

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
JANUARY 2, 2013**

MEMBERS PRESENT

Dean Sandoval, Chairman
Daryl Robinson, Vice Chairman
Byron Alsup, Secretary
Larry Baker
Mike Krauth, Jr.
Joe Lamanna
Larry Brown

STAFF PRESENT

Bill Giordano, Planning Director
Vicki Alley, Planning Assistant

MEMBERS ABSENT

None

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

- a. December 4, 2012 Planning Commission Meeting

5. UNFINISHED BUSINESS

NONE

6. NEW BUSINESS

a. REQUEST: CUP 12-003 DAWSON GOLD PROJECT (EXPLORATION)

Request approval of a **Conditional Use Permit (CUP), Department file #CUP 12-003 DAWSON GOLD PROJECT (EXPLORATION)**, by **Zephyr Gold USA Ltd**, to allow for surface excavation and drilling exploration for precious metals. The exploration is proposed to occur in three phases, depending on exploration results of each phase: Phase 1 will be Mineral Resource Delineation Drilling, Phase 2 will be Preliminary Economic Analysis possibly including bulk sampling for metallurgical testing, and Phase 3 will be the Geotechnical Studies and Resource Confirmation Drilling. In Phase 1 up to fifteen (15) holes will be drilled as much as possible along the existing mountain trails; however, due to the remoteness of the claims, approximately 800 lineal feet of new mountain trail may need to be constructed. In the event mineral outcrops are encountered, overburden removal may be necessary (*removal will be by a backhoe, which will create a trench the width and approximate depth of a backhoe bucket*). The trenches will be filled and reclaimed immediately following geologic evaluation and sampling. Phase 2 would entail extraction of approximately five (5) to ten (10) tons of material at the surface that will be removed (*by drilling and blasting*) and by one, ten ton truck. All surface disturbances will be reclaimed immediately. If Phase 2 results are promising, Phase 3 will result in drilling in the same manner as Phase 1. Total disturbance will be limited to less than two (2) acres and the total life of exploration will be less than one year, if Phase 1 results are promising. The property

(*access entrance*) is located on the south side of Fremont County Road #3 approximately three miles southwest from the intersection of Fremont County Road #3 and Mariposa Road, thence approximately one mile south from County Road #3 to the claim area. The CUP property (*mining claims*) is zoned Agricultural Forestry and contains approximately 593 acres of which less than two (2) acres will be affected.

REPRESENTATIVE: *Angela Bellantoni, Environmental Alternatives Inc.*

b. REQUEST: AMENDMENT TO FREMONT COUNTY SUBDIVISION REGULATIONS

Request approval of a proposed **amendment to the Preliminary Plan Section of the Fremont County Subdivision Regulations.**

REPRESENTATIVE: *Department of Planning & Zoning*

7. APPROVAL OF PLANNING COMMISSION CALENDAR FOR 2013

8. ELECTION OF FREMONT COUNTY PLANNING COMMISSION OFFICERS

9. ADJOURNMENT

10. MASTER PLAN WORKSHOP

Continue with review of the Master Plan (*if time allows*)

1. CALL TO ORDER

Chairman Dean Sandoval called the meeting to order at 4:00 pm.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Chairman Sandoval asked if there were any changes, additions or corrections to the January 2, 2013 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Larry Baker moved to accept the January 2, 2013 Fremont County Planning Commission Meeting agenda as written.

SECOND

Mr. Daryl Robinson seconded the motion.

Chairman Sandoval called for a roll call vote, and the motion passed unanimously. (7 of 7)

4. APPROVAL OF THE DECEMBER 4, 2012 PLANNING COMMISSION MEETING MINUTES

Chairman Sandoval asked if there were any changes, additions or corrections to the December 4, 2012 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Byron Alsup moved to accept the December 4, 2012 Fremont County Planning Commission Meeting Minutes as written.

SECOND

Mr. Baker seconded the motion.

Chairman Sandoval called for a roll call vote.

Mr. Baker	Nay	<u>Aye</u>	Abstain
Mr. Alsup	Nay	<u>Aye</u>	Abstain
Mr. Lamanna	Nay	<u>Aye</u>	Abstain
Mr. Robinson	Nay	<u>Aye</u>	Abstain
Mr. Krauth	Nay	<u>Aye</u>	Abstain
Chairman Sandoval	Nay	<u>Aye</u>	Abstain
Mr. Brown	Nay	Aye	<u>Abstain</u>

Chairman Sandoval announced that the motion passed with six Aye votes and one Abstention.

5. UNFINISHED BUSINESS

Chairman Sandoval introduced new Planning Commission member, Mr. Larry Brown.

Mr. Brown stated that he has lived in Penrose for about fifteen years. He said he looks forward to serving with the Planning Commission, and he thanked the Board of County Commissioners for appointing him. At present, I am also on the Building Department Board of Appeals and I've served there for a little over two years.

6. NEW BUSINESS

a. REQUEST: CUP 12-003 DAWSON GOLD PROJECT (EXPLORATION)

Ms. Angela Bellantoni, Environmental Alternatives, Inc., was present to request approval of a Conditional Use Permit (CUP), Department file #CUP 12-003 Dawson Gold Project (Exploration), by Zephyr Gold USA Ltd, to allow for surface excavation and drilling exploration for precious metals. She stated that the proposed site is a historic mining site. The Copper King Mine is up in that area. Looking at the corporate history: in the 1970s it was U.S. Borax Chemical Corporation; in 1987 it was Jascan Resources Inc. and a CUP was issued; in 1996 it was Celtic Minerals, and now it is Zephyr Minerals. There is a thread of personnel that have been with the company since U.S. Borax that are involved with the company today. In 1987 Fremont County issued a CUP to Jascan and Celtic Minerals for precious metals surface and underground mining, and that CUP expired August 28, 2001, which is relatively recent. The two locations of interest will be referred to as the Dawson Mountain Reserve and the Windy Gulch Reserve. Exploration will occur in three phases. The first phase is February to April, and it is mineral resource delineation and drilling. Depending on the results of that phase, there is a second phase which is preliminary economic analysis that would happen in the summer of 2013, and the third phase is confirmation drilling and some geotechnical studies for further information. Phase 1 is to confirm what was already done in two rounds of exploration in the 1980s and 1990s. Exploration will occur as drilling and trenching, and five drill pads are proposed, located within the mountain trail. The trail will be widened so the drill rig can stop wherever the geologist decides; they set up; they drill the hole; they take the core; if it is a good hole they keep it; if it is not a good hole they finish it up. Then the existing trail has to be widened enough to go to the next spot where the drill rig would set up. The proposal is five pads within the two acres of maximum disturbance. From each pad they can do directional drilling of three to five holes, or there may be just one. There is a maximum of five pads,

possibly fewer, depending on how it works out to set up in the road. Eight-hundred (800) linear feet of additional mountain trail might be needed off of the existing trail because the trail ends. February to April is a sixty-day window. The thought is that the drilling can be done in forty-five days, but the request is for sixty days in case something goes very wrong. During the drilling time they are requesting twenty-four hour, seven day a week operation when the drill rig is on site and back at the locations. During that time, there will be a small crew of two to three people maximum, going in twice a day. There are also areas where there is potential outcrop of the reserve, and where that is found they would like to do what the application refers to as trenching. This is actually taking a trackhoe bucket and scraping away the overburden to see how far that outcrop exists. Reclamation will occur as each spot is completed with exploration information as soon as that is done.

Mr. Loren Komperdo, President and CEO of Zephyr Minerals Ltd, introduced himself. He stated that he is a geologist and graduated in 1979. He discussed the idea of one drill pad with three to five directional drill holes coming off of it and how that works for his proposed depth. He showed a cross-section of some previous drilling that was done in Windy Gulch in the 1980s. A drill station was set up which drilled a 45° angle and a 60° angle. There could be more drill holes. A cost-effective way to do this and a way to get more geological information is to set up in one spot and drill a fan of holes in several directions. That is something that wasn't done much in the 1980s. They did it at this site because the terrain is difficult. With three-D modeling now it is standard practice to drill many holes off of one site. You get better data and it is a cost-effective method of doing that. That is why we are only using five sites for the number of holes we are drilling.

Ms. Bellantoni continued that Phase 1, from February to April 2013, would manifest as equipment mobilizing in one time; that is, the bulldozer would come into the site preceding the drill rig, they would improve the mountain trail to the drill site, drill one to five drill holes per pad, up to fifteen (15) holes maximum, and then seal the holes according to Division of Reclamation, Mining and Safety (DRMS) requirements, then reclaim as necessary when the information from that site is complete. Phase 2 would occur during daylight hours in the summer of 2013. They would mobilize in a backhoe, and they would also have a geological survey crew doing surface studies. There is a possibility that they might need five to ten tons of bulk material that would be taken out in one truck. They would perform the surface exploration and then reclaim. The third stage is geologic studies to obtain added information that they didn't get the first time or determine whether they want to do an extra hole. This is again another sixty (60) day window. The bulldozer may be used if there is a different direction they need to go for a trail or reclamation, up to ten holes, seal the holes according to DRMS requirements and reclaim. The Dawson Reserve site is a little over one mile from the green gate. The proposed site is tucked on the west side of the mountain, out of sight. The Windy Gulch site is approximately two miles from the gate. Buffering, screening and landscaping, hard surface parking, and lighting and landscaping for the parking area are usually required. Because the total affected area is just two acres, we are asking for a waiver of these requirements. Regarding staff recommendations: we are in the process of doing the change of ownership deeds, which got rained on in San Francisco in November, so we are getting a new set. The applicant has spoken to Ms. Jana Gregg, Fremont County Weed Management, about weed control, and she provided a letter for the packet. She will come out to the site in March for the inspection. The DRMS application was finished in December. We have just received the BLM approval (*letter provided to the Planning Commission members*).

Ms. Bellantoni reviewed the process. Phase 1 is a forty-five day (45) drilling program, but we are asking for sixty (60) days. Depending on results, the project could end at the end of the sixty (60) days. If the results don't show any promise, they would reclaim and the project would be finished. If the results are promising, that is when Phase 2 in the summer of 2013 and Phase 3, which is follow-up confirmation as needed, would happen. Everything would be completed in less than one year.

Mr. Giordano summarized the Recommended Conditions, Waiver Requests, and Additional Notifications.

Chairman Sandoval asked who the previous owner of the property was.

Ms. Bellantoni answered Celtic Minerals.

Chairman Sandoval asked what type of disturbance will occur around the holes.

Mr. Komperdo answered that a skid-mounted rig would come in on a flatbed truck. They would drop it off the truck and set it up so it is flat. As it is drilling, the water is collected and it is recycled. The pad is ten to fifteen feet by ten to fifteen feet, and whatever space you need for parking and the tanks for storage. There will probably be a couple bags of bentonite in case there is a lot of circulation. Depending on where we site the holes, we may bring in a tracked rig, which is on a caterpillar track type vehicle, which is a little bit easier to set up. The type of rig is a decision which will be made down the road when we go to bid on this.

Chairman Sandoval asked how many sites will be chosen for the first phase.

Mr. Komperdo answered five.

Chairman Sandoval asked when you choose those five sites, are they chosen because of where you think the resource is most easily accessed, and are you taking into account mitigating in advance any visual disturbance from a distance.

Mr. Komperdo explained the first aspect of the drill sites is chosen for geological knowledge. There have been quite a few holes drilled up here already. Starting in January, we have a consulting firm putting this into a three-D geological model that you can turn and see where everything is. From that, we will decide where we could get the most geological information. Those will be the sites that will be chosen for the drill sites. The road is pretty much the same all the way up, so if we choose one site or if we move thirty feet over, there is really no difference in disturbance for those sites because they are all on the road itself.

Mr. Baker asked what the diameter of the holes will be.

Mr. Komperdo answered we are probably going to cut what is known as HQ core. The core that we bring out will be about 2½ inches in diameter, so the hole itself will be a little over three inches. We are looking at a little bigger type of core. We are talking about taking a ten ton sample for some geological testing. An advantage of taking a larger core is we could cut that core in half and use that for testing, so we may never need that ten ton sample with a larger core. It gives us more information spatially in the geological zone and it can possibly negate the need for the ten ton sample.

Mr. Baker asked, regarding the waste water, you say you do recycle that, but eventually what do you do with the water? Is it contaminated?

Mr. Komperdo answered the hole is basically drilled with fresh water. If we are not getting all of our water back, we may put in a bag of bentonite mud which is just clay to plug up the formation, but other than the clay there wouldn't be anything else put into the hole.

Mr. Alsup asked if there is currently public access to this property. If so, how will that be affected by the CUP?

Ms. Bellantoni answered access to the site is an intersection with County Road 3 and a BLM road which is gated and locked, and that is what goes back a mile and a half to the Dawson Reserve.

Mr. Alsup stated that the public does not have access now, so that won't be affected.

Mr. Krauth asked if the subject claims are patented or unpatented.

Ms. Bellantoni answered both, and most of them belong to some degree to Celtic, now Zephyr. There are a couple of claims to the north that aren't owned by Zephyr, and there are some partnerships.

Mr. Koperdo stated that there is another owner in the patented claims, but we have a separate agreement with them. We effectively control 100% of the patented claims.

Mr. Krauth asked if BLM is giving them any grief about access from the gate to the patented claims.

Mr. Jim Javernick, Javernick Equipment, stated that his company started building the roads at the site for U.S. Borax in 1979. When Jascan Minerals bought them out, Javernick Equipment built the big pad that is up there, and put in a complete sanitation system underground. We moved all the rigs around. We have been on and off that project for thirty years. The gate was originally put in and locked to keep people out for public safety. The road went to the old Copper King mine at the turn of the century. BLM liked the gate so it has remained there all these years. The public can get in the back way by going up by the Indian Monument, but that road is not good for taking any equipment in. No one has ever complained that the gate is locked, so we just kept it that way.

Mr. Giordano stated BLM issued the owners a permit therefore there should be no problem with access to the site. He also noted that Mr. Adamic required an Access Permit, which has been issued.

Mr. Krauth said he was confused because he thought the BLM had locked the gate. If the patented mining claim owners are the ones who locked the gate, then I'm good with it.

Mr. Larry Brown asked how far away the drilling will be from any homes, as the crow flies.

Ms. Bellantoni answered that it is approximately two to 2½ miles to the west side of Dawson Ranch.

Mr. Brown asked what kind of noise is being created by the drill rig. You are talking about running this around the clock. Will that be a concern to anyone who lives near there?

Mr. Komperdo answered that the noise would be equivalent to a diesel truck driving through town. There is a diesel engine on the rig that is used to do the drilling, but it will be muffled.

Ms. Bellantoni noted the topography. The natural topography will shield the noise. You have to take the road around the peak to get to this site. That goes to Chairman Sandoval's question of visual impact too. The town is not in view of the drill rig.

Mr. Komperdo estimated three-hundred (300) feet per hole, conservatively two days per hole, so approximately six days per site.

Chairman Sandoval asked if the drilling would be done continuously.

Ms. Bellantoni answered only at that one site. Then the rig would move on to the next site, and do all the drilling at the next site, and so on.

Mr. Komperdo answered that when one hole is finished, it has to be cemented in and plugged to the requirements, then the angle is changed and the rig is tipped down, so it would be a couple hours to set up again, and then start drilling.

Chairman Sandoval stated that the hours of operation are not limited. Is that because it is more efficient for the company to drill all at once for however many days and hours it takes?

Mr. Komperdo answered that it is standard for mining drilling rigs to work twenty-four (24) hours a day, with two two-man crews. It is an efficiency thing more than anything.

Ms. Bellantoni added that the original thought was that all the drilling would take place within forty-five (45) days. They are asking for a sixty (60) day window in case anything goes wrong.

Mr. Javernick stated that these are very small rigs. They won't have a thirty foot mast. The total footprint will only be fifteen (15) by twenty (20) feet.

Chairman Sandoval stated that from his perspective, this seems like a pretty modest operation, and the timeframe looks favorable, but Zephyr Gold has other interests in the area. If this would prove to be a gold mine, might other CUPs be pursued in this area?

Mr. Komperdo answered that this is the only project we have right now in the USA. Right now that is not in our game plan. Our plan is to concentrate on this project. As an exploration company that is what we do – look for other projects, but for the foreseeable future we don't see beyond Dawson.

Chairman Sandoval asked if this type of operation, where the holes are dug vertically or semi-vertically, is the standard method of exploration now, or are there more aggressive ways being employed on a regular basis.

Mr. Komperdo answered this is pretty standard for exploration.

Chairman Sandoval asked about actually mining for the resource. If the project proves viable, is it likely that more aggressive means could be employed to gain access to the resource?

Mr. Komperdo answered absolutely. At this point the drilling only proves or disproves the geology. After that, the next phase would be a feasibility study to see if the resource is economic. Once you have your economics done, that will dictate what will happen next to access the resource. We won't know what that is until we get the numbers from the drilling. Once we get numbers from the drilling, we will give them to an engineering firm that will look at this and say what is the most efficient way to get at this resource? They could say the resource isn't big enough to access; it will cost too much to get to it and get it out, or they will

say it is adequate and you can access it. In accessing it, you could do a shaft, you could do a decline, there are a bunch of different methods, but we won't know what those are until we get the drilling done, and give it to an engineering firm.

Chairman Sandoval asked if that would be after the confirmation drilling in the fall of 2013.

Mr. Komperdo stated that even at that point we aren't sure we will have enough information. We won't know what we've got until we drill. We may drill, and not be sure, and drill another ten holes, and still not be sure. As an example, this area has been drilled since the late 1970s, up until 1992, and they still weren't sure what they had. There may be additional phases of exploration, or everything may just come together and we go right to an engineering firm to see if this is economic. That is the tough part about putting an application like this together, because until we start drilling the holes, we don't know what the data is going to show. We might drill in an area expecting to find this gold resource, and it is really not there at all and we need to look in another area. We are giving you what we plan to do with the best information possible, but we may need another CUP down the road.

Chairman Sandoval asked to be educated on patented and unpatented claims.

Mr. Joe Lamanna explained that for patented claims you have to apply for ownership from the government and those were applied for probably sometime years ago (*Ms. Bellantoni said 1902, 1903, 1890, etc.*), and ownership is granted to the claimant by the government. It is public land that is given over in title to an individual. Unpatented claims fall under the mining law of 1872. Under that mining law you have to stake the ground. Looking at the map, the unpatented claims are probably vertical and that is probably to cover your claim block, so it is contiguous. The patented claims are the smaller ones at an angle. So that way all the mineral rights are covered on a contiguous basis.

Ms. Bellantoni stated that the youngest claim she saw was 1914.

Chairman Sandoval asked if Zephyr Gold has possession of both patented and unpatented claims in that area.

Mr. Komperdo stated that both patented and unpatented claims give you the mineral rights, but with patented you also own the surface rights.

Chairman Sandoval asked if he can quantify what Zephyr Gold possesses.

Mr. Komperdo answered we control 100% of the patented and unpatented claims in that area.

Chairman Sandoval asked him to quantify the acreage.

Mr. Komperdo answered all the claims together equal about 1,000 acres.

Mr. Lamanna stated that two acres of disturbance is just the roadways and the ground you are disturbing, so there is a recommended condition to limit that. Do you really want that limited at this point, with the trenching, and then you mentioned you might have to come back at a later time?

Mr. Komperdo answered that the affected area will still be well under two acres.

Mr. Krauth asked if they want to limit the number of holes per pad.

Mr. Lamanna stated that he doesn't think it is really necessary in this case to be so specific.

Ms. Bellantoni explained that she needed to be consistent across the three applications: BLM, DRMS, and Fremont County, so this application has evolved into what it is today. Five pads is what was submitted to the state. Mr. Komperdo is not sure if he will use all five pads because he can possibly get the answers he needs at other locations, but two acres is more than enough.

Mr. Lamanna said he heard what they were saying about learning something that will lead them to another place. I don't know if you want to have to come back here to reapply for different conditions.

Ms. Bellantoni said we have been through this over and over again through the course of writing the application. All of the worse-case scenarios have been included in the application already. It doesn't seem like much – two acres, sixty days, less than one year, and pickup trucks.

MOTION

Mr. Lamanna made a motion to approve CUP 12-003 Dawson Gold Project (Exploration), subject to the following:

RECOMMENDED CONDITIONS:

- A. Conditional Use Permit shall be issued for one (1) year.
- B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and / or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.
- C. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- E. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of

such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.

- F. If a Conditional Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.
- G. If a Conditional Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation shall not be limited.
- I. Total surface disturbance shall not exceed two (2) acres.
- J. Applicant shall provide the Department with documentation (deed of record), that Zephyr Gold USA Ltd is the owner of record, prior to commencing operation.
- K. Applicant shall provide the Department with documentation of an acceptable means for sewage disposal, for the employees, from the Fremont County Department of Environmental Health prior to commencing operation.
- L. The applicant shall provide the Department with documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, and that it will be implemented and maintained, if required, prior to commencing operation.
- M. Applicant shall provide the Department with documentation from the Fremont County Reviewing Engineer regarding the following as noted in his letter dated November 28, 2012:
 - 1. If the drilling and testing is successful and any traffic expansion is proposed at a later date, changes to the drive location may be needed.
 - 2. Any new travel paths, as well as the drill pads and test pits must be graded to minimize runoff to adjacent areas. Best management practices, as shown in CDOT publications, or other recognized authorities, must be implemented at the disturbed sites to mitigate silt transport and stormwater run-off, prior to commencing operation.
- N. Applicant shall provide the department with documentation from the Fremont County Department of Transportation as to compliance with the requirements as noted in a letter dated November 20, 2012 prior to commencing operation.
- O. Applicant shall provide a copy of the following:

1. Notice of Intent to Explore – Division of Reclamation, Mining and Safety.
 2. The 15 day notice – US Department of Interior, Bureau of Land Management.
 3. Stormwater management plan (permit) approved by the Colorado Department of Public Health and Environment (CDPH&E) or documentation from CDPH&E that such a plan is not required.
- P. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- Q. Only the named party on the permit shall be allowed to operate this Conditional Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Conditional Use Permit must agree to abide by all terms and conditions of this Permit and shall be required to be named on this Permit as additional parties who are bound by the terms and conditions of this Conditional Review Use Permit.
- R. A Conditional Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.14 of the Fremont County Zoning Resolution (*complete reapplication*).

The Planning Commission recommended the following:

ADDITIONAL NOTIFICATION REQUIREMENTS:

In addition to the required notifications, the following shall also be notified, by certified mail, return receipt requested, in accordance with regulations, at least fourteen (14) days prior to the public hearing by the Board of County Commissioners:

1. Fremont County Sheriff's Office
2. Fremont / Custer Historical Society
3. The Colorado Nature Conservancy
4. Colorado Parks & Wildlife
5. Cañon City Fire Protection District – *The Planning Commission recommended deleting this Additional Notification because the Department has received a completed Fire Protection Plan Form signed by Joel Foster, Battalion Chief of Cañon City Fire Protection District.*

The Planning Commission recommended waiving the following:

WAIVER REQUESTS:

1. **BUFFERING & LANDSCAPING REQUIREMENTS:** The applicant shall be required to provide screening or a buffering strip, which will act as an opaque visual barrier, **unless**

waived by the Board. Where, in these regulations, any such screening or buffering strip is required to be provided and maintained, such buffering strip shall consist of a row of trees or continuous un-pierced hedge row of evergreens or shrubs of such species as will produce within three (3) years a screen height of at least six (6) feet and shall be of the following minimum sizes at time of installation:

Deciduous shrubs	4' height
Spreading evergreens	30" spread
Tall evergreens	3' height
Screen planting (<i>evergreen</i>)	4' height
Trees	2 and ½" caliper
Ground cover	2 and ½" pot

The entire buffer strip shall be immediately adjacent to the lot line or portion thereof, with consideration given to utility or drainage easements. The remainder of the strip shall be used for no other purpose than the planting of shrubs, flower beds, grass, or a combination thereof. The buffer strip shall be at least eight (8) feet in width and shall be graded and planted with grass seed or sod and such other shrubbery or trees. The entire area shall be attractively maintained and kept clean of all debris and rubbish.

In required buffer strips where a natural buffer strip is considered to be impractical or inappropriate, an opaque fence may be substituted in whole or in part for a natural buffer provided its specifications are approved by the Board.

The applicant is requesting a waiver of the buffering and landscaping with the following justification: The proposed site is remotely located and buffered by natural topography.

- 2. **Surfacing:** Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced to control dust and provide proper drainage. Spaces shall be asphalt or concrete surface **unless waived by the Board.** If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed to prevent parking vehicles from extending over any lot lines.

The applicant is requesting a waiver of the hard surfacing of the off-street parking area with the following justification: The proposed site is remotely located with areas of bedrock outcrop. In addition, the site will be reclaimed at the end of the use, requiring removal of the hard surface parking and loading areas.

- 3. **Lighting:** All off-street business, commercial or industrial parking spaces may be required to be adequately lighted to protect the safety of the individual using the area. Said lighting shall not cast any glare on the surrounding properties.

The applicant has requested a waiver of lighting with the following justification: Vehicles will be parked at the drill site on the trail. Drill lighting will be the only illumination in the vicinity but will be sufficient to light the work area.

- 4. **Landscaping:** All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

The applicant has requested a waiver of the landscaping of the parking area with the following justification: The site is remotely located.

5. **Traffic Impact Analysis:** The Traffic Impact Analysis shall be signed by a Licensed Professional Engineer if the daily total vehicle trips are less than thirty trips per day.

The applicant has requested a waiver of this requirement. The County Reviewing Engineer has noted that due to the low volume of traffic (four vehicles per day) there is no need for an engineered traffic study.

SECOND

Mr. Baker seconded the motion.

Chairman Sandoval called for a roll call vote, and the motion passed unanimously. (7 of 7)

a. **REQUEST: AMENDMENT TO FREMONT COUNTY SUBDIVISION REGULATIONS**

Mr. Giordano requested approval of a proposed amendment to the Preliminary Plan Section of the Fremont County Subdivision Regulations.

Mr. Giordano summarized the proposed amendment and answered questions from the Planning Commission. The amendment is primarily to make the language in the Subdivision Regulations more consistent with the Zoning Resolution which was amended last year. Also, many of the procedures that have been followed as a matter of policy are now written into the regulations. Mr. Giordano highlighted the significant additions and changes. One of the most significant amendments is to change the submittal deadline date from sixty (60) days to seventy-five (75) days prior to the Planning Commission meeting. The reason for the additional time is to allow adequate time to review the application and provide adequate time for the applicant to respond to any deficiencies prior to mailing the application to the required referral agencies. In the past some of the agency responses were received after the Planning Commission meeting. The agencies have twenty-one (21) days to respond.

Mr. Brown asked if fifteen extra days is enough.

Mr. Giordano answered yes.

Mr. Giordano continued with the summary of the amendment noting that in this proposal if a Preliminary Plan application is denied, the applicant cannot resubmit for two years unless something pertinent changes. We increased the required initial copies of the submittal package from three to six. The reason is, in the past if the Department has to send referrals to the cities, County Engineer, Department of Transportation, etc.

Mr. Giordano noted that there has been a change in State Statutes regarding mineral interest ownerships. Notification to mineral interest owners now has to be completed at time of application submittal. Mr. Giordano noted that Ms. Jackson has reviewed this proposed amendment, and her comments have been incorporated. Mr. Moore has also reviewed the amendment and he had no changes.

MOTION

Mr. Robinson made a motion to approve the proposed amendment to the Preliminary Plan Section of the Fremont County Subdivision Regulations as presented.

SECOND

Mr. Alsup seconded the motion.

Chairman Sandoval called for a roll call vote, and the motion passed unanimously. (7 of 7)

7. APPROVAL OF PLANNING COMMISSION CALENDAR FOR 2013

Mr. Lamanna stated that usually the Planning Commission moves their meeting to the following Wednesday if the Tuesday is a holiday. Would it be an option to move the meeting to the Tuesday of the following week instead?

Chairman Sandoval answered that quite often other meetings are held on Tuesdays.

Mr. Alsup asked Mr. Lamanna if he has a problem with Wednesday meetings.

Mr. Lamanna stated that he may not be available the week of September 4.

Mr. Giordano said postponing the meeting to the following week could cause problems with our public notices, and it obviously delay the application, which at times is critical to the applicant.

Mr. Robinson mentioned that the City of Cañon City has a standing Wednesday afternoon meeting of general government. When that conflicts I have to make a decision whether I will be here or there. It looks like that may be a problem in September.

MOTION

Mr. Robinson made a motion to accept the 2013 calendar as presented.

SECOND

Mr. Brown seconded the motion.

Chairman Sandoval called for a roll call vote, and the motion passed unanimously. (7 of 7)

Mr. Giordano asked the members of the Planning Commission to please notify the Department as soon as possible if they are not able to attend the regular meeting so we can determine if there will be a quorum. If we know in advance we can cancel the meeting and that way people don't show up.

8. ELECTION OF FREMONT COUNTY PLANNING COMMISSION OFFICERS

CHAIRMAN

Mr. Robinson nominated Mr. Alsup as Chairman.

Chairman Sandoval asked Mr. Alsup if he is willing to serve as Chairman.

Mr. Alsup answered that he was hoping Mr. Robinson would be the next Chairman, but if the Planning Commission wants him to be Chairman he is willing to serve.

Mr. Robinson commented that he is an appointed official, not from the general public. I think the Chair should not be a city-appointed person.

Hearing no more nominations, Chairman Sandoval called for a roll call vote, and Mr. Alsup was elected Chairman unanimously. (7 of 7)

VICE CHAIRMAN

Mr. Krauth nominated Mr. Robinson for Vice Chairman.

Chairman Sandoval asked Mr. Robinson how he felt about the nomination.

Mr. Robinson expressed appreciation. The one time I presided as Chair I enjoyed that opportunity. It won't be as frequent, which was my concern.

Hearing no more nominations, Chairman Sandoval called for a roll call vote, and Mr. Robinson was elected Vice Chairman unanimously. (7 of 7)

SECRETARY

Mr. Robinson nominated Mr. Krauth for Secretary.

Chairman Sandoval asked Mr. Krauth if he will accept the nomination.

Mr. Krauth answered in the affirmative.

Hearing no more nominations, Chairman Sandoval called for a roll call vote, and Mr. Krauth was elected Secretary unanimously. (7 of 7)

9. ADJOURNMENT

Chairman Sandoval adjourned the meeting at 5:25 p.m.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE