

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Planning Commission  
Brian Risley, Chair

**FROM:** Lindsay Darden, Planner II  
Gilbert LaForce, PE Engineer II  
Craig Dossey, Executive Director

**RE:** Project File #: VA-19-002  
Project Name: Pete Lien & Sons, LLC.  
Parcel No.: 42000-00-405

| OWNER:  | REPRESENTATIVE:   |
|---|---|
| Pete Lien & Sons, Inc.<br>3401 Universal Drive, P.O. Box 440<br>Rapid City, SD 57709-0440 | Danielle Weibers<br>Pete Lien & Sons, LLC<br>3401 Universal Drive, PO Box 440<br>Rapid City, SD 57709 |

**Commissioner District: 2**

|  |           |
|--|-----------|
| Planning Commission Hearing Date:          | 6/2/2020  |
| Board of County Commissioners Hearing Date | 6/23/2020 |

### EXECUTIVE SUMMARY

A request by Pete Lien & Sons, Inc., for approval of a variance of use for a permanent concrete batch plant. The property is zoned A-35 (Agricultural) and is located at the northeast corner of the Stapleton Road and Judge Orr Road intersection. The 92.47-acre parcel is located within Section 34, Township 12 South, Range 65 West of the 6<sup>th</sup> P.M. The subject parcel is located within the boundaries of the Falcon/Peyton Small Area Master Plan (2006).

## **A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION**

**Request:** A request by Pete Lien & Sons, Inc., for approval of a variance of use for a permanent concrete batch plant.

**Waiver(s)/Deviation(s):** The following deviation from the standards of the El Paso County Engineering Criteria Manual (2019) have been administratively approved by the County Engineer.

1. Section 2.2.4.A.2 states, "Access is highly controlled with a limited number of full movement intersections and medians with infrequent openings, and no direct parcel access". The applicant has submitted a deviation requesting direct parcel access from Stapleton Drive due to the topographical constraints of the drainage way along the Judge Orr Road frontage. This request has been approved due to the topographic conditions imposed by the drainage way along Judge Orr Road.

**Authorization to Sign:** There are no documents associated with this application that require signature.

## **B. PLANNING COMMISSION SUMMARY**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:**

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:**

## **C. APPROVAL CRITERIA**

Pursuant to Section 5.3.4 of the Land Development Code (2019), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a variance of use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
- The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and

- upon completion of the project;
- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;
- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;
- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

#### **D. LOCATION**

|                                   |  |
|-----------------------------------|--|
| North: A-35 (Agricultural)        | Agricultural Grazing Land                  |
| South: RR-2.5 (Residential Rural) | Agricultural Grazing Land                  |
| East: A-35 (Agricultural)         | Agricultural Grazing Land                  |
| West: A-35 (Agricultural)         | Single Family Residential/Ag. Grazing Land |

#### **E. BACKGROUND**

The 92.47-acre parcel was created on March 2, 1983 and is a legal division of land not subject to the El Paso County subdivision regulations due to the parcel being greater than 35 acres in size. The subject parcel was zoned A-35 (Agricultural) on March 25, 1999, at the time that zoning was first initiated for this portion of the County.

The applicant, Pete Lien & Sons, LLC, attended an early assistance meeting with the Planning and Community Development Department on April 17, 2018, to discuss the proposed use. During the meeting, the topic of compatibility of the use with the proposed residential uses to the south was discussed, including buffering, screening, and berms. At the time of the early assistance meeting, the applicant was under contract to purchase the land and closed on the purchase of the parcel on April 28, 2018. In May of 2018, following the early assistance meeting, staff received three letters of objection from nearby property owners for this project with concerns identified pertaining to the industrial nature of the proposed use, heavy truck traffic, and potential impacts to property values.

On February 21, 2019, the variance of use application was accepted for review by the Planning and Community Development Department. The proposed development includes a one-story office building, a one-story shop, a one-story quality control

building, a concrete mixer, storage areas for concrete aggregate and pre-cast concrete block, and parking for mixer trucks. The concrete mixer is proposed to be 72 feet 2 inches tall measured from finished grade to the tallest point of the mixer. The width of the mixer is variable, measuring approximately 76 feet wide. There are five conveyors that begin at a height of 54 feet above finished grade and extend approximately 185 feet to ground level. The applicant has provided plans proposing landscaping, stormwater management, grading and erosion control, and site lighting.

To date, staff has received five (5) letters of support, one (1) letter of concern, sixty-two (62) letters in opposition, and three (3) petitions with signatures opposing the project which are all attached below. Those in favor of the project have provided positive feedback regarding the jobs and revenue that will be brought to the Falcon area and the shorter driving time, safety, and distance achieved by sourcing concrete from a batch plant that is closer to the location of new development in the County. Concerns that have been expressed by those opposed to the permanent batch plant project include but are not limited to increased heavy truck traffic in the vicinity of the site, noise, dust, air quality, and negative impacts to property values.

The applicant has received approval of a deviation from the El Paso County Engineering Criteria Manual (2019) standards that prohibit access from principal arterial roadways. The approved deviation allows access from Stapleton Drive, which is designated as a principal arterial roadway. The deviation was approved based on the topographic constraints of the drainage way along Judge Orr Road and to avoid disturbance to existing wetlands and burrowing owl habitat that would be required to provide an access on Judge Orr Road. If the variance of use is approved, a full site development plan meeting the requirements of the Land Development Code, including but not limited to the General Development standards outlined in Chapter 6, shall be required to establish the use. Specific conditions of approval have been included with this application due to concerns regarding the impacts to the El Paso County public roadways from the heavy truck traffic associated with the concrete batch plant use.

## **F. ANALYSIS**

### **1. Land Development Code Analysis**

#### **Zoning:**

The El Paso County Land Development Code (2019) does not identify permanent Batch Plants either as an allowed use or as a special use in the A-35 (Agricultural) zoning district. Therefore, the only option for authorizing the permanent batch plant in the A-35 (Agricultural) zoning district is via approval of a variance of use. For reference, the Code only permits permanent Batch Plants as a special use in the I-3 (Industrial) and M (Industrial Obsolete) zoning districts, both of which generally



include heavy industrial uses. A variance of use would be required in all other zoning districts, including all other agricultural zoning districts, all residential zoning districts, all commercial zoning districts, all obsolete zoning districts other than M (Industrial), and the I-2 (Limited Industrial) zoning district.

The properties surrounding the subject parcel are zoned A-35 (Agricultural) to the west, north, and east and RR-5 (Residential Rural) and RR-2.5 (Residential Rural) to the south and southwest. There are currently 23 areas within El Paso County that have I-3 (Heavy Industrial) zoning and 20 areas of M (Industrial Obsolete) zoning. These are typically located in areas of the County that are surrounded by the City of Colorado Springs and/or are located just outside the incorporated boundaries of the City. Some of the I-3 zoned areas are also located near the City of Fountain and even further south near the El Paso County/Pueblo County line.

Pete Lien & Sons currently operates other permanent batch plant sites in El Paso County; however, because most of the new development is occurring in the eastern part of the County, the existing batch plants are too far away to efficiently serve the emerging new development without extended hauling distances. The nearest heavy industrial zoning district is zoned M (Industrial Obsolete) and includes four parcels that are located approximately 1.45 miles west of the subject parcel, at the southwest corner of the Highway 24 and Judge Orr Road intersection. Three of the parcels are a subdivision known as Falcon Industrial Park (SF-77-003). Of those three parcels, Lot 1 is a 5-acre parcel that is developed with an existing mobile home and several commercial buildings while the other two parcels, Lots 2 and 3 are vacant and total 41.44 acres. The fourth parcel included in the industrial zoning area is a vacant 49.68-acre tract that directly adjoins (west property line) the Woodmen Hills subdivision. There are no additional vacant industrial parcels that would allow a permanent batch plant with special use approval within five (5) miles of the subject parcel.

The nearest non-residential or non-agricultural development is Meadow Lake Airport, located approximately one mile west of the subject parcel. Meadow Lake Airport includes a variety of supporting uses to the primary airport use including aviation related commercial and residential uses. Approximately two (2) miles west of the subject site, on the west side of Eastonville Road, the Woodmen Hills neighborhood consists of urban density with many lots being approximately one-half (1/2) acre in size. East of Eastonville Road, the average residential lot sizes increase to predominantly 5-acre lot sizes, except for the new residential development proposed directly to south of the subject parcel that will be developed at a residential

density of 2.5 acre lots with two hundred and seventy-three detached single-family residential units proposed.

**Hardship:**

The applicant purchased the subject parcel on April 28, 2018, after attending the early assistance meeting and learning of the processes that would be involved in obtaining approval of a permanent concrete batch plant on a A-35 zoned property and the potential compatibility issues associated with siting the use in this location. Because purchase of a property is not considered a hardship, the strict application of any of the provisions of the Code would not result in peculiar and exceptional practical difficulties or undue hardship. Siting the permanent batch plant on a property that is already zoned for heavy industrial use, such as property zoned I-3 (Industrial) or M (Industrial Obsolete), would require approval of a special use, rather than a variance of use, and the permanent batch plant would customarily be considered more compatible with the other allowed and special uses in those locations.

**Use Compatibility:**

There are some significant challenges in ensuring that the proposed industrial use is consistent or harmonious with the existing and emerging detached single-family residential land uses and vacant agricultural land that is adjacent to and near the subject parcel due to the more intense industrial nature of a permanent batch plant. The scale and overall massing of the proposed concrete mixer and conveyors may result in offsite visual impacts to the surrounding properties and to other properties in the vicinity. Landscaping and additional buffer widths in excess of the requirements of the Code are being proposed with this request in order to help mitigate those impacts; however, the combination of the 72 foot 2 inch concrete mixer and the flatness of the terrain in the area will make screening and buffering of the visual impact difficult, if not totally impractical. The applicant has provided a graphic simulation of the proposed batch plant viewed from Stapleton Road (see attached) that demonstrates this. The proposed development may create an inadequate visual transition from low density residential and agricultural uses to the more intense and visually intrusive batch plant use and may be of an incompatible scale with the existing adjacent development and in the general area of the site.

**Health, Safety, and Welfare:**

One of the review criteria identifies that the variance of use is not detrimental to the health, safety, or welfare of the inhabitants of the area and County. In regard to air quality, the Code, specifically Section 6.3.1, does not require air quality management plans with variance of use applications; however, the applicant submitted a plan for

review. Additionally, all development applications shall comply with any County, state, and federal air quality standards and shall reduce potential emissions where feasible. The air quality management plan listed potential environmental impacts as dust, odor, and hazardous air pollutants (HAPs). Particulate matter has the potential to be generated on a temporary basis from material transfers, mixing operations, and on a continuous basis from vehicle traffic. The HAPs and particulate matter could also be generated on a temporary basis by the water heater. For the various identified sources of dust on the site, controls were specified to mitigate the dust and there are procedures outlined for handling complaints for the site, inspecting the site, monitoring the site, and follow up actions for when complaints are received. El Paso County Public Health reviewed the plan and indicated that the Colorado Department of Public Health and Environment (CDPHE), Air Pollution Control Division (APCD), will require an Air Pollutant Emissions Notice (APEN) as noted in the "Draft Air Quality Management Plan" submitted for review. All aspects of the APEN must be complied with including dust control, emissions from equipment, and odor control and response. A condition of approval has been included below specifying that an APEN shall be required prior to approval of a subsequent site development plan.

**Transportation:**

A traffic study was submitted with the variance of use application, which identified roadway improvements (described in the Transportation section below) that will be required in association with this project in order to accommodate the anticipated increase in traffic in the area due to the proposed batch plant. The traffic study was reviewed by the El Paso County Public Works Department, Engineering Division, and the Colorado Department of Transportation (CDOT). In addition to the roadway improvements referenced above, the potential for accelerated degradation to the adjacent roadways with the heavy truck traffic has been identified. In an effort to mitigate these traffic impacts, staff has recommended a condition of approval that requires the applicant to enter into an agreement with El Paso County prior to approval of the site development plan in order to adequately address the potential impacts to the pavement and road structure of County roads in the area that are proposed to be used by the applicant for hauling.

**Environment:**

The El Paso County Community Services Department, Environmental Division, reviewed the variance of use application and responded by identifying wetlands and evidence of prairie dog habitat on the site. Additional information was provided to the applicant regarding wetland jurisdiction, requirements for the applicant to provide the County with U.S Fish and Wildlife Service documentation prior to land disturbance, and a recommendation for a burrowing owl study due to evidence of prairie dog

habitat on the site. The applicant submitted a burrowing owl study that documented the presence of burrowing owls on the southern portion of the subject site and recommended a minimum avoidance buffer of 150 feet from the occupied nest burrows to the area of human encroachment during the times of year when the burrowing owls are active in Colorado (March 15-October 31). The survey technician who performed the study indicated in the report that extra time was taken to obtain a more precise estimate of the distance from the south edge of the proposed limits of disturbance for the batch plan to the mound where the burrowing owls were located. At the time of study, the burrowing owl mound was located beyond the 150-foot buffer prescribed in the Colorado Parks and Wildlife (CPW)'s recommended buffer distances; however, it was noted in the study that if additional burrowing owls arrive on site after construction activities commence, a qualified biologist should reassess the risk to owls from construction activities.

A deviation request was approved to allow access onto Stapleton Road rather than onto Judge Orr Road to avoid impacts to the wetlands and burrowing owl habitat, which as mentioned above are located on the southern portion of the site adjacent to Judge Orr Road. Based on this, a finding can be made that the variance of use application for the proposed batch plant use, if approved, will not adversely affect wildlife or wetlands.

#### **Site Plan Requirements:**

As part of the variance use request, the applicant has provided documentation, including a site plan exhibit, that demonstrates that the proposed variance of use will provide for adequate parking, traffic circulation, and open space. As mentioned in the analysis above, landscaping has been provided to meet the requirements of the Code, however, fully screening the concrete mixer and conveyors from view is not practicable due to the scale of the structures. In regard to open space, there is not a Code requirement to set aside a certain percentage of a site for open space; however, the current proposal submitted by the applicant would develop approximately 22.6 acres (25%) of the 91.86-acre site leaving the remainder undeveloped. Some of the land is constrained by wetlands, floodplain, and wildlife habitat which offers additional buffer width between the proposed batch plant and adjacent properties and roadways. Any future request to expand of the variance of use for the batch plant would require prior approval by the El Paso County Board of County Commissioners.

## **2. Zoning Compliance**

All of the structures on the property are proposed to meet the dimensional standards within the A-35 (Agricultural) zoning district, which are as follows:

|                       |          |
|-----------------------|----------|
| Front yard setback:   | 25 feet  |
| Rear yard setback:    | 25 feet  |
| Side yard setback:    | 25 feet  |
| Height maximum:       | 30 feet  |
| Lot coverage maximum: | none     |
| Minimum lot size:     | 35 acres |

The property is zoned A-35 (Agricultural), which does not include a permanent batch plant as an allowed use. Only if the variance of use and a site development plan are approved would the proposed use be in compliance with the existing A-35 zoning. The concrete mixer is proposed to be 72 feet 2 inches in high at its tallest point, which exceeds the standard maximum height of 30 feet allowed in the A-35 (Agricultural) zoning district; however, footnote 10 of Table 5-4 in the Code specifies:

“One additional foot of height is allowed for each foot of additional setback provided above the required minimums up to a maximum of 100 feet.”

The minimum setback requirement for structures in the A-35 (Agricultural) zoning district is 25 feet on all sides. The concrete mixer is proposed to be located approximately 500 feet from the nearest property line.

Applying footnote 10, the maximum height based on the additional setbacks provided would be: 500 feet (proposed setback for the concrete mixer) - 25 feet (standard setback requirement for A-35 zoning district) = 475 feet additional setback provided. 475 feet + 30 feet (maximum height allowed in A-35 zoning district) = 505 feet. The above calculation would allow for a maximum height of 505 feet. However, footnote 10 further limits the maximum height to 100 feet, which would apply in this case.

Locating the concrete mixer further from the property lines provides for additional buffers from surrounding property and allows for a greatly increased height allowance in comparison to the standard maximum height of 30 feet permitted in the A-35 (Agricultural) zoning district. The concrete mixer is proposed to be 72 feet 2 inches tall, which is approximately 28 feet less than the 100-foot maximum height allowed by the Land Development Code. The proposed height of the concrete mixer is in compliance with the maximum height allowance of the A-35 zoning district.

### 3. Policy Plan Analysis

Consistency with the El Paso County Policy Plan (1998) is not a required review criterion for a variance of use request. However, the following analysis is being

provided for background purposes. The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

**Policy 2.2.5:** Encourage mitigation of all adverse impacts to wetlands and riparian habitat.

**Policy 2.2.8:** Encourage the protection and preservation of state listed endangered and threatened species, species of special concern, and species with immediate conservation needs.

**Policy 6.1.10:** Ensure that new development will not create a disproportionate high demand on public services and facilities by virtue of its location, design, or timing.

**Policy 6.1.11:** Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses

**Policy 6.2.12:** Ensure that proposed zone changes and or use variances in established neighborhoods are compatible in scale and physical character.

**Policy 6.3.4:** Commercial, office, industrial and, residential development should be compatible with surrounding land uses in terms of scale, intensity and potential impacts.

**Policy 6.3.8:** Recognize the need and allow for the reasonable accommodation of adequate amounts of land with sufficient infrastructure for land uses of a heavy industrial nature and/or considered to be "locally undesirable" within all sub areas of the County provided that adequate facilities and services will be available. Consider the environmental, visual and land use compatibility impacts and incorporate, where possible, buffering and screening techniques to address compatibility with surrounding uses.

**Goal 7.1:** Reasonably accommodate unique and special uses which provide value to the greater community and which can be made consistent with surrounding uses.

The surrounding adjacent land uses consist of agricultural grazing land and/or single-family residential. Directly to the south of the subject parcel is the Saddlehorn Ranch Subdivision which proposes 273 detached single-family residential units with 2.5-acre lot sizes served by the Saddlehorn Ranch Metropolitan District for water and onsite wastewater treatment systems for each lot. The nearest non-residential use is Meadow Lake Airport located approximately one mile west of the subject parcel. In addition to the primary airport use, the Meadow Lake Airport also includes supporting uses such as aviation related commercial businesses and residential uses. The other nearby and adjacent residential development is typically 5-acre lot sizes; however, approximately two miles west the density increases with many smaller (approximately 0.5-acre) residential lots within the Woodmen Hills development located east of Eastonville Road.

During their review of the project, the El Paso County Community Services Department, Environmental Division, reported wetlands and evidence of prairie dog habitat on the site. Additional information was provided to the applicant regarding wetland jurisdiction, requirements for the applicant to provide the County with U.S Fish and Wildlife Service documentation prior to land disturbance, and a recommendation for a burrowing owl study due to evidence of prairie dog habitat on the site. The applicant submitted a burrowing owl study that documented the presence of burrowing owls on the southern portion of the subject site and recommended a minimum avoidance buffer of 150 feet from the occupied nest burrows to the area of human encroachment during the times of year when the burrowing owls are active in Colorado (March 15-October 31). The survey technician who performed the study indicated in the report that extra time was taken to obtain a more precise estimate of the distance from the south edge of the proposed limits of disturbance for the batch plan to the mound where the burrowing owls were located. At the time of study, the burrowing owl mound was located beyond the 150-foot buffer prescribed in the Colorado Parks and Wildlife (CPW)'s recommended buffer distances; however, it was noted in the study that if additional burrowing owls arrive on site after construction activities commence, a qualified biologist should reassess the risk to owls from construction activities.

A deviation request was approved to allow access onto Stapleton Road rather than onto Judge Orr Road to avoid impacts to the wetlands and burrowing owl habitat, which as mentioned above are located on the southern portion of the site adjacent to Judge Orr Road. Based on this, a finding can be made that the variance of use application for the proposed batch plant use, if approved, will not adversely affect wildlife or wetlands.

The scale of the proposed concrete mixer and conveyors is likely to cause visual impacts to the surrounding properties and other properties in the general vicinity. Although additional buffer widths and landscaping are proposed to help mitigate some of those impacts, the combination of the 72 foot 2 inch high concrete mixer and the relatively flat terrain of the area will make screening and buffering the visual impact impractical since the mixer will extend well above the height of any potential vegetative screening that could be provided. The proposed use may create an inadequate visual transition from low density residential and agricultural uses to the more intense and visually intrusive batch plant use and may be of an incompatible scale with the existing adjacent development and in the general area of the site.

The proposed industrial use for the batch plant is not consistent with the existing and proposed adjacent and nearby uses which are predominately residential, agricultural, airport and aviation-supporting uses; however, a concrete batch plant could be considered a necessary use in order to support the current and future growth of the County, particularly in the northeastern and eastern portions. Additionally, the proposed site layout locates the taller structures near the center of the property, further from the property lines in an effort to help reduce the visual impact.

El Paso County Policy 6.3.8 anticipates inclusion of heavy industrial and “locally undesirable” uses within all sub areas of the County where adequate facilities and services are available and where buffering and screening can aid in compatibility. Goal 7.1 also addresses reasonably accommodating unique and special uses which provide value to the greater community. A concrete batch plant, like many other industrial land uses, is a necessary use for a community the size of El Paso County. Such uses are often locally undesirable but typically serve the needs of the greater community. The geographic siting of industrial uses, particularly heavy industrial uses, is usually a contentious land use issue, as is the case with this application. It is also recommended, however, that the continued loss of available industrially zoned land is also an ever-pressing issue for the greater community. As properties that have been historically zoned for industrial uses are rezoned for residential and commercial uses in response to the growing population of the region the available inventory of community accepted industrial land is depleted, causing such uses to migrate into the more rural, less developed areas of the County. The sourcing and associated costs for such services and materials can often be directly impacted by the proximity of the industrial provider, which in turn can impact the bottom-line cost to the consumer.



A traffic study was submitted with the variance of use application which identified roadway improvements (described in the Transportation section below) that will be required in association with this project in order to accommodate the anticipated increase in traffic in the area due to the proposed batch plant. The traffic study was reviewed by the El Paso County Public Works Department, Engineering Division, and the Colorado Department of Transportation (CDOT). In addition to the roadway improvements referenced above the potential for accelerated degradation to the adjacent roadways with the heavy truck traffic has been identified. In an effort to mitigate these traffic impacts, staff has recommended a condition of approval that requires the applicant to enter into an agreement with El Paso County prior to approval of the site development plan in order to adequately address the potential impacts to the pavement and road structure of County roads in the area that are proposed to be used by the applicant for hauling.

Water is to be provided by a large capacity commercial well (permit 83325-F). The well permit allows up to 32.2-acre feet per year to be withdrawn solely from the Arapahoe aquifer to be utilized for industrial, commercial, and irrigation uses. The applicant has indicated that proposed annual water usage will vary based on the amount of concrete sold and is predicted to range from 15 to 28 acre-feet per year, which includes water used for concrete production, all domestic purposes, and dust mitigation. Sanitation is to be provided by an onsite wastewater treatment system (OWTS) and electrical service will be provided by Mountain View Electric Association.

#### **4. Small Area Plan Analysis**

The subject parcel is located within the Falcon/Peyton Small Area Masterplan (2006) and the land use recommendation for that area is shown as proposed urban density development, which specifies lot sizes between one acre and 2.5 acres and should include open space and provide transition zones between higher and lower densities. Future urban areas would add to the existing urbanized development in the Falcon vicinity. The Plan envisions that areas of future urban density be served by urban-level infrastructure including roadways, water distribution, and wastewater treatment.

The subject parcel is also located within an area that is designated as a potential growth corridor (Stapleton-Curtis Corridor on the west side of the parcel; Judge Orr Road Corridor for the remainder of parcel). Per the Plan, growth corridors connect the potential growth nodes but do not signify that dense residential or commercial growth beyond the recommended urban density is encouraged along the corridors.

The corridor displays the connections between nodes and identifies possible routes for efficient infrastructure development.

The Stapleton-Curtis corridor includes areas located within one-quarter (1/4) mile of the roadway and other areas influenced by road noise, traffic impacts, or access controls. Policies listed in the Plan that apply specifically to the Stapleton-Curtis corridor are as follow:

**Policy 4.5.5.1:** Recognize the importance of the Woodmen Road, Meridian Road and Stapleton/Curtis corridors as critically important non-State transportation corridors serving the area. Maintain options for a high level of access control, adequate right-of-way preservation and adjacent uses which will complement these higher speed, higher traffic major arterial corridors.

The Judge Orr Road Corridor is referenced in the following policy:

**Policy 4.5.5.2:** Also recognize the importance of other key corridors in the planning area as identified on the Major Transportation Corridors Plan as it may be amended in response to development activities and plans. These corridors include but are not limited to Judge Orr Road, Elbert Highway and Peyton Highway.

In summary, the Falcon/Peyton Plan identifies a network of growth nodes that are connected by major transportation corridors. Industrial development is generally limited to areas specified as growth nodes in conjunction with other uses, such as dense housing, primary employment, traditional/main street style commercial services, and public spaces. While the subject parcel is located within an area that is specified for future urban development in the Falcon/Payton Plan, the site is not specifically located within an identified growth node. The proposed use is not consistent with the land use recommendations specified in the Falcon/Peyton Plan. The Plan stresses the importance of maintaining the efficiency of the corridors that connect potential growth nodes and permitting adjacent uses which complement the higher speed and higher traffic arterial corridors. Per the traffic study included with this request, the proposed site access would be within the Stapleton/Curtis Corridor and the haul route would run predominately north and south along that corridor, which may negatively impact the efficiency of that corridor if larger trucks are pulling in and out of the batch plant site.

Other applicable general policies from the Falcon/Peyton Small Area Master Plan (2006) are as follow:

**Goal 3.2.1:** Establish a variety of Primary Employers that will provide stable, diverse, well-paying employment opportunities for current and future residents of the planning area.

**Goal 3.5.7:** Ensure the coordination of land use and transportation planning.

The current proposal for a concrete batch plant could enhance the variety of employment opportunities for current and future residents of the planning area as there are no industrial uses near to the subject parcel and the nearest non-residential use is within Meadow Lake Airport, where commercial uses that support the airport use are permitted. During the review process for the variance of use application, staff coordinated with El Paso County Public Works Department, Engineering Division, as well as the Colorado Department of Transportation (CDOT) to determine the anticipated traffic impacts of the proposed batch plant. This resulted in requirements for road improvements and a requirement of a haul route agreement to mitigate roadway impacts due to heavy truck loads (see the Recommended Conditions of Approval below).

## **5. Water Master Plan Analysis**

Consistency with the El Paso County Water Master Plan (2018) is not a required review criterion for a variance of use request. The following analysis is being provided for informational purposes. The Water Master Plan has three main purposes; to better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes.

**Goal 4.3:** Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.

**Policy 4.5.5.1:** Incentivize the use of deeper Arapahoe and Laramie-Fox Hills aquifers by central water providers, leaving or deferring the use of the shallower aquifers for the more dispersed domestic well users.

**Policy 4.3.6:** Encourage well monitoring throughout the County, with an emphasis on the Denver Basin aquifer fringe areas.

**Policy 5.2.2:** Recognize the water supply challenges and limitations inherent in each of the regional planning areas, with particular emphasis placed on Regional Planning Area 3 (Falcon), as a result of current reliance on non-renewable

Denver Basin wells and the renewable, but limited and over appropriated, Upper Black Squirrel Creek alluvium.

**Policy 5.2.4** – Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.

**Policy 6.0.11** – Continue to limit urban level development to those areas served by centralized utilities.

As discussed above, the applicant has indicated that the estimated water usage per year for the concrete batch plant will range from 15 to 28 acre-feet per year. The well permit issued by the State (Permit # 83325-F) allows up to 32.2 acre-feet to be withdrawn annually from the Arapahoe aquifer. The well is required to be constructed to prevent diversion of water from other aquifers and movement of water between aquifers. The well permit also requires that a flow meter be installed on the well and permanent records of all diversions be kept and submitted upon request to the Upper Black Squirrel Creek Ground Water Management District and the Colorado Groundwater Commission. The water findings permit additional withdrawals from the Denver (31.4 acre-feet per year) and the Laramie-Fox Hills (28.4 acre-feet per year) aquifers and, while there is no approved well permit for withdrawals from those aquifers currently proposed, the water findings would potentially allow for a new well permit applications to be submitted for withdrawal from those aquifers in the future.

The water findings and the well permit that were submitted with the variance of use application indicate that the batch plant is permitted to withdraw up to 92 acre-feet per year from the Arapahoe, Denver, and Laramie-Fox aquifers for industrial, irrigation, and commercial use. Based on the well permit, the applicant is proposing to utilize approximately one-third (1/3) of the total water that was allocated to the parcel and to withdraw water solely from the Arapahoe aquifer. Variance of use applications do not require a finding of water sufficiency by the El Paso County Board of County Commissioners.

Based on the presumptive water use values in the Code, the estimated usage of 15-28 acre feet per year for the permanent batch plant is equivalent to the annual usage of approximately 22 – 42 rural households, which are estimated to use an average of 0.67 acre feet per year, depending on the number of livestock. The proposed Saddlehorn development to the south will be served by the Saddlehorn Ranch Metropolitan District, which will provide central water service with water withdrawn from the Arapahoe and Laramie-Fox aquifers. The parcel that wraps around the

subject parcel on the north and east sides is vacant and does not have an existing well permit. The parcel to the west of the site has a well permit allowing for water to be drawn out of Denver aquifer for domestic use only. The parcel to the southwest also has a well permit that allows for withdrawal from the Denver aquifer. It is typical for the more dispersed and economical domestic wells that serve individual parcels for household use and livestock to withdraw from the more shallow aquifers, such as the Denver aquifer, and for the more water-intense uses to pump water from the deeper aquifers such as the Arapahoe and the Laramie-Fox Hills. The Saddlehorn development to the south has formed a metropolitan district to provide central water to the proposed subdivision due to the number of lots and more dense development. It is unknown whether the applicant has approached the Saddlehorn Metropolitan District to determine if inclusion into the District or extraterritorial service by the District is possible.

As currently submitted, the proposed well permit suggest the plan for water supply to the proposed use is consistent with the Water Master Plan policy of withdrawing from the deeper aquifers (Arapahoe and Laramie-Fox) and reserving the shallower aquifers, such as the Denver aquifer, for domestic well usage. Although the batch plant is not a central water provider, it is a more intense use than a rural household and the Water Master Plan encourages more intense users to pull from the deeper aquifers. Additionally, the project will not utilize the alluvium from the Upper Black Squirrel Creek and will provide a flow meter to monitor the usage for the project.

## **6. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the site as having a low wildlife impact potential; however, a referral was sent to the El Paso County Community Services Department, Environmental Division, who reported wetlands and evidence of prairie dog habitat on the site. Additional information regarding this is provided in the Wildlife section below.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. Upland deposits include sand, gravel with silt and clay and remnants of older streams deposited on topographic highs or bench like features. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

Please see the Parks Section below for information regarding conformance with the El Paso County Parks Master Plan (2013).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

Reports regarding existence of geologic or noise hazards are not required, and have not been provided, in conjunction with this variance of use request. FEMA Flood Insurance Rate Map No 08041C0558G, which has an effective date of December 7, 2018, shows the 100-year floodplain (Zone AE) of Haegler Ranch Tributary 2 flowing through the property and along the southern property line as depicted on the site plan exhibit. The 100-year floodplain shall be shown on the subsequent site development plan with a restriction prohibiting structures and storage of materials within the floodplain area.

### **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the site as having a low wildlife impact potential. A referral was sent to the El Paso County Community Services Department, Environmental Division, who responded by identifying that there are wetlands and evidence of prairie dog habitat on the site. Additional information was provided to the applicant regarding wetland jurisdiction, requirements for the applicant to provide the County with U.S Fish and Wildlife Service documentation prior to land disturbance, and a recommendation for a burrowing owl study due to evidence of prairie dog habitat on the site. The applicant submitted a burrowing owl study that documented the presence of burrowing owls on the southern portion of the subject site and recommended a minimum avoidance buffer of 150 feet from the occupied nest burrows to the area of human encroachment during the times of year when the burrowing owls are active in Colorado (March 15-October 31). The survey technician who performed the study indicated in the report that extra time was taken to obtain a more precise estimate of the distance from the south edge of the proposed limits of disturbance for the batch plan to the mound where the burrowing owls were located. At the time of study, the burrowing owl mound was located beyond the 150-foot buffer prescribed in the Colorado Parks and Wildlife (CPW)'s recommended buffer distances; however, it was noted in the study that if additional burrowing owls arrive on site after construction activities commence, a qualified biologist should reassess the risk to owls from construction activities.

A deviation request was approved to allow access onto Stapleton Road rather than onto Judge Orr Road to avoid impacts to the wetlands and burrowing owl habitat, which as mentioned above are located on the southern portion of the site adjacent to Judge Orr Road. Based on this, a finding can be made that the variance of use application for the proposed batch plant use, if approved, will not adversely affect wildlife or wetlands.

### **3. Floodplain**

FEMA Flood Insurance Rate Map No 08041C0558G, which has an effective date of December 7, 2018, shows the 100-year floodplain (Zone AE) of Haegler Ranch Tributary 2 flowing through the property and along the southern property line. The 100-year floodplain shall be shown on the subsequent site development plan with a restriction prohibiting structures and storage of materials within the floodplain area.

### **4. Drainage and Erosion**

The property is located within the Geick Ranch drainage basin (CHMS0400). The Geick Ranch drainage basin has no associated drainage or bridge fees.

A drainage report will be required with the subsequent site development plan application. The drainage report will provide hydrologic and hydraulic analysis to identify and mitigate drainage impacts to the surrounding properties that may otherwise be caused by the proposed use.

A grading and erosion control plan (GEC) and an Erosion and Stormwater Quality Control Permit (ESQCP) will be required with the subsequent site development plan application. The GEC identifies construction and permanent best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

### **5. Transportation**

Access is proposed via Stapleton Drive based on the approved deviation request described in Section A above. Stapleton Road is identified in the 2016 Major Transportation Corridors Plan Update (MTCP) as a 2040 Roadway Improvement Project to convert the road from a 2-lane principal arterial to a 4-lane principal arterial. The proposed use, if approved and developed, is not anticipated to trigger the need to upgrade Stapleton Road to a 4-lane principal arterial.

The associated traffic impact study recommends an auxiliary left turn lane on Stapleton Drive at the proposed access point. This offsite improvement is not reimbursable under the Road Impact Fee Program. The Judge Orr Road and Stapleton Drive intersection is expected to operate at an acceptable level of service (LOS B). The State Highway 24 and Stapleton Drive intersection is currently operating with peak hour delays under existing traffic volumes (LOS E). Based on the traffic impact study, four of the signal warrant analysis are met under existing condition (8-hour volume, 4-hour volume, peak hour volume and roadway network volume). Colorado Department of Transportation (CDOT) access permits will be required for the intersections of State Highway 24 and Stapleton Drive, and State

Highway 24 and Judge Orr Drive. An escrow for the future signal at State Highway 24 and Stapleton Drive in the amount of \$70,833 is required as part of the access permit.

The variance of use request is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended.

## **H. SERVICES**

### **1. Water**

Water is proposed to be provided by a new well that is specified for industrial, commercial, and irrigation usage (Colorado Well Permit 83325-F). The property is located within the Upper Black Squirrel Ground Water Management District. The District was sent a referral including the associated well permit and water findings and had no objection to the proposal. As mentioned above, a finding of sufficiency for water is not required with a variance of use application. Any additional comments or concerns from other review entities, including but not limited to the County Attorney's Office, regarding the decreed water supply and water use demands for the proposed batch plant will be presented at the public hearing.

### **2. Sanitation**

Wastewater service is proposed to be provided by an onsite wastewater treatment system. An on-site wastewater treatment system (OWTS) permit shall be obtained from El Paso County Public Health.

### **3. Emergency Services**

The property is within the Peyton Fire Protection District. A referral was provided to the fire protection district; however, no response has been received as of the date of this report. Any responses received will be provided as part of the official record at the public hearing.

### **4. Utilities**

Mountain View Electric Association (MVEA) has committed to providing electrical service to the property. The subject property is located within the service area for Colorado Springs Utilities (CSU) for natural gas. A commitment letter from CSU will be required with the associated site development plan.

### **5. Metropolitan Districts**

The subject parcel is not located within a metropolitan district.

### **6. Parks/Trails**

Land dedication and fees in lieu of park land dedication are not required for a variance of use application. The El Paso County Parks Master Plan (2013) does not



identify any parks or open space in the vicinity of the subject parcel. The Rock Island Trail runs adjacent to Highway 24, approximately 1.08 miles north of the site. The proposed batch plant use, if approved, is not anticipated to have a negative impact on the use or the physical condition of the trail.

## **7. Schools**

Land dedication or fees in lieu of school land dedication is not required for a variance of use application.

## **I. APPLICABLE RESOLUTIONS**

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Disapproval        Page 52

## **J. STATUS OF MAJOR ISSUES**

One major issue is the impact the permanent concrete batch plant is expected to have along the haul route. Section 5.10.3 of the Engineering Criteria Manual states a haul route agreement may be required for activities that are anticipated to cause extraordinary damage or accelerated deterioration to County roads. At this time the County does not have a standardized method for quantifying the impacts that the heavier vehicles used by the batch plant will have on paved roadways. In the interim, Recommended Conditions of Approval Nos. 7 and 8 have been included to enable the variance of use request to proceed to the Planning Commission and Board of County Commissioners hearings and to provide a temporary method to calculate and assess a haul route impact fee based on actual traffic counts for this site until such time as the County adopts a standardized countywide haul route fee.

## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.4 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

### **CONDITIONS**

1. Approval of a site development plan by the Planning and Community Development Department shall be required to establish the proposed use on the subject parcel.
2. Screening and landscaping shall be installed prior to the initiation of the use and be in general conformance with the landscape plan submitted with the variance of use request.

3. Prior to approval of the site development plan, documentation shall be submitted identifying that an Air Pollution Emissions Notice (APEN) has been reviewed and approved by the Colorado Department of Public Health and Environment Air Pollution Control Division.
4. Prior to approval of a site development plan proposing any land disturbing activities, documentation from the United States Fish and Wildlife Services (USFWS) authorizing such activity shall be received.
5. An on-site wastewater treatment (OWTS) is required for this project and shall be obtained from El Paso County Public Health.
6. The project is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended. Traffic impact fees shall be paid in full at the time of site development plan
7. Prior to the approval of the site development plan, the applicant shall enter into a haul route agreement with the El Paso County for the variance of use. The Board of County Commissioners has authorized that the haul route agreement be approved administratively by the ECM Administrator. The haul route agreement shall identify the impacts on the County roads for this variance of use that will cause extraordinary damage or accelerated deterioration to County roads in accordance with the EPC ECM. The haul route agreement shall include requirements to address pavement/structure impacts to County Roads, provide for an annual fee to be paid to the El Paso County Road and Bridge Fund, provide for annual adjustments for applicable construction costs, provide for a fee structure that is based upon actual annual site traffic counts, include provisions for payment requirements, and include an allowance for the required annual fee to be administratively adjusted by the County Engineer upon the adoption of a (countywide) haul route fee by the El Paso County Board of County Commissioners.
8. The submitted Traffic Impact Study assumes an average vehicle trip and related trip distribution that will be generated by each land use for the proposed variance of use. The applicant shall install a traffic counter at its access/driveway to Stapleton Road which shall at a minimum record the actual trip distribution, daily trips and peak hour volumes by vehicle type. The traffic counts shall be provided annually as outlined in the proposed haul route agreement or within 15 business days when requested by El Paso County. The actual traffic counts will be utilized to determine: the annual haul route fee, required amendments to the County

driveway/access permit in accordance with the EPC ECM, any obligations to the El Paso County Road Impact Fee Program as a result of amendments to the El Paso County driveway/access permit, and required to amendments by the applicant to the County access permits with CDOT. Note that amendments to the County and CDOT driveway/access permits could trigger the need for updated traffic impact studies and related roadway improvements in accordance with the EPC ECM and/or CDOT driveway/access permit criteria.

9. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
10. The applicant shall complete two Colorado Department of Transportation access permits for the intersections of State Highway 24 and Stapleton Drive, and State Highway 24 and Judge Orr prior to site development plan approval.
11. The applicant shall complete an escrow agreement with the Colorado Department of Transportation in the amount of \$70,833.00 to be applied towards the construction of a traffic signal at State Highway 24 and Stapleton Drive prior to site development plan approval.
12. Vertical structures greater than 35 feet in height shall require Federal Aviation Administration (FAA) Form 7460-1 Notice of Proposed Construction for Obstruction Evaluation.

## **NOTATIONS**

1. Variance of Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The applicant shall coordinate with CDOT to determine the fair share contribution and/or construction necessary to bring the intersection of Highway 24 and Stapleton Road to a satisfactory level of service with the site development plan application.

3. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
4. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified three (3) adjoining property owners on May 13, 2020, for the Planning Commission meeting. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Site Plan  
Landscape Plan  
Elevations  
Stapleton Road Photo Simulation  
Well Permit  
Approved Deviation Request  
Petitions in Opposition (3)  
Letters of Support (5)  
Letters of Concern (1)  
Letters of Opposition received at early assistance stage (3)  
Letters of Opposition received to date (62)

# El Paso County Parcel Information

File Name: VA-19-002

Zone Map No. --

| PARCEL     | NAME                 |
|------------|----------------------|
| 4200000405 | PETE LIEN & SONS INC |

| ADDRESS    | CITY       | STATE |
|------------|------------|-------|
| PO BOX 440 | RAPID CITY | SD    |

| ZIP   | ZIPLUS |
|-------|--------|
| 57709 | 0440   |

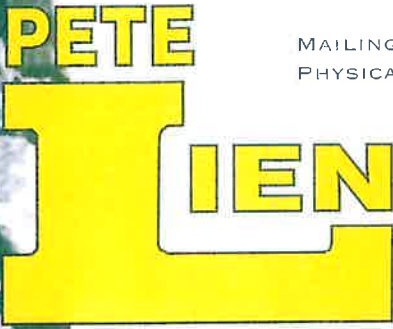
Date: May 13, 2020



Please report any parcel discrepancies to:  
El Paso County Assessor  
1675 W. Garden of the Gods Rd.  
Colorado Springs, CO 80907  
520-6600



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MAILING ADDRESS: P.O. BOX 440 RAPID CITY, SD 57709-0440 PH. 605-342-7224  
PHYSICAL ADDRESS: 3401 UNIVERSAL DR. RAPID CITY, SD 57702 FX. 605-342-6979

*& Sons, Inc.*

### **Letter of Intent**

VA-19-002

June 3, 2019

Owner: Pete Lien & Sons, Inc.  
PO Box 440  
Rapid City, SD 57709

Consultant: Concepts West Architecture, Inc.  
831 South Nevada Ave Suite 100  
Colorado Springs, CO 80903

Pete Lien & Sons is a family owned business that has been in operation since 1944. The company has been in ready mix concrete since 1966 and operating in Colorado Springs for 25 years. Known locally as TCC, Trans Colorado Concrete, or by their green and white trucks, Pete Lien & Sons currently has three plants and over 50 employees in Colorado Springs.

The majority of raw materials needed to feed the three Pete Lien & Sons plants (aggregates, cement, etc.) are currently hauled from sources within an 80 mile radius of Colorado Springs. These raw materials are then mixed with water and sent to jobsites in and around Colorado Springs. Over the last 25 years development has continued to expand around these plants. While the existing plants are well positioned to continue to serve the areas they have historically served, they are also being used to serve areas 10 to 20 miles beyond their designed reach.

Through efficiency reviews, it has become clear that the influx of development east of Colorado Springs would be better served by a standalone plant in that location. This would cut down delivery time and traveled road miles for finished goods by 20-40 miles per delivery. Pete Lien & Sons would benefit by reducing cost associated with delivering concrete to customers and remain competitive in the market. Customers would benefit by having access to competitively priced concrete and by paying for fewer delivery miles since the plant would be closer to their project sites. The county would benefit by tax base growth as a result of reasonable construction costs for private and public projects, reduction of travel on public roads, and construction related job growth in the area.

Pete Lien & Sons purchased a 92 acre tract of land at the intersection of Judge Orr Road and Stapleton Drive near Falcon for the purpose of developing the site for a ready mix batch plant. See Exhibit A. The current principal use table lists concrete batch plants as a special use in Industrial Zoning Districts I-3 and Obsolete Zoning District M. Pete Lien & Sons was informed by staff during their land search that there is no property zoned I-3 in the Peyton or Falcon area and that a rezone was not possible since it would be considered spot zoning. The only option remaining is for Pete Lien & Sons to seek a variance of use and approval of a major commercial site development plan.

The target area that was considered for this project was 10 square miles along Judge Orr Road. This target area was chosen to meet the objective of providing service to customers in growing markets while:

- Minimizing mileage of concrete trucks (thereby minimizing wear and tear on public roads). The location of this new plant will reduce overall Pete Lien & Sons concrete truck traffic through the county to this area by 50%.
- Allowing maximum distance from established neighbors and minimizing impact to their property.
- Locating in an area that is not likely to be surrounded by sub-acre residential tracts.
- Developing nontributary water rights appurtenant to property.
- Allowing a large buffer area around the plant footprint to mitigate any perceived negative impact (40 acre parcel minimum to stay in line with zoning standards for a facility of this type).
- Allowing for safe and easy access to primary truck routes already being used by Pete Lien & Sons.

There is one parcel of property in the area that is zoned M, but it is undersized for the footprint needed when flood zone considerations are factored in. A second parcel just outside of the 10 square miles considered is zoned M, but it is directly adjacent to an existing Planned Unit Development. This parcel also includes a large area of 100-year flood zone, which splits the acreage and would force the footprint of the proposed facility up against the property line shared with a high density residential development.

Properties on the market south of the subject parcel were rejected due to their elevation in relationship to the planned development to the east, which would have made it difficult to mitigate view shed impacts, as well as access issues off of Curtis Road because of the road's elevation and width. Listed property due east of the purchased property was rejected due to wetland and water availability issues.

The proposed ready mix plant on the subject parcel will be a key component to the growth of the surrounding area. Every property in this area that is set for development will require concrete for construction. While Colorado Springs has been well served by having three standalone Pete Lien & Sons ready mix plants in its boundaries for 25 years, it is no longer practical to haul materials into the city, add water, and then haul them back out to the area being actively developed. Two plants will remain to serve the needs in Colorado Springs, while one plant, which is located on leased property, would be replaced by the proposed new facility. See Exhibit B.

The proposed new Pete Lien & Sons ready mix facility will operate under State of Colorado air and storm water permits issued by the Colorado Department of Public Health and Environment, as well as any conditions El Paso County may require. The three existing Pete Lien & Sons facilities in El Paso County, of similar design and operation, have complied with environmental regulations and have had no permit violations over the course of 25 years.

Pete Lien & Sons has a long record of environmental excellence. For example, the proposed design for this plant is based on a new plant that Pete Lien & Sons recently built in Rapid City, SD. The Rapid City plant has been awarded the 2018 National Ready Mix Concrete Association 2<sup>nd</sup> place award for Commitment to Environmental Excellence. Pete Lien & Sons was also the first company in both South Dakota and Wyoming to receive Green Star Certification for excellence in environmental management from the National Ready Mix Concrete Association. In November of 2018, Pete Lien and Sons was also presented the Colorado Division of Reclamation, Mining and Safety (DRMS) and Colorado Stone, Sand & Gravel Association (CSSGA) 2018 Jack Starner Mined Land Reclamation Award for Innovation and Collaboration.

Pete Lien & Sons understands that by asking for this variance we are making a commitment to both the county and the community to meet all requirements established by the County, including the County's Land Development Code, Building Code, and any conditions the County deems necessary for approval of this variance. Pete Lien & Sons is committed to work with the County and community to responsibly develop a ready mix plant that is a benefit to the community as a whole.

While wildlife on the subject property, consisting mainly of prairie dogs, would be affected by the initial disturbance for the plant footprint, Pete Lien & Sons committed to its neighbors during early outreach discussions and meetings to participate in a cooperative plan to manage the prairie dog population found on the subject parcel and on surrounding properties. Since those meetings, Pete Lien & Sons commissioned EDM International Inc. to complete a burrowing owl survey. That report is included in the application packet under a separate cover. The report documents the presence of burrowing owls outside of the project footprint and avoidance buffer. Pete Lien & Sons commits to using avoidance buffers as outlined in the report. More than 60 acres of the purchased 92 will not be disturbed allowing for continued agricultural grazing, existing natural habitat, and wetland.

Current flood zone maps identify 100 year and 500 year areas along the southern and eastern edges of the subject parcel. Further wetland studies conducted on the Pete Lien & Sons property have identified wetlands and soils suitable for wetland expansion projects on the eastern half of the subject parcel. It is Pete Lien & Son's intent to protect the existing wetlands on this property by using them as an undeveloped buffer. Pete Lien & Sons also plans to further investigate the possible expansion of wetlands on this property to develop a wetlands bank as a separate project. The plant footprint has been positioned to allow for maximum wetlands expansion on the east and maximum buffer on the west.

### **Solutions for Off-Site Impacts**

-Pete Lien & Sons is surrounded on three sides by a single landowner who currently has three family homes in various locations on their property and who began construction of a fourth home since Pete Lien & Sons began permitting this project. The neighbor is concerned about their ability to cross Stapleton Drive on foot and any potential impact operations would have on their ability to obtain an organic grass-fed certification for operation of approximately 12 cow/calf pairs. We do not believe the new facility will significantly affect pedestrian safety or this herd.

-Pete Lien & Sons will not discharge any industrial water off site, and material handling and conveying equipment will be controlled using baghouses and best practices as required by the State of Colorado. These practices minimize migration of any materials from the ready mix site to neighboring lands.

-On site traffic and aggregate stockpile handling has been identified as a potential source of dust. Stockpiles will be maintained in concrete block bins to minimize the area of disturbance. Landscaping around the plant will be used to provide further noise and view shed screening as well as wind protection to reduce blowing dust. A water truck and sprinklers will also be used as needed to wet down stockpiles and roads to minimize dust.

-Concerns have been raised with regards to odor. This is typically an issue associated with asphalt batch plants due to their use of petroleum products. Concrete batch plants do not use petroleum in their mix and, therefore, do not produce noticeable odors.

-Concern has been raised that this plant would be run on alternative fuels that could potentially affect air quality. The proposed plant, like all other Pete Lien & Sons concrete ready mix batch plants, will be powered by local electric utilities.

-Concern has been raised that water demand would affect local domestic users. Pete Lien & Sons plans on developing water rights for this property in the nontributary Arapahoe and/or Laramie Fox Hills aquifers underlying the subject property, if granted approval by the state. Development of such nontributary ground water resources must comply with state statutory requirements and the rules and regulations of the Colorado Ground Water Commission and will not detrimentally impact local domestic water users.

-The effect the plant height will have on views has also been raised as a concern by neighbors. Consideration was given to this issue when choosing this property. Visual impact studies have been conducted to verify that the proposed facility will not block or significantly impact the neighbors' views of the mountains. In addition, Pete Lien & Sons is working with the facility design team to minimize the



height of the structures. Finally, the proposed landscaping plan is designed to screen the plant facilities from the neighbors' views.

Noise from plant operations and traffic was raised as a concern by the neighbors. The plant has been positioned to maximize buffer zones that separate the active plant facilities from neighbors. Landscaping will also provide a buffer for noise from traffic and plant activity. Traffic studies do not indicate a significant increase of traffic for Judge Orr Road, Stapleton Drive or connected intersections that would predict a significant increase in road traffic noise beyond what currently exists.

In Summary Pete Lien & Sons is proposing a 23 acre footprint situated on a 92 acre parcel with at least 500 feet of buffer from the plant mixer to any property line. This is a much bigger setback than required. The facility footprint will further be buffered from view using landscaping and fencing appropriate for livestock so that agricultural use can be continued on the property.

#### **Land Development Code Section 5.2.4.C – Criteria**

In approving a variance of use, the following criteria may be considered:

☐ The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.

*-The target area that was considered for this project was 10 square miles along Judge Orr Road. This target area was chosen to meet the objective of providing service to customers in growing markets while:*

- *Minimizing mileage of concrete trucks (thereby minimizing wear and tear on public roads). The location of this new plant will reduce overall Pete Lien & Sons concrete truck traffic through the county to this area by 50%.*
- *Allowing maximum distance from established neighbors and minimizing impact to their property.*
- *Locating in an area that is not likely to be surrounded by sub-acre residential tracts.*
- *Developing nontributary water rights appurtenant to property.*
- *Allowing a large buffer area around the plant footprint to mitigate any perceived negative impact (40 acre parcel minimum to stay in line with zoning standards for a facility of this type).*
- *Allowing for safe and easy access to primary truck routes already being used by Pete Lien & Sons.*

*There is one parcel of property in the area that is zoned M, but it is undersized for the footprint needed when flood zone considerations are factored in. A second parcel just outside of the 10 square miles considered is zoned M, but it is directly adjacent to an existing Planned Unit Development. This parcel also includes a large area of 100-year flood zone, which splits the acreage and would force the footprint of the proposed facility up against the property line shared with a high density residential development.*

*Properties on the market south of the subject parcel were rejected due to their elevation in relationship to the planned development to the east, which would have made it difficult to mitigate view shed impacts, as well as access issues off of Curtis Road because of the road's elevation and width. Listed property due east of the purchased property was rejected due to wetland and water availability issues.*

☐ The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;

*-The proposed ready mix plant on the subject parcel will be a key component to the growth of the surrounding area. Every property in this area that is set for development will require concrete for construction. While Colorado Springs has been well served by having three standalone Pete Lien & Sons*

*ready mix plants in its boundaries for 25 years, it is no longer practical to haul materials into the city, add water, and then haul them back out to the area being actively developed. Two plants will remain to serve the needs in Colorado Springs, while one plant, which is located on leased property, would be replaced by the proposed new facility. See Exhibit B.*

☐ The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;

*The proposed new Pete Lien & Sons ready mix facility will operate under State of Colorado air and storm water permits issued by the Colorado Department of Public Health and Environment, as well as any conditions El Paso County may require. The three existing Pete Lien & Sons facilities in El Paso County, of similar design and operation, have complied with environmental regulations and have had no permit violations over the course of 25 years.*

*Pete Lien & Sons has a long record of environmental excellence. For example, the proposed design for this plant is based on a new plant that Pete Lien & Sons recently built in Rapid City, SD. The Rapid City plant has been awarded the 2018 National Ready Mix Concrete Association 2<sup>nd</sup> place award for Commitment to Environmental Excellence. Pete Lien & Sons was also the first company in both South Dakota and Wyoming to receive Green Star Certification for excellence in environmental management from the National Ready Mix Concrete Association. In November of 2018, Pete Lien and Sons was also presented the Colorado Division of Reclamation, Mining and Safety (DRMS) and Colorado Stone, Sand & Gravel Association (CSSGA) 2018 Jack Starner Mined Land Reclamation Award for Innovation and Collaboration.*

☐ The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;

*Pete Lien & Sons understands that by asking for this variance we are making a commitment to both the county and the community to meet all requirements established by the County, including the County's Land Development Code, Building Code, and any conditions the County deems necessary for approval of this variance. Pete Lien & Sons is committed to work with the County and community to responsibly develop a ready mix plant that is a benefit to the community as a whole.*

☐ The proposed use will not adversely affect wildlife or wetlands;

*-While wildlife on the subject property, consisting mainly of prairie dogs, would be affected by the initial disturbance for the plant footprint, Pete Lien & Sons committed to its neighbors during early outreach discussions and meetings to participate in a cooperative plan to manage the prairie dog population found on the subject parcel and on surrounding properties. Since those meetings, Pete Lien & Sons commissioned EDM International Inc. to complete a burrowing owl survey. That report is included in the application packet under a separate cover. The report documents the presence of burrowing owls outside of the project footprint and avoidance buffer. Pete Lien & Sons commits to using avoidance buffers as outlined in the report. More than 60 acres of the purchased 92 will not be disturbed allowing for continued agricultural grazing, existing natural habitat, and wetland.*

*Current flood zone maps identify 100 year and 500 year areas along the southern and eastern edges of the subject parcel. Further wetland studies conducted on the Pete Lien & Sons property have identified wetlands and soils suitable for wetland expansion projects on the eastern half of the subject parcel. It is Pete Lien & Son's intent to protect the existing wetlands on this property by using them as an undeveloped buffer. Pete Lien & Sons also plans to further investigate the possible expansion of wetlands on this property to develop a wetlands bank as a separate project. The plant footprint has been positioned to allow for maximum wetlands expansion on the east and maximum buffer on the west.*

☐ The applicant has addressed all off-site impacts;

*Pete Lien & Sons is surrounded on three sides by a single landowner who currently has three family homes in various locations on their property and who began construction of a fourth home since Pete Lien & Sons began permitting this project. The neighbor is concerned about their ability to cross Stapleton Drive on foot and any potential impact operations would have on their ability to obtain an organic grass-fed certification for operation of approximately 12 cow/calf pairs. We do not believe the new facility will significantly affect pedestrian safety or this herd.*

*-Pete Lien & Sons will not discharge any industrial water off site, and material handling and conveying equipment will be controlled using baghouses and best practices as required by the State of Colorado. These practices minimize migration of any materials from the ready mix site to neighboring lands.*

*-On site traffic and aggregate stockpile handling has been identified as a potential source of dust. Stockpiles will be maintained in concrete block bins to minimize the area of disturbance. Landscaping around the plant will be used to provide further noise and view shed screening as well as wind protection to reduce blowing dust. A water truck and sprinklers will also be used as needed to wet down stockpiles and roads to minimize dust.*

*-Concerns have been raised with regards to odor. This is typically an issue associated with asphalt batch plants due to their use of petroleum products. Concrete batch plants do not use petroleum in their mix and, therefore, do not produce noticeable odors.*

*-Concern has been raised that this plant would be run on alternative fuels that could potentially affect air quality. The proposed plant, like all other Pete Lien & Sons concrete ready mix batch plants, will be powered by local electric utilities.*

*-Concern has been raised that water demand would affect local domestic users. Pete Lien & Sons plans on developing water rights for this property in the nontributary Arapahoe and/or Laramie Fox Hills aquifers underlying the subject property, if granted approval by the state. Development of such nontributary ground water resources must comply with state statutory requirements and the rules and regulations of the Colorado Ground Water Commission and will not detrimentally impact local domestic water users.*

*-The effect the plant height will have on views has also been raised as a concern by neighbors. Consideration was given to this issue when choosing this property. Visual impact studies have been conducted to verify that the proposed facility will not block or significantly impact the neighbors' views of the mountains. In addition, Pete Lien & Sons is working with the facility design team to minimize the height of the structures. Finally, the proposed landscaping plan is designed to screen the plant facilities from the neighbors' views.*

*-Noise from plant operations and traffic was raised as a concern by the neighbors. The plant has been positioned to maximize buffer zones that separate the active plant facilities from neighbors. Landscaping will also provide a buffer for noise from traffic and plant activity. Traffic studies do not indicate a significant increase of traffic for Judge Orr Road, Stapleton Drive or connected intersections that would predict a significant increase in road traffic noise beyond what currently exists.*

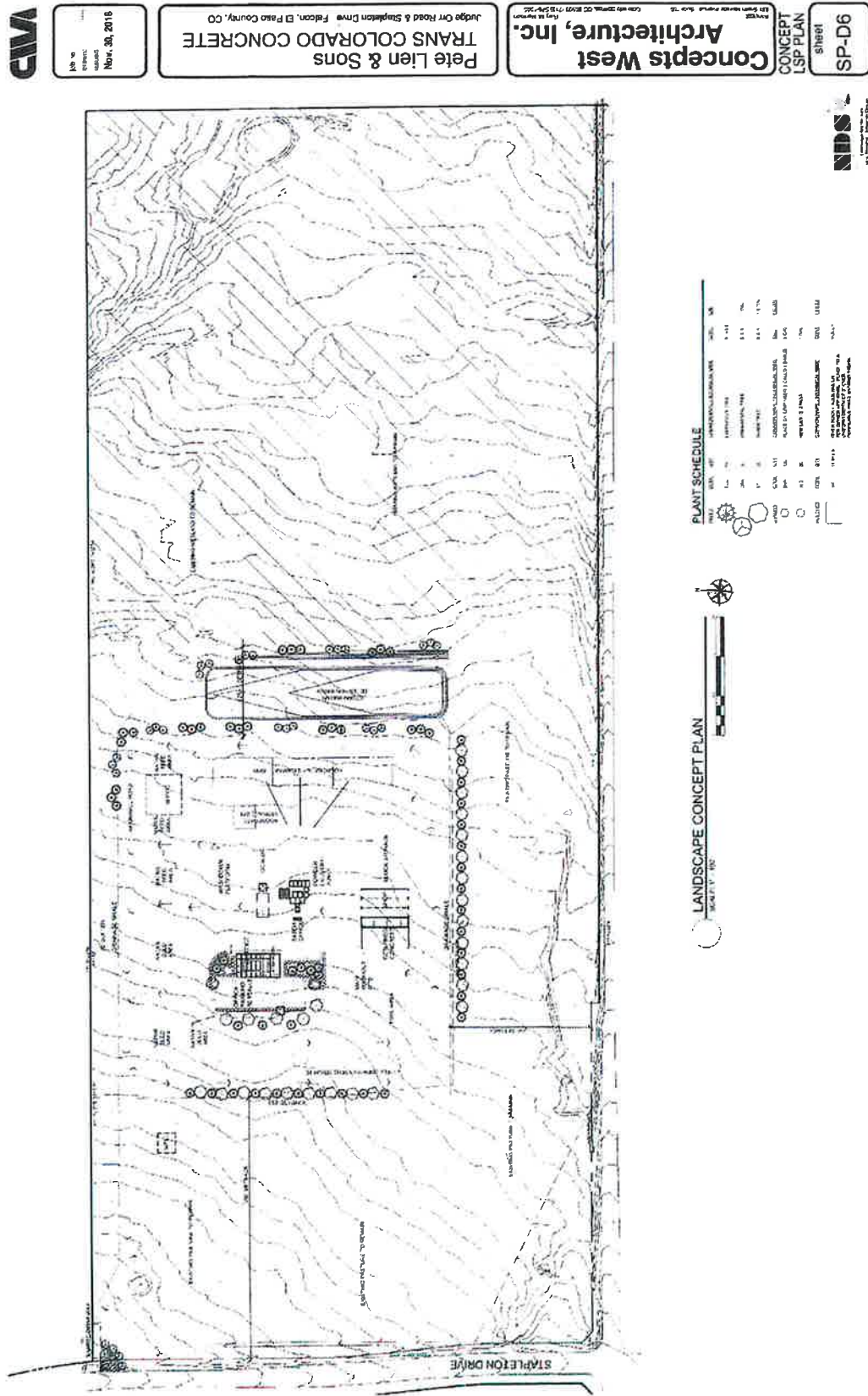
☐ The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping;

*-The proposed landscaping plan is designed to screen the plant facilities from the neighbors' views. Pete Lien & Sons is proposing a 23 acre footprint situated on a 92 acre parcel with at least 500 feet of buffer from the plant mixer to any property line. This is a much bigger setback than required. The facility*

*footprint will further be buffered from view using landscaping and fencing appropriate for livestock so that agricultural use can be continued on the property.*

☐ Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.  
*Pete Lien & Sons has not received comments from providers regarding inadequacy of services available to serve this site's needs.*

Exhibit A



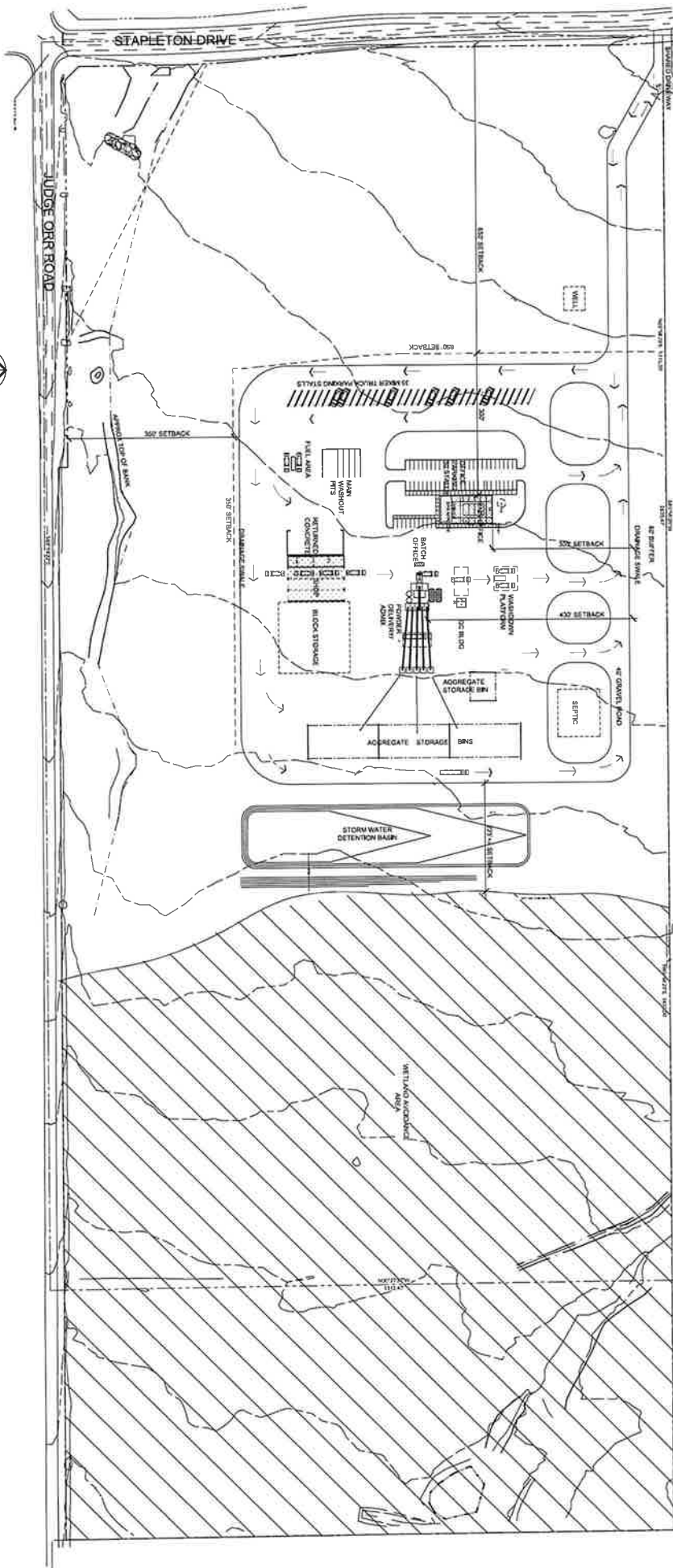




# CONCEPT SITE PLAN

Pete Lien & Sons  
TRANS COLORADO CONCRETE  
Ready Mix Concrete Plant

Judge Orr Road & Stapleton Drive  
Falcon, El Paso County, CO



CONCEPT SITE PLAN

0 500 1000

scale 1"=100'-0"

NORTH

| LEGEND |                     |
|--------|---------------------|
|        | 42' CONCRETE TRUCK  |
|        | AGGREGATE TRUCK     |
|        | AGGREGATE           |
|        | PRIMARY ROAD FLOW   |
|        | SECONDARY ROAD FLOW |
|        | CONTOUR             |

| STATISTICS     |             |
|----------------|-------------|
| TOTAL SITE     | 93.34 ACRES |
| DEVELOPED AREA | 32.1 ACRES  |



job no. 1813  
drawn: GML  
checked: GML  
date: Oct 8, 2018  
date: Nov 30, 2018  
date: June 3, 2019

Pete Lien & Sons  
TRANS COLORADO CONCRETE  
Judge Orr Road & Stapleton Drive Falcon, El Paso County, CO

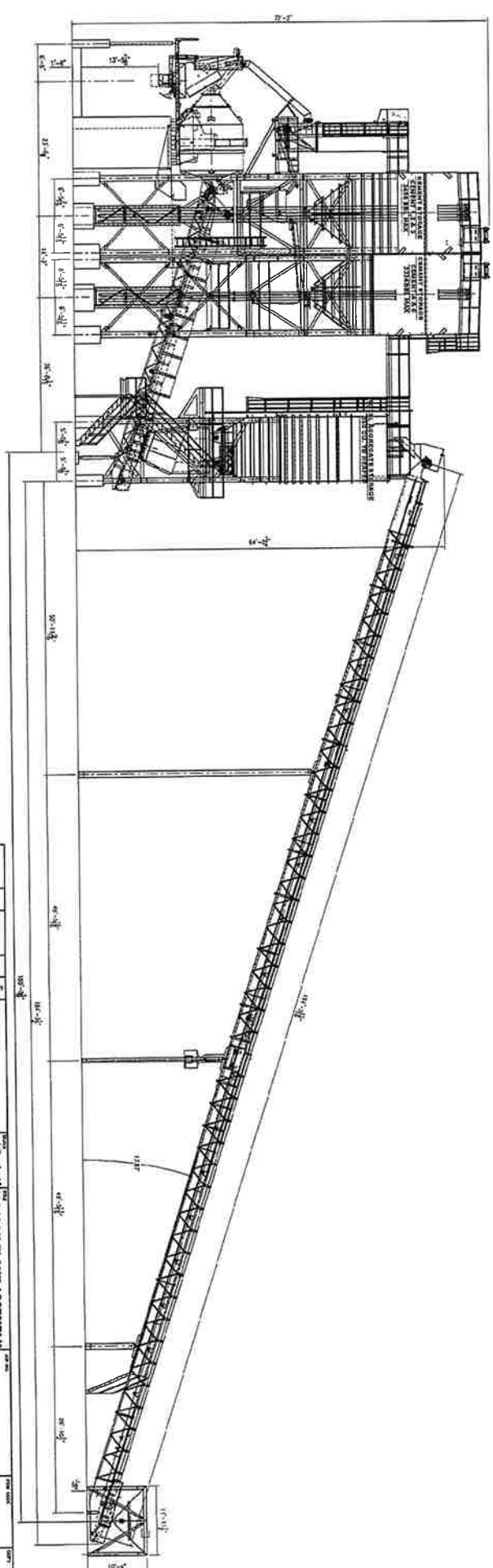
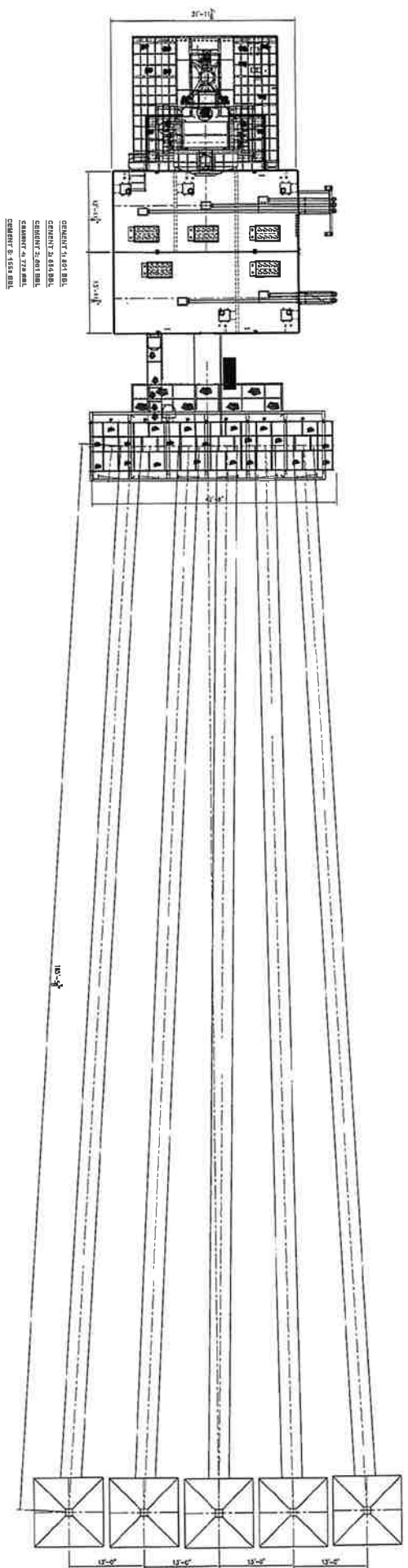
Concepts West  
Architecture, Inc.  
Principal: Gary M. Hantson  
4911 South Nipmote Avenue - Suite 100  
Colorado Springs, CO 80905 (719) 578-1444

OVERALL  
CONCEPT  
PLAN  
sheet  
SP-DE



| PLANT SCHEDULE |        | DATE:  | LOC:              |
|----------------|--------|--|-------------------|
| CODE           | INT.   | COMMON NAME  | SCIENTIFICAL NAME |
| 103            | 33     | LYCOTELLA TREE   | 6.600             |
| 094            | 37     | OSYRISIA N. TREE   | 5.8.0             |
| 91             | 20     | SHADE TREE   | 1.5.004           |
| 00005          | 5006   | OSYRISIA N. SCIENTIFICAL NAME  | 2.55              |
| 940            | 33     | PLANT GROWING IN 93 DRAIN BRUSH  | 1.04              |
| 0              | 30     | MALE AND FEMALE  | 1.04              |
| 00005          | 512    | SCIENTIFICAL NAME  | 1.042             |
| 104            | 144539 | FRUIT BODY (WOOD LICH)<br>FRUITING PLANT SPECIES<br>POLLINATED BY BEES AND OTHER INSECTS | 1.0430            |

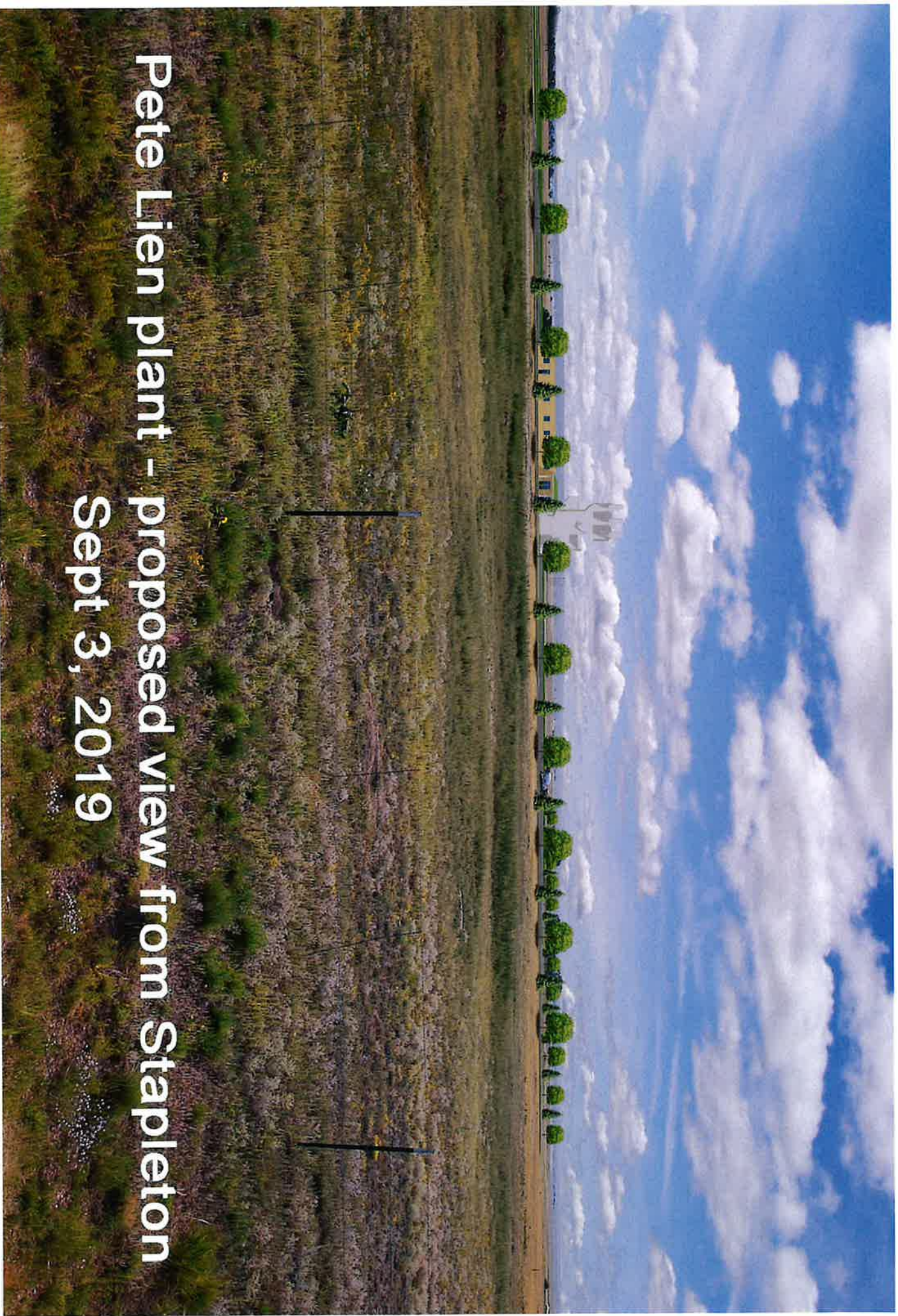




| REV | DATE      | BY | CHKD | DESCRIPTION |
|-----|-----------|----|------|-------------|
| 1   | 8/22/2018 | PL | PL   | 1.00' HGT.  |
| 2   | 8/22/2018 | PL | PL   | 1.00' HGT.  |
| 3   | 8/22/2018 | PL | PL   | 1.00' HGT.  |
| 4   | 8/22/2018 | PL | PL   | 1.00' HGT.  |
| 5   | 8/22/2018 | PL | PL   | 1.00' HGT.  |
| 6   | 8/22/2018 | PL | PL   | 1.00' HGT.  |
| 7   | 8/22/2018 | PL | PL   | 1.00' HGT.  |
| 8   | 8/22/2018 | PL | PL   | 1.00' HGT.  |
| 9   | 8/22/2018 | PL | PL   | 1.00' HGT.  |
| 10  | 8/22/2018 | PL | PL   | 1.00' HGT.  |







**Pete Lien plant - proposed view from Stapleton  
Sept 3, 2019**





# COLORADO

Division of Water Resources  
Department of Natural Resources

WELL PERMIT NUMBER 83325-F  
RECEIPT NUMBER 3689725D

## ORIGINAL PERMIT APPLICANT(S)

PETE LIEN & SONS INC

## APPROVED WELL LOCATION

Water Division: 2 Water District: 10  
Designated Basin: UPPER BLACK SQUIRREL CREEK  
Management District: UPPER BLACK SQUIRREL  
County: EL PASO  
Parcel Name: N/A  
Physical Address: N/A  
SW 1/4 SW 1/4 Section 34 Township 12.0 S Range 64.0 W Sixth P.M.

## AUTHORIZED AGENT

MARTIN AND WOOD WATER CONSULTANTS INC (BERG, WILLIAM)

## UTM COORDINATES (Meters, Zone:13, NAD83)

Easting: 538927.0 Northing: 4312217.0

## PERMIT TO CONSTRUCT A NEW WELL

### ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission dated June 19, 2019, for Determination of Water Right No. 3711-BD.
- 4) The pumping rate of this well shall not exceed 300 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 32.2 acre-feet, subject to the total annual withdrawal limitations and conditions as specified by the above referenced Order of the Commission.
- 6) The use of ground water from this well is limited to industrial, commercial and irrigation. The place of use shall be limited to the 92.47 acre land area claimed in the above described Order of the Commission.
- 7) This well must be constructed to withdraw water from only the Arapahoe aquifer. The top of the Arapahoe aquifer is located approximately 980 feet below the ground surface. The bottom of the Arapahoe aquifer is located approximately 1475 feet below the ground surface. Plain casing must be installed and grouted to prevent the diversion of water from other aquifers and the movement of water between aquifers.
- 8) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.
- 10) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.
- 11) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.
- 12) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

NOTE: This well is located within the Upper Black Squirrel Creek Ground Water Management District where local District Rules apply which may further limit the withdrawal and use of designated ground water as authorized under this permit.

NOTE: This well will be completed in a Type I aquifer penetrating only one confining layer and must be constructed in accordance with Well Construction Rule 10.4.5.1 (2 CCR 402-2).

WELL PERMIT NUMBER 83325-F

RECEIPT NUMBER 3689725D



Issued By JOANNA WILLIAMS

Date Issued: 6/24/2019

Expiration Date: 6/24/2020

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO GROUND WATER IN THE  
UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN

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DETERMINATION NO.: 3710-BD

AQUIFER: Laramie-Fox Hills

APPLICANT: Pete Lien & Sons, Inc.

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In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Pete Lien & Sons, Inc. (hereinafter "Applicant") submitted an application for determination of water right to designated ground water from the Laramie-Fox Hills Aquifer.

**FINDINGS**

1. The application was received by the Colorado Ground Water Commission on December 13, 2018.
2. The Applicant requests a determination of right to designated ground water in the Laramie-Fox Hills Aquifer (hereinafter "Aquifer") underlying 92.47 acres, generally described as a portion of the S1/2 of the SW1/4 and a portion of the west 528 feet of the SW1/4 of the SE1/4, Section 34, Township 12 South, Range 64 West, 6th P.M., in El Paso County. According to a signed Ownership Statement dated December 27, 2018, attached hereto as Exhibit A, the Applicant owns the 92.47 acres of land, which are further described in said Ownership Statement (hereinafter "Overlying Land"), and claims control of the right to the ground water in the Aquifer underlying this land (hereinafter "Underlying Ground Water").
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction over the ground water that is the subject of this Determination.
4. The Commission Staff has evaluated the application relying on the claims to control of the Underlying Ground Water in the Aquifer made by the Applicant.
5. The Applicant intends to apply the Underlying Ground Water to the following beneficial uses: industrial, commercial and irrigation. The Applicant's proposed place of use of the Underlying Ground Water is the above described 92.47 acres of overlying land.
6. The application requests the maximum allowable annual amount of Underlying Ground Water from beneath the Overlying Land.
7. The quantity of water in the Aquifer underlying the 92.47 acres of Overlying Land claimed by the applicant is 2,840 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
  - a. The average specific yield of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 15 percent.

- b. The average thickness of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 205 feet.
8. Pursuant to Section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the underlying ground water based on ownership of the overlying land and an aquifer life of one hundred years. Should the entire quantity of underlying ground water identified above be available for allocation, the allowed average annual amount of withdrawal from the Aquifer that could be allocated from beneath the Overlying Land would be 28.4 acre-feet per year.
9. A review of the records in the Office of the State Engineer has disclosed that none of the Underlying Ground Water in the Aquifer beneath the Overlying Land has been previously allocated or permitted for withdrawal.
10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the Aquifer underlying the land claimed by the Applicant will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the Underlying Ground Water is nontributary ground water as defined in Rule 4.2.19 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the Underlying Ground Water withdrawn annually shall be consumed.
13. On April 30, 2019, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
14. In accordance with Sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on May 2, 2019 and May 9, 2019. No objections to the application were received within the time limit set by statute.

#### ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of right to designated ground water in the Laramie-Fox Hills Aquifer underlying 92.47 acres of land, generally described as a portion of the S1/2 of the SW1/4 and a portion of the west 528 feet of the SW1/4 of the SE1/4, Section 34, Township 12 South, Range 64 West, 6th P.M., further described in Exhibit A, is approved subject to the following conditions:



15. The allowed average annual amount of withdrawal of Underlying Ground Water from the Aquifer shall not exceed 28.4 acre-feet.
16. The total volume of Underlying Ground Water that may be withdrawn from the Aquifer pursuant to this Determination of Water Right shall not exceed 2,840 acre-feet.
17. The Commission may adjust the total volume and the allowed average annual amount of withdrawal of Underlying Ground Water that may be withdrawn from the Aquifer to conform to actual Aquifer characteristics based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the amount of Underlying Ground Water in the Aquifer was incorrect.
18. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of Underlying Ground Water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
19. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
20. No more than 98% of the allowed amount of Underlying Ground Water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the underlying ground water withdrawn is being consumed.
21. The use of the allowed amount of Underlying Ground Water from this allocation shall be limited to the following beneficial uses: industrial, commercial and irrigation. The place of use shall be limited to the above described 92.47 acres of Overlying Land. The ground water that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The ground water right determined herein is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated ground water.
22. Approval of this determination meets the requirements of Section 37-90-107(7)(d)(II) that requires a determination of ground water be made prior to the granting of a well permit pursuant to Section 37-90-107(7).
23. Wells withdrawing the allowed amount of Underlying Ground Water allocated herein are subject to the following conditions:
  - a. The wells must be located on the above described 92.47 acres of Overlying Land.
  - b. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
  - c. The wells must be constructed to withdraw water from only the Laramie-Fox Hills Aquifer.

- d. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - e. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - f. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
24. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 92.47 acres of Overlying Land area, or any part thereof, shall reveal the existence of this determination.
25. The ground water right determined herein is a vested property right with specific ownership. The ground water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination of Water Right number, the specific aquifer, and the annual volume (based on a 100-year aquifer life) or total volume of ground water that is being conveyed.

Dated this 19th day of June, 2019.

By: 

Kevin G. Rein, P.E.  
Executive Director  
Colorado Ground Water Commission



Keith Vander Horst, P.E.  
Chief of Water Supply, Basins

Prepared by: jmw  
F&O3710-BD.doc

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO GROUND WATER IN THE  
UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN

---

DETERMINATION NO.: 3711-BD

AQUIFER: Arapahoe

APPLICANT: Pete Lien & Sons, Inc.

---

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Pete Lien & Sons, Inc. (hereinafter "Applicant") submitted an application for determination of water right to designated ground water from the Arapahoe Aquifer.

**FINDINGS**

1. The application was received by the Colorado Ground Water Commission on December 13, 2018.
2. The Applicant requests a determination of right to designated ground water in the Arapahoe Aquifer (hereinafter "Aquifer") underlying 92.47 acres, generally described as a portion of the S1/2 of the SW1/4 and a portion of the west 528 feet of the SW1/4 of the SE1/4, Section 34, Township 12 South, Range 64 West, 6th P.M., in El Paso County. According to a signed Ownership Statement dated December 6, 2018, attached hereto as Exhibit A, the Applicant owns the 92.47 acres of land, which are further described in said Ownership Statement (hereinafter "Overlying Land"), and claims control of the right to the ground water in the Aquifer underlying this land (hereinafter "Underlying Ground Water").
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction over the ground water that is the subject of this Determination.
4. The Commission Staff has evaluated the application relying on the claims to control of the Underlying Ground Water in the Aquifer made by the Applicant.
5. The Applicant intends to apply the Underlying Ground Water to the following beneficial uses: industrial, commercial and irrigation. The Applicant's proposed place of use of the Underlying Ground Water is the above described 92.47 acres of overlying land.
6. The application requests the maximum allowable annual amount of Underlying Ground Water from beneath the Overlying Land.
7. The quantity of water in the Aquifer underlying the 92.47 acres of Overlying Land claimed by the applicant is 3,220 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
  - a. The average specific yield of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.

- b. The average thickness of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 205 feet.
8. Pursuant to Section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the underlying ground water based on ownership of the overlying land and an aquifer life of one hundred years. Should the entire quantity of underlying ground water identified above be available for allocation, the allowed average annual amount of withdrawal from the Aquifer that could be allocated from beneath the Overlying Land would be 32.2 acre-feet per year.
9. A review of the records in the Office of the State Engineer has disclosed that none of the Underlying Ground Water in the Aquifer beneath the Overlying Land has been previously allocated or permitted for withdrawal.
10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the Aquifer underlying the land claimed by the Applicant will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the Underlying Ground Water is nontributary ground water as defined in Rule 4.2.19 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the Underlying Ground Water withdrawn annually shall be consumed.
13. On April 30, 2019, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
14. In accordance with Sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on May 2, 2019 and May 9, 2019. No objections to the application were received within the time limit set by statute.

#### ORDER


In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of right to designated ground water in the Arapahoe Aquifer underlying 92.47 acres of land, generally described as a portion of the S1/2 of the SW1/4 and a portion of the west 528 feet of the SW1/4 of the SE1/4, Section 34, Township 12 South, Range 64 West, 6th P.M., further described in Exhibit A, is approved subject to the following conditions:

15. The allowed average annual amount of withdrawal of Underlying Ground Water from the Aquifer shall not exceed 32.2 acre-feet.
16. The total volume of Underlying Ground Water that may be withdrawn from the Aquifer pursuant to this Determination of Water Right shall not exceed 3,220 acre-feet.
17. The Commission may adjust the total volume and the allowed average annual amount of withdrawal of Underlying Ground Water that may be withdrawn from the Aquifer to conform to actual Aquifer characteristics based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the amount of Underlying Ground Water in the Aquifer was incorrect.
18. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of Underlying Ground Water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
19. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
20. No more than 98% of the allowed amount of Underlying Ground Water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the underlying ground water withdrawn is being consumed.
21. The use of the allowed amount of Underlying Ground Water from this allocation shall be limited to the following beneficial uses: industrial, commercial and irrigation. The place of use shall be limited to the above described 92.47 acres of Overlying Land. The ground water that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The ground water right determined herein is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated ground water.
22. Approval of this determination meets the requirements of Section 37-90-107(7)(d)(II) that requires a determination of ground water be made prior to the granting of a well permit pursuant to Section 37-90-107(7).
23. Wells withdrawing the allowed amount of Underlying Ground Water allocated herein are subject to the following conditions:
  - a. The wells must be located on the above described 92.47 acres of Overlying Land.
  - b. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
  - c. The wells must be constructed to withdraw water from only the Arapahoe Aquifer.

- d. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - e. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - f. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
24. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 92.47 acres of Overlying Land area, or any part thereof, shall reveal the existence of this determination.
25. The ground water right determined herein is a vested property right with specific ownership. The ground water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination of Water Right number, the specific aquifer, and the annual volume (based on a 100-year aquifer life) or total volume of ground water that is being conveyed.

Dated this 19th day of June, 2019.

By:   
Kevin G. Rein, P.E.  
Executive Director  
Colorado Ground Water Commission

  
Keith Vander Horst, P.E.  
Chief of Water Supply, Basins

Prepared by: jmw  
F&O3711-BD.doc

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO GROUND WATER IN THE  
UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN

---

DETERMINATION NO.: 3712-BD

AQUIFER: Denver

APPLICANT: Pete Lien & Sons, Inc.

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In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Pete Lien & Sons, Inc. (hereinafter "Applicant") submitted an application for determination of water right to designated ground water from the Denver Aquifer.

**FINDINGS**

1. The application was received by the Colorado Ground Water Commission on December 13, 2018.
2. The Applicant requests a determination of right to designated ground water in the Denver Aquifer (hereinafter "Aquifer") underlying 92.47 acres, generally described as a portion of the S1/2 of the SW1/4 and a portion of the west 528 feet of the SW1/4 of the SE1/4, Section 34, Township 12 South, Range 64 West, 6th P.M., in El Paso County. According to a signed Ownership Statement dated December 27, 2018, attached hereto as Exhibit A, the Applicant owns the 92.47 acres of land, which are further described in said Ownership Statement (hereinafter "Overlying Land"), and claims control of the right to the ground water in the Aquifer underlying this land (hereinafter "Underlying Ground Water").
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction over the ground water that is the subject of this Determination.
4. The Commission Staff has evaluated the application relying on the claims to control of the Underlying Ground Water in the Aquifer made by the Applicant.
5. The Applicant intends to apply the Underlying Ground Water to the following beneficial uses: industrial, commercial and irrigation. The Applicant's proposed place of use of the Underlying Ground Water is the above described 92.47 acres of overlying land.
6. The application requests the maximum allowable annual amount of Underlying Ground Water from beneath the Overlying Land.
7. The quantity of water in the Aquifer underlying the 92.47 acres of Overlying Land claimed by the applicant is 3,140 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
  - a. The average specific yield of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.



- b. The average thickness of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 200 feet.
8. Pursuant to Section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the underlying ground water based on ownership of the overlying land and an aquifer life of one hundred years. Should the entire quantity of underlying ground water identified above be available for allocation, the allowed average annual amount of withdrawal from the Aquifer that could be allocated from beneath the Overlying Land would be 31.4 acre-feet per year.
9. A review of the records in the Office of the State Engineer has disclosed that none of the Underlying Ground Water in the Aquifer beneath the Overlying Land has been previously allocated or permitted for withdrawal.
10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the Aquifer underlying the land claimed by the Applicant will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the Underlying Ground Water is considered to be not-nontributary ground water. Also, the location of the land claimed by the Applicant is farther than one mile from the Aquifer contact with the alluvium. Pursuant to the Rules, at least four percent (4%) of the amount of the underlying water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal, unless other locations are approved by the Commission.
13. On April 30, 2019, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
14. In accordance with Sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on May 2, 2019 and May 9, 2019. No objections to the application were received within the time limit set by statute.

#### ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of right to designated ground water in the Denver Aquifer underlying 92.47 acres of land, generally described as a portion of the S1/2 of the SW1/4 and a portion of the west 528 feet of the SW1/4 of the SE1/4, Section 34, Township


12 South, Range 64 West, 6th P.M., further described in Exhibit A, is approved subject to the following conditions:


15. The allowed average annual amount of withdrawal of Underlying Ground Water from the Aquifer shall not exceed 31.4 acre-feet.
16. The total volume of Underlying Ground Water that may be withdrawn from the Aquifer pursuant to this Determination of Water Right shall not exceed 3,140 acre-feet.
17. The Commission may adjust the total volume and the allowed average annual amount of withdrawal of Underlying Ground Water that may be withdrawn from the Aquifer to conform to actual Aquifer characteristics based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the amount of Underlying Ground Water in the Aquifer was incorrect.
18. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of Underlying Ground Water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
19. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
20. At least four percent (4%) of the allowed amount of Underlying Ground Water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal, unless other locations are approved by the Commission.
21. The use of the allowed amount of Underlying Ground Water from this allocation shall be limited to the following beneficial uses: industrial, commercial and irrigation. The place of use shall be limited to the above described 92.47 acres of Overlying Land. The ground water that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The ground water right determined herein is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated ground water.
22. Approval of this determination meets the requirements of Section 37-90-107(7)(d)(II) that requires a determination of ground water be made prior to the granting of a well permit pursuant to Section 37-90-107(7).
23. Wells withdrawing the allowed amount of Underlying Ground Water allocated herein are subject to the following conditions:
  - a. The wells must be located on the above described 92.47 acres of Overlying Land.
  - b. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well

or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.

- c. The wells must be constructed to withdraw water from only the Denver Aquifer.
  - d. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - e. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - f. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
24. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 92.47 acres of Overlying Land area, or any part thereof, shall reveal the existence of this determination.
25. The ground water right determined herein is a vested property right with specific ownership. The ground water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination of Water Right number, the specific aquifer, and the annual volume (based on a 100-year aquifer life) or total volume of ground water that is being conveyed.

Dated this 19th day of June, 2019.

By:   
Kevin G. Rein, P.E.  
Executive Director  
Colorado Ground Water Commission

  
Keith Vander Horst, P.E.  
Chief of Water Supply, Basins

Prepared by: jmw  
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**Planning and Community  
Development Department**  
**2880 International Circle**  
**Colorado Springs, Colorado 80910**  
Phone: 719.520.6300  
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Website [www.elpasoco.com](http://www.elpasoco.com)

## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : Pete Lien & Sons Batch Plant  
Schedule No.(s) : 42000-00-405  
Legal Description : THE SOUTH HALF OF THE SOUTHWEST QUARTER AND THE WEST 528 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER SECTION 34, TOWNSHIP 12 S, R26W OF THE WEST PM, EL PASO COUNTY, COLORADO EXCEPTING THEREFROM THOSE PARCELS CONVEYED TO EL PASO COUNTY RECORDED APRIL 28, 2016 UNDER REC 215041107 AND 215041108.

### APPLICANT INFORMATION

Company : Pete Lien & Sons, Inc.  
Name : Danielle Wiebers  
☒ Owner   ☐ Consultant   ☐ Contractor  
Mailing Address : PO Box 440  
Rapid City, SD 57702  
  
Phone Number : 605-342-7224  
FAX Number : 605-342-6979  
Email Address : [DWiebers@petelien.com](mailto:DWiebers@petelien.com)

### ENGINEER INFORMATION

Company : Fehr & Peers (traffic study) / Kiowa Engineering Corporation  
Name : Ann T. Bowers / Matt Erichsen      Colorado P.E. Number : 31955 (Bowers) / 36713 (Erichsen)  
  
Mailing Address : Fehr & Peers  
518 17<sup>th</sup> Street, Suite 1100  
Denver, CO 80202  
  
Kiowa Engineering Corporation  
7171 W. Jefferson Avenue, Suite 2200  
Lakewood, Colorado 80235  
  
Phone Number : 720-539-7230 (Bowers) (303) 692-0369 (Erichsen)  
FAX Number : N/A  
Email Address : [a.bowers@fehrandpeers.com](mailto:a.bowers@fehrandpeers.com), [merichsen@kiowaengineering.com](mailto:merichsen@kiowaengineering.com),

**OWNER, APPLICANT, AND ENGINEER DECLARATION**

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal will be cause to have the project removed from the agenda of the Planning Commission, Board of County Commissioners and/or Board of Adjustment or delay review until corrections are made, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval.

  
Signature of owner (or authorized representative)

8/20/19  
Date

Engineer's Seal, Signature  
And Date of Signature



**DEVIATION REQUEST** (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section Table 2-4 and Section 2.2.4.A.2 of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Deviation is being requested from the ECM standard prohibiting direct parcel access to a Principal Arterial. Stapleton Drive is a Principal Arterial and site access for the proposed Pete Lien & Sons Batch Plant is being sought off of Stapleton Drive. The site plan featuring proposed access location is attached.

State the reason for the requested deviation:

There is no private road or local road that would allow access to the property. Due to wetlands adjacent to Judge Orr Road, access cannot be obtained without hardship. While Judge Orr Road (minor arterial) is a lower classification roadway, access is proposed to Stapleton Drive rather than Judge Orr Road due to existing wetlands and 100 year flood plain adjacent to Judge Orr (see attached). Traversing the wetlands and drainage way to gain access via Judge Orr Road would result in undue hardship to the proposed development.

Explain the proposed alternative and compare to the ECM standards (May provide applicable regional or national standards used as basis):

Access is proposed to Stapleton Road rather than Judge Orr Road due to existing wetlands adjacent to Judge Orr. Traversing the wetlands to gain access via Judge Orr Road would result in undue hardship to the proposed development. The alternative is to provide access to Stapleton Road. The proposed access to Stapleton Road is located as far away from the intersection of Judge Orr Road and Stapleton Drive to avoid conflict with the operations of this intersection and to accommodate the recommended auxiliary turn lanes. The access is located on the northern property line, approximately 1,250 feet north of the intersection with Judge Orr Road.

Analysis included within the traffic study does not indicate that the intersection, if allowed to operate as a full-movement intersection, would meet signal warrants. It is understood that future improvements to Stapleton Road include a median thereby modifying the proposed full-movement access to a right-in/right-out access in the future. In support of this deviation request, the CDOT Access code is cited.

Per the CDOT Access Code, Section 3.8 CATEGORY R-A – Regional Highway:

(2) When application is made, one access shall be granted per parcel of land if reasonable access cannot be obtained from the local street or road system. Reasonable local access will be determined in consultation with the appropriate local authority. A determination of reasonable access from a local street or road should include consideration of the local street or road function, purpose, capacity, operational and safety conditions and opportunities to improve the local street or road. Direct access to the highway should not be denied if the alternative local access would create a significant operational or safety problem at the alternative location and the direct access to the state highway would not be a significant problem to the highway.

(3) (a) The standard for the spacing of all intersecting public ways and other accesses that will be full movement, or are or may become signalized, is one-half mile intervals, and based upon section lines where feasible. Exceptions to this one-half mile standard shall not be permitted unless the proposal documents that there are no other reasonable alternatives to achieve a one-half mile interval, there is a documented necessity for the intersection at the proposed location, and a signal study acceptable to the Department is completed in accordance with section 2.3(5).

(b) Not Applicable (signal progression).

(c) Where topography or other existing conditions make one-half mile intervals inappropriate or not feasible, location of the access shall be determined with consideration given to topography, established property ownerships, unique physical limitations and or unavoidable or pre-existing historical land use patterns and physical design constraints with every attempt to achieve a spacing of one-half mile. The final location should serve as many properties and interests as possible to reduce the need for additional direct access to the state highway. In selecting locations for full movement intersections, preference shall be given to public ways that meet or may be reasonably expected to meet signal warrants in the foreseeable future.

## LIMITS OF CONSIDERATION

(At least one of the conditions listed below must be met for this deviation request to be considered.)

- ☐ The ECM standard is inapplicable to the particular situation.
- ☒ Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- ☐ A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

### Provide justification:

Current flood zone maps identify 100 year and 500 year areas along the Judge Orr frontage. Further wetlands studies identified wetlands on the eastern half of the parcel plus burrowing owl habitat within the wetlands. An exhibit showing the wetlands and flood plain is attached.

In addition, the proposed deviation would locate the access point within an established permanent easement per El Paso County Board of County Commissioners Resolution no. 14-472, which permits access off of Stapleton Drive (easement is attached). The 2007 Stapleton Corridor Study (preferred access control concept attached) does not include a preferred access point for the project site. Since the easement permits parcel access off Stapleton Drive and the proposed access does not conflict with the Stapleton Corridor Study, site access from Stapleton Drive should be permitted in order to avoid disrupting the wetlands and burrowing owl habitat adjacent to Judge Orr Road.

## CRITERIA FOR APPROVAL

Per ECM section 5.8.7 the request for a deviation may be considered if the request is **not based exclusively on financial considerations**. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with **all of the following criteria**:

The deviation will achieve the intended result with a **comparable or superior design and quality of improvement**.

With recommended auxiliary turn lane implementation on Stapleton Drive, the access will meet CDOT criteria for access to this type of facility.

The deviation will not adversely affect **safety or operations**.

With recommended auxiliary lane implementation on Stapleton Drive, the access will meet CDOT criteria for access to this type of facility.



The deviation will not adversely affect maintenance and its associated cost.

The proposed access to Stapleton Drive will not have an impact on maintenance practices or the cost of maintenance on the roadway because the driveway access is private. Maintenance of the proposed access will be the responsibility of the property owner but the access will also be shared with the adjacent parcel to the North. Once a shared access agreement has been reached, the details of the agreement will be shared with the site development plan application.

The deviation will not adversely affect aesthetic appearance.

The proposed access to Stapleton Drive meets the criteria outlined in Table 2-3. Roadway Design Criteria. The proposed access will not adversely affect aesthetic appearance because it will be constructed to El Paso County driveway standards.

**Minimize Space Devoted to Road Use**

It is desirable to minimize local road mileage, thereby reducing construction and maintenance costs, as well as permitting the most efficient use of land. Roads should also have an appearance commensurate with their function.

Roads should be designed to complement local character.

***The proposed access will serve both this property and the property to the north thereby reducing the number of access points to Stapleton Drive and making efficient use of this land and the adjacent land. The access will be designed to complement the local rural character.***

**Relate Road to Topography**

Local roads are more attractive and economical if constructed to closely adhere to topography (minimize cut and fill).

The important role that roads play in the overall storm drainage system can be enhanced by closely following existing topography.

***The proposed access point will have minimal cut and fill and will closely follow the existing topography.***

**Layout Road to Achieve Optimum Subdivision of Land**

The arrangement of roads should allow for economical and practical patterns, shapes, and sizes of adjacent lots. Roads as a function of land use must not unduly hinder the development of land.

Distances between roads, number of roads, and related elements all have a bearing on efficient subdivision of an area. Access to adjoining properties should also be encouraged

***The proposed access point will serve both this property and the property to the north and does not unduly hinder the development of adjacent land. Given the industrial nature of the proposed project, aesthetic issues are not a factor in locating the site access or ready-mix plant location. The perimeter of the plant will be 650' from the Stapleton Road access point, but only 350' from Judge Orr Road, so the plant would be less visible from Stapleton Road.***

The deviation meets the design intent and purpose of the ECM standards.

The proposed access meets ECM Standards for access spacing, alignment, sight distance, width, and clearance from intersections.

**Access Spacing:**

According to Table 2-35 in ECM 2.4.1, a 45 mph two-lane road requires a sight distance of at least 765 feet for multi-unit trucks to enter and exit an access point. The proposed access point will be located approximately 1,250 feet north of the intersection with Judge Orr Road, thus providing adequate spacing from the nearest intersection. The sight distance north of the proposed access is unobstructed by any natural growth or built structures.

**Alignment:**

The proposed access meets the requirement to provide a 90 degrees horizontal alignment with Stapleton Drive (the adjacent roadway).

Vertical Alignment requirement: Maximum access grades are 4% for commercial and industrial properties with a required 30-foot landing length. The grade does not exceed the maximum allowable amount. The proposed access does not cross an existing sidewalk.

**Sight Distance:**

The deviation meets the design intent and purpose of the ECM standards.

A field review sight distance evaluation was conducted for the proposed Plant access point on Stapleton Drive. The field review determined that the proposed access point has no sight distance issues for passenger vehicles, cement trucks, or tractor trailers accessing the site. The sight distance along Stapleton Drive for vehicles traveling to the proposed access meets the ECM sight-distance along roadways requirement (400 feet of design sight distance on a 45 mph roadway) in both directions. Given the undeveloped nature of the surrounding area, there are no billboards or tall buildings to obstruct the sight distance. Per the access spacing shared above, there are no entering sight distance conflicts with the ECM standards for the proposed access point.

***Access Width:***

The proposed access point will be 40 feet wide, which meets the maximum allowable width for a two-way industrial access point listed in the ECM standards.

***Clearance from Intersections:***

ECM standards require access points to industrial parcels fronting nonresidential roadways shall be located a minimum of 115 to 480 feet from the point of curvature of tangency of the curb line at the nearest intersection. The proposed access point is located over 1,000 feet from the curvature point.

The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.

The drainage and erosion control analysis is not required with a rezoning application. Control measure requirements of Part I.E.3 and part I.E.4 of the County MS4 permit will be addressed on the subsequent Site Development Plan application.

**REVIEW AND RECOMMENDATION:**

**Approved by the ECM Administrator**

This request has been determined to have met the criteria for approval. A deviation from Section 2.2.4.A2 of the ECM is hereby granted based on the justification provided.

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**APPROVED**  
**Engineering Department**

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EPC Planning & Community  
Development Department

**Denied by the ECM Administrator**

This request has been determined not to have met criteria for approval. A deviation from Section \_\_\_\_\_ of the ECM is hereby denied.

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**ECM ADMINISTRATOR COMMENTS/CONDITIONS:**

Clarification to Resolution No. 14-472 referenced by the applicant on page 4 of 8 of this deviation request:

The County as part of the Stapleton project combined existing field access points for the existing uses (agricultural/vacant) of the parcels and coordinated with the property owners to develop common access easements between the two property owners (the County is not party to the easement agreements). The County recognized the easements as part of the transaction for the property acquisition, but resolution 14-472 was for monetary transaction and should not be construed as approval by BoCC as a permanent access approval without any reconsideration as to future development. All access points are subject to reconsideration based upon further development.

**Conditions of Approval:**

1. Should the Stapleton access need to be relocated to Judge Orr at a future date, the cost shall be at the property owner's expense.
2. A complete shared access easement agreement is required with the site plan application as stated by the applicant in page 5 of 8 of this deviation request.

## **1.1. PURPOSE**

The purpose of this resource is to provide a form for documenting the findings and decision by the ECM Administrator concerning a deviation request. The form is used to document the review and decision concerning a requested deviation. The request and decision concerning each deviation from a specific section of the ECM shall be recorded on a separate form.

## **1.2. BACKGROUND**

A deviation is a critical aspect of the review process and needs to be documented to ensure that the deviations granted are applied to a specific development application in conformance with the criteria for approval and that the action is documented as such requests can point to potential needed revisions to the ECM.

## **1.3. APPLICABLE STATUTES AND REGULATIONS**

Section 5.8 of the ECM establishes a mechanism whereby an engineering design standard can be modified when if strictly adhered to, would cause unnecessary hardship or unsafe design because of topographical or other conditions particular to the site, and that a departure may be made without destroying the intent of such provision.

## **1.4. APPLICABILITY**

All provisions of the ECM are subject to deviation by the ECM Administrator provided that one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

## **1.5. TECHNICAL GUIDANCE**

The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

## **1.6. LIMITS OF APPROVAL**

Whether a request for deviation is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general deviation from these Standards.

## **1.7. REVIEW FEES**

A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC.





# National Flood Hazard Layer FIRMeTte



## Legend

SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

| SPECIAL FLOOD HAZARD AREAS | Without Base Flood Elevation (BFE)<br>Zone A, V, A99<br>With BFE or Depth Zone AE, AO, AH, VE, AP<br>Regulatory Floodway |
|----------------------------|--|
|----------------------------|--|

| OTHER AREAS OF FLOOD HAZARD | 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X)<br>Future Conditions 1% Annual Chance Flood Hazard Zone X<br>Area with Reduced Flood Risk due to Levee. See Notes, Zone X<br>Area with Flood Risk due to Levee Zone D |
|-----------------------------|--|
|-----------------------------|--|

| OTHER AREAS        | NO SCREEN<br>Area of Minimal Flood Hazard Zone X<br>Effective LOMRS<br>Area of Undetermined Flood Hazard Zone |
|--------------------|---|
| GENERAL STRUCTURES | Channel, Culvert, or Storm Sewer<br>Levee, Dike, or Floodwall   |

| OTHER FEATURES | 20.2<br>17.5<br>Cross Sections with 1% Annual Chance Water Surface Elevation<br>Coastal Transect<br>Base Flood Elevation Line (BFE)<br>Limit of Study<br>Jurisdiction Boundary<br>Coastal Transect Baseline<br>Profile Baseline<br>Hydrographic Feature |
|----------------|---|
|----------------|---|

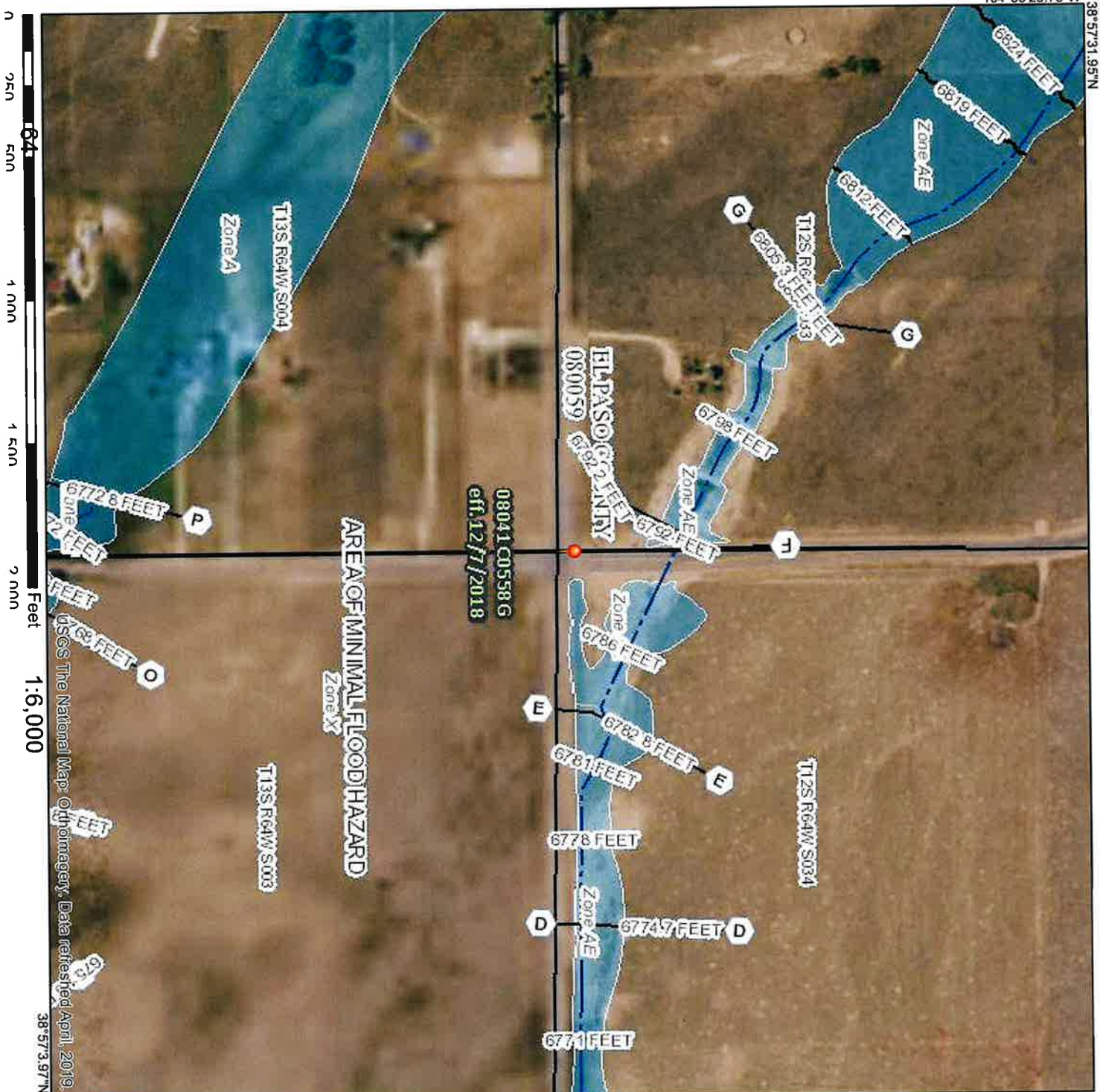
| MAP PANELS | Digital Data Available<br>No Digital Data Available<br>Unmapped |
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The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/19/2019 at 4:52:41 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and undetermined areas cannot be used for regulatory purposes.





**Stapleton  
Corridor Study**

**STAPLETON CORRIDOR STUDY**



As Approved by the  
El Paso County Board  
of County Commissioners  
Date: 12/6/07



## AFFIDAVIT OF CIRCULATOR

I do solemnly affirm, under penalty of perjury that:

- I have read and understand the laws governing the circulation of petitions;
- I was a citizen of the United States, and at least 18 years of age at the time this section of the petition was circulated and signed by the listed electors;
- I circulated this section of the petition;
- Each signature on this petition was affixed in my presence;
- Each signature on this petition is the signature of the person whose name it purports to be;
- To the best of my knowledge and belief each of the persons signing this petition section was, at the time of signing, a registered elector;
- I have not paid or will not in the future pay and I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition;
- I understand that I can be prosecuted for violating the laws governing the circulation of petitions, including the requirement that a circulator truthfully completed the affidavit and that each signature on the petition was affixed in the circulator's presence;
- I understand that failing to make myself available to be deposed and to provide testimony in the event of a protest shall invalidate the petition section if it is challenged on the grounds of circulator fraud;
- I understand that the entire petition section may be rejected if any portion of the circulator affidavit is incomplete; and
- I understand that I am required to provide my permanent residence address and the temporary street address where I am staying in Colorado if I am not a Colorado resident.

Circulator Name (please print)

REED

First Name

ADRIAN

First Name

Permanent Residence Address (or location if homeless)

8150 AEROSTAR DR.  
Street name and number (no P.O. Boxes)

PEYTON  
City/Town

EL PASO  
County

CO  
State

80831  
Zip Code

Temporary Colorado Address (if you are not a Colorado Resident)

Street name and number (no P.O. Boxes)

City/Town

County

State

Zip Code

Sign and Date in the Presence of a Notary

Adrian S. Reed  
Signature of Circulator

5-1-2020  
Date of Signing

STATE OF COLORADO, COUNTY OF Colorado El Paso

Subscribed and affirmed before me this 1 day of May, 2020  
Day Month Year

Stamp notary seal within the box below

by Adrian Reed  
Printed name of Circulator above

Type of ID provided by circulator:

CDL

Do not accept out-of-state driver's license; use any ID from acceptable Forms of ID list on Colorado Secretary of State's website)

Signature (and Title) of Notary / Official Administering Oath:

[Signature]

SCOTT JAEGER  
NOTARY PUBLIC - STATE OF COLORADO  
NOTARY ID 20194007311  
MY COMMISSION EXPIRES FEB 22, 2023

My Commission Expires: Feb, 22 2023

# Save Our Agricultural Community

|                        |   |
|------------------------|---|
|                        | Please don't let Pete Lien and Son, Inc. build a Concrete Batch Plant located on the North East corner of Judge Orr and Stapleton Rd Falcon, Co 80831.  |
| Action petitioned for: | We, the undersigned, are concerned citizens who urge our leaders to act now to STOP Pete Lien and Son from building a Concrete Batch Plant in our beautiful agricultural area of Eastern El Paso County. Please help to Preserve our Rural Lifestyle and keep it safe from environmental hazards! |

| Printed Name         | Signature                   | Address                                  | Comment | Date    |
|----------------------|-----------------------------|--|---------|---------|
| LISA H. DAY          | <i>Lisa H. Day</i>          | 12377 Grand Teton Dr<br>Peyton           | No      | 12/2/19 |
| JAMES T DAY          | <i>James T Day</i>          | 12377 Grand Teton Dr<br>Peyton           | No      | 12/2/19 |
| William H. Denny     | <i>William H. Denny</i>     | 13220 Park Ave Dr. 80831<br>Falcon, CO   | No      | 12/2/19 |
| Mary Watson          | <i>Mary Watson</i>          | 14475 Semindie Lane<br>Falcon 80831      | No      | 12-2-19 |
| Brannekefer          | <i>Brannekefer</i>          | 1622 W. Cheyenne St. 80904<br>Peyton, CO | No      | 12-2-19 |
| Renee Amine-Kittling | <i>Renee Amine-Kittling</i> | 8250 Aerostar Dr 80831<br>CS CO          | No      | 12-2-19 |
| CHAIKL SMITH         | <i>Chai Kl Smith</i>        | 2095 POTEAU CIR 80831<br>CS CO           | No      | 12-2-19 |
| D. Carter            | <i>D. Carter</i>            | 3085 Fairview 80922                      | Yuck!   | 12-2-19 |
| Grad Lenhard         | <i>Grad Lenhard</i>         | 8007 Burchmore Rd.                       | No.     | 12-2-19 |
| John Lingwall        | <i>John Lingwall</i>        | 8350 Aerostar Dr                         | No      | 12-2-19 |
| Janeet Lingwall      | <i>Janeet Lingwall</i>      | 8350 Aerostar Dr.                        | No      | 12/2/19 |

# Save Our Agricultural Community

Please don't let Pete Lien and Son, Inc. build a Concrete Batch Plant located on the North East corner of Judge Orr and Stapleton Rd Falcon, Co 80831.








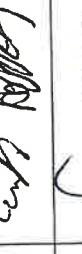




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[illegible]



# Save Our Agricultural Community

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| Printed Name     | Signature   | Address                             | Comment  | Date      |
|------------------|---|-------------------------------------|--|-----------|
| Robert Wilson    |    | 12154 Pine Valley Cir, Peyton       | Too many health issues as a result of concrete ash | 1/25/2020 |
| Jenny Struths    |    | 12154 Pine Valley Cir, Peyton       | Impact on the environment and community health     | 1/25/2020 |
| James Beatty     |    | 7898 Fort Smith Rd.                 | health issues                                      | 1/25/2020 |
| Chyrle Beatty    |    | 7898 Fort Smith Rd.                 | traffic issue                                      | 1/25/2020 |
| Corys Grinika    |    | 12025 Cacavine Pl                   | when 3 properties in this area                     | 1/25/2020 |
| Jan Whitlock     |   | 12025 Latige Blvd                   | health issues                                      | 1/25/2020 |
| Christine Hopper |  | 14090 Stage Stop Rd.                | traffic impact                                     | 1/25/2020 |
| Eric Hopper      |  | 16090 Stage Stop Rd Peyton CO 80831 | not zoned  | 1/25/2020 |
| Nancy Monroe     |  | 12330 Molly Rd, CO 80831            | stay where you are                                 | 1/25/2020 |
| Wayne Monroe     |  | 12330 Molly Rd CO 80831             | Not in a residential area.                         | 1/25/2020 |
| Martene Handman  |  | 7227 Sylamore Way                   | co-air problems & bury own properties              | 1/25/2020 |
| Stanley Handman  |  | 7227 Sylamore Way                   | pollution & traffic                                | 1/25/2020 |

| Printed Name       | Signature                 | Address                                       | Comment  | Date      |
|--------------------|---------------------------|---|--|-----------|
| Wayne McFarland    | <i>Wm</i>                 | 7897 Fort Smith Rd.                           | Too many health issues with concrete dust!!          | 1-23-2020 |
| Jessie Laurie      | <i>Jessie Laurie</i>      | 12320 Motley Rd                               | DO NOT WANT IN OUR AREA                              | 1-23-2020 |
| LARRY KEESER       | <i>Larry Keese</i>        | 12390 Gull Ln.                                | WATER?   | 1/25/2020 |
| Stephanie Pierce   | <i>St. L. Pierce</i>      | 7940 Sea Oats Rd.                             | Health concerns. Too windy out here                  | 1/25/2020 |
| Kevin Markee       | <i>Kevin Markee</i>       | 10068 Stonewood Dr                            | Health Concern                                       | 1/25/20   |
| Christina Masowski | <i>Christina Masowski</i> | 12913 Fishers Island Rd                       |  | 1-25-20   |
| Brandon Henry      | <i>Brandon Henry</i>      | 12549 Motley Rd                               | too many health concerns & traffic concerns          | 1-25-20   |
| Jonathan           | <i>Jonathan</i>           | 12549 motley rd 80831                         | too many health & traffic concerns                   | 1-25-20   |
| Matthew Creamer    | <i>Matthew Creamer</i>    | 16525 Judge O'Neil Rd <sup>Porton</sup> 80831 | Too many health + traffic concerns                   | 1-25-2020 |
| Cheryl Sura        | <i>Cheryl Sura</i>        | 16525 Judge O'Neil Rd <sup>Porton</sup> 80831 | did not build in the country to live near a factory  | 1-25-2020 |
| Kevin Sura         | <i>Kevin Sura</i>         | 16525 Judge O'Neil Rd 80831                   | Really? In a Residential Area?                       | 1-25-2020 |
| Angela Goode       | <i>Angela Goode</i>       | 9076 Royal Melbourne Ct                       | Environmental concern                                | 1-25-2020 |
| Lauren Sura        | <i>Lauren M. Sura</i>     | 16525 Judge Orr Rd                            | Environmental concern                                | 1-25-2020 |
| Ruby Utan Schack   | <i>Ruby Utan Schack</i>   | 7990 Curtis Rd                                | Health issues, air quality                           | 1-25-2020 |
| Debbie Dozant      | <i>Debbie Dozant</i>      | 12454 Riburn Ct.                              | Traffic  | 1-25-2020 |
| Marsha M Keese     | <i>Marsha M Keese</i>     | 12390 Gull Ln                                 | Health & To Close To Homes Concerns: Water & Traffic | 1-25-2020 |



# Save Our Agricultural Community













|                        |   |  |
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| Printed Name           | Signature   | Address                                    | Comment  | Date      |
|------------------------|---|--|--|-----------|
| Ashley Wilson          |    | 12154 Pine Valley Cir<br>Peyton Co 80831   | The Health Issues related to this type of plant are huge!! | 1/25/2020 |
| Jamie Giunta           |    | 12225 Lacavine Pl<br>Peyton Co 80831       | Health issues for our family                               | 1/25/2020 |
| HERBERT HOPPER         |    | 16090 STAGLE ST RD, PEYTON CO 80831        | WE DONT HAVE THE WATER!                                    | 1/25/2020 |
| Mary Lou McFarland     |    | 78917 Fort Smith Rd,<br>Falcon, Co. 80831  | Health Issues, Dust, etc.                                  | 1/25/2020 |
| Christopher D. McHeson |    | 9682 Emerald Vista Dr.<br>Peyton, CO 80831 | Health issues, Property values                             | 1/25/2020 |
| ROBERT L. LAURIE       |    | 12320 MOTLEY RD<br>PEYTON, CO 80831        | NOT FOR THIS AREA  | 1/25/2020 |
| TRAVIS J. Eslick       |  | 7751 Old Spar Rd<br>Peyton Co 80831        | We already have water issues and there are more problems   | 1/25/2020 |
| Krista Arjon           |  | 10347 Ross Lake Dr<br>Peyton Co. 80831     | Concerned about health issues                              | 1/25/2020 |
| Robert Archuleta       |  | 12680<br>Wheeler Peak Dr<br>7940 SEACAT RD |  | 1/25/2020 |
| Jessie PIERCE          |  |  |  | 1/25/2020 |
| Shirley Valley         |  | 8289 Fort Smith Rd<br>Falcon Co 80831      | Concern for Health   | 1/25/2020 |








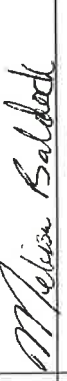








# Save Our Agricultural Community

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| Printed Name       | Signature   | Address             | Comment  | Date      |
|--------------------|---|---------------------|--|-----------|
| JAMES EDWARDS      |    | 7555 BLUEGILL DR.   | NOT IN RESIDENTIAL AREA                                      | 1/16/20   |
| Phyllis A. Edwards |    | 7555 Blue Gill Dr.  | " " " "  | 1/16/20   |
| Lee A. Legher      |    | 13975 Judge Orr Rd  | " " " "  | 1/16/20   |
| Brian Fisher       |    | 14255 CITATION LN   | " " " " BAD IDEA   | 1/18/20   |
| Dylan Mitchell     |    | 14255 Citation Ln   | Bad for Health   | 1/18/20   |
| Cheyenne Kilay     |   | 14255 Citation Ln   | Bad for Health   | 1/18/20   |
| Linda Engelman     |  | 7565 Falcon Meadow  | Ag Residential - Not Heavy Industry                          | 1/21/2020 |
| William Engelman   |  | 7565 Falcon Meadow  | " " " "  | 1/21/2020 |
| Ave Maria Remine   |  | 12075 Partridge Ln. | No this! Bad Deal all around                                 | 1-21-20   |
| Edward A Remey     |  | 8775 Shrapnel Rd.   | This will reduce the air quality next to a housing community | 1/23/2020 |
| Mary Kate Durbin   |  | 11279 Allendale Dr. | Too close to our school                                      | 1/23/2020 |
| Jasmin Castro      |  | 11908 Bonifay Loop  | Bad for health + our environment                             | 1-23-2020 |















| Printed Name       | Signature   | Address                 | Comment  | Date        |
|--------------------|---|-------------------------|--|-------------|
| John Castro        |    | 11908 Bonifay Loop      | Bad for health<br>+ our environment  | 1-23-2020   |
| Kim Carlson        |    | 10243 Evening Vista     | Traffic  | 1-23-2020   |
| Ryan Carlson       |    | 10243 Evening Vista Dr  | TOO MUCH DUST  | 23 JAN 2020 |
| Jared Butler       |    | 10835 Huron Peak Pl     | Bad for health<br>dusty  | 1/23/20     |
| Kristina MacDonald |    | 8205 Fort Smith Rd      | Bad - traffic, dust  | 1/23/20     |
| Daniel MacDonald   |    | 8205 Fort Smith Rd      | dust - traffic   | 1/23/20     |
| Melissa Baldock    |    | 7763 Tompkins Rd        | dust, traffic, health, home value  | 1/23/2020   |
| David Baldock      |    | 7763 Tompkins Rd.       | Health, Dust, value  | 1/23/2020   |
| Gina Bowman        |    | 9829 Bighorn Canyon Dr. | traffic, home value  | 1/23/2020   |
| Bowman, William    |    | 9829 Bighorn Canyon Dr  | YOU NEED TO GO FURTHER<br>EAST OR FURTHER NORTH<br>TO GET TO THE 23 JAN 20 |             |
| Virginia Archuleta |    | 9219 Copenhagen Rd      |  | 23 Jan 20   |
| South Archuleta    |   | 9219 Copenhagen Rd      | Dust/Health  | 23 JAN 20   |
| Julie Shook        |  | 7956 Aerostar Drive     | Not in a residential neighborhood - 20-2020                                |             |
| Kevin Sargent      |  | 9106 Rockingham Dr.     | Traffic, home, value   | 23 Jan 20   |
|                    |   |                         |  |             |
|                    |   |                         |  |             |













| Printed Name                           | Signature              | Address                                   | Comment             | Date       |
|--|------------------------|---|---------------------|------------|
| Michelle Pagan                         | <i>MP</i>              | 12395 Gull Ln Peyton 80831                | Keep the water full | 2020 0121  |
| LARRY COLEMAN                          | <i>Larry Coleman</i>   | 7425 Rio Rd                               |                     | 1-22-2020  |
| DEBORAH <del>PAUL</del> <i>Deborah</i> | <i>Deborah</i>         | 10908 MT. EVANS, PUYON                    |                     | 1-22-20    |
| Suzanne Coleman                        | <i>Suzanne Coleman</i> | 7425 Rio Rd, Falcon                       |                     | 1-24, 2020 |
| Cathy Curry                            | <i>Cathy Curry</i>     | 12564 Pine Valley Road                    |                     | 1-24-20    |
| Rosanne Kline                          | <i>Rosanne Kline</i>   | 19923 Buschhorn Falcon                    |                     | 1-24-20    |
| Leslie Poole                           | <i>Leslie Poole</i>    | 5590 Sunset Trail                         | tired of rearing    | 1-23-2020  |
| Dani Hendrix                           | <i>Dani Hendrix</i>    | 5635 Grays Peak Ct.                       |                     | 1-25-2020  |
| Andrew Townsend                        | <i>Andrew Townsend</i> | 16360 Judge Orr Rd.                       |                     | 1-30-2020  |
| Heather Curry                          | <i>Heather Curry</i>   | 8038 Fort Smith Road Peyton, CO 80831     |                     | 1/30/2020  |
| Michael Palmer                         | <i>Michael Palmer</i>  | 6865 S.D. JOHNSON RD<br>PEYTON 80831      |                     | 1/30/2020  |
| BRANDON WHOLEN                         | <i>Brandon Wholen</i>  | 12734 Mt. Harvard Dr<br>PEYTON CO 80831   |                     | 1/31/2020  |
| CYNTHIA WHITEN                         | <i>Cynthia Whiten</i>  | 12734 Mt. Harvard Dr.<br>Peyton, CO 80831 |                     | 01/31/2020 |
| Jenna Hendrix                          | <i>Jenna Hendrix</i>   | 12725 Peyton Hwy                          |                     | 2-1-2020   |
| Daniel Gibson                          | <i>Daniel Gibson</i>   | 12725 Peyton Hwy                          |                     | 02/01/2020 |
| Sally Dwyer                            | <i>Sally Dwyer</i>     | 11435 Ruslyn Rd                           |                     | 2/3/20     |



# Save Our Agricultural Community

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| Printed Name    | Signature   | Address                             | Comment | Date       |
|-----------------|---|-------------------------------------|---------|------------|
| Sarah Wilhelm   |    | 9632 Emerald Vista Dr Peyton        |         | 4 FEB 2020 |
| Kristen North   |    | 12570 Pinto Pony Rd Peyton          |         | 2/4/2020   |
| KATIE HARMS     |    | 14725 Wagon Trail Peyton, Co 80831  |         | 2/6/2020   |
| Nancy Jay       |    | 10132 Antler Creek Dr               |         | 2/6/20     |
| Ronald Thomas   |    | 8695 Sandelman                      |         | 2/6/20     |
| PAUL MATEO      |   | 10360 ANTILERA CREEK DR             |         | 2/6/2020   |
| Paul Royce      |  | 12317 Crystal Downs Rd Peyton 80831 |         | 2/9/2020   |
| Laurie Jackson  |  | 8481 Bohlen Rd., Peyton 80831       |         | 2/9/2020   |
| Taylor Townsend |  | 10360 Judge Orr Rd, Peyton          |         | 2/11/2020  |
| Brian Kaufman   |  | 5530 Good Fortune Rd Peyton         |         | 2/12/2020  |
| Mike Quintan    |  | 9580 Horseshoe Rock Dr              |         | 2/13/2020  |
| Mary Short      |  | 5020 Meridian Rd Peyton             |         | 2/13/2020  |

| Printed Name                                  | Signature   | Address                       | Comment | Date        |
|---|---|-------------------------------|---------|-------------|
| MARCUS SHORT                                  |    | 5020 MERIDIAN RD              |         | 2/13/2020   |
| Danielle Palmer                               |    | 6805 JD JOHNSON RD            |         | 13 Feb 2020 |
| Harrison Heather                              |    | 2629 Equipe CS 800720         |         | Feb 13 2020 |
| Lorena Cross                                  |    | 9743 Keating Dr               |         | 2/14/2020   |
| Wallace Cross                                 |    | 9743 Keating Dr               |         | 2/15/2020   |
| David . <del>Palmer</del> <del>Campbell</del> |    | 2402 E Prairie View           |         | 2/15/2020   |
| Hevin campbell                                |    | 13616 Gilbert Dr              |         | 2/15/2020   |
| Amy Campbell                                  |    | 13116 Gilbert Dr.             |         | 2/15/2020   |
| Sandy Weston                                  |    | 13910 Bandanero Dr            |         | 2/15/2020   |
| Andrew Nash                                   |    | 13910 Bandanero Dr            |         | 2/15/2020   |
| ANWETTE MOSBARE                               |   | 7416 POST DR                  |         | 2/17/2020   |
| DAVID BURR                                    |  | 14050 CITATION LN<br>11761    |         | 2/19/2020   |
| Nicole Meier                                  |  | <del>11761</del> Alendale Dr. |         | 2/19/2020   |
| Cathy Harshett                                |  | 7944 Busseyhorn Rd            |         | 2/21/2020   |
| <del>Andrew Harris</del>                      |  |                               |         |             |
| ROBIN MICHAUD                                 |  | 12280 Chimney Smoke DR        |         | 2/21/2020   |



| Printed Name       | Signature              | Address                                | Comment            | Date       |
|--------------------|------------------------|--|--------------------|------------|
| Susan P. Shields   | <i>Susan Shields</i>   | 20555 Judge Dr Road                    | WILL AFFECT WATER! | 2/29/20    |
| William L. Shields | <i>W. L. Shields</i>   | 20555 Judge Dr Rd.                     | " "                | 2/22/20    |
| Linda E. Watson    | <i>Linda Watson</i>    | 3740 UTE TRACE                         |                    | 02/22/2020 |
| Steven Radie       | <i>Steven Radie</i>    |  |                    |            |
| Fran French        | <i>Fran French</i>     | 11565 SAKINOS Rd                       |                    | 3/5/20     |
| Linda Everett      | <i>Linda Everett</i>   | 7828 Bullet R                          |                    | 3/5/20     |
| Nancy Milvid       | <i>Nancy Milvid</i>    | 3430 Meridian Rd                       |                    | 3/6/20     |
| Carla Bauer        | <i>Carla Bauer</i>     | 6530 Watasi Rd.                        |                    | 3/6/20     |
| Katherine A Baker  | <i>Katherine Baker</i> | 2524 Fairmount St                      |                    | 3/6/20     |
| Jose +             |                        |  |                    |            |
| Michael Blouery    | <i>Michael B Long</i>  | 12120 Sand Pl                          |                    | 3/7/20     |
| Tom Law            | <i>Tom Law</i>         | 10905 SAKINOS BUSH LOOP                |                    | 3/09/20    |
| Deva Priddy        | <i>Deva Priddy</i>     | 11465 Conston Dr.                      | will affect water  | 3/14/20    |
| Brett Peterson     | <i>Brett Peterson</i>  |  |                    |            |
| RICHARD W. GILMAN  | <i>Rich W. Gilman</i>  | 8344 FRICKSON THORNTON CIRCLE          |                    | 05/01/20   |
| Deborah Shay       | <i>Deborah Shay</i>    | 7894 Antelope Meadows Circle<br>Payton | B                  | 05/05/20   |



## AFFIDAVIT OF CIRCULATOR

I do solemnly affirm under penalty of perjury that:

- I have read and understand the laws governing the circulation of petitions;
- I was a citizen of the United States, and at least 18 years of age at the time this section of the petition was circulated and signed by the listed electors;
- I circulated this section of the petition;
- Each signature on this petition was affixed in my presence;
- Each signature on this petition is the signature of the person whose name it purports to be;
- To the best of my knowledge and belief each of the persons signing this petition section was, at the time of signing, a registered elector;
- I have not paid or will not in the future pay and I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition;
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Circulator Name (please print)

Davis  
Last Name

Holly  
First Name

Permanent Residence Address (or location if homeless)

Judge Orr. rd. 14850  
Street name and number (no P.O. Boxes)

Peyton  
City/Town

El Paso  
County

CO  
State

80831  
Zip Code

Temporary Colorado Address (if you are not a Colorado Resident)

Street name and number (no P.O. Boxes)

City/Town

County

State

Zip Code

Sign and Date in the Presence of a Notary

Holly Davis  
Signature of Circulator

12/2/19  
Date of Signing

STATE OF COLORADO, COUNTY OF El Paso

Subscribed and affirmed before me this 2nd day of December, 2019

Stamp notary seal within the box below

by Holly Davis  
Printed name of Circulator above

Type of ID provided by circulator:

CO DL

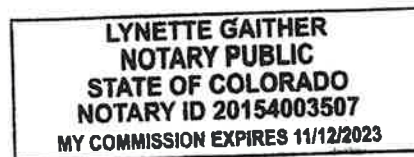
Do not accept out-of-state driver's license; use any ID from acceptable Forms of ID list on Colorado Secretary of State's website)

Signature (and Title) of Notary / Official Administering Oath:

Lynette Gaither

My Commission Expires:

11-12-2023





47567-12

# Save Our Agricultural Community

Please don't let Pete Lien and Son, Inc. build a Concrete Batch Plant located on the North East corner of Judge Orr and Stapleton Rd Falcon, Co 80831.

We, the undersigned, are concerned citizens who urge our leaders to act now to STOP Pete Lien and Son from building a Concrete Batch Plant in our beautiful agricultural area of Eastern El Paso County. Please help to Preserve our Rural Lifestyle and keep it safe from environmental hazards!

| Printed Name | Signature   | Address             | Comment      | Date    |
|--------------|-------------|---------------------|--------------|---------|
| Markus ...   | [Signature] | 8450 Curtis Rd      |              | 12-1-19 |
| Bill ...     | [Signature] | 8370 Curtis Rd      |              | 12-1-19 |
| Ed West      | [Signature] | 8320 - N Central Rd |              | 12-1-19 |
| Myra West    | [Signature] | 8320 N Central Rd   |              | 12-1-19 |
| N ...        | [Signature] | 8190 Curtis         | Bad IDEA     | 12/1/19 |
| Pete Platt   | [Signature] | 8070 Curtis Rd      |              | 12/1/19 |
| Dylan DeBau  | [Signature] | 1624 Beryl Dr       | Save the Day | 12/1/19 |
| Julie Platt  | [Signature] | 8070 Curtis Rd      |              | 12/1/19 |
| Britt Haley  | [Signature] | 7920 Curtis Road    |              | 12/1/19 |
| Pam Rushing  | [Signature] | 7710 Curtis Rd      |              | 12/1/19 |
| Cherney ...  | [Signature] | 3070 Curtis Rd      |              | 12/1/19 |
| Tracy ...    | [Signature] | "                   |              | 12/1/19 |



## AFFIDAVIT OF CIRCULATOR

I do solemnly affirm under penalty of perjury that:

- I have read and understand the laws governing the circulation of petitions;
- I was a citizen of the United States, and at least 18 years of age at the time this section of the petition was circulated and signed by the listed electors;
- I circulated this section of the petition;
- Each signature on this petition was affixed in my presence;
- Each signature on this petition is the signature of the person whose name it purports to be;
- To the best of my knowledge and belief each of the persons signing this petition section was, at the time of signing, a registered elector;
- I have not paid or will not in the future pay and I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition;
- I understand that I can be prosecuted for violating the laws governing the circulation of petitions, including the requirement that a circulator truthfully completed the affidavit and that each signature on the petition was affixed in the circulator's presence;
- I understand that failing to make myself available to be deposed and to provide testimony in the event of a protest shall invalidate the petition section if it is challenged on the grounds of circulator fraud;
- I understand that the entire petition section may be rejected if any portion of the circulator affidavit is incomplete; and
- I understand that I am required to provide my permanent residence address and the temporary street address where I am staying in Colorado if I am not a Colorado resident.

Circulator Name (please print)

Renzelman

ist Name

Rusty

First Name

Permanent Residence Address (or location if homeless)

4980 Stapleton Rd

reet name and number (no P.O. Boxes)

Falcon C

City/Town

El Paso

County

CO

State

80831

Zip Code

Temporary Colorado Address (if you are not a Colorado Resident)

reet name and number (no P.O. Boxes)

City/Town

County

State

Zip Code

Signature and Date in the Presence of a Notary

Rusty Renzelman

Signature of Circulator

12-2-19

Date of Signing

STATE OF COLORADO, COUNTY OF

El Paso

Subscribed and affirmed before me this

2  
Day

day of December  
Month

, 20 19  
Year

Stamp notary seal within the box below

Rusty R. Renzelman

Printed name of Circulator above

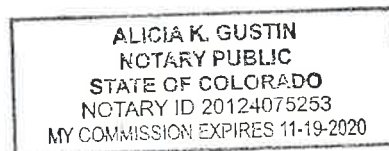
Type of ID provided by circulator:

CODL

Do not accept out-of-state driver's license; use any ID from acceptable Forms of ID list on Colorado Secretary of State's website)

Signature (and Title) of Notary / Official Administering Oath:

[Signature]



My Commission Expires: 11-19-2020



# Save Our Agricultural Community










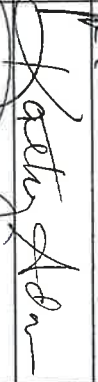
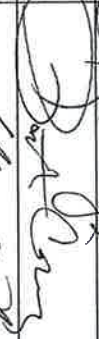





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We, the undersigned, are concerned citizens who urge our leaders to act now to STOP Pete Lien and Son from building a Concrete Batch Plant in our beautiful agricultural area of Eastern El Paso County. Please help to Preserve our Rural Lifestyle and keep it safe from environmental hazards!

| Printed Name      | Signature         | Address                                | Comment           | Date     |
|-------------------|-------------------|--|-------------------|----------|
| Natalie Mielke    | Natalie Mielke    | 1333A Judge Orr Rd<br>3020 Rhapsody Dr | No Concrete Plant | 11/30/19 |
| Rudolph Weber     | Rudolph Weber     | 1333A Judge Orr Rd<br>1130 Cree Dr     | No Concrete Plant | 11/30/19 |
| Marla Hest        | Marla Hest        | 14200 Judge Orr Rd<br>Peyton Co 80831  | No Concrete Plant | 11/30/19 |
| Angie Hest        | Angie Hest        | 14400 Judge Orr Rd<br>Peyton Co 80831  | No Concrete Plant | 11/30/19 |
| Daniel R. Fields  | Daniel R. Fields  | 14400 Judge Orr Rd<br>Peyton Co 80831  | No Concrete Plant | 11/30/19 |
| Tammy J. Fields   | Tammy J. Fields   | 14980 Stapleton Dr<br>Peyton Co 80831  | No Concrete Plant | 11/30/19 |
| Hasty R. Foreman  | Hasty R. Foreman  | 14980 Stapleton Dr.<br>Peyton Co 80831 | No Concrete Plant | 11/30/19 |
| Jennifer Renzel   | Jennifer Renzel   | 14980 Stapleton Dr.<br>Peyton Co 80831 | No Concrete Plant | 11/30/19 |
| Jane Davis        | Jane Davis        | 9050 Elbert Rd<br>Peyton, CO 80831     | No Concrete Plant | 12/01/19 |
| Tammy Davis       | Tammy Davis       | 9050 Elbert Rd<br>Peyton, CO 80831     | No Concrete Plant | 12/01/19 |
| Mickie Davis      | Mickie Davis      | 9050 Elbert Rd<br>Peyton, CO 80831     | No Concrete Plant | 12/01/19 |
| Joselyn Stenstrom | Joselyn Stenstrom | 9050 Elbert Rd<br>Peyton, CO 80831     | No Concrete Plant | 12/01/19 |

| Printed Name  | Signature                 | Address                          | Comment           | Date    |
|---|---------------------------|----------------------------------|-------------------|---------|
| Myranda Calder                                      |                           | 9420 Curtis Rd.                  | No concrete       | 12/1/19 |
| <del>Myranda Calder</del> <del>Myranda Calder</del> | <del>Myranda Calder</del> | 9470 Curtis Rd                   | No concrete       | 12/1/19 |
| Kelly Milatz  |                           | 9420 Curtis Rd                   | No concrete       | 12/1/19 |
| Frieda Brown  |                           | 9555 Curtis Rd                   | No concrete       | 12/1/19 |
| Mabel Brown   | Mabel Brown               | 9555 Curtis Rd                   | No way concrete   | 12/1/19 |
| Alta Kaderke  |                           | 14755 E US Hw. 21                | No concrete       | 12/1/19 |
| Amber Fox   |                           | 14351 E WSHwy 404                | No concrete       | 12/1/19 |
| Leidol Coritez                                      |                           | 9001 LAZOR PT                    | No concrete       | 12/1/19 |
| A.D. ENSTAS   |                           | 14775 Judy Ln                    | No concrete       | 12/1/19 |
| Daniel Montana                                      |                           | 8445 ACOSTA DR                   | No concrete       | 12/1/19 |
| Hendra Metel  |                           | 8275 Acosta Ln                   | No concrete       | 12/1/19 |
| Tim Caus  |                           | 14475 Service Ln -               | No Conc. Plant    | 12/1/19 |
| Henry Douglas                                       |                           | 14470 Samuel Lane                | No Conc. Plant    | 12/1/19 |
| Robert B. Pyne                                      |                           | 8050 Hersta Dr 80831             | No Conc. Plant    | 12-1-19 |
| Claudia Edam-Pyne                                   |                           | 8050 Acosta Dr, Peyton, CO 80831 | No concrete PLANT | 12-1-19 |
| Sharon Swisher                                      |                           | 14115 Service Lane               | No concrete Plant | 12-1-19 |



| Printed Name      | Signature   | Address                  | Comment                                   | Date    |
|-------------------|---|--------------------------|---|---------|
| Ryann Davis       |  | 9350 Elbert Rd           | No Concrete Plant                         | 12-1-19 |
| Ronald Brause     |  | 10295 Elbert Rd          | Please No Concrete Plant                  | 12/1/19 |
| LINDA D BRAUER    |  | 10895 Elbert Rd          | NO ON PLANT                               | 12/1/19 |
| JOEY C. WOLLMAN   |  | 10427 Elbert Rd.         | NO BATES PLANT                            | 12/1/19 |
| Wanda Workman     |  | 10427 Elbert Rd          | thys is Ag community<br>No Concrete Plant | 12/1/19 |
| Fran Nevelin      |   | 15015 E Hwy 34 Co Dayton | No Plant                                  | 12/1/19 |
| Kristen Nevelin   |    | 15015 E US Hwy 34        | OPPOSE -                                  | 12/1/19 |
| Matthew Martin    |    | 15115 E US Hwy 24        | OPPOSE                                    | 12/1/19 |
| JAMES THORNTON    |    | 9611 Curtis Rd           | No Concrete                               | 12/1/19 |
| KATHY ADAMS       |    | 9585 Curtis Rd           | NO Plant                                  | 12/1/19 |
| Patricia Braugi   |    | 9585 Curtis Rd           | No Concrete Plant                         | 12/1/19 |
| Keith Tenixty     |    | 9591 Curtis Rd           | NO concrete plant                         | 12/1/19 |
| Robin Tenixty     |    | 9591 Curtis Rd           | NO Concrete Plant                         | 12/1/19 |
| Macil Thornton    |    | 9611 Curtis Rd           | No Concrete Plant                         | 12/1/19 |
| BENJAMIN REYNOLDS |    | 9595 Curtis Rd           | No Concrete Plant                         | 12/1/19 |
| David Corder      |    | 9480 Curtis Rd           | OPPOSE                                    | 12-1-19 |





## Lindsay Darden

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**From:** Bryan Nelson <bnelson971@yahoo.com>  
**Sent:** Monday, May 11, 2020 8:06 PM  
**To:** Lindsay Darden  
**Subject:** TCC/Pete Lien and Sons Case V192

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Hi Lindsay,

I would like to voice my opinion in support of TCC/Pete Lien filing for and acquiring a permit to build and Operate a batch/concrete plant in Falcon/Peyton Colorado. This will help minimize traffic, road repairs from heavy loads, safety and cost due to less travel time, wear and tear on equipment which these costs are passed down to the consumers and tax payers.

Thank You!!

Bryan Nelson  
719/619-9444

## Lindsay Darden

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**From:** Steven Palmer <ericsuncle@msn.com>  
**Sent:** Friday, May 15, 2020 5:00 PM  
**To:** Lindsay Darden  
**Subject:** Pete Lien and Sons Bath plant

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Hello. I am writing to let you know I support the building and operations of this Plant and think this is a good area for it. I live in Calhan and read where some are writing you to oppose it. But some of us would like new jobs to come to this area. Thank you.

Sent from Outlook Mobile

## Lindsay Darden

---

**From:** Connie Hamblin <tumak@msn.com>  
**Sent:** Monday, May 18, 2020 7:38 AM  
**To:** Lindsay Darden  
**Subject:** RE: Pete Lien and Sons Concrete Batch Plant File Number VA-19-002 Public Hearing Information

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I see no issues with this happening . We need more business in our small area for supporting the revenue. I understand many signed a petition earlier . Which was held inside a public library which was against petition rule at the ppld library in Falcon.

Sent from [Mail](#) for Windows 10

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**From:** [Lindsay Darden](#)  
**Sent:** Friday, May 15, 2020 8:48 PM  
**To:** [Lindsay Darden](#)  
**Subject:** Pete Lien and Sons Concrete Batch Plant File Number VA-19-002 Public Hearing Information  
**Importance:** High

Good day,

I am the case manager for this project and I appreciate your feedback. I will make sure that the El Paso County Planning Commission and the El Paso County Board of County Commissioners are able to access all of the feedback that I receive for this project prior to the public hearings. You are also welcome to participate in either of the public hearings to speak on behalf or against the project. The Pete Lien Concrete Batch Plant Variance of Use Project is now scheduled for public hearings however and will be heard at the Planning Commission on **June 2, 2020** and at the El Paso County Board of County Commissioners for final approval on **July**

When they are finalized, the agendas will be available on these websites:

Planning Commission: <https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2017-meetings/>

Board of County Commissioners: <https://www.agendasuite.org/iip/elpaso>

El Paso County is committed to full access and transparency while the community works through the COVID-19 crisis. That also means balancing public safety and keeping essential parts of County government open for business. Here are the ways you can participate in quasi-judicial land-use item coming up before the Planning Commission and the Board of County Commissioners:

### Watch the Live Hearings Remotely

If you are interested in watching the Planning Commission or Board of County Commissioners' hearing live, please go to <https://www.elpasoco.com/news-information-channel/> or visit El Paso County's Facebook page

at <https://www.facebook.com/ElPasoCountyCO/> at the scheduled time of the hearing. Staff will be monitoring the County's Facebook Live feed, so please feel free to ask questions or provide any comments you might have; however, any testimony you wish to provide must be done by following the "Participate Remotely" procedures listed below.

## Participate Remotely

Due to COVID-19, we are recommending that you participate in the hearing remotely. If you would like to provide testimony on an item being heard by the Planning Commission or the Board of County Commissioners, please email Tracey Garcia at [TraceyGarcia@elpasoco.com](mailto:TraceyGarcia@elpasoco.com) with your name and the best phone number to be reached at and include any documents you would like provided to the hearing body as part of the official record. NOTE: New exhibits are not permitted via email the day of hearing. All exhibits must be emailed to Ms. Garcia no later than one day prior to each of the above listed hearings.

A list of individuals wishing to testify will be provided to the Chair in advance of the meeting. When it's time for public testimony on the item you'd like to testify on will receive a phone call at the number you provided and will be brought into the meeting remotely so you can address the hearing body.

## Arrive in person (the address is 200 S. Cascade Ave, Colorado Springs, CO 80903)

- In-person attendance at Planning Commission and Board of County Commissioner hearings is permitted under the Governor's "Safer at Home" order, but it is highly discouraged.
- Strict social/physical distancing must be maintained if you arrive to present or testify in person.
- You must be separated by at least two chairs and one row of seating in the auditorium.
- Please pay special attention to any communication you receive regarding the time your item will be heard.

To let you know a bit more about the process: The El Paso County Planning and Community Development department does not issue a recommendation for or against approval of any project. For projects that cannot be approved administratively such as this one, we facilitate the application process and, when there are no outstanding issues we refer the project to the Planning Commission for a recommendation and to the El Paso County Board of County Commissioners for final decision. This project still has outstanding issues from some of our reviewing agencies and, after those are addressed, the project will be added to the agenda for public hearing. Typically a project will go before the Planning Commission and then to Board of County Commissioners for final decision about a month later.

The El Paso County Land Development Code sets forth specific approval criteria for variance of use applications in Section 5.3.4(C).

You can access the online version of the Land Development Code at the following link:  
[https://library.municode.com/co/el\\_paso\\_county/codes/land\\_development\\_code?nodeId=CH5USDIST\\_5.3ST\\_REAPADUS](https://library.municode.com/co/el_paso_county/codes/land_development_code?nodeId=CH5USDIST_5.3ST_REAPADUS)

Please let me know if you have any questions,

**Lindsay Darden**  
Planner II  
El Paso Planning & Community Development  
2880 International Circle

Colorado Springs, CO 80910  
(719) 520-6300 (Main)  
(719) 520-6302 (Direct)

To review all El Paso County projects go to: <https://epcdevplanreview.com/>

PERSONAL WORK SCHEDULE

Monday - Friday, 7:30 am to 4:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

**Lindsay Darden**

Planner II

El Paso Planning & Community Development

2880 International Circle

Colorado Springs, CO 80910

(719) 520-6300 (Main)

(719) 520-6302 (Direct)

**NOTE:** In an effort to be respectful of the health of our employees, family, and all citizens in El Paso County, we have closed our doors to the public until at least April 30th. During this timeframe we will be making every effort to operate "business as usual". All phone calls and emails will be returned, projects reviewed, and necessary meetings held via conference call. Thank you for your patience. Be safe!

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PERSONAL WORK SCHEDULE

Monday - Friday, 7:30 am to 4:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

## Lindsay Darden

---

**From:** Kay Woltman <kaywoltman4@gmail.com>  
**Sent:** Monday, May 25, 2020 6:07 PM  
**To:** Lindsay Darden  
**Subject:** Pete Lien & Sons, Inc. Concrete Plant Permit for Falcon

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Good Afternoon Lindsay,

I am writing this email in support of the upcoming meeting for Pete Lien & Sons, in their endeavor to place a concrete plant in the Falcon area. Colorado Springs and it surrounding areas have seen a substantial amount of growth in the last 20 years. Growth always has two sides to it, I'm looking at the bright side which is the economic growth as well as the many visitors that our area attracts each year. I am supporting the building of this plant and the location because most of the growth, I believe, will be north and east of the springs. Having this concrete plant in the area that is growing will help minimize the travel time to get to these new developments. The concrete/constriction is already in the area on a daily basis.

Thank You for your time.

Lillian K. Woltman



## Lindsay Darden

---

**From:** Janet Rivera <hj-rivera@hotmail.com>  
**Sent:** Friday, May 22, 2020 10:49 AM  
**To:** Lindsay Darden  
**Subject:** Pete Lien and Sons Ready Mix Concrete Plant

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Sent from Outlook

Dear Ms. Darden:

I am writing in support of the above referenced concrete plant to be constructed on the northeast corner of Stapleton and Judge Orr in Peyton, Colorado.

As a 28-year resident of Peyton, I have witnessed the vast development in Falcon over the years. From there only being the Fire Station and Diamond Shamrock on Meridian and 24, there is now Walmart and accompanying shops, Safeway and accompanying shops, Woodmen Hills, Big R and more. Point being is that concrete trucks have been in the area for years and like it or not, the growth is north and east of Colorado Springs. Having a ready mix concrete plant in Peyton will benefit the area by decreasing traffic (trucks no longer having to travel from Colorado Springs) and job creation.

On a somewhat selfish note, I welcome the commercial property tax which would be generated from such a business as there is presently very few commercial businesses in Peyton. Some of this taxation will benefit the Peyton 23-JT School District and any boost to the District's budget will be helpful.

Thank you for your consideration.

Janet Parker Rivera  
18380 Countdown Drive  
Peyton, CO 80831  
719 749-2651

## Lindsay Darden

---

**From:** RANDY WOCHY <rwochy@comcast.net>  
**Sent:** Tuesday, May 26, 2020 9:42 AM  
**To:** Lindsay Darden  
**Subject:** Re: Fwd: Pete Lien & Sons Concrete Plant Permit Request

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On May 21, 2020 at 3:07 PM rwochy@comcast.net wrote:

I have recently started to hear more talk about a Concrete Operation possibly being built at the intersection of Judge Orr and Stapleton Road. I must admit that I was originally concerned about this prospect because people opposed to this application for a permit kept referring to it as a Cement Manufacturing Plant. Once it was clear that we were talking about a Ready Mix Concrete Plant and not a Cement Operation I was very much relieved. The scope and the impact of a concrete operation is considerably less with a much smaller foot print than that of a Cement Plant. These modern day Plants can be operated quietly and be environmentally friendly with virtually no impact to the adjoining community. I would like to register my support for such an operation in this area. We are a fast growing community when it comes to home construction however, I am not seeing much development for manufacturing type facilities that could provide raw materials and much needed employment opportunities for families living in Peyton and the Falcon area. An operation such as this would provide employment for local residents in several different skill areas, Plant Operators, Truck Drivers, Heavy Equipment Operators, Quality Control, Electricians and Skilled Maintenance. Also, raw materials such as Ready Mix Concrete and Aggregates are an absolute necessity for construction. Like materials are being trucked in from outside of the community resulting in increased construction costs. The number of trucks required to supply such materials is increased due to the travel time required to deliver materials from long distances away to meet the daily/hourly demand rates. In order to support this community and the growth expected, operations such as this are a much needed and should be a welcomed commodity. I fully support the granting of a permit to construct and operate this Ready Mix Concrete Plant by Pete Lien & Sons.

Sincerely

Mrs. Melissa Wochy  
"A Happy Falcon Community Resident"

## Lindsay Darden

---

**From:** Daniel Miller <dmiller@jensendulaney.com>  
**Sent:** Tuesday, May 12, 2020 8:15 PM  
**To:** Lindsay Darden  
**Subject:** File No. VA192 -- Pete Lien and Sons Batch Plant

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Dear Ms. Darden:

I am interested in the status of Pete Lien and Sons' variance application. Can you advise whether the application review process is still ongoing and whether the application will come before the Planning Commission in the near future?

Sincerely yours,

Daniel B. Miller  
Attorney  
Jensen Dulaney LLC  
dmiller@jensendulaney.com

## Old West Ranch CO Partners, LLC

May 10, 2018

El Paso County  
Planning and Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910



RE: Objection to Permitting/Entitling and Plans of Construction of a Ready Mix Plant from Pete Lien & Sons Judge Orr Rd Property, Schedule #4200000405, EA #18148 located at the NEC of Judge Orr Rd and Stapleton Rd. El Paso County, CO.

To Whom It May Concern at El Paso County,

On behalf of Old West Ranch CO Partners, LLC, a major land owner and developer in the Falcon and Peyton area, we are opposed to the proposed plan of the above referenced applicant and owner for the construction of a ready-mix plant located on their property.

We feel that this proposed use, and especially at this integral intersection considering the County's Long Term Plans/Vision for this region, would be detrimental to the land and home owner's values, to the region, and to the growth that is occurring now and in the future. This use would be an eye soar along with strong unpleasant odors that would travel for many miles with the strong winds. The type of heavy construction traffic entering and exiting the property would be dangerous to the higher speed traffic along the two main arteries the property fronts (Stapleton/Curtis and Judge Orr Rd.)

We understand that at this moment, only an Early Assessment Meeting has been held, but in lieu of the fact that they have already purchased the land for this purpose/use, we wanted to register our strong opposition to it early on.

Thank you.

Sincerely,

Dan Carless, Sr.  
Managing Member of Old West Ranch, CO Partners, LLC



Kevin O'Neil  
690 Mission Hill Way  
Colorado Springs, CO 80921

May 10, 2018

Mike Hrebenar  
Project Manager Group Manager  
El Paso County Planning & Community Development  
2880 International Circle  
Suite 110  
Colorado Springs, CO 80910

Dear Mr. Hrebenar:

I recently learned of a newly planned project called, "Pete Lien & Sons Judge Orr Rd Property," which will be located at the northeast corner of Judge Orr and Curtis Road. As a land owner who would be impacted by such a project, I intend to voice adamant concern over the effect of the contemplated activities. I own parcel # 4300000552 located less than two miles from this proposed cement and asphalt plant. The value of my land will be substantially diminished by the industrial nature of this facility which will also generate heavy truck traffic endangering lives on rural unimproved road ways.

As a concerned citizen and stakeholder, I oppose the approval of this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin O'Neil", with a large, sweeping loop at the end.

Kevin O'Neil  
CEO, The O'Neil Group Company, LLC  
Chairman of the Board, Braxton Technologies, LLC



**KO1515, LLC**  
P.O. Box 1385  
Colorado Springs, CO 80901-1385

May 10, 2018

Mike Hrebenar  
Project Manager Group Manager  
El Paso County Planning & Community Development  
2880 International Circle  
Suite 110  
Colorado Springs, CO 80910

Dear Mr. Hrebenar:

A proposed project to build a concrete and asphalt plant in Eastern El Paso County has been brought to our attention. The "Pete Lien & Sons Judge Orr Rd Property," which will be located at the northeast corner of Judge Orr and Curtis Road is just over a mile from our property located at the intersection of Highway 24 and Stapleton Road. As a land owner, our interests would be negatively impacted by the industrial nature of this facility. Further, the volume of heavy truck traffic this project would generate would endanger lives on rural unimproved road ways as well as those travelling on Highway 24. Our concern over the effect of the contemplated activities also translates into concern over the devaluation of our asset.

As owner of parcel # 4200000399 and a concerned stakeholder, I oppose the approval of this project.

Sincerely,

Kevin O'Neil  
Manager  
KO1515, LLC

## Lindsay Darden

---

**From:** Tanya Creighton <tc9136@gmail.com>  
**Sent:** Wednesday, January 29, 2020 9:57 AM  
**To:** Lindsay Darden  
**Subject:** Falcon Cement Plant

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I oppose the cement plant which Pete Lien & Sons is planning on putting on the corner of Judge Orr and Stapleton in Falcon. I am specifically concerned about the wind blowing the dust / silica on to nearby grazing pastures, the heavy traffic from the trucks, the negative impact on home values of existing and residential developments in the area. This prime area should never be rezoned as the natural beauty and easy access to Hwy 24 should remain for Falcon residents not a company looking to save money on gas with no concern for our community.

--

Sent from Gmail Mobile



## Lindsay Darden

---

**From:** Cheryl Sura <itscher3@gmail.com>  
**Sent:** Tuesday, January 28, 2020 9:06 PM  
**To:** Lindsay Darden  
**Subject:** cement plant variance, Judge Orr Rd @ Stapleton

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Dear Ms. Darden,

My husband and I just built a home on Judge Orr Rd in the area where there is a threat of a cement factory being built. The lot in question is at Judge Orr Rd and Stapleton Rd in Falcon/Peyton.

The reason we chose this area was because of the peace & quiet and beautiful views. We purchased 35 acres to preserve an area called the Old West Ranch. Had I know there was a possibility of a cement factory being built less than a mile from my home, I would have never invested almost a million dollars to build there.

I have 3 rescued horses that will soon be on our property. I worry about silt in the air, contaminants possibly in our well water and the increase in traffic at the corner of Judge Orr & Stapleton, which is already a dangerous intersection.

.Preserving agricultural areas in Colorado should be of high priority or it will become overrun by industry. Please consider the home owners who live and built in the area and their families and livestock/animals.

Pete Lien & Sons have a cement factory in an industrial area in Co. Springs. Why must they upset this residential / agricultural area with a loud, disruptive factory, just to save miles on their trucks?

Please note this email is in protest to granting any type of variance so they can build this cement factory in our beautiful part of the old west.

Cheryl Sura  
16525 Judge Orr Road  
Peyton, CO  
585-202-8899

## Lindsay Darden

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**From:** rubyutton@gmail.com  
**Sent:** Wednesday, January 29, 2020 2:15 PM  
**To:** Lindsay Darden  
**Subject:** Falcon Cement Plant  
**Attachments:** Letter re Concrete plant.pdf

**CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.**

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Good afternoon, Lindsay Darden

Please see attached letter opposing the cement plant in Falcon.

Thank you for your time and consideration.

Ruby Danielle Utton-Schrock

Whole Kids Co.  
11681 Voyager Pkwy  
Unit 150  
Colorado Springs CO 80921  
[www.wholekidsco.com](http://www.wholekidsco.com)  
Main line: (719) 344-9342  
Fax line: (719) 375-3531

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What does this mean for our community?

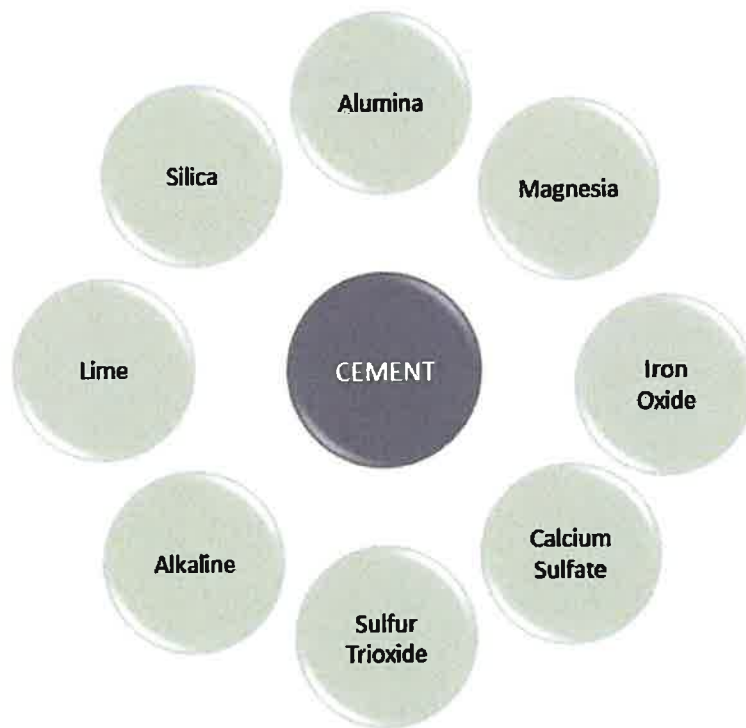
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The average wind speed in Peyton Co. is 20.75 mph. Not to mention the wind storms that happen regularly that will be pushing the dust from the plant and from the roads that will be congested with concrete trucks around even more.

Alkaline is also corrosive to human tissue, which in turn can cause skin irritation to the residents in the area. The dust that will be floating through our air will contain all of these substances and can cause many other health issues. The chance of our children developing asthma will increase. Concrete dust can irritate the nose throat and lungs causing coughing, sneezing, and shortness of breath. Prolonged exposure can cause severe damage to the lungs. If this plant is built, we will be living around this dust all day everyday (ie. prolonged exposure).

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I ask, if you are a resident of this area take a stand. We can make a difference for our community if only we band together! Please sign the petition at High Plains Library. If you are a member of the planning

commission, please take all this into consideration. Ask yourselves if you would want this in your neighborhood?

Thank you for taking the time to read this and I hope it was helpful.

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Ruby D. Schrock

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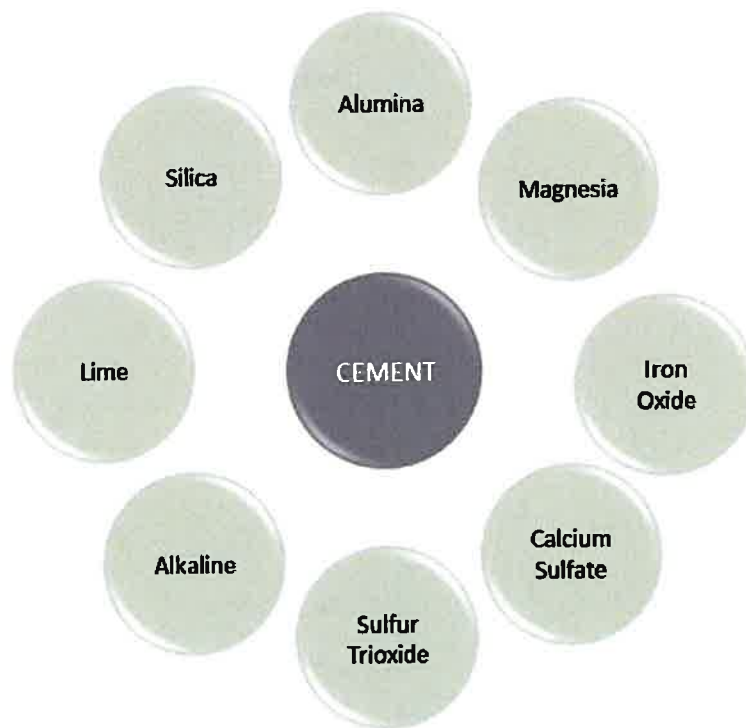
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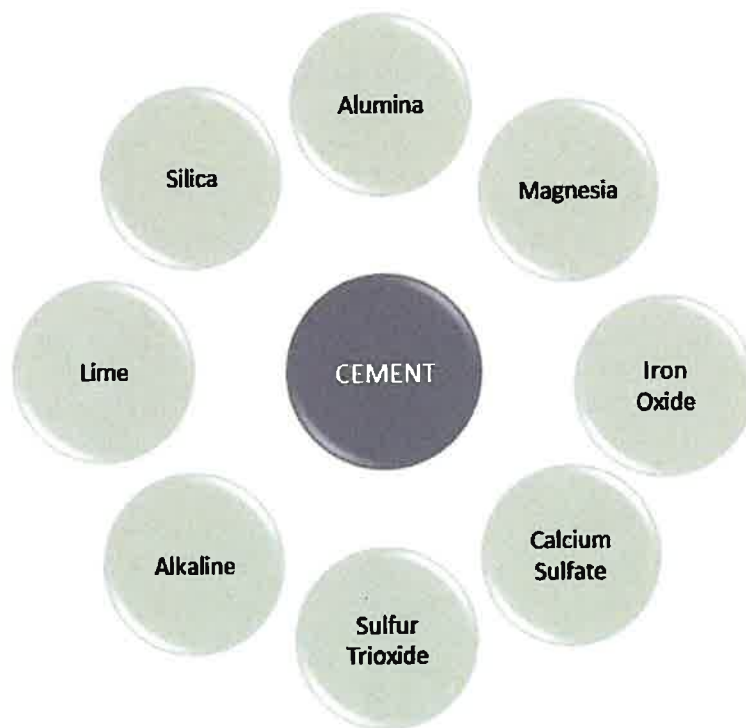
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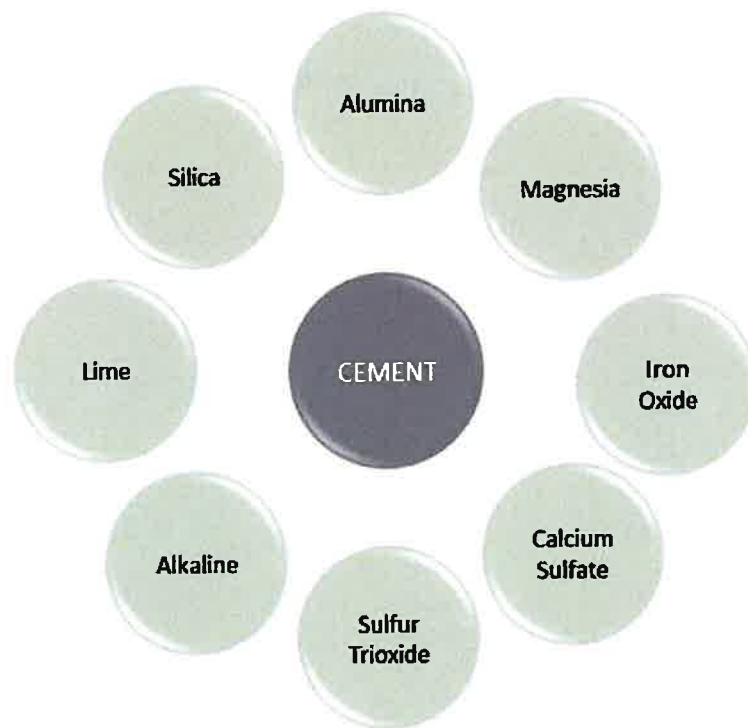
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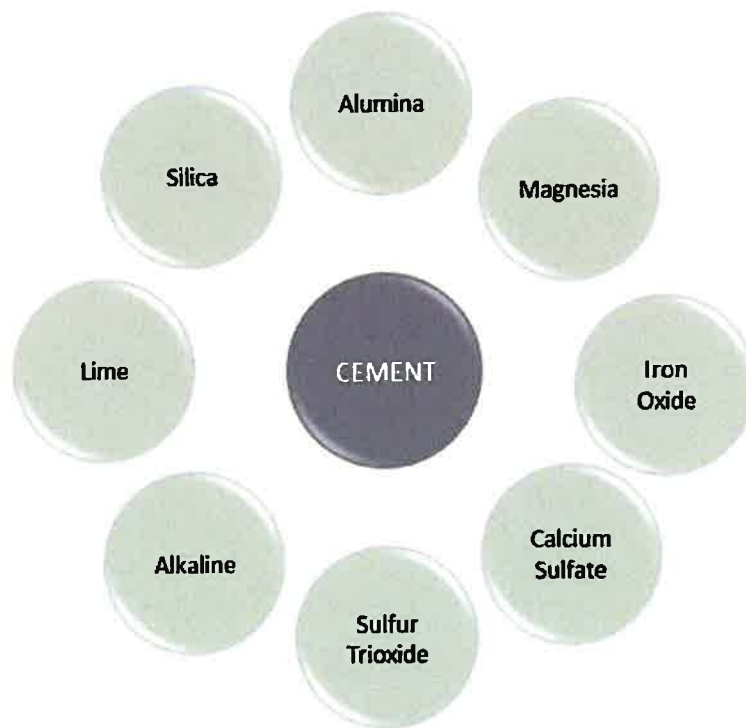
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Sincerely your concerned neighbor,

Ruby D. Schrock

Resident of Curtis Rd.



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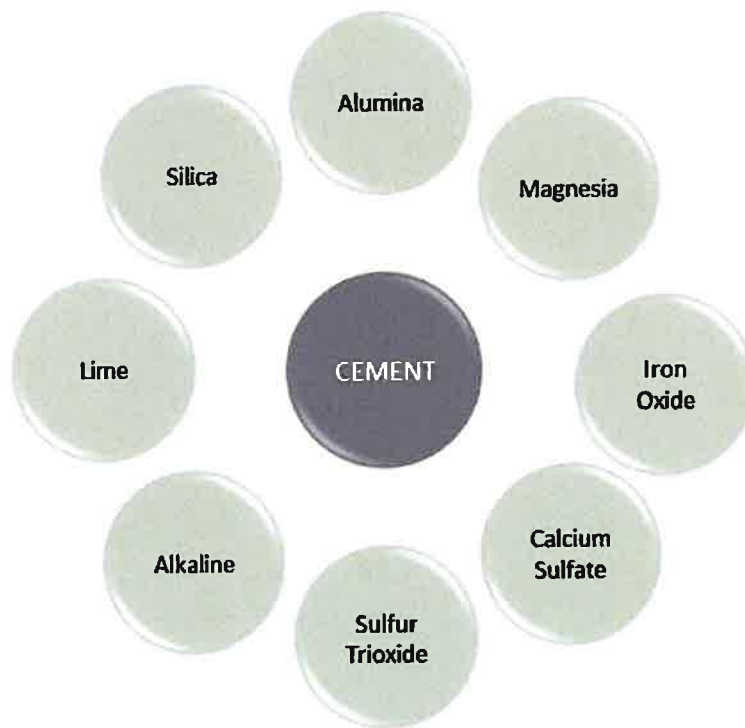
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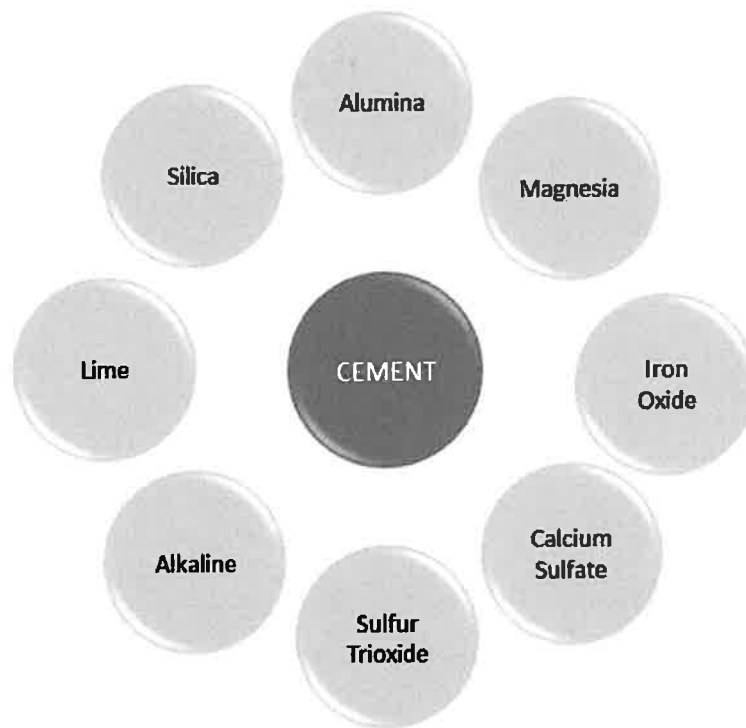
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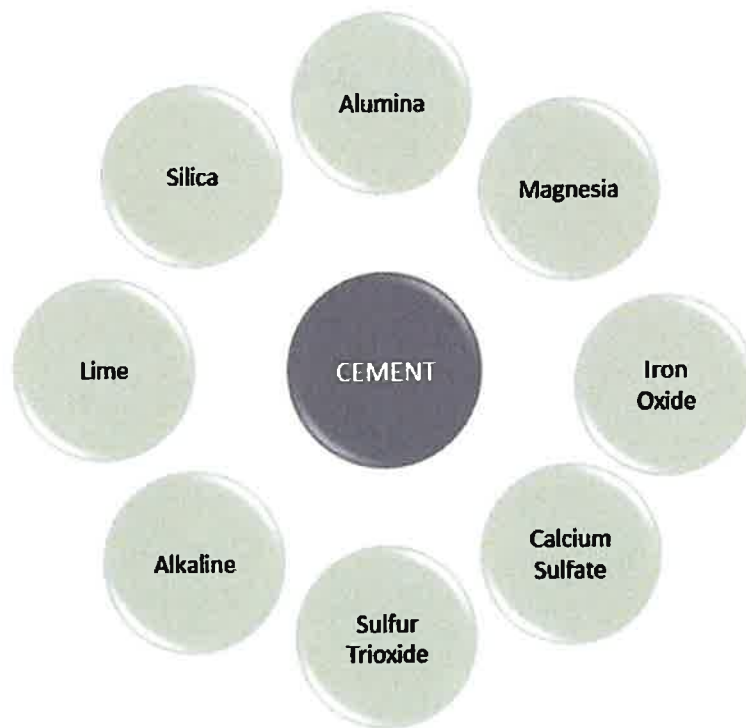
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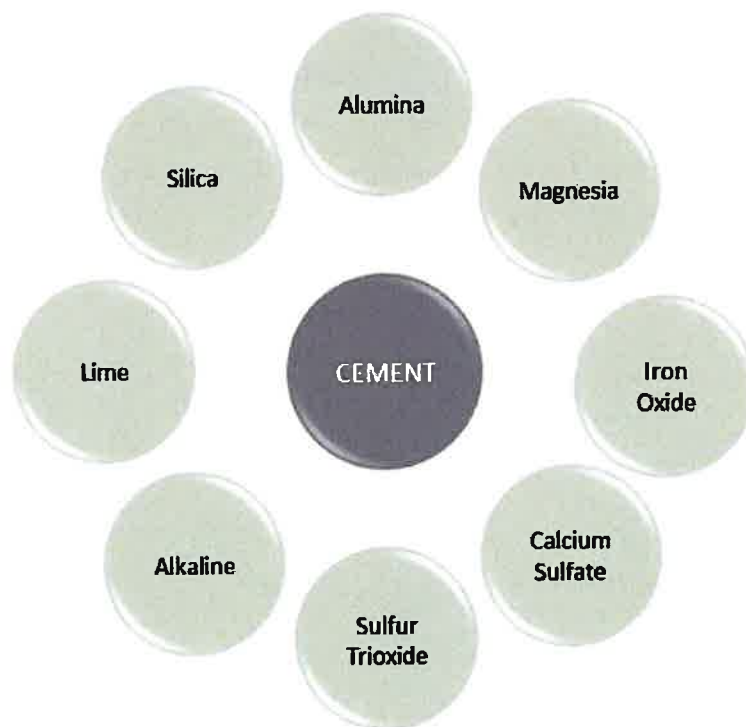
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Resident of Curtis Rd.



## Lindsay Darden

---

**From:** mslaurawild@gmail.com  
**Sent:** Thursday, January 30, 2020 8:31 AM  
**To:** Lindsay Darden  
**Cc:** 'Gail Deal'  
**Subject:** Cement Plant Falcon

**CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.**

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I am writing to contest the building of a cement plant in falcon. It would not only be so disruptive to our housing communities but messy. I think further out such as Rush or beyond Calhan but NOT falcon. We already have horrible traffic issues with a line from Peterson AFB all the way to the corner of 24/Woodman. Falcon is NO LONGER a rural community it has a housing boom, stores, restaurants, businesses and to have that kind of plant would affect homes, windows and even breathing with the type of soot that will be spread around our neighbors. What can I sign or do to ensure our community is heard.

## Lindsay Darden

---

**From:** Tracey Garcia  
**Sent:** Wednesday, January 29, 2020 9:33 AM  
**To:** Lindsay Darden  
**Cc:** Ingrid Mobley  
**Subject:** FW: Proposed Concrete Plant on Judge Orr & Stapleton Concerns

Lindsay,  
I believe this one is your project. Could you please follow up.  
Thank you.  
Tracey

---

**From:** Ingrid Mobley <IngridMobley@elpasoco.com>  
**Sent:** Monday, January 27, 2020 8:43 AM  
**To:** Tracey Garcia <TraceyGarcia@elpasoco.com>  
**Subject:** FW: Proposed Concrete Plant on Judge Orr & Stapleton Concerns

Tracey,

Could you follow up on this one?

---

**From:** [aoschrock@gmail.com](mailto:aoschrock@gmail.com) <[aoschrock@gmail.com](mailto:aoschrock@gmail.com)>  
**Sent:** Saturday, January 25, 2020 12:41 PM  
**To:** ADMCounty <[ADMCounty@elpasoco.com](mailto:ADMCounty@elpasoco.com)>  
**Subject:** Proposed Concrete Plant on Judge Orr & Stapleton Concerns

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Good day,

I am a resident that resides in the area for the proposed concrete plant being built by Pete Lein & Sons off of Judge Orr and Stapleton in Falcon, Colorado. I would like to know any and all information on when the public hearings will be, to stand against the plant being built. My family and I are not in favor of a plant like this being built across the street from our home. Who will be the elected official that will be overseeing this proposal? What can the residents do to in support of the plant not being built? I have many more questions and concerns about this topic. If someone could please contact me regarding these concerns it would be greatly appreciated. Thank you.

**Adam Orin Schrock**

US C: [+1.719.421.6478](tel:+17194216478)

## Lindsay Darden

---

**From:** Terri Goluba <golubat@yahoo.com>  
**Sent:** Tuesday, February 4, 2020 5:08 PM  
**To:** Lindsay Darden  
**Subject:** Fwd: Cement plant

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Dear Lindsay,

>>

>> We are in complete opposition to having this CEMENT PLANT built on Rex road and Stapleton. This is an area where people and animals live and the cement plant would be too close and detrimental to their welfare. Please to not allow this to happen.

>>

>>

>> Mike and Terri goluba

>> 12224 antlers ridge dr

>> Peyton, co 80831

## Lindsay Darden

---

**From:** Drew Westra <drew.westra@gmail.com>  
**Sent:** Tuesday, February 4, 2020 5:10 PM  
**To:** Lindsay Darden  
**Subject:** Opposition letter for Pete Lien & Sons Batch Plant VA192

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Ms. Darden

Please note and file this letter of opposition to the cement plant which Pete Lien & Sons is planning on putting on the corner of Judge Orr and Stapleton in Falcon.

- 1) The site is zoned A35 of which by definition does not support use of Heavy Industrial.
- 2) The Falcon Peyton Small Area Master Plan does not indicate this type of use in proposed the area. It is a violation of the plan.
- 3) Surrounding property values after Industrial Development is a lost of between 5 & 15%. Georgia State University, 2015, THE IMPACT OF COMMERCIAL DEVELOPMENT ON SURROUNDING RESIDENTIAL PROPERTY VALUES
- 4) The applicant is a commercial entity and therefore cannot demonstrate "hardship" supporting a need for a variance.
- 5) The applicant does not express any added value/benefit for the surrounding area as a purpose for the variance request. The application is strictly intended commercial/financial gain of the applicant.
- 6) It's close proximity to residential, agricultural will create public health and safety concerns for residents and pedestrians. There are no pathways, or sidewalks in the area. Also, it may create may create offensive noise, vibration, smoke, dust odors, heat, glare, fire hazards, and other objectionable influence
- 7) Use of A35 for Heavy industrial does not protect the character and established development in the community, and enhance and stabilize the value of land and to protect the tax base of the El Paso County. Reduced property value as a result of this variance will result in reduced assessments, thus reducing tax revenue.

Drew Westra

--

**CONFIDENTIALITY NOTICE:** This transmission may contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution of the contents of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify me by return e-mail and destroy all copies of the original message. Thank you

## Lindsay Darden

---

**From:** Adrian Reed <asreed@earthlink.net>  
**Sent:** Tuesday, February 4, 2020 5:46 PM  
**To:** Lindsay Darden  
**Subject:** Pete Lien plant in Falcon  
**Attachments:** DJI\_0583.jpg; DJI\_0612.jpg

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Hi Lindsay –

Pete Lien is proposing a variance of use for building a batch plant in Falcon. As noted in 5.3.4 this plant does not meet several criteria. The zoning for this property is A-35. The master plan for this area does not provide for Industrial use. A variance will not change the current zoning of A-35 and the variance of use does not comply with A-35 variances. The property is located in the middle of a residential neighborhood – 2.5 and 5 acre residential zoning. The negative impact of this plant will greatly reduce property values, will greatly increase traffic and mitigating the noise that this plant puts out will be virtually impossible. Their proposed hours of operation beginning at 5:00 A.M is disruptive to residents daily living.

Pete Lien has a plant on Marksheffel – along with Martin Marietta and Transit Mix. This is an industrial area. They also have an operating plant on Drennan Industrial Loop.

We all understand their desire to reduce their travel time as time equates to money. But not to the expense of our residential community. We do not want to be run over by a large corporation trying to circumvent zoning use. Also noted is that a variance runs with the land – it will continue to be used industrial if Pete Lien closes the plant and sells the property. It is not noted if this variance is temporary.

**Criteria.** In approving a variance of use, the following criteria may be considered:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- **The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;**
- The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;
- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;
- The proposed use will not adversely affect wildlife or wetlands;

- The applicant has addressed all off-site impacts; **OFF SITE IMPACT NEGATIVELY AFFECTS THE LIVES OF THE SURROUNDING RESIDENTIAL COMMUNITY AND HOME VALUES.**
- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

I have been circulating petitions and will submit them.

Regards,

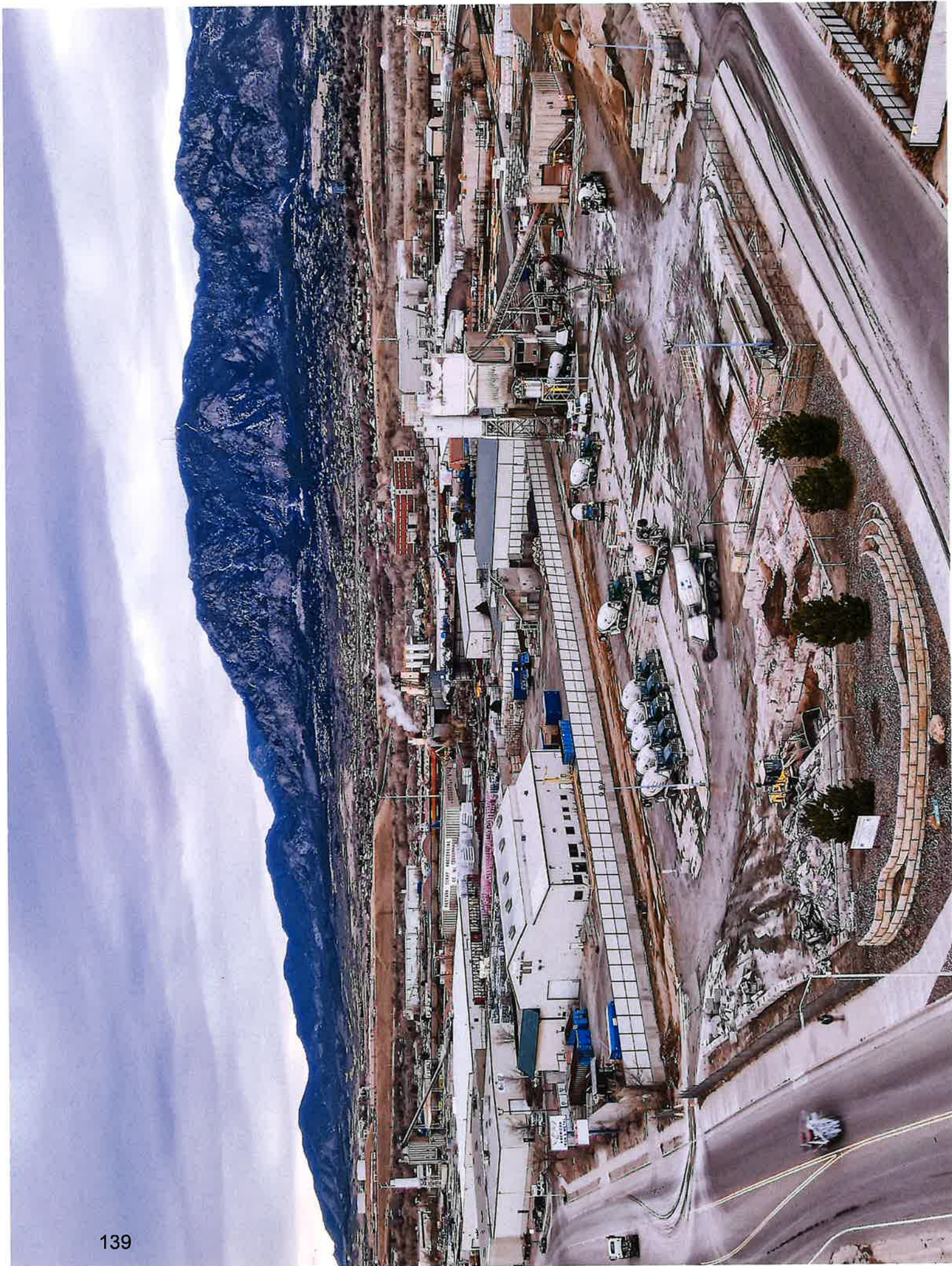
Adrian Reed



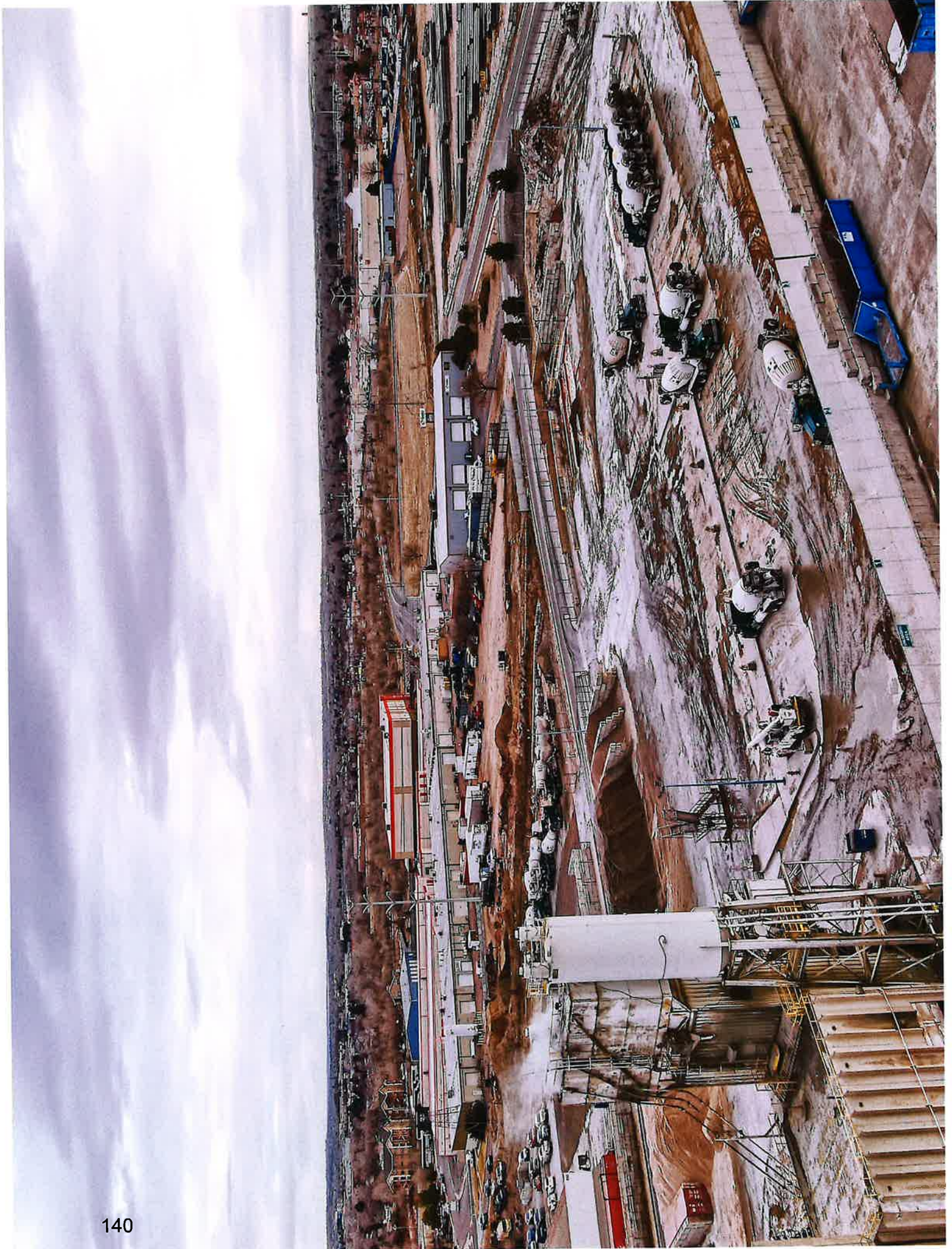
*Adrian Reed*

**RE/MAX** Real Estate Group  
 12265 Oracle Blvd. Site 105  
 Colorado Springs, CO 80921  
 Cell: 719-332-5707  
 Email: [asreed@earthlink.net](mailto:asreed@earthlink.net)  
 Visit homes: [www.asreed.com](http://www.asreed.com)











## Lindsay Darden

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**From:** Justin & Diana Hoover <jus\_hoover@yahoo.com>  
**Sent:** Tuesday, February 4, 2020 6:24 PM  
**To:** Lindsay Darden  
**Subject:** Proposed Cement Plant in Peyton/Falcon

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I am writing concerning the cement plant that is planned to be built in the Peyton/Falcon area. Here goes:

1) The site is zoned A35 of which by definition does not support use of Heavy Industrial. 2) The Falcon Peyton Small Area Master Plan does not indicate this type of use in proposed the area. It is a violation of the plan. 3) Surrounding property values after Industrial Development is a loss of between 5 & 15%. Georgia State University, 2015, THE IMPACT OF COMMERCIAL DEVELOPMENT ON SURROUNDING RESIDENTIAL PROPERTY VALUES 4) The applicant is a commercial entity and therefore cannot demonstrate "hardship" supporting a need for a variance. 5) The applicant does not express any added value/benefit for the surrounding area as a purpose for the variance request. The application is strictly intended commercial/financial gain of the applicant. 6) It's close proximity to residential, agricultural will create public health and safety concerns for residents and pedestrians. There are no pathways, or sidewalks in the area. Also, it may create offensive noise, vibration, smoke, dust odors, heat, glare, fire hazards, and other objectionable influence 7) Use of A35 for Heavy industrial does not protect the character and established development in the community, and enhance and stabilize the value of land and to protect the tax base of the El Paso County. Reduced property value as a result of this variance will result in reduced assessments, thus reducing tax revenue.

Please for our health and property values do not let this travesty go forward.

Respectfully,

Justin L. Hoover

Sent from Yahoo Mail on Android

## Lindsay Darden

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**From:** Gail Holley <gailholley1958@gmail.com>  
**Sent:** Wednesday, February 5, 2020 4:55 PM  
**To:** Lindsay Darden

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The Pete Lein Cement Batch Plant should not have been considered to get a variance. There is a housing development going in across the street from where they want to put it. The area is not zoned for heavy industrial use. I looked at the variance proposal they sent in. The prediction on road use doesn't account for the new housing area. The roads out here are so busy now, when you put all the cement trucks on the roads it will take the residents here so much longer to get to work. How many trucks can get through a light making a left turn, two? He wants shorter drive times for his trucks and hasn't thought about the residents here. We all moved out here to get away from the noise and traffic of the city. Our children don't need to be breathing all that dust or hearing all that noise daily. Why doesn't he just make his plant on Drennan larger. It's already zoned for it and it's not that much more driving time than building in Falcon. Please don't let this monster be built here.

Gail Holley

## Lindsay Darden

---

**From:** Robin and Janet Masek <3rmasek@gmail.com>  
**Sent:** Sunday, February 9, 2020 1:11 PM  
**To:** Lindsay Darden  
**Subject:** Pete Lien & Sons Batch Plant, VA-192

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Dear Lindsay,

I live in Meadow Lake Estates which is ½ mile away from the proposed batch plant site. From my back door I can actually see the corner of Judge Orr and Stapleton/Curtis Road. I want to express my opposition to the variance on that property for the following reasons:

- 1) That site is currently zoned A35 , which by definition does not support Heavy Industrial. Nor does the Falcon Peyton Small Area Master Plan indicate this type of use in this area.
- 2) One of the criteria the County may use for considering approving a variance is “that the proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area and not detrimental to the health, safety or welfare of the inhabitants of the area and County”. The character of the neighborhood is large acreage residential, both already built and proposed to be built. The batch plant is definitely not harmonious with this area and is in fact detrimental to the future development of the area.
- 3) No matter what type of pollution controls are put in place to control the dust from all the materials used to produce concrete, with the constant winds at the property the surrounding area will be subjected to the dust pollution. I personally have been diagnosed with a lung issue (one of the reasons I moved to where I am), so putting this batch plant here is detrimental to my health. Additionally, when driving by the batch plants currently in place on Marksheffel road, the offensive noise, vibrations, smoke, dust order, heat, glare and other objectional influences observed there will be also be on this property. Again this is not harmonious with the neighborhood and is detrimental to the health, safety and welfare of the current inhabitants surrounding this property.
- 4) Another criteria for considering a variance is that it will not adversely affect wildlife or wetlands. By their own application there was a wildlife study for the endangered Burrowing Owl. While there are not active nesting sites directly on this portion of the property they own, there were sightings at the far eastern edge of the property. Add the noise, vibrations, odors, etc. that this plant will produce could potentially affect the existing nesting sites.
- 5) The applicant is a commercial entity and cannot demonstrate “hardship” supporting a need for a variance.

Please do not approve a variance on this property.

Thank you,  
Janet Masek  
8325 Aerostar Dr.  
Falcon, CO 80831

Sent from Mail for Windows 10



## Lindsay Darden

---

**From:** Dan & Tammy Fields <drfields4@gmail.com>  
**Sent:** Sunday, February 9, 2020 4:30 PM  
**To:** Lindsay Darden  
**Subject:** Pete Lien & Sons Concrete Batch Plant VA-19-002  
**Attachments:** Pete Lien Opposition Letter.pdf

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Ms. Darden,

Please see the attached letter in opposition to the Pete Lien & Sons Batch Plant request for a Variance of Use.

Best regards,  
Daniel & Tammy Fields

Sent from Mail for Windows 10

14400 Judge Orr Road  
Peyton, CO 80831

February 9, 2020

Ms. Lindsay Darden  
El Paso County Planning and Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910-3127

RE: Pete Lien & Sons Batch Plant Request for Variance of Use  
File: VA-192; Parcel #4200000405

Dear Ms. Darden,

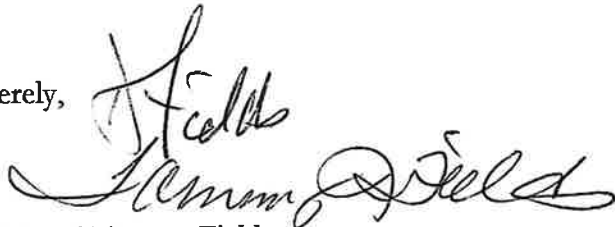
This is to inform you of our strong opposition to the Pete Lien & Sons Batch Plant (VA-192) proposed for Falcon, Colorado. We own 40 acres a quarter of a mile west of the proposed site location off Judge Orr Road which has been our home for the past 25 years and where we have invested a significant amount of money into our custom-built home and property. Additionally, we own another 5-acre parcel of residential land within a half mile of the proposed site location. We are extremely concerned about the devaluation that will most certainly occur on our properties as a result of this heavy industrial operation, should it be approved through El Paso County.

This area is a residential and agricultural community that has custom built homes (even some valued at \$1 million+) and includes recent approval by El Paso County for a large 2.5 acre residential development directly south of this proposed site – definitely not a location that is conducive to a heavy industrial plant such as this proposed variance request would allow. The proposed use is certainly not compatible with the surrounding area nor harmonious with the character of the neighborhood, both key factors that El Paso County should be giving important consideration to.

The concerns are many associated with this variance request: lowering property values, increased dangerous heavy truck traffic in a residential concentrated area, diminished air quality (significant winds occur in this area), effects on water quality, degradation of a peaceful rural lifestyle. The well-being, health and safety of our families are important to all citizens in our community. There would never be approval of a heavy industrial use like this in a neighborhood like Woodmen Hills or Meridian Ranch, why should it be allowed in our neighborhood? Just because our homes are in a more rural setting vs. a typical suburban area that shouldn't matter, our home values and lifestyle should be just as important and valued.

The purpose of zoning laws is to protect the value of properties and minimize any potentially negative impacts upon other property owners, ensuring consistency with surrounding uses. We are therefore requesting that the El Paso County Planning Commission and El Paso County Commissioners deny this request.

Sincerely,



Daniel and Tammy Fields

## Lindsay Darden

---

**From:** Cindy Whalen <cindycwhalen@gmail.com>  
**Sent:** Monday, February 10, 2020 1:22 PM  
**To:** Lindsay Darden  
**Subject:** Falcon Cement Plant

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Hi,

We are writing to voice our objection to the building of the cement plant in Falcon. We are very concerned about the negative effects to our health (air quality), traffic, and water supply in addition to the decreased value of our home. Please let me know if you have any questions.

Thank you,

Cindy and Brandon Whalen  
12734 Mt Harvard Dr  
Peyton, CO 80831

## Lindsay Darden

---

**From:** Kyle Christensen <kylekmc5@gmail.com>  
**Sent:** Monday, February 10, 2020 8:16 PM  
**To:** Lindsay Darden  
**Subject:** Object To Cement Plant in Falcon

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Hello Lindsay,

I was told that you were the person that is filing petitions from the cement plant in Falcon. I live in Falcon and would hate it if a cement plant opened up anywhere near the housing developments. Please let me know if there is any more information that I may provide to show that The Falcon community does not want this cement plant.

Best regards,

**Kyle Christensen**  
**Kylekmc5@gmail.com**  
**720.375.6800**

## Lindsay Darden

---

**From:** tkbk2001 <tkbk2001@yahoo.com>  
**Sent:** Monday, February 10, 2020 6:20 PM  
**To:** Lindsay Darden  
**Subject:** Objection to cement plant

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To whom it may concern,

I am writing to let you know about my objection to the proposed cement plant in Falcon/Peyton. We are a community for one who depends on clean ground water as we are on wells. We depend on our water table to provide clean drinking water to our home and livestock. Having a plant of this size will take from our water.

This proposed plant will bring way more commercial traffic to an already congested area. Harmful chemicals and dust debris used in the production of concrete.

The area we enjoy the clean country life, and this monstrosity that you are proposing to bring to our area is not ok.

The already existing plant is not so far as to warrant a plant out here.

Again please do not grant this plant the right to move out here.

Sincerely,  
Kim Beauchamp

## Lindsay Darden

---

**From:** Taylor Mccammon <mccammontaylor@yahoo.com>  
**Sent:** Tuesday, February 11, 2020 11:28 AM  
**To:** Lindsay Darden  
**Subject:** Concrete Plant Opposition

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### Concrete plant opposition

This email is to voice my personal objection to developing the concrete plant off of Judge Orr and Stapelton. As a Peyton resident who lives less than a mile and a half away from the proposed plant, I share many concerns that my hundreds of community members do about the negative impacts the plant will bring. It is atrocious to think that big money and corporate funds are more powerful than the voices of people living here who will actually be impacted by this plant, all to save on commuting time for future eastern development.

-The concrete plant is not only an eye sore, but it also contributes noxious fumes into the environment. This impacts everyone with respiratory conditions, such as myself, and even those who do not wish to be unjustly exposed to gases and fumes. This will impact not only the health of humans, but of the animals which live in the area as well. How will the plant control for the environmental impact they will have on not only the air quality, but on the soil as well? Anyone living downwind (typically east of the plant) will be experiencing more of the concrete particulates circulating in the air. We should not be subjected to that. The cement trucks are also not environmentally conscious, spewing more fumes into the air in addition to those being produced by the plant.

-The plant is being built on A35 land, intended to be utilized NOT as commercial land. It is also surrounded by land which is designated for non-commercial purposes. It was designed this way with the intent that corporations or businesses would not be allowed to develop in this area and impact the local families in this community. Many of us are opposed to the plant because its location is right in the middle of residences, impacting hundreds of lives for those living so close to it. Look at where their current plant is located. No houses are found right across the street, or sharing a fence line with them. It is developed in an industrial area, where it should be! Big corporations should not be given a handshake from the local government to be granted to change zoning from A35 to commercial simply because of a bulging wallet. It is not fair to those of us who would also like to buy residential or agricultural land for dirt cheap, and then simply be granted a variance to convert it to commercial land for our personal business use. Money should not be the deciding factor to convert land from one zoning to another. This simply represents big government squashing the everyday man, and they are only able to do so because of funding. The city and local variances should be governed with equitable, regardless of who controls the purse strings.

-Noise is another factor, not only from the operation of the plant itself, but from the increased numbers of big trucks driving on the roads.

-The surrounding roads are neither wide enough, nor new enough to sustain the impact of the numerous cement trucks which will be driving up and down Judge Orr and the surrounding areas to deliver their load. I live off of Judge Orr, meaning my commute will not only be lengthened thanks to more concrete traffic, but the roads will soon deteriorate as well. Plus, we must not forget to factor in the employees and their vehicles which will add to the traffic and congestion out here. Will the concrete plant pay to improve the roads as they inevitably destroy them? What about all of the debris which will be kicked up on to the road, and the cracked



windshields residences will have as a result of driving behind these trucks? Will they pay for street cleaners to get rid of the debris they generate? Doubtful.

-The field where they want to build is primarily infested with prairie dogs. Building on this site will push them further east, impacting the ranchers who have cattle grazing on those lands. This pushes them closer to residences as well. The concrete plant could mean that ranchers can no longer sell their beef as organic, as they will be impacted by the particulates released into the air from the plant. Those of us who have livestock and horses rely on the health of our pasture land in the spring, summer, and fall months to sustain our herd. If the prairie dogs get pushed onto our lands, now we must pay extra to supplement our pasture year round as they will destroy our fields.

-If this plant is being proposed as a solution to minimize commute times for concrete trucks as a result of increased development out east, what is to happen to the plant when construction has slowed down, or ceased? Will the plant remain and continue to deteriorate property values; will it be torn down leaving the land useless for grazing; or will it be abandoned and left as a reminder of the impunity big businesses have in El Paso County? This plant has met so much resistance from community members, and these concerns must be taken seriously. Building this concrete plant is not only bad business, but it would show how much more valuable money is over the opinions and lives of the city's community. Families and communities should be valued over corporate America. Please listen to our concerns, and do not grant this business a variance to allow them to build a concrete plant at this site.

Taylor Townsend

## Lindsay Darden

---

**From:** David Corder <perfectfitwc@gmail.com>  
**Sent:** Tuesday, February 11, 2020 12:43 PM  
**To:** Lindsay Darden  
**Subject:** Proposed Cement Plant in El Paso County

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MS Darden:

The Cement plant that is looking for a variance to operate in Eastern El Paso County on the corner of Judge Orr and Stapleton Rd does not fit, at all, into the long term plans for this area. Basic development alone is more than the current infrastructure can handle and there has never been any plans or desired plans for heavy industrial use, which would cause even more burden on the area.

I live less than a quarter mile from the proposed site on Curtis Rd and have been here for over 25 years. I know the area well and know some of the many distractions this development would cause.

There are no benefits for this type of business in the area. The only ones who would benefit are the proposed owners. Therefore a variance should not be granted.

<https://planningdevelopment.elpasoco.com/#1510603950097-f5d985dc-35b2>

--

David Corder  
concerned resident

## Lindsay Darden

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**From:** Brandon Henry <myclonearmy@gmail.com>  
**Sent:** Monday, February 24, 2020 12:21 PM  
**To:** Lindsay Darden  
**Subject:** Cement Batch plant opposition

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Hello,

Pete Lien is proposing a variance of use for building a batch plant in Falcon in a residential neighborhood. Pete Lien is a concrete business and belongs in Industrial zoning. The tract of land they purchased is zoned A-35 which by zoning definition is used for agricultural purposes. Industrial zoning is not part of the master plan for the Falcon area and until the master plan for this area is changed, this is not acceptable. In order to build this plant a variance has been applied for and there are definite conditions/requirements that must be met in order to get a variance. This is not a hardship and even in the Land Development Code for El Paso County that has a section for a Batch Plant, Temporary (5.2.9) only allows a temporary plant to be associated with a Federal, State, or local construction public improvement project. Pete Lien does not meet the temporary batch requirements and in the current application they have not satisfied several conditions. This variance will be permanent and will follow the land, which will continue to be an industrial use in the future.

The proposed use is NOT compatible with the surrounding area, is NOT harmonious with the character of the neighborhood, IS detrimental to the surrounding area, IS detrimental to the future development of the area, and IS detrimental to the health, safety, welfare of the inhabitants of the area.

Pete Lien has failed to address all of the off-site impacts – how the impact negatively affects the lives of the people living in the residential community – health and home values. This will NOT be a quiet or clean business, will greatly increase traffic congestion, and is NOT a healthy environment.

Our expectation is that the Planning Commission and our County Commissioners will be good stewards for the defined zoning uses and not allow entities to circumvent zoning uses for their personal gain and disrupt the lives and standard of living that our residential communities provide by definition of being residential.

Pete Lien's purpose is to reduce their travel time from their other plants to this area. This is strictly economic to them and a huge intrusion to our residential living.

**Thank you for your time,  
Brandon & Sara Henry**

## Lindsay Darden

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**From:** eventergail <eventergail@yahoo.com>  
**Sent:** Tuesday, February 25, 2020 11:00 AM  
**To:** Lindsay Darden  
**Subject:** Objection to Use Variance Requested by Pete Lien & Sons for Concrete Batch Plant

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Ms. Darden,

This email is being sent to voice my **strong** objection to the proposed concrete plant at the corner of Judge Orr and Stapleton Road.

I have lived in the Falcon area since 1995 and have seen the residential and commercial development over the years. Most of it has benefitted our local, rural (emphasis on rural) community. However, the use variance being requested by Pete Lien & Sons must be denied.

1. **Reliance Upon Zoning.** People move to and live in Falcon for the rural lifestyle. Further, people (in good faith, I might add) have purchased land on which to build their homes in reliance upon the County zoning which has been in place for a very long time. Some of these homes across from the proposed site have been there for twenty or thirty years. Some have just built (or in the process of building) beautiful new homes across from the proposed site. Can you imagine investing in land where you want to build your dream home, start building your dream home, and then discover the agricultural setting (the reason WHY you bought the land in that location in the first place) is now being considered for a concrete batch plant? It is one thing to change zoning from AG-35 to RR-5 or even single-family, but to heavy industrial is inconceivable.

2. **Devaluation of Property.** People who have homes across the street and also a long-term residential community just a quarter mile away from the proposed site (i.e., Meadow Lakes Estates) will suffer immensely as a result of the **immediate** devaluation of their property. Several new homes are also being built on Judge Orr Road in Meadow Lake Estates. They too will suffer incredible losses on the value of the property which again, they purchased in reliance upon County zoning.

3. **Traffic.** The traffic studies show the proposed route for concrete trucks as using Judge Orr Road onto Highway 24 due to safety issues with no traffic light at Stapleton and Highway 24. Judge Orr Road is a narrow two lane road (twelve-foot wide lanes) and, I believe, is also used for school bus pick-up and drop-off for the local schools. Pete Lien's traffic studies indicate a "worst case" scenario of 77 loads per day which would only result in further delays already being encountered by local residents at the traffic light at Judge Orr Road and Highway 24. When you add the additional traffic soon to be introduced into the area by recently approved residential developments, such use will overwhelm Judge Orr Road. You must also consider the damage to Judge Orr Road being caused by such overuse and by such heavy trucks.

4. **Environmental.** Concrete batch plants produce concrete dust which contains silica. If you live in Falcon, you know the wind is always blowing. A calm wind day for us means just under 10 mph. What about the effect of this concrete dust on the surrounding neighbors' health? Also, a majority of the residents surrounding the proposed site graze their livestock (cattle and/horses). What about the health of those animals grazing on pasture coated with silica dust? And how far will the dust be carried by the wind which will affect other agricultural uses in the surrounding area?

The foregoing concerns are only the tip of the iceberg when considering this variance request. Other factors which will impact the neighboring community include:

- Noise pollution. Consider the neighbors who want to enjoy the peace and quiet of their own property, again the reason for buying acreage and moving to Falcon. The constant roar of concrete trucks up and

down the road, the non-stop safety-beeping of heavy equipment, the diesel fumes of the trucks, the incessant noise that accompanies the mechanics of a concrete batch plant.

- Air pollution (the addition of 77 loads a day of concrete trucks being driven on local roads and heavy equipment being utilized on the property creating dust and diesel fumes; the silica dust being generated, the industrial noise level that comes from a concrete batch plant);

- Light pollution;

- The destruction of wildlife habitat;

- The unknown effect of the chemicals being used within the plant and the surrounding ground as to local well water; and

- The entire destruction of the aesthetics of the neighboring area (open prairie, rural community and homes).

Bottom line: The proposed use is NOT COMPATIBLE IN ANY WAY, SHAPE OR FORM with the surrounding area and is harmful and destructive to the health, safety, welfare and economics of the local residents.

We trust El Paso County to do the right thing by protecting our neighborhood and DENY the use variance being requested by Pete Lien & Sons.

Sincerely,

Gail Deal

## Lindsay Darden

---

**From:** Robert A <ibm.bob@comcast.net>  
**Sent:** Tuesday, February 25, 2020 9:33 AM  
**To:** Lindsay Darden  
**Subject:** Oppose the cement plant

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I want it recorded that I oppose the cement plant in the Falcon area.

Robert Archuleta  
12680 Wheeler Peak Drive  
Peyton, CO 80831  
ibm.bob@comcast.net



Feb. 23, 2020

*To Whom It May Concern;*



Pete Lien is proposing a variance of use for building a batch plant in Falcon in a residential neighborhood. Pete Lien is a concrete business and belongs in Industrial zoning. The tract of land they purchased is zoned A-35 which by zoning definition is used for agricultural purposes. Industrial zoning is not part of the master plan for the Falcon area and until the master plan for this area is changed, this is not acceptable. In order to build this plant a variance has been applied for and there are definite conditions/requirements that must be met in order to get a variance. This is not a hardship and even in the Land Development Code for El Paso County that has a section for a Batch Plant, Temporary (5.2.9) only allows a temporary plant to be associated with a Federal, State, or local construction public improvement project. Pete Lien does not meet the temporary batch requirements and in the current application they have not satisfied several conditions. This variance will be permanent and will follow the land, which will continue to be an industrial use in the future.

The proposed use is NOT compatible with the surrounding area, is NOT harmonious with the character of the neighborhood, IS detrimental to the surrounding area, IS detrimental to the future development of the area, and IS detrimental to the health, safety, welfare of the inhabitants of the area.

Pete Lien has failed to address all of the off-site impacts – how the impact negatively affects the lives of the people living in the residential community – health and home values. This will NOT be a quiet or clean business, will greatly increase traffic congestion, and is NOT a healthy environment.

Our expectation is that the Planning Commission and our County Commissioners will be good stewards for the defined zoning uses and not allow entities to circumvent zoning uses for their personal gain and disrupt the lives and standard of living that our residential communities provide by definition of being residential.

Pete Lien's purpose is to reduce their travel time from their other plants to this area. This is strictly economic to them and a huge intrusion to our residential living.

Thank you for your time !  
Marsha Keese and Larry Keese

*Marsha Keese*  
*Larry Keese*

RECEIVED  
FEB 26 2009

**Lindsay Darden  
Planner II  
El Paso Planning & Community Development  
2880 International Circle  
Colorado Springs, CO 80910**

Pete Lien is proposing a variance of use for building a batch plant in Falcon in a residential neighborhood. Pete Lien is a concrete business and belongs in Industrial zoning. The tract of land they purchased is zoned A-35 which by zoning definition is used for agricultural purposes. Industrial zoning is not part of the master plan for the Falcon area and until the master plan for this area is changed, this is not acceptable. In order to build this plant a variance has been applied for and there are definite conditions/requirements that must be met in order to get a variance. This is not a hardship and even in the Land Development Code for El Paso County that has a section for a Batch Plant, Temporary (5.2.9) only allows a temporary plant to be associated with a Federal, State, or local construction public improvement project. Pete Lien does not meet the temporary batch requirements and in the current application they have not satisfied several conditions. This variance will be permanent and will follow the land, which will continue to be an industrial use in the future.

The proposed use is NOT compatible with the surrounding area, is NOT harmonious with the character of the neighborhood, IS detrimental to the surrounding area, IS detrimental to the future development of the area, and IS detrimental to the health, safety, welfare of the inhabitants of the area.

Pete Lien has failed to address all of the off-site impacts – how the impact negatively affects the lives of the people living in the residential community – health and home values. This will NOT be a quiet or clean business, will greatly increase traffic congestion, and is NOT a healthy environment.

Our expectation is that the Planning Commission and our County Commissioners will be good stewards for the defined zoning uses and not allow entities to circumvent zoning uses for their personal gain and disrupt the lives and standard of living that our residential communities provide by definition of being residential.

Pete Lien's purpose is to reduce their travel time from their other plants to this area. This is strictly economic to them and a huge intrusion to our residential living.

Sincerely  
Herbert and Christine Hopper  
16090 Stage Stop Rd  
Peyton CO 80831  
rhopper@elpasotel.net

## Lindsay Darden

---

**From:** vickie harwood <vnodak@msn.com>  
**Sent:** Friday, February 28, 2020 11:36 AM  
**To:** Lindsay Darden  
**Subject:** Cement plant

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I totally oppose having a plant built so close to our community!! Our area consists of many elderly and children. Most of us chose this area to be away from the city and pollution. All the growth of this area has already impacted wild life and we are feeling growing pains. Many of the elderly have health issues that this plant would make worse not to mention all the veterans with issues that live here and handicapped children. Let us also not forget the increased traffic on 24 which already has its issues. This is just a bad idea period!!

Sent from Mail for Windows 10 Sincerely, Vickie Harwood in Meridian Ranch.

## Lindsay Darden

---

**From:** br 1n <xyz1234516@outlook.com>  
**Sent:** Friday, February 28, 2020 2:55 PM  
**To:** Lindsay Darden  
**Subject:** Falcon cement plant

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We are opposed to cement plant being approved for Falcon. There are many unknown health concerns so close to populated area as Falcon. Please block this approval

Thank you

Dennis & Irma Huizing

Sent from my iPad

## Lindsay Darden

---

**From:** Marilyn Elliott <marilyn.e.elliott@gmail.com>  
**Sent:** Friday, February 28, 2020 8:26 PM  
**To:** Lindsay Darden  
**Subject:** Batch plant on Judge Orr and Stapleton

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We live on Judge Orr and Elbert Rd. One mile from the proposed batch plant. The increase in traffic, decrease in our property value would be bad enough, but driving through a residential area with a batch plant right in the middle of it doesn't make sense. The proposed site has homes on all sides of it. A batch plant should be in an industrial area not within residential areas. We strongly oppose this project! Tom and Marilyn Elliott 8995 Elbert Rd. Falcon, Co. 719-332-7354 Sent from my iPhone

## Lindsay Darden

---

**From:** melinda baber <mbaberthepriestess@hotmail.com>  
**Sent:** Friday, February 28, 2020 10:01 PM  
**To:** Lindsay Darden  
**Subject:** Cement plant in Falcon

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Lindsay,

I live in Calhan. I am vehemently opposed to this proposal, to put a cement plant in Falcon on Judge Orr. The environmental pollution and traffic congestion will be a blight on our rural community.  
Thank you for listening to my concerns.

K Melinda Baber  
1050 Denver St  
Calhan, Co.  
80808



## Lindsay Darden

---

**From:** David Baldock <davidjbaldock@gmail.com>  
**Sent:** Saturday, February 29, 2020 8:19 AM  
**To:** Lindsay Darden  
**Subject:** Proposed cement plant

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Ms. Darden,

I am writing to express my concerns over this proposed plant. Besides the obvious concerns over the noise, the traffic, the dust, the property values, and the other health concerns, I own two rental properties in close proximity. One of the properties was built with large picture windows to show the view of the eastern plains and you can see all the way to Calhan. The proposed plan would place the plant dead center in the middle of that view. That property will lose so much value and become un-rentable to the point where I will have to foreclose on the property. The evaluation I received would be a loss of at LEAST \$100,000.00 on that property alone. I don't know how many small businesses could take a loss of that size but I assure you mine cannot. That property is not zoned for heavy industrial for a reason. This can only harm our community and I ask for your help.

Thank you,  
David Baldock

## Lindsay Darden

---

**From:** rdm ranlom <rdm4060@gmail.com>  
**Sent:** Saturday, February 29, 2020 4:27 PM  
**To:** Lindsay Darden  
**Subject:** Re: Proposed Cement Plant in El Paso County

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Dear representative of our community,

DO YOUR JOB!!!!!!

Represent the people's interests--not those of Big \$\$\$\$!!

Thx!

Baron vonHeron, long-time resident

## Lindsay Darden

---

**From:** Ave Maria Romine <averomine@gmail.com>  
**Sent:** Monday, March 2, 2020 2:13 PM  
**To:** Lindsay Darden  
**Cc:** Ave Maria Romine  
**Subject:** Proposed Cement Batch Plant Facility @ Judge Orr & Stapleton in Falcon, CO

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Lindsay Darden  
Planner II  
El Paso Planning & Community Development  
2880 International Circle  
COS 80910

March 2, 2020

Dear Ms. Darden:

Pete Lien is proposing a variance of use for building a batch plant in Falcon in a residential neighborhood. Pete Lien is a concrete business and belongs in Industrial zoning. The tract of land they purchased is zoned A-35 which by zoning definition is used for agricultural purposes. Industrial zoning is **not** part of the master plan for the Falcon area and until the master plan for this area is changed, this is not acceptable. In order to build this plant, a variance has been applied for and there are definite conditions/requirements that must be met in order to get a variance. This is not a hardship and even in the Land Development Code for El Paso County that has a section for a Batch Plant, Temporary (5.2.9) only allows a temporary plant to be associated with a Federal, State, or local construction public improvement project. Pete Lien does not meet the temporary batch requirements and in the current application they have not satisfied several conditions. This variance will be permanent and will follow the land, which will continue to be an industrial use in the future.

The proposed use is **NOT** compatible with the surrounding area, is **NOT** harmonious with the character of the neighborhood, **IS** detrimental to the surrounding area, **IS** detrimental to the future development of the area, and **IS** detrimental to the health, safety, welfare of the inhabitants of the area.

Pete Lien has failed to address all of the off-site impacts – how the impact negatively affects the lives of the people living in the residential community – health and home values. This will **NOT** be a quiet or clean business, will greatly increase traffic congestion, and is **NOT** a healthy environment!

*Our expectation is that the Planning Commission and our County Commissioners will be good stewards for the defined zoning uses and not allow entities to circumvent zoning uses for their personal gain and disrupt the lives and standard of living that our residential communities provide by definition of being residential.*

Pete Lien's purpose is to reduce their travel time from their other plants to this area. This is strictly economic to them and a huge intrusion to our residential living.

We look forward to your decision on this.

Sincerely,

Ken & Ave Maria Romine

12075 Partridge Lane

Falcon, CO 80831

3/15/2020

Lee and Gloria Lesher  
13975 Judge Orr Road  
Peyton, CO 80831

Lindsay Darden  
El Paso County Planning and Community Development  
2880 International Circle Suite 110  
Colorado Springs, CO 80910

Dear Lindsay

We are writing to express our strong opposition to the proposed variance that would allow Pete Lien to build a batch plant in our residential neighborhood near Judge Orr Road and Curtis Road. This proposed use is not compatible with the surrounding residential area and would be detrimental to the health of those of us living in the area.

We request that this proposed variance be turned down.

Thank you for your consideration.

*Lee Gloria*

Lee and Gloria Lesher

**Lee Lesher**  
13975 Judge Orr Rd.  
Peyton, CO 80831-8429

DENVER CO 8002  
17 MAR 2020 PM 2 L



Lindsay Darden  
El Paso County Planning and Community Development  
2880 International Circle Suite 110  
Colorado Springs, CO 80910

## Lindsay Darden

---

**From:** Jennifer Schafroth <jschafroth@gmail.com>  
**Sent:** Monday, April 6, 2020 3:43 PM  
**To:** Lindsay Darden  
**Subject:** Concrete plant

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To Whom It May Concern,

I am writing today to formally place my objection to the proposed concrete plant in Falcon, CO. I live less than 2 miles from the site. I have 4 children and several pets that this plant will directly effect, especially their health. This proposed plant is too close to an established residential area, there is better areas much further out. We do not need nor want a plant like this in Falcon. This will effect health, property value and numerous environmental issues, none of which will be positive. I hope the committee will take into account the desires and health of community.

Sincerely,  
Jennifer Schafroth of Falcon, CO



## Lindsay Darden

---

**From:** Mary Beth Hayes <mabeha10@yahoo.com>  
**Sent:** Tuesday, April 7, 2020 4:10 PM  
**To:** Lindsay Darden  
**Subject:** NO CONCRETE PLANT ON JUDGE ORR

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I live off of Jones and Curtis Road. With the growing population Curtis has become a traffic jam. The amount of traffic on Curtis has tripled since I moved out here in 2015!! We moved here to be AWAY from stuff. Putting an INDUSTRIAL plant out here is completely against EVERYTHING we live here for.

What is the point of zoning if all you have to do is offer up enough money to have the zoning changed!!!

We have enough large truck traffic and dust from the 'dirt plant' at Curtis and Garret now. I have seen near misses numerous times at that intersection because visibility is hampered by these big trucks.

There have been accidents at the intersection of Falcon and Curtis...AND Curtis and Judge Orr!!! These trucks are becoming too numerous already and MANY fail to yield and or stop!

Again this is NOT the reason you move to the country... so that concrete plants can go in down the road from you. The market value of our properties out here will take a dive.

I know that all this matters little to you or we would not even have to fight this. But I can guarantee that should it proceed this community will see you do not maintain your seats!!

Mary Hayes  
16330 Stage Stop Rd  
Peyton, CO 80831

*Life isn't a journey to the grave with the intention of arriving safely in a pretty & well preserved body,  
but rather to skid in broadside, thoroughly used up, totally worn out and proclaiming,*

*"WOW! What a ride!!!!"*

## Lindsay Darden

---

**From:** MARIA ORTEGA <MORTEGA93@msn.com>  
**Sent:** Monday, April 6, 2020 9:47 PM  
**To:** Lindsay Darden  
**Subject:** Plans for Concrete Plan in Falcon

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Ma'am,

I've been following some of the comments and statements being made by the property owners in Falcon and Peyton about the plans for a Concrete Plan right in our own community. I do not agree with those plans. I already have issues with the wind farm out yonder. I can feel it when I'm in that area. I don't even have to look to know that I'm near the wind farm. This has got to effect the livestock/farm animals out there, as well. Those structures have also affected property value.

My husband and I bought our home in Woodmen Hills back in 2003. I'm retired military but still work for the Department of Defense, currently, in the airfield side of the house. I've totaled 29 years working for the government. My husband still wears the military uniform and works on aircraft. He's been in for 29 years, as well. We have Meadow Lake Airport as part of our community. It was officially established in 1967 and it's a reliever for the City of Colorado Springs Airport. This airport is very important to the flying community. Whomever bought homes here, I'm pretty sure, knew about the airport. Installing a Concrete plant just sets off alarms in "Operating Risk Management". The plant will be disrupting some safe local flying operations. All the dust will get into the aircrafts. It will get into the filtering systems. This will increase the cost of preventive maintenance on the aircraft owners. Will all the dust interfere with the Automated Weather Operating System? How about the heights of the all the structures that accompany the cement plant? We're talking safety here.

Did we buy a home to have a Cement Plant so close that we'll have to breath the cement plant exhaust? No. This will bring respiratory issues. Whoever has respiratory issues, it will affect them the most. This is an outdoor recreational community not an industrial community. Isn't mercury used in cement plants?

We chose to have our home out in the County where there is no cement plant. There is so much room along I-25, southbound, with easier access to the highway for the large trucks. You approve having that Cement Plant build here, it will tank our most prized investment, beside our children, our homes.

This home is suppose to be where we're to retire. It's suppose to be where, down the road, our grandkids are to visit. You approve that plant, I believe, a lot of us will sell. I've traveled enough to see what structures like that will do to a community.

Please reconsider.

If you have any questions, please contact me via e-mail.

Thank you for your time.  
Maria Ortega  
(Ret MSgt, Chaplain's Assistant)

## Lindsay Darden

---

**From:** Jenny Olson <jenols219@gmail.com>  
**Sent:** Tuesday, April 7, 2020 4:21 PM  
**To:** Lindsay Darden  
**Subject:** Concrete Plant

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Hello - I would like to register our complaint with the proposed concrete plant on Judge Orr and Stapleton. We live at 7360 Falcon Grassy Hts which is directly north and a touch east of the site. We are extremely concerned with the materials that can't help but blow our way due to the open area between the site and our home. We have fought the zoning to the north of us when the multi family project was proposed and lost. We were thrilled to see it go back to agricultural zoned and we hoped our quiet, clean life had been restored. Now this! We have lived here for 27 years and would like to stay longer but we are very worried about the air quality should this plant go in. If there is something more I need to do to register my complaint, please let me know.

Jenny and Craig Olson  
Jenols219@gmail.com  
719.510.0796  
Sent from my iPad

## Lindsay Darden

---

**From:** Todd Lane <toddm\_lane@yahoo.com>  
**Sent:** Wednesday, April 8, 2020 9:50 AM  
**To:** Lindsay Darden; Todd Lane  
**Subject:** Concerte Plant / Falcon Colorado

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Lindsey,

I want to file a formal complain for the consideration of this plant. As a father of 4 in close proximity to the proposed plant location I have several health concerns for my family. Knowing the potential for cancer causing impacts this is a poor decision. I've been a resident in Falcon for 15 years near the intersection of Eastonville and Stapleton and this is not only a major health concern but will have a huge negative impact on our property values. Please acknowledge this complaint and reconsider.  
Thanks concerned citizen

Todd Lane

[toddm\\_lane@yahoo.com](mailto:toddm_lane@yahoo.com)

719.313.1215

## Lindsay Darden

---

**From:** Linda Miller <kokopuff.miller@gmail.com>  
**Sent:** Friday, May 15, 2020 7:52 PM  
**To:** Lindsay Darden  
**Subject:** Concrete plant

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Hi I'm against the proposed concrete plant on Stapleton and Judge Orr. It is too close to a residential area. Also it will bring more traffic and heavy trucks on our already bad roads. Plus the dust and noise. Please consider these things when you decide to make your decision. Thank you.

## Lindsay Darden

---

**From:** Bob Graves <robertegraves63@gmail.com>  
**Sent:** Friday, May 15, 2020 6:26 PM  
**To:** Lindsay Darden  
**Subject:** Variance of Agriculture A-35 land for cement batch plant

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Ms Darden,

As a Woodmen Hills resident and healthcare worker living within two miles and and working within three miles of the 92 acre AGRICULTURAL land at Judge Orr and Stapleton Road, I object to a variance for a ready mix concrete batch plant. I respectfully request my opinion be recorded as a "No" vote to the variance and the land remain zoned Agricultural.

I do not believe the current situation will allow local residents to attend the hearing and remain safe or compliant with the county health department or Governors recommendations. Is there a way residents can be heard safely? Can the hearing be postponed due to current COVID gathering restrictions?

Please advise.  
Robert E Graves  
Woodmen Hills



## **Lindsay Darden**

---

**From:** B Rog <rogers.brandon.m@gmail.com>  
**Sent:** Friday, May 15, 2020 5:26 PM  
**To:** Lindsay Darden  
**Subject:** Cement plant

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Lindsay,

I have been informed that a cement plant is going in at Stapleton and Judge Orr. What can we do to file a complaint since it is so near to residential areas?

-Brandon

## Lindsay Darden

---

**From:** Jessica Polistina <jcpolistina@gmail.com>  
**Sent:** Monday, May 18, 2020 8:49 AM  
**To:** Lindsay Darden  
**Subject:** Pete Lien Cement Plant

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Hello, I am writing to discourage the approval of the Pete Lien and Sons cement plant at the corner of Judge Orr and Stapleton Rd. This land is zoned for agricultural use and an industrial plant of that size and nature is not appropriate use of the land. Beyond that, the disruption to wildlife, the chemicals being released into the environment, and the traffic caused by 105 trucks coming to and from the plant is a huge concern for me and my family. We moved to this area for the fresh air, interesting wildlife and peace and quiet. We paid good money for those things and are very disappointed that such a project is even being considered, especially considering the land is not even zoned for that type of use.

I implore you to deny approval for this project. It is not good for our community, our children and our environment. We can and should do better.

Please deny this project!

Much gratitude,  
Jessica Polistina  
[jcpolistina@gmail.com](mailto:jcpolistina@gmail.com)  
215-630-2096

## Lindsay Darden

---

**From:** Ryan Macnicol <ryan.macnicol@gmail.com>  
**Sent:** Friday, May 15, 2020 4:35 PM  
**To:** Lindsay Darden  
**Subject:** El Paso County concrete plant - Objection

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Hello Ma'am,

I am writing to you to officially file an objection to the proposed concrete plant on the Northeast corner of Stapleton and Judge Orr in Peyton, CO. We recently purchased 35 acres out here because property values were increasing with the growth of nearby Falcon. Since Falcon is not incorporated yet, I believe the concrete plant will diminish not only our current property values, but our future ones as well. In addition, as I am sure you are aware, the current infrastructure in place out here cannot handle the rapid population growth that has occurred, let alone the large industrial plant that is proposed. Please consider this objection before the approval of the proposed plant.

Please reach out if you have any concerns.

Thank you for your time,  
Ryan MacNicol  
7750 Peyton Hwy  
719-396-2045

## Lindsay Darden

---

**From:** Rosanne Fahrenbruch <keeponstarttrkn@yahoo.com>  
**Sent:** Sunday, May 17, 2020 6:14 PM  
**To:** Lindsay Darden  
**Subject:** Falcon cement plant

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Dear Lindsay,

My name is Rosanne Fahrenbruch and I have lived in Falcon (not Peyton) for 28 years. I live in the original part of Falcon, the area that still has dirt roads. I have seen all of the irresponsible growth out here. I am not opposed to growth, however I am opposed to IRRESPONSIBLE growth. Home builders come in and build home upon home with no consideration for schools such as Woodmen Hills, Meridian Ranch. They have come in and raped the land. Now, a cement plant wants to become established out here. We have way too much traffic on Highway 24 right now. Our roads are in dire need of repair. And now a company wants to come out here hauling cement thus tearing and ripping up our roads even more. Falcon used to be a tiny sleepy town. We have become an extension of Colorado Springs. Folks moved out here to get away from the big city. Now that big city is finding its way out here. Building a cement plant out here is not responsible growth.

Honestly, all the protests, and petitions opposing this plan in my opinion are a waste of time. The cement plant has enough money to buy its way in. Everyone has their hand in the till. Money talks, and the little person gets screwed in the process. I really hope that this cement plant does not find its way in. What about our quality of life? Don't we as residents have any say in this matter? I really hope and pray that big industry does not win this battle.

Thank you for listening,

Rosanne Fahrenbruch  
7439 Mallard Dr.  
Falcon, CO 80831  
719-510-9337

## Lindsay Darden

---

**From:** Kris Burnett <krisburn@hotmail.com>  
**Sent:** Sunday, May 17, 2020 5:20 PM  
**To:** Lindsay Darden  
**Cc:** jacburn@hotmail.com; Kris Burnett  
**Subject:** Pete Lien Project Opposition

**Importance:** High

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Lindsay Darden  
Planner II  
El Paso Planning & Community Development  
2880 International Circle  
Colorado Springs, CO 80910

Pete Lien is proposing a variance of use for building a batch plant in Falcon, CO in our residential neighborhoods. Pete Lien project belongs in a Industrial zoning area. Industrial zoning is not part of the master plan for the Falcon, CO area and this is not acceptable.

The proposed is NOT acceptable and how negatively it will affect the lives of all the neighborhoods in our residential communities. For instance, health and home values. This will not be a clean business with a large amount of traffic in the early morning hours into late evenings along with congestion. The Pete Lien Project will NOT be quiet and NOT a healthy environment.

We did not move to Falcon, CO to have our house next to a cement plant and have our home values go down along with the major health concerns the plant will bring.

We are AGAINIST the Pete Lien Project. We do NOT want them to build a plant in our neighborhoods. This is strictly economic for them and a massive intrusion to our residential living.

Sincerely,  
Jack and Kristina Burnett  
12737 Windingwalk Dr.  
Peyton, CO 80831

## Lindsay Darden

---

**From:** Brittany Boydston <mrs.brittanyboydston@gmail.com>  
**Sent:** Sunday, May 17, 2020 8:32 AM  
**To:** Lindsay Darden; Tracey Garcia  
**Subject:** Pete Lien & Sons Concrete Batch Plant File Number VA-19-002

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Lindsay,

We live in the Falcon/Peyton area and are highly concerned with the proposed concrete plant being built out here in an area zoned for agricultural use.

With the noise, health issues, and physical damage to the land and surrounding area that comes from having a concrete plant in this area, it is absolutely devastating to see this unfold before our eyes and to know that complaints are falling on deaf ears especially pushing this issue forward during a pandemic when people can't hardly focus outside of their homes.

We specifically moved to an ag-zoned area because of our daughter health condition and to avoid the issues you are trying to bring to this area. I'm not sure what our option are for expressing our disapproval other than email but I would like the information to be able to attend the meeting in June remotely please.

Again, I and my family are against the proposed concrete plant.

Thank you for your time,

Brittany Boydston



## Lindsay Darden

---

**From:** Jessica's All Day Beauty SeneGence ID #189647 <jessica.cantrell1188@gmail.com>  
**Sent:** Saturday, May 16, 2020 12:44 PM  
**To:** Lindsay Darden  
**Subject:** Falcon cement plant

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Hello,

I am writing as a concerned member of the Falcon community. There are so many reasons there shouldn't be a large commercial plant like the proposed cement plant in a agricultural and residential area. First, is the noise pollution and actual pollution large trucks and other daily operations of a cement plant will add to the area. Second, as a result of the previous example the property values and quality of life of everyone who lives around or near the plant will go down! Which leads me in to thirdly, the health of the community especially those with breathing issues will be greatly impacted. Fourth, highway 24 would have to be turned in to a 4 lane highway to even pretend to be able to handle the traffic we already have..... let alone if we are adding all the trucks that will go in and out! Fifth, They will have a commercial well permit and can use 32.2 acre feet of water a year. They can pump 300 gallons a minute. An acre foot of water is 326,000 gallons of water x 32.2 is 10,497,200 gallons annually. This will greatly effect our aquifer! And finally the beauty and tranquility of the Falcon area will be tarnished and for some who live the closest completely ruined. I hope you hear the community of Falcon when we say we DO NOT WANT the cement plant!!

I hope this complaint is on the record and this letter and all the others you have received will be presented at the meeting on June 2nd.

Thank you  
Jessica Cantrell

## Lindsay Darden

---

**From:** Kristen N Neveln <kneveln@me.com>  
**Sent:** Saturday, May 16, 2020 11:14 AM  
**To:** Lindsay Darden  
**Subject:** Concrete Plant

**Importance:** High

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Hello Lindsey,

I am a land owner near the proposed Concrete plant I really object to this! We that live on the eastern plains rely on our well water and feel their consumption will deplete the Auqifers... the Health implications are very concerning for those of us with Asthma and other at risk health conditions. The increased traffic on an already taxed area is also to much... please consider this as a objection...

Thank you for you time

Kristen Neveln  
7196490349

## Lindsay Darden

---

**From:** Ciarra Talay <ciarra.talay@gmail.com>  
**Sent:** Saturday, May 16, 2020 10:21 AM  
**To:** Lindsay Darden  
**Subject:** Concrete Plant in Falcon

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Hello Lindsay,

I am tremendously concerned about the concrete batch plant being considered and strongly oppose the zoning or use of the land proposed for Pete Lien and Sons Batch Plant.

We have lived in Falcon and Peyton for 4 years and we moved this way because of the lack of industrial chaos. The increase of traffic and larger vehicles alone will cause a huge strain on our already crowded one lane roads. The plant itself will create unhealthy emissions that will effect our neighbors and our wildlife.

Please considered the home owners and their families.

Thank you Ciarra Talay

Get [Outlook for iOS](#)

## Lindsay Darden

---

**From:** Robyn Parker <robyn\_parker@comcast.net>  
**Sent:** Friday, May 15, 2020 9:51 PM  
**To:** Lindsay Darden  
**Subject:** Pete Lien & Sons Concrete Plant - NO!

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Dear Ms. Darden,

I'm writing to ask you to please vote against having this concrete plant so adjacent to a number of residential communities here in Falcon/Peyton. This will pollute our air and create a noise nuisance to everyone that moved here to be in a quiet, neighborhood community.

I can't attend the proposed meeting this month due to Covid and social distances because my mother is immune compromised (cancer). Please consider the residents' opinions here in Falcon preference to not have this eyesore and pollutant near so many families.

Thank you,  
Robyn Parker

Sent from my iPhone

## Lindsay Darden

---

**From:** chickpea <chickpea@q.com>  
**Sent:** Sunday, May 24, 2020 7:19 PM  
**To:** Lindsay Darden  
**Subject:** No concrete factory in Peyton

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Please help stop this concrete factory near Judge Ore road. It will create a lot of pollution and poison our water sources. Those heavy trucks will destroy our roads. We want to keep the country the country. Stop this factory! No variance please.

Susan b

Sent from my Samsung Galaxy smart

## Lindsay Darden

---

**From:** hindman99 <hindman99@yahoo.com>  
**Sent:** Friday, May 22, 2020 1:35 PM  
**To:** Lindsay Darden  
**Subject:** Fw: Concerns about Batch Plant Variance

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Good afternoon ma'am,

As a home owner in the Falcon area and more specifically down wind from the proposed concrete batch plant. I have several concerns about this plant.

Mr. Lien states that the new plant will take 10-20 miles off each of his deliveries. I do not see that this is a viable enough justification to allow a variance on this property. A new concrete plant with a commercial well will use up valuable water resources. This alone should be enough of a reason to disapprove the requested variance for Mr. Lien's "convenience" of slightly reduced maintenance costs. If he is so concerned about the additional 10-20 miles per delivery, he could tack on an additional amount for each load, rather than build a completely new plant.

Additionally, the wind is much greater in the Judge Orr/Stapleton area and will carry the concrete pollutants much further. As a burn pit victim, I have concern over the level of pollution which will be produced by this plant AND that it will be carried directly to my home via the prevailing winds.

Lastly, the amount of water which this plant will remove from our aquifers is huge. In a time of drought, this must be a consideration, as the county cannot continue in its current fashion of "kicking the can down the road". Additionally, once the water is polluted by the plant, I am doubtful if there are any cost effective ways to clean it for public use. Eventually, we will run out of clean water and plant such as this will only hasten this occurrence.

The area of Judge Orr and Stapleton is a residential and agricultural area and should be kept as such. I believe that Mr. Lien is acting in bad faith to purchase the land at agricultural prices and then not just putting simple business there, but asking to make it an industrial area.

It is the duty of your organization to protect the citizens of El Paso county from hazards such as this and not to simple "follow the money".

Marlene Hindman  
17820 Falcon Hwy

## Lindsay Darden

---

**From:** hindman99 <hindman99@yahoo.com>  
**Sent:** Friday, May 22, 2020 1:35 PM  
**To:** Lindsay Darden  
**Subject:** Fw: Lien Concrete Plant Variance

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Additionally, the wind is much greater in the Judge Orr/Stapleton area and will carry the concrete pollutants much further. As a person with Fibromyalsia and a burn pit victim, I have concern over the level of pollution which will be produced by this plant AND that it will be carried directly to my home via the prevailing winds.

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It is the duty of your organization to protect the citizens of El Paso county from hazards such as this and not to simple "follow the money".

Stan Hindman  
17820 Falcon Hwy

## Lindsay Darden

---

**From:** Toni Stanton <Majesticcustomhomes@msn.com>  
**Sent:** Thursday, May 21, 2020 10:28 AM  
**To:** Lindsay Darden  
**Subject:** Objection to File Number VA-19-002 Pete Lien and Sons Concrete Batch Plant  
**Attachments:** Opposition Letter.pdf

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Attached please find a signed copy of the below opposition. Thank you.

Majestic Custom Homes, Inc.  
13465 Cedarville Way  
Colorado Springs, CO 80921

El Paso County  
Planning and Community Development  
2880 International Circle, Suite 100  
Colorado Springs, CO 80910  
ATTN: Lindsay Draden

RE: Objection to Permitting/Entitling and Plans of Construction of Pet Lien & Sons Construction Ready Mix Plant with plans to be located at NEC of Judge Orr Road and Stapleton Road, El Paso County, CO

May 21, 2020

Dear Ms. Draden and El Paso County,

Majestic Custom Homes, Inc., as the future owner of the property located at 17665 Judge Orr Road, respectfully yet strongly oppose the proposed plan on the above referenced applicant and owner for the construction of a ready-mix plant located on their property.

As a builder of higher end homes in and around Falcon and Peyton, it is a major concern that an operation such as the one proposed will greatly harm our investment and the potential of the quiet, appealing residential area in general. Majestic chose this residential property in part

because it is away from commercial areas and the traffic, noise and congestion that goes along with those areas.

It is our sincere hope that El Paso County Planning and Community Development denies this request and allows the area to continue its current direction of residential developing. This continued residential developing will suit the needs of many and the community as a whole rather than the needs of just one.

Thank you for giving serious consideration to our opposition in this matter.

Sincerely,

Toni L. Stanton  
President, Majestic Custom Homes, Inc.  
719-492-0685

Majestic Custom Homes, Inc.  
13465 Cedarville Way  
Colorado Springs, CO 80921

El Paso County  
Planning and Community Development  
2880 International Circle, Suite 100  
Colorado Springs, CO 80910  
ATTN: Lindsay Draden

RE: Objection to Permitting/Entitling and Plans of Construction of Pet Lien & Sons Construction Ready Mix Plant with plans to be located at NEC of Judge Orr Road and Stapleton Road, El Paso County, CO

May 21, 2020

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It is our sincere hope that El Paso County Planning and Community Development denies this request and allows the area to continue its current direction of residential developing. This continued residential developing will suit the needs of many and the community as a whole rather than the needs of just one.

Thank you for giving serious consideration to our opposition in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Toni L. Stanton".

Toni L. Stanton  
President, Majestic Custom Homes, Inc.  
719-492-0685

## Lindsay Darden

---

**From:** Charles LeCompte <lecomptec@gmail.com>  
**Sent:** Thursday, May 21, 2020 9:49 AM  
**To:** Lindsay Darden  
**Subject:** Pete Lien and Sons Concrete Batch Plant File Number VA-19-002

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Dear Sirs/Madams:

As managing director of the Shaw Ranch, which is in the same general vicinity as this proposed plant on Orr Road, I would like to weigh in that I hope that the county will not allow a heavy industrial use such as this one to be located in this neighborhood, which thus far has been entirely residential.

I am very familiar with the ready-mix concrete business, as my father Oliver LeCompte was in that business in Colorado Springs for fifty years, so I know what a batch plant is like: dirty and dusty, with heavy truck traffic. There is of course a need for such plants but they should be located in areas zoned for industrial use.

Many thanks for your consideration,

Charles LeCompte  
Managing Director,  
Shaw Ranch LLC

## Lindsay Darden

---

**From:** Tracey Garcia  
**Sent:** Thursday, May 21, 2020 7:27 AM  
**To:** 'philipz'  
**Cc:** Lindsay Darden  
**Subject:** RE: The Pete lien concrete batch plant variance

Good morning.

Thank you. I will forward this to Lindsay Darden, planner on the project. If you'd like to leave any additional contact info such as phone number, I'm happy to forward that as well. You are welcome to write to Ms. Darden with any questions if you'd like.

Tracey

---

**From:** philipz <philipz@elpasotel.net>  
**Sent:** Thursday, May 21, 2020 7:25 AM  
**To:** Tracey Garcia <TraceyGarcia@elpasoco.com>  
**Subject:** The Pete lien concrete batch plant variance

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Tracey,

I am unable to attend this meeting, but would like it to be known I am strongly against this plant.

Curtis highway and judge ore can not handle the traffic, also this is more of a residential area if you drive by the location you can see several houses surrounding this location.

Sent via the Samsung Galaxy S8+, an AT&T 5G Evolution capable smartphone

## Lindsay Darden

---

**From:** Sarada Connors <saradaletsplan@gmail.com>  
**Sent:** Thursday, May 21, 2020 7:24 AM  
**To:** Lindsay Darden  
**Subject:** Cement Plant off Judge Orr

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El Paso County  
Planning and Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
**ATTN:** Lindsay Darden

**RE:** Objection to Permitting/Entitling and Plans of Construction of Pete Lien & Sons Construction Ready Mix Plant with plans to be located at NEC of Judge Orr Rd. and Stapleton Rd., in El Paso County, CO.

To Lindsay Darden and El Paso County,

On behalf of a brand new resident at 7021. Buckskin Ranch View (lot 31 Old West Ranch Colorado), and a community talk show host of Our Town airing on all 6 Cumulus Media stations, I would like to voice my families objections to the variance request of the above referenced applicant and owner for the construction of a ready-mix plant located on their property!

We moved from the Downtown Colorado Springs area due to the overwhelming development in the area and the heavy traffic & congestion. A cement plant in the heart of this is area would be a big blemish and devalue the area immensely. We camp 1 mile from the Holcim Cement Plant on our friends private property and the Holcim alarms that go off at all hours of the night could wake the dead and have always scared my young child. The cement plant scares him so much we have to keep music on in the RV all night to hide the noises. Please do not bring this noise to this booming area and risk bigger community complaints if you do in the very near future.

In my opinion, it is fundamentally wrong to allow a heavy-duty industrial use facility like that proposed in the middle of a residential neighborhood. These last two years there has been remarkable growth in the Falcon and Peyton area and most of the future growth will come East. Housing is in short supply and this area is a prime candidate for quality and affordable housing.



The owner of this parcel knew before they bought this acreage that it was not zoned for this kind of use. This is just one of these deals that they would rather ask for the variance use change then do the right thing and buy property where it is zoned for their usage. This type of behavior needs to stop, and the County can set a precedence by voting this MIXING plant down.

Sincerely,

Sarada Connors  
Cumulus Media

--

**Sarada Connors**

Certified Branding Consultant/Radio & Digital

Talk Radio Host-Our Town

**M: 719-205-0411**

**CUMULUS MEDIA**

6805 Corporate Drive, Suite 130

Colorado Springs, CO 80919

<https://www.facebook.com/OurTownCOS>



**95.1 KATC \* 1300 KCSF \* 98.1 KKFM \* 98.9 KKMg \* 92.9 KKPK \* 740 KVOR**

El Paso County  
Planning and Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
**ATTN:** Lindsay Darden

**RE:** Objection to Permitting/Entitling and Plans of Construction of Pete Lien & Sons Construction Ready Mix Plant with plans to be located at NEC of Judge Orr Rd. and Stapleton Rd., in El Paso County, CO.

To Lindsay Darden and El Paso County,

On behalf of Hi Point Home Builders, a builder in El Paso County for over 25 years, I would like to voice my company's objection to the variance request of the above referenced applicant and owner for the construction of a ready-mix plant located on their property! We are a builder that is building custom homes just East of this location. I heard about this through a potential customer that wanted to build with us along with 2 other family members each buying lots and having homes built. They have decided not to build in this area because of the potential of this mixing plant. This is not a good thing to have in the middle of residential homes, even being on 35-acre parcels. People are moving out East to get away from the noise and the hustle and bustle of the city, not to move into a manufacturer of concrete and having to navigate through the slow moving semi-trucks going in and out of this parcel.

In my opinion, it is fundamentally wrong to allow a heavy-duty industrial use facility like that proposed in the middle of a residential neighborhood. These last two years there has been remarkable growth in the Falcon and Peyton area and most of the future growth will come East. Housing is in short supply and this area is a prime candidate for quality and affordable housing. Having the proposed use in the middle of this dynamic would be bad. The buyers of land out there have bought their land not intending to have this concrete mixing plant in midst of their community. In fact, I just recently went under contract to buy a 35-acre parcel in Palomino which I intend to build a house on, and I would be just East of this plant by about ½ mile. No thank you!

The owner of this parcel knew before they bought this acreage that it was not zoned for this kind of use. This is just one of these deals that they would rather ask for the variance use change then do the right thing and buy property where it is zoned for their usage. This type of behavior needs to stop, and the County can set a precedence by voting this MIXING plant down.

Sincerely,

Wayne Intermill

Hi Point Home Builders

## Lindsay Darden

---

**From:** mattcc2315@aol.com  
**Sent:** Wednesday, May 20, 2020 7:41 PM  
**To:** Lindsay Darden  
**Subject:** Cement batch plant objection

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To: Lindsay Darden  
Planner II  
El Paso Planning & Community Development

From: Matthew Creamer

RE: Pete Lien and Sons Concrete Batch Plant File VA-19-002

Date: May 20, 2020

To Whom it May Concern:

This email is being submitted in objection to the request by Pete Lien and Sons for a variance of zoning change for the property at the corner of Judge Orr Rd and Stapleton Road, in the town of Peyton, CO.

Currently the land in question is zone agricultural. Pete Lien and Sons are requesting a variance to change the zoning so they can build a cement batch plant. The only reason I have seen them intend, is so that they can save miles on their trucks. Is that really a good reason to deface beautiful residential and agricultural landscape that is currently in the area.

I currently live less than a mile from the land which the zoning variance change is being requested for. With current health issues, I have concerns about contaminants from the plant which could potentially be transmitted into the air. The winds out here on the plains are very strong and such harmful particles could very easily contaminate my well, grass lands, and personal air quality.

The influx of traffic at two already dangerous intersections at Hwy 24 @ Stapleton Rd and Judge Orr Rd @ Stapleton Rd, has me worried for the safety of those traveling to the new high school and those traveling to their homes in the area. Quite a few of our military personnel travel that way to Schriever AF base. Unless traffic lights are installed at both of those intersections, I envision quite a few traffic accidents with their large trucks now infiltrating this residential / agricultural area. Can the roads even this truck traffic?

Please present this email on my behalf in objection of the variance being granted to Pete Lien and Sons. Thank you for your time.

Mathew Creamer  
Judge Orr Rd resident

## Lindsay Darden

---

**From:** Walter Plumb <drwjplumb@gmail.com>  
**Sent:** Wednesday, May 20, 2020 3:20 PM  
**To:** Lindsay Darden  
**Subject:** Pete Lien Concrete Batch Plant Variance of Use Project  
**Attachments:** 20200520150618560.pdf

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Lindsey,

This is Walter Plumb III, owner of Plumb Investments LLC who owns about 750 acres of land near the proposed Pete Lien cement mixing plant. Please see the attached signed letter in regards to Plumb Investments opinion in regards to this variance to land use proposal for a ready made cement mixing plant. This variance of use is a bad idea for this location and would be a tragic outcome of planning for the immediate area.

Plumb Investments is strongly opposed to this.

Thanks for your time in reaching out to gather input of those who will be directly affected by this.

Sincerely,

Walter J Plumb III  
(801) 456-4140

**PLUMB INVESTMENT, L.C.**

May 20, 2020

El Paso County  
Planning and Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
**ATTN:** Lindsay Darden

**RE:** Objection to Permitting/Entitling and Plans of Construction of Pete Lien & Sons Construction Ready Mix Plant with plans to be located at NEC of Judge Orr Rd. and Stapleton Rd., in El Paso County, CO.

Dear Lindsay Darden and El Paso County,

We own about 750 acres on the south side of Judge Orr Rd and east side of Peyton Hwy. We opposed to the proposed use on the captioned land.

We bought this land because of the unique rural residential feel and general quality of the area. It's our opinion that a cement plant in this beautiful residential-in-nature area would be out of character, bad planning and would decrease aesthetics and values in a dramatic manner.

Sincerely,

A handwritten signature in blue ink, appearing to read 'WJ Plumb III', with a long horizontal flourish extending to the right.

Walter J. Plumb, III

## Lindsay Darden

---

**From:** Dan Carless <dancarlessjr@gmail.com>  
**Sent:** Wednesday, May 20, 2020 2:10 PM  
**To:** Lindsay Darden  
**Subject:** Objection Letter- Cement Plant  
**Attachments:** CRA OWR CO Objection Letter to El Paso Co. 5.18.20.pdf; OWR CO El Paso County Objection Letter to Cement Plant May 2018.docx

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Hi Lindsay,

I hope you are well. Please find the objection letter attached for the proposed cement plant. I am also attaching our initial objection letter from two years ago incase you do not have that on file.

Please confirm receipt of email and that these will be included for the upcoming June 2nd Planning Commission meeting.

Thank you for your assistance.

Kind regards,

Dan Carless Jr.



Direct #.719-432-6849

Fax #.866-223-3848

[www.CoronadoRealtyAdvisors.com](http://www.CoronadoRealtyAdvisors.com)

## **Old West Ranch CO Partners, LLC**

May 10, 2018

El Paso County  
Planning and Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

RE: Objection to Permitting/Entitling and Plans of Construction of a Ready Mix Plant from Pete Lien & Sons Judge Orr Rd Property, Schedule #4200000405, EA #18148 located at the NEC of Judge Orr Rd and Stapleton Rd. El Paso County, CO.

To Whom It May Concern at El Paso County,

On behalf of Old West Ranch CO Partners, LLC, a major land owner and developer in the Falcon and Peyton area, we are opposed to the proposed plan of the above referenced applicant and owner for the construction of a ready-mix plant located on their property.

We feel that this proposed use, and especially at this integral intersection considering the County's Long Term Plans/Vision for this region, would be detrimental to the land and home owner's values, to the region, and to the growth that is occurring now and in the future. This use would be an eye soar along with strong unpleasant odors that would travel for many miles with the strong winds. The type of heavy construction traffic entering and exiting the property would be dangerous to the higher speed traffic along the two main arteries the property fronts (Stapleton/Curtis and Judge Orr Rd.)

We understand that at this moment, only an Early Assessment Meeting has been held, but in lieu of the fact that they have already purchased the land for this purpose/use, we wanted to register our strong opposition to it early on.

Thank you.

Sincerely,

*Dan Carless, Sr.*

Dan Carless, Sr.  
Managing Member of Old West Ranch, CO Partners, LLC

756 Fox Run Circle, Colorado Springs, CO 80921. Ph. 727-278-9246. Email. danc@coronadorealtyadvisors.com





May 18<sup>th</sup>, 2020

El Paso County  
Planning and Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
ATTN: Lindsay Darden

**RE: Objection to Permitting/Entitling and Plans of Construction of Pete Lien & Sons Construction Ready Mix Plant with plans to be located at NEC of Judge Orr Rd. and Stapleton Rd., in El Paso County, CO.**

To Lindsay Darden and El Paso County,

On behalf of Coronado Realty Advisors, LLC, a major land owner and developer in the Falcon and Peyton area, we are writing for a second time, that we respectfully yet strongly oppose the proposed plan on the above referenced applicant and owner for the construction of a ready-mix plant located on their property. Two years ago we submitted an opposition letter from our entity, Old West Ranch CO Partners, LLC, which is located just down Judge Orr Rd to the east and is comprised of approximately 3,000 acres. We are developing a quality equestrian themed residential community. So far five builders have bought parcels and/or are building high quality homes in our community.

In our opinion, it is fundamentally wrong to allow a heavy-duty industrial use like that proposed in the middle of a residential neighborhood. These last two years there has been remarkable growth in the Falcon and Peyton area and the vast majority of future growth will come east. Housing is in short supply and this area is a prime candidate for quality and affordable housing. Having the proposed use in the middle of this dynamic would be very bad.

We have had a number of people who were interested in building in our Old West Ranch Community who have decided not to solely due to the rumor that a cement plant was going in on the corner. We believe allowing this would have a devastating impact to the entire area, both in terms of quality of life and values, and would set a dangerous precedent.

Sincerely,

Dan Carless, Sr.

## Lindsay Darden

---

**From:** stefanie macnicol <stefanie.macnicol@yahoo.com>  
**Sent:** Wednesday, May 20, 2020 9:16 AM  
**To:** Lindsay Darden  
**Subject:** Pete Lien and Sons Concrete Plant- OBJECTION

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Ms. Darden,

As a community member of Falcon since 2014 I am writing to you my **complete objection** to having Pete Lien and Sons building a concrete plant on the corner of Stapleton and Judge Orr. First off the area being proposed for this plant is, acre property 92.47 which is zone as A-35 Agricultural not Industrial. Which is why I don't understand why this has even gone this far into the process; a concrete plant is NOT agricultural in any means. This area of Falcon/Peyton, CO is made up of small farms and ranches and in the last year Old West Ranch Properties have sold numerous 35-acres plots in this same area where many of us are just beginning our country life in hopes of growing vegetables and fruits and raising livestock.

In doing some research I found that Cement Plants produce large amounts of particular matter and metals which develop a cloud of sorts over the plant and surrounding areas. These particular matters and metals are then inhaled by the people and animals in the community. People move onto large acres of land with the plan of staying there so the effects of long term exposure leads to increased levels of metals in the body which can cause a whole host of medical issues.

We are also concerned about the noise and heavily increased traffic for this area. The proposed location for this cement plant is in the traffic pattern for Woodmen Hills Elementary, Meridian Ranch Elementary, and Falcon High School. This will cause major congestion in our rural area and an added health concern for thousands of children sitting within 2 miles of this cement plant for 8 hours a day/ 5 days a week.

But my largest objection that CAN NOT be disputed is that we are zoned for Agriculture NOT Industrial. It is that simple. If Pete Lien and Sons want to build a cement plant they need to do it in a location zoned for Industrial. This community is made up of farmers and ranches of all sizes and a cement plant will impact our community negatively.

Thank you for your time,

**Stefanie MacNicol**

**Join Me in Raising Money for The American Cancer Society- In honor of your loved ones and my late Father**  
[main.acsevents.org/goto/Smacnicol](http://main.acsevents.org/goto/Smacnicol)

Sent from Yahoo Mail. [Get the app](#)

## Lindsay Darden

---

**From:** Rusty Renzelman <rrenz@staticlinenow.com>  
**Sent:** Tuesday, May 19, 2020 8:38 PM  
**To:** Lindsay Darden  
**Subject:** Opposition Letter  
**Attachments:** Opposition Letter 1.pdf

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Lindsay,

I hope you are doing well. I would like to submit an opposition letter in protest against the request for variance that Pete Lien and Sons are seeking.

Thanks,

Rusty Renzelman  
Director of Operations  
[rrenz@staticlinenow.com](mailto:rrenz@staticlinenow.com)  
719-337-0374  
670-286-5704

Rusty Renzelman  
14980 Stapleton Dr  
Peyton, CO 80808

5-15-20

Lindsay Darden  
Project Manager  
Planning and Development  
2880 International Circle, Suite 110  
Colorado Springs CO, 80910

Dear Lindsay Darden:

We have learned that an out of state mining, sand gravel and concrete company by the name of Pete Lien and Sons has come to Colorado recently and purchased a local ready concrete mix company in Colorado Springs. The former ready-mix company that they have purchased is located at 1077,3370 Drennan Industrial Loop N, Colorado Springs. They state on their website that "The ready-mix operation continues to grow with acquisitions of plants around the Black Hills in western South Dakota, Gillette, WY, Steamboat Springs, CO, and Colorado Springs, CO."

Now it seems that this multi-million-dollar corporation with holdings across a three-state regions has set their sights on expanding their portfolio and wish to immensely benefit themselves by trying to get a permanent variance to change the designated use of an agricultural parcel to an Industrial use. Being a self-proclaimed multi-million dollar corporation they are requesting our county gift them many more millions in instant property value compounded by many more millions of profit saved on fuel, wear and tear on vehicles, current city water cost, overtime for employees and much more. All at the expense of the surrounding community and residents that are adamantly against it. If this request is granted to Pete Lien and Sons, their purchase of this property will be 10 to 20 times more valuable overnight according to my commercial real estate agent. While she said my property, being so close in proximity, would drop an estimated 30 to 40 percent in value.

We are the closest affected residence to the proposed plant located only 650' from the main driveway entrance. Our home currently assesses for 1.2 million dollars in value and would lose significant value if a large-scale concrete batch plant were located merely a few hundred feet from our home. Although the value of one's home is usually one's most significant investment and possession, it does not compare to the quality of life we all seek

and look to protect. The amount of dust, noise and light pollution that would be created by this enormous operation would destroy our quality of life and what we have worked our whole lives to build. Although we are the closest residence that would be affected by this operation, we are not the only ones. There is a proposed major development directly to the South, a new development just starting to the west and an ongoing development to the South east. All these people have sent in letters with their concerns and opposition. We currently have over 250 people on a petition apposing this development as well. The largest recreational airport in the State just across the street also apposes this request for a variance!

There are many key factors that are in place that seem to protect the community and where they choose to live. There is a master plan in place that gives individuals the ability to do their due diligence to review and make sound decisions where to build their homes and businesses. This master plan designates Industrial, commercial, and residential areas. There is not an Industrial area situated in this area on the El Paso County Master Plan. To get a variance of use you must meet these criteria:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
- The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project.
- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action.
- The proposed use will not adversely affect wildlife or wetlands

I have not seen any documentation displaying a hardship. In retrospect Pete Lien and Sons clearly state in their letter of intent that "Pete Lien and Sons would benefit by reducing costs associated with delivery concrete to customers and remain competitive in the market". The proposed use of the property is not compatible with the surrounding area, harmonious with

the character of the neighborhood and is detrimental to the health, safety, or welfare of the inhabitants of the area.

Pete Lien and Sons have submitted letters and documents stating they are a thoughtful caring company that respects the community and have stated that they will comply with all the environmental issues that go hand and hand with this type of industrial operation. They have got all the checks in the box to move to the next stage in the approval process. They have submitted the bare minimum criteria such as a landscape and site plan that have absolutely no noise barrier walls, No dust mitigation walls to prevent stockpiles of product additives from blowing to adjacent properties and no public screening walls other than a few trees around the property that will take 30 years to mature and be affective at shielding any of the unsightly plant. There are very minimal hard surfaces proposed on this scale of an operation. The site drawing shows a gravel road around the perimeter of the plant with a tractor trailer semi sketched in indicating this will be where the constant flow of semis bringing the cement, sand gravel lime and fly ash causing immense dust that will be displaced onto others properties.

Out of all the documents submitted I did not see any of the company's yearly violations mentioned. Violations that are documented on a continuous basis from the Federal Mine Safety and Health Review Commission. These violations can be found at MSHA.gov in the mine data retrieval system. These non-disclosed, uncontested violations lead me to believe that this lucrative operation will simply say one thing now during the development process and do another after it is in operation. For example, their operation plant shows the hours of operation from 5:00 am to 6:30 PM. With a little disclaimer at the bottom stating, "some pours can require having special requirements for operating hours due to daytime temperatures and access/traffic safety at the pour sites." Being a former owner and operator of a large concrete construction company, I know this translates into a 24-hour operation!

The air quality management plan is most the troubling of all. It is a boilerplate templet that outlines the potential hazards and states they will take steps to control issues, but it has absolutely no outlined monitoring methods or controls. They state they will limit heights of stockpiles but do not say how high? They say they will orientate stockpiles to maximize wind shelters as much as possible. It is impossible to orientate stockpiles because the wind blows from all directions at a high rate of speed on the high plains of Colorado. There is a

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wind Farm a short distance from this location to that indicates we incur constant high winds. Without stockpiles being full self-contained it is not possible to orientate them any direction and be effective. They say that they will keep unpaved roads and exposed surfaces damp. I do not see a schedule of how many times a day they plan to water the huge gravel road that is going to see heavy traffic on a constant basis.

Although these are only a handful of concerns that I have mentioned, there are many more submitted by other deeply concerned residents in this area. We kindly ask that you and your review committee look at all the detrimental aspects that this plant would bring to this area and not allow the requested variance.

Sincerely,

Rusty Renzelman  
rrenzelman@staticlinenow.com  
(719) 337 -0374



## Lindsay Darden

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**From:** Rowan, Kristin <Kristin.Rowan@ppcc.edu>  
**Sent:** Monday, May 18, 2020 9:21 PM  
**To:** Lindsay Darden  
**Subject:** Zoning for parcel 42000-00-405 and environmental concerns about concrete plant

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Hi Ms Darden,  
My name is Dr. Kristin R Rowan  
I found your name on the Request for a zoning variance posted on Stapleton Rd and Judge Orr rd

After referencing the Land Use site within the Colorado Water Conservation Board site(<https://cwcb.colorado.gov/land-use>)...where it states

"As Colorado grows, land-use planning and water planning will become more closely connected. The manner in which Colorado develops into the future will have a strong influence on Colorado's future water supply gap.

To facilitate the use of local land-use tools to reduce water demands for municipalities and **avoid urbanization of agricultural lands**, the State will work with partners to pursue the following actions.

1. Encourage the use of local development tools
2. Examine barriers in state law for implementing the above local development tools
3. Incorporation of land-use practices into water conservation plans

I am writing to you because I am concerned about the building of a concrete plant in Peyton on land parcel 42000-00-405(VA1902).

There has been a proposal by PETE LEIN and SONS to build a Redi-Mix concrete batch plant out here on Stapleton and Judge-Orr Rd.

Much of the community is not happy about such an industry to be in the middle of the prairie and are concerned...how it will affect property values...the environment and outdoor feel of the community.

I live in Peyton Colorado and have a well for drinking water.

After doing some research...I was wondering if the reason they were doing that was to drill a well, tapping the aquifer for water to make concrete.

I wondered if the cost of water(as their location was in city limits) was driving this plant creation, as they already have a plant in Colorado Springs.

Would there be any limit on the amount of water withdrawn from the aquifer for this business? The water from Colorado Springs Utilities is renewable, whereas the aquifers continue to decline due to development.

We had to drill to 900 feet to draw water from the Denver aquifer. The more taps that are put into this aquifer, the lower the water level will fall. As far as I know this aquifer is nonrenewable.

I wonder how a permit was granted for the use of aquifer water for such a water hungry business?

<https://www.koa.com/news/covering-colorado/falcon-residents-concerned-over-proposed-concrete-plant>

I did not want this area to become heavy industry as, many of my fellow community members are also voicing.

I see the zoning for the parcel of land for this proposed development is agricultural(<https://assets-admin.elpasoco.com/wp-content/uploads/it-gis/Zoning-Maps/424.pdf>). I was wondering how a business that is heavy industry would be allowed to build in such an area

My questions are

- 1) What are the zoning regulations for that parcel of land currently, for which PETE LEIN and SONS is requesting a variance?
- 2) If the general feeling of the community is against this concrete plant, how can we go about stating our concerns and not having the variance granted?
- 3) What would need to be presented to the El Paso County planning commission and the El Paso County Board of County Commissioners to illustrate the disadvantages for this type of plant in this type of location?

Thanks you for your attention to this.

I look forward to hearing your response

Dr. Kristin R Rowan  
Peyton CO

## Lindsay Darden

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**From:** Linda Deatrich <ldeatrich@aol.com>  
**Sent:** Monday, May 18, 2020 7:14 PM  
**To:** Lindsay Darden  
**Subject:** Cement plant in Falcon

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This proposal is not acceptable. First the designated property is surrounded by a rural community of homes and agricultural properties. The usage of water will cause potential water shortages to the homes in Falcon which already have had difficulty with water in the past. With a drought that we're currently in, there is a risk of wells going dry in the area.

It's only in the past couple years the Stapleton Road to Curtis has helped to improve traffic flow in the area. Now you want to approve a facility that will increase the traffic flow on that road and reduce the ability of drivers getting to work or school on time. Where will the entry or exit be placed? Will you need to place more lanes in so traffic can move smoothly. That's usually a ten year process.

It's bad enough that US24, is not able to meet the needs of the traffic movement through Falcon. Judge Orr Road is experiencing increased traffic flow that will need to be addressed as more new homes are built in date new developments. That must be considered as well. Are you going to put in a traffic light at the Judge Orr road and Stapleton/Curtis road intersection?

Also there's a new prairie dog town on the property. Are you going to remove them and set them loose on someone's property where they are not wanted? Consider the potential health risks from those prairie dogs in the county. This type of facility is not in the best interest of the people who are building along Judge Orr Road in the new developments. It will reduce the atmosphere of the neighborhood and the visual appeal for development in the rural communities.

In closing, I want to thank you for consideration of this list of concerns.

Sincerely,

Linda L. Deatrich