

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

RESOLUTION NO. 07-11-2019 (24)

**A RESOLUTION TO APPROVE AN AMENDMENT TO A SPECIAL USE PERMIT
FOR THE ZYMIN CORPORATION FOR SURFACE MINING USE
WITHIN THE PIKE NATIONAL FOREST IN TELLER COUNTY**

File No. SUP-Z19-0009

WHEREAS, the ZyMin Corporation has requested approval of an amendment to an existing Special Use Permit for surface mining (No. Z16-0023) of a lease area within the Pike National Forest in Teller County, the Ten Percenter Lode Mining Claim, USFS Claim # 2801, CO DRMS # M-2015-039, and BLM # CMC 254209, in Section 2, Township 12S, Range 71 West, 6th P.M., Teller County, Colorado, and

WHEREAS, on June 11, 2019, the Teller County Planning Commission held a duly-noticed public hearing, considered the application, information presented at that hearing, and the Staff Report, dated May 20, 2019 (the "Staff Report"), and entered Written Findings to recommend to the Board of County Commissioners (the "Board") that it approve the Amendment to the Special Use Permit with conditions; and

WHEREAS, a duly-noticed public hearing was held by this Board on July 11, 2019; and

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; and

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

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 an amendment to a Special Use Permit, complies with the general provisions of the LUR, including the limitations of the Agricultural (A-1) zone district, and is consistent with the purposes, goals, objectives and policies of the *Teller County Growth Management Plan*; 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 amendment to a 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** Once approved by Teller County and the State of Colorado, any proposed substantive change to a mined land reclamation plan or permit and/or to a County 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, may be subject to separate review and approval by Teller County as determined by the Planning Director. This includes, but is not limited to, 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. A new or amended Special Review Use Permit may be required. 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 of an application for, and approval (as applicable) of, any and all required Teller County Building Permit, Major Building Site Plan Review, Sewage Disposal Permit, Plumbing Permit, Driveway/Access Permit, Electrical Permit, Mechanical Permit, compliance inspection, and/or other necessary and applicable permits and/or applications.
 - 3) Submission to the Planning Department of copies of any and all approved and valid local, state or federal licenses, permits, and authorizations.
 - 4) 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.
 - 5) No water will be used during or for mining operations, with the exception of 20 gallons or less for personal use, and no groundwater or surface water

disturbed during mining operations.

- 6) All minerals will be processed off-site.
- 7) Any use of explosives will be in conformance with current DRMS and USFS permit authorizations. Only fully licensed, authorized and insured blasting contractors will perform any blasting. At no time will any explosives materials for the blasting be stored on site. No blasting will be performed until the USFS South Park District is notified and permission granted prior to each intended use.
- 8) 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.
- 9) A crew of no more than four persons will be authorized pursuant to the USFS approved Plan of Operations to assist in mining operations and security of the site.
- 10) This SUP will expire along with the USFS Plan of Operations on August 1, 2023.

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

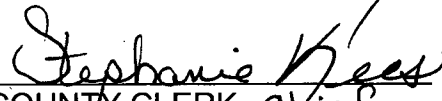
The foregoing Resolution is adopted at a regular meeting of the Board of County Commissioners of Teller County, Colorado on July 11, 2019, at Cripple Creek, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF TELLER COUNTY, COLORADO

BY


NORM STEEN, CHAIRMAN

ATTEST:


COUNTY CLERK, Chief

