

**SAN MIGUEL COUNTY PLANNING COMMISSION
MINUTES – REGULAR MEETING**

January 13, 2022

Online Meeting

Present: Lee Taylor, Chair
Josselin Lifton-Zoline, Vice-Chair
M.J. Schillaci, Secretary
Ian Bald, Member
Matthew Bayma, Member

Absent: Tobin Brown, Alternate

Planning Staff Present: Kaye Simonson, Planning Director
John Huebner, Senior Planner
Troy Hangen, Senior Planner

County Staff Present: Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant, County Attorney's Office

9:00 a.m. Chair called the meeting to order.

PROCLAMATION: A proclamation with appreciation and gratitude to thank Pam Hall for 20 years of services as a member of the County Planning Commission.

MOTION by Lee Taylor to approve the proclamation.

SECONDED by Ian Bald. **VOTE PASSED 5-0.**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	Aye	Nay	Abstain	<u>Absent</u>

APPROVAL OF MINUTES:

MOTION by MJ Schillaci to approve the December 8, 2021, Joint Meeting minutes and the December 9, 2021 minutes as presented.

SECONDED by Josselin Lifton-Zoline. **VOTE PASSED 5-0.**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	Aye	Nay	Abstain	<u>Absent</u>

PLANNING COMMISSION AND STAFF COMMENTS:

The Planning Commission will have a work session with the Board of County Commissioners regarding employee housing fee mitigation as well as short term rentals on March 8, 2022.

The RFQ for the Master Plan consultant is going out, there is a need for two people to help choose the consultant.

The SUP for the Skelton Gravel Pit will go to the BOCC next Wednesday, January 19, 2022.

9:15 A.M. PUBLIC HEARING: LAND USE APPLICATION

Applicant: Gabriel Sweet, Big Rock Exploration on behalf of Alianza Minerals Limited
Location: SH Highway 141 and County Road 23R, Klondike Basin, San Miguel County
Parcel(s): Mining claims on Bureau of Land Management (BLM) lands, and lease on State Land Board section located at S16 T43N R16W
Zone District: West End (WE) Zone District
Proposal: Mineral Exploration of mining claims, Klondike Basin, located on public lands managed by the BLM, and the State of Colorado. The boring exploration program includes twenty (20) drill pads, each measuring about 50 feet by 50 feet, one (1) laydown yard, for the purpose of exploring for copper/MOTION

John Huebner mentioned the addition of a comment letter received, after the packet went out, from Mark Caddy, CPW. John then presented the application submitted by Gabriel Sweet, Big Rock Exploration, LLC on behalf of Alianza Minerals Limited that proposes Mineral Exploration on mining claims in the Klondike Basin on Bureau of Land Management (BLM) public lands off County Roads 23R and P23, and on a State Land Board section located at S16 T43N R16W. The drilling program includes up to twenty (20) drill pads, each measuring about 50 feet by 50 feet, and one (1) laydown yard, for the purpose of exploring copper. The project involves using existing BLM roads and routes and county roads with limited development of temporary access drives. Primary access to the project is off State Highway 141 via County Road 23R in the West End of San Miguel County.

The proposed layout of the project is to minimize new surface impact within the project area and to help facilitate reclamation after the exploratory drilling. There are to be 3-5 persons on site per shift, in 12 hours shifts. The workers are to be housed in Naturita.

County roads and established access routes (two-track) are utilized wherever practical, and the development of new access routes to drill pad locations is limited. The location of drill pads and laydown sites favor areas that are level or were previously disturbed and cleared.

It is expected to take approximately one week per hole while drilling to depths of 100-1500 feet with the total estimated ground disturbance being up to 5 acres. Signs are to be placed on reclaimed routes that are not open to travel.

The reclamation will consist of the boreholes being sealed and capped. The temporary routes will be scarified, re-contoured, and revegetated. A weed control plan will be required. All the

reclamation is subject to specific guidance protocols and permit requirements by the BLM, Colorado DRMS, and the county.

Notice was sent to the referral agencies. Lucas West of CDRMS had any concerns already addressed through the CDRMS application process. Julie Kolb, County Vegetation Manager stated she wanted a weed control plan. Mark Caddy, CPW said habitat was an area of concern and would like activities restricted from at least Dec 1 to April 30 due to critical winter range, and October 1 to December 1 for hunting season.

There was discussion about the BLM Reclamation Bond and what the reclamation would actually cost compared to what the state requires. If that amount is not sufficient, the commission could require more reclamation conditions.

With logistics and COVID conditions making a site visit for the Planning Commission harder, a staff site visit is scheduled to the Klondike Basin on January 27, 2022.

The review of the Special Use Permit is expected to take approximately 45 days to process with the BLM and at least 3-4 months with the county. Because of the timeline, they are starting the process with the county.

Josselin asked if there was anything in the Land Use Code regarding inventorying cultural and historic resources that would be relevant to any decisions.

John stated he believed the BLM would look at such matters as part of their review process, and Parks and Open Space were also noticed as one of the referral agencies.

The Commission inquired about any other mining or exploratory mining going on in the area. Currently, only the San Miguel County historical gravel pit, near the lay down area, is active.

MJ Schillaci commented about Mark Caddy's recommendation to work only run from May 1 to Sept 30 and would like to consider adding that to the motion. In addition, consider his recommended seed mixture as it is rangeland for primarily mule deer, which are browsers. It would be advantageous to include replacing shrubs that are suitable for the climate as part of the reclamation, as this proposal takes out a lot of the shrubs. There was further discussion regarding the concern of lack of water for plantings to aid in re-establishing the vegetation.

The commission inquired about the county going beyond restoration requirements to include soil restoration or supplements and wished to know more about soils and mitigation. Methods such as stockpiling topsoil are good practices to foster regrowth.

Gabriel Sweet then made his presentation to the commission. He stated that the permits to the BLM and the state DRMS states the "notice of intent" is for exploring rather than active mining.

The commission inquired as to what if they hit a pocket of gas and what is done about it. If there is a void or gas the situation is reevaluated for safety. It was also asked what the results are if they do find copper. The mineral exploration is a separate permit and additional active mining

would require further permitting. There are numerous steps if they find enough copper to warrant mining. 1 in 1,000 test sites might result in mining, and from discovery to development, this is a 10-15 year process.

Jason Weber, BLM Geologist further explained there are geological criteria to guide known copper mineralization on the surface. If there is enough concentration, they will be back for more exploration. Also, pockets of gas are not anticipated because of the geology, and the drilling contractor will have procedures for safety to deal with any hazards such as gas if they were discovered.

The commission did ask if the county could require them to identify water resources and could a condition be to ask for documentation of a water source.

It was asked how many drills will be used in a day, which is only one. The sound of the drills will sound no louder than a fridge running if over 500 ft. away.

Amy Markwell, County Attorney asked if the bond requirement is adequate for the reclamation. The county wants to make sure the reclamation is successful and guaranteed.

Gabriel estimated the bond would be between \$20,000 and \$30,000, but the costs could depend on the contractor.

Amy recommended a check-back after they get permits to see if there needs to be more protections for reclamation success.

Ryan Righetti, Road and Bridge Superintendent, said his department will also require a bond until all the sites are reclaimed.

11:08 a.m. Break

11:14 a.m. Reconvene

11:19 a.m. Open for Public Comment

Doug Tooley – Via chat, suggest repurposing drilling pads into campsites

Jennifer Thursten, Executive Director, Information Network for Responsible Mining – Value of landscape has increased. Public value is recreation use. Inadequate restoration is a major concern. The company should go above and beyond with existing stormwater. She asked if the road could be incorporated into the drill pad. Leaving roads improved leads to more development. Leave roads rugged.

Mason Osgood – Sheep Mountain Alliance – Cryptobiotic soils do get lost. They can take decades to generate. It is important to use native seed mixes. The pinion and juniper canopy do not come back. He shares Jennifer Thurston's concerns. The elk herd is struggling and decreasing. Mining affects and stresses the herds.

11:36 a.m. Closed Public Comment

The commission went over the additional conditions to add to the permit.

Those who addressed the commission:
Mason Osgood, Sheep Mountain Alliance
Gabriel Sweet, President of Alianza
Jason Webber, CEO of Alianza.

MOTION by Matt Bayma move to recommend to the Board of County Commissioners approval of a Special Use Permit (SUP) for Alianza Minerals Limited (Alianza) or its contractor, for the proposed Mining Exploration on mining claims in the Klondike Basin on Bureau of Land Management (BLM) public lands off County Roads 23R and P23, and on a State Land Board section located at S16 T43N R16W in San Miguel County, Colorado, based on the finding that the application is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC Section 2-11, Erosion; LUC Section 2- 34, Revegetation with Native Species; LUC Section 2-35; Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 5-11, Conditional Uses on Federal Lands; and Section 5-16; Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to the following specific terms and conditions, *and the suggestion of deletion of paragraph condition #7, renumbering of subsequent conditions, and the addition of Conditions 13-21:*

1. The Special Use Permit is issued to the Applicant, Alianza Mineral Limited, and does not run with the land.
- 2 No future mining activity at the project site by Alianza, its lessees, or the property owners or its lessees is authorized by this approval.
3. Obtain a County Road & Bridge Special Construction Permit for the proposed improvements to County Road (CR) 23R, and a Driveway Access Permit for CR 23R and P23.
4. A traffic control plan shall be submitted to County Road and Bridge. The plan shall identify procedures, personnel, and equipment (signs, signals, barricades, etc.) to be used to protect workers and the public during the project.
5. Contact the Planning Department, Road and Bridge Department, and County Sheriff's Office before mobilization of and the start of drilling activities.
6. Provide a list of onsite contacts for Alianza and the drilling project contractor.
- ~~7. Provide for review of the construction schedule by the Colorado Parks and Wildlife for any seasonal timing limitations that may be necessary for the protection of wildlife. Findings shall be reported to County Planning at least two weeks prior to mobilization.~~
87. The revegetation and weed control along the county road right-of-way (ROW) will be reviewed by the County Vegetation Manager to assure reclamation of these areas.

98. This Special Use Permit conditional approval is subject to the Bureau of Land Management (BLM) and Colorado Division of Reclamation and Mining and Safety (CDRMS) approving this drilling program and issuing the requisite permits. Provide copies of these permits to County Planning.

109. The project drilling program and reclamation plan shall be consistent with and comply with the applicable provisions as approved by the County unless specifically modified in the BLM and CDRMS approval action.

110. Comply with all terms and conditions of the Colorado Department of Public Health and Environment Stormwater Discharge Permit... Provide a copy of the permit to County Planning

111. Provide monthly progress reports to County Planning.

112. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.

13. The permit shall be valid for three years, with review of the BLM and DRMS permits by staff prior to commencement, and with annual reviews by the CPC and BOCC through the life of the project.

14. Exploration activities shall be limited to May 1 to September 30.

15. The clearing of pinion-juniper and sagebrush shall be minimized to the greatest extent practical.

16. Provide a grading and drainage plan that includes a higher quality of sediment fencing and control.

17. The County shall be informed of any cultural resources discovered in the course of work. Pads and road disturbance should avoid any areas with cultural resources. All appropriate mitigation measures shall be taken to protect cultural resources.

18. The revegetation plan shall include soil restoration and best practices to maximize available water. The CPW recommendation shall be followed.

19. Provide documentation regarding the water source(s) for the project.

20. Minimize the disturbed area for drill pads by using the roadways for parking to the extent possible.

21. Identify any hazardous materials that will be used in the process, and describe how those materials will be stored and transported.

SECONDED By MJ Schillaci. VOTE PASSED 3-2

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	<u>Absent</u>

**PUBLIC HEARING: CONTINUED REVIEW OF LAND USE APPLICATION FROM
DECEMBER 9, 2021**

Applicant: Lawson Hill Property Owners Co & Telluride Mountain School
 Location: Lot HI, Lawson Hill PUD located north of Society Drive off San Miguel Dr.
 Parcel Size: 1.88 acres Zone District: Public (PUB)
 Proposal: Rezone from Public (PUB) to Industrial (I); and Substantial PUD Amendment to increase maximum Building Height/MOTION

MOTION by MJ Schillaci to continue the item to the February 10, 2022, Planning Commission meeting. **SECONDED** by Josselin Lifton-Zoline. **VOTE PASSED 5-0.**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent

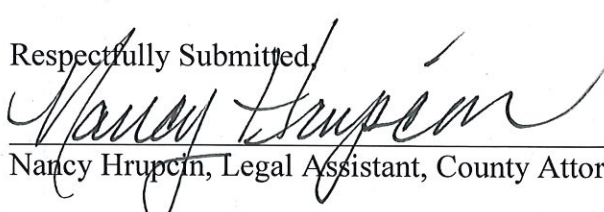
ELECTION OF OFFICERS

MOTION by Matt Bayma to nominate that the Planning Commission officers stay the same with Lee Taylor as Chair, Josselin Lifton-Zoline, Vice-Chair, MJ Schillaci as Secretary. **SECONDED** by Ian Bald. **VOTE PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent

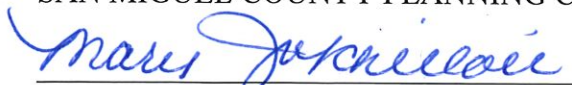
12:32 p.m. Adjourned.

Respectfully Submitted,


 Nancy Hrupcin, Legal Assistant, County Attorney

Approved on February 10, 2022.

SAN MIGUEL COUNTY PLANNING COMMISSION


 M.J. Schillaci, Secretary

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