

PLATTE COUNTY

PLANNING & ZONING COMMISSION

May 31, 2000

The Platte County Planning & Zoning Commission met on the above date at 7:00 P.M. in the Platte County Court Room with the following members present: Kenneth Kennedy, Interim Director; Chairman Jay Collins, Board Members Stan Rieb, Bill Klein, and Tom Eisenhauer; and Glenda Gray, Clerk. Board member Tina Willis was absent.

An application to change the land use classification from Agriculture to Agriculture with a special permit to operate a limestone quarry on property located in part of the NW Quarter of Section 33, Township 27 North, Range 66 West of the 6th PM in Platte County, Wyoming, approximately two miles northwest of Guernsey, Wyoming. The application is being made by Rissler and McMurry Company of Casper, Wyoming, on property owned by Charles Frederick and Douglas Frederick of Guernsey, Wyoming. Mr. Kennedy and his staff gave a "do pass" recommendation, realizing that the permittee would have to meet all requirements of the D.E.Q. relating to air and water quality. Speaking on behalf of the applicant, Mr. Dave Crnich, Safety and Environmental Director, informed the Board and a roomful of listeners that upon the approval of this permit application, an existing Special Permit located in the NW Quarter of Section 28, Township 27 North, Range 66 West of the 6th PM would be terminated. He indicated that Rissler and McMurry had no wish to mine in both locations and felt that this location was more conducive to all persons involved.

Mr. Leonard Scoleri, an adjoining landowner, presented the Board with a petition signed by surrounding property owners, outlining concerns regarding any mining activity within one and one-half miles of a residence, community, or state park. Their main concerns were noise, dust, potential nitrate contamination in water wells and declining property values. The property owners were requesting a moratorium on mining activity and if this was not possible they had the following requests for requirements on the permit:

1. They must relinquish their present industrial zoning permit on a ten-acre site within four hundred yards of this site.
2. Require a base line well water test on all surrounding landowners within one and one half miles for nitrate levels. This must be required prior to issuance of the zoning permit.
3. No crushing or blasting from ten p.m. to seven a.m. daily. Any substantial complaints will require a review by your Board to cancel their zoning permit.
4. A sufficient water source for dust abatement must be obtained by the contractor. The water source must be an established source in present use. No new water wells to be drilled on the site. The water source must be in the daily amounts determined by the State of Wyoming Department of Environmental

Quality to be sufficient for dust abatement. Chemical treatment of crushed stockpiles for dust abatement must be evident at all times. Proof of the water source and agreement to the treatment of stockpiles must be required prior to issuance of the zoning permit. Any substantiated complaint regarding this issue, will require a review by your Board to cancel their zoning permit.

5. Abandonment of the site or non-use of the site for two consecutive years will deem their zoning permit null and void.
6. If any surrounding land owners water well is rendered useless from blasting or nitrate contamination, the contractor will be responsible to replace the water well or provide an appropriate water source.

Mr. Scott Solem inquired on the reclamation of the project when mining is completed. Mr. Crnich informed the Board that the DEQ requires reclamation to its original condition and bonding is set at \$10,000. He also responded to questions on dust abatement that this is also a stipulation of DEQ for 20% or less opacity on the site and haul roads. Water will be obtained from sources yet to be determined and stored in water tanks on site. They will not be drilling a water well. Mr. Solem also mentioned that the Board should hire an independent water tester rather than the contractor do the testing. Mr. Don Offe spoke in opposition to all mining quarries stating there are too many already.

Chairman Jay Collins asked if there were any further comments and then called for a motion. Stan Rieb made a motion to approve the proposed land use permit from Agriculture to Agriculture with a Special Permit for a Crushing Plant with the following stipulations:

1. Relinquish the present industrial zoning permit in the NW1/4 of Section 28, Township 27 North, Range 66 West.
2. Obtain a base line well water test on surrounding landowners for nitrate levels prior to mining and do a follow-up well water test for nitrate levels after mining is concluded.
3. There will be no crushing or blasting between the hours of 10:00 P.M. to 7:00 A.M.
4. Any water necessary for dust abatement will be obtained from sites other than the drilling of new water wells.

Tom Eisenhauer seconded the motion. Chairman Collins called for discussion and Mr. Eisenhauer commented that perhaps the Planning and Zoning Board needed to research either the moratorium that was issued in Sheridan County or take a look at set backs from homes for mining operations. There being no further discussion, the motion passed to the Board of County Commissioners.

County Attorney, Eric Alden addressed the Board speaking on behalf of the Platte County Commissioners referencing the Platte County Interim Zoning Resolution dated July 21, 1998. Mr. Alden stated that specific areas of the Zoning Resolution need to be reviewed and

modified to better facilitate the Planning and Zoning Board in making decisions on the applications that are being submitted. Any changes made to the regulations have to be initiated from the Planning Board derived from public meetings.

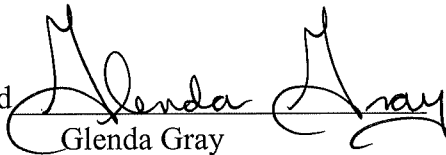
Comments from the audience were generally to request a moratorium on any new permits for high density confined hog feeding operations until odor abatements are sufficiently working to limit the odor in Platte County from the existing hog operations. Mr. Alden informed the Board that a moratorium cannot last for an indefinite period of time without good faith commitments from the Board as well as the public to resolve the issues.

A motion was made by Tom Eisenhauer to recommend to the Platte County Board of Commissioners to impose a two year moratorium on new permits for high density confinement livestock production. The motion was seconded by Bill Klein. Chairman Collins called for any discussion. Mr. Alden noted that the language would be clarified if the Board of Commissioners were to adopt the moratorium. Mr. Reib stated that he would like to encourage the Board of Commissioners to consider the moratorium to include the wording "livestock". There being no further discussion, the motion passed.

A motion was made by Stan Reib to adjourn the meeting. It was seconded by Tom Eisenhauer and passed.

Respectfully submitted:

Clerk of the Board


Glenda Gray