

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
February 1, 2022 AT 3:00 P.M.**

MEMBERS PRESENT

Mark Masar (Chairman)
John Hamrick
Larry Brown
Larry Baker
Gardner Fey

STAFF PRESENT

Mica Simpleman, Director
Joanne Kohl, Office Manager

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**

January 4, 2022 Planning Commission Meeting

5. **UNFINISHED BUSINESS**
6. **NEW BUSINESS**

CUP 21-002 Lyons Pit

The applicant, Ed Lyons, is requesting Conditional Use Permit (CUP) approval for a sand and gravel extraction pit located approximately 1-mile south of Texas Creek. The proposed aggregate mining operation would occupy 9.93 acres of BLM managed property for screening, crushing, hauling materials and stockpiling. The mining would occur 8:00 am to 5:00 pm on intermittent days. 2-3 employees would run loaders, dozer Cat D6, screen crushers, excavators, and dump trucks. The operation would also include a 60,000 square foot staging area and the processing area would be 60,000 square feet as well. Active mining is seasonal; however, production would be year-round with product material stockpiled for use during winter months. The production rate is anticipated to be 40,000 tons per year with an estimated 0-5 haul trucks per day depending on demand for material. The aggregate would be used for road base and other similar type of construction uses.

The mining method would replicate a standard open pit surface aggregate operation with interval mining occurring in 2 phases—Phase 1 would be the northern half of pit (4 acres), and phase 2 will be approximately 5 acres of the southern half of the pit. The applicant is requesting the duration of the CUP to be 25 years.

Applicant: Ed Lyons

1. CALL TO ORDER

Chairman Mark Masar called the meeting to order at 3:01 p.m.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Chairman Masar asked if there were any changes, additions or corrections to the February 1, 2022 Fremont County Planning Commission Agenda.

MOTION

Mr. Larry Brown motioned to accept the February 1, 2022 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Fey second the motion.

Chairman Masar called for a roll call vote, and the motion passed unanimously. (5 of 5)

4. APPROVAL OF THE January 4, 2022 PLANNING COMMISSION MEETING MINUTES

Chairman Masar asked if there were any changes, additions or corrections to the January 4, 2022 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Hamrick motioned for approval of the January 4, 2022 minutes.

SECOND

Mr. Fey second the motion.

Chairman Masar called for a roll call vote and the motion passed unanimously. (5 of 5)

5. UNFINISHED BUSINESS

6. NEW BUSINESS

A. CUP 21-002 Lyons Pit

Chairman Masar starts by inviting Mr. Lyons to speak about his project.

Mr. Lyons states they are interested in starting a small gravel pit.

Chairman Masar asks Director Simpleman for his Staff Report.

Director Simpleman States he is first going to start with comments from the Fremont County Department of Transportation. They state that the access is from State HWY 69, making it unable to determine what the additional impact will be to the county roadways. The FCDOT is requesting the opportunity to comment at the annual review once the impact can be accurately determined.

From the Fremont County Project Engineer, he states that all his questions and concerns have been addressed in the latest site plan drawing and that he is comfortable recommending approval of this project.

From the Fremont County Department of Health and Environment, under required submittal attachments sanitation documentation of the applicant is proposing to use chemical toilet facilities the Fremont County onsite waste water treatment system regulations have provisions for the use of the chemical toilets. A portable chemical toilet may be used by a permit from the Fremont County board of Health. The applicant must petition the board of Health and receive approval prior to applying for the chemical toilet permit that is reviewed and renewed on a yearly basis. The Department has also noticed that the applicant has no refuse plan. It is the opinion of the Fremont County Environmental Health that the refuse plan be addressed in some type of manner and Director Simpleman believes that one of the contingencies would be that if they are approved this permit would get a contract with either Twin Enviro or whoever they wish to do that. As for the Planning and Zoning Department the only concern we have is, the dust in that area and maybe a bigger concern would be the weeds, with transfer of the weed seeds. Speaking to them prior, believes they have already spoken to weed management.

Director Simpleman does recommend approval of this application with all the contingencies mentioned.

Mr. Fey asks Mr. Lyons if this material will go to the county for roads or landscaping or whatever anybody wants? Do you have a crusher there?

Mr. Lyons states that, yes, they will just be making rock for homeowners. States that they are just a small operation.

Mr. Fey states he saw where they were supposed to crush between April 15th and June 15th.

Mr. Lyons says yes until it goes red

Mr. Fey asks Mr. Lyons that there is no water there and they will have to haul whatever they use.

Mr. Lyons states that they will haul in potable water.

Mr. Fey asks where does that come from.

Mr. Lyons says they will bring it from Westcliffe.

Mr. Brown asks Director Simpleman that as far as under the summary and staff analysis and recommendations, there are 8 different items as are as contingencies are concerned, have any of these been met at this particular point or do they all need to be met?

Director Simpleman replied that offhand he does not believe any of them have been met. A lot of it has to do with the wording on the site plan.

Mr. Lyons states that they have answered all of the contingencies actually.

Mr. Hamrick asks if the Lyons are good with the contingency that prior to great recordation of the conditional use site plan the duration shall be revised to mirror the BLM permit.

Mr. Lyons replies yes

Mr. Hamrick is reviewing with Mr. Lyons, the contingency items to check to see what items have been addressed.

Mr. Hamrick now has a question for the BLM Representative, Stephanie

Mr. Hamrick states that when they act today, if they approve, they will approve either as is or with conditions. One of the conditions looks like it is going to be that the duration of this permit be revised to reflect the BLM lease. Mr. Hamrick's question is that will this be a firm enough county action for BLM to issue a lease with a date on it?

BLM Representative replies yes and just for reference they do contracts not leases and they do have contingencies from the NEPA process they went through with the environmental assessment. She states that they are limited to 10 years as a max on a competitive contract.

Chairman Masar opens the floor for a motion

MOTION

Mr. Hamrick motioned to approve CUP 21-002 Lyons Pit application that it substantially meets the criteria above and recommends approval with the following with the contingencies as stated.

1. Prior to the recordation of the Conditional Use Site Plan, the duration of the Conditional Use Permit shall be revised to mirror the term of the BLM land lease or contract.
2. Revise the Conditional Use Site Plan prepared to professional standards drawn at a common increment scale between or including 1" = 50' or 1" = 200'.
3. Deleted
4. Deleted
5. Revise the CUP Site Plan note to read: "A vegetative cover that is at least 50% of the typical vegetative community of the area (gravelly Foothill ecological site). If an adequate cover is not established within 6 months of stockpiling, alternative methods of controlling erosion will be implemented. Methods include using geotextiles to promote seed germination and control over land flow."
6. Delete the note on the CUP Site Plan that reads: "No proposed buffering and landscaping (waiver requested)."
7. Deleted
8. As such, staff recommend upholding the strategy of the Master Plan and require the BMP related to visual resources be depicted/documentated on the CUP Site Plan.

SECOND

Mr. Fey second the motion.

Chairman Masar called for a roll call vote and the motion passed unanimously (5 of 5

7. **ADJOURNMENT**

Chairman Masar adjourned the meeting at 3:25 p.m.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE



BOARD OF COUNTY COMMISSIONERS STAFF REPORT

Date: March 8, 2022

Project Name: CUP 21-002 Lyons Pit Conditional Use Permit

Property Owner: Bureau of Land Management
3028 E. Main Street
Cañon City, CO 81212

Applicant: Ed Lyons
P.O. Box 875
Westcliffe, CO 81252

Project Location: BLM 8365 Highway 69
Cañon City, CO 81212

Request: Conditional Use Permit for a Sand and Gravel Extraction Pit

SUMMARY OF REQUEST:

The applicant, Ed Lyons, is requesting Conditional Use Permit (CUP) approval for a sand and gravel extraction pit located approximately 1-mile south of Texas Creek. The proposed aggregate mining operation would occupy 9.93 acres of BLM managed property for screening, crushing, hauling materials, and stockpiling. The mining would occur 8:00 am to 5:00 pm on intermittent days. Two to three employees would run loaders, dozer Cat D6, screen crushers, excavators, and dump trucks. The operation would also include a 60,000 square foot staging area and the processing area would be 60,000 square feet as well. Proposed structures include a portable office trailer, 6,000 gallon water tank, and porta-potty.

Active mining is seasonal; however, production would be year-round with product material stockpiled for use during winter months. The production rate is anticipated to be 40,000 tons per year with an estimated 0 – 5 haul trucks per day depending on demand for material. The aggregate would be used for road base and other similar type of construction uses.

The mining method would replicate a standard open pit surface aggregate operation with interval mining occurring in 2 phases – Phase 1 would be the northern half of pit (4 acres), and phase 2 will be approximately 5 acres of the southern half of the pit. The applicant is requesting the duration of the conditional use permit to be 25 years.

BACKGROUND AND CONTEXT:

The site lies approximately 27 miles west of Cañon City and about 1 mile north of an existing Fremont County borrow pit. The subject property is zoned Agricultural Forestry (AF) and the current land use of the subject property is rangeland. The proposed gravel mining operation would occupy a portion of BLM that is approximately 15,000 acres.

The area has very little vegetation and is primarily a pinion-juniper landscape. The proposed operation would be located at the base of a ridge to limit visibility from Hwy 69. The entrance and access road would be constructed along the main drainage to avoid the historic railroad bed trending parallel with the highway.

The United States Department of Interior Bureau of Land Management (BLM) prepared an Environment Assessment for a mineral contract, which would authorize the production of federal mineral materials on the subject property. Staff has based recommended contingencies on the data, findings and management plans contained in the Environmental Assessment.

REFERRAL RESPONSES:

The application was sent on referral to Fremont County Departments and external agencies. All Fremont County Department comments have been adequately addressed in the January 11, 2022 resubmittal, with the exception of the Planning and Zoning Department, as noted in this staff report. No other referral agencies expressed concerns about this proposal.

APPROVAL CRITERIA:

The Conditional Use Permit (CUP) review process is utilized to determine if a particular use is appropriate in a particular district depending upon the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects. The conditional use purpose is to provide review of such uses to assure that they are compatible with surrounding land uses and are not in conflict with the objectives of the Zoning Resolution. The Fremont County Board of County Commissioners may approve a conditional use permit provided that it is established by evidence presented at the public hearing that the proposed use is in accordance with the provisions of the Fremont County Master Plan and the Zoning Resolution, and further that the following qualifications have been met.

1. Conformance with the Master Plan and Zoning Resolution (FCZR).

Staff Findings: The Fremont County Master Plan is an advisory document required by State Statute and contains goals and objectives that are used to guide land use decisions. The subject property is located in the Southern Mountain Planning District, which is a rural district. Approximately one-half of the land in the District is under the administration of the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), or Colorado State Board of Land Commissioners (SLB with about one-half of the District lands in private ownership. The federal and SLB-controlled lands are multi-use lands, often leased for agricultural, forestry, or mining operations.

Mining has long been associated with the cultural history and economic stability of the County. It is a land use that takes place throughout the County and is addressed in the Master Plan as a County-wide issue. The goal of the mining category of the Master Plan is to encourage responsible mining operations with the least impacts possible. Below is a list of applicable Master Plan strategies to achieve that goal.

- E1.1 Consider mining plans and reclamation plans.
- E1.2 Encourage mining operations to be short term.
- E1.3 Consider hours and days of operation for mines.
- E1.4 Consider method of product transportation, haul routes, haul time, hauling equipment, and number of haul trips.
- E1.5. Encourage mine reclamation plans to result in a benefit to County residents and landowners.
- E1.6 Encourage visual screening of mines and road operations.
- E1.8 Discourage mining operations from creating pollution.
- E1.10 Consider noise impacts.
- E1.11 Consider lighting impacts.
- E1.13 Consider the mining technique and equipment proposed to be uses.
- E1.14 Encourage low impact mining techniques.
- E1.15 Encourage that emergency plans are in place to address potential events.
- E1.16 Encourage noxious weed mitigation plans.

The applicant is requesting a 25-year duration of the proposed use. In the absence of a specific finding a conditional use permit should be issued for a term greater or less than ten years, all conditional use permits issued under the FCZR shall be for a term of ten years. Additionally, the Master Plan encourages mining operations to be short term. Typically, the term of a conditional use permit mirrors the land lease or contract. Unfortunately, BLM has stated that the lease/contract would not be issued until the conditional use permit is approved. Since there is a timing issue, staff recommends the duration of the conditional use permit mirror the term of the land lease or contract prior to recordation of the conditional use permit. A recommended contingency is provided for the Board's consideration.

The contents of this staff report are based on the implementation of the Master Plan strategies referenced above and have set forth recommended contingencies accordingly. Staff finds that once all contingencies are addressed, the proposal would demonstrate substantial conformance with the Fremont County Master Plan.

Compliance with the Fremont County Zoning Resolution (FCZR). The operational characteristics of a gravel mine are essential in understanding the nature of the proposed use and ultimately determining if it is appropriate in the particular zone district for which it is located. The applicant has provided an image (photo) of a Conditional Use Permit Site Plan that staff is unable to verify the scale and the hand-drawn revisions are rather illegible, etc. As such, staff recommends a revised Conditional Use Site Plan prepared to professional standards drawn at a common increment scale between or including 1" = 50' or 1" = 200' be submitted prior to recordation. A recommended contingency is provided for the Board's consideration.

The proposed gravel mining use is subject to the issuance of a conditional use permit and must demonstrate conformance with the FCZR. Staff finds the proposed conditional use conforms with the development standards of the Agricultural Forestry zone district with the exception of setbacks as illustrated in the table below.

	Required	Proposed
Minimum Lot Area	35 Acres	9.93 Acres of BLM Land – a Decision Record is provided from BLM
Maximum Lot Coverage	5 Percent	< 1 Percent
Maximum Building Height	45-Feet	8-Feet
Minimum Lot Width	500-Feet	Not dimensioned – a Decision Record is provided from BLM
Minimum Front Yard Setback	75-Feet	Unknown - Structures not depicted on CUP Site Plan Image
Minimum Side Setback	50-feet	Unknown - Structures not depicted on CUP Site Plan Image
Minimum Rear Yard	50-Feet	Unknown - Structures not depicted on CUP Site Plan Image
Parking	Alternative General Parking Plan	No Designated Parking 1,000 Square Feet of Proposed Equipment Parking “subject to change”

There is conflicting information on the CUP Site Plan image related to maximum lot coverage. The Construction Table on the CUP Site Plan image states that there are no buildings proposed; however, there is a proposed portable office trailer that is 160 square feet and a 9 square foot porta potty and 6,000 gallon water tank. The total lot coverage is less than one percent in conformance with the maximum allowed; however, the CUP Site Plan should not have conflicting information. Staff recommends the CUP Site Plan Construction Table notes be revised to accurately reflect that there are building located on site. A recommended contingency is provided for the Board’s consideration.

Per Section 8.14.3.11, a Conditional Use Permit Site Plan shall illustrate the size, shape, and location of all proposed buildings and structures and improvements, including the location dimensions from at least two property lines for each proposed building, structure of improvements. The applicant has labeled the proposed structures with an “A” for the office trailer and “B” for the porta potty. No setbacks are dimensioned. A structure is defined by anything constructed, erected, or placed, the use of which requires a more or less permanent location on the ground or which is attached to something located on the ground. Although the office trailer and porta potty are portable, they will be on site for a minimum of ten years and possibly 25 years, depending on Board of County Commissioner approval of the duration of the

conditional use permit. While it is understood the location of the office trailer and porta potty may move based on the mining operations, at a minimum, the required setbacks (from the table above) should be included on the Conditional Use Permit Site Plan to ensure the setbacks per the FCZR are adhered to. A recommended contingency is provided for the Board's consideration.

An alternative parking plan was presented wherein the Board may recommend approval based on justification from the applicant. No designated parking is proposed for the 1-3 employees that would be working at the pit. A 1,000 square foot equipment parking area is not dimensioned but labeled at "C" on the CUP Site Plan image. The applicant notes that the area will be 'subject to change.' Staff finds the alternative parking plan is consistent with other gravel mining operations and recommends approval of the proposed alternative parking plan.

2. **The location of the proposed use is compatible and harmonious with the surrounding neighborhood.**

Staff Findings: The subject property is surrounded by predominately rangeland zoned Agricultural Forestry and is approximately 1 mile north of an existing Fremont County borrow pit. The Decision Record from the Bureau of Land Management noted that extensive resource development has occurred throughout the project area, mostly on private estates. Their analysis of the proposed pit has concluded with a finding of no significant impact but also noted mitigation measures and monitoring to be implemented. Staff finds that if all recommended contingencies are addressed and mitigation measures and monitoring are implemented, the proposed use would be compatible and harmonious with the surrounding area.

3. **The proposed use will not have a detrimental effect on property values.**

Staff Findings: The proposed use includes mining of mineral material reserves on BLM property. The mining of said materials would help sustain uninterrupted supplies of aggregate to meet future demands in Fremont County and the surrounding communities. A critical step in the mining process is reclamation. Through the development review process, staff has asked the applicant to include the reclamation plan as a separate sheet of the CUP Site Plan as the CUP Site Plan is the document that is recorded upon approval. It appears the applicant has objected to doing so. Alternatively, staff suggested the applicant add a note on the CUP Site Plan to state that reclamation will be in accordance with Appendix A Mine and Reclamation Plans of the Environmental Assessment, Mountain Valley Excavating – Mineral Materials Contract DOI BLM-CO-F020-2019-0056 EA dated February 2021. The applicant has included the noted on the CUP Site Plan image. Additionally, a note was added to state the site would be reclaimed, all reclamation will be done with in 6 months, of shut down date, reclaim slopes 3-1 and 2-1. A reclamation gradient of 30-50% is also provided on the CUP Site Plan image.

Staff finds that if the site is reclaimed pursuant to the Appendix A Mine and Reclamation Plans of the Environmental Assessment, the impacts of the proposed use over the 25-year life of mine would not have a detrimental effect on property values and would result in a benefit to County residents and landowners.

4. **The proposed site and uses will not impair public health, welfare, prosperity, and safety by creating undesirable sanitary conditions, overburdening of utilities, or adverse environmental influences.**

Staff Findings: Water will be hauled from Round Mountain Water District in Westcliffe for dust suppression. A portable toilet that would be rented from Oak Disposal in Westcliffe will be provided on site. The applicant has submitted a Colorado Division of Water Resources information form that was reviewed by the Division of Water Resources. The Division found that according to the submittal, this action does not involve expanded or changed use of ground or surface water. Therefore, the Division of Water Resources does not have applicable comments to provide to the County regarding the proposed action at this time.

Sanitation. The Fremont County Department of Environmental Health has reviewed the submittal information and noted the applicant was proposing to use a chemical toilet facility. The Fremont County Building Official and Environmental Health Technician reminded the applicant of chemical toilets' regulations and permit requirements. The applicant's revised submittal includes a 3 x 3 porta potty per MSHA to be located on the northern portion of the site. In terms of refuse, the FC Environmental Health Department stated a Refuse Plan must be addressed in some manner. The revised CUP Site Plan image includes a note indicating that refuse will be removed daily out of portable office trailer. The applicant plans on getting a contract from Lone Wolf Disposal for porta potty and refuse and they will clean and collect monthly. The Building Official noted that it appears the applicant has addressed all of the Department's concerns.

Fire Protection. The subject property is in the Deer Mountain Fire Protection District. The Fire Protection Plan indicated that fire protection would be provided by clearing trees before start and will have a water tank on site (6,000 gallon), fire extinguishers, and equipment. The access road and haul road will be cleared at all times. The Fire Chief's comments were limited to providing keys to gates and having the address posted on Highway 69.

Dust and Erosion Control. The applicant indicated that BLM anticipates only minor impacts from the mine itself. The revised CUP Site Plan image includes a note that proposed water tanks will be on site to control dust, if required. Additionally, all loads will be tarped, and equipment will have SMMs required. Staff finds the applicant has provided adequate assurance that potential adverse environmental influence of dust is mitigated.

The Decision Record also addresses topsoil stockpiles wherein staff requested a note be added to the CUP Site Plan to state ***“a vegetative cover that is at least 50% of the typical vegetative community of the area (gravelly Foothill ecological site). If an adequate cover is not established within 6 months of stockpiling, alternative methods of controlling erosion will be implemented. Methods include using geotextiles to promote seed germination and control overland flow.”*** The applicant provided a note on the CUP Site Plan image that only states ***“they will seed topsoil stockpile to approximately 50% of typical vegetative community of this area (gravelly Foothill).”*** In order to ensure weed growth,

erosion, and to keep soil viable for use during final reclamation, it's important that the CUP Site Plan note include what happens if an adequate cover is not established within 6 months of stockpiling. After the Planning Commission public meeting, the applicant revised the CUP Site Plan image to include the recommended CUP Site Plan note. Staff finds the note will ensure that the alternative method of controlling erosion is implemented.

Noise Control and Visual Impact Control Measures. The proposed project location was inventoried for visual resource values during a visual resource inventory (VRI) conducted in 2015 and is documented in the Environmental Assessment performed by BLM. The inventory revealed that the proposed mine location is characterized by a wide variety of landforms and vegetation. Steep rolling hills, rock outcrops, and cliff faces meet flat parks at higher elevations. Grasses, conifers, and riparian vegetation surround scattered, clustered ranch developments. The inventory states that recreation use is dependent upon the existing landscape and rural residences and ranches where viewsheds play an important role in the quality of life.

The applicant has indicated that they will be leaving a 25-foot row of trees to buffer noise and have included a note that the tree buffer will assist in visual. Staff finds this the 25-foot buffer along the western boundary is critical to prevent any disturbance to cultural resources and would provide visual screening. The 25-foot tree buffer is depicted on the CUP Site Plan image; however, there was a note stating no buffering and landscaping is proposed (waiver requested). To eliminate confusion between the notes on the plan and the graphic element of the CUP Site Plan, Staff recommended to the Planning Commission that the note be deleted as the buffering was depicted. After the Planning Commission public meeting, the applicant revised the CUP Site Plan image by deleting the conflicting note. As such, staff has removed the contingency that was recommended to the Planning Commission.

The Decision of Record from the BLM addresses visual resources whereby Best Management Practices (BMPs) could include painting equipment, buildings, and structures a proper color that blends with the environment as well as locating facilities, so they are off ridges and mesas, are screened from nearby residences, and decrease visual contrasts with the natural landscape. Staff had requested that the applicant revise the CUP Site Plan to address the BLM's mitigation measures; wherein the applicant added a note on the CUP Site plan that reads, "request waiver for painting equipment." The Fremont County Master Plan provides a general strategy to encourage development of guidelines for minimizing visual impact during and after mineral extraction and mining operations, beyond those established by current State and Federal regulations. As such, staff recommended upholding the strategy of the Master Plan and require the BMPs related to visual resources be depicted/documentated on the CUP Site Plan. After the Planning Commission public meeting, the applicant submitted a revised CUP Site Plan image that includes a note "BMP will be used at the Lyons Pit related to visual resources, doing what is required by State, Federal and County." While the addition of this note addressed staff comments, the note regarding the request for waiver of painting equipment remains. As such, staff has revised the Planning Commission recommended contingency to remove the waiver of painting equipment request (note) from the CUP Site Plan. The revised recommended contingency is provided for the Board's consideration.

No site lighting is proposed.

Odor Control Measures. The applicant indicated there are no odor control measures. Odor is not a typical objectional element of aggregate mining.

Wildlife/Plant Habitat Protection Measures. In terms of terrestrial wildlife, The Environmental Assessment noted that mule deer utilize the area as severe winter range. As such, the Decision Record notes BLM PDFs and BMPs states that activity at the site will be limited to hauling only from December 1st to April 15th to mitigate human disturbances to mule deer severe winter range. The applicant has added a note on the CUP Site Plan image to uphold the BLM PDFs and BMPs related to terrestrial wildlife.

The Environmental Assessment also evaluated how the proposed mining activity would have on migratory bird habitat. Piñon-juniper habitat supports the largest nesting bird species list of any upland vegetation type in the West, and this habitat type is the most prevalent in the resource area. Several bird species are found in the piñon-juniper habitat. As such, the Decision Record notes BLM PDFs and BMPs to avoid habitat disturbance between May 15 – July 15, the breeding and brood rearing season for most Colorado migratory birds. The applicant has added a note on the CUP Site Plan image to uphold the BLM PDFs and BMPs related to migratory bird habitat.

Water Quality and/or Water Ways(s) Protection Measures. A note is included on the CUP Site Plan image stating that no drainage facilities are proposed. The Fremont County Engineer reviewed the application materials and determined that since there does not appear to be any physical structures that are being proposed, a storm water drainage report is not technically needed. However, from what was provided, it looks like there will be a sedimentation pond and other drainage features. The technical aspects of these features need to be shown and guided the applicant to Section FCRZ 5.10 Drainage Plan and Report. Further, the Project Engineer noted that the sedimentation pond and all other drainage features should meet the requirements of the state as well. The Project Engineer found that his questions and comments have been resolved in the January 10, 2022, resubmittal.

Safety Measures to Protect Adjacent Properties, Residents, and Agricultural Operations. The CUP Site Plan image indicates that no hazardous materials are stored on site and spill kits will be on site at all times. The fire district did not raise any concerns with the proposed safety measures.

Measures to Protect and/or Preserve Archaeologically or Historically Significant Sites. The BLM conducted an Environmental Assessment of the property that included an analysis of cultural resources. They performed multiple inventories in order to design an APE that would cause no effect to historic properties, and the present project area reflects the final result. To ensure that the historic properties are avoided, an archaeologist with a BLM permit in good standing must be present during the construction of the access road. Provided that this requirement is fulfilled, the historic properties will not be adversely affected by the proposed undertaking.

Measures to Limit or Control Offsite Discernable Vibrations. The applicant noted that there is nothing in 2-mile radius of the property. Upon review of the Environmental Assessment performed by BLM, a blasting program was addressed. It states that highwall and benches will be 2:1 with no blasting needed unless unknown hard geologic material is encountered during active mining. Blasting is not anticipated based on the type of material; however, a licensed blaster will be contracted if blasting is necessary. The applicant is required to follow all AFT, MSHA and other agency requirements during blasting. All permits would be obtained as well.

Weed Management. Fremont County Weed Management issued an Integrated Weed Management Plan to address various weed species that are in the vicinity of the planning area.

Staff finds that all potential public health, welfare, prosperity, and safety impacts have been minimized and mitigated subject to conformance with the Bureau of Land Managements PDFs and BMPs, external referral agency review comments, and County staff recommended contingencies.

- 5. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.**

Staff Findings: Access is proposed off of Highway 69, wherein a Colorado Department of Transportation (CDOT) State Highway Access Permit is included in the application. A note is included on the CUP Site Plan image stating that the proposed State Highway Access and proposed access road will be reclaimed.

The Fremont County Department of Transportation (FCDOT) noted that CDOT should be made aware of the traffic impact and would need to be included in permitting requirements. The applicant is proposing a 30-foot right-of-way width of the public roadway that will serve the site. There is a 60-foot wide internal access road proposed. Additionally, the CUP Site Plan image depicts a proposed 16-foot wide haul road with 4-inch base, as needed with a note that it is subject to change throughout the project, square feet will vary.

The revised Roadway Impact Analysis dated October 27, 2021, indicates the proposed use would generate 5 total vehicle trips per day. The FCDOT reviewed the Roadway Impact Analysis and indicated the access is from SH 69, making us unable to determine what the additional impact will be to County roadways. All conditional use permits approved in accordance with the FCZR are subject to review by the Board on a yearly basis. As such, the FCDOT is requesting the opportunity to comment at the annual review once the impact can be accurately determined.

- 6. The site is sufficient size to accommodate the proposed use together with yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by the Zoning Resolution.**

Staff Findings: The site is 9.93 acres is sufficient size to accommodate the proposed use as required by the Zoning Resolution subject to completion of the recommended contingencies.

7. **The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety, and welfare of the inhabitants of the County, and will not cause significant air, water, noise, or other pollution.**

Staff Findings: Staff has provided recommended contingencies as outlined throughout this staff report to ensure the proposed use will not adversely affect other property in the vicinity or the general health, safety, and welfare of County inhabitants and will not cause air, water, noise, or other pollution.

SUMMARY OF STAFF ANALYSIS AND RECOMMENDATION:

Having found the application is in compliance with the requirements of the Fremont County Zoning Resolution and in accordance with the Fremont County Master Plan, staff recommends **approval** of the Conditional Use Permit application with the following contingencies to be completed **prior to recordation of documents authorizing approval of the application in the land records of Fremont County:**

1. The duration of the Conditional Use Permit shall be revised to mirror the term of the BLM land lease or contract.
2. Revise the Conditional Use Site Plan prepared to professional standards drawn at a common increment scale between or including 1" = 50' or 1" = 200'.
3. Revise the Construction Table notes on the Conditional Use Site Plan to reflect there are buildings on site.
4. Include the required setbacks for the proposed portable office and porta potty on the Conditional Use Site Plan.
5. Remove the note on the CUP Site Plan that reads: "Request waiver for not painting equipment."

FINDINGS:

Based on the analysis included in this report, staff concludes the proposal satisfactorily addresses each standard of approval once all recommended contingencies are addressed.

1. The proposal is in substantial compliance with the Fremont County Master Plan and Zoning Resolution.
2. The location of the proposed use is compatible and harmonious with the surrounding area.
3. The proposed use will not have a detrimental effect on property values.
4. The proposed site and uses would not impair public health, welfare, prosperity, and safety by creating undesirable sanitary conditions, overburdening of utilities, or adverse environmental influences.
5. The site is served by transportation infrastructure generated by the proposed uses and will not result in undue traffic congestion or traffic hazards.
6. The site is sufficient size to accommodate the proposed uses in conformance with the provisions required by the Zoning Resolution.

7. The proposed use, upon compliance with all contingencies, will not adversely affect property in the vicinity or the general health, safety, and welfare of inhabitants of the County and will not cause significant air, water, noise, or other pollution.

PLANNING COMMISSION RECOMMENDATION: The Commission considered the Conditional Use Permit application at the February 1, 2022, public meeting and unanimously recommended approved with the following modifications to staff recommended contingencies:

1. The duration of the Conditional Use Permit shall be revised to mirror the term of the BLM land lease or contract.
2. Revise the Conditional Use Site Plan prepared to professional standards drawn at a common increment scale between or including 1" = 50' or 1" = 200'.
3. ~~Delete: Revise the Conditional Use Site Plan to depict the 160 square foot portable office and porta potty location and correct the Construction Table notes to reflect there are buildings on site.~~
4. ~~Delete: Dimension setbacks of the proposed portable office and porta potty on the Conditional Use Site Plan.~~
5. Revise the CUP Site Plan note to read: "A vegetative cover that is at least 50% of the typical vegetative community of the area (gravelly Foothill ecological site). If an adequate cover is not established within 6 months of stockpiling, alternative methods of controlling erosion will be implemented. Methods include using geotextiles to promote seed germination and control overland flow."
6. Delete the note on the CUP Site Plan that reads: "No proposed buffering and landscaping (waiver requested)."
7. ~~Delete: Revise the CUP Site Plan to state the painting of equipment, buildings, and structures a proper color that blends with the environment.~~
8. Uphold the strategy of the Master Plan and require the BMP related to visual resources be depicted/documentated on the CUP Site Plan.



FREMONT COUNTY
Project Engineer
615 Macon Avenue – Room 204
Canon City, Colorado 81212
Office (719) 276-7367 Cell (719) 792-9372
Email lucas.teigen@fremontco.com

March 3, 2022

Mica Simpleman, Director
Fremont County Department of Planning and Zoning
615 Macon Avenue, Room 210
Canon City, CO 81212

Subject: Lyons Pit SRU Application

Review of the application packet information resulted in the following comments:

Storm Water Drainage Plan and Report:

- Since there does not appear to be any physical structures that are being proposed, a storm water drainage report is not technically needed.
- There are no sedimentation ponds on the site plan therefore there is no drainage facilities that are bound to follow FCRZ 5.10.

At this time, I would recommend approving the Stormwater Drainage Plan and Report portion of the SRU.

If you have questions, please don't hesitate to contact me.

Lucas Teigen

Lucas Teigen
Fremont County Project Engineer



Fremont County

Department of Transportation

1170 Red Canyon Road • Cañon City, Colorado 81212
Phone: 719-276-7430 • Fax: 719-275-2120

8/16/2021

Fremont County Planning & Zoning
615 Macon Ave., Room 210
Cañon City, CO 81212

RE: CUP 21-002 Lyons Pit

Mr. Victoria,

This letter is to inform you of requested conditions with regard to the aforementioned CUP. The access is from SH69, making us unable to determine what the additional impact will be to County roadways. The Fremont County DOT is requesting the opportunity to comment at the annual review once the impact can be accurately determined.

Should you have any questions or need further assistance, feel free to contact us.

Sincerely,

Tony Adamic

Tony Adamic
FCDOT
tony.adamic@fremontco.com

FREMONT COUNTY

ENVIRONMENTAL HEALTH DEPARTMENT



615 MACON AVENUE, ROOM 212
CAÑON CITY, COLORADO 81212
(719) 276-7460 FAX (719) 276-7461
wyatt.sanders@fremontco.com

TO: Planning and Zoning

ATTN: Director

FROM: Wyatt Sanders, Fremont County Building Official
Fremont County Environmental Health Technician

SUBJECT: CUP-21-002 Lyons Pit

DATE: 24 August 2021

The Fremont County Department of Environmental Health has reviewed the submittal information for the Lyons Pit. Under required submittal attachments (Section 3) item #4 Sanitation Documentation the applicant is proposing to use a chemical toilet facility. The Fremont County On-Site Wastewater treatment System Regulations have provisions for the use of a chemical toilet. Section XII.E.7, Portable Chemical Toilets, subsection (a). A portable chemical toilet may be used by permit from the Fremont County Board of Health (BOH). The applicant must petition the BOH and receive approval prior to applying for a chemical toilet permit that is reviewed and renewed on a yearly basis.

This department also noticed that the applicant has no refuse plan. It is in the opinion of the Fremont County Environmental Health Department that (Section 3) item #5 Refuse Plan be addressed in some manner, whether a refuse container be on site and maintained by a waste disposal contractor or the applicant will be containing all refuse and disposing of it properly.



August 10, 2021

Planning Director
Fremont County Planning and Zoning
615 Macon Ave. Room 210
Canon City, Colorado 81212

Re: CUP 21-002 Lyons Pit

Dear Sir/Madam,

This is provided as a courtesy comment as this proposal does not involve a subdivision requiring comment by the State Engineer's Office pursuant to C.R.S. 30-28-101(10)(a). Therefore, pursuant to the State Engineer's March 4, 2005 memorandum to county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

The submittal indicates the above-proposed Conditional Use Permit is for extraction of aggregate located on part of the NW SE of Section 19, Township 19 South, Range 73 West, 6th P.M. (Fremont County Parcel No. 3947000000001) which is owned by the Bureau of Land Management. The portion of land that pertains to this application contains 9.93 acres.

History and Compliance:

There are no groundwater or surface water structures in the area of this operation. The application states that water will be hauled from Round Mountain Water District in Westcliffe for dust suppression and that a portable toilet will be provided on site.

According to the submittal, this action does not involve expanded or changed use of ground or surface water. Therefore, the Division of Water Resources does not have applicable comments to provide to the county regarding the proposed action at this time.

Please contact me with questions or concerns by phone at (719) 542-3368 ext. 2120 or by email at Martha.Archuleta@state.co.us.

Sincerely,

Martha Archuleta
Water Data Analyst - Water Division 2

ECC: Bethany Arnold, P.E., Water Resources Engineer
Dan Henrichs, District 12 Water Commissioner
Monica Long, Data Analyst





Planning and Zoning Department

615 Macon Avenue Room 210, Canon City, Colorado 81212

Telephone (719) 276-7360 / Facsimile (719) 276-7374

Email planning@fremontco.com

Inspection Checklist

Date **8/24/2021**

Project Name: **CUP 21-002 Lyons Pit**

Any Current Permits? Yes or No

CUP 18-001

Any Past Permits? Yes or No

Current Violation? Yes or No

Past Violations Yes or No

VISUAL OBSERVATIONS CHECK LIST

of buildings: **0**

Types: **N/A**

SMM on site? **No**

Does the site plan match site conditions? **Yes**

Structures Code/Zoning Compliant: **N/A**

Land Use Compliant: **Yes**

Notes/Concerns

At the time of my inspection there were no concerns or violations.

Danielle Adamic

August 24, 2021



08/24/2021 10:24



08/24/2021 10:24



08/24/2021 10:24



08/24/2021 10:24



08/24/2021 10:24

AUG 04 2021

Planning & Zoning



FREMONT COUNTY DEPARTMENT OF PLANNING AND ZONING

615 MACON AVENUE, ROOM 210, CAÑON CITY, COLORADO, 81212

Telephone 719-276-7360 / Facsimile 719-276-7374

Email: Planning@fremontco.com

LAND USE APPLICATION

SPECIAL REVIEW USE, CONDITIONAL USE PERMIT, COMMERCIAL DEVELOPMENT PLAN

It is recommended that the applicant schedule an appointment with a Department of Planning & Zoning Representative prior to application preparation and submittal to discuss the project as currently planned and future project proposals.

Project Name: Lyons Pit
Site Address: BLM 8365 State Hwy 69 1.6 miles South Texas Creek on Hwy 69

Applicant(s)

Name(s) LYONS Ed
Address P.O. Box 875 Westcliffe, Co. 81252
Phone 719-371-2136 Fax _____
Email edlyons70@gmail.com

Owner(s)

Name(s) Ed Lyons
Address P.O. Box 875 Westcliffe, Co. 81252
Phone 719-371-2136 Fax _____
Email edlyons70@gmail.com

Authorized Representative / Agent / Consultant (if other than owner)

Name(s) _____
Address _____
Phone _____ Fax _____
Email _____

Type of Application / Application Fee (There maybe additional fees for publications or professional reviews):

- Special Review Use Permit \$1,800
- Major Modification to existing permit \$500
- Conditional Use Permit \$1,750
- Major Modification to existing permit \$500
- Commercial Development Plan \$1750
- Major Modification \$500

The applicant shall provide **one (1) original document, and an electronic copy (either CD or flash/thumb drive) of the application, site plan (2 COPIES)** and all of its attachments (*copies of deeds, contracts, leases etcetera are acceptable*) at the time of application submittal along with the **application fee** set as per Resolution of the Board. Submittals shall be made to the Department no later than 3:00 pm on the submittal deadline date.

Process & Requirements Overview

Any application which is not complete or does not include all minimum submittal requirements will be rejected by the Fremont County Department of Planning and Zoning (Department). Further, any application that is inadequate or incomplete, may be subject to postponement of placement on an agenda of the Fremont County Planning Commission (Commission), pending receipt of an adequate and complete application.

Upon receipt of a complete application, the Department will review the application and all attachments and prepare a Department Submittal Deficiency and Comment Letter (D & C Letter), which will state the submittal deficiencies which must be addressed by the applicant, Department comments and/or questions about the application, and the number of revised application packets to be supplied to the Department for placement on an agenda of the Commission. An additional full application fee may be charged to the applicant, as per Resolution approved by the Board of County Commissioners (Board), if all deficiencies as per the initial D & C Letter are not adequately addressed or provided. Each subsequent D & C Letter, based on resubmitted items, will result in another full application fee. All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.

The Department, Commission, and/or Board may require additional information at any time during the application process as may be deemed necessary for thorough consideration of the application and to enable an informed final decision.

Any Land Use application for that has been submitted after the use requiring the permit has been established on the property may be subject to a penalty fee in addition to the set application fee for such permit. The penalty fee shall be equal to the initial application fee for the Land Use Application. As with all land use applications payment of associated fees do not ensure approval of the application.

If the application is approved by the Board with contingencies the contingencies shall be completed to the Department within six (6) months of the approval date, or the approval shall be deemed rescinded and the application expired, after which, re-submittal of the application, including fees, and procedural requirements, will be required.

In approving an application for Land Use, the Board may require higher standards for development than required by the Fremont County Zoning Resolution (FCZR).

Modifications, major or minor, to the Land Use Permit as approved, shall be accomplished in compliance with requirements of the Fremont County Zoning Resolution.

Applicants shall pay all application fees to the Fremont County Treasurer's Office. Upon receipt of a complete application, a Department representative will provide the applicant with a payment check list to present to the Treasurer's Office with payment.

Site & Development

(Section 1)

1. Describe the proposed type of operation to include days & hours of operation, number of employees, & machinery:
Gravel Pit 8am-5pm intermittent days 2-3 Employees
Loader, Dozer Screen Crusher Excavator
2. Property address or schedule number: 1.6 miles South Texas Creek on Hwy 69
3. Have the mineral interests been severed from the subject property? YES NO
a. If yes (severed) who is the mineral interest owner? _____
4. Is the property currently developed? YES NO
5. Existing types & sizes of structures: None
6. Proposed types & sizes of structures: None
7. Lot Coverage (indicate percent or square footage): Existing 9.93 Acres Proposed 9.93 Acres
8. FCZR Citing --- Property size (acres or square footage) 9.93 Acres
9. Amount of the property the use will encumber: 9.93 acres
10. Zone District: Public LANDS Land Use Rangeland
11. Please indicate the zone district & current land use for adjoining properties:
 - a. Northerly: (ZD) BLM Land Use: Rangeland
 - b. Easterly: (ZD) BLM Land Use: Rangeland
 - c. Westerly: (ZD) BLM Land Use: Rangeland
 - d. Southerly: (ZD) BLM Land Use: Range land
12. Master Plan – Planning District of property: District 5 Upper Arkansas Valley District
(please refer to Chapter four and planning district of the Fremont County Master Plan)
13. Name(s) and type(s) of road(s) the property is accessed from:
Highway 69
14. Is access through adjacent properties? YES NO If yes, is access legally established through:
 Deed of record Recorded Plat Court Order (Documentation shall be provided)
15. Estimated Traffic Count 3-4 (per day) Number of access points 1
16. Is access from or within five-hundred feet (500') of a Colorado Department of Transportation Controlled Road:
 YES NO (If yes, CDOT approval/comments shall be required) CDOT approved Access
17. Does the property lie adjacent to or within three (3) miles of any municipal boundary lines (city/town limits)?
YES NO Municipality Name(s) _____
18. Does the property lie within the boundaries or within 1/4 of a mile of any service district? no

YES NO Entity Name(s) _____

19. Requested duration of proposed use: _____ Life of use Estimated life of use years 25

20. Is temporary cessation proposed: YES NO Duration: _____

21. Is buffering required: YES NO (Contractor yards, Junk yards, Automobile graveyards, & Vehicle impoundment yards **require** buffering per FCZR 5.17.15)

22. Is landscaping proposed: YES NO a waiver is requested

23. Total parking spaces 0 standard size _____ compact _____ ADA _____
(Standard 9' X 18') (Compact 7' X 15') (Please refer to section 5.3 & 5.4 of the FCZR)

24. Will the parking area include lighting? YES NO

25. Parking area surface type: None Thickness: _____

26. Is a loading/unloading area proposed? YES NO Size: _____ Thickness: _____

27. Will hazardous materials be stored on site? YES NO

28. Will noxious weed control measures be included in the scope of the project? YES NO

29. Will any equipment meeting the Colorado Revised Statute definition of Special Mobile Machinery be stored or used onsite? YES NO

30. Mark all services and facilities necessary to accommodate the proposed use in addition to Fire Protection, Emergency Medical Response, & Law Enforcement:

NA

- Roadway Maintenance Hospital Park & Recreation
- Airport Search & Rescue Schools Library

31. Utility Provider information: Please provide the name of provider below:

- a) Water: _____
- b) Sanitation: _____
- c) Electrical: _____
- d) Telephone: _____
- e) Refuse: _____
- f) Irrigation Water: _____
- g) Natural Gas/Propane: _____
- h) Cable Television: _____

Impact Analysis
(Section 2)

1. Dust and erosion control measures:

BLM anticipates only minor impacts from the mine itself,

2. Noise control measures:

leaving 25' row of trees will buffer noise

3. Odor control measures:

None

4. Visual impact control measures:

leaving 25' row of trees - will lessen site

5. Wildlife/plant habitat protection measures:

None

6. Water quality and/or water way(s) protection measures:

Have a storm water plan

7. Safety measures to protect adjacent properties, residents, & agricultural operations:

Spill kits on site

8. Measures to protect and/or preserve archaeologically or historically significant sites:

BLM had Archaeologist Do a Study

9. Measures to limit or control offsite discernable vibrations:

Nothing in 2 mile radius of property

**Required Submittals Attachments
(Section 3)**

- BLM 1. Current Deed of Record
- NA 2. Water supply documentation: Public water source requires documentation evidencing ability to provide service. Wells require documentation of a well permit and/or documentation that the existing well is adequate for the proposed use
- Lone Wolf 3. Fremont County's Colorado Division of Water Resources Information Form
- Pacta Postiv 4. Sanitation Documentation: Public sewer shall require documentation evidencing ability to provide service. Onsite Waste Water System (OWTS) shall require a percolation test and report and a design plan from a certified engineer. Existing OWTS systems shall require documentation that the existing system is adequate for the proposed use
- NA 5. Refuse Plan: Shall address the storage, collection, and disposal of refuse. It shall also document screening of refuse receptacles/areas. (Refuse plans require approval by the Fremont County Environmental Health Dept.)
- Ed Ken 6. Drainage Plan: Must contain all required items under FCZR 5.10 (Drainage plans require approval by the County Engineer).
- NA 7. Landscaping Plan or justification for waiver request.
- NA 8. Lighting Plan or justification for waiver request
- 9. Noxious Weed Control Plan or justification for waiver request. (Plans and waiver requests require approval by the Fremont County Noxious Weed Manager)
- BLM 10. List of owners and mailing address for all properties located within a five-hundred (500') foot radius of the subject property
- 11. County Roadway Impact Analysis Form (If accessed off a county road)
- CDOT 12. Colorado Department of Transportation Access Permit (If accessed off a CDOT controlled road)
- 13. Statement indicating how the proposed use complies with "Goals Objectives, and Implementation Strategies" of the Fremont County Master Plan District
- 14. Statement indicating how the proposed use will be in harmony and compatible with surrounding land uses and development in the area and/or measures that can be taken to make it in harmony & compatible.
- 15. Fire protection plan addressing method of fire protection, location of hydrants or other means of protection. If located within a fire protection district the plan shall be approved by the District.
- NA 16. A detailed utility plan showing the proposed or existing location of all utilities.
- 17. Site Plan drawn to professional standards (3 hard copies 18" x 24" or 24" x 36")
- 18. Submittals and exhibits should be clearly identified with section and/or question number located on the bottom right hand corner, or otherwise tabbed or marked.

If Applicable Submittals

- NA 19. CDOT Notification form of Proposed Land Use and comments (if access is from or within 500' of a CDOT controlled road)
- NA 20. Mineral Interest Notification and certified mailing receipt. Notification & Mailing shall be completed within 30 days prior to the scheduled Planning Commission Meeting. (this is only required if the minerals interests are severed)
- ✓ 21. Copies of all local, state and federal licenses and/or status of applications.
- NA 22. In circumstances of Corporate Ownership, documentation evidencing whom is eligible to execute documents on behalf of the corporation
- ✓ 23. In circumstances where the applicant is not the owner written authorization from the owner specifying the extent to which the representation is authorized
- NA 24. In circumstances where a consultant is making application on behalf of the owner, written authorization from the owner specifying the extent to which the representation is authorized
- NA 25. In circumstances where the property owner of record is not involved in the operation or application, documentation indicating right to occupy and use the property shall be provided. (lease or similar document)
- NA 26. Buffering Plan (If required)
- ✓ 27. Current registration for SMM equipment or documentation that equipment is on tax rolls associated with the property, to include list of machinery.
- NA 28. List of Hazardous materials stored and/or used on site, to include location of storage and management practices
- ✓ 29. Copies of mining and reclamation plans (CUP's)
- NA 30. Required information set forth in FCRZ 8.13.17.1 (Airports)
- NA 31. Required information set forth in FCRZ 8.13.17.2 (Adult Uses)
- NA 32. Required information set forth in FCRZ 8.13.17.3 (Kennels)
- NA 33. Required information set forth in FCRZ 8.13.17.4 (Antennas & Towers)

Site Plan Drawing Requirements

- a. Drawing Size: Minimum sheet size 18" x 24" to a maximum sheet size of 24" x 36";
- b. Written and graphic scale with minimum of 1" = 200' max 1" = 50';
- c. Appropriate title (SPECIAL REVIEW USE PERMIT, CONDITIONAL USE PERMIT, COMMERCIAL DEVELOPMENT PLAN FOR {name});
- d. Appropriate subtitle (brief description of the proposed use);
- e. Boundary drawing of the property with bearings and dimensions illustrating the legal description;
- f. Legal description of the property;
- g. Acreage or square footage of the subject property;
- h. Zoning classification of the subject property;
- i. Zoning classification of the adjoining properties;
- j. North Arrow;
- k. Vicinity map locating the subject property in relation to surrounding areas;
- l. Table indicating relationship between proposed and existing construction to remain on the property
- m. Minimum lot size, maximum lot coverage, maximum building height, minimum lot width, minimum setback requirements (Front, Two sides, & Rear)
- n. Size and shape of all existing & proposed structures: each structure shall be labeled/noted as existing or proposed. Dimensions from at least two property lines shall be noted;
- o. Location of all parking areas to include size, dimensions, surface type & thickness, type of space (ADA, Standard, Compact) and a table specifying the minimum numbers of spaces required for each category;
- p. Location of loading areas to include size, dimensions surface type & thickness;
- q. Labeled access points including interior roadways with dimensions, surface type & thickness, circulation pattern, and dimensions from property lines;
- r. Any proposed pedestrian areas & walkways to include dimensions, surface type & thickness;
- s. Location and dimensions of refuse areas;
- t. Identification and location of all drainageway, drainage facilities, including FEMA flood areas, to include dimensions from property lines;
- u. Location, height & type of lighting for parking and off-loading areas;
- v. Location, type, and size of all on-site identification signage (table may be used);
- w. All easements (existing & proposed) to include dimensions from property lines (beginning, end, & centerline) width, and if they are to be vacated or relocated;
- x. Significant natural features;
- y. Soil types
- z. Open space areas
- aa. Legend identifying symbols and/or lines

By signing this Application, the Applicant, or the agent / representative / consultant acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of the Applicant's knowledge and belief.

The Applicant understands that required private or public improvements imposed as a contingency of approval for the application may be required as a part of the approval process.

Fremont County hereby advises the Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of County Commissioners may take any and all reasonable and appropriate steps to declare null and void, any actions of the Board regarding the Application.

Signing this Application is a declaration by the applicant that all plans, drawings and commitments submitted with or contained within this Application are or will be in conformance with the requirements of the Fremont County Zoning Resolution.

<u>Ed Lyons</u>	<u></u>	<u>7-28-21</u>	Applicant
Printed Name	Applicant Signature	Date	
_____	_____	_____	Owner
Printed Name	Owner Signature	Date	

Application number	DEPARTMENT CHECKLIST FOR CONDITIONAL USE PERMIT	YES	NO	N/A	COMMENTS & EXPLANATIONS
1	Project Name				Lyons Pit
2	Applicant				Ed Lyons
3	Owner (Property owner)				BLM
4	Consultant				
	Job Number				CUP 21-002
	Location number				7319-19
	Schedule Number				3947000000001
5	Provide a detailed statement describing the proposed operation?				Gravel Pit
6	Does the legal description represent the CUP Boundary? If no, explain.				No legal description of the proposed site is provided
7	Is the property to be contained in the CUP boundary the total property legally described in the current deed of record				The site is being leased from BLM
8	Is the copy the current deed of record for the subject property.		X		No information is provided from BLM
9	What is the total acreage of the property in the CUP boundary?				They are proposing 9.93 acres for the pit area
10	What is the total acreage of the property that contains the CUP boundary?				They are proposing 9.93 acres for the pit area
11	What is the current zoning of the subject property?				Agricultural Forestry
12	Will the proposed use require a zoning change of the subject property?		X		
13	Is the proposed use specifically allowed by the CUP in the Zone District?				4.1.2 - Mining
14	What is the current land use of the subject property?				Rangeland
	Is the current land use permitted?	X			
15	What is the general location of the proposed site?				The entrance is approximate 1.5 miles south of the intersection of U.S. Hwy. 50 and Colo. State Hwy. 69, in the Texas Creek area
16 - 20	No draftsman review needed				
21.a	Is percentage of the permit area covered with structures meet Zone District requirements?			X	No structures are proposed
21.b	Are setbacks provided for proposed structures and do they meet the zone district requirements?			X	
21.c	Is a buffering and landscaping plan provided as required?		X		

Date Aug. 19,2021

Job # CUP 021-002

Page # 1 of 8

Draftsman Initials EL

Job Name Lyons Pit

22.a	How many off-street parking spaces are proposed?				No parking spaces are noted or shown
	How many off-street parking spaces are required?			X	
22.b	How many standard spaces are proposed?			X	
22.c	How many compact spaces are proposed?			X	
22.d	How many ADA spaces are proposed?			X	
	How many ADA spaces are required?			X	
22.e	What is the size of all proposed off-street loading areas?				In the application, they did note that off street loading is proposed, no other information is provided
22.f	Is hard surfacing to be provided for all parking, loading, driveways and entrance areas?		X		Not noted
22.g	Does this application contain a Parking area lighting plan?		X		
22.h	Does this application contain a parking area - landscaping plan?		X		
23	Is the subject property served by roadways adequate to provide acceptable access for the proposed use.	X			Not noted, only calling out a 30' wide easement
	What commissioners district is the property located in?				Commissioner District 3
24	Does the property have adequate frontage on a county road, if not, then proof of access to a county road shall be provided?		X		An easement is propose from Colorado State Highway 69 to the site
25	Is the access to the property within 500 feet of the intersection of the CDOT road and the county road.				Easement access is off of Colorado State Highway 69
26.b	Is the site located in a water district?		X		
26.d	Is the site located in a irrigation district?		X		
26.f	Is the site located in a sewer district?		X		
26.j	Is a detailed utility plan provided showing location of all utilities?			X	No utilities are being proposed
27.a&b	No draftsman review				
27.c	What service districts is the property located in?				
27.d	Is the site located near within a 1/4 mile radius) of any service districts?				
27.e	Is the subject property located in a Fire Protection District?		X		
27.f	Is the subject property located in a School District?	X			Cotopaxi School District

Date Aug. 19,2021

Job # CUP 021-002

Page # 2 of 8

Draftsman Initials EA

Job Name Lyons Pit

27.g	Is the subject property located in a Library District		X		
27.h	What taxing district is the subject property located in?				The site is located in Taxing District 39E
	Is the taxing district correct on the application				No taxing district is noted on the application
27.i&j	No draftsman review				
28.a	Are the adjacent zoning classifications correct in the application?		X		They have the zoning classifications as being BLM, the adjacent zoning is "Agricultural Forestry"
28.b	Are the current land uses adjacent to the proposed site noted?	X			
28.c	No draftsman review				
28.d	Are the approximate distance correct on the site drawing?				None noted
28.e	Does the proposed site location contain any lands or lie adjacent to any lands designated by the CDOW as critical wildlife habitat?	X			Mule Deer Critical Winter Range is in the area, map attached
28.f-t	No draftsman review				
28.u	Does the project site require the placement of improvements on or disturbance in any Geologic Hazard Areas	X			Map attached
	Does the project site require the placement of improvements on or disturbance in any FEMA flood Area		X		
	Does the project site require the placement of improvements on or disturbance in any Mine subsidence areas		X		
28.v	Is the subject property accessed from or located within the viewshed of any roadway within Fremont County (U.S. Highway 50, adjacent to the Arkansas River; Colo. St. Hwy #69; FCR #2 (aka Tallahassee Rd), #3A (aka Royal Gorge Rd); FCR#6 (aka Hayden Creek Rd), FCR#12 (aka Red Gulch Rd.); FCR#28 (aka Copper Gulch Rd); FCR#132 (aka Upper Beaver Creek Rd); the Gold Belt National Country Byway)?	X			Access is off of Colorado State Highway 69
28.w	Is the proposed site located adjacent to or within the view shed of the Arkansas River		X		
28.x	No draftsman review				

Date Aug. 19,2021

Job # CUP 021-002

Page # 3 of 8

Draftsman Initials 

Job Name Lyons Pit

29	<i>Has a stormwater drainage plan and report shall be prepared for the project site in accordance with the hydraulic method and design standards of Section 5.10</i>					X	
30	<i>Is the proposed project site located within the Urban Growth Boundaries or other areas of influence of any municipality?</i>					X	
31	<i>Does the project site property lie adjacent to a municipal boundary line (city or town limits)?</i>					X	
32	<i>Does the subject property lie within three (3) miles of any municipal boundary line and/or a county boundary line? If so, what is the names of the municipalities?</i>					X	
33	<i>Does the proposed project site adjoin lands currently in public ownership (BLM, USFS, CDOW, CSFS, municipal ownerships, etcetera)? If so, list of identifying ownerships?</i>					X	The proposed gravel pit is located on BLM property
34-40	<i>No draftsman review</i>						
41	<i>A refuse disposal plan shall be provided to address the storage of, collection of, storage of refuse and the screening from view of refuse receptacles?</i>					X	No refuse disposal plan is shown or noted
42-44	<i>No draftsman review</i>						
45	<i>What planning district is the subject property located in?</i>						Southern Mountain Planning District
	<i>Is the subject property located within the "Canon City Urban Growth Boundary Area"?</i>					X	
	<i>Is the subject property located within the "Canon City Annexation Priority Area"?</i>					X	
46.a	<i>Is the site plan sheet size acceptable?</i>					X	The site plan is on a sheet size of 18'x24'
46.b	<i>Drawing scale, minimum scale of 1"=200' to a minimum scale of 1"=50'</i>					X	No scale proposed
46.c	<i>Is the site plan Title acceptable {CONDITIONAL USE PERMIT FOR [name]}?</i>					X	Need to remove PROPOSAL from the title
46.d	<i>Is the Subtitle acceptable (shall contain a brief description on the proposed operation)</i>					X	No sub-title provided
46.e	<i>Boundary description dimensions of the area which illustrates the legal description of the subject property contained in the SRU area</i>					X	No boundary description provided

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Draftsman Initials FW

Job Name Lyons Pit

46.f	Legal description of the subject property provided and are they correct?		X	No legal description provided. A decision Record is provided from BLM
46.g	Is the total amount of square footage and acreage contained in the subject property?			They are proposing an area of 9.93 Acres
46.h	Is the zoning for the subject property on the drawing and is it correct?		X	They have the zoning classification on the site drawing as Public Lands, the correct zoning is "Agricultural Forestry"
46.i	Zoning classification for all adjoining lots, parcels or tracts provided and are they correct?		X	They have the zoning classification for adjoining tracts on the site drawing as Public Lands - BLM, the correct zoning is "Agricultural Forestry"
46.j	Does the site plan contain a written & graphic scale?		X	
46.k	Does the site plan contain a north point?	X		
46.l	Is the site plan vicinity map acceptable?		X	No vicinity map
46.m	Is a table provided showing the relationship between the proposed construction and existing construction to remain on the property?			The site is vacant
46.n	Is proposed CUP boundary clearly and accurately identified on the site plan?		X	There calling out the area as Mine Boundary
46.o	Have all existing building and structures been sized and located by dimension on the site plan?			X Site is vacant
	Has the square footage for all existing buildings been provided?			
	Have all the heights of all existing buildings been provided?			
	Has the proposed use of all existing buildings been provided?			
46.p	Have all proposed buildings and structures been sized and located by dimension on the site plan?		X	They are proposing a portable office
	Has the square footage for all proposed buildings been provided?		X	No square footage provided
	Have all the heights of all proposed buildings been provided?		X	
	Has the proposed use of all proposed buildings been provided?			Proposing a portable office building
46.q	Has the overall size of all off-street parking areas been provided?		X	No off-street parking areas are shown or noted
	Has the surface type for all proposed parking areas provided?		X	

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Draftsman Initials PA

Job Name Lyons Pit

	Has the surface thickness of the surface materials for all proposed parking areas provided?		X	
	Has the different types of parking spaces been noted (full size, compact size & ADA spaces)?		X	
	Has all off-street parking spaces been sized by dimension?		X	
	Is a table specifying the minimum numbers of parking spaces required for each category been provided?		X	
46.r	Have all off-street loading areas been sized and located by dimension on the site plan?		X	No off-street loading areas are shown or notes
	Have the surface type for all off-street loading areas been provided?		X	
	Have the thickness of the surface material all off-street loading areas been provided?		X	
46.s	Identify by label or note, the specific type and height (at maturity for vegetation and an estimated time to reach maturity) and locate, by dimension, all landscaping to be used within the off-street parking and loading areas		X	
46.t	Has the internal roadway been identified, labeled or noted?		X	A label is shown identifying haul roads proposed as needed
	Has the internal roadways been dimensioned from the property lines at the beginning and at the end been provided?		X	
	Has the width of the roadway been provide at the beginning and along any changes in width along the roadway		X	
	Has the access points been provided from property lines been provided?		X	
	Has the circulation patterns for the traffic been provided?		X	
	Has the surface type, width and thickness of the roadway been provided?		X	
46.u	Does the site plan locate and size, by dimension, all pedestrian walkways and areas?		X	No pedestrian walkways are shown or noted
	Has the surface type, width and thickness of all pedestrian areas or walkways been provided?		X	
46.v	Does the site plan locate and size, by dimension, all service and refuse areas?		X	No refuse disposal plan is shown or noted

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Job Name Lyons Pit

46.w	Have all drainageways, including FEMA flood areas, have dimensions from property lines or other natural features having an effect on or which would be affected by this proposed use			X	They are showing a label and calling it out as existing drainage, no dimensions from a the property lines
46.x	Have the significant features been dimensioned from the property lines?			X	
46.y	Have all drainage facilities identified by note or label?				They are showing a label and calling it out as existing drainage, no dimensions from a the property lines
46.z	Have all drainage facilities been located by dimension and be designated as a drainage easement			X	
46.aa	Has the type of lighting been identified, labeled or noted, and located by dimension {additional requirements}			X	No lighting has bee shown or noted
46.bb	Has the total square footage of all signs, including the width and length, been provided?			X	No signage is shown or noted
	Has the height of all proposed signs, including lopes and/or pedestals been provided?			X	
	Is it noted on how the signs are to be illuminated and how lights will be directed away from adjoining properties?			X	
46.cc	Has the open space been identified, labeled or noted?			X	No open space is shown or noted
46.dd	Has dimensions for all existing easements been provided (at the beginning and at the end and centerline information for the entire easement)			X	No easements exists on the property
	Has the width been provided at the beginning and end of the easement and along the easement where the width changes			X	
46.ee	Has dimensions for all proposed easements been provided (at the beginning and at the end and centerline information for the entire easement)			X	Need survey information for the proposed 30' easement from the State Highway to the site
	Has the width been provided at the beginning and end of the easement and along the easement where the width changes			X	
46.ff	Are the designate soil types provided?			X	No soils types are shown or noted
46.gg	Is a legend provided to identify symbols or lines that cannot or should not be identified by label?			X	

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Job Name Lyons Pit

46.hh	Does the drawing contain a note section in which each note is identified by a numerical or alpha designation in order to understand different aspects of the property and or proposal?				They do have a legend that calls out different aspects of the site map
46.ii	Does the site plan contain a date of preparation and revisions dates as required?		X		
47 - 49	No draftsman review needed				
50	Does the list of names, addresses and zip codes of property owners within 500 feet, provided with the application match with Department research of the same? If not, a list with the excluded names shall be attached to this list.				Noted that the proposed mining boundary is surrounding by BLM, without a accurate site, cannot determine exact location to determine if any other properties are within the 500' radius
51	Is a list of names and address for all severed mineral interest owners provided?				Noted that the minerals have not been severed
52	If the owner is not the applicant, either the owner shall sign the application form in addition to the applicant or a copy of the documentation providing the applicant with the right to occupy the site.				The proposed owner of the pit signed the application
53	In the circumstance of corporate ownership, documentation evidencing whom is eligible to execute documents on behalf of the corporation.			X	
54	No draftsman review needed				
	Does the drawing provide the name and address of the preparer?		X		
	Is the site located in the Canon City Source Water Protection Plan Area?	X			
	Is the property in a Department of Energy notice area?		X		
	Have the minerals been severed from the Property? If yes, who is the mineral interest owner?				Noted that the minerals have not been severed
	The Department "Area" map shall be attached with this checklist.				Attached
	Is there a violation on the property?		X		
	Notes				Did not do a red line of the site plan, need to redo the site plan to comply with the regulations
	Notes				There is another gravel pit on property owned by BLM, which is located approximate 1/2 mile south of this proposed site

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Draftsman Initials EP

Job Name Lyons Pit

Mill Levies by District

As of 12/28/2016

Tax Districts

39E - 39E

Authority	Mill Levy
3 - SCHOOL DISTRICT RE-3 GENERAL FUND	23.717000
3B - SCHOOL DISTRICT RE-3 BOND REDEMPTION	0.000000
19 - UPPER ARKANSAS WATER CONS DIST	0.478000
21 - DEER MOUNTAIN FIRE DISTRICT	7.992000
22 - FREMONT COUNTY 001 GENERAL FUND	8.543000
22B - FREMONT COUNTY 001 ROAD & BRIDGE FUND	0.850000
22C - FREMONT COUNTY 001 HUMAN SERVICES FUND	2.701000
22D - FREMONT COUNTY 001 COUNTY AIRPORT	0.321000
27 - FREMONT CONSERVATION DISTRICT	0.500000
	45.102000

39F - 39F

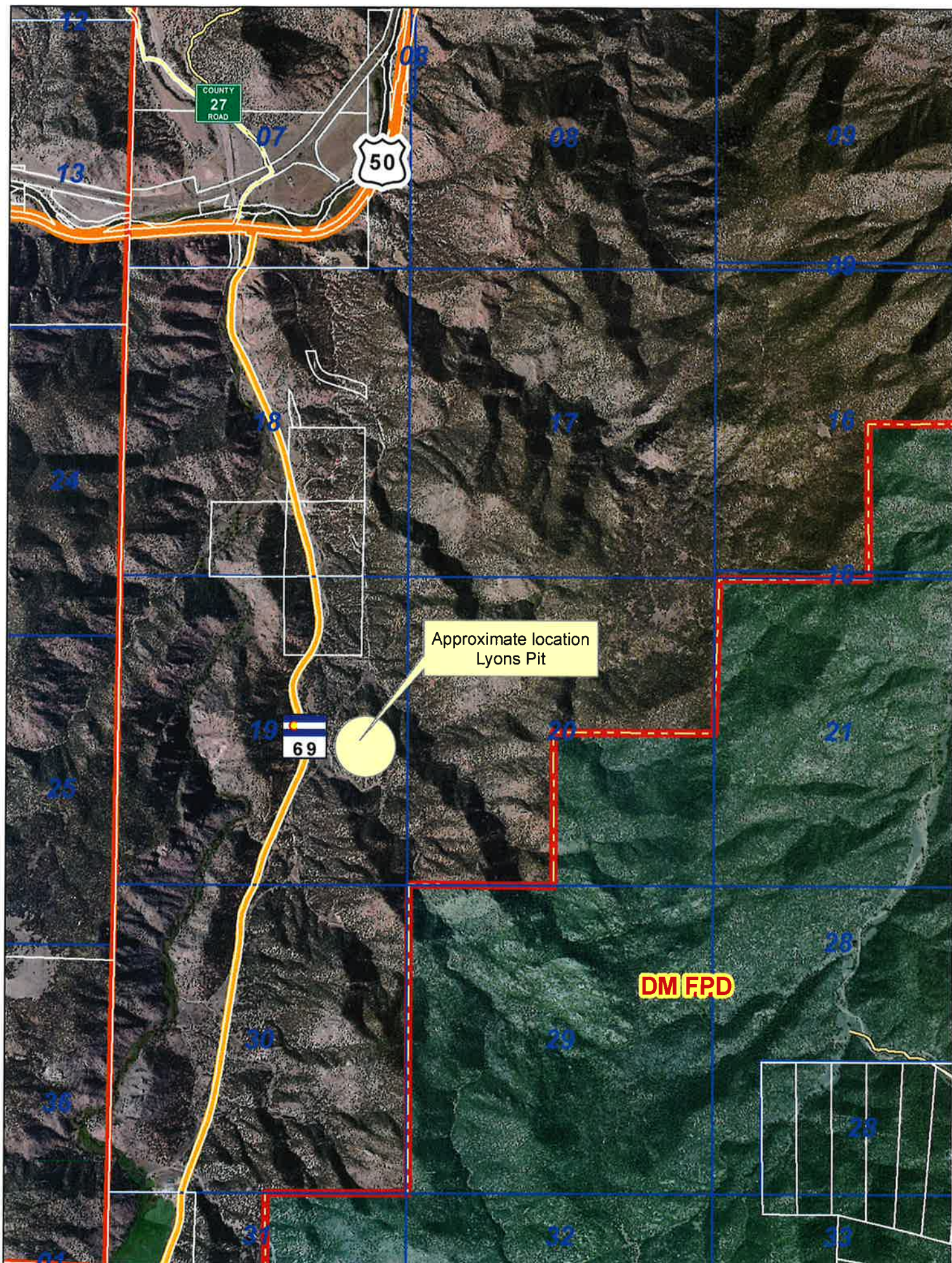
Authority	Mill Levy
3 - SCHOOL DISTRICT RE-3 GENERAL FUND	23.717000
3B - SCHOOL DISTRICT RE-3 BOND REDEMPTION	0.000000
18 - S.E. COLO WATER CONS DISTRICT	0.940000
18B - S. E. COLO WATER CONS	0.000000
19 - UPPER ARKANSAS WATER CONS DIST	0.478000
21 - DEER MOUNTAIN FIRE DISTRICT	7.992000
22 - FREMONT COUNTY 001 GENERAL FUND	8.543000
22B - FREMONT COUNTY 001 ROAD & BRIDGE FUND	0.850000
22C - FREMONT COUNTY 001 HUMAN SERVICES FUND	2.701000
22D - FREMONT COUNTY 001 COUNTY AIRPORT	0.321000
27 - FREMONT CONSERVATION DISTRICT	0.500000
	46.042000

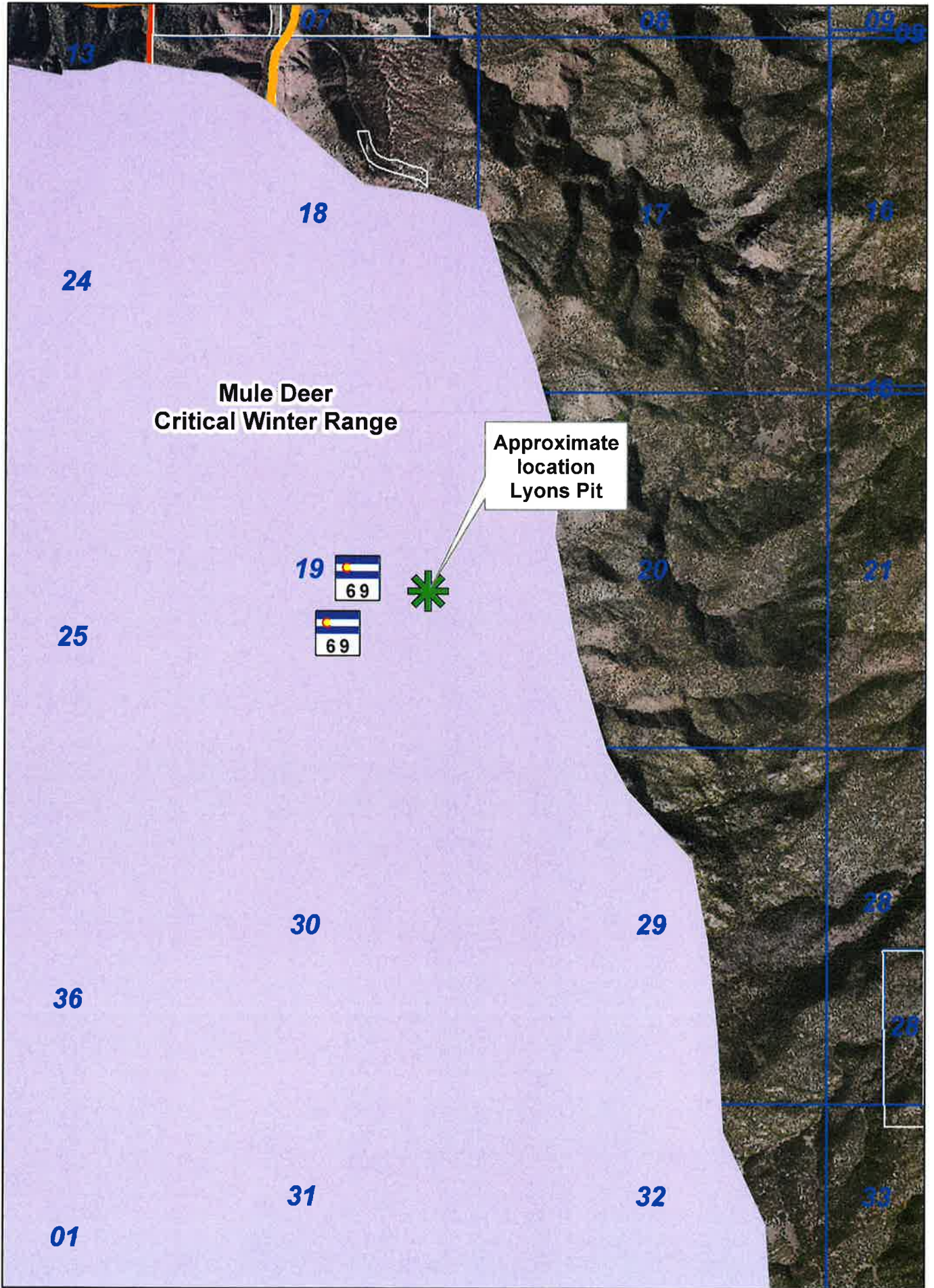
39H - 39H

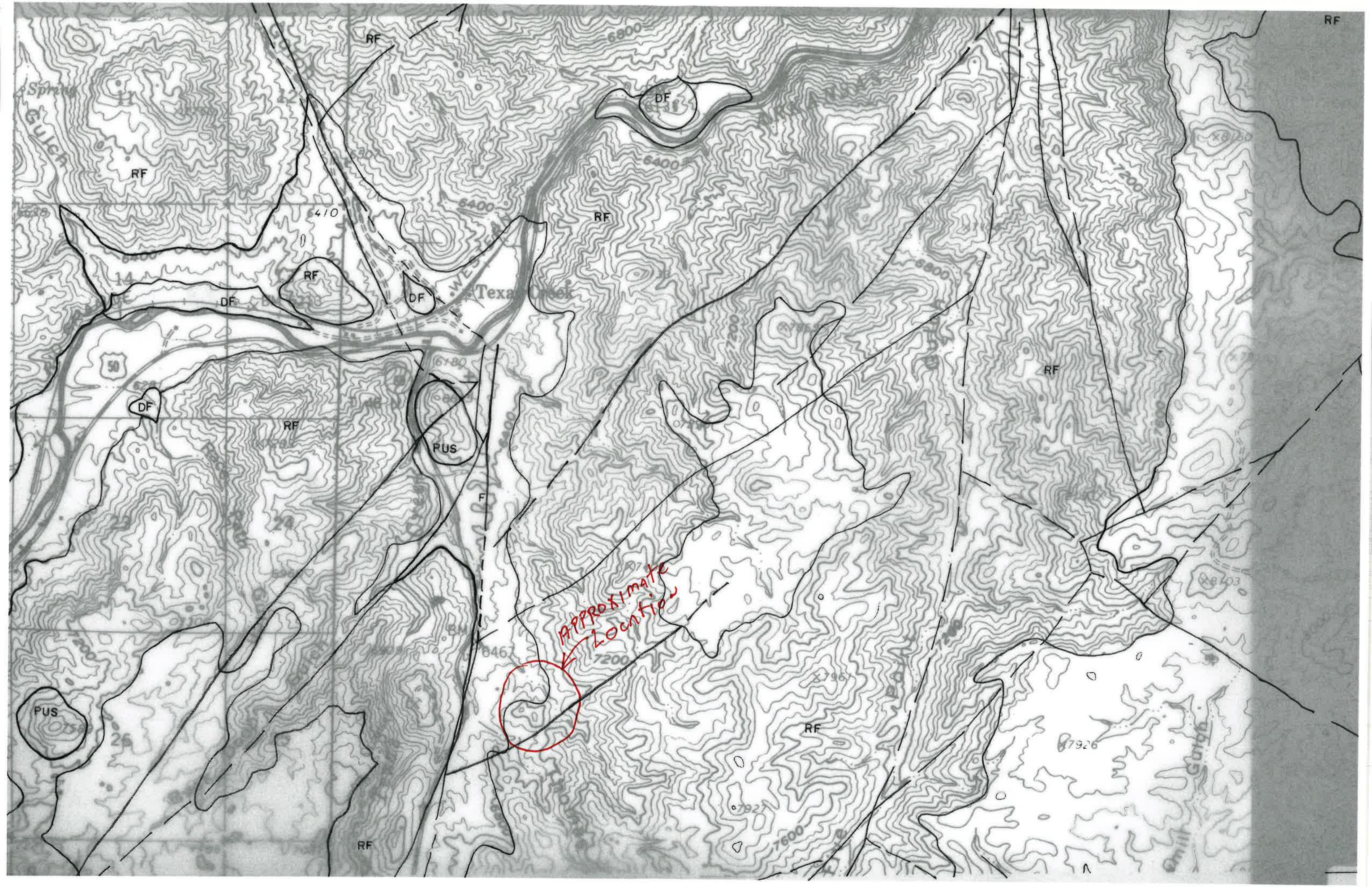
Authority	Mill Levy
3 - SCHOOL DISTRICT RE-3 GENERAL FUND	23.717000
3B - SCHOOL DISTRICT RE-3 BOND REDEMPTION	0.000000
19 - UPPER ARKANSAS WATER CONS DIST	0.478000
21 - DEER MOUNTAIN FIRE DISTRICT	7.992000
22 - FREMONT COUNTY 001 GENERAL FUND	8.543000
22B - FREMONT COUNTY 001 ROAD & BRIDGE FUND	0.850000
22C - FREMONT COUNTY 001 HUMAN SERVICES FUND	2.701000
22D - FREMONT COUNTY 001 COUNTY AIRPORT	0.321000
	44.602000

39I - 39I

Authority	Mill Levy
3 - SCHOOL DISTRICT RE-3 GENERAL FUND	23.717000
3B - SCHOOL DISTRICT RE-3 BOND REDEMPTION	0.000000
19 - UPPER ARKANSAS WATER CONS DIST	0.478000
22 - FREMONT COUNTY 001 GENERAL FUND	8.543000
22B - FREMONT COUNTY 001 ROAD & BRIDGE FUND	0.850000
22C - FREMONT COUNTY 001 HUMAN SERVICES FUND	2.701000
22D - FREMONT COUNTY 001 COUNTY AIRPORT	0.321000
	36.610000







**U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office**

DECISION RECORD

Mountain Valley Excavating – Mineral Materials Contract

DOI-BLM-CO-F020-2019-0056-EA

DECISION:

It is my decision to authorize the Proposed Action as described in the attached EA. The proposed action consists of approving a mineral material application to produce federal minerals at the Lyons Quarry located approximately 1-mile south of Texas Creek, Colorado. The site lies approximately 27 miles west of Canon City, Colorado and about 1 mile north of an existing Fremont County borrow pit. The proposed quarry would occupy approximately 10 acres of BLM managed lands, including any access road construction and processing and material storage areas. The area has very little vegetation and primarily a pinion-juniper landscape. The proposed quarry would be located at the base of a ridge and should not be visible from Hwy 69. The entrance and access road would be constructed along the main drainage as to avoid the historic railroad bed trending parallel with the highway. Mining would commence in 2 phases with progression trending from south to north with a 25-foot buffer along the western boundary to prevent any disturbance to cultural resources.

The application for a mineral material sale's contract would account for future federal mineral production and all reclamation requirements. The production rate is anticipated to be 40,000 tons per year with an estimated 0 to 5 haul trucks per day depending upon demand for material. There would be between 2 to 3 persons onsite during active operations and an employee present during hauling periods. Active mining is seasonal; however, production would be year-round with product material stockpiled for use during winter months. Seasonal operations would occur from Monday to Friday 8:00 am to 5:00 pm. The aggregate would be used for roadbase and other similar type construction uses. These mineral material reserves would help sustain uninterrupted supplies of aggregate to meet future demands in Fremont County and surrounding communities.

The mining method would replicate a standard open pit surface aggregate operation with interval mining occurring in 2 phases. The mine geometry would be rectangular in shape to take advantage of the natural slopes and aid in backfilling the site during reclamation. Mining is proposed to progressively trend toward the south/southeast with an estimated mining depth of 35 feet and a 2:1 working highwall/bench configuration. Monitoring and maintenance would occur to ensure highwall stability (e.g., raveling, tension cracks, rock falls etc.). All safety regulations and precautions (e.g., following all federal, state and county permit/contract stipulations and monitoring, daily visual inspections, signage, site specific training, etc.) would be taken during active mining, processing, and hauling. A daily maintenance log would record

any compliance or safety issues and corresponding solution(s). The log would be available in the portable office trailer for reference by federal, state and county officials and inspectors.

RATIONALE:

This mineral materials disposal will develop federal aggregate resources. Extensive mining currently exists in the area of this proposed parcel, primarily north of Westcliffe and Silver Cliff, Colorado, due to attainable access. The minerals associated with this parcel are open to the Public Land Laws. The area is very diverse and includes grazing lands, mining operations, industrial facilities, businesses, and residential areas along a main access corridor from Westcliffe and Silver Cliff Colorado, along Highways 96 and 69.

Extensive resource development has occurred throughout the project area, mostly on private estates. Analysis of the proposed action has concluded with a finding of no significant impact.

MITIGATION MEASURES\MONITORING:

The following PDFs and BMPs will be enforced per the EA analysis conclusion:

Applicant PDFs and BMPs

1. Drainage survey conducted by the Office of the State Engineer, DWR prior to the issuance of the mineral material contract.
2. All stormwater controls installed prior to initiating mining activities.
3. All fuels and other chemicals would be stored in secondary containment and spill contingency plan and kit available for spill/leak cleanup.
4. Site specific trainings to employees and visitors (e.g., inspectors, haulers, etc.).
5. Highwall continuously sloped to aid with final slope reduction during reclamation.
6. Compliance with all other federal, state and county laws and regulations.
7. Licensed blaster onsite during all scheduled blasting.
8. Any topsoil and overburden, not utilized for stormwater controls, would be stockpiled for later use in reclamation.
9. Monitoring log recorded daily during active operations.
10. Weekly monitoring/inspections during non-operational periods.
11. Removal or security of non-operable equipment during seasonal shutdowns or non-operational periods.
12. Weekly site monitoring during non-operational periods.
13. Weed Management Plan would be provided to BLM and all state and county weed regulations would be followed accordingly.

BLM PDFs and BMPs

1. **Cultural Resources** – BLM performed multiple inventories in order to design an APE that would cause no effect to historic properties, and the present project area reflects the final result. To ensure that the historic properties are avoided, an archaeologist with a BLM permit in good standing must be present during the construction of the access road.

2. **Geology/Minerals** – A letter, or similar form of documentation, will need to be provided to the BLM that outlines details of the coordination between any mining claimant and the mineral material contract holder and is signed by both parties involved.
3. **Lands & Realty** – A letter, or similar form of documentation, will need to be provided to the BLM that outlines details of the coordination between the mining claimant and the adjacent ROW holders.
4. **Migratory Birds** – Avoid habitat disturbance (removal of vegetation such as timber, brush, or grass) during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds.
5. **Terrestrial Wildlife** – Activity at the site will be limited to hauling only from December 1st to April 15th to mitigate human disturbances to mule deer severe winter range.
6. **Topsoil Stockpiles** – Topsoil stockpiles would be seeded to prevent weed growth, erosion and to keep soil viable for use during final reclamation. A vegetative cover that is at least 50% of the typical vegetative community of the area (Gravelly Foothill ecological site). If an adequate cover is not established within 6 months of stockpiling alternative methods of controlling erosion will be implemented. These methods could include methods such as using geotextiles to promote seed germination and control overland flow
7. **Visual Resource** – The BMPs could include painting equipment, buildings and structures a proper color that blends with the environment. In addition, locating facilities, so they are off ridges and mesas, are screened from nearby residence, and decrease visual contrasts with the natural landscape.
8. **Wastes, Hazardous or Solid** – This project involves some type of oil or fuel use, transfer and/or storage, an adequate spill kit is required to be onsite. The project proponent will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM's Spill Contingency Plan.
9. **Weeds** – The operator shall monitor for noxious weeds in the project area. The operator shall effectively control any Colorado list A or B noxious weeds in accordance with BLM pesticide policy. Other species may be treated as necessary to achieve reclamation objectives.

PROTEST/APPEALS: In accordance with 43 CFR 3165.3, any adversely affected party contesting this decision may request an administrative review of this decision before the State Director, either with or without oral presentation. This request, including all supporting documentation, shall be submitted in writing within 20 business days of the date this decision was received, or considered to have been received, by the parties and shall be sent to Colorado State Director, 2850 Youngfield Street, Lakewood, Colorado 80215-7076. The decision of the State Director may then be appealed to the Interior Board of Land Appeals in accordance with 43 CFR 3165.4. BLM Colorado will not accept a request for State Director review, or a notice of appeal transmitted electronically (e.g., by email, facsimile, or social media).

**KEITH
BERGER**

Digitally signed by KEITH
BERGER
Date: 2021.03.11 13:46:25
-07'00'

SIGNATURE OF THE RESPONSIBLE OFFICIAL: _____

Keith E. Berger, Field Manager

DATE: _____

Dedicated to protecting and improving the health and environment of the people of Colorado

Ed Lyons, Owner
Mountain Valley Excavating LLC
PO Box 875
Westcliffe, CO 81252

TO: Mountain Valley Excavating LLC

FROM: WQCD Permits Section 303-692-3517

DATE: 7/27/2021

RE: WQCD CDPS Permit application for COG500000-Sand and gravel mining process water and stormwater combined

The Water Quality Control Division received an application from Mountain Valley Excavating LLC COG500000-Sand and gravel mining process water and stormwater combined permit on 7/26/2021. The application requests discharge authorization for Lyons Pit Fremont County located at Hwy 69 & Hwy 50 South of intersection Texas Creek Facility SIC 1442. The assigned permit number is COG502199.

The application has been reviewed and is considered complete for the purposes of filing. The Division has not verified all of the information contained in your application and has relied upon your signed certification to determine that the information is true, accurate, and complete. No permit has been issued at this time. The Division has 60 days to issue the permit from the date received.

It is the responsibility of the permittee to submit a termination application when the permit is no longer needed. Fees are assessed and invoiced for every permit that is active July 1 of the fiscal year. Permits for which termination applications are received by June 30 of the current fiscal year will not be invoiced for the new fiscal year.

We have the following contacts on file, if any of this information changes from the date your application was submitted until we issue your permit, please send a revised application/change of contacts form.

Permittee Contact the person authorized to sign and certify the permit application. This person receives all permit correspondences [including invoice; is contacted for any questions relating to the facility; and receives DMRs as appropriate] and is the person responsible for ensuring compliance with the permit:

Ed Lyons, Owner
Mountain Valley Excavating LLC
PO Box 875
Westcliffe, CO 81252
Phone number: 719-371-2136
Email: edlyons70@gmail.com

If you have any questions, feel free to contact the Permits Section and refer to the permit number COG502199. We have detailed email and telephone contact information available on the Division website at the "[Division Contacts](#)". You may also contact us by calling the permits line at 303-692-3517.



**FREMONT COUNTY'S
COLORADO DIVISION OF WATER RESOURCES
INFORMATION FORM FOR
SPECIAL USE, ZONING, AND OTHER LAND USE ACTIONS**

The Fremont County Department of Planning & Zoning (Department) is required to submit proposed land use actions to the State Engineer's Office (SEO) at the Colorado Division of Water Resources (CDWR). The SEO is responsible for providing an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply the proposed land use action.

This CDWR Information Form must be filed out completely and accurately to ensure that the submittal to the CDWR regarding this proposed land use action includes the necessary information required by that agency. The CDWR has 21 days to respond to County submittals. Incomplete submittals will be returned to the County for additional information and then must be resubmitted to the CDWR.

Please note that the CDWR timeframe for review may not coincide with the County deadlines or meetings, and if the CDWR requires additional information, further delays may occur.

Attachments can be made to this application to provide expanded narrative for any application item including supportive documentation or evidence for provided application item answers. Please indicate at the application item that there is an attachment and label it as an exhibit with the application item number, a period and the number of the attachment for that item (as an example, the first attached document providing evidence in support of the answer given at application item number 8 would be marked - Exhibit CDWR-8.1, the fifth attached document supporting the narrative provided for application item 8 would be marked - Exhibit CDWR-8.5). Exhibit numbers should be placed in the lower right hand area of the exhibit.

1. Name of proposed project: LYONS PIT
2. Provide a map of proposed improvements with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS). MAP
3. Legal description of subject property: 6th PM T19S R73W Sec. 19
4. What is the size of the existing parcel? 9.93 acres Acres --- Square feet
5. What are the proposed uses of the subject property?
 - Residential Only
 - Commercial
 - Commercial and Residential
6. What are the current uses of water on this parcel? None
 - a. Are there any established uses that require water? Yes --- No
 - b. Number of existing homes: 0

Section 3 # 3

If one or more, date this use was established: _____

c. Home lawn / garden irrigation: Yes --- No

If yes, amount: _____ Acres --- Square feet

Date this use was established: _____

d. Livestock watering: Yes --- No

If yes, commercial or non-commercial livestock? (Circle one)

If yes, date this use was established: _____

e. Other uses: _____
Dates established: _____

7. What will be the proposed uses of water for this parcel? _____

a. Number of proposed homes (including the home above if it will remain): 0

b. Lawn / garden watering, amount: _____ Acres --- Square feet

c. Livestock watering: Yes --- No

If yes, commercial or non-commercial livestock? (Circle one)

d. Number of Employees per day: 2 Number of days open per year: 120

e. Number of Customers per day: _____ Number of days open per year: _____

f. Bed / Breakfast Customers per day: _____ Number of days open per year: _____

g. Describe other water needs:
Will haul water in truck for dust control

8. Source of water for the uses described above: (If more than one source is utilized for parcel, describe which sources will supply which proposed uses) Westcliffe Round Mt. Water Westcliffe, Co.

a. Is Municipal water available to parcel: Yes --- No

b. Is water available to parcel from an independent water district? Yes --- No

c. Are the uses described above proposed to be provided water by a municipality?

Yes -- No

Name of provider: Round Mt. Water, Westcliffe, Co.

d. Is water hauled: Yes --- No

e. Is there an existing permitted well?: Yes --- No

If yes, permit number: _____

f. Is there a Substitute Water Supply Plan? (Substitute water supply plans provide water users a mechanism to replace out-of-priority depletions on an interim basis.)
 Yes --- No

If yes, name of plan: _____

g. Is there an unregistered well? Yes --- No

h. Is there a Surface Spring? Yes --- No

If yes, Court Adjudication Number and Spring Name: _____

9. What is the Waste Water Method?

Municipal

Septic with Leach Field

Closed Vault, Waste Water hauled to: _____

portapotty rented Oak Disposal Westcliffe, Co.

By signing this form, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the form and any attachments to the form, is true and correct to the best of Applicant's knowledge and belief.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Department regarding the Application to be null and void.

Signing this form is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this form, provided that the same is in conformance with the Fremont County Zoning Resolution.

Ed Lyons
Applicant Printed Name Ed Lyons Signature 7-22-21 Date

BLM
Property Owner Printed Name _____ Signature _____ Date
(If different from applicant)

STORM WATER MANAGEMENT PLAN
for LYONS PIT 5-4-21 Vi Lyons



The proposed construction of Lyons Pit off Hwy 69 will take place on 9.93 acres leased from BLM
Location is approx. Latitude 38.23'05" N, Longitude 105.34'48" W,
pit is 1.6 miles south of Texas Creek, Co, HWY 50.
It is located between mile marker 80 and 81, on Eastside of Highway 69. The Site is bordered by BLM.

The project will involve the development of the gravel pit, including two phases.

Phase I – approximately 4 acres, vegetation and trees will be removed and processed, removal and stockpile of topsoil (save what we can get for reclamation , construction of berm for the 25ft buffer, and positive drainage ditches. Access road will be cut in and berm at least 3 ft high for safety, 18 inch culvert will be installed. create a processing area, cut pad and ditches, and berm along the north side of pit for pit and water diversion, . The railroad grade created a sediment pond and a dry dam for drainage. This plan reduces the severity of the storm water during construction operations. Berms and ditches will be monitored. The date of commencement is estimated to be 2021. This stormwater plan will be in place prior to crushing activities. Having two phases will limit the disturbed area of the site, and will help with reclamation.

Phase II- approximately 5.93 acres, Reclamation and positive drainage and as we can will be done on previously disturbed, removal of vegetation and trees and processed on second phase, stormwater will be controlled with ditches and berms and swales all is subject to change. Best management practices will be applied to manage storm water. The stock piles will be changing as more material is removed from site and deposited to the stock pile and hauled out, for this reason a perimeter ditch might be used instead of a silt fence, this perimeter ditch can easily be moved and maintained with equipment.

Good housekeeping should be followed though out the whole project.

- Monitor berms and roads and drainages

- Spill Kits will be on site at all times- 5 gallon kits includes gloves, sorbent, dust pan and container to collect and store the clean- up material. 20 gallon kit PPE for 2 people sorbent and materials to absorb, shovel, plastic bags, ect. No hazardous materials just POLs. On site

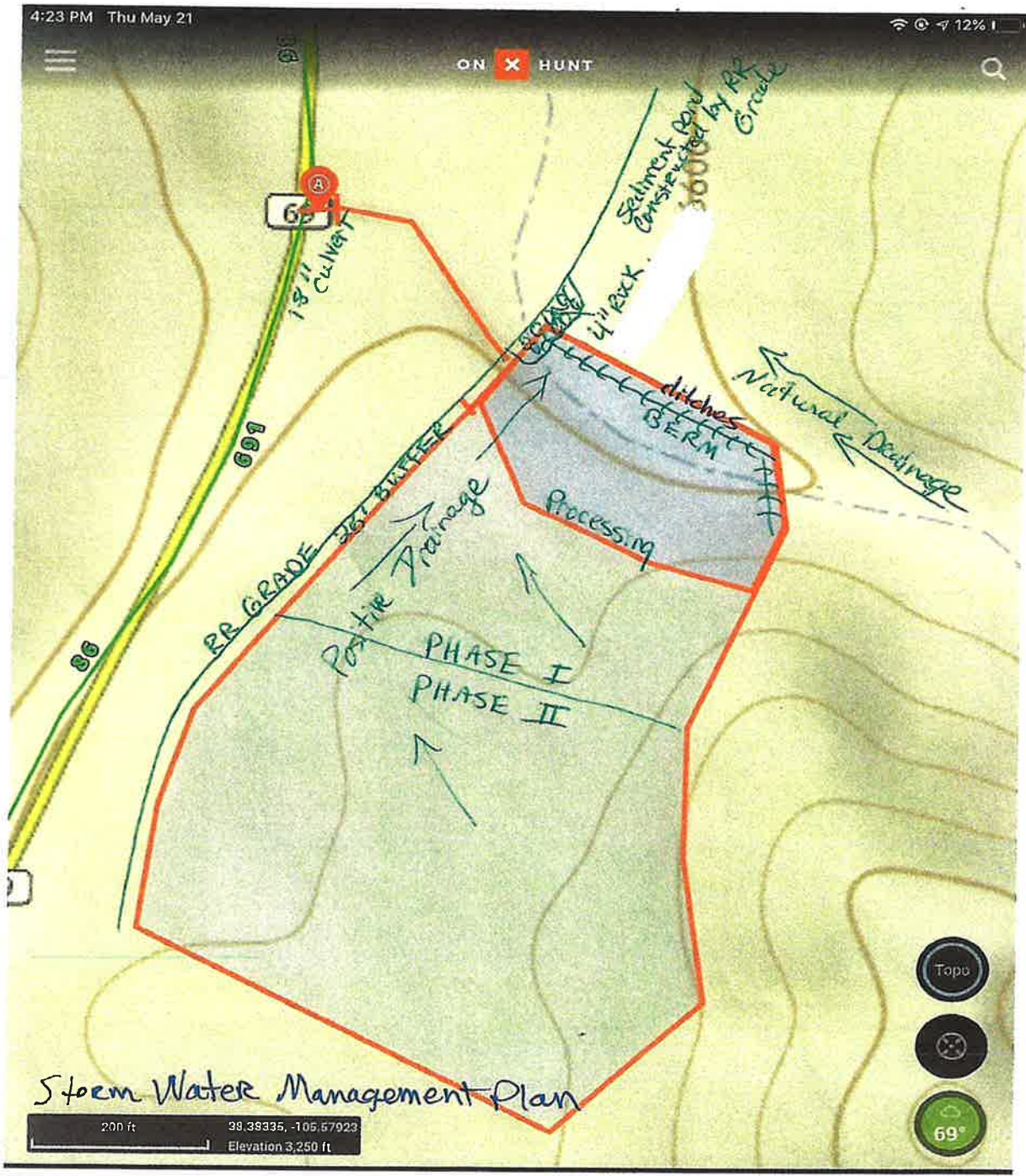
MSDS SHEETS ON SITE

Daily Inspection Sheet Logbook will be kept onsite- Inspection dates and info

NON Operational- Monitor and inspect once a week

Road and Site Pad will be graveled so tracking in and out of site should not be a problem.

LYONS PIT
54-21 ViLyons
Stormwater Management Plan Map





Fremont County Department of Planning and Zoning Roadway Impact Analysis Form

This form shall be used in conjunction with any applications submitted in accordance with Section 8 of the Fremont County Zoning Resolution and or Section VI of the Fremont County Subdivision Regulations. This form is considered a minimum application submittal item and shall be required to be provided at the time of application submittal. This form is intended to provide the minimum items that must be addressed in the roadway impact analysis. The form can be expanded or attachments can be made to further address the roadway impact of the proposed use. **If the estimated average daily traffic increase is less than thirty (30) vehicle trips per day (one trip to be considered as a single or one-direction vehicle movement with either the origin or the destination [exiting or entering] inside the subject property) as per the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions for the entire development, as estimated by the project engineer, then a Roadway Impact Analysis will not be required to be completed by an engineer.** In such situations other minimum items shall be addressed by the applicant.

1. Project Name Lyons Pit

2. Type of application:

- | | |
|--|--|
| <input type="checkbox"/> Zone Change #1 | <input type="checkbox"/> Special Review Use Permit |
| <input type="checkbox"/> Zone Change #2 – Use Designation Plan | <input checked="" type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Zone Change #2 – Final Development Plan | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Commercial Development Plan | <input type="checkbox"/> Change of Use of Property |
| <input type="checkbox"/> Commercial Development Modification | <input type="checkbox"/> Subdivision Preliminary Plan |
| <input type="checkbox"/> Expansion of an existing Business or Industrial Use | |

3. Engineer: _____ Address: _____
 City: _____ State: _____ Zip Code: _____
 Telephone #: () _____ Facsimile #: () _____ Email _____

4. Provide a detailed description of the proposed use: Lyons Pit 1.6 miles South Texas Creek on Hwy 69 will be Gravel Pit, will Screen & Crush Rd base, 1 1/2" rock, 3/4" rock, FOR USE FOR surrounding areas - haul out Approx. 20kts per day intermittent

5. Provide the estimated average daily traffic to be generated by the proposed use(s), using the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions. The estimated volumes of traffic to be generated by the proposed use(s) shall include as a minimum, the average weekday traffic volume and the peak-hour (morning and afternoon) traffic volumes. Specify the number of trips in each category. (one trip to be considered as a single or one-direction vehicle movement with either the origin or the destination [exiting or entering] inside the subject property)

Residential: _____ daily, _____ peak-hour am, _____ peak-hour pm _____
 Employee: 2 daily, 2 peak-hour am, 2 peak-hour pm 2

Section 3 #11 Home

Customer: _____ daily, _____ peak-hour am, _____ peak-hour pm

Truck generated by the proposed use: 2 daily, 2 peak-hour am, 2 peak-hour pm

Delivery – required by the use: _____ daily, _____ peak-hour am, _____ peak-hour pm

Total Vehicle Trips: 4 daily, 4 peak-hour am, 4 peak-hour pm

I certify that based on the proposed use(s) the total vehicle trips using the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions will average less than thirty (30) trips per day based on any fourteen (14) day time frame.

_____ Date _____ Seal
Colorado Licensed Professional Engineer

If the above has been certified, then the applicant can complete the form and acknowledge it. If completed by the applicant only the questions marked by asterisk (*) are required to be answered.

NOTE: If the additional information provided warrants improvements to the roadway system, even though the traffic generated by the proposed use is less than thirty (30) trips per day, such improvements will be required. If in the future the use exceeds an average of thirty (30) trips per day a complete analysis could be required.

6. *What is the general location of the subject property? 1.6 miles South of Texas Creek
on Hwy 69.

7. *What are the names and/or the numbers of the public roadways that serve the site? _____
Highway 69

map
Provide a site plan drawing that shows the subject property, its proposed access points and all public roadways within a one-half (1/2) mile radius of the subject property, marked as Exhibit 7.1. An exhibit has been attached.

8. *What is the classification, according to the Fremont County Master Plan, of the roadway from which the project site will gain access to the public transportation system?
 Expressway or Freeway --- Major Arterial --- Arterial --- Collector --- Local

9. *Do the roadways in question lie within a three (3) mile radius of any incorporated town or city limits or the boundary of another County? Yes --- No
If yes, provide the name(s) of the jurisdiction(s): _____
In addition if a new roadway is to be constructed, how will it comply with the transportation plan in effect for the municipality? _____

10. *Will this project require a Fremont County Driveway Access Permit or a Colorado Department of Transportation (CDOT) State Highway Access Permit? Yes --- No
Please explain: it is off Hwy 69 Permit is Approved

11. *Will the project require construction of, or improvement to any roadway maintained by the CDOT?
 Yes --- No
If yes, will the proposed construction or improvement be in compliance with CDOT's "5 Year Transportation Plan"? Yes --- No Please Explain _____

Has CDOT required that the applicant provide a traffic study? Yes --- No
If yes, a copy of the study shall be attached to this application, marked as Exhibit 11.1. An exhibit has been attached.

12. *Will the project require construction of, or improvement to any roadway currently maintained or proposed to be maintained by the County? Yes --- No
If yes, what would be the social, economic, land use, safety and environmental impacts and effects of the new roadway on the existing transportation system and neighborhood? _____

13. *Are any roadways proposed to be vacated or closed in conjunction with the proposed project?
Yes --- No
If yes, please explain. _____

14. *Is the proposed project site adjacent to or viewable from any portion of the Gold Belt Tour Scenic Byway or other scenic corridor designated by the Master Plan? Yes --- No
If yes, identify the byway and or scenic corridor: _____
If yes, explain how the scenic quality will be affected by the proposed project. _____

If yes, what measures will be taken to not have a negative impact on the byway and or scenic corridor? _____

15. *Will the proposed project gain access to the public transportation system via 3rd, 9th, K and or R Streets in the Penrose-Beaver Park Area of the County? Yes --- No

16. *Does the subject property have frontage on a public roadway? Yes --- No
If answered no, then documentation evidencing a "right of access" to the subject property for the proposed use shall be attached marked as Exhibit 16.1. An exhibit has been attached. If answered no, then please explain what the right of access consists of: _____

17. *What is the right-of-way width of the public roadway(s) that serve the site? 30 ft.

18. *What is the surface type of the public roadway(s) that serve the site? improved Asphalt

19. *What is the surface width of the public roadway(s) that serve the site? 30 ft

20. *What are the existing drainage facilities for the public roadway(s) that serve the site? Culvert 18"

21. *Does the public roadway(s) that serves the site have curb and gutter? Yes --- No
If answered yes, what is the type of curb and gutter? _____

22. *Does the public roadway(s) that serves the site have adjacent sidewalks or other pedestrian ways?
 Yes --- No
If answered yes, what is the width(s) and surface type(s)? _____

23. *How many access points will the subject property have to public roadways? 1

24. *Will the proposed roadways that access the public roadways intersect the public roadways other than at perpendicular? Yes --- No
If answered yes, please explain: _____

25. *What are the sight distances, in all directions, from the subject property access point(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)
 Northerly, site distance: 769' Southerly, site distance: 620' +
 Easterly, site distance: _____ Westerly, site distance: _____

26. *What are the distances from the subject property access point(s), in all directions, to the nearest intersection with another public roadway along the public roadway that serves the site? (mark and provide distance for each that is applicable)
NA Northerly, distance: _____ Southerly, distance: _____
 Easterly, distance: _____ Westerly, distance: _____

27. *What are the distances from the subject property access point(s), in all directions, to the nearest driveway(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)
NA Northerly, distance: _____ Southerly, distance: _____
 Easterly, distance: _____ Westerly, distance: _____

28. *What are the distances from the subject property access point(s), in all directions, to the nearest blind curve(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)
 Northerly, distance: 769' + Southerly, distance: 620' +
 Easterly, distance: _____ Westerly, distance: _____

29. *What are the distances from the subject property access point(s), in all directions, to the nearest blind hill(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)

Northerly, distance: _____ Southerly, distance: 620'
 Easterly, distance: _____ Westerly, distance: _____

30. *Identify any and all hazardous conditions with regard to the public roadway(s) that provide access to the subject property in the general area of the subject property: Occasional Animals on Road

If the public roadway(s) that currently serve the subject property have any hazardous conditions, then recommendations shall be made for improvements that will decrease the hazardous conditions on the public roadway(s): _____

31. *Explain what effect the proposed use will have on the existing traffic in the neighborhood. If no change is expected, please explain why no change is expected: No Change -

will be intermediate + when hauling - 2-4 TMS Per Day.

32. *Will the proposed use, due to the increase in traffic or the type of vehicle traffic generated by the proposed use, change the level and or type of required maintenance for the public roadway(s) that serve the site? Yes --- No, (please explain) _____

If the proposed use, due to the increase in traffic or the type of vehicle traffic generated by the proposed use, changes the level and or type of required maintenance for the public roadway(s) that serve the site, then recommendations shall be made that would lessen the maintenance impact for the entity in control of maintenance of the public roadway(s): _____

Note: If improvements are required, it may be mandatory that such improvement be installed prior to final approval of the application.

33. *Are new roadways proposed to be constructed, on or off site, in association with the proposed project? Yes --- No If yes, provide evidence that the roadways will be constructed to conform to natural contours in order to minimize soil disturbance, cut and fills, protect drainageways and not create to unstable slopes. Yes CDOT HAS GIVEN ACCESS

will Build to their Specs.

34. Provide an analysis of the existing traffic volumes on the adjacent roadway system, including the average weekday traffic (*vehicles per day*) and the weekday peak-hour traffic (*vehicles per hour – am and pm*), showing the dates and times of traffic counts or source utilized for traffic volume counts. Determine the existing level of service or percentage of roadway capacity currently in use.

Roadway name or # _____ average weekday traffic _____
 Weekday peak-hour traffic _____ am _____ dates _____ times
 Weekday peak-hour traffic _____ pm _____ dates _____ times
 Current level of service - % of roadway in use _____

Roadway name or # _____ average weekday traffic _____
 Weekday peak-hour traffic _____ am _____ dates _____ times
 Weekday peak-hour traffic _____ pm _____ dates _____ times
 Current level of service / % of roadway in use _____

Roadway name or # _____ average weekday traffic _____
 Weekday peak-hour traffic _____ am _____ dates _____ times
 Weekday peak-hour traffic _____ pm _____ dates _____ times
 Current level of service / % of roadway in use _____

35. Provide an estimate of the probable traffic directional distribution from and to the subject property based on the proposed use(s) and assignment of the estimated traffic volumes to the adjacent roadway network. Estimate the future background and resulting total traffic volumes (*including the estimated generated traffic due to the proposed use*) on the adjacent roadway system for a twenty (20) year design period, showing volumes for both left and right turn movements as well as through traffic.

36. Determine the projected future levels of service or percentage of roadway capacity to be in use at the subject property's access points and key adjacent intersections. Provide recommendations for street and access improvements if any portions of the roadways do not have the capacity to accept the additional estimated traffic volumes. All necessary improvements will be required to be designed, completed and accepted by the County prior to any final action regarding the application.

37. Please provide any additional information considered by the Certifying Engineer to be pertinent to the roadway impact in association with the proposed project: _____

I hereby certify that the foregoing information was prepared by myself or under my direct supervision and is true and correct to the best of my knowledge and belief.

Colorado Licensed Professional Engineer

Date _____

SEAL

If not completed by an Engineer, then the following acknowledgement shall be signed by the applicant and/or owner.

By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

Ed Lyons
Applicant Printed Name


Signature

7-22-21
Date

Owner Printed Name

Signature

Date

COLORADO DEPARTMENT OF TRANSPORTATION			CDOT Permit No.
STATE HIGHWAY ACCESS PERMIT			221051
			State Highway No / Mp / Side 069A / 80.870 / Right
Permit Fee \$300.00	Date of Transmittal 04/05/2021	Region / Section / Patrol / Name 2 / 04 / 27 / Daniel Haberman	Local Jurisdiction CDOT

<p>The Permittee(s):</p> <p>Lyons Quarry Ed Lyons 228 CR 251 or P.O. Box 875 Westcliffe, Colorado 81252 (719) 371-2136</p>	<p>The Applicant(s):</p>									
<p>is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.</p>										
<p>Location: 228 CR 251 or SH69, MM80.87, RT</p>										
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Access to Provide Service to: (Land Use Code)</th> <th style="text-align: center;">(Size)</th> <th style="text-align: center;">(Units)</th> </tr> </thead> <tbody> <tr> <td>1000 - Other 435,000 SF, Gravel Pit Quarry on BLM Land</td> <td style="text-align: center;">10</td> <td style="text-align: center;">Acres</td> </tr> <tr> <td>997 - Agriculture Vacant BLM Land, 435,000 SF parcel</td> <td style="text-align: center;">10</td> <td style="text-align: center;">Acres</td> </tr> </tbody> </table>		Access to Provide Service to: (Land Use Code)	(Size)	(Units)	1000 - Other 435,000 SF, Gravel Pit Quarry on BLM Land	10	Acres	997 - Agriculture Vacant BLM Land, 435,000 SF parcel	10	Acres
Access to Provide Service to: (Land Use Code)	(Size)	(Units)								
1000 - Other 435,000 SF, Gravel Pit Quarry on BLM Land	10	Acres								
997 - Agriculture Vacant BLM Land, 435,000 SF parcel	10	Acres								
<p>Additional Information:</p> <p>Please see the attached documentation within the access permit.</p>										

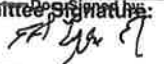
MUNICIPALITY OR COUNTY APPROVAL
Required only when the appropriate local authority retains issuing authority.

Signature	Print Name	Date	Title
-----------	------------	------	-------


Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify Teresa Guagliardo with the Colorado Department of Transportation, at 719-248-0318 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee Signature: 	Print Name Ed Lyons	Date 4/8/2021 12:14 PM PDT
Co-Permittee Signature: (if applicable)	Print Name	Date

This permit is not valid until signed by a duly authorized representative of the Department.
COLORADO DEPARTMENT OF TRANSPORTATION

Signature 	Print Name Arthur Gonzales	Title R2 - Access Manager	Date (of issue) 4/13/2021 3:24 PM MDT
--	--------------------------------------	-------------------------------------	---

Copy Distribution: Required: Make copies as necessary for: Previous editions are obsolete and may not be used
1.Region 3.Staff Access Section Local Authority Inspector Page 1 of 3 CDOT Form #101 5/07
2.Applicant 4.Central Files MTCE Patrol Traffic Engineer

Section 3 #12 + #21
Home



FREMONT COUNTY FIRE PROTECTION PLAN AND DISTRICT COMMENT FORM

The Fremont County Subdivision Regulations and Fremont County Zoning Resolution require a fire protection plan be submitted with many different types of applications, at the time of application submittal. In order to provide consistency in the information received, it shall be required that these plans be submitted on this form.

The Fremont County Department of Planning and Zoning (Department), Fremont County Planning Commission (Commission) and Fremont County Board of County Commissioners (Board) take into consideration the responses of the Applicant and the District during their respective review process.

Attachments can be made to this form to provide expanded narrative for any application item including supportive documentation or evidence for provided form item answers. Please indicate at the form item that there is an attachment and label it as an exhibit with the application item number, a period and the number of the attachment for that item (*as an example, the first attached document providing evidence in support of the answer given at application item number 4 would be marked - Exhibit 4.1, the fifth attached document supporting the narrative provided for application item 4 would be marked - Exhibit 4.5*). Exhibit numbers should be placed in either the lower right hand area or the upper right hand area of the exhibit.

If the subject property is not in a fire protection district, only applicants' information and map are required. A copy of the Colorado State Forest Service Wildfire Hazard Area Map with the subject property clearly and accurately located, shall be attached and marked as Exhibit A.

APPLICANT INFORMATION

1. Project Name LYONS PIT
2. Project Description Gravel pit 1.6 miles south Texas Creek on Hwy 69.

3. Type of application:

- | | |
|--|--|
| <input type="checkbox"/> Zone Change #1 | <input type="checkbox"/> Special Review Use Permit |
| <input type="checkbox"/> Zone Change #2 – Use Designation Plan | <input checked="" type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Zone Change #2 – Final Development Plan | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Commercial Development Plan | <input type="checkbox"/> Change of Use of Property |
| <input type="checkbox"/> Commercial Development Modification | <input type="checkbox"/> Subdivision Preliminary Plan |
| <input type="checkbox"/> Expansion of an existing Business or Industrial Use | <input type="checkbox"/> Minor Subdivision |

3. The subject property is located at:

1.6 miles South Texas Creek on Hwy 69
Address and or General Location (If general location only is used, it will be required that a legal description of the subject property be attached Marked as Exhibit 3.1) An exhibit is attached.

4. Fire protection will be provided in what manner and with what resources?

Clearing trees before start + will have water tank on site, fire extinguishes, and equipment 6000 gal. FIRE Department 17 minutes away, Loader, Dozer, Excavator

5. The source of water for fire protection is:

--- Water District – Name of District: Deer Mountain Fire Protection District

--- Well – Colorado Division of Water Resources Well Permit Number: NA

Is the well approved for fire protection? Yes --- No Please explain: _____

--- Cistern – What is the cistern capacity? NA Gallons -- What is the water source for filling the cistern? _____

6. What is the distance from the subject property to the nearest fire hydrant? NA

7. What public roadways provide access to the subject property? Hwy 69

8. How many accesses to public roadways will the subject property have? 1

9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access? Yes --- No Please explain by providing right-of-way and surface widths, length of roadway, surface types for all interior existing and proposed roadways and turning radii for cul-de-sacs. Access in 30ft

10. What are the existing and or proposed interior roadway names? NA

11. Is the subject property located within a fire protection district? Yes --- No

If yes, please provide the district name: Deer Mountain Fire Protection District

If the subject property is not located within a fire protection district please answer the following questions and the form will be considered completed for submittal. If the subject property is located within a fire protection district then answers to the following will not be required, however the remainder of the form shall be addressed by a representative of the fire protection district in which the subject property is located.

a. What is the name of the fire protection district closest to the subject property? Deer Mountain Fire Protection District

b. What is the distance from the subject property to the nearest fire protection district boundary? 19 minutes (12 miles)

c. Is it logical and feasible to annex the subject property to a fire protection district? Yes ----- No Please explain: _____

d. What types of fire protection improvements are proposed for the subject property and or structures to be housed on the property? Please explain: Access Road + haul Road will be cleared at all times.

By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

Ed Lyons
Applicant Printed Name

Ed Lyons
Signature

7-27-21
Date

Owner Printed Name

Signature

Date

FIRE PROTECTION AUTHORITY INFORMATION

1. The name of the fire protection authority is: DMFPD
2. Name of contact person: J. R. Niblett
Title: Chief Telephone: 719-207-1894
3. The name and address of the responding fire station is: Deer MT Fire Dept.
6181 CR 28 Cotopaxi, CO 81223
4. The distance from the subject property, by public roadway, to the responding fire station is: 19
miles
5. The estimated response time to the subject property is: 17 min
6. The location of the closest fire hydrant to the subject property is: None
7. Is the existing hydrant size and location adequate for the existing neighborhood and the proposed development? Yes --- No Please explain: N/A
8. Are the existing public roadways accessing the subject property adequate for fire vehicle access? Yes --- No Please explain: _____
9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access? Yes --- No Please explain: _____
10. Are the proposed fire protection measures adequate for any existing or proposed structures to be housed on the subject property? Yes --- No Please explain: _____
11. What are the wildfire hazard classifications for the subject property, as prepared by the Colorado State Forest Service? Brush + Trees

12. Recommendations concerning fire protection in general, fire protection improvements, suggested road names, for this project are as follows: **NOTE:** Be sure to list type, size and location of improvements recommended (i.e.; hydrants, water lines, cisterns, dry hydrants, roadway improvements, etc.). **Please indicate whether recommendations or requirements are the result of codes or regulations, and provide supporting information which will assist the Planning Commission and the Board of County Commissioners to determine whether to adopt any or all of the recommendations as requirements of the permit.**

Keys To Gates - Address Posten on Hwy 69 -

J. K. Fatt Chief
Signature and title of Authorized Fire Protection Representative

7-29-2021
Date

ZONING - MINERAL INTEREST OWNER NOTIFICATION FORM

To: BLM
Mineral Interest Owner

From: BLM
Subject Property Owner

Date: 7-21-21

Reference: LYONS PIT
Project Name

It has been determined by research of the Fremont County Assessor's Records that you own a severed mineral interest of a property proposed for development. As required by the Fremont County Zoning Resolution (FCZR) you are entitled to notice of the proposed development, said notice to be post marked a minimum of thirty (30) days prior to the Fremont County Planning Commission (Commission) meeting at which the application is anticipated to be heard, not to include the day of the meeting.

Type of application: **Conditional Use Permit**

Special Review Use Permit

Commercial Development Plan

Zone Change

The subject property, as referenced above is located at BLM 8365 Hwy 69.
General Location or Address (see Vicinity Map Exhibit A)

The subject property is legally described as: 6th pm, T, 19S, R73W Section 19

Check here if legal description is attached as Exhibit B.

The proposed land use for the subject property is Gravel Pit

This application is anticipated to be heard by the Commission on _____
The public meeting starts at 3:00 PM.

This application is anticipated to be heard by the Board on _____
The public hearing starts at 10:00 AM.

These meetings are held in Room LL3 (*lower level Board Meeting Room*) of the Fremont County Administration Building, 615 Macon Avenue, Cañon City, Colorado. You and or your representative (*representative documentation may be required*) may attend the meeting to present your comments or written comments will be accepted at the meeting or prior to the meeting at the Department of Planning and Zoning (Department) in Room 210 of the Administration Building. Oral comments cannot be accepted except at the meeting at which the application is to be heard.

If you would like further information regarding the application you can contact the Department by telephone at (719) 276-7360 or by email at planning@fremontco.com to schedule an appointment to review the application. For further reference regarding the governing regulations:

the Fremont County Zoning Resolution may be viewed on the Internet at
<http://www.fremontco.com/planningandzoning/zoningresolution.shtml>

The Department, Commission and Board would welcome your comments regarding this application and will include written comment, on or accompanied by this form, in the hearing body's review packet if

received by the Department with enough time to include prior to finalization of the review packets. Please complete the following information with any written comments.

Mineral Interest Owner's Name(s): BLM
Mailing Address: 3028 E Main St Canon City CO 81212
Street Address City State Zip Code
Telephone # 719-269-8750 Email: SScarter@blm.gov
Property Address: BLM 8365 Texas Creek CO 81223
Street Address City State Zip Code

Are you the current owner of the mineral interests of the reference property? Yes --- No

Are you currently leasing these mineral interests to another party? Yes --- No If yes, please pass this notification in a timely fashion to the lessee. Lessee: _____

Are there current or proposed mineral extraction plans for the subject property? Yes --- No
Please explain. Lyons Pit Gravel

As a severed mineral interest owner(s) of the subject property; I or We are --- FOR this development; I or We are --- AGAINST this development; for the following reasons: (or I or We are --- Neutral but have the following comments) [other comments] _____

Failure to provide written comment prior to the meeting, written comment at the meeting or oral comment at the meeting at which the application is to be heard will result in the Department, Commission and Board assuming that you, as a mineral interest owner of the subject property, have no comments with regard to the proposed development.

Mineral Interest Owner Printed Name Signature Date

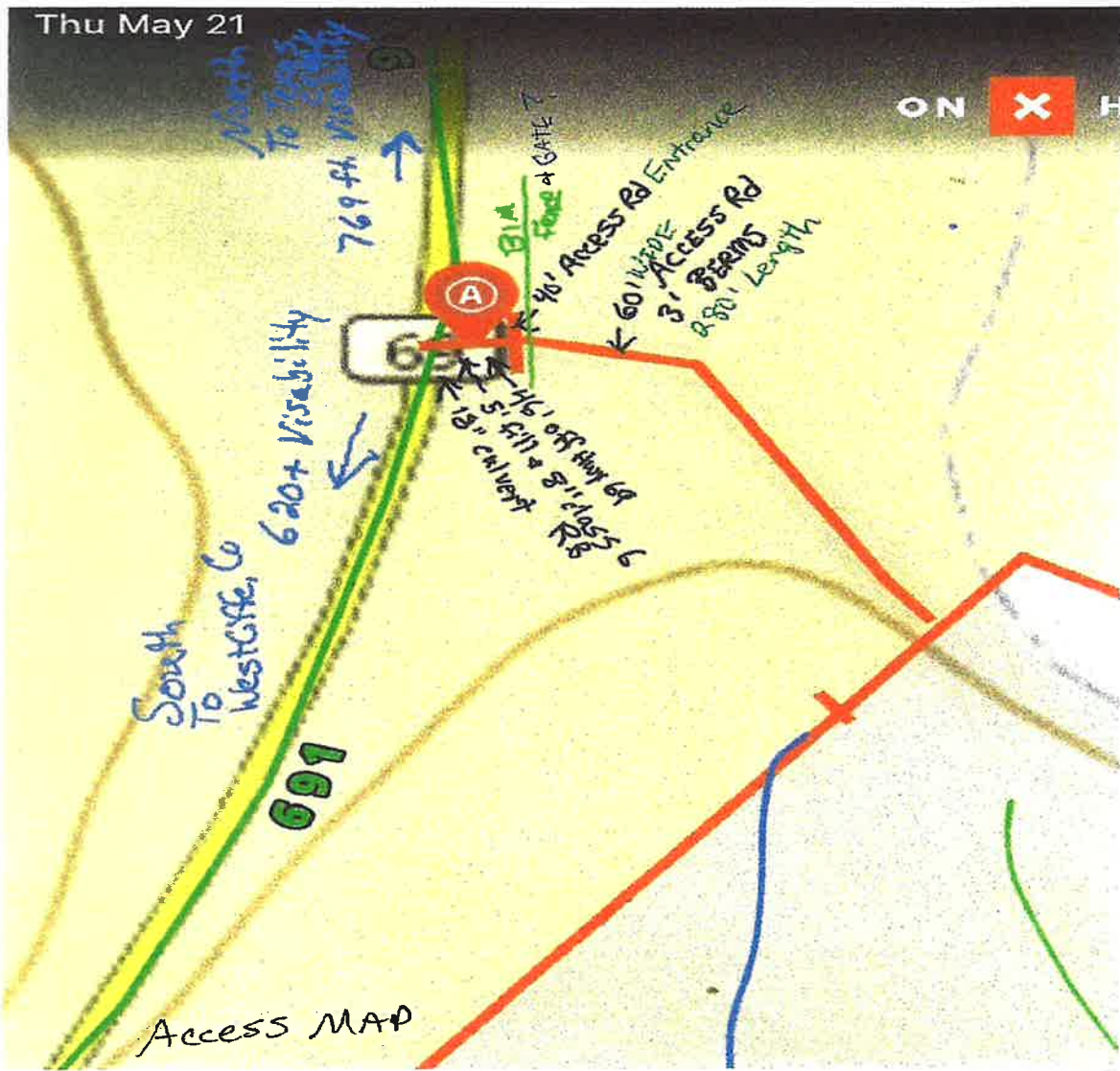
LYONS PIT- Exhibit C

MINING PLAN (Vi Lyons) 6-17-21

Lyons Pit, the location of interest, is off HWY 69, 1.6 miles South of Texas Creek, Co between mile marker 81 and 80.

Lyons Pit lease from BLM will start estimated summer of 2021, Mining on the site is estimated to start fall of 2021 and end fall of 2050. The mining operation will be intermittent. Reclamation will be continuous throughout the entire project.

Access- Access will be off Hwy 69 to the East side. Visibility is 620'+ each way North and South to safely get on and off site. New access will be constructed. 18" culvert will be installed to divert storm water and 5' of fill will be placed and 8" class 6 road base applied to turn off into a 30' access entrance. Access road will be cut in approximate width 60' x 280' long, with 3' berms along sides for safety. Ditches and gravel and maintained when necessary. BLM Gate will be installed if required.



Mining method will be surface mining, and will start on northside of site and work towards the southside. Plan on taking off vegetation, and trees cleared approximately 4 acres for 1st phase. Then strip topsoil and overburden 10-20 inches (NRCS) and berm, to save for reclamation. Then cut pad for processing, approx 1.5 acre, construct berms for safety and diversion of storm water. Cut a 25' buffer to stay off the railroad grade along the west side of site. Create and keep positive drainage.

Phase 2 will be cutting and processing approximately 5.93 acres. Constructing and keeping positive drainage. Excavate and continue to improve slopes

Processing method will be to push material down towards the crusher/screen/haul. Approximately 50 tons per hour is estimated safe production rate. We will not have working benches the slopes we will be working will be safe for equipment. Crush screen and stock pile materials. Start off no highwalls and no blasting until needed to get materials, then will hire it out and send in review to DRMS and Fee. Granite thickness to be determined and the consistency partial decomposed granite. The mine will run each season Monday – Friday 8 am- 5pm, depending on demand of material (exception of BLM required dates off). Two-way radios will be used for communication. Mining depth we will set bottom elevation at processing area and top elevation is where we push material down to process, will not go down below bottom elevation. Ground water is estimated to be 40 + feet below bottom elevation. Geotechnical stability will be applied if occurrence arises (Subject to change). We will not be using ground water we will haul in water. We will use 6000 gal water tank and if production is going good will refill approx. every 2 weeks.

Site will have a Cat D9 Dozer to push material to processing area. Komatsu 300 excavator to dig out materials and load machines. KPI 4233 impact crusher used to process materials. Metso Screen processing plant used to screen out materials. Kolan stacker used to stack stable stockpiles, and to get finished materials further away. Cat 938 Loader used to load and stock pile and maintain site for good housekeeping. Power Screen Marc 3 used to screen materials before processing. Water truck to maintain roads and keep dust under control, will purchase and haul water from City of Westcliffe.



The commodities that will be mined and processed: Primary material Road Base, ¾" Rock, 1 1/2" Rock all in various colors, depending upon demand. Planning on Processing 40,000 tons of materials per year. Subject to change. Some overburden will be processed again or used to build roads, to save for reclamation.

Processing area will have a portable office trailer, and bathroom facility (required by MSHA). Gravel on the entire site and access road. Proper signage will be addressed.

Lyons Pit estimates 0-5 trucks per day, and 2-3 persons on site per day.

Management practices

- *All containers and tanks will be labeled and stored in trucks to prevent spills
- *Fuel and fluids in designated areas and spill kits on site
- *weeds-monitor and if needed hire it done and send in review and fee to DRMS
- *Bathroom facility onsite
- *general housekeeping – keep site cleaned up, equipment and working areas for safe production
- *when non operational use signage and barricades and backfill hazards ect.
- *Have site specifics, Msha training, address fire department to where pit is located, and daily worksheets

LYONS PIT- Exhibit D

RECLAMATION PLAN- (VI Lyons) 6-17-21

Lyons pit is leased BLM land, 9.93, 1.6 miles South of Texas Creek Colorado, between mile marker 81 and 80 on the Eastside of Highway 69.

Topsoil and overburden combination 10-20 inches stripped & stockpiled and berms for safety and water diversion and reclamation and seeded to prevent erosion. Excavate site and get workable slopes, maintain natural drainages, if needed controlled drainages, and reclaim slopes 2-1 if able reclaim slopes 3-1. Replace vegetation, and the number of trees is 0. The vegetation is a low percentage.



We will use Rocky Mountain Native Mix seed Mix Rocky Mountain Native Mix new seeding Broadcasting, NRCS stated 234.48 lbs total, 19.22 lbs/ac, 80 sq ft

20% Slender Wheatgrass, 20% Mountain Brome, 15% Green Needle grass, 15% Thick Spike Wheatgrass, 10% Rocky Mountain Fescue, 5% Blue Grama (coated), 5% Indian Rice grass, 5% Sandberg Bluegrass, 5% Bottle Brush Squirrel tail, Reapply topsoil to The areas that are reclaimed and broadcast seed mix.

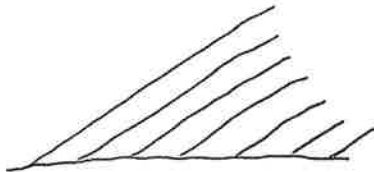
grade and slope reclaimed areas rip with dozer broadcast seed mix.

Boundaries will be clearly marked with t-post

Stream Diversion Reclamation: All berms created will be recontoured and spread throughout the reclaimed site. Sediment 4inch rock if needed, will be removed.

Access Road: The entrance and access road will be regraded and recontoured followed by ripping/scarifying and reseeding, culvert will be taken out and sloped and seeded. If erosion is an issue straw or geotextiles will be used for stabilization.

Reclamation Costs: topsoil and overburden for reclamation will depend on the area disturbed. We are going in 2 phases, 1st phase will be 4 acres, second phase is 5.93 acres. We will also be mining towards reclamation. We will put our processing area on bottom elevation and push materials down from higher elevation to processing area so everyday will be working towards reclamation. We do not plan on making a huge hole to mine, will take down slopes and push to process, so when its time to reclaim slopes will be close to the required 3-1, and 2-1. According to NRCS there will plenty of reclamation material to put back 6 inches of materials, approx. 8010 cubic yards for 9.93 acres. Grade out with overburden/topsoil scarfire and broadcast seed, will have on site if needed 770 grader, D6 dozer, 938 loader, mini excavator, broadcaster, dump truck, and access road material will also be used for reclamation.



Pushing as processing will bring slopes closer to reclamation.

Final reclamation will be done in a timely manner (within 6 months of shutdown date)

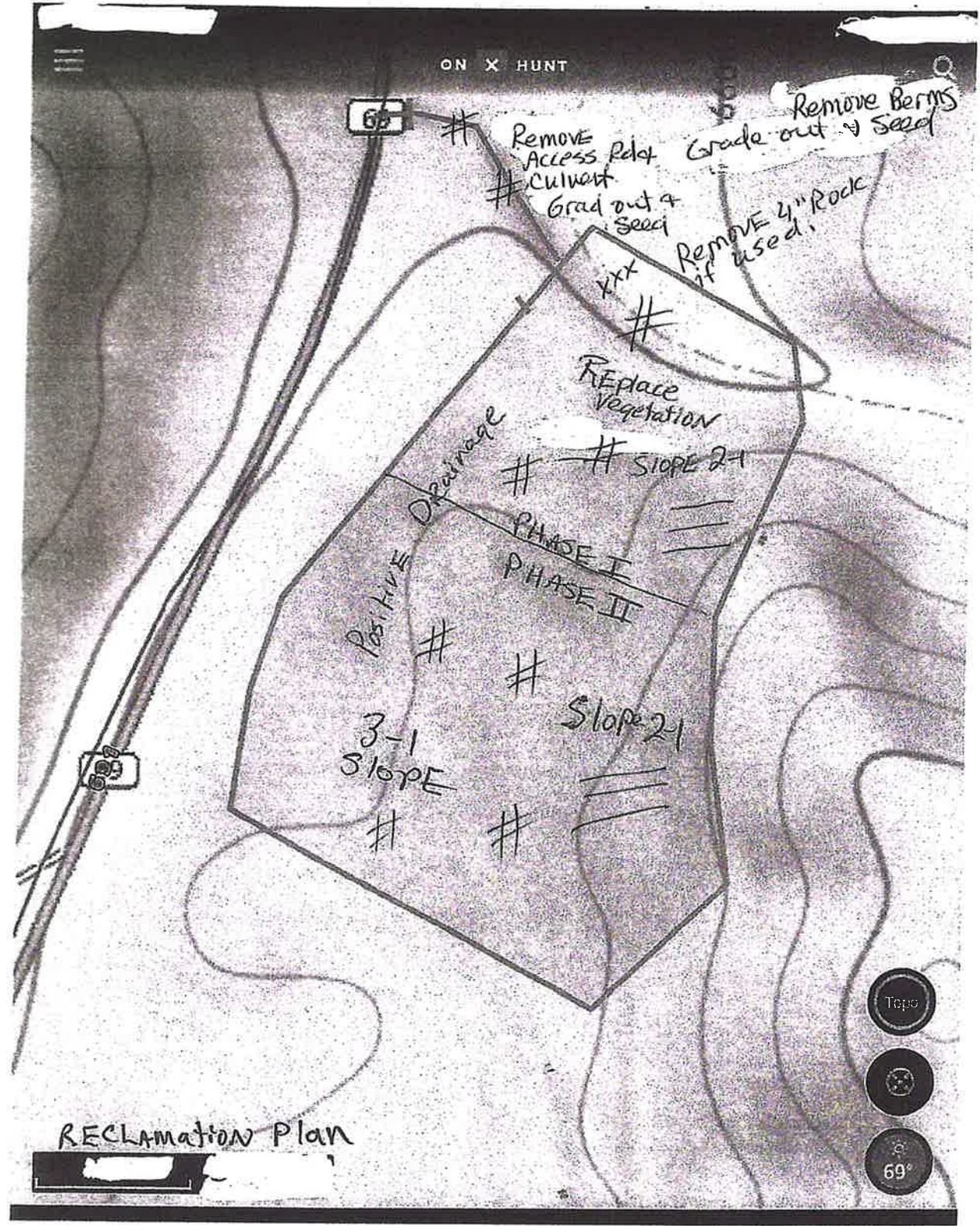
Equipment and portable office will be removed

Reclamation of slopes, and graded out positive drainages applied.

Reclamation Cost Estimate \$8500.00

#9
#11
#22
#25

RECLAMATION MAP - EXHIBIT D



Lyons Pit- Exhibit D
6-17-21 (Vi Lyons) Vi Lyons

/// SLOPE
Grade out + Plant
6" Topsoil/Overburden
MFX
xxx - 4" Rock if used.

CONSTRUCTION TABLE
 Proposed State Highway Access- 30'x45' = 13550 sq ft. Tereso Gueaglarido CDDT Inspector, prior to construction 18' culvert, stop sign installation, surface will be asphalt, Proper PPE.
 Proposed Access Road- 60'x Approx 321.54' = 19,166.40sq ft. 66' culvert installed, 3' berm per MSHA as needed, 1 1/2" rock used for base surface will be road base. Archaeologist with BLM will be present for construction of access road boundaries with s-posts, all storm water controls installed prior to initiating mining activities.
 Proposed Haul Road- 16' wide with a 4' base- Subject to change throughout project, square feet will vary.
 Outfall Point for WCOD CBPS Lat 38.230322247, Long -105.344475102
 Proposed 9.93 acres / 432,533 sq ft
 Proposed staging area - 300' x 200' approx. 60,000 sq ft
 Proposed Topsoil Stockpile - Berm for seeded for erosion, prevent weed growth, keep soil viable for reclamation.
 Proposed to avoid habitat disturbance - between May 15 - July 15, removal of existing vegetation, timber, brush, grasses, before or after this time period.
 Proposed Processing Area 200' x 300' = 60,000 sq ft approx. Level site for processing, gravel site.
 Proposed Refuse removed daily, out of portable office trailer.
 Proposed portable office trailer will get permit 8'x20'x100 sq ft.
 Proposed Porta Potty- on site per MSHA 3'x 3' = 9 sq ft.
 No proposed equipment storage area.
 Proposed 25' Tree Buffer will assist in visual.
 Proposed spill kits on site-mandatory.
 No proposed hazardous materials stored onsite.
 Proposed to comply with all Federal, State, and County Laws and Regulations.
 Proposed sites specific and training to employees and visitors.
 Proposed highwall continuously sloped to aid with final slope reduction for reclamation.
 Proposed blasting- Licensed blaster will be used if needed.
 Proposed monitoring log record daily during active operation.
 Proposed weekly monitoring/ inspection during non- operational periods.
 Proposed weed management plan.
 There is no suitable habitat for federally listed species within the project area so no impact on threatened or endangered species.
 Human and natural environmental issues were purposed and analyzed by the BLM RGF D resource specialist team these issues were determined to have no significant impact.
 See EA Book by BLM Lyons Pit will use best management practices to prevent issues.
 Proposed water tanks on site to control dust if required.
 All loads hauled will be torped, which is required, equipment will have SMMs required.
 Structure agreements, CDDT, Sangre De Cristo, BLM fence, notarized.
 No proposed trees will be replaced.
 No existing building. No proposed buildings. No designated off- street parking.
 Proposed vegetation will be in reclamation. No designated pedestrian areas or walkways.
 No designated service or parking area. No FEMA Flood areas. No significant natural features. No proposed drainage facilities. No proposed buffering and landscaping (Waiver Requested). No proposed lighting (Requesting Waiver).
 Proposed Signage- Stop sign, speed limits, caution, proper PPE. No trespassing.
 No proposed open space. No existing easements. Proposed easement, CDDT Reclamation.
 Proposed State Highway Access will be reclaimed. Proposed Access Road will be reclaimed.
 Proposed 9.93 acres will be reclaimed, all reclamation will be done within 6 months, of shut down date, reclaim slopes 2:1 and 2:1. According to NRCS there will be sufficient material to put back approx. 5 inches 8010 cubic yards for 9.93 acres (432,533sq ft) and get positive drainage. Native Mix Seed will be broadcasted 19085 lbs total. Financial Warranty is already in place, through High Country Bank and Performance Warranty is also notarized.

Weed management conducted in accordance with the Integrated Weed Management Plan dated October 15, 2021.

- Items addressed on map revised 1-5-2022
- A. Proposed portable office trailer 8x20x8 will have building permit.
 - B. Proposed porta potty and refuse each 3x3x6 approx. will have permit C. Proposed equipment parking approx. 50x20 "subject to change"
 - Proposed storage area for materials 150x100 approx. "subject to change"
 - D. Proposed processing area approx. 300x200 "subject to change"
 - E. Proposed equipment used after we purchase crusher, screen, loader, excavator, dozer Cat D6 we have already and have current SMMs on, haul with dumptruck.
 Proposed trips approx. 0-5 loads per day, haulout materials on days that we haul-intermittent Proposed hours of operation (was already on map) intermittent and seasonally 8 am - 5 pm Monday thru Friday 1-3 persons will work at pit.
 Reclamation Note (Lyons Pit is a 110c mining permit) Mining and Reclamation Plans will be in accordance with Appendix A Mine and Reclamation Plans of the Environmental Assessment, Mountain Valley Excavating, Mineral Materials Contract DOI-BLM-CO-F020-2019 0056 EA dated February 2021.
 Proposed mining techniques is dig material out, push to crusher load crusher, screen, stockpile and haul material out.
 Proposed phasing - phase I will be 1/2 half of pit approx 4 acres, phase II will be approx. 5 acres
 - F. Terrestrial wildlife limit in hauling only from December 1st to April 15th to mitigate human disturbances to mule deer severe winter range.
 Request waiver for not painting Equipment.
 Refuse Plan- Lyons Pit plans on getting contract from Lone Wolf Disposal for porta potty and refuse and they will clean and collect monthly.
- 2-1-2022 Revised Notes by VI Lyons
- Note added "A vegetation cover that is at least 50% of the typical vegetation community of the area (gravelly foothill ecological site). If an adequate cover is not established within 6 months of stockpiling, alternative methods of controlling erosion will be implemented. Methods include using geotextiles to promote seed germination and control over land flow."
- BMP will be used at the Lyons Pit related to visual resources, doing what is required by State, Federal and County

CONDITIONAL USE PERMIT SITE PLAN
 FOR LYONS SAND & GRAVEL EXTRACTION PIT
 ON A ± 9.93 ACRE BLM LEASE SITE
 WITHIN THE SE QUARTER OF
 SECTION 19, T19S, R73W, 6th P.M.
 Fremont County, Colorado
 AT LONG N. 38°23'05" LAT. E. -15° 34'48"

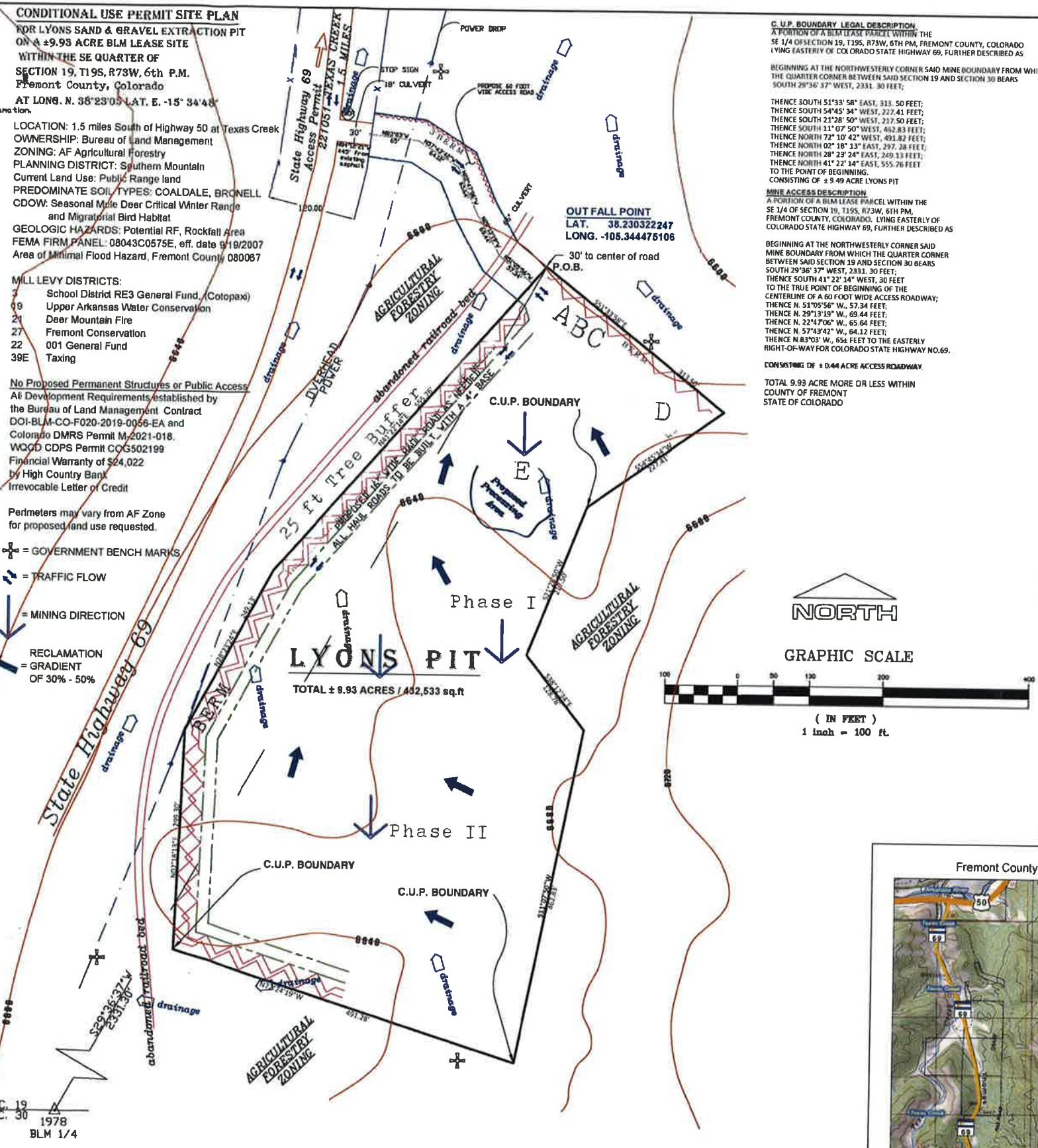
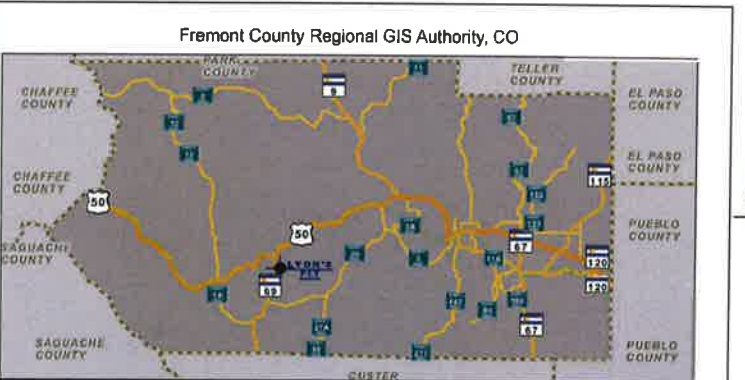
LOCATION: 1.5 miles South of Highway 50 at Texas Creek
 OWNERSHIP: Bureau of Land Management
 ZONING: AF Agricultural Forestry
 PLANNING DISTRICT: Southern Mountain
 Current Land Use: Public Range land
 PREDOMINANT SOIL TYPES: COALDALE, BRONELL
 CDDW: Seasonal Mule Deer Critical Winter Range and Migrational Bird Habitat
 GEOLOGIC HAZARDS: Potential RF, Rockfall Area
 FEMA FIRM PANEL: 08043C0575E, eff. date 9/19/2007
 Area of Minimal Flood Hazard, Fremont County 080067

- MILL LEVY DISTRICTS:
- 3 School District RE3 General Fund, (Cotopaxi)
 - 19 Upper Arkansas Water Conservation
 - 21 Deer Mountain Fire
 - 27 Fremont Conservation
 - 22 001 General Fund
 - 30E Taxing

No Proposed Permanent Structures or Public Access
 All Development Requirements established by the Bureau of Land Management Contract DOI-BLM-CO-F020-2019-0056-EA and Colorado DMRS Permit M-2021-018.
 WCOD CBPS Permit CG502199
 Financial Warranty of \$24,022 by High Country Bank
 Irrevocable Letter of Credit

Perimeters may vary from AF Zone for proposed and use requested.

- ⊕ = GOVERNMENT BENCH MARKS
- ⇄ = TRAFFIC FLOW
- ➔ = MINING DIRECTION
- ↘ = RECLAMATION GRADIENT OF 30% - 50%



C.U.P. BOUNDARY LEGAL DESCRIPTION
 A PORTION OF A BLM LEASE PARCEL WITHIN THE SE 1/4 OF SECTION 19, T19S, R73W, 6TH PM, FREMONT COUNTY, COLORADO LYING EASTERLY OF COLORADO STATE HIGHWAY 69, FURTHER DESCRIBED AS

BEGINNING AT THE NORTHWESTERLY CORNER SAID MINE BOUNDARY FROM WHICH THE QUARTER CORNER BETWEEN SAID SECTION 19 AND SECTION 30 BEARS SOUTH 29°36' 37" WEST, 2331.30 FEET;

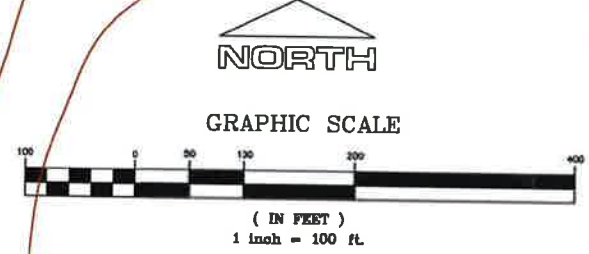
THENCE SOUTH 51°33' 58" EAST, 313.50 FEET;
 THENCE SOUTH 54°45' 34" WEST, 227.41 FEET;
 THENCE SOUTH 21°28' 50" WEST, 217.50 FEET;
 THENCE SOUTH 11° 07' 50" WEST, 462.83 FEET;
 THENCE NORTH 72° 19' 42" WEST, 491.82 FEET;
 THENCE NORTH 02° 18' 13" EAST, 297.28 FEET;
 THENCE NORTH 28° 23' 24" EAST, 249.13 FEET;
 THENCE NORTH 41° 22' 14" EAST, 555.76 FEET TO THE POINT OF BEGINNING.
 CONSISTING OF ± 9.93 ACRE LYONS PIT

MINE ACCESS DESCRIPTION
 A PORTION OF A BLM LEASE PARCEL WITHIN THE SE 1/4 OF SECTION 19, T19S, R73W, 6TH PM, FREMONT COUNTY, COLORADO, LYING EASTERLY OF COLORADO STATE HIGHWAY 69, FURTHER DESCRIBED AS

BEGINNING AT THE NORTHWESTERLY CORNER SAID MINE BOUNDARY FROM WHICH THE QUARTER CORNER BETWEEN SAID SECTION 19 AND SECTION 30 BEARS SOUTH 29°36' 37" WEST, 2331.30 FEET;
 THENCE SOUTH 41° 22' 14" WEST, 30 FEET TO THE TRUE POINT OF BEGINNING OF THE CENTERLINE OF A 60 FOOT WIDE ACCESS ROADWAY;
 THENCE N. 51°05'58" W., 57.34 FEET;
 THENCE N. 29°13'19" W., 69.44 FEET;
 THENCE N. 22°17'06" W., 65.64 FEET;
 THENCE N. 57°49'42" W., 64.12 FEET;
 THENCE N. 83°03' W., 65.6 FEET TO THE EASTERLY RIGHT-OF-WAY FOR COLORADO STATE HIGHWAY NO.69.

CONSISTING OF ± 0.44 ACRE ACCESS ROADWAY.

TOTAL 9.93 ACRE MORE OR LESS WITHIN COUNTY OF FREMONT STATE OF COLORADO



Operations will be intermittent and seasonally from 8AM-5PM Monday thru Friday

PREPARED BY COY MYERS, PLS
 217 S.3RD STREET, WESTCLIFFE, CO, 81252
 719-783-3083, copis35580@yahoo.com
 September 17, 2021, revised 22, October 2021

Revised 1-5-2022 (Lyons) Revised 2-7-22 (Lyons) Revised 2/22/22 (Lyons)