

STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

RE: M-1991-082 Tiger Timber - 2012 Map

1 message

Pellegrino, Lor <PellegrinoL@co.teller.co.us>
To: "Cazier - DNR, Tim" <tim.cazier@state.co.us>

Fri, May 9, 2014 at 12:19 PM

Tim,

After closer scrutiny of the 2012 map that was submitted to you, I noticed that it was identical to a map that was submitted for a 1991 Conditional Use Permit application in Teller County. This CUP was never approved because the expansion proposed mining in County ROW - which the County objected to. The applicant withdrew the CUP application.

Re: the mine permit map, please ensure that mining only occurs on property privately owned and is not occurring on any ROW.

TxS -lor

*Lor Pellegrino, AICP, Senior Planner**719.686.5414 pellegrinol@co.teller.co.us**Teller County Community Development Services**P.O. Box 1886, Woodland Park, CO 80866*

From: Cazier - DNR, Tim [mailto:tim.cazier@state.co.us]
Sent: Friday, May 09, 2014 9:57 AM
To: Pellegrino, Lor
Subject: M-1991-082 Tiger Timber



STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

RE: M-1991-082 Tiger Timber

1 message

Pellegrino, Lor <PellegrinoL@co.teller.co.us>

Fri, May 9, 2014 at 11:35 AM

To: "Cazier - DNR, Tim" <tim.cazier@state.co.us>

Cc: "Fabiano, Cathryn" <FabianoC@co.teller.co.us>, "Morgan, Lynda" <MorganL@co.teller.co.us>

Tim,

Thanks for the quick response.

See attached 2004 letter from Teller County – no CUP in 2004 but determined to be “pre-existing, nonconforming” by TC staff at the time and allowed to continue based on and in compliance with State Mining Permit. Further to the TC letter, our file contains nada re: **ANY** reports/maps/evidence of State permit – they have effectively ignored the “request” for annual updates as stated in the 2004 letter. Per current Land Use Regulations, a mining use is not even permissible in the Commercial (C-1) zone **AT ALL** (a use permit application could not be approved if they were to submit one now). Upon cessation of the State permit, TC would be happy to see the mining use disappear, the site reclaimed, and used only for commercial operations per the C-1 zone (see attached). Mining is allowed to continue at this site **ONLY** because of the grandfathered determination made in 2004 and the existence of a **ACTIVE AND VALID** State Permit. TC would look to the State to enforce the permit and simply revoke it if it is in violation.

Please keep me apprised of the status of this mine permit.

Txs -lor

Lor Pellegrino, AICP, Senior Planner

719.686.5414 pellegrinol@co.teller.co.us

Teller County Community Development Services

P.O. Box 1886, Woodland Park, CO 80866



From: Cazier - DNR, Tim [mailto:tim.cazier@state.co.us]
Sent: Friday, May 09, 2014 9:57 AM
To: Pellegrino, Lor
Subject: M-1991-082 Tiger Timber

Hi Lor,

I got your voice message, did some research, and besides the lack of a CUP, there are some other problems.

The last annual report and map we received was actually for 2012. I cited the map as being inadequate and sent the "Operator" the attached map (we had in our files) to use and mark up as appropriate. I received the other attached map in response, but nothing since then.

The site was originally declared an illegal operation in 1991 by the DRMS (MLRD at the time) and forced to get a permit. The "official" permittee (Frank Laughrey) has been deceased for several years. When I inspected the site in 2012, there were two gentlemen interested in taking over the permit, but I have not heard from either of them in quite some time.

If Teller County could send us/me a letter or email stating the site needs a CUP and does not have one, that would push it up on our priority list.

Tim Cazier, P.E.

Environmental Protection Specialist



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

P 303.866.3567 x8169 | F 303.832.8106 | C 303.328.5229

1313 Sherman St., Room 215, Denver, CO 80203

tim.cazier@state.co.us | www.mining.state.co.us

2 attachments



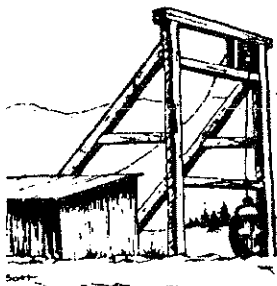
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C-1.doc

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Community Development Services
Planning Department

(719) 687-3048
FAX 687-5256

Teller County

P.O. BOX 1886 • WOODLAND PARK, CO 80866

November 24, 2004

Mr. Frank Laughrey
P.O. Box 128
Lake George, CO 80827-0827

Re: **Tiger Timber Site** located on a portion of Section 2, T13S, R71W

Dear Mr. Laughrey:

The Teller County Planning Department conducted an audit of the County's Conditional Use Permits during the fall of 2004. The Tiger Timber Site has an active State mining permit but does not have a County Conditional Use Permit as usually required by the Teller County Land Use Regulations.

Based on the results of the audit, the Tiger Timber mine site has been determined to be a pre-existing, nonconforming use and is allowed to continue without benefit of a County Conditional Use Permit for Mining as long as the mining operations as allowed in the Division of Minerals and Geology permit #1991-082 (110c) conform to the relevant provisions of the Teller County Land Use Regulations, namely NO-10 (definition of a nonconforming use), NO-10-1 (continuation of a nonconforming use), NO-10-3 (enlargement or alterations to a nonconforming use), and NO-10-4 (replacement of a nonconforming use). These sections are detailed in an enclosure with this letter.


Section NO-10-2 (discontinuance) does not apply to the mine due to the fact that mining may be discontinued for a period of time (over one year) under a DMG permit but may remain active as long as annual reports and fees are paid.

The County requests that you submit a copy of your annual DMG report and map as long as the DMG permit remains in existence. These documents may be sent to:

Teller County Planning Department
Attn: Planning Director
P.O. Box 1886
Woodland Park, CO 80866

If you have any further questions or comments, please do not hesitate to contact the Planning Department at 719-687-3048.

Sincerely,


Terri Bernath
Planner

Cc: Paul Clarkson, CDSD Director
Berhan Keffelew, Division of Minerals and Geology

C-1 COMMERCIAL

(TCLUR Chapter 2, Section 2.7.2)

The purpose of the Commercial One (C-1) Zone District is to provide for a general zone district devoted to a range of commercial services needed to meet the daily shopping needs of area residents, including retail sales, restaurants, personal and commercial services, offices, and small wholesale activities. The C-1 Zone District generally excludes those uses listed under the Manufacturing/Industrial (M-1) category of the use schedule.

A. Uses

1. Permitted Uses

PERMITTED USE	CROSS-REFERENCE
Adult or sexually oriented business. See Use Restrictions below.	<i>Chapter 12</i>
Animal Hospital / Veterinary Clinic: ≤ 35 acres. See Use Restrictions below.	<i>Section 8.3.A</i>
Bar, restaurant, lounge, other food & beverage service, take-out included	
Building materials - sales (including Home Improvement centers)	
Car wash, with or without related Gasoline fueling station	
Child care center - 4 or fewer	<i>Section 8.3.Q</i>
Church, temple, synagogue, or other religious worship facility	
Clinic - Medical or dental	
Commercial: general retail goods and business services: COMMUNITY scale	<i>Section 2.1.D.2</i>
Commercial: general retail goods and business services: NEIGHBORHOOD scale	<i>Section 2.1.D.2</i>
Communication facility - roof or wall mounted	<i>Section 8.3.I</i>
Communication facility - "stealth"	<i>Section 8.3.I</i>
Dry cleaning and laundry establishment	
Dwellings (excluding mobile homes) within the same structure as a commercial or business use ("Mixed use")	
Educational Institution - public or private	
Emergency services facilities (subject to Location and Extent review)	<i>Section 8.4</i>
Entertainment places and facilities: indoors	
Essential services (subject to Location and Extent review)	<i>Section 8.4</i>
Financial institution (bank, S&L, credit union, etc.)	
Funeral homes	
Gasoline fueling station - with or without related motor vehicle body repair shop, motor vehicle operating systems maintenance and repair shop, or convenience store	
Group Meeting Facility (except those uses otherwise specifically described in this table)	<i>Chapter 12</i>
Home Health Services/Home Health Care (peripatetic)	<i>Section 8.3.Q</i>
Homemaker Agency/Services (peripatetic)	<i>Section 8.3.Q</i>
Hotels and motels	
Livestock Boarding Facility: ≤ 35 acres. See Use Restrictions below.	<i>Section 8.3.D</i>
Manufacturing - small scale (non-hazardous materials use)	
Mobile/manufactured/factory-built home sales	
Motor vehicle body repair shop - independent of Gasoline service station	
Motor vehicle operating systems maintenance and repair - independent of Gasoline service station	
Offices	
Offices with attached storage room not over 3,000 square feet per unit in size	

PERMITTED USE	CROSS-REFERENCE
Personal Care Agency/Services (peripatetic)	<i>Section 8.3.Q</i>
Printing, newspaper publishing and binding, including engraving and photoengraving	
Public uses and facilities (subject to Location and Extent review)	<i>Section 8.4</i>
Recreational facilities - indoors	

2. Administrative Review Uses

ADMINISTRATIVE REVIEW USE	CROSS-REFERENCE
Communication facility - co-location only	<i>Section 8.3.I</i>
Temporary Construction Office Trailer	<i>Section 8.3.CC</i>

3. Conditional Uses

CONDITIONAL USE	CROSS-REFERENCE
Adult Day Care Facility	<i>Section 8.3.Q</i>
Alternative Care Facility	<i>Section 8.3.Q</i>
Animal Hospital / Veterinary Clinic: < 35 acres. See Use Restrictions below.	<i>Section 8.3.A</i>
Auto, RV, truck sales and/or service	<i>Section 8.2</i>
Brew Pub and Craft (Micro) Brewery	<i>Section 8.3.E</i>
Child care center - 5 or more	<i>Section 8.3.Q</i>
Commercial: general retail goods and business services: REGIONAL scale	<i>Section 2.1.D.2</i>
Communication facility - free standing	<i>Section 8.3.I</i>
Communication facility - public safety	<i>Section 8.3.I</i>
Community Residential Home: 9 or more	<i>Section 8.3.Q</i>
Construction equipment business (inc. sales and repair)	<i>Section 8.3.J</i>
Convention facilities, auditoriums, arenas	<i>Section 8.2</i>
Intermediate Nursing Facility: Mentally Retarded	<i>Section 8.3.Q</i>
Kennel: <30 animals. See Use Restrictions below.	<i>Section 8.3.S</i>
Laboratories - medical, dental, research, experimental and testing	<i>Section 8.2</i>
Life Care Institution	<i>Section 8.3.Q</i>
Livestock Boarding Facility: <35 acres See Use Restrictions below.	<i>Section 8.3.D</i>
Mini-warehouses	<i>Section 8.2</i>
Nursing Facility	<i>Section 8.3.Q</i>
Recycling stations (public drop-off only)	<i>Section 8.3.CC</i>
Respite Care Provider/Services (facility)	<i>Section 8.3.Q</i>

4. Special Uses

SPECIAL USE	CROSS-REFERENCE
Day Treatment Center: any number	<i>Section 8.3.Q</i>
Elderly or Disabled Low-Income Residential Facility	<i>Section 8.3.Q</i>
Family Service Facility	<i>Section 8.3.Q</i>
Homeless Youth Shelter/Homeless Shelter	<i>Section 8.3.Q</i>
Kennel: ≥30 animals. See Use Restrictions below.	<i>Section 8.3.S</i>
Low-Income Household Residential Facility	<i>Section 8.3.Q</i>
Regional Center: Developmentally Disabled	<i>Section 8.3.Q</i>
Residential [Child] Care Facility: any number	<i>Section 8.3.Q</i>
Secure Residential Treatment Center: any number	<i>Section 8.3.Q</i>
Specialized Group Facility [Child]: any number	<i>Section 8.3.Q</i>
Transitional Housing Facility	<i>Section 8.3.Q</i>

5. **Accessory Uses**

- a. Motor vehicle towing of up to eight customer vehicles to a **motor vehicle body repair shop, motor vehicle operating systems maintenance and repair shop, or gasoline fueling station** when solely for the purposes of repair. The location of customer vehicles retained on-site shall be no less than 200 feet from any adjoining residential zone district. No single vehicle may be retained on-site for longer than one week.

6. **Use Restrictions**

- a. All uses are subject to *Chapter 7 Site Plan and Site Plan Review*.
- b. **Adult Uses**. No sexually oriented business shall be located within 500 feet of another sexually oriented business, or any of the following legal conforming uses: residential, church, day care center, park or educational institution (whether within or without the County), or residentially zoned property. The 500-foot separation measurement shall be made in a straight line between the respective property lines, without regard to intervening structures or objects.
- c. The following are considered Permitted Uses (uses-by-right) on lots or parcels of 35 acres or more, and uses by Conditional Use Permit pursuant to the requirements of *Chapter 8 Special Review Uses* on lots or parcels less than 35 acres:
1. Animal Hospital/Veterinary Clinic (*Section 8.3.A*)
 2. Livestock Boarding Facility (*Section 8.3.D*)
- d. Kennels for 30 or more animals require a Special Use Permit.

B. **Minimum Lot Size: New Subdivision**

10 acres without central water and central sewer
10,000 square feet with central water and central sewer

C. **Dimensional Limitations**

1. **Minimum Setbacks:**
- Outside** the Growth Area boundaries depicted on legislatively adopted Teller County map(s):
- Front: 50 feet
Side: None, provided that the requirements of the Teller County Building Code are met
Rear: 20 feet
- Within** the Growth Area boundaries depicted on legislatively adopted Teller County map(s):
- Front: 10 feet
Side: None, provided that the requirements of the Teller County Building Code are met
Rear: 20 feet
2. **Minimum Road Frontage:** 40 feet
3. **Maximum Height:** 35 feet
4. **Maximum Impervious Coverage:** 80%

CONTACT US!

The information above is a **summary only**. The Land Use Regulations may require more or less than is stated in this brochure.



PLANNING DEPARTMENT
(719) 687-3048
FAX: (719) 687-5256