

REQUIRED EXHIBITS

Submittals and exhibits should be clearly identified with section and/or question number located on the bottom right-hand corner, or otherwise tabbed or marked. Any waiver requests shall be labeled as the same exhibit number.

LETTERS OF INTENT – SECTION TWO

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| <input checked="" type="checkbox"/> EXHIBIT 2.1 | Describe in detail the proposed type of operation to include days, & hours of operation, number of employees, number of guests, machinery used, etc.. |
| <input checked="" type="checkbox"/> EXHIBIT 2.2 | Describe the existing land use & proposed structures, with dimensions and square footage, & the current and proposed lot coverage. |
| <input checked="" type="checkbox"/> EXHIBIT 2.4 | Landscaping Plan |
| <input checked="" type="checkbox"/> EXHIBIT 2.5 | Lighting Plan |
| <input checked="" type="checkbox"/> EXHIBIT 2.6 | Total parking spaces standard size, compact size, ADA spaces, & loading areas. Parking surface material and thickness. Describe the lighting for all parking areas. |
| <input checked="" type="checkbox"/> Exhibit 2.8 | Statement indicating how the proposed use complies with “Goals Objectives, and Implementation Strategies” of the Fremont County Master Plan District |
| <input checked="" type="checkbox"/> Exhibit 2.9 | Statement indicating how the proposed use will be in harmony and compatible with surrounding land uses and development in the area and/or measures that can be taken to make it in harmony & compatible. |

IMPACT ANALYSIS – SECTION THREE

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| <input checked="" type="checkbox"/> EXHIBIT 3.1 | Dust and erosion measures |
| <input checked="" type="checkbox"/> EXHIBIT 3.2 | Noise control measures |
| <input checked="" type="checkbox"/> EXHIBIT 3.3 | Visual impact control measures |
| <input checked="" type="checkbox"/> EXHIBIT 3.4 | Odor Control |
| <input checked="" type="checkbox"/> EXHIBIT 3.5 | Wildlife/plant habitat protection measures |
| <input checked="" type="checkbox"/> EXHIBIT 3.6 | Water quality and/or water way(s) protection measures |
| <input checked="" type="checkbox"/> EXHIBIT 3.7 | Safety measures to protect adjacent properties, residents, & agricultural operations |
| <input checked="" type="checkbox"/> EXHIBIT 3.8 | Measures to protect and/or preserve archaeologically or historically significant sites |
| <input checked="" type="checkbox"/> EXHIBIT 3.9 | Measures to limit or control offsite discernable vibrations |

REQUIRED SUBMITTALS – SECTION FOUR

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| <input checked="" type="checkbox"/> Exhibit 4.1 | Current Deed of Record |
| <input checked="" type="checkbox"/> Exhibit 4.2 | Water Supply documentation: Public water source requires documentation evidencing ability to provide service. Wells require documentation of a well permit and/or documentation that the existing well is adequate for the proposed use. |

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| <input checked="" type="checkbox"/> Exhibit 4.3 | Sanitation Documentation: Public sewer shall require documentation evidencing the ability to provide service. Onsite Wastewater System (OWTS) shall require a soils report and a design plan from a certified engineer. Existing OWTS systems shall require documentation that the existing system is adequate for the proposed use. |
| <input checked="" type="checkbox"/> Exhibit 4.4 | Refuse Plan: Shall address the storage, collection, and disposal of refuse. It shall also document screening of refuse receptacles/areas. (Refuse plans require approval by the Fremont County Environmental Health Dept.) |
| <input checked="" type="checkbox"/> Exhibit 4.5 | Drainage Plan & Report: (Drainage plans require approval by the County Engineer). |
| <input checked="" type="checkbox"/> Exhibit 4.6 | Noxious Weed Control Plan |
| <input checked="" type="checkbox"/> Exhibit 4.7 | List of owners and mailing address for all properties located within five hundred (500') foot radius of the subject property. |
| <input checked="" type="checkbox"/> Exhibit 4.8 | A detailed utility plan showing the proposed or existing location of all utilities. |

IF APPLICABLE SUBMITTALS – SECTION FIVE

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| <input type="checkbox"/> Exhibit 5.1 | CDOT Notification of Proposed Land Use and comments |
| <input checked="" type="checkbox"/> N/A | |
| <input checked="" type="checkbox"/> Exhibit 5.2 | Mineral Interest Notification and certified mailing receipt. (this is only required if the minerals interests are severed) |
| <input checked="" type="checkbox"/> N/A | |
| <input checked="" type="checkbox"/> Exhibit 5.3 | Copies of all local, state and federal licenses and/or status of applications. |
| <input type="checkbox"/> N/A | |
| <input checked="" type="checkbox"/> Exhibit 5.4 | In circumstances of Corporate Ownership, documentation evidencing whom is eligible to execute documents on behalf of the corporation |
| <input type="checkbox"/> N/A | |
| <input type="checkbox"/> Exhibit 5.5 | In circumstances where the applicant is not the owner written authorization from the owner specifying the extent to which the representation is authorized |
| <input checked="" type="checkbox"/> N/A | |
| <input checked="" type="checkbox"/> Exhibit 5.6 | In circumstances where a consultant is making application on behalf of the owner, written authorization from the owner specifying the extent to which the representation is authorized |
| <input type="checkbox"/> N/A | |
| <input type="checkbox"/> Exhibit 5.7 | In circumstances where the property owner of record is not involved in the operation or application, documentation indicating right to occupy and use the property shall be provided. (lease or similar document) |
| <input checked="" type="checkbox"/> N/A | |
| <input type="checkbox"/> Exhibit 5.8 | Buffering Plan Required for Contractor Yards, Junk Yards, Automobile Graveyards, & Vehicle Impoundment Yards |
| <input checked="" type="checkbox"/> N/A | |
| <input checked="" type="checkbox"/> Exhibit 5.9 | Current registration for SMM equipment or documentation that equipment is on tax rolls associated with the property, to include list of machinery. |
| <input type="checkbox"/> N/A | |
| <input type="checkbox"/> Exhibit 5.10 | List of Hazardous materials stored and/or used on site, to include location of storage and management practices |
| <input checked="" type="checkbox"/> N/A | |
| <input checked="" type="checkbox"/> Exhibit 5.11 | Copies of mining and reclamation plans (CUP's) |
| <input type="checkbox"/> N/A | |
| <input type="checkbox"/> Exhibit 5.12 | Required information set forth in FCRZ 8.01(a) (Airports) |
| <input checked="" type="checkbox"/> N/A | |
| <input type="checkbox"/> Exhibit 5.13 | Required information set forth in FCRZ 8.01(b) (Adult Uses) |
| <input checked="" type="checkbox"/> N/A | |

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| <input type="checkbox"/> Exhibit 5.14 <input checked="" type="checkbox"/> N/A | Required information set forth in FCRZ 8.01(c) (Antenna or Towers) |
| <input type="checkbox"/> Exhibit 5.15 <input checked="" type="checkbox"/> N/A | Required information set forth in FCRZ 8.01(d) (Contractor's Yard #2) |
| <input type="checkbox"/> Exhibit 5.16 <input checked="" type="checkbox"/> N/A | Required information set forth in FCRZ 8.01(e) (Junkyards) |
| <input type="checkbox"/> Exhibit 5.17 <input checked="" type="checkbox"/> N/A | Required information set forth in FCRZ 8.01(f) (Kennel) |
| <input type="checkbox"/> Exhibit 5.18 <input checked="" type="checkbox"/> N/A | Required information set forth in FCRZ 8.01(g) (Solid Waste Disposal Site and Facility) |
| <input type="checkbox"/> Exhibit 5.18 <input checked="" type="checkbox"/> N/A | Required information set fourth in FCZR 8.01(h) Tiny Home Communities |
| <input type="checkbox"/> Exhibit 5.19 <input checked="" type="checkbox"/> N/A | Required information set forth in FCRZ 8.01(i) (Travel Trailer Park & Campground) |

REQUIRED FORMS

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|---|--|
| <input checked="" type="checkbox"/> CODWR | Fremont County's Colorado Division of Water Resources Information Form |
| <input checked="" type="checkbox"/> FCDOT | Fremont County Roadway Impact Analysis Form (if accessed from a county road) |
| <input checked="" type="checkbox"/> CDOT | Colorado Department of Transportation Access Permit (if accessed from a CDOT controlled highway) |
| <input checked="" type="checkbox"/> FIRE | Fire Protection Plan |

SITE PLAN

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|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Two (2) copies of a drawing shall be prepared to professional standards, minimum size 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application. Two (2) reduced (to 11"x17") copies all of which shall include the following: |
| <input checked="" type="checkbox"/> | Written and graphic scale with minimum of 1" = 200' max 1" = 50'; |
| <input checked="" type="checkbox"/> | Appropriate title (SPECIAL REVIEW USE PERMIT, CONDITIONAL USE PERMIT, COMMERCIAL DEVELOPMENT PLAN FOR {name}); |
| <input checked="" type="checkbox"/> | Appropriate subtitle (brief description of the proposed use); |
| <input checked="" type="checkbox"/> | Boundary drawing of the property with bearings and dimensions illustrating the legal description; |
| <input checked="" type="checkbox"/> | Legal description of the property; |
| <input checked="" type="checkbox"/> | Acreage or square footage of the subject property; |
| <input checked="" type="checkbox"/> | Zoning classification of the subject property; |
| <input checked="" type="checkbox"/> | Zoning classification of the adjoining properties; |
| <input checked="" type="checkbox"/> | North Arrow; |
| <input checked="" type="checkbox"/> | Vicinity map locating the subject property in relation to surrounding areas; |
| <input checked="" type="checkbox"/> | Table indicating relationship between proposed and existing construction to remain on the property |
| <input checked="" type="checkbox"/> | Minimum lot size, maximum lot coverage, maximum building height, minimum lot width, minimum setback requirements (Front, Two sides, & Rear) |

- Size and shape of all existing & proposed structures: each structure shall be labeled/noted as existing or proposed. Dimensions from at least two property lines shall be noted;
- Location of all parking areas to include size, dimensions, surface type & thickness, type of space (ADA, Standard, Compact) and a table specifying the minimum numbers of spaces required for each category;
- Location of loading areas to include size, dimensions surface type & thickness;
- Labeled access points including interior roadways with dimensions, surface type & thickness, circulation pattern, and dimensions from property lines;
- Any proposed pedestrian areas & walkways to include dimensions, surface type & thickness;
- Location and dimensions of refuse areas;
- Identification and location of all drainageway, drainage facilities, including FEMA flood areas with the Map # and effective date, to include dimensions from property lines;
- Location, height & type of lighting for parking and off-loading areas;
- Location, type, and size of all on-site identification signage (table may be used);
- All easements (existing & proposed) to include dimensions from property lines (beginning, end, & centerline) width, and if they are to be vacated or relocated;
- Significant natural features;
- Soil types
- Open space areas
- Legend identifying symbols and/or lines
- Architectural rendering or perspectives to portray fully the whole project. The rendering shall be a minimum size of 18"x24"; multiple sheets can be used to display the project. CUP applications are excluded from this requirement.

Section 2: Letters of Intent

Exhibit 2.1

The long-term future use of the existing land is for residential development. The City of Florence is the closest municipal district in the area and has seen limited growth in the last several years. It is our intention to create a development of the modern age with newer high-end homes not commonly found in the local area. The property is "off the beaten path" and secluded enough to make one feel like they are deep in the countryside, yet only a few minutes away from a historic shopping district, a great school district, emergency services, sustainable jobs, and a neat little community.

Langston Concrete Inc. Plans on removing material from the East side of the existing sanitary sewer right-of-way to begin with. This initial activity will foster an access road into the area for the rest of the material removal activity will occur. The operation will occur from North to South. And be just wide enough to gain access with a road.

Once access is developed and wide enough to be used, material removal operations will work to the East to finish out the material extraction of the property. The excavation will continue to the Eastern most boundary and will plateau/daylight out as the contour of the land drops off at our boundary line.

Once the East side is complete, we plan on moving the material removal operation to the West side of the existing sanitary sewer right-of-way. This operation will also occur in a North to South pattern. Again, just wide enough for access. The removal of material in this area is necessary for the protection of the existing facility structure (sanitary sewer) already in place. The existing right-of-way trench left over from the initial installation of the sanitary sewer line is currently failing and eroding. It is also rather narrow. The existing earthen material has eroded enough in recent years that it is beginning to bury the manholes.

We plan on excavating approximately three acres at a time. The primary direction of excavation is to the East, in a North-South manner. Meaning, material will be removed from the West to the East, but the excavation will occur from North to South. We will remove a "slot" the entire length of the property, then move to the East and do it again. We believe the deposit to be roughly 20' deep on the North end and will taper down at the South end. We do not plan on moving equipment to the site and removing ALL the soil/vegetative material off all 22 acres at once (this will help with dust and erosion). We will remove approximately three acres at once, excavate the material under the soil, move, remove approximately three acres of soil/vegetative material, excavate the material under the soil, move and so on.

The soil generated from the surface removal activity will be stored on site in a separate location for reclamation activities. Once extraction progresses far enough along, the

reclamation activities will commence. The philosophy is that it is a progressive process that moves along as the extraction activity moves along. So, as one area is extracted, the reclamation occurs right behind it. This helps to foster efficiencies in material management. Rather than piling the material in one location and then pick it up again to move it to its final location on the area needing reclaimed, you place it where it needs to go the first time you pick it up.

The exception to this idea is the first time the material is moved. One obviously must excavate an area out to have an area to place the material. So, the initial surface material will have to be stockpiled until there exists a place to put it.

A front-end loader will be utilized to extract the material. This allows us the privilege of extracting the material from the bottom. Thereby assisting with noise deadening and line of site concerns. There is no drilling and blasting needed for the extraction as the deposit is an alluvial deposit. Semi tractors equipped with end dumps and tandem axle dump trucks will be used to transport the material. The material will only be loaded at this proposed site and then transported off the property for processing.

All extraction activities will occur in compliance with the Mine Safety and Health Administration (MSHA) rules and regulations.

Hours of operation will be Monday through Friday from 8 am to 5 pm. There will be one employee onsite when operations are occurring. Trucks will enter and leave the site throughout the day. There will be approximately 3-5 employees onsite at any given time. There will be no guests onsite, other than regulatory agency representatives doing inspections. There will be a front end loader onsite removing the material from the property and semi-trucks will enter the site to be loaded with the material and hauled to the processing facility offsite.

Exhibit 2.2

There will be no structures on the property throughout the project.

Exhibit 2.4 - Landscape Plan

We would like to request a waiver for landscaping. The site in question will be reclaimed once all excavation activities have been completed. Langston Concrete Inc. has a reclamation permit application in with the State of Colorado Division of Reclamation Mining and Safety (DRMS) and plans on following all necessary protocols within the State permit requirements.

Vegetative medium will be removed from the surface elevations of the property and stored on site for future reclamation purposes. Once excavation activities have subsided, the vegetative medium will be placed on the side slopes and over the entire footprint area at a

depth appropriate to foster plant life. Once the medium is placed, the site will be seeded with native seed, as recommended by the Fremont Soil Conservation District; per the application with the State of Colorado Division of Reclamation Mining and Safety (DRMS).

Exhibit 2.5 – Lighting Plan

We would like to request a waiver for lighting. There are no plans for any kind of operation at night. Lighting is an unnecessary waste of resources for the proposed use of the property.

While there is a power line bisecting the property, there is no drop for power, and we do not plan on installing one. This would yield a cost not calculated into the budget of the project.

Exhibit 2.6 – Parking

Only one vehicle will be onsite at any given time, unless there are regulatory agencies on the premises for inspections. That one vehicle will park within the active mine area. Since this operation will only occur during day light hours, no lighting will be needed.

Exhibit 2.8 and 2.9– Statements

This project is an interesting one the way it is working out. Due to the fact the State is making us apply for a reclamation permit, the project has been dubbed a mine site. Unfortunately, there exists an inherent negative stigma with anything that has anything to do with mining in today's green friendly environment. So, we doubt very seriously that there will be any harmony and compatibility initially; during the "mining" process. Other than whatever grace and favor allotted to us by the Fremont County Planning & Zoning Department and the County Commissioners out of the Fremont County Master Plan, we are not expecting this to be an easy task to accomplish.

All but too often we are reminded of our constituents that have come before us asking for the same thing in other Counties. Albeit their requests were much larger in scale. Fremont Paving & Redi Mix has tried to open a quarry in Pueblo County for the last several years and to our knowledge have been unsuccessful until recently. Transit Mix ultimately failed in El Paso County and ended up selling to the corporate thug, Aggregate Industries. Which is owned by Holcim, which is merged with Lafarge. That particular headline made the local news and the front page of many newspapers.

We are unaware of the reasoning behind the negative stigma the general public has on mining. Yet, it exists. We have our opinions but will keep those to ourselves. In fact, the 2015 Fremont County Master Plan has three negative paragraphs about mining and only one positive paragraph. The fact is that mining is an integral part of our existence as a society. One cannot function, thrive, nor grow without the other. They coexist whether one chooses

to admit it or not. Many of the commodities we as consumers utilize

everyday would cease to exist if it were not for mining. We feel the vast majority of the population is negligent in knowing this. Therefore, there exists a lack of cognitive knowledge when it comes to making a one-sided argument or opinion about anti-mining.

One could argue that this relationship is forced compatibility, yet the relationship is inherently compatible. The phone in your pocket, the ability to brush your teeth in the morning, the car you drove to work today, the printer that printed this application, are all examples of how we all rely on mining to operate & function. Another example are electric cars. Even as 'green' as they are, electric cars rely *heavily* on mining to even exist. The Cobalt in the rechargeable lithium batteries is harvested from the earth (among many other things). Again, for this example, one cannot exist without the other. California recently passed legislation to ban the internal combustion engine by the year 2035. How much harmony/compatibility will there be when the public is forced to purchase only electric cars? California just gave the mining industry one of the biggest boosts in history with this legislation. And we are unsure if the general public even knows it. Most individuals see the electric car and think there are doing the earth a favor.

While we are not affecting the global supply chain, locally we can be compatible by providing commodities and jobs. The commodities are landscape rock, sand, and aggregates. The jobs are truck drivers, laborers, lab technicians, equipment operators, and a few others. Many individuals are re-landscaping their yards to a "zero-scape" design to help mitigate water consumption.

While this is a fantastic idea, it indirectly effects the mining industry also. Every person that has zero-scaped their yard has directly benefitted the mining platform. All the landscape rock utilized for the zero-scape effect came from a mine, quarry, or aggregate deposit of some kind. No argument. It was all harvested from the earth in one way or another. The idea saves water but puts more strain on the supply & demand chain linked to the mining industry. The demand for sod & turf grass goes down, supply goes up initially. While the demand for rock goes up initially, the supply goes down until the industry can catch up and allow the supply to increase.

The harmony is driven naturally from this aspect. When individuals make the decision to change the landscaping in their yard, it is generally a big decision to make. When they find out they cannot access the products they need to make it happen, there is no harmony. They become irritated and aggravated. The harmony will arrive when the project is complete and they have a brand new landscaped yard to look at and enjoy. But sometimes getting to that point can be difficult. Saving water is clearly a benefit to the earth, but zero-scaping a yard arguably negates the initial benefit. Make no mistake, there is long term benefit, and it is not our intention to peg water consuming yards vs. zero-scape yards. We are dimply trying to drive the point that most people don't realize they are saving one raw material but

switching to access another.

The reality is that most individuals are negligent in the role mining plays for everyday life to occur. They want to brush their teeth, drive their cars, landscape their yards, and not think twice about it; as we all do. Yet at the same time they sign up for anti-mining activist groups, lobby our government bodies, vote for stricter mining regulation, complain about extraction activities, and oppose those individuals who are educated about and harmonize with it. And then complain about how much it cost to purchase a ton of rock.

Then there is the political aspect that comes into play. There is little harmony nor compatibility in the political venue of our Nation right now, so we are not going to add to any of the division that already exists. We are aware that local politics play a role in decision making factors when it comes to applications of this nature. However, we are not active in the political field surrounding our region and refuse to be influenced one way or another, so we are going to take a neutral stance.

The biggest complaint we can forecast is the neighbors not liking the activity occurring while they live there. Currently, the residents of High Meadows Subdivision trespass onto the land and use it for hiking, biking, and mild forms of recreation. So, we anticipate a kickback from that community because we will be cutting off the free access they have taken advantage of for several years. This will disrupt the harmony but regain the balance of law & order once trespassing activities have ceased.

While the harmony and compatibility aspect of the proposed project within this application are going to be hard to come by during the projected timeframe in which we will be on site, it is hard to argue that there isn't at least some form of harmony and compatibility derived from the project; even if it isn't immediately present.

We plan on being good neighbors while the site is active. It is not in our interest to irritate or aggravate those surrounding our borders. We feel we can all do what we need to do in harmony. We strongly believe we are proposing implementing a strategy to have the least amount of impact as possible for the neighbors within our means and methods. Our method of material extraction, our haul route, and our setbacks were all things taken into consideration when this project was in its infant development stages. Realistically, there is not many other things to do to make it any different.

The method of extraction allows us to be below grade where the machines will be nearly completely screened from the surface. This will lend favor into noise levels being decreased as well. This is the best low impact strategy we could derive.

The haul route is along the road with the least amount of citizens living on it. And the least amount of traffic use.

There will be no lighting, so the evening hours will remain unchanged. The skies will remain

dark.

We are not altering the permeable surface so there is no change to the existing drainage.

The reclamation plan is driven to be set up for home development after material extraction has occurred. However, if home development doesn't work out, the property left behind will be accessible, level, seeded, and noxious weed free. It will end up becoming a great wildlife habitat if left with no residential development.

The distance of setbacks helps with buffering between the site and neighboring uses.

If you haven't been able to tell throughout this document yet, we are 'pro mining.' As is every employee at Langston Concrete Inc. We actively work with it every day. All of us have grown up around something that had to do with mining; either directly or indirectly. We all make a living off something that is affected by mining somehow. Our livelihood is entrenched in it. And I think I can speak for all of us when I say none of us would have it any other way.

All our buffering exists within the mining plan itself. We have proposed to utilize techniques that allow equipment to stay below grade. Utilizing a front-end loader for loading out extracted material allows the privilege of not being viewed from the surrounding area. It also allows the privilege of utilizing the walls of the excavation for sound deadening. We are assuming most noise & visual concern will be coming from the South/West as there exists nearly no homes to the North, East, & West.

It is known scientifically that sound intensity fades over un-obstructed distances. For every doubling of distance, the sound level reduces by 6 decibels (dB). For example, moving from 50 to 100 feet from a noise source, reduces the sound by 6dB. Moving from 100 to 200 reduces an additional 6dB. If you calculate the 200' distance (61meters) you end up with a decibel reading at about 65-67dB. A front end loader is stated to emit 80-95dB. Using 85dB as a medium example, if you move 50 feet away you drop the dB rating to about 79dB. If you move to 100 feet you drop to about 73dB. 200 feet= 67dB+/- . 400 feet= 61dB+/-.

From the scenario in the above paragraph, everything must be in perfect harmony. The scenarios played out in the scientific world take part in controlled environments. We understand that we will not be able to control the environment as they are able to do in a lab setting. Wind, barometric pressure, snow, humidity, inanimate objects, and many other things play part in how far sound travels and how fast. Some benefit us, and some don't.

What we do know is that we can use this information as a baseline. And with that we can determine that at exactly 200' (61 meters) the noise level drops from 85dB to 67dB. We also know that we will not be operating machinery at exactly 200' away all the

time. Nor will any one person be standing exactly 200'(61 meters) away all the time. Most of the machinery will be well within the prescribed area a majority of the time. Hardly any material extraction will happen at exactly 200'; and when it does, it will be for a very short time. Once the material is extracted, the machinery will move on to other locations for extraction. The majority of the operation will occur significantly further away. Thereby decreasing the noise levels even further.

For comparative example, an emergency services siren 011 an ambulance creates around 110- 120dB of sound. A lawn mower creates around 80-85dB of sound. A washing machine creates around 70dB. And a normal human conversation creates around 50-60dB. So, based 011 this, the noise level at 200' (61 meters) will be about the same as it is while talking to another human being on any given day. Just a little louder.

Lastly, adding to the paragraphs above is the fact that we will be operating the extraction machinery below grade. Also, there will be no processing machinery. Extraction equipment only. While we could not find any scientific evidence to bring to the attention of any objectors, we are going to lean on good old fashioned common sense. It doesn't take a scientist to know sound is impeded when something is in the way. In this case, the earth is in the way. The extraction equipment will be approximately 15'-20' below grade and the walls of the excavation will create a natural buffer to noise levels being detectable from above grade.

This method of extraction allows us the privileges of sound deadening as well as site buffering at the same time. Given the operational activities are occurring below grade, visually spotting them will be next to impossible. As will being able to hear anything from above grade and back an additional 200'+.

We feel the physical location of the proposed area itself lends us a favorable position. While we are neighboring a subdivision, we are not right on top of them, next to them, or behind them. Our proposed area is "caddy-corner" from the subdivision. And we have already taken steps to distance our extraction efforts voluntarily by setting back the Southwestern boundary 200'. Plus, there exists a significant amount of natural buffering that occurs at the site without needing anything added to it. The location really lends a favorable setting for the proposed CUP application.

At the Southwest most point of the proposed area, we voluntarily set back 200' in both directions in an attempt to stay away from the existing residences in the area. Also, at that same area, along the Southern boundary, there exist a row of naturally occurring trees that block nearly all the view from the residences at that corner. They appear to be cedar trees and are roughly 20' in height and approximately 20' in diameter. There are 4 of them roughly this size and a handful of smaller trees that are still maturing. Further West, there exist more larger trees that block the back of those properties; they are approximately 200' West of the permitted area. The trees that are still

maturing will offer future buffering in years to come.

Directly South of the proposed permitted area is nearly all owned by the City of Florence. There is a maintenance shop and an open field. A small trapezoidal piece does exist that is part of the High Meadows Subdivision but given its proximity to the rest of the subdivision we assume it to be a designated drainage area from the East side of the subdivision. Where the runoff is directed to the North, coming from High Meadows, and onto the proposed permitted property owned by Mike Langston. Also, there is nothing built on it.

To the North there exists a vast amount of natural buffer. There are fully grown matured cottonwood trees that block nearly the entire view to the North. On the North Eastern side of the property, there exists a "hill/knoll" that was created when the Evraz ditch was cut into the landscape years ago. This knoll blocks everything to the North East. Not that this is critically important, as just about the only thing to the North is the sparsely traveled County Road 79 and a pump jack that sits atop an oil well. There really isn't anything that needs to be buffered.

It is with all the elements we have presented here that we would like to request a buffering requirement waiver. The proposed extraction method accompanied with the existing naturally occurring environmental conditions and distance achieve a satisfactory buffer.

We would also like to state that the information relating to decibel rating was pulled from the following sources.

Electronic Library of Construction Occupational Safety & Health
(ECLOSH) Penn State Extension of College of Agricultural Sciences.
Federal Highway Administration (FHWA) 2006 data

Section 3 - Impact Analysis

Exhibit 3.1 – Dust and Erosion

Dust will be controlled through onsite measures. Water will be brought to the site and sprayed on active mine faces to control dust. There will be no stockpiling of material. The haul road to the active mine face will be treated with water as well on an as needed basis.

Erosion will be controlled through onsite BMPs. Mining activities will leave a depression onsite, which will hold any stormwater, not allowing it to run offsite or create undo erosion. This water will percolate within 72 hours and thus will not need to be augmented.

Langston has also created a drainage plan. It is attached for review.

Exhibit 3.2 - Noise

All our buffering exists within the mining plan itself. We have proposed to utilize techniques that allow equipment to stay below grade. Utilizing a front-end loader for loading out extracted material allows the privilege of not being viewed from the surrounding area. It also allows the privilege of utilizing the walls of the excavation for sound deadening. We are assuming most noise & visual concern will be coming from the South/West as there exists nearly no homes to the North, East, & West.

It is known scientifically that sound intensity fades over un-obstructed distances. For every doubling of distance, the sound level reduces by 6 decibels (dB). For example, moving from 50 feet from a noise source, reduces the sound by 6dB. Moving from 50 to 100 reduces an additional 6dB. If you calculate the 200' distance (61meters) you end up with a decibel reading at about 65-67dB. A front end loader is stated to emit 80-95dB. Using 85dB as a medium example, if you move 50 feet away you drop the dB rating to about 79dB. If you move to 100 feet you drop to about 73dB. 200 feet= 67dB+/- . 400 feet= 61dB+/-.

From the scenario in the above paragraph, everything must be in perfect harmony. The scenarios played out in the scientific world take part in controlled environments. We understand that we will not be able to control the environment as they are able to do in a lab setting. Wind, barometric pressure, snow, humidity, inanimate objects, and many other things play part in how far sound travels and how fast. Some benefit us, and some don't.

What we do know is that we can use this information as a baseline. And with that we can determine that at exactly 200' (61 meters) the noise level drops from 85dB to 67dB. We also know that we will not be operating machinery at exactly 200' away all the time. Nor will any one person be standing exactly 200'(61 meters) away all the time. Most of the machinery will be well within the prescribed area a majority of the time. Hardly any material extraction will happen at exactly 200'; and when it does, it will be for a very short time. Once the material is extracted, the machinery will move on to other locations for extraction. The majority of the operation will occur significantly further away. Thereby decreasing the noise levels even further.

For comparative example, an emergency services siren 011 an ambulance creates around 110-120dB of sound. A lawn mower creates around 80-85dB of sound. A washing machine creates around 70dB. And a normal human conversation creates around 50-60dB. So, based 011 this, the noise level at 200' (61 meters) will be about the same as it is while talking to another human being on any given day. Just a little louder.

Lastly, adding to the paragraphs above is the fact that we will be operating the extraction machinery below grade. Also, there will be no processing machinery. Extraction equipment only. While we could not find any scientific evidence to bring to the attention of any objectors, we are going to lean on good old-fashioned common sense. It doesn't take a scientist to know sound is impeded when something is in the way. In this case, the earth is in the way. The extraction equipment will be approximately 15'-20' below grade and the walls of the excavation

will create a natural buffer to noise levels being detectable from above grade.

This method of extraction allows us the privileges of sound deadening as well as site buffering at the same time. Given the operational activities are occurring below grade, visually spotting them will be next to impossible. As will being able to hear anything from above grade and back an additional 200'+.

We feel the physical location of the proposed area itself lends us a favorable position. While we are neighboring a subdivision, we are not right on top of them, next to them, or behind them. Our proposed area is "caddy-corner" from the subdivision. And we have already taken steps to distance our extraction efforts voluntarily by setting back the South Western boundary 200'. Plus, there exists a significant amount of natural buffering that occurs at the site without needing anything added to it. The location really lends a favorable setting for the proposed CUP application.

At the South West most point of the proposed area, we voluntarily set back 200' in both directions in an attempt to stay away from the existing residences in the area. Also, at that same area, along the Southern boundary, there exist a row of naturally occurring trees that block nearly all the view from the residences at that corner. They appear to be cedar trees and are roughly 20' in height and approximately 20' in diameter. There are 4 of them roughly this size and a handful of smaller trees that are still maturing. Further West, there exist more larger trees that block the back of those properties; they are approximately 200' West of the permitted area. The trees that are still maturing will offer future buffering in years to come.

Directly South of the proposed permitted area is nearly all owned by the City of Florence. There is a maintenance shop and an open field. A small trapezoidal piece does exist that is part of the High Meadows Subdivision but given its proximity to the rest of the subdivision we assume it to be a designated drainage area from the East side of the subdivision. Where the runoff is directed to the North, coming from High Meadows, and onto the proposed permitted property owned by Mike Langston. Also, there is nothing built on it.

To the North there exists a vast amount of natural buffer. There are fully grown matured cottonwood trees that block nearly the entire view to the North. On the Northeastern side of the property, there exists a "hill/knoll" that was created when the Evraz ditch was cut into the landscape years ago. This knoll blocks everything to the Northeast. Not that this is critically important, as just about the only thing to the North is the sparsely traveled County Road 79 and a pump jack that sits atop an oil well. There really isn't anything that needs to be buffered.

It is with all the elements we have presented here that we would like to request a buffering requirement waiver. The proposed extraction method accompanied with the existing naturally occurring environmental conditions and distance achieve a satisfactory buffer.

We would also like to state that the information relating to decibel rating was pulled from the following sources.

Exhibit 3.3 – Visual Impacts

As stated throughout this application package, impacts will be limited due to the minor nature of the disturbance. The excavation will take place using one piece of equipment that will be shielded from the view of most adjacent properties. The trucks that will enter and leave the site will use one singular road in and out of the site and will then proceed onto county roads. The interior road will be approximately .30 of a mile in length, again a very small footprint of disturbance onsite.

Exhibit 3.4 – Odor

This site has no anticipated odor causing elements that would need to be addressed.

Exhibit 3.5 – Wildlife/Plant Habitat Protection Measures

The site has a minimal footprint. There will be no barriers that will impact wildlife migratory paths. The excavation and active mine face areas will be kept to a minimum and the site will be reclaimed using a seed mix that is complimentary to the surrounding wildlife and match the plant life in surrounding lots.

Exhibit 3.6 – Water Quality and/or Water Way Protection Measures

Please see the attached letter from the Division of Water Resources. There is no anticipated impact to any waterways or groundwater that would need to have protection measures. All stormwater will remain onsite. Additionally, there will be a setback from the Minnequa Canal as a further protective measure.

Exhibit 3.7 – Safety Measures

The active mine face will be on the interior of the property owned by Langston. Buffering will be established through onsite berms and offsets from surrounding property owners. Any manmade structure that is within 200' of the permit boundary has a Structure Agreement in place, as a requirement of the State of Colorado's Division of Reclamation, Mining and Safety, which assures that if any damage is done, Langston would be responsible for the repair.

Exhibit 3.8 – Archaeologically or Historically Significant Sites

This site is not anticipated to have any archaeological or historical significance. However, if upon excavation activities, any potentially significant items that may be uncovered will be

reported to the Colorado's Office of Archaeology and Historic Preservation.

Exhibit 3.9 – Offsite Discernable Vibrations

This entire project is structured to limit any offsite disturbance. With only one piece of equipment onsite at any given time, and the truck traffic limited by such a small operation, any offsite disturbance will be greatly reduced. Additionally, the nature of the mining practice will provide a physical barrier that will again greatly reduce any offsite vibrations. There will be no blasting or crushing onsite.

Section 4 – Required Submittals

Exhibit 4.1 - Deed

See attached.

Exhibit 4.2 – Water Supply Documentation

Public water use is not intended to be utilized for this permit application. The only water use required for this application shall be to mitigate dust as needed. Dust mitigation measures will include the use of a 4,000-gallon water truck with factory spray bars in the front and rear. Water will be bought from the City of Florence and will be hauled from the bulk water storage facility on the South side of Florence near the water treatment facility.

Please also see letter from the Colorado Division of Water Resources.

Exhibit 4.3 – Sanitation Documentation

There shall be no public sewer use for this application. There will also be no Onsite Waste Water System (OWTS) nor is there an existing Onsite Waste Water System.

At this point in time, we do not see the need for a port-a-potty at the site either. The truck traffic will be making trips back and forth within a ½ hour destination and can use the sanitary facility at the location where they will be taking the excavated material to. However, the port-a-potty need will be determined on an as needed basis. If we determine one is needed, we will provide one while on the facility and will remove it during those times of the year when we are not at the facility.

Please also see the attached letter from the Fremont County Department of Public

Health.

Exhibit 4.4 – Refuse Plan

There is no storage of refuse planned for the site. There doesn't appear to be a need for any as there are no permanent structures or dwellings planned for the site. There are no designated gathering places for meetings, nor a communal lunch area. We do not anticipate generating any refuse from a business operation perspective.

It is anticipated the truck drivers and equipment operator will have a minor amount of refuse they will bring with them each day. However, it is common practice to pack out what is packed in.

We are anticipating mandating the drivers and equipment operators to pack out their personal refuse each day when they go home. No refuse will be allowed to be left on site. Nor will it be collected or stored.

This information shall be communicated to Langston Concrete Inc. personnel via newsletter provided in their weekly paychecks.

Please also see letter from the Fremont County Department of Public Health & Environment.

Exhibit 4.5 – Drainage Plan

Please see the attached Drainage Plan prepared by 3 Rocks Engineering.

This application is proposing to only load out material from the site. The surface of the site will remain permeable throughout the extraction process. We are not proposing to install any permanent or temporary structures for loading activities to occur. There will be no buildings of any kind. The access road is gravel and will remain gravel.

In our professional opinion, this is nearly as low impact as it gets for an activity of this nature. Many other organizations have similar operations in the region with similar set-ups. We don't intend our operation to be any different than anyone else's. This is merely a vacant piece of land that happens to be housing a decent number of resources we feel can be extracted, processed, and taken to market with relatively low effort/impact.

FEMA flood plains do exist in the area. Thanks to recent storm events in our County over the last couple of years, *FEMA flood plain* exists everywhere now. The phrase "FEMA flood plain" has since coincided with four letter curse words for individuals

within our industry. It has made it more difficult to get things built near or around our County's rivers, creeks, streams, arroyos, gulches, and low-lying lands. It's hard to find a map in the County that doesn't have a flood plain on it anymore. We are aware of this. We are aware that flood plain exists to the North of our proposed operation (crossing the proposed access road).

In consideration of the existing floodplain, we believe there to be no alteration to the current floodplain. All of the coinciding floodplain is in the access road area for this project. No material extraction will occur in this area. It is simply an access road. Surfaces are to remain permeable. The access road is gravel and will remain gravel. There is no plan to pave the access road at any point. It will remain gravel. Again, the Northern-most piece of property where the access is located is not in consideration for material extraction.

In further consideration of the existing floodplain where the extraction of materials is to occur further South, we believe there to be no change to the existing floodplain. The floodplain area in this location is still in the access road area. As described in the mining plan, the deposit of material we are proposing to extract is approximately 15' - 20' deep to the East and a little to the West. The mesa, or bluff, is approximately 50' - 75' in elevation above the floodplain. Given this, we will not be into the floodplain elevation within the extraction area. The area left after extraction will be approximately 15' - 20' above the floodplain. No additional altering will occur given that we are not changing the permeability of any of the prescribed surface area. We are proposing to simply lower the elevation in the extraction areas, but not as low as the existing floodplain.

This information is difficult to determine from a 2D map. However, once contour lines are evaluated, one can determine that what we are proposing will not be in the flood plain. Please also reference the mining plan map detail sheet cross section for further clarification on existing and proposed elevations. The creek bed along the Northern edge of the proposed affected area was there long before FEMA came along and deemed it a flood plain. And it will continue to be the same old creek bed that it has been for the last several hundred years. Our proposed operation isn't going to change or alter it.

In regards to stormwater, we will pull a Storm Water Management Permit (SWMP) and follow all the Best Management Practices (BMP's) as so stated in the Storm Water Management Plan. We have met with an environmental specialist at the site once already and communicated with her multiple times since then about what we each feel the BMP's will be for the site in the long run. At the current moment we have held off on pursuing a Stormwater permit due to the cost and the unknown factor of getting this CUP application approved. Once we have clarity that the CUP application will be approved, we will finish up the Storm Water Permit and get it in our possession.

Stormwater management will consist of a combination of BMP's as they typically do. Straw waddles, silt fence, rock check dams, straw bales, etc. will be the go-to for choices where stormwater may run. We will evaluate anticipated flows and determine which of the above mentioned elements will work the best in individual applications around the site.

Given the fact that we are not altering the permeability of any of the surfaces (existing & new) we do not anticipate a huge undertaking in stormwater management. We are planning on extracting the material with a loader from the bottom, so there will be no disturbance to the site until the material is harvested. Entire work sites are often destroyed right away when it comes to existing vegetation. Often, construction crews arrive on sites and immediately drive all over the sites like they have some sort of divine right to do so. A lot of times they venture into areas on job sites that don't need ventured into, or they prematurely disturb areas before they are ready to be worked in. We are not planning on doing this.

When this does occur, the vegetation is trampled, and the subgrade is disrupted and turned into dust. The dust created is what eventually becomes a "run-off" issue and then later on a sediment issue. When it rains, sediment gets carried away by run-off water. We are not planning on over- lot grading or trampling the entire site before we get started. In fact, we are not planning on touching the existing grade until we are physically right there ready to extract it. This will allow the existing vegetation medium to remain in place thereby leaving the historical drainage/run-off untouched. Ultimately minimizing erosion concern.

We will be extracting from below with a loader. So, the primary focus of stormwater management controls will be for this area as the extraction process moves forward. The "pit" floor surface will continue to be dirt, it will simply be at a lower elevation. No permeability changes will be made in this area. It will continue to be dirt.

There is no lack of attention to drainage and/or run-off in regards to this proposed project. Best management controls will be in place before extraction begins and after CUP approval.

Exhibit 4.6 – Noxious Weed Control Plan

We have reviewed Fremont County's Noxious Weed Control Plan and are in agreeance with how the County mitigates and manages noxious weeds. We intend to manage any noxious weeds encountered in line with the County's

plan.

We do not intend to reach out to the County for assistance via their cost share program. At this point we believe the noxious weeds to be minimal and do not want to burden the County with un-necessary endeavors we feel we can manage internally. It is our impression that the County's Noxious Weed program can utilize those resources elsewhere in the County with individuals or organizations that could benefit more from it.

Exhibit 4.7 – Owners and Mailing Addresses

Please see attached List

Exhibit 4.8 – Utility Plan

Please see the attached Site Plan map for existing utility locations. There are no new utilities planned for this project.