

County paves way for industry at Fort Union site

Commissioners approve unusual zoning request that leaves Atlas Carbon alone

- [By JONATHAN GALLARDO News Record Writer \[jgallardo@gillette newsrecord.net\]\(mailto:jgallardo@gillette newsrecord.net\)](#)
- May 16, 2018

Campbell County Commissioners have gone against staff recommendations and approved a zoning request with an unzoned island.

They voted Tuesday to take an unzoned 449-acre parcel at the Fort Union Industrial Park, located at the former Fort Union mine site 4 miles north of Gillette along North Garner Lake Road, and turn it into a heavy industrial district.

But commissioners went against staff recommendations and chose to leave an unzoned island in the middle of the area. That island, about 21 acres, is where Atlas Carbon is located. Its CEO and chairman Frank Levy insisted that he did not want it to be zoned.

County planner and zoning administrator Megan Nelms had recommended that the county approve the request but include Atlas Carbon in the zoning to set the “area up for success.”

Letting Atlas Carbon operate unzoned while surrounded by zoned land on all sides is not good land planning, she said.

“We need it to be successful for the future of the county,” she said. “Leaving an island in the middle of it because two businessmen can’t get along is not a reason for us to preclude getting them ready to go.”

Jim Ford, general manager of Fort Union Industrial Park, said there are no disagreements between Levy and Greenbridge Holdings, the owner of the land.

“Greenbridge fully supports Atlas’s decision to remain outside the subdivision,” he said.

Levy said he does not want to be zoned and does not want to be part of the subdivision. He said he’s spent \$14 million on the site and hired a lot of local people and plans on doubling that investment and employment.

“It’s my property that I’ve invested (in), and I don’t want a group of other people that would have rights over me if I could help it,” he said.

Deputy County Attorney Carol Seeger said the situation struck her as ironic.

“By virtue of the land surrounding you being subdivided, your tract is part of the subdivision,” she said.

“But I do control my destiny on my own, not by other people that might not have some power over me that I’d rather not risk,” Levy replied.

Ford said Greenbridge and Atlas already have contracts in place that dictate business, including road easements, storm drainage and water supply, and they’ve worked well so far.

“I guess if the two of you agree on this and mapped out how it’s going to be without Atlas being a part of that subdivision, I don’t see why we got to make a mountain out of this molehill,” Commissioner Matt Avery said.

There are a couple of projects set to happen at the Fort Union Industrial Park. It will be the location of Energy Capital Economic Development’s Advanced Carbon Products Innovation Center, or ACPIC, and Clean Coal Technologies recently announced it is locating its test plant there as well.

“These are good industrial uses of this property, I’d hate to see this stuff go away,” Commissioner Micky Shober said. He also supported Atlas Carbon’s decision to remain unzoned.

“If they want to be part of it, they can be a part of it. If they don’t want to be part of it, I’m OK with that. Let’s get this thing on the road,” he said.

“Thank you guys for getting along. Hopefully, it continues and we see some incredible things out there in that area,” Commissioner Rusty Bell said.

The commissioners approved the request unanimously, but Commission Chairman Mark Christensen made it clear he thought leaving Atlas unzoned was a bad idea.

“This is bad land planning, it’s bad policy, and I’m not going to be party to it when the argument and the thing falls apart in two to three years,” he said. “I guarantee it will.”

Everyone might be getting along now, but that might not be the case in a few years, Christensen said, when “all the other 14 lot owners are going to be here complaining to us because you guys aren’t paying your fair share of the road.”

Christensen said Atlas shouldn’t have been allowed to do what it has done in an unzoned property to start with and pointed out that the commissioners are not the bad guys in this situation. Campbell County has “lobbied heavily” for Atlas, he said.

“We were integral in the governor telling the state to come up with extra money when there wasn’t enough in the large loan fund,” he said, referring to a \$15 million loan from the State Loan and Investment Board. “For it to be portrayed that we’re interfering with this, it really, really, really rubs me the wrong way.”

Christensen voted for the zoning request because he wanted to see the development move forward, but he guaranteed that Levy would be back.

“I also imagine sometime I’ll see you back here wanting zoning because almost all of the big financiers want the zoning in place so they know the use is allowed. When that day happens, I will look forward to seeing you again,” he said.

The final plat for the subdivision has yet to be approved. It will come before the commissioners at a future meeting.