

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
January 7, 2014**

The January 7, 2014 meeting was held in the Planning Commissioners' boardroom in the Blackstock Government Center located at 221 N. Wisconsin Street, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson	Matthew Birnie, County Manager
Phil Chamberland, Vice-Chairperson (ABSENT)	Katherine Haase, Clerk to the Board
Jonathan Houck, Commissioner	Others Present as Listed in Text

**CALL TO ORDER:** Chairperson Swenson called the meeting to order at 8:32 am.

**AGENDA REVIEW:** Under the scheduling portion of meeting, the agenda posting location designation should indicate "2014", not "2013".

**MINUTES APPROVAL:** **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the November 19, 2013 and December 13, 2013 meeting minutes. Motion carried.

1. Draft Meeting Minutes; 11/19/13.
2. Draft Meeting Minutes; 12/13/13.

**CONSENT AGENDA:** **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the Consent Agenda. Motion carried.

1. Memorandum of Agreement; Safe Ride of Gunnison, Inc.; 1/1/14 thru 12/31/14; \$2,500
2. Memorandum of Agreement; Crested Butte / Mt. Crested Butte Bartenders and Servers Association; 1/1/14 thru 12/31/14; \$2,500
3. Memorandum of Agreement; Gunnison/Hinsdale Confidential Advocacy Center; 1/1/14 thru 12/31/14; \$10,000
4. Memorandum of Agreement; Gunnison Country Chamber of Commerce; 1/1/14 thru 12/31/14; \$12,000
5. Memorandum of Agreement; Gunnison Conservation District; 1/1/14 thru 12/31/14; \$2,000
6. Memorandum of Agreement; Gunnison Valley Animal Welfare League; 1/1/14 thru 12/31/14; \$2,000
7. Memorandum of Agreement; Midwestern Colorado Mental Health Center; 1/1/14 thru 12/31/14; \$11,000
8. Memorandum of Agreement; Office for Resource Efficiency; 1/1/14 thru 12/31/14; \$12,000
9. Memorandum of Agreement; Gunnison-Hinsdale Youth Services, dba Gunnison Country Partners; 1/1/14 thru 12/31/14; \$7,500
10. Memorandum of Agreement; Six Points Evaluation and Training, Inc.; 1/1/14 thru 12/31/14; \$12,000
11. Memorandum of Agreement; Crested Butte / Mt. Crested Butte Chamber of Commerce / Visitors' Center; 1/1/14 thru 12/31/14; \$8,000
12. Ground Transportation Agreement, Gunnison-Crested Butte Regional Airport; San Miguel Ventures, LLC; 12/1/13 thru 11/30/14
13. Colorado Department of Human Services (CDHS) Certification of Compliance, County Merit System, Year 2014
14. Memorandum of Understanding between Rocky Mountain Health Plans Foundation and Gunnison County Health and Human Services; Baby & Me Tobacco Free Program; 1/1/14 thru 6/30/15
15. Colorado Office of Emergency Management (COEM), Emergency Management Program Grant (EMPG), Local Emergency Manager Support (LEMS) Program Funding Application; FY 2014; \$126,595
16. Anschutz Family Foundation Grant Application; Gunnison County Substance Abuse Prevention Project; 1/1/14 thru 12/31/14; \$10,000
17. Acknowledgment of County Manager Signature; Agreement for Services; T&A Enterprises; Janitorial Services for Gunnison County Public Works Facility at 195 Basin Park Drive, Gunnison, CO 81230; 1/1/14 thru 12/31/14; \$8,580
18. Memorandum of Understanding; State of Colorado Department of Human Services and the Board of County Commissioners of Other Elected Governing Body of Gunnison County, Colorado; Colorado Works Program and Childcare Services; 7/1/13 thru 6/30/15
19. Provider Agreement; Adge Marziano; Professional Services Regarding Facilitation, Leadership, Planning and Oversight to the Crested Butte Youth to Promote Community Inclusion, Substance Abuse Prevention and Wellness to Crested Butte Youth through the Office of Juvenile Services; 1/7/14 thru 12/31/14; \$2,800
20. Resolution; Directing the Gunnison County Treasurer to Distribute Specific Ownership Tax Monies among Various County Funds
21. Federal Forest Payment & Secure Rural Schools and Community Self Determination Act Election Form; 10/1/12 thru 9/30/13

22. Colorado Department of Public Health and Environment; Gunnison County Substance Abuse Prevention; Tabaco Education and Prevention Partnership Grant; 7/1/2014 thru 6/30/2015; \$26,084
23. Colorado Department of Public Health and Environment; 2014 Immunization Core Contract; 1/1/14 thru 12/31/14; \$10,499
24. Department of Energy Office of Legacy Management; Modification to Agreement for Installation and Maintenance of Wells and Well Equipment Gunnison Disposal and Processing Sites, CO.
25. Memorandum of Agreement; Western State Colorado University; Digital Advertising Campaign; 1/7/14 thru 12/31/14; \$20,000

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC) BOARD REORGANIZATION**

**AND COMMISSIONER APPOINTMENTS:** Commissioner Chamberland was present prior to the meeting being called to order, thus he was able to convey his wishes to Chairperson Swenson. She then shared those wishes with Commissioner Houck during this scheduled discussion. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to appoint and designate commissioners for the following roles for 2014:

1. Designate BOCC Chairperson and Vice Chairperson for 2014. Chairperson Swenson (Chairperson) and Commissioner Chamberland (Vice Chairperson).
2. Gunnison County Personnel Board (one voting member). Commissioner Chamberland.
3. Community Foundation of the Gunnison Valley Board (one voting member). Commissioner Houck
4. Office for Resource Efficiency Board (one voting member). Commissioner Houck.
5. Gunnison Valley Rural Transportation Authority Board (two voting members). Chairperson Swenson and Commissioner Houck.
6. Region 10 Board (one voting member). Commissioner Houck.
7. Gunnison Basin Sage-grouse Strategic Committee (one voting member, one alternate). Commissioner Houck (voting member) and Commissioner Chamberland (alternate member).
8. Gunnison-Crested Butte Tourism Association Advisory Board (one non-voting member). Chairperson Swenson.
9. Gunnison Country Chamber of Commerce (one voting member). Chairperson Swenson.
10. Early Childhood Council (one voting member). Commissioner Chamberland.
11. Club 20 (one voting member). Commissioner Chamberland.

Motion carried.

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

1. Ratification of 2014 Board of County Commissioner Regular Meeting and Work Session Schedule. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to ratify the 2014 Board of County Commissioner regular meeting and work session schedule as presented. Motion carried.
2. 2014 Board of County Commissioner Meeting Agenda Posting Locations. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to designate the glass case by the Clerk and Recorder's office for meeting agendas in 2014. Motion carried.

**COUNTY MANAGER'S REPORT:** County Manager Birnie was present for discussion.

1. Courthouse Construction Project Update. County Manager Birnie informed the Board that the financing closed prior to the Christmas holiday and that the County is working to finalize a contract with the State for the grant funding awarded. He confirmed that the County will not need to meet LEED requirements since the State is funding such a small portion of the entire project, but that he has asked the architects to design to that standard to support sustainability and energy savings. The County will seek Energy Star certification. GE Johnson assumed control of the work site on 1/6/14.
2. Leadership Academy. County Manager Birnie informed the Board that he and Human Resources Director Debbie Moore are negotiating with the vendor to hold the third Academy during this calendar year. The format will be similar to previous offerings, with the addition of Managing for Results training. New supervisors and department heads will be invited to attend the Academy, along with others that supervisors believe will benefit from it, for a total of approximately 20 employees.

**DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES:** Deputy County Manager Marlene Crosby was present for discussion.

1. White Water Park Update. Deputy County Manager Crosby informed the Board that she is working with John Messner to submit a Great Outdoors Colorado (GOCO) grant application for repair of some of the park's structures. She will place a resolution in support of the grant application on the next agenda. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to ratify the associated professional services expense of \$1,680. Motion carried.
2. Marble Hub Update. Deputy County Manager Crosby informed the Board that the Hub benefitted from a lot of community participation in 2012, but that operations were more difficult during 2013 since it was run by a volunteer staff and not open as often. As well, the primary group of volunteers has been comprised of summer residents, and it has not been possible to fill the five member board positions. The Hub has not been successful at obtaining 501(c)3 status, and the group would like to disband. The terms of the one-year lease executed on 6/4/13 included a clause for automatic renewal unless terminated. The Marble Town Council would like to rent the Hub building to use as a town hall. Deputy County Manager Crosby requested direction from the Board, and the Board asked her to negotiate a lease for Board consideration.

3. White Pine Trailhead Parking. Chairperson Swenson stated that she was contacted by a resident about this issue. A work session was scheduled to take place on 1/28, and Deputy County Manager Crosby will work with all pertinent parties to sort out the details and define possible solutions.

**RESOLUTION; AUTHORIZING THE TREASURER TO SEGREGATE INTERESTS FROM INVESTMENTS OF CERTAIN MONIES AND REVOKING CERTAIN PREVIOUS RESOLUTIONS:** **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve Resolution #2014-2, a Resolution Authorizing the Treasurer to Segregate Interests from Investments of Certain Monies and Revoking Certain Previous Resolutions. Motion carried.

**WESTERN STATE COLORADO UNIVERSITY COUNSELOR VISIT FUNDING:** County Manager Birnie reminded the Board that the County had contracted with WSCU to provide \$10,000 in funding during 2013 for this program. WSCU did not invoice the County for this funding since the program didn't yet exist in 2013, so County Manager Birnie requested direction on whether or not the Board would like to fund this in 2014 with new resources. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to carry over from last year the \$10,000 in addition to what has been appropriated this year for the counseling program as well as the alumni educator on-campus program that will be happening this year. Motion carried.

**PLANNING COMMISSION MAJOR IMPACT PROJECT RECOMMENDATION; GUNNISON VALLEY PROPERTIES, LLC; TOMICHI GRAVEL PIT; LUC #2012-10; RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2012-10, LAND USE CHANGE PERMIT FOR GUNNISON VALLEY PROPERTIES, LLC, TOMICHI PIT SAND AND GRAVEL OPERATION:** Assistant Community Development Director Neal Starkebaum, County Attorney David Baumgarten, Community Development Director Russ Forrest, Project Engineer Ben Langenfeld and attorney Dick Bratton were present for discussion.

Assistant Community Development Director Starkebaum confirmed that the Planning Commission's recommendation was unanimous. He also opined that the applicant went above and beyond with regard to mitigation for onsite and offsite impacts.

Mr. Langenfeld gave a PowerPoint presentation summarizing the proposal, as outlined in the meeting packet materials. Commissioner Houck stated that all of his questions were answered during the earlier processes. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve Resolution #2014-3, a Resolution Approving Land Use Change Permit No. 2012-10, Land Use Change Permit for Gunnison Valley Properties, LLC, Tomichi Pit Sand and Gravel Operation. Motion carried.

Mr. Bratton noted that he is working with neighbors on further mitigation above what is required.

Mr. Robert Delahay stated that he had attended all of the Planning Commission meetings and that he opposed this project along with all of his neighbors, so he was disappointed that the Planning Commission voted unanimously to approve an unsupported project that will negatively affect his property. Chairperson Swenson confirmed that the applicant met all of the requirements outlined in the Gunnison County Land Use Resolution.

**LOT CLUSTER APPLICATION; LOTS 1, 2, 3 AND 4, BLOCK 4, MARBLE SKI AREA, CRYSTAL RIVER FILING; OMAH K. TRAVIS:** Community Development Department Services Manager Beth Baker was present for discussion, and she explained that the lot cluster would result in a parcel larger than one acre in size. County Manager Birnie noted that the County recently sold some property to Mr. Travis in that area with the condition that it not be developed, so he asked staff to ensure that this application did not involve that property. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve the Lot Cluster Application for Lots 1, 2, 3 and 4, Block 4, Marble Ski Area, Crystal River Filing, contingent upon review by the County Attorney's Office to indeed ensure that the properties that were sold from Gunnison County with the stipulation of not being improved are not included in this application. Motion carried.

**LETTER IN SUPPORT OF PAYMENT IN LIEU OF TAXES (PILT) PROGRAM; RESOLUTION SUPPORTING PAYMENT IN LIEU OF TAXES (PILT) PROGRAM:** County Attorney Baumgarten recommended that the Board adopt a resolution as opposed to a letter of support since a resolution would more easily be shared. **Moved** by Commissioner Houck, seconded by Chairperson Swenson to approve resolution #2014-4, a Resolution Supporting Payment in Lieu of Taxes (PILT) Program, and also ask that a cover letter be drafted and the commissioner stamps be applied to that correspondence. Motion carried.

**COMMISSIONER ITEMS:** This discussion began earlier than scheduled due to a gap in the meeting.

**Commissioner Houck:**

1. Pitkin Homeowner's Association Request. Commissioner Houck informed the Board that the HOA would like to see improvements on the access road to Quartz Creek Estates. He met with GIS Manager Mike Pelletier to evaluate property layers and ownership, and he will also be meeting with Deputy County Manager Crosby prior to responding to the HOA. At this time, it does not appear as though the County has any ownership or responsibility in this matter.

2. Airport Manager Rick Lampert. Commissioner Houck opined that Airport Manager Lampert has done a great job of keeping the runway open and communicating pertinent information to all interested parties. He also noted that all flight cancellations over the holidays were caused by situations outside of the County's control.

**Commissioner Swenson:**

1. Stockgrowers Association. Chairperson Swenson informed the Board that she met with the Stockgrowers Association last week to discuss the Gunnison Sage-grouse issue.

**UNSCHEDULED CITIZENS:**

1. Butch Clark; Courthouse Landscaping. Mr. Clark stated that he is part of a larger group that would like to find a way to relocate some of the plants surrounding the current courthouse prior to any destruction. County Manager Birnie asked for his assistance with identifying them.
2. Butch Clark; Flash Flooding. Mr. Clark asked the County to evaluate the implications of flash flooding and consider minimizing the impacts with berms and other measures.

**BREAK:** The meeting recessed from 9:38 until 9:42 am.

**ROCKY MOUNTAIN BIOLOGICAL LABORATORY (RMBL) RESEARCH AND EDUCATION SITE; DRAFT BILL LANGUAGE:** RMBL Executive Director Ian Billick was present.

Mr. Billick thanked County staff and Chairperson Swenson for the assistance with this project. He explained that RMBL's main concern is the uncertainty of access to research sites, but that there are also concerns about wilderness management by the Forest Service and additional wilderness designations. A new \$3,000,000 community center will be built next summer, among other capital investments in the area. Chairperson Swenson confirmed that Bill Trampe is supportive of the proposal. County Manager Birnie asked about the impacts on recreational use, and Mr. Billick explained that there would not be any impact to existing trails or recreational use. All impacts would be on future use. Mr. Billick requested support for the current language since the final language hasn't been formulated yet. Chairperson Swenson stated that the Board can write a letter of support after Commissioner Chamberland has been briefed. *(Note: At the time of approval of these minutes, Commissioner Chamberland stated that he had been briefed, and he asked that this statement be added to the minutes.)*

**ADJOURN: Moved** by Commissioner Houck, seconded by Chairperson Swenson to adjourn the meeting. Motion carried. The meeting adjourned at 9:58 am.

\_\_\_\_\_  
Paula Swenson, Chairperson

(Absent from meeting – no signature)  
\_\_\_\_\_  
Phil Chamberland, Vice-Chairperson

\_\_\_\_\_  
Jonathan Houck, Commissioner

Minutes Prepared By:

\_\_\_\_\_  
Katherine Haase, Deputy County Clerk

Attest:

\_\_\_\_\_  
Stella Dominguez, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES**

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 2014-2**

A RESOLUTION AUTHORIZING THE TREASURER TO SEGREGATE INTERESTS FROM INVESTMENTS OF CERTAIN MONIES AND REVOKING CERTAIN PREVIOUS RESOLUTIONS

WHEREAS, Colorado Revised Statute 30-10-710 provides, in part, that interest gained through the investment of county funds, regardless of the origin of such funds, may be credited to the General Fund “unless such investment is made from specific funds allocated for a definite purpose and so maintained”; and

WHEREAS, it is the desire of this Board that the interest gained from the investment of certain funds be credited back to those funds;

WHEREAS, this Board has previously passed resolutions which directed the County Treasurer and the County Finance Office to deposit back to certain funds all the interest gained from investments of the monies from those certain funds;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado:

1. The County Treasurer is hereby directed to deposit back into the following funds all interest gained from the investment of monies from the respective funds:

- Reserve Accounts within the General Fund:
  - General – Water Resources
  - General – Workforce Impact Fees
  - General – Courthouse Renovation
- Road and Bridge Fund
- Conservation Trust Fund
- Bond Fund
- Bond Fund Series 2010
- Airport Operations Fund
- Reserve Account within the Airport Operations Fund:
  - Airport – Terminal Construction
- Sales Tax Fund
- Land Preservation Fund
- Mosquito Fund
- Sage Grouse Trust Fund
- Risk Management Fund
- Airport Construction Fund
- Capital Expenditures Fund
- Gunnison County Sewer
- Reserve Account within the Sewer Fund:
  - Sewer – Restricted
- Gunnison County Water
- Reserve Account within the Water fund
  - Water - Restricted
- Solid Waste Fund – Operations
- Reserve Accounts within the Solid Waste Fund:
  - Solid Waste - Landfill Closure
  - Solid Waste – Landfill Construction
- Gunnison Housing Authority Fund
- Reserve Accounts within the Housing Authority Fund:
  - Senior Housing – Operations
  - Senior Housing – Deposits
- Gunnison Valley Regional Housing Authority
- Internal Service Fund I
- Internal Service Fund II
- Internal Service Fund III, Health Insurance Trust
- Reserve Account within the Health Insurance Trust Fund
  - Health Insurance Claims
- Gunnison River Valley Local Marketing District
- Gunnison Valley Transportation Authority

2. All remaining interest gained from the investment of County funds may be credited to the County General Fund.
3. The previously enacted resolutions directing the distribution of interest to various funds – namely Resolution No. 2013-02, Series 2013 is hereby canceled as of January 1, 2014 and the provisions of this resolution shall supersede the previous resolutions.
4. The effective date of this resolution shall be January 1, 2014.

INTRODUCED by Commissioner Houck, seconded by Commissioner Swenson, and adopted this 7<sup>th</sup> day of January, 2014.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Chamberland – absent; Houck – yes; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO. 2014-3**

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2012-10 LAND USE CHANGE PERMIT FOR GUNNISON VALLEY PROPERTIES, LLC TOMICHI PIT SAND AND GRAVEL OPERATION

WHEREAS, Gunnison Valley Properties, LLC, represented by Ben Langenfeld, Project Engineer, Greg Lewicki and Associates, has applied for a land use change permit for a construction materials processing operation, to be known as the Tomichi Pit.

The Tomichi Pit site will be used for the production of construction materials such as sand, gravel, concrete, and asphalt. This will require the development of a 73 acre operation, (roads, mining pit, etc.) as part of a 134.5 acre project. This includes the mining pit, internal roads, berms, sediment ponds, processing area, office area, fuel storage, stockpiles, and all other operation related development.

The pit will operate year-around, although operations will likely be minimal in the winter. Most mining will take place from early April to late October. Material will be stockpiled on site during the summer for sale during the rest of the year to continue to supply construction industry needs. Some mining may take place in the off-season, but that is expected to be less than 30% of total annual production. The most common winter activities will be site maintenance and sales from stockpiles.

Mining operations at the Tomichi Pit will involve the extraction, crushing, screening, and washing of an expected average production of 200,000 tons of sand and gravel per year. The estimated resource of the Tomichi Pit is 5.3 million tons, based upon production of 200,000 tons/year, will take approximately 27 years to mine and reclaim. The Tomichi Pit will be a wet pit, requiring dewatering during the mine life. Lowering the water table within a sand and gravel pit during operations is a commonly accepted practice in the construction materials mining industry. The pit area will be excavated beginning in the southeast corner of the property and will migrate from the southeast to the northwest as the resource is extracted and processed, with reclamation occurring concurrently with the mining operations, pursuant to the State Division of Reclamation and Mining Safety permit.

All processing activities will take place in the southeast corner of the property. Concrete and/or asphalt batching operations will be conducted on the site, and an office building with scales, is also proposed. The pit will operate from 7 a.m. to 6 p.m., Monday – Saturday. Once mining and reclamation are complete, the resulting lake, wetlands, and surrounding lands are proposed to be set aside as wildlife habitat.

The applicant has proposed significant on-site mitigation in the form of berming and landscaping adjacent to Highway 50 and the Signal Peak Industrial Park, to provide permanent visual buffering of the proposed operation to travelers on Highway 50 and nearby residential areas. Additionally, the applicant has agreed to provide sound level and air quality (PM10) testing/monitoring to ensure compliance with noise and air quality standards to minimize off-site impacts to surrounding lands. The site is located in the NE/4 SE/4 NW/4 Section 4 and the NE/4NE/4 Section 5, Township 49 North, Range 1 East, N.M.P.M., 43188 Highway 50, generally described as being approximately 1/2 mile east of the City of Gunnison, south of Highway 50 to Tomichi Creek, and west of Signal Peak Industrial Park; and

WHEREAS, after a review of the Preliminary/Final Plan and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on November 15, 2013 forward a Recommendation of unanimous approval of that application to the Board of County Commissioners with certain Findings and Conditions:

FINDINGS:

1. The proposed project is classified as a Major Impact Project based upon classification found in *Section 7-101: Projects Classified as Major Impact Projects E. Large Construction Materials Operations*. Any sand, gravel or quarry operation providing material that will operate for more than two years, pursuant to *Division 9-400: Exploration, Extraction and Processing of Minerals and Construction Materials*. The definition of Construction Materials Processing "means any activities associated with the extraction, storage or preparation of construction materials for use, including but not limited to, crushing, screening, washing, slabbing, polishing, grinding, concrete or asphalt preparation, batching or recycling, or other such action". The process of batching asphalt or concrete is defined by the *Gunnison County Land Use Resolution as Construction Materials Processing*.
2. The approval shall be memorialized by Board Resolution/Certificate of Major Impact. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.
3. Section 9-404: Site Location and Setbacks for Mining Operations supersedes the locational standards in Section 10-104: Locational Standards for Commercial, Industrial and Other Non-Residential Uses.
4. The applicant has proposed significant berming and landscaping adjacent to Highway 50 and the Signal Peak Industrial Park, as mitigation, to provide permanent buffering to minimize the potential visual and noise impacts from the operation of the gravel pit. The Planning Commission finds the mitigation acceptable to minimize potential visual impacts to the traveling public on Highway 50 and to neighboring properties.
5. The applicant has submitted plans for air quality and sound level testing and monitoring, before and after the pit is fully operational, to ascertain potential off-site impacts. If the tested levels are recorded above sound level thresholds and/or air quality standards for PM10, the operator shall provide a plan to reduce levels below County/State thresholds.
6. Pursuant to *Section 7-102: Standards of Approval for Major Impact Projects*, the Commission finds that this Preliminary/Final Plan complies with the standards of approval and requirements of the *Resolution*. The applicant has addressed mitigation of potential impacts to the neighborhood, the use is compatible with and in character with existing industrial land uses in the area and the

Commission has evaluated this for its integration of the standards of the *Resolution*.

7. This review and Recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents, as included therein.

CONDITIONS:

1. This permit is limited to activities described within this application, and as depicted on the site plans submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. The Applicant and/or Operator shall perform all sound level and PM10 testing and monitoring, including baseline ambient sound level and PM10 levels prior to the commencement of operations. The Operator shall conduct sound level and PM10 testing three times annually at the time of peak production (typically between June 15<sup>th</sup> and August 15<sup>th</sup>), at the locations identified on amended Map 4.1, the first three operating years. The applicant shall provide copies of all resultant test reports to the Community Development Department. In the event that monitoring results show the Tomichi Pit exceeds County/State standards/thresholds, the Operator shall provide Gunnison County with a remediation plan and follow up sampling within 90 days. In the event that the test results do not exceed County/State standards/thresholds, testing for sound levels and PM10 shall be only be required once in the fourth and fifth operating years (typically between June 15<sup>th</sup> and August 15<sup>th</sup>).
3. A Development Improvement Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, addressing the Highway 50 intersection improvements and the berming and landscaping, identified in the following plans:
  - *Roadway Improvement Plan for State Highway 50 at Tomichi Gravel Pit*, Kimley-Horn and Associates, Inc., *Sheets 1-6*, April 10, 2013
  - *Landscape Plan – Tomichi Pit*, Ben Langenfeld, Greg Lewicki and Associates, dated November 1, 2013
4. A performance bond, letter of credit or other means of surety acceptable to the Board of County Commissioners be required to cover the cost of the Highway 50 intersection improvements and the berming and landscaping, as identified on plan noted in Condition #3, plus 25 percent; such costs as detailed by the applicant's engineer, and that said surety is retained by Gunnison County.
5. The hours of operation of the Tomichi Pit are limited to 7 a.m. - 6 p.m., Monday – Saturday, except as allowed under Section 9-405: F. 2. a. Temporary Operations Outside the Approved Hours of Operation.
6. The Operator shall comply with the applicable standards identified in *Section 9-405: General Development Standards for Mining Operations, Gunnison County Land Use Resolution*.
7. The Operator shall employ all Best Management Practices (BMP's) identified in the application to minimize noise, odor and fugitive dust.
8. Prior to the commencement of operations for the pit, the applicant shall provide copies of all applicable state or federal permits to the County Community Development Department.
9. Prior to commencement of operations, the Operator shall submit a fire protection plan to the Fire Marshall, Gunnison County Fire Protection District, for review and approval. The plan shall include identification of types and areas of fuel storage, hazardous materials storage, suppression, spill prevention, containment and response; employee training and personnel contact phone numbers in case of emergency. A copy of the approved plan shall be provided to the Community Development Department.
10. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
11. These permits may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
12. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
13. Approval of this Plan is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

AND WHEREAS, the Board of County Commissioners did receive and review the information within the Planning Commission's Recommendation, and considered it in evaluating this application;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2004-18, Tomichi Pit, is hereby approved, subject to the conditions of the permit, as imposed by the Planning Commission;

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Community Development Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Houck, seconded by Commissioner Swenson, and adopted this 7<sup>th</sup> day of January, 2014.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Chamberland – absent; Houck – yes; Swenson – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO. 2014-4**

A RESOLUTION SUPPORTING PAYMENT IN LIEU OF TAXES (PILT) PROGRAM

WHEREAS, the federal Payment In Lieu Of Taxes ("PILT") program provides critical funding to nearly 1,900 counties in 49 states and three U.S. territories; and

WHEREAS, PILT currently is authorized at \$425 million for fiscal year 2014 to help offset losses to local governments from the presence of non-taxable federal lands through direct payments to counties and other local governments; and

WHEREAS, counties with federal land in their jurisdictions often provide vital services on those lands, such as land use regulation, search and rescue, and emergency services; and

WHEREAS, a fully funded PILT program helps to offset the loss of these important revenues and fulfill the federal government's obligations to local communities with large amounts of federal land; and

WHEREAS, in July 2012, President Obama signed into law PL112-141, the Moving Ahead For Progress In The 21<sup>st</sup> Century Act. Included in the legislation was mandatory funding for PILT. After implementation of the Budget control Act (sequestration cuts), counties received roughly \$400 million in FY 2013. Unless Congress acts, counties will have received their last fully funded PILT disbursement in June of 2013; and

WHEREAS, the United States Senate and House Appropriations Committees currently are developing a final Fiscal Year 2014 spending measure;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the Board, appreciating the difficult funding decisions to be faced, urges the United States Senate and House Appropriations Committees to fully support the PILT program and to work with counties to seek a long-term funding solution to provide a consistent and stable source of funding for the nation's PILT counties.

INTRODUCED by Commissioner Houck, seconded by Commissioner Swenson, and adopted this 7<sup>th</sup> day of January, 2014.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

Chamberland – absent; Houck – yes; Swenson – yes.