



TELLER COUNTY COMMUNITY DEVELOPMENT SERVICES

PO Box 1886 * Woodland Park, CO, 80866 * 719-687-3048 * fax 719-687-5256

TELLER COUNTY PLANNING COMMISSION

Regular Meeting - 7:00 p.m. September 12, 2017

City of Woodland Park Council Chambers - 220 W. South Avenue, Woodland Park, CO

WRITTEN FINDINGS

Agenda Item II

File No. Z17-0004

The Teller County Planning Commission recommends to the Board of County Commissioners, that it approve a request by the Newmont Mining Corporation, Cripple Creek & Victor Gold Mining Company (CC&V), to approve Amendment 11 for the Cresson Project, Permit No. M-1980-244-Mine Development Plan (MDP) on land zoned Agricultural (A-1) located in the Northeast Quarter of Section 24 and the Southeast Quarter of Section 13, Township 15 South, Range 70 West and across the Southwest Quarter, the Northwest Quarter, and the Northeast Quarter of Section 18, Township 15 South, Range 69 West of the 6th Principal Meridian, Teller County, CO (Cripple Creek & Victor Gold Mining Company, 100 North 3rd Street, Victor Colorado 80860), incorporating staff's findings as contained in the Staff Report dated August 29, 2017, and further finding that the application complies with such pertinent, individual conditions of use specified in approving a modification to an approved Mine Development Plan (MDP), is compatible with the general provisions of the Teller County Land Use Regulations for precious metal mining within the Cripple Creek Mining Overlay District (CCMOD), and that satisfactory provisions and arrangements have been made concerning the criteria for approval, and with adoption of the following **CONDITIONS OF APPROVAL**:

- A. Approval of Amendment 11 to the Cresson Project M-1980-244 Mine Development Plan (MDP) does not imply, indicate nor suggest approval or likelihood or availability of approval of, nor does it in any way approve or grant, any subsequent amendments, necessary zoning, platting or other development applications or requests related to the Cresson Project DRMS Permit No. M-1980-244 Mine Development Plan (MDP).
- B. The Colorado Division of Reclamation Mining and Safety (DRMS) incorporated DRMS permit No. M-1988-026 (Chicago Tunnel and Proper Adit) 110 low impact permit into the current DRMS Cresson Project permit, M-1980-244, placing all mining conducted by CC&V under one Section 112(d) reclamation permit in its February 28, 2017 approval of Amendment 11. Therefore, the April 12, 1988 Teller County Conditional Use Permit No. CUP-026 issued for the Chicago Tunnel and Proper Adit mine, described as 5.16 acres in the N1/2 of the SW1/4, Section 18, Township 15 South, Range 69 West of the 6th P.M, is hereby extinguished, null and void and is of no effect.
- C. The terms and conditions contained in that Public Improvements Agreement and as stated in the August 23, 2017 commitment letter contained in appendix D of this staff report. Said agreement by the Cripple Creek and Victor Gold Mining Company for County Roads 821 and 82 shall be fulfilled in a timely manner and pursuant to those terms and

conditions contained therein. Further, that no more than 5 heavy trucks with gold ore concentrate will be permitted to leave the CCMOD on those roads, or any other Teller County roads, until all of the improvements outlined in said document have been completed and inspected to the satisfaction of the Teller County Public Works Department and the Planning Department notified in writing of such. CC&V shall enter into a reimbursement agreement with the Teller County Department of Transportation (TCDOT) on County Road 82 (CR 82), agreeing to a reimbursement plan not to exceed \$15,000 per year through the estimated life of the mine, currently 2025.

- D. CC&V pursuant to its agreement contained in that August 9, 2017 letter [attached to the Staff report] completes a comprehensive traffic study and targeted traffic-related Social Impact Assessment (SIA) at the request of the City of Cripple Creek, to evaluate the overall impacts of traffic on the economies of Victor and Cripple Creek. Said study is to be completed in 2018 after peak traffic month data is compiled but no later than December 31, 2018. A copy of the final report will be sent to the Teller County Planning Department and to the cities of Cripple Creek and Victor.
- E. That the Wildlife Fence be constructed pursuant to the Colorado Parks and Wildlife recommendation and as outlined in the No-Impact Technical Revision [wildlife fence - TR 91] submitted by CC&V to the Colorado Division of Reclamation Mining and Safety (DRMS) on 31 August 2017 pursuant to the timeline submitted in that document.
- F. The terms and conditions contained in that "Contractual Agreement for Victor-Goldfield Buffer Area and Cripple Creek Historic/Recreation Area Related to the Cripple Creek Mining District" recorded 06/27/2000 at Reception No. 506476, and Resolution 09-12-2012(39) approving MLE2 recorded at Reception No. 656481 remain in full force and effect.
- G. CC&V shall post a financial surety bond for \$1,785,975 equaling the estimate defined in the HDR report plus a 25% contingency. (CR 821) prior to any hearing by the Board of County Commissioners.
- H. All applicable building permits will be applied for and obtained prior to the construction of any new building, or alterations to existing buildings being made, and all applicable Environmental Health permits will be obtained for any new septic systems or vaults.

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


Mr. Michael Haase, Chairman
Teller County Planning Commission


Date