

**SAN JUAN REGIONAL PLANNING COMMISSION  
AGENDA  
February 18, 2025  
San Juan County Courthouse**

San Juan Regional Planning Commission Meetings shall 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  
Minutes of January 21, 2025  
2024 Financial Report  
Secretary to the Planning Commission Invoice**

**7:10 PM      Sketch Plan Overland Estates Subdivision:**  
Lloyd and Ester Swartz 11 Lot Residential Subdivision of the Anglo Saxon1, Anglo Saxon 2, Anglo Saxon 3, Anglo Saxon 5, Anglo Saxon 7, Monarch, Freya, Midnight Sun, Ruby and Transvaal Claims.

**8:00 PM      Sketch Plan Improvement Permit Application:**  
Damon Rose Single-Family Residential Building, Driveway Extension and Associated Utilities - Hector Lode USMS 14327

**8:30 PM      2025 Three Mile Plan:**  
Town of Silverton

**OTHER:**

**Times listed above are approximate.  
Discussion of an agenda item may occur before or after the assigned time.**

**ADJOURN: Next Regular Meeting – 6:30 PM, Tuesday March 18, 2025**

Join Zoom Meeting

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

Meeting ID: 921 3647 3203

One tap mobile

+16699006833,,92136473203# US (San Jose)

+12532158782,,92136473203# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 921 3647 3203

San Juan Regional Planning Commission  
January 21, 2025

The San Juan Regional Planning Commission met virtually via zoom and in the Silverton Town Hall meeting room on January 21, 2025, at 7:13 PM with roll call showing the following attendance

Bev Rich	X	Ken Safranski	X
Jim Weller	X	Melissa Childs	X
Lindsey Halvorson	X	Austin Lashley	X
Jim Harper	X		

The members of the Planning Commission made aa motion to approve the minutes of November 19, 2024. Austinn Lashley made the motion to approve these minutes and Jim Weller seconded. The results were unanimously approved by raising of hands.

The second group of minutes covered the four meetings during the adoption process of the Land Use Code of the Town of Silverton. The Commissioners made the motion to approve these minutes all together. Austin Lashley made the motion to approve these minutes with Jim Weller seconding and the results were unanimous with a show of hands.

Also present via Zoom were Bev Rich, Melissa Childs, DeAnne Gallegos, and Lucy Mulvihill. Present in the San Juan Meeting Room were William Tookey, County Administrator and Chris Tookey, Secretary. along with Jim Weller, Ken Safranski, Austin Lashley, Lindsey Halvorson and Jim Harper.

The Planning Commission talked about the only application from the newspaper ad for 2025 we received was from Melissa Childs who applied to continue another term. Bev Rich made a motion to appoint Melissa Childs for another term and Austin Lashley seconded. The motion to appoint Melissa Childs was approved with a unanimous vote with a show of hands. Welcome to Melissa Childs. The Planning Commission membership was reviewed. Both the Town of Silverton members Lindsey Halvorson and Jim Harper remained in their seats and were glad to take another term as was Austin Lashley from the San Juan County. We welcome them returning and are grateful for their return. The officers remained in place after Bev Rich made a motion to stay the officers the same and Jim Harper seconded. The motion passed with a show of hands.

Jim Weller – Chairman  
Ken Safranski – Vice Charman  
Beverly Rich – Treasurer

San Juan Regional Planning Commission  
January 21, 2025

After the Work Session ended for the Planning Commission members seated for 2025, the meeting began with the agenda with the County Improvement Permit Application and Variance.

**COUNTY IMPROVEMENT PERMIT APPLICATION AND VARIANCE TO SECTION 5-102.1 MOBILE UNITS FOR OPERATION OF A FOOD AND BEVERAGE TRAILER HOLLY HUEBNER dba COFFEE BEAR LLC. TO BE LOCATED AT THE BASE OF SILVERTON MOUNTAIN SKI AREA.**

At the regular meeting on January 21, 2025, members of the Planning Commission met with Sophie Barron, present in the Commissioners meeting room who is the representative for Holly Huebner dba Coffee Bear LLC.

After presentations from William Tookey, Land Use Administrator and the applicant's representative, Ken Safranski made a motion that the San Juan County Commissioners approve the Improvement Application and the Variance with the eight conditions. Lindsey Halvorson seconded the motion, and it passed unanimously with a roll call vote. A letter was sent to the San Juan Commissioners.

The meeting was adjourned at 7:37 PM.

Respectfully Submitted,

Christine M. Tookey, Secretary

**FINANCIAL REPORT  
SAN JUAN REGIONAL PLANNING COMMISSION  
DECEMBER 31, 2024**

**MONEY MARKET ACCOUNT WITH CITIZENS STATE BANK:**

BEGINNING BALANCE: \$4196.13 (01-01-2024)

INTEREST .050

ENDING BALANCE: \$4196.31 (02-21-24) Money Market Account CLOSED 2-29-24

**BUSINESS CHECKING ACCOUNT WITH CITIZENS STATE BANK:**

BEGINNING BALANCE: \$6071.82 (balance as of February 29, 2024 after closure)

\$70.00 PO BOX FEE

\$500.00 SECRETARY INVOICE 2024

REVENUES:

\$400.00 SJC PAYMENT

ENDING BALANCE: \$ 5901.82 (12-31-24)

**INVOICE SECRETARY TO PLANNING COMMISSION: 2024**

**2024:**

1/16/24

2/20/24

3/19/24

4/16/24

5/21/24

6/18/24

7/16/24

8/20/24

9/17/24

10/15/24

11/19/24

12/10/24    12/11/24    12/17/24

1/7/25

**15 Meetings @ \$50       = \$750.00**

**Financials and Misc.    = \$150.00**

**TOTAL                        \$900.00**

## MEMORANDUM

To: San Juan Regional Planning Commission  
Fr: William A. Tookey, Land Use Administrator  
Re: Overland Estates Subdivision Sketch Plan

Lloyd and Ester Swartz, Camino Real Estate Holdings, LLC, 9910 Indian School Road, NE, Albuquerque, NM 87112 has submitted a sketch plan application for the subdivision of the proposed Overland Estates. The proposed subdivision would create 11 developable lots for single-family residential, 1 parcel for environmental repository and remediation, and the consolidation of 8 claims totaling more than 70 acres for public access green space. The applicant is proposing the construction of new roads and improvements to existing roads along with the installation of a bridge to cross Cement Creek and tree removal as necessary.

The Overland Estates Subdivision consists of 148 acres that include the following: Mineral Survey No. 16687 Anglo-Saxon #1, Anglo Saxon #2, Anglo Saxon #3, Anglo Saxon #5, Anglo Saxon #7, Mineral Survey No. 884 Monarch Lode, Mineral Survey No. 17255 Freya, Midnight Sun, Ruby, and Transvaal Lodes. The Anglo Saxon #4 is listed as part of the subdivision but would not be included. Any development on the Anglo Saxon #4 will be subject to the full Improvement Permit Application process.

The applicant has provided proof of ownership and a title report.

All property taxes levied against the property have been paid and that there are no unredeemed Certificates of Purchase associated with the property at this time.

Access to the proposed subdivision will be from CR 110 and CR 61. The application incorrectly lists CR 21 in several locations in his project narrative instead of CR 61.

A map drawn to 1" = 200' identifying True North, name of subdivision, county, township and range and the lot and road layout has been provided as required. A map of 1" to 100' feet has also been provided to better clarify the proposed subdivided/developable lots. The applicant has provided a breakdown in acreage for roads, living space, and utility easements.

Also provided are the USDA Soil Conservation Service, Soil Types and Boundaries, Winter Sunlight Maps, Avalanche Hazard Maps and Geo Hazard Maps. The applicant provided 2 copies of 24" x 36" maps as required. The maps provided in the packets are 8.5" x 14" but should be 11" x 14". All maps for future packet submittals will need to 11" x 14".

The General Location Map has Porcupine Gulch labeled in the wrong location.

The ownership of adjacent properties has been provided, and the adjacent properties have been notified by mail of the proposed subdivision.

Dudley Ashwood, P.E. has provided a feasibility review for the project and has concluded that "on site well development is available and will be successful for all planned properties". He also

states that “Suitable site and soil conditions appear available for planning on-site wastewater treatment systems on all planned properties in the area of planned building construction”.

The applicant has defined a separate parcel with known environmental issues, this site will be excluded from any residential developments. This parcel will need to have institutional controls to regulate that parcel. The applicant will need to work with the Environmental Protection Agency (EPA) and Colorado Department of Public Health and Environment (CDPHE) to develop institutional controls for that site. Both EPA and CDPE received copies of this application.

The applicant has signed a Consent for Access to the Property with the EPA.

The subdivision will need to be in compliance with Ordinance no. 2020-01, an ordinance for the regulation of land use, development and activities upon any property within unincorporated San Juan County containing mine waste source areas where residual mine wastes and remediation components exist, specifically including the Bonita Peak Mining District Superfund Site.

The application was provided to

Mark Rudolph, CDPHE has submitted a letter addressing the environmental concerns of the property including the following:

Property development on these claims should take due care to protect site workers and end users through utilization of an Environmental Professional as described in 40 CFR § 312.10.

That the Application provided is misleading in that there is an “EPA Waiver of Liability”. The form provided is a “Consent for Access” letter that allows EPA and designees to enter the site under permission of the owner. No such “Waiver of Liability” has been provided.

CDPHE and EPA shall be provided with permanent access to Lots 1, 3, 7 and 8 of the Subdivision to monitor the Porcupine Mine adit discharge and the existing borehole above the defined Greenspace that encompasses the Anglo Saxon collapsed portal and remedial features.

Any approval of this project would need to be conditional upon the applicant being in compliance with the issues of the CDPHE letter.

The Avalanche Hazard Maps identify that the proposed subdivision is subject to avalanche hazard. However, the proposed building envelopes are located outside of the avalanche hazards.

The Geological Hazard shows that the property is located on CST Colluvial Slopes. Trautner Geotech has provided a report indicating that the proposed building sites are developable or can be mitigated to be developable.

The FEMA Flood Plain Overlay Map currently shows the existing mining claims but does not show the proposed lots, building envelopes, roads or other improvements. The applicant will

need to provide a Flood Plain that shows the proposed subdivision lots, building envelopes and other improvements.

The applicant has provided photos to show the current conditions of the proposed subdivision.

It appears that the proposed building envelopes will minimize the visual impact of residential development. However, the applicant will need to have the building envelopes staked out by a Colorado Licensed Surveyor and then erect a 35-foot story pole at each location to better assess the visual impact.

Section 7-112.3 Lots, state the no lot shall be divided by a road. The Board of County Commissioners may permit lots to be crossed by a road provided they determine such to be consistent with the intent of these regulations and further provided that such lots may have additional conditions imposed upon them. Lot #1 is divided by existing CR 61. Lot #3, Lot #6, Lot #7, Lot #10, Lot #11 and the unnamed Environmental Lot are divided by CR 110. Lot #3, Lot #6, Lot #7, Lot #8, Lot #9, Lot #10 Lot #11 are divided by an access road.

Regulations also state that Side lot lines should be at substantially right angles. Several of these lot lines are very unusual. The applicant should try to make the lot lines straight where possible.

The applicant will need to provide a justification for the lots divided by a road and for the unconventional lot boundaries.

The minimum lot size is 4 acres. All lots meet the minimum lot size.

The required setbacks for a subdivision of 50' from the property line. It appears that the building envelopes setbacks on lots 2 and 10 are about 40'. The setbacks for lots 5, 8 and 9 are about 20'. The minimum setbacks in the Mountain Zoning District are 20' from property lines adjacent to public lands; and 30' from property lines adjacent to private lands. These setbacks were amended several years ago from a 50' minimum. The proposed setbacks meet the Mountain Zoning District but do not meet the Subdivision regulations. Generally, when there are conflicting regulations the most stringent is applied. However, I think it would be reasonable for the Planning Commission to consider if the more stringent setbacks serve a purpose or if the subdivision regulations should be amended in the future to reduce the minimum setbacks.

The building envelope on Lot 11 appears to meet the setback requirements but needs to be better defined.

7 – 113 MOUNTAIN SUBDIVISIONS.1(a) Roads state that local mountain roads shall have a minimum deeded right-of-way of 50 feet and a minimum usable road surface of 24 feet. The applicant has proposed constructing a road of 12' to 16' in width. The applicant justifies the narrower roadway as being adequate for the use and would minimize impact on the landscape. For emergency access and egress and for snow removal I believe the minimum standards are reasonable and should be required.



Grades shall not exceed 8% except as otherwise approved by the Board of County Commissioners. While the proposed new access meets the grade requirements, the applicant will need to provide information concerning the road grade of County Road 61. The steepness of CR 61 may be difficult for emergency service to access Lots 1, 2, 3 and 4.

.1 (d) states that: At least two points of access and egress shall be available for all lots within the subdivision to ensure adequate access and egress in the event of avalanche, forest fire, or other emergency conditions. Lots 2 and 3 do not have two points of access and egress.

The applicant will also need to design “hammerheads” to allow for emergency services vehicles to turn around.

County regulations also require that the applicant shall dedicate an easement of 60’ in width or greater if necessary for any county road that crosses their property. In this case CR 61 is designated as 50’ in width. Generally county roads have a minimum width of 60 feet. The plat should be amended to show County Road 61 as 60’ in width unless the applicant can provide evidence that road was dedicated at only 50’ in width.

7-112.4 Streets states that: No subdivision shall be approved until the applicant has provided the County with clear evidence that all streets and lots within the subdivision will have year-round access to the state highway system by wheeled vehicles.

The applicant addresses this in the sample Homeowners Association. He has language that allows the homeowners to break out the costs between the properties on the north side of CR 110 and the properties on the south side of CR 110. I believe that the snow removal costs will need to be listed as a plat note and should clearly state that the total costs for snow removal shall be equally divided between the property owners of the 11 lots.

The access roads within the subdivision will need to be named and signed.

7-112.5 (e) Construction of unpaved roads shall be according to standards approved by the Board of County Commissioners. The applicant would like to construct the roads using native materials. It is likely that the roadway will need to be constructed with a minimum of 4 inches of ¾” road base along with adequate ditching, drainage and culverts. This would be required not only for the proposed new access road but the existing access roads including CR 61.

It appears from a map that the Assessor was able to provide that CR 61 terminated on the Monarch Claim. This will need to be confirmed by the applicant’s surveyor and if so an easement will need to be provided to allow for developable access to the adjoining Porcupine Claim.

Affordable Housing – Section 7-112.8A Affordable Housing requires that: 10% of the housing units in each residential subdivision or PUD shall be constructed to be permanently affordable to and occupied by low and moderate income households. For purposes of this Section, a low to moderate income is defined as a household with an income not exceeding eighty percent (80%) of the San Juan County median income, adjusted by family size. The applicant argues that affordable housing is not feasible in a mountain subdivision.

The Commissioners could require the applicant to designate and price one lot to make it affordable for someone making 80% of the area median income (AMI).

In lieu of providing the affordable housing on site the applicant, with County approval, may meet these requirements with a housing assistance fee sufficient to defray the cost of providing permanent low and moderate income housing off site.

A third option would be to provide a fee in lieu of providing an affordable property.

The last time we received an affordable housing fee in lieu of for a subdivision was 1999. At that time the fee was \$100,000 per unit. In order to jump start our affordable housing program we negotiated a fee for 3 units in the amount of \$200,000 or \$66,667 per unit. When adjusting for inflation the \$66,667 fee would equate to over \$124,000 today.

Another possible option would be to consider what the actual sale price of a lot will be and negotiate a fee that is equal to a percentage of the price of the lot. Perhaps the lot price minus the improvement costs.

The site plan identifies a 10' utilities easement. County regulations require a minimum 15' easement.

The applicant does not plan on installing the electric or telephone utilities. San Miguel Powe has provided a "Will Serve" letter. Lumen (CenturyLink) letter does not provide any commitment for providing phone service. I am not too concerned about telephone service and could just require that each developed lot be required to subscribe to a satellite provider for their communications. 7 – 114 UTILITIES AND IMPROVEMENTS .1(g) requires the subdivider to construct the electrical services to each lot. Previous subdivisions such as Cole Ranch, Mill Creek and others were required to comply with this stipulation. The Planning Commission may want to discuss the requirement.

The Planning Commission has the option to recommend to the Board of County Commissioners approval of this application as submitted; approval of this application with conditions; denial of the application; or defer a decision to a later date to receive additional information.

If the Planning Commission chooses to recommend approval of the proposed Overland Estates Subdivision Sketch Plan they should do so 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 Overland Estates Subdivision 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 subdivision is in compliance with Section 7-120 Air Quality as it pertains to wood burning devices.
5. The applicant shall utilize an Environmental Professional as described in 40 CFR § 312.10. to ensure that the property development on these claims takes due care to protect site workers as well as the residents.
6. That CDPHE and EPA shall be provided with permanent access to Lots 1, 3, 7 and 8 of the Subdivision to monitor the Porcupine Mine adit discharge and the existing borehole above the defined Greenspace that encompasses the Anglo Saxon collapsed portal and remedial features.
7. The applicant will provide a FEMA Flood Plain Overlay Map with the proposed subdivided lots and building envelopes located on the map.
8. The applicant will have the building envelopes staked out by a Colorado Licensed Surveyor and then erect a 35-foot story pole at each location to better assess the visual impact.
9. The applicant will provide to the County, clear evidence that all streets and lots within the subdivision will have year-round access to the state highway system by wheeled vehicles.
10. Provide an easement for CR 61 through the Monarch Claim to provide developable access to the adjoining Porcupine Claim if necessary.
11. That the utility easements be changed from 10' to 15'.
12. If any historic artifacts are discovered on site during the excavation or construction, all work on the project will be stopped immediately until the Historic Review Committee or qualified archeologist can visit the site to document and preserve those artifacts.
13. That an affordable housing agreement be negotiated as required by 7-112.8A of the Zoning and Land Use Regulations.
14. The failure to comply with these conditions shall be grounds for the revocation of this approval and for any future Improvement Permits.
15. Any other conditions that the Planning Commission deems necessary.



# COLORADO

Department of Public  
Health & Environment

February 12, 2025

Mr. Willy Tookey  
San Juan County Administrator  
1557 Greene Street, PO Box 466  
Silverton, CO 81433

**RE: Anglo Saxon Subdivision Parcel N2833 - Ordinance 2020-01 CDPHE Improvement Plan Review  
Proposed Anglo Saxon Subdivision, San Juan County, Colorado**

Dear Mr. Tookey:

The Colorado Department of Public Health and Environment (the "Department") has reviewed the Anglo Saxon Subdivision Plan submitted to San Juan County on January 21, 2025, by Lloyd and Esther Schwartz (the "Applicant"). Pursuant to section 5(C)(1) of San Juan County Ordinance 2020-01, the Department has reviewed this subdivision proposal. The Department authorizes the Applicant and County to proceed with the permit as described in the application with conditions identified herein.

Based on the Department review, if fully and properly implemented, the Improvement Plan will not affect remediation efforts, including engineered components, previously completed or proposed on the combined Anglo Saxon claims under this subdivision proposal. While the Department finds this proposed subdivision will not affect current or proposed remedial efforts, the following claims are likely to contain residual surface contaminants from historic mining activities and open mine-related features: Anglo Saxon Placer MS 16687, Anglo Saxon #1 MS 16687, Anglo Saxon #2 MS 16687, Anglo Saxon #3 MS 16687, Anglo Saxon #4 MS 16687, Anglo Saxon #5 MS 16687, Anglo Saxon #7 MS 16687, Monarch MS 884, Freya MS 17255, Midnight Sun MS 17255, Ruby MS 17255, and Transvaal MS 17255. The Department and EPA have not evaluated the site for suitability for residential use; soil/sediment may have lead and arsenic from historic mining and milling activities or natural mineralized rock. Metals contamination is documented in the nearby surface water. Property development on these claims should take due care to protect site workers and end users through utilization of an Environmental Professional as described in 40 CFR § 312.10.

Please note that the Application provided is misleading that there is an "EPA Waiver of Liability". The form provided is a "Consent for Access" letter that allows EPA and designees to enter the site under permission of the owner. No such "Waiver of Liability" has been provided.

Further, the Department and EPA shall be provided permanent access to Lots 1, 3, 7 and 8 of the Subdivision to monitor the Porcupine Mine adit discharge and the existing borehole above the defined Greenspace that encompasses the Anglo Saxon collapsed portal and remedial features. Based on limited detail in the drawings provided, the waste rock pile at the Anglo Saxon portal will require revegetation that may extend beyond the boundaries shown in the provided figures. The Department also will require all developers of subdivided properties to comply with section 5(C)(1) of San Juan County Ordinance 2020-01 by submitting site development plans for review with San Juan County and subsequent Department review.

The Department review of the Improvement Plan and the Department's conclusions and opinions relating thereto, apply only to conditions on the property that exist at the time of submission and which were addressed in the Improvement Plan application. The submission of any materially misleading information by the applicant in the Improvement Plan shall render the Department's conclusions of the plan void. Likewise, failure of the Applicant to materially comply with the Improvement Plan shall render the Department's conclusions of the Improvement Plan void.

The Department's review requires the Applicant to comply with all applicable federal, state, and local laws or regulations, and the Applicant shall obtain all necessary approvals or permits to conduct the activities



required by the Improvement Plan. The Department makes no representation with respect to approvals or permits required by federal or local laws or regulations or state laws or regulations.

Further, the Department shall not be liable for any injuries or damages to persons or property resulting from acts or omissions of the Applicant or those acting for or on behalf of the Applicant, including its officers, employees, agents, successors, representatives, contractors, or consultants in carrying out the activities identified in the Improvement Plan. Nothing in the Department's conclusions on the Improvement Plan, or opinions relating thereto, shall constitute an express or implied waiver of sovereign immunity otherwise applicable to the Department, its employees, agents, or representatives.

Nothing in this letter shall be construed to limit the Department's authority, and the Department reserves all rights and authorities to bring any action pursuant to applicable state laws or regulations.

If you have any questions, please contact me at (303) 692-3311 or [mark.rudolph@state.co.us](mailto:mark.rudolph@state.co.us)

Sincerely,



Mark Rudolph  
CDPHE Bonita Peak Remedial Project Manager

File: Anglo Saxon Subdivision, BPMD, CON000802497, CDPHERM HAZ SF - Covenant/Use Restrict





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

**Letter dated 1/23/25 in regards to the Swartz Application for the Overland Estates**

**Kathy Van Deman** <catbird1955@gmail.com>  
To: "admin@sanjuancolorado.us" <admin@sanjuancolorado.us>

Thu, Jan 30, 2025 at 9:56 AM

William A. Tookey, Land Use Administrator  
Silverton, Colorado 81433  
San Juan County

January 30, 2025

RE: Porcupine Load #1292

Dear Mr. Tookey,

I have read through the application that the Swartz's have submitted. I have one concern and two requests for information.

**Concern:**

On their map (pages 33 and 34 of the application) they have noted that Porcupine Gulch is between Henrietta Gulch and Topeka Gulch. According to an old topo map, and Google Earth Topo (Image @2025 Airbus) the drainages run as follows:  
Henrietta, Niagara, Topeka, Ohio, Porcupine and then Minnesota. As you can see, the Porcupine is actually between the Ohio and Minnesota and not the Henrietta and Topeka.

**Requests:**

Please send me a legible copy of the area with the claims notated - page 116 of their proposal is not clear. I would also like to ensure that the Porcupine 1292 claim will still be accessible from the road that my father (Donald E. Kendall) built in the early 1950's.

Thank you,

*Kathy Van Deman*

Kathleen Van Deman  
(Daughter of Donald E. Kendall)  
Owner of Porcupine 1292  
315 Pine St.  
Grand Junction, Co 81503  
970-773-8963  
[catbird1955@gmail.com](mailto:catbird1955@gmail.com)







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

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**Overland Subdivision**

1 message

**Steve Leisle** <steve@insilverton.com>

Tue, Feb 11, 2025 at 5:10 PM

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

Hello Willie,

No surprise! I'm sure you would expect that as the realtor working with Lloyd on the Overland Subdivision that I would be 100% supportive of his project. I still thought it appropriate for me to reach out and give my recommendation for the County to approve the Overland Subdivision Project. I've worked with Lloyd for many years. I'm impressed with his patience, perseverance, creativity and thoughtful design ideas with the Ravens Nest and the Overland properties. As a community member I know we have shortage and need for usable building sites. Lloyd has our community and the environment in mind with his ideas for low impact road design and large areas of open space. He won't dilly dally around, he will get the job done in a timely fashion. I consider myself a friend of Lloyds. I know he will do a good job with the Overland Project. I liked what he did at Ravens Nest so much that Silverton Realty bought his Little Annie property.

Thank you for your time, let me know if you have any questions. Best Regards, Steve Leisle

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[Steve Leisle](#) | Broker/Owner | [Silverton Realty, Inc.](#) | text/voice. 970-749-0814

web. [www.inSilverton.com](http://www.inSilverton.com) | social. [SilvertonRealty](#)

*Quality Mountain Living in the San Juan Triangle. Silverton. Ridgway. Telluride*



## MEMORANDUM

February 18, 2025

TO: San Juan Regional Planning Commission

FR: William A. Tookey, Land Use Administrator

RE: Hector Lode

Damon Rose has submitted an Improvement Permit application for the development of a Single-Family Residential structure, driveway extension and associated utility improvements on the Hector Lode USMS 14327. The property is located southwest of Silverton between CR 31 and US 550. It will be accessed from US 550.

The property is currently owned by Damon Rose along with the adjoining Hector Mill Site, Smith Mill Site and Cook Mill Site. The total acreage is 17.94.

The application fees have been paid.

The adjacent landowners have been notified via US Mail of the proposed Improvement Permit application. The list of adjacent property owners and copy of the letter are included.

The property is located with the Mountain Zoning District, the Town-County Mutual Overlay District and the Scenic Preservation Overlay District.

**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 Hector Lode is 6.84 acres and meets the minimum lot area.**

**The proposed residential structure meets the setback requirements.**

**The proposed structure is approximately a 4000 sq. ft. single story unit.**

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

The property was previously approved for the development of a single-family residential unit. A driveway, electrical service and a well have been construction on site.

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.

**An existing well will be used for potable water.**

- 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 residence has been located to minimize the visual impact. The building site will need to be staked by a Colorado Licensed Surveyor and the applicant will need to construct a story pole on the building site equal to the maximum height of the building to better determine what the potential visual impact may be.**

**2. I do not believe that the site has any historic significance, I have made a site visit but everything was covered by snow. I believe it was determined that the site did not have any historic significance during the previous improvement permit process. 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 has a permitted and developed access from US 550. The applicant has requested extending the driveway to the proposed building location.**

- 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 majority of the project site and all of the proposed building envelope is outside of any potential avalanche zone.**

**The County Geohazard Map identifies the site as CST-colluvial slope/talus.**

**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 will conduct a site visit once the snow is gone to identify if there are any historic public use trails on site.**

- 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.**

**Colorado Department of Public Health and Environment has reviewed this application as it pertains to County Ordinance 2020-01. A letter from Mark Rudolph of CDPHE has been enclosed.**

The Planning Commission has the option to recommend to the Board of County Commissioners approval of this application as submitted; approval of this application with conditions; denial of the application; or defer a decision to a later date to receive additional information.

If the Planning Commission chooses to recommend approval of the proposed Overland Estates Subdivision Sketch Plan they should do so 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 Hector Lode 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 Hector Lode USMS 14327, Hector Millsite USMS 14327B, Smith Mill Site USMS 17849B and Cook Mill Site USMS 17848B 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. If any historic public trail is identified it will need to be 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 Improvement Permit.
13. Any other conditions that the Planning Commission deems necessary.



**COLORADO**  
Department of Public  
Health & Environment

February 12, 2025

Mr. Willy Tookey  
San Juan County Administrator  
1557 Greene Street, PO Box 466  
Silverton, CO 81433

**RE: Hector Lode USMS 14327, Parcel N2731 - Ordinance 2020-01 CDPHE Improvement Plan Review  
Proposed Rose Residence, San Juan County, Colorado**

Dear Mr. Tookey:

The Colorado Department of Public Health and Environment (the "Department") has reviewed the Hector Lode MS 14327 Improvement Plan submitted to San Juan County on January 28, 2025, by Damon Rose (the "Applicant"). Pursuant to section 5(C)(1) of San Juan County Ordinance 2020-01, the Department authorizes the Applicant and County to proceed with the permit as described in the application.

Based on the Department review, if fully and properly implemented, the Improvement Plan will not affect existing or future remediation efforts, including engineered components, previously completed or proposed on the Hector Lode MS 14327 or adjacent properties. While it is the Department's position that this proposed development will not affect current or proposed remedial efforts; Cook M S - 17848 B, Hector 14327, Hector M S 14327 B, and Smith M S 17849 B are likely to contain residual surface contaminants from historic mine and milling. The Department and EPA have not evaluated the site for suitability for residential use; soil/sediment may have lead and arsenic from historic mining and milling activities or natural mineralized rock. Metals contamination is documented in the nearby surface water. Additionally, the extent of underground mine workings in the vicinity of this area. Additional water released in the environment from the underground septic system may influence the hydrology of the underground mine workings. Property development on these claims should take due care to protect site workers and end users through utilization of an Environmental Professional as described in 40 CFR § 312.10.

The Department review of the Improvement Plan and the Department's conclusions and opinions relating thereto, apply only to conditions on the property that exist at the time of submission and which were addressed in the Improvement Plan application. The submission of any materially misleading information by the applicant in the Improvement Plan shall render the Department's conclusions of the plan void. Likewise, failure of the Applicant to materially comply with the Improvement Plan shall render the Department's conclusions of the Improvement Plan void.

The Department's review requires the Applicant to comply with all applicable federal, state, and local laws or regulations, and the Applicant shall obtain all necessary approvals or permits to conduct the activities required by the Improvement Plan. The Department makes no representation with respect to approvals or permits required by federal or local laws or regulations or state laws or regulations.

Further, the Department shall not be liable for any injuries or damages to persons or property resulting from acts or omissions of the Applicant or those acting for or on behalf of the Applicant, including its officers, employees, agents, successors, representatives, contractors, or consultants in carrying out the activities identified in the Improvement Plan. Nothing in the Department's conclusions on the Improvement Plan, or opinions relating thereto, shall constitute an express or implied waiver of sovereign immunity otherwise applicable to the Department, its employees, agents, or representatives.



Nothing in this letter shall be construed to limit the Department's authority, and the Department reserves all rights and authorities to bring any action pursuant to applicable state laws or regulations.

If you have any questions, please contact me at (303) 692-3311 or [mark.rudolph@state.co.us](mailto:mark.rudolph@state.co.us)

Sincerely,



Mark Rudolph  
CDPHE Bonita Peak Remedial Project Manager

File: Hector Lode USMS 14327, BPMD, CON000802497, CDPHERM HAZ SF - Covenant/Use Restrict





# SAN JUAN COUNTY COLORADO

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

January 31, 2025

To Whom It May Concern:

This letter is to inform you that Damon Rose has submitted an Improvement Permit Application to construct a single-family residence, driveway extension and associated utility improvements on the Hector Lode, USMS #14327 located just outside southwestern boundary of the Town of Silverton and accessed by US Highway 550.

San Juan County Zoning and Land Use Regulations require that property owners within 1500 feet be notified of the application. A copy of the application can be reviewed in the office of the County Clerk, located at 1557 Greene St. Silverton, Colorado or via San Juan County's web page at <https://sanjuancounty.colorado.gov/planning-docs>. Copies of the application can also be reviewed upon request via the email listed above.


It is anticipated that this application will be reviewed by the Planning Commission during their meeting of February 18, 2025.

It is further anticipated that the application will be reviewed by the County Commissioners during their regular meeting of March 12, 2025.

If you have any comments or questions about the application, you may contact me by phone, mail or email listed above. You may also provide written or oral comments to the Planning Commission and to the County Commissioners.

If you have any questions or comments, please contact me at your earliest convenience.

Sincerely,

  
William A. Tookey  
Land Use Administrator





## STAFF REPORT

**To:** San Juan Regional Planning Commission  
**From:** Lucy Mulvihill, *Community Development Director*  
**Date:** February 18, 2025  
**RE:** Town of Silverton Three-Mile Plan

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### PURPOSE

Colorado Revised Statutes (CRS) requires municipalities to plan for growth and expansion related to infrastructure and services within the three-mile area around the current town limits (CRS 31-12-105). Adopting a Three-Mile Plan is required prior to annexing property into the town's jurisdiction and is to be updated annually.

CRS 31-12-105 e. I. *Except as otherwise provided in this paragraph (e), no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. Within said three-mile area, the contiguity required by section 31-12-104 (1)(a) may be achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone.*

Since the Town adopted its Three-Mile Plan in 2024, the town has annexed the Anvil Mountain Subdivision. The Three Mile Plan Map has been updated to reflect the most recent Town Boundaries.

### SCOPE

The Three-Mile Plan includes sections related to:

1. Eligibility standards;
2. Infrastructure capacity and expansion;
3. Annexation and growth policies;
4. Conformance with Town planning documents and regulations; and
5. Three-Mile Plan Map.

### ANALYSIS OF IMPACTS

Adoption of a Three-Mile Plan does not obligate the Town to accept annexations or development; and it does not obligate property owners within the three-mile boundary to annex to the Town. The document is a planning tool to assist the Town in making reasonable and sound growth decisions. Furthermore, it is required to be adopted for the Town to approve petitions for annexation, if requested by petitioners and found to be compliant and consistent with the Compass Master Plan, the Silverton Municipal Code provisions, and other applicable rules, regulations, standards, and policies of the Town.

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the Town of Silverton 2025 Three-Mile Plan to the Board of Trustees.

However, this is a decision for the Planning Commission to make, and the Commission may choose to



approve or deny the 3 Mile Plan based on the testimony and evidence it hears. Two sample motions are included below for convenience only. They do not limit the evidence the Planning Commission can rely on or the decisions the Commission makes.

**SAMPLE MOTIONS:**

- **Approval:** *I move to recommend approval of the Town of Silverton 2025 Three-Mile Plan as presented, finding the Plan is in conformance with the requirements of the Colorado Revised Statutes. §31-12-105.*
  
- **Approval with Conditions:** *I move to recommend approval of the Town of Silverton 2025 Three-Mile Plan as presented, finding the Plan is in conformance with the requirements of the Colorado Revised Statutes. §31-12-105, with the following conditions [insert conditions].*
  
- **Continuance:** *I move to continue the review of the Town of Silverton 2025 Three-Mile Plan as presented, finding the Plan is in conformance with the requirements of the Colorado Revised Statutes. §31-12-105., as presented, to [insert date certain].*
  
- **Denial:** *I move to deny the Town of Silverton 2025 Three-Mile Plan as presented, finding the Plan is in NOT conformance with the requirements of the Colorado Revised Statutes. §31-12-105. [insert explanation supported by the evidence here].*

**ATTACHMENTS:**

- a. Town of Silverton 2025 Three-Mile Plan

# **Town of Silverton**

## **2025**

### **Three-Mile Plan**



Adopted  
Town of Silverton Board of Trustees  
Resolution No.

This document constitutes the Three-Mile Plan for the Town of Silverton, as required by and in conformance with Section 31-12-105(1)(e) of the Colorado Revised Statutes (C.R.S.). This document is adopted as a component of the Town’s Master Plan.

## **I. Purpose, Methodology and Criteria**

### **A. Purpose**

Colorado Revised Statutes Section 31-12-105(1)(e)(l) of the Municipal Annexation Act of 1965 requires that each municipality have a plan that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation and power for any annexation within three miles of the municipality. The plan shall be in place prior to annexation of additional lands. An update to the plan is required annually.

Accordingly, the intent of the Town of Silverton Three Mile Plan (or the “Plan”) is to fulfill the requirements of the Municipal Annexation Act pertaining to such plans. This Plan anticipates that requests will be made over time for the incorporation of areas into the limits of the Town of Silverton.

The Three-Mile Plan does not assume, propose, or guarantee that any property within three miles will be annexed by the Town. The process for annexation is extensive and is regulated by the requirements of C.R.S. Title 31, Article 12. This plan does not propose specific improvements or land uses for extraterritorial areas; if annexation is considered in the future, a more detailed analysis may be required.

### **B. Criteria**

The Town will annex properties in accordance with annexation policies and criteria set forth in the adopted Silverton Municipal Code and will use a process to evaluate benefits and costs of proposed annexations to ensure that the annexations will offer an overall benefit to the community. Annexation should be consistent with the adopted Master Plan.

The benefits and costs of annexation should be considered on a case-by-case basis. The annexation of County enclaves should take into consideration fiscal, social, and land use factors.

## **II. Three Mile Boundary**

The three-mile boundary is generally depicted in Exhibit A. The land areas described by this document include property in unincorporated San Juan County within the three mile boundary.

It should be noted that in the case of identical ownership of properties that are within and extend beyond the three mile area, the extended areas may be annexed so long as fifty percent of the area lies within three mile boundary.

## **III. Annexation Eligibility and Processing Criteria**

Annexation requests that demonstrate favorable benefits to the residents and taxpayers of the

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Town and contribute to the Town's goal for quality growth and enhanced community character will be favorably considered for inclusion into the town. In addition, the Town desires to control the development of adjacent private lands in order to preserve and promote the best interest of the Town and its citizens. An annexation petition must meet all of the requirements of the Municipal Annexation Act and its amendments as well as applicable specific Town of Silverton's Municipal Code criteria. In addition, a conceptual planning map(s) shall be provided that illustrates all streets and other right-of-way connections in the subject property to the existing Town streets and right-of-way; location of the current and proposed Town boundary; location of utilities to which the property will connect; and proposed land use and zoning concepts, if developed. It shall be the general policy of the Town with respect to annexations and the consideration of annexation petitions that:

- a) Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Board of Trustees shall exercise its sole discretion in the annexation of territory to the Town.
- b) The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Master Plan, as amended from time to time.
- c) The land to be annexed shall not create an unreasonable burden on the physical, social, economic or environmental resources of the Town.
- d) Certain public facilities and amenities are necessary and must be constructed and/or upgraded to Town standards as part of any territory annexed to the Town to ensure the area is served by adequate public facilities. These facilities include, but are not limited to streets, bridges, public parks, recreation areas, school sites, fire and police station sites, and storm drainage facilities.
- e) The annexation of lands to the Town shall not create any additional cost or burden on the then existing residents of the Town to provide such public facilities to any newly annexed area.
- f) The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with Town staff before submittal of the petition, through the approval and recording of the final annexation documents.

#### **IV. General Policy for Annexations:**

##### **A. Town Services**

In all cases, annexation will be an important consideration before Town services are provided by the Town.

##### **B. Coordination with San Juan County**

The Town will use good faith efforts to work with San Juan County to ensure that the Town will be notified of any impending major development activity within one mile of the Town's existing boundary, particularly those that propose primary accesses through the Town or are judged to have other significant impacts on the Town. In addition, the Town will seek comments from San Juan County as a referral entity on annexations petitions received.

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**C. Conformance with Existing Town Planning Documents**

All annexed property shall substantially conform to the current adopted versions of the Town of Silverton Municipal Code, Master Plan, Building Codes and all other applicable local and state statutes.

**D. Open Space Requirements**

Open space and park or trails dedication shall be a part of any annexation request considering protection of sensitive ecological areas, critical view areas, and prime habitat areas, where appropriate.

**E. Benefits/Liabilities**

In processing and reviewing annexation requests, Town staff shall prepare Annexation Impact Report, pursuant to SMC 15.1.40, based on the proposed annexation and outline the financial costs and benefits to the taxpayers of the Town.

**F. Growth Projections**

The Town should continue to develop and update the following projections in order to properly analyze the potential impact of any annexation request and update as necessary:

- Sewer and sewer line capacity;
- Public raw water capacity;
- Public water treatment capacity;
- Public water line capacity;
- Storm water capacity; and
- Minimum water pressure.

The Town shall require that each request for annexation include projections for service needs for the above items and substantiate projections for expected population increase to Silverton as a result of the annexation request.

**V. Elements**

Land Use

Land uses will be evaluated for consistency with the Town's Master Plan and for compatibility with adjacent land use patterns. Land uses should be consistent with current Town zoning districts allowed and uses by special review.

Utility Provisions

Water and sewer lines may need to be extended to new areas annexed into the Town. All new water, sanitary sewer and storm water facilities shall meet the Town's Development Standards. Properties annexing into the Town may be required to pay for extensions of utilities including: water, sewer, electric (San Miguel Power Association). Developers are typically responsible for infrastructure costs.

Zoning

Zoning of annexed areas should allow for provisions of parks, open space and recreation as referenced in the Town Master Plan and Silverton Municipal Code. Areas adjacent to Rivers, Streams, and Lakes are encouraged to be incorporated into open space, parks and recreational opportunities. Parkland dedication or cash in-lieu may be required for new residential subdivisions and development.

#### **VI. Three Mile Area Acreage Tabulation**

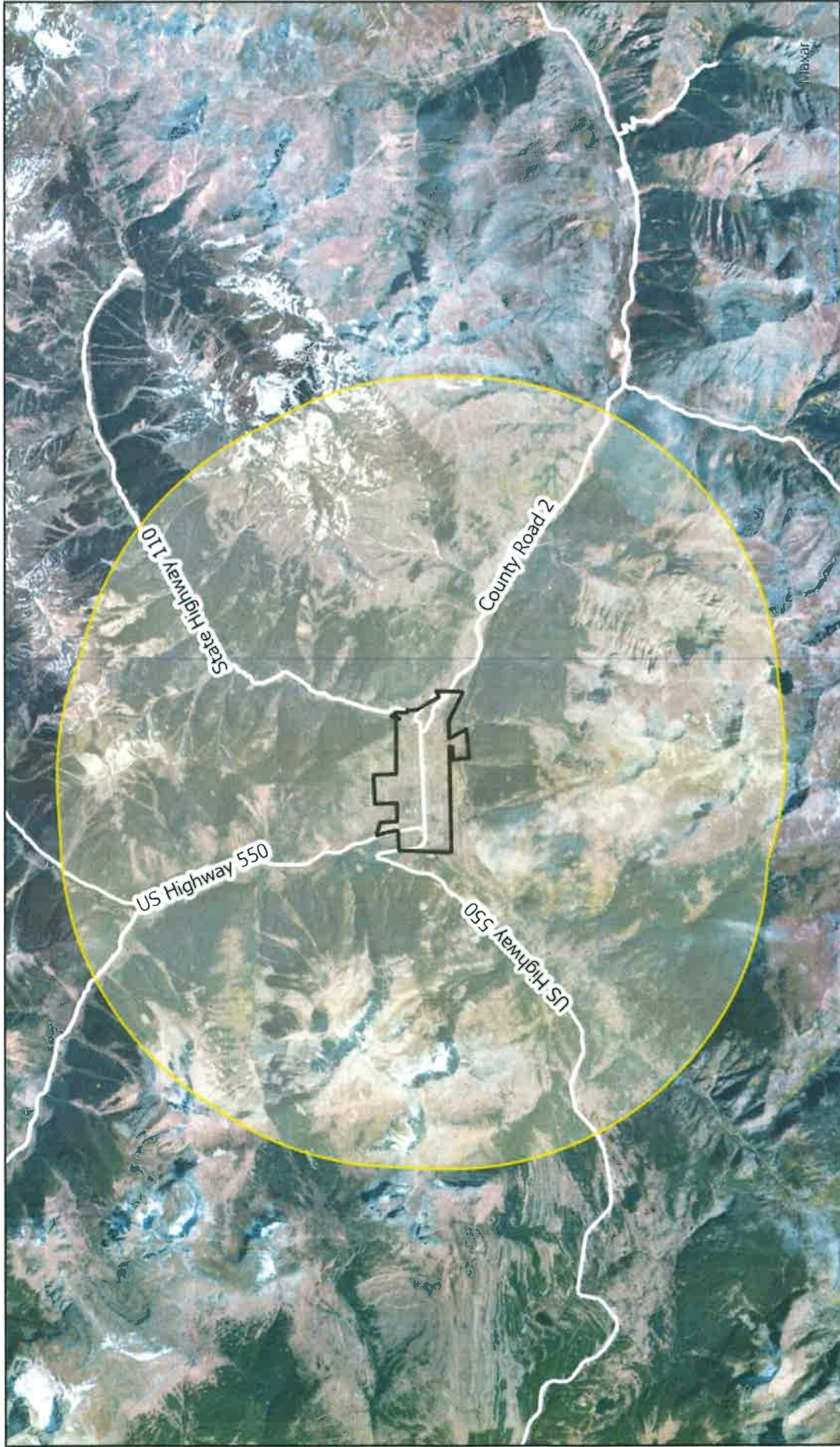
The Total Acreage of the three mile area is approximately 26,565 acres.

#### **VII. Summary**

The Town of Silverton considers this an important guiding document for our potential growth. It is expected that any annexation consideration, county development, or known or unknown competing interests will follow the principles of this and other community planning documents in the areas identified.

**Exhibit A: Three Mile Plan**





0 0.75 1.5 Miles




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 the 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.



Prepared By: LK/TD  
Preparation Date: 2/6/2025  
Adopted Date: TBD

## THREE MILE PLAN

### Legend

-  Silverton Three-Mile Area
-  Town of Silverton Boundary
-  Roadways

