

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

**RESOLUTION NO. 07-26 - 2018 (31)**

**A RESOLUTION TO APPROVE A SPECIAL USE PERMIT  
FOR GARY POLLACK FOR SURFACE MINING USE  
WITHIN THE PIKE NATIONAL FOREST IN TELLER COUNTY.**

File No. SUP-Z18-0021

WHEREAS, Gary Pollack, has requested approval of a Special Use Permit for surface mining use of a lease area within the Pike National Forest in Teller County described as the 'Q2 Unpatented Mining Claim', DRMS Q2 Permit No. M-2017-046, CMC No. 251950 found in a portion of Section 27, T11S, Range 71 West, 6<sup>th</sup> P.M., Teller County, Colorado.

WHEREAS, on July 10, 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 June 15, 2018, 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 July 26, 2018.

WHEREAS, at the public hearing, the Board considered the application, the Staff Report, dated June 15, 2018, the Written Findings of the Planning Commission dated July 10, 2018, 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 Teller County Planning Staff contained in that Staff Report dated June 15, 2018, and the Written Findings of the Planning Commission, dated July 10, 2018.

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 Teller County Land Use Regulations including the limitations of the Agricultural (A-1) zone district, is consistent with the purposes, goals, objectives and policies of the *Teller County Growth Management Plan*.

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 a lease area 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, including the use of leaching and 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 consist of backfilling of any open excavations for safety and general clean up. Any excavated area that has been exhausted of minerals will be permanently reclaimed with topsoil and native seed mix and the planting of approved trees by the USFS.
- 9) The applicant shall follow the fugitive dust control plan as submitted with the Application.
- 10) The mining crew will consist of the Applicant and on occasion, an additional helper on an average of two days a week for a maximum of ten (10) days a month as approved pursuant to the USFS approved Plan of Operations.
- 11) This SUP will expire along with the USFS Plan of Operations on **October 31, 2023** 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 July 26, 2018, at Cripple Creek, Colorado.

THE BOARD OF COUNTY COMMISSIONERS  
OF TELLER COUNTY, COLORADO

BY:   
MARC DETTENRIEDER, CHAIRMAN

ATTEST:

  
COUNTY CLERK

