

RESOLUTION OF THE SAN MIGUEL COUNTY PLANNING COMMISSION
RECOMMENDING APPROVAL OF A SPECIAL USE PERMIT
FOR RAPHOLZ SILVER

RESOLUTION #1990- 1

WHEREAS, Rapholz Silver (hereinafter "applicant") has requested approval of a special use permit to operate certain tourist-related facilities (renovated assay office, old mine building, picnic area, gift shop, gold panning demonstration area, mineral collecting area, snack bar and saloon) as uses accessory to the Rapholz Silver ore mill (BOCC Resolution #1990-1) near the intersection of the Ophir Road and Highway 145; and

WHEREAS, the proposed site is a tract of 105 acres owned by the U.S. Forest Service near the intersection of the Ophir Road and Highway 145; and

WHEREAS, the subject property is zoned under the Forestry, Agricultural & Open Space ("F") Zone District; and

WHEREAS, "Ore Mills and Tailings Storage Areas" are uses listed in the County Zoning Resolution as "Uses Allowed by Special Permit" within the (F) Zone District; and

WHEREAS, Accessory Buildings and Uses are defined in Section 12.1 (1), Zoning Resolution, as "a subordinate use of a building, other structure, or tract of land, or a subordinate building or other structure which:

(a) is clearly incidental to the use of the principal building, other structure or use of land;

(b) is customary in connection with the principal building, other structure or use of land; and

(c) is ordinarily located on the same lot with the principal building, other structure or use of land;" and

WHEREAS, the tourist-related facilities which are proposed by this application are uses that are not allowed by the underlying (F) Zone District and therefore can not reasonably be considered as Accessory Uses under the above definition; and

WHEREAS, the Telluride Regional Area Master Plan presents a policy statement with respect to land uses in eastern end of San Miguel County, east of Keystone Hill, and indicates that the major growth will take place in the Telluride Region, as defined in the Plan; and

WHEREAS, the subject property is not located in the Telluride Region and therefore is not eligible for consideration for "major growth" or for any substantial tourist-related development; and

WHEREAS, the applicant verbally amended the application during the Planning Commission ("Commission") meeting on January 10, 1990 reducing the proposed tourist-related facilities to an activity described as "mine tours and gold-panning demonstration"; and

WHEREAS, the applicant further amended the application, by letter dated February 8, 1990 and verbally in the meeting on February 14, 1990, to request a 12' by 15' combination "ticket office/ gift shop" in addition to the "mine tours and gold-panning demonstration" and the Planning Commission accepted this additional amendment; and

WHEREAS, the Commission finds the reduced proposal does not include tourist facilities, it is insubstantial with respect potential impacts and therefore not inconsistent with the Telluride Regional Area Master Plan, as amended to date;

WHEREAS, the site is uniquely historic in that it contains a historic press mill and it is located adjacent to the National Scenic Byway; and

WHEREAS, the Commission considered this application at their regular meetings on November 8, 1989, January 10, 1990 and February 14, 1990.

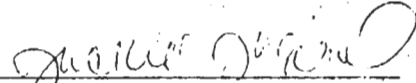
NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of San Miguel County, Colorado that it does hereby recommend approval of a Special Use Permit to allow Rapholz Silver to operate "mine tours and gold-panning demonstration" and to sell tickets to the mine tours and/or gold-panning demonstration along with mining-related souvenirs in a "gift shop" not to exceed 200 square feet on the site of the Rapholz Silver Ore Mill.

BE IT FINALLY RESOLVED that this Special Use permit is recommended for a period of three (3) years from the date of this resolution; at the conclusion of the three (3) year period, the County will reconsider the continuation permit, based upon an evaluation of the impacts generated by the activity.

APPROVED by the San Miguel County Planning Commission at its regular meeting on February 14, 1990.

SAN MIGUEL COUNTY PLANNING COMMISSION

BY: 

Attest: 

Deputy Clerk