

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
OCTOBER 4, 2016**

**MEMBERS PRESENT**

Byron Alsup (Chairman)  
Michael Pullen  
Larry Brown  
Larry Baker  
Dennis Wied  
Mark Masar  
Gardner Fey

**STAFF PRESENT**

Matt Koch, Planning Director  
Samantha Kozacek, Planning Assistant

**MEMBERS ABSENT**

None

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF MINUTES**

September 6, 2016 Planning Commission Meeting

**5. UNFINISHED BUSINESS**

None

**6. NEW BUSINESS**

**REQUEST: CUP 10-002 J & J STONE PIT #1 SANDSTONE REMOVAL - MODIFICATION**

Request approval of a MODIFICATION of Conditional Use Permit, Department file #CUP 10-002 J & J Stone Pit #1 for removal of sandstone, by KrauthCo Inc., for property which is presently owned by KrauthCo, a Colorado Corporation and Fourmile, Inc. The property is located *approximately 0.7 miles east of Red Canyon Road/Garden Park Road, one (1) mile north of the intersection of Fields Avenue and Red Canyon Road, in the North Cañon Area.* The property contains 115 acres. The property is located in the Agricultural Forestry Zone District.

***REPRESENTATIVE:*** *Angela Bellantoni, Energy Alternatives, LLC.*

**7. ADJOURNMENT**

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**1. CALL TO ORDER**

Chairman Byron Alsup called the meeting to order at 3:01 p.m.

**2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

**3. APPROVAL OF AGENDA**

Chairman Alsup asked if there were any changes, additions or corrections to the October 4, 2016 Fremont County Planning Commission Meeting Agenda.

**MOTION**

Mr. Larry Baker moved to accept the October 4, 2016 Fremont County Planning Commission Meeting agenda as presented.

**SECOND**

Mr. Larry Brown seconded the motion.

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

**4. APPROVAL OF THE September 6, 2016 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the September 6, 2016 Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Mark Masar moved to accept the September 6, 2016 Fremont County Planning Commission Meeting Minutes as presented.

**SECOND**

Mr. Dennis Wied seconded the motion.

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

**5. UNFINISHED BUSINESS**

The Planning Commission had no unfinished business.

**6. NEW BUSINESS**

**REQUEST: CUP 10-002 J & J STONE PIT #1 SANDSTONE REMOVAL - MODIFICATION**

Request approval of a MODIFICATION of Conditional Use Permit, Department file #CUP 10-002 J & J Stone Pit #1 for removal of sandstone, by KrauthCo Inc., for property which is presently owned by KrauthCo, a Colorado Corporation and Fourmile, Inc. The property is located *approximately 0.7 miles east of Red Canyon Road/Garden Park Road, one (1) mile north of the intersection of Fields Avenue and Red Canyon Road, in the North Cañon Area.* The property contains 115 acres. The property is located in the Agricultural Forestry Zone District.

***REPRESENTATIVE:*** Angela Bellantoni, Energy Alternatives, LLC.

- A. Dr. Angel Bellantoni stated that Mr. Michael Krauth is requesting because he has purchased property to the West and Southwest of the current Conditional Use Permit. The current CUP went from thirty five (35) acres to one hundred and fifteen (115) acres. There will not be any changes to the current CUP at all. There won't be any changes to the mining method, hours of operation, the numbers or trucks and employees. He just had an opportunity to purchase this property where his reserve was into. He has now a fifteen (15) acre phase area. He can go to the North, South, East or West now with this new property purchase. He has established as a view shed buffer. You come in the haul road and you are

surrounded by large hills. They are leaving the view shed buffers for the residences to the South. Items for Consideration Condition 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 special review use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board." We don't agree with this because it is an intermittent operation. Moving on to Item K "Prior to operation the 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." We plan to follow through with this and get Jana out to the site. Mr. Krauth mines bedrock, so it is not like a normal gravel pit. The sides are vertical and you can see layers. A gravel pit you see dirt and over burden, you won't see that here. When we send in our Amendment to the State they will ask for a place holder with our weed plan. We will give that update to the Planning and Zoning Department when we receive it. To Letter L, like I stated we are amending The Colorado Department of Natural Resources, Division of Reclamation, Mining & Safety Permit (DRMS) to just change that the area is bigger and that is the only change. Number two there will be no change to the fugitive dust. Number three there will be no changes to the Mine Safety and Health Administration (MSHA). Number four, Storm Water Management Plan and Discharge Permit I will address with Mr. Don Moore's comments. Letter O, Mr. Moore's comments came in August 24, 2016 and I responded September 8, 2016 it was pretty much a description of conditions. It is a required document that has to be written prior to the request of the discharge permit. The Stormwater Management plan exists in perpetuity to the permit and it automatically renews. The CDPHE discharge permit was administratively extended because they were reworking the permit. So the extension came out in 2012. Even though this all is being reworked by the State, sampling and monitoring still has to happen, still has to be open to inspections, and turn in the annual reports. Upon receipt of the permit we will give that to Planning and Zoning. Condition Q, I have previously submitted this application to Mr. Sid Darden which he has previously granted in 2010. I submitted it again to remind Mr. Darden in September 8, 2016 that this had been previously granted. The only recommended contingency we don't have is the updated Stormwater Drainage plan. Mr. Krauth is requesting the lighting, landscaping, and surfacing waivers. The public hearing notification are all standard so we don't have any issues there.

Mr. Michael Krauth introduces himself and asks if the Board has any questions.

Mr. Alsup stated that the staff will give their presentation then if the Board has questions they will ask him then.

Mr. Matthew Koch stated that there will not be a video presentation for this property because when he arrived at it the gate was locked and did not have Mr. Krauth's phone number. All

items were submitted as application process. Several of the conditions are normal regulatory conditions. Letter A., Life of Use and the Applicants justification for that is that the material from this site will be extracted on an as needed basis. Item F., there was concern that there may be times with the economy that the mine would not be in use. So I left that in there so they didn't have to come back in six (6) months if the mine wasn't in operation. So we can take that out of the conditions but that would mean that after six (6) months of the mine not being used you would have to come in and request cessation for the CUP.

Mr. Gardener Fey inquired to Mr. Koch as to why they would need permission to stop mining from the County.

Mr. Koch stated that is how is has been written into the regulations. There might be an instance where mining is stopped for six (6) months and then come back in and start up again it may cause issues with the neighbors with the traffic. It is to protect the applicant.

Mr. Wied inquired to Mr. Krauth why would he want that condition removed because it is in there to protect him.

Dr. Bellantoni stated that their concern was with the two agencies having the same terminology but it has a different definition for both. From what I understand was that with the approval of the Commission the ceasing of activities for more than six (6) months would then there needs to be an extension of that. In DRMS temporary cessation means you have fully terminated all activities and are starting final reclamation. For the state it does not mean temporary cessation like the County they call it intermittent activity.

Mr. Koch stated that this operation will have to conform to both sets of regulations. We can remove the Item that talks about temporary cessation but like Mr. Wied stated it does protect the applicant in the future. Number of haul truck trips shall not exceed thirty two (32) a day. Item L provide copies of licenses or permits that will change because of the modification of premises. Number four (4) on that list is Mr. Moore's comment letter with the Stormwater Drainage. His main concern is that since it is expanding into other areas that the plan has been approved by the State. Our main concern is how the stormwater is draining onto adjacent properties. We know that the surrounding property is owned by Mr. Krauth but that is not included in this CUP and it needs to be protected and the stormwater drainage plan needs to be maintained. This needs to be in place prior to mining in these new areas. Item K, Weed Management this needs to be in place. Haul trucks are going in and out damaging the surface so Ms. Jana Rapetti needs to go out and evaluate the area.

Dr. Bellantoni stated that Ms. Rapetti has already come out.

Mr. Koch stated that the Department will need a letter from Ms. Rapetti stating that. Beyond that everything else is just regulatory conditions. The only Contingency Item would be compliance with the County Engineers review. The waiver requests are all standard. They are requests they had made on the initial application. We have no issues with any of them. The notifications that we are requiring are all standard notifications.

Mr. Wied inquired about what was the essence of the Stormwater Management Plan that was already in place.

Dr. Bellantoni stated that it is a document that describes what the historic drainage has been and what type of dust management practices will be installed to prevent from contributing sediment contributing to the drainages.

Mr. Wied stated that he wanted to know what the remedial action is with the Stormwater Drainage Plan.

Dr. Bellantoni stated that there are setting ponds, detention ponds, a spill away, a diversion channel, those are the sorts of things that he has in place.

Mr. Wied inquired about there was a reference to an easement for trails. Is it in the expanded area or in the old area?

Mr. Krauth stated that the trails would be in the new expanded area. Which basically is one of the primary reasons we are looking into this expansion. BLM approached us and some other community people who are into the trails. In the Garden Park area (Oil Well Flats) the way to get to it currently is going through Red Canyon. This would make it much easier to access. I was worried that people would encroach too far on the property. I wanted to get all of my ducks in a row to be able to have these boundaries in place. This would give the public access to a piece of land locked property. Gives presentation on map of area for trails and area they would be accessing. The idea is if we put in a parking area south to Oil Well Flats it would make it easier for people to access that property through that trail then going the long way around.

Mr. Wied stated that it was a very commendable thing for Mr. Krauth to be doing for the community.

Chairman Alsup inquired if these easements would be legal easements.

Mr. Krauth stated no it wasn't yet they were still getting things lined up currently so there isn't an easement set up yet. The parking area has to be done outside of the BLM because if they were to go through the BLM it would take years for it to be completed. It will be donated or leased to BLM and give public access to the trail. It won't cross the permit area where the mine is it would be in the buffer area.

Mr. Wied stated in the Master Plan on the second page third paragraph it states "Development of natural resources will be the primary use in such areas where those resources should be found."

Mr. Michael Pullen inquired with the State Stormwater Plan being in review do you see any reason that the plan would not be approved?

Dr. Bellantoni stated it's not a document submitted for approval. We have the development plan then you submit the application and then it is on file and they can always review it.

Mr. Masar stated he understood that the current pit is in an area that is obstructed from the road. With the expansion will there ever be a need the buffering and landscaping?

Dr. Bellantoni gives a map presentation about the geography of the area.

Mr. Krauth also gives map presentation of geography of area with trials and elevations.

Mr. Masar inquired that even if the whole operation was moved to the East or West there would still be plateaus that would block it from the road.

Mr. Krauth stated that was correct.

Mr. Baker stated that if he was the applicant he would like to keep the temporary cessation condition in to protect himself. Could it also put and/or what the State calls cessation and what the County recognizes as cessation?

Dr. Bellantoni stated that as counsel presented it is two sets of regulations and we have to deal with the County's type of regulations.

Attorney Brenda Jackson stated that cessation has been interpreted here at the County for the last twenty-five (25) years. It is for the protection of the applicant. Because if the operation does cease for six months they will not need to get a new permit it won't terminate or expire.

Mr. Koch stated that any projects or plans maintain their Stormwater Management Plans, at some point I would like a letter from Mr. Moore stating that the plan for this site is in compliance with our regulations. I would like to keep that in as one of the conditions.

Mr. Pullen stated that when he went and visited the site that it was one of the cleanest operations he has ever seen.

Mr. Gardener inquired if the area is opened or closed.

Mr. Krauth stated that it is typically closed.

**MOTION**

Mr. Wied moved to recommend approval of CUP 10-004 J&J Stone Pit subject to the recommended contingency items and granting all of the requested waiver items.

**SECOND**

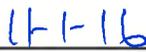
Mr. Pullen seconded the motion.

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

**ADJOURNMENT**

Chairman Alsop adjourned the meeting at 3:39 p.m.

  
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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

  
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DATE