

RESOLUTION NO. 2015- 17  
BOARD OF COUNTY COMMISSIONERS  
OF RIO BLANCO COUNTY,  
COLORADO

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO, APPROVING SPECIAL USE PERMIT 15-01 FOR THE WHITE RIVER CITY WET PIT AT 41138 COUNTY ROAD 5 IN SECTION 1, T1N, R97W AND SECTION 36, T2N, R97W, 6<sup>TH</sup> P.M., IN RIO BLANCO COUNTY, COLORADO**

WHEREAS, White River City Investments (“Applicant”) has applied for a Special Use Permit for the construction and operation of a wet pit for the purpose of mining gravel at 41138 County Road 5 in Section 1, T1N, R97W and Section 36, T2N, R97W, 6<sup>th</sup> P.M., in Rio Blanco County, Colorado; and

WHEREAS, the Rio Blanco County Planning Commission conducted a public hearing on the White River City Wet Pit Special Use Permit 15-01 application on April 29, 2015, upon notice duly given; and

WHEREAS, the Planning Commission, at the April 29, 2015 meeting, voted 6 for/0 against to recommend to the Board of County Commissioners of Rio Blanco County, Colorado (“Board”) approval of the Special Use Permit 15-01 subject to all conditions and mitigations described in the application and supporting materials, and any conditions of approval listed below; and

WHEREAS, the Board has reviewed applicable Colorado Statutes, the Rio Blanco County Master Plan, the Rio Blanco County Land Use Resolution, the materials submitted by the Applicant, the materials submitted by members of the public at the various hearings, the Planning Commission recommendations, and upon notice duly given conducted its own hearing in Meeker on the Special Use Permit Application on June 8, 2015, upon notice duly given;

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO FINDS AS FOLLOWS:**

- A. The application is complete;
- B. The application meets the requirements of Sections 54 and 224 of the Land Use Resolution (LUR) as well as all relevant standards specified in Article X of the LUR;
- C. The public hearing before the Board was extensive and complete, pertinent facts, matters, and issues were submitted, and any interested parties were given an opportunity to be heard at the hearing;
- D. The parcel is appropriately zoned;
- E. The record is complete;

- F. The proposed Special Use Permit would not negatively affect the best interests of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Rio Blanco County.

**THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO:**


- A. The White River City Wet Pit Special Use Permit 15-01 is hereby approved, as presented, subject to all conditions and mitigations described in the application and the following conditions:
1. SUP requirements for working hours, lighting etc. should be consistent with other SUPs issued for similar operations in the same area.
  2. Applicant will conduct a pre-mining weed survey in order to determine what species are present in order to reduce the chance of a large population increase once the site is disturbed and so that an appropriate management plan can be implemented once mining and reclamation activities occur. Noxious species that are known to exist within the general area include; Hoary Cress or Whitetop, Leafy Spurge, Canada Thistle, and Bull Thistle.
  3. Weed control activities will take place throughout the life of the mining operation to decrease the opportunities for weed seed dispersal into the areas where gravel is sold. At a minimum the areas around and adjacent to access roads, topsoil piles, stock piles, and equipment should be inspected and treated annually in order to reduce the chances of dispersal.
  4. Applicant must ensure that all of its contractors are aware of the requirement to obtain all necessary permits and licenses for all vehicles, buildings, portable office units, equipment, and special mobile machinery used in Rio Blanco County.
  5. Applicant must pay all appropriate use and sales taxes for this project as determined by the Rio Blanco County Sales and Use Tax Department.
  6. Any damage to County Roads resulting from Applicant's construction activities must be fully repaired or mitigated to the satisfaction of the RBC Road and Bridge Department.
  7. Transportation of personnel, including the employees of contractors and sub-contractors must be accomplished using the minimum number of vehicles possible through use of vans or car-pooling. Individual vehicles that contain specialized equipment, such as welding equipment, or employees that are required and authorized to drive an individual vehicle to the worksites for logistical and/or short term Company's business purposes are exempt from this requirement.
  8. The facilities must be identified with proper signage, including site name, owner/operator, general contact numbers, and emergency contact numbers.
  9. At the conclusion of the construction of the project, the company must submit an As Built Map in the form of a GIS compatible shape file.
  10. Provide the final costs of the project upon completion.

- B. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.
- C. Approval of this conditional use permit constitutes approval of a site specific development plan which establishes a vested parcel right, as provided by CRS 24-68-101 et.seq.. This vested right is valid for a period of 3 years from the date of publication of this approval. The Planning Department of Rio Blanco County, Colorado, will publish notice of this approval and vested right in the Meeker Herald as soon as possible.


DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0 AGAINST,  
THIS 8<sup>th</sup> DAY OF JUNE, 2015.

BOARD OF COUNTY COMMISSIONERS OF  
RIO BLANCO COUNTY, COLORADO

ATTEST:

  
Boots M. Campbell  
Clerk and Recorder  
TREASA A. Ellis Deputy

By:   
Jeffrey D. Eskelson, Chairman

  
Shawn J. Bolton, Commissioner

  
Jon D. Hill, Commissioner