

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
August 1, 2017 AT 3:00 P.M.**

MEMBERS PRESENT

Byron Alsup (Chairman)
Larry Brown
Larry Baker
Dennis Weid

STAFF PRESENT

Matt Koch, Planning Director
Tanya Fleming, Planning Assistant

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

May 5, 2017 Planning Commission Meeting

5. UNFINISHED BUSINESS

6. NEW BUSINESS

REQUEST: CUP 17-002 Tezak Pit #2

Request approval of a **Conditional Use Permit, Department file #CUP 17-002 Tezak Pit #2**, by Tezak Stone Aggregate Supply, Inc., Mike Tezak, owner for the property which is located on the south side of U.S. Highway 50, approximately 3 miles west of Colorado State Highway 69 at the intersection of U.S. Highway 50 and C.R. 37 (aka McCoy Gulch). The pit will be a surface mine producing sand, aggregate and rock products. Operation times will be Monday through Saturday 7a.m. to 7 p.m. The site has been in operation since 1980. A temporary batch plant has been located on the site for the U.S. Highway 50 improvements during the summer of 2017. The original CUP permit 95-4 expired on January 9, 2016. This application will bring the site and CUP in to compliance with the county regulations. The operation will require 2 to 3 part time employees year round and up to 15 short term employees during times of accelerated production or paving projects.

Representative: Mike Tezak / Ken Klco

7. ADJOURNMENT

1. CALL TO ORDER

Chairman Byron Alsup called the meeting to order at 3:00 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 May 2, 2017 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Larry Baker moved to accept the May 2, 2017 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Larry Brown seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (4 of 4)

4. APPROVAL OF THE MAY 2, 2017 PLANNING COMMISSION MEETING MINUTES

Chairman Alsup asked if there were any changes, additions or corrections to the May 2, 2017 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Baker moved to approve the May 2, 2017 Fremont County Planning Commission Meeting Minutes

SECOND

Mr. Dennis Weid seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (4 of 4)

5. UNFINISHED BUSINESS

6. NEW BUSINESS

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Request approval of a **Conditional Use Permit, Department file #CUP 17-002 Tezak Pit #2**, by Tezak Stone Aggregate Supply, Inc., Mike Tezak, owner for the property which is *located on the south side of U.S. Highway 50, approximately 3 miles west of Colorado State Highway 69 at the intersection of U.S. Highway 50 and C.R. 37 (aka McCoy Gulch)*. The pit will be a surface mine producing sand, aggregate and rock products. Operation times will be Monday through Saturday 7a.m. to 7 p.m. The site has been in operation sense 1980. A temporary batch plant has been located on the site for the U.S. Highway 50 improvements during the summer of 2017. The original CUP permit 95-4 expired on January 9, 2016. This application will bring the site and CUP in to compliance with the county regulations. The operation will require 2 to 3 part time employees year round and up to 15 short term employees during times of accelerated production or paving projects.

Representative: Mike Tezak / Ken Klco

Mr. Ken Klco stated the purpose behind this Conditional Use Permit is to continue the mining that has been on going on for 37 years, the last 27 by Tezak. The last CUP amendment was in 1995, it has expired due to the term limit that was placed on it at that time. The reason for reapplication this pit has supplied materials through the Big Horn Canyon, both in the park facilities and the highways. It is currently an integral component in servicing the aggregate for current paving that is going on with US Hwy 50 and Hwy 9. As far as actual mining and the mining impacts on a day to day basis they are quite minimal, the

pit does not operate as a crushing/screening operation on a day to day basis. On a regular basis they may only have 5,000 to 10,000 tons of material produced. They have kept their acreages minimal, it started out as a 7 acre pit, then went to 9.9 and now we are looking at a life of the mine plan. Our feeling is that they have maybe two or three more of these sessions of mining in the future and they are preparing their final mine plan for life of the mine and final reclamation. The operator feels that the end of the mining sequence here is only another 15 feet below its current lowest elevation. It is the only operating pit in the Canyon from Salida to Canon City.

Chairman Alsop turned the floor over to Mr. Matt Koch to provide his presentation so that the whole picture is provided before questions are presented.

Mr. Matt Koch gives a presentation. States they did make a full application and this is a renewal of an existing CUP. They are requesting a life of use permit for the term. The water is through an existing well, they are also importing water. The sanitary sewer will be held through portable toilets, they will have to go through the department of health for that and that shouldn't be a concern. Mr. Klco stated that they have already done that. All utilities that are necessary are existing. There is a slight portion of the property that is in the flood plain, it is in an area that they will not be impacting or part of the drainage so there is no impact to the floodplain. The access is from Hwy 50, on County Road # 37 which is called McCoy Gulch as well. The road is a county maintained road and Fremont County Department of Transportation has asked that the applicant participate in any future repair or replacement of the cattle guard at Highway 50.

They are requesting waivers for lighting, buffering and landscaping, parking and hard surfaces.

Mr. Koch addressed the following contingency items.

First is compliance with any corrections or recommendations from the Fremont County Engineer based on his letter from June 5, 2017 and any subsequent reviews. Mr. Koch stated he has spoken with Mr. Don Moore, Fremont County Engineer and he has no concerns. There are a few minor issues and they are working through those.

The applicant is also requesting a waiver of having a Colorado Certified Engineer sign the drainage report. Mr. Koch stated that in speaking with Mr. Moore, Mr. Klco with Azurite has signed off on the drainage plans for other mines and the county has accepted those in the past and he has no concerns with accepting it this time either.

The second item is a copy of the signed access permit from CDOT. The third contingency is compliance with the Fremont County Department of Health based on their letter dated May 3, 2017.

The applicant will also need to provide an approved copy of all applicable state licenses and permits.

There are a few additional notifications to the Arkansas Headwaters, Colorado Division of Wildlife, Fremont Historical Society, Fremont County Sheriff, BLM and the Canon City Water District.

Mr. Koch stated that after review this application does comply with all the regulations and is recommending approval of this application.

Mr. Brown inquired as to why the applicant was reapplying now for a permit when the previous permit had expired over 18 months ago as well as why the long delay.

Mr. Klco responded that it was an oversight. He did not have the file in his possession and the operator had lost track of the time frame over 20 years.

Mr. Brown asked if the term limit is granted as life of use what safeguards or guarantees does the County have that when the mining is complete that you will actually reclaim and not continue to say the mine is being used. What are the checks and balances in place?

Mr. Koch responded that is one of the required permits with the state that it will be reclaimed after it is complete and those are in place.

Mr. Klco responded that there is a bond in place for reclamation and that the property is currently fully bonded for the required reclamation. Mr. Klco also stated that they do mining in conjunction with the reclamation of the property.

Mr. Brown asked how low the strip mining will eventually go.

Mr. Klco responded that in some places they are actually already at bedrock in some places in the pit. There is a possibility of another 10 to 15 feet on the east side of the mine.

Mr. Brown questioned the dust control, especially at the open areas near the road that could potentially cause problems.

Mr. Klco responded that they are very aligned to the issues with the dust control. Mr. Tezak and his son stay on top of the dust control. They are importing water and leasing water during this time of additional production. They do take particular effort to make sure that the contractor on site is aware of the issues and that they stay on top of it on a daily basis. However there really isn't a way to have 100% dust control in an operation such as this.

Mr. Baker asked if when this is done the mine will be completely exhausted.

Mr. Klco replied yes the gravel resource is finite and once that is completed it will be reclaimed at that time.

Mr. Brown inquired about the total land being 160 acres.

Mr. Klco responded that yes there are 160 acres of total property that are owned in that parcel, but only the 20 acres and the one acre parcel that contains the shop, are being used for the mining.

Chairman Alsup expressed concern that it might be less expensive for the operator of the mine to continue to say that they are operating than to close down and proceed with reclamation of the pit. However are there benefits to the operator to go ahead with the reclamation?

Mr. Klco stated that yes there are benefits to reclaiming the property as they will receive a portion of the bond that is held by the state once the reclamation of the property is complete. The operator has a plan to keep it in good condition for re-use as well and a commitment to maintain aesthetics.

Mr. Dennis Weid asked if there were any issues from the adjoining property owners.

Mr. Klco responded with the neighboring property owners have been there 40 years or more for the most part and that the operator stays in regular contact with them and there have been no issues.

Chairman Alsup inquired about the statement in the application that the location is not currently part of a fire district.

Mr. Klco responded that according to the mapping from the GIS authority they are not part of the Deer Mountain Fire Protection District. That mine is located just outside of the new boundaries and they are a self-contained operation.

Chairman Alsup replied that he would like for them to re-check the new annexed boundaries of the Deer Mountain Fire Protection District.

Chairman Alsup made the statement that he disagrees with the statement/assessment that the pit is a low visual impact. Chairman Alsup states that it is a very obvious visual impact.

Chairman Alsup opened to a motion to approve.

MOTION

Mr. Larry Brown moved to approve CUP 17-002 Tezak Pit #2 with all requested waivers.

SECOND

Mr. Dennis Weid seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (4 of 4)

ADJOURNMENT

Chairman Alsup adjourned the meeting at 3:46 p.m.

<u>Byron Alsup</u>	<u>9-4-17</u>
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION	DATE