

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
June 2, 2020 AT 3:00 P.M.**

**MEMBERS PRESENT**

Byron Alsup (Chairman)  
Mark Masar  
Larry Brown  
Michael Pullen  
Larry Baker  
John Hamrick  
Gardner Fey

**STAFF PRESENT**

Brenda Jackson, County Attorney  
Sean Garrett, Planning Director  
Alicia Stone, Office Manager

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF MINUTES**

May 5, 2020 Planning Commission Meeting

**5. UNFINISHED BUSINESS**

**6. NEW BUSINESS**

**A. Request: SRU 20-003 Southwest Energy**

Requesting approval of a Special Review Use, Department file # SRU 20-003 Southwest Energy for a contractor's yard for storage and sales of blasting and similar items associated with mining and gravel pit operations. The site is located off of HWY 50, near the Fremont County Airport. The parcel is currently Zoned Agricultural Forestry and consists of 640 Acres.

Representative: Angela Bellantoni

**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 June 2, 2020 Fremont County Planning Commission Agenda.

**MOTION**

Mr. Mark Masar motioned to accept the June 2, 2020 Fremont County Planning Commission Meeting agenda.

**SECOND**

Mr. Gardner Fey seconded the motion.

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

**4. APPROVAL OF THE MAY 5, 2020 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the May 5, 2020 Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Larry Baker motioned for approval of the May 5, 2020 minutes.

**SECOND**

Mr. Michael Pullen seconded the motion.

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

**5. UNFINISHED BUSINESS**

**6. NEW BUSINESS**

**A. SRU 20-003 Southwest Energy**

Mr. Byron Alsup called Dr. Angela Bellantoni to present SRU 20-003 Southwest Energy. Bellantoni gave a brief description of the company, stating they plan to have a 40-acre contractors yard within the 640-acre property. They intend to start a cistern water system; they are working with Jesik Consulting. They may also try to drill a well in the future, however, they will use the cistern system to start their operation. Bellantoni stated they will use motion sensor lights within the contractor's yard and solar security lights around the magazine storage. She also stated they plan to place an opaque fence around the perimeter to control visual impacts to passers on the highway and a 10ft fence with barbed/razor wire around the magazine storage area. Bellantoni stated they plan to have five to six employees, with one office person on site. She then called Mr. Tony Sendek to speak on behalf of Southwest Energy.

Mr. Tony Sendek gave a power point presentation describing the company's history, operations, and plans for the site.

Chairman Alsup asked if the cold weather makes a difference for the storage of their blasting materials.

Mr. Sendek stated that it used to be an issue when they used dynamite, but now it's not an issue, as they don't use dynamite.

Chairman Alsup called Director Sean Garrett to give the staff report.

Director Garrett stated that the application is found to be complete and a true representation of the request as stated. The department finds that all minimal requirements per the Fremont County Zoning Resolution will be satisfied with the following contingencies, waiver requests, and conditions:

Contingencies:

1. Approval of the Drainage Plan by the County Engineer
2. Submittal of cistern design and plan
3. Approved FCDOT Access Permit for C.R. 123 (this contingency has been met.
4. Approval of a Fire Protection Plan from the District for the use

Waiver Requests:

1. Landscaping of the parking area
2. Hard surfacing of the parking area

Recommended Conditions:

1. Access from C.R. 132 is limited to employee and emergency vehicles only
2. Adherence to Fire Protection District Comments and requirements
3. Adherence to the CDOT requirements and submittal of the Notice to Proceed

Mr. John Hamrick asked if they were subject to regulations dealing with storage of hazardous materials and if this will be a part of discussions with the fire department.

Mr. Sendek stated they will.

Mr. Gardner Fey asked if they will be hauling dry materials plus emulsion.

Mr. Sendek stated that they will and will be stored in the magazine storage.

Mr. Fey asked if they will be mixing emulsion on site.

Mr. Sendek stated they would do so if the business warranted it in the future.

Mr. Fey asked how stable and volatile their materials are, have they had any accidents.

Mr. Sendek stated that they have not, however one of their contractors hauling a pup trailer over turned in Utah outside of Salt Lake City. He stated that the material is an oxidizer and not very explosive.

Mr. Fey stated that it will still go boom.

Mr. Sendek stated it can.

Mr. Fey asked about the security, are they confident it cannot be broken into.

Mr. Sendek stated that all magazines are double locked with hoods over the locks.

Mr. Larry Brown asked if there will be 24-hour security.

Mr. Sendek stated there will be.

Mr. Michael Pullen asked if they will have security cameras.

Mr. Sendek stated they are exploring that and could do.

Mr. Pullen asked how many customers they will be serving.

Mr. Sendek deferred the question to a Southwest Energy employee, he stated they will serve fifteen to twenty, but that can double.

Mr. Fey asked what distance the customers are.

The Southwest Energy employee stated they are anywhere from twenty minutes to six hours away.

Mr. Mark Masar asked if they will be granting an easement on the road that is going to a residential area.

Dr. Angela Bellantoni stated that there is not a residential house there. She stated there is a written easement on the warranty deed.

Mr. Masar stated that the property is only 1000 feet away from private property, noting that there are no structures at this point and that the use could make the property uninhabitable. And asked if the neighbor has been notified.

Director Garrett stated that public notifications get sent out before the BOCC meetings.

Mr. Masar asked if the notifications will be sent certified mail.

Director Garrett stated that they will be.

Chairman Alsup stated that public notifications for Planning Commission stopped years ago.

Chairman Alsup asked for clarification as to where C.R. 123 comes out.

Director Garrett stated East, going towards Brush Hollow.

Chairman Alsup stated that all concerns be taken care of in contingencies and that they must all be met for approval.

Mr. Pullen asked when this goes before the BOCC if the Fire Department will have input.

Director Garrett stated that the fire protection plan will be reviewed and they will have that before the BOCC meeting.

Mr. Fey asked what would happen in a worst-case scenario, and if it would burn.

Mr. Sendek stated when there is a fire involving explosives, you do not fight them. He stated that they will work with local emergency officials.

Mr. Pullen asked if the silos are constructed to prevent leaking.

Mr. Sendek stated yes, they are made out of ¼ inch steel and have double valves.

Chairman Alsup asked if there were any public comments.

Director Garrett stated there were not.

Mr. Masar stated that on the approval criteria, it talks about property values and the 40 acre lot next to them will certainly be affected. He asked if the neighbor has been notified.

Mr. Garrett asked Mr. Masar about it being detrimental to property values.

Mr. Masar said he would say so, as that property owner is right in the middle of the blast zone.

Fremont County Attorney Brenda Jackson stated that the neighbor has a Conditional Use Permit or Special Review Use Permit on that property for disposal of septic, which is used for spreading treated septic.

Mr. Fey stated that there was no house on the neighboring property.

Chairman Alsup stated that he was open to a motion.

Mr. Hammrick noted that it should be changed to include cistern system, not a well permit.

### **MOTION**

Mr. Baker motioned to approve with all the contingencies, conditions, and waivers.

### **SECOND**

Mr. Pullen seconded the motion.

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

## 7. **ADJOURNMENT**

