

PLANNING AND ZONING COMMISSION
June 12, 2013 MEETING PACKET
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**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 6/3/2013**

DATE: WEDNESDAY, JUNE 12, 2013
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

7:00pm

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE TO THE FLAG**
- III. SWEARING IN OF NEW PLANNING AND ZONING COMMISSION MEMBERS**
- IV. ELECTION OF NEW OFFICERS**
- V. UNSCHEDULED CITIZENS**
- VI. CONDITIONAL USE APPLICATION CU 13-2, SUBMITTED BY FRANK VADER TO OPERATE A FUNERAL HOME / MORTUARY SERVICE IN THE CENTRAL BUSINESS DISTRICT (CBD)**
- VII. THREE-MILE COUNTY REFERRAL – PRELIMINARY PLAN AND FINAL PLAN APPLICATION FOR A MAJOR IMPACT, MINING OPERATION, PROPOSED AS TOMICHI PIT**
- VIII. CONSIDERATION OF THE MAY 8, 2013 MEETING MINUTES**
- IX. COUNCIL UPDATE**
- X. COMMISSIONER COMMENTS**
- XI. PLANNING STAFF UPDATE**
- XII. ADJOURN**

TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL NEEDS ARE REQUESTED TO CONTACT THE CITY OF GUNNISON COMMUNITY DEVELOPMENT DEPARTMENT AT 641.8090

This agenda is subject to change, including the addition or deletion of items at any time. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are on the City website at www.cityofgunnison-co.gov. Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

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STAFF REPORT
CONDITIONAL USE
Frank Vader – 106 South Taylor Street, Suite B

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: June 12, 2013
RE: Conditional Use Application CU 13-2, request for the operation of a mortuary

CODE PROVISIONS

The City's *Land Development Code (LDC)*, Section 15.70.030 states that a mortuary requires a Conditional Use permit to operate in the Central Business District (CBD) zone. Conditional Uses are those land uses that are generally compatible with the permitted uses in a district zone, but require site-specific review of their location, intensity, density, configuration and operating characteristics. Conditions may be imposed in order to ensure compatibility of the uses at a particular location and mitigate potentially adverse impacts.

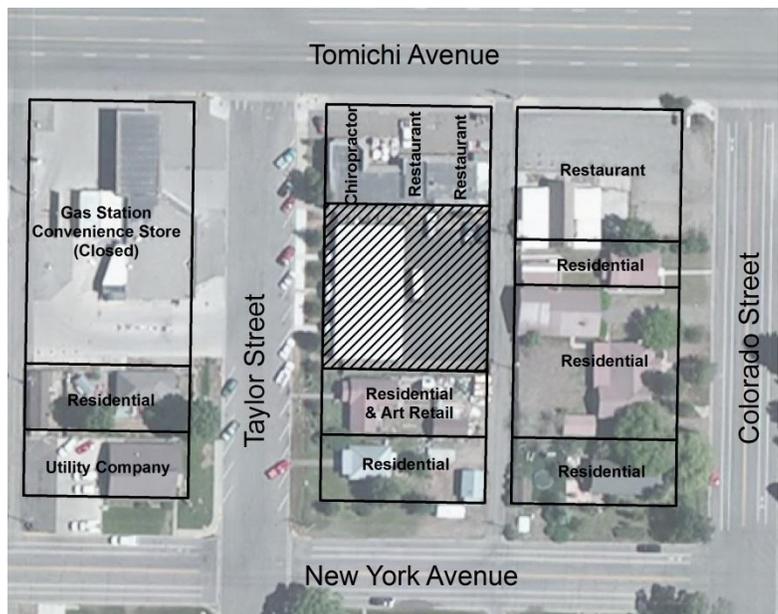
The *LDC* Section 15.130.020D specifies that Conditional Use applications be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a Public Hearing after 15 days public notice. The Commission may approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification.

APPLICATION

The applicant is Frank Vader who is requesting the operation of a mortuary at 106 South Taylor Street, Suite B. The legal description of the site is Lots 4 through 8, Block 31, Original Gunnison, City and County of Gunnison. The applicants' narrative states:

“...The front of half of the space is divided into two rooms; one for the office and the other a small conference room where I will meet with families to make arrangements. The back half has a rest room and the rest of the space will serve as a visitation room where immediate family members, (usually 2 to 8), can visit the deceased prior to cremation.

There will be no funerals or memorial services conducted here. Nor will there be embalming or cremations performed here as that is now done in Montrose. The staff consists of usually just me and an occasional helper. There should be no noise generated from this business audible outside its walls.”

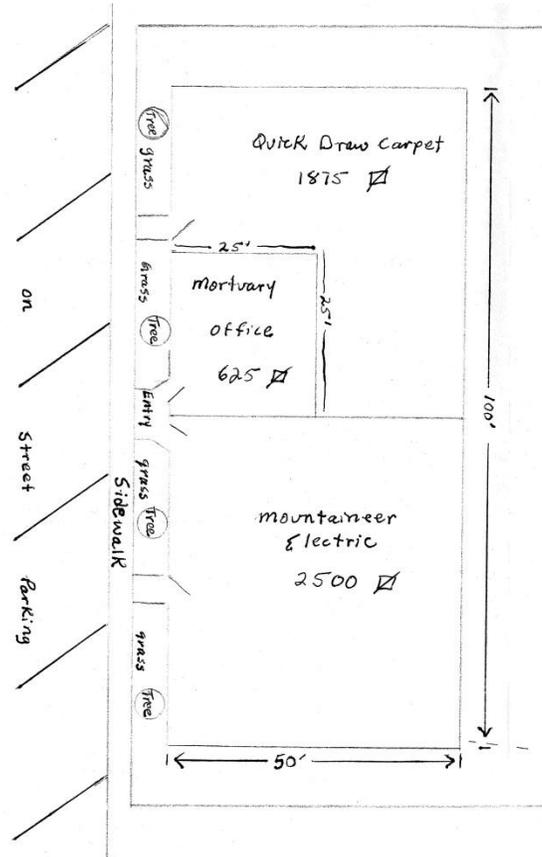


STAFF REPORT
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SITE ASSESSMENT

The property contains one building with three suites. The site is shared by Mountaineer Electric and Quick Draw Carpet Cleaning. Surrounding uses include a gas station (currently closed), three restaurants and a chiropractor's office (Blue Iguana, 5B's Bar-B-Q, Sherpa Café and Black Canyon Chiropractic) to the north, residential to the east, residential, art retail and Atmos Energy to the south and west.

A Conditional Use was granted on this site in 2002 (CU 02-4) for the operation of an electrical contracting office and shop. The existing structure was built in 2003 containing three suites; Mountaineer Electric occupies the largest suite. The proposed mortuary use is requested in the middle suite that is 625 square feet. Other than height restrictions, there are no dimensional standards in the CBD zone district. The site has 12 off-street parking spaces to the rear of the building that are accessed off the north/south alley.



DEPARTMENTAL COMMENTS:

- Building Official: No issue.
- Fire Marshal: No issue.
- Parks and Recreation Department: No issue.
- Police Department: No issue.
- Public Works Director: No issue.
- City Engineer: No issue.
- Water and Sewer Superintendent: No issue.
- Electric Superintendent: No issue.

STAFF OBSERVATIONS

1. The applicant is requesting approval to operate a mortuary in the Central Business District zone which requires Conditional Use approval based on the City's *Land Development Code*.
2. The proposed use is compatible with the surrounding neighborhood.
3. The site is shared with an electrical contractor office and shop and a cleaning service office.
4. The proposed use is similar to a professional office.
5. Off-street parking is located behind the building that is accessed off the alley.
6. No funeral or memorial services will be held at this location.

STAFF REPORT
CONDITIONAL USE

Frank Vader – 106 South Taylor Street, Suite B

REVIEW STANDARDS

The LDC (Chapter 15.130.050) contains the following seven specific standards that must be met for a Conditional Use Application to be approved:

A. Consistency with Master Plan. The use shall be consistent with the City of Gunnison Master Plan.

No Conflict:

Chapter 5, Land Use and Growth, Goal: Sprawl will be avoided through effective infill and compact growth. Residential, commercial and industrial land uses are appropriately located and interspersed with parks and open space, providing a balanced environment in which to live, work and play.

Chapter 7, Economics, Goal: A diversified local economy will support the economic and employment needs of residents and account for social character, land use patterns and global economic and global energy concerns.

B. Conformance to Code. The use shall conform to all other applicable provisions of this Land Development Code including but not limited to:

a. Zone District Standards: The purpose of this zone district in which it is located, the dimensional standards of that zone district and any standards applicable to the particular use, all as specified in Article 7, Use and Dimensional Standards.

No Conflict: The purpose of the Central Business District (CBD) zone is to provide for the business and civic functions that make up the City's core. The CBD has a strong pedestrian character and provides for concentrated commercial activity, with buildings covering the entire street frontage. It contains a mix of business, commercial and residential uses, and serves the needs of the entire community and those of visitors to the community.

b. Site Development Standards: Parking, Landscaping, sign and improvements standards.

No Conflict: There are no parking, landscaping or setback requirements in the CBD zone, however, 12 off-street parking spaces exist at the rear of the building.

C. Use Appropriate and Compatible. The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

No Conflict: The proposed mortuary is compatible with the neighboring uses.

D. Traffic. The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.

STAFF REPORT
CONDITIONAL USE
Frank Vader – 106 South Taylor Street, Suite B

No Conflict: Traffic generated from the mortuary use will be minimal.

E. Nuisance. The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.

No Conflict: There should not be any nuisance created from the mortuary use.

F. Facilities. There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

No Conflict

G. Environment. The use shall not cause significant deteriorations to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

No Conflict

ACTION

During the regular Planning and Zoning Commission meeting held on June 12, 2013, Commissioner _____ moved, and Commissioner _____ seconded, and the Commission voted to APPROVE Conditional Use Application CU 13-2, submitted by Frank Vader to operate a mortuary at 106 South Taylor Street, based on the following findings of fact and conditions:

FINDINGS OF FACT:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the City of Gunnison *Land Development Code* and the City of Gunnison *Master Plan*.
2. The Planning and Zoning Commission finds that this Conditional Use application is for a mortuary in the Central Business District zone.
3. The Planning and Zoning Commission finds that a mortuary is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that the mortuary use does not include funeral or memorial services.
5. The Planning and Zoning Commission finds that 12 off-street parking spaces are located on the site and accessed from the north/south alley.

STAFF REPORT
CONDITIONAL USE
Frank Vader – 106 South Taylor Street, Suite B

6. The Planning and Zoning Commission finds that a mortuary will not be a detriment to the community's health, safety and welfare.

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Application Fact Sheet

City of Gunnison Land Development Code
Minimum Application Contents
In Accordance With 15.120.030 C.

City of Gunnison
P.O. Box 239
Gunnison, CO 81230
(970)641-8090

Applicant Name(s): Frank Vader

Phone #: 970)641-0138 **Fax #:** 970)642-4668 **E-Mail:** vaderfrank@gmail.com

Mailing Address: 425 Homestead Rd.

City: Gunnison **State:** Colorado **Zip:** 81230

Summary of Request:

mortuary office w/ small visitation room

Disclosure of Ownership- Please provide one of the following:

- Assessor Parcel Info Mortgage Deed Judgments
- Liens Contract Easement Agreement Other Agreements

Legal Description

Site Address of Property: 106 S. Taylor unit B **Zoning** CBD

Block: 31 **Lot(s):** 4-8 **Addition:** Original Gunnison

Attachments: Vicinity Map (8.5"x11") Written Narrative/Description of Proposal

Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)

Vested Property Rights Letter/Authorization of Agent (from Owner if not applicant)

Site Plan (11"x17") **to scale**, includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Includes a table for all dimensional requirements based on 15-7-4. (See attached sample)

YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION

Signature(s) Frank Vader

Date 5-4-13

Date _____

For Office Use Only

- Conditional Use Variance Zoning Amendment
- Major Subdivision Minor Subdivision Subdivision Exemption
- Mobile Home/RV Park PUD Vacation
- Consolidated Application

MAY - 6 2013

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Tomichi Avenue

Taylor Street

2 Restaurants
& chiropractor
G

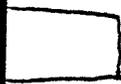
Restaurant
H

Gas Station

Carpet Cleaning

& F

Food Sales



A

Residential
I

(closed)

mountaineer
Electric

Residential

Residential
E

Residential &
Art Sales
B

J

Atmos Energy
D

Residential
C

Residential
K

New York Avenue

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Rest in Pine
425 Homestead Rd.
Gunnison, CO 81230
(970) 641-0138
May 4, 2013

Staff and Planning Commission
City of Gunnison

Ladies and Gentlemen,

I have been looking for some time for a location that I can bring the Funeral Home/Mortuary Services back down town where it belongs. I have been unable to find a space available that I can afford and has commercial zoning. However, I recently found this small rental on Taylor Street that will do just fine. The front half of the space is divided into two rooms; one for the office and the other a small conference room where I will meet with families to make arrangements. The back half has a rest room and the rest of the space will serve as a visitation room where immediate family members, (usually 2 to 8), can visit the deceased prior to cremation.

There will be no funerals or memorial services conducted here. Nor will there be embalming or cremations performed here as that is now done in Montrose. The staff consists of usually just me and an occasional helper. There should be no noise generated from this business audible outside its walls.

Thanks for your consideration of granting this use in the CBD.


Frank Vader

Gunnison Mortuary/Rest in Pine

A Christian Green
P.O. Box 546
Gunnison, CO 81230

Legal: Lots 4-8 Block 31
Original Gunnison

B Paul Brown
116 S. Taylor
Gunnison, CO 81230

C Olivia Ruf
Kyler Whittaker
Darrell Fry
122 S. Taylor St.
Gunnison, CO 81230

D Atmos
121 S. Taylor St.
Gunnison, CO

E Frederick Feller, et al
59814 ME Rd.
Collbran, CO 81624

F Paradigm Services LLC
P.O. Box 180
Gunnison, CO 81230

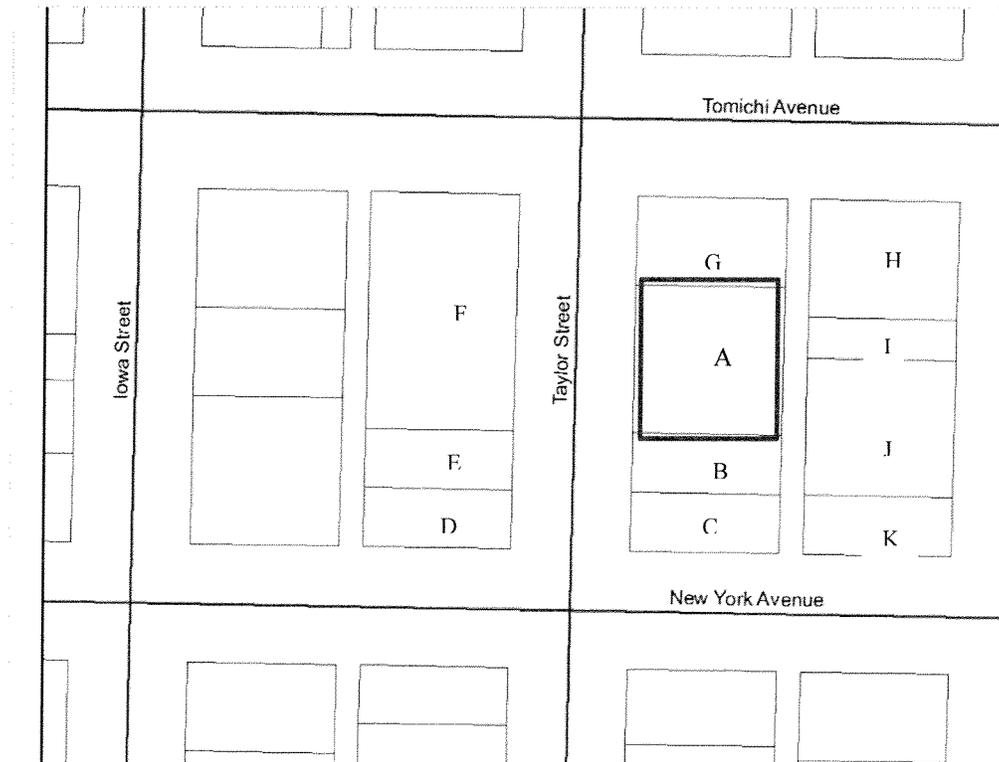
G Marmi Ltd. c/o Tim Scanlon
1515 N. University Drive, Ste. 215
Coral Springs, FL 33071

H Pemba and Jangmu Sherpa
P.O. Box 3145
Crested Butte, CO 81224

I Doris Barber
109 S. Colorado St.
Gunnison, CO 81230

J Jeffrey Szymanski and Jessica Tullius
302 S. Wisconsin
Gunnison, CO 81230

K Laura Crittendon
123 S. Colorado Street
Gunnison, CO 81230



GUNNISON COUNTY ASSESSOR PROPERTY PROFILE

Account #: R001964		Local #:		Parcel #: 378701202010	
Tax Year: 2013	Levy: 44.1520	# of Imps: 1	Created On:		
Tax Dist: 100	Map #:	LEA: 12430	Active On: 04/22/2013		
PUC: INCOME	Initials: BILL	Acct Type: Commercial	Inactive On:		
Assign To: UnAssigned	Last Updated: 04/22/2013				

Owner's Name and Address	Property Address
GREEN CHRISTIAN LLC PO BOX 546 GUNNISON, CO 81230 - 0546	Street: S 106 TAYLOR ST City: GUNNISON
	Business Name
	MOUNTAINEER ELECTRIC/QUICK DRAW/DRUG TESTING CORP

Sales Summary

Sale Date	Sale Price	Deed Type	Reception #	Book	Page #	Grantor
12/29/2004	\$0	SPEC WARR DEED - NO FEE	549704	2005	R00196 4	GREEN CHRISTIAN M
11/20/2002	\$123,500	GEN WARR DEED - FEE	525880	2004	R00196 4	VIEHMAN RICHARD J ETAL
06/29/1999	\$85,000	GEN WARR DEED - FEE	494425	2002	R00196 4	AYERS JAMES R ETAL
02/10/1999	\$0	PUBL TRUST DEED - FEE	490966	1999	R00196 4	DUNBAR ALVA MAY PUBLIC TRUSTEE
03/01/1997	\$95,000	GEN WARR DEED - FEE	474182	1999	R00196 4	Unknown
04/29/1994	\$49,700	GEN WARR DEED - FEE	B000744P0007 57-15	000744	000757	Unknown

Legal

LOTS 4-8 BLK 31 ORIGINAL GUNNISON #525880 #549704

Section	Township	Range	Qtr	QtrQtr	Government Lot	Government Tract
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Subdivision Information

Sub Name	Block	Lot	Tract
GUNNISON ORIGINAL	31	4-8	

Land Valuation Summary

Land Type	Abst Cd	Value By	Net SF	Measure	# of Units	Value/Unit	Actual Val	Asmt %	Assessed Val
Commercial	2135	Market	15,625	Square Feet	15,625. 000000	\$8.20	\$128,125	29.00%	\$37,156
Class				Sub Class					
Land Subtotal:						15,625.00	\$128,125		\$37,156

Authorization of Agent

I/we, the undersigned owner/s of the following described real property located in the City of Gunnison, Colorado, hereby authorize:

Frank Vader

to act in my/our behalf in applying for the following permits from the City of Gunnison, as required by the UBC regulations pertaining to zoning, building and sanitation. Let it also be known that there are amendments to the 1994 UBC as stated in Chapter 14 Article 1:3 of the Gunnison Municipal Code book.

Legal property description (quarter sections, section, township and range, or Lot and Addition/Subdivision name plus street address assigned by the Building Official):

Block 31 Lots 4-8 Original Gunnison

106 S. Taylor Unit B

Type/s of permit applied for:

1) _____ 2) _____

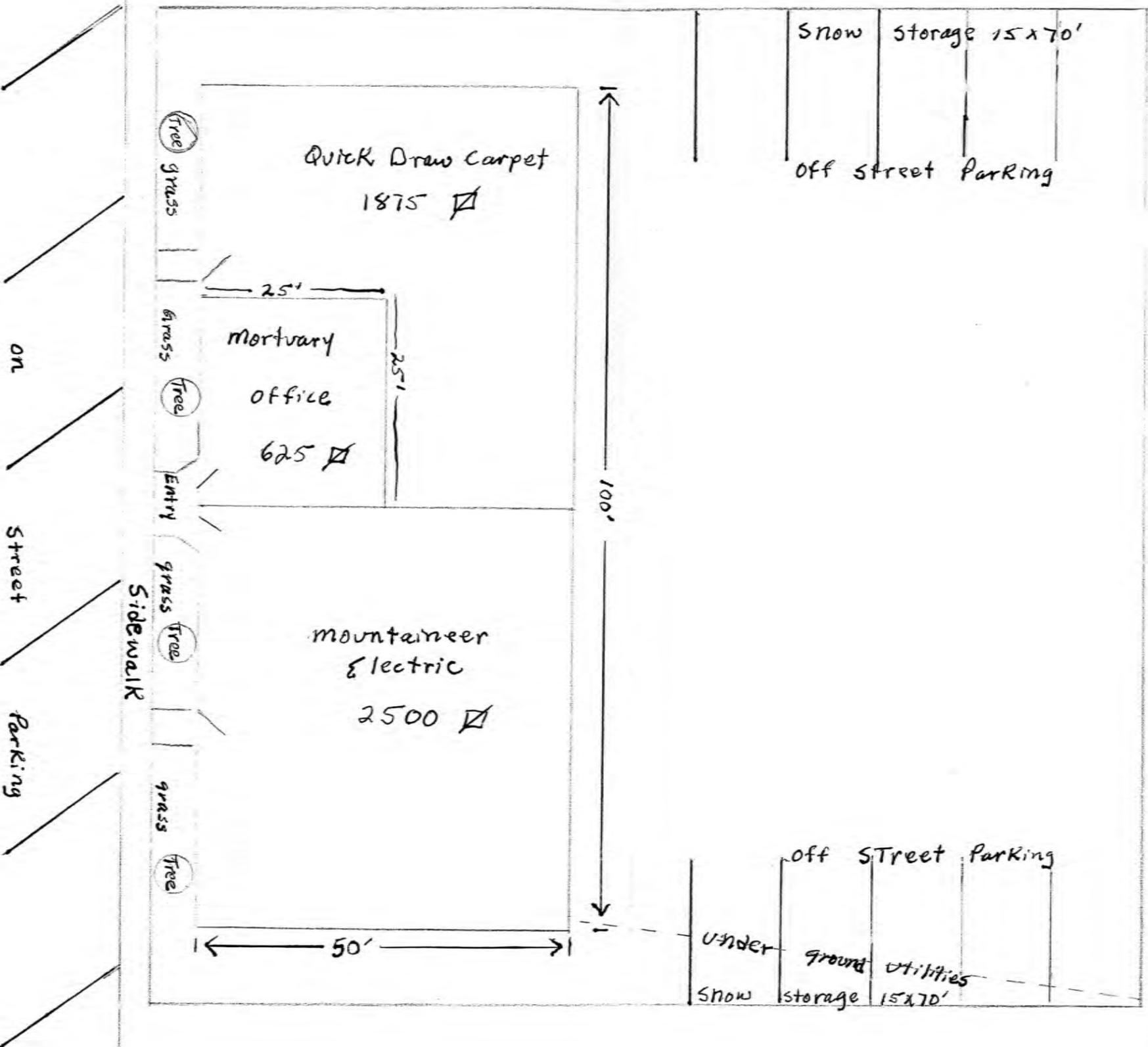
Signature: Christian M. Green 5/6/13
Property owner of record Date

Signature: _____
Property owner of record Date

Signature: _____
Property owner of record Date

2002 edition

South Taylor Street



Alley

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STAFF REPORT
Three-Mile County Referral
Tomichi Pit Land Use Change – Preliminary & Final Plan

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: June 12, 2013

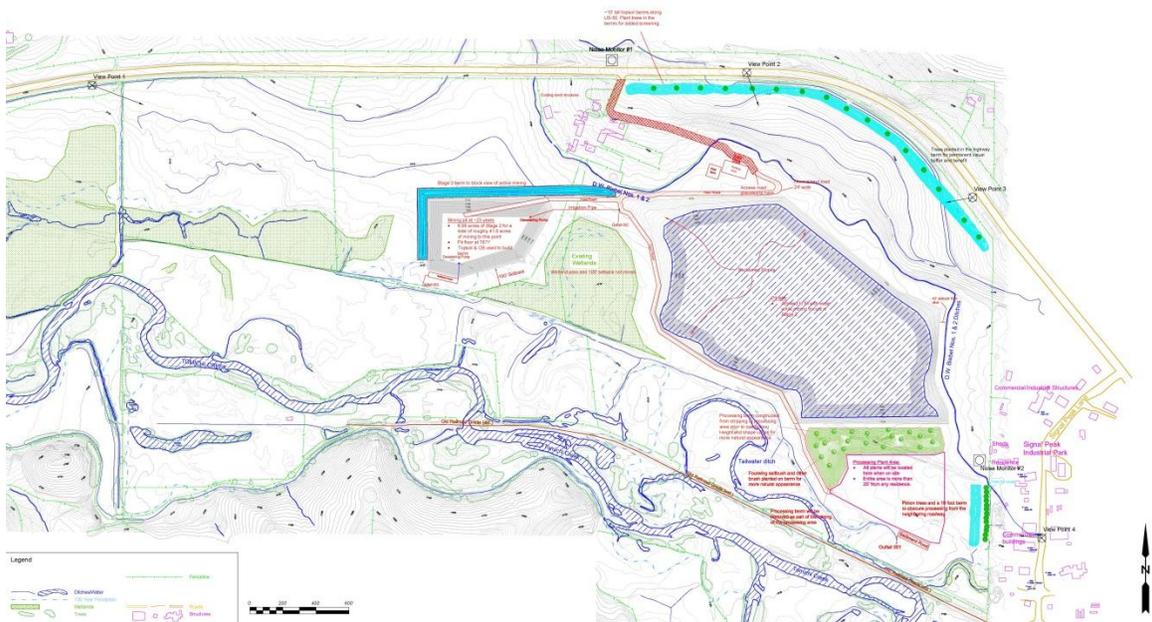
PROCESS

The *Three Mile Plan/Urban Growth Boundary Intergovernmental Agreement* (IGA) specifies the procedure for the review of projects within the Three Mile Planning Boundary and the Urban Growth Boundary. Procedures for such review are outlined in Section III, B.a. of the IGA.

The IGA states “The County Planning Staff shall provide the City Planning Staff with a copy of the complete submittal package at least thirty (30) days prior to the initial action on the application. The City shall provide any comments ... at least 5 days prior to the first scheduled hearing...The decision as to whether to review the Proposed Development Application and whether it shall be reviewed by the City Planning Staff, the City Planning Commission, or the City Council, or some or all other groups, shall be at the discretion of the City; provided however that all Major Impact Proposed Development Applications shall be reviewed by the Technical Review Committee.”

PROJECT DESCRIPTION

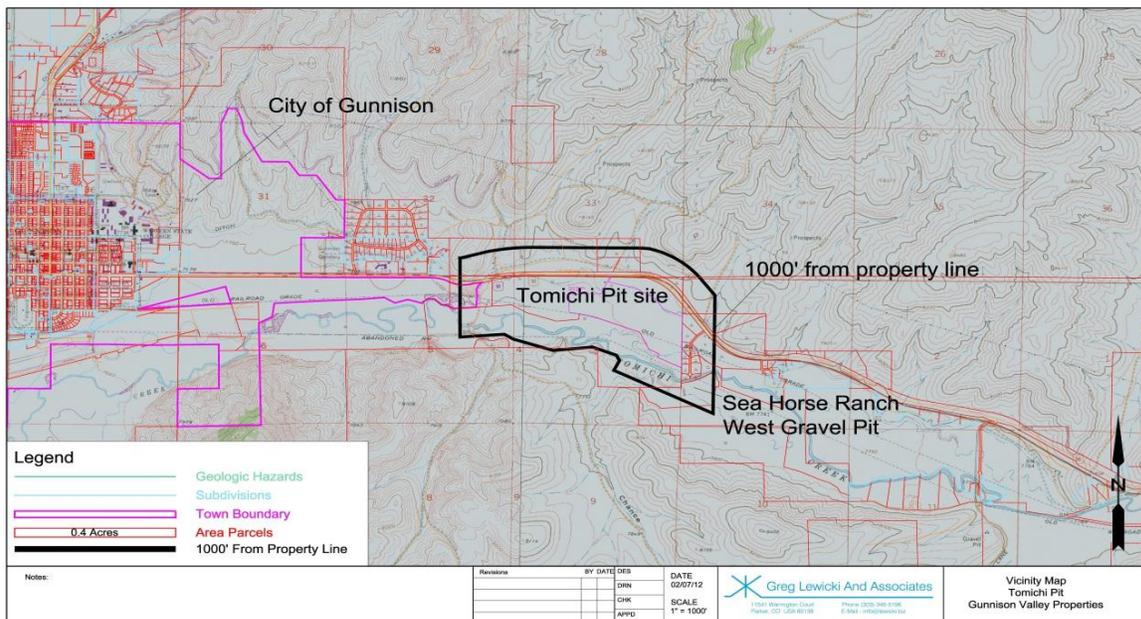
The applicant is Gunnison Valley Properties. The applicant is proposing to permit a 108-acre gravel pit; asphalt and concrete production facilities; stock pile areas; office and truck scales; and an excavation area comprising of 61 acres. The pit is proposed as a year-round operation with operating hours between 6:00 a.m. and 7:00 p.m. The excavation area will be developed and reclaimed in phases. The duration of pit operations is estimated to be 27 years.



STAFF REPORT
 Three-Mile County Referral
 Tomichi Pit Land Use Change – Preliminary & Final Plan

Three-Mile Plan Designation. The proposed gravel pit is located within the three-mile area and outside the *Urban Growth Boundary* designated in the *Three-Mile Plan (1997)*. Based on the Three-Mile map, the proposed site is located in the rural residential land use area (1 unit per 5-35 or more acres).

Surrounding Uses. Surrounding uses include industrial and residential uses within the Signal Peak Industrial Park, agricultural uses, Varra gravel pit and concrete plant (aka United Companies), and the Tomichi Creek State Wildlife Area.



Utilities. The proposed operation will be served by portable toilet facilities—no individual sewage disposal system is proposed. Water consumption will be addressed through an augmentation plan. It is assumed that a well will be drilled on the site. The City has filed a letter of opposition to the proposed water augmentation plan submitted by the LUR applicant. Reasoning for this letter of opposition is to provide the City with the ability to have formal involvement in the augmentation review process.

Stormwater from the operation will be directed to the pit. Groundwater seeping into the pit will be intercepted by dewatering trenches and then conveyed through a settling pond and discharged into Tomichi Creek.

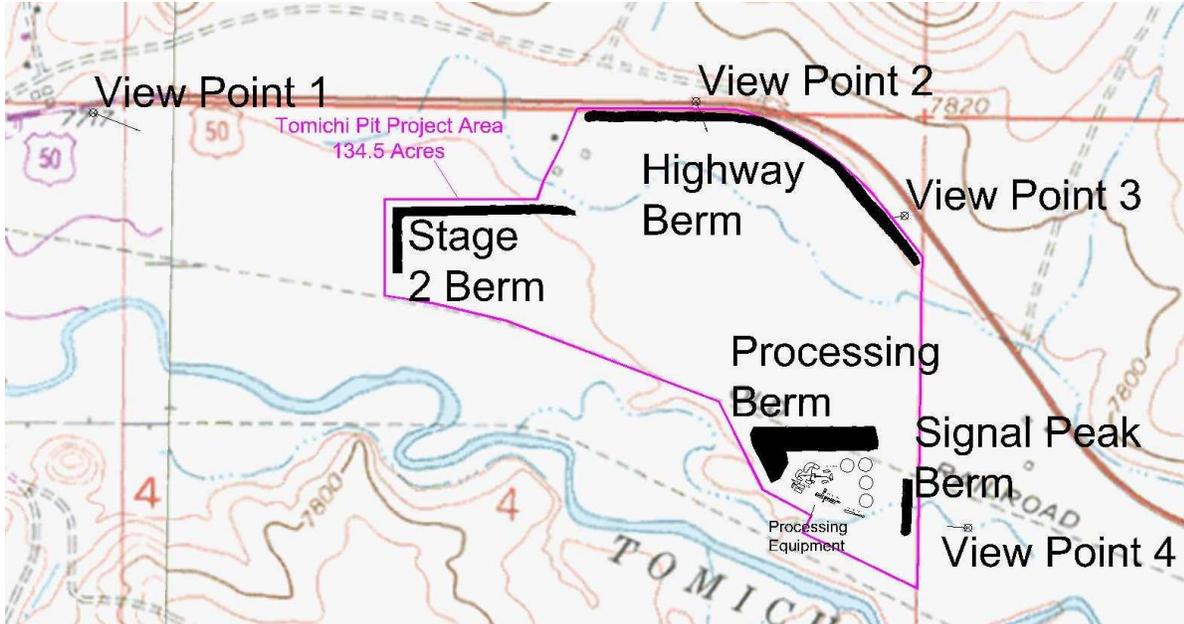
Roads and Access. The peak hour traffic demand generated by the pit is estimated to be 42 passenger car equivalents per hour. The application states that the material sales will be based on the access permit for the site’s intersection with US Highway 50. The highway

STAFF REPORT
Three-Mile County Referral
Tomichi Pit Land Use Change – Preliminary & Final Plan

access to this pit site is included in the Highway Access Control Plan initiated by the City and Colorado Department of Transportation. Completion of the plan is anticipated in November, 2013.

Air Quality. The application contains a Mitigation Plan (to Gunnison County) and an Air Pollutant Emission Notice (to the Colorado Department of Public Health and Environment) to address air quality.

Landscape Buffer. The application states that “...natural screening provided by the topographic rise on the northeast corner of the site will be taken advantage of as much as possible.” Several berms are proposed to screen the production and disturbed pit areas. Visual impact to the area is anticipated.



APPLICATION CONSIDERATIONS

The proposed gravel pit site was included in the Phase 1 and Phase 2 review of the Gunnison Rising Annexation. The proposed uses on the site included a 97-acre residential development to the east of Mr. Bratton’s house and a 79-acre Business Research Park that included industrial uses.

During the Phase 1 and 2 Gunnison Rising review detailed discussions regarding the development of this site occurred. Concerns stated by the City included but, were not limited to the following:

- visual impact to the City’s entrance – an industrial site did not fit the City expectation for its eastern entrance;
- water quality issues with industrial operations were of concern because Tomichi Creek was designated as the Gunnison Rising domestic water supply;

STAFF REPORT
Three-Mile County Referral
Tomichi Pit Land Use Change – Preliminary & Final Plan

- potential impact to existing wildlife habitat. The site is within occupied Sage-grouse habitat and the sage/hay meadow interface is an important habitat for early brood rearing; and,
- the proposed land uses were automobile dependent.

Ultimately, it was determined that the proposed industrial use was not supported by the City for annexation and the site was removed from the proposed annexation area.

Another point for consideration relates to the market competition for gravel in the basin. Since United Industries purchased the Valco pit (Gold Basin) and the Varra pit (Signal Peak Industrial Park) the cost of materials has increased substantially. Additional competition for gravel materials would likely reduce the cost for gravel materials.

June 12, 2013

Gunnison County Planning Commission
200 W. Virginia Avenue
Gunnison, CO 81230

Dear Commissioners:

Thank you for providing the opportunity to comment on the preliminary and final plan for the proposed Tomichi Pit. The following comments are based on the submitted application materials and the relation of the proposed project to the *Gunnison Three Mile Plan and Urban Growth Boundary, City of Gunnison, Colorado* and the *City of Gunnison Master Plan*. Based on the existing Three-Mile Map, the property is designated as Rural Residential (1 unit per 5-35 or more acres) and is located outside of the Urban Growth Boundary.

The Planning and Zoning Commission recognizes the potential benefits of this proposed use. The Planning and Zoning Commission recognizes that the following issues have been addressed for preliminary and final submittal of this LUR application:

- visual impact to the City's entrance with consideration of buffers, screening and other mitigation measures;
- groundwater quality issues with industrial operations because Tomichi Creek is designated as the potential Gunnison Rising domestic water supply;
- coordination between the Colorado Department of Transportation (CDOT), Gunnison County and the City as part of this Three-Mile Plan review and with the US Highway 50 Access Control Plan initiated by CDOT and the City; and,
- the Air Pollutant Emission Notice and Mitigation Plan to address air quality impacts.

Please feel free to contact the City's Community Development Director if you have any questions regarding this letter.

Sincerely,

Chair, Planning and Zoning Commission

CC: City Council

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Gunnison Valley Properties, LLC

Tomichi Pit

PRELIMINARY PLAN & FINAL PLAN APPLICATION TO GUNNISON COUNTY

Major Impact Project – Mining Operation

Submitted April 2013

PREPARED BY:



Greg Lewicki And Associates

11541 Warrington Court
Parker, CO USA 80138

Phone (303) 346-5196 Fax: (303)-346-6934
E-Mail: info@lewicki.biz

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INTRODUCTION

The following is a Preliminary & Final Plan application for the Major Impact – Mining Project known as the Tomichi Pit. The permit is being applied for by Gunnison Valley Properties, LLC, the owner of the entire property on which the operation will take place. The Tomichi Pit is designed and intended to be operated as a sand and gravel, asphalt, and concrete production operation for the purpose of supplying the construction needs in Gunnison County. The mining operation is expected to last just over 26 years, with roughly a year of preparation and reclamation activities for a total project of roughly 27 years. The life of the project may vary with market demand for construction materials.

Since the Tomichi Pit is a construction materials mining operation, a Colorado Division of Reclamation, Mining, and Safety permit application has been prepared. This draft DRMS application has been attached to this Preliminary Plan application as *Appendix A*. Additionally, the draft Stormwater Management Plan for the Tomichi Pit is included in *Appendix G*.

The Preliminary Plan application has been laid out in the same format as the LUR requirements. In most cases, the requirements are directly addressed in the appropriate section of the application. In cases where multiple requirements are similar or addressing LUR requirements and Sketch Plan approval stipulations cover the same topics, the plan proposed by Gunnison Valley Properties is organized in a specific section, and referred to. Typically this is a section of the Impact Mitigation Plan in Appendix B.

C. COPY OF PROPERTY TAX CERTIFICATE

A copy of property tax certificate for the property on which the Tomichi Pit will operate has been supplied to the Gunnison County Community Development Department from the Gunnison County Treasurer's Office.

F. MAPS AND SITE PLAN SHEETS

The following maps are part of this Preliminary Plan and its appendices:

- Map 1 – Location Map
- Map 2 - Natural Features
- Map 3 - Surface Hydrology
- Map 4.0 – Pre Mine Development
- Map 4.1 – Initial Mining
- Map 4.2 – 10 Years of Mining
- Map 4.3 – 15 Years of Mining
- Map 4.4 – 20 Years of Mining
- Map 4.5 – Stage 2 Mining
- Map 4.6 – Processing Area Mining
- Map 5.0 – Sediment Pond Designs
- Map 5.1 – Haul Road Designs
- Map 5.2 – Berm Designs
- Map 5.3 - Structures

Appendix A

- DRMS Map C-1
- DRMS Map C-2
- DRMS Map C-3
- DRMS Map F

Appendix G

- SWMP Map

These maps contain a large amount of the information required for the Gunnison County Preliminary Plan application.

G. GENERAL INFORMATION AND NARRATIVE

The following sections include all of the information required by the Gunnison County Land Use Resolution (LUR) according to Section 7-301: Preliminary Plan Application for Major Impact Projects, subsection G.

1. Applicant

Gunnison Valley Properties, LLC
234 North Main St, Suite 3A
Gunnison, CO 81230
PH#: (970) 641-4531

2. Property Owner

Gunnison Valley Properties, LLC
234 North Main St, Suite 3A
Gunnison, CO 81230
PH#: (970) 641-4531

3. Property location

The Tomichi Pit general location is shown on Map 1. The property upon which it sites is described below.

Located entirely within Section 4 of T49N, R1W of the New Mexico PM.

BEGINNING at the East Quarter corner of said Section 4, thence S00°28'23"W on the East line of the Southeast Quarter of said Section 4, a distance of 631.78 feet to the northeast corner of that tract of land described at Reception No. 541963 of the records of Gunnison County, Colorado, the following five (5) courses are on the north boundary of said tract of land;

- (1) thence N64°28'53"W a distance of 837.27 feet;
- (2) thence N26°27'59"E a distance of 126.51 feet;
- (3) thence N62°30'39"W a distance of 362.73 feet;
- (4) thence N26°32'03"W a distance of 647.60 feet;
- (5) thence N69°31'49"W a distance of 1495.25 feet;
- (6) thence N77°06'26"W a distance of 108.54 feet to the northwest corner of said tract of

land, said point also being the northeast corner of that tract of land described at Reception No. 555707 of the records of said Gunnison County, the following five (5) courses are on the north boundary of said tract of land;

- (1) thence continuing N77°06'26"W a distance of 379.52 feet;
- (2) thence S06°41'19"W a distance of 193.39 feet;
- (3) thence S84°01'23"W a distance of 690.05 feet;
- (4) thence N72°54'10"W a distance of 974.30 feet;
- (5) thence N59°54'40"W a distance of 480.57 feet to the northwest corner of said tract of

land, said point also being the northeasterly most corner of that tract of land described at Reception No. 567628 of the records of said Gunnison County; the following two (2) courses are on the north boundary of said tract of land;

- (1) thence continuing N59°54'40"W a distance of 52.51 feet;
- (2) thence S85°33'42"W a distance of 614.70 feet to the east line of the West Half of the

Northeast Quarter of the Northeast Quarter of said Section 5, said line is also the east boundary of said tract of land described at Reception No. 439635 of the records of said Gunnison County; thence N00°27'55"W on said east line, a distance of 905.54 feet to the south right of way line of US Highway No. 50, the following six (6) courses are said south right of way line;

- (1) N74°32'05"E a distance of 76.03 feet to a curve;
- (2) thence on a curve to the right have a central angle of 06°00'34", a radius of 5680.00 feet for a distance of 595.74 feet, the chord of said curve bears N80°42'22"E, a chord distance of 595.47 feet to the east line of said Section 5;
- (3) thence continuing on said curve to the right having a central angle of 06°12'07", a radius of 5680.00 feet for a distance of 614.81 feet, the chord of said curve bears N86°48'42"E, a chord distance of 614.51 feet;
- (4) N89°59'30"E a distance of 3138.50 feet to a curve;
- (5) thence on a curve to the right having a central angle of 05°35'54", a radius of 3000.00 feet for a distance of 293.12 feet, the chord of said curve bears S88°20'07"E, a chord distance of 293.01 feet to a point of compound curve;

(6) thence on a curve to the right having a central angle of $36^{\circ}41'05''$, a radius 1860.00 feet for an arc distance of 1190.90 feet, the chord of said curve bears $S56^{\circ}20'15''E$, a chord distance of 1170.66 feet to the east line of said Section 4;
thence $S00^{\circ}21'36''W$ on said east line, a distance of 1552.58 feet to the point of Beginning, containing 221.18 acres of land more or less.

This description is based on the Tomichi Creek Corridor Boundary Plat recorded May 3, 2004 at Reception No. 541611 of the records of Gunnison County, Colorado.

4. Date of Application

Preliminary Plan Submitted: April 12, 2013

5. List of Adjacent Landowners

Affected Owner's Name	Parcel Location Relative to Proposed Land Use Change Parcel	Current Land Use on Adjacent Parcel
Division of Wildlife	South	Exempt
Donna Bratton	West	Agricultural
Bureau of Land Management	East	Exempt
Rivers Edge Property, LLC	East	Mixed Use
Oldcastle SW Group, Inc.	East	Mixed Use
Oldcastle SW Group, Inc.	East	Commercial
Mick Justin Howard, Et. Al.	East	Mixed Use
Commercial, LLC	East	Commercial
Varra Companies, Inc.	East	Commercial
Lone Oak, LP	East	Agricultural
Steven K Fry	North	Residential
Cameron Dierks	North	Residential
Dale J McDermott	North	Residential
Garnet L Manning (c/o Kelly Bailey)	North	Agricultural
Garnet L Manning	North	Agricultural
Hamilton B. Cooper	East	Residential

6. Project Description

The goal of the Tomichi Pit is to mine the sand and gravel resource present on site. In order to accomplish this, sand and gravel will be mined from within a roughly 60.60 acre mining area, beginning in the SE corner of the property. This includes berms, access, roads, and other permanent structures. The total disturbance area is anticipated to be 72.70 acres. The excavation will grow to the north and then west as time goes on, with reclamation occurring concurrently with the mining operations. Once mining and reclamation are complete, the resulting lake, wetlands, and surrounding dryland will be set aside as wildlife habitat.

Mining operations at the Tomichi Pit will involve the extraction, crushing, screening, and washing of an expected average of 200,000 tons of sand and gravel per year. Asphalt and concrete will also be produced at this facility. The estimated resource of the Tomichi Pit is 5.3 million tons, which will take approximately 27 years to mine and reclaim. The Tomichi Pit will be a wet pit, requiring dewatering during its mine life. Dewatering activities are described in more detail in the attached *DRMS permit (Exhibit G)*. Lowering the water table within a sand and gravel pit during operations is a commonly used practice in the construction materials mining industry. The water from this dewatering process is clean, and discharged through CDPHE approved discharge points into the local surface water regime. At the Tomichi Pit, some water from this pit dewatering will be used to maintain the local wetlands during mining. This is a common practice which the USACOE approves of (see Appendix E).

Access to the site will be based on the existing residential and agricultural property access on to US Highway 50, as seen on *Maps 4.0 – 4.6*. A traffic study was conducted to determine if any improvements to the access are needed as part of a CDOT permit. This study is included in *Appendix C*. The bulk of the traffic generated by the site will be in the form of highway trucks hauling product to construction projects. Also in *Appendix C* is the access design and cost estimate.

The long term plan for this site (beyond mining) is wildlife habitat. *DRMS Map F* shows the proposed configuration of the lakes and wetlands that will be built.

a. Uses and Activities

The Tomichi Pit site will be used for the production of construction materials such as sand, gravel, concrete, and asphalt. This will require the development of a 72.70 acre operation on site (roads, mining pit, etc.) as part of a 134.50 acre project. This includes the mining pit, internal roads, berms, sediment ponds, processing area, office area, fuel storage, stockpiles, and all other operation related development.

b. Number of Units of Other Sized of Uses

The Tomichi Pit is a single industrial use over 72.70 acres.

c. Description of Structures

Map 5.3 shows the types of facilities and structures that will be on site during the operation.

d. Description of Off-Site Resources

The only off-site resources that are necessary to complete the project are the existing state and county roads that access the site.

e. Identification of Lot Use if Project is Subdivision

Not applicable

f. Seasons and Hours Of Operation

The Tomichi Pit will run year-around, although operations will likely be minimal in the winter. Most mining will take place from early April to late October when construction projects are most prevalent. Material will be stockpiled on site during the summer for sale during the rest of the year to continue to supply construction industry needs. Some excavation may take place in the off-season, but that is expected to be less than 30% of total annual production. The most common winter activities will be site maintenance and sales from stockpiles.

Tomichi Pit will operate from 6 am to 7 pm Monday through Saturday year around, but off-season operations may be curtailed by weather or darkness.

g. Phases

The Tomichi Pit is not designed or intended to be completed in phases as defined in the Gunnison County LUR. All elements of the operations that are proposed as part of the Tomichi Pit are covered in this application.

7. Compliance With Each Condition Of Sketch Plan Approval

The Sketch Plan application for the Tomichi Pit was approved by Gunnison County on February 5, 2013, with the following conditions:

- (1) A detailed mitigation plan, addressing the standards of Section 13-119: Standards to Ensure Compatible Uses, as well as other measures to mitigate issues raised during this Sketch Plan review, including a detailed, comprehensive landscaping & screening plan for Highway 50 and areas adjacent to Signal Peak Industrial Park F#1.**

The detailed Impact Mitigation Plan can be found in Appendix B.

- (2) Site plan for the proposed locations of all concrete and asphalt batching operations, including setbacks from property lines.**

Maps 4.1 – 4.6 show the site plan details including the location of the processing activities throughout mine life. A processing area is shown on these maps; the processing equipment and activities will take place anywhere within this area.

- (3) Site plan identifying all internal haul roads.**

Maps 4.1 - 4.6 show the route of internal hauls roads over the life of the mine.

- (4) A description and details of the program for long-term PM 10 air quality monitoring, with methodology acceptable to the Colorado Department of Public Health and Environment, including dust control mitigation measures.**

A description of the long-term air quality monitoring (including PM10) according to CDPHE accepted methodology and the dust control measures for Tomichi Pit can be found in the Impact Mitigation Plan (section 3.0) in Appendix B.

- (5) A plan for air quality mitigation, specific to the concrete and asphalt batch plants, regarding air quality monitoring, odor and opacity controls.**

All air quality impact mitigation information can be found in section 3.0 of the Impact Mitigation Plan in Appendix B.

- (6) A plan for noise mitigation, initial noise level testing, both on and off-site locations that may be affected by the operations and a program for periodic noise monitoring.**

Noise impact mitigation is addressed in section 2.0 of the Impact Mitigation Plan in Appendix B.

- (7) The applicant shall address concerns related to potential impacts of the operation and pit dewatering on the Tomichi Creek fishery.**

Colorado Parks and Wildlife officials were contacted regarding this specific issue, and informed the applicant that comments would be provided as part of the official response to the Gunnison County planning staff request for comment during the plan review process.

- (8) The applicant shall address the existing use of the agricultural irrigation water and identify provisions to ensure that the water and delivery is not adversely impacted.**

Agricultural irrigation water protection is addressed in Development Impacting Agricultural Lands, subsection 2.

- (9) A plan for water quality protection, in compliance with Section 11-107: Protection of Water Quality. D. 2.**

Water quality protection is addressed in section 4.0 of the Impact Mitigation Plan in Appendix B.

- (10) Demonstration of and compliance with all applicable standards in Section 9-404: Site Location and Setbacks for Mining Operations and Section 9-405: General Development Standards for Mining Operations.**

Sections 9-404 and 9-405 are directly addressed further on in this application.

- (11) A plan for maintaining and preserving any cultural, historical or archeological resource identified or discovered during the mining operation.**

Management of impacts to cultural, historical, or archeological resources identified or discovered during the mining operation is addressed in the Impact Mitigation Plan, section 5.0.

- (12) A noxious weed control plan.**

See DRMS Exhibit E, section 5 for the Tomichi Pit weed control plan.

- (13) A spill control and prevention plan, and mitigation.**

A draft Spill Prevention Countermeasures and Control Plan is attached in Appendix G. This plan will be revised throughout the mine's life to appropriately reflect the controls necessary for whatever chemicals are stored on site. The current fuel tank list is an

approximation based on similar sites in Colorado, and will be changed to reflect on site conditions once operations commence.

(14) The applicant shall address how the development comports with Section 13-102: Applicability. B. Development Shall Consider Municipal Three-Mile Plan.

The Tomichi Pit comports with the City of Gunnison Three Mile Plan by placing industrial activity adjacent to existing industrial activity (Signal Peak), minimizing visual, water, air, and other impacts with a detailed Impact Mitigation Plan, and providing sufficient buffers between operations and wetlands and wildlife habitat. The removal of agricultural land from the Three Mile Plan applicable area is necessary to exploit the gravel resource, which provides a clear economic benefit to the City and County of Gunnison. The only development within the 100-YR floodplain is a portion of the Stage 2 mining area, including the pit itself and its associated sediment pond. These act as hydrologic sumps, reducing the downstream flood level slightly.

(15) The applicant shall contact the Manager of the Gunnison/Crested Butte Regional Airport for input regarding whether the location of the pits will create issues with Federal Aviation Administration guidelines related to waterfowl mitigation.

Gunnison Public Works officials were contacted regarding this specific issue, and informed the applicant that comments would be provided as part of the official response to the Gunnison County planning staff request for comment during the plan review process.

H. ENGINEERED PLANS

The engineered plans for parts of the Tomichi Pit operation can be seen on the following maps.

Map 5.0 – Sediment Pond Designs

Map 5.1 – Haul Road Designs

Map 5.2 – Berm Designs

Other maps contain plan views of the mine site with pertinent design and planning details. Exhibit U of the DRMS permit contains the geotechnical stability evaluation for the permanent slopes. All of these designs have been prepared under the supervision of a Colorado licensed professional engineer.

I. FLOOD HAZARD AREAS

The FEMA 100 YR floodplain from the National Flood Insurance Rate Maps for the area can be seen on Map 4.1 – Development Layout. Excavation of sand and gravel will take place in the southwest corner of Stage 2, in an area that is within the delineated 100 YR floodplain. This is the only portion of the Tomichi Pit that crosses into the 100 YR floodplain. The Stage 2 pit will act as a hydrologic “sink”, trapping floodwater during mining and reclamation, and thus reducing the volume of water flowing downstream in a flood.

No processing equipment will be placed in the Stage 2 pit, but mining equipment, such as front-end loaders or haul trucks, will be present in the pit. This equipment is highly mobile, and will be removed from the Stage 2 pit in the event of flooding. All equipment will be removed from the Stage 2 pit floor at the end of the work day. No equipment will be stored in the floodplain.

Tomichi Creek floodwater elevations will be monitored with a gauge located upstream of the Stage 2 pit. The gauge will consist of a pole marked with a Monitoring Level and an Evacuation Level. The Monitoring Level will be 2.0 feet below the elevation that would flood the Stage 2 pit. The Evacuation Level will be 1.0 feet below the elevation that would flood the Stage 2 pit. Staff will check the gauges daily during the operation season (typically mid-April to mid-October), and if the water level is at or above the Monitoring Level, the gauge will be checked once an hour by personnel for the remainder of the work day. If water levels reach the Evacuation Level, all personnel and equipment will be removed from the Stage 2 pit.

It is not part of the Tomichi Pit mining or reclamation plan to construct any facilities or permanent structures in the 100 YR floodplain. A minimum buffer of 100' will always be maintained between the pit and Tomichi Creek to prevent pit capture.

A floodplain development permit will be applied for if it is determined to be necessary by the Gunnison County planning department. The applicant does not believe it is necessary, since the only permanent construction in the floodplain is the creation of a hydrologic sink (lake).

J. GEOLOGIC HAZARD AREAS

The west end of this property is located in the High Water Table geologic hazard area according to the Colorado Geologic Survey report Geologic Hazards in the Crested Butte-Gunnison Area, Gunnison County, Colorado by James M. Soule (1976), as shown on Map 2 – Natural Features. However, the geologic hazard map does not extend into the area that will be affected by mining operations. For the purpose of the application, it is assumed that the mining area falls within the High Water Table hazard due to the presence of ground water close (~5') to the surface. High Water Table Areas are locations where "ground water is at or near ground surface much of the year". The risks to construction in such an area are minimal, particular for operations like the Tomichi Pit. The Tomichi Pit will not involve the construction of septic systems or basements that would be impacted by the High Water Table. Operations within the pit itself will be protected by active dewatering of the ground water via pumps. Once mining is complete, the reclaimed pit lake and surrounding land will not be affected by the High Water Table hazard.

1. Maps

Map 2 – Natural Features shows the geologic hazard areas near the Tomichi Pit.

2. Geotechnical Report

The Tomichi Pit is not located within any of the hazard areas listed in the Gunnison County LUR. A geotechnical determination of the slope stability of the permanent lake slopes can be found in Exhibit U of the DRMS permit application.

3. WILDFIRE HAZARD AREA AND FIRE PROTECTION

According to the Gunnison County Wildfire Hazard Map from the Colorado Forest Service, the Tomichi Pit is located in an area of low wildfire hazard. The Tomichi Pit will not increase the risk of wildfire in this area. Map 2- Natural Features shows the Wildfire Hazard levels in and around Tomichi Pit.

4. WILDLIFE HABITAT

The Tomichi Pit mining and reclamation plans will be developed and executed with input from Gunnison County and the Colorado Parks and Wildlife to mitigate or prevent adverse impacts to local wildlife. The Tomichi Pit is more than 0.6 miles from any Gunnison Sage-grouse lek, and the project's expected impact on the Gunnison Sage-grouse will be minimal based on the evaluation conducted by the Gunnison County (*Appendix B*). The nearest lek is over a mile away and therefore not visible on any of the maps attached to this application.

Gunnison Valley Properties will work with the Colorado Parks and Wildlife (CPW) to maintain irrigation water access for their property. This should mostly be achieved during mine life by discharging from Sediment Pond 1 into the tailwater ditch that runs along the north side of the CPW property.

Colorado Parks and Wildlife has not identified any sensitive wildlife habitat on site, and therefore a wildlife habitat analysis is not necessary.

5. WATER QUALITY INFORMATION

All water quality information can be found in section 4.0 of the Impact Mitigation Plan.

6. DEVELOPMENT ON RIDGELINES

The development of the Tomichi Pit does not involve the construction of any buildings on any ridgelines. The entirety of the site is within a low lying area south of US Highway 50.

7. DEVELOPMENT IMPACTING AGRICULTURAL LANDS

The Tomichi Pit is being developed both on and adjacent to land that has been historically used for agriculture.

1. Agricultural Land Owner

Only the property owned by Donna Bratton west of the Tomichi Pit has a land use listed with the Assessor's office as Agricultural.

2. Agricultural Ditch

The Biebels No. 1 & 2 Ditch run through the north side of the site; this ditch will not be affected by mining operations. Water pumped from the pit may be discharged into this ditch in order to ensure ditch flows during pit dewatering. The ditch is shown on all plan view maps of the site. The Biebels Ditch has a decreed capacity of 45.99 cfs. Ditch flow ownership is as follows:

1. Gunnison Valley Properties, LLC: 48.90%
2. Colorado Parks and Wildlife: 19.20%.
3. Manning: 0.10%

4. Town of Gunnison: 14.58%

Portions of the water rights owned by Gunnison Valley Properties, LLC in the Biebels Ditch will be used to augment the consumptive uses of mining and reclamation activities at Tomichi. Other water rights in the ditch will not be affected. There is no formal easement associated with the ditch, but a minimum 40 foot buffer from the pit is being applied along the ditch for this application. This is to provide room for maintenance of the ditch during and after mining.

The Colorado Parks and Wildlife uses a tailwater ditch to irrigate portions of their property to the south. This ditch has been historically fed by tail water from the irrigation of the Tomichi site from the Biebels Ditch. The start of this ditch can be seen on *DRMS Map C-1* on the southeast corner of the permit area.

Gunnison Valley Properties, LLC will maintain the flow in this return ditch during mining by discharging some of the water from Outfall 001 (Stage 1 Sediment Pond discharge) into the return ditch channel. During reclamation, a new connection to the Biebel Nos. 1&2 Ditches will be added to the tailwater ditch. This is to facilitate CPW access to irrigation water they own for the eastern end of their property. CPW has informed Gunnison Valley Properties of its support of this plan in a letter which can be found in *Appendix E*.

3. Easements

There is no delineated maintenance easement for the Biebels No 1 & 2 ditch. A 40' wide maintenance buffer will be maintained so from the mining operation.

4. Livestock Drives and Fencelines

Livestock has been brought onto this property on a contract grazing basis only. No stock drive easements are present on the property. All existing fences can be seen on the *DRMS Map C-1*.

8. LAND BEYOND SNOWPLOWED ACCESS

The Tomichi Pit access is via US Highway 50, which is plowed by the Colorado Department of Transportation.

9. DEVELOPMENT IN NATIONAL WILDERNESS

The Tomichi Pit is not located on any inholding of a National Wilderness Area.

10. DEVELOPMENT ABOVE TREELINE

The Tomichi Pit is not above treeline.

11. ROAD AND TRAILS SYSTEM PLAN

Roads within the Tomichi Pit are of two kinds: the main access road from Highway 50 and the internal haul roads. The access road route can be seen on Maps 4.0-4.6. The internal haul roads will vary over time. The design detail for these haul roads can be seen on Map 5.1.

The layout of all road associated structures such as culverts and bridges can be found on Maps 4.0-4.6. Visual and dust impacts are covered in sections 1.0 and 3.0 of the Impact Mitigation Plan in Appendix B.

12. WATER SUPPLY PLAN

The Tomichi Pit will consume water in three ways: water used for mining operations, water evaporating from the lake upon reclamation, and water consumed by personnel on the site.

The mining operation will use water to minimize dust generated by traffic on the internal haul road, to minimize dust during crushing and screening operations, and water will be consumed during pit dewatering. Once mining and reclamation are complete, water will be consumed by evaporation across the lake surface. Potable water will be brought on site for personnel to consume during operations.

WestWater and Associates constructed two test ground water wells on the Donna Bratton property to the west of the Tomichi Pit area in the same aquifer. Water from these wells was analyzed for quality and quantity. The report can be found in Appendix B with the impact mitigation plans.

1. Water Sufficient for Landscaping

Water will not be used for landscaping, since the seed mix used on the berms will be a dryland mix. The irrigation of dryland areas during revegetation leads to water demanding species pushing out dryland species. This can lead to revegetation failure in these areas if the irrigation is ever removed.

2. Fire Prevention and Fire Suppression

Based on WestWater's evaluation of the ground water aquifer and the water demands of the operation, there will be an excess of at least 245 gpm available.

3. Evidence of Surface Water Right

An augmentation plan for the Tomichi Pit has been approved by the State Engineer's Office to cover the ground water consumptive use with water rights from the Biebels No. 1 & 2 ditch. This augmentation plan will use water that is available from water court decree 06CW123.

13. SEWAGE DISPOSAL/WASTEWATER TREATMENT

Portable toilet facilities will be installed on site for use by operation personnel. No septic system will be installed as part of Tomichi Pit.

14. GENERAL SITE PLAN STANDARDS AND MEASUREMENTS

The Tomichi Pit has been designed in accordance with the requirements of the Gunnison County Land Use Resolution Section 13.103: General Site Plan Standards and Lot Measurements. No residential structures will be built on this site, and no subdivision is planned. The only facilities to be constructed on site are as follows:

- Office trailer (10' W x 30' L x 10' H))
- Truck scale (10' x 50', installed in access road)

Gravel crushers and screeners, wash plants, asphalt plants, and concrete plants are anticipated to be mobile equipment, and therefore will not involve the construction of any buildings. In the

event that a fixed plant is installed, a 5' x 10' control trailer may be installed with said plant. Trailers like this will be wheel mounted.

15. SETBACKS FROM PROPERTY LINES AND ROAD RIGHTS-OF-WAY

Setbacks for the Tomichi Pit operation are addressed under the response to Section 9-404 below.

16. STRUCTURAL DESIGN

Map 5.3 shows examples of the structures and plants that will be located at the Tomichi Pit during its operational life.

17. LANDSCAPING PLAN

As stated in the Gunnison County Land Use Resolution, Section 13-111: Landscaping and Buffering does not apply to mining operations. However, landscaping is part of the visual impact mitigation, and is discussed in section 1.0 of the Impact Mitigation Plan in Appendix B.

18. RECLAMATION AND NOXIOUS WEED CONTROL

Reclamation will be concurrent with mining at the Tomichi Pit. The *Exhibit E* of the DRMS application contains the reclamation plan for the Tomichi Pit. *DRMS Map F* shows the reclamation condition for the site.

The *Earthmoving Site Revegetation and Noxious Weed Control Plan* requirements have been incorporated into the Revegetation and Weed Control portions of *Exhibit E* of the DRMS permit. This plan has been approved by the Gunnison Basin Weed Specialist.

19. GRADING AND DRAINAGE PLANS

DRMS Map C-1 shows the baseline conditions for the site, while *DRMS Map F* shows the reclaimed conditions. Map 3 - Surface Hydrology shows a comparison of these two points in the Tomichi Pit's life, with drainage information. A detailed drainage plan is shown below

Drainage, Construction, and Runoff Plan

This plan is designed to satisfy the requirements of Section 13-117 of the Gunnison County Land Use Resolution. All calculations of runoff are based on the 100-Year, 24-Hour storm event for the Gunnison, CO area. The rainfall for this event is taken from the NOAA Atlas 2, Volume III-Colorado.

Baseline Surface Water Drainage

A map showing the stormwater runoff directions that exist on the Tomichi Pit site currently is attached to this document (*Map 3 - Surface Hydrology*). The mining operation at Tomichi Pit will change the baseline conditions on the site in two steps. The first will be the excavation of the sand and gravel pits, the second is the creation of the reclaimed lakes. Runoff quantities have been calculated for each scenario using the same procedure as the baseline conditions. For the mining conditions, the removal of vegetation from the disturbed area increases the curve number for portions of the stormwater basins. This would increase the runoff on site. However, the creation of mine pits allows the site to contain more runoff than it generates. Once the pit slopes are reclaimed, the curve number for the site will lower some. The topographic changes to the site still will trap some runoff in the lake areas.

Most of the pre-mine permit area drains to Tomichi Creek, but a portion of the area runoff is intercepted by various ditches as shown on *Map 3 - Surface Hydrology*. These ditch interceptions have been ignored in all calculations. None of the permanent berms will alter the stormwater flows over the whole site.

Runoff Calculations (SCS Method in Carlson 2012)

Pre-Mine Site Runoff for Entire Permit Area

Project: Baseline Runoff
 By: B Langenfeld Date: 04/20/12
 Location: Tomichi Pit Checked: Date:
 Present

1. Runoff Curve Number (CN)
 Cover description CN Soil Group Area(Acre)
 Pasture Grassland Range (Good) 74 C 208.958

CN (weighted): 74.0
 Total Area: 208.958 Acre

2. Runoff
 Return Period: 100-Year
 Rainfall, P: 2.20 in
 Runoff, Q: 0.4474 in
Runoff Volume: 7.7909 Acre-Ft

For mining and reclamation conditions, a portion of the area drains to the lakes, and some undisturbed portion will continue to drain off site.

Runoff to Pits During Mining

Project: Runoff to Pits during Mining
 By: B Langenfeld Date: 04/20/12
 Location: Tomichi Pit Checked: Date:
 Developed

1. Runoff Curve Number (CN)
 Cover description CN Soil Group Area(Acre)
 Mined Land, Disturbed (Poor) 87 C 69.105
 Pasture Grassland Range (Good) 74 C 114.770

CN (weighted): 78.9
 Total Area: 183.875 Acre

2. Runoff
 Return Period: 100-Year
 Rainfall, P: 2.20 in
 Runoff, Q: 0.6383 in
Runoff Volume: 9.7812 Acre-Ft

Runoff to Lakes After Reclamation

Project: Runoff to Lakes Post-Mine
 By: B Langenfeld Date: 04/20/12
 Location: Tomichi Pit
 Developed

Checked: Date:

1. Runoff Curve Number (CN)

Cover description	CN	Soil Group	Area(Acre)
Herbaceous mixture (Good)	74	C	19.630
Pasture Grassland Range (Good)	74	C	114.745
Water Surface	98	C	49.500

CN (weighted): 80.5
 Total Area: 183.875 Acre

2. Runoff

Return Period: 100-Year
 Rainfall, P: 2.20 in
 Runoff, Q: 0.7094 in
Runoff Volume: 10.8703 Acre-Ft

Runoff to Leave Site Post-Mine (primarily wetlands between the two lakes and some buffer areas)

Project: Runoff that Leaves the Site Post-Mine
 By: B Langenfeld Date: 04/20/12
 Location: Tomichi Pit
 Developed

Checked: Date:

1. Runoff Curve Number (CN)

Cover description	CN	Soil Group	Area(Acre)
Pasture Grassland Range (Good)	74	C	25.081

CN (weighted): 74.0
 Total Area: 25.083 Acre

2. Runoff

Return Period: 100-Year
 Rainfall, P: 2.20 in
 Runoff, Q: 0.4474 in
Runoff Volume: 0.9351 Acre-Ft

Runoff Table

	CN	Area (acres)	Runoff (acre-ft)
Baseline	74	208.96	7.79
Mining (Drains to Pit)	78.9	183.88	9.78
<i>Mining (Pit Capacity)</i>			<i>2,483.07</i>
Mining (Leaves Site)	74	25.08	0.94
Reclaimed (Drains to Lake)	80.5	183.88	10.87
<i>Reclaimed (Excess Lake Capacity)</i>			<i>871.38</i>
Reclaimed (Leaves Site)	74	25.08	0.94

As shown in the Runoff Table above, there is more than enough capacity in both the mining pits and above the water level in the reclaimed lakes to contain the runoff that drains to them. The net result effect on the overall drainage of the site is a decrease in the runoff that leaves the site. The runoff captured by the pit during mining will either work its way through the alluvium and join the local ground water regime or pass through the pit dewatering system before discharge into the local wetlands and water bodies. The dewatering system provides sediment control through both the placement of the pit pump several feet below the active pit floor and a sediment pond. Runoff that flows into the reclaimed lakes after mining will join the local groundwater regime.

20. WATER IMPOUNDMENTS

No water impoundments are proposed as part of this Preliminary Plan application. No modification of water impoundments are proposed as part of this Preliminary Plan application.

21. SCHOOLS, PARKS, AND COMMON AREAS

No areas of the Tomichi Pit are proposed to be set aside as part of this Preliminary Plan application.

22. SOLID AND HAZARDOUS WASTE DISPOSAL

The Tomichi Pit will not produce any hazardous waste. Solid waste, such as trash, on the site will be removed and disposed of by a contractor.

K. PROTECTIVE COVENANTS OR RESTRICTIONS

No protective covenants or restrictions are planned for the Tomichi Pit either during mining or in reclamation.

L. COST ESTIMATES AND METHOD OF FINANCING

There are three elements of the Tomichi Pit that will be upfront costs: the highway access improvements, the permanent visual mitigation construction, and the state reclamation bond. All remaining activity at the Tomichi Pit will be financed by the construction materials sales over the life of the operation.

The permanent visual mitigation and US-50 access improvements will be paid for by the pit operator once there construction is required. The operator will put in place letters of credit or other financial instruments as part of the approval of the Final Plan application. Any purchaser of the Tomichi Pit will be required to meet the same financial requirements, or a county approved equivalent. The reclamation bond will be filed with the Colorado Mined Land Reclamation Board prior to operations commencing.

Each of the three elements requiring upfront financing is shown below, along with where the details of the cost calculations can be found.

<u>Description</u>	<u>Location of Details</u>	<u>Cost</u>
Worst Case Reclamation Cost	DRMS Exhibit L	\$185,985
US-50 Access Improvements	Appendix C	\$47,929.50
Permanent Visual Mitigation	Appendix D	\$67,585
Total		\$301,500

M. ADDITIONAL INFORMATION

SECTION 9-403: PERMIT SUBMITTAL REQUIREMENTS FOR MINING OPERATIONS

The Colorado Division of Reclamation, Mining, and Safety 112c Permit application attached in *Appendix A* contains many of the responses to Gunnison County Land Use Resolution requirements contained in Section 9-400. As much as possible, the specific exhibit and subsection is identified where it provides the response to the LUR requirement. However, it is strongly recommended that the DRMS application be reviewed in its entirety by all parties, as it provides a complete picture of the mining and reclamation operations that will take place at Tomichi Pit.

E. Information Submittals for Minor and Major Impact Projects

1. Identification of Mineral or Construction Material

See DRMS Exhibit D - Section 1: General Mining Plan

2. Mining Operations Plan

See DRMS Exhibit D, DRMS Map C-2, and DRMS Map C-3.

3. Restoration and Reclamation Plan

See DRMS Exhibit E, DRMS Map C-3, and DRMS Map F.

4. Topography

See DRMS Maps C-1, C-2, C-3, and F.

5. Vegetation

See DRMS Exhibit E - Section 4: Revegetation Plan and DRMS Exhibit J: Vegetation Information.

6. Estimated Costs

As is typical of mining operations, a worst case reclamation scenario was developed for Tomichi Pit, and the cost of reclaiming this scenario was calculated. This will be used by the State of Colorado Mined Land Reclamation Board to determine the financial warranty for the operation. It can be found in DRMS Exhibit L: Reclamation Costs.

7. Stormwater Management Plan

A copy of the SWMP for the Tomichi Pit can be found in Appendix G.

8. Emission Control Plan

A copy of the proposed Fugitive Dust Permit application to the Colorado Department of Public Health and the Environment Air Quality Control Division can be found in Appendix G. Section 3.0 of the Impact Mitigation Plan (Appendix B) contains additional information on emission controls.

9. Dust Control Plan

Section 3.0 of the Impact Mitigation Plan in Appendix B contains the dust control plan for the Tomichi Pit.

10. Access and Transportation Plan

The Access and Transportation Plan found in *Section 9-405: A*. covers the anticipated traffic impacts of the Tomichi Pit. Discussion in this section will only pertain to LUR requirements not address in *Section 9-405: A*.

a. Identification of Proposed Haul Routes

Roads within the Tomichi Pit will be maintained according to MSHA standards for a mining operation. This includes safety berms, minimum road widths, maintaining road quality, and a 15 mph speed limit. Employee parking is identified on Maps 4.0-4.6. Loading of finished product will take place either at the office area or directly at the appropriate plant in the processing area.

b. Alternative Transportation Modes

Since this is a construction materials operation, this standard does not apply.

c. Employee Transportation

Employee transportation to the site will be the smallest contributor of traffic impacts from the Tomichi Pit operation. Parking will be provided for employees.

d. Traffic Study

A Level II traffic study and the CDOT access permit that it was part of can be found in Appendix C.

e. Hours of Operation

Please see *Seasons and Hours of Operation* part of the main application body.

f. Environmental Impact Mitigations

See *Section 9-405: A. and C.*

11. Impacts to Water Quality

See section 4.0 of the Impact Mitigation Plan in Appendix B.

12. Fire Protection Plan

A SPCC plan will be kept on site in accordance with EPA regulations regarding the types and amounts of chemicals stored on site. A copy of this plan will be filed with the Gunnison Fire Protection District once it is available. The general list of chemicals to be kept on site includes, but is not limited to: grease, diesel fuel, motor oil, truck cleaning agents, and asphalt hot mix. Based on discussions with Gunnison Fire Protection District personnel, the primary concern for a gravel operation is sufficient turn around room for fire trucks. The office area provides ample room for maneuvering for large trucks.

13. Cultural Survey

See Appendix F and Section 9-405: C.4.

14. Visual Impact Assessment

See section 1.0 of the Impact Mitigation Plan in Appendix B.

15. Blasting License

No blasting will take place at the Tomichi Pit.

16. Water Supply

See the Water Supply Plan portion of the main application above.

17. Future Land Uses

The future land use for this site is wildlife habitat.

SECTION 9-404: SITE LOCATION AND SETBACKS FOR MINING OPERATIONS

The Tomichi Pit is located east of Gunnison, CO, south of US Highway 50, north of Tomichi Creek, and immediately west of an industrial park. The pit and related disturbance boundaries have all been designed to fall outside of Gunnison County setbacks for construction material mining operations. The table below shows the distance from the nearest example of each type of item a setback is required from. See Maps 4.0-4.6 for the location of all project elements in relation to the appropriate setback.

<u>Land Use</u>	<u>Minimum Distance to Tomichi Pit Mining Operations</u>
Public Roads	~350 feet; Trees will be planted between the pit and the this residence, see below
Natural Water Body	100 feet
Federally-Designated Wilderness, Parks or Recreation Areas, or Federal Campgrounds	>1,000 feet; None known within half a mile
Dedicated open space of public park	>1,000 feet
Residential structures	160 feet to the nearest; Concrete and asphalt plants will be kept >250 feet away
Public cemetery	None known within ½ mile
Adjacent property, ROW, or ditch	>30 feet from Biebels No.1 & 2 Ditch (nearest ditch); >50 feet from all property lines
Sensitive wildlife habitat	No sensitive wildlife habitat known within 200 feet of the permit boundary

According to Section 9-404: D.1.a. of the Gunnison County Land Use resolution, the minimum setback from a road centerline for Major Impact Mining Operations is to be 500 feet. Industrial Park Lane, whose center line comes within 350 feet of the Tomichi Pit area, is used primarily by commercial and industrial vehicles. Therefore, Gunnison Valley Properties requests that the setback from this road to Tomichi Pit be reduced to 300 feet from the road centerline. Visual screening will be constructed along the east side of the Tomichi Pit area in the form of trees planted between the pit and the property line. This screening is addressed in detail in section 1.0 of the Impact Mitigation Plan.

SECTION 9-405: GENERAL DEVELOPMENT STANDARDS FOR MINING OPERATIONS

The following information is meant to specifically address Gunnison County standards for Section 9-405 of the Land Use Resolution.

A. Access and Transportation Plan

As part of the Preliminary Plan application, Gunnison Valley Properties, LLC has developed the following Access and Transportation Plan in accordance with Section 9-403: D. 10 of the Land Use Resolution.

The Tomichi Pit will limit its sales based on the Colorado Department of Transportation access permit for the site's intersection with US Highway 50. Currently, this is the access for the agricultural and residential structures on site, but will be used by the Tomichi Pit for mine access. It can be seen on *Map 4 – Development Layout*. Based on the Level 2 Traffic Study conducted by Kimley-Horn (*Appendix C*), the peak traffic for the Tomichi Pit will be 42 Passenger Car Equivalent (PCE) per hour. This will occur at both the AM and PM peak travel hours, when employees arrive/leave the site in addition to trucks hauling sold material offsite. This 42 PCE will be the limit of traffic from the site. This will be the traffic volume for the CDOT access permit as well. Any combination of trucks or cars may make up this limit at peak traffic times.

The Tomichi Pit will operate year around, but most of the activity will take place between April 15th and October 15th each year. Some site maintenance, materials sales, and topsoiling/overburden stripping may take place during the off season. The mine will operate between 6 am and 7 pm Monday through Saturday, unless a specific job requires seven day a week operations. In the case of such job, the County will be notified at least 15 days prior to the initiation of said job. No temporary shutdowns or closures are anticipated during the life of this mine.

The primary impacts of truck traffic related to the mining operation will be dust and noise from the haul trucks entering and leaving the site. Noise impacts will be minimized through best management practices for haul trucks such as: only using jake-brakes in case of emergencies, proximity based back-up alarms, and properly securing tailgates. Trucks on site will be limited to a 15 mph speed limit. Dust generation from traffic will be reduced through periodic road watering and the covering of sand and gravel material in trucks. Trucks hauling sand and gravel off site will be covered.

1. Road Damage and Maintenance

Gunnison Valley Properties, LLC will work with Gunnison Valley Public Works and the Colorado Department of Transportation (CDOT) to ensure that all operation related transportation activities will be in compliance with local, state, and federal requirements. This includes limitations on truck weight, seasonal traffic limits, and paying the cost of maintenance of roads and bridges that is a result of Tomichi Pit's traffic contributions.

2. Traffic Routing

The expected distribution of traffic leaving and entering the site can be found in the attached Kimley-Horn traffic study. All traffic related to Tomichi Pit will travel along US Highway 50. The direction of the main traffic source, haul trucks, will likely be distributed between east bound US 50 and west bound US 50, 30%-70%. Particularly large construction projects may affect traffic direction.

In order to minimize the impact of this traffic increase on the citizens of Gunnison County, several possible traffic routes through the local area were analyzed. These routes were analyzed to find options that avoided developed areas while maximizing the public benefit of short haul routes.

East Bound Traffic

All traffic heading east from the pit access will travel along US 50 for most of its journey, therefore there are no alternative routes to study.

West Bound Traffic

Traffic heading west from the Tomichi Pit may pass through Gunnison, CO on its way further west, or may travel north towards Almont and Crested Butte. Alternative routes are compared for both traffic directions.

There are two main choices for traffic travelling west through the Town of Gunnison: US 50 all the way through town (Route W1) or a detour south of the main part of Gunnison to Rio Grande Avenue (via Adams St., San Juan Ave., and Main St.) and then back to US 50 (Route W2). Route W1 would bring traffic through the middle of Gunnison, while Route W2 would take slightly longer potentially requiring passage through residential areas. Route W1 is the best choice as it moves the truck traffic through town quickly and keeps it away from residential areas more than Route W2 would.

Two main routes exist for Tomichi Pit traffic heading north of Gunnison. The first is from US 50 to head north on CO 135 (Main St.) from the intersection in the center of town (Route N1). The second route would be to avoid the center of town by heading north on Adam St. and then going around the west side of the Western State College campus on Escalante Dr. to Colorado St., which connects to CO 135 on the north side of town (Route N2). Route N1 is the faster of the two options, and would keep truck traffic on roads better suited for such loads, Route N2, while avoiding the center of town, passes close to the college campus as well as Meadow Park. Both routes pass by some residential areas, but the residential areas along Main St. are more used to heavier traffic while those along Colorado St. are not. Therefore, Route N1 is the best option for Tomichi Pit traffic passing through Gunnison and heading north.

3. Mitigation to Provide Dust Control and Effects of Load Loss

Tomichi Pit will use best management practices including tight tailgates, tarps, road watering, magnesium chloride spraying, and others to minimize dust generation by traffic on and off site.

4. Truck and Crusher Noise

Noise impacts are addressed in section 2.0 of the Impact Mitigation Plan.

5. Post-Operational Access to Mine Site

The mining access to the site will only be partially reclaimed at the end of mining. This reclamation will consist of removing the portions of roadway on the site that were only needed for mining activities. The improved access to US 50 will remain as the general site access. No impoundments of hazardous material will be necessary as part of the Tomichi Pit's operation or reclamation. Fencing and gated access to the property may be installed during reclamation to protect reclamation activities. Any hazardous materials used on site during mining (diesel fuel, asphalt hot-mix, etc.) will be removed during final reclamation.

B. Rock Crusher, Asphalt Plant, and Cement Batch Plant

A crusher/screener system, asphalt plant, wash plant, and concrete batch plant will all be used at the Tomichi Pit. These plants will be located in the processing area shown on Maps 4.0-4.6.

C. Impacts on Environmental and Cultural Resources

1. Water

See section 4.0 of the Impact Mitigation Plan in Appendix B.

2. Avoidance of Sensitive Areas

To the best knowledge of Gunnison Valley Properties, LLC, the Tomichi Pit does not affect any sensitive areas as defined in the Land Use Resolution.

3. Air Quality

See section 3.0 of the Impact Mitigation Plan in Appendix B.

4. Significant Cultural, Historical, and Archeological Resources

The vast majority of resources identified by SWCA survey from 2009 will be unaffected by mining or reclamation operations at the Tomichi Pit. A small portion of old railroad grade has been identified (Site 5GN363.7) in the mining areas. This is part of the old Denver, South Park, and Pacific (DSP&P) railroad that passed through Gunnison Valley. Details regarding the management of this and any discovered further cultural, historical, or archeological resources can be found in section 5.0 of the Impact Mitigation Plan in Appendix B.

D. Mine Wastes and Hazardous Materials

Hazardous materials expected to be present on site during mining consist exclusively of petroleum products and similar materials. These will be stored in accordance with the EPA required SPCC plan for the site. The mining of sand and gravel and production of construction materials at the Tomichi Pit will not generate any waste material that will have a chance to leachate toxic or acidic materials.

Sediment generated by mining will be contained within the site by the mine pit and sediment ponds. Mine water discharges will be regulated by CDPHE process water and stormwater discharge permits.

E. Visual Impacts

Visual impacts and their mitigation is discussed in detail in section 1.0 of the Impact Mitigation Plan in *Appendix B*.

F. General Operations

1. Compliance with MSHA

All operations at Tomichi Pit will be conducted in line with all state, federal, and local safety regulations that apply.

2. Hours of Operation

The Tomichi Pit will operate year around, but most of the activity will take place between April 15th and October 15th each year. Some site maintenance, materials sales, and topsoiling/overburden stripping may take place during the off season. The mine will operate between 6 am and 7 pm Monday through Saturday, unless a specific job requires seven day a week operations. In the case of such job, the County will be notified at least 15 days prior to the initiation of said job. No temporary shutdowns, or closures are anticipated during the life of this mine.

3. Phasing of Mining Operations

The Tomichi Pit will not be phased.

4. Fire Protection

The entire Tomichi Pit area falls within the low wildfire hazard area for Gunnison County. Gunnison Valley Properties, LLC will work with the Gunnison County Fire Protection District to ensure that appropriate access and materials are available.

5. Fencing

Existing fences on site that do not have to be disturbed as part of mining activities will be preserved. DRMS Maps C-2 and F show the mining and reclamation conditions of fences on site. Fencing may be added to the site to ensure that non-employees, livestock, and wildlife are kept out of the site for their own safety.

6. Noise

Noise impacts and their mitigation are addressed in section 2.0 of the Impact Mitigation Plan in *Appendix B*.

Gunnison Valley Properties, LLC

Tomichi Pit

Impact Mitigation Plan

March 2013

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INTRODUCTION

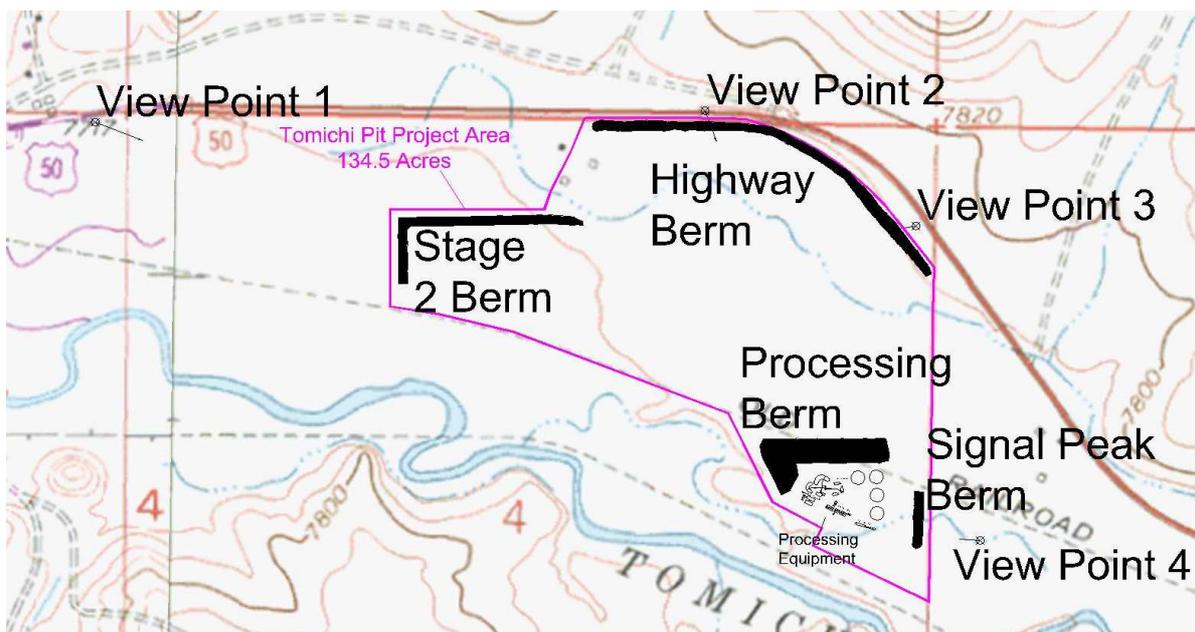
As part of the Preliminary Plan application with Gunnison County, Gunnison Valley Properties has assembled this Impact Mitigation Plan to address the major areas of impact that Tomichi Pit will have on the area, and how those impacts will be minimized and mitigated. This Impact Mitigation Plan has been assembled in accordance with the Gunnison County Land Use Resolution standards for Major Impact Mining Operations and the conditions of approval of the Tomichi Pit sketch plan application. This plan has been divided into four sections based on impacts: visual, noise, air, and water.

1.0 VISUAL IMPACTS

The visual impacts generated by construction materials excavation and processing at the Tomichi Pit will be noticeable by the public principally as they travel along US-50. Additionally, as part of the Preliminary Plan application, Gunnison Valley Properties proposes allowing operations with 500 feet of Signal Peak Lane in the Signal Peak Industrial park. This is allowed under the Gunnison County LUR as long as visual mitigation is provided for the road. Four locations were selected to demonstrate how the Tomichi Pit visual impacts will be mitigated.

1. Visual Point 1
 - a. Located on US-50 roughly 3200 feet west of the site entrance.
 - b. View looking eastward towards Stage 1
2. Visual Point 2
 - a. Located on US-50 roughly 720 feet east of the site entrance.
 - b. View looking south towards Stage 1 and the processing area
3. Visual Point 3
 - a. Located on US-50 roughly 1200 feet further along the highway east of Visual Point 2.
 - b. View looking west towards Stage 2 mining area.
4. Visual Point 4
 - a. Located on Signal Peak Lane roughly 625 feet from the processing area
 - b. View looking west towards the processing area.

For each of these points, a set of visual renderings have been created to show the likely appearance of berms, vegetation screening, and other elements of the operation at various times in the mine's life. Each visual point is shown and discussed in further detail below. Maps 4.0 through 4.6 and Map F show the conditions of Tomichi Pit from pre mine through to the end of mine life as well as the reclamation conditions. The Visual Points are located on each map and shown in the figure below for reference.



1.1 Visual Point 1

This view shows the site from US-50 as if traveling eastbound on the highway. This view shows the entirety of the site.

Pre Mine Conditions



This view is what most people will see when they first notice the operation as they head east from Gunnison, CO.

4.1 Conditions

The processing berm and main berm along US-50 will be constructed by this point in time. These berms will obscure the pit from the highway, and obscure the processing area from both the highway to the north and further west. The initial mining pit will also have been constructed at this point.



The distance of the operation from this view minimizes its impact. However, as one gets closer to the site, and the operation grows, the visual impact will be more distinct. Visual point 2 best addresses the visual impact and mitigation of the operation up close.

4.2 Conditions

As the Stage 1 mine pit grows, it will be more visible from the west, but the depth of the pit floor will keep mining activities mostly hidden.



4.3 Conditions

The active mining pit will continue to grow to the north and west as the operation continues.



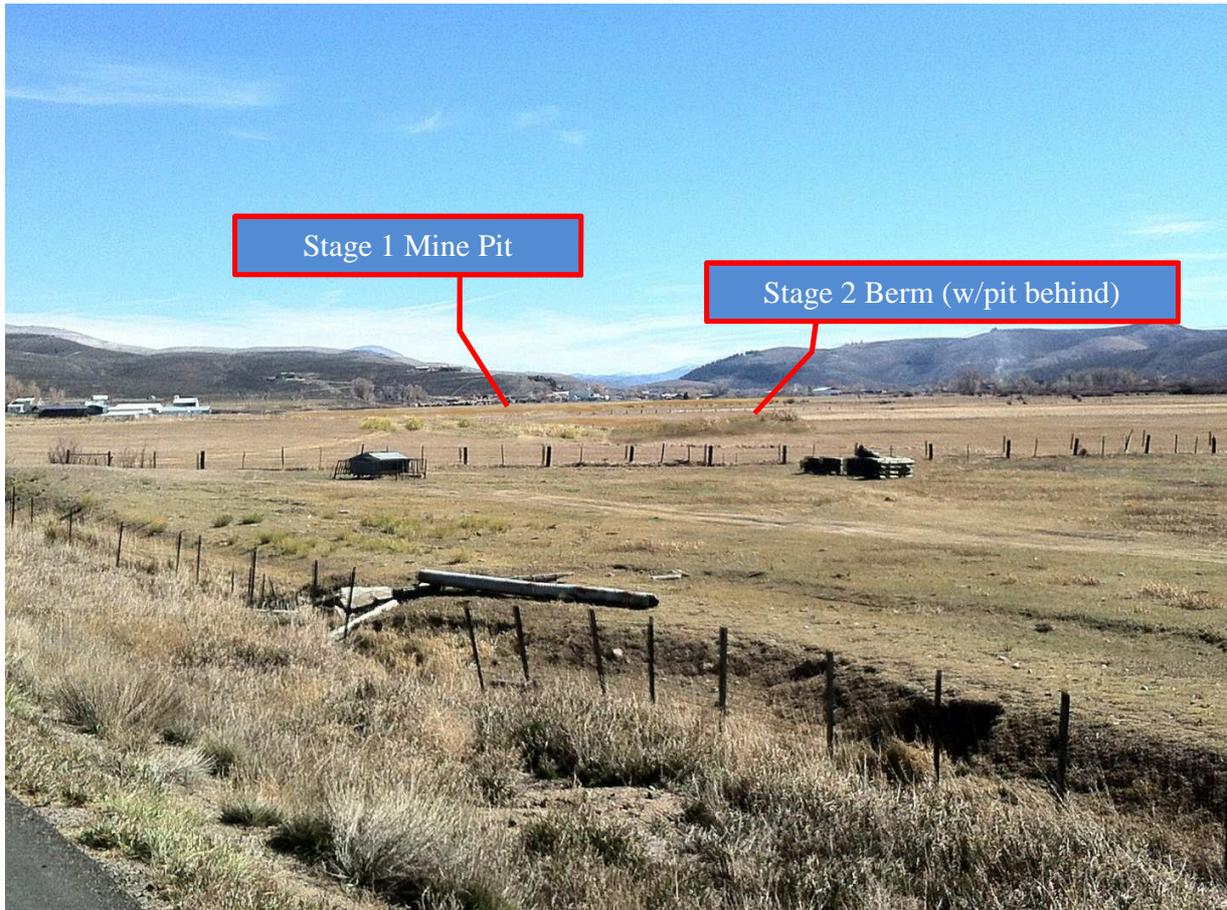
4.4 Conditions

As the Stage 1 mine pit grows, it will be more visible from the west. At this time in the mine's life, the Stage 1 pit will have reached its northern extent (Map 4.4).



4.5 Conditions

A berm will be constructed around the north and east sides of the Stage 2 mine pit to obscure the pit operations from the highway. The Stage 1 mine pit slopes will be reclaimed to final conditions in all practical areas and the pit will be allowed to fill with water. A temporary seed mix will be used on the slopes around the lakes. This will be the same seed mix as used on the berms.



The mining of Stage 2 will be relatively short term (3-5 years) of the overall mine life (27 years).

4.6 Conditions

During the mining of the processing area, the Stage 2 mine pit will be completely reclaimed to the final slopes and revegetation taking place. Once the reclamation of the Stage 2 mine pit is finished, it will be allowed to fill with water. The mining of the processing area will necessitate the placement of the processing equipment in the center of the Stage 1 area on the pit floor. The processing area berm will be removed for this portion of mining, and used for any ancillary reclamation or placed in the bottom of the Stage 1 pit.



Reclaimed Conditions

Once all mining and reclamation is complete, both lakes will be allowed to fill. The berm along the highway will be left in place, as it will have become part of the landscape of the property.



1.2 Visual Point 2

This visual point is used to represent the view of the operation for US-50 for drivers that is most impacted by the operation.

Pre mine View



This elevated position along US 50 is also similar to the view of neighbors north of the highway. However, due to the significantly higher elevation of those neighbors relative to the Tomichi Pit property, it is not possible to block their view of the pit completely.

4.1 through 4.5 Conditions

The view from this point along US-50 will be protected almost completely by the permanent berm near the highway and the processing area berm. An example silo, and asphalt plant exhaust plume are shown for visual reference.



Trees will be planted along this berm when it is built.

4.6 Conditions

Late in mining, when the processing area berm is removed and the processing area is mined out (Map 4.6), the mining highwall on the south end of the operation will be visible. Processing equipment located on the pit floor will most likely be completely obscured by the highway berm.



Reclaimed Conditions

The reclamation of the final slopes on the south end of the Stage 1 pit will leave behind green vegetation on slopes and the lakes. The berm along US-50 will remain, as it will have become a natural part of the landscape. The southern end of the lake will be visible over the top of the berm.



The presence of trees will make this berm aesthetically pleasing, and enhance the view along US 50.

1.4 Visual Point 3

This visual point represents the view of the operation from the highway as someone drives into town. The highway berm will obscure most of this view once constructed.

Pre mine Condition



4.1-Reclaimed Conditions

Once the berm along US-50 is built, the entirety of the Tomichi Pit will be obscured from the view of traffic as it drives along the property. This will mitigate a substantial amount of the visual impact along the east entrance to Gunnison, CO.



1.5 Visual Point 4

Pre mine Condition

This is the view from Signal Peak Lane directly toward the area of the Tomichi Pit where processing facilities will be located.



4.1-4.5 Conditions

At the beginning of operations, a berm will be constructed along the property line between the Signal Peak Industrial Park and the Tomichi Pit processing area. This berm will obscure most of the operation during the most of the mine's life. Trees will be planted along the berm for additional screening.



4.6 through Reclamation

The mining out of the processing area will necessitate the moving of the processing equipment to the bottom of the pit, and the removal of the large (~30 ft tall) processing berm. Once mining and reclamation are complete, the berm between Signal Peak and Tomichi Pit will remain permanently, as it will have become part of the environment.



1.6 Mitigation Tactics

The best mitigation tactic for visual impact of any industrial operation is to block the view of it. Therefore, the Tomichi Pit makes prodigious use of berms throughout the life of the mine. As shown in the visual point renderings, there are four berms used at the Tomichi Pit.

Highway Berm

The highway berm will be a roughly 10 foot tall berm running along the northeast side of the property, as near to the highway as is practical. Given the life of the mine (20+ years), this berm will be a permanent construction, with small trees planted along the berm to encourage an aesthetically pleasing appearance. This berm will provide the best visual impact mitigation for drivers on US-50 as they come into Gunnison.

No berm is constructed west of the site entrance, so as not to block the view of the valley for westbound drivers. This balances the desire to protect the view of drivers from the bulk of the pit's activity, while still allowing the benefit of the Tomichi Creek valley.

The material for this berm will be generated during the initial topsoil stripping of the site.

Processing Berm

The processing berm will be a roughly 30 foot tall berm along the north and west sides of the processing area. This berm will be built using overburden and topsoil stripped from the processing area during operational startup, and will be vegetated immediately after construction. It will be in place until mining of the Stage 2 pit is complete. At this point in time, the processing berm will be removed, the material used for reclamation, and the processing area will be mined out.

Most equipment in the processing area will be hidden by the berm throughout the operation. The only exception to this would be the taller silos associated with an asphalt plant, which typically are 70 feet tall. Blocking the view of such tall equipment is impractical.

Signal Peak Berm

A 10 foot tall berm will be constructed between the Tomichi Pit processing area and the Signal Peak Industrial Park to obscure the view of the processing operations from Signal Peak Lane. The majority of the traffic on Signal Peak Lane is related to the industrial and commercial activity in the Industrial Park, and therefore the smaller berm combined with tree planting will be sufficient to mitigate the visual impacts of the processing site on Signal Peak Lane.

Stage 2 Pit Berm

A 10 foot tall berm will be built around the west and north side of the Stage 2 pit to obscure the mining operations in that pit. This berm will be built with topsoil and overburden from the stripping of the Stage 2 pit, and will be seeded with the berm seed mix upon construction. This berm will be removed at the end of the mining of Stage 2 and used for its reclamation.

2.0 NOISE IMPACTS

Noise impacts at the Tomichi Pit will be primarily from the operation of the crusher and screener equipment at the processing facility on the south end of the mine. Equipment traffic (trucks, dozers, etc.) will generate secondary noise impacts. Tomichi Pit will use a variety of BMPs to mitigate or reduce noise generated as part of mining at the Tomichi Pit. These BMPs include:

- Berms around the processing area and between the operation and US-50.
- Minimizing the use of jake-brakes on trucks
- Securing truck tailgates tightly
- Limiting truck speed
- Only operating during the day
- Quiet back up alarms for mobile equipment such as dozers

Since one of the neighboring properties is zoned Residential, Tomichi Pit will be held to the state noise limit for operations adjacent to Residential properties, based on the Colorado Revised Statute for noise:

1) Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

<u>Zone</u>	<u>7:00 a.m. to next 7:00 p.m. to</u>	<u>7:00 p.m. to next 7:00 a.m.</u>
<i>Residential</i>	<i>55 db(A)</i>	<i>50 db(A)</i>
<i>Commercial</i>	<i>60 db(A)</i>	<i>55 db(A)</i>
<i>Light industrial</i>	<i>70 db(A)</i>	<i>65 db(A)</i>
<i>Industrial</i>	<i>80 db(A)</i>	<i>75 db(A)</i>

(2) In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted in subsection (1) of this section may be increased by ten db(A) for a period of not to exceed fifteen minutes in any one-hour period.

(3) Periodic, impulsive, or shrill noises shall be considered a public nuisance when such noises are at a sound level of five db(A) less than those listed in subsection (1) of this section.

(4) This article is not intended to apply to the operation of aircraft or to other activities which are subject to federal law with respect to noise control.

(5) Construction projects shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority or, if no time limitation is imposed, for a reasonable period of time for completion of project.

(6) All railroad rights-of-way shall be considered as industrial zones for the purposes of this article, and the operation of trains shall be subject to the maximum permissible noise levels specified for such zone.

(7) This article is not applicable to the use of property for purposes of conducting speed or endurance events involving motor or other vehicles, but such exception is effective only during the specific period of time within which such use of the property is authorized by the political subdivision or governmental agency having lawful jurisdiction to authorize such use.

(8) For the purposes of this article, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour.

(9) In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.

(10) This article is not applicable to the use of property for the purpose of manufacturing, maintaining, or grooming machine-made snow. This subsection (10) shall not be construed to preempt or limit the authority of any political subdivision having jurisdiction to regulate noise abatement.

(11) This article is not applicable to the use of property by this state, any political subdivision of this state, or any other entity not organized for profit, including, but not limited to, nonprofit corporations, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays. This subsection (11) shall not be construed to preempt or limit the authority of any political subdivision having jurisdiction to regulate noise abatement.¹

Based on the above statute, the Tomichi Pit will be limited to 55 dB(A) during the day, and 50 dB(A) at night. The exceptions to this being during the construction phases of the operation (processing area preparation, road construction, periodic topsoil stripping, etc.), when the noise limit is 80 db(A) in the day (75 db(A) at night).

2.1 Initial Noise Level Testing and Monitoring Plan

As part of mitigating the noise impacts of the Tomichi Pit, a noise monitoring plan will be executed to ensure that noise levels do not exceed state limits. Prior to operations commencing, noise data will be gathered at two points near the project area, as shown on Map 4.0. The first location will be on the fence line between the southeast end of the property and the one neighboring residential property. The second location for noise level testing will be across US-50 from the site access. These locations will be used for initial noise level testing as well as ongoing monitoring during the operation. Each location is near neighboring homes and business that could be negatively affected by excessive noise levels from the Tomichi Pit. Such neighbors are a priority for noise impact mitigation.

At each location a 24-hour noise sample will be taken, using the appropriate equipment and methodology and overseen by a qualified person. The initial noise data gathered will be used to

¹ Source: L. 71: p. 648, § 1. C.R.S. 1963: § 66-35-3

establish the natural baseline for comparison once the operation commences. All noise sampling will be conducted between June 15 and August 15 of a given year, as this is the time of greatest activity at a typical construction materials operation. Noise monitoring results will be documented and kept onsite, and be available for review upon request.

3.0 AIR IMPACTS

The Tomichi Pit will acquire a Fugitive Dust permit from the Colorado Department of Public Health and the Environment prior to operations. This permit will include limitations for what the Air Pollution Control Division determines to be the pollutants of concern for the operation. Typically for construction materials operations like Tomichi Pit, these pollutants are PM 2.5, PM10, NOx, and SOx. In order to maintain compliance with these state requirements for emissions from the operation, the operator of the Tomichi Pit will execute an emissions monitoring plan based on the pollutant list provided in the CDPHE APCD Fugitive Dust Permit.

3.1 Air Impact Mitigation Measures

Dust generated by mining operations and traffic will be the largest air pollutant of concern at the Tomichi Pit. This pollutant can be minimized by employing the following Best Management Practices (BMPs):

1. Revegetation of berms and long term (>90 day) soil and overburden stockpiles
2. Watering of short term and product stockpiles at least once per week during the operating season (April 15 to October 15)
3. Watering of internal haul roads weekly, and more if necessary
4. Graveling of the main access road and any internal road that is not moving during the life of the operation.
5. Usage of covered haul trucks for product leaving the site
6. Baghouses on all applicable plants

The other sources of air pollution on site are fumes and exhaust from the operation of plants. Usage of appropriate low-sulfur fuels and proper equipment maintenance will minimize the production of pollutants. These plants are all regulated by CDPHE, and copies of the permit will be maintained onsite per CDPHE rules.

3.2 Air Monitoring

Monitoring identified particulate emissions (PM2.5 & PM10) will be conducted annually at the time of peak production for the site (typically sometime between June 15th and August 15th of each year). Data gathering will be conducted in accordance with the *Ambient Air Pollution and Meteorological Monitoring Guidance* document published by CDPHE, and the therein referenced EPA standards for measurement. Data gathering will be conducted by a qualified person. The results of this monitoring will be available for inspection by Gunnison County.

Sampling for particulate monitoring (PM10 and PM2.5) will be conducted using an industry standard instantaneous pump with preloaded filter that has been appropriately calibrated. This will likely be provided by the qualified person contracted to conduct particulate monitoring or the operator if the qualified person works for the operator. The filters will be sent to an approved lab for analysis after sampling.

The operator may forgo annual monitoring if CDPHE does not believe it is necessary given the operational constraints and mitigation measures. Also, the operator may conduct a screening model of the operation to demonstrate that the operation will not produce particulate pollutants that are close enough to permit limits to necessitate monitoring.

4.0 WATER IMPACTS

The water impacts associated with the Tomichi Pit are the dewatering of the pit during mining, the effect of disturbed ground on runoff, and the effect of operations on neighbors water.

Details regarding the ground water and surface water systems on site, and the impact on these by the mining and reclamation operations, are discussed in the attached DRMS 112c permit application. As part of that application, a copy of the Augmentation Plan application is submitted to the State of Colorado.

4.1 Ground Water Information

Two test wells were installed on the Bratton property west of the Tomichi Pit in 2001 as part of investigation by WestWater Associates (WWA) into quality and quantity of the water within the alluvial aquifer passing through the area. These are shown in the report attached to this plan. The aquifer is the same alluvial aquifer as that present at Tomichi. The WWA report made the following conclusions:

- 1) Based on geophysics, sampling, construction and testing of these two test wells, we conclude there is significant potential for water production from the Tomichi Creek alluvial aquifer for the proposed development*
- 2) Larger diameter, properly designed, constructed, and developed production wells at these two sites will be capable of production rates of 350 - 600 gpm.*
- 3) A significant area of development exists for additional wells to be drilled within the development. These well locations, if necessary or desired, should be designated prior to final platting of the property, in order to protect the sites for construction and minimize potential for future contamination.*
- 4) Water chemistry from samples analyzed from the two test wells indicate the water quality is very good and acceptable for direct potable consumption. Minor hardness and potentially trace elements of iron and manganese are not expected to be a problem, however, they are easily treatable.*
- 5) The Tomichi Creek alluvium beneath this property has major potential for future water production. Water within the aquifer below a depth of 50 feet is relatively safe and protected from surface contamination. However, precautions should be taken throughout the entire drainage to ensure control of potential contaminants. Annual recharge to the aquifer will occur as long as headwaters produce adequate flow to recharge volumes extracted during periods of low flow and minor recharge.*
- 6) These wells were constructed as permanent monitoring wells and a routine measurement of water levels in the wells (monthly) should be undertaken to establish baseline data of water level fluctuations and influence of flows in Tomichi Creek.*

The complete WestWater report can be found attached to this section.

4.2 Pit Dewatering

The Tomichi Pit will require the dewatering of the ground water exposed within the mining pits during most of its mine life. This will be accomplished using a dewatering trench installed around the active mining floor to a depth of three feet. These trenches will run to a pit pump located in the southwest corner of each pit, which will be installed four feet below the pit floor. The pit pump will pump the water up a pipe and into the nearby sediment pond. Each sediment pond discharges into a nearby natural drainage channel. The sediment pond discharges will be NPDES discharge points that are monitored for water quality according to Colorado Department of Public Health and Environment standards under a CDPHE discharge permit.

Dewatering is a common gravel mining practice, with numerous pits throughout the state of Colorado discharging clean water from their operations. By digging dewatering trenches several feet below the active pit floor, and locating the dewatering pump several feet below the pit floor, the water pumped into the sediment pond is essentially clean ground water. The sediment ponds provide an additional safety factor and a practical location for the NPDES discharge point. The sediment pond designs can be seen on Map 5.0, and the dewatering trench example routes can be seen on DRMS Map C-2.

4.3 Surface Water Runoff

As shown in the DRMS permit application, the mining pits created during operations will more than contain the surface runoff that drains to the site. The mining pits will act as large sediment detention structures during rain storms and all surface run off that enters the pits will have to pass through the same monitored discharge points as the ground water does. For further details, see Exhibit G in the DRMS permit application, and under Grading and Drainage Plans in the main Preliminary Plan application document.

4.4 Neighbors Water

The two neighbors' waters that could be impacted by the Tomichi Pit are the wells in Signal Peak Industrial Park and the irrigation water on the Colorado Parks and Wildlife property to the south. The operational controls and the CDPHE requirements at the Tomichi Pit will protect water quality, and prevent the operation from having any negative impact on neighbors' water quality. This leaves impacts on water *quantity* as the remaining area of concern.

As discussed in the ground water geologist's evaluation² in the Sketch Plan application, dewatering has the *potential* to injure wells. However, injury is highly unlikely due to the following factors:

1. During the first ~20 years of mine life, the potential drawdown of 10.9 feet is significantly less than the nearest affected well depth of 83 feet.
2. During the final stage of mining, when dewatering is closest (390 feet) to the shallowest nearby well (29 feet) the potential drawdown (14.3 feet) is still less than the affected well depth (29 feet).

² Frank C. Healy evaluation of the Tomichi Pit. Tomichi Pit Sketch Plan Application, Appendix E

3. The drawdown calculations assume *no* recharge from Tomichi Creek. Even in dry years, when Tomichi Creek has been low, there has been consistent recharge of the local ground water. This means that the actual drawdown would be less than the 10.9 feet and 14.3 feet calculated in Mr. Healy's evaluation.

Based on this information, it is believed that the neighboring wells will not be injured by the dewatering operations. Since there are wells within 600 feet of the proposed dewatering, a demonstration similar to the one conducted for the Sketch Plan application will be required as part of the Gravel Well Permit application with the Colorado Division of Water Resources. Additionally, the operator of the Tomichi Pit will work with the well owners to monitor and ensure that their wells are not negatively affected by the mine dewatering.

Irrigation water provided to the Colorado Parks and Wildlife property has occurred in two ways in the past. First, the water right conveyed by the Biebel Ditches Nos 1 & 2 to the west end of the CPW property. This will not be affected by the Tomichi Pit in any fashion. The second method has been tail water from the irrigation of the Tomichi property to flow across the CPW property. This water has come from a tail water ditch that runs between the two properties. This tail water ditch is where Sediment Pond 1 will discharge. This should ensure the continuation of this water source during mining operations. A new diversion ditch off of the Biebel Ditches will be built during reclamation to connect the existing tailwater ditch, and allow CPW to access their water right from an eastern point, if they so desire.

4.5 Wetlands

A delineation of wetlands through the property was certified by the US Army Corps of Engineers in 2008 (see Appendix E). The delineation can be seen on all plan view of the site, as well as the DRMS maps. No mining will take place within the wetlands or within 100' of them. A portion of the water generated from pit pumping may be used to replenish the surrounding wetlands to maintain their current condition.

The water table under the wetlands will be lowered by the dewatering activity in the adjacent pit. The potential negative affect this would have on said wetlands is mitigated by using the pit pumped water to irrigate these wetlands. This is a commonly used procedure in gravel mining operations that take place below the water table and near wetlands. Both the USACOE and the Colorado Department of Water Resources affirm the viability of this procedure. Correspondence from these agencies can be found in Appendix E.

4.6 Water Quality Protection Plan

In accordance with Section 11:107:D of the Gunnison County Land Use Resolution (LUR), a water quality protection plan has been assembled. Technical elements and information pertinent to the plan can be found in the DRMS permit application, the SPCC plan, the SWMP plan, portions of the water impacts discussion above, and in the main Preliminary/Final Plan application document. This subsection notes either the location of the information, or directly addresses the requirements of the LUR.

a) Topographic Features, Development and Property Lines

Maps 4.0-4.6 show the topography and development of the Tomichi Pit over the life of the operation. DRMS Map C-1 shows the property lines of the site.

b) Grading Plan

Grading and drainage plans can be found under Section 19. Grading and Drainage Plans of the LUR application.

c) Soil and Soil Stockpiles

Proposed stockpile locations can be found on Maps 4.0-4.6.

d) Equipment and Waste Material Storage

All storage areas can be found on Maps 4.0-4.6, as well as DRMS Map C-2. Spill containment structures and plans applicable to this site are described in the SPCC Plan in Appendix G.

e) Drainage Facilities

All drainage plans and facilities are covered in Section 19. Grading and Drainage Plans of the LUR application and Exhibit G of the DRMS application.

f) Water Quality Data

All water quality data applicable to this site is covered in the Water Quality Impacts section above.

g) Location of Proposed Permanent and Temporary Roads

The location of all roads constructed as part of the Tomichi Pit operations can be seen on Maps 4.0-4.6.

5.0 CULTURAL, HISTORICAL, AND ARCHEOLOGICAL IMPACTS

A cultural survey conducted over the property by SWCA in 2009 identified an old railroad grade route running through the southeast portion of the site. This railroad grade will be removed as part of the preparation of the processing area prior to mining. During the remaining 26 years of the operation, no other identified cultural, historical, or archeological resources will be affected.

There is always the possibility at an excavation site of encountering archeological resources. At a site like Tomichi, the most likely of these to be found is remnants of human activity in the top few feet of excavation. During topsoil stripping, personnel will watch out for:

- Bones of any kind
- Stone tools such as arrowheads or fragments of such tools
- Stone rock piles and alignments
- Pottery fragments
- Fire pits or hearth features

A communication protocol will be in place for personnel to notify the mine manager or shift foreman of anything encountered. Operations in the immediate vicinity of any discovery will be put on hold until a qualified archeologist determines the appropriate course of action for preserving of the find.

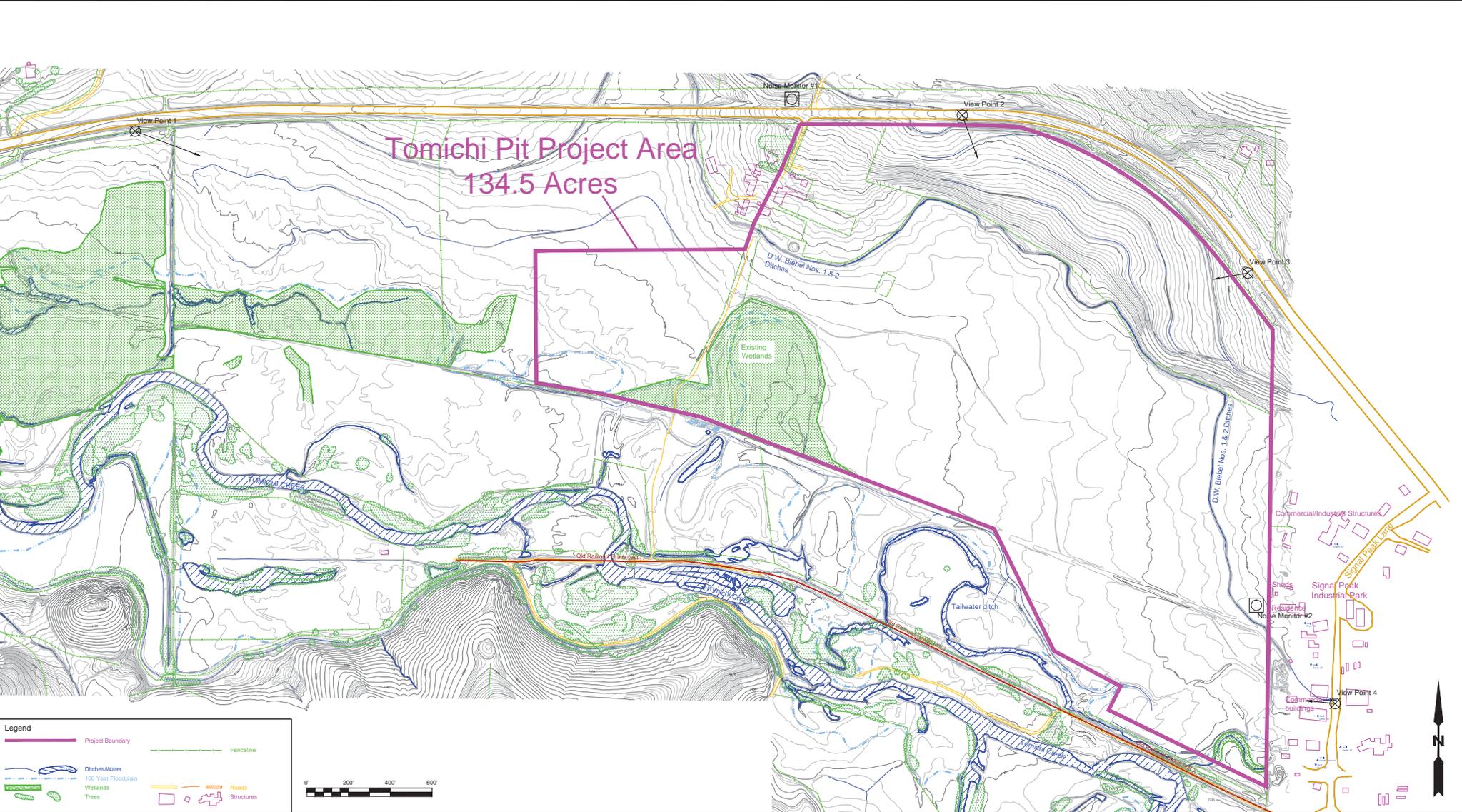
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Visual Mitigation Cost Calculations

		Unit		Cost
Highway Berm				
Strip, transport, and place material	33,823	CY	\$ 1.50	\$ 50,735
Seed with dryland seed mix	3.80	acres	\$ 700.00	\$ 2,660
Plant pinons and other trees	35	plants	\$ 150.00	\$ 5,250
<i>Subtotal</i>				\$ 58,645
Signal Peak Berm				
Strip, transport, and place material	4,237	CY	\$ 1.50	\$ 6,355
Seed with dryland seed mix	0.48	acres	\$ 700.00	\$ 336
Plant pinons and other trees	15	plants	\$ 150.00	\$ 2,250
<i>Subtotal</i>				\$ 8,941
Total				\$ 67,585

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Tomichi Pit Project Area 134.5 Acres



Legend

- Project Boundary
- Fenceline
- Ditches/Water
- 100 Year Floodplain
- Wetlands
- Trees
- Roads
- Structures

Notes:

Revisions	BY	DATE	DES: BL
			DRN: BL
			CHK
			APPD

DATE
02/07/12

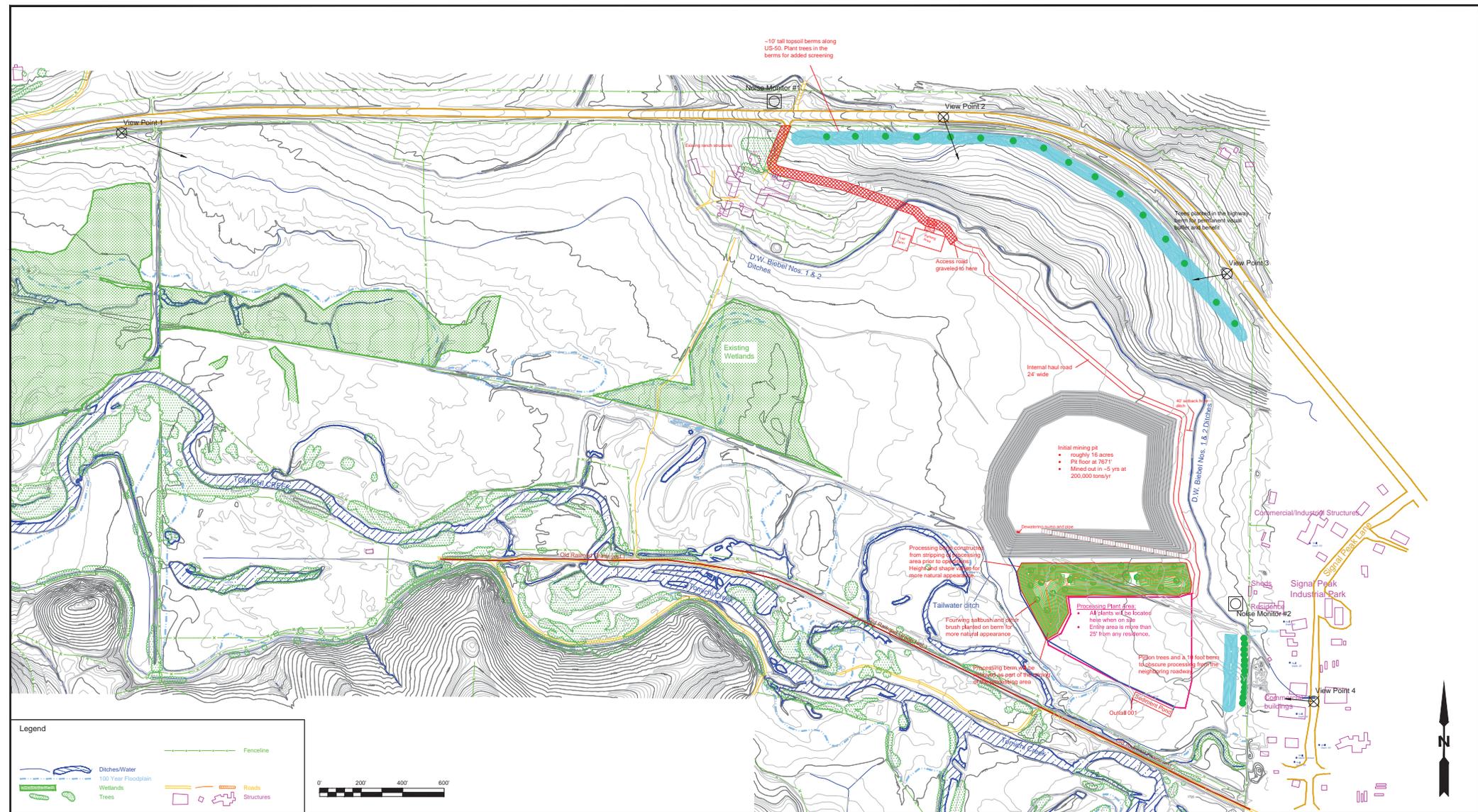
SCALE
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Map 4.0 - Pre Mine Development
Tomichi Pit
Gunnison Valley Properties



Legend

Ditches/Water	Fenceline
100 Year Floodplain	Roads
Wetlands	Structures
Trees	

Notes:
 Haul road designs on Map 5.1
 Access designs in Appendix B
 Berm details on Map 5.2

Revisions	BY	DATE	DES: BL

DATE
02/07/13

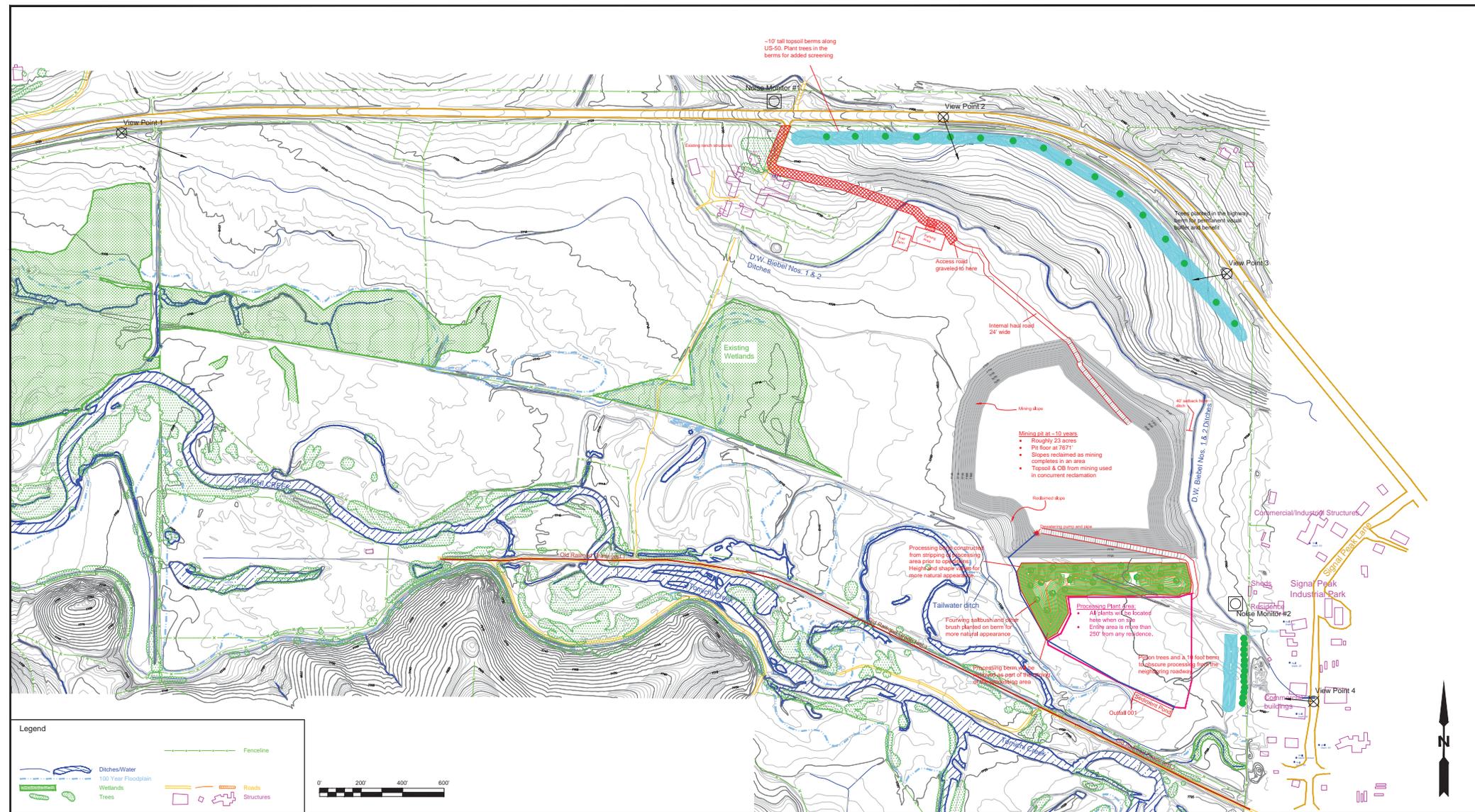
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**Map 4.1 - Initial Mining
 Tomichi Pit
 Gunnison Valley Properties**



Legend

	Ditches/Water		Fence/line
	100 Year Floodplain		Roads
	Wetlands		Structures
	Trees		



Notes:
 Haul road designs on Map 5.1
 Access designs in Appendix B
 Berm details on Map 5.2

Revisions	BY	DATE	DES: BL

DATE
02/07/13

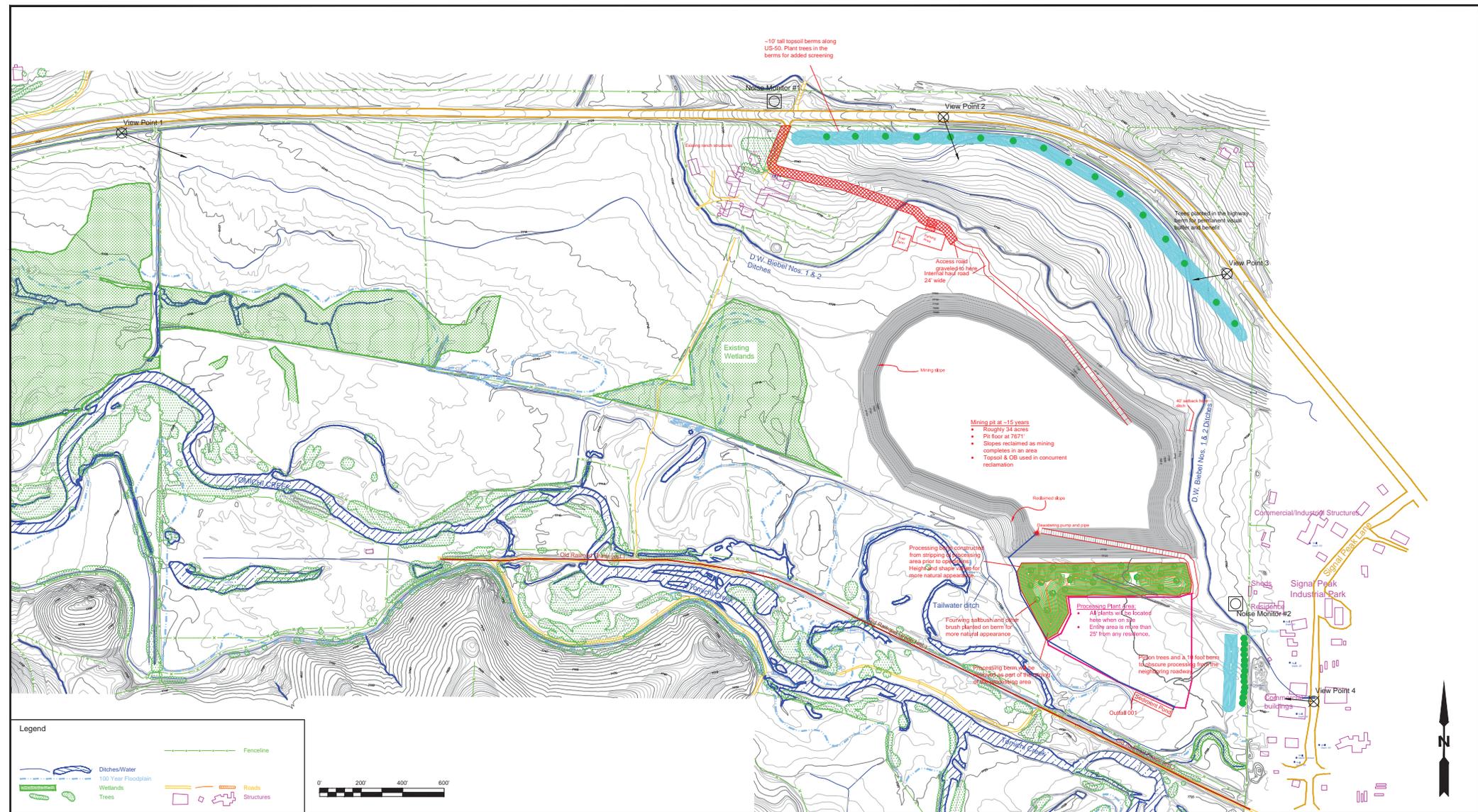
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**Map 4.2 - 10 Years of Mining
 Tomichi Pit
 Gunnison Valley Properties**



Legend

	Ditches/Water		Fence/line
	100 Year Floodplain		Roads
	Wetlands		Structures
	Trees		



Notes:
 Haul road designs on Map 5.1
 Access designs in Appendix C
 Berm details on Map 5.2

Revisions	BY	DATE	DES: BL

DATE
02/07/13

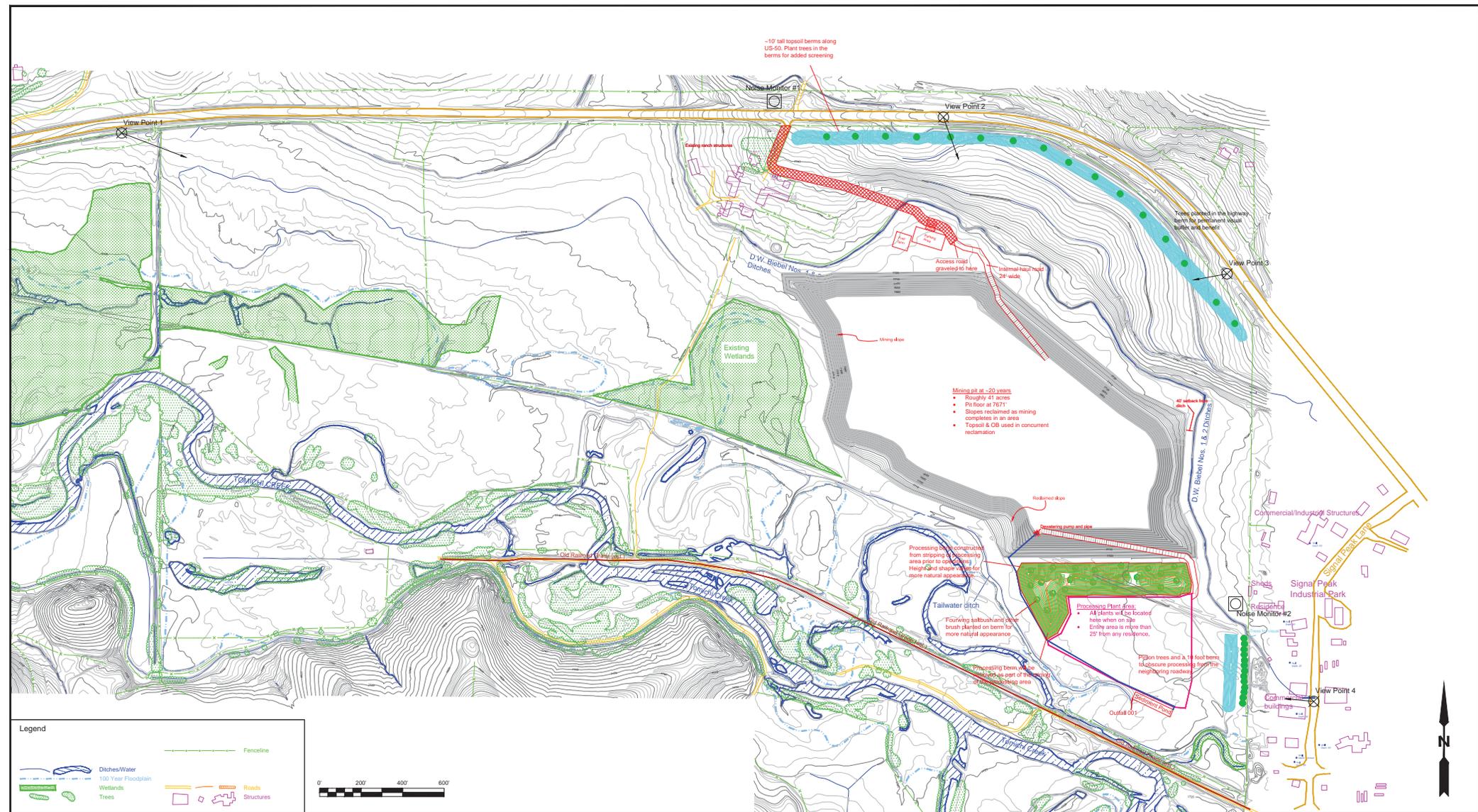
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**Map 4.3 - 15 Years of Mining
 Tomichi Pit
 Gunnison Valley Properties**



Notes:
 Haul road designs on Map 5.1
 Access designs in Appendix C
 Berm details on Map 5.2

Revisions	BY	DATE	DES: BL

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Map 4.4 - 20 Years of Mining
 Tomichi Pit
 Gunnison Valley Properties

**DRAFT MINUTES MAY 8, 2013
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING**

7:00PM

Page 1 of 3

MEMBERS	PRESENT	ABSENT	EXCUSED
Carolyn Riggs, Chair	X		
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Greg Larson	X		
Councilor Ellen Harriman	X		

OTHERS PRESENT: Community Development Director Steve Westbay and Planning Technician Pam Cunningham

I. CALL TO ORDER AT 7:03 PM BY CHAIR CAROLYN RIGGS

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. UNSCHEDULED CITIZENS. There were none.

IV. CONSIDERATION OF THE APRIL 24, 2013 MEETING MINUTES. Commissioner Larson moved and Commissioner Tocke seconded to approve the April 24, 2013 meeting minutes as corrected.

Roll Call Yes: Niemeyer, Ferchau, Riggs, Beda, Harriman, Tocke, Larson

Roll Call No:

Roll Call Abstain:

Motion carried

V. RESOLUTION 1 SERIES 2013 COMMENDING ELLEN HARRIMAN FOR HER SERVICE TO THE PLANNING AND ZONING COMMISSION.

Commissioner Larson moved to approve Resolution 1, Series 2013 and to authorize Chair Riggs to sign the document. Director Westbay read the Resolution in its entirety. Commissioner Niemeyer seconded the motion.

Commissioner Larson stated that the Resolution is a small token of thanks for Councilor Harriman's service to the City. Director Westbay added his thanks. Chair Riggs mirrored the sentiments.

Roll Call Yes: Ferchau, Tocke, Riggs, Beda, Harriman, Niemeyer, Larson

Roll Call No:

Roll Call Abstain:

Motion Carried

Commissioner Beda invited Councilor Harriman to attend future P&Z meetings as an interested citizen.

VI. COUNCIL UPDATE. Councilor Harriman reported there are two public hearings on Friday for liquor licenses. Since Council has not met for two weeks she asked Director Westbay to update the Commission on recent City business. He stated that:

- bids for the Police Department/Communications Center have been received;

- the summer Parks and Recreation programs will be published May 10th;
- the first meeting for fireworks planning is May 10th;
- the election is keeping the City Clerk's Office busy;
- the Finance Department is gearing up for the annual audit;
- a special events concept to close some of the downtown area is being discussed with local merchants;
- the Bike Rodeo was successful with approximately 100 children participating. It will now be an annual event in the spring. Tomichi Cycles donated 40 helmets and the WSCU Mountaineer Sports Club helped out; and,
- the Boomers and Beyond group had a party for Dan Ampietro to commemorate his 30th anniversary working for the City.

VII. COMMISSIONER COMMENTS.

- Commissioner Ferchau asked about the plan to close a three block area of downtown one evening a month for 9 months excluding January, February and March. Director Westbay replied that the event is being proposed by two business owners and will be a request to City Council for a Continuing Special Event. The City Manager and the Program Director will get merchants together to discuss the idea but nothing will be done until new the new Council is seated.
- Commissioners Tocke and Larson asked to be excused from the May 22nd meeting.
- Chair Riggs said that [in the event she is elected to City Council] it has been an honor to work with [the P&Z] and that it has been educational. She said that if she is not elected she plans to continue to be here and working hard.

VIII. MOTION TO EXCUSE COUNCILORS TOCKE AND LARSON FROM THE MAY 22, 2013 MEETING. Councilor Harriman moved and Commissioner Niemeyer seconded the motion to excuse Commissioners Tocke and Larson from the May 22nd meeting.

Roll Call Yes: Ferchau, Tocke, Riggs, Beda, Harriman, Niemeyer, Larson
Roll Call No:
Roll Call Abstain:
Motion Carried

IX. MOTION TO CANCEL THE MAY 22, 2013 MEETING OF THE PLANNING AND ZONING COMMISSION. Chair Riggs asked for a motion to cancel the May 22nd meeting since it will be a work session, two people will be absent and there will potentially be new members after the election results are determined. Commissioner Larson moved and Commissioner Niemeyer seconded the motion to cancel the May 22nd meeting.

Roll Call Yes: Ferchau, Tocke, Riggs, Beda, Harriman, Niemeyer, Larson
Roll Call No:
Roll Call Abstain:
Motion Carried

X. PLANNING UPDATE. Director Westbay updated the Commission on recent activity in the Community Development Office. Staff has been working on the following:

- an application from Gunnison Valley Partners for the *Stormwater Drainage Master Plan* for Gunnison Rising which will be processed as a Major Change to the PUD;
- the Highway Access Control Plan including an open house on April 3rd and individual interviews with land owners on April 24th and 25th;
- a Conditional Use application for a mortuary to be operated in the CBD at 106 S. Taylor;
- a Federal Lands Access Program grant funded by Federal Highway funds to connect urban centers to public lands. The BLM is a partner to the grant. The grant is targeting the trail segment from the airport perimeter road through Gunnison Rising to Signal Peak and will connect the Tomichi Creek Wildlife Area and the Signal Peak Recreation Area. The Signal Peak Recreation Area is being proposed by the BLM for the Gunnison Sage-grouse CCA to concentrate recreation away from Critical Habitat;
- preliminary revisions of the *LDC* Incentives section pending guidelines from the Housing Authority, which should be available soon;
- building and demolition permits for the Family Dollar;
- inspections on the Tractor Supply Company, which plans to open in August; and,
- the Fire Department has had to deal with several structural fires lately—the Cebolla Condos fire was electrical.

XI. ADJOURN TO WORK SESSION. Chair Riggs adjourned the meeting to a work session at approximately 7:25 p.m.

Carolyn Riggs, Chair

Attest:

Pam Cunningham, Secretary