

RESOLUTION NO. _____
Series of 2022

RESOLUTION FOR CONDITIONAL USE PERMIT - FILE NUMBER CUP 21-002
LYONS PIT

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter “Board”)

THAT WHEREAS, Ed Lyons, (hereafter "Applicants") has made application for amendment of an existing Conditional Use Permit CUP 21-002 pursuant to 8.2 of the Zoning Resolution of Fremont County to increase truck trips to twenty (20) per day. Said application has been designated as file **#CUP 21-002 Lyons Pit**; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location of the public hearing, telephone number of the Department of Planning and Zoning (hereafter “Department”) and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel; and to appropriate agencies, in accordance with regulations; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location of the public hearing, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on **March 8, 2022**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the county's file concerning the application; and

WHEREAS, it appears that the issuance of a Conditional Use Permit is appropriate;

NOW THEREFORE, BE IT RESOLVED by the Board that:

1. The Board did make the following findings with respect to the application for a Conditional Use Permit as follows:
 - a) The procedural requirements of 8.2 of the Fremont County Zoning Resolution have been met.

- b) The location of the proposed use is compatible with other land uses in the area and does not place an undue burden on existing transportation, utilities, and service facilities in the vicinity, except as otherwise noted in these findings.
 - c) The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
 - d) The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
 - e) The proposed use, if it complies with all conditions on which this approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the county, and will not cause significant air, water, noise or other pollution.
2. A Conditional Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions:
- A. The term of the Conditional Use Permit shall be for 10 Years.
 - B. Shall mirror the terms of the BLM land lease or contract.
 - C. Revise the Conditional Use Site Plan prepared to professional standards drawn at a common increment scale between or including 1" = 50' or 1" = 200'.
 - D. Revise the Construction Table notes on the Conditional Use Site Plan to reflect there are buildings on site.
 - E. Porta-Potties will be on site and all set backs will be met.
 - F. Remove the note on the CUP Site Plan that reads: "Request waiver for not painting equipment."
 - G. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations.
 - H. Applicants shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
 - I. Applicants shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments, and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.

- J. Applicants shall obtain and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- K. All loads of material transported from the site shall comply with applicable Colorado Revised Statutes.
- L. Days of operation will be limited to Monday to Friday from 8 am to 5 pm for mining, crushing, screening and stockpiling.
- M. Days and hours for truck hauling will be Monday to Friday from 8 am to 5 pm.
- N. The number of haul truck trips shall not exceed 5 truck trips per day. (A trip is considered as a single or one direction vehicle movement with either the origin or the destination (exiting or entering) inside the subject property.)**
- O. If a conditional use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to, or does temporarily cease the conditional use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six (6) month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board.
- P. If a Conditional Use Permit is to be transferred, it shall comply with all applicable Federal, State and Local regulations regarding such transfer.
- Q. If it is found by judicial action or it is determined by any other proper authority that any easement used for access into the subject property is not valid, then termination of the Conditional Use Permit will result.
- R. Fremont County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant, at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- S. Only the named party on the permit shall be allowed to operate this Conditional Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board

approval to operate under this Conditional Use Permit must agree to abide by all terms and conditions of this Conditional Use Permit and shall be required to be named on this Conditional Use Permit as additional parties who are bound by the terms and conditions of this Conditional Use Permit.

T. A water truck will be required for dust suppressant, if necessary.

Commissioner McFall moved the adoption of the foregoing Resolution, seconded by Commissioner Grantham and approved by roll call vote as follows:

Mrs. Commissioner Bell: Aye/ Nay / Abstain / Absent

Mr. Commissioner Grantham: Aye/ Nay / Abstain / Absent

Mr. Commissioner McFall: Aye/ Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE:

CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: _____
FREMONT COUNTY CLERK AND RECORDER