

**HUERFANO COUNTY
 URANIUM EXPLORATION AND
 DEVELOPMENT REGULATIONS
 SECTION 5.00**



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5.01 INTRODUCTION

The authority, scope, purpose and legal standing of these Uranium Exploration and Development Regulations are contained within Title 30, Article 28 of the Colorado Revised Statutes.

These regulations describe the submittal requirements, review procedures, and operational stipulations required to make an application for and receive action on the conditional use to engage in uranium exploration and developmental.

5.02 GENERAL PROVISIONS

5.02.01 Title

The title of these regulations shall be the Huerfano County Uranium Exploration and Development Regulations and may be so cited.

5.02.02 Repeal

All uranium exploration and development regulations, resolutions and amendments thereto in Huerfano County in effect prior to the adoption of these Regulations are hereby repealed. The repeal of any of these prior regulations, resolutions or amendments thereto does not revive any other regulation or resolution or portion thereof. This repeal shall not affect or prevent the prosecution or punishment for the violation of any resolution or regulation hereby repealed, for any offense committed prior to the repeal.

5.02.03 Scope and Applicability of these Regulations

Uranium exploration and development activities encompassed by the provisions of these Regulations shall include but not be limited to the activities of exploratory drill boring, trenching and excavating, construction of shafts, ramps, tunnels, pits or other exploratory and prospecting techniques requiring the removal from the ground or from beneath the ground of ten (10) or more kilograms of mineral resource material to determine the quantity or quality of uranium present at the site or in its vicinity.

If or when exploration for any mineral or mineral resource in Huerfano County encounters any uranium bearing or radioactive bodies, seams, deposits or other concentrations of said minerals containing by weight five one hundredths (.05) percent or greater uranium or uranium ores, all the provisions and requirements for uranium exploration and development contained within these Regulations and related regulations shall immediately come into effect. Any further exploration shall cease until compliance with the provisions of these Regulations has been met and the necessary approvals have been granted by the Board of County Commissioners.

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5.02.04 Conditional Use Approval Requirement

No person shall engage in any uranium exploration, prospecting or developmental exploration included within the scope of these Regulations, unless or until this person has received conditional use approval to do so by the Board of County Commissioners, in compliance with the provisions of these Regulations.

5.02.05 Building Permits and County Building Code

No building or other structure shall not be erected, reconstructed or structurally altered, nor shall any building or other structure above or below ground level be used for any purpose, except in conformity with these Regulations contained herein, and upon the approval of all required rezonings and conditional use application.

5.02.06 Comprehensive Plan Compliance

All conditional use applications and zoning or rezoning applications for uranium exploration and development shall be in compliance with the goals, objectives and policies of Huerfano County Comprehensive Plan.

5.02.07 Relationship to Other Regulations and Requirements

Nothing in these Regulations shall be construed as exempting an applicant for approval of uranium exploration and development as a conditional use in an allowable or required zoning district from any other requirements of Huerfano County or from other State of Colorado or federal laws, regulations or requirements.

The provisions of these Regulations are hereby declared to be supplemental to and in addition to the provisions contained in the conditional use provisions of the Huerfano County General Zoning Regulations, Section 1.06. To the extent that the requirements of these Regulations differ from or are not in accordance with any other applicable requirements within the Huerfano County Land Use Regulations, the more restrictive requirements, as determined by majority vote of the Planning Commission, shall apply, unless an applicant for a conditional use approval or rezoning for uranium exploration and development petitions otherwise to the Planning Commission and the Planning Commission, by majority vote, so determines that the less restrictive requirement shall apply.

5.02.08 Warning and Disclaimer

The provisions of these Regulations do not in any way assure or imply that approvals granted under these provisions will result in mining activity free from hazards, long or short term, to human health, safety and welfare or to the environment, nor that mining activity exempt from the provisions of these Regulations will necessarily be similarly free from such hazards.

5.02.09 Inspection

The Board of County Commissioners, the Planning Commission or any authorized representative of Huerfano County, including its employees and consultants, are hereby authorized and empowered to

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conduct such on-site inspections and tours of sites and facilities, as may be reasonably required from time to time for the purposes of sampling, measuring, compliance investigations and other purposes related to the possible application of these Regulations, the review of application approval provisions and the monitoring and enforcement of perennite stipulations and conditions.

5.03 APPROVAL OF CONDITIONAL USE APPLICATION FOR URANIUM EXPLORATION AND DEVELOPMENT AS A CONDITIONAL USE

Uranium exploration and development as a conditional use in an allowable zoning district shall be allowed upon review and recommendation by the Planning Commission, and favorable action by the Board of County Commissioners. Upon favorable action, conditional use approval shall be granted by the Board. Application approval for uranium exploration and development as a conditional use shall be subject to such safeguards as the Board of County Commissioners may see fit to impose, including but not necessarily limited to the safeguards contained within these Regulations

Conditional use approval for uranium exploration and development shall be granted for a period not to exceed three (3) years, and the approval shall be reviewed yearly in accordance with these Regulations for renewal or for denial.

5.03.01 Submittal Requirements

Application for a rezoning or a conditional use approval for uranium exploration and development shall require: a) submission of an application on a form provided by Huerfano County, b) submission of a Letter of Intent, and c) submission of the special application submittal materials specified within these Regulations. The appropriate filing fees which may, at the discretion of the Board of County Commissioners, require additional funds to reimburse Huerfano County for the retention and reimbursement of expert technical reviews. In deciding whether supplemental filing fees shall be required, the Board of County Commissioners shall take into account the size, complexity and potential on- and off-site impacts of the proposed project and the type, number and length of service of such expert technical advisors as are likely to be needed.

At the discretion of the Planning Commission by majority vote, and upon written request of the applicant, any but not all of these submission requirements may be waived in cases where the applicant demonstrates that provision of the specified items would prove unnecessarily burdensome or inappropriate. In special cases, the Planning Commission may require, at its discretion, the submission of additional technical information and plans not specified herein.

The specific submittal materials to be submitted to the Planning Commission, in addition to a completed application form and the required filing fees, shall include:

1. A Letter of Intent including the items required by Section 1.06.01, 1, Submittal Requirements, of the Huerfano County General Zoning Regulations.

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2. A plat of the site of the development, showing the exact location of all proposed sites at a scale of no less than one (1) inch equaling one thousand (1,000) feet, or such other scale as the Planning Commission may reasonably require. The plat shall include the following information and clearly indicate the following features:

01. The applicant's name, legal mailing address and telephone number and, if different, the same information for the proposed operator.
02. The name, legal mailing address and telephone number of the surface right owner(s) of the land included within the plat.
03. The name, legal mailing address and telephone number of the mineral right and easement owner(s) of the land included with the plat.
04. A north arrow, scale and scale bar (required on all maps submitted in conformance with these Regulations).
05. Township, range and section number(s) and current zoning of the proposed site and adjacent land and all required zoning changes.
06. The location of all proposed drill sites given in feet from the nearest section lines and by quarter/quarter/quarter sections.

Proposed future changes in the site locations shall require the filing of revised plats of the site for approval in accordance with the procedures and provisions contained herein prior to the commencement of operations, other than those contained within the original plat of the site.

3. The total number of acres required, to the nearest whole acre, for actual site operations, including rig(s), mud pits, reserve pits, pipe racks, temporary trailers, mud pumps, parking areas and related and appurtenant facilities and uses. Plans and provisions for fencing all site and site related operations at the time exploration commences shall also be shown along with the dimensions and type of construction of the fencing.

4. On a map with located reference points and at a scale of one (1) to twenty-four thousand (24,000) or another scale acceptable to the Planning Commission, show the location of existing roads including points of juncture with all paved highways, noting the main access road and all existing roads within a three (3) mile radius of the boundaries of the proposed development site. Information required by submittal items 4 and 5 (below) may be placed on this same base map if properly and clearly labeled.

5. Show planned access roads requiring construction or reconstruction and improvement to provide access to and from the development site, and provide land ownership information for all private lands to be crossed by proposed access roads or roads to be reconstructed or improved. Wherever such roads would traverse a watercourse, including rivers, streams and irrigation ditches, provide a detailed description,

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with elevations, of the proposed crossing and any proposed structures, such as bridges or culverts, with dimensions, that would be used to facilitate such crossings. Also state the maximum gross vehicle weight of the vehicles and the type of vehicles that would traverse such crossings.

6. Show all lateral and service roads not included above, that would be used in the proposed development activity and state what, if any, upgrading would be required for such roads.

7. Show the location of all existing drill sites on or adjacent to the proposed development site within a three (3) mile radius from the boundaries of the proposed site. Note the location of all such existing abandoned, producing, temporarily abandoned, capped, uncapped, plugged, unplugged and shut-in well sites, stating specifically for such existing sites which are of uncertain status.

8. Show the location of any proposed tank batteries and flow lines and related facilities on a plat or map at a scale no less than one (1) inch equaling one hundred (100) feet, or a scale otherwise acceptable to the Planning Commission. Show also the location of any existing tank batteries and flow lines within a (1) one mile radius of the boundaries of the proposed development site.

9. Show also the location of any existing or proposed camps, including all temporary, semi-permanent and permanent facilities noting their location, type of construction and source of utility services for each.

10. Show also the location of all existing or proposed private airstrips and heliports to be located within a (3) three mile radius from the development site, noting also any existing or proposed temporary or permanent structures associated with such airstrips or heliports.

11. On a plat or map at a scale of no less than one (1) inch equaling fifty (50) feet, or a scale otherwise acceptable to the Planning Commission, show the location and layout of all proposed or existing rigs, mud tanks, reserve pits, burn pits, pipe racks and other related and appurtenant facilities and structures. The general dimensions between such facilities shall be shown, along with the general topography at contour intervals acceptable to the Planning Commission and adequate for County review purposes. Use dashed lines to show the proposed final elevations to result from all grading activities, and slopes of fifteen (15) percent or greater shall be shown at two (2) foot contour intervals or other contour intervals acceptable to the Planning Commission.

12. Show the location(s) and type(s) of water supply, such as creeks, lakes, ponds or wells to be used for exploration activities including drilling operations and to drill out and clean each drill hole. This information, which shall be shown on a map of appropriate scale acceptable to the Planning Commission and in a text narrative, shall also include an estimation of the quantity of water to be used and the method of routing or transporting the water to the drill site(s).

13. Show the location and describe the current quality of all existing water bodies and watercourses, including perennial, ephemeral and intermittent streams, indicating the direction and rate of water flow. This information, which shall be shown on a map at an appropriate scale acceptable to the Planning Commission and in a text narrative, shall also include all existing water bodies and watercourses within a three (3) mile radius of the boundaries of the proposed development site. For all existing water bodies or

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watercourses topographically lower and within two thousand (2,000) feet of any drill site, a detailed description shall be submitted of the proposed methods of preventing water contamination or pollution, as defined by applicable State of Colorado and federal water quality laws, rules and regulations.

14. Show the location of all known aquifers and the quality of water in those aquifers within a two (2) mile radius of the boundaries of the proposed development site. Each known aquifer shall be described to include:

01. Its depth and type of lithology.
02. The water-bearing qualities of the various layers.
03. The porosity, permeability and transmissivity of each layer.
04. The flow rate in gallons per minute of known water supplies.

Included with these materials shall be a detailed description of the aquifers that would be penetrated and the depth to which they would be penetrated by the proposed drilling.

15. Provide base data on local wells and springs. Samples of groundwater nearest to the drill sites shall be taken using positive displacement techniques to determine the initial supply parameters of the aquifer prior to the consequences of drilling. If more than one drill hole is to be developed, samples shall be taken at least every one quarter section and at closer intervals if the Planning Commission, by majority vote, so determines. Sampling and analysis of both surface and ground water shall include testing for the following parameters, at a minimum: sulfate, chloride, arsenic, barium, cadmium, chromium, cyanide, fluoride, lead, mercury, nitrate, selenium, silver, zinc, pH, aluminum, boron, cobalt, molybdenum and nickel.

Such sampling and analysis shall be performed by a qualified and experienced testing organization approved in advance by the Planning Commission.

16. Provide radiological base data on the nearest wells and springs at locations from the proposed drill site(s) acceptable to the Planning Commission for the following parameters, at a minimum: natural uranium, thorium 230, radium 226, radon 222, polonium 218, lead 214 and lead 210. The sampling and analysis shall be performed by a qualified and experienced testing organization approved in advance by the Planning Commission.

17. Submit the names, legal mailing addresses and telephone numbers of all water rights owners within at least a three (3) mile radius of each drill site and at a greater distance if the Planning Commission so determines by majority vote.

18. Specify in detail drilling techniques to be used, the composition of drilling muds, foam agents and all toxic materials and hazardous reagents to be employed on site. Prior written approval shall be required from the Board of County Commissioners, following review and recommendation on the matter by the Planning Commission, before any toxic materials or hazardous reagents may be used on site, and evidence shall be submitted to the Board of County Commissioners that such toxic materials and/or hazardous reagents will be stored and disposed of only at approved storage and disposal sites that meet

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current US Department of Energy storage and disposal requirements.

Submit also the names, legal mailing addresses and telephone numbers of all drillers and drilling companies to be used on the development site. All drillers shall be licensed to operate in Colorado.

19. Describe the methods of waste handling to be employed, including disposal techniques for garbage, trash, cuttings above five one hundredths (.05) percent by weight natural uranium and cuttings below five one hundredths (.05) percent by weight natural uranium. Descriptions shall include, where appropriate, the burial depths below surface and burial depths above the water table and type and method of construction of all lined pits.

20. Provide the results of air quality monitoring and baseline air quality data for locations on site and down wind from all drill sites or excavation areas for particulate matter and radon gas, along with radon daughter gas concentrations and also any other parameters specified by the Planning Commission. Such air quality sampling and analysis shall be performed by a qualified and experienced testing organization approved in advance by the Planning Commission.

21. Provide a description of the well control plan, to include:

01. The surface casing program.
02. The intermediate casing program.
03. The downhole casing program.
04. The cementing program.
05. The size of casing heads, flanges and spools.
06. The type, size and construction of blowout preventers.
07. Auxiliary equipment to be used.
08. Anticipated bottom hole pressure.
09. Types of drilling fluid to be used.
10. Plans for final plugging from the bottom of the hole up, specifying the materials to be used in plugging and shutting in the hole(s) and, upon completion of plugging, written evidence from a well driller's report or other, reliable source, to confirm that such plugging has been completed.

22. Present plans for the restoration of the surface of the proposed development site and all other affected lands where exploration will not be immediately followed by mine development. A Statement of Reclamation shall be completed by the applicant and submitted to the Planning Commission with the restoration plans. The surface restoration plans shall include proposed methods for surface preservation upon completion of the proposed exploratory development, including, as appropriate, information on the stockpiling of topsoil, leveling and grading, reseeding and proposed seed mixtures and methods of ensuring propagation of new vegetation.

All restoration plans shall be submitted to the Natural Resource Conservation Service and to the Colorado Mined Land Reclamation Board for review and comment prior to any action by the Planning Commission or the Board of County Commissioners.

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Restoration and reclamation plans shall conform, at a minimum, to the following specifications:

01. All topsoil shall be stockpiled for replacement at the time of site reclamation.
02. The applicant, or the site operator, if other than the applicant, shall clean up or remove all non-natural materials transported to the site or constructed thereon.
03. The applicant or the site operator, if other than the applicant, shall remove all oil spills.
04. The applicant or the site operator, if other than the applicant, shall grade the site as neatly as possible and contour it as closely as possible to its original configuration. All reserve pits, mud or slush pits, trash pits or other excavations that cannot be filled in at the time of well abandonment for the purposes of drying out or for other reasons, shall be immediately fenced to a minimum specification of four (4) strand barbed wire with substantial posts set at a distance of approximately sixteen (16) feet apart with two (2) fence stays between posts and all gates constructed to equal standards of substance. An anticipated time schedule for the filling in of such excavations and fence removal shall be submitted.
05. The applicant or the site operator, if other than the applicant, shall remove and return to their original contours all roads to the well or excavation locations unless otherwise specified by the Board of County Commissioners.
06. The applicant or the site operator, if other than the applicant, shall prevent soil erosion wherever soil erosion might occur as a result of activities including drill site operations, excavation and road construction.
07. The applicant or the site operator if other than the applicant shall reseed all roads that are abandoned and all unvegetated areas caused by the uranium exploration activities upon consulting the U.S. Soil Conservation Service to determine the best available practices for such reseeding. Reseeded areas shall be fenced and irrigated until such time as the vegetation is well established.
08. A qualified and experienced testing organization agreeable to the Planning Commission shall test vegetation samples on site and downwind from the development site and domestic livestock, if any, in the vicinity of the development site before drilling operations begin for measurement of the level of the following elements and isotopes: natural uranium, thorium.
230, radium 226, radon 222, polonium 218. lead 214, lead 210, selenium, arsenic, zinc and cadmium.
09. The applicant or the site operator if other than the applicant shall initiate temporary abandonment procedures including marking, as required, and from five (5) to ten (10) feet of capping for each well for any interim period of greater than three (3) months that drill sites are left vacant with an intent to return to the site and initiate further operations.

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23. Survey and list the plant and animal species existing within a one half-mile radius surrounding all proposed drill sites and major excavation sites, all critical wildlife habitat, wildlife migration corridors and historical and archeological features, to establish baseline data.

24. Provide pre-exploration photo documentation from alternate positions and views of each proposed drill site and other major facility to establish baseline data.

25. Provide evidence of existing agreements between the applicant or the site operator if other than the applicant and all appropriate landowners for access across private land to the proposed development site.

26. Provide a general description of the topography of the development site including proximity to steep slopes and gullies, cut and fill material required, prevailing vegetation patterns, cross-sections of areas to be cut and filled and relevant topographic data.

27. Provide copies of all application filings and permits, if issued, from State of Colorado and Federal agencies from which permits must be issued or applications made for the proposed activity or activities.

28. Provide such additional information and data as may be reasonably specified by the Planning Commission by majority vote.

All costs of testing and analysis required to comply with these submittal requirements and post-permit conditions and stipulations shall be born fully by the applicant.

5.03.02 Criteria for Action on a Conditional Use Application for Uranium Exploration and Development

All actions by the Planning Commission in reviewing and making recommendations on a conditional use application for uranium exploration and development and by the Board of County Commissioners in approving or disapproving such applications shall be based in general upon the provisions of the Huerfano County Land Use Regulations, and specifically on the following criteria:

1. The criteria contained in the Huerfano County Zoning Regulations, Section 1.06.03 "Criteria for Action on a Conditional Use Application".

2. That the proposed exploration or development will not prove likely to contaminate, deteriorate or otherwise harm the water quality of any ground or surface waters and will pose no danger whatsoever to existing or potential future potable water sources.

3. That the proposed exploration or development will otherwise pose no radiological danger from surface, subsurface or airborne contamination to the current or future residents of Huerfano County.

4. That the proposed exploration or development application materials have made adequate provision for the identification and mitigation of all potential impacts on critical wildlife habitat, wildlife migration

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corridors and historical and archeological features.

5. That the proposed exploration or development is not located in proximity to any existing concentrations of population or in an area of proposed or planned future population growth.

6. That all required application materials have been properly prepared and submitted to Huerfano County in compliance with the provisions of all State and local regulations, and that all initial and supplemental filing fees and testing costs have been surrendered to Huerfano County.

5.03.03 Guarantee of Performance

Prior to the issuance of a conditional use application, the applicant shall surrender to Huerfano County suitable collateral in an amount mutually satisfactory to the applicant and to the Board of County Commissioners, and in the form of a payment and a performance bond to cover in full the cost of all required future testing and analysis by independent organizations and all reclamation work, as specified herein. No conditional use application for uranium exploration and development shall be approved until such suitable collateral has been provided by the applicant.

5.04 CONDITIONAL USE APPROVAL CONDITIONS AND STIPULATIONS

No conditional use approval for uranium exploration and development shall be approved by the Board of County Commissioners, unless and until the following stipulations and conditions are made a part of that approval agreement:

1. The applicant shall, upon request of the Planning Commission by majority vote, make all ore assays and/or drilling logs available to a mutually agreeable third party for inspection and verification of compliance with these Regulations.
2. The applicant or the site operator, if other than the applicant, shall notify the Huerfano County Sheriff's Department of any emergency situation within one (1) hour of its occurrence and provide a written report on the occurrence within one (1) day of its inception.
3. Radiological sampling and testing at locations specified by the Planning Commission shall be undertaken quarterly during operations and for two (2) years after operations cease for the elements and isotopes specified in Section 5.03.01 (22.08) of these Regulations.
4. Air quality monitoring and testing shall be undertaken quarterly during operations and for one (1) year after operations cease, in accordance with the provisions specified in Section 5.03.01, 20 of these Regulations.
5. Vegetative and livestock (if any) sampling shall be undertaken quarterly during operations and for one (1) year after operations in accordance with the provisions specified in Section 5.03.01 (23) of these Regulations.

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6. The sampling and tests described in Section 5.03.01 (15) shall be conducted on local wells and springs quarterly during operations and for five (5) years after operations cease.
7. The applicant or the site operator, if other than the applicant, shall provide the Planning Commission with copies of all sampling, testing and analysis results within one (1) week after the receipt of such results.
8. The applicant shall file a permanent abandonment report with the Planning Commission for forwarding to the Board of County Commissioners for review and commence restoration plans within one (1) month after drilling operations cease permanently. See also Section 5.03.01 (22) on temporary abandonment.
9. The applicant shall submit all final information required herein to the Planning Commission for forwarding to the Board of County Commissioners for review within three (3) months after drilling operations cease except for long-term testing results.
10. Other such conditions and stipulations as the Board of County Commissioners shall reasonably decide to include for the purposes of protecting the financial security of the County and the health, safety and welfare on the residents, both present and future, of Huerfano County.

5.05 REVIEW AND REVOCATION OF APPROVAL OF A CONDITIONAL USE APPLICATION FOR URANIUM EXPLORATION AND DEVELOPMENT

All actions by the Planning Commission, the Building Inspector or the Zoning Enforcement Officer and the Board of County Commissioners in considering or acting upon the review and revocation of an approved conditional use application for uranium exploration and development shall be as specified in Section 1.06.04 of the Huerfano County Zoning Regulations.

5.06 COMPLAINTS

Any person(s) aggrieved by a violation or alleged violation of these Regulations may file a written complaint with the County Building Inspector or County Zoning Enforcement Officer, who shall promptly investigate such complaint.

5.07 NON-LIABILITY

See the Huerfano County Enforcement, Violations, Penalties and Non-Liability Regulations on the non-liability of Huerfano County and county officials and employees regarding this and other sections of the Huerfano County Land Use Regulations.

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5.08 INSPECTION, ENFORCEMENT, VIOLATION AND PENALTIES

See the Huerfano County Enforcement, Violations, Penalties and Non-Liability Regulations for additional information on inspection, enforcement, violation and penalties regarding these Regulations and other regulations contained herein. A violation of these Regulations shall be treated in the same manner as violations of the zoning regulations contained in the Huerfano County Zoning Regulations. See also Section 5.02.09, Inspection, on the specific inspection provisions of these Regulations.