

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
APRIL 6, 2010**

CHAIRMAN DEAN SANDOVAL BROUGHT THE APRIL 6, 2010 MEETING OF THE PLANNING COMMISSION TO ORDER AT 7:05 P.M.

**MEMBERS PRESENT**

Dean Sandoval, Chairman  
Tom Doxey  
Daryl Robinson  
Mike Schnobrich  
Herm Lateer

**STAFF PRESENT**

Bill Giordano, Planning Director  
Don Moore, Fremont County Engineer  
Donna Monroe, Planning Assistant

**MEMBERS ABSENT**

Joe Caruso  
Byron Alsup

**1. APPROVAL OF THE FEBRUARY 2, 2010 PLANNING COMMISSION MEETING MINUTES**

**2. REQUEST: SDP 09-002 ALL ABOUT STORAGE SITE DEVELOPMENT PLAN-CONTINUED FROM THE JANUARY 5, 2010 MEETING**

Request approval of a **Site Development Plan, Department file #SDP 09-002 All About Storage Site Development Plan, to allow a one-hundred and thirty (130) unit mini storage facility**, by Eagle Peaks Investments LLC, for their property which is *located on the west side of Werner Road, south of 7<sup>th</sup> Street, on the west side of Colorado State Highway 115, in the Penrose Area.* The property contains two framed garages which will be removed when the 5<sup>th</sup> phase is developed. The property is zoned Business and contains 1.94 acres. *(A Site Development Plan application is required due to the fact that the property is undeveloped and is zoned Business, which is one of the criteria that requires the approval of a site development plan.*

**REPRESENTATIVE:** *Cornerstone Land Surveying, Matt Koch.*

**3. REQUEST: CUP 10-001 NORTHFIELD COAL LOADOUT**

Request approval of a **Conditional Use Permit, Department file #CUP 10-001 Northfield Coal Loadout, by Northfield Partners, LLC, to allow for the operation of a railroad loadout, which will include stockpiles of coal, the use of bulldozers, front end loaders, and/or conveyors for the loading of the railroad cars.** The property is owned by Daniel, Betty & Marie Adamic and is located *0.8 miles east of the intersection of County Roads 11A & 79, on the south-southeast side and north-northeast side of County Road #79, and west of the railroad track, west of the City of Florence.* The property consists of thirty-five (35) acres which is located in the Agricultural Living Zone District. This area is still under permit CUP 98-3 Energy Fuels Coal, Inc. - Southfield Mine - Permit Extension for reclamation - expires 5/14/2017. The new permit will replace the existing permit.

**REPRESENTATIVE:** *Angela Bellantoni, Environmental Alternatives, Inc.*

**4. REQUEST: SRU 09-004 FREMONT OFF ROAD RECREATION AREA**

Request approval of a **Special Review Use Permit, Department file #SRU 09-004 Fremont Off Road Recreation Area, by Stephen M. Harris & Lynette Harris, to allow for the operation of a Rural Recreation Facility to consist of an off road motorized recreation area that includes a free style training area, a peewee track, an intermediate track, an ATV track and a special event track** on property owned by Stephen M. Harris and Lynette Harris which is located at the *northwest corner of the intersection of Fremont County Roads #67 (aka Phantom Canyon Road) and #123, north of the Fremont County Airport*. **The Special Review Use Permit will allow only “family members and friends” and it will not allow events which are open to the public. Any event will require the issuance of a temporary use permit.** The SRU property consists of one-hundred and twenty (120) acres which is located in the Agricultural Forestry Zone District.

*REPRESENTATIVE: Stephen Harris*

**5. DISCUSSION ITEMS**

Discussion of any items or concerns of the Planning Commission members.

**6. ADJOURNMENT**

---

Vice-Chairman Dean Sandoval called the meeting to order at 7:05 pm and the Pledge of Allegiance was recited.

**1. APPROVAL OF THE FEBRUARY 2, 2010 PLANNING COMMISSION MEETING MINUTES**

Chairman Sandoval asked if there were any changes, additions or corrections to the February 2, 2010 Fremont County Planning Commission Meeting Minutes. Hearing none he said the minutes stand approved as written.

Mr. Bill Giordano stated that there is a request for tabling of the last item on the agenda (SRU 09-004 Fremont Off Road Recreation Area) so if there are any people in the audience that wish to speak regarding the item, it should be noted so they will not have to wait through the whole meeting to find out that it is going to be tabled.

Chairman Sandoval inquired if there was anyone present in the audience whom wanted to speak regarding this item. Hearing no comment he turned the floor over to the Planning Commission.

**MOTION**

Mr. Mike Schnobrich moved to **table** SRU 09-004 Fremont Off-Road Recreation Area until the June 1, 2010 meeting, as requested by the applicant.

**SECOND**

Mr. Herm Lateer seconded the motion.

Chairman Sandoval asked if there was any discussion; hearing none he called for a roll call vote which was unanimous.

## **2. REQUEST: SDP 09-002 ALL ABOUT STORAGE SITE DEVELOPMENT PLAN**

This item is continued from the January 5, 2010 meeting.

Mr. Matt Koch of Cornerstone Land Surveying was present to represent a request for approval of a Site Development Plan, Department file #SDP 09-002 All About Storage Site Development Plan, to allow a one-hundred and thirty (130) unit mini storage facility, by Eagle Peaks Investments LLC, Mr. Michael Schuster (owner), for his property which is located on the west side of Werner Road, south of 7<sup>th</sup> Street, on the west side of Colorado State Highway 115, in the Penrose Area. There will be a watchman's quarters incorporated on the front portion of the property which will also be used as an office for the business. The property contains two framed garages which will be removed in the 5<sup>th</sup> phase is developed. The property is zoned Business and contains 1.94 acres.

Mr. Koch stated that there were two issues that need to be resolved, the drainage plan and the access to State Highway 115. Since the January meeting the Colorado Department of Transportation (CDOT) has acknowledged that the access can be used, that it can remain. CDOT did request that a stop sign be installed which has been installed.

The other issue being the drainage; we have since revised the drainage report and the design creating one large detention basin on the north-east corner of the property. In doing so, we did remove one (1) unit from the overall units and we slid the front portion of the office and the watchman's quarters to the south just a little bit to slide the access in. Mr. Don Moore reviewed the drainage plan and did give the okay on it. Other than that there weren't any other issues.

Mr. Giordano showed the video of the property and adjoining properties. He went on to confirm that Mr. Moore had reviewed and approved the Drainage Plan and that the access issue has been resolved with CDOT. Concerning the items for consideration, the first two have been done and there is a list of twenty-five (25), most of them are minor things, a couple of them have to do with the removing of the garages. Since the Commission members got them in their information packets in January and have had time to read them, he doesn't see any need to read each one of them out loud. He did make note of the additional notifications that the Department has recommended, which are in addition to the notifications of property owners within five hundred (500) feet of the project site. The applicant is requesting a waiver of the Buffering and Landscaping requirements of the property boundary line. Basically the properties that are adjacent to it are zoned business and there would be no reason to buffer it. The buffering regulations are basically for the protection of residential areas. As far as the surfacing, lighting and landscaping of the parking area, again the applicant is requesting a waiver of those items. Mr. Koch did say previously that there will be some security lighting on the buildings but as far as the parking area itself, it will not be lighted. There are only four (4) parking spaces so there is really no need to light or landscape it. The landscaping of the parking area is mainly for when you have a big expansive parking area that you might want to break it up some because of all of the asphalt.

Mr. Tom Doxey inquired if Mr. Koch could walk them through some of the elevations on the drainage.

Mr. Koch stated that he didn't have the drainage report in front of him.

Mr. Doxey asked if there is a concrete swell going through the travel ways?

Mr. Koch stated that yes there are.

Mr. Doxey inquired as to how thick they are.

Mr. Koch stated that they are six (6) inches.

Mr. Doxey stated that the arrows on his diagram don't really make sense; the water is flowing backward and forward and every which way. That's one of his concerns; his other concern is that on the west elevation, there's a big slope there of five (5) or six (6) feet over on the side that Mr. Werner used to be. Mr. Doxey tried to see if they had a little swale up there to retain the water on his property up there; he couldn't see that much of a structure to hold the water up there. What do we need plans for?

Mr. Koch stated that the berm actually holds water on Mr. Werner's property and is two (2) to three (3) feet high on the back side.

Mr. Doxey stated that is kind of crested and is going to drop a lot of water in on this project.

Mr. Koch stated that there is actually a detention pond on the Werner property so there won't be any flow coming onto the project site from that side.

Mr. Doxey stated that the elevations are very flat on the project site and in a heavy rain it is going to be a real problem.

Mr. Koch stated that it is going to take grading to get it to work and the grading plan was submitted for Mr. Moore to review.

Mr. Doxey stated that in a heavy rain like we had a couple of years ago the project site would probably flood. The water backs up in the ditch along State Highway 115 and it will be inside the buildings; that's okay if you want to use the building for a lagoon. He would like some thought on that, he doesn't understand it. If that were his parking lot he'd be nervous to say the least. He inquired if somebody could assure him that he isn't right about the flooding.

Mr. Giordano stated that there are two (2) engineers involved here, one (1) that designed the drainage plan and one (1) that approved it. Mr. Moore has looked at it and approved it; he has no problem with it, the Drainage Plan meets the requirements of the regulations.

Mr. Doxey inquired directly to Mr. Moore and asked if that is correct.

Mr. Moore stated that he reviewed it for the drainage, not protection of the applicants own structures.

Mr. Doxey stated that he's talking structure and asked if Mr. Moore looked at that too.

Mr. Moore stated that he looked at it but that he didn't verify every number on it.

Mr. Doxey stated that the ground is flat and that the Applicant expects the water to flow one way and then all of a sudden a miracle happens and it flows the other way.

Mr. Moore stated that is why the grading is going to have to be judicious in order for it to work. It's dependent on a designed design; the builders are going to have to build it by design.

Mr. Doxey stated that all the builders have to go by are the numbers they see here so it is a big concern. You want to waive the paving, and all that gravel is going to be in there or whatever they choose for aggregate. With a good sized rain the gravel will plug up the concrete swell.

Mr. Koch stated that the on-site manager will take care of that. That will be part of his job, to take care of these types of issues.

Mr. Doxey stated that he noticed that the septic field is going over the boundary line on the drawing toward the road.

Mr. Koch stated that the septic is all on the property; it doesn't go off of the property.

Mr. Doxey stated that there are lines going out over the site boundary.

Mr. Koch stated that he doesn't understand what Mr. Doxey is seeing because it is all on the property.

Mr. Doxey inquired as to what the dark dotted line is.

Mr. Koch stated that it is the property boundary line.

Mr. Doxey stated that the septic is going over the line.

Mr. Koch stated that it is to the left of the boundary line.

Mr. Doxey stated that he has the drawing right there and asked Mr. Koch if he wanted to take a look at it. He commented that maybe he got a bad drawing.

Mr. Koch looked at the drawing that Mr. Doxey had. Mr. Doxey inquired as to what the dark, dotted line is.

Mr. Koch explained that the line in question is a topographic line.

Mr. Doxey stated that it's all okay then, correct?

Chairman Sandoval inquired if there were any other questions.

Mr. Schnobrich stated that he was wondering if since it's been so long since the Commission originally heard this, if they shouldn't briefly go over the Contingencies one more time. He doesn't think there is a lot of discussion on it but maybe it would benefit everybody.

Mr. Giordano inquired if Mr. Schnobrich wanted him to read them.

Mr. Schnobrich stated that it was discussed prior that if the project is going to be done in phases then does the drainage plan have to be completely done in phase one. There are a few things that he would like to be reminded of again. He doesn't see any particular problems.

As requested Mr. Giordano read each of the twenty-five (25) Contingencies to the Planning Commission.

Mr. Schnobrich inquired about the waivers; if the Commission wanted to waive the buffering, and landscaping requirements. One of the issues that had been discussed was about the paving.

Mr. Doxey stated that the thought he had is that you can't beat hot mix and if you just select gravel aggregate you're going to have a big maintenance problem. You might say "what are you worried for, you're not going to have to sweep it". On the other end when people put their items in a mini-storage, if they knew there was a good chance that they're going to get flooded out, at least if it happened one time and word got out, that isn't too smart. He's been around a

long time, done that kind of work and grading is pretty important. To have a unit that could possibly flood, that is pretty serious. To blow off grading and elevations and say “well we’re going to have to make it work”, sometimes you can’t make it work.

Chairman Sandoval inquired if Mr. Doxey had anything specific that he wanted to add to a motion.

Mr. Doxey stated that he thinks right now is the time to get a guarantee that the water is going to flow. He feels that it’s all out in the open; he doesn’t have any answers for anything. When somebody tells him “they will guarantee it, that they looked at the numbers”.

Chairman Sandoval inquired if Mr. Doxey could come up with something specific to include in a motion so that the Commissioners can consider his concerns.

### **MOTION**

Mr. Doxey moved to **deny** SDP 09-002 All About Storage Site Development Plan because number one (1) it is strip zoning and your mixing all the zoning up. There is a junkyard on one side and a mini-warehouse (*mini-storage*) on beautiful frontage land; most of our mini-warehouses (*mini-storages*) at least in that area are at least a block or two away from the highway. In his personal opinion it’s not the highest and best use, and then we get into other areas; drainage, leaving those building on there for maybe five (5) years or six (6) or seven (7) or eight (8) or ten (10), he doesn’t know how long they’re going to be there. What we want to do, at least he thought they did, was to get this area of Penrose back in touch with reality, start making it look good. You may say “I haven’t seen the structures, haven’t see pictures, what’s going to happen”. He doesn’t know if the roofs are flat or what style they are style. Just to let you know right now it is strip zoning in his opinion and the drainage is very, very important. He was caught in the last flooding and so was Mr. Taylor, he got flooded too, all because of what went on north of them so he feels that with the motion it should be denied because these things haven’t been reported on. He didn’t get a straight answer. In a few months when we get these heavy rains and that thing floods out then he’ll say “I wish they hadn’t voted for it”.

Mr. Giordano stated that as far as the zoning is concerned, the Master Plan designates this area for business uses. So it’s not a strip or spot zoning. The drainage, needs to be taken into consideration; one of the contingency items on it says that the applicant will have an engineer certify that their drainage plan requirements including their over lot grading will be certified when it’s done. If you don’t feel that is good enough and you want insurances the Commission could ask the applicant to put up monies which we’ve never done before, we’ve always accepted the engineer’s certifications. We make people put up money for roads so possibly we could make them put up monies to guarantee if you’re not sure. He reminded the Commission that there is a drainage plan that was prepared by an engineer and was reviewed by the County Engineer and it was accepted. Even though the regulations don’t necessarily require the protection of structures, that’s a building permit requirement where they will require a certain slope, a certain percent from the building and they will have to do everything according to the building codes anyway. Mr. Doxey is requiring items that are already addressed or aren’t governed by our regulations, but will be addressed under another regulation. Mr. Giordano stated that this information needs to be brought out because it is not a spot or strip zoning. The property is zoned for this use and the Master Plan specifies it that way and the drainage has been reviewed and accepted.

Mr. Doxey stated that the Master Plan states that it should be compatible with the surrounding area. We are mixing the zoning all up.

Mr. Giordano stated that if Mr. Doxey doesn't feel that it's compatible then he won't argue with him, but the area is zoned for business type uses. If he doesn't feel that mini-storage is a business type use or that it's compatible to the area then he does have the right to comment on it. As far as the zoning, the zoning is in place and the Commission isn't re-zoning the area; this is a Site Development Plan.

Mr. Koch asked Mr. Doxey if he is representing the Planning Commission or representing an adjoining neighbor or property owner.

Mr. Doxey replied as an adjoining neighbor. I own the property across the highway but that's not why, except that there is a water problem there. The State doesn't recognize it; apparently the County doesn't recognize it. I've been there twelve (12) years and through a number of rain storms where the property got buried from pounding water running across my property from State Highway 115. What he wants to see in that area are things that are compatible. It's time now to stop sweeping things under the rug; start getting some buildings put up in Penrose that are compatible with each other. If that's wrong to say, well then I said it. If you have anybody that owns land in Penrose who would like to see it grow, as far as real estate values, we keep on saying "we're going to waive this and waive that, and you can't say this, you can't say that". What's going to happen? When are people going to say "where do you live?" "Oh, you live in Penrose?" He's put up with that for twelve (12) years and he'd like to see it change. Everybody that comes here is asking me as a Commissioner to waive their paving, and waive their buffering, and waive their landscaping, and so as a result it looks junky. Forgive him for saying that but it does.

Chairman Sandoval asked if there was a second to Mr. Doxey's motion.

Mr. Lateer stated that he has a question for Mr. Moore. From an engineering perspective, are you comfortable with this?

Mr. Moore stated that his task is to protect the neighbors as much as possible, not necessarily the site itself. The site developer protects his own site. The applicant has hired an engineer to determine all of the things that are internal to the site. Mr. Moore's goal is to make sure that there is a drainage pond that is adequate to delay the water before it leaves the property if we are adding more water during a potential storm. That is his goal during this project.

Mr. Giordano stated that he would note that is what is required by regulation. When Mr. Moore says a "goal", this is what we are governed by. Basically the regulation states that you will not dump any more water than what historically ran there. In this case it is keeping it out of the property or getting it off the property.

Mr. Lateer stated that he wasn't questioning the regulation but he respects Mr. Moore's opinion.

Mr. Giordano stated that he just wants to make sure the Commission understands the regulations and how to apply them. He felt that there was some additional information that they need to be aware of and whether they have the authority to require or not require.

Chairman Sandoval stated that he sees two issues according to what Mr. Doxey brought up. One is the drainage from what he understands the County has done its responsible part in

protecting the adjoining properties and from what Mr. Giordano told them the other regulatory concerns such as the building protection, which probably will be taken care of by the building permit process. Then in terms of the buffering, that's something that if a motion is made to approve this as an example, that's something that could be placed within that motion for the County Commissioners to consider. It doesn't necessarily mean that we have to make a motion to deny the project.

Mr. Giordano stated that if it is denied, it still goes forward to the Board of County Commissioners and if there is any additional information that the Commission wants, a denial will not get that information to the Commissioners.

Chairman Sandoval asked if there were any other comments. Hearing none he asked if there is a second on the motion.

Motion died for a lack of a second.

### **MOTION**

Mr. Lateer moved to **approve** SDP 09-002 All About Storage Site Development Plan with the following:

### **RECOMMENDED CONTINGENCIES:**

The approval recommendation is made contingent upon, at a minimum, the following items being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application by the Board of County Commissioners:

1. Documentation from County Engineer that the applicant has complied with the requirements of the County Engineer as stated in his letters dated November 24, December 8, and December 22 of 2009.
2. A Colorado Department of Transportation (CDOT) access permit for the south Werner Road Access or documentation that existing access is adequate.
3. The label on the site plan indicating that the south Werner Road access has not been approved shall be removed from the Site Plan Drawing.
4. The label "EXISTING SWALE TO BE CLEANED" shall be removed from the Site Plan Drawing.
5. The line symbol used to indicate elevations shall be identified in the Site Plan Drawing legend.
6. Documentation from the Colorado Registered Engineer who designed the drainage improvements that the required improvements were constructed to the approved design standards.
7. The Site Plan Drawing shall contain a note as per Note 1 of the plat of Lone Cedar Subdivision regarding maintenance of drainage facilities. (*Note #1 from said plat: The maintenance of all drainage facilities shall be the responsibility of the owner of the lot in which it is located.*)

8. All drainage facilities shall be labeled, located and dimensioned as drainage easements on the Site Plan Drawing.
9. An executed quitclaim deed with a deed restriction addressing the maintenance of all drainage facilities, drainage easements, rights-of-way, etcetera.
10. Both garages shall be removed prior to completing PHASE 5 as the garages would be located within the storage unit driveways.
11. The Site Plan Drawing shall contain a note explaining that the existing structures (*garages*) shall be removed from the property prior to completion of PHASE 5.
12. The “attachment” shown on the northerly side of “24’X20’ FRAMED GARAGE” shall be identified by label and sized by dimension on the Site Plan Drawing.
13. Copy of utility plan signed and approved by appropriate representatives.
14. Werner Road shall be shown on the vicinity map by a line symbol.
15. The large bolded “Xs” shown in the southeasterly portion of the Site Plan Drawing shall be identified in the Site Plan Drawing legend or by label.
16. The “20’ ADDITIONAL GAS EASEMENT” as per the plat of Lone Cedar Subdivision along the rear line of Lot 3 shall be shown on the Site Plan Drawing.
17. The interior roadway and parking areas shall have a distinctive different line symbol and or weight than the proposed structures on the Site Plan Drawing.
18. The “TEMPORARY TURN AROUND” as per the plat of Lone Cedar Subdivision shall be labeled as such with a distinctive line symbol on the Site Plan Drawing.
19. The Site Plan Drawing shall contain a note as per Note 2 of the plat of Lone Cedar Subdivision regarding the temporary nature of the turn around located on Lot 3. (*Note #2 from said plat: The temporary turn around located on Lot 3 is temporary and will be returned to the owner of Lot 3 if and when the road is extended.*)
20. The note section of the Site Plan Drawing shall be titled as such.
21. The legend section of the Site Plan Drawing shall be titled as such.
22. Each individual note in the note section shall have its own numerical or alpha designation on the Site Plan Drawing.
23. The two (2) eight-hundred (800) square foot storage units should contain the same line symbol as the other storage units.
24. The surface type and depth of material on interior roadways shall be noted. (If hard surfacing isn’t proposed then site plan shall reflect the requirement.)
25. The Site Plan Drawing shall contain a note as per Note 3 of the plat of Lone Cedar Subdivision regarding soil investigations prior to construction. (*Note #3 from said plat: Each building site shall be investigated by a qualified soils and foundation engineer prior to construction.*)

**ADDITIONAL NOTIFICATIONS:**

In addition to the required notifications the following shall also be notified in accordance with regulations:

1. Fremont County Sheriffs Department
2. Fremont County Road Foreman, District 2
3. Fremont County Weed Control Officer

**The recommendation included waiving the following:**

**WAIVER REQUESTS:**

Applicant is requesting a waiver of the following:

**1. 5.2.6 Buffering & Landscaping Requirements:**

In conjunction with the issuance of a building permit or approval of a zone change to a Manufactured Home Park, Travel Trailer Park & Campground, Neighborhood Business, Rural Highway Business, Business, Industrial Park, Airport, or Industrial Zone Districts, and if the property is adjacent to any Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence or High Density Residence Zone District, 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** (of County Commissioners). 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.

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.

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.
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.

**SECOND**

Mr. Schnobrich seconded the motion.

Chairman Sandoval called for a roll call vote and the vote was as follows:

Mr. Lateer	Nay	<input type="checkbox"/> Aye
Mr. Schnobrich	Nay	<input type="checkbox"/> Aye
Chairman Sandoval	Nay	<input type="checkbox"/> Aye
Mr. Robinson	Nay	<input type="checkbox"/> Aye
Mr. Doxey	<input type="checkbox"/> Nay	<input type="checkbox"/> Aye

The motion passed with a vote of 4 to 1.

**3. REQUEST: CUP 10-001 NORTHFIELD COAL LOADOUT**

Ms. Angela Bellantoni of Environmental Alternatives, Inc. was present to request approval of a Conditional Use Permit, Department file #CUP 10-001 Northfield Coal Loadout, by Northfield Partners, LLC, to allow for the operation of a railroad loadout, which will include stockpiles of coal, the use of bulldozers, front end loaders, and/or conveyors for the loading of the railroad cars. The property is owned by Daniel, Betty & Marie Adamic and is located 0.8 miles east of the intersection of County Roads 11A & 79, on the south-southeast side and north-northeast side of County Road #79, and west of the railroad track, west of the City of Florence. The property consists of thirty-five (35) acres which is located in the Agricultural Living Zone District. This area is still under permit CUP 98-3 Energy Fuels Coal, Inc. - Southfield Mine - Permit Extension for reclamation - expires 5/14/2017. The new permit will replace the existing permit.

She introduced Mr. Bob Scott, one of the Northfield partners, and Mr. Al Weaver with Weaver Engineering. Ms. Bellantoni stated that this project is a requirement from CUP 06-003 Northfield Coal Mine. In the CUP for the mine, it was determined in item Q that there would be a separate Conditional Use Permit for the loadout facility which is located not quite two (2) miles from the entrance road of the proposed coal mine. During the process of determining where the fine line was between the coal mine and the coal loadout it was finally determined that anything originating at the mine, all employees and truck traffic, that's the coal mine. In the Planning Commission packets is an old traffic study from the coal mine, it took into account all employees at the site and all trucks that originate at the coal mine. The study included all traffic moving through the intersection of County Road 79 and County Road 11 A, and then it splits because it's a two (2) section mine. Hopefully the markets will demand that; there are the local markets that would be serviced by trucks and all of that traffic would go north. Then there are forty (40) trucks that will be servicing the loadout. To make it clear, all of the trucks originate at the coal mine and all of the traffic progressing through the intersection of County Road 79 and County Road 11 A are conditions M, N, and O in CUP 06-003. Northfield Coal Mine came before the Planning Commission just one

year ago, March 10, 2009, and we requested an extension of cessation because of the economic situation. That request was granted by the Board of County Commissioners without further conditions or any changes to CUP 06-003.

Ms. Bellentoni presented visual pictures with her Power Point presentation showing the proposed coal mine area and the loadout area. She stated that the loadout site is currently permitted under the Division of Reclamation, Mining and Safety as a coal loadout. It is with Energy Fuels, Inc. and is currently in reclamation. It was first permitted with the County as a CUP in 1987 and then renewed in 1998, the entire site. It was permitted to hold up to four hundred thousand (400,000) tons of coal at one time. In that time they use loaders to load the trains that came in to transport the coal out. (Showed visuals of the site in 1983 and the site as it is today under reclamation)

The proposed area is approximately eleven (11) acres and the proposed amount of coal storage is twelve thousand (12,000) tons which is enough to load one (1) train. The site is very simple; a circular drive where the trucks would drive in and dump the coal in a hopper (concrete shoot), it would then be conveyed to the top of the stacker tube which will make it land in a conical shape. Underneath this storage area is another conveyor system with hydraulic doors that would then, when the trains come twice a month, convey the coal to the coal loading bins directly over the cars. We have just a very small area for the stock pile and then the coal loading would actually be done by conveyors instead of loaders which minimize spillage and noise activity on the site. When the coal is stacked by the stacker in the conical shape, as the coal drops out of the bottom to feed the train there will be a ring of coal that develops that is not over the top of the doors. There will be some time during train loading when a bulldozer will be necessary to push that side coal back into the center. It is anticipated that it would be less than one third (1/3) of the amount of time the train would be in there because the stacking tube and the conical shape should feed the conveyor pretty well.

To the southeast of the circular drive, with the hopper in the ground, this site was chosen because of its topography and for the logistics of the train as it comes in and goes out, to minimize the impact to the community.

Ms. Bellantoni showed visuals of natural ridges that will be wind and view buffers from the west. She also showed the current sediment pond that is included in the drainage plan.

An empty train will come in twice a month; it takes approximately twelve (12) to eighteen (18) hours to load a one hundred (100) car train and it will block County Road #79 during loading. The loading moves from the front of the train to the rear. An empty train does not block the road in Florence. As the train is being loaded it is moved forward one car at a time; when it is completely loaded it does not block any main roads in Williamsburg, Florence, or either of the paved roads.

Ms. Bellantoni stated that while the train is being loaded there are two (2) alternate routes, both paved, going into Florence. There has been some concern about blocking County Road 79 into Florence. A gentleman from Chandler Heights (Williamsburg) checked the mileage difference going across the dirt road (County Road 79) into Florence versus the two (2) paved routes; the end location was the Florence Library. By the County Road 79 (dirt) route it is 2.52 miles; the northerly route, State Highway 115, is 3.3 miles which is .8 miles difference. South through Williamsburg is 3.35 miles; going the speed limit it takes

approximately an extra sixty (60) seconds to go via a paved route versus taking the dirt road (County Road 79).

Ms. Bellantoni stated that as a reminder, even though the loadout is associated with the coal mine, it is not an extraction activity; it is a train loading activity. Reclamation will be relatively simple compared to mining activities that are seen around the state. The hopper would be removed, the coal stockpile is quite small, just twelve thousand (12,000) tons in that circular area, take down the conveyors and loading bins. It would be reclaimed as pasture land.

Regarding the Department Review, Northfield concurs with most of the conditions that are in the Planning Commission packets. Northfield recognizes that County Road 79 needs improvement especially for forty (40) trucks a day on a regular basis. It was the County Road Foreman who made the improvement suggestions. Northfield is aware that it is definitely a road that needs to be improved. In CUP 06-003 the road improvements were agreed upon so that is not an issue. Our concern with the suggestions is whether or not those improvements will hold up under forty (40) trucks a day and we believe that it is a good start, there may have to be a different type of road improvement to be safe for the Northfield trucks. What Northfield guarantees is that the road is going to be improved, it has to be, but the suggestions from the Road Foreman may not be enough or appropriate for the truck traffic that is being proposed.

Ms. Bellantoni stated that the other condition is that of exhibit 26-E there is the letter from the Colorado Department of Wildlife that notified them from the outset on using the loadout again. This has already been done and we certainly comply with their suggestions on watching for deer. The only other thing is item Q (Applicant shall provide to the Department documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, further the applicant shall implement and maintain the plan). She is not really sure what to do because exhibit 26-P is Northfield's weed control plan that was approved by the State, it's the same plan that will be used at the coal mine. It has been given to the County Weed Control Officer a number of times and it is in the application again.

Mr. Giordano stated that the Weed Control Plan that was submitted is fine but needs to be reviewed by the Weed Control Officer.

Ms. Bellantoni stated one last thing on the road improvements; Northfield has already agreed to maintain the road. We would like the specifics of maintaining the road to be left to Northfield; they're out there, their trucks are on the road, they're seeing the road; their truckers are going to be telling them what the condition of the road is so they can take action. Northfield also has to maintain any onsite roads as well and there are just as many trucks onsite at the coal mine as there are off site. We are not quite sure how the Department sees item 7 (Develop an agreement with the County to participate financially in re-grading the gravel surfacing at least monthly and adding dust suppressant annually, prior to operation.) and item 8 (Develop an agreement with the County to participate financially in replacement of the Class 6 road base and gravel surfacing as needed, prior to operation.) under item M in the Conditions regarding participating financially in maintaining the roads. More than likely it will be Northfield's blades and equipment out there and most likely Northfield will see that the road needs more gravel or more grading and they will take care of it.

Mr. Giordano stated that the intent is to get a written agreement between the County Road Foreman and the applicant.

Ms. Bellantoni inquired if it is something like what is already written up in CUP 06-003.

Mr. Giordano agreed that if it's a written agreement signed by the County Road Foreman and the applicant then it will be fine. That way both parties know what is expected.

Ms. Bellantoni stated that they are fine with the condition if it is similar to that of the coal mine. We said that the Plan would be approved by the County Engineer because we are going to have to have more engineering as the site gets closer to development, especially once the coal mine starts getting developed. There will be a lot of engineering done then and when that happens we can take the plans that we have already agreed to with the coal mine permit to the Department and the County Engineer.

Mr. Giordano stated that once it's in agreement then hopefully it will stipulate the time frame of the maintenance.

Ms. Bellantoni stated that they are fine with that. She went on to state that regarding Contingency number 2 (Documentation as to compliance with the requirements of the Town of Williamsburg as noted in the letter from Jerry Farringer, Chairman, stamped as received on March 4, 2010.) which is already a condition of the CUP 06-003. She isn't real sure what happened with this.

Mr. Giordano stated that he was just reiterating that Northfield will do the maintenance of County Road 79.

Ms. Bellantoni stated that what she is saying is that Contingency number 2 needs to be omitted because the roads stated in the letters from Williamsburg are already covered by CUP 06-003 item N (The following shall be completed by Applicant, prior to mining: 1. The Applicant shall pave Chandler Road [County Road 79], as a two-lane road, from the site entrance to the intersection with Churchill Avenue [County Road 11A]. Pavement shall be asphalt, and shall meet CDOT specifications for the weight of the type of truck anticipated for the coal hauling [full]. 2. That Applicant shall construct bar ditches on Chandler Road [County Road 79], from the site entrance to the intersection with Churchill Avenue [County Road 11A]. 3. That Applicant shall grade County Road 79 from the site entrance to the entrance road of Chandler Heights, a.k.a. Auckland Avenue and they will provide maintenance on a yearly basis. In addition, the Applicant shall apply an initial, one-time 2" gravel surface, the full width of the roadway as it exists on the date of approval.). We already agreed to grading, the maintenance, the cattle guard; we've already agreed to all of these things so she doesn't understand why they are in both.

Mr. Giordano agreed with her, it has been addressed. What he was doing was responding to the letters from the town of Williamsburg. He agreed that Contingency item 2 of the CUP 10-001 should be deleted.

Ms. Bellantoni stated that they have already received approval for the utility plan, Contingency number 4. She stated that they did make a request for waiving the landscaping, it is remote and on a dirt road and of course the off-street parking is compacted gravel as opposed to asphalt or concrete. As for the lighting, they want to minimize the lighting; it is a

rural area. Of course during the time the train is in there sufficient lighting will be provided; probably portable lighting will be used so it can be taken down and will be out of sight.

She stated that her last question is who is the United States Department of Energy, Western Area Power Administration? That is a Department she has never had to notify before.

Mr. Giordano stated that she would have to check with the Land Use Technician but he thought it was related to the major power lines.

Ms. Bellantoni stated that the last part of the presentation is Northfields Plan and why they are here in front of the Planning Commission today. As you probably realize, the coal mine got caught in the economic downturn and it is the hope of Northfield Partners to be 100% ready to get the coal mine going as soon as the economic demand starts; be ready, all paperwork done, there is a lot of MSHA work happening, the portal has been worked on and designed, there's been a lot of engineering going on. Currently they are out securing markets and getting that nailed down. Frankly, if their markets end up being primarily out of state then that means the loadout will be used as opposed to local roads. The more the loadout is used the less wear and tear on the local county roads. Lastly, Northfield is really looking forward to doing business in Fremont County; they are still hopeful and have every intention of getting this going in the very near future.

Mr. Giordano highlighted some of the following Recommended Conditions:

- A. Conditional Use Permit shall be issued for life of the use. (*Approximately 15 years after startup of the Northfield Coal Mine*).

Northfield said that it will probably be fifteen (15) years after the start up of the coal mine. The reason it was left as life of the use is because it is in conjunction with the life of the mine for the Northfield Coal Mine.

Ms. Bellantoni stated that there will be a little bit of a delay in the start of the loadout because they have to have a coal mine before you load the coal out. They won't be on the same fifteen (15) year block.

Mr. Giordano stated that he's not going to talk about B, C, D, or E (shown later in the motion) because they are standard Conditions; F is standard in most cases but in this case the Applicant has requested that a notice of cessation, as follows, be noted in the condition at this time instead of waiting until a later date.

- 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 of Planning and Zoning 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. **As per the application the applicant has requested temporary cessation for up to two (2) years.**

Ms. Bellantoni stated that the request is because just developing the coal mine itself is approximately a nine (9) month process beginning to end. So right there they would be outside of the six (6) months.

Mr. Giordano read Conditions G through N (shown later in the Motion). He then asked Ms. Bellantoni if Condition N was going to create a problem for Northfield.

N. Documentation as to completion of all required improvements in relation to CUP 06-003 Northfield Coal Mine conditional use permit, prior to operation.

Ms. Bellantoni confirmed that it will cause a problem because if they have out of state markets they may need to start developing the coal mine so they have a place to deliver from. We will be in the process but she doesn't know that it will be completed.

She also stated that in Condition M numbers 4 & 5 are already covered in CUP 06-003 which is items N and O that covers the intersection of County Road 79 and County Road 11A. The items state that Northfield will submit a plan to the Director, a Traffic Engineer, and the County Engineer to review the plan on that intersection. Also, number 6 of M is part of CUP 06-003.

M. Documentation as to compliance with the requirements of the County Reviewing Engineer's as outlined in the County Engineer's letter dated March 9, 2010, prior to operation. The improvements from County Road 11 A to the site along County Road #79 are as follows:

4. Add a southbound deceleration lane on County Road #11A for westbound turns to County Road #79.
5. Add a northbound acceleration lane for vehicles entering County Road #11A from the west.
6. Clear vegetation along 11A at the intersection to improve site distance.

Mr. Giordano stated that he's not sure that what she's talking about is a duplicate. What the Condition talks about is the Applicant shall provide a design for the intersection of County Road 79 and County Road 11A, which provides adequate site distance in both directions, etc. (Design plans for off site road improvements shall be reviewed and accepted by County reviewing engineer.) The way he reads that, is that's left open as to whatever the Road Foreman is going to require, this is critical because they are telling you that those are two (2) of the concerns they have; the acceleration/deceleration lanes.

Ms. Bellantoni stated that there is no north or south bound traffic associated with the loadout. All truck traffic is east and west bound.

Mr. Giordano stated that they are leaving themselves open on both ends; you have trucks for the loadout and the coal mine. Under the Northfield mine permit you do have the right to have forty (40) trucks entering State Highway 115.

Ms. Bellantoni stated that all of the road improvements are in CUP 06-003. That is where it was dealt with and where the design plan is that you just read to us and that has to be submitted to the Department.

Mr. Giordano stated that the information in the Conditions for the loadout is more specific than the Conditions in the CUP 06-003. You have to present a plan and the County Engineer has to review and approve it.

Ms. Bellantoni stated that if the County Engineer wants to include numbers 4 and 5 in the discussion of the design planning as they are doing the mine plan then that's the appropriate place to put it. That's where the traffic study, all traffic that went through County Roads 79 and 11A, was done and reported. There is absolutely no truck traffic north and south bound for the loadout, it's all east and west bound.

Mr. Giordano stated that it still says that it will be reviewed and accepted by the County Engineer. The County Engineer is telling you now, knowing what the design is going to be for the loadout and the mine, he is getting specific and asking for acceleration/deceleration lanes.

Mr. Moore stated that the same thing is being required in two (2) applications; one hasn't been designed yet and one is a set of suggestions. It's easy to modify the Condition within the loadout; just so it refers to the CUP 06-003.

Mr. Giordano stated that if that's the case then Condition N needs to stay in the Conditions on the loadout. It is specific to the documentations as to completion of all required improvements in relation to CUP 06-003 Northfield Coal Mine conditional use permit, prior to operation. If you are accepting that then we can drop numbers 4 and 5 from M.

Mr. Moore stated that numbers 4 and 5 will have to be replaced with something that refers to CUP 06-003.

Mr. Giordano stated that Condition N covers that.

Ms. Bellantoni stated that to allow for the staggered issue that we have regarding the development of the coal mine and then doing the loadout, instead of it being so definitive of "as to completion of all required improvements" could we find some words that allow that it is documentation as to "improvement in progress" or "being completed". What you are telling us is that she has to have a 100% coal mine and then a 100% loadout before she can put a shovel to the loadout.

Mr. Giordano stated that he is receptive to some type of language like that.

Ms. Bellantoni stated to the Planning Commission that she is relying on them for linguistics for this.

Mr. Schnobrich suggested "satisfactory progress".

Mr. Giordano agreed that is acceptable.

Ms. Bellantoni asked if Mr. Schnobrich would repeat the wording for clarity.

Mr. Schnobrich stated "Documentation as to satisfactory progress or completion of ...

Mr. Moore inquired if it is meant that not a single truck is going to enter that intersection before it is built.

Ms. Bellantoni stated no, that is what it says in CUP 06-003. She went on to say that number 6 under item M of these Conditions is also a duplicate because it says shrubbery in the Conditions for CUP 06-003 item M 1.

Mr. Giordano stated that regarding Condition O, they have complied with it so that's not an issue. Condition P refers to their permits with the Department of Reclamation and Mining. What will happen is that there will be an amendment to their existing permit to include the coal mine and the loadout.

He stated that Q, R, S, and T (shown later in the Motion) are all standard items in the Condition of the permit.

As to the Contingencies Mr. Giordano addressed the following:

1. Documentation that the applicant has complied with the requirements of the County Engineer in his letter dated March 9, 2010 and March 16, 2010, excepting those addressed in the above conditions.

Contingency #2 refers to 4, 5, and 6 in Condition M.

2. Documentation as to compliance with the requirements of the Town of Williamsburg as noted in the letter from Jerry Farringer, Chairman, stamped as received on March 4, 2010.

This is addressed in the requirements with the town of Williamsburg therefore it can be deleted.

Mr. Giordano stated that number 3 is concerning sewage disposal, trash and water which involve the Environmental Health Department.

Regarding the utility plan; Mr. Giordano stated that the only utility they will have is electricity and the Department did receive a letter from Black Hills Energy stating that they will service the site therefore this contingency can also be deleted.

There shouldn't be any problem with number 5 concerning the Colorado Division of Natural Resources – Division of Reclamation, Mining and Safety.

Mr. Giordano stated that Ms. Bellantoni had addressed all of the waiver requests. There are a number of Additional Notification requirements, that are in addition to the requirements of notification of property owners within five hundred (500) feet.

Mr. Lateer stated that he was just looking for clarification; basically the mining takes place and everything is going to move from the mine to the loadout by trucks.

Ms. Bellantoni stated that she wanted to clarify something. During a normal day's mining activity, two (2) to three (3) trucks will loop; they will load and go over to the loadout. Possibly a maximum of three (3) trucks but more likely two (2) trucks will just make the loop back and forth to the loadout. Frankly, if twelve thousand (12,000) tons of coal gets to the loadout before the train arrives then there will be no truck traffic until the train arrives.

Mr. Lateer stated that just by definition, the loadout is a repository and unloading into the train cars. You were talking about the natural berms, the way the landscape is, but probably one of the most explosive is coal dust. Is that something that the Planning Commission

needs to be concerned about or is that something that the Federal Government worries about. He thinks that somebody needs to be concerned, he just wants to know who needs to be concerned about it.

Ms. Bellantoni stated that MSHA (Mine Safety and Health Administration) is who governs that.

Mr. Gary Carroll (Northfield employee) stated that MSHA is a Federal Agency that governs the coal mine and the loadout facility. There will be requirements to put water on the coal throughout the entire process from the coal being cut until it goes into the railroad car.

Mr. Lateer stated that basically we don't have to be concerned that the only thing Ms. Bellantoni was talking about regarding the natural berms is just for wind. That's not the only thing that is going to control the coal dust. So there is a regulation which controls that; so we don't have to worry about a lightning strike which has happened up in Wyoming and Montana which ignites the coal dust.

Mr. Carroll stated that he can't guarantee that lightning won't strike the pile.

Mr. Schobrich stated this brings up an interesting question. Does that mean that we have a fire hazard here with the coal pile? Do we need to have a fire suppression plan?

Ms. Bellantoni stated that there is a fire protection plan that was submitted with the application.

Mr. Schnobrich stated that he would also like to add in the Federal Bureau of Prisons in the additional notifications. What we are doing is putting in an interesting situation that could affect some prison issues. Also, we were talking about coming up with a plan with the County for road maintenance. They were talking about some kind of financial participation, are we talking about what the normal cost would be without the mine being there as being what the Counties part would be and the additional cost would be borne by the company? What are we talking about for financial participation?

Ms. Bellantoni stated that what was discussed and agreed upon tonight is that those two (2) items mean to develop an agreement so that the road is maintained. Whether the mine pays a contractor to maintain it or whether they maintain it themselves, but the agreement is developed and signed that the road is maintained to whatever degree of condition is acceptable to the County.

Mr. Schnobrich inquired if the County is going to have to pay more money than what would have been required if the mine wasn't there at all? In other words, they're going to have to pay some money to maintain those roads anyway so there is some kind of financial commitment to the roads. What he is saying is that because of the truck traffic there's going to be a higher maintenance cost for these roads.

Mr. Giordano stated that he can't answer him exactly because the Road Foreman's do the negotiations. The County Engineer and Road Forman determine how much impact is going to be on that road and that's what they agree upon.

We are getting caught up in terminology on this as to whether it is financial or not; it boils down to financial. The key is the agreement; they may differ in what they provide only from the stand point of what is agreeable to both sides.

Ms. Bellantoni stated that if Northfield maintains the roads, it has to be to County standards; or at least what the Road Foreman tells us to. They will be maintained to higher standards because that is what Northfield's standards are.

Mr. Lateer inquired what the guarantee on this is; you said it is basically a contract. Is there a bond issue?

Mr. Giordano replied that no, there is no bond. All of the maintenance and everything has to be done within six (6) months. Talking about the agreements specifically, the agreement will set up the standards of what they have to maintain on a weekly basis, monthly basis, or an annual basis.

Mr. Lateer stated that the leverage is that you can pull the permit.

Mr. Giordano stated that the leverage is that they won't get a permit until everything is done. In other words that agreement has got to be in place with the Road Foreman and then they need to stay in compliance with all conditions of the permit.

Under the zoning the County does not have the right to actually ask for improvements like we do in subdivisions. State statute gives the rights to allow the subdivision applicant to put money up to guarantee improvements; the money would be held in escrow. In this particular instance the County doesn't have the authority to do that; the only authority we have under zoning is to do it before you permit them to do the project. It is important to list some items as conditions instead of contingencies because with if you make it a Contingency, they have six (6) months to get it done. Some things aren't practical to be done in six (6) months so we put them under Conditions and require them to be completed prior to operation.

Mr. Schnobrich stated that this is not going to change anything from previous CUPs as far as truck traffic is concerned.

Mr. Giordano stated that no, they are tied to forty (40) trucks on CUP 06-003 and they will be tied to forty (40) on this one.

Mr. Doxey stated to Ms. Bellantoni that she didn't talk much about State Highway 115; you did say that some of the trucks will be going north.

Ms. Bellantoni stated that she had mentioned that the northerly traffic is covered in CUP 06-003. All local markets were part of the original coal mine. The only thing under here is any coal that leaves the loadout.

Mr. Doxey stated that in the future, is the State going to fix that intersection at State Highway 115?

Ms. Bellantoni stated that they sat down with Ms. Vallory Sword, with the Department of Transportation (CDOT), and she said "we will discuss that". Actually they started the process this week. But bear in mind that is a State road and one of the things Ms. Sword asked her was why she was there since access onto State Highway 115 is from a County Road. So really that intersection is a discussion between Fremont County and CDOT. But in our CUP 06-003 permit, it does address that intersection.

Mr. Giordano stated that the County would be required as the owner of the street to sign the application but the County isn't going to take any of the responsibility, or the expense to

make any of the improvements required or to pay any fees. It will be Northfields responsibility.

Ms. Bellantoni stated that Northfield agreed to the proportion that is reflective to our trucking.

Chairman Sandoval inquired as to how CUP 06-003 addresses the issue.

Ms. Bellantoni stated that it says that the improvements are going to be approved by the Engineer for CDOT and Northfields expense is proportional to its traffic that it has at that intersection.

Mr. Giordano stated that he would like to add that there are a number of letters that are in the Planning Commission packets that were received by the Department as public comment.

Chairman Sandoval stated that he noticed that the letter from the Division of Wildlife (DOW) is dated August, 2008.

Ms. Bellantoni stated that if they will recall in 2008 is when everything in the economy was going full steam including at the coal mine and we were progressing on permitting the loadout and then October, 2008 hit and the world crashed and burned. Bear in mind that DOW is one of our notifications so she will be notifying them anyway. She will send them a copy of that letter and ask them for a comment.

Mr. Giordano stated that we anticipated that we had a letter so we just put it back on the notification list and they can comment again if they want to update it or whatever they want to do.

Chairman Sandoval stated that Ms. Bellantoni did a great job of presenting the detours and time differences. Could you summarize that again just briefly?

Ms. Bellantoni stated that the difference in distance is approximately point eight (.8) miles, the distance in time is approximately sixty (60) seconds going the speed limit regardless of which route.

Chairman Sandoval stated that Ms. Bellantoni had mentioned that the train will be loaded two (2) times monthly. When the train is being loaded, approximately how long will it take?

Ms. Bellantoni stated that they can load ten (10) cars per hour, so if all things go well it would be ten (10) hours. The range that we gave is for twelve (12) to sixteen (16) hours which will allow for extra time. The railroad is requiring that the train has to be ready to leave within eighteen (18) hours after arrival.

Chairman Sandoval inquired as to what days of the week.

Ms. Bellantoni stated that they have no control of the railroad.

Chairman Sandoval inquired if the portable lighting would be used during the dark months.

Ms. Bellantoni stated that figuring the twelve (12) hours happened and it got dark during the end of the twelve (12) hours, the lighting would be on site for that; for the safety. Remember, this is an MSHA site.

Chairman Sandoval inquired of Mr. Moore regarding his letter dated March 9, 2010, he made a note on page three (3) that states mine and haul traffic must be discouraged from using County Road 79, east of the railroad loading site, through Florence. Florence streets in this area are load restricted, and a narrow bridge restricts traffic near the City limit. How is that discouraged?

Mr. Moore stated that in the mine and its operation, they won't use it at all. This is just pointing out that they are not supposed to use the eastern end of that road for any loadout activity because when they get to the end they can't drive through Florence because of the load limits. It's just a reminder.

Ms. Bellantoni stated that they have no reason to even cross the railroad tracks.

Chairman Sandoval asked if anyone from the Planning Commission had anymore questions or comments. Hearing none he opened the item to questions and comments from the public.

Mr. Charles Overton (6584 Auckland Ave. Florence, CO 81226) stated that he lives in the Chandler Heights area and the loadout area has been used by many, many mines and from what his cousin has told him, his other cousins used it back in the 40's and 50's as a loadout area. There isn't much change in the plan and everything looks pretty good. There are some things that need to be done in the area but it appears that Ms. Bellantoni has addressed those things. The only item on this that kind of disturbs him is the closure of County Road 79. Looking at the difference in mileage; talking about traveling those miles, it's probably not a big deal but the fact is the fire department is the crucial issue here. That is the route they take to Chandler Heights. Current response times from the call-in to the time they arrive out there is approximately twelve (12) minutes if they go over County Road 79. More than likely if you put a fire call in that's the route they are going to try to use. The question arises if the route is blocked, are they (the fire department) going to know it's blocked? At a minimum they need to know when it's blocked so they can take the alternate route before they ever leave the station. They can't afford to get down within say five hundred (500) feet of the loadout, which you can't see because it's hidden by a gravel pit that's there. Some mechanism needs to be in place at minimum to notify the Florence Fire Department. In the discussion of the road improvements, it was his understanding that in the previous CUP that Northfield was going to pave from the point where the mine haul road meets Chandler Road to County Road 11A. This is in agreement with Williamsburg because that's a Williamsburg road. He might be wrong on that and his assumption is that if they are going to pave that then maybe they should also pave County Road 79 which is the same road on the other side of the street. Having forty (40) trucks a day and they may be using heavier trucks for it because it's such a short haul and they don't have to go on highways, unless they can make fewer trips. One thing that occurred to him while sitting here; there is an old railroad right-of-way that encroaches on the mining site. They are going to a lot of expense to put in conveyors, rent or lease trucks and drivers and so on to get the coal over to the loadout. Why not exercise the railroad right-of-way and rebuild the railroad. The railroad was washed out in 1938 by a flood in Chandler Creek and was just never rebuilt. The railroad right-of-ways never go away. If somebody paves over it and later on the railroad wants to use it they'll make the responsible party dig it up. They made Williamsburg do that this last year. If Northfield was to do that it seems to him that they would save a lot of costs, all the reclamation costs in the loadout area wouldn't exist. There would be the expense of putting the three quarters ( $\frac{3}{4}$ ) of a mile of rail back in place and they would only have to handle the

coal one time, reducing the danger. It is his understanding that they have to keep the coal wet; when lightning strikes it will still ignite. The Florence Fire Department thing is really an important safety issue from his point of view.

Mr. Randy Roberts (1022 S 9<sup>th</sup> & Route 1 Elm St. Florence, CO 81226) stated that his family is a property owner in the near vicinity of the loadout. The fields that were shown on Ms. Bellantoni's presentation are his family's fields. He understands that with the loadout facility there could be dust from the coal pile that would blow over onto their property. He realizes that when they are loading out that there will be noise that could disturb them, they have the fields right there and that something could happen to impact those fields. Without a doubt when the trains load that's certainly going to be noisy and will impact their view. But he will say that in spite of all of those things he is here to support the loadout facility and the coal mine because he realizes that nothing happens without impacting somebody else at least a little bit. A couple months ago, one of the train cars dumped over right on the curve. The railroad had to make a deal with his father to enter onto his little field right there to take care of the problem; that could happen again. Those things happen, that's life, nothing is perfect and frankly Fremont County needs jobs so badly that his family is willing to be impacted if it will help some people out and help Fremont County prosper. He supports what Ms. Bellantoni and the coal mine has done and he appreciates it.

Pam Drummond (99001 Auckland Ave. Florence, CO 81226) stated that from the Chandler Heights Subdivision County Road 79 east is not a good road in any way but it is access. In our subdivision (Chandler Heights) we have three (3) emergency personnel, and a physician. The physician works at St. Thomas More Hospital, the other three (3) of them (including her) are on call and have an exact time frame where they have to respond. If there are forty (40) cars or trucks on County Road 79 east, it has happened before on County Road 79 west that part floods out, where will that leave them? It's a big concern from the health part of the community.

Ms. Edie McLish (402 Valley Road Canon City, CO 81212) stated that she is with the Fremont Economic Development Corporation. She commented on the jobs referring to exhibit 25j in the Planning Commission packets that shows that the initial capital investment, including construction and equipment purchases, will exceed fifteen million (15,000,000) dollars and probably go closer to eighteen million (18,000,000) dollars based on final operational plans and it is estimated that the operation will create an additional half million (½ million) dollars in personal property taxes. The latest unemployment figure release came out last week, April 2, 2010, shows that the unemployment rate for Fremont County is nine point six (9.6) percent and the mining operation at full capacity will create sixty-one (61) new jobs representing five million (5,000,000) dollars in payroll and benefits; the jobs are extremely important for Fremont County.

Mr. Tom Piltingsrud (5019 County Road 123 Penrose, CO 81240) commented that he remembers when he heard the initial CUP being on the Planning Commission that there were some concerns from surrounding property owners on subsidence issues, both under structures and damages to private wells. The company stood up and said "if a private well is damaged by our operation we will fix it and we will not mine under existing structures." We heard comments from residents who use Chandler Road who said in many times of the year it was completely impassable even to four-wheel drive vehicles and the company stood up and said "we'll maintain that road to our site." He thinks that will take care of some of the giant mud

holes which neither Williamsburg or the County could adequately maintain. While it might not be perfect, at least the residents out there are going to enjoy some measure of road improvement which currently does not exist. He would also remind, more the County Commissioners than the Planning Commission, this county is in dire straits as it concerns economic development. He doesn't think we can afford to ignore sixty (60) good paying jobs with benefits in addition to the payroll taxes which will in turn circulate the sales tax; we will see some increased home owners, home sales, and perhaps more importantly for governmental entities, including the County, are the severance taxes administered by the Department of Local Affairs (DOLA) which are based on a percentage of mine employees who live in governmental entities. So perhaps Williamsburg, Florence, the County, and maybe Cañon City will see some increase in severance tax as DOLA records the residences of these mine operators. There are a number of other issues that he would ask you to keep in the back of your mind when you make a final decision.

Chairman Sandoval called for any other public comments. Hearing none a motion was made.

### **MOTION**

Mr. Mike Schnobrich moved to **approve** CUP 10-001 Northfield Coal Loadout with the following:

### **RECOMMENDED CONDITIONS**

- A. Conditional Use Permit shall be issued for life of the use. (*Approximately 15 years after startup of the Northfield Coal Mine*).
- 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 of Planning and Zoning 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. **As per the application the applicant has requested temporary cessation for up to two (2) years.**
- 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 (*truck delivery of coal to loadout site*) will be limited to 7am to 7pm Monday through Saturday.
- I. Days and hours of loading of railroad cars will not be limited.
- J. All truck loads of material transported from the mine site to the loadout site shall comply with applicable Colorado Revised Statutes.
- K. The on-site roadway(s) must have sufficient gravel surfacing and adequate maintenance to insure that mud is not tracked onto County Road #79 as required by Reviewing Engineers letter dated. March 16, 2010.
- L. The number of haul truck trips shall not exceed eighty (80) daily trips. (*A trip is considered as a single or one direction vehicle movement with either the origin or the destination exiting or entering the subject property*).
- M. Documentation as to compliance with the requirements of the County Reviewing Engineer's as outlined in the County Engineer's letter dated March 9, 2010, prior to operation. The improvements from County Road 11 A to the site along County Road #79 are as follows:
  - 1. Add stabilizer to the road sub-base for a full roadway width of 24 feet.
  - 2. Add 4 inches of Class 6 road base.
  - 3. Add sufficient gravel surfacing to withstand the increased heavy vehicle loads for two travel lane widths of 12 feet.

***The Planning Commission recommended deleting 4, 5, & 6 from Condition M since they are already covered in CUP 06-003 Northfield Coal Mine.***

4. ~~Add a southbound deceleration lane on County Road #11A for westbound turns to County Road #79.~~
  5. ~~Add a northbound acceleration lane for vehicles entering County Road #11A from the west.~~
  6. ~~Clear vegetation along 11A at the intersection to improve site distance.~~
  7. Develop an agreement with the County to participate financially in re-grading the gravel surfacing at least monthly and adding dust suppressant annually, prior to operation.
  8. Develop an agreement with the County to participate financially in replacement of the Class 6 road base and gravel surfacing as needed, prior to operation.
- N. Documentation as to satisfactory progress or completion of all required improvements in relation to CUP 06-003 Northfield Coal Mine conditional use permit, prior to operation.
- O. Compliance with any requirements of the Colorado Division of Wildlife.
- P. Provide a copy of the following permits, licenses or the like, prior to mining or upon renewal: *(If not required provide documentation from the listed entity that the following is not required, prior to mining and use of loadout.)*
1. Colorado Department of Natural Resources-Division of Reclamation, Mining and Safety-Mining permit amendment.
  2. Colorado Department of Public Health & Environment-Fugitive Dust Permit and Plan.
  3. Colorado Department of Public Health & Environment - Air Pollution Emission Notice(s) (APEN)
  4. Colorado Department of Public Health & Environment-Stormwater Discharge Permit and Plan.
  5. United States Department of Labor, Mine Safety & Health Administration (MSHA) ID Number.
- Q. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, further the applicant shall implement and maintain the plan.
- R. 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.
- S. 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 Conditional Use Permit and shall be required to be named on this Conditional Use Permit as additional parties who are bound by the terms and conditions of this Conditional Use Permit.

- T. 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 8.2 of the Fremont County Zoning Resolution (*complete reapplication*).

**RECOMMENDED CONTINGENCIES:**

If approval of this application is considered by the Planning Commission the Department would suggest that the approval recommendation be made contingent upon, at a minimum, the following items being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application by the Board of County Commissioners:

1. Documentation that the applicant has complied with the requirements of the County Engineer in his letter dated March 9, 2010 and March 16, 2010, excepting those addressed in the above conditions.

*The Planning Commission recommended deleting Contingency #2 since the requirement has already been covered in CUP 06-003 Northfield Coal Mine.*

- ~~2. Documentation as to compliance with the requirements of the Town of Williamsburg as noted in the letter from Jerry Farringer, Chairman, stamped as received on March 4, 2010.~~
3. Documentation from Fremont County Environmental Health Office as to compliance with sewage disposal proposal, trash and potable water source.

*The Planning Commission recommended deleting Contingency #4 since the requirement has already been addressed in a letter provided by Black Hills Energy..*

- ~~4. Copy of utility plan, signed by the provider(s), noting their approval.~~
5. Documentation form the Colorado Department of Natural Resources-Division of Reclamation, Mining and Safety-that the existing reclamation commitment is included into the new mining reclamation plan.

*The Planning Commission recommended adding the following contingency:*

6. **Notification of emergency services of any road closures.**

**ADDITIONAL NOTIFICATION REQUIREMENTS:**

In addition to the required notifications the following shall also be notified in accordance with regulations:

1. City of Florence, Planning Office
2. Town of Williamsburg
3. Town of Coal Creek
4. Town of Rockvale
5. Town of Brookside
6. Colorado Historical Society, Office of Archaeology & Historic Preservation
7. The Fremont County District 2, Road Foreman
8. Fremont County Sheriffs Office
9. Fremont / Custer Historical Society
10. Colorado Division of Wildlife
11. United States Department of Energy, Western Area Power Administration

12. Energy Fuels Corporation

*The Planning Commission recommended adding the following;*

13. **Federal Bureau of Prisons**

*The Planning Commission recommended waiving the following:*

**WAIVER REQUESTS:**

Applicant is requesting waiver of the following:

1. **5.2.6 Buffering & Landscaping Requirements:**

In conjunction with the issuance of a building permit or approval of a zone change to a Manufactured Home Park, Travel Trailer Park & Campground, Neighborhood Business, Rural Highway Business, Business, Industrial Park, Airport, or Industrial Zone Districts, and if the property is adjacent to any Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence or High Density Residence Zone District, 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** (*of County Commissioners*). 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.

5. **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.

6. **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.
7. **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.

Mr. Robinson inquired if the notification of the Florence Fire Department is a notification to the City of Florence and thus gets to the Fire Department or is this a separate notification that is be required.

Mr. Giordano stated that it is a separate notification.

Mr. Robinson stated that he definitely thinks it should be amended.

Ms. Bellantoni inquired if Mr. Robinson is suggesting notification for the public hearing or when the road is blocked?

Mr. Robinson stated that he wants it addressed.

Ms. Bellantoni stated that Mr. Robinson wants to add that there needs to be a notification to the Florence Fire Department when the train arrives.

Mr. Robinson stated that is whatever the Fire Department is comfortable with; he just thinks that they need to have the chance to respond.

Mr. Giordano stated that it could just be added as a Contingency and let the Fire Department list as to what conditions they want. He noted that in Ms. Bellantoni's response to some of the concerns that Mr. Moore had made in his review. One of them was that Northfield would put up signs on either end of the road to make sure that everyone knows the road is closed. We need to make it a specific Contingency that they respond specifically to the road closure for the period of time and they can state whatever they want.

Mr. Lateer stated that Ms. Drummand had brought up the emergency responders; at the same time he thinks that it would be appropriate to somehow address this.

Ms. Bellantoni stated that if they did train loading signs at the intersections, County Road 11A and County Road 79, at the bridge or at Houston Avenue, someplace in that area, that say train loading in progress – road blocked so that nobody wastes time.

Chairman Sandoval stated that the signage that they have proposed addresses that issue.

Mr. Giordano stated that with the driveway access permit regulations anytime a county road is being blocked for any amount of time they are required to notify the emergency people and the Fire Department. He's not sure if that is enough for the Planning Commission but he would hope that the Fire Department would ask that. After checking with the County Attorney she stated that there is nothing in the State Statute that talks about completely blocking a road, in fact just the opposite under the street regulations, you can completely block it, you just have a procedure to follow. Hopefully we will get some input and if we don't get input it may be something that he will bring up again to the County Commissioners to address. He thinks there is a real concern on blocking the road for that extended amount

of time. He understands that when they had that loadout before the road was blocked all the time and he doesn't remember ever getting any complaints.

Mr. Piltingsrud stated that the Florence Police Department dispatches for both the Florence Fire Protection District and the Fremont County Sheriff's Department so in the Contingency he would recommend that it be protocol between Northfield and Florence Dispatch on the road closures.

Ms. Drummand stated that the Florence Dispatch does not address Parkview Hospital, St. Mary Corwin, or St. Thomas More Hospital.

Mr. Schnobrich inquired if they could do a reverse 911 that they notify these people individually?

Ms. Bellantoni inquired if she has to notify everybody who works?

Mr. Schnobrich stated that they are talking about three (3) people; some way that they are notified before they head out of the home.

Ms. Bellantoni requested to go back to the one (1) minute difference on a good road and the eight tenths (8/10) of a mile.

Mr. Schnobrich stated that it is a matter of when they discover that the road is closed.

Ms. Bellantoni stated that is her point, if we put a sign at the intersection of County Road 11A they will never start down that road.

Ms. Drummand stated that they don't start at that intersection; we live in the subdivision up above.

Ms. Bellantoni stated that then they will pass it. There are no residences on County Road 79. Even the Roberts property has a secondary road. Even Mr. Lamoreux's access is on the other side of the bridge so there are no residences accessing that road. If we put a sign out at the intersection of County Road 79 and County Road 11A then nobody will come from the west and if we put a sign someplace east of the bridge and Houston Avenue, she's not quite sure where but maybe over by Mr. Lamoreux's, then nobody will come east because his is the last driveway.

Chairman Sandoval stated that there are way too many variables that are beyond anyone's control. He doesn't know how else to address where a person chooses to live, that's their personal choice. That's a risk that residents take. If you are a health care provider and you choose to live in an area that's semi-rural you're going to run across situations that just can't be predicted.

Ms. Drummand stated so I should just not take the calls?

Chairman Sandoval stated that he doesn't know if anyone can really control all the hypothetical situations that could come up.

Mr. Richard Boehm (no address given Rock N Rail) he wanted to address the issue of Ms. Drummand. Mr. Roberts had talked about the derailment that happened down in the Florence area and they did have to shut down County Road 79 for about two (2) days. There were four (4) cars lying on their sides. The County did just what Ms. Bellantoni is proposing

to do right at the intersection on both sides of it and to this day we've never heard a complaint about it. It was never really an issue and everybody just kind of went around it. We have had to close the road before for numerous reasons and its one of those things that we just kind of get around and there is a history around that and we do know it works.

**SECOND**

Mr. Doxey seconded the motion.

Chairman Sandoval asked if there was any discussion; hearing none he called for a roll call vote which was unanimous.

**4. REQUEST: SRU 09-004 FREMONT OFF ROAD RECREATION AREA**

(Copied from beginning of the meeting)

Mr. Giordano stated that there is a request for a table of the last item on the agenda (SRU 09-004 Fremont Off Road Recreation Area) so if there are any people in the audience that wish to speak regarding the item that maybe it should be mentioned so that they don't have to wait through the whole meeting.

**MOTION**

Mr. Mike Schnobrich moved to **table** SRU 09-004 Fremont Off Road Recreation Area until the June 1, 2010 meeting.

**SECOND**

Mr. Herm Lateer seconded the motion.

Chairman Sandoval asked if there was any further discussion; hearing none he called for a roll call vote which was unanimous.

**5. DISCUSSION ITEMS**

There were no other items for discussion.

**6. ADJOURNMENT**

With no other items for discussion, Chairman Sandoval adjourned the meeting at 9:19 p.m.

---

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

---

DATE