



Reception # 315554 Record Date 11/15/2017 12:04 PM
Page: 1 of 4 RecFee: \$0.00 DocFee: \$0.00
BOOTS M. CAMPBELL RIO BLANCO COUNTY, COLORADO



RESOLUTION 2017-26

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO
BLANCO COUNTY, COLORADO, APPROVING THE SHALE TECH
INTERNATIONAL SERVICES-DUCK CREEK MINE
LAND USE CHANGE PERMIT NO. PMIR-0001-17**

RIO BLANCO COUNTY ASSESSOR PARCEL NUMBER 1637-231-00-304

WHEREAS, the Board of County Commissioners of Rio Blanco County, Colorado, received a Major Impact Review Application from the Ertl Family Partnership, Ltd. and JoJo Properties, LLC for the Shale Tech International Services- Duck Creek Mine to be located on a 5+/- acre mine site within a 1,500 +/- acre parcel situated in Section 22, NE 1/4 and east 30 acres of SE 1/4; Section 23, all; Section 24, W 1/2; Section 26, N 1/2; Section 27, east 30 acres of NE 1/4; T1S, R100 W, 6th P.M., Rio Blanco County, Colorado; and

WHEREAS, the Major Impact Review Application requests that Extraction-Mining be approved for the 5 +/- acre mine site: and

WHEREAS, the subject parcel is legally described in a Special Warranty Deed recorded at Reception #233701 in the records of the Rio Blanco County Clerk and Recorder; and

WHEREAS, a Public Hearing was held by the Rio Blanco County Planning Commission on October 26, 2017 at which time the Planning Commission voted unanimously to forward a recommendation to the Board of County Commissioners to approve the Land Use Change Permit; and

WHEREAS, on November 13, 2017 the Board of County Commissioners opened a public hearing upon the question or whether the Land Use Change Permit should be approved, approved with conditions, or denied, at which hearing the public and interested persons were given the opportunity to express their opinions regarding the Major Impact Review Application; and

WHEREAS, the Board of County Commissioners closed the public hearing on November 13, 2017; and

WHEREAS, the Board has reviewed applicable Colorado Statutes, the Rio Blanco County Master Plan, the Rio Blanco County Land Use Regulations (LUR), the materials submitted by the Applicant, the Planning Commission recommendations, the materials submitted by members of the public at the hearing on the Application held by the Board in Meeker, Colorado on November 13, 2017, 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. Proper public notice was provided as required by law and the 2016 Rio Blanco County Land use Regulations.



Reception # 315554 Record Date 11/15/2017 12:04 PM
Page: 2 of 4
BOOTS M. CAMPBELL RIO BLANCO COUNTY COLORADO

- C. The public hearing before the Board of County Commissioners 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 record is complete.
- E. The application meets the requirements of the 2016 Rio Blanco County Land Use Regulations.
- F. The application is in general conformance with the Rio Blanco County Master Plan of 2011.
- G. For the above stated and other reasons the request for a Land Use Change Permit is in 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:

1. The Shale Tech International Services- Duck Creek Mine Land Use Change Permit No. PMIR-0001-17, is hereby approved.
2. All representations made by the Applicant are conditions of approval, unless specifically altered by the Board of County Commissioners.
3. 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 or this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado declares that it would have adopted this Resolutions and each section, subsection, sentence, clause, phrases, or portions would be declared invalid or unconstitutional.
4. Approval of this Land Use Change Permit constitutes approval of a site specific development plan which establishes a vested property right, as provided by CRS 24-28-101 et. seq. This vested right is valid for a period of 3 years from the date of publication of this approval. The Community Development Department of Rio Blanco County, Colorado, will publish notice of this approval and vested right in the Rio Blanco Herald Times as soon as possible.



DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 2 FOR AND 0
AGAINST, THIS 13 DAY OF NOVEMBER, 2017.

THE BOARD OF COUNTY
COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:

Boots M Campbell
Boots Campbell
Clerk to the Board

By: [Signature]
Shawn J. Bolton, Chairman



Jeff Rector, Commissioner

Si Woodruff
Si Woodruff, Commissioner

Reception # 315554 Record Date 11/15/2017 12:04 PM
Page: 3 of 4
BOOTS M. CAMPBELL RIO BLANCO COUNTY COLORADO

LAND USE CHANGE PERMIT

No. PMIR -0001-17

A Portion of a Parcel of Land Owned by the Ertl Family Partnership, Ltd. and JoJo Properties, LLC (Operated by Shale Tech International Services) located on a 5+/- acre mine site within a 1,500 +/- acre parcel situated in Section 22, NE 1/4 and east 30 acres of SE 1/4; Section 23, all; Section 24, W 1/2; Section 26, N 1/2; Section 27, east 30 acres of NE 1/4; T1S, R100 W, 6th P.M., Rio Blanco County, Colorado.

Rio Blanco County Assessor's Parcel No. 1637-231-00-304

In accordance with and pursuant to provisions of the Rio Blanco County Land Use Regulations, and a Resolution of Approval, Resolution Number 2017-26, of the Board of County Commissioners of Rio Blanco County, Colorado, the following activity is hereby authorized by Land Use Change Permit:

Construction and operation of the Shale Tech International Duck Creek Mine


This Land Use Change Permit is issued subject to conditions of approval as set forth in Exhibit "A" Rio Blanco County Commissioners Resolution Number 2017-26 and shall be valid only during compliance with such conditions and other applicable provisions of the Rio Blanco County Land Use Regulations, Rio Blanco County Building Code and other regulations of the Board of County Commissioners of Rio Blanco County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO**

ATTEST:


Boots Campbell
Clerk to the Board



By: 
Shawn J. Bolton, Chairman

By: _____
Jeff Rector, Commissioner

By: 
Si Woodruff