

TELLER COUNTY PLANNING COMMISSION

**MINUTES**

7:00 p.m., Tuesday August 14, 2012

CITY OF WOODLAND PARK ADMINISTRATION BUILDING – Council Chambers  
220 W South Avenue, Woodland Park, CO

**I. Call to Order and Roll Call**

The meeting was called to order by Mr. Haase at 7:00 p.m. and the following answered roll call:

Ms. Wendy Dillenschneider (Regular)  
Mr. Jeff Smith (Regular)  
Mr. Steve Copp (Regular)  
Mr. Rick Cirka (Regular)  
Mr. Michael Haase (Regular / Chairman)

Also attending were the following staff members:

Ms. Lor Pellegrino, AICP, Senior Planner  
Ms. Janice Fetrow, Senior Planner  
Mr. Chris Brandt, County Attorney

**II. ~~Approve and Adopt Minutes of May 8, 2012~~**

The minutes were not presented for review at this time.

**III. Request by the City of Colorado Springs Parks, Recreation and Cultural Services Department for approval of a Location and Extent for public park purposes on Pikes Peak South Slope Watershed lands consisting of approximately 2,840 acres zoned Agricultural (A-1) located in portions of Sections 4 and 5, Township 15 South, Range 68 West of the 6<sup>th</sup> P.M., County of Teller, State of Colorado.**

Ms. Janice Fetrow presented the staff report finding compliance with all applicable Teller County Land Use Regulations and standards and recommending approval, with conditions, of the Location and Extent application. She made one correction to page 2 of the Staff Report – the reference to Appendix C should be to Appendix B instead.

Ms. Sarah Bryerly, Landscape Architect (City of Colorado Springs Parks, Recreation and Cultural Services Department, 1401 Recreation Way, Colorado Springs) presented an overview of the application describing the Master Planning process, coordination and cooperation with the Forest Service and the Colorado Department of Parks and Wildlife and other agencies, the proposed operation of the park including the day use area, the design and layout of proposed trails and vehicular access, parking layout, kiosks and other proposed improvements.

The public hearing comment portion of the hearing was opened and the following members of the public spoke:

Ms. Ashley Anderson (770 Northwoods Drive West, Woodland Park) was neither in favor nor opposed to the application but asked if the Ranger is to be relocated from another park, what the proposed cost of parking will be, if a day use pass is proposed, how trash is to be handled, and what is going to be done to address shooting/hunting within the park.

Dennis Craig (Colorado Springs) was opposed to the opening of this park citing concerns about the negative impact to Gold Camp Road, the increased traffic given its current road limitations, the increase in primitive camping that already occurs just outside the park boundaries, and the increase in trash and litter both within the park site and along the access roads. He quoted from a letter written by his colleague, Mr. Brian Barzee requesting that the site remain untouched and left in its natural condition.

Members of the Planning Commission asked questions regarding the double vaulted restroom, proposed improvements to Gold Camp Road, handicap accessibility of the proposed trails, Ranger duties and responsibilities, maintenance of the park, protection of the fens, hours/days of operation, and the on-site population of mountain goats.

Ms. Sarah Bryerly responded that the park will be monitored upon opening and necessary changes will evolve depending on the demand that is experienced. She stated that no road improvements are proposed at this time but if trips exceed 99 average daily trips then improvements may be necessary, that ADA accessibility was considered both in the improvements and for a portion of the trail, that lambing season will close a portion of the park for a certain time, that the Ranger position will be an on-site Parks and Recreation employee who will act as the eyes and ears for the park, maintenance and trash/clean-up will be through the Ranger and by means of volunteer groups and friends both inside and outside the park, that sensitive areas (fens) and times (lambing season) have been considered, that the park is proposed for seasonal operation depending on snow cover, that no data is available on the population of mountain goats (although there are also some on elk and sheep), that funding for the Ranger and the park will not be an added tax burden but rather comes from the accumulated park fees and various grants and TOPS funds, that the cost of parking is proposed to be between \$5-10 per day, that information/signage regarding shooting/hunting can be provided throughout the park and at the kiosks, that hiking is to be limited to the trails and day use area only, and that law enforcement jurisdiction is still under consideration.

Mr. Jeff Smith moved and Ms. Wendy Dillenschneider seconded:

*“that the Planning Commission APPROVE the request from the City of Colorado Springs Parks, Recreation, and Cultural Services Department for approval of a Location and Extent application for public park purposes on the South Slope of Pikes Peak Municipal Watershed lands, pursuant to CRS §30-28-110, on property legally described as Portions of Sections 4 and 5, T 15 S., R. 69 W., of the 6th P.M., consisting of approximately 2,480 acres in the A-1 (Agricultural) Zone District, incorporating Staff Findings contained in that Staff Report dated August 1, 2012, and further finding that the application complies with such pertinent, individual conditions of use specified in the granting of a Location and Extent, is compatible with the general provisions of the Teller County Land Use Regulations, as well as provisions for the zone district in which such use is permitted, and that satisfactory provisions and arrangements have been made concerning the Standards for approval with the adoption of the following Conditions of Approval:*

- A. Compliance. *The Applicant shall comply with all pertinent regulations, codes, and requirements governing construction of a commercial structure for public occupancy as indicated in this application, including but not limited to, obtaining all federal, state and local permits as required.*
- B. Material Representations. *Except as otherwise modified by these conditions of approval, all material representations made by the Applicant in its submittal material and in public hearing on August 14, 2012, shall be considered binding.*
- C. Street Address Assignment. *The Applicant shall apply for a physical street address assignment from the Teller County Building Department within ten (10) days of the date of this hearing (i.e., by August 24, 2012) and provide a copy of said street address assignment to the Planning Department.*
- D. Vehicle Trips Per Day. *Prior to final approval of the Major Building Review (Administrative Site Plan) for this project, the Applicant shall resolve the parking calculation discrepancies and provide five (5) copies of revised submittal materials, showing the correct calculations and any other revision /language that may be necessary to resolve/mitigate the road adequacy issue since the traffic study shows an excess of 99 vehicle trips per day. According to the Teller County Transportation Department agency review comments, there are several mitigation possibilities that are mentioned throughout the Traffic Report that appear to be reasonably*

*viable options that could be utilized as possible standalone, or in conjunction with one another to reasonably assure Teller County that the 99 vehicles per day not be exceeded.*

- E. Duration of Approval. *Approval of this Location and Extent is valid solely for public park purposes/recreational uses on Watershed lands on the South Slope of Pikes Peak by the City of Colorado Springs Parks, Recreation, and Cultural Services Department and/or Colorado Springs Utilities as described herein. The transference of ownership of the Property into any entity or person other than the City of Colorado Springs Parks, Recreation, and Cultural Services Department and/or Colorado Springs Utilities shall terminate this Location and Extent approval.*

*This is a limited approval of an application by the City of Colorado Springs Parks, Recreation, and Cultural Services Department for public park/recreational use on the South Slope of Pikes Peak Watershed lands. Those matters contained in the Conditions listed herein would and do apply to this and any other related use involving the South Slope of Pikes Peak Watershed lands, whether or not they are included as Conditions in this limited approval.”*

The following vote was taken and the motion passed.

- Yes Ms. Wendy Dillenschneider (Regular)
- Yes Mr. Jeff Smith (Regular)
- No Mr. Steve Copp (Regular)
- Yes Mr. Rick Cirka (Regular)
- Yes Mr. Michael Haase (Regular / Chairman)

- IV. Request by Cripple Creek & Victor Gold Mining Company for an amendment to the Cresson Project Mining Development Plan (Amendment 10) for the purpose of extending the mine life from 2016 -2025 and to allow expansion of mining operations in the Wildhorse Extension portion of the East Cresson Mine area, the Schist Island and Globe Hill portions of the North Cresson Mine area and the Main Cresson Mine area and South Cresson portion of the Main Cresson Mine area. The amendment also includes proposed construction of high grade mill facilities, a new valley leach facility, and associated adsorption, desorption and recovery facilities in Squaw Gulch. The property lies entirely within the Cripple Creek Mining Overlay District (“CCMOD”)/Agricultural (A-1) zone districts and is located in Sections 20 and 30, T15S, R69W; portions of Sections 6, 9, 10, and 15, T16S, R70W; portions of Sections 13, 24, 25, and 36, T15S, R70W; and portions of Sections 7, 8, 9, 16, 17, 18, 19, 21, 28, 29, and 31, T15S, R69W, of the 6<sup>th</sup> P.M., County of Teller, State of Colorado.**

Ms. Janice Fetrow presented the staff report finding compliance with all applicable Teller County Land Use Regulations and standards and recommending that the Planning Commission recommend approval, with conditions, to the Board of County Commissioners of the application. Ms. Janice Fetrow noted that the Board of County Commissioners did approve the CR 881 vacation on June 28, 2012, and that the CCMOD overlay zone is unique.

Ms. Jane Mannon, Manager of Community Affairs (CC&V), presented an overview of the application summarizing the proposed changes to the mining development plan (MDP) including the proposed expansion of mining operations in various areas, an extension of mining from 2016 to 2025, an addition of a Squaw Gulch Valley Leach Facility, a new Squaw Gulch Adsorption, Desorption, and Recovery facility, and a new high-grade mill. She clarified the following errors in the staff report: pg. 3-Key elements, 4<sup>th</sup> bullet – “WHEX” not “WHEDX”; pg. 5 – last paragraph, MLE3 should be MLE2 and 127 acres in MLE 1; pg. 12-Section 6 Visual Resources and Page 28 – should be Cripple Creek Cemetery not Victor Cemetery.

The public hearing comment portion of the hearing was opened and the following member of the public spoke:

Mr. Pete Michaelson, Attorney representing the Rosenblum Trust (Anna #4 Mining Claim), requested that the Planning Commission not take action on the application until the Rosenblum access issues with the Applicant are resolved. He stated that with the purchase of Section 16, CC&V has cut off access to the Rosenblums' Anna #4 Claim and CC&V has been uncooperative and less than neighborly in addressing this issue. He stated that CRS Article 14 addresses landlocked parcels and historical access and that access is a constitutional right. Without legal access it is difficult to get a mortgage and title insurance.

Members of the Planning Commission asked questions about trees per acre, enclosure of the flotation tanks, wildlife access from the pits, downcast and shielding of lights, application review for building construction, jurisdiction of the private access issue, whether the Rosenblums have submitted an access application to the BLM, mining/intent for Section 16, and what, if any, consideration is given by CC&V to land-locked parcels.

The meeting was recessed at 8:50 p.m. and reconvened at 9:00 p.m.

Ms. Jane Mannon gave a rebuttal, stating that the private access issue is not applicable to this application, that Section 16 has been in the MDP since Amendment 8, that at this time there is no mining intended for Section 16, that CC&V is always open and willing to cooperate with resolving access issues, that all efforts are made to shield and direct lighting given safety limitations, that the flotation tanks are enclosed within a building, and that the haul roads will remain as wildlife corridors as originally planned.

Ms. Wendy Dillenschneider moved and Mr. Jeff Smith seconded:

*“that the Teller County Planning Commission recommend to the Board of County Commissioners that it APPROVE the request from the Cripple Creek & Victor Gold Mining Company for an amendment to the existing Cresson Project Mining Development Plan (Amendment No. 10), referred to as MLE2, pursuant to the Cripple Creek Mining Overlay District regulations (Appendix A, Teller County Land Use Regulations), incorporating Staff Findings contained in that Staff Report dated July 27, 2012, and subject to the following Conditions of Approval:*

- A. Material Representation. *Unless otherwise modified by these conditions, all material representations of the Applicant in its submittal material and in public hearing(s) shall be considered binding.*
- B. Compliance. *Applicant shall comply with all pertinent regulations, codes, and requirements including but not limited to, obtaining all Federal, State and Local Permits as required.*
- C. Permits or Licenses. *Copies of permits issued by all State and/or Federal regulatory agencies for the Cresson Project and MLE2 as contemplated in the MDP amendment shall be submitted (or submitted when completed) to the Teller County Planning Department under separate cover. No activities for the MLE2 shall be initiated until the appropriate permits, approvals, and/or licenses are obtained.*
- D. Building Permits. *All County Building, electrical, plumbing, and mechanical permits and inspections shall be required for all new buildings and structures added as part of MLE2 and any existing buildings or structures that will be modified or updated, including non-occupied mechanical buildings and communications equipment throughout the permit area.*
- E. Minor Modifications. *Minor modifications to the location of non-occupied mechanical buildings and communications equipment shall not be subject to review by the Planning Department providing there is proof that these structures were originally contemplated as part of the amendment to the MDP (Amendment No. 10 MLE2) albeit in a different location on the property.”*

The following vote was taken and the motion passed.

- Yes Ms. Wendy Dillenschneider (Regular)
- Yes Mr. Jeff Smith (Regular)
- Yes Mr. Steve Copp (Regular)
- Yes Mr. Rick Cirka (Regular)
- Yes Mr. Michael Haase (Regular / Chairman)

**V. Planner and Board Report**

- A.** Members of the Planning Commission were invited to a work session to hear a presentation by the State Demographer about the 2010 Census results and population trends, estimates, and projections, on September 25, 2012 at 7:00 p.m. in the City of Woodland Park Council Chambers.
- B.** On June 28, 2012, the Board of County Commissioners passed a resolution prohibiting new Medical Marijuana operations and establishing licensing requirements in Teller County. The operations existing on June 30, 2010 are permitted to continue.

**VI. Other Items**

**A. Notice was given that the following Vacation of Interior Lot Line applications were approved:**

- Johnson - Lot 25 and 59, Forest Glen Sports Association
- Dennis - Lot 30 and 31, La Montana Mesa
- Etheridge - Lot 1667 and 1668, Colorado Mountain Estates, No. 11
- Marty - Lot 48 and 49, Block 63, Sherwood Forest Estates, Unit 8
- Marty - Lot 34 and 35, Block 63, Sherwood Forest Estates, Unit 8
- Hemmerling - Lot 5 and 6, Cripple Creek Mountain Estates, Filing 14
- Little Chapel - Lot 5B and 26B, Block 1, Smith's Addition

**VII. Adjourn**

The meeting was adjourned at 9:16 p.m.