

**SAN JUAN REGIONAL PLANNING COMMISSION  
AGENDA  
TUESDAY JANUARY 7, 2025  
SAN JUAN COUNTY COURTHOUSE**

San Juan Regional Planning Commission meetings will be conducted in a hybrid virtual/in-person format. All persons including Board Members, Staff, Applicants and interested Public may meet in person or via zoom. The information necessary to connect to the public meeting is listed below.

**7:00 PM      Roll Call of Members**

**7:05 PM      Continuance - Town of Silverton Land Use Code:**  
Chapter 15- Annexation, Chapter 16 – Zoning and Chapter 17 – Subdivision of the Silverton Municipal Code, enacting a new Chapter 15 of the Silverton Municipal Code, and adoption of the 2024 Land Use Code and Zoning Map.

**OTHER:**

**ADJOURN: Next Regular Meeting – 7:00 PM, Tuesday January 21, 2025**

Join Zoom Meeting

<https://zoom.us/j/92136473203>

Meeting ID: 921 3647 3203

By Telephone: Dial 669-900-6833 and enter Webinar ID 921 3647 3203 when prompted





# SILVERTON LAND USE CODE

*Moving the Compass Plan into Action*

# Land Use Code Adoption Conditions

Planning Commission | January 7, 2025



# Height Condition

- Allow for single unit attached dwellings with three or more units, triplex or fourplex dwellings, and multiunit dwellings in the C-1 district to be built to 35 feet

Table 15-2-3: Zoning Districts Dimensional Standards Summary

Zoning Districts	R-1	R-2	MU-1	C-1	C-2	P
Lot Area per Primary Structure, Min. SF	5,000 [1]	2,500 [1] [2]	2,500 [2]	2,500 [2]	2,500 [2]	2,500 [2]
Lot Area, Max. SF	10,000	-	-	-	-	-
Lot Width, Min. FT	50 [1]	25 [1]	25	50	50	50
Setbacks, Min. FT						
<i>Lots &lt; 5,000 SF</i>						
Front	5 [3]	5	0	5	5	5
Side [1]	3.5 [3]	3.5	0	3.5	3.5	3.5
Street Side	5 [3]	5	5	5	5	5
Rear	5 [3]	5	5	5	5	5
<i>Lots ≥ 5,000 SF</i>						
Front	7	7	0	15	7	7
Side [1]	7	7	0	10	7	7
Street Side	7	7	5	15	7	7
Rear	5	5	5	5	5	5
Building Height, Max. FT	30	30 or 35 [4]	40	30	30	30 FT

**Notes:**

- [1] See Section 15-2-50(b) for minimum lot standards for single-unit attached dwellings.
- [2] See Section 15-2-50(c) for standards for lots less than 2,500 feet.
- [3] Applicable to legally nonconforming lots less than 5,000 square feet only.
- [4] Single-unit attached dwellings with three or more units, triplex or fourplex dwellings, and multiunit dwellings may be built up to 35 feet.



# Vacation Rentals in B-P

- Allow multiple vacation rentals for individual owners in B-P and prohibit vacation rental owners in B-P from maintaining a vacation rental in any other district

## **Board of Trustees Feedback 11/25:**

- Keep this at 1 per owner and Town will do a study about adding pillow fee or other appropriate fee



# R-1 Duplex Conditions

- Remove duplex dwelling as an allowed use in the R-1 district
- Change duplex dwelling from a by-right use to require a Special Use Permit in the R-1 district
- Maintain R-1 and R-1-A as separate districts and allow duplexes by-right or by Special Use Permit only in R-1-A

## **Board of Trustees Feedback 10/14:**

- Generally support the addition of duplexes in the current R-1 and R-1-A via the new R-1
- Need the density and meant to increase affordability



# Duplex Conditions

**Table 15-3-1: Use Table**

P = Permitted | S = Special Use

Zoning Districts	R-1	R-2	MU-1	C-1	C-2	α	Use-Specific Standards
<b>Residential</b>							
<b>Household Living</b>							
Dwelling, Single-Unit Detached	P	P					15-3-50(a)(1)
Dwelling, Single-Unit Attached (Townhome)	P	P					15-3-50(a)(2)
Dwelling, Duplex	P	P	P				15-3-50(a)(2)a
Dwelling, Triplex or Fourplex		P	P	P			15-3-50(a)(4)
Dwelling, Cottage Court		P		P			15-3-50(a)(5)
Dwelling, Multiunit		P	P	P			15-3-50(a)(6)
Dwelling, Live/Work				P	P		15-3-50(a)(7)
Dwelling, Mixed-Use			P				
Manufactured or Tiny Home Park		S					15-3-50(a)(8)



# Slope Hazard Area Condition

**(2) Maximum Disturbance**

No more than 30 percent of the slopes between 25 and 30 percent shall be disturbed during development.

**(d) Development on Slopes Greater than 30 Percent**

The creation of new lots, construction of structures, or clearing, excavation, and grading where the average slope within the limits of disturbance is greater than 30 percent shall require a Special Use Permit.

- Remove maximum disturbance provisions and do not require Special Use Permit for development on slopes 30 percent or greater (all other requirements such as engineering study, grading





# Avalanche Hazard Area Condition

## **(b) Applicability**

- (1) This Section shall apply to the land areas subject to potential avalanche danger identified in the "Snow Avalanche Mapping Analysis, Silverton, Colorado," by Arthur I. Mears, P.E., Inc., dated February 1998, together with supplemental avalanche mapping information submitted by Arthur I. Mears in conjunction with the referenced study. This analysis may be updated by the Town from time to time.
- Change reference to specific study and replace with "identified in the Town's most recently updated avalanche mapping study."



# AROD/The Y Condition

- Greene Street standards not drafted for lots south of 5<sup>th</sup> Street
- Potential condition: Direct staff to develop design standards after adoption or to pursue creating a subarea plan for gateway area after adoption

Silverton's Architectural Review Overlay Zone



# Site and Building Design Standards

- Townwide
  - Roofs, Eaves, and Parapets
  - Climatic Conditions
  - Reflective Materials Prohibited
  - On-Site Snow Shedding and Storage
  - Refuse Containers
  - Mechanical (underground utility connection required unless otherwise approved by the Building Official)



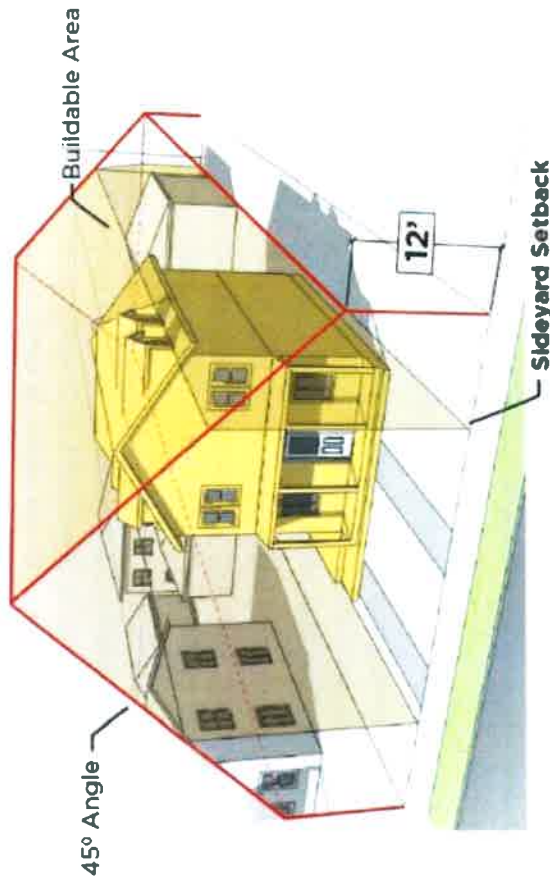
# Site and Building Design Standards

- Greene Street
  - Applies to all lots adjacent to Greene Street outside of the Historic District
  - Building orientation – primary entrance must face street
  - Building mass and form
  - Building materials – complement historic character
  - Roof form – bowed and curved roof forms prohibited
  - Parking – if on-site (not on-street) parking is provided it must be located to the side or rear if possible
  - Staff would be responsible for reviewing the design standards, but we provided an option for staff to refer applications to the Historic Review Committee



# Small Lot Bulk Plane Suggested Edit

- Exempt all construction in the MU-1 (current B-P) from the small lot bulk plane limitations



# Planning Commission Condition

Revise the language to be

- Two members of the Board of Trustees appointed by the Board of Trustees, who shall be ex officio members of the Planning Commission and shall serve during their respective official tenures;
- One member of the Board of County Commissioners, who shall be an ex officio member of the Planning Commission and shall serve during their respective official tenures;
- Four members at large, two appointed by the Board of Trustees and two appointed by the Board of County Commissioners, who shall serve for a term of three years, or until a successor takes office

The Planning Commission shall consist of seven members as follows:

- (i) Two members of the Board of Trustees appointed by the Board of Trustees, who shall be ex officio members of the Planning Commission and shall serve during their respective official tenures;
- (ii) One member of the Board of County Commissioners, appointed by the Board of County Commissioners, who shall be an ex officio member of the Planning Commission and shall serve during their official tenure; and
- (iii) Four members at large, two appointed by the Board of Trustees and two appointed by the Board of County Commissioners, who shall serve for a term of three years, or until a successor takes office.



# Staff-Requested Edit

- (ii) The Town Administrator may refer any Administrative Adjustment application to the Planning Commission that, in their opinion, presents issues that require Planning Commission attention.
  - Expand the provision above to apply to all administrative applications (currently limited to Administrative Adjustment, Site Plan, and Lighting Plans)
  - Allows for applications like Simple Subdivision or Slope Hazard Development Permits to be “pushed up” to the Planning Commission if staff would benefit from their feedback on the project
  - **Condition: Add a new Section 15-8-20(8) that allows for the Town Administrator to refer any administrative decision to the Planning Commission**



# Future Work Outside of the LUC

- Consider annexation of unincorporated Town-owned land and associated mapping boundary fixes
- Explore the creation of a new Townwide avalanche hazard map
- Reevaluation of LUC within one year of adoption





# Suggested Motions

- **Approval:**

I move to recommend approval of Ordinance No. 2025-01, an ordinance of the Town of Silverton repealing and readopting the Land Use Code and amending the official zoning map and incorporating the proposed revisions in Attachment B – Addendum to the Adoption Draft.



# Suggested Motions

- **Approval with Conditions:**

I move to recommend approval of Ordinance No. 2025-01, an ordinance of the Town of Silverton repealing and readopting the Land Use Code and amending the official zoning map and incorporating the proposed revisions in Attachment B – Addendum to the Adoption Draft with the following conditions:



# Suggested Motions

- **Continuance:**

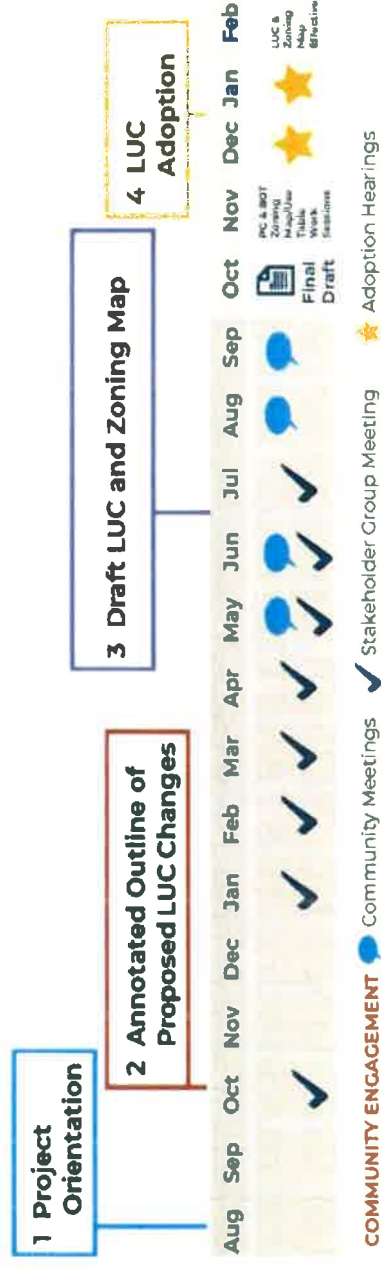
I move to continue Ordinance No. 2025-01, an ordinance of the Town of Silverton repealing and readopting the Land Use Code and amending the official zoning map and incorporating the proposed revisions in Attachment B – Addendum to the Adoption Draft.

- **Denial**

I move to recommend denial of Ordinance No. 2025-01, an ordinance of the Town of Silverton repealing and readopting the Land Use Code and amending the official zoning map and incorporating the proposed revisions in Attachment B – Addendum to the Adoption Draft.



# Next Steps



- 1/13: BOT Public Hearing: 1st Reading
- 1/27: BOT Public Hearing: 2nd Reading
- 2/26: LUC and Zoning Map Enacted



# Other Items With BOT Feedback

- **Change the compliance timeframe for Dark Skies compliance from 10 years to 5 years (by Jan 1, 2030)**
  - 5 years feels too fast for an unfunded mandate; leave this at 10
- **Would like to see a prohibition on open composting for greenhouse uses**
  - Belongs in the nuisance Code
- **Concern with updates to the historic design standards/Builders Handbook**
  - Replacing with Secretary of Interior's Guidelines, more commonly used - Board okay with this





## PLANNING COMMISSION AGENDA MEMO

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SUBJECT: Adoption of Land Use Code  
STAFF CONTACT: Lucy Mulvihill  
MEETING DATE: 01.07.2025

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### OVERVIEW

#### REQUEST

Consider making a recommendation on the repeal and readoption of Chapter 15- Annexation, Chapter 16 – Zoning and Chapter 17 – Subdivision of the Silverton Municipal Code, enacting a new Chapter 15 of the Silverton Municipal Code, and adoption of the 2024 Land Use Code and Zoning Map.

#### BACKGROUND

The Land Use Code is the set of regulations that guide how development should occur within Town. It is also one of the primary tools used to implement the Compass Master Plan (2022), the Development Readiness Assessment (2023), and the San Juan and Silverton Housing Needs Assessment (2021).

The key goals of the project include:

- Update the Town’s regulations to better reflect and align with the vision for the future of the Silverton community established in the Compass Master Plan;
- Create more predictable development outcomes by simplifying and clarifying development standards and procedures;
- Consolidate multiple chapters of the Silverton Municipal Code (Chapter 15, Annexation; Chapter 16, Zoning; and Chapter 17, Subdivision) to establish a more clear and consistent structure; and
- Make the LUC more user-friendly and easier to understand.

Throughout the process, the project consisted of 4 distinct phases:

1. Project Orientation (August – September 2023)
2. Annotated Outline of Proposed Land Use Changes (October – November 2023)
3. Draft Land Use Code and Zoning Map (December 2023 – November 2024)
4. Land Use Code Adoption (December 2024 – January 2025)

#### CODE EVALUATION

The approval process for the 2024 Land Use Code and Zoning Map is provided by Colorado State Statute. While elements of this process are similar to the current Land Use Code’s Amendments or Changes process (Sec. 16-1-40), the update does not follow that code section.

Per the state statute, the process requires that the Planning Commission hold a public hearing on the proposed Land Use Code and Zoning Map and that the Planning Commission is forwarded to the Board of Trustees for their consideration.



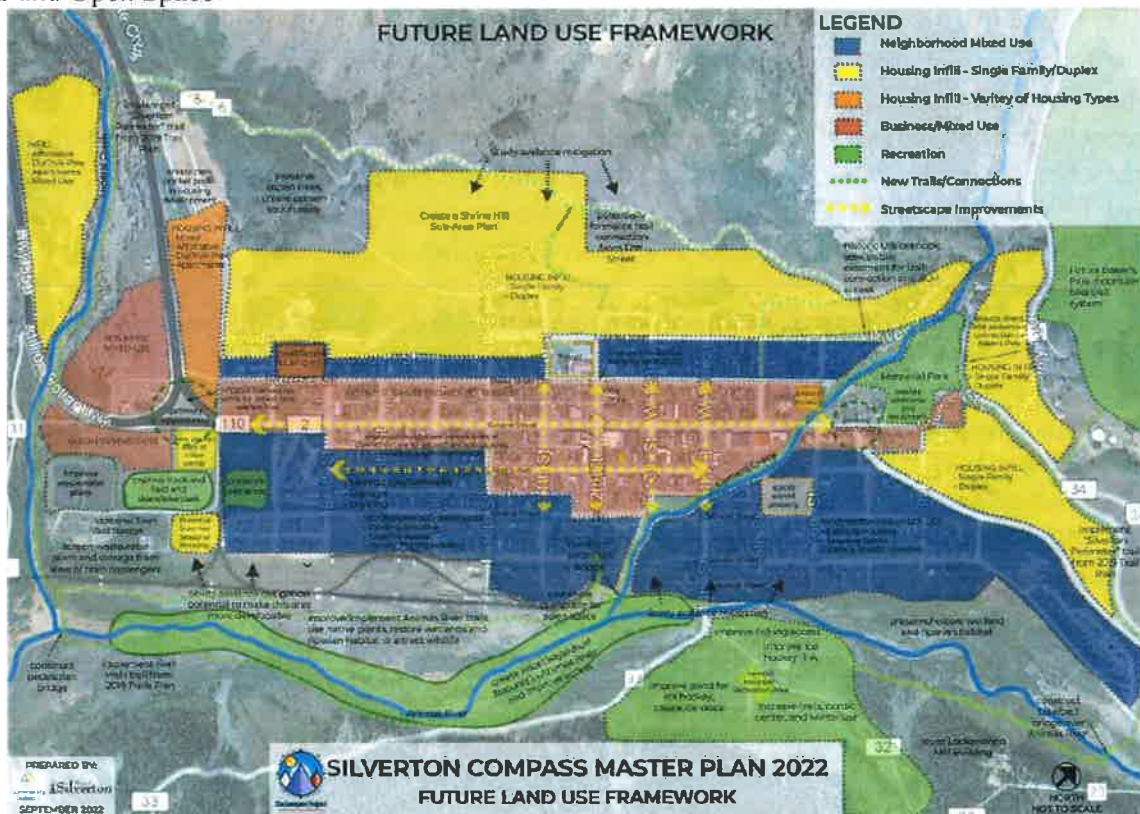
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### COMPASS MASTER PLAN EVALUATION

The Future Land Use Framework in the Compass Master Plan includes a conceptual illustration of opportunities for future land use and zoning, organized into five categories:

- Housing Infill
- Neighborhood Mixed-Use
- Business Mixed-Use
- Historic Core/Business Pedestrian
- Parks and Open Space



In accordance with the Future Land Use Framework, the 2024 Zoning Map reflects the new list of zoning districts established within the 2024 Land Use Code. This new list expands opportunities for a wider mix of uses, consolidates existing districts based on similarities, and recategorizes several properties throughout Town to better reflect existing conditions as well as align with the Future Land Use Framework. Table 15-2-2 identifies which zoning district(s) appropriately implement(s) a given future land use category identified in the Future Land Use Framework of the Compass Master Plan.



PLANNING COMMISSION AGENDA MEMO

SUBJECT: Adoption of Land Use Code  
 STAFF CONTACT: Lucy Mulvihill  
 MEETING DATE: 01.07.2025

**Table 15-2-2: Compass Master Plan Implementation**

Future Land Use Framework Category	Zoning District					
	R-1	R-2	MU-1	C-1	C-2	P
Housing Infill (Attached, max 3 units)	•					
Housing Infill (Variety, 3 or more units)	•	•				
Neighborhood Mixed-Use		•			•	
Business/Mixed-Use			•	•	•	
Recreation						•

The 2024 Land Use Code and Zoning Map comply with the Master Plan goals, action plans, etc. listed below:

- Reduce setbacks. (Land Use Strategy A-2 and Housing Strategy D-2)
- Reduce minimum lot areas and floor area. (Land Use Strategy A-2 and Housing Strategy D-2)
- Reduce lot coverage percentages. (Land Use Strategy A-2 and Housing Strategy D-2)
- Increase height limits. (Land Use Strategy A-2 and Housing Strategy D-2)
- Enact maximum footprint and lot size for single-family housing. (Land Use Strategy A-2 and Housing Strategy D-2)
- Clearly define allowable commercial uses in zoning districts to ensure suitable businesses are allowed in the Neighborhood Mixed Use district. (Local Economy Strategy C-1a)
- Relax change of use regulations. (Local Economy Strategy C-1b)
- Encourage the creation and retention of light manufacturing and creative employment spaces, or building sites that meet the needs of existing local businesses to grow or expand. (Local Economy Strategy C-2)
- Improve town pedestrian and bicycle infrastructure to create uninterrupted connectivity throughout town. (Infrastructure Strategy B-3)
- Reduce parking requirements for small-scale infill projects. (Land Use Strategy A-2a. and Housing Strategy D-2.b)
- Fast track development review for workforce and affordable housing projects. Options include: (1) Create a clear process checklist and (2) Reduce process requirements for “use by right” projects. (Housing Strategy D-6)

COMMUNITY ENGAGEMENT

The project team has conducted multiple outreach opportunities to guide the process over the past year and a half. The project team worked with a Stakeholder Group that provided advice and technical guidance as well as reviewed document drafts and helped identify issues to discuss with the larger community, Planning Commission, and the Board of Trustees.



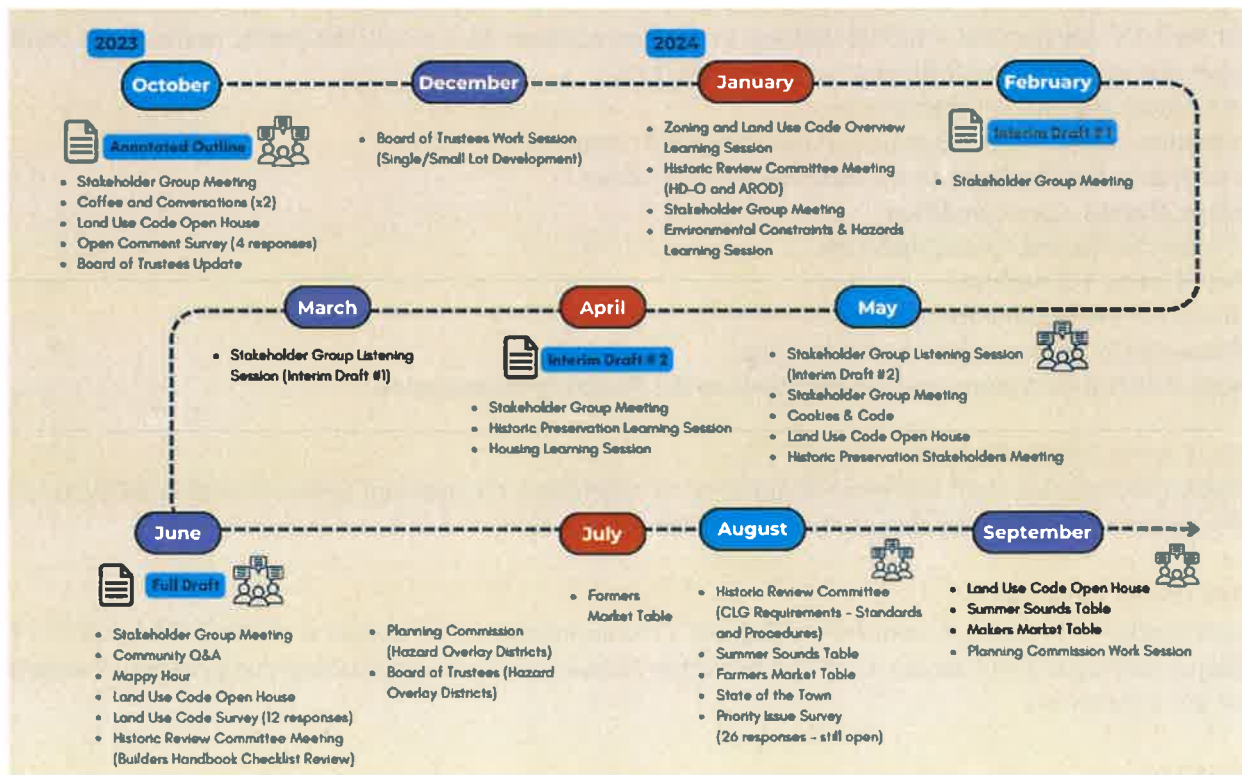


## PLANNING COMMISSION AGENDA MEMO

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**MEETING DATE:** 01.07.2025



The graphic below captures all of the engagement opportunities between October 2023 and September 2024.



Subsequently, the following additional meetings were added after the project team received multiple requests across the community, including Planning Commission and Board of Trustees members, to allow for more time to review the new Land use Code and Zoning Map:

- 10/14: Board of Trustees Work Session
- 10/15: Planning Commission Work Session
- 11/19: Planning Commission Work Session
- 11/25: Board of Trustees Work Session



## PLANNING COMMISSION AGENDA MEMO

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MEETING DATE: 01.07.2025

### **ADDENDUM TO ADOPTION DRAFT**

In preparing for the hearings, several concerns were raised that staff felt it would be prudent to address before adoption. Attachment B outlines the changes needed and provides the detailed strikethrough/redlined revisions.

### **DECEMBER 10, 2024, PLANNING COMMISSION MEETING**

At the Planning Commission meeting on Tuesday, December 10, 2024, the public hearing to consider a recommendation to the Silverton Board of Trustees for the adoption of the Land Use Code (LUC) was opened.

During the hearing:

- Staff presented a comprehensive report on the proposed LUC.
- The public was given the opportunity to provide comments.
- The Planning Commission engaged in a discussion regarding the proposal.

Following this discussion, the Planning Commission determined that additional review and consideration of several aspects of the LUC are necessary before making a recommendation. As a result, the public hearing was continued to have further discussion on the following aspects of the LUC.

- Maximum Height Considerations
- Vacation Rentals in the Business-Pedestrian (B-P) Zone
- Conditions for Duplexes in the Residential (R-1) Zone
- Slope Hazard Area Condition
- Avalanche Hazard Area Condition
- AROD/The Y Condition
- Small Lot Bulk Plane Regulations
- Planning Commission Review Conditions
- Staff Referral of Administrative Decisions to the Planning Commission

### **PLANNING COMMISSION ACTION**

The Planning Commission shall recommend approval as submitted, recommend approval with conditions, table for additional review, or recommend denial of the proposed ordinance.

### **STAFF RECOMMENDATION**

Staff recommends the Planning Commission forward a recommendation for approval of the 2024 Land Use Code and Zoning Map, enacting a new Chapter 15 of the Silverton Municipal Code, establishing comprehensive regulations and other land use regulations.

### **ATTACHMENTS**

- A. Land Use Code Adoption Draft
- B. Addendum to the Adoption Draft
- C. Proposed Zoning Map
- D. Public Comment

### **MOTION OR DIRECTION**



## PLANNING COMMISSION AGENDA MEMO

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SUBJECT: Adoption of Land Use Code  
STAFF CONTACT: Lucy Mulvihill  
MEETING DATE: 01.07.2025

- **Approval:** I move to recommend approval of Ordinance No. 2025-01, an ordinance of the Town of Silverton repealing and readopting the Land Use Code and amending the official zoning map and incorporating the proposed revisions in Attachment B – Addendum to the Adoption Draft.
- **Approval with Conditions:** I move to recommend approval of Ordinance No. 2025-01, an ordinance of the Town of Silverton repealing and readopting the Land Use Code and amending the official zoning map and incorporating the proposed revisions in Attachment B – Addendum to the Adoption Draft with the following conditions [insert conditions]
- **Continuance:** I move to continue Ordinance No. 2025-01, an ordinance of the Town of Silverton repealing and readopting the Land Use Code and amending the official zoning map and incorporating the proposed revisions in Attachment B – Addendum to the Adoption Draft.
- **Denial:** I move to recommend denial of Ordinance No. 2025-01, an ordinance of the Town of Silverton repealing and readopting the Land Use Code and amending the official zoning map and incorporating the proposed revisions in Attachment B – Addendum to the Adoption Draft.

# Silverton Land Use Code

October 2024

ATTN Planning Commissioners:

The full draft of the LUC is not provided in your packet because you have received a copy. If you need another physical copy, please contact Lucy.

Alternatively, the Full copy of the draft can be found in the electronic copy of the Planning Commission Packet or online at [https://www.silvertonluc.org/\\_files/ugd/35d2c0\\_f9091b0693f14343b3743c4f76065e55.pdf](https://www.silvertonluc.org/_files/ugd/35d2c0_f9091b0693f14343b3743c4f76065e55.pdf)

**Adoption Draft**



# ATTACHMENT C Proposed Zoning Map

**PUD LISTING:**  
 PUD 1 -- Ordinance No. 2014-07  
 PUD 2 -- Ordinance No. 2022-09  
 PUD 3 -- Ordinance No. 2022-11  
 PUD 4 -- Ordinance No. 2024-09



## OFFICIAL ZONING MAP Legend

- Town Limits
- County Parcels
- Roads
- Waterways
- R-1: Neighborhood Residential
- R-2: Mixed Residential
- MU-1: Downtown Mixed-Use
- C-1: Gateway Commercial
- C-2: Employment Commercial
- P: Public
- PUD: Planned Unit Development



**CPS**  
 Community Planning Solutions  
 Prepared by: JAC/ED  
 Project start: 10/1/2024  
 Project end: 10/1/2024

Disclaimer: No warranty is made by the producers of this map as to the accuracy, reliability, or completeness of this data. This product was developed through digital means and data used in this map may be updated without notification.

Site inspection or verification of this data was not conducted in the preparation of this product and it is only intended to be used for reference purposes only.



# ATTACHMENT D Public Comment #1

**John H. Wright, C.P.G.**  
**P. O. Box 308**  
**Silverton, CO 81433**  
**(970) 387-0257**

November 19, 2024

**To:** San Juan Regional Planning Commission, and Town of Silverton

**Subject:** Comments on Silverton Land Use Code Draft and Zoning Map

A few issues with the Zoning Map include:

1. The Town Limits trace along the northern boundary of the Town of Silverton (TOS) incompletely depict Town lands, and is therefore inaccurate. The omissions include:
  - a) A portion of the Ruby No.1 Placer (MS 654) deeded from ASARCO to the TOS on January 9, 1968 as recorded with the San Juan County Clerk: Book 188, Page 575.
  - b) The Silverton Cemetery (aka Hillside Cemetery) cited in the San Juan County Assessor's records as parcel #48290080010011, listing TOS as the owner, and also citing a grant deed issued from the USA/BLM to TOS dated November 9, 2000 reception # 140896.
  - c) Certain findings pertaining to the cadastral survey of the northern town boundary are recorded in San Juan County Clerk's records, reception # 154183 of which the map maker should become aware.
2. Streets and roads along the same northern boundary are mislabeled, out of date, or both.
  - a) "State Highway 110 & 110A" no longer exist as state highways. That which is labeled State Highway 110A on the draft zoning map is now County Road 110 (CR 110).
  - b) The point of departure of CR 110 from Green Street is very close to where 18<sup>th</sup> Street and Green Street meet within the parcel known as "Greene Street Addition." From that intersection headed generally uphill, the road curves to the left and passes beyond the Greene Street Addition boundary at roughly the point of tangency. From that point on, the road is CR 110, not Greene Street, and should be labeled as such. Certainly, the map maker will want to check where CR 110 begins. CR 110, of course, runs all the way out to Gladstone.
  - c) One consequence of not labeling roads correctly is that Homeowners Insurers, researching a property along the northern TOS boundary, and referring to the street address only, can completely mis-locate the property to a point well out of the town limits and way out in heavy forest. Misjudging wildfire peril on account of that has lead one insurer to refuse policy renewal on August 23, 2024.

## ATTACHMENT D Public Comment #1

- d) Google Maps and Google Earth are two sources Homeowners Insurers and Delivery Services frequently access to pursue their respective businesses. At present, if one enters "1872 CR 110, Silverton, CO", which is my correct address within the town limits, Google Earth will take one way out toward Gladstone. I would like to see San Juan County and the Town of Silverton work to correct Google Earth, and I am happy to cooperate with them to effect those corrections.

Sincerely,


# ATTACHMENT D Public Comment #2

December 2, 2024

Lucy Mulvihill  
Community Development Director - Town of Silverton  
[lmulvihill@silverton.co.us](mailto:lmulvihill@silverton.co.us)

Dear Ms. Mulvihill and Planning Commission –

I was fortunate to grow up in Silverton, and the Town still holds a special place in my heart. I have been observing the evolution of the various plans for the Town and County, and am excited by the energy I see in the plans. I have recently reviewed the proposed Land Use Code, and below I offer some comments from my perspective as a Professional Engineer licensed in the State of Colorado. Please forward these comments to the Planning Commission for consideration at the LUC meeting on December 10, 2024.

- 1) Question/recommendation: Have all of the sections in Article 5 (Environmentally Sensitive Lands) been reviewed by appropriately credentialed Professional Engineers? There are a number of technical nuances in the requirements in these articles that need to be carefully balanced to protect public health and safety while not unintentionally restricting the development and use of land included in the Land Use Plan and other Town plans and visions. I suggest that all of Article 5 be reviewed by appropriate Professional Engineers before adoption.
- 2) 15-5-30: Slope Hazard Areas
  - a. The overall intent of this section appears to require appropriate geotechnical and engineering analysis before constructing on a slope. This is a good idea for long-term stability of any structures constructed, particularly since construction on slope is a necessity in mountainous communities.
  - b. 15-5-30(a)(2): why is a “steep slope” defined as 25% or greater? What’s the basis for this specific grade being the dividing line between “steep slope” and “not-slope”? Consider adding an explanatory footnote describing the rationale for this definition of a steep slope.
  - c. Why is there one set of requirements for development on slopes in the range of 25%-30%, and a separate set of requirements for development on slopes of greater than 30%? Could all development on slopes of 25% or more follow the same guidelines?
  - d. I recommend deleting clause 15-5-30(c)(2), which states “No more than 30% of the slopes between 25 and 30 percent shall be disturbed during development.”
    - i. This clause is ambiguous and does not specify what “30% of the slopes between 25 and 30 percent” means.
      1. Does it mean disturbance of 30% of the sloped area (square-feet)?
      2. Does it mean disturbance of 30% of the length or width of a slope?
      3. Is a “disturbed” area defined as the area under any permanent improvements, such as buildings, driveways, streets, etc? Does “disturbance” include any areas which undergo any excavation or movement of soil or overburden, regardless of whether the area is the location of a permanent improvement?



## ATTACHMENT D Public Comment #2

- ii. As written, this does not apply to slopes greater than 30%, which could imply that a greater area of slopes steeper than 30% could be developed. Deleting this clause will eliminate a number of points of confusion.
  - iii. Additionally, given that a large portion of the R-1, R-2 and PUD zones in the recently adopted Town Official Zoning Map (most of which are already platted in lot/block format) are located on hillsides (Taylor's Addition/Shrine Hill, Blague's Addition, portions of the old Fisher Brewery site between South Mineral Creek and US550), the 30% development clause will significantly and materially hinder housing development in those areas. This will unnecessarily inhibit new housing and diminish the tax base resulting from the construction of additional housing units. Restricting development of already-platted areas may also negatively impact the value of those parcels of land, which will both harm the landowners and reduce the tax revenue generated from vacant land.
  - iv. The annotated version of the draft LUC notes in footnote 274 that this clause was recommended in the Development Readiness Assessment. I was unable to find a copy of the Development Readiness Assessment to see what it says about development on slopes.
- 3) 15-5-30(e): Development on Unstable or Potentially Unstable Slopes
- a. What are the characteristics of a slope that would render a slope "unstable or potentially unstable"? I suggest adding a definition or description to this effect.
  - b. What are the qualifications of the person who determines that a slope is "unstable or potentially unstable"? I recommend that stability or lack thereof be determined by a professional geotechnical engineer based on soil analysis. This is important, because a slope of a given pitch in one location may be stable, while a slope of the same pitch in another location may be unstable. Slope pitch alone does not determine stability.
  - c. 15-5-30(e)(4): What is the definition of over-steeping? I suggest adding a definition or description to this effect.
  - d. 15-5-30(e)(4): It appears that some of this text is duplicated from 15-5-30(e).
- 4) I recommend that both topographic and boundary surveys be required for any parcels contemplated for development, whether located on a slope or not. The minimum contour interval for the topographic survey should be 1-foot to provide adequate vertical resolution for both initial review/approval and eventual design purposes.
- 5) Similarly, I recommend that the slopes, and boundaries of "steep slope" area on a parcel be allowed to be measured and refined through a site-specific topographic survey commissioned by a prospective developer, rather than relying solely on the Hazard Overlay maps. The site-specific topographic survey will allow a more precise assessment of the slopes and slope boundaries present on the parcel, which in turn will allow more precise placement of structures, streets, utilities, and other development items, and better definition of the engineering requirements to construct on a slope.
- 6) 15-6-30(b)(8): Small Lot Development Bulk Plane
- a. Given that there is a movement to allowing single-family homes to be constructed on single lots, I recommend reviewing the geometry of the Bulk Plane to be sure that a two-story home

## ATTACHMENT D Public Comment #2

can be constructed on a single lot (25-foot width) within envelope prescribed in these guidelines.

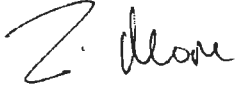
- b. Does the Bulk Plane also apply to buildings in the business district which may be on lots less than 5000 square feet? (I.e. buildings that abut each other with zero side setbacks?) 15-6-30(b)(1) implies that this section applies to all buildings in Town. Buildings in the business district would logically be exempt from these Bulk Plane requirements.
  - c. Also consider checking that the Bulk Plane allows appropriate solar exposure to any lots to the north.
- 7) 15-6-40: Outdoor Lighting:
- a. 15-6-40(b): I suggest a clarification to the "fully-shielded" requirement that all outdoor light fixtures emit no light above a horizontal plane. This is consistent with lighting requirements in other communities concerned about light trespass and light pollution.
  - b. 15-6-40(e): In addition to mercury-vapor lamps, I recommend a phase-out of all high-intensity-discharge (HID) lamps, including sodium-vapor, metal-halide, and other types of HID lamps.
  - c. 15-6-40(g)(1)(d): The perceived color of light is measured by "correlated color temperature", with units in degrees Kelvin (K). The terminology "Total Kelvin proposed for each lamp;" in this section is incorrect for lighting, because degrees Kelvin are not additive in the context of color temperature from multiple lamps. Given that the goal of this outdoor lighting section is to keep outdoor lights generally dimmer (fewer lumens) and more toward the yellow/warm end of the spectrum (lower degrees Kelvin), then better terminology in this clause would be simply "Proposed color temperature in degrees Kelvin (K) for each lamp;"
- 8) 15-8-30(m): Slope Hazard Development Permit
- a. Article 15-5-30 (Slope Hazard Areas) lists various items that need to be evaluated by professional engineers and/or professional geologists, however the only professional evaluation/design requirement in Article 15-8-30(m) is a drainage plan prepared by a professional engineer.
  - b. Paragraph 15-8-30(m)(4)(a)(iii)(5) refers to a geologist's or geotechnical engineer's report on slope hazards. This section refers to required maps and cross-sections, but no requirements or parameters are given for any maps or cross-sections.
  - c. I recommend that the requirements of 15-5-30 and 15-8-30(m) be coordinated such that the development parameters stipulated in 15-5-30 are required in the development review information listed in 15-8-30(m).
  - d. I suggest making (iii)(5) a separate subsection (iv) rather than part of subsection (iii) since (iii) discusses drainage plans, which are not addressed by geotechnical engineers.

## ATTACHMENT D Public Comment #2

Thank you for considering these comments and suggestions. My contact information is below should you wish to contact me.

Thank you also for all of your hard work to keep Silverton a special place!

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Moore". The signature is written in a cursive style with a large, stylized initial "T".

Travis Moore, PE  
[travistm@gmail.com](mailto:travistm@gmail.com)  
Cell: 303-746-2967

## Comments on Land Use Code – 15-2-80

### Overlay Zoning Districts

#### a) Historic District Overlay

#### 3) Establishment of Town's Historic Register.

b) Is regarding adding to the register (*Comment – calls out process, but does not specify why this should be pursued.*)

c) Calls out what can be listed in the register

*Comment: Almost all of the older parts of town with built structures are within the boundary of the National Historic Landmark District and this also includes the district's later amendment that extended north to include the mill and tram. There are both sizable Federal and State Income Tax Credits for certified rehabilitations of Historic properties (Listed as contributing to Historic Districts) as well as Colorado Income tax Credits for owner properties (non-commercial) when credits are available. There should be an incentive for listing in the local register; what the local incentive should be needs to be discussed. There seems to be no incentive now for making an application for listing in the local register.)*

*A map of the National Landmark District should be included so that citizens can see they are within the Landmark District and may further check to see if they are contributing to the district and potential incentives.*

#### 5) New Construction

*New construction within the Historic District Overlay shall be differentiated from the Contributing Properties (clear definition of "contributing" required) but be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the Historic District Overlay and its environment.*

*(Comment: This is one of the most difficult and misunderstood aspects of compatibility of new construction. How closely should the new construction fit with the historic. This needs to be clearly defined. The word "differentiated" is a trap of various opinions in reviewing. The regulation should clearly state a close match to what would have been built during the historic period of significance, if that is the preference and intent of the regulation. OR - If the interpretation is more about an architect's interpretation of what is compatible in*

## ATTACHMENT D Public Comment #3

*selection of materials, features, size, scale and proportion and massing. Interpretation of differentiation can lead to a very modern looking building while still meeting requirements. What is the intent of the requirement?)*

*(Comment: The Green Street regulations are called out as very specific and these regulations or similar regulations with specifics would seem appropriate to all properties within the Historic Overlay as mapped. The Green Street regulations c-k: Mixed Use Required, build to line, façade, architectural projections, bank wall, architectural elements, entrance, windows, screening – are all clear requirements for new constructions within the historic overlay and should be applicable to all of the overlay, if that is the intent in preserving the town's historic integrity as an economic driver.*

### 8) Additional Design Standards for all Development

a) **All development** in historic district is to comply with the US Secretary of Interior's Standards for the Treatment of Historic Properties. *(Not appropriate or applicable)*

*Comment: The Secretary's Standard for Treatment of Historic Properties are only applicable to Historic Properties that are listed individually as historic or are contributing to a historic district and have been inventoried and listed as part of the district. Many of Silverton's older homes and buildings are listed in the National Register of Historic Places as components of the National Historic Landmark District. It should be noted that only a little over 3% of listed historic districts are National Landmarks. Silverton's resources are special and rare. This fact should be celebrated and shared more extensively with the community and visitors and investors.*

*Some National Historic Landmark Districts: Butte Anaconda NHLD Montana, Georgetown-Silver Plume NHLD, Savannah NHLD, Tombstone NHLD...*

*NOTE: The Secretary Standards for Treatment of Historic Properties calls out 4 treatments: 1) Preservation, 2) Rehabilitation, 3 Restoration, 4 Reconstruction. Preservation is for freezing a historic property as is and keeping it from deterioration. Restoration is restoring a historic property to a certain prior in time, likely its most significant time period. And Reconstruction is for a missing historic resource that can be very accurately recreated. Rehabilitation is the treatment that is most appropriate for inclusion in design regulations. It means that there can be changes done as needed for a similar use or a new adaptive reuse that extends the life of the historic building while the 10 standards protect what will still retain what is historic about the building. The Rehabilitation Standards and accompanying guidelines are what is utilized to ensure compliance with keeping a historic property historic. The rehabilitation standards are used for when any Federal Funding and also State programs are used, and must be followed. The Rehabilitation Standards are also for*

## ATTACHMENT D Public Comment #3

*compliance with Tax Credit incentives. The remaining 3 Treatments are useful but only in rare instances and not typical for an actively occupied town that needs to adopt to new tenants or uses of a historic building. REHABILITATION – is the only Standard (listed 10 applicable Standards of Rehabilitation) that should be included in the Town of Silverton's Design Regulations. Assisting in understanding the 10 Standards are accompanying guidelines that provide "guidance" in applying the standards with "recommended" and "not recommended" approaches to materials and details. The use of Rehabilitation Standards are intended to cover the great variety of historic resources where extensive design compliance regulations still do not cover all aspects of appropriate design. A proposed design either meets the intent of the Standard or it does not, that is the strength of the use of the 10 Rehabilitation Standards.*

*The design handbook is still useful for guidance is someone wishes to build something that is compatible within the community that is not a requirement since there are no regulations outside of the overlay that require compatibility.*

Comments submitted by Mark Reavis, Licensed Architect State of Montana, Colorado & Arizona, NCARB and AICP (Certified Planner), resident of Silverton Colorado.



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\*SEPTICS \*FOUNDATIONS  
\*GRADING AND DRAINAGE  
\*SITE DEVELOPMENT

December 17, 2024

Planning Commission  
1557 Greene Street  
Silverton, Colorado 81433

Subject: December 2024 Draft of Proposed Town Regulations.

Dear Planning Commissioners:

This letter is public comment regarding the December 2024 draft of the proposed Town regulations. Here are some suggestions for you to consider while reviewing the proposed Town regulations.

### **SLOPE HAZARD OVERLAY DISTRICT**

The **Slope Hazard Overlay District shouldn't be changed to 25-30% slope**. The Slope Hazard Overlay District should remain as-is, to include land within the Town limits which is 25% slope and steeper.

The arbitrary proposed **30% maximum disturbance limit for all projects in the Slope Hazard Overlay District** should be removed. That requires a person to possess 70% extra land to remain untouched, has unintended consequences (such as pushing the proposed development into the flatter on-site wetlands areas to avoid the slope), and construction of the Town street alone would push the average property owner trying to build on a sloped site over the 30% maximum slope disturbance limit. The regulations already include a requirement that the applicant shall minimize site grading.

The Slope Hazard Overlay District includes requirements for **drainage calcs 500 feet out in every direction from a project site**. While that is doable from an engineering standpoint, the amount of upfront surveying costs associated with obtaining the topo two blocks away from a parcel would be cost prohibitive. For example for a family to construct a home on a 50x100 SF parcel, requiring them to pay for topo (and drainage calcs) two blocks away in both directions (as well as uphill and downhill) would likely prevent their ability to build. The Town could consider changing that to require calcs for the relevant drainage paths that may be impacted by the proposed improvements, and the next drainage path over in each direction.

Unretained cut slopes should be designed based on the soil's angle of repose, and the proposed grading and drainage design, and the proposed site layout, not an **arbitrary 3:1 maximum cut slope** with an already built-in loophole that 2:1 can be used if an engineer states that 2:1 will look better aesthetically. Please note a **3:1 cut slope** would require 30 feet of disturbed horizontal land width, for a proposed 10 feet deep Town street cut bank.

The regulations above as currently written favor only those with very deep pockets, rather than allowing for housing for middle income local families/workers. The regulations above would also serve to render the majority of Slope Hazard Overlay District properties

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unbuildable/unfeasible to build on, while the majority of the potentially-buildable vacant land we have left in Town probably falls within the Slope Hazard Overlay District.

## **AVALANCHE HAZARD OVERLAY DISTRICT**

The regulations as written require use of a draft map from the 1990s which is known to have errors. As planner I researched those maps and in the early 2000s, the Town paid Art Mears PE to fix the errors on that 1990s map, and the resultant corrected map was adopted by the Town in **2005 as the Town's adopted Avalanche Hazard Overlay District Map**. Requiring use of the 1990s map known to have documented errors opens the Town up to liability at taxpayer cost.

The regulations as written would allow for a person to build one foot outside the approximate mapped avalanche limit line shown on the hazard map. The parcels in Town are generally so small that allowing that is a significant safety and liability issue for the applicant, neighbors, and public. **The avalanche regulations should apply to any site that has a mapped avalanche hazard potential.**

## **REVIEW PROCESS**

As written, many rather significant development applications would now be decided upon by only by one person (Town Administrator), with **no apparent adjacent land owner notification**, or Planning Commission/Town Board review. While we currently have a competent Town Staff and Administrator, it is better for many reasons for the Staff, the community, and the applicants, to have a group/board of several persons decide on a project application, rather than unilateral decisions by any one person. It appears that the neighbors would only find out the project got approved after it's already been approved. **The Town Board "call-up" process currently described in the proposed regulations (where a Town Board member can start a discussion about the Staff's already completed decision on an application, such as Slope Hazard Development Permit, and Avalanche hazard Development Permit) sounds like nothing short of a nightmare, as the neighbors would have their first opportunity to hear/complain about an already-approved decision, the Staff would be second-guessed, and the Board would be placed in a position of potentially overriding/reversing a decision.** If the Town decides to forgo the standard Planning Commission/Town Board review from now on for the majority of applications, I would encourage that at least the applicant should submit adjacent land owner envelopes, and the Administrator/Staff should mail those, and then the Administrator might have a 21 day time period to review the application, and the neighbors would be able to contact staff with any adjacent land owner concerns. In the past this is how Staff reviewed many of the Vacation Rental permit applications, and the neighbors were notified that they had a set time period to bring up any concerns to the Staff. **I would encourage that the Town should continue to involve the Planning Commission and the Town Board in almost all permit applications, as using a group to decide, instead of one person, is better for public transparency, the Staff, and the Applicants.**





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## PUD APPLICATIONS

PUDs seem to be mentioned in the proposed regulations only in reference to “**rezoning** applications,” whereas PUDs often involve proposed mixed-use (residential/commercial) clustered development, as well as land that is proposed to be held in common (such as condos).

## FLOOD HAZARD OVERLAY DISTRICT

The regulations appear to allow for an applicant to build new construction with the Finished Floor Elevation (FFE, first story inside floor level) below the Base Flood Elevation (BFE, the height which floodwaters could rise up to), if the surrounding neighbors’ old houses were also built “too low.” It makes sense for the Town to allow for certain repairs to an existing home built “too low,” but it **doesn’t seem advisable to allow new construction to be built with the FFE below the Base Flood Elevation.**

## OTHER

Although there are reasons that this process is being expedited, **I would encourage that the Planning Commission might consider tabling this to review it again in January**, to allow the public (and local design professionals) more time to review the lengthy current draft of the proposed Town regulations, which was released on Friday December 6.

Please contact Engineer Mountain, Inc. if you have any questions.

Sincerely,

Lisa M. Adair, PE  
Engineer Mountain, Inc.  
engineermountaininc@gmail.com





Willy Tookey &lt;admin@sanjuancolorado.us&gt;

## Land Use Code Recommendation

1 message

**Anthony Edwards** <anthony@sholleredwards.com>

Tue, Dec 17, 2024 at 2:46 PM

To: Melissa Childs <melissamchilds@gmail.com>, Bev Rich <beverlyerich@gmail.com>, James Harper <jimharper@grandimperialhotel.com>, Lindsey Halvorson <lhalvorson@silverton.co.us>, Alashley <commissioner.lashley@sanjuancolorado.us>, karlasafranski <karlasafranski@gmail.com>, Jim Weller <wellerhouse@gmail.com>  
Cc: "Gloria Kaasch-Buerger (gkaasch-buerger@silverton.co.us)" <gkaasch-buerger@silverton.co.us>, "Imulvihill@silverton.co.us" <Imulvihill@silverton.co.us>, Willy Tookey <admin@sanjuancolorado.us>

Dear Planning Commission and Staff,

After reviewing the Proposed Land Use Code and considering the scope of what is being considered for adoption, I encourage the Planning Commission consider recommending an expedited land use review process which could start in the fall of 2025. The idea would be to integrate a periodic review with local stakeholders (builders, engineer(s), interested parties, planning representatives and Town of Silverton Staff) for the purpose of identifying potential issues which may become apparent during the development process and over the 2025 building season. An evaluation of the operation of the new land use regulations will allow community stakeholders to identify if there are standards and provisions which are not aligned with the Compass Master Plan, desired policies, values, and goals and identify strategies to better align them. Engaging in an assessment will allow the community to update the regulations with the desired policies in a timely manner. Thanks for your consideration and your service.

Best,

Anthony D. Edwards

Silverton Community Member

