Mobelisk, LLC
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June 15, 2013

Ross Klopf, PE, CFM Civil Planning Engineer
Jefferson County
100 Jefferson County Parkway, Suite 3550
Golden, Colorado 80419-3550

Re: Application for Minor Adjustment to Phase II (west ½ of NWIS) to the 1984 Grading & Drainage Plan for Northwest Industrial Subdivision

Dear Ross:

Included with this Application for Minor Adjustment to Phase II (west ½ of the NWIS) to the 1984 Grading & Drainage Plan for Northwest Industrial Subdivision (Application) is an Addendum that lists all of the various documents included with the Application. I am providing these additional documents which total a little over 200 pages so that Planning & Zoning and Engineering staff has all of the relevant historical documents related to the property in one file so that future County personnel do not have to search in different locations in County departments and files when future land use applications are submitted to County staff for the Northwest Industrial Subdivision (NWIS).

When we first began the process of preparing for the Minor Adjustment, staff indicated that the County's form entitled "**Minor Adjustment Application**" would be the correct form to use. Then in your April 16, 2013 email to me, you provided me a link to a County form entitled "**Minor Adjustment Amend SIA Application**." I have therefore included, both forms, completed and signed, with this Application.

Also in your April 16, 2013 email to me, you request a $550 Application fee. As I mentioned to you in our meeting at your office on April 15, 2013, in my April 15, 2013 followup email (enclosed) and in my October 8, 2012 letter to you (enclosed), Charlie Barthel waived the Application fee and the improvements bond for the remaining grading and drainage work to be done in Phase II (west ½ of NWIS). In September 1985, the County released Phase I from the bond (east ½ of NWIS) when it determined that Phase I grading & drainage improvements had been completed.

Now in 2013, as Charlie recognized in 2008, the need for a bond no longer exists because the great majority of the materials (cobble, rock, gravel) and earth moving equipment are already paid for and on site – therefore no need for a bond. At our meeting with you, me and Roger Dewey on April 15, 2013, you indicated to us that so long as the dirt work was being done and no prospective or existing tenants were involved who wanted site plans approved, there would be no need for an improvements bond. This is my understanding of one of the reasons why, in 2008, Charlie waived the need for a bond. In addition, when Pioneer Sand Company begins operations in the next few weeks pursuant to the County's approved Site Development Plan, Pioneer's plans include completing Phase II improvements in compliance with the Application for Minor Adjustment - the subject of this letter. Mobelisk will not have to pay for these improvements - Pioneer will pay Mobelisk for the aggregate materials that will be removed from the site and, in the process, complete all improvements using its own equipment and materials available today at the site.

In May 2, 2008 correspondence from Charlie (enclosed), he asked that Mobelisk provide plans to the County that substantially conform to and closely match the currently approved plans (1984 Grading & Drainage Plan). Charlie requests the following:

1. A professional engineer licensed in Colorado will prepare revised construction plans;
2. The plans "*shall substantially conform to and closely match the currently approved plans*";
3. The plans "*shall include sediment and erosion control plans in conformance with County Regulations*";
4. The plans "*shall reflect tie-in to existing grading on developed lots and indicate whether additional grading on those lots will occur or if existing grade to remain*";
5. An "*estimate of the quantities of excavation and fill, including quantities to be moved on and offsite"*;
6. Remaining drainage work to be completed as described on Exhibit A of the Subdivision Improvements Agreement. Remaining work for landscaping is not required.

The County's requests are addressed below in the order in which they were listed above:

1. _____ is licensed in Colorado as a professional engineer.
2. The plans submitted to you in this Application substantially conform to and closely match approved plans. See Richard Weingardt Consultant's NORTHWEST INDUSTRIAL DRAINAGE REPORT RWC #1599, dated February 15, 1982, approved and signed by Jefferson County Engineering Dept., March 3, 1982 (enclosed).
3. The approved plans include sediment and erosion control measures in conformance with current County Regulations, and with those in force at the time of approval. The January 20, 1984 Erosion Control Plan was accepted by the County in July 1991 (see enclosed Brindle 1991 letter to Richard Loesby). The Plan was re-authorized by Zoning Administrator Mary Bunn in 1999 (see her July 23, 1999 letter). The State MLRB also accepted the Plan in 1999 (see enclosed August 13, 1999 Findings of Fact and Conclusion of Law & Order). The plans with this Application will be implemented at NWIS. Sediment and erosions control plans are also incorporated into the Richard Weingardt Consultant Plans.
4. The plans reflect tie-in to existing grading on developed lots. There will not be significant additional grading or excavation at the east end in Phase I at the elevations where existing buildings have been located since about 1985.
5. It is estimated that total material thus handled is estimated to be 200,000 to 300,000-cubic yards - over a three-year duration, with concurrent reclamation grading to comply with the 1984 Grading & Drainage Plan and with the plan in the 2013 Application. Most of the material will be excavated, processed onsite and removed and sold by Pioneer Sand Company by itself or in combination with one or more other excavation contractors.
6. Most of the drainage work was completed and approved by the County in 1985 for Phase I (east ½ of NWIS). The work for Phase II (west ½ of NWIS) remains to be completed.

The standard for grading for the improvements is "*substantial compliance*." The Application submitted to you has plans that "*substantially conform to and closely match the currently approved plans*" as requested by Jefferson County Engineering.

With the revisions made in 2013 to the 1982 and 1984 plans, the plans prepared by Richard Weingardt Consultants and approved by the County for the NWIS are as valid and accurate now in 2013 as they were in 1982 and 1984 since the undeveloped portion of the site (Phase II, west end of NWIS) has not been disturbed and has not been excavated. Richard Weingardt Consultants has advised me that the plans in this 2013 Application comply with the strictest requirements of all current Federal, State and local regulatory agencies, including Jefferson County, in 2013 and those in effect at the time of approval by the County.

This Application is submitted to you electronically on zip/flash drive. If you require hard copies of any of the documents on the drive or you are unable to access or print any of the documents, please let me know.

Thank you for your work in getting this Application finalized and in assisting us with providing you with everything you need to have it approved.

Yours truly,

Richard K. Loesby
Mobelisk, LLC

ADDENDUM TO COVER LETTER FOR APPLICATION FOR MINOR ADJUSTMENT TO THE 1984 GRADING & DRAINAGE PLAN FOR NORTHWEST INDUSTRIAL SUBDIVISION

Prepared June 15, 2013 MinAdjAppcoverletter

LIST OF DOCUMENTS IN THIS APPLICATION

1. Cover letter to Ross Klopf from Mobelisk, LLC – 4 pages
2. Minor Adjustment Application – 1 page
3. Minor Adjustment Amend SIA Application – 1 page
4. Email from Ross Klopf to Richard Loesby – April 16, 2013 – 1 page
5. Email from Richard Loesby Ross Klopf – April 22, 2013 – 1 page
6. **2013 Revised Grading, Erosion & Sediment Control Plans & Drawings**
   ____ # pages
   a. Dewey narrative begins "Current Status of NWIS" - 8 pages
   b. Dewey narrative – "Stormwater Management Plan for NWIS Owner MOBELISK LLC – NWIS West End Infield" - 9 pages
   c. STANDARD EROSIOIN AND SEDIMENT CONTROL NOTES – 19 pages
7. Three-color graphics (green, blue, pink) of NWIS showing lots where dirt will be excavated ("cut"), lots where fill will be placed and lots that will remain the same. Graphics also show lots where there is no runoff and County approved Phase I – 2 pages
8. Deed and Title Commitment – 9 pages
9. PLAT of Northwest Industrial Subdivision – 3 pages
10. DRAINAGE REPORT for NORTHWEST TECHNOLOGICAL CENTER 4 October 1979 – 8 pages
11. DRAINAGE PLAN – Drawings for NWIS – March 3, 1982 – 2 pages
12. NORTHWEST INDUSTRIAL SUBDIVISION DRAINAGE REPORT RWC #1599, 15 February 1982 – Approved by Jeffco Engineering March 3, 1982 – 42 pages
13. 1984 GRADING AND DRAINAGE PLAN for NORTHWEST INDUSTRIAL SUBDIVISION – Approved by Jeffco Engineering May 1, 1984 – 4 pages
14. May 6, 2010 Plan approved by Ross Klopf for WEST END MESA INFIELD DRAINAGE – stamped/signed by Ross Klopf on May 6, 2010 and stamped/signed by David Hargrove on May 3, 2010 – 24" x 36" and 8 ½" x 11" - 2 pages

LIST OF DOCUMENTS IN THIS APPLICATION

15. May-June, 2008 -Transmittal letter from David L. Hargrove, P.E. of Richard Weingardt Consultants date June 9, 2008 re: "Plans for Northwest Industrial Subdivision (NWIS)" & three-color graphic & 24" x 36" stamped & signed drawings/plans dated May 21, 2008 – 6 pages
16. June 10, 2008 Comments by Ross Klopf to "Plans for Northwest Industrial Subdivision (NWIS)" 24" x 36" stamped & signed drawings/plans dated May 21, 2008 by David L. Hargrove, P.E. - 24" x 36" and 8 ½" x 11" - 2 pages
17. XCEL NORTHWEST INDUSTRIAL DRAINAGE REMEDIATION PLANS FOR XCEL's Lot D-15, Regional Detention Pond at east end of NWIS – August 19, 2009 – 7 pages
18. June 2012 – Drawing by Roger S. Dewey, P.E., GRADING & EROSION CONTROL PLAN for Northwest Industrial Subdivision/Mobelisk , LLC and for Elk Creek Sand & Gravel, LLC – 1 page
19. Color Terrain/topo CAD drawing from Aerial Photography for NWIS entitled, "EXISTING TERRAIN & HISTORICAL DRAINAGE, September 9, 2007 – 1pg. + cover
20. September 10, 2007 – Grading & Drainage Improvement Drawings by Rimrock Industrial Services, LLC – 6 pages + cover sheet. Sheet names are:
    a. Cover sheet
    b. Grading & Drainage Improvements sheet
    c. 2nd Grading & Drainage Improvements sheet
    d. Existing Terrain & Historical Drainage
    e. Industrial Replat
    f. Profiles
21. September 10, 2007 – PROPOSED GRADING & EROSION CONTROLS – by Rimrock Industrial Services, LLC - 3 pages + cover
22. BERM PHOTOS IN 2010 - 4 Photos of grass growing on dirt berms at NWIS in 2010 and 3 Photos of dirt berms along Highway 93 just south of 64th + email to Ross Klopf transmitting 4 NWIS berm photos April 15, 2013 - 6 pages + cover
23. 2013 - 3 AERIAL PHOTOS OF NWIS WITH ARROWS SHOWING DIRECTION OF RUNOFF TO 4 SEDIMENTS PONDS BUILT IN 2010 IN PHASE II (west ½ of NWIS) – 3 pages
24. Access Road drawings for Candelas development by Martin/Martin Consulting Engineers given by Ross Klopf to Richard Loesby and Roger Dewey on April 15, 2013. Drawings show access roads to NWIS and are dated February 8, 2013 – 14 pages.

25. SUMMARY OF DOCUMENTS RELATED TO GRADING & DRAINAGE AND PROCESSING AND REMOVAL OF DIRT & ROCK FROM NORTHWEST INDUSTRIAL SUBDIVISION - Prepared June 1, 2013

Attached are documents dated from 1982 to 2008. They are excerpts of Zoning Administrator Dan Brindle's testimony for PSCo in the 1998 NWIS II, Inc. trial against PSCo (and other documents that show a state mining permit is not needed and that the dirt/rock at the NWIS can be processed/crushed onsite, removed from the site and sold. summary of those documents is given below. Pages excerpted from Brindle's testimony and included here are pages 1, 3, 4, 13, 15, 17, 36, 37, 38.

Jefferson County and State of Colorado documents showing the following:

1. there is an approved grading permit as part of the subdivision approval. Grading is required before development (see Brindle 1998 testimony p. 13)

2. rock crushing is a permitted use at the property (see Brindle 1998 testimony p. 15)

3. borrow permit is not required (see Brindle July 16, 1991 letter to Loesby)

4. grading plan is required as part of Plat (see Brindle 1998 testimony p. 36)

5. material/dirt/rock that is removed from the property as part of an approved grading permit could be used commercially (see Brindle 1998 testimony p. 36)

6. it wouldn't comply with the grading plan to take all the dirt/rock from the grading and stack them up at one end of the property and not be able to take them off-site. The dirt/rock can be taken off site. (see Brindle 1998 testimony p. 37)

7. September 13, 1985 Memo from Jeffco's Ali Zenhari, P.E. re: completion of Phase I (East 1/2) grading and drainage for subdivision – 1 page

8. March 15, 1984 letter from Jeffco Geologist Paul T. Banks re: "*The approved zoning and plat for the Northwest Industrial Park does allow considerable grading, rock crushing and processing of rock material…"* – 1 page

#25. continued: SUMMARY OF DOCUMENTS RELATED TO GRADING & DRAINAGE AND PROCESSING AND REMOVAL OF DIRT & ROCK FROM NORTHWEST INDUSTRIAL SUBDIVISION
Prepared June 1, 2013

8. September 14, 1982 letter from State MLRB's Zalkind that excess dirt/rock from site can be sold without getting a state mining permit from MLRB. The subdivision falls within the category of "*building construction, not mining*" and therefore does not require a permit from MLRB – 1 page

9. July 23, 1999 letter from Zoning Administrator Mary Bunn to Richard Loesby re: County has "*adequate assurance that development of the NWIIS will comply with the land use described for this property as provided in these documents*" – 1 page

10. August 13, 1999 transmittal letter of Mined Land Reclamation Board Declaratory Order (DO) dated July 28, 1999 releasing Northwest Industrial Subdivision II, Inc., from all MLRB reclamation obligations under Reclamation Permit M-84-047 so long as NWIS II, Inc., complies with County requirements – 3 pages

11. January 23, 2008 letter from J. Kemper Will to Jeffco Zoning Administrator Mike Chadwick regarding NWIS grading permit questions – 6 pages.

End of #25. - SUMMARY OF DOCUMENTS RELATED TO GRADING & DRAINAGE AND PROCESSING AND REMOVAL OF DIRT & ROCK FROM NORTHWEST INDUSTRIAL SUBDIVISION - Prepared June 1, 2013

26. Section 44 of Jefferson County Zoning Resolution for I-2 Industrial-Two District, pages 1 and 2 – 2 pages

27. Section 16 of Jefferson County Zoning Resolution for Landscaping, pages 1 and 2 – 2 pages

28. 1994 Uniform Building Code, Appendix Chapter 33, EXCAVATION AND GRADING, Section 3306, Permits Required, Section 3306.2 Exempted Work, Section 3308 – Definitions of "Excavation", "Grade", Existing Grade, Finish Grade, Rough Grade, "GRADING" and Section 3317 – GRADING INSPECTION and Section 3318.2 Notification of Completion – 6 pages
29. April 26, 2013 – CDPH&E issuance of Renewed New Stormwater Construction Certification (#COR03K362) 4 pages + 19 pages of CDPH&E publication entitled, STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY – 23 pages total (4 + 19)
30. May 2, 2008 email from Jeffco engineer Charlie Barthel re: requirements for minor adjustment to grading – 1 page
31. July 16, 2008 letter from Jeffco engineer Ross Klopf re: Minor Adjustment to grading – 7 pages
32. August 25, 2008 STIPULATION between Jeffco and Mobelisk, LLC re: grading at NWIS – 4 pages
33. October 8, 2012 letter from Richard Loesby of Mobelisk to Ross Klopf – 5 pages. Includes 2 pages of email from Klopf confirming receipt of the letter – total 7 pages
34. March 22, 2013 email from Ross Klopf to Richard Loesby regarding grading plans – 1 pg. and March 22, 2013 email from Richard Loesby to Ross Klopf re: transmittal of 3-color graphic of grading plan for lots at NWIS – 2 pages (total 3 pages for this #34).
35. April 15, 2013 email from Richard Loesby Ross Klopf re: fees & bond waived by Charlie Barthel for Phase II Subdivision Improvements – NWIS – 2 pages
36. November 2012 publication in STRUCTURAL ENGINEER re: Richard Weingardt & Weingardt's work on the Jeffco Courthouse – 2 pages
37. ADDENDUM TO COVER LETTER FOR APPLICATION FOR MINOR ADJUSTMENT TO THE 1984 GRADING & DRAINAGE PLAN FOR NORTHWEST INDUSTRIAL SUBDIVISION - Prepared June 15, 2013
    -LIST OF DOCUMENTS IN THIS APPLICATION-

END of ADDENDUM TO COVER LETTER FOR APPLICATION FOR MINOR ADJUSTMENT TO THE 1984 GRADING & DRAINAGE PLAN FOR NORTHWEST INDUSTRIAL SUBDIVISION
Prepared June 15, 2013
LIST OF DOCUMENTS IN THIS APPLICATION

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