

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
October 06, 2020 AT 3:00 P.M.**

MEMBERS PRESENT

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

STAFF PRESENT

Sean Garrett, Planning Director
Alicia Stone, Office Manager

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

September 1, 2020 Planning Commission Meeting

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

A. Request: CUP 98-008 Spotted Burro Pit Major Modification

Requesting approval of a Major Modification of CUP 98-008 Spotted Burro to add 33.6 acres of area for a gravel pit operation. The properties are located off of County Road 123, East of County Road 67 and is within the Agriculture Forestry Zone District.

Representative: Kenneth Klco

7. **ADJOURNMENT**
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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**

Chairman Byron Alsup called the meeting to order at 3:04 p.m.

Pledge of Allegiance was recited.

Chairman Alsup asked if there were any changes, additions or corrections to the October 6, 2020 Fremont County Planning Commission Agenda.

MOTION

Mr. Larry Brown motioned to accept the October 6, 2020 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. (6 of 6)

4. APPROVAL OF THE SEPTEMBER 1, 2020 PLANNING COMMISSION MEETING MINUTES

Chairman Alsup asked if there were any changes, additions or corrections to the September 1, 2020 Fremont County Planning Commission Meeting Minutes. Mr. John Hamrick noted that there is only one "m" in his name and needed corrected.

MOTION

Mr. Michael Pullen motioned for approval of the September 1, 2020 minutes with the correction.

SECOND

Mr. Gardner Fey seconded the motion.

Chairman Alsup called for a roll call vote and the motion passed unanimously. (6 of 6)

5. UNFINISHED BUSINESS

6. NEW BUSINESS

A. CUP 98-008 Spotted Burro Pit Major Modification

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

Director Garrett stated that the department has reviewed the application and found it to be a complete and true representation of the request as stated herein. The department finds that all minimal requirements per the Fremont County Zoning Resolution will be satisfied by this application with the following contingencies and conditions:

Contingency items:

1. Minor revisions to the site plan.
2. Copy of the DRMS permit.

Recommended conditions: Those set forth in the original approved resolution.

Chairman Alsup called Kenneth Klco to present.

Mr. Klco stated that he is a consulting geologist in Fremont County, and has been working in the county for the last 45 years. He presents for clients submitting projects like the Spotted Burro Pit. He stated that original acreage of the Spotted Burro Pit in the Penrose area started as a type 110 less than ten acres in the 1970's, and it was expanded to about 54 acres in 1998. He stated that the resources have been pulled out of there, and reclamation has been on-going and the proposal is to add another 33.5 acres to the parcel. Mr. Klco introduced the land operator and owner Andy Kagan

of Rockbottom, LLC. Mr. Klco explained that the mining operations on the proposed land will be divided into four phases based on the premise of how much time it will take to mine the land and gravel from each segment over time. This will help the operator in the way of bonding, so they won't disturb the land until they are ready for mining. He stated that then they would place the bond and continue with mining and reclamation concurrently for the life of the mine, which will be about another 20-25 years. He noted that not much will be changing for this operation, will be pretty much as it has operated for the last 20 years. He stated that a number of trucks come and go during the day. They do not crush and screen year-round, they have contractors that come in and place crushing screen, and produce 25,000-ton or 35,000-ton stock piles, sometimes more, sometimes less. They then load customer trucks from those stock piles throughout the year. Mr. Klco stated that the operation currently runs year-round from daylight to dusk six days per week. There are no lighting systems used or needed, since they stop operations at dusk. This operation is pretty simple and straight-forward, hoping they can continue on as they have been doing for the last 40 years. He stated that it's a very low-end operation from the standpoint of impacts and visibility. He noted that this operation is about one mile away from the landfill.

Chairman Alsup asked the commissioners for any questions or comments.

Mr. Mark Masar asked for clarification on where the mining is expanding and if most of the mining was going to be done on the 40-acre parcel to the south.

Mr. Klco stated that they will actually be beginning phase one off to the East of the mining area. He stated that they will start on the Northern end of that property, which is actually owned by their neighbors, the Osborn's, and is about six acres. He stated that it will allow for the Osborn's to re-coop a bit of resource value from their property and there is already a royalty commitment done by way of a mineral lease with them. Mr. Klco stated that this is a cementation of good neighbor policy and helping each other out. They are starting there so they can do the reclamation in a timely manner, and then move to the South.

Mr. Gardner Fey asked if there was unique geology or if the whole area is pretty much the same formation.

Mr. Klco stated that there is gravel on the surface anywhere from 15-20 feet thick with shale and clay rich sedimentary bed underneath and they continue with sediments underneath. He stated that there hasn't been any drilling and there are no water wells on the site. Mr. Klco also stated that it's a clay bed in a tight formation, there haven't been any problems over the last decades of mining and they don't foresee any issues. He stated that there hasn't been any groundwater expressed and no other resources would be incurred or impacted by this operation.

Mr. Fey asked when the gravel was laid down.

Mr. Klco stated that its time frame is anywhere from the last 50,000 to 150,000 years. He stated that it is a granite rich gravel of the pikes peak type of granite and came from the drainage to the North, probably from Pikes Peak itself.

Mr. John Hamrick asked if they have an existing mining permit.

Mr. Klco stated that it has been permitted in operation since 1979 and presently the state of Colorado division of reclamation mining and safety is looking into the expansion document that was sent to them early this summer. Mr. Klco stated that he has been in communication with them and they have completed their technical review and they look to have that back within the next 60 days.

Mr. Hamrick asked if the operator is in compliance with the existing permit.

Mr. Klco stated that they are, and that their latest inspection showed no problems.

Mr. Hamrick asked if there are any deviations or concerns that DRMS has.

Mr. Klco stated that a specialist came and reviewed the site in July, which is a typical process for when an amendment has been submitted, and there were no problems sited on that inspection.

Mr. Hamrick asked if the operator is aware of the 70,000-ton production limitation per year.

Mr. Klco stated that is the County's conditions.

Mr. Hamrick clarified that it is an air pollution limitation.

Mr. Klco stated that it could be for an air pollution control and he doesn't know if they have ever gone beyond 70,000 per year and they try to write those permits for the real conditions. Mr. Klco stated that if they ever looked at increasing that limitation, which they don't have plans to do at this point, they will approach the public health department for an expansion of that number.

Mr. Hamrick stated that it is an air pollution notice trigger that requires you to have a different kind of permit if you get above that 70,000 number. He stated that based on the materials provided in the application, they provided numbers for four years. The first year they had 71,000 tons, last year they had 56,000 tons and stated that it is important for the operator to keep that in mind that if they go above that number it will trigger a different permit requirement.

Mr. Klco stated that those permits are reviewed every five years and if the operator looks at that as something other than a one-year operation, then certainly they would file for that larger volume permit.

Chairman Alsup asked what is going on currently reclamation wise.

Mr. Klco stated that there is two-to-five feet of soils and planting medium lying on top of the gravel deposit, so they move that soil to a nearby location, usually by bulldozer. The soil is never far from its final position, a few hundred feet at most. He stated that they don't use scrapers or haul trucks, they basically push the material into small areas of two-to-three acres and as they extract the gravel deposit, they are then able to push the soil and plant medium back into position. Mr. Klco stated that they will be consuming some near the edges of the deposit for purposes of back filling the high walls that are left remaining. He stated that there is a 15-foot highwall during the extraction operation with the soils and planting medium close-by so they can easily use that material for backfilling and guaranteeing a no more than 3-1 final grade. Mr. Klco stated that on the Osborn property, however, they have agreed to a slightly less grade not to exceed a 4-1 grade.

Chairman Alsup asked if there is has been any real reclamation at this time.

Mr. Klco stated that the reclamation on the existing 54-acres of ground has been on-going. He referred to the site plan photo that you can see the remnant of the pit and you can see the gravel bank exposed. He explained that everything you see to the left where you see the main haul road on the photo has never been mined, that's just an ancient stream bed that's been exposed. He stated that the mine road going in has never been mined and never will be mined. The gravel bank has been extracted along the boundary line on the East moving to the North. As mining has progressed to the North, they have been back filling continually and able to minimize the amount of exposed high walls and really reclaim ground which is then graded 3-1 and planted. He stated that they have also been able to mine around the Black Hills Energy powerlines, mine a short distance away and back fill as they move. He stated that Black Hills Energy has seen what they have done and they have no problems with how they are mining around the lines as well. Mr. Klco also clarified that there are no power lines in the expansion area.

Mr. Fey asked how thick the gravel bed is.

Mr. Klco stated that it is about 15-20 feet thick.

Mr. Michael Pullen asked how far above the low-line of the drainage area is the final elevation.

Mr. Klco stated that the gravel removed from the triangular shaped zone from the East boundary in the photo, the floor of the pit is approximately 10-feet above the haul road elevation. He explained that part of the area is in the flood plain, but no mining has been done there. Mr. Klco also stated that a berm has been put into place in case of flooding from eight-mile creek. Over the long run, the operator has plans of moving the scales and loading operation into the pit to be close to the stockpiles and the process area because it is a system of staying close and keeping all of the areas as small as possible. Over time all operations will follow the face of the pit and will stay above the flood plain area, and he stated that there has been no flooding in the last 20 years.

Mr. Hamrick asked if there has been any panning for gold done in that shale area.

Mr. Klco stated that to the best of his knowledge, there has not been.

Chairman Alsup asked how often the creek has water in it.

Mr. Klco referred the question to the owner, Mr. Andy Kagen.

Mr. Kagen stated that there is typically water in the creek until July, however the last three years, there hasn't been any water in the creek.

Chairman Alsup asked if there would actually be 150 trucks hauling per day.

Mr. Klco stated that they didn't want to under project, so that number is a maximum amount of trucks.

Mr. Kagen clarified that they once supplied the landfill with dirt, and that was the only time they have ever had 150 trucks in a day. He stated that they typically have 15-20 trucks per day.

Mr. Klco stated that this is good example of one small operator helping a county-wide operator with their development and long-term maintenance by utilizing fines and gravel that are close by.

Chairman Alsup stated that this gravel pit is a logical location and stated that this is all pretty straight forward. Chairman Alsup stated that he was open to a motion.

MOTION

Mr. Fey motioned to approve CUP98-008 Spotted Burro Pit Major Modification with the contingencies as stated.

SECOND

Mr. Pullen seconded the motion.

Mr. Larry Brown asked if they needed to site reasons for approval.

Chairman Alsup stated yes, for CUP and SRU approvals they need to site at lease one reason for approval.

Mr. Brown sited that there is a number of approval criteria. He stated that the proposed use is harmonious with the surrounding area, since there is already a gravel pit there.

Director Garrett stated that all of the boxes need to be checked for the approval criteria.

Chairman Alsup stated that there's nothing on the criteria that he sees a problem with.

Chairman Alsup called for a roll call vote and the motion passed unanimously (6 of 6)

7. ADJOURNMENT

Chairman Alsup adjourned the meeting at 3:32 p.m.

Byron Alsup _____ 11-3-2020
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION DATE