

**FREMONT COUNTY PLANNING COMMISSION  
MASTER PLAN WORKSHOP MINUTES  
OCTOBER 6, 2009**

**WORKSHOP - 2nd AMENDMENT TO THE FREMONT COUNTY MASTER PLAN**

Chairman Tom Piltingsrud called the Planning Commission workshop into session at 9:08 p.m.

Chairman Piltingsrud stated that the last time the Planning Commission met for a workshop the discussion was on visual corridors because they were contemplated in the original Master Plan but they were never really flushed out or developed. They were really just goals of the workshop. We decided that maybe we should examine first of all what we are talking about with visual corridors; an example that was sited in the Master Plan was the Bureau of Land Management (BLM) study which was then ongoing. The Master Plan looks at a number of roadways regarding visual and some of them are more problematic than others. What we did was take two (2); Phantom Canyon and Shelf Road and see what BLM did with their vision studies so that we can determine if we want to include it in Master Plan. Mr. Moore has been doing a lot of work getting information from BLM. Those are the two (2) road networks we are going to look at; we're not going to go into anything else.

Mr. Don Moore did a Power Point presentation showing the two (2) roadways and the areas they are going to discuss. Mr. Moore noted that along the Shelf Road there is not much land that belongs to private individuals. There is not much land along Phantom Canyon that BLM doesn't already own.

Mr. Moore suggested that instead of trying to implement any sort of BLM regulations we need to convince the County Commissioners to beef up the Landscaping and Screening sections of the Subdivision Regulations and Zoning Regulations. That may give the County the basic protection it wants for the visual resources as a way to actually implement it instead of just putting it in the Master Plan and having it go nowhere. He reworked pages five (5), six (6), and seven (7) of the Visual Resource Management Program to essentially make it say that we want the County Commissioners to redo the Landscaping and Screening portions of the regulations to mean something and not just keep waiving it for everything because nobody can water trees. That is a way to legislatively deal with it beyond the Master Plan.

Mr. Keith McNew stated that he agrees with Mr. Moore. He looked through a lot of the BLM information that was provided; the way they have it set up with their reviews and studies you know why they have eighty-seven (87) vehicles out there. The County doesn't have that kind of man power. On the other point, BLM is the one who administers all BLM properties. Where we are making the Master Plan, we're dealing with a lot of private property. There are two (2) issues there.

Mr. Moore stated that Mr. Dean Sandoval (not in attendance at this meeting) was quite concerned about State Highway 115 during the discussion last month. Highway 115 doesn't have any BLM land along it. Mr. Moore thinks that controlling the visual impacts can be

done through the Site Development Plan better than any other way. It makes the applicant defend what they are doing and it gives the opportunity for public comment to ask the applicant what they are going to do to mitigate it, that's a way to enforce it. It may be somewhat difficult writing the Screening and Landscaping requirements that make sense rather than landscaping one each.

Mr. Doxey stated that they could be given an alternate; not just trees but maybe a berm with zero landscaping in it because we are talking about water which everybody knows is pretty scarce around here. He's all for trees but this is semi-arid country and it takes a lot to grow a tree. If someone comes in and plants things but doesn't take care of them it is going to look worse than if you don't do anything. Maybe we could recommend something else for certain areas. A possibility might be a berm and rocks, boulders, cactus; just something that says "hey, we're trying."

Mr. Moore stated that if the Commission did that on the Site Development Plan (SDP) or one of the other processes that require a public hearing it allows them to be tailored to each particular site and the particular use. There are no speculative zone changes, there's no speculative anything anymore. Everybody has to know exactly what they are doing or they don't ever show up here. That's the way the rules have been written. We have absolute control in the process of making the applicant defend what he is doing.

Mr. Moore recommended removing an item from the Master Plan that he doesn't think will ever be done. On page six (6), visual impact resulting from advertising signs and development of industrial and mining sites will continue to be regulated through the Subdivision and Zoning Regulations. He doesn't think that the County is ever going to create a sign ordinance and if it did it would probably be so watered down that it would say anything. Most of our roads are highways that are already controlled by CDOT regarding signs so whatever the County's rules might be; CDOT's are probably stricter anyway.

Mr. Keith McNew stated that any sign that is in sight of a state highway, CDOT has jurisdiction over it anyway.

Mr. Moore stated that if this is the direction the Planning Commission wants to go he will try to work on some way of doing the Screening and Landscaping. Also, if that is the direction we are going, chapter four (4) will be amended such that it reinforces this plan.

Chairman Piltingsrud inquired as to what Mr. Moore envisions?

Mr. Moore replied that he wasn't sure; he spent so much time on the BLM Visual Resource Management System. He has signed up for the BLM session in January were they are going to take the BLM folks from this area and run them through the Visual Resource Management checklist where they actually go to seven (7) sites and the team of forty (40) and their eighty (80) government vehicles show up and everybody rates the site according to the Visual Resource Management System.

Chairman Piltingsrud inquired as to what sites are being evaluated.

Mr. Moore stated that it is a bunch in the Salida area.

Chairman Piltingsrud inquired if the old road networks were specifically listed in the current Master Plan.

Mr. Moore stated that it was Mr. Sandoval who had written a note suggesting new roads.

Chairman Piltingsrud confirmed that information.

Mr. Moore stated that he thinks the road stuff could be left out of it and for every project that requires a SDP, which are the projects we are trying to mitigate, that they require the applicant to say that his site is going to be beautiful.

Mr. Giordano stated that there are special reviews within all the applications (CUP's, SRU's, ZC's, SDP's), they all require something to do with the land, not to the degree that Mr. Moore is talking about but they already have buffering and landscaping in them.

Mr. Moore stated that it is in all of the items; it was waived three (3) times at the Planning Commission meeting tonight.

Chairman Piltingsrud stated that he thinks there are times it should be waived and times when it should be more required.

Mr. Moore agreed that with a three hundred (300) foot tower it make sense to waive the buffering and/or landscaping.

Chairman Piltingsrud inquired if Mr. Moore is going to start looking at the corridors that are in the current Master Plan or if he is trying to do something for every site specific plan.

Mr. Moore stated that he thinks they are going to be in the position that everybody's ox is gored at some point because of what their neighbor does no matter where they are; whether it's in Copper Gulch or State Highway 115 or Shelf Road. There's a neighbor somewhere that is going to say "That's going to be ugly." It's incumbent on the applicant to show up and say that at the public hearing but it's also incumbent on the government to protect that person from "That's going to be ugly." So if we are going to go this way and actually do visual resources then it has to apply to every project, not just the corridor.

Mr. McNew stated that another thing that concerns him in making the Master Plan for the County, the only thing that doesn't fit in the Plan is that Holcim's cement is taken where there's limestone, they didn't take it where there's granite. So where a mine fits is where the mineral is; you don't change that to improve the view. You can't take the mineral and put it where it will improve the view. With the economy of Fremont County and the way it's always been when it was established, that within the Master Plan we don't want to just raise havoc with mining everywhere but we do need to take into consideration that mining has to take place where the mineral is. How you do that, he doesn't know.

Mr. Moore stated that it is incumbent on the mine operator or the potential mine operator to convince the Boards that what they are doing will be the best they can do visually.

Mr. McNew stated that if the mine is worth operating and the mine operators can be good community members and take care of the community and make it fit in the community then

that's a decision the Commissioners will have to make. The Master Plan should in some way take that into consideration.

Mr. Moore stated that in Section Four (4) he believes that it can make it strong enough that it is instructing the Commissioners and whoever reviews the item(s) that the Master Plan wants the visual areas in Fremont County protected to the best ability without telling someone what color to paint something.

Mr. Schnobrick inquired if the Planning Commission isn't getting into a different direction than what this needs to be. You have this gorgeous mesa with beautiful landscaping on it; we're not talking about how to mine it and put a bush in front of it to hide it. We're talking about preserving the mesa is what he thinks some people intended this to mean. BLM isn't talking about hiding a construction site, their talking about how to preserve our natural resources. Regardless of how nice the dam looks, they don't want to put the dam up because it will stop the free flowing stream. He thinks in some sense they are making a big shift here and the original intent was of the Master Plan...he thinks it's the right direction because he doesn't think it's enforceable in a small area like this at this time. How do you decide who gets to do what? He doesn't think it's possible in their political plan so he thinks that trying to put the things through the Subdivision Regulations and that type of thing and putting it in an actual discussion about what some particular project is going to look like is the direction we want to go.

Mr. McNew stated that a good example of how to do it wrong is the flood plain areas in Fremont County that were drawn up in Washington D.C. because they didn't go out and look where they were drawing lines. They were thinking that all of Fremont County is flat like it is back east. They just took a certain area outside the stream and drew a line and this is raising havoc in Fremont County right now. That is something we want to avoid with anything that we put into the Master Plan.

Mr. Moore stated that they have to remember that the Master Plan draft he handed out says to "Quit building in flood plains." Before, it said "Maybe we should quit building in flood plains."

Mr. Moore stated that it can be adjusted for someone that really wants to build a project. They can actually do the work to say where the flood plain really is instead of where Cincinnati thinks it is. Someone that really wants to do a project may still be able to do it in a flood plain because they can have the flood plain truly defined.

Mr. Doxey stated that a good example for reclamation is down on State Highway 115 just on the other side of the Arkansas River. He inquired if that is Holcim that is finishing off that reclamation.

Chairman Piltingsrud stated that is being done by Grisenti Gravel Pits.

Mr. Doxey stated that they are doing a pretty good job, just starting in to finish off the last couple of areas. Do we tell people what we would like? Say a guy comes in who is going to mine for ten (10) years and we say "Here's what we would like to have the finished picture look like." And he says "I can't do that. I don't have enough money to do that."

Mr. Jackson stated that the reclamation is all controlled by the State.

Mr. McNew stated that the riparian and wildlife area right below the sanitation district was all gravel pits and the State Parks took it over as a wildlife area and it's a beautiful area. It can be done.

Mr. Moore stated that it takes the political will though to make an applicant say "Here's what I'm willing to do." Rather than falling all over ourselves to approve something. We can certainly ask an applicant and require an applicant to defend the project.

Mr. Schnobrich stated that there have been problems in the past in granting them. He thinks that what the Planning Commission said was that if they want to do it then they should check because that property belongs to someone else. It goes back to where we are trying to find some kind of a balance in protecting private property rights in development but at the same time trying to maintain the overall character of the property. That's a little harder to do than what we are letting on.

Mr. Moore made some suggestions of how they could put the Buffering, Landscaping, and Screening to have a bit more teeth. It's not in the Master Plan but if he can show you how it can be done in the other public processes, maybe we can take it out of the Master Plan and just refer to it. During each of the processes the applicant has to defend the Master Plan, how he is meeting the Master Plan. If we do Chapter 4, "Thou shall maintain visual resources..." that gives the Planning & Zoning Department the ability to make such requirements. He stated that if you are trying to protect ridge lines and mesas? To him that's private property. If he owns that mesa... we're not Boulder yet. Not everybody thinks a house on a ridge is ugly.

Mr. Schnobrich stated that in a sense what we're going to do is pretty much move the problem from the Master Plan into the Subdivision Regulation.

Chairman Piltingsrud stated that what he thinks we are doing is taking out of the Master Plan the class I, II, & III zoning objectives that BLM specified, that the County never did anything with in ten (10) years and the scenic highways that where listed. There were never any visual aspects described for these visual highways in over ten (10) years. It was one of those goals that we didn't do. With this at least this we don't have some phony information in the Master Plan that nobody developed or can understand.

Mr. McNew stated that when you start talking about the area west from Parkdale, you start talking about the visual resource along a major highway; there isn't much private property between Parkdale and Coaldale. It's mostly BLM, so what are you going to write into the Master Plan about BLM?

Chairman Piltingsrud inquired if he meant the fact that BLM permits the land out.

Mr. McNew stated that it's all going to be open anyway. The few pieces of private property in there should be developed as business. Like the Texas Creek Cafe and the area around the crossroads at Cotopaxi. You want businesses every once in a while but as far as the open space and the visual concept on State Highway 50, it's taken care of by BLM.

Mr. Moore pointed out that there is a little bit of private land in Coaldale, Howard, and Swissvale; everything else is already controlled by somebody else that the County doesn't have anything to do with. Everybody gripes because someone does something out there but there's very little private land and a great deal of that has already been developed. He realizes that Salida is a growing economy unlike everyone else, it's becoming another Aspen. He can see that there are areas that are going to be residential subdivisions in these farm fields eventually. People need to live somewhere.

Mr. McNew stated that we could put enough restrictions in the Master Plan to where we could go back to the Cave Man days too.

Chairman Piltingsrud inquired if the Planning Commission thought they had enough commonality of the agreement so we can let Mr. Moore move forward trying to do the impossible by writing some language for regulatory.

Mr. Moore stated that the main thing is the concept shift that we are going to start enforcing; Buffering, Screening, and Landscaping or at least attempting to through the Commissioners. He did somewhat the same thing through the Parks and Recreation section that follows. He gutted all the nonsense language out and will create one (1) Parks and Recreation map that fits the entire county, one time, and then everything grows from there as people amend it. So these periodic amendments to the Master Plan will amend the trail system by what someone has built or will build.

Mr. Bill Jackson stated that everyone will have to take into consideration all that has been done in the past.

Chairman Piltingsrud opened the floor up to public comment.

Mr. Lee Alter (0489 CR 21A, Cañon City, CO) stated that he is not sure he understands how the Planning Commission intends for the new Master Plan to look. Is it their intent to take basically the same format of the current one and go through it goal by goal and strategy by strategy? (Chairman Piltingsrud confirmed that.) Mr. Alter stated that being the case his request is that when the agenda is published that identifies a workshop if they would please specify precisely the sections that will be under discussion.

Chairman Piltingsrud stated that we can try to do that but sometimes it's somewhat like herding cats.

Mr. Alter stated that unfortunately in the agendas that have been published, for this workshop, the previous one, and one earlier, there was just a workshop with no further identification. He made a request to the Planning staff of what the subject was and they didn't know. His request is that it be specific.

Chairman Piltingsrud stated that they would try to do a better job but he doesn't know that it will be as specific as Mr. Alter would wish, but they will try to do a better job of being more specific.

Ms. Kay Hawkle (1739 CR 21A, Cañon City, CO) stated that her understanding of what just got said, talking about the Shelf Road and Phantom Canyon. Tallahassee (County Road 2) is also a visual resource road.

Mr. Moore stated that pieces of it should be.

Ms. Hawklee stated that what she's hearing is that the concept of the vision or the existing Master Plan is that Tallahassee Road was a visual corridor and now it's not. If there is mining, they will have trees and shrubs and screening that would be the buffer. Tonight there were three projects in the city that were heard and there were no trees, landscape or buffering required. Her fear is that on Tallahassee Road (CR 2) there will be huge tailings piles, they've had calculations of one hundred (100) foot tall tailings piles. It all depends on what gets mined. She wants the Planning Commission to look at that and have some kind of intent for designated mining operations to have something that is more stringent than Buffering, Landscaping and Screening if there is going to be huge amounts of tailings piles right next to County Road 2 which was supposed to be a visual resource.

Mr. Moore stated that there isn't much area other than the beginning of County Road 2 that BLM considers a visual resource.

Ms. Hawklee inquired if there was more area further down the road. The road goes all the way to Salida.

Mr. Moore stated that there is some wilderness area when you get close to Salida.

Ms. Hawklee stated that she sees people driving down County Road 2 as an alternate way to get to Salida as a weekend jaunt. It's a visual resource right now.

Ms. Nancy Seger (1147 Allen Rd., Cañon City, CO) inquired if East Fremont has submitted their own plan.

Mr. Moore stated that the City of Cañon City or the Parks and Recreation District have a Trails Plan. It is called the Eastern Fremont County something or other.

Ms. Seger inquired if it was approved from Eastern Fremont that said "Here is what we would like to see."

Mr. Moore stated that it was a name change only.

Ms. Segar inquired if it would be possible for Tallahassee Area Committee (TAC) to submit some suggestions to be considered.

Mr. Moore replied, certainly. He is the one who will be drawing the map and he will be including whatever he is aware of. He is aware of the Florence Plan, he's aware of the Eastern Fremont Plan which he has never seen but it is out there for him to obtain and to incorporate in a map. Things like Blue Herron will be on there, the park in Acres of Ireland will be on there.

Mr. Schnobrich inquired as to what kind of plan he was talking about.

Mr. Moore stated that the Trail Plan is all we are talking about right now. He will take information from anybody that bothers to give it to him.

In regard to the map that Mr. Moore had showing on the overhead screen, Mr. Alter asked if that was the official county map.

Mr. Moore stated that it is the Global Information System (GIS).

Mr. Alter stated that it doesn't have the county roads on it.

Mr. Moore explained and showed that he could turn layers on and off. He showed the county road map.

Chairman Piltingsrud asked if there was anyone else who wanted to speak.

Mr. John Todd (693 S. Calaveras Dr., Pueblo West, CO), Plant Manager with Holcim, stated that he wanted to support some of the comments brought up by the County Engineer and in support of detracting from what was initially proposed. Definitely the comments that were provided and some of the written documentation were anti-mining and of course from Holcim's perspective that is a concern; as mentioned by Mr. McNew, our reserves are where they are. At the same time we know we have the obligation to mine responsibly and were we have impacts now or in the future, we need to meet both County and State guidelines as well as Federal guidelines and that is our commitment as well.

Mr. Joe Lawanna (71 Ptarmigan Trail, Cañon City, CO), Quarry Manager with Holcim, stated that just to add on to what Mr. Todd said, there are a couple of other things that need to be considered. We are talking about visual resources in terms of regulation. Stop and consider the long term impacts to some of that. If you think about it, it's a pretty broad, sweeping thing to do. It could have big effects, any kind of development, existing operations, and operations that want to come in that could bring a lot to the County, are all going to be affected, especially right now. The paper has stuff in it about raising taxes, Cañon City is having problems raising funds, and they are going to have to make cutbacks. Some of the language in the Master Plan should really be around promoting and getting some other industries in here. That's the way he sees it as a citizen. He would like to see language that promotes economic development and business, into the County. He understands that tourism is a big industry in the County but there are other industries in the County and these amendments or proposals are not going to promote that kind of development at all. It is sending a different message. He thinks we need to step back and look at it and think about what it really means. Once it is in the Master Plan, it's a long term document, ten (10) years. If he is with a company looking at developing a resource somewhere down the road and he's going to come in and spend ten (10) or fifteen (15) million dollars developing that resource and then turn around and there's a visual corridor impact; that company is going to think twice about it. The potential impact on the jobs in this County, that's got to be a consideration right now.

Mr. Schnobrich stated that one of the problems they as a Planning Commission have is that visual resource is an economic value to this community and there are people that come in and developers will spend fifteen (15) to twenty (20) million dollar subdivisions as well. The fact remains that we have to find a balance; we want to have business but we don't want to destroy the community in the same sense.

Mr. Lawanna stated that if we are just talking about mining, there was mention of a couple of mines that have been reclaimed. Some of the language that he saw was around irreversible impact. He disagrees with that statement. Most of the mines that he has been at or worked at, they are eventually reclaimed. Eventually can be ten (10) years or twenty (20) years, but they are reclaimed. Look at the coal mines outside of Coal Creek. If you go by those areas right now, to an average person going through there for the first time, they would be hard pressed to tell that there was even a mining operation there. The point would be that the reclamation rules are in place, they stay enforced, and there are some things a mining operation can do while it is in operation to minimize the impacts. When he saw the proposals that were outlined by Mr. Dean Sandoval it had some language in it around irreversible impacts to mining. It also proposed the highway corridors that have been mentioned here and also State Highway 50, State Highway 115, and State Highway 9. We are talking about the whole County. Where are we going to go here? You might as well just take the mining industry and move it over to the next county or just move it out of the area all together. Where are you going to put an operation that you can't actually see it?

Mr. Piltingsrud stated that Mr. Sandoval isn't here tonight.

Mr. Lawanna stated that is what concerns him. We have a Planning Commission Chairman that is proposing that kind of language and not even thinking about the huge broad base impact. The way he sees it is that Mr. Sandoval's statement has one goal in mind and that's to put a ban on mining in this County. He enjoys living here, he gets his living from mining but he has worked in the mining industry for twenty (20) years and has seen it done the right way. He's also seen operations that have not done it the right way and unfortunately they put a black eye on the industry so he does understand what the Commission is up against. You can't take the word of one individual or himself but there is a way to draw a balance and he hopes that the Commission will consider that.

Ms. Anita Minton (12150 State Highway 9, Cañon City, CO) stated that her concern is that the big industry with all the money is out there talking and the little person isn't being represented; the small business, small construction companies, the one's that don't have billions of dollars behind them, that are just working for the residents and single out the negativity for the new growth that is taking place in residential areas. That is what her and her husband's business is, it's a small construction company working for that individual resident, not the big developer, not the big industry and she sees a lot of negativity in that. She has been working at the Farmer's Market for TAC for the last couple of summers. That's the one thing she hears from all the young people is about the jobs. Young people are looking for "green" rather than some of the old mining and old ways of the past. She's hoping that our County is going to look to the future and be green.

Mr. Schnobrich inquired of Ms. Minton what she would suggest for the Planning Commission to consider. Should they out and out say that there can't be any mining in Fremont County?

Ms. Minton stated absolutely not; she's not personally against mining. We need it for our businesses structural foundations, she likes to wear silver; she's not against mining. She just hears negativity for some of the small business or the small growth in residential.

Mr. Schnobrick stated that what is being talked about in this meeting is how to protect the natural beauty of the community. How would she suggest going about doing that? Do we say you can't build houses along the visual lanes or if you own property you're not allowed to build a subdivision in that location? If you were able to just write this any way you wanted to, how would you protect the natural beauty of the community and at the same time protect private property rights and all the individuals and all the competing things.

Ms. Minton stated that she thinks that we are facing one of our biggest challenges ever. We are looking at 2010 and she thinks that these workshops are a great first step, where we can come and talk, but the Master Plan is going to be the biggest thing we ever do here in Fremont County. It is extremely important.

Mr. Jim Barton (166 S. Meadow Ct., Cañon City, CO) stated that when Mr. Schnobrich asked that question; that is one of the things that we feel is most important up in our area. There are some natural resources that can be threatened and even destroyed by certain kinds of industry in our area. Certainly there are minerals. He hears the comments about "you have to mine where the minerals are." But what's the price that is paid and when you are destroying such resources as water, probably our most valuable resource, which recharges the system, fills our wells, helps the wildlife, does all of the things that you know happen, that's when we consider whether we have something or not in an area.

Mr. Lawanna stated that is a fair question in terms of what has been asked of each of us. He would like to respond representing industry whether it is mining or large, retail, whatever the case may be. The concerns on their side are that there is a carte blanche approach and it completely eliminates any responsible mining or other high industrial activity. Thus, he thinks the approach provided by the County Engineer is the most reasonable and plausible solution as we seek the long term Master Plan. That it puts the onus back on us as industry owners, it puts the onus back on us to illustrate how we can minimize the impacts to the best of our abilities. He thinks that is the best long term solution.

Chairman Piltingsrud adjourned the workshop at 9:55 p.m.

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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

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DATE