

Appendix B – Special Use Criteria



Special Use Permit Application

This Special Use Permit Application for the proposed Piñon Ridge Mill Facility (the “Project” or the “Facility”) has been prepared by Energy Fuels Resources Corporation (“Energy Fuels”) for use by the Montrose County Planning Commission to judge the acceptability of the proposed special use within the existing General Agricultural zone district. Following, is the specific Montrose County special use review criteria along with a written discussion, explaining conformance with each criterion.

Special Use Review Criteria

1. “The use and its location as proposed are in conformance with the Master Plan of Montrose County and where it does not, variations are to be identified and approved as part of the Special Use.”

The Master Plan of Montrose County allows certain uses within each zone district, which are not listed as “uses-by-right.” These uses are defined as “special uses.” As detailed in Section 2.1 of this application, the proposed use is listed as a “special use” within the Agricultural Zone District under (l.) “*New mineral resource development and extraction operations and facilities,*” and is therefore in conformance with the Master Plan.

2. “All the application documents and technical reports present a clear picture of how uses are to be developed and arranged on the site.”

This application has been prepared in accordance with the Montrose County Zoning Resolution, last amended December 1, 2003, and addresses the required special use submittal requirements listed in Appendix 1 of the Zoning Resolution.

3. “The site plan conforms to the district design standards of these Regulations; where it does not, variations are to be identified and approved as part of the Special Use.”

The site plan developed for this application was prepared in accordance with design standards contained in Sections IV.A., V.A. and V.B., and Appendix 1 (Item 6) of the Montrose County Zoning Resolution.

4. “All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements, buffering or other mitigation measures.”

The proposed Facility design provides measures to mitigate all onsite and offsite impacts. These measures include engineered facilities and systems designed to protect the environment and human health, and the commitment to develop detailed operational plans for inspecting and monitoring these facilities and systems during operations. Additionally, improvements to Highway 90 will be made to ensure the safe operation of the point of access and to mitigate any offsite impacts to traffic.

5. “The special use promotes the best interest of the general public’s health, safety and welfare as set by either federal, state or county regulation.”

The proposed Project has been designed in accordance with applicable federal, state and local requirements. The Radiation Management Program of the Colorado Department of Public Health and Environment (“CDPHE”) is the regulatory agency in charge of issuing and administering a Radioactive Source Material License, which would provide Energy Fuels with authorization to construct and operate the mill facilities. As a prerequisite to



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CDPHE regulatory approval, a third-party contractor is currently preparing an Environmental Report, which includes comprehensive baseline studies to fully characterize the existing environmental setting at the Project site. Refer to Appendix A, Regulatory Requirements, for a listing and description of the permits and approvals required for full regulatory authorization of the Project.

The Project facilities are designed with safeguards to protect the environment and human health, and Energy Fuels will develop detailed operational plans for inspecting and monitoring these facilities and systems during operations. Appendix G, Radiation and Worker/Public Safety, provides a discussion regarding proposed safeguards to protect workers and the public from radiation exposure.

6. "The special use proposed is not planned to be developed on a nonconforming parcel."

The proposed Project is situated on an 880-acre private parcel owned by Energy Fuels within a General Agricultural zone district. The parcel has a single point of access and adequately accommodates the proposed facilities and infrastructure while providing required setback dimensions from property lines.

7. "The applicant has willingly forwarded to the County all pertinent technical information, has disclosed adequate financial resources to implement the project, and has paid all fees and review costs levied by the County in a timely manner for application processing and review."

This application, in its entirety, provides all technical and financial information requested to date by the Montrose County Land Use Department. Energy Fuels shall pay all fees and review costs levied by the County in a timely manner.

Energy Fuels has budgeted 7 million dollars to establish environmental baseline conditions, design the mill facilities, and acquire the necessary environmental and operating permits. The company has adequate funds to pay for these up-front project costs. It will require approximately 150 to 180 million dollars to construct the mill. Energy Fuels plans to secure financing for the mill construction once the permitting and design reach a more advanced stage and the costs are better defined.

