TO:	**Board of County Commissioners**
FROM:	**Planning Commission**
SUBJECT:	**Amendment to Tomichi Gravel Pit Gunnison Valley Properties, LLC LUC #2012-10**
PREPARED BY:	**Neal Starkebaum, Assistant Director Community Development Department**
PLANNING COMMISSION MEETING DATE:	**March 6, 2015**
APPLICANT:	**Gunnison Valley Properties, LLC Tomichi Materials, LLC/Gunnison Valley Partners LLC 864 W. South Boulder Road, Suite 200 Louisville, CO 80027**
REPRESENTED BY:	**Ben Langenfeld, Project Engineer Greg Lewicki and Associates 11541 Warrington Court Parker, CO 80138**

PROJECT BACKGROUND/REQUEST:

Gunnison Valley Properties, LLC, represented by Ben Langenfeld, Project Engineer, Greg Lewicki and Associates, is requesting an amendment to the land use change permit approved on 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 Gravel Pit, 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, a berm to provide visual screening of the processing plant area was incorporated into the overall berming/landscaping visual mitigation plan for the project.

This amendment is specific only to 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 from the reclamation plan. The applicant requests to change the details of the berm as follows: reduce the height of the earth berm to 10 feet tall, and add pine or other conifer trees and aspen trees, of at least 15 feet in height, to the berm. The new berm/landscaping plan will provide a functional equivalent to the previously approved berm/landscaping. Maps showing the proposed change 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 changes of locations were submitted by the applicant.

DOCUMENTS INFORMING THIS REVIEW AND ACTION:
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, maps, references and documents.

WORK SESSIONS:
The Planning Commission conducted work sessions on the Preliminary/Final plan on:
January 23, 2015.
March 6, 2015.

JOINT PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on March 6, 2015, at that time……,

All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

FINDINGS:
The Commission finds that:

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.

2. Relocation of Air/Noise Monitors #1 and #3 will appropriately place the monitors on the applicant's property.

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.

RECOMMENDATION:
The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Office file relative to this Preliminary/Final Plan application, site observations and public testimony and having reached the above cited Findings, recommends to the Board of County Commissioners that LUC #2012-10, Gunnison Valley Properties, LLC, Tomichi Pit - 2015 Amendment be approved with the following conditions:

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 in the following plans:

- Revised *Landscape Plan – Tomichi Pit*, Ben Langenfeld, Greg Lewicki and Associates, dated February 25, 2015.

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/landscape plans, Revised *Landscape Plan – Tomichi Pit*, Ben Langenfeld, Greg Lewicki and Associates, dated February 25, 2015; such costs as detailed by the applicant's engineer, and that said surety is retained by Gunnison County.

4. The applicant shall provide a means of providing irrigation to the landscaped berm/trees to ensure their survival and the applicant shall replace any trees that dies.

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.