

**A RESOLUTION OF THE  
BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO TO APPROVE THE  
SPECIAL USE PERMIT FOR SACKMAN-KOVALCHUK PARTNERSHIP**

**WHEREAS**, Sackman-Kovalchuk Partnership ("Applicant") has filed its application for a Special Use Permit to allow an existing sand and gravel operation to continue under new ownership with the addition of gravel crushing equipment. The existing use is located at 1254 County Road 23 ("Application"); and

**WHEREAS**, notice of a Public Hearing on such Application was published on May 5, 2006 in the Ouray Plaindealer and once on May 10, 2006 in the Ridgway Sun and the Board of County Commissioners of Ouray County, Colorado ("Board") held a public hearing on the Application on August 14, 2006 at 1:30 p.m.; and

**WHEREAS**, on August 14, 2006 the Board reviewed the Application and supporting materials and heard public comment on the Application; and

**WHEREAS**, based upon the Application, supporting materials, Staff Report and public comments, the Board has determined that the Application meets the conditions and criteria set forth in the Ouray County Land Use Code ("LUC") for a Special Use Permit and otherwise complies with the applicable provisions of the LUC; and

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:**

The Application for the Special Use Permit to allow existing sand and gravel operation to continue under new ownership and with the addition of a gravel crushing operation is approved, subject to the following conditions:

1. Documentation shall be submitted showing the transfer of all federal and state regulatory permits from ZMK to the Sackman-Kovalchuk Partnership.
2. A Tri-County water tap shall be procured to augment water needs for the proposed use.
3. The permit is issued to Sackman-Kovalchuk Partnership. If the operation is transferred, notification of the transfer shall be submitted to the Ouray County Land Use Department.
4. All representations contained in the Special Use Permit application shall be conditions of approval and will be complied with.
5. Stockpiling of a maximum of 5,000 cubic yards shall be allowed on site with no single stockpile exceeding the height of 20' and extraction shall not exceed 45,000 cubic yards of material in any calendar year.
6. The operation under this Special Use Permit shall be limited to the hours of 7:00 a.m. to 5:00 p.m., on normal workdays, provided that the Applicant will not allow any trucks to go south from the operation site prior to 8:00 a.m. The term "normal work days" excludes Saturdays, Sundays, and legal holidays recognized by the State of Colorado.
7. At all times the Applicant shall keep in full force and effect, all applicable state federal permits.

8. If the Board determines that there has been a violation of the terms of this Special Use Permit, the Applicant will have 72 hours after written notice to correct said violation. Unless said violation is corrected to the Board's satisfaction, operations under this Special Use Permit will be suspended until the violation is satisfactorily corrected.
9. Due to the addition of crushing equipment, that was not allowed by the previous permit, if it is determined by the Board or its designee, within 60-days of commencement of the crushing operation, that substantial noise or other objectionable influences are created by the addition of the crushing equipment, beyond the boundaries of the property, the Board shall require the Applicant to promptly initiate a mitigation plan. If the proposed mitigation does not reduce the noise or objectionable influences to acceptable levels, the Board shall suspend the special use permit until such time as acceptable mitigation practices are employed.
10. The Permit shall be for a period of five (5) years from the date of this resolution. If the Board determines that there have been repeated violations of County, State or Federal regulations, the Board may suspend operations until the Applicant to the satisfaction of the Board of County Commissioners has demonstrated permanent compliance, or this permit may be terminated. Upon receipt of a complaint, the Board of County Commissioners or its delegate will make an on-site inspection of the operation to determine whether such complaint is founded and the measures to be taken to address such complaint. If suitable measures are not taken to address a founded complaint, the Board may review the Permit and determine whether additional or modified conditions are necessary.
11. It is the intent of the Board to protect adjoining properties from any undue hazard or nuisance related to truck traffic from the operation. In order to accomplish this goal, the Applicant shall use its best efforts to ensure that trucks do not exceed 20 mph from the operation site, south to the bridge across the Uncompahgre River on County Road 23.
12. The Applicant will timely provide the Board with copies of all production reports, other MLRD reports, or any other reports or data which may be required by regulating state or federal agencies throughout the term of this Special Use Permit. Such information and reports shall be submitted to the Ouray County Land Use Administrator at the same time that such reports are submitted to any state or federal agency.
13. Prior to commencement of operation, the permittee shall agree, in writing, to the terms and conditions of this Special Use Permit and to be bound thereby.
14. The County Road and Bridge Superintendent shall review the bridge across the Uncompahgre River on County Road 23 to ascertain the length of vehicle that can cross safely and Applicant shall not permit any trucks to haul gravel from its site that would exceed such limit.
15. County Road 23, from the entrance located at 1254 County Road 23 south to the asphalt pavement, will be evaluated throughout each year by the Ouray County Land Use Administrator and/or the Ouray County Road and Bridge Superintendent and if it is found that the sand and gravel operation has created an excessive dust problem, the Applicant may be required to pay for or apply magnesium chloride to mitigate the problem and if Applicant fails or refuses to cooperate in the application of magnesium chloride, this Permit may be suspended until such condition has been met. It shall also be understood that the Applicant will only be responsible for a maximum of one application per year.
16. The maximum amount of noise allowed for the sand and gravel operation shall be no greater than 55dB(A) when measured at the property line of the subject site.

Adopted this 28<sup>th</sup> day of August, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

Attest:

\_\_\_\_\_  
Heidi M. Albritton, Chair

\_\_\_\_\_  
Don Batchelder, Vice Chair

\_\_\_\_\_  
Michelle Nauer, Clerk and Recorder  
By: Linda Munson-Haley, Clerk of the Board

\_\_\_\_\_  
Kristi R. Westfall, Member