

**SAN JUAN REGIONAL PLANNING COMMISSION**  
**AGENDA**  
**June 17, 2025**  
**San Juan County Courthouse**

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

**7:00 PM      Roll Call of Members and Minutes**  
**Minutes of April 15, 2025**

**7:10 PM      Improvement Permit Sketch Plan Application – Campsites 1208 Lime Creek**  
**Road, Christopher Langford**

**7:30 PM      Preliminary Plan Submission – Overland Estates, Lloyd and Esther Swartz**

**OTHER:**

**Times listed above are approximate.**

**Discussion of an agenda item may occur before or after the assigned time.**

**ADJOURN: Next Regular Meeting – 7:00 PM, Tuesday July 15, 2025**

Join Zoom Meeting

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

Meeting ID: 921 3647 3203

One tap mobile

+16699006833,,92136473203# US (San Jose)

+12532158782,,92136473203# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 921 3647 3203



## MEMORANDUM

June 20, 2025

TO: San Juan County Regional Planning Commission

FR: William A. Tookey

RE: Improvement Permit Application Christopher Langford, 1208 Lime Creek Road

Christopher Langford has submitted an Improvement Permit Sketch Plan Application to construct and operate a 3-site campground with bath house, septic system, driveway and associated utilities. To be located at 1208 Lime Creek Road.

The adjacent property owners were notified by mail. Letter attached.

Access to the site will be from Lime Creek Road-CR 1. Parking will need to be contained on site and not on CR 1. Lime Creek Road is actually a forest service road.

An application for water rights has been submitted. The applicant will need to provide documentation that the water rights have been granted. The applicant will also need to provide a report as to the potability of the water and how the water will be treated if necessary.

An On-Site Wastewater Treatment System Permit Application has been submitted.

The applicant will install electrical power to the bath house.

The applicant would need to meet all requirements and inspections imposed by the Public Health Department and the State of Colorado.

Bear Proof containers will need to be installed on-site. The containers will need to be serviced on a regular basis. The applicant will need to prove that the solid waste is being serviced in the south county and is not being transported to the Silverton Transfer Station.

The applicant will need a Department of Revenue sales tax license for the business and will need to collect lodging tax and sales tax for San Juan County.

The applicant has provided a Scenic Quality Report. It appears that they have done a good job of minimizing the visual impact. However, staff has not yet had the opportunity to visit the site.

The applicant has also provided a Historical Review of the site. There is an existing cabin on site. The cabin should not be disturbed and if any historical artifacts are discovered during construction the construction should stop until the Historic Review Committee or a qualified archeologist can visit the site. If the applicant wishes to make improvements to the cabin those should be included in the current application, or they will need a separate Improvement Permit application in the future.

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

Should the Planning Commission choose to approve the Improvement Permit Application they should do so with the following conditions:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. 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.
3. That the applicant shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations.
4. Identify the exact location of all proposed improvements with the installation of survey stakes and survey flagging. The staking shall be performed by a Colorado licensed surveyor. The Land Use Administrator or designee must inspect the flagging/staking of the proposed development prior to commencing construction.
5. The applicant shall provide the Durango Fire Protection District with all necessary documentation to allow for their review and approval of this project. The applicant shall also pay any required Impact Fee to the Durango Fire Protection District.
6. Provide a list of the exterior finishes to the Building Inspector prior to the issuance of a Building Permit. Due to wildfire concern only fire-resistant materials that maintain a Class B rating or better shall be used for the construction of roof structures. Also, the exterior building materials shall be naturalistic, subdued and non-reflective to minimize the visibility of the structure.
7. That adequate bear proof trash receptacles are provided, and the site is regularly policed to prevent the accumulation of litter.
8. If any historical artifacts are discovered during construction the construction should stop until the Historic Review Committee or a qualified archeologist visits the site.
9. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.
10. Any additional conditions the Planning Commission deems necessary.



# SAN JUAN COUNTY COLORADO

1557 GREENE STREET

P.O. BOX 466

SILVERTON, COLORADO 81433

PHONE/FAX 970-387-5766 admin@sanjuancolorado.us

June 6, 2025

To Whom It May Concern:

This letter is to inform you that Christopher Langford has submitted an Improvement Permit Sketch Plan Application for the development of 3 campsites, a bath house and associated utilities. The proposed improvements would be located at 1208 Lime Creek Road. The Legal Property Description is:

N.E.1/4 S.W.1/4 T39N R8W N.M.P (LIME CREEK RD). ALL THAT PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 7, TWR 39N, R8W N.M.P.M. LYING BOTH SOUTHERLY AND WESTERLY OF THE OLD DURANGO SILVERTON ROAD, WHICH WAS FORMERLY KNOWN AS HIGHWAY 550, AND WHICH IS PART OF THE CASCADE TO LIME CREEK SECTION OF THE OLD DURANGO-SILVERTON ROAD CONTAINING APPROXIMATELY 4 ACRES MORE OR LESS. LESS AND EXCEPT Know Your Neighbor Tracts 1 through 13 as described on the recorded survey plat of Lime Creek Area filed October 2, 1970 as Reception 109539. ALSO LESS AND EXCEPT the Old Durango-Silverton Road which was formerly known as Highway 550 and which is a part of the Cascade to Lime Creek Road section of the Old Durango-Silverton Road also known as Lime Creek Road also known as County Road 1

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

It is anticipated that this application will be reviewed by the Planning Commission during their meeting of June 17, 2025.

It is further anticipated that the application will be reviewed by the County Commissioners during their regular meeting of July 9, 2025.

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

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

William A. Tookey  
Land Use Administrator



## MEMORANDUM

June 17, 2025

To: San Juan Regional Planning Commission

Fr: William A. Tookey, Land Use Administrator

Re: Overland Estates Subdivision Preliminary Plan

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

Members of the Planning Commission and Board of County Commissioners visited the site with the applicant on May 20, 2025.

The Board of County Commissioners conditionally approved the proposed Overland Estates Subdivision Sketch Plan during their regular meeting of March 12, 2025.

The applicant has titled his submittal as "Preliminary Final Overland Estates Subdivision Proposal. The application is in fact only the Preliminary.

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

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

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

Access to the proposed subdivision will be from CR 110 and CR 61.

**The following in black font was provided to the applicant in a letter dated March 13, 2025, the red font is the staff review and response to the Preliminary Plan Application:**

Please be advised that the San Juan County Commissioners conditionally approved your Sketch Plan Application for the proposed Overland Estates Subdivision during their regular meeting of March 12, 2025.

The conditions of approval are as follows:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all. **Standard condition to be completed upon final approval.**
2. All improvements to the Overland Estates Subdivision shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation and all permits issued with the exception of the subdivision regulations waived or amended as listed below: **Exemptions agreed to by BOCC.**
  - A. Section 7-112.3 Lots (a), state the no lot shall be divided by a road - waived.
  - B. Section 7-112.3 Lots (c) Side lot lines should be at substantially right angles - waived.
  - C. Section 7-115 BUILDING STANDARDS .4 Minimum setback: 50 feet from property - amended to allow for 20 foot setbacks adjoining public lands and 30 foot setbacks adjoining private lands.
  - D. Section 7 – 113 MOUNTAIN SUBDIVISIONS.1(a) Roads .1 (d) At least two points of access and egress shall be available - waived for Lots 2 and 3 but require a Hammerhead.
3. All improvements to the Overland Estates Subdivision shall fully and completely comply with, and strictly conform to all applicable State and Federal rules and regulations including wetlands. **Standard condition to be completed upon final approval.**
4. The applicant shall fully and completely comply with the San Juan County Zoning and Land Use Regulation 4-110 Design and Development Standards for all Improvement and Use Permits. **Standard condition to be completed upon final approval.**
5. That the subdivision is in compliance with Section 7-120 Air Quality as it pertains to wood burning devices. **Standard condition to be completed upon final approval.**
6. The applicant shall utilize an Environmental Professional as described in 40 CFR § 312.10. to ensure that the property development on these claims takes due care to protect site workers as well as the residents. **No environmental professional was utilized to determine if there are any environmental issues to be concerned with or to provide environmental health standards to protect any site workers.**
7. That CDPHE and EPA shall be provided with permanent access to Lots 1, 3, 7 and 8 of the Subdivision to monitor the Porcupine Mine adit discharge and the existing borehole above the defined Greenspace that encompasses the Anglo Saxon collapsed portal and remedial features. **Notes on the Preliminary Plan note that “The Environmental Protection Agency and the Colorado Department of Public Health and Environment and their authorized representatives are granted in perpetuity access through Lots 1, 3, 7 and 8 of this subdivision in monitor the Porcupine Mine adit and discharge as well as the borehole**



above the Green Space that defines the Anglo Saxon Collapsed Portal and Remedial Features. This access is restricted to the existing roads and disturbance areas.

8. The applicant will need to have a professional Flood Plain consultant or hydrologist inspect the Building Envelope for Lot 11 and have a Colorado Licensed Surveyor shoot the elevations to determine if the site is safe for construction. The applicant has provided a map of Lot 11 with the elevations listed on it. It was prepared by Dirk Hatter of SouthWest Land Surveying LLC. The final submittal will require that his signature and stamp are on the map. Other than determining elevations the map does not make any determination as to where the flood plain is located. The applicant did not provide any documentation from a flood plain consultant or hydrologist to verify that it is not in a flood plain hazard.
9. The Flood Plain Overlay Map needs to be titled and completed by a Colorado Licensed Surveyor. County Road 61 is incorrectly identified as CR 31 on the current flood plain map. Flood plain overlay map was not submitted as requested.
10. The applicant will have the building envelopes staked out by a Colorado Licensed Surveyor and then erect a 35-foot story pole at each location to better assess the visual impact. The applicant has provided photographs of the proposed lots, but he does not identify where the story pole is located on each site. It is visible on the picture of Lot 1 and Lot 8. For everyone that made the site visit the story pole was located in Lot 11. Traditionally the story pole is photographed at the location where it is installed and then from any location where it can be seen from a County Road or trail.
11. The applicant will provide to the County, clear evidence that all streets and lots within the subdivision will have year-round access to the state highway system by wheeled vehicles. The property owners will be responsible for the snow removal and maintenance of the streets to provide year-round access.
12. That the Plat identify a 15 foot utility easement as required by 7 – 112 FINAL PLAT DESIGN STANDARDS. Completed.
13. Provide an easement for CR 61 through the Monarch Claim to provide developable access to the adjoining Porcupine Claim if necessary. Did not provide a map showing access through the Monarch Claim to access the Porcupine Claim.
14. If any historic artifacts are discovered on site during the excavation or construction, all work on the project will be stopped immediately until the Historic Review Committee or qualified archeologist can visit the site to document and preserve those artifacts.

15. That an affordable housing agreement be negotiated as required by 7-112.8A of the Zoning and Land Use Regulations. It was the recommendation of the San Juan Regional Planning Commission that a fee in lieu of in the amount of 10% of the sale price of each lot be submitted to the County to be reserved for affordable and workforce housing. The payment would take place at the time of closing.
16. The applicant shall provide a professional report concerning the potability and quantity of the proposed water sources. The applicant has provided a report from Green Analytical Laboratories for samples that he took on the Porcupine and Saxon Placer. The report does not provide any information on how the water would need to be treated to allow for human consumption. The applicant did not provide any information on the quantity of water or the engineered design of a water system and how or who would operate it. The water rights for the property are conditional. They included the drilling of 2 wells for 140 dwelling units and the construction of a 20 acre-feet reservoir. The applicant will need to provide documentation that the water rights can be made absolute for the currently proposed use. This would likely require the opinion of an attorney that specializes in water law. The applicant will need to either design and install a water system or prove that drilling a well is likely to result in potable water for each lot. Another option would be to require a plat note that states it is unlikely that potable water can be developed on any lot and water will need to be trucked to the site. I would not recommend this last option. Additionally, the applicant has identified the 2 ponds as fire source water.
17. The applicant shall provide a professional report concerning the solar energy requirements, costs, and appearance for the average home. The applicant provided a report concerning solar energy requirements that contained a lot of useful information. However, I would not consider it a professional report. While a portion of the report was provided by New Mexico Licensed Electrician it is difficult to tell what portion of the report is directly from the applicant and what portion is from the electrician. It would have been beneficial if the report provided information on what a solar system that would provide the average 30KWh per day would look like and cost to install. This would be beneficial in determining if the cost of solar greatly outweighs the cost of extending electric lines and what the visual impact might be.
18. The failure to comply with these conditions shall be grounds for the revocation of this approval and for any future Improvement Permits.
19. 0 – 109 VESTED PROPERTY RIGHTS Approval of a zoning or rezoning application, a permitted use, or an Improvement Permit will not establish a vested property right unless and until final approval thereof has been granted by the Board of County Commissioners or by the designated official allowed to grant such permit under the terms of this Code, or, if applicable, a final plat is approved by the Board of County Commissioners under the subdivision, zoning or other regulations of the County.

In addition to the conditions listed above you will need to address the following issues identified during the Sketch Plan Review.

1. Correct the spelling of the claims listed on the cover of the binder. **Completed**
2. Correct the references for County Road 21 to the correct reference of County Road 61 in the project narrative. **Corrected**
3. The General Location Map has Porcupine Gulch labeled in the wrong location. This needs to be corrected. The General Location Map should be provided by a Colorado Licensed Surveyor. **This was not corrected or created by a Colorado Licensed Surveyor.**
4. Identify the two sites with potable water for domestic use on the plat. Provide a report that defines the quality and quantity of the water, proves that you have adequate water rights for that water and provide engineered plans on how the water will be distributed and treated. Explain how the water system will be operated and maintained. **The two ponds were identified and labeled on the plat. A report concerning the water quality was provided, however it does not provide information on the potability of the water. There was no report that provided for the quantity of water available, no report that you have adequate water rights and no engineered plans on how the water would be treated and distributed.**
5. Correct the Application to note there is a "Consent for Access" letter that allows EPA and designees to enter the site under permission of the owner and that no "Waiver of Liability" has been provided. **Completed**
6. That the Plat notes reflect that CDPHE and EPA shall be provided with permanent access to Lots 1, 3, 7 and 8 of the Subdivision to monitor the Porcupine Mine adit discharge and the existing borehole above the defined Greenspace that encompasses the Anglo Saxon collapsed portal and remedial features. **Completed**
7. That the Plat notes state that the developed road surface will be a minimum of 24'. **Did not find any plat note referencing the road surface.**
8. Determine the grade of County Road 61. **Grade of County Road 61 was not provided.**
9. Identify on the plat the approximate location of "hammerheads" **The hammerheads were located on the plat. The dimensions of the hammerheads need to be included.**
10. Provide a name for the access road and label it as such on the plat. **The southerly access road has been named Happy Trails. The northerly access road is listed as Existing Access Road. This either needs to be a continuation of Happy Trails or it needs another name. The road accessing Lots 2 and 4 has been named Quaking Aspen Lane.**

The Preliminary Plan submittal will be subject to the conditions and requirements listed above as well as those defined in 7 – 104 PROCEDURES FOR SUBMISSION AND REVIEW OF PRELIMINARY PLAN and 7 – 110 PRELIMINARY PLAN REQUIREMENTS of Chapter 7 of the San Juan County Zoning and Land Use Regulations. (see attached)

**Additional Areas of Concern that need to be addressed:**

1. The ground water table as witnessed in the geotechnical pits provide development issues for the roads, foundations and septic systems.
  - A. The existing access road as well as the proposed Happy Trails Road needs to be designed by a qualified engineer to ensure that a proper subbase is constructed and an adequate road surface is applied. A profile of the road improvements using best industry standards will need to be submitted.

- B. A structural engineer or other qualified professional will need to provide a report providing assurances that residential units can be constructed.
- C. Dudley Ashwood P.E. in his initial report stated that “Suitable site and soil conditions appear available for planning on-site wastewater treatment systems on all planned properties in the area of planned building construction”. He needs to confirm that even with high ground water, on-site waste-water systems are feasible.
- 2. The lots accessed from County Road 61. The steep grade and narrow area of CR 61 provides safety issues, particularly during the winter months and excludes emergency services from providing services. I don’t know that there is an easy solution to the problem but the applicant should contract with a qualified engineer to explore the possibility of safety improvements.
- 3. I do not find a conclusion from the Trautner Geotech Report for the proposed bridge that the site is adequate. This should be addressed in a professionally engineered road report.
- 4. Building envelopes. The applicant states under the View Shed portion of his narrative that “While we have generally located, safe, approvable building envelopes outside of hazards and view shed conflicts with access. These are merely suggestions and are subject to final approval by San Juan County upon submission of a building permit request by a parcel owner and may be adjusted for appropriateness at that time.” In fact the building envelopes are not mere suggestions but will be located on the final plat and development will be limited specifically to those identified sites. If a property owner wishes to change the location of the building envelope they will need to do so by requesting an amendment to the final plat and would be subject to review and approval from the Planning Commission and County Commissioners.

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

**If the Planning Commission chooses to recommend approval of the proposed Overland Estates Subdivision Sketch Plan they should do so with the following conditions:**

- 1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
- 2. All improvements to the Overland Estates Subdivision shall fully and completely comply with, and strictly conform to all applicable State and Federal rules and regulations including wetlands.
- 3. The applicant shall fully and completely comply with the San Juan County Zoning and Land Use Regulation 4-110 Design and Development Standards for all Improvement and Use Permits.
- 4. That the subdivision is in compliance with Section 7-120 Air Quality as it pertains to wood burning devices.

5. The applicant shall utilize an Environmental Professional as described in 40 CFR § 312.10. to ensure that the property development on these claims takes due care to protect site workers as well as the residents.
6. The applicant will need to have a professional Flood Plain consultant or hydrologist inspect the Building Envelope for Lot 11 and provide documentation from a qualified consultant that the site is not located within the flood plain.
7. The Flood Plain Overlay Map needs to be titled and completed by a Colorado Licensed Surveyor. County Road 61 is incorrectly identified as CR 31 on the current flood plain map.
8. The applicant will provide to the County, clear evidence that all streets and lots within the subdivision will have year-round access to the state highway system by wheeled vehicles.
9. Provide an easement for CR 61 through the Monarch Claim to provide developable access to the adjoining Porcupine Claim if necessary.
10. If any historic artifacts are discovered on site during the excavation or construction, all work on the project will be stopped immediately until the Historic Review Committee or qualified archeologist can visit the site to document and preserve those artifacts.
11. That an affordable housing agreement be negotiated as required by 7-112.8A of the Zoning and Land Use Regulations as recommended by the Planning Commission.
12. The applicant shall provide a professional report concerning the potability and quantity of the proposed water sources, provide documentation from an attorney experienced in water law that the water rights are valid for this project, and provide a professionally engineered water system and demonstrate the capacity to operate and maintain that system. Or drill a test well or wells as necessary to determine the feasibility of individual on site systems.
13. The applicant shall provide a report concerning the solar energy requirements, costs, and appearance for the average home completed by a qualified professional. Or provide electrical service to each lot.
14. Submit a General Location Map prepared by a Colorado Licensed Surveyor.
15. That an engineer qualified in designing mountain roads provide an engineered plan for all roads in the subdivision including a profile of the road material required for the construction and improvements of the road; identifying the location and size of the “hammerheads” and verifying the location and installation of the bridge.
16. The failure to comply with these conditions shall be grounds for the revocation of this approval and for any future Improvement Permits.

17.0 – 109 VESTED PROPERTY RIGHTS Approval of a zoning or rezoning application, a permitted use, or an Improvement Permit will not establish a vested property right unless and until final approval thereof has been granted by the Board of County Commissioners or by the designated official allowed to grant such permit under the terms of this Code, or, if applicable, a final plat is approved by the Board of County Commissioners under the subdivision, zoning or other regulations of the County.

**If the Planning Commission wishes to table making a recommendation on the Preliminary Plan Application should do so by specifying the items that were listed in the Sketch Plan conditional approval that were not adequately addressed plus any other outstanding issues be satisfactorily provided.**

**If the Planning Commission wishes to recommend to the County Commissioners that the Preliminary Plan Application be denied they should do so by listing the items that were part of the conditions of approval for the Sketch Plan that were not adequately provided.**

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**The following information was provided as part of the Sketch Plan Memorandum to the Board of County Commissioners and is provided as informational for the Planning Commission:**

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

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

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

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

Dudley Ashwood, P.E. has provided a feasibility review for the project and has concluded that "on site well development is available and will be successful for all planned properties". The Planning Commission is recommending that a representative Test well be drilled and that the water from the well be tested for potability. The applicant has also noted that he has two sites with clean water for domestic use. If the applicant would like the County to consider this as alternative water source he will need to demonstrate that he has adequate water rights for these two sources; define the quality of the water with testing; define the capacity of these sources and demonstrate how the water will be distributed and treated if necessary. The Fire Chief has also requested that a good water source for fire protection needs to be identified.



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

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

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

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

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

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

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

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

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

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

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

The FEMA Flood Plain Overlay Map shows that the building envelope for Lot 11 is located primarily within Zone A – 100 year flood plain. The applicant will need to have a consultant view the site and have a surveyor shoot the elevations to determine if the site is safe for

construction. The Flood Plain Overlay Map needs to be completed by a Colorado Licensed Surveyor. County Road 61 is incorrectly identified as CR 31 on the current flood plain map.

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

It appears that the proposed building envelopes will minimize the visual impact of residential development. However, the applicant will need to have the building envelopes staked out by a Colorado Licensed Surveyor and then erect a 35-foot story pole at each location to better assess the visual impact. The applicant has also stated that the most of the development will be of the grid. The applicant should provide information on what the visual impact of solar power would be.

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

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

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

The minimum lot size is 4 acres provided that the affordable housing requirement is met. All lots meet this minimum lot size.

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

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

7 – 113 MOUNTAIN SUBDIVISIONS.1(a) Roads state that local mountain roads shall have a minimum deeded right-of-way of 50 feet and a minimum usable road surface of 24 feet. The applicant has proposed constructing a road of 12' to 16' in width. The applicant justifies the



narrower roadway as being adequate for the use and would minimize impact on the landscape. For emergency access and egress and for snow removal I believe the minimum standards are reasonable and should be required. Fire Chief Archuleta has also provided comment stating that he believes that the narrower roads are not acceptable and need to be kept to the minimum 24 foot standard.

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

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

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

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

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

The applicant addresses this in the sample Homeowners Association. He has language that allows the homeowners to break out the costs between the properties on the north side of CR 110 and the properties on the south side of CR 110. I recommend that the total cost for snow removal be equally shared by property owners of the 11 lots. The Home Owners Association will need to assess all eleven residential lots an equal fee that is adequate to ensure that all roads within the subdivision provide year-round access to wheeled vehicles. No building permit will be issued unless there is clear evidence that the Developer and/or Homeowners Association has the ability to provide adequate snow removal.

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

7-112.5 (e) Construction of unpaved roads shall be according to standards approved by the Board of County Commissioners. The applicant would like to construct the roads using native materials. It is not unreasonable for the Commissioners to require the roads to be constructed with a minimum of 4 inches of  $\frac{3}{4}$ ” road base along with adequate ditching, drainage and culverts. This would be required not only for the proposed new access road but also for the existing access roads including CR 61.

It appears from a map that the Assessor was able to provide that CR 61 terminated on the Monarch Claim. This will need to be confirmed by the applicant's surveyor and if so an easement will need to be provided to allow for developable access to the adjoining Porcupine Claim. The applicant has stated that access to the Porcupine is not feasible due to the terrain. A site visit will be required to make that determination.

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

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

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

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

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

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

The site plan identifies a 10' utilities easement. County regulations require a minimum 15' easement. The Planning Commission has recommended that a 10' utilities easement is adequate. I'm not sure a 10' utility easement would be adequate for both electric and water utilities.

The applicant does not plan on installing the electric or telephone utilities. San Miguel Powe has provided a "Will Serve" letter. Lumen (CenturyLink) letter does not provide any commitment for providing phone service. I am not too concerned about telephone service and could just require that each developed lot be required to subscribe to a satellite provider for their communications. 7 – 114 UTILITIES AND IMPROVEMENTS .1(g) requires the subdivider to construct the electrical services to each lot. Previous subdivisions such as Cole Ranch, Mill Creek and others were required to comply with this stipulation. The Planning Commission has recommended that this requirement be waived. The applicant believes that many of the lot owners would prefer to develop off the grid and not need to extend electrical services. However, the need for pumps for the wells and the designed septic systems could cause a substantial electrical demand. There is also an inequality for the lot owners that do install an electrical

service line. The owner of Lot 1 will have to pay significantly more for an electrical service than the owner of Lot 9. In fact, if Lot 1 was the first lot developed most of the other lots would benefit from a reduced cost to extend electrical services to their property. If the developer installs the electrical services to all of the lots, then that financial impact can be equally distributed to all 11 lots.

The applicant has chosen to exclude the Anglo Saxon 4 from the Subdivision Process and sell as a separate mining claim. The owner of the Anglo Saxon 4 will probably be able to take advantage of the costs for snow removal and road maintenance as well as possible extension of electrical services without having to share in the expenses. I would encourage the applicant to reconsider including the Anglo Saxon 4 into the subdivision.

The San Juan Regional Planning Commission has reviewed the Sketch Plan Application and have recommended conditional approval with the conditions as listed below.

The Board of County Commissioners may approve this application as submitted; approve this application with conditions; deny the application; or defer a decision to a later date to receive additional information.

If the Commissioners choose to approve the proposed Overland Estates Subdivision Sketch Plan they should do so with the following conditions as recommended by the San Juan Regional Planning Commission and any additional or amended conditions as deemed necessary by the County Commissioners:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. All improvements to the Overland Estates Subdivision shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation and all permits issued with the exception of the subdivision regulations waived or amended as listed below:
  - E. Section 7-112.3 Lots (a), state the no lot shall be divided by a road to be waived.
  - F. Section 7-112.3 Lots (c) Side lot lines should be at substantially right angles to be waived.
  - G. Section 7-115 BUILDING STANDARDS .4 Minimum setback: from property line: 50 feet should be amended to allow for 20 foot setbacks adjoining public lands and 30 foot setbacks adjoining private lands.
  - H. Section 7-114 Utilities and Improvements .1(g) requiring the subdivider to construct the electrical services to each lot be waived.
  - I. Section 7 – 113 MOUNTAIN SUBDIVISIONS.1(a) Roads .1 (d) At least two points of access and egress shall be available be waived for Lots 2 and 3 but instead allow for the construction of adequate “Hammerheads”.

- J. Section 7 – 112 FINAL PLAT DESIGN STANDARDS require a 15 foot utility easement amend to allow for a 10 foot utility easement.
  - K. Consider reducing the requirements of Section 7–113 MOUNTAIN SUBDIVISIONS.1(a) Roads that require that local mountain roads shall have a minimum deeded right-of-way of 50 feet and a minimum usable road surface of 24 feet.
3. All improvements to the Overland Estates Subdivision shall fully and completely comply with, and strictly conform to all applicable State and Federal rules and regulations.
  4. The applicant shall fully and completely comply with the San Juan County Zoning and Land Use Regulation 4-110 Design and Development Standards for all Improvement and Use Permits.
  5. That the subdivision is in compliance with Section 7-120 Air Quality as it pertains to wood burning devices.
  6. The applicant shall utilize an Environmental Professional as described in 40 CFR § 312.10. to ensure that the property development on these claims takes due care to protect site workers as well as the residents.
  7. That CDPHE and EPA shall be provided with permanent access to Lots 1, 3, 7 and 8 of the Subdivision to monitor the Porcupine Mine adit discharge and the existing borehole above the defined Greenspace that encompasses the Anglo Saxon collapsed portal and remedial features.
  8. The applicant will need to have a professional Flood Plain consultant or hydrologist inspect the Building Envelope for Lot 11 and have a Colorado Licensed Surveyor shoot the elevations to determine if the site is safe for construction.
  9. The applicant will provide a FEMA Flood Plain Overlay Map with the proposed subdivided lots and building envelopes located on the map.
  10. The applicant will have the building envelopes staked out by a Colorado Licensed Surveyor and then erect a 35-foot story pole at each location to better assess the visual impact.
  11. The applicant will provide to the County, clear evidence that all streets and lots within the subdivision will have year-round access to the state highway system by wheeled vehicles.
  12. Provide an easement for CR 61 through the Monarch Claim to provide developable access to the adjoining Porcupine Claim if necessary.

13. If any historic artifacts are discovered on site during the excavation or construction, all work on the project will be stopped immediately until the Historic Review Committee or qualified archeologist can visit the site to document and preserve those artifacts.
14. That an affordable housing agreement be negotiated as required by 7-112.8A of the Zoning and Land Use Regulations.
15. The applicant shall have a test well drilled on a representative lot and have the water from the test well tested for potability.
16. The failure to comply with these conditions shall be grounds for the revocation of this approval and for any future Improvement Permits.
17. 0 – 109 VESTED PROPERTY RIGHTS Approval of a zoning or rezoning application, a permitted use, or an Improvement Permit will not establish a vested property right unless and until final approval thereof has been granted by the Board of County Commissioners or by the designated official allowed to grant such permit under the terms of this Code, or, if applicable, a final plat is approved by the Board of County Commissioners under the subdivision, zoning or other regulations of the County.

