

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF TELLER COUNTY, COLORADO**

RESOLUTION NO. 02-08-2018 (6)

**A RESOLUTION TO APPROVE A SPECIAL USE PERMIT FOR JEFFREY L. OTTEN,
AMAZONITE MINING, LLC, FOR SURFACE MINING USE WITHIN THE PIKE
NATIONAL FOREST IN TELLER COUNTY.**

File No. SUP-Z17-0032

WHEREAS, Jeffrey L. Otten, Amazonite Mining, LLC, has requested approval of a Special Use Permit for surface mining use of lease areas within the Pike National Forest in Teller County, described as the 'Forrest Mining Project' consisting of the Student Loan No. 1 [CMC 255354], Section 1, Student Loan No. 2 [CMC 255355], Section 1 and 12, Ruff-Load No. 1 [CMC 272515], Section 1 and 2, and Mick-Man Lode No. 1 [CMC 274852], Section 1 and 2, DRMS Permit M-2017-12, USFS No. 2810-021210-MPO2017-001, Township 12S, Range 71 West, 6th P.M, Teller County, Colorado;

WHEREAS, on January 9, 2018, the Teller County Planning Commission held a duly-noticed public hearing, considered the application, information presented at that hearing, and the Staff Report, dated December 15, 2017 (the "Staff Report"), and entered Written Findings to recommend to the Board of County Commissioners (Board) that it approve the Special Use Permit with conditions;

WHEREAS, a duly-noticed public hearing was held by this Board on February 8, 2018;

WHEREAS, at the public hearing, the Board considered the application, the Staff Report, the Written Findings of the Planning Commission, referral responses, the Applicant's presentation at the hearing, and public comment given at the public hearing;

WHEREAS, the Board finds that the application is consistent with Section 8.3.U.4 Mining of the Teller County Land Use Regulations (LUR) and adopts the findings of the Staff Report and the Written Findings of the Planning Commission;

WHEREAS, the Board further finds that, subject to the conditions below, the application complies with such pertinent, individual conditions of use specified in the granting of a Special Use Permit, is compliant with the general provisions of the LUR including the limitations of the Agricultural (A-1) zone district, is consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plans or maps, and that satisfactory provisions and arrangements have been made concerning the criteria of approval; and

WHEREAS, the Board further finds, determines and declares that adoption of this resolution is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Teller County, Colorado.

NOW, THEREFORE BE IT RESOLVED, that the Special Use Permit for surface mining use of lease areas within the Pike National Forest in Teller County is hereby approved subject to the following conditions:

- A. Change in Mining Circumstances.** A new or amended Special Review Use Permit may be required for any proposed substantive change to the mined land reclamation plan or permit, to the USFS Plan of Operations and/or to this Special Review Use Permit, including a proposed revision or exchange of lands to be reclaimed or other substantive amendment of the approved reclamation plan, extension of mining into areas not previously approved for mining, extension of leaching areas, substantive increase in heights above previous approvals, or expansion of overburden storage areas as determined by the Planning Director. This includes, but is not limited to, the use of any heavy piece of equipment larger than a backhoe or excavator and which is designed to be used for heavy industrial mining use to extract minerals. Minor changes in mining circumstances that do not affect off-site impacts or required mitigations, or that do not substantially modify conditions of approval of the Teller County Special Review Use Permit, as determined by the Planning Director, shall not be considered a substantive change requiring an amendment or new Special Review Use Permit.
- B. Licenses/Permits/Authorizations.** At all times during occupancy of site and operation of the mining use, the Applicant shall obtain, have, maintain, be subject to and comply with all local, state and federal terms, requirements, conditions, codes, ordinances, regulations, permits, licenses and/or other authorizations pertaining to the use and supporting facilities and infrastructure, as they may be amended or replaced from time to time, including but not limited to:
- 1) The auditing of Special Review Use Permits (LUR §8.2.E), including any conditions related to time limits, duration, abandonment, and extension (LUR §8.2.G).
 - 2) Submission to the Planning Department of copies of any and all approved and valid local, state or federal licenses, permits, and authorizations.
 - 3) Submission to the Planning Department annually a copy of the annual report and map required by the State of Colorado Division of Reclamation, Mining, and Safety (DRMS). Failure to annually submit to Teller County the DRMS annual report and map shall be considered grounds for enforcement pursuant to *Section 1.15.C Permit Violations* of these Regulations.
 - 4) No water will be used during or for mining operations, with the exception of water for personal use and sanitation, and no groundwater or surface water disturbed during mining operations.
 - 5) All minerals will be processed off-site.
 - 6) No explosives are proposed, permitted or authorized in this mining operation and no hazardous or toxic materials other than gasoline and diesel shall be on

- the site.
- 7) Upon completion of mining operations, all excavations will be replaced, contoured and reclaimed to as stable conditions as pre-mining conditions pursuant to all DRMS and USFS permitting requirements.
 - 8) Annual reclamation will be done prior to November 30th on those excavated areas deemed not worth expanding. They will be backfilled and graded to their original grade pursuant to the approved Forest Service Plan of Operations
 - 9) The applicant shall follow the fugitive dust control plan as submitted with the Application.
 - 10) A crew of no more than three permanent persons and two additional persons when heavy equipment is used will be authorized pursuant to the USFS approved Plan of Operations.
 - 11) This SUP will expire along with the USFS Plan of Operations on July 30, 2022 unless a copy of an approved new USFS Plan of Operations is obtained and submitted to Teller County Planning prior to that date.

C. Representations. Unless otherwise modified by these conditions, all material representations of the Applicant in his submittal material and in public hearings shall be considered binding.

The foregoing Resolution is adopted at a regular meeting of the Board of County Commissioners of Teller County, Colorado on February 8, 2018, at Cripple Creek, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF TELLER COUNTY, COLORADO

BY


MARC DETTENRIEDER, CHAIRMAN

ATTEST:



