

**RESOLUTION NO. \_\_\_\_**

**Series of 2025**

**RESOLUTION FOR CONDITIONAL USE PERMIT FOR RED CREEK QUARRY,**

**DEPARTMENT OF PLANNING AND ZONING FILE # CUP 24-001**

**WHEREAS**, Holcim (US) Inc., now Amrize Cement Inc., (hereafter “Applicant”) has made application for issuance of a Conditional Use Permit pursuant to 8.04 of the Zoning Resolution of Fremont County for a Permit to allow for the operation of a limestone quarry (Red Creek Quarry) and approximately 6.7 miles long conveyor belt to transport materials from the Red Creek Quarry to the Amrize cement plant, and this application has been designated as file #CUP 24-001 Red Creek Quarry to be located on certain real property that the applicant owns the mineral rights or has secured lease agreements to; and

**WHEREAS**, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **May 6<sup>th</sup>, 2025**, regular meeting and recommended the **APPROVAL** of such application; and

**WHEREAS**, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter “Department”), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

**WHEREAS**, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

**WHEREAS**, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

**WHEREAS**, the Board held a public hearing concerning said application on **June 24<sup>th</sup>, 2025**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

**WHEREAS**, it appears that issuance of a Conditional Use Permit is appropriate;

**NOW, THEREFORE, BE IT RESOLVED** by the Fremont County Board of County Commissioners that:

1. The Board makes the following findings with respect to the application for issuance of a Conditional Use Permit to Applicant as follows:
  - a. The procedural requirements of Section 8.04 of the Fremont County Zoning Resolution have been met.
  - b. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
  - c. The proposed use will not have detrimental effects on property values.
  - d. The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
  - e. The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities and such other provisions required by this resolution.
  - f. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
  - g. The proposed use will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. A Conditional Use Permit shall be issued for the life of use starting from the date of approval of this project.
3. 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 Applicant 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 Applicant 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 Conditional Use Permit each year. If the Department has to notify the Applicant that the anniversary date has passed and / or request said documentation, then a penalty fee shall be charged to the Applicant. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the Applicant, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the Conditional Use Permit.

4. 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.
5. 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.
6. The Applicant 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.
7. If a Conditional Use Permit 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.
8. If a Conditional Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer. A transfer of ownership with the County must be applied for and approved by the Board of County Commissioners.

9. 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.
10. 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.
11. A Conditional Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Director or Board in accordance with Section 8.07 of the Fremont County Zoning Resolution (complete reapplication).
12. Applicant will coordinate with Fremont County Weed Management to implement an Integrated Weed Management Plan.
13. Operation of Conditional Use Permit:
  - a. Days and hours of operation shall be limited to daylight hours eight to twelve hours daily, up to seven days a week.
  - b. The CUP boundary will encompass 1,492 acres to include 219.72 acres for the Materials Transport and Access Corridor between the cement plant and Red Creek Quarry.
  - c. The Material Transport and Access Corridor will be enclosed by a 6' high chain link fence and include a 40' wide roadway for vehicular traffic and conveyor that is approximately 6.7 miles long to transport material.
  - d. The Material Transport and Access Corridor will include 13 wildlife crossings.
  - e. The Material Transport and Access Corridor will include a Fremont County Road 112 conveyor crossing overpass.

- f. The site will have improvements that include a 184'x70' metal building, a vault for sanitation, a water well and a 20,000 gallon double walled above ground fuel tank with concrete wall crash protection structure.
- g. Red Creek Quarry includes six contiguous land sections: two sections in Fremont County and four sections in Pueblo County. This application is for the two sections of land in Fremont County and permissions for the use of the Material Transport and Access Corridor to transport material from the four sections of land in Pueblo County providing that application is approved.
- h. Access permits from Colorado Department of Transportation will not be required at this time. However, if traffic volumes in the future increase by greater than 20% of the permitted number, the Applicant is required to apply for a new access permit and may be required to construct highway improvements.
- i. Blasting activities will follow the general guidance and specifications in the Blasting Plan provided in the application.

**WAIVER REQUESTS:** Waivers of the following have been requested and granted:

**Section 5.04 Other Development Requirements:**

**(a) Landscaping**

Commissioner McFall moved for the adoption of the foregoing Resolution, seconded by Commissioner Grantham and approved by roll call vote as follows:

Commissioner Grantham:	Aye
Commissioner McFall:	Aye
Commissioner Bell:	Abstain

The Resolution was declared to be duly adopted.

Date: July 22, 2025, *nunc pro tunc*, June 24, 2025.

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Clerk to the Board