

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 11 - 20**

**A RESOLUTION APPROVING THE RU SUBDIVISION
BATCH PLANT RELOCATION
CONSTRUCTION OF ACCESS ROAD
PART OF LOT 1; ALL LOTS 2, 3, 4; PART OF SE1/4NW1/4; (LESS 18.68A IN S1/2NW1/4)
E1/2SW1/4. 33.93 AC IN SW1/4SE1/4. 0.41 AC IN SE1/4SE1/4. SECTION 18;
ALL LOT 1, E1/2NW1/4. 3.514A IN W2NW4NE4
SECTION 19, TOWNSHIP 14 SOUTH, RANGE 85 WEST 6TH P.M.
GUNNISON COUNTY, COLORADO
LUC-2010-32**

WHEREAS, the applicant, John Rozman, represented by John McClow, requests a land use change permit for the following:

Subdivision of 3-acres from a 369-acre parcel that will provide a fee simple lot for the new location of the United Companies concrete batching plant and weigh scale. The use of the 3-acres will be limited to the industrial construction processing operation. The request includes the relocation of the existing concrete batch plant operation from the west side of the Slate River to the proposed 3-acre parcel. Additionally, a new access road will be constructed, which will be located 200 feet south of the existing southern Riverland Industrial Park entrance, and will include right-hand and left-hand turn lanes. The new road will connect with Buckley Drive and the old Buckley Drive/Highway 135 intersection will be closed and reclaimed. Lot 4, Riverland Industrial Park will be modified to provide access for the new road.

The subdivision is shown on a plat titled "Plat of RU Subdivision", prepared by NCW & Associates, Inc., dated May 12, 2011, incorporated hereto and incorporated herein. The use of the subdivided lot will be solely for the use of the mining and concrete batch plant operations. No other use of the lot is approved or contemplated at this time. Plans for the road construction titled "John Rozman & Riverland Industrial Park Interior Access Roadways, Gunnison County, Colorado", have been prepared by NCW & Associates, Inc., dated November 4, 2010.; and

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on April 15, 2011; and

WHEREAS, the Gunnison County Planning Commission approved a Recommendation of conditional approval of the requested subdivision and project on May 6, 2011, and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on May 17, 2011, receive and review the Planning Commission's Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's May 6, 2011 Recommendation, with the following Findings and Conditions of Approval:

Findings:

The Board finds that:

1. The application is classified as a Minor Impact Project.



2. Sufficient buffering exists between the proposed site and Highway 135.
3. The use is compatible with existing uses in the immediate area.
4. The use is consistent with the Town of Crested Butte Area Plan and complies with Section 10-104; Primary Locational Standards.
5. Allen Moores, Gunnison County Public Works, has reviewed and approved the road plans, titled "John Rozman & Riverland Industrial Park Interior Access Roadways, Gunnison County, Colorado", have been prepared by NCW & Associates, Inc., dated November 4, 2010.as noted in comments of February 18, 2011.
6. The Crested Butte Fire Protection District has reviewed and approved the proposed subdivision, as noted in a letter of March 3, 2011.
7. The Colorado Department of Transportation has issued a State Highway Access Permit, No. 310086, dated July 12, 2010, for Industrial Park and Gravel Pit Operations, for the new access road.
8. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and Section 6-10: *Standards of Approval for Minor Impact Projects*.
9. 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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plans, exhibits, site specific mitigation, site observations and public testimony, has reached the above Findings and recommends to the Board of County Commissioners that LUC No. 2010-32 be approved with the following conditions:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the 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. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. The subdivision plat shall be reviewed and approved by the County Attorney's office. Approval shall not be effective until the plat is signed by the Chairperson of the Board of County Commissioners and is recorded with the office of the Gunnison County Clerk and Recorder.
3. No asphalt batch plant, either temporary or permanent, shall be located on the 3-acre parcel.
4. Dogs and other domestic animals shall not be permitted on the 3-acre parcel.

5. The approval shall be memorialized by Board Resolution/Certificate of Minor Impact. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.
6. County road maintenance is not provided to this property as of the date of this approval. This approval shall not be interpreted to imply, nor shall it obligate the County to maintain or provide snowplowing in the future. All maintenance, dust control and snowplowing shall be the responsibility of the property owner(s).
7. A Development Improvements Agreement with Gunnison County shall be submitted by the applicant, subject to approval by the Gunnison County Attorney's office, referencing the road construction plans, titled "John Rozman & Riverland Industrial Park Interior Access Roadways, Gunnison County, Colorado", prepared by NCW & Associates, Inc., November 4, 2010, shall be executed by the Board of County Commissioners. The Board Resolution/Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
8. A performance bond, letter of credit or other means of surety acceptable to the County, shall be submitted to cover costs of construction of the road, plus 25 percent. Costs, including reclamation, for the road construction are to be detailed by the applicant's engineer. Such cost shall reviewed by the Gunnison County Public Works Department, and that surety be retained by the County to such date as is acceptable to the County Public Works Director. The Board Resolution/Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
9. The applicant shall provide three copies of the recorded subdivision plat, fourteen (14) by seventeen (17) inches in size, to the Building Official, for inclusion into the rural addressing system.
10. The following shall be completed upon recordation of the Plat:
 - 1) The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate office of Qwest.
 - 2) The applicant shall provide one copy of the final plat, designating County addresses for each lot, to the U.S. Postal Service.
11. This permit 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 use 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.

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

County, Colorado, that the requested subdivision and project is approved, subject to each and all conditions noted above.

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 Swenson, seconded by Commissioner Chamberland and passed on this 17th day of May, 2011.

BOARD OF COUNTY COMMISSIONERS

 Hap Channell, Chairperson	 Paula Swenson, Commissioner	 Phil Chamberland Commissioner
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ATTEST:


Katherine Haase
Deputy Gunnison County Clerk and Recorder

