> Other Actions (specify): _____ | <input type="checkbox"/> 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 5a.

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

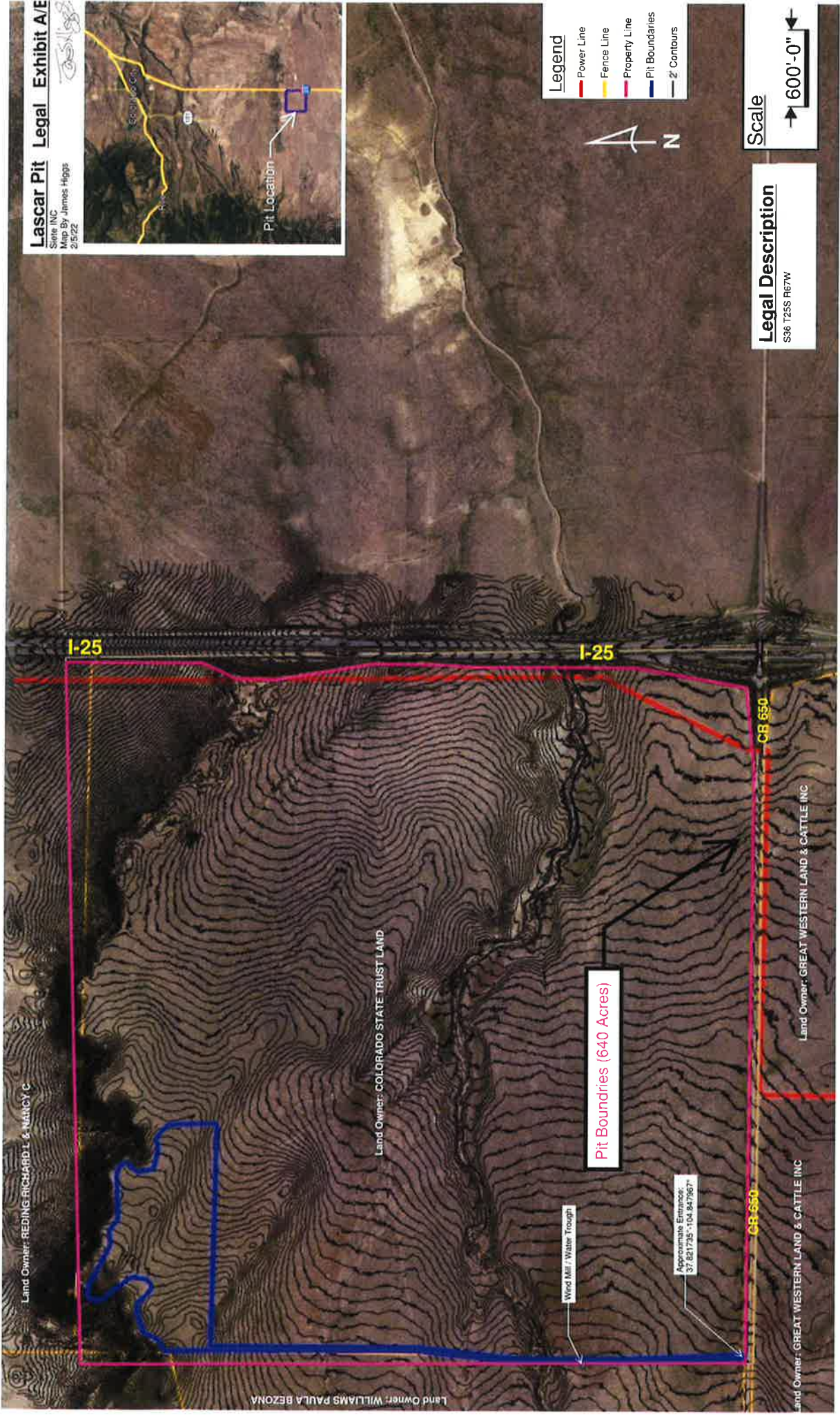
☐ Denial

Name _____ Signature _____

Title _____ Date _____



Item 5a.



Lascar Pit Legal Exhibit A/E
Site Map
Map By James Higgs
2/5/22

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

Scale
600'-0"

Legal Description
S36 T25S R67W

Item 5a.

2/5/23
Map By James Higgs 

Land Owner: REDING RICHARD L & NANCY C

Land Owner: WILLIAMS PAULA BEZONA



Permit Boundaries
(30 Acres)

Land Owner: COLORADO STATE TRUST LAND

6140

6130

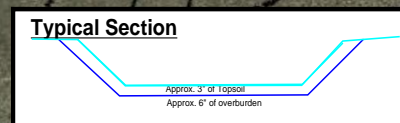
6120

6110

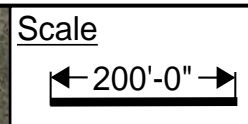
Land Owner: COLORADO STATE TRUST LAND

Land Owner: COLORADO STATE TRUST LAND

Haul Road



- 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°



COLORADO

Department of Transportation

Region 2 Permits

5615 Wills Blvd, Suite A
Pueblo, CO 81008-2349

February 24, 2023

I-25 South (Exit 64)
Huerfano County

Sky Tallman, Land Use Director
Huerfano County Land Use
401 Main Street, Suite 304
Walsenburg, CO 81089

RE: Lascar Pit / Siete, Inc. - Conditional Use Permit 23-06

Dear Sky,

I am in receipt of a referral request for planning referral comments for Conditional Use Permit 23-06 for Lascar Pit / Siete, Inc. The proposed operation will extract sand and gravel with on-site processing. The site consists of ±640 acres; of the ±640 acres, approximately 30 acres will be mined during the first phase. The remaining ±610 acres will be utilized once all mining has been completed on the first 30-acre area. The mining operation is 13 miles north of Walsenburg on County Road 650, east of I-25 in Huerfano County. After review of all documentation, we have the following comments:

Traffic

The submitted documents have been reviewed by a CDOT Traffic Engineer. Their comments follow:

- There are approximately 200 vehicles per day at the I-25 and County Road 650 on-ramps. The letter of intent indicates an estimate of 15 trucks per hour; without knowing the specifics of the actual haul trucks being used, this can either equate to 2 times or 3 times the number of trucks into Passenger Car Equivalent (PCE) = 30 to 45 pce/hr.
- A Traffic Memo is required to be submitted to CDOT for review that follows the State Highway Access Code (SHAC) guidelines. Ensure the following is included/addressed in the memo:
 - Type of trucks anticipated being used, converted to PCE as per ITE guidelines.
 - Any additional trip generators (i.e. mechanics, site workers, etc).
- **Please submit a Traffic Memo to CDOT for review and comment.**

Access

The proposed development will impact CDOT infrastructure. Our comments follow:

- Section 1.4(1) of the State Highway Access Code, states in part that no person, shall construct any access providing direct vehicular movement to or from any state highway from or to property in close proximity or abutting a state highway without an access permit issued by the designated issuing authority with the written approval of the Department.
- Under Section 2.6 (Change in Land Use and Access Use) of the State Highway Access Code, states the requirements of a new access permit. It states in part that if any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume increases by 20% and or vehicle type, the permittee or property owner will coordinate with the local authority and the Department to determine if a new

- access permit and/or modifications to the access are required. Roadway improvements are anticipated for Powers Boulevard and Mesa Ridge Parkway.
- A CDOT Access Permit will be required for this development to document the traffic generated at County Road 650 and I-25.

Additionally,

- On-premise and off-premise signing shall comply with the current Colorado Outdoor Advertising Act, sections 43-1-401 to 421, C.R.S., and all rules and regulations pertaining to outdoor advertising. Please contact Mr. Todd Ausbun at (719) 696-1403 for any questions regarding advertising devices.
- Any utility work within the state highway right of way will require a utility permit from CDOT. Information for obtaining a utility permit can also be obtained by contacting Mr. Ausbun.

Please contact me in Pueblo at (719) 546-5440 or by email teresa.guagliardo@state.co.us with any questions.

Sincerely,

Teresa Guagliardo

Teresa Guagliardo
CDOT R2 Access Management Trainee

Xc: Sparks
Martinez, Patrol 4
Jagow
Gonzales/Regalado/file



PFM Consulting LLC

Colorado Department of Transportation
R2-Permits-Access-Traffic and Safety
5615 Willis Blvd. Suite A
Pueblo, CO 81008

RE: Lascar Pit Traffic Memo – Huerfano County I-25 and County Road 650

February 26th, 2023

Ms. Guagliardo,

Please accept this and the included map as the Traffic Memo for I-25- Huerfano County MM64. This access is being requested as a part of a gravel pit project that is being developed in Huerfano County to produce aggregate for CDOT Project No. FBR 025A-045 and for Federal Highway Administration Project 6982AF23C000001. This site will encompass 30 acres for these two projects and will expand as demand warrants. The site is anticipated to be operation for 15-20 years.

This site will be regulated by several county and state agencies. Huerfano County Land Use is in the process of approving a Special Use Permit for the operation. Additionally, the Colorado Department of Natural Resources Division of Reclamation, Mining and Safety requires a Special Operations 111 Reclamation Permit Application. The Colorado Department of Public Health and Environment requires an Air Pollution Emission Notice (APEN). Based upon these permits and their production limits, we can reasonably estimate traffic volumes, due to restrictions that these permits put on the project itself.

Based upon production limits mentioned above, the project estimates no greater than 70 semi-truck (belly dump) loads being hauled from the site in any given day. This number is based upon being able to load each truck with 28 tons of aggregate material. This level of traffic will occur during the construction of the above-referenced projects and will be significantly less during normal business operations throughout the rest of the year. To produce aggregate for these projects, the site would see heavier activity from March of 2023 to the Fall of 2023. A more realistic number following the projects is 70,000-100,000 tons of aggregate being hauled from the site, which would lower the daily truck count to 15-17. The site anticipates running from 7 am to 5 pm Monday through Friday. The highest truck traffic per hour based on 70 trucks per day would be 7 trucks per hour. The lower average of hourly truck traffic would then be anywhere from 2-4 trucks per hour. Converting the highest level of traffic to a passenger car equivalent is 21 trucks per hour.

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



PFM Consulting LLC

The number of employees at the site would be approximately 6. The traffic from these employees would be at 6-7 a.m. and then again around 5-6 p.m. There may be local vendors (i.e., maintenance vendors) who would be onsite on an occasional basis. This traffic is difficult to estimate but would range from 1-2 vehicles per day at a maximum. Based upon these assumptions, the highest daily vehicle count would be 218. Again, this site would run approximately 10 hours per day, so this would equate to 22 passenger car equivalents per hour.

As this site will be an operational gravel pit, there is not one designated haul route. The haul route will be driven by the local economy and aggregate sales. The two projects listed above will move gravel both north and south on I-25 from this site. This will split the impact to the on/off ramps by moving aggregate in two different directions.

The current access road will be Huerfano County Road 650 south of the parcel. The pit will use the far westerly edge of the section to access the gravel site. Please see the attached map for a detail of the location of the interior haul road and how that intersects Huerfano County Road 650 and I-25.

Please let me know if you need any additional information to proceed with the Access Permit Application

Warm Regards,

Jodi Schreiber

Jodi Schreiber, Owner
PFM Consulting LLC

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



COLORADO
Department of Transportation
 Region 2 Permits

5615 Wills Blvd, Suite A
 Pueblo, CO 81008-2349

FINAL REVISIONS 2/28/2023

February 28, 2023

I-25 South (Exit 64)
 Huerfano County

Sky Tallman, Land Use Director
 Huerfano County Land Use
 401 Main Street, Suite 304
 Walsenburg, CO 81089

RE: Lascar Pit / Siete, Inc. - Conditional Use Permit 23-06

Dear Sky,

I am in receipt of a referral request for planning referral comments for Conditional Use Permit 23-06 for Lascar Pit / Siete, Inc. The proposed operation will extract sand and gravel with on-site processing. The site consists of ±640 acres; of the ±640 acres, approximately 30 acres will be mined during the first phase. The remaining ±610 acres will be utilized once all mining has been completed on the first 30-acre area. The mining operation is 13 miles north of Walsenburg on County Road 650, east of I-25 in Huerfano County. After review of all documentation, we have the following comments:

Traffic

The Lascar Pit Traffic Memo dated February 26, 2023 has been reviewed by a CDOT Traffic Engineer. Their comments follow:

- Based on the revised haul deliveries (70 trucks over 10 hr of operation) + anticipated site trips from non-haul workers, the added trips are less than 20% now of the existing volume.
- CDOT reserves the right to review the condition of the gravel pit should trip volumes go beyond 22 PCE per hr as stated in the new traffic memo.

Access

The proposed development will impact CDOT infrastructure. Our comments follow:

- Section 1.4(1) of the State Highway Access Code, states in part that no person, shall construct any access providing direct vehicular movement to or from any state highway from or to property in close proximity or abutting a state highway without an access permit issued by the designated issuing authority with the written approval of the Department.
- Under Section 2.6 (Change in Land Use and Access Use) of the State Highway Access Code, states the requirements of a new access permit. It states in part that if any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume increases by 20% and or vehicle type, the permittee or property owner will coordinate with the local authority and the Department to determine if modifications to the access are required.
- A CDOT Access Permit will not be required for this development at this time.

Additionally,



- On-premise and off-premise signing shall comply with the current Colorado Outdoor Advertising Act, sections 43-1-401 to 421, C.R.S., and all rules and regulations pertaining to outdoor advertising. Please contact Mr. Todd Ausbun at (719) 696-1403 for any questions regarding advertising devices.
- Any utility work within the state highway right of way will require a utility permit from CDOT. Information for obtaining a utility permit can also be obtained by contacting Mr. Ausbun.

Please contact me in Pueblo at (719) 546-5440 or by email teresa.guagliardo@state.co.us with any questions.

Sincerely,

Teresa Guagliardo by MRegalado

Teresa Guagliardo
CDOT R2 Access Management Trainee

Xc: Sparks
Martinez/Patrol 4
Jagow
Gonzales/Regalado/file





March 7, 2023

Baxter Kirkland
Siete, Inc.
P.O. Box 202
Rye, CO 81069

Jodi Schreiber
PFM Consulting LLC
1774 N Cougar Dr.
Pueblo West, CO 81007

Re: Preliminary Adequacy Review, 111 Construction Materials New Permit Application Lascar Pit, Permit No. M-2023-005

Dear Mr. Kirkland and Ms. Schreiber,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your 111 Reclamation Permit Application for the Lascar Pit, File No. M-2023-005, and submits the following comments. **The Division is required to make an approval or denial decision no later than March 16, 2023; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** In order to allow the Division adequate time to review your responses to the following items, please submit your adequacy responses to the Division no later than three days prior to the decision date.

Please respond to this adequacy review with the requested information as revised pages and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Responses; M-2023-005".

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, 6.3, and 6.5 (if applicable) of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading.

EXHIBIT A

1. The map titled "Lascar Pit – Siete INC Legal Exhibit A/B PG 3" has a north arrow that is actually facing east. Please rotate this map so that the north arrow is oriented north.

EXHIBIT B

2. Pursuant to Rule 6.3.2(b) the names of the structure owners for any permanent man-made structures within 200 feet of the affected area should be located on an Exhibit E – Map. In Exhibit L, the Applicant states that a stock tank, fence, water line, and County Road 650 are within 200 feet of the proposed site. Exhibit L states that Buzz Williams is the owner of the stock tank, water line, and fence. Exhibit L also states that Huerfano County is in the process of approving a Conditional Use Permit and will provide a Road Access Agreement upon approval.

On the map titled “Lascar Pit Existing Conditions Exhibit E”, the location of the stock tank and water line are not provided. Additionally, a wind mill/water trough is located on the map within 200 feet of the affected land boundary and a note is provided stating Buzz Williams owns all fences, the wind mill, and the water trough within “200”.

- Please update the notes to say within “200 feet”.
- Please clarify if the water trough/wind mill is being used interchangeably with ‘water line’ or ‘stock tank’.
- Also, on map “Lascar Pit Existing Conditions Exhibit E”, please include the location of the stock tank and water line. Also please list the owners of these structures and indicate Huerfano County as the owner of County Road 650.
- Upon approval, please provide the Division with a copy of the Road Access Agreement with Huerfano County. If this cannot be obtained, please provide a signed structure agreement or provide an engineering evaluation demonstrating that County Road 650 will not be damaged by activities at the mining operation.

EXHIBIT C

3. In Exhibit C, under General Mining Plan, the Applicant states that “topsoil and overburden berms will be stored around the perimeter of the permit boundary for later use in reclamation”. On the map titled “Lascar Pit-Siete INC Mining Map Exhibit E”, topsoil and overburden are combined within one continuous berm. Pursuant to Rule 6.3.3(b), plant growth medium stockpiles (topsoil) must be located separate from other stockpiles, out of the way of mine traffic and out of stream channels or drainage ways.
 - a. Please revise the mining and reclamation plans to account for storing topsoil in a separate location from the overburden stockpiles.
 - b. Please update the applicable sections of Exhibit B, C, and D pertaining to topsoil and overburden stockpiles.
4. In Exhibits B, C, and D, the Applicant states that stockpiled topsoil will be stored in a site perimeter berm. Rule 6.3.3(b) requires topsoil that will be stockpiled to be stabilized with a vegetative cover or other means until used in reclamation. Please revise the mining plan narrative to include a plan for stabilizing the topsoil stockpile prior to use in reclamation and commit to seeding the topsoil pile if it is stockpiled longer than 180 days without being used for reclamation.
5. Upon restructuring the stockpile plans, pursuant to Rule 6.3.3(f), please specify the dimensions of

the stockpiles.

6. In Item #3: Mine Facilities and Operation, the mining method states that “except for the highwall, slopes will be maintained at a 3H:1V or shallower”. Please provide the Division with an estimate of the maximum length of the highwall.

EXHIBIT D

7. Item #8: Reclamation Bond, the Applicant provides a reclamation cost estimate. In the estimate, under seeding, broadcasting is the seeding method provided. In Item #5: Revegetation Plan, the Applicant states that the seed will be drilled, and the seeding rates provided are for drill seeding. Please update the cost estimate to reflect the cost of drill seeding as the seeding method.

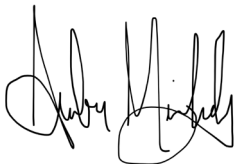
Other:

8. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant’s response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review.
9. The Division received state agency comments from the United States Army Corps of Engineers. The letter is attached for review. Please revise the permit exhibits accordingly in response to their letter.

The decision deadline on this application is March 16, 2023. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information or have any questions, please contact by telephone at (303) 866-3567 x8137, (720) 836-0967, or by email at amber.michels@state.co.us.

Sincerely,



Amber Michels
Environmental Protection Specialist

cc: Jared Ebert, DRMS

Enclosures: Comments from the United States Army Corps of Engineers

STATE OF
COLORADO

Michels - DNR, Amber <amber.michels@state.co.us>

Notice of Application Consideration for Permit: M2023005

DRMS_PermitAdmin - DNR, DNR_ <dnr_drms_permitadmin@state.co.us>Thu, Mar 2, 2023 at 9:38
AM

To: Amber Michels - DNR <amber.michels@state.co.us>, Jared Ebert - DNR <jared.ebert@state.co.us>

Susan L. Burgmaier

Business Process Technical Specialist

**COLORADO**
Division of Reclamation,
Mining and Safety
Department of Natural Resources

P 303.866.3567 x 8111 | F 303.832.8106

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

dnr_drms_permitadmin@state.co.us | <https://drms.colorado.gov>**ePermitting Login**

----- Forwarded message -----

From: **SPA-RD-CO** <SPA-RD-CO@usace.army.mil>

Date: Thu, Mar 2, 2023 at 8:57 AM

Subject: Re: [Non-DoD Source] Notice of Application Consideration for Permit: M2023005

To: Division of Reclamation, Mining and Safety <dnr_drms_permitadmin@state.co.us>

Thank you for requesting comments from our office regarding the proposed subject project(s) or activity (ies) that may have the potential to impact aquatic resources. We appreciate that you are considering our potential regulatory role in the project, but we do not currently have the ability to provide project specific comments. If the activity should have the potential to result in the discharge of dredged or fill material into waters of the United States, then the project proponent should work directly with our office to acquire necessary Corps permits, if applicable, as described in following general comment.

Section 404 of the Clean Water Act requires a permit from us for the discharge of dredged or fill material into waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, lakes, ponds, wetlands, wet meadows, and seeps. To ascertain the extent of waters on the project site, the applicant should prepare a delineation of aquatic resources, in accordance with the applicable standards, including the 1987 Wetland Delineation Manual and the South Pacific Division Minimum Standards for Acceptance of Preliminary Wetlands Delineations. These standards can be found on our website at: <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Jurisdiction/>.

An aquatic resource delineation should be evaluated prior to developing a be part of a range of alternatives that meet the project purpose. The range of alternatives considered for this project should include alternatives that avoid and minimize impacts to wetlands, streams, or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to discharging dredged or fill material into waters of the United States, compensatory mitigation may be required.

For more information about our program or to locate a list of consultants that prepare aquatic resource delineations and permit application documents, please visit our website at <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits>.

Respectfully,
Lexi Hamous
Regulatory Specialist
Southern Colorado Branch

From: Division of Reclamation, Mining and Safety <dnr_drms_permitadmin@state.co.us>

Sent: Wednesday, March 1, 2023 3:37 PM

To: SPA-RD-CO <SPA-RD-CO@usace.army.mil>

Cc: amber.michels@state.co.us <amber.michels@state.co.us>

Subject: [Non-DoD Source] Notice of Application Consideration for Permit: M2023005

[Quoted text hidden]

Lascar Pit

February 2023

111 Permit Application

Colorado Division of Reclamation, Mining, and
Safety

Siete Inc.

Introduction

The Lascar Pit is located approximately 13 miles north of Walsenburg, CO in Huerfano County at an elevation of 6503 feet. The Lascar Pit will be used as sand and gravel source for Colorado Project No. FBR 025A-045 and Federal Highway Administration Project 6982AF23C000001; therefore, this application is for a Special Operations 111 reclamation permit. The permit boundary is shown on the Existing Conditions Map. Prior to mining, the site was used for rangeland and cattle grazing and will be reclaimed as such. The depth of excavation will be approximately 20 feet. Topsoil is expected to range from 3-4 inches.

The site is bordered by rangeland to the north, south, west, and east. The General Location Map in Exhibit A details the location of the Lascar Pit. The surface and mineral rights are owned by the Colorado State Land Board. A lease to mine and sell the gravel is attached for review. The permit area will include 30.0 acres.

6.3.1 EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

The site is approximately 13 miles north of Walsenburg, CO. The property is surrounded by dry rangeland in each direction. County Road 650 borders the south end of the site and Interstate 25 is to the east of the property. The main site access is located at the southwest corner of the site with access from County Road 650 and is shown on the General Location.

The total permit area is 30.0 acres.

1. Legal Description

A tract of land located within the west half of Section 36, Township 25 South, Range 67 West of the 6th Principal Meridian of Huerfano County in the State of Colorado.

The pit can also be described as located at with a mine entry location of:

Latitude 37.821735°

Longitude -104.847967°

6.3.2 EXHIBIT B

SITE DESCRIPTION

1. Location and General Land Use Information

The site is located along Huerfano County Road 650 and Interstate 25 and is composed of dry rangeland. The parcel is currently leased for agricultural operations by the Colorado State Land Board.

2. Site Geology

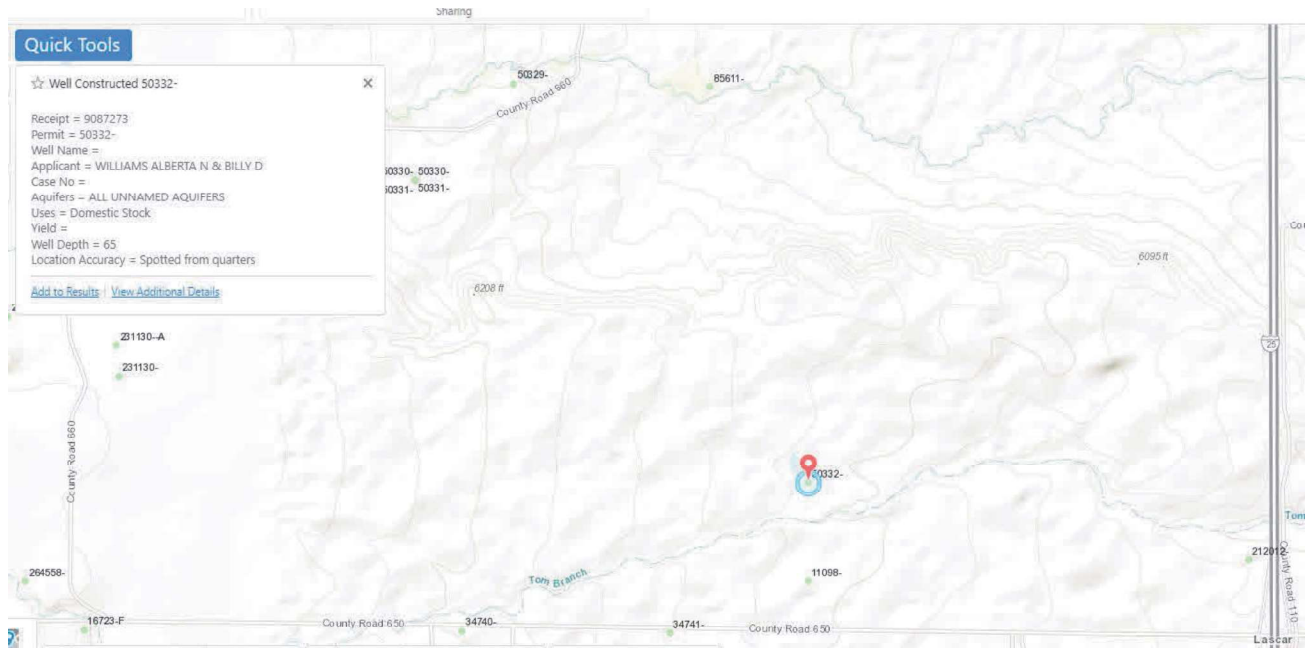
Site geology consists of 3-4 inches of topsoil. Mining will occur to a depth of approximately 20 feet. There are no hazardous or acid forming materials expected to be encountered during excavation. See the enclosed Natural Resources Conservation Service (NRCS) soil report for more details on surface composition. A majority of the site is composed of Baca Silt Loam. This material is well drained with slow to medium runoff and moderately slow permeability. These soils are used for both rangeland and for irrigated cropland. Native vegetation is blue grama, buffalograss, western wheatgrass, broom snakeweed and cactus. Samsil-chicosa complex is also on the property and is found in rangeland. The main native vegetation and includes little bluestem, western wheatgrass, sideoats grama, blue grama, green needlegrass, sedges and forbs. It is well drained and has a medium to high surface runoff. Permeability is slow.

3. Surface Hydrology

Pre-mining topography is shown on the Existing Conditions Map. All runoff on the undisturbed site runs to the south. Stormwater will be kept from leaving the site by using topsoil and overburden stockpiles which will surround the site following the perimeter. The stockpiles will be first developed on the western edge of the site and will encircle the full area over the mine's life. This perimeter topsoil berm is shown on the Mining Map. Stormwater that occurs on site will remain on site; however, the soils should allow for stormwater to infiltrate the site and pit floor within 72 hours.

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 at 65 feet. Mining is not anticipated 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.



1. Vegetation

Vegetation at this site is typical rangeland grasses for this area and covers approximately 30-60% of the site.

2. Wildlife

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 reseeded all mined areas with a native rangeland seed mix.

3. Structures

There is a fence, stock tank, water line and County Road 650 that all lie within 200' of the permit boundary.

4. Soils

The NRCS soil map is included. The site contains two main soil types:

- Baca Silt Loam – 61.9%, Well-drained with slow to medium runoff
- Samsil-Chicosa Complex – 16.3%, Well-drained with medium to high runoff

6.3.3 EXHIBIT C MINING PLAN

1. General Mining Plan

The Existing Conditions Map shows the current conditions of the Lascar Pit. The pit will provide aggregate for road construction work on Colorado Project No. FBR 025A-045 and Federal Highway Administration Project 6982AF23C000001. Mining will disturb up to 30 acres as shown on the Mining Map.

Mine access is via County Road 650 with access from Interstate 25. Mining of the gravel deposit will progress from the west side of the permit boundary and move to the east of the site. Stockpile and processing areas will be in the southwest corner of the site. The pit will be sloped to a 3H:1V or shallower to restore the site's previous drainage pattern.

A portable asphalt hot plant or concrete plant may be located at the site and will be located inside of the processing area as shown on the Mining Map. This area, as well as the stockpile and processing areas, will be prepped by removing and stockpiling topsoil for later reclamation. Mined and processed aggregate will be stored surrounding the portable processing plant(s). Topsoil and overburden berms will be stored around the perimeter of the permit boundary for later use in reclamation.

2. Mining Timetable

The construction project is anticipated to February 2023, depending on weather. Mining is planned to finish by Fall 2023.

3. Mine Facilities and Operation

Toxic or acid-producing materials will not be encountered during the mining operation. No blasting or explosives will occur/be used during mining nor on site. Bulk storage of fuel and small amounts of lubricants may be stored on site and will be either double walled or housed within an earthen berm that will have a capacity of at least 110% of the volume of the tanks to be kept onsite. No permanent structures will be built within the permit area as part of this operation. Water will be used to control dust on site. Water for this operation will be purchased from an offsite source in Colorado City and trucked to the site. It is estimated that the operation

will consume up to 10,000 gallons of water per day for dust suppression. Portable plants will be used onsite for rock crushing. Spray bars will be used in the crushing and screening plant to minimize dust.

Aggregate processing equipment is portable. The processing equipment may move and follow active mining throughout the site. Portable mining equipment such as loaders, dozers, trucks, and excavators will be serviced onsite as needed. Upon reclamation, all portable equipment will be removed from the site.

On-site roads are temporary and will change as mining progresses to the east. Support equipment will come to the site on an as-needed basis. Night mining activity may occur in the operation and portable lighting may be used within the pit from time to time. Portable toilets will be used for employees.

Stormwater drainage on the disturbed areas will be directed by berms that border all disturbed areas of the site. The operation will create a depressed area. No stormwater or process water will leave the site and will be directed toward the center of the disturbed area where it will infiltrate within 72 hours. Except for the highwall, slopes will be maintained at 3H:1V or shallower. As no stormwater will leave or is anticipated to leave the site, a CDPHE Storm Water Discharge permit is not required.

4. Topsoil and Overburden Handling

Topsoil will be salvaged from the disturbed areas and placed in temporary perimeter berms surrounding the disturbed area. Piles are shown at the perimeter of the permit boundary on the Mining Map. Topsoil is expected to be approximately 3-4 inches and overburden is expected to be approximately 18-30 inches. The topsoil and overburden berms will be used for reclamation to construct 3H:1V slopes or shallower. The deposit is approximately 20 feet in depth. There are no significant disturbances onsite pre-mining. The haul road will be approximately 30 feet wide and will be constructed as with any gravel road, by removing the topsoil to a width of 30 feet.

5. Schedule of Operations

Mining, screening, and processing will be conducted with portable equipment between February and September 2023. Mining operations will be dictated by the project schedule. Mining may take place 6 days per week for the duration of the project.

6. Huerfano County Impacts and Environmental Impacts

The impacts to Huerfano County will be limited. Minimal dust is expected from the operation as the pit and roads are watered as needed. Water used is purchased and brought on site and applied on an as-needed basis to control dust on haul roads and within the mine area.

6.3.4 EXHIBIT D RECLAMATION PLAN

1. General Reclamation Plan

The maximum disturbed area to be reclaimed under this permit is ~30.0 acres. Post-mining land use will return the site back to dry rangeland with native grasses. All areas of the site including will be reclaimed to 3H:1V or shallower. As described in the mining plan, reclamation will occur concurrently with mining. No interior haul roads will remain following reclamation. All reclaimed areas will be sloped, topsoil replaced and seeded with the approved seed mix.

2. Topsoil Replacement

Topsoil onsite is anticipated to range from 3-4 inches thick. During mining, all topsoil will be stored in the site perimeter berm of the site and are shown on the Reclamation Map.

3. Haul Roads and Access

One entrance road will connect the site to County Road 650. Onsite haul roads will move as mining moves throughout the site. No interior haul roads will remain following reclamation.

4. Reclamation Timetable

Reclamation will occur concurrently with mining. Topsoiling and seeding will occur between the Fall 2023 and Spring 2024.

5. Revegetation Plan

For reclamation, seed will be drilled. Heavy furrows may be left to help concentrate moisture and provide shade for vegetation establishment. An NRCS approved seed mix will be used. It is anticipated that the following mix would be adequate for reclamation purposes.

Native Grass Seed Mix

SPECIES	APPLICATION RATE (drilled)
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

6. Post-Reclamation Site Drainage

Final reclamation surfaces will be graded so that waters flow in a similar path to the original pre-mining path. Any onsite water will infiltrate within 72 hours.

7. Monitoring Reclamation Success

The local NRCS office may assist in any reclamation issues or to help control erosion. Weed mitigation will occur through mechanical removal. If there are issues that arise regarding noxious weed control, Siete Inc. will contact the Huerfano County Noxious Weed Coordinator for guidance.

8. Reclamation Bond

The bond for the site will be based upon \$2,500 per acre. The site will have 30.0 acres of disturbance. Since a fraction of an acre is counted a whole acre by the Division, the bond will be $30.0 \text{ acres} \times \$2,500.00 \text{ per acre} = \$75,000.00$.

Reclamation cost estimates were calculated on a per acre basis and applied to maximum active mining area of 30 acres.

Direct Tasks	Unit	Quantity	Cost	Total Cost
Placing Topsoil/Fines				
Bull Dozer	Hours	0.33	\$145.00	\$47.85
Loader	Hours	0.33	\$145.00	\$47.85
Seeding				
Broadcasting	Hours	0.33	\$300.00	\$99.00
Seed Mix	Acre	1	\$350.00	\$350.00
Mulch	Acre	1	\$187.50	\$187.50
Tracking seed/mulch				
Dozer	Hours	0.33	\$154.00	\$50.82
Area Reclaimed	Acre	30		\$23,490.60
Mobilization Fee	Hours	5	\$100	\$500.00
Indirect Tasks				
Liability Insurance			0.0155	\$364.00
Performance Bond			0.015	\$352.00
Profit			0.1	\$2,349.00
Job Superintendent	Hours	20	\$88.00	\$1,760.00
Miscellaneous Indirect			0.0925	\$2,172.00
Total Bond				\$30,987.60

6.3.5 EXHIBIT E MAPS

Existing Conditions Map

Mining Map

Reclamation Map

6.3.6 EXHIBIT F

LIST OF OTHER PERMITS AND LICENSES REQUIRED

The following permits are necessary for the full operation of the Lascar Pit:

1. APEN – A fugitive air emissions permit is needed from the Colorado Department of Public Health and Environment. Air emissions permits will be in place for all equipment and portable plants utilized on site which require a permit.
2. Huerfano County Special Use Permit.

6.3.7 EXHIBIT G

SOURCE OF RIGHT-TO-ENTER

The surface and mineral owner of the property which will be mined is the Colorado State Land Board. The Operator is Siete Inc. Attached is the lease between the two entities.

6.3.8 EXHIBIT H

MUNICIPALITIES WITHIN TWO MILES

There are no municipalities within two miles of the site.



Staff Report

Review of CUP 15-010 Walsenburg Cannabis Planning Commission

Meeting Date: 03/23/2023

Background

- The facility is located at 23054 US Hwy 160 near the Spanish Peaks Regional Medical Center and Lathrop State Park.
- The original CUP 15-010 was granted to DDS Ltd. The PW CO CanRE Walsenburg and Walsenburg Cannabis then transferred the CUP into their name.
- On August 26th 2021 the Board of County Commissioners approved the amendment to CUP #15-010, which transferred CUP 15-010 and gave specific facility operator approval to transfer Site 1. Case reference number: 21-15-010 Amendment.
- The applicants at time were Cedric Crockett, Jared Schrader, and David Lesser.
- Building permits for greenhouses #21-185, 21-205 and 21-206, were pulled on 11/9/21 and 12/6/21.
- When the Huerfano County Building Department went to do pier hole inspections they were notified that Cedric Crockett had no further affiliation with Walsenburg Cannabis.

Code Enforcement

- In July, 2022, Huerfano County Code Enforcement was informed that Walsenburg Cannabis was no longer in operation. Huerfano County Code Enforcement was also informed that the doors had closed and all of the plants that were being grown were destroyed through a wood chipper. A phone call was made to Jared Schrader who informed Huerfano County Code Enforcement that the operation had been shut down, but he declined to give an explanation.
- On September 28th, 2022 an email was sent out to David Lesser, the only other known owner, and no response was received. A second email was sent out to David Lesser on November 7, 2022, which he had not responded to by November 15th, 2022. Mr. Lesser was contacted again on November 17th, 2022. Since then, there has been no further communication with Mr. Lesser. The email was to inquire about Mr. Lesser's intention with the future of Walsenburg Cannabis. The emails also explained that CUP 15-010 would go to the Huerfano County Planning Commission after February 1, 2023 to be considered for revocation. Two phone calls were placed to each of the numbers that were listed and messages left for Mr. Lesser with no return call.
- No building inspections have been conducted in over a year by the Huerfano County Building Department. Section 18.04.01.02 states that final inspections must be performed within one year of the building permit approval. There has been no communication on the building side of things.

- There were conditions put forth by the Huerfano County BOCC to the amendment to CUP 15-010 at their August 21, 2021 meeting. One of those conditions was that the Planning Commission would hold a compliance review after one year from the date of the CUP approval. No compliance review done as the facility was no longer in operation.

Code References

18.04.01 Time of application and operation.

- 18.04.01.01 Annual Compliance Reviews shall be performed by the Board of County Commissioners, or its designees, no later than 30 days following the anniversary date of the issuance of a Commercial Building Permit.
- 18.04.01.02 All required construction permits must be in place within forty-five (45) days of CUP approval, construction must begin within 180 days of building permit approval, and all final building inspections must be performed within one year of the building permit approval.
- 18.04.01.03 Failure to meet any of the foregoing thresholds may result in revocation of the CUP.

Staff Comments

Because no compliance review was conducted as per 18.04.01.01 and the permit holders have declined to communicate with Huerfano County Code Enforcement, Walsenburg Cannabis is not in compliance with the terms of CUP 15-010. Possible recommendations are sought from the Planning Commission to send to the Huerfano County Board of County Commissioners. Consider recommending revocation of CUP 15-010 based upon 18.04.01.03 non-compliance. and no return correspondence from the owner.

Huerfano County
Land Use Office
401 Main St. Suite 304
Walsenburg, Colorado 81089
719-738-1220, ext. 119



Item 5b.

August 26, 2021

PW CO CanRE Walsenburg LLC, Walsenburg Cannabis LLC
Attn: Cedric Crockett & Jared Schrader
6864 US Hwy 160
La Veta, CO 81055

Ref: Amendment of Conditional Use Permit 15-010

Dear Cedric and Jared:

Thank you for your application requesting an amendment to CUP # 15-010.

This letter is to notify you that the Board of County Commissioners approved your application at their August 26, 2021 meeting. This approval is valid with the following conditions:

- Evidence of Twin Peaks Joint Venture's agreement to the transfer must be provided
- Background checks must be provided for the owners of both LLCs assuming the CUP
- Copies of approved licenses from the Department of Revenue Marijuana Enforcement Division must be provided to the county before growing operations may begin
- The applicants must submit an odor control plan to the county planner for approval. This plan shall include an air filtration system kept in good repair.
- Signs will conform to the Huerfano County Sign Regulations and content of the sign shall only include the name with an emergency phone number.
- The Planning Commission will hold a compliance review after one (1) year from the date of CUP approval or before starting construction on the second phase.
- The CUP may be transferred to another entity providing the BOCC reviews and approves the proposed transfer arrangement and new owner ahead of time, and the fee for the transfer will be \$5,000.00.
- Ten thousand (10,000) gallons of water must be present and maintained onsite and available for fire suppression.
- Operation of the facility must begin within one (1) year of the CUP approval.
- At a minimum, fifty-one percent (51%) of the facility's annual payroll shall be attributable to employees or independent contractors permanently residing within Huerfano County.
- County Building permits will not be issued until a liability insurance binder that includes the operation of the facility has been submitted to the Land Use Office.
- All exterior lighting will only be for security, directed toward the ground and equipped with motion detectors.
- \$10,000.00 fee is to remain in place until all five (5) phases of construction have been completed.
- Subject to all requirements in section 18 of marijuana regulations except for setback requirements
- Applicant's attention is drawn to annual review requirements 18.2.22

If you have any questions or need additional assistance, don't hesitate to give me a call at 719-738-1220, X 108.

Sincerely,

A handwritten signature in blue ink, appearing to read "Samuel Jensen".

Samuel Jensen

Planning Director
Huerfano County Land Use Department



MEMORANDUM

MEETING TYPE: Planning Commission
MEETING DATE: 3/23/23
ITEM NAME: Manzanares Subdivision Exemption
SUBMITTED BY: Sky Tallman

SUMMARY:

Abel Manzanares is requesting a subdivision exemption for Parcel No. 12428, which has recently been sold. The purpose of the exemption is to petition the Division of Water Resources to recognize a well dug in the 1980s, which has never been permitted. The 8.25-acre parcel was created in 1976 as a family gift, which represents one type of subdivision exemption, and the well was dug some time in the 80s. Whether the Division of Water Resources can recognize the well as a permitted domestic well depends on whether the parcel is conforming and on whether it represents a subdivision exemption.

There are three things to consider:

1. Does the creation of this parcel represent an exemption to the subdivision regulations under 2.04.01?
2. To determine the above, was an 8.25-acre parcel a conforming parcel in the Agricultural district in 1976?
3. A Planning Commission or Board of County Commissioners action would not have been required under section 2.04.03 when the parcel was created. Is the Commission willing to grant a subdivision exemption at this time to satisfy the well criteria required by the Division of Water Resources to determine the status of the well on the property.

2.04 EXEMPTIONS

The Board of County Commissioners may, pursuant to rules and regulations contained herein or by individual resolution, exempt from the definition of the terms "subdivision", "subdivided land" or any division of land if the Board of County Commissioners determines that such division is not within the purposes of these regulations or the purposes of the subdivision laws of the State of Colorado. See BOCC Resolution No. 12-15, Definitions, for a partial listing of divisions of land exempted from the terms "subdivision" and "subdivided land."

2.04.01 Family Transaction Exemption

Unless the method of disposition is adopted for the purpose of evading the provisions within these regulations and the appropriate laws of the State of Colorado, the terms "subdivision" and "subdivided land" shall not apply to any division of land which is created by and for the purpose of a gift, transfer, or sale by a parent to his or her offspring, whether related by blood, marriage or legal adoption, or by such offspring to a parent or grandparent, or by a legally appointed guardian to a person under that guardian's care, so long as the parcel created fully conforms to the zoning and other provisions contained within these regulations and the original parcel is not within a platted subdivision that was created by a non-exempted subdivision process approved by the Board of County

Commissioners. Such gift, sale or transfer shall be specifically prohibited from creating nonconforming lots. For minimum conforming lot areas allowed by zoning district, see the Huerfano County Zoning Regulation.

2.04.03 Exemption and Waiver Procedures

Family transaction exemptions (Section 2.04.01) must comply with all State and Local Regulations, but do not require review by the Planning Commission or approval from the Board of County Commissioners.

Ownership History:

1954 - quitclaim gift deed from Ann Manzanares to Florita Naranjo - 24.5 acres (221-389)

1962 - Quitclaim gift deed from Florita Naranjo to Mucio and John Manzanares - 24.5 acres (282-306)

1976 - Quitclaim gift deed from Mucio Manzanares to John Manzanares - 12.25 acres (345-428)

1976 - Quitclaim deed from John Manzanares to Arthur Eloy and Mary Elizabeth Martinez - 4 acres (3458-340).

1985 - Quitclaim deed John Manzanares to John and Mary Manzanares "with love and affection" 12.25 acres less 4 acres (373-401)

1988 - Quitclaim deed John Manzanares to Abel Manzanares (388-840)

March 16, 2023

To: Sky Tallman
Director, Huerfano County Land Use
stallman@huerfano.us

From: Abel Manzanares

Subject: 8431 County Road, Walsenburg, Co. 81089

Mr. Tallman,

My father, John Manzanares and his uncle, Mucio Manzanares were gifted 24.50 acres by their aunt, Florita Naranjo. The date of this transaction was July 28, 1962.

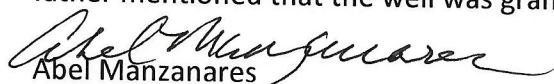
On November 03, 1976, the two parties equally divided the 24.50 acres. On the same date, Mucio Manzanares deeded his 12.25 acres to John Manzanares. My father, John, sold 4 acres to Arthur Eloy and his wife Mary Elizabeth Martinez in 1976. On January 1988, the property was deeded to me, Abel Manzanares.

Brief history of the remaining 8.25 acres land use. My father and mother lived in a trailer while the cabin was being built. The property was the gathering place for family and friends. The cabin was completed in the 1970's, date unknown. My parents were active in 4-H and their grandchildren raised their 4-H animals on the property. My father also had horses, sheep and cows. He leased some of the state land for his cattle. I remember all the farmers and ranchers as being neighborly and would help each other.

I started the process for the well permit in December of 2021. The well was reconstructed in November 2022 by Andreatta Well Service. In February of 2022, I was ill for some time which delayed the process for the well permit.

In closing, my sister and I sold the property in January 2022. It was a difficult decision to let go of the property, a lot of memories. Our family is so spread out and the cabin not being used by family and due to my 82 years of age, I found it difficult to keep the property in good order. I would make it known that my parents are buried on the property in question. The cemetery is registered in Huerfano County.

The well, I think, was started in the 1970's about the same time the cabin was completed. My father mentioned that the well was grandfathered as part of the property.



Abel Manzanares
manzaem@outlook.com

719-251-4475