

**PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2017- 46**

A RESOLUTION CONDITIONALLY APPROVING THE REZONING FROM RESIDENTIAL (R) TO MINING (M) FOR APPROXIMATELY 28 ACRES OF PROPERTY DESCRIBED AS PORTIONS OF TOWNSHIP 9 SOUTH, RANGE 77 WEST, SECTIONS 32 AND 33 (SCHEDULE NOS. 5068, 13444 AND 43796) COMMONLY KNOWN AND NUMBERED AS 1215 AND TBD PLATTE DRIVE, FAIRPLAY, COLORADO.

WHEREAS, the Applicant, High-Speed Aggregate, Inc., has applied to rezone the property described above, from Residential (R) to Mining (M); and

WHEREAS, at a regularly scheduled public meeting of the Park County Board of County Commissioners, preceded by the required public notice, the Board of County Commissioners conducted a public hearing on the application for rezoning at which it reviewed the application and all supporting documentation, the recommendations of the Planning Department and the Park County Planning Commission, and considered the testimony of the Applicant and patrons; and

WHEREAS, based on the testimony and evidence presented at the public hearing the Board of County Commissioner determines and finds that compliance with the standards for approval of a rezoning set forth in Section 5-203 of the Park County Land Use Regulations has been demonstrated by clear and convincing evidence.

NOW THEREFORE, BE IT RESOLVED THAT:

The application to rezone the above-described real property from Residential (R) to Mining (M) is approved subject to the following conditions.

1. Applicant shall notify the Park County Department of Public Works 48 hours in advance when one of more pieces of mining equipment weighing 85,000 pounds (subject to state Bridge Weight Formula) and single axle limit 20,000 pounds and tandem axle limit 40,000 pounds that are transported to the subject property over any County road.
2. Existing driveways on the subject property shall be registered with Park County and driveway permits shall be obtained before construction of any new access points and driveways.
3. No disturbance (defined as grading, vegetation removal or mining activity) other than permitted driveway construction shall occur within 100' of the north side of Platte Drive. No disturbance shall occur within 50' of the west property line of the westernmost parcels or the east property line of the easternmost parcel.
4. Mining and related operations shall not be conducted between 7:00 p.m. and 7:00 a.m., or on Sunday. No mining operations are permitted on recognized federal holidays.

5. Sufficient sand shall be placed in the bed of all trucks prior to loading to reduce noise.
6. Applicant shall provide written notice to the owners of all adjacent properties not less than 10 days before mine start-up in the spring and shutdown in the fall.
7. Reclamation phasing shall be as represented by the Applicant at the July 27, 2017 hearing on this application and the Applicant shall report the mining and reclamation status to Park County Development Services upon completion of mining, completion of initial reclamation, and completion of successful reclamation for each phase.
8. Applicant shall comply with all state and local noise regulations.
9. Applicant may, but is not required to, provide raw aggregate from its wash plant to Park County and adjacent landowners.
10. Sanitation facilities approved by Park County Development Services shall be in place on the subject property during active operations.
11. All representations regarding the conduct of the mining operation made by the Applicant or its representatives, in the application or during the public hearing on the application, are incorporated herein and made a condition of the rezoning. Any failure by the Applicant to perform or comply with such representations or any other condition set forth herein shall be a violation of the County's Land Use Regulations.

Moved, seconded, and passed this 17 day of August, 2017.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS



Mike Brazell, Chairperson

ATTEST:


County Clerk

