ELLICOTT SAND AND GRAVEL LLC-SITE DEVELOPMENT PLAN

Parts of the $SW_4^1NE_4^1$, $SW_4^1SE_4^1$ & $NW_4^1SE_4^1$, 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-LANDSCAPING PLAN

A RATIONAL AGRUMENT FOR NOT IMPOSING EI 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, <u>and</u> 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, <u>or</u> 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.

1. OWNER NAME, CONTACT TELEPHONE NUMBER, AND EMAIL.
Parcel No. 2400000276

Schubert Ranches Inc.
1555 S. Baggett Rd., Calhan, CO 80808
Phone: (719) 683-2262
Email: grasstogo@aol.com

Parcel No. 240000275
George H. Schubert
1550 S. Baggett Rd., Calhan, CO 80808
Phone: (719) 683-2265
Email: grasstogo@aol.com

ellicottsandgravel@gmail.com

2. APPLICANT NAME (IF NOT OWNER), CONTACT TELEPHONE

NUMBER, AND EMAIL.
Ellicott Sand and Gravel LLC
Christine Wilson, Manager
235 Franceville Coal Mine Road, Colorado Springs, CO 80929
(719) 568-3164

PCD DIRECTOR APPROVAL

3. PLAN PREPARER CONTACT TELEPHONE NUMBER AND EMAIL.

Consultants:

Environment Inc.

Environment, Inc.
Mr. Steve O'Brian - President
7985 Vance Dr., #205A, Arvada, CO 80003
(303) 423-7297
Environment-inc@outdrs.net

Regulatory Permits Management, Inc Mr. H. Bruce Humphries - President 25049 E. Alder Dr., Aurora, CO 80016 (303) 854-7499 hlhumphries2@comcast.net

- 4. "DATE, NORTH ARROW, AND A GRAPHIC SCALE."
 All maps have a date, north arrow, and graphic scale.
- 5. 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. (Photo 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.

6. LOCATION AND DIMENSION OF THE ALL PROPERTY LINES, RIGHTS-OF-WAY, AND ALL EXISTING AND PROPOSED EASEMENTS.

There are no proposed easements.

lines. (Unspecified widths)

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 size 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

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 on Sheete 2 of 2 does <u>not</u> show a post mining, 200-foot set back, assuming we will be able to mine within the 200-foot set-back zone at some point.

7. LOCATION AND CLASSIFICATION OF ALL EXISTING AND PROPOSED INTERNAL AND ADJACENT ROADWAY(S).

The Proposed Haul Route Map on Sheet 2 of 2 shows the location and classification of all existing roads and adjacent roadway(s).

Any "roads" within the active mining area are temporary at best or are existing ranch roads which may be used as operational haul roads. Unless requested to be left by the landowner, they will be removed during site reclamation.

There is the potential the landowner may want us to leave some roads for ranch use. If any roads remain for ranch use, it will require approval by the Mined Land Reclamation Division and will be considered non-public ranch use roads.

8. THE OUTLINES OF ALL STRUCTURES, PARKING AREAS, OUTSIDE STORAGE AREAS, LOADING AREAS, AND REFUSE COLLECTION AREA(S) IN RELATION TO THE LANDSCAPING.

We believe this item is not applicable for the following reasons:

No landscaping is proposed. The site will be reclaimed to a post mining land use of rangeland and wildlife habitat, i.e., a grassland ecosystem.

No structures, parking areas, or refuse collection areas are planned. Nor will any be left as part of the post mining land use.

8. CONTINUED

There will be onsite, <u>temporary</u> storage and loading areas as mining operation conducts extraction operations. Once mining in a Stage is complete, reclamation will begin.

9. THE EXISTING ZONING OF THE SUBJECT PROPERTY AND THE EXISTING ZONING OF SURROUNDING PROPERTIES.

Please see Sheet 2 of 2.

The surrounding properties are zoned A-35 and RR-5.

10. LOCATION AND SPECIES OF ALL PLANTINGS AND THE LOCATION AND DESIGN OF ANY PROPOSED IRRIGATION INFRASTRUCTURE FOR PROPOSED LANDSCAPING IN THE RIGHTS-OF-WAY, IF PRE-APPROVED. (LICENSE) AGREEMENT REQUIRED).

No irrigation is proposed since the post mining land use is non-irrigated rangeland.

There will be no interior rights-of-way. No access point landscaping since the access points will move as a new Stage is opened. Once mining and reclamation are complete, the site will return to the landowner for agricultural use.

The species to be seeded have been proposed by the local NRCS and approved by the Colorado Mined Land Reclamation Board. Please see the responses to the Letter of Intent Checklist which lists the plant species for site reclamation. (The approved species are dryland range species.)

Non-Irrigated grass seed recommendation

Seed	Rate PLS/acre
Sideoats grama (Vaughn)	0.91
Sand dropseed (common)	0.01
Little Bluestem (camper)	0.67
Western Wheatgrass (Arriba)	1.60
Sand Bluestem (Chet)	0.79
Prairie Sandreed (goshen)	0.32
Yellow indiangrass (Cheyenne) 1.02
Switchgrass (blackwell)	1.12
Green needlegrass (lodorm)	0.48
Indian ricegrass (Nexpar)	1.11
Purple prairie clover	0.03
Four-wing saltbush	1.00
Winterfat	0.02
TOTAL LBS/AC	9.08

11. LOCATION OF ALL UTILITIES, WALLS, FENCES, EXTERIOR PARKING AND LOADING AREAS, PEDESTRIAN WALKS OR PATHS, PEDESTRIAN-ORIENTED AREAS, VEHICULAR DRIVES, STORM WATER DETENTION AREAS, AND OTHER MANMADE ELEMENTS. DETAILED DRAWINGS OF ALL REQUIRED STRUCTURES USED FOR SCREENING PURPOSES (EXAMPLES: REFUSE AREAS. EQUIPMENT SCREENING. AND/OR GATES).

None of the following are proposed:

Walls, fences, exterior parking, pedestrian walks or paths, pedestrian-oriented areas.

The only utility is electrical power which is in place for the scale and scale house.

The loading areas will change as mining progresses within Stage I lands.

There will be no vehicular drives. There will be interior, temporary, mine and reclamation roads. Interior roads may be removed as mining and/or Stage I reclamation is completed, unless requested by the landowner to remain after mining and reclamation, for ranch use.

The landowner may want certain of these roads left for his agricultural use. If that is the case, the roads will need approval from the CMLRD, as part of the post mining land use.

The opened and reclaimed mine pits are like STORMWATER DETENTION BASINS.

Please see the approved Reclamation Map (Landscape Map) which outlines and provides MLRB approved designs.

The mined out and reclaimed pits will remain as part of the post mining land use.

In large storm events, it is likely the sandy pits will recharge the ground water aquifer.

12. SIGHT DISTANCE TRIANGLES AND ANY PLANTINGS, SIGNS, WALLS, STRUCTURES, OR OTHER VISUAL OBSTRUCTIONS WITHIN THE TRIANGLES WHERE APPLICABLE.

This requirement is not applicable:

There will be no sight triangles where Stage I entrance meet the County Road. No signs will block access/Baggett Rd. sight, at access point.

The only SIGNS will be those required by State and Federal agencies. The signs will be located on the Scale House not adjacent to the road and on the access gate. Please see the "Mineral and Natural Resource Extraction Application" with a list of signs, and our response to the El Paso County Sign Code.

13. THE LOCATION, TYPE SIZE AND QUANTITY OF MAJOR EXISTING PLANT MATERIALS MEETING THE PLANT TYPE REQUIREMENTS, INCLUDING ALL VEGETATED GROUND COVER AREAS, SHRUBS, AND TREES, WITH INFORMATION AS TO WHICH MATERIALS ARE PROPOSED TO BE REMOVED AND WHICH SHALL BE RETAINED OR RELOCATED.

As Stage I of mining is completed, reclamation of the Stage will begin. The entire Stage area will be seeded to the NRCS and MLRB approved seed mix, primarily grasses. (Please see the "Mineral and Natural Resource Extraction Application" for details.

No shrubs or trees grow at the site now. However, the NRCS recommends the two shrubs listed be planted.

All vegetation will be removed, and none relocated or retained for reclamation.

14. ALL PROPOSED GROUND COVER AREAS SHALL BE IDENTIFIED, INCLUDING THE TYPES AND AMOUNTS OF LIVING PLANT MATERIALS TO BE USED AND THE SIZE AND DEPTH OF NON-LIVING MATERIALS. THE MANNER IN WHICH ANY LAWN AREAS ARE TO BE ESTABLISHED (FOR EXAMPLE, BY SODDING OR SEEDING) SHALL BE INDICATED. THE LANDSCAPE TREATMENT OF ALL ADJACENT LIGHT OF WEIGHT AREAS, AS WELL AS THE OWNER/DEVELOPER PROPERTY, SHALL BE IDENTIFIED.

The entire affected area of Stage I will have topsoil replaced at a depth of 4 to 6 inches, if available, once site grading is completed, then drill seeded to the NRCS and MLRD approved seed mix.

No other plant materials are approved by the CMLRB for the reclamation of this site.

The entire proposed mine site is owned by the Schubert Ranch.

The Mined Land Reclamation Board has statutory authority over the reclamation of mined land. Counties are allowed to comment on the proposed reclamation plan during the application review process only.

15. PHASING, IF APPLICABLE, SHALL BE NOTED ON THE LANDSCAPE PLAN OR PROVIDED AS SUPPLEMENTAL INFORMATION. ALL FUTURE DEVELOPMENT PHASES WITHIN A SITE SHALL HAVE ALL DISTURBED SOIL SURFACES RESEEDED TO PREVENT EROSION. ALL REQUESTS FOR PHASING OF LANDSCAPING SHALL BE EXPRESSLY APPROVED BY THE PCD DIRECTOR PRIOR TO SUBMITTAL OF THE ASSOCIATED APPLICATION.

The State approved mine plan calls for six stages or phases of varying sizes as shown on the Landscape Map:

ESTIMATED MINING TIMETABLE

STIMATED MINING TIMETABLE							
ACRES ±							
Stage	ESTIMATED	TOTAL	TOTAL	MINED	MINED		
	YEARS	AREA	MINED	100 %	SLOPES		
I	10 -15	66.1	49.9	22.3	27.6		

Note: As shown on the Landscape Map insert, there are 5 future
Stages as approved in the SUP.

As mining in Stage I is completed, reclamation will begin as stated above.

We do not expect off-site runoff from our mining and reclamation operations. All stormwater runoffs will be interior to the operation. We expect stormwater runoff events into the pit will infiltrate into the sandy substrate and will not enter surface water directly. Diversion ditch(s) will divert water runoff around the mined area into the ephemeral drainage during mining and Stage I reclamation. Post reclamation, such structures will be removed, and the disturbance reclaimed.

16. IF THE APPLICATION INCLUDES A REQUEST FOR APPROVAL OF AN ALTERNATIVE LANDSCAPE PLAN, THE LANDSCAPE PLAN SHALL INCLUDE A STATEMENT REQUESTING APPROVAL OF THE ALTERNATIVE DESIGN AND JUSTIFICATION FOR THE REQUEST UNLESS OTHERWISE PROVIDED FOR IN THE LETTER OF INTENT.

Under State Statute, review, and approval of a mine site reclamation rests with the Colorado Mined Land Reclamation Board and their implementing Rules and Regulations. (Please see Colorado Code of Regulations, CRS 34-32.5-104)

During the permit application review process, the proposed, post mining land use is provided to the local county commissioners for comment and concurrence. (The State recognizes land use decisions rest with local governments).

The Colorado Mined Land Reclamation Division (CDRMS) also submits the reclamation plan to the local boards of supervisors of the local conservation district, for comment.

The proposed mining and reclamation plan along with the entire permit application was placed with the County Clerk and Recorder's Office for review and comment by local officials and the public.

As with the El Paso County process, depending on the type of permit (in this case a 112 Regular Operation Permit Application), the public comment period runs for 90 days. If there is an objection that can not be resolved at the Division level, the permit application goes before the MLRB for a public hearing.

Based on those and other agency comments, CDRMS works with applicant to resolve mining and reclamation issues. All referral agencies concurred with the CDRMS approved Reclamation Plan.

We also point out the end land use will be rangeland/ wildlife habitat which is an approved County landuse for the site.

The site will be seeded with an approved mix of range plant species common to the area and adapted to the local climatic and soil conditions..

In addition, the species chosen are essentially native, and were recommended by the NRCS. The only non-native species to be seeded is Winterfat. It was also recommend by the NRCS. Appropriate soil amendments, based on soil test, will be applied. " (6.2.2. G.1.d Landscape Requirements -, El Paso County Code. This item was included in the SUP application)"

Appropriate soil amendments, based on soil tests, will be applied.

No irrigation is planned.

We therefore request El Paso County accept the CMLRB approved permit and the approved Reclamation Plan as the approvable Landscape Plan.

17. LANDSCAPE PLANNING SUMMARY TABLE TO INCLUDE A SUMMARY OF REQUIRED AND PROPOSED LANDSCAPING BASED UPON ADJACENT OR INTERNAL ROADWAYS, ADJACENT LAND USE(S), PARKING AREA(S), BUFFER AND SCREEN AREA(S), AND COMPLIANCE WITH ALL INTERNAL LANDSCAPING REQUIREMENTS.

As stated in the approved MLRB permit application, Stage I reclamation will follow the completion of mining in Stage I. Certain areas of Stage I may be left open to facilitate the on-going mining operations. For example, a portion of Stage I may be left for stockpile and loading, or scale and scale house use for the next Stage, Stage II. Where possible, material hauling will utilize ranch roads. There will be temporary parking and loading areas within Stage I. Topsoil stockpiles will screen the mine operations from nearby residential areas. These stockpiles will be seeded with grasses, and then the stockpiles will be removed as part of the reclamation process.

MLRB permit and other El Paso County codes found applicable to the Mineral Extraction Operation.

The operation will comply with its requirements under its approved

18. LEGEND WITH PLANT SPECIES, QUANTITY, MATURITY HEIGHT, BALL AND BURLAP SIZE, CALIPER, SYMBOL AND NAME.

Except for the approved plant species (which were provided as part our response to 6.2.2. G.1.d Landscape Requirements -, El Paso County Code.) we believe the other remaining list of items in this request are not applicable.

19. ANY OTHER ADDITIONAL ITEMS AS REQUIRED BY THE PCD DIRECTOR DEEMED NECESSARY TO ADDRESS THE APPLICABLE REVIEWED CRITERIA.

At this point in time, we have received no additional applicable criteria for review.

PPR 234

PROJECT#:
ESG-COUNTY

DATE:

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

EL PASO COUNTY SITE DEVELOPMENT PLAN
LANDSCAPE 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

ESG-landscape
CALE:
NA
RAWN BY:
ENV/slo
HECKED BY:

DATE:
01/05/2023
FILE NAME:

