

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
September 5, 2023, AT 3:00 P.M.**

MEMBERS PRESENT

Mark Masar (Chairman)
Gardner Fey
Rudl Mergelman
Larry Brown
Dale McCullough
John Hamrick (Vice Chair)

STAFF PRESENT

Dan Victoria, Planning Director
Joanne Kohl, Office Manager

1. CALL TO ORDER

Chairman Masar Called the meeting to order at 3:01 pm.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF THE September 5, 2023, PLANNING COMMISSION AGENDA

Chairman Masar asked if there were any changes, additions or corrections to the September 5, 2023, Fremont County Planning Commission Agenda.

MOTION

Mr. Brown motioned to accept the September 5, 2023, Fremont County Planning Commission Meeting agenda.

SECOND

Mr. McCullough second the motion.

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

4. APPROVAL OF THE August 1, 2023, PLANNING COMMISSION MEETING MINUTES

Chairman Masar asked if there were any changes, additions or corrections to the August 1, 2023, Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Fey motioned for approval of the August 1, 2023, minutes.

SECOND

Mr. Brown second the motion.

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

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

1. CUP 23-001 Tallahassee Resources Exploration Project

Tallahassee Resources has submitted application to conduct mineral exploration activities to further delineate the known uranium deposit and collect data that will guide development of an environmentally responsible mining technique encompassing a boundary of 734 acres..

Consultant: Dr. Angela Bellantoni

Chairman Masar asks Dr. Bellantoni to present her applicant's project.

Dr. Bellantoni states she is here on behalf of Tallahassee LLC. Who submitted an application for exploration of uranium in the Tallahassee Historic uranium deposit area. Today the Board will be hearing from Mr. Andrew Ferrier, who is the Managing Director of Okapi, Mr. Tim Brown, who is the US Country Manager for Okapi, and Mr. Stephen Cohen. She now turns the presentation over to Mr. Ferrier.

Mr. Ferrier states that when you look through the presentation, they are an Australian ASX company. They are the 100% owner of Tallahassee LLC, which is the UC Company which is applying for the CUP permit. Okapi is a uranium company focused on uranium around the globe. Nuclear saw a very important component of how the US sources its energy. The US has 93 operating reactors today that accounts for 20% of all electricity still purchased in the US. A large chunk of that uranium is sourced out of Russia or through Kazakhstan. The world needs more energy. They are all going to be driving electric cars and will need a whole lot more grid power to go in the system and that powers needs to come from somewhere. Nuclear has two key benefits, one, it's clean, from a carbon perspective it's zero carbon emissions. The second is, it's reliable, it operates 24/7, which gives it a unique advantage. Nuclear is 10% of the world's power supply. That's 440 nuclear reactors. What they are seeking today is a CUP which will help them to do additional drilling and more technical studies on the project in combination with all the existing data that they already have.

Mr. Tim Brown states that people have been working in this area for a long time and they are trying to pick up where they left off and continue that work. They have a road use agreement with the South T Bar property owners association in which they get compensated for the road use that they are going to use. They track trips in and out and report them on a monthly basis. They discriminate between light and heavy vehicles and pay a higher price if they have water trucks going in on a regular basis. They are here for the Conditional Use Permit to drill the 20 holes up there. They have also filed a notice of intent with DRMS for permission from the state and the subsequent reclamation and bonding requirements that go along with that. The purpose of the project is they need to know more information about hydrological, metallurgical work, more geochemical work, more technical work and environmental work. The data that they generate will be used to design and conduct additional tests and technical studies. Before the exploration work starts, they will meet with surface owners on the parcels that they have leased. They will have a road inspection with the South T Bar property owners association before they do any work out there. Next step they will stake some of the color locations out there. It is mostly flat; they will dig two pits or sumps on each pad. The reason for that is it will help them contain any uranium bearing material.

Vice Chairman. Hamrick asks if the pictures they are showing are an example of the work they have done.

Mr. Tim Brown states that they are in the Tallahassee district in 2010-2013. They do not know what types of drills are available now so they cannot tell if it will be a track mounted drill or a rubber tire mounted drill. They will have a water truck that will make two round trips to town per day. They will be coring the holes from top to bottom. They will have a portable sanitation closet out there. Four people at the site at any one time. At night when they drill, the lights will be down cast, so they don't broadcast over a big area. Thinks it will take about 2 months to complete the program. They are motivated to also do a good job cleaning up, planting grass, reseeding it and getting their bond money back.

Mr. McCullough asks that once they drill down and hit the uranium pocket, do you continue drilling?

Mr. Tim Brown states that they know where the top of the uranium is, and they know where the bottom is from previous drilling. So, they will go through that zone and touch the bottom of the older rock at the bottom. Roughly the bottom is about 500 ft. down and 50 to 100 feet thick. When they fill the hole, they will mix that with cement and pump it right back down the hole. They have to plug at least 70% of that hole with cement. The material above it has no uranium in it. The top 30% will get filled with Bentonite, both of those will keep any cross-contamination from happening in the aquifer, then a small concrete plug at the top with an aluminum plug-on cap. DRMS will come out and inspect the site and get a copy of the drillers report. Then they start reviewing the data and plan for the next steps.

Dr. Bellantoni wraps up that there are spill kits on site in case of a spill, a waddle which will be placed on the down gradient side so there isn't any silting or movement of materials off the drill pad. They heard from the Fire Chief and did the roadway impact analysis form that was stamped and reviewed by a traffic engineer. Mike Witt (FCDOT) reached out and had a discussion with Mr. Brown.

Chairman Masar asks Dr. Bellantoni to clarify, is it 2 months for 20 holes.

Dr. Bellantoni states yes. Also after much research into the Black Range Minerals files from 2013-2018, one of the things that came out of that was this water monitoring program and Okapi decided to pick up where Black Range left off that was approved by the County, which was approved by DRMS and which was reviewed by the counties consultant, Western Water and Land. It is that monitoring program that will re-start when this is approved. There will be surface water and ground water. The plan is, should the county decide to approve this, the first thing that will happen is the samples will be taken. They respectfully request that the Board consider recommending approval of this project to the Board of County Commissioners.

Chairman Masar asks Director Victoria for the Staff Report.

Director Victoria states CUP 23-001 Tallahassee Resources has submitted application to conduct mineral exploration activities to further delineate the known uranium deposit and collect data that will guide development of an environmentally responsible mining technique encompassing a boundary of 734 acres..

Drilling activity will commence once the application is approved. A drilling season will typically commence in the spring and continue until cold weather and conditions settle into the valley in the fall. Up to 20 drill holes will be drilled in one exploration season, all drill holes will be immediately plugged and abandoned in accordance with Colorado Division of reclamation, Mining and Safety regulations.

LOCATION

Tallahassee's mineral interests encompass leases and agreements with surface and mineral owners in the Taylor Ranch, Boyer Ranch and the Hansen Deposit and Picnic Tree Deposit located in the South T-Bar Ranch development.

BACKGROUND / ASSOCIATED CASES

Okapi Resources Inc. (Okapi) is an Australian based company. Tallahassee Resources is the U.S. based operating unit of Okapi for the Tallahassee Resources project. Starting in 2019, Okapi began acquiring former Black Range Minerals, mineral interests in Fremont County associated with the long recognized and studied uranium deposits in the Tallahassee Creek area.

Tallahassee Resources intends to continue the work of Black Range Minerals.

This project site previously held CUP Permit #08-001 and a modification to the CUP #10-003 which had a CUP boundary covering 8,169 acres. During that time this site was permitted for 6-8 drill rigs with approximately 50 workers and approximately 51 pieces of equipment. The anticipated permit life was 2-5 years of peak exploration activity.

ZONING

Property Zoning: Agricultural Forestry

NORTH: Agricultural Forestry

EAST: Agricultural Forestry

SOUTH: Agricultural Forestry

WEST: Agricultural Forestry

LAND USE

Estimated traffic Count: 24 trips per day

Number of Access Points: 1

Number of Employees: Maximum of 4

Standard Hours of Operation: Daylight hours and up to 6 days a week

Drilling Hours of Operation: 24hrs a day until the drilling of the hole is completed (anticipated maximum duration 14 days).

Yearly Working Duration: Spring to Fall (Weather dependent) No winter month operation.

Life of Permit: 10 years

FIRE PROTECTION: Tallahassee Fire Protection District

FLOODPLAIN: Panel# 08043C0325E/ SFHA: A

Water: Bulk water purchased from Canon City- Hauled to site by private contractor.

Sanitation: Chemical Toilets (if permitted)

Electric: N/A

Refuse: Strict carry in- carry out procedures

Natural gas/Propane: N/A

Lighting: Lighting will be used as required once drilling operations have begun.

Access: County Road 21 at the South T Bar gate.

Drainage: Soil and erosion control measures required at each drill location as well as steep roadway cuts as needed.

AGENCY COMMENTS

Staff requested comments from various review agencies. Staff has incorporated comments received to date either in their entirety or in part into this staff report.

Fremont Conservation District:

- Soil Health and erosion: exploration for various minerals have been done in this area already and where are the reports from past explorations?
- Water quality and riparian habitat conservation: pollutants from the mining of uranium can contaminate aquatic ecosystems for hundreds of years, threatening downstream communities as well as fish and wildlife. Even small amounts of some pollutants can poison fish, accumulate in the food chain, and cause deformities and reproductive problems for aquatic species.

Since the source of water for Fremont County is the Arkansas River, all phases of uranium development – exploration, mining and milling – can pose unique threats to species, ecosystems and human communities along the river. Communities along the Arkansas River are food producing agriculture fields which feed humans and animals across the State, and pollutants from this uranium would have a devastating effect on the agriculture communities. From habitat destruction of wildlife to bioaccumulation and irreversible pollution of waters, today's boom threatens to build upon uranium's legacy of environmental and social harm.

The Fremont Conservation District is opposed to this Exploration Project based on the above statements.

Noxious Weed Control Plan:

Follow the Integrated Weed Management Plan

FCDOT:

This road impact sheet is calculated on 1 drill rig operating. If a second drilling rig is brought in, we need to be notified so the road impact worksheet can be adjusted for the increased traffic. Should you have any questions or concerns, feel free to contact our office.

Fremont County Engineer:

All comments were addressed. FC-Engineer requests to participate in any post reclamation inspections conducted by DRMS and post-road and stream crossing damage inspections as described by applicant.

Fremont County Building and Environmental Health Department:

A portable chemical toilet may be used if permitted.

Fire Protection Plan:

Fire protection measures listed appear to be sufficient.

Bureau of Land Management: N/A

Colorado Parks and Wildlife:

As this property is located in the wintering range of elk, mule deer and antelope. Wildlife impacts could be minimized by applying seasonal timing limitations on mining activity.

The riparian areas of the site are extremely valuable to wildlife. CPW recommends following Best Management Practices for working in these areas.

PUBLIC COMMENTS/CONCERNS: None Received

STAFF COMMENTS

- **Lot Dimensions** – N/A
- **Lot Coverage** – N/A
- **Building Setbacks** – N/A
- **Parking/Loading Requirements** – N/A -no permanent spaces required as the worksite will not be permanent.

WAIVERS:

1. Landscaping plan
2. Lighting Plan
3. Utility Plan
4. Drainage Plan for entire project.

RECOMMENDATION

I have spoken with the Fremont Conservation District regarding the specifics of this project and providing access to records. I have also spoken with the applicant to give them the ability to address any concerns. Having made reasonable efforts to address any concerns I have found the application is in compliance with the requirements of the Fremont County Zoning Resolution. Staff recommends **APPROVAL** of the Conditional Use Permit application with the following contingencies/Conditions:

CONTINGENCIES:

In addition, the following contingencies shall be provided to the Department within six (6) months (**no extensions**) after final approval by the Board:

1. Permitting of Chemical Toilets

CONDITIONS:

- Fremont County Engineer participate in any post reclamation inspections conducted by DRMS and post-road and stream crossing damage inspections as described by applicant.
- Fremont County Department of Transportation be notified of any changes that impact the roadway for reevaluation.

Chairman Masar asks if the Commissioners have any questions for the applicant or Director Victoria concerning this Conditional Use Permit.

Mr. Fey asks about timing, is the applicant anticipating being able to get this approved and your drilling done yet this year, given the fact that the Department of Wildlife wants no drilling from December 1st to April 30th.

Mr. Tim Brown states that if they could do it this year, yes, if not, maybe the second quarter of next year.

Vice Chairman Hamrick asks Mr. Tim Brown if they are unable to complete the job by the Wildlife protection dates, will you do what you can this year and complete t next year or would you postpone the whole project until next year.

Mr. Tim Brown states he suspects they will postpone it until next year.

Mr. Mergelman states that most of the health concerns have been about seepage and leakage and water Contamination yet they want to wave the drainage study, that seems contrary he states.

Director Victoria states that on most of our other applications they ask where the water is going to go, this is related to natural moisture, rainwater or a snow melt sort of moisture and which way it would drain off of the site. Not associated with anything out of the drilling. That is why they are requesting a waiver on the drainage plan.

Chairman Masar is open to a motion.

MOTION

Chairman Masar Motioned to approve CUP 23-001 Tallahassee Resources Exploration Project with the following Contingencies, Waivers and Conditions:

Conditions:

1. Fremont County Engineer to participate in any reclamation inspections conducted by DRMS and post-road and stream crossing damage inspections by applicant.

2. Fremont County Department of Transportation be notified of any changes that impact the roadway for reevaluation.

Contingencies:

1. Permitting of chemical toilet.

Waiver Requests:

1. Landscaping
2. Lighting Plan
3. Utility Plan
4. Drainage Plan for entire project.

SECOND

Vice Chairman Hamrick second the motion.

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

Chairman Masar now moves on to the next item on the Agenda, Zone Consolidation and Re-write.

2. Zone Consolidation and Rewrite

A. Staff Report for new formatting to Zone Districts

1. Airport Zone District
2. Low Density Residence Zone District
3. Manufactured Home Park Zone District

B. Minor change in Zone Districts

1. Business Zone District
2. Industrial Zone District
3. Industrial Park Zone District
4. Planned Unit Developments (PUD)
5. Rural Highway Business (RHB)

C. Zone Consolidation of HDR & MDR

1. High Density Residential Zone District (HDR)
2. Medium Density Residence Zone District (MDR)

Chairman Masar asks Director Victoria for Staff Report for each Zone Consolidation and re-write.

Director Victoria states that last month he presented the first bit of consolidations and re-writes and now continuing onto the next set of re-writes. They are proposing zero changes to the first 3 items, just new formatting to match what was proposed last time. Director Victoria states that the 2nd part will be the minor changes:

- Business: Added Distillery, the verbiage under restaurant says with or without a brewery and the ability for solar fields. Under SRU's: Contractor's yard.
- Industrial: Contractor's yard.
- Industrial Park: Under SRU, contractor's yard, restaurant with or without a brewery and solar fields. .

- **Planned Unit Development:** The procedure requirements and standards have been moved to a separate section. Nothing has changed, just took some of the requirements and put them where other requirements are supposed to be.
- **Rural Highway Business:** Adding Distillery as a use, restaurant with or without a brewery, under SRU: contractor's yard.

That is all the changes in those 5 zone districts. Planning and Zoning has recognized the need for a review and update to the regulations. This rewrite and consolidation is to address the Medium Density Residential and High Density Residential zone districts.

The proposal in front of you is a consolidation of these two districts into the new High Density Residential (HDR) zone district. The changes include reformatting, a new zone description, the development requirements of the smaller zone district (MDR) becoming the standard, consolidating the uses of the two zone districts and adding new uses into the regulations.

Lastly is the HDR and MDR. There is currently a low medium and high density zone districts, Planning and Zoning is looking to consolidate the medium and high density residential zone district into a new high density residential zone district. The changes include reformatting, a new zone description, development requirements of the MDR zone district becoming the standard in a consolidation in the uses of the 2 zone districts and adding new uses to the regulations. All the requirements for medium are now the requirements for high. Assisted living used to be an SRU, boarding and rooming house used to not be allowed in MDR. Right now MDR limits to 6 units, where as the HDR was 3 units or more per structure. Medical was not allowed in MDR or a bank with a drive in. Beyond that there is lot coverage and building height being changed. Those are the only changes. Have added some uses and combined the uses and gone down to the requirements of MDR. That is the bulk of the consolidation.

Intent.

The intent of this consolidation is to address many issues and deficiencies in the current regulations such as but not limited to.

- 1) Uses needed updating.
- 2) Current regulations propose barriers for housing.
- 3) Consolidation will offer the citizens of Fremont the opportunity to have more opportunities on the land they own.
- 4) Current regulations had descriptions of uses in the allowed uses table. The description of uses has been moved to the General Requirements section or detailed in the Definitions section and will be presented at a later date.

Proposed Timeline:

Proposed Zone Consolidation and rewrite if viewed as favorable will have an adoption date of April 2024. If any substantial changes are made to this draft, these sections will be presented to this commission for recommendations.

Ms. Charlotte Norman wishes to address the board and states that she is president of the board of directors for the Penrose water district. As a government they provide municipal water to the unincorporated area known as Penrose. One of the things noticed looking through the consultant's affordable housing report was the infrastructure is of primary concern as staff goes through this process,

she would like to offer to staff that her board and staff are available to go over their infrastructure restrictions. As a district, they do not have very much water; they are very limited. She thanks staff for their work, and it seems to be going in the right direction.

Chairman Masar asks if the Commissioners have any questions for Director Victoria concerning these Zone Consolidations and Re-writes.

Vice Chairman Hamrick states that he does appreciate the work staff has done.

Director Victoria states that if the board does make a decision today, it could be scheduled for a public hearing and presented to the county commissioners for the formal adoption date of April, 2024.

Chairman Masar opens the floor for a motion.

MOTION

Chairman Masar motions to accept the changes presented for Zone Consolidations and Rewrite

SECOND

Mr. Fey second the motion.

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

7. ADJOURNMENT

Chairman Masar adjourned the meeting at 4:09 p.m.

for John Hamrick
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

10-3-2023
DATE