

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
July 6, 2021 AT 3:00 P.M.**

MEMBERS PRESENT

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

STAFF PRESENT

Dan Victoria, Planning Director
Theresa Villagrana, Office Manager

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**

June 1, 2021 Planning Commission Meeting

5. **UNFINISHED BUSINESS**
6. **NEW BUSINESS**

A: MS 21-005 K Smith Minor Subdivision

Requesting approval for minor subdivision that will create a total of 2 lots. The subject property is located in the Agricultural Suburban Zone District, on the corner of South and Rockafellow Avenue in Canon City, Colorado.

Representative: George Hall

B. CUP 07-003 Front Range Aggregates – Parkdale Pit Major Modification

Requesting approval of a Conditional Use Permit Major Modification, for an expansion of a mining operation. The subject property is located at 112 County Road 157 in Canon City, Colorado.

Representative: David Bieber

7. **ADJOURNMENT**
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1. **CALL TO ORDER**

Chairman Byron Alsup called the meeting to order at 2:59 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 July 6, 2021 Fremont County Planning Commission Agenda.

MOTION

Mr. Larry Brown motioned to accept the July 6, 2021 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Mark Masar seconded the motion.

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

4. **APPROVAL OF THE JUNE 1, 2021 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the June 1, 2021 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Mark Masar motioned for approval of the June 1, 2021 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: MS 21-005 K Smith Minor Subdivision

Chairman Alsup called for the applicant or representative to present.

Mr. George Hall introduced himself as the representative. He stated it is a simple sub-division between Rockafellow and South Streets. The Ratification, Consent and Release is being worked on by the bank. He stated he would answer any questions they have.

Chairman Alsup introduced the new Director Dan Victoria and called on him to give the staff report.

Director Victoria stated that the department had reviewed and found it to be complete and true representation of the request as stated herein. The department finds that all minimal requirements per the Fremont County Subdivision Regulations will be satisfied by this application.

There is a waiver request, deferment of the drainage plan until the time of development. It was reviewed by the County Engineer; no issues were found.

Contingency items would be an access permit for lot 2, executed Ratification, Consent and Release form and minor changes to the plat.

Chairman Alsup asked if there were any photos.

Director Victoria had the photos, however due to update of shared drives, was unable to display the photos.

Chairman Alsup stated they had all been by the property and not necessary to review the photos. He then called for questions.

Mr. Brown directed a question to Director Victoria, he asked about the contingency for an access permit for lot 2. Right on the corner of South and Rockafellow.

Director Victoria replied, that will be corrected to reflect lot 1.

Mr. Hall asked if that would be at the time of the building permit.

Director Victoria responded that would be determined based on where the driveways come in.

Mr. Hall asked why that would be at the time of sub-dividing and not at the time of the building permit.

Director Victoria stated the access permit would be required at the time of the building permit so that will not be a contingency. That leaves the Ratification, Consent and Release form and the minor changes to the plat.

Mr. Brown asked if we normally show the existing buildings on the plat. Maps provide do not show them.

Mr. Hall stated there is another plat.

Director Victoria confirmed and a copy was being pulled to project.

Mr. Hamrick advised he would like to address the applicant (consultant). He offered an explanation to Mr. Hall's question as to why that would be a contingency. Because without access being defined, it is not a complete application yet. We are making that a contingency item, allowing the applicant to provide that at a later date.

Chairman Alsup asked for any other questions or comments.

Mr. Masar asked if Park Center Water goes through Rockafellow.

Mr. Hall responded that yes, it does.

Mr. Masar as if that is a public road, jut not maintained by the County.

Mr. Hall replied that it is a publicly designated road.

Director Victoria projected the plat with the existing buildings for review. Noting the structures are on lot 2.

Chairman Alsup called for any more comments or questions and stated he was open for a motion.

MOTION

Mr. Masar motioned to approve MS 21-005 K Smith Minor Subdivision with the contingency items 2 and 3. Not the access permit for lot 2, and the waiver of the drainage plan until time of development.

SECOND

Mr. Fey seconded the motion.

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

C. CUP 07-003 Front Range Aggregates – Parkdale Pit Major Modification

Chairman Alsup called for Mr. David Bieber to present.

Mr. Mike Sheahan himself, David Bieber and Josh Esquibel, the Quarry Manager. He also recognized the Planning and Zoning staff for moving this project forward with the absence of a director. They congratulated Dan for his appointment to the position of Directed and thanked him for his assistance.

Power Point presentation started, see attached.

Chairman Alsup called on Director Victoria to give the staff report.

Director Victoria stated the request is for approval of a Major Modification to add 1,400 acres to this CUP boundary with a total disturbance area of both private and public land of approximately 1,057.31 acres. Total project acreage including existing and proposed is approximately 1,865 acres per the application. The site plan details an approximate total acreage of 1,913.2 total acres. BLM details in the Proposed Competitive Minerals Sale report for the addition to the Parkdale site to be 698 acres of disturbance with the remaining 702 acres to serve as a perimeter buffer.

They did request two waivers, one for landscaping and one for lighting. Contingencies are minor changes to the site plan, where were submitted today. We are waiting on the issuance of DRMS Permit with an expected permit date of August 16, 2021.

For general discussion on this plan, this application is to add approximately 1,400 acres of land to the existing gravel pit operations with a projected 1,057.31 acres of that total area being disturbed. This additional property is located on BLM land with a 100-year lifespan. The application states 85% or more of the aggregate material will be moved off-site by rail with access to a total of 400 million net tons of aggregate.

If approved, the recommended conditions would be those set forth in the original CUP and standard CUP conditions. At this time, staff does not see any issues recommending approval.

Chairman Alsup called for questions or comments from the Commissioners.

Mr. Fey asked about who owns the railroad and what happens if they fold up.

Mr. Bieber replied that they are the controlling owners of the railroad. Rock and Rail is a wholly owned subsidiary of Martin Marietta. The railroad itself is in partnership with RGX (the Royal Gorge Express). If RGX went away, Rock and Rail would be the one that would carry that rail. They are the owners of that track.

Mr. Fey stated they have secured a means to move their product.

Mr. Bieber confirmed no matter what, they have the means to move their product. They are a class 3 Federally regulated railroad.

Mr. Fey asked about stormwater, noting the creeks running through. He asked if they have issues with large amounts of rain.

Mr. Bieber stated they do not have issues however; they do have a stormwater management plan in place and approved. They submitted and the County Engineer has reviewed the plan with the expansion with detention basins.

Mr. Hamrick asked if the stormwater permit was a general permit.

Mr. Sheahan stated that is correct.

Mr. Hamrick explained to the other Board members that a general permit has best management practices specified with how you comply with that permit. A specific permit has limits on discharges generally on the end of the pipe. Which doesn't exist in this project. He also inquired if they have a current mining permit.

Mr. Bieber stated that is correct.

Mr. Hamrick asked if they know the approximate last date of inspection.

Mr. Bieber stated that the inspector for the area was out in the spring.

Mr. Hamrick asked if the inspector found any deviations with the permit that are still open and not resolved.

Mr. Bieber replied they do not have any deviations.

Mr. Hamrick stated they also have an air pollutions emissions notice with CDPHE and asked if they send an inspector to the property.

Mr. Esquibel stated they perform the inspections themselves.

Mr. Hamrick commented that they are self-reporting provisions. He also asked if they are currently in compliance with their air permit.

Mr. Bieber confirmed they are in compliance with all permits.

Mr. Hamrick asked if that included smoke control and counter measures plan.

Mr. Bieber confirmed that is correct.

Chairman Alsup asked how many acres have been reclaimed at this point.

Mr. Sheahan asked to go to a slide in the presentation to show what area has been reclaimed and re-seeded however, they do not have the acreage total. Stating that they perform the reclamation/hydro seeding process as soon as possible. Typically, within a few months.

Chairman Alsup asked as they expand North, will anything be visible from Highway 9.

Mr. Bieber confirmed it will not. Cactus Mountain shields the whole operation. The operation begins a few hundred feet below the crest of the mountain. Nothing will be visible from Highway 9, to the best they can determine.

Chairman Alsup noted that when going North, he appreciates them going away from the river. He asked if they will be going up the sides of the hill, so it becomes more visible from Highway 50.

Mr. Bieber referred to another slide 10 of the presentation, stating that as they will be behind the topography in the NW corner. They mine from the backside of the hills, forward so there may be a sliver of mining visible at the peak of the hill but not at the skyline. Referring to the following slides, he pointed out the mining from behind to minimize the visual impact.

Chairman Alsup asked if there had already been some reclamation to the sandstone.

Mr. Sheahan stated there had not been, it is undisturbed.

Mr. Fey asked if they just mine down to the surrounding elevation for visual aspects.

Mr. Bieber stated that is correct, that when mining is complete, the topography will mimic the topography south of the quarry in Webster Park. They will try to re-create the drainages that look

similar to the natural drainages that lead north to the Arkansas River. The goal is to mimic the existing regional topography in that area.

Chairman Alsup asked we received anymore comment letter than the two that were sent that morning.

Office Manger Villagrana confirmed it was only the two letters, one from Mr. Ed Norden and one from the Boys and Girls Club.

Chairman Alsup asked if there were any comments from the public.

Office Manager Villagrana confirmed there were not.

Mr. Brown asked if most of the material goes to one specific location, if it gets distributed from there.

Mr. Sheahan stated that much of the material is transported to an offload site in Colorado Springs. Some has gone to Kansas and some into Denver. The majority remains in the Colorado Springs area.

Mr. Bieber added that some does stay locally and is used for railroad ballast. Noting that the Parkdale quarry is the only rail served quarry in the state of Colorado. Currently most of the railroad ballast that is used on the tracks throughout this region comes out of either Wyoming or Oklahoma. This will be a local source of material for the infrastructure here.

Mr. Brown asked what the end product is used for.

Mr. Sheahan stated that the vast majority of the product is used for concrete and asphalt. Some landscape stone, some ballast. The BN is finding this is a useful source for them locally.

Mr. Pullen asked if it goes to a crusher.

Mr. Sheahan confirmed that it does.

Mr. Fey asked what railroad ballast is.

Mr. Sheahan explained that it is the rock that surrounds the railroad ties. Over time it wears out so it has to be taken up and replaced. The Parkdale Quarry is one of the hardest rock sources in the area so the ballast lasts longer.

Mr. Hamrick noted his question is outside of the jurisdiction of this board but were they aware of the recent blasting fatality in Colorado.

Mr. Sheahan stated he was not aware of that.

Mr. Hamrick stated it was a quarry situation and the blaster was killed within the last week or two. He suggested they ask MSHA for the details.

Mr. Pullen asked if they would speak to the remediation.

Mr. Bieber explained that as they are mining down, they create what are called benches. They appear like stairsteps. What they do when they mine that stairstep out, they bring in the material they cannot sell, they use that to back fill to slope the stairstep. They compact that in, they hydroseed, then mulch. The seed mix was developed with Colorado Parks and Wildlife and the BLM. They also had outside consultation, including the Audubon Society to come up with a mix that is close as possible to the native vegetation. That is then placed on that slope and allowed to grow back with the exception of some areas where they have been asked by CPW and those groups interested in enhancing sheep habitat to leave cliff areas for big horn sheep. They use cliff areas as escape cover from predators. Studies have found that quarries make some of the best sheep habitat. It provides open areas with fresh vegetation and cliff areas where they can escape. It also enhances habitat for other species like mule deer and elk. It services the non-game species too, the seed mix is biased to help the pollinator bees and birds.

He stated that they will be here a long time, they are part of the community and want to be good neighbors.

Mr. Pullen asked that where they are currently processing the rock, will they be moving that further north with the expansion.

Mr. Sheahan responded that some of it will. The majority will remain where the current operations is or in the general area. They need to get it close enough to the track to put it on the train.

Mr. Pullen noted that we did receive some letters of support, one from Mr. Ed Norden and one from the Boys and Girls Club

Chairman Alsup asked for any other questions or comments and stated he was open for a motion.

MOTION

Mr. Pullen motioned to approve CUP 07-003 Front Range Aggregates – Parkdale Pit Major Modification to include waivers for lighting and landscaping.

Chairman Alsup noted to include the contingencies of the DRMS Permit. He also noted that the standard SRU conditions apply.

Mr. Pullen concurred.

SECOND

Mr. Hamrick seconded the motion.

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

7. **ADJOURNMENT**

Chairman Alsup adjourned the meeting at 3:45 p.m.

Byron Alsup
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

8-3-21
DATE