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Kathleen Neel – Summit County Recorder

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RESOLUTION NO. 2016-22

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

A RESOLUTION APPROVING PLANNING CASE #PLN16-017, a Conditional Use Permit to allow temporary milling (gravel crushing) of dredge tailings in support of the Swan River Restoration Project on the 136 acre A-1 zoned Williams Placer (MS#1118), Sections 14 and 24 of T6S, R77W 6th PM; (APPLICANT: Summit County Open Space & Trails Department)

WHEREAS, the Upper Blue Basin Planning Commission reviewed the application for a Conditional Use Permit to allow temporary milling (gravel crushing) of dredge tailings in support of the Swan River Restoration Project on the 136 acre A-1 zoned Williams Placer (MS#1118), Sections 14 and 24 of T6S, R77W 6th PM at their March 24, 2016 meeting that was publically noticed as required by law, and after consideration of all evidence and testimony presented to the Commission approved the request Conditional Use Permit on a vote of 6-1; and

WHEREAS, Peter Podore and Joe Harris appealed March 24, 2016 Upper Blue Planning Commission’s approval of the requested Conditional Use Permit (Planning Case PLN16-017) to allow temporary milling (gravel crushing) of dredge tailings in support of the Swan River Restoration Project on the 136 acre A-1 zoned Williams Placer (MS#1118), Sections 14 and 24 of T6S, R77W 6th PM to the Board Of County Commissioners on March 31, 2016; and

WHEREAS, the Board of County Commissioners has reviewed the application and the appeal at a public hearing held on May 3, 2016 with public notice as required by law and considered the evidence and testimony presented at the hearing; and

WHEREAS, the Board of County Commissioners finds as follows:

- A. The proposal is in general conformance with the Goals, Policies/Actions and provisions of the Summit County Countywide Comprehensive Plan, the Upper Blue Master Plan, and the Joint Upper Blue Master Plan as this conditional use permit will facilitate restoration, protection, and enhancement of the Swan River Valley and its open space lands. The temporary adverse impacts associated with any associated truck traffic, dust, and/or noise along the Tiger Road corridor through the adjoining residential neighborhoods would be negligible and are fully offset and acceptable given the significant long term public and environmental benefits resulting from the Swan River Restoration, of which gravel crushing under this conditional use permit is a critical, supporting component.
- B. With compliance with the conditions noted below, the proposed milling/gravel crushing operation is in compliance with the County’s Zoning Regulations for the A-1 zone district, the industrial./commercial performance standards under §3512 et seq., and provisions of §3812 et seq., Mining/Milling, of the Summit County Land Use & Development Code.

- C. With compliance with the conditions noted below, the use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure because any resulting dust or noise would be negligible as experienced by neighboring residential areas and resulting truck traffic on Tiger Road would be significantly less than if the Swan River Restoration Project were to be completed without benefit of onsite milling/gravel crushing.
- D. No services or infrastructure other than Tiger Road are required for project implementation. Tiger Road is constructed to County Road & Bridge standards, has handled heavy truck traffic in the past without noticeable deterioration, and in the assessment of the County Road & Bridge Director is fully adequate to handle any truck traffic generated by this conditional use permit.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT the appeal filed by Peter Podore and Joe Harris of the Upper Blue Planning Commission's March 24, 2016 approval of a Conditional Use Permit (Planning Case PLN16-017) to allow temporary milling (gravel crushing) of dredge tailings in support of the Swan River Restoration Project on the 136 acre A-1 zoned Williams Placer (MS#1118), Sections 14 and 24 of T6S, R77W 6th PM is denied and the Conditional Use Permit is approved subject to the following conditions:

1. The applicant shall monitor progress toward the habitat goals set forth in the conditional use permit application, and provide annual progress reports to the Summit County Planning Department.
2. Milling operations of existing onsite dredge spoils may occur six (6) days a week and only between the hours of 7 a.m. and 7 p.m., Monday through Saturday. The Summit County Planning Department shall be notified at least seven (7) calendar days in advance of commencing milling operations, as well as periodic breaks and/or termination of milling operations.
3. The applicant shall revise their State mining permit to incorporate the design details set forth in this conditional use permit application.
4. Signage shall be posted at the site providing information about the Swan River Restoration project, as well as contact information for questions and comments. Signage meeting the requirements for Construction Project Identification in Chapter 9 of the Code will require a permit.
5. Construction phase dust control and monitoring shall conform to all State, Federal, and local stormwater management, erosion, and sediment control requirements including, but not limited to, controlling onsite fugitive dust with water, or similar comparable measures, and tarping loaded trucks leaving the project site.
6. Periodic project updates shall be posted to the blog on the Swan River Restoration project website at: www.restoretheswanriver.com.

7. Open Space & Trails, in conjunction with the County Manager's Office, shall finalize the travel management plan previously developed and submitted by staff with such plan to be updated to reflect any feedback from preliminary operations at the project site and on Tiger Road. The plan shall be presented to the BOCC and interested parties at a work session to be scheduled in the near future. Notice of the work session shall be sent out via email to interested parties who have provided their email address to the County at the hearing. The final plan shall also be published on the website.
8. The CUP will have a five (5) year term and may only be renewed by the Planning Commission after a public hearing for which substantial public notice is provided. Public notice for this hearing shall endeavor to encompass as many HOAs and properties accessed off of Tiger Road as reasonably practicable.
9. The CUP related activities shall be presented to the BOCC annually, in its proprietary role, for review and comment at a work session, to be scheduled prior to the commencement of the coming construction season. Notice for this work session shall endeavor to encompass as many HOAs and properties accessed off of Tiger Road as reasonably practicable.

ADOPTED THIS 3RD DAY OF MAY, 2016.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**



Thomas C. Davidson

Thomas C. Davidson, Chair

ATTEST:

Kathleen Neel

Kathleen Neel, Clerk & Recorder