SAN JUAN REGIONAL PLANNING COMMISSION
AGENDA
DECEMBER 10, 2024
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 and Minutes**

7:05 PM **Public Hearing**

7:30 PM **Improvement Permit Application:**
Charles V. and Bruce A. Hoch, Gladstone Girl MS 17271 Preliminary/Final Plan Application for the development of a single-family dwelling, shed, driveway and associated utility improvements in Minnehaha area adjacent to CR 51

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

PLANNING COMMISSION AGENDA MEMO

SUBJECT: Adoption of Land Use Code
STAFF CONTACT: Lucy Mulvihill
MEETING DATE: 12.10.2024

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 Statue. 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.

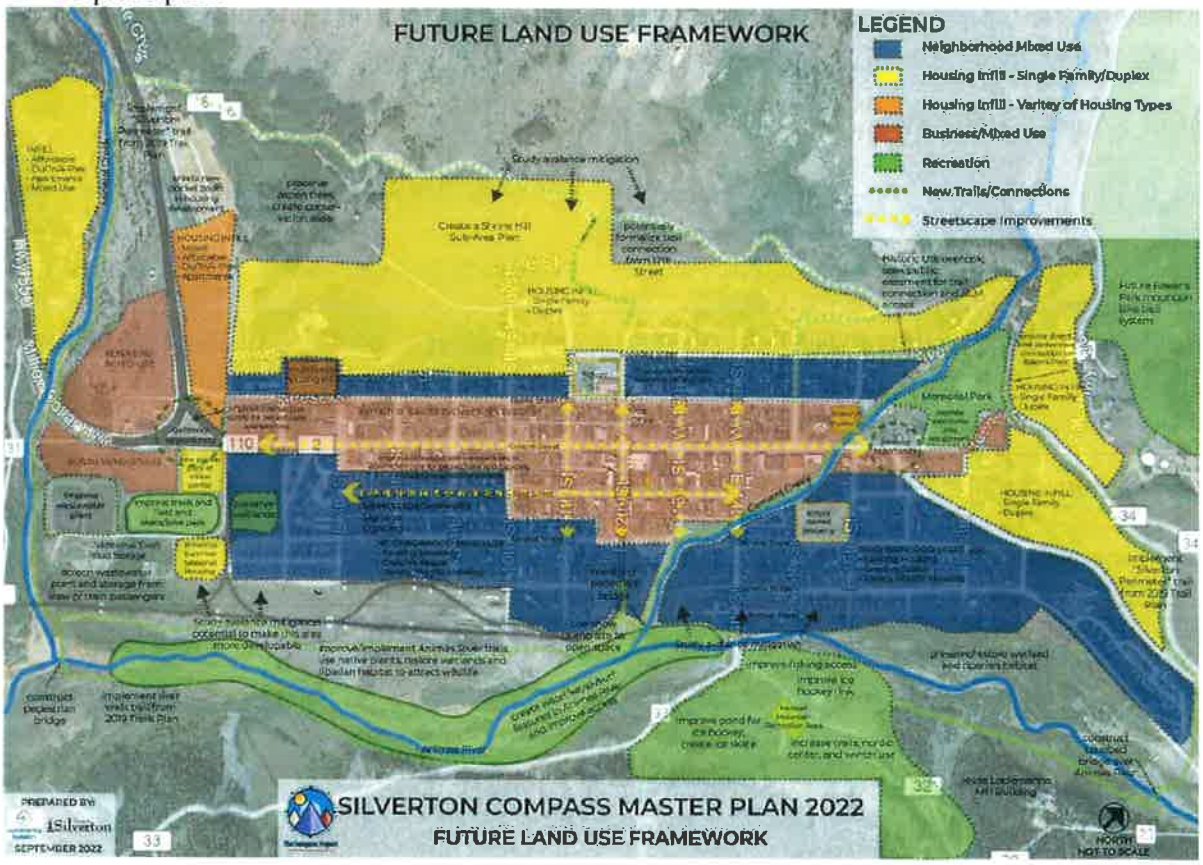
PLANNING COMMISSION AGENDA MEMO

SUBJECT: Adoption of Land Use Code
STAFF CONTACT: Lucy Mulvihill
MEETING DATE: 12.10.2024

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: 12.10.2024

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)

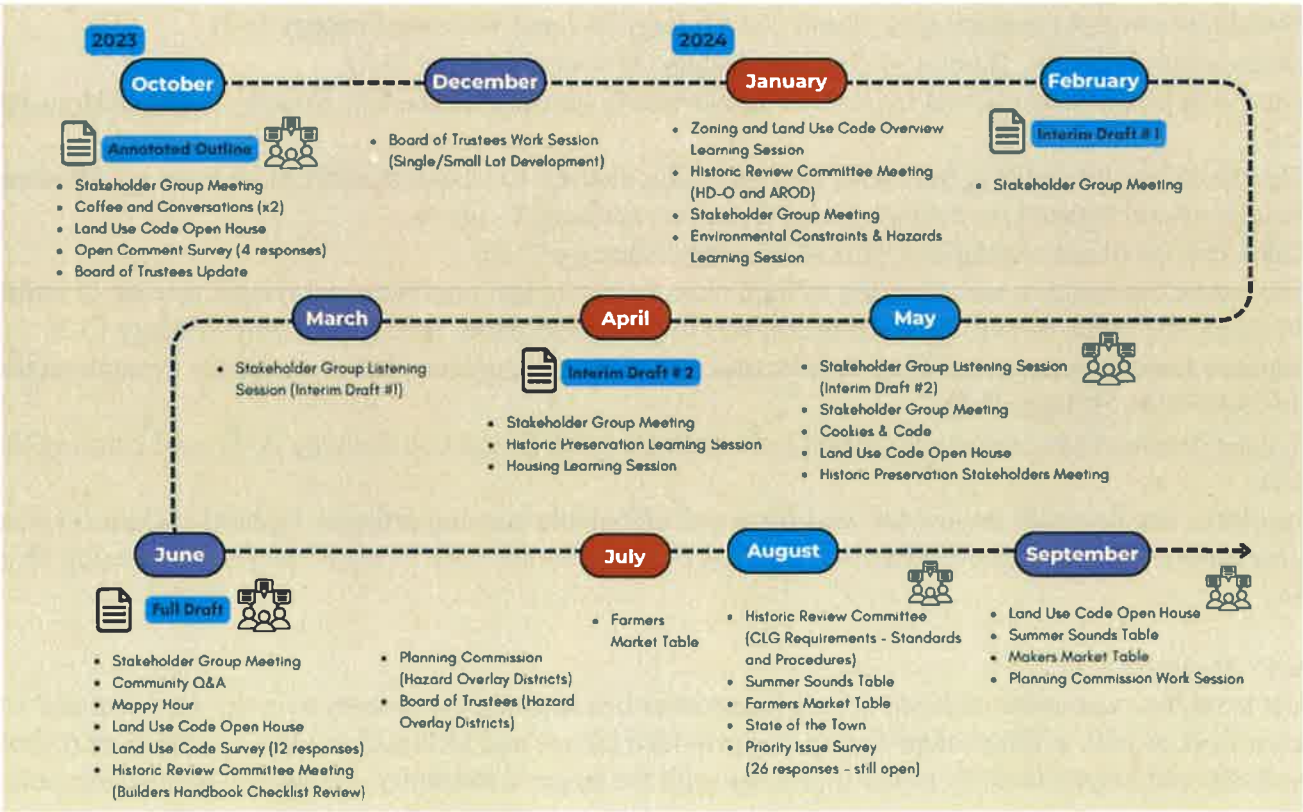
Community Engagement

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 week 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

SUBJECT: Adoption of Land Use Code
STAFF CONTACT: Lucy Mulvihill
MEETING DATE: 12.10.2024

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

SUBJECT: Adoption of Land Use Code
STAFF CONTACT: Lucy Mulvihill
MEETING DATE: 12.10.2024

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.

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

- **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

Adoption Draft

CLARION

Silverton Land Use Code

Addendum to Adoption Draft | December 2024

The following table and subsequent pages show the proposed revisions to the draft published October 31, 2024.

Summary of Proposed Changes to Adoption Draft

#	Section Number	Section Title	Draft Page #	Revision
1	Table 15-2-3	Zoning Districts Dimensional Standards Summary	8	Update table to address nonconforming zoning lots < 5,000 square feet setbacks
2	Table 15-2-4	R-1 Lot and Building Standards	10	Add missing table not [1] to Lot Width
3	Table 15-2-5	R-2 Lot and Building Standards	11	Add missing table not [1] to Lot Width
4	Table 15-2-10	Permitted Setback Encroachments	16	Add "porches" to list of permitted setback encroachments Add missing "and"
5	15-3-70(i)	Portable Waste Trailer	57-58	Numbering/formatting error fix
6	15-6-30(b)(5)b.(iii)	Snow Shedding	84	Add option for other snow management techniques as approved by the Building Official
7	15-6-40 (b)	General Provisions	87-88	Numbering/formatting error fix
8	15-6-40(d)	Exemptions	89-90	Numbering/formatting error fix
9	15-6-40(e)	Prohibited Outdoor Lighting	90	Numbering/formatting error fix
10	15-7-50(c)	Public Signs	96	Numbering/formatting error fix
11	15-7-80(b)	Mixed Use, Commercial, and Public Districts	99	Numbering/formatting error fix
12	15-7-90(b)	Sandwich Board and Sign Boards	99-100	Numbering/formatting error fix
13	15-8-10(a)	San Juan Regional Planning Commission	102-103	Minor grammar edits and clarification regarding the ability and authority to add agenda items to Planning Commission meetings
14	15-11-20(a)	Building Footprint Measurement	196	Clarify that building footprint measurement does not include accessory structures.

ADDENDUM ITEM #1:

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						
Lots < 5,000 SF						
Front	5 [3]~~N/A~~	5	0	5	5	5
Side [1]	3.5 [3]~~N/A~~	3.5	0	3.5	3.5	3.5
Street Side	5 [3]~~N/A~~	5	5	5	5	5
Rear	5 [3]~~N/A~~	5	5	5	5	5
Lots ≥ 5,000 SF						
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~~3]	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 legacy nonconforming lots less than 5,000 square feet only.~~

[~~4~~3] Single-unit attached dwellings with three or more units, triplex or fourplex dwellings, and multiunit dwellings may be built up to 35 feet.

ADDENDUM ITEM #2:

Table 15-2-4: R-1 Lot and Building Standards

Lot Standards	
Lot Area per Primary Structure (Min. SF)	5,000 [1]
Lot Area (Max. SF)	10,000
Lot Width (Min. FT)	50 [1]

Building Setbacks (Nonconforming Lots < 5,000 SF)		
A	Front (Min. SF)	5
B	Side (Min. SF)	3.5 [1]
C	Street Side (Min. SF)	5
D	Rear (Min. SF)	5

Building Setbacks (Lots ≥ 5,000 SF)		
A	Front (Min. SF)	7
B	Side (Min. SF) [1]	7
C	Street Side (Min. SF)	7
D	Rear (Min. SF)	5

Building Standards		
E	Building Height (Max. FT)	30

[1] See Section 15-2-50(b) for minimum lot standards for single-unit attached dwellings.

ADDENDUM ITEM #3:

Table 15-2-5: R-2 Lot and Building Standards

	Lot Standards	
	Lot Area per Primary Structure (Min. SF)	2,500 [1][2]
	Lot Area (Max. SF)	N/A
	Lot Width (Min. FT)	25 [1]
	Building Setbacks (Lots < 5,000 SF)	
A	Front (Min. SF)	5
B	Side (Min. SF)	3.5 [1]
C	Street Side (Min. SF)	5
D	Rear (Min. SF)	5

	Building Setbacks (Lots ≥ 5,000 SF)	
A	Front (Min. SF)	7
B	Side (Min. SF) [2]	7
C	Street Side (Min. SF)	7
D	Rear (Min. SF)	5
	Building Standards	
E	Building Height (Max. FT)	30 or 35 [3]

[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] Single-unit attached dwellings with three or more units, triplex or fourplex dwellings, and multiunit dwellings may be built up to 35 feet.

ADDENDUM ITEM #4:

Table 15-2-10: Permitted Setback Encroachments

Projection	Front or Street Side Setback	Side or Rear Setback
Building Element		
Approved accessibility ramps	Any distance	Any distance
Bay windows, chimneys, decks, balconies (includes cantilevered and balconies supported by individual pillars), porches, and patios	2 FT	2 FT
Belt courses, sills, lintels, pilasters, and pediments	2 IN	2 IN
Eaves, roof overhangs, cornices, gutters, and downspouts	3 FT 6 IN	3 FT 6 IN
Propane tanks	N/A	3 FT
Shading devices such as awnings, canopies, and marquees	5 FT provided the structure complies with the Development Standards and Specifications	5 FT provided the structure complies with the Development Standards and Specifications
Unenclosed entry/egress stairs	3 FT	3 FT
Window wells	Any distance	3 FT

ADDENDUM ITEM #5:

(i) Portable Waste Trailer

(1) Portable waste trailers may be parked in an on-street parking space or along a public street, excluding Greene Street, provided the trailer is located on the same block of the business(es) using the trailer.

(2) Trailer dimensions shall not exceed 16 feet in length and eight feet in width.

~~(1)~~(3) Portable waste trailers shall not encroach into or interfere with pedestrian or vehicular travel.

~~(2)~~(4) All trash or recyclables shall be emptied regularly so as not to overflow, and litter and debris shall not be allowed to accumulate around or near the trailer.

~~(3)~~(5) Portable waste trailers shall not create excessive odor problems or present a health hazard.

ADDENDUM ITEM #6:

b. Snow Shedding

(i) Sites and structures shall be designed so that snow does not shed across the property line onto an adjacent property.

(ii) Snow shall not be allowed to shed freely into building entrances. The buildup of ice and snow within pedestrian areas shall be minimized to the maximum extent practicable.

(iii) Any roof that may shed snow onto walkways and entries shall include rooftop snow retention techniques including snow guards, ~~and/or~~ snow fences, or other mechanism approved by the Building Official designed in accordance with adopted building codes to prevent injury, as deemed necessary by the Building Official. The Town Administrator may waive this requirement if the snow shedding plan shows that the standards of this Section can be met without using retention techniques.

ADDENDUM ITEM #7:

(b) General Provisions

(1) All outdoor light fixtures permanently or temporarily installed outdoors, except for those listed under Subsection (d), shall:

a. Be the minimum necessary to provide for safety and functionality;

~~a.~~b. Be turned off when no one is present to use the light;

c. Be fully shielded; and

d. Be directed such that illumination is within the property boundary where the outdoor light fixture is located. This provision does not apply to publicly owned outdoor light fixtures.

[2] The correlated color temperature of each lamp shall not exceed 3,000 Kelvins.

~~(2)~~[3] The following lumen per net acre values are an upper limit and not a design goal~~:~~

a. All uses except single-unit detached dwellings are limited to 15,000 lumens per net acre and fixtures are limited to 1,600 lumens each.

b. Single-unit detached dwellings are limited to 10,000 lumens per net acre and fixtures are limited to 850 lumens each.

ADDENDUM ITEM #8:

(d) Exemptions

The following are exempt from this Section:

(1) Temporary emergency lighting in use by law enforcement or government agencies or at their direction;

(2) Temporary lighting for events that do not create issues of light trespass or safety as approved by the Town Administrator for a period of up to seven days;

(3) Temporary holiday decorative lights from November 15 through January 15 and one other seven-day period a year. Lights shall be extinguished by 10pm and remain off until one hour before sunrise. Holiday decorative lights may blink, so long as the safety of any moving vehicle is not impacted;

~~(3)~~(4) String, bistro, and similar lighting, provided the emission of no individual lamp exceeds 50 lumens and no installation of lighting exceeds, in the aggregate, 6,000 lumens. These lights must be rated at or below 2,700 Kelvin. Lights shall be extinguished by 10:00 p.m. and remain off until one hour before sunrise;

~~(4)~~(5) Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed not more than 18 inches above the adjacent ground level;

~~(5)~~(6) The lighting of artwork that is outdoors and on publicly owned property. Lighting shall not exceed 850 lumens per artwork nor more than 3000 Kelvin. Lights shall be extinguished by 10:00 p.m. and remain off until one hour before sunrise;

~~(6)~~(7) Lighting on structures or signs for buildings on the National Register of Historic Places in which the lighting contributes to the historical significance of the building. Efforts shall be made to comply with the outdoor lighting standards where it does not compromise the historic integrity;

~~(7)~~(8) The lighting of federal or state flags, provided that the light is above the flag and faces downward;

~~(8)~~(9) Traffic control signals and devices; and

~~(9)~~(10) Lighting required by federal, state, county, or Town ordinance and regulations.

ADDENDUM ITEM #9:

(e) Prohibited Outdoor Lighting

The following are prohibited:

(1) Searchlights, sky beams, and similar lighting except as required by response personnel during emergency conditions;

(2) Blinking, flashing, rotating, or moving lights, including those used for signage. This does not apply to holiday-type decorative lights as exempted above;

(3) Lighting which produces any glare or distraction for any passing motorist;

(4) Neon or luminous tube lighting including any sign, except "open/closed" or "vacancy/no vacancy" type signs; and

~~(1)~~(5) Mercury vapor lighting.

ADDENDUM ITEM #10:

(c) Public Signs

(1) Official public signs or plaques approved by a governmental or quasi-governmental body, Town department, or special district (collectively "governmental organizations") for structures used by the governmental organization and signs related to issues that the governmental organization has jurisdiction over, such as traffic safety, pedestrian safety, construction safety, schools, legal and public notices, railroad crossings, health, historic matters, hazards, parking, swimming, or dumping. Traffic signs shall follow the Manual on Uniform Traffic Control Devices for Streets and Highways issued by the Federal Highway Administration.

~~(1)~~(2) Signs and notices required to be maintained by law or governmental order, rule, or regulation, provided that the content and size of the sign does not exceed the requirements of the law, order, rule, or regulation.

~~(2)~~(3) Town-sponsored, Town-owned, and Town-maintained signs and temporary banners that are displayed and erected above Greene Street and/or Blair Street, at or near the Visitor's Center, on the fence surrounding the ballpark located at Greene Street and 4th Street and at the Kendall Mountain Recreation Center, provided that any sign or banner erected above and over a public right-of-way or thoroughfare shall meet the minimum and maximum height requirement by state or federal law. All banners must obtain and be in compliance with the standards for a public banner permit.

ADDENDUM ITEM #11:

(b) Mixed-Use, Commercial, and Public Districts

(1) The total sign area for all signs for which permits are required shall not exceed 1.25 square foot per lineal foot of building frontage. For buildings with multiple tenants, the calculation shall be based on the length of the leased space of the frontage for each individual tenant. The aggregate sign area square footage allowance may include any desired combination of sign styles and types, but in no event shall any sign or combination of all signs on a building be greater than the maximum aggregate sign area computed using the above restrictions.

(2) Buildings with more than one frontage on a public street, such as a corner lot, may have the maximum total sign area on each frontage, but only one frontage per lot may include a freestanding sign.

(3) In addition to the total sign area allowed in Subsection (1), above, any building or property with multiple lots or buildings or one building with multiple tenants shall be allowed one additional sign, not to exceed the maximum limitations for the particular sign type in Table 15-7-1.

~~(3)~~(4) Buildings or businesses that have no actual frontage on a public street because other buildings or businesses on the same lot capture the allowed frontage shall be entitled to erect signage at the building's location that is equal to the signage allowed if they did have actual street frontage.

ADDENDUM ITEM #12:

(b) Sandwich Boards and Signboards

(1) Each building having at least one licensed and authorized business may display one sandwich board or signboard per building entrance. The sandwich board or signboard shall be located on the sidewalk within 10 feet of the building entrance and located so that it does not disrupt pedestrian movement. Sandwich boards and signboards shall be removed when the use is closed or during severe weather.

~~(1)~~(2) No sandwich board or signboard shall be greater than two feet in width and four feet in height.

~~(2)~~(3) A sandwich board or signboard shall not impede or block pedestrian traffic in any way or be located within any right-of-way.

~~(3)~~(4) Signboards shall not be greater than eight square feet in total sign area.

ADDENDUM ITEM #13:

(3) Membership

a. 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.

b. All members of the Planning Commission shall ~~live~~ reside within the Town of Silverton or San Juan County, and, if any member ceases to reside in the town or county, that membership shall immediately terminate.

c. All members of the Planning Commission shall serve without compensation.

d. The appointing authority shall have the power to remove any member of the Planning Commission with just cause.

(4) Officers and Procedures

a. The Planning Commission shall elect a chairperson and vice chairperson from among the members, whose terms shall be for one year, with eligibility for reelection. The chairperson shall preside at all meetings and perform the other duties as may be necessary, and the vice chairperson shall act in the absence of the chairperson.

b. The Planning Commission shall adopt by-laws, operating policies, and other rules of procedure as deemed appropriate; provided, however, that the rules are not inconsistent with this Code or statutes of the state.

c. The Town Administrator shall keep a record of the Planning Commission's resolutions, transactions, findings and determinations, which record shall be a public record. The public record shall show the action of the Planning Commission and the vote of each member upon each item considered.

d. Four voting members of the Planning Commission shall constitute a quorum, and the affirmative vote of a majority of the members in attendance shall be necessary to pass any motion.

e. The Planning Commission shall hold at least one regular meeting per month unless there are no items for the agenda. Agenda items may be added and s~~S~~pecial meetings and/or workshops may be called as deemed necessary or desired by either the Town Administrator, the County Administrator, or Planning Commission chairperson.

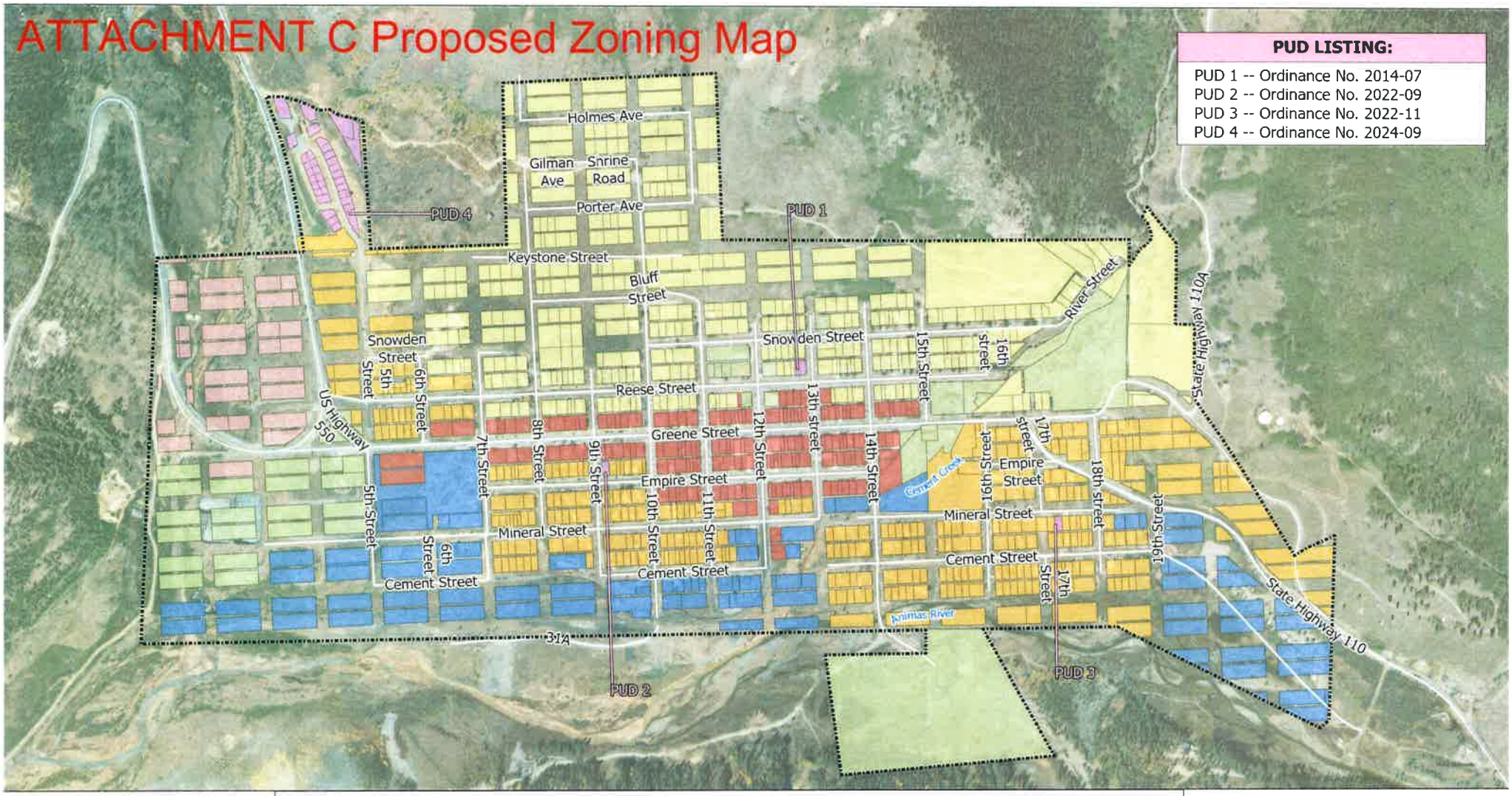
ADDENDUM ITEM #14:

15-11-20 Measurements and Associated Terms

(a) Building Footprint Measurement

The total gross area of the ground level footprint of the~~a~~ primary building on a lot measured to the exterior faces of the building, including any enclosed projection as well as porches, decks, and balconies.

ATTACHMENT C Proposed Zoning Map



OFFICIAL ZONING MAP

Legend

Town of Silverton

- Town Limits
- County Parcels
- Roads
- Waterways

Zoning Districts

- 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

N

0 0.13 0.25 Miles

CPS

Prepared By: LK/TD
Preparation Date: 10/30/2024
Adopted Date: 10/31/2024

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 production 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 18th 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.

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

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?

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 therof 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

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.

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,

Travis Moore, PE
travistm@gmail.com
Cell: 303-746-2967

ATTACHMENT D Public Comment #3

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

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

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.

MEMORANDUM

December 10, 2024
TO: San Juan Regional Planning Commission
FR: William A. Tookey
RE: Gladstone Girl

Charles and Bruce Hoch have submitted an Improvement Permit application for the development of a 1000 Sq. Ft. cabin, storage shed, driveway and associated utility improvements on the Gladstone Girl MS 17271. The property is located near Gladstone and will be accessed by Country Road 51.

The property is currently owned by Charles V. Hoch and Bruce A. Hoch. They also own the adjoining Golden Eagle.

The application fees have been paid.

The Sketch Plan was previously reviewed by the San Juan Regional Planning Commission and recommended to the Board of County Commissioners for conditional approval. Upon completion of a Public Hearing the County Commissioners conditionally approved the Sketch Plan with the following conditions:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.

2. All improvements to the Gladstone Girl shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations.

3. That an On-Site Wastewater Treatment Permit application be submitted to the La Plata County Public Health Department.

4. The Land Use Administrator visits the site prior to the Preliminary/Final review.

5. That the Gladstone Girl and Golden Eagle properties be consolidated into one property.

6. That the proposed improvements are identified and staked on site by a Colorado Licensed Surveyor.

7. The driveway will need to be staked by a Colorado Licensed Surveyor. Grade and width specification concerning the driveway be provided and that the visual impact of the driveway be considered.

8. The public trail will need to be identified and added to the certified survey plat.

9. A Cumulative Impact Report will need to be completed prior to Preliminary/Final Plan Appearance.

10. That a geotechnical study be completed to determine adequate foundation and construction prior to the issuance of a building permit.

11. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.

12. The failure to comply with these conditions shall be grounds for the revocation of this Land Use Permit.

The applicant has agreed to the conditions as listed above.

The Land Use Administrator and the Building Inspector visited the site with the applicant.

The Gladstone Girl and Golden Eagle have been surveyed to reflect one consolidated property. Therefore, the property exceeds the 5-acre minimum and the applicant is in compliance with that requirement.

An On-Site Wastewater Treatment Permit application has been submitted to the La Plata County Public Health Department.

The public trail has been identified as an old mining road and located on the survey plat.

A Cumulative Impact Report was provided.

The geotechnical report will be provided after the completion of the access road and prior to the issuance of a building permit.

The Planning Commission can recommend approval, approval with conditions or denial of the Preliminary/Final Plan Application.

Should the Planning Commission choose to recommend approval of the improvement permit to construct a single-family dwelling on the consolidated Gladstone Girl/Golden Eagle, they should do so with the following conditions prior to the issuance of an Improvement Permit:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.

2. All improvements to the consolidated Gladstone Girl/Golden Eagle shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations.

3. The applicant shall fully and completely comply with the San Juan County Zoning and Land Use Regulation 4-110 Design and Development Standards for all Improvement and Use Permits.

4. That the applicant acknowledge that the public trail identified on the certified survey plat is a historic trail that shall remain open for public use.

5. A Cumulative Impact Report will need to be completed prior to Preliminary/Final Plan Appearance.

6. That a geotechnical study be completed to determine adequate foundation and construction prior to the issuance of a building permit.

7. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.

8. The failure to comply with these conditions shall be grounds for the revocation of this Land Use Permit.

9. Any other conditions that the Planning Commission deems necessary.

For your convenience the following information was previously provided as part of the Sketch Plan Application.

Mountain Zoning District requires a minimum parcel or lot area of 5 acres with a setback of 20 feet from public lands and 30 feet from private property lines.

> **The Gladstone Girl is specified by the applicant to be 4.82 acres. The Gladstone Girl survey specifies that the acreage is 3.59 neither meets the minimum lot area.**
>
> **The proposed cabin would exceed the setback requirements.**
>
> **The proposed development is above 11,000 feet in elevation and will need to meet the limitations of floor area of 1000 sq. ft. for the cabin and 200 sq. ft for the shed.**
>
> **The proposed development is located within the Historic Preservation Zone.**

The applicant has substantially met the requirements for application submittals as required by 3-102 Requirements for Uses and Improvements.

All applications for review will be examined initially to determine whether the proposal is consistent with the County's Master Plan.

Master Plan Strategy LU-2.1 Encourages future development in the economic corridors which include the upper Animas Valley from Silverton to Eureka, Cement Creek from Silverton to Gladstone and the South County Line to just above the Mill Creek Subdivision. And Strategy LU-2.2 Identify areas in the growth corridors that are suitable for residential use considering natural hazards, habitat resources, scenic impacts and sensitivity to residential land uses. The proposed development is not located in the identified growth corridors. However, the Master Plan notes that private property rights are respected in San Juan County. The Plan also states that residential development on mining claims are to be built in low-visibility places outside of environmentally sensitive areas, leaving visible ridgelines and other scenic resources undeveloped and minimizing the impacts on the environment. I believe this application is attempting to meet the intent of the Master Plan.

a. Adequate potable water is available or can be developed to safely support the proposed use.

The applicant has obtained conditional approval for surface water rights from Minnehaha Creek. The applicant would divert water to a holding pond. The applicant would demonstrate use and file for absolute water rights. If for some reason the applicant is unable to secure absolute water rights they would install a storage tank and haul water to the property.

b. Adequate sewage disposal can be provided to support the proposed use.

The applicant will install an engineered and permitted septic system on the site. The applicant will need to submit a permit application to La Plata County Public Health.

c. Will the proposed use have any adverse impact on public or private property in the vicinity of the development?

The proposed improvements should have minimal impact on the adjoining properties. Adjoining property owners have been notified and at this time I have not received any comments from them.

d. Will the proposed use have any adverse effect on scenic values, historic sites or structures, air or water or environmental quality, wildlife, erosion or other geological conditions?

1. **The applicant has included a scenic quality report. It appears that the cabin has been located to minimize the visual impact. The applicant should construct a story pole on the cabin site equal to the maximum height of the cabin to better determine what the potential visual impact may be. The driveway may create a visual impact on the area as well.**

2. **I do not believe that the site has any historic significance, but I have not may a visit to the site. If it appears that there is any potential that the site has any historical significance or historic artifacts on site, the Historic Review Committee would need to visit the site for review and recommendation prior to the issuance of the permit. If any artifacts are discovered during construction the project would be shut down until the Historic Review Committee has the opportunity to review the site.**

3. **The improvements should create minimal adverse impacts upon wildlife. All solid waste, garbage and refuse must be kept within the building, in a separate secure enclosed area or in wildlife/bear-resistant containers until it is properly disposed of at the Transfer station.**

e. Adequate road access exists or can be developed to ensure access appropriate to the use.

The applicant will access the property via CR 51. An Easement has been granted to the applicant to allow for access via the Gold Bar No. 3 Lode.

f. The design and development of the site shall preserve, insofar as possible, the natural terrain and drainage of the land, the existing topsoil and existing vegetation. Disturbed areas shall be revegetated with native plant species certified weed free as soon as possible after disturbance in order to prevent the establishment and dominance of non-native invasive species.

The proposed improvement will preserve, insofar as possible, the natural terrain and drainage of the land. All disturbances will be revegetated with native plant species certified to be weed free.

g. Sites subject to hazardous conditions, for example avalanche, flood, land slide, rock fall, mud flow, open mine shaft, corrosive water, etc., shall be identified and shall not be built upon or used until satisfactory plans have been approved by the County for eliminating or appropriately mitigating such hazards. The provisions of Chapters 8, 9, 10 and 11 shall govern the evaluation of those natural hazards covered by such provisions.

It appears that the property is not located within an avalanche zone.

It appears that the proposed development is identified on the Geologic Hazard Map as csa-Accelerated colluvial slopes. Accelerated colluvial slopes are the most continuously active of the colluvial slopes. The soil experiences continuous creep or episodic surface erosion from gullying during summer thunderstorms and remains thin over all but the base area of the slope. It is recommended that a geotechnical study be completed to determine adequate foundation and construction.

The Wildfire Hazard requires that the applicant be in compliance with 4-110.13 and 4-110.15. of the Zoning and Land Use Regulations.

h. The applicant shall permit continued public access to any historic public trails that cross the property.

I am not aware that there are any public trails that cross the property. I will need to do a site visit to identify any historic public trails that may cross the property. If any trails are identified, they will need to be added to the certified survey plat.

i. Individual building sites shall be placed on the Town of Silverton's utility billing system for water and refuse when water is hauled to the site., Any applicant who shows that it is obtaining water from an approved permitted well or is purchasing water from an acceptable source of potable water other than the Town of Silverton may be permitted to be placed on the Town of Silverton's billing system for refuse only.

The applicant will be required to be placed on the Town's utility billing system for refuse. Should the applicant haul water to the site they will then be required to be placed on the Town's utility billing system for water.

The applicant has also requested a Variance or an Exemption to the minimum 5 acre requirement. The County has previously approved such variances for properties that are slightly less than the minimum 5 acre requirement. Section 1-111.5 of the Zoning and Land Use Regulations allows that "Nonconforming lots, pursuant to pre-existing subdivision plats of record at the time of passage of this resolution, may be built upon providing that all other relevant district requirements are met." While the property in question is not part of a pre-existing subdivision the purpose of the regulation has been used to justify allowing development on a parcel that is slightly smaller than required. However, 3.59 acres is considerably smaller than previously approved parcels.
The applicant also owns the adjoining Golden Eagle property. To meet the minimum lot area, it is staff's recommendation that the applicant consolidate the Gladstone Girl and Golden Eagle MS #17271 into on parcel. This would bring the application into compliance with the minimum lot area it would also help to minimize impacts to the area. Also, Section 1-107.1 requires if an applicant has an existing residential property in the Mountain Zone, any land use application cannot be processed as a use subject to review but must be reviewed using the criteria of the subdivision regulations in Chapter 7. As long as both properties are under current ownership it could be extremely difficult to develop the Golden Eagle.

The Planning Commission has two separate items to make a recommendation on. The first is the improvement permit to allow for the construction of a single-family dwelling. The second is for a variance or exemption concerning minimum land area. The Planning Commission has the option to recommend approval as submitted, denial, or approval with condition.

Should the Planning Commission choose to recommend approval of the improvement permit to construct a single-family dwelling on the Gladstone Girl, they should do so with the following conditions prior to the issuance of an Improvement Permit:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.

2. All improvements to the Gladstone Girl shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations.

3. That a On-Site Wastewater Treatment Permit application be submitted to the La Plata County Public Health Department.

4. The Land Use Administrator visits the site prior to the Preliminary/Final review.

5. That the proposed improvements are identified and staked on site by a Colorado Licensed Surveyor.

6. The driveway will need to be staked by a Colorado Licensed Surveyor. Grade and width specification concerning the driveway be provided and that the visual impact of the driveway be considered.

7. A Cumulative Impact Report will need to be completed prior to Preliminary/Final Plan Appearance.

8. That a geotechnical study be completed to determine adequate foundation and construction prior to the issuance of a building permit.

9. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.

10. The failure to comply with these conditions shall be grounds for the revocation of this Land Use Permit.

11. Any other conditions that the Planning Commission deems necessary.

Cabin Site Story Boards

Cabin Site Story Boards

Cabin Site

Access Road/Historic Trail

SAN JUAN COUNTY PUBLIC HEALTH
SILVERTON
preventive health at its peak

Paid
12/2/24

OWTS Payment Receipt Form

PROPERTY INFORMATION

Parcel Number: 477502100500 12

Property Address: Gladstone Girl Lode

Property Owner: Charles V. Hoch & Bruce A Hoch

PAYOR INFORMATION

First & Last Name: Charles Hoch

Phone Number: 970-754-5460

Email: chashoch@gmail.com

Payment Amount: 1123.00

PAYMENT FOR:

- [x] **New Construction Permit:** $1123
- [ ] **Alteration Permit:** $1068
- [ ] **Change of Use Permit:** $518
- [ ] **Minor Repair Permit:** $408
- [ ] **Transfer of Title Acceptance Document:** $110
- [ ] **Other:** Please describe (e.g., difference in fees, permit reissuance, re-inspection, connection inspection, variance review, etc.)

San Juan County Public Health
1315 Snowden St
Silverton, CO 81433

On-Site Wastewater Treatment System (OWTS) Permit Application

Owner: Charles V Hoch & Bruce A Hoch Phone: 9707595960
Project Address (street, town/city, zip): Gladstone Girl Lode MS#17271 Silverton, CO 81433
Assessor's Parcel #* 47750210050012 Subdivision: _____ Lot#: ____
Lot Size: 4.82 (acres) # of Dwellings: 1 # of Bedrooms: 1+ loft Water Supply: Surface Water
List Commercial Uses (e.g., office, factory, event venue): None
Owner's Mailing Address: 26 Boulder View Dr Durango, CO 81301
Owner's Email Address: chashoch@gmail.com

For detailed parcel information please visit your county assessor's website or see your property tax statement

On-site Wastewater Treatment System (OWTS) Permit Types

Choose the most applicable permit type from the list below and check the box in upper-left corner

☑ **New Construction - ($1123.00)** ***For new OWTS and complete system replacement*** • Contact Registered Soil Technician and/or Professional Engineer (PE) or system designer for analysis and design development. A PE may be required dependent on site and soil conditions. • A design must be submitted to La Plata County (LPC). San Juan County (SJC) must have payment for LPC to to review designs for permit issuance.	☐ **Alteration - ($1068.00)** ***For changes/additions to existing permitted OWTS*** • Contact Registered Soil Technician and/or Professional Engineer (PE) or system designer for analysis and design development. A PE may be required dependent on site and soil conditions. • A design must be submitted to La Plata County (LPC). San Juan County (SJC) must have payment for LPC to review designs for permit issuance.
☐ **Change Of Use - ($518.00)** ***For expanded use (e.g., bedroom count) of an existing permit without system modifications, OR new service connections (e.g., garages, shops) added to an existing permit*** • For expanded use, provide a certification report from a Professional Engineer (PE) or system designer. • For new service connections, provide a proposed site plan and describe scope of work below. • Change of Use does NOT allow for connection of new uses (e.g., second dwellings, ADUs) unless the system was originally designed for it – use Alteration instead	☐ **Minor Repair - ($408.00)** ***For replacement of OWTS components with no change to permitted use*** • Submit application with payment, transfer of title inspection report (if available) and a simple site plan showing location of repairs. • List repairs/scope of work below (e.g. tank replacement, aerators, pipe repairs, etc.) • A permit is NOT required for repair of components that do not provide treatment (e.g., fencing, tank lids, inspection ports)

Please describe in detail work to be completed: _____

I acknowledge: (1) The information provided in this application is true and accurate to the best of my knowledge; (2) Submittal of this application does not constitute or guarantee approval of the requested permit or document; (3) Issuance of the requested permit or document does not assure that: (a) Final approval of the proposed system will be obtained upon inspection; or that (b) The permitted OWTS system will operate as intended; and that (4) I am responsible for the proper installation, repairs and maintenance of the OWTS system in accordance with the rules and regulations set forth in the ••CPH regulations, as well as any specific conditions of approval that may be imposed on issuance of the requested permit or document.

Owner's Signature: _____ **Date:** 6/25/2024

Submit completed application to eh@lpcgov.org or at our office location.

This is NOT a permit; this application does not authorize construction or repairs.

All OWTS construction/repair work must be performed by an installer licensed by ••••••••••••••.

November 25th, 2023

San Juan County Planning Commission
ATTN: Willy Tookey, County Administrator
1557 Greene St
PO Box 466, Silverton, CO 81433

Subject: Application for Improvement Permit – Preliminary/Final Application
Proposed Hoch Cabin located at Gladstone Girl Lode Mining Claim, Mineral Survey No. 17271, Eureka Mining District, San Juan County, Colorado.

Dear Willy and Commissioners,

This submittal has been prepared as a continuation of the process initiated by the Sketch Plan submitted on December 13th, 2023 and conditionally approved by the San Juan County Commissioners during their regular meeting on February 14, 2024 to allow for the construction of a cabin not to exceed 1000 sq ft, storage shed, driveway, and associated utility improvements on the Gladstone Girl MS17271 with the conditions of approval shown in the attached letter below.

This submittal addresses all of the points listed in the conditional approval letter.

Thank you for your consideration of this application for improvements. Please contact Charles Hoch if you have any questions.

Sincerely,

Charles V Hoch & Bruce A Hoch
970-759-5960

Application for Improvement Permit

Preliminary / Final Approval

The Hoch Cabin
TBD CR 51 Gladstone Girl MS #17271
San Juan County, CO

Applicants:
Charles V Hoch
26 Boulder View Dr
Durango, CO 81301
970-759-5960

&

Bruce A Hoch
42 Boulder View Dr
Durango, CO 81301
970-769-2117

SAN JUAN COUNTY
COLORADO

1557 GREENE STREET
P.O. BOX 466
SILVERTON, COLORADO 81433
PHONE/FAX 970-387-5766 admin@sanjuancolorado.us

February 20, 2024

Charles V. Hoch and Bruce A. Hoch
26 boulder View Dr.
Durango, CO 81301

Mr. Charles and Bruce Hoch:

This letter is to inform you that the proposed Gladstone Girl Improvement Permit Sketch Plan Application was conditionally approved by the San Juan County Commissioners during their regular meeting of February 14, 2024. To allow for the construction of a cabin not to exceed 1000 sq. ft., storage shed, driveway and associated utility improvements on the Gladstone Girl MS17271with the conditions of approval as follows:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. All improvements to the Gladstone Girl shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations.
3. That an On-Site Wastewater Treatment Permit application be submitted to the La Plata County Public Health Department.
4. The Land Use Administrator visits the site prior to the Preliminary/Final review.
5. That the Gladstone Girl and Golden Eagle properties be consolidated into one property.
6. That the proposed improvements are identified and staked on site by a Colorado Licensed Surveyor.
7. The driveway will need to be staked by a Colorado Licensed Surveyor. Grade and width specification concerning the driveway be provided and that the visual impact of the driveway be considered.
8. The public trail will need to be identified and added to the certified survey plat.
9. A Cumulative Impact Report will need to be completed prior to Preliminary/Final Plan Appearance.
10. That a geotechnical study be completed to determine adequate foundation and construction prior to the issuance of a building permit.
11. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.
12. The failure to comply with these conditions shall be grounds for the revocation of this Land Use Permit.

In addition to the above listed conditions of approval you will need to complete the following:

1. Provide a survey plat completed and signed by a Colorado licensed surveyor, showing the land consolidation of the Gladstone Girl and the Golden Eagle MS 17271. A vicinity map showing the surveyed boundaries of the property depicted on a USGS 1:24000 topographic map identifying all improvements to the property. That would include the cabin site, shed, driveway, onsite wastewater treatment system, water storage, etc. Also needed are the surveyed boundaries of the property depicted on the San Juan County Avalanche Map and Geologic Hazard Map. All survey plats, maps etc. need to be provided in a full size 24x36 inch format. The plats, maps etc. should be printed in an 11x17 in format for the 15 packets.

2. Any other necessary requirements as identified in the San Juan County Zoning and Land Use Regulations.

The next step in the process would be for the applicant to submit a Preliminary/Final plan for review and recommendation by the San Juan Regional Planning Commission as specified in Section 4-106 and 4-107 of the Zoning and Land Use Regulation.

Zoning and Land Use Regulation Section 0-109 Vested Property Rights states: *Approval of a zoning or rezoning application, a permitted use, or an Improvement Permit will not establish a vested property right unless and until final approval therof has been granted by the Board of County Commissioners or by the designated official allowed to grant such permit under the terms of this Code, or, if applicable a final plat is approved by the Board of County Commissioners under the subdivision, zoning or other regulations of the county.*

If you have any questions, contact me at your convenience.

Sincerely,

William A. Tookey
Land Use Administrator

The applicants responses to the below items are listed below.

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.

Yes, the applicant acknowledges that emergency services will not be available.

2. All improvements to the Gladstone Girl shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations.

Yes, the applicant shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations.

3. That an On-Site Wastewater Treatment Permit application be submitted to the La Plata County Public Health Department.

Yes, the applicant has submitted an On-Site Wastewater Treatment Permit application to the La Plata County Public Health Department.

4. The Land Use Administrator visits the site prior to the Preliminary/Final review.

Yes, the Land Use Administrator and the town Building Inspector visited the site on July 1st, 2024 with the applicant.

5. That the Gladstone Girl and Golden Eagle properties be consolidated into one property.

Yes, the Gladstone Girl and Golden Eagle have been consolidated into one property as seen on the below property survey maps created by Southwest Land Survey LLC.

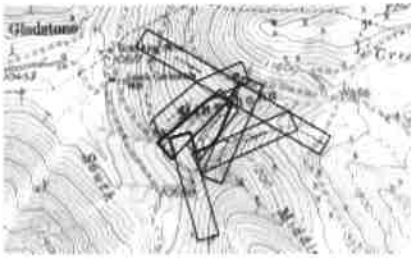
Results of Survey

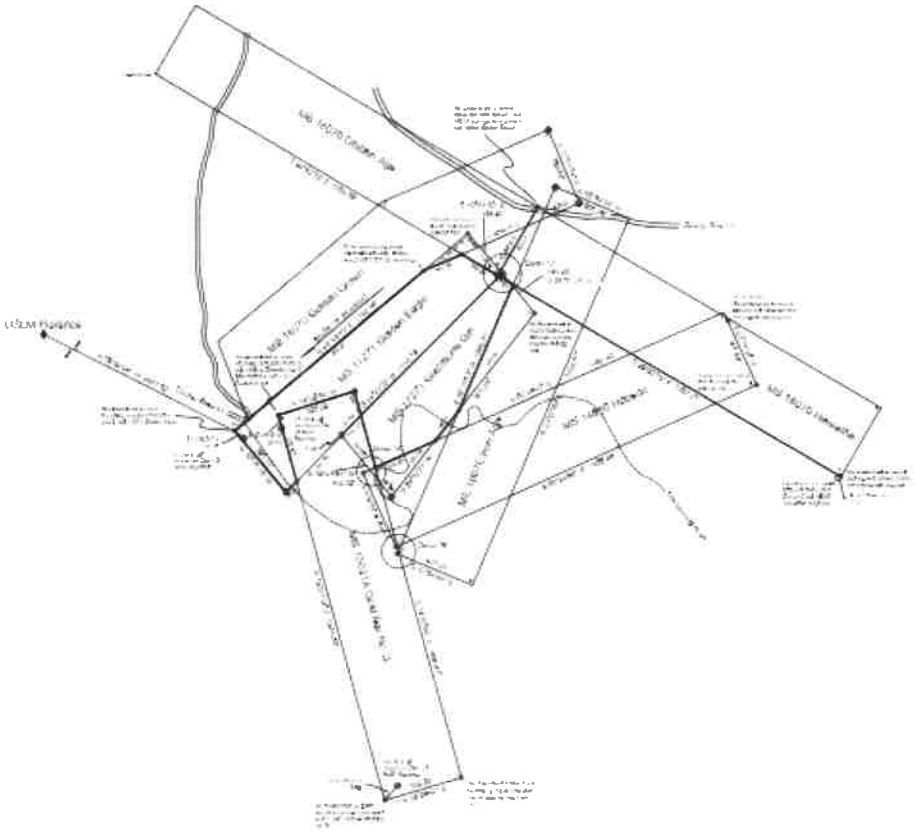
MS 17271 Golden Eagle and Gladstone Girl

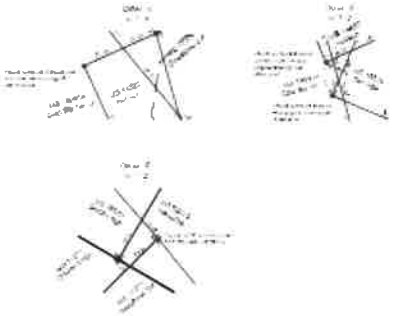
Suspended Township 42 North, Range 7 West, of the New Mexico Principal Meridian

San Juan County, Colorado

Vicinity Map N. T. S.







Resurvey

SOUTHWEST LAND SURVEYING LLC

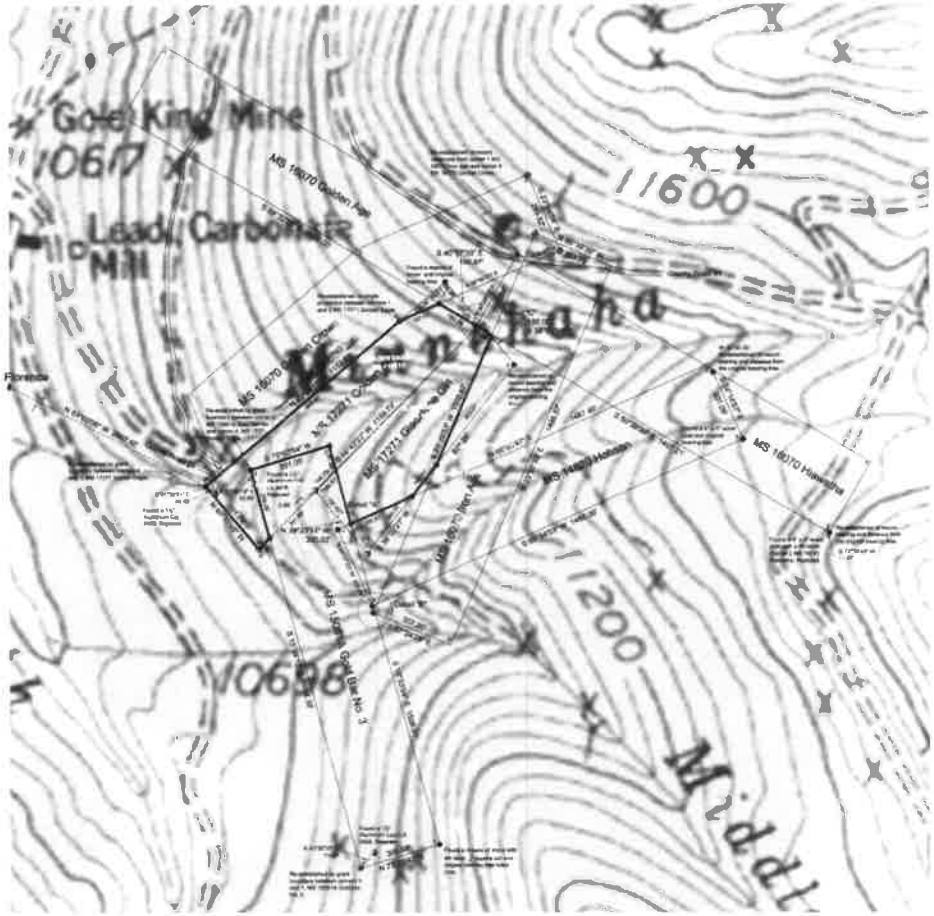
Results of Survey

MS 17271 Golden Eagle and Gladstone Girl

Suspended Township 42 North, Range 7 West, of the New Mexico Principal Meridian

San Juan County, Colorado

Vicinity Map N. T. S.



PLAT & DOCUMENT REFERENCES

1. Hudson, MS #14820 E, W. Hunt, approved May 14, 1901
2. Gold Bar No. 3, MS #16816, F. W. Hunt approved January 25th, 1902
3. Golden Eagle and Golden Girl and Hawkeye, MS #16070, James Dixon, approved January 21st, 1903
4. Golden Eagle and Gladstone Girl, MS #17271, Henry Jones, approved October 19th, 1906

GENERAL NOTES

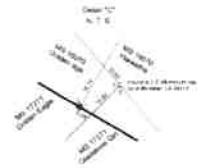
All bearing lines shown hereon are for graphical purposes only. They may not be utilized to establish property boundaries.

This survey was performed without the benefit of a title policy or commitment.

Certifications hereon shall run only to the person(s) for whom this survey was prepared and to the benefit to the agencies listed on this/these sheet(s). Certifications are not transferable to additional institutions or subsequent owners.

No guarantee as to the accuracy of the information contained on the attached drawing is either stated or implied unless it bears an original signature of the professional land surveyor hereon named.

Only prints of this survey marked with an original seal and signature by the surveyor shall be considered true valid copies.



NORTH

SCALE: 1" = 100' U.S. Survey Feet

BASIS OF BEARINGS

The line between corners 1 and 2 of the Golden Eagle lode, MS 17271 is assumed to bear N 49°48'15" E, and is monumented as shown hereon. All other bearings are relative thereto.

LEGEND

⊕	USLM Florence 2" brass cap in 6" stone pipe
⊕	Found 2 1/2" aluminum cap, LS 17651
⊕	Set 2 1/2" aluminum cap, LS 17651
⊕	Found 1 1/2" aluminum cap, LS 3648
○	Found monument as noted
	Boundary Line
N.T.S.	Not to Scale
USLM	United States Location Monument
W.C.	Witness Corner

CERTIFICATE OF SURVEY

I, Brian Dirk Heller, a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat accurately represents that the surveying services addressed herein have been performed by the professional land surveyor or under the professional land surveyor in charge is based upon the professional land surveyor's knowledge, information and belief in accordance with applicable standards of practice, is not a guaranty or warranty, either expressed or implied. I further certify that the monuments shown hereon actually exist, and their positions are as shown.

Signature Date Seal

P.L.S. No. 25047

SAN JUAN COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of San Juan County, Colorado, on the day of A.D. 20

Reception Number Book Page

U.S. MINERAL SURVEYORS
REGISTERED LAND SURVEYORS
IN COLORADO

SOUTHWEST LAND SURVEYING LLC

Result of Survey

MS 17271 Golden Eagle and Gladstone Girl

Suspended

Township 42 North, Range 7 West

N.M.P.M., San Juan County, Colorado

Charles Hoch

SCALE: 1" = 100'

DATE: 2-21-2020

DRAWN: BDH

SHEET 1 of 1

6. That the proposed improvements are identified and staked on site by a Colorado Licensed Surveyor.

Yes, a story pole for the proposed Cabin site was constructed by the applicant and reviewed by a Colorado Licensed Surveyor. The applicant has made arrangements with Southwest Land Survey for them to return to the site to stake out the proposed improvements once the proposed driveway is constructed.

7. The driveway will need to be staked by a Colorado Licensed Surveyor. Grade and width specification concerning the driveway be provided and that the visual impact of the driveway be considered.

Yes, the driveway was staked by a Colorado Licensed Surveyor. Grade and width specifications were outlined in the applicants Sketch Plan Application and the visual impact of the driveway has been thoroughly considered. The assessment on the visual impact is that the driveway will have minimal visual impact as it most likely will only be viewable from Silverton Mountain Ski Area due to sufficient tree coverage and thoughtful planning by the applicant and Colorado Licensed Surveyor.

8. The public trail will need to be identified and added to the certified survey plat.

Yes, the public trail, which is an old mining road, has been identified and added to the certified survey plat.

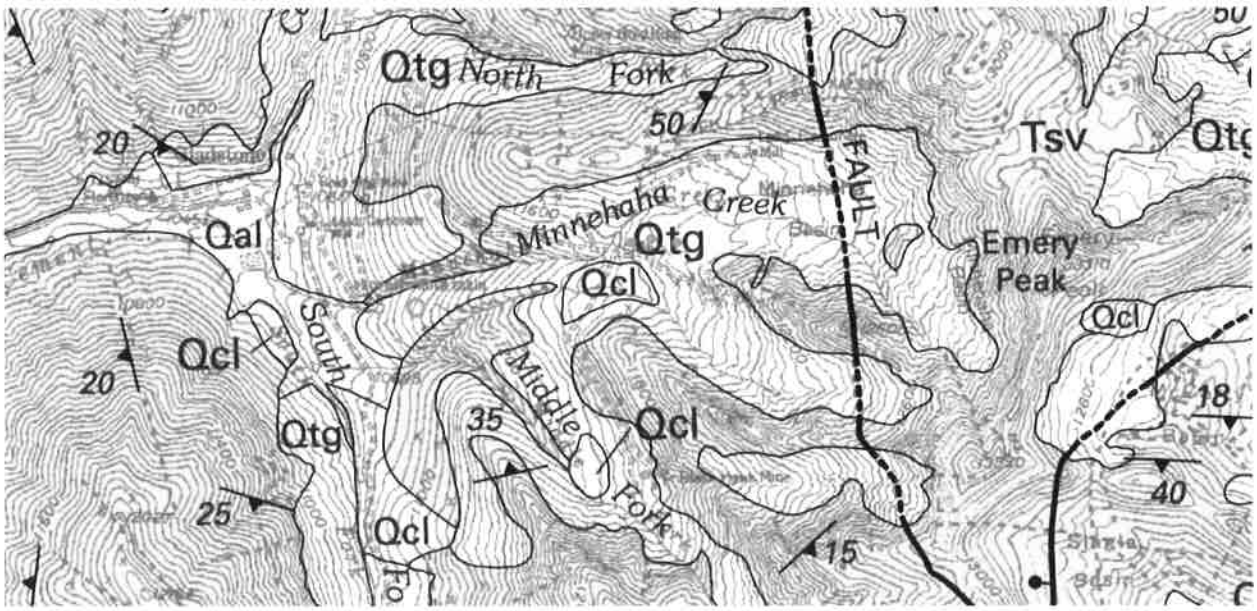
9. A Cumulative Impact Report will need to be completed prior to Preliminary/Final Plan Appearance.

Yes, a Cumulative Impact Report has been completed and attached below for reference.

10. That a geotechnical study be completed to determine adequate foundation and construction prior to the issuance of a building permit.

The applicant requests approval to build the proposed driveway prior to completing the geotechnical study. The applicant has contacted local companies to complete the geotechnical study and the requirement of equipment to dig adequate holes is restricting us from completing the study at this time. The applicant has shown below a Generalized Geologic Map from USGS of which the applicant has marked the proposed Hoch Cabin site as well as 4 other cabins in the vicinity within the Minnehaha Gulch. As you can see, the soil is of the same condition that other cabins in the vicinity are constructed on. Based on this, the applicant is confident that the results of a future geotechnical study will be positive in determining adequate foundation and construction for the proposed improvements.

Soil Map: Purple dots indicate currently constructed cabins and the proposed Hoch Cabin site.



11. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.

Yes, the applicant intends on being placed on the Town of Silverton's Utility billing system for refuse

The applicant has provided a survey plat completed and signed by a Colorado licensed surveyor, showing the land consolidation of the Gladstone Girl and the Golden Eagle MS 17271. A vicinity map showing the surveyed boundaries of the property depicted on a USGS 1:24000 topographic map identifying all improvements to the property. That would include the cabin site, shed, driveway, onsite wastewater treatment system, water storage, etc. Also provided are the surveyed boundaries of the property depicted on the San Juan County Avalanche Map and Geologic Hazard Map. All survey plats, maps etc. have been provided in full size 24x36 inch format. The plats, maps etc. have also been printed in 11x17 format for the 15 packets.

CUMULATIVE IMPACT REPORT

PROPOSED HOCH CABIN
TBD CR 51 Gladstone Girl MS #17271
San Juan County, CO

Prepared by Applicant/Owner
Charles and Bruce Hoch
26 Boulder View Drive
Durango, CO 81301
(970) 759 5960

Prepared On:
August 1st, 2024

Introduction

This is a Cumulative Impact Report for the proposed Hoch Cabin located on the Gladstone Girl Lode, County Road 51 in San Juan County, Colorado

County Administrator, Willy Tookey, noted on our Sketch Plan Conditional Approval Letter that a Cumulative Impact Report is required for this County Improvement Permit Application.

County Zoning and Land Use Regulations Section 4-103

We have prepared this report in accordance with the County Zoning and Land Use Regulations Section 4-103.

A Cumulative Impacts Report is required for this project, according to the County regulations. The range of area to be considered was changed in recent years from all properties within a two-mile radius to a "relevant area."

Section 4-103, regarding cumulative impacts, is on the following two pages for your review.

Scope of Report

The County regulations above (section 4-103) requires:

...the County shall consider all proposals in the context of all existing or potential uses of other properties in the vicinity of the proposed use. Unless a greater or lesser distance is required by the unique characteristics of a particular area, the vicinity of a proposed use shall be defined to be within the relevant area of the proposed use or development.

The "proposal" currently being reviewed by the County is a proposed cabin on the Gladstone Girl Lode, owned by Charles and Bruce Hoch.

This report contains information on the existing and potential development in the vicinity of the project site.

For the purposes of this report we first have an overview of the "proposal." Then we have attempted to address the feedback provided by the San Juan County Administrator in the Supplement to Improvement letter. Then the criteria listed in the County regulations were used to evaluate the proposal and potential impacts.

The scope of this report is to allow the County to review this proposal ... *in the context of all existing or potential uses of other properties in the vicinity of the proposed use.*

1. **The "Proposal"**

The "Proposal," as described in County regulations section 4-103 above, is the proposed Hoch Cabin, to be located on the Gladstone Girl Lode, on County Road 51, in Minnehaha Gulch, near Gladstone, in San Juan County, Colorado.

An Application for Improvement Permit – Sketch Plan Review was been prepared by the Applicants/Owners which was submitted to the County Administrator on December 13th, 2023, it was recommended for approval by both the Town Planning Committee and the San Juan County Commissioners with a list of required contingencies for the owners to complete. A copy of the Conditional Approval Letter was attached above for reference.

For additional information please refer to the Sketch Plan Application binder, and the Preliminary-Final Plan Application.

A summary of the "Proposal" is construction of one proposed single family residential cabin, accessed via a proposed driveway junctioned from County Road 52, with a proposed "engineered" septic system, a proposed shed, and a cistern for domestic water. The site comprises 2 adjacent lodes, Gladstone Girl MS 17217 and Golden Eagle MS 17217, which has been consolidated into 1 lode per the recommendation of the County Administration. The combined site is approximately **9.31 acres**.

Please refer to the previously submitted documents and attached documents for additional information regarding the "Proposal."

2. The "Vicinity"

The "relevant area" we have selected for the "vicinity," in order to evaluate development potential surrounding the project site, includes the properties located within the Minnehaha gulch generally accessed from County Road 51 and 52.

The "relevant area" or the "vicinity" includes the private properties in Minnehaha gulch, from County Road 52, accessed via County Road 51, to the far upper reaches of the relatively compact Minnehaha Gulch drainage basin.

As an overview of the properties in the vicinity of the project site, we have included some maps and plans on the following five pages. Maps and plans for your reference on the following pages include the following:

- Adjacent Landowner Map
- USGS Topo Quad Map with Relevant Area Marked
- Minnehaha Gulch Property Map with Topographic Contours
- Minnehaha Gulch Property Map on Aerial Photo
- Minnehaha Gulch County Avalanche Hazards Map
- Minnehaha Gulch County Geohazards Map
- Map from Assessor Website showing Minnehaha Gulch Road System
- County Roads Map
- County/CDPHE Environmental Remediation Documents

The plans and documents following this page were used to evaluate the approximate existing and potential development of properties in the "relevant area" or vicinity of the project site.

Checklist Question #6 from the SJC Checklist:

How many properties/parcels/claims are located within a relevant area for determination of cumulative impacts under (4-103.1 and .2)? Describe the area deemed to be relevant and the basis for that determination.

A one-mile radius was used to determine the relevant area around the proposed cabin, which is shown on the map below. There are 125 properties/parcels/claims in this radius according to the San Juan County Property Map and GIS.

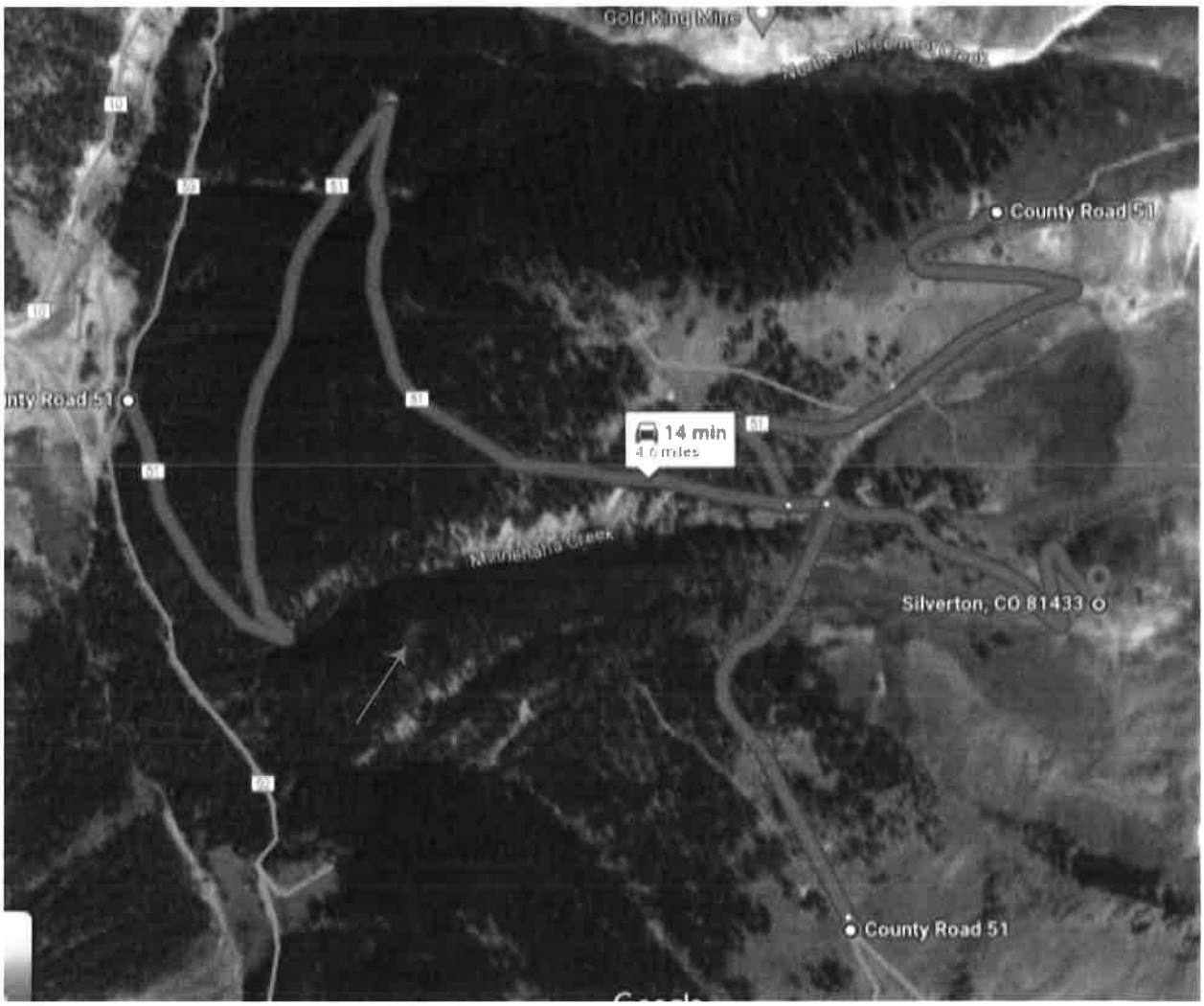
List of Adjacent Landowners within Approximately 1,500 ft Radius

- JOY MANUFACTURING CO C/O JOY GLOBAL INC, 135 S 84TH ST STE 300 - MILWAUKEE, WI 53214
- MARSHALL BERTRAND A LLC, PO BOX 856 - SILVERTON, CO 81433-0856
- CORE MOUNTAIN ENTERPRISES LLC, PO BOX 856 - SILVERTON, CO 81433-0856
- JAA MOUNTAIN LLC, PO BOX 856 - SILVERTON, CO 81433-0856
- WILLIAMSON LORENA J REV TRUST, 409 PASADENA DR - LAWRENCE, KS 66049-1993
- HIGH MOUNTAIN PROPERTIES LLC, 205 W 17TH ST APT E - TULSA, OK 74119-4645
- BEAVIS ROBERT K, 5605 COMETA PL NE - ALBUQUERQUE, NM 87111-1411
- BONANNO THOMAS & JACQUELINE, 250 E PARK AVE - DURANGO, CO 81301-5041
- BEHNKEN TRUST / BEHNKEN JAMES G & ANNALISA P, 1605 MONTE LARGO DR NE - ALBUQUERQUE, NM 87112-4892
- SPEAR FRANKLIN M, 5728 92ND ST - LUBBOCK, TX 79424-4537
- PERCE REVOCABLE LIVING TRUST / GEORGE S & KAREN LEE PERCE, PO BOX 1264 - TUBAC, AZ 85646-1264
- AIKEN JAMES AND ROSEMARY, PO BOX 764 - IGNACIO, CO 81137-0764
- RENOUX, PO BOX 4922 - RIO RICO, AZ 85648-4922
- 3 PANDAS LLC, 6225 HOOD MESA TRL - FARMINGTON, NM 87401-2391
- MINNEHAHA ALPINE LLC, 5612 128TH ST SW - MUKILTEO, WA 98275-5538
- SEELY BRIAN DAVID / LOUGEE RYAN, PO BOX 8003 - ASPEN, CO 81612-8003
- KAISER JAMES D & NANCY, 68095 TUMBLEWEED RD - MONTROSE, CO 81403-8679
- SPORL JEFF & ABBIE, 157 FANTANGO RD - DURANGO, CO 81301-7022
- TINKLE REVOCABLE TRUST C/O GRETCHEN TINKLE, 7720 BAXTER DR - BELLEVILLE, IL 62223-2663

Question #6A from the SJC Checklist:

How many other parcels are accessed via the same road?

There are approximately 36 parcels accessed off County Road 51, as it is shown in the map below. There are 9 existing cabins accessed off County Road 51, and the remainder of these parcels are undeveloped at this time.



Question #6B from the SJC Checklist:

How many other parcels are located within the same drainage basin or other relevant area and might be affected by drainage from the property?

There are approximately 7 parcels located in the drainage path from the proposed cabin to Minnehaha Creek where it joins Cement Creek near Gladstone.

Question #6C from the SJC Checklist:

How many other parcels are located within the same air shed?

There are approximately 32 parcels located in the Minnehaha Basin vicinity.

Question #6D from the SJC Checklist:

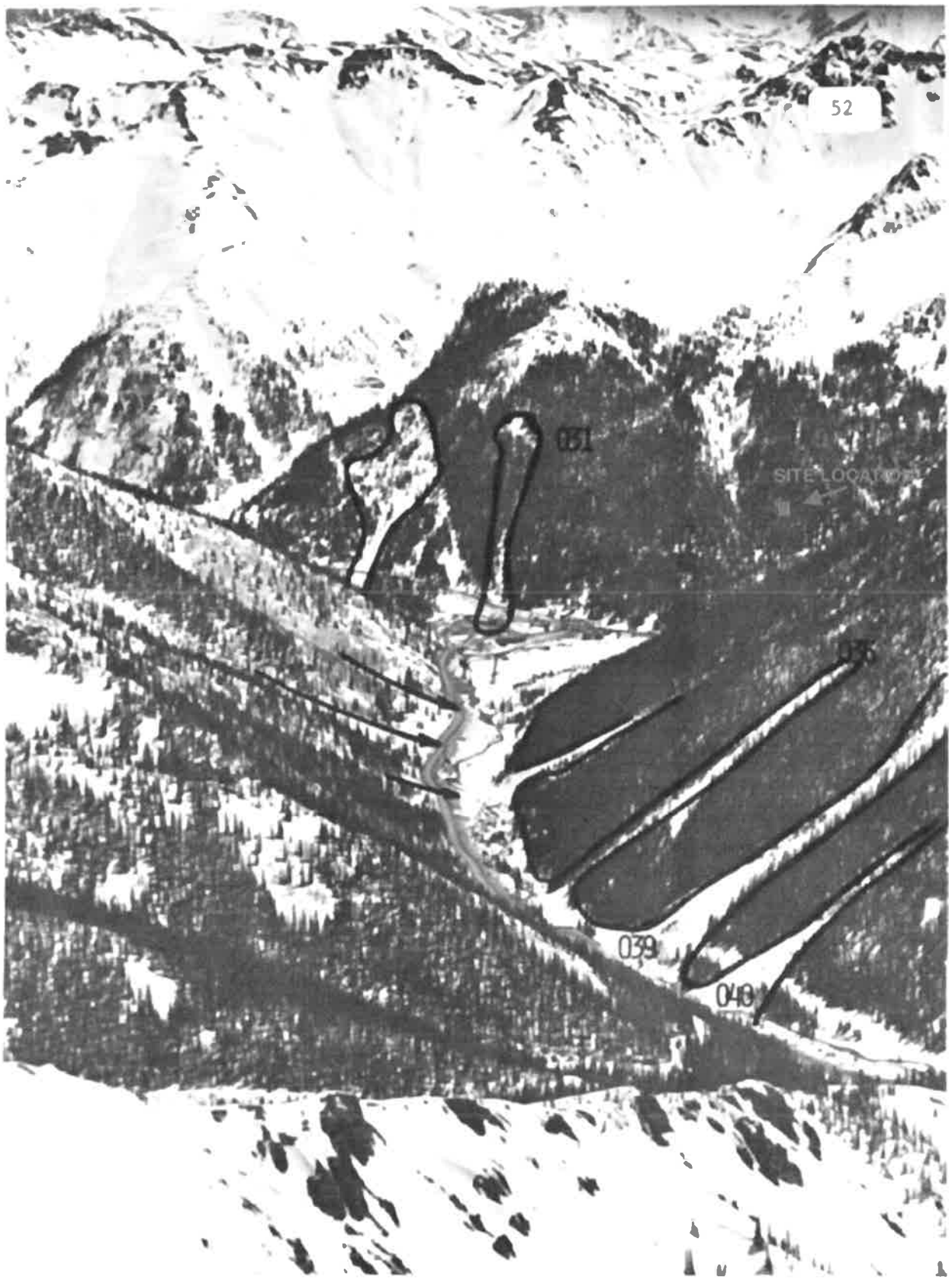
Are any other parcels likely to obtain water from any underground source which is interconnected with any underground water source which is proposed to be tapped for water use on the property?

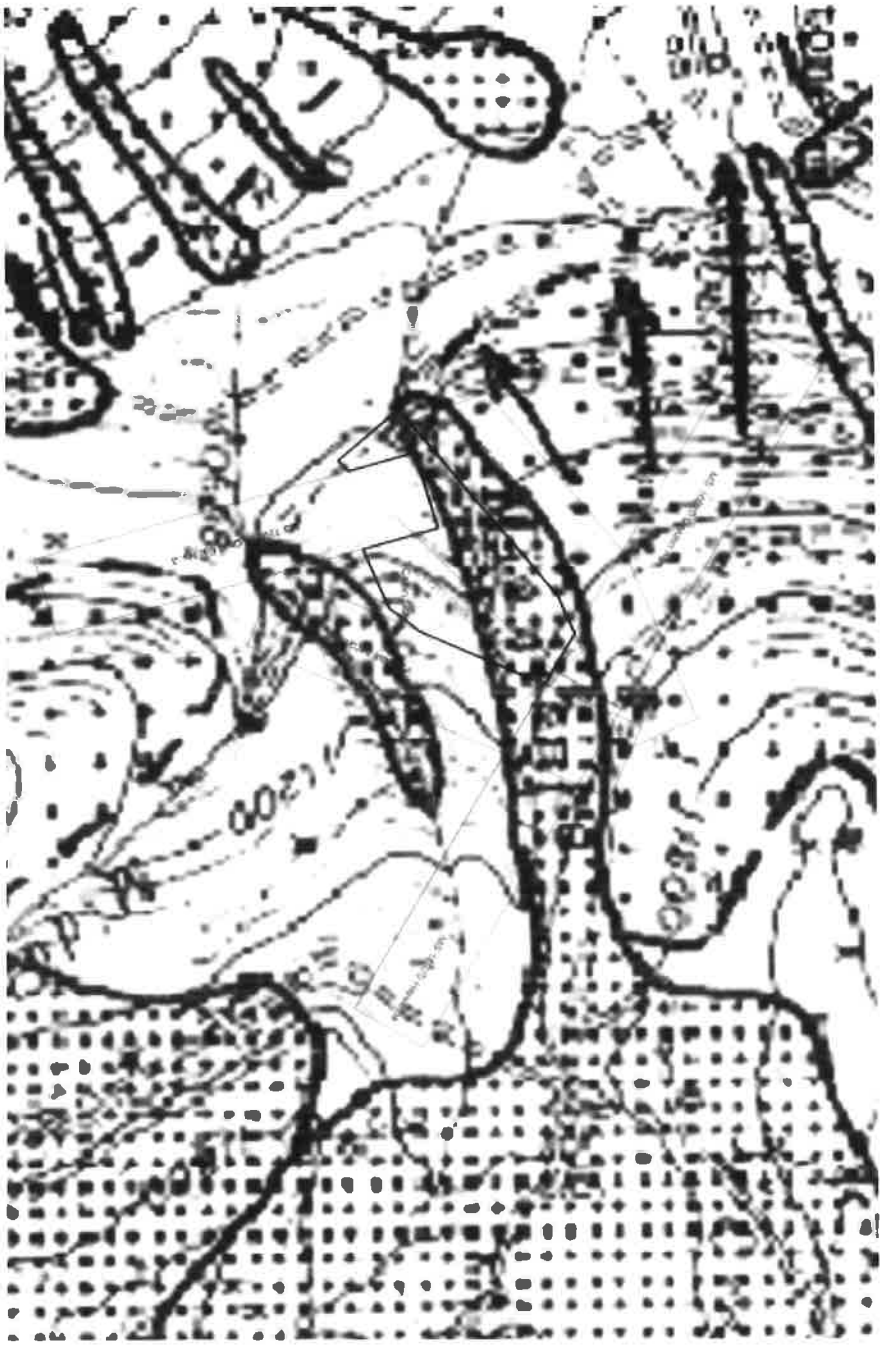
N/A, no water is proposed to be tapped on the property.

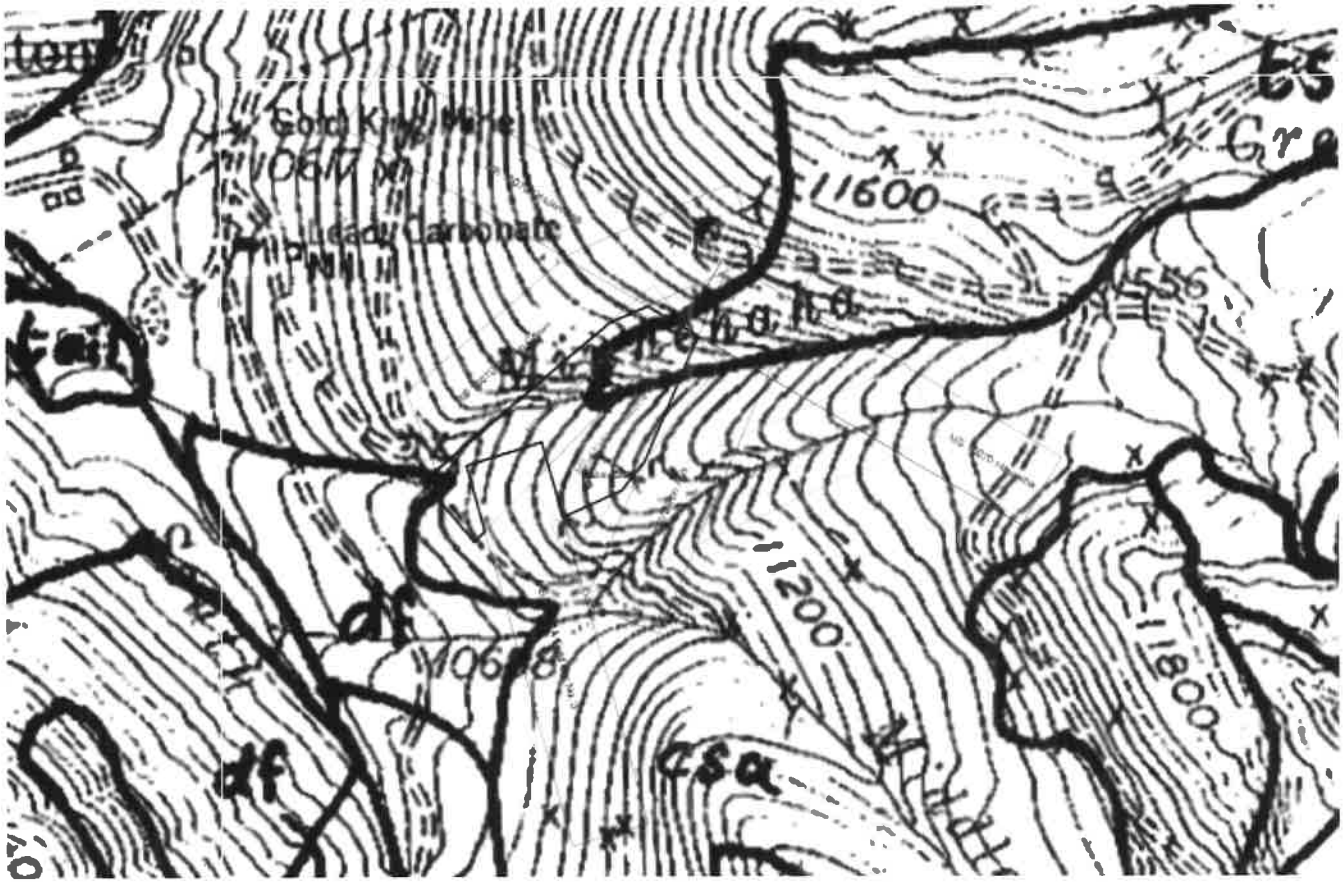

Existing
Structures
Gladstone
North Fork Cement Creek
Cement Creek
South Fork Cement Creek
Proposed
Site Location
Minnie Lake Creek
Middle Fork Cement Creek

Map Reference

San Juan County Avalanche Atlas 1976.pdf


031
SITE LOCATION
036
039
040




Lead/Carbonate
11600
11200
11800
df
df
Csa
Gr

3. Evaluation of the "Proposal" Using the Criteria Listed in the County Regulations

The County regulations require the County to evaluate the "proposal" (the Proposed Hoch Cabin on the Gladstone Girl Lode) *"in the context of all existing or potential uses of other properties in the vicinity of the proposed use."*

The individual factors listed in the County regulations to be evaluated for the "proposal" (in the context of the existing and potential vicinity development) are the following:

- *if the proposal will have any adverse impact on public health, safety, morals or welfare*
- *if adequate potable water is available or can be developed to safely support the proposed use, including fire control and suppression*
- *if adequate sewage disposal can be provided to support the proposed use*
- *if the proposed use will have any adverse effect on public or private property in the vicinity*
- *if the proposed use will have any adverse effect on scenic values, historic sites or structures, air or water or environmental quality, wildlife (including habitat, food sources, migration routes, hunting, etc.), erosion or other geological condition*
- *if adequate road access exists or can be developed to ensure access appropriate to the use, including access for emergency services*
- *if adequate utilities are or can be made available for the proposed use, unless deemed unnecessary or not practical*
- *if adequate emergency services exist to serve the proposed use, unless deemed unnecessary or not practical*
- *if there are natural hazards which may adversely affect the site or the proposed use of the site*

The County regulations state that

An ...*Improvement Permit must be issued by the County when the County finds that the applicant has sustained the burden of proof that the proposed development, activity or use, including best management practices, if any, does not present or create an adverse effect to the resources sought to be protected or utilized...*

This section of the report includes evaluation of the above listed criteria.

Impact of the Proposal on Public Health, Safety, Morals, and Welfare

The County regulations require that you consider the following:

...*in the context of all existing or potential uses of other properties in the vicinity of the proposed use...*

...*if the proposal will have any adverse impact on public health, safety, morals or welfare.*

The "proposal" is the Proposed Hoch Cabin on the Gladstone Girl Lode. The overall impacts to public health, safety, morals and welfare which could be caused by approval of this project are expected to be negligible. The septic system for the proposed cabin will be designed in accordance with the State and local regulations. It can be assumed that there will be very little traffic generated by the owner of the proposed cabin. We do not expect that the Applicant will be doing anything in the proposed cabin which would negatively affect the morals or welfare of the public. The proposed cabin, if approved, could generate some local jobs, and an increase in sales tax/County taxes, which could positively affect the public welfare. We believe that all proposed activities and uses will have some impact or effects. For the purposes of the County review process, we believe the County could consider if a project is relatively modest and reasonable, and if the Applicant has taken steps to minimize all of the impacts which are possible to control. Overall this project can probably be expected to have a negligible impact on public health, safety, morals, and welfare.

Adequate Water

The County regulations require that you consider the following:

...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...

...if adequate potable water is available or can be developed to safely support the proposed use, including fire control and suppression

The "proposal" includes conditional approval for an increment of the Animas Service Area in surface water right to use surface water and the Minnehaha Creek to be diverted and held in a cistern as their primary water source for their cabin. Overall, the Applicant is attempting to provide adequate potable water to safely support the proposed use.

Adequate Sewage Disposal

The County regulations require that you consider the following:

...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...

...if adequate sewage disposal can be provided to support the proposed use.

The proposal includes a proposed "engineered" septic system, including a below-grade septic leach field. Overall, adequate sewage disposal can be provided to support the proposed use.

Effect of the Proposal on Public or Private Property in the Vicinity

The County regulations require that you consider the following:

...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...

...if the proposed use will have any adverse effect on public or private property in the vicinity.

The section of County regulations above asks, will this project have any adverse impact on public or private property? The cabin will be only partially visible from the nearby County Road system only in particular locations, which is not expected to be an impact to the nearby public and private land. Utilizing the avalanche expert's information and considering minimal visual impact, the Applicant has selected the least visible location, orientation, and structural design, in an attempt to minimize the visual impact. Overall, the project is designed to be modest, with the anticipated impacts to the nearby public and private lands expected to be minimal or non-existent.

Effect of the Proposal on Scenic Values, Historic Sites and Structures

The County regulations require that you consider the following:

...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...

...if the proposed use will have any adverse effect on scenic values, historic sites or structures, ...

The Applicant has selected the least visible location for the proposed structure, using the area of on-site existing vegetation to minimize visual scenic impact. Overall the impact to scenic values, historic sites and structures is expected to be minimal or non-existent.

Effect of the Proposal on Air, Water and Environmental Quality

The County regulations require that you consider the following:

...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...

...if the proposed use will have any adverse effect on ... air or water or environmental quality, ...

Since the Applicant is required to be in compliance with all applicable Local, State, and Federal regulations, regarding air, water, and the environment, the impacts of the proposal to the air, water, and environmental quality are expected to be minimal or non-existent.

Effect of the Proposal on Wildlife, Erosion, and Geological Conditions

The County regulations require that you consider the following:

...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...

...if the proposed use will have any adverse effect on ... wildlife (including habitat, food sources, migration routes, hunting, etc.), erosion or other geological condition.

All existing/proposed activities/uses have some sort of impact. The effects of this project, however, on wildlife, hunting, migration routes, habitat, and animal food sources are expected to be minimal.

Adequate Road Access

The County regulations require that you consider the following:

...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...

...if adequate road access exists or can be developed to ensure access appropriate to the use, including access for emergency services.

County Road 51 connects to the Golden Eagle providing access to the property where the proposed driveway would begin. The site has legal access via the existing County Road system. The proposed cabin will be accessed from an existing road which crosses BLM. The applicant has also obtained a BLM Right of Way. Adequate road access exists to ensure access appropriate to the use.

Adequate Utilities

The County regulations require that you consider the following:

...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...

...if adequate utilities are or can be made available for the proposed use, unless deemed unnecessary or not practical.

Water will be diverted and placed into a proposed cistern, and a proposed septic system is being designed by a Licensed Professional Engineer. Overall it appears that adequate utilities can be made available for the proposed use.

Adequate Emergency Services

The County regulations require that you consider the following:

...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...

...if adequate emergency services exist to serve the proposed use, unless deemed unnecessary or not practical.

Access for emergency services is comparable or better than most other developed claims, and appears relatively adequate for the proposed use. There will be times of no vehicular access, due to avalanche/debris flow related County Road closures of County Road 110, and non-plowing of County Road 51. The applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.

Natural Hazards

The County regulations require that you consider the following:

...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...

...if there are natural hazards which may adversely affect the site or the proposed use of the site.

There are no direct natural hazards at the site, including avalanche hazard, which has been deemed able to be mitigated by a qualified expert, such that the nearby avalanche area is not expected to preclude development or adversely affect the proposed structure.

6. Summary

This is a Cumulative Impacts Report for the proposed Hoch Cabin, located on the Gladstone Girl Lode, on County Road 51, Minnehaha Gulch, in San Juan County, Colorado.

The Sketch Plan application for a San Juan County Improvement Permit Application was prepared by the Applicants/Owners. A Preliminary-Final Plan application for a San Juan County Improvement Permit Application is being submitted at the time of submitting this Cumlative Impact Report to the County Administrator on November, 2024. An Improvement Permit is required in order to use a mining claim for residential use. This Cumulative Impacts Report has been prepared to accompany the information prepared by the Applicant Charles and Bruce Hoch of Gladestone Girl.

County Zoning and Land Use Regulations Section 4-103 requires that all proposals be reviewed *...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...*

The properties in the vicinity of the project site have been evaluated for development potential. We evaluated 32 properties in Minnehaha Gulch. Our evaluation was cursory based on Assessor information, original mineral surveys available on the BLM GLO website, and available

maps. Closer evaluation of an individual property including a survey could produce different results.

We found that eight nearby property is known to have an existing cabin, one property (the project site) is likely to be approved for residential use, two additional properties could possibly support a cabin sometime in the future, four properties appear possibly buildable but are unlikely to be sold individually by the mining environmental trust legal firm, and the remainder of the properties in Minnehaha Gulch appear to be unbuildable. Development evaluation criteria generally included: access, avalanche hazards, acreage, prevalence of treeless tundra, and the ownership. In summary, we would anticipate that perhaps only three cabins are likely to be constructed in the future in Minnehaha Gulch, one of which would be the Proposed Hoch Cabin on the Gladstone Girl Lode, the Project Site. The majority of the parcels near the project site appear unlikely to ever be developed, mostly due to a combination of obstacles such as avalanche, tundra, ownership, and lack of access.

We then evaluated the "proposal" using the factors listed in the County regulations, which are to be considered *...in the context of all existing or potential uses of other properties in the vicinity of the proposed use...* These factors included impacts of the proposal to: public health, safety, morals, and welfare, public and private properties, scenic values, historic sites and structures, air, water, and environmental quality; adequate site access, water, sewer, utilities, and emergency services; and presence of natural hazards - when considered in the context of nearby existing and potential development. Overall, although we believe that all uses and activities of any kind cause some impact, it appears that the proposal has been thoughtfully designed by the Applicant to create as little as possible impact on the public health, safety, and welfare, and surrounding properties.

The County regulations state that

An *...Improvement Permit must be issued by the County when the County finds that the applicant has sustained the burden of proof that the proposed development, activity or use, including best management practices, if any, does not present or create an adverse effect to the resources sought to be protected or utilized...*

It appears that the Applicant has sustained the burden of proof that the anticipated impacts will be relatively minimal, and that efforts have been taken to limit any impacts. We request that the Preliminary-Final Plan for the proposed Hoch Cabin on the Gladstone Girl Lode in Minnehaha Gulch can be approved by the County, in accordance with the San Juan County Zoning and Land Use Regulations Section 4-103.

Please contact Applicant/Owner Charles and Bruce Hoch if you have any questions.

Form 2800-14
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
Gunnison Field Office

Serial Number
COC-80283 (COCO105845960)

1 A (right-of-way) (permit) is hereby granted pursuant to:

a ☑ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat 2776, 43 U S C 1761).

b ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U S.C 185).

c ☐ Other *(describe)* _____

2 Nature of Interest

a By this instrument, the holder **Charles Hoch 26 Boulder View Dr, Durango, CO 81301** receives a right to construct, operate, maintain, and terminate a **access road** on public lands (or Federal land for MLA Rights-of-Way) described as follows:

New Mexico Principal Meridian, Colorado
T. 42 N., R. 7 W.,
Protraction Block 57, NW1/4; unsurveyed (amended protraction diagram approved September 25, 2000)

b The right-of-way or permit area granted herein is **50** feet wide, **94.63** feet long and contains **0.109** acres, more or less If a site type facility, the facility contains _____ acres

c This instrument shall terminate on **December 31**, **2050** years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d This instrument ☑ may ☐ may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest

e Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant

(Continued on page 2)

3. Rental

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions

a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.

b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.

c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.

d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A & B, dated 04/21/2020, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)	(Signature of Authorized Officer)
—	ACTING MANAGER
(Title)	(Title)
5/6/2024	5/14/2024
(Date)	(Effective Date of Grant)

Exhibit B: COC-80283

User Name: mmedina
Date Saved: 9/30/2020