

ELLICOTT SAND AND GRAVEL LLC - SITE DEVELOPMENT PLAN

Parts of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T-14-S, R-62-W, 6th P.M., El Paso County, Colorado. - Containing 66.1 acres more or less.

STAGE 1 OF 6 - SITE DEVELOPMENT PLAN - PPR234

Site Development Plan Checklist, Site Plan Drawing Notes:

1. "DATE, NORTH ARROW, AND A GRAPHIC SCALE."

The date, north arrow, and a graphic scale are on the map.

2. "VICINITY MAP SHOWING THE SUBDIVISION IN RELATION TO SECTION LINES AND EXISTING OR PROPOSED ARTERIAL OR COLLECTOR ROADWAYS."

No subdivisions or commercial facilities are proposed.

There are no arterial, or collector roadways proposed. The only access point for Stage I will be located at the northeast corner of the approved permit boundary. (Inset map on Sheet 2 of 2.)

The Vicinity Map on Sheet 2 of 2 shows the proposed mineral extraction operation's Stage I, in relation to section, and arterial/collector roadways.

3. "LOCATION AND DIMENSIONS OF THE ALL PROPERTY LINES, RIGHTS-OF-WAY, AND ALL EXISTING AND PROPOSED EASEMENTS."

There are no proposed easements.

There is an existing easement along Baggett and Sanborn Roads. The fence lines mark the associated easements.

Along Sanborn Road there are easements for buried telephone/communications lines, and overhead electrical lines. (Unspecified widths) The survey does not list a ROW Width for either the power or telephone lines. But they are located on the road side of the fence. Normally for the power company if there is no easement width listed. They reserve an area that matches the width of the cross members.

Along Baggett Road there is an easement for overhead electrical lines. (Unspecified widths)

Based on the Mined Land Reclamation Board Rules and Regulations, we must stay at least two hundred feet away from all permanent, man-made structures, pending compliance with specific requirements.

We have committed to stay at least two hundred feet away from the listed structures. For listed structures within the 200-foot zone, we will need to conduct a geotechnical, site-specific evaluation, demonstrating the proposed mining and reclamation operations will not damage the listed structures.

The attached reclamation map does not show the post mining, 200-foot set back, assuming we will be able to mine within the 200-foot set-back zone at some point.

4. "SIGNATURE BLOCK FOR THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR A MINIMUM OF 1 INCH BY 2 INCHES."

We included a "Signature block" on each map for your Director's signature.

5. "THE FOOTPRINT OF ALL EXISTING AND PROPOSED BUILDING AND THE SETBACK DISTANCES FROM EACH EXISTING AND PROPOSED STRUCTURE TO THE PROPERTY LINES."

Other than ranch and farm buildings, there are no existing buildings within the 66.1-acre Stage I mineral extraction area. In addition, no buildings are currently proposed at this time.

The setback from all permanent, manmade structures is two hundred feet plus. The 200-foot setback, where it occurs, is from the permit/property boundary.

Under the Mined Land Board regulations, the affected area must be at least two hundred feet from all permanent manmade structures, unless there is an agreement with the structure owner that the structure owner will be compensated by the mining company, in the unlikely event the mining or reclamation operations damage the owner's structure(s). An exception to this can be obtained if a Geotechnical Study shows the structure will not be damaged by mining operations if within two hundred feet of the structure.

The exception is for structures owned by Schubert Ranch, since it is the property owner.

6. "LOCATION OF ALL SIDEWALKS, TRAILS, FENCES AND WALLS, RETAINING WALLS OR BERMS."

Presently, there are none and there will be no sidewalks, trails, walls, retaining walls.

The only fences are those which mark the Schubert Ranch property lines. No new fences are planned.

There are no existing berms. We will construct MSHA required safety berms as part of Stage I. Please see Grading and Erosion Control Checklist maps, sheet 5 of 5.

As shown on the attached map, temporary topsoil berms will be placed to not only preserve topsoil needed for reclamation, but also to screen the operations from adjacent property owners.

7. "LOCATION AND DIMENSIONS OF ALL EXISTING AND PROPOSE SIGNAGE ON THE SITE."

The only posted signs will be those required by the mine safety and health Administration (MSHA) and the Colorado Mined Land Reclamation Board. We understand such signage is exempt based on EPC Code. The Sign Plan Checklist addresses this item in more detail.

8. "TRAFFIC CIRCULATION ON THE SITE INCLUDING ALL POINTS OF INGRESS/EGRESS INTO THE PROPERTY."

The initial point of ingress and egress is presented in item 4, above. We understand we will need to contact El Paso County prior to establishing any new access points.

There is no defined "traffic circulation" on the mine site. Mining equipment will load highway haul trucks out of product stockpiles which will move as the mineral extraction operations move.

On-site mining equipment will follow internal ranch roads.

Any internal mine operations needed "roads" will be temporary and will be removed as mining is completed and Stage I is reclaimed.

Any roads left will be at the direction of the landowner and will require the Mined Land Reclamation Division (DRMS) approval. These types of roads are simply access roads and not for public use.

9. "THE LAYOUT AND LOCATION OF ALL OFF-STREET PARKING, LOADING AND OTHER VEHICULAR USE AREAS, UNLESS OTHERWISE DEPICTED IN DETAIL ON A SEPARATE PARKING PLAN. IF DEPICTED ON A SEPARATE PARKING PLAN THEN DEPICTION OF THE PARKING AREA ARE REQUIRED."

We have not shown any permanent parking layout location for off street parking and loading. On the Interim Site Map, we show a temporary parking area next to the scale and scale house. As Stage I is completed, it may be necessary to move the scale and scale house to the next Stage. A new temporary parking area will be established at that time.

9. CONTINUED

As stated above, we will park our employee vehicles on the areas which are being mined or under site reclamation. These parking areas will move as the mining and reclamation operations move. Simply stated, the entire affected area will be available for employee parking, roughly a staff of six employees.

The employee parking, highway haul truck loading areas will move as the mineral extraction operations progresses, within Stage I.

Vehicle Storage:

Currently, we do not plan to use the site for vehicle storage. If, in the future, it becomes necessary to store various pieces of mining equipment on the mine site during mining and reclamation operations, we will comply with the provisions of Section 6.2.11 of the El Paso County Land Development Code.

Other than what is discussed above, there will be no vehicle use areas.

10. "THE LAYOUT AND LOCATION OF ALL LANDSCAPING, INCLUDING LANDSCAPE SETBACK, UNLESS OTHERWISE DEPICTED IN DETAIL ON A SEPARATE LANDSCAPE PLAN. IF DEPICTED ON A SEPARATE LANDSCAPE PLAN THEN DEPICTION OF THE LANDSCAPE AREAS ARE REQUIRED."

A RATIONAL ARGUMENT FOR NOT IMPOSING EL PASO COUNTY'S LANDSCAPE REQUIREMENTS ON THE SCHUBERT RANCH SAND RESOURCE PIT, PPR 234

In the El Paso County (EPC) comments to our initial Site Development Plan Letter of Intent Checklist, EPC requests we, "...provide justification for your alternative landscape request."

Under State Statute, review and approval of mine site reclamation rests with the Colorado Mined Land Reclamation Board and based on their implementing Rules and Regulations. (Please see Colorado State Statute, CRS 34-32.5-109(3)) which states in part, "No government office of the state, other than the board, nor any political subdivision (Emphasis added) of the state shall have authority to issue a reclamation permit pursuant to this article, to require reclamation standards different than those established in this article, (Emphasis added) or to require any performance or financial warranty of any kind for mining operations."

To further clarify, reclamation means, "...the employment, during and after an operation, of procedures reasonably designed to, "...provide for the establishment of plant cover, stabilization of soil, protection of water resources, or other measures appropriate to the subsequent beneficial use of the affected lands." (Emphasis added) (CRS 34-32-103(19)) The subsequent beneficial use is rangeland/wildlife habitat. Our reclamation plan (to achieve this use) has been approved by the Colorado Division of Parks and Wildlife, the local Soil Conservation Board of Supervisors, the Office of the State Engineer, and the Colorado Department of Public Health and Environment. All referral agencies concurred with the CDRMS approved Reclamation Plan. Further, your own Planning Commission and Board of County Commissioners gave unanimous approval to the SUP which included concurrence with the proposed reclamation plan.

We further believe the proposed mining activity is like an over lot grading operation. Each involves a modification of site topography which may include removal of material from the site. Commercial/residential over lot grading prepares a site for streets, sidewalks, buildings, utilities, and landscaping. Our proposed activity, once mining is complete, will prepare the site for rangeland (an agricultural use) and wildlife habitat which does not include streets, sidewalks, buildings, utilities, or landscaping. Since no commercial or residential infrastructure will be constructed, there should be no need for the application of the County's landscape regulations. We believe the approved reclamation plan is adequate for the proposed post mining land use, rangeland/wildlife habitat since it meets the State's regulatory criteria to, "...provide for the establishment of plant cover, stabilization of soil, protection of water resources, or other measures appropriate to the subsequent beneficial use of the affected lands." (CRS 34-32-103(19))

We also point out; the end land use of rangeland/wildlife habitat is an approved County land use. The EPC definition of "Development" states, "Development shall not include...(d) the use of any land for an agricultural activity." (Emphasis added) We strongly suggest since the end land use includes agricultural (identical with the existing use), the provision applicable to a "Development" should not apply. (Please remember, mining is only an interim and temporary use.) There is precedent for this. The County has already waived the need for a soils and geology report/checklist, since no structures are to be built as part of the mineral extraction operation.

However, we have attempted to address the EPC landscape checklist and other code provisions, where they are not in conflict with or appear contrary to the CRS 34-32.5-101 statute and implementing regulations. Examples include the Parking and Lighting Checklists, among others.

We therefore request El Paso County accept the CMLRB approved reclamation plan since the County is not allowed to require reclamation different than what the Mined Land Reclamation Board has approved; and the activity should not be considered a "Development", due to the site's present and post mining land use, agriculture.

11. "LOCATION OF ALL ADA SPACES, RAMPS, AND SIGNS, INCLUDING ADA PATHWAYS."

We will comply with all appropriate ADA regulations.

As a mining operation, we are required to comply with Mine Safety and Health Administration rules and regulations.

Since this is a type of operation where the areas of activity are constantly moving, we can not specifically locate ADA spaces, ramps, and signs. We can say the scale house will be ADA compliant as required by State and Federal rules and regulations. If the El Paso County has ADA Code specific to the mineral extraction operation, we will comply as appropriate.

12. "LOCATION OF EXISTING AND PROPOSED WATER AND WASTEWATER INFRASTRUCTURE, INCLUDING WELL AND SEPTIC LOCATIONS, IF APPLICABLE."

There are no existing or proposed water or wastewater infrastructures, wells, or septic locations proposed.

We will use portable toilets for employees, with servicing by a commercial provider.

13. "LOCATION OF ALL NO-BUILD AREAS, FLOODPLAIN, DRAINAGE WAYS AND FACILITIES."

During mining and reclamation, the entire permit area will be a no-build area. If, in the future, a building is needed, we will contact the County.

The floodplain and drainages are shown on the Grading and Erosion Control Plan Checklist, Initial Condition Map, Sheet 2 of 5.

As stated above, no facilities are currently planned.

14. "LOCATION OF ALL GARBAGE RECEPTACLES WITH A GRAPHICAL DEPICTION OF THE SCREENING MECHANISM."

No garbage receptacles are proposed. There will be bins for office type trash. A commercial waste disposal operator will service these.

The trash bins will move with the mining operation as mining advances and the scale and scale house are moved. The trash bin(s) will be located within the scale house and/or adjacent to the scale house.

15. "LOCATION OF ALL EXISTING AND PROPOSED UTILITY LINES AND ASSOCIATED INFRASTRUCTURE."

There are no existing utility lines associated with the proposed mining operation. There is a stub line for power to the scale and scale house.

There are no proposed new utility lines as part of the Stage I mining operation. There is a stub line for power to the scale and scale house.

16. ANY ADDITIONAL INFORMATION REQUIRED PURSUANT TO ANY ASSOCIATED CONDITION OF APPROVAL OR PLAT NOTES."

Nothing currently

17. ANY OTHER ADDITIONAL ITEMS AS REQUIRED BY THE PCD DIRECTOR DEEMED NECESSARY TO ADDRESS THE APPLICATION REVIEW CRITERIA."

As of the date of this document we have received no additional items from the PCD Director.

Parking Lot Plan Information (Items from Checklist):

NOTE:

The following checklist items do not apply since the discussed items will not occur: Checklist items 8, 9, 10, 13, 14, 15, 18, 19, Typical and Section details (1-5).

"4. Vicinity map showing the property in relation to major roadways, ..."

Please see the Parking Lot Plan Check list narrative document for Vicinity Map.

"5. Location of all property lines, rights-of-way, and all existing and proposed easements"

Please see the Development Plan Map for property and rights-of-way.

"6. The location of all structures, parking lot lighting facilities, outside storage and display areas including seasonal display, and refuse collection area(s) in relation to the parking area."

None of the above structures are planned. There will be a refuse collection container near the scale house.

"7. Width, depth, and angle of all parking bays, and graphic depiction of all drive aisles, points of easement, point of ingress/egress on to the property, including dimensions for each."

Not applicable since no structures or permanent parking areas are planned. There will be on-site, temporary storage and loading areas as mining operations conduct extraction operations. Once mining in Stage I is complete, reclamation will begin.

"11. Traffic circulation on site including all points of ingress/egress into the property"

The point of ingress/egress for Stage I is shown on the Development Plan Map. Traffic circulation will be directed by specific signs. Truck loading (traffic circulation) will be established per efficient operational needs.

"12. Sight distance triangles and any plantings, signs, walls and fences, structures, or other visual obstructions are needed or be within the sight distance triangles."

No visual obstructions should occur at the point of access.

Visual berms (topsoil/overburden) will be placed between the active mining area and adjacent property owner dwellings. New fences will be constructed at the entrance, to include a locking gate.

"16. Parking lot surface materials, striping plan, and any drainage improvements located within the parking area (e.g., cross pans)"

The parking surface material will be in place sand and gravel. None of the remaining provisions are applicable.

"17. Truck and loading and turn around areas and dimensions"

Truck loading and turnaround areas will be adjacent to the material processing equipment. These areas will move as needed for efficient mine operation.

Sign Plan Checklist (Items from Checklist):

"2. Vicinity Map..."

Please see the Sign Plan Checklist document.

"3. Location of the property line, right-of-way, and all existing and proposed easements"

Please see the Sign Plan Checklist document for the permit boundary.

Please see the Development Plan Map for rights-of-way and existing easement. No new easements are planned.

"6. Location of any existing and proposed signage on site"

As stated in our approved SUP document, Sect. 6.2.10(D)(4) of the EPC Code exempts other required signage such as MLRD Mine ID Sign, MSHA safety signs, etc. Please see the Sign Plan Checklist document for details.

"9. Depiction of any no-build areas ...near any existing or proposed freestanding signs"

No freestanding signs are proposed.

The Development Plan Map shows "no-build areas". In addition, no building is planned.

"Sign Plan to include the following elements:"

"2. Dimensions and location of all existing and proposed signs"

There are no existing signs. Any new signs fall under the exemption provision of EPC Code since they are required by State and Federal regulations.

"4. Setback distances from all lot line to all existing and proposed signs"

There are no existing signs. Any new signs fall under the sign exemption provision since they are required by State and Federal agencies.

NOTE:

The remaining Sign Plan Check List items do not apply since all signs area "Official Signs" and are exempt under EPC Code, Section 6.2.10(a) (3) (i).

Lighting Plan Information (Items from Checklist):

NOTE: No artificial lighting is planned at this time. The Lighting Checklist items 7-11 do not apply.

"6. Vicinity Map showing the property in relation to major roadways, ..."

Please see the Lighting Plan Checklist narrative, Page 4.

"12. Location of all existing and proposed easements."

Existing easements are along road rights-of-ways, and existing property

PCD DIRECTOR APPROVAL

PROJECT #
ESG-COUNTY

BY:

DATE:

PREPARED BY: 
ENVIRONMENT, INC.
7985 VANCE DR., # 205A
ARVADA, CO 80003
(303) 423-7297
Environment-inc@outdrsr.net

EL PASO COUNTY SITE DEVELOPMENT PLAN
SITE DEVELOPMENT PLAN NOTES PAGE
FOR
SCHUBERT RANCH SAND RESOURCE
ELLICOTT, COLORADO

REVISIONS:	DATE:
SPECIAL USE PERMIT APPROVAL - BCC	08-02-2022

ELLICOTT SAND AND GRAVEL LLC

235 Franceville Coal Mine Road | Colorado Springs Co 80929

phone: (602) 558-0846

DATE:	FILE NAME:	SCALE:	DRAWN BY:	CHECKED BY:
01/02/2023	ESD-landscap	NA	ENV/AB	HBH

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SHEET 1 OF 2

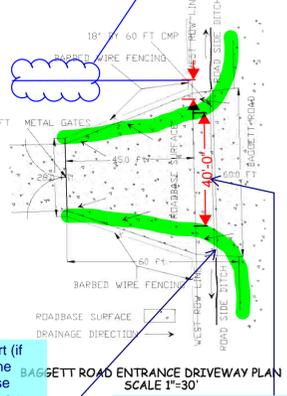
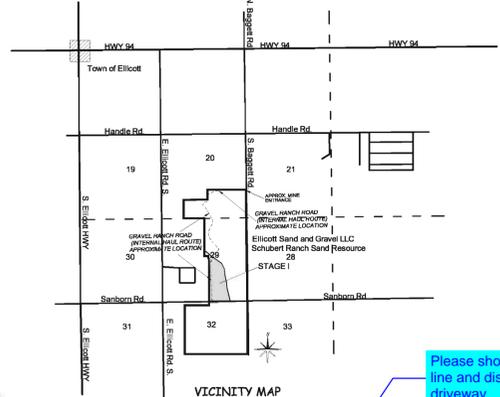
ELLCOTT SAND AND GRAVEL LLC - SITE DEVELOPMENT PLAN

Parts of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T-14-S, R-62-W, 6th P.M., El Paso County, Colorado. - Containing 66.1 acres more or less.

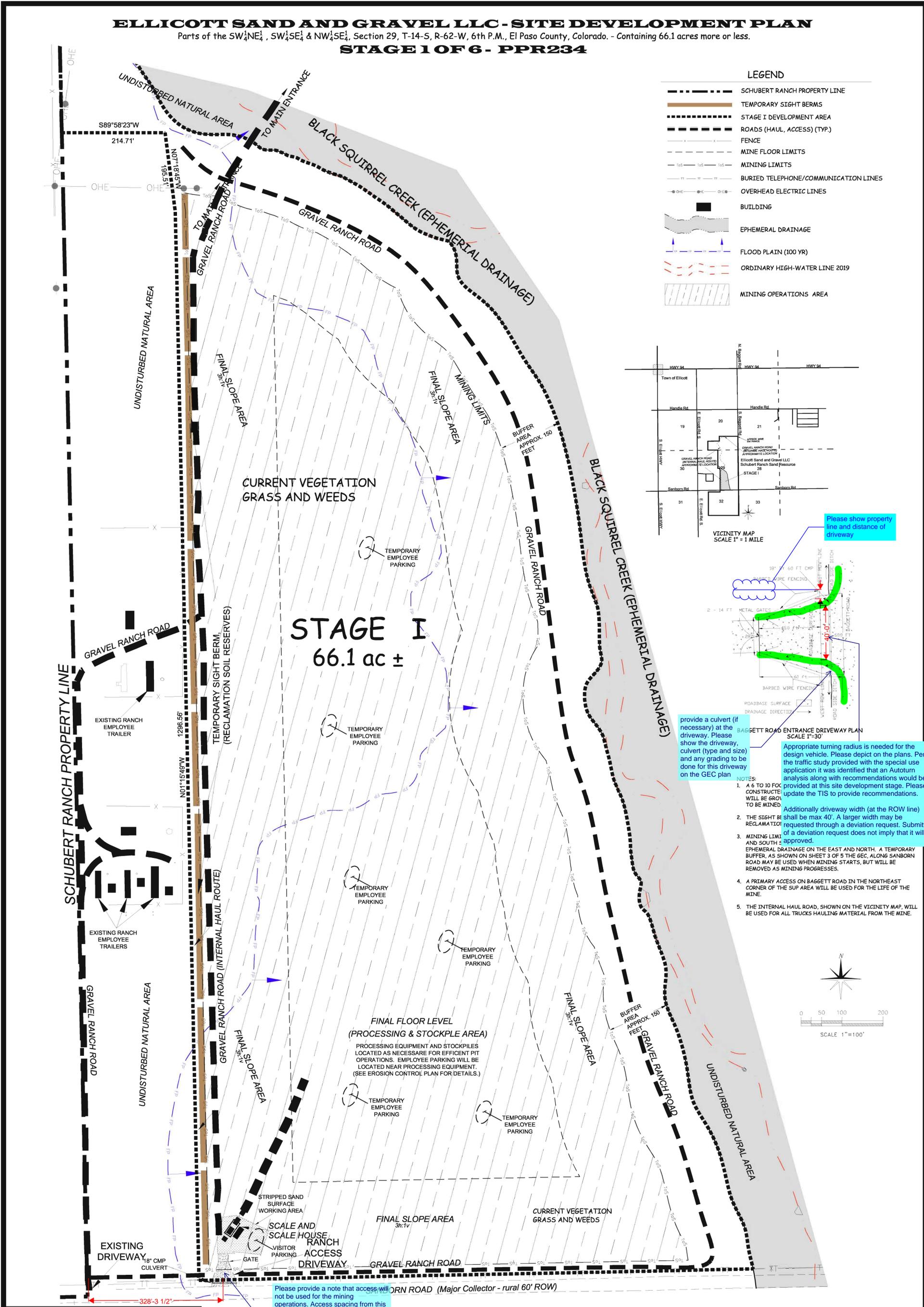
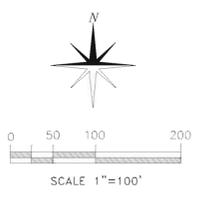
STAGE 1 OF 6 - PPR234

LEGEND

- SCHUBERT RANCH PROPERTY LINE
- TEMPORARY SIGHT BERMS
- STAGE I DEVELOPMENT AREA
- ROADS (HAUL, ACCESS) (TYP.)
- FENCE
- MINE FLOOR LIMITS
- MINING LIMITS
- BURIED TELEPHONE/COMMUNICATION LINES
- OVERHEAD ELECTRIC LINES
- BUILDING
- EPHEMERAL DRAINAGE
- FLOOD PLAIN (100 YR)
- ORDINARY HIGH-WATER LINE 2019
- MINING OPERATIONS AREA



- provide a culvert (if necessary) at the driveway. Please show the driveway, culvert (type and size) and any grading to be done for this driveway on the GEC plan
- Appropriate turning radius is needed for the design vehicle. Please depict on the plans. Per the traffic study provided with the special use application it was identified that an Autoturn analysis along with recommendations would be provided at this site development stage. Please update the TIS to provide recommendations.
- NOTES:
- A 6 TO 10 FOC CONSTRUCTED WILL BE GROU TO BE MINED
 - THE SIGHT BE RECLAMATIO
 - MINING LIMIT AND SOUTH E EPHEMERAL DRAINAGE ON THE EAST AND NORTH. A TEMPORARY BUFFER, AS SHOWN ON SHEET 3 OF 5 THE GEC, ALONG SANBORN ROAD MAY BE USED WHEN MINING STARTS, BUT WILL BE REMOVED AS MINING PROGRESSES.
 - A PRIMARY ACCESS ON BAGGETT ROAD IN THE NORTHEAST CORNER OF THE SUP AREA WILL BE USED FOR THE LIFE OF THE MINE.
 - THE INTERNAL HAUL ROAD, SHOWN ON THE VICINITY MAP, WILL BE USED FOR ALL TRUCKS HAULING MATERIAL FROM THE MINE.



2	BY: _____ DATE: _____	EL PASO COUNTY DEVELOPMENT PERMIT SITE DEVELOPMENT FOR SCHUBERT RANCH SAND RESOURCE ELLCOTT, COLORADO	DATE: 08-02-2022 SPECIAL USE PERMIT APPROVAL - BCC	ELLCOTT SAND AND GRAVEL LLC 235 Franceville Coal Mine Road Colorado Springs Co 80929 phone: (602) 558-0846	PDC File # PPR234 DATE: 1/9/2023 FILE NAME: ESD-DR SITE PLAN DRAWN BY: ENW/S&S AS NOTED CHECKED BY: BHH
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