



**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

RESOLUTION NO. 2015-7

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

WHEREAS, Gunnison Valley Properties, LLC, represented by Ben Langenfeld, Project Engineer, Greg Lewicki and Associates, requested an amendment to the land use change permit approved by the Board of County Commissioners, Board Resolution No. 2014-3, January 7, 2014, recorded with the Gunnison County Clerk and Recorder, Reception No. 625105, January 9, 2014, for the Tomichi Pit Sand and Gravel Operation, to be used for the production of construction materials such as sand, gravel, concrete, and asphalt. This includes the mining pit, internal roads, berms, sediment ponds, processing area, office area, fuel storage, stockpiles, and all other operation related development.

As part of the County approval, berms to provide visual screening of the processing plant area were incorporated into the overall berming/landscaping visual mitigation plan for the project.

This amendment includes the alteration of the berm for the processing plant. In the approved permit, the processing plant berm is 30 feet tall and vegetated with shrubs and a dryland seed mix. The applicant requests to change the details of the berm as follows: reduce the height of the earthen berm to 10 feet tall, and add pine or other conifer trees, of at least 15 feet in height and add aspen trees, of at least 10 feet in height, to the berm. The new berm/landscaping plan will provide a functional equivalent to the previously approved berm/landscaping. Additionally, the trees incorporated into the Signal Peak berm will be moved to the top of the berm to increase the berm's effectiveness. Maps showing the proposed changes were submitted by the applicant.

In addition, the applicant proposes to relocate Air/Noise Monitor #1 from the north side of Highway 50 to the south side of the highway, and relocate Air/Noise Monitor #3 from the current location, onto the applicant's property. This will eliminate any issues with access to the monitoring sites. Maps showing the proposed change of locations were submitted by the applicant; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on March 6, 2015 forward a Recommendation of unanimous approval of the requested amendment to the Board of County Commissioners with certain Findings and Conditions:

FINDINGS:

1. The proposed changes to the berm/landscaping for the processing plant area provides a functional equivalent from the original approved berm/landscaping, in providing visual screening/buffering of the processing plant area, as submitted by the applicant, February 27, 2015.
2. Relocation of Air/Noise Monitors #1 and #3 will appropriately place the monitors on the applicant's property, as shown on Map 4.1 – Initial Mining Tomichi Pit, submitted February 27,



2015, prepared by Ben Langenfeld, P.E., Greg Lewicki and Associates.

3. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.
4. 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. A Development Improvement Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, addressing the change in berming and landscaping, identified on the modified berm/landscaping plans: *Map 5.2 - Berm Designs, Landscape Plan – Tomichi Pit, and Landscape Plan 2 – Tomichi Pit*, submitted February 27, 2015, prepared by Ben Langenfeld, P.E., Greg Lewicki and Associates.
3. A performance bond, letter of credit or other means of surety, acceptable to the Board of County Commissioners, shall be required to cover the cost of the berming/landscaping, as identified on the modified berm/landscaping plans: *Map 5.2 - Berm Designs, Landscape Plan – Tomichi Pit, and Landscape Plan 2 – Tomichi Pit*, submitted February 27, 2015, prepared by Ben Langenfeld, P.E., Greg Lewicki and Associates; such costs as detailed by the applicant's engineer, and that said surety is retained by Gunnison County.
4. The applicant shall maintain all landscaping at the Tomichi Pit over the life of the operation, including, but not limited to: replanting of dead vegetation (consistent with existing species - height/dbh at time of replacement) and irrigation system maintenance and repairs. And, any other regular maintenance required to ensure the viability of the landscaping, including noxious weed control.
5. No construction of the berms/landscaping shall be permitted until the Development Improvements Agreement is executed.
6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
7. 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.



8. 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.
9. 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 the amendment to Land Use Change Permit No. 2012-10, Tomichi Pit Sand and Gravel Operation, is hereby approved, subject to the conditions, 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 file relative to this application.

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.

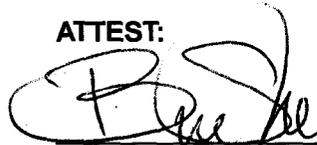
INTRODUCED by Commissioner HOUCK , seconded by Commissioner Chamberland , and passed on this 17 day of March, 2015.

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

By: 
Paula Swenson, Chairperson

By: 
Phil Chamberland, Commissioner

By: 
Jonathan Houck, Commissioner

ATTEST:

Deputy County Clerk

