

**SAN JUAN COUNTY, COLORADO**  
**BOARD OF COMMISSIONERS MEETING AGENDA**  
May 11, 2022

Due to the continuing COVID-19 concerns, San Juan County meetings will be conducted in a hybrid virtual/in-person format. All persons including Board Members, Staff and those with appointments scheduled on the agenda may meet in person or via zoom. At risk participants are strongly encouraged to wear a mask. We encourage community members to participate via zoom. The information necessary to connect to the public meeting is listed below.

**CALL TO ORDER:** 8:30 A.M.

**OLD BUSINESS:**

Consider Bills and Authorize Warrants  
BOCC Regular Meeting Minutes for April 27, 2022

**APPOINTMENTS:**

8:40 A.M. - Becky Joyce, Public Health Director  
9:00 A.M. - Martha Johnson, Social Services  
9:20 A.M. - Melissa Smeins & Lisa Merrill BLM Summer Activities Update  
10:00 A.M. - Public Hearing-Preliminary/Final Improvement Permit Application: Gary Bowman to allow for the construction of a single-family dwelling unit located on the Cumberland Mill Site USMS No. 693B adjacent to the confluence of Deer Park Creek and the Animas River.  
10:20 A.M. - Public Hearing-Improvement Permit Sketch Plan Application: Proposed Anesi Cabin, Carolina Mill Site, County Road 33, near Deer Park.  
10:40 A.M. - Public Hearing Improvement Permit Sketch Plan Application: Adams Cabin on the Ruby Placer, and Proposed Boundary Line Adjustment of the adjacent Annie & Ninety-Six Lodes, County Road 8, Ophir Pass,  
11:00 A.M. - Lois MacKenzie-Silverton Clinic  
Lunch – Location to be determined

**CORRESPONDENCE:**

Draft Letter concerning WINN Grant

**NEW BUSINESS:**

Treasure's Report  
Sales Tax Update  
Public Comment  
Commissioner and Staff Reports

**OTHER:**

**ADJOURN: Next Regular Meeting – 6:30 PM, Wednesday May 25, 2022**

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)

+1 346 248 7799 US (Houston)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 921 3647 3203

SAN JUAN COUNTY BOARD OF COMMISSIONERS MET MAY 11, 2022  
 AND THE FOLLOWING BILLS WERE APPROVED FOR PAYMENT.

23581	IMAGE NET CONSULTING	SHERIFFS BILL	107.17
23582	CCTPTA	TREASURERS CONFERENCE	95.00
23583	AMAZON CAPITAL SERVICES	ASSESSORS BILL	50.34
2384	AMAZON CAPITAL SERVICES	CUSTODIAN SUPPLIES	230.53
23585	MAISEL EXCAVATION	HOSP COAL DELIVERY	165.00
23586	BANK OF THE SAN JUANS	FIRE HOUSE PAYMENT	12838.70
23587	SOUTHWEST CO COUNCIL GOV	COG 2022 DUES CONTRIB	4068.00
23588	REGION 9 EDD	REGUIB 9 DUES	425.00
23589	CITIZENS STATE BANK	APPARTMENT PAYMENT	5558.98
DD	ABIGAIL H. ARMISTEAD	SHERIFF DEPUTY WAGES	3548.18
DD	AMIE R. BIOCCHI	SHERIFF & NURSE WAGES	3159.73
DD	ANTHONY D. EDWARDS	COMMUNICATIONS WAGES	2521.19
DD	ARTHUR J. DONOVAN	EPD WAGES	4459.57
DD	AUSTIN P. LASHLEY	COMMISSIONERS WAGES	273.91
DD	BRUCE T. CONRAD	SHERIFFS WAGES	3910.36
DD	DEANNA M. JARAMILLO	TREASURERS WAGES	3314.23
DD	ELIZABETH KREMER	ED WAGES	2732.63
DD	ERNEST F. KUHLMAN	COMMISSIONERS WAGES	1991.91
DD	HEATHER A. MACDOUGALL	AD-AS TREA CLERK WAGES	2310.56
DD	JOHN A. JACOBS	SHERIFF DEPUTY WAGES	1876.10
DD	KERI METZLER	CORONER WAGES	902.32
DD	KIMBERLY A. BUCK	ASSESSORS WAGES	3861.94
DD	KRISTINA L. RHOADES	SOCIAL SERVICE WAGES	2327.48
DD	LADONNA L. JARAMILLO	COUNTY CLERK WAGES	3323.72
DD	LOIS MACKENZIE	NURSE ASSISTANT WAGES	1254.47
DD	REBECCA B. JOYCE	COUNTY NURSE WAGES	9115.49
DD	REBECCA J. RHOADES	CUSTODIAN WAGES	1162.87
DD	SARAH B. FRIDEN	SENIOR SHOVELING	782.09
DD	STEPHEN W. LOWRANCE	UNDERSHERIFF WAGES	3903.73
23590	EVELYN V. ARCHULETA	CLERK DEPUTY WAGES	1634.00
23591	FRED W. CANFIELD	SENIOR SHOVELING	238.27
23592	SCOTT L. FETCHENHIER	COMMISSIONERS WAGES	2034.91
23593	TOMMY WIPF	VETS OFFICER WAGES	354.40
23594	WILLIAM A. TOOKEY	ADMINISTRATOR WAGES	4564.00
23595	CITIZENS STATE BANK	FEDERAL TAXES WITHHELD	22728.82
23596	CITIZENS STATE BANK	STATE TAXES WITHHELD	3582.00
23597	GREAT-WEST LIFE & ANNUITY	GROUP RETIREMENT	7136.41
23598	CITIZENS STATE BANK	H S A SAVINGS	1550.00
23599	ANTHEM BLUE CROSS	MEDICAL INSURANCE	16179.63
23600	KANSAS CITY LIFE	DENTAL & LIFE INSURANCE	995.49
23601	AMWINS GROUP BENEFITS	VISION INSURANCE	170.97
23602	AFLAC	INDIVIDUAL INSURANCE	177.10
23603	ERNEST F. KUHLMAN	REIMB SUPPLEMENTAL	198.28
23604	STATE OF COLORADO DPA ACCT	RENEWALS-REG-TITLE	43.58

23605 DR. JOEL, INC	NURSE COMPUTER FIX	71.25
23606 MICHAEL F. ARNALL, MD	AUTOPSY	1300.00
23607 MONTEZUMA COUNTY	AUTOPSY SUITE	200.00
23608 GEPRGE W. DEAVERS	AUTOPSY ASSISTANT	100.00
23609 AMBULANCE ASSOCIATION	SALES TAX MONTHLY PYMT	38333.33
23610 AMBULANCE ASSOCIATION	MONTHLY PAYMENT	7200.00
23611 SILVERTON FIRE AUTHORITY	QUARTERLY PAYMENT	10475.00
23612 AMAZON CAPITAL SERVICES	ASSESSORS BILL	97.95
23613 VISA	BILLS	3889.00
23614 MOTOROLA SOLUTIONS INC	SHERIFFS BILL (CAMERAS)	3675.00
23615 OFFICE DEPOT	EPD SUPPLIES	46.81
23616 UNITED STATES TREASURY	SEPT 30, 21 3RD QTR 941	4379.37
23617 WEX BANK	SHERIFFS FUEL	1344.35
13618 DENNIS R, GOLBRICHT	SERVICES RENDERED	2437.50
23619 FORETHOUGHT.NET	BILLS	1156.96
23620 MOUNTAIN STUDIES INSTITUTE	PROJECT SERVICES APR-JAN	42100.00
23621 SILVERTON HARDWARE	CUST-SHER-NURSE SUPPLIES	58.52
23622 CLIA LABORATORY	CERTIFICATE OF WAIVER	180.00
23623 SILVERTON SCHOOL	APRIL 2022PAYROLL BEN-FR	3503.20
23624 SAN JUAN PUBLIC HEALTH	BILL	9884.00
23625 COLIN TROWER	APRIL 22 DEEP CLEANING	60.00
23626 DAYNA KRANKER	NURSE ASSISTANT WAGES	1466.04
23627 DEANNE GALLEGOS	SJ CO PUBLIC INFO PAY	981.92
23628 SAN MIGUEL POWER	BILLS	3727.84
23629 DR. JOEL, INC	REBOOT NETWORK EQUIPT	95.00
23630 DEANNE GALLEGOS	APRIL 22 PUBLIC INFO PAY	375.44
23631 OFFICE DEPOT	CLERK & TREAS SUPPLIES	95.86
23632 SILVERTON LP GAS	TANK FILL UP CH-FD	3929.66
23633 VISA	COMMUNICATIONS BILL	19.95
23634 SILVERTON STANDARD	LEGALS	125.90
23635 LORETTA ST GEORGE	DEEP CLEANING(HOSP)	65.00
23636 GRAN FARNUM PRINTING	ELECTION ENVELOPES	461.00
23637 VERIZON	SHERIFFS BILL	185.22
23638 ANGELES CONSTRUCTION	SENIOR SHOVELING	185.00
23639 LA PLATA CO TREASURER	DA BILL 1-1-22 THRU 3-31-22	5415.00
23640 TRACY BOEYINK	MARCH-MAY PAY(NURSE)	93.75
23641 SILVERTON ELECTRIC	TROUBLE SHOOT LIGHT	508.57
23642 TOWN OF SILVERTON	W/S	3598.22
23643 SAN JUAN MOUNTAINS ASSOC	GOCO GRANT REIMB	149416.46
TOTAL GENERAL		443097.13

ROAD

6827	CATERPILLAR FINANCIAL	PAYMENT	40624.99
DD	DAVID L. ANDREWS	ROAD FOREMAN WAGES	3612.47
DD	LOUIS K. GIRODO	ROAD OVERSEER WAGES	4431.31
DD	MICHAEL C. MAXFIELD	ROAD OPERATOR WAGES	3477.81
6828	CITIZENS STATE BANK	FEDERAL TAXES WITHHELD	4185.10
6829	CITIZENS STATE BANK	STATE TAXES WITHHELD	654.00
6830	GREAT-WEST LIFE	GROUP RETIREMENT	946.08
6831	CITIZENS STATE BANK	H S A SAVINGS	200.00
6832	ANTHEM BLUE CROSS	MEDICAL INSURANCE	2246.18
6833	KANSAS CITY LIFE	DENTAL & LIFE INSURANCE	244.30
6834	AMWIND GROUP BENE	VISION INSURANCE	38.03
6835	AFLAC	INDIVIDUAL INSURANCE	62.01
6836	LAWSON	HEX CAP SCREW GR 8 PLAIN	342.96
6837	BLOWN AWAY	SNOW REMOVAL	4200.00
6838	WAGNER	PARTS	1573.01
6839	VISA	SUPPLIES	251.38
6840	SAN MIGUEL POWER	BILLS	313.47
6841	FOUR CORNERS WELDING	BILL	45.00
6842	SILVERTON LP GAS	TANK FILL UP	582.00
6843	ALSCO	BILL	111.00
6844	CENTURY LINK	BILL	151.19
6845	LAWSON	SUPPLIES	448.88
6846	WAGNER	SUPPLIES	687.05
6847	TOWN OF SILVERTON	W/S	566.01
	TOTAL ROAD		69994.23

GENERAL 443097.13  
ROAD 69994.23  
TOTAL FUNDS 513091.36

WERE ALLOWED SETTLEMENT IN FULL BY ORDER OF SAN JUAN COUNTY COMMISSIONERS.

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SCOTT L. FETCHENHIER, CHAIRMAN

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ERNEST F. KUHLMAN, COMMISSIONER

\_\_\_\_\_  
AUSTIN LASHLEY, COMMISSIONER

\_\_\_\_\_  
LADONNA L. JARAMILLO, CLERK

SAN JUAN COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING WEDNESDAY, APRIL 27, 2022  
AT 6:30 P.M.

Call to Order: The meeting was called to order by Chairman Scott Fetchenhier. Present were Commissioners Ernest Kuhlman, Austin Lashley, County Attorney Dennis Golbright, Planning Director Lisa Adair and Administrator William Tookey.

Commissioner Kuhlman moved to approve the minutes of April 13, 2022 as presented. Commissioner Lashley seconded the motion. The motion passed unanimously.

Marcie Bidwell of Mountain Studies Institute was present to provide the Commissioners with an update on what M.S.I. has been doing.

A nomination to list a Primos Tank on San Juan County's Historic Register was presented to the Commissioners. Commissioner Lashley moved to list the Primos Tank on the San Juan County Historic Register. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

Charlie Smith was present to provide the Commissioners with an update concerning the Southwest Water Conservation District. He also provided an update concerning the County's water rights.

Marc Klouster was present to address any questions of comments concerning the Silverton Mountain parking on CR 110. He said that Grady Hamm would get with Road Supervisor Louis Girodo to talk about parking issues in the near future.

Planning Director Lisa Adair present to answer any questions concerning her staff report.

Having no further business, the meeting adjourned at 8:35 P.M.

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Scott Fetchenhier, Chairman

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Ladonna L. Jaramillo, County Clerk



Department of Social Services  
Phone 970-387-5631 \* Fax 970-387-5326  
Martha Johnson, Director  
3/31/2022

Date 4/19/2022  
Transmittal No. 3

Vendor	Date	Num	Amount
La Plata County	03/31/2022	11803	\$ 2,824.87
San Juan Cty	03/31/2022	11604	\$ 5,042.93
<b>TOTAL</b>			<b><u>\$ 7,867.80</u></b>

I, MARTHA JOHNSON, Director of Social Services of San Juan County of Colorado, hereby certify that the payments listed above are available for inspection and have been paid to the payees listed.

  
MARTHA JOHNSON 4-25-2022

I, Scott Fetchenhier, Chairman of the San Juan County Board of Commissioners, hereby certify that the payments as set forth above have this date been approved and warrants in payment thereof issued upon the Social Services Fund.

\_\_\_\_\_  
Scott Fetchenhier

**San Juan County Social Services  
Profit & Loss Budget vs. Actual  
January through December 2022**

				TOTAL	
	Jan 22	Feb 22	Mar 22	Jan - Dec 22	Budget
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
400.001 REVENUE-State Alloc	21,882.82	5,600.18	5,908.76	33,391.76	159,238.80
400.010 Property Tax Current	0.00	2,088.83	3,307.17	5,396.00	16,000.00
400.020 Specific Ownership tax	114.51	85.80	104.71	305.02	1,320.00
400.030 Delinquent Property Tax	0.00	0.00	0.00	0.00	0.00
400.040 Penalties/Int on Tax	0.00	0.00	0.00	0.00	6.00
400.145 REVENUE-CSGB Grant	527.20	0.00	0.00	527.20	996.00
400.180 REVENUE-EOC	150.00	0.00	0.00	150.00	0.00
400.220 REVENUE-Program Refunds	150.00	175.00	0.00	325.00	0.00
<b>Total Income</b>	<b>22,824.53</b>	<b>7,949.81</b>	<b>9,320.64</b>	<b>40,094.98</b>	<b>177,560.80</b>
<b>Expense</b>					
500.100 EXPENSE-Administration	5,086.16	4,973.56	5,666.08	15,725.80	69,000.00
500.110 EXPENSE-Adult Protectio	0.00	0.00	0.00	0.00	2,220.00
500.120 EXPENSE-Child Care	0.00	0.00	0.00	0.00	2,000.00
500.130 EXPENSE-Child Support	12.33	9.34	0.00	21.67	600.00
500.140 EXPENSE-Child Welfare	0.00	0.00	0.00	0.00	12,000.00
500.145 EXPENSE-CSGB Grant	0.00	0.00	0.00	0.00	1,000.00
500.150 EXPENSE-Colorado Works	16,520.41	0.00	0.00	16,520.41	75,000.00
500.160 EXPENSE-Core Services	2,000.00	2,000.00	2,000.00	6,000.00	24,000.00
500.200 EXPENSE-LEAP	182.39	323.11	201.72	707.22	1,200.00
500.210 EXPENSE-OAP	0.00	0.00	0.00	0.00	2,000.00
<b>Total Expense</b>	<b>23,801.29</b>	<b>7,306.01</b>	<b>7,867.80</b>	<b>38,975.10</b>	<b>189,020.00</b>
<b>Net Ordinary Income</b>	<b>-976.76</b>	<b>643.80</b>	<b>1,452.84</b>	<b>1,119.88</b>	<b>-11,459.20</b>



**San Juan County**  
**CDHS Allocation and Expenditures report**  
For State Fiscal Year 2022  
**3/31/2022**

FIPS

111

Program	Allocation	Expenditures	Remaining	% Remaining	% of Fiscal Year Remaining
CDHS County Admin	81,954	13,413	68,541	83.63%	25.00%
HCPF Regular	21,279	6,201	15,078	70.86%	25.00%
HCPF Enhanced	39,174	1,804	37,370	95.40%	25.00%
<b>APS Admin</b>	<b>2,315</b>	<b>3,222</b>	<b>-907</b>	<b>-39.15%</b>	<b>25.00%</b>
APS Client	2,000	0	2,000	100.00%	25.00%
Child Care	8,088	2,307	5,781	71.47%	25.00%
CARE CRSSA Funding	5,000	58	4,942	98.84%	25.00%
Colorado Works	43,050	13,653	29,398	68.29%	25.00%
Child Welfare 80/20	50,992	18,627	32,365	63.47%	25.00%
Child Welfare 100%	4,532	44	4,488	99.03%	25.00%
Child Welfare PRTF	2,258	0	2,258	100.00%	25.00%
CORE 80/20	8,724	5,736	2,987	34.24%	25.00%
<b>CORE 100%</b>	<b>15,902</b>	<b>12,264</b>	<b>3,638</b>	<b>22.88%</b>	<b>25.00%</b>
SEAP	374		374	100.00%	25.00%
<b>LEAP outreach</b>	<b>237</b>	<b>1,206</b>	<b>-969</b>	<b>-408.82%</b>	<b>50.00%</b>
Locked-in PHE Non-En	40	0	40	100.00%	25.00%
Locked-in PHE Enhanc	2,525	0	2,525	100.00%	25.00%
<b>SNAP Incentive</b>	<b>97</b>	<b>97</b>	<b>0</b>	<b>0.00%</b>	<b>50.00%</b>
<b>Total</b>	<b>288,541</b>	<b>78,631</b>	<b>209,910</b>		



<b>SAN JUAN COUNTY SOCIAL SERVICES PROCEDURE</b>	
<b>TITLE:</b> TANF County Approved Settings	
<b>DEPARTMENT/S:</b> Temporary Assistance for Needy Families	<b>EFFECTIVE Date:</b> March 1, 2022
	<b>REVISION Date:</b>
<b>REGULATIONS:</b> C.R.S. 26-2-706.6; 9 CCR 2503-6; 3.600.2	
<b>AGENCY LETTERS:</b> IM-EBD-2022-0003	
<b>APPROVED BY:</b> Approved by the San Juan County BOCC (see signature)	

**Background & Purpose:**

The Colorado Works program allows for minor parents to receive grant payments on behalf of their own children. Before approving grant payments for minor parents who are not married, emancipated, living with an adult relative or in the care of another adult who is responsible for them, San Juan County must identify that the minor parent resides in a “county approved setting.”

San Juan County evaluates that the minor parent’s living situation is appropriate in order to ensure the health and safety of minor children, and to ensure appropriate supports are provided to minors who do not have a suitable place to live. Living arrangements deemed appropriate according to this policy constitute an approved setting for the Colorado Works program.

The purpose of this policy is to outline the process that San Juan County follows to evaluate whether a minor parent resides in an appropriate place and is connected to necessary supports and services available in the community and through San Juan County. The policy will also outline steps that will be taken to find an appropriate living arrangement for the minor parent and their child(ren) if their initial situation is not identified as appropriate.

**Definitions:**

**Assessed need** - Any identified need of a client or family receiving CW grant payments beyond ordinary, routine living expenses that is designed to deal with a specific crisis situation or episode of need, is not intended to meet recurrent or ongoing needs, and will not extend beyond four months without a new assessment.

**Basic Cash Assistance (BCA)** - A recurrent cash payment intending to meet ongoing needs.

**Client** - A current or past applicant or a current or past recipient of a CW grant payment.

**Colorado Works** - The Temporary Assistance for Needy Families (TANF) program in Colorado.

**County worker** - An employee or designated representative of the county department.

**Statewide automated system** - The electronic platform used to calculate public assistance program benefits and grant payments.

**Supportive payment** - A payment and/or service in addition to basic cash assistance or diversion that is based on an assessed need.

**Workforce Development (WD)** - The program provided to clients determined to be work eligible as described in section 3.607.

**Procedures:**

*Population*

A county approved setting is required for a minor parent (or pregnant minor) who is under the age of eighteen and is the head of household on a Colorado Works case and:

- Does not live with another adult who exercises responsibility for the minor parent's care and well-being,
- Does not live with an adult relative,
- Is not emancipated, and
- Is not/has never been married.

When a minor parent does reside with a parent or another caretaker who exercises responsibility for them, the minor may not receive assistance as an adult and the head of household in their own case. They will be paid as a child in an assistance unit with their parent or caretaker as the head of household. (A non-parent caretaker does not have to receive Colorado Works grant payments on behalf of themselves). In this scenario a county approved setting is not required.

*Evaluation Process*

When a minor parent must have a county approved setting evaluated, San Juan County will take the following steps:

- 1.) The Colorado Works eligibility worker will notify the designated county department / individual of the need for evaluation of a county approved setting OR evaluate the setting themselves.
  - a. The eligibility worker will provide the name, address and contact information for the minor parent.
- 2.) The designated county department/individual will:
  - a. Contact the minor parent to discuss their living situation.
  - b. Conduct a home visit, if the contact with the minor parent alone is not deemed sufficient to determine whether the situation is appropriate,
    - i. For a setting to be determined appropriate in San Juan County, the minor parent's living arrangements must consist of a dwelling that is designed for human habitation that is free from anything that may endanger the health or welfare of the minor child(ren).
  - c. Provide appropriate resources and referrals to the minor parent as identified in the Referrals section.

- d. Notify the eligibility or current caseworker if the setting is determined appropriate (a.k.a. approved) or data-enter the information into CBMS directly.
- e. If the setting is not yet approved, the designated county department/individual will work with the client to establish an appropriate setting, and communicate progress with the eligibility or current caseworker.

#### *Unapproved Settings*

San Juan County may determine that a setting is inappropriate and therefore not an approved setting, and in these situations, San Juan County will take the following steps to ensure that the minor parent and their child are able to relocate to an approved setting:

- 1.) Together with the minor parent, discuss options of places to live which would be safe and supportive for the minor and their child(ren) such as living with a parent, legal guardian or other appropriate adult relative.
- 2.) If living with a parent, guardian or adult relative is not a safe or supportive option, San Juan County will discuss with the minor parent whether there are any other trusted adults who might provide a safe and supportive environment to live.
- 3.) If no informal living arrangements with a safe and trusted adult are suitable, San Juan County will assist the client in locating a second chance home (adult-supervised, supportive group homes or apartment clusters for teen mothers and their children who cannot live at home because of abuse, neglect or other extenuating circumstances), a maternity home (a form of supportive housing provided to pregnant women), or other appropriate adult-supervised supportive living arrangement, taking into consideration the needs and concerns of the individual.
- 4.) San Juan County may approve Colorado Works for a maximum of thirty days while the designated county department / individual is actively working with the minor parent to relocate to an appropriate living situation.
- 5.) If the change in living arrangement significantly alters the client's circumstances, updates may be required to the Colorado Works case, or the minor parent may choose to withdraw their request for Colorado Works.

If child abuse or neglect is suspected or uncovered when evaluating whether a minor parent resides in an appropriate setting, San Juan County will make referrals to Child Welfare by calling the Child Abuse and Neglect Hotline (1-844-CO-4-KIDS) in accordance with Mandatory Reporter requirements.

#### *Referrals*

San Juan County staff are responsible for connecting clients to resources that will help support their long-term economic security, as well as ensuring clients receive appropriate support in a

timely manner. The purpose of referrals is to connect clients with various services available within the community.

Referrals include but are not limited to:

- advocacy (such as domestic violence advocacy)
- counseling
- prevention and intervention
- mediation services
- physical and mental health services
- substance abuse counseling
- legal services
- food banks

Signed by:

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CHAIR, SAN JUAN COUNTY BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_

DATE

<b>SAN JUAN COUNTY SOCIAL SERVICES PROCEDURE</b>	
TITLE: TANF Disaster Assistance	
DEPARTMENT/S: Temporary Assistance for Needy Families	EFFECTIVE Date: March 1, 2022
	REVISION Date:
REGULATIONS: C.R.S. 26-2-706.6; 9 CCR 2503-6; 3.600.2	
AGENCY LETTERS: IM-EBD-2022-0003	
APPROVED BY: Approved by the San Juan County BOCC (see signature)	

**Background & Purpose:**

In cases of a county, state or presidentially (federally) declared emergency or disaster, families may have immediate and short-term needs for financial assistance to resolve financial crises caused by the disaster. In order to meet these needs in the community, San Juan County provides a Disaster Assistance program for qualified clients.

This Disaster Assistance policy is in effect only when a county, state or presidential-level disaster has been declared and San Juan County has made the decision to activate this policy.

**Definitions:**

**Assessed need** - Any identified need of a client or family receiving CW grant payments beyond ordinary, routine living expenses that is designed to deal with a specific crisis situation or episode of need, is not intended to meet recurrent or ongoing needs, and will not extend beyond four months without a new assessment.

**Basic Cash Assistance (BCA)** - A recurrent cash payment intending to meet ongoing needs.

**Client** - A current or past applicant or a current or past recipient of a CW grant payment.

**Colorado Works** - The Temporary Assistance for Needy Families (TANF) program in Colorado.

**County worker** - An employee or designated representative of the county department.

**Diversion** - A short-term cash payment (not to extend beyond four (4) months) intended to meet an episode of need.

**Statewide automated system** - The electronic platform used to calculate public assistance program benefits and grant payments.

**Supportive payment** - A payment and/or service in addition to basic cash assistance or diversion that is based on an assessed need.

**Workforce Development (WD or WFD)** - The program provided to clients determined to be work eligible as described in section 3.607

**Procedures:**

*Activation of the Policy*

When a county, state, or presidential level disaster is declared, San Juan County will determine whether or not to activate this Disaster Assistance policy based on the impact of the particular disaster in San Juan County and available resources. If San Juan County decides to activate this policy, the County Director or other designated individual will contact the Employment and Benefits Division (EBD) at CDHS\_EmplBenDiv@state.co.us to request Disaster Assistance functionality in CBMS to be turned on for San Juan County. Disaster payments may be requested

while a disaster declaration and associated CBMS functionality is active. Disaster payments may also be requested through the end of the month in which the disaster declaration is rescinded. In cases where latent effects of the disaster appear after the disaster declaration is rescinded, the client may petition for assistance. Assistance will be granted at the County Director's discretion.

#### *Process*

Requests for Disaster Assistance are made using state prescribed Public Assistance application methods for Colorado Works. A screening form may be used to differentiate Disaster Assistance requests from requests for ongoing Colorado Works grant payments. San Juan County will put forth every effort to streamline processes and remove barriers that could prevent clients from accessing cash assistance during a disaster.

When a disaster is state or presidentially declared, normal Colorado Works verification requirements are waived (with the exception of lawful presence) by the declaration of an emergency and the declaring authority's direct action to suspend certain regulatory statutes. When a disaster is county-declared, verifications normally needed to approve Colorado Works will still be required to approve a Disaster Assistance payment.

#### *Eligibility*

As is required to receive Basic Cash Assistance (BCA), the assistance unit must contain an eligible child or pregnancy, and provide for the needs of clients who are lawfully present in order to receive a disaster payment. (A disaster payment may be paid to an assistance unit in which only a child is lawfully present.) Countable annual income must be below \$75,000.

The client's needs must have been caused or exacerbated by the disaster situation. Clients will not be asked to provide proof of their needs in order to receive Disaster Assistance.

At the County Director's discretion, assistance may be provided to a client who is currently under sanction or disqualification status for Colorado Works.

#### *Payment*

Payments will be made through the Colorado Benefits Management System (CBMS). Disaster payments may be issued through Diversion or Supportive Payment functionality.

A disaster payment may not exceed \$10,000 per assistance unit per disaster. The actual amount of each disaster payment will be based on the client's actual estimated need.



Payment of Disaster Assistance funds will not affect any lifetime maximums on regular Diversion or Supportive Payment limits that are identified in other county policies and a period of ineligibility (POI) will not be imposed after a disaster payment is made.

Payments will be issued on an EBT card (or via the Key Bank card or direct deposit if the client has previously set up these payment options). After a Disaster payment has been issued to a client, the client shall not be asked to verify how the funds were spent.

*Allowable Use of Funds*

Disaster Assistance may be used to assist clients with any short-term need identified by San Juan County that is related to the declared disaster, except for the following needs:

- ❖ Medical services (except for family planning, therapy/counseling, and dental services that are covered by Health First Colorado)
- ❖ Needs covered by Title IV of Social Security Act that supports children in foster care
- ❖ Needs of a client's children who are not in the home
- ❖ Juvenile justice related services
- ❖ Purchase of a capital asset (such as a car, home, investment property, etc.) greater than \$5,000

*Deactivation of the Policy*

San Juan County will email EBD at [CDHS\\_EmplBenDiv@state.co.us](mailto:CDHS_EmplBenDiv@state.co.us) to request Disaster Assistance functionality to be turned off due to the end of a county declared disaster or the decision to stop offering Disaster Assistance in San Juan County while a state or presidentially declared disaster continues. When a state or presidential-level disaster declaration ends, San Juan County will stop making disaster payments by the end of the month in which the declaration is rescinded. (If San Juan County wishes to continue operating Disaster Assistance after a state or presidential-level disaster declaration ends, a county-level disaster may be declared and the policy may be re-activated.)

Signed by:

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CHAIR, SAN JUAN COUNTY BOARD OF COUNTY COMMISSIONERS

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DATE



<b>SAN JUAN COUNTY SOCIAL SERVICES PROCEDURE</b>	
<b>TITLE:</b> TANF Domestic Violence	
<b>DEPARTMENT/S:</b> Temporary Assistance for Needy Families	<b>EFFECTIVE Date:</b> March 1, 2022
	<b>REVISION Date:</b>
<b>REGULATIONS:</b> C.R.S. 26-2-706.6; 9 CCR 2503-6; 3.600.2	
<b>AGENCY LETTERS:</b> IM-EBD-2022-0003	
<b>APPROVED BY:</b> Approved by the San Juan County BOCC (see signature)	

**Background & Purpose:**

The presence of domestic violence (also known as family violence) may prevent a client from engaging with the standard components of the Colorado Works (CW) program. The purpose of the policy is to identify how San Juan County will support clients impacted by domestic violence (DV), as defined in Colorado Works program rules.

**Definitions:**

**Assessed need** - Any identified need of a client or family receiving CW grant payments beyond ordinary, routine living expenses that is designed to deal with a specific crisis situation or episode of need, is not intended to meet recurrent or ongoing needs, and will not extend beyond four months without a new assessment.

**Basic Cash Assistance (BCA)** - A recurrent cash payment intending to meet ongoing needs.

**Client** - A current or past applicant or a current or past recipient of a CW grant payment.

**Colorado Works** - The Temporary Assistance for Needy Families (TANF) program in Colorado.

**County worker** - An employee or designated representative of the county department.

**Diversion** - A short-term cash payment (not to extend beyond four (4) months) intended to meet an episode of need.

**Domestic violence** - (also known as family violence) means a pattern of coercive control one individual inflicts upon another in the context of familial, household, or intimate partner (current or former) relationships including marriage and dating. Violence may be inflicted through a variety of means including, but not limited to:

- A. Physical acts threatening or resulting in physical injury to the individual, including hitting, punching, slapping or biting;
- B. Intimidation resulting in fear of imminent bodily harm through the use of gestures, displays of weapons, or destruction of property, including pets;
- C. Threats of or attempts at physical or sexual abuse or other means of coercion and control, including harm to or threats to harm children, other family members, or pets;
- D. Sexual abuse or threats to inflict nonconsensual sexual acts, including sexual activity with a minor;
- E. Mental, emotional, or psychological abuse including degradation, constant put-downs, or humiliation that results in a reduced ability to engage in daily activities;
- F. Isolation from friends, family, or any type of emotional support system;
- G. Neglect or deprivation of medical care;
- H. Stalking;

- I. Economic abuse or control of finances through withholding money or sabotaging attempts to attain economic self-sufficiency; and/or,
- J. Child molestation, incest

**Statewide automated system** - The electronic platform used to calculate public assistance program benefits and grant payments.

**Supportive payment** - A payment and/or service in addition to basic cash assistance or diversion that is based on an assessed need.

**Workforce Development (WD or WFD)** - The program provided to clients determined to be work eligible as described in section 3.607

### **Procedures:**

San Juan County allows clients to voluntarily and confidentially self-identify as survivors of DV, by providing multiple, safe opportunities for clients to disclose this information, and using trained staff to conduct routine assessments. Screening, assessment and discussions about DV occur in a private confidential area.

#### *Screening & Assessment*

Every adult or minor parent on Colorado Works (including clients on child-only cases) must be screened for DV by a worker certified in the Family Violence Option (FVO) at the time of application, before completing a child support referral. Verbal screenings for DV must take place in a private, confidential area where the conversation cannot be overheard by others, and where the client's partner or children are not present. If a conversation is taking place over the phone or by a virtual meeting, the county worker will determine if the client is in a safe environment before discussing the topic. If a confidential environment is not available where a verbal discussion would not be overheard, the screening might be performed non-verbally (using a screening document or form), or the conversation might be deferred to another time. If the screening for DV must be deferred, the county will identify that child support good cause is pending in the statewide automated system to ensure that referrals to child support are not made before the client has been screened. DV screenings or discussions will not be initiated, verbally or nonverbally, in the presence of another adult without the CW client's approval.

The State Department Domestic Violence Screening Form is a tool that must be added to a client's case file as a record that a screening occurred. Because one "yes" for any item is sufficient to identify a client as a survivor of DV, workers are not required to ask all questions on the form. The individual who conducted the screening and the date it was completed must be documented in the statewide automated system.

When a DV screening identifies the client as a survivor of DV, San Juan County will assess the client to determine their needs for support, referrals and waivers.

Self-disclosed information remains confidential, unless information disclosed triggers a mandatory reporting requirement or there is an immediate threat to the safety of the client or others.

### *Waiver*

San Juan County will offer the following good cause waivers for DV survivors:

- 1.) Child Support Services: San Juan County must offer a child support referral waiver to the DV survivor.
  - a.) San Juan County will ensure waivers are offered timely and efficiently through the following:
    - ❖ The determination for the waiver is made during the initial appointment by the intake worker or by the case manager if the initial screening for DV has been deferred.
    - ❖ The worker uses the prudent person principle to determine if the client meets the criteria to offer the waiver.
- 2.) Work activities: If a client is identified as a survivor of DV that interferes with the safety and/or ability to participate in the CW Workforce Development (WD) program, San Juan County will offer the client a waiver.
- 3.) Time Clock: If a client is identified as a survivor of DV that has reached or is nearing their 60th month on TANF, San Juan County will offer the client a 60 month time limit extension according to the San Juan County Hardship Extension policy.

San Juan County will involve the client in the decision to grant a waiver and the client may accept or refuse any waiver offered. Clients will also be provided information about the statewide Address Confidentiality Program. This referral and associated services will be captured in the Individualized Plan (or in case comment for child-only cases). A continued FVO waiver must be reassessed and documented in the statewide automated system every six months.

Waivers will be accompanied by documentation in the statewide automated system describing the following:

- 1.) Past, present and ongoing impact of family violence on the client and family.
- 2.) The client's connections to advocacy groups, available resources and support systems.
- 3.) Safety planning (details of the plan do not need to be documented).
- 4.) Participation in and/or waiver work components.
- 5.) Opportunities to improve financial security while maintaining the safety of the client.

### *Referrals*

San Juan County provides referrals to appropriate DV advocacy, counseling, and support services, to include the women's shelter, San Juan Basin Public Health agency, law enforcement, legal aid, The Family Center, Sexual Assault Services Organization (SASO), etc. Brochures and other informational handouts regarding domestic and family violence issues are distributed and available in English and Spanish to all CW clients. The information is located in the lobby and all common areas and can be sent via e-mail if requested. The information includes, but is not limited to, material from local DV providers, batterer intervention service providers, victim advocate organizations, victim's compensation programs, and DV safety planning.

### *Training*

San Juan County staff and any contractor who plays a role in working with CW clients (i.e. intake, eligibility, assessment, case management, investigations, or workforce development) will receive state-sponsored training in recognizing, responding, and referring survivors and/or perpetrators of DV, including associated impacts on economic independence and community

resources. After initial training, refresher training will be taken at least once every five years. San Juan County supplements state training with internal training provided in collaboration with the local and/or state DV programs or agencies. San Juan County will verify that internal staff and contracted staff members as described in this paragraph have been trained.

Signed by:

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CHAIR, SAN JUAN COUNTY BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
DATE

<b>SAN JUAN COUNTY SOCIAL SERVICES PROCEDURE</b>	
<b>TITLE:</b> TANF Hardship Extensions	
<b>DEPARTMENT/S:</b> Temporary Assistance for Needy Families	<b>EFFECTIVE Date:</b> March 1, 2022
	<b>REVISION Date:</b>
<b>REGULATIONS:</b> C.R.S. 26-2-706.6; 9 CCR 2503-6; 3.600.2	
<b>AGENCY LETTERS:</b> IM-EBD-2022-0003	
<b>APPROVED BY:</b> Approved by the San Juan County BOCC (see signature)	

**Background & Purpose:**

This policy ensures extensions to Colorado Works grant payments are provided where appropriate and as feasible, within federal and state program guidelines. An assistance unit containing an individual who has received Federal TANF assistance in Colorado or another state(s) as an adult for sixty (60) cumulative months may not be eligible for Federal TANF assistance unless granted an extension by the county department due to hardship.

The purpose of this policy is to establish the criteria for a hardship extension beyond 60 months for Colorado Works.

**Definitions:**

**Assessed need** - Any identified need of a client or family receiving CW grant payments beyond ordinary, routine living expenses that is designed to deal with a specific crisis situation or episode of need, is not intended to meet recurrent or ongoing needs, and will not extend beyond four months without a new assessment.

**Basic Cash Assistance (BCA)** - A recurrent cash payment intending to meet ongoing needs.

**Client** - A current or past applicant or a current or past recipient of a CW grant payment.

**Colorado Works** - The TANF program in Colorado.

**County worker** - An employee or designated representative of the county department.

**Diversion** - A short-term cash payment (not to extend beyond four (4) months) intended to meet an episode of need.

**Domestic violence** - (also known as family violence) means a pattern of coercive control one individual inflicts upon another in the context of familial, household, or intimate partner (current or former) relationships including marriage and dating. Violence may be inflicted through a variety of means including, but not limited to:

- A. Physical acts threatening or resulting in physical injury to the individual, including hitting, punching, slapping or biting;
- B. Intimidation resulting in fear of imminent bodily harm through the use of gestures, displays of weapons, or destruction of property, including pets;
- C. Threats of or attempts at physical or sexual abuse or other means of coercion and control, including harm to or threats to harm children, other family members, or pets;
- D. Sexual abuse or threats to inflict nonconsensual sexual acts, including sexual activity with a minor;
- E. Mental, emotional, or psychological abuse including degradation, constant put-downs, or humiliation that results in a reduced ability to engage in daily activities;
- F. Isolation from friends, family, or any type of emotional support system;

- G. Neglect or deprivation of medical care;
- H. Stalking;
- I. Economic abuse or control of finances through withholding money or sabotaging attempts to attain economic self-sufficiency; and/or,
- J. Child molestation, incest.

**Statewide automated system** - The electronic platform used to calculate public assistance program benefits and grant payments.

**Supportive payment** - A payment and/or service in addition to basic cash assistance or diversion that is based on an assessed need.

**Workforce Development (WD or WFD)** - The program provided to clients determined to be work eligible as described in section 3.607

### Procedures:

All clients may request an extension when a hardship exists. A client's request for an extension can be made through PEAK, the MyCOBenefits app, verbally, or in writing. Extensions may be granted for up to six months; additional extensions may be granted if circumstances warrant the extension and it is requested prior to the end of the current extension. If a client fails to request an extension on a timely basis, an extension may be granted at the discretion of San Juan County.

#### *Eligibility*

To receive a Colorado Works hardship extension, the assistance unit must be eligible for basic cash assistance. Assistance units that contain disqualified members (ineligible non-citizens, clients serving Intentional Program Violations (IPVs), fleeing felons, and drug felons who have not completed action towards rehabilitation) are not eligible to receive an extension. Assistance units that contain excluded members (SSI recipients, recipients of other Title IV income etc.) are eligible to be considered for an extension.

San Juan County will consider an extension if the client is experiencing a hardship such as disability, legal challenges, family instability, domestic violence, or issues with finding adequate child care, housing or transportation. San Juan County will also consider an extension when employment opportunities are inadequate or unavailable due to layoffs in the area, a lack of jobs due to high unemployment rates and poor labor market in the region, working conditions that present a risk to health or safety, or available job opportunities not aligning with the present skillset of the client.

San Juan County will consider not only the client's current hardship, but the history of the client's experience with the TANF/Colorado Works program when making a determination to approve or deny a request.

#### *Process*

Clients who are approaching the 60-month time limit on Colorado Works assistance receive correspondence through the statewide automated system starting at 55 months. In addition to this automated correspondence, San Juan County will make all reasonable efforts to contact clients who may be eligible for an extension by phone or in person to explain the extension process and to accept a request for an extension. When an extension is requested, San Juan County will make



a reasonable effort to gather any additional information about the client's situation required to make a decision.

All extension requests must be data entered into CBMS. In San Juan County, the decision to approve or deny a hardship extension is made by the County Director and San Juan County will make a determination to grant or deny the extension within 30 days of receiving the client's request. Written notification of the approval or denial will be issued through CBMS.

Clients who receive a denial of an extension request have the right to appeal and request continued benefits. Clients who are receiving continued benefits after the denial of a hardship extension request and continue to work with a case manager may receive supportive payments at San Juan County's discretion according to the San Juan County Other Assistance and Supportive Payments Policy.

San Juan County must work with clients to develop a plan to address the causes of the extension. This may include goals that are part of a client's Individualized Plan, action items to connect with county and community supports, and any other guidance that would be beneficial to stabilize the household. The desired outcome of the plan is for the client to transition off of Colorado Works at the end of the hardship extension.

*County Utilization of Hardship Extensions*

Up to 20% of the statewide Colorado Works caseload may be granted an extension beyond the 60-month lifetime limit due to hardship. The State of Colorado will notify counties if a concern is identified with nearing the 20% caseload limit, and if such a concern has not been identified, San Juan County will consider all requests for hardship extensions without regard to limiting the number of cases that are granted extensions.

Signed by:

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CHAIR, SAN JUAN COUNTY BOARD OF COUNTY COMMISSIONERS

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DATE



<b>SAN JUAN COUNTY SOCIAL SERVICES PROCEDURE</b>	
<b>TITLE:</b> TANF Supportive Payments & Other Assistance	
<b>DEPARTMENT/S:</b> Temporary Assistance for Needy Families	<b>EFFECTIVE Date:</b> March 1, 2022
	<b>REVISION Date:</b>
<b>REGULATIONS:</b> C.R.S. 26-2-706.6; 9 CCR 2503-6; 3.600.2	
<b>AGENCY LETTERS:</b> IM-EBD-2022-0003	
<b>APPROVED BY:</b> Approved by the San Juan County BOCC (see signature)	

**Background & Purpose:**

Colorado Works (CW) is Colorado's Temporary Assistance for Needy Families (TANF) program. Through the program, clients receive help becoming self-sufficient by strengthening their family's economic and social stability. CW serves as a financial safety net for children and their caretakers. San Juan County conducts thorough assessments for the whole family to ensure other assistance and supportive payments are provided for all identified needs.

The purpose of this policy is to provide San Juan County workers the guidelines and requirements when administering other assistance or supportive services to clients.

**Definitions:**

**Assessed need** - Any identified need of a client or family receiving CW grant payments beyond ordinary, routine living expenses that is designed to deal with a specific crisis situation or episode of need, is not intended to meet recurrent or ongoing needs, and will not extend beyond four months without a new assessment.

**Basic Cash Assistance (BCA)** - A recurrent cash payment intending to meet ongoing needs.

**Client** - A current or past applicant or a current or past recipient of a CW grant payment.

**Colorado Works** - The Temporary Assistance for Needy Families (TANF) program in Colorado.

**County worker** - An employee or designated representative of the county department.

**Diversion** - A short-term cash payment (not to extend beyond four (4) months) intended to meet an episode of need.

**Statewide automated system** - The electronic platform used to calculate public assistance program benefits and grant payments.

**Supportive payment** - A payment and/or service in addition to basic cash assistance or diversion that is based on an assessed need.

**Workforce Development (WD)** - The program provided to clients determined to be work eligible as described in section 3.607.

**Procedures:**

San Juan County provides supportive payments and other assistance to all eligible CW clients in accordance with federal law, state rule, and the guidelines outlined in this policy.

*Eligibility*

Clients are able to receive supportive payments if they have an assessed need and:

- They are receiving BCA, or
- They received a diversion payment in that month (see the San Juan County Diversion Policy), or
- They are a non-custodial parent who needs assistance attaching to or retaining employment who is lawfully present and has annual income under \$75,000.
- They are engaged in San Juan County's post-TANF or job-retention program and are lawfully present with an annual income under \$75,000.

*Assessed Needs*

An assessed need is any identified need beyond ordinary, routine living expenses that is designed to deal with a specific crisis situation or episode of need, is not intended to meet recurrent or ongoing needs, and will not extend beyond four months without a new assessment.

Assessed needs may include:

- Paying for school or training programs
- Transportation
- Personal care or clothing
- Housing
- Childcare
- Financial planning and budgeting
- Mediation for non-custodial parents
- Counseling/rehabilitation
- Incentives for goal achievement (as outlined further outlined, below)
- Incentives for gaining and/or maintaining employment (as further outlined, below)
- Special medical needs (family planning, therapy/counseling, and dental services) that are not covered by Health First Colorado
- Needs of the children in the family including extracurricular activities, incentives for grades/school attendance, and technology
- Any other identified need that will help to stabilize the client or whole family

San Juan County will assess non-work eligible families for other assistance and/or supportive payments at each eligibility interview, at minimum. Work eligible clients must be assessed for supportive payments by a county worker at least once every 90 days. The results of an assessment or discussion to identify assessed needs for other assistance and/or supportive payments shall be documented in case comments in the statewide automated system within five business days of the assessment date.

#### *Supportive Payments*

San Juan County may address assessed needs by issuing supportive payments through the statewide automated system (the Colorado Benefits Management System (CBMS)) to the client's Electronic Benefit Transfer account or as a CBMS direct vendor payment, or through other supports offered by community providers.

San Juan County's other assistance or supportive payments may not exceed \$2,000 in a single payment transaction and \$2,000 per year. In addition, the total amount of supportive services issued for any individual shall not exceed \$2,000 during the participant's 60-month TANF time limit. Other assistance payments or supportive payments funded through other programs/resources (monetary or not) do not count towards a client's lifetime supportive payment limit.

Any supportive service requests exceeding \$100 will require supervisory review and approval using the county documented process.

The County Director or the Director's designee has the discretion to override the amount of other assistance or supportive payments issued to a CW client or family.

Clients may request supportive payments at any time through PEAK, the MyCOBenefits application, verbally, or in writing. San Juan County shall take action on all other assistance or supportive payment requests within ten calendar days from the date of request by the client or family. All requests for and decisions to approve or deny supportive payments shall be documented in CBMS within five business days.

Clients may appeal supportive payment denial decisions and San Juan County will adhere to the county and State's appeal process.

#### *Unallowable Supportive Payments*

The below assessed needs are not eligible for supportive payments:

- Medical services (except for family planning, therapy/counseling, and dental services that are not covered by Health First Colorado)
- Needs covered by Title IV of the Social Security Act that supports children in foster care
- Needs of a client's children who are not in the home

- Juvenile justice related services
- Purchase of a capital asset (such as a car, home, investment property, etc.) greater than \$5,000

San Juan County will provide resources and referrals to clients who demonstrate these assessed needs but will not issue monetary payments to meet the need.

### *Referrals*

San Juan County workers are responsible for connecting CW clients to resources that will help support their long-term economic security, as well as ensuring clients receive appropriate support in a timely manner. The purpose of referrals is to connect clients with various services available within the community, which clients can continue to access after leaving the CW program. San Juan County workers shall provide referrals for all families.

Referrals include but are not limited to:

- Housing services
- Transportation assistance
- Client advocacy services
- Prevention and intervention
- Health services, including treatment and therapy
- Domestic violence supports
- Legal services, including mediation
- Food resources

### *Employment Incentives*

San Juan County TANF caseworkers may authorize additional payments to an eligible CW participant, which are designed to provide incentives for meeting specific goals and achieving benchmarks that lead to self-sufficiency and are clearly documented in the individual plan (IP). These additional payments are not to exceed \$250 per participant during their 60-month TANF timeframe of eligibility. This incentive funding does not count towards the previously outlined \$2,000 individual/household lifetime limit for supportive services funding.

These incentive payments shall be issued according to the following guidelines:

**\$25 of bonus supportive service payments are available for meeting the following criteria:**

- Completing the application process for which a caseworker has made a referral; such as for SSI/SSDI, Child Care Assistance Program (CCAP), or other as identified by caseworker in IP, OR
- Completing a job application which results in a job interview, OR
- Complete Aztec Course, OR

- Pass GED test, OR
- Staying engaged, meeting the work participation requirement & reporting hours to caseworker timely for 30-days in a row, OR
- Achieve a short-term goal as identified by caseworker and outlined clearly in the IP, OR
- Enroll your child in school or a daycare program.

**\$50 of bonus Supportive Services payment available for meeting the following criteria:**

- Maintain employment for 90 consecutive days, **OR**
- Complete a higher-educational course or pass a certification program, **OR**
- Obtain a driver's license.

**\$150 of bonus Supportive Services payment available for meeting the following criteria:**

- Identifying two barriers to employment and documenting steps to resolve them, **AND**
- Resolving those two barriers to achieving self-sufficiency through employment, **AND**
- Obtaining self-sufficiency through employment or other gainful work-related activity.

*Non-Custodial Parent Supportive Payments*

To support the multi-generation framework, San Juan County may provide supportive payments listed in this policy, and based on an assessed need to non-custodial parents to assist with obtaining and retaining employment. Non-custodial parents should be able to engage in and pay child support payments as a result of these supportive payments.

When requested, San Juan County will provide any external documents, for State review, relating to supportive payments outside of this policy.

Signed by:

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CHAIR, SAN JUAN COUNTY BOARD OF COUNTY COMMISSIONERS                      DATE





<b>SAN JUAN COUNTY SOCIAL SERVICES PROCEDURE</b>	
<b>TITLE:</b> TANF Workforce Requirements & Employment Outcomes	
<b>DEPARTMENT/S:</b> Temporary Assistance for Needy Families	<b>EFFECTIVE Date:</b> March 1, 2022
	<b>REVISION Date:</b>
<b>REGULATIONS:</b> C.R.S. 26-2-706.6; 9 CCR 2503-6; 3.600.2	
<b>AGENCY LETTERS:</b> IM-EBD-2022-0003	
<b>APPROVED BY:</b> Approved by the San Juan County BOCC (see signature)	

**Background & Purpose:**

The Colorado Works (CW) Workforce Development (WD) program is designed to engage clients with services, opportunities, resources and tools needed to successfully obtain employment. For clients who are not able to work, the CW WD program offers support and services to increase employability and promote family safety and stability.

The purpose of this policy is to ensure San Juan County workers provide work-eligible clients opportunities to engage in initial and ongoing program activities. This policy also provides guidance on how to deliver employment and training services, and utilize program resources, such as the Work Verification Plan and the Work Activity Definition Guide to connect clients to employment and training activities.

**Definitions:**

**Assessed need** - Any identified need of a client or family receiving CW grant payments beyond ordinary, routine living expenses that is designed to deal with a specific crisis situation or episode of need, is not intended to meet recurrent or ongoing needs, and will not extend beyond four months without a new assessment.

**Client** - A current or past applicant or a current or past recipient of a CW grant payment.

**Collateral contact** - A person outside the client's household (excluding sponsor(s) and landlord who also live in the home) who has first-hand knowledge of the client's circumstance and provides a verbal or written confirmation thereof. This confirmation may be made either in person, in writing, electronically submitted, or by telephone. Acceptable collateral contacts include but are not limited to: employers, landlords, social/migrant service agencies, and medical providers who can be expected to provide accurate third-party verification. The name/title of the collateral contact as well as the information obtained must be documented in the statewide automated system.

**Colorado Works (CW)** - The Temporary Assistance for Needy Families (TANF) program in Colorado.

**County worker** - An employee or designated representative of the county department.

**Demonstrable evidence (DE)** - Evidence that a client has refused to comply with the workforce program.

**Good cause** - means circumstances beyond the control of the client. Good cause includes, but is not limited to, medical emergencies or hospitalization; a client who has a disability or other medical condition(s) requiring additional time and/or assistance; a delayed appointment with the Social Security Administration beyond the client's control; or other good cause determined reasonable by the county department using the prudent person principle, including the reasons outlined in 3.608.3. Related to the appeal process, the following circumstances do not constitute good cause: an excessive workload of a party or his or her representative or attorney; when a party obtains legal representation in an untimely manner; a party or his or her representative or attorney's failure to either receive or timely receive, a timely mailed initial decision, or other timely mailed correspondence from the Office of Administrative Courts, the Office of Appeals, or the county department; when a party or his or her representative or attorney has failed to advise the Office of Administrative Courts, the county department, or the Office of Appeals of a change of address or failed to provide a correct address; or any other circumstance which was foreseeable or preventable.

**Prudent person principle (PPP)** - Based on experience and knowledge of the program, the county department exercises a degree of discretion, care, judiciousness, and circumspection, as would a reasonable person, in a given case.

**Sanction** - A reduction in CW grant payments for an established period of time as a result of not participating in the WD program.

**Signature** - Handwritten signatures, electronic signature techniques, recorded telephonic signatures, or documented gestured signatures. A valid handwritten signature includes a designation of an x. For Individualized Plans (IP) and conditions agreements, a verbal agreement is an acceptable signature and must be substantiated with an electronic, recorded telephonic, or written agreement of the terms.

**Statewide automated system** - The electronic platform used to calculate public assistance program benefits and grant payments.

**Supportive payment** - A payment and/or service in addition to basic cash assistance or diversion that is based on an assessed need.

**Workforce Development (WD)** - The program provided to clients determined to be work eligible as described in section 3.607.

### **Procedures:**

Initial Workforce Development

#### *Work Eligible Clients*

San Juan County will ensure all work-eligible clients are referred to the WD program during the eligibility appointment. Cases that do not have a work-eligible adult are considered "child only" cases and these cases are not required to participate in the WD program. Clients are provided the

date and time of their first WD program appointment or orientation, as well as who to contact if they need to reschedule the first appointment or their orientation. Clients have the ability to reschedule their first WD appointment or orientation within the first full month of being referred to the program.

#### *Demonstrable Evidence*

If a client does not develop an Individualized Plan (IP) collaboratively with the county worker upon referral to the WD program, this shall be considered a DE which will result in the closure of the grant payment. San Juan County workers must make clients aware of demonstrable evidence during the eligibility appointment and/or when the client is referred to the WD program.

#### *Workforce Development Screening*

A WD screening must be completed within 30 calendar days from the date of application for work-eligible clients. The WD screening is conducted automatically through the statewide automated system during the Interactive Interview. The WD screening collects a client's basic skills, past employment history, and employability.

#### *Workforce Development Assessment*

San Juan County uses the State prescribed WD assessment with all work-eligible clients. The assessment must be completed at a client's first WD appointment and at least once every six months.

- The WD assessment must be completed prior to and shall be utilized to inform the development of a client's IP.
- The WD assessment shall be documented in case comments in the statewide automated system within 5 business days of the assessment date.
- San Juan County workers will also use the WD assessment to determine the issuance of supportive payments.

Clients may share circumstances that impact their employability during the WD assessment, including:

- Domestic violence
- Substance use
- Resolving medical or mental health issues
- Actively seeking social security income
- Pregnancy
- Primary care for an infant younger than 12-months
- Primary care for a disabled family member
- Child welfare involvement
- No available child care
- Lack of transportation
- Homelessness or inadequate housing
- Other family emergencies on a case-by-case basis

If these circumstances are present, the San Juan County worker must list barrier activities in the statewide automated system (Plan screen, Needs Assistance section, etc.). However, barrier activities are not required to be added to a client's IP. Clients are not required to provide documentation for the circumstances listed above. However, the client must create a plan in partnership with the county worker to remain engaged in the WD program. San Juan County workers reference the program's Work Activity Definition Guide on how to apply activities.

#### *Condition Agreement*

San Juan County workers use the State prescribed Condition Agreement that clearly outlines the expectations of San Juan County and the client. The county worker shall review the Condition Agreement with the client within 30 calendar days from the date of the WD screening.

#### *Initial Individualized Plan*

The initial IP shall be developed at the same time the San Juan County worker and client review the Condition Agreement (within 30 calendar days from the date of the WD Screening). The initial IP shall be developed collaboratively between the San Juan County worker and the client, addressing any needs, goals, and supports the client or their family may have. The initial IP shall be comprehensive including matters relating to securing and maintaining training, education, or work. No abbreviations or acronyms shall be used on the IP. The IP identifies goals and determines manageable action steps for satisfying the objectives a client has. The San Juan County worker shall ensure the client understands the terms of the initial IP and clients must sign the initial IP (see the signature criteria in the definition section of this policy). The initial IP shall be documented in case comments in the statewide automated system within five business days of the initial IP date.

#### *Ongoing Workforce Development Case Management*

San Juan County's workers must have contact with WD clients at least once every 90 days, but maintain the flexibility to meet more frequently. The contact may include an update to the IP if needed and shall include an assessment for supportive payments (see the San Juan County Other Assistance and Supportive Payments Policy). Contact attempts that are unsuccessful shall be documented in the statewide automated system within five business days.

#### *Ongoing Workforce Development Assessment*

The State prescribed WD Assessment shall be completed at least once every six months and shall be documented in case comments in the statewide automated system. In addition, the State prescribed WD assessment must be completed by the new county of record within 30 days of a county transfer (based on the date of the transfer county code in the statewide automated system). To ensure the client is assessed timely following a county transfer, San Juan County will immediately contact the client to schedule an appointment or conduct a WD assessment over the phone.

#### *Individualized Plan Modification*

Either a client or a San Juan County WD worker may request a modification of the IP. Any modification made will result in a new IP that must have a valid form of signature (see the Definitions Section of this policy) and date by the client. If the client does not agree with the modification, they may request due process through the county and/or State level hearing process. In addition, an updated IP must be completed by the new county of record within 30 days of a county transfer (based on the date of the transfer county code in the statewide automated system). To ensure the client's IP is updated timely following a county transfer, San Juan County will immediately contact the client to schedule an appointment or update the IP over the phone. The IP will be updated immediately following the WD assessment. IP modifications or new IPs shall be documented in case comments in the statewide automated system within five business days of the new IP or IP modification date.

## Work Activities

### *Engaged in Work Activities*

Work eligible clients are required to engage in the WD program through participation in actions and activities that are selected in partnership with a San Juan County worker. All actions and activities in the IP shall relate to the outcome of both initial and ongoing assessments.

The statewide automated system shall accurately reflect all activities that a client is participating in, regardless if that activity is included in the IP. San Juan County workers will reference the Work Activity Definition guide to apply and stack appropriate activities (such as a transportation barrier activity with a job search activity). San Juan County workers will record activities in the statewide automated system within five business days of the client starting the activity.

### *Allowable Work Activities*

Work activities are defined in greater detail in Colorado's federally approved Work Verification Plan.

Allowable work activities include:

- 1.) Employment, such as full-time or part-time employment, subsidized employment, on the job training, and temporary employment.
- 2.) Education, such as pursuing a degree, high school equivalency, job skills training, English as a second language courses, or pursuing a certificate.
- 3.) Volunteer work, such as community service, work experience programs, and unpaid internships.
- 4.) Search for work, such as applying for jobs, interviewing, attending job fairs, and attending hiring events.
- 5.) Job readiness activities, such as interpreting labor market information, identifying references, building job search skills, building cultural competencies, substance abuse and mental health treatment, mitigating the effects of domestic violence, and rehabilitation activities.

San Juan County WD clients are considered to be engaged in WD program requirements if they are participating in any work activity listed above, a barrier activity, or any other work activity in the Work Verification Plan. Clients will report their engagement (number of hours) in a work activity in the month by the end of the following month (with the exception of work activities that allow projecting hours). San Juan County workers will reference the Work Verification Plan to allow as much flexibility as possible for the client's engagement reporting method.

Allowable ways to report engagement include:

- Client declaration that is made in writing, such as an email communication, or made verbally with supporting documentation entered into the state's automated system or the client's case file.
  - Examples of client declaration include, but are not limited to: a client declaring how much time is spent on a job application for their job search, a client submitting a timesheet declaring homework hours for an educational activity, or a client providing the number of hours spent in workplace soft skills training at a work experience site. If the number of hours declared by the client falls outside of generally recognized practices, additional substantiation of hours may be warranted.
- Pay stubs, timesheets, tracking sheets, or employer-issued documentation.
- School-issued documentation including progress reports, report cards, and attendance records.
- Interfaced electronic data from a credible source such as the National Directory of New Hires (NDNH).
- Colorado's Department of Labor & Employment Job Bank, also known as Connecting Colorado.
- Collateral contact. For the purposes of substantiating hours, a collateral contact could include worksite supervisors, employers, human resource departments, school officials, or other individuals with firsthand observation or experience with the information that is being verified.
- Projecting participation hours for up to six months at a time (for paid work activities).
- If no other means to substantiate hours exists, PPP, which is the San Juan County workers' reasonable judgment of actual hours, can be documented.

The San Juan County worker will record a client's program engagement, through the number of hours a client has spent in an activity, in the statewide benefits management system within five business days of the client reporting, or a San Juan County worker determining engagement in an activity.

#### *Fair Labor Standards Act*

San Juan County WD clients in paid work experience activities shall be entitled to the same wages and benefits, including but not limited to, sick leave, holiday and vacation pay, as offered to employees who are not WD clients and who have similar training or experience performing the same or similar work at a specific workplace. Clients in unpaid work experience activities are entitled to all rules under the Fair Labor Standards Act as indicated in the Work Verification Plan.

## Good Cause and Re-engagement

### *Good Cause*

San Juan County WD clients may report good cause for not engaging in WD at any time during the current application period. Verification for good cause is not required to be provided by the client. The San Juan County worker shall use the prudent person principle to determine good cause which may be reported by the client in person, virtually, telephonically, or electronically. San Juan County workers must enter good cause in the state automated system within five calendar days.

Good cause for the client may include, but is not limited to:

- Breakdown in child care arrangements
- Lack of available and appropriate child care
- Remotely located without transportation
- Breakdown in transportation arrangements with no feasible alternative
- School obligations that frequently necessitate a parent's or caretaker's attendance
- Loss of housing or a housing crisis that might result in homelessness or eviction
- Medical emergencies, including mental health, substance abuse, or crisis, involving anyone in the household
- Physical or mental disability or illness of the client or an individual in the client's care
- Legal proceedings for the client or other immediate family members
- Employment issues when layoffs occur, wages are below applicable federal and state minimum wage standards, working conditions present a risk to health or safety, or workers' compensation protection does not exist
- Client's incarceration
- Jury duty
- Death of an immediate family member or authorized representative

Good cause does not constitute an exemption from WD program requirements or time limits. If there is good cause for not participating in the WD program, a sanction or case closure will not be imposed. San Juan County will follow the state prescribed process for re-engagement to include good cause, re-engagement, sanctioning, and closing a case.

Even though good cause does not constitute an exemption from the WD program, San Juan County workers will consider good cause when granting a program extension. See the San Juan County Hardship Extensions policy for more information.

### *Re-engagement*

There may be instances where a client is unable to comply with WD requirements, such as:

- Missing a scheduled meeting
- Not participating with the IP

In these instances, the San Juan County worker will send a request for the client to report good cause through correspondence generated via the statewide automated system. The client has 11 calendar days to report good cause for being unable to comply with the WD requirements in their IP.

San Juan County workers will make every effort to re-engage clients immediately over the phone or through a virtual platform. Re-engaging clients using these methods does not require a new or updated IP and serves as the re-engagement appointment if the client provides a written or verbal waiver that written notice of the scheduled appointment (described below) is not necessary.

#### *Scheduling the re-engagement appointment*

At the time of the good cause request, the re-engagement appointment invitation will be sent through the statewide automated system. The client shall be provided written notice of the appointment at least four calendar days, but no more than 11 calendar days in advance.

The written notice shall include:

- 1.) The date and time for the appointment.
- 2.) The opportunity to reschedule the appointment or make other arrangements in the event of good cause.
- 3.) The opportunity for the client to reschedule their re-engagement appointment once. However, the request to reschedule must be made prior to the original re-engagement appointment date and time.
  - a. The rescheduled appointment cannot exceed 15 calendar days from the original re-engagement appointment. Timeframes for rescheduling the re-engagement appointment include:
    - i. The San Juan County worker has four calendar days to respond to the client's request to reschedule the re-engagement appointment.
    - ii. After the San Juan County worker responds to the reschedule request, and schedules a new re-engagement appointment date, the client shall be provided written notice of the rescheduled appointment within at least four calendar days, but no more than 15 calendar days in advance.

If the client reports good cause, or the San Juan County worker determines good cause at any time during the re-engagement schedule process, even after the 11 day calendar period the client has to report good cause, the re-engagement process ends. The San Juan County worker will enter a case comment including the date and type of contact made to determine good cause into the statewide automated system within five business days of determining good cause.

#### *Attending the Re-engagement Appointment*

Once the client attends the re-engagement appointment, with or without good cause, the re-engagement process ends. The San Juan County worker will conduct an assessment to determine if the client can benefit from supportive payments to re-engage in the program. The San Juan County worker or the client may request to modify the IP during the re-engagement appointment, but modifying the IP is not required. The assessment results and any updates made to the IP



during the re-engagement appointment shall be documented in the case comments in the statewide automated system within five business days of the re-engagement appointment date.

#### *Missing the Re-engagement Appointment*

If the client misses the re-engagement appointment, and makes no attempts to reschedule prior to the scheduled appointment, and the client does not provide good cause, a sanction will be applied to the grant payment and the following process shall occur:

- 1.) The San Juan County worker will document the unsuccessful outcomes of the attempts to re-engage the client in the statewide automated system within five business days.
- 2.) A notice of grant payment reduction based on the sanction will be sent.
- 3.) If good cause is provided after the unsuccessful outcome of the re-engagement attempts is entered into the statewide automated system, the sanction shall be reversed.

#### *Exceptional Dis-engagement*

If the client attends the re-engagement appointment but does not provide good cause, a sanction will not be imposed, unless the San Juan County worker determines that there has been exceptional dis-engagement by the client. Exceptional dis-engagement is evidenced by repetitive or cumulative attendance at re-engagement appointments without reporting good cause. The client's pattern of exceptional dis-engagement must clearly demonstrate repetitive dis-engagement from the program over a span of not more than two months, three consecutive times in one month or four consecutive times in two months. San Juan County workers will follow the state prescribed exceptional dis-engagement determination process before applying a sanction.

### Sanctions

#### *Effect of a sanction on the grant payment*

San Juan County workers are responsible for explaining what actions may cause a sanction (see the re-engagement section in this policy), when the client will be subject to a sanction, and the sanction process defined below to all WD clients. This conversation between the San Juan County WD worker and client must occur during the review of the Condition Agreement and during all IP modifications. A case comment with a summary and date of the conversation must be entered in the statewide automated system within five business days.

The CW grant payment for the entire household shall be reduced due to a sanction imposed against a member of the assistance unit as follows:

- **First, Second, and Third level sanctions:** The reduction for the first, second, and third instance of sanction shall be 25% of the client's assistance unit's grant payment. The sanction shall be in effect for one month for each level of sanction. A first, second, or third instance of sanction shall progress to the next level of sanction if the client does not re-engage in the WD program (defined in the re-engagement section of this policy) by the end of the month that the sanction is being served.
- **Fourth level sanction:** The reduction for a fourth level of a sanction is 100% and shall result in a case closure of the grant payment. The closure shall be in effect for one month.

A new application for CW grant payments is required if the household would like to receive benefits after the sanction is served.

*Serving a sanction*

All sanctions imposed by San Juan County must be served by the client. If a client has had a break in the grant payment for one month or more, the sanction shall be considered served. If a client reapplies for the CW grant payment anytime within the calendar month that they are serving a sanction, the client must serve the sanction by having a reduction in benefits according to the first, second, or third level sanctions, or by having a case closed for a fourth level sanction.

*Sanctioning more than one client in an assistance unit*

Each CW case can experience no more than one sanction level in a month. If multiple clients in the same assistance unit have sanctions, the sanctions will be served simultaneously and at the higher sanction level when multiple sanction levels exist.

*Re-engagement following a sanction*

When a client who is serving a sanction contacts the San Juan County worker and indicates an interest in participating in the WD program, an assessment will be conducted and an IP will be developed. Once the IP is signed, the sanction will not progress to the next sanction level unless a new instance of non-compliance occurs. The San Juan County worker will enter the re-engagement date into the statewide automated system along with a case comment with the results of the assessment and summary of the IP within five business days of the re-engagement date.

When a client is serving a sanction based on exceptional dis-engagement, the client will be considered re-engaged when they attend a re-engagement appointment.

*Appeal of a Sanction*

The WD client has the right to appeal San Juan County's sanction. The client can utilize the local level dispute resolution process and/or a state level hearing process. The appeal period for proposed sanctions begins with the mailing of a notice of sanction that lists the proposed action and the client's appeal rights.

A notice of proposed action shall not be issued by San Juan County for proposed sanctions until the re-engagement process has been completed.

*Sanctions from other counties and states*

All sanctions shall be served when a client moves from one county to another. The new county may become aware of good cause for previous non-participation and may reverse the sanction if appropriate. Sanctions issued in other states will not be recognized in the State of Colorado.

## Workforce Development Outcomes

The San Juan County worker is responsible for capturing and recording all client outcomes in the statewide automated system. The worker will check-in with the client at least once every 90 days, and more frequently if needed, to capture outcomes. Outcomes that must be recorded in the statewide automated system are:

- Progress towards goals (such as enrolling in school)
- Job attainment

San Juan County workers will make the best effort to capture and record:

- Attainment of a credential or certificate
- Job wage
- Job O\*Net Code
- Job title
- Employer name

Signed by:

\_\_\_\_\_  
CHAIR, SAN JUAN COUNTY BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
DATE



<b>SAN JUAN COUNTY SOCIAL SERVICES PROCEDURE</b>	
TITLE: TANF Diversions	
DEPARTMENT/S: Temporary Assistance for Needy Families	EFFECTIVE Date: March 1, 2022
	REVISION Date:
REGULATIONS: C.R.S. 26-2-706.6; 9 CCR 2503-6; 3.600.2	
AGENCY LETTERS: IM-EBD-2022-0003	
APPROVED BY: Approved by the San Juan County BOCC (see signature)	

**Background & Purpose:**

San Juan County recognizes that families may have immediate and short-term needs for financial assistance that, if met, can quickly stabilize the family/assistance unit, thereby diverting a need for ongoing cash assistance. A diversion payment is a needs-based, cash payment designed to meet short-term needs. Payments are designed to address specific crisis situations or episodes of need and are not designed to meet basic ongoing needs.

**Definitions:**

**Assessed need** - Any identified need of a client or family receiving CW grant payments beyond ordinary, routine living expenses that is designed to deal with a specific crisis situation or episode of need, is not intended to meet recurrent or ongoing needs, and will not extend beyond four months without a new assessment.

**Basic Cash Assistance (BCA)** - A recurrent cash payment intending to meet ongoing needs.

**Client** - A current or past applicant or a current or past recipient of a CW grant payment.

**Colorado Works** - The Temporary Assistance for Needy Families (TANF) program in Colorado.

**County worker** - An employee or designated representative of the county department.

**Diversion** - A short-term cash payment (not to extend beyond four (4) months) intended to meet an episode of need.

**Statewide automated system** - The electronic platform used to calculate public assistance program benefits and grant payments.

**Supportive payment** - A payment and/or service in addition to basic cash assistance or diversion that is based on an assessed need.

**Workforce Development (WD)** - The program provided to clients determined to be work eligible as described in section 3.607.

**Procedures:**

While diversions are a state level option, San Juan County chooses not to address immediate and short term needs through diversion payments.

Signed by:

\_\_\_\_\_  
CHAIR, SAN JUAN COUNTY BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
DATE



## MEMORANDUM

May 11, 2022

TO: Board of County Commissioners

FR: William A. Tookey

RE: Improvement Permit, Gary Bowman Preliminary/Final Submittal-Cumberland Mill Site USMS #693B

A Public Hearing for Mr. Bowman's Preliminary/Final Plan Submittal held on Wednesday May 11, 2022. The Planning Commission reviewed the Preliminary/Final plan and moved to recommend approval of the application with the conditions as presented by staff and recommended by the Planning Commission.

Mr. Gary Bowman has submitted a Preliminary/Final Improvement Permit application for the construction of a single-family dwelling located on the Cumberland Mill Site USMS #693B near the confluence of Deer Park Creek and the Animas River.

**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 Cumberland Mill Site is 4.98 acres. Historically, this parcel would be considered a Nonconforming Lot as the size preexisted the adoption of the Land Use Regulation and may be built upon provided all other relevant zoning district requirements are met. The construction of the dwelling unit or shed will be required to meet the minimum setback.

**Scenic Overlay Protection District** The site must be designed in a manner that protects the environmental assets of the area including timber, plants and wildlife, streams and drainage courses and geologic features. All site design and development must be done in a manner which minimizes impacts upon scenic views or vistas. Additional setbacks, landscaping, screening, or design requirements may be required by the County in order to preserve the natural, pristine appearance of the area and to minimize the visual impact to view sheds and view corridors. The visual impact will be primarily on the train passengers as they ride by. There will be a fairly short window when it would be visible from the train. Upon completion of a site visit it was determined by staff that additional screening would be required to minimize the visual impact.

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 plans to access Deer Park Creek for water and will file for surface water rights. He will have a 500-gallon cistern for water storage.**
- b. Adequate sewage disposal can be provided to support the proposed use.  
**The applicant will install a San Juan Basin Health approved septic system. A new application was submitted to San Juan Basin Health and will need to be approved as a condition of the improvement permit.**
- c. Will the proposed use have any adverse impact on public or private property in the vicinity of the development?  
**The proposed improvements will have minimal impact on the adjoining property. The Cumberland Mill Site is surrounded by public lands. The primary impact will be the potential visual impact to the riders on the Durango and Silverton Narrow Gauge Railroad. Adjoining property owners have been notified and at this time I have received no comments.**
- 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?  
**A Scenic Quality Report has been submitted with the application. The improvements are largely surrounded by substantial vegetative screening. The dwelling unit and shed may be seen briefly by those travelling by rail. The use of appropriate building materials and additional screening will further reduce any visual impact.**

**The previous review did not identify historic sites or structures on the parcel.**

**The improvements should create minimal adverse impacts upon the environmental or wildlife. Any wood stove installed in the home does need to meet or exceed the standards as set by the EPA and will need to be equipped with an approved chimney cap or spark arrestor to minimize the risk of wildfire. 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.**



**The site was previously reviewed for geologic and hazardous conditions, and none were identified to prevent the construction of a single-family dwelling in its current location.**

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

**The applicant will access his property via the Durango and Silverton Narrow Gauge Railroad and/or via “casual use” pedestrian access from Deer Park over BLM Land.**

**The applicant could not demonstrate that he had access to the parcel in compliance with the Land Use Regulation Section 4-103(f)(ii). However, the applicant requested, and the County Commissioners approved the variance to 4-103(f)(ii) concerning the access requirements to the property.**

- 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.

**This site was previously reviewed for natural hazardous conditions. An avalanche study was prepared by Chris Wilbur and is attached in the application.**

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

**Terry Kerwin has noted that a historic public trail goes through the property. A portion of that trail is identified on the 1955 Silverton Quadrangle 7.5 Minute Series Topographic Map. Mr. Kerwin also notes that the trail continues beyond the area that is shown on the map but that is outside of the Cumberland Mill Site. He has also identified a potential alternate access to the trail. As per Section 4-110.4 which states: “The**

**applicant shall allow continued public access on any historic public trails that cross the property. Applicant shall dedicate a trail easement ten (10) feet in width as measured from the existing trail centerline and having five (5) feet on each side; public access signage may be installed by the County.” The applicant will need to dedicate a trail easement through the property.**

- 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 only.**

Other: The current sketch plan application was previously submitted in April of 2015. Some of the material such as San Juan Basin application for a septic system and letter from the Railroad. An updated letter from the railroad and application for a septic system were provided in the Preliminary/Final application.

The original Sketch Plan Submittal was prepared by Lisa Adair of Engineer Mountain, Inc. To prevent any appearance of a conflict of interest I will be the Land Use Administrator for this application.

The San Juan Regional Planning Commission has reviewed this Preliminary/Final Plan during their regular meeting of April 19, 2022 and voted unanimously to recommend that the San Juan County Commissioners conditionally approved the application during with the following conditions:

1. That the applicant acknowledge that emergency services will not be available in a timely manner and perhaps not at all.
2. That the applicant be placed on the Town of Silverton’s Utility billing system for refuse.
3. That all requirements in Section 4-110 of the San Juan County Zoning and Land Use Regulations pertaining to the development of individual building sites shall be met.
4. All improvements to the Cumberland Mill Site 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.
5. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.

6. That a dedicated trail easement be dedicated through the Cumberland Mill Site to preserve public access to the historic trail identified on the 1955 Silverton Quadrangle 7.5 Minute Series Topographic Map.

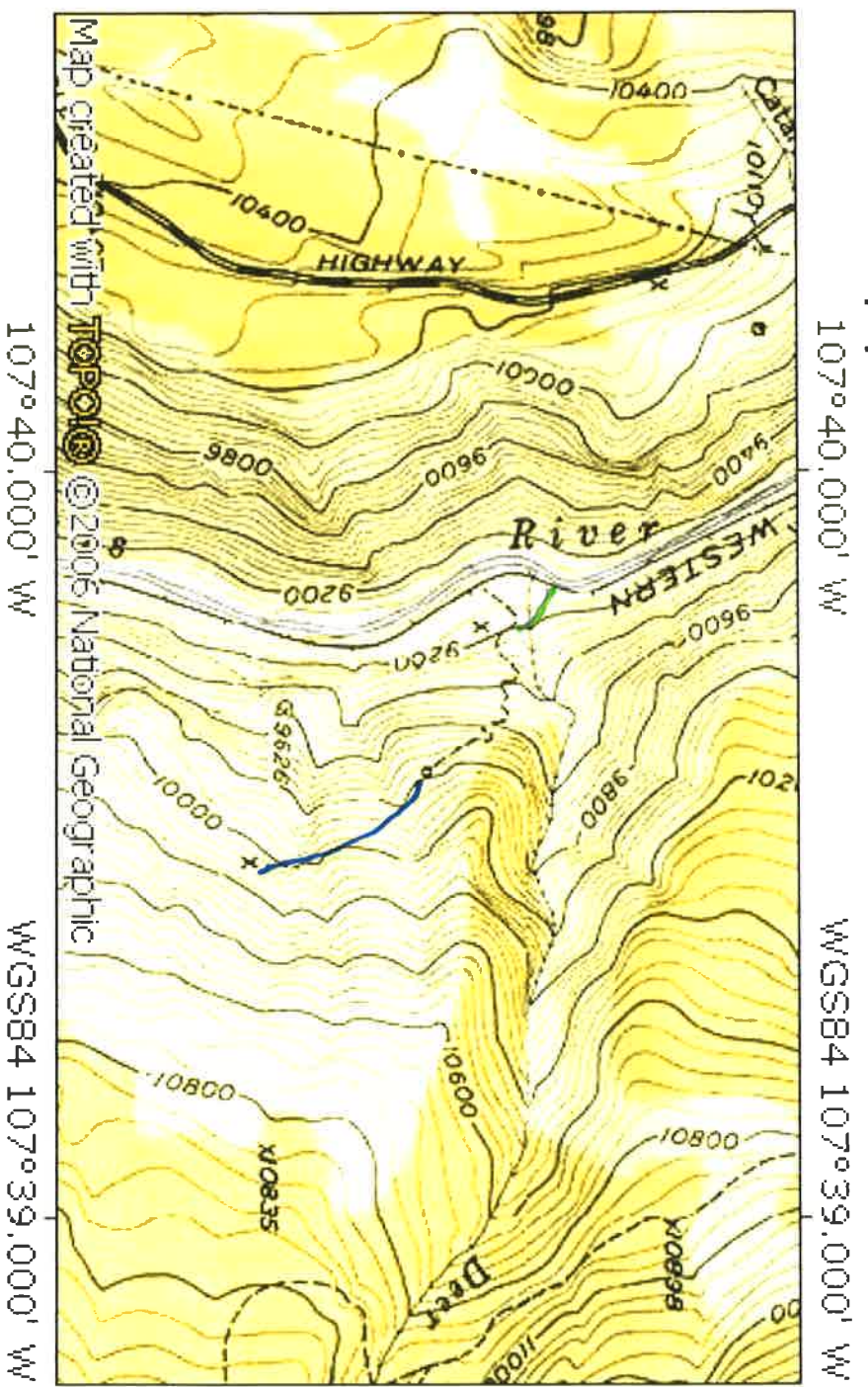
7. That a screening plan be submitted for staff review and approval.

The County Commissioners may recommend approval of the application, approval of the application with conditions, denial of the application or table the application pending additional information.

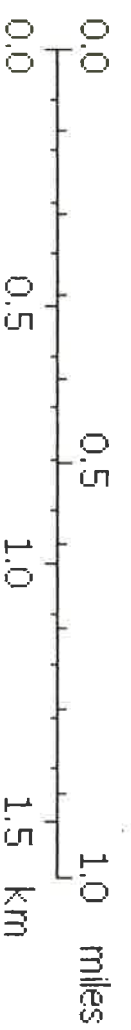
It is staff's recommendation that it be approved with the conditions listed above plus any additional conditions the Board of County Commissioners deems necessary.



TOPO: map printed on 05/02/22 from "Rhubarb.tpo"



NATIONAL  
GEOGRAPHIC



TN 10°

05/02/22

— trail continues

— optional access possibility

1

2

3

4

**San Juan Regional  
Planning Commission**  
SAN JUAN COUNTY TOWN OF SILVERTON  
Silverton, Colorado 81433  
P.O. Box 223

April 19, 2022

Board of County Commissioners  
San Juan County  
Silverton, CO 81433

Members of the Commission:

RE: County Improvement Permit Application  
Preliminary-Final Plan  
Proposed Bowman Cabin  
Cumberland Mill Site USMS No. 693B,  
Adjacent to DSNRR Right-of-way at the  
Confluence of Deer Park Creek & Animas  
River Near Silverton, San Juan County

At the regular meeting of the San Juan Regional Planning Commission on April 19, 2022, members of that Commission held a meeting to discuss the Proposed County Improvement Permit Application and Preliminary-Final Plan for Proposed Bowman Cabin. The application includes proposed single-family dwelling located the Cumberland Mill Site USMS No. 693B near the confluence of Deer Park Creek and the Animas River.

After considerable discussion and background of the project, questions and presentations from William Tookey and the applicant, the Planning Commission voted unanimously to recommend to the San Juan County Commissioners that you approve the proposed County Improvement Permit Application and Preliminary-Final Plan with the 6 proposed conditions of approval.

Thank you for considering this recommendation.

Sincerely,  
The Planning Commission Members and  
James Weller  
Chairman





**ANESI LAW FIRM**  
835 EAST SECOND AVE., SUITE 220  
DURANGO, COLORADO 81301  
T. 970.247.9246  
F. 970.259.2793  
Email: nick@fjanesi.com

March 24, 2022

San Juan County Board of Commissioners & Planning Commissioners  
PO Box 466  
Silverton, Colorado 81433

**RE: GARY BOWMAN IMPROVEMENT PERMIT APPLICATION**  
Parcel: Cumberland Mill Site USMS No. 693B – *Adjacent to DSNGRR Right-of-way at  
the Confluence of Deer Park Creek & the Animas River Near Silverton, San Juan Co. CO*

Dear Commissioners:

I am writing this letter on behalf of our client, Gary Bowman (the “Applicant”), in connection with his parcel of land known as the Cumberland Mill Site USMS No. 693B (the “Property”). Enclosed is Mr. Bowman’s Improvement Permit Application (the “Application”).

On August 17<sup>th</sup>, 2021, the Planning Commission voted unanimously to recommend to the County Commissioners to approve his proposed Sketch Plan. On September 8<sup>th</sup>, 2021, the Board of County Commissioners conditionally approved Mr. Bowman’s Sketch Plan and granted his variance request for access. In accordance with the instruction set forth in County Administrator’s letter dated September 10, 2021, I am submitting a final copy of Mr. Bowman’s Application for a consolidated Preliminary/Final Plan review.

Most of the enclosed Application is a duplication of Mr. Bowman’s previously submitted Applications. The primary difference is an updated San Juan Basin application for a septic system and an updated letter from the Durango & Silverton Narrow Gauge Railroad confirming its ongoing willingness to provide Mr. Bowman with services to access his cabin site. Also, I have included copies of the relevant correspondence related to Mr. Bowman’s variance request for your convenience.

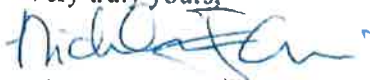
I have separated the Application into two parts. The first section includes copies of the updated septic application and letter from the D&SNGRR. I have also included the relevant correspondence regarding Mr. Bowman’s variance request. The second section includes the original Application that was submitted in 2017.

We look forward to meeting with the Planning Commission on April 19<sup>th</sup> and the County Commissioners on May 11<sup>th</sup>.

6. That the public trail through the Cumberland be identified and acknowledged that it remains open for public use.

The Planning Commission may recommend approval of the application, approval of the application with conditions, denial of the application or table the application pending additional information.

It is staff's recommendation that it be approved with the conditions listed above plus any additional conditions the Planning Commission deems necessary.

Very truly yours,  
  
Nicholas F. Anesi

cc: Client  
Dennis Golbricht, County Attorney via E-mail

SAN JUAN BASIN  
public health

Permit # \_\_\_\_\_

Year 2022

**APPLICATION to Construct, Alter, or Repair an On-site Wastewater Treatment System**

Owner: Gary Bowman Phone: 928-853-8180

Site address: Cumberland Mill Site, USM5693B

Assessor's parcel # 48290000010261 Subdivision: San Juan County Lot#: N/A

Lot size: 5 (acres) # of Dwellings: 1 # of Bedrooms: 1 Water supply: Cistern

**I acknowledge:** (1) This application does not guarantee that an On-site Wastewater Treatment System ("OWTS") can be installed or a building permit issued; (2) The issuance of the OWTS permit does not imply any warranty by San Juan Basin Public Health as to the operation of the OWTS; (3) The OWTS must be constructed in accordance with the San Juan Basin Public Health On-site Wastewater Treatment System Regulations; and (4) The owner of the property assumes the responsibility and liability for the proper maintenance of the OWTS.

Date: 2/27/21 Owner's signature: Gary Bowman

Owner's mailing address: 910 N. Leroux St., Flagstaff, AZ 86001

Owner's email address: gary.bowman@nau.edu

**[DEPARTMENT USE ONLY]**

Permit fee: \$ \_\_\_\_\_ Payment type: \_\_\_\_\_ Rec'd by: \_\_\_\_\_ Date: \_\_\_\_\_

**Site Evaluation** LTAR: \_\_\_\_\_ Limiting Zone: \_\_\_\_\_ Depth: \_\_\_\_\_

**PERMIT to \_\_\_\_\_ an On-site Wastewater Treatment System**

Septic tank(s): \_\_\_\_\_ Design flow: \_\_\_\_\_ (gal/day) Distribution: Gravity or Pressure siphon pump

Soil treatment area: \_\_\_\_\_

**Design Specifications and Comments:**

**Authorization to begin Construction**

Permit must be signed by EHS **BEFORE** construction begins

\_\_\_\_\_  
Environmental Health Specialist Date

**Final Inspection** The above system has been inspected and found to comply with the above requirements.

\_\_\_\_\_  
System Installed by (name, company, phone) Environmental Health Specialist Date

\_\_\_\_\_  
System Designed by (name, company, phone)



479 Main Avenue DURANGO, COLORADO 81301-5494

FAX: 970 259-3570  
Phone: 970 259-0274  
RESERVATIONS: 970 247-2733  
[www.durangotrain.com](http://www.durangotrain.com)

March 23, 2022

Dear Mr. Bowman,

RE: Gary Bowman Claim at MP 494

Thank you for reaching out concerning your opportunity to construct a cabin and shed at the Cumberland Mill site to the east of the railroad ROW below Silverton, and for the time for us to review how we may assist as needed. We understand that the cabin/improvements will be located outside of the Railroad's right of way and will not otherwise interfere with Railroad operations during or after construction. Noting that in 2017, the BLM provided you with casual use access via BLM lands, and the Railroad previously extended the offer to assist your construction phase via rail transportation, we confirm that we are still able to offer special move train services that can serve to move equipment and materials to the site during construction. I know you are aware that the terms of any chartered services will be based on our availability of power mobilization and staff and driven by season and traffic on the line.

Best Regards,

Jeff Johnson  
Vice President, General Manager

**San Juan Regional  
Planning Commission**  
SAN JUAN COUNTY TOWN OF SILVERTON  
Silverton, Colorado 81433  
P.O. Box 223

August 17, 2021

Board of County Commissioners  
San Juan County  
Silverton, CO 81433

Members of the Commission:

RE: County Improvement Permit Application  
Sketch Plan, Proposed Bowman Cabin  
Cumberland Mill Site USMS No. 693B,  
At confluence of Deer Park Creek and  
Animas River, San Juan County

At the regular meeting of the San Juan Regional Planning Commission on August 17, 2021, members of that Commission held a meeting to discuss the proposed County Improvement Permit Application. The application includes a sketch plan for a proposed Bowman Cabin, a single-family dwelling located on the Cumberland Mill Site No. 693B. Mr. Gary Bowman and his Attorney representing him, Mr. Nick Anesi are both present to answer questions.

After considerable lengthy discussion, questions, and presentations from the original 2017 application and updates, the Planning Commission voted unanimously to recommend to the County Commissioners that you approve the proposed County Sketch Plan with the six proposed conditions of approval. The summary and conditions are included.

The San Juan County Commissioners will hear from Mr. Bowman and Attorney Anesi at the first meeting in September regarding visual impacts to the site and access.

Thank you for considering this recommendation.

Sincerely,  
The Planning Commission Members and  
Ken Safranski, Chairman

MEMORANDUM

September 8, 2021

TO: San Juan County Regional Planning Commission

FR: William A. Tookey

RE: Improvement Permit, Gary Bowman Preliminary/Final Submittal-Cumberland Mill Site USMS #693B

A Public Hearing for Mr. Bowman's Sketch Plan Submittal held on Wednesday September 8, 2021. The County Commissioners reviewed the sketch plan and moved to approve the sketch plan application with the conditions as presented by staff and recommended by the Planning Commission. The County Commissioners also approved the variance request from Mr. Bowman to 4-103(f)(ii) concerning the access requirements to the property.

Mr. Gary Bowman has submitted a Preliminary/Final Improvement Permit application for the construction of a single-family dwelling located on the Cumberland Mill Site USMS #693B near the confluence of Deer Park Creek and the Animas River.

**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 Cumberland Mill Site is 4.98 acres. Historically, this parcel would be considered a Nonconforming Lot as the size preexisted the adoption of the Land Use Regulation and may be built upon provided all other relevant zoning district requirements are met. The construction of the dwelling unit or shed will be required to meet the minimum setback.

**Scenic Overlay Protection District** The site must be designed in a manner that protects the environmental assets of the area including timber, plants and wildlife, streams and drainage courses and geologic features. All site design and development must be done in a manner which minimizes impacts upon scenic views or vistas. Additional setbacks, landscaping, screening, or design requirements may be required by the County in order to preserve the natural, pristine appearance of the area and to minimize the visual impact to view sheds and view corridors. The visual impact will be primarily on the train passengers as they ride by. There will be a fairly short window when it would be visible from the train. However, after a site visit it was determined that additional screening would be required to minimize the visual impact.

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 plans to access Deer Park Creek for water and will file for surface water rights. He will have a 500-gallon cistern for water storage.**
- b. Adequate sewage disposal can be provided to support the proposed use.  
**The applicant will install a San Juan Basin Health approved septic system. A new application was submitted to San Juan Basin Health and will need to be approved as a condition of the improvement permit.**
- c. Will the proposed use have any adverse impact on public or private property in the vicinity of the development?  
**The proposed improvements will have minimal impact on the adjoining property. The Cumberland Mill Site is surrounded by public lands. The primary impact will be the potential visual impact to the riders on the Durango and Silverton Narrow Gauge Railroad. Adjoining property owners have been notified and at this time I have received no comments.**
- 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?

**A Scenic Quality Report has been submitted with the application. The improvements are largely surrounded by substantial vegetative screening. The dwelling unit and shed may be seen briefly by those travelling by rail. The use of appropriate building materials and additional screening will further reduce any visual impact.**

**The previous review did not identify historic sites or structures on the parcel.**

**The improvements should create minimal adverse impacts upon the environmental or wildlife. Any wood stove installed in the home does need to meet or exceed the standards as set by the EPA and will need to be equipped with an approved chimney cap or spark arrestor to minimize the risk of wildfire. 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.**

**The site was previously reviewed for geologic and hazardous conditions, and none were identified to prevent the construction of a single-family dwelling in its current location.**

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

**The applicant will access his property via the Durango and Silverton Narrow Gauge Railroad and/or via "casual use" pedestrian access from Deer Park over BLM Land. The Land Use Regulations 4-103(f)(ii) requires that adequate access must be subject either to (a) deed(s) granting access across all private property the access traverses from the parcel being improved to the nearest public San Juan County road or state highway (in which event the applicant also shall demonstrate the existence of a perpetual agreement governing the use and maintenance of such private road across private property) or (b) one or more valid road permits across any federal or state property lying between the parcel being improved and the nearest public San Juan County road or state highway. The applicant cannot demonstrate that he has access to the parcel in compliance with the Land Use Regulations. However, the applicant has received a variance to the access requirement.**

- 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.

**This site was previously reviewed for natural hazardous conditions. An avalanche study was prepared by Chris Wilbur and is attached in the application.**

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

**Terry Kerwin has identified a historic public trail that goes through the property. That trail will need to be identified and continue to provide public access.**

- 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 only.**

Other: The current sketch plan application was previously submitted in April of 2015. Some of the material such as San Juan Basin application for a septic system and letter from the Railroad. An updated letter from the railroad and application for a septic system was provided in the Preliminary/Final application.

The original Sketch Plan Submittal was prepared by Lisa Adair of Engineer Mountain, Inc. To prevent any appearance of a conflict of interest I will be the Land Use Administrator for this application.

The County Commissioners reviewed and conditionally approved the sketch plan application during their regular meeting of September 8, 2021, and voted unanimously to recommend approval with the following conditions.

1. That the applicant acknowledge that emergency services will not be available in a timely manner and perhaps not at all.
2. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.
3. That all requirements in Section 4-110 of the San Juan County Zoning and Land Use Regulations pertaining to the development of individual building sites shall be met.
4. All improvements to the Cumberland Mill Site 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.
5. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.

Additionally, I would recommend the additional condition of approval:

MEMORANDUM

September 8, 2021

TO: San Juan Board of County Commissioners

FR: William A. Tookey

RE: Improvement Permit, Gary Bowman Sketch Plan Submittal-Cumberland Mill Site USMS #693B

A Public Hearing for Mr. Bowman's Sketch Plan Submittal is scheduled for 10:00 am on Wednesday September 8, 2021.

Mr. Gary Bowman has submitted an Improvement Permit application for the construction of a single-family dwelling located on the Cumberland Mill Site USMS #693B near the confluence of Deer Park Creek and the Animas River. This application was previously submitted and ultimately denied by the Board of County Commissioners primarily because the applicant did not meet the Zoning and Land Use Code's definition for adequate access. Mr. Bowman is concurrently requesting a variance to Section 4-103(f) adequate road access from the County Commissioners as allowed by 13-104 Variances.

Because Mr. Bowman took no action to appeal the decision by the Board of County Commissioners to deny his application in 2017, this application needs to be reviewed as a new application. Additionally, there have been changes in the membership of the Planning Commission and Board of County Commissioners as well as change in the ownership of adjoining properties.

The application fees have been paid.

The adjacent landowners have been notified via US Mail of the proposed Improvement Permit application. The list and map of adjacent property owners is attached.

**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 Cumberland Mill Site is 4.98 acres. Historically, this parcel would be considered a Nonconforming Lot as the size preexisted the adoption of the Land Use Regulation and may be built upon provided all other relevant zoning district requirements are met. The construction of the dwelling unit or shed will be required to meet the minimum setback.

**Scenic Overlay Protection District** The site must be designed in a manner that protects the environmental assets of the area including timber, plants and wildlife, streams and drainage courses and geologic features. All site design and development must be done in a manner which minimizes impacts upon scenic views or vistas. Additional setbacks, landscaping, screening, or design requirements may be required by the County in order to preserve the natural, pristine appearance of the area and to minimize the visual impact to view sheds and view corridors. Prior to preliminary/final submittal applicant may need to provide additional information to determine the visual impact on the site including story boards, building elevations, and computer-generated renderings of the improvements placed upon the site. Additional screening may be required to minimize the visual impact.

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 plans to access Deer Park Creek for water and will file for surface water rights. He will have a 500-gallon cistern for water storage.**
- b. Adequate sewage disposal can be provided to support the proposed use.  
**The applicant will install a San Juan Basin Health and Environment approved septic system.**
- c. Will the proposed use have any adverse impact on public or private property in the vicinity of the development?  
**The proposed improvements will have minimal impact on the adjoining property. The Cumberland Mill Site is surrounded by public lands. The primary impact will be the potential visual impact to the riders on the Durango and Silverton Narrow Gauge Railroad. Adjoining property owners have been notified and at this time I have received no comments.**
- 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?

**A Scenic Quality Report has been submitted with the application. The improvements are largely surrounded by substantial vegetative screening. The dwelling unit and shed may be seen briefly by those travelling by rail.**

**The use of appropriate building materials and additional screening will further reduce any visual impact.**

**The previous review did not identify historic sites or structures on the parcel.**

**The improvements should create minimal adverse impacts upon the environmental or wildlife. Any wood stove installed in the home does need to meet or exceed the standards as set by the EPA and will need to be equipped with an approved chimney cap or spark arrestor to minimize the risk of wildfire. 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.**

**The site was previously reviewed for geologic and hazardous conditions, and none were identified to prevent the construction of a single-family dwelling in its current location.**

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

**The applicant will access his property via the Durango and Silverton Narrow Gauge Railroad and/or via "casual use" pedestrian access from Deer Park over BLM Land. The Land Use Regulations 4-103(f)(ii) requires that adequate access must be subject either to (a) deed(s) granting access across all private property the access traverses from the parcel being improved to the nearest public San Juan County road or state highway (in which event the applicant also shall demonstrate the existence of a perpetual agreement governing the use and maintenance of such private road across private property) or (b) one or more valid road permits across any federal or state property lying between the parcel being improved and the nearest public San Juan County road or state highway. The applicant cannot demonstrate that he has access to the parcel in compliance with the Land Use Regulations. The applicant has submitted a variance request to the access requirement.**

- 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.

**This site was previously reviewed for natural hazardous conditions. An avalanche study was prepared by Chris Wilbur and is attached in the application.**

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

**There does not appear to be any historic public trails through the property.**

- 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 only.**

Other: The current sketch plan application was previously submitted in April of 2015. Some of the material such as San Juan Basin application for a septic system and letter from the Railroad will need to be updated should this project move forward to preliminary plan review.

The original Sketch Plan Submittal was prepared by Lisa Adair of Engineer Mountain, Inc. To prevent any appearance of a conflict of interest I will be the Land Use Administrator for this application.

The Planning Commission reviewed this application during their regular meeting of August 17, 2021, and voted unanimously to recommend approval with the following conditions.

1. That the applicant acknowledge that emergency services will not be available in a timely manner and perhaps not at all.
2. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.
3. That all requirements in Section 4-110 of the San Juan County Zoning and Land Use Regulations pertaining to the development of individual building sites shall be met.

4. All improvements to the Cumberland Mill Site 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.
5. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.

## REQUEST FOR VARIANCE

Mr. Bowman is requesting a variance to section 4-103(f)(ii) *access must be subject either to (a) deed(s) granting access across all private property the access traverses from the parcel being improved to the nearest public San Juan County road or state highway (in which event the applicant also shall demonstrate the existence of a perpetual agreement governing the use and maintenance of such private road across private property) or (b) one or more valid road permits across any federal or state property lying between the parcel being improved and the nearest public San Juan County road or state highway.*

The applicant is requesting a variance from the Board of County Commissioners as allowed in 13-104: *Variances Except as set forth in Chapter 12, variances to this Code and its provisions may be granted only by vote of the Board of County Commissioners after completion of at least one full appearance step in the Review and Appeal Process covered in Chapter 4 of this Code.*

Upon the completion of the sketch plan review the Commissioners can then consider the variance request.

A variance request should be of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning or land use regulation would result in peculiar and exceptional practical difficulties to, or undue hardship upon, the owner of such property; to authorize, upon appeal, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantially impairing the intent and purpose of this Code.

The Cumberland Mill Site presents a somewhat unique situation in that there is access to the property via the train or hiking from Deer Park but neither access meets the requirement of Section 4-103(f)(ii) of the Land Use Code that requires that *adequate access must be subject either to (a) deed(s) granting access across all private property the access traverses from the parcel being improved to the nearest public San Juan County road or state highway (in which event the applicant also shall demonstrate the existence of a perpetual agreement governing the use and maintenance of such private road across private property) or (b) one or more valid road permits across any federal or state property lying between the parcel being improved and the nearest public San Juan County road or state highway.* It would not be feasible to construct an access to the property that would meet the Code requirement. Any attempt to construct an access as required by the code would create an exceptional practical difficulty. A variance as requested would not substantially impair the intent and purpose of the Code.





SAN JUAN COUNTY  
COLORADO  
1557 GREENE STREET  
P.O. BOX 466  
SILVERTON, COLORADO 81433  
PHONE/FAX 970-387-5766 sanjuancounty@frontier.net

September 10, 2021

Mr. Nick Anesi  
Anesi Law Firm  
835 East Second Ave., Suite 220  
Durango, CO 81301

Dear Mr. Anesi:

Please be advised that the San Juan County Board of Commissioners, during their regular meeting of September 8, 2021, conditionally approved the Sketch Plan as submitted by Mr. Gary Bowman for the proposed improvements to the Cumberland Mill Site USMS No. 693B.

The conditions for the approval included the following:

1. That the applicant acknowledge that emergency services will not be available in a timely manner and perhaps not at all.
2. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.
3. That all requirements in Section 4-110 of the San Juan County Zoning and Land Use Regulations pertaining to the development of individual building sites shall be met.
4. All improvements to the Cumberland Mill Site 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.
5. That approval is contingent upon the approval of the applicant's request for a variance to San Juan County Land Use Section 4-103(f)(ii) Access.
6. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.

Also, during their regular meeting of September 8, 2021, the Commissioners approved Mr. Bowman's variance request to Section 4-103(f)(ii) Access of the San Juan County Zoning and Land Use Regulations.

The next step for Mr. Bowman is to provide a Preliminary Plan Submittal as per Section 4-106 Preliminary Plan Appearance of the Land Use Regulations. Section 4-109 CONSOLIDATION OF PROCEDURES allows for the County Commissioners to review both the Preliminary and Final Plan submittals in a combined procedure. It would be my recommendation that the next submittal be a consolidated Preliminary/Final Plan.

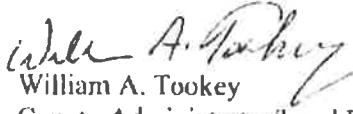
Section 4-110 provides the Design and Development Standards by which the submittal will be reviewed.

You will need to submit your Preliminary/Final plans to me for Administrative Review. Once I determine that the plans are complete and in compliance with the Zoning and Land Use Regulations, I will schedule you for an appearance before the San Juan Regional Planning Commission. You will need to provide 14 copies of your Preliminary/Final Plans

The Planning Commission generally meets on the 3<sup>rd</sup> Tuesday of each month. I would need the plan submitted no later than the 1<sup>st</sup> day of the month to have adequate time to review the documents and prepare a report for the Planning Commission. Some of the documents in the sketch plan were dated and will need to be updated prior to submittal of the Preliminary/Final Plan. Additionally, I will need to make a site visit with the applicant or his representative so that all parties are clear on what the improvements are and where they are going and what impacts they may have. Because the improvements are within the Scenic Overlay Protection District the site visit is also necessary to what additional screening may be necessary to minimize the visual impact. During the Sketch Plan Public Hearing it was pointed out that there is a historic trail that crosses the property. If we determine that there is a trail it will need to be identified on the applicants site plan as a public trail.

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

Sincerely,



William A. Tookey  
County Administrator/Land Use Administrator

**ANESI LAW FIRM**  
835 EAST SECOND AVE., SUITE 220  
DURANGO, COLORADO 81301  
T. 970.247.9246  
F. 970.259.2793  
Email: nick@anesi.com

September 7, 2021

*Sent via email only to William Tookey: [admin@sanjuancolorado.us](mailto:admin@sanjuancolorado.us)*

San Juan County Board of Commissioners  
PO Box 466  
Silverton, Colorado 81433

**RE: UPDATE GARY BOWMAN / VARIANCE REQUEST**

Parcel: Cumberland Mill Site USMS No. 693B – *Adjacent to DSNRR Right-of-way at the Confluence of Deer Park Creek & the Animas River Near Silverton, San Juan Co. CO*

Dear Board of County Commissioners:

I am writing to provide you with you a brief update to assist with tomorrow's variance hearing. My client and I met with the Planning Commission on August 17<sup>th</sup>, 2021, to review the subject County Improvement Permit Application. While the Commission voted unanimously to recommend that you approve the Sketch Plan, there appeared to be some confusion regarding Mr. Bowman's 2017 application which I hope to clarify with this letter.

During the August 17<sup>th</sup>, 2021, meeting, the Planning Commission inquired about access to Mr. Bowman's property. Among other things, Mr. Bowman's property was compared with three (3) other mining claims/ cabin sites limited to foot access. Mr. Tookey emphasized that the issue of access was not within the scope of the August 17<sup>th</sup> hearing, however, questions were raised about prior approvals and denials of Mr. Bowman's 2017 application. Below is a bullet point synopsis of the 2017 hearings where the issue of access was addressed:

- Planning Commission Meeting (Unanimous Approval of Sketch Plan): January 17, 2017. Mr. McKay, *et al*, vote YES
- County Commissioner Meeting (2 to 1 Approval of Sketch Plan): March 8, 2017. Commissioner Mr. McKay reverses prior vote from Planning Commission meeting and votes NO
- Planning Commission Meeting (5 to 1 Approval of Preliminary-Final): August 15, 2017. Mr. McKay votes NO

- County Commission Meeting (2 to 1 Denial of Preliminary-Final): October 11, 2017. Mr. McKay and Mr. Fetchenheier vote NO.

The issue of access was thoroughly addressed and then approved at the January 2017 meeting as evidenced by the contents of the original Improvement Permit Application Sketch Plan Submittal.<sup>1</sup> In this regard, it remains unclear why Mr. McKay voted to approve the Permit Application at the January 2017 meeting, and then voted to deny the same at the March 2017 meeting.

In addition to the information provided above, I wish to correct an incomplete citation referenced in my letter to you dated June 16, 2021. The following is a correction to footnote 7:

*Colorado State Constitution, Article XV, Sec. 4* which states in part: “[A]ll railroads shall be public highways, and all railroad companies shall be common carriers...”

We hope this letter provides clarity and assists with your review. We look forward to tomorrow's hearing.

Regards,

*Nicholas F. Anesi*

Nicholas F. Anesi

cc: Client  
Dennis Goldbricht, County Attorney via E-mail

---

<sup>1</sup> See 2015 Improvement Permit Application submitted with Variance Request on June 16, 2021.

**ANESI LAW FIRM**  
835 EAST SECOND AVE., SUITE 220  
DURANGO, COLORADO 81301  
T. 970.247.9246  
F. 970.259.2793  
Email: [nick@fjanesi.com](mailto:nick@fjanesi.com)

June 16, 2021

*Sent via email only to William Tookey: [admin@sanjuancolorado.us](mailto:admin@sanjuancolorado.us)*

San Juan County Board of Commissioners  
PO Box 466  
Silverton, Colorado 81433

**RE: GARY BOWMAN / VARIANCE REQUEST**

Parcel: Cumberland Mill Site USMS No. 693B – *Adjacent to DSNRR Right-of-way at the Confluence of Deer Park Creek & the Animas River Near Silverton, San Juan Co. CO*

Dear Board of County Commissioners:

Our firm represents Gary Bowman (the “Applicant” or “Mr. Bowman”) in connection with his parcel of land known as the Cumberland Mill Site USMS No. 693B (the “Property”). I am writing to request a variance to the County’s access requirements so that Mr. Bowman can obtain an Improvement Permit and build a cabin on his Property.<sup>1</sup> The following request is made pursuant to San Juan County’s Code § 7-125.<sup>2</sup> Below is a brief factual background followed by the grounds upon which our client’s request is based.

**I. FACTUAL BACKGROUND**

Mr. Bowman has been trying to build a 550 square foot cabin on his Property since 2011. The project was first presented to the Planning Commission in 2014, and approved by that body in 2017. It was, however, denied by the Board of County Commissioners (the “Commissioners”) in Fall of 2017. As the basis for denial, two Commissioners asserted that the Property lacked access, though the Applicant has demonstrated that the access requirements were in fact met. All other elements of the application were approved. To address access concerns without again undertaking the entire application process, Mr. Bowman requested a continuance at the time of denial, but said request was denied.

Mr. Bowman was deterred from pursuing a variance request in 2017 due to the associated time and costs. Since there is no statutory limitation or rule within San Juan County’s Code that bars Mr. Bowman from seeking a variance, he is hopeful the Commissioners will grant his

<sup>1</sup> See E-mail correspondence with D. Goldbricht dated 12/6/19

<sup>2</sup> See SJCC § 7-125

request. Pursuant to the instruction of the San Juan County Attorney and County Administrator, a full application accompanies this variance request. However, we believe it is unnecessary for the County to conduct a *de novo* review of the remaining application components since it previously underwent exhaustive analysis, with subsequent approval of all elements aside from adequate access.

## II. GROUNDS FOR APPEAL

### A. Existing Precedent and Unique Characteristics / Special Circumstances

The Bureau of Land Management ("BLM") and San Juan County Planning Commission, respectively, recognized and approved access to the Property.<sup>3</sup> Denying the Applicant access to reasonably use his Property goes against well-established American property law doctrine and public policy.<sup>4</sup> Nonetheless, during final review of the 2017 application, the Commissioners overruled the BLM and Planning Commission's findings and stated the Property lacked access. Although not specifically stated during the 2017 hearing, the Commissioner's primary access concern(s) appears to have been based on limited ability to respond to emergencies. Therefore, the issue appears to be whether *adequate* access exists<sup>5</sup>. While other cabins in San Juan County appear to present equal or greater access challenges, the Commissioners assert that Mr. Bowman's Property lacks a county road, a state highway connection, or a private road or other access as set forth in SJCC § 4-103(f).<sup>6</sup> It appears the former County Commissioners were unaware that the D&SNGRR's right-of-way is treated as a highway under Colorado law.<sup>7</sup>

- The railroad's right-of-way appears to satisfy the intent of the requirements set forth in SJCC § 4-103(f).<sup>8</sup>
- The Property lies along the Animas River, only two miles from the Silverton town limits, and is located 1.6 miles from a parking area.
- It is approximately 100 feet from the railroad track over flat, easily traversable terrain. Mr. Bowman has obtained permission from the D&SNGRR to transport building materials and personnel from Durango or Silverton.
- Access via rail is reliable and reduces environmental impacts associated with motor vehicle access.
- Mr. Bowman has vested rights to access his Property -- beyond mere pedestrian access accorded the general public -- over BLM-owned lands (i.e., by foot or pack animal from a parking area adjacent to County Road 33A). As a patented claim,

<sup>3</sup> See Planning Commission Staff Report dated 7/18/17

<sup>4</sup> See Restatement of Property § 476 and See Powell on Real Property § 34.07, at 61-62

<sup>5</sup> See Email correspondence with W. Tookey dated 11/15/19

<sup>6</sup> *Id*

<sup>7</sup> See, Colorado State Constitution Article XV, *Sec. 4*

<sup>8</sup> *Id*

the Federal Government conveyed original title to USMS No. 693B and made said claim privately-owned property including rights of access and reasonable use.

- In the event of an emergency, the Property can be accessed by helicopter or rail. Given the relatively flat topography of the Property, it seems a helicopter could more easily gain access in the event of an emergency.<sup>9</sup> Other cabins within San Juan County, such as the OPUS Hut, appear to present greater emergency access challenges.
- Emergency access to the Property has improved since the 2017 denial, because the County Sheriff's Department has acquired a railway "pop car" to provide emergency access to areas within the canyon, south of Silverton. This new form of Sheriff's emergency access creates special circumstances which appear to relieve the primary safety concerns previously expressed by the Commissioners.

Finally, we are unaware of any similarly situated claims within San Juan County, so providing an access variance to Mr. Bowman does not confer a special privilege or create a negative precedent for the County. As such, approval of this variance is in no way injurious to the public, nor will it create a problematic access standard employed by future applicants.

#### ***B. Improved Fire Safety Design***

Mr. Bowman recognizes the heightened concerns regarding fire danger and has proactively made fire safety improvements to his cabin design. In the event of a fire, a gas generator and water pump will be accessible. Notably, the Animas River and Deer Park Creek provide immediate water access to extinguish a fire. The Animas River is approximately 150 feet from, and only slightly below, the proposed location of the Applicant's cabin. Deer Park Creek crosses the Property and is above the proposed cabin location, so water could be gravity fed if necessary. These two independent water sources located on or next to the Property provide additional special circumstances which mitigate safety access concerns. Additionally, the Applicant will install a 500-gallon cistern that will provide emergency fire relief.

The Property's proximity to the railroad tracks allows for fire emergency pop cars to reach the Property in the unlikely event a fire occurs when the cabin is unoccupied. The attached application includes additional information regarding fire-safe materials which will be used to build the cabin, such as Hardie Board siding.

### **III. CONCLUSION AND REQUEST FOR RELIEF**

Based on the aforementioned grounds, Gary Bowman requests that this Board of County Commissioners grant a variance to any and all access requirements that apply to his Property.

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<sup>9</sup> See 2015 Improvement Permit Application, Scenic Quality Report, pgs. 20-23

**IV. PRESERVATION OF RIGHTS**

Mr. Bowman reserves the right to introduce additional evidence and grounds for relief which might arise after the submission of this variance request.

Very truly yours,

*Nicholas F. Anesi*

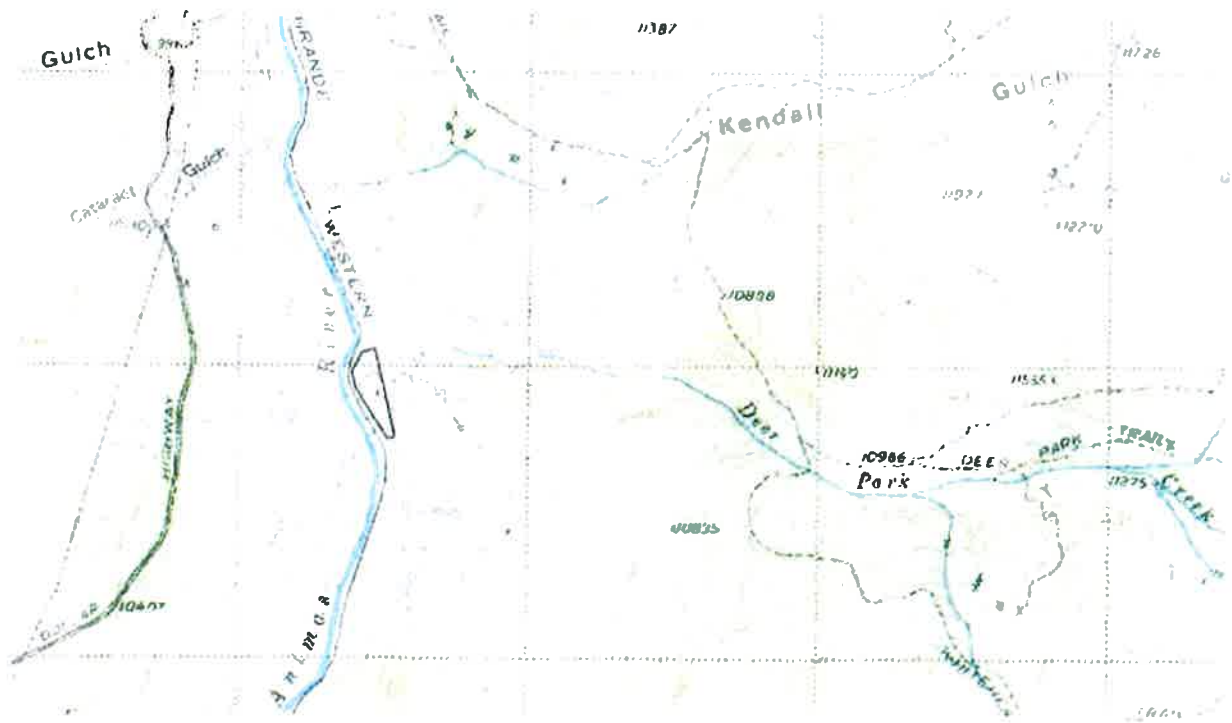
Nicholas F. Anesi

cc: Client  
Dennis Golbright, County Attorney via E-mail



**IMPROVEMENT PERMIT APPLICATION  
Sketch Plan Submittal**

**Proposed Bowman Cabin  
Cumberland Mill Site USMS No. 693B  
Adjacent to DSNR Right-of-Way  
At the Confluence of Deer Park Creek & the Animas River  
Near Silverton, San Juan County, Colorado**



**Applicant:**  
Gary Bowman  
910 North Leroux Street  
Flagstaff, Arizona 86001  
Gary.Bowman@nau.edu  
(928) 853-8180

**Prepared By:**  
Engineer Mountain, Inc.  
Job No. 2014-103  
(970) 387-0500

**Submitted:**  
April 29, 2015



\*SOILS \*RETAINING WALLS  
\*SEPTICS \*FOUNDATIONS  
\*GRADING AND DRAINAGE  
\*SITE DEVELOPMENT

April 29, 2015

San Juan County  
Attn: Bob Nevins  
1360 Greene Street  
Silverton, Colorado 81433

EMI Job No. 2014-103

Subject: Improvement Permit Application, Sketch Plan Submittal, Proposed Bowman Cabin, Cumberland Mill Site USMS No. 693B, Adjacent to DSNRR Right-of-Way, at Confluence of Deer Park Creek and Animas River, near Silverton, San Juan County, Colorado.

Dear Bob and Commissioners:

This submittal has been prepared to describe the proposed improvements on the Cumberland Mill Site, owned by Gary Bowman of Arizona. The property is located along the Durango & Silverton Narrow Gauge Railroad Right-of-Way, at the confluence of Deer Park Creek and the Animas River.

The attached documents have been prepared as a Sketch Plan submittal for a San Juan County Improvement Permit Application. The Applicant requests review of this project by the Planning Commission at their meeting in 21 days, on May 20, 2015.

The proposed improvements are located at an approximate elevation of 9200 feet, and consist of a one-story residential cabin, a shed, and associated utility improvements.

No driveway is proposed. The access for this project will be via the Durango & Silverton Narrow Gauge Railroad regularly scheduled passenger trains. There is also "casual use" pedestrian access across BLM land, from Deer Park and the Whitehead Trail. The access for this project was reviewed by the Planning Commission on December 10, 2014.

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

Sincerely,

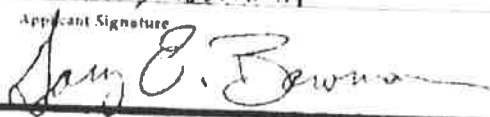
Lisa M. Adair, PE  
Engineer Mountain, Inc.

Attachments for Bob Nevins, with 14 Binders for Staff/Commissioners:

Receipt from County Treasurer for \$350 Improvement Permit Application Fee  
Original Signed San Juan County Application for Improvement Permit Form  
Adjacent Land Owner Envelopes

Cc: Gary Bowman, Peter Minsel, Mark Mackie, Bob Larson

### Application for Improvement Permit

		APPROVAL CHECKLIST		Initial	Date
Applicant	Name	GARY BOWMAN			
	Address	910 NORTH LEROUX STREET FLAGSTAFF, AZ 86001			
	Phone	928-725-8180			
Owner	Name	SAME AS APPLICANT			
	Address				
	Phone				
Contractor	Name	MAISEL EXCAVATION, LLC			
	Address	PO. BOX 286 SILVERTON, CO 81433			
	Phone	759-9271			
Legal Description of Property		CUMBERLAND MILL SITE USMS NO. 693 B			
Township		41 N. Range 7 W. Section 29 & 32			
Nature of Improvement Planned		ONE PROPOSED RESIDENTIAL CABIN, AND ASSOCIATED UTILITY IMPROVEMENTS.			
Land Use Zone		MOUNTAIN			
Applicant Signature					
Date Application Requested					
Date Submitted for Permit					
Date Permit Issued					
Permit Fee					
		Land Use Administrator			
		Ownership of Surface			
		Ownership of Minerals			
		Vicinity Map			
		Certified Survey Plat			
		Monumentation			
		Basic Plan Map			
		Plans and Drawings			
		Road System Relationship			
		Zoning Compatibility			
		State Mining Permit			
		Owner Notification			
		Avalanche Hazard			
		Geologic Hazard			
		Floodplain Hazard			
		Wildfire Hazard			
		Mineral Resource Impact			
		Wildlife Impact			
		Historic Site Impact			
		Watershed Clearance			
		County Building Inspector			
		Building Permit			
		State Electrical Inspector			
		Electrical Permit			
		San Juan Basin Health Unit			
		Sewage Disposal: Test			
		Design			
		Central Sewage Collection			
		State Division of Water Resources			
		Albuquerque Water Supply			



**Special Warranty Deed**  
(Pursuant to 30-30-115 C.R.S.)


State Documentary Fee  
Date: November 18, 2011  
\$ 4.70

THIS DEED, made on November 18, 2011 by SALEM MINERALS INC. Grantor(s), of the County of CLEAR CREEK and State of COLORADO for the consideration of (\$47,000.00) \*\*\* Forty Seven Thousand and 00/100 \*\*\* dollars in hand paid, hereby sells and conveys to GARY EDWARD BOWMAN Grantee(s), whose street address is 910 N. LEROUX STREET FLAGSTAFF, AZ 86001, County of COCONINO, and State of ARIZONA, the following real property in the County of San Juan, and State of Colorado, to wit:

CUMBERLAND MILLSITE, U.S.M.S. NO. 693B, SITUATED IN THE ANIMAS MINING DISTRICT, COUNTY OF SAN JUAN, STATE OF COLORADO,  
also known by street and number as: TBD SILVERTON CO 81433

with all its appurtenances and warrants the title against all persons claiming under the Grantor(s), subject to general taxes for the year 2011 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8.1 (Title Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8.2 (Matters not Shown by the Public Records) and Section 8.3 (Survey Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusion of the Property within any special tax district; and other NONE.

SALEM MINERALS INC.

  
BY TODD C. HENNIS, PRESIDENT

State of COLORADO )

County of ~~MONTROSE~~ ) ss.

CLEAR CREEK )  
The foregoing instrument was acknowledged before me on this day of November 18, 2011  
by TODD C. HENNIS AS PRESIDENT OF SALEM MINERALS INC.

Witness my hand and official seal.  
My commission expires



## PROJECT NARRATIVE

### Cumberland Mill Site

(Continued)

Engineer Mountain, Inc.

- Foundation:** Depending on the bearing conditions encountered during excavation, the foundation for the proposed cabin will most likely consist of a concrete pier system. No basement is proposed.
- Surveying:** The survey plat for the Cumberland Mill Site was prepared by Professional Licensed Surveyor (PLS) Bob Larson of Monadnock Mineral Services of Ouray. A signed and stamped copy of the survey plat is included within this application for your review.
- Subsurface Conditions:** Subsurface conditions in the area generally consist of topsoil overlying sand-and-gravel soil. The sand-and-gravel soil typically includes cobbles and boulders. Underlying the surface soil is bedrock. The USGS geology map for the "Silverton caldera" area indicates that the geologic formations at the site consist of Qal and Qtg. Qal represents Quaternary Alluvium. Qtg represents Quaternary Talus, Glacial deposits, and rock glaciers.
- Building Envelopes:** There are two building envelopes shown on the attached plans and described within this application. Only one cabin within one building envelope is proposed; the other building envelope will be eliminated by the Applicant and County during the Sketch Plan review process. Both of the building envelopes have been evaluated for avalanche and geohazards potential. Both have found to be buildable, and either relatively safe or the hazards are low and able to be mitigated.
- Knoll Building Envelope:** The northern building envelope is located on a flat-topped rocky knoll, at the north end of the property. The knoll is treed, and has excellent screening to prevent visibility from the nearby train right-of-way. The knoll was selected by the avalanche/geohazards expert as the safest cabin location on the property, with little hazard, and requiring little or no mitigation. The knoll is located north of and above Deer Park Creek. The sides of the flat-topped knoll are rocky and sloped, and therefore heavy equipment access could be somewhat difficult getting up onto the knoll.

## PROJECT NARRATIVE

### Cumberland Mill Site

(Continued)

Engineer Mountain, Inc.

#### Flat Building Envelope:

The second building envelope is located in a flat meadow area south of Deer Park Creek. This flat building envelope was pointed out by the Planning Director as an option to consider during the site visit, and is the building envelope now preferred by the Applicant. The flat building envelope would be easier to build on for logistics. The building envelope was evaluated by the avalanche/geohazards expert as buildable, with some minimal mitigation required. The building envelope limits were selected due to nearby potential rockfall, debris flow, and avalanche areas. Some of the suggested mitigation consists of pointing a back corner of the structure uphill (rather than having a solid flat wall facing uphill), constructing a low concrete wall at that back corner, and constructing a V-shaped ditch uphill of the structure. Due to limited existing screening, a cabin at the flat building envelope would be visible to an east-facing train tourist for about 10 seconds as the DSNRR train travels by the site - unless a row of trees is planted, for screening, between the cabin and train tracks.

#### Avalanche Hazards:

The Sketch Plan for this project has been overlaid onto the generalized County Avalanche Hazard Map. The plan sheet is included within this submittal for your review. The project site is within the Animas River canyon area, which is generally all located in an area with variable avalanche potential. Therefore the Applicant retained an avalanche consultant Professional Engineer to further evaluate the project site (Chris Wilbur PE of Durango, who works with the well-known avalanche engineer Art Mears PE). Two avalanche/geohazards reports have been prepared, and are included for your review. The reports describe three on-site areas found to be relatively safe from avalanche potential on the property, and/or buildable with minimal avalanche mitigation. Two of the buildable on-site areas represent the two building envelopes presented in this application. One of the two building envelopes is relatively avalanche free, and the other is relatively low hazard and able to be mitigated. Whichever of the two building envelopes is selected, the avalanche expert will be consulted prior to construction, to check mitigation measures.

## PROJECT NARRATIVE

### Cumberland Mill Site

(Continued)

Engineer Mountain, Inc.

#### Geohazards:

The Sketch Plan for this project has been overlaid onto the generalized County Geohazards Map. The plan sheet is included within this submittal for your review. According to the County Geohazards map, the site is generally located in an area which needed to be further evaluated, for potential rockfall (rf) and/or debris flow (df) geohazards. There are two avalanche/geohazards reports attached, which address the geohazards potential at the two proposed building envelopes. The reports were prepared by Chris Wilbur PE of Durango, who works with the well-known avalanche engineer Art Mears PE. The northern building envelope is located on a knoll, formed by an ancient debris flow, and, according to the evaluation, is relatively safe from geohazards, requiring no mitigation. The southern building envelope is located in a flat meadow area. Its limits were determined in the field by the Applicant, Engineer Mountain Inc., and the geohazards/avalanche expert. The flat building envelope was selected to be in the meadow area suggested by the Planning Director for consideration, with its limits defined by the least hazard from potential nearby avalanche, rockfall, and debris flow zones. The flat building envelope could supposedly be located in a run out type zone of a potential debris flow area. For example, in the unlikely event that a debris flow (mud, rocks, etc.) were to travel down the Deer Park Creek drainage gulch, jump the creek bank, and turn left towards this building envelope, some shallow mud and cobbles could flow towards the cabin. For mitigation, the cabin can have a back corner facing uphill, instead of a back wall. A low concrete wall at that cabin back uphill corner could also be used as mitigation (similar to an avalanche splitter shape/function). A V-shaped ditch uphill of the cabin was also suggested as a mitigation effort, in order to channel any mud to go around the cabin instead of into/under the cabin. Please refer to the two avalanche/geohazards reports. Whichever of the two building envelopes is selected, the avalanche/geohazards expert will be consulted prior to construction, to check mitigation measures.

#### Elevation at Structure:

Approximately 9,180 feet - which is below 11,000 feet elevation, where additional County requirements apply.

**PROJECT NARRATIVE**  
**Cumberland Mill Site**

(Continued)  
Engineer Mountain, Inc.

**Cabin Size:**

The current proposed cabin size is one story, with a possible attic loft, with a cabin footprint of up to 24 feet by 24 feet (576 square feet). The small partial loft level is being designed as large enough to contain a bed, but small enough that it will not require significantly raising the roof/structure height. No basement is proposed. A non-enclosed small exterior deck and front porch are also proposed. The size and location of the deck and the porch will depend somewhat on which building envelope is selected.

**Cabin Height:**

The proposed roof pitch is 6:12. The cabin height is estimated to be approximately 18 feet above the finish floor elevation. There will be about three feet between the ground surface and cabin floor, to prevent or reduce snow melting into the cabin.

**Cabin Style:**

The Applicant is designing the cabin with the style of a basic "timber frame" building, with features of a historic mining structure.

**Building Materials:**

Photos of the proposed building materials are included within this submittal for your review, and the materials consist of the following:

- structural framing consisting of wood timbers and/or structural steel (minimally exposed on the structure exterior);
- non-reflective, rust colored "Rust Wall" brand, rusted metal siding;
- minimal window glazing;
- non-reflective, dark green, "standing seam" metal roofing material.

**Proposed Shed:**

The proposed shed is being designed as one story, with a footprint of up to 8 feet by 12 feet, with the shed building style to match the proposed cabin.

**Building Plans:**

Draft building plans for the proposed cabin have been prepared by the Applicant, and are included in this submittal for your review. The plans have been drawn with the preferred, flat building envelope in mind, and could be revised slightly (such as the deck and porch areas) if the knoll building envelope is selected instead.



## ACCESS INFORMATION REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

This report is regarding site access information for the Proposed Bowman Cabin, located on the Cumberland Mill Site USMS No. 693B, prepared by Engineer Mountain, Inc.

The Cumberland Mill Site is located south of Silverton. There are no County Roads leading to the site.

Adjacent to the site is the Right-of-Way (ROW) of the Durango & Silverton Narrow Gauge Railroad (DSNGRR).

The other three sides of the site are bordered by Public Lands administered by the Bureau of Land Management (BLM).

The typical access for a proposed cabin on a mining claim in San Juan County is via existing County Roads and a proposed on-site driveway. There are no County Roads leading directly to this site, and there is no driveway proposed for this project.

There are currently two legal methods of access for this site/project.

The first is via the regularly-scheduled passenger tourist trains operated by DSNGRR. The railroad owner (Al Harper) and his staff have agreed in writing that the project site Owner/Applicant Gary Bowman will be provided with access via the trains for this site/project.

This concept - access via the tourist trains - was reviewed by the Planning Commission on December 10, 2014.

The train staff has noted that in exchange for the purchase of a Season Pass, the Owner/Applicant can arrange transportation with the train staff in advance, and the tourist trains will stop at the project site for him to get on/off the train. They also have made arrangements for transportation of construction equipment, building materials, and construction personnel (for a fee, and prearranged through the "Special Handling Department" using the "Work Extra" trains).

Please review the email from train Vice-President Evan Buchanan, which follows this page, and summarizes the train access arrangements.

**ACCESS INFORMATION REPORT**  
**Cumberland Mill Site**  
Prepared By Engineer Mountain, Inc.

**From:** Evan Buchanan [mailto:ebuchanan@durangotrain.com]  
**Sent:** Friday, October 10, 2014 1:40 PM  
**To:** Gary E Bowman  
**Cc:** Paul Schranck  
**Subject:** Deer Creek Access

Gary Bowman,

In response to your inquiry concerning rail access to property located south of Silverton, Colorado, I would suggest the following options. A Season Pass is available for sale through our Ticket office that would allow multiple trips by rail (on scheduled passenger trains) for a reasonable cost per individual traveler. A new flag stop location at this location would not be necessary. The occasional stop here could be organized through "Special Handling" procedures followed through the Ticket Office and the Train Operating Department.

The transport of equipment and materials is also possible through the Railroad. "Work Extra" trains can be assembled and operated to move materials, heavy equipment and personnel. The Railroad generally has Diesel Power and equipment ("Flat Cars") available for this kind of work. Pricing structures can vary as to material transported, amount of material and distance traveled. We can review these details during future conversation should you decide to pursue this form of transport.



Evan Buchanan  
Vice President/Supintendent of Operations  
Direct (970) 385-8828  
Cell (970) 946-7599

Main (970) 259-0274

Fax (970) 259-3570

Please see the following pages for additional information about the access for this project

## ACCESS INFORMATION REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

The Planning Commission reviewed the access options for this project in December 2014. They directed the Applicant/Owner Gary Bowman to proceed with working out the access details with train staff.

The Applicant then approached the train staff with an Access Agreement document prepared by Engineer Mountain, Inc. The access agreement document reiterated and expanded upon the arrangements described in the email on the preceding page of this report. (The access agreement document is available for your review upon request from Engineer Mountain, Inc. at 387-0500.) The train staff were hesitant to sign anything because they never had to do so before. They have worked on several similar projects in La Plata County, where cabins in La Plata County are accessed using the train. Those projects did not require any signed access agreement documents. The train staff were hesitant to sign anything because they thought that it should not be required by the County. Discussions ensued between train staff (Vice President Evan Buchanan), the Applicant/Owner, Engineer Mountain Inc., County Planning Director Bob Nevins, and railroad attorney Frank Anesi. Frank Anesi suggested a DSNGRR "license" would be the train's typical document to handle this arrangement. However the train staff was still hesitant to sign anything, because they thought it unnecessary - and may have feared that if someday far in the future DSNGRR stops running the tourist trains, that Gary Bowman's access agreement would be violated by the train.

The Owner/Applicant Gary Bowman had previously discussed this access in 2012 with train owner Al Harper, prior to purchasing the property. Al Harper had indicated that access could be granted by the train. Therefore this spring Gary Bowman contacted Al Harper again, to let him know that discussions with the train staff had stalled out, and the staff was hesitant to sign anything because they thought it should be unnecessary.

The following (below and next page) is the email exchange between the project site Owner/Applicant (Gary Bowman) and the DSNGRR train owner (Al Harper).

**ACCESS INFORMATION REPORT**  
**Cumberland Mill Site**  
Prepared By Engineer Mountain, Inc.

---

Quoting Gary E Bowman <Gary.Bowman@nau.edu>:

Lisa,  
See below from Al Harper.  
GB

ESSENTIAL QUANTUM MECHANICS  
Gary E. Bowman, Oxford University Press (2008)  
<http://www.oup.com/uk/catalogue/?ci=9780199328928>

Gary E. Bowman  
Associate Professor of Physics  
Northern Arizona University  
Department of Physics and Astronomy  
P.O. Box 6010  
Flagstaff, AZ 86011 USA  
Phone: 928-523-1114  
Fax: 928-523-1171  
[gary.bowman@nau.edu](mailto:gary.bowman@nau.edu)

---

**From:** Al Harper ([alharper@durangotrain.com](mailto:alharper@durangotrain.com))  
**Sent:** Saturday, April 11, 2015 9:39 AM  
**To:** Gary E Bowman  
**Subject:** RE: DSNG Access Issue

Hi Gary: I definitely will try to work something out. I will leave the decision of the final method of how to do it with Paul Schranck, my GM and Sr. VP. Al

---

*From:* Gary E Bowman (<mailto:Gary.Bowman@nau.edu>)  
*Sent:* Thursday, April 09, 2015 5:37 PM  
*To:* Al Harper  
*Subject:* DSNG Access Issue

Dear Mr. Harper,

You may recall that back in May, 2012, we discussed my proposed cabin project (about 2 miles south of Silverton). At that time we were both hopeful that I would be able to obtain an easement to access my property via DSNG. My easement request was ultimately denied, however DSNG said it could (for a fee) provide passenger access and transport of construction materials and equipment to the site.

Personally, I am quite satisfied with this arrangement. But at a meeting in Silverton last December, the County Planning Commission made clear that they would like a signed agreement between DSNG and myself. Let me emphasize that the County is 'not' asking for an 'easement,' but more of a formalization of the access arrangements already offered by DSNG.

(Email from Gary Bowman to Al Harper is continued on next page)

## ACCESS INFORMATION REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

(Email from Gary Bowman to Al Harper, continued from previous page)

I've spoken with Evan Buchanan at DSNG, but he is reluctant to sign such an agreement because he feels it is unnecessary. I understand Mr. Buchanan's point. Unfortunately, I have no control over the Planning Commission, and I'm afraid if I submit my project to them without an agreement it will be turned down.

The civil engineer I'm working with in Silverton (Lisa Adair) spoke with Durango attorney Frank Anesi, who mentioned a "license" as a perhaps simpler and better alternative to a formal access agreement.

There has, in fact, already been quite a bit of discussion/correspondence about this issue amongst myself, Lisa Adair, Frank Anesi, Pete Maisel, and Evan Buchanan (who, by the way, is always a pleasure to talk to). But I thought it best not to bog you down with those details right now.

My hope is that you and I could discuss creating a document that would satisfy the county, yet be fully acceptable to DSNG. Even if I can't give the county an "ideal" agreement, perhaps we could together come up with something that everyone would be happy with, so my project can finally move forward.

Please feel free to contact me by email or cell (928-853-8190). Weekdays later in the afternoon are usually good for me; mornings are not. Thanks in advance for your consideration.

Best Regards,  
Gary

ESSENTIAL QUANTUM MECHANICS  
Gary E. Bowman, Oxford University Press (2008)  
<http://www.oup.com/uk/catalogue/?ci=9780199225928>

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Please see the following pages for additional information about the access for this project

## ACCESS INFORMATION REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

The status of the arrangements between the project site owner (Gary Bowman) and the train owner (Al Harper) and his staff is that we are awaiting further contact from the train staff. This week the Owner/Applicant Gary Bowman has prepared a new, simplified access document to send to Al Harper for review. The train owner and staff currently have no problem with the arrangements described above (see email from Evan Buchanan on page 2) and have no problem with Gary Bowman riding the train to and from the project site. It appears that the staff, so far, just have had a problem with the County's requirement of additional paperwork. It appears the train owner/staff are trying to figure out what kind of written document (such as the train's typical "license" document suggested by railroad attorney Frank Anesi) will suffice for the purposes of the site Owner, the train staff, and the County.

If allowed by the County, the access for this project site will be via the tourist trains, as described above in the correspondence from the train owner and staff - either with or without additional paperwork from the train, depending on County requirements.

However, there is also a second method of legal access for this project site. The secondary access method has been approved by San Juan County for other recent similar projects. The access is across Public Lands administered by the BLM. The BLM access was briefly discussed by the Planning Commission in December 2014, and is called (by the BLM and County) "casual use" BLM access (pedestrian access across Public Lands).

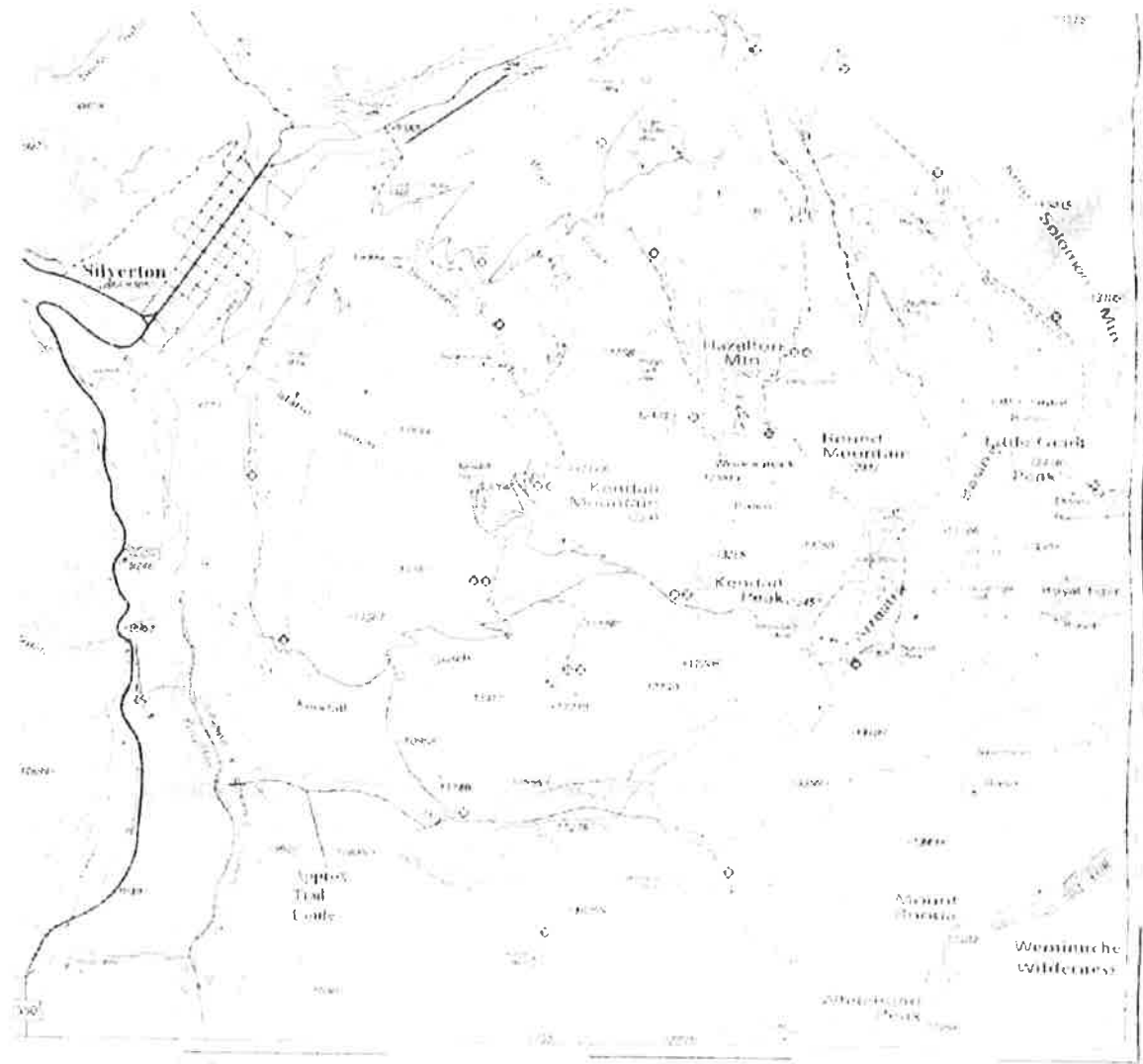
The access to/from the site across BLM land was walked last year by the Applicant/Owner. The route is from/to Deer Park, using the BLM public lands around the Whitehead Trail.

The route is entirely located on public lands - the Owner/Applicant does not need to trespass across any private land or mining claims between the Whitehead Trail and the project site.

A trail map on the following page shows the approximate pedestrian route across BLM lands walked last summer by the Applicant/Owner Gary Bowman.

The land shown along the route is public land. There is a BLM map - included on page 2 within the Scenic Report, at the end of this submittal binder - which can be cross-referenced and shows that the route is located entirely on public land.

**ACCESS INFORMATION REPORT**  
**Cumberland Mill Site**  
Prepared By Engineer Mountain, Inc.



The photo above is a picture of a trail map, showing the approximate pedestrian access trail route across BLM public lands, between the Whitehead Trail in Deer Park and the project site. The BLM and County typically call this type of legal access "BLM casual use". Similar recent projects have been approved by Shoshone County with "BLM casual use" pedestrian access.

## **ACCESS INFORMATION REPORT**

### **Cumberland Mill Site**

Prepared By Engineer Mountain, Inc.

In summary there are currently two legal methods of access for this project:

#### **(1) Access by Train**

Access to this project site can be via the regularly-scheduled passenger trains operated by the Durango & Silverton Narrow Gauge Railroad (DSNGRR), as described in the correspondence from the train staff included within this report.

#### **(2) BLM Casual Use Pedestrian Access**

Access to this project site can be pedestrian use across BLM land from/to Deer Park/the project site. This type of legal access is typically referred to by the BLM and San Juan County as "BLM casual use" access.

Regarding the train access, we hope to soon have additional paperwork from the train staff, as described by train owner Al Harper in the email within this report, to submit to San Juan County for the County's review.

Regarding the "BLM casual use" access, San Juan County has recently approved similar projects with this type of legal access. One example is a cabin on a mining claim owned by Chris Blatter, recently approved during the tenure of Planning Director Dave Michaelson.

The easier method of legal access for this project site is via train, as described in the correspondence from the train staff. However the second method of legal access for this project (pedestrian access across BLM land) does provide a legal backup plan for the Applicant/Owner and the County, just in case of the unforeseeable event that DSNGRR were to stop operating the tourist trains in the future.

For additional access information, please contact Engineer Mountain, Inc. at (970) 387-0500, or Applicant/Owner Gary Bowman at (928) 853-8180.



**SCENIC QUALITY REPORT**  
**Cumberland Mill Site**  
Prepared By Engineer Mountain, Inc.

**1. INTRODUCTION AND SITE LOCATION**

San Juan County regulations state the following:

*All residential development shall be required to submit a Scenic Quality Report at the time of sketch plan submittal.*

This is a Scenic Quality Report for the Proposed Bowman Cabin, located on the Cumberland Mill Site USMS No. 693B, prepared by Engineer Mountain, Inc.

The Cumberland Mill Site is located south of Silverton, accessed by the Durango & Silverton Narrow Gauge Railroad passenger trains. The property can also be accessed on foot, by walking down across BLM land from Deer Park.

The property is located at the confluence of Deer Park Creek and the Animas River, about halfway between the Town of Silverton and Molas Lake. The property is located at the bottom of the deep Animas River canyon, alongside the river and railroad tracks.

A photo of a BLM map follows this page. It depicts the general location of the project site.



Photo of BLM Map with Cumberland Mill Site Circled.

**SCENIC QUALITY REPORT**  
**Cumberland Mill Site**  
Prepared By Engineer Mountain, Inc.

**2. SITE IS NOT VISIBLE FROM HIGHWAY 550 AND COUNTY ROADS**

The photo on the previous page shows the general location of the Cumberland Mill Site. County regulations require that this Scenic Quality Report include the following information:

*Designations of scenic views of natural and historic features both from and toward the site and descriptions of how these vistas shall be preserved. Graphic depictions of the proposed structure's impact on these views shall be submitted to allow staff, the Planning Commission, and the Board of County Commissioners to assess the impacts of the project and the effectiveness of proposed mitigation measures.*

The project site, the Cumberland Mill Site, is near Highway 550 as shown on the preceding page. However, it is not visible from Highway 550 (to the best of our knowledge). Likewise, the highway is not visible from the site. We observed no visibility between the two viewpoints, due to the difference in elevation, terrain, and significant vegetation between the highway and the site. The elevation difference between the highway (at approximately 10,400 feet) and the site (at approximately 9,200 feet) is estimated at approximately 1,200 feet. The site is located at the very bottom of the Animas River canyon, located far below the Highway, adjacent to the railroad right-of-way, with the view blocked by terrain and vegetation.

There is no known location on any County Roads from which this site would be visible. The closest County Roads are in Deer Park, and the site would not be visible from there due to significant tree cover and elevation difference.

Two photos follow this page:

(1) The photo on the following page shows a location alongside Highway 550 which would most likely provide the best view of the site. The following page shows that there is no view of the bottom of the Animas River canyon and the project site from the highway, due to vegetation and grade change.

(2) The second photo shows the view towards the site when viewed from a short hike down from the highway right-of-way. The site is not visible from the highway, nor is it visible from a short hike downhill of the highway.

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



Photo Looking East Along Highway 550 at Approximate Mile Marker 67. Project Site is Located at the Bottom of the Animas River Canyon Directly Below Highway. Project Site is Not Visible Due to Elevation Difference, Terrain and Vegetation. Project Site is Approximately 1,200 Feet Below Highway.

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View from Below Highway 550 ROW Towards Site (Milemarker 67, Looking East) – Site is Located at Bottom of Valley Adjacent to Animas River Canyon and is Not Visible. (Bog67.2-siteview)

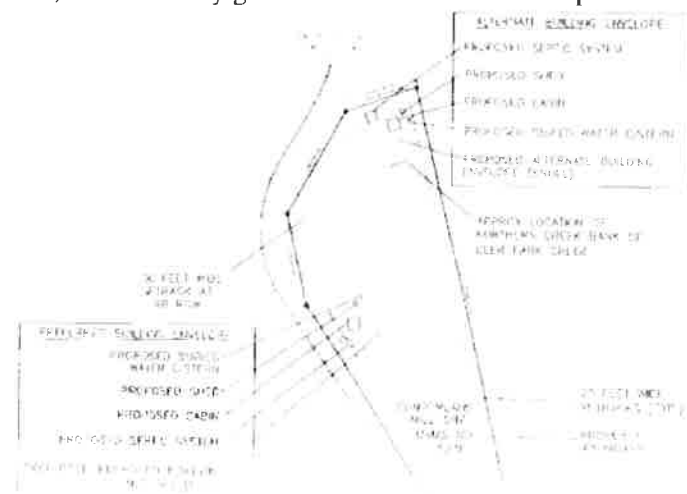
**SCENIC QUALITY REPORT**  
**Cumberland Mill Site**  
 Prepared By Engineer Mountain, Inc.

**3. TWO BUILDING ENVELOPES ARE PROPOSED**

There are two different building envelopes proposed at this time. Only one cabin within one building envelope is proposed for development. One of the two proposed building envelopes will be eliminated by the County and Applicant/Owner during the Improvement Permit Sketch Plan review. The two building envelopes were selected to avoid nearby avalanche and geohazard areas.

The Owner/Applicant prefers a building envelope located near the middle of the property, in a flat meadow area. The alternate building envelope is located at the northern end of the property, on a flat-topped rocky knoll.

The Owner-preferred, flat building envelope was first suggested by the Planning Director during our site visit. The alternate, knoll building envelope was suggested by the avalanche-geohazards expert as the safest area on the site. Both of the two building envelopes have been evaluated to be "buildable" - either relatively free from natural hazards, or having the potential for relatively low hazards, requiring some reasonable, minimal mitigation, due to nearby geohazards and/or avalanche potential.



A cabin built within the flat building envelope would be visible from the train right-of-way - unless screening trees are planted - whereas a cabin built at the knoll building envelope would not be visible from the train right-of-way.

The following page is a summary table of the characteristics of the two options for the proposed building envelope

## SCENIC QUALITY REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

There are two building envelopes. Only one cabin within one building envelope is proposed for development. The other building envelope will be eliminated by the County and Applicant during this Sketch Plan review. The following table provides a summary of building envelope characteristics.

#### Summary of Building Envelope Characteristics

<u>Building Envelope Name And Characteristics</u>	<u>Knoll Building Envelope</u>	<u>Flat Building Envelope</u>
Terrain Type:	Flat-Topped Rocky Knoll/Hill	Flat Meadow Adjacent to Train ROW
Building Envelope Elevation Above Train Tracks:	+/- 100'	+/- 0'
Owner-Preferred:	No	Yes
<b>Visible from Train With Screening/Vegetation As-Is:</b>	<b>No</b>	<b>Yes</b>
Visible From Train With Addition of Screening (Such as a Row of Trees):	No	Perhaps
Requires Minimal Geohazards Mitigation:	No	Yes
Requires Minimal Avalanche Mitigation:	No	Yes
Construction Equipment Access:	Difficult	Easy
Pedestrian Access from Train:	Difficult	Easy
Probable Type of Creek Water System:	Pump/Siphon	Gravity-Fed

## SCENIC QUALITY REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

#### 4. VISIBILITY OF THE TWO BUILDING ENVELOPES FROM TRAIN

The preferred building envelope is located in a flat meadow area adjacent to the Durango & Silverton Narrow Gauge railroad right-of-way. Between the preferred building envelope and the train tracks there is little vegetation and almost no grade difference, and therefore little to no natural screening. A train tourist looking towards the proposed cabin would be able to see the cabin for a brief instant while the train travels by. We would estimate that the cabin would be visible to a train tourist passenger looking east along approximately 200 to 300 feet of train track, and that the train tourist watching for the cabin might be able to see it for about 8 to 11 seconds while travelling by (at 18 miles per hour). Artificial screening (such as a planting a row of trees along the property line) could potentially block all or some of the cabin from the train tourist view (depending on type of trees and tree spacing).

In contrast, the alternate, knoll building envelope would probably not be visible whatsoever, due to significant vegetation (tree cover) and a large elevation difference between the building envelope and train right-of-way.

The visibility of the two building envelopes from the train is depicted in photos and further described within this report.



**SCENIC QUALITY REPORT**  
**Cumberland Mill Site**  
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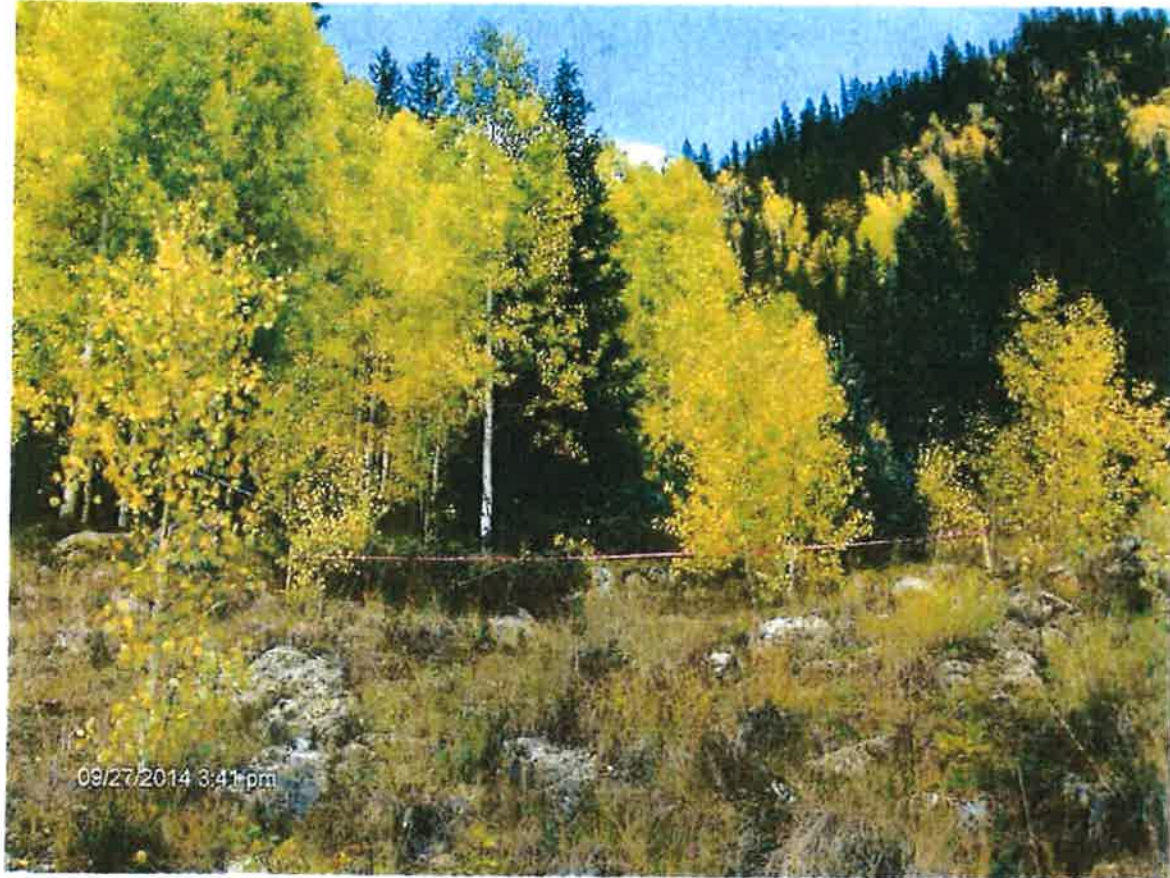
**5. NORTHERN KNOLL BUILDING ENVELOPE**

The first building envelope evaluated in this report is the northern building envelope. It is located on a flat-topped rocky knoll, near the north end of the property. It is located east of and elevated above the Durango & Silverton Narrow Gauge Railroad tracks. The building envelope has been evaluated by an expert for avalanche and geohazard potential, and has been found to be relatively hazard free, requiring little or no mitigation. The proposed cabin is not expected to be visible from the train right-of-way, due to heavy tree cover (mostly aspens) and a large elevation difference between the train and the proposed cabin.

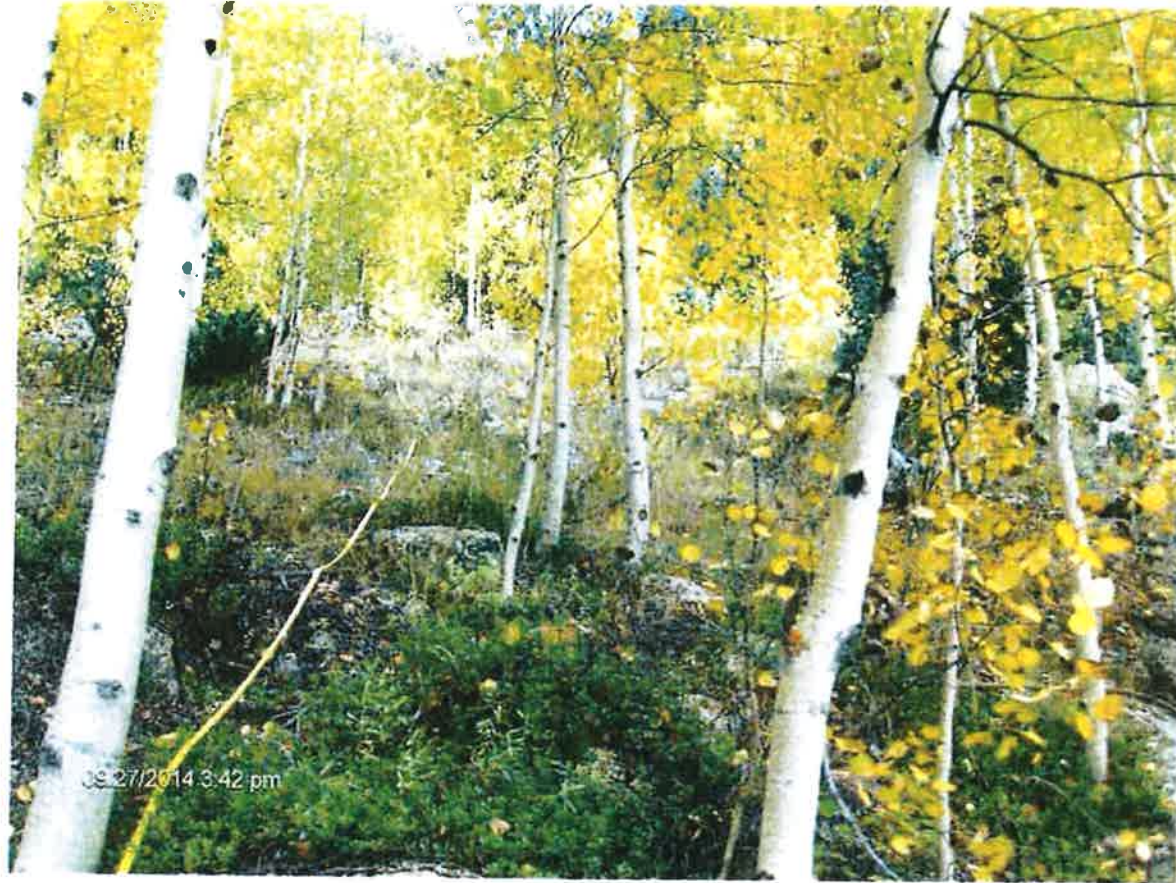
The four corners of the proposed cabin have been staked, with the cabin perimeter marked with pink surveyor's flagging tape. The cabin was staked in the field with approximate dimensions of 20 feet by 20 feet (400 square feet). Adjacent to the proposed cabin is a proposed shed. The footprint of the shed was also staked, and marked with yellow flagging. The proposed septic system area was marked with one stake and flagging. The septic area is directly downhill of the proposed cabin.

**A. PHOTOS OF KNOLL BUILDING ENVELOPE AND CABIN FLAGGING**

Photos of the proposed knoll building envelope and cabin flagging are included on the following five pages. The photos show that the views of the knoll building envelope and proposed cabin are blocked from people on the train by vegetation, elevation difference, and terrain.



**View of Cabin Footprint (Pink Flagging) at Knoll Building Envelope, with Camera Facing East, with Train Tracks Approximately 185 Feet Behind Camera (EView40)**



View of Cabin Footprint (Pink Flagging in Distance) at Knoll Building Envelope, with Camera Facing East, with Train Tracks Approximately 145 Feet Behind Camera (EView80)



**View Towards Cabin Footprint (Pink Flagging No Longer Visible) at Knoll Building Envelope,  
with Camera Facing East, with Train Tracks Approximately 125 Feet Behind Camera (EView100)**



View of Access Route Looking Up Towards Knoll Building Envelope, with Camera Facing East-Northeast, with Train Tracks Behind Camera (MS693B-approach)



View of Access Route Looking Up Towards Knoll Building Envelope, with Camera Facing East-Northeast, with Train Tracks in Foreground (trksidepitch)

## SCENIC QUALITY REPORT

### Cumberland Mill Site

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#### B. PHOTOS FROM PROPOSED CABIN AT KNOLL BUILDING ENVELOPE

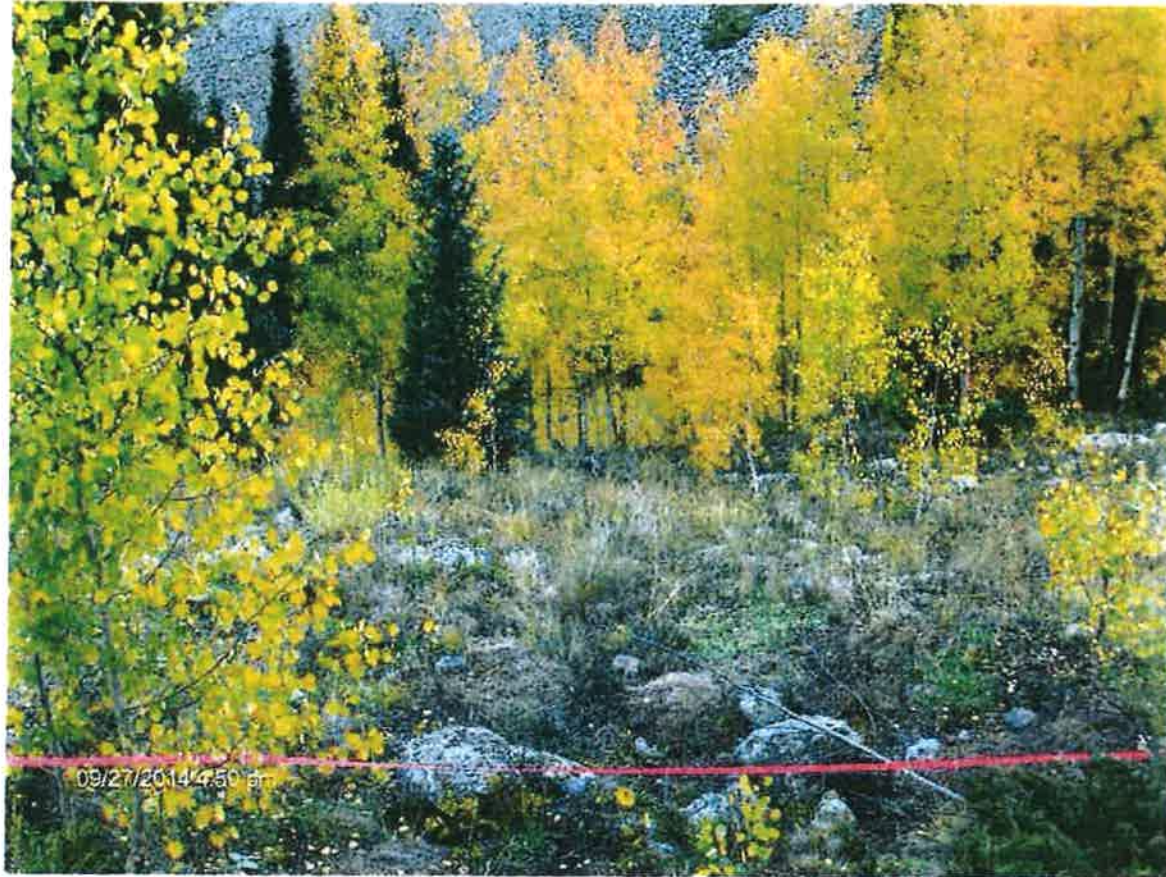
In the County Scenic Quality Report regulations, it is requested that we provide information about the view FROM the building envelope(s).

Photos are included on the following pages, showing the view FROM within the staked cabin footprint at the knoll building envelope. The photos were taken in the approximate location of where the front wall of the cabin will be located.

Highway 550, County Roads, and the train right-of-way are not visible from the knoll cabin location, as shown in the photos following this page. Therefore we expect that views of the cabin from County Roads, Highway 550, and the train would also be unlikely.

Views from the proposed cabin out the back wall of the cabin, uphill, looking east towards Deer Park, are obscured by the existing trees.

On the following three pages are color photos of views from the proposed cabin, looking downhill, towards the train right-of-way, towards the north, west, and south.

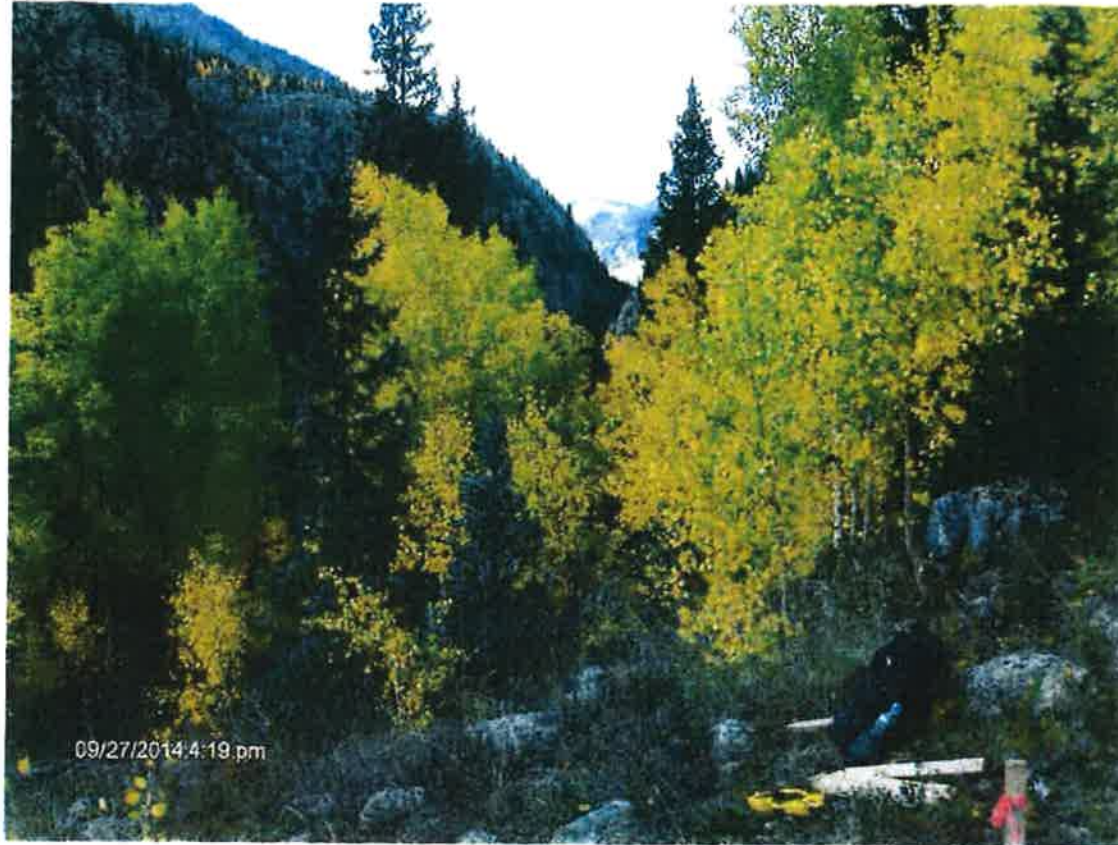


**VIEW FROM PROPOSED CABIN (Pink Flagging) at Knoll Building Envelope, Looking West - Looking Towards Train Tracks and Animas River (Which Are Not Visible Due to Vegetation and Grade Difference). (CabinW1)**



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\*SITE DEVELOPMENT



**VIEW FROM PROPOSED CABIN (Pink Flagging) at Knoll Building Envelope, Looking Northwest. Train Tracks and Animas River are Located Below, in Bottom of Valley, and Are Not Visible Due to Vegetation and Grade Difference. (Nview1)**

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**VIEW FROM PROPOSED CABIN at Knoll Building Envelope, Looking Southwest. Train Tracks and Animas River are Located Below, in Bottom of Valley, and Are Not Visible Due to Vegetation and Grade Difference. Deer Park Creek is Located Below Knoll Building Envelope in the Picture, in the Evergreens. (Sview1.JPG-2)**

**SCENIC QUALITY REPORT**  
**Cumberland Mill Site**  
Prepared By Engineer Mountain, Inc.

**6. OWNER-PREFERRED FLAT BUILDING ENVELOPE**

The second building envelope evaluated in this report is the flat building envelope, first suggested by the Planning Director, and preferred by the Owner/Applicant. It is located in a flat meadow area adjacent to the Durango & Silverton Narrow Gauge Railroad train tracks. It is located at approximately the same elevation as the train tracks. The flat building envelope has been evaluated by an expert for avalanche and geohazard potential, and has been found to be buildable with some reasonable mitigation efforts. The proposed cabin would be visible from the train right-of-way, due to limited existing vegetation and little elevation difference between the train and the proposed cabin. We would estimate that with existing conditions (existing grade and vegetation) the cabin would be visible to a train tourist looking east for approximately 10 seconds while the train travels by the site. Planting a row of trees could potentially block all or most of the structure from the train tourist's view.

The four corners of the proposed cabin have been staked, with the cabin perimeter marked with yellow surveyor's flagging tape. The cabin was staked in the field with approximate dimensions of 20 feet by 20 feet (400 square feet). Adjacent to the proposed cabin is a proposed shed. The footprint of the shed was not staked at this building envelope. The proposed septic system area would be located between the cabin and western property boundary.

**A. PHOTOS OF FLAT BUILDING ENVELOPE AND CABIN FLAGGING**

Photos of the proposed flat building envelope and cabin flagging are included on the following four pages.

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\*SITE DEVELOPMENT



View of Cabin Footprint (Yellow Flagging in Distance) at Flat Building Envelope, with Camera Facing Northeast. Train Tracks and the Animas River are Located Behind Camera. Deer Park Creek is Located Within the Evergreens in Photo. (HP1M2722)



View of Cabin Footprint (Yellow Flagging in Distance) at Flat Building Envelope, with Camera Facing East, with Train Tracks and the Animas River Behind Camera (HPIM2723)



View of Cabin Footprint (Yellow Flagging) at Flat Building Envelope, with Camera Facing Southeast. (HPDM2730)



View of Cabin Footprint (Yellow Flagging) at Flat Building Envelope, with Camera Facing South, with Train Tracks Located Beyond the Right Side of the Picture (HP1M2731)

**SCENIC QUALITY REPORT**  
**Cumberland Mill Site**  
Prepared By Engineer Mountain, Inc.

B. PHOTO FROM PROPOSED CABIN AT FLAT BUILDING ENVELOPE

In the County Scenic Quality Report regulations, it is requested that we provide information about the view FROM the building envelope(s).

A photo is included on the following page, showing the view FROM within the staked cabin footprint at the flat building envelope.

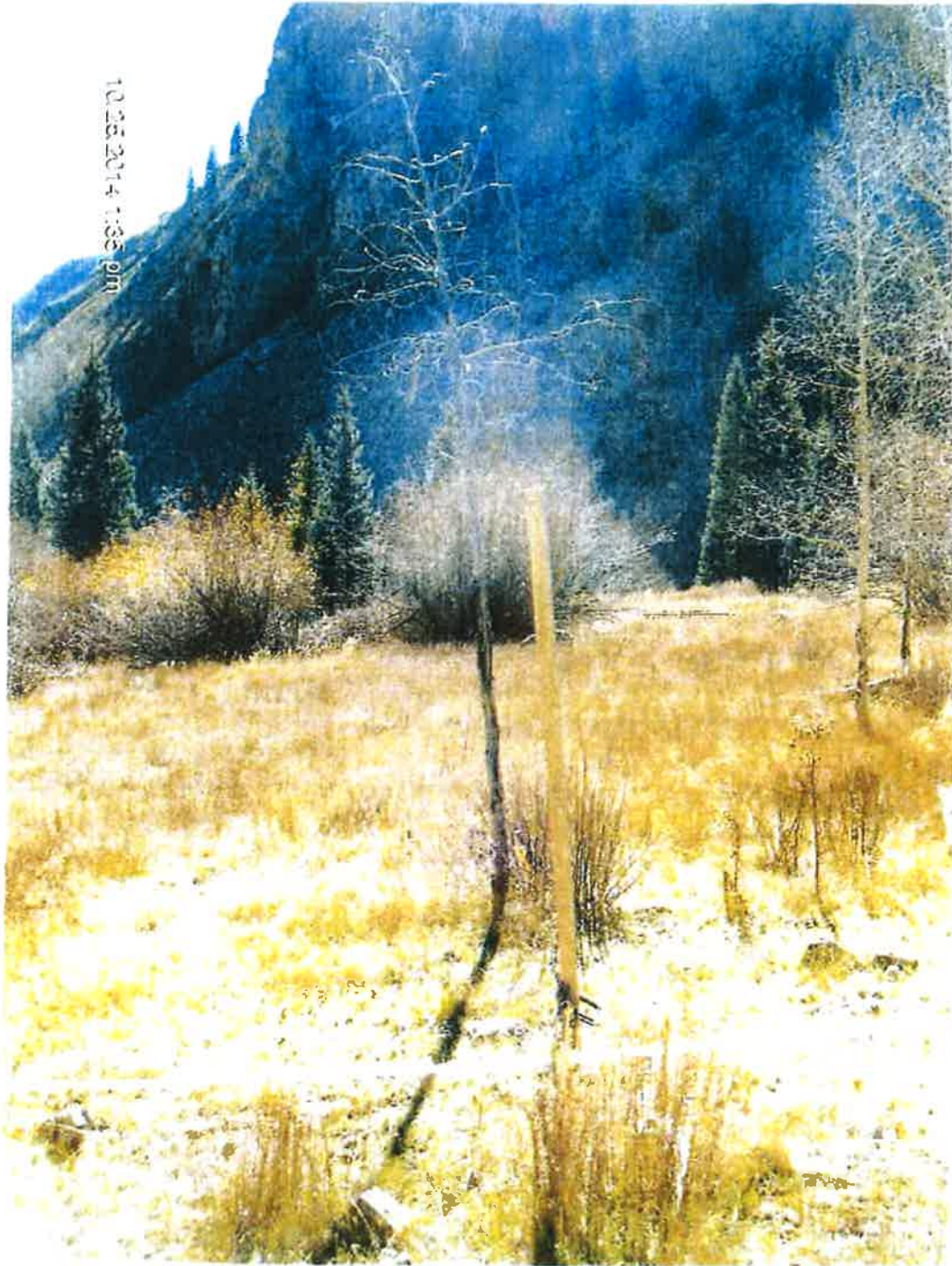
The train right-of-way is visible from the flat cabin location, as shown in the photo following this page.

The photo on the following page is a view from the proposed cabin, looking towards the train tracks, looking towards the west.



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\*SEPTICS \*FOUNDATIONS  
\*GRADING AND DRAINAGE  
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View FROM Cabin Footprint (Yellow Flagging) at Flat Building Envelope, with Camera Facing West, with Train Tracks Located in Center-Right of Picture (HP1M2726)

## SCENIC QUALITY REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

C. PHOTO WITH PROPOSED CABIN ADDED, SHOWING VIEW FROM  
TRAIN, AT FLAT BUILDING ENVELOPE

The proposed cabin will be visible from the train right-of-way to an east-facing train tourist travelling by, for approximately 10 seconds, if the screening/vegetation remains as-is. The existing screening (vegetation) is limited. The addition of screening, such as planting a row of trees, if required by the County, would block all or some of the cabin from the train tourist view, depending on tree type and spacing.

The photo on the following page shows approximately what the cabin would look like, to a train tourist who is sitting on the east side of the train, looking eastward out the train window towards the cabin.

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\*SITE DEVELOPMENT



Graphic Depiction Prepared by the Applicant, Showing Approximate View of Proposed Cabin at Flat Building Envelope After Construction, from Train Passenger Viewpoint. The Cabin Would be Visible to a Train Passenger, Sitting on Eastern Side of Train, Looking East from the Train for Approximately 10 Seconds, as the Train Passes by the Project Site, if Screening Remains As-Is. (HPIM2724+Cabin Elev)

## SCENIC QUALITY REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

#### 7. LOCATION OF STRUCTURE WAS SELECTED TO MINIMIZE VISIBILITY FROM PUBLIC LANDS AND EXISTING TRAILS

The County Scenic Quality regulations require the following information:

*Evidence that the location of the structure is designed to minimize the visual impacts and to not detract from the scenic quality of adjacent public lands or existing trails.*

Here is information regarding individual (underlined) parts of the above regulation:

- Location of the structure:

There are two possible choices for the "location of the structure."

- Adjacent public lands:

The project site is surrounded on three sides by BLM-administered public lands. The "adjacent public lands" are mostly steep river canyon slopes, with limited practical access and likely low usage. On the fourth side of the project site is the private Durango & Silverton Narrow Gauge Railroad right-of-way located across/on BLM public land. It is unclear whether the private railroad right-of-way is to be considered private land, or "adjacent public lands."

- Existing trails:

There are no known significant existing trails in the viewing vicinity of the project site. The closest trail marked on maps "as the crow flies" would be the Whitehead Trail in Deer Park. It is unlikely that the site could be viewed from the Whitehead Trail, which is far above the project site, due to vegetation, terrain, and significant elevation difference. We have asked a few people familiar with summer hiking on the Whitehead Trail, who have stated that it would not be possible to look down from the trail, towards the Animas River, and to view the project site. There is a short on-site trail shown on the USGS topo quad map from the 1950s. "On paper" - on the 1950s topo quad map - the trail starts at the train right-of-way, and ends at the ruins of an old cabin located directly uphill of the project site. The trail traverses the privately owned project site, and ends on public land.

The Scenic Report regulation at the top of this page requires information about how the Applicant selected (or did not select) a "location of structure" which would minimize "visual impacts" from "adjacent public lands" and "existing trails." The Applicant has

## SCENIC QUALITY REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

done so. His choices for building envelope were limited to two areas deemed safe. Neither is significantly visible from adjacent public lands or existing trails.

The Applicant only has two possible options for the "location of structure" due to nearby avalanche/hazard zones, as evaluated by the avalanche/geohazard expert.

The Applicant originally selected the "location of structure" which would not be visible from the train. That area is represented by the knoll building envelope. The Applicant originally assumed that any building envelope he selected had to be basically invisible from the train. It is unclear if the privately owned train right-of-way is considered private land or "adjacent public lands."

During the site visit with the Planning Director, a second building envelope was suggested by the Planning Director for consideration. The second building envelope is represented by the flat meadow building envelope. The flat building envelope would be visible from the train with existing screening (limited vegetation) remaining as-is. It would be visible to an east facing train tourist for about 10 seconds. At the time of the site visit, the Applicant did not think that the flat building envelope would even be allowable or considered by the County, due to its visibility from the train. However the Planning Director suggested it could be considered, due to easier logistics for construction (flat access) and a larger, more buildable, flatter area.

Therefore, there are currently two proposed building envelopes for your consideration, and the Owner now prefers the visible building envelope located in the flat meadow area. It is up to the County to decide if the flat building envelope would be allowable, due to its visibility from the train - and/or if additional screening, such as planting a row of trees, should be a requirement, to block all or part of the view of the structure from the train. Both of the two options for the "location of the structure" have limited or no visibility from "adjacent public lands" and "existing trails." It is unclear if the private railroad right-of-way located across BLM public lands is considered private land or "adjacent public lands."

The site is located at the bottom of a rather steep river canyon. The surrounding and adjacent public lands are mostly steep canyon walls which are difficult to access. The nearby existing trails include only one significant trail, the Whitehead Trail, located far above the site and visually separated from the site by a change in elevation and terrain.

## SCENIC QUALITY REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

The lack of visibility of the entire project site makes it difficult to select any "location of structure" that would be visible from "adjacent public lands" or "existing trails." However one of the two options for the proposed cabin "location of the structure" would be briefly visible from the train right-of-way, which is a private right-of-way located across BLM public lands, if screening (vegetation) remains as-is.

There are two proposed building envelopes for the County to consider. One is to be eliminated during the Sketch Plan review. The two building envelopes have been selected based on nearby potential avalanche areas, and geohazards evaluation.

The "location of the structure" on the northern, knoll building envelope is in an area where it will not be seen from the train. Adjacent to the knoll building envelope is BLM "public land," and it is possible that the cabin could be viewed from that BLM land, if the person is standing right on the property line, and peeking through the trees towards the cabin. However there is no existing trail located near the knoll building envelope.

The Owner/Applicant has selected two options for the building envelope in order to allow the County to weigh in on visibility versus the "location of structure" when viewed from "adjacent public lands" and "existing trails."

Another way that the Applicant has reduced the possible visual impacts of the project from adjacent public lands and adjacent private lands is through the proposed cabin design - a small footprint with one story.

The cabin size is relatively small. The proposed cabin is up to 24 feet by 24 feet, which is 576 square feet. (The cabin will probably end up being built smaller than that, such as 20 feet by 24 feet, which is 480 square feet.) The Owner/Applicant plans to build "small" even though this site is located at an elevation (approximately 9,200 feet) where the County does not currently restrict cabin size.

The Owner has selected a one story cabin design, even though County regulations allow for a taller structure. He is considering a small partial loft, big enough to hold a bed, but not so large that it would significantly raise the level of the roof and total height of structure.

Draft building plans have been prepared by the Owner/Applicant, and are included on the following five pages for your review. The plans have been drawn with the preferred, flat building envelope in mind. The plans could need some revisions (mostly to deck and porch design) if the alternate, knoll building envelope is instead selected.

**Draft Structure Plans**

*for*

**Cumberland Millsite**

**U. S. Mineral Survey 693B**

**San Juan County, Colorado**

**Gary E. Bowman**

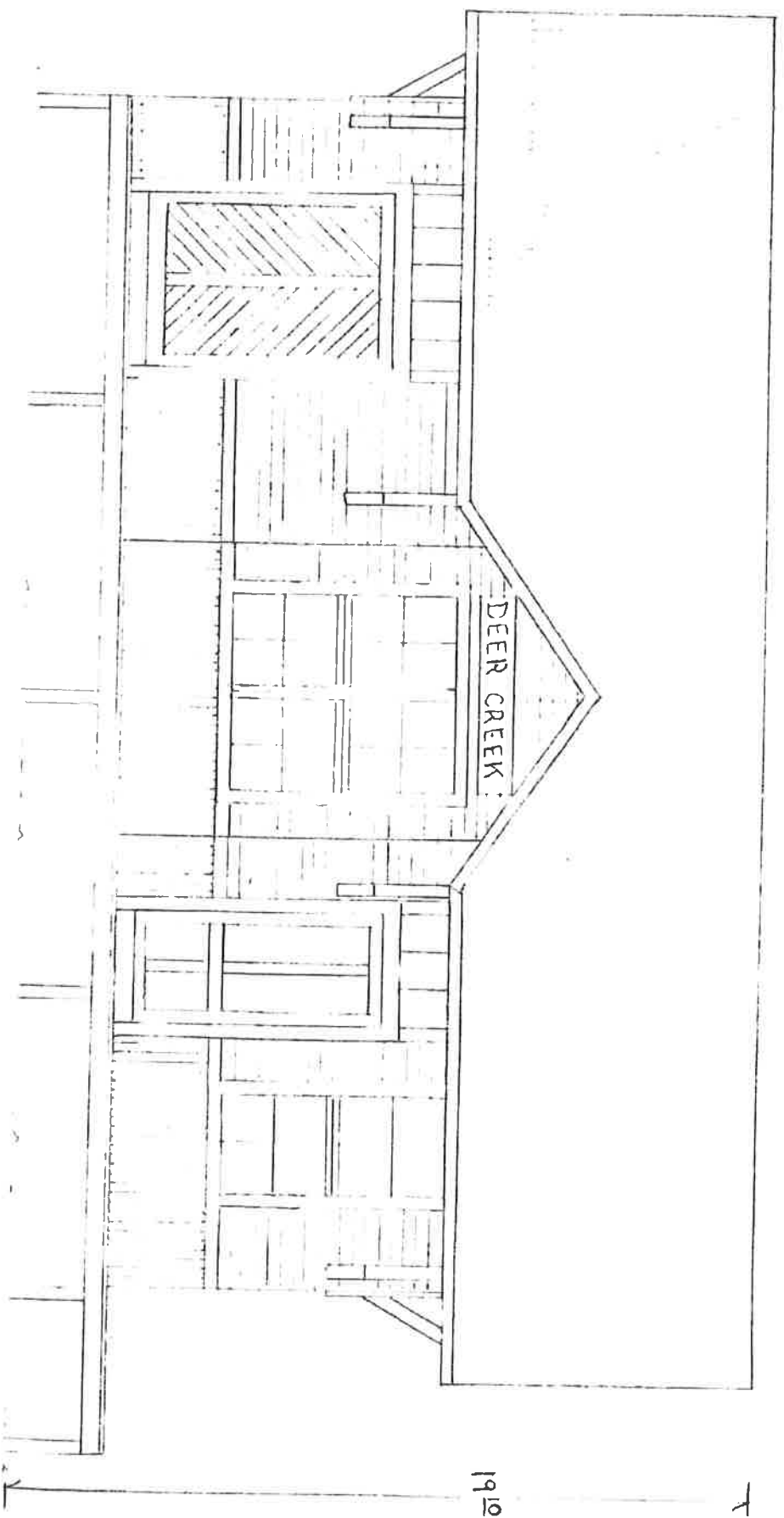
**910 N. Leroux St.**

**Flagstaff, AZ 86001**

**[gary.bowman@nau.edu](mailto:gary.bowman@nau.edu)**

West Elevation  
M.S. 693 B  
San Juan Cty, CO

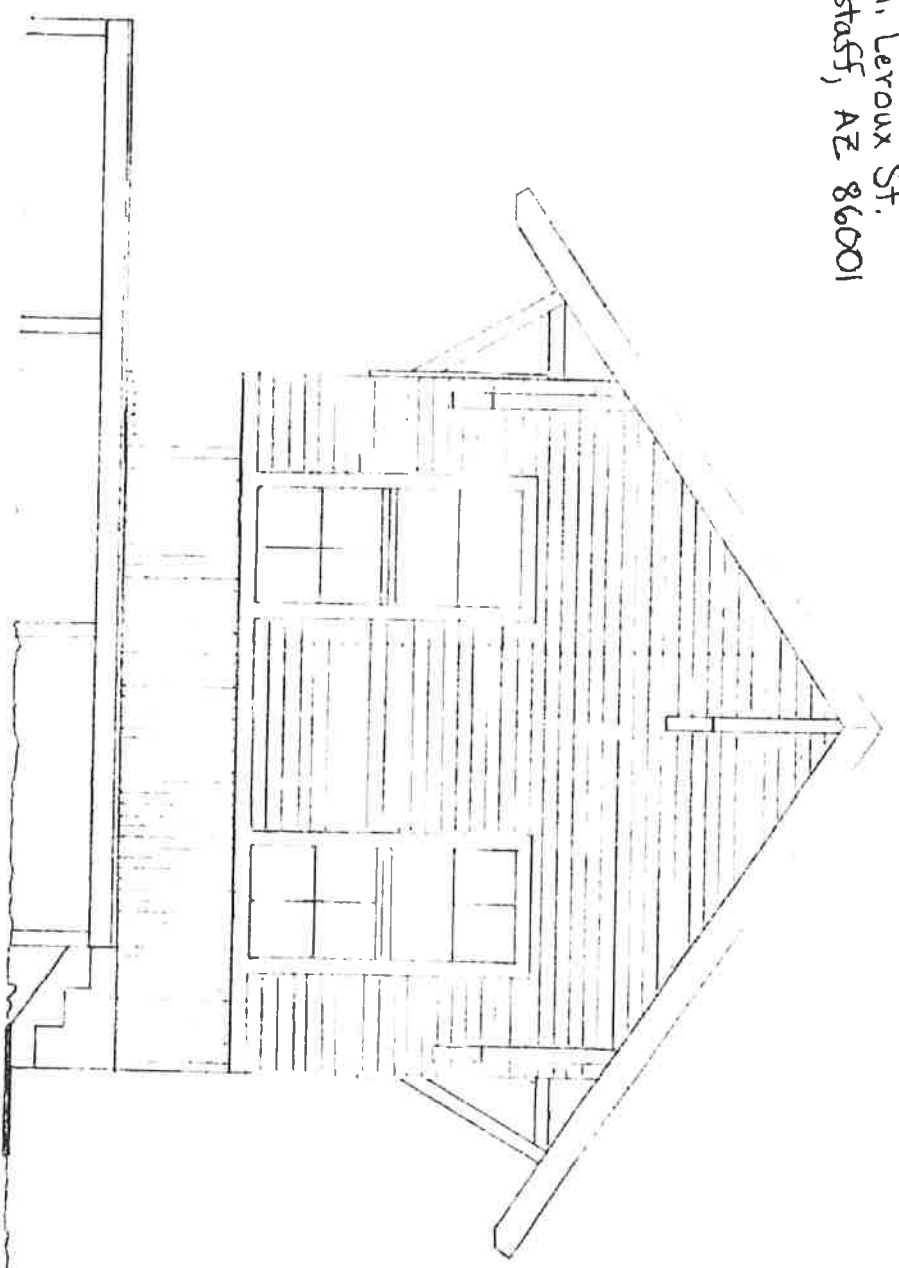
Gary Bowman  
910 N. Leroux St.  
Flagstaff, AZ 86001





Garry Bauman  
910 N. Leroux St.  
Flagstaff, AZ 86001

South Elevation  
W.S. 693 B  
San Juan Cty, CO



## SCENIC QUALITY REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

#### 8. CABIN DESIGN WORKS WITH NATURAL TOPOGRAPHY

County regulations require that the Scenic Quality Report includes information regarding the following:

*Evidence that the designs orient improvements in ways that allow them to blend in with and utilize the natural topography. The submittal shall include, but not be limited to, elevations at a scale suitable for a determination that all standards in this section have been met, Three-Dimensional Modeling, etc.*

The proposed cabin has been designed as a one-story structure with no basement. There is no second story on the proposed structure - but there may be a small partial loft.

The total height of the proposed cabin is estimated to be about 18 feet, from the finished floor elevation to the exterior peak of the roof at the roof ridge beam.

There are two options for the building envelope for your consideration. Both of the two options for the building envelope are relatively flat where the cabin would be located. The draft cabin design works with either of the two options for building envelope. The cabin design works with the natural grade of the two building envelopes, and not against it.

The proposed cabin design is shown on Applicant's drawings, on the five preceding pages. The proposed cabin design is also depicted from the east-facing train tourist's view on page 27 of this report.

## SCENIC QUALITY REPORT

### Cumberland Mill Site

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#### 9. TOPSOIL, UTILITIES, LIGHTING, AND DRIVEWAYS

This section of the Scenic Report describes design features associated with topsoil, location of utilities, exterior lighting, and any proposed driveway(s).

##### A. TOPSOIL

County regulations require that the project should include the following:

*Plans to remove and save topsoil, prior to any grading or excavation and replacement, for reuse during re-vegetation.*

Any topsoil found during construction of the proposed improvements will be separately stockpiled on-site, to be used for landscaping. If the flat meadow building envelope is selected, and screening (such as a row of trees) is required by the County, then any topsoil found during construction can be used for the landscaping associated with the screening or row of trees.

##### B. UTILITIES

County regulations require that the project should include the following:

*Location and installation of utilities in ways that will cause the least damage to the natural environment.*

The project includes the following proposed utilities: a proposed underground septic system leachfield and a proposed underground water tank cistern, and some associated underground buried water and sewer piping. The septic system leachfield location was selected based on San Juan Basin Health Department regulations and setbacks. The buried cistern location has been selected as uphill of the cabin, to allow gravity flow of water down to the cabin. The water and sewer construction will occur with the least amount of disturbance necessary, in order to limit any damage to the natural environment. No electric, overhead powerlines, power poles, or phone/cable lines are proposed. Power sources are to include solar, propane, a woodstove, and a backup generator, and these items are not anticipated to cause physical damage to the natural environment. The Applicant is considering a solar panel mounted on one side of the proposed shed roof. The solar panel would provide power for some low voltage LED lights.

## SCENIC QUALITY REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

#### C. EXTERIOR LIGHTING

County regulations require that the project should include the following:

*Provisions requiring shielding of exterior lighting to prevent direct visibility of light bulbs from off-site, directing of all exterior lighting toward either the ground or the surface of a building and prohibiting high intensity sodium vapor or similar lighting.*

The proposed exterior lighting for this project is a minimum amount of automatic on-off motion detection solar lights, just enough for safety purposes. No sodium vapor lights are proposed or will be used. We would suggest one solar powered light at each door, which we would assume would be a total of two doors and two lights.

#### D. DRIVEWAYS

County regulations require that the project should include the following:

*Design and construction plans for roads and associated structures that bear a logical relationship to existing topography to minimize the need for cuts and fills.*

There are no driveways or roads proposed for this project. The access would be via the Durango & Silverton Narrow Gauge Railroad regularly scheduled passenger trains. After exiting the train (at or near the Deer Park Creek railroad bridge located at the site), the Applicant would walk a short distance from the train to the cabin. The alternate route to the project site is via pedestrian access across BLM land from Deer Park. There may be other possible pedestrian routes across BLM land, such as traversing down to the site from Highway 550 across the public lands near the Molas Mine.

According to the railroad staff, during construction, "special work train(s)" is/are to be scheduled. The train will be providing access for construction equipment access (such as Maisel Excavation LLC's small trackhoe) and building materials delivered by the "special work train(s)." If the knoll building envelope, located at the north end of the property, is selected by the County, then a temporary construction equipment access path may be needed for the Maisel Excavation LLC equipment to traverse from the train right-of-way up to the top of the flat-topped knoll. The knoll building envelope is flat on top but has moderately steep sides. If a temporary construction equipment access path is needed, then the path will be constructed with the least amount of damage to vegetation (grass) and the least amount of grading (such as pushing aside of surface boulders). If

## SCENIC QUALITY REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

required by the County, Applicant, and/or railroad, the temporary path can be reclaimed and revegetated after construction.

#### 10. BUILDING MATERIALS

County regulations require that the building design should include the following:

*Utilization of colors and textures found naturally in the landscape and prohibition of reflective materials, such as highly reflective glass or metals.*

The proposed colors and textures of the cabin are the following:

- Wood timber framing, and/or structural steel framing (to be minimally exposed on the building exterior)
- "RustWall" brand rusted metal siding
- Non-reflective, dark green, metal "standing seam" roofing material
- Minimal window "glazing"

The photos on the following pages show the types of proposed cabin building materials selected by the Applicant.

**ENGINEER  
MOUNTAIN, INC.**

\*SOILS \*RETAINING WALLS  
\*SEPTICS \*FOUNDATIONS  
\*GRADING AND DRAINAGE  
\*SITE DEVELOPMENT



Three photos of "Rust-Wall" brand, non-reflective, rusted metal siding.

**ENGINEER  
MOUNTAIN, INC.**

\*SOILS \*RETAINING WALLS  
\*SEPTICS \*FOUNDATIONS  
\*GRADING AND DRAINAGE  
\*SITE DEVELOPMENT

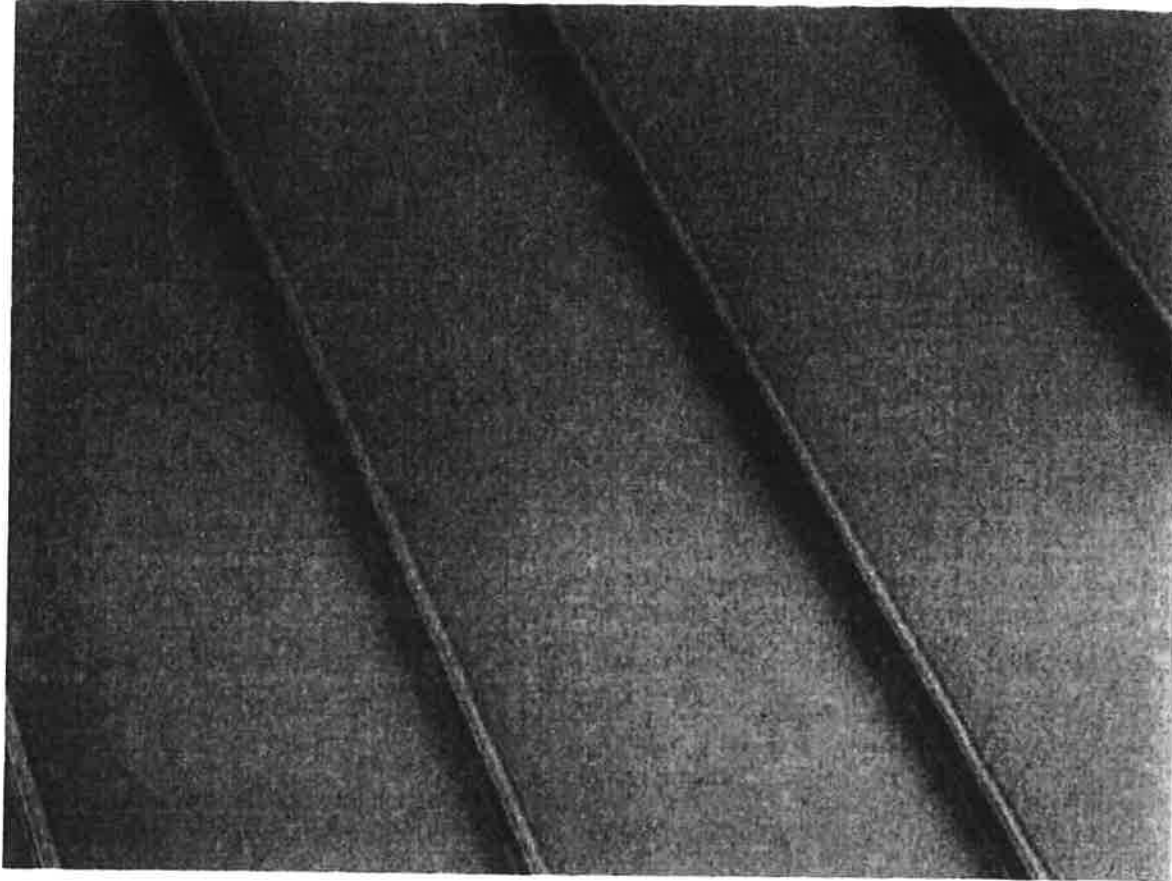


Photo of dark green, non-reflective metal, "standing seam" roofing material.

## SCENIC QUALITY REPORT

### Cumberland Mill Site

Prepared By Engineer Mountain, Inc.

#### 11. CONCLUSION

In conclusion, this project appears to be in general conformance with the County Scenic Quality regulations in the following ways:

- The project site and the two building envelope options are not visible from County Roads, Highway 550, and trails on adjacent public lands (to the best of our knowledge).
- The knoll building envelope was selected by the Owner/Applicant based on the existing screening (tree cover and elevation change) which will shield view of the cabin from the private train right-of-way.
- After it was suggested by the Planning Director as a possible alternative for the Owner/Applicant and the County Commissioners to consider, the more visible flat building envelope was added as a potential building envelope option. If the screening remains as-is, it is visible for only a relatively short amount of time to some tourists travelling by on the private train right-of-way.
- The cabin has been designed as one story, avoiding a taller, more easily seen structure.
- The proposed cabin footprint is quite small, even though the building envelope is well below 11,000 feet elevation (where the footprint size would have been limited by County regulations).
- The access is relatively low impact, environmentally and visually, using existing trails, and via pedestrian trail routes, with no proposed driveway, and therefore driveway/access impacts are less than those associated with similar typical projects.
- The colors and textures of the materials selected for the cabin and shed (browns and dark green, wood, timber, and rusted metal) blend in with the colors of the natural surroundings.
- The cabin includes a relatively small amount of proposed windows, limiting potential reflectivity.

Thank you for your consideration and review of the proposed Bowman Cabin on the Cumberland Mill Site. If you would like additional information, please contact Engineer Mountain, Inc. at (970) 387-0500, or Owner/Applicant Gary Bowman at (928) 853-8180.



**STAFF REPORT FOR THE BOARD OF COUNTY COMMISSIONERS**

**PROPOSED ANESI CABIN  
CAROLINA MILL SITE  
NEAR DEER PARK**

**REPORT DATE:** MAY 7, 2022.  
**MEETING DATE:** MAY 11, 2022.  
**FROM:** PLANNING DIRECTOR.

**Project:** Proposed Anesi Cabin, Carolina Mill Site USMS No. 5569B, County Road 33, Kendall Gulch, near Deer Park, San Juan County, Colorado.

**Application Type:** San Juan County Improvement Permit Application.

**Applicant/Owner:** Applicants Nick and Frank Anesi representing Owner Anesi Mining Venture LLC.

**SUMMARY:** The Sketch Plan County Improvement Permit application is adequately complete. The proposed improvements appear to comply with the Master Plan and County Zoning & Land Use Regulations. The site is accessed via County Road 33 (CR 33), in lower Kendall Gulch, just past the Deer Park turnoff (CR 33A). This is a proposal for one single family cabin and associated improvements on a parcel over 5 acres. The proposal includes an avalanche study, water rights, and a septic system design is underway. It appears the proposed cabin will be mostly screened with vegetation, to obscure the visibility as viewed from County Road 33. No opposition from adjacent land owners has been received. The applicant has recently submitted some supplemental information. The application and supplemental information is attached. The Planning Commission has recommended conditional approval with the conditions in this report. **The Planning Director suggests that you may conditionally approve this County Improvement Permit application.** There are proposed conditions of approval for you to consider on the last page of this report.

**Master Plan:** The County Zoning and Land Use regulations state: *All applications for review under this Chapter will be examined initially to determine whether the proposal is consistent with the County's Master Plan.* The 2010 Town/County Master Plan states:

The patchwork of mining claims in the county is a predominantly natural backcountry landscape and access to the backcountry is intact. Private property rights are respected in San Juan County. Impacts of residential and commercial development on natural assets are mitigated. Where residential development occurs on mining claims, it is designed to cluster structures in focused growth areas and/or build them in low-visibility places outside of environmentally sensitive areas, leaving visible ridgelines and other scenic resources undeveloped and minimizing impacts on the environment (Page 20).

Goal NES-3.4: Development in the unincorporated county except for mining development will be reviewed for each site to ensure that the location, size, scale, and color of structures are designed to reduce the impacts of structures on scenery as viewed from county roads or state highways.

This application appears to comply with the intent of the Master Plan and the excerpts above.

**Comparison to the County Regulations:** The County Zoning and Land Use Regulations state: *If consistent with the Master Plan, all applications will be reviewed to determine whether, based upon the objective facts contained within the record before the reviewing body:*

*(a) The proposal will have any adverse impact on public health, safety, morals or welfare.*

The proposal is not expected to have an adverse impact on public health, safety, morals, or welfare.

**STAFF REPORT FOR THE BOARD OF COUNTY COMMISSIONERS, ANESI CABIN, MAY 7, 2022.**

*(b) Adequate potable water is available or can be developed to safely support the proposed use, including fire control and suppression.*

The proposal includes water rights.

*(c) Adequate sewage disposal can be provided to support the proposed use.*

A proposed septic system is currently being designed. The application includes a letter from the septic designer, the required soil profile test pits were excavated in July 2021, the application includes a septic system application form. All County permits are contingent on septic system final approval from San Juan Basin Public Health Department (SJBPH).

*(d) The proposed use will have any adverse effect on public or private property in the vicinity of the development.*

The proposed single family residential cabin is not expected to have a significant adverse effect on nearby public or private property.

*(e) 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.*

The proposed single family residential land use is not expected to have a significant adverse effect on scenic values, historic sites/structures, environmental quality, wildlife, erosion, or other geologic condition. I believe that all proposed permanent development/improvements will have some level of impact on scenic values, wildlife, and the environment. The application indicates that methods of minimizing potential impacts are being incorporated into the design of the proposed improvements. The least visible location was selected, based on the existing large trees for screening, and per the avalanche study. I believe there was once a rudimentary structure over 100 years ago, near the proposed cabin location. No historic structures/objects were observed during a summer site visit by the Planning Director a few years ago.

*(f/g) Adequate road access exists or can be developed to ensure access appropriate to the use, including access for emergency services. ... If access is via a private road, the applicant ... shall apply for and obtain an access permit for the private road from the relevant agency.*

County Road 33 provides direct access to this property. The site is located on CR 33, in an area that could be called lower Kendall Gulch, located a short drive past the intersection (of CR 33/33A) which could be called the Deer Park "turnoff." The County Road access to the site is adequate (similar to most County Roads) and it is not plowed in winter, although snowmobiles frequent that area in the winter.

*(h) Adequate utilities are or can be made available for the proposed use, unless deemed unnecessary or not practical.*

Adequate proposed utilities are being designed for the proposed single family residential use.

*(i) Adequate emergency services exist to serve the proposed use, unless deemed unnecessary or not practical.*

Approval of this application is not expected to cause the local emergency services agencies to exceed their capacity or create an undue burden on those agencies. All County applicants are required to acknowledge that emergency services may not be available in a timely manner and may not be available at all.

*(j) There are natural hazards which may adversely affect the site or the proposed use of the site.*

The potential natural hazards at this site appear to include: existing avalanche hazards which have been adequately evaluated by an expert in an attached avalanche study; there could be some unmapped

**STAFF REPORT FOR THE BOARD OF COUNTY COMMISSIONERS, ANESI CABIN, MAY 7, 2022.**

potential floodplain and/or unmapped potential wetlands right on the banks of Kendall Creek (both would be located outside of the proposed building envelope); the County Geologic Hazards Map indicates that the site may have some TS talus slope (although the soil test pits excavated in 2021 for the proposed septic system indicated decent soil not usually associated with talus rock). Wildfire risk would be present at this site, like most mining claims, because of existing trees. The County regulations require land owners to try to balance the proposed vegetative screening of a structure, as viewed from nearby County Roads, with proposed wildfire fuels reduction, using the Colorado Firewise guidelines. This site is not mapped on the adopted 1976 County Geologic Hazards Map as possessing any known or potential RF rockfall hazard. However, the presence of an unusually-large boulder on site suggests the owner may wish to request verbal consultation from the avalanche expert, prior to construction, regarding any required avalanche mitigation, as well as any potential rockfall/geohazards recommendations, potentially affecting proposed site layout/mitigation. This site is not mapped on the adopted 1976 County Geologic Hazards Map as possessing any known or potential RF rockfall hazard.

**County Road & Bridge Comments:** The Applicant has recently submitted a County Driveway Permit Application, to obtain the direct written comments from the County Road & Bridge Department Supervisor on that form. All Applicants are also required to submit the County form known as the "Relationship to State Highways" form, which includes an acknowledgement that the County does not plow County Road 33.

**Application Fee:** In addition to approximately 15 bound and complete application books, and the required adjacent land owner envelopes, a check for the application fee of \$840 was submitted. The Planning Director will deliver that check as soon as possible to the County Treasurer at the Courthouse.

**Adjacent Land Owners:** The adjacent land owners were notified in writing by the Planning Director on April 1 using the attached letter and the envelopes provided by the Applicant. No inquiries or opposition was received.

**Trail:** The current Survey Plat and the application text describes a piece of visible abandoned foot path trail, or animal game trail, on both of the far ends of the Carolina Mill Site. That trail was probably used by people and animals prior to construction of the directly-adjacent CR 33. It may have once provided pedestrian-only access for miners walking to and from Titusville. Or it may have simply been a side-footpath directly to and from the 1888 cabin that once existed at this site. It does not appear to connect in the middle. In the middle may have been the location of the 1888 cabin. County regulations require all owners to maintain public access on any existing public trails. In this unique site specific situation, the two short remnants of the faint trail, located at the two far ends of this claim, and directly adjacent to CR 33, do not appear to need a dedicated public access easement. The trail shown on the 1888 original mineral survey plat, attached, appears to have later become County Road 33.

**Cabin Square Footage:** Because the proposed building envelope appears to be at or above 11,000 feet elevation per NAVD 27, there is a limit on the maximum cabin "floor area" square footage (and the size of any outbuildings/sheds). The narrative in the application mentions a proposed cabin of under 1,000 square feet. The proposed improvements shall comply with the County regulations. The site currently has unusually-large-diameter existing trees, as was evidenced by the large diameter 1888 bearing trees in the original mineral survey field notes, and it is not located "above treeline" or on the "tundra." The adopted 2017 County Zoning and Land Use Regulations (posted on the County website) provides the following specifics regarding the structure "floor area" and shed limitations above 11,000 feet elevation:

**STAFF REPORT FOR THE BOARD OF COUNTY COMMISSIONERS, ANESI CABIN, MAY 7, 2022.**

"All residential development located at or above 11,000 feet and below the alpine/tundra zone shall be limited to a maximum floor area of up to one thousand square feet. ... The source of elevation shall be based on the 1927 North American Vertical Datum ... The following elements are excluded from the Floor Area calculation:

(1) Porches, decks, and terraces that do not have roofs or floors above and are open to the sky:

i. If such improvement is equal to or less thirty inches above grade and is two hundred fifty square feet or less;  
ii. If such improvement is more than thirty inches above grade or greater than two hundred fifty square feet, then it is calculated as Floor Area at fifty percent of the actual area.

(2) A single-story, detached accessory building, no greater than 200 square feet.

FLOOR AREA: Floor area means the sum of the horizontal areas of all floors in principal and accessory buildings on a site, as measured from the interior faces of the walls, and enclosed porches as measured by the interior limits thereof. Interior spaces with the potential to contain additional horizontal floors shall be measured from the finish floor elevation to the ceiling above, or if there is no floor above, to the underside of the roof assembly. Any part of a building whose interior height is fourteen feet or less shall be counted once for floor area purposes. Any part of a building whose interior height is greater than fourteen feet and less than or equal to twenty-three feet shall be counted twice for floor area ratio purposes, and any part of such building that has an interior height greater than twenty-three feet shall be counted three times. The following elements are excluded from the Floor Area calculation: a. Unroofed porches, decks, and terraces: 1. improvement is equal to or less than thirty inches above grade and is less than 250 square feet; 2. If such improvement is more than thirty inches above grade or greater than 250 square feet, the area is calculated as fifty percent of the actual floor area. b. A single detached accessory building, no greater than 200 square feet."

**Historic Sites/Structures:** The Carolina Mill Site was originally owned by Thomas Trippe. He arrived in this area in 1874, and he lived next to Mr. Howard, in a cabin/survey office, in what later became Howardsville. The original mineral survey plat (attached) and notes were prepared December 26, 1888, and at that time they noted an existing small rudimentary one story cabin on the Carolina Mill Site. If I am recalling correctly it was approx. 10x13 square feet. I saw a faint rectangular outline on the ground surface at this site several years ago, which I believe to be from that 1888 cabin, located close to a notably-large boulder. There was an existing rock fire ring from modern day campers within that apparent former cabin outline. There were no logs remaining at that apparent 1888 cabin outline. I believe the proposed Anesi cabin is in roughly the same location as the 1888 cabin. No historic relics/structures were found at the site. When I was at the site several years ago, I encountered only a small fragment of old wood board with a nail in it, at the likely 1888 cabin location. There is some oral history from the owner, indicating that somewhere near this property there may have once been a small mill building and some mini tram buckets. I believe the original owner of this claim, Thomas Trippe, was the first Surveyor living here, and that he was one of the first County Commissioners. I believe his brother went down-valley and built a trading post in an uninhabited area that later became Hermosa. I found the information described above several years ago in one or both of the two books titled "Rainbow Route" and "Many More Mountains," and you can consult those (or please contact me) if you would like more information. It appears that at this time there are no known existing historic sites, structures, or relics present at this site. However, the County Historic Impact Review Committee (HIRC) can be asked if they would like to visit the site this summer, to confirm that, and if they would like to make any general recommendations regarding this site. The County and the HIRC may wish to require that if any unexpected historic items are encountered, that construction should be temporarily halted, and the HIRC should be contacted for a site visit and historic impact recommendations.

**STAFF REPORT FOR THE BOARD OF COUNTY COMMISSIONERS, ANESI CABIN, MAY 7, 2022.**

**Planning Commission Review:** The Planning Commission reviewed the Improvement Permit Application for the Proposed Anesi Cabin on April 19. The Planning Commission recommended conditional approval with the conditions of approval (as written and without any changes) at the end of this staff report. A letter summarizing that recommendation was prepared by Planning Commission Secretary Christine Tookey which is attached.

**Legal Notice:** A Legal Notice for this May 11 Public Hearing was published in the Silverton Standard & Miner local newspaper on April 28 and a copy of it is attached.

**Supplemental Information:** The Applicant has recently submitted some supplemental information, which is attached. It includes a report updating the application, acknowledging the conditions of approval, a driveway permit application form which was submitted to the County Road & Bridge Department, and some slightly revised building plans. The supplemental information does not constitute any "significant" changes to the proposal, nor create any new potential issues. The current proposal remains consistent with what was reviewed by the Planning Commission on April 19. The supplemental information is some recent documentation demonstrating the applicant is continuing to finalize the details of the proposal.

**The Board of County Commissioners has the following options for actions:**

- (1) **Conditionally approve** this Improvement Permit Application for the Proposed Anesi Cabin. There are proposed Conditions of Approval for you to consider below, if you choose to conditionally approve this application.
- (2) **Denial** of all or part of this Improvement Permit Application for the Proposed Anesi Cabin. If the application is denied, then it is advisable to note the County regulation(s) with which the project does not comply. A reason for a denial may be: potential visual impacts of the proposed cabin as viewed from nearby County Road 33.
- (3) **Table the application**, because there is a critical piece of information missing that the Board of County Commissioners needs before making a decision. If you choose to table this application, it is advisable to specify for the Applicant what missing documentation is needed.

**Staff Recommendation:** The Planning Director suggests that the application appears to be in general compliance with the Master Plan, and the County Zoning and Land Use Regulations. The Planning Director suggests that the Board of County Commissioners can conditionally approve this Improvement Permit, with the proposed Conditions of Approval listed below.

**County Improvement Permit, Proposed Anesi Cabin and Associated Improvements, Carolina Mill Site, Kendall Gulch near Deer Park, County Road 33, San Juan County, Colorado - Proposed Conditions of Approval for the Board of County Commissioners to consider are the following:**

1. Compliance with all applicable State and Federal regulations is required as a condition of this County Improvement Permit. Any State and Federal permits that are required for the proposed development shall be obtained by the owner prior to commencement of the work. Those may include: permits required from the San Juan Basin Public Health Department, Army Corps of Engineers, stormwater management, Colorado Firewise wildfire reduction guidelines.
2. The property line shall be staked/clearly marked, with caution tape or survey flagging, to create a temporary construction fence, prior to any excavation or work that is anticipated to occur within 20

**STAFF REPORT FOR THE BOARD OF COUNTY COMMISSIONERS, ANESI CABIN, MAY 7, 2022.**

feet of the project site property line. The purpose of marking the property line adjacent to nearby proposed construction is to prevent heavy equipment, or the limits of construction disturbance, from trespassing, and to prevent the construction of the proposed improvements from extending beyond the required minimum setback, or onto adjacent land.

3. The owner shall provide “adequate screening” of the proposed structure(s) and improvements as viewed from County Road 33. A site visit by County staff shall occur during or after construction, and the County staff may require the owner to install additional screening, typically including the planting of evergreens, if the visibility of the structure (cabin and/or shed) is found to exceed the minimal anticipated visual impact. The land owner, if not agreeing with the County staff requirements, may have the proposed County staff screening requirements reviewed by the Board of County Commissioners, for a final determination.
4. The owner shall submit a completed County Driveway Permit Application form, and a completed “Relationship to State Highways” form, to the County Road and Bridge Supervisor, along with a copy of the application or site plan/survey. The owner shall be responsible for obtaining the written comments from the Supervisor on those forms, and submitting those two forms to the Planning Department.
5. No historic objects are expected. However, if any historic objects are encountered during construction, the construction shall temporarily cease, and recommendations of the County Historic Impact Review Committee shall be obtained and followed.
6. The owner shall submit conceptual building plans (one floor plan, and one elevation drawing) showing the two exterior dimensions of the proposed cabin footprint, and the total height, and shall also include a text/numerical description of the summary of the total Floor Area, to demonstrate compliance with the limit of 1,000 square feet, as more fully described/defined in the County Zoning and Land Use Regulations.
7. Proposed shed structure shall also comply with the requirements of the County Zoning and Land Use Regulations as described for sites above 11,000 feet elevation (per NAVD 27). An updated site plan shall be submitted, reflecting proposed locations/sizes of cabin, shed, any ground mounted or pole mounted solar panel(s), other proposed improvements, and any proposed screening.
8. The proposed cabin, shed, and any proposed solar panels shall be placed in locations that are least visible, as viewed from nearby County Roads and public trails, as permitted in accordance with the avalanche expert’s study and recommendations.
9. San Juan County requires reseeding of any disturbed soil ground surface with certified noxious weed free native seed. The reseeding shall comply with the applicable San Juan County Zoning and Land Use Regulations.
10. San Juan County has “dark sky” lighting requirements. Proposed lighting associated with this project shall comply with the San Juan County Zoning and Land Use Regulations.
11. The owner shall comply with all San Juan County Zoning and Land Use Regulations. In particular please refer to Section 4-110 which has specific requirements for all Improvement Permits. The

**STAFF REPORT FOR THE BOARD OF COUNTY COMMISSIONERS, ANESI CABIN, MAY 7, 2022.**

violation of San Juan County Zoning and Land Use Regulations, State regulations, or Federal regulations, shall cause this County permit to be void. If requirements differ, the most stringent shall apply.

12. The owner shall follow all recommendations of the avalanche expert and study, and is encouraged to consult with the avalanche expert regarding the locations/orientation/design of the proposed structures/improvements, for a follow-up review and/or recommendations, prior to septic/structure construction commencement.
13. Foundation concrete placement shall not occur until final written approval of the proposed septic system location is approved by the San Juan Basin Public Health Department.
14. The building materials and the exterior colors for the proposed structures (cabin and shed) shall be non-reflective, muted, neutral, natural colors, which are compatible with the adjacent existing natural terrain, and shall be in accordance with the County Zoning and Land Use Regulations.
15. All on-site trash shall be contained in a bear proof container and/or enclosed structure. The land owner will not be required to sign up for Town of Silverton water and sewer billing, because the proposed improvements include water rights and a septic system. The land owner will be required to sign up with the Town of Silverton for the standard refuse transfer station billing.
16. In accordance with the County Zoning and Land Use Regulations, the owners and applicants hereby acknowledge that emergency services may not be available in a timely manner, and may not be available at all.
17. Any vacation rental usage at this site is prohibited at this time, and this approval is only for single family residential use.
18. *Additional Conditions of Approval the Board of County Commissioners would like to add.*

Lisa Adair PE  
Town/County Planning Director  
Silverton/San Juan County Colorado  
LAdair@silverton.co.us

CO 81433 (or call 970-387-5766) during regular business hours to review the application.

Published in the Silverton Standard and the Miner

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### PUBLIC HEARINGS

NOTICE is hereby given to the members of the general public that the San Juan County Colorado Board of County Commissioners will hold two Public Hearings at the San Juan County Courthouse, 1557 Greene Street, in Silverton, CO, on Wednesday, May 11, 2022, to receive public comment on the following two Applications:

(1) 10:20 AM – Improvement Permit Application, Proposed Anesi Cabin, Carolina Mill Site, County Road 33, near Deer Park, San Juan County, CO, submitted by Applicants Nick and Frank Anesi; the purpose of the application is to obtain approval of a proposed cabin and associated improvements.

(2) 10:40 AM - Improvement Permit Application, Proposed Adams Cabin on Ruby Placer, and adjacent Proposed Boundary Line Adjustment on Annie & Ninety Six Lodes, County Road 8, Ophir Pass, San Juan County, CO, submitted by Applicant Cameron Adams; the purpose of the application is to obtain approval of a proposed cabin, associated improvements, and adjacent boundary line adjustment.

NOTICE is further given that all persons may present written/oral testimony regarding these two Applications, prior to/during the Public Hearings. County Applications, Meeting Agendas, and virtual Zoom meeting instructions are posted on the County website. Citizen comments may be sent by email, mail, phone, or hand-delivered to: Town Hall, 1360 Greene Street, PO Box 250, Silverton, CO 81433. Contact Town/County Planning Director Lisa Adair (970) 946-9408 (LAdair@silverton.co.us) with any questions/comments about these Applications.

Published in the Silverton Standard & Miner: April 28,



**San Juan Regional  
Planning Commission**  
SAN JUAN COUNTY TOWN OF SILVERTON  
Silverton, Colorado 81433  
P.O. Box 223

April 19, 2022

Board of County Commissioners  
San Juan County  
Silverton, CO 81433

Members of the Commission:

RE: County Improvement Permit Application  
Sketch Plan Proposed **Anesi** Cabin  
Carolina Mill Site USMS No 5569B  
County Road 33 near Deer Park Deer Park,  
San Juan County, CO

At the regular meeting of the San Juan Regional Planning Commission on April 19, 2022, members of that Commission held a meeting to discuss Proposed Carolina Mill Site USMS No. 5569B. The application includes a proposed one single-family cabin and associated improvements which includes an avalanche study, water rights, and a septic system design.

After considerable discussion and background of the project, questions and presentations from the Town/County Planner and the applicant, the Planning Commission voted unanimously to recommend to the San Juan County Commissioners that you approve the proposed County Improvement Permit Application and Sketch Plan for the proposed Anesi Cabin on the Carolina Mill Site USMS No. 5569B with the 17 proposed conditions of approval.

The Summary and Conditions from the Town/County Planner are included.

Thank you for considering this recommendation.

Sincerely,  
The Planning Commission Members and  
James Weller  
Chairman



PO Box 250  
Silverton, CO 81433

April 1, 2022

Dear Silverton/San Juan County Property Owner,

The Town/County Planning Department in Silverton, San Juan County, Colorado, has received several applications, and **you have been identified as an Adjacent Land Owner.**

A property you own is located near one of the project sites listed below.

You are under no obligation to reply to this letter or take any action as this time.

**ANESI** County Improvement Permit Application, Proposed Anesi Cabin, Carolina Mill Site USMS No. 5569B, County Road 33, near Deer Park, San Juan County, CO.

**RUBY PLACER** County Improvement Permit Application, Proposed Adams Cabin, Ruby Placer USMS No. 16941, County Road 8, Ophir Pass, San Juan County, CO.

**RAINBOW GARAGE** Town Architectural Review Overlay District (AROD) Application, Proposed Structure, adjacent to the existing Rainbow Garage (TNT) Building, Lots 21-24 Block 44, to be constructed at the corner of 10th and Greene Streets, Silverton, CO.

**BARGER** Town Rezoning Application, Proposed Barger Rezoning, Existing Car Wash, and Proposed Mechanic Shop and Employee Housing, Lots 13-14 Block 45, 124 East 9th Street, located at the corner of 9th and Blair Streets, Silverton, CO.

These applications (and several others) will be reviewed by the San Juan Regional Planning Commission, at 7:00 PM, on Tuesday, April 19, 2022, at the San Juan County Courthouse.

If you are interested in an application listed above, you may view the applications on the local Town and County governmental websites, or contact the Town/County Planning Department.

The Town Applications above are being posted on the Town of Silverton website (under the following Tabs: Departments - Planning Department - Pending Applications).

The County Applications above are being posted on the San Juan County Colorado website (under the following Tabs: County Government - Building & Planning - Proposed Additions/Applications).



**SAN JUAN COUNTY**

PO Box 466  
Silverton, CO 81433

As an Adjacent Land Owner and citizen, you may submit written and/or verbal comments regarding these applications, before and/or during the meeting. Comments can be sent to the Planning Department, using the contact information below.

As an Adjacent Land Owner and citizen, you may attend the meeting, to listen, or to comment on an application. The meeting is open to the public. Local meetings are currently taking place in person and also via free Zoom meeting software. If you need assistance with using Zoom, you can contact the Planning Department. If you would like to attend the upcoming meeting, here is the Zoom Meeting ID Number:

San Juan Regional Planning Commission, Begins at 7:00 PM, on Tuesday, April 19, 2022.  
Zoom Meeting ID Number 921 3647 3203

The Planning Commission is an "advisory" board that makes a "recommendation." The final decisions to approve or deny these Town and County Applications will be made at a later date, by the Town Board, or by the County Commissioners, during Public Hearings (which are expected to occur in May 2022).

Please contact the Planning Department if you have questions or comments.

Thank you,

Lisa Adair PE

Town & County Planning Director  
Silverton & San Juan County Colorado

Office Located at Silverton Town Hall  
Mail written comments to: Town of Silverton, PO Box 250, Silverton, CO 81433.  
Hand-deliver written comments to: Town Hall, 1360 Greene Street, Silverton.  
Email comments to the Town/County Planning Department at: [LAdair@silverton.co.us](mailto:LAdair@silverton.co.us)  
Town Hall work cell phone: (970) 946-9408



**IMPROVEMENT PERMIT APPLICATION**

**Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B**

**Sketch Plan Submittal**

Applicant:

Frank J. Anesi

835 E 2<sup>nd</sup> Ave Suite 220

Durango, CO 81301

Submitted:

March 25<sup>th</sup>, 2022

**ANESI LAW FIRM**  
835 EAST SECOND AVE., SUITE 220  
DURANGO, COLORADO 81301  
T. 970.247.9246  
F. 970.259.2793  
Email: nick@ljanesi.com

March 25, 2022

*Hand Delivered to San Juan County Court House on 3/25/22*

San Juan County  
ATTN: Lisa M. Adair, P.E.  
1360 Greene Street  
Silverton, Colorado 81433

**RE: Improvement Permit Application, Sketch Plan Submittal, Proposed Carolina Mill Site Cabin.**

Dear Ms. Adair and Commissioners:

This submittal describes the proposed improvements on the Carolina Mill Site which is 5.07 acres in size (the "Property"). The Property is owned by Anesi Mining Venture, LLC and its managing member is Frank Anesi (the "Applicant"). The Property is located on Kendall Mountain off San Juan County Road 33.

The attached documents have been prepared as a Sketch Plan submittal for a San Juan County Improvement Permit Application. The Applicant requests review of this project by the Planning Commission during its April 19<sup>th</sup>, 2022, meeting.

The Property is located at an approximate elevation of 11,400 feet. The proposed improvements consist of a two-story residential cabin, a shed and associated utility improvements. County Road 33 traverses through the Property. A short driveway is proposed from County Road 33 to the proposed cabin location. Please let me know if you have any questions.

Very truly yours,

Nicholas F. Anesi

**Enclosures:**

14 binders for Staff/ Commissions:  
Check to County Treasurer for \$840.00, Improvement Permit Application Fee  
Original Signed San Juan County Application for Improvement Permit Form  
Adjacent Landowner Envelope


**IMPROVEMENT PERMIT APPLICATION  
Sketch Plan Submittal**

**Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B**

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7. San Juan Basin Health Department Septic System Permit & Engelhardt Letter
8. Application for Surface Water Rights & Notice of Intent to Make Absolute
9. Avalanche / Geohazards Reports from Wilbur Engineering
10. Access Information & Scenic Evaluation Report

Application for Improvement Permit

		APPROVAL CHECKLIST		Initial	Date
Applicant:	Name	FRANK J. ANESI			
	Address	835 E. 2ND AVE. SUITE 220 B, CO 81301 (970) 247-9246			
	Phone				
Owner:	Name	ANESI MINING VENTURE, LLC			
	Address	//			
	Phone				
Contractor:	Name	PETE MAISEL			
	Address	MAISEL EXCAVATION, LLC PO Box 286, Silt, CO 81433 759-9291			
	Phone				
Legal Description of Property:		CAROLINA MILL SITE U.S. MINERAL SURVEY NO. 5569 B ANIMAS MINING DISTRICT ASSESSOR'S PARCEL NO. 4829000010048			
Township N. Range W. Section					
Nature of Improvement Planned:		ONE PROPOSED CABIN & ASSOCIATED UTILITY IMPROVEMENTS			
Land Use Zone:		MOUNTAIN			
Applicant Signature					
Date Application Requested					
Date Submitted for Permit					
Date Permit Issued					
Date Permit Denied					
Reason for Denial					
Receipt		FEE PAYMENT			
Application					
Building Permit					
Subdivision/PUD					
Hearing Notice					
		Land Use Administrator			
		Ownership of Surface			
		Ownership of Minerals			
		Vicinity Map			
		Certified Survey Plat			
		Monumentation			
		Basic Plan Map			
		Plans and Drawings			
		Road System Relationship			
		Zoning Compatibility			
		State Mining Permit			
		Owner Notification			
		Avalanche Hazard			
		Geologic Hazard			
		Floodplain Hazard			
		Wildfire Hazard			
		Mineral Resource Impact			
		Wildlife Impact			
		Historic Site Impact			
		Watershed Geomorph			
		County Building Inspector			
		Building Permit			
		State Electrical Inspector			
		Electrical Permit			
		San Juan Basin Health Unit			
		Sewage Disposal: Test			
		Design			
		Central Sewage Collection			
		State Division of Water Resources			
		Adequate Water Source			
		Well Permit			
		Central Water Distribution			
		U.S. Forest Service/BLM			
		Access Approval			
		State Division of Highways			
		Driveway Permit			
		Subdivision Variance			
		Subdivision Approval			
		PUD Approval			



**BARGAIN AND SALE DEED**

The "Grantor," Frank J. Anesi, whose legal address is P.O. Box 2185, Durango, Colorado 81302, of the County of La Plata and State of Colorado, for the consideration of TEN DOLLARS. (\$10.00), and other good and valuable consideration, in hand paid, hereby sells and conveys to Anesi Mining Venture LLC, the "Grantee," whose legal address is P.O. Box 2185, Durango, Colorado 81302, of the County of La Plata and State of Colorado, the following mining claims in the Animas Mining District, County of San Juan and State of Colorado, to wit:

- El Paso lode mining claim, U.S.M.S. 9842A (Parcel No. 48290150010101)
- Professor Chandler lode mining claim, U.S.M.S. 14047 (Parcel No. 48290150010101)
- Professor Winkler lode mining claim, U.S.M.S. 9842A (Parcel No. 48290150010101)
- Von Cotta lode mining claim, U.S.M.S. 14052 (Parcel No. 48290230010005)
- Carolina Lode and Mill Site, U.S.M.S. 5569-B (Parcel No. 48290000010048)
- Lencosticte lode mining claim, U.S.M.S. 5570 (Parcel No. 48290000010048)
- General Hallack lode mining claim, U.S.M.S. 14047 (Parcel No. 48290220010012)
- La Veta lode mining claim, U.S.M.S. 14047 (Parcel No. 48290220010012)
- Unity lode mining claim, U.S.M.S. 9120 (Parcel No. 48290220010012)
- Leyner lode mining claim, U.S.M.S. 14324 (Parcel No. 48290220010005)

with all its appurtenances, SUBJECT TO any and all exceptions of record.

Signed this 23rd day of October, 2015.

GRANTOR

  
By: Frank J. Anesi

STATE OF COLORADO            )  
  ) ss  
County of LA PLATA            )

The foregoing instrument was acknowledged before me this 23rd day of October, 2015, by Frank J. Anesi.

Witness my hand and official seal.

My commission expires: May 14, 2015<sup>19</sup>

  
Notary Public



**IMPROVEMENT PERMIT APPLICATION**

**Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B**

**LIST OF ADJACENT LANDOWNERS**

*As of 3/23/2022*

**Adjacent Landowner**

Dale Hicks  
PO BOX 1304  
Clarkdale AZ 86324-1304

**Property**

Independence -14383 & Temptation -14383

**\*All other adjacent land is owned by the BLM as confirmed by the enclosed email from Kim Buck, San Juan County Assessor, dated 3/23/2022.**

**Nick Anesi**

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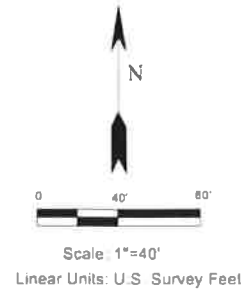
**From:** Kimberly Buck <assessor@sanjuancolorado.us>  
**Sent:** Wednesday, March 23, 2022 3:06 PM  
**To:** Nick Anesi  
**Subject:** Property within 1500' of Carolina Mill Site

Nick,  
The following is the only parcel within 1500' of the Carolina Millsite. All other land is BLM.

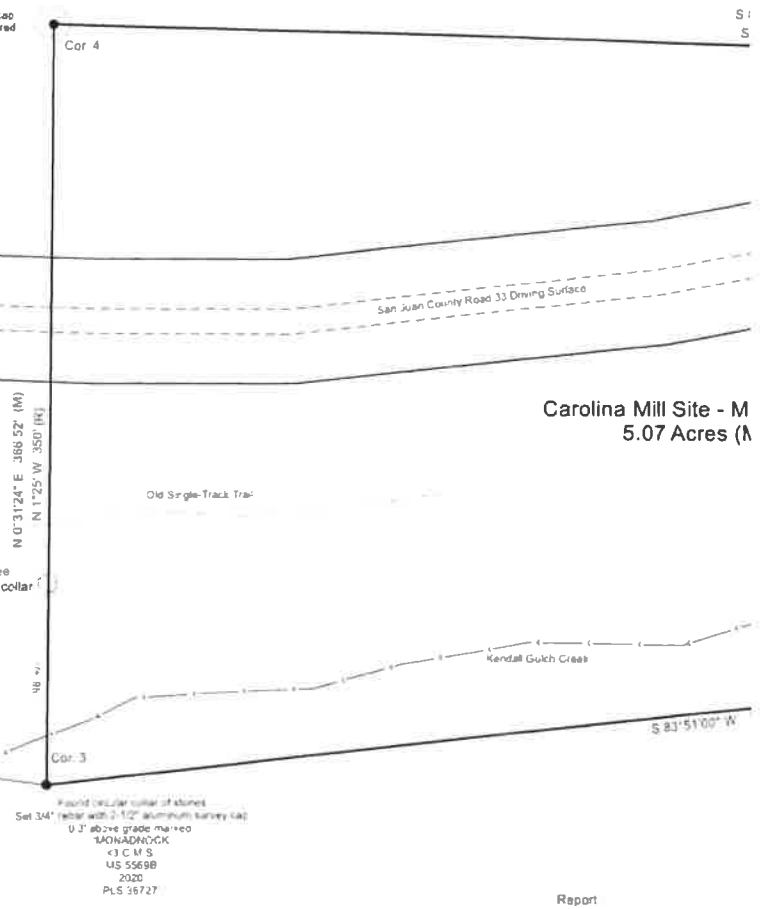
<https://property.spatalest.com/co/sanjuan#/property/48290000010042>

Kim Buck  
San Juan County Assessor  
[assessor@sanjuancolorado.us](mailto:assessor@sanjuancolorado.us)  
PO Box 596 Silverton CO 81433  
office: 970-387-5632  
mobile: 970-903-5647

Land  
Car  
U.S. Miner  
Anima  
San Juan  
Unsurveyed



Found 3' dia dead tree  
Set 3/4" rebar with 2-1/2" aluminum survey cap  
0.4 above grade w/ center of not bsd pt marked  
MONADNOCK  
+4 C.M.S.  
MS 5569B  
2020  
PLS 18727



Carolina Mill Site - M  
5.07 Acres (A)

U.S.M. Deadwood Gulch  
Found 3/4" brass tablet set flush in rock  
as per Colorado Monument Record dated 12/23/2003

Basis of Bearings  
N 82° 20' 00" W 7932.81' (M)

Found circular collar of stones  
Set 3/4" rebar with 2-1/2" aluminum survey cap  
0.3' above grade marked  
MONADNOCK  
+3 C.M.S.  
MS 5569B  
2020  
PLS 18727

Report

The best evidence found for the stones for Corner No. 3 and a dead tree as the bearing tree for Corner No. 4, which was only pieces of a dead, 3-foot diameter tree, the center of the tree left by the tree.

An extensive search was conducted (MS 5569A) and other lode claims, the workings and remnants of claims of those lode claims, when applied to the theoretical position over 900 feet would have placed the Mill Site at a position where neither Kendall Gulch Creek nor the Old Single-Track Trail.

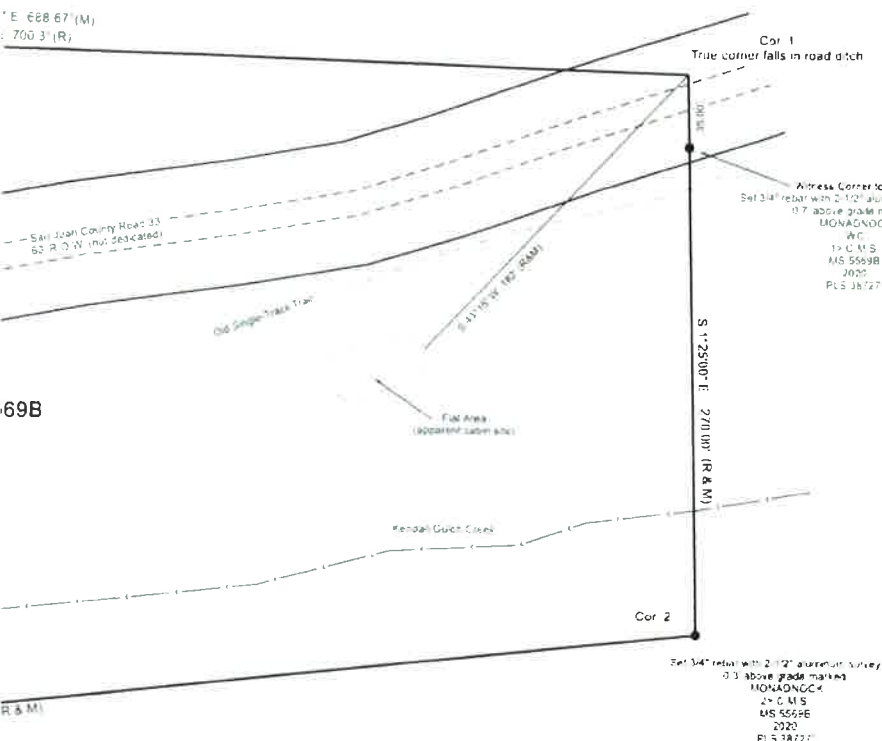
U.S.L.M. Seymour, the only direct descendant of the original claimant, therefore, a measurement was made and accepted on 12/23/2003.

1. Survey prepared without the benefit of a title policy or commitment. Research conducted at the Assessor's Office and Clerk & Recorder's Office of San Juan County, Colorado, and the Colorado Office of the Bureau of Land Management.
2. Property description from U.S. Miner's Patent dated 3/11/1892.
3. This survey is valid only if print has original seal and signature of surveyor.
4. Basis of Bearings: Bearings are local grid bearings. The bearing of the line between Corner No. 3 of the Carolina Mill Site (MS 5569B) and U.S.L.M. Deadwood Gulch is N 82° 20' 00" W. Monuments fully described and shown hereon. All bearings shown hereon are relative thereto.
5. No utility locates were performed as part of this survey. No research has been done concerning the existence, size, depth, condition, capacity or location of any utility or municipal/public service facility. For information regarding these utilities, please contact the appropriate agencies. All underground utilities must be field located by the appropriate agency or utility company prior to any excavation, pursuant to C.R.S. 9-1-5-103.
6. Only specific improvements are shown hereon for informational purposes. This is not an improvement survey plan as defined by C.R.S. 38-51-102 (9).
7. Dates of fieldwork: September 2018, July and September 2020.
8. According to Colorado Law, you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten (10) years from date of certification shown hereon.
9. Any person who knowingly removes, alters, or defaces any legal land boundary monument and/or boundary monument accessory, commits a class 2 misdemeanor pursuant to C.R.S. 18-4-508.

**Survey Plat**  
 Carolina Mill Site  
 Survey No. 5569B  
 Mining District  
 San Juan County, Colorado  
 T1N, R7W, N.M.P.M.



Location Map - not to scale



**LEGEND**

- M - Measured at time of survey
- R - Record as per U.S. Mineral Patent of 3/11/1892

The Carolina Mill Site (MS 5569B) is the circular collar  
 1' diameter tree found at the same bearing and distance  
 over half of the tree's diameter rotted away. It is  
 not mineral surveyors is gone. A similar situation was  
 documented as a 3-foot diameter dead spruce. Again,  
 could be found, no scribing. Corner No. 4 was set in  
 hill when it toppled.

Remains and workings of the Carolina Lode (MS  
 have been tied to the Carolina Mill Site. While some mine  
 are found, any reasonable interpretation of the position  
 or lies back to the Carolina Mill Site, moved the  
 1' of its final retraced location. That general location  
 talus slope, void of any trees or cabin sites, and in a  
 e old trail and road cross the Mill Site.

monument lie in the original survey, could not be found  
 nearest location monument U.S.L.M. Deadwood  
 initial conformance to the Colorado Monument Record

**Surveyor's Certification Statement:**

I, Timothy A. Pasek, a Professional Land Surveyor licensed in the State of Colorado, do hereby certify that  
 this plat, consisting of one sheet, accurately represents, to the best of my knowledge, information and  
 belief a survey made by me or under my responsible charge in accordance with applicable standards of  
 practice. This survey is not a warranty or guarantee, expressed or implied. This survey does not show  
 easements except those specifically shown hereon.



Timothy A. Pasek  
 Colorado PLS 38727

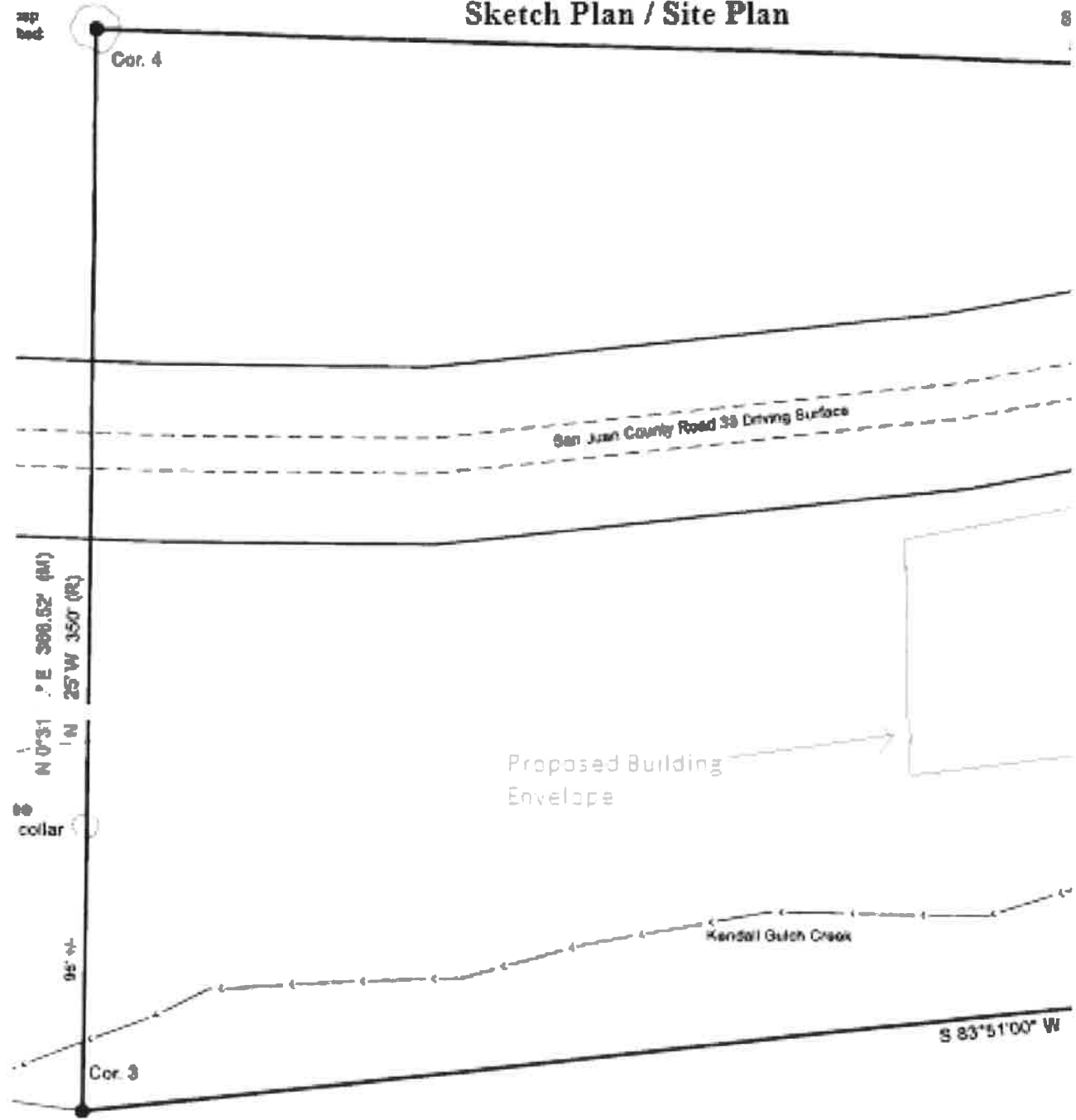
LAND SURVEYOR'S DEPOSIT  
 San Juan County Surveyor's Office  
 Date \_\_\_\_\_ Map No. \_\_\_\_\_

N Anesi  
 P.O. Box 2185  
 Durango, CO 81301

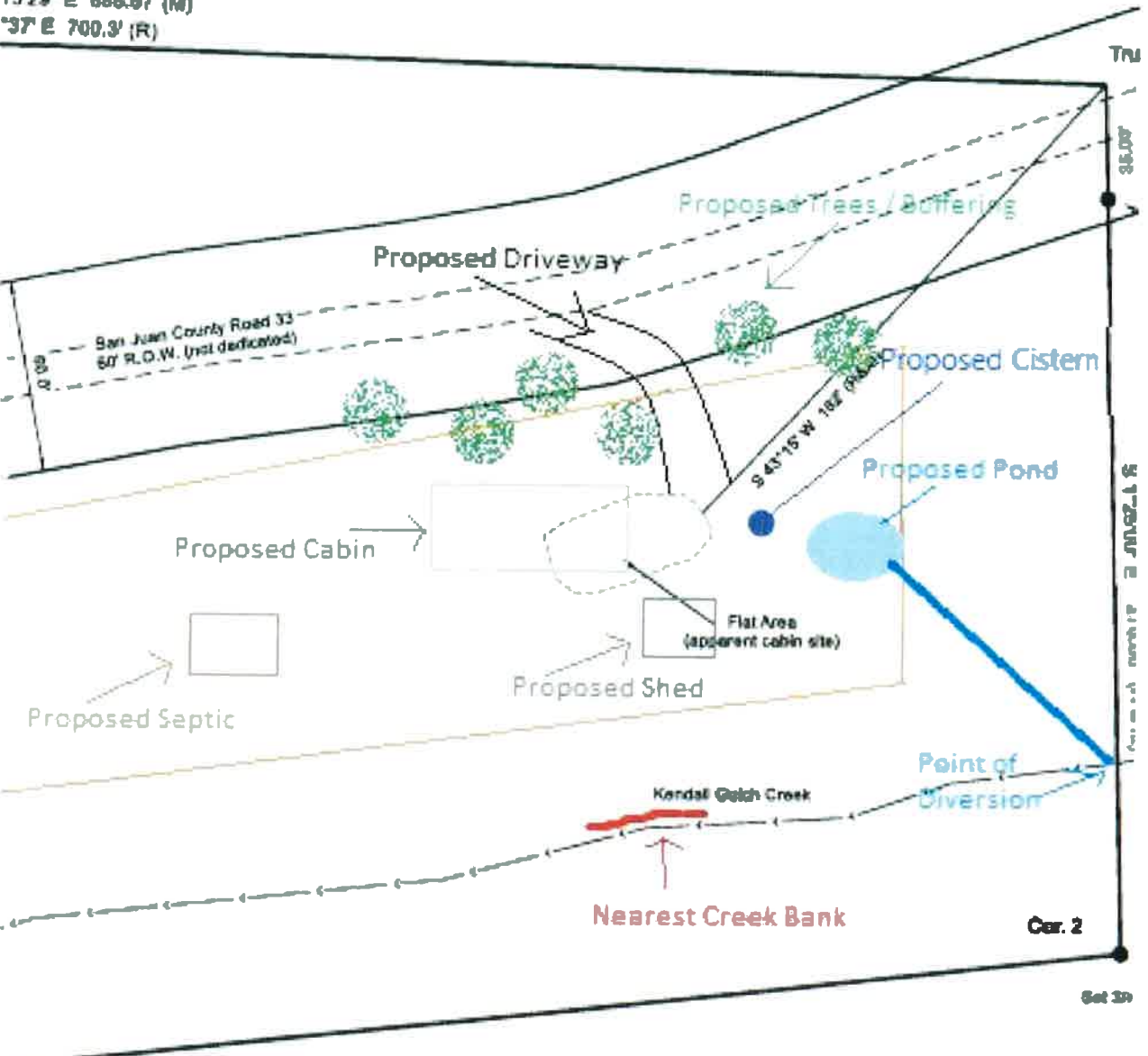
Minablock Mining Services LLC  
 P.O. Box 45, 342 1/2 Ave  
 Durango, CO 81427

Job No 218045 Sheet 1 of 1

# Carolina Mill Site Sketch Plan / Site Plan



13°29' E 688.67' (M)  
37° E 700.3' (R)



TN

40.00'

S 1°29'08" E 414.00' (M)

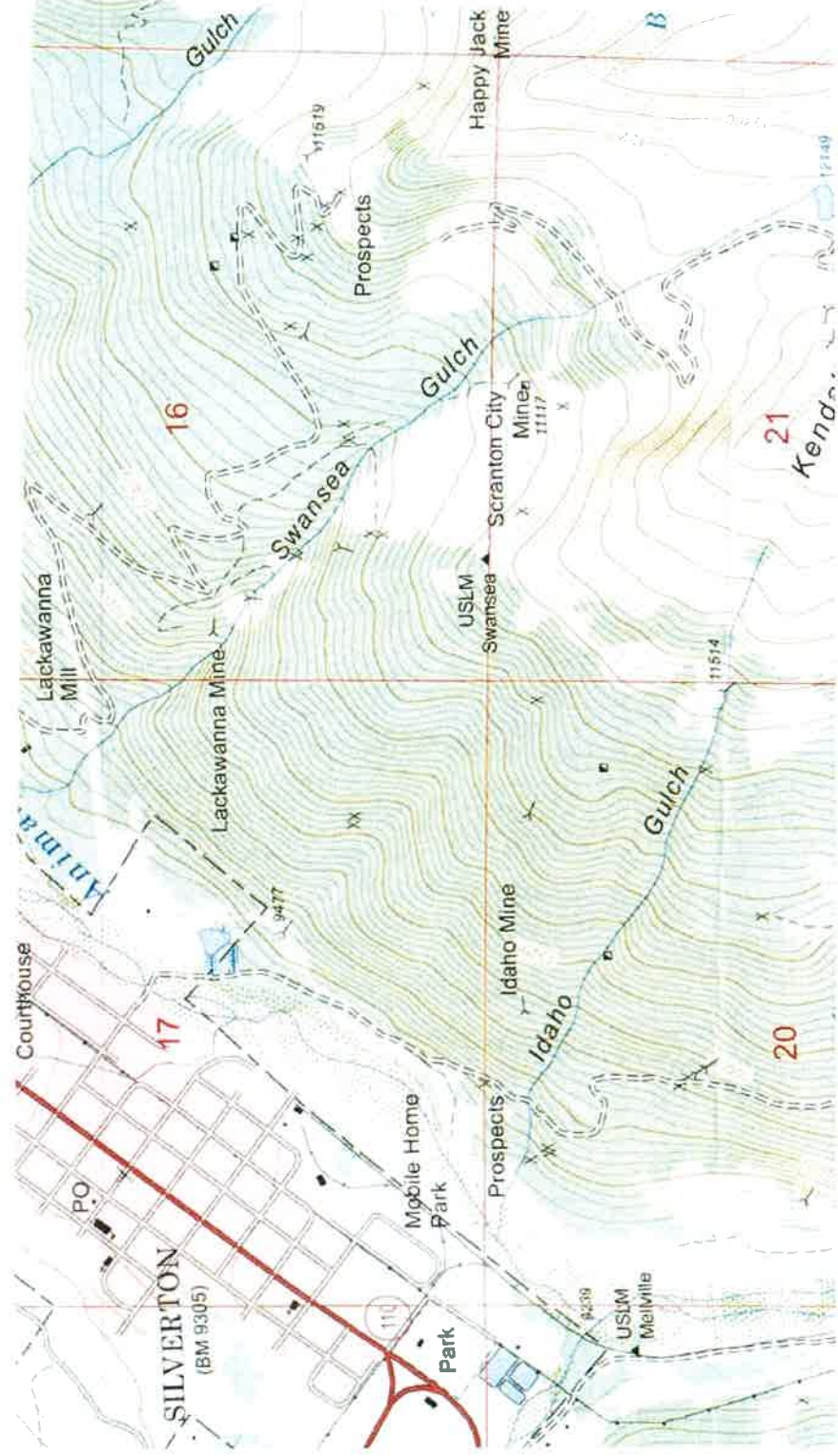
Cor. 2

Set 30

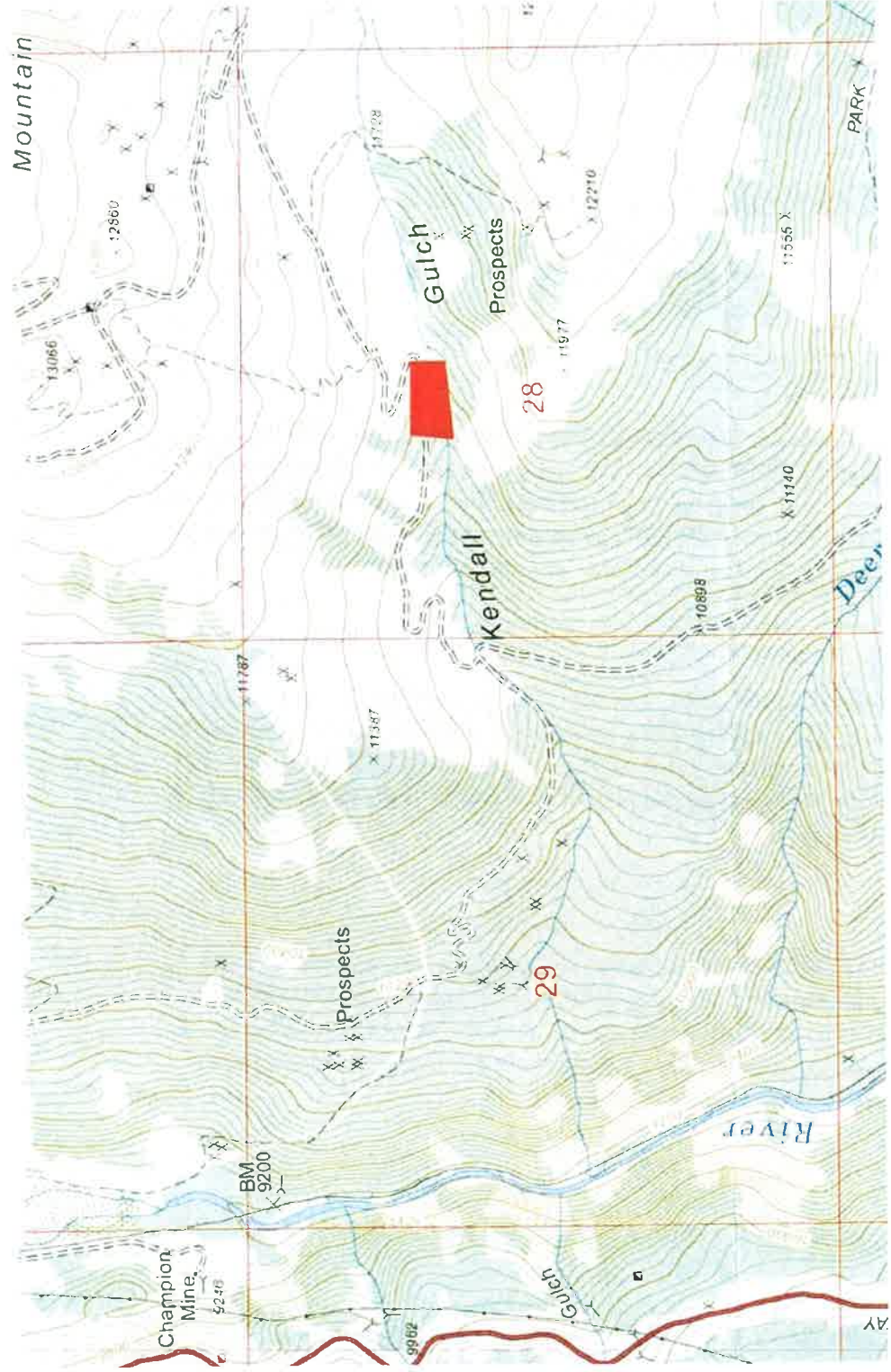
1' (R & M)

**Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B**

**VICINITY & TOPOGRAPHY MAP**







## IMPROVEMENT PERMIT APPLICATION

### Proposed Carolina Mill Site Cabin U.S. Mineral Survey No. 5569B

#### PROJECT NARRATIVE

##### Introduction

Anesi Mining Ventures, LLC owns the Carolina Mill Site which is located on San Juan County Road 33 (the "Property"). Frank Anesi is the managing member of Anesi Mining Ventures, LLC and is proposing a two-story residential cabin, shed and septic system. The Property is located within Mountain Zoning District.

##### Water Services

The applicant plans to draw water from Kendall Gulch Creek as supported by the attached water application, Case No. 2022CW3003. The water draw from Kendall Gulch Creek will be stored in a buried cistern and/or small holding pond which has been approved by the Southwestern Water Conservation District ("SWCD") as set forth in the notice of intent to make the conditional water rights absolute -filed on 10-27-2021 and attached hereto.

##### Sewer Services

A septic system is proposed for the cabin. The septic system will be engineered by Engelhardt Environmental, LLC. Mr. Engelhardt has performed a site visit and finds the soil to be conducive for a new OWTS. An application for the San Juan Basin Health Department is included within this submittal for your review. Also included is a letter from Mr. Engelhardt setting forth his findings from his site visit.

##### Power

The Applicant plans to utilize passive and active solar, propane and a generator kept within the shed for use during construction. The Applicant plans to utilize a gravity fed water turbine from the holding pond as an electrical power source. Any propane tanks will be stored outside the cabin and away from any combustibles. Solar panels will likely be mounted to the roof of the cabin and positioned to maximize sun exposure.

##### Heating

Heating is planned to include passive solar, a fireplace and possibly a wood-fired boiler system.

## IMPROVEMENT PERMIT APPLICATION

Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B

### PROJECT NARRATIVE

#### Lighting

For safety reasons, a minimal amount of exterior lighting may be installed at the cabin. The Applicant may install automatic on/off motion detection solar lights. All exterior lighting will conform with San Juan County requirements. Interior lighting shall include low voltage LED bulbs.

#### Solid Waste Management

The Applicant will be responsible for trash disposal. According to County regulations, property owners are responsible for solid waste transport and solid waste disposal fees. Onsite trash will be contained within a structure at all times until removed and taken to the Transfer Station.

#### Phone Services

Cell phones work at the Property. No land line is proposed at this time.

#### Landscaping

Landscaping shall include planting of trees to conceal the cabin from visibility as much as possible. County Road 33 passes through the center of the Property and therefore all "safe" building sites are viable from the County Road. The enclosed Avalanche Hazard Assessment & Mapping for the Carolina Mill Site (the "Study") identifies three locations that are safe to construct a Cabin. Location number "3" is proposed for two reasons: First, it is the historic location of the original cabin and/or mill. Second, it is the least visible location from County Road 33. While all three locations are clearly visible from the County Road, location 3 has the most existing vegetation and can be further concealed by planting more trees. Raking and removal of combustible ground cover will be needed, as recommended by the Colorado State Forest Service Firewise Practices, to develop adequate defensible space.

#### Access

A short driveway is proposed off County Road 33. The driveway will be constructed to County specifications.

## IMPROVEMENT PERMIT APPLICATION

Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B

### PROJECT NARRATIVE

#### Foundation

Depending on the bearing conditions encountered during excavation, the foundation will most likely consist of a concrete pier system. If the conditions are favorable, the Applicant may build a small basement used for storage and utility placement.

#### Surveying

The survey plat for the Property was prepared by Professional Licensed Surveyor (PLS) Timothy A. Pasek, Monadnock Mineral Services, LLC. A signed and stamped copy of the survey plat is included within this application for your review.

#### Subsurface Conditions

Subsurface conditions in the area generally consist of topsoil and are conducive to a septic system. The Property was inspected by Chad Engelhardt, Engelhardt Environmental, LLC, and his findings are set forth in his attached letter dated March 23, 2022.

#### Building Envelope

The building envelope is shown on the attached plans and described within this application. As noted above, the selected building envelope has been evaluated for avalanche and geohazards potential. Site number "3" as set forth in the Study, is "buildable" and relatively safe.

#### Avalanche and Geohazards

The Applicant retained avalanche consultant, Chris Wilbur PE, to further evaluate the Property. Mr. Wilbur works with avalanche engineer Art Mears PE and has performed a detailed review of the potential avalanche hazards as set forth in his attached Study. As noted above, there are three buildable locations. The applicant elected site number 3 due to the fact that is the most concealed from the County Road and it is the location of the historic cabin / mill. Mr. Wilbur will be consulted prior to construction, to check mitigation measures.

## IMPROVEMENT PERMIT APPLICATION

Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B

### PROJECT NARRATIVE

#### Elevation of Structure

The elevation of the Property is above 11,400 feet, and as such the cabin design cannot exceed 1000sq in size. The entire Property is well below tree line, however, as evidenced by the photos included within this application.

#### Cabin Size

The proposed cabin is two stories with a possible basement and will be 1000 square feet. Covered decking will exist on three sides of the cabin with a small porch on the back side as illustrated in the attached plans.

#### Cabin Height

The proposed roof pitch is 12:12. The cabin height will depend somewhat on the location it is built (i.e., the sloping topography will impact the overall height depending upon whether it is measured at the lowest grade or highest grade.

#### Cabin Style

The Applicant is designing the cabin in the traditional "mountain-style cabin" with timber / steel framing and architectural features designed to duplicate a historic mining structure.

#### Building Materials

Photos of the proposed building material are included within this application, and they consist of the following:

- Wood timbers and/or structural steel
- Non-reflective, rust color metal siding and/or native stone found onsite
- Minimal window glazing
- Non-reflective metal roofing

#### Proposed Shed

The proposed shed is being designed to match the cabin and will be a one-story structure able to accommodate the parking of only one vehicle inside.

**IMPROVEMENT PERMIT APPLICATION**

**Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B**

**PROJECT NARRATIVE**

**Building Plans**

Draft building plans for the proposed cabin have been prepared by the Applicant and are included in this submittal.

# SAN JUAN BASIN public health

Permit # \_\_\_\_\_

Year 2022

## APPLICATION to Construct, Alter, or Repair an On-site Wastewater Treatment System

Owner: Anesi Mining Ventures, LLC (ATTN: Frank Anesi) Phone: 970-247-9246

Site address: Carolin Mill Site U.S. Mineral Survey No. 5569B Animas Mining District

Assessor's parcel # 48290000010048 Subdivision: San Juan County Lot#: N/A

Lot size: 5.07 (acres) # of Dwellings: 1 # of Bedrooms: 2 Water supply: Cistern

**I acknowledge:** (1) This application does not guarantee that an On-site Wastewater Treatment System ("OWTS") can be installed or a building permit issued; (2) The issuance of the OWTS permit does not imply any warranty by San Juan Basin Public Health as to the operation of the OWTS; (3) The OWTS must be constructed in accordance with the San Juan Basin Public Health On-site Wastewater Treatment System Regulations; and (4) The owner of the property assumes the responsibility and liability for the proper maintenance of the OWTS.

Date: 3/21/22 Owner's signature: *Frank Anesi*

Owner's mailing address: 835 E 2nd Ave. Suite 220, Durango CO 81301

Owner's email address: nick@fjanesi.com

### [DEPARTMENT USE ONLY]

Permit fee: \$ \_\_\_\_\_ Payment type: \_\_\_\_\_ Rec'd by: \_\_\_\_\_ Date: \_\_\_\_\_

Site Evaluation LTAR: \_\_\_\_\_ Limiting Zone: \_\_\_\_\_ Depth: \_\_\_\_\_

### PERMIT to \_\_\_\_\_ an On-site Wastewater Treatment System

Septic tank(s): \_\_\_\_\_ Design flow: \_\_\_\_\_ (gal/day) Distribution: Gravity or Pressure siphon pump

Soil treatment area: \_\_\_\_\_

### Design Specifications and Comments:

### Authorization to begin Construction

Permit must be signed by EHS BEFORE construction begins

\_\_\_\_\_  
Environmental Health Specialist Date

**Final Inspection** The above system has been inspected and found to comply with the above requirements.

\_\_\_\_\_  
System Installed by (name, company, phone) Environmental Health Specialist Date

\_\_\_\_\_  
System Designed by (name, company, phone)

Engelhardt Environmental, LLC.

---

March 23, 2022

PROPERTY: Carolina Mill Site, Silverton, CO

PROPERTY OWNER: Frank Anesi

To Whom It May Concern:

This purpose of this letter is to confirm that a site and soil evaluation for the above referenced property was conducted on July 19, 2021 as per San Juan Basin Public Health protocol for OWTS permitting. At the time of site visit, I evaluated two soil profile pits and determined that the soil is suitable and site conditions conducive for construction of a new OWTS.

Once I receive a site plan and SJBPH OWTS permit application number from Mr. Anesi, I intend to design the new OWTS for the proposed cabin.

Please contact me with any questions you may have regarding this matter.

Sincerely,

*Chad Engelhardt*

Chad Engelhardt  
Engelhardt Environmental, LLC.



San Juan County District Court, Water Division No. 7, Colorado P. O. Box 900 Silverton, CO 81433			
<p style="text-align: right;">DATE FILED: January 25, 2022 3:33 PM</p> CONCERNING THE APPLICATION FOR WATER RIGHTS OF DOC77936CE7D Applicant: <span style="float: right;">CASE NUMBER: 2022CW3003</span>			
ANESI MINING VENTURES, LLC  In the Animas River or its Tributaries  In SAN JUAN COUNTY		▲ COURT USE ONLY ▲	
Attorney: Anesi Law Firm Frank J. Anesi, Reg. 1365 Nicholas F. Anesi, Reg. 41610 Attorneys for Applicant 835 E. Second Ave, #220 Durango, Colorado 81302 (970) 247-9246 frank_15@fjanesi.com nick@fjanesi.com		Case Number:  Division:                      Courtroom:	
<b>APPLICATION FOR <input checked="" type="checkbox"/> CONDITIONAL <input type="checkbox"/> ABSOLUTE WATER RIGHTS (SURFACE)</b>			
<b>Instructions:</b> All lines and boxes should be filled in or shown as not applicable (N/A) with the exception of section 3.B where only 3.B.1 or 3.B.2 should be completed. Attach additional sheets as needed. Attach all maps as required. It is the applicant's responsibility to provide the location for each structure in this application. For structures that are already decreed, use, verbatim, the location from the most recent decree that adjudicated the location. For new structures, provide a PLSS location (quarter-quarter, section, township and range) and a single point location description using either UTM coordinates (for example from a GPS device) (preferred) or measured distances from known section lines			

1. Name, mailing address, email address and telephone number of applicant(s) (if there are multiple applicants and the space provided is not adequate, provide additional sheets as needed):

Name of Applicant	Mailing Address	Email address	Telephone Number
Anesi Mining Ventures, LLC	835 E 2 <sup>nd</sup> Ave, #220, Durango CO 81301	Frank_15@fjanesi.com	970-247-9246

2. Name of structure: Carolina Mill Site Diversion  ditch  spring  other \_\_\_\_\_

3. Location of Structure

A. Public Land Survey System (PLSS) (Required):  
 Include the source of PLSS information, for example: GIS system such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); field survey; scaled from USGS topographic map; or other source:

<b>Legal Description:</b>	_____ 1/4	_____ 1/4	Section	Township	Range	Principal Meridian
County	of the			41	7	
San Juan				N or S	E or W	
				<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	N.M.P.M.

B. Point of diversion (Required) (Complete either 1 or 2 below)

1. Location information in UTM format (Preferred). UTM Zone must be 12 or 13; Units must be Meters, Datum must be NAD83, and Units must be **set to true North**. Include the source of the UTM coordinates, for example: GPS device; GIS System such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); scaled from USGS topographic map, or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 1/2 x 11 inch map to this application illustrating the location of the structure.

<b>UTM coordinates</b>		
Easting 13S 0267408E    Northing 4185143N		
<input type="checkbox"/> Zone 12 <input type="checkbox"/> Zone 13		
Street Address:    Latitude: 37° 47' 03"    Longitude: 107° 38' 28"		
Subdivision:	Lot:	Block:
Source of UTM's (for example, hand-held Garmin GPS or located from aerial map, etc). <u>Survey map</u>		
Accuracy of location displayed on GPS device (for example, accurate to within 200 feet). <u>±20 feet</u>		

2. Distance from Section Lines (if not providing a UTM coordinate above). Include perpendicular distances from section lines to the structure location. Include the source of PLSS information, for example: GIS system such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); field survey; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 1/2 x 11 inch map to this application illustrating the location of the structure.

<b>Distance from Section Lines</b> (not from property lines)		
_____ Feet from <input type="checkbox"/> N <input type="checkbox"/> S and _____ Feet from <input type="checkbox"/> E <input type="checkbox"/> W		
Source of PLSS information		
Street Address:		
Subdivision	Lot	Block

4. Source (for example unnamed tributary to North Clear Creek, tributary to Clear Creek, tributary to the South Platte River) Kendall Gulch Creek
5. A. Date of appropriation. The date of appropriation was initiated by legal research on the requirement of Southwest Water Conservation District in Case No. 06CW127. However, the stipulated initial date of appropriation will not occur until August 15, 2022.
- B. How appropriation was initiated See paragraph 9
- C. Date water applied to beneficial use Anticipated to be August 15, 2022.

6. Amount claimed in cubic feet per second (cfs) or gallons per minute (gpm) (1 cfs = 448.8 gpm).  
Conditional \_\_\_\_\_ ( cfs  gpm) Absolute 15 ( cfs  gpm)

If claiming an absolute water right, application shall include supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed.

7. List All Uses or Proposed Uses Residential, small garden, decorative tree planing

A. If irrigation, complete the following:  
Number of acres historically irrigated \_\_\_\_\_; proposed to be irrigated 2000 square feet  
Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right?  yes  no  
Legal description of irrigated acreage. Mark the location of the irrigated acreage on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map

See attached map

B. If non-irrigation, describe purpose fully. Mark location of use on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map

N/A

8. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so by no later than 14 days after filing this application. The certification form is on page 4 of this form.

Name of Owner	Mailing Address
Anesi Mining Ventures LLC	835 E. 2 <sup>nd</sup> Ave. #220, Durango, CO 81301

9. Remarks or any other pertinent information.

The Applicant plans to build a residential cabin of approximately 1500 square feet and a 2000 square foot lined pond to be used for irrigation of a small garden and a few decorative trees. The pond will divert its water back to Kendall Gulch Creek to run through an electric turbine to generate electricity for the cabin. Also attached to this Application is Notice of Intent to Make Absolute subject to the water right decreed in Case No. 06CW127. The stipulated date of appropriation with the Southwest Water Conservation District is August 15, 2022.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

[Signature]  
Signature of Attorney (if any)

11/25/22  
Date

**VERIFICATION**

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the 15<sup>th</sup> day of January 2022 at Denver, Colorado  
(date) (month) (year) (city or other location, and state OR country)

Mark J. Harker (Manager) [Signature]  
Printed Name Signature

[Signature] Attest  
Signature of Attorney (if any) MARY VENTURES L.L.C.

The person signing this verification is  Applicant  Engineer  Other (describe) Attorney at Law  
for Mary Ventures L.L.C.

Verifications of other persons having knowledge of the facts may be attached to this Application.

10-27-11

**Notice of Intent to Make Absolute**

N.O.I. # 34  
*(Assigned by SJCD)*

The below identified applicant hereby notices its intent to make absolute an increment of the Animas Service Area conditional water right decreed in Case No. 06CW127 consistent with the terms and conditions decreed therein. Use additional pages as needed.

**Applicant Information:**

Name: Anesi Mining Venture LLC Telephone: 970-247-9246

Email Address: frank\_15@fjanesi.com

Mailing Address: 835 E. Second Avenue, #220; Durango, CO 81301  
(The approved NOI will be mailed to this address)

**Prospective Water Right Increment Information:**

Proposed Use of Water (e.g. domestic, irrigation, commercial):

Domestic use for one cabin, one pond with 400 ft<sup>2</sup> surface area and possible small hydropower turbine.

Proposed Source (groundwater, surface water):

Kendall Gulch Creek - maximum 15 gpm.

Proposed Place of Use (include parcel # if possible):

Carolina Mill Site, San Juan County, Colorado

Anticipated Amount of Depletions (number of acres irrigated, stock use, domestic surface area, and pond evaporation, etc. in the time periods per the 06CW 127 decree):

See attached sheet.

The applicant is advised and recognizes that the execution of this Notice of Intent to Make Absolute confers no right, title, or interest in water beyond the right to perfect an increment of the Animas Service Area conditional water right consistent with the decree in Case No. 06CW127.

Applicant is hereby given authority by Southwestern Water Conservation District and La Plata County to file an application to make the conditional water right absolute pursuant to the terms and conditions in Case No. 06CW127. The Southwestern Water Conservation District and La Plata County reserve the right to file opposition to such claim if deemed necessary.

10/27/21

Signed for the Applicant, (Title)

(Date)

Frank J. Anesi, Managing Member

Printed Name

Governmental Endorsements:

N. Starkebaum  
La Plata County

1/18/22  
(Date)

N. STARKEBAUM  
Printed Name

Steve Wright  
SWCD

10/27/21  
(Date)

STEVE WRIGHT  
Printed Name

**ANESI NOI - 06CW0127**

San Juan County - Kendall Gulch Creek (11,000 feet elevation)

	<u>Single Home</u>	<u>Pond<sup>1</sup></u>	<u>Total</u>
January 1- 31	0.000081	0.000000 <i>ICE</i>	0.000081
February 1- 28 (29)	0.000081	0.000000 <i>ICE</i>	0.000081
March 1 -31	0.000081	0.000000 <i>ICE</i>	0.000081
April 1 -14	0.000081	0.000000 <i>ICE</i>	0.000081
April 15 - 30	0.000081	0.000000 <i>ICE</i>	0.000081
May 1- 30	0.000081	0.000055	0.000136
June 1 - 14	0.000081	0.000070	0.000151
June 15 - 30	0.000081	0.000070	0.000151
July 1 - 14	0.000081	0.000070	0.000151
July 15 - 31	0.000081	0.000070	0.000151
August 1- 31	0.000081	0.000057	0.000138
September 1 - 30	0.000081	0.000049	0.000130
October 1 -31	0.000081	0.000032	0.000113
November 1 - 30	0.000081	0.000000 <i>ICE</i>	0.000081
December 1- 31	0.000081	0.000000 <i>ICE</i>	0.000081

<sup>1</sup> - Pond with 400 square feet of surface area (0.0092 acres)

<u>Evap Rates above 8,500'</u>	<u>Per Acre</u>	<u>For Anesi Pond</u>	<u>Pond SA</u>
January 1- 31	0.000441	0.000004	0.009183
February 1- 28 (29)	0.001587	0.000015	
March 1 -31	0.002867	0.000026	
April 1 -14	0.004444	0.000041	
April 15 - 30	0.004444	0.000041	
May 1- 30	0.005955	0.000055	
June 1 - 14	0.007635	0.000070	
June 15 - 30	0.007635	0.000070	
July 1 - 14	0.007610	0.000070	
July 15 - 31	0.007610	0.000070	
August 1- 31	0.006176	0.000057	
September 1 - 30	0.005356	0.000049	
October 1 -31	0.003529	0.000032	
November 1 - 30	0.001937	0.000018	
December 1- 31	0.000662	0.000006	

**AVALANCHE HAZARD  
ASSESSMENT & MAPPING**

for

**CAROLINA MILL SITE  
U.S. SURVEY NO. 5569  
COUNTY ROAD 33  
SAN JUAN COUNTY COLORADO**

Prepared for:

Frank Anesi  
835 E 2nd Ave. Suite 220.  
Durango, Colorado 81301

Prepared by:

Wilbur Engineering, Inc.  
Durango, Colorado

October 14, 2020



WILBUR ENGINEERING, INC.

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150 East 9 St., Suite 201 • Durango CO 81301  
(970) 247-1488 • [chris@mearsandwilbur.com](mailto:chris@mearsandwilbur.com)

October 14, 2020

Frank Anesi  
835 E 2nd Ave. Suite 220,  
Durango, Colorado 81301

RE: Avalanche Hazard Assessment  
Carolina Mill Site, U.S. Survey No. 5569  
CR 33, Kendall Mtn. Rd., San Juan County, Colorado

Dear Mr. Anesi:

At your request, we have completed our avalanche hazard assessment. We have also developed recommendations for avoiding and reducing exposure to avalanche hazards at the site.

If you have any questions, please contact me at (970) 247-1488.

Sincerely,  
Wilbur Engineering, Inc.



Chris Wilbur, P.E.

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## 1. Introduction

This study describes snow avalanche hazards at the Carolina Mill Site Claim on CR 33 (Kendall Mountain Road). Figure 1 shows the site location approximately 2 miles southeast of Silverton. Figure 2 shows the site on a Caltopo slope angle map. This report includes a map delineating high and moderate avalanche hazard zones, and provides recommendations for the planned cabin.



Figure 1 – Site Location Map

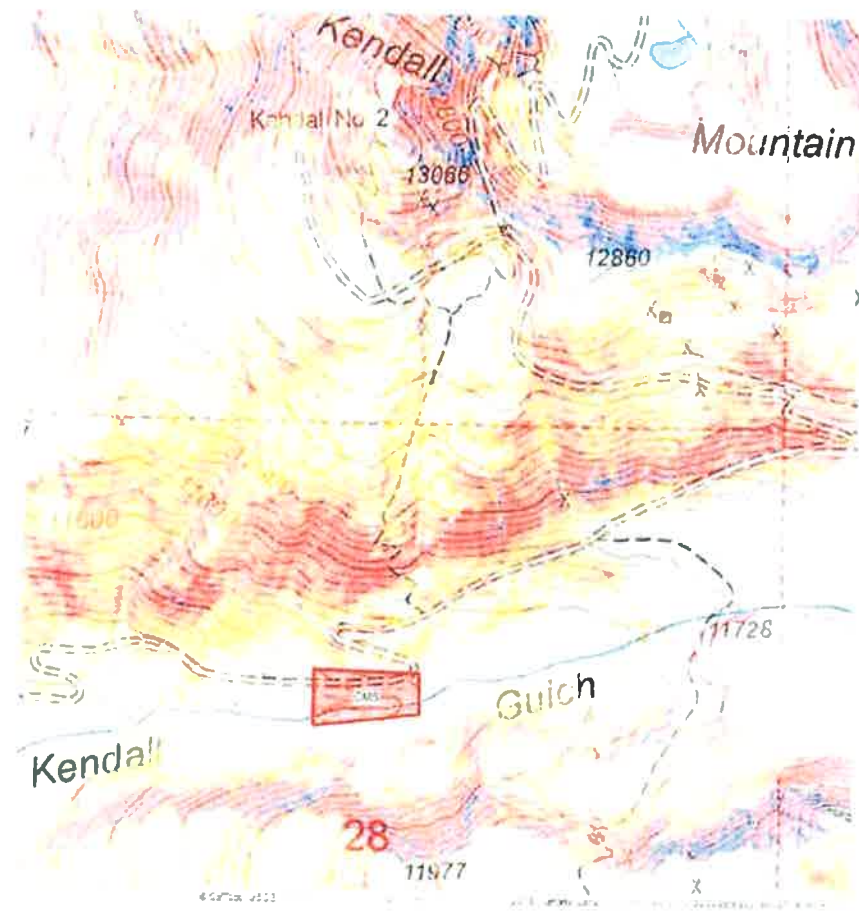


Figure 2 – Site on Caltopo Slope Map  
 (Site boundaries are approximate)

## 2. Objectives

This report has the following objectives:

1. Delineate avalanche hazard zones for High (Red) Avalanche Hazard and Moderate (Blue) Avalanche Hazards at the site.
2. Provide recommendations for reducing and mitigating avalanche hazards, including recommendations for siting of a proposed cabin to avoid or minimize exposure to avalanche hazards.

### 3. Limitations

This report also has the following limitations, which must be understood by all those relying on the results, conclusions, and recommendations:

1. Avalanches larger than the design-magnitude<sup>1</sup> avalanche are possible, will travel farther, spread wider, and possess greater impact pressures; the probability of such events is small enough that it is generally considered within acceptable limits of risk in this location at this time for the type of land use proposed.
2. This study is site and time specific; it should not be applied to adjacent lands nor should it be used without updating in the future when additional data and improved methods become available.
3. The avalanche hazard assessment is based on current forest and climatic conditions. Changes in forest cover and/or climatic conditions could increase or decrease the avalanche hazard;
4. No avalanche mitigation design specifications are provided. Avalanche design loads cannot be determined until the location, orientation and geometry of buildings and other structures have been determined. If mitigation is needed, additional analyses will be required to determine avalanche impact and static loads on walls, roofs, eaves and other exposed objects. A structural engineer, experienced in applying dynamic and static snow loads must be retained to design any structures to resist design snow and avalanche loads.
5. The scope of work does not include evaluation of any other geologic hazards, except for snow avalanches processes.

### 4. Methods

The avalanche hazard assessment, mapping and recommendations presented in this report are based on:

1. Review of reference documents listed in Section 11 of this report.
2. Terrain analyses using a 3-meter topographic map derived from LiDAR data downloaded from the USGS 3D Elevation Program (3DEP);
3. Site observations of vegetation and ground conditions made by Chris Wilbur on September 30, 2020.

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<sup>1</sup> The *Design-Magnitude Avalanche* has an approximate annual probability of one-percent, or an average return period of 100-years.

4. Analysis of various sources of aerial imagery, including Google Earth, Bing, USGS, USDA, and San Juan County GIS Department.
5. Review of historic weather data, including SNOTEL, Coop Weather Stations, Colorado Avalanche Information Center (CAIC) and the Center for Snow and Avalanche Studies (CSAS);
6. Avalanche dynamic modeling with the Swiss program, RAMMS, Version 1.7.20 utilizing a 3-meter resolution digital elevation model (DEM) developed from LiDAR data.
7. Our local and regional knowledge of terrain, climate and avalanche hazards.

## **5. Snow Climate**

The site is located in the Colorado Avalanche Information Center's (CAIC) Northern San Juan recreational forecast zone. Kendall Mountain and surrounding mountains are characterized by a continental snow climate. This snow climate is widely known for its characteristics that include development of a weak early season snowpack that can persist throughout the winter and spring. The weak lower snowpack can become overloaded by snow slabs that form during large storms and wind events, resulting in widespread avalanche activity. Northwest through southwest winds commonly transport snow into lee areas, especially above timberline. Avalanches that can reach the site will occur generally between November and June, with January-March as the most likely months of activity.

## **6. Terrain**

The Carolina Mill Site (el. ~11,400') is located near Kendall Gulch south of Kendall Mountain (el. 13,066'). The site has slopes ranging from a minimum of about 9 degrees near a proposed cabin site to over 30 degrees. The relatively gentle terrain near county Road 33 has typical slopes between 14 and 17 degrees.

The Carolina Mill Site location appears to have been selected for its location between two large south-facing avalanche paths that start above timberline on Kendall Mountain (Figure 3). These paths are favorable for wind-loading and can produce up to Size 3 avalanches. Table 1 describes the destructive size scale for avalanches. The east path is the largest and has a vertical drop of about 1500 feet. While it can release near the summit of Kendall Mountain, there is an area favorable for wind-loading near elevation 12,300 feet that is expected to produce the largest avalanches near the site. The avalanche path west of the site drops about 1000 feet and does not affect the site, except for the County Road 33 access.

While the site mostly avoids the two large destructive avalanche paths on either side of the site, Figure 3 also shows the starting zones<sup>2</sup> for lower elevation avalanche terrain directly above the site to the north can produce Size 2.5 avalanches that reach the site. These avalanche paths have a total starting zone size of about 1.4 acres and a vertical drop of 560 feet. The average slope angle (alpha angle) of these less obvious avalanche paths is about 27 degrees to the creek.

Figure 4 shows the north-facing slopes south of Kendall Gulch also can produce size D2.5 avalanches that can reach the site. The total start zone areas are about 2.2 acres and the maximum vertical drop is about 420 feet. The average slope angle (alpha angle) to the creek is about 26 degrees.

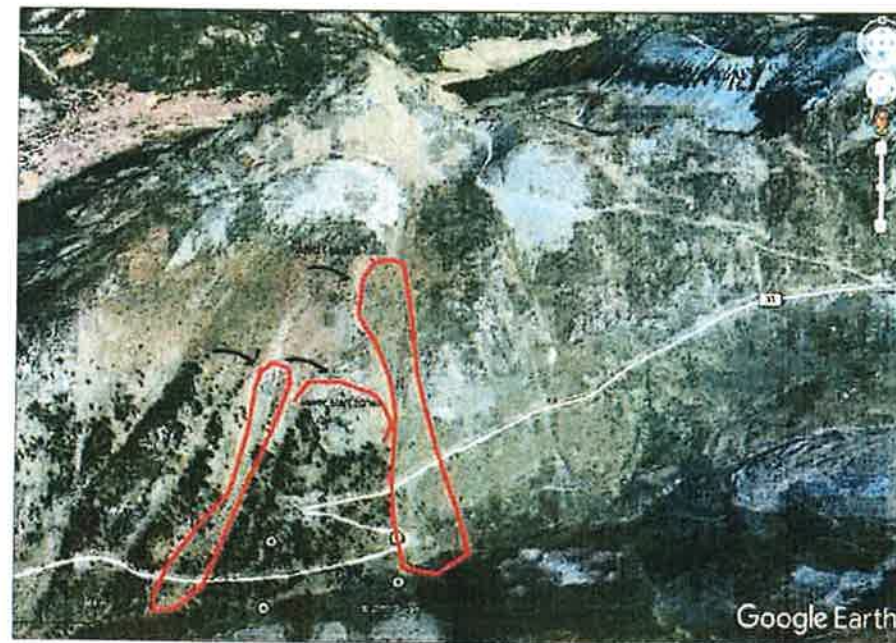


Figure 3 – Google Earth Image of South-facing Terrain

<sup>2</sup> The *Starting Zone* of an avalanche is the area where snow releases, accelerates and increases in mass.

Table 1 – Destructive Scale for Avalanche<sup>3</sup>

**Canadian classification system for avalanche size (McClung and Schaerer, 1981)**

Size	Destructive potential (definition)	Typical mass (t)	Typical path length (m)	Typical impact pressure (kPa)
1	Relatively harmless to people.	<10	10	1
2	Could bury, injure or kill a person.	10 <sup>2</sup>	100	10
3	Could bury a car, destroy a small building*, or break a few trees.	10 <sup>3</sup>	1000	100
4	Could destroy a railway car, large truck, several buildings or forest with an area up to 4 hectares (ha).	10 <sup>4</sup>	2000	500
5	Largest snow avalanches known; could destroy a village or forest up to 40 ha.	10 <sup>7</sup>	3000	1000

\* e.g. a wood frame house

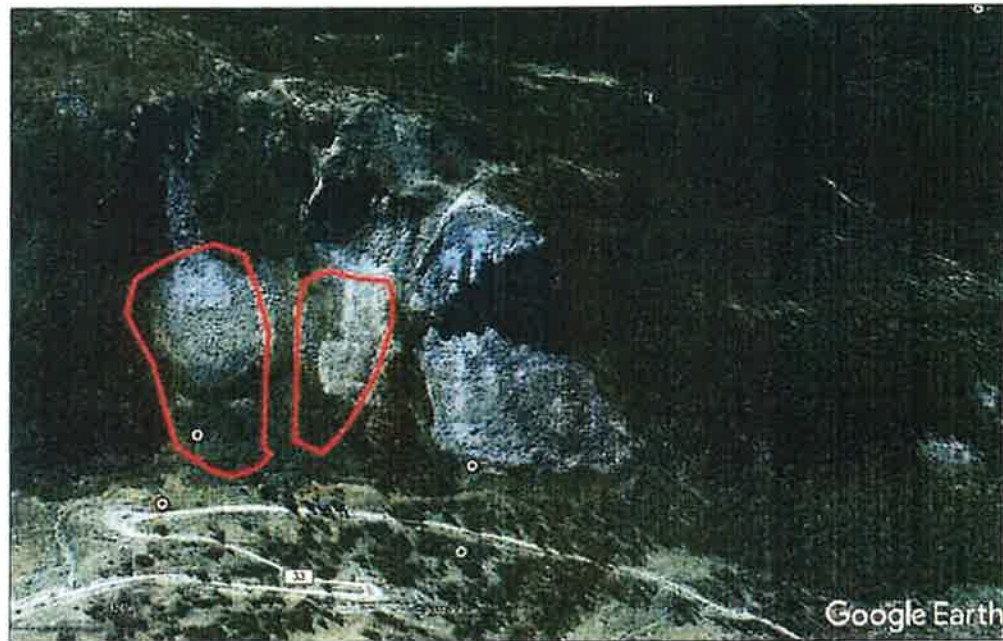


Figure 4 – Google Earth Image of North-facing Terrain

Figure 5 shows a slope angle map a slope aspect map with 20 meter contours and the site boundary.

<sup>3</sup> McClung, D. and Schaerer, P., 1980. Snow Avalanche Size Classification. Proceedings ISSW 1980. International Snow Science Workshop, Vancouver BC, Canada, 29 November 3-5, pp. 12-30.



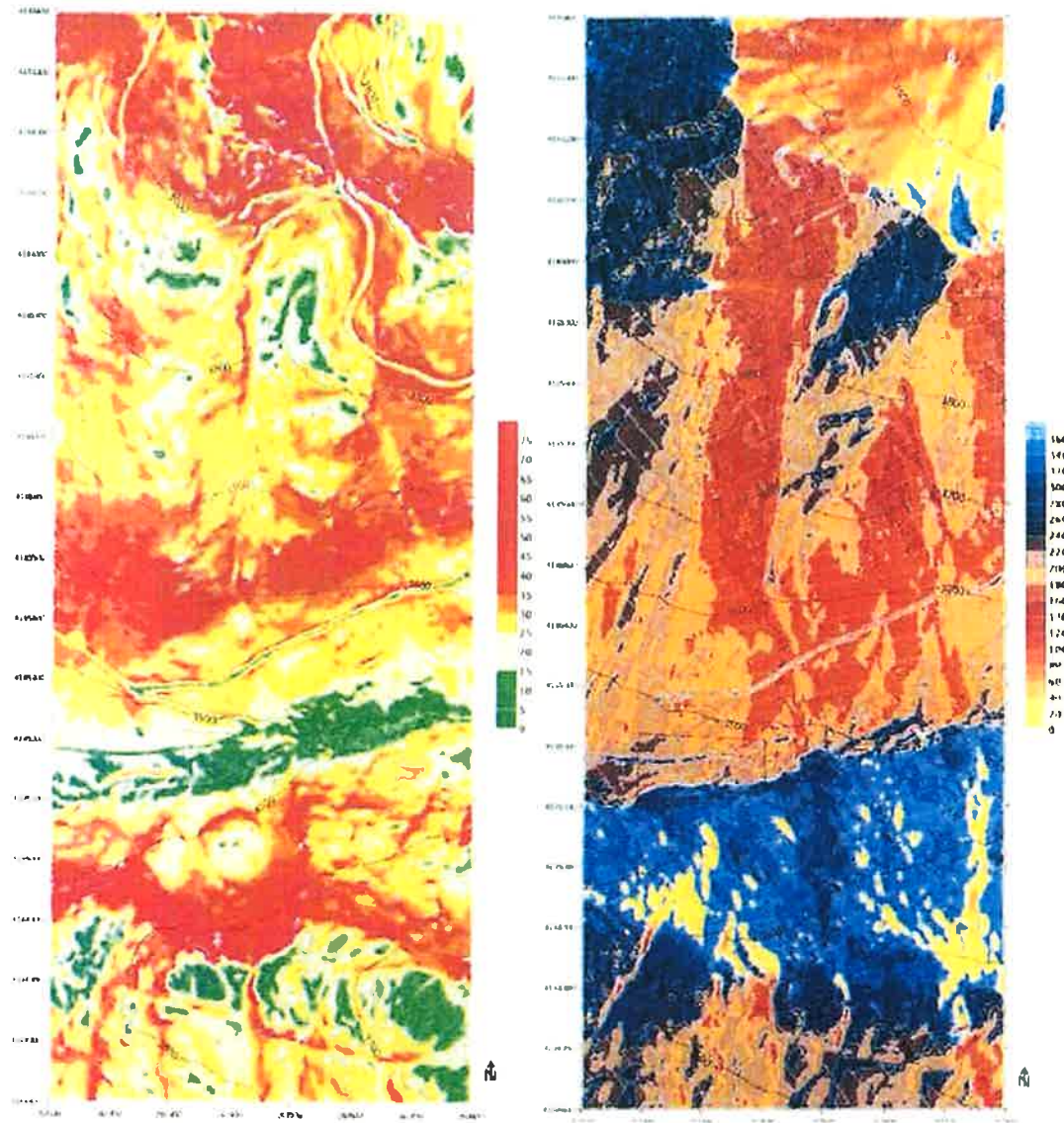


Figure 5 – LiDAR Slope Angle (left) and Aspect (right) Maps  
 (Site boundary approximate; 50 meter contours; WGS84 UTM zone 13N)

### 7. Vegetative Indicators

The spruce forest at the site provides vegetative indicators for historic and undocumented avalanches, including lateral and vertical extents. Figure 6 and Figure 7 show photos of the site with representative vegetation. Additional photos are provided in Appendix B. Figure 8 shows the non-ground LiDAR reflections that indicate tree canopy

height and density. Many trees are 18-inches in diameter or larger, and can withstand modest avalanche pressures.



Figure 6 – Photo of North-facing Avalanche Terrain



Figure 7 – Photo of South-facing Avalanche Terrain

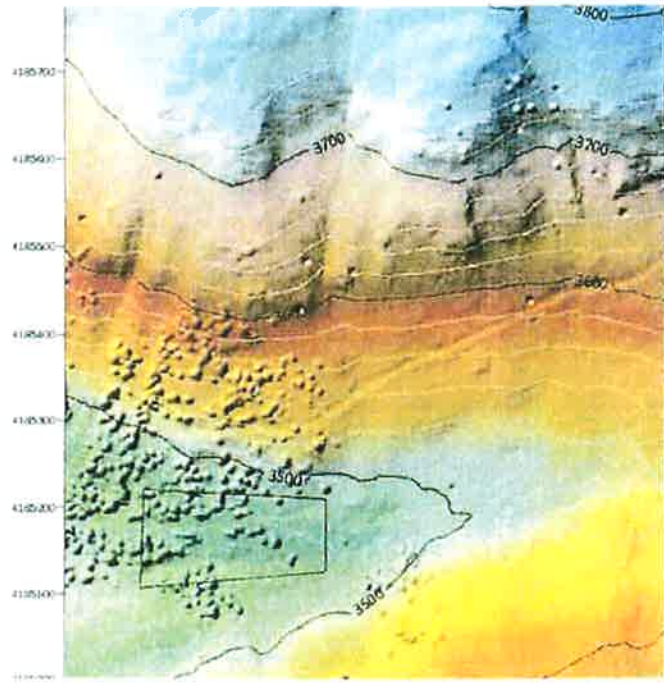


Figure 8 – Unclassified LiDAR Reflections showing Road and Trees  
(Site boundary approximate; 20 meter contours; WGS84 UTM zone 13N)

### **8. Avalanche Dynamics Modeling**

We used the Swiss avalanche dynamics program RAMMS Release 1.7.20 to evaluate flow directions, thickness and velocities for the design-magnitude avalanche. Figure 9 through Figure 12 show representative model results. The model calibration was based on our experience with other avalanches in Colorado, including well-documented historic avalanches and regional runout statistics. Model assumptions and parameters and additional results are presented in Appendix A.

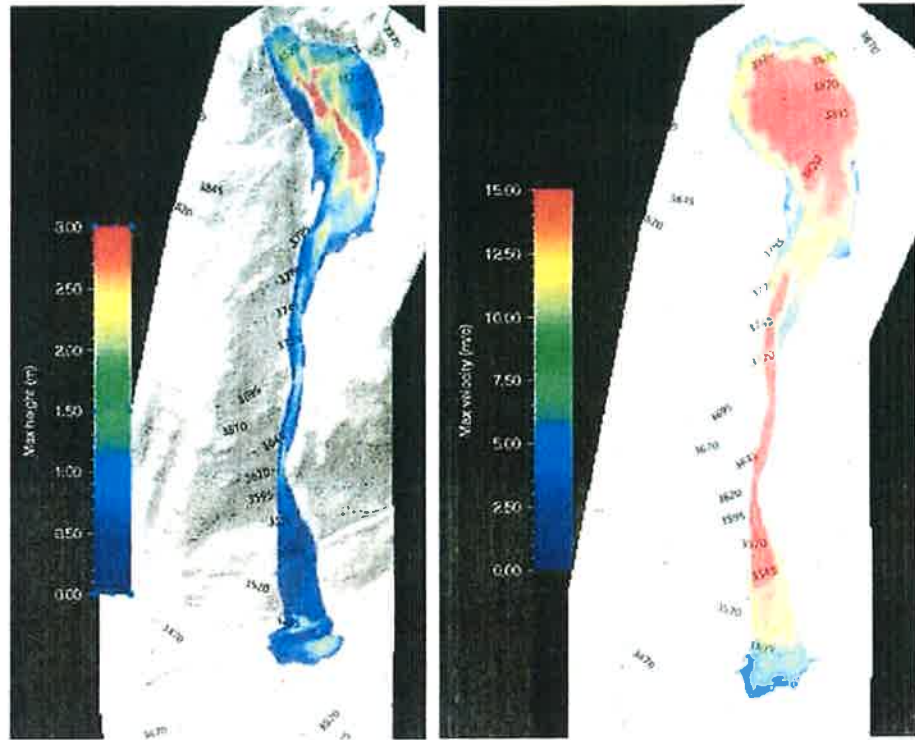


Figure 9 – RAMMS Model of High Elevation Release on Kendall Mtn.

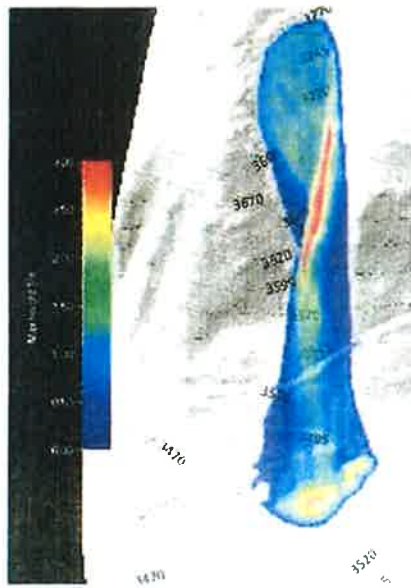


Figure 10 – RAMMS Predicted Maximum Flow Heights Mid-slope Kendall Mtn.

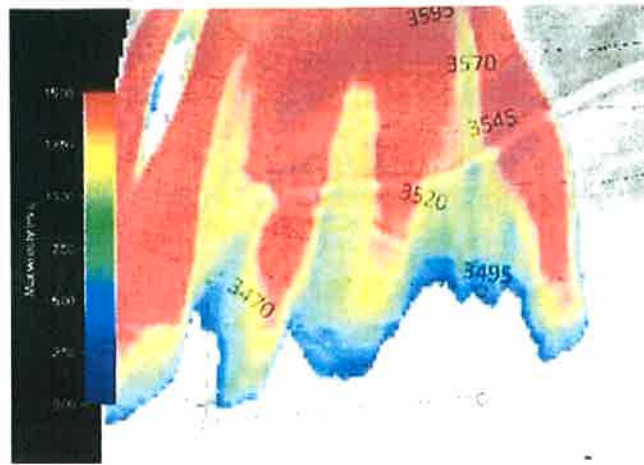


Figure 11 – RAMMS Predicted Maximum Velocities for Lower North Slopes

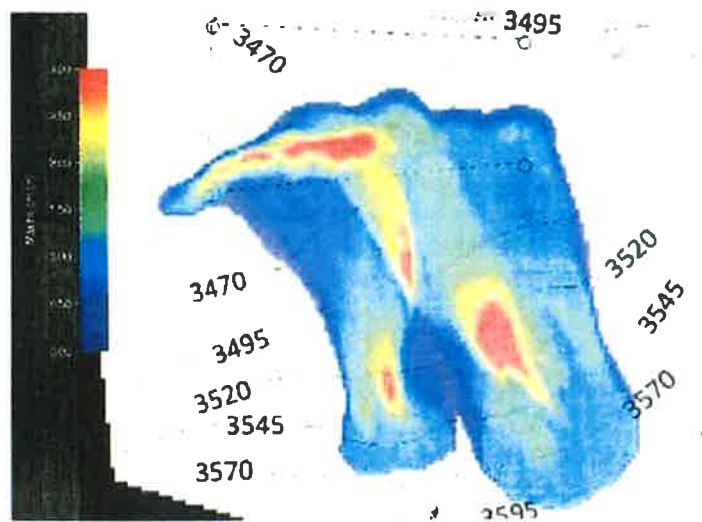


Figure 12 – RAMMS Predicted Maximum Flow Heights for South Slopes

## 9. Findings

Based on the observations, analyses and methods described in this report, we developed the Avalanche Hazard Zone Map shown in Figure 13. The Moderate Hazard Zone (or Blue Zone) represents an area of low frequency avalanches and low to moderate impact pressures. The pressures generally decrease towards the outer limits

of the Blue Zone. The High Hazard (or Red Zone) is also shown in Figure 13. This represents an area that includes frequent avalanches (less than 30-year average return periods) and areas where the design-magnitude avalanche impact pressures exceed 30 kPa (600 pounds per square foot (psf)) on a flat surface normal to the flow direction.

Powder avalanches will affect some of the Blue Zones, especially at the east end of the site. Some areas within the Blue Zone may require special designs for powder impact pressures.

Wet avalanches are likely at the site and will have different properties from cold dry avalanches. Many of the boulders at the site were probably transported by wet avalanches.

### **10. Recommendations**

Based on the methods and findings described above, we offer the following recommendations:

#### Permanent Structures

Avoidance of avalanche hazards is the most reliable form of mitigation. No permanent structures should be placed in High Avalanche Hazard (Red) Zones. Figure 13 shows three numbered locations that are outside of the Blue Zones. Each of these locations will be impacted by avalanches with average return periods of between 100-years and 300-years. The relative hazards increase with proximity to the Red Zone. Thus, Site #1 has the lowest hazard and Site #3 has the highest relative hazard. Due to the sizes of avalanche that can reach each site, the uncertainties about probability and magnitude also increase from Site #1 to Site #3. While Site #1 is the least hazardous location, it is possible to design an avalanche resistant structure at and near any of the three locations.

The most practical avalanche mitigation for the proposed cabin will be to design the building to withstand impact. This is known as "direct protection." Avalanche impact loads cannot be determined until the location, geometry and orientation of the structure are known. It is possible to achieve a high level of avalanche protection for building occupants, but persons outside will not be protected.

In addition to dynamic avalanche impact loads, walls or structures with slopes steeper than about 15 degrees uphill of the walls or structures may be exposed to significant static snow loads caused by creep and glide of the snowpack. These loads are site- and structure-specific and cannot be determined until the locations, site conditions, structure geometry and orientations of the structures are known.

### Site Access Road

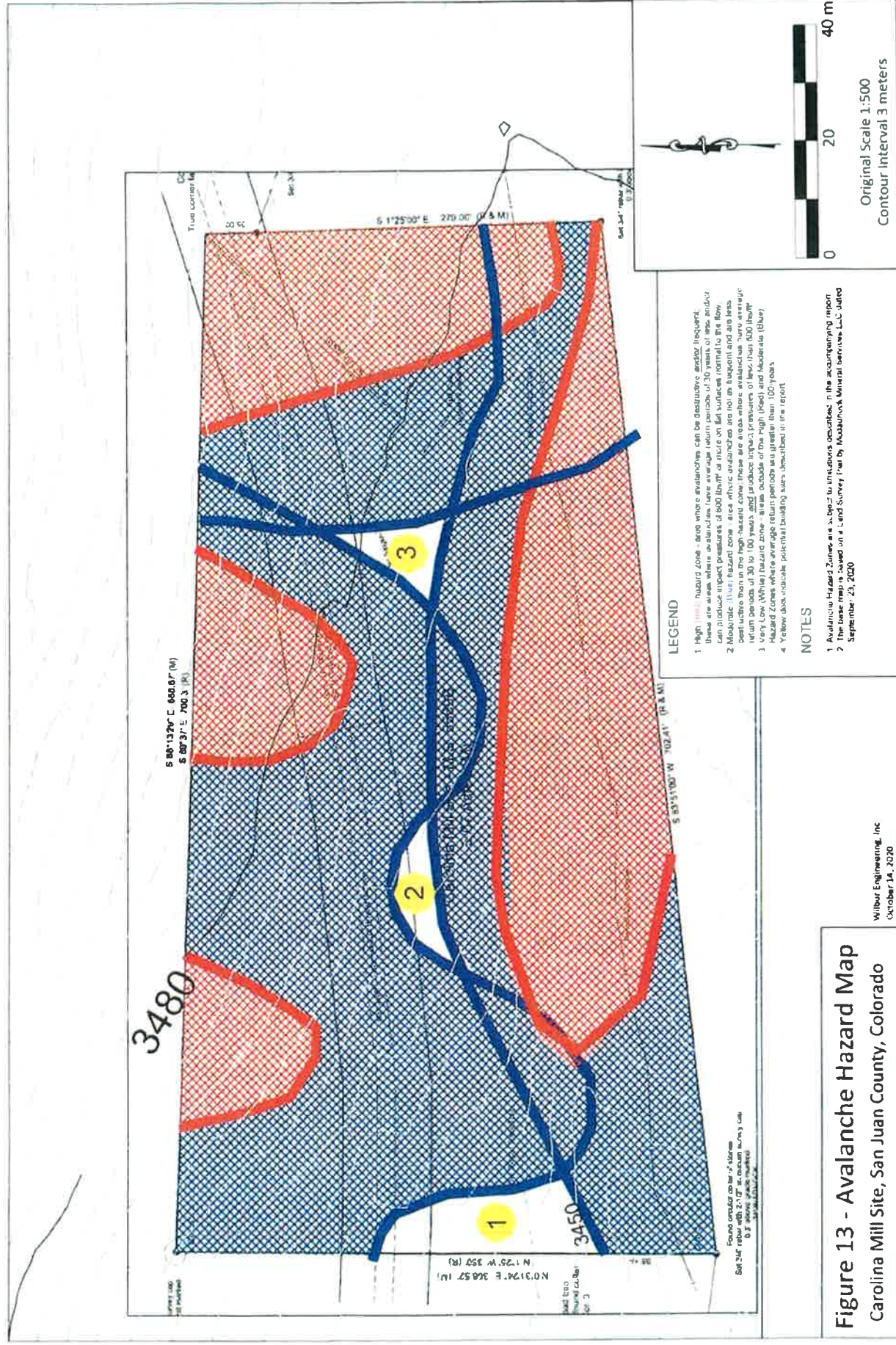
County Road 33 crosses several large avalanche paths between Silverton and the site. This study does not assess hazards or risks of any of the off-site avalanche paths.

### Avalanche Education & Awareness

It is prudent for occupants and guests of residential buildings in and near avalanche hazard zones to become educated and keep current on local avalanche conditions, including the local and regional avalanche danger forecasts. However, reliance upon forecasts and avoiding avalanche terrain during elevated avalanche danger conditions can reduce, but not eliminate avalanche risk, especially to persons outside of buildings.

### **11. References**

1. "Avalanche Hazard Map, San Juan County", prepared by Rebecca Summer and Margaret Squier, INSTAAR (Institute of Arctic and Alpine Research), Boulder, Colorado, for San Juan County in 1976
2. "Natural Hazards of San Juan County, Colorado", prepared by Michael J. Bovis, Institute of Arctic and Alpine Research, Boulder, Colorado, for San Juan County in 1976
3. "Avalanche Atlas, San Juan County, Colorado", prepared by Len Miller, Betsy R. Armstrong and Richard L. Armstrong, Institute of Arctic and Alpine Research, for San Juan County in 1976, published as Occasional Paper No. 17 by INSTAAR
4. "Century of Struggle Against Snow: A History of Avalanche Hazard in San Juan County, Colorado", prepared by Betsy R. Armstrong, Institute of Arctic and Alpine Research, for San Juan County in 1976, published as Occasional Paper No. 18 by INSTAAR "Overall Hazard Map", prepared by INSTAAR for San Juan County in 1976.



**Figure 13 - Avalanche Hazard Map**  
 Carolina Mill Site, San Juan County, Colorado

Wilbur Engineering, Inc  
 October 14, 2020

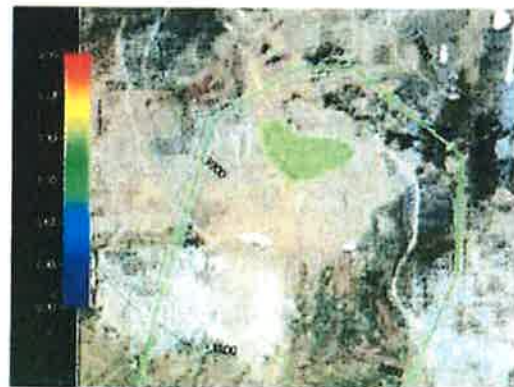


**Appendix A  
RAMMS Parameters & Results**

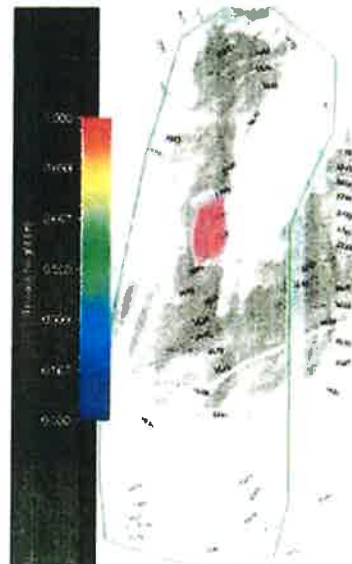
**\*\*\* Important Note: \*\*\***

*Interpretation of avalanche dynamics model results requires an understanding of the model assumptions, simplifications and limitations of the underlying equations of motion. The models do not accurately show wet avalanche runouts, flow heights or impact pressures, nor the variations in avalanche properties with depth, including density and velocity.*

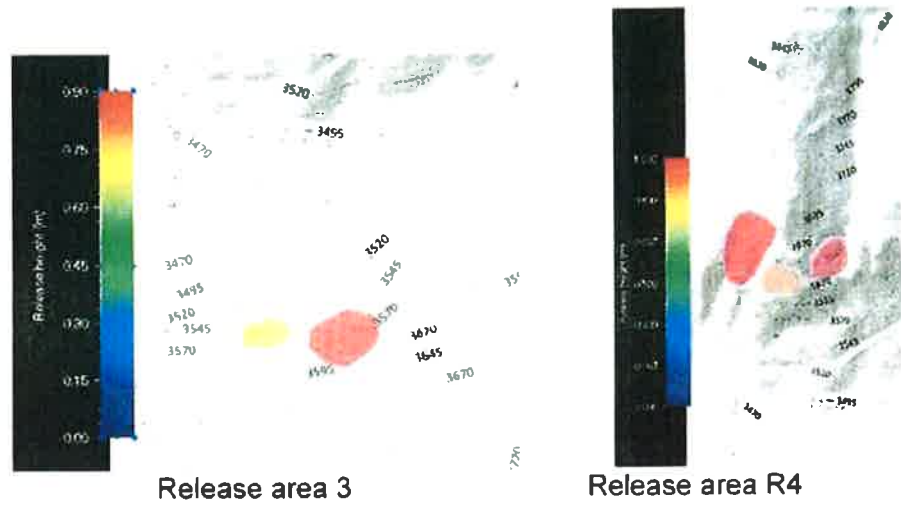
run	res.	Release			Friction	cohesion (Pa)	Comments
		name	ht. (m)	vol(m <sup>3</sup> )			
run1	3	R1	1.2	12,700	S100	0	upper N (Kendall) -slopemap
run2	3	R2	1.0	12,400	S100	0	Lwr N - spreads E 1/3 site
run3	3	R3	1.0	22,600	S100	0	So slope - ovrflo chan E 1/3
run4	3	R4	1.2	17,500	S100	0	upper N - GE only E 1/4 site
run5	3	R5	1.0	10,300	S100	0	freq gullys NW - runs W of site
run6	3	R6	0.8	22,100	S100	0	lwr short slopes N single rel.
run7	3	R6	0.8	22,100	S100	100	lwr short slopes N add coh
run8	3	R7	0.7	14,600	S100	0	So 2 rel areas
run9	3	R3a	1.0	11,700	S100	0	So 2 rel areas
run10	3	R3a	0.7-0.9	9,800	S100	0	So 2 rel areas
run10c	3	R3a	0.7-0.9	9,800	S100	100	So 2 rel areas
run11	3	R8	0.9-0.10	21,800	S100	0	N R6 3 rel areas



Release area R1

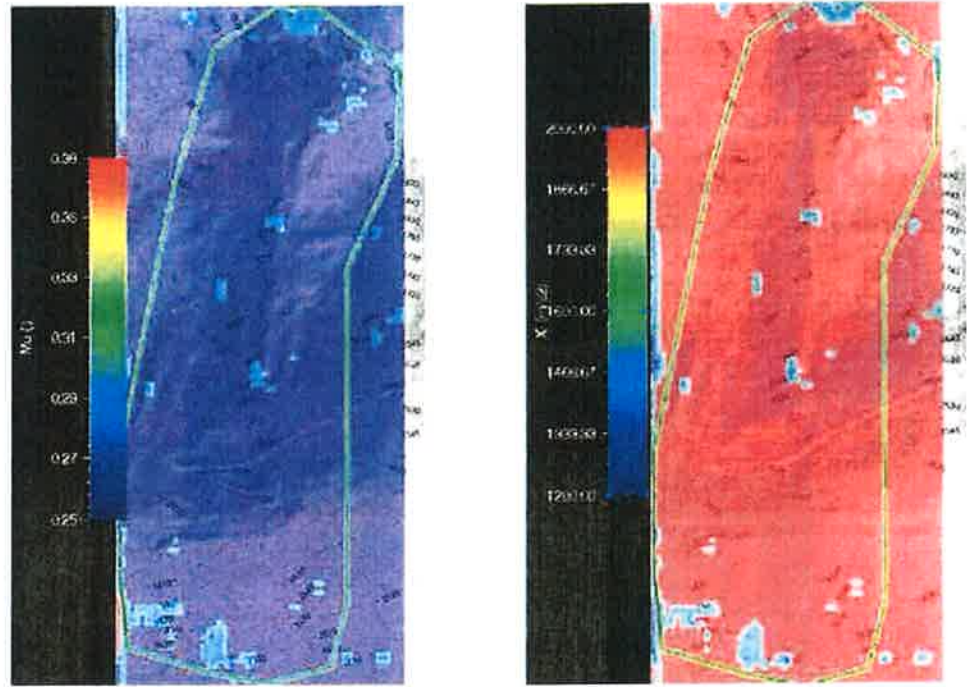


Release area R2



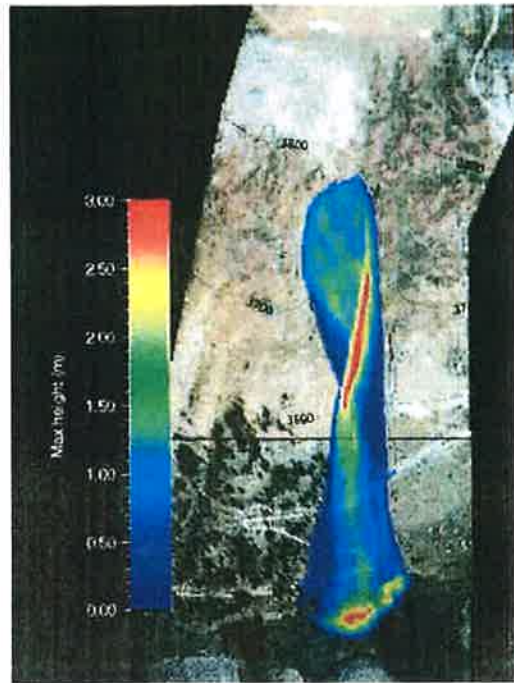
Release area 3

Release area R4

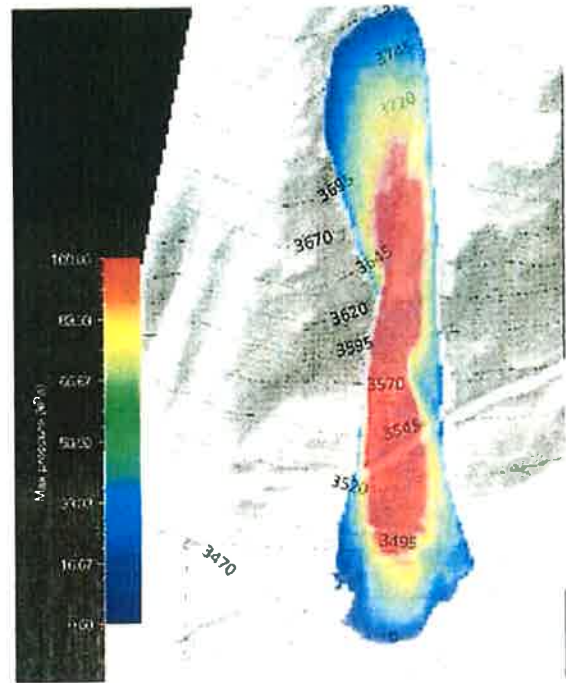


Friction mu-S100

Friction xi-100

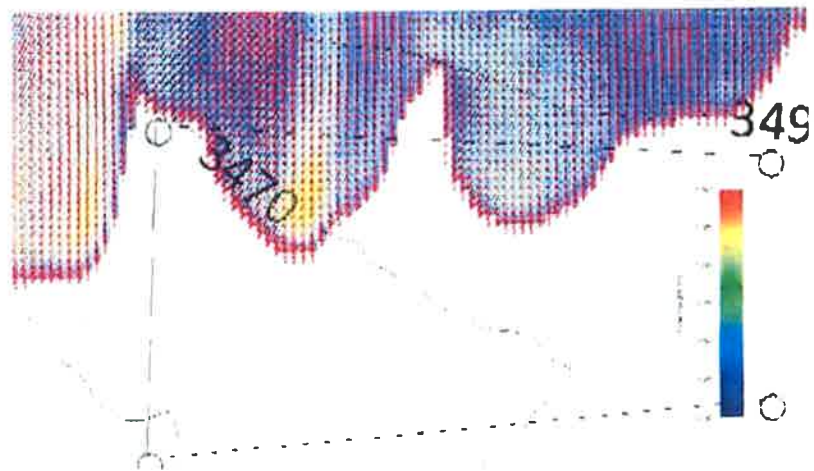


Maximum Heights

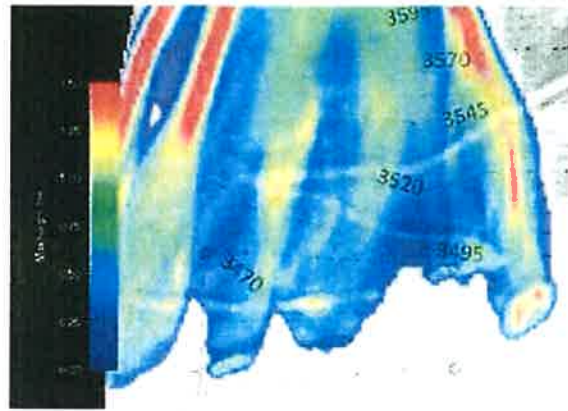


Maximum Pressure

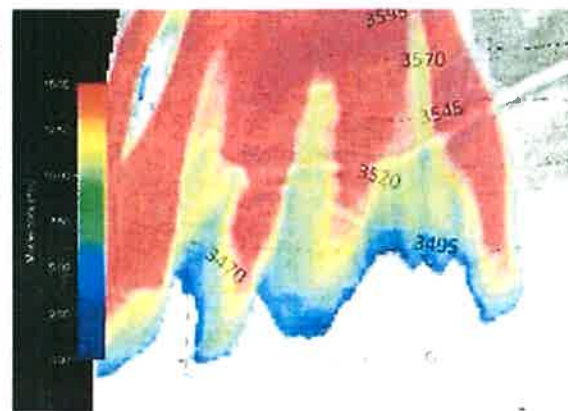
Run 2



Run 6 Flow Heights and Velocity Arrows at t=18 seconds

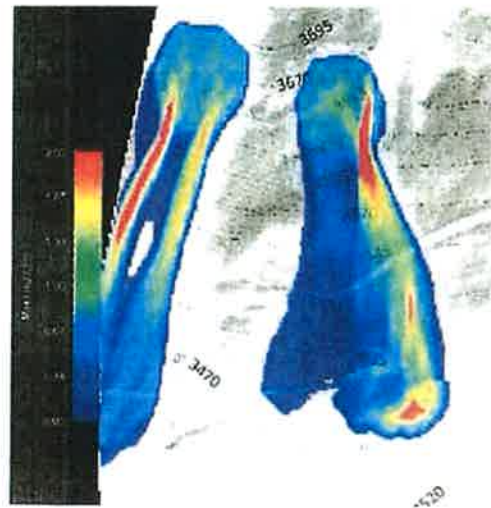


Maximum Heights

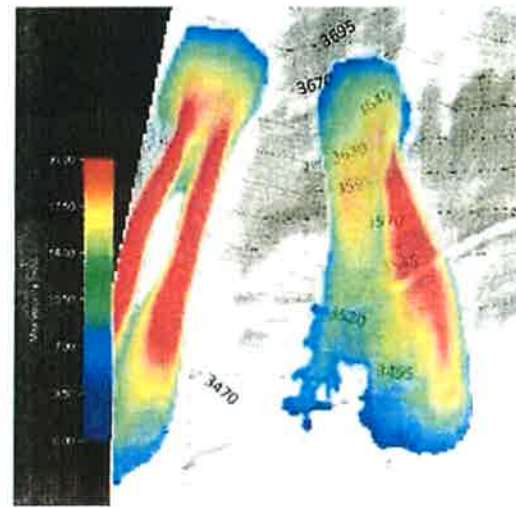


Maximum Velocity

Run 7

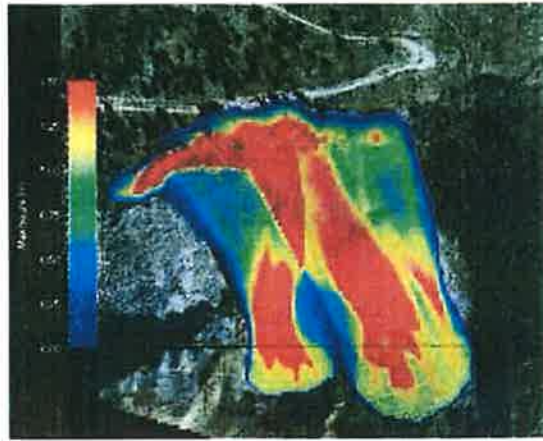


Maximum Heights

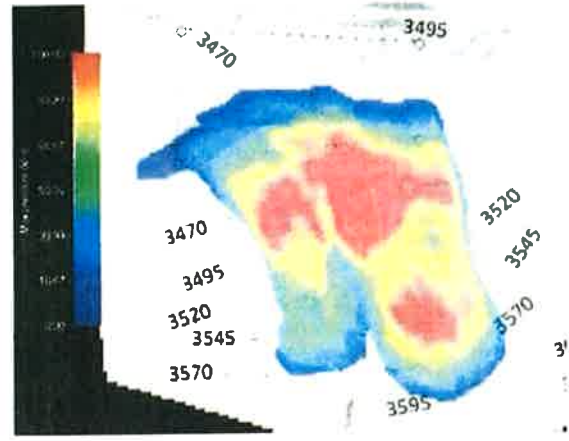


Maximum Velocity

Run 8

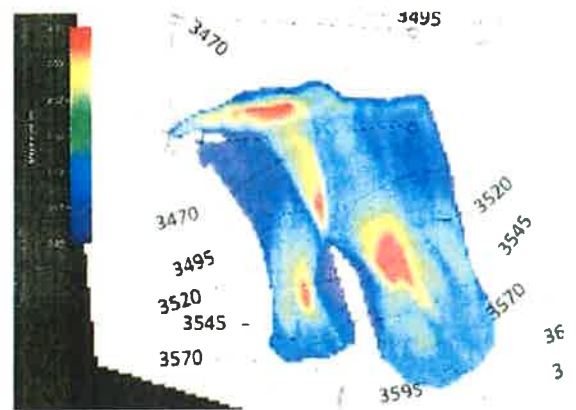


Maximum Heights

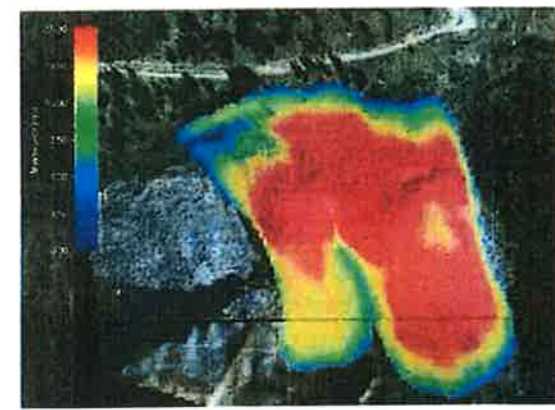


Maximum Pressure

Run 9

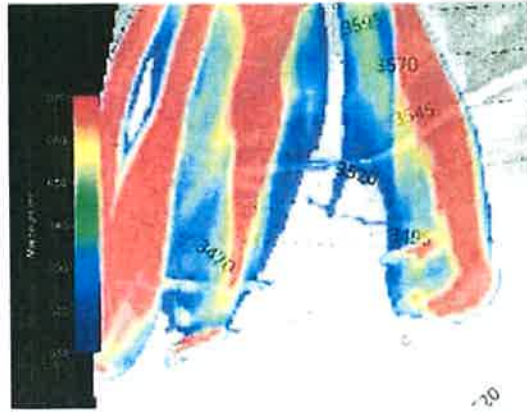


Maximum Heights

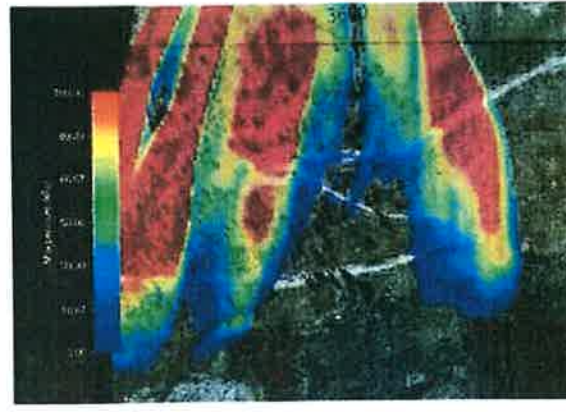


Maximum Velocity

Run 10c



Maximum Heights



Maximum Pressure

Run 11

Appendix B - Site Photos



N-facing paths – note avalanche trim height on branches at lower right;  
Rocks on surface possibly/likely avalanche transported

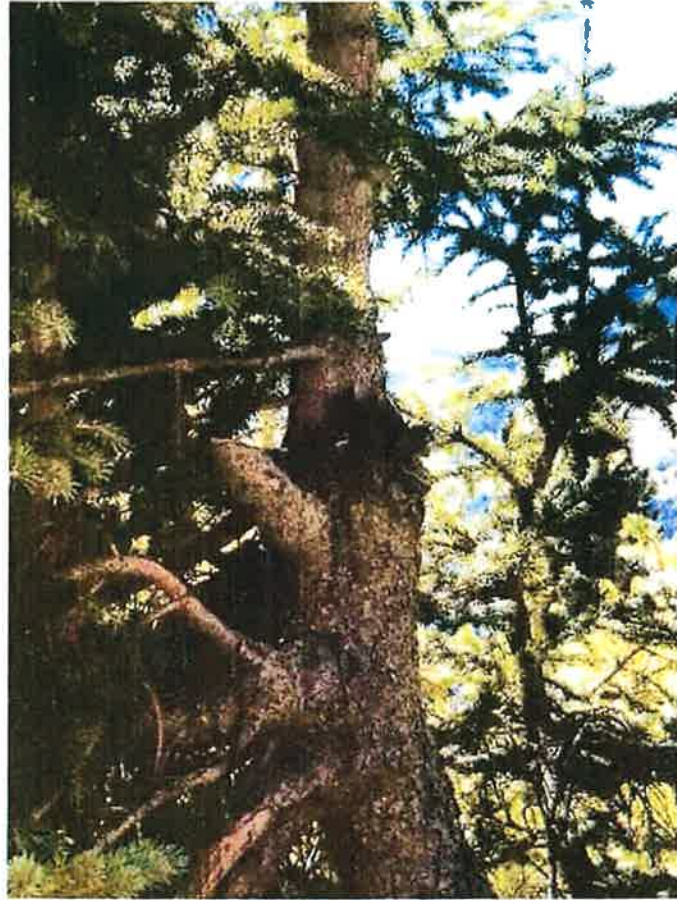


Avalanche damage from S Slopes



Avalanche flagging on Lower Slopes North of Site





Avalanche damage above site on Lower Slopes North of Site



Large Boulders at Site – Possibly Avalanche Transported



Old large diameter tree damage – Poss. debris flow or wet avalanche caused

**IMPROVEMENT PERMIT APPLICATION**

**Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B**

**ACCESS INFORMATION REPORT & SCENIC QUALITY REPORT**

**SCENIC QUALITY REPORT**

Introduction and Site Location

The Carolina Mill Site is accessible via County Road 33. A location map is included within the application. It depicts the general location of the Property. The County Scenic Quality regulations state the following:

*All residential development shall be required to submit a Scenic Quality Report at the time of the sketch plan submittal.*

County Road 33 Property travels through the entire length of the Property. As such, most of the Property is visible to those traveling on the County Road. There is a notation on the attached survey of an "old single-track trail" which apparently existed prior to the installation of County Road 33. Such trail has since been abandoned, and there is no evidence of it connecting through the Property. The attached survey shows a notation of where the trail may have been located at either end of the Property with a large gap in-between. Significant photo documentation has been obtained to show the lack of any trail system on the Property.

**PUBLIC VISIBILITY**

All potential building sites are visible from County Road 33.

San Juan County regulations require that the Scenic Quality Report include the following information:

*"Destinations of scenic views of natural and historic features both from and toward the site and descriptions of how these vistas shall be preserved. Graphic depiction of the proposed structure's impact on these views shall be submitted to allow staff, the Planning Commission, and the Board of County Commissioners to assess the impacts of the project and the effectiveness of proposed mitigation measures."*

The Property is encumbered by County Road 33, which renders all building locations visible to those using the County Road. -There is no known location on the Property from which a cabin would not be visible. The selected building site is the most concealed of the possible building sites identified in the attached Avalanche Study. Moreover, it is the historic location of the cabin and/or mill that previously existed.

## IMPROVEMENT PERMIT APPLICATION

Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B

### ACCESS INFORMATION REPORT & SCENIC QUALITY REPORT

The Applicant has located original building timbers and multiple ore buckets that were left on the Property. On information and belief, some form of milling occurred on the Property. As such, the Applicant believes the proposed building site is in keeping with the historic spirit of the mill site and also takes into consideration the maximum amount of concealment to preserve the public's view. With the addition of trees along the edge of County Road 33, the Applicant believes a significant portion of the cabin will be concealed.

Attached is a superimposed image of a cabin as seen by a passerby on County Road 33. The remaining photos show the Property from northern, southern, eastern and western vantage points.

### MINIMIZING VISUAL IMPACTS

The County Scenic Quality regulations require the following information:

*"Evidence that the location of the structure is designed to minimize the visual impacts and to not detract from the scenic quality of the adjacent public lands or existing trails."*

The Property is surrounded by BLM land on all sides. The only road or existing trail is County Road 33. County Road 33 appears to be used primarily by vehicles and occasional pedestrian use. The Applicant has satisfied the above listed criteria by selecting the site that is least visible from the County Road and still deemed safe by the Avalanche Study. The Applicant proposes the addition of several trees / screening along County Road 33 to further conceal the cabin.

The amount of time a person traveling in a vehicle sees the proposed cabin is limited and depends upon how fast they are driving. Driving through the entire Property takes about one minute, so the time a person would see the cabin would only be a matter of seconds. There are several cabins that are similarly situated at the base of County Road 33 which passerby's see as they drive up Kendal Mountain. As such, the Applicant's proposal is in keeping with existing precedent.

### BLENDING WITH NATURAL TOPOGRAPHY / ENVIRONMENT

County regulations require that the Scenic Quality Report includes information regarding the following:

## IMPROVEMENT PERMIT APPLICATION

Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B

### ACCESS INFORMATION REPORT & SCENIC QUALITY REPORT

*"Evidence that the designs orient improvements in ways that allow them to blend in with and utilize the natural topography. The submittal shall include, but not be limited to, elevations at a scale suitable for a determination that all standards in this section have been met, Three-Dimensional Modeling, etc."*

The proposed cabin has been designed to blend in with the surrounding landscape by using non-reflective materials and earth tone colors. Also, the applicant plans to use native stone from the mill site to cover portions of the cabin's exterior and chimney. There is a large boulder located within the proposed building envelope which, if architecturally feasible, will be incorporated into the corner of the cabin. The Applicant will make best efforts to maintain old growth trees close to the cabin to conceal it further.

### TOPSOIL, UTILITIES, LIGHTING AND DRIVEWAYS

#### **TOPSOIL**

County regulations require that the project should include the following:

*"Plans to remove and save topsoil, prior to any grading or excavation and replacement, for reuse during re-vegetation."*

Any topsoil found during construction will be separately stockpiled on-site, to be used for landscaping / screening and the row of trees along the County Road.

#### **UTILITIES**

County regulations require that the project should include the following:

*"Location and illustration of utilities in ways that will cause the least damage to the natural environment."*

The project includes the following proposed utilities: an underground septic leach field, underground water tank cistern, an above ground holding pond and underground water and sewer piping. The septic system location was selected based on San Juan Basin Health Department regulations and setbacks. The buried cistern location and holding pond have been placed uphill of the cabin to allow gravity flow.

## IMPROVEMENT PERMIT APPLICATION

Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B

### ACCESS INFORMATION REPORT & SCENIC QUALITY REPORT

The water and sewer construction will occur with the least amount of disturbance necessary, to limit any damage to the natural environment. No overhead powerlines, power poles or overhead cable is proposed. Power sources include solar, propane, water turbine, fireplace / boiler and a backup generator, none of which are anticipated to cause physical damage to the natural environment.

#### ***EXTERIOR LIGHTING***

County regulations require that the project should include the following:

*"Provisions requiring shielding of exterior lighting to prevent direct visibility of light bulbs from off-site, directing of all exterior lighting toward either the ground or the surface of a building and prohibiting high intensity sodium vapor or similar lighting."*

The proposed exterior lighting shall include a minimum amount of automatic on-off motion detection solar lights for safety and security purposes. No sodium vapor lights are proposed.

#### ***DRIVEWAYS***

County regulations require that the project should include the following:

*"Design and construction plan for roads and associated structures that bear a logical relationship to existing topography to minimize the need for cuts and fills."*

The proposed driveway enters the Property at a location where minimal fill is required to meet requisite grade and road design. The width of the driveway will not exceed that of the County Road (i.e., one lane).

#### **BUILDING MATERIALS**

County regulations require that the project should include the following:

*"Utilization of colors and textures found naturally in the landscape and prohibition of reflective materials such as highly reflective glass or metals."*

The proposed colors and textures of the cabin are as follows:

**IMPROVEMENT PERMIT APPLICATION**

**Proposed Carolina Mill Site Cabin  
U.S. Mineral Survey No. 5569B**

**ACCESS INFORMATION REPORT & SCENIC QUALITY REPORT**

- Wood and/or Steel framing covered by rusted metal siding and or natural stone recycled from the Property.
- Non-reflective, earth-tone metal roofing material
- Minimal window glazing.

Attached photos illustrate the types of proposed building materials.

**CONCLUSION**

This project appears to be in conformance with the County Scenic Quality regulations due to the following:

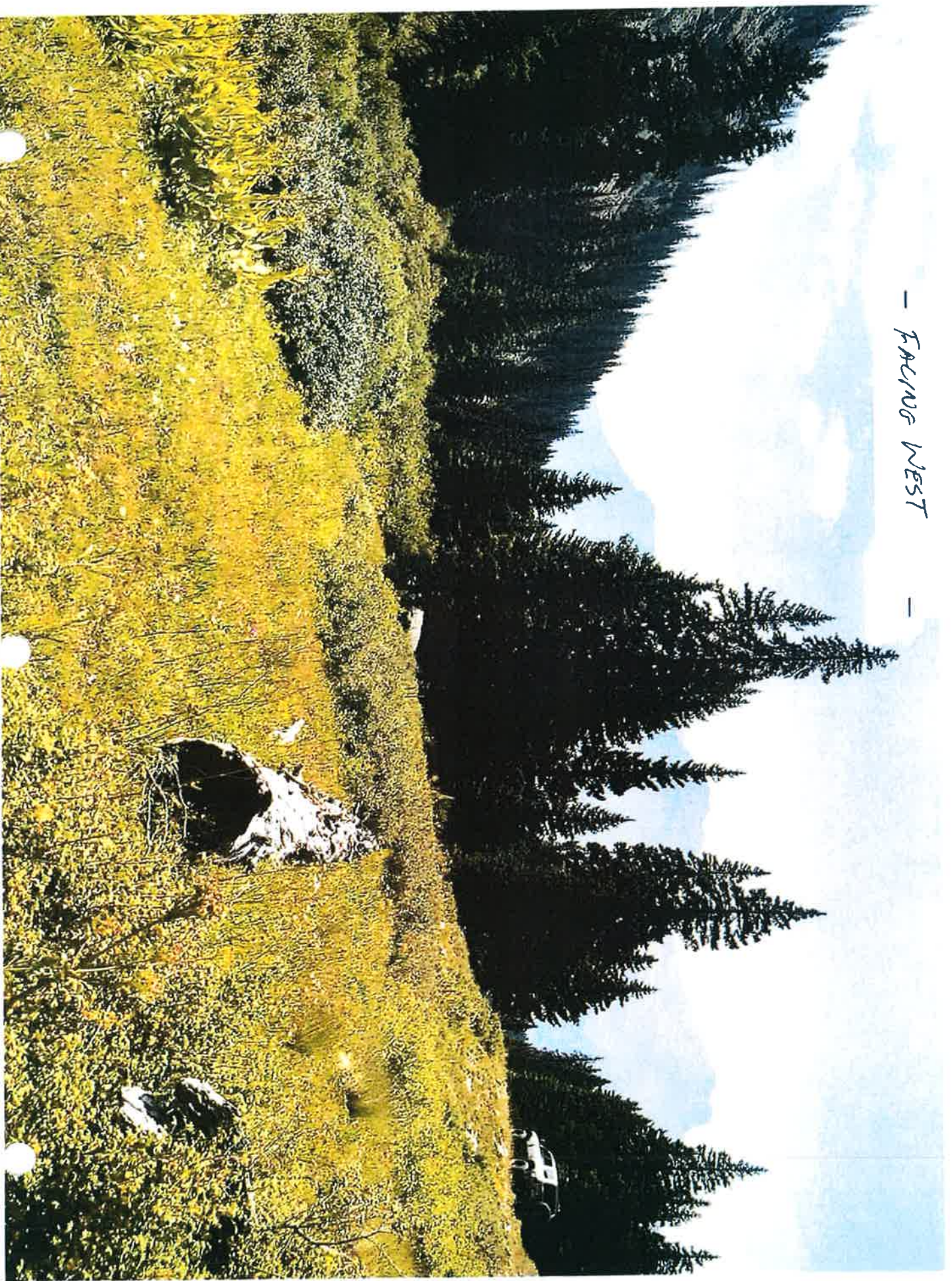
- Significant screening measures will be implemented to conceal the cabin.
- Building materials will be unobtrusive and subtle to minimize visual impact.
- The size of the cabin will not exceed the 1000sf limitation.
- Access to the cabin has virtually no impact on the environment since the County Road already exists.

Thank you for your consideration and review of the proposed Carolina Mill Site Cabin. If you need additional information or have questions, please contact me or Frank.

Very truly yours,

Nicholas F. Anesi

- FACING WEST -





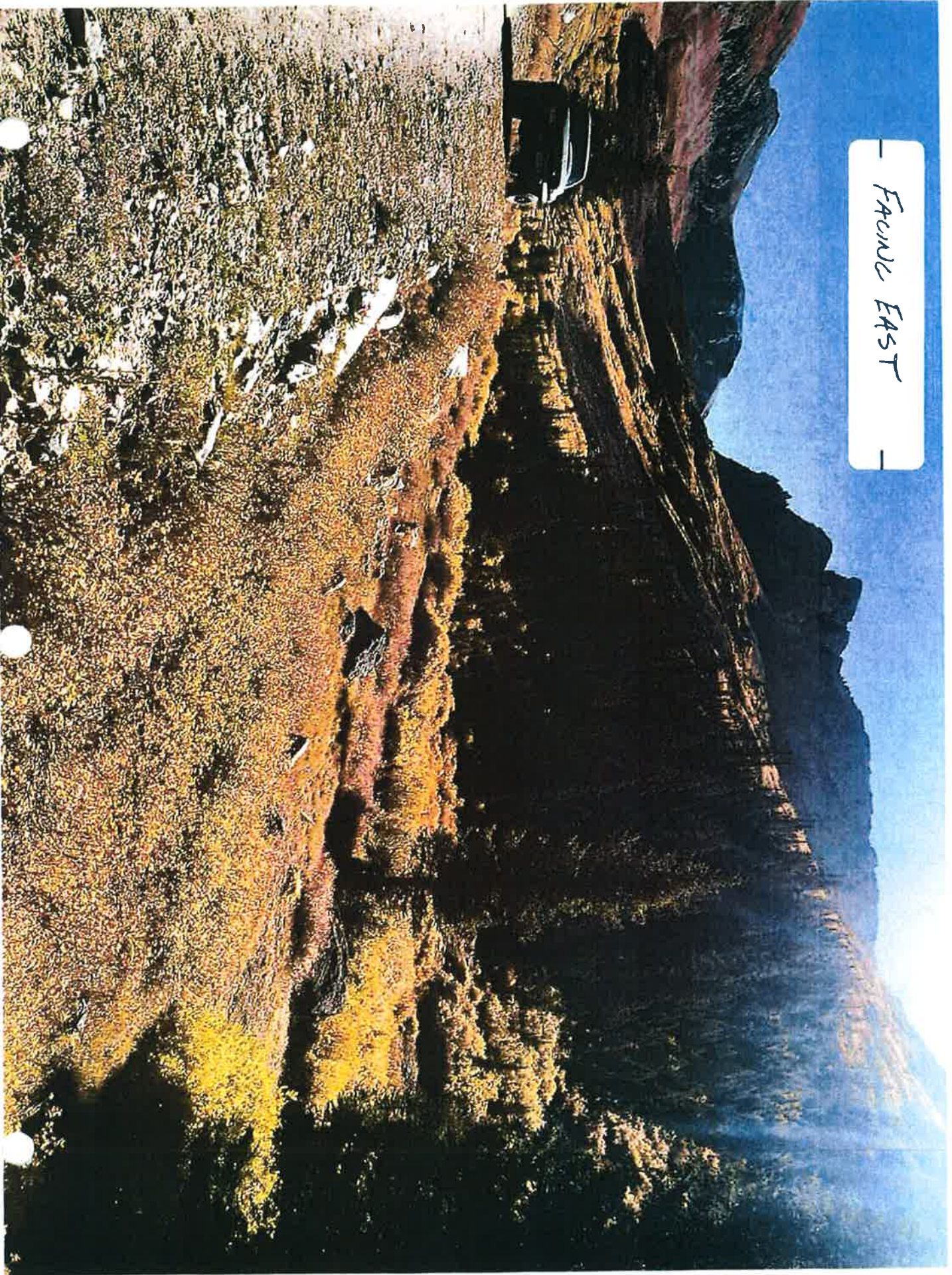


— Facing South —

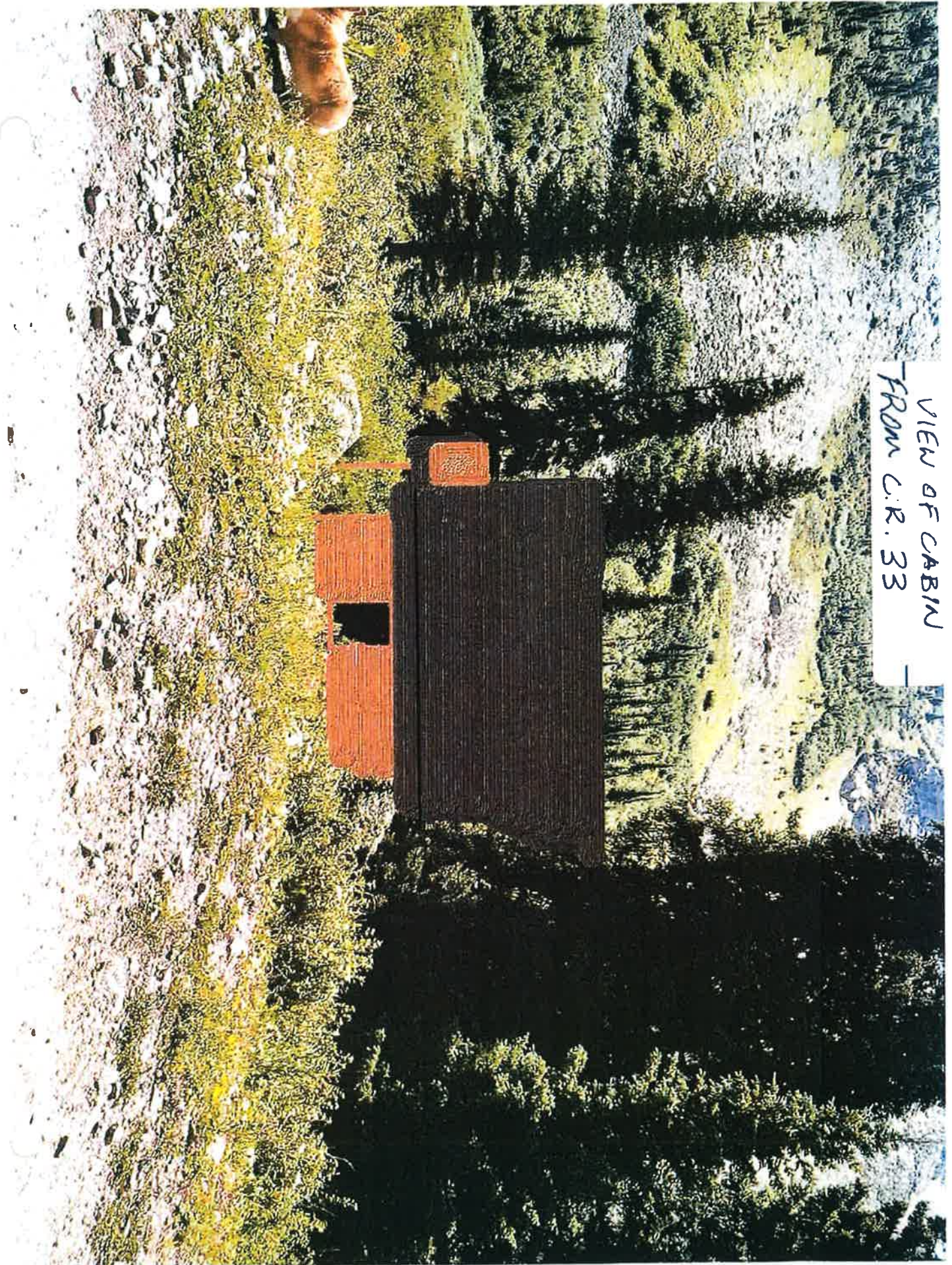
FACING NORTH

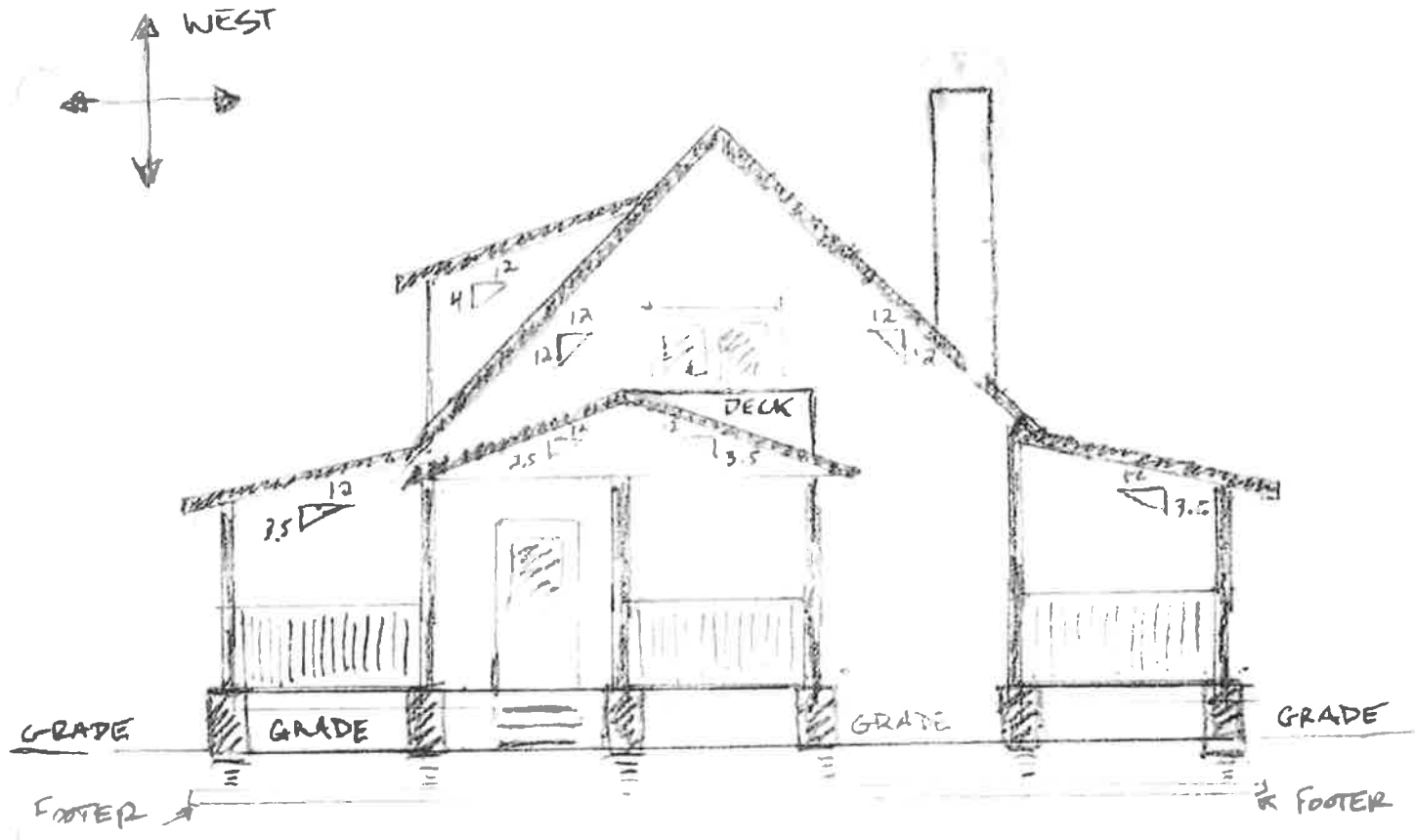


— FACIOL EAST —

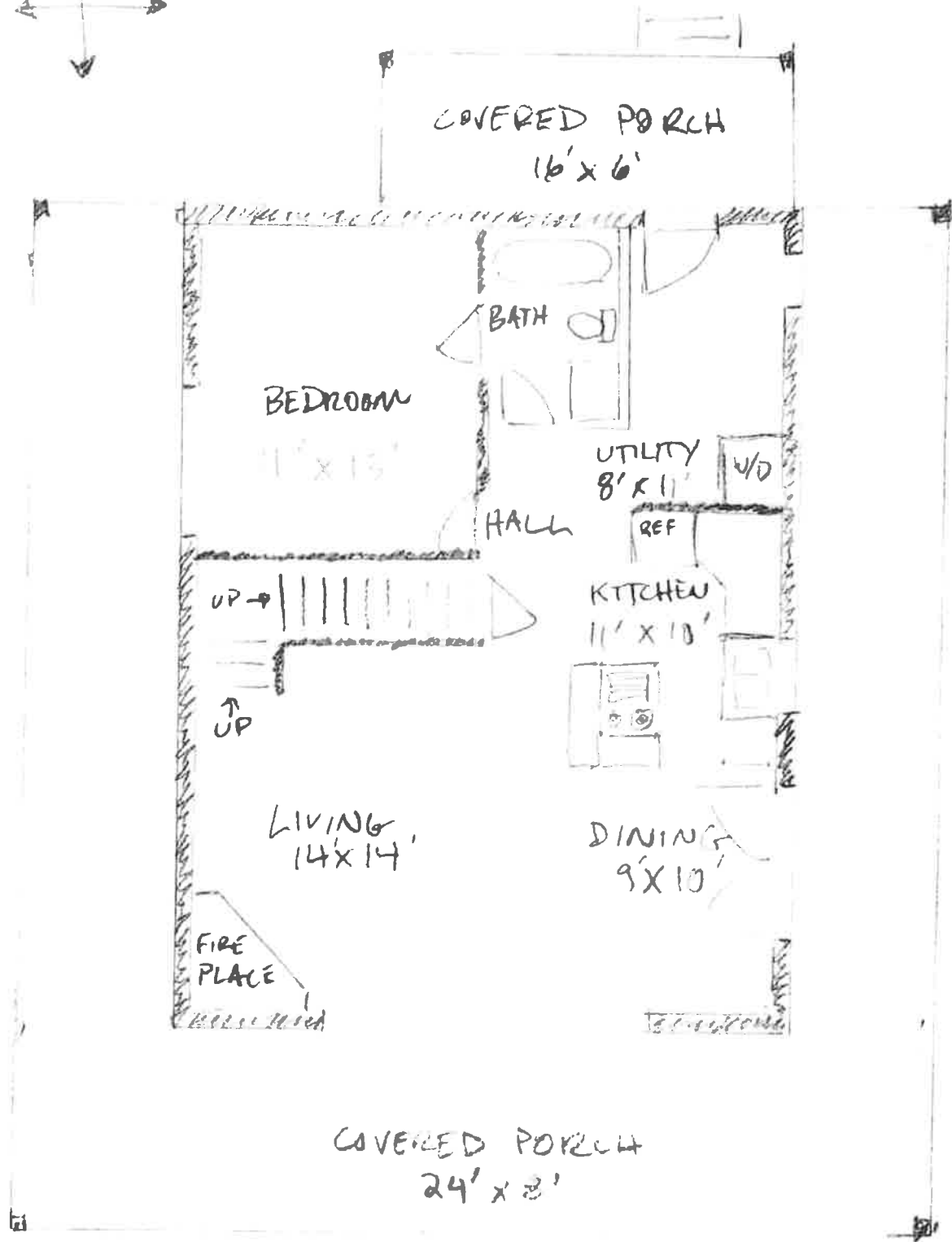
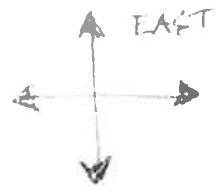


VIEW OF CABIN  
FROM C.R. 33

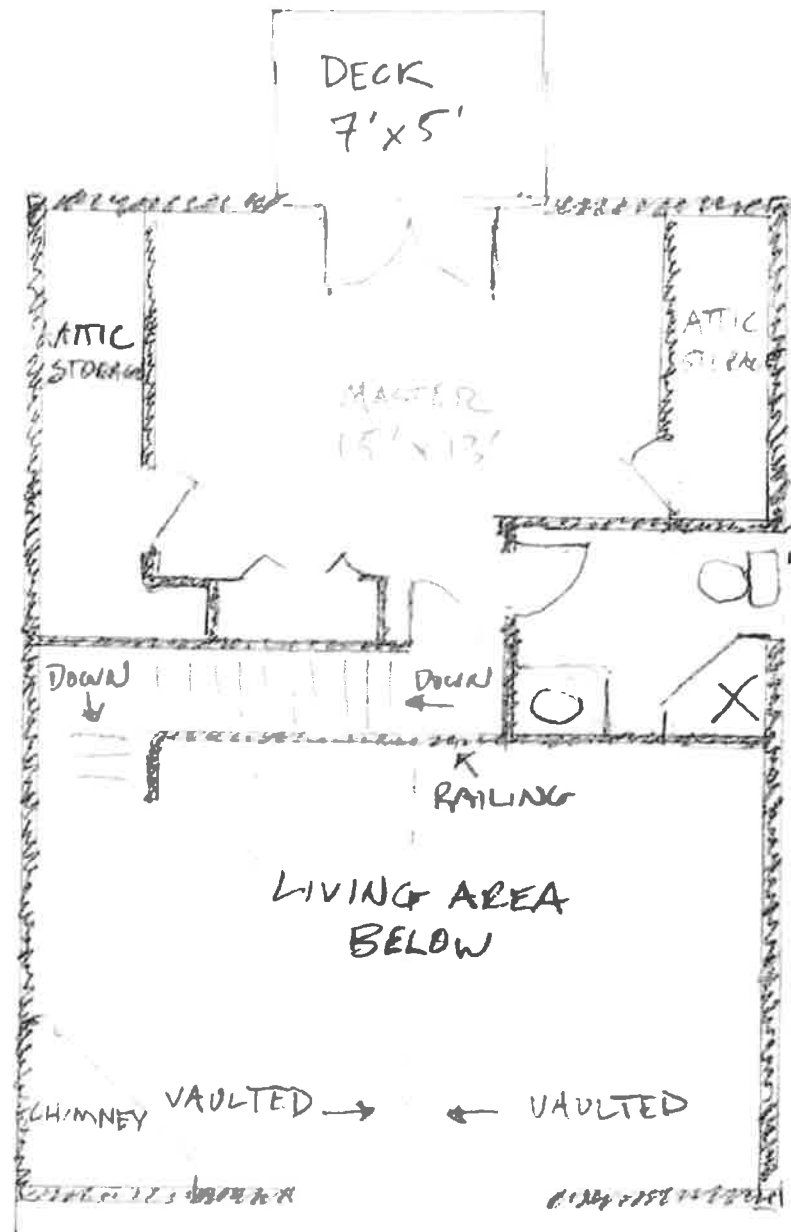
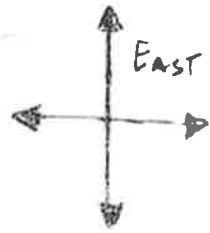




CAROLINA MILL SITE CABIN  
BACK VIEW



CAROLINA MILL SITE CABIN  
LOWER FLOOR



CAROLINA MILL SITE CABIN  
UPPER FLOOR

- RUST COLOR SIDING -





NON-REFLECTIVE  
- METAL ROOFING -

