

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
February 1, 2022 AT 3:00 P.M.**

**MEMBERS PRESENT**

Mark Masar (Chairman)  
John Hamrick  
Larry Brown  
Larry Baker  
Gardner Fey

**STAFF PRESENT**

Mica Simpleman, Director  
Joanne Kohl, Office Manager

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

January 4, 2022 Planning Commission Meeting

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

**CUP 21-002 Lyons Pit**

The applicant, Ed Lyons, is requesting Conditional Use Permit (CUP) approval for a sand and gravel extraction pit located approximately 1-mile south of Texas Creek. The proposed aggregate mining operation would occupy 9.93 acres of BLM managed property for screening, crushing, hauling materials and stockpiling. The mining would occur 8:00 am to 5:00 pm on intermittent days. 2-3 employees would run loaders, dozer Cat D6, screen crushers, excavators, and dump trucks. The operation would also include a 60,000 square foot staging area and the processing area would be 60,000 square feet as well. Active mining is seasonal; however, production would be year-round with product material stockpiled for use during winter months. The production rate is anticipated to be 40,000 tons per year with an estimated 0-5 haul trucks per day depending on demand for material. The aggregate would be used for road base and other similar type of construction uses.

The mining method would replicate a standard open pit surface aggregate operation with interval mining occurring in 2 phases—Phase 1 would be the northern half of pit (4 acres), and phase 2 will be approximately 5 acres of the southern half of the pit. The applicant is requesting the duration of the CUP to be 25 years.

Applicant: Ed Lyons

**1. CALL TO ORDER**

Chairman Mark Masar called the meeting to order at 3:01 p.m.

**2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

**3. APPROVAL OF AGENDA**

Chairman Masar asked if there were any changes, additions or corrections to the February 1, 2022 Fremont County Planning Commission Agenda.

**MOTION**

Mr. Larry Brown motioned to accept the February 1, 2022 Fremont County Planning Commission Meeting agenda.

**SECOND**

Mr. Fey second the motion.

Chairman Masar called for a roll call vote, and the motion passed unanimously. (5 of 5)

**4. APPROVAL OF THE January 4, 2022 PLANNING COMMISSION MEETING MINUTES**

Chairman Masar asked if there were any changes, additions or corrections to the January 4, 2022 Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Hamrick motioned for approval of the January 4, 2022 minutes.

**SECOND**

Mr. Fey second the motion.

Chairman Masar called for a roll call vote and the motion passed unanimously. (5 of 5)

**5. UNFINISHED BUSINESS**

**6. NEW BUSINESS**

**A. CUP 21-002 Lyons Pit**

Chairman Masar starts by inviting Mr. Lyons to speak about his project.

Mr. Lyons states they are interested in starting a small gravel pit.

Chairman Masar asks Director Simpleman for his Staff Report.

Director Simpleman States he is first going to start with comments from the Fremont County Department of Transportation. They state that the access is from State HWY 69, making it unable to determine what the additional impact will be to the county roadways. The FCDOT is requesting the opportunity to comment at the annual review once the impact can be accurately determined.

From the Fremont County Project Engineer, he states that all his questions and concerns have been addressed in the latest site plan drawing and that he is comfortable recommending approval of this project.

From the Fremont County Department of Health and Environment, under required submittal attachments sanitation documentation of the applicant is proposing to use chemical toilet facilities the Fremont County onsite waste water treatment system regulations have provisions for the use of the chemical toilets. A portable chemical toilet may be used by a permit from the Fremont County board of Health. The applicant must petition the board of Health and receive approval prior to applying for the chemical toilet permit that is reviewed and renewed on a yearly basis. The Department has also noticed that the applicant has no refuse plan. It is the opinion of the Fremont County Environmental Health that the refuse plan be addressed in some type of manner and Director Simpleman believes that one of the contingencies would be that if they are approved this permit would get a contract with either Twin Enviro or whoever they wish to do that. As for the Planning and Zoning Department the only concern we have is, the dust in that area and maybe a bigger concern would be the weeds, with transfer of the weed seeds. Speaking to them prior, believes they have already spoken to weed management.

Director Simpleman does recommend approval of this application with all the contingencies mentioned.

Mr. Fey asks Mr. Lyons if this material will go to the county for roads or landscaping or whatever anybody wants? Do you have a crusher there?

Mr. Lyons states that, yes, they will just be making rock for homeowners. States that they are just a small operation.

Mr. Fey states he saw where they were supposed to crush between April 15th and June 15<sup>th</sup>.

Mr. Lyons says yes until it goes red

Mr. Fey asks Mr. Lyons that there is no water there and they will have to haul whatever they use.

Mr. Lyons states that they will haul in potable water.

Mr. Fey asks where does that come from.

Mr. Lyons says they will bring it from Westcliffe.

Mr. Brown asks Director Simpleman that as far as under the summary and staff analysis and recommendations, there are 8 different items as are as contingencies are concerned, have any of these been met at this particular point or do they all need to be met?

Director Simpleman replied that offhand he does not believe any of them have been met. A lot of it has to do with the wording on the site plan.

Mr. Lyons states that they have answered all of the contingencies actually.

Mr. Hamrick asks if the Lyons are good with the contingency that prior to great recordation of the conditional use site plan the duration shall be revised to mirror the BLM permit.

Mr. Lyons replies yes

Mr. Hamrick is reviewing with Mr. Lyons, the contingency items to check to see what items have been addressed.

Mr. Hamrick now has a question for the BLM Representative, Stephanie

Mr. Hamrick states that when they act today, if they approve, they will approve either as is or with conditions. One of the conditions looks like it is going to be that the duration of this permit be revised to reflect the BLM lease. Mr. Hamrick's question is that will this be a firm enough county action for BLM to issue a lease with a date on it?

BLM Representative replies yes and just for reference they do contracts not leases and they do have contingencies from the NEPA process they went through with the environmental assessment. She states that they are limited to 10 years as a max on a competitive contract.

Chairman Masar opens the floor for a motion

### **MOTION**

Mr. Hamrick motioned to approve CUP 21-002 Lyons Pit application that it substantially meets the criteria above and recommends approval with the following with the contingencies as stated.

1. Prior to the recordation of the Conditional Use Site Plan, the duration of the Conditional Use Permit shall be revised to mirror the term of the BLM land lease or contract.
2. Revise the Conditional Use Site Plan prepared to professional standards drawn at a common increment scale between or including 1" = 50' or 1" = 200'.
3. Deleted
4. Deleted
5. Revise the CUP Site Plan note to read: "A vegetative cover that is at least 50% of the typical vegetative community of the area (gravelly Foothill ecological site). If an adequate cover is not established within 6 months of stockpiling, alternative methods of controlling erosion will be implemented. Methods include using geotextiles to promote seed germination and control over land flow."
6. Delete the note on the CUP Site Plan that reads: "No proposed buffering and landscaping (waiver requested)."
7. Deleted
8. As such, staff recommend upholding the strategy of the Master Plan and require the BMP related to visual resources be depicted/documentated on the CUP Site Plan.

**SECOND**

Mr. Fey second the motion.

Chairman Masar called for a roll call vote and the motion passed unanimously (5 of 5

7. **ADJOURNMENT**

Chairman Masar adjourned the meeting at 3:25 p.m.



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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

3/1/22  
DATE