

**RESOLUTION NO. \_\_\_\_\_**

**Series of 2021**

**RESOLUTION FOR CONDITIONAL USE PERMIT - FILE NUMBER CUP 07-003 FRONT RANGE AGGREGATES PARKDALE PIT MAJOR MODIFICATION**

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

THAT WHEREAS, Front Range Aggregates, LLC c/o Martin Marietta Materials, Inc. (hereafter "Applicants") have made application for a major modification of an existing Conditional Use Permit CUP 07-003 pursuant to 8.2 of the Zoning Resolution of Fremont County to expand mining onto BLM lands North of the current operation and comply with condition Y of Resolution #31 Series of 1997 for their mining operation. Said application has been designated as file **#CUP 07-003 Front Range Aggregates Parkdale Pit Major Modification;**

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **July 6, 2021**, regular meeting and recommended the **APPROVAL** of such application; 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 **August 10, 2021**, 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. The application for modification of Conditional Use Permit 07-003 subject to continued acceptance and observance of Resolution #23 series of 2008 and Resolution #31 series of 1997 by the Applicants of the conditions in effect shall be issued contingent on the acceptance and observance by the Applicant of the specified conditions in effect as of the date of this approval, including the following conditions:
- A. All existing conditions of operation imposed under CUP 07-003 and CUP 97-005, as modified and amended from time to time since the date of initial approval, shall remain in full force and effect and shall continue to govern the operations.

**WAIVER REQUESTS:** Waivers of the following have been requested and granted:

5.3.3 Lighting: All off-street business, commercial, or industrial parking spaces may be required to be adequately lighted so as to protect the safety of the individual using the area. Said lighting shall not be directed toward surrounding properties.

5.3.4 Landscaping: All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

**CONTINGENCY ITEMS TO BE COMPLETED PRIOR TO COMMENCING OPERATIONS:**

1. Minor revisions to the site plan.
2. Copy of the DRMS permit.
3. Copy of contract for waste disposal.

Commissioner Bell moved the adoption of the foregoing Resolution, with a second by Commissioner Grantham and approved by roll call vote as follows:

Debbie Bell:  Aye / Nay / Abstain / Absent

Kevin J. Grantham:  Aye / Nay / Abstain / Absent

Dwayne McFall:  Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: \_\_\_\_\_

By: \_\_\_\_\_ Attest: \_\_\_\_\_

Chairman

Clerk